

STATE WATER RESOURCES CONTROL BOARD

In the Matter of: )

)

Listening Session One )

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LISTENING SESSION REGARDING EMERGENCY REGULATION EFFORTS IN

THE SCOTT RIVER AND SHASTA RIVER WATERSHEDS

MONTAGUE COMMUNITY CENTER AUDITORIUM

216 S. 11th STREET

MONTAGUE, CA 96064

MONDAY, OCTOBER 30, 2023

2:00 P.M.

Reported by:

Chris Caplan

APPEARANCES

PRESENTERS

Wyatt Amaral, USDA Farm Service Agency

Katherine Lewis, USDA Farm Service Agency

Michael Harris, California Department of Fish & Wildlife

Heather Wood, USDA Conservation Service

STAFF, STATE WATER RESOURCES CONTROL BOARD, DIVISION OF  
WATER RIGHTS

Erik Ekdahl, Deputy Director

Erin Ragazzi, Assistant Deputy Director

Zack Zwahlen, Senior Environmental Scientist-Supervisor,  
Instream Flows Unit

Philip Dutton, Program Manager, Supply, Demand, and  
Instream Flows Section

PUBLIC COMMENTERS

Ginger Sammito

Jay Martin

Grace Bennett

Rick Dean

Roy Johnson

Tim Watkins

Pamela Tozier Hayden

Erin Ryan

Stephanie Tidwell

Karin Newton

Chuck Prohaska

Diane Olson

Doug Jenner

Heide Gray

David Webb

Ryan Walker

APPEARANCES

PUBLIC COMMENTERS (cont'd)

Shelly Johnson  
Brandon Fawaz  
Colleen Alvarez  
Jess Harris  
Ray Haupt

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P R O C E E D I N G S

2:00 p.m.

MONDAY, OCTOBER 30, 2023

MS. RAGAZZI: Good morning, good afternoon. Can you guys hear me? No. Good afternoon. We are at three minutes after two o'clock, so I'm going to try and bring us together so that we can go ahead and get started. I want to respect everybody's time. There are some empty seats up in the front and in the middle and a few in the back. If people do want to grab a seat, you're welcome to stand too. That's, that's everybody's prerogative.

So good afternoon. I'm Erin Ragazzi. I work in the Division of Water Rights at the State Water Resources Control Board. I'm very happy to see so many people come out this afternoon. Thank you very much for making time to come meet with us. The purpose of today is to have a listening session, so really it's an opportunity for anybody who wants to to provide comments and feedback on the drought emergency regulation that was in place from August of 2021 through July of 2023.

And also any comments or thoughts you have about long-term efforts in the Scott and the Shasta watersheds with respect to the effort that's been underway. So we want to hear about your recent experiences and where we go from here, basically. Before we get into that though, we did

1 invite some folks to come from funding agencies, folks with  
2 money to talk about funding opportunities that they have  
3 related to water conservation efforts and other funding  
4 that might be applicable. So we're going to have them give  
5 two to five minute blurbs about what opportunities they  
6 have available and then we'll kick off the listening  
7 session and hear from each of you.

8 I did want to point out we have Chris over here.  
9 Chris is a court reporter, so he's going to be transcribing  
10 all of the feedback that we get today so that we can refer  
11 to it later. And then we also have someone documenting the  
12 meeting over here so we have lots of records being created  
13 so that we can refer to them later. So I appreciate  
14 everybody being open to that and I do want to turn it over  
15 to Wyatt and Katherine first and then we'll have Mike from  
16 California Department of Fish and Wildlife come up and give  
17 an overview of your funding opportunities.

18 MS. LEWIS: It might be easier to use that one,  
19 but I have a pretty big voice, lots of kids in the cheer  
20 leading squad, so I'm sure you can hear. I'm Catherine  
21 Lewis, farmland manager for the Farm Service Agency here in  
22 town. We have many kinds of assistance available for those  
23 who need it. We do farm loans for farm ownership purposes,  
24 land improvement purposes, operating loans. Also emergency  
25 loans in the event of a loss due to a declared disaster. I

1 could talk for an hour tell you a whole bunch of stuff you  
2 don't really want to know. But I'll tell you this, if you  
3 or somebody you know is in need of capital for your farm or  
4 ranch operation and you can't find it out on the commercial  
5 market, you need to call FSA. We have a good program or  
6 interim temporary supervised financing. If a disaster,  
7 we'll get you back on your feet and hand you back to the  
8 bank well, and moving forward, if you're just getting  
9 started, we'll grab you up, get your feet under you and  
10 help you get going and reach your dreams. I appreciate your  
11 time and we'll be over at that table if you have any other  
12 questions for me.

13 MR. AMRAL: Hi everyone, I am Wyatt Amral. I'm  
14 the new county executive director at the Farm Service  
15 Agency and I'm on the program side as Katherine's on the  
16 loan side. So we are helping with a lot of natural  
17 disasters with programs, initiatives like this year with  
18 our big beef community and hay community. We have good  
19 programs. One's livestock forage program that is very  
20 beneficial to make payments for all your producers. So  
21 please come in, get signed up for that application. And  
22 there's another program called the ELAP, Emergency  
23 Livestock Assistance Program, that helps with  
24 transportation of feed costs. So please come in, talk with  
25 us here in Yreka at our farm service office here in town.

1 Thank you very much.

2 MS. WOOD: Is this all USDA or can hop in?

3 MS. RAGAZZI: Oh yes please.

4 MS. WOOD: Okay. Alright. So hello everyone.

5 MS. RAGAZZI: Can you use the microphone just for  
6 the court reporter.

7 MS. WOOD: You bet.

8 MS. RAGAZZI: it makes it easier. Okay.

9 MS. WOOD: Can everybody hear me? Alright. We're  
10 on a Zoom meeting. So I'm Heather Wood from the USDA  
11 Natural Resource Conservation Service. I've been there for  
12 the last 20 years and I see a lot of familiar faces.

13 MS. WOOD: And so what we do at NRCS is help  
14 farmers and ranchers with water conservation projects,  
15 grazing projects, forestry, a number of land use projects,  
16 fire. If you have not come and seen our office and where  
17 that's located, we're just above the old railroad station.  
18 We are accepting applications all year round, but for this  
19 year, 2024, our application deadline is Friday for our  
20 normal program. But we have a couple other ones that you  
21 may be interested in. If you want to know more, I'll be  
22 here for most of the meeting so I'll probably hang out at  
23 the USDA table and feel free to ask me any questions and  
24 that's all I have. Thanks.

25 MS. RAGAZZI: Thank you. Oh, thank you both. And

1 then Mike, I don't know if you're coming up or Crystal's  
2 coming up to talk about other funding.

3 MR. HARRIS: Hi, Michael with the California  
4 Department of Fish and Wildlife. Back in December of 2022,  
5 CDFW received approximately \$200 million in new funding for  
6 multi-benefit ecosystem restoration and protection  
7 projects. Since March 2023, CDFW has awarded projects on a  
8 monthly basis through its streamlined grant application  
9 process. Talk about that in a second. And is pleased to  
10 announce we've awarded over \$141 million under this grant  
11 program, over \$30 million it has gone directly to Siskiyou  
12 County. These projects include drought resiliency,  
13 protecting salmon, addressing climate impacts, nature-based  
14 solutions, wetlands and mountain meadow restoration and  
15 wildlife corridors. Right now CDFW'S current focus is on  
16 wetlands and mountain meadows restoration and projects that  
17 restore enhanced wetlands and mountain meadow ecosystems.  
18 Additionally, CDFW has continuing grant opportunities  
19 available. Our last allotments for Prop 60, Prop 68 and  
20 Prop one will be distributed over the next 10 years. Under  
21 our Prop 68 fund, CDFW will have approximately \$4 million  
22 for Klamath Trinity restoration actions.

23 MR. HARRIS: The last continuing grant program is  
24 our fisheries restoration grant program, also known as  
25 FRGP. FRGP program is a federal grant program that

1 typically receives \$16 million annually. And the next  
2 application round will be available in January of 2024. If  
3 you haven't used our new streamlined portal process,  
4 instead of having a typical request for proposal to put it  
5 in seven or eight months later, you may hear back from the  
6 Department. We now actually have a portal system. It's  
7 streamlined so you have a concept proposal around five  
8 pages, little project description, included scope of work  
9 and tasks, maps and plans, but it's a much, much easier  
10 process to do. It's all online and you hear from us much  
11 faster so it's going to of having to wait that six or seven  
12 months. We're continually reviewing those grant  
13 applications, so for more implementation on grant  
14 opportunities and I can give you guys the websites  
15 afterwards, this is [wildlife.ca.gov/grant](https://wildlife.ca.gov/grant), so thank you.

16 MS. RAGAZZI: The way we'd like to structure it  
17 so we can make sure that Chris gets what he needs to  
18 transcribe it is to have folks come up and - to the  
19 microphone. You can have a seat, speak into the microphone  
20 clearly. It's been asked that you, I don't want to create a  
21 bunch of feedback between the two mics. It's been asked  
22 that you state your name and then spell your name so that  
23 we can get your name down correctly. Please state your name  
24 and spell your name. And I'll do my best to try and remind  
25 folks of that as we move forward.

1 MS. RAGAZZI: I'm going to start off by asking if  
2 there's any local governmental leaders or tribal leaders  
3 that would like to make comments first. Otherwise I'm going  
4 to invite people to come forward and provide a comment. I  
5 think given the number of folks that we have in the room,  
6 we'd like to ask that people start with a four minute or  
7 less comment and then if you need more time you can come  
8 back as many times as you want. We'll be sitting here to  
9 take your comments. So any questions?

10 MS. SAMMITO: There wasn't a format, there was no  
11 time format on the website itself. So when you're building  
12 your comments to be able to present it to this group, you  
13 are basing it on your own self on getting the amount of  
14 information that paints the picture. So some of us will  
15 need a little longer and if you break it up, you break up  
16 the continuity of the information being given to the group.

17 MS. RAGAZZI: I appreciate that. I also want to  
18 make sure everybody has an opportunity to provide a  
19 comment, so that's what I'm balancing there. So I have a  
20 perspective how many people are here to provide a comment  
21 versus listen. That will help us if you can raise your hand  
22 if you want to provide a comment one, two. So go for your  
23 entire comment. Okay. Why don't you come up first and if  
24 you could please state your name and then spell it as well,  
25 that would -

1 MS. SAMMITO: Sure

2 MS. RAGAZZI: Be very helpful.

3 MS. SAMMITO: My name is Ginger Sammito, S-A-M-M-  
4 I-T-O. Since 2020, numerous complaints have been filed with  
5 the Water Board on the unreasonable and wasteful abuse of  
6 water used for illegal organized criminal activity. The  
7 community provided supporting data on at least 8.1 million  
8 gallons, transported daily. Water denied legitimate  
9 permitted residents, ranchers and farmers and aquatic life.  
10 SGMA determined there existed a ground surface water  
11 connectivity in Shasta Basin. Hence the groundwater  
12 activities affect the Shasta River quality and quantity.  
13 The communities were told that SGMA Plan was responsible  
14 for the groundwater by the Water Board. The community  
15 disagreed stating that SGMA plan was incomplete and in the  
16 absence the Water Board was the overarching agency whose  
17 purpose was to protect the water from unreasonable and  
18 wasteful abuse.

19 The grand jury report determined that only 84  
20 parcels of the two and a half acre permitted existed. Yet  
21 4,000 gallons a day per parcel was delivered and 31 wells  
22 reported dry or recharge issues and a vital fire department  
23 was affected - affecting the emergency response time to the  
24 citizens of the community. Water Board enforcement database  
25 revealed that 283 notice of violation individuals from

1 Trinity County were now residing in Siskiyou County with  
2 the same violations of water contamination, open pit  
3 septic, open pit burning of toxic spent containers,  
4 further questioning any enforcement by the Water Board.

5           After numerous months, the Water Board closed the  
6 complaint stating that it was not independently  
7 collaborated allegations. Although the community has  
8 supported evidence to the contrary of delivered timestamped  
9 at least every 15 minutes. No response from the Water  
10 Board. We again opened a complaint due to the EON 722  
11 compliance violation - the emergency - the emergency  
12 regulation. The ranchers and farmers were being denied  
13 water, supporting their legitimate legal livelihood,  
14 forcing undue financial hardship or forced to pay fines  
15 while water continued to be delivered to criminal  
16 activities unabated. A bias pattern existed between the  
17 lawful users and the unlawful wasteful abusers of this  
18 resource. Discovery found that two locations were permitted  
19 to submit under exemption for human right to water. The  
20 livestock permission was vague and lacked required  
21 information requested of ranchers and farmers, and, again,  
22 this is a bias action. Calculations from the Water Board's  
23 own charts meant that a density of 90 cows per approved  
24 parcel.

25           The second site was that human consumption was in

1 violation of the California public health and EPA  
2 regulations for human consumption. Site and potable haulers  
3 must be approved, tested and certified. Drone footage  
4 provided to the Water Board determined that the human  
5 consumption water storage was in an open air swimming pool  
6 and quantities delivered were as if 28 individuals resided  
7 on each of the permitted parcels. Again, Water Board closed  
8 the count - the complaint stating an inability to  
9 collaborate allegations. A rebuttal to the closure was sent  
10 on the violation of the public health and obvious  
11 unreasonable abuse to the 84 parcels as a lack of  
12 accountability. No response from the Water Board.  
13 Eradication on August 9th of this year confirmed a wasteful  
14 abuse when 24 of the over 2000 sites yielded \$68.5 million  
15 in product. In addition, chemicals were discovered on these  
16 sites that were so toxic that if a fire occurs, there will  
17 be a significant harm and potential death from exposure to  
18 humans, wildlife, plant life, streams and toxic airborne  
19 drifts.

20           Water Board has failed to adhere to its own rules  
21 and regulations. Failed to follow human health protection  
22 standards in providing permits. Failed to apply enforcement  
23 measures to violators to deter. Slow walked complaints.  
24 Failed to protect against unreasonable and wasteful abuse  
25 and committed a form of biased behavior. Consequences from

1 the direct and or indirect actions by the Water Board has  
2 caused the emboldened criminal activities, undue hardship  
3 on the legitimate legal residence, endangered the citizens  
4 and it created long-term consequences from the  
5 contamination of water, soil, and air quality. In addition,  
6 lack of enforcement promoted a false claim of racism, used  
7 to conceal and continue illicit activities by unwittingly  
8 asking the Water Board through complacency. We, the  
9 residents of Siskiyou County, have been the victims of race  
10 baiting when we only requested the compliance with rules,  
11 regulations without exceptions. Suggestion to the Water  
12 Board, take the specialist that exists at this meeting on a  
13 tour of the devastated area and return to Sacramento.  
14 Residents of Siskiyou County can manage the resources the  
15 Water Board has failed to do.

16 Thank you.

17 (APPLAUSE)

18 MS. RAGAZZI: If you could state your name.

19 MR. MARTIN: Absolutely. My name is Jay Martin,  
20 J-A-Y M-A-R-T-I-N. Also doing business in this county as  
21 Siskiyou News Network. A brief little - I wrote this down  
22 so that way I try not to stick my tongue where it doesn't  
23 belong. It would be considered a crime to violate a court  
24 order. If different parties conspire together to commit  
25 that crime, it would be considered a RICO violation.

1 Racketeering. This body cannot hand down an order that  
2 violates a court order for our water rights without  
3 committing a crime. Please make sure you're not committing  
4 a crime. Without any orders you pass. Excuse me - With any  
5 orders you pass, violating our court adjudicated water  
6 rights in Shasta and especially the Scott territory. Thank  
7 you for the time to speak to you. Have a great day.

8 MR. MARTIN: (APPLAUSE)

9 MS. RAGAZZI: I think we had more speakers in  
10 this area over here. Thank you. And I'm going to ask you to  
11 please if you could spell your name for the court reporter,  
12 that would be helpful.

13 MS. BENNETT: Okay, thank you. Thank you. My name  
14 is Grace Bennett, G-R-A-C-E B-E-N-N-E-T-T. I'm a retired  
15 Siskiyou County supervisor and I've been at many of your  
16 meetings in the past, and you say this is a listening  
17 meeting. I really ask that it be a hearing meeting. I see  
18 you typing on your computers and things that doesn't get  
19 it. You need to have full attention to the people that are  
20 talking today. This needs to be - you need to hear what the  
21 people are actually saying to you today. It's a great  
22 frustration to come to a meeting and have people typing on  
23 their computers and not really, really hearing what people  
24 are saying. With that, I would like to continue.

25 MS. BENNETT: We are a strong people and the love

1 of the land and work hard to make it better and a great  
2 place to raise our children. That being said, over the past  
3 40 to 50 years we have been faced with a never-ending  
4 parade of changing regulations and experimental projects.  
5 Some of these are good, some of them have been total  
6 failures. Still, we have worked with these agencies once  
7 our farmers, ranchers, loggers worked six or seven days a  
8 week. Currently they only work four. The other three are  
9 spent filling out forms, attending meetings and trying to  
10 understand what the next agency will put in our collection  
11 of wonderful things we have to do.

12 MS. BENNETT: In Siskiyou County, there have been  
13 millions of dollars spent to improve many things that have  
14 been done to increase water quality and quantity. However,  
15 there always seems to be another project to do. Today, it  
16 is a flows in the Scott and the Shasta Rivers. This too has  
17 been talked about many times, but limiting the flows will  
18 not -- will once again bring new strains on our hardworking  
19 people. When we have a strong winter of snow and much  
20 needed rain, the spring run-off should be retained in every  
21 pond, pool, refuge, every place in the county that can keep  
22 the water and not wasted to flow to the ocean. There are  
23 projects that have been proposed by our people in the Scott  
24 Valley, one of those being retention pools and ponds in the  
25 Marble Mountains. These will hold water until fall and will

1 increase the flows (indiscernible) this work and this has  
2 been done. One of our ranchers developed these ponds on his  
3 property and the water quality increased and the coho fish  
4 numbers increased. Several years the coho have returned the  
5 biggest in the state of California.

6 MS. BENNETT: These are already established in  
7 the mountains but have not been maintained and fell into  
8 disrepair. I mean that is something that can be done now.  
9 It will cost money. It'll be complicated, but it can be  
10 done now and it will increase the flows in the river. The  
11 Shasta River is totally a totally (indiscernible) system  
12 and needs a different kind of help. Here we have thousands  
13 upon thousands of illegal marijuana grows using untold  
14 amounts of water. These growers are adding raw sewage,  
15 pesticides, illegal fertilizers, and many other products  
16 that are entering our water sources. The water table is  
17 being lowered and many households have lost their domestic  
18 wells that the illegal marijuana problem is not just in the  
19 Shasta but throughout Siskiyou County. The state and other  
20 agencies don't seem to be interested in helping the county  
21 solve this problem. The loss of flows in the Shasta can be  
22 traced back to these illegal grows.

23 MS. BENNETT: My question that has never been  
24 answered is why do the problems of water quality and  
25 quantity always come back to our farmer ranchers and

1 loggers to solve? The people of this county have worked for  
2 many years to help and worked with many different state and  
3 federal agencies who all have different ideas about what is  
4 to be accomplished. When their work does not go as  
5 expected, the people of Siskiyou County always seem to be  
6 at fault. And we're not at fault. We've cooperated with all  
7 the people, all the agencies, the product, the projects,  
8 the things that need to be done. We've spent millions of  
9 our personal hours to take care of these things and it  
10 doesn't ever seem to be enough. There has to be a point  
11 that this is enough. We're tired. We need to go on about  
12 our lives and take care of our land and take care of our  
13 children. We like living here. We live here because we love  
14 the land. I thank you for coming and here please hear our  
15 voices and concerns and help us move forward in the way to  
16 improve our county not destroy it. Thank you.

17 UNIDENTIFIED MALE SPEAKER: Hear. Hear.

18 UNIDENTIFIED MALE SPEAKER: (APPLAUSE)

19 MS. RAGAZZI: And again if you could state and  
20 spell your name for the court reporter.

21 MR. DEAN: Certainly.

22 MS. RAGAZZI: Thank you.

23 MR. DEAN: Thank you for your time. My name is  
24 Rick Dean. Rick, R-I-C-K Dean, D-E-A-N. Reside in Yreka,  
25 California at 326 Herzog Boulevard. I would just like to

1 bring to attention the Executive Order that was brought  
2 forth by the Governor regarding drought 7-22, paragraph 8,  
3 which states, "the Water Board shall expand inspections to  
4 determine whether illegal diversions or wasteful  
5 unreasonable use of water are occurring and bringing  
6 enforcement action against the illegal diverters and those  
7 engaging in the wasteful and unreasonable use of water.  
8 When access is not granted by the property owner, the Water  
9 Board may obtain an inspection warrant pursuant to the  
10 procedures set forth and Title 13 commencing with section  
11 18022.50 of part three of the Code of Civil Procedure for  
12 the purposes of conducting an inspection pursuant to this  
13 directive. I would just say that there is a significant  
14 water diversion occurring for the activities of illegal  
15 cannabis cultivation in our county and would request that  
16 the State Water Board step up their efforts to this regard.  
17 Thank you.

18 MR. DEAN: (APPLAUSE)

19 MR. JOHNSON: Roy Johnson, R-O-Y J-O-H-N-S-O-N.  
20 First I want to start out, I'm actually a Native American  
21 Yurok Indian. I'm allowed to net salmon at the mouth of the  
22 Klamath and everything else. And I'm also a mid-size cattle  
23 producer in Siskiyou County. All on myself.

24 MR. JOHNSON: And I want to start out far as  
25 stewards of the land. My dad's a logger, they pretty much

1 call him when these fires are about to burn down towns  
2 because government - So the only thing that's guaranteed is  
3 change. We can't control that. But government wants to make  
4 changes. It doesn't mean that they're correct changes all  
5 of these fires and everything like that - that's just -  
6 they're burning towns down. It's not good. So my family are  
7 stewards of the land. We preserve our land. We take care of  
8 it. We take care of the forest. We take care of the fields.  
9 So what I'm saying is not all change is good.

10 MR. JOHNSON: Secondly, last winter we're in  
11 these regulations. My ranch that I purchased is set up off  
12 ditch water. I'm told that I'm allowed 0.015 CFS of water  
13 and that I'm allowed to divert to go to hundreds of  
14 different heads of cattle in different fields.

15 MR. JOHNSON: I mean, not to mention we're in  
16 Siskiyou County, our water goes west, it does not go south.  
17 And our climate is much different than the Sacramento  
18 Valley. That amount of water will not flow. It will freeze  
19 when it snows and when it rains or if it rains then it's  
20 great. But our temperatures, we get to zero degrees. That  
21 little amount of water is not enough water to flow yet  
22 alone from the ditch into the first field. But it has to  
23 travel through the whole entire ranch because we have to  
24 utilize our whole ranch because you guys made us stop  
25 growing grass in July. So we have to spread everything out

1 and so I get all these fines, everything I am looking at a  
2 hundred thousand dollars worth of fines because I'm having  
3 to pump water to different areas because I'm not allowed to  
4 divert enough water to water my cattle.

5 MR. JOHNSON: So you guys want us to pump it.  
6 Well then pumping water in the wintertime is hell. If you  
7 break water lines and everything like that, leaky water  
8 lines, you're pulling from the aquifer then. And so you're  
9 draining the aquifer. But ditches are actually filling the  
10 aquifer, which is beneficial. Correct. So we have high  
11 flows in the wintertime and so use the ditches, fill the  
12 aquifer. Okay. So also what happened when we shut those  
13 ditches off, it took three to four weeks for water to make  
14 it through those ditches because those ditches lost their  
15 seal. So all the water, so we're having to divert a huge  
16 amount of water, no benefit to us taking four weeks until  
17 we can even start irrigating. And we're not allowed to  
18 start irrigating until April. So it's almost May until we  
19 can even get our water to our place. And our ditches are  
20 extremely inefficient at that point because they haven't  
21 ran water in so long that they lost a seal. So if we'd have  
22 been running water, a reasonable amount of stock water all  
23 winter long, the ditches would still have their seal and  
24 the aquifer would be filled up. And so then in August when  
25 you guys are really wanting your water, well we're not

1 needing as much because our place, we fill our place up,  
2 we're not behind, we're on schedule. So I have a handful of  
3 points.

4 MR. JOHNSON: So also - I mean prices. So what  
5 you guys did last year, record hay prices. So we were  
6 looking at double expenses. Everything is double now.  
7 Cattle have gone up because so many people had to kill and  
8 cull out their herds. So I mean on what you lost, so you  
9 sold a cow for a thousand dollars last year because you  
10 couldn't afford to feed them. That cow's worth \$3,000  
11 today. That's two grand. And the ones that you kept, you  
12 paid double to keep them through the winter and your breed  
13 ups, everything like that, just a huge snowball effect.

14 MR. JOHNSON: And the fish population. So I don't  
15 know if you have record on how good the fish the run was  
16 last year. Probably sucked. We were regulated last year.  
17 The fish run probably sucked. We're not regulated so much  
18 this year. It's pretty good. You guys aren't God. We're not  
19 God. He's the one that decides when it rains and allows us  
20 to have water. That's it. You can't control it, we can't  
21 control it. But what we can do is be efficient and we've  
22 already done that. We've been doing that for decades. You  
23 go back 20 years, how many pivots were in this county?  
24 Hardly any. Everybody has pivots and everything like that  
25 and the fish numbers, they've never really changed to us.

1 We haven't developed more farm ground. It's actually went  
2 away and the fish population has just kind of depending on  
3 the year, if it rained, if we had a good rain year.

4 MR. JOHNSON: That's the only thing that's ever  
5 determined the fish population. And so you guys are trying  
6 to regulate us and I just don't understand for what.  
7 Because it's not about the fish because you have no  
8 evidence that we're even hurting the fish. And so I don't  
9 know - I'm an Indian so I've been kicked off places. My  
10 family has been kicked off and put on reservations before  
11 and now I've bought a ranch and I'm trying to make a go at  
12 it and I'm looking at a hundred thousand dollars fines just  
13 trying to water cattle. I really think you guys need to  
14 look at the whole picture. Every time that I get on the  
15 phone with somebody, I talk to them and it's the first time  
16 that they've ever heard that they had no idea that it gets  
17 zero degrees in Siskiyou County, but you guys made a law.  
18 It doesn't matter.

19 MR. JOHNSON: So I don't know. You guys have a  
20 lot to be educated about before you can start passing laws.  
21 I think and not to mention Siskiyou County, the water  
22 doesn't go south. We don't suffer the same problems as the  
23 San Joaquin Valley. Our land isn't sinking in. We're not  
24 depleting our aquifers. If we have a decent winter, we're  
25 ripe. This year is the best year that I've ever had. It

1 took one winter. One winter. We're not depleted, we can  
2 restore and one good year and that good year will almost  
3 take us through three or four drought years, which we  
4 almost had the worst drought year that we've ever had. But  
5 no, it wasn't the worst drought year the last three. We've  
6 had worse before. It's a weather cycle. We're going to have  
7 more droughts but kind of looks like we're going into a wet  
8 cycle. I don't know why we need to be regulated during a  
9 wet cycle.

10 MR. JOHNSON: So I mean everybody's doing what  
11 they can to make everything the most productive and  
12 efficient that they possibly can already because that's the  
13 only way that we can generate an income and these are not  
14 just our incomes, these are our lives. You guys have jobs,  
15 we have lives and this is our life and you guys are  
16 tampering with it. So thanks.

17 MR. JOHNSON: (APPLAUSE)

18 MS. RAGAZZI: And sir, if you could state and  
19 spell your name that would be appreciated.

20 MR. WATKINS: Tim Watkins. T-I-M W-A-T-K-I-N-S.  
21 I'm not trying to be accusatory or anything like that. I  
22 understand the government works a little slower than most  
23 people, but this culture we're dealing with these Hmongs  
24 and Chinese - the ones who are growing all the weed out  
25 here where I live, I'm in ground zero. And it rises this

1 question. It bugs me forever. Is there bribery going on  
2 with you people? Are they bribing you? Like they did our  
3 Sheriff for a million dollars and he turned them in, thank  
4 God, but then he left county. It's a question that's been  
5 bugging me because of the lack of action that's been going  
6 on for so long. Nobody gets nothing done around here when  
7 they're involved with the government, the people out here  
8 are the ones that are doing all the work. You guys sit back  
9 in a cushy job and you collect the money that the taxpayers  
10 are paying, but we don't get nothing for our money. I mean  
11 I live on eight and a half acres and I'm scared to death of  
12 my water going dry because they're all around me. Every  
13 morning I wake up, I smell marijuana real bad. I hear  
14 midnight chopping trees down and everything. Nothing's  
15 being done and it's bugging me and I want to know some  
16 answers. That's all I got to say.

17 MR. WATKINS: (APPLAUSE)

18 MS. RAGAZZI: Any other comments? And please  
19 state and spell your name. Thank you.

20 MS. TOZIER HAYDEN: Hello, my name is Pamela  
21 Tozier Hayden. That's P-A-M-E-L-A T-O-Z-I-E-R-H-A-Y-D-E-N.  
22 My father was Harold Ben Tozier and I grew up on a ranch  
23 which lies between Shackleford Creek and Scott River. I  
24 still own that property. My husband and I also own his  
25 grandfather's grandparents' ranch, which his great-great-

1 grandparents farmed near Etna. On our Etna ranch, a center  
2 pivot is our sole source of irrigation by which we water  
3 277 acres of hay ground that is also used as dry forage in  
4 the fall. The hay and the forage feed our livestock. Like  
5 all of our neighbors and local farmers, last year we  
6 reduced our water usage by 30 percent under the  
7 requirements of the local cooperative solution. In fact,  
8 for us it was more than 30 percent. Many hours were spent  
9 developing our LCS, which we would not have been able to do  
10 without the help of a lawyer who generously donated his  
11 time to us and others.

12 MS. TOZIER HAYDEN: Our records show a 35 percent  
13 reduction in our hay production and we also didn't have  
14 adequate fall forage. The predominant factor in achieving a  
15 30 percent reduction under our LCS was converting our pivot  
16 to the low elevation spray application or LESA system. We  
17 are a mom and pop operation, paying our son a meager wage  
18 and employing part-time help during the hay season. This  
19 new season cost us over - this new system cost us over  
20 \$22,000, not counting labor, which we did ourselves to save  
21 money. Our vendor's estimate for labor would've brought the  
22 total cost for conversion to just under \$30,000. This  
23 conversion was quite a hardship for us. On Shackleford  
24 Creek we have diversions number 19 and 21, our neighbor's  
25 diversion, 20, was built directly across the stream from

1 21, which is the lowest diversion on Shackleford. Due to  
2 the last several years of drought, we have used around one  
3 third of our water right, even though we could have legally  
4 used more. We have left a good flow of water passing our  
5 lower diversion, which we use the most. Historically, this  
6 diverted water irrigates almost 140 acres of pasture for  
7 our cattle. But due to the drought and our decision to  
8 leave more water instream, the fields have not been getting  
9 enough water. So when the 2022 curtailment was levied, it  
10 was the nail in the coffin. Currently it grows a variety  
11 obnoxious weeds.

12 MS. TOZIER HAYDEN: The remaining Tozier cattle,  
13 the foundation of which my father started 70 years ago, had  
14 to be sold. During the irrigation season water flows under  
15 the lower Shackleford Bridge, which is below our diversion,  
16 but as it meets an alluvial fan, before reaching Scott  
17 River, the creek doesn't usually connect with the river  
18 until late fall. Years ago, the authorities would regularly  
19 perform minor streambed work to make a channel so the creek  
20 water was able to connect to the river. Last year, two CDFW  
21 employees told me they would like to see this method, which  
22 would be low impact and low cost, used again to alleviate  
23 the problem but have hit a brick wall with groups opposing  
24 any alterations. I would like to see us work together for  
25 reasonable solutions and local people not be pitted against

1 one another by outside powers. We need to have healthy fish  
2 populations and agriculture continue or the Scott and  
3 Shasta Valley's ag land will be either subdivided into  
4 housing tracks or become a wasteland of invasive weeds.

5 Thank you.

6 MS. TOZIER HAYDEN: (APPLAUSE)

7 MS. RYAN: Hi. My name is Erin Ryan, E-R-I-N R-Y-  
8 A-N. Pretty simple. I'm here with the Office of Congressman  
9 Doug LaMalfa. And it makes no sense to any of our  
10 constituents nor to the Congressman or anyone else who  
11 looks at this issue that you would be further regulating  
12 the agriculture community when the unquantifiable amount of  
13 water being used by the people growing marijuana just down  
14 the road. I hope you've driven through there. If you  
15 haven't you really need to. It's massive and they're using  
16 far more water than any of these folks ever would to grow a  
17 crop that is not legal. They're not using this water for  
18 the benefit of anyone. And I think - I saw Ginger sitting  
19 here, I know she sent you mountains of statistics on that  
20 and it's just not - it isn't something that people can wrap  
21 their minds around that there's all this regulation on the  
22 farming community and the illegal marijuana is just allowed  
23 to run free. No one understands that and they cannot make  
24 sense of it. And it would seem that if you're in the  
25 business of regulating water, you should regulate all the

1 water, not just the one on people who are using it legally.

2 MS. RYAN: (APPLAUSE)

3 MS. RAGAZZI: And please spell your name after  
4 you stated thank you.

5 MS. TIDWELL: Stephanie Tidwell, S-T-E-P-H-A-N-I-  
6 E T-I-D-W-E-L-L. And I am here representing Water Climate  
7 Trust and Rios to Rivers. I had hoped to provide testimony  
8 a couple of months ago back at the big hearing in  
9 Sacramento, but 11:00 PM rolled around and y'all still had  
10 a long list of people to get through. So I will pull up  
11 what I had here for myself here and just try to be brief in  
12 terms of saying that our organization's fully support  
13 instream flow regulations for the Scott and Shasta Rivers  
14 and programs to support farmers in transitioning to less  
15 water intensive practices and better regulation of the  
16 outlaw cannabis industry, the regulated industry and the  
17 timber industries' runoff. Our salmon are not going to make  
18 it without all of the above. The spring Chinook are almost  
19 gone, with the Klamath dams coming down right now we have  
20 an incredible opportunity to begin the country's most  
21 ambitious effort ever to save our plummeting salmon  
22 populations, but all the dam removal in the world will be  
23 for naught if there's no water to get the fish to their  
24 natal streams.

25 MS. TIDWELL: We believe that the Water Board is

1 obligated by existing laws to move ahead with, at minimum,  
2 emergency flow protection measures to avoid jeopardy.  
3 Permanent guidelines that foster recovery would be better.  
4 Extinction prevention flows are just not negotiable,  
5 legally or ethically. Restoration and voluntary  
6 transactions and good funding for them are indeed admirable  
7 and necessary, but they're insufficient, in light of recent  
8 history. As has been the problems that I agree with y'all  
9 about the cannabis industry, there are significant  
10 problems. But the environmental water transactions, they're  
11 not actually accomplishing stream flow goals because  
12 there's no legal requirement for the conserved water to  
13 even go to fish. We've got to be doing a better job with  
14 our water accounting methods and with public funding to  
15 ensure that conserved water is actually used for the  
16 environment that is supposed to be protecting. As I think  
17 most of the folks here know, the day after the emergency  
18 restrictions were lifted on the Scott, it got sucked down  
19 to a trickle. So without regulation, we're just going to  
20 stay on this death spiral and yeah, it's a death. It's a  
21 death by a thousand cuts.

22 MS. TIDWELL: The Klamath used to have thriving  
23 fisheries that supported vibrant commercial fishing  
24 operations and before that they were the lifeblood of the  
25 region's tribes for millennia. It's just a really hard,

1   sucky fact of life that we're going to have to reallocate  
2   some water that has been heavily used by ag to fish. And an  
3   economic transition is going to be required. As we just  
4   heard here at the beginning of this - there, theoretically,  
5   a lot of money available to help transition us to more  
6   economically and ecologically sustainable economies. I  
7   encourage the Water Board to work with those agencies to  
8   make this as painless as possible for people because we  
9   can't lose our salmon. We've got to throw everything at it.  
10  Otherwise this falls on all of us.

11           MS. TIDWELL:  So thank you for moving ahead and I  
12  encourage you to keep following the science because we know  
13  where it will lead you.

14           MS. TIDWELL:  (OFF MIC COMMENTARY)

15           MS. RAGAZZI:  Thank you.  If you could state your  
16  name and spell it for the court reporter.

17           MS. NEWTOWN:  My name is Karin Newton, K-A-R-I-N  
18  N-E-W-T-O-N.  And I grew up on our small family cattle and  
19  hay ranch in the middle of Scott Valley along the Scott  
20  River.  We submitted and followed an approved LCS for the  
21  2022 irrigation season.  Our hay production was down that  
22  year.  We feed all our own hay for our cattle along with  
23  buying hay to feed.  So our lower production, which I  
24  believe was caused by irrigation cutbacks, along with high  
25  hay prices, was a hard hit on our family operation.  And I

1 was going to talk a little more about some comments that  
2 were made to the Water Board by some groups, but I'm going  
3 to skip that and I'm going to go to - I would like to see  
4 the CDFW, Water Board and other powers that be actually do  
5 something to help the fish get up to their spawning grounds  
6 instead of lying the entire burden on farmers and ranchers  
7 to make this happen when Mother Nature hasn't quite made it  
8 happen.

9 MS. NEWTOWN: It sounds like there's plenty of  
10 money available. My common sense attitude wonders why  
11 channels through the alluvial gravel fan fans can't be  
12 opened up to allow fish passage up into the tribs -  
13 tributaries so they can spawn. The young fish will come out  
14 in the spring when the water flows. Do it in the dry  
15 season. It'll probably be a big job at first, but do it  
16 annually if need be. Sounds like plenty of money to do it.

17 MS. NEWTOWN: This question was put to a CDFW  
18 person, I won't put out a name, a few years ago and we were  
19 told they had plans to do just that at the mouth of the  
20 Shackleford, but were stopped by some special interest  
21 groups. Have to wonder what that was about. Why would they  
22 stop a project that could actually help fish get up the  
23 tributaries and spawn? I feel like the fish numbers could  
24 be helped physically by the CDFW and the Water Board. And  
25 hopefully they'll do something that way instead of leaving

1 the whole entire burden on the farmers and ranchers. Thank  
2 you.

3 MS. NEWTOWN: (APPLAUSE)

4 MR. PROHASKA: Chuck Prohaska. C-H-U-C-K P-R-O-H-  
5 A-S-K-A. I really feel bad for the farmers and the ranchers  
6 that are having to suffer at the hands of these criminals  
7 that have taken over our county. When the marijuana was  
8 voted in, it was meant to - people that had one ounce, it  
9 was a felony when they made it a misdemeanor. You can move  
10 up into this county. Criminals have overpowered our county.  
11 And our resources and they pay a \$500 lookout fee. They're  
12 all up and down the highways. When a law enforcement  
13 effort's coming, they scatter. They know they're coming and  
14 they have a \$500 fine. So it's a thousand dollars buy-in.  
15 It's the new California gold rush. I'm afraid the only  
16 thing that's going to help us is if you, the Water Board,  
17 get the governor to sign an emergency order to stop all  
18 water hauling. Thank you.

19 MR. PROHASKA: (APPLAUSE)

20 MS. OLSON: Hello, my name is Diane Olsson, D-I-  
21 A-N-E O-L-S-O-N. My name is Diane Olson and I'm a native to  
22 Siskiyou County. Having been born and raised and currently  
23 live in Scott Valley on our family's small ranch. My  
24 parents Ed and Dorothy Corrigan were business owners as  
25 well as cattle ranchers in Scott Valley. The size of our

1 family ranch could not support our family in its entirety.  
2 So my parents also owned a business in Etna, many of which  
3 you frequented. My parents raised beef and grass hay, not  
4 because they were born into the lifestyle or forced by  
5 economics, but because it was passion and a calling they  
6 found both rewarding and fulfilling. Siskiyou County  
7 ranchers are the true stewards of the land. They are the  
8 individuals that you want protecting the environment and  
9 its health because their lifestyle and prosperity depends  
10 on the health of the land. These families are the boots on  
11 the ground that can closely monitor, adapt processes and  
12 keep watch on practices that influence the health of our  
13 natural resources.

14 MS. OLSON: The pendulum has swung both to the  
15 right and to the left and I believe we have all come to the  
16 realization that no one issue or concern is going to be  
17 successfully addressed if we do not find a balance in the  
18 middle. A give and take relationship that is cognizant of  
19 both sides needs and concerns. After much collaboration  
20 between all parties involved, the Siskiyou County  
21 Groundwater Sustainability Plan has been approved by the  
22 Department of Water Resources. This collaboration brought  
23 opposing stakeholders together to reach common ground and  
24 formulated a plan that works for all involved.

25 MS. OLSON: Now, Siskiyou County should be given

1 the chance to put that plan to work. A chance to prove that  
2 ranchers and farmers are invested in sustainability and the  
3 prosperity of our natural resources such as fisheries,  
4 water, agriculture, and livestock. Further restrictions and  
5 curtailments are only going to devastate Siskiyou County  
6 small ranch and family farms. We are here today to urge the  
7 involved agencies to partner with Siskiyou County  
8 agricultural families for the betterment of our natural  
9 resources and environment. Thank you.

10 MS. OLSON: (APPLAUSE)

11 MS. RAGAZZI: Any other? Okay. Sir, if you could  
12 be sure to spell your name.

13 MR. JENNER: I'm Doug Jenner, DOUG and J-E-N-N-E-  
14 R. Anyway, I'm a fourth generation rancher, raised cattle  
15 and divert. We've got plenty of diversions. And those  
16 diversions are pretty important to our operation.

17 MR. JENNER: And some observations that I've made  
18 over the years. I've seen a lot of dry times like back in  
19 the '70s, and we made it through those times and the Water  
20 Board kind of come in and created these LCSs here for us to  
21 cut back and try to save water. But I can't see as all  
22 those cutbacks and curtailments help the flow of the river  
23 in Scott Valley.

24 MR. JENNER: And one observation that I've made  
25 over the last few years too, I noticed that wherever these

1 forest fires took place, like up in the head in Etna Creek  
2 and up in the South Fork Bottom water has increased. And I  
3 think that managing these upland - upland country could  
4 really help play an important part in flows in the river.

5 MR. JENNER: There's a lot of money out there I  
6 guess that we can use for different projects. And I've  
7 heard one that was suggested for the Scott River that could  
8 make a lot of sense to me. And that's the build a dam up  
9 there where the sand - where the McKean divide is. It's up  
10 there in a basin where nobody lives to speak of and that  
11 would store a tremendous amount of water there for fall  
12 delivery for these fish. And it just makes a lot of sense  
13 to me to look at projects like that. If the fish - if it's  
14 really important, I mean it's important for the fish, but,  
15 well, let's see there's something else I wanted to say.  
16 Anyway, I know that the curtailments - oh, the leaky  
17 ditches, that's what I wanted to get at.

18 MR. JENNER: They say leaky ditches is a waste of  
19 water, but I think those leaky ditches are a real benefit  
20 to the aquifer and especially in the wintertime when water  
21 is available. And it seems like that when the water does  
22 connect, there's enough water for everybody to use a little  
23 bit. And these leaky ditches, they help with that aquifer  
24 refill, recharge. And I think that that aquifer recharge is  
25 important to carry through the year because if that aquifer

1 isn't recharged, it's going to make it harder on flows in  
2 the fall. I don't know. That's about all I got to say right  
3 at the moment. But thank you for your time.

4 MS. GRAY: Hello, my name is Heide Gray. H-E-I-D-  
5 E G-R-A-Y. I wasn't going to say anything here today, but I  
6 thought that our government agencies were supposed to be  
7 representing us and working with us. I feel that everything  
8 is a little adversarial. I'm not certain what all the other  
9 agencies or special interest groups have in plan for us,  
10 but it seems to be not positive. The ranch that I live at,  
11 we grow hay and some cattle. And we also entered into the  
12 LCS and we did reduce our consumption of water through  
13 various means, pivots, lack of running wheel lines, taking  
14 fields out of production, whatever. I saw something on the  
15 internet about reports saying that they felt that the  
16 people with the LCS had not properly measured or properly  
17 reported their lack of water use. And I take offense with  
18 that considering how much the valley has changed since this  
19 has all come about.

20 MS. GRAY: I see fields that are dry, full of  
21 weeds that were once beautiful and had cattle on it, such  
22 as the Toizer Ranch, which isn't far from me. It is a mess.  
23 It only has a weed patch where Ben Tozier had raised cattle  
24 for his family and survived for a long time. My ranch, my  
25 husband and I, when we often long time ago sat up there, we

1 could hear salmon down in the river, because I live along  
2 the river, spawning and it was heard all the way up to our  
3 house. Now, it's no longer like that for various reasons.  
4 Some of those new methods of doing things that the  
5 government tells you to do and implements which affect the  
6 rest of us and not the government. But there's grass  
7 everywhere in our river. There are no reed bed anymore  
8 where the salmon were, we used to ride down there.

9 MS. GRAY: You can't get through the river at all  
10 through the willows. It's a V and the water comes and  
11 discharges around a corner. It no longer is able to flush  
12 out. It just gets caught on all of the willows and the  
13 grasses. There are no reed beds anymore.

14 MS. GRAY: So if this was a concern only mainly  
15 about the fish and the salmon, why wouldn't these things be  
16 addressed? That's my question. And what is it that all  
17 these special interests really want with the salmon? What  
18 is the advantage to them for all of this curtailment as the  
19 things that are necessary that could benefit the salmon  
20 right now are not being done. And I thoroughly think that  
21 my community has, with their heart and soul, tried to  
22 implement and do what is necessary for the salmon and our  
23 environment and our livelihoods. And that's all I have to  
24 say.

25 MS. GRAY: And I also say that I put it back on

1 you people because you are us. You're supposed to be. And  
2 where are you? And you're supposed to be helping us in our  
3 community after all you are a part of it. And we are  
4 California residents, so help us. That's what we're saying.  
5 Don't just impose these regulations of which you're not  
6 familiar of what actually is going to happen when you do  
7 it. Unless you're listening only to the people that have so  
8 much money that they've made all these beautiful reports  
9 and they come and say all these wonderful speeches, but  
10 then they don't live here, they don't really care. There's  
11 something else on the end of this that they're after. Thank  
12 you for your time.

13 MS. GRAY: (APPLAUSE)

14 MR. WEBB: Hello, my name is David Webb, D-A-V-I-  
15 D W-E-B-B. I'm here representing Friends of the Shasta  
16 River. I worked - I dedicated 25 years of working in the  
17 agricultural community, trying to help them prepare for the  
18 battle that was so obviously coming. The battle is now  
19 sitting in everyone's lap and we did a lot. I was able to  
20 secure over \$25 million in funding for individual projects  
21 to try to help people get more efficient, do better at  
22 protecting the river, maintain their agricultural  
23 productivity. But the bottom line is that those 25 years  
24 and those \$25 plus million dollars weren't sufficient to  
25 address the core issues.

1           MR. WEBB: I think it was Mark Twain that wrote,  
2 there's nothing like the prospect of being hung in the  
3 morning to focus one's mind. The curtailment focused  
4 everybody's minds. It wasn't pretty, it wasn't fun, but it  
5 certainly worked to get people focused on the fact that  
6 some sort of sharing of the water is going to have to  
7 happen. And the thing about sharing is somebody else gets  
8 more than they used to and somebody else gets less. Sharing  
9 doesn't mean take all you want and leave what dribbles you  
10 couldn't capture to others downstream in the Klamath,  
11 downstream on the Coast, others who were reliant on the  
12 ecological productivity, the river for other things than  
13 grass and cattle.

14           MR. WEBB: Looking at the history, the Shasta  
15 River was adjudicated starting in 1921 and that was because  
16 starting in 1917, water was unable to meet all the  
17 agricultural demands being put upon it. For over a hundred  
18 years, we have not had enough water in the river to meet  
19 existing agricultural demand. And on top of that we've  
20 added roughly 10,000 acres of groundwater irrigated ground,  
21 which was not included in the adjudication and whose  
22 demands also subtract from flows in the river. We didn't do  
23 an adjudication because it was fun or cheap or easy. It was  
24 done because it was necessary. Because the water was  
25 already too short and that was without allocating any water

1 to provide for the legitimate uses of people and  
2 communities downstream. And now we finally have to pay the  
3 piper. And I know it's hard. I know it's pretty - I know  
4 it's not pretty, but it has to one way or the other happen.

5 MR. WEBB: And it's time that we sat back and did  
6 some sort of a water budget that tells us how much water  
7 needs to go for in-stream flows to protect the publicly  
8 owned trust property of the Shasta River and its ecological  
9 function and how much water is available for agricultural  
10 uses. And somewhere there's a balancing going to have to  
11 happen, a sharing. But without doing that water budgeting,  
12 we are going to wind up spending money - public money  
13 willy-nilly on water efficiency projects for operations  
14 that aren't going to make it. Their water priority is too  
15 low. Their water right too junior. We absolutely have to  
16 take a more benign, organized and scientific approach to  
17 trying to address the proper use of what water we have. And  
18 so far speaking as a person who is engaged in spending that  
19 money, we haven't done it. And without that we can only  
20 expect more fighting and more difficulties. So I applaud  
21 your efforts to create the emergency instream flows. We  
22 absolutely need to continue them until something more  
23 permanent can be done. And I would hope you can relay that  
24 to the water board members themselves. Thank you.

25 MR. WEBB: (APPLAUSE)

1           MR. WALKER: Good afternoon. My name's Ryan  
2 Walker, R-Y-A-N W-A-L-K-E-R. I didn't know it was going to  
3 start with a spelling bee, but thank you. I am with  
4 Siskiyou County Farm Bureau.

5           MR. WALKER: First, I want to draw your notice to  
6 the fact that we have submitted detailed comments on the  
7 last version of regs and for the upcoming regs Friday. So I  
8 do hope you'll get a chance to look at those and engage  
9 with Farm Bureau on this issue today. I simply want to talk  
10 about one aspect and it is good. We're here in Montague and  
11 in the middle of Shasta Valley, which Montague, when I was  
12 a kid, was a cow town. And it was supported by some pretty  
13 impressive cattle operations around here. That's not so  
14 much the case today. And the last three years and  
15 especially the 2022 with the curtailments, sent thousands  
16 of good breed cow to processing plants to become hamburger.  
17 And that's not something we can come back from very easily.  
18 These cows took generations to develop, they'll take  
19 generations to get back into that. We can't fallow cows. We  
20 can't let our cows go dry and hope they'll come back next  
21 year. They're a constant source of cost. And I say all this  
22 simply to point out the water board's obligation to balance  
23 beneficial uses.

24           MR. WALKER: That is the goal here. And I may not  
25 agree much with what Dave just said, but there is an idea

1 of needing water budget and an idea of balancing needs and  
2 it is on the Water Board to balance the different  
3 beneficial uses. However, when it comes to setting flows,  
4 they don't set flows with a balance. You have not used a  
5 balanced approach. You've gone to CDFW and CDFW is a fine  
6 agency and they have great people that work there, but  
7 they're an agency that does not balance needs. They're an  
8 agency that goes all out for failure. In fact, I think  
9 Director Bonham said just last week that they are in it 120  
10 percent for salmon. Great. That's their mandate, but then  
11 they shouldn't be the ones setting flows. And where this  
12 comes into play most is in the canyon flows in the summer  
13 in the Shasta. And our comments with Farm Bureau, we talk  
14 about lots of different things, LCS, whatever, but I want  
15 to talk about the canyon flows in the Shasta. That July and  
16 August 50 CSF flow of deadly 28 C water is outrageously  
17 unbalanced because that flow requirement is the single  
18 number one killer of cattle ranches in Shasta Valley.

19 MR. WALKER: When you're curtailed in July or in  
20 August, you have an option to save what you got and sell  
21 your cow or go broke. And that's really what happened to a  
22 lot of ranches. The ranch next to mine celebrated a century  
23 of ranching just a few years ago. There's not a single cow  
24 on there today. They're done. And that's the story across  
25 Shasta Valley. We're told that the McBain Trush (sic) is

1 the best science and that's why we have to rely on it.

2 MR. WALKER: We spent substantial money for a  
3 small community to come up with alternative science and the  
4 Podlech flow regime - the project flow strategy. It was  
5 brushed off not by the Water Board, who has the balancing  
6 obligation, but by CDFW. And I just can't understand why  
7 we're at this point where the Water Board has outsourced  
8 its entire flow regime to an agency as an entirely  
9 different mandate.

10 MR. WALKER: And so I would challenge the Board,  
11 if they were here, but I challenge them remotely today that  
12 they look seriously at the balancing and, in particular,  
13 at that July August 50 CFS flow in the canyon that is  
14 providing almost nothing to fish. And I respect Mike  
15 Belichick (phonetic). I respect the tribal scientists, but  
16 even they are left trying to say, well, it's important for  
17 the food web. The Shasta River is the strongest food web on  
18 the entire Klamath system. We have more nutrients in the  
19 upper system driving that food web. The idea that we need  
20 to maintain 10 percent high flow as base flow to maintain a  
21 food web, which amounts to, I don't know, 3, 4, 5 inches of  
22 staging height in the canyon is almost ludicrous. And the  
23 cost of that 20 CSF is enormous to the ranching community.  
24 And so all I'm really asking for today, in addition to our  
25 letter is that there be a balance and in particular balance

1 in that August July canyon flow. We're more than happy to  
2 give up flow requirements in the rearing habitat where it  
3 matters. But to watch our cows have to go down the road  
4 when we're putting lethal water in the canyon is really  
5 beyond any kind of balance that we can understand. And I  
6 thank the Board for taking that under consideration. Thank  
7 you.

8 MR. WALKER: (APPLAUSE)

9 MS. JOHNSON: Hello, my name is Shelly Johnson.  
10 S-H-E-L-L-Y J-O-H-N-S-O-N. I support agriculture in Scott  
11 Valley. It is what makes Scott Valley such a great place to  
12 live. Ag has kept the wide open spaces so necessary to keep  
13 our environment so beautiful and balanced. We cut our water  
14 used by 30 percent. We used the LCS in 2022. And it is very  
15 insulting that these other groups are accusing us of lying  
16 and not following the LCS. We paid money to have someone  
17 observe us and it's not right. Our pastures were severely  
18 damaged by cutting the water off in September. We'd started  
19 to invade the permanent pasture, which we are still digging  
20 and cutting and trying to a handle on because it's  
21 outrageous. We had to sell cows that we hadn't planned on  
22 selling because we just couldn't feed them. We are willing  
23 to continue to improve our irrigation practices. However,  
24 if the minimum flows are set too high, we may not even be  
25 able to irrigate our hay ground. They're again, going back

1 to the weeds. Alfalfa stands are supposed to last about  
2 seven years and if not watered properly, they thin out very  
3 quickly and die and it's very expensive. We could not  
4 survive that. Can you imagine your own paycheck getting  
5 kept by 30 percent and without any compensation? That is  
6 what we are being asked to do. We are already committed to  
7 land tax and equipment payments. These lenders do not care  
8 that our water's being taken away from us. Everyone in this  
9 room wants to see fish in the river.

10 MS. JOHNSON: We would like to see more efficient  
11 habitat enhancement projects such as rearing ponds or the  
12 removal of the gravel that are blocking the tributaries.  
13 The people making these decisions for us may not understand  
14 that the Scott River tributaries go dry in the summer and  
15 are disconnected from the Scott. The alluvial fans are deep  
16 with gravel and the water falls through them. No amount of  
17 water conservation will change that. We have to help what  
18 we do with the land. What will we do with the land? We  
19 can't irrigate it. Subdivide it? Put a bunch of homes on it  
20 and a bunch of house wells on it? That's not going to solve  
21 anything, but if we can't afford to farm and we can't  
22 afford or pay to our taxes, then what?

23 MS. JOHNSON: Again, I want to say I support  
24 agriculture in Scott Lake and we ask for reasonable and  
25 fair policies. Thank you.

1 MS. JOHNSON: (APPLAUSE)

2 MR. FAWAZ: Hi, Brandon Fawaz, B-R-A-N-D-O-N, F  
3 as in foxtrat, A-W-A-Z. I want to start off by saying  
4 normally I don't engage in these public forums and take  
5 much disagreement or exception, but today I'm going to  
6 slightly break that rule. I believe you were all provided a  
7 letter that referenced water use in Scott Valley. People  
8 not following their LCSs in Sacramento. I've tried to speak  
9 frankly, off the cuff with you or provide any valuable  
10 thoughts that I have. Sometimes when trying to communicate  
11 a thought one must speak in generalities, not to then have  
12 those finite details of something they've written come back  
13 to be used against them. I know you've seen things come to  
14 you that say, oh, this person maybe wasn't honest because  
15 they showed 50 inches, but they spoke to you as 36. We'll  
16 go down a line and see 31 inches. It wasn't referenced that  
17 way.

18 MR. FAWAZ: So I encourage you and I think we  
19 have an open line of communication. If you have any  
20 questions or I happen to ramble on too quickly and confuse  
21 you, please reach out to me because I, short of some error  
22 that I tried walking on water once, fell right through and  
23 learned to swim so short of an honest mistake, I'd be happy  
24 to always have a frank and honest discussion with you.

25 MR. FAWAZ: I believe as we continue to go down

1 these roads, I'm going to date myself a little bit, when I  
2 was this little influencer, junior high kid that had to  
3 participate in the class election and who would you vote  
4 for and there was this crazy politician that put up all  
5 these pie graphs. We'll call him Ross Perot. I kind of  
6 think we need a pie graph right now. We got a piece of the  
7 pie here is ag, but we're far and as the science develops  
8 more and we continue to work with Dr. Harder and others,  
9 when we look at a valley with 30 to 33,000 irrigated acres  
10 and we look at somewhere around 400,000 acres of uplands  
11 that really haven't been managed except for in a  
12 catastrophic way, there's no way we can continue to use our  
13 small piece of the pie to manage out what is desired. There  
14 is no argument from anyone in this room that we would like  
15 to see a healthy fishery. That we'd like to see healthy  
16 down river communities, and to have those fishing  
17 populations restored to what they once were. But I know  
18 that I am at the point that I cannot conserve my way out of  
19 our use and get us into success. It won't work. Our Scott  
20 Valley was at this point now unfortunately engineered to  
21 drain water. There was a point in time when it didn't drain  
22 and it was engineered to make a change that was viewed as a  
23 success.

24 MR. FAWAZ: What was a success yesterday is not a  
25 success today. Back in yesterday year, it was a success to

1 have a big block engine in a muscle car that got nine miles  
2 to the gallon, but gosh darn it, it was fast. Now today,  
3 that's not so much of a success. We need to look at how our  
4 goals have changed and adapt along the way. There's been a  
5 lot of discussion that we could change to a less thirsty  
6 crop. Yeah, there's things we can do. I don't think there's  
7 many that have made more changes than myself and a few  
8 others have made an irrigation efficiency. There's also  
9 been a discussion of, well, maybe we have fourth crop.  
10 Well, a lot of that has already taken place. And then  
11 lastly, I start hearing the discussions about, well, why  
12 don't we grow more grain and less alfalfa? Honestly, I'd  
13 love to grow more grain and less alfalfa because it's a lot  
14 easier.

15 MR. FAWAZ: I'd go to the lake, see my kids play  
16 baseball and have a little less stress. The problem is, it  
17 flat out is not profitable. At today's numbers and these  
18 are numbers that you can easily back up by any elevator,  
19 looking at the Chicago Board of Trade, what grain is  
20 trading for and what fertilizer and other inputs are, I'd  
21 be happy to have that frank discussion, but with absolutely  
22 zero land cost and an average yield of two and a half ton  
23 to the acre of wheat, a farmer would lose about \$103 an  
24 acre today. If you had a good farmer with good production  
25 and got to three ton per acre, you would basically break

1 even. Then you throw in the land costs maybe 150 an acre if  
2 it's leased. If you're someone like myself that has a newer  
3 mortgage from three or four years ago when thankfully  
4 interest rates were less somewhere around 350 an acre,  
5 maybe you're someone that's tried to be efficient and  
6 you've purchased a couple pivots.

7 MR. FAWAZ: I can tell you when interest on a  
8 pivot was around 2 percent interest. It cost me about \$166  
9 an acre for that payment. So if anyone tries to purchase  
10 any of those now you could probably add another probably 20  
11 percent for inflation and then add the interest rate. So  
12 the road I'm walking you down is it doesn't work and we're  
13 unfortunately at a point that dollars don't equal fish and  
14 flow doesn't equal fish and we probably better all figure  
15 out how we can work within our piece of a pie. But I'd be  
16 happy to have some conversations more with you about some  
17 real numbers. I feel that I can defend numbers. Thank you.

18 MR. SOLUS: My name is Kert Solus. It's K-E-R-T  
19 Solus, S-O-L-U-S. I come in front of you to see what it's  
20 really all about. If you talk about the fish, we have a  
21 solution to fix the fish problem. It's not water. You can  
22 look at the water and say we need - I'm from here in  
23 Montague and I have little Shasta water rights. The little  
24 Shasta River dries up for four months out of the year. The  
25 Water Resources Board has changed their metric on what they

1 wanted to see out of that river. It started with Coho  
2 salmon, then it was all salmon and then it went to fish  
3 species and now it's in bed stream wedding. They don't even  
4 care about the fish. So what's it really about? Is it  
5 really about the water? We tried to come up with a local  
6 cooperative solution for amount of water being donated back  
7 to the Shasta River and the 15 CFS water came out and it  
8 was high on my end and low on their end and I said, well,  
9 let's look at what really happens.

10 MR. SOLUS: Let's go to Bogus Creek. How much  
11 water is in Bogus Creek here? Look at this video. Here's a  
12 hundred salmon spawning in three CCFs of water. It's pretty  
13 crazy, right Dave? And so we're in disagreement there, but  
14 when it comes to the water, they said, we want the water in  
15 the little Shasta River to donate back to the Shasta River  
16 to cool it down. So I didn't know. I said, what's the  
17 temperature? 17 degrees Celsius? I don't remember what it  
18 exactly is. So I said, if the water is actually warmer than  
19 that, wouldn't you dam it off and make us take the water  
20 out? No, we can't do that. Well, then you're adding warm  
21 water to an already warm stream bed. Wouldn't that be  
22 detrimental to the Coho salmon? We can't pull the water  
23 out. Well then it's not really about the water, is it?

24 MR. SOLUS: It's not really about the temperature  
25 or the fish either. If you want to fix the water

1 temperature, I've got a solution. We've got a solution for  
2 the water temperature. You build a false front in front of  
3 the dam like they did Lake Shasta, and you can go in and  
4 you can let water out at different levels. You can let the  
5 thermal layer off at the top. You can let water at 50 - 50  
6 feet below the surface out and mix them together and come  
7 up with a cooler water. That helps the fish. But it's not  
8 really about the fish, it's not about the Indians. They're  
9 all tools. What do you guys really want? At what point in  
10 time will you stop and let us have what is really ours, the  
11 adjudication, the courtright, whatever, and what's the  
12 balance?

13 MR. SOLUS: When you step back and you look at,  
14 you want to know what the motivation is and through  
15 attrition, they're going to keep whittling us away through  
16 this - it's basically lawfare taking us to court, taking us  
17 to - fines, trying to make us comply. There's no amount of  
18 complying that it'll ever have, will ever be enough. When  
19 you look at the quality of water, taking the dams out is  
20 not going to help. Using the Fish and Wildlife's own  
21 strategy of the Coleman Fish Hatchery down out of Anderson,  
22 California. They put a fish dam in so that the salmon  
23 didn't contaminate the fish up river. The Native American,  
24 the native fish - the brookies, the browns, the rainbows,  
25 all of the native fish because they were bringing up

1 disease and parasites. There's already been a hundred  
2 thousand years of surveys or science done. There's pictures  
3 of the little Shasta Valley full of water.

4 MR. SOLUS: The whole valley is full of water.  
5 You could have floated a humpback whale up it, but still no  
6 salmon up there yet they still want the water. So what's it  
7 really about? Is it really about the water?

8 MR. SOLUS: We're in a unique situation in the  
9 little Shasta, but I really think that it points a picture  
10 as to what is really going on, that it's not about the  
11 water. It's not about the fish. That at some point in time  
12 somebody's going to have to do some serious questions and  
13 ask why. Right? If you want to talk about the fish - six  
14 years, first year instead of turning 30,000 fish loose from  
15 the fish hatchery, which has nothing to do with the dam,  
16 turn 300,000 fish loose, turn a hundred thousand loose at  
17 the dam, go down to Weitchpec, turn another a hundred  
18 thousand loose, go down to the mouth of the river at the  
19 right time and turn another a hundred thousand loose. In  
20 three years when they return, you wouldn't have to - you  
21 wouldn't have to spawn the fish, you wouldn't have to  
22 release hatchery fish. You'd have enough to support the  
23 Pacific Fisheries, the Native Americans, the  
24 (indiscernible) at the mouth, and there'd still be plenty  
25 to spawn on the sixth year. You would have more Native

1 American species that have not been raised by hatchery than  
2 you've ever had before, but we can't do that. Why not?

3 MR. SOLUS: They want to take the dams out that  
4 control the quality and the flow and not when you look  
5 forward, when you play the fast forward game. You look down  
6 the road and you say, well, we don't have any water in  
7 September like we did in 2022 when we had seven years of  
8 drought. Why don't we have that water? Because your  
9 reservoirs are gone. They were put in there for a reason  
10 and now they've got to come out. My question is what is it  
11 really about and at what point in time do the Water  
12 Resources Board finally go, we've had enough, or do the  
13 people finally say, we've had enough?

14 MR. SOLUS: At what point in time what do you  
15 expect us to do when we get up here, there's 75, 80 people  
16 in this room and there's been 20 speakers that support the  
17 water that say, Hey, we need to conserve the water, but we  
18 need to balance it. And you've got two people that say, we  
19 should have all of the fish, all of the water goes to the  
20 fish. If it was a democracy and the majority rules, I would  
21 like to see how many people really support all of the water  
22 going to the fish, even the Native Americans and the fish.  
23 People don't think that's realistic, but that's what's  
24 happening. So that's it. That's all I got.

25 MR. SOLUS: (APPLAUSE)

1           MR. MORRIS: Good afternoon. My name is Jim  
2 Morris, J-I-M M-O-R-R-I-S. I don't have a lot to say. Some  
3 opinions, some observations, and then a caution. I'm  
4 noticing that there's a lot of frustration in the room and  
5 I think you sense frustration at any listening meeting that  
6 you go to. I think that it's not, although I have heard  
7 that it's because there's not enough water. I would say  
8 that that's not the problem. It's maybe how we're dealing  
9 with the water that we have. I'm going to speak mostly  
10 about the Scott Valley where I ranch and we've been there  
11 for a while. I'm hoping that my daughter will come back. If  
12 she does, she'll be the sixth generation on that place. I  
13 am going to have to talk her into it, getting a little  
14 rough out there. So I believe that there's enough water for  
15 an abundant fishery and for a bountiful agriculture.

16           MR. MORRIS: I think that we don't store it. I  
17 think we don't use it well. I don't think we're playing  
18 this game in a smart way. I think if we did, we could solve  
19 all the problems, but because of how we're doing it, we're  
20 causing frustration. My caution that I have is that that  
21 frustration is boiling over and it's dividing communities.  
22 It's pitting one community against another, and this is a  
23 real problem for me. The things that are happening now will  
24 take years and years, perhaps generations to get over and I  
25 don't want to see that happen. As we deal with the

1 regulations, let's just be really careful that we don't  
2 cause frustration that boils over and makes a mess for  
3 later. Thank you.

4 MR. MORRIS: (APPLAUSE)

5 MS. RAGAZZI: Anybody want to go after Jim? Okay.

6 MR. HOLMES: Yeah. My name is Justin Holmes, J-U-  
7 S-T-I-N H-O-L-M-E-S. I'm new to the valley here, relatively  
8 speaking to the generations that have been here. I've been  
9 here about 10 years, 12 years now, and I've spent that time  
10 basically listening and observing because I've moved into  
11 this area with a lot of these issues on the table, and I  
12 agree with Jim. There are solutions and from the water I've  
13 seen, I think there are solutions and I think there is  
14 enough water available. Shasta Valley here, I don't know  
15 necessarily, it's got so much, but it's how we're going  
16 about it. And I agree with him that what's happened since  
17 I've been here is different groups being pitted against one  
18 another and the one common ground that they have is all  
19 groups have an intense love for this county. So that needs  
20 to be the starting point. And the other concern I have is  
21 we're focused on one species fish, and I've always been  
22 approached science and the environment as an ecosystem.

23 MR. HOLMES: So you can't focus on the fish  
24 species alone. You need to focus on the ecosystem. Yes, the  
25 climate continues to change the individual county here we

1 can do our share, but there are things that are happening  
2 beyond this county that influenced the weather that happens  
3 here. So we're going to go through cycles where there's  
4 plenty of water like there was last year, hopefully more  
5 water this year. So we need to take a look at the ecosystem  
6 and not necessarily the species. Because if you focus on  
7 one species, the unintended consequences are other species  
8 suffer. So you need to focus on having a balanced ecosystem  
9 so that all, hopefully all species can adapt and adapt as a  
10 critical point as the climate continues to change. And,  
11 unfortunately, not every species is going to survive and  
12 that's happened for eon since the dawn of time species come  
13 and species go, and it's sad to see that happen, but we  
14 can't save everything, so we need to focus on the ecosystem  
15 so that our intentions don't harm other species, otherwise  
16 it'll be this species is what we have to focus on 15 years  
17 from now, this species a hundred years from now, where if  
18 you focus on a balanced ecosystem and give all species a  
19 chance, then those that can survive and adapt will survive  
20 and those that don't, well evolution says it was their  
21 time.

22 MR. HOLMES: The other thing is is I'm looking at  
23 the Board and I'm assuming that the people I'm sitting in  
24 front of are not the decision makers in this. And,  
25 unfortunately, Sacramento is detached from this county. And

1 it's very difficult to make a balanced agreeable decision  
2 when you're not living here. And, unfortunately, that's  
3 kind of how government operates. People make decisions that  
4 they're not impacted by. So the people that I'm sitting in  
5 front of and anybody else that's out here, doesn't matter  
6 what side you're with, they will give you a fair and honest  
7 answer. And I think the people that sit on the Board of the  
8 decision makers that make those decisions actually have to  
9 get their feet on the ground here and talk to people, feel  
10 the emotion, and I don't care what it is, feel that emotion  
11 and understand what this population here in this county's  
12 going through and then make the appropriate decision.

13 MR. HOLMES: But I agree with Jim, actually a  
14 lot, in that they're going to be some tough decisions that  
15 are going to be made, but I think if we can get over the  
16 emotion and get over the passion that everybody has here,  
17 we can find the right solution. But it's not going to  
18 happen overnight, but we need to make that first decision  
19 that kind of gets us pointed in the right direction. It may  
20 not be a hundred percent, but we're going to learn from  
21 that decision based on the consequences of that decision,  
22 and then it's going to be fluid. If it's not working a  
23 hundred percent, well focus on that part that's not working  
24 and try to get us back on that path. But ultimately, I  
25 think if we do it right, we'll have a flourishing valley

1 here for many more generations to come, and that's just an  
2 observation that I have for someone that's been here 10  
3 years. Thank you very much.

4 MR. HOLMES: (APPLAUSE)

5 MR. MARTIN: Fish, fish, fish. Jay Martin. This  
6 is a press release August 23rd, 2023 from the California  
7 Department of Fish and Wildlife. 23 million Coho salmon  
8 were placed in tributaries in California. Guess which  
9 tributary did not receive any of these? The Klamath and its  
10 tributaries. This is the frustration. This is backing up  
11 what others are saying. I know you guys are busy doing your  
12 Water Resource Board stuff, but there is also other  
13 entities out there that this is their press releases  
14 stating with the good works that they are doing. And I ask,  
15 why did we not get a million fish placed in the Klamath to  
16 build our numbers? These are the questions that we ask.  
17 Why? Why? Why?

18 MR. MARTIN: They work their numbers to get their  
19 30 percent was expensive. Those irrigation nozzles and  
20 stuff that they put in their pivots were expensive. This  
21 goes on and on and on. That it's on their backs that they  
22 keep trying to work and improve so that way they can  
23 continue to be the stewards of the land that they have been  
24 for generations. This is the frustration. Work with them.  
25 Take this message back to the decision makers. We're an

1 open book up here. We're down to the earth of the earth.  
2 They want to help. They don't want to be left out.

3 MR. MARTIN: (APPLAUSE)

4 SUPERVISOR CRISS: I know you gave the  
5 opportunity for elected to speak first, but I wanted you to  
6 hear from the people first before we spoke. I'm blessed to  
7 be here with the two colleagues that all support this  
8 county. Oh, better give my name, huh? Okay. My name's  
9 Brandon Criss, B-R-A-N-D-O-N-C-R-I-S-S. I'm Siskiyou County  
10 Supervisor for District One. I have some colleagues here as  
11 well that I'll support this community a great deal. I want  
12 to read you a quote here. "The scarcity of fish in the  
13 Klamath increased the danger of trouble." That was an  
14 annual report to Congress by the Indian Commissioner in  
15 1855 long before settlement in the Siskiyou County or any  
16 mass water diversions or anything like that. It's kind of  
17 historical. Great years for salmon and some years  
18 unfortunately not as good. This was specifically for this  
19 issue in our region and like I said, long before settlement  
20 in the 1930s, there was about 80,000 Chinook that came up  
21 the Shasta River.

22 SUPERVISOR CRISS: It was a record year that the  
23 California Fish and Wildlife Service quotes quite a bit. We  
24 have to remember that 80,000 that swam up the Shasta River  
25 was after many, many decades unregulated agriculture, which

1 shows that agriculture was not a deterrent in any way in  
2 the return of a large number of salmon as Chair Esquivel  
3 said down in Sacramento. I also want to say thank you for  
4 coming up here. It's appreciated by us. Thank you for  
5 coming up here. As Chair Esquivel said in Sacramento on  
6 this issue, these two sides are not necessarily in  
7 contradiction to each other of the area. The views of this  
8 topic, one of the strongest indicators of salmon  
9 populations in the Klamath River system is the number of  
10 juvenile salmonids that hatch following spawning and  
11 migrate tributary systems typically from January through  
12 June of each year. If this Board or Staff or Members only  
13 one thing from my comments, this is the one thing I most  
14 hope you remember in many instances, flows over the past 26  
15 years have been below the recently expired curtailment  
16 orders in late summer, early fall, while the following  
17 years have produced high out migrating numbers.

18           SUPERVISOR CRISS: I emphasize out migrants  
19 because the Scott Valley and Shasta Valley can't control  
20 what returns but can only control what out migrates out of  
21 their systems. For example, in 11 of the last 25 years  
22 through 2022 out migrating juvenile Chinook exceeded one  
23 million salmonids in the Shasta River when the prior months  
24 of July through September were below recent curtailment  
25 orders. During 2006, '09, '12 and 2022, out-migrating Coho

1 salmon exceeded 45,000 juveniles in the Scott River, when  
2 the months of August through October were near or below the  
3 recent curtailment orders. As noted, just adding more water  
4 does not mean more fish when we take into account all other  
5 factors such as ocean conditions. Fish Bulletin number 34  
6 was published in I believe 1931. It talked about how the  
7 state was learning about ocean conditions and those sorts  
8 of factors.

9 SUPERVISOR CRISS: The Scott and Shasta Rivers  
10 historically produced out-migrants in direct relationship  
11 to what comes into the respective systems to set minimum  
12 flow levels that historically have not been needed for  
13 fishery successes that at the same time cripple our  
14 regional agricultural economy is of no benefit to anybody,  
15 either the fish, the tribes, the fishermen or the local  
16 community Up here, let's look at solutions that all sites  
17 can agree on, which actually benefits the salmon.

18 SUPERVISOR CRISS: To that end, there's a great  
19 potential to capture and store water in the Scott and  
20 Shasta river excess flows during the months of January  
21 through March when flows are most often in excess of any  
22 fishery or environmental needs. The Shasta and Scott Rivers  
23 produce more than adequate flows. We just need the  
24 infrastructure for timing those, and a lot of people talked  
25 about that today. There's also the need for upland

1 vegetation, Mr. Jenner brought that up, to restore our  
2 upper watersheds with more healthy stocking levels of  
3 trees, vegetation and management of what I'll call juniper  
4 trees, also. We believe that the best future for the  
5 Klamath, entire Klamath Watershed, lies in the  
6 collaborative voluntary actions of all stakeholders,  
7 holders and tribes and best not be down in the top down  
8 regulatory regulations. With that, I thank you for your  
9 time and your focus on our very important region. Thank  
10 you.

11 SUPERVISOR CRISS: (APPLAUSE)

12 MS. RAGAZZI: Any other speakers that want to  
13 provide comments?

14 MS. BENNETT: They're coming for me.

15 MS. BENNETT: I'm Grace Bennett, again. And I  
16 just have one more comment that I think is very, very  
17 important for you to realize, and especially the people  
18 that are concentrating on fish in the Klamath River. The  
19 Klamath River has three counting stations. One is 150 miles  
20 from the ocean. One is about 175 miles and one is 196  
21 miles, right at the base of Iron Gate Dam. There is no  
22 accountability for how many fish really come back to the  
23 Klamath River. If the count was done at the mouth of the  
24 Klamath River, that would be a more logical indicator of  
25 how many fish actually come back. To have the counting

1 stations that far from the ocean is ridiculous. There are  
2 84 creeks and rivers that flow into the Klamath River below  
3 Iron Gate Dam. How many fish have go up those creeks and  
4 rivers? The California - Caltrans, the Forest Service local  
5 agencies have all, they've put in at least 25 new bridges  
6 replacing culverts on the way up here.

7 MS. BENNETT: There's no counting stations at the  
8 mouth of those rivers and creeks. There's no counting  
9 station for the Salmon River. There's no counting station  
10 for Thompson Creek. There's no counting station for Dylan  
11 Creek. There's no counting station for Elk Creek and Indian  
12 Creek. There's no accountability for how many fish. The  
13 only people that ever get dinged when there aren't enough  
14 fish coming back to the Scott and the Shasta are the  
15 farmers and ranchers, loggers and the people that live  
16 here. There should be other ways to count fish and not make  
17 our county the only place that is accountable, held  
18 accountable when there aren't enough fish coming back.  
19 These people here work really, really hard to comply with  
20 regulations and things that happen in Siskiyou County, but  
21 they can't do it all by themselves. There has to be other  
22 people that are held accountable for taking fish out of the  
23 river or for the flows.

24 MS. BENNETT: You talk about the willows that are  
25 parked - planted along the river and that's one of the big

1 things that everybody always plants. Willows, willows,  
2 blackberry bushes and some other native plants suck up more  
3 water and - including the juniper trees, that are  
4 necessary. Our forests are overgrown. Each conifer tree,  
5 and we have 22 varieties of conifer trees in Siskiyou  
6 County, suck up at least a hundred gallons each. And in the  
7 good old days our forests were not that thick. Now they are  
8 so thick that the water is used by the trees and not being  
9 able to be used for agriculture and other options  
10 throughout the county. So those are the things that you  
11 need to really concentrate on before you limit these  
12 farmers and ranchers their water supply because there  
13 aren't enough fish and that's not their problem. They work  
14 really hard to accommodate the fish all throughout our  
15 county. So I want to leave you with that and thank you.

16 MS. BENNETT: (APPLAUSE)

17 MS. ALVAREZ: Good afternoon. My name is Colleen  
18 Alvarez and it's A-L-V-A-R-E-Z C-O-L-L-E-E-N. I live on a  
19 ranch in little Shasta Valley. My family is generational. I  
20 also have the Little Shasta River that runs on my back  
21 ranch. Many of the diversions in our area, questions have  
22 not been answered. There's a lot of scientific facts that  
23 are thrown around, but ultimately the questions have not  
24 been answered. Our people have asked if we pipe, will we  
25 have places for stock water? Our people have asked if we

1 pipe, will we be able to water our ground for livestock?  
2 That is a question that has been in the minds of our  
3 ranchers for a very long time. Those are the concerns of my  
4 father when he lived here. He has been deceased for 12  
5 years. Those questions are still not answered. The Little  
6 Shasta River dries up every year. It was dry for several  
7 years during the drought. Later, it came back full force  
8 for a while, then it dried up again.

9 MS. ALVAREZ: That's the ecosystem of our area  
10 that is not created or caused by ranchers or any other  
11 people group in our area. It's just the way it flows. My  
12 question is in 1964, the Christmas flood came down through  
13 Oregon and northern California. What is going to happen  
14 when we pipe and there's floods? What is going to happen if  
15 we put everything into order and there are floods, things  
16 do come back around, things do happen again, but there  
17 needs to be an answer to, so our people, so if they are  
18 willing to comply, but is there any outcome for them? What  
19 is in the future for them?

20 MS. ALVAREZ: Most of them are willing to come on  
21 to common ground, but those places haven't been answered.  
22 The structures or the outcome of that has not been heard,  
23 has not even been spoken. For Northern California, it has  
24 been a slow squeeze. A slow squeeze for a long time. For  
25 all the people that have lived up here. Ranching is not an

1 economical way, but ranching is a way of life and these  
2 people love their way of life. Most of us have grown up  
3 with the First Nations people and we know that we can come  
4 together on the same ground. So I'm asking you that we have  
5 solutions not just what we need to do, but what is the  
6 long-term solution? What is going to happen if we do pipe?  
7 What is going to happen if things change? Because through  
8 the drought, I watched my neighbors, they had two fields  
9 the year before last out of eight fields that they could  
10 have made money off of. We were overgrown with weeds and  
11 through all this drought, many people are putting lots of  
12 money back into their farms and they don't have the income  
13 generated to actually help. So there's no guarantee.  
14 There's never been a guarantee in ranching because we rely  
15 on the weather.

16 MS. ALVAREZ: And so a lot of that are people  
17 going to pipe and then is it going to be like they're going  
18 to have to fill out all this paperwork just like the  
19 wolves? Is there going to be a return or they're not  
20 stewarding their animals the way they have before? Those  
21 are my concerns. It's the simplicity of it. And we know  
22 that we need to go on science and the science that is out  
23 there, but also there's a simplicity of it. What's three  
24 years from now? What's two years from now? What does  
25 tomorrow look like?

1 MS. ALVAREZ: That's what these people are  
2 concerned about, and so I hope that you take the time to  
3 listen and I hope that the Board actually takes the time to  
4 come and get to know Siskiyou County for who they are.  
5 Thank you.

6 MS. ALVAREZ: (APPLAUSE)

7 MR. HARRIS: Hi there. My name's Jess Harris.  
8 It's J-E-S-S H-A-R-R-I-S. Wanted to do a couple points.  
9 I'll probably speak to you guys in the second session as  
10 well. I'd like to start by figuring out what is an  
11 emergency going to be? What is the parameters for what's  
12 going to put our county into an emergency protocol? Who's  
13 making that call? Why is a Governor making that call when  
14 he is not familiar with our area? I think that needs to be  
15 a decision that's made by local government and worked  
16 through with the state, not the state just looming over us  
17 and trying to lord over us.

18 MR. HARRIS: Authority comes into play here. I  
19 don't know if you guys are familiar with Chevron deference  
20 that may be coming into play with potential suits in the  
21 future if this thing doesn't get resolved to where agency  
22 opinion is not just taken. And so with you guys making  
23 decisions, if you guys do make the wrong decision and then  
24 it comes down to court cases in the future and then it's  
25 turned over, that doesn't benefit anyone either. That just

1 creates animosity and then people are not going to be as  
2 willing to work together in the future. Who's responsible  
3 for contributing to these stream flows? Just agriculture. I  
4 know you guys have heard a lot about illegal cannabis. I've  
5 been in those grows, helping to abate those growers. You're  
6 talking thousands and thousands and thousands of gallons of  
7 water. I've been on some places where it's the big 24 foot  
8 above ground pools completely filled with water and then  
9 water tanks on top of that. So a lot of water is being  
10 stolen and the farmers and ranchers are who invested in  
11 this system.

12 MR. HARRIS: That's why Dwinnell exists and the  
13 waters being stolen out in front of them and then they're  
14 being accused of reducing the flows in the river. I think  
15 that that needs to be remedied first. You need to take care  
16 of what's happening on the illegal side of things before  
17 you can bring anything down. As far as regulation goes,  
18 these people have put their heart and soul into maintaining  
19 these water systems. I mean, I don't know if you guys have  
20 any experience in cleaning ditches and all that, but it's a  
21 lot of work to me. You guys are discriminating against  
22 agriculture, not you guys, but you know what I'm saying.  
23 When you're not looking at these other usages, when you're  
24 just coming down on the people that contribute and are  
25 actually willing to work with you guys, it's very

1 discriminatory and I'm kind of appalled to see that from  
2 hunting to fishing to these folks that are in agriculture.

3 MR. HARRIS: This is a community of conservation.  
4 We always have been. We always will be. We want everything  
5 to be as optimal as it possibly can through our lives,  
6 through our kids' lives and on down through the  
7 generations. I think that's one thing that you guys can  
8 really pound into people's heads down there. In Sacramento,  
9 these people are conservationists. They don't want all the  
10 fish to die. Who does that benefit? But to go out of what  
11 people know, these people are familiar with these streams.  
12 They've lived on these streams forever. So you get all  
13 these people from the groups that come out and say, oh,  
14 well, the science says, the science says, well, I hate to  
15 say it, but today money buys science and that's a fact.

16 MR. HARRIS: And so you need to look at years and  
17 years of what's going on. Are your guys' reports that  
18 you're getting, are they up to date or are they showing  
19 streams that are no longer running? The McBain Thrush  
20 studies last I knew it was showing Julian Creek running.  
21 Julian Creek's not running and it hasn't been running for a  
22 considerable while. So I think that your guys' sources need  
23 to be updated. I think that they need to come from unbiased  
24 sources. Not from CDFW. Not from the tribes. I think that  
25 there needs to be a third party that's unbiased in this so

1 that everybody gets a reasonable portion of this pie, not  
2 get steered towards bias science and biased. So-called  
3 facts.

4 MR. HARRIS: I'll give you guys an example.  
5 You've heard a little bit about loggers today. I want to  
6 ask you, what other environmental impacts do your decisions  
7 in this matter create? So I think we can all look back at  
8 what they did under the Endangered Species Act with the  
9 spotted owl with logging. They stopped logging in our  
10 community, so obviously it hurt our economy here. And then  
11 now we have overgrown forests. And what has that turned  
12 into? It's turned into extreme wildfires that have  
13 devastated our community, specifically. Have ruined  
14 wildlife, have destroyed habitat, and we're on the cusp -  
15 but you guys are on the cusp of making another decision  
16 that could potentially have similar effects just in a  
17 different aspect.

18 MR. HARRIS: Yeah, you want to protect the one  
19 species. I get that we all want to conserve that, but you  
20 need to look at the big picture and you need to understand  
21 that there's a lot more going on here than the salmon. If  
22 any of us in California can look at the wildfire issue and  
23 see what that caused, that should not be a surprising deal  
24 that this over sense of environmentalism has caused it.

25 MR. HARRIS: I'll finish up with saying that I

1 believe that the State Water Board needs to be more of an  
2 oversight element in this. I think that they need to allow  
3 all of our community and all of our groups to work  
4 together, and if people aren't getting along and it turns  
5 to it, then you guys need to be more of a mediation  
6 element. Our community needs to be in charge of this issue,  
7 not regulations imposed, and I think that you guys need to  
8 encourage the local community and the local group to set  
9 goals and not regulations. Thank you.

10 MR. HARRIS: (APPLAUSE)

11 SUPERVISOR HAUPT: Good afternoon, Ray Hal, R-A-Y  
12 H-A-U-P-T, Siskiyou County Supervisor, District 5. Thanks  
13 for coming up. I wasn't going to speak today because this  
14 meeting's not about me or politics, it's about the people  
15 that are sitting behind me. But I do want to share a couple  
16 things and Jess actually stole a lot of my thunder here,  
17 which is hard to recover from. I'm not a rancher. I don't  
18 have cattle. I don't even have horses anymore. I've got  
19 five acres of rocks in Scott Valley. I'm a forester and I  
20 want to share a story that I've experienced in Siskiyou  
21 County since 1976. Came to this county in 1976 and it was  
22 booming. Timber industry was alive and well. The mining  
23 community was alive and well and so was ranching and  
24 farming. Over the years, the Fish and Wildlife, California  
25 Fish and Wildlife took away the mining. That industry

1 collapsed in this county, and then the spotted owl was  
2 listed in our county and one fell swoop went from number  
3 four as an economic powerhouse to number 57 in this state.

4 SUPERVISOR HAUPT: Devastated our schools,  
5 devastated the roads and devastated our county economy as  
6 well as the county government. I implore you to look at the  
7 other effects associated with what you were about to do  
8 because you could repeat history once again in this county  
9 and knock us back. I represent a lot of the people in this  
10 room today, but I also represent in my district, all of  
11 Salmon River, all of Scott River and all of the Klamath  
12 River from the Oregon border to Orleans. A diverse group of  
13 people who will be hurt by unrealistic actions that this  
14 Water Board could take to curtail water and collapse a very  
15 important industry in this county. This is one of the  
16 remaining industries in this county that is supporting our  
17 tax base, that provides the services to all of the citizens  
18 in this county, not just the ones in this room. Thank you  
19 for hearing me, and please take that into consideration as  
20 you promulgate your rules.

21 SUPERVISOR HAUPT: (APPLAUSE)

22 MS. RAGAZZI: Is there anybody else that would  
23 like to provide a comment? Okay.

24 MS. RAGAZZI: We will be here at 5:30 again, for  
25 those of you that may want to be here for the evening

1 session as well. Otherwise, thank you all for coming out  
2 today.

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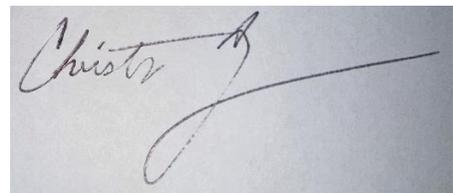
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I do hereby certify that the testimony in  
The foregoing hearing was taken at the time  
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And I further certify that I am not of  
counsel or attorney for either or any of the  
parties to said hearing nor in any way  
interested in the outcome of the  
cause named in said caption.

IN WITNESS WHEREOF,

I have hereunto set my hand this 28th day of  
November, 2023.

A photograph of a handwritten signature in black ink on a light-colored surface. The signature is written in a cursive style and appears to read "Chris Caplan".

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Chris Caplan  
Electronic Reporter  
CER\*\*1971

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of November, 2023.

  
\_\_\_\_\_

Karen Cutler  
Certified Transcriber  
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