

1 PUBLIC HEARING BEFORE THE
2 FEDERAL ENERGY REGULATORY COMMISSION (FERC)
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4
5 KILARC-COW CREEK HYDROELECTRIC PROJECT
6 FERC PROJECT NO. 606
7 CALIFORNIA
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10 TUESDAY, AUGUST 17, 2010
11 WHITMORE, CALIFORNIA
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18 Members Present for FERC:
19 CarLisa Linton
20 Andrea Claros
21 Mark Carter
22
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24
25 Reported by KINSIE ROWEN, CSR. NO. 10225

1	INDEX	
2		PAGE
3	GLENN DYE	4, 103
4	GLENN HAWES	7
5	DAVE MUIR	10
6	STEVEN SHOCKLEY	15
7	ROBERT MARX	17
8	STEVE TETRICK	18
9	MIKE QUINN	24
10	BOB SCHEIDE	29
11	HEIDI SILVA	31
12	HERB BALDWIN	36
13	GEORGE DEFILLIPO	39
14	TODD WROE	41
15	ROBERT STROUP	43
16	MAGGIE TREVELYAN	44
17	BOB MARK	48
18	BOB CAREY	49
19	JEFF DRESEN	55
20	JED WASHBURN	56
21	SANDY WINTERS	57
22	HENRY WU	59
23	BONNIE TETRICK	61
24	ERIK POOLE	66
25	KELLY SACKHEIM	71

1	INDEX	
2		PAGE
3	KATHY ROTH	76
4	JIM FLETTER	78
5	LYDIA BLANCHARD	79
6	LYNETTE GOOCH	81
7	FRANK GALUSHA	84
8	KEN FRY	89
9	WILLIAM FARRELL	92
10	RICHARD ELY	97
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
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1 TUESDAY, AUGUST 17, 2010

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4 MS. LINTON: May I have your attention,
5 please. Ladies and gentlemen, we are now on the
6 public record.

7

8 PUBLIC COMMENT BY GLENN DYE:

9

10 GLENN DYE: Good evening. And welcome to
11 this meeting that concerns the Draft Environmental
12 Impact Statement for Kilarc-South Cow Creek Project
13 606-027. And thank you all for coming. It looks like
14 we have a pretty fair crowd. We delayed opening
15 because we'd like everybody to be in and ready to
16 speak their piece.

17 I think you know who I am. John already
18 indicated that, so I'm Glenn Dye. And I want to thank
19 all the people that have helped us reach the point we
20 are at at the moment. There is no way I can thank all
21 the individuals that have worked and helped to bring
22 us to this point. And I'm a perennial optimist so I
23 think it's going to be successful. But if you don't
24 feel that way you don't work very hard at it.

25 Anyway, there's no way that I could thank

1 individuals because there's so many and if I tried I'd
2 forget somebody and that's not good. There is one
3 person I will like to point out and that is Maggie
4 Trevelyan. She's responsible for what's going on
5 around here. She does all the work and I have all the
6 fun. And she is a worker. (Clapping)

7 Maggie, you're supposed to take a bow when
8 they clap for you.

9 The purpose of this meeting is to provide the
10 public input to the Federal Energy Regulatory
11 Commission. And so we as a community want to extend a
12 warm welcome to the members of FERC, that's the
13 acronym that goes with the Federal Energy Regulatory
14 Commission, that are here today. So I'd like you to
15 welcome them and give them a big welcome. We're glad
16 to have them back on our turf. (Clapping)

17 This is our meeting. They are here to listen
18 to our concerns and record them and take them back
19 when they go back to Washington. So please note that
20 FERC has a responsibility to represent the public
21 interests. So that's why we're providing the public
22 input so they have all the information that they can
23 use when they go back to Washington and make a
24 decision. The indication currently is we don't like
25 the decision, but that's why we're here to make the

1 points that we are intending to make to change it.

2 Now, CarLisa had already indicated that we
3 have a court reporter here and will record all the
4 information that is put forth during the course of the
5 meeting.

6 The sign-in sheet was at the door. If you
7 wanted to speak you put down a yes. Now, that does
8 not commit you to have to speak. If you decide not
9 to, and sometimes it's because someone just ahead of
10 you may have said the same thing you want to say, so
11 there's not too much point in you wanting to repeat
12 it. But we would like you to indicate if you're not
13 going to speak after putting yes on the sign-in sheet
14 that you indicate that the reason is that someone else
15 has already stated the case for you.

16 Now, I have attended every meeting concerning
17 Kilarc and South Cow Creek Power Station, the project,
18 where they have been within driving distance for the
19 last five years. So I know the circumstances pretty
20 well, the people that are involved. And the agreement
21 in 2005 that was made and we were not a party to was
22 made known only through the stewardship council, who
23 came out here. They are dedicated to or consigned,
24 however you want to put it, to dispose of PG&E
25 property. Lately it looks like they're not disposing

1 of it all, for what reason we haven't found out yet,

2 but I think we will in time.

3 Now, to maintain the order in the room I want
4 to indicate that if you need to get up and move around
5 or if you want to go back and get a snack, food, feel
6 free to do so, but please do it quietly so that your
7 speakers can be heard and you'll know what they're
8 doing to help retain these valuable assets that we're
9 here fighting for.

10 Now, before I ask CarLisa to introduce her
11 staff, and she will at that time also start calling up
12 the individuals that have requested to speak, I'd like
13 to introduce our district supervisor Mr. Glenn Hawes.
14 He would like to welcome them to beautiful downtown
15 Whitmore. (Clapping)

16

17 PUBLIC COMMENT BY GLENN HAWES:

18

19 GLENN HAWES: Thank you, Glenn. And I'm
20 proud of all of you for sticking with this through all
21 of what we've had to go through. It's not been an
22 easy time.

23 And today really, really sets with me. It's
24 a mixture of happy and sadness because I got, along
25 with my colleagues, to visit the windmill farm that's

1 just being built up on Hatchet Ridge, 44 nice big
2 windmill towers that are going to produce 104
3 megawatts of power. Here we are building green power
4 not that many miles away from here in my district and
5 we're having to put up with all of this about taking
6 out green power here. It does not make a whole lot of
7 sense to me.

8 But anyway, I wanted to thank you very much
9 for coming back to Whitmore. (Clapping) Really,
10 really appreciate that.

11 And I want to thank Wally Herger's office and
12 Dave Muir that's here for helping make this happen. I
13 don't believe it would have happened without your
14 help.

15 Also, I have with me our CAO Larry Lees, he's
16 back there. (Clapping)

17 I have the chairman of the board District 1,
18 David Kehoe. (Clapping)

19 I have Leonard Moty District 2. (Clapping)

20 And then Rick Simon is here. He's our
21 planning director. He gets involved with a lot of
22 these issues. (Clapping)

23 Thank you all for coming up to support this.
24 I really do appreciate it. And I know all of these
25 people and our county do also.

1 Kilarc has been a part of this community and
2 county for over 100 years. Investment and personal
3 decisions have been made on the reliance of water for
4 such things as fire suppression and reliable wells and
5 those are big issues. We don't know what will happen
6 with the wells in this area once they -- if the
7 reservoir is taken out. The DEIS as drafted will
8 create an environmental injustice that cannot be
9 mitigated. And I really do believe that.

10 We believe there is a plan in front of FERC
11 that would solve all of the issues. I hope that you
12 start over with your DEIS. This area deserves a
13 topnotch process.

14 Thank you everyone for being here today
15 tonight, and once again thank all of you for coming
16 back because there's a lot of people here that have a
17 lot to say. Thank you.

18 MS. LINTON: Good evening. I'm CarLisa
19 Linton. I'm the environmental coordinator on the
20 Kilarc-Cow Creek Project. And once again, the
21 community has come out in fabulous numbers and we
22 appreciate that. We are here to hear from you. It is
23 your public meeting. We are here to receive your
24 comments on our Draft EIS that was issued June 22nd.
25 Comments will be accepted until August 25th. And I'm

1 going to introduce the FERC team and we are going to
2 get started with hearing you speak.

3 We will allow -- based on the sign-in sheets
4 we will allow four minutes per person so that everyone
5 can be heard. We will have a FERC staff stand up at
6 four minutes so we can stay on top of the time and
7 keep the meeting moving along.

8 We have an independent court reporter here
9 today and we hope that everybody can make it up to the
10 podium to speak clearly and state your full name for
11 the court reporter so that she can have you on the
12 record.

13 With me tonight is Andrea Claros. Can you
14 stand. She is working on the fisheries in the EIS.
15 And Mark Carter who's working on the recreation and
16 the land use resources and socioeconomics. And Mark
17 will stand up at the four-minute interval and keep us
18 on track tonight. (Clapping)

19 We want to first give time to Mr. Dave Muir
20 representing the Congressman's office. You will be
21 our first speaker.

22

23 PUBLIC COMMENT BY DAVE MUIR:

24

25 DAVE MUIR: Thank you. My name is Dave Muir.

1 I'm the deputy district director for Congressman Wally
2 Herger and I will be presenting his statement for this
3 evening.

4 I wish to thank FERC for accommodating the
5 Shasta County Board of Supervisors, concerned
6 citizens, and my office in scheduling this additional
7 meeting to receive public comment on the Kilarc-Cow
8 Creek Project Draft Environmental Impact Statement. I
9 particularly appreciate the fact that FERC has created
10 this opportunity in the community that would be most
11 directly affected by the removal of a reservoir and
12 related facilities that have been part of the
13 landscape for a century.

14 Although this is a meeting with a specific
15 agenda, to take comments on the DEIS, I wish to
16 broaden the scope of my comments to address more basic
17 issues of process and scope of authority. Thank you
18 for accommodating me as I digress a bit.

19 By way of background, I've long advocated the
20 need for more dams, more water storage, and more clean
21 hydroelectric power. I believe it's obvious that our
22 state needs these benefits more than ever. But I
23 fully acknowledge it is the Congress, and not FERC,
24 that bears the responsibility to reform our current,
25 unbalanced environmental laws that have created this

1 situation in which companies are forced to pay huge
2 costs for environmental mitigation that often make it
3 cost-prohibitive to operate a hydroelectric project.

4 Currently, the land management (Forest
5 Service BLM) and fish and wildlife agencies (NMPS and
6 Fish and Wildlife Service) have "mandatory
7 conditioning authority" which allows them to establish
8 conditions to protect resources under their
9 jurisdiction that a hydro project might affect.

10 Congress has tried to address this issue and
11 tip the balance of power back towards FERC and
12 hydroelectric project license holders. Unfortunately,
13 those efforts have not gone far enough given the
14 subject of our discussion this evening.

15 I've always been an outspoken supporter of
16 reforming these laws to reduce this huge financial
17 burden on our area and I will continue to do so.
18 Although such reform has always been and will continue
19 to be a challenging task, particularly with the
20 current Congress and Administration, I will continue
21 to do whatever I can to try to fix this problem so we
22 do not continue to face situations in which companies
23 have to tear down dams because of these unbalanced
24 environmental laws.

25 With all of that said, I do have some issues

1 to raise for FERC review. Based upon the
2 conversations my office has had with local government,
3 local constituents, FERC staff, and Evergreen Shasta
4 Power, there's significant disagreement and confusion
5 over the role of FERC and the scope of FERC authority
6 on fundamental questions.

7 There is no question that decommissioning of
8 this project will have impacts on the community and
9 neighboring landowners. My constituents have asked
10 whether a cost/benefit analysis and a full analysis of
11 a local impacts is a required part of this process, if
12 it will be done, and when it will be done. It will be
13 enormously helpful to simply have clarity from FERC on
14 this matter.

15 In another vein, FERC has noted that key
16 deadlines were missed when no entity filed in a timely
17 manner to take over the Kilarc project. However,
18 Evergreen Shasta Power's legal counsel and others
19 insist that, even at this late date, FERC has the
20 authority to convene a settlement conference and
21 require a review of alternatives of facilities
22 removal. It is my understanding that FERC has
23 rejected this request from Evergreen Shasta Power and
24 other parties citing a lack of standing. This
25 fundamental issue must be addressed. I'm formally

1 requesting that FERC's legal staff analyze this basic
2 question.

3 FERC would be doing an enormous public
4 service by clarifying whether it is possible, at this
5 or any future stage of the process, for another entity
6 to potentially operate the Kilarc-Cow Creek Project in
7 lieu of decommissioning. I realize there are
8 significant legal and regulatory issues at play. But,
9 fundamentally, all interested parties would benefit
10 from an understanding of what is and is not possible
11 in the FERC process at this point.

12 I ask FERC to be as open, plainspoken, and
13 transparent as possible in addressing the numerous
14 questions that have been posed.

15 Again, thank you for conducting this local
16 meeting.

17 A copy of the statement has been provided to
18 FERC staff.

19 MS. LINTON: We will, FERC staff will take
20 your comments back to the commission and we will talk
21 about that with our legal counsel. We are not legal
22 staff and we're not to make decisional or policy
23 calls.

24 However, it is staff's understanding that the
25 surrender of license application that was filed in

1 March of '09 is the action that is before us right
2 now, that we are not looking at relicensing in the
3 future or what will come beyond the commission acting
4 on the surrender application that is before us.

5 And yes, we have said that deadlines have
6 passed and those are regulatory things and the
7 regulations were followed.

8 What we are acting on now and the only thing
9 we are acting on now is to come out with a decision on
10 the application to surrender the license application.
11 But we will take it back to our office of general
12 counsel as soon as we get back.

13 Next up to speak tonight, and excuse me if I
14 don't pronounce it correctly, is Steve Shockley.

15

16 PUBLIC COMMENT BY STEVEN SHOCKLEY:

17

18 STEVEN SHOCKLEY: Yes, you're right. Thank
19 you. My name is Steven Shockley. Most of you here
20 know me. I've served on the school board for the past
21 six years and I've lived in Whitmore for 20 years now.
22 And I just have -- I've been doing a lot of thinking
23 about this. And I see ranchers that are aging now and
24 they have leased land to raise their cattle on and
25 helping kids and grandkids that are now stepping into

1 their shoes. They're raising their kids how to run
2 cattle and have cattle at a decent price for land. I
3 just -- I just think that that's going to be very,
4 very hard on those folks here that have been here for
5 so long.

6 When I look at Kilarc and I look at 1903 I
7 realize that Kilarc has existed the majority of the
8 time that California's been a state. I mean all the
9 people that are here came here from other people that
10 were here and passing the word on. There is an aura
11 here and part of that is because of Kilarc, the water,
12 and the land that we've been able to use to this
13 point.

14 And our founding fathers said that it was of
15 the people, by the people, for the people. And in
16 those documents somewhere there's also writing that
17 says anytime that the government does something that's
18 adverse to the people, then the people have the right
19 to change those laws and their government. (Clapping)
20 Thank you.

21 I've buried a lot of people that lived here
22 and taught me how to fish at Kilarc. I've been to
23 weddings of people. I've seen kids grow up from
24 kindergarten through high school here and get married
25 and have careers and positions and they all love

1 Kilarc. I don't know of anyone that ever says
2 anything bad about Kilarc. It's such a beautiful
3 place.

4 And I hope that FERC will take into
5 consideration the hearts and the feelings of the
6 families and the citizens here, how we feel about
7 Kilarc. Not just the adversity of the riparian and
8 all these other issues that are out there for water
9 and how it's going to affect wells that are
10 preexisting. I mean there's a lot involved here. And
11 I hope that your decisions are for the people of
12 Whitmore and for the best interest of everyone. Thank
13 you. (Clapping)

14 MS. LINTON: Robert Mary. Robert Mary.

15 JOHN ELAM: When you use this mike try to get
16 right into it. The people in the back cannot hear and
17 if I turn it up any higher you'll all hear it.

18

19 PUBLIC COMMENT BY ROBERT MARX:

20

21 ROBERT MARX: My name is Robert Marx. I was
22 born and raised at Kilarc Powerhouse until 1934 when
23 my father had to move to Redding. I have fished Cow
24 Creek and the reservoir for over 75 years, and I've
25 enjoyed every time I've been there. To me this is

1 home. This is something that doesn't ever leave you.

2 And almost two years ago the division of Fish
3 and Game what they said about the salmon coming up the
4 river, I have never seen the salmon in the river, and
5 I have fished it continuously up until 20 -- I'm 90
6 years old. And we used to go down under the falls, my
7 dad, and get the salmon in the falls when they were
8 running. And they would smoke it so we'd have salmon
9 during the year. So I know that salmon cannot get
10 over that fall.

11 And to me here at Whitmore I can remember
12 this when it was an old town, and I'll never forget
13 it. And I just thank you for the town of Whitmore.

14 (Clapping)

15 MS. LINTON: Steve Tetrick.

16

17 PUBLIC COMMENT BY STEVE TETRICK:

18

19 STEVE TETRICK: Good evening. I'm Steve
20 Tetrick. I live right down the creek from you guys.
21 I'm closer to Whitmore than I am to Millville if you
22 know where I live. I live at 27500 South Cow Creek
23 Road, Millville, California. My wife Bonnie and I
24 live at what we call the Tetrick Ranch. It used to be
25 the Wagner Ranch. I'm also a principal of Evergreen

1 Shasta Power, which is a proponent --

2 MS. LINTON: Could you spell it for her.

3 STEVE TETRICK: It's T-E-T-R-I-C-K.

4 I'm glad that everyone came out tonight. I'm
5 glad that we were able to make this meeting up here
6 for the folks of Whitmore.

7 I want to thank Congressman Wally Herger's
8 office for accommodating, Shasta County for getting
9 this meeting pulled together, because as you all know
10 the last meeting that we had down in Redding was
11 relatively short notice. So thank you for coming
12 back.

13 You all probably know by now reading --
14 hopefully reading our files and hearing from the
15 people of Whitmore and the community of Millville that
16 Project 606 is a big part of our community and has
17 been so for the past hundred years.

18 You know, people like Erik Poole who moved
19 into our valley about, you know, five years ago moved
20 in with the expectation that, you know, he had water
21 on his ranch. And we've had -- you know, we have
22 Marcie Farrell from down the street, her family
23 settled that South Cow Creek Valley for over a hundred
24 years. And to have something like this happen is
25 going to be a terrible experience.

1 People move to Whitmore because, you know,
2 it's beautiful up here. You have a reservoir to go
3 recreate and now they're talking about taking it out.

4 As most of you know, and hopefully FERC knows
5 by now, you know, Evergreen Shasta Power, a company
6 that we formed, came up with a plan that's local,
7 involves the County of Shasta, it involves another
8 large landowner here Sierra Pacific Industries. They
9 own all the land around Kilarc. We own a lot of the
10 land around the South Cow Creek project.

11 We came up with a plan where we offered to
12 pay PG&E money for the facilities, fair market value,
13 and we offered to the agencies to give them more
14 stream flow for fish, and we offered to improve the
15 habitat by doing certain renovations in the streams.
16 And we filed this back in January and we've heard
17 nothing, you know, from FERC. We've heard nothing
18 from your entity and we're a little bit disappointed
19 in that.

20 We've been working with the agencies trying
21 to see what we could do to work with them because we
22 know that they control FERC licenses and FERC
23 exemptions, and we think we've been making some
24 progress but, you know, here we are tonight. I'm
25 telling you we're disappointed we haven't heard from

1 you.

2 We believe the law requires that FERC act in
3 the public interest. And I've got a couple questions,
4 you don't have to answer them, I just want to put them
5 in the record, CarLisa.

6 Can there be any question in FERC's
7 assessment that the continued maintenance of the
8 project is in the public interest?

9 If not, then there are questions FERC should
10 answer before a final EIS is issued. Specifically,
11 the staff should state clearly what part of the public
12 interest is given higher priority in FERC's decision
13 making than this community's survival.

14 Another question. Because, you know, we
15 hired a team of biologists. One will speak tonight.
16 And this one, you know, I don't think anybody knows,
17 what science did FERC apply to test its key
18 assumptions? Did it ask the agencies to support their
19 contentions or positions? We haven't seen the record
20 yet.

21 I can tell you that Tetrick Ranch, Evergreen
22 Shasta Power, and I know most of you in the community
23 intend to supply better information on some of the
24 issues by the written deadline I think, which is still
25 August 25th, is that the case? So we have until

1 August 25th everyone to file our written comments to
2 FERC.

3 Because it's clear that FERC staff relied
4 heavily on the information supplied in its surrender
5 application by PG&E and some of the agencies, and we
6 know many parts and many aspects of those -- of that
7 information was incorrect.

8 Thanks. I'll wrap it right up.

9 AUDIENCE MEMBER: You can have two of my
10 minutes.

11 STEVE TETRICK: Thank you.

12 And then getting back to my greatest
13 disappointment in this whole situation is that we went
14 through great pains, hired consultants, you know, met
15 with landowners, you know, met with biologists, met
16 with resource agencies, and came up with a plan that
17 we thought was a good one. Rather than having to
18 spend 14 and a half million dollars plus to take out
19 these facilities we came up with a plan where we
20 thought we could invest in the community and keep the
21 facilities going.

22 And to the best of my knowledge, as I said
23 earlier, FERC has not responded. What they did say in
24 the DEIS was something along the lines that when we
25 asked for a settlement they basically said somehow we

1 weren't a major player. And you know, maybe we're not
2 a major player. These two facilities are pretty
3 small. That's probably why a major player wants to
4 get rid of them. You know, it's only two megawatts
5 and five megawatts. Call us second rate, we still
6 deserve an opportunity to settle. We think that -- we
7 think that our proposal needs to be considered by
8 FERC.

9 If you don't cause us an ability to settle,
10 the way this is going, you know, I can tell you from
11 my side of the creek, you know, we have adjudicated
12 water rights that are going to cause this thing to go
13 into court in a California state court for years. And
14 I don't think that's good for the fish.

15 You know, I don't think that's good for FERC.
16 You know, we -- we -- we put into the written record
17 hopefully clear enough to suggest that there's lots of
18 issues and we are hoping that you can see those issues
19 because if you approve this DEIS it's just going to be
20 a big quagmire for probably 10 years or more. And
21 that's not good for anybody except for the lawyers.
22 It's certainly not good for the fish, certainly not
23 good for PG&E and the community. And we just want you
24 guys to read what we've written, give us
25 consideration.

1 So if you continue along the path that you
2 have, I'm addressing CarLisa and her staff, in this
3 Draft EIS the way it is written and we don't have a
4 settlement, you know, the only thing we're going to be
5 able to do then is to appeal that decision to your
6 commissioners and then go on to the next step. And I
7 don't think that's good either. We want to work
8 things out. We're here to work things out.

9 Thank you for your time and -- (clapping)

10 MS. LINTON: Mike Quinn.

11

12 PUBLIC COMMENT BY MIKE QUINN:

13

14 MIKE QUINN: Good evening. My name is Mike
15 Quinn, former landowner up here in Whitmore. Studied
16 fish, especially the salmon and restorations in
17 California, Washington, Alaska, been part of some of
18 the studies that have been going on up there. There's
19 some of the science here I want to talk about tonight
20 and also some of the economics.

21 There is a February 27th, 2002 memorandum
22 from Department of Fish and Game, which is being
23 heavily used in this whole situation in which three
24 specialists went out to the falls in Whitmore to
25 observe and make some kind of a written statement that

1 says that the fish are going to go past those falls.

2 I'm going to read part of this. It's pretty

3 interesting what they've come up with and how this is

4 being misinterpreted.

5 They went out January 16th. It says the

6 falls on January 16th were low approximately --

7 (interrupted by the reporter).

8 It says that the flows on January 16th were

9 low, approximately 50 cubic feet per second, and the

10 water temperatures measured at 38 degrees. Then it

11 goes down and it says plunge pool and habitats

12 downstream for approximately 300 feet were snorkeled.

13 No fish were observed -- and this is the most

14 important part of this whole paper -- which is not

15 uncommon at that water temperature.

16 That is exactly the science that is missing

17 here. Salmon and steelhead seek 53 degrees. They are

18 coming up to spawn. That's the only reason they are

19 swimming upstream. They need -- they know in their

20 minds that if they do not lay the eggs in 53 degrees

21 they will not hatch. There's nothing -- it's not

22 going to happen. That's why they always seek that

23 temperature.

24 So they are saying here that this piece of

25 paper that we are depending upon says the fish are not

1 going to be there no matter what the flow, it's the
2 temperature. And it says it's not uncommon at that
3 water temperature. They observed this.

4 And later on they came up on February 21st.
5 They said that the flows were approximately 2,900
6 cubic feet per second, which is 58 times the flow, and
7 there's no fish. So it's the temperature of the
8 water.

9 And when you're saying that the fish if
10 you've got these falls that they're going to go over,
11 you have four foot at the dam, then you've got 10, 12
12 feet, whatever number you want to use, if they're
13 jumping the 12 they're going to go over the four. But
14 they're not coming up in the first place. Because the
15 only time that that can happen is during the winter
16 when you have temperatures that they will not swim
17 into. And it is their observation. It's not uncommon
18 at that water temperature there are no fish.

19 Right now you can't have that. They can't be
20 jumping the falls. There's not enough water. They
21 need enough water to get a start and to leap. And at
22 the most they're saying a steelhead. Salmon will not
23 do this. They're too big. A steelhead may be able to
24 get 11 to 14 feet. But they're not going to be there
25 at the time when there is enough flow. They

1 contradict themselves in this piece of paper.

2 Moving on to some of the other subjects.

3 Waterfowl. Again, nothing has ever been said -- the

4 Record Searchlight from this week, they're talking

5 about the drought that we have just over the hill.

6 And it says there's not nearly enough water to flood

7 fields and marshes in time for the upcoming fall and

8 waterfowl migration.

9 You're taking this out. There hasn't been

10 one person that's mentioned what this has -- the

11 effect on the waterfowl on the Pacific flyway. That

12 needs to be addressed.

13 Fire response. It is absolutely critical

14 that you have these small lakes around there for the

15 helicopters, the strike teams. This is something

16 that's new to firefighting. I fought fires 30 years

17 ago. We didn't have helicopters at that point. They

18 immediately can hit those fires and put them out and

19 that is extremely critical up here. There's been two

20 major fires here.

21 Endangered species. California was sued by a

22 group in Oregon and they said we want you to stop

23 planting fish in every lake and stream in California

24 because you're endangering the frogs and you're

25 endangering the redband trout that live there, even

1 though you've been doing it for a hundred years huge
2 losses. They finally settled and about 30 percent of
3 our lakes and streams are no longer allowed to have
4 planted fish in them. Even though it's been done for
5 a hundred years and there's still frogs and there's
6 still redband trout there.

7 You are taking a lake up there that has these
8 endangered species in it and saying we're just going
9 to drain it. It's okay to do that. Well, there was
10 just a lawsuit that says that you can't do that. Fish
11 and Game is fighting back and forth on this and it's
12 crazy.

13 Wetlands. Extremely important in
14 California. If you have any wetlands on your land you
15 have to build almost a city around -- a wall around it
16 to protect those. This has got wetlands in it not
17 only along the lake -- and if you walk up there you
18 can see it. You're going to drain wetlands in
19 California? It cannot happen. This is a case of an
20 endangered species eating an endangered species. What
21 do you do?

22 Property values.

23 There are so many other things we can go on
24 down, but the science of this is incorrect. And I
25 think that that needs to be addressed immediately

1 because that's why they said that they want this out
2 of there. It's going to make the -- it's going to let
3 the salmon and steelhead go upstream. Cannot, will
4 not happen. (Clapping)

5 MS. LINTON: Bob Schiede. That's
6 S-C-H-E-I-D-E.

7

8 PUBLIC COMMENT BY BOB SCHEIDE:

9

10 BOB SCHEIDE: Good evening, everybody. I
11 think you can probably hear me. Most of the time you
12 can't. I'm speaking tonight as me, not anything else
13 I represent in the community but me.

14 It's really disheartening to hear the FERC
15 representatives say regardless of what we do it don't
16 matter, it's over. They've made their mind up. The
17 hell with the evidence, it doesn't matter.

18 However, when you base the whole thing on a
19 fairy tale, which is what Fish and Game has actually
20 done, the story of the salmon is really a mystical
21 fish. She can leap tall falls in a single bound.
22 She's psychic because she knows when the high water's
23 going to be there in the falls, a little bit lower and
24 she can in fact jump up it.

25 However, she has to be followed by her mate,

1 and we all know that guys will go anywhere to go with
2 her, so they all go up there.

3 Let's say this magical fish spawns and has
4 young. The male generally dies. That's the price we
5 pay. That means there would be dead fish in that
6 branch of the creek.

7 Has anybody in a hundred years ever seen one?
8 No. But that doesn't matter because Fish and Game has
9 told their fairy tale and FERC has bought it.

10 And also reading the FERC document 103 times
11 you find out that they haven't done their legwork
12 either. When they tell me there is a lake that has
13 equivalent access to car in a driving vicinity I want
14 to see that lake. I've operated 25 years in the CVP,
15 that means Shasta, Sacramento. I've been to almost
16 every lake in Northern California. I haven't seen any
17 offering the access that Kilarc does.

18 When a guy in a wheelchair can go fish and
19 relieve the tensions of living in that chair, you
20 can't duplicate that anywhere else that we know of,
21 anywhere. But yet it doesn't matter.

22 They think that Fish and Game's fairy tale is
23 somehow logical. Does it really make sense that a
24 strategically figure of 25 CFS cut in the water going
25 to Kilarc, that's just enough to ruin that plant

1 economically for power production? Was it
2 scientifically figured out or could it have something
3 to do with something figured out on the side about the
4 same time.

5 At the same time they were trying to destroy
6 this plant they were negotiating to do two plants off
7 the Pit, 100 CFS, baby plants just like this is.
8 Worthwhile building and running, this one isn't.
9 Something wrong with that idea.

10 For them to say that water rights that exist
11 for a hundred years, we're just going to take them
12 away, it doesn't matter. Try that in Idaho I would
13 suggest and see how well you do. You're not going to
14 live through that one. (Clapping)

15 It's no secret that we're facing a power
16 crisis in this country, yet they want to destroy a
17 nice little green plant that, above all else, when the
18 grid goes down, and it will, we could supply Whitmore
19 with power with that plant. Some of us know how to
20 run it. (Clapping)

21 MS. LINTON: Heidi Silva. I think it's
22 S-I-L-V-A.

23

24 PUBLIC COMMENT BY HEIDI SILVA:

25

1 HEIDI SILVA: Do we have all your names down
2 somewhere on a handout?

3 MS. LINTON: Our names?

4 HEIDI SILVA: Yeah, your name's on a handout.

5 MS. LINTON: They're not on a handout.

6 HEIDI SILVA: So how do we get ahold of all
7 of you?

8 MS. LINTON: I can give you my information
9 after the meeting.

10 HEIDI SILVA: Could you do it now so I make
11 sure I get it for all of you. While I'm talking could
12 you do that, and a phone number how I can get ahold of
13 you, could you do that?

14 MS. LINTON: Yes.

15 HEIDI SILVA: There's no reason having a
16 meeting if we can't ever talk to you, what's the
17 point.

18 MS. LINTON: Right.

19 HEIDI SILVA: Right.

20 MS. LINTON: We can only talk to individuals
21 about procedural matters. We cannot talk about the
22 merits of the case. But if you have any concerns
23 regarding procedural matters you can e-mail me and I
24 can give you my e-mail.

25 HEIDI SILVA: And you have everybody's name

1 that's up there, names where you work and numbers?

2 MS. LINTON: Sure, yes, you can e-mail any of

3 us.

4 HEIDI SILVA: So you're going to give me

5 everybody's name and number?

6 MS. LINTON: Yeah, I can.

7 HEIDI SILVA: All right. Because otherwise I

8 don't know who the heck I'm talking to. It doesn't

9 make sense. You just fade back in the bureaucracy.

10 I'm just going to read this. This is -- I'm

11 going to submit this in writing.

12 The Environmental Protection Agency

13 recognized that minorities, low income, and indigenous

14 communities were being unfairly impacted by large

15 projects such as the proposed destruction of the

16 Kilarc hydro power plant and lake. In order to

17 address this problem the EPA adopted a strict mandate

18 for all federal agencies dealing with these

19 communities. This mandate is called environmental

20 justice.

21 Shasta County has been officially recognized

22 by the EPA in Washington, D.C., as an environmental

23 justice community.

24 Page 15 of the newest available guidelines

25 regarding environmental justice describes what the EPA

1 considers the key issues that must be addressed during
2 the development of an action.

3 Number one is to identify possible
4 environmental justice concerns.

5 Number two, plan to achieve meaningful
6 involvement.

7 Three, plan to evaluate and address those
8 environmental justice issues.

9 Four, discuss potential or identified
10 environmental justice concerns with management.

11 Five, compare how options under consideration
12 would change the environmental and public health
13 impacts on minority, low income, and indigenous
14 populations.

15 Number six, document your efforts to achieve
16 meaningful involvement and address potential
17 environmental justice concerns.

18 This community's rights under environmental
19 justice have been repeatedly and egregiously violated
20 by your agency. The heart of the EPA mandate is to
21 ensure other federal agencies implement a meaningful
22 outreach program during the development of an action.
23 For your agency to try and address this issue at this
24 late date would be a mockery of the mandate.

25 It is not up to this community to prove that

1 our rights have been violated. The mandate itself
2 requires you to document your efforts and address
3 potential environmental justice concerns like we've
4 been hearing for a year now that have not been
5 answered. You cannot provide these documents because
6 the mandate has not been followed. Environmental
7 justice guidelines instruct your agency to obtain our
8 trust and goodwill through open communication.

9 We know that the president has mandated you
10 to reduce our dependency on oil, yet you want to
11 remove a functioning hydroelectric plant. You want to
12 destroy the Kilarc plant and lake to benefit the
13 migration of the salmon and steelhead, yet they've
14 never been seen in over a hundred years making it past
15 the Whitmore Falls.

16 Since this community is not receiving all the
17 facts we cannot help but be suspicious of your
18 motives.

19 The most important element of the EPA's
20 environmental justice mandate is to meaningfully
21 involve communities from the very beginning of a
22 project. The only way to remedy this egregious error
23 is to start this project over and involve this
24 community in a meaningful way from the beginning.

25 If you continue to steamroll over this

1 community's rights and proceed with this faulty
2 project the issue of violating the EPA's mandate will
3 not go away. The longer you delay fixing this
4 flagrant error the more costly and time consuming it
5 will become. Thank you. (Clapping)

6 MS. LINTON: Herb Baldwin.

7

8 PUBLIC COMMENT BY HERB BALDWIN:

9

10 HERB BALDWIN: Thank you. My name's Herb
11 Baldwin, B-A-L-D-W-I-N. I'm the forestry manager for
12 Sierra Pacific Industries in the Redding district.

13 Sierra Pacific is a family company that owns
14 over a million and a half acres of timberland in
15 California along with a number of forest products
16 facilities and also a number of renewable energy
17 facilities. And as well as that we have our
18 headquarters here in Shasta County. In fact, we own
19 most of the property surrounding the Kilarc portion of
20 this Project 606 and we're very interested in the
21 outcome of these proceedings. There's a number of
22 reasons for this.

23 First, we own 45,000 acres in the vicinity,
24 the immediate vicinity of this project, and we are and
25 have been actively involved in the stewardship of

1 these acres by continually growing trees with the
2 option of some day harvesting them and all the while
3 trying to protect them from wildfire.

4 In the July hearing I described the
5 difficulty that goes along with protecting timberlands
6 in rural communities from those wildfires and the
7 actual fighting of those firefighters and the fire
8 flight -- excuse me, wildfires, and the issues with
9 having to have water as close as possible to the sites
10 of those wildfires such as the Kilarc forebay as
11 opposed to Shasta Lake.

12 In fact, over the last 25 years we've had
13 four major wildfires in this area, two of which are
14 immediately adjacent to the facility, the Kilarc
15 facility.

16 The second reason that we are so interested
17 is because we have 750 employees and their families
18 who live here in Shasta County. And when you consider
19 the more general area in the north state we have over
20 5,000 people along with the many contractors and
21 suppliers that are involved with that, all of whom
22 live, work, and recreate in the forest and the small
23 communities like Whitmore.

24 We are in full support of the Evergreen
25 Shasta Power alternative to the PG&E decommissioning.

1 Continuing the operation of the project is important
2 to both Shasta County and I think the community of
3 Whitmore as you'll hear.

4 And to be clear, Sierra Pacific is a minority
5 partner with Evergreen Shasta in their proposal, but
6 in any case it's really hard to imagine or to figure
7 out the state or federal justification for tearing
8 down an existing, fully operational revenue and tax
9 generating renewable energy facility to only have to
10 be replaced with energy generated from fossil fuels.

11 Besides that, Sierra Pacific has the
12 knowledge and experience in running renewable energy
13 facilities and we hope to share those management
14 capabilities to ensure application and operation in a
15 professional manner.

16 So to keep everything short, we would urge
17 you to reconsider the list of alternatives that you've
18 provided in the Draft EIS. We think that's a
19 realistic change and an alternative that you can do.
20 And instead include among those alternatives the
21 entirely viable alternative of continuing generation
22 that has been presented to you by Evergreen Shasta.

23 Thank you. (Clapping)

24 MS. LINTON: Herb, we would like to know if
25 you have any data on how often the reservoir has been

1 used to -- the water has been used for fire
2 suppression. Could somebody file that with the
3 commission please by August 25th if possible. Thank
4 you.

5 HERB BALDWIN: Just for the record, I will
6 attempt to get you that information. I think there's
7 a couple things that go along with that. I understand
8 that Cal Fire has also submitted that kind of
9 information. But notwithstanding, the fact of past
10 use, having that available for future use is an
11 important consideration as well. (Clapping)

12 AUDIENCE MEMBER: Cal Fire, he's here, ask
13 him.

14 MS. LINTON: Okay. Perhaps we will hear from
15 Cal Fire directly. We're going to stay on task with
16 names in order of those who signed up. Next is George
17 DeFillipo.

18

19 PUBLIC COMMENT BY GEORGE DEFILLIPO:

20

21 GEORGE DEFILLIPO: Thank you. No one gets my
22 name right. I'm the superintendent/principal of the
23 Whitmore School District. I have the honor of being
24 in that position a second time at this present time
25 here. They call me Mr. D because no one can get my

1 name right so it's okay.

2 The reason why I'm up here is because if the
3 occurrence of the reservoir being removed happens then
4 it will have not just an adverse effect on the
5 economics of the community, but it will also have a
6 very serious economic effect, adverse effect on the
7 school.

8 Our school is a very tiny single school
9 district that is funded -- it's basically called Basic
10 Aid and it's based upon property values. If property
11 values go down then the funding to our school will go
12 down. And if you know much about public education at
13 this time, in the last five years most schools have
14 had to live with about 20 to 25 percent less funding
15 than they have had in prior years. It would have a
16 devastating impact upon the school.

17 And I believe that it's really important for
18 kids in all communities in California or elsewhere to
19 receive as good an education as they would in any
20 other part of the country as -- you know. So
21 basically I would think that that impact would either
22 cause us to cut back on services considerably more or
23 cause us to possibly have to close the school, which
24 is something I would not want to see occur. So thank
25 you very much. That's my input. (Clapping)

1 MS. LINTON: I think this is Todd Wroe,
2 W-R-O-E.

3

4 PUBLIC COMMENT BY TODD WROE:

5

6 TODD WROE: You got it right. Can you hear
7 me? My name is Todd Wroe. My wife Kimberly and I
8 live right next to the Kilarc Powerhouse. We bought
9 in June of 2002. I believe we received one notice
10 from PG&E that they intended to surrender the license
11 in 2007. In 2005 we attended a meeting at the grange
12 and were told that no one was interested in taking it
13 over. PG&E seemed interested in not tearing it down
14 at that time if someone was interested just to take it
15 over.

16 Move forward to 2008, two parties are now
17 interested. Not only interested but they seem to be
18 fighting over it.

19 At the Millville Grange meeting December 2009
20 I believe that that's when it was you had over I
21 believe 120 people that supported keeping both power
22 plants with emphasis placed on enhancing fish and
23 wildlife habitat.

24 We all felt that since no one in attendance
25 came up with a good reason to shut it down that it

1 would be an easy decision for the FERC in light of two
2 parties now interested and the fact that it would cost
3 both taxpayers and PG&E ratepayers millions if you
4 allow the rate -- if you allow the ratepayers, the
5 taxpayers, the environmentalists, the hydro operators,
6 the citizens of Whitmore, the fire department, CDF/Cal
7 Fire, the timber owners, private property owners, all
8 residents with a garden, the churches, the Way
9 Station, our local government, the schools and the
10 handicap to keep them running.

11 But this is our federal government. Logic
12 does not seem to play any part, instead it seems to be
13 power, politics, and pulling strings.

14 The Record Searchlight reported that the FERC
15 had made the decision to go with PG&E's proposal to
16 shut down and dismantle. I certainly hope that this
17 is a very poor reporting and that FERC will do what is
18 right and not do something that everyone will regret.

19 I would also like to state for the record
20 that no one has said anything about how releasing all
21 the water will affect the erosion from the diversion
22 at the base of the powerhouse since it has been that
23 way over a hundred years. We know that the soil is
24 unstable, and we have not seen anything in the report
25 to see how PG&E plans to shore up the embankment other

1 than stating something to the effect of they will

2 examine it over a two-year period.

3 I respectfully request that the members of
4 FERC and the board reconsider their decision not to
5 shut down these two facilities and vote to do the
6 right thing for both the fish and the community at
7 large. We know that we live in the greatest country
8 in the world. Let's start to show it for a change.

9 I'd also like to do something that was done
10 at the other meeting, show of hands how many people
11 want Kilarc and South Cow left in place. (Everybody
12 raises hands)

13 Is there anyone in this room that is opposed
14 to keeping Kilarc in place? Anyone? A single hand?

15 Okay. That's all I have. I guess I'm just
16 confused as to why we're having these meetings. Thank
17 you. (Clapping)

18 MS. LINTON: Robert Strobith. Could you
19 spell your last name for the court reporter.

20

21 PUBLIC COMMENT BY ROBERT STROUP:

22

23 ROBERT STROUP: S-T-R-O-U-P. These are for
24 you and you and you.

25 My name is Robert Stroup. Just for the

1 record, I'm not a member of the Whitmore community. I
2 live in Cottonwood. And I just came up to tell you
3 that the first time I moved here in 1975 as a
4 10-year-old boy my grandfather brought me to fish at
5 Kilarc. I've been fishing it for 35 years. I have a
6 six-year-old son. He's been fishing with me for four
7 years. He caught his first trout in Kilarc. And for
8 the big wigs at PG&E and FERC and everybody to take
9 that away from us is a travesty. And you're not only
10 robbing me and my son but you're robbing my son's son.
11 Thank you. (Clapping)

12 MS. LINTON: Maggie.

13

14 PUBLIC COMMENT BY MAGGIE TREVELYAN:

15

16 MAGGIE TREVELYAN: My name is Maggie

17 Trevelyan, T-R-E-V-E-L-Y-A-N.

18 Hi. I spoke at the last meeting so I'm not
19 going to speak very long tonight. It's somebody
20 else's turn. But I just want to make you aware that
21 I, on your behalf, which I hope isn't to presumptuous,
22 I have answered issues in the Draft EIS that are
23 totally erroneous and the first one being that we can
24 fish elsewhere.

25 I have submitted data and photographs as to

1 the difficulty for both us as abled bodies and for the
2 disabled to fish at other lakes like Nora, Grace Lake,
3 Manzanita, and Shasta Lake. Some of it's
4 inconvenient, some of it's too far away, and some of
5 the lakes are not in good condition.

6 Nora Lake has steps to get to it. It isn't
7 wheelchair accessible. Grace Lake is not wheelchair
8 accessible. Lake McCumber and Manzanita Lake --
9 Manzanita Lake is only open three to four months a
10 year. Lake McCumber you require a boat.

11 So at the moment it's very simple. We can
12 get in our cars, we can go to Kilarc, it's easy, it's
13 cheap, it's free, it's wheelchair accessible. These
14 other facilities require extra gas, extra time. It's
15 not just 10 miles, it's around the hill just to get
16 there. And this will affect the community
17 financially. So I've documented that and I submitted
18 it.

19 The second one is that we can recreate and
20 see scenic elsewhere. I'll think this is a pretty
21 passive assumption. I have documented that for the
22 same reasons that there are places that we have
23 difficulty getting to, both time restraints, financial
24 reasons, or they require a four-wheel drive vehicle
25 which some of us don't have and can't afford. Some of

1 the alternative areas for recreation require a fee for
2 access.

3 I've also addressed the matter of affecting
4 the disabled and that's covered on the -- both the
5 fishing -- on the fishing in our area.

6 And the fourth one is water for fire
7 suppression may be obtained elsewhere. This is
8 rubbish. Two years ago we all know, June the 21st,
9 there were massive fires. There were something like
10 1,500 fires in Shasta County. We needed our water,
11 they needed our water, their water. It was a drought.
12 Trinity County burned for over two and a half months,
13 lives were lost. So we did use it for fire
14 suppression and we need it.

15 Yesterday morning -- well, this weekend there
16 were 461 fires close caused by lightening. We have
17 problems with illegal chemicals, with (inaudible)
18 chemicals, etcetera, etcetera, etcetera.

19 Yesterday morning there was a fire on
20 Ponderosa, a mile from the center of Whitmore. We
21 thought it first was caused by maybe something to do
22 with the logging. In fact, it's illegal possibly
23 Mexicans with guns growing pot. Today the federal --
24 the state and the federal agencies came and removed
25 probably four or five huge truck fulls of pot.

1 So we need our water. We don't need to be
2 giving it to somebody else. If that fire had spread,
3 four miles is 10 minutes if the wind is roaring. I
4 don't need to tell you.

5 The decommissioning will not adversely affect
6 the residents and businesses of Whitmore. This again
7 is absolutely untrue. Whitmore is a large area. We
8 have several businesses which I've listed here and
9 several people who work telecommute from home. We
10 have a store, we have two churches, we have places
11 like the lavender gardens, the Way Station, etcetera,
12 etcetera.

13 The Whitmore store is specifically -- it
14 supplies goods for us. The next nearest grocery is
15 between 20 and 35 miles away, which is difficult for
16 people to get to sometimes. It's a communication
17 center. People call the Whitmore store to find out
18 where the fire is or what's happening. They call to
19 see if there's fish in Kilarc. And those people come
20 up and they use facilities in Whitmore. They come up,
21 they buy -- they buy bait, they buy groceries and
22 refreshments.

23 We have bicyclists who use the loop of
24 Whitmore for recreation. We have motor bike people
25 and we have regular tourists in the park. So that

1 would adversely affect our store, and if our store's
2 affected our -- as someone said earlier our property
3 values are affected. You can't do one thing without
4 affecting everybody else. It's a domino effect. It's
5 chicken and egg.

6 So if anyone would like a copy I can e-mail a
7 copy of what I submitted today, as I say, with
8 pictures. And I hope you all keep fighting please for
9 Kilarc. (Clapping)

10 MS. LINTON: Glenn Hawes.

11 GLENN HAWES: I already spoke.

12 MS. LINTON: Oh. Bob Mark.

13

14 PUBLIC COMMENT BY BOB MARK:

15

16 BOB MARK: Well, I'm not sure what to say but
17 I've been a part of this community for approximately
18 50 years, been living up here 20 years, have been --
19 this building you're sitting in is a result of this
20 community. This has been an amazing community.

21 You speak about neighbors. You know,
22 everybody, everybody's been involved in this
23 community. We live on a road that's two and a half
24 miles long and you know every neighbor. Neighbor just
25 keeps popping up every time I think about this thing.

1 I think of Kilarc as a neighbor. And you know what,
2 it's like when you lose a neighbor. That would be the
3 last thing we'd like to do. We'd like Kilarc to be
4 here forever.

5 I was looking at some of our notes, basically
6 my wife's notes from the grant writing for this
7 community center. One of the other things that popped
8 up is this is the little town that could. And we've
9 been using that for a number of things. And we're
10 hoping that that's going to continue, Kilarc's going
11 to be here for a long time, and this town is going to
12 be proud of. Anyway, thank you very much. (Clapping)

13 MS. LINTON: Bob Carey, C-A-R-E-Y.

14

15 PUBLIC COMMENT BY BOB CAREY:

16

17 BOB CAREY: Good evening. Thanks for
18 participating in this process again. My name's Bob
19 Carey. I'm a certified wildlife biologist. I work
20 for Vestra Resources in Redding, California. I've
21 been working with Steve and Bonnie Tetrick and the
22 Evergreen Shasta Power folks to try to evaluate what
23 the real impacts of a decision that you guys are
24 contemplating might be.

25 There's been some discussion already this

1 evening about Whitmore Falls and whether or not that
2 particular location is passable to anadromous fish.

3 Prior to 2002 all the resource agencies
4 involved had considered Whitmore Falls an impassable
5 barrier. I want to stress that the DEIS should really
6 be using the best available science in making their
7 determinations. And the 2002 memo that came out
8 really doesn't do that very well. It was a visual
9 assessment of the waterfall. They did some measuring.
10 They measured how high it was. They measured -- they
11 kind of described where the water goes and they came
12 up with their assessment that fish could possibly get
13 over that waterfall at some flows. And in that
14 assessment they cited a paper by Powers and Orsborn
15 that was from 1985 and it's referenced at the back of
16 that memo.

17 I decided to look at the paper and see what
18 it actually said. Let me just read the beginning of
19 that. It's from the introduction. It says when adult
20 salmon and steelhead trout enter fresh water, maturing
21 fish stop feeding and rely on energy reserves stored
22 in body fat and protein to carry them through the
23 migration of the spawning season. The rate of sexual
24 maturity is established by heredity and cannot adjust
25 to delay.

1 So that means once the fish enter fresh water
2 they're going upstream to spawn. They have so much
3 time to do it and that's all it is they're going to
4 do.

5 The Powers and Orsborn study is interesting.
6 It cites a number of things besides just the vertical
7 challenges that are presented by barriers. They talk
8 about the horizontal distance the fish have to jump.
9 Something that Fish and Game didn't include in their
10 analysis. They simply measured the height of the
11 falls, said Powers and Orsborn said fish can jump 11
12 to 14 feet.

13 And Powers and Orsborn say that, but they say
14 that when fish are in 100 percent physical condition,
15 the maximum energetic those fish have allow them to
16 jump that high if all the other conditions are
17 perfect.

18 Powers and Orsborn go on to talk about
19 turbulence and white water and how that affects fish's
20 ability to orient themselves properly in the channel
21 and how white water, because it contains so much
22 oxygen is really, really soft compared to water that
23 doesn't have bubbles in it. Fish have a very
24 difficult time propelling themselves through that soft
25 medium.

1 Most importantly with that paper they talk
2 about the coefficient of fish condition and they
3 describe that. I want to read that out of their
4 description because it's petty interesting.

5 It says for a fish to be in a hundred percent
6 condition and to be able to make those leaps, they're
7 bright, they're fresh out of saltwater, they're still
8 a long way from the spawning grounds, spawning colors
9 have not even yet developed. They rate that as 100
10 percent coefficient of fish condition.

11 The next level they describe is good
12 condition. This is 75 percent coefficient of fish
13 condition. It says the fish have been in the river a
14 short time. The spawning colors are apparent but not
15 fully developed. They're still migrating upstream.

16 Finally, they describe fish at 50 percent
17 coefficient of fish condition. They call this poor
18 condition. Fish have been in the river a long time,
19 full spawning colors have developed, fish are fully
20 mature and very close to the spawning grounds.

21 Whitmore Falls is 250 miles upstream from the
22 ocean. (Clapping)

23 They then use a bunch of high power math
24 equations that I tried to weed through. I got through
25 some of it. But they talk about -- they actually

1 graphed this and I can submit this to you. It shows
2 that at a hundred percent coefficient of fish
3 condition steelhead can indeed jump 11, 12 feet.
4 However, at 75 percent coefficient of fish condition
5 they're only getting up about six feet. That's
6 actually -- and that number is used in another FERC
7 study. It's the 2100 Project that was for the
8 Oroville Dam, which is a hundred miles downstream from
9 here. They use 75 percent coefficient of fish
10 condition to estimate maximum fish capability down at
11 that FERC facility as 6.1 feet. (Clapping)

12 So I ran the numbers again for coefficient of
13 fish condition at about 50 percent, which I think is a
14 pretty reasonable estimate. When you run the math on
15 that those numbers come out, rounding error, between
16 2.9 and 3.1 feet.

17 So that paper's available. And I would
18 encourage FERC to maybe look at it and look at the
19 memo that Fish and Game put together and try to figure
20 out if they're using the best available science in
21 making their determination.

22 I don't want to spend a lot of time talking
23 about this. What I really believe is that the
24 settlement offer that Evergreen Shasta Power has come
25 up with is a better plan for the fish. That

1 settlement offer includes an active restoration
2 component that uses revenue generated from the
3 operation of the facilities to improve fish habitat.
4 Because I'm really not convinced that fish get over
5 Whitmore Falls and that the removal of the facilities
6 are going to benefit fish in any significant way. As
7 well as I want to do what's right for the fish.

8 I mean my interest is trying to improve fish
9 habitat conditions in this vicinity. I don't think
10 that an act to tear the dams out, let nature take its
11 course, hope for the best, some more water in the
12 channel might improve fish conditions at some point in
13 the future, oh yeah, but only in five miles of stream
14 because that's where the fish can get.

15 I think it makes a lot more sense to take an
16 active management approach, identify limiting factors
17 for anadromous fish in these drainages be it riparian,
18 shade, lack of pools, land management practices that
19 can be improved, efficient uses of irrigation water.
20 There's a lot of ways that we can actively improve
21 fish habitat. And saving salmon and saving steelhead,
22 which is in a great public interest, I don't think you
23 get there by the decommissioning and removal of the
24 facility. Thank you very much. (Clapping)

25 MS. LINTON: Jeff Dunn.

1 PUBLIC COMMENT BY JEFF DRESEN:

2

3 JEFF DRESEN: Hello. My name's Jeff Dresen

4 and I own the Whitmore general store.

5 MS. LINTON: Spell your last name.

6 JEFF DRESEN: D-R-E-S-E-N. And I've lived in

7 Whitmore for 30 years. And like I say, I'm going on

8 my 16th year at the store. I can't tell you how many

9 hundreds or probably thousands of people over the last

10 15 years have come through the store with their

11 families to go to Kilarc. The revenue that's produced

12 by selling gas, ice, snacks, sodas, and everything

13 else I'm sure will be greatly missed if Kilarc goes

14 away. And I'm sure that a couple other businesses

15 here in Whitmore, the Way Station, people stop by on

16 their way to Kilarc or on their way back down to look

17 at the antique -- at the store as well as stopping by

18 the lavender gardens on the way to Kilarc.

19 I currently employ three part-time employees.

20 It could put the final nail in the coffin if Kilarc

21 goes away. I don't know. But the economic downturn

22 on it I'm sure will be greatly missed. And if there

23 isn't a store in Whitmore -- I mean we provide a

24 service for the community as well. So I think that's

25 something that greatly needs to be considered.

1 Whether I own it or somebody else does there still
2 needs to be a store here to provide those services.
3 Thank you. (Clapping)

4 MS. LINTON: Jed Washburn.

5

6 PUBLIC COMMENT BY JED WASHBURN:

7

8 JED WASHBURN: Jed Washburn, W-A-S-H-B-U-R-N.

9 And I don't know where to start. I missed the first
10 couple meetings working out of town. Lived up here
11 for -- off and on for 32 years now. Like the older
12 gentleman that spoke before me, fished the river for
13 probably 25 years, the river there, Kilarc right below
14 the powerhouse, always been really good fishing in
15 there.

16 A couple things. We have the -- all the good
17 stuff here they have some good things to say. I just
18 want to reiterate there's other powerhouses on these
19 streams since 1906 that have done EIRs. Check their
20 data. Their data says no fish, not an issue. So why
21 are we still weighing out the fish? Obviously from
22 the data we've heard before it's not an issue so go
23 find something else and come back, all right. Thanks.
24 (Clapping)

25 MS. LINTON: Looks like Sandy Winters.

1 PUBLIC COMMENT BY SANDY WINTERS:

2

3 SANDY WINTERS: My name is Sandy Winters.

4 I'm a volunteer at the Shasta Historical Society and

5 I've spoken at a lot of these meetings. And tonight

6 I'm representing my grandson. Here he is catching a

7 fish at Kilarc Reservoir at the last picnic.

8 My husband Don and I started coming to these

9 meetings September 14th, 2005 at the Grace Church.

10 Synergics Energy Service of Annapolis, Maryland had

11 filed a letter on August 11th, 2004 to take over the

12 Kilarc project on behalf of Olsen Power Partners.

13 We've attended almost every meeting since the South

14 Cow Creek tour -- including the South Cow Creek Tour

15 last October.

16 The Shasta Historical Society filed a motion

17 to intervene on July 13th, 2009. We're very hopeful

18 that this important project which played a very

19 important role in the history of Shasta County's early

20 development be preserved.

21 In April of 2008 Garcia & Associates come

22 into the Shasta Historical Society library to gain

23 information regarding Kilarc and South Cow Creek and

24 also the surrounding areas to get an early history for

25 their cultural report. I understand the cultural

1 report is also a major part of the Draft Environmental
2 Impact Study.

3 We worked with Garcia & Associates all
4 afternoon getting information and pictures. I was
5 very disappointed when I read that report. There's
6 errors in important dates, there's contradictions
7 especially regarding the eligibility for the National
8 Registry of Historic Places. I found it to be
9 repetitious in places. I didn't feel they fully
10 covered the impact of demolition of which there's
11 going to be very many impacts. It would be very
12 unfriendly to environment and unfair to the people of
13 the Whitmore area and the local merchants. Also, it's
14 unfair to the people on South Cow Creek.

15 Also, I feel that some of the identified
16 prehistoric sites were actually early logging
17 activities.

18 The Shasta historical society feels that the
19 Kilarc and South Cow Creek projects meet the criteria
20 for registry in the NRHP. We also respectfully submit
21 to death that these projects be preserved. We have
22 worked very closely with Davis Hydro in this effort.

23 I'd like to close by reading a little piece
24 of history to you. I'm digressing a little bit but I
25 kind of thought this was appropriate. This is June

1 12th, 1909.

2 Electrician employees at the Kilarc
3 Powerhouse at Fern had built an open air dance
4 platform where the first dance of the season was given
5 the previous Friday. Dancers arrived from miles
6 around, some even coming up from as far as Millville
7 to enjoy the hospitality of the boys at the
8 substation. Excellent music was furnished by the Muir
9 Brothers Orchestra. During the intermission
10 selections were played on a huge phonograph. At
11 midnight an elaborate supper was served and dancing
12 was again indulged in until four a.m. (Clapping)

13 MS. LINTON: Henry Wu.

14

15 PUBLIC COMMENT BY HENRY WU:

16

17 HENRY WU: W-U. I'm actually going to be
18 pretty quick. I might even be quicker than
19 Mr. Washburn over there.

20 My name's Henry Wu. I'm with Evergreen
21 Shasta Power. I'll spare you with the story of how I
22 met Steve and how I got involved with this. I'm from
23 San Francisco. I used to work for George Strout at
24 the Nature Conservancy at the McCloud River Reserve.
25 I used to work for Idaho Fish and Game. Then I

1 decided I didn't want to go that route and ended up
2 working in the investment world. But I always had an
3 interest in fish biology.

4 When Steve and I met he gave me a brief
5 briefing on this project. And what I've come to
6 realize is that this project as an endeavor to tear
7 down the facility makes no economic sense. It makes
8 no biological sense either.

9 Like from my experience in fisheries biology
10 I know that steelhead 250 miles from the ocean is not
11 going to clear 14-foot falls. And to put a community
12 in jeopardy over a conjecture and to spend 14, 20, 50,
13 who knows how much money to get this project done
14 makes absolutely zero sense.

15 So, you know -- and I -- What's that guy's
16 name, Mark? No. Carter, Mr. Carter. I heard you say
17 that your responsibility was socioeconomic impact. I
18 think you guys need to go back and take a look at this
19 from a cost/benefit analysis. What's the probability
20 of a steelhead making it up past Whitmore Falls,
21 multiply that by the benefit and what do you get,
22 something around, I don't know, a couple cents. So
23 that's all I have to say. Thanks. (Clapping)

24 MS. LINTON: Bonnie Tetrick, T-E-T-R-I-C-K.

25

1 PUBLIC COMMENT BY BONNIE TETRICK

2

3 BONNIE TETRICK: I'm going to move this this

4 way since we don't need to preach to the choir.

5 Everybody has to lean. There. Does that work? No.

6 Okay. The primary stated purpose of FERC is

7 to protect the public interest. And so I urge you to

8 remember FERC's purpose as you hopefully go back and

9 redo your DEIS with the correct facts and with

10 consideration of all the negative impacts on the human

11 element here in Shasta County and to remember not to

12 marginalize us as people.

13 Each person is valuable just as each of you

14 are. And how would you feel if a huge bulldozer stood

15 outside your home and told you it was just going to

16 knock down and destroy your property in the next few

17 days. And the reason? Well, because it's only one

18 house out of many, it's not really that important.

19 And I think we'd like to have some open space here.

20 It might look nice.

21 Well, that's kind of the way this community

22 feels that you and the other government agencies have

23 marginalized the value of human life and that a

24 particular agenda is more important than people's

25 livelihood, their property and water rights and

1 basically their right to life, liberty, and the
2 pursuit of happiness.

3 We as individuals and as a community are very
4 involved in the stewardship of our lands. We are
5 active participants in organizations that preserve and
6 protect our watershed, like the Cow Creek Watershed
7 Group. I know many people here attend or are board
8 members and there's other similar organizations that
9 look out for our environment here. And we're an
10 outdoor people. We like the environment, we want to
11 protect it, we want to be good stewards.

12 We are a united cohesive group as you've
13 seen. We all enjoy the outdoors, appreciate nature
14 and want to take care of it. And give us the
15 opportunity to do that.

16 And please remember, too, that although PG&E
17 initiated this decommission request, it is driven by
18 the pressure put on them by the various resource
19 agencies. And their stated agenda, among other
20 things, and many of them unknown things, but one we
21 know of they want to remove as many dams as possible.
22 They want to remove everything -- any dam that exists.
23 But keep in mind first of all these are not terminus
24 dams. They are partial diversions with fish ladders
25 and screens. And as explained previously in detail

1 there's natural existing -- natural barriers in both
2 creeks that are impassable to fish. Increasing stream
3 flow does no change this.

4 And except for the adjudicated water rights,
5 the diverted water is used to generate reliable green
6 energy, is nonconsumptive, and is returned back to the
7 creek in better condition. It's oxygenated, it's a
8 colder temperature, and better for the fish.

9 We've explained in detail the significant
10 negative impact on our community should this
11 decommissioning be approved. So I urge you to
12 completely revisit your DEIS. Don't just change it,
13 redo it. Consider the real costs. And if you need
14 studies and reports to determine what those real costs
15 are order them done.

16 I couldn't believe at the last meeting that
17 we were asked -- you told us, oh, if you guys -- if
18 you want to know what the real costs are do the
19 studies and submit whatever studies you have and that
20 would be really helpful if you guys would do that for
21 us. Well, no. You order the studies. You get them
22 done.

23 There's many -- there's so many things to
24 consider. The whole groundwater issue I would -- if I
25 were a Whitmore resident, I live very close right over

1 the hill, but I would be so concerned about the
2 groundwater issue and the hydraulic connection between
3 people's wells and the existence of the Kilarc
4 Reservoir. It's such a high likely potential of
5 drying up in the springs and these peoples wells. The
6 shallow water table, the geological formations
7 indicate everything leads -- and the unlined nature of
8 Kilarc Reservoir everything points to a very high
9 hydraulic connectivity to people's wells.

10 And also geological formation show if you dig
11 deeper you might find water, probably not, but the
12 water you might find is going to be saline and too
13 salty to use. And so we didn't really appreciate in
14 the DEIS where you said, oh, just drill a deeper well.
15 First of all, at whose cost? And are we going to find
16 water? Probably not. And if we do it's going to be
17 brine.

18 And there's all sorts of needs. The whole --
19 the real costs that you really need to study. The
20 fire suppression issue, the need. Look at the
21 potential loss of national forest lands, the potential
22 loss of valuable timberland, acres and acres and
23 acres, people's homes, the loss of jobs, property
24 values, water rights, the loss of water. People could
25 lose their homes over this. The fiscal impact to the

1 county. The loss of five megawatts of green energy.
2 There's so much more costs to this decommission than
3 just the 14 and a half million dollars that PG&E has
4 stated, which they haven't even given us a line item
5 for. We don't even know what constitutes that.

6 So I urge you, please, consider the real cost
7 to this community. Do not marginalize us just because
8 we're a small town in a large country. Every person
9 matters, yes, more than fish. (Clapping)

10 And I also urge you to review our offer of
11 settlement and allow us the opportunity to discuss a
12 reasonable solution to get all the stakeholders
13 together at one table, the resource agencies, PG&E,
14 Shasta County, major stakeholders, let's just get to a
15 table and discuss and figure this thing out. If we
16 don't it's going to -- we need to do that to avoid a
17 long, drawn-out battle in the courts. It's going to
18 go for 10, 20 years, who knows. Nothing's ever going
19 to get resolved. It's just going to be a huge mess.

20 This might become the ultimate case of big
21 government bulldozing over a small community and the
22 people that love living here. You might even become
23 infamous over this for not pursuing an opportunity for
24 settlement. So don't let that happen. Do your job.

25 It is FERC's responsibility to validate all

1 the information provided by the agencies and the
2 community, and it's been clear that FERC has chosen
3 not to question or independently verify the
4 information provided by the agencies, which as we've
5 seen has no scientific reports or background or
6 support for it. It's just wishful thinking. We have
7 real issues versus wishful thinking. Real costs over
8 marginal maybe benefits.

9 So I only ask that FERC take the time to take
10 a critical look, a real honest critical look at both
11 the agencies' positions and ours equally. Then do
12 what is truly in the best interest of the public and
13 the overall good for our community. Please be
14 courageous, do your job, do the right thing and do it
15 better. (Clapping)

16 MS. LINTON: Nancy Dodson, D-O-D-S-O-N.

17 NANCY DODSON: I'm going to decline. It's
18 already been expressed.

19 MS. LINTON: Erik Poole, P-O-O-L-E.

20

21 PUBLIC COMMENT BY ERIK POOLE

22

23 ERIK POOLE: Hello. My name is Erik Poole,
24 E-R-I-K P-O-O-L-E. And a lot of what I've said has
25 been expressed before but I'm going to say it again

1 and continue to say it as many times as it takes.

2 My comments today -- I'm going to try to stay
3 within the bounds of the Draft EIS and give feedback
4 directly on that. Most of my comments revolve around
5 clarity and accuracy in the document as well as
6 fairness.

7 The first thing that I would like to request
8 from staff, and I know that we're in the period
9 between your draft and your final issuance of the
10 document, but since it looks like we're probably going
11 to appeal it would be very helpful if the Draft EIS
12 and the final Draft EIS would cite inputs from
13 external sources.

14 Because it's pretty obvious to those of us
15 that are familiar with the documentation that a lot of
16 the Draft EIS comes from the PG&E application, from
17 some other documents from Department of Fish and Game
18 and NMFS. But without those being cited it makes it
19 very difficult for us to chase down exactly where we
20 need to apply our comments and how we need to refute
21 inaccuracies or give a different representation of the
22 facts.

23 Speaking of the PG&E application, there are
24 errors in the document -- in the application document
25 and so I have a couple of questions along that.

1 If the staff is going to use the PG&E
2 application and move that forward into the Draft EIS,
3 will there be any testing or review of statements in
4 that application to ensure their accuracy? I believe
5 it should be incumbent on the staff to make sure that
6 if they're going to forward these propositions and
7 conclusions from these other documents, you should
8 make some kind of an effort to ensure that they're
9 accurate.

10 You know, in line with that, is there any
11 testing or review by the FERC staff of the resource
12 agency statements? We've heard a lot of input here
13 tonight regarding salmon, steelhead, anadromous fish
14 passage. I mean in all fairness you've swallowed a
15 memo from the CDFG by three field representatives
16 hook, line, and sinker. Yet we're required to repeat
17 our inputs over and over, our scientific inputs, and
18 pull apart the documents that that document used and
19 yet we see no evidence of it being weighted or
20 compared to this input in the EIS.

21 You know, you ask us over and over to -- how
22 many times do we really use Kilarc for fire
23 suppression as though it's a question of is it really
24 worthwhile. It's used for fire suppression. It's
25 worthwhile every single time it's used to save

1 somebody's home or property or livelihood.

2 In the Draft EIS I really don't see an
3 evenhanded treatment of the inputs from the community
4 versus the inputs from the agencies.

5 Finally -- or next point is exactly the
6 nature of the public interests. I'm actually a big
7 proponent of the CEQA process and what we're going
8 through here. I'm looking forward to a win-win
9 solution out of this. But I'm starting to question
10 exactly what FERC's estimation of public interest
11 really is. Is it public interest defined by mandatory
12 conditions that are laid on by agencies?

13 It seems to me that it's more accurate to
14 take the public and local government input like you
15 get at these meetings and that we provide in writing
16 and use it to the fullest extent possible. At least
17 provide -- at least give it the same light-handed or
18 heavy-handed treatment when you are assessing it for
19 accuracy and how you're going to weight it in your
20 assessment of overall public interest and public
21 benefit.

22 Lastly, I'm very much looking forward to a
23 winning solution for all parties involved out of this,
24 especially the environment and the public interests.
25 I know it's out there. We all know it's out there.

1 The problem is that it's not yet in the FERC document.

2 It's not in either of your alternatives and it's not

3 in the PG&E option. We simply -- we simply have to

4 stop what's going on in the Draft EIS and go to that

5 better solution. It won't be perfect. We may also

6 end up in court. I'm pretty much resolved that I'm

7 going to end up in court on this one way or the other.

8 But it's going to be better, it's going to be shorter,

9 and it's going to cost us a lot less in the long run.

10 Two last points. It's very important also

11 for the FERC staff to look ahead to the process and

12 the legal situation when this comes to California.

13 Right now you're dealing at the federal level. When

14 you come to California, as you know, some people call

15 it leadership on the environmental front, but it's a

16 whole different landscape. And I think that FERC

17 staff would do well to begin looking forward to the

18 process when you come to California, the CEQA process

19 and the other agencies that are going to be involved

20 and how that's going to unravel here including the

21 courts.

22 Lastly, I know I've received a lot of

23 feedback from the FERC staff that your hands are kind

24 of tied as far as what inputs you can use, that

25 everything has to be on the record and so forth, but

1 you have an amazing tool in your staff alternatives.

2 Though the Evergreen Shasta proposal and the
3 Davis Hydro proposals have been written and created by
4 the members of the public, it would be of great
5 benefit for the staff to adopt large portions of those
6 and run them through the analysis that you're doing in
7 your Draft EIS and come out with costs and benefits
8 for them.

9 The two alternatives that are in the Draft
10 EIS are completely and wholly inefficient; shutting
11 one project down and leaving the other running or vice
12 versa. Nobody's asking for that, nobody's really
13 forwarded that as a proposal. It doesn't meet any of
14 our needs or demands. It simply leaves costs on one
15 side versus costs on both sides. The better solution
16 is out there. Let's get it into the DEIS so that we
17 can fairly and appropriately analyze it and let's make
18 NEPA work as it was intended in the public interest
19 for everyone. Thank you. (Clapping)

20 MS. LINTON: Kelly Sackheim, S-A-C-K-H-E-I-M.

21

22 PUBLIC COMMENT BY KELLY SACKHEIM:

23

24 KELLY SACKHEIM: Thank you, CarLisa. We all
25 know each other very well here having attended so many

1 meetings, so when I signed up after Erik Poole I knew
2 it was my turn coming next.

3 Mark, could you let me know at three minutes
4 because I don't want to cut the conclusion. I want to
5 cut something in the middle. Thank you.

6 I have prepared a written statement. I
7 haven't timed it but I am going to diverge from the
8 statement.

9 The meeting here tonight is an opportunity
10 for the FERC to take oral comments, but I am fully
11 capable of submitting my comments in writing. They've
12 seen plenty of them. And so in some ways I want to
13 address the community that's here.

14 I've heard a lot of questions. One of the
15 reasons I signed up towards the end of the hearing.
16 And it seems to me that one of the biggest questions
17 is with regard to the process and with different
18 parties may move forward with the reoperation of the
19 hydroelectric facilities.

20 For those of us who attended some of the
21 first hearings back in January of 2008, the FERC was
22 very responsive. I think it was mainly due to a
23 letter that came out of Congressman Herger's office at
24 Glenn Dye's initiative.

25 But the Federal Energy Regulatory Commission

1 came out and spoke with us about how this process was
2 going to work. And TJ LoVullo, who has been succeeded
3 by Carlisa Linton, said very clearly many times PG&E
4 must surrender its license. And the FERC cannot
5 evaluate whether someone else should be authorized to
6 have another license until after the license surrender
7 process has been concluded.

8 That's where we missed the deadline. There
9 could not be a smooth transition from one license to
10 another license that was a direct path because when
11 Synergics came in they did not have the resources.
12 They did not have all the information that we have
13 been working together to develop over the last three
14 years at that time at that juncture.

15 But what TJ LoVullo said was that the license
16 surrender plan could be as simple as closing the door
17 and walking away if the FERC has confidence that there
18 will be another party that moves forward and will
19 prevent there being a detrimental situation.

20 And I think that we have provided ample
21 evidence that the license surrender plan and
22 alternatives can make the assumption that there are
23 parties who will be coming forward and will fill the
24 void if PG&E is allowed to walk away with the
25 facilities in place.

1 And so that's the overview that I wanted to
2 start with because I think it's very important for the
3 community to know that the FERC needs to go through
4 this Draft EIS process. They need to determine what
5 does PG&E have to do in order to prepare what's going
6 on.

7 So with my remaining minute I will go back to
8 the script and direct to FERC that when I came before
9 you just over a month ago in Redding I was the only
10 speaker that evening to express the opinion that the
11 present FERC DEIS analysis is adequate for its
12 purpose. And the reason that I said this was that I
13 looked at the summary table and found that the
14 alternative, and I've just been focused on Kilarc,
15 that preserved Kilarc was in the FERC's own analysis
16 the environmentally superior alternative. They may
17 have missed an order of magnitude, but it was the
18 environmentally superior alternative.

19 And today what I've written down and I will
20 submit in the FERC record I was going to focus
21 specifically on the cultural resource analysis, how to
22 get it right, how to do a better job with that
23 analysis. And I cited that in the FERC e-library
24 there's a letter dated March 26th of this year 2010 on
25 the KC Hydro letterhead and it was addressed to the

1 Federal Advisory Council on Historic Preservation in
2 Washington, D.C., and to Milford Wayne Donaldson, who
3 is the California State Historic Preservation Officer.
4 And they are the parties that are responsible for
5 determining whether something is eligible for listing
6 in the National Register of Historic Places or not.

7 That determination was made based on a report
8 that PG&E commissioned that is totally inadequate.
9 Sandy Winters has alluded to some of the errors in the
10 report. Many of those were brought forward in a
11 letter that was submitted by the community in November
12 2008 as comments on the Draft License Surrender
13 Application. It was then a draft report. Now it's
14 referred to as the Siskin report of 2009. The most
15 egregious format errors seem to have been corrected
16 but the conclusions were not.

17 And we need to go back and reassess, and the
18 FERC is empowered to treat these facilities as if they
19 were eligible for listing, because the state and
20 federal agencies have not had the time to respond and
21 correct the errors that were made based on a
22 recommendation of a faulty report. And with that I'll
23 let the next speaker speak. Thank you. (Clapping)

24 MS. LINTON: Kathy Roth.

25

1 PUBLIC COMMENT BY KATHY ROTH:

2

3 Kathy Roth: Hi there. My name is Kathy
4 Roth. My husband Dave and I moved up here about five
5 years ago and planted the vineyard. Part of the draw
6 was it was a small community where it was sort of off
7 the beaten path. We loved the idea that there was a
8 little reservoir up here.

9 Everything that's a draw for businesses in
10 this community is -- it benefits us. It helps make
11 the community stronger, helps bring some money in.
12 And so we thought that we could perhaps be a little
13 part of that, kind of a quiet little part.

14 And having Kilarc here or not will affect us
15 economically, okay. Every person that comes up the
16 road to go to Kilarc and maybe happens to see our sign
17 is one more person who might take a bottle of wine
18 home with them, share it with friends, and it's -- the
19 word spreads for us. So for us every single person
20 that comes past our driveway is, you know, a potential
21 way for us to succeed.

22 We are also growing those grapes on a
23 sustainable basis which means we're mindful of our
24 environment. Stewardship of our land is a big part of
25 what we do. And part of that is keeping an eye on

1 what's going on on our property. We've got half mile
2 of the last tributary to Old Cow Creek that ends up
3 just above the falls on our -- that runs across our
4 property. And I just want to hit this one more time.
5 We have never seen a steelhead or a salmon. And we --
6 we're watching.

7 There's plenty of other animals that we've
8 seen though up at the reservoir. And I think that a
9 hundred years of that being there to take it out is
10 really going to have a severe impact on a lot of other
11 animals that do exist that are real. And they need to
12 be taken into account. I think that that's --
13 that's -- wildlife is as important as our needs, but
14 we're here to stay. We're not going away.

15 And I think that California's got a real
16 issue these days with a balance between fish and
17 people. And here in a very small way your agency has
18 the ability to perhaps show some leadership to
19 California on how to make a win-win situation.

20 We've got a couple of different groups that
21 have actually figured out ways to not only take over
22 these power plants and keep them running and keep
23 sustainable energy, green energy flowing into our
24 power grid, but also having envisioned a way to
25 improve the fisheries. That's an amazing thing. It's

1 a compromise between the needs of the people and the
2 needs of the fish. And I hope that you guys can
3 provide that example for this state. We need it.
4 Thank you. (Clapping)

5 MS. LINTON: Jim Fletter, F-L-E-T-T-E-R.

6

7 PUBLIC COMMENT BY JIM FLETTER:

8

9 JIM FLETTER: That is the correct spelling.
10 My name is Jim Fletter. I'm from Sacramento. I spoke
11 at the October 22nd scoping meeting in which I stated
12 our position. When I refer to "our position," as
13 owners of 80 acres along with -- as owners of 80 acres
14 along with my cousins which represent part of the
15 South Cow Creek forebay, the road going to the
16 forebay, the canal going into the forebay, and of
17 course the land which the easement sits.

18 I was very clear in explaining at that
19 meeting the roadblock they'd possibly create if PG&E
20 and FERC decided to decommission the hydroelectric
21 project South Cow Creek. I reinforced that with my
22 letter of December 10th filed with FERC on December
23 14th. I need not say anymore. The letters and the
24 attachments to that letter speak for themselves.

25 As far as a Draft EIS is concerned, it's

1 bogus and should be withdrawn in total. It makes no
2 sense. FERC has created -- if they turn it into a
3 done deal has created a bureaucratic travesty that
4 will land them in the courts and be adjudicated in the
5 courts for years. Please withdraw it now. Thank you.

6 (Clapping)

7 MS. LINTON: Lydia Blanchard,

8 B-L-A-N-C-H-A-R-D.

9

10 PUBLIC COMMENT BY LYDIA BLANCHARD:

11

12 LYDIA BLANCHARD: Lydia Blanchard. I have
13 been sitting here thinking, well, I shouldn't speak
14 but I will, very quickly. I am a psychotherapist from
15 Santa Cruz, California. I've only lived here in
16 Whitmore for about nine months and I'm here for
17 various personal reasons. But I came tonight to see
18 whether Whitmore knew how to defend itself. There's
19 absolutely no question in my mind you are along my
20 ways of thinking. I voted for Ralph Nader in 2008. I
21 am not a conservative. I'm coming around to many
22 people from the other end of the circle, but I'm
23 enormously impressed with your capacity to provide
24 information and stalwartness.

25 My only experiences are with the disaster

1 mental health team in Santa Cruz with the Red Cross.

2 I want to add a few points. And one of them is that

3 people die in fires. I have worked with fire people

4 who've grieved over those who have died in fires. I

5 know that that happens. It's not just people's

6 livelihood it's their lives that are out there and

7 this is not to denigrate anything that's been said.

8 I've also worked to stop the California

9 Department of Agriculture in collusion with the U.S.

10 Department of Agriculture in spraying Monterey City

11 and Santa Cruz City with pesticides that were to

12 destroy a light problem apple moth that had destroyed

13 nothing.

14 You may have had a few ruthless and

15 implacable set of circumstances as we did. We did not

16 win but we certainly pushed the ball along in trying

17 to prevent danger to the public from bureaucracy. We

18 had to use superior court and state court to do that

19 as well as to bring on board six other counties that

20 were being threatened with being sprayed as we were

21 500 feet above our heads with very little warning.

22 I could go on about that but I thank you very

23 much for defending me and yourselves. You are

24 impressive. I shouldn't be addressing you, I'm

25 addressing FERC in this process. You have a very

1 strong community here that I'm leaning on and I

2 appreciate your presence. Thanks. (Clapping)

3 MS. LINTON: Bob Scheide, S-C-H-E-I-D-E.

4 BOB SCHEIDE: I already had my go. I'll do

5 it again if you want.

6 MS. LINTON: Lynette, Richard, or Justin

7 Gooch, G-O-O-C-H.

8 8

9 PUBLIC COMMENT BY LYNETTE GOOCH:

10

11 LYNETTE GOOCH: Hi. My name's Lynette Gooch

12 and I own Tuscan Heights Lavender Gardens up on Fern

13 Road. And my question is to the FERC members sitting

14 here at the table.

15 Ladies and gentleman, have you had the

16 opportunity to explore past this building? Have you

17 had the opportunity to go up to Kilarc, up Fern Road,

18 up any of the roads in this community?

19 So being from Washington, D.C., and all the

20 buildings and cars and people, you've had the chance

21 to have a taste of what we have here. This amazing

22 community, very strong families goes back over a

23 hundred years.

24 I bought land up here in 1999 on the whim of

25 a dream and I built a lavender farm. I currently grow

1 about 25,000 lavender plants on my farm and along with
2 our friends Dave and Kathy Roth who have the vineyard
3 we have also planted a small vineyard and plan to
4 expand.

5 I don't have the science of what losing
6 Kilarc will do to my farm, but from what everyone is
7 saying here it very well could impact the water table
8 that I get and where I sit. And I've invested every
9 dime I have in this farm. Every dime I have is in my
10 little tiny piece of land, which I'm surrounded by
11 amazingly gorgeous forests, wildlife, birds, not just
12 fish. And I don't even eat fish.

13 When we first moved up here my son, who is
14 out -- right there, he did a project, report for
15 school. I think it was in the 5th grade and Mrs.
16 German was his teacher. And his project was on green
17 power, hydroelectric power, and he did his entire
18 report on Kilarc. He's a sophomore in high school now
19 and when we becomes a dad and Kilarc isn't there for
20 his son to do a water project on, well, what's that --
21 that's not -- I mean, think about it.

22 You've had scientific evidence, you've had
23 reports, you've had Mr. Dye and Bob, you said your
24 name was Bob, they've been here for years living here
25 fishing up there.

1 And this huge community is coming together
2 begging for your understanding. And not trying to be
3 a jerk because we definitely want your guys' help
4 here, but I've watched your facial features,
5 especially the lady in the middle, and you almost have
6 zero facial expression. And do you have any idea how
7 that makes us feel? These are people. Your mother
8 could be in the audience, you know, your sister could
9 be standing up here begging for you to take our
10 feelings into consideration.

11 It's not about just money and the big dogs
12 with the -- you know, with big PG&E. This is a
13 community that's been here for over a hundred years.
14 There's a great deal of history here, history that is
15 so fascinating going back to the Indians. Dave and
16 Kathy have just -- oh, there's so much history here.
17 Please take that into consideration.

18 And as far as costs and whatnot goes, if I
19 have to dig my well again, which I had to do two years
20 ago, so it would be the second time I had to dig my
21 well. That's \$50,000 I've had to spend on a well on
22 my farm. If I have to dig it again because Kilarc is
23 gone, I may as well roll up my lavender farm and go
24 move to Washington. Thanks. (Clapping)

25 MS. LINTON: Linda George.

1 MAGGIE TREVELYAN: I put her name down hoping
2 she would be here. I think her business interfered
3 with her coming here.

4 MS. LINTON: She signed it.

5 MAGGIE TREVELYAN: She's probably not going
6 to make it.

7 MS. LINTON: She's gone now?

8 MAGGIE TREVELYAN: No. She was unable to
9 come because of business and I think she's going to
10 submit something in writing.

11 MS. LINTON: Frank Galusha.

12

13 PUBLIC COMMENT BY FRANK GALUSHA:

14

15 FRANK GALUSHA: My name is Frank Galusha.
16 I'm an outdoor writer. My comments will be brief
17 because nearly every point that I had in mind has
18 already been covered.

19 And I would like to point out, if I may
20 paraphrase the gentleman who spoke after the calamity
21 in the gulf some years ago when Katrina struck, "are
22 we stuck on senseless"?

23 Another comment that I'd like to make, Ms.

24 Linton, I believe it is, when you began this

25 conference this evening you made statements to the

1 effect that it was over, that nothing that we said
2 here or did here tonight could possibly have any
3 effect on the outcome. Is that correct?

4 MS. LINTON: I don't remember making that
5 statement. The transcript will show it. But I do
6 want to -- I'll let you speak or do you want me to go
7 ahead and --

8 FRANK GALUSHA: No, please, I'd like an
9 answer.

10 MS. LINTON: We cannot state the commission's
11 decision before the commission issues their decision.
12 That will come forth in the order on the application
13 to surrender the project. Right now we're in the
14 environmental review stage.

15 However, the environmental -- the NEPA
16 document or in this case the DEIS provides a
17 recommendation. The decision will document -- will be
18 the commission order.

19 Now, one thing that -- and Kelly Sackheim
20 touched on it a little bit when she came up. I want
21 to remind everybody that Project 606, the Kilarc-Cow
22 Creek Project, it's not -- it's a project regulated by
23 FERC. It is a PG&E owned project. PG&E proposed to
24 surrender the project. The commission did not go to
25 PG&E and say you should surrender or we recommend you

1 surrender or we require you to surrender. It was a --
2 the application to surrender was a business decision
3 proposed by PG&E.

4 The commission received that application in
5 March 2009, had public -- issued a public notice, had
6 public meetings, had scoping, did everything to get up
7 to the process of the NEPA document.

8 We want to acknowledge that it is not our
9 project to keep or surrender. They came forth with
10 the surrender. There are federal statutes that allow
11 licensees to surrender projects. We cannot change
12 those statutes. We cannot waive those statutes. We
13 are just acting on an application that was sent to us
14 that was a business decision and that decision was
15 made prior to filing the application with us.

16 It is our job to look at all of the impacts
17 on all of the resources. That's what we are trying to
18 do in our NEPA document. We want it to be accurate.
19 We want it to be factual. We do not want it to be
20 heavily weighted one way or the other. We want the
21 community represented, we want the NGOs represented as
22 well as the resource agencies.

23 But I just wanted to clarify as Kelly
24 Sackheim mentioned that surrendering the application
25 is what's before us. We are not looking at who will

1 come next at this point in the process. So -- and I
2 think in my opening statement I said that we're only
3 looking at PG&E's request to surrender their
4 application.

5 FRANK GALUSHA: Thank you. Therefore, if
6 that's true, then you have heard much testimony
7 tonight that would allow you to, how should I put it,
8 destroy the artificial barriers that seem to have been
9 erected in this -- or at least that's what I have
10 understood, in this process so that we can go back and
11 do a better job as all these who have testified have
12 said and do this right.

13 I would like to make a couple of additional
14 points. Where are the resource agencies tonight?

15 AUDIENCE MEMBER: Hiding.

16 FRANK GALUSHA: Where are the people from the
17 California Department of Fish and Game who had made
18 the statements that they have made that FERC has
19 relied upon which have been thoroughly refuted here
20 tonight and at previous meetings? Where are the
21 people from the National Marine Fishery Service NMFS?

22 AUDIENCE MEMBER: Where's the opposition to
23 us?

24 FRANK GALUSHA: Where is the U.S. Fish and
25 Wildlife Service representative? They are not here.

1 I believe they are unable to defend their positions.

2 I have not been able to get them to speak to me in a
3 way that convinced me that they do.

4 I believe if you continue down the path that
5 you're going you will thrust a dagger into the heart
6 of this community. It will kill this community. And
7 I urge you not to let that happen. (Clapping)

8 MS. LINTON: Just for the record, I do not
9 believe any California Department of Fish and Game,
10 National Marine Fishery Service, or Fish and Wildlife
11 Service representatives are here. It is disheartening
12 to us, also. Of course, we cannot make them come. I
13 do not see any signed up. I just want to clarify,
14 verify that there are none in the room?

15 AUDIENCE MEMBER: If you're disheartened by
16 them not being here how does it make you feel that all
17 of us are here?

18 MS. LINTON: You guys are doing your job.
19 You guys are doing what the community should do and we
20 recognize that.

21 AUDIENCE MEMBER: Were they invited here?

22 MS. LINTON: Sure, sure.

23 AUDIENCE MEMBER: They got notification?

24 MS. LINTON: They've been invited every time.

25 AUDIENCE MEMBER: Because they're the reasons

1 that we are here.

2 MS. LINTON: We understand that.

3 AUDIENCE MEMBER: Am I missing something?

4 MS. LINTON: No, you're not.

5 AUDIENCE MEMBER: Wouldn't you guys want to

6 live in a place like this? Without this.

7 MS. LINTON: I think it's Ken Fry, F-R-Y.

8

9 PUBLIC COMMENT BY KEN FRY:

10

11 KEN FRY: I don't have a prepared statement,

12 it's just off the cuff. I'm very new here. I came

13 about a year and a half ago so I'm new to Whitmore. I

14 came out of Northwest Oregon. And I'm very familiar

15 with fish up there and they want a lot of water to

16 swim in. And if they can't get up that they'll go

17 find some other water to go up.

18 And the water I've seen on South Cow Creek in

19 the past -- and I've been around here for, what is it

20 now, almost four years now in the area -- South Cow

21 Creek is not exactly a stream for salmon. If you're

22 lucky to have any up the stream at all, even up to

23 Millville, I'm surprised.

24 But I look at it from a different

25 perspective. I look at it every different way

1 possible. I don't care about the fishing up on the
2 lake up there. I don't fish. I don't eat meat. But
3 what matters is these people out here.

4 I expected -- or I appreciate the question
5 that was brought up how many were for it and who were
6 against it. I expected somebody to stand up and say
7 they were against it. Nobody. I would expect in a
8 community like this, you know, if somebody didn't want
9 it they'd come here and say we don't want it. Please
10 take it out. Not a word. Why? These people want it.

11 To me it's historical. To go up there and to
12 destroy history is amazing. I don't understand that.
13 If it had been built back in the fifties, maybe even
14 in the forties and it was a bit of a nuisance and the
15 wind of the turbines or something was irritating the
16 neighbors or it was really affecting the water, the
17 stream, maybe if the upkeep of the bypass wasn't being
18 maintained, it was actually washing out the banks and
19 stuff, I can see people coming here and saying get rid
20 of it. They're not. They want it. It's history.
21 It's embedded in this community.

22 I came here because I have some of the best
23 neighbors I've ever seen. This is a Norman Rockwell
24 community. And you want to take that history away?

25 On the part on the fires, I'm a helicopter

1 pilot. I've flown on fires. I've flown in three
2 states, two times in California. The closer your
3 water source is to your fire the better you can
4 control that fire. The further you have to go far
5 afield the more expensive it is to the state, to the
6 federal government. The closer it is in the better it
7 is. I'm surprised there aren't more lakes being
8 created out here just for that case. And somebody
9 wants to take it out?

10 That brings me down to one question. Where
11 is the money? Where is the money? Who is pushing to
12 get rid of it so badly that they've convinced those
13 that prepared the document, which is, what, two inches
14 thick, that it should be all removed? Everybody here
15 wants it. Who doesn't want it? I want to hear it
16 from them. I want to hear why they don't want it.
17 Fish and Game can say all they want. There's
18 something behind that. There's money behind it. It
19 doesn't mean anything to the Fish and Game. Four
20 miles of stream of maybe some fish. I don't think you
21 got fish halfway down towards Millville.

22 Thank you very much. And thank you for
23 coming up here. (Clapping)

24 MS. LINTON: William Farrell, F-E-R-R-E-L-L.

25 WILLIAM FARRELL: Actually, it's F-A.

1 MS. LINTON: F-A, sorry.

2

3 PUBLIC COMMENT BY WILLIAM FARRELL:

4

5 WILLIAM FARRELL: My wife and I Sue have 440
6 acres on South Cow Creek. We've owned it since 1987.
7 And I'm back there talking to Marcie Farrell, no
8 relation, but maybe back in Ireland a long time ago,
9 and her family has five generations and about 2,000
10 acres working cattle ranch. And we were lucky enough
11 to be a neighbor of hers with another piece of
12 property. And a little bit further away on South Cow
13 Creek we have 440 acres.

14 Marcie was pointing out that the Tetrick
15 place was owned by Mr. Wagner who goes back to having
16 the first brand in Shasta -- cattle brand in Shasta
17 County, so you're now talking back over a hundred
18 years.

19 If you remember our last meeting we were
20 pointing out that this Abbott Ditch that is so
21 important to the ranches of South Cow Creek I was told
22 by people there, I'm not a hundred percent sure this
23 is accurate, was started in 1850. All this points out
24 I think not only the importance and the history
25 surrounding the South Cow Creek Valley and Whitmore,

1 but the -- my goodness, the length of ownership here.

2 If you remember last time I was also talking
3 about the groundwater that Erik Poole was talking
4 about. Because that Abbott Ditch -- and if you
5 remember I told you I had a geology degree. I'm
6 certainly not much a geologist. I'm now a dentist.
7 But I did try to remember a couple of things.

8 And I dug about 14 wells before I talked to a
9 real geologist, another Marine I was in the Service
10 with, and found that we were sitting on something
11 called the Chico Formation. The Chico Formation is
12 like 7,000 feet and what it has is something called
13 colonated seawater, which means back in Jurassic Park
14 and Tyrannosaurus Rex this was an ancient seabed.

15 And the interesting part is as you approach
16 the Chico it's impervious, but when you get close to
17 the top of it you'll get some brine. And if you dig a
18 little further you get actual saltwater, real
19 saltwater. And they measure that by something called
20 total dissolved solids.

21 And we did an experiment on a natural gas
22 seep that we have on our place and we discovered that
23 not only do we have 1,125 BTU gas coming out, but that
24 when you measure the total dissolved solids they're
25 about 31,000 parts per million. And what that

1 indicates is that -- fresh ocean water is about 33,000
2 parts per million. What that indicates that after 65
3 million years it hasn't been dissolving. It hasn't
4 been weakened hardly at all.

5 So how do you get a well out there? Well, in
6 my case I tried excavators, backhoes, and drilling 17
7 wells. I got one maybe with three to five gallons and
8 I decided to drill 20 feet more and sure enough I hit
9 the salt. So what I ended up doing was taking, as it
10 flows from the Abbott Ditch, digging down with either
11 a backhoe or excavator, then creating a reservoir and
12 from that we were able to provide five to six, seven
13 gallons a minute from that. So these ranches on South
14 Cow Creek have a problem of this Chico formation just
15 about everywhere.

16 But think what this ditch does. It also
17 creates an environment, a riparian waterway that
18 somebody just pointed out. We're not just talking
19 about the salmon and steelhead. What about the bald
20 eagles that are nesting on my place? They're not just
21 eating the salmon, the few that are coming up the
22 creek, and the steelhead, they're eating squirrels and
23 other wildlife. So taking away that riparian waterway
24 you're going to cut down drastically the habitat for
25 other critters, the flora and fauna.

1 Another part. Somebody was talking about 225
2 miles to get up here. In my stupider days I built a
3 canoe and in 1975 I decided I'd paddle to San
4 Francisco, not realizing that nobody never made it
5 before. And I went through with a couple guys and I
6 was the first guy to ever successfully paddle a canoe
7 from Redding to San Francisco.

8 And somewhere along the line I decided I
9 better measure that because of all the meanders. And
10 my calculation before Google Earth would have done it
11 so much easier was 387 miles from Redding; eight days,
12 20 hours, and 10 minutes. But who's counting. So
13 that was my little celebration of the Marine Corps'
14 200th anniversary 1775 to 1975.

15 And if it's 387 miles to Redding it's sure a
16 heck of a lot further up here. So it's a long ways
17 and a fish is certainly going to be pooped out by the
18 time he gets anywhere close.

19 If we take out the reservoir and then we take
20 out the ditch, then I guess what the fish and wildlife
21 guys are going to say it's better for the fish because
22 we're putting more water in the creek, right? Well,
23 already on my place -- and I'm sitting practically on
24 the 100-year floodplain. Well, that's going to go up,
25 isn't it. We've got a bridge there. Is that going to

1 rip out that bridge? We've got two bridges. Erik
2 Poole's got a bridge. Where's Erik? What's that
3 going to do to our bridges, Erik, on the one in 50
4 years on the 100 year? I've already seen one in the
5 100 year.

6 I told you I was a dentist and I remember --
7 unfortunately, we have to deal with malpractice suits
8 sometimes, right. And when they're talking to the
9 doctors about that they talk about something that says
10 res ipsa loquitur, and the fancy word apparently means
11 the thing speaks for itself. And so you don't have to
12 be a neurologist or a neurosurgeon to know that if
13 somebody's having gut surgery and they leave a bunch
14 of sponges in there this isn't a good thing. You
15 don't have to be a doctor to say that's malpractice,
16 do you.

17 Well, I think when you consider what the
18 comments are tonight I think you should reflect on res
19 ipsa loquitur. I don't think we have to be a
20 biologist or a geologist to know that this thing
21 speaks for itself, the justice of this. Thank you.

22 (Clapping)

23 MS. LINTON: Is there anyone else who would
24 like to speak? Richard and then Glenn.

25

1 PUBLIC COMMENT BY RICHARD ELY:

2

3 RICHARD ELY: Thank you, CarLisa. Richard
4 Ely. You have my card.

5 Well, most of the remarks that I might make
6 have already been made, so I'd like to build in the
7 interest of revenue upon the work of Bob Carey and
8 Mike Quinn who really talked about the fish issues
9 because they are indeed the things that are driving.

10 Wally Herger correctly identified the issue
11 we are here is basically because NMFS has conditional
12 authority in FERC licenses. And most likely that is
13 governing and pushing the FERC staff or biasing the
14 FERC staff towards accommodating that eventual
15 reality.

16 CarLisa, there are things FERC can do. Yes,
17 we understand perfectly what you're saying, that that
18 PG&E proposal to surrender the license is the form
19 that you are dealing with. You cannot grant that
20 surrender. You can delay. You can grant annual
21 licenses. You can do a great number of things. You
22 could foster conversations between the various
23 parties. You could in effect extend through, as PG&E
24 has done many times, 25, 30 years of annual licenses
25 which will completely delay any supposed benefits of

1 the fisheries agencies in effect forcing them to the
2 table.

3 There are many conditions of surrender that
4 you could come up with. FERC has a great number of
5 options. It has terrific power not so much over the
6 license conditions but over the process. And that
7 process can be used as a weapon. And I encourage FERC
8 to carefully consider how annual licenses, trials
9 whether with Steve's proposal or our proposal, the
10 Davis Hydro, could be accommodated, could be worked
11 out, could be -- could go on a trial basis in the
12 interest of the fish. Use the process that you have
13 control over while we change the legislature. I don't
14 know what Mr. Tetrick is doing but we are legislating
15 before we go to court.

16 I'd like to request also that the staff to
17 the extent that they can and the commission to the
18 extent it can require any conditions submitted to them
19 to pass the 2002 Federal Data Quality Act. We
20 recognize that this will not be supported in judicial
21 review, but the Federal Energy Regulatory Commission
22 has a judicial type mantle, a regulatory mantle that
23 is independent of the judicial process and could be
24 fully -- fully reflect the 2002 law. I request that
25 you fully consider using that law as a weapon

1 requiring the agencies who have -- who encumber your
2 operations in their activities and come back to them
3 and require them to meet that.

4 I apologize for the rest of my remarks. I've
5 edited them severely to make them short.

6 With the reality that this entire process is
7 being driven by an agency that wants to express fish,
8 we believe that all people here in this room do and
9 are concerned about the quality of fish in the area,
10 all fish, not just the ones in Kilarc but also up and
11 down the river. There is no one here I will bet in
12 this room that is not concerned about these natural
13 resources. True, we don't want to lose the facility,
14 the Kilarc facility that we all love, but nevertheless
15 there's no one here that wants any harm and would not
16 want to augment the existing and proposed fish that
17 could come up at least part way up the Old Cow.

18 Davis Hydro is a company that is a little
19 different than you might expect. I thought I'd just
20 interject a small thing here. Currently I'm a passive
21 guardian in the Sierra Club. Years ago in New England
22 I was an officer and committee chair and worked with
23 other environmental groups and agencies to help
24 anadromous fish in Northern Maine and other rivers in
25 the area. We sought and worked very hard for over 10

1 years to stop up the massive Hickey Winken dam
2 projects on the St. Johns and numerous other projects.
3 My frustration frankly with the club and others is
4 that it was not a positive step. It was not a step
5 forward, it was only actions against.

6 So I went out and started companies to build
7 small turbines to do as green power as we could in the
8 mid 1970s. Ever since then we have produced -- we
9 have produced -- or I have produced with other
10 companies 20 turbines that have been sold all around
11 the world. And in all cases we are careful, as
12 careful as we can be to consider whatever
13 environmental possibilities we can address.

14 Recently at University of California, Davis,
15 with Joe Check we researched fish friendly lowhead
16 turbines that pass fish both ways. After that we
17 developed fish herding technologies for guiding fish
18 past hazards and towards spawning grounds. That was
19 the work that led us to the Cow Creek Watershed
20 Management Group looking for a testing for that
21 technology. We have studied problems with steelhead
22 trout and salmon eggs.

23 With this background Davis Hydro asks not how
24 we can save Kilarc only for the community but rather
25 how we could use the Kilarc facility to meet our

1 common objective both providing recreational
2 facilities that are there but also to support and
3 enhance the anadromous fish that we would like to have
4 restored to our river.

5 In effect, we ask starting on the day that we
6 heard -- we first met Mike from CDFG about the Kilarc
7 Reservoir what can we do meet and exceed all the fish
8 agencies? How do we use the Kilarc project to enhance
9 fish? Thank you.

10 Well, enough of the Davis Hydro past.
11 Recently we have formed the nonprofit Kilarc
12 Foundation to address the restoration of the trout
13 populations in the Northern Sacramento area. A
14 foundation that will channel money and boots on the
15 ground and hydro operations to improve trout,
16 anadromy, and others. The nonprofit foundation is
17 currently funding -- and was formed by Davis Hydro is
18 currently seeking directors from the community who are
19 interested in the fish.

20 I'm going to save the rest of my remarks.
21 They're fairly technical concerning a single document
22 which I direct you to. It's an enormous document. On
23 January 11th of this year CDFG released its
24 Environmental Impact Report on hatchery operations.
25 This document is a stunning denunciation of the

1 federal and state practices of operating hatcheries in
2 California. The excellent work is the largest mea
3 culpa document by any group of agencies I've ever
4 seen, and I've been in the environmental business for
5 over 40 years. It is an extraordinary admission by
6 these agencies of their culpability in destroying the
7 health, genetic diversity, and viability of salmota in
8 the Sacramento River basin.

9 I'm going to have to retain the rest of my
10 remarks, but they basically point out that the
11 hatcheries have in effect released thousands and
12 thousands of fish, all of which are -- or many of
13 which are brothers, sisters, or first cousins. That
14 leads to huge inbreeding, massive depression, lots of
15 disease, poor genetic potential, and basically a
16 complete collapse of the salmotas that we're looking
17 at.

18 Yes, we have huge habitat reconstruction and
19 habitat we have to address. That's one half of it.
20 But a much harder, a much more complex job is the
21 genetic reconstruction restoration in this area. I'll
22 be filing a paper on this to complete it and be happy
23 to answer any questions for people who want to
24 understand this issue. It is going to be the real
25 battle. We understand the pollution of the river. We

1 can do something about that. The genetics issue that
2 we are now facing for any kind of effective
3 restoration is going to be a massive complicated
4 project. Davis Hydro would like to participate in
5 that and our filings will show how. Thank you very
6 much. (Clapping)

7 MS. LINTON: Glenn Dye.

8

9 PUBLIC COMMENT BY GLENN DYE:

10

11 GLENN DYE: I'm back again. Probably for the
12 last time tonight. I have a couple of words, but
13 before I say them I want to say to CarLisa and her
14 staff we gave you a hard time last time and it hasn't
15 changed tonight. But let me say that it isn't a
16 personal attack. It may be on FERC but not -- don't
17 you take it personally. You have been exposed to the
18 passion of Whitmore. And you understand and you know
19 how these people feel and what they're trying to
20 convey and what they're trying to protect.

21 There's a couple things that came up, and I
22 think because I was signed in early you thought I'd
23 already talked. But I still have a few things to say.

24 You heard about the wells and the problems
25 and PG&E said they talked to 11 different -- or

1 contacted 11 different people about wells to see if
2 they had a problem. They got one response.

3 Well, I've talked to more people than that
4 and I didn't get the response they got. I mean you
5 talk to Maggie and you know what the problem is with
6 the wells. If they're not deep enough or if they're
7 not positioned properly or the water table is low
8 because it's a drought year, they're weak on water.
9 They may have to haul it in. And we know people that
10 have hauled it in. So you heard a lot about the
11 wells. I'll skip that. But I'm going to hit fire
12 lightly.

13 As was pointed out by Maggie, this weekend --
14 yesterday morning there was a fire within a mile of
15 here. It was only two acres. And started by some
16 illegals growing pot. And it's piled up there now on
17 the Brady Ranch because they took it out. Anyway,
18 that was one fire. Cal Fire got on it very rapidly
19 and when they did they got it under control. They
20 didn't even ask the Whitmore Volunteer Fire Department
21 to join them, which they normally would do. They
22 controlled it that rapidly.

23 And then there was another fire over the
24 weekend over in Oak Run which isn't very far away.
25 And all of these are indicative of what control we

1 need and what we have to worry about every summer. It
2 gets hot and it's dry and Kilarc is very important
3 to -- as you heard earlier to the helicopter buckets.
4 They get there quickly and they put out spot fires and
5 bigger fires.

6 And the battalion chief here, third battalion
7 I believe it is, has indicated that they fill their
8 water tankers and their engines at Kilarc in addition
9 to using it for the helicopters dumping the buckets.
10 And we got a little joke that goes along with that
11 about barbecuing fish. Anyway, enough on fire.

12 There's a couple other things I'd like to add
13 in that, and the Gooches know this. In fact, I'm kind
14 of quoting them. They got their insurance bill this
15 year and it had gone up drastically. And you can
16 imagine if Kilarc is not there and doesn't have the
17 capability to fight fire there's only one company that
18 would give them insurance and I'm sure that company is
19 going to go away if the water goes away. And when the
20 insurance goes away it's going to affect the whole
21 community without any doubt.

22 And we talk about the cost of
23 decommissioning. It doesn't stop right there because
24 you've got the impact of the potential for the loss of
25 insurance, property value goes down -- I'm back where

1 I started. Anyway, I didn't think it would take that

2 long.

3 Property value goes down, quality of life

4 goes down. And what does that do to the community?

5 You're not only -- the ratepayers aren't the only ones

6 that are going to suffer. They have to pay for

7 decommissioning. You've got the decrease in property

8 value which takes taxes away at a critical time and

9 what's going to happen. The taxes, your taxes are

10 going to go up. Even if you don't have PG&E power and

11 aren't a ratepayer you're still going to be paying for

12 decommissioning. And that doesn't really stop right

13 there. The impact is on the community, on the

14 businesses, on the recreation, and we've gone through

15 that so I won't repeat it.

16 But fish, I got to hit it slightly.

17 Everybody else did so I'm going to. If you stop and

18 figure the money that's going into decommissioning,

19 what is added in streambed increase flow of water is

20 about 2.7 miles. And if you figure the dollars

21 against that we're paying around \$40 million a mile

22 for streambed that they can't say is actually

23 accomplishing, improving the fish in anyway. They

24 can't even show us a study that says the fish are

25 there.

1 So I know Battle Creek they're spending \$40
2 million or \$80 million, but they're getting 40 some
3 miles of streambed which is quite different.

4 Okay. I told you about the tax increase.

5 Well, I wrote an article for press release
6 and I'll give you a copy of it. I titled it "The
7 Death of a Village." And I think from what you've
8 heard you've recognized how these people feel and
9 what's going to happen to the businesses, to the
10 school, even to the post office. If they don't have
11 the traffic up here, if they don't have the water, if
12 they don't have a worthwhile quality of life all of
13 these things are going to go away.

14 So before I leave, though, and this isn't
15 part of the information we're passing along to you, my
16 grandson's girlfriend made a cake. It's back there.
17 It's going to be cut after this meeting is over and I
18 think it's just about there. And I'd like you to take
19 a look at it because she makes some beautiful cakes.

20 And I've got a copy of the one we had up for
21 the picnic two weeks ago, a picture of it, I finally
22 got one. I don't like the picture very well but
23 that's all I've got at the moment. And they're
24 beautiful cakes and they represent -- the one at the
25 picnic was one of Kilarc and a man fishing and fish

1 around it. And this one, well, I haven't even seen it
2 yet. I've only heard what it's supposed to be. But
3 you can take a look at it and I think we're all going
4 to get a chance to sample it.

5 And thank you CarLisa and company for coming
6 up. And we hope we accomplished what we intended to.
7 Thank you. (Clapping)

8 MS. LINTON: We have received information to
9 take back from Maggie Trevelyan, from Charles and
10 Debbie Dakaro, from commissioner Herger's office. If
11 anyone -- and from Glenn Dye. If anyone else has
12 information that they would like me to file on their
13 behalf of the commission then you can feel free to
14 bring it to me. Otherwise, we will encourage you to
15 file any written comments by the August 25th deadline.

16 I want to thank everybody who came up and
17 spoke. We do rely on information from the public and
18 we appreciate it. It's been -- it's been a fabulous
19 community in terms of coming out, speaking out. Staff
20 will take these comments, we will address them. We
21 know that the issue with the decommissioning of this
22 project is not petty on many fronts. We know the
23 impacts. We are hearing you on that.

24 And we want you to know that the next step
25 for staff is once the comment period closes then staff

1 will review the transcripts from both public meetings.
2 We will review the filings, and there are so many
3 filings, and we will begin writing the final EIS. We
4 don't know when that will come out. Even if we did we
5 couldn't tell you. But we will take an attempt in
6 that to be accurate and to be truthful and to
7 represent the things that we are hearing and the
8 things that are filed from resource agencies, NGOs,
9 and each and every one of you.

10 So we thank you for your verbal comments and
11 for your written comments and for the time and the
12 effort that we see that you all have put in on this
13 project. And thanks to everybody providing everything
14 for this meeting tonight.

15 So that's the next steps for staff. And I'm
16 not sure whether or not we will be this way again.
17 We've had two public meetings and that's kind of rare.
18 But it was needed in this case and I'm very glad that
19 we did and I just want to say thank you. (Clapping)

20 That concludes the second public meeting.

21

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23 (The meeting was concluded at 9:00 p.m.)

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PUBLIC HEARING BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION (FERC)

KILARC-COW CREEK HYDROELECTRIC PROJECT
FERC PROJECT NO. 606
CALIFORNIA

TUESDAY, AUGUST 17, 2010
WHITMORE, CALIFORNIA

Members Present for FERC:

- CarLisa Linton
- Andrea Claros
- Mark Carter

Reported by KINSIE ROWEN, CSR. NO. 10225

	INDEX	
		PAGE
1		
2		
3	GLENN DYE	4, 103
4	GLENN HAWES	7
5	DAVE MUIR	10
6	STEVEN SHOCKLEY	15
7	ROBERT MARX	17
8	STEVE TETRICK	18
9	MIKE QUINN	24
10	BOB SCHEIDE	29
11	HEIDI SILVA	31
12	HERB BALDWIN	36
13	GEORGE DEFILLIPO	39
14	TODD WROE	41
15	ROBERT STROUP	43
16	MAGGIE TREVELYAN	44
17	BOB MARK	48
18	BOB CAREY	49
19	JEFF DRESEN	55
20	JED WASHBURN	56
21	SANDY WINTERS	57
22	HENRY WU	59
23	BONNIE TETRICK	61
24	ERIK POOLE	66
25	KELLY SACKHEIM	71
26		

1	INDEX	
2		PAGE
3	KATHY ROTH	76
4	JIM FLETTER	78
5	LYDIA BLANCHARD	79
6	LYNETTE GOOCH	81
7	FRANK GALUSHA	84
8	KEN FRY	89
9	WILLIAM FARRELL	92
10	RICHARD ELY	97
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
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1 TUESDAY, AUGUST 17, 2010

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4 MS. LINTON: May I have your attention,
5 please. Ladies and gentlemen, we are now on the
6 public record.

7

8 PUBLIC COMMENT BY GLENN DYE:

9

10 GLENN DYE: Good evening. And welcome to
11 this meeting that concerns the Draft Environmental
12 Impact Statement for Kilarc-South Cow Creek Project
13 606-027. And thank you all for coming. It looks like
14 we have a pretty fair crowd. We delayed opening
15 because we'd like everybody to be in and ready to
16 speak their piece.

17 I think you know who I am. John already
18 indicated that, so I'm Glenn Dye. And I want to thank
19 all the people that have helped us reach the point we
20 are at at the moment. There is no way I can thank all
21 the individuals that have worked and helped to bring
22 us to this point. And I'm a perennial optimist so I
23 think it's going to be successful. But if you don't
24 feel that way you don't work very hard at it.

25 Anyway, there's no way that I could thank

26

1 individuals because there's so many and if I tried I'd
2 forget somebody and that's not good. There is one
3 person I will like to point out and that is Maggie
4 Trevelyan. She's responsible for what's going on
5 around here. She does all the work and I have all the
6 fun. And she is a worker. (Clapping)

7 Maggie, you're supposed to take a bow when
8 they clap for you.

9 The purpose of this meeting is to provide the
10 public input to the Federal Energy Regulatory
11 Commission. And so we as a community want to extend a
12 warm welcome to the members of FERC, that's the
13 acronym that goes with the Federal Energy Regulatory
14 Commission, that are here today. So I'd like you to
15 welcome them and give them a big welcome. We're glad
16 to have them back on our turf. (Clapping)

17 This is our meeting. They are here to listen
18 to our concerns and record them and take them back
19 when they go back to Washington. So please note that
20 FERC has a responsibility to represent the public
21 interests. So that's why we're providing the public
22 input so they have all the information that they can
23 use when they go back to Washington and make a
24 decision. The indication currently is we don't like
25 the decision, but that's why we're here to make the

26

1 points that we are intending to make to change it.

2 Now, CarLisa had already indicated that we
3 have a court reporter here and will record all the
4 information that is put forth during the course of the
5 meeting.

6 The sign-in sheet was at the door. If you
7 wanted to speak you put down a yes. Now, that does
8 not commit you to have to speak. If you decide not
9 to, and sometimes it's because someone just ahead of
10 you may have said the same thing you want to say, so
11 there's not too much point in you wanting to repeat
12 it. But we would like you to indicate if you're not
13 going to speak after putting yes on the sign-in sheet
14 that you indicate that the reason is that someone else
15 has already stated the case for you.

16 Now, I have attended every meeting concerning
17 Kilarc and South Cow Creek Power Station, the project,
18 where they have been within driving distance for the
19 last five years. So I know the circumstances pretty
20 well, the people that are involved. And the agreement
21 in 2005 that was made and we were not a party to was
22 made known only through the stewardship council, who
23 came out here. They are dedicated to or consigned,
24 however you want to put it, to dispose of PG&E
25 property. Lately it looks like they're not disposing
26

1 of it all, for what reason we haven't found out yet,
2 but I think we will in time.

3 Now, to maintain the order in the room I want
4 to indicate that if you need to get up and move around
5 or if you want to go back and get a snack, food, feel
6 free to do so, but please do it quietly so that your
7 speakers can be heard and you'll know what they're
8 doing to help retain these valuable assets that we're
9 here fighting for.

10 Now, before I ask CarLisa to introduce her
11 staff, and she will at that time also start calling up
12 the individuals that have requested to speak, I'd like
13 to introduce our district supervisor Mr. Glenn Hawes.
14 He would like to welcome them to beautiful downtown
15 Whitmore. (Clapping)

16

17 PUBLIC COMMENT BY GLENN HAWES:

18

19 GLENN HAWES: Thank you, Glenn. And I'm
20 proud of all of you for sticking with this through all
21 of what we've had to go through. It's not been an
22 easy time.

23

24

25

26

And today really, really sets with me. It's
a mixture of happy and sadness because I got, along
with my colleagues, to visit the windmill farm that's

1 just being built up on Hatchet Ridge, 44 nice big
2 windmill towers that are going to produce 104
3 megawatts of power. Here we are building green power
4 not that many miles away from here in my district and
5 we're having to put up with all of this about taking
6 out green power here. It does not make a whole lot of
7 sense to me.

8 But anyway, I wanted to thank you very much
9 for coming back to Whitmore. (Clapping) Really,
10 really appreciate that.

11 And I want to thank Wally Herger's office and
12 Dave Muir that's here for helping make this happen. I
13 don't believe it would have happened without your
14 help.

15 Also, I have with me our CAO Larry Lees, he's
16 back there. (Clapping)

17 I have the chairman of the board District 1,
18 David Kehoe. (Clapping)

19 I have Leonard Moty District 2. (Clapping)

20 And then Rick Simon is here. He's our
21 planning director. He gets involved with a lot of
22 these issues. (Clapping)

23 Thank you all for coming up to support this.
24 I really do appreciate it. And I know all of these
25 people and our county do also.

26

1 Kilarc has been a part of this community and
2 county for over 100 years. Investment and personal
3 decisions have been made on the reliance of water for
4 such things as fire suppression and reliable wells and
5 those are big issues. We don't know what will happen
6 with the wells in this area once they -- if the
7 reservoir is taken out. The DEIS as drafted will
8 create an environmental injustice that cannot be
9 mitigated. And I really do believe that.

10 We believe there is a plan in front of FERC
11 that would solve all of the issues. I hope that you
12 start over with your DEIS. This area deserves a
13 topnotch process.

14 Thank you everyone for being here today
15 tonight, and once again thank all of you for coming
16 back because there's a lot of people here that have a
17 lot to say. Thank you.

18 MS. LINTON: Good evening. I'm CarLisa
19 Linton. I'm the environmental coordinator on the
20 Kilarc-Cow Creek Project. And once again, the
21 community has come out in fabulous numbers and we
22 appreciate that. We are here to hear from you. It is
23 your public meeting. We are here to receive your
24 comments on our Draft EIS that was issued June 22nd.
25 Comments will be accepted until August 25th. And I'm
26

1 going to introduce the FERC team and we are going to
2 get started with hearing you speak.

3 We will allow -- based on the sign-in sheets
4 we will allow four minutes per person so that everyone
5 can be heard. We will have a FERC staff stand up at
6 four minutes so we can stay on top of the time and
7 keep the meeting moving along.

8 We have an independent court reporter here
9 today and we hope that everybody can make it up to the
10 podium to speak clearly and state your full name for
11 the court reporter so that she can have you on the
12 record.

13 With me tonight is Andrea Claros. Can you
14 stand. She is working on the fisheries in the EIS.
15 And Mark Carter who's working on the recreation and
16 the land use resources and socioeconomics. And Mark
17 will stand up at the four-minute interval and keep us
18 on track tonight. (Clapping)

19 We want to first give time to Mr. Dave Muir
20 representing the Congressman's office. You will be
21 our first speaker.

22

23 PUBLIC COMMENT BY DAVE MUIR:

24

25 DAVE MUIR: Thank you. My name is Dave Muir.

26

1 I'm the deputy district director for Congressman Wally
2 Herger and I will be presenting his statement for this
3 evening.

4 I wish to thank FERC for accommodating the
5 Shasta County Board of Supervisors, concerned
6 citizens, and my office in scheduling this additional
7 meeting to receive public comment on the Kilarc-Cow
8 Creek Project Draft Environmental Impact Statement. I
9 particularly appreciate the fact that FERC has created
10 this opportunity in the community that would be most
11 directly affected by the removal of a reservoir and
12 related facilities that have been part of the
13 landscape for a century.

14 Although this is a meeting with a specific
15 agenda, to take comments on the DEIS, I wish to
16 broaden the scope of my comments to address more basic
17 issues of process and scope of authority. Thank you
18 for accommodating me as I digress a bit.

19 By way of background, I've long advocated the
20 need for more dams, more water storage, and more clean
21 hydroelectric power. I believe it's obvious that our
22 state needs these benefits more than ever. But I
23 fully acknowledge it is the Congress, and not FERC,
24 that bears the responsibility to reform our current,
25 unbalanced environmental laws that have created this
26

1 situation in which companies are forced to pay huge
2 costs for environmental mitigation that often make it
3 cost-prohibitive to operate a hydroelectric project.

4 Currently, the land management (Forest
5 Service BLM) and fish and wildlife agencies (NMPS and
6 Fish and Wildlife Service) have "mandatory
7 conditioning authority" which allows them to establish
8 conditions to protect resources under their
9 jurisdiction that a hydro project might affect.

10 Congress has tried to address this issue and
11 tip the balance of power back towards FERC and
12 hydroelectric project license holders. Unfortunately,
13 those efforts have not gone far enough given the
14 subject of our discussion this evening.

15 I've always been an outspoken supporter of
16 reforming these laws to reduce this huge financial
17 burden on our area and I will continue to do so.
18 Although such reform has always been and will continue
19 to be a challenging task, particularly with the
20 current Congress and Administration, I will continue
21 to do whatever I can to try to fix this problem so we
22 do not continue to face situations in which companies
23 have to tear down dams because of these unbalanced
24 environmental laws.

25 With all of that said, I do have some issues
26

1 to raise for FERC review. Based upon the
2 conversations my office has had with local government,
3 local constituents, FERC staff, and Evergreen Shasta
4 Power, there's significant disagreement and confusion
5 over the role of FERC and the scope of FERC authority
6 on fundamental questions.

7 There is no question that decommissioning of
8 this project will have impacts on the community and
9 neighboring landowners. My constituents have asked
10 whether a cost/benefit analysis and a full analysis of
11 a local impacts is a required part of this process, if
12 it will be done, and when it will be done. It will be
13 enormously helpful to simply have clarity from FERC on
14 this matter.

15 In another vein, FERC has noted that key
16 deadlines were missed when no entity filed in a timely
17 manner to take over the Kilarc project. However,
18 Evergreen Shasta Power's legal counsel and others
19 insist that, even at this late date, FERC has the
20 authority to convene a settlement conference and
21 require a review of alternatives of facilities
22 removal. It is my understanding that FERC has
23 rejected this request from Evergreen Shasta Power and
24 other parties citing a lack of standing. This
25 fundamental issue must be addressed. I'm formally
26

1 requesting that FERC's legal staff analyze this basic
2 question.

3 FERC would be doing an enormous public
4 service by clarifying whether it is possible, at this
5 or any future stage of the process, for another entity
6 to potentially operate the Kilarc-Cow Creek Project in
7 lieu of decommissioning. I realize there are
8 significant legal and regulatory issues at play. But,
9 fundamentally, all interested parties would benefit
10 from an understanding of what is and is not possible
11 in the FERC process at this point.

12 I ask FERC to be as open, plainspoken, and
13 transparent as possible in addressing the numerous
14 questions that have been posed.

15 Again, thank you for conducting this local
16 meeting.

17 A copy of the statement has been provided to
18 FERC staff.

19 MS. LINTON: We will, FERC staff will take
20 your comments back to the commission and we will talk
21 about that with our legal counsel. We are not legal
22 staff and we're not to make decisional or policy
23 calls.

24 However, it is staff's understanding that the
25 surrender of license application that was filed in
26

1 March of '09 is the action that is before us right
2 now, that we are not looking at relicensing in the
3 future or what will come beyond the commission acting
4 on the surrender application that is before us.

5 And yes, we have said that deadlines have
6 passed and those are regulatory things and the
7 regulations were followed.

8 What we are acting on now and the only thing
9 we are acting on now is to come out with a decision on
10 the application to surrender the license application.
11 But we will take it back to our office of general
12 counsel as soon as we get back.

13 Next up to speak tonight, and excuse me if I
14 don't pronounce it correctly, is Steve Shockley.

15

16 PUBLIC COMMENT BY STEVEN SHOCKLEY:

17

18 STEVEN SHOCKLEY: Yes, you're right. Thank
19 you. My name is Steven Shockley. Most of you here
20 know me. I've served on the school board for the past
21 six years and I've lived in Whitmore for 20 years now.
22 And I just have -- I've been doing a lot of thinking
23 about this. And I see ranchers that are aging now and
24 they have leased land to raise their cattle on and
25 helping kids and grandkids that are now stepping into

26

1 their shoes. They're raising their kids how to run
2 cattle and have cattle at a decent price for land. I
3 just -- I just think that that's going to be very,
4 very hard on those folks here that have been here for
5 so long.

6 When I look at Kilarc and I look at 1903 I
7 realize that Kilarc has existed the majority of the
8 time that California's been a state. I mean all the
9 people that are here came here from other people that
10 were here and passing the word on. There is an aura
11 here and part of that is because of Kilarc, the water,
12 and the land that we've been able to use to this
13 point.

14 And our founding fathers said that it was of
15 the people, by the people, for the people. And in
16 those documents somewhere there's also writing that
17 says anytime that the government does something that's
18 adverse to the people, then the people have the right
19 to change those laws and their government. (Clapping)
20 Thank you.

21 I've buried a lot of people that lived here
22 and taught me how to fish at Kilarc. I've been to
23 weddings of people. I've seen kids grow up from
24 kindergarten through high school here and get married
25 and have careers and positions and they all love
26

1 Kilarc. I don't know of anyone that ever says
2 anything bad about Kilarc. It's such a beautiful
3 place.

4 And I hope that FERC will take into
5 consideration the hearts and the feelings of the
6 families and the citizens here, how we feel about
7 Kilarc. Not just the adversity of the riparian and
8 all these other issues that are out there for water
9 and how it's going to affect wells that are
10 preexisting. I mean there's a lot involved here. And
11 I hope that your decisions are for the people of
12 Whitmore and for the best interest of everyone. Thank
13 you. (Clapping)

14 MS. LINTON: Robert Mary. Robert Mary.

15 JOHN ELAM: When you use this mike try to get
16 right into it. The people in the back cannot hear and
17 if I turn it up any higher you'll all hear it.

18

19 PUBLIC COMMENT BY ROBERT MARX:

20

21 ROBERT MARX: My name is Robert Marx. I was
22 born and raised at Kilarc Powerhouse until 1934 when
23 my father had to move to Redding. I have fished Cow
24 Creek and the reservoir for over 75 years, and I've
25 enjoyed every time I've been there. To me this is

26

1 home. This is something that doesn't ever leave you.

2 And almost two years ago the division of Fish
3 and Game what they said about the salmon coming up the
4 river, I have never seen the salmon in the river, and
5 I have fished it continuously up until 20 -- I'm 90
6 years old. And we used to go down under the falls, my
7 dad, and get the salmon in the falls when they were
8 running. And they would smoke it so we'd have salmon
9 during the year. So I know that salmon cannot get
10 over that fall.

11 And to me here at Whitmore I can remember
12 this when it was an old town, and I'll never forget
13 it. And I just thank you for the town of Whitmore.

14 (Clapping)

15 MS. LINTON: Steve Tetrick.

16

17 PUBLIC COMMENT BY STEVE TETRICK:

18

19 STEVE TETRICK: Good evening. I'm Steve
20 Tetrick. I live right down the creek from you guys.
21 I'm closer to Whitmore than I am to Millville if you
22 know where I live. I live at 27500 South Cow Creek
23 Road, Millville, California. My wife Bonnie and I
24 live at what we call the Tetrick Ranch. It used to be
25 the Wagner Ranch. I'm also a principal of Evergreen

26

1 Shasta Power, which is a proponent --

2 MS. LINTON: Could you spell it for her.

3 STEVE TETRICK: It's T-E-T-R-I-C-K.

4 I'm glad that everyone came out tonight. I'm
5 glad that we were able to make this meeting up here
6 for the folks of Whitmore.

7 I want to thank Congressman Wally Herger's
8 office for accommodating, Shasta County for getting
9 this meeting pulled together, because as you all know
10 the last meeting that we had down in Redding was
11 relatively short notice. So thank you for coming
12 back.

13 You all probably know by now reading --
14 hopefully reading our files and hearing from the
15 people of Whitmore and the community of Millville that
16 Project 606 is a big part of our community and has
17 been so for the past hundred years.

18 You know, people like Erik Poole who moved
19 into our valley about, you know, five years ago moved
20 in with the expectation that, you know, he had water
21 on his ranch. And we've had -- you know, we have
22 Marcie Farrell from down the street, her family
23 settled that South Cow Creek Valley for over a hundred
24 years. And to have something like this happen is
25 going to be a terrible experience.

26

1 People move to Whitmore because, you know,
2 it's beautiful up here. You have a reservoir to go
3 recreate and now they're talking about taking it out.

4 As most of you know, and hopefully FERC knows
5 by now, you know, Evergreen Shasta Power, a company
6 that we formed, came up with a plan that's local,
7 involves the County of Shasta, it involves another
8 large landowner here Sierra Pacific Industries. They
9 own all the land around Kilarc. We own a lot of the
10 land around the South Cow Creek project.

11 We came up with a plan where we offered to
12 pay PG&E money for the facilities, fair market value,
13 and we offered to the agencies to give them more
14 stream flow for fish, and we offered to improve the
15 habitat by doing certain renovations in the streams.
16 And we filed this back in January and we've heard
17 nothing, you know, from FERC. We've heard nothing
18 from your entity and we're a little bit disappointed
19 in that.

20 We've been working with the agencies trying
21 to see what we could do to work with them because we
22 know that they control FERC licenses and FERC
23 exemptions, and we think we've been making some
24 progress but, you know, here we are tonight. I'm
25 telling you we're disappointed we haven't heard from
26

1 you.

2 We believe the law requires that FERC act in
3 the public interest. And I've got a couple questions,
4 you don't have to answer them, I just want to put them
5 in the record, CarLisa.

6 Can there be any question in FERC's
7 assessment that the continued maintenance of the
8 project is in the public interest?

9 If not, then there are questions FERC should
10 answer before a final EIS is issued. Specifically,
11 the staff should state clearly what part of the public
12 interest is given higher priority in FERC's decision
13 making than this community's survival.

14 Another question. Because, you know, we
15 hired a team of biologists. One will speak tonight.
16 And this one, you know, I don't think anybody knows,
17 what science did FERC apply to test its key
18 assumptions? Did it ask the agencies to support their
19 contentions or positions? We haven't seen the record
20 yet.

21 I can tell you that Tetrick Ranch, Evergreen
22 Shasta Power, and I know most of you in the community
23 intend to supply better information on some of the
24 issues by the written deadline I think, which is still
25 August 25th, is that the case? So we have until
26

1 August 25th everyone to file our written comments to
2 FERC.

3 Because it's clear that FERC staff relied
4 heavily on the information supplied in its surrender
5 application by PG&E and some of the agencies, and we
6 know many parts and many aspects of those -- of that
7 information was incorrect.

8 Thanks. I'll wrap it right up.

9 AUDIENCE MEMBER: You can have two of my
10 minutes.

11 STEVE TETRICK: Thank you.

12 And then getting back to my greatest
13 disappointment in this whole situation is that we went
14 through great pains, hired consultants, you know, met
15 with landowners, you know, met with biologists, met
16 with resource agencies, and came up with a plan that
17 we thought was a good one. Rather than having to
18 spend 14 and a half million dollars plus to take out
19 these facilities we came up with a plan where we
20 thought we could invest in the community and keep the
21 facilities going.

22 And to the best of my knowledge, as I said
23 earlier, FERC has not responded. What they did say in
24 the DEIS was something along the lines that when we
25 asked for a settlement they basically said somehow we
26

1 weren't a major player. And you know, maybe we're not
2 a major player. These two facilities are pretty
3 small. That's probably why a major player wants to
4 get rid of them. You know, it's only two megawatts
5 and five megawatts. Call us second rate, we still
6 deserve an opportunity to settle. We think that -- we
7 think that our proposal needs to be considered by
8 FERC.

9 If you don't cause us an ability to settle,
10 the way this is going, you know, I can tell you from
11 my side of the creek, you know, we have adjudicated
12 water rights that are going to cause this thing to go
13 into court in a California state court for years. And
14 I don't think that's good for the fish.

15 You know, I don't think that's good for FERC.
16 You know, we -- we -- we put into the written record
17 hopefully clear enough to suggest that there's lots of
18 issues and we are hoping that you can see those issues
19 because if you approve this DEIS it's just going to be
20 a big quagmire for probably 10 years or more. And
21 that's not good for anybody except for the lawyers.
22 It's certainly not good for the fish, certainly not
23 good for PG&E and the community. And we just want you
24 guys to read what we've written, give us
25 consideration.

26

1 So if you continue along the path that you
2 have, I'm addressing CarLisa and her staff, in this
3 Draft EIS the way it is written and we don't have a
4 settlement, you know, the only thing we're going to be
5 able to do then is to appeal that decision to your
6 commissioners and then go on to the next step. And I
7 don't think that's good either. We want to work
8 things out. We're here to work things out.

9 Thank you for your time and -- (clapping)

10 MS. LINTON: Mike Quinn.

11

12 PUBLIC COMMENT BY MIKE QUINN:

13

14 MIKE QUINN: Good evening. My name is Mike
15 Quinn, former landowner up here in Whitmore. Studied
16 fish, especially the salmon and restorations in
17 California, Washington, Alaska, been part of some of
18 the studies that have been going on up there. There's
19 some of the science here I want to talk about tonight
20 and also some of the economics.

21 There is a February 27th, 2002 memorandum
22 from Department of Fish and Game, which is being
23 heavily used in this whole situation in which three
24 specialists went out to the falls in Whitmore to
25 observe and make some kind of a written statement that

26

1 says that the fish are going to go past those falls.
2 I'm going to read part of this. It's pretty
3 interesting what they've come up with and how this is
4 being misinterpreted.

5 They went out January 16th. It says the
6 falls on January 16th were low approximately --
7 (interrupted by the reporter).

8 It says that the flows on January 16th were
9 low, approximately 50 cubic feet per second, and the
10 water temperatures measured at 38 degrees. Then it
11 goes down and it says plunge pool and habitats
12 downstream for approximately 300 feet were snorkeled.
13 No fish were observed -- and this is the most
14 important part of this whole paper -- which is not
15 uncommon at that water temperature.

16 That is exactly the science that is missing
17 here. Salmon and steelhead seek 53 degrees. They are
18 coming up to spawn. That's the only reason they are
19 swimming upstream. They need -- they know in their
20 minds that if they do not lay the eggs in 53 degrees
21 they will not hatch. There's nothing -- it's not
22 going to happen. That's why they always seek that
23 temperature.

24 So they are saying here that this piece of
25 paper that we are depending upon says the fish are not

26

1 going to be there no matter what the flow, it's the
2 temperature. And it says it's not uncommon at that
3 water temperature. They observed this.

4 And later on they came up on February 21st.
5 They said that the flows were approximately 2,900
6 cubic feet per second, which is 58 times the flow, and
7 there's no fish. So it's the temperature of the
8 water.

9 And when you're saying that the fish if
10 you've got these falls that they're going to go over,
11 you have four foot at the dam, then you've got 10, 12
12 feet, whatever number you want to use, if they're
13 jumping the 12 they're going to go over the four. But
14 they're not coming up in the first place. Because the
15 only time that that can happen is during the winter
16 when you have temperatures that they will not swim
17 into. And it is their observation. It's not uncommon
18 at that water temperature there are no fish.

19 Right now you can't have that. They can't be
20 jumping the falls. There's not enough water. They
21 need enough water to get a start and to leap. And at
22 the most they're saying a steelhead. Salmon will not
23 do this. They're too big. A steelhead may be able to
24 get 11 to 14 feet. But they're not going to be there
25 at the time when there is enough flow. They

26

1 contradict themselves in this piece of paper.

2 Moving on to some of the other subjects.

3 Waterfowl. Again, nothing has ever been said -- the
4 Record Searchlight from this week, they're talking
5 about the drought that we have just over the hill.
6 And it says there's not nearly enough water to flood
7 fields and marshes in time for the upcoming fall and
8 waterfowl migration.

9 You're taking this out. There hasn't been
10 one person that's mentioned what this has -- the
11 effect on the waterfowl on the Pacific flyway. That
12 needs to be addressed.

13 Fire response. It is absolutely critical
14 that you have these small lakes around there for the
15 helicopters, the strike teams. This is something
16 that's new to firefighting. I fought fires 30 years
17 ago. We didn't have helicopters at that point. They
18 immediately can hit those fires and put them out and
19 that is extremely critical up here. There's been two
20 major fires here.

21 Endangered species. California was sued by a
22 group in Oregon and they said we want you to stop
23 planting fish in every lake and stream in California
24 because you're endangering the frogs and you're
25 endangering the redband trout that live there, even

26

1 though you've been doing it for a hundred years huge
2 losses. They finally settled and about 30 percent of
3 our lakes and streams are no longer allowed to have
4 planted fish in them. Even though it's been done for
5 a hundred years and there's still frogs and there's
6 still redband trout there.

7 You are taking a lake up there that has these
8 endangered species in it and saying we're just going
9 to drain it. It's okay to do that. Well, there was
10 just a lawsuit that says that you can't do that. Fish
11 and Game is fighting back and forth on this and it's
12 crazy.

13 Wetlands. Extremely important in
14 California. If you have any wetlands on your land you
15 have to build almost a city around -- a wall around it
16 to protect those. This has got wetlands in it not
17 only along the lake -- and if you walk up there you
18 can see it. You're going to drain wetlands in
19 California? It cannot happen. This is a case of an
20 endangered species eating an endangered species. What
21 do you do?

22 Property values.

23 There are so many other things we can go on
24 down, but the science of this is incorrect. And I
25 think that that needs to be addressed immediately
26

1 because that's why they said that they want this out
2 of there. It's going to make the -- it's going to let
3 the salmon and steelhead go upstream. Cannot, will
4 not happen. (Clapping)

5 MS. LINTON: Bob Schiede. That's
6 S-C-H-E-I-D-E.

7

8 PUBLIC COMMENT BY BOB SCHEIDE:

9

10 BOB SCHEIDE: Good evening, everybody. I
11 think you can probably hear me. Most of the time you
12 can't. I'm speaking tonight as me, not anything else
13 I represent in the community but me.

14 It's really disheartening to hear the FERC
15 representatives say regardless of what we do it don't
16 matter, it's over. They've made their mind up. The
17 hell with the evidence, it doesn't matter.

18 However, when you base the whole thing on a
19 fairy tale, which is what Fish and Game has actually
20 done, the story of the salmon is really a mystical
21 fish. She can leap tall falls in a single bound.
22 She's psychic because she knows when the high water's
23 going to be there in the falls, a little bit lower and
24 she can in fact jump up it.

25 However, she has to be followed by her mate,

26

1 and we all know that guys will go anywhere to go with
2 her, so they all go up there.

3 Let's say this magical fish spawns and has
4 young. The male generally dies. That's the price we
5 pay. That means there would be dead fish in that
6 branch of the creek.

7 Has anybody in a hundred years ever seen one?
8 No. But that doesn't matter because Fish and Game has
9 told their fairy tale and FERC has bought it.

10 And also reading the FERC document 103 times
11 you find out that they haven't done their legwork
12 either. When they tell me there is a lake that has
13 equivalent access to car in a driving vicinity I want
14 to see that lake. I've operated 25 years in the CVP,
15 that means Shasta, Sacramento. I've been to almost
16 every lake in Northern California. I haven't seen any
17 offering the access that Kilarc does.

18 When a guy in a wheelchair can go fish and
19 relieve the tensions of living in that chair, you
20 can't duplicate that anywhere else that we know of,
21 anywhere. But yet it doesn't matter.

22 They think that Fish and Game's fairy tale is
23 somehow logical. Does it really make sense that a
24 strategically figure of 25 CFS cut in the water going
25 to Kilarc, that's just enough to ruin that plant

26

1 economically for power production? Was it
2 scientifically figured out or could it have something
3 to do with something figured out on the side about the
4 same time.

5 At the same time they were trying to destroy
6 this plant they were negotiating to do two plants off
7 the Pit, 100 CFS, baby plants just like this is.
8 Worthwhile building and running, this one isn't.
9 Something wrong with that idea.

10 For them to say that water rights that exist
11 for a hundred years, we're just going to take them
12 away, it doesn't matter. Try that in Idaho I would
13 suggest and see how well you do. You're not going to
14 live through that one. (Clapping)

15 It's no secret that we're facing a power
16 crisis in this country, yet they want to destroy a
17 nice little green plant that, above all else, when the
18 grid goes down, and it will, we could supply Whitmore
19 with power with that plant. Some of us know how to
20 run it. (Clapping)

21 MS. LINTON: Heidi Silva. I think it's
22 S-I-L-V-A.

23

24 PUBLIC COMMENT BY HEIDI SILVA:

25

1 HEIDI SILVA: Do we have all your names down
2 somewhere on a handout?

3 MS. LINTON: Our names?

4 HEIDI SILVA: Yeah, your name's on a handout.

5 MS. LINTON: They're not on a handout.

6 HEIDI SILVA: So how do we get ahold of all
7 of you?

8 MS. LINTON: I can give you my information
9 after the meeting.

10 HEIDI SILVA: Could you do it now so I make
11 sure I get it for all of you. While I'm talking could
12 you do that, and a phone number how I can get ahold of
13 you, could you do that?

14 MS. LINTON: Yes.

15 HEIDI SILVA: There's no reason having a
16 meeting if we can't ever talk to you, what's the
17 point.

18 MS. LINTON: Right.

19 HEIDI SILVA: Right.

20 MS. LINTON: We can only talk to individuals
21 about procedural matters. We cannot talk about the
22 merits of the case. But if you have any concerns
23 regarding procedural matters you can e-mail me and I
24 can give you my e-mail.

25 HEIDI SILVA: And you have everybody's name
26

1 that's up there, names where you work and numbers?

2 MS. LINTON: Sure, yes, you can e-mail any of
3 us.

4 HEIDI SILVA: So you're going to give me
5 everybody's name and number?

6 MS. LINTON: Yeah, I can.

7 HEIDI SILVA: All right. Because otherwise I
8 don't know who the heck I'm talking to. It doesn't
9 make sense. You just fade back in the bureaucracy.
10 I'm just going to read this. This is -- I'm
11 going to submit this in writing.

12 The Environmental Protection Agency
13 recognized that minorities, low income, and indigenous
14 communities were being unfairly impacted by large
15 projects such as the proposed destruction of the
16 Kilarc hydro power plant and lake. In order to
17 address this problem the EPA adopted a strict mandate
18 for all federal agencies dealing with these
19 communities. This mandate is called environmental
20 justice.

21 Shasta County has been officially recognized
22 by the EPA in Washington, D.C., as an environmental
23 justice community.

24 Page 15 of the newest available guidelines
25 regarding environmental justice describes what the EPA
26

1 considers the key issues that must be addressed during
2 the development of an action.

3 Number one is to identify possible
4 environmental justice concerns.

5 Number two, plan to achieve meaningful
6 involvement.

7 Three, plan to evaluate and address those
8 environmental justice issues.

9 Four, discuss potential or identified
10 environmental justice concerns with management.

11 Five, compare how options under consideration
12 would change the environmental and public health
13 impacts on minority, low income, and indigenous
14 populations.

15 Number six, document your efforts to achieve
16 meaningful involvement and address potential
17 environmental justice concerns.

18 This community's rights under environmental
19 justice have been repeatedly and egregiously violated
20 by your agency. The heart of the EPA mandate is to
21 ensure other federal agencies implement a meaningful
22 outreach program during the development of an action.
23 For your agency to try and address this issue at this
24 late date would be a mockery of the mandate.

25 It is not up to this community to prove that
26

1 our rights have been violated. The mandate itself
2 requires you to document your efforts and address
3 potential environmental justice concerns like we've
4 been hearing for a year now that have not been
5 answered. You cannot provide these documents because
6 the mandate has not been followed. Environmental
7 justice guidelines instruct your agency to obtain our
8 trust and goodwill through open communication.

9 We know that the president has mandated you
10 to reduce our dependency on oil, yet you want to
11 remove a functioning hydroelectric plant. You want to
12 destroy the Kilarc plant and lake to benefit the
13 migration of the salmon and steelhead, yet they've
14 never been seen in over a hundred years making it past
15 the Whitmore Falls.

16 Since this community is not receiving all the
17 facts we cannot help but be suspicious of your
18 motives.

19 The most important element of the EPA's
20 environmental justice mandate is to meaningfully
21 involve communities from the very beginning of a
22 project. The only way to remedy this egregious error
23 is to start this project over and involve this
24 community in a meaningful way from the beginning.

25 If you continue to steamroll over this
26

1 community's rights and proceed with this faulty
2 project the issue of violating the EPA's mandate will
3 not go away. The longer you delay fixing this
4 flagrant error the more costly and time consuming it
5 will become. Thank you. (Clapping)

6 MS. LINTON: Herb Baldwin.

7

8 PUBLIC COMMENT BY HERB BALDWIN:

9

10 HERB BALDWIN: Thank you. My name's Herb
11 Baldwin, B-A-L-D-W-I-N. I'm the forestry manager for
12 Sierra Pacific Industries in the Redding district.

13 Sierra Pacific is a family company that owns
14 over a million and a half acres of timberland in
15 California along with a number of forest products
16 facilities and also a number of renewable energy
17 facilities. And as well as that we have our
18 headquarters here in Shasta County. In fact, we own
19 most of the property surrounding the Kilarc portion of
20 this Project 606 and we're very interested in the
21 outcome of these proceedings. There's a number of
22 reasons for this.

23 First, we own 45,000 acres in the vicinity,
24 the immediate vicinity of this project, and we are and
25 have been actively involved in the stewardship of

26

1 these acres by continually growing trees with the
2 option of some day harvesting them and all the while
3 trying to protect them from wildfire.

4 In the July hearing I described the
5 difficulty that goes along with protecting timberlands
6 in rural communities from those wildfires and the
7 actual fighting of those firefighters and the fire
8 flight -- excuse me, wildfires, and the issues with
9 having to have water as close as possible to the sites
10 of those wildfires such as the Kilarc forebay as
11 opposed to Shasta Lake.

12 In fact, over the last 25 years we've had
13 four major wildfires in this area, two of which are
14 immediately adjacent to the facility, the Kilarc
15 facility.

16 The second reason that we are so interested
17 is because we have 750 employees and their families
18 who live here in Shasta County. And when you consider
19 the more general area in the north state we have over
20 5,000 people along with the many contractors and
21 suppliers that are involved with that, all of whom
22 live, work, and recreate in the forest and the small
23 communities like Whitmore.

24 We are in full support of the Evergreen
25 Shasta Power alternative to the PG&E decommissioning.

26

1 Continuing the operation of the project is important
2 to both Shasta County and I think the community of
3 Whitmore as you'll hear.

4 And to be clear, Sierra Pacific is a minority
5 partner with Evergreen Shasta in their proposal, but
6 in any case it's really hard to imagine or to figure
7 out the state or federal justification for tearing
8 down an existing, fully operational revenue and tax
9 generating renewable energy facility to only have to
10 be replaced with energy generated from fossil fuels.

11 Besides that, Sierra Pacific has the
12 knowledge and experience in running renewable energy
13 facilities and we hope to share those management
14 capabilities to ensure application and operation in a
15 professional manner.

16 So to keep everything short, we would urge
17 you to reconsider the list of alternatives that you've
18 provided in the Draft EIS. We think that's a
19 realistic change and an alternative that you can do.
20 And instead include among those alternatives the
21 entirely viable alternative of continuing generation
22 that has been presented to you by Evergreen Shasta.
23 Thank you. (Clapping)

24 MS. LINTON: Herb, we would like to know if
25 you have any data on how often the reservoir has been
26

1 used to -- the water has been used for fire
2 suppression. Could somebody file that with the
3 commission please by August 25th if possible. Thank
4 you.

5 HERB BALDWIN: Just for the record, I will
6 attempt to get you that information. I think there's
7 a couple things that go along with that. I understand
8 that Cal Fire has also submitted that kind of
9 information. But notwithstanding, the fact of past
10 use, having that available for future use is an
11 important consideration as well. (Clapping)

12 AUDIENCE MEMBER: Cal Fire, he's here, ask
13 him.

14 MS. LINTON: Okay. Perhaps we will hear from
15 Cal Fire directly. We're going to stay on task with
16 names in order of those who signed up. Next is George
17 DeFillipo.

18
19 PUBLIC COMMENT BY GEORGE DEFILLIPO:

20
21 GEORGE DEFILLIPO: Thank you. No one gets my
22 name right. I'm the superintendent/principal of the
23 Whitmore School District. I have the honor of being
24 in that position a second time at this present time
25 here. They call me Mr. D because no one can get my
26

1 name right so it's okay.

2 The reason why I'm up here is because if the
3 occurrence of the reservoir being removed happens then
4 it will have not just an adverse effect on the
5 economics of the community, but it will also have a
6 very serious economic effect, adverse effect on the
7 school.

8 Our school is a very tiny single school
9 district that is funded -- it's basically called Basic
10 Aid and it's based upon property values. If property
11 values go down then the funding to our school will go
12 down. And if you know much about public education at
13 this time, in the last five years most schools have
14 had to live with about 20 to 25 percent less funding
15 than they have had in prior years. It would have a
16 devastating impact upon the school.

17 And I believe that it's really important for
18 kids in all communities in California or elsewhere to
19 receive as good an education as they would in any
20 other part of the country as -- you know. So
21 basically I would think that that impact would either
22 cause us to cut back on services considerably more or
23 cause us to possibly have to close the school, which
24 is something I would not want to see occur. So thank
25 you very much. That's my input. (Clapping)

26

1 MS. LINTON: I think this is Todd Wroe,
2 W-R-O-E.

3

4 PUBLIC COMMENT BY TODD WROE:

5

6 TODD WROE: You got it right. Can you hear
7 me? My name is Todd Wroe. My wife Kimberly and I
8 live right next to the Kilarc Powerhouse. We bought
9 in June of 2002. I believe we received one notice
10 from PG&E that they intended to surrender the license
11 in 2007. In 2005 we attended a meeting at the grange
12 and were told that no one was interested in taking it
13 over. PG&E seemed interested in not tearing it down
14 at that time if someone was interested just to take it
15 over.

16 Move forward to 2008, two parties are now
17 interested. Not only interested but they seem to be
18 fighting over it.

19 At the Millville Grange meeting December 2009
20 I believe that that's when it was you had over I
21 believe 120 people that supported keeping both power
22 plants with emphasis placed on enhancing fish and
23 wildlife habitat.

24 We all felt that since no one in attendance
25 came up with a good reason to shut it down that it

26

1 would be an easy decision for the FERC in light of two
2 parties now interested and the fact that it would cost
3 both taxpayers and PG&E ratepayers millions if you
4 allow the rate -- if you allow the ratepayers, the
5 taxpayers, the environmentalists, the hydro operators,
6 the citizens of Whitmore, the fire department, CDF/Cal
7 Fire, the timber owners, private property owners, all
8 residents with a garden, the churches, the Way
9 Station, our local government, the schools and the
10 handicap to keep them running.

11 But this is our federal government. Logic
12 does not seem to play any part, instead it seems to be
13 power, politics, and pulling strings.

14 The Record Searchlight reported that the FERC
15 had made the decision to go with PG&E's proposal to
16 shut down and dismantle. I certainly hope that this
17 is a very poor reporting and that FERC will do what is
18 right and not do something that everyone will regret.

19 I would also like to state for the record
20 that no one has said anything about how releasing all
21 the water will affect the erosion from the diversion
22 at the base of the powerhouse since it has been that
23 way over a hundred years. We know that the soil is
24 unstable, and we have not seen anything in the report
25 to see how PG&E plans to shore up the embankment other
26

1 than stating something to the effect of they will
2 examine it over a two-year period.

3 I respectfully request that the members of
4 FERC and the board reconsider their decision not to
5 shut down these two facilities and vote to do the
6 right thing for both the fish and the community at
7 large. We know that we live in the greatest country
8 in the world. Let's start to show it for a change.

9 I'd also like to do something that was done
10 at the other meeting, show of hands how many people
11 want Kilarc and South Cow left in place. (Everybody
12 raises hands)

13 Is there anyone in this room that is opposed
14 to keeping Kilarc in place? Anyone? A single hand?

15 Okay. That's all I have. I guess I'm just
16 confused as to why we're having these meetings. Thank
17 you. (Clapping)

18 MS. LINTON: Robert Strobith. Could you
19 spell your last name for the court reporter.

20

21 PUBLIC COMMENT BY ROBERT STROUP:

22

23 ROBERT STROUP: S-T-R-O-U-P. These are for
24 you and you and you.

25 My name is Robert Stroup. Just for the

26

1 record, I'm not a member of the Whitmore community. I
2 live in Cottonwood. And I just came up to tell you
3 that the first time I moved here in 1975 as a
4 10-year-old boy my grandfather brought me to fish at
5 Kilarc. I've been fishing it for 35 years. I have a
6 six-year-old son. He's been fishing with me for four
7 years. He caught his first trout in Kilarc. And for
8 the big wigs at PG&E and FERC and everybody to take
9 that away from us is a travesty. And you're not only
10 robbing me and my son but you're robbing my son's son.
11 Thank you. (Clapping)

12 MS. LINTON: Maggie.

13

14 PUBLIC COMMENT BY MAGGIE TREVELYAN:

15

16 MAGGIE TREVELYAN: My name is Maggie
17 Trevelyan, T-R-E-V-E-L-Y-A-N.

18 Hi. I spoke at the last meeting so I'm not
19 going to speak very long tonight. It's somebody
20 else's turn. But I just want to make you aware that
21 I, on your behalf, which I hope isn't too presumptuous,
22 I have answered issues in the Draft EIS that are
23 totally erroneous and the first one being that we can
24 fish elsewhere.

25 I have submitted data and photographs as to

26

1 the difficulty for both us as abled bodies and for the
2 disabled to fish at other lakes like Nora, Grace Lake,
3 Manzanita, and Shasta Lake. Some of it's
4 inconvenient, some of it's too far away, and some of
5 the lakes are not in good condition.

6 Nora Lake has steps to get to it. It isn't
7 wheelchair accessible. Grace Lake is not wheelchair
8 accessible. Lake McCumber and Manzanita Lake --
9 Manzanita Lake is only open three to four months a
10 year. Lake McCumber you require a boat.

11 So at the moment it's very simple. We can
12 get in our cars, we can go to Kilarc, it's easy, it's
13 cheap, it's free, it's wheelchair accessible. These
14 other facilities require extra gas, extra time. It's
15 not just 10 miles, it's around the hill just to get
16 there. And this will affect the community
17 financially. So I've documented that and I submitted
18 it.

19 The second one is that we can recreate and
20 see scenic elsewhere. I'll think this is a pretty
21 passive assumption. I have documented that for the
22 same reasons that there are places that we have
23 difficulty getting to, both time restraints, financial
24 reasons, or they require a four-wheel drive vehicle
25 which some of us don't have and can't afford. Some of
26

1 the alternative areas for recreation require a fee for
2 access.

3 I've also addressed the matter of affecting
4 the disabled and that's covered on the -- both the
5 fishing -- on the fishing in our area.

6 And the fourth one is water for fire
7 suppression may be obtained elsewhere. This is
8 rubbish. Two years ago we all know, June the 21st,
9 there were massive fires. There were something like
10 1,500 fires in Shasta County. We needed our water,
11 they needed our water, their water. It was a drought.
12 Trinity County burned for over two and a half months,
13 lives were lost. So we did use it for fire
14 suppression and we need it.

15 Yesterday morning -- well, this weekend there
16 were 461 fires close caused by lightening. We have
17 problems with illegal chemicals, with (inaudible)
18 chemicals, etcetera, etcetera, etcetera.

19 Yesterday morning there was a fire on
20 Ponderosa, a mile from the center of Whitmore. We
21 thought it first was caused by maybe something to do
22 with the logging. In fact, it's illegal possibly
23 Mexicans with guns growing pot. Today the federal --
24 the state and the federal agencies came and removed
25 probably four or five huge truck fulls of pot.

26

1 So we need our water. We don't need to be
2 giving it to somebody else. If that fire had spread,
3 four miles is 10 minutes if the wind is roaring. I
4 don't need to tell you.

5 The decommissioning will not adversely affect
6 the residents and businesses of Whitmore. This again
7 is absolutely untrue. Whitmore is a large area. We
8 have several businesses which I've listed here and
9 several people who work telecommute from home. We
10 have a store, we have two churches, we have places
11 like the lavender gardens, the Way Station, etcetera,
12 etcetera.

13 The Whitmore store is specifically -- it
14 supplies goods for us. The next nearest grocery is
15 between 20 and 35 miles away, which is difficult for
16 people to get to sometimes. It's a communication
17 center. People call the Whitmore store to find out
18 where the fire is or what's happening. They call to
19 see if there's fish in Kilarc. And those people come
20 up and they use facilities in Whitmore. They come up,
21 they buy -- they buy bait, they buy groceries and
22 refreshments.

23 We have bicyclists who use the loop of
24 Whitmore for recreation. We have motor bike people
25 and we have regular tourists in the park. So that
26

1 would adversely affect our store, and if our store's
2 affected our -- as someone said earlier our property
3 values are affected. You can't do one thing without
4 affecting everybody else. It's a domino effect. It's
5 chicken and egg.

6 So if anyone would like a copy I can e-mail a
7 copy of what I submitted today, as I say, with
8 pictures. And I hope you all keep fighting please for
9 Kilarc. (Clapping)

10 MS. LINTON: Glenn Hawes.

11 GLENN HAWES: I already spoke.

12 MS. LINTON: Oh. Bob Mark.

13

14 PUBLIC COMMENT BY BOB MARK:

15

16 BOB MARK: Well, I'm not sure what to say but
17 I've been a part of this community for approximately
18 50 years, been living up here 20 years, have been --
19 this building you're sitting in is a result of this
20 community. This has been an amazing community.

21 You speak about neighbors. You know,
22 everybody, everybody's been involved in this
23 community. We live on a road that's two and a half
24 miles long and you know every neighbor. Neighbor just
25 keeps popping up every time I think about this thing.

26

1 I think of Kilarc as a neighbor. And you know what,
2 it's like when you lose a neighbor. That would be the
3 last thing we'd like to do. We'd like Kilarc to be
4 here forever.

5 I was looking at some of our notes, basically
6 my wife's notes from the grant writing for this
7 community center. One of the other things that popped
8 up is this is the little town that could. And we've
9 been using that for a number of things. And we're
10 hoping that that's going to continue, Kilarc's going
11 to be here for a long time, and this town is going to
12 be proud of. Anyway, thank you very much. (Clapping)

13 MS. LINTON: Bob Carey, C-A-R-E-Y.

14

15 PUBLIC COMMENT BY BOB CAREY:

16

17 BOB CAREY: Good evening. Thanks for
18 participating in this process again. My name's Bob
19 Carey. I'm a certified wildlife biologist. I work
20 for Vestra Resources in Redding, California. I've
21 been working with Steve and Bonnie Tetrick and the
22 Evergreen Shasta Power folks to try to evaluate what
23 the real impacts of a decision that you guys are
24 contemplating might be.

25 There's been some discussion already this

26

1 evening about Whitmore Falls and whether or not that
2 particular location is passable to anadromous fish.

3 Prior to 2002 all the resource agencies
4 involved had considered Whitmore Falls an impassable
5 barrier. I want to stress that the DEIS should really
6 be using the best available science in making their
7 determinations. And the 2002 memo that came out
8 really doesn't do that very well. It was a visual
9 assessment of the waterfall. They did some measuring.
10 They measured how high it was. They measured -- they
11 kind of described where the water goes and they came
12 up with their assessment that fish could possibly get
13 over that waterfall at some flows. And in that
14 assessment they cited a paper by Powers and Orsborn
15 that was from 1985 and it's referenced at the back of
16 that memo.

17 I decided to look at the paper and see what
18 it actually said. Let me just read the beginning of
19 that. It's from the introduction. It says when adult
20 salmon and steelhead trout enter fresh water, maturing
21 fish stop feeding and rely on energy reserves stored
22 in body fat and protein to carry them through the
23 migration of the spawning season. The rate of sexual
24 maturity is established by heredity and cannot adjust
25 to delay.

26

1 So that means once the fish enter fresh water
2 they're going upstream to spawn. They have so much
3 time to do it and that's all it is they're going to
4 do.

5 The Powers and Orsborn study is interesting.
6 It cites a number of things besides just the vertical
7 challenges that are presented by barriers. They talk
8 about the horizontal distance the fish have to jump.
9 Something that Fish and Game didn't include in their
10 analysis. They simply measured the height of the
11 falls, said Powers and Orsborn said fish can jump 11
12 to 14 feet.

13 And Powers and Orsborn say that, but they say
14 that when fish are in 100 percent physical condition,
15 the maximum energetic those fish have allow them to
16 jump that high if all the other conditions are
17 perfect.

18 Powers and Orsborn go on to talk about
19 turbulence and white water and how that affects fish's
20 ability to orient themselves properly in the channel
21 and how white water, because it contains so much
22 oxygen is really, really soft compared to water that
23 doesn't have bubbles in it. Fish have a very
24 difficult time propelling themselves through that soft
25 medium.

26

1 Most importantly with that paper they talk
2 about the coefficient of fish condition and they
3 describe that. I want to read that out of their
4 description because it's pretty interesting.

5 It says for a fish to be in a hundred percent
6 condition and to be able to make those leaps, they're
7 bright, they're fresh out of saltwater, they're still
8 a long way from the spawning grounds, spawning colors
9 have not even yet developed. They rate that as 100
10 percent coefficient of fish condition.

11 The next level they describe is good
12 condition. This is 75 percent coefficient of fish
13 condition. It says the fish have been in the river a
14 short time. The spawning colors are apparent but not
15 fully developed. They're still migrating upstream.

16 Finally, they describe fish at 50 percent
17 coefficient of fish condition. They call this poor
18 condition. Fish have been in the river a long time,
19 full spawning colors have developed, fish are fully
20 mature and very close to the spawning grounds.

21 Whitmore Falls is 250 miles upstream from the
22 ocean. (Clapping)

23 They then use a bunch of high power math
24 equations that I tried to weed through. I got through
25 some of it. But they talk about -- they actually
26

1 graphed this and I can submit this to you. It shows
2 that at a hundred percent coefficient of fish
3 condition steelhead can indeed jump 11, 12 feet.
4 However, at 75 percent coefficient of fish condition
5 they're only getting up about six feet. That's
6 actually -- and that number is used in another FERC
7 study. It's the 2100 Project that was for the
8 Oroville Dam, which is a hundred miles downstream from
9 here. They use 75 percent coefficient of fish
10 condition to estimate maximum fish capability down at
11 that FERC facility as 6.1 feet. (Clapping)

12 So I ran the numbers again for coefficient of
13 fish condition at about 50 percent, which I think is a
14 pretty reasonable estimate. When you run the math on
15 that those numbers come out, rounding error, between
16 2.9 and 3.1 feet.

17 So that paper's available. And I would
18 encourage FERC to maybe look at it and look at the
19 memo that Fish and Game put together and try to figure
20 out if they're using the best available science in
21 making their determination.

22 I don't want to spend a lot of time talking
23 about this. What I really believe is that the
24 settlement offer that Evergreen Shasta Power has come
25 up with is a better plan for the fish. That

26

1 settlement offer includes an active restoration
2 component that uses revenue generated from the
3 operation of the facilities to improve fish habitat.
4 Because I'm really not convinced that fish get over
5 Whitmore Falls and that the removal of the facilities
6 are going to benefit fish in any significant way. As
7 well as I want to do what's right for the fish.

8 I mean my interest is trying to improve fish
9 habitat conditions in this vicinity. I don't think
10 that an act to tear the dams out, let nature take its
11 course, hope for the best, some more water in the
12 channel might improve fish conditions at some point in
13 the future, oh yeah, but only in five miles of stream
14 because that's where the fish can get.

15 I think it makes a lot more sense to take an
16 active management approach, identify limiting factors
17 for anadromous fish in these drainages be it riparian,
18 shade, lack of pools, land management practices that
19 can be improved, efficient uses of irrigation water.
20 There's a lot of ways that we can actively improve
21 fish habitat. And saving salmon and saving steelhead,
22 which is in a great public interest, I don't think you
23 get there by the decommissioning and removal of the
24 facility. Thank you very much. (Clapping)

25 MS. LINTON: Jeff Dunn.

26

1 PUBLIC COMMENT BY JEFF DRESEN:

2

3 JEFF DRESEN: Hello. My name's Jeff Dresen
4 and I own the Whitmore general store.

5 MS. LINTON: Spell your last name.

6 JEFF DRESEN: D-R-E-S-E-N. And I've lived in
7 Whitmore for 30 years. And like I say, I'm going on
8 my 16th year at the store. I can't tell you how many
9 hundreds or probably thousands of people over the last
10 15 years have come through the store with their
11 families to go to Kilarc. The revenue that's produced
12 by selling gas, ice, snacks, sodas, and everything
13 else I'm sure will be greatly missed if Kilarc goes
14 away. And I'm sure that a couple other businesses
15 here in Whitmore, the Way Station, people stop by on
16 their way to Kilarc or on their way back down to look
17 at the antique -- at the store as well as stopping by
18 the lavender gardens on the way to Kilarc.

19 I currently employ three part-time employees.
20 It could put the final nail in the coffin if Kilarc
21 goes away. I don't know. But the economic downturn
22 on it I'm sure will be greatly missed. And if there
23 isn't a store in Whitmore -- I mean we provide a
24 service for the community as well. So I think that's
25 something that greatly needs to be considered.

26

1 Whether I own it or somebody else does there still
2 needs to be a store here to provide those services.
3 Thank you. (Clapping)

4 MS. LINTON: Jed Washburn.

5

6 PUBLIC COMMENT BY JED WASHBURN:

7

8 JED WASHBURN: Jed Washburn, W-A-S-H-B-U-R-N.
9 And I don't know where to start. I missed the first
10 couple meetings working out of town. Lived up here
11 for -- off and on for 32 years now. Like the older
12 gentleman that spoke before me, fished the river for
13 probably 25 years, the river there, Kilarc right below
14 the powerhouse, always been really good fishing in
15 there.

16 A couple things. We have the -- all the good
17 stuff here they have some good things to say. I just
18 want to reiterate there's other powerhouses on these
19 streams since 1906 that have done EIRs. Check their
20 data. Their data says no fish, not an issue. So why
21 are we still weighing out the fish? Obviously from
22 the data we've heard before it's not an issue so go
23 find something else and come back, all right. Thanks.
24 (Clapping)

25 MS. LINTON: Looks like Sandy Winters.

26

1 PUBLIC COMMENT BY SANDY WINTERS:

2

3 SANDY WINTERS: My name is Sandy Winters.

4 I'm a volunteer at the Shasta Historical Society and

5 I've spoken at a lot of these meetings. And tonight

6 I'm representing my grandson. Here he is catching a

7 fish at Kilarc Reservoir at the last picnic.

8 My husband Don and I started coming to these

9 meetings September 14th, 2005 at the Grace Church.

10 Synergics Energy Service of Annapolis, Maryland had

11 filed a letter on August 11th, 2004 to take over the

12 Kilarc project on behalf of Olsen Power Partners.

13 We've attended almost every meeting since the South

14 Cow Creek tour -- including the South Cow Creek Tour

15 last October.

16 The Shasta Historical Society filed a motion

17 to intervene on July 13th, 2009. We're very hopeful

18 that this important project which played a very

19 important role in the history of Shasta County's early

20 development be preserved.

21 In April of 2008 Garcia & Associates come

22 into the Shasta Historical Society library to gain

23 information regarding Kilarc and South Cow Creek and

24 also the surrounding areas to get an early history for

25 their cultural report. I understand the cultural

26

1 report is also a major part of the Draft Environmental
2 Impact Study.

3 We worked with Garcia & Associates all
4 afternoon getting information and pictures. I was
5 very disappointed when I read that report. There's
6 errors in important dates, there's contradictions
7 especially regarding the eligibility for the National
8 Registry of Historic Places. I found it to be
9 repetitious in places. I didn't feel they fully
10 covered the impact of demolition of which there's
11 going to be very many impacts. It would be very
12 unfriendly to environment and unfair to the people of
13 the Whitmore area and the local merchants. Also, it's
14 unfair to the people on South Cow Creek.

15 Also, I feel that some of the identified
16 prehistoric sites were actually early logging
17 activities.

18 The Shasta historical society feels that the
19 Kilarc and South Cow Creek projects meet the criteria
20 for registry in the NRHP. We also respectfully submit
21 to death that these projects be preserved. We have
22 worked very closely with Davis Hydro in this effort.

23 I'd like to close by reading a little piece
24 of history to you. I'm digressing a little bit but I
25 kind of thought this was appropriate. This is June
26

1 12th, 1909.

2 Electrician employees at the Kilarc
3 Powerhouse at Fern had built an open air dance
4 platform where the first dance of the season was given
5 the previous Friday. Dancers arrived from miles
6 around, some even coming up from as far as Millville
7 to enjoy the hospitality of the boys at the
8 substation. Excellent music was furnished by the Muir
9 Brothers Orchestra. During the intermission
10 selections were played on a huge phonograph. At
11 midnight an elaborate supper was served and dancing
12 was again indulged in until four a.m. (Clapping)

13 MS. LINTON: Henry Wu.

14

15 PUBLIC COMMENT BY HENRY WU:

16

17 HENRY WU: W-U. I'm actually going to be
18 pretty quick. I might even be quicker than
19 Mr. Washburn over there.

20 My name's Henry Wu. I'm with Evergreen
21 Shasta Power. I'll spare you with the story of how I
22 met Steve and how I got involved with this. I'm from
23 San Francisco. I used to work for George Strout at
24 the Nature Conservancy at the McCloud River Reserve.
25 I used to work for Idaho Fish and Game. Then I

26

1 decided I didn't want to go that route and ended up
2 working in the investment world. But I always had an
3 interest in fish biology.

4 When Steve and I met he gave me a brief
5 briefing on this project. And what I've come to
6 realize is that this project as an endeavor to tear
7 down the facility makes no economic sense. It makes
8 no biological sense either.

9 Like from my experience in fisheries biology
10 I know that steelhead 250 miles from the ocean is not
11 going to clear 14-foot falls. And to put a community
12 in jeopardy over a conjecture and to spend 14, 20, 50,
13 who knows how much money to get this project done
14 makes absolutely zero sense.

15 So, you know -- and I -- What's that guy's
16 name, Mark? No. Carter, Mr. Carter. I heard you say
17 that your responsibility was socioeconomic impact. I
18 think you guys need to go back and take a look at this
19 from a cost/benefit analysis. What's the probability
20 of a steelhead making it up past Whitmore Falls,
21 multiply that by the benefit and what do you get,
22 something around, I don't know, a couple cents. So
23 that's all I have to say. Thanks. (Clapping)

24 MS. LINTON: Bonnie Tetrick, T-E-T-R-I-C-K.

25

1 PUBLIC COMMENT BY BONNIE TETRICK

2

3 BONNIE TETRICK: I'm going to move this this
4 way since we don't need to preach to the choir.
5 Everybody has to lean. There. Does that work? No.

6 Okay. The primary stated purpose of FERC is
7 to protect the public interest. And so I urge you to
8 remember FERC's purpose as you hopefully go back and
9 redo your DEIS with the correct facts and with
10 consideration of all the negative impacts on the human
11 element here in Shasta County and to remember not to
12 marginalize us as people.

13 Each person is valuable just as each of you
14 are. And how would you feel if a huge bulldozer stood
15 outside your home and told you it was just going to
16 knock down and destroy your property in the next few
17 days. And the reason? Well, because it's only one
18 house out of many, it's not really that important.
19 And I think we'd like to have some open space here.
20 It might look nice.

21 Well, that's kind of the way this community
22 feels that you and the other government agencies have
23 marginalized the value of human life and that a
24 particular agenda is more important than people's
25 livelihood, their property and water rights and

26

1 basically their right to life, liberty, and the
2 pursuit of happiness.

3 We as individuals and as a community are very
4 involved in the stewardship of our lands. We are
5 active participants in organizations that preserve and
6 protect our watershed, like the Cow Creek Watershed
7 Group. I know many people here attend or are board
8 members and there's other similar organizations that
9 look out for our environment here. And we're an
10 outdoor people. We like the environment, we want to
11 protect it, we want to be good stewards.

12 We are a united cohesive group as you've
13 seen. We all enjoy the outdoors, appreciate nature
14 and want to take care of it. And give us the
15 opportunity to do that.

16 And please remember, too, that although PG&E
17 initiated this decommission request, it is driven by
18 the pressure put on them by the various resource
19 agencies. And their stated agenda, among other
20 things, and many of them unknown things, but one we
21 know of they want to remove as many dams as possible.
22 They want to remove everything -- any dam that exists.
23 But keep in mind first of all these are not terminus
24 dams. They are partial diversions with fish ladders
25 and screens. And as explained previously in detail

26

1 there's natural existing -- natural barriers in both
2 creeks that are impassable to fish. Increasing stream
3 flow does no change this.

4 And except for the adjudicated water rights,
5 the diverted water is used to generate reliable green
6 energy, is nonconsumptive, and is returned back to the
7 creek in better condition. It's oxygenated, it's a
8 colder temperature, and better for the fish.

9 We've explained in detail the significant
10 negative impact on our community should this
11 decommissioning be approved. So I urge you to
12 completely revisit your DEIS. Don't just change it,
13 redo it. Consider the real costs. And if you need
14 studies and reports to determine what those real costs
15 are order them done.

16 I couldn't believe at the last meeting that
17 we were asked -- you told us, oh, if you guys -- if
18 you want to know what the real costs are do the
19 studies and submit whatever studies you have and that
20 would be really helpful if you guys would do that for
21 us. Well, no. You order the studies. You get them
22 done.

23 There's many -- there's so many things to
24 consider. The whole groundwater issue I would -- if I
25 were a Whitmore resident, I live very close right over
26

1 the hill, but I would be so concerned about the
2 groundwater issue and the hydraulic connection between
3 people's wells and the existence of the Kilarc
4 Reservoir. It's such a high likely potential of
5 drying up in the springs and these peoples wells. The
6 shallow water table, the geological formations
7 indicate everything leads -- and the unlined nature of
8 Kilarc Reservoir everything points to a very high
9 hydraulic connectivity to people's wells.

10 And also geological formation show if you dig
11 deeper you might find water, probably not, but the
12 water you might find is going to be saline and too
13 salty to use. And so we didn't really appreciate in
14 the DEIS where you said, oh, just drill a deeper well.
15 First of all, at whose cost? And are we going to find
16 water? Probably not. And if we do it's going to be
17 brine.

18 And there's all sorts of needs. The whole --
19 the real costs that you really need to study. The
20 fire suppression issue, the need. Look at the
21 potential loss of national forest lands, the potential
22 loss of valuable timberland, acres and acres and
23 acres, people's homes, the loss of jobs, property
24 values, water rights, the loss of water. People could
25 lose their homes over this. The fiscal impact to the
26

1 county. The loss of five megawatts of green energy.
2 There's so much more costs to this decommission than
3 just the 14 and a half million dollars that PG&E has
4 stated, which they haven't even given us a line item
5 for. We don't even know what constitutes that.

6 So I urge you, please, consider the real cost
7 to this community. Do not marginalize us just because
8 we're a small town in a large country. Every person
9 matters, yes, more than fish. (Clapping)

10 And I also urge you to review our offer of
11 settlement and allow us the opportunity to discuss a
12 reasonable solution to get all the stakeholders
13 together at one table, the resource agencies, PG&E,
14 Shasta County, major stakeholders, let's just get to a
15 table and discuss and figure this thing out. If we
16 don't it's going to -- we need to do that to avoid a
17 long, drawn-out battle in the courts. It's going to
18 go for 10, 20 years, who knows. Nothing's ever going
19 to get resolved. It's just going to be a huge mess.

20 This might become the ultimate case of big
21 government bulldozing over a small community and the
22 people that love living here. You might even become
23 infamous over this for not pursuing an opportunity for
24 settlement. So don't let that happen. Do your job.

25 It is FERC's responsibility to validate all
26

1 the information provided by the agencies and the
2 community, and it's been clear that FERC has chosen
3 not to question or independently verify the
4 information provided by the agencies, which as we've
5 seen has no scientific reports or background or
6 support for it. It's just wishful thinking. We have
7 real issues versus wishful thinking. Real costs over
8 marginal maybe benefits.

9 So I only ask that FERC take the time to take
10 a critical look, a real honest critical look at both
11 the agencies' positions and ours equally. Then do
12 what is truly in the best interest of the public and
13 the overall good for our community. Please be
14 courageous, do your job, do the right thing and do it
15 better. (Clapping)

16 MS. LINTON: Nancy Dodson, D-O-D-S-O-N.

17 NANCY DODSON: I'm going to decline. It's
18 already been expressed.

19 MS. LINTON: Erik Poole, P-O-O-L-E.

20

21 PUBLIC COMMENT BY ERIK POOLE

22

23 ERIK POOLE: Hello. My name is Erik Poole,
24 E-R-I-K P-O-O-L-E. And a lot of what I've said has
25 been expressed before but I'm going to say it again

26

1 and continue to say it as many times as it takes.

2 My comments today -- I'm going to try to stay
3 within the bounds of the Draft EIS and give feedback
4 directly on that. Most of my comments revolve around
5 clarity and accuracy in the document as well as
6 fairness.

7 The first thing that I would like to request
8 from staff, and I know that we're in the period
9 between your draft and your final issuance of the
10 document, but since it looks like we're probably going
11 to appeal it would be very helpful if the Draft EIS
12 and the final Draft EIS would cite inputs from
13 external sources.

14 Because it's pretty obvious to those of us
15 that are familiar with the documentation that a lot of
16 the Draft EIS comes from the PG&E application, from
17 some other documents from Department of Fish and Game
18 and NMFS. But without those being cited it makes it
19 very difficult for us to chase down exactly where we
20 need to apply our comments and how we need to refute
21 inaccuracies or give a different representation of the
22 facts.

23 Speaking of the PG&E application, there are
24 errors in the document -- in the application document
25 and so I have a couple of questions along that.

26

1 If the staff is going to use the PG&E
2 application and move that forward into the Draft EIS,
3 will there be any testing or review of statements in
4 that application to ensure their accuracy? I believe
5 it should be incumbent on the staff to make sure that
6 if they're going to forward these propositions and
7 conclusions from these other documents, you should
8 make some kind of an effort to ensure that they're
9 accurate.

10 You know, in line with that, is there any
11 testing or review by the FERC staff of the resource
12 agency statements? We've heard a lot of input here
13 tonight regarding salmon, steelhead, anadromous fish
14 passage. I mean in all fairness you've swallowed a
15 memo from the CDFG by three field representatives
16 hook, line, and sinker. Yet we're required to repeat
17 our inputs over and over, our scientific inputs, and
18 pull apart the documents that that document used and
19 yet we see no evidence of it being weighted or
20 compared to this input in the EIS.

21 You know, you ask us over and over to -- how
22 many times do we really use Kilarc for fire
23 suppression as though it's a question of is it really
24 worthwhile. It's used for fire suppression. It's
25 worthwhile every single time it's used to save
26

1 somebody's home or property or livelihood.

2 In the Draft EIS I really don't see an
3 evenhanded treatment of the inputs from the community
4 versus the inputs from the agencies.

5 Finally -- or next point is exactly the
6 nature of the public interests. I'm actually a big
7 proponent of the CEQA process and what we're going
8 through here. I'm looking forward to a win-win
9 solution out of this. But I'm starting to question
10 exactly what FERC's estimation of public interest
11 really is. Is it public interest defined by mandatory
12 conditions that are laid on by agencies?

13 It seems to me that it's more accurate to
14 take the public and local government input like you
15 get at these meetings and that we provide in writing
16 and use it to the fullest extent possible. At least
17 provide -- at least give it the same light-handed or
18 heavy-handed treatment when you are assessing it for
19 accuracy and how you're going to weight it in your
20 assessment of overall public interest and public
21 benefit.

22 Lastly, I'm very much looking forward to a
23 winning solution for all parties involved out of this,
24 especially the environment and the public interests.
25 I know it's out there. We all know it's out there.

26

1 The problem is that it's not yet in the FERC document.
2 It's not in either of your alternatives and it's not
3 in the PG&E option. We simply -- we simply have to
4 stop what's going on in the Draft EIS and go to that
5 better solution. It won't be perfect. We may also
6 end up in court. I'm pretty much resolved that I'm
7 going to end up in court on this one way or the other.
8 But it's going to be better, it's going to be shorter,
9 and it's going to cost us a lot less in the long run.

10 Two last points. It's very important also
11 for the FERC staff to look ahead to the process and
12 the legal situation when this comes to California.
13 Right now you're dealing at the federal level. When
14 you come to California, as you know, some people call
15 it leadership on the environmental front, but it's a
16 whole different landscape. And I think that FERC
17 staff would do well to begin looking forward to the
18 process when you come to California, the CEQA process
19 and the other agencies that are going to be involved
20 and how that's going to unravel here including the
21 courts.

22 Lastly, I know I've received a lot of
23 feedback from the FERC staff that your hands are kind
24 of tied as far as what inputs you can use, that
25 everything has to be on the record and so forth, but
26

1 you have an amazing tool in your staff alternatives.

2 Though the Evergreen Shasta proposal and the
3 Davis Hydro proposals have been written and created by
4 the members of the public, it would be of great
5 benefit for the staff to adopt large portions of those
6 and run them through the analysis that you're doing in
7 your Draft EIS and come out with costs and benefits
8 for them.

9 The two alternatives that are in the Draft
10 EIS are completely and wholly inefficient; shutting
11 one project down and leaving the other running or vice
12 versa. Nobody's asking for that, nobody's really
13 forwarded that as a proposal. It doesn't meet any of
14 our needs or demands. It simply leaves costs on one
15 side versus costs on both sides. The better solution
16 is out there. Let's get it into the DEIS so that we
17 can fairly and appropriately analyze it and let's make
18 NEPA work as it was intended in the public interest
19 for everyone. Thank you. (Clapping)

20 MS. LINTON: Kelly Sackheim, S-A-C-K-H-E-I-M.

21

22 PUBLIC COMMENT BY KELLY SACKHEIM:

23

24 KELLY SACKHEIM: Thank you, CarLisa. We all
25 know each other very well here having attended so many

26

1 meetings, so when I signed up after Erik Poole I knew
2 it was my turn coming next.

3 Mark, could you let me know at three minutes
4 because I don't want to cut the conclusion. I want to
5 cut something in the middle. Thank you.

6 I have prepared a written statement. I
7 haven't timed it but I am going to diverge from the
8 statement.

9 The meeting here tonight is an opportunity
10 for the FERC to take oral comments, but I am fully
11 capable of submitting my comments in writing. They've
12 seen plenty of them. And so in some ways I want to
13 address the community that's here.

14 I've heard a lot of questions. One of the
15 reasons I signed up towards the end of the hearing.
16 And it seems to me that one of the biggest questions
17 is with regard to the process and with different
18 parties may move forward with the reoperation of the
19 hydroelectric facilities.

20 For those of us who attended some of the
21 first hearings back in January of 2008, the FERC was
22 very responsive. I think it was mainly due to a
23 letter that came out of Congressman Herger's office at
24 Glenn Dye's initiative.

25 But the Federal Energy Regulatory Commission
26

1 came out and spoke with us about how this process was
2 going to work. And TJ LoVullo, who has been succeeded
3 by CarLisa Linton, said very clearly many times PG&E
4 must surrender its license. And the FERC cannot
5 evaluate whether someone else should be authorized to
6 have another license until after the license surrender
7 process has been concluded.

8 That's where we missed the deadline. There
9 could not be a smooth transition from one license to
10 another license that was a direct path because when
11 Synergics came in they did not have the resources.
12 They did not have all the information that we have
13 been working together to develop over the last three
14 years at that time at that juncture.

15 But what TJ LoVullo said was that the license
16 surrender plan could be as simple as closing the door
17 and walking away if the FERC has confidence that there
18 will be another party that moves forward and will
19 prevent there being a detrimental situation.

20 And I think that we have provided ample
21 evidence that the license surrender plan and
22 alternatives can make the assumption that there are
23 parties who will be coming forward and will fill the
24 void if PG&E is allowed to walk away with the
25 facilities in place.

26

1 And so that's the overview that I wanted to
2 start with because I think it's very important for the
3 community to know that the FERC needs to go through
4 this Draft EIS process. They need to determine what
5 does PG&E have to do in order to prepare what's going
6 on.

7 So with my remaining minute I will go back to
8 the script and direct to FERC that when I came before
9 you just over a month ago in Redding I was the only
10 speaker that evening to express the opinion that the
11 present FERC DEIS analysis is adequate for its
12 purpose. And the reason that I said this was that I
13 looked at the summary table and found that the
14 alternative, and I've just been focused on Kilarc,
15 that preserved Kilarc was in the FERC's own analysis
16 the environmentally superior alternative. They may
17 have missed an order of magnitude, but it was the
18 environmentally superior alternative.

19 And today what I've written down and I will
20 submit in the FERC record I was going to focus
21 specifically on the cultural resource analysis, how to
22 get it right, how to do a better job with that
23 analysis. And I cited that in the FERC e-library
24 there's a letter dated March 26th of this year 2010 on
25 the KC Hydro letterhead and it was addressed to the
26

1 Federal Advisory Council on Historic Preservation in
2 Washington, D.C., and to Milford Wayne Donaldson, who
3 is the California State Historic Preservation Officer.
4 And they are the parties that are responsible for
5 determining whether something is eligible for listing
6 in the National Register of Historic Places or not.

7 That determination was made based on a report
8 that PG&E commission that is totally inadequate.
9 Sandy Winters has alluded to some of the errors in the
10 report. Many of those were brought forward in a
11 letter that was submitted by the community in November
12 2008 as comments on the Draft License Surrender
13 Application. It was then a draft report. Now it's
14 referred to as the Siskin report of 2009. The most
15 egregious format errors seem to have been corrected
16 but the conclusions were not.

17 And we need to go back and reassess, and the
18 FERC is empowered to treat these facilities as if they
19 were eligible for listing, because the state and
20 federal agencies have not had the time to respond and
21 correct the errors that were made based on a
22 recommendation of a faulty report. And with that I'll
23 let the next speaker speak. Thank you. (Clapping)

24 MS. LINTON: Kathy Roth.

25

1 PUBLIC COMMENT BY KATHY ROTH:

2

3 Kathy Roth: Hi there. My name is Kathy
4 Roth. My husband Dave and I moved up here about five
5 years ago and planted the vineyard. Part of the draw
6 was it was a small community where it was sort of off
7 the beaten path. We loved the idea that there was a
8 little reservoir up here.

9 Everything that's a draw for businesses in
10 this community is -- it benefits us. It helps make
11 the community stronger, helps bring some money in.
12 And so we thought that we could perhaps be a little
13 part of that, kind of a quiet little part.

14 And having Kilarc here or not will affect us
15 economically, okay. Every person that comes up the
16 road to go to Kilarc and maybe happens to see our sign
17 is one more person who might take a bottle of wine
18 home with them, share it with friends, and it's -- the
19 word spreads for us. So for us every single person
20 that comes past our driveway is, you know, a potential
21 way for us to succeed.

22 We are also growing those grapes on a
23 sustainable basis which means we're mindful of our
24 environment. Stewardship of our land is a big part of
25 what we do. And part of that is keeping an eye on

26

1 what's going on on our property. We've got half mile
2 of the last tributary to Old Cow Creek that ends up
3 just above the falls on our -- that runs across our
4 property. And I just want to hit this one more time.
5 We have never seen a steelhead or a salmon. And we --
6 we're watching.

7 There's plenty of other animals that we've
8 seen though up at the reservoir. And I think that a
9 hundred years of that being there to take it out is
10 really going to have a severe impact on a lot of other
11 animals that do exist that are real. And they need to
12 be taken into account. I think that that's --
13 that's -- wildlife is as important as our needs, but
14 we're here to stay. We're not going away.

15 And I think that California's got a real
16 issue these days with a balance between fish and
17 people. And here in a very small way your agency has
18 the ability to perhaps show some leadership to
19 California on how to make a win-win situation.

20 We've got a couple of different groups that
21 have actually figured out ways to not only take over
22 these power plants and keep them running and keep
23 sustainable energy, green energy flowing into our
24 power grid, but also having envisioned a way to
25 improve the fisheries. That's an amazing thing. It's
26

1 a compromise between the needs of the people and the
2 needs of the fish. And I hope that you guys can
3 provide that example for this state. We need it.
4 Thank you. (Clapping)

5 MS. LINTON: Jim Fletter, F-L-E-T-T-E-R.

6

7 PUBLIC COMMENT BY JIM FLETTER:

8

9 JIM FLETTER: That is the correct spelling.
10 My name is Jim Fletter. I'm from Sacramento. I spoke
11 at the October 22nd scoping meeting in which I stated
12 our position. When I refer to "our position," as
13 owners of 80 acres along with -- as owners of 80 acres
14 along with my cousins which represent part of the
15 South Cow Creek forebay, the road going to the
16 forebay, the canal going into the forebay, and of
17 course the land which the easement sits.

18 I was very clear in explaining at that
19 meeting the roadblock they'd possibly create if PG&E
20 and FERC decided to decommission the hydroelectric
21 project South Cow Creek. I reinforced that with my
22 letter of December 10th filed with FERC on December
23 14th. I need not say anymore. The letters and the
24 attachments to that letter speak for themselves.

25 As far as a Draft EIS is concerned, it's

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1 bogus and should be withdrawn in total. It makes no
2 sense. FERC has created -- if they turn it into a
3 done deal has created a bureaucratic travesty that
4 will land them in the courts and be adjudicated in the
5 courts for years. Please withdraw it now. Thank you.

6 (Clapping)

7 MS. LINTON: Lydia Blanchard,
8 B-L-A-N-C-H-A-R-D.

9

10 PUBLIC COMMENT BY LYDIA BLANCHARD:

11

12 LYDIA BLANCHARD: Lydia Blanchard. I have
13 been sitting here thinking, well, I shouldn't speak
14 but I will, very quickly. I am a psychotherapist from
15 Santa Cruz, California. I've only lived here in
16 Whitmore for about nine months and I'm here for
17 various personal reasons. But I came tonight to see
18 whether Whitmore knew how to defend itself. There's
19 absolutely no question in my mind you are along my
20 ways of thinking. I voted for Ralph Nader in 2008. I
21 am not a conservative. I'm coming around to many
22 people from the other end of the circle, but I'm
23 enormously impressed with your capacity to provide
24 information and stalwartness.

25 My only experiences are with the disaster

26

1 mental health team in Santa Cruz with the Red Cross.
2 I want to add a few points. And one of them is that
3 people die in fires. I have worked with fire people
4 who've grieved over those who have died in fires. I
5 know that that happens. It's not just people's
6 livelihood it's their lives that are out there and
7 this is not to denigrate anything that's been said.

8 I've also worked to stop the California
9 Department of Agriculture in collusion with the U.S.
10 Department of Agriculture in spraying Monterey City
11 and Santa Cruz City with pesticides that were to
12 destroy a light problem apple moth that had destroyed
13 nothing.

14 You may have had a few ruthless and
15 implacable set of circumstances as we did. We did not
16 win but we certainly pushed the ball along in trying
17 to prevent danger to the public from bureaucracy. We
18 had to use superior court and state court to do that
19 as well as to bring on board six other counties that
20 were being threatened with being sprayed as we were
21 500 feet above our heads with very little warning.

22 I could go on about that but I thank you very
23 much for defending me and yourselves. You are
24 impressive. I shouldn't be addressing you, I'm
25 addressing FERC in this process. You have a very
26

1 strong community here that I'm leaning on and I
2 appreciate your presence. Thanks. (Clapping)

3 MS. LINTON: Bob Scheide, S-C-H-E-I-D-E.

4 BOB SCHEIDE: I already had my go. I'll do
5 it again if you want.

6 MS. LINTON: Lynette, Richard, or Justin
7 Gooch, G-O-O-C-H.

8 8

9 PUBLIC COMMENT BY LYNETTE GOOCH:

10

11 LYNETTE GOOCH: Hi. My name's Lynette Gooch
12 and I own Tuscan Heights Lavender Gardens up on Fern
13 Road. And my question is to the FERC members sitting
14 here at the table.

15 Ladies and gentleman, have you had the
16 opportunity to explore past this building? Have you
17 had the opportunity to go up to Kilarc, up Fern Road,
18 up any of the roads in this community?

19 So being from Washington, D.C., and all the
20 buildings and cars and people, you've had the chance
21 to have a taste of what we have here. This amazing
22 community, very strong families goes back over a
23 hundred years.

24 I bought land up here in 1999 on the whim of
25 a dream and I built a lavender farm. I currently grow

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1 about 25,000 lavender plants on my farm and along with
2 our friends Dave and Kathy Roth who have the vineyard
3 we have also planted a small vineyard and plan to
4 expand.

5 I don't have the science of what losing
6 Kilarc will do to my farm, but from what everyone is
7 saying here it very well could impact the water table
8 that I get and where I sit. And I've invested every
9 dime I have in this farm. Every dime I have is in my
10 little tiny piece of land, which I'm surrounded by
11 amazingly gorgeous forests, wildlife, birds, not just
12 fish. And I don't even eat fish.

13 When we first moved up here my son, who is
14 out -- right there, he did a project, report for
15 school. I think it was in the 5th grade and Mrs.
16 German was his teacher. And his project was on green
17 power, hydroelectric power, and he did his entire
18 report on Kilarc. He's a sophomore in high school now
19 and when we becomes a dad and Kilarc isn't there for
20 his son to do a water project on, well, what's that --
21 that's not -- I mean, think about it.

22 You've had scientific evidence, you've had
23 reports, you've had Mr. Dye and Bob, you said your
24 name was Bob, they've been here for years living here
25 fishing up there.

26

1 And this huge community is coming together
2 begging for your understanding. And not trying to be
3 a jerk because we definitely want your guys' help
4 here, but I've watched your facial features,
5 especially the lady in the middle, and you almost have
6 zero facial expression. And do you have any idea how
7 that makes us feel? These are people. Your mother
8 could be in the audience, you know, your sister could
9 be standing up here begging for you to take our
10 feelings into consideration.

11 It's not about just money and the big dogs
12 with the -- you know, with big PG&E. This is a
13 community that's been here for over a hundred years.
14 There's a great deal of history here, history that is
15 so fascinating going back to the Indians. Dave and
16 Kathy have just -- oh, there's so much history here.
17 Please take that into consideration.

18 And as far as costs and whatnot goes, if I
19 have to dig my well again, which I had to do two years
20 ago, so it would be the second time I had to dig my
21 well. That's \$50,000 I've had to spend on a well on
22 my farm. If I have to dig it again because Kilarc is
23 gone, I may as well roll up my lavender farm and go
24 move to Washington. Thanks. (Clapping)

25 MS. LINTON: Linda George.

26

1 MAGGIE TREVELYAN: I put her name down hoping
2 she would be here. I think her business interfered
3 with her coming here.

4 MS. LINTON: She signed it.

5 MAGGIE TREVELYAN: She's probably not going
6 to make it.

7 MS. LINTON: She's gone now?

8 MAGGIE TREVELYAN: No. She was unable to
9 come because of business and I think she's going to
10 submit something in writing.

11 MS. LINTON: Frank Galusha.

12

13 PUBLIC COMMENT BY FRANK GALUSHA:

14

15 FRANK GALUSHA: My name is Frank Galusha.
16 I'm an outdoor writer. My comments will be brief
17 because nearly every point that I had in mind has
18 already been covered.

19 And I would like to point out, if I may
20 paraphrase the gentleman who spoke after the calamity
21 in the gulf some years ago when Katrina struck, "are
22 we stuck on senseless"?

23 Another comment that I'd like to make, Ms.
24 Linton, I believe it is, when you began this
25 conference this evening you made statements to the

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1 effect that it was over, that nothing that we said
2 here or did here tonight could possibly have any
3 effect on the outcome. Is that correct?

4 MS. LINTON: I don't remember making that
5 statement. The transcript will show it. But I do
6 want to -- I'll let you speak or do you want me to go
7 ahead and --

8 FRANK GALUSHA: No, please, I'd like an
9 answer.

10 MS. LINTON: We cannot state the commission's
11 decision before the commission issues their decision.
12 That will come forth in the order on the application
13 to surrender the project. Right now we're in the
14 environmental review stage.

15 However, the environmental -- the NEPA
16 document or in this case the DEIS provides a
17 recommendation. The decision will document -- will be
18 the commission order.

19 Now, one thing that -- and Kelly Sackheim
20 touched on it a little bit when she came up. I want
21 to remind everybody that Project 606, the Kilarc-Cow
22 Creek Project, it's not -- it's a project regulated by
23 FERC. It is a PG&E owned project. PG&E proposed to
24 surrender the project. The commission did not go to
25 PG&E and say you should surrender or we recommend you

26

1 surrender or we require you to surrender. It was a --
2 the application to surrender was a business decision
3 proposed by PG&E.

4 The commission received that application in
5 March 2009, had public -- issued a public notice, had
6 public meetings, had scoping, did everything to get up
7 to the process of the NEPA document.

8 We want to acknowledge that it is not our
9 project to keep or surrender. They came forth with
10 the surrender. There are federal statutes that allow
11 licensees to surrender projects. We cannot change
12 those statutes. We cannot waive those statutes. We
13 are just acting on an application that was sent to us
14 that was a business decision and that decision was
15 made prior to filing the application with us.

16 It is our job to look at all of the impacts
17 on all of the resources. That's what we are trying to
18 do in our NEPA document. We want it to be accurate.
19 We want it to be factual. We do not want it to be
20 heavily weighted one way or the other. We want the
21 community represented, we want the NGOs represented as
22 well as the resource agencies.

23 But I just wanted to clarify as Kelly
24 Sackheim mentioned that surrendering the application
25 is what's before us. We are not looking at who will
26

1 come next at this point in the process. So -- and I
2 think in my opening statement I said that we're only
3 looking at PG&E's request to surrender their
4 application.

5 FRANK GALUSHA: Thank you. Therefore, if
6 that's true, then you have heard much testimony
7 tonight that would allow you to, how should I put it,
8 destroy the artificial barriers that seem to have been
9 erected in this -- or at least that's what I have
10 understood, in this process so that we can go back and
11 do a better job as all these who have testified have
12 said and do this right.

13 I would like to make a couple of additional
14 points. Where are the resource agencies tonight?

15 AUDIENCE MEMBER: Hiding.

16 FRANK GALUSHA: Where are the people from the
17 California Department of Fish and Game who had made
18 the statements that they have made that FERC has
19 relied upon which have been thoroughly refuted here
20 tonight and at previous meetings? Where are the
21 people from the National Marine Fishery Service NMFS?

22 AUDIENCE MEMBER: Where's the opposition to
23 us?

24 FRANK GALUSHA: Where is the U.S. Fish and
25 Wildlife Service representative? They are not here.

26

1 I believe they are unable to defend their positions.
2 I have not been able to get them to speak to me in a
3 way that convinced me that they do.

4 I believe if you continue down the path that
5 you're going you will thrust a dagger into the heart
6 of this community. It will kill this community. And
7 I urge you not to let that happen. (Clapping)

8 MS. LINTON: Just for the record, I do not
9 believe any California Department of Fish and Game,
10 National Marine Fishery Service, or Fish and Wildlife
11 Service representatives are here. It is disheartening
12 to us, also. Of course, we cannot make them come. I
13 do not see any signed up. I just want to clarify,
14 verify that there are none in the room?

15 AUDIENCE MEMBER: If you're disheartened by
16 them not being here how does it make you feel that all
17 of us are here?

18 MS. LINTON: You guys are doing your job.
19 You guys are doing what the community should do and we
20 recognize that.

21 AUDIENCE MEMBER: Were they invited here?

22 MS. LINTON: Sure, sure.

23 AUDIENCE MEMBER: They got notification?

24 MS. LINTON: They've been invited every time.

25 AUDIENCE MEMBER: Because they're the reasons
26

1 that we are here.

2 MS. LINTON: We understand that.

3 AUDIENCE MEMBER: Am I missing something?

4 MS. LINTON: No, you're not.

5 AUDIENCE MEMBER: Wouldn't you guys want to
6 live in a place like this? Without this.

7 MS. LINTON: I think it's Ken Fry, F-R-Y.

8

9 PUBLIC COMMENT BY KEN FRY:

10

11 KEN FRY: I don't have a prepared statement,
12 it's just off the cuff. I'm very new here. I came
13 about a year and a half ago so I'm new to Whitmore. I
14 came out of Northwest Oregon. And I'm very familiar
15 with fish up there and they want a lot of water to
16 swim in. And if they can't get up that they'll go
17 find some other water to go up.

18 And the water I've seen on South Cow Creek in
19 the past -- and I've been around here for, what is it
20 now, almost four years now in the area -- South Cow
21 Creek is not exactly a stream for salmon. If you're
22 lucky to have any up the stream at all, even up to
23 Millville, I'm surprised.

24 But I look at it from a different
25 perspective. I look at it every different way

26

1 possible. I don't care about the fishing up on the
2 lake up there. I don't fish. I don't eat meat. But
3 what matters is these people out here.

4 I expected -- or I appreciate the question
5 that was brought up how many were for it and who were
6 against it. I expected somebody to stand up and say
7 they were against it. Nobody. I would expect in a
8 community like this, you know, if somebody didn't want
9 it they'd come here and say we don't want it. Please
10 take it out. Not a word. Why? These people want it.

11 To me it's historical. To go up there and to
12 destroy history is amazing. I don't understand that.
13 If it had been built back in the fifties, maybe even
14 in the forties and it was a bit of a nuisance and the
15 wind of the turbines or something was irritating the
16 neighbors or it was really affecting the water, the
17 stream, maybe if the upkeep of the bypass wasn't being
18 maintained, it was actually washing out the banks and
19 stuff, I can see people coming here and saying get rid
20 of it. They're not. They want it. It's history.
21 It's embedded in this community.

22 I came here because I have some of the best
23 neighbors I've ever seen. This is a Norman Rockwell
24 community. And you want to take that history away?

25 On the part on the fires, I'm a helicopter
26

1 pilot. I've flown on fires. I've flown in three
2 states, two times in California. The closer your
3 water source is to your fire the better you can
4 control that fire. The further you have to go far
5 afield the more expensive it is to the state, to the
6 federal government. The closer it is in the better it
7 is. I'm surprised there aren't more lakes being
8 created out here just for that case. And somebody
9 wants to take it out?

10 That brings me down to one question. Where
11 is the money? Where is the money? Who is pushing to
12 get rid of it so badly that they've convinced those
13 that prepared the document, which is, what, two inches
14 thick, that it should be all removed? Everybody here
15 wants it. Who doesn't want it? I want to hear it
16 from them. I want to hear why they don't want it.
17 Fish and Game can say all they want. There's
18 something behind that. There's money behind it. It
19 doesn't mean anything to the Fish and Game. Four
20 miles of stream of maybe some fish. I don't think you
21 got fish halfway down towards Millville.

22 Thank you very much. And thank you for
23 coming up here. (Clapping)

24 MS. LINTON: William Farrell, F-E-R-R-E-L-L.

25 WILLIAM FARRELL: Actually, it's F-A.

26

1 MS. LINTON: F-A, sorry.

2

3 PUBLIC COMMENT BY WILLIAM FARRELL:

4

5 WILLIAM FARRELL: My wife and I Sue have 440
6 acres on South Cow Creek. We've owned it since 1987.
7 And I'm back there talking to Marcie Farrell, no
8 relation, but maybe back in Ireland a long time ago,
9 and her family has five generations and about 2,000
10 acres working cattle ranch. And we were lucky enough
11 to be a neighbor of hers with another piece of
12 property. And a little bit further away on South Cow
13 Creek we have 440 acres.

14 Marcie was pointing out that the Tetrick
15 place was owned by Mr. Wagner who goes back to having
16 the first brand in Shasta -- cattle brand in Shasta
17 County, so you're now talking back over a hundred
18 years.

19 If you remember our last meeting we were
20 pointing out that this Abbott Ditch that is so
21 important to the ranches of South Cow Creek I was told
22 by people there, I'm not a hundred percent sure this
23 is accurate, was started in 1850. All this points out
24 I think not only the importance and the history
25 surrounding the South Cow Creek Valley and Whitmore,

26

1 but the -- my goodness, the length of ownership here.

2 If you remember last time I was also talking
3 about the groundwater that Erik Poole was talking
4 about. Because that Abbott Ditch -- and if you
5 remember I told you I had a geology degree. I'm
6 certainly not much a geologist. I'm now a dentist.
7 But I did try to remember a couple of things.

8 And I dug about 14 wells before I talked to a
9 real geologist, another Marine I was in the Service
10 with, and found that we were sitting on something
11 called the Chico Formation. The Chico Formation is
12 like 7,000 feet and what it has is something called
13 colonated seawater, which means back in Jurassic Park
14 and Tyrannosaurus Rex this was an ancient seabed.

15 And the interesting part is as you approach
16 the Chico it's impervious, but when you get close to
17 the top of it you'll get some brine. And if you dig a
18 little further you get actual saltwater, real
19 saltwater. And they measure that by something called
20 total dissolved solids.

21 And we did an experiment on a natural gas
22 seep that we have on our place and we discovered that
23 not only do we have 1,125 BTU gas coming out, but that
24 when you measure the total dissolved solids they're
25 about 31,000 parts per million. And what that

26

1 indicates is that -- fresh ocean water is about 33,000
2 parts per million. What that indicates that after 65
3 million years it hasn't been dissolving. It hasn't
4 been weakened hardly at all.

5 So how do you get a well out there? Well, in
6 my case I tried excavators, backhoes, and drilling 17
7 wells. I got one maybe with three to five gallons and
8 I decided to drill 20 feet more and sure enough I hit
9 the salt. So what I ended up doing was taking, as it
10 flows from the Abbott Ditch, digging down with either
11 a backhoe or excavator, then creating a reservoir and
12 from that we were able to provide five to six, seven
13 gallons a minute from that. So these ranches on South
14 Cow Creek have a problem of this Chico formation just
15 about everywhere.

16 But think what this ditch does. It also
17 creates an environment, a riparian waterway that
18 somebody just pointed out. We're not just talking
19 about the salmon and steelhead. What about the bald
20 eagles that are nesting on my place? They're not just
21 eating the salmon, the few that are coming up the
22 creek, and the steelhead, they're eating squirrels and
23 other wildlife. So taking away that riparian waterway
24 you're going to cut down drastically the habitat for
25 other critters, the flora and fauna.

26

1 Another part. Somebody was talking about 225
2 miles to get up here. In my stupider days I built a
3 canoe and in 1975 I decided I'd paddle to San
4 Francisco, not realizing that nobody never made it
5 before. And I went through with a couple guys and I
6 was the first guy to ever successfully paddle a canoe
7 from Redding to San Francisco.

8 And somewhere along the line I decided I
9 better measure that because of all the meanders. And
10 my calculation before Google Earth would have done it
11 so much easier was 387 miles from Redding; eight days,
12 20 hours, and 10 minutes. But who's counting. So
13 that was my little celebration of the Marine Corps'
14 200th anniversary 1775 to 1975.

15 And if it's 387 miles to Redding it's sure a
16 heck of a lot further up here. So it's a long ways
17 and a fish is certainly going to be pooped out by the
18 time he gets anywhere close.

19 If we take out the reservoir and then we take
20 out the ditch, then I guess what the fish and wildlife
21 guys are going to say it's better for the fish because
22 we're putting more water in the creek, right? Well,
23 already on my place -- and I'm sitting practically on
24 the 100-year floodplain. Well, that's going to go up,
25 isn't it. We've got a bridge there. Is that going to
26

1 rip out that bridge? We've got two bridges. Erik
2 Poole's got a bridge. Where's Erik? What's that
3 going to do to our bridges, Erik, on the one in 50
4 years on the 100 year? I've already seen one in the
5 100 year.

6 I told you I was a dentist and I remember --
7 unfortunately, we have to deal with malpractice suits
8 sometimes, right. And when they're talking to the
9 doctors about that they talk about something that says
10 *res ipsa loquitur*, and the fancy word apparently means
11 the thing speaks for itself. And so you don't have to
12 be a neurologist or a neurosurgeon to know that if
13 somebody's having gut surgery and they leave a bunch
14 of sponges in there this isn't a good thing. You
15 don't have to be a doctor to say that's malpractice,
16 do you.

17 Well, I think when you consider what the
18 comments are tonight I think you should reflect on *res*
19 *ipsa loquitur*. I don't think we have to be a
20 biologist or a geologist to know that this thing
21 speaks for itself, the justice of this. Thank you.

22 (Clapping)

23 MS. LINTON: Is there anyone else who would
24 like to speak? Richard and then Glenn.

25

1 PUBLIC COMMENT BY RICHARD ELY:

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3 RICHARD ELY: Thank you, CarLisa. Richard
4 Ely. You have my card.

5 Well, most of the remarks that I might make
6 have already been made, so I'd like to build in the
7 interest of revenue upon the work of Bob Carey and
8 Mike Quinn who really talked about the fish issues
9 because they are indeed the things that are driving.

10 Wally Herger correctly identified the issue
11 we are here is basically because NMFS has conditional
12 authority in FERC licenses. And most likely that is
13 governing and pushing the FERC staff or biasing the
14 FERC staff towards accommodating that eventual
15 reality.

16 CarLisa, there are things FERC can do. Yes,
17 we understand perfectly what you're saying, that that
18 PG&E proposal to surrender the license is the form
19 that you are dealing with. You cannot grant that
20 surrender. You can delay. You can grant annual
21 licenses. You can do a great number of things. You
22 could foster conversations between the various
23 parties. You could in effect extend through, as PG&E
24 has done many times, 25, 30 years of annual licenses
25 which will completely delay any supposed benefits of
26

1 the fisheries agencies in effect forcing them to the
2 table.

3 There are many conditions of surrender that
4 you could come up with. FERC has a great number of
5 options. It has terrific power not so much over the
6 license conditions but over the process. And that
7 process can be used as a weapon. And I encourage FERC
8 to carefully consider how annual licenses, trials
9 whether with Steve's proposal or our proposal, the
10 Davis Hydro, could be accommodated, could be worked
11 out, could be -- could go on a trial basis in the
12 interest of the fish. Use the process that you have
13 control over while we change the legislature. I don't
14 know what Mr. Tetrick is doing but we are legislating
15 before we go to court.

16 I'd like to request also that the staff to
17 the extent that they can and the commission to the
18 extent it can require any conditions submitted to them
19 to pass the 2002 Federal Data Quality Act. We
20 recognize that this will not be supported in judicial
21 review, but the Federal Energy Regulatory Commission
22 has a judicial type mantle, a regulatory mantle that
23 is independent of the judicial process and could be
24 fully -- fully reflect the 2002 law. I request that
25 you fully consider using that law as a weapon
26

1 requiring the agencies who have -- who encumber your
2 operations in their activities and come back to them
3 and require them to meet that.

4 I apologize for the rest of my remarks. I've
5 edited them severely to make them short.

6 With the reality that this entire process is
7 being driven by an agency that wants to express fish,
8 we believe that all people here in this room do and
9 are concerned about the quality of fish in the area,
10 all fish, not just the ones in Kilarc but also up and
11 down the river. There is no one here I will bet in
12 this room that is not concerned about these natural
13 resources. True, we don't want to lose the facility,
14 the Kilarc facility that we all love, but nevertheless
15 there's no one here that wants any harm and would not
16 want to augment the existing and proposed fish that
17 could come up at least part way up the Old Cow.

18 Davis Hydro is a company that is a little
19 different than you might expect. I thought I'd just
20 interject a small thing here. Currently I'm a passive
21 guardian in the Sierra Club. Years ago in New England
22 I was an officer and committee chair and worked with
23 other environmental groups and agencies to help
24 anadromous fish in Northern Maine and other rivers in
25 the area. We sought and worked very hard for over 10
26

1 years to stop up the massive Hickey Winken dam
2 projects on the St. Johns and numerous other projects.
3 My frustration frankly with the club and others is
4 that it was not a positive step. It was not a step
5 forward, it was only actions against.

6 So I went out and started companies to build
7 small turbines to do as green power as we could in the
8 mid 1970s. Ever since then we have produced -- we
9 have produced -- or I have produced with other
10 companies 20 turbines that have been sold all around
11 the world. And in all cases we are careful, as
12 careful as we can be to consider whatever
13 environmental possibilities we can address.

14 Recently at University of California, Davis,
15 with Joe Check we researched fish friendly lowhead
16 turbines that pass fish both ways. After that we
17 developed fish herding technologies for guiding fish
18 past hazards and towards spawning grounds. That was
19 the work that led us to the Cow Creek Watershed
20 Management Group looking for a testing for that
21 technology. We have studied problems with steelhead
22 trout and salmon eggs.

23 With this background Davis Hydro asks not how
24 we can save Kilarc only for the community but rather
25 how we could use the Kilarc facility to meet our
26

1 common objective both providing recreational
2 facilities that are there but also to support and
3 enhance the anadromous fish that we would like to have
4 restored to our river.

5 In effect, we ask starting on the day that we
6 heard -- we first met Mike from CDFG about the Kilarc
7 Reservoir what can we do meet and exceed all the fish
8 agencies? How do we use the Kilarc project to enhance
9 fish? Thank you.

10 Well, enough of the Davis Hydro past.
11 Recently we have formed the nonprofit Kilarc
12 Foundation to address the restoration of the trout
13 populations in the Northern Sacramento area. A
14 foundation that will channel money and boots on the
15 ground and hydro operations to improve trout,
16 anadromy, and others. The nonprofit foundation is
17 currently funding -- and was formed by Davis Hydro is
18 currently seeking directors from the community who are
19 interested in the fish.

20 I'm going to save the rest of my remarks.
21 They're fairly technical concerning a single document
22 which I direct you to. It's an enormous document. On
23 January 11th of this year CDFG released its
24 Environmental Impact Report on hatchery operations.
25 This document is a stunning denunciation of the
26

1 federal and state practices of operating hatcheries in
2 California. The excellent work is the largest mea
3 culpa document by any group of agencies I've ever
4 seen, and I've been in the environmental business for
5 over 40 years. It is an extraordinary admission by
6 these agencies of their culpability in destroying the
7 health, genetic diversity, and viability of salmota in
8 the Sacramento River basin.

9 I'm going to have to retain the rest of my
10 remarks, but they basically point out that the
11 hatcheries have in effect released thousands and
12 thousands of fish, all of which are -- or many of
13 which are brothers, sisters, or first cousins. That
14 leads to huge inbreeding, massive depression, lots of
15 disease, poor genetic potential, and basically a
16 complete collapse of the salmotas that we're looking
17 at.

18 Yes, we have huge habitat reconstruction and
19 habitat we have to address. That's one half of it.
20 But a much harder, a much more complex job is the
21 genetic reconstruction restoration in this area. I'll
22 be filing a paper on this to complete it and be happy
23 to answer any questions for people who want to
24 understand this issue. It is going to be the real
25 battle. We understand the pollution of the river. We
26

1 can do something about that. The genetics issue that
2 we are now facing for any kind of effective
3 restoration is going to be a massive complicated
4 project. Davis Hydro would like to participate in
5 that and our filings will show how. Thank you very
6 much. (Clapping)

7 MS. LINTON: Glenn Dye.

8

9 PUBLIC COMMENT BY GLENN DYE:

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11 GLENN DYE: I'm back again. Probably for the
12 last time tonight. I have a couple of words, but
13 before I say them I want to say to CarLisa and her
14 staff we gave you a hard time last time and it hasn't
15 changed tonight. But let me say that it isn't a
16 personal attack. It may be on FERC but not -- don't
17 you take it personally. You have been exposed to the
18 passion of Whitmore. And you understand and you know
19 how these people feel and what they're trying to
20 convey and what they're trying to protect.

21 There's a couple things that came up, and I
22 think because I was signed in early you thought I'd
23 already talked. But I still have a few things to say.

24 You heard about the wells and the problems
25 and PG&E said they talked to 11 different -- or

26

1 contacted 11 different people about wells to see if
2 they had a problem. They got one response.

3 Well, I've talked to more people than that
4 and I didn't get the response they got. I mean you
5 talk to Maggie and you know what the problem is with
6 the wells. If they're not deep enough or if they're
7 not positioned properly or the water table is low
8 because it's a drought year, they're weak on water.
9 They may have to haul it in. And we know people that
10 have hauled it in. So you heard a lot about the
11 wells. I'll skip that. But I'm going to hit fire
12 lightly.

13 As was pointed out by Maggie, this weekend --
14 yesterday morning there was a fire within a mile of
15 here. It was only two acres. And started by some
16 illegals growing pot. And it's piled up there now on
17 the Brady Ranch because they took it out. Anyway,
18 that was one fire. Cal Fire got on it very rapidly
19 and when they did they got it under control. They
20 didn't even ask the Whitmore Volunteer Fire Department
21 to join them, which they normally would do. They
22 controlled it that rapidly.

23 And then there was another fire over the
24 weekend over in Oak Run which isn't very far away.
25 And all of these are indicative of what control we
26

1 need and what we have to worry about every summer. It
2 gets hot and it's dry and Kilarc is very important
3 to -- as you heard earlier to the helicopter buckets.
4 They get there quickly and they put out spot fires and
5 bigger fires.

6 And the battalion chief here, third battalion
7 I believe it is, has indicated that they fill their
8 water tankers and their engines at Kilarc in addition
9 to using it for the helicopters dumping the buckets.
10 And we got a little joke that goes along with that
11 about barbecuing fish. Anyway, enough on fire.

12 There's a couple other things I'd like to add
13 in that, and the Gooches know this. In fact, I'm kind
14 of quoting them. They got their insurance bill this
15 year and it had gone up drastically. And you can
16 imagine if Kilarc is not there and doesn't have the
17 capability to fight fire there's only one company that
18 would give them insurance and I'm sure that company is
19 going to go away if the water goes away. And when the
20 insurance goes away it's going to affect the whole
21 community without any doubt.

22 And we talk about the cost of
23 decommissioning. It doesn't stop right there because
24 you've got the impact of the potential for the loss of
25 insurance, property value goes down -- I'm back where
26

1 I started. Anyway, I didn't think it would take that
2 long.

3 Property value goes down, quality of life
4 goes down. And what does that do to the community?
5 You're not only -- the ratepayers aren't the only ones
6 that are going to suffer. They have to pay for
7 decommissioning. You've got the decrease in property
8 value which takes taxes away at a critical time and
9 what's going to happen. The taxes, your taxes are
10 going to go up. Even if you don't have PG&E power and
11 aren't a ratepayer you're still going to be paying for
12 decommissioning. And that doesn't really stop right
13 there. The impact is on the community, on the
14 businesses, on the recreation, and we've gone through
15 that so I won't repeat it.

16 But fish, I got to hit it slightly.
17 Everybody else did so I'm going to. If you stop and
18 figure the money that's going into decommissioning,
19 what is added in streambed increase flow of water is
20 about 2.7 miles. And if you figure the dollars
21 against that we're paying around \$40 million a mile
22 for streambed that they can't say is actually
23 accomplishing, improving the fish in anyway. They
24 can't even show us a study that says the fish are
25 there.

26

1 So I know Battle Creek they're spending \$40
2 million or \$80 million, but they're getting 40 some
3 miles of streambed which is quite different.

4 Okay. I told you about the tax increase.

5 Well, I wrote an article for press release
6 and I'll give you a copy of it. I titled it "The
7 Death of a Village." And I think from what you've
8 heard you've recognized how these people feel and
9 what's going to happen to the businesses, to the
10 school, even to the post office. If they don't have
11 the traffic up here, if they don't have the water, if
12 they don't have a worthwhile quality of life all of
13 these things are going to go away.

14 So before I leave, though, and this isn't
15 part of the information we're passing along to you, my
16 grandson's girlfriend made a cake. It's back there.
17 It's going to be cut after this meeting is over and I
18 think it's just about there. And I'd like you to take
19 a look at it because she makes some beautiful cakes.

20 And I've got a copy of the one we had up for
21 the picnic two weeks ago, a picture of it, I finally
22 got one. I don't like the picture very well but
23 that's all I've got at the moment. And they're
24 beautiful cakes and they represent -- the one at the
25 picnic was one of Kilarc and a man fishing and fish
26

1 around it. And this one, well, I haven't even seen it
2 yet. I've only heard what it's supposed to be. But
3 you can take a look at it and I think we're all going
4 to get a chance to sample it.

5 And thank you CarLisa and company for coming
6 up. And we hope we accomplished what we intended to.
7 Thank you. (Clapping)

8 MS. LINTON: We have received information to
9 take back from Maggie Trevelyan, from Charles and
10 Debbie Dakaro, from commissioner Herger's office. If
11 anyone -- and from Glenn Dye. If anyone else has
12 information that they would like me to file on their
13 behalf of the commission then you can feel free to
14 bring it to me. Otherwise, we will encourage you to
15 file any written comments by the August 25th deadline.

16 I want to thank everybody who came up and
17 spoke. We do rely on information from the public and
18 we appreciate it. It's been -- it's been a fabulous
19 community in terms of coming out, speaking out. Staff
20 will take these comments, we will address them. We
21 know that the issue with the decommissioning of this
22 project is not petty on many fronts. We know the
23 impacts. We are hearing you on that.

24 And we want you to know that the next step
25 for staff is once the comment period closes then staff
26

1 will review the transcripts from both public meetings.
2 We will review the filings, and there are so many
3 filings, and we will begin writing the final EIS. We
4 don't know when that will come out. Even if we did we
5 couldn't tell you. But we will take an attempt in
6 that to be accurate and to be truthful and to
7 represent the things that we are hearing and the
8 things that are filed from resource agencies, NGOs,
9 and each and every one of you.

10 So we thank you for your verbal comments and
11 for your written comments and for the time and the
12 effort that we see that you all have put in on this
13 project. And thanks to everybody providing everything
14 for this meeting tonight.

15 So that's the next steps for staff. And I'm
16 not sure whether or not we will be this way again.
17 We've had two public meetings and that's kind of rare.
18 But it was needed in this case and I'm very glad that
19 we did and I just want to say thank you. (Clapping)

20 That concludes the second public meeting.

21

22

23 (The meeting was concluded at 9:00 p.m.)

24

Document Content(s)

0817kilarc.TXT.....	1-110
30473.DOC.....	111-219