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PUBLIC HEARING BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION
(FERC)

KILARC-COW CREEK HYDROELECTRIC PROJECT
FERC PROJECT NO. 606
CALIFORNIA

WEDNESDAY, JULY 14, 2010
HOLIDAY INN, 1900 HILLTOP DRIVE
REDDING, CALIFORNIA
6:00 P.M.

Members Present Representing the FERC Team:

- CarLisa Linton-Peters
- Rachel Price
- Jade Alvey
- Andrea Claros
- Mark Carter
- Steven Sachs

1

Reported by CHERYL K. SMITH, CSR 5257

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1 PUBLIC HEARING
2 BEFORE THE FEDERAL ENERGY REGULATORY COMMISSION
3 WEDNESDAY, JULY 14, 2010

4 ---o0o---

5 MS. LINTON-PETERS: Welcome everybody. I would
6 like to welcome everybody to the Kilarc-Cow Creek
7 Hydroelectric Public Meeting. We have a very good turnout
8 tonight, and I appreciate you guys giving us your time. I'm
9 CarLisa Linton, I'm an Environmental Coordinator for the
10 license and application for the Kilarc-Cow Creek project,
11 known as FERC project No. 606.

12 The purpose of tonight's meeting is to receive all
13 of the public comments on the draft of our Environmental
14 Impact Statement. We issued a Draft Environmental Statement
15 on June 22nd, and it is now in the public comment period.

16 With me -- and I would like to say that we are on
17 the public record. We have our team, our FERC team with us
18 tonight, some of which you've met before. And then we
19 brought along some -- some new players as well. So I will
20 let them introduce themselves to you and tell you what
21 aspect of the NEPA document that they are overseeing. First
22 is Rachel.

23 MS. PRICE: Nice to see you all again. I'm
24 Rachel Price and I covered the geology and soils, water
25 quantity, and water quality aspects of the Draft

1 Environmental Impact Statement.

2 MS. ALVEY: Jade Alvey, land use, aesthetics and
3 cultural resources.

4 MS. CLAROS: Andrea Claros. I covered the fishery
5 resources.

6 MR. CARTER: I'm Mark Carter. I covered the
7 socioeconomics and the recreation sections.

8 MR. SACHS: I'm Steven Sachs, and I'm filling in
9 for Robert Bell on the economic analysis section.

10 MS. LINTON-PETERS: Okay. So we're your FERC
11 team. Our job is to oversee the NEPA document. You've seen
12 our document in draft. It's not a decisional document.
13 What you've read is staff's initial analysis of the impacts
14 associated with the PG&E's proposal.

15 Tonight we are not here -- we're here to talk
16 about the Draft Environmental Impact Statement, and to hear
17 your opinions on that. We're not here to talk about
18 Commission policy or Commission legal issues. That's not
19 what we are. We're not decisional staff, we are
20 environmental staff.

21 Basically we -- we have a Court Reporter here
22 tonight. The Court Reporter is an independent party. She
23 is here so that we get an accurate record of this public
24 proceeding. And we're going to go by the sign-in sheets
25 that are at the back. And everyone who signed in and filled

1 in the column that they request to speak will be allowed to
2 come up here to the podium. The Court Reporter is asking
3 that you state your full name, and that you spell it for her
4 so that it can be accurate in the record. And spell out any
5 acronyms that you use for her.

6 And we will -- we're also letting you know that
7 some people have provided us written comments as well.
8 You're more than welcome to leave written comments tonight,
9 or file them with the Secretary of the Commission.

10 And so we're going to ask that you turn off your
11 cell phones, and we will get started.

12 First, I want to know if PG&E would like to come
13 forward and make any statements.

14 MS. WHITMAN: I will do that for a second.

15 MS. LINTON-PETERS: If you can do this, wear this
16 if you want, and speak and maybe she'll pick you up.

17

18 PUBLIC COMMENT BY LISA WHITMAN

19

20 MS. WHITMAN: My name is Lisa Whitman,
21 W-H-I-T-M-A-N, and I'm with PG&E, Pacific Gas and Electric.
22 I just wanted to say a couple of things. It will only take
23 a minute.

24 Like many of you in this room, PG&E is still in
25 the process of reviewing the Draft Environmental Impact

1 Statement, and we're not yet prepared to present comments
2 tonight. We will file written comments with FERC by the
3 August 25th deadline.

4 In general, though, we do support the draft
5 recommendation of the Commission that's contained in the
6 document. We believe our proposal has been clearly
7 presented in the Public Record to date, and we are here
8 today to listen to the comments that others have on the
9 Draft Environmental document.

10 MS. LINTON-PETERS: Thank you, Lisa.

11 Lisa's comment reminded me that I also received
12 two letters, and the letters are being made public on
13 E-Library. The first one is from the National Marine
14 Fishery Service dated yesterday, July 13th, 2010. And it
15 states that they will not be attending tonight's meeting.
16 That they will be providing written comments on the Draft
17 EIS by the August 25th deadline.

18 And that NMFS would like to point out that in the
19 last four years they have provided eight different comment
20 letters to the FERC record for this proceeding, and has
21 participated in the numerous related site visits and
22 meetings. NMFS refers interested parties to their May 10,
23 2010 filing to the FERC record that provides more detailed
24 accounts of NMFS's recent activities in this proceeding. So
25 NMFS will not be with us tonight.

1 The second letter is I believe from the California
2 Department of Fish and Game. And they also basically stated
3 that they will not be attending tonight's meeting. That
4 their preference is to file their comments in writing.

5 Okay. So staff's intention tonight, our purpose
6 is to allow you to provide us with comments that you think
7 will make the final better. Something that you think needs
8 to be clarified, or better understood, or -- this is your
9 opportunity to let us know your feelings on the Draft before
10 we get to work writing the final, which we will start as
11 soon as the comment period closes.

12 So we're going to go down the list. Part of the
13 list is still in the back, and come to the podium, and we
14 think that everybody will start off with three or four
15 minutes. If after everybody has had a chance who signed up,
16 if anyone else decides they want to come up or add any
17 additional thing, then they will be allowed to do so, as
18 long as time permits. Okay. The room is pretty full.
19 First up is R.J. Roth.

20

21 PUBLIC COMMENT BY ROBERT J. ROTH

22

23 MR. ROTH: Good afternoon -- good evening. My
24 name is Robert J. Roth, R-O-T-H. I'm a resident of the
25 Whitmore, California, area. And tonight I would like to

1 comment on the Draft Environmental Impact Statement,
2 specifically 4.1.12, Economic Analysis.

3 This project proposes to spend 14.5 million
4 dollars of PG&E rate payer money to add no additional water
5 flow to the natural barriers in the affected streams. No
6 steelhead or salmon have been reported above the falls in
7 Old Cow Creek. How many additional millions of taxpayer
8 money will it take to guarantee more steelhead and salmon
9 returns. Note the government fish agencies only state fish
10 may be able to pass the barriers. Simply having more water
11 in aquatic resources in the three mile section below the
12 Kilarc Diversion Canal in Old Cow Creek will not by itself
13 produce the desired outcome of more fish.

14 The only logical solution would be to blow up
15 Whitmore Falls and the second barrier above the Kilarc
16 powerhouse. How does the National Marine Fishery Society
17 and Cal Fish and Game propose to enter private property to
18 do this? They would also have to gain future access to the
19 99 percent of the private stream to guarantee no fish
20 harvesting. Where will that money come in from.

21 Please consider letting private interest money
22 continue these hydro projects, as this would provide income,
23 tax payments and recreation in our area. Local landowner
24 involvement along the stream would also create more
25 cooperation with governmental fish and wildlife agencies.

1 Only with everyone's cooperation will anadromous fish be
2 restored. Thank you.

3 MS. LINTON-PETERS: I'm thinking. Thank you for
4 that comment. The one point that I -- I feel the need to
5 touch on is that the aspect of other interests coming
6 forward. At this point in the process, Commission staff is
7 charged with analyzing the impacts of PG&E's proposal. That
8 is the only, in the Commission we use the term "pending,"
9 the pending task before Commission staff. So I just want to
10 remind everybody that after the Commission acts on the
11 surrender application before us, then it would be after that
12 that we would entertain, um, how can I say it?

13 MS. ALVEY: Any new application.

14 MEMBER OF THE PUBLIC: Alternative application.

15 MS. LINTON-PETERS: That would be new
16 applications at that point. Okay.

17 MEMBER OF THE PUBLIC: After when?

18 MS. LINTON-PETERS: After the Commission acts on
19 the license surrender application that was filed in May
20 2009.

21 MEMBER OF THE PUBLIC: Are we going down the list
22 of --

23 MS. LINTON-PETERS: Yeah. Maggie.

24

1 PUBLIC COMMENT BY MAGGIE TREVELYAN

2

3 MS. TREVELYAN: My name is Maggie Trevelyan,
4 T-R-E-V-E-L-Y-A-N. You just said that other things may be
5 considered afterwards, but right now I'm speaking for myself
6 as a resident of Whitmore and also trying to pass on many
7 comments that I received from people who unfortunately
8 cannot be here because of time, place, and other
9 commitments.

10 I'm going to address the comments made in the DEIS
11 regarding the people. I strongly disagree with assumptions
12 regarding the effective decommissioning of Kilarc south of
13 Cow Creek. The Draft DEIS was published on June 22nd, it
14 makes sweeping comments about what affect the local
15 residents -- what would affect the local residents if this
16 occurs. Certain comments speak of Marie Antoinette who said
17 "let them eat cake."

18 This may sound emotional, but Whitmore, to
19 explain, Whitmore has a population of approximately 1100
20 people, about 350 families. We have a reputation of being a
21 caring can do community. Everybody here is concerned about
22 each of our neighbors, our environment, and our community.
23 Our way of life and our actions directly impact each and
24 every one of us.

25 According to the demographics, we have a high

1 percentage of white collar population. We have retired, we
2 have people working locally, and we have people working from
3 their home and enjoying the countryside as well using the
4 Internet. But we also have a large percentage of people who
5 are disabled, who are unemployed, and who live -- can only
6 exist because they live on small parcels of land and almost
7 living on a subsistence.

8 We have invested our money in property and our
9 hearts in the community. Many people cannot afford to go
10 elsewhere for services or recreation, either physically or
11 financially. The loss of this facility affects us all. If
12 we lose taxable income, we will deplete the area of services
13 currently enjoyed such as our Post Office, our school, our
14 store, our churches, and other businesses, our recreation
15 and the ability to attract and support new families in the
16 future.

17 The decommissioning will destroy a well-loved
18 facility and corrupt the environment. It will affect our
19 water table, jobs, historical artifacts and participation in
20 wholesome, wheelchair accessible recreation, amongst many
21 other issues that will be addressed by others here tonight.

22 As I speak, there is a part of Bear Mountain Road,
23 which as the crow flies is probably 20 miles from here, but
24 most of us know that 20 miles can be half an hour if the
25 wind is wrong. Two years ago there was 5000 fires started

1 as a result of one thunder storm on June the 21st, so we did
2 not have the option of obtaining water for suppression from
3 other water sources other than Kilarc. All water was and is
4 a premium everywhere to save lives and property.

5 Our fire fighters, our local residents, and
6 volunteers, almost everything that they do is funded by
7 contributions from the public. We are not sufficiently
8 supported by State or Federal money. Loss of water means
9 loss of property, in reality, services, and as our heritage,
10 or as an investment. Will FERC pay for new wells? The
11 Draft EIS is erroneous and at times patronizing to all of
12 us, which is indifferent to our welfare and well being, not
13 to mention our wishes.

14 We respectfully suggest that FERC reconsiders and
15 maybe goes back to the drawing board to totally reevaluate
16 and give respect to the human kind. And in addition, we
17 implore even if this is untimely that it considers other
18 options rather than placing this massive burden on our
19 backs.

20 MS. LINTON-PETERS: Thanks, Maggie.

21 The next person to speak is Bob Bagel. No? It
22 looks like B-A-G-E-L. Okay.

23 MS. TREVELYAN: Who signed up after me?

24 MS. LINTON-PETERS: Well, let's go with Robert
25 Carey.

1 PUBLIC COMMENT BY ROBERT CAREY

2

3 MR. CAREY: I'll put that on if I need to. My
4 name is Robert Carey, C-A-R-E-Y. Thanks for the opportunity
5 to address the FERC staff today.

6 I'm a professional wildlife biologist who has been
7 working in the Cow Creek ranges for over 17 years. I have
8 first-hand experience in doing snorkel surveys in the
9 creeks. I understand the hydrology and the structure of the
10 creeks. I know where the fish are, I know where the fish
11 aren't. I understand that the riparian habitat associated
12 with the conveyance systems that are part of the facilities
13 that are being decommissioned provide valuable habitat to
14 both terrestrial and aquatic organisms outside of the main
15 sub-channels.

16 I think that the FERC Draft EIS completely
17 overlooks the benefit to wildlife, both aquatic and
18 terrestrial species that would result in loss of riparian
19 habitat associated with the conveyance portions of the
20 facilities.

21 Currently when you mention that the process in
22 place right now is a NEPA process that FERC is using to
23 identify the options of PG&E's proposal, you know, NEPA
24 analysis in general requires an identification analysis of
25 alternatives. And the acquisition of the existing

1 facilities by well-funded organized and professional
2 interests is a viable alternative in that analysis. And
3 it's actually addressed in places in the Draft EIS, you
4 know, the proposals to acquire the facilities are addressed
5 in the EIS. So I don't know that it's inappropriate to
6 discuss them at this stage. In my mind that is part of the
7 alternative analysis that is required by NEPA.

8 The EIS goes on to acknowledge, and I think
9 rightly so, that there is a lot of uncertainty about the
10 benefits to anadromous fisheries that will result from the
11 decommissioning as proposed by PG&E. There is a lot of
12 discussion about anadromous access above Whitmore Falls and
13 above some of the other natural barriers within both the Old
14 Cow, and not so much the South Cow, although I've -- I know
15 what the habitat looks like above the South Cow system where
16 the diversion is, and it quickly becomes extremely marginal
17 for anadromous salmonids.

18 You know the issue of Whitmore Falls as being a
19 complete barrier to anadromous fish was never an issue up
20 until it was visually evaluated in 2003 by really one of
21 two individuals, without any data, without any scientific
22 information, any calculations, any application of science.
23 It was determined that, you know, it looks like fish might
24 get up there sometimes, maybe. That's a pretty bitter pill
25 to swallow when looking at the cost of doing this kind of

1 project.

2 So the Draft EIS acknowledges that there are
3 really a lot of uncertainty about benefits. But I think
4 it's pretty clear that there are real certain costs, both in
5 terms of impacts to the community, economics, ecological
6 impacts.

7 The Draft EIS talks about fish in the canals. And
8 I have had numerous discussions with both State and Federal
9 regulatory agencies, as well as FERC staff, about the value
10 of the conveyance systems for aquatic and terrestrial
11 species. And I don't have the page number in front of me, I
12 looked at several different versions, depending on what
13 you're looking at. The page numbers are scrambled. So it
14 talks about juvenile rainbow trout in the canal systems.
15 Thirty percent of the species that were caught in South Cow
16 Creek canal were rainbow trout.

17 And, you know, fishery biologists will tell you
18 that rainbow trout and steelhead are indistinguishable,
19 visually and genetically. They're the same species. So if
20 you're going to dry those up and bulldoze those conveyance
21 systems, I would hope that the Draft EIS would kind of
22 address incidental take authority and how the loss, the
23 killing of what is potentially a Federally listed species is
24 going to be dealt with.

25 There are other inadequacies in the Draft EIS,

1 although there are some strong points as well. I don't mean
2 to be overly critical. I guess the bottom line is when you
3 look at the 2.7 mile reach between where the tailrace water
4 comes in right now full flow, upstream to OC 11, the
5 waterfall at OC 11, that's a 2.7 mile stretch. No matter
6 what you do in terms of decommissioning, adding more water,
7 putting water back in the creek, you're only benefitting
8 fish in a 2.7 mile stretch of Old Cow Creek. I don't know
9 what the cost benefit analysis would look like, but the
10 dollars per fish seems to me we're a little on the wrong
11 side of the equation there.

12 The same thing can be said for South Cow Creek.
13 The only place that benefits from the decommissioning of the
14 South Cow Creek Diversion Dam is from, you know, where the
15 water is currently taking off down stream to Hooten Gulch
16 where it all comes back in it. That's about a three mile
17 stretch, three and a half.

18 So the total benefit, without even thinking about
19 the costs, is an increase in flow in seven miles of stream,
20 which may or may not support anadromous fish.

21 There are a number of other biological issues and
22 ecological issues that cause me some concern. One is, as I
23 mentioned, rainbow trout, resident rainbow trout and
24 anadromous steelhead are indistinguishable visually and
25 genetically. There is no records of steelhead being in any

1 of the Old Cow or South Cow systems before the Department of
2 Fish and Game started planting them there with stock from
3 the Coleman Fish Hatchery from about the mid-1960s to about
4 the rough mid-1990s. So there is really no evidence that
5 the fish that are in that system are naturally occurring
6 fish, or whether or not they're introduced fish.

7 I'm going to wrap it up real quick. I think in terms of a
8 restoration project, there is no baseline data that you're
9 trying to get something restored to. When you talk about
10 restoring a fishery resource in Old Cow Creek and South Cow
11 Creek, the restoration kind of by definition says we had a
12 condition and something happened and we want to bring that
13 condition back, we want to restore it to the way it was.
14 But no one really knows what it looked like. It's like
15 taking a scrap car that's been crunched and say I'm going to
16 remake it into a Cadillac when it used to be a Volvo. It's
17 a difficult task. Thanks very much.

18 MS. LINTON-PETERS: Okay. We're going to
19 proceed on. Next up will be Herb Baldwin.

20 First I'm going to let Rachel Price, who did a lot
21 of the water quality stuff come up and speak.

22 I also want to point out to the speakers as a
23 whole, that our EIS, our Draft EIS, it comes to some
24 conclusions that aren't necessarily pretty. We do talk
25 about adverse impacts associated with removal of the Kilarc

1 forebay. We do talk about some beneficial impacts, and we
2 talk about some adverse impacts.

3 We -- total removal of the project is not all
4 pretty, or not all ugly. We talk about benefits and adverse
5 impacts. But what I want to get you guys to do, if you can,
6 if you have any additional data, if you have any initial
7 information, if you have any additional concrete findings
8 that you did not see in the Draft EIS that you want to see,
9 something that staff can utilize and put in the final EIS,
10 then please provide us with that information. Okay.

11 MEMBER OF THE PUBLIC: CarLisa, I'm sorry, but I
12 just have a quick request. Have you counted up the number
13 of people that have asked to speak?

14 MS. LINTON-PETERS: We have.

15 MEMBER OF THE PUBLIC: Can you tell us what that
16 number is.

17 MS. LINTON-PETERS: I have -- well, I have to get
18 one paper in the back, but I have 57 before me in my hand.
19 Not all that want to speak. There are a couple of "nos" in
20 the column.

21 MEMBER OF THE PUBLIC: CarLisa, as this is the
22 public's chance to address FERC staff while you're here, and
23 first thing, would staff be comfortable with just letting
24 the public get their comments out of the way and holding
25 responses until everybody gets a chance.

1 MS. LINTON-PETERS: That's right. It's your
2 meeting, and we want to hear from you.

3 MEMBER OF THE PUBLIC: Thank you.

4 MS. PRICE: I was just going to thank Dave --
5 Robert, I'm sorry, for his comments and say it's very
6 helpful for us if you can be specific and say, for example,
7 I think you overlooked this in this section, and I know you
8 can't do all of that here, so I encourage you at the podium,
9 if you can, be very specific. And if not here, make sure
10 that you are specific and you file all this so that we can
11 respond to you and address your concerns. That was all I
12 was going to say.

13 MS. LINTON-PETERS: We want to be able to go back
14 to each resource area and confirm the analysis that we did.
15 Okay.

16 So next up would be Herb.

17
18 PUBLIC COMMENT BY HERB BALDWIN

19
20 MR. BALDWIN: Thank you. My name Herb Baldwin,
21 B-A-L-D-W-I-N. I'm a licensed professional forester, and
22 the Redding District Forestry Manager for Sierra Pacific
23 Industries. Sierra Pacific is a family company with a
24 million and a half acres of timberland in California,
25 250,000 acres of those in Shasta County, and somewhere

1 around 45,000 acres in the vicinity of the Kilarc-South Cow
2 Project. Our business is to grow and harvest trees on those
3 timberlands, and primarily as a source of logs for three saw
4 mills also in Shasta County.

5 We currently have about 750 families in Shasta
6 County that look to the company as a direct source of living
7 wages. And on top of that, it's generally accepted that the
8 multiplier of six times is attached to those jobs for all
9 the indirect employment in regards to water truck drivers,
10 suppliers, those kinds of things.

11 Our mills and forests are located in rural
12 communities, and we have a significant commitment to
13 those -- to their sustainable economic health, and that
14 includes Whitmore. It is for that reason that we've joined
15 with Shasta County in bringing Shasta Power to advocate the
16 retention of the existing facilities, including recreational
17 opportunities and continuation of already in place renewable
18 power generation.

19 So with that background, I have a specific comment
20 about one portion of the Draft EIS. Growing forests is a
21 very long-term process. And in this part of California it's
22 a very hot, dry, fire-prone climate. The trees often take
23 60 to 80 years or more to grow big enough to do the
24 harvesting. And because of that fire-prone climate, it's a
25 very risky business. Wildfires are not uncommon. In fact,

1 as was mentioned earlier tonight, we've had several start up
2 even while you have been here today.

3 And, in fact, two very large fires have occurred
4 in the direct, and actually in the direct vicinity, and
5 actually surround the project area. The Whitmore fire of
6 1978, and the Fern fire of 1988, a portion of which reburned
7 in 2002. Protection from those fires is of utmost
8 importance, not only to local communities, but also to those
9 of us that are trying to be in the long-term forestry
10 business.

11 The Kilarc forebay represents a valuable and local
12 source for not only Cal Fire's immediate wildfire response,
13 but also for the local volunteer fire departments. A quick
14 response time from each of them is absolutely critical to
15 keep small fires from reaching catastrophic sizes.

16 The EIS, the Draft EIS suggests that fire trucks
17 could use other creeks in the area to fight those fires,
18 except that the reality in this part of California is that
19 during the high fire potential late summer months, many of
20 the smaller creeks are dry, others have limited access, and
21 all the fire fighting is very highly dependent on slow, low
22 standard dirt roads where travel time and proximity to the
23 water is a key for successful suppression.

24 Two years ago, as again was previously mentioned
25 in the lightning seizure we had in June of 2008, we didn't

1 draft the water from Old Cow Creek, or from the distant Blue
2 Lake, Silver Lake or Buckhorn Lakes, all of which were
3 listed as alternative sources in the Draft EIS. We drafted
4 directly from the water going to the Kilarc forebay. That
5 effort kept several small fires from growing to really
6 unmanageable sizes.

7 Furthermore, representations of water available to
8 helicopters for local suppression efforts are also very
9 problematic. Much of the Old Cow -- I'm sorry, the Old Cow
10 Creek channel, and the Old Cow Creek Canyon, is too narrow
11 for adequate water, or too narrow for safety concerns for
12 helicopter use. And helicopters certainly aren't going to
13 fly the many, many miles to Shasta Lake to get water, that
14 is without coming back to a fire that is much, much bigger
15 than it was originally. All those sources are listed as
16 alternative water sources to the Kilarc forebay in the EIS.

17 At best, the EIS glosses over the importance of
18 timely fire response. At worst, it is faulty in that
19 conclusion that alternative sources are available, or
20 readily available.

21 I'm not aware that anybody contacted us for input
22 in this regard, but we hope you can follow-up with those
23 concerns before you reach any final conclusions. And with
24 this in mind, we would urge you to consider alternatives
25 that there might be that would include retention of existing

1 operating facilities. Thank you.

2 MS. LINTON-PETERS: Okay.

3 And Herb, we will follow up with you. We did
4 seek information on fire use. We will -- we will hope
5 you'll file something in writing with us.

6 Robert Marx.

7 MR. MARX: Marx.

8

9 PUBLIC COMMENT BY ROBERT MARX

10

11 MR. MARX: Robert Marx, M-A-R-X. I was raised and
12 born in Kilarc Park 91 years ago, and I fished that stream
13 after they, the Division of Fish and Game told me that after
14 they planted steelhead and salmon up there. I fished it for
15 70-some odd years, I've never seen a steelhead or a salmon.
16 The only trout, other than the trout that belonged there,
17 are rainbow trout that were planted by the Division of Fish
18 and Game years ago. And now they don't do that anymore.

19 And the floods that they had in 1929, they flooded
20 the entire same side of the Kilarc powerhouse. When it
21 flooded in 38 and 40, it didn't, it just got big.

22 I talked to the Fish and Game about a year ago and
23 they said that -- excuse me -- they said that the fish
24 didn't get over that waterfall down there in the high water.
25 That's impossible, because I fished it after every high

1 water there was. I love to fly fish, that's why I love
2 Kilarc. Plus the fact that I was raised on it. So I just
3 wanted to say that the fish, the salmon, and the steelhead
4 will not get over the falls down at Whitmore, because I
5 fished it for years and years. And that's been my life to
6 fish Kilarc, the stream in Cow Creek, because I love fly
7 fishing. That's all I have to say. Thank you.

8 MS. LINTON-PETERS: Betsy Bivin.

9

10 PUBLIC COMMENT BY BETSY BIVIN

11

12 MS. BIVIN: My name is Betsy Bivin, B-I-V-I-N. I
13 hold a degree in Geography from the University of California
14 at Santa Barbara, with a minor in Environmental Studies.
15 And in reviewing what I could of this Draft EIS, I think I
16 would have gotten an F on it had I turned it in 30 years ago
17 to Cindy and Lawrence Sage.

18 First of all, I believe the scope, Section 3.2.1
19 of the DEIS is grossly understated in regards to primarily
20 the water release. I noted in the study that you estimated
21 greater amount of cubic feet per second water release, which
22 is all well and good in Whitmore. But what happens is when
23 it goes downstream it hits where Cow -- South Cow and Cow
24 Creek meet. It then becomes a huge problem in Millville and
25 Palo Cedro areas.

1 82 -- 1982 it took out about \$50,000 worth of
2 firewood off of a man's property. It's taken out a bridge.
3 If there is an increase in cubic feet per second there will
4 be greater erosion, sedimentation downstream. The area of
5 impact of this EIS is widely underestimated. Damage to
6 wildlife, vegetation, county and personal property will be
7 grossly impacted by this. And this is due to the increase
8 in water.

9 And I also foresee changes in the hundred year
10 flood plain. Insurance companies -- the county says here is
11 the hundred year flood plain, and that is often how people's
12 insurance rates -- you're rated on how much you have to pay
13 if you're in a 50 year flood plain, 100 year flood plain. I
14 think this will expand, made the flood plain larger
15 downstream, especially in Millville and Palo Cedro.

16 Section 3.2.2, the temporal aspect of it. This
17 environment has stabilized over the last hundred years, and
18 any change to it is going to be significant, markedly
19 significant in all aspects of this DEIS.

20 The following are a few negative impacts, which
21 mitigation was mentioned and appears to be completely
22 inadequate, in my opinion. A loss of habitat, wildlife.
23 There was no mention made of the elk that live in that area.
24 Did you even know that there are elk there. Columbia
25 blacktail deer, badgers, beavers, ringtail cat, lynx,

1 osprey, bald eagles, salamanders, turtles, red-legged frogs,
2 you know, et cetera.

3 I think there needs to be further study done in
4 these areas. I think there needs to be a great more study
5 done in the increased erosion, flooding and sedimentation,
6 not only in the area in which you have described, but in the
7 area all the way down to where Cow Creek -- well South Cow
8 Creek and Old Cow Creek merge, and even further to where
9 they reach the Sacramento River.

10 Having lived here for 30 years, I have seen a
11 great deal of flooding, and I can only imagine more of it
12 should there be no controls upstream.

13 Removal of a primary recreation area for disabled
14 people. In the DEIS you mention Grace Lake. I am somewhat
15 disabled, and I can't fish there. I cannot. It's -- and my
16 nephew can't get there. He's in a wheelchair. This is the
17 best place, the best access for fishing for wheelchair
18 individuals in the Shingletown/Whitmore region. I think
19 that needs to be looked into further.

20 Water quality for well users I think will be
21 impacted downstream in times of high water, including
22 Millville and Palo Cedro. And I'm wondering what the impact
23 will be on Bella Vista water with sedimentation runoff and
24 flooding.

25 Um, and again, regarding the salmonid, I spoke

1 with my brother-in-law and other people who have been in
2 that area for years and years, since the 40s. Nobody has
3 ever seen a salmon or a steelhead passed the falls. And if
4 they were to one in a million get passed the falls, they
5 would be so beat up by that time that they would be
6 incapable of reproducing.

7 Economic impacts would be devastating during years
8 of high water runoff. To businesses, potentially roads, old
9 44 gets flooded, the county, who would be responsible for,
10 you know, you need to look at downstream further and the
11 impact that this is going to have.

12 And it really looks like this DEIS appears to have
13 grossly underestimated the numerous negative impacts upon
14 the natural and human communities along South Cow Creek and
15 Old Cow Creek drainage basins. I feel it has not identified
16 or assessed all reasonable alternatives.

17 The most significant being no action and allowing
18 Davis Hydro to maintain its status quote. I hate to say
19 this, in my opinion this document is a travesty to the
20 National Environmental Policy Act. It's generalizations and
21 lack of tangible data were ghastly. I don't know who did
22 the field work, but it looked like there wasn't much done.

23 It also, in Section 4.3, recommends this proposed
24 action for fiscal reasons benefitting PG&E. And I don't
25 believe that this proposed action will restore salmon or

1 steelhead populations that never existed above the falls. I
2 believe the, quote, unavoidable adverse effects of special
3 status plant species is unacceptable. Unacceptable, I'm
4 sorry.

5 It's easy to put a price tag on the given proposed
6 actions, but it's impossible to put a price tag on the
7 future, and the unknown repercussions of these actions. I'm
8 wondering if there are any vernal pools that would be
9 affected by this outside the geographic area that you have
10 defined that have the fairy shrimp that are endangered.

11 I'm also wondering why no EIR was done.

12 And there seems to be nothing in the document that
13 addresses the potential for flooding, especially at the
14 confluence of South Cow and Old Cow Creek Roads.

15 How will PG&E mitigate damages to bridges, roads,
16 and homes in the Millville and Palo Cedro areas should there
17 be increased flooding. How will loss of property due to
18 erosion be mitigated. The lake was drained in the late
19 1980s as I recall, completely drained, they cleaned it out,
20 and there was a question about brown trout, whether -- how
21 they got there. It was drained, the brown trout got there
22 either upstream from -- must have come from upstream,
23 because they weren't planted. They were native, just as an
24 FYI.

25 And this Draft EIS is incomplete and does not

1 fully address impact to the larger area, and includes
2 species as noted -- not noted in the report such as elk.

3 Kilarc region is also a primary migration for
4 Columbia blacktail deer.

5 I'm also wondering about the impact on roads and
6 traffic should the project be approved. That's an awful lot
7 of traffic, of big heavy machinery on little Whitmore Road.
8 And will the county be responsible. Who will be responsible
9 for that.

10 And I think I'm done. Thank you.

11 MS. LINTON-PETERS: Thank you, Betsy.

12 Steve Tetrick.

13 MR. TETRICK: Do I need to put this on, or do I
14 pick up okay?

15 MS. LINTON-PETERS: I think -- are you hearing,
16 everybody? Okay in the back, are you all hearing the
17 speakers in the back?

18

19 PUBLIC COMMENT BY STEVE TETRICK

20

21 MR. TETRICK: Hello. I'm Steve Tetrick. I live at
22 27500 South Cow Creek Road in Millville, California.

23 THE REPORTER: The spelling of your last name,
24 please.

25 MR. TETRICK: It's T-E-T-R-I-C-K, Steve Tetrick.

1 I appreciate FERC coming out here. It's good to
2 see you again. You were here last fall, most of you were
3 anyway, and I appreciate, looks like over 90 to a hundred
4 people are here today. For the record, you know, we got a
5 good turnout today.

6 With all due respect, you know, I had the chance
7 to read through the DEIS once. I must say that I'm not
8 going to be able to in four minutes time get into my
9 comments, but we will timely respond in writing within
10 hopefully on or before the 23rd.

11 One of the things that I wanted to bring up that I
12 was saddened and surprised was that, you know, we went
13 through great trouble to come up with an alternative in our
14 plan that -- that took the PG&E baseline, and we pretty much
15 doubled the in-stream flows to the fish, hit a village to
16 the -- to Shasta County for restoration, and for whatever
17 reason it was left out of the DEIS as an alternative. I put
18 it in as Evergreen Shasta Power, which is an entity that I'm
19 part of, along with Sierra Pacific Industries. And the
20 document was silent.

21 The people --

22 MS. LINTON-PETERS: Steve --

23 MR. TETRICK: I'm sorry?

24 MS. LINTON-PETERS: -- we -- I hear what you're
25 saying on that.

1 MR. TETRICK: It was omitted for some reason. It
2 was our understanding it was an alternative, and an
3 alternative should have been considered underneath it.

4 MS. LINTON-PETERS: Okay. I will just say we
5 will have more to say about your proposal in the final.

6 THE WITNESS: Okay. Thank you.

7 The other thing I wanted to touch on while I'm
8 here tonight is, is a cost benefit analysis. I didn't catch
9 the name of the gentleman who was here representing Bob
10 Bell. Is it Steve --

11 MR. SACHS: Steve Sachs.

12 MR. TETRICK: Steve Sachs. Steve, I too was an
13 economic major at UCLA, and I have a business that in
14 addition to hydro we do different things, enter capital real
15 estate development and those sorts of things. And I started
16 putting together a little economic analysis of what's going
17 on here and, you know, what are the benefits. I think Bob
18 spoke to what the benefits are in the decommissioning.
19 That's what the agency has been claiming is the 2.7 miles of
20 creek above -- above the Kilarc powerhouse, and it's the 3.8
21 miles of the creek above the South Cow Creek powerhouse that
22 everyone is saying is going to be a benefit. I haven't seen
23 a quantitative analysis of what the benefit is, but they're
24 going to basically put some more water into the creek to the
25 extent they tear these diversions out. It's not known as to

1 whether or not an anadrome is going to benefit from that
2 additional water. It may or may not. There is arguments
3 that go both ways.

4 But be that as it may, I start looking at the
5 detriments. And we're getting together with Shasta County
6 to further evaluate it, but the loss of the county and
7 community recreational area that has been in place for over
8 105 years, to replace that in today's age with a lake for
9 fishing, restroom facilities, and picnic tables, is going to
10 be in the 20 million dollar range. PG&E is telling us it's
11 going to cost rate payers upwards of 14.5 million dollars to
12 take out this -- the two powerhouses. Now we're at 34
13 million dollars.

14 The loss of water delivery systems that have been
15 in place for over 105 years to my neighbors, the Abbott
16 Ditch Users, is going to be in the million --

17 THE REPORTER: I'm sorry, your neighbors --

18 MR. TETRICK: My neighbors, the Abbott Ditch
19 Users. It's going to be a significant burden for someone.
20 Right now it's unknown.

21 There is going to be a loss of an important
22 reservoir for fire suppression, as Herb Baldwin pointed out,
23 as it relates to the people in Whitmore are going to be
24 burdened with that in potentially higher insurance rates.

25 There is going to be a fiscal impact to Shasta

1 County because no more taxes are going to be derived from
2 the operators of the hydroplants. That is going to be a
3 significant amount of money that they can cover later.

4 Anyway, just start going through this list, and
5 again I'm not an expert in evaluations, but talking to some
6 experts, you know, I'm coming up with 70 million dollars
7 already, and it's growing. So who pays that burden in this,
8 these proceeding.

9 Thank you.

10 MS. LINTON-PETERS: Richard Ely.

11

12 PUBLIC COMMENT BY RICHARD ELY

13

14 MR. ELY: Thank you, CarLisa. Thank you for
15 coming.

16 I won't attempt, as Steve did, to handle the
17 microphone. I hope you all can hear me.

18 I would like to keep my remarks very short,
19 because we have a lot of other people to speak, and we will
20 be filing written comments later. And I would like to
21 reenforce what Steve said. There were many alternatives
22 provided. We provided -- hard to remember at this point,
23 two or three. Steve over the time I think rewrote his once
24 or twice. Those -- all those alternatives were
25 categorically ignored. And I think the opportunity here for

1 FERC to go back and review those in the future would make a
2 lot of people a lot more comfortable, since we've put a lot
3 of effort into them.

4 I think we can show in those -- in those things
5 that there is a huge increase in economics as Steve has
6 pointed out. Our emphasis is in fish. We believe the
7 return on our proposals in terms of fish production, notably
8 endangered fish, the types of opportunities that we have put
9 forth, and can put forth in cooperation with the agencies
10 will absolutely swamp the potential hypothetical fish that
11 may reach up above the 2.7 miles in our particular area of
12 interest, which is the Kilarc area.

13 I would also like to state other than ignoring all
14 the alternatives that have been put forth, that the one
15 alternative that you did discuss, AA 1, that's alternative
16 1, is of course, ridiculous. What you've done is provided,
17 to refresh everyone's memory, that alternative basically
18 says leave the water in the forebay, but don't allow the
19 hydropower. Well, it's ridiculous, because there is no
20 money to support all the infrastructure in bringing the
21 water there. So it's a ridiculous straw, and I hope you
22 won't proceed with that kind of less than helpful
23 alternative.

24 I would also like to point out that under the
25 Clean Air Act Section 309, FERC is required to consult with

1 EPA for air impacts. If we tear out this renewal energy
2 source, since there is an inability in California to meet
3 its renewable energy objective, it's going to be replaced
4 primarily with natural gas and the slower decommissioning of
5 coal. The downwind, downstream impacts of that extend all
6 the way across the country, and will swamp the acid rain,
7 the very fish that we're trying to protect.

8 Limiting this impact geographically to the -- to
9 the short stretch down to the next hydro site, it's again
10 inadequate in that the temperature effects extend all the
11 way down to the main stem. True, they're very small, but as
12 Dr. Thompson has pointed out at Davis, they're very large,
13 very large habitat down there that is extremely temperature
14 dependent. So a few tenths or a hundredths of a degree, if
15 it's that small, would make a significant difference.
16 Completely ignore it in your analysis, and yet it's a major
17 impact on the very species that are at the core of both our
18 effort, and frankly the binding effort of the endangered
19 species.

20 The geographic inadequacy of the thing is also
21 brought up by the temporal scope is inadequate in the
22 report. The fire -- Herb Baldwin brought up the issue of
23 fire. He's absolutely right. But there is a secondary
24 effect. Fire produces, when it comes through, it produces
25 mud. That mud runs down into the fish habitat ecosystem,

1 all the way down into the fertile areas that surround it
2 down toward where there are fish, where there are anadromous
3 fish that exist now, and statistically over the years there
4 is going to be increase of that if you remove this primary
5 fire source. So if you want to wipe out fish, you get rid
6 of the Kilarc forebay. That's the bottom line, directly
7 through that.

8 One of the things that we have brought forth, the
9 core of our proposals is a conservation genetics. Many
10 people may not realize that there are really two issues here
11 beyond the community interest, and no way do I want to
12 minimize those. But from the fish agency point of view,
13 there is a conservation genetics issue, and there is a
14 habitat issue.

15 The habitat issue has been well addressed, but
16 we're living in a new world. California Fish and Game has
17 released, and now really it has been made public a new EIS
18 concerning the catastrophe, the devastation that their
19 hatcheries program has caused in the genetics diversity in
20 this area of California. They have basically swamped the
21 entire area with the very limited genetic selection of
22 steelhead. We're interested in that primarily because that
23 is the only possible possibility in the Kilarc area.
24 Recovery of the genetic diversity depth is absolutely
25 critical to the reestablishment of steelhead. We would like

1 to participate in that directly. We have indicated that in
2 a number of filings. Absolutely no mention of it, and no
3 concern so far in your review.

4 I would like to conclude my remarks by thanking
5 you for coming and listening to this, and really look
6 forward to your final draft. Thank you very much, CarLisa.

7 MS. LINTON-PETERS: Thank you.

8 Jim Buell.

9 MR. BUELL: Buell.

10 MS. LINTON-PETERS: Buell.

11

12 PUBLIC COMMENT BY JAMES BUELL

13

14 MR. BUELL: Good evening. My name is Jim or James
15 Buell, B-U-E-L-L. I'm not a local. I was asked by David
16 Slider (phonetic) to come and take a look at this project
17 and render some ideas and opinions about it.

18 My education is that I have a PhD from the
19 University of Oregon in Fisheries and Biology, and
20 comparative Physiology. My expertise is in habitat,
21 environmental effect analysis, passage and screening. It's
22 a bit of a wide swap, but nevertheless, I have been a
23 consultant, a biologist for over 35 years in Alaska, British
24 Columbia, Oregon, Washington and California, and a little
25 bit in Nevada, but not much so. So I sort of covered the

1 ground.

2 I have been deeply involved in power and fish
3 programs for many years, especially addressing habitat and
4 passage issues, fish passage issues, much work in California
5 early on in the small hydro business in the early 70s, did
6 some early in-stream flow work. Also spent ten years
7 working in the water wars in the Central Valley. Of course
8 which of us haven't, I suppose.

9 I was one of the original members of the Battle
10 Creek working group, so I'm very familiar with this area up
11 here, and lot of the Battle Creek issues. After about two
12 years I went on to other things, but we got that thing
13 rolling, and it's been doing some good.

14 I have a lot of experience in fish streams, many
15 fish screening projects, and I have done biological
16 performance testing for two different designs that are
17 self-cleaning, and small and portable. That may be of
18 interest to some people.

19 I was part of the Clifton Court Forebay Technical
20 Team, part of the Tracy Technical Team -- Tracy Fish
21 Facility Technical Team.

22 I came here, I took a look at the project site. I
23 have looked at the stream above the diversion in the bypass
24 reach, this is on Old Cow, and below the project site in
25 several areas. I looked at Whitmore Falls. I have read a

1 lot of the documentation, and looked at a lot of the
2 photographic records. I haven't had a whole lot of time to
3 get steeped in this project, but I'm working at it.

4 I have identified a number of opportunities. One
5 of the things that Dave Slider (phonetic) wanted me to do
6 was to look for opportunities for mitigation should the
7 project license not be recinded, and that should one of the
8 alternatives that allows continued operation of at least the
9 Kilarc project go forward.

10 I have identified quite a number of them. Some
11 are in the watershed below the project, some are associated
12 directly with the project, including the temperature issue,
13 which Dick only touched on very briefly, but we could -- I
14 would be happy to elaborate with staff on that if they
15 desire.

16 I listened with interest to the wildlife
17 biologist's description of the habitat associated with the
18 conveyance facilities, and I find that I'm in agreement with
19 him. I did observe quite a large number of fish in the
20 Kilarc Ditch all the way along, so they're everywhere.

21 Anecdotally, by the way, with respect to the EIS,
22 brown trout come up out of the head pond and spawn in the
23 ditch. Now that needs to be confirmed, but if that's the
24 case, then that needs to be included, I should think in the
25 EIS.

1 One of the opportunities that I had identified,
2 and this is up to those of you in the room and your
3 neighbors, is the leveraging of the creation of riparian
4 conservation easements in various watersheds, not just Cow
5 Creek itself, but some of the other lower tributaries. This
6 can have tax advantages to landowners, but of course it
7 requires willing participation. This is not something that
8 is thrust upon you, it's something that you engage in. But
9 there are sometimes costs associated with that, and if there
10 is an opportunity to leverage some of this by having some of
11 the -- the costs absorbed by an operator as part of their
12 mitigation plan, some of these opportunities should be at
13 least identified. And that again, I can work with staff, if
14 you would like. I believe that some of this is in the Davis
15 Hydro filings, but I'm not sure of that. I need to make
16 review of that.

17 I want to wrap this up because there are a lot of
18 people here to speak. I got a lot written down. I have
19 identified opportunities, but I can't do this alone. And I
20 don't think anyone can. The best way to go about realizing
21 opportunities such as these is to do it collaboratively.
22 That means doing it with agencies, fishery agencies, doing
23 it with you folks, so that those people who have a stake in
24 the outcome, especially for fish, and that's the hot button
25 issue here, everybody knows it, so that the outcome can be

1 realized, and you the beneficiaries can be beneficiaries.

2 If you close down the projects, you close down those
3 opportunities. This is an opportunity foregone, a set of
4 opportunities foregone, that's an impact. And I think
5 opportunities foregone that are bundled into mitigation
6 plans that could be incorporated into to an extension of
7 license needs to be pretty thoroughly flushed out, my
8 opinion for what it's worth.

9 I think I would like to leave it with that.
10 Again, I would be happy to work with staff and supply
11 information, background references and so forth on any of
12 these other items that I might be able to help.

13 MS. CLAROS: I would just like to say if you have
14 any those references and you would like to file them on the
15 record, please do so.

16 MR. BUELL: Okay, thank you.

17 MS. LINTON-PETERS: Erik Poole.

18

19 PUBLIC COMMENT BY ERIK POOLE

20

21 MR. POOLE: My name is Erik Poole, P-O-O-L-E. I'm
22 a landowner on South Cow Creek. I -- my family and I live
23 there. We -- I'm also a water right polar from the Abbott
24 Ditch, and member of the Abbott Ditch Users Group. I also
25 currently sit on the Board of the Cow Creek Watershed

1 Management Group, sub-group of the Western Shasta Resource
2 Conservation District set up by the County of Shasta.

3 I know many of you have been involved in this
4 issue for quite some time now. Um, I'm going to make my
5 comments specific to the Draft EIS today. And it's been a
6 hard process for me to go through this Draft EIS and come up
7 with my comments in some type of a strategy to make them
8 here tonight in the meeting. I'm disappointed in the Draft
9 EIS. I'm more than disappointed in it, I'm feeling like --
10 well, I'm feeling we haven't been doing our job very well so
11 far in collaboration with FERC in trying to get these issues
12 clarified and well understood.

13 In fact, I'm more than that. I'm a little bit --
14 I'm a little bit angry about it, and a little bit ashamed
15 that this document would come out after the work that has
16 gone in thus far. But I'm here to redouble my efforts. I
17 had hoped to address many issues here today, but I was
18 forced to kind of narrow myself down to sort of one issue,
19 and it's an error in the Draft EIS, and it's one of several
20 errors that are in there, but that leads to some very faulty
21 conclusions. And I will submit further comments in writing.
22 But I think that everybody needs to understand the nature of
23 these types of errors that are in the document and why they
24 have led the document to be so remiss and inadequate.

25 I'm going to address the location of the Abbott

1 Ditch Diversion. It's something that I know a little bit
2 about, and I have already submitted some comments about
3 December 30th of 2009. I submitted comments to the Public
4 Record, they're on your site, submission 219434. They're
5 still out there on your E-Library site. And I will refer to
6 them while I refer to some pages in the Draft EIS.

7 I'm going to start with Section 3 dot 3 dot 8,
8 which is the land use section sort of in the middle of the
9 document. It -- there is a lot of repetition in the
10 document, and so this was just kind of a convenient place to
11 jump in.

12 On page 166 under the Cow Creek Development
13 description, in that land use section, the next to the last
14 paragraph here it says that: "The Abbott Ditch Diversion
15 redirects flows pursuant to an adjudication of the watershed
16 throughout the year from Hooten Gulch, and is located a
17 short distant upstream of the Hooten Gulch and South Cow
18 Creek confluence." Which is so far correct. And there has
19 a 32 there. "The water diverted is used by the Abbott Ditch
20 Users (ADU) for domestic, livestock, crops and flood
21 irrigation on 312 acres of pasture and hay lands," and
22 you're referring to Figure 8.

23 The footnote 32 on that same page says that: "The
24 ADU state that they are entitled by a state adjudication of
25 the watershed to divert 13.13 cfs from the natural flow of

1 the east channel of South Cow Creek below the confluence
2 with Hooten Gulch." This is sort of the highest point of
3 this error here in the document. I have not been able to
4 find anywhere where any member of the ADU stated that. I'm
5 pretty much the only member of the ADU that has put anything
6 on the record.

7 But the document that I submitted on December
8 30th -- so, sorry, let me just go back to that footnote. So
9 I believe that attribution is incorrect, unless you can cite
10 that for me. In fact, the document that I spoke of earlier
11 that I submitted on December 30th, the bulk of this document
12 is -- was submitted to you to clarify where the Abbott Ditch
13 Diversion is and what the adjudication states.

14 So mis-information was stated by PG&E, and
15 repeated by California Department of Fish and Game, and
16 seems to have been pulled over wholesale into this Draft
17 EIS. And I thought that I had addressed it by submitting
18 this document earlier, but I notice it's not really
19 referenced anywhere in the Draft EIS, and I'm not sure how
20 closely it was read because it contains the map from the
21 adjudication that shows diversion point 73, which is the
22 Abbott Ditch Diversion in the adjudication clearly on Hooten
23 Gulch. That is the adjudicated -- that is the adjudicated
24 diversion point, as the adjudication says.

25 And I also submitted the water use report that

1 defines Diversion 73, and it says that it is on Hooten Gulch
2 and subsists mostly from tailwater out of the powerhouse on
3 South Cow Creek.

4 So I would hope that staff would go back and
5 review that and try to understand the physical layout. I
6 know we were all there personally, I have pictures from when
7 we were there and toured it, so I know that you have seen it
8 on the ground. And I know you're referring -- repeating
9 references from PG&E and California Department of Fish and
10 Game of their interpretation of what the adjudication says.
11 But I would urge you again to either use my document and my
12 excerpts from the adjudication, or if you need the whole
13 adjudication submitted to the record, I can submit the
14 adjudication to the record, but I didn't really think that
15 was necessary.

16 But anyway, my point is that by being in error and
17 claiming that the Abbott Ditch Users are entitled to divert
18 their water south of the Hooten Gulch and South Cow Creek
19 confluence, which is stated later, it creates several other
20 errors throughout the document that I pulled out on various
21 pages.

22 On page 197 there are a couple of errors in
23 defining the ADU. You state where "ADU, an informal
24 association of seven property owners..." which is correct.
25 Later you say: "The diversion is located a short distance

1 upstream of the confluence of Hooten Gulch with South Cow
2 Creek." Correct. "Water is conveyed about one mile down
3 valley from the Abbott Diversion by gravity flow." It's
4 diverted about four and a half miles, and that's in your
5 Figure 8 in the document. So -- so that's sort of an error
6 there that should be corrected.

7 The next sentence creates -- is another error.
8 "ADU is entitled, pursuant to a state court adjudication of
9 the watershed, to divert 13.13.

10 THE REPORTER: I'm sorry, you will have to slow
11 down.

12 MR. POOLE: Sorry. I will slow down. Restating
13 on the document, again on page 197, the second error is:
14 "ADU is entitled, pursuant to a state court adjudication of
15 the watershed, to divert 13.13 cfs from the natural flow of
16 the east channel of South Cow Creek below the confluence
17 with Hooten Gulch..." and then parenthetically, (and not
18 from Hooten Gulch itself) in parenthesis. I believe that
19 was taken from a PG&E document, though it's not -- it's
20 source isn't cited either.

21 As you know, we all stood there and saw where the
22 water is diverted from Hooten Gulch. And again, I refer you
23 to the map of the adjudication that shows Diversion .73
24 assigned to the Abbott Ditch Users, and where it is. These
25 errors persist throughout the document, and I won't burden

1 everybody with rereading all of them and causing the
2 reporter to retype everything.

3 But it has set up some faulty conclusions and
4 other understated and overstated problems throughout the
5 document.

6 I would like to move on to I think a couple of
7 other errors. In your analysis section on page 205 there is
8 a footnote No. 50. The footnote refers to Agriculture,
9 Forest Products, and Recreational Industries impact. This
10 statement is that -- this statement is describing the
11 removal of the water conveyance system for the Abbott Ditch.
12 It says that this would result in adverse economic
13 circumstances for property owners, including loss of income,
14 loss of livestock, and crops, and personal distress from
15 loss of water sources for domestic and business purposes.

16 I think that's broadly accurate, but probably
17 grossly understated. The footnote No. 50 says that: "One
18 ADU directly uses water delivered by Abbott Ditch from the
19 augmented flows to Hooten Gulch by the Cow Creek powerhouse;
20 another uses the Abbott Ditch water to charge a very shallow
21 well." In fact, at least -- at least three households
22 exercise their first priority right out of the Abbott Ditch
23 water for domestic use directly, and at least one very
24 shallow well is definitely recharged by the Ditch, and
25 possibly others.

1 That the footnote -- the footnote isn't
2 inaccurate, but the understatement really belies the problem
3 with the document. Removing the water delivery system is
4 going to remove the possibility that these homes are
5 habitable, or that property is habitable. Wells, you can't
6 drill wells out there without the water table being charged
7 from the irrigation that's there. You might get water in
8 the table certain times of the year, but you couldn't live
9 there year round. When you do drill out there you hit salt
10 water.

11 On the Whitmore side, the same water, domestic
12 water use issue is similarly understated and not
13 appropriately assessed. Of the 11 well owners that you
14 identified, you said one of them said they didn't use it.
15 So there is ten well owners, or ten well users that may be
16 affected.

17 You state that they can spend \$5,000 in drilling a
18 new well. They can drill a new well, but they're still not
19 going to hit any water there because the water that charges
20 those fissures is gone.

21 So this all rolls up into an analysis section
22 further in your document where you state that all of these
23 impacts of removing this water delivery system to seven
24 ranches when you're talking about the Cow Creek side, that
25 it rolls up into a small impact in light of the fact that

1 there are 1380 ranches in Shasta County, and a large number
2 of irrigated acreage. And I think it's unfair to compare on
3 a broad basis seven -- seven ranches to 1380 ranches as
4 though it was a number of bad apples that you would receive
5 in a barrel, when what you're actually talking about is
6 displacing four families in the South Cow Creek area from
7 those homes because they can't have any drinking water
8 there, or forcing them to live in a Third World condition
9 where they have to truck water and then store it on a tank
10 on top of their home or something like that. You're
11 destroying their quality of life there, you're not just
12 affecting it in a relative or incremental manner against
13 thousands of other homes or businesses. That needs to be --
14 that needs to be evaluated in a better manner.

15 I feel like I'm taking up too much time. I have
16 other errors here, but the last one that I would like to --
17 the last point I would like to bring up would be this -- the
18 staff's sort of capricious manner in which they talk about
19 things being outside the scope of the proceeding, or use the
20 term, if the Abbott Ditch Users, or those of us affected by
21 the loss of our water delivery system would just take care
22 of this ourselves and go out and build a new diversion.
23 A lot of your analysis said, well, if they would just do
24 that, then this wouldn't be there. That's sort of a
25 heavy-handed way to deal with us as we're trying to give you

1 fair input that can be equally assessed along with the other
2 information that you get from the agencies about
3 environmental impacts, and other impacts.

4 The language is completely one-sided. You use
5 absolutes like "unavoidable" and so forth when you're
6 dealing with the wants and desires of the agencies. And
7 when you deal with the issues like the loss of drinking
8 water for homes, you say things like "probably would
9 happen," and then immediately follow it with if they would
10 just go out and build another diversion we wouldn't have to
11 deal with this problem, it wouldn't be there. I don't
12 believe that's fair, and I don't believe that's in the
13 spirit of the NEPA process.

14 Lastly, specifically when you talk about the new
15 diversion, or a new diversion for the Abbott Ditch Users,
16 you consistently speak of it as being outside the scope of
17 this proceeding. If amelioration of the loss of the water
18 delivery system to the Abbott Ditch Users is outside the
19 scope of this proceeding, then the proceeding needs to
20 assume that there will be no water supply to the Abbott
21 Ditch system. I stated in my December 30th comments most of
22 what I said today. Most of the points and errors that I
23 brought up were already addressed in that December 30th
24 document.

25 Either this proceeding needs to stop playing both

1 sides of the fence against the middle, or against the --
2 your predisposed opinion about this project decommissioning.
3 If you're going to assume a new diversion for the Abbott
4 Ditch water users, then please incorporate it into the
5 document, talk about it and its environmental impact and
6 analysis, its costs and so forth effectively. Telling us to
7 stick a couple of screen pipes in the creek for about a
8 million dollars doesn't really cut it.

9 If you are going -- if you're not going to assume
10 a new diversion, then please deal with the riparian impact,
11 the loss of value, the loss of homes, and deal it with in a
12 realistic manner. Don't write it off and talk about it as
13 seven out of 1380 ranches in the county. Talk about it that
14 you're going to -- 14 families, given the Whitmore side and
15 the South Cow Creek are going to have no domestic water, and
16 they'll have to do something, something like truck it in, or
17 leave their homes.

18 I will submit fuller written comments later. But
19 I really do believe that the last thing I would like to say
20 is that I'm very disappointed in the Draft EIS that came
21 out. I'm disappointed because apparently I needed to work
22 harder to get more clarification to you, and I am here to
23 redouble my efforts about that. The document is totally
24 unacceptable, and absolutely must be improved, or start it
25 over.

1 I'm done with my comments for now. Thanks.

2 MS. LINTON-PETERS: If anyone in the room has
3 more information for us on the situation with the wells and
4 the well owners, then we would greatly appreciate that
5 information.

6 MEMBER OF THE PUBLIC: I have some.

7 MS. LINTON-PETERS: Can you file that information
8 with the Secretary of the Commission, please.

9 Okay. Mike Quinn.

10

11 PUBLIC COMMENT BY MIKE QUINN

12

13 MR. QUINN: My name is Mike Quinn, Q-U-I-N-N, a
14 former landowner on Grizzly Ranch Road, former fire fighter,
15 fisherman. Been outdoors all my life.

16 Let's talk about how the United States Government
17 looks at this issue here, and I'm particularly talking about
18 the -- your 15 foot waterfall and how the salmon/steelhead
19 get up there. And I'm going to give you an example. In the
20 McCloud Ranger District in the McCloud River they have lower
21 falls up there, a very popular place, they have a very nice
22 story board and on that story board is a word
23 Nurum-Wit-Ti-Dekki it's a Wintu term for the lower falls.
24 It means falls where the salmon turn back. It's 15 feet.

25

The United States Government recognizes the fact

1 that that's -- and that's where the Indian camp, right
2 there, because they couldn't get up that far. And the
3 McCloud River, at that point, has a much bigger flow. And I
4 guess that the Department of Fish and Game doesn't
5 understand gravity, because their idea that if more water
6 goes over the top it's going to build up here fails to take
7 into consideration it's going to flow downstream. It's
8 pretty simple.

9 And the fish literally at that flow, in order to
10 have a four foot increase going over the top and fill up the
11 basin four feet, the amount, the volume, and the speed at
12 which that is moving there is no fish that is going to be
13 there. On top of that, there is five salmon runs, and at
14 the most, only one of them could possibly have that much
15 water that it would happen. There is more than one salmon
16 run. Some people will say there is six, there is five, it
17 depends upon, you know, how you count them.

18 So at the best once a year, and that's just --
19 and having a four foot increase there, is almost impossible.
20 It's like a one hundred year storm that would -- it would
21 take to do that, so maybe once every hundred years.

22 Let's talk about the waterfowl issue, which is not
23 addressed at all, because Kilarc Reservoir is on the Pacific
24 Flyway. How important is the Pacific Flyway to the United
25 States Government? Very important. Last year the waterfowl

1 preserve in Colusa got a hundred percent of their water
2 allotment. The Government said it is so important to the
3 waterfowl that they get a hundred percent. The farmers got
4 20 to 40 percent, and they laid off 30 to 40,000 people who
5 work on the farms. They literally did not have enough water
6 to put their crops in the ground. But to the United States
7 Government the waterfowl was so important that they got a
8 hundred percent.

9 Where is the study, any studies, and it has to be
10 done over two or three years, of the Pacific Flyway and the
11 effect that Kilarc has on it. Where has PG&E done their
12 homework to go in and say that, you know, what kind of
13 waterfowl usage is there, and there is a lot up there. And
14 again, I had property right at the base of Kilarc on Grizzly
15 Ranch Road.

16 As a PG&E rate payer, I cannot believe they're
17 asking for another increase when they're wasting as much
18 money as they are on something like this. And if somebody
19 else can use something now in today's economy without
20 tearing it apart, and not knowing what happens when you tear
21 something apart, you know, where is the cost overruns.
22 There is -- hasn't been a project yet that anybody has done
23 that hasn't had huge cost overruns or impacts. And if you
24 get up there and you tear that dirt apart up there now that
25 it has been impacted for one hundred years, where is it --

1 where is it going to go. What if something goes wrong. We
2 know it's there right now, it's right. It's been there.

3 So there just doesn't seem to be any common sense in
4 using -- in looking at something like this as to what really
5 happens. You know, talk to the people -- how many people
6 here are opposed -- or actually want the dam torn out? I
7 mean, there is a strong poll. Do you see anybody here who
8 has come to say let's do this, let's tear it out? No. And
9 these are the people who understand it.

10 And I hope you take into consideration, and I hope
11 you take the full impact on all of the waterfowl and the
12 fish, and talk to people who know what can happen up there.

13 Thank you very much for coming back.

14 MS. LINTON-PETERS: Robyn Caldwell.

15 MS. CALDWELL: I'm going to pass tonight.

16 MS. LINTON-PETERS: John Higley. Higley,
17 sorry.

18

19 PUBLIC COMMENT BY JOHN HIGLEY

20

21 MR. HIGLEY: Almost everything I would like to say
22 has already been said. John Higley, H-I-G-L-E-Y, resident
23 of Palo Cedro. And I presented a document to these people
24 here that I hope will go on the record. And I just want to
25 say I looked at the EIS a little bit, not very much because

1 I didn't have enough time. Pardon me, I like old dust,
2 pollen, whatever.

3 All I would like to have FERC do is look more
4 deeply into the human element and the effects on the general
5 population. I can't talk about the scientific aspects or
6 anything like that, but I can talk about the recreational
7 aspects. My family has been fishing there only since 1974.
8 I'm a grandfather now, I even got a great grandchild on the
9 way. All of my kids, all of my grandkids have spent time at
10 Kilarc Reservoir.

11 And the reason is, I once wrote a story on PG&E
12 generating waters from Spaulding Lake to the north end of
13 California, and there is no place like Kilarc Reservoir in
14 the scenic properties, the size, and the access. We have
15 all kinds of people up there. I was there five times this
16 year, even though the Department of Fish and Game in their
17 ultimate wisdom has not put any fresh plants in there this
18 year. I was there at least five times. In the spring, on
19 Memorial Day, on the 4th of July, and on Father's Day, and
20 another couple of times just for myself. I ran out of the
21 number of people that I met up there because I ran out of
22 fingers and toes, so I can't tell you exactly how many
23 people I met there. But when I would pull in there would be
24 five vehicles, and when I pulled out there would be ten, and
25 there would be more coming up. I ran into single mother's

1 trying to teach their sons how to fish, more than one of
2 those. I ran into a doctor with his son fishing for the
3 very first time in his life at eight years old. The doctor
4 is a cardiologist here in Redding, and he had never caught a
5 trout in his life himself. They both caught their own trout
6 at Kilarc Reservoir that day. So it's pretty important to
7 them, and they will tell you about it every time you go into
8 the office.

9 I ran into another guy with four young kids, young
10 boys under 15 years old or so, maybe they weren't even
11 teenagers yet, I don't know. They were all just chatting
12 about having a wonderful time about catching trout at Kilarc
13 Reservoir, which of course they weren't doing very much of
14 this year because the only fish in there this year are
15 residual brown trout, and so not very much of them are
16 caught. But the people are there.

17 There was another gentleman in a wheelchair that
18 was wheeling around by arm power, he didn't have an electric
19 wheelchair or anything like that. And with Grace and Nora,
20 to get up to Grace Lake you have to walk straight uphill for
21 a certain distant, or go up a flight of stairs. You can't
22 take a wheelchair up there, it's not accessible to disabled
23 person. Nora Lake is basically a swamp, if you look at it
24 closely.

25 So I think from the human standpoint it's very

1 important, if there is any way possible to keep Kilarc
2 viable, it should be because it's already in place. We're
3 not going to replace it. The Fish and Game Department said
4 at one time, well, if it's gone there will be more fishing
5 opportunities on Cow Creek and whatever. They don't plant
6 Cow Creek, and Cow Creek goes through private ground, so
7 there is not going to be more fishing opportunities. There
8 is actually going to be far less.

9 So I would like to just tell you people I'm glad
10 that you're here and everything. I would just like to tell
11 you people that I don't think that it makes sense. Might
12 make sense for PG&E to leave the project, but it doesn't
13 make sense to keep the project out of the hands of somebody
14 else and just destroy it. From all the things we've heard
15 about the anadromous fish and whatever, they can't get up
16 there. And if they could get up there, they could get up
17 there during high water flows anyway, so there is no benefit
18 to those fish.

19 And if you want to introduce your kids to the
20 outdoors in any way, manner, shape, or form, and I got a
21 bunch of pictures here which I shouldn't drag out because it
22 would take too long, but I got kids as young as two and a
23 half years old here fishing in Kilarc Reservoir. They're
24 able to interact with ospreys, occasional bald eagles, water
25 snakes, newts in the water, all sorts of other things while

1 they're there. So when a kid is fishing for trout or
2 something like that and sees a water snake over there, you
3 can introduce them to that species, they can know what it
4 is, they can know what it does. They can see an osprey
5 drive right in front of them and pick out a trout or
6 something like that out of the water and they will know what
7 that bird does for the rest of their lives. It's almost as
8 exciting as catching a trout.

9 Anyway, just -- it's -- my only point is that I
10 think that you ought to look very deeply into the human
11 aspects. And it affects people from all over the place.
12 The last time I was there I talked to a couple from Winters,
13 which is 150 miles away. They come to Shasta County to
14 visit, they go to Kilarc to fish. And also this older
15 gentleman here, 90 years old still fishing there, fly
16 fishing, and I have seen that happen a lot of times. There
17 is just a lot of folks.

18 There is guy back here wounded in Viet Nam who
19 can't get around very well, a friend of mine, we go up to
20 Kilarc all the time, and he can make it up there to the
21 water and he can fish. He goes almost any time during the
22 year. He can do it, whereas he couldn't do it if he had to
23 walk the stream, wade a river with a staff, or something
24 like that, you just can't do it.

25 And the other thing about the people that go to

1 Kilarc that I have noticed is most of us are just
2 run-of-the-mill folks. We have jobs at mini-marts, we have
3 our own little businesses, or something like that. We
4 couldn't go to the bigger recreational areas here on a
5 steady basis if we had to because we're not going to buy a
6 boat to do it. We don't have access to these places.

7 So anyway that's my spill. Take it for what it's
8 worth. And I hope that you will just pay more attention to
9 the effects on the general population. It's not just Shasta
10 County, it's other people that recreate in these areas.

11 Thank you very much.

12 MS. LINTON-PETERS: Sharon Owen.

13 MS. OWEN: I will pass. Thank you.

14 MS. LINTON-PETERS: Margret Wagner.

15 MS. WAGNER: I will pass.

16 MS. LINTON-PETERS: Thank you. Russ Mull.

17 MR. MULL: I won't pass.

18

19 PUBLIC COMMENT BY RUSS MULL

20

21 MR. MULL: I'm Russ Mull, Director of Resource
22 Management for Shasta County. I also serve as the Air
23 Quantity Management District Air Pollution Control Officer
24 for Shasta County. Excuse me. We will be providing
25 additional comments by the deadline.

1 What I wanted to do, however, at this point is
2 point out about four issues that I think we have significant
3 issues on. First one is, we don't believe the document
4 provides any appreciable review of most significant issues.
5 We don't believe that the document reviews the most obvious
6 of alternatives. We believe the document fails to
7 acknowledge significance of identified impacts to the local
8 community. And the last one is it fails to include obvious
9 areas of environmental impact.

10 And I want to give you a couple of examples of
11 each one of these. The first one would be the -- in fact,
12 the issue that was brought up -- I'm going to have to get a
13 glass of water or I'm not going to be able to do this. Hang
14 on.

15 When they spoke, a couple of people spoke earlier
16 about the 11 wells, or 10 wells that are impacted, or maybe
17 impacted by the loss of the Kilarc forebay, those wells were
18 drilled after that forebay was put in there, and so if there
19 is any impact on those wells from the forebay, you're not
20 going to know it until the -- that forebay goes away. FERC
21 doesn't get to say "we don't have any data on those wells,"
22 or if you have data on those wells give it to us and we'll
23 know what is going on.

24 The environmental process requires that you folks
25 go out and employ those individuals with the expertise to

1 evaluate what the those impacts are. You hire a hydrologist
2 who evaluates what the annual rainfall is, and what the
3 hydrologic continuity is of the rock structures underneath.
4 That's how you determine an environmental impact statement.
5 That's how you find out what the environmental impacts are.
6 Somebody doesn't just hand them to you.

7 I mean, we're working right now, my office is
8 working on six environmental documents on six projects. If
9 we put together a document like this we'd get laughed out of
10 the court system, because it -- it's so legally
11 indefensible. It's essentially opinion based on agency
12 comments, that's what it is. You haven't done any research.

13 If you look at the issue of Whitmore Falls, in one
14 section of your document you essentially say commoners have
15 indicated that fish have never been seen over Whitmore Falls
16 and don't think they can get over Whitmore Falls. Your
17 response to that is that, well the agencies are still
18 committed to the 2005 agreement. What the heck does that
19 have to do with getting over Whitmore Falls, whether they're
20 committed to the 2005 agreement or not? And then further on
21 in the document you acknowledge that for the most part fish
22 can't get over these, and therefore there is going to be
23 very little improvement in the salmon and steelhead in this
24 section of Old Cow Creek. And so I'm thinking, okay, that
25 makes sense. Of course there is no science to any of that.

1 And then in the end of the document you say --
2 or the staff recommendation is to approve or to support
3 decommissioning because of the overwhelming benefits to the
4 salmon and the steelhead. Well, what the heck, which one is
5 it? I mean, you got to actually do a study to figure out
6 whether they can get over the waterfall. I mean, you're
7 basing millions of dollars on the fact that some guy stood
8 out there and say, yeah, they can get over that. That's
9 what you're doing. And then you're replicating that error
10 over and over and over. I'm fairly sure that NEPA doesn't
11 allow you to do that, just conjecture on what the
12 environmental impacts actually are. You continue to do that
13 on issue, after issue.

14 The second issue fails to review the most obvious
15 of alternatives. I think several people have spoken to
16 that. I don't believe NEPA allows you to pick which
17 alternatives you want to evaluate based on whether or not
18 your agency has jurisdiction over those environmental
19 impacts. An Environmental Impact Statement, or an
20 Environmental Impact Report is required to evaluate the
21 environmental impacts. Just because you don't have
22 regulatory authority over an environmental impact doesn't
23 give you the authority to ignore it. I mean, if 50 people
24 are going to lose their homes, 10,000 cattle are going to
25 drop dead because they don't have water, you can't say,

1 well, there isn't any impact because we don't have
2 jurisdiction. That's what you've done. You've said, hey,
3 we don't have jurisdiction. Now if they could get water,
4 then everything would be great.

5 Fails to acknowledge the significance of
6 identified impacts to the local community. Now what I did
7 here is, I wrote down essentially some quotes out of your
8 document, and they sound so weird when you read them, that
9 I'm assuming that you're going to go back and take a look at
10 them again.

11 Acknowledges that there will be recreational
12 impacts; however, they're not significant because you can
13 drive up to 120 miles somewhere else. That's what you say.
14 Sixty miles. There's plenty of recreation within 60 miles.
15 You're going to drive 120 miles. What is the greenhouse gas
16 impact of driving 120 miles to go fishing when you could
17 have gone five miles. I mean, your environmental document
18 has to take that into consideration.

19 It's the only environmental document that I've
20 ever seen that has no air quantity section, which Dick
21 Higley, God Bless him, figured it out. There is no air
22 quality section. Doesn't anybody breath? I mean, that's
23 one of the -- one of the main impacts, food, water and air.
24 I mean, that's what you got to look at in an environmental
25 document.

1 You've got to look at the air quantity impacts
2 from the deconstruction of the project; you have to look at
3 the diesel emissions; you have to look at the volatile
4 organic emissions; you have to look at the PM-10 emissions.

5 Quit shaking your heads, just write the stuff
6 down. Jesus, I have never seen -- I have never been in a
7 public meeting where I have seen the agency sit up here and
8 discuss the public's impact. That's not what you're
9 supposed to do. You're supposed to take the public's input,
10 take it back, analyze it, throw out what you don't like, I
11 guess, and analyze what you do. You don't get to dicker
12 over what is said. You don't get to shake your head when
13 people talk. That's not what your role as an agency is.

14 Acknowledges that Shasta County will lose around
15 \$80,000 in property tax, but that amount is insignificant.
16 According to who? You say we get 60 million dollars, and
17 this is an economic analysis, socioeconomic analysis that
18 says, well, you got 60 million dollars, therefore \$80,000
19 isn't significant. Well, what it doesn't say is that Shasta
20 County gets 13 cents on the dollar of property tax for
21 discretionary revenue. 13 cents on the dollar. Now that's
22 a hell of a lot different than 60 million dollars. And
23 80,000 is a sheriff's deputy serving the community of
24 Shingletown, Whitmore, Oak Run, Millville. So what you're
25 saying that it isn't significant if this area doesn't have

1 fire protection or police protection. That's what you're
2 saying, \$80,000 isn't significant. That's wrong.

3 Acknowledges that farm families, and Erik got this
4 one dead on. Acknowledges that farm families are a
5 relatively minor effect because there is 1380 other ones.
6 So if those go away, heck we got more. That's what you said
7 in the document. That doesn't make sense. You have to say
8 we're going to lose "X" amount of acres, here is the
9 economic impact from that loss of acres, these people are
10 going to have to go somewhere, here is what is going to
11 happen. And you can't just say, oh, we don't have
12 jurisdiction over the water so we don't know what the heck
13 is going to happen.

14 I have a couple of others, but people have already
15 spoke, so I don't get to have the thunder on those.

16 One that I particularly like, however, it
17 acknowledges that the loss of the visitors to Kilarc would
18 have some minor adverse effects, including potential
19 reductions in business at the establishments in Whitmore,
20 and actually I think there is only one. However, Commission
21 staff expects that only the potentially effects visitors and
22 anglers in the project area may continue to patronize local
23 businesses regardless whether they visit, fish, or picnic.
24 What you're saying is that if you go to Grace Lake in
25 Shingletown you're going to swing by Whitmore for a

1 sandwich. That doesn't even make sense, but that's what
2 your document says. I mean, writing an environmental
3 document is more than just filling in the spaces. It's
4 actually putting dot A to dot B.

5 You say that these other lakes are close enough
6 that it's no significant issue to just drive to one of these
7 other ones. Well, it is, because it isn't 14 miles
8 straight. You got to drive back to town, across to the
9 other highway, up the other highway.

10 And then if you want to talk about wheelchair
11 access, which you clearly do. You seem to understand that
12 Grace Lake has just the same handicap access, but what you
13 don't mention is that it's only 12 inches deep where you
14 could get a wheelchair to. And there is not a lot of trout
15 that like to hang out in 12 inches of water. You got to go
16 clear to the other end of this lake that is pretty much
17 filled in with sediment if you want to actually catch a
18 fish.

19 That's where research comes in. That's where
20 actually looking at the issue, doing the research, and then
21 writing your document comes in.

22 I'd sure appreciate it if you did an air quality
23 on it. It seems that you gave about one sentence to air
24 quality, I think you gave one sentence to air quality, in
25 that you said that PG&E told you there is plenty of renewal

1 power to replace this. That's your air quality analysis.
2 PG&E told you that there is power to replace this. Well,
3 there ain't, because if you look at the population growth,
4 if you did a study, and you looked at the population growth
5 in California, you would know that you could do renewable
6 energy until the cows came home and you would still have to
7 do natural gas and power to keep up with the demand.

8 So there is a 99 percent chance that the
9 replacement power for this power is going to be natural gas,
10 and it's going to burn, and it's going to create greenhouse
11 gas emissions, and those are going to have an impact not
12 only on California, but certainly the world, as we all
13 know. But you don't even mention that. So you need to sit
14 down and do a credible analysis of the air quality impacts.

15 And then we'll submit the rest of our comments in
16 writing.

17 MS. LINTON-PETERS: It's 8:00, but we're going to
18 keep going for a bit. Glen Dye.

19

20 PUBLIC COMMENT BY GLEN DYE

21

22 MR. DYE: It's a pretty hard act to follow, but
23 I'm going to try, because I have a few things that I think
24 people should be aware of. I am Thomas Glen Dye, D-Y-E,
25 World War II veteran, combat pilot. A long time resident of

1 Whitmore. A handicapped fisherman. And a retired Register
2 Professional Engineer of the State of California. And along
3 with that, I'm chairman of the Save Kilarc Committee. So if
4 I can settle down here a minute, it -- I put together about
5 10 minutes, but after listening to all the people I modified
6 it considerably. I don't want to repeat what has happened
7 before.

8 I have been five years working defending Kilarc,
9 that we could retain it. And I have worked at it pretty
10 constantly, and I have put in a lot of information to FERC.
11 Now I have been to all the previous meetings, and don't want
12 to repeat what I have been putting forth before.

13 Now as you know and you heard tonight, two
14 hydroelectric companies, which Save Kilarc has supported,
15 subsequently has submitted proposals, and they were rather
16 dubiously considered. So the reason I'm reading this, it
17 takes less time than if I wander off. But what these
18 companies that wanted to continue to operate the power
19 stations -- and that is necessary if we are to retain
20 Kilarc. And if we don't retain Kilarc, well, I will give
21 you some reasons why they should, or what the impact will
22 be. Because the impact is on the citizens not only of
23 Whitmore and the local area, but of all of Shasta County.
24 And I'll explain that, because a lot of people don't
25 understand that the impact of losing that doesn't just

1 affect the local people, it's going to affect the whole
2 county.

3 Now we have a very fine community up there.
4 They're very cohesive, they're very supportive, and they do
5 a lot of things, like the new Community Center, and like
6 Maggie pointed out, they support the fire department far
7 beyond any assets that are given to them. So this is the
8 type of community we have.

9 Now I want to hit a little bit on the handicapped,
10 because I'm well aware of that, that the outdoor California
11 magazine had -- has in their, all the credits they give to
12 the people, that if there is discrimination it should be
13 reported, and it should be reported to the Department of
14 Interior. And I have written to the Department of Interior
15 because I think it's an important asset for the community.
16 Very important.

17 Now I'm going to skip this because I don't need to
18 talk about the 14.5 million, except it's rate payer money,
19 you heard that. But what people don't recognize, there are
20 some, like the City of Redding, or people that have their
21 own source of power, maybe solar, that think it's not going
22 to affect it. Well that is not the case, because the rate
23 payers are paying for the decommissioning. But the effect
24 of the decommissioning is going to affect the taxes
25 throughout the county. I think Russ touched on this, the

1 \$80,000, I think in the EIS it was 40,000, as I recall. I
2 could be wrong. Anyway, that's information that is normally
3 available to you and I, but fortunately we had an individual
4 that legally could obtain that information. And that's what
5 he got us over is \$80,000 in lost taxes.

6 But beyond that, the effect on the community is
7 what is going to affect the tax base. You lose that, the
8 local homeowners, their property will be devaluated. In
9 fact, I have a chart here. You may have see it in the --
10 you can't read it from there, but you may have seen a small
11 version of this in the Record Searchlight. Okay. It says
12 906,000,000 million dollars dropped in assessed taxes.
13 Well, you know what the situation is now as far as taxes are
14 concerned and the budget problem. Where are they going to
15 make that up. It only can come from the tax base on the
16 county, they have to up the taxes to make up for it. And
17 that's what is going to happen. This delineated what the
18 county's share is, and what the three cities. So even
19 though it may not be subjected to the rate payer cost,
20 they're subjected to the change in taxes.

21 Now I want to touch briefly on the hydrology bit,
22 because it's been hit already, but I'm not sure it was hit
23 hard enough. We know, and there are a lot of people here, I
24 recognize a lot of Whitmorites and people from Palo Cedro
25 and from Millville, and they all know what the cost is and

1 what affect water has on their lives. Now we're talking
2 about a change that would affect not only the evaluation of
3 property, but life in itself. I mean, I can't think of a
4 term right now, but the quality of life, which is very
5 important. And that's why a lot of people are living up in
6 Whitmore, because they find it suitable to them and they'll
7 fight, like we are now, to retain it.

8 What was that. Oh, I know what it was. I didn't
9 get it clipped on very well. Thank you, Kristy.

10 Now the EIS has stated -- if I can get this on
11 here. Well, I will hold on to it.

12 MEMBER OF THE PUBLIC: That's a tough t-shirt.

13 MR. DYE: That takes away one hand. But they
14 take kind of a cavalier approach that if your well goes dry,
15 well, they say they'll let you know when they're going to
16 drain the reservoir. And if they drain the reservoir your
17 well may go dry. Okay. What do they say, it may cost you 5
18 or \$10,000 to replace that well. That's a long ways from
19 what it will cost. Most of the people agree you don't put
20 in a well or the equipment with it for \$10,000. And that's
21 the approach they take.

22 So what is actually happening is they're dumping
23 an awful lot of costs, as Erik Poole pointed out, on
24 homeowners without even considering any type of mitigation.
25 Yet mitigation is a favorite word for people that are

1 working with fish. But as you notice, the fish agencies
2 decided not to be here. I'm not sure they're ready for what
3 we have to say.

4 Now let me skip on here so I can get through this
5 as fast as I can. The cost of hydropower, as you know, is
6 kind of magic gold. Since the agreement was made it has
7 tripled, which means when the decision was made to get rid
8 of the power plants, they may not have been economically
9 viable, but nevertheless times change, and people should
10 change with it in the sense that they evaluate on the basis
11 of the current conditions. So we can go over that 2.6 or 7
12 miles on what they gain in fish, but like what was it,
13 Battle Creek, they set up 80 million dollars for 42 miles.
14 Well, compare that to what they did at Kilarc, it's
15 insignificant. It's not worth what is being paid to take it
16 out. And as we heard already, how much is really being
17 gained by taking it out? It only is hurting a community and
18 the people in the community.

19 Now I have to talk a little bit about the fire.
20 You know, the gentleman from SPI has talked about it. The
21 reason I want to talk about it is because as you all know
22 the watershed is a high fire hazard area, acknowledged.
23 Okay, what does that mean. Well, if you take a business,
24 and there is more than one in Whitmore, like the Lavender
25 Gardens, which is a beautiful layout, and they put out a lot

1 of products, and increasingly so, and they're very
2 supportive of the community. They donate a lot to help out
3 the community. But that's the way the community operates.
4 It's not that somebody is supporting them as they are
5 supporting themselves.

6 Now the battalion chief of Battalion 3 has pointed
7 out, and I will quote what he said, we probably utilized
8 Kilarc Reservoir on an average of one to two times a year
9 for either filling water tenders, engines or dip sites for
10 the helicopter buckets. And we know all about the
11 helicopter buckets. A little joke goes along with that that
12 a few fish has been barbecued because of it.

13 Anyway, the loss of Kilarc will affect the
14 insurance rates. And in talking to the owners of Lavender
15 Gardens, they have only one insurance company that will
16 currently even insure them. One. With all the insurance
17 companies around there is only one that will accept the
18 policy, and you know they're getting paid well for that if
19 there is only one. But I think they quoted the increase in
20 cost this year was \$500 on their policy. One year increase.
21 So you know it's an expensive operation, and the insurance
22 companies looked at it and know what the fire hazard is.

23 So the loss of coverage for residence would affect
24 them as well. Their insurance, if they have insurance, or
25 can get it, it's hard to say. I haven't gotten the

1 information on that, but they would see radical changes in
2 their fire insurance.

3 Now the Whitmore General Store, I don't know
4 whether Jeff made it tonight. He thought he would be a
5 little late. They're also very vulnerable. They rely on
6 the traffic that goes up to Kilarc, whether it's the
7 motorcycles going through, or the fisherman going up. And
8 this year he hasn't sold hardly anything. He normally
9 orders about every other week supplies for fisherman. He
10 hasn't ordered a second time this year. That's how bad the
11 situation like that, or a loss of facility can affect a
12 business. So if we lose the store up there we're in
13 trouble, because you don't -- when you're in a hurry for
14 something you don't want to drive 30 miles to town to try
15 and pick it up. And that's a 60 mile round trip. That's as
16 bad as 60 miles to go fishing.

17 Well, we have been through all the
18 decommissioning, and the fish enhancement, there is no
19 scientific support. But as citizens of Shasta County we're
20 paying for the destruction of a valuable asset without our
21 concurrence or any rational justification.

22 We, I include myself, I don't want to be a General
23 McArthur, of Shasta County are going to be paying to have
24 our taxes increased. Enough said.

25 Thank you CarLisa.

1 MS. LINTON-PETERS: Thank you.

2 Phillip Betts.

3

4 PUBLIC COMMENT BY PHILLIP BETTS

5

6 MR. BETTS: My name is Phillip Betts, B-E-T-T-S.
7 I will keep it short on behalf of others. My main concern
8 is I believe there has been no underground hydrology study
9 whatsoever.

10 We moved up here six years ago to get out of the
11 smog because my wife is suffering from asthma, and if I
12 hadn't moved I believe she wouldn't be here today. And we
13 were surprised with the little son not too long ago, not
14 even two years ago --

15 MEMBER OF THE PUBLIC: Phil, could you use the
16 mike, please.

17 MR. BETTS: Anyway, I moved here about six years
18 ago, and I had heard mention of a fire in 2002 in the
19 Whitmore area, my house was in escrow at that time, and I
20 believe if they didn't have that reservoir I may not have a
21 house to have moved up to.

22 But I would like to see FERC see someone do an
23 underground hydrology study, because both water for my
24 irrigation and my domestic water both come through springs
25 at the base of that mountain. I live on two ponds, and

1 those two ponds were put in 1938, so they may very well be
2 fed by Kilarc Reservoir. And it would be comforting to know
3 a hydrology study to prove otherwise.

4 Needless to say, I would like to see that power
5 plant stay.

6 Thank you very much.

7 MS. LINTON-PETERS: Frances Francis.

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9 PUBLIC COMMENT BY FRANCES FRANCIS

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11 MS. FRANCIS: Hi. My name is Frances Francis, the
12 first with an "e," the second with an "i." Frances
13 Francis. With a face like this and a name like that, let me
14 tell you, kind of rough.

15 But that having been said, I am the attorney for
16 Steve Tetrick and Tetrick Ranches. I have been associated,
17 or been a practitioner before the Federal Energy Regulatory
18 Commission when it was called the Federal Power Commission,
19 that tells how I ancient I am. But I have seen a lot of
20 Draft EIS's and so forth, and I must confess to the staff
21 that you have had a wonderful set of commentators who have
22 taught, or should have taught you an awful lot about a
23 better job. And it's a good thing that these good people
24 have come out here, because I think you've had a better
25 lesson than any training class could have given you on how

1 to write an EIS.

2 But the thing that I wanted to -- Steve asked me
3 if I could -- Steve Tetrick asked me if I could speak on an
4 issue which had bothered him. And it's with regard to what
5 is the purpose of a Draft EIS. What are the rules? What
6 are the ground rules? What is FERC really required to do by
7 law in this Draft EIS? So I'm going to try to just give a
8 few -- make a few statements so that the community is at
9 least informed about what the law is, what are these people
10 trying to do. What are these people supposed to be doing.
11 And it goes something like this.

12 The Federal Power Act is actually a wonderful act,
13 and it sets a standard by which this agency, these
14 representatives of the agency are supposed to take into
15 consideration, what is their standard for deciding whether
16 or not they should approve, use the power of the Government,
17 to approve a proposed surrender of a license. You know what
18 the test is? You haven't heard it very much, but that
19 standard is three words. Public interest, you know that
20 means "you," I think.

21 So that -- and FERC is very special. FERC is
22 required to use its independent judgment to decide what the
23 public interest is. It's not supposed to adopt, defer, or
24 just believe something is true because an agency says it's
25 true. Congress didn't give them that power. They gave them

1 a lot more. They said you got to do your job independently
2 because you're experts. And you have heard that you do have
3 a group of people who are experts in different fields.

4 So what the law requires, what Congress thought it
5 was doing when it passed the Act in 1920 was it was giving
6 them, and asking them, demanding and requiring that they
7 exercise their independent judgment to decide what is the
8 public interest.

9 Later on Congress decided to pass something called
10 the NEPA, or the National Environmental -- the Environmental
11 Quality Improvement Act, working with it too long. But the
12 Counsel of Environmental Quality asked -- not asked,
13 required all the agencies to apply NEPA to come up with a
14 NEPA statement. That's the DEIS that you're seeing in front
15 of you now.

16 And I wanted to tell you what the purpose of a
17 NEPA document is supposed to be, according to the CEQ when
18 the law was passed. It says the information must be of high
19 quality, accurate scientific analysis, expert agency
20 comment, and public scrutiny are essential to implementing
21 NEPA. That's what the purpose is. That's what you have
22 been doing, you have been giving expert testimony and public
23 input, and this -- these people are expected to produce a
24 high quality product.

25 But what is the focus of this document. And I

1 have heard it over and over again. And I -- I feel so
2 compelled to tell you that the law, that NEPA doesn't
3 require a super-priority for fish. You know why NEPA was
4 passed. The policy of NEPA is to, and I'll read right now
5 from the Federal Regulations. It is to use all practicable
6 means consistent with the requirement of the Act and other
7 essential considerations and national policy to restore and
8 enhance the quality of the human environment, and avoid or
9 minimize any possible adverse effect of their actions upon
10 the quality of the human environment. I mean, those are
11 very cheering words to me, because I was looking around and
12 I said who is the human environment involved in this, and
13 you're seeing it right here. And it really was intended to
14 protect people. And I had to sit here and listen today, and
15 sometimes I want to cry and sometimes I want to laugh, I
16 don't know which one I want to do, because I do know
17 that what Congress intended was to protect human beings,
18 people like you and me, and that we've seemed to have lost
19 sight of that somewhere along the way.

20 And I hope to God that after you've heard the
21 wonderful comments today and tonight, that somehow you will
22 see it in your mind that perhaps it's a refocusing that you
23 need to do. Whatever else it is, let's face it, you didn't
24 do a good enough job. The community is not ungrateful. I
25 think they have actually been very, very gracious.

1 We would hope that before this document becomes
2 final, and because we intend -- and I really truly do
3 believe, and I think the community does too, that you intend
4 to do your job. So what we've asked you, because you're the
5 ones who have the power, we do not. All we can do is
6 contribute our input, but you have the authority. We ask
7 you to revisit your assumptions, please read Erik's
8 documents again, and also get the facts that Russ Mull
9 pointed out were missing, and we hope that you will rethink
10 a lot of these things.

11 I have, as I said, a very long experience with
12 FERC and attending these meetings and I have never seen such
13 really unanimity within a group.

14 Finally, we ask you to please be graceful enough
15 to correct actual errors. Redding should be spelled
16 correctly in all places. The other thing is that I think
17 it's fair to tell people, because there has been a great
18 attempt by staff properly, correctly to say that this is not
19 a pre-decisional document. It is. It is. And I challenge
20 anyone to really rebut that, because what happens to this
21 document is it has to be -- it is an opinion, but it's a
22 very important opinion within the structure of how FERC
23 makes its decision. Because you cannot make a
24 recommendation to the Commission unless you in fact are
25 helping to make the decision. So it is not a neutral

1 document. But, you know, we don't expect it to be totally
2 neutral because you have a standard. We're not asking you
3 to be for us, or against us. We're just saying you got a
4 standard to the public, and we're happy if you would simply
5 abide by that.

6 The final word is on alternatives. I don't know
7 whether or not this part is being taught to you correctly,
8 but the law is that alternatives, all reasonable
9 alternatives on NEPA must be considered. There is a vast
10 body of law, which everyone knows, and everybody else who
11 works in this field knows, all reasonable alternatives. You
12 have got a reasonable alternative that isn't going to take
13 Federal tax dollars. And why it was not considered a
14 reasonable alternative, I have been working in this, and I
15 don't know why you didn't consider it. It's not a question
16 of whether or not in fact it's even legally -- you're
17 legally capable of doing it, if it's a reasonable, excuse
18 me, alternative, you are required to consider it.

19 Instead what you did is you sent up two strong
20 men, both without power, neither of which could operate,
21 you knew already that one was rejected in Kilarc because you
22 looked for a benefactor, or PG&E looked for a benefactor,
23 and nobody would run it for free because nobody has got
24 enough money these days.

25 So I think that this has been a wonderful learning

1 experience for all of us, I hope, but especially we hope for
2 you. The comments are said truly, as I said, and as old
3 woman who has been at it a long time, we have a wonderful
4 set of teachers. We hope you take that in that vein.

5 And thank you very much.

6 MS. LINTON-PETERS: William Farrell.

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PUBLIC COMMENT BY WILLIAM FARRELL

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MR. FARRELL: Good evening. Thank you for coming
again. I'm Farrell, F-A-R-R-E-L-L. I'm a property owner in
South Cow Creek, and unfortunately -- or fortunately I have
the experience of drilling about 12 wells out there, so I
told you I had some experience in that. Another lifetime I
had a geology degree, but I'm certainly not much of a
geologist, because I failed in every one of the wells but
one, and I finally got some water. And I slept on that all
night and decided that 20 more feet I would maybe pick up a
little more gallons per minute, and I proceeded to get salt
once again.

What we have in South Cow Creek is a formation
called the Chico formation, it's thousands of feet of shale,
and in this shale it's impervious, and it flows down from
the foothills, and what happens is they have a ditch, I

1 believe, hits that shale formation and flows into the creek,
2 and where you get the water is just on top of the Chico
3 formation. And that's how you can get some of your shallow
4 wells in South Cow Creek, and that's what I drilled
5 successfully, two of them.

6 Another area that I want to touch on, so if we
7 lose the Abbott Ditch, you're going to be losing this water
8 for the wells. And once again, we're going to see the
9 environment there, both the flora and the fauna, we're going
10 to see the flora turn from green to brown, and I think you
11 should be able to appreciate that today because the
12 temperature here is what, about 105, and this weekend we're
13 going to go to 110. And you go out to the valley at South
14 Cow Creek and your going to see this beautiful green area.
15 Green area, because people like Bud Farrell, who is a
16 rancher out there with about two thousand acres that just
17 died, and his father who just died not to long ago, was out
18 there with a mule putting that Abbott Ditch in. And I'm
19 told that Abbott Ditch goes all the way back to 1850, is
20 that right? Well, doesn't that mean something as far as
21 history, 150 years, 160 years.

22 When I bought out there, and I researched the
23 water rights and I'm told that those were like cast in
24 concrete, they have terrific water rights. In fact, I got
25 one of the last water right books. And I had two places,

1 and I ended up selling one, and I have another one that I
2 have about a mile free frontage. And those water rights I
3 thought meant a great deal, and I am not understanding what
4 happens to these people that bought based on water rights
5 and what water means to us.

6 I'm also -- my son and I were directors of the Cow
7 Creek Watershed. Now he's a big fly fisherman, I'm not much
8 of a fisherman, but we're very concerned about the fish, as
9 apparently you are. But we're also concerned about with the
10 ranchers and the farmers, and certainly this can be balanced
11 like it has been.

12 I think in closing, not reviewing the alternatives
13 that were given by Steve Tetrick and Dick, like keeping
14 renewable energy in California appear blatant to me and
15 insulting as a property owner. Insulting. And I think it's
16 just do I have to be my age to remember what happened with
17 all those gas lines and everything we went through. I mean,
18 this is kind of reaching out there, but we have the third
19 carrier attack route just went into the Persian Gulf
20 recently. In my day we had 15 attack carriers, and now we
21 are down to 10 or 12. We keep two, and we have two, that
22 leaves eight. We got three all in one place, all of a
23 sudden three. Straits are only 200 feet deep, very narrow,
24 very dangerous place. If Israel maybe attacks Iran, what do
25 you think is going to happen to the price of fuel. Are we

1 going to be seeing buying fuel again every other day
2 depending on your license plate. We just got hit terribly
3 in the Gulf. The price of fuel is going up, Ladies and
4 Gentlemen, big time. There is a renewal power plant.

5 I'm hoping that you guys can reconsider these
6 alternatives here and we can accommodate one another.

7 Thank you.

8 MS. LINTON-PETERS: Kelly Sackheim.

9

10 PUBLIC COMMENT BY KELLY SACKHEIM

11

12 MS. SACKHEIM: My name Kelly Sackheim,
13 S-A-C-K-H-E-I-M, and I'm pleased to be following Frances
14 Francis. I prepared just a couple of pages of notes that I
15 can get through in less than five minutes.

16 But I have, for over 20 years, been a practitioner
17 of preparing environmental impact assessments such as you
18 have done under both the California Environmental Quality
19 Act, State law and the Federal law of the National
20 Environmental Policy Act, called NEPA. I actually started
21 this practice with the decommissioning of military
22 facilities under the Base Realignment and Closure Program
23 called BRAC in the late 80s when we closed the Presidio of
24 San Francisco and came up with subsequent uses of the
25 facility, now that it's the Golden Gate National

1 Recreational area. Most, but not all of the facilities in
2 that instance were retained and put to new uses. I worked
3 on Fort Ord, Presidio and Monterey and others.

4 Contrary to what everybody else has stated today,
5 I actually consider that the EIS that the FERC has prepared,
6 your analysis is actually adequate for the purpose that --
7 the decision that needs to be made. The decision that needs
8 to be made is what should happen with the facilities once
9 PG&E is relieved of their responsibilities and allowed to
10 surrender their hydropower license. What does the future
11 hold beyond that? And the purpose of the National
12 Environmental Policy Act is to disclose the environmental
13 impacts of such.

14 And I just went to the table No. 26 on pages 260
15 and 261 of the EIS, and I was able to synthesize that to
16 determine that none of the identified adverse effects of the
17 action alternative No. 1, which allows for the retention of
18 Kilarc Reservoir, and I must say I focused exclusively on
19 the Kilarc Reservoir, that the staff had developed as an
20 alternative, none of the adverse effects of that alternative
21 are greater than the adverse effects of the proposed action
22 with the staff modifications on the same resource.

23 So if you're balancing it out and you say
24 something bad is going to happen because we're going to keep
25 Kilarc Reservoir in place, and you look at that exact same

1 resource, the table says it will be equally bad if we take
2 it down.

3 No. 2, in every instance where the proposed action
4 with staff modification yields a beneficial effect, fishery
5 effects, water quality effects, water quantity effects,
6 every time we want to take Kilarc Reservoir because it is
7 going to be -- create a benefit, everybody says it's going
8 to create a benefit, they haven't quite come up with a
9 scientific basis, but when I say everybody, we all know I'm
10 talking about the research agencies who aren't here.

11 The FERC analyst determined that there would also
12 be a beneficial effect in every single instance with
13 retaining the reservoir under the alternative that they
14 created, which doesn't include many of the benefits that
15 others have proposed. It would be a lesser degree of
16 benefit, but there would still be a benefit.

17 And I know that the fish resource agencies come
18 there and they say we have to deal with our mandate under
19 the Endangered Species Act, but there is nothing that says
20 that the Endangered Species Act, the recovery of a species
21 that we have no scientific evidence has actually been or
22 would benefit more from even more water that would go down
23 the natural channel if they don't have to maintain Kilarc
24 Reservoir. There is nothing that says under the Endangered
25 Species Act that someone is required to make that decision

1 as opposed to the decision under the Federal Regulatory
2 requirements.

3 No. 3. In every single instance where the
4 proposed action with staff modification yields a beneficial
5 effect -- excuse me, that was No. 2.

6 No. 3. The proposed action with staff
7 modifications would result in adverse effects in several
8 resource issue areas where the action alternative, one,
9 keeping Kilarc Reservoir would, according to the FERC table
10 have long-term beneficial effects. So your analysis, if we
11 look at those three different ways of comparing the effects
12 of two effects, of two alternatives, comes up without any
13 ambiguity that the environmentally preferred alternative is
14 to keep Kilarc Reservoir in place as you defined it rather
15 than removing the alternative.

16 So we get to the question, why do the staff
17 recommendations then not choose what is clearly the
18 environmentally superior alternative AA-1, according to your
19 own analysis. Well, you have complied with NEPA. I know
20 because I learned about the application of the various
21 regulations of NEPA, and it was very good to have Frances
22 Francis tell us the big picture, the ultimate goals.

23 NEPA does not, contrary to the California
24 Environmental Quality Act, require that once you have
25 disclosed the environmental effects of your decision,

1 these -- the environmental effects of the various
2 alternatives, you've disclosed them. You don't have to
3 actually take them into consideration when deciding what you
4 want to do. You don't have to mitigate. You don't have to
5 choose what is the environmentally superior alternative.
6 You can decide what alternative you're going to recommend
7 based on some other logic.

8 And so I looked at the logic that was provided in
9 the staff recommendations that appear immediately following
10 that Table 26. And indeed they make no comparison of the
11 environmental effects of the alternatives, because the
12 proposed action doesn't add up to be better. They talk
13 about a comparable cost, according to their estimation,
14 which has great uncertainty of leaving facilities in place
15 versus demolishing them.

16 Well, we have a 14 million dollar price tag, and
17 there wasn't a great deal of detail about what would be
18 required to continue to maintain the other facilities.

19 The second item identified was the alleged cost of
20 the no action alternative. Well, since that's not a viable
21 alternative anyway, we're going to focus on why are you not
22 choosing between keeping the facilities under your action
23 alternative than the other one, so we'll throw that out.

24 The third item was an alleged benefit to rate
25 payers who get to pay for the demolition of a facility that

1 PG&E no longer considers economically viable, when as
2 everybody said, there are at least two other operators that
3 would like to -- that are clamoring to take over the
4 operation. So we're hearing that the rate payers get to pay
5 for demolition because PG&E has made the agreement to
6 dismantle the facilities instead of simply turning them over
7 to somebody else. Not much logic there.

8 The fourth item was an assertion that the proposed
9 action with staff modifications would, quote, adequately
10 protect effected environmental resources, which requires one
11 to ignore the resource issues that are obviously important
12 to the community, and they were identified as resource
13 issues in the table. And I wouldn't say that it's
14 adequately protected if there are adverse effects at all,
15 when all the adverse effects could be avoided with the
16 selection of the environmentally superior alternative.

17 The next item was the observation that FERC is
18 allowed to accept the license surrender whereby the licensee
19 would cease operations. Well, the licensee is going to
20 cease operations and surrender the license regardless of
21 which alternative you select. So that again has no bearing
22 on the decision.

23 No. 6 was the observation that proponents of
24 operating facilities left in place thus far have been
25 successfully thwarted from having their proposals be

1 accepted. So you're saying that because everybody gets in
2 the way we should make the decision that for some reason
3 they shouldn't be allowed to go forward.

4 And finally, No. 7, there is an allegation that is
5 contradicted by the analysis and conclusions in the FERC EIS
6 that AA-1, the action alternative keeping Kilarc, would not
7 provide suitable flows for aquatic habitat in Old Cow Creek.
8 Well, absent any data, you nonetheless characterized in
9 Table 26 that this alternative would be moderately
10 beneficial to both water quantity flows and to fisheries,
11 and would have a minor beneficial effect on threatening
12 endangered fish species. So you have all these beneficial
13 effects, and now you're saying that it would not provide
14 suitable flows. Well, that could only be in the view of the
15 fishery resource agencies that want that higher level of
16 flow, they don't consider any beneficial effect to be,
17 quote, suitable.

18 So you've not chosen the environmentally superior
19 alternative, you have chosen the proposed action, which as
20 everyone knows reflects the 2005 agreement between PG&E and
21 the powerful resource agencies cloaked in the mantle of
22 upholding the Endangered Species Act. Even when the
23 evidence shows that there would be great adverse effects of
24 the irreversible dismantling of the facilities, with unknown
25 marginal benefits of putting the last drop of water into the

1 natural channel, rather than using it to retain Kilarc
2 Reservoir.

3 So the purpose of the EIS, as I understand it, is
4 to disclose the effects so that all the parties can reassess
5 their own positions. We know you're getting a lot of
6 pressure from the fish resource agency. I believe that your
7 recommendations, as I walked through them, should be set
8 aside. But your analysis does provide a starting point
9 where we can discuss among all the parties with regard to
10 how we can come up with a win win environmentally superior
11 plan that would probably be an alternative that doesn't
12 mirror the one that you opted to analyze with no hydropower,
13 because frankly it would be necessary to analyze the adverse
14 effects of potentially permitting the hydropower.

15 So Davis Hydro is ready to come to the table to
16 discuss how to maintain the facilities and bring greater
17 benefits to recovery of anadromous species. We know that
18 the Tetrick group likewise is willing to come forward. We
19 have in the record that Davis Hydro has already proposed a
20 potential research and spawning facility and is open to
21 supporting any alternative that the resource agencies may
22 prefer. We're putting a lot of things out there on the
23 table, and we're willing to hear how do people want to solve
24 what is within their jurisdiction and what they care about
25 most.

1 Before the facilities are dismantled, it needs to
2 be identified what the marginal benefit of the additional
3 water in the Old Cow bypass reach, you know that study is
4 warranted. A study of the unknown effects is warranted, as
5 people are talking especially about ground water this
6 evening.

7 It may be possible to generate hydropower
8 revenues, in addition to the air quality benefits and
9 everything else dedicated to the off-site recovery of
10 anadromous species. There is so many ideas that could be
11 brought forward if people would come forward, okay, we have
12 a baseline, we know where we are.

13 So with that, I think that I will let the next
14 person speak. Thank you.

15 MS. LINTON-PETERS: Bonnie Tetrick.

16

17 PUBLIC COMMENT BY BONNIE TETRICK

18

19 MS. TETRICK: I'm Bonnie Tetrick, T-E-T-R-I-C-K.
20 I live on South Cow Creek Road. And CarLisa, you said the
21 purpose stated in the very beginning of the meeting was that
22 we -- that you wanted us to let you guys know our feelings
23 about your Draft EIS, and so here is my feelings.

24 I feel like we have wasted our breath, and wasted
25 our time. Last October when you guys all came out here, we

1 spent a whole week with you and we had two public meetings,
2 we talked to you, we submitted papers, we told you the
3 problems. And pretty much you guys just ignored it all.
4 It's all been said before, but we toured the facility, we
5 walked the ground, we detailed in writing and verbally at
6 our public meetings all the problems, the issues, provided
7 data, scientific backup, much more than the resource
8 agencies, much more than they have. And we've explained how
9 it affects the individual families for our livelihood here,
10 our property values, water rights, fire suppression,
11 domestic water, drinking water, this is how it affects the
12 whole community as a whole. We thought you guys understood
13 that. We spent time explaining this to you.

14 Shasta County will be severely impacted, which in
15 turn hurts all of us as individuals. And we provided a
16 reasonable, common sense proposal that was an improvement on
17 the PG&E baseline. And after nine months later, after
18 preparation and supposedly reading the documents we all gave
19 you, you come out with this EIS, as you know I think you
20 have been severely reprimanded for it, it's very poorly
21 done. You chose to ignore our comments, throw it back in
22 our face. And basically I was going to say this, but Betsy
23 already beat me to the punch, but if I was a teacher I would
24 give you an "F" for your product. It's full of errors, and
25 we will be submitting in writing, and I think you have heard

1 now about all the details. Really too much to even really
2 discuss.

3 One that has not been -- really been mentioned
4 though is on Section 4, under your conclusions and
5 recommendations under 4.2.1, Water Resources. It states,
6 quote, "Discharge from the Cow Creek powerhouse has
7 artificially maintained year round flows in lower Hooten
8 Gulch since the development began operation."

9 First of all, Hooten Gulch has been -- there has
10 been water there for over 150 years with the diversion
11 drains back when Wagner diverted water. It's not artificial
12 anymore at this point. Even adjudication footnotes that,
13 and has a little asterisk and says this is considered a
14 natural flow at this point.

15 Secondly, these flows have been diverted into
16 Hooten, like as I said, since 1850s when Wagner homesteaded.
17 The canals were all built all along the hillsides, they are
18 still physically there. We didn't walk up there, but if you
19 would like to come back out we can walk and show you the
20 canal all along the hillside, all the way up to the highest
21 upper South Cow Creek Road near where the diversion of the
22 PG&E is now where the -- similar location where it's now
23 diverted.

24 Mr. Wagner back in 1850s had a home right there on
25 Hooten Gulch. His well, we were right there. You stood by

1 it when we talked and had our little meeting there before we
2 took our tour. His well is right there, it's still
3 standing. And waters from Hooten Gulch, he wouldn't have
4 had water for his house without these water flows coming,
5 and he was living there in 1850s.

6 That's -- in other words, PG&E didn't create this
7 diversion, they just improved it, purchased it, and used it,
8 and developed it, and developed their hydroelectric
9 prospect. Let's use this water for something and bring
10 energy, it's a good thing.

11 I don't really see how PG&E can -- you can
12 authorize them to take out a diversion that they didn't put
13 in, in a sense. The water always has been historically used
14 and put into Hooten Gulch.

15 Anyway that is one of the errors. There is plenty
16 more, and there is probably going to be a lot of letters
17 along with the rest of them.

18 I want to comment how this makes me feel is that
19 not to postpone this meeting, I thought it was rather rude.
20 Our Congressman even called you and asked you to postpone
21 it. We have several County people, County -- like the
22 Supervisor, you know, people in Shasta County that wanted to
23 be here at this meeting, desperately wanting to be at this
24 meeting, please, we can't make this such short notice, we
25 have prior plans, we can't be here, please postpone. Our

1 Congressman asked you, and you said no, no, no, huh-uh,
2 can't do. If the County really cares, they'll make
3 arrangements. Well, we did have a County representative.

4 No resource agencies are here. Now if they --
5 the resource agencies really cared, then according to your
6 words they would be here. Apparently they don't care. And
7 that's just according to what you said, which doesn't really
8 surprise me since they didn't even show up to the public
9 meeting that was just designated just for the resource
10 agencies. We all showed up, no resource agencies.

11 As it was really explained well, I just was going
12 to say that the FERC job is to decide in the best public
13 interest, and yet FERC has considered us -- this is how I
14 feel. Again, you asked me how I feel -- that FERC has
15 considered us, the public, this whole community, as
16 insignificant. It's even kind of mentioned in your
17 document. We are not insignificant. I mean, I don't know
18 how you would feel if someone tried to destroy your home
19 values. It's pretty personal, and we don't feel that it's
20 right to consider us as we're marginal, we're not important
21 because we're just a marginal percent of the population as a
22 whole, because we're a small community, so we're little, it
23 doesn't matter. Well, no, we're human beings, we're not
24 marginal. These are families. These are people. We are to
25 be considered important. I believe humans are more

1 important than fish.

2 But I also feel that it's very insulting that you
3 did not address the issues that we expressed very
4 specifically, very clearly, we thought. Like Erik said,
5 apparently we weren't clear enough. I assumed you read our
6 documents. It doesn't look like you did. I would ask that
7 you please reread the documents. But apparently we need to
8 rewrite them and make them more third grade language or
9 something so you can understand what is going on here.

10 I also want to say there are many people here
11 tonight that didn't speak. Obviously we're running out of
12 time for them to speak anyway if they wanted to. But I know
13 that we've all spoken together within the community, it's a
14 tight-knit community. I have spoken to people and
15 community, community back and forth, and I'm here to say
16 that they share all the current concerns that have been
17 spoken from this podium right here are shared with our
18 community. Have you heard one person come up here and say
19 keep it -- no, oh, tear them out, tear them out, this is
20 bad, this is bad. You did a great Draft EIS, oh, good job.

21 Have you ever gone to a public meeting where --
22 this is a little community, look we have almost one hundred
23 people here, how many more. That's a lot of people. I
24 don't think everybody signed in. But to go to a public
25 meeting and have such unanimity, and we all come up here and

1 say the same thing. And we didn't collaborate together and
2 say I'm going to say this, what are you going to say, you
3 know. We talk about it, obviously. We talk about it and
4 say I can't believe a group of young people, like I see the
5 20 years old that are running our Government, Federal
6 Government are telling us as a little community, hey, you're
7 not important, and we're just going to, you know,
8 regurgitate what PG&E and what the agencies have told us and
9 throw this -- they don't care, they're just a bunch -- well,
10 I don't know what you think of us, we can't read, or we
11 don't care. I'm sorry, this is really rude. I shouldn't
12 get so -- see, I told you I start ranting and raving,
13 because it really is very very personal to us as a
14 community. And I think I'm speaking as a whole that we feel
15 wronged by you, and we would -- I would ask you to please go
16 back and do your job. Read our reports. Read the things
17 that we submitted to you. Get the facts right. Understand
18 our community needs, and how devastating, devastating this
19 will be, what your recommendations and your EIS will be for
20 our community.

21 And you have a duty and authority to decide in the
22 public interest. And the situation is overwhelmingly
23 devastating to the public good for a very marginal benefit
24 that is not based on scientific studies, it's all guesswork,
25 and hope for, wish, and book knowledge. And many people

1 will suffer, our community will suffer, families will
2 suffer.

3 And in a real basic cost analysis, it's going to
4 cost one hundred million dollars in just costs to us as a
5 community. And now go do the right thing, protect the human
6 interest and represent us, please. That's your job.

7 MS. TREVELYAN: Just to interrupt, this is an
8 apropos time to hand this to you. In three hours on one day
9 in Whitmore we gained one hundred signatures for people who
10 were dismayed about your proposals, dismayed about the
11 timing, the place, and the length of time for this meeting.
12 So I would like to include that in the record, please,
13 because those people couldn't be here tonight. Thank you.

14 MS. LINTON-PETERS: That was Maggie Trevelyan.
15 B. Schuck, Schull. Okay. Sandy Winters.

16

17 PUBLIC COMMENT BY SANDY WINTERS

18

19 MS. WINTERS: Before I begin, did anybody leave
20 some sunglasses up there on the canal yesterday?

21 MEMBER OF THE PUBLIC: How much.

22 MS. WINTERS: They're expensive glasses laying
23 right there by the three mile mark.

24

25 My name is Sandy Winters, I volunteer with the
Shasta Historical Society, and I haven't heard a whole lot

1 mentioned about the history. I hope all of you have time to
2 walk by my presentation there and look at some of the
3 pictures that we pulled off of our database.

4 Kilarc is 107 years old. And to just to destroy
5 the history is a travesty. We were up there yesterday and
6 it was just glorious, all the wild flowers are in bloom,
7 they're so pretty, and the creeks, and the water and canal,
8 everything is running really great, and it was just an
9 enjoyable experience to just get away and go up there. And
10 every time you talk to someone about that canal or at the
11 reservoir and you tell them that there is a possibility that
12 it will be torn out, they're just devastated. And we've
13 talked to a lot of people. I past petitions on two
14 different occasions. I stood outside of Walmart, and I
15 never got turned down once. Everybody signed those
16 petitions.

17 I'm going to cut this short because a lot of what
18 I was going to mention was the Draft Environmental Impact
19 Report. But the one thing I wanted to say was Robert Marx
20 mentioned that the Cow Creek powerhouse was under eight feet
21 of water in 1928. It would be interesting to see what is
22 going to happen with Battle Creek now that they're tearing
23 out five dams on Battle Creek next time we have a bad
24 winter. And there is high possibility that tearing out the
25 Kilarc facility could cause the same problem.

1 I just wanted to touch on a little bit of history
2 seeing as I am a history volunteer. In 1887 San Bernadino
3 Electric Company constructed one of the first hydroelectric
4 generating projects in California. Then in 1897 to 1899,
5 mining, which was the main industry here in Shasta County
6 back then needed electric for traction, lighting, hoisting
7 and smelting their ore. They pretty much depleted all
8 their wood supplies, and coal was hard to obtain, and it was
9 expensive, so they were going to electricity. And Hamden
10 Holmes Noble a financier in San Francisco got a group of
11 financiers and they contacted Lord William Keswick of
12 London, England to supply electricity to his copper mines.

13 The first project was Volta built near Manton in
14 1901, and it's just amazing to read the accounts of how fast
15 that project was constructed. Men really worked hard back
16 then. And they have -- yes, they did, and they had such
17 limited tools, depended on horses and wagons and buggies.
18 You might look and see that hauling part of that apparatus
19 there that is going up to Kilarc, and you know the roads
20 weren't very good, it's just amazing that they could do all
21 this.

22 Volta was the first project in 1901, and he
23 started all this organization in 1899. So that was pretty
24 fast. He had a whole bunch of Italian stone masons that
25 came up from San Francisco and they did an excellent job

1 because those powerhouses are still standing. And we even
2 have one at the end of Parkview. You have go by. It should
3 have been protected years ago, but they let a lot of the
4 transients and whatnot live in it, and it's pretty much
5 damaged, but it's interesting to know they built all these
6 stone powerhouses in this area in such a small amount of
7 time, and it probably didn't cost very much either.

8 Well, there were many conflicts that arose between
9 the farmers and ranchers and the power company. And I would
10 like to pass on one anecdote I read today. There was a
11 rancher by the name of Molly Flood out in Whitmore area, and
12 she was helping herself to water in the ditch that she felt
13 she was entitled to, because she had water rights. So she
14 took an ax to that G. R. Milford that was in charge when he
15 come by to reprimand her for helping herself to her
16 irrigation water. And as a result, there was a lawsuit, but
17 she got her money. She bought PG&E stock. And then in
18 later years four of her sons ended up working for PG&E, and
19 also one of her son-in-laws. So she knew how to handle that
20 guy.

21 The Draft Environmental Impact report. I have had
22 to rely on Davis Hydro for a lot of my information there.
23 Any document that comes to me that is over 200 pages, I'm
24 not going to sit down and read it, and I'm probably not to
25 understand the technology of it. And so I have filed a few

1 motions to intervene, and different things like that. But I
2 promised I would cut this short.

3 I would like to mention, though, that Shasta
4 Historical Society has been working closer with Davis Hydro
5 since 2007 in the preservation of the Kilarc project.
6 And destroying this project would be a travesty.

7 Thank you.

8 MS. LINTON-PETERS: Jeff Parks.

9

10 PUBLIC COMMENT BY JEFFREY PARKS

11

12 MR. PARKS: I'm Jeffrey Park with the State Water
13 Resources Control Board. There is an agency here. And I
14 have a couple of comments on the Draft EIS itself. I want
15 to talk a little bit about the process as it's going forward
16 as well. I have spoken with many members of the public
17 about the contents of the EIS and about the project in
18 general. Be assured that the State side of what's going on
19 now is going to have been after this. I know -- I think
20 Betsy asked where is the EIR. We haven't gotten there yet.
21 We're definitely going to do that, and going to make sure
22 we're just as thorough and include air quality, so I don't
23 get Russ on my case.

24 And just in general, especially since, you know,
25 there is not a whole lot of resource agency and state agency

1 involvement in this meeting, I want to make sure that you
2 know that the main objectives of the agency I work for are
3 very similar to what Frances pointed out, basically comes
4 down to public interest and public trust. So that's what I
5 am sworn to uphold working for the State of California. So
6 I'm very interested to know what anybody has to say. And I
7 have talked to many members of the public over the years of
8 this project. So be assured that there is more
9 opportunities to make sure that your input is heard in this
10 process.

11 It's hard for me to say much more, because I --
12 part of representing the State Water Board as other -- I
13 think as FERC said, I have to maintain an impartial role
14 until the end, even though we did sign the 2005 agreement.
15 But regardless of that, I'm still supposed to provide an
16 impartial role in this proceeding, because what we do is we
17 ultimately issue a water quality certification at the end of
18 this to make sure that all those issues are addressed and
19 certified for the State.

20 Now as for the actual EIS, or the Draft EIS,
21 one thing that I wanted to make sure that gets included in
22 further drafts, and this comes from my own reading and from
23 comments from the public, is that there is no problem with
24 FERC analyzing different flow scenarios and flow conditions
25 associated with different alternatives, but ultimately this

1 is a fully adjudicated area, the water rights are fairly set
2 in stone, as someone said earlier. It was adjudicated in
3 the California courts in 1969. And regardless of what any
4 alternatives of flows or flow schedules, and in the
5 alternative, it's basically going to be State law and State
6 decision on what -- any kind of change in flows or change in
7 ownership of water rights ultimately becomes. So that will
8 be a huge issue down the road whatever decisions get made.

9 So I just, if it could be acknowledged in the
10 document, or in any way, I don't know if it needs to,
11 because regardless, it basically comes down to California
12 State law at the end of it. And I also am representing
13 that, unfortunately, because I also work in the Department
14 of Water Rights.

15 Another thing that was confusing to us and to
16 members of the public, and even PG&E, was the comment about
17 the water quality certification. I think it was just stated
18 improperly that we would have the water quality
19 certification out by this August, which is a month away.
20 And that relies on CEQA, and relies on a lot of other
21 things. So obviously we will not have a water quality
22 certification out by August, and I think FERC knows that.
23 It just was stated wrongly. And there is a one year
24 deadline from the application point of when PG&E applies,
25 but that routinely gets renewed every year until there is a

1 suitable point, because at this point we would have to issue
2 a denial of the project.

3 Besides that, the main thing I wanted to convey as
4 a resource agency and working for the State of California,
5 as you know there is a lot of regulations. I'm coming from
6 a regulatory side. My life involves Federal Code and State
7 Code, and a lot of that doesn't make a lot of sense with
8 personal feelings. Sometimes it's hard to make sure that
9 the two match up. But I think I heard it put that Mr. Buell
10 was kind of offering to be a go between, it sounded like he
11 had a lot of experience with these hydro projects and
12 realize -- I'm not trying to submit you as the
13 representative, but sounds like you have a lot of
14 information on the regulatory side. So I think it sounded
15 like he was offering maybe to be somewhat of a liaison, and
16 so I would at least use the resources that Davis Hydro and
17 Mr. Buell's knowledge of the regulatory side of this to try
18 to bridge the parts, the community, and the personal parts,
19 and all this regulatory side, that can be quite a mess when
20 you really delve into all the actual State code and State
21 laws that I have to follow and participate in at this time.

22 Thank you.

23 MS. LINTON-PETERS: I think we've gotten
24 everybody. There is question mark by Ellis Rumbaugh.

25 MEMBER OF THE PUBLIC: I think she left.

1 MS. LINTON-PETERS: Okay. Oh, did any FERC staff
2 want to say anything? Did you want to say anything,
3 anybody?

4 The public response on this project has always
5 been great, in both turn-out at meetings, site visits,
6 written, the public involvement here has always been great,
7 and we thank you for that. We've gone over, and we've gone
8 way over, and in part that's because I wanted to hear what
9 you all had to say. No one has come in and kicked us out.
10 I don't know what will happen. But I wanted to hear what
11 you said. We -- I heard complaints. I heard grades. We
12 heard your passion. We heard your thoughts that we
13 underestimated and passed. We've heard errors, we
14 definitely don't want errors. You know, we appreciate that
15 you file with us whatever you want to file with us, whether
16 you said it tonight or not. We will go back and look at
17 your December 30th filing. So we encourage you to file. We
18 have extended the deadline. We -- we were not going to
19 cancel tonight's meeting. Now we might -- we are
20 considering having another public meeting. We will talk to
21 the County of Shasta about that. There might be a second
22 public meeting. But I'm glad we had tonight's meeting.

23 So I think this concludes --

24 MEMBER OF THE PUBLIC: CarLisa, you might ask if
25 there are any other speakers.

1 MS. TREVELYAN: Well, I just suggest if you have
2 further meetings that you might consider using our state of
3 the art half a million dollar community center so those
4 people who could not come here because they have to get back
5 to children could participate. Also financially some people
6 couldn't afford to come down here to speak because they
7 can't afford to drive nearly 80 miles to come, and it's
8 very cheap to us.

9 MS. LINTON-PETERS: It -- that's the Whitmore
10 Community.

11 MS. TREVELYAN: That holds a lot of people. It
12 would be real courteous for you to consider having it in our
13 backyard.

14 MS. PRICE: Do you have a contact person? Could
15 you send us one. It sounds easy from your point of view,
16 but it's been difficult for us to find facilities and get
17 responses, so that's why we ask for a contact.

18 MS. TREVELYAN: Maybe you should ask us.

19 MEMBER OF THE PUBLIC: I'll sweep it afterwards
20 and you will get your deposit back. That's how it works.
21 Pay your deposit, as long as it's clean, it's free. So it
22 would be cheaper than here.

23 MS. LINTON-PETERS: Did PG&E want to say anything
24 else?

25 MS. WHITMAN: No.

1 MS. LINTON-PETERS: Okay. Okay. This concludes
2 tonight's meeting. Thank you very much.

3 (The proceedings were adjourned at 9:35 p.m.)

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