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BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

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In the Matter of: : Project Number

SANTA FELICIA HYDROELECTRIC : P-2153-012

PROJECT :
:

- - - - - x

United Water Conservation District
106 North 8th Street
Santa Paula, California

Tuesday, May 3, 2005

The above-entitled matter came on for hearing,
pursuant to notice, at 7:10 p.m.

REPORTED BY:

LORI M. BARKLEY, C.S.R. NO. 6426

1 Appearances of the Commission:

2

3 Kenneth J. Hogan

4 Eric M. Ginney

5 John E. Hart

6 Fred C. Winchell

7 Susan J. Davis

8 Jim Canaday (telephonically)

9

10

11 Appearances:

12

13 Bob Morris

14 Dan Pinkerton

15 Gary Pace

16 Jessie Metcalf

17 Daniel Metcalf

18 Mike Miller

19 Michelle Kinnun

20 Doug West

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1 P R O C E E D I N G S

2 (7:10 p.m.)

3 MR. HOGAN: I'd like to thank everybody for
4 coming today, and as you've heard, we have some
5 housekeeping rules. This is being recorded on a public
6 record, so for the court reporter's benefit and anybody
7 else reading it later on, if you could first state, say
8 your name; the first time you say it, provide, spelling
9 and then each time you speak, if you wish to speak, just
10 re-say it in conversation so it does get recorded and
11 she can keep track of who's talking more easily.

12 I'm Ken Hogan with the Federal Energy Regulatory
13 Commission. I'm a fisheries biologist and we're here
14 today to conduct our national environmental policy act
15 scoping requirements in the form of this meeting.

16 With me today is our contract staff, who will be
17 assisting the Commission in the preparation of the NEPA
18 document, and if I'll start down here, we'll go through
19 and so we've completed introductions and move through
20 the audience that would be great.

21 MR. GINNEY: My name is Eric Ginney. I work
22 with the Louis Berger group as a Geomorphologist. I'll
23 be assisting with geology and soils issues.

24 MR. HART: I'm John Hart and I'm also with Louis
25 Berger, and I'll be handling the hydrology.

1 MR. WINCHELL: My name is Fred Winchell. I'm a
2 fisheries biologist, I work with the company that's a
3 subcontractor to the Louis Berger group, and I'm going
4 to be working on water quality issues and aquatic
5 resources.

6 MS. DAVIS: I'm Sue Davis. I'm a wildlife
7 biologist with Louis Berger group, and I will be working
8 on the terrestrial resources and portions of the
9 endangered species section.

10 MR. DICKENSON: I'm John Dickenson with the
11 United Water Conservation District. I'm engineering
12 manager and have been the district's coordinator of this
13 F.E.R.C. relicensing process.

14 Bob Morris: I'm Bob Morris. I'm here
15 representing myself as a pumper and also Southside
16 Improvement Company.

17 Dan Pinkerton: I'm Dan Pinkerton, local
18 resident, rancher, water user and fly fisherman.

19 Gary Pace: Gary Pace, with Warring Water
20 Service. We supply domestic water to the town of Piru,
21 and therefore, we're one of the pumpers in the area, and
22 I'm here from that point of view.

23 Jessie Metcalf: I'm just an observer.

24 Daniel Metcalf: Daniel Metcalf, just an
25 observer.

1 Mike Miller: Mike Miller with Pleasant Valley
2 County Water District.

3 Michelle Kinnun: Michelle Kinnun, K-I-N-N-U-N,
4 with United Water Conservation District.

5 Doug West: Doug West, Park Services Manager,
6 United water, Lake Piru.

7 MR. Hogan: Thank you.

8 I thought what we'd start off with today would
9 be a presentation from United water conservation
10 district on the project and their proposals, any
11 proposal that makes it as conditions in the license.
12 From that, we will take questions and answers for
13 clarification on their presentation. Commission staff
14 will then go through, on a resource by resource item,
15 issues that we have identified as potential issues for
16 the licensing of this project, and at the end of each
17 resource area, we'd like to hear your comments,
18 compliments, complaints or concerns about the projects,
19 so if that works for everybody, I'd like to proceed that
20 way. But before doing so, I'd like to know, see if
21 there's any questions about the process that you may
22 have that we might be able to answer up front.

23 Doug West: I have a question on process. Doug
24 West, United water. What kind of public notice was
25 issued for this meeting?

1 MR. HOGAN: This meeting was noticed in a local
2 newspaper; I don't know which one.

3 Doug West: Okay.

4 MR. HOGAN: It was just the public notice that
5 also went out with the scoping document, and it was put
6 into the federal register and then submitted to anybody
7 on the mailing list.

8 Doug West: Thank you.

9 Jessie Metcalf: We found it on line. My son
10 was looking and we found it on line.

11 Daniel Metcalf: I just looked for public
12 meetings.

13 MR. HOGAN: Is this a project of yours?

14 Unidentified speaker: Yeah.

15 MR. HOGAN: Then it appears that we have a
16 couple of folks who would like to give oral testimony or
17 presentations, so we'll make time for that also.

18 So any other questions regarding the process or
19 why we're here.

20 Robert Morris: This is basically just on the
21 hydroelectric part of the damn, is that what the
22 whole --

23 MR. HOGAN: We're licensing the hydroelectric
24 project, and the scope of the analysis, the NEPA
25 analysis that we will conduct are project-related

1 effects.

2 MR. DICKENSON: They consider the hydroelectric
3 project to include the damn and reservoir and all the
4 related flows down the canyon out of Santa Felicia damn.
5 That, to F.E.R.C., is the hydroelectric project.

6 Now, maybe if I go through sort of my
7 introduction part when you're at a point, that that will
8 be understood why we're where we are.

9 MR. HOGAN: Okay.

10 MR. DICKENSON: When do you think that's a good
11 time?

12 MR. HOGAN: I just want to see if there's any
13 other questions and then --

14 Daniel Metcalf: I believe I got everyone's
15 name. Daniel Metcalf, just everyone, what exactly they
16 do again and their occupation.

17 MR. HOGAN: Our staff up here?

18 MR. GINNEY: I'm a geomorphologist, so I work
19 with earth surface processes. This is Eric Ginney
20 speaking.

21 MR. HART: John Hart and as a hydrologist, I'm
22 typically monitoring actually both groundwater monitors,
23 groundwater and surface water.

24 MR. HOGAN: I'm Ken Hogan. I'm with the Federal
25 Energy Regulatory Commission. I'm a fisheries

1 biologist, and I am the project coordinator for the
2 Commission on the relicensing of this project.

3 MR. WINCHELL: I'm Fred Winchell. I'm a
4 fisheries biologist and I'll be addressing the water
5 effects of the project and measures that have been
6 proposed, the water quality in aquatic resources.

7 MS. DAVIS: I'm Sue Davis. I'm a wildlife
8 biologist. And NEPA documents are broken down into
9 resource areas. I'll be responsible for doing the
10 analysis in the terrestrial resources, which is plants
11 and wildlife, and also the plant and wildlife issues
12 that are involving endangered species which are
13 federally listed, threatened endangered species.

14 MR. HOGAN: If there's no other questions
15 regarding the process or why we're here, if John could
16 go into his presentation on the project.

17 MR. DICKENSON: Thank you. I think maybe, when
18 we talk about the project, there's sort of the actual,
19 physical water project that United water operates, and
20 then there's the project of relicensing it, which is a
21 project in its own, so we use the terms interchangeably.

22 But essentially, in 1950, United water was
23 formed from an earlier district, and at that time, the
24 idea was to implement water conservation projects
25 throughout the Santa Clara watershed, and that included

1 the original proposal including some five or six dams
2 and reservoirs, up through the Piru and Sespe
3 watersheds.

4 Most of that land in those watersheds is
5 federally owned and managed by the Forest Service. So
6 the way water districts did that back in the fifties is,
7 you acquired a federal power commission license, and
8 that license then allows you to occupy those lands for
9 your reservoir, provided you were going to, at some
10 point in time, generate power from those projects.
11 United solicited such a license for those projects. The
12 first bond issuance, this is locally funded project, the
13 first bond issuance failed, so the one with the six or
14 seven dams scattered throughout didn't happen.

15 Redesign work of the overall water conservation
16 project was done, and in 1954, a bond issuance passed,
17 which included Santa Felicia damn, Lake Piru,
18 improvements to spreading grounds in Saticoy, pipelines
19 on the Oxnard plain, and other water conservation
20 facilities throughout that. Santa Felicia reservoir, or
21 now Piru reservoir, does inundate, when it's at its
22 fullest, some 147 acres of federal land, out of its
23 nearly 2000 acres of service area. There's less than a
24 couple hundred acres that are in the National Forest.
25 So this federal power commission license was the

1 authorization that allowed us to occupy those lands.

2 So going forward from that, in acquiring that
3 license, they do require you to have a plan in place for
4 generated power from the water that you store at the
5 reservoir, and to that end, this district, in 1986 and
6 '87 built a powerhouse at the base of Santa Felicia dam,
7 where we do generate electricity from some of the waters
8 that we release through the penstock of the dam. I
9 don't know at what point the federal power commission
10 became F.E.R.C.

11 MR. HOGAN: Neither I do.

12 MR. DICKENSON: But it's the same entity. They
13 just have different letters now in the alphabet scheme
14 of things there in Washington D.C. Overall, how the
15 project functions, for those that might not be aware of
16 our facilities, I know most of you probably are, but
17 this is a map of the Ventura County portion of the Santa
18 Clara River and Oxnard plain, and up at the top of that
19 there, that is Lake Piru and Santa Felicia dam. We use
20 waters from that project to release down the creek to
21 recharge aquifers as it soaks into the Santa Clara River
22 along this route. We divert waters out of it here into
23 percolation ponds, here and here, which then
24 repressurize and replenish the aquifer system beneath
25 the entire Oxnard plain.

1 Now, in addition to that, we have pipeline
2 facilities, because the aquifers aren't all that
3 efficient at conveying water out to the demands that are
4 on the Oxnard plain. We have pipeline facilities that
5 take water over to cities or farms, as the case may be,
6 in lieu of them pumping their wells.

7 So as I said, in 1954, we solicited the Federal
8 Power Commission license for this land and this project,
9 this Santa Felicia project, and we were granted that
10 license in 1954. There was a fifty-year license in it,
11 expired in May 1, 2004, and we've been in this
12 relicensing process for about two and a half years now.

13 The way they typically work projects that are in
14 relicensing is they grant them annual licenses to
15 continue operation in the same format as the old license
16 until such time as a new license is acquired, so we've
17 been working on that new license.

18 What that's entailed, to date, is we've had
19 input from numerous resource agencies, when I say
20 resource agencies, those typically are, you know, Fish
21 and Wildlife resource agencies, and we've had
22 participation by those groups over these last couple
23 years, and we've had to do studies to provide
24 information to them and to F.E.R.C. so that they can
25 condition our new license on the dam. So they're going

1 to write a license here and they're going to tell us how
2 we're going to operate Santa Felicia dam for the next
3 forty years.

4 MR. HOGAN: Thirty to fifty.

5 MR. DICKENSON: Thirty to fifty years, so
6 whatever we come up with in this process is going to
7 have effects on all the resources that this project
8 might affect for a long period of time.

9 We have gone through the process and we have
10 done a whole bunch of studies. The district has spent,
11 to date, something on the order of \$920,000 doing
12 studies for these resources, and we're at a point where
13 we had actually wrapped up the environmental portion of
14 our application, which is quite a banker's box, it's
15 quite a banker box, and we had submitted it at the start
16 of the year, by January 1, so F.E.R.C. is here now
17 scoping the environmental document that they will then
18 circulate for public comment.

19 In our application and through these years of
20 studies and negotiations we came up with a whole suite
21 of proposed license conditions that United Water
22 believed were, or believes are, fair and reasonable
23 measures at which to protect these wildlife and other
24 resources, and I'll run through those.

25 It's a fairly extensive list, but I'll be quick

1 about it. We are going to develop and implement a
2 sediment flushing criteria starting in the spring of
3 2006. Our studies found that, Piru Creek, over the
4 winter, with just the low flows going out of the dam,
5 accumulates a whole bunch of fine sediments from the
6 local tributaries, and the wildlife agencies and others
7 believe this affects the habitat in the creek bed for a
8 variety of wildlife, and so we would likely flush Piru
9 Creek to take those sediments out, fine sediments out to
10 the Santa Clara River, at some point in the spring. We
11 don't know what those numbers are. That's what the
12 study would be determining. It's probably, I'm guessing
13 it's going to be two hundred CFS for a few days,
14 something like that. So that water would then either,
15 depending on what's going on in the Santa Clara River at
16 that time, it would either find its way to the ocean or
17 perk into the groundwater basis.

18 We are going to develop and implement a flow
19 monitoring program. One of the things that is difficult
20 to get your hands around on this project is what's the
21 fate of the waters released out of the dam. We know it
22 all percolates into the basins, because it doesn't go by
23 the Freeman diversion or, but he don't know what's going
24 into Piru, Fillmore, Santa Paula basins, and how that
25 varies with different groundwater elevations as you

1 start it, so we're going to implement a program where
2 we're going to monitor those flows, and relative to
3 groundwater elevation, so we can better track the water.

4 We are going to do a more thorough fish passage
5 study. National Fisheries Service primarily is in
6 charge of endangered Southern California steelhead
7 trout, rainbow trout, and they want details as to how we
8 would pass fish around the Santa Felicia project, so
9 that means fish ladders, trap and transport facility,
10 fish streams upstream of the dam. And all we have in
11 here is that we will provide information to do that
12 study and see what it is. We are not, under this
13 license, the district is not proposing to actually add
14 those features at this point.

15 We're going to modify the ramping rates at which
16 we shut down our annual conservation of these, and I
17 should back up a minute and say, for those that don't
18 know how we operate Piru, is we store all the winter
19 storm flows in it and we typically release five cubic
20 feet per second or less out of the dam, and then it
21 fills up during the winter. Come fall, the groundwater
22 basins are at their lowest. We release in a rapid
23 fashion, like at around four hundred cubic feet per
24 second, and as I said, that water percolates along the
25 riverbed and then in our spreading grounds. When we're

1 done with that release, our current license condition is
2 to halve the flows every two hours, so we could go from
3 400 CFS back down on our five cubic feet per second
4 within a day. The environmental effect on that is, you
5 have a big broad reach of stream surface that then can
6 shrink too rapidly for fish and critters to make it back
7 into the water that need to, so we are going to taper
8 that ramping effect so that it takes about six days to
9 go from our 400 CFS down to our minimum release. And
10 there's a detailed schedule on that as to how that would
11 work.

12 We have built a new release works for our low
13 flow releases at 5 CFS. The old one was cavitating, and
14 so we built a new one, just finished it; it's not even
15 painted yet. The old one had problems with dissolved
16 oxygen in the upper part of Piru Creek, and dissolved
17 oxygen is where you have the really important parameters
18 for trout survivability in Piru Creek. We believe this
19 new one that sprays into the air will reoxygenate water
20 that maybe has low oxygen in it at the bottom of the
21 reservoir and provide for better dissolved oxygen in the
22 creek, so we're going to test that, we're going to
23 measure dissolved oxygen and it was pointed out this
24 morning that perhaps releasing into the air like that
25 might have an effect on the temperature of the water,

1 too, so we're going to also be measuring temperatures
2 and see how this new release works, affects temperatures
3 and dissolved oxygen.

4 We're going to develop a steelhead monitoring
5 plan for lower Piru Creek, and this is when and how we
6 would look for rainbow trout and steelhead, whether it
7 would be after spill events, or when and how, but it
8 will be a monitoring plan that will follow for how and
9 where to go look for steelhead. Which follows with
10 another one, inspecting middle Piru Creek after spills.
11 We're going to be studying the -- and this is in comport
12 with the sediment flushing, which was one of the first
13 ones I mentioned, we're going study the insect life
14 that's in the creek substraight, in the creek bed, and
15 they call this macroinvertebrae studies, and you dredge
16 up the bugs and you consider the ratios of this type or
17 that type through some laboratory reports and you tell
18 whether your sediment flushing is improving the health
19 of that stream bed or not, so there's that.

20 We have proposed in this -- at this point, to
21 reduce the dry season flows, to attempt to limit
22 bullfrogs along the creek that like to have the water
23 all the time, and so in years when the creek would have
24 run dry before, we're going to let the creek run close
25 to dry, at least some part of the way down, which should

1 eradicate bullfrogs, which are predator and a exotic
2 animal and are eating the other native animals that
3 belong there.

4 Then we have some more mundane kind of common
5 sense things. All the recreation facilities up at the
6 lake, they're mostly here all on the west side of the
7 reservoir, and these have been built over the life of
8 the project, they're down in here, boat ramps, picnic
9 tables and so forth. Some of those are not compliant
10 with the America Disabilities Act, and so we're
11 proposing bringing all the existing facilities up to ADA
12 compliance by 2010. We're committing to publish our
13 annual conservation release proposal in the month before
14 doing it so that whitewater kayakers can have access or
15 can know when we're going to be doing the release, so
16 that they can then get there at the flows that they want
17 and ride lower Piru Creek from the dam on our
18 conservation releases.

19 And along that, we also have committed to
20 negotiate with the county of Ventura and Rancho
21 Temescal. The whitewater kayakers would prefer to enter
22 the creek here right below the dam, but our access is
23 really limited, the only way there is across our
24 spillway bridge and right down next to the outlet works
25 of the dam, and in today's security conscious world, we

1 can't just leave that open to the public down there. So
2 one thing we believe is a possibility is the county road
3 has a big wide easement and crosses Piru Creek right
4 here, and that would give most of the run still to the
5 whitewater kayakers, but they wouldn't have to be up
6 messing around up by the outlet works of the dam, so
7 we're going to negotiate with the county and Rancho
8 Temescal as to whether or not we can use that as an
9 access.

10 Oh, the kayakers also wanted at the lake,
11 apparently some braver souls than I ride their kayaks
12 down middle Piru Creek from Pyramid or Frenchman's Flat
13 (phonetic) down to Piru, and these little kayaks that
14 they use, I guess aren't any fun to paddle on flat water
15 at all; it's a lot of work. They're for riding rapids
16 only, and so they wanted a take-out point up here at
17 Bluepoint and of course the Forest Service has a closure
18 down here and does not allow vehicular access up there
19 at Bluepoint we just completed a new boat ramp and swim
20 area project here at this corner, north part of our
21 recreation area, which is the closest public access
22 point to the lake, and we're going to allow the
23 whitewater folks to use that as their take-out.

24 There's, we have a recreation masterplan, which
25 details how we would do the improvements up here as they

1 phase in, and there's a whole variety of commitments
2 that we have in that masterplan, both through the
3 county's permit and will be through F.E.R.C.'s license.
4 They include relocating the maintenance building,
5 reconfiguring the trash collection area, relocating the
6 dry storage area, and landscaping improvements, as well
7 as other things.

8 The only two other proposals that we have,
9 United Water, and these were pretty self-explanatory, is
10 that we will comply with all cultural resource laws
11 having to do with archeological sites and that type of
12 thing, and then we will mitigate any cultural resource
13 problems that we cause by construction or operating the
14 project.

15 So that's what we've proposed in our license.
16 What's happening now, and maybe I should turn it back
17 over, but what happens now is the other resource
18 agencies get to comment on those, and then F.E.R.C. will
19 make a determination as to what are reasonable and
20 prudent license conditions to put together.

21 MR. HOGAN: Any questions for John's
22 presentation on the project, public operation or
23 anything?

24 Unidentified speaker: District Coordinator is
25 the proper title.

1 MR. DICKENSON: That would be fine, District
2 Coordinator.

3 MR. HOGAN: With that, I'd like to go through
4 what the Commission has identified and as far as
5 potential resource issues to analyze in our NEPA
6 document, and like I said earlier, on a resource by
7 resource basis, we'd like to get your input and comment
8 as to whether things are actually an issue, whether we
9 should add something or if something's not an issue.

10 MR. DICKENSON: Can I ask something real quick?
11 In this morning's session, we went through this and we
12 made comments and suggestions and changes. Are those
13 included in this presentation now or are these --

14 MR. HOGAN: They wouldn't be, but if it comes up
15 again, we'll just note it again.

16 MR. DICKENSON: But we wouldn't need to state
17 ours again, the comments that we had?

18 MR. HOGAN: No; the record is there.

19 MR. DICKENSON: Right.

20 Bob Morris: I would like to know, is this
21 record then going to be available on the website or
22 something?

23 MR. HOGAN: Actually, I did want to address
24 that, thank you.

25 Yes, the public record will be available on

1 Commissioner's website in ten days. That is at
2 www.ferc.gov, and that's approximately ten days. From
3 the web page click on the E-library link, then click on
4 general search. There will be an option for date range.
5 You know today's meeting, so it could be anywhere from
6 today to two weeks out, that's your date range. Scroll
7 down the page a little bit and enter, where it asks for
8 docket number, the docket for this is P-2153.

9 MR. DICKENSON: Which is on your documents here,
10 too; it's project 2153.

11 MR. HOGAN: Then click "submit" and a listing of
12 transcript will show up on your monitor, and you can
13 click on those and all the way up in Microsoft Word and
14 download them and print them if you'd like or review
15 them on line.

16 MR. DICKENSON: Change them and re-save them.

17 MR. HOGAN: Can't resubmit them. You can save
18 them on your own computer.

19 Bob Morris: So the word document, not PDF.

20 MR. HOGAN: There will also be a PDF copy.

21 MR. WINCHELL: That E-library system is also
22 where all of the other filings that have been submitted
23 to the Commission on the proceeding are, so if you want
24 to monitor what's been sent in my agencies or the
25 public.

1 MS. DAVIS: Or the license application.

2 MR. WINCHELL: It's all there.

3 MR. HOGAN: Everything is under that document
4 number. If you want to get more specific, you could go
5 to the sub document, which is 012, which is the next
6 title. I don't recommend that anybody use that, Just
7 because if a filing was made and it didn't include the
8 sub docket, you're not going to get to see it. So it's
9 better if you just use the main docket.

10 MR. DICKENSON: And the application is on our
11 website too, unitedwater.org, if you go to Santa Felicia
12 dam, you'll see our license application is on there
13 also.

14 MR. HOGAN: Thank you for bringing that up.

15 MS. DAVIS: The purpose is of when we're going
16 through the resource issues, you probably all have this
17 scoping document, grabbed it outside and we'll be at
18 section 5.2, starting on page 11, if you wanted to
19 follow along.

20 MR. GINNEY: I'll begin with geology and soils,
21 page 11, section 5.2.1. Some of the issues that we've
22 identified, as John alluded to, are the effects of fine
23 sediment in lower Piru Creek during low flow periods, at
24 least that's low flows out of the project. Effects of
25 sediment transport reduction and altered hydrograph on

1 channel form and function in lower Piru Creek, primarily
2 as related to fish habitat, and potential effects of
3 project operations on shoreline erosion and
4 sedimentation in project affected waters, sedimentation
5 mostly in the reservoir itself, and same with shoreline
6 erosion.

7 MR. HOGAN: Does anybody have anything that they
8 would like to add specific to geology and soils or
9 comments? Okay.

10 MR. GINNEY: Thank you.

11 MR. WINCHELL: Water resources, we have four
12 different issues. First one is the potential effects of
13 proposed and alternative flow regimes, flow releases on
14 groundwater and surface water along and near the lower
15 Piru Creek and Santa Clara River, which has effects also
16 on all beneficial uses. Second issue is the effects of
17 the project and proposed and alternative environmental
18 measures on compliance with applicable state water
19 quality standards and designated beneficial uses in Lake
20 Piru and in Piru Creek, downstream of the project, and
21 that would extend to the confluence with the Santa Clara
22 River.

23 Third issue we'll be looking at is the effects
24 of the proposed low flow releases on temperature and
25 dissolved oxygen levels in lower Piru Creek, and

1 finally, the effects of project operations and project
2 related recreation on fecal coliform levels in lower
3 Piru Creek.

4 MR. HOGAN: Any comments on water resources?

5 Bob Morris: I guess my concern, the change in
6 flow releases, is that going to affect the recharging of
7 the water bases downstream?

8 MR. DICKENSON: That's one of the things that
9 they're going to consider in this document, but yes, it
10 does.

11 Bob Morris: That's the reason we originally
12 voted for the dam, is to keep our --

13 MR. HOGAN: That's actually why we're here. If
14 you have a specific concern about the aquifers, please
15 feel free to state them, I mean, what we're going to do
16 is we're going to conduct our analysis, where if there's
17 a proposed change in a flow regime, we will look at
18 those additional impacts, but we need to know what the
19 concerns are so that we can adequately analyze those
20 issues.

21 Bob Morris: I think probably the lower aquifers
22 is a much greater concern than Piru or Fillmore base,
23 and probably Santa Paula basin and the Oxnard plain are
24 of great concern, because Oxnard, especially because of
25 seawater intrusion.

1 Dan Pinkerton: I guess what we're going to
2 respond to is these general areas of interest, and I'll
3 observe and see how this all goes. I guess we're a
4 water agency and water resources, talking about some
5 minor issues there, but what we haven't really talked
6 about is the spectacular successes of this district.
7 Very few places in the world, in the entire world, can
8 you look where seawater intrusion has been abated,
9 overdraft corrected and arterian conditions restored
10 that were reminiscent of seventy years ago. That's a
11 fact here. As you go up further, there's thirty plus
12 miles of riparian habitat that is a wetlands because of
13 the conservation releases of this district that use
14 natural conveyant systems rather than a pipeline, and
15 recharge each basin as it goes down stream, till the
16 ultimate user out on the Oxnard plain, which was the
17 focus of the folks here fifty some years ago, and the
18 State Water Resources Control Board that said you have
19 overdraft and you have seawater intrusion and you need
20 to clean it up, and the local folks did.

21 The Oxnard plain aquifer is adjudicated and
22 regulated by the Fox Canyon Groundwater Management
23 Agency. As we move up the Santa Clara River, the Santa
24 Paula basin is on a friendly adjudication but a legal
25 adjudication and administered by the Santa Paula Basin

1 Pumpers Association. The Fillmore and Piru groundwater
2 basins are administered and regulated under an AB 3030
3 provision, which was the state of California provision
4 that allowed, again, regulation and conservation of
5 groundwater resources. So it's a terrific success
6 story, and we get wrapped up in these small details of
7 this particular environmental concern, and all the rest,
8 and we lose sight of the terrific success that this
9 district has been able to do because of my forefathers
10 that said, you know, we've got a local problem and we've
11 got the resources to take care of it.

12 I think these successes are so compelling and so
13 important and so demonstrable to their first rate
14 resources and first rate groundwater management and
15 reporting, that I think this license should be granted
16 immediately, immediately, and stop it. We've almost had
17 a million dollars in studies. We can study it forever.
18 That's what science is all about. If science could end
19 a discussion, it would have ended back with Divinci or
20 wherever , Leonardo, it would have ended, but it's been
21 continuing, continuing, continuing, and we've missed the
22 sight.

23 We're talking about kayakers. We're talking
24 about many, many different issues, rather than the
25 spectacular success, that not only should be

1 congratulated, we'd better make certain it's perpetuity,
2 because this is one district that's managing its
3 resources and not looking to take water from the north,
4 water from the west, or anywhere else. And it's a
5 spectacular success.

6 I'm a fly fisherman. The largest drainage in
7 this county is the Sespe river. It's wild, it's scenic
8 and it's unregulated. Are the steelhead taken care of?
9 Yes, they are. You guys spend a day, and I'm surprised
10 that you aren't asleep here now, because it takes a long
11 time to start at the end and go up to the top, and then
12 here we are tonight, and thank you for doing it. Thank
13 you for coming here and taking the time to see who's
14 who.

15 Downstream migrating smolts are being captured.
16 That tells me that the adults are up there. I catch
17 them. I release them. This isn't the dispute. It's
18 not one of the spectacular rivers up north that have
19 runs that need and can respond to -- to protection, but
20 this is, we have a viable fishery here that's being
21 monitored scientifically and protected with as good a
22 device as you can, but the overall thing of seawater
23 intrusion and overdraft and competent management and
24 observation of groundwater resources are the beneficial
25 uses of the district folks that live here, is a

1 spectacular success and I'll be right up front:
2 F.E.R.C. should be endorsing and proud of, and we need
3 to move away from constantly looking at these other
4 things and holding up a licensing process. It's enough
5 money. We need to spend it somewhere else.

6 Thank you.

7 MR. HOGAN: I appreciate that.

8 Any other comments on water resources?

9 MR. WINCHELL: Again, if anyone has a prepared
10 statement or something they want to make at the end that
11 sort of covers everything, that opportunity's there also
12 if you want to. Either way is fine.

13 MR. HOGAN: I would like to say that what we are
14 doing, we can't meet your request to just stop now and
15 issue a license; the law won't allow us. But we will --
16 it's our intention to look at all the beneficial uses of
17 the project, not just the environmental resources, but
18 of all of it and see if there's a way to make it all
19 work in harmony, or make none of it work. This is
20 F.E.R.C. but, no, the idea is that we want, we recognize
21 the purpose of the project, and we'll look to see if
22 there's things that can be done to protect environmental
23 resources and still maintain that purpose.

24 MR. WINCHELL: In the area of aquatic resources,
25 the issues we'll be looking at in the NEPA document are

1 the effects of project operations on the provision of
2 flows suitable for spawning and rearing for steelhead
3 and other native fish species in lower Piru Creek
4 downstream of Santa Felicia dam. Also the effects of
5 project operations on the provision of flows suitable
6 for passage of adult steelhead from the ocean through
7 the lower mainstem of the Santa Clara River and lower
8 Piru Creek downstream of Santa Felicia dam.

9 We'll also be looking at the effects of project
10 operations on fish stranding in lower Piru Creek
11 downstream of the dam. Also the effects of water level
12 fluctuations in Lake Piru on large mouth bass, spawning
13 and recruitment.

14 And the potential benefits of installing
15 upstream and downstream fish passage measures at Santa
16 Felicia dam or of alternative measures to benefit
17 steelhead spawning and rearing habitat in Piru Creek or
18 in downstream habitats.

19 Any questions or comments on aquatic resources?
20 Okay, that was our big one this morning.

21 MS. DAVIS: Three hours later.

22 MR. DICKENSON: Most of the morning.

23 Terrestrial.

24 MS. DAVIS: We'll be looking at the effects of
25 project operations on riparian vegetation and associated

1 channel encroachment. We'll be looking at the potential
2 effects of project operation and maintenance on
3 vegetation and wildlife, the effects of project
4 operation on exotic aquatics, such as bullfrogs and the
5 need for management measures to benefit native
6 amphibians and reptiles. And the potential effects of
7 project operations on wildlife in the project vicinity
8 given special status by appropriate resource agencies,
9 and those would be the species that are not federally
10 listed under the Endangered Species Act, so those kind
11 of things, and they're listed out here.

12 MR. HOGAN: Any questions or comments on that,
13 or issues or concerns? Okay.

14 MR. WINCHELL: First one' aquatic: The
15 potential effects of project operation and proposed
16 environmental measures on the endangered southern
17 California steelhead and the threatened Santa Ana
18 sucker; actually I think we agreed we were going to cut
19 that one out because it's not listed in this watershed,
20 but we will be addressing the unarmored three spine
21 stickleback.

22 MS. DAVIS: We'll also be looking at the
23 potential effects of project operation and proposed
24 environmental measures on federally list threatened or
25 endangered species and/or their habitat that could

1 potentially occur in the project area, including the
2 southwestern arroyo toad, California red-legged frog,
3 southwestern willow flycatcher and least Bell's vireo.

4 MR. HOGAN: Comments or questions? You're
5 making our job real easy tonight.

6 Bob Morris: Are all these endangered species
7 that have been at one time in the Piru Creek area?

8 MS. DAVIS: Those are the species that have
9 potential to exist within the project area, or have
10 habitat within the project area that we feel, at least
11 in our analysis in looking at to see whether or not
12 there is a potential for project-related effects.

13 MR. HOGAN: And I believe United had done some
14 surveys for endangered species also.

15 MR. DICKENSON: We did, and we have not found
16 any, but we found the habitat for these there, so
17 there's the kinds of vegetation and soils and so forth
18 that would allow you to expect that you'd find any one
19 of these terrestrial species, various patches of it
20 throughout the project.

21 MR. HOGAN: So our analysis would typically, if
22 they're not there, what it would entail is at least
23 protecting that habitat so if they were to become
24 present, right?

25 MS. DAVIS: Yes.

1 MR. HOGAN: Today we don't have our recreation
2 or cultural resource person with us, so I'll be covering
3 those areas, so please forgive me, I'm not a
4 recreational and cultural resource person.

5 We will be looking, under recreational
6 resources, at the potential effects of the proposed
7 action on recreational access to project waters,
8 existing recreational activities, and future
9 recreational activities within the project area, the
10 ability of the existing recreational facilities to
11 conduct and opportunities to meet current and future
12 recreational demand, the need for whitewater boating
13 flows and access in the lower Piru Creek reach and
14 access to upper Piru Creek.

15 Any questions on recreation?

16 Bob Morris. This whitewater sort of gets me.
17 As a teenager, I used to go up to Bluepoint before there
18 was any dam, and very seldom did I ever see any flows in
19 Piru Creek except during storm weather where anyone
20 could whitewater raft, so we're really creating a
21 artificial condition for people to whitewater raft
22 there, so I'm wondering why that should be a burden on
23 United Water unless it just happens to occur naturally
24 with the releases.

25 MR. HOGAN: Okay, we'll take that into

1 consideration.

2 MR. DICKENSON: I guess this morning I missed
3 that this statement about access in the upper Piru Creek
4 reach, is that referring to this proposed take-out along
5 Lake Piru? Is take-out part of an access?

6 MR. HART: I believe that in relation to the new
7 take-out on the lake.

8 MR. DICKENSON: Because United Water would have
9 no control or authority over a put-in in Piru Creek
10 anywhere.

11 MR. HOGAN: Okay. Under land use and aesthetic
12 resources, we'll be looking at the potential effects of
13 the proposed action and alternatives on current and
14 future land uses in the project area, the potential
15 effects of the proposed action and alternatives on the
16 aesthetic resources of the project area, whether
17 operation of the proposed project would be consistent
18 with the Los Padres national forestland and resource
19 management plan.

20 Any questions, concerns or comments on that?

21 For cultural resources, we'll be looking at the
22 effects of the project operation and enhancements on
23 cultural resources that are listed or considered
24 eligible for inclusion in the national register of
25 historic places, and identification and development of

1 measures to resolve adverse effects on historic
2 properties and other potential national register
3 eligible cultural resources within the project area of
4 potential effects, pursuant to section 106 of the
5 National Historic Preservation Act.

6 Any questions about that? It's a mouthful.

7 MS. DAVIS: I just wanted to clarify, this is a
8 list of things that we intend to look at to determine if
9 there are any effects or potential effects, so by being
10 on this list, it's not necessarily saying one way or the
11 other whether or not there are effects.

12 MR. HOGAN: That's what the NEPA document will
13 do, right. We're just trying to figure out what should
14 be looked at and what shouldn't be looked at.

15 So no questions on cultural resources.

16 Developmental resources. This is where the
17 Commission will look at the proposed mitigation and
18 enhancement measures and the effects on the project
19 economics. This is where the Commission actually does
20 their balancing to evaluate the cost of what is being
21 proposed by the various interested parties, versus the
22 economics of the project.

23 Any questions on that?

24 Does anybody have anything that they would like
25 to add or state and comment on?

1 Dan Pinkerton: Do you folks have any questions
2 of us?

3 MR. HOGAN: I guess I'd like to hear
4 specifically your interests in the project. I mean,
5 I've gotten that your interests, yours in particular,
6 keep the groundwater system recharged and keep the salt
7 water intrusion from PROLIFERATING. Is there more than
8 that? I mean, what's your general interest?

9 Daniel Metcalf: This is the first meeting I've
10 ever been to. I was more interested in some of the
11 build up of the sediment and elimination for the dam.

12 MR. HOGAN: In the reservoir? Do you have an
13 issue of concern or just curious how it's done.

14 Daniel Metcalf: Just curious how is it's done
15 previously and how the new plan will benefit more than
16 the old one, or I don't know if I should ask this here
17 or after the meeting is over.

18 MR. HOGAN: This is fine. Right now, on the
19 short part of it, the new plan has not made any
20 determination on that yet, but as far as how it's been
21 done in the past, I'll let John discuss that.

22 MR. DICKENSON: Well, sedimentation in the
23 reservoir, as most reservoirs, certainly in California
24 and most of the world, they have a limited life span and
25 you just let them sediment up as they will. Our

1 particular sediment management plan at Santa Felicia has
2 been, I guess I should explain that, at the dam we have
3 a fixed point of intake for releasing water from down
4 under the lake and it's at a fixed elevation and would
5 be significantly expensive to try to alter that at all.

6 So what we have done is we maintained the lake
7 at a minimum pool that is high enough so that the
8 ensuing winter's flood flows drop their delta remote
9 from our intake works. When water -- water has to have
10 velocity to carry sediment. When that velocity dies
11 off, the sediment drops, and the velocity for a given
12 flow is inversely proportional to the cross sectional
13 area of that flow, so when that little narrow Piru
14 creeks comes jetting down out of the mountains, all
15 turbans and boulder and sticks and everything, when it
16 hits the calm of Lake Piru this /STAUFR /TKOPBZ out and
17 forms a delta up at the narrows of the lake up through
18 in here. The delta presently caps out probably about
19 down here at Devil's canyon , and it wraps out to about
20 this. Our intake works are down here at the dam. We
21 keep that minimum pool and try to keep that delta just
22 at the water level so that it will gradually encroach
23 and we'll get the maximum life span out of this
24 reservoir. Last time -- we do our sediment surveys each
25 ten years, and last one we did was in '95. This

1 originally was a one hundred thousand acre foot
2 reservoir, volume of water, and in '95 we measured it at
3 88 thousand acre feet of water, so it had, there were
4 twelve thousand acre feet of sediment here in the delta
5 and around the bottom floor of the thing, but still,
6 over forty-year life span we lost twelve percent of the
7 capacity, so to extrapolate that out, we've got another
8 150 or two hundred years of life in this reservoir for
9 sediments.

10 Bob Morris: Hasn't Pyramid helped as far as
11 sedimentation also?

12 MR. DICKENSON: The rate decreases significantly
13 when Pyramid went in. There's a reservoir upstream of
14 us on Piru Creek that's run by the California Department
15 of Water Resources, and it's really a holding reservoir
16 for the state water project. It doesn't really involve
17 Piru Creek water, but having that other dam across the
18 channel upstream of here has significantly lessened the
19 amount of sediment flowing into this --

20 Daniel Metcalf: How did you -- you mentioned
21 the new process to help release some of the
22 downstream --

23 MR. HOGAN: You were asking about the new
24 process versus the old process. What I was going to say
25 is we haven't made out a determination in the license

1 yet to dictate any of that, and maybe I'm
2 misunderstanding the question.

3 MR. DICKENSON: I believe we were asking about
4 our sediment management below the dam here.

5 MR. HOGAN: Sorry.

6 MR. DICKENSON: So I went on and I gave you a
7 good lesson.

8 Here's the dam here, and the lake, and this is
9 lower Piru Creek, and just off the picture here it goes
10 through the town of Piru and meets up with the Santa
11 Clara River. We found in our surveys that later in the
12 winter, because we're only releasing this five CFS, this
13 little flow all year round and all winter, and these
14 local hills are comprised of geology that is
15 substantially very fine sediments and so forth, plus all
16 the, what's the word I'm looking for? Biological
17 material, biomass material from ag, cattle ranchers, the
18 oil fields and whatnot, because the low flow and the
19 only -- low flow from Piru Creek and the only
20 contribution being rainfall down these side canyons,
21 there's an accumulation in here by springtime of fine
22 sediment that forms on the floor of the creek, and the
23 biologists tell me that that's not good for most of the
24 critters that would be using that creek bed, and so
25 we're proposing to, sometime in March or April, and we

1 haven't worked out how this is going to work, but we
2 would open the valves up on the dam and send kind of a
3 slug of water for a couple days down there to take those
4 sediments out to where the other fine sediments are in
5 Santa Clara River, and keep this stretch of creek with a
6 nice sandy cobbly bed for the animals that like that
7 kind of thing. Does that make sense?

8 Daniel Metcalf: Yes.

9 MR. GINNEY: John, you guys right now are
10 proposing to implement a plan which would do some study;
11 that was the first time I'd heard dates and flows.

12 MR. DICKENSON: Well, we were asked those dates,
13 not flows, actually, we were asked the dates as part of
14 the AIR; we were asked for implementation schedules.

15 MR. GINNEY: I didn't see it in the two pages
16 this morning.

17 MR. DICKENSON: So it's in there, is what we're
18 proposing for implementation, but you're right, we have
19 to do the study as to what we're going to move where and
20 see what it is. Without more information, I don't know
21 what the numbers are. I'm just -- that's a SWAG --

22 MR. HOGAN: Did you learn that tonight?

23 MR. DICKENSON: Yes, I did.

24 MR. HOGAN: S-W-A-G. Does anybody else have any
25 comments or concerns that they would like to share?

1 Mike Miller: Mike Miller with Pleasant Valley
2 Water County District. I made some comments in this
3 morning's meeting, and I just wanted to kind of expound
4 on those. We're a fairly large pumper down in the
5 Oxnard plains, and the United diverted flows is
6 approximately half of our demand we get from United, and
7 so if there's any reduction of that, it has quite an
8 impact on us. We serve approximately 23 thousand acre
9 feet a year, so, you know, that's a significant amount
10 that we get from United, and during the summertime, when
11 we're pumping our wells as hard as they go, we're
12 getting water from everybody, where the Santa Clara
13 River has no water in it, so United can't divert
14 anything. We depend on those releases in the fall to
15 help carry us through those hard months, so if those get
16 affected at all, we're in pretty dire straits, so I just
17 wanted to, you know, explain a little more on my
18 position.

19 MR. HOGAN: Like I said, also, we've discussed
20 with United any potential alternatives that come up on
21 flows, that we would have a public meeting if we needed
22 to discuss how these potential flows are going to affect
23 their operations and things, so it can be analyzed. We
24 would actually hold either teleconference or something
25 that would be open to the public to observe so that we

1 won't be discussing this in a vacuum.

2 Mike Miller: I appreciate that, thank you.

3 Dan Pinkerton: I'm a rancher. I grow citrus in
4 the Santa Clara valley. Agriculture is a billion plus
5 dollar a year industry for Ventura County. It's one of
6 the most intensely managed and specialty crop oriented
7 agricultural entities in the world. The best management
8 practices that are utilized here are world class.
9 They're as good as you're going to find. Drip
10 irrigation, sprinklers, very, very little furrow
11 irrigation, and very little lower value crops that
12 you'll find in the midwest, the grains and alfalfas;
13 that doesn't exist here. Very high value. The only way
14 that exists is having a water source that available and
15 affordable. By utilizing this source of water, we're
16 able to keep that industry viable and progressive. It's
17 vital to that industry, and if we put the folks on top
18 of that, the impact of the conservation that United has
19 been able to do is immense, and it's something we should
20 all be very, very proud of.

21 Thank you.

22 MR. HOGAN: We are very open to having any
23 written comments or anything you'd like to provide, and
24 there's a comment period on our scoping document that
25 closes on May 16th, and the instructions for filing

1 those comments are on page 5 of the scoping document,
2 the one that we passed out, so, I mean, like I said, we
3 don't want to work on this project inside of a vacuum.
4 We want to hear what the potential issues are, what the
5 concerns are, what you see as real issues to yourselves
6 and your livelihoods as far as potential impacts from
7 any conditions that we may put on United as far as their
8 operation of the project. So those things are important
9 for us to hear and so that we can address it
10 appropriately, because if we don't hear it, and we're
11 listening to you tonight, don't get me wrong, but if we
12 don't hear the, issues, you may not get the appropriate
13 analysis that it need because we aren't aware of it so.

14 Any other comments or questions before we
15 adjourn for the evening?

16 I guess I could go over the schedule real quick
17 for our process, which is on page 15 of the scoping
18 document. Come June, if we're going to amend this
19 scoping document one, we'll issue scoping document two.
20 Around the same period of time, we will issue what is
21 called our ready for environmental analysis notice,
22 which is a document that indicates that the Commission
23 has all the information that we need to proceed with our
24 NEPA document. Come October, the Commission's goal or
25 our goal to issue an EA, environmental analysis, and

1 then here we have initiate 10(j) process, which deals
2 with the Fish and Wildlife Agency. When they make
3 recommendations it doesn't really affect you guys, then
4 hopefully have a new license issued come February 2006.

5 MR. DICKENSON: Can I ask, on the process, where
6 does the Forest Services section 4(e) authority come
7 into play?

8 MR. HOGAN: I believe mandatory conditions come
9 in on the REA, response to the --

10 MR. WINCHELL: Sixty days?

11 MR. GINNEY: Sixty days after the REA, something
12 like that.

13 MR. HOGAN: I don't have it right in front of
14 me, but we'll go by the consensus.

15 MR. DICKENSON: Thank you.

16 MR. HOGAN: Any questions about the process or
17 anything tonight? I'd like to thank all of you for
18 coming tonight. I know you all work hard during the day
19 and come out to a public meeting when you can be at
20 home. We appreciate your participation, so thank you
21 very much.

22 Dan Pinkerton: Thank you.

23 MR. DICKENSON: On behalf of United, I'd like to
24 thank F.E.R.C. for conducting this, and I'd like to
25 thank the contingents and the friends and neighbors for

1 coming out to the meeting.

2 (Meeting concluded at 8:15 p.m.)

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1 STATE OF CALIFORNIA.)
2) SS.
3 COUNTY OF LOS ANGELES)
4

5 I, Lori M. Barkley, Certified Shorthand Reporter
6 No. 6426, for the State of California, hereby certify:

7 That said meeting was taken down by me in
8 shorthand at the time and place therein named and
9 thereafter reduced by me to typewritten form and that
10 the same is a true, correct, and complete transcript of
11 said proceedings.

12 I further certify that I am not interested in
13 the outcome of the action.

14 Witness my hand this 8th day of May, 2005.
15
16
17
18

19 _____
20 LORI M. BARKLEY, CSR NO. 6426
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22
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24