PC-3

U.S. DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE
PUBLIC HEARING
regarding
ENVIRONMENTAL IMPACT STATEMENT/
ENVIRONMENTAL IMPACT REPORT FOR THE TRINITY RIVER
MAINSTEM FISHERY RESTORATION
SACRAMENTO GRAND BALLROOM
629 J STREET
SACRAMENTO, CALIFORNIA
TUESDAY, NOVEMBER 18, 1999
6 p.m.

PRESIDING: ROBERT RUESINK, Supervisor
U.S. Fish and Wildlife Service
Snake River Basin Office
Boise, Idaho

APPEARING: MICHAEL SPEAR, Supervisor
U.S. Fish and Wildlife Service
California/Nevada Operations Office
2800 Cottage Way, Room W-2606
Sacramento, California 95825

MIKE RYAN, Regional Director,
Mid-Pacific Region
Bureau of Reclamation
Sacramento, California

MIKE ORCUTT, Director,
Natural Resources Program
Hoopa Valley Tribe
Hoopa, California

CHRIS ERIKSON, County Supervisor
Trinity County
Hayfork, California.

REPORTED BY: MARYANN VALENOTI, RPR, CSR #11266
JOB NO. 01-84905

HEARING OFFICER RUESINK: Thank you. We are on the record. Good evening. On behalf of the United States Fish and Wildlife Service, I welcome you to this public hearing. The United States Fish and Wildlife Service, U.S. Bureau of Reclamation, Hoopa Valley Tribe and Trinity County are conducting a joint process for taking comments on the Draft Environmental Impact Statement/Environmental Impact Report for the Trinity River Mainstem Fishery Restoration. My name is Robert Ruesink. The last name is R-U-E-S -- as in Sierra -- I-N-K. I'm the supervisor for the Fish and Wildlife Service in Boise, Idaho, and tonight I will be serving as a presiding official for this hearing.

With me at the table are representatives from the Fish and Wildlife Service, Hoopa Valley Tribe, United States Bureau of Reclamation and Trinity County, and they'll introduce themselves and make a statement in just a minute.

Other representatives of the U.S. Fish and Wildlife Service are also here at the registration and information table outside this room. You will find some additional written material there, and staff will be available to answer questions that you may have about the Trinity River restoration.

At this point I would like to introduce Mike

Spear, who will give the services opening statement.

MR. SPEAR: Good evening. My name is Mike Spear. I'm the California-Nevada Operations Manager for the Fish and Wildlife Service. Release of the Draft Trinity River Mainstem Fishery Restoration EIS/EIR is the latest step in the process that Congress initiated many years ago to address long-standing concerns about the effects of water diversion, instream habitat, sedimentation and watershed management on the Trinity River system's health, including its once abundant salmon runs.

Congress directed the Secretary of the Interior to evaluate the impacts of these issues and to take steps to restore the health of the Trinity River system. In response to this Congressional mandate, the Department of the Interior has been actively participating in a study for more than 15 years. This has been a collaborative effort lead by the U.S. Fish and Wildlife Service, for the Bureau of Reclamation, the Hoopa Valley Tribe and Trinity County. EIS/EIR summarizes the research that has been undertaken over the past several years and identifies for public comment several potential alternatives for restoring the Trinity River system. Impacts considered under the NEPA and CEQA are not limited to impacts of the fishery resources

of the Trinity River, but include all impacts to the action effecting the human environment.

The Department encourages public comment on all aspects of the Draft EIS/EIR. This public hearing is part of the comment process on the Draft EIS/EIR. It will be closed December 20, 1999. A record of decision is expected in the early spring of 2000.

On behalf of the Service, Bureau of Reclamation, the tribe, Hoopa Valley Tribe and Trinity County, I thank you for the effort you've made to attend this meeting and also thank you in advance for your comments.

Now, here to submit remarks from the CEQA league, Supervisor Chris Erikson, representative of Trinity County.

MR. ERIKSON: Thanks. I'm Chris Erikson. I'm a supervisor from Trinity County, and Trinity County's position in this is that we are the lead agency for the review under CEQA. I'll now introduce Mike Orcutt from the Hoopa Valley Tribe.

MR. ORCUTT: Good evening. I thank you as well for being here, and I guess I just have some real brief comments.

The resource that we are talking about, the fisheries and the wildlife resources of the basin, our tribe is dependent on it, and historically and

contemporarily. The real survival of the people at one time are really tied to that, the health of that resource. The tribe's involvement in this process, the development of the NEPA document we've been involved from the beginning, and our sole purpose in being there is one of which a lot of the information, supplemental information here shows that our species are listed and proposed for listing under the Endangered Species Act and that simply is not something that we choose to see happen. So that's the main reason we've been involved.

I would also make the comment that the relationship, the collaborative approach that's been used here is somewhat unique in which case and indian tribe has participated with the Federal Trustees in a development of this document, and I guess I just thank you in advance for your comments and I'm glad everyone's here tonight.

MR. RYAN: Good evening. My name is Mike Ryan. I'm the Northern California Area Manager for the U.S. Bureau of Reclamation. A portion of my job responsibilities include the Trinity River Division, the Bureau of Reclamation Central Valley Project.

HEARING OFFICER RUESINK: Thank you. Public comments on the draft EIS/EIR will be accepted until December 20, 1999. After review and consideration

1 of your comments, the four co-lead agencies, along with
2 the cooperating agencies will prepare a Final EIS/EIR.
3 The purpose of this hearing is to receive your comments
4 on those draft documents. Comments on all aspects of
5 the alternatives described in the documents are very
6 important and will be carefully considered. Because of
7 the importance of your comments, it is necessary that we
8 follow certain procedures here this evening.
9 If you wish to present comments at this hearing,
10 please register at the table outside the entrance to
11 this room. When you register indicate any organization
12 that you represent. When you are called to present your
13 comments, please come forward to the microphone in
14 front, begin your presentation by stating your full
15 name, spell it for the record and indicate if you
16 represent an organization.
17 This is an informal meeting, and, therefore, you
18 will not be questioned or cross-examined in connection
19 with your comments. Your comments or questions are
20 being recorded by the Reporter to preserve them for the
21 record. Please keep in mind that the Reporter will not
22 record any statement from the audience or which is made
23 to the audience. Comments must be made into the
24 microphone and should be addressed to the agency
25 representatives at the front table. Please leave a copy

1 of any written material to which you refer with the
2 Reporter or with the registration staff. If you are
3 reading your testimony, we ask that you please read
4 slowly enough for the Reporter to be able to record your
5 comments. Instead of presenting oral comments here this
6 evening or in addition to oral comments, you may submit
7 comments in writing. Written comments may be submitted
8 today to the staff at the registration table or they may
9 be mailed to Mr. Joe Polos, P-O-L-O-S, U.S. Fish and
10 Wildlife Service, 1655 Heindon, that's H-E-I-N-D-O-N,
11 Road, Arcata, California, 95521. That address is also
12 available at the registration and information tables in
13 the lobby. Written comments will be accepted through
14 December 20, 1999. Written comments are given the same
15 consideration as oral comments presented here.
16 At this time we are ready for our first speaker.
17 Mr. Byron Leydecker, would you please come to the
18 microphone, state your name and spell it for the record
19 and identify who you represent and begin your comments.
20 MR. LEYDECKER: Thank you, Mr. Chairman,
21 members representing the agencies involved in the
22 preparation of this document, we welcome this
23 opportunity to appear before you and to offer our
24 comments.
25 My name is Byron, B-Y-R-O-N, Leydecker,

1 L-E-Y-D-E-C-K-E-R, and I am the chair of Friends of the
2 Trinity River.
3 We will offer written comments at a later date,
4 but we would like to make some comments tonight.
5 Friends of the Trinity River believes based upon
6 the original Trinity River Division legislation and
7 subsequent legislation that no more than 30 percent of
8 the River's water should be diverted. The Federal
9 Government's promises dating from the early 1950s in an
10 effort to gain approval to construct the dam, those
11 promises must be honored at long last.
12 Given the current CALFED effort to cite an
13 ongoing example of assurances people will be asked to be
14 relying upon, people must actually see, they must be
15 able to believe and they must be willing to accept that
16 their government has not lied to them, that its
17 assurances to its citizens are fulfilled.
18 We believe the Environmental Impact Statement
19 Report inaccurately spreads adverse power cost impacts
20 pro rata on the county-by-county basis. In fact, these
21 costs are based upon individual contracts, not on a pro
22 rata county-by-county basis and this data should be
23 revised.
24 In addition, Trinity County never has been
25 provided with a preferential power rates dictated by law

1 in the Trinity River Division Act of 1955, and its
2 resident victims apparently now are expected to pay
3 apparently about $11 million to implement restoration
4 programs, as well as to absorb modestly increased power
5 costs. The final EIS/EIR should reflect that the
6 Trinity Public Utilities District will be exempt from
7 all costs associated with any lost power generation, and
8 preferential rate treatment should be enforced.
9 In addition, with a non-reauthorization of the
10 restoration program, all power interests now are paying
11 a disproportionate share of Trinity restoration costs at
12 70 percent, with the irrigators paying 30 percent. Thus
13 power interests are subsidizing a handful, a bare
14 handful of welfare beneficiary corporate type agro
15 business interest, and even this unfair funding for the
16 restoration program is not assured. So the Secretary
17 should take further action beyond or included in his
18 record of decision to make certain that program costs
19 are shared equitably. He must also assure that critical
20 watershed mechanical restoration activities are funded
21 adequately. This is imported empirically and rationally
22 and speaks volumes for needed action, to say nothing of
23 supporting science and are the River's restorations best
24 ally beyond water. This also is consistent with the
25 President's Forest Plan, the Option 9 plan and should

1 have assured funding until necessary watershed
2 rehabilitation projects are completed and that's a
3 reasonably finite effort.
4 The Secretary also should act to make certain
5 that the restoration program otherwise is funded
6 properly to accomplish its purpose. That issue is in
7 doubt as we stand here. Unlike Option 9, this
8 restoration program must be funded adequately or
9 restoration objectives will fail, government mandates
10 for no harm to the Trinity's fisheries and wildlife, a
11 quote from the 1955 Act that is, will become a permanent
12 fraud upon this country's citizens and any sense of
13 trust in the government will be shattered, and properly
14 so I might add.
15 And finally, I just might remind persons of an
16 old truism, fish cannot walk. Thank you very much.
17 HEARING OFFICER RUESINK: Thank you for
18 your comments, Mr. Leydecker. Our next speaker is Don
19 Frogner.
20 MR. FROGNER: My name is Don Frogner,
21 F-R-O-G-N-E-R. I'm a resident of Placer County, but I
22 own property in Trinity County. I guess I fished the
23 Trinity for several years. I've fished numerous rivers
24 across the west and Canada, and I take a look at what
25 the EIS is doing, and I look hypothetically consider if

1 the Trinity River and Lewiston Dams and the Tunnel to
2 Whiskeytown had not been built today and if we were to
3 discuss building them now, I seriously doubt if they
4 would be built today for the following reasons: The
5 economics, the return on investment is not there. As a
6 PBS television report made on Cadillac deserts. This
7 was done in 1957, probably designed in 1954, it would be
8 just too expensive to do today. I think the
9 environmental concerns would also even eliminate having
10 this -- these dams and tunnels built. There is no data
11 to support diverting 90 percent of the water with no
12 impact to the river. There's other alternatives.
13 Farmers could choose to grow different crops, use
14 environmental concerns to save water, and I think the
15 political climate of today knowing they can't build the
16 Auburn Dam, I don't think they could build the Lewiston
17 Dam and Trinity Dam and the Tunnel to Whiskeytown.
18 The building of Trinity, Lewiston Dams and Tunnel
19 to Whiskeytown was based on political desires, not
20 economic or environmental studies. Stating that over 90
21 percent of the water could be diverted with little or no
22 impact was a political one. I had been to Trinity
23 County library, they have three shelves. I researched
24 it. You cannot find anything that states why they
25 decided on 10 percent water flow would remain in the

1 river. To me, my conclusion is that it was a political
2 decision, not an economic decision to build the dams.
3 I'm also concerned with the pumping of Trinity
4 River water into the Sacramento River. This appears to
5 be not necessarily a true watershed. If Trinity County
6 were a state and San Joaquin was a state, this would
7 never happen. They would have never diverted that water
8 into the Sacramento River.
9 In summary, to me the logical alternative is
10 maximum flow, Number 1. I think let water flow and
11 mother nature rehabilitate the river bed. I have
12 concerns that cubic feet per second is not the right
13 metric to evaluate when the river is being
14 rehabilitated. In Montana, Idaho they use native fish
15 per mile would be a better metric. We need to establish
16 what is the baseline for native fish per mile for
17 salmon, steelhead and trout. At best cubic feet per
18 second and downstream water temperature are only
19 secondary metrics. They could be agreed upon, but
20 unless the limits are set, we still may not be able to
21 rehabilitate the river or the fishery. The flow
22 evaluation alternative is best a poor compromise, and I
23 believe that's Alternative 2, and it presents
24 unacceptable risk. 48 percent of the runoff prescribed
25 in the alternative may not be enough to restore the

1 fishery. It may require as much as 70 percent of the
2 flow. I have great concern with the in-channel
3 mechanical restorations as they are not a proven
4 concept. At best they're experiments without baselines
5 to validate if they are even effective. I looked at the
6 University of Washington's fishery library, I surfed the
7 Internet and I can't find any data to support why we
8 would want to do this mechanical restoration, and again,
9 funding for these mechanical restoration projects is
10 unreliable.
11 In summary, the answer is simple, more water for
12 the Trinity. Maximum flow is the best alternative.
13 Thank you.
14 HEARING OFFICER RUESINK: Thank you, Mr.
15 Frogner. Our next speaker is Marilynne Chabino.
16 MS. CHABINO: Hi, I'm Marilynne Chabino,
17 M-A-R-I-L-Y-N-N-E C-H-A-B-I-N-O. I'm here tonight to
18 speak for the many friends, family that I have on the
19 Trinity River and Humboldt County. I spoke with several
20 people today in Burnt Ranch and along the Del Loma River
21 all the way up to Willow Creek and hoping that I would
22 come tonight to speak.
23 I have had a family home in Burnt Ranch since --
24 well, I'm 55, so I've been going up there ever since I
25 was five years old. What I want to make people realize,

1 I have seen the changes that have become because of the
2 dams that were built. I can remember when they were
3 getting ready to build Whiskeytown and what it did to
4 the lakes, the rivers up there.
5 I caught my first fish when I was seven years old
6 at Cedar Flat, that was salmon. I could remember when
7 the salmon flowed unbelievably thick along the Trinity
8 River. They had ropes out strung with salmon, they had
9 row houses, everything was going very well in Trinity
10 County and for Humboldt because the people there respect
11 the river. What has happened here is that our
12 government has failed the people, the people in the
13 Trinity and Humboldt Counties by letting them down, by
14 taking away the river, a free river, which many do not
15 exist anymore. What I have seen is you can walk now
16 three quarters of the way out into the river in the
17 summer. Fish can't live there. Wildlife can't live
18 there. What we have done is damaged everything along
19 that highway, and we have done damage to the people.
20 They have been deceited, they need help. The water
21 needs to flow again and become a free river. This is to
22 bring back wildlife, many, many wildlife. I can
23 remember otters playing in the river, all kinds of
24 wildlife, and now you've destroyed that, just like
25 you've destroyed much of the United States in their land

1 and rivers. The Sacramento River does not have to have
2 that water. Perhaps if you did not divert the water to
3 the Sacramento River, we wouldn't have worries about
4 floods; would we? So that's something to think about.
5 Remember, you have destroyed what was once very
6 beautiful and very wild. The people in Trinity County
7 have a great love for their community. They have been
8 devastated by everything the United States Government
9 has done. The Hoopa Indians have been effected, all the
10 people along the river. It has taken away their
11 livelihood and the government is not taking care of we,
12 the people. Thank you.
13 HEARING OFFICER RUESINK: Thank you for
14 your comments.
15 The next speaker is Darius Pazirandeh.
16 MR. PAZIRANDEH: Hi. It's D-A-R-I-U-S
17 P-A-Z-I-R-A-N-D-E-H. I'm from UC Davis. I represent
18 the UC Davis Green Party and the UC Davis Student
19 Environmental Resource Center, and basically I've had
20 explained to me that the 48 percent plan would only keep
21 the fish and wildlife healthy if we were to go in with
22 bulldozers every year and repave the riverbed into a
23 natural setting which seems kind of sort of a paradox to
24 me to go in and make a natural riverbed with bulldozers.
25 That would not take care of the lack of gravel and

1 sediment flow that would be coming down. So there is a
2 lot of problems still even with that proposal.
3 I find only having 48 percent is unacceptable.
4 Nature is complex, and we can't just go in with the
5 bulldozer and replicate salmon spawning beds and all the
6 other like complex things that happen naturally when you
7 go in -- when the water flows at its full rate. You can
8 do a model and you could test and see, well, it will --
9 the water, when we have it paved this way, will do this
10 specific thing that we've tested our model on, but
11 there's going to be hundreds and hundreds of other
12 things that we are not going to be able to account for.
13 So there's going to be some kind of, you know, just
14 random stuff that comes up, and it's not going to be an
15 acceptable for the healthy wildlife.
16 The Trinity River Act of 1955 mandates that the
17 wildlife be healthy above everything else, that's what
18 the law says. If the wildlife isn't healthy, then we
19 need to do whatever we can to make it healthy, and we
20 know that the more water that's released into the river
21 from the dam, the healthier it will be, but the
22 bulldozer method, it's at best very expensive. I've
23 heard anywhere from two to $5 million a year, and it's
24 unreliable. And I mean, how could we even be sure that
25 the funding to keep going in there every year will be --

1 will always be there? What if in five years they
2 decided, "Okay, well, we don't want to do that anymore,
3 we need to make a budget cut, lower taxes," then you
4 could only have this little amount of water coming
5 through and there's not even going to be people going in
6 there trying to make that effort. I think we need to
7 have at least 70 percent of the water going through.
8 Thank you.
9 HEARING OFFICER RUESINK: Thank you. Our
10 next speaker is Aaron King.
11 MR. KING: Hello. It's Aaron King.
12 A-A-R-O-N K-I-N-G. I grew up on the Trinity River in
13 the watershed, and I spent a lot of my formative years
14 fishing and floating and playing and experiencing that
15 river. When I was about 14 or so I found out that that
16 river was somewhere around 10 or 15, maybe a little
17 more, percent of its actual size. When I found that out
18 I was amazed and I was disgusted. I was disgusted
19 because it struck me that a bunch of presumably men,
20 sorry, that's the position we are in, had got together
21 and decided that they could -- they had the right to
22 take that water from the land, from the plants and
23 animals and people who live there and take it somewhere
24 else for other purposes, to sell, to make money on
25 alfalfa so they could grow cows, that's presumably

what's going on. That's not acceptable to me. It's not acceptable to anybody that I've ever talked to in Trinity County. We all agree on this. I mean, there's a few people probably who don't, but just everybody that I've ever talked to in Trinity County agrees that this water belongs in our county, belongs in our river, belongs in the Klamath, it belongs to the salmon. There shouldn't need to be any other discussion. However, we have a law that says that you have to protect the wildlife and the fish, and we are still not doing it. Now we have this Environmental Impact Statement, and it's saying that the preferred alternative is, again, not to successfully protect the wildlife. When are we going to just -- when are we going to just give up on trying to deceive ourselves? When are we going to give up on trying to make a fast buck on our natural resources? This is our inheritance to our children. It's my inheritance. We have no right to destroy this river. The mechanical restoration, it's never been shown to be effective. Everybody who looks into this, it's one of the things that they find out. You can't -- as Darius says, you can't restore a river by adding a bunch of gravel. How is it going to deal with all the silt and the muck that that stirs up? It's just going to compound the problem. I've heard of many attempts of

mechanical restoration, they never work. The fact that the preferred alternative includes mechanical restoration shows that the writers of the Environmental Impact Statement, writers of the preferred alternative themselves know that 48 percent of the water is not enough to do the job. Are we going to do the job or are we going to not do the job, almost used the wrong sort of vernacular there.

We have a choice here as American citizens to protect our land or not, and I ask that you and the Secretary make the right choice here and allow all of the water down the river. I heard it said by people whose opinions I trust that 70 percent is enough. It strikes me as an individual and as a person personally that all the water should go down the river. It's not even that significant of a loss to the Central Valley project. It should all go down the river, but if 70 percent will actually restore the fisheries without the need for mechanical restoration, then that's fine. There's no reason why we shouldn't do that. That's all I have to say. Thank you.

HEARING OFFICER RUESINK: Thank you. Forrest Cross, would you come to the microphone, please.

MR. CROSS: Hello. My name is Forrest Cross. F-O-R-R-E-S-T C-R-O-S-S. I am born and raised

in Trinity County. Douglas City, in fact. I grew up on the hillside overlooking the Trinity River. I saw it as a part of my life everyday for about 18 years, and I'm a student now here down here at UC Davis studying engineering and geology, and in my studies I do a lot of hydrology and kind of geomorphology through the geology and engineering departments, and I wanted to address you guys about the alternative, the preferred alternative that you guys have heard that's written up in the report. I do not think the preferred alternative is acceptable. The amount of water that is allotted to be released into the river is only 40 something percent, 48 percent or something like that, and I don't feel that that's going to be enough to restore the river to its natural -- it's pre-dammed state, and in the 1955 Trinity River Dam Act and in the statement on why the report was done, it's to restore the anogomous fish population to pre-dam levels. The best way I see to do it is the maximum flow, release all the water that you can down the river. In fact, the two most important criteria that these flows studies were based on, the fisheries' resources and the vegetation wildlife and wetlands, the maximum flow alternative was by far and above the best alternative. And as I stated before, the goal of -- the goal of the report and one of the things

that was stated in the report or the Dam Act or the Trinity Dam Act of '55 is that the fisheries should not be hurt in any anyway whatsoever, they should be at pre-dam levels. The only way it's going to happen is the maximum flow. The pre-dam alternative also includes mechanical restoration. I don't feel that mechanical restoration is the proper way to go about it because that's not a natural way of restoring your natural fisheries. You are going in there with bulldozers and excavators and other heavy equipment and messing with the ecosystems yet again. I have an example of mechanical restoration that has failed right below my house down by Steiner Flat along the Trinity River. There was a side channel put in, thousands of dollars were spent on it and a lot of sediment was stirred up and sent down the river all this kind of stuff and to no avail whatsoever. The side channel doesn't even -- water doesn't even flow down. I don't feel that mechanical restoration will be able -- it's not even a good option to try to restore the fisheries. The funding for it is also as stated by a speaker, somebody earlier, is kind of in limbo. It's got to come out every year, it's not going to be there necessarily. If you let the water do its thing, if you let all the water that comes into the river flow back down the river, it's

1 the best cure. it will be the best cure.
2 In the courses that I've taken in my studies here
3 at UC Davis, water is the best cure. Mechanical
4 restoration doesn't always work. I've seen several
5 examples in classes that I've taken, and I would really
6 like to be able to some day go down to the Trinity River
7 and be able to catch a salmon in the river because I
8 grew up on the river, fishing in the river. I have
9 never caught a salmon. I have caught a handful of
10 steelhead that I could probably count on one hand.
11 They're just not there. It's definitely not the pre-dam
12 levels whatsoever, and I think the maximum flow is the
13 option that should be considered.
14 HEARING OFFICER RUESINK: Thank you. Steve
15 Evans.
16 MR. EVANS: Good evening. My name is Steve
17 Evans. That's E-V-A-N-S. I'm the Conservation Director
18 of Friends of the River, not to be confused with Friends
19 of the Trinity River, our sister organization. Friends
20 of the River is a statewide river conservation group.
21 We have nearly 8,000 members dedicated to the protection
22 and restoration of California's free-flowing rivers and
23 watersheds.
24 Restoration for the Trinity River is a high
25 priority with us. I think its restoration is a fact of

1 law, it's mandated by existing law. As you all know,
2 The Trinity River Act of 1955 required that no harm come
3 to the Trinity River fisheries and obviously that hasn't
4 come true and needs to be rectified.
5 Also, clearly there are trust responsibilities of
6 the Federal Government to the downstream Native American
7 tribes. The damming and diversion of the Trinity River
8 greatly effected their livelihood, and it also largely
9 destroyed the recreation-based industry of Trinity
10 County and for what? The Trinity project was a vast
11 transfer of natural resource wealth from Trinity County
12 to a desert area of Southern San Joaquin Valley, the
13 Westlands Water District. Not only has that transfer of
14 vast wealth effected Trinity County adversely, it's
15 effected San Joaquin Valley adversely in terms of
16 environment. The miles and miles of cotton fields and
17 other agricultural uses that Trinity water made a
18 reality in the San Joaquin Valley greatly impacted the
19 natural environment of the San Joaquin. A whole host of
20 rare and endangered wildlife and plant species are the
21 result. Toxic selenium, agricultural drainage draining
22 northwards to the Sacramento/San Joaquin/Delta are the
23 result, and so fixing the problem in the Trinity River
24 is also going to help the environment in the San
25 Joaquin.

1 I think we need to consider that wealth transfer
2 that occurred with the Trinity project a loan and the
3 loan has now become due and payable. I understand that
4 means economic hardship for agricultural interests in
5 the Westlands Water District, but this water wasn't
6 their's to use permanently, and now the fish in the
7 Trinity River and the people in the Trinity watershed
8 need it. For that reason Friends of the River strongly
9 supports an increase of flows up to 70 percent to
10 restore the ecological balance of the Trinity River and
11 the fisheries of the Trinity River and the social uses
12 based on those.
13 We don't believe that the preferred alternative
14 at this point of less than 50 percent flow restoration
15 will do the trick. Several speakers before me had
16 talked about the uncertainty of mechanical restoration.
17 I have to remind you all that -- well, perhaps a quote
18 is best. Reed Noss, a conservation biologist, stated
19 that not only is the ecosystem more complex than we
20 think, it's more complex than we can think.
21 We don't have all the answers, simply thinking we
22 could run bulldozers down the river to restore the
23 fishery of the Trinity River is hubris.
24 I'd like to remind you of one example in the
25 Trinity watershed, Grass Valley Creek, big erosion

1 problem at Grass Valley Creek, big sedimentation impacts
2 on the Trinity River fishery. The solution was to build
3 a sediment dam. That dam is now almost full of
4 sediment, sediment remains the prolem. Instead of
5 building the dam, we should have simply purchased the
6 watershed a long time ago, which we eventually did a few
7 years ago, but a long time ago to prevent the road
8 building and logging on the highly erosive granitic
9 soils in that unstable watershed, but instead we took
10 the hard solution, we took the technical solution of
11 building another dam. It didn't work. Let's not rely
12 on more mechanical technical solutions. Ecosystems need
13 water to function. The basic need for the restoration
14 of the Trinity River is more water.
15 There is one additional legal mandate I think you
16 should consider in this program of why you need to put
17 as much water back into the river as possible, that is
18 the National Wild and Scenic Rivers Act. The Trinity
19 River was designated a state wild and scenic river in
20 1972. It was subsequently added to the National Wild
21 and Scenic River system in 1981. As a national wild and
22 scenic river, federal agencies have this responsibility,
23 this is a direct quote from the Section 10A of the
24 National Wild and Scenic Rivers Act, "Each component of
25 the National Wild and Scenic River System shall be

1 administered in such a manner as to protect and enhance
2 the values which cause it to be included in the system."
3 The outstanding value that caused the Trinity
4 River to be added to the federal system is its anogomous
5 fishery, its salmon and steelhead fishery.
6 So you have a proactive responsibility under the
7 National Wild and Scenic Rivers Act, as well as the
8 Trinity River Act of 1955 and the Federal Government's
9 trust, responsibilities to Native Americans to restore
10 the river. Thank you.
11 HEARING OFFICER RUESINK: Thank you for
12 your comments, Mr. Evans. Brian Jobson.
13 MR. JOBSON: My name is Brian Jobson.
14 J-O-B-S-O-N. I represent the Sacramento Municipal
15 Utility District.
16 SMUD is the largest power customer of the Central
17 Valley Project. The hydroelectricity that we buy from
18 the Central Valley Project allows us to serve our load
19 like the load that's lighting this room tonight in an
20 environmentally sound way from the perspective that it
21 does not create air pollution, and the preferred
22 alternative will reduce the amount of hydroelectronic
23 generation on the Central Valley Project and impair our
24 ability to meet some of our environmental objectives.
25 Having said that, the District supports

1 restoration of the Trinity River, but we have worked
2 hard to see that it's done in a way that's most
3 environmentally responsible and results is not -- does
4 not -- excuse me, does not result in necessary adverse
5 impacts on other parts of the environment besides the
6 Trinity River. I'll go through now what I think the
7 shortcomings of the environmental document are, and I
8 would request that they all be addressed in the Revised
9 Final Environmental Impact Statement Report.
10 First of all, the scientific evaluation of
11 factors limiting fishery production in the Trinity River
12 is lacking. Rather, the problem is simplistically
13 attributed to flow reductions without a comprehensive
14 analysis of the role of harvest or hatchery impacts,
15 both of which are recognized as important and having
16 undergone recent changes.
17 Second, little effort has been made to reduce
18 flow needs by relying on mechanical measures which have
19 been demonstrated to be successful in other streams,
20 both in California and throughout the West in efforts
21 conducted by the Department of the Interior. Literature
22 in the scientific community has documented the
23 capability of mechanical measures to achieve restoration
24 goals while limiting the need for additional flows. We
25 feel a more balanced alternative in this vein is needed.

1 Thirdly, we believe the alternative ranking
2 system in the environmental document is contrived and
3 biased towards selecting the preferred alternative
4 because it does not select an alternative based on
5 fishery production, but rather on simulating a natural
6 river with the untested assumption that if you build
7 such a river, the fish will come.
8 There are many human needs of this river now, and
9 like it your not, that's where we are. There is a lot
10 of power generation and irrigation depending on this
11 water, and to the extent we could accomplish fishery
12 restoration with less adverse impacts on other Central
13 Valley Project purposes, we feel that would be a better
14 alternative and one that should be evaluated.
15 Fourth, we believe the impacts on the Sacramento
16 River and Delta fisheries are not adequately evaluated.
17 They do not appear to take into account the AFRP flows
18 mandated by the CVP Improvement Act. They allow X-2
19 violations in the Delta which are not allowed to other
20 entities proposing actions, and they rationalize impacts
21 to endangered species based on the assumption that they
22 are small compared to the no-action alternative.
23 Fifth, the no-action alternative assumes that
24 there will be degradation over the period of evaluation.
25 We have a problem with that assumption because we are

1 participating in many improvements to the Central Valley
2 Fishery under the CVP Improvement Act and we feel that
3 there will be improvements over time, not degradation in
4 the Central Valley, and secondly, the impacts of the
5 proposed action in the Trinity on the Central Valley
6 Project should be additive to the no-action alternative,
7 not compared and rationalized away as being small.
8 Sixth, the impacts on power generation are
9 severely underestimated. They ignore the impacts to CVP
10 power users which will accrue from incurring additional
11 O and M expenses to accomplishing channel modifications.
12 There is also an ignoring of the impacts to CVP power
13 users, increased under CVP that will result from the
14 decrease in water sales if the proposed action as
15 implemented.
16 We ask that the power impact analysis be redone
17 in the final environmental document to address these
18 impacts and that mitigation measures are included that
19 will help the power users be able to support the
20 proposed action as we've ask this be modified. This
21 mitigation may include adopting a non-reimbursable
22 designation for increased O and M expenses or adopting
23 non-reimbursable replacement power funding as was done
24 in the Temperature Control Device at Shasta Dam.
25 The cumulative impacts to power also need to be

1 revised to accurately include impacts from Central
2 Valley Project improvement restoration funding and
3 operational impacts and CALFED impacts. We would ask
4 that the Interior revise the final environmental
5 document to include the mitigation and the additional
6 alternatives that we've asked for, provide better
7 support for the recommendations that are made and if
8 it's done, we'll find this to be a legally sufficient
9 document. Thank you for the opportunity to comment.
10 HEARING OFFICER RUESINK: Thank you, Mr.
11 Jobson, for those comments.
12 Our next speaker is Ben Letton.
13 MR. LETTON: Hi, my name is Ben Letton. I
14 have been a resident of Trinity County for 23 years.
15 I'm 23 years old and actually grew up about quarter of a
16 mile from the river, and I share a lot of fond memories
17 of the river with a lot of people. I've watched the
18 river go from quite a good fisheries resource to
19 something that's a little bit subpar. I could remember
20 my dad and I went fishing as a kid and catching a few
21 salmon in like an hour. And then where like you go out
22 today you could spend a couple days and maybe not catch
23 anything.
24 I think the issue for someone like myself, a
25 resident, is to see the river restored, and it's not

1 just an issue of the fish, but all the wildlife and the
2 river as a resource for this state and everyone who
3 lives here.
4 I think that the resource will become -- it's
5 just as important as a resource as the state is for
6 agriculture, especially in the future. There's been a
7 lot of talk about, "Well, you could fix the river by
8 creating habitat, you could make a catchman and maybe
9 fish will use it for a natural spawning ground," that
10 type of thing, but if you read the literature,
11 especially the literature of late, you will find that
12 for most -- for water systems in general, the best
13 solution is water and to leave the system, step away,
14 let more water come in and you will see results. You
15 can't fix a non-linear system with linear measurements.
16 This length of a channel that the salmon could use will
17 help us restore this many salmon. It just doesn't work
18 that way. It's a wild system and water is the way that
19 it was created and water is the way that it will be
20 fixed, and as a resident, I hope that I could take my
21 children back there when I'm older and show them the
22 things that my dad showed me, and I think everyone would
23 like to see that. Thank you.
24 HEARING OFFICER RUESINK: Thank you. Next
25 speaker is Vince Wolfe.

1 MR. WOLFE: Hi. I'm Vince Wolfe, that's
2 spelled V-I-N-C-E W-O-L-F-E. I'd like to start just by
3 I don't know if anybody here has heard of Jeff Mount,
4 but he is a professor at UC Davis, spoken before
5 Congress about river, issues about rivers all over the
6 country, mostly in California, and I took a class from
7 him actually at UC Davis and this is his book. In one
8 area of his book he just addresses specifically the
9 Trinity River. He says, and I'm quoting here, "The
10 impact of the export of this water has been the virtual
11 elimination of floods." You probably all know this and
12 might perceive it as a good thing, but actually, because
13 of the decrease in water flow, you have -- you don't
14 flush out the rough sediment that's needed for salmon
15 habitat, for salmon spawning habitat, as he says,
16 "Although still present the gravels that would normally
17 make up the key spawning habitats have been buried by
18 the fine sediments that have filled the aggraded
19 channels. Lack of flushing flows competent to remove
20 the fine sediment has inhibited the exhumation of the
21 gravels."
22 So, in other words, the silt is over the critical
23 spawning habitat keeping the salmon from being able to
24 hatch there.
25 So as Ben said, more water is really the only

1 answer in terms of flushing out the fine sediment that's
2 keeping the habitat from being high quality, and the
3 other issue is when -- there is a picture of this, with
4 your permission, could I show you this picture -- of
5 before and after, a photo of when the dam was created
6 just as a reference to see what happens to the channels
7 when there's less water and more water: could I show
8 you?
9 What's happening in that picture is that the
10 riparian area is encroaching on the channel where there
11 used to be a very wide -- I shouldn't say "very wide,"
12 but a much wider flood plain where there could be
13 wetland habitat. When the river is shrunken because
14 there's not enough water consistently going down, the
15 riparian, which is very aggressive, will come out and
16 grow on the channels and stabilize them. At that point
17 when you do let out more water, and I think in each of
18 these alternatives they let out water for five days in
19 May, when you do release large amounts of water, instead
20 of scouring the banks, as a normal, healthy river
21 should, it scours down. When that happens you get sort
22 of more like a cliff-like structure which prevents --
23 there's no more flood plains for wetland species, and I
24 think this report actually mentions that, and there's
25 some decrease in the species of wetland dependent

1 animals, the yellow legged friar I think is one of they.
2 Again, the only way to solve that problem is to
3 have hopefully a release program that follows the
4 patterns of supposedly natural flows and also just to
5 have more water. So the alternative that's preferred
6 right now I think calls for about a doubling of the
7 current amount of water that's coming out, and I would
8 just call to double that again.
9 Also, another thing, this will be the last thing.
10 Jeff Mount said numerous times during the classes and
11 I've heard it from many people, you cannot restore a
12 river. And so all of these alternatives call for some
13 kind of manual mechanical restoration, bringing gravel
14 from other areas, presumably from the Trinity River
15 area, but still from other areas, and using it to create
16 habitat, but this just basically has never worked.
17 Never will work. It's a good way of helping out, but
18 it's not going to solve the problem. Only way to solve
19 the problem is to let more water out and let the river
20 do what it sort of does on its own and hopefully
21 eventually get rid of the dam, but that's another issue.
22 Thank you.
23 HEARING OFFICER RUESINK: Thank you. Just
24 wanted to make sure that we had the proper citation for
25 the text that he was quoting from.

1 Our next speaker is Dan Buckley.
2 MR. BUCKLEY: Hi, my name is Dan Buckley, I
3 just got here, so I assume I was supposed to identify
4 myself as anything in particular.
5 HEARING OFFICER RUESINK: Yes. Mr.
6 Buckley, if you would state your name, spell it for the
7 record, and please address your comments to the agency
8 representatives at the front table here. This is an
9 informal hearing. We will not have questions or
10 comments back and forth from the audience.
11 MR. BUCKLEY: My name is Dan Buckley. It's
12 B-U-C-K-L-E-Y. One thing I'd like to say is that one
13 thing for sure that will help this river restore its
14 fisheries, its wildlife habitat is more water. Nothing
15 else is for sure.
16 Any kind of habitat restoration, channel
17 morphology or any of those kind of things is uncertain.
18 To paraphrase people like Abby, Brower, Muir, Forman,
19 technology is not the answer, natural systems
20 approximating natural systems is the answer.
21 We need to restore our fisheries, a wildlife
22 habitat, riparian habitat everywhere, and we need to
23 start here with the Trinity. This needs to be a model
24 for every place in the country, starting with
25 California.

1 One of the things I'd like to mention is that the
2 Klamath is nothing but the major river here, and the
3 Trinity is a major tributary of the Klamath. We could
4 help restore the fisheries, the habitat on two of these
5 rivers. Why, because the Trinity is a clear water
6 tributary of the Klamath. We could help restore the
7 fisheries on the lower Klamath and the main Trinity.
8 I can't say that I'm totally prepared here. I'll
9 just sort of throw it out here, but in 1955 when the
10 legislation was passed, in 1963 when the projects were
11 done, we were told this wasn't going to harm our
12 fisheries. We were stupid. Of course we were stupid,
13 but the government led us to be stupid. One of the
14 things that -- maybe the greed for three-year
15 construction jobs made us be stupid. To paraphrase, we
16 get the government we deserve, but now we are a little
17 smarter, hopefully we are not a little bit too late.
18 In the mid '70s I went and fished the Trinity,
19 took a little 12 foot raft, floated down the river with
20 my girlfriend and my dog. I remember catching four very
21 large steelhead in 20 minutes and saying to myself,
22 "This is too easy."
23 Well, guess what, it's not too easy anymore.
24 Although I practiced catch and release for 25 years and
25 never fished for subsistence, I respect the rights of

1 and culture to do so, ie. fish for subsistence. Past
2 and current legislation give priority to maintain and
3 protect the fish and wildlife, those priorities need to
4 be respected.
5 For over 30 years we've been operating on a 70
6 and 30 percent ratio. Now it's time to reverse that
7 ratio for at least 36 years. We need to give 70 percent
8 of the water back to the river, not 30 percent. That
9 may be the only solution. As to the CALFED process we
10 can't restore the Trinity River, we can't trust the
11 government to restore any of the other rivers that they
12 promised to do so.
13 I myself am in a white water rafting business. I
14 could give a hoot. The people in my business, the
15 people in other business, the fisheries, we need to
16 restore all those species that respect our lives and we
17 respect theirs because guess what, we have a brain, we
18 could use it. It doesn't mean other species can or can
19 in the same way that we do. What I'm trying to say is
20 what happens to those species will happen to us
21 eventually. It's just a matter of putting it off and
22 putting it off in time.
23 In the CVPIA 1992 legislation 800,000 acre feet
24 was supposed to go back to the fisheries. Well, guess
25 what, at least half of that should come from the

Trinity, why, because way more than half of it has been coming from the Trinity. So at least 400,000 acre feet should go back to the Trinity River, of that 800 thousand CVPIA promised us.

I must admit, I sort throw this stuff down as I think, as I come about here. One of the things I think about here is about the normal morphology of these rivers. Nature's way of creating a healthy environmental system is the best way, and the only answer here as far as I could determine is to err on the side of caution, give us more water instead of less and maybe the water could create a healthy river system again. Thank you.

HEARING OFFICER RUESINK: Thank you, Mr. Buckley. Mike Belchik.

MR. BELCHIK: Good evening. My name is Mike Belchik, that's M-I-K-E B-E-L-C-H-I-K. I work for the Yurok tribe, Y-U-R-O-K. The Yurok tribe has participated as a cooperating agency, so I won't tell you the point of view of the tribe again, a lot of that is already in the document itself. I do want to go on the record as stating a couple things.

The Yurok tribe is opposed to any extensions of comment deadlines or extending the process. This process has been going on -- the flow study is somewhere

in the range of 13 to 15 years old. The EIS is already many years overdue. The river just can't wait a number of years while the process gets drugged out. We also oppose any attempts to tie this process to CALFED process. We think that the restoration of the Trinity is a stand alone.

We also -- another point I'd like to make is that we feel that it's imperative that there be funding to actually implement the alternatives, whatever alternative gets to be selected as the preferred alternative. That it's just unconscionable to get to the year of implementation and find out that nobody has planned ahead and that there's not any money right now to implement this and that goes with securing long-term funding for the continued implementation. I said I'd keep it brief, and so I am. Thank you.

HEARING OFFICER RUESINK: Thank you. Dan Ruiz.

MR. RUIZ: Hello, my name is Dan Ruiz, R-U-I-Z. I wasn't going to speak, actually it just dawned on me something that was not being mentioned by anybody. Although I agree very strongly with everything that's been said, especially about the fisheries, one that thing has not been mentioned is the economy of the area. I live here in Sacramento, but I visit at least a

couple, three times a year, and I've noticed a lot of for sale signs, a lot of closed businesses. It's very depressed up there, the economy is very depressed, and restoring the wildlife and restoring the fishery will not only help the environment, but it will help the economy because people will come. People will come to fish commercially or sport fishing, people will come for rafting, people will come to go hiking, people will come to just enjoy the area. People will patronize businesses, the stores, the restaurants, the gas stations. I think it will help the economy a lot if this river is restored, aside from all the other environmental concerns. Thank you.

HEARING OFFICER RUESINK: That's the end of the cards that I have here, but I understand someone else is signing up to speak right now, Tina Andolina.

MS. ANDOLINA: These things are sometimes tough. Tina Andolina. A-N-D-O-L-I-N-A. I wasn't quite sure if I was going to speak to you guys tonight, so much of what I wanted to say has already been said, and the moral of the story here is the only way to truly restore the fishery in the Trinity River is to give it more water, that's the only thing that we know is going to help.

And I just sort of want to pose a question to you

guys. It's too bad that you guys can't answer back. What are we really doing here? What's our real goal? Is our goal as stated in the 1984 legislation to restore the Trinity River's fisheries to those levels which existed prior to the dams, or is our goal to sort of make believe that we are doing what we are supposed to do and doing the cheapest possible way and make everybody happy?

The SMUD guy that was talking here earlier said like it or not, we are dependent, basically like it or not, we are dependent on the water. I guess he was trying to tell us that this dam has been here, been producing power, people are making millions in Westlands using this water, take the way it is. Now we need to now mitigate for that. Like it or not no, we don't. The law clearly says that the fish are given priority. That means if you take all the water that the Trinity gives to the CVP and put it back into the Trinity River, then that's what needs to be done. But the preferred alternative is taking the other route. It looks at what's the cheapest way we could do this? What's the way that we could make sure the water people are happy and the power people are happy, when we make this decision, maybe the environmentalist, maybe they'll be quiet, maybe we'll see a 2 percent increase in the

1 fisheries and they'll think we're doing okay. When they
2 were talking -- when the SMUD guy earlier was talking
3 about the fisheries, some fisheries in other rivers have
4 been improved with mechanical restoration, yes, maybe
5 they had a one or two or even a 5 percent increase.
6 Were they increased back to what they were before the
7 damn, no. Could you even do that with a dam? I'd like
8 to see it. If you guys can, then you're better
9 engineers than I think. That river and those fish
10 evolve together with 100 percent of the water. So we
11 study for 15 years how much water the fish actually
12 need? No, I think we study 15 years how much we could
13 still divert and maintain some semblance of a healthy
14 fishery. The river needs water, the fish need water,
15 the economies in Trinity County need water. Thank you.
16 HEARING OFFICER RUESINK: Thank you. Bill
17 Kiene.
18 MR. KIENE: My name is Bill Kiene,
19 K-I-E-N-E. I'm a native of Sacramento, and I've been in
20 the fishing tackle business for about 35 years in
21 Sacramento, and some points I might make about the
22 river. I think there's been a couple of studies done on
23 the economic value of sport fishing in a couple places
24 in the United States, and that would be a tremendous
25 boom to that part of the county, of the state, but also

1 a big selling point of moving here for big corporations
2 like Intel now and Hewlett Packard and stuff is some of
3 the nice outdoor recreation in Northern California
4 that's lacking in other states or lacking in Southern
5 California, so that's one aspect of the restoration of
6 the river.
7 The other thing is I started selling fishing
8 tackle in the '60s, and a lot of gentlemen that are
9 passed away now related a lot of stories about the
10 Klamath and Trinity River. They talked about the lower
11 Klamath having boats actually tied together all the way
12 across the mouth of the Klamath River. This is hundreds
13 of boats and everybody catching salmon. Then I heard
14 stories from a lot of the old anglers of when they put
15 the dams in, mostly in the early part of this century,
16 how the salmon came in for years against the dams, and
17 basically like on all the rivers in Northern California
18 and pretty much died for like five years, and I guess
19 they just piled up in big rafts on the river, but we
20 have dams in most of our rivers. I always dream about
21 having a few rivers without dams. I do see that
22 nationally and maybe worldwide they're just now as we
23 speak starting to remove a few dams, and I don't think
24 we're talking about maybe removing this dam, but also I
25 think anything they could do to increase the water in

1 these rivers would definitely be better.
2 Again, I had another thought that maybe at an
3 opportune time in the winter time when the flows are
4 excessive, like on the American we had these big flood
5 stages and it did clean the river out very nicely. I
6 don't know if there's any way that they could let the
7 river really go to a really excessive flow and along
8 with a little bit of mechanical, try to blow all that
9 vegetation out of the river. All the willows and
10 everything that are kind of choking the river, keeping
11 the gravel from moving.
12 The Trinity River is one of my favorite rivers.
13 The last time that we had really good fishing there was
14 1982. An old friend of mine and I in about early
15 November, it rained pretty heavily and the river came up
16 and an old friend of mine said we ought to run up there
17 because it came up and about then, if it will come up in
18 the fall, get a nice big rain, the steelhead run the
19 river. So we took Joe's trailer up there. In about
20 four days we got 26 steelhead on the flies that were
21 from six to 12 pounds, that's 1982. That's about the
22 last time.
23 I'm pretty closely -- I worked with Herb Burton
24 up there. He's a local fly shop owner and professional
25 guide, one of the half dozen really good guides in that

1 county, and he's eeking out a living on the river, and
2 I'm sure he would have a lot to say if he was here
3 because he's a lot more knowledgeable about the river.
4 He guides on the river full time for like the last 10 or
5 15 years, so he would be an expert on what's really
6 going on in the river, but anyway, I love to fish the
7 river. We always kind of talk about going up there now
8 and fishing. We don't really usually catch too much.
9 We have been taking some of our younger fishermen
10 up there to try to bond them with the river and teach
11 them how to fish, how to get into it at access points,
12 but we'll go up there and fish it for three or four days
13 and maybe catch one steelhead in the late fall.
14 Anyway, if they could bring that river back, I
15 have friends in their 70s and 80s that used to fish the
16 river back before the dams, and that's Colonel Joe Gray,
17 he's retired about 80 now and Wolf Bennet and Joe
18 Patterson, these guys are all about 80 years old. They
19 talk about what the river was like, I guess it was like
20 50 years ago, and anyway, it would be nice to see it
21 come back just to get better, actually. Thank you.
22 HEARING OFFICER RUESINK: Thank you for
23 your comments. Eric Gerstung.
24 MR. GERSTUNG: Thank you. My name is Eric
25 Gerstung, I'm a resident of Sacramento, and I've been

1 fishing in the Trinity River since the late 1950s, and
2 I've watched the steelhead runs go down, and
3 particularly interested in the summer steelhead that
4 have gone up the river for many centuries, and I'm very
5 interested in how this project would effect summer
6 steelhead.
7 The summer steelhead migrate up the river in May
8 and June and require cool water, and the young steelhead
9 go back May into July and require fairly cool water, and
10 when the Trinity River project was first -- the
11 diversion was first put into effect, the runs in the
12 tributaries, particularly the new river in the north
13 fork Trinity dropped down to quite a low level, and then
14 the first increment of increased flows there was a
15 substantial increase in the runs going into the new
16 river in north fork Trinity and this coincided with the
17 increase in flows in the slight increase in the water
18 temperature.
19 The water temperature is very critical. I
20 believe that if the flow is increased again or doubled,
21 you'd see a great improvement in the summer steelhead
22 runs up the Trinity River. The fish that seem to be
23 most effected are the young steelhead going back to the
24 ocean.
25 In the Klamath River, the temperatures are two to

1 four degrees higher in the mainstem of the Klamath
2 River, and the summer steelhead runs there have
3 progressively declined in the last 10 or 15 years, while
4 the tributary runs to the Trinity River have held their
5 own and somewhat increased. So I think that should be
6 factored into the benefits of the increased flow if you
7 haven't already done so.
8 I haven't had a chance to study the report yet,
9 but summer steelhead are real special fish, and we are
10 at the southern extremity of their distribution, which
11 occurs from Alaska to Northwestern California, and
12 they're in trouble all throughout their California
13 portion of their range. The figures I've seen, they're
14 only about half as abundant now as they were 10 years
15 ago, and most of the region they occurred in, in the
16 Klamath River tributaries, they've dropped about 80
17 percent, the mainstem Klamath tributary due to high
18 flows, high water temperatures during this drought
19 period. There doesn't seem to be any recovery in this
20 post-drought period.
21 I'd like to see also the schedule for improved
22 flows implemented as soon as possible without dragging
23 the decision on and on. I think enough study has been
24 done to make a decision, and I hope the decision will be
25 for substantially increased flows. Thank you.

1 HEARING OFFICER RUESINK: Thank you for
2 your comments. Darren Andolina.
3 MR. ANDOLINA: Hello, my name is Darren
4 Andolina, A-N-D-O-L-I-N-A. Just a couple of quick
5 points. In the 1993 dam authorization legislation they
6 said that only 56 percent of water would be diverted
7 from the river, and I understand that up to 90 percent
8 of the water is diverted at times, and I don't know how
9 that's been gotten away with for so long, even 70
10 percent is still more than the 56 percent that was
11 authorized, but basically to me that's theft. This
12 water has been stolen, and the power companies and the
13 water district have all built their businesses off of
14 this theft from Trinity County. I think that for them
15 to come crying now and saying that, well, we are going
16 to have to pay for this and that is wrong. If you steal
17 something, you go to jail, you pay for it.
18 Unfortunately it's not that direct by giving the water
19 back, but they still should have to pay for the damage
20 they've done by this theft.
21 One other point. I was shown or read over the
22 minutes from when they first had the hearings of
23 authorization of the dam in the '50s sometime, and I
24 understand then that the science that they did, they
25 actually had people come up and say that less -- less

1 water would actually be better for the fish. I don't
2 know if these people were paid off, I don't know if
3 these people just didn't have a clue in the world what
4 they were saying, but it seems to me they were wrong
5 then, and I think the preferred alternative is wrong
6 now. I think that all you simply need to do, like all
7 the people have said before me, the river needs the
8 water, it needs 100 percent of the water, maybe that's
9 not feasible at the moment, but 70 percent, as much as
10 possible needs to be released down the river, needs to
11 be there now. Thank you.
12 HEARING OFFICER RUESINK: Thank you.
13 Previous speaker Mr. Pazirandeh has asked for some
14 additional time to make another point. I'll allow
15 Mr. Pazirandeh to come up and give us some additional
16 comments and be watchful of other people that might sign
17 up that wish to speak that have not had a chance, in
18 which case we'd have to limit your time, but go ahead.
19 MR. PAZIRANDEH: I'll just be a minute. It
20 was basically when Mr. Jobson talked about we would be
21 losing -- it would hurt the power companies to be taking
22 the water out, and I don't know much about power, but
23 something that I know more about is one thing that's
24 grown a lot in the Central Valley is cotton, cotton is a
25 very water-intensive crop. I don't know if the water

from the Trinity River directly is going to be cotton, but our government outlawed hemp in the '30s. Instead of getting fibers from hemp, which is very -- doesn't take as much water, we have to grow cotton and that takes up a lot of water, so it seems that -- it seems like the government -- we have one the hand one part of our government working to help restore the river, but on the other hand, another part of the government is saying directly, "Well, this crop, there could be a solution to that, these water problems. Well, you can't grow it because it's an evil crop."

I guess my point is if people will say, "Well, this is going to hurt us if we let all this water go back down," and I think that there will become a solution if people have less water, they will start growing a crop that requires less water. I don't think that just because it's going to create a hardship in the immediate future is a reason to destroy the wildlife up there, and so that's all.

I think we just -- there's a lot broader picture that we need to look at. I know that it isn't your arena about the legality of hemp or not, but I just wanted to make a point that there's a lot bigger of a picture that's causing the problem, not just the immediate. "We need the water for this crop right now."

HEARING OFFICER RUESINK: Thank you. Another previous speaker, Aaron King wishes to make some additional comments. Again, the same condition if someone else wants to speak that has not had a chance yet, we'll limit your remarks and give them an opportunity, but go ahead, Mr. King.

MR. KING: I'll be very brief, it's A-A-R-O-N K-I-N-G. I just want to comment that at least so far, it looks like we are at the end of the speakers now, all except for one person have very clearly given you comments asking that you give all or nearly all the water back. I'm pretty sure the Westlands Water District could afford to send people up here. Nobody is here. The public is here, we are speaking. So it's pretty obvious what we are asking you to do. Nobody is dissenting here. Even with the guy from SMUD, it strikes me that his complaint could easily be remedied for less money than it would cost to maintain this mechanical restoration business for 20 years or indefinitely.

Also want to make the point about the recent letter that Jason Peltier wrote to the Secretary Babbitt asking for 90 day extension on this public comment hearing. That's nothing more than blatant attempt to manipulate the political process and that must be

discarded. It's not acceptable to hope for a new administration in November to see if we could stall the whole thing until then and get a new Secretary. It strikes me that that's the tactic that's probably being attempted here. That is disgusting. There must be no extension of this. The 12 year study has already taken 14 years, has already taken several years than it was supposed to, it never was to have taken that long in the first place. I hope that you gentlemen and the other people who make these decisions will make it as quickly as possible and send all the water down the river. Thank you very much.

HEARING OFFICER RUESINK: Thank you. At this time I have no additional requests for people to speak. If anyone in the audience now wishes to make a statement that has not registered, I would ask you to go to the table and fill out a card, and we will give you an opportunity to do so. I don't see anyone moving toward the registration table, so I'd like to go off the record at this time.

We will reconvene if someone else registers to speak, and we'll be here for about another half hour, until 8 o'clock. We are off the record.

(Whereupon, a recess was taken.)

HEARING OFFICER RUESINK: If I could have

your attention for just a minute, please. We are back on the record. I have no additional slips for people to make a statement this evening. We are at the time for scheduled closing of the hearing, and so on behalf of the U.S. Fish and Wildlife Service and the cooperating agencies, we appreciate the time and effort that you took this evening to present your comments. They've been very informative and will be fully considered in reaching a final decision. The hearing is closed. We are off the record.

(Hearing adjourned at 8:02 p.m.)

1 CERTIFICATE OF REPORTER
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3 I, MARYANN H. VALENOTI, a Registered
4 Professional Reporter and Certified Shorthand Reporter,
5 hereby certify that the testimony in the foregoing
6 proceedings was taken by me, a disinterested person, at
7 the time and place therein stated, and that the
8 testimony was thereafter reduced to typewriting, by
9 computer, under my direction and supervision.
10 I further certify that I am not of counsel or
11 attorney for either or any of the parties to the said
12 proceedings, nor in any way interested in the event of
13 this cause, and that I am not related to any of the
14 parties thereto.
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