

THE CLIMATE ACTION TEAM
KLAMATH HYDROELECTRIC PROJECT

CERTIFIED COPY

PUBLIC HEARING

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

BYRON SHER AUDITORIUM

1001 I STREET

SACRAMENTO, CALIFORNIA

THURSDAY, JANUARY 14, 2016

2:02 P.M.

KATHRYN S. SWANK, CSR, RPR, LICENSE NO. 13061

1 APPEARANCES

2
3 CAL/EPA STAFF:

4 Jeff Wetzal

5 Parker Thaler

6 Erin Ragazzi

7
8 PUBLIC SPEAKERS:

9 Danai Colegrove

10 Tim Hayden

11 Brian Johnson

12 Russ Kanz

13 Tim Sloane

14 Ronald Stork

15 Mary Wiencke

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PROCEEDINGS

MR. WETZEL: Let's get started here.

Thank you, everyone, for coming. We're here for the Klamath Hydroelectric Presentation. You are obviously in the right room. The purpose of this meeting today is to inform parties and receive public comment on the State Water Board's process for the Klamath Hydroelectric Project.

My name is Jeff Wetzels. I'm an engineer with the State Water Resources Control Board and the Division of Water Rights.

I will introduce some of our team members also: Parker Thaler is our lead scientist for the project; I have Erin Ragazzi in the audience, who is our program manager; Marianna Aue will be -- there she is right there. Office of chief counsel, our legal support; Richard Hunn with AECOM, the consultant; and then we have some -- Tim Hemstreet with PacifiCorp, also in the audience.

And our court reporter today is Kathy Swank.

Overview for today. I will talk a little bit about logistics and ground rules. Parker will give a short technical presentation. And then we'll take comments by those in attendance, and then adjourn, hopefully, by 4:00 o'clock.

1 Some housekeeping items. Out the back door to
2 your left is bathrooms and water fountains, if you need
3 them. And in the case of an emergency or evacuation, we
4 exit down the stairs to the first floor, out the
5 building, to the Cesar Chavez Park, which is
6 kitty-corner across the street.

7 Please sign in on the attendance sheet if you
8 haven't and fill out a speaker card if you wish to
9 speak. So that your comments can be correctly
10 transcribed, please speak into the microphone over at
11 the podium and give your first and last name with
12 spelling.

13 There's also a handout in the back room that
14 directs people how to submit written comments. Also on
15 the speaker card, there's a "no oral comment" check box
16 if you just want to fill out the speaker card without
17 speaking.

18 For those of you online, there's an e-mail that
19 you can e-mail your questions or comments to at
20 wr401program@waterboards.ca.gov. The questions that
21 come in, we will try to answer those, and the comments
22 that come in over those e-mails, we will consider part
23 of the scoping record. The presentation handout and
24 meeting stuff is on our Klamath Hydroelectric Project
25 Web page at the URL shown.

1 Some quick ground rules for today. Please
2 respect all speakers and their points of view. One
3 person speaks at a time and please use the microphone.
4 Please hold questions and comments towards the end of
5 the presentation. It's a short presentation, shouldn't
6 take too long. Recognize, we have a short time frame to
7 receive oral comments, so please respect your time
8 allotted so we hear from everyone today.

9 Written comments are an alternative to those
10 who wish to provide additional comments beyond their
11 allotted time or for those who do not wish to speak
12 today.

13 Some quick context before Parker gets up and
14 talks, just on why we're here today. PacifiCorp, the
15 applicant for the Klamath Hydroelectric Project
16 submitted a water quality certification application and
17 the State Water Board conditions hydroelectric projects
18 via that water quality certification application or
19 section 401 of the Clean Water Act. And also, the
20 California Environmental Quality Act requires an
21 environmental impact report to inform the State Water
22 Board and the public about the project's significant
23 effects and ways to reduce them.

24 Parker, you are up.

25 MR. THALER: Hello. My name is Parker Thaler,

1 and I'm an environmental scientist with the State Water
2 Resources Control Board's Division of Water Rights. I'm
3 also the lead technical staff on the Klamath
4 Hydroelectric Project. I've been working on the project
5 for a little over three years.

6 Today I will be providing an overview of
7 PacifiCorp's Klamath Hydroelectric Project facilities; a
8 short background of the Klamath Hydroelectric Project
9 Federal Energy Regulatory Commission relicensing
10 process; a general overview of the California
11 Environmental Quality Act; and a discussion of the State
12 Water Board's Notice of Preparation Public Comment
13 Period.

14 Shown in this slide is a map illustrating the
15 general locations of the Klamath Hydroelectric Project
16 facilities. This map should look a little bit familiar,
17 as it can be found on the cover of our Notice of
18 Preparation.

19 Owned and operated by PacifiCorp, the Klamath
20 Hydroelectric project is located in southern Oregon and
21 northern California. The Oregon Klamath Hydroelectric
22 Project facilities include east side and west side,
23 which are located adjacent to Bureau of Reclamation's
24 Lake River Dam, Keno, and J.C. Boyle. The California
25 portion of the Klamath Hydroelectric Project from

1 upstream to downstream includes Copco Number 1, Copco
2 Number 2 and Iron Gate Dam, located on the main stem of
3 the Klamath River and Fall Creek Diversion Facility
4 located on Fall Creek tributary to the Klamath River.

5 Iron Gate Dam is the most downstream Klamath
6 Hydroelectric Project facility and is the current limit
7 of anadromous fish passage on the Klamath River.

8 Today's focus is on the California portion of
9 the Klamath Hydroelectric Project because that is the
10 portion of the project subject to the California
11 Environmental Quality Act. For context, the State of
12 Oregon also has a water quality certification
13 application for the Klamath Hydroelectric Project, which
14 is a separate action than what we are discussing today.

15 Now that I provided information on the Klamath
16 Hydroelectric Project's general facility locations, I
17 think it's appropriate to briefly provide background
18 information on the Klamath Hydroelectric Project's
19 progress through the Federal Energy Regulatory
20 Commission or FERC relicensing process.

21 FERC is the federal agency that issues termed
22 licenses to hydroelectric projects for construction and
23 operations. Licenses are often issued with conditions
24 or measures that a project operator must follow in order
25 to protect environmental and public resources. Licenses

1 typically last between 30 to 50 years.

2 So beginning in 1956, FERC issued PacifiCorp's
3 predecessor its original license to construct and
4 operate the Klamath Hydroelectric Project. The original
5 license wasn't subject to today's environmental
6 standards, as many of them had not been created, such as
7 the Federal Clean Water Act and associated section 401
8 water quality certification requirement.

9 In February 2004, PacifiCorp applied for a new
10 license from FERC in anticipation that the original 1956
11 license would be expiring in 2006 as it had been issued
12 a 50-year term. In March of 2006, PacifiCorp filed a
13 water quality certification application with the State
14 Water Board. PacifiCorp's filing opened our first
15 opportunity to condition the Klamath Hydroelectric
16 Project for the protection of water quality and
17 beneficial uses.

18 In January of 2007, the United States
19 Department of Interior and National Marine Fishery
20 Services provided FERC with mandatory conditions. For
21 contexts, mandatory conditions are conditions issued by
22 federal agencies in the Federal Energy Regulatory
23 Commission licensing process that must be implemented.

24 In 2007, FERC issued its final environmental
25 impact statement for National Environmental Policy Act

1 compliance.

2 Following FERC's issuance of the environmental
3 impact statement, in 2008 the State Water Board issued a
4 notice of preparation for the Klamath Hydroelectric
5 Project and held scoping meetings. During that time,
6 some of the Klamath Hydroelectric Project interested
7 parties began discussions for a settlement agreement
8 that resulted in the Klamath Hydroelectric Settlement
9 Agreement, otherwise known as the KHSA.

10 Beginning in 2010 is where the Klamath
11 Hydroelectric Project began to deviate from the typical
12 relicensing process. This was a result of the KHSA and
13 a request from some of the KHSA members that the State
14 Water Board put the water quality certification process
15 on hold, in advance, to provide additional time for the
16 settlement agreement.

17 At the request of interested parties, the State
18 Water Board held the certification application in
19 abeyance from May of 2010 to June of 2013.

20 I would like to note here that the State Water
21 Board is not a signatory to any of the settlement
22 agreements and maintains its independent authority to
23 condition the Klamath Hydroelectric Project for the
24 protection of water quality. The settlement process is
25 a separate process from the FERC relicensing process,

1 and during the abeyance, State Water Board staff
2 continue to participate in Klamath Hydroelectric
3 Project-related forums, such as the KHSA Interim Measure
4 Implementation Committee and Klamath Basin Monitoring
5 Program.

6 And in July of 2013, the State Water Board's
7 abeyance lifted, and the Klamath Hydroelectric Project
8 resumed the California certification process.

9 Following the end of abeyance, State Water
10 Board staff have been reviewing past materials,
11 continuing participation in Klamath Hydroelectric
12 project-related forums, and have been working with
13 PacifiCorp on items such as updating the Water Quality
14 Certification application, obtaining current
15 environmental data, and CEQA process logistics such as
16 selecting a consultant or hosting these scoping
17 meetings.

18 And finally, on November 30th of 2015, in light
19 of new information such as the Klamath Hydroelectric
20 Settlement Agreement's joint CEQA and NEPA document, the
21 State Water Board issued a new Notice of Preparation for
22 an environmental impact report for the Klamath
23 Hydroelectric project.

24 And now for our CEQA discussion: The CEQA
25 process is needed per state law. The State Water Board

1 cannot issue a water quality certification without a
2 final CEQA document. Information developed in the CEQA
3 process will be used to inform the State Water Board's
4 actions on the Klamath Hydroelectric Project. We are
5 all here today because the State Water Board has
6 reinitiated the CEQA process for the Klamath
7 Hydroelectric Project.

8 The typical CEQA process runs as follows: If
9 the State Water Board is the CEQA lead agency and
10 determines that an environmental impact report is
11 needed, as is the case with the Klamath Hydroelectric
12 Project, the State Water Board will issue a Notice of
13 Preparation and conduct scoping meetings. For the KHP,
14 the State Water Board issued a Notice of Preparation on
15 November 30th, 2015, and we are currently in a comment
16 period, which will end on January 29th, 2016.

17 Following the Notice of Preparation Public
18 Comment Period, the State Water Board will review all
19 comments received in addition to other available
20 information and use that information to prepare a draft
21 environmental impact report.

22 Here is a list of the typical resource areas we
23 evaluated during the CEQA process for development of a
24 draft -- of an environmental impact report. This
25 information was taken from our Notice of Preparation.

1 Some of these items were evaluated in FERC's EIS and the
2 Klamath Hydroelectric Settlement Agreement's joint CEQA
3 and NEPA document. To the extent possible, we plan to
4 use that information.

5 Following the development of a draft EIR, the
6 State Water Board will issue the draft EIR with a
7 minimum 30-day public comment period. The draft EIR
8 will include items like a detailed description of
9 project alternatives, mitigation measures to reduce
10 impacts to resources, and a description of environmental
11 baseline conditions.

12 Similar to the Notice of Preparation portion of
13 the CEQA process, the State Water Board will consider
14 all comments received and issue a final environmental
15 impact report. Following issuance of the final
16 environmental impact report, the State Water Board will
17 take an action on PacifiCorp's water quality
18 certification application.

19 The objectives we proposed for review with the
20 Klamath Hydroelectric Project and alternatives are as
21 follows: Modify the Klamath Hydroelectric Project as
22 needed to comply with California water quality standards
23 in conformance with mandatory conditions established as
24 part of the Federal Energy Regulatory Commission
25 relicensing process; and continue to generate power from

1 a renewable resource to serve Klamath Hydroelectric
2 Project customers to the extent compatible with water
3 quality standards and mandatory conditions established
4 as part of the Federal Energy Regulatory Commission
5 relicensing process.

6 If a water quality certification is issued and
7 FERC issues the Klamath Hydroelectric project license,
8 conditions in our water quality certification become
9 mandatory conditions.

10 Our CEQA approach is to focus on the California
11 portion of the Klamath Hydroelectric project. Use
12 FERC's EIS and the Klamath Hydroelectric settlement
13 agreement's joint CEQA and NEPA document in the
14 development of our environmental impact report; use
15 information gathered by the settlement agreements,
16 tribes, PacifiCorp, scientific community, CEQA
17 commenters, and others.

18 The alternatives we've identified include a
19 range, from PacifiCorp's project, as proposed in the
20 water quality certification application, which is
21 continued operations with additional environmental
22 measures plus our addition of mandatory conditions, to
23 full main stem Klamath Hydroelectric Project facility
24 removal. Other alternatives include implementation of
25 settlement agreement measures, FERC staff's alternative,

1 and partial facility removal scenarios.

2 All comments received during the comment period
3 will be reviewed. Some of the key items we are
4 interested in hearing from the public are adequacy of
5 FERC's EIS and the Klamath Hydroelectric settlement
6 agreement's joint CEQA and NEPA document. In other
7 words, do these documents address your concerns or
8 comments?

9 The range of alternatives or specific
10 alternatives that should be considered: Potential
11 impacts to evaluate and any other items that you feel is
12 relevant to this process.

13 We are holding four scoping meetings that we
14 posted in local newspapers, in addition to hard copy and
15 e-mail mailings out to our distribution list. I've
16 included the information up here in case anyone else
17 needs it. It's also in our Notice of Preparation.

18 If you would like to provide written comments,
19 please provide them prior to January 29th, 2016, to the
20 physical or e-mail addresses shown here. Also, I've
21 included a link to our project Web page, which is a
22 great resource available to the public. On our Web page
23 we post updated Klamath Hydroelectric Project
24 information, such as PacifiCorp's water quality
25 certification applications or a Notice of Preparation.

1 This concludes my portion of the presentation.
2 I would like to turn it back over to Jeff for the
3 comment and question portion of today's meetings.

4 Thank you.

5 MR. WETZEL: So before we get into the comment
6 period, I wanted to offer up this as a short question
7 and answer session, basically just off of our process.
8 If there's any questions, we would be happy to take
9 answers [sic].

10 MR. KANZ: Russ Kanz. I was wondering if you
11 have timelines for projected issuance of the draft EIR.

12 MR. WETZEL: Not specific or concrete
13 timelines. I think the average CEQA process will
14 probably take somewhere between one and a half and two
15 years, and this is going to be a fairly complicated,
16 controversial project. The timeline also will be
17 dictated about the comments that we get during the
18 scoping process and the type of analysis that needs to
19 be done, and then also comments that we get on the draft
20 EIR, and that will ultimately determine THE timeline.
21 But I think maybe, you know, two years or a little over
22 two years is a rough ballpark of a timeline.

23 MR. STORK: My name is Ronald Stork with
24 Friends of the River.

25 Will the Oregon entities responsible for

1 issuing 401 certs for these projects also be doing a
2 similar evaluation process? And how do you expect to
3 coordinate with them?

4 MR. WETZEL: The Oregon Department of Water
5 Quality will be doing their certification process. They
6 obviously don't have to comply with the California
7 Environmental Quality Act, and we will coordinate with
8 them. And it's my understanding that they still hold
9 the process in abeyance currently, so we'll coordinate
10 with them and try to move forward.

11 Any other questions?

12 Are there any speaker cards that you guys can
13 give to Peter? Does he have all of them compiled?

14 So we'll move into the comment section. You
15 guys can walk up to that podium over there -- there's a
16 little push button on the microphone -- and we will
17 start the comments.

18 The first comment by Danai Colegrove, and on
19 deck will be Ronald Stork.

20 If you could do first and last name with
21 spelling for the court reporter, please.

22 MS. COLEGROVE: Danai Colegrove, D-A-N-A-I
23 C-O-L-E-G-R-O-V-E.

24 And I had a comment and a question. Excuse me.
25 My question was, this abeyance has been going on for

1 years and years. When are we going to have quality
2 water in our river?

3 And my other question was to "Mr. PacifiCorp"
4 back here. Are you guys still on the track for 2020 for
5 dam removal? I forgot the gentleman's name.

6 And also I was -- I was kind of like
7 wondering -- this question this gentleman had too --
8 about the time frame with this, because our river is
9 dying. It's like our lifeline. And we can't do this
10 forever.

11 I really didn't come to comment. I kind of
12 came to listen at this point. But I will see you guys
13 on the river in a couple days, a week. And there's
14 going to be way more than just me there. So be
15 prepared.

16 MR. WETZEL: For some your questions, maybe
17 after this week, we can kind of sit down.

18 Next up after Ron will be Tim Hayden.

19 MR. STORK: My name is Ronald Stork, and I'm
20 with the conservation staff of Friends of the River.
21 "Stork" is spelled like the bird.

22 This has been a long journey. I think all of
23 us think it's too long. Friends of the River was one of
24 the settlement negotiators and a licensing participant
25 for the duration of those processes until the settlement

1 agreement was signed. We did not sign the settlement
2 agreement, largely because we thought that the United
3 States Congress was likely to be dysfunctional and not
4 capable of ratifying the settlement agreement. As you
5 know, so far the United States Congress has not been
6 functional and capable of ratifying the settlement
7 agreement.

8 So I want to congratulate the board for
9 stepping up, ending the abeyance of its processing of
10 the 401 water quality certification and getting on with
11 the business that it expected to undertake quite a few
12 years ago. So thank you again for doing so.

13 And I certainly hope that you can encourage the
14 folks in Oregon to undertake a complementary and similar
15 analysis so that both the state -- both states, water
16 quality certifications, can be internally consistent
17 with each other and hopefully consistent with the broad
18 outlines of the settlement agreement, which called for
19 the removal of the dams in question here on the Klamath
20 River.

21 I think, as you know, the alternative contained
22 in the FERC EIS, which included mandatory conditions for
23 fish ladders but did not remove the dam, it seems to be
24 unlikely to meet the water quality requirements in this
25 very hurt and injured river.

1 So I'm hopeful that the alternatives, which is
2 the heart of the analysis, will include alternatives
3 that are complementary to the broad outlines of the
4 settlement agreements and result in removal of the dams
5 and at least a lessening of the adverse water quality
6 conditions on this river.

7 As you know, you are unable to deal with, at
8 least immediately, some of the issues associated with
9 the Klamath Project upstream, and I urge you not to wait
10 to a final resolution of those water quality issues,
11 because this process has gone too long and we need to
12 move parts of it along as much as we can.

13 We'll be submitting some written comments and
14 we hope that you are -- that these will be helpful to
15 you. And I think that you can rely on a large amount of
16 expertise and interest in the years that this process is
17 going on to move this -- your process forward
18 expeditiously.

19 Thank you.

20 MR. WETZEL: Brian Johnson is on deck.

21 MR. HAYDEN: Hello. Hi. My name is Tim
22 Hayden. I'm the Natural Resources Division lead for the
23 Yurok tribe. I oversee the Yurok's tribe's fisheries,
24 forestry, watershed, and environmental program.

25 I will keep my comments brief. The Yurok

1 tribe, we do plan an attending the other public scoping
2 meetings, I believe in Arcata, in Orleans, and Yreka.
3 So we will be providing more extensive verbal, as well
4 as detailed written comments.

5 But I would just like to say that we support
6 the California and Oregon Water Board's permitting
7 process. As I mentioned, we plan to engage the process.
8 We want -- the Yurok tribe, as you know, we have
9 federally recognized fishing rights on the Lower Klamath
10 River. We're the largest single harvester of Klamath
11 River fall Chinook salmon, and it's a hugely important
12 cultural resource for the tribe, so we have a lot at
13 stake, and certainly a strong interest in supporting
14 this process.

15 I would just like to say, you know, the Yurok
16 tribe is committed to dam removal by 2020. We're going
17 to continue to work with our partners and certainly
18 through this process to make sure that that happens.

19 So with that said, we look forward to working
20 with the board supporting the process. We're hopeful to
21 provide our expertise and our experience on the river,
22 support the process through data, data analysis,
23 interpretation, and certainly want to see this process
24 through.

25 So we look forward to working with the board on

1 this process.

2 Thank you.

3 MR. WETZEL: Russ Kanz is next.

4 MR. JOHNSON: Good afternoon. My name is Brian
5 Johnson, B-R-I-A-N Johnson. I'm the California director
6 of Forward Tribe (phonetic) Unlimited.

7 And I have a brief CEQA comments and then a
8 broader comment. The range of alternatives seems to
9 make sense to me, that you are laying out. I was glad
10 to see the reference to, you know, looking back intently
11 at the NEPA and CEQA documents For the secretarial
12 determination. I think you will find that at least as
13 far as the effects of dam removal and partial dam
14 removal and the configurations you are talking about,
15 the things are covered very well, and hopefully we don't
16 need to spend a lot of time or money recreating the
17 wheel on that.

18 More broadly, we are one of the parties to the
19 KHSA, which is still in effect. And we believe in the
20 principles that are contained there and simplifying
21 dramatically removal of the four main stem dams for
22 hydro, and not Keno, Coscap, and certainly for the
23 utilities, ratepayers, and doing it in 2020.

24 Spoiler alert: It seems like Congress isn't
25 going to help us do that through a different process,

1 and so the parties will be back looking at that. And
2 I'm hopeful and cautiously optimistic that we will be
3 able to carry out the settlement through other means and
4 remove those four dams in 2020.

5 Thank you.

6 MR. WETZEL: Thank you. Russ Kanz followed by
7 Tim Sloane.

8 MR. KANZ: Good afternoon. It's Russ Kanz,
9 R-U-S-S K-A-N-Z with the Karuk Tribe.

10 I guess I come here today with some urgency and
11 concern. When I hear that, you know, it might take two
12 years to develop this EIR, that gives me concern. I've
13 been working on this project for a very long time. My
14 son, Will, right there, was, I believe, two when I
15 started working on this project, and he's big now. So
16 it's been at least 16 years.

17 The board's track record, lately, of getting
18 certs issues is -- is not good. You know, the cert for
19 DeSabra-Centerville is -- is still sitting there. I
20 wrote that cert over four years ago. And that's a very
21 important spring-run salmon river. So that's a concern
22 we have. I would urge the board to put significant
23 resources towards this project and move it forward
24 quickly.

25 The Karuk tribe is somewhat unique in that they

1 occupy the center part of the Klamath River. They
2 occupy a place that is the center of the world, and have
3 fished at Ishy-Fishy (phonetic) Falls for at least
4 10,000 years.

5 As I worked on this project and as I actually
6 helped develop a environmental justice pilot project
7 with Cal/EPA and the tribes, it became clear to me that
8 what actions happened with this project will affect,
9 really, the future of tribes on the Klamath River. The
10 tribes and the fish are intertwined, and you can't
11 unlink those.

12 The Karuk tribe has been an active participant
13 in the FERC relicensing and the settlement process.
14 Tribal members and their biologists have some really
15 unique knowledge about the river and they are more than
16 happy to share that project.

17 The Water Board partnered with the Karuk tribe
18 on studies on nutrient cycling in Iron Gate Reservoir
19 and on cyanotoxins. The Karuk tribe will submit written
20 comments, and I'm sure other tribal members will have a
21 lot to say in the other meetings.

22 So thank you.

23 MR. WETZEL: Tim Sloane, and then lastly will
24 be Mary Wiencke.

25 MR. SLOANE: Tim Sloane, S-L-O-A-N-E. I'm with

1 the Pacific Coast Federation of Fishermen's
2 Associations.

3 The 401 certification before the board right
4 now is filled with several pretty glaring deficiencies,
5 and we urge the board to address many of these and all
6 of these in its review of the application.

7 And specific to us today, I just wanted to
8 point out two glaring ones: The application does not
9 include any significant discussion of how the
10 alternative dam removal would impact water quality
11 parameters in place of the theoretical mitigations in
12 the reservoir management plan that's in the application.

13 Dam removal is a reasonably foreseeable action.
14 It was an alternative in the FERC EIS and it's been
15 subject to its own extensive analysis under NEPA and
16 CEQA, including multiple studies demonstrating its net
17 benefits as compared to keeping those dams in place.

18 The other impact that we're most concerned
19 about is, the application doesn't include any
20 significant analysis of the adverse impacts of lack of
21 fish passage for salmon and other species; nor any
22 discussion of the socioeconomic impacts and economics of
23 fish passage; nor any comparisons between dams in with
24 fish passage versus dams out entirely; nor how the
25 reservoir's water quality or management would continue

1 to adversely impact downstream anadromous fish. Fish
2 passage is a mandatory condition of the FERC license,
3 and it cannot be ignored. And we would hope that the
4 board analyzes the social and economic impacts of each
5 alternative on commercial fisheries downstream.

6 We're going to submit extensive written
7 comments along with this, but thanks for the opportunity
8 today.

9 MR. WETZEL: Thank you.

10 Mary Wiencke.

11 MS. WIENCKE: Good afternoon. My name is Mary
12 Wiencke from PacifiCorp. It's W-I-E-N-C-K-E. I
13 appreciate the opportunity to comment today.

14 PacifiCorp remains fully committed to the KHSA.
15 It hasn't expired or terminated, and, if fully
16 implemented, would result in the removal of the
17 facilities that are the subject of this proceeding. We
18 continue to actively work with our settlement partners
19 to implement the KHSA.

20 And while we appreciate that the board needs to
21 maintain an active 401 process, the current status of
22 the KHSA makes the timing somewhat premature. As I
23 mentioned, we'll be continuing to work with our
24 settlement partners over the coming months to look for
25 alternative paths to implement in the KHSA.

1 As a result, what we request today is that the
2 board allow the space for that to happen and allow the
3 parties to work together to explore potential pathways
4 that will allow for the implementation of the KHSA and
5 balance the multiple issues surrounding Klamath Basin.

6 With that, thank you again for this opportunity
7 to comment today. Thank you.

8 MS. RAGAZZI: So we did hear some
9 comments/questions from folks, specifically that I want
10 to respond to, because I want to recognize those
11 questions that were brought up.

12 The questions that I heard were timing of water
13 quality benefits occurring. The board wants to get
14 water quality protections in place through its water
15 quality certification as soon as possible.

16 As Jeff mentioned, typical CEQA process is one
17 to two years, and this is a complex project. We are
18 aiming to get the draft CEQA document out in the latter
19 part of this year and proceed with the final CEQA
20 document the following year. So we'll see how that
21 plays out with the level of comments we get in that
22 process, but the idea is to move forward quickly and
23 expeditiously on this project.

24 And I remember -- there was another question.
25 I'm going to let you follow up directly with Tim on that

1 one because we're not the appropriate party to respond
2 to that question.

3 So at that point, unless anybody else has any
4 other comments today, we have nothing online. We've
5 been monitoring that Web page or that Web address. No
6 more comments? If anybody wants to come up and ask us
7 questions specifically or talk with us specifically
8 about any topics, we would be more than happy to do
9 that.

10 So I appreciate everybody showing up today and
11 we look forward to seeing many of you at the other
12 meetings that we'll be at, which I anticipate will be
13 more well attended than this one, since they will be in
14 the project area specifically.

15 So thanks again for coming out today and we
16 look forward to talking with you throughout the process.

17 Thanks.

18 (Time noted: 2:40 p.m.)

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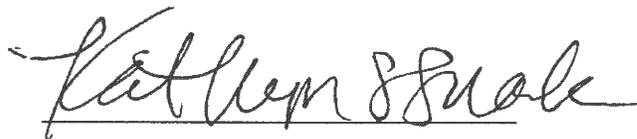
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing public hearing was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said public hearing nor in any way interested in the outcome of said public hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of January 2016.



KATHRYN S. SWANK, CSR, RPR

Certified Shorthand Reporter

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