

Pit 1 Hydroelectric Project 401 Certification Modification EIR Scoping Summary Report

31782797.00



Document Information

Prepared for State Water Resources Control Board
Project Name Pit 1 Hydroelectric Project 401 Certification Modification EIR
Project Number 31782797
Project Manager Shruti Ramaker
Date August 2013

Prepared for:

State Water Resources Control Board
Division of Water Rights
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Acronyms

CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
NOP	Notice of Preparation
EIR	Environmental Impact report
FERC	Federal Energy Regulatory Commission
PG&E	Pacific Gas and Electric

1 Introduction

The State Water Resources Control Board (State Water Board) is the California Environmental Quality Act (CEQA) lead agency for the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment, under its discretionary Section 401 water quality certification authority. Pacific Gas and Electric Company (PG&E) owns and operates the Pit 1 Hydroelectric Project (Pit 1 Project). The Pit 1 Project is licensed by the Federal Energy Regulatory Commission (FERC), and is designated FERC Project No. 2687.

FERC issued a new license for the continued operation of the Pit 1 Project in March 2003. The license incorporates the State Water Board's Clean Water Act (CWA) 401 Water Quality Certification (401 Certification) issued in December 2001. Pursuant to the new license and 401 Certification, PG&E implemented required flushing flows between 2003 and 2009 to control the growth of aquatic vegetation and mosquito production in Fall River Pond, and monitored surface aquatic vegetation on Fall River Pond from 2005 through 2012.

In a letter dated May 26, 2009, the United States Fish and Wildlife Service (USFWS) expressed concern regarding a decline in Shasta crayfish in the Pit 1 Bypass Reach and requested suspension of the 2009 flushing flows at the Pit 1 Project. The letter stated that flushing flows released from the Fall River Weir into the Pit 1 Bypass Reach were reducing/eliminating coldwater habitat for federally endangered Shasta crayfish and providing beneficial habitat for non-native crayfish species. The State Water Board concluded that amendment of the 401 Certification to permanently remove the flushing flows would require compliance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) based on its potential for significant environmental impacts. The permanent removal of flushing flows is referred to as the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment (Proposed Project).

The State Water Board is the CEQA lead agency for the Proposed Project under its discretionary 401 Certification authority. The State Water Board plans to prepare an environmental impact report (EIR) for the Proposed Project.

The State Water Board released a Notice of Preparation (NOP) communicating the intent to prepare an EIR for the Proposed Project on May 17, 2013. The NOP was distributed to the State Clearinghouse, agencies and individuals. The NOP, included in Appendix A, provided a description of the Proposed Project, the location of project activities, and the resources and environmental concerns to be analyzed in the EIR. The NOP also requested that comments on the scope of the EIR including specific issues the EIR should cover of the EIR and potential alternatives to the Proposed Project be submitted by June 24, 2013.

The State Water Board also conducted two CEQA scoping meetings to provide the public with the opportunity to provide input prior to the preparation of the EIR, pursuant to CEQA Guidelines section 15083. (Cal. Code Regs., tit. 14, § 15083.) Public notices of the NOP and scoping meeting were published as follows:

- Intermountain News
- Redding Record Searchlight
- Mountain Echo

The meetings took place on June 11, 2013 from 9:00 a.m. to 11:00 a.m. at the Central Valley Regional Water Quality Control Board office in Redding, California, and from 6:00 p.m. to 8:00 p.m. at the Intermountain Fairgrounds in McArthur, California. Copies of the newspaper notices are also included in Appendix A. The scoping meeting presentation is included in Appendix B.

This report summarizes the written and oral comments received during the scoping period, May 17, 2013 through June 24, 2013. Chapter 2 provides a list of the commenting agencies and organizations. Chapter 3 summarizes all of the comments received on the NOP and includes a matrix of comments received during the scoping period. The written responses to the NOP and other written comments submitted at the scoping meeting (full text) from public agencies, organizations, and individuals are included in Appendix C. A full transcript of the oral comments received during the scoping meeting is included as Appendix D.

Copies of comments received to date can also be found on the State Water Board website, at:

http://www.swrcb.ca.gov/waterrights/water_issues/programs/water_quality_cert/pit1_ferc2687.shtml

2 Commenting Agencies and Organizations

2.1 Written Comments

The following agencies, organizations and/or members of the public provided written responses to the NOP by letter or electronic mail (email) during the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment public scoping period. The numbering of the written responses correlates to the appearance of each in Appendix A.

Public Agency

1. California Department of Fish and Wildlife

Non-Profit Organization

2. American Whitewater

Landowners/Local Residents

3. Charles Albright
4. Kyle Allred
5. Bob Baiocchi
6. Daniel Brasuell
7. Ida Crawford
8. Virginia Dye
9. Mary Elliot
10. Travis Geddes
11. Connor Herdt
12. Roland McNutt
13. Matthew Phillips
14. James Reed
15. Eli Ren
16. Kenneth Rosecrance
17. Lee Schmelter
18. Bob Simmons
19. George Williams
20. Lisa Williams

2.2 Oral Comments

The following agencies, organizations and/or members of the public provided oral comments during the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment public scoping meetings held June 11, 2013 and are listed in speaking order:

9 am Meeting

Speaker and Affiliation (if provided)

Matt Myers, California Department of Fish and Wildlife

Dave Steindorf, American Whitewater

Charlie Guilbault

Mike Martini

Ron Rogers

6 pm Meeting

Speaker and Affiliation (if provided)

Doug Knox

Ross Jones

Harold Chandler

3 Summary of NOP Responses

The purpose of the NOP is to solicit input “as to the scope and content of the environmental information to be included in the EIR.” (Cal. Code Regs., tit. 14, § 15375). The following provides a summary of the responses to the NOP, including all written comments mailed, emailed or submitted at the public scoping meeting as well as oral comments received during the scoping meeting. A more detailed matrix of comments is provided at the end of this section in Table 1.

3.1 General Comments

General comments received to date primarily focus on concerns related to whitewater recreation flows and a lack of evidence linking the flushing flows with a decline in Shasta crayfish.

3.2 Public Agency Comments

The California Department of Fish and Wildlife commented regarding concerns about the lack of recent Shasta crayfish surveys and made suggestions regarding the content of the EIR as listed in the matrix below.

3.3 Project Alternatives

Suggested alternatives to the Project include the continuation of flushing flows, developing barriers to block invasive crayfish species, and the use of temperature control devices. Comments stressed the importance of the site as a recreational resource, which would be adversely affected by the proposed plan.

3.4 Environmental Impact Analysis

The following comments pertain to specific resources or environmental concerns that should be addressed in the EIR including the technical appendices.

Biological Resources/Aquatic and Fisheries Resources

The following are comments related to biological resource impacts:

- Lack of evidence that the decline in Shasta crayfish is caused by the flushing flows at the Pit 1 Project.
- Increases in water temperature caused by the Pit 1 Project should be addressed.
- Updated crayfish surveys are needed.

Recreation

The loss of recreational opportunities from the elimination of flushing flows at the Pit 1 Project was of concern to many local residents. Many comments addressed the value of the flow releases to whitewater boaters and kayakers.

The matrix below includes a more detailed summary of comments. Comment letters and emails are included in their entirety in Appendix C as are oral comments in Appendix D.

Table 1. Scoping Comment Summaries Table

Name	Description	Date of comments	Comment summary	CEQA Issue Area
Written Responses to the NOP				
Public Agencies				
1- California Department of Fish and Wildlife	Response to NOP letter	6/18/2013	<p>The EIR should address the following issues:</p> <ol style="list-style-type: none"> 1. A new survey for Shasta crayfish and non-native crayfish in the Project Area is needed and the last survey conducted (in 2009) is outdated. 2. The Project's flow regime should be evaluated and compared to baseline conditions. 3. The EIR needs to evaluate unplanned outages and out-of-season pulse flows for the entire flow regime and compare to baseline conditions to avoid/minimize effects to Shasta crayfish. 4. The EIR should include a single table that summarizes all historic Pit 1 Project surveys and results, conducted for Shasta crayfish and non-native crayfish. 	Biological Resources
Non-Profit Organization				
2- American Whitewater	Response to NOP letter	6/24/2013	<p>American Whitewater believes that the Water Board has a duty under CEQA and the Basin Plan to examine numerous reasonable alternatives that will protect the endangered Shasta crayfish in the Pit 1 Bypass Reach and address ongoing temperature impacts of the Pit 1 Project. Alternatives include developing barriers to keep invasive crayfish out of Shasta crayfish habitat, examining temperature control devices to mitigate the project's temperature impacts, and assessing minimum instream flow release scenarios.</p> <p>Population trends indicate that a cause other than flushing flows is leading to Shasta crayfish decline. The evidence does not support PG&E's argument that flushing flows' effect on temperature is contributing to Shasta crayfish decline.</p> <p>The EIR must consider significant environmental impacts. American Whitewater is particularly concerned that the project will have significant environmental impacts on whitewater recreation.</p>	Alternatives
				Biological Resources
				Recreation

Name	Description	Date of comments	Comment summary	CEQA Issue Area
			The State Water Board should ensure that power operations are not contributing to the degradation of Shasta crayfish. Daily operations of the Pit 1 Hydroelectric Project increase water temperatures, and the record lacks adequate information to show that elimination of flushing flows will protect Shasta crayfish.	General
Landowners/Local Residents				
3-Charles Albright	Response to NOP letter	5/24/2013	Has been paddling for over 42 years and has always enjoyed paddling the Pit River. States that PG&E needs to start sharing water along the whole river with the public and riverside environment all the way to Lake Shasta and not just Fall River Mills to Pit 1.	Recreation
4-Kyle Allred	Response to NOP Letter	5/27/2013	States that the Pit River summer release is a wonderful recreation opportunity for boaters and requests that it continue.	Recreation
5- Bob Baiocchi	Email	5/9/2013	Amendment should include a daily bypass flow requirement from the Fall River Dam in compliance with California Fish and Game Code 5937 to protect fish species and their habitat in Fall River below PG&E's Fall River Dam and also fish species and their habitat in the Pit River below the dam in the Pit River. Taking all of the water from Fall River by PG&E is a direct violation of Article X, Section 2 of the State Constitution because it is the unreasonable diversion of the state's water. The time has arrived to enforce state law to protect all beneficial uses of Fall River and Pit River as shown in the Basin Plan.	General, Biological Resources, Hydrology
6- Daniel Brasuell	Email in response to NOP	6/07/2013	Asks the following questions: what studies have been done to show that summer releases are the cause of the Shasta Crayfish population decline? Has it been ruled out that unnatural water temperatures due to the powerhouses and reservoirs could have caused it? Or that the deviation from natural flow year round could have caused it? What direct knowledge do we have that a pulse of water a few weekends a year is the root cause? If the recreational pulse of water is not allowed, what restrictions will be levied on the owners of the powerhouses and reservoirs? Proper study is needed to find that the pulse weekends are causing the decline and ensure that all parties controlling the river are legally bound to the same ruling.	Biological Resources, Hydrology, Recreation
7- Ida Crawford	Email in response to NOP	6/07/2013	Has kayaked above Pit 1 Powerhouse during whitewater releases for several years and states that it is a fabulous class 3-4 run that it would be a shame to lose.	Recreation

Name	Description	Date of comments	Comment summary	CEQA Issue Area
8- Virginia Dye	Letter in response to NOP	6/19/2013	States that if there is a truthful concern over crayfish, other technologies that have environmental impacts should also be considered.	General comment
9- Mary Elliot	Letter in response to NOP	6/27/2013	Enjoys kayaking in Pit River and would be disappointed to lose the summer releases. States that she likes to do what is best for the environment and that valid reports and data are needed before losing the recreational site.	Recreation
10- Travis Geddes	Email in response to NOP	6/10/2013	Values the annual summer and fall release on the Pit 1 reach of the Pit River near fall River Mills as a resource for kayaking offering a unique opportunity for intermediate boaters. Asks the following questions: What studies have been done to show that summer releases are the cause of the Shasta Crayfish population decline? What were the methods used to gather the data about the dwindling crayfish numbers? How does the state of the Shasta Crayfish population in the Pit 1 reach compare to Shasta Crayfish populations in other areas of the Pit?	Recreation, Biological Resources
11- Connor Herdt	Email in response to NOP	6/03/2013	Opposes the proposed cancellation of the recreations releases, described as a wonderful resource for whitewater enthusiasts. Requests reconsideration of the decision to end the releases.	Recreation
12- Roland McNutt	Email in response to NOP	06/10/2013	As an avid whitewater boater, urges the continuation of Pit 1 reach releases. Believes that sound science warranting elimination of the flows is lacking. States that Shasta crayfish declines and invasive crayfish increases have been seen throughout the Pit River Basin in the same timeframe as that considered for Pit 1 and in areas where summer flushing/whitewater flows do not occur. Suggests continuing the summer releases as a control group to compare with crayfish declines in other areas.	Recreation Aquatic and Fisheries Resources, Alternatives
13- Matthew Phillips	Email in response to NOP	5/23/2013	Enjoys the recreational use of the Pit river summer flows as a whitewater kayaker and strongly opposes canceling the releases. States that canceling the flows would lead to further degradation of the river landscape.	Recreation, Biological Resources
14- James Reed	Email in response to NOP	5/27/2013	States that the summer flushing flows allow area paddlers to enjoy a beautiful river when little else is running; the Pit River is best seen from a whitewater craft. Hopes that the river will continue to be available to the paddling community in summer months.	Recreation

Name	Description	Date of comments	Comment summary	CEQA Issue Area
15- Eli Ren	Email in response to NOP	6/23/2013	Values the Pit River as a source of whitewater recreation. States that the evidence does not point to summer releases as the cause of invasive crayfish out-competing the Shasta crayfish. Requests that the summer releases on the Pit River resume.	Recreation, Aquatic and Fisheries Resources
16- Kenneth Rosecrance	Email in response to NOP	6/10/2013	Has boated this section of whitewater and states it would be a shame for recreational boaters to lose this boating opportunity during summer months when nothing else is available.	Recreation
17- Lee Schmelter	Email in response to NOP	5/24/2013	States the following: The decision to eliminate summer flushing flows to benefit the Shasta crawfish is illogical because similar reductions in crawfish population in the water basin occurred regardless of water flushing. It seems this decision is an attempt to conserve water but at the expense of boaters who use the summer flows, and without logical reason. Please reconsider.	Aquatic and Fisheries Resources
18- Bob Simmons	Email in response to NOP	5/24/2013	Asks if anyone has done a financial analysis of shutting down the river flows and how many tourist dollars does it generate and where does it go. Requests real science to back up claims regarding crayfish declines.	Socioeconomics, Recreation
19- George Williams	Email in response to NOP	5/23/2013	Suggests that many of the increased flows about Pit 1 be scheduled for times that can be accommodating to area recreation industries. States that higher flows are in the best interest of the river's health. Requests that the flows continue.	Alternatives, Recreation
20- Lisa Williams	Email in response to NOP	6/09/2013	As an avid whitewater boater, urges the continuation of Pit 1 reach releases. Believes that sound science warranting elimination of the flows is lacking. States that Shasta crayfish declines and invasive crayfish increases have been seen throughout the Pit River Basin in the same timeframe as that considered for Pit 1 and in areas where summer flushing/whitewater flows do not occur.	Recreation Aquatic and Fisheries Resources

Public Meeting Transcript (in Speaking Order)

Name	Description	Date of comments	Comment summary	CEQA Issue Area
Matt Myers, CDFW	Public comment. Transcribed during meeting.	6/11/2013	The EIR should address the following issues: A new survey for Shasta crayfish and non-native crayfish in the Project Area is needed and results from the 2009 survey are outdated. The Project's flow regime should be evaluated and compared to baseline conditions. The EIR should include a single table that summarizes all historic Pit 1 Project surveys and results, conducted for Shasta crayfish and non-native crayfish.	Biological Resources, Hydrology
Dave Steindorf, American Whitewater	Public comment. Transcribed during meeting.	6/11/2013	<p>States that looking at the aquatic component of the flushing flows is inadequate, and the whitewater recreation aspect needs to be evaluated as well. Also stated that the proposed amendment would reduce whitewater recreation on the Project and would change the current license stating that 6 days of summer flushing flows would be made.</p> <p>Thinks the idea that flushing flows are causing harm to the Shasta crayfish is completely erroneous and that it is the Project that is warming the water. He recommends that the Board conduct necessary modeling to evaluate what would happen if full flow of the Pit River was released back into the Bypass Reach. Also recommends the Board revisit the certification requirement of minimum in-stream flow.</p> <p>Believes the correct scope under CEQA should be for the protection of the Shasta crayfish, not the narrow effects of flushing flows. Also asked Board to reevaluate the Project to see if it is meeting water quality concerns and stated that if reducing flushing flows is in fact necessary to protect the Shasta crayfish, American Whitewater will work with the Board to find alternatives to make up for lost whitewater opportunities.</p>	Recreation, Aquatic and Fisheries Resources
Charlie Guilbault	Public comment. Transcribed during meeting.	6/11/2013	Thinks the Board should investigate recreational uses and wants to know if flows are reduced, whether recreational needs can be met in some other way.	Recreation
Mike Martini	Public comment. Transcribed during meeting.	6/11/2013	Uses Project area for recreation. Asks that the reduction in recreational opportunities cause by reduced flows be mitigated for somehow. Suggests that rather than remove the pulses, they be done at a different time of the year.	Recreation
Ronald Rogers	Public comment. Transcribed during meeting.	6/11/2013	States that American Whitewater spent time working with FERC to come up with solutions for competing uses of the Project and doesn't feel that the curtailments should be taken without due consideration. Believes better studies need to be conducted to determine if crayfish populations are in fact present in the Pit 1 stretch. If they are present, believes higher base flow releases to maintain populations may be warranted.	Recreation, Aquatic and Fisheries Resources

Name	Description	Date of comments	Comment summary	CEQA Issue Area
			States that if the releases are taken away, other mitigations need to be considered, such as better access for whitewater boating on that stretch.	
Dave Steindorf	Public comment. Transcribed during meeting.	6/11/2013	Believes a representative from the Fish and Wildlife Service should have been present to explain their rationale for the amendment and is upset both Federal agencies were absent (FERC and USFWS). Appreciates the State agencies that showed up to the forum.	General Comment
Doug Knox	Public comment. Transcribed during meeting.	6/11/2013	States that he has an aquaculture license and asks if there could be other species responsible for the reduction in Shasta crayfish and not the warm water. Would like potential predators of the crayfish to be explored.	Aquatic and Fisheries Resources
			States that the declining numbers of the species doesn't mean that the warm water is the cause.	
Ross Jones	Public comment. Transcribed during meeting.	6/11/2013	Believes the research was designed to arrive at a foregone conclusion (i.e., that warm water is the cause of decline)	General Comment
Harold Chandler	Public comment. Transcribed during meeting.	6/11/2013	States that raccoons eat crayfish and asks that raccoon populations be studied to see if there has been an increase.	Biological Resources
Ross Jones	Public comment. Transcribed during meeting.	6/11/2013	States that the Modoc Independent Tea Party has been reviewing the Pit River IRWM (Integrated Regional Water Management Program).	General Comment
			Wants to make sure the impact of reduced flushing on millifol is addressed.	
Harold Chandler	Public comment. Transcribed during meeting.	6/11/2013	States that he is highly suspicious of U.S. Fish and Wildlife and issues having to do with endangered species. Believes USFWS should have all of the information about the Project as well as what people are asking about.	General Comment
Ross Jones	Public comment. Transcribed during meeting.	6/11/2013	States that he has lived in the area for over 20 years and has been associated with agriculture. He is concerned that the State of California is trying to use an endangered species on the Pit River to usurp the landowners' given water rights. He also stated that the project is a waste of money and since PG&E is paying for it, that means the people are the ones who actually pay for it, which he finds inappropriate.	General Comment
Doug Knox	Public comment. Transcribed during meeting.	6/11/2013	Modoc Independent Tea Party claims to have studied and is familiar with the Pit River IRWM. He states taking the dams out will run landowners out. He states that scientists tried to run his business in	General Comment

Name	Description	Date of comments	Comment summary	CEQA Issue Area
			Sacramento County on a fish farm out and that now all these people are trying to take the water here. He doesn't trust the people within State agencies getting involved due to an endangered species and wants them to stay out of the area.	
Ross Jones	Public comment. Transcribed during meeting.	6/11/2013	Concerned that this project is a water grab and is fed up with it.	General Comment
Doug Knox	Public comment. Transcribed during meeting.	6/11/2013	States that The Tea Party is fed up with the Project and they have a radio program every Saturday at noon on KCFJ 570 AM for 30 minutes to discuss the people they are upset with.	General Comment; Biological Resources
			States that anyone who would shut water off to ranch and farm land in the San Joaquin Valley for the delta smelt is not an environmentalist, but a domestic terrorist, and the Tea Party is going to fight them.	
			States that there are more endangered species in the Pit River than just the Shasta crayfish. He mentions the crayfish, the sculpin, the sucker, and the western pond turtle, and states that farmers are going to have to fence off the whole Pit River to keep their cattle out of it. Also states that now the California Department of Fish and Wildlife wants to put the salmon in above Shasta.	
			Believes it is a sin to put a crayfish over a human and take his friends' lands. Also states that every farmer and rancher is the creator and they take care of the land, and now these people are going to be run off the land.	
Harold Chandler	Public comment. Transcribed during meeting.	6/11/2013	States that just a few people are here representing hundreds of people and that their radio show reaches thousands. Also states that they are just an offshoot from the main Tea Party in Redding.	General Comment

Pit 1 Hydroelectric Project
401 Certification Modification EIR

APPENDIX

A

NEWSPAPER NOTICES

Appendix A
Newspaper Notices

Record Searchlight Notice

In the Superior Court of the State of California
in and for the County of Shasta

CERTIFICATE OF PUBLICATION
RECORD SEARCHLIGHT

CARDNO ENTRIX
201 N CALLE CESAR CHAVEZ 2
SANTA BARBARA CA 93103

REFERENCE: 287685 SHRUTI
6782104 NOTICE IS HEREBY GIV

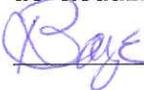
State of California
County of Shasta

I hereby certify that the Record Searchlight is a newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of Redding, County of Shasta, State of California; that I am the principal clerk of the printer of said newspaper; that the notice of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit;

PUBLISHED ON: 05/24 06/09

FILED ON: 05/24/13

I certify under penalty of perjury that the foregoing is true and correct,
at Redding, California on the above date.



RECORD SEARCHLIGHT
1101 Twin View Blvd, Redding, CA 96003

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) has issued a Notice of Preparation (NOP) for an Environmental Impact Report related to the Pit 1 Hydroelectric Project addressing the proposed amendment to the existing 401 water quality certification to eliminate or modify the requirement for summer flushing flows, which may be detrimental to endangered Shasta crayfish (Proposed Project). The Proposed Project is owned by Pacific Gas and Electric Company and licensed under Federal Energy Regulatory Commission. State Water Board staff will hold scoping meetings at the time and location below to receive oral comments from trustee agencies and interested persons.

Tuesday June 11, 2013 from 9:00am to 11:00am
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, CA 96002

and

Tuesday June 11, 2013 from 6:00pm to 8:00pm
Intermountain Fair
44218 A Street
McArthur, CA 96056

The NOP may be viewed at:
http://www.swrcb.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/pit1_ferc2687/pit1_nop.pdf or
by contacting the staff below. General questions about this notice should be directed to Mr. Peter Barnes at (916) 341-5319 or PBarnes@waterboards.ca.gov.

May 24, & June 9, 2013

6782104

In the Superior Court of the State of California
in and for the County of Shasta

CERTIFICATE OF PUBLICATION
RECORD SEARCHLIGHT

CARDNO ENTRIX
201 N CALLE CESAR CHAVEZ 2
SANTA BARBARA CA 93103

REFERENCE: 287685 SHRUTI
 6782104 NOTICE IS HEREBY GIV

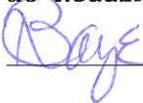
State of California
County of Shasta

I hereby certify that the Record Searchlight is a newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of Redding, County of Shasta, State of California; that I am the principal clerk of the printer of said newspaper; that the notice of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit;

PUBLISHED ON: 05/24 06/09

FILED ON: 05/24/13

I certify under penalty of perjury that the foregoing is true and correct,
at Redding, California on the above date.



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by contacting the staff below. General questions about this notice should be directed to Mr. Peter Barnes at (916) 341-5319 or PBarnes@waterboards.ca.gov.

May 24, & June 9, 2013

6782104

Appendix A
Newspaper Notices

Mountain Echo Newspaper Notice

CLASSIFIED/LEGAL NOTICES

FICTITIOUS BUSINESS NAME STATEMENT FILED/ENDORSED April 3, 2013

FILE NO. 2013-0000411

The following persons are doing business as: CLEARWATER LODGE/CLEARWATER LODGE PIT RIVER, 24500 PIT ONE POWER HOUSE ROAD, FALL RIVER MILLS, CA 96028 County of SHASTA. 1. Clearwater Lodge Pit river, LLC, P.O. Box 920, Fall River Mills, CA 96028. State: CA. This business is being conducted by a Limited Liability Company. Registrant has begun to transact business under the name above: 4/1/2013. Statement expires on 4/3/2018. S/Clearwater Lodge LL C/Michelle Titus. This statement was filed in the office of Cathy Darling Allen, County Clerk of SHASTA County, April 3, 2013 by T. JENNINGS. NOTICE-This fictitious business name statement expires five years from the date it was filed in the office of the County Clerk. A new fictitious business name must be filed prior to that date. The filing of this statement does not itself authorize the use in this state of a fictitious business name in violation of the rights of another under Federal, State or Common Law (See Section 14400 Et seq Business and Professional Code.)

May 14, 21, 28, June 4, 2013

FICTITIOUS BUSINESS NAME STATEMENT FILED/ENDORSED May 10, 2013

FILE NO. 2013-0000560

The following persons are doing business as: MOUNTAIN ECHO, 43152 SUITE A HWY 299E, FALL RIVER MILLS, CA 96028 County of SHASTA. 1. Caldwell, Donna E. 21693 Oregon St., Burney, CA 96013. 2. Caldwell, Walter, E. 21963 Oregon St., Burney, CA 96013. State: CA. This business is being conducted by a Married Couple. Registrant has begun to transact business under the name above: 10/3/1977. Statement expires on 5/10/2018. S/Donna E. Caldwell. This statement was filed in the office of Cathy Darling Allen, County Clerk of SHASTA County, May 10, 2013 by J. FRANCESOUT. NOTICE-This fictitious business name statement expires five years from the date it was filed in the office of the County Clerk. A new fictitious business name must be filed prior to that date. The filing of this statement does not itself authorize the use in this state of a fictitious business name in violation of the rights of another under Federal, State or Common Law (See Section 14400 Et seq Business and Professional Code.)

May 14, 21, 28, June 4, 2013

INVITATION TO BID

The Pit River Tribal Housing Board will receive sealed bids from qualified American Indian and Non-Indian Licensed Contractors for the Construction of Community Water System Improvements, XL Ranch Housing Project, Pit River Indian Reservation, Modoc County, California, as part of ICDBG #B-11-SR-06-2788, until 2:00 pm local time on the 19th day of June, 2013 at the Pit River Tribal Housing Board Office, 37134 Main Street, Burney, CA.

Indian preference in the award of this contract and subcontracts will be as required by the policies of the Pit River Tribe and the Native American Housing Assistance and Self-Determination Act of 1996.

Bid Proposers may obtain copies of the documents from Charles C. Young III, Architect, 54 Hilltop Lane, Gravois Mills, MO 65037, Phone (573) 374-1762.

Allen Lowry
Housing Coordinator
Pit River Tribal Housing Board
37118 Main Street
Burney, CA 96013
(530) 335-4809
May 21, 28, June 4, 2013

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) has issued a Notice of Preparation (NOP) for an Environmental Impact Report related to the Pit 1 Hydroelectric Project addressing the proposed amendment to the existing 401 water quality certification to eliminate or modify the requirement for summer flushing flows, which may be detrimental to endangered Shasta crayfish (Proposed Project). The Proposed Project is owned by Pacific Gas and Electric Company and licensed under Federal Energy Regulatory Commission. State Water Board staff will hold scoping meetings at the time and location below to receive oral comments from trustee agencies and interested persons.

Tuesday June 11, 2013 from 9:00am to 11:00am
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, CA 96002

and

Tuesday June 11, 2013 from 6:00pm to 8:00pm
Intermountain Fair
44218 A Street
McArthur, CA 96056

The NOP may be viewed at: http://www.swrcb.ca.gov/water-rights/water_issues/programs/water_quality_cert/docs/pit1_ferc2_687/pit1_nop.pdf or by contacting the staff below. General questions about this notice should be directed to Mr. Peter Barnes at (916) 341-5319 or PBarnes@waterboards.ca.gov.
May 28, June 4, 2013

NOTICE OF PUBLIC HEARING SHASTA COUNTY BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of Shasta, State of California, will consider the following:

Annual rate adjustments for Burney Disposal, Inc. and USA Waste of California, Inc.

PLEASE NOTE that if you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the appropriate authority at or prior to the public hearing.

**Run your
Fictitious**

NOTICE IS FURTHER GIVEN that the hearing will be held at the
County Administration Center, Board of Supervisors

Appendix A
Newspaper Notices

Intermountain News Notice

**In and For the
County of Shasta
CERTIFICATE OF PUBLICATION**

PUBLIC NOTICE
CENTRAL VALLEY REGIONAL WATER
QUALITY CONTROL BOARD
NOTICE OF PREPARATION
Environmental impact
Pit 1 Hydroelectric Project

I hereby certify that the Intermountain News is a newspaper of general circulation with the Provisions of the Government Code of the State of California printed and published in The town of Burney, County of Shasta, State of California; that I am the principle Clerk of the printer of said newspaper, that The notice of which the annexed clipping is a true printed copy was published in said Newspaper on the following dates, to wit:

Published:

MAY 29, JUNE 5

I certify under the penalty of perjury that the Foregoing is true and correct, at Burney, California, on the day of:

JUNE 5, 2013

Signature



Katie Harrington

The Intermountain News

P.O. Box 1030,
37318 Huron Ave., Burney, CA 96013
Phone 530-725-0925; Fax 530-303-1528

NOTICE IS HEREBY GIVEN THAT the State Water Resources Control Board (State Water Board) has issued a Notice of Preparation (NOP) for an Environmental Impact Report related to the Pit 1 Hydroelectric Project addressing the proposed amendment to the existing 401 water quality certification to eliminate or modify the requirement for summer flushing flows, which may be detrimental to endangered Shasta crayfish (Proposed Project). The Proposed Project is owned by Pacific Gas and Electric Company and licensed under Federal Energy Regulatory Commission. State Water Board staff will hold scoping meetings at the time and location below to receive oral comments from trustee agencies and interested persons.

Tuesday June 11, 2013 from 9:00am to 11:00am
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and

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Intermountain Fair
44218 A Street
McArthur, CA 96056

The NOP may be viewed at: http://www.swrcb.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/pit1_ferc2687/pit1_nop.pdf or by contacting the staff below. General questions about this notice should be directed to Mr. Peter Barnes at (916) 341-5319 or PBarnes@waterboards.ca.gov.
(Pub. 5-29, 6-5)

APPENDIX

B

SCOPING MEETING PRESENTATION

Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment Public Scoping Meetings

June 11, 2013

Redding & McArthur, California
State Water Resources Control Board
Division of Water Rights



Meeting Set-Up

- Sign-in sheet and speaker cards
 - Fill out a speaker card if you wish to comment
- Comments may be limited to a set amount of time depending upon number of people wishing to speak
- Meeting is not intended to discuss comments
 - Staff will answer general questions
 - No decisions will be made today
- Please respect all speakers
 - All points of view are valid



Presentation Outline

- Background
 - State Water Board's Mission
 - Pit 1 Water Quality Certification (WQC)
 - PG&E's Request for WQC Amendment
 - CEQA and State Water Board's Role
- CEQA Process
- Public Input
- Next Steps



State Water Board Mission Statement

To preserve, enhance, and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations

More information can be found at:
<http://www.waterboards.ca.gov>



State Water Board

- Joint authority over water rights and water quality in order to provide protection of California's waters
- Protect, enforce, and balance many beneficial uses of water including, but not limited to:
 - Irrigation
 - Power
 - Recreation
 - Municipal
 - Fish and Wildlife Preservation or Enhancement
- Prevent waste and unreasonable use of water



Background: Pit 1 WQC

- WQC Issued: December 4, 2001
- Federal Energy Regulatory Commission (FERC)
License Issued to PG&E: March 19, 2003



Pit 1 WQC: Condition 13

- Requires PG&E to release flushing flows through Fall River Pond for two consecutive days (Saturday and Sunday), three times per year
 - Once in May or June, July and August
- Flushing flows to control aquatic vegetation and mosquito production in Fall River Pond



Pit 1 WQC: Condition 14

- Requires monitoring of effectiveness of flushing flows in controlling aquatic vegetation and mosquito production at Fall River Pond
- Initial monitoring required for five years after the issuance of a new license
- After 5-year monitoring report, State Water Board may modify or terminate flushing flow monitoring program



Request for WQC Amendment

- On May 21, 2009, State Water Board received a letter from United States Fish and Wildlife Service (USFWS) requesting suspension of flushing flows due to concerns that flows were contributing to decline of Shasta crayfish
 - Shasta crayfish listed as endangered under both California and Federal Endangered Species Acts in 1988



Request for Amendment to WQC

- On June 14, 2009, PG&E submitted request to State Water Board to amend Pit 1 WQC to remove Conditions 13 and 14
 - Request based on monitoring results, which indicate higher base flow of 150 cubic feet per second may be more effective in controlling aquatic vegetation and mosquito production than flushing flows



CEQA and State Water Board's Role

- As part of this WQC amendment, State Water Board must comply with CEQA (California Environmental Quality Act)
- Although flushing flows provided an incidental whitewater recreational opportunity, State Water Board temporarily suspended flushing flows out of an abundance of caution for endangered species protection while CEQA process is completed



CEQA

- Amendment of WQC to eliminate or modify flushing flows is a discretionary action
- Since PG&E is not a public agency, the State Water Board is the CEQA lead agency
 - Determines type of document
 - Must represent State Water Board's independent judgment



CEQA Objectives*

- Disclose significant environmental effects of proposed activities
- Identify ways to avoid or reduce environmental damage
- Prevent environmental damage by requiring implementation of feasible alternatives or mitigation
- Disclose reasons for agency approval of projects with significant environmental effects
- Foster interagency coordination in review of projects
- Enhance public participation in planning process

*From the CEQA Deskbook, 3rd Ed., Bass, Bogdan, Rivasplata



CEQA Process

- State Water Board decided to prepare an environmental impact report (EIR)
- EIR is designed to identify significant impacts, and mitigation measures to reduce significant impacts
- Alternatives will be evaluated with regards to how they meet project objectives and overall feasibility
- Final feasibility of alternatives will be determined when State Water Board adopts the findings, based on final EIR



Development of CEQA Documents

- State Water Board entered a three party Memorandum of Understanding with PG&E and Cardno ENTRIX
 - Cardno ENTRIX develops environmental documents under the sole direction of State Water Board
 - Cardno ENTRIX is compensated for its work by PG&E



Public Input

- Comments regarding Notice of Preparation due by NOON (12:00pm) on June 24, 2013
- Draft EIR will also be released for public review and comment



Additional Information

For additional information please visit the State Water Board's Pit 1 Hydroelectric Project WQC website at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/ceqa_projects.shtml#ferc2687



Future Updates

- To receive future updates, please sign up to receive emails online at:

http://www.waterboards.ca.gov/resources/email_subscriptions/

- Select “State Water Resources Control Board”
- Enter email address and full name
- Under Categories, select “Water Rights”
- Select Box for “Water Rights Water Quality Certification”
- Click “Subscribe” button at the top



General Questions???

Following general questions we will proceed with
public comment period



Public Comments

- Please state and spell your name for the recorder prior to stating your comment

Pit 1 Hydroelectric Project
401 Certification Modification EIR

APPENDIX

C

WRITTEN RESPONSES TO THE NOP

Appendix C Written Responses to the NOP

Public Agency Responses



June 18, 2013

Mr. Peter Barnes
State Water Resources Control Board
Division of Water Rights
PO Box 2000
Sacramento, CA 95812-2000

Subject: Comments on Notice of Preparation of an Environmental Impact Report for the Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment

Dear Mr. Barnes:

The California Department of Fish and Wildlife (Department) received the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Pit 1 Hydroelectric Project (Project) on May 17, 2013.

The Department respectfully submits the following comments:

The Department believes the below issues need to be addressed in the EIR in order for the State Water Resources Control Board to amend the existing 401 Water Quality Certification. The amendment proposes to permanently eliminate or modify the requirement for flushing flows that may be detrimental to the State and Federally-listed endangered Shasta crayfish (*Pacifastacus fortis*):

1. A new survey for Shasta crayfish and non-native crayfish in the Project Area is needed in order for the EIR to evaluate the potential effects. It is our understanding that the last survey was conducted in 2009, in the Pit 1 bypass reach, and few Shasta crayfish were found.

According to California Environmental Quality Act Guidelines section 15125(a), ENVIRONMENTAL SETTING: “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published...” It further states: “This environmental setting will normally constitute the **baseline** (emphasis added) physical conditions by which a lead agency determines whether an impact is significant.”

The Department believes the 2009 survey results are outdated and new surveys are needed in order for the EIR to accurately define the current baseline conditions.

Appendix C Written Responses to the NOP

Non-Profit Organization Responses



www.americanwhitewater.org

Dave Steindorf
California Stewardship Director
4 Baroni Drive
Chico, CA 95928
530-343-1871
dave@americanwhitewater.org

June 24, 2013

State Water Resources Control Board
Division of Water Rights
Attention: Peter Barnes
P.O. Box 2000
Sacramento, CA 95812-2000

Sent via electronic mail to: PBarnes@waterboards.ca.gov

Dear Mr. Barnes,

American Whitewater appreciates having the opportunity to provide comment in response to the State Water Resources Control Board's Notice of Preparation ("NOP") of an Environmental Impact Report for the proposed amendment to the Pit 1 Hydroelectric Project's (FERC #2687) 401 Water Quality Certification ("401 Certification").

American Whitewater is a 501(c)(3) non-profit organization whose mission is to conserve and protect America's whitewater resources and enhance opportunities to enjoy them safely. Founded in 1954, American Whitewater represents the conservation interests of tens of thousands of whitewater paddlers across the country. As avid whitewater recreationists, we place a high value on protecting naturally functioning river ecosystems and restoring their values. We have a strong membership base in Northern California, and our members recreate on the Pit River Bypass Reach when flows are high enough to enjoy the river by raft, kayak or canoe. We intervened in the FERC relicensing process for the Pit 1 Hydroelectric Project in 1995, and were a key stakeholder in the relicensing negotiations for the FERC license issued in 2003. We have also been involved in the process since we were made aware of the proposal to cancel the summer flushing/whitewater boating flows in 2009, and we have a strong interest in the outcome of these proceedings.

I. Introduction.

Through the CEQA process, American Whitewater seeks to ensure that the daily operation of the Pit 1 Hydroelectric Project both protects endangered species and meets water quality goals and objectives outlined in the Basin Plan, including COLD water habitat, RARE preservation of rare and endangered species and REC-1 contact recreation opportunities. For reasons we outline below, and testified to at the public hearing in Redding on June 8th, 2013, American Whitewater does not believe that the CEQA Project as currently defined in the Notice of Preparation will accomplish these goals. We believe that the Water Board has a duty under CEQA and the Basin Plan to examine numerous reasonable alternatives that will protect the endangered Shasta crayfish in the Pit 1 Bypass Reach and address the ongoing temperature impacts of the Pit 1 Project. As

discussed below, these include developing barriers to keep invasive crayfish out of Shasta crayfish habitat, examining temperature control devices or ways to mitigate the temperature impacts of the project, and assessing a variety of minimum instream flow release scenarios, both with and without temperature mitigation in place.

Further, there are fundamental pieces of scientific information that need to be assessed before the Water Board can make an informed decision about the impacts of the Pit 1 Project on the Shasta crayfish. These issues include population surveys, temperature tolerances of the species, and an assessment of how cancelling the flushing flows will benefit Shasta crayfish when similar, and often more extreme population declines are seen in other populations outside of the influence of the flushing flows.

Finally, the summer flushing/whitewater flows provided a whitewater recreation opportunity between 2003 and 2009. This opportunity was in addition to the whitewater recreation flows required by the license in the fall. In the event that the Water Board determines, using the best available science, that cancelling the flushing flows will benefit the Shasta crayfish, CEQA requires the Water Board to consider full mitigation of the loss.

II. The State Water Board Should Ensure Power Operations Are Not Contributing to the Degradation of Shasta Crayfish.

New information about water quality and the Shasta crayfish has been presented since the 401 Certification was issued for the Pit 1 Project in 2001 that suggests that the entire project as a whole is likely causing significant adverse environmental impacts. We believe that these issues should be analyzed by the Water Board during the reopening proceeding.

The 401 Certification for the Pit 1 Hydroelectric Project includes conditions preserving the Board's authority to reopen and amend the 401 Certification as necessary to assure the Project's continuing compliance with water quality standards, including new or modified designated uses. It appears to be undisputed that Shasta crayfish in the project area are in decline. We believe that this is prima facie evidence that the Pit 1 Project is not complying with the designated uses of cold freshwater habitat (COLD)¹ and preservation of rare and endangered species (RARE).² Accordingly, the Board has an

¹ Cold Freshwater Habitat is defined as "[u]ses of water that support cold water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates." Basin Plan, p. II-2.00

² RARE is defined as "[u]ses of water that support aquatic habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered." *Id.* Based on our review the Basin Plan, it appears that the State Water

² RARE is defined as "[u]ses of water that support aquatic habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered." *Id.* Based on our review the Basin Plan, it appears that the State Water Board has not identified surface waters that support the designated use of RARE:

affirmative duty to reopen and amend the 401 Certification to assure that the Project is properly conditioned to protect these uses from further degradation and to contribute to the restoration of the physical, biological, and chemical integrity of project waters. In carrying out its duty, the Board should not limit itself to consideration of PG&E's proposal to eliminate flushing flows, but should consider changes to any controllable factors that may be necessary to protect the endangered Shasta crayfish and bring the Pit 1 Project into compliance with the Basin Plan. As discussed below, the available information indicates that eliminating flushing flows alone will not assure that the CEQA Project as currently defined protects Shasta crayfish.

A. Daily Operations of the Pit 1 Hydroelectric Project Increase Water Temperatures.

The primary sources of water for the Pit 1 Hydroelectric project are the spring waters that emanate near the town of McArthur. These springs, which come together into the Fall River, include Big Lake, Tule River, Ja-She Creek, and Lava Creek, forming one of the largest fresh water spring systems in the country.³ These crystal clear springs provide high quality cold water habitat and are home to the largest remaining Shasta Crayfish populations in existence. These springs also support abundant populations of trout and other cold water species. The Fall River winds its way through the Fall River Valley until it is impounded by the Pit 1 Forebay, where approximately 90% of the flow is diverted and the remaining water is subject to thermal loading before being released into the Lower Fall and Pit Rivers.

The Pit River is a different story. It is listed as temperature impaired on the state's 303(d) list from the confluence of the North and South Forks to Shasta Lake.⁴ Water quality monitoring data in reports by PG&E outline that the Pit 1 Project increases water temperatures throughout the summer during daily operations, playing a role in contributing to the water quality impairment. Between 1990 and 1992, for the period between June through September, the temperature of the Fall River below the Pit 1 Forebay and Fall River Pond was, on average, 2.9 °C (5.22 °F) warmer than the Fall River above project impoundments (with a maximum daily average of 4.8 °C (8.64 °F)), and between 2004 and 2008, the Fall River below project impoundments was 2.2 °C

Surface waters with the beneficial uses of Groundwater Recharge (GWR), Freshwater Replenishment (FRSH), and Preservation of Rare and Endangered Species (RARE) have not been identified in this plan. Surface waters of the Sacramento and San Joaquin River Basins falling within these beneficial use categories will be identified in the future as part of the continuous planning process to be conducted by the State Water Resources Control Board.

Basin Plan, p. II-5.00, note. However, this is a de facto use of project waters, as Shasta crayfish are present. CWA section 401(d) allows the Board to impose "other limitations" on the project in general to assure compliance with various provisions of the Clean Water Act and with "any other appropriate requirement of State law." *PUD No. 1 of Jefferson County v. Washington Dept. of Ecology*, 511 U.S. 700, 711-12 (1994).

³ http://www.parks.ca.gov/?page_id=464, last visited June 20, 2013.

⁴ Information obtained from 2010 Integrated Report–303(d) List, available at: http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml, last visited June 20, 2013.

warmer (3.96 °F) than above project impoundments (with a maximum daily average of 4.1 °C (7.38 °F)). PG&E 2009 Water Quality Monitoring 5-Year Summary Report, FERC eLibrary no. 20090701-5302, p. 35. PG&E's 2012 water quality report shows that the Pit 1 Project continues to increase water temperatures in the Fall River, with the maximum daily change in temperature being 3.0 °C warmer (5.4 °F). PG&E Pit 1 Water Quality Monitoring Results 2012 Annual Report, FERC eLibrary no. 20130531-5135, p. 16.

Based on our review, these temperature increases appear to violate the water quality objectives for temperature outlined in the Basin Plan, which state that “[a]t no time or place shall the temperature of COLD or WARM intrastate waters be increased more than 5 °F above natural receiving water temperature.”⁵ Further, the Project appears to be out of compliance with water quality standards outlined in the Central Valley Region's Basin Plan, harming COLD water habitat and RARE beneficial uses.⁶

The Water Board is required to examine the factors that are controllable by and related to the Pit 1 Hydroelectric Project that are impacting water quality standards. These “controllable factors” are defined as “those actions, conditions, or circumstances resulting from human activities that may influence the quality of the waters of the State.”⁷ The Pit River is listed as temperature impaired on the 303(d) list due to agricultural runoff. However, “controllable factors are not allowed to cause further degradation of water quality in instances where uncontrollable factors have already resulted in water quality objectives being exceeded. The Regional Water Board recognizes that man made changes that alter flow regimes can affect water quality and impact beneficial uses.”⁸

It would be most efficient for the Water Board to consider the impacts of the daily operations of the Pit 1 Project on the Shasta crayfish in the current proceedings. In the event that the Water Board does not examine the impact of the operations of the Pit 1 Project beyond the flushing flows on beneficial uses, water quality criteria, and potential ongoing take of a state and federally listed endangered species, American Whitewater reserves its right to file a Petition for Reconsideration to address these matters.

B. The Record Does Not Include Adequate Information to show that the Elimination of Flushing Flows Will Protect Shasta Crayfish.

The NOP outlines the CEQA Project Objective as to: “Amend the existing 401 Certification to permanently eliminate or modify the requirement for flushing flows that

⁵ Basin Plan, Water Quality Objective III-8.00 (August 13, 2009).

⁶ In their 2012 Annual Water Quality Report, PG&E cites to the Basin Plan which states that “the natural receiving water temperature of intrastate waters shall not be altered unless it can be demonstrated to the satisfaction of the Regional Water Quality Control Board that such alteration in water temperature does not adversely affect beneficial uses.” Basin Plan, p. III-8.00. However, to our knowledge the RWQCB has not found that the alteration in water temperature is not adversely affecting beneficial uses.

⁷ Basin Plan, pp. III-1.00 to III-2.00—The 2nd important point that applies to water quality objectives (September 1, 1998).

⁸ *Id.* (Emphasis added).

may be detrimental to endangered Shasta crayfish.” NOP, p. 3. As indicated on the face of this statement, the record does not contain adequate evidence to show that flushing flows are detrimental to Shasta crayfish, or that elimination of flushing flows will contribute to their recovery.

An EIR must be supported by substantial evidence in the record. *See, e.g., Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 C4th 412, 435; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 C3d 553, 566, 575. The substantial evidence standard applies to “conclusions, findings and determinations” and also to disputes regarding the scope of an EIR’s analysis of a given topic, the methodology used for studying an impact, and the reliability or accuracy of the data upon which the EIR relied. *City of Long Beach v. Los Angeles Unified Sch. Dist.* (2009) 176 Cal.App.4th 889, 898.

1. Population Trends Indicate That a Cause Other Than Flushing Flows Is Leading to Shasta Crayfish Decline.

A decline in the number of Shasta crayfish found at a 600-meter reach just above Pit River Falls triggered concerns about Shasta crayfish populations in the Pit 1 Bypass Reach. There, 21 Shasta crayfish were found in October 2005, while one was found in September 2008. During this same time period in the same reach, the number of signal crayfish almost tripled and the number of fantail almost doubled. 2010 Shasta Crayfish Annual Report, FERC eLibrary no. 20110525-5070, pp. 11-13.

PG&E cites that this decline has occurred since the new flow regime was implemented with the new license in 2004, which included an increase in minimum instream flows and the summer flushing/whitewater flows. Evaluation of Thermal Effects from Summer Flushing/Whitewater Flows, FERC eLibrary no. 20100106-5009, p. 13. A decline in Shasta crayfish in the Pit 1 Bypass Reach and nowhere else would support this hypothesis. However, similar and often more extreme declines in Shasta crayfish, and corresponding increases in invasive crayfish populations, have been seen throughout the Pit River Basin in the same timeframe, all in areas *without* flushing flows. 2010 Shasta Crayfish Annual Report, FERC eLibrary no. 20110525-5070, pp. 11-13. In light of this information, there is insufficient basis to conclude that the flushing flows are a unique cause of the decline of Shasta crayfish populations in the Pit 1 Bypass Reach.

The Fish and Wildlife Service concluded in their 1998 Shasta Crayfish Recovery Plan (“Recovery Plan”) that “the non-native signal crayfish (*Pacifastacus leniusculus*), which is both a competitor and predator of the Shasta crayfish, is considered the greatest threat to the continued existence of the Shasta crayfish (USFWS 1998, Ellis 1999).” 2011 Shasta Crayfish Technical Review Committee Annual Report, FERC eLibrary no. 20120530-5174, p. 1. The Recovery Plan states that in order to prevent the extinction of the species, invasive signal crayfish must be removed immediately. 1998, USFWS, p. iv.

The inverse relationship between populations of Shasta crayfish and invasive crayfish outlined above further supports this finding.⁹

Shasta crayfish populations have benefitted where recovery efforts have focused on building barriers to keep invasive crayfish out. PG&E reported:

The two largest Shasta crayfish populations, which are in Thousand Springs and upper Spring Creek in the upper Fall River drainage, have not suffered the dramatic declines observed in other Shasta crayfish populations sympatric with signal crayfish (Spring Rivers 2009, 2011). The Shasta crayfish populations at Thousand Springs and upper Spring Creek have benefited from the crayfish barriers and signal crayfish removal surveys implemented as part of the Crayfish Barrier Plan (PG&E 2006a) developed for License Article 413.

PG&E, Pit 1 Shasta Crayfish Study Report, FERC eLibrary no. 20130131-5321, (Jan. 2013), p. 17.

PG&E's proposal to protect Shasta crayfish by eliminating flushing flows contradicts its own evidence that competition from and predation by nonnative crayfish species are the primary cause of Shasta crayfish decline. The Water Board should weigh PG&E's proposal to eliminate flushing flows accordingly, in light of the paucity of evidence supporting that it would benefit Shasta crayfish. It should consider alternatives to amending the 401 Certification to eliminate flushing flows as necessary to protect Shasta crayfish.

2. PG&E's Argument That Flushing Flows' Effect on Temperature Is Contributing to Shasta Crayfish Decline Is Not Supported by the Evidence.

PG&E states that the flushing flows are harming Shasta crayfish because the species is not adapted to short-term fluctuations in temperature (Biological Evaluation, FERC eLibrary no. 20110316-5009, p. 100), and flushing flows reduce the size of coldwater habitat and eliminate diel temperature fluctuations and cooler nighttime water temperatures (2010 Shasta Crayfish Technical Review Committee Annual Report, FERC eLibrary no. 20110525-5070, p. 25). To date, there have not been any studies conducted which define the temperature tolerances of the Shasta crayfish. In combination with the population trends throughout the Pit River Basin, temperature tolerance data for Shasta and signal crayfish must be more substantial than what PG&E provides in order to amend the 401 Certification. Without specific quantitative information about critical and

⁹ Numerous other studies support this finding: "Competition from exotic crayfish species remains a significant threat." Shasta Crayfish 5-Year Review, p. 10, USFWS, 2009; "Shasta crayfish have declined in both abundance and range since the previous comprehensive study (Daniels 1980). According to Light and Clarke (1991) and Erman et. Al. (1992), the rapid range-expansion of *P. Leniusculus* [signal crayfish] seems to be the most immediate threat to the persistence of Shasta crayfish populations." Mojica, C.L., Mire, J.B., Erman, D.C., "The effect of *Pacifastacus leniusculus* on the behavior of the endangered Shasta crayfish (*Pacifastacus fortis*) in an experimental setting," University of California, Berkeley (1993) (prepared for the California Department of Fish and Game), p. 2.

maximum temperature thresholds of Shasta and signal crayfish, temperature surveys and modeling information about the flushing flows, or discussion of other factors that might affect crayfish temperature tolerance, PG&E's citations in their Final Shasta crayfish study report released in January 2013 do not provide the substantial evidence needed.¹⁰

C. The EIR Must Consider Significant Environmental Impacts.

The EIR must analyze the significant environmental effects of the proposed action on any of the listed environmental factors. Pub. Res. Code § 21100(b)(1); 14 CCR §§ 15126(a), 15126.2(a), 15143. American Whitewater is particularly concerned that the proposed action, as defined in the NOP, will have significant environmental impacts on whitewater recreation.

The 2003 license called for *both* 6 days of summer flushing flows (401 Condition #13) and whitewater recreation flows between September 15th and October 30th (Article 424, which lead to 4 days of whitewater flows ordered by FERC in 2011. See FERC Order Approving Final Whitewater Boating Flow Schedule, eLibrary no. 20110614-3011). If not for the Pit 1 Hydroelectric Project, the Pit River could provide year-round whitewater recreation opportunities. The balance that was struck during relicensing restored a total of 10 days of whitewater recreation flows to the Pit River each year.

It is clear that the flushing flows were intended to provide a whitewater recreation opportunity in addition to controlling aquatic vegetation growth and mosquito production.¹¹ Between 2003 and 2009, the summer flushing flows provided an opportunity for six days of whitewater recreation on the Pit 1 Bypass Reach. The public enjoyed this intended purpose of the flushing flows for the whitewater recreation opportunity, and PG&E documented it during each flushing flow by recording the number of boaters on the reach.

In the event that the Water Board determines that the best available science supports a determination that cancelling the flushing flows will benefit the endangered Shasta crayfish, REC-1 beneficial uses of the Pit River, which include contact recreation and rafting and canoeing, will be significantly impacted. CEQA requires that the Water Board develop and analyze mitigation measures to replace the lost recreation opportunities. Pub. Res. Code § 21002.

¹⁰ It is useful to look to other examples for the kind of quantitative information that is necessary to achieve scientific validity. For example, salmonids have been extensively studied, and an example of temperature tolerance data for salmon can be found at: <http://www.krisweb.com/stream/temperature.htm>. The referenced information speaks of lethality thresholds in terms of the upper incipient lethal temperature ("UILT"), and the critical thermal maxima ("CTM").

¹¹ Personal communications with Jim Canaday, former Water Board staff present at the relicensing negotiations and development of the 401, June 6, 2013. While the language was left out of the 401 at PG&E's request, all parties agreed to this fact. Canaday states that "there was an intended co-purpose, and even if the flushing flows were not necessary to control the vegetation and mosquitoes it was still incumbent on the project to provide the summer flushing flows for on-water recreation in the Pit 1 diverted reach.

D. The EIR Should Consider a Reasonable Range of Alternatives to the Proposed Action.

Under CEQA, the Board must develop and analyze a reasonable range of mitigation measures and alternatives. Pub. Res. Code § 21002. The Board has an obligation to develop and consider alternatives to PG&E's proposed action that include other changes to the controllable factors of the Pit 1 Project's operations and facilities. In addition to examining whether cancelling or modifying the flushing flows will benefit Shasta crayfish, the Water Board should analyze whether the following changes will improve Shasta crayfish habitat and protect beneficial uses.

- 1. Install barriers that will exclude invasive crayfish from the Shasta crayfish's preferred habitat in the Pit 1 Bypass Reach.**
- 2. Consider ways to eliminate thermal loading in the Fall River from the Pit 1 Project.** This could include a temperature control device; a pipe, tunnel or ditch to bring cold Fall River water directly into the Pit River; moving the inlet for the diversion to a point lower in the Forebay; or other solutions that would accomplish this goal of bringing colder spring water from the Fall River into the Pit. These solutions should also be considered in combination with a variety of increased flow levels, as outlined below.
- 3. Assess whether increasing minimum instream flows will protect beneficial uses.** 401 Certification Condition 17 states that reasonable protection of beneficial uses shall be measured by and limited to factors controllable by and related to the Pit 1 Hydroelectric Project operations. If initial streamflow releases are not found to be reasonably protective of the beneficial uses of the Fall and Pit Rivers, the Water Board has reserved the authority to make additional flow releases, up to 400 cfs between June 1 and October 31. As outlined above, the Pit 1 Project is contributing to the impairment of an already impaired water body, and fails to reasonably protect the beneficial uses of the Pit River due to controllable factors.

To date, there has not yet been a scientifically sound investigation into whether increasing minimum instream flows will help protect beneficial uses and mitigate the impacts of Pit 1 Project operations on the Fall and Pit Rivers. At the 5-Year Water Quality Review in 2009 required by Condition 17, PG&E recommended that additional flow releases not be required. The Water Board later agreed. 2012 Water Quality report, p. 3.

PG&E's recommendation was based on SNTTEMP modeling completed with data obtained from 1990-1992 and 2004-2008, including a flushing flow event between August 12th and August 18th, 2008. PG&E 5-Year Water Quality monitoring Report, 2009, p. 100. In their Draft Shasta Crayfish Study Report, PG&E cited this information as evidence for why increased minimum instream flows would not provide a benefit. The California Department of Fish and Wildlife provided comment on the Draft Report on December 21st, 2012, and the agency cited concerns with the SNTTEMP model and recommended an updated or a new model. PG&E removed the SNTTEMP model and

related results from their Final Shasta Crayfish Study and has not conducted additional monitoring or modeling of increased instream flows to support their recommendation. We urge the Water Board to revisit the adaptive flow release recommendation and seek an updated and comprehensive model of a variety of minimum instream flow release scenarios, including those that bring cooler Fall River water directly into the Pit River, as discussed above.

III. Conclusion

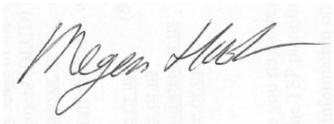
In order to protect the Shasta crayfish and the beneficial uses of the Pit River, the Water Board must look beyond the question of flushing flows and examine the controllable factors of the Pit 1 Hydroelectric Project. We encourage the Water Board to consider the alternatives outlined above, and to seek ways to protect the Shasta crayfish based on substantial evidence.

American Whitewater greatly appreciates your consideration of our comments and concerns on the proposed amendment to the 401 Certification for the Pit 1 Hydroelectric License. We look forward to continuing to be involved as the CEQA process moves forward.

Sincerely,



Dave Steindorf
California Stewardship Director



Megan Hooker
Associate Stewardship Director

2. The Department also believes the entire Project's flow regime (January 1 thru December 31) should be evaluated and compared to baseline conditions in order to avoid or minimize potential effects to Shasta crayfish and other fish and wildlife resources within the Project area. The NOP identifies only the flushing flows (May or June, July, and August) being evaluated in the EIR.
3. The NOP identifies that Pacific Gas and Electric (PG&E) would minimize or avoid unplanned outages and out-of-season pulse flows in the Pit 1 bypass reach by implementing new operational procedures that will lower the Pit 1 forebay by 0.5 feet. The Department agrees this will provide some flexibility to PG&E, but it does not eliminate unforeseen operational outages or natural events that will result in pulse flows in the Pit 1 bypass reach. The EIR needs to evaluate unplanned outages and out-of-season pulse flows for the entire flow regime and compare these to baseline conditions in order to avoid or minimize potential effects to Shasta crayfish within the Project area.
4. Other interested parties have expressed a need for a single table to summarize all the historic Pit 1 Project surveys and results, which have been conducted for Shasta crayfish and non-native crayfish. The Department supports the need for this table and it should be included in the EIR.

If you have any questions regarding these comments, please contact Mr. Matt Myers, Staff Environmental Scientist, at (530) 225-3846 or email matt.myers@wildlife.ca.gov. Thank you for the opportunity to comment on the subject document. The Department looks forward to working with the State Water Board and all other interested parties.

Sincerely,



Mr. Neil Manji, Regional Manager
Region 1 - Northern

ec: Mr. Peter Barnes
State Water Resources Control Board, Division of Water Rights
pbarnes@waterboards.ca.gov

Messrs. Neil Manji, Curt Babcock, Curtis Milliron, Michael Harris, Matt Myers, Steven Baumgartner and Mss. Donna Cobb and Annie Manji
California Department of Fish and Wildlife
neil.manji@wildlife.ca.gov, curt.babcock@wildlife.ca.gov,
curtis.milliron@wildlife.ca.gov, michael.r.harris@wildlife.ca.gov,
matt.myers@wildlife.ca.gov, steven.baumgartner@wildlife.ca.gov,
donna.cobb@wildlife.ca.gov, annie.manji@wildlife.ca.gov

Appendix C Written Responses to the NOP

Landowner/Local Resident Responses

Barnes, Peter@Waterboards

From: [REDACTED]
Sent: Friday, May 24, 2013 4:22 PM
To: Barnes, Peter@Waterboards; [REDACTED]
Subject: Pit 1 flushing/whitewater flows

Hello Mr. Barnes,

It is my understanding that you are taking public comment on recreational flow releases for the Pit River above Pit Powerhouse #1. I would love to add my two cents and ask that it be made as part of public record for any official part of your decision making for the Pit and releases.

I have been paddling for over 42 years now and have always enjoyed paddling the Pit River. I have boated much of the drainage from as far east as the West Valley Lake and the river below that. Other runs I have done were from Highway 395 to 299. And from 299 to near Canby to Lookout Road. My regular runs are Fall River Mills to Pit 1 and below Pit 1 to Lake Britton. When you folks offered the opportunity to do Britton to Pit 3, Pit 3 to Pit 4 and Pit 4 to Pit 5 I also went and enjoyed those as well. Looking back it is an incredible shame that so much really enjoyable whitewater is behind dams and not available to the public for recreation in the Pit drainage. It seems to be that this issue should be larger than just Fall River Mills to Pit 1. You control one hell of a lot of water and basically only Pit 1 to Highway 299 is all you share with the paddling public.

Do you really think that is how it should be? #@%& the public, we only care about power generation and obscene profits that we make from publicly owned water? You folks need to re think your vision of the world. It should not be all about you and your profits at our expense.

You control one hell of a lot of publicly owned land and river bed, dry river bed, owned by the public. Maybe if you actually cared about crawfish and other river creatures you would allow them to live in an environment that predates your presence in the Pit River canyons.

Last time I looked all the river and creek beds of this state belong to the public. Not you, both of us, that means maybe you should learn to share more with your partners on this planet. That means fish, crawdads, river side environments, paddlers, campers and all the rest of us. Not just your share holders and overcharged power clients.

Thanks for your time. You probably think I am upset at your decision making options. I am. I realize that you are a state official and not a public utility but you also need to see that power companies are using our water and have for years de watered our rivers and creeks for profit and have incredible impunity from responsibility for the damage that they do to rivers and every creature and plant that they affect. They need to share what they call "their water" with the rest of us. PG and E need to start sharing water along the whole river with the public and riverside environment all the way to Lake Shasta. Not just Fall River Mills to Pit 1.

Barnes, Peter@Waterboards

From: Kyle Allred [REDACTED] >
Sent: Monday, May 27, 2013 8:20 AM
To: Barnes, Peter@Waterboards
Subject: Please keep the summer flows going on the pit river

Hello-

I have gone to the pit river for a summer release several times. It is a wonderful recreation opportunity for boaters. Please keep these going if you can!

Thanks,
Ke

Sent from my iPhone

Kyle Allred
[REDACTED]

Barnes, Peter@Waterboards

From: Barnes, Peter@Waterboards
Sent: Friday, May 10, 2013 2:24 PM
To: Bob Baiocchi
Subject: RE: NOTICES POSTED - PIT 1 HYDROELECTRIC PROJECT (FERC #2687) AND FEATHER RIVER FISH SCREEN PROJECT

Mr. Baiocchi,

Thank you for the comment regarding the proposed Pit 1 Hydroelectric Project Water Quality Certification Amendment (Proposed Project). It has been placed in the record and will be taken into consideration. If you have any future questions or comments, I can be reached at this email address.

The State Water Resources Control Board will be issuing a Notice of Preparation for the Proposed Project shortly. This Notice will contain information regarding a scoping meeting and how to submit additional comments concerning potentially significant impacts of the Proposed Project, potential alternatives, and mitigation measures that should be analyzed. I will electronically send you a copy of this Notice when it is issued.

Peter Barnes

From: Crader, Phillip@Waterboards
Sent: Thursday, May 09, 2013 4:27 PM
To: Bob Baiocchi
Cc: Ragazzi, Erin@Waterboards; Kassel, Jim@Waterboards; Barnes, Peter@Waterboards
Subject: RE: NOTICES POSTED - PIT 1 HYDROELECTRIC PROJECT (FERC #2687) AND FEATHER RIVER FISH SCREEN PROJECT

Dear Mr. Baiocchi,

By copy, I am forwarding your message to Mr. Barnes. I am also copying Erin Ragazzi. Ms. Ragazzi is the Program Manager over the water quality certification program.

Best,
Phil Crader

From: Bob Baiocchi [REDACTED]
Sent: Thursday, May 09, 2013 4:23 PM
To: Kassel, Jim@Waterboards
Subject: Fw: NOTICES POSTED - PIT 1 HYDROELECTRIC PROJECT (FERC #2687) AND FEATHER RIVER FISH SCREEN PROJECT

May 9, 2013
Mr. Jim Kassel
Division of Water Rights

Regarding the amendment to water quality certification for the Pit 1 Project. The Board's notice did not provide the e-mail address of Peter Barnes of the Division. Please forward to Mr. Barnes the following:

Said amendment should include a daily bypass flow requirement from the Fall River Dam in compliance with California Fish and Game Code 5937 to protect fish species and their habitat in Fall River below PG&E's Fall River Dam and also fish species and their habitat in the Pit River below the dam in the Pit River. Taking all of the water from Fall River by PG&E is a direct violation of Article 10 X, Section 2 of the State Constitution because it is the unreasonable diversion of the state's water. The time has arrived to enforce state law to protect all beneficial uses of Fall River and Pit River as shown in the Basin Plan.

Place this letter into the records and forward a written response.

Respectfully Submitted

Bob Baiocchi
California Fisheries and Water Unlimited

----- Forwarded Message -----

From: "lyris@swrcb18.waterboards.ca.gov" <lyris@swrcb18.waterboards.ca.gov>

To: Water Rights Water Quality Certification <waterights_waterquality_certification@swrcb18.waterboards.ca.gov>

Sent: Thursday, May 9, 2013 3:41 PM

Subject: NOTICES POSTED - PIT 1 HYDROELECTRIC PROJECT (FERC #2687) AND FEATHER RIVER FISH SCREEN PROJECT

This is a message from the State Water Resources Control Board.

The State Water Resources Control Board has posted the following Public Notices on our website:

- 1) Pit 1 Hydroelectric Project 401 Water Quality Certification Amendment (Federal Energy Regulatory Commission Project No. 2687)
- 2) Feather River Fish Screen Work Period Amendment

To view the complete notices, visit our website located at:

http://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/wqcertnotices.shtml

If you are receiving this notice in a forwarded message and would like to subscribe to the Water Rights Water Quality Certification notice list, go to:

http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml

You are currently subscribed to waterights_waterquality_certification as: bobbaiocchi@yahoo.com.

To unsubscribe click here: [leave-474241-](mailto:leave-474241-510562.ee15f074fdfa5bb5a8af396afabbb049@swrcb18.waterboards.ca.gov)

510562.ee15f074fdfa5bb5a8af396afabbb049@swrcb18.waterboards.ca.gov

Barnes, Peter@Waterboards

From: Daniel Brasuell [REDACTED]
Sent: Friday, June 07, 2013 3:00 PM
To: Barnes, Peter@Waterboards
Subject: Pit River Summer Releases

I recently heard that the State Water Resources Control Board is proposing permanent cancellation of summer flows on the Pit River on the Pit 1 section. I am a 20 year avid kayaker and author of www.awetstate.com which provides kayakers and other river enthusiasts the information they need to access the rivers safely. I have enjoyed the Pit river for the past 6 years as a go to place for enjoyable summer boating.

I have seen many times, similar to the North Fork of the Feather River, the damage that the dewatering of these river channels causes on the habitat of native species and the resulting overgrowth of the riparian zone on these rivers. This is of course not to mention the affect that the artificial reservoirs have on the habitat. Drowning breeding areas of many species and permanently scarring the rocks and canyons around them.

So it is with this background that I am curious what studies have been done to show that summer releases are the cause of the Shasta Crayfish population decline. Has it been ruled out that unnatural water temperatures due to the powerhouses and reservoirs could have caused it? Or that the deviation from natural flow year round could have caused it? What direct knowledge do we have that a pulse of water a few weekends a year is the root cause? Also, if the recreational pulse of water is not allowed, what restrictions will be levied on the owners of the powerhouses and reservoirs? Will they be punished if they decide for whatever reason (turbine goes down, peak power generation, dam maintenance, whatever) they release water into the stream?

Without proper study to find that in fact these pulse weekends are the cause, and without proper due diligence to ensure that all parties controlling the river are legally bound to the same ruling, I do not see how it can be said that due diligence has been done nor that the Board is acting in good faith.

Thank you,

Daniel Brasuell
www.awetstate.com

Barnes, Peter@Waterboards

From: Ida Crawford [REDACTED]
Sent: Friday, June 07, 2013 5:14 PM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Whitewater Flows

Hello,

I have kayaked above Pit 1 Powerhouse during the whitewater releases several years in a row. It is a fabulous class 3/4 run and very popular with my boating friends from Chico. It would be a shame to lose the summer releases forever. Please keep them coming.

Ida Crawford

****PLEASE SUBMIT TO STATE WATER BOARD STAFF****
SPEAKER/COMMENT CARD - PIT 1 PROJECT SCOPING MEETING

June 11, 2013

Please identify yourself before beginning your comments. Thank you.



Please check this box if you DO NOT wish to speak, but want to submit your written comments below for the record.

YOUR NAME: Virginia Dye TITLE (if applicable): Mom-grandmother & great-grandmother

ORGANIZATION (if applicable): A member of "We the People"!
(Please identify, such as self, name of firm, public agency, environmental agency)

If you would like to provide written comments only, please provide them below either during this meeting or mailed to the address below (attach additional sheets as necessary)

REMARKS: I & there is a truthful concern over this Crayfish, as you people put bill, why have you not included the effects of: 1) the weather, War, done by heating the clouds, chemical sprays, and "E.L.F." waves and the various advances in Tech technology, such as H.A.A.R.P. stations in Alaska & elsewhere? That has & is causing this country to either dry up or drown! And then there is the Monsanto Co. That is polluting the hell out of us with Barium, Strontium & aluminum oxide poisoning + killing everything...!!

Your Contact Information:

Name: Virginia Dye

Address: [REDACTED]

E-mail (optional): _____

Please return comment card by Noon (12 PM) on June 24, 2013

Peter Barnes

State Water Resources Control Board, Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Or by e-mail to: PBarnes@waterboards.ca.gov

more government
hypocrisy!?

where has all the intelligent people gone??!!

Barnes, Peter@Waterboards

From: MARY ELLIOTT <MARY.ELLIOTT@patagonia.com>
Sent: Thursday, June 27, 2013 9:35 AM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Whitewater Flows

To: State Water Resources Control Board

As a kayaker, I love being able to paddle the Pit River! Over the past few years, the Pit has become one of my (and many other paddlers) favorite places. I would be unfortunate to lose the releases in the summer. I also like to do what is best for our environment. We need valid reports and data before losing an awesome recreational site

Mary Elliott
PO Box 361
Verdi, NV 89439

Barnes, Peter@Waterboards

From: Travis Geddes [REDACTED]
Sent: Monday, June 10, 2013 9:03 PM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Releases

Dear State Water Resources Control Board,

My name is Travis Geddes, a 25 year old California resident and whitewater enthusiast. I am writing to express to you why I value the annual summer and fall releases on the Pit 1 reach of the Pit River near Fall River Mills, Ca.

For the last two years, I have made the pilgrimage to the Pit river for the fall releases on Pit 1. The whitewater and scenery in the Pit River Canyon are absolutely wonderful. My skills as a kayaker and my enjoyment of California whitewater have increased tremendously from the opportunity to paddle the Pit 1 reach twice each fall.

I have had the privilege of taking several less experienced kayakers down that canyon and the challenges of the rapids, beauty of the canyon, and majesty of Pit Falls are memories we will all share for the rest of our lives.

I beseech you to thoroughly consider the ramifications of cancelling the annual releases in the Pit 1 canyon. Not only would it force veteran Pit 1 boaters to find an alternative place to paddle in the fall, but it would prevent countless others from experiencing the beauty and excitement of that particular canyon.

It is my opinion that there is no other river in California that provides the opportunity for intermediate boaters to experience the magic that comes from

paddling off a large waterfall into a large pool where adequate safety can be set.

The Pit 1 reach is a classic destination for California boaters; Please help keep it that way!

The questions that I would request the CSWRCB please consider before making any permanent decisions regarding the Pit 1 releases are:

1. How are the releases causing the numbers of Shasta Crayfish to decline?
2. What were the methods used to gather the data about the dwindling crayfish numbers?
3. How does the state of the Shasta Crayfish population in the Pit 1 reach compare to Shasta Crayfish populations in other areas of the Pit

Thank you very much for considering the perspective of a recreational river user who values the beautiful natural environment of Northern California.

Sincerely,

Travis Geddes

--
Travis Geddes



Barnes, Peter@Waterboards

From: connor herdt [REDACTED]
Sent: Monday, June 03, 2013 1:15 PM
To: Barnes, Peter@Waterboards
Subject: Pit River releases

As I am sure you know, the Pit River releases are a wonderful resource for whitewater enthusiasts, and I just want to be another voice to oppose the proposed cancellation of the recreational releases. More and more we are losing the opportunity to run the world class rivers of California that we and visitors from all over the world are blessed with. Please hear our outcries and reconsider the decision to end the few releases that we do have. We are so lucky in California to have such fun and gorgeous rivers, and we must protect them before they are nothing but stories we tell our Grand children. Thank You.

Connor Herdt

Barnes, Peter@Waterboards

From: Roland McNutt [REDACTED]
Sent: Monday, June 10, 2013 12:30 PM
To: Barnes, Peter@Waterboards
Subject: Pit River

Dear Mr. Barnes:

As an avid whitewater boater in northern California, I urge you in the strongest possible terms to continue the agreed upon releases on the Pit I reach. The NorCal boating community and boaters everywhere value this river, its ecological health, and its recreational benefits.

Drastic management action by eliminating flows altogether should be based on sound science, which we believe is lacking in this case. The summer flushing/whitewater flows were temporarily suspended when PG&E and the U.S. Fish and Wildlife Service expressed concern that the flows were harming the endangered Shasta crayfish. Monitoring showed a decline in the number of Shasta crayfish and an increase in invasive crayfish within the Pit 1 Reach after flushing flows started.

However, equally dramatic declines in Shasta crayfish and increases in invasive crayfish were also seen throughout the entire Pit River Basin in the same timeframe - *all in areas where summer flushing/whitewater flows do not occur* . NorCal boaters, including me, want Shasta crayfish populations to fully recover, but in light of the basin-wide monitoring data, we have little confidence that eliminating the summer flows will help.

In the past, PG&E has used shoddy science to further their economic gain. I SUGGEST CONTINUING SUMMER RELEASES AS A CONTOL GROUP TO COMPARE WITH CRAYFISH DECLINES IN OTHER AREAS.

I urge you to continue the agreed upon releases!

Thank you,
Roland McNutt
Chico, CA
[REDACTED]

Barnes, Peter@Waterboards

From: Phat [REDACTED] >
Sent: Thursday, May 23, 2013 7:31 PM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Whitewater Flows

Hello,

My name is Matthew Phillips of El Dorado County. I am a whitewater kayaker and enjoy the recreational use of the Pit river summer flows. I know many other whitewater enthusiasts and whitewater kayakers thoroughly enjoy these summer releases. Permanently canceling these summer releases would be extremely disappointing to me and many of my friends as well as the entire whitewater community. Many of us travel great distances to use the pit river for recreational purposes. It is very sad to see that invasive species have moved into this river from previous cancelations, and permanently canceling these flows would be doing a great amount of damage to the beautiful natural landscapes which have already been altered enough as it is by the dam. I am very concerned with the proposal to eliminate these flows completely especially since this river has already been degraded enough by the dam and canceling the flows would only further the degradation of mother nature. I strongly oppose canceling these special releases or any other release on a dammed river. We should be granted these flows forever.

If you have any questions feel free to call me 916 803 3737

Sent from my iPod

Barnes, Peter@Waterboards

From: james reed <[REDACTED]>
Sent: Monday, May 27, 2013 7:45 AM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Whitewater Flows

Peter Barnes,

My name is James Reed and I am both a healthcare provider in the state of California and an enthusiastic whitewater kayaker. I have paddled the Pit River 1 section several times and enjoy it as a recreation resource immensely. The summer flushing flows afford area paddlers the opportunity to enjoy a beautiful river when little else is running. I hope that you recognize the value that this resource gives to the paddling community and continue the summer flows. The Pit is a river best seen from a whitewater craft and one that I hope will continue to be available to the paddling community in the summer months.

Thank You.

James Reed

Barnes, Peter@Waterboards

From: Eli Ren [REDACTED]
Sent: Sunday, June 23, 2013 2:45 PM
To: Barnes, Peter@Waterboards
Subject: Pit River Summer Releases.

Dear Mr. Barnes,

I am writing in regards to the proposal to cancel summer releases on the Pit River. As a kayaker and resident of CA, I value the Pit as a source of whitewater recreation and would be severely disappointed if summer flows were to be permanently canceled. I also feel that the basis for canceling the flows is not based on sound scientific evidence. I value biological diversity more than most, but the evidence clearly does not point to summer releases as the cause of invasive crayfish out-competing the Shasta Crayfish. The decline in Shasta Crayfish populations throughout the Pit River basin (where no such releases occurred), should be clear evidence that other causes are to blame, and that canceling such releases would do nothing to solve the problem. I feel that PG&E's motives in requesting the cancellations are more about corporate profits than they are about saving native crayfish populations. If you reexamine the evidence, I think you will find that releases are not significantly contributing to the decline in native crayfish populations, and other factors play a far larger roll. I hope that PG&E's request will be denied, and ask that summer releases on the Pit resume as soon as further study shows that summer releases are not to blame. Thank you for your consideration.

Sincerely, Eli Ren

--

Eli Ren
[REDACTED]
[REDACTED]

Barnes, Peter@Waterboards

From: kenny rosecrance [REDACTED]
Sent: Monday, June 10, 2013 10:28 PM
To: Barnes, Peter@Waterboards
Subject: Pit 1 Releases

To whom it may concern,

I have boated this section of whitewater many times though never done the waterfall. It would be a shame for me as well as the many other recreational boaters to lose this opportunity to boat during the summer months when nothing else is available.

Thanks,

Kenneth Rosecrance

Barnes, Peter@Waterboards

From: Lee Schmelter [REDACTED]
Sent: Friday, May 24, 2013 12:40 PM
To: Barnes, Peter@Waterboards
Subject: Pit+1+flushing/whitewater+flows -- Don't throw out the baby with the bathwater -- or diminish summer flushing flow w/o good reason

The decision to eliminate summer flushing flows to benefit the Shasta crawfish is illogical, because similar reductions in crawfish population in the water basin occurred regardless of water flushing .

It seems this decision is an attempt to conserve water (laudable, always), but at the expense of boaters who use the summer flows, and without logical reason.

Please reconsider.

Lee Schmelter
Attorney at Law

E: [REDACTED]
V: 916.457.9001
F: 916.457.3200

Barnes, Peter@Waterboards

From: Bob Simmons <[REDACTED]>
Sent: Friday, May 24, 2013 5:39 AM
To: Barnes, Peter@Waterboards
Cc: David Payne
Subject: Pit 1 Whitewater Flows

Has anyone done a financial analysis of shutting down the river flows? How many tourist dollars does it generate and where does it go? Sometimes they are made to care that way.

Also, just another example of bogus scientific hocus locus from the Feds! Demand real science to back up their claims if anyone really cares about the proportional decline of one class of crayfish vs. their cousins or crayfish vs. the boaters/rafters.

Bob Simmons Sent from my iPad

Barnes, Peter@Waterboards

From: george williams <[REDACTED]>
Sent: Thursday, May 23, 2013 4:16 PM
To: Barnes, Peter@Waterboards
Subject: Pit River Flows

It is disconcerting that this subject is constantly coming up. With all the information on how important that some of these fluctuations are to the community, environment, and to the river and its wild life with in and around it. This subject should be understood long before now. I have often looked at the river gauges. One thing I have seen is that there are numerous releases that occur through out the year above Pit 1. Unfortunately those releases happen in the middle of the night. Often people scream but have no solutions to many of these issues. So here is my voice with a possible solution.

Why not time many of the increased flows above Pit 1 for times that can be accommodating to many of the varied recreation industries in the area. If these releases are occurring anyway. Could it be timed to benefit a wider variety of the public. Much of this "power war" I see is not so much brought on by the power companies themselves. But appear to be spear headed by many of the fishing industry. I do not intend to get into a fight with them here. However, it is common knowledge among all rec. users outside of fishing that there lies an animosity to increasing flows from them. It simply baffles me that the Power Industry would buckle to the needs of this one group. Yet attempt to ignore a large percent of their energy using customers.

No one has asked that higher flows be a predominant feature of this river or any other river. But it should occur. We all know it is in the best interest of the health of the river itself. And that in turn is in the best interest of the community and all industries connected to it. This disconnect that the power companies are continually throwing out there. Will only lead to the end of their own company in the long run. So it stands to reason that the current governing people. Don't really care for the community in the long haul. It appears that they are only out to make what dollars they can now, and devil be hanged what happens after they retire.

Please keep the flows for Pit 1 and any other section of the Pit river system flowing. Changing a few time lines that these flows occur can and will be beneficial to all parties involved. This is a good thing for everyone.

Thank you for listening.
George Williams Sr.
[REDACTED]

Barnes, Peter@Waterboards

From: Lisa Williams [REDACTED]
Sent: Sunday, June 09, 2013 9:45 AM
To: Barnes, Peter@Waterboards
Subject: Pit I river flows

Dear Mr. Barnes:

As an avid whitewater boater in northern California, I urge you in the strongest possible terms to continue the agreed upon releases on the Pit I reach. The NorCal boating community and boaters everywhere value this river, its ecological health, and its recreational benefits.

Drastic management action by eliminating flows altogether should be based on sound science, which we believe is lacking in this case. The summer flushing/whitewater flows were temporarily suspended when PG&E and the U.S. Fish and Wildlife Service expressed concern that the flows were harming the endangered Shasta crayfish. Monitoring showed a decline in the number of Shasta crayfish and an increase in invasive crayfish within the Pit 1 Reach after flushing flows started.

However, equally dramatic declines in Shasta crayfish and increases in invasive crayfish were also seen throughout the entire Pit River Basin in the same timeframe - *all in areas where summer flushing/whitewater flows do not occur* . NorCal boaters, including me, want Shasta crayfish populations to fully recover, but in light of the basin-wide monitoring data, we have little confidence that eliminating the summer flows will help.

I urge you to continue the agreed upon releases!

Thank you,

Lisa Williams

Chico, CA

[REDACTED]

Pit 1 Hydroelectric Project
401 Certification Modification EIR

APPENDIX

D

PUBLIC SCOPING MEETING
TRANSCRIPT

Appendix D
Public Scoping Meeting Transcript

Morning Meeting in Redding, CA
June 11, 2013

In The Matter Of:
PIT 1 HYDROELECTRIC PROJECT
REDDING, CA

June 11, 2013



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Min-U-Script® with Word Index

SCOPING MEETING FOR
PIT 1 HYDROELECTRIC PROJECT
401 WATER QUALITY CERTIFICATION AMENDMENT

Tuesday, June 11, 2013
Central Valley Regional Water Quality Control Board
364 Knollcrest Drive, Suite 205
Redding, California
9:00 a.m.

Meeting Presented by:

PETER W. BARNES, Environmental Scientist,
State Water Resources Control Board

Also Present:

Susan Monheit, Senior Environmental Scientist,
State Water Resources Control Board

Shruti Ramaker, Senior Project Scientist,
Cardno ENTRIX

Steve Youge, Cardno ENTRIX

Cheryl K. Smith, CSR

License No. 5257

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- June 11, 2013

1 SCOPING MEETING FOR PIT 1 HYDROELECTRIC PROJECT

2 401 WATER QUALITY CERTIFICATION AMENDMENT

3 Tuesday, June 11, 2013

4 9:00 a.m.

5 ---o0o---

6 MR. BARNES: I guess we'll get started. I think
7 everybody who is going to show up has shown up already.

8 My name is Peter Barnes. I'm the project manager
9 for this project, the Pit 1 Water Quality Certification
10 Amendment on the Pit River. This is Susan Monheit, my
11 supervisor.

12 MS. MONHEIT: Hi.

13 MR. BARNES: So the objective of this meeting is
14 to solicit comments on potential impacts of the proposed
15 Amendment of Pit 1, the Hydroelectric Project 401 Water
16 Quality Certification. We have a pretty short and
17 straightforward agenda. We're going to go over some ground
18 rules, do a presentation which will go over the background
19 and overview of the proposed Project. And we'll have a
20 comment period in which you can submit verbal comments. And
21 then we'll just have a little closing. I also will be able
22 to answer any general questions you might have regarding the
23 Project.

24 If you don't wish to submit verbal comments today,
25 you can submit written comments up until noon on June 24th, 3

1 so that's about a week and a half from today. I know I've
2 already gotten a substantial number of comments from the
3 general public via email, so my email address is up there.
4 It's also on the notice of preparation. I believe there's a
5 stack of my cards in the back of the room. So if you have
6 any questions regarding this Project, feel free to shoot me
7 an email or a phone call.

8 I want to go over the ground rules real quick.
9 Just makes the meeting go a little easier if everybody
10 follows these rules.

11 First, concerns regarding the Project and
12 suggestions regarding alternative project solutions should
13 be raised during the public comment period so that they can
14 be appropriately addressed when analyzing the facts of the
15 Project in the Environmental Impact Report.

16 Comments may be limited to a set amount of time
17 based on the number of people wishing to speak. I don't
18 think we're going to have that problem today.

19 The purpose of the meeting is not to discuss
20 comments, but we will answer general questions.

21 Please respect all speakers. All points of view
22 are valid.

23 No decisions will be made today.

24 Everyone should agree to make a strong effort to
25 stay on track with the agenda and move the discussion

1 forward.

2 Questions of clarification are encouraged.

3 Disparaging comments are discouraged.

4 And as you can see, we don't really have a
5 microphone set up here, so if you can't hear me tell me to
6 speak up. Also when you're giving your comments, please
7 speak loudly and clearly and state your name.

8 So I'm going to start with the presentation.

9 ---o0o---

10 SLIDE SHOW IS PRESENTED ALONG

11 WITH THE FOLLOWING ORAL PRESENTATION

12 ---o0o---

13 So we're here for the Pit 1 Hydroelectric Project
14 401 Water Quality Certification Amendment Public Scoping
15 Meetings. All right. We're holding one here this morning
16 in Redding, and we're going to hold one this evening up in
17 McArthur near where the Project is located. And if anybody
18 wants to attend that one, it's at the Intermountain
19 Fairgrounds and should be starting at 6:00.

20 So the meeting is set up. We have a sign-in sheet
21 in the back with speaker cards. Please fill out a speaker
22 card and bring it up here if you'd like to speak. As we
23 said before, comments may be limited to a set amount of
24 time. We're not here to discuss comments, but I will answer
25 general questions. No decisions will be made today. Please

1 respect all speakers. And all points of view are valid.

2 Just a little outline of the presentation. I'm
3 going to go through a background and discuss the State Water
4 Board's Mission, the original Pit 1 Water Quality
5 Certification, and then PG&E's request for the Water Quality
6 Certification Amendment. And then we're going to go talk
7 about CEQA and the State Water Board's role, the CEQA
8 process, the public input process, and then the next the
9 step is moving forward.

10 State Water Board Mission Statement. The Mission
11 of the State Water Board is to preserve, enhance, and
12 restore the quality of California's water resources, and
13 ensure their proper allocation and efficient use for the
14 benefit of present and future generations.

15 And as always, more information will be found on
16 our website at waterboards.ca.gov. You can always contact
17 me by phone or email.

18 The State Water Board is a joint authority over
19 water rights and water quality in order to protect --
20 provide for protection of California's waters. And they
21 basically -- we protect, enforce and balance the many
22 beneficial uses of water. And some of these beneficials --
23 beneficial uses include, but are not limited to, irrigation,
24 power, recreation, municipal, whitewater boating, fish and
25 wildlife preservation or enhancement. Additionally the

1 State Water Board is charged with preventing waste and
2 unreasonable use of water.

3 So here's some background on the Pit 1 Water
4 Quality Certification. It was issued December 4th, 2001 as
5 a result of the Federal Energy Regulatory Commission
6 relicensing of the Pit 1 Hydroelectric Project which is
7 owned and operated by PG&E.

8 The Federal Energy Regulatory Commission, or FERC,
9 issued their license on March 19th, 2003. And the Water
10 Quality Certification was a part of that license.

11 In this Water Quality Certification there are two
12 conditions which we're discussing today, it's Condition 13
13 and 14.

14 Condition 13 requires PG&E to release flushing
15 flows through Fall River Pond for two consecutive days, a
16 Saturday and a Sunday three times per year. And those are
17 to occur in May or June, and then July and August. And the
18 flushing flows were put in place to control aquatic
19 vegetation and mosquito production in Fall River Pond.

20 Condition 14 requires PG&E to monitor the
21 effectiveness of flushing flows in controlling aquatic
22 vegetation and mosquito production at Fall River Pond.
23 Initial monitoring required for five years after the
24 issuance of a new license. And after a five-year monitoring
25 report, the State Water Board may modify it or terminate

1 the -- the flushing flow monitoring program as it sees
2 necessary.

3 So PG&E has requested an amendment to that Water
4 Quality Certification to eliminate those conditions. And
5 this came about, it started first on May 21st, 2009 when the
6 State Water Board received a letter from the United States
7 Fish and Wildlife Service requesting the suspension of
8 flushing flows due to concerns that the flows were
9 contributing to the decline of the Shasta crayfish.

10 The Shasta crayfish is listed as endangered under
11 both the California and Federal Endangered Species Acts.
12 And they were listed in 1988.

13 On June 14th, 2009, PG&E submitted a request to
14 the State Water Board to amend the Pit 1 Water Quality
15 Certification to remove Conditions 13 and 14. And this
16 request was based on monitoring results which indicate
17 higher base flow of 150 cubic feet per second may be more
18 effective in controlling aquatic vegetation and mosquito
19 production than flushing flows; that fact, coupled with the
20 belief that the flows were harming the endangered Shasta
21 crayfish.

22 So CEQA and the State Water Board's role. In
23 order to take action on a Water Quality Certification
24 Amendment request, the State Water Board must comply with
25 CEQA, the California Environmental Quality Act.

1 And although flushing flows provide an incidental
2 whitewater recreational opportunity, the State Water Board
3 has temporarily suspended flushing flows out of an abundance
4 of caution for endangered species protection while CEQA
5 process is completed. And those are orders that have been
6 issued and they're available on our website. They've all
7 been posted there.

8 And CEQA, or the California Environmental Quality
9 Act. The Amendment of the Water Quality Certification to
10 eliminate or modify flushing flows is a discretionary
11 action. Since PG&E is not a public agency, the State Water
12 Resources Control Board is the CEQA lead agency. Therefore,
13 that means the State Water Board determines the type of
14 document that must be completed in order to satisfy CEQA
15 requirements. And this document must represent State Water
16 Board's independent judgment.

17 The objectives of CEQA. To disclose significant
18 environmental effects of proposed activities. Identify ways
19 to avoid or reduce environmental damage. Prevent
20 environmental damage by requiring implementation of feasible
21 alternatives or mitigation. Disclose reasons for agency
22 approval of projects with significant environmental effects.
23 Foster interagency coordination in review of projects. And
24 enhance public participation in the planning process.

25 For this proposed project, the State Water Board

1 has decided to prepare an Environmental Impact Report, or
2 an EIR. An EIR is designed to identify significant impacts
3 and mitigation measures to reduce those significant
4 impacts. Excuse me. Alternatives will be evaluated with
5 regards to how they meet project objectives and overall
6 feasibility. Final feasibility of alternatives will be
7 determined when the State Water Board adopts the findings
8 based on the final EIR.

9 For the development of the CEQA documents, the
10 State Water Board has entered a three party Memorandum of
11 Understanding, or MOU, with PG&E and Cardno ENTRIX.
12 Cardno ENTRIX is the environmental consultant and they will
13 develop the environmental documents under the sole direction
14 of the State Water Board. Cardno ENTRIX is compensated for
15 its work by PG&E, but PG&E is not allowed to direct any of
16 the work done by Cardno ENTRIX.

17 And then finally we have public input. In
18 addition to this meeting, we'll -- we're accepting comments
19 regarding the Notice of Preparation until noon of June 24th,
20 2013. And the draft EIR will also be released for public
21 review and comment. We'll take all those comments into
22 consideration and review them carefully.

23 Additional information can be found on the
24 website. The link is kind of long. I don't expect you to
25 write it down, but it is available in the Notice of

1 Preparation.

2 And if you would like to receive future updates
3 you can sign up for our emails online at this email address.
4 You select "State Water Resources Control Board," enter
5 email address and full name. Under category select "Water
6 Rights," and then select box for "Water Rights Water Quality
7 Certification," and click "subscribe" button at the bottom
8 and that will put you on the email list and then you will
9 get updates on all of our Water Quality Certification
10 projects.

11 So I'm here to take any general questions you
12 might have regarding the Project. And following those
13 questions, we'll proceed with the public comment period.
14 Any questions?

15 MR. STEINDORF: My name is Dave Steindorf,
16 S-T-E-I-N-D-O-R-F.

17 So Peter, could you describe in a little more
18 detail the -- what is on the Water Board's plate in terms of
19 what is the actual amendment that you're evaluating.

20 MR. BARNES: Yes. Under CEQA, the scope of our
21 project is we're looking at the removal of those two
22 conditions from the Water Quality Certification, what are
23 the impacts of doing that. So that's what our sole focus is
24 on, and how do we mitigate any impacts that might come about
25 from doing that, what would those impacts be and how do we

1 do that. So the removal of the flushing flows and the
2 monitoring of those flushing flows, that's the focus of this
3 EIR.

4 Any other questions?

5 MR. WILLIAMS: My name is George Williams.

6 Oh, at what time would the flushing flows be
7 removed during the year?

8 MR. BARNES: They're -- right now they're
9 required for one weekend in either May or June, July and
10 August, and those are the ones we're looking at. We're not
11 looking at any -- removing any of the fall flushing flows,
12 just the summer ones that are used to control -- that were
13 put in place to control aquatic vegetation and mosquito
14 production in the fall.

15 MR. WILLIAMS: So the flows that would normally be
16 seasonally flushing the river if the dam wasn't there would,
17 generally speaking, still be done in the fall?

18 MR. BARNES: The fall flows that are in place now
19 would remain. And then the base flows that are in place now
20 would remain. It's just the -- the elimination of the
21 flushing flows.

22 MR. WILLIAMS: And PG&E wants to increase the
23 flows to 150 CFS?

24 MR. BARNES: It's already been increased to 150
25 CFS.

1 MR. WILLIAMS: Continuously throughout the year?

2 MR. BARNES: As directed in the Water Quality
3 Certification. But I believe in the summer months the 150
4 CFS is being maintained, and that's what they're -- that is
5 what is believed to be controlling aquatic vegetation and
6 mosquito production.

7 MR. WILLIAMS: U.S. Fish and Wildlife has made
8 that determination?

9 MR. BARNES: No, PG&E is monitoring the
10 situation. As they have been doing monitoring for five
11 years after implementation of the Water Quality
12 Certification, they saw that it was most likely the -- it
13 was the higher base flows are controlling the vegetation.
14 They've continued to monitor -- as we've temporarily
15 suspended flushing flows, they've continued to monitor
16 vegetation, and it's my belief that -- excuse me -- 150 CFS
17 has been adequately maintained.

18 MR. WILLIAMS: Okay. But there hasn't been any
19 studies done by Cal. Fish and Game -- there hasn't been any
20 studies done by Cal. Fish and Game or U.S. Fish and Wildlife
21 on the Pit?

22 MR. BARNES: They've done substantial amount of
23 studies, just nothing regarding --

24 MR. WILLIAMS: The crayfish.

25 MR. BARNES: No, the vegetation. They've studied

1 the crayfish to the best of their abilities which is allowed
2 by law. Certain studies aren't allowed because it's
3 believed that it would be too harmful to the crayfish.

4 Any other questions?

5 All right. We'll open up for public comment.

6 Prior to speaking, please state and spell your name for the
7 recorder. Pretty straightforward. I know a couple of you
8 have done this before, very similar.

9 We'll start off with Dave Steindorf.

10 MR. STEINDORF: I think I was going to let Matt go
11 first.

12 MR. BARNES: All right. Well, Matt can go first
13 and then Dave.

14 MR. MYERS: Do you want us to come up there or
15 just --

16 MR. BARNES: Yeah, just the closer you can get
17 would be the better. She does have a little microphone.

18

19 PUBLIC COMMENT SUBMITTED BY MATT MYERS

20 ---o0o---

21 MR. MYERS: Okay. I'm Matt Myers, M-Y-E-R-S, from
22 California Department of Fish and Wildlife. I'm the Region
23 1 FERC Coordinator. So I just have a couple of comments.

24 First one, the California Department of Fish and
25 Wildlife believes that a new survey for Shasta crayfish and

1 non-native crayfish in the Pit 1 Project is needed in order
2 for the EIR to evaluate the potential effects. It is our
3 understanding that the last survey was conducted in 2009 in
4 the Pit 1 Bypass Reach, and that very few Shasta crayfish
5 were found.

6 According to CEQA guidelines, Section 15125
7 Environmental Setting, an EIR must include the description
8 of the physical and environmental conditions in the vicinity
9 of the Project as they exist at the time the Notice of
10 Preparation is published.

11 It further states this environmental setting will
12 normally constitute the baseline physical conditions by
13 which a lead agency determines whether an impact is
14 significant.

15 The Department believes the 2009 survey results
16 are outdated and new surveys are needed in order for the EIR
17 to accurately define the current baseline conditions.

18 The Department also believes that the entire
19 Project's flow regime should be evaluated and compared to
20 the baseline conditions in order to avoid or minimize
21 potential effects to Shasta crayfish within the Project
22 area.

23 Other interested parties have expressed a need for
24 a single table to summarize all the historic Pit 1 Project
25 surveys and results which have been conducted for the Shasta

1 crayfish and non-native crayfish. The Department supports
2 the need for this table, and it should be included in the
3 EIR.

4 We have no other further comments. We will submit
5 written comments if something else comes up by the June 24th
6 deadline.

7 Thanks for your time.

8 ---o0o---

9

10 MR. BARNES: Thank you.

11 Dave.

12

13 PUBLIC COMMENT SUBMITTED BY DAVE STEINDORF

14 ---o0o---

15 MR. STEINDORF: My name is Dave Steindorf,
16 S-T-E-I-N-D-O-R-F. I'm the California Stewardship Director
17 for American Whitewater.

18 So 17 years ago American Whitewater began working
19 on the Hydroelectric Project and its relicensing. Over the
20 next seven years we attended numerous meetings and spent
21 countless hours working on this Project for a variety of
22 interests, including whitewater recreation.

23 The State Water Resources Control Board has an
24 agency that had mandatory conditioning authority
25 fortunately recognizing that whitewater recreation was a

1 beneficial use that needed to be considered. In fact, just
2 last week I spoke with Jim Canaday, who wrote the 401
3 Certification for this Project. C-A-N-A-D-A-Y.
4 And Jim was very explicit that the flushing flows for this
5 Project were there for a dual purpose.

6 One is that the purpose it was stated for flushing
7 aquatic vegetation. The other one was that it was there
8 specifically for the purpose of -- of providing for
9 whitewater recreation. He said that the PG&E Project
10 manager, Jim Holman, H-O-L-M-A-N I believe, he also
11 corroborated that -- that version of events.

12 We do have a problem that is not explicitly stated
13 within the 401; however, Jim is certainly willing to sign an
14 affidavit to that point. The main thing there is looking at
15 the fact that there were dual purpose for this, so just
16 simply looking at the -- the aquatic vegetation component of
17 the flushing flows we believe is inadequate, and we need to
18 evaluate both of those. But also as -- as the Board has
19 acknowledged under CEQA, you know, the baseline for this is
20 with those recreational flows, flushing flows in place, that
21 needs to be evaluated.

22 And in going to relicensing, we did come to this
23 balancing where the six days of summer flushing flows was
24 going to meet our interest. We determined that that was an
25 acceptable balance, even though under the unimpaired flow

1 regime there would have been 365 days of flows on this
2 particular Project. We did not contest the license, we said
3 that that was acceptable, and our assumption was that these
4 flows would be in place for the duration of the license.

5 And we also recognize that even though those were
6 in the license, this proposed amendment would significantly
7 reduce the amount of whitewater recreation on the Project,
8 and that's something that -- that needs to be evaluated not
9 only for the effect of removing that opportunity, but also
10 it fundamentally changes the license and it changes the
11 reason why we actually engaged in this relicensing in the
12 first place.

13 Looking at the stated reason for this proposed
14 amendment is that they're saying that the flushing flows via
15 water temperature are actually causing harm to the Shasta
16 crayfish.

17 Over Memorial Day weekend, a little thing of what
18 I did on my summer vacation, I just had the chance to go
19 paddle up to AjeMaui Springs, which is the headwaters for
20 the Fall River. Pristine spring creek, the largest spring
21 creek in California. Some of the best Shasta crayfish
22 habitat that is still in existence. That water comes down
23 the Fall River and eventually enters the -- the Pit 1
24 Forebay. At this point the water enters the Forebay and is
25 warmed substantially as it crosses the Forebay, then it's

1 mixed with the water from the Pit River which is warmer yet.
2 And then because of the small minimum in-stream flows that
3 are required to go in the channel, those flows go through
4 the Pit River ponds adding additional thermal loading or
5 warming of the water. In the summertime this reaches up
6 to -- up to nine degrees during summer months, and it
7 averages anywhere from three degrees Celsius to five degrees
8 Celsius.

9 So the concept that the flushing flows are
10 actually causing the harm to the Shasta crayfish we think
11 is -- is completely erroneous. Clearly the Project is what
12 is warming the water. The release of the actual natural
13 flow from the Fall River back into the river system is just
14 a short term conveyance of that warm water pulse. If you
15 allow that pulse to continue, it will eventually drop water
16 temperatures and the river would be returned to its natural
17 condition, which again we know that the Shasta crayfish
18 existed throughout this system when it was in its natural
19 condition.

20 So we recommend that the Board conduct the
21 modeling necessary to evaluate what would happen if you
22 release that full flow of the Pit River back -- back into
23 the Bypass Reach.

24 Additionally there is -- there is a provision
25 within the 401 to evaluate 50 CFS flow increments to see

1 what those effects would be on not only Shasta crayfish, but
2 other aquatic species all the way up to a minimum in-stream
3 flow of 400 CFS. That recommendation was not adopted upon
4 review, but we recommend that the Board revisit that
5 particular certification requirement.

6 Unfortunately the water temperature effects on
7 Shasta crayfish were not assessed when this -- the 401 was
8 issued for this Project. In order to meet the water quality
9 standards that are required, as we pointed out earlier, we
10 feel that those temperature effects need to be assessed in
11 this amendment process.

12 So the correct scope under CEQA should be for the
13 protection of Shasta crayfish, not to evaluate the -- just
14 the narrow effects of flushing flows. The real purpose for
15 the debates, plans and standards, and really the mandate of
16 the Water Board is to protect the water quality conditions.

17 Several weeks ago I actually went and spoke
18 before the Board protecting -- or trying to support the
19 Board in their ability to actually exercise their reserved
20 authority for changing conditions just such as this -- this
21 situation requires.

22 So we ask that the Board use that authority in
23 this case to reevaluate this particular Project of whether
24 it's meeting water quality conditions. If you do determine
25 ultimately that limiting the flushing flows are necessary in

1 order to protect the Shasta crayfish, we're prepared to work
2 with the Board to find other alternative mitigations in
3 order to make up for lost whitewater opportunities on this
4 Project.

5 Thank you.

6 ---o0o---

7 MR. BARNES: Thank you.

8 Any volunteers next? Charlie Guilbault.

9
10 PUBLIC COMMENT PRESENTED BY CHARLIE GUILBAULT

11 ---o0o---

12 G-U-I-L-B-A-U-L-T.

13 I'm Charlie Guilbault. I've known about the
14 Project for probably ten years or more due to my association
15 with Dave, and have been boating up there and bringing my
16 family up there to recreate for at least seven years or so,
17 and it's a wonderful, wonderful place. It started out as a
18 beginner slash intermediate boater, and it's since grown my
19 bag of tricks into at least advanced/intermediate so that I
20 can go from foraging some of the rapids on the river to
21 running just about everything except for the big falls,
22 that's not in my interest.

23 But anyways, I'm concerned that, as Dave said,
24 that if the Board decides to take this -- or -- or use
25 science to investigate why the crayfish are declining, in

1 the same sense it seems like they should investigate the
2 recreational uses as well in the same scope that were
3 valued, and if this -- if this pulse flow is stopped do we
4 get, you know, do we get recreation some other way. Is
5 there a way that that can be channeled around in some other
6 way, because obviously our recreational needs are best
7 fitted by removing all the dams, but that's not, you know,
8 we're not asking for that, we just want to consider if there
9 is a loss of it, then can we regain that in some way.

10 So, thank you.

11 ---o0o---

12 MR. BARNES: Thank you.

13
14 PUBLIC COMMENT PRESENTED BY MIKE MARTINI

15 ---o0o---

16 Mike Martini, M-A-R-T-I-N-I.

17 My name is Mike Martini. I've been going to the
18 Pit Project for eight years, I believe, and it's just a
19 really good recreational opportunity. It started off with
20 the summer pulses, if I'm correct, in the very beginning. I
21 didn't move to the fall until later on. And have gone from
22 going up there by myself to go boating with friends to now
23 my daughters have utilized the same resource, and have been
24 able to do the Class 2 Reach, which is down below the
25 campground. So you've got everything from Class 4, 5 down

1 to family fun, which is Class 2. And that's in the
2 summertime when my daughters are off the same time these
3 pulses are -- could be taken away.

4 So once again, we just want mitigation as far as
5 if you're removing these recreational opportunities for an
6 entire family, how do they get moved to another time. But
7 don't just remove them because they're such a valuable
8 resource for -- not just for whitewater boating, but for
9 families and a myriad of people who are recreating on the
10 river. So looking at the pulses and, you know, the removal
11 of them, how is that going to be not removed, but mitigated
12 to another time, or whatever. So that's what I would like
13 to see.

14 So thank you.

15 ---o0o---

16 MR. BARNES: Thank you.

17 We got our last speaker. If anybody else would
18 like to speak, you can still submit cards. But last we have
19 Ronald Rogers.

20

21 PUBLIC COMMENT PRESENTED BY RON ROGERS

22 ---o0o---

23 MR. ROGERS: Hi, my name is Ron Rogers, that's
24 R-O-G-E-R-S.

25 I've lived in Shasta County since 1981, and I've

1 enjoyed boating the rivers in the North State, including the
2 Pit River since 1981, so I'm very familiar with the river.
3 It's an outstanding boating resource. The upper stretch
4 that we're referring to, the Pit 1 stretch unfortunately has
5 a major diversion on it that PG&E operates. As an avid
6 whitewater kayaker we -- or I recognize the necessity for
7 cheap hydroelectric power, and I'm all in favor of the
8 operation of the power plant in an environmentally sensitive
9 manner, and also in a manner that acknowledges that there
10 are other competing uses of that water, including fishing,
11 kayaking, nature study, the -- the environment of the river
12 system itself, and the health of the river system itself.
13 So I'm not in favor of precluding other uses just for the
14 sake of whitewater.

15 Due to numerous summer diversions -- or diversions
16 of other rivers in the state, the whitewater boating
17 community depends on releases on -- from some of these
18 hydroelectric facilities such as Pit 1. And we look forward
19 to those releases when the rest of the rivers are dry either
20 due to natural conditions or to dams. So it was very
21 disappointing to hear that -- that our the summer releases
22 are being curtailed.

23 American Whitewater spent a lot of time and effort
24 working with the -- the FERC and the -- and the rest of the
25 stakeholders with coming up with what we felt was a very

1 fair solution to the competing uses of -- of the Project.
2 So I don't feel that the curtailments of that agreement
3 should be taken very lightheartedly or without a lot of due
4 consideration.

5 The -- it's questionable whether or not the Shasta
6 crayfish even are in existence on that Pit 1 stretch. I --
7 I agree with the previous speaker that better studies need
8 to be conducted and to see if there are in fact any
9 remaining populations down there. The water is generally
10 just too warm due to the diversion of the Fall River to
11 support a healthy population of crayfish in there.

12 Any threatened endangered protection standards
13 should also apply across the board to other users such as
14 PG&E. Maybe we should be looking at more -- at a higher
15 base flow release continuously into the Pit River to -- to
16 establish or maintain any -- any crayfish populations that
17 are in there.

18 And lastly, if these releases are taken away, then
19 other mitigations need to be considered such as better
20 access for whitewater boating on that stretch.

21 Thank you.

22 ---o0o---

23 MR. BARNES: Thank you.

24 Are there any other people who wish to submit
25 verbal comments at this time? All right, yes.

1 FURTHER PUBLIC COMMENT BY DAVE STEINDORF

2 ---o0o---

3 MR. STEINDORF: If I could just make one quick
4 addendum. Is there anyone here from Fish and Wildlife
5 Service?

6 MR. BARNES: No.

7 MR. STEINDORF: No. Okay. I would make the same
8 comment either way. One, I appreciate the State Board
9 providing this forum for people to express their concerns in
10 having an open and transparent process whereby we can go
11 through this amendment process and develop the necessary
12 information.

13 The fact that the Fish and Wildlife Service, who
14 is the entity that recommended this amendment has not showed
15 up to explain their concerns, in my opinion as somebody who
16 spends a lot of time protecting endangered species and
17 fighting for resource agencies, I find their actions
18 completely shameful. And they absolutely should be here to
19 explain what their rationale is for making this amendment.

20 I appreciate the fact that both of our State
21 agencies have showed up here to provide comment and provide
22 this forum. The fact that both FERC and the Fish and
23 Wildlife Service that we have requested meetings with them
24 even under threat of lawsuit, and they refused to meet and
25 discuss this topic.

1 So thank you to our State agencies. And a big
2 pile of shame for our Federal agencies on this one.

3 Thank you.

4 ---o0o---

5 MR. BARNES: Thank you. All right. Well, that
6 wraps up our meeting. I'll be available in the back to
7 answer any questions you might have regarding the rest of
8 this process, how we're going to move through this.

9 Also if you know of anybody who couldn't attend
10 this morning, we're having another Scoping Meeting up in
11 McArthur at the Intermountain Fairgrounds this evening at
12 6:00, so you can tell them to head up there if they would
13 like to.

14 Also you can submit written comments until June
15 24th - noon, June 24th. So please feel free to do so. I've
16 already received a substantial number of comments, and I
17 really appreciate it.

18 I appreciate those who came out today, this
19 morning, because having collaboration makes this a better
20 process. So thank you. Have a nice day. Thank you.

21 (The scoping meeting was adjourned at 9:47 a.m.)
22
23
24
25

1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF SHASTA)
4
5
6

7 I, CHERYL K. SMITH, Certified Shorthand Reporter,
8 do hereby certify:

9
10 That I acted as such Shorthand Reporter in the
11 above-entitled scoping meeting; that I took down in
12 shorthand notes the proceedings given and had at said time
13 and place;

14
15 That I thereupon caused my stenographic notes to
16 be transcribed by computer-assisted transcribing, and that
17 the foregoing 27 pages constitute a full, true and correct
18 transcript thereof to the best of my ability.

19
20 DATED: June 20, 2013.

21
22
23 _____
24 CHERYL K. SMITH, CSR 5257

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Appendix D
Public Scoping Meeting Transcript

Evening Meeting in McArthur, CA
June 11, 2013

In The Matter Of:
PIT 1 HYDROELECTRIC PROJECT
McARTHUR, CA

June 11, 2013



J.V. KILLINGSWORTH & ASSOCIATES
1422 Oregon Street, Redding, CA 96001

Phone 800-995-0447 or 530-241-2224 Fax 530-241-5992

Original File 6-11-13B.TXT

Min-U-Script® with Word Index

SCOPING MEETING FOR
PIT 1 HYDROELECTRIC PROJECT
401 WATER QUALITY CERTIFICATION AMENDMENT

Tuesday, June 11, 2013
Intermountain Fair,
44218 A Street
McArthur, California 96056
6:00 p.m.

Meeting Presented by:

PETER W. BARNES, Environmental Scientist,
State Water Resources Control Board

Also Present:

Susan Monheit, Senior Environmental Scientist,
State Water Resources Control Board

Shruti Ramaker, Senior Project Scientist,
Cardno ENTRIX

Steve Youge, Cardno ENTRIX

Cheryl K. Smith, CSR

License No. 5257

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Opening remarks presented by PETER BARNES,
State Water Resources Board

3

Public Comment Presented By:

ROSS JONES

22

DOUG KNOX

23

- June 11, 2013

1 SCOPING MEETING FOR PIT 1 HYDROELECTRIC PROJECT

2 401 WATER QUALITY CERTIFICATION AMENDMENT

3 Tuesday, June 11, 2013

4 6:00 p.m.

5 ---o0o---

6 MR. BARNES: Get started here. My name is Peter
7 Barnes, I'm the project lead for this for the State Water
8 Resources Control Board. The Project we're discussing
9 tonight is the Pit 1 Hydroelectric Project 401 Water
10 Certification Amendment. This is a Public Scoping Meeting.
11 It's part of the CEQA process and the California
12 Environmental Quality Act process. This is my Supervisor
13 Susan Monheit. She oversees me in this project. Struti is
14 one of the consultants, as is Steve that's in the back.

15 So just go over the meeting setup real quick.
16 There is a sign-in sheet and speaker cards. Fill out a
17 speaker card if you wish to present verbal comments. And we
18 may limit the comments to a set amount of time depending
19 upon the number of people wishing to speak. I think we have
20 enough time where everybody will have plenty of time to
21 submit their verbal comments. I don't see us needing to
22 limit that tonight.

23 MR. KNOX: What do you call plenty of time? Some
24 places you go in and they say well you can talk about three
25 minutes, and that's it.

1 MR. BARNES: How much time will you need? Well,
2 I don't think --

3 AUDIENCE MEMBER: Oh, you shouldn't have asked
4 him that.

5 MR. BARNES: You will have plenty --

6 MR. KNOX: I found her down on the road here,
7 yeah.

8 MR. BARNES: We'll give you plenty of time to get
9 your comments across.

10 What's your name, sir, so she can have for the
11 record.

12 MS. MONHEIT: For the Court Reporter who is making
13 a record.

14 MR. KNOX: My name?

15 MR. BARNES: Yes.

16 MR. KNOX: My name is Doug Knox, K-N-O-X.

17 AUDIENCE MEMBER: Just think of Fort Knox.

18 MR. KNOX: Also the head of the Voice of Freedom
19 Radio out of Alturas, KCFJ 570 AM at 12 noon in 30 minutes.

20 MR. BARNES: That's a good voice there.

21 MR. KNOX: Yes.

22

23 (Court Reporter addresses audience to make
24 sure they state their name as they speak.)

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SLIDE SHOW IS PRESENTED ALONG
WITH THE FOLLOWING ORAL PRESENTATION

---o0o---

MR. BARNES: The meeting is not intended to discuss comments, but I will answer any general questions you might have regarding the process. And we won't be making any decisions today, this is the beginning of the process. Please remember to respect all speakers, and all points of view are valid.

Here's the outline of the presentation. We're going to go over some background, we're going to go over the State Water Board's Mission. The Original Pit 1 Water Quality Certification. And then PG&E's request to amend that Water Quality Certification. And then the CEQA and State Water Board's role. Then we'll give you some background on the CEQA process and describe the public input process. And then we'll go over the next steps.

So the State Water Board, this is our mission statement, it's to preserve, enhance and restore the quality of California's water resources, and ensure their proper allocation and efficient use for the benefit of present and future generations.

You can find more information on our website at waterboards.ca.gov.

The State Water Board is a joint authority over

1 water rights and water quality in order to provide
2 protection of California's waters. The State Water Board
3 protects, enforces and balances the many beneficial uses of
4 water including, but not limited to: Irrigation, power,
5 recreation, municipal and industrial supply, and fish and
6 wildlife preservation and enhancement.

7 The State Water Board also aims to prevent waste
8 and unreasonable use of water.

9 So the reason we're here today is the Pit 1 Water
10 Quality Certification. It was issued for the Pit 1
11 Hydroelectric Project on December 4th, 2001 as part of the
12 Federal Energy Regulatory Commission relicensing process.

13 On March 19th, 2003, the Federal Regulatory
14 Commission issued a license for the Project incorporating
15 the Water Quality Certification.

16 There are two main conditions of that Water
17 Quality Certification that we'll be discussing today. The
18 first is Condition 13. This requires PG&E to release
19 flushing flows through the Fall River Pond for two
20 consecutive days, a Saturday and a Sunday, three times per
21 year, and these are to occur in May or June, July and
22 August. And the flushing flows were put in place as part of
23 this Water Quality Certification in an effort to control
24 aquatic vegetation and mosquito production in Fall River
25 Pond.

1 Condition 14 requires PG&E to monitor the
2 effectiveness of the flushing flows in controlling aquatic
3 vegetation and mosquito production in Fall River Pond. The
4 initial monitoring is required for five years after the
5 issuance of a new license. And after that five year
6 monitoring report, the State Water Board may modify or
7 terminate flushing flow monitoring program.

8 Well, on May 21st, 2009, the State Water Board
9 received a letter from the United States Fish and Wildlife
10 Service requesting the suspension of these flushing flows
11 due to concerns that the flows were contributing to the
12 decline of the Shasta crayfish. The Shasta crayfish is a
13 crayfish that is native to these parts of the waters, and
14 it's been listed as endangered under both the California and
15 Federal Endangered Species Act since 1988.

16 On June 14th, 2009, PG&E submitted a request to
17 the State Water Board to amend the Pit 1 Water Quality
18 Certification to remove Conditions 13 and 14. This request
19 was based upon monitoring results which indicate that a
20 higher base flow of 150 cubic feet per second may be more
21 effective in controlling aquatic vegetation and mosquito
22 production than the flushing flows were. This, plus the
23 belief that the flushing flows were contributing to the
24 decline of the Shasta crayfish.

25 So CEQA and the State Water Board's role. In

1 order to take action on the Water Quality Certification
2 Amendment request from PG&E, the State Water Board must
3 comply with the California Environmental Quality Act. And
4 although flushing flows provide an incidental whitewater
5 recreational opportunity, State Water Board temporarily
6 suspended the flushing flows out of an abundance of caution
7 for endangered species protection while CEQA process is
8 completed.

9 So CEQA, the California Quality Act. The
10 Amendment to the Water Quality Certification to eliminate or
11 modify the flushing flows is a discretionary action. Since
12 PG&E is not a public agency, the State Water Board will be
13 the lead for CEQA. The State Water Board will determine the
14 type of document necessary to satisfy CEQA requirements.
15 And the CEQA document must represent the State Water Board's
16 independent judgment.

17 The objectives of CEQA. The objectives of the
18 CEQA document, or the CEQA process, is to disclose any
19 significant environmental effects of proposed activities.
20 Identify ways to avoid or reduce environmental damage.
21 Prevent environmental damage by requiring implementation of
22 feasible alternatives or mitigation. Disclose reasons for
23 agency approval of the projects with significant
24 environmental effects. Foster interagency coordination in
25 review of projects. And enhance public participation in the 8

1 planning process.

2 The CEQA process. For this project, the State
3 Water Board decided to prepare an Environmental Impact
4 Report, or an EIR. An EIR is designed to identify
5 significant impacts and mitigation measures to reduce those
6 significant impacts. Alternatives will be evaluated with
7 regards to how they meet project objectives and overall
8 feasibility. The final feasibility of alternatives will be
9 determined when the State Water Board adopts the findings
10 based on the final EIR.

11 For the development of CEQA documents, the State
12 Water Board has entered into a three party Memorandum of
13 Understanding, or MOU, with PG&E and Cardno ENTRIX, an
14 environmental consulting firm. Cardno ENTRIX, excuse me,
15 will develop the environmental documents under the sole
16 direction of the State Water Board, but Cardno is
17 compensated for its work by PG&E.

18 Public input. CEQA is a very transparent process
19 that requires public input, so the comments regarding the
20 Notice of Preparation, which you all have in hand, are due
21 by noon on June, 24th, 2013. A draft EIR will also be
22 released for public review and comment. And that will be
23 available on our website, and notices will be sent out when
24 that's available.

25 Additional information regarding the Pit 1

1 Hydroelectric Project Water Quality Certification can be
2 found at our website. It's kind of long to write down, but
3 it's also in the handouts you have today.

4 And future updates. If you want to receive future
5 updates regarding this Project and other FERC Water Quality
6 Certifications issued by the State Water Board, you can sign
7 up for emails online by following these instructions. First
8 you have to go to that website, select "State Water
9 Resources Control Board," enter your email address and full
10 name. And under category select "Water Rights" and select
11 the box for "Water Rights Water Quality Certification" and
12 click the "subscribe" button.

13 So that's the end of the presentation. Right now
14 I'll open it up for general questions regarding the Project,
15 and after those questions we'll proceed with the public
16 comment period.

17 MS. MONHEIT: I would like you to describe the
18 Court Reporter's duties as part of the transparency
19 proceedings.

20 MR. BARNES: Oh, yeah. And so when you submit
21 comments or when you're going to ask a question, we're
22 transcribing all this for the record, and this will all be
23 posted online. So when you speak we ask that you provide
24 your first and last name so we know who's asking the
25 question and who is submitting those comments. And she'll

1 ask you to probably spell your last name. If you can do
2 that before asking any questions or submitting any further
3 comments.

4 So does anybody have any general questions
5 regarding the Project?

6 MR. KNOX: Don Knox.

7 What's that -- who is that environmental group
8 that's preparing the document for PG&E, where are they
9 located at and who are they?

10 MR. BARNES: Cardno ENTRIX is an environmental
11 consulting firm. I don't know if you guys would like to
12 speak.

13 MS. RAMAKER: Yes. We're representing Cardno
14 ENTRIX tonight. And we're a global company, we're all over
15 the world. We have presence in California and Sacramento
16 and Concord, Santa Barbara, Los Angeles, we have offices all
17 over California. And we have been hired to prepare the EIR
18 for this -- for this Project.

19 Does that answer your question?

20 AUDIENCE MEMBER: Would you spell your company
21 name.

22 MR. BARNES: C-A-R-D-N-O, Cardno, and then
23 E-N-T-R-I-X.

24 AUDIENCE MEMBER: And PG&E is supposed to pay the
25 bill is what it says?

1 MR. BARNES: Yes.

2 Are there any other general questions, or are you
3 ready to move on to the comment period?

4 MR. JONES: One other question.

5 MR. BARNES: Yes, sir. Name please.

6 MR. JONES: Ross Jones, S-M-I-T-H (sic).

7 Have -- have you decided what type of research is
8 required in order to achieve your end goal?

9 MR. BARNES: That's kind of part of what we're
10 doing here today, is this is a scoping process, so we're
11 getting information from the general public regarding the
12 concerns of the proposed Project. We do have an idea of
13 what's going to need to be assessed. Basically CEQA
14 assesses impacts of the Project, so we will be following the
15 CEQA process.

16 Most of the studies have already been done, and
17 it's just going to be going through that literature and
18 compiling the data and assessing what impacts are going to
19 occur.

20 MR. KNOX: Don Knox.

21 What part of the Pit River are we discussing? Is
22 it --

23 MR. BARNES: So the --

24 MR. KNOX: Are we discussing all the way from
25 Shasta Lake up to --

1 MR. BARNES: No, sir.

2 MR. KNOX: What area?

3 MR. BARNES: We're discussing the Pit 1 -- it's
4 what we call -- it's called the Pit 1 Bypass Reach. It's
5 from the Pit 1 Forebay where PG&E takes water for their --
6 the Pit 1 Powerhouse, so from that Forebay down through to
7 the powerhouse.

8 MS. MONHEIT: It's in the yellow box.

9 MR. BARNES: Fall River Pond.

10 MS. RAMAKER: The red box actually refers to the
11 FERC boundaries for the Project.

12 MR. KNOX: Right here.

13 MR. JONES: So -- again Ross Jones.

14 You mentioned that the U.S. Forest -- Fish and
15 Wildlife Service has complained about the flows. What is
16 the crux of their complaint.

17 MR. BARNES: So the Pit 1 Bypass Reach of the
18 Project area is home to the endangered Shasta crayfish. And
19 this crayfish is -- doesn't like warm water, and so the
20 flushing flows bring an influx of warm water into the
21 region, and they believe that this warm water might be
22 causing the decline of the Shasta crayfish, might be
23 negatively impacting them.

24 MR. JONES: So -- so how long has this crayfish
25 been around here?

1 MR. BARNES: A very long time.

2 MR. JONES: Prior to the construction of Pit 1?

3 MR. BARNES: I'm not -- I would believe so. I'm
4 not entirely sure. I'm not the expert on the Shasta
5 crayfish. That's something that you could -- we can address
6 through the comments. I would have to go and do research
7 regarding that.

8 MR. JONES: Are you familiar with the yellow
9 legged frog?

10 MR. BARNES: Yes, sir.

11 MR. JONES: Is the crayfish akin to the yellow
12 legged frog?

13 MR. BARNES: No, it's a crayfish. And it's
14 actually -- it's endangered, where I believe the yellow
15 legged frog is a species of concern.

16 MR. KNOX: Yeah.

17 MR. BARNES: This is more impacting. It's less
18 -- there is less Shasta crayfish than there are yellow
19 legged frogs.

20 MR. CHANDLER: Yeah. Harold Chandler.

21 MR. BARNES: Can you spell your last name,
22 sir.

23 MR. CHANDLER: C-H-A-N-D-L-E-R.

24 I noticed that there is a -- a non-indigenous
25 species in there. Where in the world did that come from and

1 why are they concerned about it?

2 MR. BARNES: There is the signal crayfish, and
3 that came -- it was probably introduced by fisherman.

4 MR. CHANDLER: Someone from Louisiana no doubt.

5 MR. BARNES: Probably. And they -- it's a
6 heartier breed of crayfish that isn't affected by warm
7 water. It's bigger, it's more aggressive. It --

8 MR. CHANDLER: Is it considered invasive?

9 MR. BARNES: Yes.

10 MR. CHANDLER: It is.

11 MR. BARNES: It is a non-native invasive.

12 MR. CHANDLER: So the cooling off of the water
13 would affect its lack of --

14 MR. BARNES: It's not -- it's not affected by the
15 influxes of temperatures as much as the Shasta crayfish.

16 MR. CHANDLER: Oh, they could care less.

17 MR. BARNES: Yeah, it's --

18 MR. CHANDLER: Why don't we trade them out for the
19 ones we got, especially if they're there edible?

20 AUDIENCE MEMBER: Right.

21 MR. KNOX: Don Knox.

22 I've had an aquaculture license in the State of
23 California, it's No. 36 in the middle of the 70s.

24 In this place down here where you say this Shasta
25 crayfish is endangered --

1 MR. BARNES: Uh-huh.

2 MR. KNOX: -- is there any species of fish in
3 there, is there any cormorants that land in there; are there
4 any mergansers; are there any turtles; are there any snakes;
5 or what is in that water that could possibly take the Shasta
6 County -- the Shasta crayfish instead of blaming it on the
7 warm water?

8 MR. BARNES: Um, I don't -- I'm not entirely
9 sure. I don't -- I'm not the biologist that will be working
10 on this Project. I'm not aware of any predators in that
11 Reach that would be impacting the crayfish other than maybe
12 the non-native signal crayfish.

13 MR. KNOX: Let me ask you this question. Don
14 Knox. I'm not trying to be facetious with you, okay. But
15 we come here to learn some information, and if we can't get
16 it, where are we supposed to go?

17 MR. BARNES: Well, this is the beginning of the
18 process. More information is going to be coming and be made
19 available through this process. Today we're mainly going to
20 discuss the proposed Project and the reason for that -- this
21 Project, and take comments from the public regarding any
22 concerns they have might with the Project in areas that they
23 would like us to look at.

24 MS. MONHEIT: So it sounds like an area that you
25 would like to have explored in the environmental document is

1 what potential predators to the cray -- the Shasta crayfish
2 may exist in the Project Reach; is that correct?

3 MR. KNOX: Yes, ma'am, that's correct, because
4 that Pit River has been there running longer than you and I
5 and all of us in here put together. They put the Pit in --
6 they put Pit 1 in what, the 30s, 1930s, and now all of a
7 sudden it's endangered. That crayfish has been in that
8 river since the starting of time, and for somebody to come
9 up and say that the crayfish is endangered, how do they know
10 that?

11 MR. BARNES: Well, the species has been
12 declining.

13 MR. KNOX: But that doesn't mean -- that doesn't
14 mean that the warm water is doing it. It means -- well, I
15 would rather not say.

16 MR. JONES: It would -- Ross Jones.

17 It would appear to me that the research is
18 designed to arrive at a foregone conclusion.

19 MR. CHANDLER: It even says it.

20 MR. BARNES: Your comment is noted. I can't
21 really respond to that. It's more of a comment than a
22 question.

23 MR. CHANDLER: Has anybody studied the raccoons
24 to see if there's been an increase in population. They love
25 the crayfish.

1 MR. BARNES: That's something we can look at, and
2 we'll definitely be looking at that.

3 MR. CHANDLER: There's a decline in raccoons,
4 there's a decline in crayfish, and vice versa.

5 MR. JONES: Am I correct in assuming that CEQA is
6 the head organization for this effort?

7 MR. BARNES: No, CEQA is a law. It's the
8 California Environmental Quality Act. It's a set of
9 environmental laws that are put in place to protect
10 California's natural resources. Before any project is
11 implemented, or any actions taken by the state agency, it
12 must be evaluated under CEQA. And that's to assess any of
13 the potential impacts and mitigate those impacts where
14 feasible.

15 MR. JONES: I agree with that. However, CEQA is
16 overseen by some group of people; correct?

17 MR. BARNES: For this Project the State Water
18 Board will be the lead agency, but there will be other
19 resource agencies reviewing the CEQA documents.

20 MR. JONES: And those other agencies are?

21 MR. BARNES: I believe the California Department
22 of Fish and Wildlife, formerly known as the California
23 Department of Fish and Game. Any -- I mean, you guys will
24 be -- if you choose to review the documents, the
25 environmental documents and submit comments you're more than

1 welcome to. It's a public document that supports
2 transparency and public input.

3 MR. JONES: We have been reviewing the Pit River
4 IRWM. Are you familiar with that?

5 MR. BARNES: No, sir, I'm not. What does IRWM
6 stand for?

7 MR. KNOX: Integrated Regional Water Management
8 Program.

9 MR. BARNES: Okay. I believe that's administered
10 by the Regional Water Quality Control Board.

11 MR. KNOX: Correct.

12 AUDIENCE MEMBER: And DWR.

13 MR. JONES: And DWR, right.

14 How is this project interrelated with that effort?

15 MR. BARNES: It's not.

16 MR. JONES: It totally stands alone?

17 MR. BARNES: Yes, sir.

18 MR. KNOX: Don Knox.

19 Who determined that those crayfish down there in
20 that -- and the thing has been there since the starting of
21 time has decreased, where did they -- what's their evidence
22 of it?

23 MR. BARNES: Um, I believe it was determined by
24 both -- well, since they're both listed -- listed under both
25 the California and Federal Endangered Species Act, there is 19

1 probably both the United States Fish and Wildlife Service
2 and the California Department of Fish and Wildlife through
3 their surveys for the Shasta crayfish saw a decline in the
4 populations. And the drop off became so precipitous that
5 they decided to list them as endangered.

6 MR. KNOX: Tell me if Davis was -- University of
7 California at Davis, the science department down there was
8 involved in that?

9 MR. BARNES: I do not believe -- that's something
10 we can look into and address. I don't -- I don't have that
11 information available right now.

12 MR. JONES: If -- Ross Jones.

13 If flushing is reduced or minimalized --

14 MR. BARNES: Uh-huh.

15 MR. JONES: -- what's the impact on millifoil?

16 THE REPORTER: Excuse me?

17 MR. KNOX: Millifoil.

18 MR. BARNES: I can't answer that question right
19 now because we haven't actually analyzed the Project yet.
20 This is the beginning of the CEQA process, so these answers
21 will come -- these questions will be answered hopefully
22 through that process. That will be something that has to be
23 determined through the CEQA process.

24 MR. JONES: That's exactly why I'm raising the
25 question to make sure that it happens.

1 MR. BARNES: Okay. Well, maybe we should move on
2 to the comment period and you guys can start submitting
3 comments regarding what you would like to see in such a CEQA
4 document.

5 Have you guys all submitted your cards to Shruti?

6 MR. KNOX: I have.

7 MS. RAMAKER: I have two. Does anybody else wish
8 to comment?

9 MR. CHANDLER: Just a comment in general. You
10 got to understand you're awfully young. These people have
11 been through the spotted owl crap, the marble murrelet, the
12 snail darter, the desert tortoise, all this crap, and it
13 was -- it involved a -- in other words, it had the end, the
14 end was to destroy custom, culture and the economy, that's
15 all it's done. It started back in the 70s, and it's gone
16 through. Highly suspicious of any of this stuff, especially
17 U.S. Fish and Wildlife.

18 MR. BARNES: And I understand. But this is an
19 action -- this action will be taken, so it's going to go
20 through the CEQA process, and impacts to all of those will
21 be assessed and evaluated and mitigated.

22 MR. CHANDLER: Where is the California Fish and
23 Game's biological section, how come they didn't do these
24 studies? That's what we're paying for.

25 MR. BARNES: I can't answer that. I am a

1 representative of the Start Water Board, so...

2 MR. CHANDLER: Somebody needs to yank their chain,
3 because they should have all of this information, all of
4 it, this is their bailiwick, this is their area, and that's
5 what ought to be happening.

6 MR. BARNES: Well, I appreciate your comment.

7 MR. CHANDLER: Okay.

8 MR. BARNES: So who do we have submitting
9 comments first?

10 MS. RAMAKER: We have Doug Knox.

11 MR. KNOX: Yeah, I got a lot of comment, but you
12 don't want to hear them because I know what's going on.
13 Why don't you go first.

14

15 PUBLIC COMMENT PRESENTED BY ROSS JONES

16 ---o0o---

17 MR. JONES: Ross Jones.

18 I have been in this valley for a little over 20
19 years. Been associated with agriculture most of that time.
20 We see the State of California reaching for our water
21 rights. The creation of an endangered species, which is
22 exactly what's happening right now on the Pit River, is --
23 is an attempt to usurp our given rights. I feel that this
24 is a scam. It's a waste of money. PG&E has been forced to
25 pay for this, which means that we're paying for it. And it

1 is totally inappropriate.

2 That's my comment.

3 ---o0o---

4 MR. BARNES: Thank you.

5 I believe we have Doug Knox is the only other one.

6 MR. KNOX: Let somebody go. Let me think about
7 this. I want to give it to you but can I pass it up to
8 somebody else.

9 MR. BARNES: Is there anybody else who wishes to
10 submit verbal comments at this time?

11 MR. KNOX: Am I the last one?

12 MR. BARNES: I think so.

13 MR. KNOX: Yeah, here I go. You got your seatbelt
14 on?

15 MR. BARNES: I'm strapped in.

16

17 PUBLIC COMMENT PRESENT BY DOUG KNOX

18 ---o0o---

19 MR. KNOX: The Modoc Independent Tea Party has
20 been studying this Pit River IRWM for some time, okay. We
21 know the shakers and the makers in it. We know that they --
22 that the water in Siskiyou County they want to take and get
23 that -- the dams out, which will run the landowners out. We
24 know that the basketful of -- in the science lab in Davis
25 like Mr. Jeffers, Sari Arnel (phonetic spelling), Chad

1 Henson, Mr. -- Dr. Peter Moyle, who tried to run me and my
2 wife in out of business in Sacramento County on a fish farm
3 in the early 80s, they're all come -- they want to take this
4 water.

5 You know what sustained development is,
6 comprehensive planning, smart growth, smart meters, they
7 call it Agenda 21. We know what they want. We know that
8 the Department of Water Resources man, Mr. Gary Bardini,
9 spoke in Lake Tahoe on the 17th and 18th of July last year
10 at Kings Beach in California where he was sitting right next
11 to Mr. Jim Branham of the Sierra Nevada Conservancy, and
12 Mr. Gary Bardini informed 85 people in there that the
13 information in the Pit River came from the United Nations
14 and went to the feds. They didn't know what to do with it.
15 They passed it off to the state. How do I know that,
16 because we undermined it and we had people in that meeting
17 to find out what they were doing. We have an audio of it.
18 So Mr. Bardini can squeal like a pig all day long, but we
19 know what they're up to.

20 Any time you want to come up here for an
21 endangered species, our message to you people is get the
22 hell out of town and go back to Sacramento.

23 Thank you.

24 ---o0o---

25 MR. BARNES: Thank you. Appreciate your

1 comments.

2 Is there anybody else who wishes to submit
3 comments?

4 MR. JONES: No, I just want to throw my hat in
5 with Doug. This is a -- simply a water grab.

6 MR. KNOX: That's all it is.

7 MR. JONES: And we just are fed up with it.

8 MR. KNOX: We're so fed up with it that our Tea
9 Party up there in Modoc County, we got that radio program
10 every Saturday at 12 noon on KCFJ 570 AM for 30 minutes.
11 We're going to rout the people out, we know who they are.

12 We know that Katie Burdick, who was -- is the head
13 of this IRWM facilitator -- (Reporter interrupts)
14 Katie Burdick, she was the facilitator of the Pit River
15 IRWM. Gary Bardini, the State Department of Water
16 Resources, he is the manager of all the IRWMs up and down
17 the Sierras, okay. We know that. We know what their plan
18 is, and we're going to fight them. Yes, we're not going to
19 -- and Katie Burdick was in that meeting down there on July
20 17th and 18th when Bardini told Jim -- Jim Branham of the
21 Sierra Nevada Conservancy that this came from the United
22 Nations. We know what they're in for. We got the
23 recordings of it. He said they ought to take all the state
24 agencies and actually promote all this IRW crap to the
25 people and get them all in pontoons so they can pass. Well, 25

1 they made one mistake. The people up here in Shasta County,
2 and Modoc County --

3 MR. JONES: Siskiyou County.

4 MR. KNOX: -- and Siskiyou County, my friends up
5 there that's up there, they're going to fight for their
6 land. We're not going to give up because we know what you
7 people are up to.

8 Anybody that will take and shut off water because
9 of a two inch minnow, a delta smelt, now what can take that
10 down there in the delta. Any bass that's in that water, any
11 blue gill, crappie, snake, diver ducks, mergansers,
12 cormorants on the East Coast, they're known as water
13 turkeys, they're all around here. They'll clean out a pond.

14 But anybody that will shut the water off to over
15 850,000 acres of ranch land, farm land in the San Joaquin
16 Valley, they're not environmentalists, they're domestic
17 terrorists, and we're going to fight 'em. We'll tell you
18 right on the radio, we don't call those people
19 environmentalists, we call them domestic terrorists, that's
20 what the hell they are.

21 MR. BARNES: Well, thank you. We appreciate your
22 comments.

23 MR. KNOX: Oh, I bet you do.

24 MR. BARNES: I would just like to reiterate that
25 we will still be accepting written comments if you have any 26

1 additional comments in the future until noon on June 24th,
2 2013, so... and also my card is on the table. If you have
3 any questions feel free to contact me, it's got my email
4 address and work phone number.

5 MR. KNOX: Don Knox.

6 You know there's more endangered species in this
7 Pit River than just that one, that Shasta crayfish that
8 you're talking about.

9 MR. BARNES: Yeah.

10 MR. KNOX: That was in the little brochure that
11 they put out, the Shasta crayfish, the sculpin, the sucker,
12 the western pond turtle. Oh, yeah. But the farmers and
13 ranchers are going to wake up, because what they're going to
14 have to do is fence off the whole Pit River all the way up
15 to keep their cattle out of it.

16 And now the California Department of Fish and
17 Wildlife, they want to put the salmon in above Shasta. What
18 are we going to have, another KBRA up here for Christ's
19 sakes.

20 MR. JONES: Watch your language.

21 MR. KNOX: Okay. I apologize. I get upset.

22 But people want to take my friend's land on
23 something -- and they'll put a crayfish over you as a human
24 being, whatever, that's a God's sin. Every farmer and
25 rancher is the creators and they take care of this land up

1 here. And you want to run them off the land. Why? Because
2 it's called the California Wildlands Project.

3 MR. BARNES: I understand.

4 MR. KNOX: You know what I'm talking, Agenda 21?

5 MR. BARNES: Yes, I've heard of Agenda 21.

6 MR. KNOX: Uh-huh.

7 MR. BARNES: But this has nothing to do with it.

8 MR. KNOX: Oh, yes, it does. Oh, it's a back
9 door.

10 MR. JONES: Ross Jones.

11 Ignorance is bliss.

12 MR. BARNES: Well, I appreciate you all showing
13 up here this evening and submitting your comments. Like I
14 said before, we'll be accepting written comments until June
15 24th at noon, so...

16 MR. CHANDLER: Understand something else. Just a
17 few people are here representing hundreds of people.

18 MR. BARNES: I -- I understand that.

19 MR. CHANDLER: This is just a small crowd. But
20 he talks to thousands of people every weekend. We're just
21 an offshoot from the main Tea Party group down in Redding.
22 They know what's going on.

23 MR. KNOX: The radio -- the radio program that I
24 got is on for 30 minutes, it's an AM. It goes all the way
25 up into Burns, Oregon.

1 MR. BARNES: Uh-huh.

2 MR. KNOX: It goes south to Carson City, Nevada.
3 It goes west to Yreka. Northwest to Doris into Oregon. And
4 also it goes I don't know how far into Nevada.

5 Also I am a strong supporter for the Rural
6 Sheriffs of the Sheriffs Supporting Rural America. Yes.

7 MR. BARNES: Appreciate you all coming out here
8 tonight. Thank you for your time.

9 MR. KNOX: We will put this on the -- on the
10 radio on Saturday. We're going to -- we're going to --
11 we're going to make you people famous in the Intermountain
12 area down here. It's not personal.

13 MR. BARNES: I understand.

14 MR. KNOX: When you want to cut my throat I'm
15 going to come back any way I can. Okay.

16 MR. BARNES: Yes, sir.

17 MR. KNOX: Pure, plain and simple.

18 And -- and you don't need to go to a dictionary to
19 decipher just what the hell I said.

20 (The proceedings were adjourned at 6:44 p.m.)

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1 STATE OF CALIFORNIA)
2 COUNTY OF SHASTA) SS.

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5

6 I, CHERYL K. SMITH, Certified Shorthand Reporter,
7 do hereby certify:

8

9 That I acted as such Shorthand Reporter in the
10 above-entitled matter; that I took down in shorthand notes
11 the proceedings given and had at said time and place;

12

13 That I thereupon caused my stenographic notes to
14 be transcribed by computer-assisted transcribing, and that
15 the foregoing 29 pages constitute a full, true and correct
16 transcript thereof.

17

18 DATED: June 22, 2013.

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CHERYL K. SMITH, CSR 5257

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