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CEQA SCOPING WORKSHOP

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TUESDAY, SEPTEMBER 27, 2005

3: 34 P. M.

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CHESTER MEMORIAL HALL

CHESTER, CALI FORNI A

REPORTED BY ELLEN E. HAMLYN, CSR #5558

1 TUESDAY, SEPTEMBER 27, 2005; SUSANVILLE, CALI FORNI A
2 3: 30 P. M.

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5

PROCEEDINGS

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MIKE HARTY: I would like to get this meeting started and move into what's most important. My name is Mike Harty and I will be facilitating, moderating this evening, but what I want to promise you is that after I outline what we're planning to do, I don't plan to talk very much, it's really about giving you all an opportunity to provide your input to the state board as the scoping process begins and I'm going to talk a little bit about that in a minute.

15

I work for the Center for Collaborative Policy which is an organization in Sacramento that's affiliated with Sacramento State University and I'm a mediator and facilitator and so if you're feeling like the meeting isn't working for you, talk to me, but don't ask me any questions about water temperature, fish or curtains, I can't help you. There are plenty of people here tonight who can answer those questions and I'm going to have them introduce themselves here in a minutes.

24

Okay, let me get the official part out of way. This is a scoping meeting sponsored by the

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California State Water Resources Control Board and I'm going to refer them tonight as the board.

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6

Under the California Environmental Quality Act there are a few acronyms, as many of you know, are familiar with this CEQA, it's the act and when I say the board, it's the board. The board is preparing an

7 environmental impact report for the Upper North Fork
8 Feather River Project and the purpose for tonight's
9 meeting, the purposes are two. First, the Board would
10 like to share information with you about the CEQA process
11 and the water quality certification process and that's the
12 purpose for all of the information stations in the other
13 room and the handouts for you.

14 And Vickie Hanson from the Board is the
15 senior board staff member here and I'm sorry, Vickie
16 Whitney. I'm sorry, Vickie. And Vickie, if you could
17 actually stand up and let folks know you are here. Vickie
18 Whitney is going to speak with you in a couple of minutes
19 and let you know a lot more about the water quality
20 certification process.

21 The other goal is to gather new ideas and
22 new information from all of you for the board as it goes
23 through the scoping process about possible alternatives,
24 about mitigation measures and potential environmental
25 impacts from this project. So there are two purposes

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1 tonight, the board wants to provide you some information
2 about what they're up to and hear from you. Okay?

3 All right, the first thing I want to do is
4 acknowledge all the help we've gotten from Bill Dennison.
5 Where are you Bill? Thank you, Bill.

6 BILL DENNISON: I appreciate it very much.

7 MIKE HARTY: Bill has not only helped us organize
8 this space, but has really helped us in organizing the
9 speakers and the approach to the program, so I really, I

10 don't often get that assistance and I really, I thank you
11 for that.

12 And I'm going to be very careful with my
13 list. All right, so Vickie has introduced herself. The
14 other thing I'd like to do is have the other staff members
15 from the State Board just raise your hands or stand up so
16 that at least people in this room know who else is here
17 from the State Board. Vickie is not alone. And any one
18 of these folks, some of them you probably know, is here to
19 talk to you about either the CEQA process or the water
20 quality certification process that they are going through.

21 The other people I'd like to introduce to
22 you are the members of the team from North State
23 Resources. North State is the environmental consultant
24 who is under contract to prepare the environmental report
25 and I just want you to see all the folks from North State

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1 who are here this evening as well. And Paul is the
2 project manager from North State. Who else? Is anyone
3 else? There we go. And people are in the other room, I
4 see a bunch of hands back there so you can go find them.

5 Okay, if you haven't been to the information
6 stations, we're going to have a break after the first part
7 of the meeting and you can hang out here, you can go
8 outside or you can go back once you're, you have the
9 opportunity to go back to the information stations and
10 talk to the folks who are there.

11 How to provide input, because it is about
12 providing input. There are many ways to do it. A few of
13 you, one or two I suspect, are hear to speak tonight,

14 right? Just kidding. You have the opportunity and we're
15 looking forward to hearing your comments this evening as
16 one way of providing your input to the board about
17 mitigation measures, alternatives and potential
18 environmental impacts.

19 That's not the only way that you can do it.
20 There are forms that you can fill out if you would prefer
21 not to speak, and this is an example of the form. You can
22 write your comments on the form and leave it in one of the
23 boxes on the table. It counts just as much as a speaker's
24 comments here tonight.

25 You also have the opportunity, if you would

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1 like to, to prepare some written comments after this
2 meeting and submit them to the board by October 17th.
3 That's the important date. So those are the opportunities
4 to really provide comment.

5 You can also talk to members of the board
6 who are here tonight. You can talk to the NSR staff, the
7 technical folks and advise them of things that are on your
8 mind. But if you really want to document those comments,
9 put them in writing either on the comment form in a letter
10 to the State Board or you'll speak tonight.

11 As far as tonight's speaking, Ellen is our
12 court reporter. How many have you been to a public
13 meeting where there's a court reporter before? Many you
14 of, so for some of you this is familiar. I'm trying to
15 slow down the speed at which I'm speaking because Ellen is
16 creating a transcript of this entire public comment

17 session. She does that by typing on a machine that is not
18 like any machine you or I have ever typed on. But she
19 needs your help tonight and there are a couple of things
20 you need to do, and she'll remind me if I'm not doing it.

21 First of all, you need to speak at a
22 reasonable speed, not too fast. The second thing is you
23 need to speak one at a time. She can't capture more than
24 one person speaking at a time. And if you get going too
25 fast, I may ask you to slow down and she may ask for help

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1 and we'll have to stop and pick up.

2 The last thing is she needs to be able to
3 see your face which is why we have the podium up here. I
4 know it can be a little bit daunting to speak in front of
5 a room full of people whether you know them or not, but
6 Ellen maybe does a little bit of lip reading and has all
7 sorts of tricks so she needs to be able to see your face.
8 That's why we've got it organized this way.

9 Ellen is going to make a transcript and if
10 you are interested in obtaining a copy of the transcript
11 she is making because this is what she does for a living,
12 you should see her, okay? We're going to take a couple of
13 breaks, she needs to take a break, and you can talk to her
14 then and she is local right here in Chester as I
15 understand, she may be your neighbor, I don't know.
16 That's how we are capturing all your comments, we're not
17 scribbling on flip charts or doing anything like that
18 tonight, we'll have a transcript.

19 Okay, the way we're going to organize the
20 comment period is as follows: We've got two parts to the

21 comments. In the first part, we're going to give an
22 opportunity to government officials, elected officials or
23 representatives of government agencies to provide their
24 input to the board. And on my list now I think we've got
25 about seven or eight people who've taken the time to come

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1 here tonight. We have representatives of tribes, we have
2 representatives from congress and from the assembly and
3 the state senate in addition to Bill and I don't know
4 whether another of your supervisors is here tonight.

5 BILL DENNISON: I don't believe so.

6 MIKE HARTY: So we're going to hear from the
7 government officials during the first part and then we are
8 going to have about a 30-minute break and after that
9 break, we're going to have the second part which is
10 devoted to individual comments and the comments from any
11 representatives of non-governmental organizations. So
12 we'll have part one and part two and I'll explain how
13 we're going to work part one and part two, it will be
14 pretty basic.

15 What I need to do with you before I stop
16 talking and turn it over to Vickie is to get your
17 agreement to a couple of things. A lot of you are here
18 tonight. I don't know how many of you would like to
19 speak, but it's real important to us that everyone has the
20 same opportunity because you've taken the time and it's
21 important to you. Many of you live up here, you're here
22 because this is something that is part of your lives for
23 many of you and I appreciate that as do other folks, so we

24 want to make sure that all of you have the same
25 opportunity to speak. That means that there needs to be

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1 an agreement we all have about a couple of things.

2 First of all, everyone who speaks has the
3 same opportunity. I'm guessing you may hear one or two
4 things that you don't necessarily agree with here tonight.
5 Understood. That's why you're here because people have
6 some real strong feelings about things, but it's got to be
7 okay for people to make comments that you don't agree with
8 and I'm going to ask you all to give people that space.
9 Yep? Okay, good.

10 The second thing is we're going to ask you
11 particularly in part two to respect approximately a
12 three-minute guideline. And I say approximately because
13 I'm not going to give you the hook, I promise. What it
14 means is if we have 10 people who take six minutes, we've
15 lost 30 minutes for other folks and it's getting later and
16 some folks are getting hungrier and the seats are kind of
17 hard, I think, so there's various motivators, but I'd ask
18 you to be respectful of the timeline. I may let you know
19 when we are past three minutes, but you should make your
20 own decisions about how much time you want to take. That
21 will work? Yep? Okay.

22 I am going to let your government officials
23 take as much time as they need, it's up to you to manage
24 them, okay?

25 Here's the last thing that I have on my list

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1 and that is I have a suspicion that there are some things
2 that are very important to a lot of you and we could get
3 into a situation where it sounds like people are saying
4 the same thing, so what I'd like to ask you to do is if
5 you basically want to endorse what you heard before and
6 don't need three minutes to do it, do it. I endorse what
7 I have heard before, okay, one, two, three. You don't
8 have to take your full three minutes. All right? That
9 will make it easier for the rest of you, so the less
10 repetition we have, the more time there's going to be to
11 talk about the things that are new, the things that the
12 board has not heard before. Okay?

13 I think that's the last thing that I wanted
14 to talk about. When we get to part two, I'll tell you how
15 we're going to work things, but basically the one rule is
16 or my request is if you do want to speak, I hope you have
17 filled out one of the public input cards, the little white
18 cards because I'm going to use this system of these cards
19 to let people know who's next. We're going to have you
20 come up and speak from the podium and I'm also going to
21 give your card to Ellen so that she can spell your name
22 correctly in the transcript and we don't have to stand
23 here spelling it each time, so there's a reason for the
24 card system. But I'd ask you all just to take a minute if
25 you would like to speak, fill it out with your name and

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1 the address and make sure I get it before the individual
2 comment session starts in a while. Okay?

3 Any questions about how we are going to do
4 the meeting?

5 AUDIENCE MEMBER: When?

6 MIKE HARTY: When? I am going to turn things over
7 to Vickie Whitney right now and thank you for that prompt.

8 VICTORIA WHITNEY: See how much paper this podium
9 can hold.

10 First, on behalf of the State Water
11 Resources Control Board, I would like to welcome everybody
12 here this afternoon. My name is Vickie Whitney. I'm the
13 Chief of the Division of Water Rights and I would like to
14 welcome you both on my behalf and on behalf of our board
15 members. Unfortunately they couldn't be here today, that
16 was my fault. I was dealing with a family emergency over
17 the last few weeks. My mom passed away and I had to leave
18 from her funeral to take my daughter to college out of
19 state. By the time I got back and let them know what was
20 going on, their calendars were booked and they couldn't
21 clear it, so our board, Tam Doduc, is very interested in
22 this issue, I talked to her about it, and she wanted me to
23 express her regrets to you all that she couldn't come.

24 One of the reasons that we're transcribing
25 the meeting is so the board members can read all of the

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1 comments that you all make and hear your words in your own
2 words. So again, thank you, and welcome today.

3 The purpose of the meeting today, as Mike
4 said, is to share information regarding the CEQA, that's
5 California Environmental Quality Act and Water
6 Certification Process and to receive public comments on

7 all aspects of PG&E's project.

8 As Mike said, Ellen is transcribing the
9 meeting. When you get up to speak, please say your name
10 clearly. She'll have your card, but that way we will make
11 sure there is no mix ups and you are correctly identified.

12 As many of you know, PG&E has filed an
13 application for a new license with FERC. Before FERC,
14 that is Federal Energy Regulatory Commission, can issue
15 that license, the State Water Board has to certify under
16 Section 401 of the Federal Clean Water Act that operation
17 of the project will be consistent with state and federal
18 water quality standards. Any conditions of certification
19 are mandatory and become conditions of any federal permit
20 or license that is issued for the project by the federal
21 government.

22 The issuance of a water quality
23 certification is a discretionary act. That means the
24 board can decide not to issue it if it so chooses and
25 because it's a discretionary act, it's subject to

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1 compliance with CEQA. The State Water Board has decided
2 to develop an EIR to meet the requirements of CEQA. There
3 are several different of types documents the State Board
4 can prepare. The EIR is the most stringent in terms of
5 review of the alternatives and mitigation measures that
6 are being proposed.

7 The purposes of this meeting is, this
8 scoping meeting is to receive information from you all
9 concerning the potential environmental impacts of the

10 project itself of the alternative ways of meeting the
11 project goals and of any mitigation measures. We'd like
12 to hear from the elected officials from the tribes and
13 from other resource agencies and the public in developing
14 our EIR because we want to make sure it's as comprehensive
15 as possible.

16 For purposes of CEQA, the project is defined
17 as the operation of Upper North Fork Feather River Project
18 as proposed in the application that PG&E filed with, filed
19 for its license with FERC and also the protection
20 mitigation and enhancement measures which are called
21 PM&E's. They are described in the settlement agreement
22 that PG&E has reached with some of the stake holders. I
23 suspect some of you are familiar with that agreement.

24 Under the Clean Water Act, that's the
25 federal law, the State Water Board has to determine

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1 whether operation of the project as proposed will comply
2 with the water quality control plan for the Sacramento and
3 San Joaquin River basins. Those water quality control
4 plans are adopted by the Regional Water Quality Control
5 Board. In this case, that's the regional board that's in
6 Sacramento. Then they're approved by the State Water
7 Resources Control Board. They go to the office, the state
8 office of administrative law for approval and then they go
9 to federal EPA who also has to approve them.

10 The basin plan designates the beneficial
11 uses for the North Forth Feather River and for Lake
12 Almanor and also defines a unique set of -- I already said
13 that, unique set of beneficial uses. The basin plan also

14 specifies water quality objectives that are designed to
15 protect the beneficial uses and the poster in the back
16 lists both the beneficial uses and some of the water
17 quality objectives.

18 The State Board's responsibility is to
19 ensure that the beneficial uses of both the river and the
20 lake will be reasonably protected. It is not our desire,
21 our goal or our interest to sacrifice the beneficial uses
22 of one of those water bodies for the benefit of the other.

23 The basin plan directs us with the
24 controllable factors policy which basically states that
25 controllable water quality factors are not allowed to

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1 cause further degradation of water quality in instances
2 where other factors have already resulted in water quality
3 objectives being exceeded.

4 Controllable factors are defined as those
5 actions, conditions or circumstances that may influence
6 water quality and may be reasonably controlled.

7 For instance, weather, which none of us can
8 control although we would like to, is not designated as a
9 controllable factor, but releases from the dam are
10 designated as controllable factors.

11 The most significant issues in this case
12 concern the measures that are necessary to protect three
13 of the beneficial uses that are designated for Lake
14 Almanor and for the North Fork Feather River. Those three
15 are habitat for coldwater fisheries, recreation and power
16 generation. These three uses are going to be very

17 important in formulating the alternatives that we are
18 going to evaluate in the EIR and they are the focus of
19 some of the exhibits that are in the back room, so I would
20 encourage you all to look at the exhibits before you leave
21 if you haven't already taken a look at them.

22 The State Board has received information
23 that's been collected over the past 20 to 30 years along
24 with data and surveys that were conducted during the FERC
25 relicensing process and after going through those, we've

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1 identified several resource values that are impacted as a
2 result of the ongoing operation of PG&E's project
3 facilities.

4 Many of the environmental resource issues
5 that are associated with the North Fork Feather River
6 Project have already been analyzed in an environmental
7 impact statement or EIS that's been prepared by FERC.
8 Federal agencies prepare EIS's, state agencies prepare
9 EIR's. They're essentially the same type of document.
10 They are disclosure documents, although there are these
11 legal distinctions between the two. The PM&E's and the
12 settlement agreement may resolve some of the issues that
13 were identified.

14 In developing the EIR, the State Water Board
15 will consider the EIS and the settlement agreement and
16 their ability to address potentially significant impacts
17 of the hydropower project. However, there are still some
18 unresolved issues that we need to fully address in our
19 CEQA document.

20 Water temperature is one of those issues and
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21 it's probably the most complex of the outstanding issues
22 that are associated with this project. That's both water
23 temperature in the river and water temperature in the
24 lake.

25 PG&E and the Department of Fish & Game has

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1 long recognized the water temperature to be a significant
2 problem particularly in the river in the early 1980s as
3 Fish & Game and PG&E began monitoring water temperatures
4 and their effects on the fishery populations of the river.
5 In that decade, Fish & Game and PG&E agreed that
6 temperature reductions in the river were necessary to
7 restore a healthy coldwater, cold fresh water fishery.
8 PG&E then determined that releasing cold water from Lake
9 Almanor was likely the most feasible approach to
10 temperature reduction in the river downstream of the dam
11 from the monitoring and feasibility studies that were done
12 on cold water in the 1980s.

13 The concept of the Prattville intake
14 notification or thermal curtain, I'm sure you are familiar
15 with that given there are signs on almost everybody's
16 lawn, was developed. The thermal curtain has the
17 potential to restore and protect the cold fresh water
18 beneficial use designated for all reaches of the north
19 fork of the river, but we are very aware of the local
20 opposition. As I said, we actually drove around town
21 today and I went for a walk around the block earlier today
22 and we've seen all your signs and seen them before and we
23 have read articles in our local paper as well as articles

24 that have appeared in your paper. We are mindful of your
25 concerns and we are committed to carefully evaluating any

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1 impacts that the temperature control measures or any other
2 mitigation may have on the lake so that all three of those
3 beneficial uses, coldwater fishery, recreation and power,
4 are equally protected for both the lake and the river.

5 CEQA requires that the EIR that we prepare
6 include a reasonable range of alternatives and Dana, who
7 is our attorney, said a reasonable range is three, right,
8 plus the no project alternative.

9 To meet this requirement, the EIR is going
10 to analyze multiple alternatives. In developing those
11 alternatives, the State Board will include measures to
12 minimize impacts to all significant resource areas that
13 have been identified as being potentially significant.
14 Each alternative will actually be a package of mitigation
15 measures and will include a measure for minimizing impacts
16 for water temperature in the river.

17 The State Board's planning to follow a
18 systematic approach in determining the viability of any of
19 the proposed measures that we are considering as part of
20 an alternative package that addresses water temperature
21 and coldwater fisheries. Initially, we're going to cast a
22 wide net. That is, we're going to look at as many
23 alternatives as we all can come up with for potentially
24 improving temperature in the river. Some of those
25 individual measures may only affect a specific reach of

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1 the river or a specific lake and others may affect more
2 than one reach of the river or more than one lake. The
3 project involves several lakes, as I'm sure you know.

4 The State Water Board is going to use a
5 preliminary screening process that considers effectiveness
6 in meeting temperature objectives, cost, contractibility,
7 incidental environmental impacts and other technical
8 factors. Through this screening process, we plan to
9 winnow down the possible alternatives to arrive at a
10 smaller set of technically feasible alternatives. A
11 reasonable range of these technically feasible
12 alternatives will be evaluated in the EIR.

13 The State Water Board and our technical
14 experts from North State Resources are currently
15 evaluating all the data that was collected for the
16 relicensing of the project by FERC. Included in this
17 effort are an appraisal of all predicted modeling that was
18 done on the water temperature issue. There's some
19 modeling graphs that are on one of the posters in the back
20 room, you might want to take a look at that.

21 A preliminary assessment of the thermal
22 curtain has not been completed, but we do intend to look
23 at whether or not the thermal curtain is feasible before
24 we go any farther and do a more specific and more detailed
25 analysis.

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1 As I stated earlier, one of the purposes of
2 the CEQA scoping process is to obtain input from other

3 state and federal resource agencies, the tribes and the
4 public to assist in the development of those alternatives.

5 One thing to keep in mind is that CEQA
6 itself does not require that the board take any action. A
7 CEQA document is a disclosure document so the purpose of
8 developing the document is to make sure that our board is
9 fully informed when they do make their decision regarding
10 what conditions they're going to impose and the water
11 quality certification for this project.

12 The State Board is going to consider all the
13 comments and all the mitigation measures that are proposed
14 for satisfying a complete alternative package and the
15 inflow of your ideas and of constructive suggestions for
16 consideration in the alternative selection is very
17 important to us and I want to emphasize that. So we do
18 appreciate you all being here and we are looking forward
19 to hearing your comments.

20 In closing, I want to reiterate, it's
21 important to our board chairman, to our board and to me
22 personally that our process be open, transparent and a
23 fair process, and that the process be developed so that we
24 can thoroughly evaluate the issues and concerns raised in
25 this scoping session to develop a well reasoned and a

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1 scientifically supported EIR and also the water quality
2 certification decision.

3 We do keep in mind both the policy input
4 that you provide as well as the scientific input. We do
5 have certain legal standards that we have to maintain. We
6 always anticipate that we are going to be sued when we

7 make a decision of this magnitude because we almost always
8 are, even though we seek to avoid that, so we want to make
9 sure our document is legally defensive as well as
10 scientifically defensive and further, it's good public
11 policy.

12 As Mike said, through the scoping process,
13 you can provide your verbal comments to the court reporter
14 today or you can provide written comments. We will read
15 all of the comments that you submit to us. The open
16 comment period ends on October 17th, 2005, so please
17 endeavor to get your comments in by that time.

18 In addition to commenting during the scoping
19 process, there is another opportunity for the public to
20 participate on the draft EIR. As we move forward, the
21 State Water Board is going to evaluate whether additional
22 opportunities for public input should be made available.

23 The opportunity that is required by law
24 comes at the time we issue or the draft environmental
25 impact report. That environmental impact report will be

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1 made publicly available. Many of you, I think all of you,
2 signed up on a sheet of paper in the back room indicating
3 whether you want a copy of that document. Those are
4 interesting, specifically for people who are technical
5 geeks or science geeks. They make really good sleeping
6 material if you don't put yourself in that category, but
7 they do provide a lot of public information and I would
8 encourage everybody to read at the very least the
9 executive summary and then go into the document and delve

10 deeper into the technical issues you are specifically
11 interested in.

12 We appreciate the outstanding contributions
13 that you've made so far in this effort and we look forward
14 to your continued participation, the participation of
15 local landowners, government agencies and our legislative
16 representatives, tribal representatives, non-governmental
17 organizations and all users of water resources in your
18 watershed.

19 And I'd like to close by stressing that we
20 are here to learn from each other. I've had an
21 opportunity to speak and I'm looking forward to hearing
22 you all speak. We will be available to answer your
23 questions at the information stations in the other room
24 following the public speaking portion of the meeting.

25 And lastly, I'd like to thank you all again

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1 for your continued participation in this effort and I hope
2 it is a collaborative one. Thank you very much.

3 MIKE HARTY: All right, I have a list here of
4 government representatives and if someone has come since I
5 got the list, please feel free to let me know, but what I
6 would like to do is start with Lorena Gorbet from the
7 Mai du Cultural and Development Group. We have all forms
8 of governments and Lorena is from a tribal government.

9 LORENA GORBET: I'm Lorena Gorbet, coordinator for
10 the Mai du Cultural and Development Group. The Mai du
11 Cultural and Development Group is intervenor in the 2105
12 relicensing process and has been involved since the
13 initial meeting.

14 The MCDG also commented on the Rock
15 Creek-Cresta project in the 1990s. MCDG is instrumental
16 in keeping the Native American community informed about
17 water projects and issues within our traditional territory
18 and have taken their concerns and comments back to those
19 agencies and companies involved.

20 The hydro projects in Big Meadows, Mountain
21 Meadows, Butt Valley and Humbug Valley has taken 109
22 Indian land allotments totaling 16,000 acres resulting in
23 a huge cultural disruption to those Mai du that were
24 displaced. An MCDG priority is site protection.

25 The Mai du oppose the installation of thermal

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1 curtains in Lake Almanor and Butt Valley Reservoir because
2 the Mai du burials are under the water of these two lakes.
3 There is a Mai du cemetery under the water out from
4 Prattville. PG&E has stated that they dredged through
5 this whole area in the 1930s possibly scattering our
6 ancestor's bones widely over the lake bottom. We
7 therefore feel that the whole area needs to be declared as
8 a burial site. There are also burials in Butt Valley
9 Reservoir.

10 If the thermal curtain's alternative were
11 selected as the required alternative to cool the north
12 fork of the Feather River reaches, the Mai du community
13 would expect to be consulted on every step of planning and
14 construction according to state and federal laws, mainly
15 the Native American Graves Protection and Repatriation
16 Act. We would expect Native American monitors to be on

17 the job sites to see that any dirt dredged from the lake
18 bottoms would be searched for human remains and artifacts.
19 We would expect repatriation of any recovered human
20 remains on site along the shoreline and a repository or
21 cultural center built by the licensee to house any
22 artifacts removed.

23 The Mai du Summit Group is a collection of 10
24 Mountain Mai du organizations and tribes, both federally
25 recognized and unrecognized. In August 2004, the Mai du

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1 Summit Group posted a resolution opposing the thermal
2 curtain alternative and supporting upstream restoration as
3 an alternative.

4 We believe that off site mitigation to
5 improve the streams in the North Fork Feather River
6 watershed reflect and improve fish and wildlife habitats
7 and bring many more benefits to the North Fork Feather
8 River and PG&E.

9 Off site mitigation also provides improved
10 access for our Native American community to many miles of
11 watershed creeks for the riparian resources we lost with
12 the flooding of Big Meadows, Mountain Meadows and Butt
13 Valley.

14 Our written comments will be submitted
15 before the October 17th deadline and will include these
16 comments in detail, a copy of the Mountain Mai du Summit
17 Resolution, copies of our information on the Indian
18 allotments and copies of all of our prior comments
19 concerning the 2105 Project relicensing. Thank you.

20 MIKE HARTY: And I believe that Mike DeSpain is
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21 here from the Greenville Rancheria; is that right? Is
22 Mike here?

23 MICHAEL DeSPAIN: I apologize if I'm a little
24 sketchy when I start this. A lot of this was finished
25 this morning as I was coming back from Red Bluff on the

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1 phone, so I was trying to get this done.

2 My name is Mike DeSpain. I'm the Greenville
3 Rancheria Tribal Environmental Director. The Greenville
4 Rancheria would once again like to voice its opposition to
5 the proposed thermal curtains on Lake Almanor.

6 A copy of this will have our tribal chair
7 signatures on it, on the outside of my comments. Please
8 bear in mind that the Greenville Rancheria is a federally
9 recognized tribe and under Section 106, the National
10 Historic Preservation Act. Consultation is required prior
11 to issuance of a federal license. The scope and mandatory
12 consultation should be appropriate of the requirements of
13 other statutes such as CEQA, NEPA, NACRO, the American
14 Indian Religious Freedom Act, Archeological Resources
15 Protection Act, all of which are important matters which
16 concern the tribe and are an issue at this project.

17 I'd like to begin with the cultural issues
18 that are present and proposed by the thermal curtains.
19 This is a primary concern that Greenville Rancheria and
20 the Native Americans have because of an identified Native
21 American cemetery originally located in the Prattville
22 area.

23 As Lorena specified, PG&E did do some

24 dredging in the 1930s and literally scattered bones and
25 remains across the bottom of the entire area. No one has

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1 any current records of the remains or how the dredging was
2 completed.

3 The site clearly meets the criteria for the
4 National Registry of Historic Places and processes for
5 registration would be initiated shortly according to the
6 National Historic Preservation Act.

7 Even if an Indian tribe has not been
8 designated -- even if an Indian tribe has not been
9 designated by the National park to have a tribal historic
10 preservation officer who can act for the state historic
11 preservation officer on its lands, it still must be
12 counseled about undertakings on our affected lands on the
13 same basis and in addition to the SHPO. Given that
14 legislation, why has the jurisdiction for culturally
15 sensitive sites been given exclusively to the SHPO? For
16 anyone who don't know what SHPO stands for, it's State
17 Historic Preservation Officer. That is only a state
18 agency. An Indian tribe like Greenville and Susanville
19 are federal agencies with sovereign nations status.

20 To continue, Greenville Rancheria has not
21 signed the MOU for this reason. State agency, on whose
22 authority do state agencies have signatory rights over
23 federally recognized Indian tribe? This is an integral
24 right of sovereign nations recognized by the federal
25 government.

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1 According to the application legislation,
2 the tribes ought to have been consulted as de facto THPO's
3 on this project. The result of neglect is that Native
4 American ancestral bones scattered at the bottom of Lake
5 Almanor are going to be dredged over without any regard to
6 requirements of Section 106.

7 If this California State Water Resource
8 Control Board properly appoints lead agencies, which steps
9 are going to be taken for provisions under Section 106 to
10 be followed?

11 To make matters worse -- to make matters
12 worse, our enquiries to the SHPO's office in Sacramento
13 indicated that even their office is not aware of the
14 potential destruction of a Native American cemetery at the
15 bottom of Lake Almanor due to the thermal curtains.

16 Prior consultation with the SHPO has been
17 defective. For example, the date of cultural studies are
18 incorrect and the studies clearly did not address the
19 issues or take consultation with tribes into account.

20 There is another violation of Section 106,
21 federal agencies or in this case the designee, the State
22 Water Resource Control Board are obligated to provide the
23 advisory counsel on historic preservation in Washington,
24 D.C. a reasonable opportunity to comment on undertakings
25 which will affect historic properties which is definitely

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1 in the case of this project.

2 Individuals for contacts, Monica Fordham,

3 Native American project specialist. Advisory counsel on
4 historic preservation, Washington, D.C., would like to
5 request a report be submitted directly to the executive
6 director as soon as possible. Heather Campbell, FERC
7 division hydroelectric administration compliance,
8 Washington, D.C., United States EPA has been notified of
9 this process. They're my actual bosses since the
10 beginning when Mr. Dennison approached me in reference to
11 this. This has been going on about six months, so U.S.
12 EPA is very notifiable of the entire situation.

13 We have spoken this morning with, as I
14 mentioned, Monique Fordham, Native American program
15 specialist for the advisory counsel for historic
16 preservation in Washington. The ACHP has no information
17 about this project so we initiated a process whereby your
18 agency will be contacted by the office of the executive
19 director of the ACHP and our contact with our counsel be
20 ongoing until this issue is resolved.

21 Secondly, there are environmental issues
22 raised by the proposed thermal curtains which I would like
23 to comment on to the tribal environmental director. Under
24 Title 40, Code of Federal Regulations Protection of the
25 Environment, Section 131.12, specifies a mandatory

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1 anti-degradation policy for the states which briefly calls
2 for the maintenance and protection of existing instream
3 water use and be the level of water quality necessary to
4 protect existing uses. Dredging Lake Almanor being a
5 coldwater fishery, it would kill quite a few of the
6 crustaceans on the bottom layer and drop the thermal

7 climate at same time.

8 Essentially, construction of one or more of
9 the thermal curtains would draw approximately 50 percent
10 of the coldwater pool from Lake Almanor, kill the food
11 source for the Butt Valley trophy fishery and still not
12 guarantee a positive result for the fisheries downstream.
13 Thank you.

14 MIKE HARTY: The last word I had was that Senator
15 Finestein would be submitting written comments and that a
16 representative from her staff is not here; is that
17 correct?

18 BILL DENNISON: That's correct.

19 MIKE HARTY: So I'm going to move to Chris Parilo
20 from Congressman Doolittle's office.

21 CHRIS PARILO: Thank you very much. I'm happy to
22 be here on Congressman Doolittle's behalf today.

23 As many of you know, he has been following
24 this effort very closely for the last couple years and of
25 course this turnout today is indicative of the deep

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1 concern that all the communities have regarding this
2 process.

3 What I would like to do is to speak first,
4 read first off from a letter the congressman, some of his
5 written excerpts from the letter he will be delivering to
6 the State Board as well as to FERC and also to make a few
7 other points toward the end. I'll start by reading this
8 letter.

9 I'm writing on behalf of my constituents on

10 the Lake Almanor area of Plumas County regarding the
11 Federal Energy Regulatory Commission of processing of
12 PG&E's application for a new license for the Canyon Dam
13 and Lake Almanor project.

14 FERC Number 2105, the FERC 2105 license will
15 also include Butt Valley Reservoir as well as PG&E
16 Powerhouse, Caribou 1 and 2, Beldon and Oak Flat.

17 As you know, after diligent and sincere
18 efforts by county officials and residents as well as PG&E
19 authorities, a final settlement -- as you know, after
20 diligent and sincere efforts by county officials and
21 residents as well as PG&E authorities, a final settlement
22 agreement resolving many complex and important issues was
23 executed by a multitude of parties in April of 2004.
24 While this agreement settled numerous aspects contained in
25 the new license, several pressing issues still remain

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1 disputed including shoreline erosion, the length of and
2 coldwater resources in Lake Almanor.

3 Specifically, I'm writing today to express
4 my opposition to any agreement that includes a
5 scientifically unsupported thermal curtain around the
6 Prattville intake structure. The current proposal has
7 been forwarded to comply with agreements as delineated in
8 the Rock Creek-Cresta relicensing settlement agreement,
9 FERC license Number 1962.

10 This license compelled PG&E to make
11 reasonable attempts to maintain water temperatures 20
12 degrees celsius or less in the Feather River between Rock
13 Creek-Cresta Powerhouse. Significantly, this license

14 contained the term reasonable to describe the measures
15 PG&E is to implement to reach this goal. Clearly after
16 factoring in the cost associated with constructing this
17 structure, the impact of the communities around Lake
18 Almanor, the devastation of fisheries in Butt Lake and
19 Lake Almanor, this temperature control mechanism can be
20 called anything but reasonable.

21 I am dismayed that the FERC 2105 license has
22 hijacked by a detail outlined in the previous process and
23 my constituents in the Lake Almanor area are expected to
24 solely bear the burden of this action. It should be
25 stressed that the installation of this curtain would

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1 result in the removal of nearly 50 percent of the cold
2 water contained in Lake Almanor. The removal of this
3 amount of cold water will have a devastating impact on the
4 ecosystem and established fisheries.

5 In addition to the dramatic resource damage,
6 homeowners in the greater community around Lake Almanor
7 stand to suffer from the unsightly visual impacts of the
8 structure, negative impacts on boating and other
9 recreation and decreased tourism that could coincide with
10 severe restriction of colder water in Lake Almanor.

11 I appreciate the willingness of FERC and the
12 State Water Board to allow local stakeholders to obtain
13 new licenses. However, due to the unreasonable costs and
14 environmental destruction that will result from these
15 thermal curtains, I encourage you to take the lead and
16 move this process in a different direction. It is

17 paramount that FERC and the State Water Board clearly
18 consider the far reaching socioeconomic and environmental
19 implications even if the state agencies fail to do so.

20 The scientifically unsupported curtain
21 proposed will not achieve agency goals, is an unacceptable
22 selection to this process.

23 And I would also like to add on the
24 congressman's behalf that the congressman has been very
25 impressed with the well organized and respectful manner in

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1 which Lake Almanor and Plumas County officials and
2 citizens have conducted themselves during the entire
3 process. He would also like to thank the representatives
4 of the Native American communities that are here today for
5 the sentiments they have expressed and they efforts they
6 have made today to protect their cultural sites.

7 While the first aspects of this process in
8 the congressman statements simply objects to the thermal
9 curtains, it is important to note that county stake
10 holders and PG&E have focused increased time and energy on
11 an alternative that will help improve the watershed and
12 environment while protecting the communities that have
13 grown up around the lake.

14 Congressman Doolittle fully supports the
15 watershed restoration improvement alternative forwarded by
16 the local community and believes the off site mitigation
17 measures would bring substantial immeasurable and positive
18 environmental results to these important watersheds.

19 And lastly, a common theme that will be
20 repeated throughout the day is that Plumas County serves

21 as one of the headwaters for California's entire water
22 supply. County officials and residents have repeatedly
23 proven they work together to enhance these watersheds and
24 provide high quality water supplies and high quality
25 environments. These enhancements produce state wide

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1 benefits and it would be an indefensible mistake if state
2 authorities exacted unreasonable costs from these local
3 communities that have been such good stewards of the local
4 environment.

5 The role of government should be to work
6 with local communities in achieving positive results, not
7 to obstruct or threaten with unproven ideas that will have
8 devastating impacts on hard working families and
9 communities. Thermal curtains, I think, would really
10 bring life to the phrase no good deed goes unpunished.

11 Congressman Doolittle applauds the state
12 authorities for conducting the workshops in a manner that
13 allows everyone's voices to be heard. He welcomes the
14 opportunity to continue to work with state and federal
15 authorities in order to facilitate an outcome that will
16 benefit the watershed and all stakeholders in the local
17 community. The importance of this process cannot be
18 underestimated and the congressman will continue to
19 advocate for a solution that does not include thermal
20 curtains. The congressman takes a proactive approach to
21 enhancing watershed while protecting Lake Almanor.

22 Thank you very much.

23 MIKE HARTY: Next I have Gary Story from

24 092705 meeting transcript.txt
Congressman Herger's office.

25 GARY STORY: On behalf of Congressman Herger, I

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1 appreciate this opportunity to speak in front of all of
2 you. It's incredible to see this public turnout and
3 although the congressman does not represent this area any
4 longer, he does speak very kindly of it to this day.

5 I will be reading a prepared statement that
6 the congressman has made regarding the thermal curtain and
7 the notice of scoping workshop prepared by CEQA.

8 I appreciate the opportunity to address the
9 members of the California State Water Resources Control
10 Board and to offer my comments concerning the Upper North
11 Fork Feather River Hydroelectric Project Water Quality
12 Certification.

13 It is my understanding that because of the
14 level of controversy surrounding the UNFFR project and
15 likelihood of significant impacts, the State Water Board
16 has decided to prepare an environmental impact report.

17 As I previously stated, the proposal for a
18 thermal curtain project for Lake Almanor is an ill
19 conceived and misguided idea that seeks to employ a plan
20 to resolve river problems by harming the lake and
21 surrounding communities.

22 I would like to review some recent findings
23 that may result from implementation of the thermal
24 curtain. According to the Thomas Payne and Associates
25 report, it states that the Lake Almanor salmon habitat

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1 could be reduced up to 40 percent.

2 Jacob Odgaard, one of the researchers that
3 presented the thermal curtain is quoted in a May 20, 2004
4 Iowa State news release stating that a continuous withdraw
5 of only cold water could deplete the lake's cold water
6 supply resulting in damage to the lake habitat.

7 According to Rhonda Coda, a seasoned Cal
8 Fish & Game biologist who wrote in a June 14th, 2003
9 letter to FERC concerning the thermal curtain and stated,
10 quote, "We are not willing to take a chance that our
11 concerns will not upset the delicate ecological balance in
12 these two prized trophy trout lakes. Therefore, we
13 recommend a feasibility study be abandoned and deep water
14 releases at Prattville and Canyon Dam not be pursued."

15 The 2004 Payne and Associates report
16 indicated that the thermal curtain would virtually
17 eliminate the pond smelt that provide the major food
18 source for the trophy trout in Butt Reservoir and require
19 mitigation measures to restore the appropriate level of
20 dissolved oxygen.

21 Simply put, even with their reasons for
22 reducing the water temperature down streams, current
23 information shows that the installation of the thermal
24 curtain at the Prattville intake will have a detrimental
25 and negative impact both to Lake Almanor and Butt

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1 Reservoir.

2 Recent data indicates \$53 million will be

3 borne by PG&E rate payers in construction costs plus
4 maintenance of the thermal curtains. And with this price
5 tag, what benefits can you accurately cite that will
6 substantiate the enormous tax that you are effecting?
7 What evidence has been presented to establish a positive
8 cost versus benefit ratio? What will be the increase in
9 fish population and at what cost? Where is the science
10 that will guarantee the success of the thermal curtain?
11 And finally, who will take responsibility if millions of
12 dollars are spent with no measurable results?

13 The state water quality standards need to be
14 met. The state water quality standards need to be met in
15 a way that we all understand together. We need to ensure
16 that we address the fisheries and the entire watershed not
17 at one isolated point. We also need to make certain that
18 state and federal actions are not detrimental to the
19 fisheries and to the ecology of Lake Almanor and Butt
20 Reservoir.

21 In summary, CEQA requires that an EIR
22 incorporate a reasonable range of alternatives. CEQA
23 guidelines also suggest that alternatives analyzed should
24 be limited to those that would avoid or substantially
25 lessen any of the significant impacts of the project and

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1 that the EIR need examine in detail only the alternatives
2 that the lead agency determines could feasibly attain most
3 of the basic objectives of this project.

4 There is virtually no public support for the
5 thermal curtain. The licensee cannot recommend the
6 project nor can they designate another alternative as

7 reasonably acceptable.

8 Local tribes have objected and stated their
9 oppositi on here today. Lake Almanor residents and area
10 businesses have come together to state their oppositi on
11 through the Save Lake Almanor Commi ttee. There are
12 soci oeconomic considerati ons that have not been fully
13 reviewed, et cetera, et cetera.

14 Based on existi ng information and studies,
15 the thermal curtain should be abandoned and taken off the
16 list of considerati ons. I urge the State Water Board to
17 provide some leadership in this process by recognizing the
18 futi lity of the thermal curtain proposal and proceeding in
19 an expediti ous manner to utilize taxpayers resources in
20 the most cost effective and prudent manner possible.

21 Thank you for this opportunity to comment.

22 MIKE HARTY: Next on my list is Assemblyman Rick
23 Keene.

24 RICK KEENE: Good afternoon. I'm standing here on
25 behal f of the communi ty of Chester. This is my district.

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1 I grew up in the mountains. We've seen what has happened
2 already to the devastating consequences of envi ronmental
3 polici es from timber polici es and now we see the state
4 wanting to come in and eliminate I think the most valuabl e
5 asset in this entire regi on which is Lake Almanor and I
6 stand on behal f of the citi zens and want to register my
7 oppositi on.

8 The fact of the matter is the science is
9 very clear on this matter. This is not something that has

10 not had scrutiny, that PG&E has already collected the
11 data, it's already been indicated from all of the
12 available science that this particular project will not in
13 its best day have more than one degree celsius impact on
14 the fisheries on the Feather River, but it can have
15 devastating impacts up here.

16 The modeling that has been stated that is
17 used to substantiate this particular option is flawed, has
18 not been tested. In fact, the thermal curtain options
19 that have been installed at other locations have not been
20 tested as well. We cannot allow this particular lake to
21 be used as a guinea pig to try out this option. The fact
22 of the matter is that it has many devastating, potential
23 devastating impacts to this community.

24 Number one, economics. The fact of the
25 matter is this lake is a valuable asset to this community.

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1 The recreational opportunities here which is factored in
2 one of the three factors that was outlined here today,
3 recreation was number two, could be devastated by this
4 project. And the fact of the matter is, I have already
5 met with Vickie Whitney about six months ago and we
6 discussed these issues. I asked them to accelerate these
7 particular meetings which is why we are here today. I
8 believe that once this is looked at closely, it will be
9 seen as unfeasible and we can get on with looking at what
10 is best for the Feather River fisheries.

11 The fact of the matter is that this turns
12 into a swampy pond, no one will reverse this decision.
13 That's very clear, no one will go back and take that

14 thermal curtain out, let alone the devastating impacts on
15 Native American burial sites, the devastating impacts on
16 the local economy and the property values.

17 The fact is whenever the state acts in such
18 ways, it moves on to the next project and frankly, this
19 community cannot sustain a hit like that.

20 It is very easy to sit in Sacramento and to
21 make decisions that affect people that they don't know and
22 they don't see. That is why this community has rallied
23 together to oppose this project.

24 And the devastating impact on the
25 environment is not just limited to the fisheries and the

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1 drawing of cold water, which you are going to hear
2 repeated over and over today and you already have. The
3 environmental impacts from putting in this project itself
4 are dramatic and the elimination of the fisheries that
5 have already been discussed. The fact is that there many
6 options available out there to improve the fisheries on
7 the Feather River, many options. And the fact is that
8 most of them will be nothing but positive. I would ask
9 that the board act quickly to rule out this option which I
10 believe will be their conclusion as well and that we move
11 on to talking about what we could do to better the
12 fisheries on the Feather River. These are my comments.

13 MIKE HARTY: Assemblyman LaMalfa.

14 DOUG LaMALFA: Hi there. I'm Assemblyman Doug
15 LaMalfa. I represent the second assembly district. I
16 also served as vice chairman of the National Resources

17 Committee and spent my first term on the Agility Commerce
18 Committee in Sacramento. It's good to be up here with you
19 folks today and I really commend you all for your
20 commitment to being here, to turn out to these meetings,
21 to putting up the signs even all the way down on I-5 in my
22 assembly district.

23 My office has been contacted by numerous
24 individuals who own land in the Almanor Basin, who
25 recreate on and around Lake Almanor and fish in Lake

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1 Almanor, Butt Valley Reservoir, the Feather River and its
2 respective tributaries. These constituents I represent
3 have all expressed opposition to those alternatives
4 utilizing a variety of combination of thermal curtains and
5 modified intake structures on Almanor and Butt Valley
6 Lake. There have been no requests of any support for any
7 of the cold water removal options, none.

8 The comments my office have received have
9 mirrored many of my own comments. Most of these concerns
10 revolve around the fact that many of the solutions being
11 proposed lack a wide perspective of what is best for the
12 entire system.

13 First, a basic disagreement with the concept
14 of trying to improve one resources at the expense of
15 another. The draining of cold water from Lake Almanor or
16 Butt Valley Reservoir will have serious consequences to
17 the long-term health of these prized fisheries.

18 By the way, Ellen, Mike, I did edit this
19 down a little bit, so your audience may be happy of that,
20 too.

21 Constructing curtain structures to remove
22 cold water from Lake Almanor would reduce coldwater
23 habitat and change the balance of Almanor's dual
24 ecosystem, fish habitat, recreation areas, views and
25 potentially introduce contaminants to water supplies due

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1 to the dredging activities.

2 Such an action, I believe, violates both
3 federal and state policies with respect to water
4 degradation. To quote the Code of Federal Regulations,
5 once again the water, where the water, where the quality
6 of the water exceeds levels necessary to support
7 population of fish, shellfish and wildlife and recreation
8 in and on the water, that quality shall be maintained and
9 protected without allowing the water quality that is
10 necessary to accommodate an important economic or social
11 development in the area. That's an aspect that needs to
12 be continued to address, the economic and social impact of
13 the area. That doesn't always get done with environmental
14 review in this state as we know.

15 In allowing such degradation or lower water
16 quality, the state shall assure water quality adequate to
17 protect existing uses fully.

18 Not only does this project damage existing
19 uses, the desired outcome of reducing water temperature 25
20 miles downtown at Rock Creek-Cresta is highly doubtful
21 given dilution rates and the 25-mile stretch of exposed
22 waterway being warmed by the sun.

23 Secondly, I would have to disagree with the

24 notion that the 20-degree temperature goal is absolutely
25 necessary to obtain irrespective of all facets of water

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1 quality as pertains to fish and at any cost. This
2 unrealistic, arbitrary number was posed without any
3 year-round historical data for which these facilities were
4 constructed.

5 Further, according to PG&E's July 2005
6 report on water temperature monitoring, quote, in summary,
7 water temperature monitoring indicates that a mean daily
8 water temp of 20 degrees or less is not consistently
9 achieved in the months of July and August and no
10 reasonable water temperature control measures are
11 available to achieve such water temperatures year round.
12 The goal is asking for the unrealistic and I believe
13 completely unnatural.

14 Thirdly, it is clear there would be numerous
15 negative affects to constructing any of the thermal
16 curtain scenarios, including the discernments of multiple
17 layers of soils at the bottom of both lakes which could
18 have heavy contaminants as we heard about before. The
19 dredging of these sites will not only contaminate the
20 water that passes through, but possibly the area around
21 the spoils pile and also is disrespectful of the native
22 tribes' history.

23 After one factors in the cost benefit ratio
24 to this power compared with the potential harm it will
25 cause these waterways, it is questionable why any of the

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1 alternatives are still being considered. Added an overall
2 affect on other species in the ecosystem, it is an
3 unacceptable alternative.

4 Then think about the estimated effects on
5 loss of power generation to California's already limited
6 grid and the subsequent air quality affects from replacing
7 hydro generation to other forms of electricity generation,
8 we realize how misguided this solution truly is.

9 This type of narrowly focused management for
10 only one part of the watershed without any consideration
11 to its other parts, other uses and other users is short
12 sighted, ill advised especially for a public entity who is
13 charged with maintaining water quality for the entire
14 state.

15 These are projects that clearly degrade one
16 resource for a questionable benefit elsewhere. A clear
17 public benefit does not exist. It was stated that there
18 is not a desire to cause one resource to be degraded for a
19 marginal, in my view, and unproven benefit to another, yet
20 that indeed is what will happen here.

21 Being there's no alternative which would
22 obtain the arbitrary temperature year round, I believe a
23 preferred solution would be one, to improve the habitat
24 and provide riparian restoration along the north fork of
25 the Feather River where it would make improvements for

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1 habitat for multiple species, water clarity, oxygen levels
2 and water temperature, all without a negative impact to

3 the other resources.

4 Decision makers often refer to this type of
5 alternative as win, win. We need a few more win, wins
6 around here. Perhaps that is why local decision makers
7 who best know these waterways and lands have been studying
8 and examining this idea. I believe the public and rate
9 payers would benefit, the environment would benefit and
10 the species would thrive.

11 While I have not seen the specific research
12 showing the extent of benefit by restoration, it is clear
13 we should be looking for more reasonable and collaborative
14 approaches such as this that indeed benefit all.

15 Finally, we should agree to resolve this
16 issue in a timely fashion that ends these lengthy and
17 costly exploratory sessions that many engineers would have
18 serious negative effects on the species, the environment
19 and the public who will be footing the bill through their
20 monthly utility payments and so that citizens can take
21 down their signs and go back to their lives.

22 On behalf of the citizens I represent, I
23 thank you for the opportunity to present in the public
24 forum here.

25 MIKE HARTY: Next I have Nadine Bailey.

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1 NADINE BAILEY: My name is Nadine Bailey. I'm the
2 senior field representative for Senator Sam Aanestad and
3 the senator apologizes for not being here today, but I'd
4 like to think that if he was here, he would have some
5 words of wisdom for the staff and the water board and I
6 think since he's a physician, one of the things he might

7 say is to remember first do no harm.

8 These are the -- we will also submit these
9 in writing. The thermal curtain is a mitigation
10 alternative associated with the above project has created
11 a great deal of intention and an enormous outcry, not only
12 from citizens living in the area, but for many outside
13 counties and numerous constituents through my four senate
14 districts.

15 Over 5,000 people have signed petitions, and
16 there's the little stack. And if you are a petition
17 gatherer like I am, you know those aren't easy to get.

18 Mitigation is necessary to ensure the
19 quality of the environment, the quality of the
20 historically significant areas and the quality of life.
21 The thermal curtains as a mitigation alternative for this
22 project is especially noteworthy because the thermal
23 curtains would have substantial and significant negative
24 impact on the fisheries, the tribal natives, native and
25 cultural resources and the ecological balances of the lake

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1 and the economic health of communities at large. It would
2 be unprecedented for the State of California to knowingly
3 accept or require any action that would harm our state's
4 resources, so I have to state here that the State Water
5 Resource Control Board staff compelling these is
6 questionable.

7 There are numerous examples of codes and
8 laws that prevent harm of the state's natural resources.
9 Cal Fed, the state's largest resource based program which

10 has served as a model for resource issues not only
11 designed its basic solution principles that there would be
12 no significant redirected negative impacts, but also that
13 the solutions would have broad public acceptance and
14 solutions needed to be affordable.

15 The community has voiced loud and clear that
16 there is to be no cold water extraction from Lake Almanor
17 or Butt Lake. Lake Almanor is both a cold and warm water
18 lake and currently judged to be in pristine shape, so if
19 Cal Fed, our state's largest resource based program,
20 recognizes the importance of no re-directive negative
21 impacts in solution based projects or mitigation, then it
22 only seems appropriate and responsible that the State
23 Resource, State Water Resource Control Board would follow
24 suit.

25 A study from Iowa State University has shown

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1 that the removal of cold water from both Almanor and Butt
2 Lakes would result in maybe only one degree celsius
3 temperature change for the Rock Creek-Cresta reaches. I
4 realize that there is a competing study leaving the
5 question to which study is valid. In the view of this, it
6 must be proven without a doubt that thermal curtains would
7 not have a negative impact on the lakes.

8 Early on in many issues and concerns
9 associated with the thermal curtains, including the CEQA
10 requirements, were known to the SWRCB staff and the
11 overwhelming opposition and legitimate concern show how
12 unrealistic the thermal curtains were. With this
13 knowledge, they should have been initially cut from

14 further investigation.

15 And since this is not my area, I did tell
16 Kim that I was going to interject in here that the senator
17 is also scrutinizing other decisions by the State Water
18 Board and there have been some very serious charges
19 leveled against the regional boards about the accuracy of
20 their modeling and those charges have been made by a PhD
21 professor that taught at one of the most prestigious
22 colleges in California, so we are asking for some peer
23 review for some of these models that they not be taken for
24 granted that just because the state has submitted a model,
25 that it is accurate.

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1 Likewise, the thermal curtain did not meet
2 CEQA criteria which require that an EIR incorporate a
3 reasonable range of alternatives and that the EIR need
4 examine in detail only alternatives that the lead agency
5 determines could feasibly obtain the most basic
6 objectives.

7 I again have to ask why SWRCB staff continue
8 to require the thermal curtains be investigated. It
9 appears that the staff disregarded their most basic
10 function in the CEQA process. This was a tremendous waste
11 of time, money and money that could have and should have
12 been spent investigating other viable and reasonable
13 options.

14 Even though one can logically argue that the
15 current water temperature in the Rock Cresta reaches has
16 not harmed fish and this is a required mitigation based on

17 unwarranted designation, it's still nonetheless a required
18 mitigation.

19 However, it is becoming clear that there
20 just isn't current viable technology for a direct solution
21 to accomplish the water temperature reduction at the Rock
22 Cresta reaches. So in due diligence, it has been the
23 local community that has come up with a viable and
24 reasonable mitigation alternative, the off site North Fork
25 Feather River Watershed Restoration and Improvement

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1 Alternative, previously known as Alternative D. I think
2 we should go back to Alternative D. This alternative is a
3 resource and community, is resource and community friendly
4 and will have the permanent positive environmental impacts
5 on the entire watershed and eventually the Rock
6 Creek-Cresta reaches.

7 In conclusion, again I will state that we
8 cannot allow any alternative that is harmful to our
9 fisheries, our lakes, our archaeological resources, our
10 native and cultural heritage and our communities at large.
11 Thus, I have a request that the thermal curtains or any
12 alternatives that would extract cold water from the lake
13 be removed as an option and therefore because the North
14 Fork Feather River Watershed and Restoration Improvement
15 Alternative is the currently the only viable and
16 reasonable practical and rational alternative, it needs to
17 be seriously considered. Thank you.

18 MIKE HARTY: The next name I have is Dave Keller.

19 DAVE KELLER: Good afternoon, I'm Dave Keller, the
20 district representative for State Senator Dave Cox. We're

21 pleased to be here. I'll keep my comments brief so that
22 the nearly 300 people here will have a chance to say
23 something.

24 Before I go any further, I would like to
25 take this opportunity to say that the senator appreciates

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1 the scoping sessions being conducted in Chester as well as
2 the opportunity for public testimony.

3 The senator is having the opportunity to be
4 briefed both by the water board staff and by members of
5 the Save Lake Almanor Committee. Senator Cox's meeting
6 with the water board staff, he expressed his clear and
7 strong opposition to the thermal curtain proposal. That
8 remains his position today.

9 He believes that a thermal curtain would
10 damage the ecology of the lake and the economy of the
11 region. There is overwhelming opposition to the thermal
12 curtain by the community and other affected parties, as we
13 will find out as the evening continues.

14 At the same time, the senator supports the
15 community's plan which emphasizes streamside shade
16 restoration to decrease downstream water temperatures.
17 Thank you.

18 MIKE HARTY: And I think the last of my elected
19 officials is Bill.

20 BILL DENNISON: Thank you very much. For the
21 record, I am Bill Dennison, Plumas County Supervisor,
22 District 3 and board chair.

23 I want to go through -- I really talk fast.

24 I'll slow down for you, Ellen. I also chair the Lake
25 Almanor 2105 Committee that is providing information and

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1 advice to the Plumas County Board of Supervisors for the
2 past three years.

3 I'd like to, if I may, take this opportunity
4 to introduce another Plumas County supervisor that took
5 the time to come here, Plumas County Supervisor Bill
6 Powers from Portola. Thank you, Bill.

7 You will fully appreciate the commitment and
8 the knowledge of this group from the statements you will
9 hear from a couple of those committee members that I
10 talked to you about as far as the 2105 Committee.

11 It's important for you to know that Plumas
12 County has been working collaboratively with PG&E's
13 various agencies, fishing groups and all others that would
14 care to be involved under the umbrella of a group that's
15 been called, known now as the 2105 Licensing Group which
16 we refer to now as 2105 LG. We reached consensus on many
17 issues that are summarized in the April 22nd, 2004
18 project, 2105 Licensing Settlement Agreement. That's
19 important to us, you'll hear more about that agreement and
20 Plumas County is firmly in support of that agreement.

21 In that agreement, Table Number 2 is a list
22 of six unresolved issues and Plumas County is requesting
23 that you specifically, I'm talking about you, I'm talking
24 about State Water Board, that you specifically address
25 shoreline erosion as part of a water quality problem.

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1 I'm submitting Plumas County Resolution
2 04-7076 that was passed unanimously by the Board of
3 Supervisors in October of 2004. You need to know that the
4 supervisors discuss this a lot, it's not just a casual
5 thing for us and most every meeting we talk about it in
6 one form or another. And Plumas County reiterates that we
7 specifically oppose further consideration of any one of
8 the three thermal curtains that have been proposed for
9 construction in Lake Almanor and Butt Reservoir and any
10 other scheme that proposes to reduce the Lake Almanor
11 coldwater pool at the expense of fisheries and lake
12 ecology.

13 Reasons for those objections are stated in
14 our resolution and have been strengthened over the past
15 eleven months. Other resolution statements are still
16 viable in that except for the concern at that time that no
17 other alternatives to the water temperature issue studies
18 have been conducted by PG&E, we said that was fact and it
19 was at that time. But since that time, since last
20 October, PG&E has conducted 23 other alternatives for
21 consideration and these have all been reviewed in detail
22 by the 2105 Licensing Group during several meetings,
23 several subcommittee meetings over the last eight months.

24 You have received a PG&E July 2005 final
25 report on the Rock Creek-Cresta called the License

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1 Condition D, that on page 11, I refer it to, the last
2 paragraph, that states, and I'm going to paraphrase this

3 on how I read it, it says we have tried all the
4 possibilities for reducing the downstream temperatures but
5 can't meet the temperature requirements requested under
6 the Rock Creek-Cresta FERC Project Number 1962. That is
7 in essence what PG&E told us in that summary.

8 Plumas County agrees with PG&E's evaluation
9 as it pertains to the thermal curtain and respectfully
10 requests the State Water Board to consider those reasons.

11 First, the Rock Creek-Cresta license
12 requests for further review of a thermal curtain in Lake
13 Almanor as a means of reducing water temperature 25 miles
14 downstream has the words reasonably and reasonableness
15 throughout the document. We know that these terms cannot
16 be applied to the thermal curtain proposal.

17 Second, the notice of preparation that we
18 are addressing today on page 7 states in part, and this
19 was noted by Ms. Whitney, that appraisals of various
20 proposed alternatives will include the application of
21 feasibility criteria, including one, the ability of the
22 measure to provide temperature moderating benefits to the
23 affected North Fork Feather River reaches.

24 Number two is that they must, the cost of
25 the implementation versus predicted benefits has to be

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1 considered.

2 And three, the potential for incidental and
3 environmental impacts that may result from the
4 implementation of the measure.

5 I need not elaborate why the thermal curtain
6 alternative fails on all counts. You'll read that vividly

7 in the report of the FERC hearings we had. You recall we
8 went to Chico for some of those, we had them here, very
9 vivid in why the thermal curtain fails all those tests.

10 You'll hear today from many knowledgeable
11 people who have been working collaboratively to assist in
12 the water reduction issues and the State Water Board will
13 be receiving more written details prior to the October
14 17th deadline that will provide more reasons that the
15 thermal curtain should not be implemented.

16 One of those documents, I want you to pay
17 particular attention to the receiving at the State Board,
18 it's simply called the thermal curtain and it's a CD that
19 will have a voiceover view that very vividly displays the
20 problems that it would cause for our communities and the
21 implications in the long term to the state.

22 It is of interest that it must be seriously
23 considered that to date, and I think it was Assemblyman
24 LaMalfa that said there has not been one individual, not
25 been one group that has publicly expressed support for the

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1 thermal curtain. That's significant.

2 We would not expect the fishermen nor a real
3 environmentalist to support a proposal that would cause
4 degradation to large proven fisheries in Lake Almanor and
5 Butt Valley Reservoir with an unguaranteed result to the
6 smaller fisheries in Rock Creek-Cresta. In fact, this is
7 not permitted under October 28th, 1960 Water Resource
8 Control Board Resolution Number 68-16.

9 Page 7 of the notice of preparation states

10 in part that EIR will identify alternatives that were
11 considered by the State Water Board but were determined to
12 be unfeasible during the scoping session. We believe that
13 review of this data will be so convincing to the State
14 Water Board that they will quickly remove the thermal
15 curtain from the list of alternatives and respectfully
16 request an early review and an early removal.

17 Because none of the proposals to lower the
18 water temperatures at the Rock Creek-Cresta reaches meet
19 the State Water Board feasibility test, the 2105 Licensing
20 Group submitted off site watershed restitution and proven
21 alternative, Alternative D, I think you're right, Nadine,
22 it's shorter, but we also recognize that there is more
23 detail that needed to be submitted and Plumas County has
24 been working collaboratively to do that and will be
25 submitting more details and hopefully have a full

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1 understanding with the 2105 LG before the 17th.

2 That's my summary on behalf of Plumas County
3 and I want to thank you all you for coming to join us.
4 There's much more to be said and we all thank you, the
5 State Board staff, for being here so that you'll have the
6 opportunity to hear more from the people that really feel
7 this deeply. This is a gut wrenching situation for many
8 people and you'll hear it, you'll see it. Please pay
9 attention. Thank you.

10 MIKE HARTY: How are you all doing? Okay? How
11 hard are those seats? Just want you to know the people
12 that you voted for, I gave them the hard seats.

13 Now, we had planned at this point to take
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14 about a half an hour break. That's what I thought. I
15 just want you to know that I've got two other options for
16 you, one is you stand up, take about a one-minute stretch
17 and we roll on. Yes? That's what we're going to do.
18 Take a minute, stretch and we're going to move right into
19 part two of the meeting here.

20 (Break taken.)

21 MIKE HARTY: This is the opportunity for
22 individuals and for any representatives from
23 non-governmental organizations to provide comments. Our
24 prior agreement is three minutes guideline, okay? And I
25 will be paying some attention to that.

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1 Now, I have been asked to remind people that
2 when you speak into a microphone, you've got to hold it
3 right up to your mouth. You notice the difference between
4 this and this? So I'm going to, I am going to ask people
5 to put the microphone up to their mouth and I've got
6 spotters and listeners back there, I'm going to ask you to
7 raise your hands if you can't hear and we'll make sure
8 we've got this working.

9 Now, here's what we have agreed. I was
10 approached, we were approached by a group of people who
11 asked for an opportunity rather than have an uncoordinated
12 set of comments, to have a coordinated set of comments and
13 many of you are out there and I have speaker cards from
14 all of those folks. And what we agreed is the following:
15 That for this group, many of whom I believe are part of
16 the 2105 group, as many of you as can provide your

17 comments in 30 minutes will speak. After 30 minutes, we
18 are going to provide an opportunity for up to three other
19 folks to speak. Then we'll go back to three from this
20 group, unless you've all finished, then we'll go back to
21 unaffiliated individuals and alternate up to three until
22 everyone's finished, okay?

23 Now, at the moment, I have speaker cards for
24 four additional people only. If you'd like to speak, if
25 you'd like to offer comments tonight to Ellen, for Ellen

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1 to capture as part of the transcript, please get one of
2 the speaker cards that are available on the sign-in table
3 and fill it out and give it to me. Otherwise, I don't
4 know that you'd like to speak. Is there anyone who would
5 like to speak who hasn't filled out a card yet? Do you
6 want to let me know? Some people still thinking about it?
7 No? Okay, then my working assumption is that we may get
8 you home for dinner, okay? Or supper, depending on where
9 you're from.

10 So, I am going to start with the first 30
11 minutes and we'll see how far we get and on my watch, it's
12 5:05. So George Protsman, you're first on my list.

13 GEORGE PROTSMAN: First of all, and most
14 importantly, I want to take the opportunity to thank all
15 of you for being here and that makes me proud to be the
16 chairman of the Save Lake Almanor Committee.

17 It is through your effort to be informed and
18 most importantly to respond to the critical issues facing
19 Lake Almanor with the thermal curtain and with the
20 withdrawal of cold water that has brought our community

21 together as never before to solve this problem and to stop
22 the thermal curtain and to save Lake Almanor.

23 We're all interested in implementing a
24 collective solution to the problem, but the key rationale,
25 as has been said before -- and I want to say something

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1 else that's really important, the fact that you're all
2 here and did what you have done is a direct relationship
3 why our legislators have taken the time A, to listen to
4 us, and B, to respond in a most positive way. We said
5 when we first put out information, if you remember us,
6 we'll remember you, and we certainly have reasons to
7 remember you.

8 I'm not going to take up all my time unless
9 I've already taken up too much time because a lot of what
10 has been said by our legislators, I would just like to say
11 ditto, ditto, ditto, ditto, ditto, ditto, ditto, and we
12 know what that means.

13 We've talked about a standard of
14 reasonableness. We talked about a standard of
15 reasonableness that must be applied by the State Water
16 Resource Board. Hopefully that is reason from the board's
17 perspective from a fair and adequate accurate information
18 employed them by the State Water Resource Board staff.
19 This is very important that they, people from a distant
20 way who have never been to Lake Almanor and may never be
21 here understand what a pristine California resource this
22 is and why we are fighting so hard to protect it.

23 I want to also mention one important thing

24 in terms of reasonableness. Is it reasonable to even
25 consider further degradation of Native American

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1 archaeological sites by the thermal curtain dredging of
2 sacred locations in Lake Almanor? Is that reasonable? I
3 think the answer is no.

4 Is it reasonable to risk a magnificent
5 pristine Almanor Basin ecology for an unproven risky
6 scheme without good science support to experimentally
7 improve another resource 30 miles downstream? I think the
8 answer is no.

9 I hope that you will continue to support
10 Lake Almanor and Save Lake Committee and will let your
11 voices be heard. They really count. The most important
12 thing that you've done is to just be here and express your
13 support for saving Lake Almanor. Thank you.

14 MIKE HARTY: Wendy Durkin is the next speaker and
15 then on deck is Aaron, just so you know.

16 WENDY DURKIN: Hi, everyone. I just wanted to --
17 everybody hear me now? Okay, I'll eat it. I wanted to
18 first make sure I encourage each and every one of you to
19 fill out your comment cards and mail them in or leave them
20 with us this evening. It's really important if you don't
21 want to speak, at least we know what your opinion is.

22 Most of you I recognize, 90 percent of you
23 out there. I grew up in this community. My family grew
24 up in logging. We saw the destruction of our community
25 when logging was basically stopped because of the spotted

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1 owl and so when I heard about this thermal curtain issue,
2 I had to get involved. I'm terrified that Lake Almanor
3 with coldwater extraction would become like Clear Lake and
4 I think that's why all of us are here right now, to stop
5 that.

6 As I reviewed the NOP, which I think most of
7 you have also reviewed, I was concerned. We've talked
8 about the fish habitat downstream a lot, but we haven't
9 talked about the fish habitat here at all and the NOP
10 doesn't seem, in my opinion, to really grasp that and I
11 feel like it's a real big oversight that fish habitat
12 downstream is outweighing our fish habitat here.

13 And then I also think that our world is
14 getting so convoluted that somewhere along the line our
15 fish habitat has outweighed our human habitat and that's
16 what I'm concerned about is the NOP was full of holes
17 regarding the fiscal impact to our community. They
18 mention aesthetics, but they didn't say a moss filled,
19 algae infested lake would ruin our job possibilities in
20 this community. They mentioned the endangered species,
21 but they didn't mention that the bald eagles that feed on
22 the fish and so forth are also an issue for us.

23 I think my favorite or my least favorite
24 part of the NOP was under hazards. It stated project
25 results hazards for people residing or working in the

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1 project area, would there be any. And it was less than
2 significant. Well, to me, the jobs and livelihood are

3 extremely significant in this community and I think it's
4 really a gaping hole in their research to not put the
5 socioeconomics of our community into their NOP.

6 They also stated that they wouldn't be
7 reviewing population and housing because there wouldn't be
8 an impact. Well, you're right because if they take cold
9 water out of Almanor and destroy our lakes, we don't have
10 to worry about housing and population, because we're going
11 to become a ghost town and I think that that's again
12 another big oversight.

13 I think that Lake Almanor is the heart of
14 Plumas County and the willful inaccuracies of the NOP make
15 me feel like they are performing open heart surgery on our
16 community without the benefit of anesthesia.

17 And in closing, ask for new ideas and my
18 perspective is that we need new ideas to put people, jobs
19 and our environment above water temperature, so thank you.

20 MIKE HARTY: Aaron, you are next and after Aaron is
21 Paul Garri do.

22 AARON SEANDEL: Good afternoon. Thanks to everyone
23 for coming, it's great to see such a good crowd. Some of
24 you know that I've been pretty active in the community and
25 this is for the State Water Resources Board people, just

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1 so you understand that I'm the chair of the Plumas County
2 Water Quality Subcommittee, so I have a particular
3 interest in the water quality issue.

4 And what I would say is that I would agree
5 with everything that's been said so far about the thermal
6 curtain and the inappropriateness of considering it, the

7 costs of the thermal curtain. The odds of it working are
8 impossible, improbable.

9 I would suggest a couple of other things and
10 again, directed to the staff on the water board.

11 Number one, I would be looking at any
12 license that's being issued to have an adequate proactive
13 water quality sampling program, not one that reacts to
14 problems after they have been created, but one that is
15 proactive before the problems start. So I encourage you
16 to do that.

17 Secondly, I would point out to you that
18 when, if we proceed with a thermal curtain option, you're
19 talking about digging out 42,000 cubic yards of silt and
20 that is undoubtedly going to cause a water quality
21 problem. It's just logical.

22 The other part of the piece is that the
23 silt. The spoil pile will be placed right adjacent to the
24 lake and thereby pernicate some issues of run off from
25 this spoil, from this spoil pile. And what is -- there

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1 isn't any contingency at this point in time in any of the
2 work towards the license that is going to deal with that
3 possibility, so I encourage you to look at the potential
4 degradation that could occur from the spoil pile and from
5 the excavation of 42,000 cubic yards of silt.

6 The -- another thought occurs to me is that
7 when you're constructing, if you're considering
8 constructing a thermal curtain, you're going to be using
9 hazardous waste material, oil, grease, whatever, cement,

10 concrete, all of which have the potential to create a
11 debilitating condition to the lake and we're very
12 concerned about that as you have already heard, so I urge
13 you to throw that into the mix as well.

14 There are a couple of other items that I
15 would add. We haven't talked much about dissolved oxygen.
16 The agreement, the literature in the agreement that we've
17 signed talks about dissolved oxygen of being less than
18 five milligrams per liter occurring at Canyon Dam from
19 early August in through mid October. This is according to
20 the sampling results. Dissolved oxygen has a negative
21 affect, impact on the fishery.

22 Since this is the deepest part of the lake,
23 Canyon Dam, it's reasonable to assume that most of the
24 lake, which is more shallow and has less cold water than
25 Canyon Dam, has less dissolved oxygen. That's a

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1 reasonable assumption. I think you should look into that
2 and see what the impact would be on the rest of the
3 fishery. You've already heard that the habitat for
4 coldwater fish would be dramatically reduced by the
5 withdrawal of the cold water and I think that's a very,
6 very important consideration to me.

7 I've some concern about -- am I over? Well,
8 just two things. One, there is literature that is
9 available to you about the impact of warm water on a large
10 shallow body. The (inaudible) Reservoir is a case in
11 point, what's happening down there this summer with the
12 water being warmer and the odor that's emanating from the
13 lake because of the larger algae bloom.

14 Another item to consider is the discussion,
15 there's been discussion about the relocation of fish from
16 lower reaches to the Seneca reach and possibly into the
17 lake, I don't know.

18 What is being done to assure if you do this,
19 and I'm not sure you're going to do it, what is being done
20 to assure that no diseased fish are transported? Because
21 that could have a very negative impact on the lake.

22 So in summary, in four minutes or less, I
23 agree with everything that's been said and again, I
24 appreciate the fact that you folks are here and taking the
25 time to listen to us. Thank you very much.

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1 MIKE HARTY: Okay, we've got Paul next and then
2 after Paul is Bob Orange.

3 PAUL GARRIDO: I'm Paul Garrido. I'm here
4 representing the Almanor Fishing Association and 300 of
5 its members. I would like to share our concerns regarding
6 this proposed thermal curtain in the Lake Almanor and Butt
7 Valley Reservoir.

8 This project is certain to have a negative
9 environmental impact in the health of Lake Almanor and
10 cause serious damage to the Butt Valley Reservoir and the
11 respected fisheries. Proposal to remove 50 percent of
12 cold water from Lake Almanor could decrease the
13 temperature a few degrees to enhance the fishery between
14 Beldon and Rock Creek-Cresta is highly unlikely when you
15 consider the distance the water must travel through Butt
16 Valley Reservoir, PG&E forebays and powerhouses.

17 If 50 percent of our cold water is removed
18 in early summer, the west shore Lake Almanor would quickly
19 warm, driving the fish deeper and expose them to cocoa
20 pods, bottom lice which will attach themselves to the
21 child's body and gills which could result in the death of
22 the fish.

23 Also, the effects of removing cold water in
24 the early summer would drive the fishery into known spring
25 areas earlier in the summer thus creating competition for

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1 food and dissolved oxygen. The water removal would
2 disrupt the many insect hatches including the very popular
3 Hexagenia hatch which usually starts on the west shore in
4 the early spring. Imagine the fish being driven from the
5 west shore of the lake by the removal of cold water and
6 then having to find a few springs in May or June where
7 normally they don't move until June or July or late June,
8 July and August. So that will make a difference.

9 I could go on as far as the Alternative D,
10 which I think is the best one, there's a whole paragraph
11 here, I'll save you some time, we all spoke about it
12 before. But also due to the increased local population,
13 tourism, fishing and boating pressure on these lakes, we
14 should be thinking about improving the environment of Lake
15 Almanor and Butt Valley Reservoir instead of damaging it.
16 Thank you.

17 MIKE HARTY: The next is Bob Orange. And after
18 that is Dave Bradley and Chester High School.

19 BOB ORANGE: Board members, I'm speaking, writing
20 this letter on behalf of the California Fish & Game Board

21 Association which I'm currently serving as regional
22 director and the state vice president. The Fish & Game
23 Association has proudly represented California game
24 wardens for 80 years. We are fully sworn state peace
25 officers.

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1 My patrol district is that of Plumas County.
2 I'm based here in Chester. I've been employed as a warden
3 for 27 years. I've had this district for the past 15.
4 Prior to that, my father was a warden for 38 years.

5 My professional experience and observation
6 is that Lake Almanor is a unique fishery. It sustains a
7 great coldwater fishery and an equally wonderful warm
8 water fishery. Both of these fisheries receive
9 substantial volunteer enhancement efforts. This is not
10 found on many other lakes and communities. It is my
11 opinion that we cannot improve the fishery of this lake,
12 it is best to be kept as is.

13 The purpose of the coldwater curtain is to
14 lower the water temperature of the Feather River
15 downstream. The desired project is improve the fishery.
16 However, we can improve the fisheries within the FERC 2105
17 Project area in other methods other than the thermal
18 curtain.

19 The first recommendation is build a fish
20 ladder and water gauging station barrier dam upstream of
21 Butt Lake on Butt Creek. This dam is a barrier to
22 spawning trout allowing passage for spawning fish denied
23 access for dozens of miles of perfect spawning ground.

24 The increase of natural wild trout fish populations in
25 Butt Lake would be significant. Our personal observations

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1 are that of approximately every 50 fish that try to go
2 over this dam, only one is successful.

3 Another recommendation I have is improve
4 spawning of tributary streams, of the many streams of
5 Feather River and targeted coldwater area. Modifications
6 need to be made for trout who are denied access to
7 spawning grounds. These are culverts under roads and
8 crossings under the railroads. Situations you have are
9 elevated drops at these locations which prohibit trout
10 from traveling up streams. Modifications of fish ladder
11 need to be built which allow passage. These locations can
12 be shown to your personnel at any time. Construction of
13 these facilities would be a one-time cost. It would be a
14 small maintenance, yet greatly increase the numbers of
15 trout in the system where the cold water is designated to
16 go.

17 Another proposal would be increased fish
18 regulations throughout the affected section. Presence of
19 game wardens to enforce the many specialized fish
20 regulations is very limited. The regulations range from
21 zero, two and five fish limits to seasons ranging from
22 year round to specific time frames. These are all
23 designed to improve the fisheries and cannot work unless
24 there is an educational enforcement program to ensure
25 compliance with the law. When trout are spawning, they

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1 become very susceptible. Poaching in the tributary
2 streams to Almanor and Devil's Stream is commonplace. If
3 there is an increase in the warden presence, the numbers
4 of trout spawning would greatly increase through a
5 reduction of the poaching activity.

6 I propose that as part of this project the
7 funding be provided to California Department of Fish &
8 Game for an enhanced enforcement effort specifically
9 directed to reducing poaching in FERC 2105 Project area
10 during the spawning season. Enhanced directed enforcement
11 should also be funded to reduce violations in the Hamilton
12 Branch area to reduce litter. There are a couple of
13 wardens in Plumas County. Funding for overtime and bring
14 in additional wardens to patrol the problem areas would be
15 a significant way to increase fish populations. It would
16 also create greater safety, security and enjoyment by the
17 sportsmen, citizens using the lake oppose the thermal
18 curtain and support Alternative D as proposed by Plumas
19 County. Thank you.

20 MIKE HARTY: So I think what will take us through
21 the first 30 minutes is the presentation that Dave and his
22 students have prepared here and, Dave, would you like a
23 microphone?

24 DAVE BRADLEY: Please. My name is Dave Bradley and
25 I'm a biology instructor at Chester High School and we

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1 have a unique class which is the Luminoogy class offered
2 to upper level students. These are the remains of my

3 students that have come here to support me and were
4 involved with the data that I'm going to provide.

5 One of projects that we do in our class is
6 we study the stratified lakes of Plumas County. And one
7 of the projects we did was we went out to Lake Almanor and
8 we measured the depth and the temperature changes that
9 occurred with the depths and when I presented the
10 information to Paul Dario just casually, he said why don't
11 you come to this presentation and give data because our
12 class is interested in it and we came up with some
13 interesting information.

14 I'm going to hand the mike quickly to these
15 four students and they are going to introduce themselves.

16 SAMANTHA KEELING: Samantha Keeling.

17 LENI AREBEROS: Leni Areberos.

18 LOUIS MULLEN: Louie Mullen.

19 DANIEL WEST: Daniel West.

20 DAVE BRADLEY: Few technical difficulties. The
21 Power Point is warming up right now.

22 We sampled at two sites. Primarily, we were
23 interested in all that was going on with the thermal
24 curtain and we sampled by Prattville which was the site
25 where the thermal curtain is going to be in place.

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1 After sampling at Prattville, we then went
2 to the east shore. I have here a map where they're
3 proposing the thermal curtain. The thermal curtain is
4 going to be placed about in this area. I sampled the
5 first site which I called Prattville at this location.
6 The second location, which I call the east shore, was

7 taken approximately in this area here. This is the
8 deepest water that I could find.

9 This is the data that I collected. Sampling
10 the temperature at one meter depths which I have changed
11 into feet and you can see that the upper, what we call the
12 epilimnion, the stratified part of the lake which they
13 call the warm layer of the lake that doesn't mix, it is,
14 the upper layer, 68 degrees and we come down and it
15 doesn't change, doesn't change, which is typical for a
16 lake, it remains, epilimnion essentially 36 feet, so at
17 36 feet, we still have warm water that is not mixing with
18 the lower layers. We don't see a temperature change until
19 40 feet and it's just a minor change and it goes to 64, 59
20 and 57.

21 We have studied, there are three areas of
22 the lake, epilimnion which is warm, the thermal climb,
23 which is the transition and the hypolimnion which is the
24 cold reservoir of water that we are discussing today.

25 When we graph the results, you can see there

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1 is very, very little cold water available where they are
2 planning to take the water out. Most of it is this warm
3 epilimnion.

4 At the same time, we took a Secchi disk
5 depth, which is basically we lower a white disk in the
6 lake and we keep lowering, keep lowering it and when it
7 disappears, we call it the Secchi disk depth and that
8 gives us an idea of the clarity in the epilimnion. We've
9 had some discussions on what will happen to the lake if

10 things get out of control. You will see that Secchi disk
11 depth rise, rise, rise as the clarity of the lake
12 decreases.

13 MIKE HARTY: Can you point that out for the
14 transcript?

15 DAVE BRADLEY: The Secchi disk depth is located
16 about 33 feet, so I could lower a white disk 33 feet
17 before it disappeared.

18 I did not find the hypolimnion. You can see
19 we have what was called a thermocline. We never found
20 that deep, deep reservoir of water that everybody talks
21 about. The question was how deep do I have to go? And
22 that's when I went to the next site.

23 The next site was at Prattville and you can
24 see now I'm sampling at a depth of 65 feet. Again, the
25 epilimnion remains constant at a depth of, well, we have

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1 69 degrees, 69 degrees, 69 degrees, finally at 32 feet, we
2 begin to see a change, just about the same as the Secchi
3 disk. The change occurs, keeps changing. The cold water
4 that everyone talks about is occurring at about 52.5 feet.
5 My total depth is only 65 feet, so we're talking about
6 15 feet of cold water which for lakes is not that cold.
7 It's only, the coldest is 55 feet.

8 What I did also with this class, we measured
9 oxygen levels. I know there was concern about oxygen
10 levels we discussed. You can see in the epilimnion in the
11 warm layer that is separated from the cold layer, we have
12 sufficient oxygen, we have eight parts per million. When
13 we hit the thermocline as the temperature changes, our

14 oxygen level begins to drop until finally in the
15 hypolimnion in the cold water, we are down to about
16 one part per million oxygen and trout need at least five
17 to be comfortable, five to six.

18 And we look at saturation of that in the
19 epilimnion which is mixing, we have 100 percent saturation
20 of oxygen. Again the thermocline, it goes to 80 percent
21 and then in the hypolimnion, the deep, deep cold water, we
22 are down to about 10 percent saturation.

23 It's the conclusion of our class when we got
24 our results was there's not much cold water. I mean, you
25 can see from our results that the lake is pretty shallow

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1 and if we were to -- what I didn't have data, which would
2 have been very nice, was what percent of Lake Almanor is
3 50 feet or deeper? And you know what, I don't think it's
4 that much. I wish I could have the data to look at that.
5 It would be interesting to find out what percent they are
6 talking about of our lake of taking.

7 I appreciate the opportunity to share our
8 results and thank you.

9 MIKE HARTY: Vickie was just asking that a copy of
10 the slide presentation be submitted to the State Board. I
11 suspect it will enhance the reading by the board of the
12 testimony.

13 That's our first 30 minutes and so
14 consistent with my agreement, I have the names of a number
15 of other folks who had also said they'd like to speak and
16 I want to provide that opportunity.

17 The first is Keith Crummer. Patty, you had
18 asked for a minute or two, I think. Do you want to come
19 up and do that next?

20 KEITH CRUMMER: Hello. My name is Keith Crummer.
21 My wife and I live near the west shore of Lake Almanor as
22 full-time residents. We have lived here for the past
23 19 years. I have been a practicing professional forester
24 since I received my degree in forestry from the University
25 of California at Berkeley 40 years ago.

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1 I spent over 30 years working with the U. S.
2 Forest Service, ending that career with six years as
3 district ranger of the one half million acre Almanor
4 Ranger District that's headquartered here in Chester and
5 two years as ecosystem manager for the one point two
6 million acre Lassen National Forest which is all around
7 us. Both as district ranger and ecosystem manager, I was
8 responsible for all wildlife and fisheries activities
9 under my jurisdiction. I have lived the effects of
10 unquestioned biological decisions and followed their
11 course when they departed from the world of true science
12 and took up a life of their own in the activist political
13 world.

14 The spotted owl debacle is a case in point.
15 Poor biology was quickly seized upon by anti-logging
16 activists resulting in the loss of a vital industry along
17 with thousands of good paying jobs.

18 Also suffering are our local working
19 families and our economy. The health of our forest
20 continues on a precipitous decline resulting in the loss

21 of habitat for the very creature that the whole mess was
22 supposed to protect and as a result, we have destroyed the
23 very infrastructure and work force that could turn this
24 fiasco around.

25 This thermal curtain proposal has the same

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1 foul smell. The proponents cannot specify the
2 pre-hydroelectric river temperature which seems to be
3 essentially the same as the current temperature or that
4 the proposed curtains will in fact make a substantial
5 positive change. The only thing that can be agreed upon
6 is that the curtains will cause a negative effect on the
7 fisheries of Butt and Almanor Lakes.

8 We also know that stream restoration work as
9 proposed by the Save Lake Almanor Committee will improve
10 the fisheries within the project areas and perhaps a good,
11 be good for downstream fisheries as well. We know for
12 sure that upstream restoration will cost a whole of a lot
13 less than screwing up our local lakes and desecrating the
14 villages at grave sites of the Maidu Indians.

15 The course seems clear, instead of it's
16 curtains for Almanor, let's raise the curtains on common
17 sense.

18 MIKE HARTY: I have a card, one other card for John
19 Miller, so you'll be up next, John.

20 PATTI KROEN: Good evening. My name is Patty Kroen
21 and since October 2002, it has been my distinct pleasure,
22 Bill, to be the facilitator for the 2105 Licensing Group.
23 The group is composed of numerous federal, state and local

24 government agencies, non-government organizations, tribes
25 and members of the public, and all of them have been

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1 working collaboratively, they've been working very hard
2 and diligently to resolve as many issues as possible with
3 regard to the FERC relicensing of Project 2105.

4 On April 22nd, 2004, the 2105 Licensing
5 Group signed a settlement agreement that resolved issues
6 related to lake level, stream flow and recreation. The
7 2105 Licensing Group continues to work collaboratively
8 seeking solutions to the remaining unresolved issues. I
9 think Bill listed those for you earlier.

10 The stake holders who signed the settlement
11 agreement are as follows: Pacific Gas & Electric Company
12 as the licensee, the U.S. Department of Agriculture Forest
13 Service, California Department of Fish & Game, Plumas
14 County, American White Water, Chico Paddle Heads, Shasta
15 Paddlers, the Mountain Meadows Conservancy and California
16 Sport Fishing Protection Alliance. The 2105 Licensing
17 Group respectfully submits this April 2004 settlement
18 agreement to the CEQA process and encourages the State
19 Water Resources Control Board to evaluate it in your
20 process. Thank you.

21 MIKE HARTY: John.

22 JOHN MILLER: My name is John Miller and I live in
23 Hamilton Branch and I'm a retired engineer.

24 And looking at this project, the proposed
25 thermal curtain, there can only be one description for it

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1 and that's junk science. There's no reason for it.

2 If the dam was the cause of a problem, then
3 we could see that there might be a responsibility there
4 for remediation, but if the dam was not in place, the
5 river would be widened out all over the shallow marsh and
6 it would be much warmer, the water would be much warmer
7 going down the river, so this seems like a bureaucrat's
8 dream sitting behind some desk or they're trying to make
9 the residents of Almanor Basin pay for a fish hatchery
10 that doesn't exist now downstream. And I hope that the
11 thing does not -- this has been occupying everybody's mind
12 and I hope it doesn't obscure the fact that we are
13 expecting some improvements in our public access and
14 recreational facilities in this lake for, from PG&E as a
15 result of this relicensing and I hope this doesn't get us
16 going on some dead end here and I want us to remember
17 those things. Thank you.

18 MIKE HARTY: Let's go back to the set of cards that
19 I have. The next name I have is Jerry Duffy. Is Jerry
20 here?

21 BILL DENNISON: He asked me to read his statement.
22 He couldn't be here.

23 MIKE HARTY: Sure. And then after this statement
24 will be Glen Long.

25 BILL DENNISON: Thank you. This is for Mr. Jerry

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1 Duffy, D-u-f-f-y, a resident here in Chester. And he
2 would like to define unreasonable.

3 He defines it this way: The time, money and
4 effort being spent to favorably alter the stream
5 temperature in a small portion of the Feather River
6 drainage. He said this is not found in Webster's
7 dictionary, but I believe that unreasonableness fits this
8 situation. There was the Feather River drainage before
9 any hydropower flood control efforts and now there is the
10 same drainage following man's efforts. Nature in it's
11 wonderful way has and continues to work on both before and
12 after the construction of hydropower flood control
13 facilities in the Feather River was accomplished at a time
14 when power and water control were paramount and the
15 quality of water and the fish habitat were at best
16 secondary considerations.

17 Many changes have occurred since then both
18 in how we as a society view water quality and habitat plus
19 those which can be attributed to nature. I would suggest
20 that while very altered from pre-hydro time, both water
21 quality and fish habitat in the north fork of the Feather
22 River are good and in fact, many would rate them as very
23 good.

24 Can the water quality and habitat be
25 improved? Certainly, but not by focusing the energy and

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1 money on one short portion of the overall stream length
2 particularly by utilizing methods such as the curtains
3 which by their use are destructive to present fish habitat
4 to, I'm sorry, to present fish habitat and possibly water
5 quality.

6 Please back away from this keyhole approach
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7 to improvement and look at the entire drainage. Also,
8 look to improvement solutions which are known positives,
9 not ones that cut and paste resulting in both losses and
10 gains.

11 For instance, the stream side shade canopy
12 and the tree cover over the ephemeral water courses has
13 been recognized as invaluable for many years, but there is
14 little or no effort underway to restore this where it has
15 been lost due to fire and other reasons.

16 Today's north fork of the Feather River
17 because of the licensing process is exposed to scrutiny.
18 The decisions following this exposure can be reflective of
19 true needs or left over from that political battle.

20 I'm sure if the fish could vote, they would
21 be on the side of environmental improvements of the north
22 fork of all of the Feather River without destroying Lake
23 Almanor. Thank you.

24 MIKE HARTY: Next is Glen and after Glen is
25 William, it's Bill Baber; is that it?

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1 GLEN LONG: If I run over, my wife called and said
2 I could have her three minutes.

3 Judging by a lot of the faces in here, it's
4 a good time to be out fishing or out playing golf, but
5 this is an important issue and I think we all need to be
6 here for it.

7 My name is Glen Long, I'm a businessman here
8 in Chester. My wife, Heather, and I moved here about
9 three years ago, left the corporate world behind to make a

10 permanent home in the Lake Almanor Basin. While we've
11 only lived here a short time, many of you know my parents
12 who built a home here on the lake. We've been coming here
13 since the '70s vacationing, so I could say over 30 years I
14 have seen the evolution of our community and the
15 untarnished beauty of Lake Almanor and Butt Valley
16 Reservoir.

17 For those of you who don't know Heather and
18 I, we own the Chester Manor Motel and the North Woods
19 Gallery and are in the process of building the Best
20 Western Rose Quarts Inn all here on Main Street. Like
21 many who come before us and some after, we've invested
22 everything we own, and a lot that we don't, to being a
23 successful member of this community.

24 I can't help but ask in a situation like
25 this what we are really trying to accomplish and at what

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1 cost. The lower reaches of the Feather River are
2 difficult to reach and the numbers of visitors are
3 insignificant compared to the crowds that are drawn to the
4 Lake Almanor Basin on an annual basis. We are faced with
5 a plan to lower water temperatures that isn't guaranteed
6 to work, the solution costing \$50 million and millions to
7 maintain, all in an area that gets little use and all
8 designed to fix a problem virtually no one agrees with.

9 We have been against the definite
10 destruction of the most productive and successful trout
11 fisheries in the United States. The reduced usability of
12 the lake by boaters and skiers because of the overgrowth
13 of native grasses growing over the bottom of the lake,

14 eroding if not destruction of our economic foundation
15 derived from a strong housing market and the economic
16 disaster that would befall every business in the Almanor
17 Basin.

18 From a cost and benefit perspective, it
19 doesn't make sense to build a thermal curtain putting so
20 much at risk for a problem that could be resolved at a
21 fraction of the cost and a little sweat equity.

22 Now, to maybe take a different perspective
23 on this, and I don't use these analogies lightly, but I
24 want to talk about fragility and certainly the fragile
25 nature of the world we live in our own environment here.

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1 As the president of the board of directors for the Almanor
2 Basin Resource Center, the last two years, the chairman of
3 the 4th of July parade, I see the greatness and fragile
4 nature of the environment on an almost everyday basis.

5 On 9/11/2001, I was in Washington, D.C., and
6 a couple days later in New York and I saw the impact a few
7 people had on our nation, on major corporations and
8 individuals across our country. Just this last month,
9 this last weekend, we saw how natural disasters have an
10 impact that ripple across our entire nation. So here we
11 are debating on our own potential disaster, one that will
12 have a significant impact on our community and all the
13 lives of everyone here. There is as it relates to this
14 issue, there's two profound differences between 9/11,
15 Katrina and Rita and the thermal curtain. The first is
16 not that we -- the first is we will not receive any

17 government assistance to assist in the loss of jobs, the
18 bankrupt businesses or catastrophic failure of our real
19 estate market, not a penny.

20 The second, probably the most important, is
21 this disaster hasn't happened yet and doesn't have to.

22 Just as our community is turning a corner in
23 so many ways, make a responsible decision and help us
24 protect our unique and wonderful paradise here in the
25 Sierras. Stream restoration is a logical choice for so

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1 many reasons and one that will have entire community
2 support. Thank you.

3 MIKE HARTY: Bill, and then we'll see if there are
4 any folks who have not given me cards yet.

5 WILLIAM BABER: Thanks, Mike. There must be 200
6 people here. I'd say that's a pretty good turn out and I
7 haven't heard anyone speak in support of thermal curtains,
8 so, and I'm sorry, Vickie, the State Board members, at
9 least one or two of them could not be present to hear and
10 see the outpouring of lack of support for the thermal
11 curtain proposal.

12 Anyway, my name is William B. Baber, the
13 Third, Bill Baber. I've been a landowner in the Lake
14 Almanor Basin for at least 25 years, in the Sacramento
15 Valley since World War II, probably 65 years, in
16 agriculture production. I'm very familiar with water
17 application. I'm also currently a retired lawyer,
18 experienced in water and real estate matters, having
19 represented numerous irrigation and water districts before
20 the State Board members.

21 And Vickie, I know I've seen you down there
22 and particularly on our fabulous Bay Delta hearings which
23 seem to never end.

24 VICTORIA WHITNEY: They're designed to never end.

25 WILLIAM BABER: I think that's absolutely true,

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1 seeing all the lawyers and engineers and various other
2 personnel that appears at those hearings for God knows how
3 many years.

4 I've been practicing law or I did practice
5 law for in excess of 32 years representing water
6 districts, both water and irrigation districts, mutual
7 water companies in the water area and appearing before
8 Vickie and numerous State Board hearings, county
9 supervisors, board of directors for various districts,
10 including, Doug, your dad, so I think I've had enough
11 experience to give my opinion of what we have here as a
12 real boondog.

13 It's absolutely incredible the amount of
14 money that is being proposed to be spent by PG&E,
15 approximately 55 million, to just install the thermal
16 curtains, much less maintain them which will require
17 another million or two a year, including the monitoring
18 efforts and possible mitigation efforts.

19 So I have basically one major opposition I
20 think the State Board is aware of, it's that there are
21 five water year types, wet, above normal, normal, dry and
22 critically dry, which we deal with every year.

23 It's been proposed that in only 50 percent

24 of these five water year types would one percent celsius
25 water reduction temperature be gained by installing the

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1 thermal curtains and depositing cold water down the north
2 fork of the Feather River. That's incredible for the tune
3 of \$55 million, all of which us as rate payers of PG&E
4 will pay at some point in time.

5 Now, these five water year types, I'm sure
6 Vickie knows and the State Board knows, are talked about
7 at every State Board hearing by the various lawyers and
8 engineers and estimating what the ramifications would be
9 depending upon what the weather brings us each year and
10 what type of water year type we have. Imagine if only
11 50 percent of the water year types, whichever one we get
12 every year, will only one percent of the water temperature
13 possibly be achieved 40 years downstream on the north fork
14 to the tune of 55 million bucks. Amazing.

15 Second, PG&E, Fish & Game and FERC have
16 previously agreed from the draft EIS last year that any
17 minimal water temperature reduction would not be prudent.
18 Should the State Board EIR choose these curtains as an
19 environmental risk, which certainly it is, who removes
20 these curtains and repairs the community damage suffered
21 in this basin should they fail? Certainly this is the
22 State Board because they are a regulatory body. They are
23 not going to come out and remove the curtains, they don't
24 really give a dam, folks, because they've ordered them to
25 be inserted.

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1 Well, let's look at some of the other
2 agencies and see if they would have the responsibility for
3 removing the curtains should they not work. Let's look at
4 PG&E. Well no, because they, all they want is they want
5 to continue producing power, they're not concerned about
6 removing the curtains if they don't work. They're not the
7 body to remove, so it's not PG&E. How about Fish & Game?
8 No, they don't worry about it. How about FERC? No, they
9 are an energy approving federal agency. They aren't going
10 to remove those curtains if they don't work.

11 Well, lets look at NMFS, the National Marine
12 Fishery Service, that wonderful federal agency that talks
13 about endangered fish. Are they going to remove the
14 thermal curtains? No, that's not going to happen, they
15 aren't charged with that duty.

16 What about NOMA? NOMA is the National
17 Organization of Atmospheric Administration Agency. Again,
18 a fish agency. That isn't their charge, they are not
19 going to remove these curtains if they don't work.

20 So what happens? Who bears the damage? Who
21 bears the removability? Who bears the arguments, the harm
22 that comes if these things don't work? You know who it
23 is? It's us, it's here in the basin, we go out and look
24 at them, we go out and deal with it, but who else is going
25 to remove them if they don't work? Nobody.

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1 This environment risk alternative
2 essentially of moving 50 of the L.A. coldwater pool would

3 definitely degrade the fisheries, you heard that before.
4 Both Almanor and Butt Valley fisheries which currently are
5 some of the best trophy trout fishing areas in the United
6 States. You've heard that, so I support those.

7 By the way, I haven't heard one person
8 support the thermal curtain -- I'll be in just a minute,
9 Mike, I promise -- support this, these alternatives. So
10 we, I'll tell you, I support everyone else who has talked,
11 the legislature, Doug, Rick Keene and the man here from
12 Doolittle's office, George and Wendy had some really good
13 stuff that she threw out, there hasn't been one here to
14 support it. Let me see if I can add one other thing.

15 Bill Dennison told me that our Alternative D
16 has been changed to a Watershed Restoration Improvement
17 Alternative and I support that as a very reasonable
18 approach. First it would probably cost about 30 million
19 less which we would not have to bear as rate payers of
20 PG&E and this would be a very acceptable, reasonable
21 environmental alternative to relicensing PG&E's power
22 plants which certainly must continue to exist and produce
23 power for the benefit of all of us and I would hope the
24 State Board would consider approving this 401 permit under
25 the Clean Water Act process without the thermal curtains

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1 and inserting instead the Watershed Restoration
2 Improvement Alternative.

3 By the way, in the early part of the last
4 century, around the 1920s, this was the world's largest
5 manmade lake by PG&E, it's absolutely beautiful, what's
6 been happening here, and we want that to continue without

7 the thermal curtains. Thank you.

8 MR. HARTY: I'm going to take a quick tour through
9 the cards I have here.

10 In keeping with the approach of alternating
11 cards from folks who are not part of the organized
12 presentation, I have one card from Charles Watson and if
13 you'd like to step up here, Charles. And then I don't
14 have another one, but --

15 CHARLES WATSON: Good evening. My name is Charles
16 Watson. I'm a registered professional geologist with the
17 State of California, Number 7818. I'm here to comment on
18 the geology of the soil section of the draft EIR,
19 environmental impact report. These are specific comments
20 to the report.

21 As per items AI, AII and AIII, no active
22 faults are known to pass through the project site as for
23 the most recent earthquake fault zone map issued by the
24 State of California. However, in PG&E's analysis of the
25 Lake Almanor and Butt Reservoir dams in the 1990s, their

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1 consultants show the potential for active faulting to be
2 possible, but was inconclusive based upon the preliminary
3 level of investigation. Proximal potential active faults
4 were identified to be associated with the Lake Almanor,
5 Lassen Peak's seismic trends that includes the Indian
6 Valley, Mule Shoe Mine, Skinner Flats and Lake Almanor
7 faults, and I have a number of authors who cited those
8 studies that has been submitted to the group.

9 It is not known why these investigations

10 were not submitted to the California geologic survey and
11 earmarked for additional study, but it seems curious that
12 these preliminary investigations were not considered
13 during the draft EIR process, especially in light they
14 were produced by PG&E.

15 Furthermore, in considering the proposed
16 project and its ramifications that additional studies
17 should be made to better qualify these geological features
18 and their potential seismic hazards.

19 As per item AIB, the draft environmental
20 impact report has correctly identified the potential for
21 significant land slides in the Seneca and Beldon reaches
22 of the northern fork of Feather River to be significant
23 due to extensive bodies of weakly consolidated, highly
24 weathered and otherwise land slide prone rocks.

25 It is understood that consideration for land

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1 slides for the primary recommendation for May in the
2 application that is not clear. It was also considered for
3 any of the alternate proposals or any combination of the
4 alternative proposals.

5 It is also not clear if the potential for
6 land slide was considered for the seismic hazards as
7 identified in the aforementioned section.

8 As per items B, C, D and E, in specific to
9 the draft EIR report, I concur that these items need to be
10 evaluated to determine if the impacts are significant.
11 Thank you very much.

12 MIKE HARTY: I just want to get a clarification,
13 Charles. Were your citations to the draft EIS? Is that

14 what the citations were to?

15 AUDIENCE MEMBER: The check list for NOP.

16 MIKE HARTY: They're references to the check list,
17 great. And we'll have one more and then we'll go back to
18 the other cards that I have. And this is Dave Steindorf.

19 DAVE STEINDORF: I would probably be better off
20 yelling anyway, but I have a lot to read. I think I
21 should probably get going, I don't know if I can make my
22 three minutes.

23 My name is Dave Steindorf and I work with
24 American White Water and I've spent a significant amount
25 of time on all of the relicensing projects on the North

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1 Fork Feather River working with the Department of Fish &
2 Game, Forest Service, the Water Board, having great times
3 at the meetings with Mr. Dennison, all the members of
4 Plumas County and it's been an education for me.

5 I know one of the first meetings I went to,
6 I actually brought my daughter in a car seat and for those
7 of you dads or moms who tried to attend meetings with your
8 little ones, it usually doesn't go very well. But she
9 actually just started the third grade, she's eight years
10 old, so that's my benchmark for how long I've been
11 involved in this process. I kind of look at her grow up
12 and go wow, it has been a long time.

13 I agree with a number of the statements that
14 have been made out here today. I think there's been a
15 considerable amount of important input that's been brought
16 forth to this process. I also think that defining balance

17 in these situations is difficult at best and I don't think
18 this is necessarily the best of situations.

19 I would agree with probably most of the
20 elected representatives who say that public participation
21 is a great thing, but when I look out across this room, I
22 see a train wreck and I think that if we analyze that, why
23 is that? It's great to have people come to these meetings
24 and participate, but the seeds of this train wreck were
25 actually sewn quite a long time ago.

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1 When I first started coming to these
2 meetings dealing with Rock Creek-Cresta, the concept of
3 this temperature curtain was already on the table. And as
4 Vickie had said earlier, this idea was actually hatched
5 back in the 1980s, so how did it get from there to here?
6 I think that's a very important question. How did we go
7 this long before it was brought to the notice of this
8 community and really analyzed not only for its ecological
9 impacts, but also the other social impacts. I mean,
10 clearly, this was not an idea that was going to have broad
11 based political support out there. It's pretty obvious to
12 see that at this point.

13 So after being involved in a number of these
14 proceedings, there are a key thing that I've come away
15 with. The main one is the fact that working with all
16 these licenses separately has brought us to this point.
17 The fact that we dealt with temperature issues on Project
18 1962 in Rock Creek-Cresta separately from Almanor at this
19 point is obvious that that was a huge mistake. Not only
20 have we put this community in an uproar and concerned with

21 their issues, we spent a lot of money to get to this point
22 and I think that's primarily due to the fact that we dealt
23 with all of these licenses separately.

24 I don't want to talk about this train wreck,
25 I want to talk about the next one and the next one is the

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1 one we are going to hand off to our kids in 30 to
2 40 years. I believe we can avoid that by lining up these
3 licenses on the next time around so you don't find out
4 that the folks downstream have put a requirement on your
5 lake that you don't like. Who knows what kind of wild
6 idea they'll come up with next time.

7 How do we avoid that? If we can get the
8 licenses of the Poe Project, Rock Creek-Cresta and 2105 to
9 all line up at the same time, we'll all be a part of that
10 discussion. And while I can't guarantee it, I think it's
11 far less likely that we will end up at this point where we
12 are today.

13 And I think there's a few truths out there.
14 One, water will continue to run down hill between now and
15 then. And the other one is in the words of Mark Twain,
16 whiskey's for drinking and water's for fighting over. And
17 I think that will continue to be the case in California.

18 But from my perspective, I know I would
19 rather send my daughter to a fight with boxing gloves on
20 than go to a train, on a train wreck that she knows is
21 going to be derailed and I think that's where we're headed
22 unless we take that step. Thank you.

23 MIKE HARTY: The next card I have is Russell Lesko

24 and then after Russell, I've got Gary Pini. Did I
25 pronounce that correct?

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1 RUSSELL LESKO: Good evening. My name is -- you
2 got that Ellen? Good evening, my name is Russell Lesko
3 and I'm a recently retired natural resources professional.
4 I last served as the division chief for natural resources
5 at Lassen Volcanic National Park. I've been a year-round
6 resident of Lake Almanor from 1995. I am part of the
7 organized group, not to suggest the other group is
8 disorganized, but I have been asked to address
9 specifically the aesthetic issues. And specifically to
10 alternative measures that the State Water Resource Control
11 Board has identified and is considering for inclusion in
12 the draft EIR and that measure being the thermal curtains.

13 The first potential impact that is in the
14 notice of preparation is in fact aesthetics. There are
15 four categories under aesthetics, all of which have been
16 checked potentially significant unless mitigated, excuse
17 me, unless mitigation is incorporated. That's important,
18 potentially significant unless mitigation is incorporated.
19 And two of these categories are, have a substantial
20 adverse affect on scenic vistas and substantially degrade
21 the existing visual character or quality of the site and
22 its surroundings.

23 I respectfully suggest to the board that the
24 floats that are required to suspend thermal curtains are
25 large, unsightly metallic contraptions, something on the

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1 size of very large propane tanks and in the case of Lake
2 Almanor, these would stretch for 2,600 feet. There would
3 also be two thermal curtains in Butt Valley.

4 And I would further suggest to the board
5 that these floats, these contraptions cannot be mitigated
6 in terms of scenic vista. I think it's impossible. And I
7 would suggest that that be changed or viewed in the notice
8 of preparation as mitigation, of impacts that cannot be
9 mitigated.

10 Anyone who's seen the thermal curtain in
11 Whiskey Town can attest to the visual blight that it is.
12 And I would be remiss not to mention the eyesore that the
13 Lake Almanor curtain poses were it to be placed in front
14 of what is designated in the Project 2105 settlement
15 agreement as Marvin Alexander Beach. Marvin was a beloved
16 and respected man who spent 20 years of his life defending
17 Lake Almanor water levels, water quality and lake
18 aesthetics.

19 Marvin passed away in September of '04, but
20 not before admonishing PG&E, the State Water Resource
21 Control Board and FERC that support for a thermal curtain
22 would be political suicide, his words, not mine.

23 Another visual impact associated with
24 thermal curtains is the spoils, which Aaron mentioned,
25 that would be associated with dredging, 42,000 cubic feet,

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1 I believe. I've been told this area would equate to the
2 size of a football field, 15 feet high in spoils. They

3 would constitute another visual blight on the lake shore
4 that would not easily be mitigated.

5 In closing, I ask the board to apply their
6 own criteria with objectivity and due diligence and if you
7 do that, I think you will conclude that thermal curtains
8 do not meet the aesthetics criteria for inclusion as a
9 project alternative in the draft EIR. This should be
10 considered an unfeasible alternative. Thank you for this
11 opportunity.

12 And I will submit with my comments a picture
13 of a boat demonstration that was conducted last year
14 showing essentially the perimeter of what the thermal
15 curtain floats would look like.

16 MIKE HARTY: So the next name I have is Gary and
17 then I'm going to ask for an opportunity to have Arthur
18 Woods make his presentation because he's got some other
19 things that he's got to do, one of our students, like
20 homework and things like that. Gary, if you want to give
21 your comments and then Arthur, you will be next, okay?

22 GARY PINI: Good afternoon. Thank you for letting
23 me have the time.

24 My name is Fire Chief Gary Pini. I'm with
25 the Peninsula Fire Protection District here on Lake

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1 Almanor. I'm here solely to express my concerns that if
2 the curtain is placed in the lake, that all safety issues
3 have been considered.

4 Currently around the Lake Almanor Basin,
5 there are five separate fire districts. Currently three
6 of the five provide water rescue responses for emergencies

7 on the lake. Where the fire districts operate 24 hours a
8 day, 7 days a week, 365 days a year, this is unlike the
9 sheriff's office boat patrol that is on the -- the
10 sheriff's office boat patrol that is on the lake from the
11 end of May to October and they have said hours.

12 With the number of boats on the lake
13 increasing annually, the number of responses for lake
14 rescues have increased and I can only see it increasing if
15 the curtain is in place.

16 Currently there are islands on this lake
17 that are exposed certain times of the year and those
18 islands have caused numerous accidents. The severity of
19 the accidents have been from no injuries to accidents with
20 death. With additional obstacles on this lake, I can only
21 see the accidents increasing.

22 If my facts are right, the curtains will
23 protrude to the equivalent of two football fields out from
24 the shoreline and is approximately three football fields
25 wide. It will severely impact boat traffic along the

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1 portions of the west shore.

2 I ask and request if the curtain is
3 installed, that there is patrolling in areas for careless
4 boat operators and for pedestrians playing or walking
5 around or on the curtain. I can see accidents happening
6 from people playing on the curtain. Again, increasing
7 emergency responses from the fire districts.

8 If built, the structure must be very well
9 lit so that the entire structure can be seen from all

10 directions in the late afternoon and evening hours
11 preventing accidents. Corner markers will not work for
12 this large of an item.

13 Again, my stand on this issue is about
14 safety. Safety for the citizens who use the lake, safety
15 for the emergency responders that have to respond to water
16 rescues because trust me, not all of our water rescues are
17 in the day with no winds. The majority of our calls are
18 after dark in the severe weather and if built, the safety
19 for the contractors building plus placing the curtain. I
20 ask you to please take all the safety issues into
21 consideration. Again, thank you for your time.

22 MIKE HARTY: Arthur. And then after Arthur, it
23 will be Ed Wing.

24 ARTHUR WOODS: Thank you. My name is Arthur Woods
25 and I'm a senior at Chester High School.

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1 I want to start by saying that this is a
2 very unique issue. Nationally when we watch the news, we
3 can see that -- am I going too fast? I know how fast
4 she's typing over there.

5 We can see that most issues nationally
6 really have a response that's equal on both sides and this
7 is really not such an issue.

8 From a youth perspective, this thermal
9 curtain would impact the youth very highly. I am up here
10 representing about 600 kids that live around Lake Almanor
11 ranging from the year of 18 years old to one and I'll tell
12 you that I grew up in Lake Almanor, I was born here, and
13 if the thermal curtain had been installed when I was

14 growing up, my life would have been completely different,
15 it would have been a lot more terrible, and so I want --
16 it would have.

17 This is, the thermal curtain affects youth
18 on a few different levels. To start out economically,
19 I've had a job over the summer for the past seven years.
20 This is likewise for most of the kids at the high school.
21 Those jobs are what allow kids to get money for college,
22 to get money for their personal expenses which their
23 parents can't always afford. And those jobs are directly
24 impacted by the tourism of our area and tourism is
25 directly impacted by the quality of our lake. So in turn,

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1 a thermal curtain would negatively impact the youth jobs.

2 Additionally, families have real estate
3 prices, families have jobs in the area, too. The families
4 would be very negatively impacted if a thermal curtain
5 were installed.

6 On a different issue, youth just love to use
7 the lake and its surrounding area for recreation, fishing,
8 boating, swimming, all things that would be terribly
9 impacted by a thermal curtain.

10 As shown by Mr. Bradley and his class, this
11 really wouldn't work and so we held a rally last year at
12 the high school. I wanted to see what our response would
13 be like. I'll tell you we had more students at the rally
14 against the thermal curtain than I've ever seen at any
15 football game. Students at the age of 12 are able to
16 understand just how ridiculous the thermal curtain is and

17 I think that really speaks for itself.

18 I want to tell you that I always have
19 students coming up to me and asking what's going on with
20 the thermal curtain, is it still going in. And so youth
21 are showing their support for this cause. This isn't just
22 a normal cause, this is an issue that impacts our
23 community and the youth are the future of our community.

24 So my request to the State Water Resource
25 Control Board is that each member has a heart, each member

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1 is a person. I request that you look into your hearts and
2 look at the community, a community that has a heart, look
3 and see the thermal curtain not only impacts every person
4 in this room, but every person in this community, the
5 youth included. Thank you.

6 MIKE HARTY: Just about on three minutes, wasn't
7 it. Ed, you're up here and Bob Lambert is next.

8 ED WING: I would have to follow Arthur, it's going
9 to be tough.

10 My name is Ed Wing and I've been a full-time
11 resident of Lake Almanor for 15 years when we started
12 camping up here in the early 60s and spent many a summer
13 at the forest service campground on the west shore.

14 First, let me thank all you folks for
15 showing up. It is rewarding to those of us who have
16 worked so hard against the thermal curtain, thank you.

17 Since the previous speakers have so
18 completely described the degradation of the Lake Almanor
19 and Butt Valley Reservoir that the thermal curtain would
20 surely cause, I'm going to talk about two other issues

21 that are not covered in this CEQA document.

22 Under alternative two on the document is
23 reoperation of Canyon Dam and Caribou Powerhouse. Greatly
24 increasing the summertime flows from Canyon Dam will still
25 remove a large part of Lake Almanor's coldwater pool and

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1 have negative affects on trout habitat and positive
2 affects on algae and weed buildup, just like the thermal
3 curtain would be in Prattville.

4 The coldwater releases at Canyon Dam will
5 bypass the powerhouses at Butt Lake, Caribou 1 and 2 and
6 at Beldon. This will increase the cost of electricity to
7 all PG&E customers by many millions of dollars each year.
8 The plan would soon cost even more than installing the
9 thermal curtain.

10 Also, don't forget that hydropower is
11 renewable and non-polluting. That's what we're all after
12 these days, right? The loss of electrical generation will
13 have to be made up by burning polluting fossil fuels and
14 other power plants. At a time when California and the
15 entire nation are in a severe energy crunch, it is insane
16 to even consider this option.

17 My second point is you have heard many of
18 the facts against the thermal curtain. Now let's consider
19 the 20 degrees celsius goal for Rock Creek-Cresta which is
20 driving this nightmare. No one was taking temperature
21 readings on the Lower North Fork before 1913.

22 I'm going to make a statement, the Lower
23 North Fork Feather River at Rock Creek-Cresta never was a

24 coldwater river in the late summer. With that statement,
25 I have given you as much proof as the water board has ever

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1 given to us that it was a coldwater river. We've asked
2 many, many times and they've given us zilch. The only
3 difference is that I will give you some facts why this
4 reading is very suspect.

5 Right next door we have the middle fork
6 which is officially wild and scenic above Lake Oroville
7 and free flowing just like it was thousands of years ago.
8 The middle fork and north fork both start high in the
9 mountains, are snow fed in the springtime and by late
10 summer, it's all spring water. They both end up in hot
11 canyons, so what is the temperature comparison? Official
12 2002 readings show that during July on the middle fork at
13 Milsap Bar, the temperature reached a high of 23.3
14 celsius. At the Rock Creek-Cresta reaches on the north
15 fork that same July, high temperatures varied from 22.8 to
16 19.7 degrees depending on the location in the Rock
17 Creek-Cresta area. So despite all these horrible
18 environmentally degraded dams and power plants that the
19 north fork has, it still has colder water even now than
20 the middle fork does in the same part of its -- just
21 one minute more.

22 This fact will lead a reasonable person to
23 believe that the water at Rock Creek-Cresta is at least as
24 cold now as it ever was in July.

25 Enough is enough. Millions of rate payer

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1 and tax payer dollars are been spent studying this to
2 death. The answers came in over a year ago. It is not
3 reasonable to damage the most beautiful large lake in
4 California for the very slight advantage every other year
5 for the lower river. As a matter of fact, we've just
6 learned it's not even legal under the clean water act to
7 degredate one area to help another.

8 Take the thermal curtains and the Canyon Dam
9 releases off the table and get on with improving the
10 upstream watershed habitat.

11 Now, we are always told at these public
12 meetings that our input is important, so I'd like to have
13 a little vote right now. Would all of those opposed to
14 depleting Lake Almanor's coldwater pool by any means,
15 please stand up.

16 Would the court reporter please verify the
17 vote? Thank you very much.

18 MIKE HARTY: Bob Lambert and after Bob, we have Ron
19 Davey.

20 BILL DENNISON: He left.

21 BOB LAMBERT: My name is Bob Lambert and I've
22 vacationed here at Lake Almanor since 1974 when my family
23 built a summer home on the peninsula. Since my retirement
24 in 2002, I've been fortunate to spend entire summers in
25 this beautiful place. Part of this time, I've

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1 participated as a volunteer for Plumas County on the
2 relicensing of PG&E's Project 2105, including the 2004

3 settlement agreement. I also develop and maintain the
4 Project 2105 Committee web site.

5 I want to thank you for this opportunity to
6 comment on the water board's EIR and provide you with a
7 complete written statement by October 17th.

8 As a three-year participant in the
9 relicensing process, I was very relieved when negotiations
10 and the settlement agreement were completed in April 2004
11 and signed by nine parties because many issues, including
12 summer lake levels, appear to have been resolved.

13 However, some issues were not decided in the
14 settlement agreement such as water temperatures downstream
15 of the project. Many others have commented on the
16 coldwater releases and thermal curtains, all of which I
17 agree with, so instead, I'll focus on the settlement
18 agreement and my concern that the water board through its
19 unilateral 401 certification powers could overturn certain
20 provisions of the settlement agreement, including
21 requirements on summer lake levels and instream flow
22 releases. Keep in mind that the water board was signatory
23 to the settlement agreement and is not bound by its
24 provisions.

25 Like many home owners and visitors in this

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1 area, I'm very concerned about summer lake levels. On
2 page 27 of the NOP, you correctly state that the seasonal
3 water levels will be relatively unchanged under the
4 settlement agreement. What you don't mention is that
5 under its current FERC license, PG&E has been under no
6 obligation to maintain minimum summer lake levels. The

7 settlement agreement corrects this by establishing
8 reasonable lake levels between June 1 and August 31st,
9 thus providing the community with some certainty as to
10 summer lake levels.

11 In order to address temperature issues, the
12 2105 Licensing Group studied several alternatives during
13 the past year and a half. These studies mostly conducted
14 by FERC have resulted in several schemes, many of them
15 half baked, that might help reduce the water temperature
16 downstream. None of these schemes appear to reasonably
17 meet the water board's downstream temperature
18 requirements.

19 While the studies have so far respected
20 provisions agreed to in the settlement agreement, there is
21 no guarantee that the water board conducting its own
22 studies during the EIR process will continue to do so. It
23 is important to understand that instream flow releases and
24 water levels in the settlement agreement would go hand in
25 hand and represent a delicate balance between parties to

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1 the agreement.

2 The agreement for instream releases allow
3 reasonable summer lake levels. Higher releases would
4 result in lower lake levels. But if the water board finds
5 that downstream water temperature requirements can be met
6 by greatly increasing coldwater releases from Lake Almanor
7 to well beyond what was agreed to in the settlement
8 agreement and then adopts those releases in its final
9 plan, the summer water levels in Lake Almanor could be

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substantially lower.

In conclusion, I urge that you respect the provisions of the settlement agreement in developing remedies to reduce downstream water temperatures. Thank you.

MIKE HARTY: Next on my list is, I believe Aaron is going to read some comments from Al Herrenschi dt.

AARON SEANDEL: This is a letter that's addressed -- two extra minutes that I used last time.

This is a letter addressed to you, Sharon Stohrer, a staff member of the State Water Resources Control Board. It is from Al Herrenschi dt, H-e-r-r-e-n-s-c-h-m-i-d-t. You need the address?

Ms. Stohrer, the reason for this letter is to express my view pertaining to the deplorable conditions that exist today with Lake Almanor shoreline erosion.

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When one considers that this can transform into a serious environmental problem, there is a need to resolve such conditions. The problem was predicted in the 70s as a result of permission granted to PG&E to allow raising of the lake level to 4,494. PG&E has never accepted any responsibility to help prevent shoreline erosion.

What is more, it is evident to this day there are signs of excavations to the lateral surface taking place. In spite of the fact that such a condition takes place below the 4,500-foot level, it ultimately will take away the subsurface of private property. As a result of such a condition, an excavation could take place on private property and has, an excavation which the private

14 property owners of their right to enjoy their property to
15 the fullest constitutes a partial eviction. Although only
16 partial, it could still leave the property owner with a
17 right to action.

18 Ms. Stohrer, every property owner realizes
19 the greater good that results from a higher lake level as
20 it relates to hydropower, but every lakefront owner does
21 not understand is the utility's stance in ignoring the
22 negative environmental impact it creates. The sad
23 scenario is it will continue unless mandated by your
24 organization in concert with FERC to bring under control
25 the minimizing of lakefront erosion. The future license

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1 issued to PG&E should so stipulate these concerns.

2 How important is it? And he has sent some
3 pictures to you and you will get those in the mail. The
4 photos are very validated concerns that have been
5 expressed in this letter.

6 I sincerely hope that you have the
7 opportunity to cruise the lakefront, to see first hand the
8 erosion problem.

9 I further hope you take seriously a
10 long-term licensing that provides adequate environmental
11 protection.

12 Thanking you in advance for your attention
13 and hopefully your serious consideration. Respectfully
14 submitted, Allan Herrenschmidt.

15 MIKE HARTY: I have a card for Sam and then after
16 Sam, I have Wayne. For those of you who are feeling that

17 you are ready to leave, I would like to remind everyone
18 that there is a whole lot of information that you may not
19 know about and the information that was prepared by the
20 State Board and is over in the other room, so on your way
21 out, if you want to stop by there. There also are
22 handouts that hadn't been available, we sold out of them,
23 they are a hot item, but if you would like to get a copy
24 of the handouts because you didn't get one, Paul Uncapher
25 is right there, raise your hand, and Paul will arrange to

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1 get you a copy of the handouts.

2 SAM BOSSIO: I'm following up a little bit on Al
3 Herrenschmidt because I was assigned the task of
4 discussing erosion problems. That hasn't been a big
5 subject so far, but it is a big subject.

6 To preface the whole thing, I might explain
7 that when my wife and I bought our lot at Lake Almanor in
8 1968, the water level was 4,490 feet and it remained that
9 way until in the early 70s when we had an oil embargo
10 which some of us older people will remember and which led
11 to the state asking that and approving that PG&E request
12 to raise that level by four feet, which they did do in
13 1974. That was made permanent in a subsequent action by
14 the state agencies and in part, it was made permanent
15 because PG&E made a statement. I'll read part of it.

16 The division of safety of dams formerly had
17 set the lake at 4,490 feet above sea level, but granted
18 the dam owner, dam's owner, the Pacific Gas & Electric
19 Company, a temporary permit to raise the lake to
20 4,494 feet, temporary. Then they moved to have it made

21 permanent and PG&E, quote, and this is an article in the
22 Sacramento Bee dated June 6, 1974, PG&E cites the request
23 of federal energy officials to reduce the use of fossil
24 fuel and power generation and argues that all of the
25 damage will occur on PG&E land.

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1 I can attest to the fact that all the damage
2 does not occur only to PG&E land. I have brought, I
3 believe it's five pictures taken at my own waterfront
4 which reflect the difference.

5 Just to explain a little bit of the
6 difference, when we first bought the lot and until this
7 happened, we could walk down from our house to the lake
8 level. There would be a flat area the size probably 30 by
9 30 feet where you could picnic and just sit and watch the
10 water and then you could step down no more than two feet
11 to the water and/or the area that is ordinarily covered by
12 the water.

13 Since that time, Picture Number 1 -- what I
14 will do is give these to Ellen and she can perhaps make
15 them a part of the transcript for the members of the board
16 to review at their desire and wish. But since that time,
17 Picture Number 1 just shows the erosion and this goes back
18 to '95. I walked down there yesterday and it's at least a
19 10-foot cliff vertical, completely vertical to the water
20 from where our land now ends. This shows you generally
21 what happened, Picture Number 1.

22 Picture Number 2 shows stakes that have been
23 planted by the people that went out and established the

24 corners and all that sort of thing which established where
25 the 4,500 foot level is supposed to be.

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1 Picture Number 3, Picture Number 3 shows
2 where our corner marker on the southwest corner of our lot
3 is. It's now in the dirt and in the water, meaning that
4 there has been erosion above the 4,500 foot level.

5 Number 5 is the same picture but taken from
6 a different angle and closer up. Number 4, I mean.

7 Number 5, if I can get to it, Number 5 shows
8 what is happening to some of the trees and some of the
9 shoreline.

10 In addition to those pictures, I have
11 pictures which were given to me by Michael Wilhoit to
12 present and I will include those in the packet that I
13 leave with you folks to use in the future.

14 The long and short of it is that PG&E at one
15 time was doing rip rap and taking other steps to protect
16 the shoreline. It abandoned that more than 15 years ago
17 and it claims that it has the power and the right to erode
18 the peninsula into a gravel pit if it chooses to do so
19 with no liability to anybody because of certain provisions
20 and agreements it made with Mr. Clifford and others.

21 The only solution to that will be if this
22 agency will include a requirement for erosion control
23 which then will be included in the FERC license when it is
24 granted.

25 And I might just mention that there is a

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1 precedence to this, the Pelton Round Butte Service
2 License, and it contains in particular Articles 428 and
3 429. We need a similar treatment for Lake Almanor. Thank
4 you very much.

5 MIKE HARTY: Sam, are you planning to send those in
6 by mail to the state board?

7 SAM BOSSIO: I was thinking I can leave them with
8 Ellen and she can include them with the transcript if she
9 types it up. Whatever you want to do.

10 MIKE HARTY: I would encourage you to do both.
11 Leave them with us and we'll sort it out here.

12 BILL DENNISON: They are labeled on the back.

13 MIKE HARTY: Next is Richard Fording, I believe, is
14 going to be up next. Is that right?

15 BILL DENNISON: Yes.

16 WAYNE DYOK: Thank you, my name is Wayne Dyok. I
17 am a consultant to Plumas County. And first, I want to
18 thank you, Victoria, Sharon, Jim and Paul for listening so
19 attentively. Hopefully, you've got some good information
20 on the thermal curtain and there are enough fatal flaws
21 with the cultural resources, the loss of the coldwater
22 pool, the loss of the associated fishery, the water
23 quality, the aesthetics, the safety issues, the recreation
24 impacts and even the cost so that you can very quickly put
25 this to bed and in your EIR say it was an alternative that

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1 was considered and be eliminated from further
2 consideration.

3 I'm not going to be talking about the
4 thermal curtain here tonight, I'm going to be following up
5 on what Sam was alluding to with respect to the shoreline
6 erosion.

7 Sam had talked about the Pelton Round Butte
8 Project which is owned by Portland General Electric in
9 Oregon and they recently received a FERC license and there
10 are two articles that Sam mentioned, Article 428 which
11 deals with the shoreline management plan, and Article 429
12 which deals with shoreline erosion.

13 Our request to the water board is as a
14 condition of the 401, to look very closely at those two
15 articles and to include them in your 401, assuming that
16 you issue a 401 for the project.

17 With respect to the shoreline management
18 plan, we have been working with PG&E and other members of
19 the 2105 collaborative and we didn't get everything that
20 we wanted in there, but we think we can live with what's
21 in that shoreline management plan. We wish that it could
22 have more public input from you all, but it is what it is
23 and the one area that we have a huge disagreement with
24 PG&E on deals with the shoreline erosion.

25 The Article 429 that Sam and I are alluding

1 to in the Portland General Electric license requires the
2 licensee to file a shoreline erosion plan within one year
3 that one, discusses the conditions and probable causes of
4 shoreline erosion. Two, describes agreed upon actions.
5 And three, provide that all the actions included are
6 conducted under the shoreline erosion plan be developed

7 and implemented with the shoreline management working
8 group.

9 So how does that relate to us? PG&E has
10 done an analysis of the shoreline, some of that is good,
11 but there's a lot more information that they haven't
12 included that we would like to work with them and we would
13 like that same shoreline management working group, we
14 would like it to include the county, we would like it to
15 include water board staff and others as appropriate.

16 Within three years, the licensee is required
17 to rehabilitate a number of shoreline erosion sites and
18 that's important because that's what FERC is requiring
19 them to do is to fix the shoreline problems and that's
20 what we're asking the water board and FERC to do with PG&E
21 is have them fix the shoreline erosion problems.

22 What they're to do is to survey the area,
23 provide a baseline survey map that shows where areas are
24 that are affected by erosion and the key part here is the
25 shoreline erosion that affects water quality, fish

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1 habitat, terrestrial habitat and tribal reservation lands.
2 Those are important things that we feel PG&E needs to take
3 responsibility for and to fix. Things like the Clifford
4 deed, the Red River deed that allows PG&E to erode -- I've
5 been struggling this with for three years and I can't see
6 the logic, where two people can agree you can erode the
7 shoreline, but really FERC is responsible for managing the
8 shoreline as well as the water board from a water quality
9 perspective, so it is really the water board's

10 responsibility and FERC's responsibility to ensure that
11 PG&E repairs these erosion sites where they're affecting
12 the resources and we would ask you that you take a hard
13 look at those provisions in PGE's license and adopt them
14 for your 401. Thank you.

15 MIKE HARTY: Okay, Richard. And then after Richard
16 is Nancy.

17 RICHARD FORDING: My name is Richard Fording and
18 I've lived at Lake Almanor for 20 years. I've assisted
19 George Protsman in managing the Save Lake Almanor
20 Committee.

21 One of the things I did at the Doolittle
22 meeting for those of you who were present was take on Cal
23 Trout for being one of the parties that started the ball
24 rolling on the 20-degree temperature and for not following
25 up in the process and being involved in the process or

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1 opposing the thermal curtain because they are in fact a
2 group that is a proponent of trout.

3 Since that time, the Sacramento Bee
4 reported, I called them the enemy. This struck a nerve.
5 I've been in contact with Ryan Stranko, the executive
6 director of Cal Trout and his latest correspondence, he
7 made two important comments. Cal Trout and I personally,
8 this is a quote, also seek to insure that the Lake Almanor
9 fishery remains healthy. We are very concerned about Lake
10 Almanor impacts and would never advocate for measures that
11 would threaten the coldwater fishery there.

12 That's a huge comment considering the
13 source.

14 The second thing I have for you tonight, and
15 this is difficult for me because it was so difficult for
16 the author of this letter, Ken Wilson at Camp Prattville,
17 he can't even hardly talk about the curtain issue, so I'll
18 try and get through his letter. This is addressed to whom
19 it may concern and he asked me that I forward it to the
20 State Water Control Resources Board.

21 It is with great emotions that I write this
22 letter. I'm unable to speak on the proposed thermal
23 curtain issue due to my intense feelings towards this
24 potential negative impact, not only on my business, but
25 also the lives of my wife, my three boys, my grandmother

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1 and future generations.

2 In 1928, like my grandparents, Frank and
3 Neddy Wilson, they purchased the Prattville property from
4 Red River Lumber Company. They could have bought land any
5 where around the lake. However, they chose Prattville for
6 its unobstructed view of Mount Lassen. They established a
7 resort, Wilson's Camp Prattville Resort which has been
8 family owned and operated for 75 years.

9 Today my family and I operate the RV park,
10 the marina and cabins while my grandma, Carol Franchetti,
11 operates the cafe.

12 Through the years literally tens of
13 thousands of people from around the state, country and
14 world have been introduced to Plumas County either through
15 a good meal or a pleasant stay with us. Many of these
16 people have come to start their own businesses, purchased

17 real estate, and joined our community sharing and enjoying
18 Lake Almanor's pristine waters.

19 Our guests come to our resort almost solely
20 for the purpose of fishing, water recreation and scenic
21 viewing. The proposed thermal curtain would all but
22 completely destroy those activities to the point my
23 business, which is the oldest operating business on the
24 lake, becomes non-existent.

25 The proposed thermal curtain is to be built

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1 a mere 300 yards north of my resort. It would obstruct
2 our view of Mount Lassen as well as obliterate the fish
3 habitat.

4 With all the other constraints placed on the
5 small business today, federal, state and local, we cannot
6 afford any business hardship. We're already pressed just
7 to make a living and the proposed thermal curtain would be
8 the straw that breaks the camel's back. Not many
9 businesses make it for 75 years plus and counting and even
10 fewer remain in the family.

11 We would like to have the opportunity to
12 pass our business down to our three boys some day and
13 continue the legacy. The proposed thermal curtain would
14 deny them the chance and destroy the oldest resort on the
15 lake along with many others.

16 Emotions aside, it is a proven fact that the
17 proposed thermal curtain will indeed annihilate the
18 excellent fishing, clear blue water, recreational
19 opportunities and scenic views that both residents and
20 visitors alike have come to know and love.

21 I ask for your support in not destroying my
22 livelihood, my family's lifestyle, my family owned resort
23 through the proposed thermal curtain. It's not fair to
24 condemn Lake Almanor businesses and residents for the
25 saving of habitat somewhere else.

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1 I hope you'll take my advice into
2 consideration and keep Lake Almanor clean and beautiful
3 and small local businesses like myself in operation.

4 Signed sincerely, Ken, Debbie, Kenny, Cody,
5 Calvin Wilson and Caroline and Peter Franchetti. Thank
6 you.

7 MIKE HARTY: Nancy is next. And then after Nancy
8 is Fred.

9 NANCY FOOTE: Thank you. I've been sitting next to
10 the water board and I'm delighted to note that they've
11 been taking notes throughout this and I thank you for
12 being here. You didn't come here about me.

13 Here's what it's going to look like. This
14 is that material that's going to be piled on the shore.
15 You can't mitigate that. These are the tubes and their
16 floats. You can't mitigate that. If you camouflage them,
17 as Gary Pini will point out, everyone will run into them.
18 I don't have any more to say. Thank you.

19 MIKE HARTY: Okay, Fred. And then after that is
20 Pat.

21 BILL DENNISON: She left.

22 MIKE HARTY: How about Linda?

23 BILL DENNISON: She's here.

24 FRED SHANKS: Really nice to be last because you
25 don't have to say anything. I'm just kidding.

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1 What I really want to say has been said by
2 most everybody else here. My name is Fred Shanks. I've
3 been in the Prattville area since 1958 which is like
4 47 years, so I have some knowledge about Lake Almanor.

5 We now have what I consider to be a very
6 pristine, beautiful body of water out there called Lake
7 Almanor and there are some who want to take this thing
8 away from us and that's very disturbing.

9 This curtain thing is a hideous looking
10 outfit. You just saw a picture of it. Those buoys that
11 are out there look like, I don't know, I call them, look
12 like World War II mini-sub. They are just big, really, I
13 guess the same size as some of these propane tanks you see
14 around the area and they're going to be connected with
15 chains, as I understand it, and as the water moves up and
16 down and sideways, they're going to be making a lot of
17 noise.

18 Now, this thing, if you look at that
19 Prattville Intake from the water side, these things exist,
20 I mean, they go 375 feet on either side. That's, what is
21 that? 750 feet. And then they go out 900 feet into the
22 water. And around that, there's contemplated to be
23 another 300 feet all the way around for a safety zone.

24 Inside the curtain is about 19 acres and if
25 you add the safety zones, it comes out to about 30 acres

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1 in round figures. It's obviously a hazard to boating, and
2 that's been mentioned several times so I won't say anymore
3 about that.

4 These buoys support or hold up from the lake
5 top to the lake bottom a fabric they call a curtain which
6 is there on both sides of this thing to channel the
7 coldest water of Lake Almanor into this inlet. Now, in
8 order to get it there and through the inlet, you have to
9 dredge all these Indian artifacts and burial sites. I
10 think that's absolutely unconscionable to do something
11 like that. It's been done before in the 30s, I don't know
12 how that happened, but I would certainly hope that we have
13 enough feelings for the sacredness of these things to not
14 touch them again.

15 These curtains are about 15 million bucks a
16 piece. It's been -- there have been many, many, many,
17 many studies made in the last three years, all of which
18 result in the answer that is virtually impossible to lower
19 the temperature at the Rock Creek-Cresta regions by one,
20 two, or three degrees and you cannot do it. It's
21 therefore totally not cost effective.

22 Sonow, if this is done and this lake warms
23 up and we're going to get a lot of algae, green algae,
24 it's going to be a disaster to Plumas County, to property
25 owners, all of this has been mentioned.

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1 So in closing, I just want everybody to
2 think about this. Why do fish have more rights than

3 humans? Why are fish more important than humans? And why
4 do we make, do many times over and over in this country,
5 we try to improve something at the detriment of something
6 else? I think this thing is really an ugly dude, has no
7 credibility, and will accomplish nothing but a lot of
8 anguish. So that's all I've got to say. Thank you very
9 much.

10 MIKE HARTY: And Jerry, you are after Linda and the
11 last card that I have.

12 LINDA FULLER: Linda Fuller, I'm with Plumas
13 Association of Realtors and I have told some of our local
14 realtors at Bill's request to find out how this is
15 affecting our market and it is affecting our market.
16 Buyers are very worried about what will happen to their
17 investments should property values drop due to poor lake
18 quality. I've been a realtor here in the basin since
19 1991. My family has been in real estate here for nearly
20 30 years.

21 As we all know, tourism is the major source
22 of revenue in Plumas County. The 2005 transient occupancy
23 taxes have not yet been collected but last year, the
24 basin, just the basin, generated \$420,135, which funds the
25 general fund which probably most of us know.

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1 My office does a lot of vacation rentals and
2 a lot of those renters and friends of ours have indicated
3 should the lake quality change or drop, they will be
4 looking for other areas to vacation.

5 Having said that, if the dollars that are
6 spent in the basin, not just in the TOT tax, but what our

7 vacationers spend, if those go away, so too will the local
8 businesses. We've seen that. If you've been here a long
9 time, you've probably seen blight on the peninsula, in the
10 peninsula village area and it wasn't pretty.

11 Now, the property taxes, I just talked to
12 the tax assessor today, and just in the Lake Almanor
13 Basin, see if I can get this right because it's a big
14 figure, \$1,140,425,670.25, I'm just kidding, was generated
15 in property taxes just in the lake basin. Now, should the
16 property values go down, so, too, will property taxes.

17 The state director to the California
18 Association of Realtors and I have brought this to Region
19 2, which is, which are the following counties, Butte,
20 Lassen, Plumas, Shasta, Siskiyou, Tehama and Trinity
21 County, they all understand that their clients who are the
22 PG&E rate payers will bear the cost of the thermal curtain
23 should it be installed. They have agreed to support the
24 Plumas Association of Realtors in our opposition of the
25 thermal curtain and will stand with us should we ask

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1 assistance of the California Association of Realtors to
2 protect the client's property values and let me tell you,
3 we're a very powerful association.

4 Also while I was at the current region
5 meetings, I spoke to the attorneys for Region 2, asking
6 them if they felt at this time it was a disclosure issue
7 for realtors in the basin to the buyers and they said
8 absolutely, yes, so it's definitely affecting real estate.

9 MIKE HARTY: Is there anyone who would like to

10 offer comments after Jerry speaks? No, well, Jerry.

11 JERRY BERGIS: I'm last.

12 MIKE HARTY: You are.

13 JERRY BERGIS: Thank you. First of all, I
14 appreciate you guys juggling the schedule because I was
15 slated to speak earlier, but I had to go back to work.

16 You probably heard a lot of the same things
17 over and over so I'm going to cut to the chase. I moved
18 up here a year and a half ago after retiring out of the
19 computer business and my wife and I brought the kids up
20 and we bought Chester True Value Hardware. Subsequently,
21 I also joined Rotary and I also joined the Chamber so I'm
22 kind of entrenched. And the reason we came up here,
23 because we thought this was a beautiful place. We looked
24 at places around Tahoe and other parts of the world and we
25 decided that this is the place that we were going to grow

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1 our new roots.

2 Subsequently, when we bought the store,
3 during the negotiations it was brought to our attention
4 that about 75 to 90 percent of our annual income for the
5 store would be between the months of April and September.
6 Last year, we really didn't realize that because I'd only
7 bought the store in May, so I didn't see a full year.

8 This year, I have.

9 If the thermal curtain, any other kind of
10 water extraction device is built and we see a decline in
11 fishermen, hunters, people coming up to rent, people
12 coming up to go camping, people coming up to open up their
13 homes and eventually closing their homes for winter, my

14 business is going to be severely hurt. I do have a good
15 clientele of the locals here. However, that's not enough
16 to support a business the size of True Value based on what
17 we've seen for the first year.

18 So again, I am totally against the curtain
19 or any kind of a device that would pull cold water off
20 this lake, Butt Lake and turn these lakes into some kind
21 of an algae pit. Thank you.

22 MIKE HARTY: So I want to--

23 BILL DENNISON: We had Bob Shore. Is he here?
24 Could I make a comment before we leave, a question?

25 MR. HARTY: Do you want the microphone?

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1 BILL DENNISON: Two things, Bill Dennison. I've
2 been asked by several people if maybe Vickie, you could
3 give the process kind of a schedule of what's going to
4 happen from this point on and then most important, would
5 all of you that are able bodied stay and help George and
6 Doug put away the chairs. If you don't, my wife has to
7 come back and do it.

8 MIKE HARTY: Is Bob here?

9 BOB SHORE: That would be me. Thank you, I thought
10 I dodged this. Everything else has pretty much been said
11 and I'm in definite agreement with the result of the
12 thermal curtain.

13 Like Jerry and I like Glen, Kathy and I are
14 new business owners in the area, we bought the Shell
15 Station here on Main Street and invested everything we
16 had. We're homeowners on the peninsula and property

17 owners in town with the business.

18 I was doing a little research on this issue
19 the other night. We have vacationed up here for years.
20 I've been coming up here since the late 50s with my family
21 and we vacationed all over the Northern California area
22 from Tahoe to the Pacific to Almanor and always came back
23 to this area for a reason, because it's beautiful.

24 Doing some research on Northern California
25 recreation areas, I came across this and I wanted to share

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1 it with you. I'm going to read to you about another lake
2 in California.

3 It's 19 miles long, eight miles wide at the
4 widest point and it has 100 miles of shoreline. Like most
5 lakes, this lake is dotted with resorts. Many, if not
6 most which have their own launch ramp, gas docks, in
7 addition to eleven free public ramps around the lake.

8 Going on to talk about wildlife, this guide
9 that I found on the internet says this lake is teeming
10 with life and is anything but clear. It should probably
11 be renamed Green Lake, often choked with hydrilla and blue
12 green algae. An elevated view of this lake often shows
13 large green blotches on the surface of this water covering
14 tens of square kilometers. Hydro jet boats and personal
15 watercraft intake ports get wrapped around propellers and
16 it only makes the lake look and smell distasteful. High
17 algae and bacteria counts in the summer often make it a
18 fairly unpleasant place to swim as it will make your skin
19 itch, dye your bathing suit green and potentially infect
20 your mucous membranes.

21 On the other hand, following a particular
22 spectacular die off of algae, accompanied by an awe
23 inspiring odor often settles down and becomes quite
24 pleasant to use for the season.

25 Perhaps as a result of the lake's more

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1 negative properties, fishing is the greatest attraction of
2 this lake, home to blue gill, crappie, bass, sunfish and
3 catfish.

4 This is about another warm water lake in
5 California, Clear Lake.

6 Anyway, we certainly don't want Lake Almanor
7 to have this description on the internet for visitors
8 coming up to this area. Thank you very much.

9 MIKE HARTY: Okay, is there anyone else who has not
10 had an opportunity? Anyone change their mind? No, okay.

11 Now before you leave, I want to again invite
12 you to take a look at the information that the State Board
13 and NSR have prepared to explain both the way the CEQA
14 process works. There's a diagram, for example, of all the
15 steps in the CEQA process. I'll give the microphone here
16 to Vickie in a moment to provide a summary explanation,
17 but all that is in the next room and if you're not too
18 hungry and want to take a look at the information that's
19 been provided, I think you'll find it helpful because it's
20 one example of all the work the State Board and North
21 State are putting into this process to keep the commitment
22 that Vickie has made on behalf of the board.

23 So I want to thank everyone for coming

24 tonight and Vickie, I'm going to turn it over to you and
25 you can provide your explanation and then I think we'll

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1 close the meeting and pick up the chairs.

2 VICTORIA WHITNEY: I want to reiterate, Mike, and
3 thank you everybody for coming. As Nancy I think it was
4 noted, we have been taking notes. We're actually not
5 going to do anything yet until the comment period closes
6 and then we're going to review all of the comments that we
7 receive from everybody.

8 We will, as I stated earlier, do an initial
9 review of all of the potential alternative measures that
10 we've identified for each one of the impacts that we've
11 identified, not just temperature on the river, but other
12 impacts as well. And then we're going to winnow the
13 alternatives down to the ones that we're going to study in
14 more depth.

15 All of the results of that will be in our
16 draft EIR. We may release portions of the draft EIR, I
17 don't know how we are going to do that, we haven't decided
18 that actually, in advance to get some feedback. Again,
19 that hasn't been decided, it's going to depend upon the
20 comments that we get in total, not just the comments we
21 received here today.

22 After we produce the draft EIR, we will
23 release it publicly and everybody will have an opportunity
24 to comment on that EIR. The board will then review those
25 comments, make any changes that it feels necessary, feels

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1 are necessary to that draft document and produce a final
2 EIR.

3 How long this takes depends in part on the
4 process if as a result of the comments we get on the draft
5 EIR, for instance, we identify new alternatives that we
6 want to look at or identify impacts that we hadn't
7 disclosed previously. We need to recirculate that draft
8 EIR and then there's another opportunity for comments, so
9 everything is kind of iffy, it just depends what happens.

10 Normally it takes about two years to produce
11 a CEQA document. We are just starting our process of
12 looking at this. I know FERC has previously released a
13 draft EIS and there's been a lot of work done by other
14 entities, but we're just starting in our process.

15 So again, I thank you all for being part of
16 that process. And I just wanted to add, I'm a fourth
17 generation Californian, my grandfather owned half a
18 section of property in Plumas County, so I actually have
19 spent a lot of time up here, not so much around Lake
20 Almanor as near Quincy, but this area is near and dear to
21 my heart and as I said earlier, we're concerned about the
22 lake as well as about the river, so thank you all.

23 ---o0o---

24 (Proceedings concluded at 7:12 p.m..)

25 ---o0o---

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1 STATE OF CALIFORNIA)
2 COUNTY OF PLUMAS) §

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I, do hereby certify that the foregoing transcript, consisting of 137 pages hereof, was taken by me in shorthand at the time of the proceedings therein, and that the foregoing is a full, true and correct transcription of the proceedings to the best of my ability held at said time.

DATED: 10th day of October, 2005.

ELLEN E. HAMLYN, CSR #5558