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BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION  
SCOPING HEARING

In the Matter of:                    )  
Don Pedro Hydroelectric            )     Project No.  
Project, Turlock Irrigation)     P-2299-075  
District, Modesto                    )  
Irrigation District.                )  
\_\_\_\_\_)

DOUBLE TREE HOTEL  
1150 NINTH STREET  
BALLROOM 3  
MODESTO, CALIFORNIA  
WEDNESDAY, MAY 11, 2011  
7:00 P.M.

REPORTED BY:  
JOHN COTA  
  
TRANSCRIBED BY:  
TIFFANY C. KRAFT, CSR  
CERTIFIED SHORTHAND REPORTER  
LICENSE NUMBER 12277

## APPEARANCES

FERC

Scott Edigar

Jim Hastreiter

Lesley Kordella

Shana Murray

Tim Welch

Frank Winchell

APPLICANT

Greg Dias, Modesto Irrigation District

Robert Nees, Turlock Irrigation District

ALSO PRESENT

Mr. Kevin Aguire

Ms. Ursula Arvand

Mr. Martin Blake

Mr. John Buckley, Central Sierra

Mr. Jerry Cadagan

Mr. Cory Cate

Ms. Cindy Charles, Golden West Women Fly Fishers

Mr. Vito Chiesa, Stanislaus County Board of Supervisors

Mr. Andrew Cushman

Mr. Griffin Derryberry

## APPEARANCES CONTINUED

## ALSO PRESENT

Mr. Peter Drukmeier, Tuolumne River Trust  
Mr. John Duarte, Duarte Nursery  
Mr. Bob Foras  
Mr. Dave Geer, Modesto City Council  
Mr. Robert Gelman  
Ms. Elaine Gorman, Yokuts Group of Sierra Club  
Mr. Zeke Grader, Pacific Coast Federations  
Ms. Suzanne Guthrie  
Mr. Sam Harned  
Ms. Rebecca Harrington  
Ms. Elizabeth Houck  
Mr. Bill Hudelson  
Mr. Noah Hughes  
Ms. Teresa Kinney, Office of Congressman Dennis Cardoza  
Mr. Martin Kirkwood  
Mr. Bill Lyons  
Mr. Mel Machado, Blue Diamond Growers  
Mr. Marty Mackowski  
Mr. Garrett Marsh  
Mr. Mike Marshall, Restore Hetch Hetchy  
Mr. Emilio Martinez  
Mr. Len Materman

## APPEARANCES CONTINUED

## ALSO PRESENT

Mr. Daron McDaniel, Office of Congressman Jeff Denham

Mr. Ronald Pickup

Mr. Nicholas Pinhey, City of Modesto

Mr. Dick Pool

Ms. Jessie Raeder, Tuolumne River Trust

Ms. Julie Rentner, River Partners

Mr. Matt Richardson, Tuolumne River Trust

Ms. Dejuene Shelton

Mr. Todd Sill

Ms. Sharon Silva, Turlock Chamber of Commerce

Mr. Thomas Terpstra, Lower Tuolumne Farmers

Mr. Noah Triplett

Mr. Paul Wenger

Mr. Eric Wesselman, Tuolumne River Trust

Ms. Diane Wulff

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1 PROCEEDINGS

2 MR. WELCH: Welcome, everyone. My name is Tim  
3 Welch. I'm with the staff of the Federal Energy  
4 Regulatory Commission. I'm the Chief of the West Branch  
5 of the Division of Hydropower Licensing located in  
6 Washington, D.C.

7 And I'd like to officially welcome you to the Don  
8 Pedro relicensing scoping meeting.

9 Before we begin our comments and our  
10 presentations, we have a practice at FERC of starting  
11 public meetings with the Pledge to our flag. So if you'd  
12 please rise.

13 (Thereupon the Pledge of Allegiance was  
14 Recited in unison.)

15 MR. WELCH: Thank you. As we assemble here, we  
16 have our relicensing team from FERC. They'll begin by  
17 introducing one of our staff. Jim Hastreiter is the  
18 Project Coordinator, and he leads the team of our resource  
19 specialists. So he's actually going to be running the  
20 meeting tonight. So without further ado, I think I'll  
21 turn everything over to Jeff.

22 MR. HASTREITER: Okay. Thanks, Tim.

23 As Tim said, my name is Jim Hastreiter, and I'm  
24 the Project Coordinator for Relicensing of the Don Pedro  
25 Project. I'm also a fishery biologist by training.

1           The first thing we're going to do though this  
2 evening is I'd like to introduce Teresa Kinney to our  
3 meeting. Teresa is the Economic Development and Grants  
4 Coordinator for Congressman Dennis Cordoza. Teresa has  
5 some talking points she'd like to share with us this  
6 evening.

7           MS. KINNEY: So welcome everybody to the meeting,  
8 and I'm glad that everyone showed up to this. It's  
9 extremely important. And thank you, FERC, for having me  
10 have the opportunity to speak Congressman Cordoza's words.

11           "Mr. Chairman and members, I urge the Federal  
12 Energy Regulatory Commission to relicense the  
13 hydro-electric facility at Don Pedro.

14           "Modesto and Turlock Irrigation Districts have  
15 willingly and fully participated in the efforts to find  
16 solutions to our region's water and energy needs and have  
17 been good stewards of the environment.

18           "There are some that assert that the FERC process  
19 should be used as a tool to redirect water in order to  
20 address multiple environmental concerns as far away as the  
21 bay delta or even the ocean.

22           "It is important as the Commission moves forward  
23 in its evaluation of this license that the Commission  
24 remain focused on the specific task before it: To  
25 evaluate the impacts of this hydro-electric project. It

1 is true that there are challenges with the delta  
2 ecosystem. I, for one, have been extremely vocal about  
3 the need for the State and federal governments to consider  
4 all of the factors at play with regards to water quality  
5 and decline of the fisheries in the delta before taking  
6 any further action to restrict water exports out of the  
7 delta. Wastewater discharges, run-off predation by  
8 non-native species, and commercial fishing are just a few  
9 examples of the issues that need to be addressed by the  
10 agencies that are working on the Bay Delta Conservation  
11 Plan. There are dozens of State, federal, and local  
12 agencies that are responsible for considering these  
13 various impacts and improving conditions in the delta.  
14 They are in the process of developing a comprehensive and  
15 integrated plan, and their efforts should be supported as  
16 the best way to achieve consensus and practical solutions  
17 that will actually help to improve our water system in  
18 California. These delta issues, however, are not, nor  
19 should they be, the subject to your evaluation.

20 "Furthermore, using the FERC process as a hammer  
21 to restrict water deliveries in the San Joaquin  
22 tributaries in much the same way as the biological  
23 opinions have been used to restrict water exports in the  
24 delta, it is a recipe for conflict and economic havoc to  
25 this region of the state. It is counterintuitive to

1       reopen the fishing season while commanding much more water  
2       to save the salmon. We know from experience in California  
3       that this approach does not work. Limiting that resource  
4       in the name of curing our state's complex water challenges  
5       not only does not solve our state's problems, but would  
6       also be socially unconscionable, economically  
7       short-sighted, and environmentally unsound.

8                "It is also important that this Commission  
9       recognize MID and TID's senior water rights and the  
10       economic investment made by the irrigation districts. The  
11       water and power users have long-standing pre-1914 water  
12       rights and have paid for the entire cost of their  
13       facilities. Both districts have independently elected  
14       directors who are responsible to the voters, not to  
15       absentee shareholders who only want to see a profit. They  
16       have done a good job managing the water resources of this  
17       area in a sustainable manner. The water delivery system  
18       integrates water and power uses, environmental releases,  
19       renewable energy, ground water recharge, and flood  
20       control.

21               "The San Joaquin Valley is one of California's  
22       most economically challenged areas. We are in an  
23       agricultural community that is among the fastest growing  
24       areas in the state. Our demographic profile shows we must  
25       make enormous strides in economic development if we are to

1 find the jobs to pull people out of poverty. Don Pedro is  
2 one of the few resource tools we have to preserve our  
3 agricultural economy and provide affordable power and  
4 water for our residents and businesses.

5 "Thank you for the opportunity to provide my  
6 comments. I look forward to working with you as this  
7 process moves forward."

8 Thank you.

9 MR. HASTREITER: Thank you, Teresa.

10 I'd also like to introduce and welcome this  
11 morning Daron McDaniel. Daron is the regional  
12 representative for Congressman Jeff Denham.

13 MR. MC DANIEL: Hi, there. Thank you very much.  
14 Thank you for coming. First of all, I want to say the  
15 Congressman is in full support of the Don Pedro  
16 hydro-electric project. He did pass on some points that  
17 I'd like to read off.

18 "Don Pedro is an essential tool in maintaining  
19 Central Valley agricultural production. The valley is the  
20 most productive agriculture area in the world.  
21 Agriculture is foundation of our economy. A sure and  
22 certain water supply is essential in farming from growing  
23 of crops to financing of agricultural operations. Without  
24 Don Pedro, the east side of the valley would have suffered  
25 as much of the drought as the other parts of our valley.

1           So again, I'd just like to -- I want to pledge  
2           our full support.

3           MR. HASTREITER: Thank you, Daron. Appreciate  
4           you coming this evening.

5           Next I'm going to have the rest of the FERC staff  
6           that's working on Don Pedro relicensing to introduce  
7           themselves.

8           MS. KORDELLA: Hi. I'm Lesley Kordella. And I'm  
9           the terrestrial wildlife biologist for this project.

10          MR. WINCHELL: Hi. My name is Frank Winchell.  
11          I'm an archeologist, and I do the cultural resource  
12          aspects of the Don Pedro relicensing.

13          MS. MURRAY: Hello. My name is Shana Murray.  
14          I'm the recreation resources and land use resource person  
15          for this project.

16          MR. HASTREITER: And operating the slide  
17          projector for us this evening is Scott Editor. Scott's  
18          with our Office of General Counsel.

19          So I quickly -- slide -- want to summarize our  
20          agenda for this evening.

21          We had the introductions and I'll briefly  
22          describe what FERC is and what we do. I'll give a brief  
23          description of the integrated licensing process. Then a  
24          representative of the irrigation districts -- I think both  
25          Greg Dias and Bob Ness are going to make a presentation on

1 the project.

2 After that, Commission staff will describe a  
3 preliminary list of resource issues that we've identified  
4 in the PAD -- I'm sorry -- in the scoping document. And  
5 following that, we'll take formal comment from meeting  
6 participants.

7 Just we had some handouts, and I'm hoping  
8 everybody got copies of those. One was the scoping  
9 document. The other is a pamphlet about FERC and how you  
10 get involved. And I'll talk about that at the end of the  
11 meeting a little bit more.

12 The other thing is we have two sign-in sheets.  
13 One was just an attendance sheet, and the other was an if  
14 you intend on speaking. So I hope everybody will fill  
15 both sheets out.

16 As I mentioned before, we have a court reporter  
17 tonight. And they're going to be recording our every  
18 word. And written transcripts of the meeting will be  
19 available and be made part of the official record in about  
20 two weeks. If you want transcripts before, then I want  
21 you to come and speak with the court reporter.

22 So who is FERC and what do we do? FERC is an  
23 independent federal agency that regulates various types of  
24 energy resources we have available in the United States.  
25 FERC is comprised of five Commissioners. They're

1 appointed by the President and confirmed by the Senate.  
2 The President designates the Chairman.

3 Within the Commission, the Office of Energy  
4 Projects permits and oversees the construction and  
5 operation of energy infrastructure like non-federal  
6 hydropower natural gas projects and oil pipelines.

7 Our hydro program consists of three components:  
8 The Division of Hydropower Licensing, which authorizes the  
9 construction and operation of hydro projects. The  
10 Division of Administration and Compliance is responsible  
11 for ensuring that projects are constructed and operated  
12 according to the requirements of their license. And the  
13 Division of Dam Safety and Inspections ensures that dams  
14 are safe and public safety is maintained in all projects.

15 FERC's headquarters is in Washington, D.C, and we  
16 have five regional offices, including one in San Francisco  
17 which covers the Don Pedro Project. My office is in  
18 Portland, Oregon, and we all work for the west branch of  
19 the Division of Hydropower Licensing.

20 So moving on into the integrated licensing  
21 process, or the ILP, the irrigation districts have  
22 selected the ILP as their process for relicensing the Don  
23 Pedro Project. The ILP is designed to provide a  
24 predictable, efficient, and timely licensing process that  
25 ensures adequate resource protection. The basic structure

1 of the ILP has two time periods: Pre-application, or  
2 pre-filing; and post-application, or post filing.

3 The time line in the top row, pre-filing,  
4 represents the steps taken for the preparation of a  
5 license application. It has four basic steps.

6 The time line in the bottom row, post-filing,  
7 represents what the Commission does to process an  
8 application. Again, there's four steps. Pre-filing  
9 generally takes up to three years; and post-filing,  
10 one-and-a-half years. So from the time of filing the NOI  
11 PAD to when the Commission issues the licensing decision  
12 should take no more than four-and-a-half years.

13 The initial steps. The first step is the filing  
14 of the Notice of Intent in PAD by the applicant. That  
15 starts pre-filing. The irrigation districts did that on  
16 February 11th. The PAD developed by the districts is a  
17 collection of available information about the project.  
18 The PAD also includes proposed draft study plans.

19 So moving onto scoping. The scoping process for  
20 the Don Pedro Project began when the Commission issued the  
21 Notice of Intent and Scoping Document 1 on April 8th. In  
22 the scoping document, we provide a preliminary list of  
23 resource issues to be analyzed in our NEPA document and a  
24 process plan. A key part of that scoping process is this  
25 meeting where we receive oral comments, but you also have

1 an opportunity to provide written comments on the scoping  
2 document, comments on the PAD, and to take study requests.  
3 All of those are due June 10th. We will issue a Scoping  
4 Document 2 if comments received raise important issues  
5 that we haven't addressed in Scoping Document 1.

6 At this time, we're also requesting cooperating  
7 agency status. Or in other words, if there is an interest  
8 by State or federal agencies to cooperate with us in the  
9 preparation of the environmental document, this is the  
10 time for them to make that commitment. But I'd also like  
11 to point out here that the Commission policy doesn't allow  
12 a cooperating agency at the same time to be an intervenor.

13 Study request criteria. As the resource agencies  
14 and stakeholders develop their study requests, you must  
15 consider and address the Commission's seven study  
16 criteria. Using these criteria helps make sure that study  
17 requests and ultimately the study plans are well defined.  
18 While all seven criteria are important and need to be  
19 addressed, the most critical one in my mind is the nexus  
20 to project effects, operations and effects, and how study  
21 results would inform development of license requirements,  
22 the study plan development.

23 The districts have already considered some  
24 preliminary study plans, and those are listed in the PAD.  
25 The next step is for the districts to develop proposed

1 study plans which are informed by the study requests  
2 provided by the resource agencies and stakeholders. The  
3 proposed study plan is due to be filed with the Commission  
4 by July 25th. The proposed study plans are distributed  
5 for comment in a study plan meeting or several meetings  
6 with the stakeholders and agencies are held to resolve  
7 remaining issues. The districts then file a revised study  
8 plan, which is due November 22nd.

9 Stakeholder comments are filed, and the  
10 Commission issues its study plan determination by December  
11 22nd. There is opportunity for dispute resolution if  
12 mandatory condition agencies disagree with the study plan  
13 determination. That would occur immediately after the  
14 Commission issues its study plan determination.

15 Conducting the studies and preparing the  
16 implication. After the Commission's study plan  
17 determination, the districts will conduct the necessary  
18 studies. It likely would take two years of study. After  
19 each year of studies, a study report is filed and the  
20 stakeholders and resource agencies meet to review the  
21 information and to determine if there is a need to make  
22 any changes or modifications to the studies.

23 The preliminary licensing proposals. After the  
24 studies are completed, the districts will prepare a  
25 preliminary licensing proposal, which is essentially

1 Exhibit E. Exhibit E includes all the environmental  
2 information that's required in a license application:  
3 That's the existing environment effects and proposed  
4 mitigation. For Don Pedro, the preliminary licensing  
5 proposal is due no later than December 1st, 2013. The  
6 districts also have an option of preparing a draft license  
7 application instead of just a preliminary licensing  
8 proposal, and a draft license application would include  
9 all the exhibits in a normal application, a draft  
10 biological assessment, and historic properties management  
11 plan. After that, there is a 90-day comment period.

12 At that point, the district's relicensing  
13 application will be filed and must be filed no later than  
14 April 30th, 2014. That begins the post-filing process.  
15 Staff reviews the application. They're ready for  
16 environmental analysis. Once staff finds the application  
17 adequate and we have sufficient information to prepare a  
18 NEPA document, we issue an REA notice requesting  
19 interventions, recommendations, and preliminary  
20 conditions. The REA notice is scheduled to be issued June  
21 2014. Some of the agency conditions will be mandatory and  
22 there is an opportunity for the districts and stakeholders  
23 to request a trial type period, if they so choose.

24 The environmental document, or the NEPA document.  
25 Staff will prepare an EIS for Don Pedro. The draft is

1 scheduled for February 2015 and the final September 2015.  
2 The EIS will include staff recommendations for license  
3 conditions.

4 And then the last step of post-filing is the  
5 licensing decision. The Commission is scheduled to make a  
6 decision on the application sometime after September 2015.

7 And that's just a real quick overview of the ILP.  
8 And I'll open it if anybody has any questions about the  
9 ILP at this point in time.

10 MR. WELCH: As Jim talked about the integrated  
11 licensing process, one thing I just wanted to -- or we  
12 want to point out is that while FERC is the primary  
13 licensing agency under the Federal Power Act, there are  
14 also other federal and State agencies that have  
15 authorities under other federal statutes that are involved  
16 in licensing hydro projects. The first one that comes to  
17 mind is the California State Water Resources Control Board  
18 must issue a Water Quality Certificate under the Clean  
19 Water Act. Also, when endangered species are affected,  
20 that triggers the Endangered Species Act. And the Fish  
21 and Wildlife Service and/or the National Marine Fishery  
22 Service also has to issue a biological opinion before the  
23 Commission can move forward. Those are the two probably  
24 biggest federal statutes that the Commission has to comply  
25 with.

1           And the only reason I mention this is because  
2           there are all these other processes that go on hopefully  
3           in parallel with the licensing process. And we are trying  
4           to work cooperatively with these other federal and State  
5           agencies to make this process run as smoothly as possible  
6           so that we're -- as I said, we're operating in parallel  
7           and not insequentially.

8           Our goal here is to issue a new license for this  
9           project or make a licensing decision about this project  
10          before the current license expires, which will be in  
11          probably September of 2015. So just wanted to make  
12          everyone aware there's lots of agencies involved for this  
13          process.

14          MR. HASTREITER: Okay. So we're at the point  
15          where the irrigation districts are going to make their  
16          proposal. I think Greg Dias is going to go first. So  
17          we're going to switch presentations here quick.

18          MR. DIAS: Thank you, Jim.

19          On behalf of Modesto and Turlock Irrigation  
20          Districts, we'd also like to welcome you here tonight.  
21          And special welcome to our elected officials who are here.

22          And I believe I also heard that one of our  
23          directors is here tonight. Is Tom Van Groningen here?  
24          There's Tom. And I see Brad Hahn also in the back from  
25          the City of Modesto, who is a City of Modesto Councilman.

1 Would like to acknowledge their presence here.

2 And also thank staff for coming the farthest I  
3 believe out of most of the folks that are here.

4 You know, I'm thinking maybe when we do these  
5 slides, I might move to the back a little bit so I won't  
6 be in the way of anybody seeing that end of things. So  
7 maybe if you go to the next slide here we can talk just in  
8 general. You know, maybe I need to go back further.  
9 Maybe this wasn't such a great idea after all.

10 Anyway, as most if not all of you know, the Don  
11 Pedro Project is located on the Tuolumne River about 40  
12 miles east of Modesto. And certainly there is a number of  
13 project purposes. The project stores water for a number  
14 of purposes, including agricultural irrigation, municipal  
15 and industrial water supply, power generation,  
16 environmental purposes, recreation, flood control, and  
17 drought protection.

18 The project license was issued by FERC in April  
19 1966 and its 50-year term expires on April 30th, 2016,  
20 which is obviously why this process is underway.

21 So who are the licensees? MID and TID are the  
22 two oldest irrigation districts in California, both  
23 established in 1887. And we have a very long and  
24 distinguished history. Together, the district's combined  
25 irrigation service area is about 210,000 acres, while its

1 combined electric service area is approximately 1200  
2 square miles.

3 So to expand upon the project and some of its  
4 history, I invite my counterpart at TID, Bob Ness, to go  
5 through a few slides and pictures to give you a little  
6 better idea what the project is all about. And while Bob  
7 is making his way over here, I'd like to point out we do  
8 have a website that's noted on there, if you can read it.  
9 I can barely read from back here,  
10 [www.donpedrorelicensing.com](http://www.donpedrorelicensing.com). Thank you.

11 MR. NESS: Thank you.

12 As Greg pointed out, TID and MID are the two  
13 oldest irrigation districts in California, having been  
14 formed back in 1887. One of the first things they did was  
15 over time acquired a series of water rights on the  
16 Tuolumne River so they would have access to water with the  
17 beneficial use.

18 They also acquired a site on the river of an  
19 existing dam that was built in the 1870s, the Wheaton Dam.  
20 They replaced it with this structure on this picture here,  
21 which is today's La Grange Dam. La Grange Dam was built  
22 for the purpose of raising the water in the stream high  
23 enough to feed two irrigation systems: One going to the  
24 north to the Modesto area and one going south to Turlock.

25 Some -- and that dam was built in 1893 and then

1 30 years later the two districts got together to build the  
2 original Don Pedro Project. And that's the picture that  
3 you see before you. It added something new to the  
4 district's activities now is the generation of  
5 hydro-electric energy.

6 The existing Don Pedro Dam was completed in the  
7 late 1970s and dedicated in 1971. It occupies a footprint  
8 that 78 percent of that land is owned by the districts and  
9 the remaining 4,000 acres is Bureau of Land Management  
10 land. It has the capacity to store 2,300,000 acre feet,  
11 and it has a distinction of being the largest non-federal,  
12 non-State reservoir in the state of California. It is  
13 first and foremost a water supply project.

14 As Greg has pointed out, it supplies water to  
15 over 200,000 acres of prime farmland and it also provides  
16 municipal and industrial water to the city of Modesto  
17 through MID's water treatment plant near Waterford. It  
18 also has the responsibility of being the flood control  
19 facility that takes care of an area of about 15,000 square  
20 miles. The generation from the facility helps meet the  
21 electric loads of both districts. They have both been in  
22 the retail electric business since 1923. They're fully  
23 integrated utilities, meaning they generate, transmit, and  
24 distribute electricity to a full range of customers,  
25 including residential, farm, commercial, industrial,

1 municipal, and so forth. And this energy of course is  
2 clean and renewable.

3 The dam itself is a rock and earth filled  
4 structure with an impervious clay core. It is at the top  
5 about 1900 feet across and rising from the riverbed 580  
6 feet.

7 The power house has a listed capacity of 168  
8 megawatts, but can produce a maximum load 203 megawatts of  
9 generation. It does so by the use of four Francis turban  
10 generator units. Three of those units are original with  
11 the project. They sit on top of the power house. They  
12 are 45.5 megawatt units each. 1989, a fourth unit, was  
13 added to the facility, somewhat smaller, 31.5 megawatts.  
14 It is operated from a control room at the power house and  
15 can be remotely controlled from the TID control center in  
16 Turlock.

17 Adjacent to the power house is a switch yard that  
18 transforms or steps up the electricity coming from the  
19 generators to transmission voltage of 69KV. That power  
20 then is transferred to the two irrigation districts'  
21 electrical systems, and of course those two electrical  
22 systems are connected to the grid in California.

23 Another feature of the project is the spillway.  
24 This picture shows three spillway gates on the right-hand  
25 side. Those gates are each about 45 feet by 30 feet. If

1 they were to be fully opened, the total capacity of  
2 discharge would be somewhere in the neighborhood of  
3 472,000 cubic feet per second. Extending to the left in  
4 this picture is the OG crest. That's the concrete strip  
5 you see leading across the slide. That's about a thousand  
6 feet. As water rises to the maximum elevation of 880, it  
7 would flow unimpeded across that OG crest.

8 The spillway gates and the OG crest of course  
9 only operated once in the history of the project, and that  
10 was in 1997.

11 The City and County of San Francisco is a partner  
12 with the districts. It paid for half the cost of the  
13 construction of the reservoir, not the power house, but  
14 the reservoir in exchange for certain benefits it would  
15 receive. One of those is the creation of a 570,000 acre  
16 reservation reservoir they can use for storage credits.  
17 That means at certain times they can send water downstream  
18 to the reservoir and at other times they can withhold the  
19 district's entitlement up to the same amount. It gives  
20 them greater flexibility in their operations upstream.

21 In addition to that, they also were relieved of  
22 their upstream flood control obligation, as that was all  
23 transferred to the Don Pedro Project.

24 San Francisco has no ownership in the lake and  
25 doesn't own any of the water in the lake. The Army Corps

1 of Engineers also made a contribution to its construction  
2 to obtain 340,000 acre feet of seasonal storm storage or  
3 reservations for flood control purposes. The lake is an  
4 area of 13,000 acres, 160 miles of shoreline, about 24  
5 miles in length. It has two marinas, full service marinas  
6 with house boat rental, and fishing boat rental, personal  
7 watercraft. They sell fuel. They have four snack bars,  
8 three stores, and a small engine repair shop for boat  
9 engines.

10 The lake is known as a house boating lake,  
11 similar to those that you find at Shasta and Oroville and  
12 other places. There's 257 private houseboats that are  
13 permitted on the reservoir, in addition to those  
14 houseboats that can be rented from the concession areas,  
15 as you would expect, high water use at the reservoir for  
16 recreational activities, skiing, wakeboarding, personal  
17 watercrafts, sailing, and so forth.

18 Fishing is extremely important at the reservoir.  
19 It is known as a bass lake. Many bass tournaments held  
20 each year at the reservoir. In addition to that, there  
21 are plantings that take place not only for bass but for  
22 trout and Kokanee salmon.

23 The Don Pedro Rocky Reservation Agency  
24 administers recreation at the reservoir as the Department  
25 of the Turlock Irrigation Districts and under the

1 direction of a Board of Control made up of representatives  
2 from the City of County of San Francisco, Modesto  
3 Irrigation Districts, and the Turlock Irrigation District.  
4 There are three recreation areas at the reservoir: Blue  
5 Oaks, Fleming Meadows, and Moccasin Point, each having  
6 their own launch ramp.

7 The campgrounds attract a substantial number of  
8 visitors each year. On average, about 400,000 visitor  
9 days are logged annually; 30 percent of those come from  
10 the Bay Area counties.

11 Camping, of course, is available at the three  
12 recreation sites. Four-hundred-eighty camp sites exist,  
13 which are supported by rest rooms, showers, food lockers,  
14 fire rings, and paved pads.

15 RV hook-ups are available. There's 108 full  
16 service hookups. And that means that water, power, and  
17 sewer connections are available; another 34 partial  
18 hook-ups with water and electricity.

19 In recent years, there's been more activity  
20 on-boat in-lake shore camping, which has become quite  
21 popular.

22 Other features of the lake include a swimming  
23 lagoon, which is adjacent to the lake, filtered in  
24 chlorinated. It's a sandy beach with a sandy bottom with  
25 lawn area surrounding it. Excellent place for young

1 swimmers.

2 Other features to be found at the facilities  
3 include group picnic areas such as this one, fish cleaning  
4 stations, and the boat repair yard. This is a picture of  
5 the fireworks display that takes place annually during the  
6 4th of July holiday over the lake on a holiday weekend  
7 like this one. And in many weekends during the summer  
8 recreation season, there can be upwards of 10,000 people  
9 on the lake and around the lake at the time equivalent to  
10 a small city.

11 And the final slide is a picture of the sun  
12 setting over Don Pedro. Thank you.

13 MR. HASTREITER: You know, there are some empty  
14 seats if people want to step over people to sit down.  
15 We'll give you a couple minutes to do that if people want  
16 to point out so you don't have to stand.

17 So we're here for scoping tonight. The purpose  
18 of scoping, scoping is an early part of the NEPA process  
19 where we ask members of the public non-governmental  
20 organizations, State agencies, federal agencies, and  
21 Native American Indian tribes to assist us in identifying  
22 resource issues and concerns that should be taken into  
23 consideration in our environmental document for Don Pedro  
24 relicensing. The scoping document includes preliminary  
25 list of issues. We're in the very early stages of this

1 process. So it's likely that this list will change as new  
2 information and better information is developed as we move  
3 through the process.

4 Another key purpose is to identify alternatives.  
5 The scoping document identifies the proposed project and  
6 the no-action alternative. Besides identifying issues and  
7 reasonable alternatives, we're also making a request for  
8 information that isn't identified in the district's PAD  
9 that would be helpful in identifying issues or evaluating  
10 impacts.

11 Cumulative effects. In the scoping document,  
12 we've identified these four resources that may have  
13 cumulative effects. We didn't include a geographic scope  
14 of these cumulative effects. We're looking for some more  
15 information, and also for your ideas on developing that  
16 geographic scope.

17 This is a list of our preliminary resource  
18 issues. There's eight of them. And they're listed in the  
19 scoping document. And the scoping document provides a  
20 fairly detailed description.

21 What we're going to do now though is just give a  
22 brief summary of each issue by resource area. And after  
23 we've completed these brief descriptions and summaries,  
24 we'll open the meeting for formal comments. We ask that  
25 you hold your questions and comments until after we've

1 finished describing all the resource areas. So I'm going  
2 to begin with geology and soils, aquatic resources, and  
3 with developmental resources.

4 For geology and soils, there is some overlap with  
5 aquatic resources, so I'm not going to repeat what I say  
6 in geology and soils in the aquatic resources discussion.  
7 We've identified soil erosion and compaction, gravel  
8 movement, and geomorphic processes under the geology and  
9 soils issues.

10 In aquatic resources, we're looking at stream  
11 flows and water quality in the reservoir and downstream  
12 reach.

13 We're also looking at project effects on fish  
14 populations and habitat, recruitment and distribution of  
15 large woody debris, fish passage, entrainment, stranding  
16 and displacement.

17 Now I'm going to pass the mike to Lesley  
18 Kordella.

19 MS. KORDELLA: This is our current list of  
20 preliminary terrestrial resources on which we will be  
21 evaluating. We'll be looking at wildlife resources and  
22 special status wildlife species and their habitat,  
23 botanical resource and special plant species, the spread  
24 of noxious weeds or invasive species, and more  
25 specifically, wetland, riparian habitat, littorial

1       vegetation and shore line vegetation.

2               This is our current list of rare, threatened, and  
3       endangered species under the Endangered Species Act as  
4       occurring in the project area and surrounding lands on  
5       which we will be evaluating potential project effects.

6               The Valley Elderberry Longhorn Beetle, or VELB,  
7       the San Joaquin Kit Fox, this list of plant species I'm  
8       not going to list off, the next -- the California  
9       Red-Legged Frog, the California Tiger Salamander, the  
10      Vernal Pool Fairy Shrimp, and the Steelhead.

11              And with that, I'm going to go to the next  
12      resource.

13              MS. MURRAY: Sorry. Had to wait for the green  
14      light to go.

15              More recreation and land use, we're looking at  
16      the affects of the project on current reservoir levels for  
17      recreation, the affects of the project on access to  
18      recreational opportunities, existing facilities, and the  
19      adequacy of those facilities at the project, and of  
20      course, future recreational opportunities within the  
21      project boundary.

22              In addition, we're also specifically looking at  
23      water-based recreation, such as white water boating,  
24      angling, and wading at the project.

25              For land use and aesthetics, we're looking at the

1 conditions of the existing roads within the project and  
2 the effects of the operation and maintenance of the  
3 project and recreation use on aesthetic resources.

4 MR. WINCHELL: The next resource is going to be  
5 cultural resources. And that's basically things such as  
6 archeological sites or could be old mining features that  
7 may be within the project area.

8 And the studies would involve going out and doing  
9 surveys to locate and determine whether any of these  
10 cultural resources would be eligible for the National  
11 Register of Historic Places. And if such resources are  
12 found, both Native American and Euro-American, and they  
13 are eligible for the Register, then we would produce an  
14 Historic Properties Management Plan as Jim pointed out  
15 earlier that would be incorporated into a proposed license  
16 that would ensure that those cultural resources would be  
17 protected or some kind of mitigation measure would be  
18 carried out to mitigate an adverse effect by the project.

19 MR. HASTREITER: And the last resource is  
20 developmental resources. Our project engineer who will be  
21 working on this particular resource couldn't make the  
22 trip. His name is Jim Fargo. He's been with the  
23 Commission 100 years. So I'm just going to mention his  
24 resource area for him.

25 We'll be evaluating the economics of the project,

1 comparing the economics of the proposed project with other  
2 reasonable alternatives and with alternative energy  
3 sources. We'll also look at the effects of any  
4 recommended or proposed environmental measures on the  
5 economics of the project.

6 So that was a quick blow through of the resource  
7 issues. And we're now at the point in the meeting which  
8 is the formal comment period. And just a few instructions  
9 I guess. What we're going to want is folks that are going  
10 to speak come up to the mike up front, speak clearly into  
11 the mike. Provide your name. Spell your last name for  
12 the court reporter, and also include your affiliation.

13 And we have 35 speakers tonight. So we're going  
14 to be here a little while. So we're not going to take any  
15 breaks. So folks need to use the rest rooms, you're going  
16 to just have to do that on your own. They're down here to  
17 the right and another right.

18 So because we have 35 speakers tonight, we're  
19 going to have to limit the time of the comments. And if  
20 you have a lot of detailed comments, you're going to have  
21 to summarize them to keep within the five minutes. But  
22 you can always provide comments to the Commission. So you  
23 can include your full list of comments if you need to by  
24 filing written comments.

25 And also you can provide the comments to the

1 court reporter if you have written comments, and they'll  
2 make sure it becomes part of the record as well.

3 The other thing is because we have a five-minute  
4 limit on the comment presented tonight, we have a  
5 sergeant-at-arms that's going to make sure that the five  
6 minutes is adhered to. And he'll be making particular  
7 motions just to keep people on their toes and make sure  
8 they don't go beyond the five minutes.

9 MR. WINCHELL: I will stand up after four minutes  
10 of time just to let the speaker know they've got one  
11 minute to wrap up. Thank you.

12 MR. HASTREITER: Okay. Okay. So our first  
13 speaker is John Buckley.

14 MR. BUCKLEY: Good evening. John Buckley,  
15 B-u-c-k-l-e-y, representing the Central Sierra  
16 Environmental Resource Center.

17 Our Center has worked intently in previous  
18 FERC relicensing and I appreciate the opportunity to  
19 comment tonight. In the PAD document, there are tables  
20 showing mean monthly in-stream flows, water deliveries,  
21 and total Don Pedro Project outflows. And if you look at  
22 the months of June, July, and August for the last three  
23 years of records, there's some highly revealing  
24 information. In a natural system, June and July should be  
25 two of the higher months of the year for river flows as

1 snow melt pours down from the mountains. Yet, out of the  
2 average mean monthly flow releases of the Don Pedro  
3 Project of roughly 2,500 cubic feet per second for these  
4 three months over those three years, only 108 cubic feet  
5 per second for the month stayed in the river below La  
6 Grange Dam to go downstream for all the beneficial uses.

7 Put another way, when summer temperatures are  
8 hottest and having adequate cool water is most important  
9 for aquatic river dependent species, the current connect  
10 operation of the Don Pedro Project delivery facilities and  
11 La Grange Dam result in more than 95 percent of the water  
12 in the river above the La Grange Dam being diverted for  
13 water deliveries, less than five percent of the water in  
14 the Tuolumne River above La Grange Dam was allowed to go  
15 on down the river below the diversion during the three  
16 summer months in recent years.

17 Leaving so little water in the river is likely to  
18 be the single most significant cumulative management  
19 impacts to the river system out of all the issues  
20 identified in this process. Accordingly, our Center urges  
21 that it is essential that FERC ensure that the full range  
22 of necessary studies and the compiling of existing  
23 information is adequately done for the significant  
24 cumulative impacts to diminish river flows and increase  
25 water temperatures have caused for anagamous fish,

1 amphibious, and other important beneficial uses  
2 downstreams of the connected Don Pedro/La Grange Dam  
3 operations.

4 As FERC staff is fully aware -- and I'm just  
5 restating this. I know you already know it. There is a  
6 requirement for thorough consideration of past, present,  
7 and reasonably foreseeable actions that when combined  
8 create potentially significant impacts on the effective  
9 environment. You know that. It's a clear legal mandate.  
10 And in this case, it's a mandate to consider the combined  
11 cumulative impacts of the diversions of La Grange Dam and  
12 their significant impacts, both historic and current, for  
13 aquatic resources.

14 Obviously, the loss of spring-run Chinook and the  
15 decimation of the fall-run Chinook and Steelhead runs are  
16 significant impacts, as are associated problems further  
17 downstream, degraded water quality and diminished  
18 recreation opportunities due to reduced flows.

19 This exceptional water year is an ideal time to  
20 implement a summer high flow study in the river at an  
21 appropriate distance below the La Grange Dam release point  
22 to assess the difference in habitat suitability created by  
23 higher summer flows versus minimum flows.

24 Comparison of water temperature could also  
25 produce valuable information and other critical fish

1 studies as described by the agencies. And interest groups  
2 should also be implemented as early as possible in this  
3 process. Even as this FERC process is inching forward as  
4 you point out, we're at the beginning. It's troubling the  
5 response to the districts to the Aquatic Terrestrial  
6 Resources Work Group was to say no to a request for a  
7 study of the relationship between flows in the lower  
8 Tuolumne River and other known stressors on anadromous fish  
9 in the river.

10 And the district response sent on May 5th to  
11 those of us involved, the districts point to all the other  
12 issues affecting salmon in the Tuolumne, instead of  
13 acknowledging the district's obvious role in removing so  
14 much water compared to the natural unimpaired flow regime.

15 Also revealing is that one key district official  
16 recently was quoted in the Modesto Bee stating, "The  
17 potential that additional water would have to be released  
18 to address dangers for endangered salmon could have a  
19 negative impact to our agricultural industrial customers."

20 If the districts in this process make the choice  
21 to look at the river only narrowly for consumptive supply  
22 diversion purposes and they take the position that  
23 additional releases are not acceptable, it's almost  
24 certain that instead of having a middle ground solution,  
25 the process will end up in the never predictable hands of

1 the court system.

2 So it is my hope that the districts instead will  
3 recognize the conservation interests are earnestly seeking  
4 balanced middle ground solutions that can provide  
5 long-term assurances for all the interests, while moving  
6 the river toward a more natural management condition.

7 And in closing, it is also my hope that you at  
8 FERC will take a lead role in working for that balanced  
9 broadly beneficial outcome. Thank you.

10 MR. HASTREITER: Thank you, John.

11 Our next speaker is Mel Machado.

12 MR. MACHADO: Thank you for the opportunity.

13 My name is Mel Machado, M-a-c-h-a-d-o.

14 I'm a resident of Modesto and serve as a Special  
15 Project Coordinator for Blue Diamond Grower. And in that  
16 capacity also as a local area representative to the grower  
17 community whom markets are a cooperative.

18 My role here this evening is to urge you in your  
19 process to consider maintaining the irrigation flows that  
20 we need and the water capacity we need to maintain our  
21 livelihoods here in the district and in the San Joaquin  
22 Valley.

23 Water is the lifeblood of agriculture. Nobody  
24 will argue that. They'll all argue about how to  
25 accomplish getting the supplies that we need. Many of the

1 agriculture community are debating sustainability. And  
2 sustainability has always been something I viewed as in  
3 the eye of the beholder.

4 A rather simplistic view of sustainability is  
5 good prices. A rather more complicated view of  
6 sustainability involves all the various aspects that one  
7 can develop to develop a sustainable model. But one thing  
8 that we can all agree on is that water for the growth of  
9 the agricultural community for the crops should be grown  
10 is the life blood of the industry. And it is an industry.  
11 It is also a livelihood and way of life here in the  
12 valley.

13 It can also be argued that we have a sustainable  
14 system here in the district because look what we have been  
15 able to do. The district has flourished. The  
16 agricultural community has flourished. The community as a  
17 whole has flourished because we do have the water  
18 resources we need, and it's been provided by the districts  
19 and the resources that we have.

20 Just in the almond industry alone in the county,  
21 we're going to produce somewhere around 240 million pounds  
22 this year. That's the somewhere around \$400 million. I  
23 say somewhere. Price is to be determined, by about \$400  
24 million in farm gate values alone. This is just the one  
25 crop that we grow. One of many that we grow here in the

1 county and the district.

2 So you obviously have a daunting task. It's much  
3 more complicated than many of us could appreciate. And I  
4 can say I don't envy you in going through this task and  
5 the role that you have ahead of you. But please, in your  
6 process, the agriculture community could look at you and  
7 say we must have sustainable, reliable water supplies.  
8 It's no secret that in this state we don't seem to have  
9 the wherewithal or desire to develop the infrastructure we  
10 need. We've not developed new water resources in many  
11 years. Yet, the population continues to grow. How can we  
12 sustain the population in the state if we do not develop  
13 the resource, let alone take these resources backwards.

14 Thank you for the opportunity.

15 (Applause)

16 MR. HASTREITER: Thank you, Mel. You didn't  
17 applaud when we spoke. What's going on here? That's  
18 showing some favoritism.

19 Okay. The next speaker is Nicholas Pinhey.

20 MR. PINHEY: Good evening. I'm Nicholas Pinhey,  
21 Nick Pinhey also known as. I'm the Director of Utility  
22 Planning and Projects for the City of Modesto.

23 My purpose here tonight is to introduce some  
24 information regarding -- I'm sorry. Last name is spelled  
25 P-i-n-h-e-y. I'll be brief.

1           I did provide some information this morning  
2 regarding the quantities of water needed by the city of  
3 Modesto and also cities of Turlock, Houston, and Ceres.  
4 We are in support of the relicensing of the Don Pedro  
5 Project.

6           As I mentioned before, approximately 43 to  
7 50 percent of the city of Modesto's water supply needs are  
8 met with surface water from Modesto Irrigation District  
9 surface water treatment facilities.

10          Like to point out this evening, however, its  
11 three environmental benefits of that project that people  
12 may not realize. The first is prior to utilizing surface  
13 water from Modesto Irrigation District, the city relied  
14 exclusively on groundwater for its water supplies, which  
15 created a significant overdraft condition in the basin  
16 immediately underlying the city of Modesto. The  
17 conjunctive of surface water beginning in 1995 helped us  
18 to stabilize groundwater levels in this area. It also  
19 allowed for recovery of groundwater, which obviously has  
20 multiple benefits for pumpers across this basin.

21          The second benefit that I want to mention is  
22 water quality related. A conjunctive use of surface water  
23 has allowed the city of Modesto to effectively and  
24 economically address groundwater contamination issues  
25 through blending. It also helps eliminate the need to

1 dispose of residuals from well head treatment and allows  
2 for the continued delivery of safe, reliable drinking  
3 water at a reasonable cost to the public.

4 As was mentioned earlier in the earlier comments,  
5 the cities are dealing with naturally occurring  
6 contamination issues, arsenic, uranium, man-made or  
7 anthropogenic contaminants such as nitrates, volatile  
8 organics. The addition of surface water gives us an  
9 effective way to really deal with those issues.

10 And finally, another point that I'd like to make  
11 is the use of surface water from the Modesto Irrigation  
12 District facilities really lowers the background total  
13 dissolved solids in our water supply. And you say what is  
14 the effect of that? Well, that really does provide for a  
15 higher quality in terms of our wastewater effluent  
16 discharge, thus reducing the salt loading that comes from  
17 the exclusive use of groundwater in your water supplies.  
18 This improves not only downstream water uses, but any  
19 application of that water that we provide to land.

20 So we would like to continue and seek the  
21 continuation of that conjunctive use regime for water  
22 supplies in this area.

23 With that, I will close my comments. And I thank  
24 you once again for the opportunity.

25 MR. HASTREITER: Thank you, Nick.

1                   Our next speaker is Eric Wesselmen.

2                   MR. WESSELMAN: Good evening. Eric Wesselman.  
3                   Last name is W-e-s-s-e-l-m-a-n.

4                   I'm with the Tuolumne River Trust where I served  
5                   as the Executive Director for the last five years. For 30  
6                   years now, the Trust has been working to protect and  
7                   restore the Tuolumne River. And in 1984, we did that very  
8                   effectively in the upper river by winning wild and scenic  
9                   destination for the upper 83 miles of the river.

10                  Since that time, we've grown into a really  
11                  watershed-wide organization with 2,000 members and about  
12                  ten staff working throughout the entire watershed now.  
13                  And here in Modesto, we've been working for ten years on  
14                  the ground working to improve the conditions in the lower  
15                  Tuolumne River. And over that time, we've learned that  
16                  the health of the river is related to the health of the  
17                  community, and vice versa.

18                  Accordingly then, we've invested in community  
19                  building programs that educate children about the river  
20                  and revitalize riverside communities like the airport  
21                  neighborhood in west Modesto. And we're engaging  
22                  volunteers in river cleanups and reservation projects.

23                  It's also why we're collaborating with cities  
24                  along the lower Tuolumne River and Stanislaus County to  
25                  create the Tuolumne River Regional Park and the broader

1       Toulumne River Parkway. It's really a mosaic of riverside  
2       parks to create opportunities for families and friends to  
3       go out and have fun and enjoy and explore the river in  
4       their own backyard.

5               As a community-based watershed group, we  
6       understand that we depend on the Tuolumne River to provide  
7       electricity for our homes and our businesses. We also  
8       understand that farmers need water to grow the food that  
9       we like to eat. That's why we certainly support  
10      relicensing of Don Pedro Dam, and we're not here to tear  
11      down the dam. We're not looking for decommissioning.  
12      That's not what we're advocating for here. But at the  
13      same time, we do have a river to protect and to take care  
14      of. And that's what we're about.

15             The problems on the lower Tuolumne River, they're  
16      vast. You just can't build the dam as large as Don Pedro  
17      without having enormous environmental implications  
18      downstream on the lower Tuolumne River and further into  
19      the San Francisco Bay Delta. So we've got clear fishery  
20      problems with salmon and steelhead. Once, there were over  
21      100,000 fish or salmon returning to the lower Tuolumne  
22      River to spawn. Now we're just looking at a few hundred  
23      salmon returning. And salmon, we know with the steelhead,  
24      we understand that this species -- concern there.

25             Water quality is a concern as well. We're

1 dealing with an impaired water body in the lower Tuolumne  
2 River for a whole host of reasons.

3 And then finally, we're looking at diminished  
4 recreational value in the lower Tuolumne River right as  
5 we're bringing on increasing recreational opportunities  
6 along the riverside and creating events on canoeing and  
7 fishing and recreational as well as the obvious commercial  
8 fishing benefits farther down.

9 So it's a certainty that Don Pedro Dam has had  
10 enormous negative implications on the lower Tuolumne River  
11 and on into the San Francisco Bay Delta. As I said, you  
12 just can't build an infrastructure for power and water  
13 that large on a river like the Tuolumne without having  
14 those significant kinds of impacts. And those impacts  
15 certainly go beyond La Grange.

16 And so the challenge I think we're facing here in  
17 this process is to develop innovative resource management  
18 strategies that will maintain or enhance all the benefits  
19 that we derive from the Tuolumne River. This is the  
20 balance that we keep hearing and we read in the Federal  
21 Power Act. I believe that a collaborative  
22 solution-oriented approach is the best way to address this  
23 challenge and we should be able to use our collective  
24 wisdom and knowledge of the river, knowledge that exists  
25 right here in this room, to find smart and workable

1 solutions to protect and advance all these benefits that  
2 we get from this unique river.

3 But we, as the Tuolumne River Trust, we can't  
4 walk this path alone. There will be a debate over many  
5 issues, and there should be. But if individual interests  
6 dominate over others, I think we're in for a rocky road  
7 that's going to increase the likelihood that key decisions  
8 about our river in our own backyard are going to be made  
9 by people who aren't in this room. That's risky for all  
10 of us.

11 The first step is making sure that we understand  
12 that the new license enhances the many benefits we derive  
13 from the river. We need to understand the issues through  
14 a robust environmental review process.

15 So in terms of scope, I've got a few comments  
16 that I'd like to make. The key factor here is geographic  
17 scope which you requested more input on. It's here from  
18 the original license and the amendment in '96 that  
19 downstream impacts are a part of this. Looking at the  
20 flow regime that was adopted certainly through the  
21 settlement agreement is certainly consistent with that.

22 Then more recently, in 2007, the San Francisco  
23 Public Utilities Commission actually proposed a project to  
24 divert more water from the Tuolumne River. In doing so,  
25 the Modesto-Turlock Irrigation Districts commented on the

1 draft environmental impacts statement, and they stated  
2 that there are significant potential environmental  
3 concerns that those diversions could have on the lower  
4 Tuolumne River and the Delta. That's from their testimony  
5 in written form. We could agree with that. We would  
6 agree that applies to this proceeding as well.

7 Beyond that, the economic analysis should look at  
8 the impacts of the project on the full suite of economic  
9 benefits associated with the project, including tourism,  
10 recreational/commercial fishing, community development,  
11 and property values. And the recreational and related  
12 economic impacts of the project on the lower Tuolumne  
13 should also be analyzed. For the impact of the project on  
14 water quality, the lower Tuolumne should be fully analyzed  
15 because reduced flow below the dam concentrates pollution.

16 MR. HASTREITER: If you can wrap it up.

17 MR. WESSELMEN: Thank you.

18 And finally, to the extent that water supply  
19 impacts are studied, the analysis should evaluate the  
20 potential for cost-effective water use efficiency and  
21 recycling technologies and programs to meet water needs in  
22 urban and rural areas that depend on water from the  
23 Tuolumne.

24 And to close, I would just like to take a moment  
25 to ask everyone who's here tonight to support the Trust

1 vision for a healthy and vibrant Tuolumne River just to  
2 stand up.

3 Thank you for the opportunity to speak and  
4 provide my comments.

5 MR. WINCHELL: Thank you, Eric.

6 Our next speaker is Vito Chiesa.

7 MR. CHIESA: Close. I'm Vito Chiesa,  
8 C-h-i-e-s-a, Stanislaus County Supervisor representing  
9 District 2 here.

10 I'd like to thank the Committee for having the  
11 hearings out here, the scoping meetings, because it's  
12 going to be a great service to the community.

13 But before I tell you how vital Don Pedro is to  
14 Stanislaus County, I'd like to provide you with two  
15 sobering facts regarding our community. We have  
16 unemployment in the near 20 percent and one in three --  
17 just about one in three are on some sort of public  
18 assistance.

19 Having said that, Don Pedro is the most important  
20 resource driving our economic existence. We need to look  
21 at it not as what we have with Don Pedro, but what we  
22 would not have without it.

23 The statement might be a little over the time.  
24 You might think it is. But that's -- I think it's right  
25 on. Agriculture is the base of our economy, accounting

1 for \$7 billion of economic output. Without it, the  
2 central valley would be a near desert. It's not just the  
3 water that provides this, but it's the security and the  
4 reliability of the water. We have our canal system full  
5 of water, available for farmers at seven to eight months  
6 out of the year. So that's what really brings it, along  
7 with the farm gate value of two-and-a-half billion  
8 dollars. We have local processing. And I think you've  
9 already heard from one of them that the processing plants,  
10 Del Monte, Gallis (phonetic), Stanislaus, Blue Diamond and  
11 all those ancillary businesses that make cans and boxes so  
12 provides the majorities of businesses.

13 Mr. Pinhey had touched on the conjunctive use of  
14 water here the Modesto surface water irrigation treatment.  
15 TID has a proposed treatment facility with the mark of  
16 water quality ever moving it is the wave of the future.  
17 Their well head treatment is not an example.

18 Just one thing I have to say in my capacity as a  
19 representative of the people, I marvel all the time at the  
20 foresight of those people that were in my position and  
21 other elected positions before we back in the 1900s to  
22 think, plan, and develop a water system that has  
23 controlled floods, provided recreation, been environmental  
24 stewards, created the cleanest energy, and listed the  
25 economic vitality of Stanislaus County all without state

1 and federal moneys, it's pretty amazing. The counties,  
2 the nine cities, I think you'll hear from a couple of  
3 them. The chambers and businesses are united.

4 We ask for your consideration on the relicense of  
5 Don Pedro. And I know four-and-a-half years is not  
6 expedient. But that will have to do for us. But I  
7 appreciate the time. Thank you.

8 MR. HASTREITER: Thank you, Vito.

9 Our next speaker is Bill Lyons.

10 MR. LYONS: That's Lyons, L-y-o-n-s.

11 I'd like to thank the Committee for the  
12 opportunity to speak today.

13 I'm a farmer whose family has farmed and lived  
14 next to the Tuolumne River for almost 90 years. Our  
15 family has experienced the benefits and the impacts of  
16 farming next to the river and farming both within the  
17 Modesto Irrigation District and the Turlock Irrigation  
18 District.

19 I feel I bring a unique perspective on speaking  
20 to the panel. As a former secretary of agriculture, the  
21 state of California under Governor Gray Davis, a former  
22 Board member of the Modesto Irrigation District for nine  
23 years, as a former president of the Stanislaus County Farm  
24 Bureau, I understand the importance of new Don Pedro and  
25 to agriculture, business, the urban labor communities

1 within Stanislaus County.

2 I also understand the importance to the  
3 environmental community. Our families is well known by  
4 the environmental community for its conservation efforts  
5 and have received numerous environmental conservation  
6 awards from groups such as U.S. Fish and Wildlife Service,  
7 National Wildlife Federal Reservation, Natural Resource  
8 Conservation Service. Don Pedro has allowed our area to  
9 survive the recent drought in much better conditions than  
10 the rest of the central valley, and yet still meet our  
11 environmental flow requirement. MID and TID built Don  
12 Pedro, and its customers and rate payers paid for all of  
13 it and its conveyance system.

14 Agriculture is the heart and sole of our  
15 community and our economy. Thousands of individuals  
16 depend on affordable and stable water supply for their  
17 jobs. Don Pedro is essential to meeting the many  
18 challenges our area has, both economically and socially.

19 California needs a more stable water supply. The  
20 numbers are stark in this regard. In 1950, California had  
21 133 million acre feet of storage capacity serving a  
22 population of just over 10 million people. Today, we have  
23 37 million people. That's right. Since 1950, we've  
24 increased our population by 285 percent. And our storage  
25 capacity by less than 20 percent. I believe we can

1 address the issues and opportunities within our watershed  
2 and our river. I don't believe we can solve the many  
3 complex problems with water issues in the delta or the  
4 bay.

5 MID and TID leaders have provided a clean,  
6 affordable energy. And Don Pedro is part of that effort.  
7 And thousands of our Modesto residents rely on Don Pedro  
8 for drinking water. Both irrigation districts are  
9 non-profits, publicly owned, and governed by an elected  
10 Board of Directors. There are no shareholders. Don  
11 Pedro's management and operations have been guided, its  
12 current operated greeting, and FERC license by a very  
13 capable team from Turlock Irrigation District. In my  
14 opinion, Turlock Irrigation District manages and operates  
15 the dam with a plan that is 30 years old. That plan in my  
16 opinion does need to be updated regarding the management  
17 and operation of those 15,000 square mile watershed to  
18 meet the demands of agriculture, business, domestic  
19 drinking water and the environment. I believe we can have  
20 a healthy AG, a healthy economy, a healthy environment if  
21 we work together and manage our resources.

22 In conclusion, I have two areas I'd like to  
23 suggest. First, the Turlock Irrigation District staff  
24 needs more tools to effectively operate and manage the dam  
25 for the demands on this valuable water resource. They

1 need additional weather stations. They need additional  
2 snow pads. They need additional snow surveys. Staff  
3 needs these additional tools to construct well-thought-out  
4 decisions based on complete watershed data. These  
5 decisions impact thousands of farmers and businesses,  
6 several hundred thousand urban residents in Modesto,  
7 Ceres, and Turlock and the habitat of hundreds of species  
8 of migratory waterfowl, fish, animals, and land owners  
9 along the river.

10 I second there needs to be a scoping session  
11 established for agriculture and land owners directly  
12 impacted by the dam releases. Thank you for your time.

13 MR. HASTREITER: Thank you, Bill.

14 Our next speaker is Cindy Charles.

15 MS. CHARLES: Hello. I'm Cindy Charles,  
16 C-h-a-r-l-e-s. I'm here representing the Golden West  
17 Women Fly Fishers. I've been the Conservation Chair there  
18 for over ten years. I'm also representing the Northern  
19 California Counsel Federation of Fly Fishers. I'm on the  
20 Board. And I'm also here speaking on behalf of the Merced  
21 Fly Fishing Club whose Conservation Chair could not be  
22 here this evening.

23 I live in San Francisco and grew up there  
24 drinking Tuolumne River water. I can appreciate the value  
25 and the importance of its use for drinking and other

1 needs. I'm also a property owner in Tuolumne County and  
2 have fished the Tuolumne from top to bottom. I caught my  
3 first trout as a kid in that river. And my son also  
4 caught his first trout there, which he took home and ate  
5 with relish. He'll always remember that.

6 I support this relicensing process and welcome  
7 the opportunity to work with everyone else who has a  
8 connection to the river. As a person who fishes, I've  
9 become very concerned about the declining conditions for  
10 the salmon and steelhead and through my organizations the  
11 Golden West and the Federation of Fly Fishers have been  
12 involved several years on issues pertaining to the health  
13 of the Tuolumne. My organizations wish to urge the  
14 Commission to keep the geographic scope broad, to include  
15 the segment of river above the dam and as well as down to  
16 the delta.

17 We're also urging the consideration of fish  
18 passage at the dam due to all the great habitat that can  
19 be utilized.

20 I work in the banking industry as my day job, and  
21 I'm well aware of the importance of the Tuolumne River  
22 resource to both small family businesses and larger  
23 companies and with its connection to the local and state  
24 economy. I see the economic data every day. However, my  
25 organizations recommended including studies of the

1 economic impact relate to project operations to include  
2 effects on businesses such as commercial and recreational  
3 fishing and other recreational businesses which usually  
4 are operated by small business owners trying to survive in  
5 a non-urban community.

6 While the river contains only so much water to go  
7 around, we urge the Commission to investigate other  
8 possible water conservation strategies for both  
9 agriculture and domestic use. One such option is the  
10 completion of the water infiltration gallery which seems  
11 to have been stalled, but which could provide substantial  
12 immediate and future benefits for drinking water and water  
13 for enhanced fishery conditions. I thank you very much  
14 for the opportunity to submit comments this evening.

15 MR. HASTREITER: Thank you, Cindy.

16 Our next speaker is Mike Marshall.

17 MR. MARSHALL: Good evening. My name is Mike  
18 Marshall, M-a-r-s-h-a-l-l. I'm Executive Director of an  
19 organization called Restore Hetch Hetchy. The mission of  
20 Restore Hetch Hetchy is to restore the Hetch Hetchy Valley  
21 in Yosemite National Park to its natural splendor while  
22 continuing to meet the water and power needs of all  
23 communities that depend upon the Tuolumne River.

24 Restore Hetch Hetchy has received a  
25 pre-application document and scoping document in this

1 proceeding. And we'll be submitting more formal and  
2 specific written comments on these documents by the June  
3 10th deadline. Douglas Wheeler, a senior partner with  
4 Hogan Levens and former California Secretary of Water  
5 Resources is representing us in this matter and will be  
6 submitting these comments on our behalf.

7 We did, however, want to take this opportunity to  
8 provide some preliminary comments regarding the scope of  
9 alternatives to be evaluated under NEPA. As mentioned in  
10 both the PAD and scoping document, the Don Pedro Project  
11 and the Hetch Hetchy system are part of a single  
12 integrated water system on the Tuolumne River. Indeed,  
13 the integration of the Don Pedro Project and the Hetch  
14 Hetchy system is what allows the Don Pedro Project to  
15 fulfill one of its primary purposes, namely providing  
16 water storage that allows the city and county of  
17 San Francisco to manage the water supply from the Hetch  
18 Hetchy system.

19 As discussed in Section 3 of the PAD in addition  
20 to providing water storage for the district's beneficial  
21 uses, another primary purpose of the Don Pedro Project is  
22 to serve as a water bank to the city and county of  
23 San Francisco to help manage the water supply from the  
24 Hetch Hetchy system consistent with the requirements of  
25 the Raker Act.

1           In light of this stated purpose, and because of  
2 this proceeding will determine how the Don Pedro Project  
3 will be operated for the next 30 to 50 years, Restore  
4 Hetch Hetchy believes it is incumbent upon the Commission  
5 to consider a reasonable range of alternatives that would  
6 allow the project to fulfill its intended purposes while  
7 promoting environmental values going forward.  
8 Specifically, Restore Hetch Hetchy believes reasonable  
9 alternatives exist that would allow the city and county of  
10 San Francisco to meet its water supply needs without  
11 relying on the O'Shaughnessy Dam.

12           For example, restore Hetch Hetchy believes that  
13 relatively minor changes to the Don Pedro Project  
14 facilities together with certain changes to the  
15 San Francisco Public Utilities Commission facilities  
16 upstream would enable the districts and the city and  
17 county of San Francisco to meet their perspective water  
18 supply needs while also paving the way for restoring part  
19 of one of our nation's most treasured national parks.  
20 Indeed, this point has been demonstrated by multiple  
21 studies conducted by the United States Bureau of  
22 Reclamation, the California Department of Water Resources,  
23 the University of California Davis and the Environmental  
24 Defense Fund.

25           In order for the Commission to give due

1 consideration to these other reasonable alternatives for  
2 meeting the goals of the project, the Commission must have  
3 the necessary tools to evaluate how the operations -- the  
4 San Francisco Public Utilities Commission's upstream  
5 operations impact the operations of the Don Pedro  
6 facility, specifically a complete water balance model.

7 Restore Hetch Hetchy believes the Commission must  
8 require the districts to utilize a water balance model  
9 that accounts for possible changes in flow resulting from  
10 future changes to the San Francisco Public Utilities  
11 Commission's current operation of the Hetch Hetchy system.  
12 This will allow for more thorough evaluation of potential  
13 alternatives to the current configuration and operations  
14 of the inter-connected facilities on the Tuolumne River,  
15 including the use of Hetch Hetchy value -- sorry --  
16 including the use of Hetch Hetchy valley as an  
17 environmentally damaging water storage facility.  
18 Accordingly, Restore Hetch Hetchy will be submitting a  
19 formal request in this regard as part of its comments on  
20 the PAD.

21 Restore Hetch Hetchy appreciates the opportunity  
22 to provide the Commission with these comments tonight and  
23 looks forward to working with the Commission and the  
24 applicants in this process.

25 MR. HASTREITER: Thank you, Mike.

1           Next speaker is Zeke Grader.

2           MR. GRADER: Thank you, Mr. Chairman and members  
3 and FERC staff.

4           My name is Zeke Grader, G-r-a-d-e-r. I'm the  
5 Executive Director the Pacific Coast Federation of  
6 Fisherman Association. We represent 14 different  
7 fisherman's marketing associations along the Pacific  
8 Coast. Our members are all fruit producers. Indeed, most  
9 of them fish salmon which is regarded as one of the  
10 world's finest foods, always in the top ten. Everybody's  
11 top ten list. So we have a real interest in continued  
12 fruit production and Tuolumne River.

13           The reason we're here, of course, is that the  
14 Tuolumne River historically has been an important  
15 contributor to our overall salmon production. The  
16 Tuolumne is, as you know, contributes to Central Valley  
17 fall-run Chinook salmon and other runs of Chinook that  
18 previously existed. And these in turn contribute to our  
19 catchers along the coast that support many coastal  
20 communities, providing salmon into our local markets as  
21 well as export to other markets in the country and around  
22 the world for salmon.

23           The Tuolumne, of course, at one time had runs as  
24 high as 100,000 salmon, spawning salmon in 1930s. And we  
25 think for that reason that this Commission has a special

1 community during its relicensing to look specifically at  
2 what might be done to be able to restore this food  
3 resource for the people of the state of California.  
4 Specifically, I think in looking at your scoping document,  
5 I do want to compliment you. I think most of the issues  
6 that we were concerned with when we came here tonight I  
7 think you already outlined here. What I'd like to do is  
8 emphasize a couple of those that I think are of specific  
9 importance to us.

10 First of all is the impact area. The Tuolumne  
11 River impact area is not just the waters immediately below  
12 the dam or just slightly above it. But they, in fact,  
13 extend all the way to the Golden Gate and beyond. Those  
14 salmon that spawn and are reared and come out of the  
15 Tuolumne River travel the whole coast of California.  
16 Indeed, some are probably caught as far north as British  
17 Columbia. So the impact is, in fact, widespread. And we,  
18 in fact, learned that last week when two of the Irrigation  
19 Districts here, in fact, said so in court filings that our  
20 fisheries on the west coast was somehow impacting their  
21 operations. So certainly the impacts here are much  
22 greater than simply that area immediately downstream or  
23 that area immediately upstream but all the way out to the  
24 Pacific.

25 Second is I think there need to be studies

1 conducted to determine what could be possible as far as  
2 fully recovering, fully restoring the salmon resources of  
3 the Tuolumne River. We know that, for example, when we  
4 had 100,000 spawners in the 30s, there are dams there in  
5 existence. So certainly that should be part of the  
6 overall studies that are looked at here.

7 Secondly, I think you have to also look at the  
8 water quality. And here I think the water quality issues  
9 here -- you've already identified them there is in the  
10 fact that we have -- specifically having to do with  
11 temperature. We're not talking about other types of water  
12 quality related to agriculture runoff or pesticides and  
13 that, but specifically here to that related to water  
14 temperatures that may be effected by dam operations.

15 The other area where we think there needs to be  
16 study, of course, here is in the area of alternative  
17 energy. And by this we mean alternative renewable energy  
18 in a sense that we have to -- if we can find alternative  
19 sources, it could provide some additional flexibility as  
20 far as power generation goes to provide for flow releases  
21 at the critical quantities and times that are needed for  
22 fish restoration.

23 So we would appreciate if these would be included  
24 among the studies, the areas that you look at in the  
25 scoping process. We appreciate once again being able to

1 work with staff. We, of course, work with you in such  
2 things as the Potter Valley relicensing on the El Rio  
3 River, most recently on the Klamath Dam removal. So we  
4 look forward for this process and working with you in  
5 these next few years. And we hope to come up with a good  
6 relicensing project that will have the correct conditions  
7 in there that will, in fact, not only protect but help  
8 restore salmon resources. Thank you.

9 Yes. This will take another five minutes.  
10 Pacific Coast Federation of Fishermen's Associations,  
11 Incorporated.

12 MR. HASTREITER: Thank you, Zeke. You exceeded  
13 your five minutes there with the last thing.

14 Elaine Gorman.

15 MS. GORMAN: Hello. Thank you for allowing us to  
16 speak.

17 My name is Elaine Gorman, G-o-r-m-a-n. I'm here  
18 as a concerned citizen that lives in Modesto. And I'm  
19 also here as a member of the Yokuts Group of the Sierra  
20 Club in Stanislaus County. I've been on the Management  
21 Committee for many years. And of course, Sierra Club is  
22 an environmental advocacy organization. So we have some  
23 concerns about the FERC process.

24 And first of all, we'd like to encourage you to  
25 include the lower Tuolumne in the scoping process. And I

1       just want to also talk a little bit about my own kind of  
2       personal connection to the Tuolumne River. And that's  
3       probably the main reason why I'm up here speaking is for  
4       the last 25 years I've lived within one mile of the  
5       Tuolumne River and about a quarter mile of Dry Creek. I  
6       have hiked, biked, canoed, intertubed most of the Tuolumne  
7       River to its confluence with the San Joaquin. So the  
8       Tuolumne River is very precious to me. I proudly drink  
9       Tuolumne River water every day. I don't buy bottled  
10      water. I'm happy to drink Tuolumne River water.

11             And also I'm a retired science teacher here in  
12      Modesto. And beginning in 1998, I began to take my  
13      students to visit the Tuolumne River. I felt it was very  
14      important for them to see the local river. And when I  
15      would begin discussing this with my students, I'd say,  
16      okay. Name some rivers that flow through Modesto. And  
17      most kids don't know. So I wanted to educate my students  
18      about the water resources here. And most kids just think  
19      you turn on the tap and magic, water. So we wanted to  
20      encourage our students to know where the water comes from.

21             So we go and look at the salmon. And beginning  
22      again in about 1998, we just saw during these early years,  
23      1998, '99, 2000, 2001, the river was just boiling with  
24      fish. And the kids were so amazed and stunned and they  
25      would say these amazing things like, "look at that shark"

1 or "look at that dolphin." They could not believe a  
2 salmon, a fish was that large. And so we'd have a  
3 wonderful day at the river. The kids would learn about  
4 the salmon resources and were just amazed by that. And  
5 I'm really hoping that these hundreds of kids that I  
6 introduced to the Tuolumne River are out there and will  
7 become advocates for the river.

8 Of course at Sierra Club, we do -- we recreate.  
9 We advocate for the environment. And we have almost  
10 monthly hikes along the Tuolumne River. And one of our  
11 leaders takes groups of folks, up to 40 people at a time.  
12 And we always do a little bit of education so that our  
13 local citizens here in Modesto can get an idea of what the  
14 Tuolumne River is like. And we encourage passive  
15 recreation use of the Tuolumne River: Burning, hiking,  
16 biking. It would really be nice if we had more water in  
17 the river during these hot days in the summer that we  
18 could actually take a canoe down it and I don't think we  
19 really can too much in the summer. So it would be nice to  
20 have a little more water for recreation.

21 We just hope that during this process that you  
22 folks will consider the adequate quantity and quality of  
23 the river for Chinook salmon and other native fishes. And  
24 I guess that's it. Thank you very much.

25 MR. HASTREITER: Thank you, Elaine.

1           Our next speaker is Dick Pool.

2           MR. POOL: Yes, thank you, Mr. Chairman. My name  
3 is Dick Pool, P-o-o-l.

4           I'm a manufacturer of fishing equipment located  
5 in Concord, California. I'm here tonight to speak on  
6 behalf of the salmon industry. I've been heavily involved  
7 in salmon restoration for 30 years. I'm on the Board of  
8 Directors of the American Sport Fishing Association in  
9 Washington, D.C. And I run an organization called Water  
10 for Fish that has 79,000 supporters asking for changes.

11           The salmon industry, as Mr. Grader said, is  
12 hurting bad. We have basically been shut down for three  
13 years. That's a huge economic hurt to the state of  
14 California. It's been estimated at \$1.4 billion and we  
15 have 23,000 people that have been unemployed, not 20  
16 percent. Not 40 percent. 100 percent, because we have  
17 not been fishing.

18           The Tuolumne River can be a huge help in solving  
19 some of these problems. It's been quoted 100,000 spawners  
20 have been and could be restored in this river. That would  
21 be absolutely huge to the industry in the shape we are.

22           Our problems don't begin or end with this river.  
23 There are a number of rivers that are causing problems.  
24 But to put 100,000 in perspective, in 2009, the total fall  
25 run in the whole Sacramento system was 39,000 fish.

1           I'd like to -- I think you folks can help. I  
2 think a number of these things can be solved. And I'd  
3 like to talk about some scope of a project maybe you were  
4 all involved in, the Feather River. The Feather River  
5 FERC was relicensed a number of years ago, and you did  
6 miracles for not only the salmon industry but a number of  
7 other folks, too.

8           And I think some of the things that were done  
9 there I'd suggest you look at parallels here, because some  
10 of them, yes, there were stress and strains over flows and  
11 a number of things. But things like cold water ports on  
12 that dam so that when the salmon needed cold water, the  
13 dam can flow cold water into the river. When the rice  
14 farmers need hot water, the dam can flow hot water to the  
15 river.

16           Gravel restoration, the FERC relicensing required  
17 gravel restoration through that whole stretch of river.  
18 Two blocking weirs I think were a part of your decision  
19 there, blocking so that fish can be sorted and segregated  
20 and sent up the rivers at the right time.

21           And finally, flows and in particular flushing  
22 flows. Flows don't have to happen all the time. Salmon  
23 don't need it year round. But flows at certain times of  
24 the year are very critical, and you did that there.

25           So I just simply site some of those things. We

1 have worked with you on a number of issues. We hope  
2 that -- we think this problem can be solved and we're  
3 looking for 100,000 spawners as a result. Thank you very  
4 much.

5 MR. HASTREITER: Thank you, Dick.

6 Next speaker is Todd Sill.

7 MR. SILL: S-i-l-l. Good evening. My name is  
8 Todd Sill. I'm a cattle rancher about five miles west of  
9 La Grange and a portion of the ranch borders the Tuolumne  
10 River. The ranch -- the house that I live in was built in  
11 the 1890s, and the people from Modesto would travel from  
12 here in horse-drawn, mule drawn carriages, stop at that  
13 ranch, water their ranchers. There was a blacksmith ranch  
14 for any emergency repairs and go up and view the  
15 construction of La Grange Dam, which was the world's  
16 largest of its type at that time.

17 Myself and a friend of mine, Larry Bird, he takes  
18 care of some land, too, that borders that river. And in  
19 my opinion, nobody takes better care of that Tuolumne  
20 River than me and Larry Bird. We don't use herbicides,  
21 pesticides, artificial fertilizer, anything. The animals  
22 and the wildlife on that river, the deer, the fox, the  
23 raccoons, everything is safe when I'm there. The most  
24 problem I have are the animals that walk on two legs that  
25 try to get those things. And I kick them off. So there

1 are good stewards of the land out there.

2           There's a couple things that I could suggest that  
3 you folks look into. There is a book -- it's 100 year  
4 history of MID. It's called, "The Green of Paradise  
5 Valley," which is an excellent resource for historical  
6 purposes that you folks should take a look at. And the  
7 town -- I don't live in Waterford, but that's my address.  
8 It used to be called Bakersville, but there were so many  
9 Bakersvilles at that time -- this is prior to the  
10 construction of La Grange Dam. But they changed the name  
11 to Waterford, because during the summer months, the river  
12 would get so low that you could just walk right across the  
13 river until they built up La Grange Dam and there was a  
14 more consistent flow. So that's one thing to read in that  
15 book.

16           The Clean Water Act, I heard you folks mention  
17 that this morning. I'm fortunate enough to have the  
18 Modesto Irrigation District canal go right through my  
19 property. And one of the privileges I have when I'm  
20 working on that ranch during the hot summer days, I walk  
21 right down to the edge of that canal where it's passable,  
22 dip my hands in that water, and drink right from the  
23 canal. It's excellent water quality, as the other lady  
24 attested to that she drink right from the Tuolumne.

25           The groups that are demanding the water right now

1 are also the groups that have hindered the construction of  
2 more water storage facilities. And if everybody needs  
3 more water, it only makes sense to me to build more water  
4 storage facilities so we can have the flows that they want  
5 and the farmers and the ranchers and the TID and MID can  
6 have the water that we also need.

7 You know, this morning and tonight, there has  
8 been excellent testimony given to the economic engine that  
9 the Tuolumne River fuels. So I won't be redundant on  
10 that.

11 And in closing, I thank you for your time. Oh,  
12 there's one other issue I wanted to bring up. Because I  
13 haven't heard it mentioned is the predation. And I'm sure  
14 you folks might be familiar with that. MID and TID will  
15 probably be informing you of that. Those salmon come up  
16 the river and spawn. And MID and TID decreases the flows  
17 which is what the fish want, low water so they can go up  
18 there and spawn. Then they increase the flows to wash  
19 them down there. And they wash them -- they wash right  
20 down to the delta where the striped bass are waiting with  
21 fork and knife in their hands and they swim right in their  
22 mouth. That's a huge problem there. And I'm sure that  
23 everybody is going to have that talked about also during  
24 this long process. But it's an important issue to look at  
25 also.

1 Thank you, sir.

2 MR. HASTREITER: Thank you, today.

3 Our next speaker is Emilio Martinez.

4 MR. MARTINEZ: That's Emilio, M-a-r-t-e-n-e-z.

5 The way I see it is, there's two entities here.  
6 And one is Don Pedro, bilingually. Don Pedro is very  
7 powerful, respected and has the money. And the other one  
8 is the barrio kid, El Rio. And El Rio is kind of shady  
9 and green kind of laid back. Doesn't do a lot. Oh, but  
10 still has some life in him.

11 Now, I see there is a danger here, because  
12 mythologically for 40,000 years we've regarded the river  
13 as sacred. Every mythological through the world, water,  
14 wells, fountains, the ocean, the river is sacred. And  
15 instead, we talk about valued resources. But we treat our  
16 valued resource like a prostitute or something. So  
17 there's something odd.

18 Jack LaLane, you guys know Jack LaLane. He said,  
19 "If it's manmade, don't eat it." Right. I say, "If it's  
20 manmade, don't build it." Too late. You already built  
21 it. But can we just get out of the way as much as  
22 possible? That's all I'm asking. Let El Rio, that little  
23 flowing, live creature speak.

24 Now who speaks for El Rio in the way that it must  
25 speak? It's got a thousand tons of rushing, crashing,

1 gliding, singing ribbons of radiant blue-green and muddy  
2 water. It's got that tongue. But who speaks for it? Who  
3 speaks for the squirrels and the spawn salmon? Who speaks  
4 for catfish and caudad? Who speaks for turtle, hawk,  
5 eagle, and frog? Who speaks for all those winged insects  
6 that El Rio listen to? We do. You do. You speak for  
7 that. Because each one of you is a walking drop of water  
8 in this room we're a drop of water. That's what we are.  
9 When we drive, when we move, we're these flowing rivers of  
10 water. You don't want to be contained. You don't want to  
11 be put in a concrete prison any more than El Rio wants to.

12 So all we're asking is that you give the respect  
13 to the river. Let it flow as freely as you as Americans  
14 want it to flow freely. Just let it flow freely. That's  
15 all we're asking. Thank you.

16 MR. HASTREITER: Thank you, Emilio.

17 Our next speaker is Suzanne Guthrie.

18 MS. GUTHRIE: Good evening. It's Suzanne,  
19 S-u-z-a-n-n-e, G-u-t-h-r-i-e.

20 And thank you so very much for coming to Modesto  
21 and listening to all of us with our passions for the  
22 river. And many people have spoken more eloquently than I  
23 can and certainly have mentioned the different scoping  
24 aspects, the concern for the entire river rather than just  
25 a small portion of it and the concern for all of us who

1 live upon it and enjoy it. And I thank you for being so  
2 attentive. And again for the privilege of being able to  
3 speak. Thanks.

4 MR. HASTREITER: Thank you, Suzanne.

5 Our next speaker is Peter Drukmeier.

6 MR. DRUKMEIER: Good evening. I'm Peter  
7 Drukmeier, D-r-u-k-m-e-i-e-r. I'm the Bay Area Program  
8 Director for the Tuolumne River Trust. Also a former  
9 mayor of Palo Alto, a city that depends almost exclusively  
10 on Tuolumne River water.

11 Prior to any dams on the Tuolumne, there were an  
12 estimated 130,000 salmon spawning in the river every year.  
13 Last year, that was down to 766. We have a real problem.  
14 Sixty percent of the river gets diverted and used every  
15 year; 12 percent by the San Francisco PUC for 2.5 million  
16 people in the Bay Area and 48 percent by MID, TID. But  
17 that doesn't mean that the fish see the other 40 percent.  
18 A lot of that gets held behind the dams, evaporates. And  
19 in fact, the fish are only guaranteed 16 percent of the  
20 natural flow, 300,000 acre feet out of 1.9 acre foot  
21 watershed yield.

22 So one thing we have noticed -- and I have a  
23 graph here I'm going to submit for the record is that in  
24 very well years like '83 and '98, two-and-a-half years  
25 later we have a great return. We get peaks in the salmon

1 return. In '85, we had 40,000 salmon return to the  
2 Tuolumne. In 2000, we had 18,000, much higher than years  
3 prior to that and after that.

4 And I'm going to quote a couple times from a  
5 document that was submitted by California Department of  
6 Fish and Game in 2007. This was regarding the  
7 San Francisco Public Utilities Commission Water System  
8 Improvement Program. And Fish and Game said in 1997 a  
9 record high water year produces substantial project spill  
10 essentially rendering mute the fishery effects of project  
11 2299 water operations as well as the effects of some of  
12 the outer tributary influences on juvenile salmon survival  
13 during that year.

14 Absent those controlling influences, the salmon  
15 experienced must greater juvenile survival and downstream  
16 migration success. Accordingly, in 2000, when most of  
17 these fish return to the Tuolumne River as adults, we  
18 documented runs well in excess of 18,000 individuals.  
19 Unfortunately, that benefit was short-lived. Since 2000,  
20 after normal projects 2299 operations resume, the Tuolumne  
21 River salmon escapements have sharply declined. As of  
22 2006, the Tuolumne River escapement population had  
23 dwindled to about 600 returning adults. This represents  
24 an order of magnitude salmon population reduction during  
25 the time when the fishery settle agreement flows and other

1 productive conditions under that agreement were in full  
2 effect. So it's really important that the relicensing  
3 process study the impact of flows on the salmon,  
4 specifically with relationship to temperature in and out  
5 migration gravel deposits and flood plane inundation. And  
6 we have to acknowledge that the Tuolumne and the San  
7 Joaquin and the delta are an interconnected system. And  
8 the study really needs to incorporate all those, all the  
9 way up to Preston Falls and above Don Pedro, which is the  
10 historic run for salmon and steelhead.

11 Also, I think it's really important to study the  
12 potential for agricultural water efficiency, conservation,  
13 and water efficiency because I think it's very possible  
14 for us to have a very vibrant farming community here,  
15 which we all want, and a very healthy river and fishery.

16 I'm going to leave you a copy of this letter from  
17 Department of Fish and Game, because I think it has a lot  
18 of good information. It continually references the Don  
19 Pedro Project. I do want to read one comment. It says in  
20 this letter, "DFG presents evidence that demonstrates  
21 strong correlations between observed population decline  
22 and the conditions of reduced spring flow and elevated  
23 spring water temperature as directly caused by the  
24 operations of project 2299." So that's what you can  
25 expect to find in this.

1           They state, "We believe neither ocean harvest as  
2 described by the multi-agency Central Valley Harvest  
3 Index, nor south delta export trends correlate  
4 significantly with Tuolumne River escapement or brute  
5 production year trends." This suggests that near-ocean  
6 harvest, nor delta exports, even though they are sources  
7 of mortality, are strong controllers of the Tuolumne River  
8 salmon population.

9           And just their conclusion, we've observed a very  
10 dramatic decline in Tuolumne River salmon adult escapement  
11 between 2000 and 2006 while the fisheries settlement  
12 agreement flow regimes and other protective features have  
13 been in place. We've observed a strong relationship  
14 between this observed population decline and the  
15 conditions of reduced spring flow and elevated spring  
16 water temperature as directly caused by the operations of  
17 project 2299.

18           Thank you very much.

19           MR. HASTREITER: Thank you, Peter. Our next  
20 speaker is Jean Hendrick. Jean Hendrick. Does anybody  
21 see Jean here? We'll pass on Jean.

22           Matt Richardson.

23           MR. RICHARDSON: My name is Matt Richardson,  
24 R-i-c-h-a-r-d-s-o-n. I'm here with the Tuolumne River  
25 Trust, but mostly here as a citizen of the state. I was

1       born and raised in California, and all I understand  
2       farming, for all four of my grandparents were farmers.  
3       Two of them were farmers in the states. When I go to the  
4       store, I buy produce from California. I do my best to buy  
5       it from California. I don't buy it from Mexico. I try  
6       not to buy it from Iowa. I try to buy it local.

7               Did I say something?

8               UNIDENTIFIED SPEAKER: I'm from Iowa.

9               MR. RICHARDSON: Well, I was the Heartland. But  
10       I buy it local. That's all I'm saying.

11              Anyway, so I understand the farming part. I had  
12       a few head turns. I got nervous.

13              I understand farming. It's in my heritage.

14              I guess the other thing, too. I'm also here with  
15       the Tuolumne River Trust. I've done a lot of fishing.  
16       I've spent a lot of time on the upper and lower river.  
17       I'm concerned about the devastating effects to Don Pedro  
18       Dam. I've also spent time at Don Pedro Dam. I'm  
19       concerned about the effects it's had on the lower part of  
20       the river. I think what's important -- if any number  
21       speaks out to me as one of the numbers that Peter just  
22       mentioned that release 16 percent of river's natural flow  
23       on an average water year is extremely low and not enough  
24       to support native populations.

25              I also would like FERC relicensing to address

1 downstream non-ag users in terms of recreation and also  
2 just for the sake of the river and for the economic  
3 benefits for locals who come to the river to use it. I  
4 know when my buddies and I talk about fishing trips, we  
5 think about Idaho and Montana. When I went fishing with  
6 my parents, we did not come local. We went out of state.  
7 I would like to drive an hour-and-a-half, two hours away  
8 and come to a spawning river and fish. Thank you.

9 MR. HASTREITER: Thank you, Matt.

10 Our next speaker is Sharon Silva.

11 MS. SILVA: Good evening. My name is Sharon  
12 Silva, and I'm the President and CEO for the Turlock  
13 Chamber of Commerce. I'm sorry this morning I was at the  
14 meeting and I had to leave at 1:30. So had a lot of  
15 people there. That was good though. S-i-l-v-a.

16 I think it's very important to have these  
17 hearings. And so I wanted to make sure I was here tonight  
18 just to give our vision. TID and MID are valued in this  
19 district and their districts. Water and power from Don  
20 Pedro is the most significant positive factor in this area  
21 in the recruitment of employment opportunities. As it's  
22 been stated both this morning and this evening, Stanislaus  
23 County is California's highest unemployment area. It's  
24 also among the highest home foreclosure area and is in a  
25 non-attainment of air quality area.

1           It is also among the fastest growing and youngest  
2 population parts of our state. Don Pedro is the only  
3 major resource that exists to preserve our agriculture and  
4 to enhance employment. And also our tourism is very  
5 important and it is a big part of that and to our quality  
6 of life here in the valley.

7           Don Pedro is central maintaining Central Valley  
8 agriculture production. Ag is our number one business in  
9 this country. The valley's most productive area in the  
10 world and ag as foundation is also part of our major  
11 economy. It's a certain and sure water supply is  
12 essential in farming from growing of the crops to  
13 financing the agriculture operations. MID and TID are  
14 doing their part as the community stewards and have won  
15 great respect and support from all elements of our  
16 community. We don't want our resources weakened or taken  
17 away when there is no place in the state that is facing as  
18 many challenges as we are.

19           California voters over the last 25 years have  
20 approved billions of dollars in water quality  
21 improvements. This area is paying its share of those  
22 costs. But none of that money has gone to increase  
23 surface water resources. It is wrong to penalize our area  
24 by taking away more water where we pay the entire cost to  
25 construct the dam, and when such takings will place us

1 even further behind other wealthier parts of California.

2 TID and MID are great environmental stewards.

3 And the water resources is not funded by either federal or  
4 state, which has been stated earlier. It is all paid by  
5 the users of the district.

6 Often, environmentalists and others say they  
7 don't oppose dams, only that the users of the dams should  
8 pay the cost of the dam. In this case, Don Pedro has been  
9 fully paid by the rate payers of MID and TID. Federal and  
10 State dollars have not been used here at all.

11 MID and TID are valued in this district. They  
12 are doing their part as community stewards and have won  
13 great respect and support from all elements of our  
14 community. We are here to support them. Thank you very  
15 much for your time.

16 MR. HASTREITER: Thank you, Sharon.

17 Next speaker is Ursula Arvand.

18 MS. ARVAND: Hi. Good evening. My last name is  
19 A-r-v-a-n-d. I'm a concerned resident of San Francisco.  
20 And my speech is going to be a bilingual speech, which is  
21 going to be English first and then I'm going to do my  
22 Spanish. This is the second most spoken language in the  
23 area.

24 So by starting I have to say Don Pedro, we love  
25 you, but we don't respect you. That's one of the main

1 reasons we are here for. And we're asking the Federal  
2 Energy Regulatory Commission to expand the scope of this  
3 proceeding to be much broader than currently being  
4 proposed. The environmental studies should be defined  
5 geographic scope of the impact of Don Pedro as stretching  
6 upstream of the dam to Preston Falls and downstream of the  
7 dam, including the entire lower Tuolumne River into San  
8 Joaquin River, the delta, and the ocean. So please don't  
9 allow this poor conditions to continue. And now --

10 (Whereupon it was repeated in Spanish.)

11 MR. HASTREITER: Thank you, Ursula.

12 Our next speaker is Chris Ott or Off. I can't  
13 tell.

14 We'll move on to Kevin Aguirre.

15 MR. AGUIRRE: That's A-g-u-i-r-r-e.

16 Thank you, staff, for the opportunity for public  
17 comments.

18 Modesto and Turlock Irrigation Districts were way  
19 ahead of everybody and the rest of the pack in developing  
20 renewable green energy with the Don Pedro Reservoir Dam.  
21 As has been stated, we, the rate payers, pay the entire  
22 cost for the reservoir and the hydroelectric generation  
23 infrastructure. No money came from the federal government  
24 or from the state.

25 This is a valuable asset to us in generating

1 clean energy that is less expensive than the alternatives.  
2 As we all know, energy costs are going up and up and up in  
3 the oil and the rest. Surface water from Don Pedro is  
4 vital to replace groundwater usage and to support  
5 agriculture.

6 And again as has been stated, we live in an area  
7 with one of the highest unemployment rates in the country.  
8 And agriculture is a critical element to our economy.  
9 Without agriculture, we'd be in serious trouble.

10 In fact, one of our agriculture products, almond,  
11 for instance, is a huge export to China. So we're  
12 actually bringing China money back into the United States  
13 to help the trade-in balances.

14 So we also need -- so what we need basically is a  
15 renewed 50-year license for Don Pedro as is. Anything  
16 that you do, the changes and reduces the water available  
17 to ag, anything that you do that reduces replenishing our  
18 groundwater, anything that you do that reduces producing  
19 clean hydroelectric power will hurt our area. It will  
20 hurt our economy. And then you may need to look at your  
21 next go-round of putting the people who live and work here  
22 on an endangered species list.

23 MR. HASTREITER: Kevin, do you have an  
24 affiliation?

25 MR. AGUIRRE: No. Just a local citizen.

1 MR. HASTREITER: Okay. Thank you.

2 Our next speaker is Cory Cate.

3 MR. CATE: Good evening. My name is Cory Cate,  
4 C-a-t-e. I'm a fifth generation Californian. My  
5 great-grandfather's grandfather farmed on the shores, if  
6 you will, of the San Gabriel River. On the other side of  
7 my family, they farmed on the shores of the Yuba River.  
8 In both cases, in five generations, the water has  
9 diminished to the point where farming was not able to be  
10 sustained. Cities grew. Commercial interests grew.  
11 Economic interests grew. And water was diminished.

12 My point here is that in five generations, we've  
13 lost what was relatively pristine. And that pristine  
14 quality was important to the people that lived there then  
15 and the pristine nature of this valley has been important  
16 to the people that have established residence here.

17 I came here in 1970. I watched salmon go up the  
18 river in the fall of 1970, and I was absolutely amazed  
19 that a natural resource like salmon was coming back. In  
20 the years that followed, I stayed in Turlock for six  
21 years.

22 I heard two things said that I find very  
23 disconcerting. And one was that the only good salmon was  
24 a dead salmon. And that was attributed to TID. Now, they  
25 provide power and they provide all the water to this area,

1 they and MID. And that has been a tremendous, tremendous  
2 resource. However, what that represented to me was that  
3 salmon could be zeroed out. It didn't matter.

4 Now, today, we live in a different world. And  
5 that was 40 years ago. And I represent only two  
6 generations. And what I want FERC to take a look at is  
7 not two generations, not three generations, not four, but  
8 five generations out. And I believe it's incumbent on the  
9 federal government to regulate according to law for the  
10 future five generations out. Five generations of farming  
11 as it's done today will not improve the water quality.  
12 Five generations of water usage the way we've been growing  
13 will not increase water quality.

14 So I'm speaking from two points of view here.  
15 One is that water is wonderful and provides for growth.  
16 But also see that growth as being very, very devastating,  
17 devastating to our fish, devastating to the water quality.  
18 The water quality in general is below the dam that I'm  
19 talking about here because that's where agriculture truly  
20 begins. Above the dam we can call it ranch land. So we  
21 need to look at five more generations of future farmers  
22 and growths of cities and the use of the water. And we  
23 need to maintain quality, because the people that are here  
24 now need good quality.

25 So I thank you for being good listeners, and I

1 also thank you for bringing this to the public. And I  
2 would like to leave with you that the downstream user is  
3 just as important as the user here in Modesto or here in  
4 Turlock. And that includes the delta and that includes  
5 the bay delta. And as Zeke Grader put it, it includes the  
6 communities on the coast. We need to take a large view  
7 and a very long view. Thank you very much.

8 MR. HASTREITER: Thank you. Our next speaker  
9 is  
10 Griffin Derryberry.

11 MR. DERRYBERRY: Hi. I'm Grif Derryberry,  
12 D-e-r-r-y-b-e-r-r-y. And I'm a concerned citizen. So I  
13 appreciate the opportunity to comment.

14 So first of all, I'm in support of relicensing of  
15 the Don Pedro Dam. And myself as an engineer provide  
16 services to my customers, I certainly appreciate that it's  
17 imperative to mutually agree on the scope of any project.  
18 So I appreciate your efforts in trying to seek the proper  
19 scoping.

20 My connection to the project is I'm a frequent  
21 visitor to Yosemite and certainly have driven over Don  
22 Pedro Lake multiple times. Of late, it happens that PBS  
23 has been showing the Robert Redford documentary about  
24 saving the bay. This isn't a comment so much about the  
25 bay, but scoping. And the program was saying in the 1950s

1        and 60s, there was a variety of unrelated projects that

1 concerned filling in the bay. And then along the way, the  
2 Army Corps of Engineers built a bay model to holistically  
3 study the effects of various projects on the entire region  
4 and on the entire ecosystem.

5 So my point there is, of course, defining the  
6 proper scope is essential to assess the impact of  
7 projects. So certainly there was life before there was a  
8 Don Pedro Program.

9 So prior to that time, the river flowed certainly  
10 continuously from the headwaters all the way to the ocean  
11 providing, resource and nourishment to the ecosystem along  
12 the way. So just because the dam has interrupted, the  
13 flow of the river doesn't diminish the river's importance  
14 to that same ecosystem.

15 Now you were mentioning about the ILP in one of  
16 your cornerstones there is adequate resource protection.  
17 So I express appreciation for that. So what I'm here to  
18 do is encourage the Commission to consider the entire  
19 ecosystem in your environmental impact study, so certainly  
20 Don Pedro Dam, the dam below La Grange Dam, the Tuolumne  
21 upstream of Don Pedro and certainly San Joaquin River in  
22 Sacramento Delta.

23 Clearly, from the comments tonight we have  
24 diverse needs. And, however, we are all interconnected.  
25 So we need to collaborate in order to meet the needs of

1 all the stakeholders, including the flora and fauna who  
2 can't be here tonight.

3 And in closing, as with any resource such as  
4 electricity, petroleum, or water, it's always much easier  
5 to conserve the resource rather than to find additional  
6 resources. Thank you.

7 MR. HASTREITER: Thank you, Grif.

8 Next speaker is Noah Triplett.

9 MR. TRIPLETT: My name is Noah Triplett,  
10 T-r-i-p-l-e-t-t. Thank you very much for letting me speak  
11 this evening.

12 I noticed in the application proposal 3.1.1 the  
13 existing facilities that Wards Ferry is not mentioned as a  
14 facility. Mainly, that's why I'm here to speak tonight is  
15 about recreational facilities and opportunities here on  
16 the Tuolumne River mainly upstream.

17 In the application, it says for the proposed  
18 additional on 3.2.1 that Wards Ferry again is not  
19 mentioned, neither are any recreational facilities on the  
20 lower Tuolumne for boating.

21 I was a raft guide for ten years, eight years on  
22 the Tuolumne River. And I currently am a private boater.  
23 Over ten years private boating, 20 years now boating.  
24 First time -- my first river trip on the Tuolumne I did  
25 when I was ten years old.

1           The Tuolumne River as was mentioned earlier is a  
2 wild scenic river. If you could do wild and scenic rivers  
3 here in the United States and people come from other  
4 countries to do wild and scenic rivers, the Tuolumne River  
5 is listed as one of those. If you go to the take out, you  
6 won't see anything like Wards Ferry. If you go to the  
7 middle fork salmon, main salmon, sell way, Rove River,  
8 other wild and scenic rivers, those facilities are nice,  
9 they're maintained and they're managed. The Tuolumne  
10 River is not managed. TID, MID does not do an adequate  
11 job with that, nor do they adequately fund Tuolumne County  
12 or the BLM Forest Service to manage that facility.

13           So I would like to ask that you look into and  
14 address possibly improvements to Wards Ferry for raft take  
15 outs and non-motorized flat water recreation. And that  
16 can either be them managing it or helping fund a local  
17 agency to do so.

18           I would also like to see managed better the  
19 upstream recreation either having a no-wake zone or  
20 limited speed limit above Wards Ferry Bridge. As it is  
21 now, currently, the motor boats zoom past there when  
22 people are trying to do their take outs. The waves smash  
23 the boats against the shore. There is constant erosion  
24 and creates for very dangerous situation with rocks  
25 falling. The old bridge abutments are falling apart.

1           There are also cultural resources just upstream  
2           that motorized boaters can access and flat water boaters  
3           also that -- currently with the recreational facilities on  
4           Don Pedro there are no permitting. When you go down the  
5           wild and scenic section of the Tuolumne River, you get a  
6           permit from the Forest Service, it's very clear about the  
7           resource how to protect those and the fact you might come  
8           across those. So I would like to ask that you also look  
9           at potentially limiting or permitting or not allowing  
10          motorized boats above Turn Back Creek.

11           As was mentioned earlier, I think that downstream  
12          flows and fish ladders need to be looked at also for  
13          recreational flows, but also of course for the fish.

14           And some of the benefits of some of the  
15          downstream flows could also be for boating. If you look  
16          at the American River Parkway in Sacramento, if you get a  
17          chance to go up there, there's a bike path along the whole  
18          section of river there. There's boating put-ins and take  
19          outs. And most of those are county parks. But it's a  
20          huge economic part of that area that MID and TID could be  
21          facilitating and also help to provide. So thank you very  
22          much.

23           MR. HASTREITER: Thank you, Noah.

24           Robert Shipley is our next speaker. Robert  
25          Shipley. Anybody know Robert? Apparently he's not here.

1                   We'll move on to Robert Gelman.

2                   Mr. GELMAN: Good evening. Thank you for this  
3 opportunity to make comments. Gelman is G-e-l-m-a-n. I'm  
4 a businessman. I live in Sonora, California. I'm here  
5 representing myself and my family and perhaps a lot of  
6 others in my community.

7                   My connection to the Tuolumne River goes back  
8 four decades. I spent most of my life in southern  
9 California, but always coming up for recreation  
10 opportunities here. That's hiking and rafting and other  
11 recreations on the river. And I will -- some deep  
12 emotional connection as you've seen tonight from a lot of  
13 us.

14                   I would like to stand in support of the comments  
15 made earlier this evening by Mr. Wesselman, Mr. Berkley  
16 and just now by Mr. Triplett. And I would like to say  
17 that one of the things that I've learned over these  
18 decades is that a healthy river really means healthy  
19 communities and healthy industry. And to maintain proper  
20 balance between these different interests has got to be  
21 terrifically difficult.

22                   But I think this kind of process can help in that  
23 respect a great deal. And so I would urge you in the  
24 environmental impact statements to consider the watershed  
25 and the health of the populations of wildlife and their

1 habitat in both the upper and the lower river. Thank you  
2 for this opportunity.

3 MR. HASTREITER: Thank you, Robert.

4 Next speaker is Len Materman.

5 MR. MATERMAN: It's M-a-t-e-r-m-a-n. Good  
6 evening.

7 I and the two-and-a-half million people in the  
8 San Francisco Bay Area drink Tuolumne water, care about  
9 what happens to the Tuolumne, which we consider a vital  
10 public resource. It's a public asset, not just for the  
11 drinking water it provides. It's a public asset not just  
12 for its role in the production of the food we enjoy. It's  
13 a broad public asset because of all the cultural economic  
14 and environmental resources it holds.

15 I'm on the Board of the Tuolumne River Trust and  
16 I support a relicensing process that takes a comprehensive  
17 view of the costs and benefits of this program.

18 Issues like this can pit economic interests  
19 against environmental interests or economic interests  
20 against one another. But this only occurs when we are  
21 selective about which interests we emphasize. The scope  
22 of your analysis will take a serious look at the value of  
23 agriculture, and it should. But let's not stop there,  
24 because the importance of FERC's work does not stop there.  
25 Please also take a serious look at the economic value of

1 tourism, recreation, property values, and ecosystems.  
2 Perhaps most important is a robust economic analysis of  
3 the services that ecosystems provide.

4 Let's also have the scope of the EIS look  
5 seriously at the impact of your work at all of the areas  
6 of northern California that will be affected over the life  
7 of a new license. That will include changes to our  
8 climate, more efficient agricultural practices, and other  
9 areas that will take place in the decades to come.

10 Thank you very much.

11 MR. HASTREITER: Thank you, Len.

12 Next speaker is Jessie Raeder.

13 Ms. RAEDER: Hi. Good evening. Thanks for the  
14 chance to speak to you again. I spoke to you this  
15 morning, so I'll try not to reiterate too many of the  
16 points there.

17 I wanted to address a couple of the things that  
18 have come up tonight.

19 Sorry. Jessie Raeder, R-a-e-d-e-r. I'm with the  
20 Tuolumne River Trust.

21 It has been mentioned a couple times tonight --  
22 it's just been said and I want to correct it -- that the  
23 rate payers of the Turlock Modesto region paid for Don  
24 Pedro Dam. Actually, City of San Francisco paid for over  
25 half of the dam. I thought that's worth mentioning,

1 largely because the city of San Francisco and their  
2 customers have really had in recent times to turn to water  
3 conservation and water recycling instead of taking more  
4 water off the Tuolumne River. And we think this is a good  
5 thing. And we think San Francisco has been trying to step  
6 up and do their part in conserving water and using less so  
7 more of it can stay in the river. And we'd like to see  
8 more look at water conservation and water recycling  
9 possibilities for the irrigation districts as well.

10 Several people have mentioned tonight that we  
11 haven't expanded water supply in California. What they  
12 mean is we haven't built any new dams. But we have  
13 expanded water supply in California, and it's through a  
14 water conservation and water recycling. This definitely  
15 has been happening. And the state of California certainly  
16 considers those to be water supply. So I think we need to  
17 be looking more in that direction. So there's more  
18 nuanced ways of creating water supply.

19 I think we also really want to emphasize that the  
20 Tuolumne River Trust is looking for win-win solutions.  
21 For example, the infiltration gallery that was mentioned  
22 tonight, that's a project that could significantly help  
23 the river during the summer months when the water is so  
24 warm as we've heard by taking water -- leaving it in and  
25 taking it out of a different spot basically so it doesn't

1 actually have a water supply impact to the agricultural  
2 users and all of that. It's a way to have a win-win for  
3 the farmers and the fish. So we're encouraging you to  
4 study and to include those sorts of things, and  
5 specifically the infiltration galley project as part of  
6 the FERC relicensing.

7 I do want to say -- I do want to reiterate some  
8 points about the geographic scope and the importance of an  
9 expanded geographic scope for this project that includes  
10 not only the upstream, but downstream into the lower  
11 Tuolumne River into the San Joaquin River and into the  
12 Delta. We have a difference here on this relicensing than  
13 other relicensing, which is a long precedence of those  
14 things already being considered. We had these FERC  
15 processes in 1995 and in 2009 where downstream effects  
16 were definitely part of the proceeding. And that was  
17 acknowledged by FERC and that was acknowledged by the  
18 districts and by the city. And we certainly think we  
19 should keep moving in that direction and expand the scope  
20 even further.

21 Throughout those proceedings, say, in 2009, the  
22 districts and the city talked about -- brought up  
23 constantly the impacts of the delta on the Tuolumne River  
24 and the way these systems were related. In fact, one of  
25 the arguments was that we shouldn't fix the river because

1 the delta is broken, right. So if we can do all this work  
2 trying to fix the river and then find things aren't doing  
3 so well in the delta, so what would be the point of fixing  
4 the river. And I think that's a silly argument. I think  
5 when something is broken, you try to fix all of it. You  
6 don't just focus on one part.

7 But I think what it gets to is we really  
8 understand that MID and TID don't want to be held  
9 responsible for everything that effects salmon. Right?  
10 There are other issues besides just water, besides just  
11 flow and in-stream flow that effect salmon. And we  
12 certainly admit that. And that's part of why relicensing  
13 participants and conservation groups recently proposed as  
14 part of meetings with MID and TID ongoing relicensing  
15 meetings talking about studies. We proposed a limiting  
16 factors analysis study to tease out what is causing the  
17 declines of Tuolumne River salmon and to look at how do  
18 things like striped bass compare to things like water  
19 flow, compared to delta conditions and ocean conditions  
20 and what pieces of this can actually be attributed to the  
21 project and therefore should be mitigated and to what  
22 percentages.

23 So we're very interested in doing that. And  
24 we're disappointed that the response we've gotten so far  
25 is that the districts aren't interested in doing that

1 study, a limiting factors analysis. And so we'd like to  
2 propose that.

3 We'd like the Commission to order a limited  
4 factors analysis, factors in both the immediate project  
5 area and outside of it.

6 Finally, I do want to sort of end with just by  
7 saying we want to increase the economic look. We think  
8 economics should be included in this relicensing, but not  
9 just effects of water supply, but also the economic  
10 benefits of a restored Lower Tuolumne River. The vision  
11 that the Tuolumne River Trust is holding includes tons of  
12 economic benefits for this area and for other areas. We'd  
13 like to see an analysis in the environmental impact  
14 statement of the benefits of a restored lower Tuolumne to  
15 the local property values in Stanislaus County. We'd like  
16 to see analysis of the economic benefits to the local  
17 businesses and the local tourist economy and of course all  
18 of the benefits or impacts that are currently happening  
19 that relate to salmon fishing and tourism and all of those  
20 sort of related businesses.

21 We'd also like to see some analysis of the  
22 economic benefits of the Tuolumne River Parkway.

23 MR. HASTREITER: Time.

24 MS. RAEDER: Thank you very much.

25 MR. HASTREITER: Thank you, Jessie.

1                   Our next speaker is Ronald Pickup.

2                   MR. PICKUP: My spelling is easy. It's  
3 P-i-c-k-u-p.

4                   Thank you for this opportunity. I'm a member of  
5 the Tuolumne River Trust, but I'm speaking as a private  
6 citizen tonight.

7                   I'm a Tuolumne County native and enjoyed the  
8 Clavey and Tuolumne Rivers recreation all my life,  
9 particularly its outstanding fishing, hiking, and  
10 photography opportunities. I'm also an organic apple  
11 grower and a past director of the Tuolumne County Farm  
12 Bureau and Chair of its Water Committee.

13                   We who live in the county of origin consider our  
14 river a living legacy that provides a unique quality of  
15 life. We strongly believe this hard-working river's  
16 remaining beauty and recreation must be preserved, from  
17 the Preston Falls to the confluence with the San Joaquin  
18 River and onto the Delta for posterity and economic  
19 benefit.

20                   Restoring the salmon and steelhead fishery and  
21 riparian habitat of the lower river would greatly enhance  
22 the valley's recreation and economy.

23                   To once more see even some of the valley's  
24 Tuolumne River as the native Americans and early settlers  
25 saw it would be an invaluable treasure. Thank you.

1 MR. HASTREITER: Thank you, Ronald.

2 Garrett Marsh is our next speaker.

3 MR. MARSH: Thank you. Marsh, M-a-r-s-h. I have  
4 a cold. I think a butterfly in Hawaii flapped its wings  
5 and gave me the germs. So please excuse my voice a little  
6 bit here.

7 I don't want to go over all the stuff that's been  
8 talked about so far. So most of what I had prepared here  
9 has already been covered.

10 I do want to reiterate one aspect and then talk  
11 about one that really hasn't been fully examined, I don't  
12 think. This area is one of the most economically  
13 disadvantaged areas in the country. Sometimes it's  
14 compared to Appalachia. And actually our poverty rates in  
15 the valley are higher than Appalachia. So anything that  
16 would be an adverse effect on our economy I think needs to  
17 be seriously considered.

18 Our only true industry here, our only significant  
19 income of new dollars into this area is ag and ag based.  
20 So I think that anything that would impair that is going  
21 to really exacerbate a region that's already seen  
22 devastation by the world's economic problems.

23 The second aspect that really hasn't been talked  
24 about at all is the health of the region. Normally,  
25 poverty also includes high health problems, and that's

1 very true here. We have asthma rates that are much higher  
2 than the rest of the country and rest of the world. But  
3 we also have water drinking problems.

4 I'm the Chair of -- I'm not here for this. I'm  
5 just a business person that lives here in town.

6 But I'm also the Chair of the Stanislaus Regional  
7 Surface Water Project. And it's a group of cities,  
8 Modesto, Ceres, Hughson, and Turlock that are working  
9 together with TID to try to move forward the surface water  
10 treatment plant with the infiltration project that you've  
11 heard of. We depend on the water, and we depend on the  
12 water that's licensed to TID to do that project.

13 There's tens of thousands of people that have  
14 water quality problems with the well water that they're  
15 drinking now. They have arsenic problems. They have  
16 uranium problems. They have nitrate problems. And  
17 they're becoming harder and harder and more difficult to  
18 actually clean out of their drinking water. And we need  
19 the surface water plant to move forward in order to  
20 protect the health.

21 And most of the people that we're talking about  
22 again are in low income and poverty situations. So I  
23 think it's -- they're hit doubly. And if we have to use  
24 more expensive and higher cost ways to provide water for  
25 them, if we don't have surface water, that then again is

1 another slam on them as economically disadvantaged people  
2 to begin with.

3 So I just encourage you to really look at that  
4 aspect. It's one more of the really developmental  
5 resources portions of the scope that I think that you  
6 should consider. And I really do believe that we should  
7 really continue to have this project on its -- the impact  
8 area the original scope and not expand it. Thank you.

9 MR. HASTREITER: Thank you, Garrett.

10 Scott. He left. Thank you.

11 Bob Foras.

12 MR. FORAS: That's Bob Fores, F-o-r-e-s, resident  
13 of Modesto. And I very much appreciate the opportunity to  
14 talk with you in a world where there's so much strife  
15 going on the opportunity to participate in a process like  
16 this where there's so much diverse, even adverse  
17 positions, in as civil manner is refreshing.

18 It was very interesting to me -- and I'm a person  
19 of the silent group out there that's never spoken in a  
20 proceeding like that.

21 But the issues that are before you today have  
22 struck home. It was interesting for me to see that you  
23 have an awesome task of having to balance such diversion  
24 issues: Fish populations, endangered species issues,  
25 cultural resources I heard it described and the economics

1 of the project environmental measures.

2 But what was striking and what was missing to me  
3 is a lack of or focus on maybe human resources or social  
4 resources. And my comments tonight largely have been  
5 stated earlier, but they're very important. And I want to  
6 state them again.

7 The context that you're here tonight in this  
8 community, I saw a recent report that says Stanislaus  
9 County foreclosures, the third highest rate in the  
10 country. The Congressional report that was referred to  
11 earlier, we have lower per capita income and educational  
12 levels in Appalachia and a higher percentage of people on  
13 welfare. In the local city schools, 75 percent of the  
14 public schools of grammar school children are on some form  
15 of school public assistance. The unemployment rate the  
16 Modesto Bee recently reported is 17.4 percent. The  
17 conservatives and the liberals alike -- that really means  
18 it's double. If 30 to 40 percent unemployment, we're in a  
19 depression here. Most of America and certainly my friends  
20 in L.A. and San Francisco don't know this. We're poor.  
21 We're a foreign country when compared to those communities  
22 and the rest of the country.

23 Agriculture is really the thread of economy of  
24 our community. And it's the one industry locally that  
25 hasn't been battered.

1           I'm a lawyer locally. I talk to people every  
2 single day who have been battered by the economy, whether  
3 they can't make their rent payment, they can't make their  
4 mortgage payment. They're being evicted. It's affected  
5 my friends. It's affected my family. It's affected many,  
6 many clients. I represent small businesses and consumers.  
7 And I can tell you firsthand I'm where the rubber meets  
8 the pavement. And it's real, and it's been extremely  
9 difficult over the last five years.

10           Water is the linchpin pin of agriculture. And we  
11 need plentiful and affordable water. Don Pedro Dam  
12 Reservoir is ground zero for that water locally for the  
13 thousands of customers who use that water and more  
14 importantly the thousands of jobs that are affiliated with  
15 them.

16           Now, you have a daunting task. And I've heard it  
17 said earlier, we need a win-win. And she was absolutely  
18 right, and I'm here to say absolutely. And all I'm asking  
19 you today is to consider how can two sides that seem to be  
20 so far apart get together where each side whose interests  
21 are recognized and looked at, how can you come up with  
22 decisions that will allow each side to walk away feeling  
23 like they're a winner.

24           In that decision, in your deliberations, please  
25 consider the social impacts locally of your decisions in

1 terms of what you decide to do in the future and  
2 particularly if you do decide to reduce the amount of  
3 water available locally to agriculture.

4 And again, thank you for this opportunity.

5 MR. HASTREITER: Thank you, Bob.

6 Julie Rentner.

7 MS. RENTNER: Hi. That's R-e-n-t-n-e-r, and I  
8 work for a nonprofit organization here in Modesto that's  
9 called River Partners. The mission of our organization is  
10 to create wildlife habitat for the benefits of people and  
11 the environment.

12 As our name implies, we focus a lot on finding  
13 collaborative solutions to the challenges that we've heard  
14 spoken about so much tonight. And I just want to say that  
15 I came here tonight because I'm really excited about this  
16 cool once in 50 years opportunity to change the way things  
17 look on the river a little bit. Hopefully, this team and  
18 the irrigation districts can find some collaborative  
19 solutions that make a huge positive difference for the  
20 economy, the agriculture, the social issues we're facing  
21 today as well as the environment around the Tuolumne  
22 River.

23 So I just have a few comments about scope that  
24 came to me as I was listening to all of these comments in  
25 your presentations. I think that one of the big

1 frustrations of working with all of the different agencies  
2 and organizations doing river projects in the Central  
3 Valley is lack of coordination amongst all the programs.  
4 So I just wanted to say that I encourage the irrigation  
5 districts and FERC to take an honest look at all of the  
6 different other activities, planning activities that are  
7 underway for all the other river systems throughout this  
8 area.

9 Some examples of these, the San Joaquin River  
10 Restoration Program, the recovery plan for Upland at the  
11 San Joaquin, and the Central Valley Flood Management Plan.  
12 I think all of these have a huge impact on the way this  
13 relicensing will go.

14 And then just briefly on species -- well, on  
15 resources and for endangered species, I wanted to say that  
16 I didn't see much recognition in your lists about  
17 migratory species. And I just want to point out we're in  
18 the Pacific Flyway, which is a huge migratory corridor for  
19 avian species, both in the wintertime and the summertime,  
20 many of which are listed as threatened and endangered. So  
21 take a closer look at those.

22 Then I wanted to list some threatened and  
23 endangered species that aren't on your list that you  
24 should take a closer look at. Those include the riparian  
25 brush rabbit, the riparian woodrat, giant garter snake,

1 green sturgeon, willow fly catche, least bells vireo,  
2 yellow billed cuckoo, yellow warbler, Lawrence's  
3 goldfinch, and loggerhead strike. Those are just a few.

4 And then, finally, I want to wrap up by saying I  
5 agree with some of the comments here tonight that there  
6 are some excellent solutions that can come of this. So  
7 good luck as you move forward.

8 MR. HASTREITER: Thank you, Julie.

9 Rebecca Harrington.

10 MS. HARRINGTON: Good evening. My name is  
11 Rebecca Harrington. Spelled H-a-r-r-i-n-g-t-o-n. I'm  
12 with the South Modesto Municipal Advisory Council and also  
13 a resident and long-time resident of Stanislaus County and  
14 Modesto.

15 First of all, I really want to thank everybody  
16 who has stayed through this. It's 9:30. It's late.  
17 Giants are ahead four to three. Anybody who cares, thank  
18 God for iPhones.

19 I'm here as a good neighbor. And I'm a good  
20 neighbor of the Tuolumne River. And as a good neighbor,  
21 it's my duty to see that my neighbor's best interest is  
22 taken into consideration.

23 I see this as an opportunity to encourage you to  
24 think about the ramifications of your decisions and the  
25 impact it will have for generations to come. This is -- I

1 hate to say this -- a second time in my lifetime that a  
2 Commission of this scope has convened. And I know that  
3 it's really important. And this opportunity to make a  
4 decision is going to have a great impact for many years to  
5 come.

6 And prior to this agreement that was made, there  
7 was a flood earlier that came up on the River Road area  
8 which is Tuolumne River, and that was prior to 1966. And  
9 at that time, the Tuolumne River crested almost to River  
10 Road at Bystrom. And Bystrom is where I live. And then  
11 again most recently in 1997, we were without telephone  
12 service because all of our lines were knocked out. And I  
13 just want to hopefully help you see that we do need to  
14 find a happy medium for everyone to meet all the needs of  
15 the residents, wildlife industry, agriculture, but mostly  
16 what's in the best interest of the Tuolumne.

17 If you haven't gone by the Tuolumne, please do  
18 so. You're less than a mile away from it south of here.  
19 There is a bridge called the 9th Street Bridge that goes  
20 over it and you can actually -- you shouldn't. You can  
21 actually stop and look and admire the water rushing  
22 through and see the beauty of it.

23 And at this time, I really want to ask you to  
24 really proceed with caution. There has been so much out  
25 there said. So much of it I agree with. And some of it I

1 think twice about. And some of it I'm like, oh, wow. I  
2 never thought about that. But I just want you to remember  
3 and take into consideration that there was once a river  
4 called the Los Angeles River, and now there's just cement  
5 there. Please don't let our river become an extinct river  
6 in California. Our rivers are much too precious, and they  
7 hold so much for our community. And it's really vital for  
8 you to take that into consideration. And please, please  
9 do go and look at our beautiful river. Thank you.

10 MR. HASTREITER: Thank you, Rebecca.

11 Next speaker is Nora Bueller.

12 No. All right. How about Alan? Alan and Nora  
13 left.

14 Sam Harned.

15 MR. HARNED: Good evening. My name is Sam  
16 Harned, H-a-r-n-e-d. Thank you for allowing me at this  
17 time to speak to you. I'm a resident of the area. I live  
18 in Oakdale. There are many varied and legitimate and  
19 important needs and users of the water that have been  
20 discussed tonight. The agricultural community, the  
21 environmental community, recreation interests, all of  
22 these things are extremely important and need to be  
23 considered carefully.

24 The idea of the win-win situation is achievable.  
25 It's important and I think it's the goal of most everybody

1 in this room. I hope it's the goal of your Commission.

2 One of the -- water here, we all know it growing  
3 up in the west in the arid west, water is our most  
4 precious resource. And we can't make any more of it. We  
5 only get whatever we -- what comes out of the sky. So we  
6 need to use it wisely.

7 And I want the Commission and the study -- the  
8 impact study to look at efficient uses and sustainable  
9 uses by all end users for the use of water. The primary  
10 purpose is to extend the amount of water that we have and  
11 to lessen the strain on that supply. That goes for the  
12 agricultural community, all the Bay Area. There is a lot  
13 of processes and technologies and practices that are in  
14 place that are really efficient, and they're growing every  
15 day to allow us to use our water more efficiently.

16 Another woman just previously mentioned the --  
17 basically what I call the quality of life that is afforded  
18 by the Tuolumne River. A healthy river allows for so much  
19 more than just watering crops and drinking water and  
20 things like that. Some are obviously very important  
21 things, but the quality of life issue, sometimes it's  
22 less -- it's more difficult to identify and quantify, but  
23 it is extremely important to everybody here for us to be  
24 able to have a healthy river and a healthy ecosystem  
25 that's thriving. We can bring our kids to it. We can go

1 and hike and swim and raft down it, is hugely important to  
2 everybody in this region, to everybody who lives near a  
3 river system. And I urge you to look at that and find the  
4 true benefit and try to find some quantifiable ways of  
5 addressing that within the impacts study.

6 And then lastly, the geographic range, as the  
7 gentlemen from TID mentioned, we're about 40 miles east of  
8 La Grange. And the impacts of what happens up at Don  
9 Pedro La Grange is spelled here. And it's spelled all the  
10 way out to the ocean. And I'm sure it's spelled above the  
11 reservoir as well. So the scope of your project needs to  
12 encompass all the way along the length of the river there.  
13 Thank you very much.

14 MR. HASTREITER: Thank you, Sam.

15 I can't read this very well. Bill Anelli,  
16 A-n-e-l-l-i.

17 Michael Brenton. Michael Brenton.

18 Elizabeth Houck.

19 MS. HOUCK: Hi. I'm Elizabeth Houck, H-o-u-c-k.  
20 I live in Menlo Park, which is near Stanford University  
21 between San Francisco and San Jose.

22 I've heard a lot of great things tonight, and I  
23 also heard someone say a long time ago if you can't say it  
24 in five bullet points, you're talking too much.

25 So my first bullet point is I love win-win

1 situations. I think you have an opportunity to create  
2 one. I'm a little worried that the TID seems to have an  
3 all-or-nothing attitude with regards to we need our water.  
4 It's vital to the economy.

5 When my bullet point number two is that solutions  
6 need to be thought of that we haven't even thought of yet  
7 that we hope we can think of in five years, that you need  
8 to engage the best and most innovative mind to help come  
9 up with solutions, that will be a win-win for everybody.

10 My third point is that I love salmon. I love  
11 eating it. I like catching it, sort of. And I like  
12 Captain Dan, the fisherman in Half Moon Bay where I go buy  
13 or try to buy my local salmon from. But he's had a tough  
14 time. His economy has been effected.

15 My fourth bullet point is that the scoping  
16 process needs to include people like me. It needs to  
17 include the San Joaquin. It needs to include the delta.  
18 It needs to include the greater Bay Area. We are all  
19 stakeholders. We all need to have our goals for this  
20 project, our dreams for this project, scoping project,  
21 taken into consideration.

22 And my fifth is that the goal-setting process for  
23 what you're trying to do. And what is the goal? And does  
24 it meet all the stakeholder requirements is that you have  
25 to start with what people can agree on and then take what

1 people don't agree on and try to find some common ground  
2 and really try to come up with a solution that works for  
3 all stakeholders, whether it's salmon, whether it's the  
4 delta, river rafters.

5 Good luck. Thanks.

6 MR. HASTREITER: Thank you.

7 Marty Mackowski.

8 MR. MACKOWSKI: I'd like to thank you for this  
9 opportunity. I teach, volunteer. I do volunteer work for  
10 the Tuolumne River Trust. But I'm here more as an  
11 individual.

12 I was involved with the Tuolumne way back when it  
13 was going to become wild and scenic. And I used to come  
14 up here all the time and hike down the canyons. I once  
15 caught a 27-inch rainbow above Clavey. Actually, I think  
16 it was 19 inches, but it's grown over the years.

17 So most of the points have already been made.  
18 One number, that I'd like to point out, I wanted to have a  
19 barbecue the other night with some nice wild salmon. And  
20 I went to the store -- actually, it was the previous  
21 speaker was Menlo Park store there, and they wanted -- if  
22 you can believe this -- \$28 for a pound of wild salmon.  
23 And I really don't like to eat that red food died farm  
24 fish stuff that you can buy. It's cleaner. So I just  
25 settled for the sand dab. I don't know if you've tried to

1       barbecue with a sand dab fillet. They're only a quarter  
2       inch thick.

3                Anyway, pretty much has been said about the  
4       scoping process. And I think you really need to pay close  
5       attention to the water flows because we're all  
6       interconnected to this.

7                But I want to introduce a new point. Several  
8       people have mentioned it. Something else that I do as a  
9       volunteer basis is I do home energy audits, electricity,  
10      water, and so forth. And I'm just amazed at the  
11      ignorance. And it's not just stupidity, just people  
12      aren't aware of how much you can save water by just small  
13      little measures that you can take.

14              You know, I easily can save people 15 or 20,000  
15      gallons of water a year by implementing some of these  
16      simple procedures. And I don't know anything about  
17      agricultural conservation methods. And I don't know how  
18      much their practice or if they're practiced. I'm sure  
19      there are in many cases. But I think if everybody could  
20      conserve the water, we'd have enough water for the salmon,  
21      enough for agriculture, and I think that would be a  
22      win-win situation.

23              Thank you.

24              MR. HASTREITER: Thank you, Marty.

25              Diane Wulff.

1 MS. WULFF: It's Wulff, W-u-l-f-f. And the views  
2 I represent are my own.

3 The first time I came to Modesto, I was worried,  
4 kind of like tonight. I heard about the auto theft rate,  
5 the double digit unemployment, the high number of  
6 foreclosures, problems with pollution. It seemed kind of  
7 like a tough place.

8 When I got to town, I expected that the river  
9 would be one long irrigation ditch, just a canal lined  
10 with cement. But I was wrong. In fact, the river was  
11 beautiful, emerald and clear, surrounded by water, loving  
12 trees, topped with billowing clouds, and a deep blue sky.  
13 No California city, perhaps no city in the country, can  
14 boast a river as spectacular and abundant as the Tuolumne  
15 which flows down from Yosemite. It's an echo of once was,  
16 a place filled with vernal pools, prairies, trees, rivers,  
17 lakes, home to elk, bear, deer, rabbits and salmon.

18 But we're in trouble here. 95 percent of our  
19 wetlands are gone. The salmon are nearing extinction, and  
20 the Central Valley is now home to 91 endangered species.  
21 And we already know that the human species isn't doing so  
22 well here either, which is really no coincidence. We cant  
23 abuse nature without also abusing ourselves. I'd like to  
24 see that change.

25 We have something special here. I've traveled

1 all over the country and the world. And for ten years,  
2 I've been looking for utopia, and I have not found  
3 anything as beautiful as this place.

4 So I ask that as you review the license for the  
5 Don Pedro Dam to consider the quality of life for all  
6 living things, to consider the health of fish, families  
7 and farmers and those 91 species. And I ask that you  
8 seriously consider the doctrine of public trust, which  
9 tasks you with protecting the people's common heritage to  
10 streams, lakes, marshlands, wetlands, and rivers; to  
11 consider your children's future and what you would like to  
12 leave them with. I hope it's a place to play in, to catch  
13 fish, to farm gently, and with respect to recline after a  
14 busy day and to work. Such a place suggests a paradise.  
15 And I believe that's what Modesto always imagined it to  
16 be; a place filled with water, wealth, contentment, and  
17 health, as the sign says. The Tuolumne River is a  
18 testament to that potential, and I ask that you protect  
19 it. Thanks.

20 MR. HASTREITER: Thanks, Diane.

21 Tom Terpstra.

22 MR. TERPSTRA: Good evening. Tom Terpstra,  
23 T-e-r-p-s-t-r-a. Ordinarily getting called up this late  
24 in the evening would be cause for put it in the bad luck  
25 category, but you have to understand that my mother-in-law

1 has been staying with us for the last 15 nights. So I  
2 will be the guy putting the chairs away at the end of the  
3 evening.

4 I represent 35 lower Tuolumne farmers, the  
5 initials are LTF farming. Over 4500 acres on the lower  
6 Tuolumne. We enjoy a very positive relationship with the  
7 TID and MID staffers and look forward to that continuing  
8 in the future.

9 We would respectfully request, as Mr. Lyons asked  
10 earlier, that a stakeholder meeting be put together for  
11 agricultural interests. In looking at the communities of  
12 interest that you listed, I noticed that agriculture,  
13 particularly farmers in the lower stretch of the river,  
14 were not included. And, yet, impacts to agricultural  
15 operations remain and can be quantified and mitigated  
16 throughout this process.

17 My clients are concerned specifically about  
18 decisions to release water from the dam, how those  
19 decisions are made and implemented, and most importantly,  
20 how farmers in the lower Tuolumne can be more efficiently  
21 and more promptly notified so that they can take actions  
22 to avoid impacts. So that might be something we could  
23 look at either in the environmental document or in the  
24 operational document.

25 We ask that the project description in the EIS

1 include a complete description of the processes by which  
2 decisions are made to increase or decrease releases from  
3 Don Pedro Dam, how those decisions reflect environmental,  
4 agricultural power generation, recreational, and other  
5 competing considerations, as well as the process by which  
6 affected parties are notified of these decisions.

7 Also request that EIS evaluate potential  
8 flooding, seepage, and crop loss impacts to farmers and  
9 land owners on the lower Tuolumne that are associated with  
10 sometimes abrupt and significant increases or decreases in  
11 releases from Don Pedro Dam.

12 So again, I have a letter that I prepared earlier  
13 in the week. I doubt any of you saw it. I'd ask that I  
14 could give it to the clerk at this time and introduce it  
15 into the record.

16 Lastly, just to stress that my clients and I will  
17 be working with TID and MID staff to address these  
18 concerns on an ongoing basis. We do appreciate your  
19 attentivity tonight and appreciate the opportunity to be a  
20 part of this process. Thank you.

21 MR. HASTREITER: Martin Kirkwood.

22 MR. KIRKWOOD: Martin Kirkwood, K-i-r-k-w-o-o-d.  
23 I'm a sixth generation Californian. My family came here  
24 at least a generation, maybe a generation-and-a-half  
25 before TID and MID were formed. I'm here as a citizen and

1 a resident of San Francisco, a concerned member of the  
2 public.

3           Years ago, my great grandparents had told me  
4 stories of the American River South Fork. They told me  
5 stories of other rivers. I have many family members who  
6 lived here in the 1840s and 50s. They were some of the  
7 founders of the cities of California, Nevada City being  
8 one of them. You might not recognize the family names,  
9 but I've heard a lot of the stories of the environmental  
10 degradation they've seen that they were told by their  
11 grandparents of silt in the rivers and so forth.

12           When this dam was first licensed, this was  
13 obviously -- as you well know, this was well before NEPA,  
14 FERPTA, Clean Water Act, Clean Drinking Water Act, Clean  
15 Indoor Air Pollution Act. There are a lot of different  
16 environmental laws that have been passed over the years,  
17 even the Clean Air Act amendments of 1990. There are so  
18 many things that have taken place. We don't know what's  
19 going to take place in the next 50 years or next 30 years.

20           The first thing I like you to recognize is when  
21 the relicensing does take place that at least be done or  
22 mitigated into a point of time to where we can look at the  
23 shortest amount of time it be relicensed, programs for 30  
24 years because we don't know what the changes are going to  
25 be for the next 10 years, 20 years. We don't know what

1 laws are going to be put into place. And I don't know how  
2 that's going to be incorporated -- any future changes are  
3 going to be incorporated into this plan.

4 Further, for many years, as you're well aware,  
5 there has been a Bay Delta Conservation Plan. I think a  
6 lot of the elements of the Bay Delta Plan should be  
7 incorporated into this relicensing. You're dealing with a  
8 lot of different relicensing of different dams. This is  
9 one of them. I'm sure there's others that are being  
10 affected in the delta. There's 23 tributaries that run  
11 into the delta and into the San Francisco Bay. I would  
12 like for this to be looked at as part of a cumulative  
13 impact. How does this take effect in this very unique  
14 bio-region in California?

15 There's been a lot of great comments here from  
16 many different parties. There's a lot of responsible  
17 farmers. There's a lot of people who are very concerned  
18 about these issues. I'm looking at the current operating  
19 plan of MID and TID. Not saying anybody is bad or  
20 anything, but the plan is antiquated. It needs to be  
21 updated.

22 I'm glad we have this opportunity here for public  
23 comment. I certainly wish as well, as echoed by a  
24 previous speaker, that this comment period, this scoping  
25 hearing would also take place in other parts of California

1 that are effected by the Tuolumne River, specifically the  
2 Bay Area.

3 There's many things to say. Many things have  
4 already been said. I'm going to keep my comments short.  
5 But when you head back to the Bay Area this evening,  
6 tomorrow morning, take a glass of that water. Drink it.  
7 It's good. Ask people you talk to how much they enjoy  
8 their water. Thank you.

9 MR. HASTREITER: Thank you, Mark.

10 Jerry Cadagan.

11 Mr. CADAGAN: Thank you. Name is Jerry Cadagan,  
12 C-a-d-a-g-a-n.

13 I have your brochure. I'm a retired guy. I'm a  
14 resident of Tuolumne County, Sonora specifically. And I  
15 think only one or two other speakers mentioned that's the  
16 way this river starts. That's the county of origin.  
17 That's the headwaters, Tuolumne County. I'll mention in a  
18 minute what the relevance of that is.

19 I'm not here representing anybody other than my  
20 six grandchildren, because 50 years from now probably  
21 nobody in this room will still be around to live with what  
22 you folks end up doing. My grandchildren will. They  
23 range from three to 11 years old; right, Grandma?

24 I'm a 35-year California water policy wonk. I'm  
25 also, one gentleman said, also admitted private boater.

1 I'm a river lover. I've run 22 rivers around the world in  
2 the last 35 years or so. I've learned one thing being a  
3 California water policy wonk that for the most part  
4 historically -- I'm talking 35 years back -- policy has  
5 trumped science. I ask you, don't let that happen here.  
6 I don't suspect anybody here are susceptible to politics.  
7 But it is there outside the room. It will be happening  
8 somewhere. Go with the science. And ignore the politics.  
9 I say that as sincerely. And I know I'm the only one  
10 that's been cynical enough to say that's the way too many  
11 of California's water policy decisions are made. This is  
12 a water policy issue. It's a hydroelectric facility.  
13 It's water policy. And don't let politics trump the  
14 science in this case.

15 Now, on a specific scoping issue, only one canal  
16 was mentioned. I mentioned I'm a private boater or have  
17 been a private boater. I'm probably still capable of  
18 rowing the Class 5 rapids on the upper Tuolumne. But I'm  
19 not sure I'm capable of climbing that hill at the take-out  
20 to get out of there.

21 And I know that you have -- I happen to be a  
22 retired lawyer also. You have it within your power to  
23 impose the condition on the relicensing here that  
24 somebody -- and I'm assuming that somebody would be TID  
25 and MID -- put a decent take-out facility there. I'm sure

1 the commercial outfitters would be glad to work with you.  
2 There are private boaters associations the Tuolumne Trust  
3 folks could put you in touch with. Get a decent take-out  
4 facility. That's called heart ache hill or heart attack  
5 hill. It is an absolute disaster. And at the bottom of  
6 an 85-mile wild and scenic river, it should be an  
7 embarrassment to all concerned.

8 That's it. I have one comment I put in the  
9 margin over here. You've heard a lot about the economy,  
10 unemployment, and the importance of the agricultural  
11 industry. I agree. I do. I don't hate farmers. I don't  
12 hate ag.

13 Contact a professor at the University of the  
14 Pacific, Jeffrey Michael and he will tell you -- and he  
15 will document that the loss of jobs in Stanislaus County  
16 and throughout the San Joaquin Valley is largely unrelated  
17 to the lack of water. And there is this growing myth. I  
18 think some people genuinely believe it's all because of  
19 that darn delta smelt and the cutbacks in water. And we  
20 just got the release. And we got to have more water for  
21 agriculture and everything will be hunky-dory. The job  
22 losses in the San Joaquin Valley have to do with the  
23 construction industry and other things. And I don't want  
24 to get into politics here that have nothing to do with the  
25 delta smelt or water releases.

1           So if you never heard of him before, contact  
2 Jeffrey Michael in terms of the economic situation. Thank  
3 you very much.

4           MR. HASTREITER: Thank you, Jerry.

5           Reed Pagni.

6           Bill Hudelson.

7           MR. HUDELSON: My name is Bill Hudelson,  
8 H-u-d-e-l-s-o-n. I'm here representing Stanislaus Food  
9 Products. We're a tomato cannery here in Modesto. It's  
10 our sole facility. We've been here since 1942. In fact,  
11 if you like pizza and italian pasta and what have you,  
12 you've probably eaten our products because we sell  
13 throughout the United States and Canada.

14           I wanted to -- we've heard a lot about  
15 agriculture. And I wanted to put some additional pieces  
16 in there because obviously we think about irrigation water  
17 and what have you. But we also in this town and the  
18 surrounding areas we have food processors. And for us,  
19 obviously the high quality water is required for the  
20 washing of the income and commodities, and also for plant  
21 sterilization and food safety. So there is a lot of other  
22 pieces related to agriculture that have to do with food  
23 safety. And obviously that's a big issue right now for  
24 the U.S.

25           We conserve water. We find ways to get by with

1 less. We've significantly reduced our water consumption  
2 per day over the last ten years. In fact, the majority of  
3 our water gets used five times from the initial use to the  
4 end use.

5 We're kind of unique, and so are a couple of  
6 other operators here in town. We actually operate 70 days  
7 in the summer when the fruit is harvested. And so the  
8 water availability and electricity availability during  
9 that time frame since we're running 24 hours a days is  
10 vitally important. And obviously the quality of the water  
11 is critical because of the processes its used in touching  
12 the food. So those are the comments. And I appreciate  
13 your time.

14 MR. HASTREITER: Thank you, Bill.

15 Dave Geer.

16 MR. GEER: Dave Geer, spelled G-e-e-r. I'd like  
17 to thank the Federal Energy Regulatory Commission for  
18 coming to Modesto and Turlock this morning to hear  
19 firsthand from the communities served by the Don Pedro  
20 Hydroelectric Project.

21 I'm Dave Geer, and I represent District 2 on the  
22 Modesto City Council, less than one mile southwest of here  
23 is our -- another part of my district that includes the  
24 vast majority of all of the immigrant communities that are  
25 represented in Modesto. It's a huge hispanic population,

1 huge Asian population, Chinese population, Cambodian,  
2 almost every ethnic group that you could think of is  
3 represented here.

4 And the unemployment rate in my district is much  
5 closer to 30 percent than 17. And of the 77-some-odd  
6 percent folks that are working, they depend largely on  
7 agriculture. They work on the farms, ranches, vineyards  
8 that supply Gallo and other wineries in the area.  
9 Stanislaus Food Products get the tomatoes that are grown  
10 on the west side. And I'm definitely here to ask you to  
11 seriously consider the economic impact on our region.

12 And I fully -- and you heard from Nick Pinhey,  
13 Modesto's water expert, this evening. And I fully support  
14 his assertion as to the importance of a new license for  
15 the Don Pedro Hydroelectric Project. My district is the  
16 most economically challenged district in the city. We  
17 suffer from the highest unemployment rate that I just  
18 mentioned, highest home foreclosure rate in Modesto. And  
19 with the unemployment rate, we suffer from the highest  
20 crime rate.

21 So for that reason alone, I wish that you  
22 consider the thousands of our district's residents that  
23 depend on agriculture for their livelihood, not just for  
24 the agriculture products, but farm equipment, sales, and  
25 service, the canneries like Stanislaus Foods where many of

1 the folks work seasonally and restrictions on water for  
2 irrigation currently supplied by MID and TID would  
3 severely impact our hopes for economic recovery.  
4 Appalachia was mentioned a couple of times, and it's not  
5 an exaggeration.

6 The affordable drinking water and electric power  
7 currently supplied by MID will help attract and keep jobs  
8 in the second district. It should be noted that local  
9 rate payers paid for Don Pedro Dam. And I know that  
10 San Francisco residents paid for the O'Shaughnessy Dam  
11 that holds back the water of Hetch Hetchy Reservoir. And  
12 I'm probably one of the few people in this room who ever  
13 actually walked the O'Shaughnessy Dam. I was part of a  
14 group of students at Modesto Junior College that produced  
15 a documentary in '02 called "San Francisco's Broken  
16 Promise." That might be something if you can have access  
17 to it you would find it interesting. And I came away from  
18 that -- even though it was a documentary -- that we went  
19 into it with a thought of restoring Hetch Hetchy, a phrase  
20 we heard today, I came to realize just how incredibly  
21 important the waters of the Hetch Hetchy are to  
22 San Francisco and the San Francisco Bay Area. There has  
23 been little or no political support for -- the political  
24 support for the elimination of the O'Shaughnessy Dam which  
25 back over the years I've heard would cost 17 million. Now

1       it's well into the hundreds of millions to take down the  
2       O'Shaughnessy Dam and restore the Hetch Hetchy valley to  
3       its pristine state.

4               And the water quality out of Hetch Hetchy is so  
5       incredibly good and the hundreds of millions of dollars  
6       that are being spent already to improve the pumping and  
7       piping system to San Francisco would be a shame to waste.

8               I respectfully request that you relicense Don  
9       Pedro hydroelectric project in accordance with the request  
10       submitted by MID and TID. Thank you.

11               MR. HASTREITER: Thank you, Dave.

12               Andrew Cushman.

13               MR. CUSHMAN: Hello. That's Andrew  
14       C-u-s-h-m-a-n. I'm a current naturalist. I work for the  
15       Stanislaus County Office of Education. I'm up in Tuolumne  
16       County. We have an outdoor education center out there and  
17       also a current white water rafting guide with All  
18       Outdoors, which is an outfitters that runs the upper  
19       stretch of the Tuolumne River. And they've been doing  
20       that since the 1960s. Also a former intern of the  
21       Tuolumne River Trust, though I don't speak for any of  
22       those organizations tonight.

23               Last year, during my internship with the Trust, I  
24       was one of four people to see the whole entire river from  
25       above Don Pedro Dam all the way down to the confluence of

1 the San Joaquin and into the delta. So I've seen over 200  
2 miles of the river. Gives me kind of a unique  
3 perspective. I feel like I've seen the river in its  
4 pristine state up high and seen it slowly degrade as it  
5 heads down into the valley and into the Stockton area.

6 So I would request that you think about the  
7 health of the river when you think about relicensing the  
8 dam. I think that includes two things: Making sure there  
9 is more water in the river, and making sure that the  
10 quality of that water is as high as possible.

11 On that note, there are kind of two interesting  
12 interactions I had during my paddle to the sea. The first  
13 one was in Modesto. We had a riverside event, a party  
14 where people came out. And we had some booths there. And  
15 someone behind the booth was from California Department of  
16 Fish and Wildlife. They were fishermen, and we were  
17 talking about fish in the river. And he told me that he  
18 wouldn't eat anything he caught in or below Modesto. That  
19 kind of scared me.

20 So I think that improving water quality will  
21 improve the health of the fish and make it safe for  
22 community members to consume some of the fish they do  
23 catch.

24 I also witnessed a hispanic family. They were  
25 speaking Spanish at our take-out in the Stockton area.

1 And there was a sign posted that said "no swimming, water  
2 unsafe." And I just thought to myself, they probably  
3 can't read that sign. There they were with their young  
4 children swimming in the river. So that also made me  
5 think that the water quality needs to be increased  
6 somehow. I'm not an expert on science. So I can't get  
7 into details about that.

8 Let's see. What else? A few more things. The  
9 gentleman from TID talked a little bit about electrical  
10 power generation. I think that when you're relicensing  
11 this dam, that is a good clean source of energy. If there  
12 is any way to increase the amount of energy that comes  
13 from hydro power, that might be something to think about.

14 A lot of people have talked about the economic  
15 hardship experienced currently by a lot of members of  
16 Stanislaus County. I'd like to point out also that I  
17 think there is a big difference between the recreational  
18 value of a reservoir versus the recreational value of a  
19 clean healthy river.

20 One of the slide shows up there -- showed hookups  
21 for RVs, power boat put-ins. I don't think a lot of  
22 people in Stanislaus County have the money to buy RVs or  
23 buy a power boat to go out on Don Pedro. And it's not a  
24 very pleasant place to go out in the non-motorized boat.  
25 So I think that increasing the recreational value of the

1 river down below where it flows through Modesto so people  
2 don't have to drive up the hill to Don Pedro, they can  
3 ride their bicycle or drive a few miles, not only may be  
4 less to the river and be able to swim in a nice clean  
5 river or put in their canoe and boat down five miles,  
6 would be something to think about, as opposed to  
7 increasing the recreational access for motorized boats and  
8 stuff like that.

9 One of the things I like to teach about up at  
10 Foodhill Horizon is the life cycle of the salmon. I urge  
11 you to think about the fish. I think it would be sad for  
12 me not to be able to teach sixth graders in Stanislaus  
13 County about this amazing fish that floats through their  
14 backyards. So please think about the fish.

15 Also, the Tuolumne River Trust is holding their  
16 Paddle to the Sea again. I don't know how long you all  
17 are in town for. If you'd like to come out and paddle  
18 with us for the day, there's lots of day trips that flow  
19 from La Grange all the way down through Modesto and down  
20 into the Stockton area. So if you want to see the river  
21 up close and personal, not just from a bridge overpass,  
22 come on out and paddle with us for the day. Thank you.

23 MR. HASTREITER: Thank you, Andrew.

24 Dejuene Shelton. Dejeune Shelton.

25 MS. SHELTON: It's Dejuene Shelton,

1 S-h-e-l-t-o-n. Thank you for allowing me to speak. I'm  
2 the Interim Executive Director for the Great Valley  
3 Center. The Great Valley Center is a nonprofit  
4 organization in partnership with the University of  
5 California Merced working to support Central Valley  
6 communities as they solve the region's very serious  
7 social, economic, and environmental challenges.

8 I'm here this evening to hopefully convey to you  
9 the importance of Don Pedro as a resource to our  
10 community. In 2005, the Great Valley Center requested a  
11 study by the Congressional Resource Center of the social,  
12 environmental, and economic indicators of the quality of  
13 life in the valley. Those findings, which are available  
14 for review both in our website and at the Congressional  
15 resource service, demonstrate that the central value of  
16 California trails the rest of the state and the nation in  
17 the most significant social, environmental, and economic  
18 indicators of an area's overall health.

19 Despite these challenges, we have maintained the  
20 nations, if not the world's, most productive agricultural  
21 industry. And we have been taking the difficult steps to  
22 preserve agriculture, create jobs, and enhance our  
23 environment.

24 Don Pedro is our most valuable resource. It  
25 provides affordable water for agriculture and hundreds of

1 thousands of residents. It also provides for affordable  
2 clean power.

3 Don Pedro is the first positive sign by the city  
4 and county as they try to recruit industry to town. It is  
5 essential to our ag community, because it brings a  
6 reliable source of water. Imagine what this area would be  
7 like if the dam did not exist.

8 Make no mistake, the mandated reallocation of  
9 water from Don Pedro elsewhere penalizes this area's  
10 options. I support the relicensing and respectfully  
11 request you consider these factors in your relicensing  
12 action and adopt a position consistent with MID and TID.  
13 Thank you.

14 MR. HASTREITER: Thank you.

15 Noah Hughes.

16 MR. HUGHES: Noah Hughes, H-u-g-h-e-s.

17 Boy, there's been so much said here tonight, so  
18 I'm going to try my best to keep it short.

19 I'm here to support relicensing of Don Pedro Dam,  
20 as I think every single person that's spoken here tonight  
21 does.

22 But myself and maybe Julia back there might be  
23 the only two people who seem to be really excited about  
24 this process though tonight. I know it's getting late.  
25 But I teach earth science over at Modesto Junior College

1 over here, and we talk a lot about water resources and the  
2 importance of water resources to our community and so on.  
3 And I just wanted to really emphasize to you guys tonight  
4 that this is a great opportunity to do some really good  
5 science. Most of the questions and issues that have been  
6 brought up tonight can all be answered by scientific  
7 analysis. And so I wanted to urge you to do that.

8           Since the project was originally licensed 40  
9 years ago, we've learned a lot about rivers and their  
10 importance to upstream and downstream communities. And I  
11 think it would be an athama (phonetic) to everything we've  
12 learned in the last 40 years to not include the entire  
13 river. It would be sort of something like if you had some  
14 kind of a blockage in one of your veins and your doctor  
15 was only interested in that inch above or below that  
16 blockage. But your brain wouldn't be getting any oxygen.  
17 It's a system. It's a big system. And you've got to take  
18 into account the whole system has to be. So the science  
19 has to be good, and it has to be comprehensive.

20           And so we can answer things like what kind of  
21 water temperatures do fish need. What kind of flows does  
22 it require to keep those water temperatures. Are there  
23 really bass with knives and forks down in the delta  
24 waiting? Because if there are, you know that's important  
25 stuff to know. We can answer those questions. And so

1 good comprehensive science.

2           And the same goes for the economic analysis.  
3 It's too bad that your economics guy isn't here tonight.  
4 But anyway, I really hope that we take a good holistic  
5 comprehensive look at the economics and take into account  
6 the externalities, hidden costs associated with diverting  
7 water.

8           Conventional wisdom is if the water goes out  
9 there and it goes into growing food and then that produces  
10 jobs and tax revenue, and that's the highest use of the  
11 water. And no doubt an analysis would show that probably  
12 is. But it's only true up to a point. What if after that  
13 communities downstream -- that's only true up to a point.  
14 But up to a certain point, communities downstream really  
15 start to suffer. And all of a sudden, the economics sort  
16 of bump up against the roof. What if that's true?

17           When I was a kid, I grew up in Riverbank, and I  
18 remember before New Malones Dam went in, I remember  
19 watching the salmon spawn at Riverbank, which is right  
20 down here in the valley. The water was agitated all over  
21 the place. I spent my entire childhood running around  
22 playing in that river.

23           What are the costs of an entire generation  
24 children who are afraid of rivers because they're polluted  
25 because they're dirty because you can't eat the fish? So

1       you know, those are important questions.

2               What are the -- me, as a property owner in  
3 Stanislaus County and here in Modesto, what's the -- what  
4 are the hidden costs associated with diverting water when  
5 we have essentially a glorified ditch in the back instead  
6 of a pretty river parkway?

7               So last thing I want to say, that access at Wards  
8 Ferry, I'm a kayaker. And in general, I'm not a wimp.  
9 But the hill, it's ridiculous. And also it is loose and  
10 unstable and really unsafe. And somebody is really going  
11 to get hurt.

12              The other thing is if you ever go there -- it  
13 really is. It's not just dangerous. It's a shame. The  
14 bridge is completely covered in graffiti with all sorts of  
15 stuff that would be offensive to any person I think  
16 anywhere in the world. It's just completely out of  
17 control. It's gross. There's garbage everywhere. You  
18 cannot park your car there overnight and not have it get  
19 broken into. I've had two friends -- two out of two try  
20 to leave their cars there overnight on an overnight  
21 kayaking trip, and both times their car has been broken  
22 into and their stuff has been either taken out or thrown  
23 into the lake. So it's a real problem. That really  
24 greased the wheels for an economy. It's a big part of the  
25 economy up there in Groveland. So anyway, thanks.

1 MR. HASTREITER: Thank you, Noah.

2 Paul Wenger.

3 MR. WENGER: Thank you. My name is Paul Wenger,  
4 W-e-n-g-e-r. Thank you for letting me have a couple  
5 minutes. I got in here late, about 7:15. So I couldn't  
6 sign up. So thank you for taking me.

7 It's interesting coming in. I try to figure out  
8 where I'm at. Am I in San Francisco or in Appalachia?

9 I'm a third generation farmer west of Modesto  
10 here, and I'm a proud farmer. And this area is rich and  
11 wealthy because of agriculture. Also through my property  
12 is three great big tubs of water that comes from the  
13 Sierra Nevada. It goes through my property and dumps in  
14 or east of San Francisco. It's interesting to have  
15 individuals from San Francisco come here and say how maybe  
16 we're misusing water. I remember during the drought when  
17 we were all conserving water and I talked to folks who  
18 were in politics in San Francisco. And I said, if you  
19 care about the fish, put some of that water down the river  
20 to take it out in the delta. And their response was,  
21 well, it would drive up the cost of our drinking water.  
22 And to think that the water that fills their toilet bowls  
23 in San Francisco is cleaner than what most of us drink  
24 here -- do you realize I met a man a couple of years ago,  
25 he's hired with a dog to go out and kill wild pigs around

1 the lakes so they don't get any excrement in the lakes  
2 that go into San Francisco.

3 This isn't Appalachia. This is an area that --  
4 yes, San Francisco paid for half of Don Pedro. The other  
5 half was paid by farmers and ranchers. Not by rate payers  
6 in the area. If you didn't have a riparian water right,  
7 you had to bond an indebtedness against your land just  
8 like property tax. And I remember as a kid talking to the  
9 old-timers, and there were people that lost their land  
10 because they couldn't pay that debt that came with that  
11 land because they were in the irrigation district because  
12 the voters said we're going to have an irrigation  
13 district. And they lost their land.

14 Our land today is valued because of the right  
15 that we have Don Pedro reservoir and we have access to  
16 that water. Is it a public trust? You bet. But we also  
17 have to have access to it. And I think we use it pretty  
18 wisely.

19 When you come through -- and the one young lady  
20 said water, wealth, contentment, health. This is a  
21 healthy area. High unemployment rate is mostly commuters  
22 that couldn't make it in San Francisco and they came over  
23 here and would drive back and forth. And now they're out  
24 of a job.

25 In agriculture, we're looking for people to work.

1       And we're putting people to work. I know the people that  
2       work for me have bought several homes. They're doing  
3       pretty well.

4                It's interesting, too, when we talk about if we  
5       put water in the river, we're going to all of a sudden put  
6       more fish out there. I understand I grew up fishing. I  
7       grew up on the Stanislaus River. And I'm a little older  
8       than the last fellow. And I don't ever remember that much  
9       salmon being in that river in the Stanislaus River, but  
10      maybe it was a day I wasn't there.

11              But we talk about the fact, if you remember, if  
12      you give a man a fish, you feed him for a day. If you  
13      teach him to fish, you'll feed him for a lifetime. We  
14      have 38 million residents in the state of California. If  
15      you gave every one of them a fish for a day, we'd be out  
16      of fish, folks.

17              Hopefully, agriculture, we've doubled the  
18      production in the state of California in the last 40 years  
19      with basically the same amount of water that we've had for  
20      the last 40 years. It's because we use it wisely and we  
21      keep reusing it. It's interesting, too, when we talk  
22      about people talking about if it's man-made, don't use it.  
23      And, yet, I look around the room. And I don't see anybody  
24      wearing clothes that isn't man-made. I don't think  
25      anybody got here in a car that wasn't man-made. And I

1 don't think they're using cell phones that wasn't  
2 man-made.

3 It's interesting when we talk about nature. We  
4 want to keep things natural. But give us a take-out so we  
5 can get our boat out and not have to carry it out the  
6 natural way. It really does discourage me.

7 We talk about the public trust, reasonable use,  
8 and beneficial use. You have a really tough job. In  
9 California, I think we're showing the world the way to use  
10 our resources. And like they said, we should be able to  
11 figure out a way to get the cold water for the fish so we  
12 can help the fish when they need the cold water. But we  
13 have the technology today through missed incubation and  
14 other things that help to out migration of fish that has  
15 nothing to do with more water, but the timely use of  
16 water, getting that cold water. It means everybody  
17 working together.

18 By 2025, you're going to have 50 million people  
19 in the state of California. When they talk about public  
20 trust, it means we want water in the tap when we turn it  
21 on. We want food in the store so that we can eat. And we  
22 want an environment that we can tell our children we did a  
23 very reasonable job of taking care of it and passing it  
24 onto the next generation.

25 Good luck looking through all the clutter,

1 because you've heard a lot of clutter. And maybe some of  
2 mine, too. But I'll guarantee you that the facts are the  
3 facts and the science is science. I'm a farmer. I live  
4 with science every day. It's not made up. Thank you.

5 MR. HASTREITER: All right. Well, that was our  
6 last speaker. I think -- you sure can.

7 MR. BLAKE: I forgot to sign in when I came.  
8 Hello. My name is Martin Blake, B-l-a-k-e. I live in  
9 Tuolumne County. I'm a teacher. And I've studied water  
10 policy for 35 years.

11 And I think there is one solution to one part of  
12 the problem having to do with the amount of water that  
13 would be available for downstream users based upon the  
14 amount of water that agriculture uses. And I'd like to  
15 ask you folks if you might possibly do a survey to see how  
16 many farmers that utilize TID and MID water, utilize drip  
17 irrigation, because 80 percent of all water that is used  
18 in California is used by agriculture. And I think a very  
19 small percentage of agricultural use is through drip and  
20 other water saving technologies. I know that drip  
21 irrigation can double the yield at one half the cost and  
22 save enormous amounts of water.

23 And I'd like to challenge TID and MID to perhaps  
24 look for government subsidies to be able to convert from  
25 the water technologies they're using now to water saving

1 technologies. I think that could be one possible answer.

2 Thank you so much.

3 MR. DUARTE: I got here ten minutes late. You're  
4 a very patient man. I appreciate it. I'm John Duarte, a  
5 third generation farmer. Both sides of my family here in  
6 Stanislaus County. D-u-a-r-t-e.

7 My family owns Duarte Nursery. We employ about  
8 700 people here locally, producing grapevines and fruit  
9 trees and nut trees for California farmers all over the  
10 state.

11 I want to encourage you as you're looking at the  
12 scope of this project to look at agriculture itself as a  
13 natural resource. A lot of times, we think of agriculture  
14 as a user of resources. But as you drive around and you  
15 look at the agricultural lands here around Modesto and  
16 Turlock within the irrigation districts, look at the ditch  
17 banks, look at the levees, look at the drainage ditches,  
18 look at the white cranes, look at the habitat, look at the  
19 animals. Compare that to the grasslands to the east of us  
20 and the west of us where there is no irrigated  
21 agriculture. Look at the habitat load on those lands.

22 We're doing a lot with the spotter. We're  
23 producing a lot of food. We're also producing a lot of  
24 habitat.

25 Also, please keep in mind as we hear about

1       whether or not we have an agriculture-based economy here  
2       and whether or not jobs are important in agriculture if  
3       our unemployment would be here without it. I work with  
4       thousands of growers annually, selling them trees, vine  
5       around the state. And I can tell you personally in my  
6       operation three years ago when the man-made drought was  
7       hitting the west side growers, our tree sales were through  
8       the floor. They were not planting almond trees. They  
9       were barely getting enough water to keep the almond  
10      orchards had alive.

11               I give you that first-hand experience, the  
12      documentation of the job losses and the strife in these  
13      communities down there from the growers who are struggling  
14      to keep their orchards alive to the farm workers who  
15      unfortunately in that area a lot of the annual crops are  
16      what don't get planted. If you have orchards and  
17      vineyards and you have a lack of water, you farm the  
18      orchards and vineyards, you don't plant the vegetables.  
19      You don't plant the almonds. You don't plant the crops  
20      that require large amounts of land labor and seasonal  
21      labor to pick them. You plant the permanent crops that  
22      are Americanized.

23               So firsthand -- I got my MBA from UOP. I didn't  
24      recognize the professor's name was mentioned earlier who  
25      said farm jobs don't matter. I can -- I've been to the

1 great valley center, and I've been to UOP where they've  
2 asked business people who have large numbers of employees  
3 to come and talk about economic development. And what we  
4 end up talking about is the agricultural cluster here in  
5 the area. And we talk about the jobs. We talk about the  
6 farm equipment companies. We talk about the nurseries.  
7 We talk about all of the support industries around  
8 agriculture.

9 I will take with some curiosity there is a  
10 professor at UOP that denies that. I know there was one  
11 at Davis a few decades ago that wrote "The End of  
12 Agriculture in the United States," and I don't think he  
13 was very correct.

14 So thank you very much. Thank you for taking one  
15 more speaker tonight. I appreciate your time. I  
16 appreciate your attention out here.

17 MR. HASTREITER: Thank you, John.

18 I think we're just going to end this now, if  
19 there's no more speakers. We really appreciate the time  
20 you've taken out of your evening to come and tell us your  
21 views about relicensing Don Pedro. So this ends the Don  
22 Pedro scoping meeting. Thank you.

23 (Whereupon, the meeting concluded at

24 10:27 p.m.)

25 (Thereupon the Commission adjourned.)