1 BEFORE THE
2 FEDERAL ENERGY REGULATORY COMMISSION
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6 IN THE MATTER OF: : Docket No.
7 KLAMATH HYDROELECTRIC PROJECT : P-2082-027
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11 Red Lion Hotel
12 1929 Fourth Street
13 Eureka, California
14
15 Thursday, November 16, 2006
16
17 The above-entitled matter came on for public meeting,
18 pursuant to notice, at 7:00 p.m.
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21 MODERATOR: JOHN MUDRE, FERC
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1 P R O C E E D I N G S

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3 (7:00 p.m.)

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5 MR. MUDRE: I want to welcome everyone and thank
6 you for being here. My name is John Mudre and I'm with the
7 Federal Energy Regulatory Commission. I am the project
8 manager for relicensing for the Klamath Hydroelectric
9 Project. With me tonight is Doug Hjorth From Louis Berger
10 Group who is the Commission support contractor providing
11 environmental documents. So they assisted us in the
12 preparation of the draft Environmental Impact Statement.
13 Next to him is Eric Genny and Eric is one of the scientist
14 who worked on putting together the draft EIS.
15 I have a little bit of a presentation, but I'm
16 going to go through it pretty quick because we have a lot of
17 people here and it's more important, I think, that we hear
18 what you have to say than you hear what I have to say. So I
19 just want to make sure I hit some of the highlights.
20 (Pause.)
21 MR. MUDRE: The purpose of our meeting tonight is
22 to receive oral and written comments from agencies, non-
23 governmental organizations and interested persons on
24 Commission's staff draft EIS for the Klamath Hydroelectric
25 Project. I think everyone knows here, but PacifiCorp filed

1 its application to relicense the project in February 2004
2 and that set this whole process into motion.
3 The National Environmental Policy Act or NEPA
4 request federal agencies, including FERC, to conduct
5 independent analyses of environmental issues that may be a
6 result of their actions and in the case of FERC, we need to
7 consider the water quality, fish and wildlife qualities that
8 involve the waterways, but we also need to consider electric
9 energy and other developmental values in our analysis. Our
10 conclusions and recommendations are based on what is in the
11 public record for this project. All of the letters and
12 things that people filed with us end up in our electronic
13 library available on our website for everyone to see.
14 Our environmental impact statement, our
15 environmental document serves as the basis to inform the
16 Commission's decision on whether and under what conditions
17 to issue a new license for the project. The Commission has
18 the authority issue license with terms ranging from 30 to 50
19 years. We looked at four action alternatives in the draft
20 EIS. The project as PacifiCorp proposed it. We looked at a
21 staff-recommended alternative, which was PacifiCorp's
22 proposal with some additional staff-recommended
23 environmental measures. We looked at an alternative that
24 was a staff alternative, but also included some of the
25 agencies mandatory conditions that we didn't recommend in

1 our alternative and we looked at an alternative that
2 included the retirement of Copco I and Iron Gate Dam with
3 dam removal.
4 Again, the public record for this proceeding can
5 be viewed on the Commission's website. It's called E-
6 library and you can get there by going to www.FERC.gov and
7 then when you do that you look for the E-library link and
8 what you'll need to do is enter P-2082 when it ask you for
9 the docket number and then follow the instructions. Anyone
10 who needs help with that can call 866-208-3676 and they can
11 walk you through the process.
12 I'll just go through briefly what's next so
13 people will know what to expect. The written comments on
14 the draft EIS are due December 1, 2006. Originally, it was
15 November 24, but we extended it in light of some additional
16 meetings that we scheduled. We've had three meetings
17 already this week and this is the fourth one. But in two
18 weeks we're going to be holding meetings. The first one is
19 November 29th in North Bend, Oregon and the second meeting
20 is in Newport, Oregon on November 30th.
21 We'll be meeting with some of the resource
22 agencies to discuss their recommendations coming up in about
23 three weeks in December. The resource agencies may be
24 filing modified mandatory conditions as a result of the new
25 Energy Policy Act provisions, including the trial-type

1 hearing that I know a lot of you people know in the ALJ
2 McKenna's decision. We also need to get biological opinions
3 from the Fish and Wildlife Service and National Marine
4 Fishery Services and we're scheduled to issue our final EIS
5 in April 2007.
6 Before the Commission can take any action on a
7 license, though, we need to have water quality certificates
8 from both the State of California and the State of Oregon.
9 Until we get those, the Commission would be unable to issue
10 any kind of a license for the project. If anyone needs a
11 copy of the DEIS, it is available on our website on the E-
12 library website. There are also -- you can get copies from
13 our public reference room at the Commission. I've got a few
14 hard copies here and a few CDs if you want to see me after
15 the meeting I can give you those because I certainly don't
16 want to lug them back to D.C.
17 My phone number is 202-502-8902 and if anyone has
18 any questions on the process or how to file comments or
19 anything, you can give me a call. I won't be back in the
20 office until Monday. Or you can send me an e-mail at
21 john.mudre@FERC.gov. Again, comments must be submits by
22 December 1st, written comments. On your comments you should
23 write Klamath Hydroelectric Project on there some where and
24 also Project No. 2082-027 and that just makes sure that your
25 comments get filed in the right place and you get the right

1 project and we can find them and take them into
2 consideration.
3 We're almost there. I think everyone has seen
4 the sign-in sheets. If you haven't, there may be some left
5 in the back. We do have a court reporter here and his
6 purpose here is to record the comments that people give so
7 that we get an accurate record of what people say and get
8 into the official record and down the road these comments
9 will also be available on the Commission's website. If you
10 complete hard copies of the transcripts, see the court
11 reporter after the meeting tonight and he can set you up
12 with those.
13 We have a lot of people tonight and I'm not sure
14 exactly what time they're going to throw us out of here, but
15 we'd like to hear what everyone has to say, though, so maybe
16 if we can try to limit the comments to, say, two to three
17 minutes then we can hear from everybody. If for some reason
18 you've got a prepared statement and it's getting late or
19 something and you're still down on the list, we numbered the
20 sign-in sheets and so we're going to take people pretty much
21 in order with one exception that I'll get to in a minute.
22 But if you need to leave, but have written comments that you
23 want to give, you can either mail them in like I said or you
24 can leave them him. You can leave them with the court
25 reporter and we can get them appended to the transcripts.

1 So that's another option for people who are near the end of
2 the list and have other things to do tonight.
3 The exception to the numbering is that we're
4 first going to hear from elected officials and their
5 representatives. Once we're done with those, we'll start
6 taking people in order.
7 MR. HJORTH: We have a lot of people here tonight
8 and one of the things that has impressed me throughout this
9 whole process is the respect that everybody has shown
10 everybody else. There are a lot of very strong emotions
11 about this project and I see, even though it's very crowded
12 here, expect that that respect will not be honored tonight.
13 So I'd appreciate everybody's continuing the good record
14 that you've already shown in this proceeding.
15 What I'll do is I'll announce the speaker and
16 then I'll also announce who will be speaking next so we can
17 have that person come up front and be ready to speak so
18 it'll move a little bit smoother.
19 I'll first speaker tonight will be -- also, if
20 there's any doubt about how to spell your last name, if you
21 could spell it out so the court reporter gets it correct,
22 we'd appreciate that, too.
23 The first speaker will be Connie Stewart and
24 after that will be Joe Geist.
25 MS. STEWART: Hello. My name is Connie Stewart

1 and I'm from Assemblymember Patty Berg's office. First of
2 all, can I speak to the crowd for a second. There is
3 incredible overflow out there, including tribal chairmen who
4 can't get into this room, people who've traveled for three
5 hours. So if we can ask people who don't want to stay to
6 give up their seat after they speak so we can get more
7 people in here, I think that would be very important. It's
8 very emotional out there in the hallway. People have a lot
9 to say about this, so if you're willing to give up your seat
10 -- and I will give up my seat -- to let the tribal chairmen
11 come in.
12 This is a statement on behalf of Assemblymember
13 Patty Berg. Thank you for coming to Eureka to allow those
14 of us who reside down river the opportunity to comment on
15 FERC's draft Environmental Impact Statement for relicensing
16 the Klamath Hydroelectric Project. As state assemblywoman
17 representing the North Coast, I urge FERC to include the
18 option of immediate removal of all four lower Klamath dams
19 in its final impact statement. It's now abundantly clear
20 that the negative impacts of the dams far outweigh their
21 benefits. These dams create an ideal habitat for toxic
22 blue-green algae, placing California's health at risk as
23 well as creating water temperatures dangerous high for
24 anangerous fish.
25 Driving fish around the dam is simply not an

1 adequate option. The sediment study for the California
2 Coastal Conservancy must also be included in FERC's final
3 EIS. The North Coast tribal, commercial and sport fishing
4 industry is both an economic linchpin and a foundation of
5 community identity. Protecting and restoring native
6 fisheries and enhancing water quality is crucial to the
7 north coast economic future. More than economics,
8 protecting the fish is a moral imperative. I ask that FERC
9 include sediment studies and the option of removing all four
10 lower dams in it's final EIS. Thank you for the opportunity
11 to comment tonight.
12 And then I'm just going to make a couple of
13 personal statements. As you well know, I went up to Yurok
14 for testimony last night and I happened to have the whole
15 day. So I went through the Shasta and the Scott and I went
16 up to Iron Gate Dam and when I first moved here 24 year ago
17 I went to Blue Creek and I can tell you this whole Klamath
18 ecosystem is sacred. It's sacred to all of us, both
19 upstream and downstream. And when the federal government
20 does not include an option that so many of us are so
21 passionate about in its EIS, whether you choose the option
22 or not, that you do not include scientific study on that
23 option you put neighbors against neighbors. You prevent us
24 from having a communication about the scientific value of
25 taking these dams out to us and you guys get to leave, but

1 we're all neighbors and we need to have this discussion.
2 And so I would urge you to go back and change the EIS and
3 allow us to be heard down here because it ultimately help
4 them up there, too.
5 When the water got turned off down there -- I
6 mean up there years ago, they were unheard. When the fish
7 died down here, we were unheard. What we need to do is have
8 the federal government be a place where we can have a
9 discussion about all options and so I thank you for coming
10 here and I thank you for giving me an opportunity to speak.
11 (Applause.)
12 MR. HJORTH: The next speaker will be Joe Geist
13 followed by John Wooley.
14 MS. GEIST: Actually, we're going to have a
15 little bit of a shift and we're going to have John Wooley
16 speak first because we're kind of giving a joint
17 presentation and he has the first portion.
18 MR. WOOLEY: Thank you, Jill. And welcome
19 gentlemen to Eureka. I'm the chairman of the board and am
20 speaking for the board and that's why the order was shifted
21 there. I have a letter plus a resolution that we'll submit
22 and I believe that what Connie was speaking about comes from
23 a long history from most of my board members, in fact. Each
24 one of us has had to spend a lot of time working on this
25 issue. Jill right now has been taking the lead for us as

1 the appointee to the Klamath River -- many organizational
2 bodies that deals with it. She follows Paul Kirk and that
3 has been a history of long-time involvement for Humboldt
4 County.
5 Jimmy Smith, our colleague, was active on the
6 issues before being elected to the board, even before his
7 stint as a Humboldt Bay Harbor Recreation Conservation
8 commissioner. I worked with the Yurok Tribe, then Simpson
9 Timber Company in putting together the Klamath River lower
10 basin restoration master plan. So we have history here that
11 Connie was speaking about that we all believe is sacred.
12 And to that end, the Board of Supervisors on Tuesday adopted
13 the resolution unanimously that I'll just summarizing saying
14 that therefore, be it resolved that the Board of Supervisors
15 of the County of Humboldt request that without delay FERC
16 should order removal of Iron Gate, Copco I, Copco II and
17 J.C. Boyle Dams and start on a path to restore the diverse
18 Klamath River watershed to health.
19 I think this is truly the sentiment of this
20 county and we hope that you all take it seriously. Thank
21 you very much.
22 (Applause.)
23 MR. HJORTH: The next speaker will be Jill Geist
24 followed by Troy Fletcher.
25 MS. GEIST: I'd like to thank you for the

1 opportunity to speak before you today. In addition to your
2 coming over to Eureka, I do have two questions for
3 clarification for purpose of the audience members.
4 One is to clarify the filing deadline. My
5 understanding was that it was actually November 24th that it
6 is to be mailed by and received by FERC by December 1st.
7 MR. MUDRE: As I said earlier, originally, it was
8 November 24th, but now it is December 1st.
9 MS. GEIST: I wanted to make sure because that
10 wasn't clear back here. The other is, with respect to the
11 FERC relicensing, is it going to be a 50-year, 30-year or a
12 10-year?
13 MR. MUDRE: It can't be a 10-year because we can
14 only do between 30 and 50 years, but no decision has been
15 made at this point whether under what conditions or what
16 terms to do a license.
17 MS. GEIST: In the document itself it references
18 a 30-year at one point in the gravel portion, but I'm not
19 finding any term that you're proposing. So it makes a
20 little difficult in order to comment for long-term
21 perspectives, so I want to just get that clarified. At this
22 point it's uncertain as to the timeframe?
23 MR. MUDRE: Right. There's no recommendation as
24 to what length of term.
25 MS. GEIST: Okay. Just a quick comment for the

1 audience --
2 MR. MUDRE: That really doesn't happen -- the
3 Commission makes that decision with respect to how long is
4 going to be.
5 MS. GEIST: That's fine. I just want to make
6 sure that's clear because I heard a lot of folks reference
7 the fact that this a 50-year license and there seems to be
8 some discretion there on the part of the Commission itself,
9 so we need to get that cleared.
10 MR. MUDRE: We never said it was 50.
11 MS. GEIST: That's fine. It becomes an urban
12 myth then in that case.
13 I want to remind people that when you're
14 commenting on an environmental impact report it's very
15 important to not necessarily speak from a feeling of your
16 feelings or your emotions because what the staff has to look
17 at, quite frankly, is the body of the document itself. And
18 so if your comments don't fall within this very narrow
19 window, FERC and their staff are unable to respond. So all
20 of your energies in terms of preventing the input ends up
21 getting put off to the side and I think it further
22 frustrates people when they feel that their voices haven't
23 been heard. So it's very important that you read through
24 the document, that you identify what can be commented on and
25 provide your comments as such.

1 And so, recognizing that, I want to support that
2 a reasonable alternative be expanded to include to the four
3 dam removal scenario and that would be based upon the
4 comments that you've received from NINHS, from public input,
5 the Coastal Conservancy study and the Klamath Settlement
6 Group discussion.
7 In addition, your DEIS also references the fact
8 that it looks there was some internal analysis that was
9 conducted of removal of the four dams, but it was dismissed
10 and there's no rational that's placed forward as far as why
11 the four dams are there. I would also suggest that the DEIS
12 was prepared and released prior to Judge McKenna's finding,
13 which found, amongst other things, in favor of fish passage
14 and not the trap and haul method. This document was
15 released on September 25th and his ruling was made public on
16 September 29th.
17 I'm pretty concerned that there's a lack of
18 review and comments by the North Coast Regional Water
19 Quality Control Board in addition to the state Water Board
20 and I'm not seeing any indication that the Department of
21 Water Resources has had an opportunity to comment on this.
22 Quite frankly, in my review and I will provide written
23 comment by December 1st, but the document is light on water
24 quality standards and specifically there is no demonstration
25 of how the Oregon and California water quality standards

1 will be met. I recognize that there is a reference to
2 Section 401 certification, but we also need to be inclusive
3 of the TMDL process, which is in the works now. So it's
4 going to need to be expanded to include those.
5 Regardless of the alternative that is chosen,
6 water quality, disease and fish population monitoring and
7 the associated management plans are of utmost importance. I
8 want to point out that with respect to the reference to the
9 CIP at this time there are no known funding sources for the
10 CIP activities, nor is there basin-wide support and buy-in.
11 It's still very much in its infancy stage and in the course
12 of the discussions that we've been having with the CIP and
13 that meeting is going to be taking place in two weeks, there
14 is no requirement or obligation by any agency to follow the
15 CIP. So reference to the CIP in this document really is not
16 an appropriate place for it.
17 Additionally, there's insufficient analysis which
18 provided to Keno Dam and the document references the fact
19 that PacifiCorp is not part of the project -- excuse me,
20 they've decided not to include it as part of the
21 application, but that PacifiCorp would continue to own the
22 dam and therefore any of the issues related to Keno, it's
23 impact upon the reservoir and the role of water quality must
24 be addressed.
25 So like I said, in the interest of keeping this

1 short and the comments brief, we will be providing an
2 expansion of these comments in our letter of December 1st.
3 Thank you.
4 (Applause.)
5 MR. FLETCHER: I think I'm up next. You asked
6 for Troy Fletcher. I'm going to yield to the Chairman of
7 the Yurok Tribe, Howard McConnell and then I'll say a few
8 words after that.
9 MR. McCONNELL: Thank you, Troy.
10 Good evening, gentlemen. I'm the Chairman of the
11 Yurok Tribe. My name is Howard McConnell and I speak for
12 the Yurok people and we live on the lower 44 miles of
13 Klamath River and of course, we're at the end of the trail,
14 so to speak, so we catch all the crap that comes down the
15 river and right now it's not a very good situation to live
16 down there. But on June 22, 2004, when you were here
17 before, you came to Eureka to hear our concerns. The
18 meeting was packed with Yurok tribal members and their
19 citizens who were very clear in their concerns. You
20 apparently did not hear us.
21 At that time we told you that to the Yurok Tribe
22 the issue of relicensing is fundamentally an issue of
23 justice. We told you in very clear terms how these dams
24 have hurt the Yurok people, yet your draft Environmental
25 Impact Statement fails to address these concerns by

1 recommending removal of all four dams of the hydroelectric
2 project. Your EIS does not have a tribal trust section,
3 which we believe is necessary and you didn't listen to that
4 either.
5 We have first seen PacifiCorp and now FERC fail
6 to address fundamental issues and environmental justice in
7 this process. The Klamath Basin has been a place of
8 perpetual rotating crisis. Fishermen and tribal members
9 can't fish due to decimated fish runs. Farmers can't farm
10 in some years and uncertainty hangs like a dark cloud over
11 the citizens of the basin as people in the basin work out
12 their differences the only entity that has not been called
13 accountable is PacifiCorp.
14 FERC, your job is to hold them accountable for
15 your impacts by imposing measures to mitigate for the
16 damages that they have caused. This document with its weak
17 and unclear preferred alternative fails on this count.
18 These dams have obvious and undeniable affects to the
19 fishery and the Yurok people, yet PacifiCorp and now FERC
20 has declined to acknowledged these efforts and these affects
21 let alone propose to mitigate or undo the damage. We
22 strongly believe that removal of four dams, not two, is the
23 right option for restoring the fishery of the Klamath and
24 addressing the damage.
25 This project has caused the Yurok people on

1 October 25, 1917, the den closed its gates and since then no
2 salmon have returned to the upper basin. The Yurok Tribe
3 suffered the loss of the large and important portion of the
4 fall run and spring run chinook, salmon, steel head and
5 lamprey eel runs. Despite the enormous loss and impact has
6 had to our culture, the current DEIS, the draft EIS proposes
7 a weak and ineffectual reintroduction program that relies
8 lengthy, elaborate and untested studies. The Yurok Tribe
9 does not need decades of these studies. We need our fish
10 back.
11 FERC's staff alternative perpetuate the problem
12 and defer decision action upon our children until our
13 children are grown. This is unacceptable. The science is
14 clear. Fish reintroduction needs to happen now and it needs
15 to be done decisively. Another problem has risen since the
16 public scoping was done in 2004. It turns out that
17 PacifiCorp's reservoir harbor massive and toxic algae
18 blooms. The algae and its associated toxins are making
19 their way down stream. The river, our friend, teacher and
20 identity is being poisoned. The science is clear. No toxic
21 algae is detected in the reservoir in flow above the Copper
22 Reservoir, yet massive concentration of this poison occur
23 both in the reservoir and the river downstream. Our river
24 is literally being poisoned by PacifiCorp.
25 And to fix the problem, what does FERC do?

1 Propose experimental application of yet another poison
2 immediately above the salmon spawning beds. We, the people
3 -- the commercial fisherman and the Yurok Tribe and all the
4 people who live along the river propose another fix. To
5 remove these damn dams. FERC declines to propose full
6 project decommissioning, even though the Yurok Indian
7 Reservation sits to this day without basic electricity
8 service. Let me repeat that. Our people who are effected
9 the most due to our cultural and economic dependency on the
10 fishery have failed to enjoy even the most basic services
11 that this hydroelectric power provides, namely, electricity.
12 This is wrong.
13 And this, by selecting project retirement as a
14 preferred alternative in the final EIS there is a chance for
15 FERC to right this wrong. Who is going to right this wrong?
16 Who is going to make the power company honor its promise,
17 although it is 88 years late? You are FERC. That's your
18 job and it's clear the intent of the Federal Power Act.
19 Although we are gratified to see that FERC's
20 staff has included partial project retirement as an
21 alternative in the DEIS, we are stunned that FERC has chosen
22 to perpetuate the status quo by recommending a timid
23 reintroduction plan that is contingent upon expensive and
24 complicated studies that have an inherently high risk of
25 yielding inconclusive information. Fish reintroduction

1 needs to take place in a decisive manner or it risks
2 failure. The Yurok Tribe as no other river to use as an
3 alternative. For us, our future, our children's future and
4 our survival depends on the health and well-being of the
5 Klamath River. The salmon need to go home. Their home is
6 in the Upper Basin. The time is now. Thank you.
7 (Applause.)
8 MR. FLETCHER: My name is Troy Fletcher. I'm a
9 Yurok tribal member. I work with the Yurok Tribe on the
10 FERC issue. I just want to amplify on a few points that the
11 chairman made.
12 No. 1 is what didn't FERC understand about take
13 four dams out of the Klamath River. What didn't you
14 understand? It is extremely frustrating to us. It is
15 unacceptable that four dam removal is not included in this
16 alternative in this analysis. That needs to be taken care
17 of. We are busting our ass working with people in this
18 basin trying to look toward what can be done to restore
19 fisheries, what can be done to improve our fisheries, trying
20 to save what little fisheries we have and when FERC does not
21 recognize those efforts it is terrible. It is terrible and
22 it impacts our ability to get where we need to go.
23 These dams do not provide any protection for
24 farmers. They do not provide power rates for farmers.
25 PacifiCorp is fighting farmers. They are fighting to do

1 away with any power alternatives or any subsidiaries for
2 power rates. These dams do not provide any protection --
3 flood protection at all. They do not provide any flood
4 protection at all. These are a sink pot for microcystis and
5 other health problems. It is unconscionable that today FERC
6 is allowing PacifiCorp to operate these dams in a way that
7 poses a public health risk. It is unconscionable. How can
8 you do that? How can you do that?
9 You need to step up to the plate. You need to
10 hear what the communities in the Klamath Basin are telling
11 you. You need to look at this company and look at your own
12 analysis, which says even with two dams gone they're not
13 going to make any money. They're not going to make any
14 money, PacifiCorp. Look at that. Do not pass that on to
15 the ratepayers, whether it be putting fish dams in or fish
16 ladders, et cetera. These thing just need to come out.
17 FERC needs to get with the program. You need to
18 understand and hear what people in this basin are doing to
19 save fish and there needs to be an alternative to take these
20 dams out. They do nothing for the communities in this
21 basin. Nobody can stand here and provide you any evidence
22 or information that it provides power for farmers or
23 anything else because it doesn't. EECs have ruled on that
24 and the company is fighting everybody in this basin -- the
25 company. Take them to task. Take these dams out. Thank

1 you.
2 (Applause.)
3 MR. HJORTH: The next speaker will be Clifford
4 Marshall followed by Elizabeth Murguia.
5 MR. MARSHALL: I should probably let Elizabeth go
6 first since she outranks me.
7 (Laughter.)
8 MR. MARSHALL: My name is Clifford Lyle Marshall.
9 I'm the chairman of the Hoopa Valley Tribe. Thank you very
10 much for giving us this opportunity to testify today.
11 We're probably going to reiterate a lot of what
12 our predecessors have said because we're saying the same
13 things. We're asking you to consider the same things. I
14 believe the original EIS said that trap and haul was an
15 alternative. I believe that the administrative proceedings
16 that resulted in findings of fact clearly have laid the
17 foundation for scientific analysis that says that trap and
18 haul just does not work. That fish passage needs to be
19 provide, which would lead us to say to the prescription
20 requiring fish ladders.
21 The question that I think everybody in this room
22 wants to ask you is does FERC have the power to order dam
23 removal? I think I've asked some of you that question
24 myself. Or is it the prescriptions that FERC requires for
25 PacifiCorp to make choices. Does it build fish ladders

1 versus dam removal?
2 Like Troy, I'm on a settlement panel discussing a
3 lot of the issues. The question, I guess, with FERC is it
4 adopts prescriptions. What is FERC's expectations if you
5 choose two dams versus four? Do you say we want to do fish
6 ladders is the prescription for the lower two dams and let's
7 say PacifiCorp says that's makes those two dams
8 unprofitable. So we're not going to spend whatever it is --
9 400, $500 million to put fish ladders in and the process
10 starts to take out the lower two dams. What happens to the
11 other two dams? The lower two dams were built to catch
12 pulse flows from the upper dams because those were causing
13 as much damage as anything else. If they're not allowed to
14 do pulse flows, if that's another prescriptions, are those
15 dams no longer profitable. If you look at the whole
16 spectrum of the federal agencies, FERC doesn't do the
17 environmental stuff. It just regulates power, so who else
18 gets to clean up the mess?
19 In trying to come up with a solution that
20 benefits all -- and I think that's something the former
21 speaker talked about -- upper basin, middle basin, lower
22 basin, mouth of the Klamath. What's the most viable
23 alternative? And I guess my question is can FERC look
24 beyond its narrow scope of licensing, you know, for power --
25 you know, are the dams generating that much profitability

1 or that much power that they are necessary versus the type
2 of injury, long-term environmentally that you're hearing
3 people testify to today?
4 People that are here today are telling you that
5 those dams are destroying North California's economy. They
6 are affecting the coastline from San Francisco to the
7 Columbia River. The communities that rely on ocean harvest
8 are losing the only industry that they can rely on. The
9 Indian people are losing a main source of sustenance that
10 they've relied on for thousands of generations. The people
11 here want to tell you what they see with their eyes and what
12 they live with every day.
13 The people who have just testified will tell you
14 that they've lived on the river and at one time they played
15 in as children and today can't allow their dog to play in or
16 get into because it is so polluted that it causes -- it
17 could cause harm. So that's what we're wrestling with as
18 communities along the Klamath system and you know, FERC's
19 not the agency that can respond, but the other federal
20 agencies aren't responding either.
21 Most people that are in this room will tell you
22 that however you weigh this licensing -- you can come up
23 with prescriptions and say fish passages, whether it's trap
24 and haul, which the science says isn't going to work or even
25 if it's fish ladders or if it's something else, that in the

1 end it won't solve or resolve what is contaminating the
2 river and what is destroying the fishery. Fish need water.
3 They need clean water. That will definitely be 407 -- what
4 is it? What's the number? It's got to be clean water.
5 It's got to be a flow regime and there's got to be passage
6 for salmon that returns those salmon to the headwaters of
7 the Klamath River. That makes the dam, the whole dam system
8 inviable. It just won't work. The two cannot live
9 together, whether the license sets up the parameters so that
10 PacifiCorp could make the choice as to whether they want to
11 do this or fight with this or not or whether or not FERC can
12 simply say we can't issue the license because the benefit of
13 the license cannot be weighed against the environmental
14 degradation and the destruction that the dams now are
15 causing.
16 I think that's the decision that you're faced
17 with. Again, I don't know that you can see it. I know
18 there's lots of reports and there's thick pieces of paper.
19 And I'm glad that these people are here to tell you what
20 they see with their eyes and what they understand of the
21 impact of the Klamath River. It is the third largest river
22 and third river or was the third largest salmon producer on
23 the West Coast and it needs to be restored, not only for the
24 Klamath River but for the entire West Coast. It is a huge
25 contributor and it's impact is felt, like I said, from San

1 Francisco to the Canadian border.
2 In issuing the license, the prescriptions need to
3 be, if nothing else, prescriptions need to be strong enough
4 to require fish passage all the way to the headwaters of the
5 Klamath River and clean water. And if that forces
6 PacifiCorp to make choices that result in dam
7 decommissioning, then that's what needs to happen. But it
8 can't be weighed specifically as a license for the economic
9 benefit resulting from power production. It's not a whole
10 lot of power there anyway and it can be supplemented from
11 other sources and there are other sources of power being
12 developed everyday. The Midwest is switching over to wind
13 power and there's lots of other alternatives as far as power
14 goes, but the river isn't going to change and it needs
15 drastic measures soon or it will die. I'll leave it right
16 there.
17 (Applause.)
18 MR. HJORTH: The next speaker will be Elizabeth
19 Murguia.
20 MS. MURGUIA: Elizabeth Murguia, M-U-R-G-U-I-A.
21 I'm representing Representative Mike Thompson here this
22 evening. I do have a letter I would like to read for you.
23 I would just say to the FERC officials that here tonight as
24 well as to the audience, this will be the third letter the
25 congressman has sent to FERC asking that they evaluate dam

1 removal on the Klamath in their environmental review
2 process. So we'll try one more time.
3 "The Federal Energy Regulatory Commission's
4 review of the PacifiCorp four hydroelectric dams on the
5 Klamath River between Iron Gate, Copco I, II and J.C. Boyle
6 provides an important opportunity to reverse course and
7 improve the Klamath River. The Klamath River is the main
8 source of culture, economy and jobs to California's north
9 coast. The health of its fishery effects tribal and
10 commercial fishermen and coastal communities from Washington
11 State to Monterey Bay in California.
12 For three consecutive years wild chinook salmon
13 escapement has been below the federal management floor of
14 35,000 fish, which has caused great concern for the long-
15 term survival of the species. The severely restricted 2006
16 salmon season has virtually shut down the commercial, sport,
17 tribal and in-river fishery. The health of the river is at
18 a crisis stage. It is compromised by poor water quality,
19 low volume flows, high temperatures, increased algae growth
20 and the proliferation of deadly parasites. The dams
21 exacerbate poor water quality in the main stem of the river
22 and block hundreds of miles of spawning habitat.
23 FERC's environmental review needs to analyze
24 removal of all four dams as a remedy to restore the river's
25 health and to restore hundreds of miles of spawning habitat.

1 Recent Coastal Conservancy study found few toxins in the
2 sediment traps behind the dams. It also concluded the cost
3 of dam removal is much lower than earlier estimated,
4 especially compared to the ineffective and costly proposal
5 to construct fish ladders or to trap and truck the fish
6 around the dams. The Coastal Conservancy has also suggested
7 that it would be more cost effective to decommission all
8 four dams at the same time rather than remove them at
9 different times.
10 FERC's final Environmental Impact Statement of
11 the Klamath Hydroelectric Project should (1) fully assess
12 decommissioning of all four dams; (2) evaluate the projected
13 long-term health of Klamath fish docks in a dam removal
14 scenario versus the installation of fish ladders and/or
15 other prescriptions; and (3) evaluate the economic impact on
16 coastal and in-river communities of keeping the dams in
17 place versus removal of all four dams and the restoration of
18 a healthy river system.
19 Finally, I urge the Commission to seize this
20 opportunity to reverse decades of degradation and help to
21 restore the once mighty Klamath River." Thank you.
22 (Applause.)
23 MR. HJORTH: Th next speaker will be Michael
24 Evanson to be followed by Nathan Scheinman.
25 MR. EVANSON: I don't want to repeat everything

1 that has gone before, but I would like to put my word in
2 that you should be considering and then executing the
3 removal of the dams.
4 The reason that there is a licensing process is
5 because mistakes are made when people commit acts. When
6 these dams were built, people had no idea of the impacts to
7 the salmon fishery or to the people downstream. They had no
8 idea that there were going to be toxic blooms of algae.
9 They had no idea that the climate might change and that the
10 rainfall was going to change. That's why we, the people of
11 this country, the people of this state, the people of this
12 county, pay your salaries with our tax dollars because we
13 expect the protection of our river. We expect the
14 maintenance of our fisheries. So whether or not FERC and
15 weasel out of a decision by saying that's not our purview, I
16 would put your nose back in it and say it is your purview
17 because you are the only ones right now that we can appeal
18 to, to say it's it obvious the mistakes of putting in these
19 dams? It's obvious to everyone here. It must be obvious to
20 you that the act of putting in the dams has created
21 unforeseen problems and the reason there's a licensing
22 process is so that you can correct those things.
23 Now I just want to speak also from the position -
24 - we live on the Mattole River, which is a little bit south
25 of here. We're in the same evolutionary significant unit of

1 Chinook and Coho. We are the southern most line of the wild
2 chinook and our fish are very much dependent in their
3 existence, in their continued existence is very much
4 dependent on a healthy salmon population in the entire
5 evolutionary significant unit.
6 So that when you're evaluating these things from
7 the point of view of what national fisheries is saying, you
8 can't only look at how you've disseminated the Klamath River
9 with your dams, but you are harming all of our fish. Now we
10 produce beef and we consider that to be very high quality
11 food and the river produces salmon and that's part of our
12 food, high quality food. This is done with about the least
13 amount of energy, pollution or any other impact that could
14 be harmful to people or any other creature on this earth.
15 So I would like you to look beyond the licensing of
16 electricity, which runs in wires and to get back down to the
17 larger picture because you are our only body that we can
18 appeal to on this.
19 So whether or not, as Supervisor Geist said, you
20 know, we should be sticking to your DEIS, I don't believe
21 that. I don't believe that just because you have defined
22 the process that way that we can't speak to a much larger
23 picture because you have to expand your EIS, DEIS or
24 whatever it is to include the removal of all the dams and
25 you haven't done that. So it's obvious you've narrowed this

thing far too quickly.

Now I'd like my grandson to have a chance to speak from his school, who's also concerned about this.

MR. HJORTH: Nathan will be followed by Harriet Hill.

MR. SCHEINMAN: When my ancestors were alive, there used to be lots of salmon and eagles, otters and bears and mountain lions. We need them to eat and with the dams it's harder for them to get up the river and besides just putting dams and blocking the river, you could use windmills or solar panels or sunlight because then you don't use the salmon's water up as much as now. And that's pretty much it.

(Applause.)

MR. HJORTH: Thank you, Nathan.

Harriet Hill will be speaking next to be followed by Wendell Wood.

MS. HILL: Well, that's a tough act to follow.

(Laughter.)

MS. HILL: My name is Harriet Hill. I'm a resident of Eureka and I would like to respectfully request that FERC analyze the removal of all four dams as an alternative in the EIS. There are considerable data that show that the dams are a significant threat to the health of the Klamath fisheries, the Klamath culture and the public

1 users of the planet.
2 Over the past two years, the Copco and Iron Gate
3 Reservoirs have been found to contain extremely high levels
4 of microcystis a kind of blue-green algae that is poisonous
5 to the liver and can exacerbate tumor growth. Possible
6 health effects of exposure to this toxin range from mild
7 rashes to permanent organ impairment, depending upon
8 exposure time and intensity.
9 Over the last summer, the concentration of
10 blue/green algae in Copco Reservoir exceeded the level set
11 by the World Health Organization to have a moderate
12 probability of adverse health effects of greater than 150
13 times. Iron Gate Reservoir exceeded the level by about 75
14 times. These were among the highest levels observed in
15 North America by the labs that did the analyses in Ohio.
16 Clearly, the algae blooms are produced by the reservoirs
17 because the levels of this type of algae were measured as
18 zero on the Klamath just above Copco Reservoir.
19 Of course, the algae also moves downstream. Last
20 summer algae density exceeded the state guidance levels for
21 health warnings on the river at Seiad Valley and came close
22 to exceeding them in Orleans and Witch Creek. Children and
23 animals are at the greatest health risk. The public was
24 warned in a joint federal, state and tribal press release to
25 stay out of any reservoir or river water with algae blooms.

1 Fisherman were warned to rinse off their catch and not to
2 eat the guts or the innards of the fish. Water within algae
3 bloom cannot be used for drinking or cooking, even after
4 boiling of filtration because the toxins are so persistent.
5 These reservoirs are hazardous to the health of
6 our children, cats and livestock and also threaten the many
7 recreational uses downstream. We don't want these hazards
8 for another three to five decades. I strongly encourage
9 FERC to analyze an alternative that includes the removal of
10 all four dams. Thank you very much.
11 (Applause.)
12 MR. HJORTH: Thank you. The next speaker will be
13 Wendell Wood to be followed by Steve Cole.
14 MR. WOOD: Good evening. My name is Wendell
15 Wood. I'm a representing Oregon Wild, formerly, the Oregon
16 Natural Resources Council. We represent over 5000 members
17 in Oregon and have an active role on the Klamath River
18 dating back before actually getting a ballot measure that
19 was passed by Oregonians to try to protect the Klamath River
20 and stop the Salt Caves Dam when former Governor Barbara
21 Roberts and Bruce Babbath in the early 1990s designated that
22 portion as a scenic stretch of river.
23 I'm also here tonight representing the
24 Environmental Protection Information Center or EPIC that's
25 based here in northern California. And additionally, Oregon

1 Wild and EPIC will also be submitting more detailed
2 technical comments before the end of the comment period. I
3 will try to make some of my comments brief for that reason.
4 I want to touch on a few of the points concerning
5 specifically, of course, with the draft EIS. The comments
6 you're hearing tonight I think is explaining very well how
7 it's very well documented the negative impacts on salmon and
8 steelhead runs and water quality that the hydroelectric
9 operations have had on the Klamath River.
10 The river, of course, as once the third largest
11 producers of salmon on the West Coast. Yet, today the
12 river's economically viable salmon runs have suffered severe
13 declines. A lethal combination of low water flows, poor
14 water quality and loss of habitat are the primary culprits
15 in the decline of these fish. The collapse of the salmon
16 runs, of course, lead to severe economic and cultural
17 hardship for the region's Native American tribes as well as
18 for recreation and commercial fishing communities.
19 Commercial salmon harvest, of course, on the
20 coast of Oregon and northern California was subject to a
21 near total closure this year in order to try to protect the
22 river's wild chinook run. Unfortunately, the Federal Energy
23 Regulatory Commission DEIS appears to give little
24 consideration to these facts. The draft statement failed to
25 address a number of very important issues that should be

1 evaluated. Some of these things, again, have been discussed
2 already but certainly FERC needs to fully evaluate dam
3 removal. I think it's pretty evident that we're here today
4 to not ask that the dams be relicensed, instead we want to
5 see them ultimately removed.
6 FERC only examined the removal of two dams in the
7 draft EIS. A four-dam removal scenario of J.C. Boyle, Copco
8 I and II, Iron Gate Dams is likely to produce a far greater
9 benefit for salmon, particularly for severely depressed runs
10 of spring chinook. Removal of the lower four dams will
11 provide salmon and steelhead vastly more habitat than the
12 more modest scenario examined by FERC's draft EIS. Removal
13 of all four of these dams is also likely to result in much
14 greater improvement in water quality through the Klamath
15 River.
16 We're very concerned that the trap and haul
17 schemes that have been discussed are ineffective. In
18 preparing the draft EIS, FERC staff developed their
19 alternative to dam removal that requires trapping fish at
20 the base of Iron Gate, loading them to trucks and hauling
21 them nearly 75 miles upstream before releasing the fish back
22 to Klamath River above J.C. Boyle. FERC's alternative
23 ignores the widespread failure of similar traps and haul
24 efforts throughout the Northwest. It also ignores Miller
25 fishery requirements for full fish passage at the dams. I

1 think most people in this room would say that fish below in
2 rivers not in trucks.
3 Sediment fortunately is not an issue of concern.
4 The California Coastal Conservancy recently conducted an
5 analysis of the sediment trap behind the lower four Klamath
6 River dams. This study concluded that dam removal could be
7 done safely and at reasonable cost without exposing the
8 river to toxic materials or influencing flood risk. FERC
9 should consider and incorporate this study into the final
10 EIS.
11 We want you to consider the findings of the
12 Energy Policy Act hearings. The administrative law judge
13 that oversaw the recent Energy Policy Act hearings concluded
14 that PacifiCorp's Klamath River Hydroelectric Project
15 operations "have and continue to adversely affect river
16 health, including the resident trout fishery and riparian
17 habitat." The judge went on to conclude that fish passage
18 and environmental restoration measures required by federal
19 agencies would benefit threaten coho salmon and other
20 ananageous fish -- resident trout, Pacific lamprey and
21 riparian habitat.
22 Finally, here we think that the cheap power rates
23 that have been argued for the upper basin are not an
24 overriding public interest and most recently in a separate
25 case an administrative law judge this week recommended that

1 the California Public Utilities Commission deny Klamath
2 Irrigators request for a continuation of below-cost electric
3 rates from PacifiCorp. Klamath Irrigators have enjoyed
4 highly subsidized power costs that are less than 10 percent
5 than those paid by other irrigators and that's a practice
6 that's been going for almost a century.
7 Klamath Irrigators have sought to attach their
8 demand of highly subsidized power rates to a new license for
9 PacifiCorp's Klamath River dams. The judge however found
10 that the Irrigators failed to show that upstream irrigation
11 increase the amount of water available to PacifiCorp for
12 power generation and therefore they could not claim
13 compensation from PacifiCorp.
14 I want to thank you for consideration of Oregon
15 Wild and EPIC's comments on the relicensing of PacifiCorp
16 Klamath Hydroelectric Project. It is our hope and desire
17 that FERC will address the shortcomings of the draft EIS and
18 make improvements in the final document so that it better
19 addresses the American public's interest in making informed
20 decisions about the future of the Klamath River. Thank you.
21 (Applause.)
22 MR. HJORTH: The next speaker will be Steve Cole
23 to be followed by Miranda Pace.
24 MR. COLE: Good evening. Thank you for being
25 here. I'll make it very brief. This has been stated in the

1 past. Past speakers have mentioned that we have an
2 opportunity to look at the Klamath River with a different
3 pair of eyes than they have been viewed when the dams were
4 constructed. I'd like to just comment and congratulate
5 Representative Thompson for the letter that Liz read. I
6 totally endorse that. I'd like to second that and would
7 remind you that the history of hatcheries for mitigation in
8 any river system is spotty at best and if that could be
9 reflected in the EIS, I'd certainly appreciate that. So
10 thank you again for your time here.
11 (Applause.)
12 MR. HJORTH: The next speaker will be Miranda
13 Pace followed by Susie VanKirk.
14 MR. PACE: She wanted me to come and speak on her
15 behalf. I wish Miranda would come back in. She grew up in
16 this basin and she's young and studying to become a teacher
17 and I think that she and all the other young people that are
18 here represent what this most about -- Felice Pace. I'm
19 here as a private citizen. I've lived in the basin, mostly
20 up in the sky for 35 years and I had the opportunity to
21 participate in some of the early meetings on the hearings
22 and since then. But anyway, let me grab my -- this hearing
23 is about a number of things, but one of the things it's
24 about is this draft Environmental Impact Statement and that
25 is required to comply with the National Environmental Policy

1 Act.
2 From what has been said tonight already by
3 others, it's clear that there's an insufficient range of
4 alternatives which is one of the things that is legally
5 required. A full range of alternatives has to be
6 considered. As you referenced, you need water quality
7 certificates from Oregon and California, but you need to do
8 more than that. You need -- NEPA requires that you fully
9 disclose what the water quality impacts of the dams are at
10 this time. And if you do that, those of us that have been
11 involved in the process, including, I think, probably
12 yourselves, recognize that it doesn't cut it. There's no
13 way that those dams can comply with the applicable water
14 quality standards and there's no way that they could legally
15 receive the certifications that are required by the state
16 agencies.
17 If someone wishes to retain that dam, someone has
18 to take responsibility for it. And the question is, it's
19 either PacifiCorp or someone else. If it's not PacifiCorp,
20 who else is it? The environment justice issues have not
21 been adequately addressed yet and in particular, the studies
22 under the National Historic Preservation Act have found that
23 the river and the riverscape is a cultural resource
24 deserving of protection under the National Historic
25 Preservation Act, including the fish, the water, the rocks,

1 certainly the Karuk/Yurok world view gets expressed through
2 the National Historic Preservation Act as a cultural
3 landscape.
4 NEPA also requires that you do a cost benefit
5 analysis. And as one of the chairmen said today -- maybe
6 both of them -- the costs are much greater than the
7 benefits. This needs to be disclosed as well. The FERC, in
8 summary, just needs to honor the river, honor the memory of
9 Ronnie Pierce, who lead us to this point and take out the
10 dams. Thank you.
11 (Applause.)
12 MR. HJORTH: The next speaker will be Susie
13 VanKirk to be followed Vivian Helliweil.
14 MS. VANKIRK: My name is Susie VanKirk. I'm an
15 historian and I've worked as a consultant in Northern
16 California for 30 years. These comments are submitted as
17 the Commission considers the relicensing of Klamath River
18 dams and the adequacy of the draft Environmental Impact
19 Statement. Northern Californians who are sustained, both
20 physically and spiritually by the river call on the
21 Commission to consider removal of four dams, not two, as the
22 first step to restoration of Klamath River's salmon run.
23 These dams have resulted in major economic, cultural and
24 biological impacts by blocking fish access to spawning
25 habitat and creating severe water quality problems.

1 We ask this Commission to find the draft EIS
2 inadequate in its failure to consider removal of four dams
3 as a viable and in fact, the environmentally preferred
4 alternative and in its failure to describe the river's
5 importance in indigenous culture and project impacts on this
6 culture.
7 I want to address to issues in my comments.
8 First, the lack of historical descriptions of the river's
9 salmon abundance and secondly, the significant cultural
10 relationships between river, salmon and indigenous cultures
11 and the severe impacts the dams have on these relationships.
12 Modern biologists are low to use descriptive information
13 about historic abundance of fish populations preferring to
14 only use data generated long after salmon runs had been
15 significantly affected by human activity.
16 The problem with this approach is that, although
17 we will never see the numbers of salmon that ascended the
18 Klamath River prior to EuroAmerican contact, it limits our
19 vision and allows us to accept what is unacceptable.
20 Lacking early statistical data, historic, descriptive
21 accounts of what we have to give us some insight of what
22 once was but is no longer. Native fishers knew the size of
23 the runs on the river, but contemporaneous written accounts
24 are restricted to observations of EuroAmericans. The river
25 being alive with salmon is often used and one can only

1 visualize a living, breathing, wiggling, jumping river of
2 salmon.
3 Old-timer tales of walking on the back of salmon
4 and horse refusing to enter the forest are often lost on us,
5 dismissed as hyperbole. But the difference between our
6 perspective and early observers is that we were not there
7 and they were. An article in the Gold Beach Gazette in 1894
8 recorded a 1852 observation by an early settler who saw
9 Klamath River were "the salmon in that stream were then so
10 abundant that people killed them with sticks. That in
11 forging the streams the horses would often refuse to venture
12 across."
13 An 1877 comment on the Klamath said that it was
14 "unquestionably the finest fishing stream on the coast.
15 There is a spring and fall run of salmon and the numbers
16 passing up are almost incredible. In quality, they are the
17 best on the coast." They wrote in 1902, "The run of salmon
18 in the Klamath River was never known to be larger than at
19 the present time. The fishermen weighed in along the beach
20 and with bare hands throw the salmon ashore."
21 Artie Hume, the salmon king, who began his
22 cannery career on the Sacramento in 1864 before moving to
23 the roe and hove for a brief time operated a fishery at the
24 mouth of the Klamath in the late 1880s. Rural Low Bank
25 called Salmon of the Pacific Coast about 1893. He said the

1 only rivers of the Pacific Coast which seem to furnish the
2 conditions necessary for a spring run of salmon are the
3 Columbia, the Sacramento, the Roe and the Klamath. The
4 different runs according to the date of their arrival have a
5 particular objective point. Those coming earliest making
6 for the extreme headwaters.
7 "The Klamath River furnishes another illustration
8 of the destructive action of hydraulic mining," he wrote,
9 "upon the salmon streams of the coast." In 1850, in this
10 river during the running seasons, salmon were so plentiful
11 that in forging the stream it was difficulty that they could
12 induce their horses to make the attempt on account of the
13 river being alive with salmon.
14 The Klamath was alive with salmon. So many that
15 at times they could be caught by hand and stick. So many
16 that they frightened horses sufficiently that the refused to
17 fort the river. So many that they took possession of the
18 river. So many as they were as plentiful as the water
19 itself. So many that their abundance was immense and
20 incredible and so many that the river was bankful. No data
21 that biologist use today could ever generate such
22 descriptions.
23 A review of the draft EIS sections on cultural
24 resources indicates a total focus on physical historic and
25 archeological resources, field surveys and management

1 strategies identify sites of historic and prehistoric value,
2 but the document totally -- and I mean totally -- ignores
3 the cultural and life-sustaining relationship between the
4 river, salmon and indigenous people. In the section on
5 traditional cultural properties, the existence of tribal
6 ethnography studies and Tom King's integration report that
7 synthesize those studies is acknowledged, but that's all.
8 PacifiCorp's cultural resources consultants
9 choose, for whatever reason, to ignore this body of
10 information, much of which is based on the oral tradition of
11 tribal elders. Obviously, it's far easier to deal with the
12 tangible, physical building structures and sites than to
13 address culture. But also, obviously, those physical
14 resources are a reflection of culture and derive their
15 significance from those contexts.
16 If members of this Commission have not read the
17 tribal ethnographic reports and King's paper, I recommend
18 that they do so before determining that the EIS meets the
19 provisions of NEPA or for that matter that project effects
20 on the river's people can be mitigated with historic
21 properties management plans and strategies for protecting
22 eroding and looted archeological sites. King's unique but
23 carefully developed thesis concludes that the Klamath River
24 state is eligible for listing on the National Registry of
25 Historic Places and furthermore, that the PacifiCorp project

1 is negatively affecting and will continue to effect, if
2 relicensed, this National Register property. And he writes
3 in his 2004 report "It is evident that the dams contribute
4 to a pattern of cumulative effects on the cultural values
5 and interest of the tribe aspects of the environment that
6 are of great importance to them. This would be the case
7 even if the Klamath River state were found ineligible for
8 the National Register because whatever the significance of
9 the river state in the eyes of the National Register, to the
10 tribes it is utterly central to their cultural identity.
11 This being the case, it is equally evident that the effects
12 of the dams, together with the other contributors to the
13 Klamath's plight fall disportionately on the tribes. While
14 others live within the riverscape, travel through it or hunt
15 in it, only the tribes have an intimate cultural connection
16 to the riverscape going back to time immemorial. Only to
17 the tribes is the riverscape the core of their cultural
18 identity, maintaining and reinforcing this association is
19 particularly important today as the tribes work to
20 reestablish their traditional belief system and way of life.
21 He says the impacts that the Klamath
22 Hydroelectric Project on the cultural integrity of the
23 Klamath Riverscape cannot be segregated from its effects on
24 the natural environment. The natural environment is the
25 cultural environment. A century and a half of EuroAmerican

1 management has brought the river to its knees. We can be
2 very generous and attribute past actions to ignorance.
3 However, to continue the mistakes of the past can no longer
4 be justified by ignorance, but to willful dismissal of the
5 river, the salmon and indigenous people.
6 The inadequacies of the EIS relative to cultural
7 resources is sufficient to direct its revision to honestly
8 describe the relationship of river, salmon and people. For
9 the sake of the river and all that is associated with and
10 dependent upon it, we ask the Commission to take
11 responsible, bold actions and direct that the EIS develop
12 the environmentally preferred alternative that removes four
13 dams on the river.
14 The endurance of the salmon is testimony to one
15 of the most incredible creatures on this earth and given the
16 chance salmon can reestablish themselves in the Klamath
17 River Basin, not in historic numbers, but in self-sustaining
18 numbers, taking their rightful place in the river and among
19 the people who depend on them. Thank you.
20 (Applause.)
21 MR. HJORTH: Thank you very much.
22 I'd like to remind the speakers to be respectful
23 of the speakers behind them waiting to speak and try to
24 limit your talk to two to three minutes.
25 MS. HELLIWEIL: Vivian Helliweil with Pacific

1 Coast Federation of Fishermen Association, a coast-wide
2 trade organization of commercial salmon fishermen with about
3 1800 members. And we want to endorse and second the
4 comments from Congressman Thompson's office and ask you as
5 well to consider a full range of alternatives, including
6 four dam removal. Both NOAH Fisheries and Pacific Fisheries
7 Management Council have recommended four dam removal as the
8 best option for salmon and this option needs to be seriously
9 considered.
10 Closures of the ocean, Commercial Salmon Fishery
11 began here in 1979, 27 years ago, for avoiding impacts on
12 Klamath's stocks. An entire generation of children has
13 grown up since then and have children and they can't get
14 fishing boats and go fishing like we did. We lived on our
15 fishing boats for six months of the year, followed the fish
16 up the coast and because we use a low impact method of
17 fishing with hook and lines, the only management tool that
18 is available for reducing impacts on particular stocks, such
19 as the Klamath stocks, is area closures. This year the
20 coast was closed to commercial fishing for 700 miles for
21 avoiding impacts on Klamath River stocks because of the low
22 numbers that are able to survive and return.
23 The damage from these dams to the coastal economy
24 is huge. You'll be receiving letters from fishing ports as
25 far south as Morale Bay, south of where the closures begin

1 in the south and soon you'll be hearing from the Oregon
2 fishermen as well about the impacts to their coastal
3 communities.
4 Commercial salmon fishing is a Mom&Pop business
5 and it supports a whole line of support industries --
6 processes, retailers, and wholesalers on the way to the
7 public enjoying this resource. It would be difficult to say
8 that the benefits of these dams outweigh the damage that's
9 being done to our economy. So please consider taking out
10 the four dams as one of your alternatives and you know,
11 we've also been prevented from catching the surplus hundreds
12 of thousands of Sacramento River fish that returned last
13 year and this year.
14 In 2005, 800,000 extra fish returned to the
15 Sacramento River that we were not allowed to fish on in
16 order to avoid Klamath fish. This is a huge impact to the
17 coastal economy. So do a great thing and prefer taking the
18 dams out.
19 (Applause.)
20 MR. HJORTH: The next speaker will be Joe
21 Gillespie to be followed by Seth Naman.
22 MR. GILLESPIE: My name is Joe Gillespie and I'm
23 from Crescent City, California. I represent The Friends of
24 Del Norte, a conservation group representing a few hundred
25 people in Del Norte County and hundreds of others who are

1 sympathetic with our viewpoints to protect our local
2 environment. I was born and raised in Del Norte County. My
3 father was a commercial fisherman and we lived off of those
4 salmon and the crabs that he was able to get each year and
5 Del Norte County at that time was a very prosperous and
6 thriving place and the commercial fishing industry was a
7 real important part of our economy.
8 We loved watching our father come in with a load
9 of fish and we enjoyed learning about our salmon and caring
10 for our rivers and we watched the decline of the salmon. We
11 watched the Russians come in and take salmon. We fought the
12 high seas drift nets that were fishing for our salmon even
13 when they were unattached to boats. We've watched our
14 streams deteriorate due to excessive logging and now we're
15 attempting to recover. We have worked on all of these
16 issues over the decades and now we know that the Klamath
17 dams are an incredible problem for this river that have been
18 borne out by all the testimony and all the research that's
19 been done here.
20 You know, on June 22, 1969, in Ohio, the Chectco
21 River caught on fire. The river caught on fire. That was a
22 signal event and a defining moment in this country which
23 lead to the creation of the environment movement, of Earth
24 Day and more specifically to the creation of the Clean Water
25 Act, which has caused rivers and lakes, streams of all kind

1 in our country to be cleaned up so people can have safe
2 drinking water and so on.
3 In 2002, when 60,000 salmon went belly-up in this
4 river, that was our signal event. That was the event that
5 has brought all these people to the forefront to let you
6 know that we want solutions. We want solutions that are
7 going to be lasting. That are going to go beyond putting
8 our fish in a truck and taking them around the dam. Please,
9 let's get real. If I were to present all the information
10 and these alternatives to my six grade class, my students
11 would be able to arrive at a far better decision that what
12 this agency has arrived at.
13 (Applause.)
14 MR. GILLESPIE: That would do it with
15 intelligence and they would be proud of what they have done.
16 And if I were you, I actually would be embarrassed to be
17 part of FERC. And I hope -- you know, it's not easy to do
18 this, but I really do hope that you guys go back and you let
19 people know that you would like to be part of an agency that
20 is actually going to listen to the people. That is going to
21 follow the laws of this country, laws such as NEPA that
22 requires you to consider all the alternatives. I'm saying
23 the same thing that everyone else is saying. You need to
24 put all the alternatives on the table. Removing all four
25 dams should be an alternative and it should be the preferred

1 alternative.
2 (Applause.)
3 MR. GILLESPIE: The people California have
4 recently passed bond issues. We support clean rivers and
5 clean water. The money is there to take the dams down. For
6 goodness sake, let's put the government agencies and the
7 decisions in place so that we can enable this to happen. We
8 want a healthy river and thank you, Susie, for her beautiful
9 history of the salmon on this river. And our honorable
10 native tribes that live along this river. You need to honor
11 the people that are speaking here tonight and our native
12 tribes and our native salmon and take these dams down.
13 Thank you.
14 (Applause.)
15 MR. HJORTH: The next speaker will be Seth Naman
16 to be followed by Francis Ferguson.
17 MR. NAMAN: All right, in deference to the rest
18 of the speakers out there, I'll keep this short and to the
19 point. My name is Seth Naman and I'm from Blue Lake, which
20 is just up the road here. I'm a fish biologist and a
21 graduate student in the Fisheries Biology at Humboldt State.
22 I'm also an avid fisherman. I'm here representing 28
23 student members of the Humboldt State University Student
24 Subunit of the California/Nevada Chapter of the American
25 Fisheries Society.

1 I'm just going to get right to my stuff here, I
2 guess. FERC's draft EIS ignores the mandates of the
3 agencies for fish screens and ladders and ignores the call
4 for dam removal from tribe, commercial fishermen and NOAA
5 and most recently the Humboldt County Board of Supervisor.
6 FERC's paultry reintroduction plan to radio tag
7 fish and see where they go will do nothing to improve
8 conditions for salmon, open up spawning habitat or improve
9 water quality and it also disregards other important species
10 like Pacific lamprey. Even FERC's own economic analysis
11 shows that removing Klamath dams will cost less than
12 constructing fish ladders and screens that the Corps will be
13 required to install under the new license.
14 FERC only evaluated removing two dams in its
15 draft EIS and the lower four dams are where the problem
16 exist and all scientists, agencies and tribes agree removing
17 the lower four dams will improve water quality and open up a
18 vast amount of habitat for salmon, steelhead and other
19 species and we urge you to consider it as an alternative.
20 We ask FERC to dismiss the current staff
21 recommendation to trap and haul fish around dams and traps.
22 From a biological perspective, we know that it doesn't work.
23 Just look to the Columbia Basin, I mean, fish don't do
24 highways. They don't do trucks. They definitely don't do
25 reservoirs and they need clean rivers to swim in and to

survive in.

Finally, we ask FERC to consider and incorporate into the final EIS the sediment study performed by the California Coastal Conservancy and the ruling of the administrative law judge in the Energy Policy Act hearings.

On another note, I'm a father of two young boys and I would like for them to grow up in an era with strong salmon runs and beautiful rivers so that they can enjoy the tug of the salmon on the end of their line or a cool swim in a clean river. Thank you.

(Applause.)

MR. HJORTH: The next speaker will be Frances Ferguson to be followed by Claire Courtney.

MS. FERGUSON: I'm Frances Ferguson. As an almost 40-year resident of Humboldt County, I know that a healthy salmon population in the Klamath River is vital to the culture and economy of the California north coast. I am therefore distressed that the DEIS for the project in question fails to take seriously the plummeting population and impending extinction of the Klamath River salmon and I offer the following comment.

Your DEIS should evaluate possible removal of the four lower dams on the river -- the Iron Gate, the Copco I, the Copco II and the J.C. Boyle Dams. In fact, removal of these dams should be a basic component of your staff's

1 preferred alternative. The above four dams produce a
2 comparative small amount of hydropower, less than 2 percent
3 of PacifiCorp's total output, and are not used to provide
4 irrigation to upper basin farms. They have not prevented
5 floods. Why then are they needed? They have a devastating
6 impact on the river ecosystem in general and on the salmon
7 in particular.
8 They block salmon access to over 300 miles of
9 historic spawning habitat. They trap gravel needed for
10 spawning downstream and reduce the river's ability to flush
11 out algae and fish parasites. The lakes behind these dams
12 trapped heated and oxygen-deficient water allowing toxic
13 algae to thrive.
14 The proposal to truck salmon around the dams is
15 frankly a band aid solution to the problem. Not only has
16 salmon trucking failed to reduce salmon declines in the
17 past, but it does not address the larger damage to the
18 river's ecosystem caused by the dams. It is time for you to
19 take seriously the pleas for help from commercial fisherman
20 and Klamath Basin Indian Tribes. With the disappearance of
21 salmon, the Indians are faced with a loss of their culture.
22 The fishermen are losing their livelihood. Many of us on
23 the North Coast mourn the loss of cultural richness and feel
24 the ripples of damage for our local economy. Thank you.
25 (Applause.)

1 MR. HJORTH: Thank you. The next speaker will be
2 Claire Courtney to be followed by Dan Ihara.
3 MS. COURTNEY: Good evening members of the
4 Commission and the gathering here this evening. I'm here
5 because our fearless leader who wanted so much to have these
6 dams come down is not here and I'm speaking of Tim McKay of
7 the North Coast Environmental Center.
8 (Applause.)
9 MS. COURTNEY: This is an important element.
10 This discussion is not a new one and we keep putting off the
11 decision that makes the most sense, that is the most logical
12 and will be in the best interest of the health of the
13 ecosystem of the Klamath River and of the cultural life of
14 the people who live in the bio-region. I urge you, urge
15 you, plead with you use no other option. Take the four dams
16 down. Thank you.
17 (Applause.)
18 MR. HJORTH: The next speaker will be Dan Ihara
19 to be followed by Tom Westlow.
20 MR. IHARA: Hello. My name is Dan Ihara. That's
21 spelled I-H-A-R-A. I'm executive director of the Center for
22 Environmental Economic Development based in Arcata. I have
23 a Ph.D. in Economics from the University of Oregon. My
24 comments address Section 1502.23 of chapter 5, NEPA, Cost
25 Benefit Analysis.

1 I wish to make seven points. The present value
2 in current dollars of the profits in the Klamath dams since
3 they were built numbers in the billions of dollars. This
4 rivals the losses of values from the salmon fisheries of the
5 Klamath; (2) one tenth of these profits, had they been put
6 into a dam decommissioning fund would have covered the cost
7 of decommissioning and the cost of replacement power
8 generation; (3) Mid-American Holding Company purchased
9 PacifiCorp for nearly $1 billion less than StarCar paid for
10 it. In a very real sense, the expectation of
11 decommissioning was already taken into account when the
12 price Mid-American paid for PacifiCorp; (4) the cost of
13 operating the Klamath dams are greater than their benefits
14 and the four dams should be removed; (5) if a
15 decommissioning fund were created for other dams that
16 continue to operate in the United States, this
17 decommissioning fund could go toward the cost of
18 decommissioning the Klamath and other dams; (6) economists
19 like to say externalize costs should be internalized; (7) in
20 conclusion, I'd like to say that internalizing externalities
21 means in common language, pun intended or unintended -- I'll
22 let you be the judge -- in common language, dams should pay
23 for all their damn costs. Thank you.
24 (Applause.)
25 MR. HJORTH: The next speaker will be Tom Westlow

1 -- I'm sorry. I apologize. The next speaker will be Jerry
2 Martien and Jerry will be followed by Bruce Campbell.
3 MR. MARTIEN: Thank you. I may wonder from the
4 DEIS because I've tried to follow the money. In the
5 consideration for relicensing of the four PacifiCorp dams on
6 the Klamath River I ask that FERC act on behalf of the river
7 and all those whose lives and livelihood depend on it. I
8 ask that you widen your draft Environmental Impact Statement
9 to include removing the dams that presently block hundreds
10 of miles of salmon spawning habitat and for nearly 100 years
11 have slowly killed the river.
12 I'm sure you realize that FERC has a heavy
13 responsibility in granting a license to dam a river. It
14 must balance private benefit against public and weigh the
15 gains and losses. But when the cost to the river becomes
16 vastly greater than the public benefit and when corporate
17 profit comes at too great a public expense, then I believe
18 that it is your obligation to refuse to grant it a license
19 to continue.
20 I ask you to value water flow as well as cash
21 flow. For too long the Klamath and other rivers have been
22 viewed simply as a means to energy and energy as a product
23 purely of capital. I ask you to include in your
24 Environmental Impact Statement all of the costs and
25 recognize that salmon have paid for our electricity with our

1 lives. I ask that the interest of the bio-region be put
2 before the interest of a billionaire from Iowa. Despite the
3 dismantling of the Public Utilities Holding Company Act by
4 our recent Congress so that Warren Buffets Mid-American
5 energy holding with 34 billion in assets can control 17,000
6 megawatts of power in multiple states and regions and goggle
7 up PacifiCorp's mere 161 megawatts for a mere $9.4 billion I
8 ask that your DEIS consider the prior rights and interest of
9 this region.
10 The proposed plan for the Klamath is a plan for
11 money, not for fish. It benefits Mr. Buffet to require
12 high-tech dead-end solutions to the problems caused by the
13 dams. That capital expense will come from his Berkshire
14 Hathaway Corporation, which owns Mid-American Holding which
15 presently loans capital improvement funds to his Mid-
16 American Energy at a whopping 11.5 percent. This helps Mr.
17 Buffett's dilemma of what to do with his billions, but they
18 may soon return to him in the higher rates paid by Mid-
19 American customers. The customers of PacifiCorp will
20 receive the same treatment if FERC follows its present
21 policies. We are returning to the power combines and trusts
22 of the 1920s with the same consequent bankruptcies. We are
23 also heading in the direction of an industrialize river kept
24 artificially alive by a Klamath freeway and fish
25 transportation system that will begin with the collection of

1 salmon in the lower river and drive the fish upriver in
2 management mobile salmon pools, operate the unloaders that
3 deposit them in the upper Klamath, maintain the bubble
4 machines and thousands devices that would assure the
5 reproduction and growth and feeding and then deliver young
6 salmon by fish limo back to the ocean where they would no
7 doubt in FEMA trailers to go to the sea again.
8 (Applause.)
9 MR. MARTIEN: This would create many new jobs for
10 many people and out-of-work fisherman and reward the capital
11 investment for Mr. Buffett handsomely at 11.5 percent. But
12 I employ you not to take this road. Please include in your
13 options all the costs and benefits to ratepayers, indigenous
14 people, fishermen, the Klamath and the salmon and I believe
15 you will decide it is time to remove the four dams. Thank
16 you.
17 (Applause.)
18 MR. HJORTH: The next speaker will be Bruce
19 Campbell to be followed by Wesley Chesbro.
20 MR. CAMPBELL: Good evening. My name is Bruce
21 Campbell from Santa Monica.
22 First, I'd like to urge the members of the public
23 here to send your written comments via snail mail. The FERC
24 website is the most arduous I've every tried to navigate in
25 an earlier attempt to comment, which I then gave up on

because it was due that very day and I didn't have a computer advisor on hand.

The alternatives in the DEIS are obviously inadequate due to the lack of the four dam removal alternative and it violates the National Environmental Policy Act because such a range of alternatives was not offered. It wasn't offered despite National Marine Fishery Service and Pacific Fisheries Management Council calling for the removal of all four major dams on the Klamath.

A supplemental DEIS will not save this document, thus a new DEIS is needed offering the full range of alternatives very soon. There will be a delay to allow the DEIS to emerge, unfortunately, though I sure prefer the unanimous vote the Humboldt Board of Supervisors, which calls for immediate removal of all four Klamath dams. The Klamath dams don't make sense for -- also, a new DEIS should include the California Coastal Conservancy's recent Klamath Dam sediment study.

The Klamath dams don't make sense for irrigation, don't make sense for flood control and don't make sense for the small amount of power they provide. The mitigation suggested in the FERC preferred alternative would be amusing if it wasn't so tragic. Fish trapped and haul, trapped and trucked in bubble machines. These band aid solutions sounds like kindergarten birthday party. We need to get real.

1 Fish ladders are not as effective as removing
2 dams and would cost twice as much dam removal, so they
3 aren't a good alternative either. Clearly, oxygen content,
4 water quality, water quantity, native fish habitat, toxic
5 algae reduction, indigenous cultural and spiritual
6 tradition, health of fish and other species, ratepayers and
7 fish consumers would all be better off with the removal of
8 at least the four major dams on the Klamath.
9 It's an odd logic, first of all, to dismiss the
10 federal administrative law ruling by Judge McKenna who ruled
11 that fish will be able to recolonize above the Klamath dams
12 and then for PacifiCorp and FERC staff alternatives to claim
13 that water quality above the dams is of too poor quality to
14 allow recolonizing fish to survive. Well, dud, why is it of
15 poor quality? Obviously, the main problem with Klamath
16 water quality is the dams.
17 Whether one gets scientific, technical, consider
18 indigenous wisdom or just go by basic logic, water is
19 essential for life. Water is healthier when it's flowing
20 and also note that the Klamath River drains the heart of the
21 most biologically diverse conifer forest in the world. I
22 noticed in a film shown across the hall that the Klamath was
23 separated from wetlands by a riparian wall on it side above
24 the Kino Dam in Oregon, thus losing the water-cleansing
25 ability of the wetlands to help the poor water quality of

1 the Klamath and I'm referring to the small fraction of
2 wetlands that remain following the massive draining of the
3 lower Klamath Lake under the Klamath Project.
4 PacifiCorp and Mr. Buffett and/or previous owners
5 should pay steep reparations for the severe damage that the
6 Klamath dams have caused since 1918. Have some respect and
7 see the light. It's time to undam the Klamath and respect
8 the food chain of Mother Nature and indigenous wisdom of
9 going in balance with Mother Earth. And if you care about a
10 cost benefit analysis, other than for company profit, you
11 would realize that dam removal would assist the upper
12 Klamath economy. Certainly, would greatly assist mid-
13 Klamath tribal and other economies and would greatly assist
14 ocean fishing communities from north of the mouth of the
15 Columbia River all the way down to San Luis Obopo and even
16 Santa Barbara counties.
17 Lastly, FERC must consider the effect of Klamath
18 dams on climate change, notably evaluate methane hydrates
19 from the stagnant cesspool behind the Klamath River dams.
20 Thanks.
21 (Applause.)
22 MR. HJORTH: The next speaker will be Wesley
23 Chesbro to be followed by Michelle Marta.
24 MR. CHESBRO: Good evening. I'm Wes Chesbro.
25 I'm the senator who represents Humboldt County, has

1 represented the North Coast for the last eight years.
2 First, I'd like to thank FERC for holding this
3 important hearing in Eureka. You can hear the frustration
4 in the voices of the people of this bio-region and I hope
5 you understand the reason why. But I do want to express my
6 appreciation for you taking the time to do your duty to hear
7 us out.
8 As an elective representative of California
9 residents throughout northwestern California, I am here to
10 offer my strong support for immediate action and commitment
11 to ensure the safety and the health Klamath River.
12 California's experience with the Federal Energy Regulatory
13 Commission has been less than ideal over the years, but this
14 is a new day and the communities on the North Coast are
15 counting on the members of the Commission to seriously
16 address the effects of their actions, not only on the
17 environmental quality of our region and specifically the
18 Klamath River, but also the livelihood and the lives of the
19 people here in northwestern California who depend on the
20 Klamath River.
21 After a review of the EIS, I am convinced the
22 FERC must make the four dam, not the proposed two dam
23 removal, the centerpiece of restoring the Klamath River as
24 an integral part of any hydroelectric relicensure. Today
25 we're talking about more than hydroelectric projects. We're

1 considering the overall health of the Klamath River and the
2 effect the vitality that river has on the rest of the state
3 and the nation. We face a crisis in California from the
4 collapse of the Klamath River fisheries and the decimation
5 of our ocean fishing industry.
6 The Administration in Washington has single-
7 handed created this disaster in the commercial and sport
8 fishing industries, but it's now up to FERC and the State of
9 California to help these people survive.
10 First, the federal government mismanaged the
11 Klamath River leading to the fish die-off and the
12 devastating decline of fisheries and then the federal
13 government has engaged in a blame the fisherman strategy as
14 though the fisherman created the problem and placed the
15 entire regulatory burden on the fishing industry. This is a
16 disaster not only for the fishermen, but for their families.
17 It's also devastating to our coastal fishing communities
18 like Bodaga Bay, Fort Bragg, Eureka, Crescent City, and as
19 the last speaker mentioned, on up and down the coast.
20 The State of California is proud of its diverse
21 cultural heritage. For the Yurok, the Hoopa, the Karuk --
22 the three largest tribes in our state -- salmon are
23 fundamentally important components of their unique cultural
24 identity. In addition, we have a strong commercial and
25 sport salmon industry that is both an economic linchpin and

1 a foundation of our original identity. Thus, the state's
2 interest in protecting the Klamath's salmon runs is more
3 than economic. It's also immoral imperative.
4 There is good news. California is prepared to do
5 its part to restore the Klamath River. In May of this year
6 the state budget, with me as Senate Budget Chair pushing for
7 it, was augmented by $10 million in general funds to provide
8 a down payment on the restoration of Klamath River
9 protecting the salmon and steelhead populations.
10 (Applause.)
11 MR. CHESBRO: But we are prepared to go much,
12 much further than that. We're pleased that last week the
13 voters of California approved Proposition 84 that provided a
14 broad range of funds for critical habitat and water
15 resources. As one of the authors and sponsors of
16 Proposition 84, I'm confident that out of the nearly $5.3
17 billion provided by voters, up to $5.25 million are in broad
18 enough categories that include coastal salmon protection and
19 North Coast water quality projects to include those funds
20 for the restoration of the Klamath River. As you can see
21 from the passage of this measure, it is clear that the
22 voters in the State of California are strongly supportive of
23 genuine protection and restoration of the Klamath River.
24 I would like to address the specific issues
25 raised in the draft EIS for the Klamath Hydroelectric

1 Project. The FERC draft document fails to adequately
2 address the needs of the Klamath River. I believe there are
3 two fundamental flaws with the document as prepared. First,
4 the underlying baseline conditions appears to be the
5 existing poor river quality that has, in fact, resulted in
6 the failure of the fisheries on the Klamath River. In order
7 to correctly assess the impact of licensing these projects
8 the pre-project should be the standard. Too often we see
9 rivers destroyed only to be told that it's too expensive or
10 too complicated to fix the damage that has been done. Today
11 FERC should insist on the highest standards of water quality
12 and not the lowest.
13 Secondly and fundamentally, the four dam
14 decommission alternative and removal on the Klamath River
15 must be the staff alternative. Simply dressing up the
16 PacifiCorp proposal with a few fish ladders and fixing up
17 the toxic campground is about as effective as putting
18 lipstick on a pig.
19 (Laughter.)
20 MR. CHESBRO: No offensive to pigs. The draft
21 EIS both fails to adequately describe and analyze four dam
22 removal alternative and fails to appropriately consider it
23 as the preferred option for the Commission to consider.
24 Additionally, I feel that it's important that the sediment
25 study completed by our California Coastal Conservancy on

1 whose board I serve, should be included as technical
2 information used by the Commission to make a decision.
3 So in closing, given the marginal amount of power
4 produced versus the cost of relicensing, we can work with
5 PacifiCorp and provide economic incentives to make dam
6 removal the least cost option for PacifiCorp. The State of
7 California stands ready to work with PacifiCorp to see these
8 dams removed, but FERC must take the action to mandate that
9 these dams be removed. Thank you very much.
10 (Applause.)
11 MR. HJORTH: Thank you. And the next speaker is
12 Michelle Marta to be followed by Dennis Mayo.
13 MS. MARTA: Hi. My name is Michelle Marta and
14 I'm glad that you're here. Thank you for coming.
15 I also would like to encourage you to consider
16 taking all the dams out. You'll hear from people like
17 tribal elders who can speak to this far more eloquently than
18 I, from commercial and sport fishers who can address the
19 situation more passionately and with more factual
20 information and Susie VanKirk's wonderful historic
21 perspective. All of these views support what I believe and
22 so I want to use the time that I have to talk to you three
23 personally.
24 I would like to know have you ever been to our
25 river? Have you ever done more than drive by? It's not a

1 rhetorical question. I'm really wondering have you been on
2 the river in a boat going upstream many miles?
3 MR. MUDRE: We have. But this is not a question
4 and answer session. This is just for your comments.
5 MS. MARTA: Well, this is my comment then. I
6 would like to invite you to come see the Klamath, to come
7 have a sense of why all these people are here and so
8 passionate and why the river is sacred to all of us and I
9 think that if you got on the ground, on the water and saw
10 what we were talking about in terms of what we see the
11 problems -- what are the problems and what we perceive to be
12 the problems and why it is so important to us that it might
13 help you understand why you get this enormous turnout, why
14 you get these people speaking so passionately on behalf of
15 the Klamath.
16 I urge you to -- you have a unique opportunity
17 right now. Yours is so much more unique probably than
18 almost anyone in this room. You have the opportunity to act
19 with courage, to be visionary, to be remembered after we're
20 all gone as the people who made it possible to restore and
21 save the Klamath River. I ask you to please think about
22 having a legacy like that. It's more than you can even
23 imagine. Thank you. Here's my name and phone number. I'm
24 very serious. I will arrange any sort of trip that you want
25 to take on the Klamath to get a better perspective for what

1 we're talking about.
2 (Applause.)
3 MR. HJORTH: Thank you. The next speaker will be
4 Dennis Mayo to be followed by Michael McLaughlin.
5 MR. MAYO: Thank you. I'd like to read you a few
6 brief comments from a letter that I wrote to Mr. Buffett.
7 I'm going to say some pretty hard things to some of the
8 members of the different factions in the community. I hope
9 you'll bear with me because they need to be said to put our
10 perspective in focus.
11 My name is Dennis Mayo. I'm a native Humboldt
12 County boy. I'm here tonight to make comment from the
13 farming/ranching communities. I'm also a recreational
14 fisherman and a commercial fisherman and I'm an avid duck
15 hunter. I farmed and ranched throughout the upper Klamath
16 and here in Humboldt County and I currently have stock on
17 feed in the upper Klamath Basin. My community is sick of
18 the almost zenaphonic way many groups in the environmental
19 community have treated us. It has to stop.
20 In the past we have been pitted against the
21 Native American culture. We've been pitted against the
22 fishermen and vise visa, when the truth is that it's the
23 management that's to blame for these problems not us. We
24 groups have to come to grips with the difference in your
25 rhetoric and the reality that your dream of a no logging, no

1 resource producing, vegan world will develop into a value-
2 added utopia.
3 Well, what has happened to rural California is a
4 destroyed culture. It has been replaced by a
5 methamphetamine culture. And believe me, if you think the
6 methamphetamine problem in Eureka is bad, you get out in the
7 sticks to some of these places where we used to have logging
8 and production and work. And guys I'll tell you the
9 methamphetamine problem is a scourge.
10 On the other end of the equation is the same
11 exact destruction in the Klamath River and that is being
12 cause by the pipe dams. Both these models are without
13 balance. Farmers, ranchers and fishermen look at things in
14 a very pragmatic and balanced way. It's the way we live our
15 lives. We know there is no guarantee in success in our
16 daily lives. There's just the surety that our hopes and our
17 prayers, our successes and failures come from our own hard
18 work and determination, not from the promise of some damn
19 entitlement program or some young college kid's summer of
20 tree setting.
21 Some of you may know this. Some of you may not,
22 but I got absolutely no support from these groups as I
23 battled the last five years to protect the last 27
24 commercial surf fishermen at Redwood National Park. These
25 groups have their sites set on destroying the few remaining

1 grazing permits we have and they have put the stake in the
2 livestock industry in great peril with their ridiculous bans
3 on the slaughter of horses.
4 So when I come here tonight, I have to say those
5 things so you understand the importance of what we want to
6 say about these dams. I want FERC -- I come here tonight to
7 let you know that it's important that FERC hears that up-
8 river irrigators, of which I am one, farmers and ranchers do
9 not trust the environmental groups to do the right thing by
10 us, by the property owners living by the lakes created by
11 these dams. What we want to tell FERC is that we don't need
12 these dams. We don't need it for our irrigation. We don't
13 need it for flood control. We're getting no benefit from
14 the meager electrical output. That these dams have not only
15 lived out their usefulness as electric generators. They
16 might also have lived out the life blood of the Klamath
17 salmon population. And if that's true, also dies the life
18 blood and the soul of our Klamath native peoples and that's
19 unforgivable.
20 We want to tell FERC, the board, you that we will
21 see to it that our neighbors are not stomped on, broken and
22 bankrupt as you make sure these dams are decommissioned. I
23 employ the environmental community to move towards us,
24 specifically, I'd like to say to the North Coast
25 Environmental Center pull that discriminatory caricature of

1 a fat cowboy/potato farmer with his pockets stuffed full of
2 cash that's on your webpage. Pull it. And turn a new page.
3 Find a balance that we live with and let's find a new
4 approach. You guys can do that and this a time and this is
5 a watershed time when we can put some real distance and
6 bring us together.
7 I'll commit to you that I'll do that and here's
8 what I've done. I wrote a letter to Mr. Buffett and I'm
9 paraphrasing that letter and I'm going to the farmers that I
10 know -- hundreds of them -- and we're writing to him. And
11 although Supervisor Geist was spot on about one direction to
12 take in this, we have a parallel track that I think is spot
13 on as well and I'd like you all to join with in the chorus
14 to the statement that I made to Mr. Buffett in my personal
15 plea to him when I told him, Mr. Buffett, do you remember
16 what Ronald Reagan said? Let's change it slight. Mr.
17 Buffett, tear down these dams.
18 (Applause.)
19 MR. HJORTH: The next speaker will be Michael
20 McLaughlin to be followed by Petey Brucker.
21 MR. McLAUGHLIN: Hello. My name is Michael
22 McLaughlin. I'm a resident of Humboldt. You'll be getting
23 quite a number of -- quite a bit of written material
24 concerning the technical specifics of that would seem to
25 require the only recommendation to be removal of Iron Gate,

1 the two Copco and J.C. Boyle the DEIS failing to address its
2 option of all the dams is the problem with the draft
3 Environmental Impact Statement.
4 Before I get into a little bit of economic ideas,
5 my first concern is with the process that allows licensing
6 in the first place. The United States I believe had prior
7 treaties with four nations on the Klamath watershed and
8 these people have been massively impoverished by violation
9 of these agreements and I don't understand how regulations
10 can be made and licenses granted in violation of treaties,
11 which Article 6 of the Constitution points out that along
12 with itself as supreme law of the United States there's a
13 ladder of law. It's Constitution, treaty, laws and then
14 regulations and I don't understand how regulations can
15 supersede these things, these treaties with the formations.
16 Now however, we know that we hear of good reasons
17 and you'll get good reasons for removal of the four dams.
18 In addition, Kino seems to be a failed project. It's
19 impounded waters never had the hydraulics to provide
20 hydroelectric power. Why isn't that dam removed or at least
21 why isn't it suggested that that dam be removed? I don't
22 know whether that particular dam offers sufficient
23 irrigation to mitigate irrigation problems.
24 The wetlands could be restored by removal of
25 diking above Kino. In any case, the mitigation

1 recommendations offered in the draft are really economically
2 and practically insufficient. They're almost farcical.
3 This has all been addressed and we have a chance to recreate
4 a resource here to help the salmon to improve the area
5 economically at very, very small costs. These dams are
6 operating and will operate at a loss and so they should be
7 removed.
8 The anisic waters produced behind the dams and
9 the significant methane hydrate production USGS says this
10 greenhouse gas is a problem. There are no extranologies,
11 gentlemen. We, in environmental impact and in economic
12 impact, what we're seeing here with the continuation of this
13 problem of the Klamath being dammed are affecting the
14 western Pacific. They're affecting the economy of --
15 they're vesting affecting the economy of coastal communities
16 and the four nations involved. They're further
17 repercussions. The increasing evidence of the impending
18 salmon collapse in ocean fisheries is not unrelated.
19 Offering nonviable plans just isn't going to work and I
20 think that everyone here should find the technical
21 information and send in a written fashion so that FERC can
22 get a full estimate of to put in a final Environmental
23 Impact Statement.
24 (Applause.)
25 MR. HJORTH: The next speaker is Petey Brucker to

1 be followed by Joanne Rand.
2 MR. BRUCKER: Good evening. My name is Petey
3 Brucker. I come from Salmon River. I work for the Salmon
4 River Restoration Council and the Klamath First Alliance.
5 You know I want to talk about two things. One is
6 process and then some key topics in the document. The DEIS
7 came out a few days after the administrative law judge's
8 decision occurred. A few days before, right. A few days
9 before and so it didn't incorporate any of the decision
10 points or the opinion in there, which I think it should. It
11 needs to include that in order to be complete, to have the
12 facts correct.
13 The next thing that happened is the DEIS does
14 make some recommendations and some basic conclusions and I
15 think those are looking like it's pre-decisional making and
16 that wouldn't be consistent with NEPA. The third thing for
17 process is that the -- I agree with the comments before me
18 that the full range of alternatives with four dams that
19 needs to be considered. And in fact, that would be the best
20 recommended as the preferred alternative for the staff
21 because it's going to be the cheapest alternative and the
22 best for the river and for the people as well.
23 And then the staff alternative that is there does
24 obscure some of the findings in the disclosure about what
25 would be the impacts, both the positive and the negative

1 impacts of the removal of the two dams and then for truck
2 and haul to be the way to look to try to introduce the fish.
3 So for that for process, I would recommend that you
4 basically withdraw the current document and make a
5 supplement so that it would include all these things for a
6 draft so then you could analyze that.
7 I'd say as far as some of the issues that are
8 involved in the document -- I didn't thank you. I really
9 appreciate your coming here. So thanks to be able to hear
10 this and I'll provide you written comments, too.
11 The fishery introduction is -- what's in the
12 document at this point really is inadequate. It's not
13 likely to succeed, although the administrative law judge
14 says it would it could handle as best as possible. I
15 focused on spring chinook a lot because in the Salmon River
16 that's where the last large population -- not large, but
17 last year we had 90 fish. But that's the last population of
18 springer is there and they used to be largely above the dams
19 initially and that's the homeland they need to get back to
20 and they're really having a problem currently because with
21 such a small population in the Salmon River we need a larger
22 meta-population in the Basin for them to be viable over
23 time.
24 Some of the things like the water quality that's
25 occurring in the river right now is really making it

1 difficult for the fish to survive currently and I want to
2 stress that we need to fix that up, certainly the toxic
3 algae and the algae in general is creating a lot of problems
4 such as oxygen and the nutrients that are being put into the
5 river contributing to that, and if you take the dams out
6 that will improve that.
7 And also, if you remove the dams for water
8 quality, the temperature conditions will be improved for
9 fisheries, both in the winter and also in the summer. I
10 will tell you more in my comments when I write them.
11 As far as Kino, I think you shouldn't just ignore
12 Kino or you can't drop Kino just out of the document. The
13 Federal Power Act really requires you to address it in one
14 way or another. It says that you either have to include an
15 assessment and disclose what the impacts would be if you
16 kept it in the project, which it really does act to help --
17 they currently use it as storage and they also use it to
18 regulate flows, so that's why it is actually in the project
19 and should be addressed that way. If you wanted to take it
20 out of the project, you really have to go through an
21 analysis to decommission it or drop it out, what would be
22 the impacts of the changed management for it.
23 So then the last one is, for me, the
24 socioeconomics impacts really. They've been certainly quite
25 intense for the folks in the lower river. Certainly, the

1 tribes and the non-tribal people there. The public trust
2 and the tribal trust issues need to be more adequately
3 addressed so that you can meet those requirements so that
4 the cultures that are on the river can maintain. The
5 Klamath Riverscape, as Susie VanKirk talked about, are very
6 important to address. They are at least significant
7 historical features in our country that we need to take care
8 of.
9 The California Energy Commission recommends
10 removal of the dams because the power is so low that we
11 should remove them. Removal of the dams would be the
12 cheapest way and would be better for ratepayers for the PSC
13 process than trap and haul or one of the other programs.
14 So in closing I'd say that -- yeah, and that, you
15 know, these impacts that have been happening throughout the
16 Basin in 2001 and 2002 and 2005 and continuing to happen to
17 fisheries they're accumulating and they're kind of coming to
18 a head now. So I think it's not just look over the last 50
19 years. The last 5 or 10 years has been particularly
20 intense. So we ask you to address those and I'll send you
21 more.
22 (Applause.)
23 MR. HJORTH: Okay, thank you.
24 Those standing in the back there's a number of
25 vacant seats up here. I am also hopeful that those who

1 weren't able to come in because we were exceeding the fire
2 code now that we have some space here I hope they're perhaps
3 be able to come in. Thank you.
4 The next speaker is Joanne Rand and she will be
5 followed by Brock Nedland.
6 MS. KING: Hi. I'm not Joanne. She asked me to
7 take her place and I'm actually further down on the list.
8 My name is Joyce King and she -- unfortunately, she couldn't
9 stay. She's a wonderful performance artist from this area
10 and she was going to treat everybody with a song. I'm sorry
11 you all had to miss out on that.
12 There were five other people -- at least five
13 other people that I know personally that who had to leave
14 early and asked that their sentiments be put on record as
15 pretty much everyone who has come before me. Two of them
16 are from the Hoopa Tribe and couldn't get in. I think there
17 were quite a few people who left early because they couldn't
18 come into the room and also they saw that it was going to
19 last a very long time.
20 So one of the things that I would like to suggest
21 for the next time. I assume we're going to have another
22 opportunity to comment on the final EIS or some other step
23 down the line. Is that true?
24 MR. MUDRE: We don't typically have a comment
25 period on the final EIS, although if the document changes so

1 much between the draft and the final and there are new
2 analyses and things like that in there, then in those cases
3 we would ask for comments on the final.
4 MS. KING: Good. And in that case, I would
5 strongly recommend getting a larger room and maybe starting
6 earlier. As you can see, we have a huge number of people
7 here from whom this is a very important issue. And I hope
8 that the suggestion that the DEIS be amended or that a
9 supplement be added be taken and I would imagine that would
10 trigger another round of public hearings or public comment
11 because it sounds like we have significant new information
12 to be added to this document and my understanding is when
13 that happens it does trigger a new round.
14 MR. MUDRE: That's what I said. If we do have a
15 new analyses and things like that in there, we would
16 typically ask for comments.
17 MS. KING: Okay. And like I said, everybody is
18 hoping that you will address the request for a fuller range
19 of alternatives, including the four dam removal and a full
20 cost benefit disclosure and the significant new information.
21 Thank you.
22 (Applause.)
23 MR. HJORTH: The next speaker will be Brock
24 Nedland to be followed by Marge Salo. Is Brock here, Brock
25 Nedland?

(No response.)

MR. HJORTH: Then Marge Salo.

MS. SALO: My name is Marge Salo. I thought you'd never get to my name. But anyway, I'm a commercial fisherman and a vessel owner of a California-permitted salmon vessel. She's moored in Woodley Island. We're getting ready for crab right now. Hopefully, we'll get to start to pulling pots on the 1st of December because financially the people who rely on fishing for livelihood have been slammed hard. My husband has been working a seasonal job during the time that we would be salmon fishing and our two deck hands have been on unemployment all summer and spring. It's not the way things are supposed to be.

Thank you very much for coming, John and the other two gentlemen. I really appreciate it because I'm disabled and I don't drive and it's almost impossible to try to get transportation, you know, like to Medford or Redding or somewhere else because they Greyhound Bus has really, really cut their scheduling out of here, including out of Eureka. So I really thank you gentlemen for thinking that our opinions really matter because you know they really do.

We're on the end of all of this on the Basin and a lot of information has been given tonight. I'm not going to repeat it. Talks about the toxic algae, the water quality, the warmth of the water, the historic runs that

1 were here which mainly spring chinook. It's hard for me to
2 say chinook because in my industry we say kings and silvers
3 and so I may mess up once in a while. Our vessel, as most
4 salmon trolling vessels, are Mom&Pop operations and that's
5 exactly what we have. She's a 39-foot double underwooden
6 monterey that was built in 1929 in Sausalito. We've put our
7 hearts and souls into her as well as about $75,000 to have
8 her rebuilt over the years and also putting the wheelhouse
9 on. We're heavily regulated through the PFMC, National
10 Marine and Fisheries, the Department of Fish and Game and
11 you gentlemen well know this has been a limited entry
12 fishery for quite a few years. So you just can't go
13 commercial fishing for salmon or right now for anything else
14 except albacore.
15 The four dams in question not only need to be
16 suggested, but I really believe that it needed to be stated
17 in the Environmental Impact Statement, which I haven't read
18 because I'm not good on a computer and I see how thick it
19 is. So John I will alleviate you of about 500 pages, which
20 should be about 8 pounds of paper. I do need to get a copy
21 of that. I do intend on also writing as well. But the four
22 dams in question -- Iron Gate, Copco I & II and also J.C.
23 Boyle -- they need to be decommissioned and removed as
24 immediately as possible.
25 The Klamath River has been in the throws of dying

1 for a long time. We've had a lot of just juvenile salmon
2 way before the adult kill. In fact, it's almost every year
3 thousands of them die. The water conditions are poor and
4 I'm not going to try to reinvent the wheel by telling you
5 guys that. I would like to just tell you that years ago on
6 the Mad River there was a dam that was decommissioned right
7 before you started working John called Swayze Dam. They
8 decommissioned it and decided to blow the dam to take it
9 out.
10 They blew the dam. They dynamited it. And when
11 they did tons of silt behind that dam -- because it was
12 pretty well silted up -- went down the river along with a
13 bunch of rubble. Today we have a very, very big problem
14 with silt in the Mad River. Not all of it came from Swayze
15 Da, but a lot of it has come from blowing Swayze Dam. That
16 covers up the spawning gravel. It doesn't get flushed out
17 when the water gets real high because there's more sources
18 of silt coming in.
19 I would ask you gentlemen that you would really
20 insist that those dams be decommissioned and removed
21 properly. That regardless of the silt is toxic or not
22 because I haven't read that particular report everybody's
23 been referring to that silt needs to be removed and those
24 dams need to be dismantled properly so that it doesn't
25 affect the quality of that river, which literally is on its

1 last leg. The salmon are on their last leg in that river.
2 The numbers that are given now by KMFC about the escapement
3 levels which haven't been met in three years -- in fact, I
4 think they lowered them -- of 35,000 those are in the fall
5 chinook salmon. That river was not notorious for producing
6 a large amount of fall chinook. That river was noted for
7 producing a very large amount of springers, which are really
8 a better quality of fish for food consumption. They need to
9 go up into the upper reaches to spawn. They stay in the
10 river and in fresh water for a long time in deep pools. If
11 they don't have that, they're dying. Now its springers
12 they're dying out as some of the gentlemen have said before.
13 For us, in my industry I just read the latest
14 copy of Fishermen's News, Lucy Grader from PCFFA writes a
15 column in there and this was mentioned, encouraging
16 everybody to either write or come to a meeting. It's almost
17 virtually impossible because right now we're getting ready
18 for crabbing -- you know, moving bear, things like that and
19 everybody's getting antsy talking about price negotiation
20 and everything. I did read in the article where between the
21 mouth of the Columbia River and down to, I believe it is Big
22 Surf in California, one out of 60 to 70 fish, providing
23 you're not in the Klamath management zone -- you know where
24 that is, don't you, John? Okay. I figured that.
25 If you're down south or you're up north and

1 rigging, one out 60 to 70 fish that may catch personally --
2 salmon I'm talking about -- is a Klamath River salmon.
3 They're working on a way not to try to distinguish, as was
4 brought up earlier, a Sacramento run from that one Klamath
5 fish. Okay. We also use hooks. In fact, we're regulated
6 so heavy they even measure the gap between the point and the
7 shank on our hooks. They also do that on the sport fishery.
8 It was also said that if the Klamath River could
9 be restored, not even close to historic levels, that the
10 economic benefit to not only people on the coast, but also
11 to the people in river communities, the tribal fisheries,
12 hopefully, the could get a commercial fishery going if they
13 wanted to. It would be $4.5 billion a year and you're
14 talking about a lot of area, but you're also talking about
15 tens of thousands of people who got hit hard, just not the
16 commercial fisherman. There's a lot of businesses that
17 support us. The Native American fisherman they got hit
18 hard. I don't even know if they were able to catch enough
19 fish to feed their own people.
20 The sport fisherman, they bring in the most
21 money. I've had people when I've been down at the boat,
22 they've wanted me to take them sport fishing. I couldn't do
23 it. One man was from Missouri. He had tears in his eyes.
24 That had been his dream. His wife was with his daughter
25 down at the mall and he wanted to go salmon fishing. He was

1 willing to pay anything. I said I'd take you for free if I
2 could, but I can't. The boat stays tied up. Something has
3 to be done about this and something has to be done about it
4 now. And it's not an option any more and it's not -- I
5 don't even think it can be put in the Environmental Impact
6 report as even being a suggestion among others. It's got to
7 be done. Forget the economic standpoint. There's tens of
8 thousands of people who are being literally at the beck and
9 call of PacifiCorp and the second most wealthiest man in the
10 world.
11 Now I think if he can give $30 million to the
12 Gates Foundation, which the -- billion. Yeah, I got my
13 zeros mixed up -- $30 billion -- I think the guy can afford
14 to make his company pay through these other companies he
15 owns to remove those dams and remove them properly and you
16 guys should insist on that. You really should. My
17 livelihood is dependent upon it.
18 (Applause.)
19 MS. SALO: And just in closing, John. I know
20 I've gone over my two minutes. I've been going to these
21 meetings for a long time and coming to the FERC meeting we
22 had to fight for a couple of years ago. I'm getting tired
23 of asking or suggesting. I'm going to make a demand. I
24 demand you guys do that right. You're working for us and
25 you're killing us and it's not anything about money. You're

1 killing our spirits. We, too, in commercial fishing have
2 culture. People who love to sport fish also eat those fish.
3 They look forward to fishing the Klamath River, going out in
4 the ocean and fishing every year and I don't even have to
5 mention about the tribes that have been affected. My God,
6 there's been enough said about that. But I'm going to
7 demand that that report says PacifiCorp you take out those
8 four dams and you do it right because we don't want another
9 screwed up river like the Mad River after you blow them up.
10 I'm sorry. I lost my temper. Thank you, John.
11 (Applause.)
12 MR. HJORTH: The next speaker will be Chris Bryan
13 to be followed by Susan Corum.
14 MR. BRYAN: Hello there. Thank you for this
15 opportunity to speak. My name is Chris Bryan and as a
16 student of College of the Redwoods and a fisherman as well
17 as an outdoorsman, I'm here to echo the sentiments of my
18 fellow constituents to remove all four of the dams as the
19 proper course of action to take. Like the
20 grandfather/grandson, I too believe the voices shouldn't be
21 confined and compromised if I don't abide the EIS criteria.
22 As the speakers before me, they all brought credit to the
23 scientific facts that make a decisive action necessary.
24 I lived and worked for two years with the
25 California Conservation Corps on the Klamath River watershed

1 with enhancement of the sacred land shoulder to shoulder
2 with the Yuroks to clean up the river banks and in the two
3 years I put a lot of hard work, blood and sweat in the
4 enhancing of the salmon habitat and the Klamath River
5 watershed. I firmly believe that we need to attune
6 ourselves to the obvious signs of degradation to the river
7 and it's in our vested interest to work together now. There
8 are enough vested interest that with the removal of these
9 dams we could all benefit.
10 I firmly believe that the California Conservation
11 Corps would be a huge assist once those dams are removed to
12 monitoring the stages in the health of the salmon as well as
13 implementing any necessary tools, for lack of a better word,
14 to allow the salmon to thrive and I just wanted to --
15 somebody earlier touched on it and you know extinction is
16 forever. We need to look at this situation now and remedy
17 it while we have a chance to make a course of action that
18 will make a difference because we see all of these serious
19 repercussions -- the algae blooms and the fish kills have
20 provided in this area. Thank you.
21 (Applause.)
22 MR. HJORTH: Thank you. The next speaker will be
23 Susan Corum followed by Thomas Dunklin.
24 MS. CORUM: Hi. I'm Susan Corum. I'm the water
25 resources coordinator for the Karuk Tribe and I'm here today

1 to talk about the draft EIS. I was looking at Section
2 3.3.2.4. The one that talks about unavoidable adverse
3 affects and you guys say that the project, as proposed,
4 would continue to affect temperatures in the Klamath River.
5 So it's just going to happen if we leave the dams in.
6 It also says that the proposed actions to reduce
7 temperatures would only be a temporary fix like when they
8 talked about doing flow releases that would only last a
9 couple of days, maybe a couple of weeks and would only drop
10 it by a couple of degrees. To me, this is a band aid fix
11 and that's not what the Klamath River needs. We don't need
12 another band aid, please. The Klamath River need real
13 action to fix water quality issues that are so prevalent in
14 the Basin.
15 According to PacifiCorp's own modeling that's
16 right before that section, that without project scenario
17 below Iron Gate would have warmer temperatures in the spring
18 and cooler temperature in summer and the fall than with the
19 existing project. To me, this is clearcut that says, if we
20 want to fix water quality issues, particularly temperature
21 dissolved oxygen, we need to remove the dams. Therefore, to
22 reverse those things so that we can -- the water
23 temperatures are just so critically impacting all tribal
24 species -- spring chinook, fall chinook, green sturgeon,
25 Pacific lamprey and these are the species we really need to

1 work on restoring.
2 Another thing, water quality concern that is not
3 adequately addressed in the draft EIS is toxic algae. The
4 Karuk Tribe -- I've been leading this project -- we've done
5 extensive monitoring on the toxic algae in both Copco and
6 Iron Gate Reservoirs for the past two years and let me tell
7 you it's really bad. You guys have seen the data. And I
8 also wanted to let you know we're going to be submitting a
9 new technical memorandum that talks about the 2006 data
10 because this year on July 27th we had 393 million cells per
11 milliliter of microcystis aeroginosa in the red spores.
12 Perhaps 393 million cells that you fit on the tip
13 of your finger per milliliter. I mean that's just an
14 amazing amount of this toxic algae and it's just not
15 acceptable. And you guys even talk about in the draft
16 document that the way to reduce this is going to have to be
17 able to get rid of the habitat for this toxic algae. The
18 habitat for the toxic algae is slower still water. It's
19 warm and it's nutrient rich and that's what these reservoirs
20 are providing. It's the perfect habitat to grew toxic
21 algae. So the only way to really remedy the situation,
22 which you guys point out when you talk about removing Copco
23 I and Iron Gate, is to remove the dams.
24 And you also talk about how PacifiCorp shouldn't
25 have to monitor down river of the dam because there's not as

1 much risk of toxins down there. Now we had over 40,000
2 cells per milliliter at Seiad Valley, which is in the heart
3 of Karuk country and according to certain guidance,
4 particularly the ones that have been adopted by Humboldt
5 County, the Yurok and Karuk Tribes, 40,000 cells is when we
6 start warning the public. So there is a public health
7 threat that is occurring in the river and also in places
8 where the algae is allowed to regrow like in back waters.
9 We had over 2 million cells per milliliter in 2005, which is
10 over 20 times higher than the guidance for moderate risk
11 level. So to say that there is no impact down river of Iron
12 Gate Dam that's a risk public health is not acceptable.
13 It's not right.
14 And also this is happening in August and
15 September and July, October -- all those months when we have
16 lots of tourists here. We have, you know, people
17 recreating, community members are in the river and also this
18 is a very high use for ceremonial use and for subsistence
19 fishing. So this is very important to the tribal members,
20 community members. It's also important to our economy
21 because we have tourist that come through that raft and do
22 fishing and all sorts of things.
23 Also, one of the things you guys say we can do to
24 control the toxic algae is to use an algicide and
25 microcystis. I would really hope that you would not use

1 that because what happens when you use an algicide is you
2 lice the cells open and what that does with this algae is it
3 releases all the toxin at once. So what you're going to do
4 is you're going to release all the toxin that's in all the
5 algae in the water into the reservoirs and into river all at
6 once, which will be very detrimental to public health. So I
7 hope you guys do not use that as an option. The only way to
8 do that is to remove the habitat and that is to remove the
9 dams.
10 So we will be submitting written comments to you
11 and like I said, we will be giving you a technical
12 memorandum with the 2006 toxic algae data. Thank you very
13 much.
14 (Applause.)
15 MR. HJORTH: The next speaker will be Thomas
16 Dunklin to be followed by Mark Miller.
17 MR. DUNKLIN: Hello. I'd like to thank you for
18 the opportunity to provide comment. My name is Thomas
19 Dunklin. I'm a geologist/humophologist working in
20 restoration of North Coast streams for the last 15 years.
21 My specialty really these days is in fish passage and over
22 the last 10 years I've been researching and documenting the
23 success stories behind fish passage projects and restoration
24 efforts and one of the conclusions that I've come to very
25 clearly is that techno fixes do not work, retrofits do not

1 work, fish ladders do not work, trap and haul does not work.
2 Things that work are what we call stream simulations.
3 Things that you actually mimic, the conditions the river
4 within the fish passage structure. I'm talking mostly about
5 roads and road-related type of features, but the same thing
6 applies to dams and there is no way to mimic the features of
7 a river with a dam in place. So dam removal is really the
8 only option that see in order to restore the health and
9 productivity of the Klamath fisheries.
10 The conditions within the reservoirs are so
11 unhealthy that the water quality conditions all the way
12 downstream are really unacceptable to fish and recently --
13 last year there was a workshop and the fish health
14 conditions, a topic which I only saw minimal coverage in the
15 EIS, and I think this needs to be remedied. There needs to
16 be very close attention to what the water quality effects of
17 the surrounding mix of Shasta and Parva Capsula infections
18 on the downstream migration of juveniles.
19 If fish ladders were installed and if trap and
20 haul measures were taken up, it would have no impact on the
21 juvenile fish kills and those juvenile fish kills are likely
22 to lead to the demise and destruction of Klamath stocks in a
23 frightening, frightening way. So in the restoration world
24 techno fixes do not work and we really need to start to
25 emulate the natural processes that exist and the simplest

1 and most straightforward way to do that is by removal of
2 these dams.
3 It's been said many, many times tonight. I think
4 our numbers are counted, so I want to say again the
5 inclusion of the removal of the four dams needs to be one of
6 the alternatives. I don't understand why it was not
7 included in the draft EIS and I would like to see that
8 included. Thank you very much.
9 (Applause.)
10 MR. DUNKLIN: I'd also like to submit these two
11 disks. One is a disk that has a collection of that whole
12 fish health workshop and the other is a disk called Fish
13 Passage Success Stories that documents the rapid recovery
14 that happens after fish barriers are removed and I want to
15 cite two cases. One in Butte Creek were dams were removed
16 and flows were restored and the population of spring chinook
17 bounded back in a course of less than 10 years. The other
18 case is up in Agency Creek in the upper reaches of the
19 Klamath Basin where a small dam was removed and within four
20 days dam removal red band trout came back into that system.
21 So dam removal does result in very rapid reintroduction of
22 species. Thank you.
23 (Applause.)
24 MR. HJORTH: Thank you. The next speaker will be
25 Mark Miller to be followed by Richard Stein.

1 MR. MILLER: Hello. I wanted to thank everybody
2 for coming out tonight and listening to us. And anything I
3 say to FERC is not directed at you three, it's just to the
4 entire bureaucratic organization.
5 I'm very curious as to the scientists who came up
6 with these decisions that are clearly in violation of the
7 Endangered Species Act. The FERC draft EIS, by ignoring the
8 four dams as being the primary cause of a toxic algae
9 microcystis aeroginosa and the lowered -- the higher water
10 temperatures and the lowered dissolve oxygen content that
11 are all responsible for the salmon die-offs that we've seen
12 progressively from the worst case in 2002 and just the
13 lowered population of salmon and I would like to challenge
14 some of these scientists for a public debate we're having
15 here, but like a question and answer. Where are they coming
16 up with this information because it's clearly obvious that
17 by removing the dams the problems that the salmon are facing
18 currently with the dissolved oxygen -- it's like
19 suffocating, you know. They're suffocating the salmon. The
20 toxic algae is now infesting all these reservoirs. If you
21 want to remove the toxic algae, the only thing you can do at
22 this point is remove the dams. They've already gotten into
23 the reservoirs.
24 And without being redundant to keep going with
25 what everyone else is saying, there are other things that

are going on, too. When you have water backed up behind the reservoir, it's evaporating at a higher rate. There's is also transpiration from the algae themselves because they are breathing also and they're taking up water in the process of doing that. They're evaporating all this water. That's water that neither the salmon nor the farmers can have and it's not fair to have the farmers, the fishermen and the sovereign tribes -- the Yuroks, the Hoopas, Karuks and the Klamath all fighting amongst this water when the dams themselves are causing more water to evaporate by blocking the water and raising the temperature and having a higher surface area where there is more evaporation. So there's that and then there's the fact that the salmon themselves are not accessing their breeding ground, which would also, by removing the lower four dams, allow them passage into these other tributaries of the Klamath where they can have a safe place to spawn and to have their young come up.

For the sovereign nations that are residing along the Klamath Basin, the salmon is very, very important. To deny them access to their salmon is a form of cultural genocide and I repeat that. Cultural genocide because for FERC to know this, what we did 50 years that's neither here nor there. We already have the knowledge that now, today in 2006 these dams are causing the salmon to go extinct or

1 extirpated from the Klamath ecosystem and there are four
2 sovereign nations who are dependent culturally, physically,
3 spiritually dependent on the salmon. To not have them have
4 access to the salmon by keeping these dams in place is
5 contributing to cultural genocide. We will find whoever is
6 responsible for making these decisions, whether it be at
7 FERC, whether it be a PacifiCorp and we will hold them
8 accountable in a world court for committing genocide against
9 four sovereign nations who reside along the Klamath River.
10 (Applause.)
11 MR. MILLER: So when returning to Washington,
12 D.C., take a walk along the Potomac -- that's your river out
13 there -- and see what it's like. Would you swim in the
14 Potomac on a warm day? I mean it's a different climate,
15 right? Would you eat fish out of the Potomac. We have a
16 clean river. We have the potential to have a healthy river
17 restored from the way it was 50 years ago, 100 years ago.
18 We can see the salmon populations come back within 10 years
19 if the dams are removed. The salmon population can probably
20 double within 10 years, triple or quadruple within 15 years
21 if the dams are removed and have a restored, healthy river.
22 That's what we want out here on the West Coast.
23 I don't know what you guys do out in D.C. where
24 FERC is, you know, making all these decision, which really
25 they're not asking us what we want to do with our river that

1 we have live near this river. The people in D.C. should
2 decide what they do with the Potomac and the people who live
3 in Klamath should decide what we do with the Klamath River
4 and we want the four lower dams -- Iron Gate, Copco I, Copco
5 II and J.C. Boyle to be decommissioned and removed and we
6 want the Klamath River restored. Thank you very much for
7 your attention. Have a good day.
8 (Applause.)
9 MR. HJORTH: The next speaker will Richard Stein.
10 Is Richard here?
11 (No response.)
12 MR. HJORTH: The next speaker is Doug Smith.
13 MR. SMITH: Hi. My name is Doug Smith. I come
14 from a fishing village in Trinidad. Today is a sad day. I
15 was hoping to come here -- I was here at the last scoping
16 hearing and I was hoping to come here and see a good draft
17 report that we could all support and I have not heard one
18 person in this room support any of it. I can imagine at the
19 other meetings it was pretty unanimous that you guys are
20 doing a failed job. And you know this is a decision process
21 and we need to think like a salmon. You need to think like
22 salmon do. You up that river and when you get to the dam,
23 what do you do as a salmon? You keep beating your head
24 against that dam and the salmon can only think of one way
25 and that's to go to the headwaters, go to that clear, clean

1 spring and have their young and without those dams in place,
2 we're going to have unrest. We're going to have public
3 unrest and it's going to be your responsibilities, as public
4 agencies and personnel of those public agencies, because
5 we're going to have public unrest. We had this with
6 headwaters. We had the timber war. We've had salmon wars
7 in the '50s and '60s and I don't like -- you know, I wasn't
8 around here when that happen, but I hope that those days
9 don't return. There was gunfire. There was out and out
10 battles and I hope those days never return, but I was part
11 of the timber wars. I'm standing here saying that I will be
12 part of the salmon wars. These dams -- there's been war
13 declared on these dams. These dams need to be pulled and
14 propose that people go up there, rock by rock -- these dams
15 were created by adding one rock at a time to that river.
16 Some of these dams can be pulled in the same manner. Just
17 each person go up and take one rock away and go home with
18 it. Thank you.
19 (Applause.)
20 MR. HJORTH: The next speaker is Mark Mallick.
21 Matlock -- excuse me -- to be followed by Andre Cramblit.
22 MR. MATLOCK: Well, thank you for this chance to
23 speak to you. There's been a lot said here tonight. In
24 fact, about half of my speech has already been said, so I'm
25 just going to cut to the chase.

1 You are educated people and you're here and
2 you're listening to our concerns and we appreciate that.
3 But one thing that I don't think you understand is how
4 closely we, as a people, are related to these fish. The
5 tribes have been related to them for thousands of years. We
6 need these fish. They're linked to our communities.
7 They're related to our Native people's ceremonies. Our
8 home, our means of making a living are connected with these
9 fish. The only way to save our communities is to save these
10 salmon and the way to save these salmon is to get rid of
11 these white elephant dams, and that's what they are.
12 They're white elephants and the definition of a white
13 elephant is a possession entailing great expense out of
14 proportion to its value.
15 The great expense is the fish that we lose to
16 these dams every year and the only way to stop this is to
17 remove this white elephant. These white elephants have no
18 business on our river. They don't serve to help our people
19 and the meager electrical power they're getting from them in
20 no way equal the fish that are lost by them and the
21 communities that are lost by them.
22 We ask you to be brave and courageous and take
23 the steps necessary to protect us and these salmon. At one
24 time there was a small group of people not much bigger than
25 you that stood up and said we're not going to let all these

1 redwoods be taken. And they stood up and they saved what
2 few majestic redwoods we have now and that took courage to
3 stand up against the timber companies. We're asking you
4 stand up against PacifiCorp. Stand up for us, for the
5 salmon and for the indigenous people that live here. Thank
6 you very much.
7 (Applause.)
8 MR. HJORTH: The next speaker is Andre Cramblit.
9 MR. CRAMBLIT: (Speaking in Indian dialect).
10 My name is Andre Cramblit. I'm an up the river
11 Karuk Indian from the Village of Katimin. One of my
12 favorite stories is about Ish, an Indian gentleman who could
13 not begin to tell his captor about himself until they
14 started a 14-hour wood duck creation myth. And since I only
15 have five minutes, I won't go into that.
16 I would like to begin by thanking the Wiyot
17 People whose tribal lands we are on for allowing us, as
18 Indian people, to gather here and conduct our business. And
19 ironically enough, it's in the shadow of Indian Island, the
20 occurrence of the greatest massacre of the Weott People and
21 we're hear talking about the massacre of our fish, our
22 river, our way of life and another genocide attempt on our
23 people.
24 I guess I would say I have lots of hopes coming
25 here tonight to speak about this draft Environmental Impact

1 Statement, but I don't feel that I can speak on the draft
2 Environmental Impact Statement because it does not contain
3 anything of use for the river and for our people. It does
4 need to include a recommendation and an analysis of what the
5 impact would be on removing all of the dams. It would be
6 like me going to my doctor and him telling me, well, you're
7 dying. You have several blockages in your body. We're not
8 going to talk about the first one. We're hoping that you
9 can take a couple of aspirin and they'll go away.
10 Alternatively, we can hope that nanotechnology
11 improves and we can transport oxygenated blood around the
12 blockages or we take two of the blockages out.
13 (Laughter.)
14 MR. CRAMBLIT: We're not even going to discuss
15 removing all of the blockages because that wasn't proposed
16 by my colleagues.
17 (Laughter.)
18 (Applause.)
19 MR. CRAMBLIT: And I'm the operations director
20 for the largest non-profit, social service provider for the
21 California Indians and if I gave that kind of report to my
22 boss I would be fired immediately.
23 And I would just probably end this -- typically,
24 I would end this with a prayer, but being it that I have a
25 respect for the separation of church and state -- and you

1 are a federal board -- I won't end it with a prayer. But if
2 I were to end it with a prayer, it would probably include
3 something about the fact that my family and my people have
4 lived in this area for 10,000 years and we will continue to
5 dance, sing and fish for another 10,000 years regardless of
6 the status of the dam.
7 And that prayer probably would include a hope
8 that my son and my daughter would be able to live and play
9 on this river in a safe, healthy environment and they would
10 not have to, like I did, in 2002 go on a boat up the river
11 and plow through thousands and thousands and thousands and
12 thousands and thousands times 10 dead salmon and I would
13 hope that their environment would be protected for them by
14 the federal government who has a treaty, trust and moral
15 obligation to the American Indian people. Thank you.
16 (Applause.)
17 MR. HJORTH: The next speaker is Jean Perry
18 followed by Eileen Cooper.
19 MS. PERRY: My name is Jean Perry and thank you
20 very much for coming to Eureka. I'm glad you came this
21 time.
22 Along with many other people, I submitted a
23 testimony at the scoping session and asked for FERC to
24 consider removing the dams and I feel that, in looking at
25 the draft EIS, our voices were not heard. I consider that

1 draft inadequate and I'd like to ask you to amend it or
2 change it if possible. And I'd like to ask FERC to put
3 aside politics and money interest -- things like that -- and
4 really listen to this community. My family includes a
5 number of Yurok fishermen. We depend on the salmon, both
6 economically and culturally. And while it's very hard to
7 measure in dollars, I'd really like you to consider the
8 cultural values of the river and the salmon because it's
9 very important to us.
10 And I'd also like for you to look harder at water
11 quality issues and water temperature issues. People have
12 talked about it, but I will say that I personally have
13 experienced illness as a result of rafting on the Klamath
14 River during the summer months and it genuinely does affect
15 your body in a bad way, so think about that.
16 I don't want to repeat what everybody else has
17 say, but I would genuinely like to ask FERC to consider
18 removing all four dams and looking at this in a more
19 holistic way. Thank you.
20 (Applause.)
21 MR. HJORTH: The next speaker will be Eileen
22 Cooper to be followed by Patrick Higgins.
23 MS. COOPER: Hi. I'm Eileen Cooper from Crescent
24 City, Del Norte County. When the dams were first licensed
25 the Coastal Act did not exist, but it does now and the last

1 time I checked the Klamath River is a coastal stream in a
2 coastal zone with an estuary in the coastal zone. And the
3 Coastal Act is an environmental law that is a reflection of
4 the highest human regard for the environment. Del Norte
5 County's coastal plan requires, not suggest, but requires
6 that the biological productivity and the water quality of
7 its estuaries and rivers shall be maintained to the highest
8 levels possible or feasible.
9 I don't think you're going to convince anyone
10 here that your alternatives meet that standard. Only the
11 four dams removals do and no water quality standards in the
12 Coastal Act that let agencies squeak by, just barely squeak
13 by, no mitigating fish into trucks that are destined for
14 oblivion of wild salmon. Not just for the endangered
15 species, but for all species of our estuaries and rivers for
16 the productivity of the lamprey, steelhead sturgeon, coho.
17 The highest level of biological productivity and
18 water quality possible -- this is the test of the Coastal
19 Act and our local coastal plan. This is your standard of
20 requirement and until you have a document that has an
21 alternative that supplies us with information to address
22 that standard, then you have a useless document. And if
23 there's one thing I know -- I hang out in Del Norte County.
24 It's my corner of the world and my corner of the world is
25 the Coastal Act review of projects and there isn't one

appeal so far in Del Norte County in my short history there that I've lost and so that's one act I know. Thank you.

(Applause.)

MR. HJORTH: The next speaker is Patrick Higgins to be followed by Jeremy Dahl.

MR. HIGGINS: Gentlemen, thank you for coming to Eureka.

When Copco Dam was built, there was trout 2- to 3-feet long and suckers three and longer -- 3 feet and longer in Upper Klamath Lake. It was a phenomenally rich ecosystem. It had dozens of species of green algae, a few blue/green algae. After World War II, when they diked the marshes, it changed the chemistry of Upper Klamath Lake. Now there's 3.5 times more nitrogen coming out of the lake than coming in and that algae species have never been found in the fossil record of the lake for 10,000 years.

Upper Klamath changed. That changed the nature of the project. Each of those reservoirs now, in turn, has the same nitrogen-fixing algae that plagues it. It has the same nitrogen-fixing mechanisms that feed the river below it and since there's no shortage of phosphorous because of the volcanic origins of soils in the upper watershed, when you feed nitrogen into the system it's pollution. They photosynthetic activity of the plants drives the pH up to where the fish are highly stressed it drives all the ammonia

1 that the plants like for uptake to ammonia, which is toxic
2 to fish and minuet levels -- just a little bit of chlorine
3 gas would simulate what they're feeling when there's a
4 little bit of ammonia in the river. That would similar to
5 you being exposed to chlorine here.
6 Dissolved oxygen with the algae and
7 photosynthetic activity caused by the nitrogen fixing within
8 these reservoirs is causing dissolved oxygen sags. So at
9 night when the river cools, you think the fish are getting a
10 break. They're actually stressed continually, 24/7. Now we
11 sprinkling in some microcystis aeroginosa, which will
12 dissolve a human liver, but is also very, very toxic to
13 fish.
14 So what we have here is a pestilent cocktail that
15 juvenile fish are exposed to every year and you see there
16 are no disease problems or minimal disease in the clean
17 tributaries like the salmon in the Trinity that get into the
18 mainstem Klamath and they're dying. Well, you know,
19 actually you guys probably know this because in your draft
20 Environmental Impact Statement it says -- you admit that the
21 reservoirs are nutrient pollution mechanisms. You admit
22 that there's toxic algae that's generated there. You admit
23 that below the dams the algae that grows there harbors the
24 enemy. It holds the mix of Shasta so disease organism are
25 higher as well as fish stress being higher.

1 So we won the case on point here, you know. For
2 the last two years, the tribes and the agencies have been
3 studying the river and we've found that PacifiCorp's
4 hypothesis that these lakes are so deep that all the
5 nutrients sink out is false. So now you just say but it's
6 clean power. Well, it's the furthest thing from clean power
7 that there could because it's killing one of the greatest
8 ecosystem of the West Coast, which is not only an
9 environmental injustice, it's a social injustice. It's been
10 made very clear here tonight.
11 That's right. These reservoirs are anoxic, 175-
12 feet deep at Iron Gate and they are giant factories for
13 producing methane because anoxic produces methane gas. So
14 they're also polluting the atmosphere directly. So you say,
15 well, we really need the power and the company's going to
16 make a million bucks. Well, that's only under trap and haul
17 scenario. They're going to lose $24 million a year with
18 ladders.
19 You guys have to amend your DEIS. You have to
20 say that the decision for fish ladders, which under Section
21 18 of the Power Act they trump you. That that is now the
22 nature of the project and then the settlement discussions
23 will proceed at pace. And as long as you guys are in
24 fantasy land here, trapping and hauling doesn't work. Not
25 only doesn't work in the Columbia system, if you read

1 Fortune at all or in the Department of Fish and Wildlife,
2 1966, the tried it in the Klamath after they built Iron
3 Gate. It doesn't work -- and that was when the reservoirs
4 were less deteriorated.
5 The studies prior to the building of Iron Gate by
6 Finney & Peak, Oregon State University said, "the algae
7 blooms that are happening in Upper Klamath Lake and now in
8 the reservoirs below it do not bode well for the river. If
9 you build Iron Gate Reservoir, you can say goodbye to the
10 salmon." That was not well received in their day. Uppity
11 scientists speaking truth to power, if you'll pardon the
12 pun.
13 Unfortunately, their prophetic pronouncements are
14 coming true and we're not seeing -- as Petey Brucker
15 mentioned, this is not a static problem. This is a
16 cascading downward spiral. These are ecosystems that are
17 deteriorating. There are other factors at play like the
18 reduction of flows, slows to water to the reservoirs, but
19 these dams have to be removed and since the problems can't
20 be mitigated. California Energy Commission has pointed out
21 that the amount of power is minuscule. That off-site
22 production of power similar to what the City of Klamath
23 Falls did when they couldn't get Salt Cave's Dam. They've
24 got a 400-megawatt gas plant.
25 PacifiCorp should take their small power

1 production capability and double it with a facility off the
2 river and allow the river to recover. And for you guys to
3 maintain this kind of -- you know, client relationship with
4 PacifiCorp when, in fact, it's not even in the company's
5 interest it's really rather puzzling to all of here and
6 we're hoping that, in fact, you'll be more straightforward
7 and assess this economically because when you're saying --
8 even if it was trap and truck and they were making 7 million
9 bucks a year and we're losing $100 million a year, you have
10 to look honestly at the regional economy here. These dams
11 are not material in terms of power production. They are
12 tremendously negative in terms of their -- the way that
13 they're causing the Klamath River to become stressed to the
14 point of non-function.
15 So we hope that you will reconsider and provide
16 an alternative that would call for the removal of four dams.
17 And if you do not call for the removal of Kino Dam, the
18 Oregon Department of Environmental Quality has admonished
19 you that it has tremendous water quality problems associated
20 with it. And so, if you're going to leave it in, there has
21 to be a solution to the water quality problems and that
22 would be wetland restoration in the riparian zones of Kino
23 Dam if it were to remain. But it's part of the project. It
24 was built as a power dam. If you walk away from it or let
25 the company walk away from it rather, then there's no way to

1 revisit in the future. So we'll be stuck with that piece of
2 hardware and that's a real problem for us.
3 So all the federal agencies, all the state
4 agencies they are all saying that these dams should come out
5 and so why don't you join them.
6 (Applause.)
7 MR. HJORTH: The next speaker will be Jeremy Dahl
8 to be followed by Alex Fulton.
9 MR. DAHL: Hello. My name is Jeremy Dahl. I'm
10 representing the Mid-Klamath Watershed Council in Orleans on
11 the Klamath River. I think I would like to start off by
12 saying that we've heard some amazing testimonies tonight,
13 some amazing science. People have really gone through this
14 and I love where we live and this is an amazing. So thank
15 you everybody who's contributed.
16 Also, I guess -- I mean I'm not going to try to
17 reiterate all the science of all these water quality people,
18 but basically I think I agree with the man with the hat who
19 said that you guys owe it to us. Obviously, the people
20 we've elected to office in California in our area have come
21 to you -- representatives have come to you at this meeting
22 and West Chesbro came himself and said that they're in
23 support of this and so that's our first line of legislation
24 is through them and through to you that's how changes are
25 going to be made.

1 In the environmental world, really all we have to
2 fall on are these laws that are created by the government
3 because people can sit in trees like the guy with the funky
4 shirt said and whatever, but the thing that it comes down to
5 are laws and so you guys are making laws for the next 30 or
6 50 years -- whenever you happen to decide how long it's
7 going to be -- and this is a really important law. You guys
8 owe it to the river and to all of us.
9 I think the thing that's really being conveyed
10 that's really important with this whole message, which I'm
11 just kind of discombobulating is the fact that is a spirit
12 of a river, this a spirit of a place, this is a spirit of
13 fish. I think it sounds like everybody from the Upper Basin
14 to the ocean is willing to work with a solution of having
15 the four dams removed -- Iron Gate, Copco I, Copco II and
16 J.C. Boyle Dams. That needs to be an option in the draft
17 Environmental Impact Statement and I think it's obvious that
18 we're going to need another public comment session when you
19 guys make these changes. So we look forward to seeing you
20 again and thanks a lot for coming.
21 (Applause.)
22 MR. HJORTH: The next speaker is Rebecca Metu to
23 be followed by Alex Fulton.
24 Is Rebecca here?
25 (No response.)

1 MR. HJORTH: It could be a D instead of an N.
2 (No response.)
3 MR. HJORTH: Okay. Alex Fulton to be followed by
4 Raymond Matte.
5 MR. FULTON: Hello. Thank you for coming
6 tonight.
7 I'm not a scientist, so I'm not going to even try
8 to tell you the science, but I live on the Trinity River. I
9 have an almost 300-acre ranch riverfront and as you get up
10 in the morning in Washington, D.C. maybe you envision the
11 streets of your city, maybe you think of the river. I get
12 up and I think of the streets of my home as the rivers that
13 flow into the Trinity. Some of those are very pristine and
14 they don't have fish. That's very perplexing to me to see
15 such a pristine stream that's vacant. It's an eery silence.
16 That's what we call it and it troubles me greatly.
17 So I get up in the morning. I put my waders on,
18 living 100 feet from the river, walk down the river and go
19 fish. And I'm not fishing for the hatchery fish. I don't
20 even care if I keep one. I'm fishing for the essence of
21 this beautiful place that we live in and that comes in the
22 form of a fish. When I hold it up, I look at all of those
23 fins perfect, beautiful. I think of how hard that fish
24 fought. That fish fought as hard as mountains, fought as
25 hard the falls. It's a beautiful thing. And I release that

1 fish in the hope that it can continue on and produce more
2 for my children, for all the people around me that take the
3 time to come here. I got up before light this morning,
4 worked my butt off all day long. I'm sitting here late at
5 night, going to do it again tomorrow for the chance to live
6 on the banks of the Trinity River, for the chance to get up
7 in the morning and go fish, to see a fish that's more
8 perfect than any mountain I've ever seen. It is the spirit
9 of the place and please, please, please take this
10 opportunity to remove those dams and allow that spirit to
11 flourish. Thank you.
12 (Applause.)
13 MR. HJORTH: Thank you. The next speaker will be
14 Raymond Matte to be followed by Dennis Puzz, Jr.
15 MR. MATTE: My name is Raymond Matte and I'm a
16 councilperson for the Yurok Tribe and my district is Yukwa
17 and the Klamath Townsite and Klamath Glen and I live right
18 at the mouth of the Klamath River and I see the algae in the
19 estuary there, in late July and up until August, laying
20 there and out in the Pacific Ocean. You can see it out
21 there and the Klamath River water goes 200 miles out. They
22 tested it, 200 miles out in the ocean. So now is that algae
23 going all the way out there? That used to be the best
24 crabbing area for our county right at the mouth of Klamath
25 River and the crabs are small now and I know because my

1 son's a crabber.
2 And three kids up the Klamath Glen their folks
3 called me and they said they had bumps all over this summer.
4 I went up and looked. I said don't you know about the algae
5 in the river? They had a rash. I said you can't swim.
6 They said they ran off and went down swimming. This one day
7 they swam. All day they were down there swimming. And
8 inspecting the Klamath River, I know. I fished all my life
9 on the Klamath River and I'm mad with it. I won the fishing
10 rights back for the Klamath River. I went to the Supreme
11 Court and won it and the government gave them to us.
12 (Applause.)
13 MR. MATTE: Now I hope the government don't kill
14 us. And the Pacific Ocean is getting hurt by this algae
15 just like the Klamath River. Thank you.
16 (Applause.)
17 MR. HJORTH: Dennis Puzz to be followed by John
18 Schafer.
19 MR. PUZZ: (Speaking in Indian dialect.)
20 My name is Dennis Puzz, Jr., a Yurok tribal
21 member, also executive director of the Yurok Tribe.
22 First and foremost, I would like to thank you for
23 coming here. I know this wasn't originally scheduled, but
24 it is an important place for you to come. This is where we
25 are from. These are the people that are affected by your

1 decisions and your draft Environmental Impact Statement.
2 I hope as you sit here listening tonight you were
3 paying attention to what people said and you are seeing this
4 crowd that came in and couldn't even fit through the doors.
5 I had relatives out in that hallway who couldn't even stay
6 because they couldn't get in and they have families to take
7 care of. I hope you noticed all the tribal people who came
8 here tonight. It wasn't easy for them to come here and sit
9 here all night, but that's how important to them. And not
10 all of them got a chance to come up here and speak, but they
11 have a lot to say.
12 That river has been entrusted to us by the
13 creator, by our ancestors to protect and guard -- not just
14 the river, the whole ecosystem there. But as you heard from
15 the historian earlier tonight, that ecosystem has done much
16 better under our stewardship than yours. So as you sit here
17 and you listen to these people, particularly these tribal
18 people come up here and give you comment, I hope you
19 remember that. That whether we're technical people,
20 scientific people or not, particularly our cultural people
21 they knew how to protect this Basin. They knew how to keep
22 it in balance. That is what we dance for. That is what we
23 ask the creator for. And we're relying on you to do your
24 part and that draft EIS wasn't it.
25 We've fought for this river our whole lives and

1 we'll continue to fight. It took a lot of courage on the
2 part of my government to put aside past differences and look
3 at what results are we getting with the tactics we are
4 taking. Was protesting working? Were lawsuits working?
5 Was constant acrimony working in creating long-term
6 solutions on this river? It felt good to stand up in battle
7 and we will continue doing that, but we tried a different
8 route. We got together with our neighbors -- the Karuks,
9 the Hoopa, the Klamath Tribes -- put aside some of our
10 differences and focused on our main point, which is the
11 health of our ecosystem and our river.
12 We then reached out to the irrigators, who have
13 often been at odds with us. They agreed too. Long-term
14 solutions are needed and those dams need to be removed. We
15 reached out to the counties and everybody that directly
16 lives here and is affected by this Basin and we all agreed
17 the dams need to be removed. We all got it. It's your turn
18 to get it. We're used to the federal government being the
19 last one to get it, but it is time now for you to get it.
20 The window is closing. This is a great opportunity for us,
21 for all of us here to bring back the salmon, to restore
22 those runs, to restore our culture and our way of life. So
23 please help us protect our cultural resource because I stand
24 here as a tribal member and a member of our government --
25 it's not just me. It is my family. It is my ancestors that

1 are standing here behind me.
2 As you think and you go back to D.C. and you take
3 that long flight and you think about the changes that need
4 to be made to that draft Environmental Impact Statement,
5 remember these people, remember these faces and make sure
6 you can look back into this face and tell me you did
7 everything you could to protect my river. Thank you.
8 (Applause.)
9 MR. HJORTH: The next speaker will be John
10 Schafer to be followed by Marlin Sherman.
11 MR. SCHAFER: Thank you, gentlemen for coming to
12 Eureka and subjecting your agency to all this consistent
13 abuse.
14 My name is John Schafer. I spent more than 30
15 years working in the electric business and among other
16 things I used to teach project analysis at Stanford
17 University. What you have here is an analysis of projects
18 and if I were grading this document I would give it a D, not
19 an F because it's full of data. It doesn't have much wisdom
20 in it. It does have a lot of data.
21 On the other hand, I would give members of this
22 audience who have spoken to you from this side of the
23 microphone an A. They all understand the wisdom of paying
24 attention to all the options and evaluating them. I won't
25 go through all of the information except to point out that

1 in my reading of the draft EIS, it recommends some really
2 foolish options like oxygenization and trucking fish up and
3 down. These are dumb ideas. They won't work. They're
4 expensive. There was a suggestion of fish ladders. I
5 believe two fish ladders were recommended, although there
6 are four dams. So obviously, you'd need four fish ladders
7 if you want complete coverage.
8 Fish ladders a little bit better than
9 oxygenation, bubblers and trucking fish. I think, although
10 they haven't been terribly successful on the Columbia River,
11 what fish ladders are is very expensive. It would cost
12 about $240 million to put in fish ladders according to the
13 draft EIS. It would be must cheaper to tear the dams down -
14 - all four of them, all five of them actually. And the
15 difference in cost, if it costs -- it probably won't cost
16 $100 million to tear the dams down. I'd like to get the
17 contract actually for $100 million. But if it costs $100
18 million to tear down the dams and the other option is $240
19 million for fish ladders, it's obviously cheaper to tear
20 down the dams.
21 The money that the operators would say, $140
22 million, would buy just about the same electric capacity in
23 wind turbines. They can substitute a clearer source of
24 electricity for that filthy source of electricity that they
25 have up there.

1 In closing, I'd like to make an observation about
2 a single number. There's a number in the draft EIS, 716
3 megawatt hours per year, which this power plant is alleged -
4 - these power plants are alleged to produce. I believe that
5 number is wrong. It's way to high. Those power plants
6 would have to operate at a capacity factor of 50 percent to
7 produce that much energy. No hydro plant in that setting
8 could operate with a 50 percent capacity factor. So
9 somewhere there's a serious error in that draft EIS.
10 At the scoping study months ago, I asked you
11 folks to do the right thing. Please, let's do the right
12 thing, let's really do the right thing now. Bring us back a
13 real environmental impact statement that recommends taking
14 down all those dams.
15 (Applause.)
16 MR. HJORTH: The next speaker is Marlin Sherman
17 to be followed by Dale Anne Sherman.
18 MR. SHERMAN: Marlin Sherman. Dale Anne Sherman
19 won't be able to -- she finally tired out.
20 I'm looking at the -- thank you for inviting all
21 of us to speak and thank you for being here for these
22 stealth-define sessions and I can't imagine how you must
23 feel.
24 I have to address a little bit about the
25 management of cultural resources and the issue of analyses

1 of the affects on cultural properties and I believe that
2 it's insufficient because there's no mention in here made --
3 I should say there is only mention made of archeological
4 properties, of physical properties and there's no mention
5 made of any of the relationship of the people with the
6 salmon in this particular section, which I think is
7 extremely important. Cultural properties are very narrowly
8 identified as archeological resources, as buildings and
9 those kinds of things that fit within current standards, for
10 instance.
11 So I encourage you to look a little bit further.
12 I'm not going to take up any more of your time, just to say
13 I heartily agree with the former speakers in recommending
14 the removal of all four dams and the restoration of the
15 entire range of the Klamath River as salmon habitat, which
16 is the most important cultural resource to the tribes.
17 Thank you.
18 (Applause.)
19 MR. HJORTH: The next speaker will be David
20 Genshaw, Sr., Klamath, California representing the Yurok
21 Tribe. David Gensaw.
22 (No response.)
23 MR. HJORTH: Okay. The next speaker then will be
24 Ellen Taylor.
25 MS. TAYLOR: Good evening. For the past 30 or 40

1 year, we here on the north coast have been faced with the
2 imminent extinction of the salmon, the prospect of it and
3 many of us have worked a lot to try and fight this
4 extinction. I have as a member of the North Coast League of
5 which I'm the treasurer.
6 Tonight though I'd like to speak with you from
7 the perspective of a health care practitioner. I work at a
8 local clinic and in our clinic the problems that we see most
9 frequently are cardiovascular disease, cardio artery
10 disease, hypertension, diabetes and depression. Salmon are
11 a medicine for all these conditions and it's the dams, which
12 are blocking the river and threatening the extinction of the
13 salmon are affecting the supply of this medicine.
14 First of all, salmon is a very good food. It's a
15 high protein food and it's good for all these conditions.
16 When I first moved to California 35 years ago, salmon was
17 very, very plentiful and extremely inexpensive. Nowadays,
18 only rich people can afford it with any regularity and poor
19 people only on very rare occasions. This is a contributor
20 to coronary artery disease and to diabetes. The lifestyle
21 of people who fish, whether it's a sports fisherman or it's
22 a professional fisherman it is a very healthy lifestyle.
23 There's the satisfaction, which is good for people of
24 providing food for the community and it's an energetic
25 lifestyle and this is good for those conditions as well.

1 It's from the perspective of depression that the
2 demise of the salmon has had the greatest impact and you can
3 see just how far the ramifications of an event like this can
4 reach. First of all, the specular of the enslavement of a
5 species with all these mechanisms such as dams and even
6 hatcheries and the machines and trucking, all these sorts of
7 things. It's a crippling and a painful spectacle to people
8 who, after of all, for the million years that humans have
9 been evolving have been in the company of salmon and in the
10 company of many other species so that our whole way of
11 thinking and our whole brain composition is designed in a
12 manner in which we're a member of a community which consist
13 of many non-human species and ourselves. So that over the
14 past 50 years the slow demise of many species does effect us
15 psychically. It's a loss. It's a loss of a community
16 member which has been fixed in our brains for a million
17 years, for as long as human beings have evolved. So on a
18 very deep level the demise of the salmon effects people.
19 It's a sort of a very general element in the development of
20 depression.
21 Of course, much more obvious is the financial
22 impact of the demise of the salmon and how influential that
23 is in depression. But these features of the disappearance
24 of an entire species really reveal to us how tightly our own
25 survival is tied to the survival of other members of the

1 non-human community -- myths, legends, just the sorts of
2 stories that are children stories. Stories that we have in
3 our community. These all involve animals and we don't want
4 these animals merely to exist on tee shirts and in logos.
5 We need the animals themselves for our own psychic health
6 and if the salmon go down human beings are very closely tied
7 to other species and our own survival is dependent upon
8 them. Thank you.
9 (Applause.)
10 MR. HJORTH: Thank you. The next speaker is Max
11 Kaufman to be followed by Jeanette Congers.
12 Is Max here?
13 (No response.)
14 MR. HJORTH: Okay. Let's go to Jeanette Congers
15 if Jeanette is here.
16 (No response.)
17 MR. HJORTH: How about Russell Miller?
18 MR. MILLER: Thank you. Thank you for the
19 opportunity to speak here tonight. I've been commercial
20 fisherman for around 38 years living and catching the salmon
21 in the ocean and I'm thankful for all the people that have
22 showed here to support the fishery and the Klamath River.
23 My heart goes out the Indians and the water
24 quality issue and I'd say -- you know, so many people have
25 stated so well before me, but I just want to reiterate. I'm

1 a member of Humboldt Fishermen's Marketing Association.
2 This association was established around the turn of the
3 century and we've been here a long time fishing the salmon
4 and it's been a great lifestyle. I experienced the most
5 restricted season I've had last year due to the low run and
6 the big fish kill of 2002.
7 I cannot believe that your organization is not
8 going to go along with the general sentiment and remove
9 these dams so that the health of that river can be restored
10 and mainly it's just the water issue. You know, there's so
11 many different battles that we've fought and things that
12 I've given up as a fisherman. Each year I look at the
13 regulations that would come about and I'd look at how far
14 I'd have to run. It used to be it was 18 hours to Blanko
15 and 18 hours to Point Orono. We'd have full seasons below
16 those two points. But this last year it was shock. And the
17 fact is I got my license fee for Oregon. It's $1100 and
18 I've actually renewed that license since 1968 and I'm
19 thinking I'll just let that license go. Why should I renew
20 that commercial fishing license in Oregon because there
21 isn't an opportunity to fish up there for salmon? It cost
22 $1100 to fish commercially here in California, too, but yet,
23 you know, I only got to fish 10 days this year and you start
24 looking at your license fees and you wonder, you know, is it
25 economical.

1 Anyway, that's a small issue and I feel like a
2 very small person thinking about the economics because I've
3 been able to raise my two daughters from the salmon industry
4 and that industry has been around for well over a hundred
5 years. If it goes by the wayside, it does. But we need to
6 restore that river and we need those people to have clean
7 water so that when they can go swimming and drink it and
8 it'll be all right. But many times -- you know, each time
9 we have one of these council meetings and I'll look and I'll
10 see what the opportunities they give me. I'm thankful I had
11 those 10 days. Please give me any amount of time to fish
12 because at least that's something. Maybe we can get through
13 this as an industry and keep salmon coming on the table for
14 all the people that want it.
15 I got paid five bucks a pound this year. The
16 most money I've ever had for fish. Anyway, but the main
17 thing is the water quality in the river. When we make these
18 sacrifices, then the parasites shows up and all the
19 juveniles are getting killed even though they're just coming
20 down the river and so it's the health of the stream that's
21 killing the whole industry up and down the whole coast.
22 Thank you for this time.
23 (Applause.)
24 MR. HJORTH: The next speaker is Kate Droz and
25 Lyn Risling. Are you both speaking?

1 MS. DROZ: Hello. All right. I'd like to let
2 you know that we have high school students here from the
3 American Indian Academy Charter School. I picked her up at
4 7:00 this morning. She had classes and we're still here.
5 The American Indian Academy Charter School is a small
6 school, but it was created as a community-based educational
7 model.
8 Now this is what we need our kids to know. This
9 is what we need our kids to be able to carry on for the
10 future and I really appreciate that young kid that spoke
11 earlier. He was great because we've had different community
12 members, but these are our young people and in our class we
13 put together some responses because these are just kids and
14 kids that will give their lives for this rivers and these
15 are just the kids. There's a whole community out there that
16 isn't out here to do that, to see those things.
17 This is what they wrote.
18 "Dear Ms. Sallis: We are students of the
19 American Indian Academy Charter School in McKinleyville,
20 California. Everyone in our school is Native American and
21 is informed about the river issues. Each one of them is
22 concerned about the water levels which interfere with the
23 fish habitat. This letter is comprised of responses
24 regarding FERC's draft Environmental Impact Statement on the
25 relicensing. Youth input is essential because we are the

1 Klamath watershed's next generation stakeholders. Some of
2 the students here have chosen to uphold this
3 responsibility."
4 (Indian dialect). That means "Hello, I'm
5 Rachel." What she wrote is "The Yurok culture is what keeps
6 our Yurok people alive. There are many aspects to our
7 culture. Some are our ceremonies, our river and our
8 language. Our people rely on the river for fish, which
9 allows us to feed our families and local elders who cannot
10 fish for themselves.
11 Since the 2002 fish kill in the Klamath River,
12 nobody has been able to reach the abundance of fish they
13 once had in order to live culturally and sustain their way
14 of life. All the dams do is cause pain. Nobody has seen
15 the river in this bad a shape. The native people have
16 maintained the river for the past 10,000 years by respecting
17 the river and allowing the fish to do what they do. This is
18 a part of a fish's life cycle to travel up rivers. The dams
19 are affecting this. The dams stop the fish from going up
20 river. They die because of this. The dams cause nothing
21 but death and disrespect. Therefore, the dams should be
22 removed. Thank you."
23 And I'm going to read one more. I'm going to
24 sort of elaborate. I'm going to pass it on to a community
25 volunteer for our class, which is going to elaborate and

1 we're going to wrap with our art teacher, Ms. Lyn Risling.
2 This comes from a student who is so shy that he,
3 just within our small community school, found the courage to
4 read this and when he read this all the kids clapped and it
5 really summarizes where we're at.
6 "(Indian dialect.) Why should the dams be
7 removed? Because our native people have been through hell
8 from genocide and gold, rape and murder and through this
9 Native Peoples to the strong, to all the wrong and the evil.
10 People depend on the salmon, which the salmon on us and the
11 planet Earth balanced and I hope you will one day understand
12 this before it's too late. The fish and river are
13 endangered because what is water without fish. The dams.
14 Why? Because what you don't understand, you destroy. The
15 fish are important to Native People because what are we
16 without water and fish? We manage this ecosystem because we
17 didn't depopulate the eagles and the bears were sent to do
18 this. Thank you."
19 (Applause.)
20 MR. LAURY: Hello. I'm Skip Laury. I volunteer
21 at the American Indian Academy and through the school was
22 told about this event and I appreciate being able to come
23 here and read what I wrote about this. Thank you, sir.
24 Up until 200 years ago, the Klamath River
25 ecosystem was governed by the most advanced natural resource

1 management system to date. The indigenous people whose oral
2 history holds the key to this unrivaled management system
3 are today struggled to be listened to by PacifiCorp, the
4 Federal Energy Regulatory Commission and parallel entities.
5 During this precious time of political
6 international relationships and communications regarding the
7 health of a specific geographic location, regarding the
8 health of all humans depending on that locatio and regarding
9 the health of the only planet suitable for sustaining the
10 human population, these entities continue to be involved in
11 the idiosyncratic destruction of the most effective natural
12 resource management system affecting the second largest
13 tributary ecosystem on the American West Coast, which is the
14 Klamath River.
15 By disregarding indigenous solutions to the 2002
16 fish massacre of immediate and complete removal of the four
17 dams and proposing to merely truck a small amount of fish
18 around the dams, these entities are prolonging the
19 detrimental environment for a nearly endangered species and
20 most important they are continuing a genocidal action
21 against culturally sensitive indigenous people whose
22 spirituality is eternally bound to the salmon and their
23 entire habitat. Surely, it is time for these entities to
24 listen, comprehend and act honorably and responsibly.
25 Only recently has the State of California

1 realized the importance and effectiveness the indigenous
2 people and California's traditional systems of natural
3 resource management and their unique and specialized
4 relationship with this land. Controlled burners are a prime
5 example of a specialized management system perfected through
6 thousands of years of obeying natural laws. Controlled
7 burns not only protect human population from wild fires,
8 strengthen the older trees, produce highly nutritious
9 vegetation sprouts for wildlife to eat, but also enrich a
10 wide amount of soil with invaluable nutrients that otherwise
11 are insufficient throughout California's native soil.
12 Controlled burns also protect the valuable
13 critters and underbrush whose place is among the forest
14 floor from wild fires that would burn too hot for them to
15 survive should controlled burns not happen. This specific
16 example of an indigenous natural resource management
17 tradition has been proven extremely important and extremely
18 ingenious by numerous scientific studies.
19 Indigenous solutions to the fish massacre and
20 future stability of the Klamth River ecosystems are formally
21 backed by many conservation groups and the NOAA fisheries.
22 Furthermore, environmental impact studies from the
23 California Coastal Conservacy and the ruling of
24 administrative law judge of the Energy Policy Act determined
25 that safe and cost-efficient means of complete removal of

1 the four dams is possible and imperative. The Federal
2 Energy Regulatory Commission should no longer beat around
3 the bush -- no pun intended -- on the subject of dam removal
4 for it is a blatant act of ignorance and stubbornness to
5 come up with their own plan that will continue to be
6 detrimental to the Klamath River ecosystem and the historic
7 communities who have forever depended on that environment.
8 The attitude of FERC in creating their own
9 alternative action is demeaning to themselves by no
10 respecting the expertise of a culture whose original
11 management system sustained for thousands of decades. Mine
12 you, the State of California is only 150 years old and
13 already the governing and protection of the once third most
14 productive salmon fishery on the West Coast has utterly
15 failed. Failed not only with the dealings of its natural
16 resources, but failed to protect part of California's most
17 ancient, historical societies. Indigenous cultures along
18 the Klamath River have had a spiritual connection to the
19 fish since time immemorial. It would be extremely wish and
20 honorable for the FERC to respect that spirituality by
21 creating a full fish passage to allow aquamarine life to
22 swim unassisted up and downstream, once again, allowing
23 historic spawning grounds to be freely available to the
24 fish.
25 It would be wise in the fact that 300 miles of

1 spawning grounds would eventually become a thriving natural
2 and residential trout habitat. It would be honorable in the
3 fact that elders of the locally-affected indigenous
4 communities would live to see a change that their ancestors
5 have been fighting for since the beginning of the Gold Rush.
6 The right to fish traditionally and the right to have enough
7 fish to sustain their indigenous societies, allowing the 30
8 to 50 year continuation of such a detrimental project to not
9 only an environmental ecosystem, but to the understanding of
10 humanity will hurt the indigenous communities more than
11 anybody anywhere for we will have to yet again walk in
12 stride knowing that our preserverance to genocidal actions
13 has yet to come to an end for our people. I thank you for
14 your time.
15 (Applause.)
16 MS. RISLING: Hello. My name is Lyn Risling and
17 I wanted to just give credit for the students that were a
18 little bit shy about coming up here to speak, but were
19 actually willing to share their words because they do
20 represent our future generations and the devastating effects
21 of these dams will effect many, many generations to come.
22 I'm going to read my statement. As revealed by
23 the studies and the facts, the relicensing of the dams on
24 the Klamath River for another 30 to 50 years would have a
25 devastating effect on the river and all the life that it

1 supports for many generations to come. Like many others, I
2 am requesting that the Federal Energy Regulatory Commission
3 make appropriate changes to its Environmental Impact
4 Statement to help protect and restore th Klamath River.
5 As a Hoopa tribal member and Karuk and Yurok by
6 blood, I come from a long line of tribal fishermen and
7 people who lived on the Klamath River for thousands of
8 years. The river system has supported a diversity and
9 balance of life for many generations. In a very short time
10 it has undergone many changes with devastating effects
11 resulting from mining, logging and of course, the dams that
12 were built. These things have disrupted the necessary
13 balance of the Klamath River Basin ecosystem that sustain
14 life for so many years, provided life for many animals, fish
15 and plant life as well as our tribal people. The genocide
16 of our people has taken on many forms, starting with the
17 onslaught of miners, soldiers and settlers that resulted in
18 massacres and disease and total disruption of life and our
19 culture.
20 Later came boarding schools forced upon our
21 children as well as other forms of a culturation and
22 assimilation. Along with these thing came devastating
23 changes to our rives, streams, mountains and forests. With
24 the encroachment of the white man came the loss of land to
25 our people and the ability to live off that land in the way

1 we have lived for thousands of years. As our people
2 struggle to survive, we eventually had to fight to keep our
3 fishing rights and traditional use of some of our aboriginal
4 territories for cultural practices such as gathering and
5 ceremonies.
6 Today the effect of this genocide is still felt
7 as if it has no end. Our people suffer from high rates of
8 diabetes resulting in changes of diet. For many the daily
9 diet which once consisted of acorn, meal, and salmon or deer
10 meat and wild plants and roots has been replaced by
11 inexpensive white flour and other unhealthy foods. While
12 salmon and deer meat still remain a supplement to some of
13 our diets, these have become less and less prevalent.
14 Salmon numbers have dropped by devastating numbers and
15 hunting and gathering places are less plentiful or are no
16 longer available as well as the knowledge of traditional
17 uses of plants because of the culturation.
18 This is only one of the many problems that have
19 resulted from the lasting effects of genocide. Alcoholism,
20 drug use, domestic violence, high dropout rates and suicide
21 are part of the impact of this historical trauma that
22 continues today through each generation.
23 The science and research has revealed the
24 damaging effects of the dams to the Klamath River Basin.
25 There is no way to cover what happened in 2002 with the fish

1 kill where thousands and thousands of salmon died. The
2 diversity of the river system and its natural state has been
3 nearly destroyed, which is leading to the extinction of the
4 salmon and other life forms that once supported us. The
5 toxin blue algae growing in the reservoirs is way above the
6 danger levels and will eventually have a lethal effect on
7 the salmon and other river life as well as to humans.
8 The economic gain from the hydroelectric dams is
9 very minimal and the PacifiCorp will actually experience a
10 loss if it follows FERC's Environmental Impact Statement
11 with the recommendations of building fish ladders and
12 hauling of the salmon around the dams. Removing the dams
13 would be much less of a cost. The lower dams are not
14 necessary for irrigation for the farmer. Electricity
15 produced by the dams is a small percent. Alternative energy
16 such as wind power is an alternative the dams. Removing the
17 four dams is the best solution for all.
18 If you listen to and read all the facts, you will
19 know that this is true. I hope that you and your colleagues
20 will also listen to the voice of the people whose
21 livelihoods depend on the river. It is also my hope that
22 you will listen to our tribal people whose lives and culture
23 are dependent on the rivers and salmon, which together form
24 our life blood. If our salmon and rivers die, we die as
25 well. I hope you will find it in your hearts and power to

1 stop this genocide and become part of the renewing of life,
2 which involves the restoration of the Klamath River and the
3 life that it supports.
4 Although I do not speak for all of my people, I
5 know that there are many of our tribal people who feel the
6 same way that I do. There may be many who find it hard to
7 speak up or to find the right words to write a letter, but I
8 know many, many who will be devastated by a decision to
9 relicense the dams and who will understand the negative
10 impact it will have on our future generations. As the world
11 today is experiencing so much destruction through war,
12 disease, poverty, pollution, environmental disasters and
13 global warming, it is heartening to see efforts by those who
14 are trying to turn some of those things around to make the
15 world a better place for the generations to come. I hope
16 you and all of us become part of this effort. Thank you for
17 taking the time to listen to these words.
18 (Applause.)
19 MR. HJORTH: The next speaker will be Greg Masten
20 to be followed by Joe Hostler.
21 Is Greg here?
22 MR. MASTEN: My name is Greg Masten. I'm Yurok,
23 Hoopa and Karuk, all people of the river. I stand before
24 you as a descendent of the people who have lived on this
25 land for thousands upon thousands of years and for

1 generation after generation after generation. I'm here to
2 say what my ancestors were not allowed to say because the
3 government at that time would not listen to them.
4 The issue of the Klamath dams is not a new
5 problem. To my people, this is a century-old problem that
6 demonstrates the values, ethics and priorities of this
7 country. The message has always been do what is in the best
8 interest of the United States Government and its majority
9 population at the expense of the Native People. All that
10 you enjoy and cherish today is at our expense.
11 This issue is an example of the federal
12 government trying to preserve one American heritage while
13 sacrificing another. The pre-American heritage of the
14 American Indian people has historically been at the shallow
15 end of the stream. In spite of the fact that Supreme Court
16 case after Supreme Court case, executive order, treaties
17 that were made, trust obligations on the United States
18 Constitution are all suppose to guarantee the American
19 Indian people such rights, the federal government still
20 chooses to set priorities and policies that preserve their
21 way of life and ignore the American Indian People's way of
22 life.
23 The history of my people is riddled with
24 injustices beyond comprehension from the outright theft of
25 land to the raping, pillaging and genocidal acts committed

1 against our people. It was all done, rather gloried for the
2 expansion of the United States. In the early 1900s when the
3 Klamath Dam Project was approved, it was done so with no
4 regard for the impacts that it would have on my people. We
5 had no voting rights. We were not even considered citizens
6 of the United States. We thought to be an uneducated,
7 savage race, not even real people. The impacts of the
8 Klamath Dam Project on my people were catastrophic. The
9 fish were the main source of food essential to their diet
10 and way of life.
11 The government, in essence, condone the
12 extinction of our main source of food. They did a similar
13 thing to the plains Indians when they killed off all of
14 their buffalo. They killed off the buffalo for one sole
15 purpose -- to starve out our people. For the Native People
16 of our region, the creation of the dams was nothing short of
17 the same despicable act.
18 Now some may have the audacity to think or say --
19 whoever may be watching this camera -- that I'm playing the
20 Indian card. For you I say shame on you. What kind of a
21 inhumane mind would think such things. How hypocritical is
22 it when someone says to me -- and I've heard this -- we must
23 remember the horrific acts committed against the Jewish
24 people. But when it comes to Native Americans, we are told
25 we must get over it. We just celebrated Veterans Day to

1 remember those who paid the price for our way of life. Why
2 is it that we can disregard the Native Americans that paid
3 the same price, if not greater? Because not only were their
4 lives sacrificed, but their lineage, their language, their
5 culture, their way of life were all sacrificed and forever
6 changed.
7 Some say that was a long time ago and I want to
8 remind you -- and some of you may not know this -- that in
9 just a little over a hundred years ago the United States
10 Government reimbursed the State of California almost $1
11 million for the scalps of my people and that's only two
12 generations ago.
13 Now in the case of the salmon. They're more than
14 just a mere source of food for our people. It was part of
15 our heritage and way of life. There was a delicate balance
16 kept between our people, the fish, the river and the creator
17 of all of it. We respect the preservation of all that was
18 given to us and we did not take more than we needed. The
19 environment did just fine when we were in control of it.
20 When the U.S. Government took over, the Klamath Project
21 accounted for the destruction of nearly 80 percent of the
22 Klamath Basin wetlands, accounting for the loss of 280,000
23 acres of ecosystem, the countless species that were killed
24 and disrupted, migratory routes were disrupted, ducks and
25 geese -- they were all just considered casualties of

1 progress.
2 Salmon spawning routes above the dams were
3 completely wiped out and thousands of salmon were
4 compromised. The salmon runs are a mere fraction now of the
5 pre-Klamath Project runs that were estimated to be in the
6 millions. I've sat down with some of our elders and they
7 talk about the fish runs and how they used to be more than
8 you can even count, the fins coming up from above the water.
9 And of course, the fish kill of 2002 was the culmination of
10 the severe impacts that the dams created. The air reeked
11 not only of the thousands upon thousands of dead salmon, but
12 it also reeked with injustice. Not only was the species
13 compromised, but our way of live.
14 The Native People have a philosophy. They would
15 consider their actions for seven generations. They proved
16 to be good stewards of the land. Perhaps, if America
17 followed the philosophies of the Native American People, we
18 wouldn't have the same problems that exist today. Perhaps
19 the Native People weren't as savage and uneducated as they
20 were thought to be.
21 Some of our youth ask me why were the dams
22 allowed and it's hard to answer them because the answer is
23 simple from our perspective. The dams were deemed necessary
24 to provide jobs and a stable source of water for the local
25 farming community and to produce power for America. In

1 other words, we were sacrificed for America. It was always
2 our people that had to sacrifice our ancestral lands for
3 America. It was our people that had to give up our fishing
4 and hunting rights on our ancestral lands for America. It
5 was trees needed and the minerals and the oil on the lands
6 across the nation. They were all needed for America and it
7 was our river that needed to be dammed.
8 As you have heard, there are many wounds that
9 still need to heal and with this decision you can either
10 help heal the wounds or you can add more salt on to it.
11 Some of the original treaties that were made with our people
12 were simply cast aside and sealed by Congress for 50 years.
13 They created another 50 years of complete disregard for the
14 rights of our people. And if you decide to keep the dams in
15 place, you will be guilty of another 30 or 40 or 50 years or
16 whatever the lease agreement is of disregard and neglect for
17 our people.
18 To me these issues show the soul of this country
19 and what it stands for and what it deems important. Today
20 they say that they need the dams for electrical power, yet
21 the power that these dams generate is so insignificant it's
22 hardly worth consideration.
23 The bottom line is America is still in pursuit of
24 life, liberty and the pursuit of happiness/wealth and will
25 sacrifice anyone that has the resources to attains such

1 wealth. They try to sugar coat this issue with other
2 options such as transferring the fish in trucks or fish
3 ladders, but there really is only one real choice and that
4 is to take the dams down.
5 My people have fought against the United States
6 and they have fought for the United States. More Native
7 People have died protecting this country than any other
8 race. And I stand here knowing my ancestors can hear you
9 and I want to ask because they were not allowed to ask. Do
10 you support the horrific acts and the injustices committed
11 by the United States Government against the Native People
12 and will you further support more injustices against our
13 people by allowing these dams to stand?
14 (Applause.)
15 MR. HJORTH: Thank you very much. We were just
16 informed that we need to be out of this room 10 minutes ago.
17 I don't know. You can go ahead.
18 MR. HOSTLER: My comments are very short.
19 Actually, my comments are what's lacking in the draft
20 Environmental Impact Statement is the fact that there is
21 hardly any tribal consultation. The tribes are sovereign
22 nations. It is sad to me that two tribal chairmen had to
23 come up here and speak just as I am now. They should not be
24 on this level. They should be speaking to people even above
25 yourself. They are equal to the President of the United

1 States. They are sovereign nations. They should be
2 discussing with people who can actually negotiate with them.
3 That's what my comment is about. The draft
4 Environmental Impact Statement is that needs to be
5 supplemented and it needs to be the four dams taken out.
6 Thank you.
7 (Applause.)
8 MR. HJORTH: Let me suggest that if people have
9 written comments we can still accept those. If we give
10 those to the court reporter over here, he can append them to
11 the transcript. So even though, perhaps you don't have a
12 chance to read them here tonight, that they can be put into
13 the official record and we'll be able to read them when we
14 get back to Washington.
15 VOICE: Can I get 30 seconds?
16 Actually, I'd like to say that we're going to be
17 looking into whether this meeting has violated NEPA in any
18 way because I'm one of many, many -- probably a hundred
19 people that didn't get to speak tonight.
20 MR. MUDRE: We can go back and consider whether
21 maybe we need to hold another meeting here.
22 VOICE: Hopefully, with a new draft EIS so that
23 it will legally meet its obligations.
24 MR. COLBERT: Hi. John Colbert, senior attorney
25 with the Yurok Tribe. In the interest of time, I herein

1 incorporate by reference all the requests for responses and
2 actions underneath the written materials. We believe that
3 that clearly shows that you're going to have to supplement
4 the EIS and we also believe you're going to have to
5 reconcile it with EPACT and I do want to say in regard to
6 EPACT it was nearly 50 of the top fisheries and scientific
7 experts in the entire West Coast and one of the rulings of
8 the judge on the telemetry study that you cite was not only
9 was it not credible and unreliable, but that it did not meet
10 the standards of Dalbert v. The United States and Dalbert is
11 what is required in federal court to introduce scientific
12 information and was developed by the Court to prevent bogus
13 science from being entered and the judge found elements that
14 you cited in your report as not even being admissible as
15 evidence in federal courts because of its unreliability.
16 Thank you.
17 (Applause.)
18 MS. TEWENE: Hi. My name is Erica Tewene and I'm
19 with the Coastal Environmental Center and I'll be fairly
20 brief. But I also, having reviewed the draft Environmental
21 Impact Statement, find it to be out of compliance with NEPA
22 standards and the Code of Federal Regulations, Title 40,
23 Sections 1500 through 1508. I'll send you some written
24 comments about specifically why that's true, but I would
25 seriously suggest that you consider holding another meeting.

1 What the gentleman said a few speakers before me is really
2 true. There were hundreds of people out in the hall who
3 deserved a chance to speak. We can book a bigger room.
4 This can be done and I appreciate you taking the time to
5 come here. Please be a part of the solution and not the
6 problem.
7 (Applause.)
8 MR. NELSON: My name is Everett Nelson. I came
9 up here to give you my written comments. Dr. Mudra, I'd
10 like to remind you the first time you were in this room --
11 remember that -- many years ago for the Eel River and one of
12 the things that I got out of that was that dam
13 decommissioning could not be considered on the Eel River
14 because it wasn't a relicensing. It was an amendment to the
15 original license. Well, here's your chance. This is a
16 relicensing and I think you should consider it. I think you
17 actually have to by law.
18 (Applause.)
19 MR. ALLEN: My name is Don Allen. I'm the
20 president of the California Restoration Federation. We're
21 an organization that represent about 400 watershed
22 restoration and salmon practitioners around the state as
23 well as regulators and scientists. I'll try to keep my
24 comments brief because I know you guys need to get out of
25 here. But I've heard a lot of comments tonight and I

1 basically echo those. I think there's a lot of
2 environmental justice issues at stake here. First Amendment
3 rights for the Indian tribes on the Klamath River, the draft
4 EIS is flawed and I think you guys need to go back and
5 rewrite it.
6 I know all the comments I've heard here have been
7 very negative and I'm sorry for you guys that you have to
8 represent the federal government because I feel like this
9 draft EIS is just a reflection of very poor administration
10 policies and this Administration probably the most corrupt
11 that we've had since the Nixon era, but it's no surprise
12 because a lot of the people behind that are the same people
13 who learned the ropes under the Nixon Administration. So
14 thank you for taking our testimony.
15 You know, the Native American people that were
16 here giving you testimony, you really need to listen to
17 them. I, myself, had seven uncles and my grandfather were
18 fishermen and my generation we had to give up fishing. I
19 grew up in Canada and were I grew up the fishing industry
20 went under a long time ago and I saw what happened to some
21 of my uncles when they were 50 years old and their
22 livelihood was yanked from underneath them.
23 I heard the one gentleman from Trinidad, the
24 fisherman, speak. I, myself, live in a fishing village. It
25 used to be a fishing village of Trinidad and when I first

1 moved there, there used to a pretty healthy fishing industry
2 there. That no longer exist. There's a very small salmon
3 or sport salmon fishing that occurs in the summer, but there
4 is no commercial salmon fishery anymore.
5 As he said, he felt a little bit humble next to
6 the Native Americans here who were speaking. I feel the
7 same way. You know, this is their river. Their treaty
8 rights demand that you need to write an EIS that considers
9 taking out the Klamath dams. We've heard about the water
10 quality issue and -- you know, the fish ladders aren't going
11 to be effective, trucking them around the dams is not
12 effective. The only effective solution to the problems in
13 the Klamath is to remove those dams. So thank you for your
14 time.
15 (Applause.)
16 MR. MUDRE: Let me just interject here. I do
17 have a few more hard copies of the DEIS and some copies on
18 CD if anyone wants to come up and get them.
19 MR. HJORTH: If everybody could come forward
20 that's still in the room. I know we've been asked to leave
21 and the problem is they need to set up this room for a
22 meeting that's very early tomorrow morning and I understand
23 the issues here in terms of people wanting to speak, but
24 perhaps that would help them a little bit with their needs
25 if you could come forward and maybe they can start setting

1 up the back of the room. I know I'm making policy for the
2 Red Line right now, which is probably not a good idea, but
3 that would help them out a little bit.
4 MR. MADRON: You probably don't need me. I asked
5 for that. So I'd say that sounds great. Let's get it done.
6 My name is Sini Madron. I'm here representing
7 myself and I want to thank you for your incredible tenacity
8 for hanging in here tonight with no break, no bathroom
9 break, no nothing and you've continued to try and listen and
10 I thank you for that. It's all about time. Can you feel it
11 ticking. That wasn't even a minute. If I stayed quiet for
12 another minute or two, how would that feel?
13 (Pause.)
14 MR. MADRON: It's been over a hundred years, 150
15 years for some of these tribes in terms of their ancestral
16 needs, beliefs and livelihoods. It's about time. It's
17 about time to bring these dams down. I think you know that.
18 We all know that. We can help farmers. We can work with
19 other people in the middle. We can work with people at all
20 ends of this system. We know how to do that now. We know
21 how to put in riparian areas and conservation measures to
22 reduce the use of water, but none of that's going to work if
23 we don't start removing some of these dams. So it's about
24 time and I'm here to support the removal of these dams.
25 Thank you.

1 (Applause.)
2 MR. EVANS: Larry Evans, a resident of Eureka.
3 My Moms a native of Kodak, Alaska and I didn't grow up there
4 and I didn't grow up here, but I've had salmon in my life my
5 whole life, just as my ancestors have for 10,000 years. I'm
6 from a salmon people. I came to this place more than 20
7 years ago because I learned that the salmon were in trouble,
8 so that's what I devoted my life to do, including my son and
9 his children can know and experience and understand the
10 wonder of salmon and steelhead swimming upstream as they
11 complete a cycle of life and birth and death that's gone on
12 for all of human existence.
13 Dams on the Klamath are clearly a major cause of
14 the destruction of water quality, which is causing the loss
15 of the fish as well as blocking significant reaches of
16 habitat. It's clear that the dams must go. Trucking fish
17 will not work to access the Upper Basin. Water quality
18 cannot be restored while the dams stand. Economic losses
19 stemming from decommission of the dams and the curtailing of
20 power generation is dwarfed by the economic losses suffered
21 by those of us who fish for a living.
22 Unbalancing of the natural system of the Klamath
23 River will be irreversible if we lose the fish, which
24 anchors that ecosystem as its keystone element. As the
25 health and natural system goes, so goes the health of the

1 people.
2 Finally, the loss of Klamath fisheries will
3 destroy the cultures of the North Coast, Native and non-
4 Native both. Salmon is a great teacher if we listen to the
5 lessons that are offered. One lesson is renewal. I ask you
6 respectfully to hear this lesson and have the dams removed.
7 If you can't hear the lessons of salmon, let me be more
8 direct. I demand the removal of the dams. Thank you very
9 much.
10 (Applause.)
11 MR. HELLIWEIL: I'm David Helliweil. I have a
12 fishing vessel, the Corrigador. I'm a member of the
13 Humboldt Fishermen's Marketing Association and Pacific Coast
14 Federation of Fishery Associations and I just want to get
15 one thing in the record that from 1964 to 1994, for 30
16 years, the returns up Butte Creek averaged 407 fish per
17 year. Between 1993 and 1998, they took three dams out. In
18 1998 the escapement up that river was 20,000 fish. That's
19 the result of what you can get done. That's a factor of 50
20 to 1 if you took the Klamath escapement floor 36,000 and
21 took those dams out and had an effect similar to that, it
22 would represent 1,800,000 fish. Thank you.
23 (Applause.)
24 MR. TRIP: My name is Amos Trip. My family is
25 from (Indian dialect). Our place is where we did the first

1 salmon ceremony for the Karuk Tribe. My great grandfather
2 was Lilae. They also called him Fisheye. Probably everyone
3 has talked about fishing on the Klamath River has seen this
4 photograph dipping salmon at Ike's Fall, (Indian dialect) in
5 our language. He was still fishing when the dams were first
6 going in and they basically kind of killed the spring runs
7 and the spring runs is what we -- that's when we had our
8 first salmon ceremony. I'm a fisher many years now and as
9 he was dying he told my uncle, his grandson, our homeland is
10 going to hell. It's time to turn it around. The dams is
11 killing everybody.
12 (Applause.)
13 MR. MUDRE: Thank you very much. I want to thank
14 everyone for coming here tonight. We appreciate your input
15 and I apologize that the size of the room wasn't as large as
16 the number of people that wanted to be here.
17 (Whereupon, 11:30 p.m., the above-entitled matter
18 was concluded.)
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