

SCOPING MEETING KILARC -- COW CREEK
HYDROELECTRIC PROJECT LICENSE SURRENDER

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Wednesday, April 10, 2013

Millville Grange Hall
Palo Cedro, California
6:00 o'clock p.m.

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Meeting Presented by:

Erin Ragazzi, State Water Resource Control Board
Jeff Parks, State Water Resource Control Board

Also Present:

Lauri Warner Herson, Cardno Entrix
Ammon Rice, Cardno Entrix
Shruti Ramaker, Cardno Entrix
Steven Towers, Quercus Consultants
Elisabeth Towers, Quercus Consultants

CHERYL K. SMITH, C.S.R.

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2 HYDROELECTRIC PROJECT LICENSE SURRENDER

3 Wednesday, April 10, 2013

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5 MS. RAGAZZI: So I would like to welcome everyone
6 this evening. We're here tonight for a Scoping Meeting for
7 the Kilarc-Cow Hydroelectric Project. And we're going to go
8 through some logistics, and then go over some of the
9 handouts, and then we'll hear comment.

10 So I'm Erin Ragazzi, and I work with the State
11 Water Resources Control Board down in Sacramento. And a
12 couple of logistics. You all found seats, or you're finding
13 seats quickly. If you need to go to the restroom during
14 this event, feel free to get up and leave, you don't need to
15 sit there and wait for a break or anything. You go out this
16 door over here to your left, you turn left, and then
17 immediately right, and both restrooms are right there.

18 I'm holding my phone because we all have electric
19 gadgets in our life these days. If you can silence them or
20 turn them off that would be greatly appreciated so we don't
21 have any distractions, that would be great.

22 And over here to my right we have Cheryl. Cheryl
23 is our recorder this evening. She's here to transcribe what
24 folks say so that we have an accurate representation of the
25 comments that you folks have tonight. So when you come up

1 to give a comment, please make sure you speak into the
2 microphone right over there at the podium. There is also a
3 mic so that people in the back of the room can hear as well,
4 it's a wireless mic, so you don't have to turn it on or off.

5 Cheryl has asked that you please, please speak
6 slowly so that she can capture the information that you're
7 saying. And also if you could say your name at the very
8 beginning and spell it, that would be greatly appreciated.
9 I know you guys are filling out some comment cards, but
10 sometimes you can't read people's writings on a comment
11 card, so it would be great still if you could say your name
12 and then spell it out for her.

13 So there are a few handouts that everybody should
14 have grabbed when they came in. There is three of them
15 actually. First one is an Agenda, what we're going to do
16 tonight, we're going to go through these logistics, and I'm
17 going to handle that. And then I'm going to pass it over to
18 Jeff Parks, and Jeff is going to give a presentation this
19 evening about the Scoping process. And then we're going to
20 open it up to comments for folks. And then we'll be talking
21 about the closing and next steps, next steps being that the
22 draft EIR will be out for public comment, and that will be
23 the next opportunity that folks have to weigh in on this
24 Project.

25 But tonight we're here to get your actual

1 comments. So you have the agenda and meeting ground rules.
2 You have an overview of the Project. And then you have this
3 speaker comment card. This is probably the most important
4 one for you to look at right now. So if you know you want
5 to comment already, please fill it out and place it in the
6 basket right over there. If you're not sure if you want to
7 comment, as Jeff is talking and you decide you want to you
8 comment, or at any point in time you decide you want to
9 comment, please fill out this card. And if it is after the
10 presentation, you can slip it to me right over there and
11 we'll give you a cue to provide comments.

12 So did everyone sign in? Who -- who signed in
13 this evening? Great. Okay.

14 So we just talked about filling out the speaker
15 card. Depending on the number of folks that want to
16 comment, we may need to limit your comment time. So it is
17 important if you want to comment to put your card over
18 there. If we do limit -- if we do have to limit people's
19 comment time, at the end people talk more quickly or don't
20 have as much to say and, you know, if time allotted at the
21 very end we're more than happy to have folks come back up
22 and provide any comments or thoughts if they have any at the
23 end.

24 See he's getting ahead of me, he's pressing a
25 button over there.

1 Okay. So the purpose of the meeting tonight is
2 really to get your comments. So we're going to provide some
3 information just as background, what the purpose of
4 tonight's meeting is to solicit your comments, not for us to
5 get into a huge dialogue back and forth and answer anything
6 more than procedural type of questions. So really we're
7 soliciting your input so that we can prepare our draft
8 Environmental Impact Report.

9 And to that end, we really want to respect
10 everybody's voice and respect all the speakers, and all
11 points of view are valid. So we really want to hear from
12 you tonight.

13 And with that, I think I get to turn it over to
14 Jeff.

15 MR. PARKS: Good evening. I'm Jeff Parks. I
16 think I've seen most of you before. I have been on this
17 Project since the end of 2007, so I was at the Scoping
18 Meeting here for what FERC did. I was at the -- from the
19 roll out of the license surrender application that came out
20 from PG&E, so it's good to still see all of you here.

21 So tonight, as Erin said, mainly what we're trying
22 to convey tonight is what we're going to be doing in the
23 CEQA process. You know, one of the biggest things about
24 CEQA is transparency and -- and openness. It was designed
25 really to make sure that the public was aware of decisions

1 that people were making and the impact that those decisions
2 have on the environment. So hopefully I will be conveying
3 that in the right way tonight.

4 So our mission is to preserve, enhance and restore
5 the quality of California's water resources and ensure their
6 proper allocations and beneficial use for the benefit of
7 present and future generations. I promise I won't be
8 reading all those lines. But just in general, that's --
9 that's kind of our -- our Mission Statement of the State
10 Water Board.

11 Just so you know, I'll also be posting this
12 presentation on our Web site afterwards, so you know there
13 are links on here, and I'll make sure to send out a notice.
14 If anybody -- one reason we're asking for everybody's e-mail
15 address back there is we're planning on sending a reminder
16 notice after this meeting that will contain a link to our
17 web site and also a reminder of when written comments are
18 due.

19 So if you don't know what the State Water
20 Resources Control Board does, we have authority for both
21 water rights and water quality. The people that are here
22 tonight, we're out of the Division of Water Rights. We
23 happen to be doing a Water Quality Program, but the main,
24 you know, if you were looking at us structurally we're --
25 we're coming out of the Division of Water Rights assistance.

1 One of the main things we do when we're making any
2 kind of decisions at the Water Board is protecting and
3 enforcing the different water uses, or sometimes referred to
4 as beneficial uses of water. The -- there is also regional
5 boards. So there's -- there's our State Water Board, and
6 the regional boards. And out of those come descriptions of
7 each watershed and the beneficial uses of the water
8 associated with all those.

9 So a lot of times, especially in a process like
10 this, we end up being the entity that -- that has to balance
11 the different uses of water as opposed to other state and
12 federal environmental agencies that may have a specific fish
13 or water goal in mind.

14 So why are we here tonight? As most of you are
15 aware, PG&E submitted an application to surrender its
16 hydropower project. That was submitted in 2007, and 2008,
17 9. And our role in this is that before FERC, the Federal
18 Energy Regulatory Commission, before they can issue any kind
19 of order having to do with these hydropower projects, they
20 first must obtain a 401 Water Quality Certification from the
21 State Water Board. The 401 refers to the section of the
22 Clean Water Act we're using our authority under.

23 So what comes out of that Water Quality
24 Certification? Hopefully we are providing conditions that
25 protect water quality and balance those beneficial uses that

1 we're discussing, and also considers the existing water
2 rights in the system.

3 So the California Environmental Quality Act, CEQA,
4 that's what this Scoping Meeting is really for. This is
5 something -- this is a state law that Reagan actually signed
6 into law when he was Governor. It's what a State Water
7 Board must do before we make any kind of discretionary
8 decision.

9 And in this case, the discretionary decision is
10 that Water Quality Certification that PG&E applied for from
11 the State Water Board for this Project. In this case PG&E,
12 because it's not a public agency, cannot be the lead agency,
13 which is basically the party that develops the CEQA
14 document. So in this case the State Water Board is the
15 lead. So the State Water Board is the one that's developing
16 this document, and the other parts of that as well. That
17 means that a State Water Board decides what level of review
18 this Project will get.

19 In our Notice of Preparation we decided that we're
20 going to go to -- straight to an Environmental Impact
21 Report. There is a lot of different levels of review that
22 CEQA can apply to a project. We decided because of the
23 interest in this Project that it was -- it was prudent to go
24 straight to an Environmental Impact Report. And ultimately
25 this -- this report and the decisions that we make based on

1 this report will reflect the State Water Board's independent
2 judgment.

3 So one of the things that we'll use this
4 Environmental Impact Report for is creating what's called
5 either the CEQA findings or findings of fact. We will be
6 using the -- the assessment that we made in the
7 Environmental Impact Report to create our findings of what
8 we think the impacts on this Project will be, what
9 mitigation measures may be necessary or may already be part
10 of the Project. And ultimately that is what we'll use as
11 our rationale for the Water Quality Certification action
12 that we will take.

13 And -- and so, you know, as I just said, if we
14 issue a certification, the conditions that we would put in
15 that certification would be justified by the CEQA findings
16 which are based on the Environmental Impact Report.

17 The other part of this, and the important part of
18 why we're here, is that FERC must make the conditions in our
19 Water Quality Certification a mandatory part of any order
20 that they issue for this Project. So it's a big
21 responsibility for us in this project and why we're taking
22 this very seriously, because this will become a -- a
23 permanent part of whatever action is taken on this Project.

24 So that's not to say that we can preempt federal
25 law. We can't change any federal laws, it's additive. But

1 in many cases California environmental law is more stringent
2 than some federal laws, so a lot of times in these projects
3 we're the ones that are putting the most, you know, the --
4 the condition that, I don't want to say trumps, that
5 overrides other people's conditions.

6 So the -- the Kilarc-Cow Hydroelectric Project
7 itself, I'm not going to go into much details, I think
8 people have seen what the Project actually is. So it's --
9 it's owned by PG&E. It's a hydroelectric project. It
10 consists of two different developments, that's the Kilarc
11 side on Old Cow Creek, which consists mainly of the
12 diversion off of Old Cow Creek, and the canal structure that
13 leads to the Kilarc forebay and to the -- the actual
14 powerhouse. And the Cow Creek development on South Cow
15 Creek, which is similar in diverting water from Mill Creek
16 and South Cow Creek into a canal structure, and ultimately
17 into the South Cow powerhouse.

18 So PG&E submitted a license surrender application
19 to FERC. The proposal at this point in the Project that is
20 before us is what PG&E has put in their license surrender
21 application. So at this point that Project is to -- is to
22 remove all generating -- remove all generating -- I want to
23 say appliances, that's not the right word.

24 MEMBER OF THE AUDIENCE: Infrastructure.

25 MR. PARKS: Yeah, infrastructure from the

1 powerhouses, infill the canals, infill the forebays, and to
2 the extent necessary recreate the streams and remove
3 diversion structures. The intent as I take PG&E's
4 decommissioning plan is to, you know, return the Project
5 to -- or return the Project to pre-Project conditions to the
6 extent possible.

7 So the development of documents within the CEQA
8 process, when we started this, the State Water Board signed
9 an agreement with PG&E and Cardno Entrix. We selected
10 Cardno Entrix as our -- as our consultant for this Project.
11 It's something that you may not be aware, Cardno Entrix did
12 work on some of the re-licensing studies for this Project.
13 One of the things that we did was we have a completely
14 separate staff from Cardno Entrix working on its
15 environmental documents. Just wanted to make sure everyone
16 was aware of that since it is the same company, we did make
17 sure that there is a complete separation of staff.

18 Cardno Entrix is the one that did the developing
19 of the documents and writing them, but they're doing it
20 under the sole direction of the State Water Board. The --
21 the reason PG&E is -- is in this agreement is because PG&E
22 is the one that is compensating Cardno Entrix for the work.
23 But I just want to make sure that's understood the way that
24 works, PG&E is actually paying for the work to be done, but
25 Cardno Entrix is doing all the work under the sole direction

1 of the State Water Board.

2 In this case I'm the Project manager for this
3 Project.

4 And since we're mentioning Cardno Entrix, if I can
5 just introduce some of the Cardno Entrix folks that will be
6 working on the Project. If you can introduce...

7 MS. WARNER HERSON: Sure. I'm Laurie Warner
8 Herson, I'm the CEQA/NEPA Lead for the water group of Cardno
9 Entrix. So we are definitely separate from the hydro group
10 within the Cardno Entrix company.

11 With me I have Shruti Ramaker, who is a planner
12 and public outreach specialist; and Ammon Rice, who is also
13 assisting in coordinating and managing the Project and some
14 of the logistics, including this meeting tonight. So this
15 is just the core team, we have many more working on the
16 Project.

17 MR. PARKS: All right. So... yes, Erik.

18 MR. POOLE: I'm sorry, but could you go back a
19 slide.

20 MR. PARKS: Yes.

21 MR. POOLE: Something you just said is --

22 MS. RAGAZZI: Is there any way you can come up so
23 Cheryl can capture your thoughts.

24 THE COURT REPORTER: Your name is?

25 MR. POOLE: My name is Erik, E-R-I-K, Poole,

1 P-O-O-L-E.

2 Sorry. When the -- Jeff, when you had the
3 previous slide up --

4 MR. PARKS: Uh-huh.

5 MR. POOLE: -- you said something about what your
6 understanding of PG&E's intent was with the decommissioning
7 Project were to --

8 MR. PARKS: Uh-huh.

9 MR. POOLE: -- to return to pre-Project
10 conditions. I just -- do you --

11 MR. PARKS: I understand your concern.

12 MR. POOLE: Can you explain that, or -- or can
13 you tell us what -- is that your agency's assumption? Do
14 you have a definition of what those pre-Project conditions
15 were, or...

16 MR. PARKS: I don't mean to speak for PG&E in
17 this, I mainly --

18 MR. POOLE: Yeah.

19 MR. PARKS: My assumption, and this is my personal
20 assumption, not the State Water Board's assumption, is that
21 the Project, when it was agreed to be decommissioned, that
22 part of the understanding from the agencies and the public
23 that was involved at that time was that a key part of that
24 was removing the -- all the features of the Project. So
25 maybe pre-Project was not the right term for that. But it

1 was -- it was the removal and the -- to create a condition
2 where the Project facilities would -- would not be a --

3 MR. POOLE: It would obliterated. They're --
4 they're going to be gone completely; right?

5 MR. PARKS: They will be gone, yes. But it's
6 to -- it's to create a condition where none of the
7 facilities will be an ongoing liability, or an ongoing -- it
8 would involve any kind of ongoing maintenance on the part of
9 PG&E.

10 Again my assumption of the -- of the -- I don't
11 want to speak for PG&E on the Project or why they made their
12 decision.

13 MR. POOLE: I believe that's going to be
14 significantly different from what the conditions were prior
15 to PG&E licensing this Project with FERC, or starting any of
16 this. So I just wanted to try to make sure that that
17 distinction is held in mind as we go through this process,
18 because it's a -- it's a significant one for all of us that
19 will -- that will still be here, depending on the state of
20 the Project facilities after this, but...

21 MR. PARKS: So that's a good distinction, and I'm
22 sorry if I --

23 MR. POOLE: I just wanted to get on it before it
24 got down on the record too far, so...

25 MS. RAGAZZI: And Let's try to hold -- let's try

1 and hold discussion. If we have clarifications --

2 MR. ALBRECHT: Is the slide show going to be part
3 of the transcript?

4 MS. RAGAZZI: Yes.

5 MR. PARKS: Yes.

6 MR. ALBRECHT: Okay.

7 MR. PARKS: So this is -- this is from the -- the
8 CEQA guide book that's written, and this is what we use as
9 advise for how we -- how we go about developing CEQA
10 documents.

11 As I've said, a big part about CEQA is
12 disclosure. It's full disclosure to people making decisions
13 and to the public about what the significant effects of a
14 project activity can be, identifying ways that it can be
15 mitigated or if, you know, there is ways that significant
16 impacts can be avoided, preventing environmental damage with
17 the same kind of ideas with mitigation measures or simple
18 avoidance. Disclosure, again it -- it sounds repeating, but
19 overall it's disclosure, making sure that the public is
20 aware of what's going on, that the decision-makers are aware
21 of what is going on.

22 And I'm glad you guys are here tonight because a
23 big part of this is making sure that the public
24 participates, and that we do our due diligence to make sure
25 that the public has a chance to participate.

1 So as we stated, we've decided to already prepare
2 an Environmental Impact Report. We've identified in the
3 notice of preparation what areas we imagined the
4 Environmental Impact Report to cover. Doesn't mean that
5 it's exclusive to that list, we can always add things based
6 on the comments that are made tonight. And it's really
7 designed to identify what those significant impacts may be,
8 and what mitigation measures there can be made to reduce
9 those.

10 One thing, you know, we've already identified the
11 alternatives that were presented in FERC's Environmental
12 Impact Statement, we will look at those as well. We'll be
13 evaluating them under the light of CEQA. And one of the
14 things that we will be looking at is looking at how they
15 meet the Project objectives, which at this point the Project
16 of course is what PG&E has asked for, and the feasibility of
17 each alternative. And that final determination will be made
18 when we issue those findings that will be based on the EIR.

19 The other thing we must do when we -- when going
20 through the process is any comments that are made on the
21 draft EIR, which will be the next step of that, which is we
22 must respond to any comments that are made and basically
23 express how we addressed them in the final EIR.

24 So this is the real basic order of what's going
25 on. Right now we're collecting oral comments tonight.

1 There's another approximately two weeks until April 22nd,
2 which is a Monday, when -- that's the deadline for
3 collecting written comments to us. The intent was to, you
4 know, if -- if new things come up after this meeting to make
5 sure there is extra time to be able to send written comments
6 to us.

7 The next step is hopefully this summer we will be
8 able to issue a draft Environmental Impact Report. That
9 will include a public comment window, usually at least 30
10 days, if not more. And then as I said, the next step is
11 issuing a final Environmental Impact Report that will
12 address the comments being made in the draft Environmental
13 Impact Report.

14 MR. ELY: Mr. Parks, I notice in this order of
15 event the word "studies" is not mentioned. Will the State
16 be doing any studies should they be necessary to flush out
17 what the FERC has done..

18 MR. PARKS: If -- if we find it necessary when
19 we're looking at the information we -- we get from the
20 scoping tonight and from the comments that we receive, we'll
21 evaluate whether we need to do additional studies related to
22 this project. So as I said, the draft EIR will -- will have
23 a -- a public review and comment period.

24 One thing that we tried really hard to do is the
25 State Water Board will also release a draft of what the

1 Water Quality Certification would be at that point, with the
2 draft Environmental Impact Report, so that you can see where
3 we're heading with both the Environmental Impact Report and
4 whatever decision we're -- we're ultimately making. Which
5 means that you'll have the opportunity to comment on both of
6 those at the same time, which is also the purpose of doing
7 that so that, you know, disclosure, transparency, we want to
8 make sure everyone sees where we're headed and what we're
9 doing. And with all things the State Water Board does,
10 there's -- there's the allowance for Petitions for
11 Reconsideration when we make final decisions.

12 And so the next step is making your comments
13 tonight and sending any other comments you have to me. As I
14 said, if you provided your e-mail address I'm going to send
15 all this information around again after this meeting. And
16 please make sure you get comments in by April 22nd to me.
17 And also feel free to give me a call if you have any
18 questions about what's going on with this process, or about
19 your comments, or how to submit them. I will do my best
20 to -- to aid in helping you submit comments.

21 MR. FLETTER: I'm not sure if I'm going to make a
22 verbal comment or a written comment, but there is no address
23 on this at this point on here.

24 MR. PARKS: If you just want to wait I will be
25 handing out the -- the -- I'm sorry, Laurie has some copies

1 of the Notice of Preparation which has my address on there,
2 so if you need the address to send it to.

3 MS. WARNER HERSON: Also, Jeff, we did bring
4 another version of the comment card that has the address at
5 the bottom in case people need that just on the comment
6 card. So -- oh, of course, can you hear me now.

7 So we do have other comment cards that have the
8 address, and I can provide those if anybody desires to mail
9 them back. Okay.

10 MR. PARKS: So please see Laurie after. And as I
11 said before, we're going to post this on our web site. I
12 will also send out a notice to everyone who has provided
13 their e-mail to make sure they know where to find that.

14 After we gather the comments tonight, which are
15 being, you know, transcribed, I'll be working with Cardno
16 Entrix to develop this draft document, and there will be
17 another public comment period. And this is probably not
18 very helpful to try to write down, so when this comes around
19 this will provide a link to our web page. And we also have
20 a subscription-based service that if you go to this site and
21 sign up, whenever we take actions on projects like these we
22 send it to everyone who signed up for this. So if you want
23 to receive anything on these in the future, we highly advise
24 signing up for these -- or I'm sorry, subscribing to this
25 list.

1 So does anybody have any questions about the
2 process, the CEQA process?

3 MR. STANTON: Do I need this? Excuse me. You
4 mentioned that you were going to be the one taking the phone
5 calls and reading the e-mails. Is it solely you, or do you
6 have a staff that is going to assimilate some of this
7 information as well?

8 MR. PARKS: Well, in one aspect anything you send
9 me is public so, you know, I will be working with my manager
10 and any other staff that I need to work with at the State
11 Water Board to consider any comments that have been made.
12 Does -- does that answer your question?

13 MR. STANTON: I thought you mentioned that you
14 would take phone calls.

15 MR. PARKS: Yes.

16 MR. STANTON: Did I -- okay. Is -- are you the
17 only one that will take phone calls or will other people on
18 your staff take phone calls.

19 MR. PARKS: I -- the reason I would try to take
20 most of them is because I have the most knowledge about what
21 has happened on this Project, and other people you talk to
22 may not have the immediate background, but you can speak to
23 anyone at the Water Board.

24 MR. STANTON: You are going to be very busy.

25 MR. PARKS: I have talked to people on the phone

1 before, so I have no problem speaking to anybody on the
2 phone.

3 MR. STANTON: Great. Thanks.

4 MR. PARKS: So if there's -- if there's no other
5 questions about the process, we are going to move onto
6 public comments.

7 MS. RAGAZZI: So just want to check really quick,
8 does anyone else want to submit a comment card at this point
9 in time? Okay. Laurie will grab it from you. I'm just
10 trying to get a -- does anybody else -- who else thinks
11 they're probably going to want to talk? I'm just trying to
12 figure out a timing here. We can let people filibuster or
13 we can be hard about it.

14 Okay. Okay. We'll go ahead and get started so we
15 can make the most efficient use of the time.

16 MR. PARKS: Bob Ryneearson. And, yes, if you
17 could please come over here to the podium, there's a
18 microphone there for the transcriber as well, so...

19

20 PUBLIC COMMENT PRESENTED

21 BY BOB RYNEARSON

22 ---o0o---

23 MR. RYNEARSON: This might be real quick. I'm
24 Bob Ryneearson, I'm land manager with Beaty & Associates, and
25 we're a member of what is known as the German Ditch

1 Association which provides water to residences as well as a
2 lot of agricultural uses in the Whitmore area. And I don't
3 even know how much this applies to the EIR, but PG&E several
4 years ago had promised that there -- they had some water
5 rights in that Association, they had promised that they
6 would surrender those rights to the Association, and I just
7 want to make sure that, you know, if they need -- if that
8 needs to be dealt with in the EIR, that that's covered. I'm
9 not even sure if it needs -- needs to be.

10 But also we've never really seen anything kind of
11 in writing from them where they deeded over any of those,
12 and so -- and I -- I don't know if you -- if anybody from
13 PG&E is here that has an answer.

14 MR. PARKS: I don't expect PG&E to answer
15 tonight, but that's my understanding of the disposition of
16 those water rights as well.

17 MR. RYNEARSON: Okay. So I guess my comment then
18 is to make sure that whatever happens in the EIR whether --
19 so we don't lose those rights because it didn't get
20 covered.

21 ---o0o---

22 MR. PARKS: Kelly Sackheim.

23 THE REPORTER: Would you spell your name.

24 MS. SACKHEIM: Yes. S-A-C-K-H-E-I-M.

25 THE REPORTER: And the first name?

1 MS. SACKHEIM: Kelly, just Y, K-E-L-L-Y.

2
3 PUBLIC COMMENT PRESENTED

4 BY KELLY SACKHEIM

5 ---oOo---

6 I have been following this process -- I have been
7 following this process since the kick-off meeting in
8 February of 2007. And first and foremost I want to thank
9 the California State Water Resource Control Board, and Jeff
10 Parks in particular, for taking the actions necessary to
11 truly represent the interests of the citizen-stakeholders in
12 a proceedings where other government agencies and special
13 interest groups have been leveraging their resources to
14 obtain an irreversible outcome before all the facts have
15 been considered.

16 And I wrote everything down so that I could speak
17 a little bit more efficiently, but I'm going to diverge for
18 a moment. I picked up, as Erik Poole did, on the comment
19 about the Project is being viewed in light of PG&E's
20 objective. And, um, while that certainly would be one of
21 the alternatives, I have some background in doing
22 reclamation with mining companies, and under California law
23 for reclamation there are in fact two options.

24 One is the objective that was expressed by PG&E,
25 which is to attempt to restore a situation to pre-Project

1 conditions. An equally valid option is to provide for
2 future beneficial use of the resources. And I think in this
3 case, especially where we're talking about an activity that
4 has gone on for over a hundred years and many things have
5 changed around the site, and many stakeholders have come to
6 depend on much of the infrastructure that was established
7 for this particular reason.

8 Looking at alternatives that compare, PG&E's
9 primary objective was also stated, which is that PG&E not
10 remain liable for the ongoing maintenance of its
11 infrastructure. But at the end of the day, PG&E's broadest
12 goal of license surrender is to be able to walk away from
13 the facility. And we really look forward to seeing
14 alternatives that would provide for the future beneficial
15 use of the resources by the stakeholders.

16 And as I said, I represent the
17 citizen-stakeholders. And this evening, the Water Board has
18 provided citizen-stakeholders to present the facts that will
19 yield a different outcome, specifically the preservation of
20 facilities that can be put to beneficial new use after PG&E
21 is granted its license surrender by the FERC, instead of the
22 wasteful destruction of facilities and associated
23 opportunities when there is no evidence that alleged
24 benefits will be obtained as a result of the dismantling.

25 This evening, the Water Board will hear the facts:

1 No. 1, there are many benefits of preserving
2 specific PG&E facilities that are proposed for destruction.

3 No. 2, there are specific plans and entities who
4 are committed to implementing the plans to ensure the
5 benefits of preserving specific PG&E facilities are
6 realized, so the question of feasibility does come into
7 play.

8 Finally No. 3, the rush to dismantle facilities is
9 unnecessary because there are no certain or immediate
10 benefits, and the dismantling option is not foreclosed by
11 allowing re-use to be attempted to occur first.

12 Personally I am committed to supporting the
13 preserving of many of the Kilarc Development facilities.
14 I'm not alone. There are many who seek to collaborate in
15 this effort. In fact, there are multiple competing
16 proposals to beneficially re-use the Kilarc Development
17 facilities. These proposals should be evaluated as
18 alternatives to the proposed destruction of the PG&E
19 facilities that is currently recommended by FERC staff.

20 And I know that Dick Ely and I will be submitting
21 further detail as regards to these alternatives and plans so
22 that they can be evaluated in the Water Board EIR.

23 The alternative that I propose is several elements
24 that will -- I will briefly outline now, and I'm identifying
25 in part the supporters and what the benefits and the

1 beneficiaries would be of this particular alternative.

2 As many people are aware, Dick Ely and I are a
3 small hydroelectric power developers. We also operate sites
4 with a keen interest in protecting and enhancing the natural
5 environment and habitats. And this afternoon we were having
6 a conversation about the habitats that have been created by
7 the infrastructure using the water resource really would not
8 exist without the unnatural infrastructure that's been put
9 in place. It's been 100 hundreds years they've existed.

10 We started before the beginning, and I'm just
11 going to move talking about the Project elements that we're
12 proposing. It really evolved over the last six years based
13 on our growing understanding of what is the so-called
14 "environmental baseline" for this Project and what the
15 Project could become.

16 No. 1, there is no reason that would preclude the
17 FERC from authorizing a third party to resume generation of
18 electricity with the same or similar facilities currently
19 used by PG&E. There has been a lot of talk about that
20 alternative being off table. Three megawatts of water could
21 continue to be generated at Kilarc. FERC staff have
22 repeatedly affirmed that PG&E could simply lock the door and
23 walk away and allow a third party to move forward to restore
24 operations, so long as the environmental consequences are
25 deemed acceptable. Power generation is the first beneficial

1 use of the water for which the Water Board will be providing
2 Water Quality Certification.

3 No. 2, Davis Hydro has proposed the implementation
4 of a research facility, utilizing the Kilarc Canal as a
5 laboratory, as well as the buildings to the powerhouse,
6 where valuable learning about anadromous fish could take
7 place, at the same time more fish are propagated. The
8 benefits -- the benefits to anadromous fish would be a
9 beneficial use of the water for which the Water Board will
10 be providing Water Quality Certification.

11 Finally No. 3, with the collaboration of the Fall
12 River Valley Community Services District, which is having a
13 board meeting tonight so nobody could be present,
14 preliminary permit applications have been submitted to the
15 FERC for the implementation of an open-channel turbines
16 hydroelectric project in the Kilarc Canal that would provide
17 an opportunity for research and development of more
18 efficient and cost-effective turbines that could be
19 replicated worldwide in small channels. The benefits of
20 power generation that may be implemented worldwide using
21 this developing technology would be a beneficial use of the
22 water for which the Water Board will be providing Water
23 Quality Certification.

24 So these three efforts are complementary. They
25 have committed individuals and organizations that are

1 prepared to implement them. In addition to the direct
2 benefits that would be derived from new activity, the
3 following benefits of the Project would not be terminated if
4 the facilities were not destroyed as FERC staff currently
5 recommends.

6 As most of you know, the Save Kilarc committee was
7 established by the late Glenn Dye. I've seen references in
8 the FERC record as early as 2002 that reflect certain
9 benefits. And when there is discussion about the
10 participants at the time when PG&E's objective was developed
11 in collaboration with an agreement with agencies, the
12 participants were limited. It's not that Glenn Dye wasn't
13 there saying let's maintain it, it's that his voice was not
14 incorporated into the discussion.

15 Over 700 community members signed one petition to
16 save the Kilarc Reservoir. And as reflected in subsequent
17 petitions, comments, attendance at many meetings, and
18 especially tonight, I'm sure that the community does not
19 want to see the PG&E facilities destroyed.

20 What would be saved if the facilities were allowed
21 to remain in operation?

22 No. 1, recreational fishing at the Kilarc
23 Reservoir would be preserved.

24 No. 2, Kilarc Reservoir would continue to be a
25 source of water for fire fighting and groundwater recharge.

1 No. 3, habitats that have served a variety of
2 species for over 100 hundreds years would not be destroyed
3 on the speculation that steelhead that have never been
4 observed to ascend Whitmore Falls would miraculously take
5 advantage of the marginal new habitat that would supplement
6 the habitat that existed during the same timeframe, while
7 rainbow trout that could have been a source of population
8 were stocked for over 50 years until it was decided to stock
9 only barren fish that could not corrupt any native
10 population that similarly has never been proven to exist.

11 I thank you for your attention, and look forward
12 to additional comment from my fellow community members.

13 ---oOo---

14 MR. PARKS: Betsy Bivin.

15
16 PUBLIC COMMENT PRESENTED

17 BY BETSY BIVIN

18 ---oOo---

19 MS. BIVIN: Hi. My name is Betsy Bivin,
20 B-I-V-I-N.

21 I know that the EIR is going to be a separate
22 document, but in the EIS I noticed some what I consider to
23 be grave errors, and what appeared to be ground truth wasn't
24 done -- by the way I have a Bachelors in Geography from the
25 University of California at Santa Barbara, with a minor in

1 environmental studies, and did some EIR and EIS work back in
2 my youth.

3 My concern was that not enough ground truth was
4 done with the EIS study. I'm hoping with the EIR we'll see
5 more ground truth, people actually out in the field. I
6 would -- I also would hope that possibly the hydrologists,
7 biologists, et cetera, would use the community to help them
8 with their study because we have particular knowledge of
9 things that you may not see in a five to seven day period
10 that we could help point out.

11 In regards to the EIS, I know that again this is
12 going to be a new document, but, um, the areas of concern I
13 have, that I feel there are some inaccuracies are under
14 geologic and soil resources. In that regard, should Kilarc
15 be -- the infrastructure removed, is the area of effect
16 greater than this Project area itself. In other words, will
17 we see erosion downstream, will that be addressed in the EIR
18 with -- and that would be a hydrologist concern.

19 The other thing, the water resources, some of
20 their data looked a little bit iffy. In some of the cubic
21 feet per second data that they had just didn't seem to make
22 sense, and they were supposed to -- that was during the
23 draft, and then the final said they were going to re-address
24 it. Well, they didn't.

25 Fisheries. The Whitmore Falls, I'm not going to

1 reiterate to much, but we all know that fish are not going
2 to get over the Whitmore Falls. They never have. They
3 never will. And that is a big issue with -- in the EIS. I
4 would hope that would be addressed in the EIR.

5 Botanical resources looked rather iffy again, with
6 biologists out, botanists, maybe do a -- have a -- the
7 community aid and assist in any way we can in pointing out
8 species that might be of interest.

9 The -- under the wildlife section, oh, sorry, I
10 love the way they address the Mule Deer. Well, it's not
11 Mule Deer, they're Columbia Whitetail.

12 The other thing is that area in the Kilarc region
13 is a migration area. That I've observed in one day to see
14 50 deer cross in that region. Nothing was addressed
15 regarding the migration. This is a major migration trail
16 for the Columbia Blacktail Deer.

17 Also there is a heard of elk. I believe they're
18 Roosevelt Elk, but I could be wrong, I've never seen one,
19 but people have, and they exist up there. And I imagine
20 this is one major, or possible water source, because other
21 people I know have see them in the Miller Mountain region.
22 They weren't -- that was not addressed in the EIS.

23 Also, raptors, Bald Eagles, I don't know about
24 anybody else, I have see them there feeding off the lake,
25 and Osprey. In the EIS it said this could be mitigated, we

1 didn't see any. Well, they exist.

2 Recreational resources, I don't feel that in the
3 EIS they properly mitigated the handicapped access. Kilarc
4 has some of the best handicapped access for people in
5 wheelchairs to be able to go out and fish in this area.

6 MEMBER OF THE PUBLIC: The best. The best.

7 MS. BIVIN: It is the best. And I have a nephew
8 that's in a wheelchair and that is where we go, that is
9 where we take him, because he can't get to Grace and Nora,
10 and it is the best. And it was not -- I -- I feel they did
11 not take that into consideration well either.

12 And lastly, there are some archeological sites
13 that are not necessarily within the scope of this current
14 Project, but that are possibly upstream and downstream. And
15 I went out with an Elder from Redding Rancheria, and on a
16 scale of one to ten they found an area that they called a
17 nine that is off of South Cow Creek road, a major village.
18 My concern is, if we have greater erosion with the taking
19 down of the infrastructure what archeological sites might be
20 impaired. These were from the Yana Tribe, I believe, that
21 went into hiding and they were thought to be extinct, but
22 they weren't.

23 Anyhow, if you guys would be so kind as to do a
24 better job than the EIS it would be greatly appreciative,
25 because this document was poorly written, poorly studied,

1 poorly done in my opinion.

2 And I thank you.

3 ---o0o---

4 MR. PARKS: In general, my suggestion is that if
5 you have information that you feel that is -- will be
6 something that we don't have, please try to submit those to
7 us. We appreciate any information you can give us, and
8 please by April 22nd.

9 Dick Ely, did you want to speak?

10

11 PUBLIC COMMENT PRESENT

12 BY DICK ELY

13 ---o0o---

14 MR. ELY: Thank you, Mr. Parks.

15 This group is incredibly indebted to you because
16 we have no other voice in Washington. As was previously
17 stated, the EIS on the table done by FERC is -- was
18 appalling, deficient, unbelievably poorly studied, and it's
19 an embarrassing situation. I happen to write the first EIS
20 in the United States a few years ago, quite a few years ago,
21 and I have never seen one as bad as that. I say this with
22 great trepidation because I'm involved currently I think in
23 seven different hydropower projects, and whatever FERC says
24 I have to do. So it is extremely difficult for me to
25 criticize the F-E-R-C, but this is the situation where for

1 reasons best known to FERC they have done an appalling job
2 in numerous ways.

3 The EIS was based on a biological opinion, as we
4 know, and I have commented on that. I would like to
5 resubmit my comments on the biological opinion, if you would
6 be so kind. I think that opinion in itself was deficient,
7 and therefore the staff back in Washington looking that over
8 didn't have much choice but to produce a completely
9 deficient document.

10 The particular areas I would like you to focus on
11 is a matter of scope. The FERC is completely deficient in
12 addressing a federal scope, even though they're a federal
13 agency supposedly interested in national impacts, national
14 perspective, and yet when you examine their documents they
15 almost categorically never extend beyond the Project
16 boundaries. Project boundaries here are a particular
17 problem, because most of the benefits and most of the impact
18 of this Project are outside of the FERC project boundaries.

19 Mr. Parks, I ask you as a representative of the
20 State to focus on State impacts, not necessarily the narrow
21 confines of the Project boundary, but rather what happens
22 downstream, upstream, in the air as a result of the
23 substitute generation, the delays and other alternative
24 energy, the temperatures of the water that get washed
25 downstream, and the biology that is affected by the stream.

1 As most of you don't know, I'm heavily involved
2 right now in studying genetics and epigenetics, primarily
3 focusing on fish. The primary biologist in this State, who
4 I know very well, Peter Moyle, I asked him, I said Peter,
5 I'm a hydropower developer, I got that tattooed across my
6 forehead, and I talked to Mike and other folks that can't
7 kind of get past that. He said -- I said, with that
8 perspective, Peter, what do I do up here? What can I do --
9 what is the best thing I can do with this Kilarc Project for
10 the fish? And there's probably nobody in this State that
11 knows better than he, unless someone can correct me, and he
12 said Dick there's no way we're going to go back to pre-man.
13 There is no way we can go back to conditions, no way we want
14 to go back to conditions. What we have to do if we are
15 going to support these fish is do the best we can and with
16 what we got assuming humans are here.

17 Well, I was offended, because like a lot of people
18 we kind of like to have, you know, if we're -- if we're
19 going to do away with this hydropower project we would like
20 to go back to pristine conditions. Well, that's not how he
21 sees it. He sees very clearly that we have to do the best
22 under the conditions of man being in place. And part of
23 that in place, as he pointed out to me, is this Project,
24 because it already exists.

25 Returning to the biological -- the comment on the

1 bio-opinion forming the basis, I hope you will extend beyond
2 that and consider outside of the Project boundaries the
3 effects of the Kilarc Project. The temperature of the water
4 is directly affected, it was introduced as physical evidence
5 in the -- in the oral hearings before the F-E-R-C when they
6 came to visit, and very kindly several times it was brought
7 up and presented and completely ignored in their EIS. It's
8 not often in an EIS that you ignore physical evidence. FERC
9 has just done that.

10 I request that you not do that, and instead the
11 primary -- a primary impact of this particular site is to
12 inject downstream cold water below the falls where there's a
13 large amount of habitat, where there are multiple anadromous
14 species, and where we need cold water is the limiting
15 factor, one of the major limiting factors in that area, and
16 it's essentially completely ignored in the EIS.

17 Fire was mentioned. The -- the -- the impact of
18 maintaining those roads, the fire barriers, the availability
19 of water at altitude is essential for maintaining a -- a low
20 level of fire prevalence in the area. Fire makes one hell
21 of a mess in streams and hurts the fish. By reducing the
22 fire prevalence we increase the ability of fish to survive
23 in this area. It would be grateful if that would be -- at
24 least be considered in terms of a -- a thing to be
25 studying.

1 One of the suggestions that has been made, and I
2 would like to reinforce it just at least for discussion, is
3 that the South Cow is quite different than the Kilarc. The
4 issues are quite different. The valid concerns of the
5 people in the South Cow are essentially completely different
6 than those at the Kilarc.

7 I submitted to FERC a request that they basically
8 split the issue and come up with a process that allowed the
9 two -- the two different sites to be addressed separately.
10 I asked that for your consideration as representing the
11 State, or for discussion tonight, there may be -- may be
12 people that object to it, they think it should be handled in
13 one.

14 I think by bringing the two essentially completely
15 different sites into one venue, we complexify the --
16 complexify both the discussion, we complexify the -- the
17 fisheries issues, the study issues, and will probably make
18 much more difficult a unified solution that is optimal in
19 both places.

20 I also asked as part of that in the -- in another
21 filing for the -- for the EIS process to be restarted. I
22 have no interest in complaining about, pounding on the staff
23 back at FERC. It is obviously deadly in my -- in my
24 approach. But for somehow they were given a job of -- of --
25 of handling the data that was submitted through a

1 consultant -- or from a consultant on this Project, and they
2 basically did not extend that much. I think that was a
3 major mistake. And I again have asked FERC, and perhaps the
4 State could ask FERC to in effect go back and restart the
5 EIS procedure under the aegis of splitting the Project into
6 two different projects. Giving them a path out of that, I
7 would like to resubmit my request for splitting the Project
8 in half.

9 Finally, I hate being negative. I do not like
10 bashing agency people who are doing the best they can under
11 the conditions that they have to work. I think it's highly
12 destructive, and I don't like to do it, and I find myself in
13 a very distasteful position at this moment.

14 About two years -- in fact according to the date
15 in front of me, over two years ago we submitted what was
16 called the "Kilarc Project" which had to respond to the area
17 limitations of what would you do in the immediate Project
18 area. As Kelly indicated, that -- that included a lot of
19 sort of research and production and various other things in
20 the canal area, research stuff, laboratories going on in the
21 converted transformer building downstream, and a number of
22 other things within the Project area.

23 Since then we formed what's called the Kilarc
24 Foundation. And we think that the best use of this facility
25 is a compound use to support both the community, the fish,

1 and have an outreach through the Foundation, nonprofit
2 institution, to do both research, habitat improvements and
3 restoration statewide, with most of the profits of the
4 facility. These I have discussed with a number of people, I
5 believe yourself, sir, and I think we will be submitting
6 more specific details on that as we go along. We're very
7 open to the structure, we've been talking to different
8 organizations that would -- that would handle that.

9 I am -- I am -- I'm essentially 70 years old, I'm
10 not interested in a project that's going to be going on for
11 many years. I would like to set up an institution that
12 serves the fish, serves the community, and preserves what we
13 got and benefits the statewide from that -- from that
14 facility.

15 With that in mind, I would like to resubmit an
16 outline of basically the part of that Project that would
17 gone on within the Project. We will expand that into
18 submission within your -- within your 22nd.

19 Once again, I thank you for being here. And I
20 thank you possibly if you could to pick up the mantle of the
21 State, represent the community again before FERC. Given the
22 job that they have done, I -- I think under your direction
23 and aegis we have -- we have a better chance than FERC has
24 given us.

25 Thank you very much for your comments and time.

1 ---oOo---

2 MR. PARKS: David Albrecht.

3
4 PUBLIC COMMENT PRESENTED

5 BY DAVID ALBRECHT

6 ---oOo---

7 MR. ALBRECHT: Good evening. My name is Dave
8 Albrecht, and I'm a land owner on South Cow Creek. The
9 South Cow Diversion Works resides on our family's property
10 by right of a deeded easement of 1907.

11 I have given written comments to Jeff Parks
12 tonight, and there is copies of those comments to PG&E,
13 U.S. Fish and Wildlife, Fish and Game, and the National
14 Marine Fisheries. That's basically two pages of text and
15 seven pages of pictorial documentation on the changes at the
16 dam over the last two years since the FERC EIS issued in
17 August 2011.

18 By 4-22 I will be submitting additional material
19 concerning issues on the dam removal. This is a very
20 general comment, but a successful outcome to any endeavor is
21 dependent on honest and straightforward description of the
22 issues at hand. The basic criteria for doing this should be
23 that those without firsthand knowledge of any particular
24 area can have a reasonable and true understanding of that
25 area and the issues involved.

1 Like we've had a lot of documentation up to now.
2 Mistakes happen in all documentation. It is a fact of
3 life. However, failure to identify and hard document those
4 errors and -- and put them on a hard copy checklist as to
5 when and how they will be addressed and -- is how mistakes
6 are easily forgotten, swept under the rug, and perpetuated
7 into the next process cycle. This is extremely important
8 with respect to areas where physical infrastructure removal
9 will be undertaken. And even more so in those areas such as
10 the creeks.

11 I look forward to the CEQA document having such a
12 checklist.

13 Thank you.

14 ---o0o---

15 MR. PARKS: William, is it Fadrell,
16 (pronouncing)?

17 MR. FARRELL: Is it Farrell?

18 MR. PARKS: Farrell, sorry. Farrell.

19

20 PUBLIC COMMENT PRESENTED

21 BY WILLIAM FARRELL

22 ---o0o---

23 MR. FARRELL: F-A-R-R-E-L-L. Okay.

24 I too am glad that you are here. We've been
25 going through this for quite sometime. I'm not going to go

1 into very much detail of what I'd like to be responding to,
2 but I do want you to put a face with the written letter I'm
3 going to be sending you too.

4 Also my wife and I have 440 acres out there. We
5 have a mile and a half of creek in South Cow Creek. We got
6 nesting Bald Eagles, and if you doubt they aren't there, I'd
7 would like to show them to you, and I'd be happy to take you
8 on a tour. It's a wonderful spawning area that has lots of
9 possibilities. There's lots of environment there thanks to
10 the Abbott Ditch.

11 So, I will be sending in a written form here
12 soon.

13 ---o0o---

14 MR. PARKS: Matt Myers.

15
16 PUBLIC COMMENT PRESENTED

17 BY MATT MYERS

18 ---o0o---

19 MR. MYERS: Matt Myers, California Department of
20 Fish and Wildlife, formerly known as the Department of Fish
21 and Game.

22 So I would like to resubmit our scoping comments
23 so you have them underneath the Fish and Wildlife name. And
24 also verbally state that our position hasn't changed. We
25 still support the 2005 MOU and the PG&E prepared surrender

1 application. And we'll be submitting comments on draft EIR.
2 And any other further comments we will be submitting by
3 mail.

4 Thanks.

5 ---o0o---

6 MR. PARKS: David White.

7
8 PUBLIC COMMENT PRESENTED

9 BY DAVID WHITE

10 ---o0o---

11 MR. WHITE: David White with the National Marine
12 Fishery Service. I'm a FERC Coordinator and a Fish Passage
13 Engineer. I have been involved with this Project since
14 2003. And we have been submitting our -- our thoughts and
15 reviews of the various alternatives that have been filed in
16 this proceeding, and will -- and have resubmitted several of
17 those documents tonight and would ask that they be included
18 in your review process. We will also be filing written
19 comments in response to the EIR and DEIR.

20 I -- I just want to say, and keep my comments
21 short because we have submitted them in writing, that the
22 National Marine Fishery Service has carefully and
23 thoughtfully reviewed each of the alternatives that were
24 submitted, and I've spoken with some of you at length and am
25 interested in your thoughts and -- and listen as well as I

1 can.

2 From our perspective, the decommissioning plan is
3 the best alternative for maximizing conservation benefits
4 for anadromous fish. So we also have the same position with
5 respect to anadromous fish that we did when we signed the
6 MOU with PG&E for decommissioning.

7 Thank you.

8 ---o0o---

9 MR. PARKS: James Fletter, did you wish to speak?

10 MR. FLETTER: I just left a document with you.

11 MR. PARKS: Okay.

12 Is there anyone else that didn't fill out a card
13 that wishes to speak? No?

14 MR. RAGAZZI: Yes.

15

16 PUBLIC COMMENT PRESENTED

17 BY ERIK POOLE

18 ---o0o---

19 MR. POOLE: My name is still Erik Poole.

20 I just have three quick areas that I would like to
21 comment on. One is that I appreciate the State Water
22 Board's reexamination of a no action alternative. And I
23 would like to suggest that, not to get too deep into the
24 logic of what "no action" really means, but I would like to
25 suggest that -- that the Board consider the option of PG&E

1 locking the door and walking away from the facility, that
2 accomplishes decommissioning which is the object here that
3 we're all trying to do is get PG&E out.

4 But consider that no action alternative would be
5 either the assumed presence of a new operator, or just a
6 ghost operator that the facility was with going on the way
7 it has been going on, been being operated by PG&E, all other
8 things being equal. That's -- that's the only -- that's the
9 only true no action alternative that I've been able to
10 define for myself in this.

11 This is -- this is a situation where PG&E is
12 trying to remove itself from a very intricate, both
13 physical, and business, and community situation. So I would
14 suggest that -- that for your Board to consider when you're
15 looking for a no action alternative. I think it also gives
16 the best baseline to compare each and every action that is
17 contemplated by PG&E's decommissioning plan against, because
18 there are myriad of actions in this -- in this
19 decommissioning plan. Some -- some well described, some
20 less well described, some not described and -- and hidden
21 due to several reasons.

22 My next two comments are sort of on that. The --
23 I would ask the State Water Resource Control Board when
24 considering scope, to take up fully and completely your role
25 in the -- in the legal and the law aspects of the State of

1 California, as well as the environmental impacts, and so --
2 and water quality side of your -- your Board's mandate.

3 I think that the community tried repeatedly to get
4 FERC to take up the fact that this Project is in a fully
5 adjudicated watershed, and that there were impacts not only
6 to other parties of the adjudication, but to the
7 adjudication itself that weren't contemplated in PG&E's
8 decommissioning plan. And FERC ignored those and claimed
9 that since FERC is a federal body, and that's a California
10 legal issue, they couldn't touch it. It -- it must be
11 considered, and it will be considered one way or another
12 either by the Court's alone, or by the Water Board and the
13 Courts together.

14 That adjudication was created at the behest of the
15 community, and the behest of the State Water Board. The
16 community had problems with water use, the Water Board had
17 to deal with it over and over. The Water Board said, hey,
18 this thing has got to get adjudicated. You wrote a water
19 use and supply report that informed that adjudication, and
20 the adjudication stands today. It's -- it's part and parcel
21 of your Board, it's part and parcel of -- of how this
22 watershed needs to be managed. And it is the fundamental
23 agreement between the community and the -- the water --
24 among the community and the agencies and the State at this
25 point. So please do not -- do not miss this opportunity to

1 bring it fully into scope, consider it at this point.

2 The other thing about scope, this was brought up
3 with FERC, and FERC also seemed to ignore this, foreseeable
4 impacts from the proposed decommissioning plan should be
5 considered, not just those impacts that are listed within
6 the decommissioning plan. So there are very simple
7 foreseeable impacts to the -- to the actions contemplated in
8 the decommissioning plan.

9 For instance, if you no longer divert water from
10 Old Cow or South Cow, all of the environment along the
11 existing canals, around the forebays, any tailrace is
12 significantly impacted. Any use of any of that water that's
13 ongoing now is significantly impacted. FERC severely
14 restricted their scope on this and didn't consider the fact
15 that several hundred acres on the South Cow Project, or
16 adjacent to the South Cow Project area would be severely
17 impacted by the -- the actions considered in the
18 decommissioning plan as it's written.

19 So those were my three points. And I will also
20 submit further comments in writing before your deadline.

21 Thank you again for being here today.

22 ---o0o---

23 MR. PARKS: All right. Is there anybody else that
24 wishes to speak?

25 We'll, if that's the case, then I think we're

1 going to close this meeting. Again, I highly suggest that
2 if anybody has any information that they feel was not
3 included, or that we just don't have, please submit it to
4 us. Feel free to call me. I'm very open to helping anyone
5 provide information to us if they're having trouble. And I
6 will enjoy seeing everybody's comments on the 22nd.

7 And thank you all for coming tonight.

8 (The meeting was adjourned at 7:20 p.m.)
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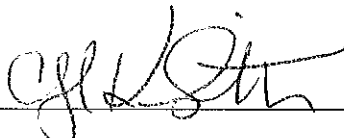
STATE OF CALIFORNIA)
) ss.
COUNTY OF SHASTA)

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

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

That I thereupon caused my stenographic notes to
be transcribed by computer-assisted transcribing, and that
the foregoing 49 pages constitute a full, true and correct
transcript thereof.

DATED: April 22, 2013.



CHERYL K. SMITH, CSR 5257