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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 8:45 a.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 Mark Cappelli - NOAA fisheries

14 Matt Carpenter - Entrix consultant to United

15 Murray McEachron - United Water

16 Jim Kenihoss (phonetic) - United Water

17 John Dickenson - United Water

18 Mike Miller - Pleasant Valley County Water District

19 Frank Brommenschenkel- consultant

20 Dana Wisehart - General Manager for United Water

21 Jim Edmondson - California Trout

22 Tim Cohen - Rancho Temescal

23

24

1 Appearances (continued):

2

3 Charles Vanoni - VMB Water System, local rancher

4 Al Hess - U.S. Forest Service in Ojai

5 Dennis Smith - U.S. Forest Service

6 Tom Yamamoto - Yamamoto Farms

7 Doug West - Public Service Manager United Water

8 Pete Dal Pozzo - United Water

9 Michelle Kinnun - United Water Conservation District

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P R O C E E D I N G S

(8:45 a.m.)

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3 MR. HOGAN: Does anybody know of anybody we
4 should waiting for you that is not here yet?

5 I'd like to start by introducing myself. I'm
6 Ken Hogan. I'm a Fisheries biologist with the F.E.R.C.
7 and I'm Project Coordinator for the Santa Felicia
8 project. This is our contract team here with Louis
9 Berger, and we'll just go around the room, starting with
10 Eric, and we'll all introduce ourselves.

11 MR. GINNEY: My name is Eric Ginney. I'm a
12 geomorphologist with the Louis Berger group, and I'm
13 here to assist with geology and soils related issues.

14 MR. HART: I'm John Hart. I'm a hydrologist,
15 and I'm also with Louis Berger, and I'll be functioning
16 as the deputy coordinator under Ken.

17 MR. WINCHELL: My name is Fred Winchell. I'm a
18 fisheries biologist with the Alden Research
19 Laboratories, subcontractor to Louis Berger. I'll be
20 addressing water quality and aquatic resources.

21 MS. DAVIS: I'm Sue Davis. I'm a wildlife
22 biologist with Louis Berger, and I'll be doing the
23 terrestrial resources and threatened and endangered
24 species.

25 MR. CANADAY: Ken, I can't hear a word. I'm

1 assuming it's cutting out.

2 MR. DICKENSON: I think the volume is the issue
3 here.

4 MR. HOGAN: Jim Canaday is on the phone.

5 MR. CANADAY: I can hear, but what's happening,
6 I think, is you probably don't have the thing up to your
7 mouth, like a mike, it's not picking it up, I don't
8 know.

9 MR. HOGAN: How long is that cord? We'll work
10 on it, Jim. If we go through the audience and see who's
11 here and direct it to the telephone: Name, who you're
12 with and who you're representing, we'd appreciate it.

13 Speaker: Mark Cappelli, I'm with NOAA
14 fisheries.

15 Speaker: I'm Matt Carpenter, Entrix consultant
16 to United.

17 Speaker: I'm Murray McEachron, with United
18 Water.

19 Speaker: I'm Jim Kenihoss (phonetic) with
20 United Water.

21 Speaker: I'm John Dickenson with United Water
22 and have been project manager on this relicensing.

23 Speaker: I'm Mike Miller with Pleasant Valley
24 County Water District.

25 Speaker: Frank Brommenschenkel, consultant to

1 various water companies along the Santa Clara river.

2 Speaker: Dana Wisehart, general manager for
3 United Water.

4 Speaker: Jim Edmondson, California Trout.

5 Speaker: Tim Cohen, Rancho Temescal.

6 Speaker: Charles Vanoni, VMB Water System,
7 local rancher.

8 Speaker: Al Hess with the U.S. Forest Service
9 in Ojai.

10 Speaker: Dennis Smith with the U.S. Forest
11 Service, and I represent the regional forester.

12 Speaker: My name is Tom Yamamoto, and I'm with
13 Yamamoto Farms.

14 MR. WEST: Doug West, Public Service Manager
15 United Water.

16 MR. DAL POZZO: Pete Dal Pozzo with United
17 Water.

18 MR. HOGAN: On the phone?

19 MR. CANADAY: Jim Canaday with the State Water
20 Resources Control Board.

21 MR. HOGAN: As you all know, we're here to
22 discuss our NEPA scoping for the licensing of the Santa
23 Felicia hydroelectric project. This meeting is really
24 an opportunity for all of you to let us know what your
25 issues and concerns are, and comments to the project

1 are, and to identify those with the commission on the
2 record today.

3 So what I'd like to do is start off with the
4 presentation by United, to discuss the overall general
5 discussion of the project and what they are currently
6 proposing for the licensing, and then once we do that,
7 we will go through the F.E.R.C. team and what we have
8 identified as far as potential resource issues, and then
9 we'll open it up to general discussion.

10 MR. DICKENSON: Given that, as I said earlier,
11 my name is John Dickenson. I'm with United Water
12 Conservation District, and I've been bird-dogging this
13 relicensing for several years now.

14 By way of background, United Water Conservation
15 District was formed in 1950 out of a predecessor
16 district to conserve the water resources in central
17 Ventura County, Santa Clara River, and the associated
18 aquifers.

19 The original idea of the district was a much
20 grander project that included a variety of reservoirs,
21 dams and reservoirs, and associated facilities up
22 through the Los Padres forest, and in order to pursue
23 that program, the district sought and acquired a federal
24 power commission license which would allow us to occupy
25 those forestlands that had been held in trust for power

1 withdrawals.

2

3 (Whereupon a discussion was held off
4 the record.)

5

6 MR. DICKENSON: I'll just sort of start over and
7 summarize.

8 The United Water was formed in 1950. They had a
9 pretty grandiose project throughout the forest and other
10 facilities throughout the district. The first bond
11 issue failed and they scaled the project back to include
12 just Santa Felicia dam and forest.

13 The district, in terms of its regional geography
14 and facilities, can be depicted up here on the board.
15 We run from almost to the Ventura/Los Angeles County
16 line on the Santa Clara River, down throughout the
17 coastal plain to the coast, down to about Point Magu,
18 and then back up through Camarillo and up the Santa
19 Clara valley. This forms a hydrologic unit, as well as
20 a political unit of United Water.

21 The original project, as I said, included many
22 dams and pipes and stuff up in the Sespe watershed, as
23 well as throughout the Piru watershed. That did not
24 pass. The project was scaled back. The new project
25 that was proposed in '54 that passed included just Santa

1 Felicia dam, and then included a lot more facilities
2 down in the Oxnard plain to convey water around pipeline
3 facilities and spreading grounds and so forth.

4 That project was constructed and the dam was
5 completed in 1957 and has been operated under federal
6 power commission license since. That license -- well, I
7 should say that the federal power commission is now
8 called F.E.R.C. That license was necessary for Santa
9 Felicia dam, because there's about a hundred acres of
10 federal land up in the narrows up here that the
11 reservoir inundates when it's full and spilling. Much
12 of the time it does not. There was no hydroplant
13 constructed at the project until 1986. That hydroplant
14 was constructed and it extracts energy out of a partial
15 flow of our release from the dam.

16 The way the project's operated, we operate Santa
17 Felicia dam and all of our facilities for water
18 conservation purposes, and this means that we try to
19 capture as much storm flows as we can during the winter
20 months. Like this year, when water's going everywhere,
21 we want to get as much of that water into the reservoir
22 storage and into the ground that we can. In the
23 reservoir, we will release that water later when the
24 aquifers have room to replenish those aquifers.

25 The central Ventura basin is deemed to be one

1 of, I believe, five basins in California that are in the
2 state of critical overdraft. This manifests itself as
3 seawater intrusion along the coastal terminus of the
4 aquifers here. The actual water extracted from the
5 aquifers exceeds the amounts that's replenished, even
6 with these projects in place.

7 The license was granted for the Santa Felicia
8 project in 1954, fifty-year license. It expired in
9 2004. We are in the relicensing process right now. The
10 way that's handled administratively is that an annual
11 license is granted each year as long as you're pursuing
12 relicensing properly. We began the relicensing process
13 about two years ago, two and a half years ago. We've
14 had numerous study requests from various entities and
15 we've attempted to gather all that information so that
16 F.E.R.C. can make a decision about what conditions would
17 go in our new license. We've bundled that all up and we
18 have submitted, in December, the end of the year, a
19 revised exhibit E, which is all the environmental
20 portion of our relicensing documents, and that has
21 certain proposed license conditions in it, and I'll run
22 through those real quickly here, if I can find them.
23 There should be a summary in your packages there of
24 these.

25 They're broken out by resource in that package.

1 This that I have in front of me that has proposed
2 schedules and dates is new. We just filed it Monday, so
3 it should be on the Internet shortly and available to
4 everyone.

5 So our proposed mitigation measures and features
6 for operating the Santa Felicia project over the terms
7 and period of this new proposed license includes
8 developing and implementing sediment flushing flows.
9 These would be springtime flows, which would keep Piru
10 Creek free of some of the fine sediments that tend to
11 accumulate as a result of our low flow over the long
12 period between our annual releases. So this might look
13 like a hundred or a two hundred CFS release from the dam
14 sometime in the spring, March, probably, for a day or
15 two. To keep the sediments from accumulating in lower
16 Piru Creek, we're to develop and implement a flow
17 monitoring program; we do that already. There's a USGS
18 gauge immediately downstream of the dam, but we want to
19 expand that so that we can better understand how water's
20 percolating into the Piru/Fillmore/Santa Paula basins,
21 and there might be some program of additional gauging
22 stations or something of that nature. We need to design
23 that program. We're proposing having a program all up
24 and in place by 2010. I believe the cost on that would
25 be about \$50,000.

1 We're going to expand a fish passage study of
2 the project. We had completed an initial fish passage
3 study with some preliminary cost numbers, but we're
4 going to expand that into a more thorough document.
5 We'll be starting on that work next year, 2006, and we
6 should have that complete in 2008, at a cost of probably
7 \$25,000.

8 We're proposing to monitor the ramping rates,
9 and that is during our conservation release. The
10 current license with F.E.R.C. requires us to double or
11 halve flows every two hours. The agencies and the
12 communication we had indicate that that's probably fine
13 on the ascending limb for ramping up the flows, but that
14 it's too quick on the receding limb, in which, in the
15 wide river channel, life could get out into the shallows
16 on the banks, and then as we bring the flows down too
17 quickly, fish become stranded and die. And so we're
18 proposing slowing down that ramping of the receding
19 limb, and there's details in here, and it's sort of
20 complicated, but we're proposing dropping a hundred CFS
21 out of our flow until we get to a hundred CFS -- every
22 eight hours, I'm sorry, hundred CFS every eight hours
23 until we get to a hundred, and then it halves every
24 eight hours until we get down. That will mean the end
25 our release. It will take six days to go from our

1 normal 400 CFS back down to our normal release, so what
2 happens, one day will take six or seven days.

3 We have installed a new outlet works. We had
4 some dissolved oxygen issues immediately downstream of
5 the dam, and we monitored that and did a trout
6 survivability study as one of the last pieces of work in
7 preparation of this exhibit E. We had already planned
8 to change those low flow outlet works because of some
9 cavitation issues with the release works. We've
10 designed and installed a new release works for the low
11 flow stuff, which sprays the water into the air, and
12 then it falls onto rocks and collects and runs back down
13 the creek.

14 We believe that aeration will increase the
15 dissolved oxygen content in the upper reaches of lower
16 Piru Creek, and we have proposed testing that's starting
17 this fall, around our release, and then continuing
18 through different points of the year, we'll be testing
19 dissolved oxygen in the creek and then reporting on that
20 sometime around January 2006.

21 We're going to develop a steelhead monitoring
22 plan. This is primarily related to years like this
23 year, would have been good to have it in place, because
24 the years that the dam spills, it has the potential of
25 attracting steelhead up to the base of the dam, and we

1 need to find a way to adequately look for that
2 endangered species should it occur.

3 I believe that plan should be all in place by
4 January 2007, at a cost of about \$12,000. Then
5 following on that monitoring plan, we will be inspecting
6 lower Piru Creek after it spills throughout the license
7 term, at a cost of probably \$4,000 each spill a year,
8 \$4,000 a year.

9 As part of that first item I mentioned about
10 sediment flushing, we proposed testing the
11 macroinvertebrae. Now, these are the insects that live
12 in the creek sediments. There's some methods by which
13 you dredge those up and run them through a laboratory,
14 and the relationships and percentages of the different
15 bugs tell you something about the health of the creek
16 bed. We propose beginning that in 2009, after we've
17 implemented our sediment flushing program in 2008, and
18 finishing it up in 2012, at a cost of about \$40,000 for
19 that work.

20 We're proposing a dry season or dry year flow
21 reduction. The natural state of Piru Creek here would
22 be that it would dry up this entire stretch some years.
23 We propose, because of the competing resources here, the
24 natural condition here would be to have this stretch in
25 the creek go dry in those years when it would have gone

1 dry. However, the dam does block access to migratory
2 trout that would otherwise swim up into the upper
3 reaches of the watershed and find a deep pool and
4 survive those dry years. We're proposing operating Piru
5 Creek below the dam such that that natural flow
6 condition happens below Temescal's diversion, right
7 about here. I believe that extracts about one CFS from
8 the creek, so we would be adding one CFS to the natural
9 flow, so that it was natural flow below that point in
10 those dry years; there is no added cost to that.

11 Speaker: Where would that be measured, that one
12 CFS? Lower end of the reach or the upper end? And is
13 there any groundwater? Does it disappear?

14 MR. DICKENSON: Right, there is -- I don't know
15 that the groundwater effects play too big a role here in
16 this narrow stretch of Piru Creek. There's ET effects,
17 though. What we're proposing is measuring the natural
18 flow below that diversion.

19 Yes, Jim?

20 Speaker: Do you want questions during the
21 presentation? After the presentation? How do you want
22 them?

23 MR. HOGAN: I'll pause for questions after for
24 John to answer, but if you feel that it's pertinent to
25 ask a question at this point in the middle of the

1 presentation, that's fine.

2 Speaker: Then, John, I have a question.

3 MR. HOGAN: If you could just repeat the
4 question so Jim can hear it.

5 Speaker: In terms of this natural flow concept,
6 what gauges are you relying upon to determine what the
7 unimpaired natural flow is? And secondly, what studies
8 have you done to determine the permitted and non
9 permitted shallow ground water pumping and/or diversions
10 of their facility?

11 MR. DICKENSON: Upstream of the --

12 Speaker: That's correct.

13 MR. HOGAN: Jim, if I could clarify my answer to
14 your first question. If there's a question about the
15 presentation specifically and you just want a
16 clarification about what he's saying, I don't have a
17 problem stopping and asking that question. Otherwise,
18 we can wait and --

19 Speaker: Then I'll wait. Thank you, Ken.

20 MR. DICKENSON: Let's see, along with that dry
21 season, dry year flow reduction proposal, we're
22 proposing bullfrog eradication effort; we're proposing
23 doing that. Our information is that the deep pool at
24 the bottom of the spillway is potential breeding grounds
25 for bullfrogs, which are a predator invasive species to

1 the potential threatened and endangered habitats along
2 lower Piru Creek. That effort, bullfrog eradication,
3 would start 2006, and I should add that I put 2006 here,
4 assuming that that's a time line in which we would have
5 a license which would have conditions to it, so.

6 MR. HOGAN: Okay.

7 MR. DICKENSON: And would continue through 2009,
8 at a cost of \$12,000, at which point some sort of
9 effectiveness evaluation would be made of that. I'm not
10 sure how you eradicate bullfrogs. I'm envisioning
11 bullet guns with steel pellets.

12 Speaker: A lot of kids.

13 MR. DICKENSON: We are proposing updating those
14 facilities at the recreation area, and I'll change this
15 chart here real quickly. This is an aerial of Lake
16 Piru, and the dam is at the bottom. We have recreation
17 facilities along the western bank in here, campgrounds,
18 boat ramps, so forth. Some of those facilities are not
19 currently ADA compliant, American Disabilities Act
20 compliant. We propose upgrading all the existing
21 facilities to that standard by 2010, starting 2007. I'm
22 estimating the cost at \$35,000. Our park manager is
23 here; I don't know if he has comment on that.

24 MR. WEST: That will work.

25 MR. DICKENSON: Then we have a recreation master

1 plan, which is how we envision the future of this
2 recreation area. That master plan is a pretty
3 substantial deal, and it would be implemented over time
4 as certain triggers are met, both in terms of
5 construction work and funding and financing, so I think
6 there might have been a little misunderstanding about
7 that the master plan is a done deal and is something
8 that we're going to end up with. It's more a planning
9 document: If we do something, this is how we will do
10 it, so that has to do with different types of camping
11 facilities, swimming pool, boat ramps and so forth, and
12 as each of those phases of the master plan are
13 implemented, ADA compliance and a whole batch of
14 different advantageous tasks will be accomplished, these
15 through relocating a maintenance building, reconfiguring
16 the trash collection area, relocating the dry storage
17 area, and superior landscaping and so forth.

18 A couple other commitments here are sort of
19 obvious. One is to comply with all cultural resource
20 laws, federal and state. We're a public agency; we, in
21 effect, do that as a matter of course.

22 MR. HOGAN: Can I interrupt you on the
23 recreation master plan with one quick question? You
24 said that you have a couple of triggers in place,
25 funding, and what was the second one?

1 MR. DICKENSON: Well, it's that it's an ordered
2 development, so the trigger of one given improvement
3 depends on the prior improvement being completed.

4 MR. HOGAN: Does it take into account any demand
5 for or need for a rec facility or something like that,
6 meaning United could go long enough to say "we don't
7 have funding" and say "we'll never do any of it," is
8 that my --

9 MR. DICKENSON: Right. That's why it's
10 separated out to bring to ADA compliance to all the
11 existing facilities, so that if nothing ever happens, we
12 still get compliant with the existing facilities.

13 MR. HOGAN: Okay.

14 MR. DICKENSON: So I said that, you know, United
15 will comply with all cultural resource laws; we attempt
16 to do that at all points in any event, so that will be
17 ongoing, no change in cost. And there's a requirement
18 for cultural resource mitigation, but it's unclear as to
19 what cultural resources we'll be mitigating, so that's
20 an unknown cost but, of course, we'll mitigate
21 whatever's necessary in that realm.

22 Given that, that's our proposed license
23 conditions and some of the proposed costs that the
24 district will bear in this, and if it's an appropriate
25 time, we can open it up to questions now.

1 MR. HOGAN: Sounds great.

2 Speaker: Sounds like you had an update on what
3 you're proposing. I think you left out the last three
4 under "Recreation." That all had to with whitewater
5 boating, so is there a proposal to leave out that?

6 MR. DICKENSON: I'm sorry, I skipped right over.
7 There's two, and there's one that's not in the AIR here,
8 too. I have two in here. One, I accidently skipped
9 over, and that is whitewater take-out along the lake,
10 the whitewater boaters that occasionally come down Piru
11 Creek, it's not very pleasant for them to kayak on flat
12 water with their river boats, and so they wanted to
13 take-out up here further along the creek somewhere.
14 That area is closed for endangered species protection,
15 and it's closed right about there, no, further down,
16 right about there, and we have constructed a new boat
17 ramp and swim beach and parking lot right there, just
18 ahead of that closure, and we're proposing that the
19 whitewater folks be allowed to take-out there. It's as
20 close up along the lake as we can get them without
21 encroaching on the forest service closure. That's
22 already completed, so that commitment's sort of met.
23 The second one is that we publish the release
24 information from the dam, which would be this diagram.
25 We did extensive whitewater surveys of this lower

1 portion of the creek during our controlled releases
2 through here. The requirement is that we will publish a
3 schedule of our proposed releases each and every year,
4 three weeks or a month ahead of when that release is
5 going to occur, and then the whitewater boaters would
6 know when that flow was happening. There's discussion
7 about where they would put in. Its access to the dam
8 itself is constrained for a variety of reasons, primary
9 of which is security. We don't have public access.
10 There's a limited spillway bridge, and to get down to
11 this area on United's property is constrained. You have
12 to actually access the dam to get to that part of the
13 creek. There is a public road that runs up along here.
14 It's debatable what the county's easement is, where this
15 road crosses the creeks, but one school of thought
16 believes that those county road crossings of the creek
17 constitute public access and that the whitewater boaters
18 have a means of accessing the creek at those points.

19 MS. DAVIS: You said that area was closed to
20 endangered species protection; what species?

21 MR. DICKENSON: Southwestern arroyo toad,
22 upstream of the project is closed for southwestern
23 arroyo toad habitat. There's a forest service
24 campground.

25 Can you still here me, Jim?

1 MR. CANADAY: Yes, I can, thank you.

2 MR. DICKENSON: There's a forest service
3 campground that's been closed right in there, called
4 Bluepoint Campground. It's been closed for what? Eight
5 years, six years? To protect the endangered arroyo
6 toad.

7 Speaker: Bullet number four, continue to
8 negotiate with the county and neighboring --

9 MR. DICKENSON: Right.

10 Speaker: So are you envisioning parking access
11 and access trails for put-in and take-out so upstream
12 and downstream --

13 MR. DICKENSON: Not take-out. The release goes
14 as far as you want to ride the water down.

15 Speaker: But the issue is they need a place to
16 park, and so when you have parking along the roads, then
17 there's safety issues, so there needs to be a developed
18 parking area --

19 MR. DICKENSON: Put-in and take-out, there's a
20 public park in the community of Piru wherein you park
21 right next to the creek. There's Tory crossing down the
22 confluence of Santa Clara River, which is a county
23 wideway and wide open. There are ample take-out points
24 at the bottom, so we're going to be negotiating on the
25 parking and access on the put-in point, which either

1 would be a way of renegotiating. We have Mr. Cohen from
2 Rancho Temescal here in attendance today.

3 We have an easement for heavy equipment and, so
4 forth, to the bottom of the dam up this way, but that
5 does not allow us to have recreators crossing that
6 easement, and so either we would have some security
7 issues and we would have some program which we believe
8 the whitewater folks would have to fund, you know, bond
9 and security folks or whatever, to come in across this
10 spillway bridge down next to the outlet works of the dam
11 to put-in here, or alternatively, we'll negotiate to see
12 if there can't be a widened parking area right here
13 where the road crosses the second time. The county has
14 a pretty wide easement in there, but it's not clear
15 whether that allows for this use or not.

16 MR. HOGAN: For a matter of housekeeping, if we
17 could state our name prior to asking a question for the
18 public record.

19 JIM EDMONDSON: John, I have a series of
20 questions I'd like to go through with you, okay?

21 MR. DICKENSON: Sure.

22 JIM EDMONDSON: Your presentation doesn't
23 indicate the intent of your application to use an
24 adaptive management approach regarding natural resources
25 in the studying and monitoring programs you've just

1 described.

2 MR. DICKENSON: What does that mean, "adaptive
3 management"?

4 JIM EDMONDSON: Well, you can either have a
5 traditional management approach, wherein you identify a
6 fixed set of circumstances that don't provide
7 flexibility and change and modification when new
8 information or studies bring new information forward;
9 that's kind of old school. Or you can use the emerging
10 adaptive management program, which allows you to learn
11 as you go, provide flexibility and change when new
12 circumstances occur.

13 MR. DICKENSON: Good. I understand that the
14 license process allows for that in and of itself, in
15 that if there's a changed condition to a licensed
16 project, that F.E.R.C. can change the conditions of that
17 license at any time during its life.

18 MR. HOGAN: I don't think that's what Jim is
19 asking, though. When Jim refers to adaptive management,
20 you would be proposing to, let's say, study a specific
21 resource area, and if study results indicate X, we will
22 then try this. If it doesn't, then we're okay. Let's
23 say you change the flow and you want to see if it
24 provides appropriate water temperatures, okay, well, did
25 you get to the water temperature that we want to it be

1 at? If yes, then you're all set. If no, then you have
2 a next step where you would go, say: Well, the next
3 increment we will try to increase by half a CFS, and if
4 that doesn't work.

5 MR. DICKENSON: Do you design all those next
6 steps at this point?

7 MR. HOGAN: In adaptive management, you don't
8 necessarily have to do that now. If what you would
9 propose, is the way the commission order would read is,
10 you will develop a study plan to monitor water
11 temperature and evaluate this new requirement, and then
12 within that study plan, you would have your steps laid
13 out as to what would happen if you're not meeting that
14 requirement, okay?

15 JIM EDMONDSON: Thank you, Ken.

16 John, second question, in your presentation
17 regarding the new low flow outset designed to increase
18 the dissolved oxygen content, did you factor in what, if
19 any, water temperature increases may occur because of
20 the type of air dispersal mechanism?

21 MR. DICKENSON: We did not, and that was not a
22 factor in our consideration. As I said, the real
23 purpose of that release facility was to eliminate the
24 cavitation of the valve that was the old release work
25 that discharged at a submerged discharge. The valves

1 had been eating themselves alive, and we'd been
2 replacing them annually for many years. The last time
3 we changed it, we did a video survey of the pipe through
4 the thrust block that discharged into the creek, and
5 that pipe is gone and the concrete is exposed. There
6 was a threat that water could get into the reinforcing
7 steel of that thrust block and endangered that whole
8 structure, so we designed a new release facility that
9 goes over the top of that thrust block and free
10 discharges out into the creek. We thought that, just by
11 nature of doing it that way, it will affect the
12 dissolved oxygen content. We had no consideration to
13 temperature.

14 That's probably a valid point and probably
15 should be part of this testing of the new outlet's DO
16 effects, so we'll change that to DO, dissolved oxygen
17 and temperature effects.

18 JIM EDMONDSON: Third question, John: What, if
19 any, impact has the recently published withdrawal of all
20 critical habitat for the arroyo toad in this project
21 reach had upon your application?

22 MR. DICKENSON: I don't know the answer to that.
23 The -- I don't know that it's had any. As I understood
24 that withdrawal, that's all upstream of the project and
25 is not a controllable aspect of this project, but if

1 there's habitat below the project, that would certainly
2 have an effect.

3 JIM EDMONDSON: Follow-up question. In your
4 presentation about the, for example, the whitewater
5 issues and the critical habitat directly above the lake,
6 that's been withdrawn; it's no longer critical habitat,
7 so maybe that's an informational item.

8 MR. DICKENSON: I suppose I misunderstood what
9 you meant by withdrawal. There's a couple different
10 ways of interpreting that when it comes to federal
11 lands.

12 JIM EDMONDSON: In this case, for clarification,
13 the proposed rule published in the federal register by
14 the U.S. Fish and Wildlife Service included that
15 section, amongst others, in their proposed critical
16 habitat designation. At the conclusion of the process,
17 when they published the final rule in the federal
18 register, which just occurred, that was withdrawn. It
19 is not --

20 MR. DICKENSON: Proposed critical habitat?

21 JIM EDMONDSON: It is not critical habitat, the
22 arroyo toad.

23 MR. DICKENSON: Okay.

24 JIM EDMONDSON: Fourth question. Regarding to
25 the dry year flow reduction discussion, how will the dry

1 year flows under natural conditions be determined?

2 That's fourth question, part A, and then we'll move onto
3 a series --

4 MR. DICKENSON: In terms of part A, as you're
5 well aware, the Department Water Resources operates
6 Pyramid Reservoir upstream of us. They've had a recent
7 proposal to change their operation to a proposed
8 in-flow-equals-outflow type of arrangement. If that
9 promulgates and continues, then it's a simple matter for
10 us to measure at the Bluepoint gauge. There's a gauging
11 station right here, and measuring that Bluepoint gauge,
12 there's some pretty simple factors that we can put in to
13 determine what the flow would have been here were the
14 project not in place. We've written those down as a
15 response to additional information requests that came
16 with your packages, and those were filed Monday and
17 should be available for review as soon as it takes, as
18 long as it takes to get it posted on the web.

19 However, if Pyramid is operating in their
20 traditional sense, which contains artificial summer fish
21 flows, there's a more complicated formula. That formula
22 is also included in the package that went to F.E.R.C. on
23 Monday. It involves gauges upstream of Pyramid,
24 Bluepoint gauge and a variety of other factors. There's
25 a evapotranspiration, and so forth, so you can review

1 that mathematics and see if it's sound.

2 JIM EDMONDSON: So the simple answer is you will
3 rely upon the position of DWR to determine.

4 MR. DICKENSON: No. It's USGS gauging stations
5 the are the source of data for the calculations of
6 natural flow at Santa Felicia.

7 JIM EDMONDSON: Then I need you to clarify. As
8 I understand it, DWR in their AIR that they've now
9 certified and sent to F.E.R.C. asking for a permanent
10 amendment to their license, even though there will be a
11 material adverse impact, in my opinion, by dewatering
12 the stream on an unnatural basis --

13 MR. HOGAN: Jim, we can't discuss --

14 JIM EDMONDSON: Fine. But their gauges are
15 based upon two USGS gauges directly above Pyramid Lake?

16 MR. DICKENSON: Yes.

17 JIM EDMONDSON: Those gauges recorded no flow in
18 1977, but USGS gauges upstream of those gauges never
19 recorded no flow, and no one has examined whether there
20 is shallow groundwater pumping or illegal diversions
21 upstream of those gauges, so it's a reach to say what
22 natural flows are, but if you're relying upon DWR, I'm
23 satisfied with that and I can understand the logic.

24 MR. DICKENSON: We put the USGS gauges in our
25 formula --

1 JIM EDMONDSON: That's fine. Just want to be
2 clear on that.

3 MR. DICKENSON: Yeah.

4 MR. HOGAN: But if you have specific comments to
5 inform --

6 JIM EDMONDSON: We'll do.

7 MR. Hogan: -- we'll appreciate those in writing.

8 JIM EDMONDSON: That's it, thank you, John.

9 MR. DICKENSON: Good.

10 MR. HOGAN: Anybody else have any questions
11 regarding the presentation?

12 MARK CAPPELLI: Mike Cappelli with NOAA
13 fisheries. You know, I'm not clear what exactly the
14 biological goals were for the various measures that
15 you're proposing, such as the mimicking of the dry flows
16 or the flushing flows in the spring. Have you
17 identified in some detail what natural biological goals
18 of those measures are?

19 MR. DICKENSON: I believe we had done that
20 through a variety of meetings with yourself and others.
21 The biological goal of the flushing was to provide a
22 healthy sub straight for a variety of species,
23 including, perhaps, trout. The biological goal of the
24 dry weather, dry year flow deductions was to assist in
25 the elimination of bullfrogs, which could be eating a

1 variety of sensitive species.

2 MARK CAPPELLI: The reason I raise this
3 question, it raises the full notion of adaptive
4 management. In the example that Ken gave, where you
5 have a specific temperature goal, and then you're taking
6 various steps in terms of releases to achieve that, and
7 you measure the effects of those various steps against
8 that goal, and if you've reached it, you've reached it,
9 and if not, then you do something else. But what I hear
10 you say about the biological goals, very hard to
11 formulate an adaptive management program. You wouldn't
12 know when you have actually reached that goal, because
13 of the lack of specificity. Do you have any sense for,
14 are you talking about certain range of diversity or
15 certain density of species or a certain mix of species?
16 I mean, how would you go about modifying the specific
17 measures that you've identified in a way that you would
18 know that you achieved those biological goals?

19 MR. DICKENSON: And I'm going to ask Matt
20 Carpenter of Entrix to discuss biology, because I'm an
21 engineer.

22 So Matt, can you.

23 MR. CARPENTER: This is Matt carpenter from
24 Entrix. To give the simple answer, no, we did not
25 outline any biological goals. I think the measures

1 themselves were meant to incorporate those goal planning
2 elements as part of the study. For instance, this
3 study, monitoring study, you know, what are we getting
4 at there, you know, the first answer to that would be
5 we're trying to identify whether steelhead are utilizing
6 it, period. But there are several other goals that can
7 come from that, and that would come from additional
8 interaction. This is a -- how we got here is from a
9 couple years of meetings to collaborate and understand,
10 you know, what do we need to study, and unfortunately,
11 at this time, that step hasn't taken place. I think
12 that it's kind of, to say it simply again, is that I
13 think it's kind of unfair for United to be identifying
14 what the biological goals are from lower Piru Creek, in
15 that that's something that, you know, that needs to come
16 from the resource agencies, because the resource
17 agencies have their own goals and objectives for
18 restoration and recovery of species, and I don't know
19 that that has been spelled out very clearly.

20 MARK CAPPELLI: I agree with you, the resource
21 agencies can identify their goals, but you've got some
22 measures that are intended to achieve some goals, but
23 I'm trying to understand what those measures are
24 intended to achieve. It's not clear to me, for example,
25 how many or what change in the bullfrog population you

1 expect to achieve through this dry flow regime. Is
2 there a certain change in the density or reproductive
3 success rate, I mean, associated with the goal or with
4 the measures that you are proposing?

5 MR. CARPENTER: I think the answer is no. I
6 think that it was outlined as something that was assumed
7 to be beneficial by DFG, namely, and that that was how
8 we move forward. We can always amend that measure. I
9 mean, that measure is pretty preliminary. Anybody
10 sitting here would agree that it's pretty general and we
11 can build on that. So if we need to amend it, then we
12 can. But at this time, I think that's how we move
13 forward, is that it was an assumption that that was a
14 beneficial activity and that there was no need for
15 validations or calibration of any kind. But since we
16 haven't initiated those kinds of studies, we can always
17 amend it to include those kinds of elements.

18 MR. WINCHELL: A question for Matt: Relating to
19 resource goals for the lower Piru Creek, there was some
20 study done of holding rainbow trout in the creek to see
21 whether they would survive through the summer months,
22 but it looked like those happened fairly late in the
23 zone. I think it was in early September of last fall.

24 MR. CARPENTER: Which is the most critical
25 season.

1 MR. WINCHELL: Is early September the most
2 critical?

3 MR. CARPENTER: Maybe October, but we needed to
4 precede the follow-up conservation releases, because
5 within a couple of weeks of when we actually did that
6 study, there was going to be several hundred CFS in
7 there, and the intended goal was to look at that -- the
8 stream and trout behavior during what are considered to
9 be the harsher conditions, the dead heat of summer and
10 lower flow conditions, and so that was the window of
11 opportunity we had, and typically, I would say late
12 September through October is probably the most brutal
13 period for any cold water species in the stream.

14 It should be noted, though, that that study
15 was -- there wasn't anything random about what we did.
16 We focused on that reach immediately downstream of the
17 dam because it was clear to everybody who had been out
18 there, and the habitat surveys and things that we had
19 done, where we hadn't seen any trout, that if trout were
20 going to be present in lower Piru Creek, that was where
21 they were going to be, was in that lower or the mile
22 immediately downstream of the dam, and that further
23 downstream we had temperatures that easily exceeded the
24 temperature thresholds for trout, and we were expecting
25 nil trout to show up there, so we focused the study in

1 an area where we expected them to be, if they could be
2 there, and but at the same time we did it during a
3 period of the year which was probably going to show us
4 whether they could survive or not. And part of the
5 reason that we did that was that we couldn't find trout
6 in lower Piru Creek and everybody was asking "why, why,"
7 you know, "was the habitat bad?" The habitat's not
8 great, but you'd still expect them to be there. The
9 reason we did it was we weren't sure if there was some
10 sort of dissolved oxygen issue or temperature spiking or
11 some relationship there that was taking out trout at a
12 certain period of the day. We did continuous monitoring
13 of those parameters to see if there was going to be
14 anything, trying to pinpoint it, and as a result, we
15 didn't have any more, so that was, to make it a real
16 long story, that's how we got there.

17 MR. HOGAN: I'd like to try to keep questions to
18 clarifications on John's presentation and on their
19 proposal for right now. We will get into the specific
20 resource areas in a little bit.

21 So Stan?

22 STAN GLOWACKI: Stan Glowacki with NOAA
23 fisheries. I was wondering, you were talking about the
24 bullfrog eradication program. I was wondering why was
25 it -- why are we just stopping at bullfrogs, and would

1 you consider using adaptive management to, like, say,
2 control non native species, sunfish, things like that,
3 especially in that holding pool directly below the dam?
4 Was that considered and would you actually consider some
5 sort of non native fish species eradication?

6 MR. DICKENSON: I remember it being discussed
7 and it just didn't get up -- get in here, but I think
8 that that would not be a problem to add it to our
9 program. And I just don't know how to do that.

10 MR. CARPENTER: Actually, I think the way that
11 we did identify our exotic management was an exotic
12 aquatic species, so I don't think we specified -- we
13 were focusing on bullfrog, but that was something that I
14 think we intend to evaluation, you know, what was the
15 prevalence of bass in that area, you know, any exotic
16 predator/competitor, and go from there.

17 MR. DICKENSON: So change bullfrog to exotic
18 eradication.

19 STAN GLOWACKI: One more question. Were you
20 guys considering surveys for rainbow trout steelhead in
21 the upper reaches directly below the dam during those
22 years when you were going to dry out, de water the lower
23 reaches of Piru Creek? I mean, was there any provision
24 for, you know, checking to see if fish were in that area
25 and whether they needed to be rescued or moved? Did you

1 consider that?

2 MR. DICKENSON: I understand the question, and I
3 hadn't considered that. I think that's also a good
4 idea. And I think it will tie in with our surveys
5 during spill years. If we don't see -- we haven't seen
6 trout, we don't see trout, we won't see trout there, and
7 maybe that's an adaptive management program that would
8 peter out after some number of years of doing it. But
9 that's a good idea, before we go below some certain
10 threshold flow, that we look for trout in the creek.

11 TIM COHEN: Tim Cohen, Rancho Temescal. John,
12 in your presentation, you identified during the dry
13 years and you identified the location of one of our
14 pumps and had indicated you were going to, in a day
15 year, I think need one CFS to accommodate the pump.

16 MR. DICKENSON: Yeah.

17 TIM COHEN: We actually have two pumps in the
18 creek, so are you going to do two CFS?

19 MR. DICKENSON: The other one's down here? The
20 other dam, that's down here?

21 TIM COHEN: Yeah. Also, that's our current
22 usage. May change in future years, may increase or
23 decrease. What is the --

24 MR. DICKENSON: As you know, the natural flow is
25 what you really get here. And we had participants that

1 aren't here today, mostly, but we had participants in
2 this that wanted to see this return to natural flow so
3 that it dries out in some summers. They believed that
4 that would control bullfrog populations that are harming
5 native populations, amphibians and other animals, and so
6 they wanted natural flow in this creek this whole way.
7 The fisheries people, on the other hand, want lots of
8 water for fish this whole way, so it was sort of seen
9 as, and, Matt, again, could jump in and help me, but it
10 was seen that this was the place in the creek where the
11 fish ought to be. They should be there today, and so
12 that we would continue managing down to your pump as a
13 fishery habitat, upstream pump. And but that we would
14 manage the rest of the creek down as natural flow, so in
15 dry years it would go dry so, yeah, that will have
16 effect on that lower pump as well as on Piru mutual
17 water companies in those dry years.

18 TIM COHEN: Second question on that: The
19 determination of what is natural flow. There are
20 tributaries to the lake and to the creek that are past
21 your gauging station, or are ungauged, such as
22 underground streams that supposedly were in the area of
23 the lake today. I understand there's some
24 accountability in your formula for that.

25 MR. DICKENSON: Yes.

1 TIM COHEN: And I guess that formula's being
2 posted tomorrow on the website?

3 MR. HOGAN: Shortly. What he said was it's been
4 filed with the commission and, you know, it's an
5 administrative thing, however long it takes them to get
6 it actually on to our E-library.

7 TIM COHEN: How would a lay person or someone
8 have the opportunity to discuss that or review that?

9 MR. DICKENSON: I'll give you a hard copy of it.

10 TIM COHEN: And that's predicated upon someone
11 else's interpretation of natural or normal flow before
12 you receive that; is that correct?

13 MR. DICKENSON: Well, it's a formula we derived.
14 It will be a lot simpler to apply if DWR puts Pyramid to
15 natural flow. That change between Bluepoint --

16 TIM COHEN: I guess my question is, are you
17 accepting or you're relying upon someone else's
18 interpretation or formulation of what natural flow is
19 before you get it?

20 MR. DICKENSON: That's what Edmondson is saying,
21 yes.

22 TIM COHEN: This isn't my forte. You can talk
23 about horses and cattle all you want, but when we get to
24 water. So you're accepting someone else's calculation
25 of natural flow before you get that?

1 MR. DICKENSON: That's what Jim Edmondson of Cal
2 Trout was suggesting a moment ago, was that the
3 inflow/outflow to Pyramid might have something going on
4 in it that I'm unaware of. But if the USGS gauges are
5 unaffected flows and that's all coming down, then what
6 we have, here is this gauge here, at Bluepoint, and
7 you're right, there are tributary flows. Santa Felicia
8 Canyon, Canton or Stockton Canyon and Reasoner Canyon
9 are the main players, but there are other smaller
10 players.

11 Additionally, before the reservoir was here,
12 there was sort of an alluvial basin, and so it would
13 store water and discharge down here at the narrows, so
14 there's a factor to provide for that. Even though it
15 might be dry, it might be zero here, there still could
16 be water discharging out of this basin here, so there's
17 a factor of that of .6 CFS, I believe. We tried to use
18 historical records. There were gauges along the creek
19 before the project, and there were gauges in these
20 various locations, so what we tried to do is take those
21 records before there were human changes to these flow
22 regimes and see what those looked like, and then try to
23 derive a formula that would make it look like that
24 again.

25 MR. HOGAN: So just for clarification, you take

1 the inflow from the Bluepoint USGS gauge, then you apply
2 a number to that, or you apply a formula to that number
3 to replicate an approximate of what it would be under
4 natural conditions from Santa Felicia dam?

5 MR. DICKENSON: Yes.

6 MR. HOGAN: Okay.

7 MARK CAPPELLI: It's not clear to me how you are
8 defining the low flow or the dry flow. I don't mean how
9 you're measuring it, but how you're bracketing it. At
10 what point is a flow not a low flow and you're not going
11 to be mimicking it?

12 MR. DICKENSON: Five CFS.

13 MARK CAPPELLI: How did you choose that number?

14 MR. DICKENSON: By our water rights. Our water
15 rights license requires or allows us to appropriate
16 flows above five CFS.

17 MARK CAPPELLI: So what you're proposing is not
18 really a natural low flow, restoration of a natural low
19 flow. It's really an artificial low flow regime,
20 because it's artificially capped by this five CFS --

21 MR. DICKENSON: To some degree, you're right.
22 But again, that's because the purpose of the project is
23 to store higher flow waters, groundwater recharge. So
24 we're attempting to meet biological desires with the
25 project's purpose of supplemental groundwater,

1 recharging the overdrafting basin.

2 JIM EDMONDSON: John, in your presentation, one
3 of the elements or proponents was to do a steelhead
4 monitoring program, which, as I understood it, you would
5 be monitoring the creek and give steelhead, rainbow
6 trout, if they were to appear, apparently they're not
7 there at the moment, then you would take some additional
8 steps.

9 MR. DICKENSON: Absolutely. I believe that if
10 steelhead are present, the endangered species act comes
11 to play, and that probably trumps deferred license.

12 JIM EDMONDSON: Follow-up question.

13 MR. DICKENSON: Yes?

14 JIM EDMONDSON: Some years ago when we met, you
15 committed to do a, for example, a stream temperature
16 study, and then tie that to dam releases, so that there
17 would be a relationship between outflow or releases from
18 the dam and stream temperatures throughout the stream
19 itself, if my memory serves me correctly. Was there a
20 temperature study done?

21 MR. DICKENSON: Yes, extensive work.

22 JIM EDMONDSON: Does that study provide some
23 numerical flow releases to provide for cold water
24 habitat, so in case the steelhead were to appear, then
25 we wouldn't have to study it, we would know what we

1 needed to do for temperature?

2 MR. DICKENSON: Right, the issues become
3 complex. This temperature, as you're aware, is not
4 directly proportionate to "X." It's proportionate to
5 where the water's coming out of the reservoir. We have
6 a fixed point release at Santa Felicia. It's at a fixed
7 elevation so the temperature we can release is the
8 temperature we got right there. At some lake
9 elevations, lower lake elevations, that water's too
10 warm.

11 JIM EDMONDSON: Well, let me clarify why I'm
12 asking that particular question. Without passing
13 judgment on your proposal to wait till a steelhead shows
14 up before we were to take action, without passing
15 judgment on that, it seems that if you buy into such a
16 concept, that you should have some measures, some steps,
17 some actions, predetermined and ready to launch and go
18 when you make that determination, and because these are
19 thought to be cold water species and that was one of the
20 reasons for doing this elaborate complex temperature
21 release -- I was curious, did that get done? Apparently
22 it has been done.

23 MR. DICKENSON: I don't know if -- Murray
24 McEachron, our hydrologist, was intimately involved with
25 those temperature surveys.

1 I don't know if you have some.

2 MURRAY MCEACHRON: Actually, on two different
3 releases, we monitored the temperatures and they were
4 exhibited at several different points. One was near the
5 outlet of the dam. One was down at the old USGS gauging
6 site.

7 JIM EDMONDSON: Midway.

8 MURRAY MCEACHRON: Yeah, midway. So we looked
9 at what the temperatures were being released out of the
10 dam during the conservation release and what the
11 temperature effects were down there, and actually down
12 at the diversion, down by the Piru, tip of Piru, and all
13 that data was submitted.

14 MR. CARPENTER: And prior to doing that, you
15 guys had done temperature profiling within the lake to
16 get an idea of what kind of temperature stratification
17 there was, so that, as the lake drew down during the
18 release, you could draw some relationships between, you
19 know, where water had flipped and began warm, if that
20 was the case, and in one instance, we did see that.

21 JIM EDMONDSON: That's very --

22 MURRAY MCEACHRON: Well, the water didn't really
23 flip, but as the lake went down, that warm water from
24 the top of the lake started going into the intake.
25 That's when we saw the temperatures go way up with

1 release.

2 JIM EDMONDSON: This was applied with, for
3 instance, the stream temp calibration model? Was that
4 done to it, Matt?

5 MR. CARPENTER: No. That was --

6 JIM EDMONDSON: For example, if in fact because
7 of the--

8 MR. CANADAY: Ken, it's cutting off again.

9 MR. DICKENSON: Jim Edmondson's speaking. Speak
10 up, Jim.

11 JIM EDMONDSON: Because of the new landowners
12 environmental ethic and stewardship would result in a
13 more robust --

14 MR. CANADAY: You're cutting out.

15 MR. HOGAN: Why don't you come on up, Jim.

16 JIM EDMONDSON: Jim, can you hear me now?

17 MR. CANADAY: I just had fifteen seconds of dead
18 air. I thought there was some kind of a humming in this
19 awhile ago, and when it was continual, I could hear
20 everybody with the humming, and then it went off, and
21 now I'm getting dead air, so I don't know if there was a
22 mike or something that was near or what. I was hearing
23 everybody fine, but now it's pretty bad.

24 MR. HOGAN: So now it's all right?

25 JIM EDMONDSON: Is it okay now, Jim?

1 MR. CANADAY: I can hear you, but as other folks
2 talk, I guess it's one of those directional mikes when
3 it only goes on when someone's talking to it, I guess.

4 JOHN DICKENSON: We'll try to just speak one
5 person at a time. I bet the court reporter would like
6 that as well.

7 I asked Matt Carpenter had stream temp
8 monitoring been applied to the data that United had done
9 in their study and Matt's response was it had not.

10 MR. CARPENTER: Right.

11 JIM EDMONDSON: The reason I asked the question
12 is because I think Mr. Cohen's family has taken a very
13 strong environmental stewardship over their acquisition
14 of the property, and the likelihood that the riparian
15 large woody debris trees may become more robust and we
16 would have more stream shading, thus possible changes in
17 stream temperature moving downstream, so I was curious
18 whether that was done, and apparently it had not been
19 done.

20 MR. CARPENTER: No.

21 JIM EDMONDSON: Final question here on this
22 matter, and I'll pose the question to Matt because I
23 think this is a technical question.

24 MR. DICKENSON: Thank you.

25 JIM EDMONDSON: Matt, the in stream flow work,

1 study work that was done on this stretch, this five-,
2 six-mile reach from the dam downstream to Santa Clara,
3 was that a PHABSIM work or how -- did we generate a
4 Wolla (phonetic) chart? What was the outcome of that
5 data?

6 MR. CARPENTER: Well, the outcome was that we
7 collected the data and put it into the data base, and
8 our contractor elected to not process that data because
9 of what he was observing in the data set, namely, the
10 vertical control, which would be the channel bed, and
11 changes within that were not corresponding to his
12 experience with trout streams. In other words, he was
13 visualizing, you know, he had seen actual flow
14 conditions that were orders of magnitude better than
15 what he felt the model was going to tell him, and he
16 felt that that was a function of the present condition
17 of lower Piru Creek, because the geomorphic process.

18 JIM EDMONDSON: Unstable channel.

19 MR. CARPENTER: Yeah, its reaching its
20 equilibrium, or trying to, anyway, and that that wasn't
21 going to be helpful, and actually, in the AIR response
22 Tom Payne provided, he actually provided us with a
23 letter when we submitted the final exhibit E, and we
24 included that with some other things that F.E.R.C. had
25 requested in terms of comment or response letters.

1 JIM EDMONDSON: So if a submittal has been made,
2 John, there's been, regarding if a steelhead occurs,
3 ready to take some predetermined action, there is
4 competent information about stream temperature and
5 releases, but there is not the same level of confidence
6 in stream flow and changes in habitat for --

7 MR. DICKENSON: I can --

8 MATT CARPENTER: Can I follow that up? This
9 year is a very good example of that, and one reason why
10 developing a Woola curve would be kind prohibitive at
11 this point. Lower Piru Creek doesn't look like anything
12 that we've seen in the last five years, and it's likely
13 that five years from now it could look somewhere in
14 between. We don't know what it's going to look like, so
15 it's, the evidence right now, just from looking at it,
16 it's very unstable and it's difficult to predict what
17 kind of habitat conditions are going to evolve.

18 JIM EDMONDSON: Thank you.

19 MR. HOGAN: Does anybody else have any questions
20 for John?

21 MR. CANADAY: I do, when everybody's done there.

22 MR. HOGAN: Why don't you go ahead, Jim.

23 MR. CANADAY: First, just general comments.

24 Since this is a NEPA scoping, you know, I think it's
25 imperative that all the data sets that were used to make

1 their recommendations like, for example, the hydrology,
2 all that data set needs to be there, and the analysis
3 needs to be there so other folks can make their own
4 either agree or have their own interpretations of what
5 that data is. It just can't come as: Well, here's what
6 we found. So I would believe the document has to have
7 that in it, whether it's in a technical appendix or
8 whatever. And likewise, you know, the other data that
9 the licensing's going to rely onto support its
10 recommended project needs to be there for other people
11 to look at, so that's kind of a general lexicon. And
12 I'm assuming that, for our 401 purpose, we have to have
13 a document that satisfies CEQA, so I'm assuming there's
14 either going to be a joint document prepared with the
15 Water District being the lead agency or the document
16 prepared by the F.E.R.C. staff and their consultants
17 will have those elements that we need to have to comply
18 with CEQA. I'm not sure which one you're going to do.

19 MR. HOGAN: I think F.E.R.C. would like to work
20 with you on that to make our need for document --

21 MR. CANADAY: We're not the lead agency. The
22 United Conservation Water District will be the lead
23 agency fore CEQA, but nevertheless, we have to have a
24 document that certainly satisfies the mandates of CEQA,
25 and we try to use your document as much as we can.

1 MR. HOGAN: We've had ongoing efforts to do
2 that.

3 MR. CANADAY: Yeah.

4 MR. DICKENSON: This is John Dickenson again.
5 I'm curious as to why the water district's the lead
6 agency. I suppose that's fine, but it would seem that
7 it's State Board that's taking the action by issuing the
8 401, so why would the water district be the lead agency.

9 MR. CANADAY: You're the project proponent, and
10 you are indeed because of the fact that your water
11 district, you would be a sequili (phonetic), correct?

12 MR. DICKENSON: Yes, we are, when our board
13 takes acts, we're the lead agency. I would imagine it's
14 your board taking the action here, though.

15 MR. CANADAY: Well, I think your board's going
16 to accept the license, isn't it?

17 MR. DICKENSON: Yes.

18 MR. CANADAY: So, in my view, we can discuss
19 who's the sequili later-

20 MR. DICKENSON: I assume you've done this a
21 whole bunch of times before, and I haven't.

22 MR. CANADAY: We can have that discussion off
23 line. We don't need to take everybody's precious time
24 up for that, but that has to be decided.

25 MR. DICKENSON: Okay.

1 MR. CANADAY: And so that whoever it is who can
2 work cooperatively with the commission staff.

3 MR. DICKENSON: Good.

4 MR. HOGAN: Well, I think Commission may have an
5 issue with working cooperatively with United on a joint
6 NEPA document, given that they are the applicant, but we
7 certainly would not have a problem with trying to make
8 our NEPA document --

9 MR. CANADAY: Breaking up, I can't hear you.

10 MR. HOGAN: I was saying we certainly wouldn't
11 have a problem trying to make our NEPA document CEQA
12 compliant.

13 MR. CANADAY: We appreciate the recent efforts
14 by the Commission staff it do that. You've done a good
15 job.

16 MR. HOGAN: But the issue being, we would not be
17 able to work directly with United on our NEPA document
18 because United is the applicant.

19 MR. CANADAY: Right.

20 MR. HOGAN: Did you have anything else, Jim?

21 MR. CANADAY: Yeah, as it was breaking up I
22 thought I heard John talking about the fact that they do
23 have a minimum flow requirement of five cubic feet per
24 second, or the natural flow if less, and the water
25 rights permit. And, of course, we would expect that

1 condition to continue unless they would petition the
2 board for something different than that.

3 Also, in their water rights, there is a term
4 that they must comply with the state and federal
5 endangered species act, so were the state agency with
6 the responsibility, in this case, Fish and Game or NOAA,
7 or Fish and Wildlife Service, to make a finding that in
8 lower Piru Creek that there was a take occurring, or
9 potential take, then the board has reserved further
10 jurisdiction to include potentially additional flows or
11 measures to avoid that take.

12 MR. HOGAN: So that's a clarification that they
13 may not be limited to five CFS; is that correct?

14 MR. CANADAY: That's correct.

15 MR. DICKENSON: Good.

16 MARK CAPPELLI: I wanted to make a couple of
17 comments about the in stream study work that was done.
18 We aren't comfortable with --

19 MR. HOGAN: Mark, if I could interrupt you,
20 we're trying to keep this to clarifications of John's
21 presentation, and we will get into specific resource
22 areas and concerns.

23 MARK CAPPELLI: Okay, fine.

24 DENNIS SMITH: I thought I heard Jim Canaday say
25 there was a five CFS minimal flow requirement, and I

1 think that's not correct.

2 MR. HOGAN: I think Jim said five CFS or the
3 natural flow.

4 DENNIS SMITH: Okay.

5 MR. CANADAY: And that's why it's going to be
6 important to have this hydrology analysis for them to
7 support something less than five CFS, and, you know,
8 we're going to need to have that for our water resource
9 engineers to look at, so it's going to need to be in the
10 document.

11 MARK CAPPELLI: Was that a reference to --
12 that's what I was actually getting at; that was the
13 point of my comment, was that we would concur with Jim
14 suggesting that that analysis, not just the conclusion
15 that was drawn, but the data and whatever came out of
16 running the model be included in the CEQA/NEPA document.
17 It should be, you know, actually part of the submittal,
18 but at least in the CEQA or NEPA document, then those
19 who are interested in that issue can make their own
20 judgements about it.

21 MR. CANADAY: I think it would be important
22 that, as it's submitted, it be signed off by a certified
23 engineer, that they've analyzed it and this is their
24 recommendation.

25 MR. CARPENTER: I'd like to make two comments

1 about the data set in question for the hydraulic and
2 habitat modeling. One is that we convened a work group
3 meeting a year ago, June, to decide not to run PHAP, and
4 it was actually at Tom Payne's request that we not do
5 that, because it was evident -- we collected the data
6 opportunistically in the event we might need it, or we
7 felt that it may tell us something important, and the
8 result of that meeting was that we felt it was probably
9 more important to answer the question why are there no
10 rainbow trout species utilized in lower Piru Creek and
11 to answer that question first. And as a follow up to
12 that, it was somewhat prophetic on Tom's part, because I
13 don't think that that hydraulic data that we collected
14 is representative of Piru Creek at any point in its six
15 and a half mile run, to where it loses to the Santa
16 Clara River. There isn't one (unintelligible) that can
17 be reproduced and there isn't -- it's not the same
18 stream today that it was two years ago, because we've
19 had thirteen thousand CFS go through it, so you would
20 have to caveat that data to say it doesn't represent,
21 you know, what we're analyzing doesn't represent
22 anything in reality right now, and I think that's what
23 Tom's point was, was that we were dealing with a moving
24 target.

25 MARK CAPPELLI: I don't want to get into

1 technical discussion here, but what you've said is
2 applicable not to just Piru but to virtually every
3 stream in Southern California, so the problem that we
4 have is that what you're saying is that there isn't a
5 methodology, and I have some more questions about that
6 claim.

7 MR. HOGAN: Any other questions regarding the
8 presentation?

9 AL HESS: Al Hess, Forest Service. You talked
10 about providing an outlet or a place for the whitewater
11 boaters to access or to leave the Piru Creek down to the
12 swimming beach.

13 MR. DICKENSON: I'll repeat what Al asks.

14 MR. CANADAY: Don't sign it.

15 AL HESS: The statement in the handout says
16 until public access is restored by the forest service at
17 Bluepoint Campground. There's a chance that access may
18 never be restored at Bluepoint Campground, depending on
19 the status of the arroyo toad, and as long as they are
20 threatened or endangered, it probably won't be, so if
21 you're assuming that's going to happen at some point in
22 time, it may not.

23 MR. DICKENSON: Jim, Al Hess with U.S. Forest
24 Service noted that our document says that United Water
25 will provide the swim beach boat ramp taped out for

1 whitewater recreators in upper Piru Creek as long as the
2 Forest Service closure for arroyo toads exists at
3 Bluepoint Campground. And we at United Water would say
4 that, yes, we understand that, and we'll continue to
5 provide that lower take-out as long as there's no other
6 place for the whitewater recreators to take-out.

7 MR. CANADAY: Thank you.

8 STAN GLOWACKI: John, one more question, I
9 apologize, I came in late, so I wasn't sure if it was
10 ever mentioned about there is a steelhead migration
11 impediment at the very lower end of Piru Creek, and I
12 haven't heard that mentioned in the presentation, or
13 even through the whole plan.

14 MR. DICKENSON: Which one? Actually, there are
15 several of them.

16 STAN GLOWACKI: Yeah, I think Murray showed it
17 to me one time. It was in the area of the railroad
18 bridge, I think.

19 MURRAY MCEACHRON: Piru diversions.

20 STAN GLOWACKI: And I was wondering what
21 United's plans were for that. Are you guys forward
22 thinking and actually letting steelhead get into the
23 creek?

24 MR. DICKENSON: Nature helps us out that way.
25 When Piru reservoir spills, that all blows back to

1 natural conditions until we build it back, which could
2 be in the summer sometime. There is a gate, a slide
3 gate that's typically opened up, and I think that access
4 through it is possible.

5 Murray? Or no?

6 MURRAY MCEACHRON: I don't know if access would
7 be possible through it but the downstream reach would
8 become the impediment, then, if the flows were that low.

9 MR. CARPENTER: Right.

10 MR. DICKENSON: Then lower flows, there's no --
11 I don't have a Santa Clara River, yes, here I do. Lower
12 flows, where this diversion is an impediment, those
13 flows will not normally make it into the Sespe
14 confluence. They will percolate into Piru basin here
15 and disappear.

16 MURRAY MCEACHRON: When we fill a spill like
17 this year, it's pretty much a natural channel right now.

18 MR. DICKENSON: It's gone.

19 MURRAY MCEACHRON: It's gone right now.

20 MR. HOGAN: Did you have a question?

21 JIM EDMONDSON: In your submittal to F.E.R.C.,
22 is there a description of this lower Piru Creek
23 diversion fish passage issue, description of whether
24 this diversion is screen and other remedial measures?
25 Is that described in your application that you've

1 submitted to F.E.R.C.?

2 MR. DICKENSON: I don't believe so. At this
3 point, we weren't applying to operate that facility, but
4 we can put an information package together on that
5 facility.

6 JIM EDMONDSON: It's my understanding that the
7 facility has the capacity to divert up to eighty cubic
8 feet per second.

9 MR. DICKENSON: I think that's right,
10 seventy-five.

11 MURRAY MCEACHRON: Seventy-five.

12 JIM EDMONDSON: Seventy-five, and these kind of
13 circumstances may be helpful to decision-makers to
14 understand alternatives and solutions.

15 MR. DICKENSON: Sure, okay.

16 MR. HOGAN: Any other questions for John on his
17 presentation? Jim, do you have anything else you'd like
18 to add, Canaday?

19 MR. CANADAY: Were you talking to me?

20 MR. HOGAN: I was just wondering if you were all
21 set.

22 MR. CANADAY: I'm fine, thank you.

23 MR. HOGAN: With that, what I'd like to do is
24 move onto issues that the commission has identified, or
25 potential issues. Once we go through our list, take a

1 short break.

2

3 (Whereupon a brief recess was taken.)

4

5 MR. HOGAN: The commission will now take an
6 opportunity to identify the resource issues that we have
7 identified, or go over the resource issues we've
8 identified.

9 Following each resource area, I'd like to get
10 feedback from you folks as to, you know, whether our
11 identification is accurate, if there's something else
12 that we need to add or if there's something we should be
13 subtracting that's not really an issue for everybody
14 here.

15 So if we can get those comments, that would be
16 great. I'd like to just start with page 11 of the
17 scoping document 1, geology and soils.

18 MR. GINNEY: I'm just going to read through the
19 issues as they're stated and if you folks can provide
20 some input that would be great.

21 One of the things that we're going to be looking
22 at is fine sediment accumulation coming in from
23 tributaries in lower Piru Creek during low flow periods,
24 and I should mention that most of these three issues are
25 related in some fashion to fish and amphibian habitat.

1 The other issue we'd like to look at is effects
2 of sediment transport reduction and altered hydrograph
3 on channel form and function in lower Piru Creek, as
4 well as potential effects of project operation on
5 shoreline erosion and sedimentation and project-affected
6 waters, namely reservoir. I've also got some
7 clarification questions, but I'll ask those at the end,
8 after discussion.

9 MARK CAPPELLI: So you're going to take
10 questions after each? Just asking if they were going to
11 take the questions after each of the --

12 MR. HOGAN: For resource area, yes. Comments,
13 questions? Question, Mark?

14 MARK CAPPELLI: Could you say a little bit about
15 what methods you're going to use to address each of
16 these three geology and soil issues? Can you say
17 something about, are you going to do field work? Are
18 you going to do literature search or modeling? Or can
19 you just indicate how you're going to address those?

20 MR. GINNEY: To start with, reviewing the
21 studies that were done and supplied in the application,
22 all the materials that are on the record I'm hearing
23 about some consultation meetings that I haven't reviewed
24 the minutes of, or information. At this time, I don't
25 believe we have any field studies planned, but certainly

1 today during the site visit, I'm going to be taking a
2 look at site conditions, and specifically, I'm quite
3 anxious to see what the creek looks like now, because
4 we've obviously had some large flows, and it's going to
5 be considerably different than what I've got on the
6 record right now in terms of photographs and cross
7 sections. I don't want to say those are invalid, but
8 from what I'm hearing today, it sounds like things are
9 going to be substantially different, so that's a key
10 opportunity for what I plan to examine.

11 MR. HOGAN: For all of these resource areas, the
12 commission's analysis will be limited to information
13 that's on the record. As that record develops, you
14 know, right now, we've got a pretty good start, but
15 based on comments received and information provided,
16 that record will grow and we'll be using that record for
17 our analysis, so if you have information on sediments
18 that you want us to look at, please provide it.

19 MARK CAPPELLI: My last question, this last one
20 about the project, how it affects shoreline erosion and
21 sedimentation, that obviously takes in a big area, and
22 it would take you down the coast, for starters, but it
23 also takes you along the coast. I'm just wondering,
24 what's your scope of interest there? How far are you
25 looking?

1 MR. GINNEY: That might be a question for Ken,
2 actually.

3 MR. HOGAN: I'm going to refer back to the
4 geographic scope of the document on page 10, section
5 5.1.1: I notice that we've mostly limited the
6 geographic scope, particularly, to aquatic resources,
7 but I would anticipate that geographic scope biology
8 soils would be the reservoir in the upper bounds of
9 reservoir elevation and Piru Creek, lower Piru Creek,
10 we're willing to take comment on that.

11 MARK CAPPELLI: It does say the Santa Clara
12 river from the Piru Creek to the Pacific ocean.

13 MR. HOGAN: I think that was for steelhead.

14 MR. WINCHELL: And for the water quantity and
15 water temperatures.

16 MARK CAPPELLI: The one steelhead issue related
17 to the shoreline processes this would come under would
18 be the reaching of the sandbar at the mouth, the
19 frequency of it, the duration that it would stay open,
20 based on sediment transport.

21 MR. HOGAN: So do you have a geographic scope
22 that you would propose for --

23 MARK CAPPELLI: Well, I'm just saying that that
24 would at least encompass the area immediately around the
25 mouth of the Santa Clara River. If you were looking at

1 erosion issues, as a practical matter, there's Submarine
2 Canyon just down coast off of Point Magu that would
3 basically defines a littoral cell, cell along the coast,
4 but there isn't much effect of what's going on in Santa
5 Clara down coast of that. Everything just dumps off
6 into Submarine Canyon. The effects of the sediment
7 transport in Santa Clara, in terms of shore line
8 process, ends at the Submarine Canyon, which is off
9 Point Magu, so that would be the outerbounds of it, but
10 as far as steelhead is concerned, I think it encompasses
11 the Santa Clara River mouth itself.

12 MR. GINNEY: Do you have any literature? I'm
13 familiar with one paper that was done that looked at a
14 variety of coastal watersheds and sediment transport as
15 represented to offshore littoral drift, et cetera. I'm
16 not certain that the Santa Clara was covered in that
17 paper but.

18 MARK CAPPELLI: There is. I can't give you the
19 full citation, but there is a study done put out by
20 Caltech some years ago that include the Santa Clara, and
21 the corps has lots of actual additional studies based on
22 sand transport to the ocean and the city of Ventura in
23 which the estuary sits, jurisdictionally is just
24 complete, an estuary study where they have tried to
25 address this question of pattern of reaching the bar, so

1 you might want to talk to them. That study's going to
2 be out in a week or so, might relate to this topic that
3 you've got identified.

4 MR. GINNEY: If you can file those, you can
5 identify those and file them, that would be great. It
6 would help me, since you at least have seen them and are
7 familiar with the names.

8 MARK CAPPELLI: Sure. By file you mean?

9 MR. HOGAN: If you want to just file a reference
10 with your comments.

11 MARK CAPPELLI: With an e-mail or something?

12 MR. HOGAN: I --

13 MARK CAPPELLI: Just an informational item?

14 MR. HOGAN: You can do that. If you wanted to
15 e-mail me directly just the reference information, that
16 would be fine, but if you also want to include it in
17 your comments --

18 MARK CAPPELLI: The reference of two studies I
19 just referred to?

20 MR. HOGAN: Fine. When we look at scope, we
21 also want to tie the scope to the hydropower project and
22 the potential effects of that hydropower project, and I
23 think, for the purpose of geology and soils right now,
24 off top of my -- without further ado, I think we would
25 like to try to limit it to the area of mouth -- as far

1 as downstream, down to the Santa Clara River and the
2 area of the confluence and the effects of sediment
3 transport coming down lower Piru Creek and how it may
4 effect connectivity and things of that nature. Does
5 anybody have a concern with that? I don't see a need to
6 carry it all the way down to the ocean.

7 MR. GINNEY: Information I would be looking for
8 is to just confirm what I would take to be the same
9 suspicion, just the relative magnitude of what's coming
10 out of Piru Creek relative to the river itself.

11 MR. WINCHELL: On the question of filing reports
12 that are for consideration in this scoping document on
13 page 5, there is the address for filing your comments,
14 and that is also a great opportunity to file any reports
15 that you think should be considered, and also, you can
16 also reference any web addresses or other information
17 that's available through the Internet.

18 MR. HOGAN: That's very much appreciated,
19 because it helps us to make a more informed.

20 DENNIS SMITH: If I'm not remembering right, I
21 thought F.E.R.C. was not taking any more snail mail for
22 filings, because of the security issues.

23 MR. HOGAN: There is an action that's currently
24 ongoing for doing everything electronically. We will
25 still accept hard copy -- currently we will still accept

1 hard copy mail. Fed-Ex is preferred, as sometimes the
2 post offices are closed in D.C. for an unknown amount of
3 time. So, you know, all mail is held up for Anthrax
4 threats, or something of that nature, but right now, we
5 are accepting both electronic and paper copy.

6 Any other questions regarding geology and soils?
7 Okay, I'm moving on.

8 MR. HART: The water resources, major issue that
9 there we'll be looking at is the potential effects of,
10 actually proposed and alternative flow regimes during
11 the conservation release and how that affects --

12 MR. CANADAY: Can the speaker please speak up?

13 MR. HART: And how that affects downstream
14 surface and down water issues downstream of the project.

15 MR. WINCHELL: The next three bullets on page 11
16 pertain to water quality and the first bullet under
17 water -- pertaining to water quality are the effects of
18 the project and proposed and alternative environmental
19 measures on compliance with applicable water quality
20 standards and designated beneficial uses, and that
21 analysis extends from Lake Piru and in Piru Creek
22 downstream of the project.

23 The next issue we'll be looking at are the
24 effects of the proposed low flow releases on temperature
25 and dissolved oxygens in lower Piru Creek and the

1 effects of project operations and project-related
2 recreation on fecal coliforms levels in lower Piru
3 Creek.

4 MR. HOGAN: Dennis?

5 DENNIS SMITH: I don't know what section this
6 falls under, but it deals with water quantity, it deals
7 with steelhead, and it deals with T&D, threatened and
8 endangered species section.

9 MR. HOGAN: We'll repeat the comment, Jim.

10 MR. CANADAY: Thank you.

11 DENNIS SMITH: And we asked, Forest Service
12 asked, when we requested studies, that an IHA be done to
13 look at downstream effects on steelhead migration into
14 Sespe Creek.

15 MR. HOGAN: IHA.

16 DENNIS SMITH: Indicates hydroelectric analysis
17 of twenty-three or twenty-four different parameters, and
18 I don't know about that study, but what we request is
19 F.E.R.C. in their EA or EIS, whatever it is, look at
20 that issue on contributory flow of Sespe Creek, Santa
21 Clara River and Piru during the times of immigration and
22 emigration of steelhead, and see what effect the project
23 has on that issue.

24 MR. HOGAN: Jim, we just got a comment
25 requesting that the Commission look at Piru Creek's or

1 the project's related effects on flows for steelhead
2 migration throughout the Santa Clara River.

3 Correct.

4 DENNIS SMITH: Basically.

5 MR. HOGAN: Summary.

6 DENNIS SMITH: Because Piru was, we think, a
7 major contributor, producer of steelhead before the
8 project went in. Sespe Creek now is one of the major
9 contributors. It has, I think, a larger proportional
10 flow than Piru does, but we just want to look at this
11 issue, and see if the project does have an effect on
12 that migration corridor during those critical key teams
13 of immigration and emigration.

14 MR. HOGAN: So --

15 MR. CANADAY: It cut out; I can't hear.

16 MR. HOGAN: Just --

17 MR. CANADAY: Was that Dennis?

18 MR. HOGAN: Yes, it was.

19 MR. CANADAY: Okay, I can contact Dennis and get
20 a better idea of what his request was.

21 MR. WINCHELL: I guess, in response to that,
22 Dennis, this is Fred Winchell, steelhead is a resource
23 we'll be looking at cumulative effects of, which would
24 include migration within the Santa Clara, so to the
25 extent there is information available on the record,

1 that allows us to look at the effects of the project on
2 migration to those lower tributaries, that would be
3 within the scope of our cumulative effects analysis.

4 DENNIS SMITH: And one of the key things there
5 is timing and how is that based on flow. That's
6 uncertain, because the monitoring, at least in forest
7 service lands, I don't think, is that complete, so where
8 he may have some information to file with you, I would
9 have to check with our supervisor's office but you would
10 need that information. Plus any monitoring downstream
11 of Freeman is going to be helpful, too.

12 MR. HOGAN: Jim.

13 JIM EDMONDSON: Question for Fred.

14 MR. HOGAN: Project.

15 JIM EDMONDSON: Jim Edmondson, question for
16 Fred. Second bullet point in section 5.2.2, we have
17 delineated this to the beneficial uses in Lake Piru and
18 in Piru Creek downstream of the project. To where?
19 Downstream to where?

20 MR. WINCHELL: I think the intent there would be
21 to the confluence with the Santa Clara.

22 JIM EDMONDSON: Thank you.

23 MR. WINCHELL: Yeah.

24 JIM EDMONDSON: Thank you.

25 MR. HOGAN: Yes?

1 MIKE MILLER: Mike Miller, General Manager with
2 Pleasant Valley County Water District. I don't see any
3 reference to downstream users such as myself. We
4 receive water out of Lake Piru during the releases, and
5 there's no mention of quantities, flows, you know, how
6 this alternative release is going to happen, and the
7 monetary effects of, you know, reduced flow or increased
8 flow, I don't see anything that relates to us
9 downstream, so I'd like to see that addressed.

10 MR. HOGAN: When we put together our draft, the
11 NEPA document, we will certainly try to accommodate
12 issues and concerns of downstream users, but we have to
13 be made aware of what those issues and concerns are, so
14 please let us know that now. And then when you see our
15 draft NEPA document there will be an opportunity -- I'm
16 sorry, our NEPA document, we're not proposing a draft
17 final, but when you see our NEPA document, if you see a
18 significant issue that the Commission's preferred
19 alternative raises for you, let us know that issue.

20 MIKE MILLER: Yes, sir. I was planning on
21 making written comments on this, and then when we do see
22 the NEPA document, we will be making comments also.

23 MR. HOGAN: Great.

24 MIKE MILLER: Thank you.

25 MR. CANADAY: I would ask that the gentleman

1 who's speaking with the downstream water rights also cc
2 the board of your comments regarding your downstream
3 water rights.

4 MIKE MILLER: I will.

5 MR. HOGAN: Acknowledged.

6 MR. DICKENSON: John Dickenson, United Water.
7 On bullet point 1, I think we could go a long way to
8 answering some of these water questions, if we sort of
9 expanded both consideration of the potential effects of
10 the proposed and alternative flow regimes, not just
11 purchase the conservation flow release, but for all
12 releases proposed. And it should be on the groundwater
13 and surface waters along near lower Piru Creek and the
14 Santa Clara River, and that should extend into the
15 Oxnard plain and the areas of seawater intrusion.
16 That's the primary function of the project, and to have
17 the effects of changing the flows on that project's
18 purpose is -- that needs to be addressed, both for you,
19 Mr. Canaday, as well as for us.

20 MR. CANADAY: Yeah.

21 MR. DICKENSON: Yeah.

22 MR. HOGAN: Can we add in there and, on
23 downstream water users?

24 MR. DICKENSON: Yes, that's part of the seawater
25 intrusion question, is that there's ag and municipal and

1 industrial users of water on the Oxnard plain that rely
2 on this water resource. If this water resource is
3 shortened to them, then their reliance on those aquifers
4 will exacerbate seawater intrusion, which the State
5 Board mandates United Water to take care of.

6 MR. HOGAN: Any other comments on water
7 resources?

8 MR. CANADAY: To just interject here. The State
9 Board also mandates that senior water rightholder, which
10 would be riparian water rightholders, also, their rights
11 be protected.

12 MR. DICKENSON: I wasn't interjecting water
13 rights. I'm talking about seawater intrusion in the
14 Oxnard plain on environmental effects.

15 MR. HOGAN: Would you like to summarize how you
16 would change the bullet point.

17 MR. WINCHELL: Bullet one, I believe that we
18 would probably remove the word "conservation" so that it
19 encompasses all flow releases, and I guess we would add,
20 at the end of the sentence, "including the Oxnard plain
21 or Oxnard aquifer."

22 MR. DICKENSON: Aquifer of the Oxnard plain.

23 MR. WINCHELL: Aquifers of the Oxnard plain and
24 also downstream water users.

25 MR. HOGAN: Salt water intrusion.

1 MR. DICKENSON: Thank you.

2 MARK CAPPELLI: If you're going to identify a
3 specific interest group like that, other interest groups
4 aren't on the list, which is probably not intended at
5 all.

6 MR. HOGAN: No, it's not.

7 MARK CAPPELLI: I'm going to throw out the idea
8 of, instead of referring to the downstream water users,
9 just refer to all recognized beneficial uses of the
10 water, so that includes everything that you're going to
11 be covering there and the State Board is obligated to
12 cover as well as.

13 MR. HOGAN: Fair request.

14 MR. WINCHELL: Yes.

15 MR. HOGAN: Before we close out on this action,
16 one thing I neglected to mention was the geographic
17 scope within water quantity and quality. We have two --
18 we are going to be looking at cumulative effects on
19 water quantity and water temperature. And for both of
20 those resource areas, we intended to include within our
21 cumulative effects analysis extending from Pyramid Lake
22 down through Lake Piru, up Piru Creek and then Santa
23 Clara River, all the way to the Pacific ocean and
24 these -- the geographic scope for all of these resources
25 is on page 10 of the SD-1.

1 Any comments on that geographic scope?

2 JIM EDMONDSON: Just clarification. Fred, I
3 want to make sure I wasn't hearing things.

4 MR. WINCHELL: Okay.

5 JIM EDMONDSON: As an advocate, that happens
6 frequently. Did you say that the upstream limit of the
7 geographic scope regarding this low flow release
8 temperature and dissolved oxygen level was Pyramid dam?

9 MR. WINCHELL: For water quantity and water
10 temperature.

11 JIM EDMONDSON: Quantity and temperature?

12 MR. WINCHELL: Yes. That's what --

13 JIM EDMONDSON: Thank you very much.

14 MR. HOGAN: I think you need to look above
15 project induced effects in order to know what is coming
16 in, so you can analyze the project induced effects.

17 MARK CAPPELLI: I have a qualifying question,
18 too, clarifying question, too. Because, and I don't
19 want to get into that other license regarding Pyramid,
20 because that's in play somehow and proposing to change
21 what is now. What, for purposes of NEPA and CEQA, what
22 do you consider to be your existing conditions?

23 MR. HOGAN: For this project, existing condition
24 is the baseline, now.

25 MARK CAPPELLI: What is the baseline?

1 MR. HOGAN: I'm sorry, the baseline is the
2 existing condition of Santa Felicia project and how it
3 rates. Under the temporal scope of our NEPA document,
4 though, we have to look thirty to fifty years into the
5 future as to potential things that are foreseeable.
6 Now, we know that there is a licensed amendment
7 application on file for Pyramid. We know what that
8 amendment entails. I have no idea what the Commission
9 action on it will be, but if that amendment is not gone
10 through by the time we're issuing our NEPA document,
11 some of those concerns will have to be addressed within
12 our NEPA document under a temporal scope.

13 MARK CAPPELLI: Thank you.

14 MR. HOGAN: Any other questions? Okay. Moving
15 on to aquatic resources, 5.2.3, on page 12 of the
16 scoping document.

17 MR. WINCHELL: We intend to be looking at the
18 effects of project operations on the provision of flows
19 suitable for spawning and rearing for steelhead and
20 other native fish species in lower Piru Creek downstream
21 of Santa Felicia dam. We'll possibly be looking at the
22 effects of operations and flows suitable for passage of
23 adult steelhead from the ocean through the lower
24 mainstem of Santa Clara and lower Piru Creek downstream
25 of Santa Felicia dam.

1 We'll also be looking at the effects of project
2 operations on fish stranding at lower Piru Creek, the
3 effects of water level fluctuations in Lake Piru on
4 largemouth bass spawning and recruitment, and the
5 potential benefits of installing upstream and downstream
6 fish passage measures at Santa Felicia dam --

7 MR. CANADAY: I can't hear you.

8 MR. WINCHELL: Just that last one? I'll restart
9 with the last bullet here.

10 MR. HOGAN: Go over them all.

11 MR. WINCHELL: Do you want me to go from the
12 start?

13 MR. CANADAY: I got you to -- I'm reading along
14 with you. You don't need to repeat the bullets. I've
15 got the scoping document up on my computer.

16 MR. WINCHELL: That's what I'm going by. The
17 last bullet is potential benefits of installing upstream
18 and downstream fish passage measures at Santa Felicia
19 dam or alternative measures to benefit steelhead
20 spawning and rearing habitat in Piru Creek.

21 MR. HOGAN: Open to take comments.

22 JIM EDMONDSON: Jim Edmondson. Another
23 clarification, again geographic scope on the last bullet
24 point, particularly the concluding part of that bullet
25 point of alternative measures to benefit steelhead

1 spawning --

2 MR. CANADAY: Dead air again.

3 MR. HOGAN: I'm going to ask each speaker, when
4 they have a question, to actually come up, stand up
5 here, if that's a possibility.

6 JIM EDMONDSON: I'll withdraw my question. Can
7 you hear me, Jim?

8 MR. CANADAY: Yeah, Jim, I can.

9 JIM EDMONDSON: Okay. Fred, the question is,
10 the alternative measures to benefit steelhead spawning
11 and rearing habitat in Piru Creek, are we talking about
12 that section from Pyramid all the way down to the Santa
13 Clara? Or from Santa Felicia down to the Santa Clara or
14 where? Not meant to be argumentative, just for
15 clarification.

16 MR. HOGAN: I can answer the question unless you
17 have something else. Could you repeat it for my
18 benefit.

19 MR. WINCHELL: I think I've got it. His
20 question is, when we're looking at the potential of
21 alternative measures, do they extend all the way
22 upstream to mid lake or to downstream from the project,
23 and I think that, you know, we're talking about measures
24 to benefit steelhead. I think, you know, we'll be
25 looking at fish passage measures which potentially could

1 be getting steelhead upstream of the project, but the
2 alternative measures might be sort of measures in the
3 lower river, where the fish currently are or, you know,
4 perhaps even further downstream, which, you know, could
5 potentially extend off site to maybe the lower
6 tributaries down Sespe River, Sespe Creek and Santa
7 Paula Creek. I wouldn't rule that off of the table as
8 within what might be considered for alternative
9 measures.

10 JIM EDMONDSON: That clarifies the intent, thank
11 you.

12 MR. DICKENSON: John Dickenson, United Water.
13 Would it be prudent to change the wording in that last
14 bullet point that says "potential benefit" to "effects"?
15 Each of the other ones, you're considering the effects,
16 and then this last one, you're only considering
17 potential benefits and not potential detriments and
18 other --

19 MR. HOGAN: That's fair.

20 MR. WINCHELL: That's fair.

21 MR. DICKENSON: Thank you.

22 MR. HOGAN: Jim, I don't know if you heard John
23 or not, he just requested that we change the word
24 "benefit" to "effects" in the last bullet under "Aquatic
25 Resources."

1 MR. CANADAY: Yes, I heard his request.

2 MARK CAPPELLI: On that second point which deals
3 with -- can you hear me, Jim?

4 MR. CANADAY: No.

5 MARK CAPPELLI: I have a comment on the second
6 bullet point regarding the effects of the project
7 operation on flows suitable for passage, and it refers
8 to passage through the lower mainstem of the Santa Clara
9 and lower Piru Creek, downstream Santa Felicia dam. And
10 what I'd like to do, either get a clarification, or if
11 it's not in here some way, add the notion to include
12 access to the tributaries below Piru Creek, which I
13 think is what Dennis has referred to several times, the
14 flows coming out of Piru can affect not only access
15 directly to Piru Creek, but also access to those
16 tributaries. I'm not referring to access up into those
17 tributaries, just access to them, just to the mouth.
18 Yes, so if we could add, and maybe you can wordsmith
19 this in some other point, phrase, effect access to
20 tributaries below Piru Creek or to the mouths of
21 tributaries below Piru Creek , I would suggest that.

22 MR. WINCHELL: Just to clarify, our intent was,
23 when we said access through the lower mainstem of Santa
24 Clara River, that included the concept of providing
25 access to those lower tributaries.

1 MARK CAPPELLI: Just a matter of making it
2 explicit so there isn't any ambiguity.

3 MS. DAVIS: Any more questions?

4 MR. CANADAY: I've got dead air again.

5 MR. HOGAN: We do, too.

6 MR. CANADAY: When it's my turn, just let me
7 know.

8 MR. HOGAN: Your turn.

9 MR. CANADAY: On the first point, the effects of
10 project operations on the provision of flows suitable, I
11 think there ought to be a peren there, and not only is
12 it a physical quantity of flow but it's also the quality
13 of the flow, so that would include, at a minimum,
14 temperature and EO, even though it's talked about a
15 little bit up in the water resources, clearly, that's an
16 important nexus if you're looking for aquatic resources,
17 so that kind of draws or links the two together. The
18 next is actually a question on the same point. If there
19 is no habitat data that's been collected, how will
20 F.E.R.C. complete this analysis?

21 MR. HOGAN: Provide us the data.

22 MR. CANADAY: Now I know I've got dead air.

23 MR. WINCHELL: We will certainly consider any
24 information that anyone wants to file at this point. I
25 guess I personally see the first point seems determining

1 whether there is usage. In terms of when it comes to
2 spawning and rearing habitat, the first step we'll be
3 looking at in our analysis is what evidence is there of
4 fish usage in that area or potential future fish usage,
5 and there is some elements that we may not be able to
6 address fully within the NEPA document that might be
7 things that need to be addressed post licensing, such as
8 contingencies, if steelhead are found to have access and
9 utilize the habitat.

10 MR. HOGAN: So adaptive management.

11 MR. WINCHELL: Some aspects might need to be
12 addressed through adaptive management.

13 MR. CANADAY: But the point would be if you
14 don't have some idea of what flows are necessary to
15 accomplish and provide the proper habitat for spawning
16 and rearing, how can you forecast in the future
17 whether -- 'cause let's assume that you don't provide
18 adequate flows because you don't know, then you'll never
19 have steelhead usage.

20 MR. HOGAN: Something that kind of came up this
21 morning, or was pretty blatant this morning was that we
22 can't, given the change in the system, it sounds very
23 difficult to quantify what good habitat is in Piru
24 Creek, and what's good today may not be good tomorrow.
25 So I'm wondering, Jim, do you have ideas of how maybe

1 that can be addressed?

2 MR. CANADAY: Well, not without looking at some
3 of the stuff that Tom did, Tom Payne did. I don't have
4 it in front of the me. But I look at the position that
5 you as Commission staff and myself as State Board staff,
6 we're both in quasi judicial procedures which require a
7 certain level of evidence to support whatever your
8 recommendations are, and so that's the conundrum that I
9 think you're in, because if we don't have something to
10 say, "well, yeah, this is minimum passage and spawning
11 habitat or rearing habitat," I just think it's
12 incredibly problematic.

13 MR. HOGAN: I agree with you.

14 DENNIS SMITH: This is Dennis Smith. One of the
15 things that Tom always throws at our faces under
16 licenses is dynamic equilibrium, and the fact that when
17 you lose one portion of the habitat it's gained in other
18 portions. Now, if there's the lower part of the channel
19 that's completely unstable, there's upper portions that
20 are more stable, and so my feeling is you still could do
21 a PHABSIM. It would be fluid over the years, but
22 because of this whole issue of dynamic equilibrium, you
23 know you're going to have habitat there; you just don't
24 know where it's going to be.

25 MR. HOGAN: Jim?

1 JIM EDMONDSON: Jim, can you hear me?

2 MR. CANADAY: Right at the present, I can, yes.

3 MR. HOGAN: So keep it up.

4 JIM EDMONDSON: I was of the impression, under
5 questioning of Matt Carpenter and John Dickenson this
6 morning in the first session, that PHABSIM data had been
7 collected. It is available, but in the opinion of one
8 noted expert, it isn't of much use. That's just one
9 expert's opinion. So there is data out there. The
10 question becomes does another peer review or expert need
11 to look at that data to either substantiate Dr. Payne's
12 opinion or to differ with his opinion?

13 MR. CANADAY: Well, it gets to the point as, you
14 know, regardless of whether Tom's right or wrong, I
15 think the data should be provided for other experts to
16 look at, but the answer can't be throwing up your hands
17 and going, "gee, I don't know."

18 JIM EDMONDSON: Exactly.

19 MR. CANADAY: Somehow you have to make a
20 recommendation based on best science or whatever, after
21 you've looked at whatever evidence it is, but you can't
22 just go, "well, gee I don't know because I don't think
23 it's any good," and walk away. That doesn't answer the
24 question. The question still remains before the
25 Commission staff and for myself and for, you know, all

1 the interested parties, so somehow you have to figure
2 out some way of coming up with some sort of, you know,
3 initial recommendation that can then, you know, be
4 looked at as the stream flows change and as time and
5 fish populations change, but you can't just, you know,
6 ring your hands and throw them up in the air and go
7 "well, gee we don't know." You've got to approach the
8 answer.

9 MR. DICKENSON: I understand the quandary here,
10 and I'm not sure, but does this extend or revolve around
11 that this stretch of creek was likely never habitat and
12 it's documented that this stretch of creek was dried up
13 and was hot water and so forth and was not steelhead
14 habitat; it was just an access corridor during
15 seasonally? I don't know, I don't understand the
16 PHABSIM and all that stuff. But does that play into
17 this, that we're trying to make it something that it
18 never was? And so the model doesn't fit, because it
19 doesn't -- it's not what we're trying to make it in the
20 model.

21 MR. HOGAN: Want to respond?

22 MARK CAPPELLI: Couple of things here. I don't
23 know how technical we can get here. First of all, I
24 think it's important for the folks that are reviewing
25 this for F.E.R.C., which is really the portions dealing

1 with steelhead, to recognize that stream habitat in
2 Southern California is very, very different from stream
3 habitat in eastern United States. It's very variable in
4 this part of the world. And the dynamism and the
5 changes that Matt's alluded to in the case of lower Piru
6 is not unique to Piru. It's complicated to Piru because
7 of the dam, but we have lots of other dams in California
8 where they are equally complicated and disturbed,
9 naturally dynamic and rapidly changing habitats. The
10 species that have drawn the most interest, which the
11 listed endangered trout have, of course, evolved and
12 adapted to an environment that is very unreliable,
13 and --

14 MR. CANADAY: -- I'm missing most of this.

15 MARK CAPPELLI: And the statements that I've
16 heard several times here in other meetings that the
17 lower reaches of Piru below Santa Felicia were never
18 steelhead habitat, i.e., never spawning, never rearing,
19 were just a migration corridor, is simply a
20 simplification of what is in fact the more complex
21 reality. It may in fact be that this lower reach is
22 used during migratory season, primarily for migration in
23 a significant percentage of the years, maybe majority,
24 and not for spawning and rearing. But that overlooks a
25 basic fact of life in Southern California, is that most

1 of the spawning and rearing takes place, that is in
2 terms of pure numbers, during exceptionally wet years,
3 when there's opportunities for access, and during those
4 exceptionally wet years, you have spawning and rearing
5 habitat conditions expand into reaches of stream where
6 they are not normally suitable in many, and maybe even
7 in most, years. This is the opportunistic nature of
8 these fish, and you have to think of it that way, so
9 just because Piru maybe before the dam did not have
10 suitable spawning, rearing habitats every year on a
11 regular basis, doesn't mean that, A, it didn't have that
12 sort of habitat in some years, or B, that because it
13 doesn't have it every year, we can sort of take it off
14 the table in our analysis. To do so would be simply to
15 ignore the fundamental natural habitat variations that
16 are characteristic of watersheds in Southern California.

17 I just want to make --

18 MR. HOGAN: I don't think we were proposing to
19 take it off the table.

20 MARK CAPPELLI: I know, but I've heard
21 statements that maybe you don't need to look at it that
22 carefully, or, "there's some things we don't need to
23 look at, at all, because it may be marginal," and bear
24 in mind, and now I'm speaking with my NOAA recovery
25 coordinator hat on, we've got an endangered fish here

1 and we have limited opportunities throughout this
2 evolutionary unit to recover these fish.

3 If you think this stream has been degraded, I'll
4 take you further south in the L.A. basin and show you
5 what a really degraded stream looks like. The Santa
6 Clara River is one of the three or four major remaining
7 steelhead watersheds in this southern U.S., and the
8 tributary is a significant part of its watershed, close
9 to a quarter of its watershed, so without trying to
10 paint too pretty a picture of the historic or
11 pre-historic, not to say existing conditions in Piru
12 Creek, that has to be. Bear in mind it's rolled within
13 this larger ESU and the opportunities that we think we
14 may have here if we can manage the system, and I'm not
15 specifying any particular management scheme right now,
16 but manage the system differently. It's going to be a
17 challenge. It's going to take a lot of careful thought.
18 But I think that's what it requires and that's what we
19 should be given.

20 MR. HOGAN: I think the commission is prepared
21 to do that, provided we still can make the link that
22 it's project-related effects.

23 MARK CAPPELLI: Right.

24 MR. CARPENTER: I just wanted to elaborate a
25 little bit on what Mark was saying. I agree with him

1 that what we have in Piru Creek is what we have. That's
2 what we're left with, considering what has happened over
3 time, but I think what Fred stated initially was that
4 that was something that would morph into an adaptive
5 management element, primarily because the data that are
6 in hand are clearly not indicative of what we have
7 today, and it would be really, it would be inappropriate
8 to evaluate that data and apply it to the channel that's
9 out there right now. I mean, as a scientist, I would
10 call it inappropriate. And I don't think that there's
11 enough data, and it's an artifact of how this process
12 has been time compressed, for a multitude of different
13 reasons, but that's what we're left with, is we have a
14 multi-year situation in terms of a study focus that
15 we've crammed into one year, and that is the problem
16 that ultimately F.E.R.C. and the State Board are left
17 with, is that there is no black and white answer. And,
18 you know, you can look at the data, but I very much, I'm
19 not for it in terms of applying it and coming up with a
20 number that would be appropriate for flows for trout
21 suitability in lower Piru Creek, because Piru Creek
22 looks like Sespe Creek right now.

23 MR. HOGAN: To summarize your concern, is that
24 the data that is available now may not be appropriate
25 for analysis for flows.

1 MR. CARPENTER: Right, and one of the measures
2 was a multi year hydrologic monitoring program, and it
3 was actually getting at that element. It wasn't
4 necessarily PHABSIM but it is an outgrowth of the
5 dynamics of lower Piru Creek and the Santa Clara River.

6 MR. HOGAN: I think what I've been hearing from
7 a number of the parties present is that they would still
8 like to have the data available. Your concerns are duly
9 noted and if, John, you could provide the data with that
10 caveat that --

11 MR. CARPENTER: No problem --

12 MR. HOGAN: Just a caveat, and I think everybody
13 can acknowledge that the system has changed but they may
14 want the data for their own, however they're going to
15 use the data.

16 MR. GINNEY: One thing, I've heard a lot of
17 words with adaptive management, and one of the things I
18 think is missing that would potentially help benefit our
19 analysis would be, well, for instance, I've heard a few
20 statements from different agencies and stakeholders that
21 are potentially contradict ary in terms of having the
22 single species management focus, i.e., low or no flow
23 versus sustained flow for a fishery, et cetera, et
24 cetera. Not debating any of the mates of those we'd
25 really need to see, if we could be presented with a

1 conceptual model of, for instance, what Mark just
2 described as some of the common knowledge on how
3 Southern California streams work. To tie in earlier
4 discussion about goals on different strategies, if folks
5 have the concept of what's going to happen for Sespe
6 Creek downstream, or want to see downstream in a
7 conceptual model sense, then it makes it easier for us
8 to understand and make decisions rather than just data
9 in vacuum.

10 I don't know if that -- we haven't used the word
11 "conceptual model" but we're talking about adaptive
12 management, and that's really an integral part. There's
13 been multi-day workshops on the subject and the word has
14 not come up so far, so I just wanted to --

15 MR. HOGAN: The key is also project-related
16 effects.

17 MR. GINNEY: And how that ties into the current
18 situation, absolutely.

19 JIM EDMONDSON: Jim, can you hear me?

20 MR. CANADAY: Yes, I can.

21 JIM EDMONDSON: Water rights provide for a
22 minimum flow of 5 CFS or whatever flow is natural in
23 flow to Pyramid below 5 CFS. That's what's required to
24 be passed, if I understand the current water license.

25 MR. CANADAY: I don't believe it's the in flow

1 to Pyramid. I believe it's the --

2 JIM EDMONDSON: In flow to Piru.

3 MR. CANADAY: To Piru.

4 JIM EDMONDSON: Correct. And then building upon
5 what Mark had to say about the dynamic nature or the
6 opportunistic nature of these fish the natural in flow
7 to Piru in a wet year like this as far as a minimum flow
8 is concerned, could well be in the twenty CFS range, not
9 5 CFS, and if you're relying upon your best available
10 information as decision-makers I think those -- that
11 kind of analysis might prove helpful to answer these
12 questions that you're facing and struggling with.

13 MR. CANADAY: Now I'm losing you.

14 MR. HOGAN: He's requesting that we take a close
15 look as to what natural flows would actually be during
16 the outlying years, and take that into consideration
17 when we're looking at various alternatives with flows on
18 the project.

19 MR. CANADAY: I've lost you, too, but that's
20 what I was talking about earlier. We need to look at
21 the hydrologic record and understand, you know, what the
22 different water year types were and what it really meant
23 as an incoming natural flow.

24 MR. HOGAN: I see that as something that we can
25 really work with, and that Matt's indicated to me that

1 that data has been provided.

2 MR. CARPENTER: You've got frequency data that
3 is historic pre project, or synthetic post project.

4 MR. DICKENSON: Which is also part of the IHA --

5 MR. CARPENTER: There's a linkage but there's a
6 straight up frequency analysis that just gives you
7 average monthly discharge in August of, you know, year
8 X.

9 MR. HOGAN: Something that would really help the
10 Commission in their analysis, or in our analysis, as
11 Eric was talking about is knowing what the goals of the
12 agencies are. If we can -- if we have the goals, we can
13 try to see how different alternatives will address those
14 goals. If we don't have those goals, it makes it very
15 difficult to come up with an alternative that we even
16 know is beneficial or not. It's pretty easy to come up
17 with an alternative that meets the DO and temperature
18 needs, potentially, but does it meet the needs of all of
19 the resource areas? Does it meet the needs of all the
20 beneficial water users? Knowing what the goals are is
21 critical to our analysis. If in your comments you can
22 provide, you know, what you want to see for Piru Creek
23 or the connectivity of the Santa Clara River, that would
24 be very helpful to us.

25 MR. CANADAY: Ken?

1 MR. HOGAN: Yes?

2 MR. CANADAY: Based on that comment, is it
3 likely that there will be a scoping document two?

4 MR. HOGAN: I think it is, Jim.

5 MR. CANADAY: Okay.

6 MR. HOGAN: I was trying to avoid it, but we've
7 got quite a few comments today, so.

8 MR. CANADAY: I was just checking.

9 MR. HOGAN: And certainly, if the agencies were
10 to come in, or anybody were to come in with, you know,
11 significant information pertaining to their goals or
12 potential alternatives that they have in mind for
13 project operations that they would like to have
14 analyzed, it would be helpful.

15 MR. CANADAY: Yes, I agree.

16 MR. HOGAN: Are we done with aquatic resources?

17 MARK CAPPELLI: I want to mention that, in
18 previous discussions that we've had regarding the
19 aquatic resources below Piru, I think it was generally
20 recognized that it wasn't simply a flow issue. There
21 was a recognition that the recruitment of large sediment
22 material had been essentially terminated by the dam, the
23 normal transport of fine sediments had been altered by
24 trapping of the sediments and also by the change in the
25 frequency and the duration and the magnitude of flushing

1 flows, and there was discussion about and no fisheries
2 endorsed the ideas of looking at ways to smolt NOAA
3 fisheries to restore, to some degree, the sediment
4 regime, and therefore the channel structure, in the
5 lower region, recognizing that, short of removal of the
6 facility, you're not going to restore entirely, there
7 may be limits to what you can do, as a practical matter,
8 but I just want to underscore that with the recognition
9 that -- and that's why I was a little bit disturbed by
10 the suggestion that the work that was done on flows
11 would be misinterpreted as simply a simple linear curve,
12 the more flow you have, the more habitat, the more fish
13 you're going to get. I don't think very many people had
14 those kinds of expectations, and it was pretty
15 explicitly recognized in some previous discussions,
16 although the way of addressing those other factors
17 obviously has a long way to go, but there was at least
18 an acknowledgment that there were other things that had
19 to be addressed.

20 MR. HOGAN: So supplementation and transport
21 flows.

22 MARK CAPPELLI: Well, the timing, frequency and
23 duration flows is important in how it distributes
24 gravels, how it distributes plant propagules, which
25 affect the riparian structure, so it wasn't just a

1 matter of ratchet it up from five, to ten, to fifteen,
2 to forty, whatever. I don't think anyone had -- and I
3 don't think anyone who's familiar with these flow models
4 ever approaches flow models in that simplistic a way.
5 Look at the broader picture. That's just one tool that
6 you use to try to get back to Jim Canaday's points, have
7 someplace to start so that you can have some basis for
8 your, at least initial attempts, to address impact
9 associated with the project, knowing full well that it
10 may not be the last time you visit that issue.

11 MR. HOGAN: Fair enough.

12 Matt, did you have something more?

13 MR. CARPENTER: I just wanted to follow up on
14 Mark's comment that the proposed measures do include
15 further study of more or less a sediment management plan
16 to address exactly that specific to steelhead habitat or
17 Salmonic, salmon/steelhead habitat in lower Piru Creek,
18 but that was also to establish a flushing flow regime.
19 That was part and parcel to that, so that your
20 acknowledgment is in here.

21 MR. HOGAN: Stan?

22 STAN GLOWACKI: Ken, I just wanted to clarify,
23 you know, you said that the agencies, mainly NOAA
24 Fisheries, should send you a set of goals, a set of
25 alternative goals that NOAA fisheries would have for

1 steelhead in lower Piru Creek. What is the time line on
2 that? Because, like Mark's comments, all this, in the
3 interest of brevity, we could include all this stuff in
4 that letter to you, and when do you really need that by?

5 MR. HOGAN: Well, I would say no later than our
6 AI notice, but your comments -- due May 16th, but
7 certainly any information that is provided to us, we can
8 take into consideration up until the absolute latest
9 date possible, and that's meaning within a month of the
10 NEPA document going out, you know, we have to, at some
11 point, draw a line, but we would ideally like your
12 comments by May 16th, which I know may not leave you a
13 lot of time, but I'm hoping that, over the past two
14 years that you've been working with this project, that
15 you kind of have a goal for lower Piru Creek, and if you
16 can relay that to us, that would be great.

17 MARK CAPPELLI: In our most recent letter to
18 United on exhibit E, we did try to enumerate some
19 specific goals, you know, parsing out steelhead issue
20 and the stream elements, and we can take another shot at
21 that and be more explicit and more specific --

22 MR. HOGAN: And the other thing that --

23 MARK CAPPELLI: Give you some idea --

24 MR. HOGAN: -- the Commission has to tackle is
25 competing goals. So, you know, hearing from everybody

1 as to what their goals are for lower Piru Creek will
2 really help us to come up with an alternative that we
3 hope will best -- will best address everybody's goals
4 and keep nobody happy, just to --

5 MR. WINCHELL: Just to expand on that, one of
6 the reasons to look at a sequential type of adaptive
7 management approach is because the measures we looked at
8 really have to meet a public interest test, and so there
9 may be steps that make sense now and other ones that
10 will make sense later. Once we have, you know, the
11 steelhead moving into the system that would be logical
12 to consider at that point, and so establishing flows,
13 you know, just based on physical habitat, based on flow
14 level, you know, that may be something that's more
15 appropriate to look at the next step. It might be that
16 water quality and access might be the parts that might
17 be looked at at this time, but any help that you can
18 give us towards, you know, identifying what is the
19 logical sequence of events, towards restoration measures
20 for steelhead, beyond just your general goals, you know,
21 will help us to --

22 MARK CAPPELLI: I would say, though, in response
23 to this idea, while on the face of it seems quite
24 reasonable, if you have a program or you're going to
25 take steps and you're not going to see, let's say, fish

1 return until you take the last step, when the fish is
2 listed as endangered, I don't think that's the approach
3 that you really -- that's the model that you really want
4 to view. I think what we want to try to do is identify
5 as many of those factors that are now limiting the
6 utilization of the system by, particularly federally
7 endangered fish, and figure out, you know, what's it
8 going to take to change enough of those to actually see
9 a biological response, and that's a real challenge, but
10 I think that model is more appropriate to a situation
11 like this than a simple sequential model, and I don't
12 know that that's what you really had in mind, but I
13 heard that we'll maybe look at temperature and see if we
14 can change that and then something else. And there's a
15 number of things that have to sort of happen or occur --

16 MR. HOGAN: I think you misunderstood, Mark. I
17 think what Fred was trying to say is that, and I'll use
18 an example, the habitat may be out there but flows
19 aren't being provided to take advantage of that habitat.
20 Well, if there's no fish there to use the habitat, why
21 provide the flows? But if you get fish coming up,
22 trying to access the stream, maybe at that point in time
23 it's appropriate time to implement the flows, and this
24 is just a hypothetical example, so, but what is
25 preventing fish from coming up the river? Is there

1 project related effects that's preventing them from
2 coming up the river? And if so, let's address those,
3 and when we start to see fish, and I'm saying, you know,
4 let's say when you start to see fish, you have a plan in
5 place that, okay, if a fish is found, this next measure
6 gets implemented and then maybe that flows responding
7 habitat. So I think you're talking the same language.
8 I don't think Fred meant to say: Well, we'll try water
9 quality, see if that works, you know, and then if that
10 doesn't, we'll try something else. I think it was just
11 a logical step in what you need to be providing for --
12 to get to the goal that you want to be, when you need to
13 provide it, not a, you know, we'll --

14 MR. CANADAY: Ken? It might be important for
15 John or somebody from the district to describe part of
16 their obligation to steelhead passage on the Santa Clara
17 River that's part of their water rights as well. John,
18 did you want to speak to that?

19 MR. DICKENSON: Sure, or Murray's more familiar
20 with it, probably, than I am. But we have a water right
21 at the Freeman diversion, which -- I put my laser beam
22 down, but there's a diversion that takes water to
23 recharge the Oxnard plain groundwater basins, and that
24 diversion's right about here, so it's downstream of all
25 the steelhead tributaries, including Piru Creek, and

1 it's pretty much a grade stabilization structure that's
2 about fifteen feet tall, so it pretty much precludes
3 steelhead from accessing upstream tributaries along the
4 Santa Clara River except through constructed fishery
5 facilities that are there. There's a fish ladder, it's
6 a neo ladder, auxiliary flow facilities, and there's a
7 counter on that ladder presently. The original
8 operation of that ladder fell out of our water rights
9 hearings and is also encompassed in our corps of
10 engineers, 404 permit is that project, and it pretty
11 much was running the fish ladder at 40 CFS for
12 forty-eight hours following the time at which the river
13 fell to our diversion water rights, plus 40 CFS, so it
14 just kept two days of the ladder running. We are in
15 section 7 consultation at this point. I'm not exactly
16 sure how that process is moving forward. I don't know
17 if Murray could talk to it some, but we're looking at
18 altering those flows to enhance steelhead access ability
19 to upstream of the Freeman diversion.

20 MURRAY MCEACHRON: I think it would be
21 speculative for me to say how we're going to be
22 operating in the future here, because we're still
23 ongoing with section 7, so, you know, I don't know what
24 else to add there.

25 MR. DICKENSON: Well, I guess one thing I'd add

1 is if that calendar is the -- that might be a trigger
2 for changing operations under this, you know, our
3 proposed license if we have a calendar through which --
4 up there migrating adult steelhead must pass in order to
5 access this project, that trigger might become, at least
6 on the interim basis, might become an important piece of
7 data for how we operate for steelheads, although Jim
8 might disagree.

9 MR. HOGAN: Jim?

10 JIM EDMONDSON: Ken, if I understand, reading
11 between the lines, it's a tea leaf question. There
12 could be some real logical justification sense from a
13 managerial state license state water board perspective
14 to say when a steelhead arrives in this section of
15 stream, then we put these additional measures,
16 protective measures in. That's a rational, logical
17 approach. I want you to look at it from the back door.
18 If you're relying upon the fish counter that Murray and
19 John have described at Freeman to trigger those
20 measures, you're only looking at the front door. The
21 back door is, now that NOAA has done genetic work that's
22 identified steelhead genetics in rainbow trout above the
23 project, if you have a spill year and you didn't record
24 an adult steelhead coming upstream, it is possible that
25 you would have steelhead genetics in the creek because

1 they've spilled over the damage and they're residing in
2 the creek below the dam.

3 MR. HOGAN: So you would like us to take into
4 consideration that, because there are steelhead genetics
5 within the rainbow trout population, it's possible that
6 we'll have adult migrating steelhead in the event of a
7 spill event, in which case maybe there's an operating
8 scenario that should be in place --

9 JIM EDMONDSON: Rearing, not spawning, but for
10 rear temperature.

11 MR. HOGAN: That's a great comment, thank you.

12 MARK CAPPELLI: Let me add a note to that. We
13 are about to publish, in the federal register, a status
14 review update and also an update --

15 MR. CANADAY: Not picking up.

16 MARK CAPPELLI: And also an update of our
17 listing of the various salmon and steelhead issues along
18 the Pacific coast, and one of the changes to the listing
19 of steelhead is to include, within the protections under
20 section 9 of the native species act, the mutative
21 rainbow trout, the juvenile fish that are found below
22 the existing dams, explicitly recognizing those fish as
23 part of the ESU, and so whether or not the genetics of
24 those juvenile fish are similar to or include genes from
25 anadromous run of fish, a sea run fish, we would be

1 including them in the ESU.

2 MR. HOGAN: How does it effect recreational
3 fishing?

4 MARK CAPPELLI: It doesn't effect it at all in
5 Southern California, because everything below a dam is
6 essentially closed to fishing, and has been since the
7 fish were listed in 1997, with a few exceptions which
8 we've closed the hoops on those, too. But all of
9 Southern California ESU, evolutionary significant unit,
10 is closed to recreational fishing.

11 MR. HOGAN: Okay. John, did you want to respond
12 to Jim Edmondson's comment?

13 MR. DICKENSON: Well, I guess, no, I'm not a
14 biologist so I don't know, I just -- my question was if
15 there are steelhead endangered genetics, all the fishes
16 in all the watersheds, are they really -- is that
17 genetic in nature or is that genetic --

18 MR. HOGAN: I don't think we need to go into
19 that debate. Jim's point was that there was a potential
20 that you could have out migrating coming from the
21 resident stock of rainbow trout.

22 MR. DICKENSON: Over the spillway?

23 MR. HOGAN: Yes, so just whether or not that's
24 factual, we'll look into, assuming that is accurate, the
25 potential option there would be an operational regime to

1 protect that downstream run in the event of a spill. I
2 mean, things to consider. This is nothing here is in
3 stone.

4 MR. DICKENSON: You have to look at the flows,
5 the duration of the spill flows and whatnot, and assume
6 some out migrating tendency. If they're going to swim
7 the lake and get over the dam, wouldn't they still want
8 to out migrate to the sea and follow those --

9 MR. HOGAN: That's the idea if --

10 MR. DICKENSON: Is that what you meant?

11 JIM EDMONDSON: No. My intent would be, in a
12 spill year, some monitoring, direct activity, would be
13 designed and implemented to monitor, to observe the
14 section of Piru Creek, biologists feel that's the
15 representative reaches, maybe that's right down by the
16 mouth, maybe that's right below the dam, maybe that's
17 portions in between, and if a rainbow trout is observed
18 there, which apparently are not there now, that triggers
19 protective measures going into place.

20 MR. HOGAN: So rather than just having it
21 triggered off from a spill event, you're actually saying
22 trigger it off of --

23 JIM EDMONDSON: When a spill happens, you need
24 to go out and what do we have, what's the result of --

25 MARK CAPPELLI: There's a practical problem with

1 that. Of course, spills are hard to monitor, especially
2 if they're substantial like this year, when you're more
3 likely to get the movement of fish that are upstream,
4 and we have done genetic works on the fish upstream, and
5 we have other cases or other situations where mutative
6 resident fish are migrating out of streams that haven't
7 had sea run adults in them for some years producing
8 smolts. It's not an unheard of situation, and in the
9 case of Piru, we have, in addition to in this watershed,
10 movement of mutative residents. We also have the
11 evidence of genetic similarity between upstream fish and
12 anadromous fish.

13 MR. CARPENTER: There are two measures in here
14 that speak to monitoring steelhead during spill years,
15 not -- direct observations, to answer Jim's questions,
16 and also investigative, to, I guess, build on some of
17 the genetic in origin information that's been collected
18 in the water --

19 MR. DICKENSON: We need to address that we spill
20 hatchery trout. We do. We find -- we spill hatchery
21 trout over the dam into lower Piru Creek, and is that
22 identification going to trigger the protective measures
23 of identifying a non hatchery fish?

24 MR. HOGAN: Before we get too much into what Jim
25 would like to see --

1 JIM EDMONDSON: Sorry.

2 MR. HOGAN: -- it's not necessarily a measure.
3 It could be something as simple as, during a spill
4 event, you know, these are the flows that you will
5 release and so on, so the trigger is not monitoring
6 where you actually have to go out and monitor every year
7 or every spill year and check for fish. It could be the
8 trigger being the spill event itself.

9 MR. DICKENSON: Okay.

10 MR. HOGAN: So I don't want to get too bogged
11 down in those types of details. We really just want to
12 hear the issues, and how we feel we can address those
13 issues is how we'll deal with it, or maybe we'll say:
14 Come in with a plan that tells us how you're going to
15 address a spill event in protection of steelhead smolts,
16 and then everybody would work together and say: This is
17 how we're proposing it, Commission says: We'll approve
18 it, and that's how it's going to get done. So we don't
19 need to go into the nitty-gritty detail here, that's not
20 purpose of this meeting. We just want to hear the
21 issue.

22 The issue of potential steelhead smolts
23 migrating during a spill event, that's a good issue to
24 know about. So those are the types of things I want to
25 get to, not how we're going to deal with it.

1 We have scheduled another half hour. We have a
2 site visit at 2:00 o'clock. We're only on aquatic
3 resources. If everybody's willing, I would propose that
4 we extend the meeting at least another half hour so we
5 have an hour left, and that will still give us an hour
6 to grab lunch and prepare for our site visit. Does
7 anybody have a problem with that? Are we all set with
8 aquatic resource issues? Or is there anything people
9 want to just point out as maybe a potential concern?

10 MR. DICKENSON: I think we'll be revisiting it
11 when we get down to threatened and endangered species.

12 MR. HOGAN: Steelhead, I think we've kind of
13 covered.

14 Jim, we're going to keep you on the phone this
15 time so we're not going to hang anybody up.

16 MR. CANADAY: Okay.

17 MR. HOGAN: We're going to take a five-minute
18 break. When we come back, we'll start with terrestrial
19 resources.

20

21 (Whereupon a brief recess was taken.)

22

23 MR. HOGAN: Jim? Are you on the phone? I'm
24 going to assume that Jim is still on break, and I'm
25 going to assume that he hasn't been cut off, and that if

1 he has, he'll be calling you.

2 We've finished up with aquatic resources. Now,
3 if we could start with terrestrial resources and try to
4 move through as quickly as possible in the last
5 forty-five minutes that we have.

6 MS. DAVIS: I'm Sue Davis and some of the
7 terrestrial things we'll be looking at include the
8 effects of project operations on riparian vegetation and
9 encroachment. We'll also be looking at the potential
10 effects of --

11 MR. HOGAN: Jim, are you back?

12 MR. CANADAY: Yes.

13 MR. HOGAN: We're on terrestrial resources, page
14 12, 5.2.4 of the commission summary.

15 MR. CANADAY: Thank you.

16 MS. DAVIS: The effects of project operations on
17 exotic, in the scoping document amphibians, I think
18 we'll be changing that to aquatics, based upon some
19 discussion we had earlier, for example, bullfrogs and
20 the need for management measures to benefit native
21 amphibians and reptiles. We'll also be looking at the
22 potential effects of project operations on wildlife in
23 the project vicinity given special status by appropriate
24 resource agencies. Those are the non federally listed
25 species. And listed out in the scoping document are

1 some of those that we'll be looking at.

2 Any comments?

3 JIM EDMONDSON: I'm curious about the
4 interdisciplinary operations, for example, the issue
5 that you discussed, the first bullet point about
6 riparian vegetation, how it responds to flows, and then
7 the first presentation about geology and soils, those
8 are interrelated, so am I correct in assuming that you
9 will be working as a team?

10 MS. DAVIS: Absolutely.

11 JIM EDMONDSON: Thank you very much.

12 MS. DAVIS: And you'll see discussions within
13 each section referencing back and forth as appropriate.

14 MR. HOGAN: Any other comments on terrestrial
15 resources? Jim Canaday, have anything?

16 MR. CANADAY: No, I'm fine, thank you.

17 MR. HOGAN: Threatened and endangered species.
18 Am I correct in assuming that we've covered steelhead?

19 MS. DAVIS: I'll just continue with the
20 terrestrial species. We'll be looking AT the effects of
21 project operation on proposed environmental measures on
22 the federally listed threatened and endangered species
23 and/or their habitat that could potentially occur in the
24 project area, and those include a southwestern arroyo
25 toad, California red-legged frog, the southwestern

1 willow fly catcher and the least Bell's vireo.

2 MR. DICKENSON: On threatened and endangered,
3 maybe one of the biologists could help me, I understood
4 that the Santa Ana sucker was not endangered in this
5 watershed.

6 MR. CARPENTER: It's not federally protected in
7 the Santa Clara River watershed. It's a species of
8 interest to fish and wildlife service, but there's no
9 issuance of take permits, for instance, for Santa Ana
10 sucker, for instance, at the Vern Freeman or any other
11 activity on the Santa Clara River. And unarmored three
12 spined stickleback, the state of the -- you know, in
13 terms of status, based on peer review literature and
14 whatnot, is that it occurs up to about five miles or
15 down to about five miles upstream of the Piru
16 confluence. There's an area called the Del Valle of
17 Santa Clara River, and that area is, I guess that's the
18 head of the Piru basin.

19 MR. DICKENSON: Yes.

20 MR. CARPENTER: And that is where the Santa
21 Clara River is more often than not guaranteed to be a
22 losing reach, and there's a partition between the
23 unarmored subspecies and the partially armored
24 subspecies of three spine sticklebacks, and there's been
25 very little documentation, if any, drift between those

1 two areas and we did not observe any unarmored; we have
2 not further downstream on the Santa Clara River, nor did
3 we see any in lower Piru Creek, so it's worth noting.

4 MR. HOGAN: So are you proposing that we remove
5 Santa Ana sucker and an armored three spine stickleback
6 from this section of the document?

7 MR. CARPENTER: I would maybe minimize the focus
8 a little bit. I wouldn't put it on the same pedestal
9 that I would put steelhead concerns.

10 MARK CAPPELLI: Under your heading threatened
11 and endangered, those are equal categories, and those
12 two species don't fall into those, but you have species
13 of special concern or other category --

14 MR. HOGAN: That's what I want to clarify. We
15 should be moving it out of --

16 MR. CARPENTER: Unarmored, I wouldn't mess with.
17 Unarmored just don't occur there, and I would have to
18 move it, take it away from the analysis. Santa Ana --

19 MARK CAPPELLI: Except that if you keep it in
20 there and you just make that clear, then that question
21 doesn't get raised --

22 MR. CARPENTER: I guess you can rely on the
23 exhibit E for that, because I think we already made that
24 statement, fair enough.

25 MARK CAPPELLI: Because it's sort of on the

1 edge.

2 MR. HOGAN: Species that is not occurring below
3 the project because of project operations or is it just
4 not historical habitat at all or?

5 MARK CAPPELLI: That's a good question. It's
6 priorly found in Soledad Canyon and its distribution has
7 been shrunk over so long a period, no one probably knows
8 all the places it might --

9 MR. CARPENTER: Hotbed is twenty-five miles
10 upstream and it's guaranteed you will find them anywhere
11 else downstream.

12 MARK CAPPELLI: But as far as their sort of
13 pre-historic --

14 MR. HOGAN: Pre project.

15 MARK CAPPELLI: And even maybe, because there's
16 a lot of things that went on in Southern California
17 before this dam was built that affected the distribution
18 of this fishery and a lot of other native non anadromous
19 fish. It isn't all that clear when it was all
20 distributed. I mean, it was in other drainages, but
21 where it was throughout the Santa Clara, it's hard to
22 say.

23 MR. HOGAN: So we'll leave three spined
24 stickleback in and we'll move Santa Ana sucker up to
25 aquatic resources as a species to look at.

1 MS. DAVIS: I have one request, I think, for one
2 Forest Service person in the room. In terms of the
3 arroyo toad, especially in the area of that campground,
4 if Forest Service had any information or data about the
5 arroyo toad in that area, I certainly would love for it
6 to be -- something to look at.

7 AL HESS: We're doing surveys, I believe this
8 week and last week, and trying to see if we can locate
9 egg strains from the toad in the creek. I'll try to get
10 that information. Do you want me to send it to you
11 directly?

12 MR. HOGAN: That should be filed with the
13 commissioner.

14 AL HESS: All right, I'll make a note of that.

15 MS. DAVIS: Thank you.

16 MR. HOGAN: Anything else under T and E species
17 you would like to cover?

18 Recreational resources, we didn't bring a
19 cultural resource person with us today, so I will be
20 covering these areas as laid out here. Please
21 understand that we may not be fully adequate to address
22 concerns, but we'd like to hear concerns.

23 MARK CAPPELLI: I want to just go back for just
24 a second to the aquatic resources. There was no mention
25 of pacific lambrey. It's a native anadromous fish.

1 It's not listed there federally or state-wise, but it is
2 in sharp decline, and it probably should be addressed
3 along with the Santa Ana sucker as a species of
4 interest.

5 MR. HOGAN: We'll evaluate that. Same --

6 MARK CAPPELLI: Right.

7 MR. HOGAN: We'll consider whether it actually
8 needs to be --

9 MARK CAPPELLI: All right. There is a specific
10 lambrey survey that's being conducted coast-wide.
11 There's one done, I think just this past winter and the
12 year before. I think I have a contact for that.

13 MR. HOGAN: If you can -- you're going to be
14 sending me an e-mail with the --

15 MARK CAPPELLI: Right.

16 MR. HOGAN: That would be great.

17 Under recreational resources, we're proposing to
18 analyze the potential effects of the proposed action on
19 recreational access to project waters, existing
20 recreational activities, and future recreational
21 activities within the project area.

22 The ability of the existing recreational
23 facilities and opportunity to meet current and future
24 recreational demands, and the need for whitewater
25 boating flow releases and access in lower Piru Creek and

1 access to the upper Piru Creek reach.

2 Potential issues concerning recreation.

3 AL HESS: We would like an analysis made of the
4 effect on the project on access to recreation within Los
5 Padres National Forest, mainly upstream from the
6 project. And that recreational use consists mostly of
7 use by people using our trails and some fishing in the
8 creek above the lake. And I think that about covers
9 that.

10 MR. HOGAN: And the issue of concern is too much
11 access? Not enough access?

12 AL HESS: Well, if there would be any effect on
13 the access or on any recreational opportunities, if it
14 might restrict, say, people from going in there, or
15 something to that effect.

16 MR. HOGAN: Okay. John?

17 MR. DICKENSON: I will just throw out that we
18 did extensive surveys, including traveling twice a day
19 over a whole rec season up the canyon, and kept a log of
20 recreators and their various activities, and there's
21 just a whole lot of data that you're welcome to that we
22 accumulated.

23 AL HESS: You got that already? You got a lot
24 more than we do, then.

25 MR. DICKENSON: There's about -- a lot --

1 AL HESS: That would be great, then.

2 MR. HOGAN: Can you file that?

3 MR. DICKENSON: File it? Okay, your scanners
4 will be busy.

5 MR. HOGAN: Is there a summary report?

6 MR. DICKENSON: I believe it's in exhibit E.

7 MR. CARPENTER: There may be less focus on the
8 access to forestlands, because that was not an area of
9 interest for the recreation audience that we were
10 interviewing, so we did a bunch of surveys at the rec
11 area and, you know, because the forest has restricted
12 access because of endangered species, we weren't
13 encountering a lot of people that were headed up to the
14 forest because they know they've got to hoof it for
15 miles to even get to anywhere that looks like they're in
16 the forest, so the level of interest is kind of
17 diminished, so there's fewer people.

18 MR. DICKENSON: There were two types of surveys
19 done: One were interviews and questionnaires, and the
20 other one was just observational surveys and our
21 observing persons that traveled to Bluepoint and back
22 twice a day and down Piru canyon, and it's everything
23 from the number of boats in a cove and campers at this
24 site, to the number of backpackers that he saw, and he
25 would stop and interview people he saw backpacking or

1 hiking up the canyon, too.

2 MR. CARPENTER: My point is just that the forest
3 closure kind of affects what you would see in terms of
4 use, because it's not useful at this point, usable.

5 MR. HOGAN: You're looking at dedicated
6 recreators.

7 MR. CARPENTER: Very.

8 MR. DICKENSON: Longer walk --

9 AL HESS: I know just what you're talking about.

10 MR. DICKENSON: Longer walk.

11 MR. HOGAN: Then that closure is in no relation
12 to the project operations a Forest Service closure,
13 correct.

14 AL HESS: It's not a public closure. It's a
15 vehicular closure, beyond their --

16 MR. HOGAN: Right, but it's not United that's
17 closed. It's Forest Service --

18 AL HESS: That's true.

19 MR. DICKENSON: Is the campgrounds closed to
20 camping, even backpackers, Bluepoint campground is
21 closed to hikers that might wish to utilize the
22 campground?

23 AL HESS: I'm not a recs and recreation expert.
24 Doug probably knows better than I do. Yes, I believe
25 you're right.

1 MR. DICKENSON: I understand it is.

2 MR. HOGAN: Do you guys know of any questions or
3 concerns a rec person has? Okay. Mark?

4 MARK CAPPELLI: This is more of a question.
5 Would recreational fishing in the reservoir that's tied
6 to the stocking of non native fishes be something that
7 would be dealt with here under this category?

8 MR. HOGAN: In part. If we were looking at an
9 alternative that says discontinue stocking of -- or, you
10 know, United is responsible for or should shell stock
11 three thousand large mouth bass every year, well, for
12 recreational purposes, that would be analyzed within our
13 aquatic resources analysis to see how that's going to
14 affect, you know, let's say steelhead.

15 MARK CAPPELLI: Does it need to be identified
16 explicitly, either under this category or the aquatic?

17 MR. HOGAN: Right now -- right now, that's not
18 necessarily an alternative that we -- we haven't
19 generated our alternatives yet. Nobody --

20 MARK CAPPELLI: Well, there's an existing --

21 MR. HOGAN: If someone here were to say: We
22 wanted to look at potential for increase in recreational
23 fishing in the reservoir, we would take that back and,
24 you know, probably try to tease out what kind of
25 recreational fishing, cold water? Warm water?

1 Whatever, potential ways to accommodate that, and then
2 if those potential methods that we feel are appropriate
3 may have an impact on another resource area, that
4 analysis would be conducted, plus our economic analysis,
5 and if it's deemed that it can be done and it's a viable
6 alternative, then we would go forward with it. If we
7 say, you know, this would be great for recreational
8 fishing, however, the cost and/or the impacts to
9 endangered species makes this not a reasonable
10 alternative, we would drop it.

11 MARK CAPPELLI: Are you going to be analyzing
12 the existing recreational fishery and any related
13 stocking that might be supportive of that under this
14 analysis?

15 MR. HOGAN: Yes, there should be a look into the
16 current conditions, what's going on, you know, and --

17 MARK CAPPELLI: Then I would think, if it's not
18 explicit anywhere, that should be made explicit if
19 there's that linkage between an existing recreational
20 activity and what supports it.

21 MR. HOGAN: So you're raising an issue.

22 MARK CAPPELLI: Right.

23 MR. HOGAN: What do you have in mind? What are
24 you telling me? Do you have an issue that is a concern
25 of yours that you'd like us to look at.

1 MARK CAPPELLI: I was asking, first of all,
2 where this would fit in the scheme of things, because
3 this just looked like, just looking at, you know, the
4 activities themselves, and I was thinking about the
5 underlying activity, not the fishing, per se.

6 MR. HOGAN: Okay, this is how I would look at
7 it. If the actual angling event is having an impact on
8 your T and E species of concern, then it would come
9 under recreation. If it's the stocking of non native
10 species that is having an effect on endangered species
11 we'll look at it under aquatic resources.

12 MARK CAPPELLI: Well, I don't know what the
13 stocking program is.

14 MR. HOGAN: Native species, sorry.

15 MARK CAPPELLI: There's a game fish in Piru
16 lake.

17 MR. CARPENTER: Evaluation for Piru Lake that
18 includes a summary of all the stocking records --

19 MARK CAPPELLI: Because if there are --

20 MR. HOGAN: Is that how you describe --

21 MS. DAVIS: It would, in most cases, there would
22 probably be -- in the case where he was talking about if
23 you were looking at , say, the impact on steelhead,
24 actually the discussion, at least, would be a discussion
25 about both factors within the actual threatened and

1 endangered species section, that's where you would, you
2 know, you're looking at the impactful resource --

3 MARK CAPPELLI: Does it need to be explicitly
4 stated or is it already there at some point, that issue?

5 MR. WINCHELL: In our scoping document, we did
6 not list it separately in our scoping document because
7 we didn't see it in the record to date as being raised
8 as a major concern.

9 MARK CAPPELLI: I think it's an issue that we
10 have in all of these reservoirs that periodically spill
11 over into these coastal streams, because what we've seen
12 is that there's a surcharging of catfish and sunfish and
13 bass, I mean, very noticeable increase after major
14 events. These are mixed blessings, these events, that
15 bring all sorts of things, and so that's an issue, I
16 don't know that much about the composition of the
17 species in Piru, but generally this is an issue and the
18 spilling and that that are non native fishes, some of
19 those are going to get downstream and that's an issue.

20 MR. HOGAN: That's what I want to hear, is what
21 the issue is, and it's introduction of non native
22 species downstream of the project from the reservoir
23 during spill events?

24 MR. CARPENTER: That's kind of a two-way
25 discussion, I guess, if you're evaluating alternatives,

1 like ceasing any kind of stocking or something like
2 that, what the relative effect on recreation use would
3 be, so it's kind of a recreational issue and an
4 aquatic/T and E issue.

5 MARK CAPPELLI: Well, it starts as a T and E
6 issue, but then it turns into a mitigation. You've got
7 a recreational issue that --

8 MR. HOGAN: Okay. Fred?

9 MR. WINCHELL: Jim, you had your hand up there.

10 JIM EDMONDSON: I'm not personally -- I'm not
11 sure how to help the Commission staff here, because I
12 noticed in your comprehensive plans, you have two
13 documents that will include California Fish and Game
14 policy, which strictly prohibits the stocking of rainbow
15 trout in this watershed, specifically prohibits the
16 stocking of rainbow trout, so I don't know if I submit
17 that to you for comments referencing those provisions in
18 those comprehensive plans or to do it stand-alone. I'll
19 do it either way for you.

20 MR. HOGAN: Is someone stocking the reservoir
21 with --

22 JIM EDMONDSON: You bet they are.

23 MR. HOGAN: Who?

24 JIM EDMONDSON: California Fish and Game in
25 violation of -- California Department of Fish and Game

1 is stocking inconsistent with California Fish and Game
2 Commission policy.

3 MR. HOGAN: Now, that -- the Commission would
4 not view that, or it is my belief that the Commission
5 would not view that as being an issue for the Commission
6 to take on. It's state waters, state fish. It's, you
7 know, we don't dictate to the state their management
8 practices. We try to meet, we try to be made aware of
9 what their management goals are and try to accommodate
10 those through licensing a hydroproject.

11 JIM EDMONDSON: I'm not advocating and
12 suggesting that the Commission usurp state authority on
13 this at all. I just wanted you to have a full and
14 complete record, as well as to provide you with
15 testimony under oath provided by Fish and Game in a
16 water rights hearing on the Santa Ynez river on
17 alternatives to deal with that, namely, sterilizing
18 rainbow trout, so that you're not getting the
19 introgression or running that risk from hatchery product
20 to the wild rainbow/steelhead. If you would find that
21 helpful, I would be happy, we'd be happy to provide that
22 to you.

23 MR. HOGAN: Jim, if you have a feel for any
24 information that you would want to provide the
25 commission, that would find helpful.

1 JIM EDMONDSON: Good, be happy to do it.

2 MARK CAPPELLI: Just to be clear, my concern
3 wasn't limited to stocking of hatchery --

4 MR. HOGAN: No, I understand. You mentioned
5 catfish, other species that --

6 MARK CAPPELLI: There are actually more,
7 probably more, probably, problematic.

8 MR. HOGAN: Have we covered recreation fully?
9 Nothing from Jim?

10 MR. CANADAY: Which one are you on?

11 MR. HOGAN: Recreation.

12 MR. CANADAY: No, I -- more I want to go back to
13 aquatic just for a second, so when you're done with the
14 rest of it.

15 MR. HOGAN: Land use and aesthetic resources on
16 potential effects of the proposed, and alternatives on
17 current and future lands uses in the project area.
18 Potential effects of the proposed action and
19 alternatives on aesthetic resources of the project area
20 and weather operations of the proposed project would be
21 consistent with the loss provided by National Forestland
22 Resource Management plan. Anything you folks would like
23 to --

24 AL HESS: Al Hess, Forest Service.

25 MR. HOGAN: Yes, sir.

1 AL HESS: Los Padres Management Plan, forest
2 plan, along with all of the Southern California forest
3 plan, are currently undergoing revision. We expect the
4 final environmental statement to be filed sometime in
5 fall, probably going to be past the date where we
6 complete this project, so I'm not sure how much of that
7 revision information you've seen, or would be helpful at
8 this time, because we cannot release, you know, a
9 preferred alternative for our management plan, but it is
10 quite a bit different than the one we've got currently,
11 so.

12 MR. HOGAN: I don't know, I --

13 AL HESS: I don't know if this has come up
14 before in any of the discussions or if it might be
15 helpful to --

16 MR. HOGAN: I think if you were to make comments
17 and/or recommendations that were consistent with where
18 you know the revision is going to go, those comments may
19 usurp the current management plan, if you wanted to,
20 say, you know: Don't follow the management plan here,
21 you know, we advise this, we could probably deal with it
22 in this manner.

23 AL HESS: I'll talk with our planning people and
24 see if there's anything that looks like it may be
25 helpful to you.

1 MR. DICKENSON: If there's anything significant
2 after the original NEPA process here, and you can 4(e)
3 me the authority to line item condition our license,
4 under your 4(e) authority so that if it matches your
5 plan, the forest --

6 MR. HOGAN: The timing was the issue, though.

7 AL HESS: Right now, I'm not aware of any real
8 glaring inconsistencies or anything in the project that
9 really is going to be in opposition to any of our
10 direction in our revised plan, and we also, as you
11 mentioned, we'll have the opportunity to negotiate those
12 4(e) conditions in the future.

13 MR. HOGAN: Just keeping in mind, to be on the
14 look-out for any of those inconsistencies that may be
15 affecting this project, maybe I can get them from you
16 and you provide your guidance to us appropriately.

17 MARK CAPPELLI: Just a follow up on that. NOAA
18 fisheries is engaged in a section 7 consultation on this
19 plan, and our schedule is probably pretty close to what
20 Al just mentioned. We might have that done, hopefully
21 before you finalize the plan.

22 MR. HOGAN: Biological plan?

23 MARK CAPPELLI: Yes. And I have reviewed the
24 plan, but I'm not looking to biological opinion, so I
25 don't know exactly where that goes but just --

1 MR. HOGAN: That's good to know, and I think Al
2 can probably incorporate all of that, you know, as he
3 has the information --

4 MARK CAPPELLI: We might also be able to, I'll
5 have to talk with the lead on this, but we might be able
6 to incorporate whatever we're saying about the plan, or
7 the basic ideas, into the letter that we present you, so
8 the same thoughts are in two different places.

9 MR. HOGAN: That would be great, absolutely.
10 Consistent thoughts are always appreciated.

11 Cultural resources. We propose to evaluate the
12 effects of project operation and enhancements on
13 cultural resources that are listed or considered
14 eligible for inclusion in the national register of
15 historic places, and identification and development of
16 measures to resolve adverse effects on historic
17 properties and other potential national
18 register-available cultural resources within the
19 project's area of potential effects, pursuant to section
20 106 of the national historic preservation act.

21 Does anybody have cultural resource issues that
22 they would like to raise? Okay, if there are none.

23 Commission is charged with doing a developmental
24 objects of effects of proposed mitigation and
25 enhancement measures and economic effects, and we will

1 be conducting that analysis. Also, as we discussed
2 earlier, we will work in an effort to make our NEPA
3 document SEQA compliant with, Jim, if you could help me
4 out, the added sections foresee what?

5 MR. CANADAY: Growth inducing impacts, and then
6 CEQA requires a table that identifies the mitigation and
7 who's responsible for oversight and who's responsible to
8 carry out that mitigation, and of course, cumulative
9 impacts, and the Commission lately has been doing a
10 pretty good job on cumulative impacts.

11 MR. HOGAN: Did you have any comments you want
12 on what we have listed as cumulative impacts? Do we
13 have any? Page 9. Right now, we have cumulative
14 impacts limited to water quantity, water temperature and
15 steelhead. If there's things that you'd like added to
16 that for the purpose of CEQA review, please let us know.

17 MR. CANADAY: I think, in fairness, that you'd
18 also have to put cumulative impacts on water supply.
19 That has to be disclosed, that whatever alternative that
20 the Commission would choose, or comes out of the
21 process, it still, you know, we're supposed to disclose
22 what the consequences are to the, you know, existing
23 water supply.

24 MR. HOGAN: My first interpretation of that
25 would be we would normally cover that under water

1 quantity, but I have no problem adding another
2 subheading there.

3 MR. CANADAY: Okay.

4 MARK CAPPELLI: Why would you, if you've listed
5 one aquatic species that's found throughout the system,
6 why would you limit it to that and not to the others
7 they have not found throughout the entire system, or at
8 least found in the areas which the project is located?
9 The other two federally listed species, red-legged frog
10 and arroyo toad; why would you exclude that from
11 cumulative effects?

12 MR. WINCHELL: Steelhead jumped out because of
13 the migratory nature --

14 MARK CAPPELLI: I understand that.

15 MS. DAVIS: We put frogs in terrestrial, so we
16 don't need them in aquatic.

17 MR. HOGAN: As far as the cumulative effects.

18 MS. DAVIS: Yeah, I think the thought would be
19 that we weren't necessarily seeing any project impacts
20 that would be added into the cumulative. We --

21 MARK CAPPELLI: This is a question you might
22 want to address to Fish and Wild Life Services
23 responsible for those two species, just how much of
24 their range has been curtailed in the two reservoirs, if
25 any. I'm raising the question, as much as anything

1 else.

2 MR. HOGAN: Okay.

3 MARK CAPPELLI: Because there are other aquatics
4 which are distributed through this reach, and you've
5 identified correctly one, but there's several others.

6 MR. HOGAN: We'll take a look and see if it
7 would be appropriate to add.

8 MARK CAPPELLI: And it's certainly limited, the
9 accessibility to pacific lambrey, for example, before
10 this facility could have got at least as far as Pyramid,
11 although it was built afterwards, so logically, it's not
12 quite consistent, but the point is that if you look at
13 the steelhead in that way, then you could look at some
14 other aquatic species similarly.

15 MR. HOGAN: Okay.

16 MARK CAPPELLI: Might not require the amount of
17 analysis --

18 MR. HOGAN: I understand. It's just should we
19 address it, yes.

20 MR. DICKENSON: I have a question and comment on
21 the developmental resources portion, and I was curious
22 as to what the either geographic or economic scope that
23 analysis entails. My thoughts being that if we do the
24 part right on the water quantity and track that down
25 into the coastal aquifers, that that's where the

1 economic effects might occur, rather than up at the
2 project somewhere, when a farmer's well goes salty from
3 the additional seawater intrusion; that has a bigger
4 economic impact than us not generating hydropower.

5 MR. HOGAN: Okay. The project, the
6 developmental analysis of the project would be limited
7 to the hydroscope, your general operation and the cost
8 of the measures. This is a difficult one.

9 MR. CARPENTER: Is that because it's typically
10 that way? I mean, that's the --

11 MR. HOGAN: Because, one, I'm not the engineer,
12 and, two, the resources that you're concerned about as
13 far as the irrigators and municipal supply and so forth,
14 those are going to be analyzed under the water quantity
15 analysis and water resources section. Maybe I'm unclear
16 about how that affects your economics, but we're looking
17 at the economics of PM&E's on United.

18 MR. DICKENSON: That's what I didn't know, where
19 the system boundary is, it's United Water as an entity
20 and its money flows in and out rather than society at
21 large's economy and how the money flows in and out of
22 that, meaning our constituents.

23 MR. HOGAN: There's probably more to it than
24 just what I've just said, because, I mean, we do look at
25 project-related effects, you know, for an area, I mean,

1 as far as the socioeconomics in an area.

2 MR. CARPENTER: Is that one of the things that
3 maybe should be included in cumulative impacts, then,
4 because it --

5 MR. HOGAN: No. I think cumulative impacts, we
6 try to limit to natural resources.

7 MR. CARPENTER: Okay.

8 MR. DICKENSON: I know our system, and I know
9 that if we do something different at Piru, that the
10 people right around there, it won't affect. It's the
11 people out on the Oxnard plain that are affected.

12 MR. HOGAN: Absolutely, and those considerations
13 will be taken into account. You have a little bit
14 different situation here, where it's not a matter of
15 just the electricity. It's also water, and so all that
16 will be taken into consideration, but at least the water
17 quality and quantity is more considered specifically
18 under that resource area than under the developmental
19 analysis section.

20 Mark?

21 MARK CAPPELLI: I'd like to make another
22 suggestion regarding cumulative analysis, and that is
23 that you include sediment supply as well.

24 MR. HOGAN: Okay.

25 MARK CAPPELLI: There are other reservoirs in

1 that system besides the two --

2 MR. HOGAN: I think we understand the issue, the
3 trapping cumulatively affects the availability of that
4 sediment, and the transportation.

5 MR. GINNEY: Taking notes.

6 MR. HOGAN: If there's nothing else, Jim had
7 something he wanted to discuss on aquatic resources, but
8 before we go there, does anybody else have anything else
9 they would like to discuss on environmental or cultural
10 resources?

11 Okay, Jim.

12 MR. CANADAY: First just a couple of questions
13 to clarify what's happening today, that the comments
14 that all the folks are making are being recorded by the
15 court reporter, so they are indeed in the record?

16 MR. HOGAN: That is correct.

17 MR. CANADAY: My comment is, back to the
18 bullfrog control that's being proposed. That, in my
19 view, should not be a driver of what's found necessarily
20 below the reservoir. It's an impossibility to control
21 the frog down there. I mean, you could reduce it,
22 maybe, but it's going to be a lifetime adventure. It's
23 the same thing as if you control the dandelion in your
24 yard but the guy next door doesn't, you got dandelions.
25 And that's the same thing with a bullfrog, and one thing

1 that needs to be noted on the bullfrog, it has a
2 two-year morph, so even if you did go to some wet-dry
3 methodology to try to help control it, it wouldn't have
4 to be every year, because the tadpoles -- it takes two
5 years, so that should be a part of the calculus of any
6 alternative that includes that, but anyway, I'd say,
7 just thinking of the bullfrog control, I think John kind
8 of jokingly said get out the BB gun or something, and it
9 will be very difficult to control it, so I don't believe
10 it should be kind of a driver.

11 MR. HOGAN: I have a feeling that that bullfrog
12 control was a Cal Fish and Game issue.

13 MR. DICKENSON: The proponents of that measure
14 in these dry flow or dry season flow schemes was a
15 combination of Cal Fish and Game, to a lesser extent
16 U.S. Fish and Wildlife Service, and some of our own
17 consultants, Nancy Sandberg, and none of those parties
18 are here today, so.

19 MR. HOGAN: It will be interesting to see what
20 they have to say in comments.

21 MR. CANADAY: I mean, I don't have a problem
22 with them trying to control the bullfrog. It's just
23 that I don't think it should be a driver that determines
24 what the flow rates should be.

25 MR. HOGAN: Understood. You had more, Jim?

1 MR. CANADAY: No, thank you.

2 MR. HOGAN: Mark?

3 MARK CAPPELLI: I just wanted to concur with
4 Jim's comments. We've indicated to United we don't
5 think dry flow regimes is an appropriate or an effective
6 way to control the bullfrog. We do think it would be a
7 good idea to try to control the bullfrog population, but
8 not by reducing, in effect, the overall amount of
9 aquatic habitat in lower Piru Creek, which that stream
10 would do periodically, particularly when that habitat
11 supports other native species, aquatic species, so that
12 you kind of, you know, are taking a step forward and
13 maybe two backwards, without any real assurance that the
14 one step forward is even going to advance you in any
15 significant way, and the fact that you still have year
16 round aquatic habitat in the upper reaches, which would
17 simply act as a refuge for the frogs, which would then
18 spread out when the flows themselves spread out. But to
19 underscore what Jim also said, trying to control the
20 frog in some other means is something worth pursuing,
21 and I think there's been some other means identified in
22 the discussions. Clearly --

23 MR. HOGAN: BB guns?

24 MARK CAPPELLI: -- wasn't thinking about that,
25 but some other measures that are standard measures used

1 for controlling nuisance aquatic species, but I was
2 going to also say besides those activities which would
3 be focused on Piru Creek is also thinking a little bit
4 about the upstream sources of the -- 'cause those frogs
5 are upstream as well, and, you know, you might want to
6 think in more comprehensive terms. Keep in mind that
7 you're never going to probably eliminate the animal in
8 its entirety. This is a management issue. That's what
9 it is. It's not an all-or-nothing sort of a issue, and
10 I think -- but it is worth pursuing along with some of
11 the other things that have been identified for Piru
12 Creek.

13 MS. DAVIS: If you could include some of your
14 preferred alternate measures for the management that you
15 would like to see, that would be beneficial.

16 MR. HOGAN: Methodology.
17 Jim.

18 JIM EDMONDSON: In the vein of providing a full
19 and complete record, you will be receiving a copy of a
20 April the 7th, 2005 letter from Diane Noda of U.S. Fish
21 and Wildlife service to the department -- I'll be
22 submitting a letter on April the 8th of 2005 from Diane
23 Noda of the Fish and Wildlife service to the Department
24 of Water Resources clarifying their new position on
25 bullfrog management and flow regimes.

1 MR. CANADAY: Are we going to get a copy?

2 JIM EDMONDSON: Yes. I believe your agency
3 already has testimony; it's been filed with F.E.R.C. on
4 a protest over the failure to obtain a 401 --

5 MR. CANADAY: Oh, okay.

6 JIM EDMONDSON: But I want the staff here to
7 have that as well. I think you'll find it helpful.

8 MR. HOGAN: That would be great, thank you.
9 We're always willing to collect information.

10 MS. DAVIS: We're somewhat lacking in U.S. Fish
11 and Wildlife Service inputs on this issue. They're not
12 present.

13 MR. HOGAN: Does anybody have any outline issues
14 that they would like to mention now before we adjourn?

15 Jim, have you said everything you'd like to say?

16 MR. CANADAY: I'd like to thank the Commission
17 staff for coming out and holding this, and certainly the
18 Water District for allowing me to kind of stick my nose
19 into the nest a little bit with the telephone call, so I
20 do appreciate that kindness.

21 MR. DICKENSON: Appreciate your participation,
22 always.

23 MR. HOGAN: We hope you feel better soon.

24 I want to thank everybody for participating
25 today, making this meeting somewhat fruitful. We'll be

1 looking at the issues provided in comments that will be
2 coming in on our scoping document one. We will
3 ultimately decide whether or not we're going to issue an
4 SEQ or whether it will just simply be a letter saying
5 we're going to incorporate these new issues. We'll
6 evaluate whether it's going to require the generation of
7 a new document or if we can simply just acknowledge it
8 in a letter, but I really do appreciate everybody's
9 assistance today. And just out of curiosity, who's
10 planning on going on the site visit?

11 MR. DICKENSON: I was just asking, if do you a
12 scoping document two, does that have another hearing
13 like this one?

14 MR. HOGAN: No. If we issue scoping document
15 two, there's no opportunity for comment on it; it's
16 simply an information-type document.

17 MR. CARPENTER: So you use this hearing or this
18 forum and whatever you get in written comment and that
19 is your trigger to determine whether or not you have
20 SD-2 or not, and if you do that, you just release it and
21 inform people that --

22 MR. HOGAN: Yes, if we issue an SD-2 it go to
23 the --

24 MR. CARPENTER: Does that push your analysis
25 schedule?

1 MR. HOGAN: I hope not, and that may weigh in on
2 whether or not we actually do a document two or not,
3 although it shouldn't.

4 MR. DICKENSON: It's the same issues whether
5 it's a separate document or a --

6 MR. HOGAN: Right. In any event, there will be
7 a letter that comes out.

8

9 (Meeting session concluded at 1:05 p.m.)

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

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

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

15 Witness my hand this 7th day of May, 2005.

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