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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In the matter of:)
) Project No.
WEST VALLEY A & B HYDRO PROJECT) P-12053-001
)
_____)

Scoping Hearing
June 15, 2005
Likely Fire Department
Likely, California

The above entitled matter came on for hearing,
pursuant to notice, at 10:00 a.m.

REPORTED BY: DANIEL A. HUMPHREY, CSR 5480

BEFORE: SUSAN O'BRIEN
Fisheries Biologist/Project Coordinator
Office of Energy Projects
Federal Energy Regulatory Commission
888 First Street, NE
Washington, DC 20426

1 APPEARANCES (CONTINUED):

2 Frank Winchell, FERC-Indian Tribe Liaison

3 Alan Mitchnick, Senior Technical Expert, FERC

4 Alex Miller, Biologist, FERC

5 Phil Rhinehart, BLM

6 Jayne Biggerstaff, U.S. Forest Service

7 Peter Adams, Hydrologist, Modoc National Forest

8 Nicholas Josten, applicant

9 Patricia Cantrall, County Supervisor

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11 and members of the public

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1 June 15, 2005, Likely, California

2 MS. O'BRIEN: I'd like to welcome you here today.
3 My name is a Susan O'Brien. I'm with the Federal Energy
4 Regulatory Commission in Washington today, A & B West Valley
5 Hydro Project. Also Fisheries Biologist. I want to thank
6 you all for coming. This is a public process, and your
7 input is important. And we are glad you can be here and
8 thank you for taking the time to participate.

9 First I need to do introductions, introduce the
10 other FERC staff. We will be cooperating, working with BLM
11 and Forest Service, referred to in the documents usually as
12 FS. We are going to rate the environmental assessment
13 together. Scoping, we are here to identify the issues that
14 we need to address in evaluating this proposed project.

15 MR. WINCHELL: Frank Winchell, I work with the
16 FERC in Office of Energy Projects. Again that's part of
17 this office that does relicensing for hydroelectric
18 projects. I'm an archeologist anthropologist, and I do the
19 cultural resource parts of the proposed project licensing --
20 exemption.

21 MR. ALEX MILLER: Alex Miller. I'm a summer
22 intern at the FERC in DC. Currently I'm a student at
23 Virginia Tech majoring in Physical and Environmental
24 Policies and Planning. So it's an opportunity to see the
25 real world application.

1 MR. MITCHNICK: Alan Mitchnick, Senior Technical
2 Expert with the Commission. I'll be handling the
3 terrestrial and endangered species issues.

4 MS. BIGGERSTAFF: Jayne Biggerstaff. I work for
5 the Forest Service in Modoc County.

6 WOMAN: (unintelligible) I work on Modoc
7 National Forest Reclamation.

8 MR. ADAMS: Peter Adams with the Modoc National
9 Forest, hydrologist.

10 MR. RHINEHART: Phil Rhinehart. I'm with the
11 BLM, and I'll be working on the problem on the BLM side.

12 MS. O'BRIEN: Thank you. Just so you know what
13 we are doing here today, just go through the instructions.
14 Like to go through the processing schedule. Mr. Nicholas
15 Josten project applicant. And we will turn it over to him
16 to give a description of the project. Then we will list all
17 the issues that we have identified. Then we will turn it
18 over for public comment from all of you, any discussion.

19 So as I mentioned, the purpose today is really we
20 are getting ready to rate your environmental assessment on
21 this project, and in order to analyze the impacts this
22 project could have and how to deal with that, and in order
23 to do that we need to make sure we have identified all the
24 issues. We need to make sure we have all the information we
25 need to handle that. So we issued our scoping document in

1 May. If you didn't get one, there's extra copies as well as
2 some other handouts. We are here today for the scoping.
3 The scoping comments are due July 11th. You can e file them
4 or mail them in, and I will provide you with directions on
5 that later.

6 It's likely that we will need additional
7 information, and we propose that we issue that in August.
8 That's after we have seen all the issues that have come in,
9 reevaluate what the applicant has submitted in his
10 application, and his additional filings; looking at other
11 available information and sources, literature, studies
12 conducted by other agencies like the Fish and Wildlife
13 Service. Once we look at all the information we have, if we
14 feel the applicant needs to gather more information, we will
15 write that information request, and plan to issue it in
16 August.

17 Then it's estimated that -- it's typical we give
18 90 days for additional information requests. So if we feel
19 that's the appropriate amount of time, then his response
20 would be due in November.

21 At that point after we analyze everything, then
22 he would file, and we have all the information we need to go
23 ahead with our document, we would issue a notice saying we
24 are ready for environmental analysis, meaning we have enough
25 information to write our document. And also that notice

1 also sets another comment period out -- 60-day comment
2 period for comments on the project, and recommendations and
3 terms and conditions. Some of the agencies, like Fish and
4 Wildlife agencies, meaning United States Fish and Wildlife
5 Service and California Department of Fish and Game since
6 this is an exemption, they file mandatory terms and
7 conditions. Like one-time shot. So there's a 60-day time
8 period that everybody can file comments and necessary terms
9 and conditions and recommendations. So potentially those
10 would be due in January. And then there's another 45-day
11 reply comment period. The applicant can file reply comments
12 as well as anybody else on the comments that were filed.

13 And if that all goes well, we should be able to
14 issue our environmental assessment in April and be ready for
15 a Commission decision whether or not to move forward with
16 this proposed project, and if so, what measures we would
17 require for that project to have. And next spring and
18 summer should be ready for that Commission decision on this
19 project.

20 This is a exemption rather than a license with
21 the FERC. Some of the requirements for an exemption is some
22 of the structures are already existing structures, and he's
23 just modifying, and turbines and powerhouse, so he qualifies
24 under the exemption, which is part of the regulations. And
25 so he no longer has to file for -- licenses are usually

1 issued for a period of time, 30 to 50 years. In 30 to 50
2 years he does not to have reapply for a license. This is
3 it; get this exemption from licensing and with terms and
4 conditions that the license or the exemption order dictates,
5 and he would still be required, you know, for dam safety
6 inspections and such like that there would be the ability to
7 reopen that exemption if there are environmental issues that
8 require it.

9 I think that's all I wanted to mention on that.

10 Do you have any questions on the processing
11 schedule and about the exemption?

12 All right. Turn it over to Nick. Come up and do
13 your presentation.

14 MR. JOSTEN: It's on here. Who is in charge of
15 the computer?

16 My name is Nick Josten, and my job here is
17 assigned by Susan just to describe the proposed project, to
18 give you folks the clearest idea that I can of what will
19 happen, what will be built, and what it will look like, and
20 how it will operate. So that's what I'm going to try to do.

21 I think most of you know the country pretty well.
22 At least this map is reproduced out in the other room all
23 over the place. There's kind of a recap of the existing
24 facilities, irrigation facilities. Right now include a
25 diversion structure located up Jess Valley Road at the head

1 of the canyon there. They divert water into a ditch, store
2 the water in West Valley Reservoir during the winter, and
3 then during the summer they release that water down West
4 Valley Creek back into the Pit River, and they use it for
5 irrigation. So the dam and the reservoir exists; the ditch
6 exists, the diversion exists right now.

7 And this project proposes to take advantage of
8 those facilities to generate hydroelectric power, and there
9 will be two locations where the power is generated. Here,
10 the water in the ditch when it's dropped down to the
11 reservoir, there is a lot of elevation drop on the water at
12 that point. There will be a power plant at that location.
13 And then when the water is released from the reservoir and
14 brought back to the river there's about another 140 or 150
15 feet of elevation drop, so there will be a power plant in
16 this location.

17 So the way the water will flow through the
18 project, it will be diverted at the same existing diversion,
19 run down the ditch. At this point currently water flows
20 down a gully and straight into the reservoir. We propose to
21 construct a new canal to bring that water around up by the
22 dam, put it into a penstock through a powerhouse, then into
23 a reservoir. Currently the water is released through a pipe
24 in the dam. We will attach a penstock to the end of that
25 pipe so that the water released from the reservoir will be

1 pressurized in the penstock and come down just about to Jess
2 Valley Road, and at that point it will go through a second
3 powerhouse, then back to the river.

4 So the water flow will be the same as it is now.
5 The differences will be that the diversion is -- depending
6 on the availability of water, will be year around. And that
7 this section of the South Fork of the Pit River will have
8 reduced flows because the water can only be in one place.

9 That's an overview. Then we will go through what
10 the facilities look like.

11 This is just a list of things. Existing
12 diversion can be modified to handle the amount of water. I
13 have applied for the maximum, 100 CFS. Current water rate
14 is 38. This wouldn't make a total of 38. This 38 comes
15 first, then an additional 62. But the existing diversion
16 can handle it with some modifications. We will install a
17 fish screen on the canal so that all the water that's
18 diverted will go through a screen structure to keep fish out
19 -- this is a screened canal. This is a piece of a screen
20 mesh. This is dictated by National Marine Fisheries
21 Service. I'll pass this around. It's a tight little
22 screen.

23 And so all of the water that is diverted will be
24 screened so fish won't get into the canal. The existing
25 canal that we use goes about 2.2 miles. There will be a new

1 section of canal about a half a mile. The penstock that
2 takes the water from the canal and drops down to the
3 reservoir is about 400 feet. It will be 48-inch penstock,
4 about so big, above the ground. The powerhouse will be on
5 the shore of the reservoir. It will be a simple metal
6 structure about 20 by 50 feet approximate dimensions. Maybe
7 ten to fifteen feet tall. It will have two turbines and a
8 generator.

9 Then the reservoir of course and the dam exist,
10 but we will attach a 54-inch penstock pipeline to the outlet
11 of the dam, and that penstock will run down to Jess Valley
12 Road and somewhere in there, and there's a lot of
13 flexibility in the placement of that, there will be a very
14 similar powerhouse with two turbines and the generator.

15 The transmission line to start at the upper
16 powerhouse, right about at the dam, cross West Valley Creek,
17 run down the road, and join the existing service, electric
18 service line that runs down Jess Valley Road. It needs to
19 get to Likely. It will either be built on the common poles
20 or it will be parallel to the existing line, but in the same
21 right-of-way.

22 We can look at each of those facilities. This is
23 just a little aerial view. This is Jess Valley Road. Most
24 folks from around here know where this diversion is. It
25 will be at the same place. Looks something like this. This

1 concrete structure is capable of handling 100 CFS, but the
2 pool size has to be increased to get that much water
3 through. The check dam on the diversion structure will be
4 raised about eight inches, approximately, in order to
5 increase the size of the pool. At high water you won't
6 hardly notice the difference. At low water -- you are
7 probably familiar. There's a small pool that curves behind
8 that check structure. There's always fish in it. That will
9 extend it a little bit further back, but not very much.
10 It's just an eight-inch increase to the elevation.

11 The fish screen, I have a slide of that. The
12 fish screen will be located a little ways down the canal.
13 We were -- Fish and Game looked this over and approved that.
14 The main reason there's just not any room to build a screen
15 there until you get a little bit away from the construction
16 to the valley, so we will go down the canal a little ways
17 and build a fish screen. This is an example of a smaller
18 screen where there is rotating drums that will be covered
19 with that mesh, or that pressed aluminum that I passed
20 around. And that enables it to clean itself. As it
21 rotates, stuff accumulates on it, it will dump it off into
22 the canal and clean itself. So there's no way for the water
23 to pass into the canal without going through the mesh.

24 This is a picture of the existing canal. In
25 places this canal is already big enough to handle 100 CFS.

1 Other places it will have to be cleaned out and widened in
2 order to handle that capacity. And so we will have to go
3 down the length of it and create that capacity for 100 CFS
4 needed. That will be done by taking materials, when
5 necessary, from the uphill side of the canal. We won't
6 touch the existing dike. That's an old dike that's been
7 there a long time. In general with canals, the older the
8 better. They just get stronger. So we will avoid any kind
9 of invasion on that dike.

10 The other thing is that there are -- the canals
11 are imperfect structures. They can fail. They have failed.
12 This canal failed fairly recently, and everybody knows about
13 that. That can happen with canals. I cannot guarantee that
14 that won't happen, but the project has a very strong
15 incentive not to let that happen. So what we will plan to
16 do from the start is to install a liner in any areas of the
17 canal that have been historically problems, as we go. Those
18 who were on the tour yesterday, I talked about the material
19 that would be used for lining.

20 I brought a piece of it. We can pass this around
21 and you can see it, but it's basically a carpet type
22 materials; goes into the canal, soil over the top of it, and
23 it's impervious. So we will do that. So there will be some
24 improvements to the canal.

25 Currently the canal runs a long ways. It's

1 practically level. When you're driving along the road,
2 you'll see it along the right. Looks like it's flowing up
3 hill, but it's essentially flowing level. When it comes to
4 the divide between the South Fork Pit River and West Valley
5 Creek, it dumps over the divide and wash down the gully into
6 the reservoir. That's how the water is currently stored.
7 Right at that divide we propose to install an overflow
8 structure that will move that water out of the existing
9 canal into a new canal that will continue to run around the
10 top of the hill and bring the water over toward the dam. In
11 the event that the project went off line, couldn't take
12 water through the powerhouse, it will spill over at this
13 point right here and go down into the reservoir the same way
14 it currently does. So if there's any kind of a storage
15 requirement, that can still be met. It doesn't just stop
16 the whole thing up, but it will be designed to overflow at
17 that point where it currently flows in.

18 This is a low concrete structure. There's some
19 fairly significant diversion that's occurred here, so there
20 will be some earth moved here to get that in. But the
21 structure itself will be just a ground-level structure.

22 This is the other end of that canal. It's been
23 brought all the way around the top of the hill. The canal
24 will run through a juniper forest. It will be very
25 difficult to see unless you're right on top of it until it

1 comes out at this point right here above the dam. At that
2 point we will build an intake structure with another local
3 concrete structure, and the water will enter a pressurized
4 penstock. The penstock will run down the hill. The very
5 upper part of the penstock is visible from limited portions
6 of the reservoir, maybe the first forty, fifty feet. Then
7 it goes into trees, and when it come out at the bottom it's
8 visible again right near the reservoir.

9 And then that penstock will go into the
10 powerhouse, and the generators will be located in the
11 powerhouse approximately in this photograph somewhere right
12 in here. This is the dam. This is the existing gatehouse
13 that they use to release water from the reservoir. So it
14 will be all very tight up against the dam. That's going to
15 be the beginning of the transmission line.

16 It will probably take one pole to get it up on
17 the hill, then come across West Valley Creek and from that
18 point on it will run down the existing road.

19 This is just a little bit of a detail of how the
20 penstock will look. It will not rest on the ground. It
21 will rest on passive saddles. Hold-on saddles where
22 necessary. It's possible in some places -- the problem out
23 here is it's very rocky, but if there's soil, that it can be
24 partially buried. And also this is the way you could
25 provide wildlife with an easy path to get across it.

1 Originally as proposed this upper pipeline was
2 quite a bit longer; now it's quite short. Maybe that won't
3 be a problem, but any of these varieties of installation are
4 possible and probably will be used.

5 Transmission line I talked about. This is
6 looking upstream at the dam. And that span of the West
7 Valley Creek will be right here, on to the road here, then
8 it will be on the road the rest of the way down.

9 Now we are starting to look at the lower project.
10 This is the current facility for releasing water from the
11 dam. We can see this out here yesterday. A few years ago
12 you would actually see the gates down at the bottom, the
13 reservoir was so low. But you open and close the gates from
14 that gatehouse that sits up on the side of the reservoir,
15 and that will be opened up fully. And the release from the
16 reservoir will be performed at the powerhouse down at the
17 bottom. So this structure won't go away, it will still be
18 there. It will be retained in operating condition, but it
19 will be left open, and the actual regulation of water will
20 occur in the hydropower project.

21 This is where the pipe comes out of the dam at
22 this point we connect onto it with a new pipe. There will
23 be a valve in that area so you can put some water in the
24 creek and some into the pipeline, or all the water in the
25 creek or all the water in the pipeline. There will be a big

1 butterfly valve down there that permits you to move the
2 water each way. The reason that is important is because the
3 irrigation district has a -- occasionally will release for
4 irrigation purposes more water than the hydro project can
5 handle, so you have to have a way to get the rest of that
6 water down. So this will have the capacity to give you all
7 the water that it can currently deliver. Bypasses
8 essentially that valve. It will be located just right down
9 below the dam.

10 Okay. At that point we have water in a penstock,
11 and we will slowly edge that penstock over on to the road.
12 The road's dropping down. The penstock holds more or less a
13 constant elevation. At some point it will be at road level.
14 Then we will put it on the road and keep it on the road for
15 the rest of the way down to the river. And the construction
16 of this will be similar. It will depend on the substrate
17 conditions, whether it be a combination of hold-downs and
18 passive saddles and possibly partially buried segments.

19 The lower powerhouse then is going to be located
20 somewhere in the vicinity of the confluence of West Valley
21 Creek and the South Fork of the Pit. There's a lot of
22 options available for how to do this and where to place
23 this. And there was some discussion about this yesterday,
24 and it's conceivable that that powerhouse can be pushed up a
25 little ways into the existing vegetation where it will be

1 practically invisible from the road. That's something we
2 will certainly look at. That has to be weighed against the
3 drop that you get in the water pressure, so these last few
4 hundred feet is about two percent of the overall drop. So
5 there's a trade-off there that we will look at. There's a
6 lot of flexibility in selection. Probably not even in the
7 running is an old picture and more likely be over on the
8 other side of the road somewhere just above the confluence.
9 Similar building. Metal building somewhere in the order of
10 20 by 50 feet. And inside it will be two turbines and a
11 generator.

12 The transmission line has come down the road,
13 then it will join that existing transmission line right of
14 way that's been there. We can combine those poles. That's
15 something that the rural electric is interested in. There
16 will still be just one set of poles with the transmission
17 lines and the service lines. They have suggested that they
18 were interested in that. The lines can be turned over to
19 them after they are built so they will be able to provide
20 three-phase power all the way up to the reservoir. If not,
21 it will be a parallel line in the same right of way.

22 The water. These graphs are on the walls, and if
23 people have questions about these, it's probably best to
24 stand and look at them, talk about them, because there's a
25 lot of information in them. But I'll just go briefly over

1 the water information.

2 This is based on 1990 to 2002. They have water
3 records in the South Fork of the Pit all the way back to
4 1920. But in order to understand how water flows through
5 this system you also have to know how much water has been
6 diverted by the District and how much water has been
7 released by the District. And I compiled that information
8 for 12 years. So that's the data that we were looking at.
9 But flows in the main river are available back to the
10 1920's.

11 WOMAN: Did you say that we can ask you questions
12 now? Or did you want to go with your presentation first?

13 MS. O'BRIEN: Let's finish the presentation.

14 WOMAN: Okay.

15 MR. JOSTEN: There's so much information in
16 these. I guess I'm not sure that there's any one main point
17 except that this is what it has looked like from 1990 to
18 2002 with this blue curve being the measurement as the USGS
19 station down the entire project. The green curve is the
20 release from the dam, which there's no release during the
21 winter. It increases during the summer and peaks in the
22 late summer. Gray curve is the diversion by the Irrigation
23 District to store water in the reservoir. Doesn't happen in
24 the summer. Starts in November. Captures storm events and
25 then it peaks in the spring when the runoff occurs. So it's

1 pretty steady storage, then it shuts off somewhere around
2 May, and they don't divert in the summer.

3 Red is the flow in the bypass reach of the
4 project. The part of the problem that will be affected by
5 the diversion. That's the historic flow.

6 This is average, same years, assuming that the
7 project was installed and the diversion up to 100 CFS had
8 occurred, 100 percent efficiently. You can see that the
9 water in the river downstream is obviously the same. Beyond
10 the confluence of those streams there's no change. Upstream
11 from there the amount of diversion is increased because
12 there's now diversion for power. The amount of release from
13 the reservoir is increased because whatever doesn't need to
14 be stored will be immediately released for power generation
15 and the bypass reach is reduced. There is still a spring
16 flood. The flood is smaller; shorter period. And peak of
17 the flood is lower. But, for example, when we were out
18 there yesterday there would still be high water in the
19 river. The power project would not take all of the water.
20 But it will change that spring flood amount. It will be
21 small. That's where the power is coming from.

22 This one is on the wall. This is each individual
23 year model, so you could see what would have happened each
24 day. There's been some dry years and wet years in the last
25 12. You can go and take a look at that and try to envision

1 what it would have been like in a dry year or wet year or
2 average year.

3 Operations. In order to operate this, there's I
4 guess the first principle and first priority is that there's
5 number one thing that has to be adhered to is the
6 requirements for irrigation and the requirements for minimum
7 flows. So the first priority in operating this project is
8 to make sure that water is stored and/or delivered for
9 irrigation and that minimum flow requirements are met. And
10 you have to adjust the project as required when the level in
11 the river changes. So each time the level in the river
12 changes, the amount of water that you want to push through
13 that diversion will change by itself, so you have to go and
14 readjust that on a regular basis to make sure that all of
15 the requirements are met. And it turns out to be something
16 that's straightforward to do, but you need some gauging on
17 flows.

18 So as part of this project we will have staff
19 gauges installed just below the diversion in the South Fork
20 Pit so we can measure the bypass flow directly. We will
21 have staff gauging in the canal just below the diversion so
22 we can see how much is being diverted directly, and then we
23 will have a gauge on the amount of water to give a
24 measurement. We are lower of the lower power plant, so we
25 know how much water is going to come to the lower project.

1 I don't have it on here, but there's an existing gauge in
2 West Valley Creek, so if there's water in West Valley Creek,
3 he can measure that.

4 So with all the numbers available by reading the
5 staff gauges that you saw yesterday, you can make the
6 adjustment. As the river changes, the operator of the
7 project will do that. The operator will also be -- there
8 will be an overflow alarm at this point so that if water was
9 to overflow, if it was to back up and overflow into West
10 Valley Reservoir, the operator would be notified immediately
11 so he can go up and make the adjustments. So the operator
12 will be on this project on a daily basis.

13 We don't know who that operator will be, but
14 chances are it will be integrated with the Irrigation
15 District's operators currently. That would make sense.

16 Proposed mitigation. This is from the list that
17 Susan and FERC put together and is out there. There's a
18 minimum flow requirement that was based on a study of
19 in-stream water depth and flow in the bypass reach. The
20 focus of that study was to provide passage for red band
21 rainbow trout.

22 A series of transects were set up and water was
23 measured and a report was generated and comments were
24 received from Fish and Game and the final result of that is
25 that 7.5 CFS minimum flow is going to be a requirement on

1 this project. This would be during the parts of the year
2 when the project diverts for power only. During the winter
3 wet Irrigation District is diverting for storage. They have
4 a different minimum flow requirement. And this project has
5 no effect on it.

6 The other thing that they asked for was a -- in
7 low water years they wanted a flushing flowdown: the
8 requirement of 100 CFS for a 24-hour period. This year that
9 happened anyway. Even with power project running at full
10 steam there was enormous flushing flows but wouldn't have
11 been important for this year, but some years it would be
12 important. They have entered that as a condition.

13 The fish screen is a condition that Fish and Game
14 for retaining fish in the canal. They wanted passage at the
15 diversion. At lower water fish can pass over that, if it
16 becomes too extreme. They wanted a series of rock rubble
17 weirs constructed so that fish could pass by that diversion
18 any time of year.

19 Talked about installing a canal liner at points
20 in the canal that have been historically unstable. That's
21 one of the things I think the project will do to make the
22 canal a more reliable conveyance.

23 Reseed all bared soil areas with native plants.
24 Anything that gets stripped of vegetation will be reseeded
25 with native plants.

1 Structures will be colored to blend with natural
2 background. I'd be glad to give that choice to anybody who
3 feels they can make it. I'm probably not the best person,
4 but we can choose those colors so that it blends in as best
5 it can be, and plant free vegetation in case there's still
6 some visibility that we want to eliminate.

7 All the power poles will be raptor proofed, which
8 means they won't be able to spread their wings and get one
9 wing on one and one wing on the other wire. There are
10 standards for that common in the industry.

11 And we will need a noise standard. We will
12 provide passage across penstocks as needed if we pick some
13 kind of a route that's for larger animals. Small animals
14 will go right under it. We can build passage across the
15 penstocks. We will provide an escapement structure in the
16 canal. In case an animal got caught in the canal, there
17 would be a way to get out easily before they come to any of
18 the penstocks.

19 Benefit of the project. It's clean, renewable
20 power. It's not without a price, but it is clean and
21 renewable power. There's no pollution. And it's there
22 every year. The maximum capacity of the project is about
23 2400 kilowatts, 2.4 megawatts at maximum capacity. That's
24 enough to power about 2000 average households, not including
25 heat. It's equivalent to 280,000 gallons of Number 2

1 diesel, 100 million cubic feet of gas. So your power is
2 coming from somewhere. If it's not a clean and renewable
3 resource, it's likely one of those others. Somebody else is
4 dealing with those impacts. But hydropower is clean, it's
5 renewable, it's very efficient.

6 The project will also improve the reliability of
7 the Irrigation District canal. There will be a base also
8 for the funding source for the maintenance, and I think
9 continuous improvement of that canal. Will supply
10 three-phase power four miles up county road. Maybe that's
11 important to somebody right now. Maybe it will be important
12 in the future, but it's an expense that will be handled.

13 There will be a demand for jobs and services and
14 primarily during construction, but during operation and
15 maintenance it will be another small part of the economy
16 here.

17 I would imagine there's going to be some taxes to
18 pay, so it's going to be a supplement to the county tax
19 base.

20 Schedule. I don't know if that syncs with yours
21 or not. Looks like it does. If we are to obtain the
22 permits by July of next year, there's the possibility that
23 we could begin construction by the fall of next year. Best
24 case. Fastest case. And that's me.

25 MS. O'BRIEN: Thank you, Nick.

1 I just wanted to run through the issues. Did
2 anyone write anything on those notes pads?

3 So we divided it by resource category. These
4 issues are listed in the scoping documents, so I want to run
5 through them quick.

6 No? Okay. Nobody wrote anything, so we don't
7 have anything to add.

8 For geology and soils. The issues that are
9 discussed in the environmental analysis document: potential
10 for over topping of canals or canal failures. And the
11 effects of project construction and operation on erosion of
12 soil in project-affected water.

13 For water quality and quantity. The adequacy of
14 existing and proposed gages to monitor the hydrologic
15 characteristics and compliance with required minimum stream
16 flow releases.

17 The effects of construction of the new project
18 facilities and modification of existing facilities on the
19 water quality. And the effects of project operations on
20 water temperature and the other water quality parameters in
21 the project-affected waters.

22 The effects of the project canal maintenance on
23 water quality.

24 Effects of sedimentation and turbidity on water
25 quality caused by project operations.

1 Effects of year around water diversions from the
2 South Fork Pit River required for project operations on
3 water quantify in the bypassed reach.

4 Effects of project construction, associated
5 land-disturbing activity. Potential temporary turbidity
6 increase on the fishing resources in project-affected
7 waters.

8 The effects of project operation on fisheries
9 resources in project-affected water.

10 Effect of the year-round water diversion from the
11 South Fork Pit River for project operations on fisheries.

12 For terrestrial resources. You know, the land,
13 wild land and botanical.

14 The effects of the loss of up to 35 acres of
15 vegetation on the local wildlife populations resulting from
16 project construction.

17 The potential for the spread of noxious weeds and
18 exotic species from construction activities.

19 And effects of project construction and operation
20 on sensitive plant and animal species.

21 The effect of reduced flows in the South Fork of
22 the Pit River and West Valley Creek on the existing riparian
23 communities.

24 And potential for project transmission line to
25 pose collision and electrocution hazard to birds.

1 Effect on threatened endangered species.

2 So the effects of the project construction and
3 operation on the federally threatened bald eagle.

4 Recreation and lands use. The adequacies of
5 existing public access and recreational facilities in the
6 project area to meet current and future recreational demand.

7

8 The effects of the proposed action and
9 alternatives on recreational opportunities, including
10 off-highway vehicle use, fishing, boating, and camping
11 within the project area.

12 And the effects of the proposed project
13 construction, operation, and maintenance on land use within
14 the project area.

15 For scenic and esthetic resources.

16 Effects of the proposed project construction,
17 operation, and maintenance on esthetic resources within the
18 project area, including noise and visual impacts.

19 Effects of shoreline erosion resulting from the
20 proposed action on the esthetic resources within the project
21 area.

22 Cultural resources.

23 The effects of project construction and operation
24 on cultural resources that are listed or considered eligible
25 for inclusion in the National Register of historic places.

1 Developmental resources and socio-economics.

2 The effect of proposed protection, mitigation,
3 and enhancement measures on the project economics.

4 So that's all the issues we have identified. You
5 can turn in written comments to me personally today if you
6 have them ready. If you want to file them electronically at
7 the FERC web site or mail them directly. The address is on
8 the screen, and it's written down in the scoping documents
9 which there's copies on the counter, where I can explain
10 anything to you after the meeting if you have any questions
11 about how to file documents. And they need to be submitted
12 by July 11th. We will also take your comments, which is
13 what we will go into now and the main purpose of the
14 meeting.

15 We would like to hear your comments. If you have
16 additional issues you've identified or some additional
17 information, that's what we are here for. We don't want to
18 get into any sort of bad comments or differences of opinions
19 and views. We are here, we would like to hear the
20 information that you have. So like to keep it friendly and
21 so we just -- three people signed up officially to talk.

22 Bill, would you like to come up first to talk?

23 MR. BILL FLOURNOY: I just had a few comments to
24 make. Bill Flournoy, Likely.

25 I just believe that this project is a good use of

1 our natural resources. It would be good for the Irrigation
2 District, it would be good for Modoc County. It has the
3 potential to increase the tax base by about \$2 million, or
4 near that.

5 That would be about \$20,000 a year to the Modoc
6 County tax roll. The Fish and Game has entered into an
7 agreement with the project that 7 CFS is enough to maintain
8 the fish flow, the flow of water needed for fish. There's a
9 lot of good fishing in Modoc County in different creeks
10 around here that have less than 7 CFS during the summer.

11 There's a proposal to get the Fish and Game
12 involved to make the creek a little better. The best
13 fishing place in that creek was in the old through the old
14 CC camp, and that's where they had some pools made by the CC
15 camp years ago, and a lot more could be done to that. I
16 have been involved in a little bit of creek rehab out at the
17 creek, and the willows and stuff will provide the shade for
18 the fish. Today was nothing there. If they make some
19 structures they will slow that water down and make peace and
20 might have better fly fishing than we got now.

21 That's my comment. Thank you

22 MS. O'BRIEN: Thank you. Can you explain where
23 the CC camp is?

24 MR. BILL FLOURNOY: Well, it's right down, right
25 where that creek gets straight. It's about -- it's halfway

1 down.

2 MS. O'BRIEN: Somewhere in the middle?

3 MR. BILL FLOURNOY: People that live up there
4 know where the CC camp is. They live right across from it.

5 MS. O'BRIEN: It's in the middle of the bypass
6 reach section?

7 MR. BILL FLOURNOY: No, it's not the creek now.

8 MR. WINCHELL: Can you explain in a little more
9 detail what you're talking about as far as the old CC camp?
10 Frank Winchell for FERC.

11 MR. BILL FLOURNOY: You guys have -- there's guys
12 that know more than I do, but it's right above the bridge
13 that goes to the old Blue Lake Road.

14 MS. O'BRIEN: So it's near old Blue Lake Road?

15 MR. BILL FLOURNOY: Upstream.

16 A VOICE: Is this a CC camp? What's the date?
17 1930's?

18 MR. BILL FLOURNOY: Yeah. CCC camp. They built
19 a swimming hole over there. I think that dam is still
20 pretty much intact, isn't it?

21 MS. CANTRALL: The old power place, a few years
22 ago.

23 MR. BILL FLOURNOY: You say there's no longer a
24 pool of water?

25 A SPECTATOR: There's a little pool, but hardly

1 any.

2 A VOICE: A few years ago was still there. I
3 haven't been up there for a couple of years. I believe that
4 is federal land.

5 MR. BILL FLOURNOY: I believe it's an Forest
6 Service land.

7 A VOICE: Forest Service and private.

8 A SPECTATOR: It would be back towards the east
9 about quarter of a mile.

10 MS. O'BRIEN: Jayne, are you familiar and the CCC
11 camp?

12 MS. BIGGERSTAFF: Yeah.

13 MS. BRUZZONE: Can we ask questions? My name is
14 Linda Bruzzone. I'm a land owner up on the river.

15 You mentioned \$2 million a year revenue?

16 A SPECTATOR: No.

17 MS. BRUZZONE: How much is that revenue that will
18 be coming in?

19 A SPECTATOR: I don't know.

20 MS. BRUZZONE: You work for the South Fork
21 Irrigation District; is that correct?

22 A SPECTATOR: I own land.

23 MS. BRUZZONE: You're a principal in this
24 project?

25 A SPECTATOR: Not at this time.

1 MS. BRUZZONE: I beg your pardon.

2 A SPECTATOR: Not at this time.

3 MS. BRUZZONE: Have there been conversations and
4 a written contract? What is the agreement? You are for the
5 canal, right? What is the agreement with the project
6 director with the South Fork Irrigation District?

7 MR. JOSTEN: There's no agreement.

8 MS. BRUZZONE: So they have not agreed to allow
9 you to use the diversion canal? What is the agreement with
10 the South Fork Irrigation District?

11 MR. JOSTEN: There's no written agreement.

12 MS. BRUZZONE: So you have no permission to use
13 the diversion canal; is that correct?

14 MR. JOSTEN: I'm not sure I need permission, but
15 there's something that indicates that they will give
16 permission.

17 MS. BRUZZONE: Isn't it true you told the
18 landowners appearing at this meeting that the South Fork
19 Irrigation District was the principal in the project?

20 MR. JOSTEN: I don't remember the words I used
21 but I probably told you the truth, which was that we are
22 looking at their involvement.

23 MS. BRUZZONE: Mr. Younger, is there agreement
24 between the South Fork Irrigation District and the
25 individuals and the project?

1 MS. O'BRIEN: Could you state your name for the
2 record?

3 MR. YOUNGER: Jay Younger, Alturas Ranches.

4 The gentleman that I work for is a large
5 landowner in the district. He is quite interested in green
6 projects. He has several buildings in the San Jose area
7 that he's converting to solar power. And he became aware of
8 this project after Nick hooked into it. And he was
9 interested in it, because in his vision it looked like a
10 really good long-term source of green energy. And in the
11 world he lives in there has been considerable pressure for
12 that. And he was just interested in it. So there have been
13 discussions between him and Nick. There have been
14 discussions between the Irrigation District and Nick. And
15 there is not a clear vision of how everything fits together
16 at this point.

17 All the parties are currently in agreement that
18 this is a good project, good for the community, good for the
19 District, good for energy. And as everyone here is
20 concerned, also there is concern about the effects to the
21 affected area in the river. And I think we feel that the
22 mitigation to the wildlife is a huge issue to us also.

23 Nothing has been nailed down. Nothing has been
24 put in writing. There has been some financing from Mr.
25 Swenson, who is the gentleman I work for, that is totally

1 unsecured on his part. I have often wondered, you know, why
2 he does it without an agreement. But he has done it. And
3 he appears happy to do it.

4 And we are trying to figure a mechanism to make
5 in all work. But it has to satisfy a lot of parties. You
6 know, it has to be good for the local economy, it has to
7 provide jobs, it has to leave the Irrigation District intact
8 with no effect on our diversion rights, nor our ability to
9 use that water at the time we want to use that water. If
10 there's -- and then it has to make money. And it has to pay
11 for itself. And of course we have issues with the affected
12 reach of the river that have to be mitigated also.

13 So we are working our way down this road. And it
14 looks encouraging we could come out to a successful
15 conclusion.

16 This is a project that was envisioned when the
17 original dam was built. This was a project that was again
18 looked extensively at in 1980. The District wasn't in a
19 position to fund the project at that time. And it couldn't
20 go forward. And it's again a project that has come up.
21 Possibly the financing and the people with the wherewithal
22 to put it together are currently in place. And it may just
23 be a project whose time has come.

24 But we are working on that. We hope to come to a
25 successful completion on all of that, and if possible that's

1 I think what the District and the most of the local people
2 and my owner would like to see happen.

3 MS. BRUZZONE: Mr. Younger, you work for Mr.
4 Swenson directly, can you tell me what control, what
5 percentage of the South Fork Irrigation District he has?

6 MR. YOUNGER: There's several principles he's
7 involved with. Alturas --

8 MS. CANTRALL: Point of order. Can somebody
9 answer the question instead of Mrs. Bruzzone asking three or
10 four questions at once without waiting for the answer.
11 Could we hear the answer to each question please?

12 MR. YOUNGER: What I'm currently aware of he is
13 75 percent owner and Alturas Ranches, which is roughly 39
14 percent of West Valley. So he would be 75 percent of 39
15 percent on that property.

16 Then he is 50 percent owner in the Estill
17 (phonetic) property. Which is about 19 percent of the
18 project. So he would be 50 percent of 19: nine-and-a-half
19 percent.

20 MS. BRUZZONE: How about Green Valley Development
21 Company and his children, what percentage do they have in
22 Alturas Ranches according to farm subsidy? They have
23 something like 86 percent.

24 MR. YOUNGER: Assuming you're correct, which I
25 don't know whether you are or not, then they would be 86

1 percent of the 75 percent of that 38 percent.

2 MS. BRUZZONE: How much of the voting right does
3 Alturas Ranches and the other ranch have in the South Fork
4 Irrigation District?

5 MR. YOUNGER: Under the current --

6 THE MOTHER: Did you tell us it was 60 percent --

7 THE WITNESS: Wait a minute. I want to answer
8 this question, okay?

9 Under the current structure of the Irrigation
10 District, the entities that I represent have zero voting
11 rights in the West Valley Irrigation District. Under
12 current rules you have to be a land owner in the West Valley
13 Irrigation District, and you have to be a resident in the
14 West Valley Irrigation District to be a board member. And
15 you have to be a board member to have any voting rights in
16 the District.

17 Now, county wide, there is quite a lot of concern
18 because since these irrigation districts were set up in the
19 '30's when all of the people that owned land almost always
20 lived on the property that they owned, and were represented
21 because they owned and they lived there, now, people live in
22 many different areas within the county but not in the
23 district. And there's tons of confusion there. So there is
24 consideration at the county level to change to try to make
25 some of those -- to update some of those rules.

1 We have -- Alturas Ranches have a very good
2 rapport with the board because they are aware that we are 38
3 percent of the district. And they seldom take action
4 without considering us strongly. But as far as legal voting
5 rights, the answer is zero. We have input to the board as a
6 water user.

7 MS. BRUZZONE: Between the two ranches, is it
8 true that you told us it was approximately 60 percent of the
9 West Valley Irrigation District?

10 MR. YOUNGER: The two properties, through
11 multiple owners, would control I believe 38 percent of West
12 Valley and 19 percent. And please don't hold me to those
13 two numbers. But they are roughly correct.

14 MS. BRUZZONE: Mr. McGarva, there was an
15 environmental meeting in Alturas, and you had mentioned
16 during that environmental meetings that there was an
17 agreement with South Fork Irrigation District where you were
18 going to get \$20,000 a year that was reported in the Modoc
19 Record. Now, can you tell me where that figure that you
20 came up with for \$20,000 a year during the environmental
21 hearing came up from and how you came to that if there's no
22 agreement?

23 MR. MCGARVA: Ken McGarva. I'm chairman of the
24 Board of Directors of South Fork Irrigation District.

25 At that time when we were working with Nick, we

1 had an agreement or part of the proposal that was had was
2 that the District would be responsible for the operation of
3 the power plant and the release of water. And that was
4 where the figure \$20,000 came up. I think it was in the
5 studies of the operation and management of it.

6 MS. BRUZZONE: So, Mr. Josten was going to pay
7 you \$20,000 to do the operation of the plant?

8 MR. MCGARVA: To the District.

9 MS. BRUZZONE: That was \$20,000 a year. So that
10 was an agreement. And the agreement has since changed?

11 MR. MCGARVA: Yeah, after that -- at the time we
12 were working on that project, why, the District decided that
13 we couldn't go along with the project. And our users voted
14 it down, to be a part of it.

15 MS. BRUZZONE: It was voted not to be a part of
16 this project?

17 MR. MCGARVA: Right.

18 MS. BRUZZONE: What was the reason for that?

19 MR. MCGARVA: Mainly was money.

20 MS. BRUZZONE: Was he asking for money for the
21 project from you?

22 MR. MCGARVA: Oh, yes. Right. Jay just
23 mentioned that the part -- the \$20,000 was our interest in
24 the project, was interest on it. Nick Josten had 90 percent
25 of the project.

1 MS. BRUZZONE: So you are part of the project or
2 you were part of the project but now Mr. Josten is, and we
3 don't know who else is involved because we don't have any
4 partners in it?

5 MR. MCGARVA: No, I don't --

6 MS. O'BRIEN: Can I interrupt at this point. As
7 FERC sees it, Nick Josten is the only one on the record as
8 applicant.

9 MS. BRUZZONE: Right, my argument is that we
10 believe this is violation of state law. We believe that the
11 South Fork Irrigation District is a public entity, and
12 subject to the Brown Act. And there has been no public
13 notice by the South Fork Irrigation District, no public
14 notice to the individuals that will be adversely effect by
15 the land. And we do believe that the South Fork Irrigation
16 District is involved; that the South Fork Irrigation
17 District needs to come forward and let us know exactly how
18 they are involved, especially in light of FERC project P
19 12575. That FERC project also shows, if you look at this
20 map here, it shows another project right at the end of here
21 by the South Fork Irrigation District which they filed, and
22 down here. And it shows high wire transmission lines coming
23 down the West Valley Creek, and those high wire transmission
24 lines coming down there. The same things that are addressed
25 in this project. We asked the South Fork Irrigation

1 District for information on this, and they are a public
2 entity, and we have not gotten any information on this. And
3 it is our concern, and that's why we feel that these are
4 possibly two projects combined in one, and we believe that
5 there are laws perhaps that apply to this.

6 MS. O'BRIEN: First I just want to respond. We
7 will make sure we get to everybody.

8 If they're in violation of a county law --

9 MS. BRUZZONE: State law.

10 MS. O'BRIEN: It needs to be taken up with the
11 State. FERC isn't going to get involved in that.

12 MS. BRUZZONE: Okay.

13 MS. O'BRIEN: I wanted to backtrack. I had a
14 couple of questions. Jay Younger?

15 MR. YOUNGER: Yeah.

16 MS. O'BRIEN: When you were referring to
17 percentage of the project, I wanted to clarify you were
18 discussing percentages of the Irrigation District, right?

19 MR. YOUNGER: That's correct.

20 MS. O'BRIEN: Okay, because when we go back and
21 read the transcript, we will see percentages of the project.
22 I want to make sure we understood that's the Irrigation
23 District.

24 MR. YOUNGER: And that is based on landownership
25 within the District which is constant for everybody in the

1 District. Each landowner winds up with a percentage of the
2 water. So it's backed out of the landownership in the
3 District.

4 MS. O'BRIEN: Then you discussed two of the
5 owners that are landownerships that are high percentages.
6 You referred to two properties, one 60 percent and one was
7 19 percent.

8 THE WITNESS: 38 percent is Alturas Ranches. And
9 the 19, if I have that number correct, within a few percent,
10 is the Estill property that's on the rest side of the
11 valley. Was the Christensen property before that.

12 MS. O'BRIEN: Just so we are clear, and I believe
13 Miss Leslie Murray had a comment about that issue, so can
14 you keep your comment to just that issue?

15 MS. MURRAY: No, I had a question. Several
16 people referred to the West Valley Irrigation District. I
17 wasn't sure if someone misspoke or if there are two
18 different Districts, and maybe I wasn't aware.

19 MR. YOUNGER: No, that's a very good question.
20 It is South Fork Irrigation District, and that's my fault.

21 MS. MURRAY: You just misspoke?

22 MS. O'BRIEN: So any reference in the transcript
23 to West Valley --

24 MR. YOUNGER: Is South Fork.

25 MS. O'BRIEN: Is South Fork.

1 And before we go on with the current issue,
2 there's a couple -- I wanted to backtrack. And I had one
3 clarification for Mr. Flournoy. And I believe Mrs. Bruzzone
4 was asking this, and I wasn't sure on this. I just wanted
5 to know the source or how you calculated the numbers where
6 you said the increase in the tax base and the approximate
7 amount of taxes that would go to the county.

8 MR. BILL FLOURNOY: I think it's -- Modoc County
9 collects one percent of your assessed valuation. And this
10 project might reach \$2 million, and that would be \$20,000
11 would be one percent, I think, isn't it?

12 MS. O'BRIEN: Where did you get that \$2-million
13 figure from?

14 MR. BILL FLOURNOY: That's just what in general
15 discussion what I've heard the project might cost.

16 MS. O'BRIEN: Okay. Or might be valued at?

17 MR. BILL FLOURNOY: I'm not stating a fact
18 though.

19 MS. CANTRALL: May I speak to that? I'm a County
20 Supervisor, and the discussion has come before the board.
21 My name is Patricia Cantrall. I represent this District,
22 District 3, for the County.

23 The approximate valuation given by the county
24 assessor, Mrs. Josephine Johnson, was 1.7 million to 2.4
25 million, depending upon the cost of materials and the cost

1 of the work done. This is all under permit in this county.
2 And when the final comes in, that is what the assessed
3 valuation rests upon. And we would be collecting for the
4 tax rolls, the secured tax roll, the one percent. So it
5 could be \$20,000. It could be greater. Anyway, she does
6 keep some figures on file, and we can only wait until we see
7 what the project is going to amount to and the cost thereof
8 before a final determination can be made.

9 As to the Brown Act, that is a state law. It is
10 true you must post meetings of a public entity. Before the
11 Bruzzones moved here there were two meetings. I believe we
12 have walked the river three times on just this -- I take
13 that back -- twice on this project. We had some other
14 dealings with Rodney Flournoy. Those meetings were posted
15 at the fire hall. They were posted at the post office and
16 they were reported in the Modoc County Record. And that was
17 before the Bruzzones moved here. So they were in compliance
18 with the Brown Act. And today's meeting also complied.
19 They have posted all over and noticed in the Modoc County
20 Record, the paper of general circulation in this county.

21 MS. BRUZZONE: I would like to make a comment.
22 My specific reference to the Brown Act was South Fork
23 Irrigation District and their participation in project, not
24 the notice of this project by Mr. Josten. It has
25 specifically to do with the South Fork Irrigation District.

1 Their meetings, their votes, and their hearings of actions
2 that would be adverse to the public and that the public
3 needs to know.

4 The second issue that I'd like to address --

5 MS. O'BRIEN: Before we go further, I believe
6 there was a couple other comments about the state issue.
7 Although I want to comment that FERC can't do anything about
8 that. It needs to be -- it won't help as far as this issue.

9 MR. WEISER: I have some comments to make. They
10 are a little bit more broad than things that we are getting
11 into right now. So I'd like before you give the floor back
12 to Linda, but I would appreciate an opportunity to comment
13 later how this project affects us.

14 MS. O'BRIEN: Okay. I have you on the list, and
15 you submitted your name.

16 Gentleman in the front had raised his hand when
17 the issue was first brought up.

18 MR. FARNAM: Warren Farnam. I just had a
19 comment. I just felt we are drifting from the purpose of
20 this meeting.

21 MS. O'BRIEN: Okay. Thank you.

22 MR. FARNAM: And we need to talk about
23 environmental scope and scopes of the different issues, and
24 I felt like an inquisition of the Water District.

25 MS. O'BRIEN: Ms. Bruzzone, did you have any more

1 questions?

2 MS. BRUZZONE: No, I have comments.

3 MS. O'BRIEN: You're next on the list if you want
4 to move into you comments about this project.

5 MR. WEISER: The first map. Dag Weiser.

6 I'm a property owner on the South Fork Pit River
7 in the proposed dewatered section. This is my wife Leslie
8 Murray.

9 We are not very eloquent. These are my notes
10 here. If everybody will be patient with me, I'll try to go
11 through some of the things I wrote down this morning.

12 Yesterday we went on a walk with a lot of folks,
13 including John Flournoy and Pat Cantrall, and I was reminded
14 of the long history of this area with various parties, and I
15 wanted to go on the record, permanent record, as saying that
16 my family has a very long history here. I was introduced to
17 this area by Aaron Forest when I was six. My dad was an Air
18 Force guy, and his son was in the Air Force. We helped out
19 his family one time. He introduced us to this area, which I
20 was just six years old, and I'm 50 now. So it's been quite
21 a while.

22 18 years ago the piece of property here came up
23 for sale. And it's kind are strange, but this is kind of
24 where we always used to camp all the years that my family
25 came here. One day a for-sale sign popped up on that it,

1 and completely blew our minds. We thought the whole time it
2 was national forest. We had a long talk. We pooled our
3 resources and we bought it.

4 I also understand that there's a really great
5 work ethic up here. The McGarvas and the Flournoys. I'd
6 like to state for the record that our work ethic is just as
7 strong. We have pooled our family resources in order to buy
8 this piece of property. And it's our major investment.
9 It's where we are going to retire. And it means a lot to
10 us. And so it's pretty much my whole life is involved in
11 these acres right here.

12 How much of the river goes through it?

13 MS. MURRAY: Three quarters a mile.

14 MR. WEISER: Three quarters of a mile of
15 dewatered section runs right through this piece of property.
16 When I first walked through the door, the first thing I saw
17 on the blue piece of paper is the non-consumptive wordage.
18 Personally if I had my way, that kind of thing would be
19 completely stricken from the record because if there is
20 nothing non-consumptive about dewatered area by almost 50 to
21 80 percent, I can't imagine what's more consumptive than
22 that. Obviously that's a big issue for us.

23 Obviously our biggest concern is our property
24 value, and one of the reasons we bought the property was to
25 maintain it as a fishery and for anybody to fly fish on, and

1 to maintain it in as pristine location as possible. Haven't
2 built on it, but our intent is to keep it clean and the way
3 that it is. And we are very concerned about the potential
4 for the devastation to the three-mile stretch of dewatered
5 thing as a fishery.

6 It seems like a simple question to me. But it
7 doesn't seem to have any simple answer. We want people to
8 tell me what I noticed from FERC's list of things, what's
9 going to happen to this three-mile stretch of river.
10 Something is going to happen to it when a hundred CFS is
11 taken out of it year around.

12 There's no if's, and's, or but's. It's going to
13 be hit and I want to know how it's going to be hit. I want
14 to know what's going to be affected. Because things are
15 going to be affected. It doesn't take a brain surgeon to
16 figure that out. So far none of those questions have been
17 answered to my satisfaction. I hope FERC will see that
18 through.

19 We talked to a couple of fishermen over the last
20 couple of days. To a person, they all thought the idea was
21 bad from our perspective as a hit to the fishery.

22 I stand here today trying to talk for hundreds of
23 people that use this area recreationally aren't probably
24 even aware of what's going on right now.

25 We were on the walk yesterday, and Edie Asrow

1 (phonetic), very intelligent person.

2 MS. O'BRIEN: District Ranger.

3 MR. WEISER: Right. Leslie and I both have gone
4 on the FERC record with tons and tons of comments on this
5 thing. She brought up a couple of brand new ones that I
6 will comment on today.

7 And one of them was the -- oh, yeah, the Forest
8 Service and all the proponents in charge of the national
9 forest. She was very proud of the fact as she pointed up
10 and down the river of the work that they have done in
11 conjunction with the ranchers and the cattle folks to
12 improve huge parts of this potentially three-mile diverted
13 section. And she says compared to fifty years ago it's like
14 night and day according to her. I'd like to know what's
15 going to happen to that 50 years of work when 100 CFS is
16 taken out of the river. Is it like back to ground zero?

17 Another point she brought up is, and we were up
18 on the diversion canal yesterday. And Nick was talking
19 about beefing up historically troubled spots on the canal.
20 I'd like to point out that the historical trouble spots on
21 the canal was from the canal that was build for a 38 CFS
22 partial diversion of water. I don't know if anybody can say
23 what the historical problems are going to be when you're
24 putting a hundred CFS down it year around. The problems
25 could compound in any number of directions. It wasn't built

1 for a hundred CFS. The problem that it faces now are
2 problems it has with the 38, not with the hundred year
3 round. So that's a very big issue to us in terms of safety.

4

5 The river took a -- depending on who you talked
6 to, you get a completely different opinion from Jay Younger
7 than from me on the effect of the current breach. I
8 maintain that those effects should be studied, and I'm
9 willing to meet anybody half way, but a lot of the time it's
10 business as usual in that regard.

11 And I've got photos to show the extreme siltage
12 that occurred to that point of pools of water that I've
13 fished in for forty years were filled to the top with silt
14 that has since washed down with the big spring runoff we all
15 had here. But that had an effect. It wasn't nothing.
16 Something happened there, and that wants that to be
17 addressed in an environmental way.

18 And I want potential for a hundred CFS, that's
19 almost three times that amount of water, to be addressed
20 also. That could be potentially life threatening. Who
21 knows what could happen there. I'm concerned that those
22 issues are addressed also.

23 Another issue I just thought of this morning is
24 that until a couple years ago I thought that the -- they
25 quit stocking the Pit River for the summertime anglers. I

1 liked to come up here and fish a little earlier and fish for
2 the trout that kind of made it through the last season
3 because they are fun to fish for.

4 I understand there's a big influx in tourist
5 dollars and anglers coming through here fishing for those
6 fun-to-fish-for stocked trout. I'd really like to know what
7 Fish and Game, who conspicuously have been absent from the
8 meetings and the walk yesterday, and I'm not sure if there's
9 any Fish and Game representative here, and tell me how they
10 are going to deal with this river as a fishery, a long time
11 fishery, with the water levels to the proposed levels that
12 the diversion suggests in this -- for this project.

13 From my perspective it might not be viable to
14 maintain this fishery if the water levels are that low year
15 round.

16 Once again it's just a question of -- long line
17 of questions that I keep asking. I have to be brutally
18 honest and say that my dealings with Fish and Game, the
19 South Fork Pit River flies under the radar a lot. It's a
20 very small section of stream. The people at Fish and Game
21 will tell you that resources are stretched to the maximum.
22 And they're all over the place. So I'm really having a hard
23 time getting very simple, what to my mind, very simple
24 questions answered to my -- to where I can understand it.

25 I've seen, I don't know where the Fish and Game

1 currently stocks the summertime trout. Growing up they used
2 to pull the stock trout trucks right into the big pool that
3 is the current diversion. I remember them -- right above
4 the diversion there. I remember hundreds of fish pouring
5 out of these things. Kids, I would go rushing over there
6 and fish for them right away.

7 Mr. McGarva yesterday said as we were commenting
8 on the current diversion, he said that at times in the year
9 the current diversion is inadequate for fish migration. And
10 I thought about that, and I thought why is this whole aspect
11 of fish migration and healthy fish habitat, and pools and
12 the fish screens, having to piggyback onto the project, and
13 I'd like to ask Fish and Game that. If we are here, but
14 they are not. Why isn't that area being maintained to this
15 day as a dangerous place for fish? Why do we have to have a
16 big power plant in order to get a fish screen. That doesn't
17 make any sense to me.

18 I'd be happy to work with anybody free of charge,
19 free labor to put up a fish screen at any time. I'm sure
20 there's lots of people in organizations all over the place
21 that would be happy to get involved in any kind of fish
22 screen, healthy area in the existing spot. Until Mr.
23 McGarva said that yesterday, I had no idea that area was
24 inadequate in that regard.

25 I'll close by saying -- I won't close quite yet.

1 I'll say that I understand the proponents' tax base figures.
2 I don't understand the figures, but I understand what we are
3 trying to say that the project will bring money into the
4 area. I want somebody to say what they think is going to be
5 lost by the project. Something is going to be lost, or
6 something may be lost. I want to talk about the if's, and's
7 and but's of the loss of revenue from a reduced fishery, of
8 the loss of my personal private property values. I paid
9 plenty of taxes here myself. I'm happy to hear all kind of
10 comments about what things will do; I want to hear about
11 what things might also do in the negative also.

12 I was talking with Nick yesterday, and he's
13 trying to find some common ground where everybody can be
14 happy. It's difficult for me because a lot of the times I
15 feel that my concerns for my property and the fish habitat
16 and trout fishing are so diametrically opposed to the SFID's
17 approach to the river. I try to see it from their
18 perspective. I try to see it as a thing to use. From my
19 perspective it's already being used a lot currently by the
20 SFID for their partial diversion, and for a big part of the
21 year by everybody else for recreation, for fishing, and
22 hopefully for me to live on.

23 I think that's about it for me.

24 MS. MURRAY: I'm Leslie Murray, and I'm Dag's
25 wife. And I'll try to not repeat what he's saying, but we

1 do have some similar interests obviously.

2 I think very strongly about this obviously. I'm
3 getting choked up.

4 MR. WEISER: Take your time.

5 MS. MURRAY: We don't live here right now
6 permanently, but we plan to in the future and we have been
7 paying property taxes in this county for fifteen years on
8 this piece of property and not really enjoying many of the
9 services those property taxes pay for. Certainly if we
10 build a home, the value of that home as you just -- as we
11 talked about, the power plant, and the value of anyone's
12 home will also increase the taxes. So if we don't build a
13 home, that's going to -- what I'm trying to say is that any
14 value of activities that we might do or other landowners
15 might do, that we wouldn't do if we didn't care to live next
16 to a drained river. That would need to be subtracted from
17 the figures that you were stating, the one percent of the
18 approximately \$2 million.

19 Yesterday when we went on the site visit we heard
20 a lot about people who live here, and their Modoc
21 grandparents, and I just wanted to point out that obviously
22 we have grandparents too. In fact Dag and I are both third
23 generation native Californians. We do care a lot about this
24 area, and do feel like we belong here and that we know our
25 way around at least as well as -- excuse me -- most of the

1 other people we were on the site visit with.

2 And we don't live in a big city now, and we don't
3 want to. We live in a small town right now on the coast of
4 California south of San Francisco. Our family lives by
5 there. And I do want to say that we don't own our house
6 right now. That this is what we own, and what we plan to do
7 with our future.

8 MR. WEISER: We plan on maintaining this property
9 for everybody. I'm not going to put fences up to -- I'm
10 going to try to keep the cattle off the property to keep the
11 streamside as pristine as possible for fishermen. My intent
12 is to maintain it as a fishery because a huge part of the
13 dewatered section is some of the best fishing I've done.
14 South Fork is an amazingly beautiful and cool river. You
15 can go down a hundred yards in the river, you have a whole
16 different system going on there. Right in our own backyard
17 on our property are two completely different ecosystems, and
18 each one of those is going to be affected in some way. And
19 that's what we want. We want answers to how that's going to
20 be affected.

21 There's a shallow, very shallow stretch of
22 stream, right below ours that's on the Bruzzone's property
23 that I believe would virtually cease to exist with a
24 potential 100 CFS year round. I understand that all those
25 figures fluctuate, but I'm talking about a year round

1 diversion of 50 to 80 percent of that water.

2 I've seen things happen on that stretch of stream
3 of the shallow part that I believe feeds the rest of
4 downstream. When it gets that low, vegetation, hatches,
5 there's lot of months, there's hatches that happen on that
6 stretch of river that I've never seen anywhere else.

7 Couple years ago I saw a dragonfly hatch. Had
8 hundreds and thousands of multi-colored dragon flies with
9 huge wing spans flowing all over the top of the water. I've
10 never seen anything like it. I believe that was a real
11 amazing thing. I want to know what's going to happen to all
12 that when this much water is taken out of the river.

13 MS. MURRAY: Excuse me. I'm sorry. I really
14 feel strongly about this. I had a couple of other points to
15 make that were notes that I made after we took the site
16 visit yesterday which was very interesting. Couple things
17 that came up in my mind.

18 One thing was, I'm sorry, about the construction
19 impact. And the application starts out by saying that it's
20 using existing structures, and you kind of just breeze past
21 that. In fact the diversion structure is going to be
22 enlarged and changed so that the original concrete block is
23 there, so maybe technically that's using an existing
24 structure, but that seems like quite a lot of construction
25 to me, and new things.

1 The roads are going to be improved. The canal is
2 improved. Half a mile of new excavation. So I just wanted
3 to point out my view on that, the term "existing structure"
4 is a little bit misleading.

5 I also agree with Dag. It's misleading to call
6 this a non-consumptive use of three miles of stream drained
7 of water -- I heard up to 93 percent all year around.
8 That's consuming of water. I realize this is an
9 non-consumptive use. Generally when you're speaking about
10 different types of power, if you burn coal and you burn
11 something, but still to use that term in a way that implies
12 there's no impact I think is misleading. The riparian area
13 permanently changed.

14 Out of the three-mile stretch that's proposed to
15 be drained, virtually drained, one and three quarter miles
16 is private property river front. The river goes through our
17 property at an angle. So that's actually more of the
18 diversion, slightly more is on private property. The rest
19 is national forest.

20 The water figures of -- I can't remember the
21 exact years, but through the '90's. 1990 to 2000, I
22 believe. I think that's also misleading. Someone who was
23 on the walk yesterday, and I'm afraid I forgot his name, but
24 he works for Fish and Wildlife Service from the Klamath
25 Falls office.

1 MS. O'BRIEN: Rick Harney (phonetic).

2 MS. MURRAY: Rick told me that mid '94, '95 was a
3 record rainfall period for California. So I think that
4 should be considered when you're considering your -- the
5 whole thing that the figures that Nick has given you might
6 skew slightly to the higher water. And maybe go in a
7 direction that's not accurate.

8 Also that the gauge below West Valley Reservoir,
9 including the reservoir outflow, obviously you could do the
10 math and figure out all the water a lot of people are
11 looking at, just those figures, all the figures are not all
12 available and all the gages aren't available, and some of
13 the gages I've been told are not functioning up above the
14 diversion. There also are various springs, and there's a
15 spring on our property and seasonal creeks that add water.

16 MR. WEISER: That's a really big issue for us. A
17 lot of figures we seem to be getting from the project as far
18 as potential water from the diversion site don't include the
19 seasonal stuff, the springs, and a lot of it are taken from
20 a gauge station below where the diversion comes back in.
21 One of the few gage stations there. We are real concerned
22 about the inflow measurements at the diversion site being
23 taken into consideration in terms of how much water is --
24 impacts of how much water is being taken out.

25 MS. MURRAY: I was also concerned, obviously this

1 can probably be checked, but just how all the gages are
2 checked, and no one knew for sure. I assume there would be
3 records with the Irrigation District.

4 At this point in the project a lot of the details
5 seem vague, and I would hope that the FERC process that we
6 are going through right now would address those. But that
7 concerns me that these are vague. The structures could go
8 here, could go there. Now as we get to speak, yet all these
9 decisions haven't been made yet. What are we speaking
10 about? The true details?

11 There has been some talk of mitigation of some
12 discussions, some discussion of what -- there is activities
13 offered in situations like this as mitigation. This is some
14 stuff that came up yesterday in our site visit. We spoke
15 before and met with Nick about a month or so ago, and talked
16 with someone that he brought to the meeting about
17 restoration. And it turns out -- well, we can build our own
18 fences at our own expense anyway, but we can also seek our
19 own grant as landowners, so we don't need this project to
20 fix things. Just like Dag was talking about the fish
21 ladders and different things.

22 And there was also some talk about trading land,
23 and I just thought that that sounded like, you know, taking
24 this land away that is so special to us is like if someone
25 offered to take your husband and get you a new one that fit

1 all the same description but wasn't the same person.

2 Just to add to the issue of the upgrading, I
3 think a lot of these upgrades that are being talked about
4 really seem like a smoke screen. I know there's a lot of
5 the government funding, government grants have been used on
6 other parts of this river to improve the stream side and
7 different things. Using government grants or applicant
8 funding to fix up the 1935 canal, to upgrade the diversion
9 structure, to fix bad roads in the back country up by -- on
10 the way to West Valley Reservoir where the construction is
11 going to be, just using -- it seems like a culture (?) to
12 use those properties.

13 You already talked about the bald eagles. I know
14 they are planning to make some effort to keep fish out of
15 the turbines, but apparently that's not 100 percent, even
16 though the system appears to limit; that it's not perfect,
17 and didn't really like hearing that.

18 And then the last thing I have to add is on
19 another topic, that's environmental, but no one has brought
20 that up yet. And I don't know if there's going to be lights
21 around these structures, but I wanted to say as -- that I'm
22 an amateur astronomer, and I know that this area is one of
23 the darkest sky locations in the entire country.

24 MR. WEISER: It's rated by astronomy
25 organizations all over the world as one of the top rated

1 dark sky locations in the world.

2 MS. MURRAY: So having lights on at night would
3 really ruin that. They refer to that as light pollution.
4 And you can look these up. I could show you maps for
5 organizations that discuss these issues; that light shining
6 up in the sky even miles away can affect the whole thing.
7 So it's really, really nice to have sky that dark.

8 MR. WEISER: The dark sky is a vast untapped
9 resource in this area. You know. I'm planning on making a
10 astronomy a huge issue for myself.

11 MS. MURRAY: And would be also something that
12 tourists also could come. I can vouch for this. I worked
13 for a company that sells telescopes for 11 years, and I'm
14 well aware of the field trips that people make to remote
15 locations in groups. And it's quite a popular hobby, and
16 this area is an area that has been spoken of by people that
17 I've known. So that's all. Thanks for giving --

18 MR. WEISER: Just like to close by saying thanks
19 for being so patient as we went through all this.

20 I also want to say I have a lot of respect for
21 some of the long-time people here. The Cantralls and the
22 Flournoys and their opinions and what's going on. What
23 everybody is trying to do. And I just hope that our
24 opinions and our concerns are given a certain amount of
25 respect and really looked at seriously. I understand the

1 whole issue of dollars come into the county, and I'm trying
2 to pay attention to everything that everybody is saying, but
3 I want to pay attention to the stuff that -- the adverse
4 effects as well as the potential positive effects.

5 MS. MURRAY: I think what we have to add is it is
6 good for the county as anything. I know all you guys are
7 thinking about what's good for the county. I just don't
8 want our point of view to be overlooked. Thank you.

9 MS. O'BRIEN: Thank you for your comments.

10 Pat, would you like to make your comments?

11 MS. CANTRALL: Certainly. Patricia Cantrall,
12 C-a-n-t-r-a-l-l. We are not the traitors.

13 I will start with the bottom comment. You are
14 certainly true that this is one of the darker areas. We
15 have astrologists and astronomers from the University of
16 Nevada at Reno who come up to Turlock and the Great Black
17 Rock Desert, which as your National Geographic says is one
18 of the 44 great deserts of the world.

19 These gentleman come up and put on light shows,
20 meaning the star light, for the children at various
21 communities and Surprise Valley, and schools at Alturas
22 Elementary. So we do know where that is, and I hold that
23 dearly because I don't like to go to Susanville and see the
24 lights of the prison for miles and miles and miles.

25 But anyway, the County of Modoc has been working

1 on this project. I only mention the County Assessor and the
2 tax base it might bring in. We have been planning,
3 scheduling. They have some stuff being done by David Alford
4 (phonetic), the assistant planner, along with our county
5 geologist Dr. James E. Slosson (phonetic), who is the state
6 geologist for approximately seven years for the State of
7 California and did his major thesis when he was a young man
8 on the geology and hydrology of the County of Modoc.

9 I would need to know the slope, the proposed
10 slope since that question was asked, and can deer and other
11 animals get out of there. Mr. Josten, can you tell me what
12 the proposed slope of the banks would be?

13 MR. JOSTEN: Of the canal banks? One to one and
14 two to one. Like they are now.

15 MS. CANTRALL: About like they are now. And 2 to
16 1 slope any animal can get out of. That I do know. We went
17 through this with 4H and Dr. Slosson would so state.

18 Another item as to the posting, we are going to
19 go back to state law again. I had to dig out my copy of the
20 Brown Act. But I would state for the record that the South
21 Fork Irrigation District again holds its hearings at the
22 Likely Cafe on Thursdays. I am the waitress usually working
23 on Thursdays, and their meetings are posted on the little
24 side windows alongside the door. Usually a week in advance.
25 State law requires 78 hours. So that's five times 24, and

1 they are posted. And there are several of us who work in
2 this community who can verify that. They do not need to be
3 posted at the post office. That's nice if you want to do
4 it. But the posting in the building to be held is all that
5 is required by state law. So they are posted in a timely
6 manner.

7 And I would just like to add that it would be
8 good in my opinion and not as an old time resident because I
9 am not an old time resident. I married my late husband in
10 1956. I did not grow up in this community, but I do love
11 this community dearly. And, you know, it is my job to
12 support everybody in any way I can, or if there's a vote
13 taken, then I must support the majority of the people who
14 live here.

15 I think this would be a good thing in that we are
16 all paying quite expensive electric bills because of the
17 State of California which we had to buy power from out of
18 this state. Coal in some ways might be a good power source.
19 There are more things, such as clean coal, than their used
20 to be.

21 But water energy, and I can verify this -- I also
22 used to spend summers in Bruney. Beginning -- PG&E owns
23 Pits 1 through 7. They had generated much electricity over
24 the years. Finally got down to where they didn't really
25 keep several of these going. So they wished to relicense

1 those again. Again I would say to you this is green energy.
2 This isn't putting smoke into the air, pollution into the
3 air.

4 On the other hand, I realize that, no, you who
5 live along the river who have just bought those properties,
6 you don't want to see the flow diminished, and I can assure
7 you that is why we continue to walk the river for the simple
8 reason that we need to see what's going on. Nobody is
9 trying to cut you out of your habitat. Nobody is trying to
10 cut the deer out of their habitat. And I would argue the
11 point made by one of my neighbors, Mrs. Sheridan, who was
12 worried about the deer not perhaps being there. Cattle and
13 deer of an evening will walk from one to three miles for
14 water. They eat all day. You can see them along the fences
15 at night up here on the hills coming down to get water.
16 That's how predators get it, is when they come into the
17 water hole.

18 I can only state to you as a county supervisor
19 that I would hope to work with the Indian peoples with whom
20 I have gone to school, most of the members of the local
21 tribe the landowners here and everyone else, but I will
22 state outright that in my opinion this is a good project if
23 we can find some way to do it, and I would hope that some of
24 the fostering of hate and discontent that has taken place in
25 this county like in places like the Brass Rail act as if in

1 league with or bought by, that this kind of stuff will stop.
2 And that is also a matter of public record all those that
3 were there that evening.

4 So we hope that will discontinue and everybody
5 can work together to make this project feasible if at all
6 possible, and for the greater good of the people who live on
7 the river, for the animals, for the environment, and for all
8 the peoples of Modoc County. Thank you.

9 MS. O'BRIEN: Thank you. David Thorne.

10 MR. WEISER: Can I comment on one thing she said?

11 MS. O'BRIEN: Sure.

12 MR. WEISER: Your concerns with buying the
13 out-of-state electricity at one time seem valid, but we have
14 all read the transcripts of the various -- of the elevated
15 energy crisis that we all went through, the Enron people
16 talking on the phone about how they was going to screw
17 people. That was a screw of the Californians.

18 I believe that the energy cries that this project
19 is trying to piggyback on was a false crisis. And it's not
20 happening right now.

21 MS. CANTRALL: May I answer that?

22 It may not be a crisis to you, but the thing is
23 we are still paying on our electric bills, as are all
24 Californians. If you can't even rent a motel when I'm
25 traveling on County business anywhere in this wonderful

1 state, including the neighboring state of Nevada, there is
2 now a surcharge for electricity, and in some places water.
3 You may not think the crisis is there, I will agree with
4 you, but the point is we are going to continue to pay until
5 the day comes when we can say we have water; we have
6 electricity. And that goes mainly for Southern California
7 because, yes, by God, we do have water and I intend to hang
8 on to it. Either that or send it off in one squirt and let
9 it flood the government.

10 Anyway, I could argue that point. Yeah, we may
11 not be in a crisis, but you and I are going to continue to
12 pay for the next eight years. Whether it goes or not.

13 MR. WEISER: Whether this project is actually a
14 feasible solution to this advanced electrical crisis in the
15 future is something that we are all here to discuss.

16 MS. CANTRALL: The population of the United
17 States is also projected to double by the year 2050. So
18 there is going to be shortage of electricity. Thank you.

19 (Whereupon, a recess was taken.)

20 MS. O'BRIEN: Okay, so we will get back to the
21 meetings. I just want to again to emphasize that the
22 purpose of this meeting today is to -- we are soliciting
23 comments on this proposed hydropower project and additional
24 issues that you may have, or if you have additional sources
25 of information for us to help us evaluate this project.

1 I believe there's a question for Miss Cantrall.

2 MR. BROOKE: Richard Brooke, B-r-o-o-k-e.

3 You said that you feel you are representing the
4 majority.

5 MS. CANTRALL: No, I said if it should come down
6 to a vote, one would have to side with the majority. That
7 was clarification. Right now we are not representing
8 everybody. We are trying to get all the facts.

9 A SPECTATOR: Do you believe that the majority of
10 people would like to have this project here?

11 MS. CANTRALL: Within the district would like to
12 have the project as it stands now. I can't say that will be
13 after all the facts are in. A lot of people might change
14 their mind. So I can't say that.

15 But I realize that a lot of you on the river are
16 against it. People above you are for it. South Fork is for
17 it.

18 A SPECTATOR: Our fathers are for it.

19 MS. CANTRALL: Rodney is who I'm speaking of.
20 I'm not saying everybody up there. He is. And one other --
21 you have any other questions, Dick?

22 All right, the one other thing for notification
23 to Mr. and Mrs. Bruzzone, since they brought up this
24 business. I forgot to mention and I apologize, that once in
25 a while there is a meeting at the headquarters of Alturas

1 Ranches. Those meetings are posted on the door of the
2 building, and they're posted at the Likely post office, and
3 I can guarantee that as well as I'm relief postmaster for
4 the Las Vegas District.

5 Also if Mrs. Bruzzone cares to do so, by state
6 law she may request of the secretary of an organization
7 posting to be forthcoming, if she sends to the secretary of
8 that agency, whether it be the County Clerk, or whatever
9 meeting she wishes to attend, stamped envelopes, self
10 addressed, to be returned to her with the postage. That is
11 also in the Brown Act. Thank you.

12 MS. O'BRIEN: Before we move on to other
13 comments, we did get one comment or question actually that
14 was written down on our sheets out in the other room. And
15 since that was more of a question I wanted to address it
16 now.

17 So the comment that was written is: Is there a
18 guarantee that some water will always be allowed to flow in
19 the three-mile river bed between diversion and point of
20 re-entrance below the power plant, even in dry seasons, and
21 if so, how much water?

22 This is from Pat Sheridan (phonetic).

23 So I want to go ahead and address this so it's
24 clear that, yes, there will be a minimum flow in the river
25 bed section that is below the diversion. So the bypass

1 reach section of the project below the point of the
2 diversion and before the re-entrance. And that is something
3 that we need to evaluated and will be evaluating in our
4 document and deciding on what that minimum flow needs to be.
5 So I hope that answers the question.

6 And I have now asked David Thorne.

7 MS. MURRAY: Can I address what you were just
8 talking about? Do you also consider the width of the river?
9 If you are talking about cubic feet per second, but the
10 volume of the space it goes through, obviously it's skinny,
11 the water is taller. So if the river is really wide,
12 obviously then the layer of water is rather thin. Did you
13 also consider that?

14 MS. O'BRIEN: Yes. We do a complete analysis and
15 have some scientific backing to the minimum flow.

16 MS. MURRAY: That's appropriate for the area?

17 MS. O'BRIEN: That we recommend in our document.

18 MS. MURRAY: Thanks.

19 MR. THORNE: My name is David Thorne. For
20 several years I lived right along the section of the river
21 under discussion. And I moved away, moved up to Alturas.
22 Moved over to Fortuna on the coast for three years, and now
23 I'm back in Alturas, and I learned of this hydroelectric
24 project. And so I recalled some of the research that I did,
25 and I wrote a letter here. I'll just try to read the letter

1 verbatim. It's just four pages.

2 As a former resident along the South Fork of Pit
3 River having once again moved back to Alturas, I would like
4 to add my voice to the dissent over the proposed West Valley
5 Hydropower Project. Many legitimate and commendable
6 concerns have been expressed by local residents and
7 environmental advocates.

8 I expressed concerns over some things which are
9 often overlooked in the face of greed and progress and which
10 I have not seen conveyed in other local statements of
11 concerns yet. Some of these arise due to the river research
12 that I have done, and others come to mind as a former
13 resident along the South Fork of the Pit River right in the
14 middle of the disputed three-mile stretch which will be
15 dewatered if the proposed hydroelectric project is
16 permitted.

17 As I journalist I researched and authored a
18 series of 13 research articles for the Humboldt Beacon, a
19 family-owned newspaper based in Fortuna where I lived for
20 the past three years. Three of those articles were a series
21 addressing the runoff of the third largest river in
22 California, Eel River.

23 Various forces all brought about by man's
24 mismanagement of natural resources resulted in decimating
25 the Eel River's water flow in almost the same way that is

1 proposed for the South Fork of the Pit River.

2 Due to the diversion for hydroelectric power in
3 late summers I've seen all of the water in California's
4 third largest river running through a shallow channel about
5 six feet across, which you could have forded in a car on a
6 gravel bed. It was so shallow you could have driven across
7 with a car. Just as with this hydroelectric project,
8 promises were made for the release of sufficient water to
9 preserve the fish and the riparian habitat along the Eel
10 River. And that didn't happen. Native salmon runs in the
11 Eel River have been decimated almost to extinction. So
12 salmon fishing is now outlawed in the Eel River, except for
13 catch and release.

14 And there are people who have formed a non profit
15 organization, Friends of the Eel River, based in
16 Garberville, and they dedicated their lives to getting the
17 dam, the PG&E dam upstream removed. They found it an almost
18 impossible task, even though the hydropower plant there
19 provides an infinitesimal amount of power used in
20 California. But it is many times more than what's proposed
21 here.

22 In the early 1900's there was seven salmon
23 canneries located along that Eel River and 500,000 salmon
24 were netted each year from the river and canned in those
25 canneries. But in recent years not even one thousand coho

1 salmon have made it up the river to that diversion dam where
2 the water is taken from the Eel River and diverted over into
3 the Russian River through the hydropower plant.

4 That's the infamous Potter Valley project over
5 there. That dam, the diversion dam, blocks the fish from
6 passage to their natural spawning grounds above. They try
7 to spawn below the dam and in a few tributaries, but
8 sediment has washed in from the denuded mountain sides,
9 filled in the gravel beds, rendering them their natural
10 spawning beds almost impossible for them to find. The
11 survival rate for their young is dismal as their natural
12 hiding places are gone and fisherman also introduced the
13 Sacramento River pike minnows into Lake Pillsbury which
14 feeds the upper reaches of the South Fork of the Eel River
15 where the dam is. And those Sacramento pike minnows eat the
16 salmon fry voraciously.

17 Pertinent to the Pit River here I see these areas
18 of concern. One, hydroelectric dams and irrigation dams are
19 not the panacea that they were once thought to be. The
20 nationwide spurt of dam building in the '30's, '40's, and
21 '50's resulted in very many environmental issues being
22 brought to the fore in later year. Disaster both small
23 scale and large resulted when man changed the course of
24 nature.

25 Some dams have proven reliable source of flood

1 control and hydropower. But now many of those dams which
2 were built 50 to 75 years ago are either filled in by
3 natural sediment carried downstream by the river or they are
4 undergoing a process of being removed right now. If my
5 memory serves me right there are something like 104 dams
6 nationwide that are undergoing the process of being removed
7 or have already been removed from the rivers in which they
8 were built 50 to 75 years ago.

9 You can research this as I did on-line. You can
10 research -- you can search Google.com for the words "dam
11 removal" or "dams being removed," and you can go to
12 environmental sites like www.irn.org. That's International
13 Rivers Network organization. Irn.org. And you'll find
14 links there to many other environmental sites that are
15 concerned with the same situation that we are facing here.

16 Number two, messing with mother nature, or with
17 God's design, however you view it. Geologists tell us that
18 the purpose of a river is to move its sediment. To move
19 sediment a river requires considerable water flows. The
20 three-mile stretch of the South Fork here virtually deprived
21 of its natural water flow will not be allowed to keep up
22 with the natural process of sediment flows occurring along
23 the rest of the river. If you lived here any length of
24 time, you know you go down there to that river, it's changed
25 every spring from the way it looked before. Rocks are all

1 moved around. The river bed is changed. It's different.
2 It moves every year. And it's been doing this for aeons.

3 You know, the fact that this three-mile section
4 won't be allowed to do that may not seem important now, but
5 in years to come, it will be.

6 The follies of greedy and short-sighted men
7 reflect badly upon them in the pages of history. And I will
8 address that a little further down here.

9 Number 3, the natural beauty of the South Fork
10 Pit River canyon will be damaged. I was 13 the first time I
11 ever traveled along this stretch of the South Fork. I have
12 never forgotten the beauty, and always dreamed of and hoped
13 to be able to live there some day in that beautiful wild
14 canyon.

15 I visited Modoc County off and on all my life,
16 and suddenly in 1998 my life-long wish came true when I was
17 -- the fact that I worked down in Central Valley was
18 demolished. We came up here and lived with my mom six
19 miles east of Likely almost across from the Old Blue Lake
20 Road.

21 That's right where some of the oldtimers will
22 remember that my uncle Matt Lancaster had his bait and boat
23 store up there.

24 The wild beauty -- wild green beauty of the Pit
25 River canyon will become desolate and dry without its

1 natural high seasonal water flows.

2 Number four, I personally know of four historical
3 campgrounds in that section, some of which have been in use
4 for perhaps a hundred years or more by whites, and even for
5 centuries longer by Native Americans before them. These
6 would be useless and barren green grass along the river if
7 the hydropower project is allowed. It will dry up and ruin
8 the section of the river, destroy its natural beauty. It
9 will not have the water to maintain the riparian life along
10 the river that is there now.

11 Number five. Have you ever slept alongside the
12 river? For some years I slept some hundred yards or so from
13 that section of the river in question, with it's quiet,
14 soothing, rushing water sounds lulling me into peaceful
15 sleep every night. I really appreciated just the sounds of
16 the river; knowing it was there. Running as it has for
17 ages; doing its job, moving along the sediment of centuries
18 of time.

19 Every spring the river bed is always a little
20 different after the winter flooding torrents. This too will
21 pass if the damming of the river is allowed.

22 Number six, when I hustled out of bed in the
23 early mornings and grabbed my fishing pole and headed for
24 the section of river in question, I have never been
25 disappointed. There were wildflowers, willows, elder

1 berries, irises, and dogwoods and many other beautiful
2 plants growing along the river. I've seen deer along the
3 river. I've seen ducks and geese nesting and raising their
4 young along the river, that section we are talking about.
5 My wife and I even had a four-point buck follow us along
6 inquisitively as we took a walk down one day along that
7 river down there.

8 We have seen mountain lion tracks, coyotes,
9 rabbits and found masses of black feathers under a tall pine
10 tree along the river where turkey vultures roosted while
11 molting. Lost their feathers while they were molting.

12 Over the years I have caught dozens of trout,
13 both rainbow and German brown at that section of the river.
14 You can really find solitude along the gorgeous South Fork
15 of the Pit River. If you want to appreciate the beauty of
16 the river and its incomparable rock canyons, just go for a
17 picnic along the banks along Jess Valley Road to the east of
18 Likely. While you're sitting there, drinking in its
19 breathtaking, one-of-a-kind splendor, think of the
20 decimation you would find there without all of that fresh
21 water coursing through, between its banks. Close your eyes
22 and try to image what the air would look like and what the
23 river would sound like with just a trickle of water running
24 through the dried rocks lying in the bed of the river that
25 used to be.

1 Modoc already has one lost river flowing up into
2 Tulelake. In my opinion we don't need another lost river,
3 east of Likely.

4 Here's an excerpt from that web site www.irn.org
5 I'd like to read.

6 A river is a thing of grace and beauty, a mystery
7 and a metaphor, a living organism whose processes have been
8 perfecting themselves through the ages, shaping our
9 landscapes into works of art greater than those found in any
10 museum. Rivers feed us physically and spiritually. They
11 determine where we live, what we eat, what we drink, and
12 where we dance. We write songs, stories, and poems about
13 them. We go to them in order to learn about ourselves.
14 They provide a place of mediation or a place for
15 celebration. Rivers are woven into humanity's collective
16 psyche. We go to a river to feel its peace and its power,
17 whether its song is a gentle sonata or Beethoven's Fifth.
18 Henry David Thoreau once said: Who hears the rippling of
19 rivers will not utterly despair of anything. We go to the
20 river's edge for comfort, spiritual renewal, meditation,
21 solitude. We go to the river and feel and know the
22 continuance of life.

23 The river is the artery of the watershed. The
24 artery supplies the nutrients necessary for the body to
25 survive. Poet Gary Snyder describes a watershed as a kind

1 of familial branching, a chart of relationships, a
2 definition of peace. Definition of place, excuse me.

3 The watershed is the first and last nation whose
4 boundaries, though subtly shifting, are unarguable. From
5 the onset of its journey, a river works towards reaching a
6 state of equilibrium between the amount of water it carries
7 and the sediment it transports downstream. The river's
8 floodplain, its velocity, its width, its meanders, its
9 sediment load, all are expressions of a river performing
10 with balance and perfection.

11 The damming of the world has brought a profound
12 change to watersheds. Nothing alters a river as totally as
13 a dam. A reservoir is the antithesis of a river. The
14 essence of a river is that it flows. The essence of a
15 reservoir is that it is still.

16 A wild river is dynamic, forever changing,
17 eroding its bed, depositing silt, seeking a new course,
18 bursting its banks, drying up. A dam is monumentally
19 static. Tries to bring a river under control to regulate
20 its seasonal pattern of floods and low flows. A dam traps
21 sediments and nutrients, alters the rivers temperature and
22 chemistry, and upsets the geological processes of erosion
23 and deposition through which the water sculpts the
24 surrounding land.

25 Dams do not live forever. The dead or dying dam

1 may have silted up, stopped producing electricity or become
2 increasingly unsafe, at which point it may be a candidate
3 for removal. Not all dams slated for removal are targeted
4 for safety reasons, however. Another major reason prompting
5 activists calling for the removal of dams is the decimation
6 of fisheries.

7 A river tells a story, the story of the land and
8 the people who loved, laughed, struggled, fought, and
9 crossed the river before us. We crossed the river with a
10 thousand footsteps to guide our way. In this age of dam
11 building and river engineering, what is the story that we
12 are leaving behind? What will the river say of us?

13 (Applause)

14 MS. O'BRIEN: Thank you, David. Mrs. Bruzzone,
15 would you like to do your presentation?

16 MS. BRUZZONE: My name is Linda Bruzzone. My
17 husband and I own property on the Pit River. We own this
18 parcel of property right here, which is 80 acres. We made
19 an offer on it in March of 2003 and purchased it in 2003.

20 I'm a fourth generation native Californian. My
21 husband is a second generation native Californian. We lived
22 in the Bay Area. I grew up in Carson City, Nevada. And I
23 was familiar with this area as my father's company came up
24 with the telephone company and set the telephone lines here
25 as my grandfather did in the early -- in the mid and early

1 1900's.

2 When we bought this property, we wanted a place
3 could come to. We didn't look for a place to live; we
4 looked for a place that would be our final home. And
5 basically we looked for where we wanted to die.

6 This is where we decided when we would kick it,
7 where we want to be, the most beautiful place in the world.
8 We couldn't believe the price of the property was so
9 reasonable. It was gorgeous. The same day we made an offer
10 on it, and it was accepted, and at no point did anybody ever
11 tell us there was a hydroelectric plant. That also happened
12 to a individual living in a property here and an individual
13 that's living over here at this property. Nobody had any
14 idea when they brought their properties.

15 We had been told late in the summer of 2003 that
16 there was a project going in, so we contacted FERC, and we
17 asked them about it. And they said, yes, there is a hydro
18 plant. You must be talking about the one on the river.
19 Yes. So what we got was a big packet 1, 2, 3, and looked at
20 it and said this wouldn't affect us. This is no big deal.

21 We then about maybe a couple months later, I
22 started to hearing rumors again, and I spoke to Jayne
23 Biggerstaff. And Jayne told me about the project and told
24 us about our right to protest the project; what we have a
25 right to do as property owners.

1 So we decided to do that. We decided when we
2 bought the property that we were going to build a home on
3 the property. And at first we didn't know where to build,
4 and we thought we might build on the river area. Then we
5 were told, one member of the South Fork Irrigation District,
6 whose daughter said, oh, my gosh, you bought that property
7 my father always runs his cattle on that land. A lot of
8 Native Americans said oh, my gosh, that's cultural area.
9 Are you going to build on this? Other people started
10 telling us how they come and visit the property, what it
11 meant to them, and how they loved the rolling meadow. And
12 we started thinking about it a little bit more. My husband
13 and I sat on the river one day, just sat there and looked at
14 the mountains and looked at the caves, and we had been
15 reading the Modoc County history book and the Hammawi
16 Indians had lived on this property around the land which we
17 found scattered all over here, scattered all over here on
18 this property. Our property where we intended to build.
19 Right about right there. We found all sorts of things that
20 showed that there had been life on that property well before
21 us. We watched and we sat and one day my husband and I
22 said: We can't build on this. There's no way we can do
23 this. There's no way we can build along here. It will ruin
24 the esthetic value. We can't do that to everybody else.
25 Because we can't really own this property. We had fallen

1 totally in love with it.

2 We decided at great cost to ourselves -- there
3 was a road in, there was power in. It would be easier to
4 drill a well. It would have been much less expensive to
5 build here. We decided to build back up over in here. We
6 paid 12 -- \$10,000 to have a road come back way up here
7 where nobody would be able to see our home from the road so
8 as to not affect the esthetic value. We put in a septic
9 tank and approved that and another \$5,000. We paid for
10 surveys because the surveys had been over with Mr. Boat's
11 (phonetic) lands which is now Mr. Langford. We paid another
12 \$4,000 for that, putting \$21,000 into it, and we ended up
13 paying right now \$850 a month on a property without a house.
14 What are we going to do, because we had no idea where the
15 diversion went. We are going to build five fishing cabins,
16 and the cabins we figured would bring in approximately
17 \$17,000 a year. Our home, which our plans were 2000 square
18 feet, would be assessed at \$2,800 a year. Our fishing
19 cabins would bring in other 12,000, which brings in \$4,800 a
20 year to the County. On top of that, these people would come
21 into town, they would shop, they would use the cafe, they
22 would use the store, they would use everything, and it would
23 blend in with the camp, the people along there, the bed and
24 breakfast up there. There is a bed and breakfast up there.
25 There's a rental cabin; there's tourism that comes into the

1 area. The Christiansons and the McGarvas. So that's what
2 we had intended to do in order to help out with the
3 community and do out part.

4 To buy this property, my husband and I, we put
5 our entire retirement into it. We cashed in our IRA's and
6 we took a ten percent hit. We also took -- we got knocked
7 by a tax rate and paid 34 percent on taxes on our entire
8 retirement, which the property which originally was a great
9 bargain because there any a hydro plant that we didn't know
10 about. Ended up costing us. We sold our retirement
11 property that we had originally thought to keep it. We got
12 a second mortgage on our home. That we will have,
13 everything we have worked for our entire lives, we put into
14 this property because which loved it, absolutely loved it.

15 We now were paying thousands of dollars for
16 riparian fencing so we can protect the river. We donated to
17 the community. We have donated to the Likely Fire
18 Department. We donated to Alturas. We have donated to the
19 community pool, probably spent \$44,000 in the local
20 community. That's something that the hydro plant can't do.

21

22 We had heard about a project. We had heard and
23 we were concerned about the river drainage. The river, what
24 that's going to happen. The South Fork Irrigation District
25 has a 1934 agreement, I'm advised, and I'm a retired law

1 enforcement officer, retired after a drug dealer put a gun
2 to my head and fired. Since then I have visions come. And
3 I have contracts with sometimes the State of California, the
4 Department of Homeland Security, and some large labor
5 organizations as well as political organizations in
6 California. And that's been pretty much the scope of my
7 work for the past five years. Prior to that I did homicide
8 investigations. Done about 37 of them.

9 So I had looked into that project and seen what
10 the real truth is. The real truth, as you mentioned, that
11 one person in here mentioned, that this was an inquisition
12 of the South Fork Irrigation District. That's why that's
13 important. That's why I brought up the South Fork
14 Irrigation District, and the public need to know.

15 The 1934 diversions of South Fork Irrigation
16 District allocated water amongst several individuals. And
17 stated that they had no by-flow past regulations, and stated
18 that they were entitled to available water. Available water
19 pertains to those regulations that were controlled by the
20 State before that. And there's something called the Public
21 Trust Audubon decision which pertains to all water rights
22 after 1912. They had a 1934 division for available party
23 water. They are allowed to take out certain amount of
24 water, which came up to 38 cubic feet. Then they got a
25 second water rights decision in the 1970's. This was where

1 they were to keep five cubic feet inside of the river at all
2 times during diversion. This last year my husband and I
3 came up here on February 28. Around the 15th or 17th or
4 18th we got telephone calls from local residents saying, my
5 God, sediment -- first of all sediment spilled into the
6 river in November. The canal broke and sediment spilled
7 into the river. They said, my God, the fish are all dying.
8 You ought to see the condition of the river.

9 Then February we started getting notifications
10 that the river was being drained; that there was nothing
11 left in it; hardly anything left in it. So we got
12 photographs from February 17th. We came up here. We were
13 up here anyway on business. We are up here on the 28th.
14 And we personally took photographs of the river. We have
15 done a photograph chronology.

16 What the proponent is proposing is five cubic
17 feet per second. Fish and Game has stated seven and a half
18 cubic feet. He is correct, they did do that. However,
19 after seeing these photographs, they are currently
20 reassessing that, and they haven't come to that decision
21 yet. We have been in contact with the director of Fish and
22 Game. We have been in contact with the biologist.

23 This is what the river looks like in July of this
24 year. This was at 34 cubic feet per second. Let's get the
25 February 18th ones.

1 MS. O'BRIEN: This is July, 2004?

2 MS. BRUZZONE: That's July, 2004. All of these
3 photographs have been provided on the web site of FERC.
4 They have been provided to BLM. They have been provided to
5 National Forest Service. They're at the Yahoo web site.
6 They have been provided to Mr. Swenson. We have discussed
7 the matter with Mr. Swenson who has promised to meet with
8 us. We haven't met with him yet. He promised to meet with
9 us last year.

10 This is the river on February 17th after the 38
11 cubic feet diversion. That was between approximately 3 and
12 5 cubic feet. This is February 28 between 4 and 6 cubic
13 feet. This is a total sediment bed taken on February 28
14 which shows the river completely fized. No way fish can
15 live in this from bank to bank.

16 This is also February 28th. This shows that this
17 study of Mr. Josten was faulty because of barrier in the
18 area. Due to the wild meadow. The barriers. There are
19 barriers.

20 There's more taken between February 17th and
21 February 28th. This one is taken in the morning between
22 February 17th and 20th. And the others were on February
23 28th.

24 MS. MURRAY: I wonder if the cubic feet per
25 second was not marked on the photo so we can make that

1 connection.

2 MS. BRUZZONE: The darker ones are February 28th
3 and morning ones are February 17th.

4 MS. MURRAY: Of course that data is available?

5 MS. BRUZZONE: Yes. And it is on the web site
6 which is www.ebold.com/~snaky (tilde) savesouthfork.

7 MS. CANTRALL: May I ask a question for
8 clarification?

9 We can't tell if these are all pictures of the
10 same spot. I don't see any marking as to tree stand, grass
11 stand, so how do I know where they were taken in the river?

12 MS. BRUZZONE: You have lived here all your life
13 You said up walk to the river, you should know.

14 MS. CANTRALL: I would state to you perhaps these
15 aren't of this river, if you want to be facetious.

16 MR. BRUZZONE: That's on our
17 property right in front of the old well. The deal is we
18 usually take one of the same spot.

19 MS. BRUZZONE: I believe on February 12th Fish
20 and Game did come and looked into the situation. And Jayne
21 has looked at those pictures and clarified them to be true.

22

23 MS. CANTRALL: Whom?

24 MS. BRUZZONE: Jayne Vogerfall (phonetic)?

25 MS. CANTRALL: She verifies, her credentialing,

1 that these are all true?

2 MS. BRUZZONE: She was with me that day.

3 MS. CANTRALL: She verifies were true pictures?

4 MS. BRUZZONE: She said that was the state of the
5 river when she was with me that day.

6 MS. CANTRALL: No, I'm talking about you took the
7 pictures on a specific day?

8 MS. BRUZZONE: No, she did not verify we took the
9 pictures on a specific day.

10 She's a biologist at Fish and Game.

11 MR. WEISER: Can I add a quick comment? At that
12 web site in case you're interested, there's several photos
13 that my wife and I have taken that address your issue where
14 there's a rock easily identified.

15 MS. CANTRALL: That's good.

16 MR. WEISER: Shows exactly all this stuff in
17 relationship to one spot.

18 MS. CANTRALL: The only reason I mention it is
19 because somebody can say with this there's no mark to say
20 where. You did it the correct way. That's the way it
21 should be.

22 MS. MURRAY: May I just jump in one tiny point.
23 I just want to say that visual photos have dates on them.
24 All this information is available. Even though we don't all
25 have it now, we can go back and gather it together and we

1 can go to places and find -- I felt --

2 MS. BRUZZONE: Thanks. So anyway, as we started
3 to looking into this, we wondered how many times has this
4 happened? We came back to the USGS gauge, and Mr. Brooke
5 put all the data from that gauge, and he put it into a
6 database, and the database, we found out that this river has
7 been diverted down to those levels that you see on 622
8 occasions. 622 days from 1940 to 2002.

9 So that indicates that it's been brought well
10 below the levels that we agreed upon of 5 cubic feet per
11 second; that that has not occurred.

12 We went up to the canal and found out that the
13 canal has breaches. We photographed the breaches, where it
14 had breached before and wondered why this could be. We had
15 a lot of questions about it, especially since as discussed
16 before that the South Fork Irrigation District has 57
17 percent of it owned by the very wealthy San Jose land
18 developer who is a commercial builder. There's no reason
19 why we shouldn't do it. Especially since there was a
20 project down here called the Moonrake project (phonetic).
21 And South Fork Irrigation on March 1st of this year filed an
22 application stating that they had the funds to build a
23 multi, multi, multi, multi, multimillion dollar project, but
24 they could not maintain their canal.

25 At the same time Mr. Josten just told us all, all

1 of us, that he's going to take care of maintenance of the
2 canal because it can't be done by the South Fork Irrigation
3 District. So I couldn't understand how the South Fork
4 Irrigation District played into this and why this needed to
5 be done. We started looking into the revenue in the
6 community. We did speak to the county treasurer, and we
7 have spoken to other people. This area here is going to be
8 on -- this area is BLM land. The County cannot tax property
9 on BLM land. So there's going to be no taxes coming from
10 there. The only taxes is going to be on equipment.

11 And at a landowner's meeting Mr. Josten told us
12 that there would be \$1,000,000 for the project. On Page 9
13 of his project he stated \$2,000,000. We need to know where
14 the other million is going to go, and exactly how much the
15 project is going to cost. And let's see where's the
16 discrepancy. What's getting lost? What's coming out of the
17 project? If the project is only one million, and fifty
18 percent is equipment, as Mr. Josten told us, \$500,000 was
19 equipment for the project. The rest of it was labor. So if
20 you look at that, one percent of \$500,000 for the equipment
21 comes out to \$5,000 a year for Modoc County.

22 Then if the South Fork Irrigation District, which
23 is a public entity, which is why we need to know. And the
24 importance of knowing is involved in any of this
25 infrastructure here, or has an ownership in it, there's no

1 taxation on any of the equipment, and there is no revenue
2 for this county.

3 Now, on Page 9 Mr. Josten put down that the
4 water, that it would be 5.23 cents a kilowatt for the
5 electricity when he was showing the justification for the
6 project. The SVEC on their web site indicates that the
7 average person in this area is 4.9 percent per kilowatt. If
8 he's going to charge 5.2 or if it costs that much to
9 produce, 5.2 cents per kilowatt, under PURPA laws which
10 requires the local utility company to buy the electricity,
11 the public is going to be paying higher electrical rates,
12 and that's something that is important. And something that
13 I don't believe individuals have looked into.

14 We are concerned about the habitat. This shows,
15 those pictures shows a drained river, even at the levels
16 that he proposes, even at 7.5. We are still going to have
17 to drain the river. It comes out a swamp, or during a
18 landowner meeting what he offered us was -- first of all let
19 me backtrack at little bit.

20 This property here we decided to put into a land
21 conservancy. We felt since the public loved this property,
22 the public ought to have it. It ought to be preserved for
23 generations to come, it ought to be conserved for the
24 Hammawi tribe, because their ancestors walked on it for
25 years. It ought to be preserved for fisherman who come here

1 to fish. We had planned to do riparian restoration on it.
2 And all of our building was going to be back here on this
3 property, which is a less valuable part of the property, to
4 build a home here.

5 After she had it, she had \$4,800 a month in
6 revenue. They built their home, they are going to have
7 another \$2,800 for a \$200,000 home, which is the cost to
8 construct homes here. That's got another \$7600. With this
9 project, this home is going to be devalued. Mr. Josten
10 already admitted that there is going to be devaluation of
11 property. This is going to be devalued. This is going to
12 be devalued. This is going to be devalued. This is going
13 to be devalued. And here there are approximately 12 homes
14 are going to be devalued. This is going to be devalued,
15 taking from the tax rolls. This is going to be devalued.
16 This is going to be devalued. And this is going to be
17 devalued.

18 These are all the people that are affected,
19 approximately 20 people on the river, 20 families on the
20 river maybe. We are talking about five families for the
21 South Fork Irrigation District and five or six, and two
22 major corporations, multimillionaires out of San Jose that
23 are going to be profiting from it.

24 These levels that are -- that I showed you in the
25 picture, this one. We are concerned about mosquito

1 infestation, we are concerned about West Nile virus, and
2 what's going to happen in this area, the diseases in the
3 area. There are hydroelectrical wires and plants that are
4 going to come down here, large towers, electrical. If you
5 look at EMF, recent studies by Oxford University and also
6 the National Institute of Health which has documented the
7 effects of high wire transmissions that will be running to
8 front of these people's not only homes and properties --
9 high heart rate, loss of melatonin, high heart rate,
10 difficulty with bone regrowth. It interferes with
11 hearing-aid coils, and it also interferes with radio
12 transmissions. If this happens, this is a retired person
13 living here, this is a retired person living here, we are
14 going to be retired. I'm in my 50's. I've got two more
15 years to reach senior citizen's status. They are retiring
16 right here. These are almost all retired people here.
17 Almost all retired people here. EMF levels they determined
18 can go as far as 200 cm (sic), which is approximately 1200
19 feet.

20 Right here the powerhouse is built in a canyon.
21 They claim it's quiet. Now, the wind comes from the west.
22 Our home is right here, and echoes everywhere in the canyon.
23 The wind will hit right across here, and the sound will
24 travel. We can hear cars as they travel here. We can hear
25 people coming to our home well before they get there. This

1 is approximately I believe 1200 feet. Our land boundary
2 right here, which is actually part of the hill, top of the
3 hill, will be less than 200 feet from the project area.

4 So we feel that this not only will affect
5 revenue, the socioeconomics, the fish habitat, our preserved
6 area, our cultural area, where we essentially donated half
7 our property to the public, our future income, the
8 devaluation of our properties and others' properties, it
9 will also affect the health and safety because of E. coli on
10 the river. I've got some studies here. First of all we
11 couldn't measure the inflow coming down the river, and the
12 reason we can't determine this inflow is because according
13 to the State Department of Water Quality where I got this
14 study from, the gages do not work between October and April
15 in the South Fork Irrigation District.

16 The Upper Mill Creek gages and the East Creek
17 gages malfunction during the time of the South Fork
18 Irrigation District is diverting. And those are on the
19 tributaries that pour into the South Fork Irrigation
20 District.

21 The second problem is not there's no water
22 temperature data but we do know that low quantities affect
23 water temperature and affect fish. We also know that if the
24 river -- we found out yesterday the plant A, if it goes
25 off-line, and the water will go into West Valley doesn't

1 come back in, those are things we need to know those
2 changes. Those changes affect the turbidity down here
3 because there's a lot of turbidity here in the lake. We
4 need to know these changes so that these studies that Mr.
5 Josten has cited will be correct.

6 Finally we have a problem with E. coli in the
7 river which affect public health. We intended to take water
8 from the river, the river originally, and I spoke to Mr.
9 Farnam about it on the telephone. We also talked about
10 using springs. And there was concerns about filtering the
11 water. And how to use the water. We can't even get a water
12 right on the river because of these appropriations on their
13 own use.

14 The E. coli tables. And I'm sorry, I've got very
15 old eyes. The South Fork of the Pit River at Jess Valley in
16 September of '04 was 1990; August of '04, 687; on our part
17 of the river in May of '04 was 365; June, 313. And when it
18 was high in Jess Valley up high, it was only 75.

19 MS. O'BRIEN: Can you state where that data comes
20 from?

21 MS. BRUZZONE: The data comes from Dennis Highman
22 (phonetic) at the Water Quality Board.

23 MR. ALEX MILLER: Can I see what you used?
24 milliliters or what?

25 MS. BRUZZONE: When we talk about the amount of

1 generation of electricity, Mr. Josten stated that it was
2 going to be an eight million kilowatts.

3 MR. ALEX MILLER: This value is written in MPN,
4 which is most probable number for a hundred milliliters.

5 MS. BRUZZONE: Thank you. Now, you mention that
6 in the proposal it's going to have eight million kilowatts,
7 and he states that's for 2000 families. The average family
8 consumes 600 kilowatts. If you do the math, it comes out to
9 1333 families that would be affected without using
10 electricity. If you multiply that by approximately 5.2,
11 that brings in about \$400,000 a year as the cost of
12 electricity. There would be \$400,000 coming in through this
13 plant for those eight million megawatts. If in fact at the
14 level, the retail level that the SVEC charges, it would be
15 approximately \$370,000 a year, that would be in that
16 revenue.

17 We need to know the actual cost of construction.
18 When you look at the cost of construction, \$2 million. It
19 shows 7.5 percent loan. It shows only vague things. It
20 doesn't show the cost of the employees, the cost of the
21 insurance, the cost, the operational cost to keep this going
22 on year round. It doesn't show the cost of Workers
23 Compensation Insurance for the employees; it doesn't show
24 the cost of licenses, it doesn't show any of these things at
25 all, and that's what we need to determine whether or not it

1 is feasible. Because in 1982 this project was introduced
2 and the South Fork Irrigation District found it unfeasible.
3 If they could have done it, they would have done it. If
4 they could have gotten it financed, it would have been
5 financed, so something has happened in the past couple
6 months and we don't know what it is. Why is it feasible now
7 and it wasn't feasible then? We want to know how he got his
8 in-flow figures when the gages upstream don't work.

9 We have a right to know these things, and we
10 honestly believe we are entitled to, and we believe that
11 this information should come to us. Because we have
12 invested our lives into it. We have invested everything we
13 own into this river. And we have good intentions for the
14 property and the community and for families and everything
15 else.

16 And evidently it appears that our county
17 supervisor wants to go to five ranching families and the --
18 thank you.

19 MS. CANTRALL: May I object to that last catty
20 remark by Mrs. Bruzzone.

21 I do not wish any money to go a San Jose
22 millionaire who did not become a partner in South Fork
23 Irrigation District before two years ago. I want to see the
24 people who live downstream, the farmhands who live on these
25 ranches and make their money working for these ranches,

1 continue to do so. It may be, Mrs. Bruzzone, with or
2 without a power project.

3 As for not building it in 1932, the great
4 depression was on in those years. America did not begin to
5 make money until after the start of World War II. And I was
6 alive at that time and do remember World War II quite well.

7 Anyway, I'm sorry that you feel a San Jose
8 millionaire does not have any rights, but a person from the
9 bay area such as yourself does. I have no problem with you
10 wanting to keep your property the way it is. But I am a
11 little tired -- and this is for public record -- of Mrs.
12 Bruzzone stating here and stating at the Brass Rail in
13 Alturas that I am hand in glove with Mr. Chapel and with
14 South Fork Irrigation -- (whereupon, a brouhaha ensued that
15 was not possible to report.)

16 MS. O'BRIEN: Okay, let's get back to the purpose
17 of this meeting.

18 MS. BRUZZONE: All right. I have a rebuttal to
19 what you just stated.

20 What occurred was this: When sediment is dumped
21 into the river in November, the landowners all contacted
22 Fish and Game. After they contacted Fish and Game, they did
23 not respond. In February Fish and Game finally responded
24 and they agreed to meet with the landowners to look at the
25 damage to the landowners' property. Instead of meeting with

1 the landowners, they met with Mr. McGarva and Pat Cantrall,
2 and they met at the Likely Cafe. And Pat Cantrall went up
3 to where the diversion ditch, and went with them, and she
4 went with Paul Cantrell -- Paul Chapel and Jayne Brotherford
5 (phonetic). And at that point everybody was upset because
6 the landowners were not listened to. We spoke to Mrs.
7 Cantrall about this project. She told us not to worry about
8 it because it was only a seasonal diversion. We told her
9 about the draining of the river, and she said that's no big
10 deal. They drain it every year. Then at the Brass Rail we
11 asked her if she had spoken to Mr. Josten. She said no.
12 That's the only conversation at the Brass Rail, at which
13 point she looked at me and she walked away and we decided we
14 could disagree if we wished to disagree. And since then
15 yesterday in the scoping meeting we saw Miss Cantrall with
16 the federal people inside of their vehicle, riding with
17 them, the County Supervisor with them. We saw other people,
18 other people that were proponents riding with other federal
19 people. Well, the opponents were riding by themselves. We
20 know that there's been conversation between Pat Cantrall Mr.
21 Josten because Mr. Josten told me he had been talking to
22 her, but Pat Cantrall said she had not. She lied to us.
23 This is the issue we have, and I know it's gone way too far.

24 MS. CANTRALL: I'll put it in writing as to what
25 happened and the witnesses thereto. And there was no

1 meeting with Mr. McGarva and Fish and Game and myself.

2 (verbal melee) We all walked up the river.

3 But anyway, we will put this in writing.

4 My one question to Mrs. Bruzzone: Are you
5 blaming South Fork Irrigation for not being told about the
6 power plant?

7 MS. BRUZZONE: No, I think you're confused about
8 my statement not being told about the power plant. We have
9 not even discussed that yet. That was a problem with our
10 realtor. We haven't even said that there's a problem. Let
11 me finish. We did not say there was any problem with public
12 comment and public hearing for this. We know about that.
13 What we have a problem is with the South Fork meetings of
14 both projects that do not notice the landowners that are to
15 be affected. There were two projects that affect our
16 property, and we didn't find out about it until the second
17 one when we found it on FERC. That was filed in March of
18 this year.

19 MS. CANTRALL: Well, when you just made the
20 statement that was why I misunderstood, or didn't
21 understand, because I didn't know who you were having a
22 problem with, whether it was the realtor who didn't know,
23 evidently.

24 MS. BRUZZONE: What I stated was when we bought
25 the property we were not advised.

1 MS. CANTRALL: As for the statement also about E.
2 coli, I would want the Forest Service and everybody else to
3 take into effect the Rainbow camp that was up in the
4 mountains last year.

5 As to sound, the County of Modoc, and you might
6 wish to use somebody else, but they do do sound effect
7 projects for mitigation purposes. Like when they're doing
8 gravel pits or whatever, they do have machinery to measure
9 sound. It would have to be I would presume something
10 similar because there is no plant in the canyon yet, so you
11 can't measure something that isn't there. But if you should
12 be worried about sound, and I would be worried about sound,
13 we would need to find something that is a small plant in an
14 area like that that would be comparable.

15 As to the government of these United States not
16 paying back to the County of Modoc, I'm sorry, but the
17 payment in lieu of taxes, and this is on federal ground, is
18 returned to Modoc County in various forms. This is what
19 bought the fire equipment for the Likely Fire Department and
20 all the other 14 departments of this county.

21 MS. BRUZZONE: How is that -- that is the SFID
22 has paid for all the fire department?

23 MS. CANTRALL: That wasn't what I said.

24 MS. BRUZZONE: My point is the SFID is involved
25 in this project. They do not pay taxes. The revenue will

1 not go to the County.

2 MS. CANTRALL: I'm talking about a different
3 statement you made, ma'am. You pointed to the map and you
4 said BLM. And you said BLM does not pay taxes to this
5 County.

6 MS. BRUZZONE: No, I did not. (donnybrook
7 unreported) I said there are no taxes for private
8 structures or structures on BLM property.

9 MS. CANTRALL: You said there were no taxes.

10 MS. BRUZZONE: No, I said that they do not pay
11 taxes. This project will not pay taxes because this is not
12 personal property.

13 MS. CANTRALL: No, no, go back to the other one
14 with the BLM. You said BLM, there is no tax revenue. There
15 is no tax revenue, is that was you meant?

16 MS. BRUZZONE: There is no tax revenues or
17 property taxes for properties built on BLM and federal
18 properties.

19 MS. CANTRALL: For projects built?

20 MS. BRUZZONE: Right. So there's no revenue
21 coming from that because it's on BLM land. There is no
22 personal property tax.

23 MS. CANTRALL: All right. That's a
24 clarification. That was why I needed to ask that question
25 because we do collect money from that the land.

1 WOMAN: You check with the County. Because they
2 do charge taxes for various facilities on federal land --

3 MS. BRUZZONE: As I stated that they charge on
4 the equipment, which is \$500,000, the estimated valued by
5 Mr. Josten which equates to \$5,000 a year in taxes.

6 MR. WINCHELL: May I real quick for the record I
7 wanted to just make a point of clarification. This is Frank
8 Winchell.

9 FERC staff chose to put themselves up among the
10 parties yesterday purely to spread ourselves out among the
11 interested parties. And for myself I rode with the Forest
12 Service folks who also happened to be accompanied by Pat
13 Cantrall. And again this is not any kind of by design other
14 than FERC just simply spreading itself out.

15 MS. BRUZZONE: And I don't blame FERC for that.
16 We just noted for the proponents for the government and the
17 opponents --

18 MS. O'BRIEN: I'd just like to clarify. I
19 offered to include you in our vehicle, and you clearly
20 stated that you wanted to ride in your own vehicle.

21 MS. CANTRALL: Yes, you did.

22 MR. RHINEHART: For the BLM, I would concur with
23 what Susan said. The opponents were invited to ride to
24 minimize the number of cars, and you chose to ride
25 individually.

1 MS. BRUZZONE: Okay. All right.

2 MS. CANTRALL: Also I need for further
3 clarification on that. Mrs. Asrow (phonetic), the District
4 Ranger and who is a long-time friend, she and I play
5 together and sing for the senior citizens, invited me to
6 ride in the government vehicle because only government, i.e.
7 County people, or like this gentleman here, she cannot take
8 ordinary passengers, but like I say, the offer was made to
9 the Bruzzones and other people, but I rode with the Forest
10 Service because I'm a County, i.e. quasi government
11 personnel --

12 MS. BRUZZONE: I am sorry. I apologize for this
13 clarification. She didn't (the speaker delivered at
14 relativistic speeds that were incomprehensible to the
15 reporter) meet at the Brass Rail. And she was behind the
16 project.

17 MS. CANTRALL: Well, I kind of felt that she was
18 from that last meeting here. I don't know if she's a
19 proponent or not.

20 MR. WEISER: Two points. One point is you've
21 said a couple times you're having a hard time getting all
22 this down. Can this record be amended? If the people get
23 the transcription and things were not quite right or things
24 were missed?

25 MS. O'BRIEN: The transcripts will go in the

1 public record. You can certainly send any comments.

2 MR. WEISER: If somebody said that's not what I
3 said or he didn't get it all?

4 MS. O'BRIEN: Yes, you can submit comments to the
5 FERC on this project like you would a regular comment letter
6 on this project.

7 MR. WEISER: Another point I'd like to make is
8 it's obvious that there's a lot of antagonism here, and
9 yesterday at the meeting that we had on the river, Pat, you
10 was pointed out to me as my go-to person to address my
11 concerns. And what I'm getting a lot of here, and my heart
12 is saying, because I'm as far as I'm concerned everything
13 I'm hearing from Pat is direct response against everything
14 we are saying, as if nothing that we are saying has any
15 bearing at all or there's any fragment of truth. I haven't
16 heard you say one thing yet about anything that we have
17 said. Everything you're saying is antagonism. And you're
18 supposed to be the person that I'm going to get all this
19 help.

20 MS. CANTRALL: Like I said, I had talked to Mrs.
21 Bruzzone, Mr. Bruzzone. Everything seemed to be fine until
22 she got on this track of my hanging with Paul Shapell over
23 this stupid meeting that nobody knew anything was coming up.

24 MR. WEISER: Let's talk about me and not you and
25 Linda.

1 MS. CANTRALL: I do have animosity as of this
2 moment from the way she shouted at me. I mean she really
3 did at the Brass Rail. We won't go there.

4 You people have a perfect right, and I will back
5 you just like I will back South Fork Irrigation. I'm hoping
6 some way or another everybody can work this out. I know Mr.
7 Josten wants his project. I know you want your stretch of
8 the river and all of the river, just as I do, to look like
9 it did when I was a kid. That's way before you came here.
10 The Flournoy's were here way before me. South Fork
11 Irrigation was in place way before my ever coming here.

12 I don't have any problem with anybody's concerns.
13 But let's not be nasty about it. Let's all pull together
14 and try to work at it. The only way we are ever going to
15 solve this, whether there is a plant or not, to everybody's
16 satisfaction is if we all work as a team pulling the wagon.

17 And I don't have any problem with anybody taking
18 pictures, whatever. The reason I pointed that out is --
19 because not me, although it was me who said it, but somebody
20 further down the line will say, gee, you don't show a marker
21 in the river. You're not taking a picture of the same spot
22 every so many days. And I'm only pointing this out to show
23 you this is what you need to do if it ever gets to a court
24 of law or whatever. Documents or findings which Mrs.
25 Bruzzone has done in many of these cases with the various

1 agencies, that's fine. But when you're taking pictures --
2 and this is only for your own good, your own benefit, so I'm
3 sticking up for you -- take a picture at the same spot with
4 a identifying tree, rock, or whatever so you can prove that
5 point year in and year out.

6 This is why I made the remark about the picture.
7 I'm not trying to run you down.

8 MR. WEISER: I'm just trying to make a point at
9 this juncture and everything I'm looking at, you appear to
10 be a voice for the proponents of the project, and that's how
11 you're coming off to me. When you're supposed to be
12 impartial or not, you appear to be the only voice right now
13 or the proponents.

14 MS. CANTRALL: Like I said, I thought to begin
15 with, I freely admit this, I think it would be good for the
16 community only because I'm trying to look forward into the
17 future and to see what is going to happen to this country.
18 My prediction is that if we keep going the way we are going,
19 you won't -- we're buying from abroad, we are not buying
20 locally, you know. The ground and everything we raise, if
21 we want to buy everything from Japan and Europe, one of
22 these days, when we are not creating and we are not making a
23 living on this land, and we are all being fed by the
24 government, some day the money is going to run out, and then
25 how will we buy grain from India and cattle from South

1 America? Will we sell the ground out from under ourselves
2 for so much an acre to keep people fed in this country.

3 I'm trying to look at the long picture. Yes, I
4 am for this project if it can be done without hurting
5 everybody, because you people that live along the river, and
6 I'll say this again at this moment in time, maybe you are
7 not liking the way I'm putting it: You are the minority
8 because of the people it will benefit down this valley. And
9 you do need to remember when we talk about who I represent,
10 that I represent from the county line to the City of
11 Alturas. I take in the first two streets and then the left
12 side of Alturas. I represent from these hills to the top of
13 the Warner Mountains all the way to Cedar Pass, and that
14 includes every ranch and every family therein.

15 We are talking about something that's only on the
16 stretch of the river. True. And that's where I have to
17 side with you: this is affecting the few. On the other
18 hand, that water comes down the South Fork of the Pit River,
19 and it affects a fifth of this county.

20 So kindly, yes, I'm going to say don't blame me
21 for speaking the way I do. You have the right to do that.
22 You have the appropriate right to do it. Yes, I am a
23 proponent of this project. It may not work out. And if it
24 does not work out, then it shouldn't be done. But if
25 there's a feasible way to do it, then let's see if we can do

1 it.

2 MS. O'BRIEN: Wait a minute. Jayne, would you
3 like to talk not?

4 MS. BIGGERSTAFF: I'm with the Forest Service. I
5 wanted to make sure that everybody here understands that
6 FERC and Forest Service and BLM are partnered with them to
7 do the environmental study on this whole project. What is
8 very critical to our agencies today is that we get those
9 comments.

10 We understand that there are political
11 ramifications. There are socioeconomic ramifications of all
12 kinds. And all of that is going to be encapsulated in a
13 document that you all will have an opportunity to review.
14 It's based on the information we get today. It's based on
15 all of the data that's going to be collected over the next
16 few months, and the additional information request that we
17 will be working on. All of that is going to be put
18 together, and it's a tremendous job.

19 But the social and economic part of it is also
20 included, and it does include how many people will continue
21 to be employed, what are the economic benefits, what's the
22 down side socially.

23 But your comments about dark sky, we need to know
24 that. We need to know that. Because that's very, very
25 important. Pat's comments about the number of people that

1 we are talking about, that's very, very important. Those
2 are the kinds of things we need to understand.

3 We have different opinions. Susan and I don't
4 always agree. Phil and I hardly ever agree. But there are
5 important things that we still need to get, and I think that
6 that's what we are trying to capture out of today. And I
7 understand that there is disagreement. But please make sure
8 we get your comments because it's critical to the whole
9 process.

10 MR. WEISER: I'm hoping that Pat understands that
11 I'm trying to speak for a larger -- you keep on saying you
12 people --

13 MS. CANTRALL: No, because you're here and you're
14 -- I'm sorry.

15 MR. WEISER: I have been trying to speak to a
16 broader range of concerns, and I'm hoping that those
17 concerns will be addressed in your written thing, the
18 fishery, the broader aspect of the fishery. I said I am
19 trying to keep for the nameless hundreds of trout fishermen
20 that will be affected by it that don't have any idea what's
21 going on today.

22 MS. CANTRALL: And Linda is too. She made that
23 point very, very well. She's talking about the generations
24 who come, kids who like to run down the river. God knows I
25 liked to run down the river when I was a teenager. Before I

1 was ever married. I was going out -- I believe jade
2 deposits. That was before I ever became a resident of South
3 Fork.

4 When I said I'm looking to the future, Linda
5 also, that is what she is saying. She is looking for future
6 generations to be able to use the river just as you are. I
7 do understand that. You know, and I'm not trying to
8 blindsided anybody or be blindsided.

9 And again I'm going to ask one more time or ten
10 more times, whatever it takes, whether we succeed or not,
11 isn't there some middle ground where we could meet and work
12 this out? I think there is. I don't think it's going to go
13 off into the sunset. I would hope that the project doesn't
14 fail; that the fisheries part of it, the landownership, that
15 can't fail either. So what I am saying to FERC and
16 everybody else here today, cannot we meet somewhere,
17 somehow? Isn't there a central island we can be on? I hope
18 so.

19 And I think you know, when all these studies are
20 done, that's the whole bad thing. This is my objection to
21 the FERC project, and I'm going to get this in here. That
22 was a very good point that Linda said, or you said, I'm not
23 sure who. We are asked to make these comments. We don't
24 have perhaps all the wherewithal of where the project is
25 going to be. And this is -- this will be the judgment

1 rendered as to how we are going to do things. Well, doggone
2 it, I am sorry, but if you are going to nail two-by-fours
3 together, I would like to have the two-by-fours in front of
4 me and the six or ten nails I was going to use before I
5 could determine how I was going to do this. You have to
6 have a plan, but how are you going to have a plan without
7 the pieces of the plan? And we are asked to do this in
8 advance. The government asks us to do this all the time.
9 It isn't just FERC; BLM, Forest Service, National Marine
10 Fisheries, whatever it may be.

11 We kind of, in this case, as in all others, we
12 put the cart before the horse. Anyway, let's just hope we
13 can all pull together.

14 MS. O'BRIEN: And I'll comment that I'd like to
15 point out the fact that this is just the first opportunity
16 that FERC is offering to get, you know, make sure we have
17 identified all the issues and get public input and public
18 comment. When we feel like we do have all the information
19 we need, we will ask for more comments and recommendations.
20 Then after we issue our environmental document, we will ask
21 for comments on that as well.

22 So in addition to that, you can also file
23 comments at any time that will get into the record, and
24 everything that's part of the public record is going to be
25 considered in the decision of this project. And all

1 resources are weighed equally.

2 MR. WEISER: I would also like to comment that
3 the whole government issue in this area is rife for
4 government subsidy. Government seems to be, if it's working
5 for me, the government is a great thing; if it's working
6 against me, it's a horrible thing. And I see government
7 helping the folks around here all the time. You can't just
8 throw out that the FERC process is just this horrible thing
9 because it's not quite working to your advantage at this
10 point. I am really appreciative of this process right here.
11 I really feel hopeless if this wasn't going on right now, so
12 I thank you.

13 MS. O'BRIEN: Thanks for saying that.

14 Nobody else on the list left to speak, but I know
15 everybody asked that they would have opportunity to make
16 comments. I would ask you raise the hand, and again just
17 try to keep it on the focus of this is a federally looked-at
18 project. And we can't resolve county and state issues here.

19

20 MR. GONZALES: My name is Chaz Gonzales. I'm a
21 Land Representative for the Pit River Tribe, Hammawi Band.

22 Aside from all the government talk, government
23 this and government that, the nitpicking stuff, I just have
24 a couple quick questions for Mr. Josten.

25 I just want to know, like, how many diversion

1 projects have you done and where are these located? And we
2 will start with those two I guess. I have a couple quick
3 questions right after that, too.

4 MR. JOSTEN: I don't have ownership of any other
5 FERC projects, small hydro projects. This is the only one
6 that I have at this point. I have worked on permitting
7 five, six, seven of them. And there was one in California,
8 Washington, Idaho, Montana.

9 MR. GONZALES: Are you still operating, like you
10 outlined in the beginning, like you showed at that
11 presentation here and stuff?

12 MR. JOSTEN: Every one of them evolves. They all
13 change. I've never seen one built like it's first proposed.
14 This is the process that causes them to evolve. And so this
15 is not unusual at all. This is in some ways significantly
16 different than how it looked when I presented it here for
17 the first time two or three years ago. So they all evolve.

18 MR. GONZALES: Do you have family around this
19 area also?

20 MR. JOSTEN: No. My wife is -- has roots in
21 Alturas. Modoc County. But not me.

22 MR. GONZALES: Why Likely?

23 THE WITNESS: Because of my wife. I've been
24 visiting this country for a long time. And for the last
25 five years I have been working with an engineer that, this

1 is his livelihood, small hydroelectric, for the purpose of
2 learning it. Because I like hydro. I think it's great.
3 That combination of that going on, plus the fact that I was
4 here in this valley and I saw that facility and that
5 irrigation system was how it started.

6 MR. GONZALES: Thank you. That's all I have.

7 MS. O'BRIEN: Thank you. Anybody else have his
8 hand raised for comments?

9 MR. MCGARVA: I would just like to comment as a
10 citizen, not anything to do with the Irrigation District.
11 And I'd like to go on record, you know, with my feeling of
12 the Irrigation District. I feel sorry for -- and I
13 understand the people that have property on the river. And
14 I know this little bit of history. That as Jamie mentioned
15 earlier, that when the dam was built, there was a power
16 plant designed to be built at the base of the dam. And I'm
17 certain that it would have been built had it not been for
18 the timing. The same era when the Rural Electrification
19 brought power to Modoc County. Had we not had REA come in
20 here, why, no doubt the power plant would have been built
21 close to the dam. We would have had power lines coming out
22 of there. It was a small plant. Wasn't near as efficient a
23 plant as what Nick has designed.

24 And, you know, I was thinking about sacrifices.
25 The Van Loan family gave up a beautiful ranch where the

1 reservoir site is now. And it was a pristine ranch. And
2 imagine what green meadow and creek and willows and
3 everything where the reservoir sits today. But they gave
4 that up so that the rest of the valley down here would have
5 water to grow better crops.

6 And, you know, everybody has to sacrifice
7 something sometime. Like I say, I really -- I wish there
8 was enough water in the river to where we could let 40 CFS
9 go down there all the time, but to make the project work --

10 MS. BRUZZONE: We are not talking about ranch
11 water, we are talking about profit water.

12 MR. MCGARVA: I don't know how to answer you on
13 that.

14 MS. BRUZZONE: There's no answer. It's just
15 profit. It's just for money.

16 MR. MCGARVA: I'm 66 years old, and it's going to
17 take 20 years for this project to pay out. What's the
18 advantages I will see out of it?

19 MS. BRUZZONE: Why are you for it?

20 MR. MCGARVA: I'm a member of the Irrigation
21 District, and I feel it's happening right now.

22 MR. YOUNGER: Jay Younger.

23 Along the same lines of someone who has lived
24 here for a long time, each of these projects, whether they
25 be West Valley or Big Sage or the local electrification

1 projects, are things that are done at a point in time when
2 they can be done. They have good and bad effects, as we can
3 clearly see this one does have. We are here to minimize the
4 bad. But over a period of a long period of time you wind up
5 with a beautiful valley down here at the expense of a loss
6 in the mountains that no longer floods in the winter, that's
7 green all summer, that supports a community of 4,000 people
8 -- not a hundred percent, but it's a piece. That's what Pat
9 is talking about.

10 Ten years ago the Forest Service came in with a
11 special grant and repaved the road that goes up so that
12 everybody can enjoy that river that goes past these people's
13 residence, and now we have good access there. That was a
14 project that was done in coordination with the County and
15 the Forest Service. And now we have a wonderful road, and
16 the concern at the time was that we don't extend the
17 shoulders on the road too far because of the environment.
18 We worked that out. The Forest Service worked through that.
19 And now it's there, and now we drove up yesterday on the
20 wonderful road that these people will use for their
21 property.

22 Yesterday we went to a beautiful yard up there,
23 and looked at a place that was a community campground for
24 fifty years. And now there's some people living there, and
25 have a perfect right to do it; they own the property.

1 Everybody stepped aside. And now they have a nice house
2 there, and that's what they are doing. Things change.

3 We are here to try to change them as carefully as
4 we can. We are trying to put a brick in that infrastructure
5 that will support who knows what in 200 years. And that's
6 what progress is about. That's what Ken and I see over
7 living here for a long period of time as opposed to people
8 who may not have that longer term vision of a community
9 infrastructure that supports a greater good.

10 I don't think that there's much more to be said.
11 We do this as carefully as we can. We put the input in; we
12 see where the chips lay, and we do the best we can.

13 But to wind up -- I mean you people are going to
14 wind up living in an area that hates you if you carry this
15 out. Because we people are here for a long period of time.

16 MS. MURRAY: Them's fighting words.

17 MR. YOUNGER: You need to understand that's where
18 you're positioning yourselves, with four ranchers --

19 MS. BRUZZONE: And your boss a multimillion
20 dollar San Jose land developer. We have put our entire
21 retirements, our entire lives, into our properties. And you
22 guys want to take it so that you can take care of the South
23 Fork Irrigation District and not pay your dollar fifty per
24 acre for your water.

25 MS. O'BRIEN: Let's get back to the looking at

1 the power project and not turn into a battle ground.

2 MR. WEISER: I'd like to say something.

3 MS. O'BRIEN: The purpose is looking at the
4 issues --

5 MR. WEISER: You know that was a very eloquent
6 speech. If you don't think I understand what you're saying
7 there about the greater good and the impact on the area,
8 you're wrong. I'm an intelligent human being. I'm here to
9 discuss the feasibility of this dam project on the very
10 small stretch of river in regard to what you just outlined
11 there.

12 MR. YOUNGER: I think that's what we are all here
13 for.

14 MR. WEISER: I'm not trying to make anybody hate
15 me.

16 A VOICE: You have to understand as a community
17 --

18 MR. WEISER: I'd like to come to this young man's
19 comments that I didn't feel it was completely discussed, his
20 question about how many projects that you've done in the
21 past, how they have resolved. You have commented on how
22 they have evolved as projects, but I'd be very interested to
23 know how the impacts of the projects have evolved over the
24 years. Have they gone on-line? What have you perceived as
25 the impacts? Not just the project, but what you think might

1 happen, and what had happened. And just like this man's
2 letter here what people thought was going to happen with the
3 Eel River, and what event did happen.

4 MR. JOSTEN: None of the projects that I worked
5 on are built. It takes longer than that. But there's a lot
6 of examples of projects that have been built all over the
7 country. Probably the one that I'm most familiar with that
8 might be similar to this in some ways is on Birch Creek in
9 Idaho. And about four or five miles of Birch Creek was
10 diverted, leaving nothing. And that was put into a penstock
11 through park land, and then it was distributed for
12 irrigation. And there was a lot of opposition to that.

13 There was some mitigation that was performed.
14 There was portions of the channel were worked very hard to
15 make them into habitat and fishery. Water holes were
16 constructed for wildlife in the area that came for water.
17 This was about 20 years ago. And that project is now
18 finally paid off. I mean the owner of the project for all
19 those years has basically been paying for it. The section
20 of river that he worked on has become the chief target of
21 fishermen on that river. The sections above that are low
22 quality fisheries but the section that they worked on is the
23 high quality fishery on Old Birch Creek. The pools that
24 they constructed are just little oases in the desert. They
25 seemed to have performed the purpose that they were intended

1 for and everybody has adapted and accepted that that's the
2 way it is.

3 You go to the fishing shop when we want to go
4 fishing on Birch Creek, where should you go, and you want to
5 go right above the power project. That sort of evolution
6 has occurred. And now it's part of what's up there.

7 That's the one that I know of that I've seen that
8 has similar impact that I've seen over many years, the ones
9 that I've worked on, still working on.

10 MR. WEISER: What are FERC's contingency in that
11 regard? I understand we are asking for 30- to 50-year
12 license.

13 MS. O'BRIEN: For what? This is an exemption, so
14 long-term.

15 MR. WEISER: If there is a proposed impact, and
16 the impact over the years isn't in line with what was the
17 project's vision, how is that dealt with? Or is it dealt
18 with?

19 MS. CANTRALL: That's a good point.

20 MS. O'BRIEN: We have reopeners in the exemption
21 that we have that if there is shown to be an impact, we can
22 reopen the exemption, examine it, and decide what needs to
23 be done, what measures need to be taken to fix that, to
24 mitigate for it.

25 MS. CANTRALL: That's a very good point because I

1 have to speak against Department of Fish and Game in this
2 respect. When we are talking about taxes and money coming
3 into the county, DFG, meaning California State of, is
4 supposed to pay like an in-lieu-of tax, things like Forest
5 Service and BLM do, but there is a separate account. And I
6 got into it with the previous director when I first come on
7 the board nine years ago. So it would have been, say, eight
8 years ago, and I said where were the tax moneys that were
9 supposed to come to Modoc County?

10 Well, it's kind of like the payment in lieu of
11 taxes of the federal government. They pay up to a hundred
12 percent and they may not. Fish and Game has not paid Modoc
13 County in some 17 years.

14 So if the project, and I'm saying if the project
15 should go through, I would like the river flow, if it goes
16 through, and it is agreed to by everybody, I would like that
17 to be set in stone that that level will be maintained
18 because this is -- seems to be one of the greatest concerns.

19
20 And I would not like to have it said that as we
21 were talking about just a minute ago and these people in
22 particular who live on the river, if that flow isn't there,
23 it's really going to be detrimental. Whatever the flow may
24 be. I'm no water expert. I'm not sure it should be five
25 feet, six feet, whatever feet. But if people do agree in

1 this community on how to go about this and a flow value is
2 set, I want to be sure nobody can undermine that and nobody
3 can overturn it.

4 MS. O'BRIEN: Right.

5 MS. CANTRALL: Or that you people will step in
6 and hold everybody's feet to the fire.

7 MS. O'BRIEN: Right.

8 MR. WEISER: If the project goes through, will
9 you like me if it goes through, or will you continue to hate
10 me?

11 MR. YOUNG: What I was getting at is this. This
12 community went through one of these divisive battles before.
13 I think we need to use this opportunity to figure out how to
14 do this thing and not to do the personal attacks and not
15 turn it into that.

16 If somehow I misstated myself, what I was trying
17 to get everybody to understand is you guys are focused on
18 the river. And we totally understand that. This -- as a
19 member of the community, there are a lot of people that
20 because of what we have gone through because we have
21 basically a very poor economy here as opposed to the economy
22 you guys come from, which -- it's very rapid and can't be
23 slowed down -- we are looking at -- we have consistently
24 tried to build this economy into what we need to survive.
25 And we need to be careful of this opposing view so that this

1 doesn't become an area where you no longer feel comfortable
2 because when don't want to get a division here so that when
3 you come to town and I'm in the store, you hate to see me,
4 and I hated to see you.

5 MS. O'BRIEN: I need to step in here.

6 The point here, this meeting was not designed to
7 -- as a discussion meeting, trying to work out differences,
8 settlement type meeting. Wasn't designed for that. It was
9 designed as: This is what we think all the issues we need
10 to look at. And do you have any more. And do you have any
11 more information for us to consider and to look at. And
12 Jayne mentioned that. That, you know, the information that
13 you all have is very important to our assessment of all
14 this. And we want to include all that, but we are going to
15 include it all equally.

16 And if all the stake holders, all of you feel and
17 the application feels that some sort of resolution meetings
18 would help all of you, we can look into that. But today is
19 not the day for it. But we can certainly pursue that avenue
20 of resolution type meetings, if this is what the group
21 wants.

22 But today is not the day for it. So to go back
23 and forth is not fair for the people that came here just to
24 see what the issues are and what was going to be discussed.
25 And it's going around in circles, and it's not really going

1 to solve anything except everybody getting more upset, but
2 hopefully they don't. It's not going anywhere because we
3 are not going to do anything about these conversations back
4 and forth.

5 So do we have any more issues because the
6 applicant -- do you have another issue you want to bring up?

7 MR. GONZALES: Well, it's kind of an issue,
8 because it is kind of just like the situation in Likely,
9 okay. I live five miles north on Alturas on the
10 reservation. I've been there 25 years. Withing the last 10
11 years people have bought ranches above our reservation. We
12 had good water coming through before, and new ranchers come
13 in. Some guys up there -- I don't know the names and stuff,
14 but they have diverted the water up above us also. Okay.
15 And now the river, the North Fork, is real shallow most of
16 the year in the hot summer. Just this last end of the
17 winter we got our flood that came in. We haven't had a
18 flood for almost ever, 20 years or more. A long time ago.

19 My point is this. Ever since people have
20 diverted the water above us, we got, my whole tribe has to
21 come together and do the environmental protection people,
22 historical protection people, the cultural artifacts people.
23 When the river is low, the sides of our river are eroding
24 here and there because of the wind, I don't know, the
25 elements. Mother nature and stuff. So when this flood came

1 through after our river was pretty much half shut down, it
2 knocked the crap out of our banks on both sides that came
3 close to one of our burial sites and stuff. And we put a
4 new bridge in because the old bridge was -- due to erosion
5 and our river wasn't holding together any more. We are
6 battling the same time, you know, with the North Fork of the
7 Pit River.

8 And my people are right here from Likely, my band
9 has been here hundreds of years. We are battling up there
10 in a different way, but right now the people that live on
11 the river year after year, I've seen our river just get less
12 and less. If a big flood does come again, and that little
13 bitty river has a trickle coming through, that water has to
14 spill over and hit that little small canal that's not used
15 now to have water, there's going to be lot of devastation,
16 erosion. Eight or ten feet of water come through the
17 reservation, and normally maybe there's usually three to
18 four feet.

19 It's kind of the same, you know, where we live up
20 here, what's happening here to the folks who live around
21 here with the new projects that's proposed.

22 MS. CANTRALL: But now I need to ask a question
23 for clarification. But it isn't being diverted into a
24 reservoir or whatever and then put back into the river, it's
25 just being used for irrigation?

1 MR. GONZALES: What happened was, see you're
2 going to have the meeting tomorrow also with the people at
3 BLM. Other individuals on the tribe will be able to give
4 you more correct information. But people have dammed up
5 parts of the river and irrigated -- (two people talked at
6 once and was unreportable) It still is diminishing water.
7 The next huge water comes down, all the loose dirt is gone,
8 then all the silt comes.

9 MS. CANTRALL: And you're going to get that.

10 For mentioning into the FERC document, and I
11 spoke to you about this, this is the book: Modoc County
12 Past and Present. Presented by the County Office of
13 Schools. The Office of the Superintendent in 1946. In 1956
14 my typing class got to type 1,449 more of these wonderful
15 books. I can either look through this and take excerpts
16 out, and I have marked some, or I can see that you get a
17 copy along with the memoranda of Captain W. H. Warner, for
18 whom the Warren mountains are named, and his guide Mercier
19 (phonetic). And this I am bringing to the point because we
20 keep talking about the mud, the debris that backs up behind
21 the dam or anything else, and the color of the water of the
22 South Fork and of the North Fork, that it was turgid water
23 when it was discovered and mapped by Captain Warner, and it
24 still is today.

25 And I want everybody to remember that because of

1 the blue fire and no machinery getting in there because that
2 is a wilderness area, and mud and debris and everything else
3 are coming down as this gentleman just put it, the year of
4 the great flood. We do get these every so often. That
5 water is going to be muddy. I grant you you can have mud
6 because of the diversion dam, because this is going to be
7 muddy for quite a while, just like Jess Valley has mud flows
8 all over the place especially around Rodney Flournoy's place
9 because of what's coming out of the wilderness area. We are
10 not allowed to go in there and fix that damage.

11 So for the next -- it's been doing it now for
12 three years. You're probably going to see that mud in the
13 water all the way down the Pit because they say a river runs
14 through it, it has a lot of sediment, of alkaline in the
15 canals. And then it looks milky white going toward Canby

16 But all this needs to be taken into consideration
17 when we are talking about water. But any way, like I say, I
18 can either loan you one of my copies of Modoc County Past
19 and Present, or I can take the excerpts out and put them in
20 a letter to FERC. Your choice.

21 MS. O'BRIEN: We appreciate the information. We
22 would love to take a copy back with us. We can have a copy
23 of it made.

24 MS. CANTRALL: Send me mine back. You promise?

25 MS. O'BRIEN: This is on the record: I promise.

1 MS. CANTRALL: You all heard that. Because that
2 work is worth a million to me, let me tell you.

3 MS. O'BRIEN: Mr. Josten, did you want to make
4 any statement?

5 MR. JOSTEN: Yeah. At this point I'm just kind
6 of eager to get back to work. It seemed to me that the
7 purpose was to discuss the issues, find out what the issues
8 are. We know we have some differences on the issues, but we
9 also I think have identified clearly some information that's
10 lacking.

11 And so that's why you got to go to work and you
12 got to get that information. And I'm getting ready. I'm
13 getting eager to go to work and get some of that information
14 because I think maybe some of these issues can be resolved.
15 I'm hopeful that they can be resolved. I'm hoping that
16 there's a way that everybody can be happy with what we do.

17 But we need to know what the information is that
18 is needed; we need to get that information. And beyond that
19 I don't think we can make any progress until we do that.

20 I guess I'm just kind of eager to stick to that
21 question. What information do we need and who is going to
22 get it? We can't -- probably can't close the gulf until we
23 get some of that. That's what we have to do next.

24 MS. O'BRIEN: That's a good point to make, when
25 you're writing any scoping comments is to include a section

1 or summarize what information needs are still lacking
2 because as we mentioned at the beginning of the meeting,
3 FERC, along with Forest Service and BLM, just figure into
4 this, that we are going to need to ask for additional
5 information from the applicant. And so the information is
6 valuable from other sources.

7 MR. WEISER: I agree completely with what you
8 just said. And that's what we are all here for, is to try
9 to get as much information as possible. I'd like to think
10 that all the information will eventually be tabled,
11 untabling concerns that were diametrically opposed to the
12 concerns of District and the other folks here. I'd like
13 them all to be tabled. I'd like the experts to make a
14 judgment on it, given all the information they have got.
15 And we will abide by the decision.

16 Now, if the decision happens to go against the
17 project, and Jamie mentioned he's going to hate me for the
18 rest of my life, I don't think that's my fault. I think
19 that's all the feasibility of the project, and all of its
20 ramifications have been studied by people who know what they
21 are doing. And my concerns are being addressed just as well
22 as yours. And if it's found to be an unfeasible project or
23 found to be a feasible project, that they will learn to
24 abide by it and live with it.

25 MR. YOUNGER: No problem for me.

1 MS. O'BRIEN: Do we have any more comments?
2 Okay. Well again, thank everybody for coming today. And
3 the transcripts take about two weeks, two to three weeks,
4 before we will have it on the FERC record. Because we have
5 to get the transcripts from the company. And if you want
6 them sooner, you need to pay the company for them, Ace
7 Reporters. And I can give you that information, or you can
8 just wait after so many days. FERC is allowed to put it on
9 its web site.

10 Please make sure you've signed it as attending
11 the meeting today.

12 MS. BRUZZONE: Will the transcripts be up so we
13 can comment prior to the July 11th deadline?

14 MS. O'BRIEN: Yes, it should take two weeks or so
15 to get the transcript up on the record. But --

16 MS. BRUZZONE: When we comment, in our motion to
17 intervene, do we need to personally service -- do the
18 service thing to get out comments?

19 MS. O'BRIEN: Any time an intervenor files
20 comments with FERC, they provide everybody else on the
21 service list. And if you notice on the service list they
22 now include e-mail addresses, so if they have an e-mail
23 address, you can serve it to those parties by e-mail. And
24 all of them do still need to be provided by mail.

25 I think that's it.

1 MS. O'BRIEN: Thank you. Close the meeting.
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1 STATE OF CALIFORNIA)

2) SS.

3 COUNTY OF SISKIYOU)

4 I, DANIEL A. HUMPHREY, CSR, an official court
5 reporter pro tempore of the County of Siskiyou, certify that
6 I took down verbatim in stenographic writing all the
7 proceedings as herein set forth fully, truly, and correctly.

8 That I have caused my stenographic writing,
9 except as provided by the rules on appeal, to be transcribed
10 by computer-assisted transcription, and that the foregoing
11 116 pages constitute my full, true, and correct verbatim
12 transcription of all such stenographic writing.

13 Dated: June 15, 2005, at Yreka, California.

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Daniel A. Humphrey, CSR 5480

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