

**UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION**

**Klamath River Renewal Corporation  
PacifiCorp**

**Project Nos. 14803-001;  
2082-063**

**AMENDED APPLICATION FOR SURRENDER OF LICENSE FOR MAJOR  
PROJECT AND REMOVAL OF PROJECT WORKS**

**Attachment C**

**Consultation Record Documenting Compliance with Section 106  
of the National Historic Preservation Act**

## **SUMMARY OF LKP CONSULTATION RECORD**

### **FERC TRIBAL CONSULTATION TRANSCRIPTS**

<b>Date</b>	<b>Tribe</b>	<b>Meeting or Teleconference</b>
January 16, 2018	Hoopa Valley Tribe	Meeting
January 16, 2018	Quartz Valley Indian Reservation	Meeting
January 17, 2018	Karuk Tribe	Meeting
January 18, 2018	Klamath Tribe	Meeting
January 19, 2018	Karuk Tribe	Meeting
February 5, 2018	Modoc Nation	Teleconference
July 9, 2019	Yurok Tribe	Teleconference

### **AGENCY CORRESPONDENCE**

<b>Date</b>	<b>From</b>	<b>To</b>
May 28, 2003	CA OHP	PacifiCorp
May 3, 2018	KRRC	CA OHP
May 3, 2018	KRRC	OR SHPO
June 7, 2018	KRRC	CA OHP
June 38, 2018	OR SHPO	KRRC
July 27, 2018	KRRC	OR SHPO
September 28, 2018	CA SHPO	KRRC
September 28, 2018	OR SHPO	KRRC
October 1, 2018	OR SHPO	KRRC
November 15, 2018	KRRC	CA SHPO
December 4, 2018	OR SHPO	KRRC
December 13, 2018	OR SHPO	KRRC
September 22, 2020	CA SHPO	KRRC
July 16, 2018 – December 4, 2018 (Email correspondence)	KRRC, BLM, USBR, CA OHP, OR SHPO	KRRC, BLM, USBR, CA OHP, OR SHPO

### **CULTURAL RESOURCES WORKING GROUP MEETING MINUTES**

<b>Date</b>	<b>Meeting or Teleconference</b>
September 5, 2017	Teleconference
December 14, 2017	Teleconference
March 15, 2018	Teleconference
August 14, 2018	Meeting
September 18, 2018	Meeting
October 29, 2018	Meeting
November 29, 2018	Meeting
February 19, 2019	Teleconference
April 25, 2019	Meeting
June 12, 2019	Meeting

July 30, 2019	Meeting
September 5, 2019	Meeting
October 29, 2019	Meeting
December 12, 2019	Teleconference

1           FEDERAL ENERGY REGULATORY COMMISSION  
2    KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS  
3           Nos: P-2082-062/ P-14803-000

4

5

6                       SCOPING MEETING

7

8

9           HOOPA VALLEY TRIBE NEIGHBORHOOD FACILITIES

10                   11860 HIGHWAY 96

11                   HOOPA, CA 95546

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13                   TUESDAY, JANUARY 16, 2018

14                   10:00 a.m.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, OFFICE OF THE GENERAL COUNSEL

7 HOOPA VALLEY TRIBE

8 RYAN JACKSON, CHAIRMAN HOOPA TRIBAL COUNCIL

9 VIVIENNA ORCUTT, COUNCIL MEMBER

10 LEONARD MASTEN, JR., COUNCIL MEMBER

11 OSCAR BILLINGS, COUNCIL MEMBER

12 EDWARD GUYER II, COUNCIL MEMBER

13 LEILANI POLE, COUNCIL MEMBER

14 JOSEPH LEMIEUX, COUNCIL MEMBER

15 DIANA MCCOVEY-FERRIS, COUNCIL MEMBER

16 GEORGE KAUTSKY, HVT FISHERIES

17 MIKE ORCUTT, HVT FISH DIRECTOR

18 DANIEL JORDAN, HVT SG COORDINATOR

19 KEN NORTON, HVT ENVIRONMENTAL DIRECTOR

20 BRIAN MCCAUGHEY, HVT GIS ANALYST

21 ROBERT FRANKLIN, HVT SENIOR HYDROLOGIST

22 DON RECK NMFS, FISH BIOLOGIST

23 DAVE MEURER, KRRC COMMUNITY LIAISON

24

25

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

2 (10:00 a.m.)

3 MS. MOLLOY: We can start with introductions.  
4 I'm Liz Malloy, I'm the Tribal Liaison for FERC. I have  
5 been at FERC for nearly 30 years working on hydro throughout  
6 that time. I'm with the Office of the General Council.

7 MR. WINCHELL: I'm Frank Winchell, I work with  
8 FERC too OEP -- Office of Energy Projects Division of Light  
9 Licensing. I'm an archeologist and I've been at FERC now  
10 for 20 years. I do pretty much all of the cultural  
11 resources west of the Rockies and then some east but I do  
12 all the stuff around here.

13 MS. POLARDINO: I'm Jennifer Polardino, I'm with  
14 also the OEP which is Office of Energy Projects with FERC  
15 and I am in the Division of Hydropower Administration and  
16 Compliance and we will be looking at the proposal to amend  
17 the project -- the Klamath to transfer it to the Lower  
18 Klamath Project.

19 MS. MCCORMICK: I'm Elizabeth McCormick. I'm  
20 also in the Office of the General Counsel at FERC and I'm  
21 working with the rest of the team on the transfer and  
22 amendment.

23 MR. ORCUTT: Mike Orcutt, Fisheries Department  
24 Director for the Hoopa Tribe and I have all kinds of  
25 different exposures to it over the years with the Klamath

1 Task Force -- I was on that group with the training program  
2 and so welcome.

3 MR. KAUTSKY: George Kautsky, I'm Deputy Director  
4 for Fisheries for Hoopa.

5 MR. FRANKLIN: Robert Franklin, hydrologist from  
6 the Fisheries Department. I'm here to make your job quick  
7 and get this over with and done with.

8 MR. LEMIEUX: Joseph LeMieux, Council member.

9 MS. POLE: Leilani Pole, Council Member.

10 MS. MCCOVEY-FERRIS: Diana Ferris, Council.

11 MR. MEURER: I'm Dave Meurer with Klamath River  
12 Renewal Corporation.

13 MR. RECK: Don Reck, National Fishery Service.

14 MR. NORTON: Ken Norton with the Hoppa Tribe's  
15 Environmental Program. We administer the Clean Water Act.

16 MR. MCCAUGHEY: And I'm Brian McCaughey, also  
17 part of Hoopa Tribe and I deal with water quality.

18 MR. CATHERINE: Gaynell Catherine, Court  
19 Reporter.

20 CHAIRMAN JACKSON: Okay, I see you have an Agenda  
21 here and maybe if the renewal folks were here a month or two  
22 ago and you guys are a different group associated with the  
23 renewal?

24 MS. MOLLOY: So we are the Commission before  
25 which they filed their application.

1                   CHAIRMAN JACKSON:   Okay.

2                   MS. MOLLOY:   So we're the ones that will decide  
3   on the application whether or not to grant.

4                   CHAIRMAN JACKSON:   Okay.

5                   MS. MOLLOY:   So we can start -- one thing I  
6   wanted to say is due to the proceeding being pretty much a  
7   contested proceeding -- there are strong views on this and  
8   it has been long ongoing.   The meeting is being transcribed  
9   to be put in the record but it is between just us and you.

10                  If anyone else walked in we would not be speaking  
11   with them, it is a meeting just between us.   We -- the  
12   Commission is in Washington, D.C.   It's FERC, it's the  
13   Federal Energy Regulatory Commission.   We have five  
14   Commissioners and several departments.

15                  Frank and Jennifer are in the Office of Energy  
16   Projects.   They handle reviewing license applications,  
17   surrender applications and various things.   Elizabeth and I  
18   are in the Office of General Counsel, we work with them on  
19   these applications so we work as a team in reviewing these  
20   and helping the Commission make decisions on this.

21                  So right now there are two proposals that have  
22   been filed with us that we have noticed and we sought  
23   interventions.   The Hoopa have sought intervening.   Just to  
24   let you know because the application came into intervening  
25   to become a party was timely and unopposed, it was granted

1 automatically so that the Hoopa Tribe is an intervener in  
2 these two proceedings.

3           There won't be anything that goes out and says  
4 that until an order -- there will be a footnote, but it's  
5 automatic. So I just wanted to -- in case anyone was  
6 wondering, let you know that that has occurred.

7           The two proceedings we have -- the one which as  
8 Jennifer mentioned is an amendment application to the  
9 current license to split the license into two and to  
10 transfer part of it to the corporation.

11           So that's if the Commission were to grant that,  
12 all that means is we would administratively divide the  
13 license to the different developments and have a new  
14 licensee but the existing terms of the license would  
15 continue.

16           Then we would be looking at -- then we have the  
17 second application which is for a decommissioning of the  
18 lower four developments which would be part of this new  
19 separate license if the Commission were to grant that.

20           And that is also what the Commission would be  
21 looking at whether or not to grant or not and we would be  
22 seeking comments. We have been seeking comments, we would  
23 be making sure we have additional or as much information as  
24 we need.

25           We'd be looking at analysis that has already been

1 done. You know, the Department of Interior has done some  
2 documents so we would be reviewing those, seeing if there is  
3 anything else we need to do or examine and eventually  
4 issuing an order granting that or denying it.

5 MR. LEMIEUX: You are all attorneys, right?

6 MS. MOLLOY: Just two, just us two.

7 MR. LEMIEUX: I just wanted to know if we should  
8 have our attorney here or not, I was just asking the  
9 gentleman.

10 MS. MOLLOY: So that's in a nutshell what we have  
11 before us and sort of where we are where we've asked for  
12 comments and we are still reviewing the applications and  
13 looking for what additional information we might need.

14 CHAIRMAN JACKSON: Okay is anyone political  
15 appointees on the Commission?

16 MS. MOLLOY: Yes, there are five Commissioners  
17 are appointed by the President for five year terms and  
18 confirmed by the Senate. Right now we have all five  
19 Commissioners.

20 CHAIRMAN JACKSON: Okay.

21 MS. MOLLOY: Three of them are Republicans, two  
22 are Democrats. Under the FTA there's no -- there could be  
23 no more than three of one party. It tends to ebb and flow.  
24 Right now it is three Republicans two Democrats.

25 CHAIRMAN JACKSON: Okay and have you guys gone

1 through this process before related to you know, the  
2 transfers of licenses and decommissioning?

3 MS. MOLLOY: Yes.

4 CHAIRMAN JACKSON: And normally that process  
5 takes about how long generally?

6 MS. MOLLOY: It depends on certain pieces of  
7 information we have to have -- water quality certifications  
8 and depending how long states or entities that have the  
9 responsibility to issue one, on certifications take on that  
10 can affect it. Also, if there are other issues that come up  
11 that we're waiting -- that we have to have something before  
12 we act.

13 We did have a -- we have separated licenses into  
14 two parts before so we have that again. It's based on  
15 information -- when we get the information and then we'll  
16 act. We have also on the Penobscot River in Maine -- there  
17 was a settlement that worked to remove two dams and also  
18 took some of the turbines from the dam and moved to other  
19 projects thus giving more path on the Penobscot there for  
20 the Atlantic Salmon. So --

21 CHAIRMAN JACKSON: Have the water quality  
22 certifications all begun I suppose? Or they were in  
23 abeyance for a long time?

24 MS. MOLLOY: The applications have been filed.

25 CHAIRMAN JACKSON: Okay.

1           MR. MEURER: I believe -- don't quote me I've  
2 only been on the job a week but I believe they actually held  
3 on -- you know, they're filing with the Water Board, they're  
4 holding off on part of the FERC process I think they are  
5 permitting this week.

6           MS. MOLLOY: According to the application that  
7 was filed with us they have the same date -- the same date  
8 applied for water quality certification. Now the states may  
9 ask for or anybody might ask for additional information --  
10 there were some gaps of information that they have according  
11 to what was filed with us -- actually filed certification --  
12 that's starts the one year period.

13          MR. ORCUTT: So when sort of specifically on the  
14 white salmon or the white salmon project or whatever and  
15 that was a similar situation right where it was under  
16 removal so there are examples of where the company --

17          MS. MOLLOY: So PacifiCorp. has also done the  
18 Condit dam removal. You can look up YouTube videos because  
19 that was actually you know, that's where they strategically  
20 blew up portions of it.

21                 After they removed fish they had gone in with the  
22 fish -- I think Fish and Wildlife went in and they removed  
23 fish from the area before they did -- you know, so they  
24 worked to plan to not to affect things too much while they  
25 were doing it and then that's restored the river there.



1 CHAIRMAN JACKSON: Where's that at?

2 MS. MOLLOY: That is in --

3 MR. LEMIEUX: Washington State.

4 CHAIRMAN JACKSON: Was that the one that Tom  
5 refers to?

6 MR. LEMIEUX: White salmon yeah.

7 CHAIRMAN JACKSON: Okay.

8 MR. LEMIEUX: And then there's Ella.

9 MS. MOLLOY: And Ella was the --

10 CHAIRMAN JACKSON: Ella was the one he referred  
11 to.

12 MS. MOLLOY: Ella was done by Interior I believe  
13 right? Outline ZOA had been licensed and obtained by  
14 Interior I think and they took care of it, the fish and the  
15 demolition.

16 So but yes, we do have experience in reviewing  
17 these and authorizing removal and surrenders.

18 MR. LEMIEUX: Let me go back just to make sure  
19 I've got this clear in my head. You are FERC, can I say it  
20 that way?

21 MS. MOLLOY: Yes.

22 MR. LEMIEUX: You're all FERC.

23 MS. MOLLOY: Yes.

24 MR. LEMIEUX: So you are saying an application  
25 was made to change the license, is that --

1 MS. MOLLOY: It mentions that we have two  
2 applications basically.

3 MR. LEMIEUX: And that's your responsibility --  
4 FERC's responsibility, about the license? That's in your --

5 MS. MOLLOY: Yes.

6 MR. LEMIEUX: So somebody makes an application  
7 and you are reviewing it whether or not it's application  
8 ought to go forward or does not go forward?

9 MS. MOLLOY: Yes.

10 MR. LEMIEUX: And that's where we are?

11 MS. MOLLOY: Yes.

12 MR. LEMIEUX: And you say it's been divided into  
13 two sections?

14 MS. MOLLOY: So there are two applications  
15 pending. One is to administrative divide the project into  
16 two projects with a new licensee for the lower -- for the  
17 separated portion.

18 MR. LEMIEUX: Okay, for the physical-ness of it.

19

20 MS. MOLLOY: It all stays the same it's just the  
21 responsibility would change on the lower four.

22 MR. LEMIEUX: And so that's something you're  
23 considering? You're looking at that?

24 MS. MOLLOY: Right.

25 MR. LEMIEUX: And you're visiting here to see --

1 MS. MOLLOY: What people think about it.

2 MR. LEMIEUX: Okay, okay I got it.

3 MS. MOLLOY: And then the other thing would be  
4 those four -- the same four developments, whether to  
5 authorize decommission and under which conditions to approve  
6 that.

7 MR. LEMIEUX: Wow.

8 MS. MOLLOY: So applications come into --

9 MR. LEMIEUX: To surrender and that's the  
10 technical term that you have to do to move the dam or get  
11 rid of the dams, get all that in place first.

12 MS. MOLLOY: It would be surrendering the license  
13 which would remove the federal authorization for having a  
14 license.

15 CHAIRMAN JACKSON: We have one other individual --  
16 let's call him Tom, our attorney if you don't mind.

17 (Speaking on telephone)

18 MR. SCHLOSSER: This is Tom.

19 CHAIRMAN JACKSON: Hey Tom, it's Chairman  
20 Jackson. There's an audience here -- Council members as  
21 well as folks from FERC, EPA, Tribal EPA is here as well as  
22 I think the renewal corporation has a gentleman as well and  
23 then Don Reck.

24 MR. SCHLOSSER: Great, thanks.

25 CHAIRMAN JACKSON: So we've just been kind of

1 going over some of the preliminary discussions about what  
2 FERC is -- I guess, reviewing for the applications that have  
3 been submitted and I don't know, you probably have a lot  
4 more information than we do.

5 But this is Tom Schlosser, he's our attorney from  
6 Washington.

7 MR. SCHLOSSER: Hi everybody, thanks.

8 COURT REPORTER: Can you spell the last name?

9 CHAIRMAN JACKSON: S-c-h-l-o-s-s-e-r.

10 COURT REPORTER: Thank you.

11 MR. KAUTSKY: Can I ask you a question?

12 MS. MOLLOY: Yes.

13 MR. KAUTSKY: The two documents have been  
14 submitted now by -- presumably by PacifiCorp. and the  
15 Renewal Corporation?

16 MS. MOLLOY: Right.

17 MR. KAUTSKY: Are these public documents that we  
18 could access?

19 MS. MOLLOY: Yes.

20 MR. KAUTSKY: They're on your website?

21 MS. MOLLOY: Yes.

22 MR. KAUTSKY: Thank you.

23 MS. MOLLOY: And the Docket Numbers so that you  
24 can access them on are 2082 -- they're on top of the Agenda.

25 MR. KAUTSKY: Oh it's on the Agenda?

1 MS. MOLLOY: Yes, yes, use our e-library system  
2 to access. On the second line on the top the Agenda --

3 MR. KAUTSKY: That's how you get to those on  
4 that?

5 MS. MOLLOY: Yes.

6 MS. POLARDINO: Has everybody been on our  
7 e-library system? Okay.

8 MR. FRANKLIN: I have it's been quite a few years  
9 ago.

10 MS. POLARDINO: Right.

11 MR. FRANKLIN: And at the front end of all of  
12 this stuff and I found it nearly impenetrable. There was so  
13 much I didn't know how to search.

14 MS. MOLLOY: It is challenging because everything  
15 goes there.

16 MS. POLARDINO: Right.

17 MS. MOLLOY: For a project we make sure that  
18 everything is in e-library. Sometimes if there's privileged  
19 information there will be a docket line that says it's been  
20 filed and that you know, unless you are authorized you can't  
21 get to it.

22 MS. POLARDINO: Sometimes key words if you're  
23 looking for a particular --

24 MR. FRANKLIN: I wasn't good at filtering. I got  
25 everything and I started to look through it.

1 MS. POLARDINO: And I think I should say that  
2 when you are searching if you put in these numbers with a  
3 "P" and a "-" in front of them -- that's the proper way to  
4 search for hydropower dockets -- P-2082 or 14803.

5 MS. MOLLOY: The "P" stands for project number.

6 MS. POLARDINO: And that designates it as a  
7 hydropower proceeding. And I would go through the search  
8 terms -- go through all because it will automatically show  
9 through like a month period so if you click on the radius or  
10 button where it says "all" it will pull up everything for  
11 that docket as well.

12 MS. MOLLOY: And if you have trouble -- give one  
13 of us a call and we'll help you find something.

14 MR. KAUTSKY: I think I was trying to open one of  
15 these last week and it was on the order of a hundred or so  
16 megabytes.

17 MS. POLARDINO: Yes.

18 MR. KAUTSKY: And I was in a meeting and I never  
19 did get the document loaded -- is that the application that  
20 that's big?

21 MS. POLARDINO: Yes.

22 MR. KAUTSKY: 100 -- I mean over a few megabytes  
23 -- it's really large.

24 MS. POLARDINO: Yes.

25 MS. MOLLOY: So on the longer documents there's

1 usually --

2 MR. KAUTSKY: Thumbnails or?

3 MS. MOLLOY: There's usually a thing that says  
4 more files or something so they're supposed to break it  
5 down.

6 MR. KAUTSKY: Okay.

7 MS. MOLLOY: Into smaller pieces so that it is  
8 easier to download.

9 MR. KAUTSKY: Uh-huh.

10 MS. MOLLOY: So the application I know has a --  
11 something that says more files and if you click on that it  
12 actually gets you each little packet -- like it might be  
13 appendix, appendixes are separate so then it's not as bulky  
14 depending sort of where you are and how fast it --

15 MR. LEMIEUX: I will depend upon one of you,  
16 George, about -- pull down the documents okay?

17 MS. POLARDINO: You can go to Ferc.gov and on the  
18 heading it will say, "Documents and Filings" and just go  
19 down to where it says "e-library" and if you have any  
20 questions you can give me or anybody else here a call about  
21 searching for any documents on FERC online.

22 MS. MOLLOY: On the basic -- we can walk through  
23 on the basic stuff and everything and let you know where to  
24 find someone if it gets too complicated.

25 MS. POLARDINO: Right.

1 MS. MOLLOY: We look and say "Huh".

2 CHAIRMAN JACKSON: Okay I think we skipped the  
3 ground rules for the meeting?

4 MS. MOLLOY: Well the ground rules were merely  
5 that it was just -- that this was a discussion just between  
6 you and us.

7 MS. POLARDINO: Yeah.

8 MS. MOLLOY: And if any others from the public  
9 came to this that we were not inviting them to speak.

10 CHAIRMAN JACKSON: Okay, got you.

11 MS. MOLLOY: And I did describe just in talking,  
12 I did sort of describe the proposals briefly and if that's  
13 -- if you need more we can talk a little bit more. But we  
14 are very interested in identifying your concerns what FERC  
15 should be looking at -- particular items if possible.

16 If we were to grant the application or for the  
17 surrender for example, what we should be looking for to  
18 watch out for during the process any surrender and after or  
19 any concerns that you might have that you would be willing  
20 to share with us so that we can make sure that --

21 CHAIRMAN JACKSON: Yeah, Tom had -- before he got  
22 on the call had asked about interim measures for protection  
23 of fish. I think up until now there has been I would say  
24 refusals -- it's the Commission has not been willing to  
25 grant interim measures on behalf of fish protection.



1           Is that -- and maybe Tom, you can maybe allude to  
2 more of that but are those things going to be considered  
3 now?

4           MR. SCHLOSSER: (Speaking through Cell phone --  
5 Inaudible over the phone).

6           MR. ORCUTT: Well sort of related to that  
7 question that certain formulates a little bit for me is how  
8 would FERC -- definitely related to interim measures is you  
9 have the amended plan of hydro-settling agreement that  
10 certain parties have signed.

11           How would any of those conditions -- because a  
12 lot of the issues definitely about fish and stuff like  
13 hatcheries and that sort of thing are in there and so how  
14 would that maybe get incorporated into an order? It's  
15 pretty cumbersome I would think.

16           MS. MOLLOY: So in looking -- do we want to pause  
17 or --

18           MR. SCHLOSSER: I may have made a mistake on my  
19 end. Should I proceed with that question I had?

20           CHAIRMAN JACKSON: Yes please.

21           MR. SCHLOSSER: Well thank you everybody I'm  
22 sorry about the phone problems which I believe I caused over  
23 here. My question relates to fisheries conditions while  
24 this proceeding is underway.

25           And there is some history to this -- when the

1 federal agencies imposed terms and conditions under Section  
2 18 and 4E the licensee -- PacifiCorp. appealed those and an  
3 Administrative Law Judge held a trial and issued a decision  
4 on that.

5 That was in 2006. In 2007 the Hoopa Valley Tribe  
6 petitioned or made a motion to ask the Commission to impose  
7 some of those conditions, not the structural changes but the  
8 granting rates and most of the bypass and so on to protect  
9 fish.

10 And the Commission declined to do so in part on  
11 the grounds that the licensing proceeding was nearly over.  
12 Now, of course that was ten years ago and the licensing  
13 proceeding is not over. And although the request to  
14 transfer the license for the lower Klamath Project is  
15 promising and dam surrender could ultimately occur, the  
16 conditions in the river for fisheries is worse and worse.

17 And you have staff there in the room who can fill  
18 you in on the details of this, but essentially there are  
19 threatened coral salmon, there are Chinook salmon which are  
20 returning in numbers that are too small to allow harvest for  
21 Indian subsistence and so my question is will the Commission  
22 entertain imposing interim conditions on the project while  
23 this licensing decision is under way?

24 MS. MOLLOY: I can't say what the Commission  
25 would do with such a motion but certainly you are welcome to

1 file and request citing what you have just cited and the  
2 Commission would act on it. It doesn't currently have, you  
3 know, such a Motion before it so it would not be -- it's not  
4 part of either of the applications pending.

5 MR. LEMIEUX: Can you -- Tom, can you hear her?

6 MR. SCHLOSSER: Yes, yes, I can and so I gather  
7 the Commission won't do this on its own volition but we can  
8 certainly talk internally about whether to make this motion  
9 again because it's long overdue.

10 CHAIRMAN JACKSON: So those things are not  
11 currently under consideration?

12 MS. MOLLOY: Right, there's no motion currently  
13 so what the Commission has before it to look at is the  
14 transfer and transfer application to split the project.

15 CHAIRMAN JACKSON: Okay.

16 MS. MOLLOY: And have a new licensee and  
17 surrender application and the Commission will be looking to  
18 act on that using existing information and determining if it  
19 needs a supplement.

20 MR. LEMIEUX: Tom, you're familiar with what the  
21 -- what'd you call it splitting the two?

22 MS. MOLLOY: The amendment to transfer and divide  
23 the project into two projects.

24 MR. LEMIEUX: You're familiar with that Tom?

25 MR. SCHLOSSER: Yes.

1           MR. LEMIEUX: Okay as long as you're familiar.

2           MR. SCHLOSSER: Yes I am and we filed a request  
3 to intervene on behalf of the tribe in the new licensing  
4 proceeding.

5           MS. MOLLOY: And that's what I said earlier that  
6 the intervention, because it was filed timely and unopposed  
7 was granted automatically so the Hoopa is now a party to the  
8 proceedings -- the two proceedings.

9           MR. SCHLOSSER: Oh, okay great.

10          MS. MOLLOY: Yeah, I looked -- I checked on that.

11          MR. LEMIEUX: Well Tom had a question and we have  
12 an answer I guess we'll move on to the next point.

13          MR. SCHLOSSER: Sure.

14          MS. MOLLOY: So other than those questions, is  
15 there -- would you like to hear more? I think you  
16 understand that -- I get the idea that you understand the  
17 proposals for the most part. I don't know if you want any  
18 further discussion of that or we would love to hear comments  
19 and concerns.

20                 We know a number of them but it would be great if  
21 we could hear the current ones, the ones you have spoken of,  
22 anything that you would like to share with us.

23          CHAIRMAN JACKSON: I guess -- to what extent are  
24 you guys able to actually express on behalf of the  
25 Commission anything?

1 MS. MOLLOY: Because we are -- the Commission  
2 acts on proposals that are placed before it. In that way we  
3 act in a quasi-judicial manner so we take in information as  
4 much as we can but until an order is issued, a decision  
5 isn't made and so it falls on things.

6 CHAIRMAN JACKSON: So I mean you guys are here to  
7 talk about maybe a procedural type of things because if we  
8 get into the specifics on what the Commission may or may not  
9 do it doesn't sound like you guys have the answers to those  
10 things.

11 MR. WINCHELL: Yeah, let me add something to what  
12 Liz is saying is that we are certainly decisional employees  
13 where we are going to do the environmental analysis let's  
14 say on the surrender.

15 A lot of us -- John Mudre, I want to make clear,  
16 is project coordinator for these proceedings or the one  
17 that's for the surrenders, the 14 508.

18 MS. POLARDINE: It's 14803, 14803.

19 MR. WINCHELL: Anyway John Mudre is the project  
20 coordinator but John is also involved with the re-licensing  
21 as well. The Commission staff always goes through the  
22 analysis aspects and we make recommendations to the  
23 Commissioners.

24 Our track record is pretty good okay, so we are  
25 going to be doing the analysis so you are looking at the

1 people who are actually going to be involved with the  
2 surrender and the transfer of the license.

3 MS. MOLLOY: So we can't say what the Commission  
4 would do necessarily but we can say if the Commission were  
5 to grant the surrender, you know, are there concerns in  
6 particular areas you would want us to focus on in setting  
7 conditions?

8 Or is there anything that you feel that we should  
9 know also can be filed. It doesn't necessarily tell -- you  
10 know, but if it is filed on the record we're able to then  
11 look at that in making our decision and it helps us to  
12 understand and try to mitigate -- try to address the issues.

13 So we try to make it work out the best for  
14 everyone.

15 MR. KAUTSKY: So in your work, you know, the  
16 technical work that you do -- do you openly narrow down to a  
17 recommendation to the Commission regarding any application  
18 or --

19 MR. WINCHELL: Basically what they do is the  
20 recommendation is through our environmental analysis through  
21 the NEPA process which is going to be fulfilled through a  
22 NEPA document.

23 And the Commissioners -- the five Commissioners  
24 are going to take that and they are going to see if they are  
25 going to fashion an order to execute the environmental

1     analysis which essentially is their record of decision -- it  
2     goes through a license supporter.

3             MS. MOLLOY:   And we know there's been some NEPA  
4     work -- there's been environmental analysis done and stuff  
5     and we would be looking at that and then doing our own as  
6     appropriate based on any of the changes since anything else  
7     was done.

8             MR. WINCHELL:   And it would be -- you know our  
9     NEPA analysis is independent but of course like Liz was  
10    saying we certainly rely heavily on the stuff that was done  
11    in 2002 with the Interior, with their FDIS.

12            MR. FRANKLIN:   Could I ask what specific NEPA  
13    document are you working on -- EADIS?

14            MS. MOLLOY:   I don't believe the Commission has  
15    made a decision exactly on what that would be -- just we're  
16    still looking over the record and looking for where we would  
17    be filling in.

18            MR. FRANKLIN:   How is this likely to synchronize  
19    or not with the 2020 dam removal that we've talked about  
20    forever?

21            MR. WINCHELL:   It's going to have a lot to do  
22    with it of course because that's what we're -- you know, of  
23    course we had our own analysis that we did way back in 2008  
24    with our FDIS but after that we've got the full analysis of  
25    the 2012 FDIS so we certainly are going to look at that and

1     rely a lot.

2                   MR. FRANKLIN: I'm thinking about timing when I  
3     say synchronization.

4                   MS. MOLLOY: Right and timing is a little bit  
5     difficult because there are a couple of other -- it would be  
6     water quality certifications or anything we might need  
7     that's outside of our control.

8                   But to the extent that it's -- we have the  
9     information we need when we examine everything -- we've  
10    gathered all the information we need to do the analysis we  
11    will be turning to that and then it's getting that out --  
12    whatever we need to get out.

13                  So we will be seeking to move this you know, as  
14    we can.

15                  MR. FRANKLIN: What are the chances if you could  
16    guess at it -- that this could extend the period of time  
17    necessary for FERC to take action if the NEPA document  
18    itself can't come together fast enough?

19                  MS. MOLLOY: It is unlikely that would be -- on  
20    the NEPA?

21                  MR. FRANKLIN: Yes?

22                  MS. MOLLOY: I just don't see that being a  
23    problem, that's within our control for the most part.

24                  MR. FRANKLIN: Okay.

25                  MS. MOLLOY: If we have the information we need



1 and if we don't we will be asking for it. So, but on our  
2 end, you know, we will be turning to it and working as well  
3 as we can to get it out whatever we need.

4 But we try not to recreate -- we have to use  
5 what's existing so we would be just working on making sure  
6 that we've addressed anything that hasn't been addressed  
7 that we believe needs to, but we're still in the process of  
8 looking and determining.

9 MR. SCHLOSSER: Well this is Tom, if I can ask a  
10 question about this. Last month in the letter of December  
11 14 the Commission wrote concerning our request for extension  
12 of time to respond to items related to the staff's  
13 environmental analysis of the proposed surrender decision.

14 And the Commission's letter says the requested  
15 extension may not allow enough time for the Commission to  
16 act on the surrender application by December 31 of 2019 but  
17 then the Commission went ahead and granted the full six  
18 month extension.

19 So I guess I'm wondering how realistic that  
20 December 31, 2019 date is for action on the surrender  
21 application?

22 MR. WINCHELL: Well, this is Frank from FERC. I  
23 think if I understand this and again I'm speaking for John  
24 Mudre he's a project coordinator and he's another person to  
25 contact. But I do think we're waiting -- before we can move

1 to our next step we've got to have that information back to  
2 us and then at that point we'll know when we're ready "for  
3 environmental analysis" but right now what Liz is saying you  
4 know, we've got two processes before us -- we've got to deal  
5 with those first, the license amendment.

6 And of course then the surrender itself but you  
7 know, I think that we are waiting for the information from  
8 the licensee -- the additional information request, we can't  
9 really move until we get that information and I suspect it's  
10 going to be soon right?

11 MS. MOLLOY: So I mean I would take that  
12 extension -- we did grant the extension but by saying that I  
13 think we're plotting that the information be filed as soon  
14 as it's available because we don't want to unnecessarily  
15 wait and the request for the application came in seeking  
16 those further dates.

17 We just alerted them that if they, you know, want  
18 those dates they need to get us the information as quickly  
19 as they can.

20 MR. SCHLOSSER: Well at least the letterhead said  
21 that. You know you just can't grant the extension to July  
22 1st of this year -- it didn't say anything about earlier if  
23 at all possible. If it's there I missed it.

24 MS. MOLLOY: Well where we said that it might  
25 make it tight to make the dates that they had proposed.

1           MR. SCHLOSSER: Yes, now related to that -- so  
2     that the first decision is on the license amendment -- that  
3     is the transfer of the license for the lower four dams to  
4     the Renewal Corporation.

5           And that decision will be made first before you  
6     consider the surrender application right?

7           MS. MOLLOY: That application is an  
8     administrative decision not needing environmental analysis.  
9     Typically our transfers -- it would just be transferring  
10    part of the project under the existing terms and conditions  
11    of the current license.

12          MR. SCHLOSSER: Right, right. And so the request  
13    for additional information relates to the surrender not to  
14    the transfer or the unanswered request?

15          MR. WINCHELL: Right, correct.

16          MR. SCHLOSSER: And so does that mean the  
17    Commission is prepared to act promptly on the license  
18    amendment now? I mean do you need more?

19          MR. WINCHELL: Well we have got to have the  
20    additional information that we requested first.

21          MR. SCHLOSSER: But isn't that for the surrender  
22    rather than the licensing?

23          MS. POLARDINO: We have enough information.

24          MR. SCHLOSSER: I'm sorry I couldn't catch that.

25          MS. POLARDINO: Yes, we do have enough

1 information, on the amendment -- on the amendment, I'm sorry  
2 not on the surrender but the amendment application.

3 MR. SCHLOSSER: Right.

4 MR. WINCHELL: On the surrender but not for the  
5 -- I mean on the amendment we have enough information but  
6 not for the surrender. We're still waiting to hear from the  
7 additional information requests from the licensee.

8 MR. SCHLOSSER: So when would you project the  
9 decision gets made on the amendment?

10 MS. MOLLOY: So pursuant to our regulations,  
11 Commission staff is not able to talk about timing and nature  
12 of decisions, only the Commission Secretary is able to talk  
13 about issuance and so usually a week before a Commission  
14 meeting a Secretary notice will go out saying what items  
15 will be decided but we actually are prohibited from  
16 regulation by talking about -- talking about timing of  
17 decisions of orders so -- but it is on people's radar.

18 MR. SCHLOSSER: Okay, thanks. But one of the  
19 issues that was raised in our intervention motion relates to  
20 the disposition and the future of the Iron Gate Hatchery and  
21 I think there are folks in the room there that can talk more  
22 specifically about that but the tribe has some very great  
23 concerns about handing over the hatchery to Fish and  
24 Wildlife.

25 MS. MOLLOY: Okay.

1           MR. ORCUTT: So sort of building off that one,  
2   that's where -- by the way just keeping apprised of  
3   everything underway these days is really, really challenging  
4   and so I'm glad you know, Tom's got all the regulations and  
5   the laws and everything but on the ground level where we're  
6   trying to implement and get some of these things going it's  
7   really, really hard to.

8           I was looking at the list of meetings that were  
9   in partly answering the AIR's and the TRC at least. There's  
10  just a litany of things that some of them we were asked,  
11  some of then we weren't.

12           Anyway, but specific to a couple of items there  
13  that Tom mentioned one of them is one we're not -- Klamath  
14  Hydro settlement agreement, amended agreement -- we were a  
15  party to, invited to participate, did so and one of the  
16  areas -- and at the end of the day we didn't sign it.

17           And I'm not sure -- you'd have to look on the  
18  website I think Yurok has a member of the KRCC -- Karuk has  
19  -- I don't think Klamath tribes have signed it and so some  
20  of the information and processes we're a party to and some  
21  of them we're not.

22           But specifically the hatchery, if you look at  
23  that it's really -- that's why I asked the question how  
24  binding -- whenever you guys take an action you have the  
25  amended agreement and there's a specific section there 7.66

1 and the problem that we have with it is one -- my  
2 understanding is that the Iron Gate Hatchery, just for  
3 people -- the context of that is there is what -- 5 million  
4 Chinook, something like that?

5 A really large segment of the mitigation and  
6 that's -- then automating fisheries -- it's a part of the  
7 management process in terms of impact analysis on climate  
8 basing stocks because there is for the wild population --  
9 anyway there is a whole litany of different things it's used  
10 for.

11 But some of the things that you're transferring  
12 ownership upon when the license transfers -- that facility  
13 transfers to the state of California and then that's going  
14 to be overseen by CEFW -- the state of California and NOAA  
15 fisheries.

16 And we have a lot of experience from the Trinity  
17 River Hatchery which is different because it's a federal  
18 mitigation facility so we have a direct nexus there but  
19 there's management decisions that are made all the time and  
20 like -- I mean all kinds of different things over the 40 or  
21 50 years at this hatchery that have been implemented or not  
22 that we were not a part of but we are actively and have been  
23 actively a part of it.

24 We have an interest in fishery obviously and so  
25 that transfer -- the terms -- one way to look at it just

1 reading the rule book here and that's the amended agreement  
2 -- we haven't signed it so we aren't bound by it.

3 So what we're hoping is the tribe is a co-manager  
4 of Iron Gate Hatchery as well, that we're a party to those  
5 discussions because we just learned this -- we've been  
6 pushed in all different fronts and letting people know --  
7 Interior Alan Mikkelsen, different people in different  
8 forums -- I think it might have been raised when you guys  
9 met with the KRTC back in October I think it was.

10 On a number of fronts we've raised some questions  
11 about that and we just learned that now the state has said  
12 okay, the water supply is a big deal right now -- the water  
13 supply. And when Iron Gate Hatchery and the dams were  
14 removed there's no more water supply there and so Iron Gate  
15 needs to be moved in some manner.

16 We just heard that and there was a call a week or  
17 so ago about that but anyway the outcome of that is to  
18 reduce production by close to two-thirds if not more -- more  
19 than two-thirds of it.

20 Anyway, so that's our concern though is because  
21 if you reduce and take that large segment of the population  
22 that's out there, that's a mitigation for the fishery.  
23 Where else are they going to turn if they don't get those  
24 fish to harbors into the fisheries?

25 It's probably going to be turning the river

1 hatchery -- that's one outcome of that -- more dependency  
2 upon the Trinity River Hatchery populations and so -- but  
3 generally where that fits into it and we've been invited to  
4 other forums like the fishery introduction that's underway  
5 by the state of Oregon.

6           Anyway my read of the whole thing there's not a  
7 lot of coordination between the two entities -- it's  
8 relatively been an afterthought and everybody's knee jerk  
9 reaction is oh yeah, PacifiCorp. funds it for eight years  
10 and everybody's putting a lot of hope in the dam removal  
11 repopulating the areas above the dams.

12           And there are a lot of inherent problems --  
13 bigger problems that I'm not sure how much authority or  
14 jurisdiction you have over the matter but the fact of it is  
15 you'll have Kino and Linc in place yet right?

16           Okay well Kino -- between Kino and Linc River  
17 there's times that the water is of so poor water quality  
18 that fish can't get through that section of the river so  
19 you might take the dams out and they repopulate the area  
20 below Kino Reservoir but all this other stuff -- there needs  
21 to be some really, really -- and one of the hopes that we  
22 have is as you are probably aware, is interiors -- right now  
23 they have an immediate problem with the injunction with the  
24 endangered species and the lawsuit that the tribe was a  
25 party to last year, the water and the conditions are such



1     that imposing those requirements are going to be very, very  
2     hard on the farmer's up there.

3             And so that's the immediate problem but they also  
4     said that they're looking at long term solutions. So how  
5     and when -- I guess in that regard the other two facilities  
6     are FERC licensed, at least Linc is right?

7             MS. MOLLOY: So not the dam but their power  
8     houses.

9             MR. ORCUTT: The power houses okay, okay. And  
10    Kino is not right because they're --

11            MS. MOLLOY: Kino there's no --

12            MR. ORCUTT: Both of those are not under your  
13    authority except for the power houses.

14                   MR. WINCHELL: Right and Linc  
15    that's outside of our jurisdiction too.

16            MS. MOLLOY: Well the dam is, east and west  
17    that's it.

18            MR. WINCHELL: But the surrender is only involved  
19    with from J.C. Boyle to Iron Gate, okay, that's where our  
20    jurisdiction lies for that surrender.

21            MS. MOLLOY: Yes, so the other -- the upper ones  
22    are still -- the power houses are under our jurisdiction  
23    that the reclamation dams would not be because we only  
24    authorize non-federal projects. So federal projects are  
25    under their own authorization but these lower -- the lower

1     developments are our licensed projects -- licensed  
2     facilities.

3                 MR. JORDAN: I apologize for being late. I'm  
4     Danny Jordan. I think what we are talking about right here  
5     --

6                 MS. MOLLOY: One second, one second.

7                 COURT REPORTER: Yes, he's not on the record  
8     because it's so far back.

9                 MS. MOLLOY: Would you come closer?

10                MR. JORDAN: I'm Danny Jordan, I've come here for  
11     the tribe, been on the Council, worked on fishery stuff for  
12     35 years but I think what Mike talked about and just what  
13     you just talked about -- one of the biggest problems with  
14     the dam removal -- the climate management in general, dam  
15     removal being part of it, is the coordination.

16                With this reproduction discussion already Oregon  
17     is managing that -- not managing with California, not  
18     managing with the federal agencies either. And again dam  
19     removal is worth a big severance -- if you look at how the  
20     Iron Gate Hatchery removal actually came about it was a part  
21     of the billion dollar KBRA. So you have a billion dollar  
22     KBRA that half a billion dollars went into irrigation  
23     development, half a billion dollars going into fishery  
24     management and then dam removal and everything was supposed  
25     to be great right?

1           That's where Iron Gate Hatchery removal came  
2   from. But we don't have KBRA. We don't have a billion  
3   dollars, we don't even have anything KBRA. In fact what we  
4   have is the Hoopa are saying that the KBRA flow actually  
5   killed a lot of fish so we're dealing with less fish  
6   population today than when we did with the KBRA.

7           And people don't realize it's likely that the  
8   KBRA flows have actually done more damage to the fishery  
9   than the 2002 fish kill because the 2002 fish kill were  
10  adults and so one year good stock. The juvenile fish that  
11  died -- the fish came back as two year olds, threes, fours  
12  and hopefully fives if we ever see them again.

13           So but that fish kill, the fish kill with all  
14  costs of root stock so we are -- why there was a collapse  
15  this year is they have killed the fish -- the flow has  
16  killed the fish diseased and the fish died before they could  
17  go out and fill up.

18           And again if you look at how the fisheries are  
19  configured today, Hoopa rights -- 50% of our catch is  
20  hatchery stock and so thinking that we're killing -- you  
21  know we're killing fish up here -- I mean at the Trinity  
22  Hatchery right because of the effect so we are -- so  
23  actually dropping our production down -- we haven't done  
24  anything to make it for that but we are dropping the  
25  production down.

1           So we're killing fish on this side. Now we're  
2   implementing HGMP on the Iron Gate side, we're killing fish  
3   over there too, production is going down. In eight years  
4   after dam removal two bird cycles, that's all just two bird  
5   cycles.

6           We are going to eliminate the Iron Gate Hatchery.  
7   How does -- from a federal, you're FERC, you're federal?

8           MS. MOLLOY: Yes.

9           MR. JORDON: You're a federal agency, how does  
10   that fulfill federal trust responsibilities? Somebody has  
11   to answer that question and the FERC, DOR, Natural Fishery  
12   Service, Fish and Wildlife Service -- all federal trust  
13   responsibility agencies not talking to one another.

14          And so what I'm afraid -- we support dam removal  
15   but I think what we are going to see is a collapse in our  
16   fisheries and once we collapse the fishery how are we going  
17   to bring those fish back if we're -- we have no other plan  
18   other than to cut production in Trinity and Iron Gate --  
19   we're going to lose our fishing rights in the process here.

20          And thinking that somehow council 1 was built in  
21   1917 -- we're going to fix problems in eight years after dam  
22   removal, really? It's going to take at least four years of  
23   intensive hatchery and natural management to see what the  
24   effect is from dam removal. If we drop the production from  
25   the hatcheries -- eliminate it, even halfway through it, how

1 are we going to analyze anything and how are we going to  
2 know whether or not Hoopa fishing rights are going to be  
3 protected?

4 They're not being protected today. Right now  
5 we're in violation of ESA right for fishing according to a  
6 letter from the National Fishery Service for operating here  
7 to remove half restocks, it said half restocks, which is a  
8 very progressive way of managing.

9 We have a letter from NIM saying that the tribe  
10 is in violation of the Endangered Species Act, that's  
11 exactly what's happening on the Columbia. They are moving  
12 the hatchery stocks, getting some benefit to people,  
13 especially Indians, and letting these natural stocks produce  
14 right?

15 There's not even reintroduction plan, there was  
16 never a reintroduction plan in the KBRA. But again, we're  
17 operating a whole bunch of individual cubicles and everybody  
18 has their own little turf right?

19 Nobody is managing the fishery or the resources  
20 or what Mike says, what's going to happen with  
21 reintroduction with Lincoln and Kino. So yes, the plan, as  
22 was indicated already the plan is really piece meal and it  
23 doesn't -- from a trustee's standpoint it doesn't give us a  
24 comfort level if something happened on this side, an  
25 elimination of Iron Gate Hatchery.

1           They're going to do something on this side  
2   because of reintroduction plan they are not even being  
3   coordinated with it. There's a transfer of activity going  
4   on but nobody is coordinating it. And right in the middle  
5   of that there's fishing rights and by the way listing of  
6   spring Chinook is going to be a killer on dam removal and  
7   reintroduction right?

8           The Iron Gate Hatchery never, never -- even  
9   though it killed off the spring Chinook fishery it never  
10  managed for spring Chinook right -- so it totally eliminated  
11  the spring Chinook population from Iron Gate to Boyle even  
12  though that was a 15 mile responsibility it didn't produce  
13  any -- the state of California and PacifiCorp. walked away  
14  from spring Chinook.

15           And now we're listing spring Chinook right? How  
16  is the listing of spring Chinook one going to help with the  
17  hatchery, help with the reintroduction and third how is it  
18  -- what effect is it going to have on dam removal themselves  
19  if it is listed before dam removal happens?

20           MR. KAUTSKY: I just want to offer for the record  
21  here we have an opinion 381 from FERC. It's 14 March, 1963  
22  and that opinion 381 for Project Number 20-82 which is the  
23  project I think you're talking about in the first  
24  application called for mitigation that a facility be  
25  constructed and mitigation on the order of what Mike said,

1 six million king salmon and so many seal and Coho salmon be  
2 produced.

3 The licensee shall construct or arrange for  
4 construction of a facility that was constructed you know,  
5 under the record of this permit right. So now if you  
6 transfer that to another, to the dam renewal corporation or  
7 the Klamath Renewal corporation -- this is like a  
8 subordinate piece of that permit right or that 20-82 order.

9 How does this piece convey order number 381  
10 regarding the hatchery and convey to -- follow where that  
11 goes and where suddenly the federal government just drops  
12 the ball on us and mitigation suddenly ceases because like  
13 Mike said we have on one hand an expectation by some parties  
14 that signed an agreement for a hydropower settlement that  
15 the facility is basically moth-balled after eight years.

16 In the near term the first action you take in  
17 approving the separation of that project into upper and  
18 lower section in the Klamath Renewal Corporation assuming  
19 the lower piece at that point that this mitigation moves  
20 with that, correct? Is that true?

21 MS. MOLLOY: We haven't yet looked at the  
22 different or you know, when we issue the order what we will  
23 be doing is taking the conditions of the license and making  
24 sure that each one has the conditions appropriate to the  
25 license.

1           MR. KAUTSKY: Yeah, so this was a condition of  
2 20-82.

3           MS. MOLLOY: So any conditions in the license.

4           MR. KAUTSKY: Moves with it -- it's conveyed with  
5 it.

6           MS. MOLLOY: The license is -- it stands the same  
7 way, it doesn't change the licenses other than having --

8           MR. KAUTSKY: So when you move to the  
9 recommendation for the second application which is  
10 decommissioning how could any subordinate -- is that when we  
11 have the conversation with you about Iron Gate so we don't  
12 suddenly -- it just doesn't fall through the cracks because  
13 of either a hydropower settlement agreement or something and  
14 the dam removal corporation is reading that as their guide?

15           MS. MOLLOY: So when the Commission looks at the  
16 settlements that have been prepared by other parties -- so a  
17 group of people come and do a settlement. A settlement is  
18 filed with us as part of an application for either licensing  
19 or whatever someone is seeking to do. They have reached a  
20 settlement agreement with -- and that's great.

21           We encourage settlements. But what we do when we  
22 get a settlement is we look at it independently. So if  
23 someone is saying we've reached agreement on all of these  
24 conditions and we think it's a great deal, FERC approve it  
25 or include you know, what we're asking for in whatever order



1     you do.

2                   The Commission looks at it independently so it's  
3     -- we know that when a settlement is filed as part of an  
4     application, these people are on board. We sometimes or  
5     frequently hear from others, their view of the settlement  
6     and we then balance when we look at it.

7                   So any concerns that anyone has on a settlement  
8     brought to our attention where they are going to consider  
9     that when determining what action to take on an application.  
10    And that's for all and filed with us. We have a settlement  
11    policy, a policy statement on what the Commission does with  
12    hydro settlements when we look at it.

13                  And it's on our website, we can get you a copy,  
14    but basically it says we look at them independently. We  
15    have to make our own balancing decision so we don't just  
16    take anyone's word that it's a good idea, we actually look  
17    at it ourselves.

18                  And then we can tweak them, we can require  
19    different things. We make our decision. It is, to us, it  
20    is the proposal that has support by --

21                  MR. KAUTSKY: So even in the action of  
22    decommissioning if the Commission were to take that action  
23    that's requested in the application right to decommission --  
24    that'd be the second permit.

25                  MS. MOLLOY: Right.

1           MR. KAUTSKY: You could make stipulations or  
2 requirements there which might even include mitigation.

3           MS. MOLLOY: Which might be the same, might be  
4 different, might also involve conditions that other agencies  
5 like water quality services put in also factor. But  
6 basically we're taking all the comments, all the requests  
7 and examining it.

8           MR. KAUTSKY: Because I think what Danny was  
9 saying it seems -- if you trace this back to 1963 when that  
10 hatchery was created, it was created by action of the  
11 federal Commission. That's a federal responsibility that is  
12 being implemented at that point.

13          MS. MOLLOY: Well it's part of the -- its part of  
14 the license. So in exchange for having the right to have a  
15 federal license this is one of the things. So yes, it would  
16 be in the consideration.

17          So any specific concerns he's identified this  
18 will be, you know, in the record but if there is any other  
19 information filing it with us to highlight it would be, you  
20 know, an excellent thing. We'd certainly welcome it.

21          MR. JORDAN: Let me clarify one thing about that  
22 the hatchery problem.

23          MS. MOLLOY: Okay.

24          MR. JORDAN: This is for Trinity and Iron Gate.  
25 It will be totally unfair to Hoopa and Yurok, they're the

1 two holders of the Indian rights, 50% of the Indian  
2 retirement -- it goes back to 1855 where Yurok 1 -- down the  
3 lower Klamath, ours was 1864.

4 We absolutely have senior rights in this basin  
5 and actually pre-date FERC as well in the 1917 building of  
6 the dam -- the first dam, and the 1920 Federal Power Act.  
7 But we're getting trapped because what FERC is doing -- what  
8 could be doing, is looking at the policies as they exist  
9 right including ESA.

10 That is what's happening with BOR Fish and  
11 Wildlife Service and National Fishery Service. We have a  
12 collapse in the system because of dams being built -- not  
13 just dams being built but diversion of water in the upper  
14 Klamath right, and removal of wetlands and all of that.

15 And we have 50% of the diversions of in Trinity  
16 actually 90% into the central valley right? So we have a  
17 situation where we have completely depressed stock right?  
18 Now, and you get the letter right -- from Barry Tom saying  
19 the fishing on this reservation is illegal under the  
20 Endangered Species Act if we want to be creative by removing  
21 hatchery fish by where we can't do that.

22 We can't be creative because of the Endangered  
23 Species Act, that's the problem. We need FERC, BOR Fish and  
24 Wildlife Service, National Fishery Services to all sit in a  
25 room and say, "What does this plan look like"? And possibly

1 the state of Oregon and the state of California as well with  
2 the reintroduction plan.

3 Because what we are probably going to have to  
4 have is a relief from the ESA as is being interpreted today  
5 into a Coho four year recovery period cycle, 12 years. If  
6 you want to take four cycles of Chinook including spring  
7 Chinook seniors right -- we need a 16 year or a 12 year  
8 policy on ESA that gives us the ability to be liberalize how  
9 these hatcheries are done right?

10 You can't take a hatchery that was built in 1965  
11 and say now today it's going to do something different or a  
12 hatchery up here -- a 50 year old hatchery at Trinity and  
13 say, "Okay, today we are going to do something different."  
14 These hatcheries were built for whatever they were built for  
15 when they were built.

16 But they didn't compensate for where we're at  
17 today right? We have totally depressed stocks. So we are  
18 going to have to take both Iron Gate and Trinity and we're  
19 going to have to modernize them and create a link between  
20 ESA and hatchery management.

21 Hatcheries -- unless they are going to remove  
22 Lincoln and Kino right?

23 MS. MOLLOY: Right.

24 MR. JORDAN: Unless they are going to renew them  
25 the system has changed. And unless they are going to remove

1 all the conversions the system has changed. These  
2 hatcheries that were built back whenever they were built and  
3 never have evolved with the way the fisheries and actually  
4 the population of fisheries hatchery stock have evolved,  
5 they're still the same old hatcheries right?

6 The same old diversions and unless -- and the  
7 same with ESA right now right which causes a letter to come  
8 to Hoopa saying it's illegal for us to fish on our  
9 reservation -- this is a 2016 letter right?

10 We have to modernize these things including  
11 modernizing the ESA policy to where it gives us some  
12 flexibility on how we can take Iron Gate and Trinity  
13 Hatchery and jump start with tied into a natural stock  
14 program.

15 But the reintroduction plan was only being done  
16 by Oregon and not California and the fed's aren't even at  
17 the table. So what we have is a whole bunch of piecemeal  
18 things and more evaluation of dam removal will be -- will  
19 depend on very critical things that are happening in other  
20 places that FERC doesn't have control over.

21 At the end of the day we are the ones that are  
22 going to lose rights because we are losing fish. And if we  
23 can't fish our rights are gone anyway and yet the federal  
24 agencies are all sitting in their own little space right,  
25 not working these things out.

1           And all of a sudden Iron Gate Hatchery thing pops  
2 out -- not because it's well thought out because somebody  
3 thought about it back in -- before 2010 and didn't have any  
4 rational reason for figuring out what part of that played in  
5 reintroduction down the road.

6           That's the problem we have. We have got to -- we  
7 need dam removal for sure but we have to figure out where  
8 we're going because if we don't figure this out and all of a  
9 sudden removing dams causes a reduction in population, how  
10 are we going to rebound even to the ESA level if we don't  
11 figure this out before then we lose rights.

12           It could be done and it could be done very  
13 creatively. We can bring a lot of it back but we're going  
14 to have to figure out a different way to do it than we have  
15 been doing it since 1917 on the Klamath side and 1965-'64 on  
16 the Trinity side.

17           CHAIRMAN JACKSON: And so are all of those things  
18 going to be taken into consideration as we sit here --

19           MS. POLARDINO: Absolutely.

20           MR. WINCHELL: Anything that's been filed and  
21 transcribed is going to be considered.

22           CHAIRMAN JACKSON: Well how far into that will  
23 you guys mine -- to get a more accurate portrayal and simply  
24 because one route that signs this up says well we don't  
25 believe in hatcheries. That doesn't necessarily mean that

1     --

2                   MS. MOLLOY:  No.

3                   CHAIRMAN JACKSON:  I can say that we don't  
4     believe in a lot of different things and sign the document  
5     that subverts our rights.

6                   MS. MOLLOY:  But, so what we've heard right now  
7     is an explanation behind you know, a statement.  It isn't  
8     just don't do this, it's been explaining the thought process  
9     behind that so that is something we would be looking at.

10                  We are -- FERC is a creature of statute.  We are  
11     limited in jurisdiction to that which we license, the  
12     non-federal but certainly the other agencies will see the  
13     comments in the record and will be providing comments to us  
14     themselves.

15                  It is certainly worth pursuing with other  
16     entities, certainly the corporation and others hearing the  
17     concerns might look into --

18                  MR. ORCUTT:  It seems like where there might be  
19     some fertile ground there is there is like in that amended  
20     agreement and specifically at 7.66 or whatever it is -- the  
21     hatchery -- there is a reference to a study but I think you  
22     know people are moving really quickly on some of that stuff.

23                  But one of the things that's starting to emerge  
24     is it well might need a conservation effort somewhere along  
25     the way.  You know the mitigation for the lost production is

1 one thing but then the secondary lead is how are you going  
2 to get the fish up that upper part of the river and how are  
3 you going to recolonize them in some way.

4 And likely Kino would be still in place, right?

5 MS. MOLLOY: By reclamation.

6 MR. ORCUTT: The speculation may  
7 well be you need a conservation hatchery there. But  
8 anywhere along the way maybe that study needs to be beefed  
9 up on what your outcomes are during that period of time so  
10 you are providing direction on what the outcome is after  
11 that period of time.

12 Because right now it just says maybe do a study  
13 -- I don't know if it says if it is really required or not  
14 but what they're looking at but if you just cut off the  
15 production after eight years and hoping they're recolonizing  
16 that quick, having a lot of those impediments still there  
17 it's not going to work, so.

18 CHAIRMAN JACKSON: And I guess even back to what  
19 Bob George had talked about the original opinion -- all of  
20 those things even be met not to say well eight years from  
21 now it's just all going to be gone.

22 If you propose conditions or we can propose  
23 protections for fisheries based on the conditions I'm sure  
24 you can as well impose at the conservation hatchery or these  
25 other measures also be met based on the conditions.



1                   And what was the fishery -- 160?

2                   UNIDENTIFIED SPEAKER:   Yep.

3                   CHAIRMAN JACKSON:   160 fish, 160 salmon and based  
4   on what George and everyone else talks about clearly we're  
5   not meeting the obligations that are supposed to be there or  
6   there's just Indian people that you talk to now, but  
7   generally across the basin it seems like things are really  
8   falling apart.

9                   We have an opportunity actually to really address  
10  some of those things where the agencies either have failed  
11  to address them properly or adequately or are in the process  
12  of doing so or have not been very successful.   All the while  
13  we're just sitting here trying to survive and it gets to be  
14  pretty stressful and there's a lot of anxiety around the  
15  inability to harvest salmon.

16                  And then also to talk to the federal agencies  
17  repeatedly over and over and over again and present all of  
18  these things that continue to happen with the fishery and  
19  it's as if though they'll tell you that they're doing  
20  everything that they I guess can, but something isn't  
21  working and there's an opportunity here to help to address  
22  whatever those problems are from the trust obligation of  
23  the federal government and it should be done.

24                  MR. JORDAN:   And I want to make sure that the  
25  outcome here when you're going through this stuff and you're

1 weighing the value of comments -- the Klamath tribes have a  
2 treaty right -- an agent 64 treaty.

3 We don't know what effect -- we asked the  
4 question what in fact is dam removal on the rights? Do they  
5 have reserve rights to fish because in 1917 they were cut  
6 off? So what is the nature of the right today?

7 We already know by federal solicitor's opinion  
8 the Karuk Tribe does not have federally reserved rights.  
9 There's only -- there's a case called Parvano -- Parvano v.  
10 Babbott. It says that, "50% of the fish production from the  
11 Klamath River including Trinity is an illegal entitlement to  
12 Hoopa and Yurok only," -- it doesn't include Klamath, it  
13 doesn't include any other tribe.

14 So we don't want to start a tribe by tribe fight  
15 but when we are sitting at a table and the Karuk  
16 representative -- the ESA is a good example, is sitting  
17 there hammering about listing species it's not their rights  
18 that are being protected, that are being jeopardized, it's  
19 Hoopa rights.

20 We have an 1864 right. We have a senior right in  
21 this basin. Yurok again -- 1855 with Lower Klamath only,  
22 1891 from the 20 miles up to Weitchpec. So those are the  
23 only legal rights that the federal government, as federal  
24 agencies you have a trust responsibility to protect.

25 And so when you're looking at this -- and it's

1     also with the Dam Removal Commission or corporation -- the  
2     federal government cannot transfer trust -- federal trust  
3     responsibility treaty obligation to that group without  
4     oversight.

5             Because that's what happens -- not FERC, with the  
6     Iron Gate Hatchery -- elimination of the spring Chinook  
7     oversight, pure oversight -- but FERC allowed that to  
8     happen. The Federal Power Act had an obligation to protect  
9     that treaty obligation but it didn't work, it just got wiped  
10    out.

11            But again the decision was made by PacifiCorp.  
12    and the Office of -- Copco at the time and the state of  
13    California to wipe out this, above Iron Gate.

14            But again we're not just a group here that has  
15    one more voice, we are the legal by Congress and by court  
16    order we are protected right.

17            CHAIRMAN JACKSON: California will never deliver  
18    those obligations to the tribe because our relationship  
19    isn't with the state of California. We can go talk to the  
20    state of California but that's not who is the trustee  
21    agencies. They just aren't and we have had a number of  
22    interactions with them on the Trinity Hatchery with the Weir  
23    and other areas that haven't been very successful simply  
24    because at some point they really don't have to do anything.

25            Because they don't have an obligation to the

1     tribe like the federal government does so simply  
2     transferring that requirement to the state of California I  
3     think we would find it to actually be illegal at some point.  
4     You guys can't subvert us back down to having to deal with  
5     the state when the state operates by a whole set of rules  
6     that often don't apply or can't apply because they don't  
7     recognize Indian people as separate political entities, they  
8     just don't.

9             MR. ORCUTT: I think the sort of fine edge that  
10    we are is that -- one I have to clarify a little bit, it is  
11    -- the FERC processes tribes advocated that we were in  
12    support of the dam removal, we were supportive of all of  
13    those things and in fact that's what it shifted back to  
14    after the KBRE expired in whatever -- two, three years ago  
15    so.

16            But the fine line that we're playing here and I  
17    know I hear it from a lot of people. I've been invited to  
18    the Elwa field trip that Interior or Fish and Wildlife  
19    invited us to that and every time we speak up it's like  
20    we're trying to shoot something or we are perceived as we're  
21    not, we're just trying to get it right.

22            And so KBRE expires, KHSA came in and got them --  
23    there was some logic to saying we still need to do it right  
24    here and so that's what we are trying to convey here and I'm  
25    glad that KRCC's here because they are a party here.

1 Others, state board, whoever else needs to be we  
2 probably need to get engaged with there but I think the  
3 caution is that we want to get it right. It's not that  
4 we're against it -- we're not. But in fact there's a lot at  
5 play here and a lot of things that could happen if we don't  
6 do it right so I think that point needs to be really  
7 amplified.

8 But it's nice that we're here and we went through  
9 all of those things, we've been there -- we're at a meeting  
10 that we haven't been kicked out of that we can make and  
11 express our viewpoint and this is one where clearly the  
12 right heads need to be at the table to talk about this  
13 because -- and it needs to be then embodied into some type  
14 of order in some way that has a key finding.

15 MR. JORDAN: And if I haven't made it clear, Iron  
16 Gate needs to be improved the same way with Trinity. And  
17 then look at whether or not hatcheries have done their jobs  
18 and not just look at the hatcheries but natural habitat has  
19 done its job and it can actually carry the species -- 12  
20 years or there's four groups with Coho, 16 years if it is  
21 Chinook, including spring Chinook.

22 That's when you have to reevaluate and if it were  
23 doing things right, 16 years after that dam removal, then we  
24 can start managing, adaptive management right -- we can  
25 manage our way into doing something else.

1           But nobody can ignore the fact that we as humans  
2   have done some pretty significant things to these systems,  
3   Klamath system and Trinity and Central Valley where  
4   temporarily reversing the clock and thinking that things  
5   will go back to a natural state -- that's probably never  
6   going to happen right because we're probably never going to  
7   have, never going to remove Trinity Dam.

8           About 50% of the Klamath stocks come from  
9   Trinity. When we were trying to save fish under the KBRE  
10  flows, when they were threatening to kill the fish in Lower  
11  Klamath, Trinity water was released, not Klamath -- Trinity  
12  water was released to save them and yet the KBRA never  
13  brought the Trinity and Klamath together.

14          At that point those Trinity flows because we were  
15  trying to save fish from dying in the Lower Klamath, the  
16  adults, Trinity flow was dropped right on top of Hoopa  
17  fishing grounds and our numbers were down -- our fishing  
18  opportunity goes down because we're flooding in water when  
19  Indians should be fishing.

20          Again, nobody cared about that. Nobody came back  
21  after they signed the KBRA. The only one that came back is  
22  the 2016 lawsuit -- attempting lawsuit we filed, the only  
23  time the parties came back to the table is when we sued  
24  them.

25          But again, our fishery numbers have just gone

1 down dramatically. Our data clearly shows that since the  
2 KBRA resigned. So -- but again we just need to get our  
3 Commission and FERC, well FERC as well, NEPS, and Fish and  
4 Wildlife Service to think about how these hatcheries operate  
5 and improve them.

6 CHAIRMAN JACKSON: Can I ask a question about the  
7 Commission in the extent in which they can issue a license  
8 with you know, different requirements. How far can FERC go  
9 in saying like what was in '63 built these hatcheries in  
10 order for this to happen? Is it similar to today -- I  
11 suppose it would be and can require that certain conditions  
12 are met in order for the license renewals to be issued?

13 MS. MOLLOY: So when we issue a license we do  
14 frequently put in conditions about fish passage or -- not  
15 always hatcheries but we have some that have hatcheries or  
16 rec sites. You know we have different conditions on there.

17 On surrenders we typically have a shorter -- if  
18 someone is coming out of our jurisdiction because they are  
19 surrendering our license, hydro is all we license -- you  
20 know, we license it for hydropower.

21 And if someone is giving up a license to generate  
22 hydropower we do have some limits on time and on some future  
23 conditions. We usually focus on the removing or stabilizing  
24 or doing whatever it is. Sometimes, for some projects the  
25 dam's there -- it serves other purposes so the dam won't be

1 coming out but the power will be so we just take the power  
2 out.

3 Sometimes we have a partial dam or full dam  
4 removal -- we work on that and then restoring the banks and  
5 the area around there. But we have sort of a temporal limit  
6 to a certain extent but we try to work within that to try to  
7 make sure that everything is set up after any removal or  
8 partial removal is done.

9 That's sort of the general answer. It's kind of  
10 a range that we've done to give you an idea. But these are  
11 things, you know, we would look at and again we are  
12 constrained some by our authorities, but there have  
13 certainly been excellent points raised that are certainly  
14 worth looking in and getting further information if we need  
15 some information on that.

16 And anything you all want to add to it and file  
17 more than welcome. We're happy to receive it, it will help  
18 us anything else?

19 CHAIRMAN JACKSON: Did you have anything else  
20 Tom?

21 MR. SCHLOSSER: No, not at this time, thanks.

22 MR. JORDAN: My only question is when are you  
23 going to get down to real management? Right now we've got  
24 cubicles right -- everybody is doing their own thing and  
25 somebody's thing doesn't have anything to do with anybody



1     else's thing right?

2                   We're losing our fishery because of this and we  
3     see it happening all the time. Our population this year is  
4     a demonstration of the total conflict between management  
5     agencies. Dam removal by itself won't fix the problem.  
6     Where's EPA in the water quality issues -- it would help to  
7     create the disease problem that killed off the fish  
8     population?

9                   Again, we're -- the worse thing about the KBRE  
10    and dam removal agreement -- hydro agreement was that people  
11    ignored the problems and they ignored it for a long time and  
12    we need to get back to especially because of the trust  
13    responsibilities of federal responsibility.

14                  We need it back to federal agencies doing their  
15    jobs. Not in individual cubicles but coming together. You  
16    talk with me and Mark, you talk with NEPS; do you talk with  
17    Fish and Wildlife Service?

18                  MR. WINCHELL: Well yeah, if it's a surrender  
19    they're going to be participating.

20                  MR. JORDAN: No, do you talk with them now? Are  
21    they giving you information about where we're going with  
22    this basin?

23                  MR. WINCHELL: Not yet but we expect that they  
24    will of course.

25                  MR. JORDAN: No, they will. This has been going

1 on since before 2010 -- right, 2006 actually. When have we  
2 ever sat down with every federal agency at the table -- a  
3 trust agency, and said you have an Indian trust  
4 responsibility, how are we going to put this together?

5 We aren't doing that. We have letters right?  
6 Saying that we're illegally fishing on our reservation --  
7 that's what we need to do because if we don't do that, we're  
8 going to stumble our way into a cubicle-ized decision on  
9 removal or the dam removal, but the entity right.

10 And then the entity itself, what responsibility  
11 will it have to monitor and manage the resources because  
12 that's what we're supposed to be doing here right --  
13 bringing the fish back. Who's going to be monitoring that?  
14 And if that isn't happening it's a big void in the system.

15 CHAIRMAN JACKSON: Well I think we've gone  
16 through the Agenda, is there anything else anybody else  
17 would like to add or I don't know if you guys have more to  
18 offer -- maybe future consultations I guess if that's what  
19 for the audience today.

20 What is the process moving forward and --

21 MS. MOLLOY: So it's -- do you want to check that  
22 --

23 MR. WINCHELL: So real quick on the surrender  
24 again we are certainly going to be moving forward on the  
25 process. At FERC these things such as administrative

1 decision to make we have got that -- I mean there are some  
2 things we have to do beforehand, before we actually get  
3 engaged and do the surrender proceeding.

4 But there's certainly going to be ample  
5 opportunity to participate, comment, all the things that you  
6 guys would expect us to do. There's going to be full  
7 participation so we're not finished. We're just starting  
8 the process now and of course this is our opportunity to  
9 talk with you all today.

10 You know this is why we are here today to get  
11 that one on one communication, tribal perspective, all that  
12 good stuff.

13 MS. MOLLOY: So it's typically our custom to try  
14 to reach out as early as we can to tribes and stuff and seek  
15 input and then we will process the applications when we go  
16 through on the one that's administrative so I don't think  
17 there is anything we need and that some -- just awaiting the  
18 decision.

19 But the other we'll be looking at for environment  
20 -- with NEPA, what work we need to do and the additional  
21 approvals and such that we have to receive during that.  
22 We'll probably have -- we haven't had scoping on this so we  
23 will have a scoping meeting I believe scheduled and various  
24 things.

25 So this will proceed. If you ever have a

1 question of where it is feel free to -- I have cards here, I  
2 can leave cards. Give me a call I can tell you where it is  
3 or track down someone if you have trouble with e-library  
4 give a call, or give any of us a call.

5 MS. POLARDINO: Right.

6 MS. MOLLOY: And we can work it with you or  
7 something or get something if you are having trouble.  
8 Sometimes our system has been acting up a little bit making  
9 it difficult to get documents. If that's the case we can  
10 try to track something down for you too.

11 But this is will continue. We will make sure  
12 that the concerns raised here are looked at and I can't you  
13 know, commit that all agencies will work as one but I can  
14 certainly say we certainly have it on the table and we'll  
15 look at it and I know some have heard so hopefully they'll  
16 also look at opportunities as well.

17 MR. FRANKLIN: I had a question on the NEPA  
18 compliance. We talked about it a little earlier and I made  
19 of that that the decision is yet to be made whether we have  
20 an EA or an EIS and if we've not had scoping and let's say  
21 -- who makes the decision would be one part of my question  
22 on the level of compliance necessary?

23 MS. MOLLOY: Well FERC will decide.

24 MR. FRANKLIN: The Commission itself?

25 MS. MOLLOY: No, well FERC staff.

1           MR. FRANKLIN: Staff makes that call okay. So  
2   should we find that an EIS is necessary and we haven't had  
3   scoping yet and it's January of 2018 -- my experience over  
4   decades suggests we're going to have trouble meeting the  
5   2020 deadline because an EIS takes a long time to pull  
6   together even though there's a great deal of material  
7   available already.

8           MS. MOLLOY: But I think we mentioned earlier  
9   that the Commission tries not to recreate the wheel. So  
10   relying on the information that's been done we'd be looking  
11   to fill in the gaps and do what analysis we need to do.

12           So it shouldn't be --

13           MR. WINCHELL: So I want to add, you know I am  
14   not 100% sure whether there may have been scoping done.

15           MS. MOLLOY: I'm drawing a blank actually. I  
16   said if we have --

17           MR. WINCHELL: I'll check, I'll check with John.  
18   I think there might have been some initial scoping because I  
19   don't want us to understand --

20           MS. MOLLOY: But we haven't issued the ready for  
21   --

22           MR. WINCHELL: Yeah we're not with the REA, the  
23   ready for environmental analysis -- that's way down the road  
24   but I think initially and I'll check with John on this. I  
25   think there was an initial scoping about the application

1     itself.

2                   MS. MOLLOY:   So I may --

3                   MR. WINCHELL:   But I don't know I have to check  
4     on that.

5                   MS. MOLLOY:   But we're not sure yet what --

6                   MR. FRANKLIN:   But it shouldn't get in the way of  
7     the -- it shouldn't slow the process?

8                   MR. WINCHELL:   No, right, right.

9                   MR. FRANKLIN:   Maybe I've been doing NEPA with  
10    the wrong people, slow interior.

11                  MR. WINCHELL:   I would say I mean you know, we're  
12    certainly going to do full NEPA analysis, that's a  
13    certainty, okay.  Whether we go the route of the EA or the  
14    route of an EIS we'll determine that along with everybody  
15    else's feedback.

16                  So that will get sorted out but rest assured we  
17    are going to do a full NEPA analysis.

18                  MS. MOLLOY:   We're going to examine and our REA's  
19    tend to be -- they aren't very limited to two pages or  
20    anything.  They fit whatever is appropriate so whether it's  
21    EIS or EA it is going to cover the material that we need to  
22    cover.

23                  MR. MEURER:   Chairman, can I clarify what is a --  
24    just regarding the status of the 401 permit I just  
25    remembered we had filed something in January and I thought

1    what did we file? It was just for the Sequa process with  
2    the Water Board we filed some additional information. I  
3    measured by the number -- so yes the Clean Water Permit was  
4    filed in September of '16 and we just provided the  
5    additional information for Sequa processes.

6                   MS. MOLLOY: Anything else?

7                   MR. JORDAN: We all know legal processes and we  
8    all know regulatory processes as well, we know technical  
9    processes. 2020 is not that far away and the level of work  
10   necessary to make 2020 work as a figured date will be  
11   nothing short of a miracle in a federal system.

12                   What is going to happen after that because we've  
13   launched that fishery between 2010 -- February 18, 2010 when  
14   the KBRE was signed up until 2016 whenever it was stopped  
15   and we actually stopped it by a lawsuit?

16                   We lost our rights during that period and nobody  
17   looked back and that's a concern. If all of a sudden 2020  
18   becomes 2022, 2024, 2030 what happens to our rights because  
19   at that points things have -- KBRE when it goes off track  
20   somebody has got to be saying let's monitor the situation  
21   and make sure that when it starts going off track it doesn't  
22   fall completely off the cliff like the KBRE did.

23                   Because at that point when we're talking about  
24   such now a fragile basin fishery because who knows what's  
25   going to happen next year with the ocean conditions and

1     maybe the fish population will start rebounding from the  
2     juvenile fish hill but if they don't we're carrying a bigger  
3     population burden into dam removal that we should have that  
4     was prompted under the KBRE.

5             And at that point we could lose a couple -- three  
6     year cycle, we could use entire cycles of fish and multiple  
7     cycles of fish and especially if you drop ESA listings on  
8     top of that we're -- how do we survive at that point?

9             But again the time frame that Robert's talking  
10    about is real, court cases are real -- a federal court case  
11    and a district court, you go through an appeal -- four  
12    years, minimum four years.

13            CHAIRMAN JACKSON: Okay, alright, I appreciate  
14    you guys coming it was a good discussion, unless there's  
15    anything else I guess we'll see you guys next time.

16            MS. POLARDINO: Thank you and I would like to say  
17    too is like even though we haven't produced the NEPA  
18    document, part of the reason why we're meeting with you guys  
19    now is to get all of your concerns on the surrender for the  
20    amendment proceedings.

21            So to kind of start that process of getting how  
22    you guys feel about what's going on. So we appreciate you  
23    guys being here.

24            MS. MOLLOY: Thank you for hosting us.

25    (Whereupon the meeting was adjourned at 11:56 a.m.)



1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

8

9

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13

14 Docket No.: P-2082-062/ P-14803-000

15 Place: Hoppa, CA

16 Date: Tuesday, January 16, 2018

17 were held as herein appears, and that this is the original  
18 transcript thereof for the file of the Federal Energy  
19 Regulatory Commission, and is a full correct transcription  
20 of the proceedings.

21

22

23 Gaynell Catherine

24 Official Reporter

25

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1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

4 NOS: P-2082-062/ P-14803-000

5

6 SCOPING MEETING

7

8 QUARTZ VALLEY INDIAN RESERVATION OF CALIFORNIA

9 13601 Quartz Valley Road

10 Ft. Jones, CA 96031

11

12 TUESDAY, JANUARY 16, 2018

13 4:00 p.m.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, OFFICE OF THE GENERAL COUNSEL

7

8 QUARTZ VALLEY INDIAN RESERVATION

9 FRIEDA BENNETT, CHAIRMAN QVIR

10 ISAIAH WILLIAMS, QVIR COUNCIL MEMBER

11 MIKE SLIZEWSKI, QVIR TRIBAL ADMINISTRATOR

12 SARAH SCHAEFER, QVIR WATER QUALITY COORDINATOR

13 CRYSTAL ROBINSON, QVIR ENVIRONMENTAL DIRECTOR

14 ELIZABETH NIELSEN, SISKIYOU COUNTY

15 LOUISE GLIATTO, CITIZEN

16 RICH MARSHALL, PRESIDENT CC WATER USERS

17 DAVE MEURER, KRRC COMMUNITY LIAISON

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

2 (4:00 p.m.)

3 MS. BENNETT: My name is Frieda Bennett. I'm the  
4 Tribal Chairwoman for Quartz Valley Indian Reservation.  
5 First of all I'd like to say thank you guys for all being  
6 here. Being present shows me that you guys are taking  
7 Quartz Valley serious and then I would just also like to say  
8 thank you for bringing the meeting to us -- that also shows  
9 us a level of courtesy that you know, is sometimes needed  
10 and so I'd like to say thank you and I'll open it up for  
11 discussion or introductions.

12 MS. ROBINSON: I'm Crystal Robinson,  
13 Environmental Director with the Quartz Valley Indian  
14 Reservation.

15 MR. WINCHELL: I'm Frank Winchell, I'm an  
16 archeologist I work for the FERC and I've been at FERC for  
17 20 years, mostly in cultural resources.

18 MS. POLARDINO: I'm Jennifer Polardino. I work  
19 at FERC which is with the Office of Energy Projects in the  
20 Division of Hydropower Administration and our group will be  
21 looking at the amendment application to transfer the four  
22 developments to the Lower Klamath Project.

23 MS. MOLLOY: I'm Liz Molloy. I'm the  
24 Commission's Tribal Liaison and I'm in the Office of the  
25 General Counsel and we work with the Office of the Energy

1 Projects on hydro.

2 (Off mic question.)

3 MS. MOLLOY: I work with energy projects with  
4 hydro, not with gas -- that's separate, totally separate.

5 MS. MCCORMICK: I'm Liz McCormick also in the  
6 Office of General Counsel at FERC and I will be working with  
7 Jennifer and Frank and Liz on the transfer amendment.

8 MR. SLIZEWSKI: I'm Mike Slizewski and I'm the  
9 Tribal Administrator of the Quartz Valley Indian  
10 Reservation.

11 COURT REPORTER: Can you spell your last name?

12 MR. SLIZEWSKI: You bet, S-m-i-t-h -- just  
13 kidding. S-l-i-z-e-w-s-k-i.

14 COURT REPORTER: Thank you.

15 MR. WILLIAMS: Isaiah Williams, Quartz Valley  
16 Indian Reservation Council Member.

17 MS. SCHAEFER: He also works in the environmental  
18 department -- Sarah Schaefer with the Water Quality and  
19 Fisheries Coordinator.

20 MS. GLIATTO: Louise Gliatto, I'm just an  
21 interested citizen.

22 MR. MARSHALL: Rich Marshall, President of CC  
23 Water Users and we're here to listen and hear. We didn't  
24 have the advantage before of hearing FERC speak on this  
25 issue so we took advantage of this opportunity.

1                   MR. MEURER: I'm Dave Meurer with the Klamath  
2 River Renewal Corporation.

3                   MS. NEILSEN: Elizabeth Neilsen, Siskiyou County  
4 Natural Resources Specialist.

5                   MS. MOLLOY: So we thank you for having us. I  
6 probably should mention a couple of things just so everyone  
7 knows. The meeting is being transcribed and that will be  
8 put in the FERC record for the projects -- both projects. I  
9 think it is within 30 days I think it will be.

10                  And this is a meeting with the tribe and so  
11 observing is welcome but it is just between the tribe and  
12 FERC staff for this particular meeting and I think that's  
13 pretty much very simple, those would be our ground rules was  
14 those two little things.

15                  So with your permission I could just describe a  
16 little bit of the Commission and then we have the two  
17 proposals and then we can discuss -- we want to hear the  
18 concerns that the tribe may have with regard to both of  
19 those.

20                  The Commission is a small agency -- we're  
21 headquartered in D.C. -- Washington, D.C. There are five  
22 Commissioners that are appointed by the President and  
23 approved by the Senate. We currently have five. Last  
24 summer we were down to one but we now have five. There are  
25 three Republicans, two Democrats.

1           The Commission has several offices. Also the  
2   General Counsel and Office of Energy Projects work on hydro  
3   and we will process the applications and work on the review  
4   necessary for that.

5           We have -- applications are presented to us and  
6   the Commission will decide whether to grant or not grant so  
7   it's a quasi-judicial proceeding and that's why we have ex  
8   parte concerns on things and tend to have everything that we  
9   can on the open record.

10          We have two applications pending before us right  
11   now. One is for an amendment to the current license to  
12   split it into two licenses with the lower developments in  
13   one license that the corporation would then be the licensee  
14   for.

15          And the remaining three developments would be the  
16   upper three would be remaining in PacifiCorp's license --  
17   and that's more of an administrative type of function. We  
18   don't do an environmental analysis for that or a NEPA  
19   document but we do look at whether it makes sense to  
20   transfer or amend the license as suggested.

21          So the Commission will be reviewing that and  
22   issuing a decision. The second proposal is to decommission  
23   the -- or surrender the lower developments. And the  
24   Commission is looking at the record that has been  
25   established already. We are awaiting some additional



1 information on that and then we will conduct whatever  
2 environmental review that is necessary including issuing an  
3 additional document as yet not decided what type exactly.

4 It will depend on sort of what's necessary. The  
5 Commission traditionally tries to rely on existing  
6 information and if someone has already done analysis and has  
7 it out on the record we will try to rely on that and just  
8 supplement as necessary.

9 So that's where we are. Are we all caught up on  
10 things or do you need any more detail? We can -- fine, then  
11 with that so we will be processing those both but we are  
12 seeking concerns and comments at this point so we can make  
13 sure to factor them in as we go forward.

14 MS. SCHAEFER: I have a question. Why was it  
15 proposed to split into upper and lower?

16 MS. MOLLOY: Do we know why, Frank? I'm trying  
17 to think in the application if it was explained.

18 MR. WINCHELL: Yeah I think it's based -- again  
19 like what Liz is saying you know, are we going to an  
20 administrative, you know, before the Commission as far as  
21 whether it would change hands from PacifiCorp. to the  
22 corporation.

23 Of course that's going to be an administrative  
24 decision made by the Commission. And the second part of  
25 what we are here today for is the actual surrendering of the

1 four lower projects, okay, from J.C. Boyle on down to Iron  
2 Gate. So that's the reason why it's being separated as  
3 such.

4 Without going into really a lot of great details  
5 those are the four developments that we are planning to be  
6 -- so.

7 MS. MOLLOY: I think in the application it was  
8 described as sort of for funding and different kinds of  
9 reasons they wanted to split it off to process any surrender  
10 if the Commission were to grant it.

11 I think that is what they were explaining when  
12 they were explaining how they had different people  
13 interested in that.

14 MS. ROBINSON: Is there a timeline for your  
15 conclusion of your portion?

16 MS. MOLLOY: No timeline per se. We tend to  
17 process and if we need additional information which we do  
18 have one additional information request out there now, but  
19 we also require water quality certifications from -- and so  
20 anything that we need from other entities drive some of our  
21 timeline.

22 But we will be looking at the material in  
23 preparing whatever we need to prepare. We also to the  
24 extent, you know, talking about time for any order on  
25 anything -- we are actually prohibited by regulations from

1 revealing timing and nature of the decisions.

2 And so even if we you know, had an idea we  
3 couldn't say, but we're looking at processing it once we get  
4 information in proceeding along as necessary. And it  
5 depends on comments and such that are received from everyone  
6 and what that might entail.

7 MS. POLARDINO: I guess sometimes comments from  
8 others can say in turn oh we need more information to try to  
9 answer some of the point people for that.

10 MS. MOLLOY: So unless there's other questions  
11 are there particular concerns you would like us to look out  
12 for or to make sure to address that you could share with us  
13 at this time? The other thing is you know, comments can be  
14 filed with the Commission as well.

15 MS. ROBINSON: What is the plan for replacement?  
16 Has that been discussed? Is that in your realm?

17 MS. MOLLOY: It's usually something we would look  
18 at in sort of effects of what it would be. I don't know --  
19 we wouldn't -- so our jurisdiction is only on hydroelectric  
20 -- non-federal hydroelectric development.

21 So under the Federal Power Act we authorize a  
22 company or state municipality, even a tribe, to have a  
23 hydropower project and so we issue a license for that. But  
24 we can't, you know, whether someone comes and asks for that  
25 license or not is up to someone interested in having a

1 license and if someone is interested in not having that  
2 license anymore, we're looking that.

3 We would look at what -- in balancing things,  
4 what the effect of the loss of that power would be and look  
5 at what the alternatives are in the area but we wouldn't  
6 mandate other types of power or anything. It's just -- it's  
7 sort of if someone is going to develop hydropower and they  
8 aren't a federal agency and they're on a navigable waterway  
9 or certain things they have to have a license.

10 And if they aren't going to there's nothing for  
11 us to license.

12 MS. SCHAEFER: And you haven't had any inquiries,  
13 any entities searching to do that yet?

14 MS. MOLLOY: Not that I'm aware of.

15 MS. SCHAEFER: And you would only be aware of  
16 hydro projects?

17 MS. MOLLOY: So for like wind power would be a  
18 state, solar would be state -- so we only are authorized to  
19 act on hydroelectric projects.

20 MS. SCHAEFER: Is anyone looking into any types  
21 of development? Do you know or could you say if you knew?

22 MS. MOLLOY: I don't know.

23 MS. ROBINSON: I think that's been the most  
24 immediate impact to the reservation. What is the power  
25 source and how will that monetarily impact.

1           Another concern that I've had is -- and I'm not  
2   sure how much of this falls under you but there is the  
3   largest Coho salmon is in the Scott River. They do spawn on  
4   the reservation and they return to Quartz Valley actually in  
5   the high numbers compared to other tributaries of the Scott.

6           And the proposal to remove the dams is happening  
7   in the large run year -- they return every three years.

8           MS. MOLLOY: Um-hmm.

9           MS. ROBINSON: And one year of three is stronger  
10  than most and that's the big year they are planning to  
11  remove the dams. So I have expressed this concern to other  
12  members of KRIC if I have that acronym right -- just that  
13  the timing of that if there's a way to mitigate for this  
14  impact so the returning Coho adults -- that should be a top  
15  priority.

16           And the timing -- there could be a study  
17  implemented using maybe radio tags to see if the fish are in  
18  the Scott before the work starts and you know the tribe  
19  would definitely want to see that more fish rather than less  
20  were in the Scott when the removal starts.

21           MS. MOLLOY: So on a timing thing -- so if you  
22  had any information, more detailed information, on what  
23  types of things and not only maybe for that year but sort of  
24  surrounding years because while that has been requested,  
25  depending on any number of things -- if the Commission were

1 to approve the application it might not happen right then  
2 because there are other things that the Commission would be  
3 waiting for.

4 And so if there was any information on the  
5 different -- in that range, that would be helpful.

6 MS. SCHAEFER: Okay.

7 MS. MOLLOY: And sort of the timing of when  
8 historically they would be appearing and stuff, that would  
9 also help. Because if the Commission were to approve  
10 frequently timing of things will be looked at four different  
11 species of things -- there have been a few other dam  
12 removals and I know for one PacifiCorp. had Condit -- a  
13 Condit project which is I think the White Salmon River maybe  
14 -- and they, I know, removed the fish in the area, I think  
15 above and below and it was a cooperative effort with the  
16 Fish and Wildlife and there are YouTube videos actually  
17 where they made sure they were out of the way and before any  
18 activity was done on the particular structure.

19 They had a shooting thing to shoot them back in  
20 -- it was simple.

21 MS. ROBINSON: So if FERC issues the removal  
22 application or approves -- I'm not sure of the terminology  
23 there, it will include timing and will that be a number that  
24 can be adaptively managed to be watching fish in the main  
25 stem -- I guess that would be -- the request would be that

1 it includes a broad enough time frame that allows for the  
2 migration back to the Scott to be you know, at a certain  
3 percentage yet to be determined.

4 MS. MOLLOY: So certainly something like that  
5 would be if that is something that you think would make  
6 sense in there to suggest it because that is -- we have in  
7 prior, even building dams or changing facilities on certain  
8 things there will be timing things or there will be triggers  
9 for when something -- so trying to work on that.

10 So that is certainly something that the  
11 Commission would be interested in in order to consider,  
12 anything else?

13 MS. SCHAEFER: Those eagles depended upon those  
14 wrens that are wintering during that period so you know,  
15 whatever is going on with the fish you know. It's hard  
16 because we knew when those fish were going to come if we  
17 could predict with the weather and conditions were going to  
18 be like but it's so -- to have something to be a little bit  
19 meetable would be fantastic or just to project it outside of  
20 that window.

21 MS. MOLLOY: Is it temperature dependent? So  
22 there are certain triggers that would cause them to start  
23 hitting home?

24 MS. SCHAEFER: We don't know really -- nobody  
25 really knows all the chapters but yeah, it can be

1 temperature, you know, water quantity, water quality,  
2 there's lots of things.

3 MS. POLARDINO: Do you know what locations?

4 MS. SCHAEFER: For the eagles?

5 MS. POLARDINO: Yes?

6 MS. SCHAEFER: Yeah, so a lot of eagles have  
7 taken up residence at Costco because well there's a spot for  
8 them and you know I imagine that that would not -- if it was  
9 just a straight waterway like you know, it was before the  
10 dams were built there I'm sure there'd be a less intense  
11 concentration of both eagles and osprey.

12 So I'm imagining that they're going to work --  
13 that that's going to work itself out you know and they will  
14 work their way up to the Klamath Basin, higher up in the  
15 basin but for a year or two I'm sure they'll be confused.

16 MS. MOLLOY: Where's our buffet?

17 MS. SCHAEFER: Right, right.

18 MS. MOLLOY: Excellent, thank you, any others?

19 MS. ROBINSON: I know there's been a concern  
20 mentioned with the Council members -- oh sure, there's been  
21 concern of the sediment behind the dams and I think that  
22 kind of ties in with you know, what kind of water your type  
23 is going to be back there that's released and the timing  
24 again.

25 MS. POLARDINO: So primarily what times of the



1 year are you concerned mostly about?

2 MS. ROBINSON: So for the Coho they're trying to  
3 get into the Scott around Thanksgiving -- so in November. I  
4 don't know that that date has been proposed, so that lines  
5 up with their migration is being in that area below the dams  
6 and of course they're going back to the Shasta River as well  
7 so that whole region would be impacted.

8 And you know the timing of the fish -- it's all  
9 over the year you know, I just mentioned the adult Coho  
10 because I've seen that proposed that it would be in November  
11 and that would be during that run in particular.

12 Migrations in the spring -- you know every season  
13 you're going to have something but that being said I think  
14 that if the Coho were in the Scott that is probably the best  
15 time that you could really send them into the river -- it's  
16 just are they all the way in the Scott, what percentage of  
17 the run is in and what's out?

18 But you know looking at the rest of the calendar  
19 that seems like a feasible time to have the least amount of  
20 impact if you can avoid hitting that last strong run.

21 MS. SCHAEFER: For fish but perhaps not for birds  
22 you know -- other wildlife. They're nesting, they are doing  
23 all sorts of things and there are nest sites out there for  
24 osprey and eagles and you know I don't know -- I don't know  
25 what kind if anybody has looked at the specific impacts to

1     them if we were to use those nesting areas, you know, during  
2     that time of year -- if it would be one nest that would be  
3     gone you know, or one nesting year that you know, I really  
4     don't know, I really don't know.

5             They will be impacted for sure, they will be  
6     impacted.

7             MS. MOLLOY: And these are typically things the  
8     Commission will look at when looking at an application and  
9     frequently timing with eagle nests and also fish runs we run  
10    into on different types of applications and try to work  
11    around to the best we can or find other ways to try to  
12    protect against harm. So certainly we will be looking at  
13    that.

14            MR. WILLIAMS: The lamprey run around the same  
15    time as the salmon in the extension and the people are  
16    fishing the lamprey.

17            MS. MOLLOY: It would be good to avoid them.

18            MS. ROBINSON: We have noticed a lot of lamprey  
19    in the Scott in particularly. So the Scott River is an  
20    enjoyable habitat for them, so yeah it's another species of  
21    concern for the tribe for sure.

22            MS. MOLLOY: So they currently have to get up and  
23    around.

24            MS. POLARDINO: Yeah and there's not a lot of  
25    information on the timing and the migratory movements of

1     lampreys so that's probably one you will have to look at  
2     more trouble determining when that window would be best.

3                 MS. ROBINSON:   And it varies by species too,  
4     there might be like seven species in the Klamath Basin so  
5     they ought to know about them.

6                 MS. MOLLOY:   Anything else on that?   So we've got  
7     the power, the salmon coming upstream and going downstream,  
8     the eagles that will feed upon them and lamprey, both  
9     directions as well -- cool.

10                MS. SCHAEFER:   There's so much but I'm not sure  
11     you know, what is specifically appropriate for this meeting,  
12     you know.   I mean there's -- wow, you know, such a huge --  
13     it's a huge project, yeah.

14                MS. MOLLOY:   So certainly the Commission will be  
15     asking for comments.   Feel free please to submit comments.  
16     There is also a way in case you are interested in what is  
17     being filed or issued by the Commission -- we have an  
18     e-subscription where you can sign-up and you receive an  
19     email notification when something has been filed or issued  
20     and you can look at it or -- I sometimes delete if it is  
21     something I am not working on.

22                But it just lets you know something has been  
23     coming in and so you can see what it is and you know, it  
24     sort of -- it's not a service list type of thing, but when  
25     something is issued or filed it just sort of notifies

1 everyone that has signed up for that particular project.

2 MS. SCHAEFER: What scientific information or --  
3 new inputs?

4 MS. MOLLOY: Any filings that are made by the  
5 applicants, the licensee, you know, or by others -- comment  
6 letters or motions or if we issue notices they'll come out  
7 through that. So anything that happens in that docket --  
8 the two dockets.

9 Someone who is e-subscribed will get an email  
10 when something is there and it will be a link to that  
11 document.

12 MS. MCCORMICK: And notices to solicit comments  
13 too for when we're ready for the environmental analysis.

14 MS. MOLLOY: So if you go on our webpage there's  
15 a drop-down for documents and filings and it's on there and  
16 you just sort of can sign-up on it to register for it and  
17 then just put in the project number or until you no longer  
18 want it anymore.

19 MR. WINCHELL: If you have any questions you can  
20 always call any one of us, we have cards today to give you  
21 folks so feel free to contact us so we can help you.

22 MS. MOLLOY: We can help navigate e-library,  
23 e-subscription sometimes.

24 MS. SCHAEFER: We'll be very interested in the  
25 environmental, you know, impact statement for sure for you

1 know, cultural and natural resources.

2 MS. MOLLOY: We will also of course the 106  
3 process will be occurring as well. Frank will be working  
4 closely on that.

5 MS. SCHAEFER: Okay.

6 MS. MOLLOY: We don't know there will be an EIS  
7 at this point. The Commission will be doing a NEPA review  
8 and stuff -- it hasn't yet said what it will be. It will be  
9 looking at all of the existing information that's out there,  
10 the documentation that Interior has done as well as others  
11 and then we'll sort of not recreate the wheel but will  
12 supplement as appropriate.

13 But we haven't yet decided exactly what form it  
14 will be -- just to clarify, but we will be doing the  
15 environmental analysis -- so.

16 MS. SCHAEFER: Do you have a timeline for them?

17 MS. MOLLOY: No, so we are still waiting for some  
18 additional information and so I don't think we are entirely  
19 set yet but we are looking at -- the staff is looking at  
20 what it has before them already and so working towards that.

21 But we will issue a notice when we start to turn  
22 to that phase, when we feel that we have enough that we can  
23 confidently get started on that and then we'll ask for  
24 comments.

25 MS. MCCORMICK: For the transfer and amendment

1 question I don't think we're waiting for any more  
2 information so that will probably happen sooner than the  
3 surrender.

4 MS. MOLLOY: The transfer being more  
5 administrative not requiring an environmental analysis --  
6 that would be earlier.

7 MS. SCHAEFER: So will you be taking information  
8 from USGS from previous dam removal projects and using that  
9 to model what will be taking place here?

10 MS. ROBINSON: When would that need to be  
11 submitted?

12 MS. MOLLOY: Probably need to be submitted but we  
13 will be -- I mean so with what's being filed and proposed we  
14 have staff who will be -- we sort of have a multi-discipline  
15 staff -- engineers as well as fish biologists, cultural  
16 resource people.

17 MR. WINCHELL: To add real quick John Mudre is  
18 the project coordinator for this surrender aspect and of  
19 course John was also the coordinator at that time so that's  
20 another person that will be available for procedural kinds  
21 of questions.

22 MS. BENNETT: Well I guess if I were to say  
23 anything weird, you know, on the kind of descent and that's  
24 upper people and so anything and everything that affects the  
25 river is going to affect our people and so all things that

1 are transparent and the easier it is for us to get that  
2 information you know, I would appreciate on the tribal level  
3 and our people.

4 MS. MOLLOY: The e-subscription certainly helps  
5 on knowing when things are filed and again we'll be  
6 available if you have issues with accessing stuff or want to  
7 check where we are in the process. Any of us are happy to  
8 let you know.

9 We will -- all the merit stuff, the stuff about  
10 -- that we consider we will be putting on the record and  
11 working with that and that is e-library is basically where  
12 we keep all of our documents on all proceedings.

13 And so when you -- if you go online and you go to  
14 e-library and look something up -- if you do P- and then the  
15 number 2082 or 14803, you can pull up all the documents that  
16 have been filed -- and it's a lot. It's in for a long time  
17 but its' all there.

18 Some of the documents might be large -- they  
19 should be broken up into smaller files. So sometimes you'll  
20 get something that's huge -- it will take a long time to  
21 download maybe, but it should be sort of sub-files usually  
22 on that.

23 But if you ever have trouble trying to get a hold  
24 of the document let one of us know and we'll see what we can  
25 do to help but it should be -- you know I go looking at

1 different federal agencies websites on occasion, just  
2 comparison shopping, and I find ours -- while it has a lot,  
3 once you know where you're looking or to be able to see the  
4 record of the e-library, I find it better than most federal  
5 agencies, but that might be pride of working.

6 MR. WINCHELL: I'll second that -- e-library is a  
7 very good system. It's remarkable, anybody could probably  
8 get up there and easily if you put in the project number  
9 bingo -- it's got everything and it can go back of record  
10 twenty years. So that's just the stuff that's recent but it  
11 goes way back.

12 MS. MOLLOY: And anything that's filed -- so  
13 talking cultural sometimes material is filed as privileged  
14 that isn't revealed to the public and that can be filed  
15 privileged and that is limited in -- there's a line, there's  
16 an entry that says it was filed but it also says it's  
17 privileged and so it's limited access to it.

18 MR. WINCHELL: And that's basically to protect  
19 any stuff that's sensitive not only to archeological sites  
20 but also tribal information -- the tribe does not want to  
21 disclose publically. But that gets distributed, of course,  
22 to all the people on a need to know basis which would be the  
23 applicant, of course FERC, all the tribes, the SHPO's, land  
24 managers. But otherwise that stuff is privileged.

25 MS. SCHAEFER: Do you do that for sensitive



1 locations for wildlife?

2 MS. MOLLOY: Yes. And then there's some -- in  
3 some cases it may be that even revealing some details for  
4 tribal matters might be sensitive. What we would typically  
5 ask is if there is any such -- that in general terms,  
6 somehow to give us something to be able to rely on.

7 We do rely on the record in making decisions in  
8 case someone will take us to court we have to be able to  
9 defend our decisions we've made so we will, you know, ask if  
10 there's anything that people don't want to put in writing to  
11 frame it if possible in such a way that we can -- we can  
12 rely on something.

13 It may not be the case but sometimes it is -- a  
14 tribe doesn't want anyone to know something and it's like  
15 well if we're trying to protect an area -- we need to know  
16 something if possible, you know, to help us be able to  
17 defend doing whatever we're doing in any order.

18 But we try to make it, you know, as flexible as  
19 possible.

20 MS. SCHAEFER: Is everything that's been  
21 published for example on the KBMP website -- is that all  
22 been submitted to your review -- the Klamath Basin  
23 Monitoring Program website.

24 MR. WINCHELL: Well I don't know if everything  
25 has got to be FERC related -- it's got to be related to the

1     relicensing that occurred years ago or it's got to be  
2     related to whatever is before us as far as the amendment or  
3     the surrender.

4                 So I would assume they have a lot of the  
5     information but I don't know if they have it on everything.

6

7                 MS. ROBINSON: If there's stuff in particular you  
8     are thinking of we can submit it in our comments.

9                 MR. WINCHELL: Yeah.

10                MR. POLARDINO: And also if you even submitted  
11     comments in the past through a past proceeding you would  
12     have to resubmit them because these are looked as a brand  
13     new proceedings so --

14                MS. SCHAEFER: In terms of comments, information  
15     gathered -- like are you saying that you are hoping to not  
16     reinvent the wheel.

17                MS. POLARDINO: Right and that makes the comments  
18     -- right.

19                MS. SCHAEFER: There's been an awful lot of water  
20     quality monitoring that's gone on in the basin for months,  
21     I'm sure you guys know that.

22                MS. MOLLOY: And if you filed something  
23     previously but you wouldn't be making these comments, you  
24     can refer back to it or something if you want to remind us  
25     that it exists, that's certainly fine and helpful.

1           Any other questions -- any other areas we haven't  
2 covered? Well we appreciate your meeting with us and  
3 extending the hospitality and thank you so much. We enjoyed  
4 the drive.

5           MR. WINCHELL: It's not every day you get to see  
6 that kind of stuff.

7           MS. MOLLOY: Feel free -- we'll leave cards and  
8 feel free to call us for e-library subscription or  
9 navigating any status we'd be happy to help.

10          MS. POLARDINO: And we prefer that anybody making  
11 comments to make them electronically so if you have any  
12 issues when filing the comments on the record, feel free to  
13 give one of us a call and we'll try and navigate you through  
14 that too.

15          MS. MOLLOY: We still do accept paper. I think  
16 most people find a lot of times it's easier doing it  
17 electronically anyway but one thing with papers -- it goes  
18 through -- ever since the old days with the Anthrax thing it  
19 gets x-rayed and so sometimes the ink gets all gummed up to  
20 the paper and it's harder to read and it takes a little  
21 longer, you know.

22          So less and less is coming that way and more is  
23 being electronically because it gets there faster.

24          MS. SCHAEFER: I wish that you were going tribe  
25 to tribe to seek comments on the off-shore oil proposal --

1 I'm just throwing that out there.

2 MS. MOLLOY: Our jurisdiction is limited to that  
3 which -- alright, well thank you very much.

4 (Whereupon the meeting was adjourned at 4:49 p.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

8

9

10

11

12

13

14 Docket No.: P-2082-062/ P-14803-000

15 Place: Ft. Jones, CA

16 Date: Tuesday, January 16, 2018

17 were held as herein appears, and that this is the original  
18 transcript thereof for the file of the Federal Energy  
19 Regulatory Commission, and is a full correct transcription  
20 of the proceedings.

21

22

23 Gaynell Catherine

24 Official Reporter

25

Document Content(s)

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1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

4 DOCKET NOS: P-2082-062/ P-14803-000

5

6 SCOPING MEETING

7 KARUK DEPARTMENT OF NATURAL RESOURCES

8 39051 Highway 96

9 Orleans, CA 95556

10

11 WEDNESDAY, JANUARY 17, 2018

12 10:00 a.m.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, OFFICE OF THE GENERAL COUNSEL

7 KARUK TRIBE

8 ALVIS JOHNSON, COUNCIL MEMBER KARUK TRIBE

9 KRISTEN KING, COUNCIL MEMBER KARUK TRIBE

10 ROBERT SUPER, VICE CHAIRMAN, KARUK TRIBE

11 JOSH SAXON, EXECUTIVE DIRECTOR, KARUK TRIBE

12 SUSAN FRICKE, WATER QUALITY PROGRAM MANAGER KARUK TRIBE

13 ARCH SUPER, COUNCIL, KARUK TRIBE

14 JOSEPH WADDELL, COUNCIL, KARUK TRIBE

15 CRAIG TUCKER, NATURAL RESOURCES ADV., KARUK TRIBE

16 CHOOK-CHOOK, KARUK TRIBE

17 MOLLI MYERS, KARUK TRIBE

18 ANNA JOSEPH, YUOK TRIBE

19 ERIN C., COMMUNITY MEMBER

20 REGINA CHINCOLA, PCFFA/IFR

21 ALPHONS COHEGN, HOOPA TRIBE

22 DAVE MEURER, KRRC COMMUNITY LIAISON

23 ELIZABETH NIELSEN, NATURAL RESOURCES SPECIALIST, SISKIYOU

24 COUNTY

25



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

2 (10:00 a.m.)

3 MR. TUCKER: I would like to welcome you guys here  
4 with our meeting with the Council and the FERC Board and I'd  
5 like to say that we're happy to have you, we're happy to  
6 host you and we're excited about the dam removal. Is there  
7 any other elder that wants to do the prayer?

8 (Prayer)

9 MR. TUCKER: So I think we'll go around and  
10 introduce ourselves.

11 (Introductions)

12 FERC's prepared an Agenda -- it looks really good  
13 to me. I would just add that what we'd like to do is  
14 provide opportunities for the 101 presentation and I think  
15 all the FERC and Council -- there's no -- it's kind of a  
16 weird meeting right because you usually have government to  
17 government consultation and in sort of a private meeting and  
18 because of the -- I guess the ex parte -- because this is an  
19 active FERC process we -- it has to be a publically noticed  
20 meeting in the Federal Register and what not.

21 There's not an obligation to have public comments  
22 but I think Tribal Council may want to consider allowing  
23 tribal members to speak and register their comments with  
24 FERC at the end of the meeting if that sounds appropriate --  
25 does that sound go to you -- to allow the tribal members to

1 have an opportunity to make a comment in the meeting and ask  
2 questions.

3 Does that sound appropriate to you guys kind of  
4 within the -- and I think after I go through and give this  
5 maybe you guys can give -- kind of help the folks understand  
6 the FERC process and we can have some back and forth.

7 So again other than that if the Resource Policy  
8 Act is approved I have worked with the tribe for about  
9 almost 14 years now and through that time my primary  
10 responsibility has been to work on --

11 I would just note that -- is also from South  
12 Carolina as am I. So I just want to point out where Karuk  
13 is -- we are in Karuk original territory now. The Karuk has  
14 been here from time immemorial. Karuk would never displace  
15 from this place. Karuk aboriginal territory is 1.3 million  
16 acres -- thereabout.

17 And it really goes -- you know we have Yurok down  
18 river from us. We have Shasta and Klamath, Modoc people up  
19 river from us and Karuk still -- in large part, manages much  
20 of this landscape -- next slide.

21 One thing that's really remarkable about the  
22 Klamath and I hope when you drive through this place it's a  
23 pretty remarkable landscape. It is very remote and it is  
24 one of the most ecologically diverse places left in America.

25 And we have multiple runs of Salmon. We have

1 multiple runs of steel head, we have sturgeon in the river  
2 that live to be 120 years old and are 12 feet long. We have  
3 Pacific lamprey which is sort of a mysterious fish to a lot  
4 of biologists -- they're still learning about these things.

5 But I would just note that that diversity is far  
6 limited to what it once was. The Klamath used to host pink  
7 and chum salmon which have been extirpated from the Klamath.  
8 Spring run Chinook are hanging on by a thread and Coho  
9 salmon are hanging on by a thread.

10 Coho are on the federal endangered species list  
11 and recently Spring Chinook salmon have been petitioned to  
12 be added to the federal endangered species list. Green  
13 sturgeon and Pacific lamprey are species of special concern  
14 by the State of California, Department of Fish and Wildlife,  
15 next slide.

16 The thing that I really love about working for  
17 Karuk is Karuk's still do today what they've done for a long  
18 time. The language is intact, the fishing methods have not  
19 changed appreciably. Karuk basketry is the same as the  
20 world over and it's still practiced.

21 The Karuk are very culturally rich and a lot of  
22 the cultural knowledge and ecologic -- tribal ecological  
23 knowledge has been preserved and is still being passed down  
24 generationally today. It's a real privilege to work for  
25 people who have this history, next slide.

1           In the 18 -- around 1850 is when things  
2 dramatically changed here. The old white rush kind of was  
3 on so you had influence of gold miners. The logging  
4 industry really changed things here. Commercial fishing off  
5 the coast, an era of hydropower development and I should  
6 probably update this slide and put a big pot leaf up there  
7 because that's something that we are struggling with today.

8           There are a lot of cultural and ecological  
9 impacts that are affecting us from industrial pot growing in  
10 this area, the next slide.

11           So the real result of all of those impacts has  
12 been a real strain on natural systems. And in the river  
13 it's really manifested as a disaster. So in 2002 we had a  
14 fish kill of unprecedented magnitude on the Klamath River  
15 and somewhere around 68,000 adult Chinook salmon died before  
16 spawning.

17           You know fish come back to the river spawn out  
18 and die -- that's normal. But these fish died from "ick",  
19 Ichthyophthirius -- it's a gill disease and it is really an  
20 issue associated with warm water, poor water quality and not  
21 enough water being in the river.

22           The thing we see really annually on the Klamath  
23 is massive blooms of a toxic blue-green algae called  
24 microcystis aeruginosa.

25           The Klamath -- the upper Klamath Basin which you

1 guys will notice when you drive up there is a volcanic  
2 dominated system so the geology and the soils up there are  
3 naturally rich in oxygen and phosphorus. That creates what  
4 we call a hypereutrophic system -- so it's a nutrient rich  
5 system to begin with.

6 Historically, vast wetlands in the upper basin  
7 consume many of those nutrients that today much of those  
8 nutrients stay in the river. They collect behind reservoirs  
9 -- a hot summer comes along and you have these massive  
10 blooms of blue-green algae. The flavor of algae we have  
11 here is important because it's not only a problem for fish  
12 health but it's a human health risk.

13 Virtually every year for two or three months  
14 there are postings along the reservoirs and as far down over  
15 to the very mouth of the river warning people not to touch  
16 the water because of these massive algae blooms. And this  
17 is something that we think will be addressed through dam  
18 removal, next slide.

19 I throw this slide in usually just to illustrate  
20 that it's complicated. You know this is a -- you drive  
21 along here and you might get the impression not much is  
22 going on in Klamath but it turns out there's a lot going on  
23 in Klamath.

24 We have a lot of competing interests. You have  
25 tribes, you have different irrigation communities throughout

1 the basin, you have America's first national wildlife  
2 refuges that have to be balanced in this equation.

3           You have a very large federal irrigation programs  
4 from around 225,000 acre irrigation project and so even  
5 though it's complicated it's less complicated than some  
6 places. Like it's less complicated than the Bay Delta for  
7 example. It's less complicated than Columbia for example.

8           And I think the fact that there are not a whole  
9 lot of people. The biggest city -- if you would call it  
10 that in the Basin is Klamath Falls, Oregon. And putting  
11 this system back together to make it healthy, functional and  
12 productive from the fisheries perspective is completely  
13 possible on the Klamath in a way that maybe a challenge in  
14 some other large watersheds left in the world, next slide.

15           So as productive as the Klamath can be in some  
16 years, it really is a shadow of its former self. Chinook  
17 runs -- the average is probably 10% of what it was  
18 historically. As I mentioned we have got ESA listed species  
19 and species that have been completely extirpated from the  
20 system.

21           And I would just emphasize that you know we've  
22 been working towards dam removal for reasons we can talk  
23 about for a long time but the time is of essence. Chinook  
24 -- Spring run Chinook salmon literally number in the  
25 hundreds of individual animals.

1           We count them by hand in the Salmon River. So  
2   when you guys go upstream today you'll cross the county  
3   line, you're crossing the Salmon River and the Salmon River  
4   is one of the last places that Spring run Chinook migrate to  
5   spawn.

6           And we snorkel the river each summer in segments  
7   all in the same couple of days and we literally count the  
8   fish by hand and there's just a few hundred of these fish  
9   left.

10          Coho salmon is a similar story. It's -- I feel  
11   like we are witnessing an extinction event here if we don't  
12   do something big and do it immediately. Chinook --  
13   following Chinook is largely -- you know the Klamath is  
14   really different than the Trinity.

15          The Klamath River can still produce fish in the  
16   wild. There's Iron Gate Hatchery was put in place in 1962  
17   or so to mitigate impacts of Iron Gate Dam it produces fall  
18   run Chinook.. I think it's debatable the benefits of that  
19   fish hatchery but the fact of the matter is that we had so  
20   few Chinook salmon that probably for the first time in  
21   history the Karuk Tribe limited tribal member harvest to 200  
22   fish.

23          And I'm not even sure if we caught that many. I  
24   don't know -- the Karuk fishery is fish dependent. If the  
25   fish aren't there you don't catch them, we don't use gill

1 nets the way some other tribes do. But I think all the  
2 tribes in the basin self-limited their harvest this year and  
3 it's really a horrific thing for the Karuk people.

4 I think and I'll let other people speak to this  
5 point more but there's an expectation and an obligation to  
6 serve fish at ceremonies, fish are part of ceremonies and  
7 it'd be like showing up to the Vatican and there's no wine  
8 and bread to have at mass. It's like that, next slide  
9 please.

10 So this puts really Karuk culture at risk. You  
11 know it's hard to practice your culture if you don't have  
12 the key elements of your culture and then there's a health  
13 piece to it to so there's a denied access to traditional  
14 foods and medicine -- next slide please.

15 And one of the things that we did early on in the  
16 first round of the FERC process, I think this is our third  
17 round FERC process. In our first round of FERC process is  
18 we did a very interesting study that really looked at how  
19 much fish did Karuk people eat back in the day -- how much  
20 tube fish do people eat today and what's the result of that  
21 and are there any correlations with various health impacts  
22 with that decline and there is a very strong correlation.

23 So it's estimated that the average Karuk probably  
24 ate over a pound of Salmon per person per day and today you  
25 know people are getting less than five pounds a year. And



1 the result of that is that heart disease is three times the  
2 U.S. average, diabetes rate -- four times the U.S. average  
3 and you can see the onset of diabetes in the population rise  
4 as the fishery declines.

5 So there's a very strong correlation. Of course  
6 if you had diabetes or heart disease and went to the doctor  
7 and asked him what to do, he would say eat more fish. Eat  
8 more Omega 3's which is what Salmon is for, next slide  
9 please.

10 I would say probably in the '40's and '50's this  
11 is one of the most famous places in the world for anglers to  
12 come and fish. People came from all over the -- a lot of  
13 historic photos of people like Zane Gray holding up big  
14 salmon at the lodges in this area.

15 Every fish caught by recreational fisherman in  
16 the area is worth about \$200.00 to the local economy once  
17 you figure in you know, gas and beer and tackle and bait and  
18 all that sort of stuff. And so this is -- in this area,  
19 having this sort of economic opportunity through guide  
20 services and other things is really important, next slide  
21 please.

22 So the lack of the fishery has created this  
23 battle over water and so I often describe this as the  
24 Klamath's rotating crisis and so some -- it seems like every  
25 year at least one group -- and if you are talking about

1 tribes, agricultural communities, off-shore coastal  
2 fisherman -- the Klamath management zone goes from Coos Bay  
3 to Monterey Bay.

4 So when we have poor fish returns on the Klamath  
5 it affects the entire west coast commercial salmon fishery.  
6 Someone is odd man out virtually every year now, next slide  
7 please.

8 And so the dams are not the only part of this  
9 problem but we view the dams as being a necessary -- dam  
10 removal is necessary but in itself it's an insufficient step  
11 to completely solve these problems.

12 So I don't think we saw it without dam removal  
13 but we will say that even after dam removal we are going to  
14 have to address issues related to poor timber management.  
15 We're going to have to address issues related to fish  
16 habitat in various tributaries in the Klamath Basin.

17 But we cannot fix this fishery without dam  
18 removal, next slide please.

19 And I think you guys know this part -- next  
20 slide. And so this is Iron Gate, Copco 1, Copco 2 and J.C.  
21 Boyle. If you haven't been to the dams, Boyle and the  
22 Copco's are actually kind of hard to get to. But when you  
23 guys drive up if you have the time and you drive up to  
24 Klamath Falls, Iron Gate is only about five miles or so off  
25 of Interstate 5. So go over there and just kind of take a

1 look at it -- since you came all this way and you are in the  
2 neighborhood you should drop by.

3 The dams are relatively old. I think the first  
4 one was built in 1918 and the most recent Iron Gate Dam was  
5 built in 1962, next slide please.

6 So why are we so -- why has the Karuk Tribe  
7 fought so hard to get to where we are and have this decision  
8 before you about dam removal and there are several pieces of  
9 that but salmon used to go above Klamath Falls to the  
10 tributaries that feed Upper Klamath Lake -- it's very  
11 clearly documented.

12 So there are hundreds of miles of spawning  
13 habitat the fish just can't get to because of the dams. The  
14 dams have a severe effect on water quality, I show you the  
15 picture of these toxic algae blooms that would be Susan  
16 Fricke's famous right-hand down there in that slide taking  
17 water quality samples.

18 The other piece that I think gives an  
19 increasingly better understanding as we go is relationship  
20 between dams and a fish disease called Ceratomyxa Shasta --  
21 they changed the name. Ceratomyxa Shasta and it's an  
22 interesting fish disease -- it spends half its life-cycle in  
23 a small worm called a polychaete.

24 It spends half its lifecycle in fish and sort of  
25 jumps between the two but because the flows below Iron Gate

1 Dam tend to be static and because flows of Iron Gate Dam  
2 don't tend to rise and fall with the natural hydrograph you  
3 kind of create a stable environment downstream of the dams  
4 that allow filamentous algae to grow and this sort of  
5 creates the perfect habitat for these polychaete worms.

6           You throw a fish hatchery next to that -- so all  
7 fish congregate in this one place full of these polychaete  
8 worms and the disease just jumps back and forth. So in 2014  
9 and 2015 as many as 90% juvenile salmon sampled were  
10 infected by this disease which is usually fatal -- which is  
11 exactly why this year or this past year there were no fish  
12 in the Klamath River. They all got whacked by this fish  
13 disease.

14           And so what we anticipate and what we think the  
15 science demonstrates is through dam removal we will disrupt  
16 the lifecycle of this disease and we'll alleviate to some  
17 degree this problem at the fishery.

18           And then the last point I'd make is that the dams  
19 limit run diversity. So really the Klamath has become  
20 almost wholly dependent on this single run of fall run  
21 Chinook as opposed to having spring run Chinook, fall run  
22 Chinook, river run Chinook, summer steel head, winter steel  
23 head -- because of the way the rivers operate -- it's almost  
24 operated for fall Chinook.

25           And the dams create these thermal lags in the

1 system so that means so in the summer time the reservoirs  
2 become a hot pool of water. When falls comes along it takes  
3 longer for the water to cool down to the appropriate  
4 temperature. In the winter time the reservoirs become cold  
5 pools of water. It takes the water longer to warm up in the  
6 spring and so you sort of constrain the window where the  
7 water temperatures are appropriate for fish migration and  
8 fish production, next slide please.

9           And the reason why I think these dams are a  
10 candidate for dam removal and I think a lot of reciprocal  
11 things are a candidate for dam removal as well. The dams do  
12 not make a lot of electricity. It think they have a name  
13 plate capacity of somewhere around 90 megawatts.

14           I think under current FERC conditions they  
15 generate around 60 megawatts and that will probably be  
16 further diminished if they were able to get a new license to  
17 operate. So they don't make a lot of power and they don't  
18 make a lot of money.

19           And the other thing that they don't do is they  
20 don't provide any irrigation or drinking water diversions.  
21 The dams don't provide any irrigation or drinking water  
22 diversions and I'll repeat that because it is a commonly  
23 perpetrated fallacy, myth, lie that somehow dam removal  
24 affects irrigated agriculture in Siskiyou County and it's  
25 just not true.

1           There are no irrigation diversions associated  
2 with these dams. There are no drinking water diversions  
3 associated with these dams and they provide virtually no  
4 flood control. The dams store very little water relative to  
5 Upper Klamath Lake.

6           So, most of the water storage in the Klamath side  
7 here is in Upper Klamath Lake and not in the reservoirs that  
8 are impounded by these dams, next slide.

9           We spent a long time convincing PacifiCorp that  
10 dam removal was a good idea and I think you know it's --  
11 antithetical. And so you know I think PacifiCorp I think  
12 had a legal obligation to do was to attempt to get a new  
13 license to operate these dams in a way that was maintained a  
14 certain affordable power rate to their customers -- there's  
15 an obligation there that PacifiCorp has and their also a  
16 corporation that has obligations to create profit for  
17 investors.

18           So I think PacifiCorp fulfilled those obligations  
19 the best they could but as time went on and as additional  
20 science came into play and we had various federal and state  
21 agencies increasingly interested and concerned about the  
22 state of the fishery, PacifiCorp did engage with us and try  
23 and develop some sort of pathway to where we are today which  
24 is an application before FERC to transfer and decommission  
25 the dams, next slide please.

1           And we did provide -- we pressured PacifiCorp  
2   every way we knew possible and I think a lot of what's  
3   talked about in terms of all of the grass roots pressure  
4   that we applied but the one thing that's fantastic about the  
5   Indian tribes in this Basin is we have the best biologists,  
6   water quality experts on the planet work for tribes.

7           And so we have been able to populate the FERC  
8   record with a lot of technical studies. We ended up early  
9   on in the first FERC EIS process FERC staff actually  
10  recommended -- trap and haul. The agencies came behind that  
11  and obligated additional fish passage and PacifiCorp  
12  challenged that there was a Federal Power Act amendment  
13  that happened about this time and I think it was the first  
14  time a company uses Federal Power Act amendment to actually  
15  challenge the mandatory terms and conditions issued by the  
16  agencies.

17           And so we had a judicial proceeding that was  
18  overseen by Administrative Law Judge and tribes showed up  
19  with their biologists and we won that hands down  
20  demonstrating that fish -- there is plenty of fish habitat  
21  upstream of these dams to support recovery and those fish  
22  would use those reaches of river, next slide.

23           So I would just say that I know it's not exactly  
24  relevant to you guys -- it's kind of out of the scope of  
25  FERC's analysis but I do think it's relevant that the same

1 time that we're addressing this issue with the dams that the  
2 communities -- irrigation communities, tribal communities,  
3 non-profits -- we're still wrestling over the water piece.

4 So the dams we're talking about do not control  
5 how much water is in the Klamath River -- that's really  
6 controlled by how the Bureau of Reclamation operates the  
7 irrigation project. So we need to remove the dams but we  
8 also have to have water that remains in the Klamath River to  
9 accommodate fish needs.

10 So those are ongoing processes that are sort of  
11 outside the FERC process but really do run kind of in  
12 parallel to the FERC process so I would just like kind of  
13 full disclosure there with all the stuff that's going on.

14 And I think what you see at least to some degree  
15 in Klamath Irrigation Project Irrigators is they have really  
16 been held accountable more than anybody else for impacts to  
17 ESA listed Coho salmon. And I think a lot of those reasons  
18 why you don't see those guys protesting dam removal -- I  
19 think their comments to FERC were very neutral on the  
20 subject of dam removal.

21 Because I think people generally understand that  
22 more fish means fewer regulatory obligations for irrigators  
23 and I think that people are starting to digest that, next  
24 slide.

25 A few things I would just say about the Klamath



1   Hydropower Settlement Agreement which I think lays out the  
2   blueprint for how we engage with FERC and how the various  
3   parties engage with FERC is it was not -- it was very  
4   difficult to get there.

5               We -- I've -- I'm on my third Presidential  
6   administration working on this. We had an agreement in  
7   principle under Bush 2 -- that's how long this has been  
8   going on. And taking sort of a tentative agreement on how  
9   to do this and getting to like an application before FERC  
10  has taken 10 years, something like that.

11              So the points I would make is I don't think  
12  there's unanimous agreement on anything in the Klamath but I  
13  think there's about as broad agreement on this topic as you  
14  can get in the Klamath on any single topic.

15              And another point I would just make is we think  
16  FERC -- like every other federal agency, has trust  
17  obligations in the Karuk Tribe. And I think what we would  
18  say is that implementation of the KHSA and the approval of  
19  the applications pending is consistent with FERC's trust  
20  obligations to the Karuk Tribe.

21              And I would just a little bit illustrate and  
22  support. On the left is sort of -- and I think I could  
23  probably go on a couple more pages but these are previous  
24  non-governmental organizations that have expressed support  
25  and it kind of ranges from you know, your prototypical

1 environmental group to more conservative hunting groups,  
2 fishing groups.

3 We've had support from state and federal  
4 agencies, the California and Oregon Public Utility  
5 Commissions have judged the current KHSA to be in the  
6 interest of rate payers and then we have had sort of looking  
7 at the opinion end of things, and I think I could probably  
8 tackle them in about three times as many newspapers to what  
9 you see there -- editorialize in favor of this proposal.

10 And I think that's what I have. I would ask if  
11 -- I don't know if Josh or Council members if there's  
12 anything I've missed that you would add to that kind of, who  
13 Karuk is and why we're here and why we're invested.

14 MR. WADDELL: So I'm Joey Waddell, the Tribal  
15 Council person on the Tribal Council. Joey Waddell.

16 COURT REPORTER: Can you spell the last name?

17 MR. WADDELL: W-a-d-d-e-l-l. I just wanted to  
18 mention -- this is not what my total thoughts are on the dam  
19 but this is to go with what Greg was saying and the  
20 misconception of flood control.

21 When the Iron Gate Dam was built it was a flood  
22 control dam but not for flood control of the Klamath.  
23 Before that dam went in all the people fished on high -- low  
24 water days, not on high water days -- and the reason that  
25 was, was because when they made electricity in Copco the

1 water high one day when they were making electricity and  
2 lower and back and forth.

3 So Iron Gate was put in to control the water  
4 coming out of Copco Dam not for the control of the flood on  
5 the river which it really shows. In '64 we had one of the  
6 largest floods we have ever had here and that was right  
7 after the dam was built, so that was one of the things that  
8 I wanted to mention, you know.

9 MR. SUPER: And my name is Robert Super, I'm Vice  
10 Chairman and I'd like to say too that some of our ceremonies  
11 we use salmon to feed our people and one of our last  
12 ceremonies that we had they had to import salmon from other  
13 tribes at the rivers to feed our people because we didn't  
14 have the salmon.

15 MR. TUCKER: So with that maybe you guys would  
16 kind of give the FERC end of the presentation to help us  
17 better understand your guy's process and how you see things  
18 going forward.

19 MR. WADDELL: So I've got one other thing that I  
20 spend probably 27 years salmon and steel head guide business  
21 all up and down the Klamath from the ocean to Iron Gate and  
22 all up and down the coast, so I have a little different  
23 perspective.

24 I mean I go from what I've seen plus what I've  
25 learned from what you guys have brought up in your

1 scientific and we have had several heavy discussions about  
2 that here and the scientific kind of proved a lot of things  
3 to me.

4           So just with that aspect it gives me a little  
5 different opinion. You know when we start talking about  
6 money Warren Buffet, one of the richest men around I always  
7 say follow the money. It's going to cost him 800 million  
8 dollars to bring the dams up to license. For 300 it could  
9 get removed and then when he gets all the help from all of  
10 us and everybody else, he's willing to donate a couple of  
11 million dollars to help us, you know.

12           If you follow the money you find out a lot of  
13 different things.

14           MS. MOLLOY: So I'm Liz Molloy, the Tribal  
15 Liaison from FERC and we appreciate your visiting with us  
16 today. There's -- as mentioned there are two applications  
17 pending before the Commission.

18           One is to amend the license and transfer -- amend  
19 the license to remove the lower four developments and  
20 transfer those to the corporation. And then a second  
21 application if that is granted to surrender those four  
22 developments. And so in having this meeting today it's on  
23 both of those applications.

24           The Commission will be looking at the  
25 applications and if the transfer is granted proceeding with

1 the dam decommissioning proposal. And would do NEPA  
2 analysis -- environmental analysis -- some has been done,  
3 the Commission would be looking at that and filling in  
4 whatever it felt would be necessary due to any changes or  
5 such and make sure that it analyzes as much from comments  
6 from your tribe, other tribes, the public, the communities  
7 around here and all the agencies.

8 So all the comments will be taken into account in  
9 evaluating the proposal, then the Commission would determine  
10 whether or not to grant it or not so it's sort of an  
11 intertwined kind of thing a bit -- they're related so.

12 So that's sort of where we are. We have put out  
13 the notice seeking some comment on the transfer proposal and  
14 we will be seeking -- I think we have not yet done a notice  
15 but we will be seeking comments on the surrender later if  
16 that is pursued. I think that's -- we don't.

17 One thing -- it's contingent on a number of  
18 things, some additional information for at least one of the  
19 applications but even if we knew, which we don't, but if we  
20 did, we can't tell the timing of decisions pursuant to our  
21 regs.

22 We can't discuss timing and nature of our  
23 decisions but it's certainly in reaching out and talking to  
24 all of the tribes along the area it won't happen before we  
25 hear from you all and so that information will be going back

1 to the Commission as well and it will be on the record in  
2 our e-library system and so that will be factored in to the  
3 consideration.

4 UNIDENTIFIED SPEAKER: So all around the transfer  
5 -- would it be a year, four years or is there --

6 MS. MOLLOY: So talking the surrender -- so there  
7 is some additional information that would be needed from --  
8 on the surrender application and some other things. There  
9 would also be water quality certifications required and I  
10 believe they've been filed -- the applications.

11 So before the Commission could act on the  
12 surrender should that be happening they would have to have  
13 water quality certification waiver and there's probably a  
14 few other things that we would be required to have before  
15 acting.

16 So timing is somewhat dependent on that and it  
17 would be reviewing what information we still would have to  
18 put into an environmental document and issue, so timing is a  
19 little bit influx right now.

20 MR. TUCKER: Do you guys -- so California tells  
21 me that their expectations have a draft -- so California had  
22 to go through SEQUA to get to the 401 permitting. So  
23 California is supposed to have a draft what do they call it  
24 -- EIR which would be a draft EIS in the federal in the  
25 spring. Do you guys -- you can't do anything until

1 California finishes or is there some pieces of this that can  
2 go in parallel?

3 Can FERC begin -- and what we would hope -- I  
4 mean I think this probably is one of the best scrutinized  
5 dam system in the FERC record would be my guess. We've gone  
6 through two EIS's and the Secretarial determination overview  
7 report which was EIS on steroids.

8 So can FERC begin the process of identifying what  
9 they're going to add? Does FERC expect to re-route the EIS  
10 or do they expect to use the 2012 EIS with addendums?  
11 Because as you know we're trying to stay on this 2020  
12 timeline and I think California is doing everything it can  
13 to be on that timeline so what can you tell us how we jam  
14 the two processes into one?

15 MS. MOLLOY: So the Commission needs to have  
16 water quality certification or waiver before issuing an  
17 order. The Commission doesn't need to have anything else  
18 from the state prior to starting any process.

19 There is some additional information that the  
20 Commission is awaiting on that application and we would then  
21 be seeking comments. So we would be looking for complete  
22 application and then seeking comments on the proposal and  
23 then determining what information needs to be added to  
24 existing analysis.

25 We won't recreate a wheel but we will make sure

1       that it's looking at the current situation.

2                   MR. TUCKER:   You might change the tires?

3                   MS. MOLLOY:   We might change the tires but you  
4       know, we would look at what the existing -- you know what's  
5       out there and what we need to do to make sure we have a  
6       complete record to make a decision.

7                   MR. TUCKER:   And if I can ask so the other thing  
8       that's I think a complication maybe not necessarily but so  
9       it would be a two-step process right so there's an  
10      application before FERC that transferred kind of through a  
11      renewal corporation and there would be a second application  
12      before FERC to actually do the surrender decommissioning and  
13      so I think there's -- like how does -- so KRRC wants the  
14      dams if they can remove them.

15                  So how do we -- is there a way to build into the  
16      FERC license some contingencies?   So you know we were ready  
17      to up to license the transfer if eventual surrender was  
18      highly likely so that KRRC receives this and doesn't want to  
19      be in a position to receive the dams and then they can't  
20      remove them or FERC provides some mitigation that's  
21      unachievable for whatever reasons.

22                  How do we structure that legally so that  
23      PacifiCorp, the Renewal Corporation, everybody feels like  
24      they're holding the right amount of obligation and  
25      responsibility?



1                   MS. MCCORMICK: The reason we are doing it in two  
2 steps the transfer followed by a surrender is because it is  
3 kind of a unique situation where the purpose of the transfer  
4 is to eventually go through decommissioning so legally we  
5 want to make sure when we are looking at the transfer  
6 application that KRRC is in a position to eventually go  
7 through with successful dam removal and mitigation goes  
8 along with that.

9                   So there are two separate proceedings from a  
10 legal perspective but they are very closely related but  
11 that's why we're looking at the transfer first to make sure  
12 that dam removal will be successful, does that make sense?  
13 Does anybody have any questions about that?

14                  I know they're very closely related but legally  
15 they are two separate proceedings.

16                  MS. MOLLOY: But at such time as the Commission  
17 would be reviewing the dam removal -- the dam surrender  
18 proposal, the Commission will be looking at that proposal in  
19 determining whether or not to grant or deny it -- I mean  
20 that will be --

21                  MS. MCCORMICK: And under what conditions to do  
22 so.

23                  MS. MOLLOY: Under what conditions to do so.

24                  MR. TUCKER: One EIS for the two --

25                  MS. MCCORMICK: Yes, right, transfer application

1 is purely administrative. There's no environmental analysis  
2 that goes with that.

3 MS. MOLLOY: Yes typically when we do a transfer  
4 of facilities there's no EIS done for that. The conditions  
5 of the license remain and it would be cutting out the  
6 different facilities and moving the -- having the  
7 requirements in both licenses but there would be the  
8 existing license terms.

9 MS. MCCORMICK: And I think at this point we're  
10 still waiting, as Liz mentioned, we're waiting for some  
11 additional information pertaining to the surrender but I  
12 believe we have a complete application before us for the  
13 transfer.

14 MS. POLARDINO: And they also asked -- sorry, they  
15 also asked for additional time in December to provide that  
16 information too.

17 MR. WADDELL: They're saying the dams can stand  
18 for whatever reason -- does PacifiCorp still have to bring  
19 them up to the specifications to be relicensed?

20 MS. MOLLOY: So if the -- if the surrender  
21 application was not approved there would be a relicense.  
22 Something would have to happen that either it would be  
23 relicensed you know, under the new conditions or something.  
24 There would be some -- it would have to happen.

25 MR. TUCKER: So since you don't have to do an EIS

1 on the transfer, can you give us some concept of when you  
2 think that the process -- I mean would you process the  
3 transfer application to issue a decision then go to the  
4 surrender? And if that's the case, can you give us some  
5 sense of the timeline for the decision-making on the  
6 transfer?

7 MS. MOLLOY: So still we can't divulge the nature  
8 and timing of action and I'm not sure we even would know --  
9 right, but it would be because of waiting for additional  
10 information and the applications came in saying that it was  
11 intended that they would still -- they would be providing  
12 additional information a little bit later.

13 But it is pending before the Commission. We are  
14 coming out and receiving comments so I'm sure the Commission  
15 would be looking at it.

16 MS. MCCORMICK: And even though we can't speak  
17 today to the nature of the time of our proceedings, we have  
18 our Commission meetings once a month. Ten days prior to the  
19 meeting the Secretary issues a government agenda list and so  
20 if you go to [ferc.gov](http://ferc.gov) you can find out through our e-filing,  
21 e-subscription and you could see when that notice is issued  
22 and that will list for each Commission meeting the items  
23 that will be voted on.

24 So that will give you a little bit better sense  
25 of the timing and I know it's only ten days-notice but --

1 MS. MOLLOY: And our Commission meetings are on  
2 the third Thursday of each month.

3 MR. WINCHELL: I'd like to add something about  
4 what the two Liz's are saying. A lot of us were involved  
5 with the Klamath River relicensing and the coordinator is  
6 still John Mudre on this particular surrender so you are  
7 probably going to have a lot of us who are pretty familiar  
8 with this.

9 So I think that's going to help the review  
10 process going forward.

11 MS. POLARDINO: And I'd also add that anything  
12 that's said on the record here during this meeting will be  
13 on the record. We'll have the transcription 30 days after  
14 the meeting and if there's anything that you want to add  
15 that's not in this meeting you can -- we would be more than  
16 happy to accept any comments in our e-library system.

17 MR. WINCHELL: I just want to add another real  
18 quick point too -- okay John Mudre and other folks are  
19 involved with the surrender not with the application. But  
20 once the surrender is in place will we know what's going to  
21 take place as far as that process and that's what we will be  
22 involved in.

23 MS. MOLLOY: So and one thing in having the  
24 meeting on the both applications and everything -- one  
25 thing, it was an excellent presentation. I really liked

1     seeing that. Another thing we would want to hear either  
2     here or in comments would be concerns if you had specific  
3     concerns for if the surrender application -- the information  
4     comes in and that is pursued and we're doing analysis what  
5     concerns there would be during any removal or after -- so  
6     anything that you would want us to make sure to focus on  
7     when we were reviewing for that application.

8                 MS. MCCORMICK: And we're happy to hear comments  
9     about that.

10                MR. TUCKER: Can you speak either in general or  
11     in specifics as to the additional information that you're  
12     still waiting for?

13                MS. MOLLOY: Right, I'm just drawing a blank.

14                MS. MCCORMICK: Yes it's the Renewal Corporation  
15     their financial and technological capacity to take over  
16     these dams and in the case that surrender takes a little bit  
17     longer that they will be able to operate them and mitigate  
18     this -- insurance, things like that.

19                MR. WINCHELL: I think the deadline is July of  
20     this year, July 1st.

21                MR. TUCKER: We have -- we're signatories to the  
22     amended KHSA and we were able to put forth a representative  
23     of our selection to be on the Board of Directors for the  
24     KRRRC's -- Wendy George, and so we stay pretty -- you know we  
25     sometimes will attend the Board meetings and kind of follow

1 the process.

2 But the thing I will say is I think they did a  
3 good job finding the right Executive Director and they're  
4 doing a good job finding the right consulting team to help  
5 do the technical end of things and the right kind of  
6 experience.

7 You would speak highly of their qualifications to  
8 carry out the task and we have a vested interest in that.  
9 In fact we you know, demanded to have a little bit of skin  
10 in the game there about putting someone on the Board because  
11 these proceedings are often litigious and so you know, it  
12 does us -- if our objective is to remove dams and restore  
13 this river it's got to be done -- cross all the "T's", dot  
14 all the "I's" and it's going to have to be durable in  
15 whatever structure it could possibly land in.

16 So I think we've had a very vivid, cautious about  
17 KRRC but the Board of Directors is a bit of an all-star team  
18 when it comes to western policy issues and you know in a lot  
19 of ways this process is kind of informed by the success on  
20 the transfer and decommission of the Edward's Dam on the  
21 Penobscot River in Maine and so the Executive Director of  
22 that organization is also on the Board of the KRRC so I  
23 think it gives us at least somebody who has kind of been  
24 around the block in something almost exactly like this  
25 helping us to kind of navigate all the regulatory agencies

1 and approvals.

2 Does anyone else want to add to that? Any other  
3 comments from Council members -- good stories?

4 MR. JOHNSON: While you know, but hey that river  
5 as a kid now down to my old place on the reservation down  
6 the road like it used too, thousands of them it seemed like  
7 when I was a kid. I didn't know when the dam went in either  
8 -- I was gone at the time I was in the Army, 1962, yeah I  
9 didn't know it happened.

10 I can see it come back and see thousands of them  
11 rolling all over the place. The one time I went down there  
12 not too long ago and a couple of years ago just four or five  
13 albeit, really sad to see it all come back to natural  
14 habitat again. Someday I hope soon.

15 MR. WOODELL: Kind of like bug -- you're  
16 underrated around here. It's as much upon Indian Creek the  
17 tributary of Klamath that's where I was raised at but as  
18 soon as I was big enough to get to town I started fishing in  
19 the river too.

20 1969 was the first year that I started guiding  
21 with the riverboat. The interesting part of that is in 1969  
22 there was a big group here filming and they were here to  
23 film to make the Klamath River into a wild and scenic river.

24

25 The people I had in my boat were Bing Crosby and

1 Phil Harris. They were here to support that -- to make it  
2 into -- so that's when all this stuff started 1969.

3 MR. TUCKER: Did Bing Crosby sing to you?

4 MR. WODELL: Right. We just had a great time.  
5 They were here and enjoyed the scenery and it was very, very  
6 interesting. He was here for about a week. So it's been a  
7 long time that people have been fighting to try to make the  
8 river stay the wild and scenic river -- 100 trips a year for  
9 25 years on the Klamath. I've seen lots of changes and  
10 stuff it slowly deteriorated.

11 MR. TUCKER: You have an opportunity for people  
12 who are here to make a comment and ask a question. So come  
13 up and state your name. If anybody from the public would  
14 like to make a comment or ask questions come on up here.

15 MS. BETH: My name is Ronnie Beth and you know,  
16 I'm from here I belong here but it's been many, many years.  
17 The river has been so sick we can't even go swim down by the  
18 bridge like we used to when we were kids and our future  
19 kids, my grandkids, won't be able to do that. It's  
20 important to me. I always dreamt of that happening -- that  
21 togetherness, it's been a long time and it's right here I  
22 just want you to feel that, thank you.

23 MR. MYERS: I'm Molli Myers, M-y-e-r-s. I'm a  
24 Tribal member. I am part of the group that has been  
25 spending a lot of time -- years in fact I was pregnant with



1 my oldest son when the fish kill happened and he's 14 now.

2 So it's really emotional and I don't -- I've  
3 spoken to FERC so many times now, kind of all melting this  
4 together but I'm a basket weaver, my husband is a  
5 traditional fisherman. Last year -- last fall we didn't  
6 fish -- we didn't fish not for one fish because there were  
7 no fish.

8 We wanted to give them the best chance to keep  
9 going to stay in the river. But growing up I was taught by  
10 my dad who was a traditional fisherman that it is our  
11 responsibility to fish. That's who we are -- it's part of  
12 who we are and that the fish they come back here for us.

13 And so you know, we're supposed to fish but you  
14 know, with silence like we know that there's no fish so it's  
15 just -- it's really heartbreaking. And you know, you guys  
16 were asked about the timeline right -- and I heard you say  
17 over and over we can't tell you, we can't tell you but it's  
18 really gone on too long.

19 And we see the end in sight and I just really  
20 want to ask you guys to do your very best to make this  
21 process go as fast as it can because we're out of time, you  
22 know. We're out of time --we don't have any fish left. So  
23 if you guys don't do the right thing and do it soon we are  
24 fish people and you are effectively wiping us out.

25 The longer that the dams stay and the more damage

1     that's done, the more we feel who we are is just slipping  
2     away and you will put that in your hands -- so think about  
3     that when you're doing those things and when you're at the  
4     third Thursday and as the third Thursdays keep going by and  
5     going by, think about that.

6                 I have five kids. I have four boys and a  
7     daughter and you know my little guys they're not old enough  
8     to remember when there was a lot of fish, you know. I  
9     remember when there was fish when I was a kid and our family  
10    would fish and that would keep us -- we'd have fish all year  
11    long because we would put it away.

12                Now we don't have fish in our -- I can see our  
13    fish is like getting lower and lower and we weren't able to  
14    replenish it last year. So you know, just try -- just try  
15    to put yourself into our position and try to make this go as  
16    quickly as it can because you know it's been so many years  
17    already, thanks.

18                MS. PRESTON: Hello, my name is Vicky Preston. I  
19    live here in Orleans and I grew up here in Orleans at the  
20    mouth of Red Cap Creek which is just down river from here  
21    and I've always lived here in Orleans, a small town.

22                So I think that to say that the fish in the river  
23    are a major part of our lives here is like -- it just is.  
24    It's like we, being raised here like, you know, going to the  
25    river every day and like to see those changes happen within

1 my life it's been really -- it's really telling and really  
2 drastic.

3 I'm 27 years old now. Growing up we used to  
4 catch a lot more fish than at least me personally than we  
5 used to. It just used to be a lot easier so I feel like  
6 that doesn't -- in my mind doesn't seem like that long ago  
7 that things have kind of changed.

8 Like every year you can see the differences  
9 because around here we're very -- the connection is very  
10 close to the places that we all go to. Every day we move in  
11 and around and you know we see these changes every day and  
12 we feel it when, you know.

13 And let's not underestimate the impacts on the  
14 generations you know. I don't think that it was that long  
15 ago that I was a kid and living differently than I feel like  
16 my nieces and nephews live now, you know, and they might be  
17 just a few years old.

18 But to have their fishing regime -- the way that  
19 they interact with the river and the water would be a lot  
20 different, you know, than when I grew up. And I feel like I  
21 want that for them to have that, you know, to have that  
22 family time down by the river to have the healthy food  
23 source that we used to be able to, you know, catch fish  
24 mostly every day for them and it was so accessible to us.

25 And to feel like you've lost that accessibility

1 is a major impact on your health, your food security as a  
2 people and you know, my family feels it and to see and to  
3 not be able to go into the river like people were talking  
4 about -- it really does affect the way you move around and  
5 interact with it. And I feel like I don't want to see the  
6 impacts on like the way families -- maybe families are going  
7 there less.

8           Like I feel like it's really -- don't  
9 underestimate the importance of like the family time and the  
10 people time and the time people spend there and it has  
11 impacts on this whole -- like people not observing things as  
12 much, people not spending healthy time out there doing those  
13 things.

14           And so I feel like -- and that's the thing that,  
15 you know, sometimes they say it's not like -- it's the  
16 memories that really leave that you really remember and I  
17 think that I don't want that to be gone to the younger  
18 generations now who might not remember things the way that I  
19 quite do.

20           I was about 12 when the fish kill happened and  
21 that was something that is always going to be with me and  
22 you know, the generations. And they're saying the timeline  
23 and stuff and like I think it is really crucial. Just a few  
24 years -- just a year has a lot of impact, you know.

25           A few years ago when my nephews were like, just

1     barely being born, you know, and then a few years from now  
2     -- like those are years lost of that learning and that  
3     process and that time so as much of that that we can have  
4     with, you know, I appreciate all the work that people do for  
5     this.

6                     And it's been an interesting time growing up and  
7     seeing people doing a lot of this work and I don't feel like  
8     I've been in it quite as much but I feel like I really  
9     appreciate all the struggles and the cooperation that has  
10    happened. And just yeah -- I just wanted to say that so  
11    thank you.

12                    MR. HILLMAN: I'm Jim (Chook-Chook) Hillman and I  
13    really appreciate what the folks have already said. I'm one  
14    of those people that were just talked about that has been  
15    doing this since the beginning and it's been a long road.

16                    I mean we've gone before FERC and the state and  
17    we've been doing it the right way and I think that that's  
18    really part of the frustrating part is that we have gone  
19    with this the right way the whole time.

20                    We've gone to states, fed's, corporations -- done  
21    all the boring, boring, boring meetings that you guys know  
22    all too well. Do you know what I mean? These meetings are  
23    just terrible and you travel hundreds and hundreds of miles  
24    from this place, leave our lives behind and go fight for our  
25    lives in the right way -- do you know what I mean?

1           Not going in and you know, doing it the wrong way  
2   and it feels like there keeps being these like -- at every  
3   point government agencies let it down, let it down, let it  
4   down even though there's a corporation that says, "We want  
5   to do this thing. Here's a pile of money."

6           You know we've pushed them and they've accepted  
7   that and like the whole way we keep doing it the right way  
8   and it keeps going further and further down the road. And  
9   in '08 I had an agreement written out between myself and  
10  Warren Buffett -- you know, the ultimate owner, and we  
11  argued and argued about what the date for dam removal should  
12  be in that agreement that I tried to get him to sign with  
13  me.

14           And that was 2015 and even that felt like a  
15  stretch -- like can we hold on until 2015, like will salmon  
16  make it? And so now we've had this 2020 date and we've all  
17  had like baited breath like not sure if salmon are going to  
18  make it to 2020 and it feels like we are making good  
19  progress even though we had it.

20           Let's get the legislature and the people that are  
21  supposed to represent us to get this done -- nope, nothing.  
22  For years and years all of those people in D.C. holding our  
23  future and our lives in their hands and just -- letting it  
24  go like that, like it doesn't matter because of their  
25  parties and their this and their that.

1           And this is like -- salmon are some of the most  
2   incredible animals on the planet and we're going to let  
3   those incredible creatures just go extinct because of party  
4   politics and people not actually living it. And that's what  
5   I'd say to you and folks are upset and might get emotional  
6   in front of you guys.

7           Like this is real -- it isn't about parties, it's  
8   not about getting our way it's about like the future and the  
9   survival of salmon and people and the world. My grandfather  
10   told me when I was a kid when you run out of salmon you run  
11   out of everything.

12           So like if we don't have salmon like we're gone  
13   and it's not just going to be an Indian problem. The more  
14   creatures like salmon go extinct the worse off the world is  
15   for it. The world gets no better by allowing salmon to go  
16   extinct and people to fight and go back to their district  
17   and say, "Well we didn't let them Indians have their way."

18           This just makes sense when we talk about those  
19   timelines that is -- you guys asked what things we need to  
20   look at and I think that something that really needs to be  
21   looked at is the timeframes. Like it has to be like, urgent  
22   -- like a sense of urgency -- we've all been doing this for  
23   a long, long time and we need to come to fruition.

24           Everything is kind of laid out -- boom, boom,  
25   boom, boom, boom. Everything is there I feel like -- we've

1 got the science, we've got the cash, like everything has  
2 like come to this point. It is right here on your doorstep  
3 either accept it or deny it.

4 And then my other comment was that you guys  
5 e-filing system has been terrible lately. I mean bad. Aw  
6 man -- yeah it's like -- it's blowing up my email but then  
7 even if you go to try to click on the comments -- whether it  
8 is from the house or from Army Corp or personal people maybe  
9 three-quarters of those things won't even open.

10 They just won't even open. They will be blank or  
11 whatever. Yeah, I really appreciate it like in theory it's  
12 a really cool -- this e-library you can get everything.

13 MR. WINCHELL: They are in the process of  
14 restructuring because you can imagine I mean it's  
15 overwhelming there's so much stuff getting filed and they've  
16 got to update and people from IT they're aware of this but  
17 it's unfortunate, it's something that they're working on and  
18 I wish, you know, it would get fixed too because it  
19 frustrates us.

20 MS. MOLLOY: Although we still in comparison to  
21 other websites I still think like because it does try to  
22 have everything open and out.

23 MR. HILLMAN: I just like to stay up on it and I  
24 go to click to read what does the Army Corp say about this  
25 and that and it's just blank and it's frustrating. I get



1 post-it notes, like that one came up and it's huge and it's  
2 like do something -- you know what I mean?

3 MS. MOLLOY: Every now and again on a blank one  
4 -- I don't know if this is the reason but every now and  
5 again if you click on the FERC pdf it will not -- if  
6 something was filed in pdf go to the original pdf file and  
7 that will be there.

8 Sometimes the FERC one will come up blank and  
9 saying it couldn't be converted or something.

10 MR. HILLMAN: Yeah, yeah.

11 MS. POLARDINO: I was going to say too is if you  
12 go to our FERC website -- go under documents and filings and  
13 go to the e-library. There will be like an alternative  
14 e-library and so sometimes if the main one isn't working try  
15 the alternative one because it does -- it's a frustration.

16 MR. HILLMAN: It's making me crazy because I like  
17 to read that stuff so I know what's happening and it's been  
18 tough.

19 MS. POLARDINO: We hear you, absolutely. And we  
20 also have passed out cards with our contact information. If  
21 there's any problems with trying to get into e-library feel  
22 free to give any one of us a call.

23 MR. HILLMAN: Cool, thank you.

24 MR. KINNEY: Good morning, my name is Ed Kinney.  
25 I would like to -- K-i-n-n-e-y -- and I would like to thank

1 the Tribal Council for this opportunity to provide comment  
2 and I really want to take a brief minute to discuss empathy.

3 And when you really look at these issues and  
4 taking these down with an empathetic lens, the urgency comes  
5 to the top. It doesn't become a political issue. It  
6 doesn't become about money -- it becomes about doing the  
7 right thing.

8 And you all are unable to do that and that's  
9 where I want to really stress on that urgency because the  
10 time is now and you know, sometimes tomorrow is too late and  
11 that's where when we practice empathy and not just identify  
12 the ways to use it, if we practice it as a lifestyle  
13 everything becomes a lot more because you start to have  
14 voices for things that don't have a voice.

15 Salmon or wildlife or even our young people don't  
16 necessarily have that voice to speak up for themselves yet.  
17 This is why we all have to do our part and make sure that  
18 not to less apathy set in because once apathy sets in you  
19 can look the other way and things fall through the cracks  
20 like they have done time and time again.

21 And that's what I want to really stress on is  
22 again without taking swift action to take these dams down  
23 -- what is that doing in perpetuating the institutional  
24 racism to not just the indigenous people from here but the  
25 people that have lived here for generations and the

1 community at large?

2 And so that's what I want to quickly just, you  
3 know, briefly provide that comment today -- practicing  
4 empathy and take that into your perspective on this whole  
5 project. And I really feel that that will show the urgency,  
6 thank you.

7 MS. CHINCOLA: Hello my name is Regina Chincola,  
8 C-h-i-n-c-o-l-a. I will support dam removal. I think that  
9 dam removal should happen quickly and I thank the Karuk  
10 Tribe so much for the last 14 years I think it has been of  
11 leading this effort.

12 I'm not a tribal member. I do work for the  
13 Pacific Coast Federation of Fisheries Association that has  
14 been very involved with this situation but I am speaking as  
15 a member of the Oregon community.

16 I actually have a question and then a comment and  
17 my question is how does the transfer deal with the Kino  
18 Reservoir? Is it going to the Department of Reclamation or  
19 -- I mean the Bureau of Reclamation, since it's hard to get  
20 information off of FERC I figured I should ask you guys.

21 MR. WINCHELL: Well I think in the transfer it is  
22 administrative just to transfer the responsibility of the  
23 removal of the four developments which starts with J.C.  
24 Boyle downstream all the way down to Iron Gate, okay.

25 MS. MOLLOY: That's what the application was for.

1 MS. CHINCOLA: You guys aren't involved?

2 MR. WINCHELL: Yeah, again -- you've got -- okay  
3 Kino is a different, it's complicated but we're focusing --  
4 at least today and we are going to be doing our analysis and  
5 so more insight is going to come into let's say Kino and  
6 Linc but basically, basically we're looking at the surrender  
7 of the four developments from J.C. Boyle down to Iron Gate.

8 That's what the surrender process would be  
9 involved with because upstream there are other  
10 jurisdictions, so the Bureau of Reclamation controls Linc  
11 and again there's not any hydroelectric facilities at Kino  
12 so there's --

13 MS. MOLLOY: Right but I think the transfer  
14 application -- the amendment application to transfer  
15 requests was for the four lower developments.

16 MS. CHINCOLA: Right.

17 MS. MOLLOY: So that's what that application is  
18 looking at.

19 MS. CHINCOLA: Okay so you guys aren't involved  
20 in the Kino transfer.

21 MS. MOLLOY: The transfer application would be  
22 for the four developments.

23 UNIDENTIFIED SPEAKER: (Off mic): I think  
24 because they are transferring Kino into a federal agency,  
25 FERC does not have jurisdiction. FERC's jurisdiction is

1 privately held RS's.

2 MS. CHINCOLA: That would be just between the  
3 PacifiCorp and the United States, alright thank you that  
4 clarifies. I wondered what would happen at Kino. Okay,  
5 well thank you that was my question. I will support this  
6 happening fast. I've studied NEPA and SEQUA for the  
7 majority of my life.

8 I have done extensive comments on all of these  
9 and I think even the people who are opposed to dam removal  
10 have done extensive comments. Their comments have been  
11 heard. They are being dealt with through mitigation  
12 measures and people are making sure that this is done in a  
13 legal way and a responsible way and that everyone is heard  
14 and has happened.

15 So I would also ask for you to move forward as  
16 quickly as possible. I look forward to reading the EIS or  
17 whatever supplemental EIS you're doing on dam removal and  
18 see how the dams will be removed and I would also hope that  
19 all of us can watch it happen, thank you.

20 Sorry to ask a question if it was something I  
21 have been wondering for a long time.

22 MR. TUCKER: Does anybody else want to make  
23 comments?

24 MR. WADDELL: I'll make a quick comment. Besides  
25 the water, the dams and all that because remember we were

1 all raised to take care of our land and that affects the  
2 run-offs and whatever has gone on in 100 years, we always  
3 want to remember that everything depends -- just like he was  
4 saying you know.

5 MS. CADWELL: My name is Erin Cadwell,  
6 C-a-d-w-e-l-l and I'm not from here but I have lived here  
7 for quite some time and I have been volunteering on the fire  
8 department and an EMT for a long time.

9 And doing that you really see a lot of health  
10 issues at a rate that I don't think you see in the general  
11 population. We have some big suicide clusters -- a lot of  
12 diabetes, a lot of heart disease, a lot of health issues  
13 that really stem from -- I think, you know, just a general  
14 malaise and I know that in Western culture we have this  
15 tendency to see the mind and the body as being separate and  
16 both of those things being separate from the environment.

17 But you don't really have to be on the ground  
18 doing emergency health care for very long to see that's  
19 bullshit. And you know, despair and poverty and  
20 hopelessness kill and it's a slow death but its sure and its  
21 killing people here, especially indigenous people.

22 And when I think about how tired I am of seeing  
23 it I can only imagine how tired they are of living it. So I  
24 really urge you to do what you can to take these dams down  
25 and to listen to these people when they say that not being

1     able to fulfill, you know, the purpose that their  
2     traditional life is meant to fulfill is hurting them and  
3     it's killing them because I could tell you that I see it  
4     all the time and that's all I have to say about that.

5                 MR. WIEGEL: My name is Ryan Wiegel, I'm a local  
6     resident. W-i-e-g-e-l -- I'm a local resident for a short  
7     time but I'm actually a member of the -- Tribe. I would  
8     like to talk about in the early '20's when California has  
9     its first environmental initiative and this was in response  
10    to a dam that was going to be put on the Salmon River.

11                And the vote came out that the dam was not  
12    allowed to happen and so the people want the health of the  
13    Klamath River back and starting in the early '20's and I  
14    wanted just to bring that part out that this is a long time  
15    and it's the people, of course they're native and they're  
16    very strong but all the people want the dam gone, thank you.

17                MS. JOSEPH: I'm Anna Joseph, I'm a Yurok Tribal  
18    member but I'm also a Karuk and -- Paiute, Shoshonee. I  
19    grew up swimming on the Klamath River and it breaks my heart  
20    that my nieces and nephews have no idea what it's like to  
21    swim on the river.

22                We have to go elsewhere -- the Salmon River to  
23    see the birds go swimming and I come from a long line of  
24    fishermen and commercial fishermen and I no longer  
25    commercial fish because I want to give the salmon a chance

1 to come back.

2 2002 during the fish kill my grandmother passed  
3 away at the same time and so it's very emotional for me and  
4 I want to see the dams out of here, thank you.

5 MR. SAXON: Thank you all for taking time out of  
6 your work day and coming in and participating in this. It  
7 was good to hear your thoughts and again thank you to the  
8 Council for opening up the public comment for folks to speak  
9 their mind -- it's respectful and it's a good thing.

10 So with that I think we'll close everything up  
11 and go on with our day, thank you.

12 (Whereupon the meeting was adjourned at 11:28 a.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

8

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10

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12

13

14 Docket No.: P-2082-062/ P-14803-000

15 Place: Orleans, CA

16 Date: Wednesday, January 17, 2018

17 were held as herein appears, and that this is the original  
18 transcript thereof for the file of the Federal Energy  
19 Regulatory Commission, and is a full correct transcription  
20 of the proceedings.

21

22

23 Gaynell Catherine

24 Official Reporter

25

Document Content(s)

011718Klamath.DOCX.....1-51

1       FEDERAL ENERGY REGULATORY COMMISSION  
2               KLAMATH AND LOWER KLAMATH  
3               HYDROELECTRIC PROJECTS

4

5       DOCKET NOS: P-2082-062/ P-14803-000

6

7               SCOPING MEETING

8       KLAMATH TRIBES ADMINISTRATION BUILDING

9               501 Chiloquin

10              Chiloquin, OR 97624

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12              THURSDAY, JANUARY 18, 2018

13              10:00 a.m.

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## 1 PARTICIPANTS

## 2 FERC STAFF

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4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, OFFICE OF THE GENERAL COUNSEL

## 7 KLAMATH TRIBES

8 DON GENTRY, CHAIRMAN, KLAMATH TRIBAL COUNCIL

9 MELISSA HESS, KLAMATH TRIBES, ALLOTTEE TRIBAL MEMBER

10 KATHY HILL, KLAMATH TRIBES MEMBER

11 PERRY CHOCKTOOT, KLAMATH TRIBAL COUNCIL

12 IRVIN KIRK, KLAMATH TRIBES MEMBER

13 NICK D. KIMBOL, SR., KLAMATH TRIBES MEMBER

14 CHARLES JACKSON, SR., KLAMATH TRIBES MEMBER

15 ROBERTA FROST, KLAMATH TRIBAL COUNCIL, SECRETARY

16 DENISE LAWVER, MODOC TRIBAL MEMBER

17 DARRELL BLACK, KLAMATH TRIBES MEMBER

18 ANNA BENNETT, KLAMATH TRIBES, TTP MANAGER

19 TAYLOR TUPPER KLAMATH TRIBES, PR NEWS MANAGER

20 KATHLEEN MITCHELL, KLAMATH TRIBAL COUNCIL

21 BARRY KIMBOL, KLAMATH TRIBAL MEMBER

22 JIM ROOT, KRRC BOARD MEMBER

23 JOSEPH DUPRIS, PUBLIC CITIZEN

24 KIVA STEVENS, EMPLOYEE, NATURAL RESOURCES

25 BRIAN QUICK, KSWCD, PROJECT MANAGER

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2 LYLE AHRENS, KOTI/NBCZ TELEVISION

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5 STEVEN FLOYD, HERALD AND NEWS

6 KONRAD FISHER, KLAMATH RIVER KEEPER

7 MARK BUETTENER, KLAMATH TRIBES, FISHERIES TECH

8 KIRA STEVENS, KLAMATH TRIBES, NATURAL RESOURCES

9 DON WARD, KLAMATH TRIBES, CONSERVATION CHAIR

10 DARRYL BLACK, KLAMATH TRIBES, NATURAL RESOURCES

11 TYLER MARTIN, KLAMATH IRRIGATION DISTRICT

12 JOE WATKINS, IRRIGATOR

13 DEREK KIMBOL, KLAMATH TRIBAL MEMBER

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

2 (10:00 a.m.)

3 CHAIRMAN GENTRY: Thanks, we have a big of  
4 a discussion about the process what this is today and folks  
5 from the Federal Energy Regulatory Commission here today  
6 will be introducing themselves and explaining a little bit  
7 of context for the meeting and we also have a representative  
8 from the Klamath River Renewal Corporation -- he will  
9 introduce himself, Jim Root.

10 But I thought it would be good to just start this  
11 meeting with a prayer and a blessing and then we'll have  
12 some discussion about what the available Tribal Council  
13 members about presence of media here today. It is a  
14 publicly noticed meeting but it is a meeting primarily  
15 between the Klamath Tribes and FERC.

16 I don't believe that we will be getting into  
17 sensitive areas of discussion like where cultural sites are  
18 or something like that. It's going to be an informational  
19 meeting. We have some questions. We wanted to affirm our  
20 commitment to the process and hoping to see it through and  
21 the dams removed because of our interests.

22 And we also have some other folks -- citizens  
23 that are here and the FERC representatives will explain, you  
24 know the process there that they could listen in and it's  
25 really not an opportunity for other folks to comment at this

1 time since it's a meeting between the Klamath Tribes and the  
2 Federal Energy Regulatory Commission.

3 And we'd also -- it is a time -- one of the  
4 purposes of this meeting is to inform interested tribal  
5 members of the status of the project and even -- it's  
6 totally appropriate for our tribal members to you know,  
7 raise issues, concerns, ask questions -- I want to provide  
8 an opportunity for that.

9 So it's a meeting between the Klamath Tribes and  
10 FERC primarily and we know there's a separate process for  
11 the licensing and once it's licensed the dam removal  
12 component -- Klamath River Renewal Corporation is going to  
13 be handling that.

14 So I wanted to just frame that right from the  
15 very start and pray -- have a prayer to open the meeting so  
16 if you could join me in the prayer I'd really appreciate it.

17 (Prayer)

18 CHAIRMAN GENTRY: I appreciate the tribal members  
19 that are here. We have some of our Councils -- there will  
20 be introductions. The FERC folks will introduce themselves  
21 but I wanted to have the Tribal Council members that are  
22 here stand -- I see Roberta back there and Perry and blessed  
23 to have them to be a part of this process.

24 Roberta Frost is our Secretary and Perry  
25 Chocktoot on the Council but also our Cultural and Heritage

1 Department Director so we're blessed to have him here. We  
2 have other tribal members and so I think it would be good  
3 too, there's some other folks in the room that are joining  
4 us from other entities concerned about the dam removal  
5 process -- not necessarily on the same page as where the  
6 Klamath tribes are.

7           So just so folks know who's in the room I think  
8 it would be helpful to go around, there's a few of us here  
9 so folks know who's here and then we can have a discussion  
10 about whether or not to include media -- you know it is at  
11 our discretion since this is our meeting so we could talk  
12 about -- there's only a couple of Tribal Council members  
13 here but interested in thoughts from our tribal members too.

14           And I know Lyles basically wants to share the  
15 information but -- so he's willing to go if that's what  
16 folks think we need to be doing. So folks that don't know  
17 and I think I have introduced myself to everybody. I'm  
18 Chairman of the Klamath Tribes and I'm glad that you folks  
19 came and set this up for us and the other affected tribes, I  
20 appreciate that one on one communication.

21           So maybe we could -- I guess if you guys want to  
22 introduce yourselves first would that be helpful and then  
23 we'll go around the room and let folks know who we are -- I  
24 think that would be helpful.

25           While you're coming up I also wanted to introduce



1 by phone Mr. Doug McCourt who is new legal counsel that we  
2 brought on that's really -- it's my understanding works with  
3 folks in a previous position on FERC related matters.

4 So Doug if you could introduce yourself to the  
5 folks. I know you can only be with us for a time and  
6 listening in but if you want to do that I appreciate that.

7 MR. MCCOURT: Well thank you Chairman, thank you  
8 to members of the Tribal Council and the tribal members that  
9 are in attendance. My name is Doug McCourt, I am senior  
10 counsel with the Rosette firm based in Washington, D.C. and  
11 it is our privilege to represent the Klamath tribes on a  
12 variety of treaty rights matters, water resources, fisheries  
13 and related concerns and I'm very happy to see knowledgeable  
14 and dedicated FERC staff here today -- hello Liz.

15 I apologize that I was not able to be there in  
16 person but I wanted to just let you know we're on board  
17 representing the Klamath Tribes and we'll be counsel of  
18 record in these proceedings and we will also be actively  
19 participating as appropriate down the road.

20 So thank you again for taking the time to consult  
21 with the tribes to come out to Chiloquin and we'll look  
22 forward to working with you as we go down the road here.

23 CHAIRMAN GENTRY: Thank you Doug. I'm glad you  
24 could join us even if it's for just a short time. Hang on  
25 as long as you can, you're certainly welcome.

1 MS. MOLLOY: So thank you for having us visit  
2 with you today. My name is -- so we'll do introductions.  
3 My name is Liz Molloy, I'm the Tribal liaison for FERC and  
4 I'm in the Office of the General Counsel at FERC.

5 MS. POLARDINO: I'm Jennifer Polardino and I'm in  
6 the Office of Energy Projects and the Division of Hydropower  
7 Administration and Compliance and my last name  
8 P-o-l-a-r-d-i-n-o. I always like to -- when we're doing  
9 introductions if you could say your names and spell it out  
10 for our transcriptionist that would be appreciated.

11 MR. WINCHELL: Hi, my name is Frank Winchell,  
12 W-i-n-c-h-e-l-l. I'm an archeologist. I work with the  
13 Federal Energy Regulatory Commission with the Office of  
14 Energy Projects, Division of Hydropower Licensing.

15 MS. MCCORMICK: Hi, I'm Elizabeth McCormick, also  
16 in the Office of the General Council working on the transfer  
17 and amendment application.

18 MR. FLOYD: Hi my name is Steven Floyd, I'm with  
19 the Herald and News. Holly Dulmath is usually at these  
20 meetings but she was unavailable this morning and so I'm  
21 going to be filling in. Oh Steven Floyd, I'm sorry that was  
22 a little too fast.

23 MS. JACKSON: Rowena Jackson, Klamath Tribal  
24 member.

25 MS. HILL: Kathy Hill, Klamath Tribal member.

1 But I am going to say something at this point. I'm  
2 concerned that this meeting -- we weren't informed about the  
3 tribe told me a little bit about the meeting apparently  
4 until December 29th and then tribal members -- at least some  
5 of us just got the notice yesterday via email and that's  
6 extremely short notice.

7 And I think you'd have a lot better participation  
8 if you could set things up at least. I don't consider it  
9 real consultation if you don't set things up enough in  
10 advance for people to actually participate so I'm glad  
11 you're here but I don't think this process is fair to the  
12 tribe or the other tribes as well or community members, so  
13 anyway, Kathy Hill, H-i-l-l.

14 And I would also like to have the person who's  
15 transcribing introduce himself when we get a chance.

16 MR. DUPRIS: Hi, Joseph Dupris, D-u-p-r-i-s,  
17 community member and Cheyenne River Sioux.

18 MR. FISHER: My name is Konrad Fisher,  
19 K-o-n-r-a-d F-i-s-h-e-r. I work for a social justice  
20 organization, Klamath River Keeper but if I were to speak it  
21 would be from my heart as someone who -- my family has only  
22 been here four generations but we all would love to see  
23 salmon again in the upper basin and as someone who formerly  
24 lived on the lower basin I would like to stop seeing the  
25 river to turn green and be unsafe to touch, so I'm here for

1 personal reasons, thank you.

2 MR. ROOT: I'm Jim Root, Board Member on the  
3 Klamath River Renewal Corporation appointed by Governor Kate  
4 Brown, also a rancher. I have a property over on the Wood  
5 River and I'm serving as the corporate secretary and  
6 treasurer for the KRRC.

7 MR. BUETTENER: I'm Mark Buettener with Klamath  
8 Tribes, Buettener B-u-e-t-t-n-e-r. I'm a fisheries tech.

9 MS. STEVENS: I'm Kira Stevens, Stevens with a  
10 "V". I am an employee here I work for the Natural Resources  
11 Department in aquatics.

12 MR. WARD: Don Ward, resident of Klamath County  
13 50 years -- it's not very long in this building I'm sure but  
14 I'm here representing the Rogue Fly Fishers. I'm a  
15 Conservation Chair for them.

16 MR. KIMBOL: Nick Kimbol, tribal member. Last  
17 name Kimbol, K-i-m-b-o-l, concerned.

18 MS. FROST: Roberta Frost, Tribal Secretary,  
19 F-r-o-s-t.

20 MR. CHOCKTOOT: Perry Chocktoot, Tribal Council,  
21 C-h-o-c-k-t-o-o-t.

22 MR. KIRK: Irvin Kirk. I work for Natural  
23 Resources, Klamath Tribal member and I'm a water quality  
24 tech.

25 MR. BLACK: Darryl Black, I work with the water

1 quality crew as well for Natural Resources.

2 MR. KIMBOL: Barry Kimbol, tribal member.

3 MR. MARTIN: Tyler Martin, M-a-r-t-i-n, I work  
4 for Klamath Irrigation District.

5 MR. QUICK: Brian Quick, just a long-time  
6 resident of the Klamath Basin.

7 MR. WATKINS: Joe Watkins, W-a-t-k-i-n-s. I'm an  
8 irrigator in the project area and a life-long resident.

9 MR. JACKSON: Charles Jackson, Senior  
10 C-h-a-r-l-e-s J-a-c-k-s-o-n Senior, Klamath tribal member.

11 MR. KIMBOL: Derek Kimbol, Klamath Tribal Member,  
12 former Natural Resource technician, former Klamath language  
13 instructor and graduate of the University of Oregon  
14 Environmental Studies -- Bachelor.

15 MS. HESS: Missy Hess, Klamath tribal member.

16 MS. LAWVER: Denise Lawver, I'm an enrolled  
17 member of the Klamath tribe. I also own a ranch from a  
18 tribal member so and a member of the tribe's Water  
19 Committee. I'm here on my own behalf and also, a survivor  
20 of the salmon wars, thank you. -- L-a-w-v-e-r.

21 MR. AHRENS: Hi there I am Lyle Ahrens,  
22 A-h-r-e-n-s I am with KOTI and BC2 Television.

23 CHAIRMAN GENTRY: So I know this is  
24 a lot different type of meeting than we typically have -- oh  
25 yeah I'll let you go sir.

1           MR. CATHERINE:   Gaynell Catherine, Ace Federal  
2   Reporters, Washington, D.C.

3           CHAIRMAN GENTRY:   So the type of meeting being  
4   that FERC is a contested process it really would be helpful  
5   for you to share the context of this meeting and the  
6   framework and then we can move on from there.   Then I would  
7   like to make a statement.

8           MS. MOLLOY:   So today's meeting is between FERC  
9   and the Tribal Government pursuant to the Commission's  
10   tribal policy statement where we reach out to tribes that  
11   are affected by a potential proposal and seek an offer to  
12   meet with them and the Klamath was kind enough to accept our  
13   requests, our offer.

14           And so we're here to learn the concerns of the  
15   tribe and make sure that we are able to consider them as we  
16   go forward.   Because the proceeding is a contested  
17   proceeding this is on the record.   We have it being  
18   transcribed that will be filed in the FERC e-library 30 days  
19   from now.

20           And if there should be any discussion about any  
21   matter that's sensitive we can put a privileged portion of  
22   the information that would then be posted on e-library with  
23   a privileged so it would not be available to everyone and we  
24   would be willing to clear the room for any such discussion.

25           And then other than that we would really

1 appreciate hearing the views. I'm trying to think what's  
2 left -- I think that's pretty much it. We welcome -- we are  
3 welcome to the Council members and everyone else to this  
4 meeting and thank you again for having us -- I was going to  
5 talk about that.

6 CHAIRMAN GENTRY: It is working -- so there was  
7 an opportunity to meet directly and I know we've been --  
8 just for everybody to understand the Klamath tribes have  
9 been engaged in this process for quite a while in efforts to  
10 remove the dams.

11 We spent quite a bit of time providing input and  
12 testimony into the EIS process that looked at removing the  
13 dams and submitted a lot of information and perspectives and  
14 raised a whole host of issues.

15 You know many have focused on the fact that when  
16 we signed a treaty with the federal government that  
17 established this relationship -- this trust responsibility,  
18 and all federal agencies, including FERC, has that  
19 responsibility to appropriately consider that trust  
20 relationship.

21 We intended to reserve with our lands the rights  
22 to do as we felt appropriate but to reserve the lands and  
23 the resources necessary to continue to be who we believe  
24 Creator intended us to be and salmon was a part of that --  
25 it's a part of our history, it's our language and it's in

1     our history.

2             Unfortunately it's in our histories and it's in  
3     our culture and so we have made that pretty clear and have  
4     numerous efforts since, including the first proposal to put  
5     the dam in -- you know, we were promised fish ladders and it  
6     never happened.

7             But I wanted to point out that the tribes -- it's  
8     been a long-standing goal to have these salmon steelhead  
9     returned to us and all the resources that are important to  
10    our survival and existence and culture and everything that  
11    should be here.

12            The Creator placed us here -- placed here for us  
13    a need to be provided for. So that's been clearly  
14    communicated throughout that process and so I wanted to just  
15    reaffirm that nothing has changed in that perspective though  
16    we are not a party to the amended Klamath hydroelectric  
17    settlement agreement because of the one provision that  
18    basically said that if we were a party that we would be  
19    willing to pursue settlement, whatever that meant -- our  
20    members aren't into that place right now -- we didn't sign  
21    into that.

22            But I just wanted to basically remind folks here  
23    and even our members that we have been involved in this  
24    process and even in recent process we're interveners in the  
25    process. We preserved our standing. If there's a decision



1 to not move forward with the license and allow the removal  
2 that gives us standing to appeal that decision.

3 We're hoping that things will be on track and you  
4 know, with the removing the dams as originally planned and  
5 intended and we know FERC has the regulatory role -- the  
6 licensing role and I appreciate Mr. Root being here.

7 The Klamath Tribes have met with Klamath River  
8 Renewal Corporation and shared our concerns and it has been  
9 acknowledged by Klamath River Renewal Corporation that  
10 because we are a very significant affected party, they are  
11 going to continue to work with us to address our concerns  
12 along the way and partner with us where they can.

13 Though we're not a party to the hydroelectric  
14 settlement agreement there's that commitment and the meeting  
15 here today, you know, we were wondering what the real value  
16 is at first because we are involved in the process and the  
17 very sensitive information and issues -- we're raising that  
18 directly and we're not doing this in public meetings.

19 And I don't anticipate that we'd be doing that  
20 again today because of that direct communication or  
21 relationship so the envisioning for this meeting is to  
22 provide the opportunity for our tribal members to catch up  
23 to speed as much as possible but to take you up on the offer  
24 to meet.

25 And I want to speak, Kathy, I really apologize

1 for that -- there's an opportunity dates are flung out and  
2 we were looking at originally it was just a government to  
3 government meeting and through the way reminded that this  
4 needs to be a publicly noticed meeting and we didn't do a  
5 good job on our part and getting notice out to our members.

6 And we can continue to coordinate with our  
7 members and get more input to bring forth directly in the  
8 process. And there -- FERC was willing to accommodate, work  
9 with us, but they had dates that they were going to be in  
10 the area meeting with other tribes and we took them up on  
11 that date.

12 So I apologize for the short notice and we can do  
13 a better job of coordinating with our members on these  
14 issues. We haven't talked about it in recent water  
15 meetings, we know that process very much -- in the general  
16 Council meetings, so I apologize for that because we had a  
17 role in that too.

18 So that's the main things I wanted to start  
19 things off with but I also wanted to find out the  
20 comfortable -- whether the folks are comfortable having the  
21 media here. We have Steven from Herald News, we have Lyle  
22 here -- what's the thinking, Perry, Roberta, Tribal Council  
23 members, general Council members -- yes?

24 (Off record statements)

25 CHAIRMAN GENTRY: Let's take a show of hands of

1 the Klamath Tribal members you know, about whether to have  
2 the media here or not. If you are comfortable having them  
3 here please raise your hand, okay -- that's for the media,  
4 yeah, it's not actually can't be a closed meeting, all the  
5 other folks that are here.

6 It's basically whether we want media to be here  
7 or not or are comfortable with that. I appreciate that too,  
8 I appreciate that -- that's respectful too. Now the  
9 question is specifically about the media. Well it was a  
10 government to government meeting between the Klamath Tribes  
11 and FERC.

12 (Off record statements)

13 CHAIRMAN GENTRY: I would agree with you in that  
14 respect. We've had a lot of concerns about the process and  
15 have learned the law about being a contested proceeding and  
16 how notices were -- other parties can come and participate  
17 in this public meeting.

18 And maybe you could speak to that about what's  
19 your legal responsibility and requirement is?

20 MS. MOLLOY: Because the Commission is -- so I  
21 guess I'll step back for one moment and say the Commission  
22 has two applications right now pending before it. One is to  
23 take the project and take the lower four developments and  
24 transfer those to the corporation.

25 And the second one would be a surrender

1 application for those four developments and the application  
2 was conditioned on the transfer. So those we have -- the  
3 Commission has before us to act on and the Commission will  
4 be acting on those applications.

5 But once -- because we act in a judicial --  
6 quasi-judicial fashion once a matter becomes contested  
7 there's opposition to it -- that becomes a process that we  
8 have to avoid ex parte -- speaking individually with any  
9 party, any participant.

10 So we have meetings open so that everyone knows  
11 what everyone is telling us so that there's no fear that any  
12 entity could come and talk to us and tell us something that  
13 not everyone else would know. So that tends to be when a  
14 process is like this one, where there's very strong views  
15 across the spectrum, we tend to have meetings open.

16 We do recognize that it is a compromise but this  
17 way we are able to protect the process.

18 MS. HILL: Okay I can accept that that is the  
19 circumstance that we have to deal with but I don't think  
20 it's proper to call it government to government  
21 consultation. So you know, that's just where it hinges with  
22 me because we do have a specific relationship with the  
23 federal government.

24 You know FERC is an entity onto itself and not  
25 like other entities like you said because of the

1 quasi-judicial role that you play. So I just want to be  
2 clear that this doesn't meet the criteria that I believe in  
3 for a government to government consultation but I'm glad  
4 we're having the meeting so I don't want to say, you know,  
5 it's all bad. I just want to be careful about how we as  
6 tribal members accept government to government consultation  
7 and that we know the government to government consultation  
8 is government to government, not public. So I think it's  
9 just a misnomer in this case.

10 MS. MOLLOY: Thank you for sharing.

11 MS. HILL: Thank you.

12 CHAIRMAN GENTRY: I very much appreciate that  
13 because that's a struggle we talked about quite a bit  
14 internally with some of our Council and legal staff -- you  
15 know, the value of these meetings. So I think we could take  
16 it for what it is -- information sharing.

17 We could submit information that we're  
18 comfortable submitting publicly you know and so I guess take  
19 it for what it is so there's value in finding out the status  
20 of the process and answering questions about the process and  
21 it is my understanding in terms of some of the timelines  
22 that you may not be able to respond to that.

23 But at our discretion with Klamath River Renewal  
24 Corporation here we can ask questions specifically about the  
25 process and so it really is our meeting and though it has a

1     limited scope and framework it is our meeting though there  
2     might be folks that might have an adversarial position with  
3     what we desire in the room here.

4                 So it is an awkward situation but we're going to  
5     continue to communicate our position where appropriate, you  
6     know, and be involved in the process, you know. I just  
7     don't like the way things are set up for us, you know,  
8     because when I think of the Constitution and I think of the  
9     fact that we actually ceded our own lands to the federal  
10    government and reserved our own land so we could be who  
11    Creator intended us to be forever, there was a commitment  
12    and that trust obligation flows with that.

13                And we don't feel it's appropriate what we're  
14    locked into we're going to take advantage of the opportunity  
15    that we do have.

16                MS. MOLLOY: Thank you for sharing and we  
17    appreciate your taking the time and providing some  
18    information and asking questions.

19                CHAIRMAN GENTRY: Sure, so I guess we wanted to  
20    -- I think it would be helpful for us to share where we are  
21    in the status of the process. There have been a number of  
22    hearings, a number of meetings -- I had some follow-up  
23    questions. I know some of our members do but many we could  
24    just share information on the status.

25                And I think if folks are comfortable I'd like to

1 get an update too from KRRRC, you know, about the status of  
2 the parallel process there -- if you're comfortable with  
3 that Jim, okay and Perry.

4 UNIDENTIFIED SPEAKER: (Off-mic) What about the  
5 media?

6 CHAIRMAN GENTRY: Oh yeah, so we didn't resolve  
7 that I guess should we keep them or kick them out? Okay, it  
8 sounds like we are in consensus, people must like you Lyle  
9 and Steve and I --

10 (Off mic comments).

11 CHAIRMAN GENTRY: So I think it would be  
12 appropriate for you to share a status report on the process  
13 and we may have some follow-up questions and I'm interested  
14 in hearing from our members. I think it's appropriate to  
15 share even for the record their views about the importance  
16 of removing the dams.

17 MS. MOLLOY: Absolutely.

18 MS. MCCORMICK: Good morning. So as Liz  
19 mentioned we have two applications before us. The first is  
20 for -- oh Elizabeth McCormick, Office of the General Counsel  
21 at FERC.

22 So we have two applications pending before us.  
23 They both came in around the same time I believe in the  
24 fall. And the first application is for a transfer and  
25 amendment of the existing license.

1           And so what that would do is take the four lower  
2   dams and transfer them to the Renewal Corporation and amend  
3   the existing license to remove those four. So it's purely  
4   administrative. There's no environmental review involved  
5   and at the moment we have -- pardon? Yes, yes, so when we  
6   transfer the lower four into a new license they will contain  
7   all the same licensing conditions that were attached to the  
8   original license.

9           So it's a purely administrative process. We  
10   currently have a complete application so we will be able to  
11   act on that before we move on to considering the surrender  
12   application.

13           The surrender application is for the physical  
14   removal of the lower four dams once they've been transferred  
15   to the KRSE. We've gotten some questions about why these  
16   are happening in two separate proceedings and the reason for  
17   that is that while it's not uncommon for the Commission to  
18   transfer licenses from one entity to another, the situation  
19   is unique in that these four dams are being transferred for  
20   the express purpose of being surrendered and removed.

21           And so we just want to make sure that we're  
22   comfortable, that the KRSE has the technical, financial and  
23   legal capacity to carry through with the removal and any  
24   mitigation to the area following the removal. So that's why  
25   they're happening in two different proceedings although



1     they're very closely related.

2                 Yes and so I said we have a complete application  
3     for the transfer of the license. The surrender we're still  
4     waiting on some additional information that I believe we're  
5     expecting to get by the beginning of July. And so once we  
6     receive that information then we'll have a better idea of  
7     the timeline moving forward.

8                 But once we do consider -- once we are  
9     comfortable that we have a complete application for the  
10    surrender, we will issue a Notice of Ready for Environmental  
11    Analysis and then probably some more staff will come out to  
12    do scoping meetings and that's when we'll hear concerns  
13    about the environmental impacts of the dam removal land  
14    decommissioning.

15                And then we'll move through our NEPA analysis  
16    which will either be an EIS or an EA -- there's already been  
17    an EIS done by Interior I believe, so we may just add on to  
18    that and fill in some gaps.

19                We try not to recreate the wheel but once the  
20    environmental analysis is complete then we will be able to  
21    act on the application for surrender. So that's a bit  
22    longer of a process.

23                The transfer and amendment of the license should  
24    be happening more quickly and while we can't speak to the  
25    timing the Commission will be voting on the application and

1 our Commission meetings are the third Thursday of every  
2 month. I believe there's one today.

3 And about 10 days before the meeting we issue  
4 what's called a Government in the Sunshine Act and that will  
5 list the proceedings on which the Commission will be voting  
6 that month. So I know it doesn't give very much notice but  
7 if you log in to ferc.gov and our e-subscription service you  
8 can enter the project numbers and kind of get an update on  
9 when those notices go out.

10 MS. MOLLOY: The one thing I would add is even if  
11 the license is amended and transferred that doesn't mean  
12 that the Commission would be voting to approve any  
13 subsequent application on surrender. It would be  
14 considering it and determining whether or not to approve it  
15 or not after it has analyzed all the information.

16 So whoever would be the licensee would continue  
17 to operate the project as well. But the surrender is --  
18 would be an application that we would be acting on -- either  
19 granting or denying.

20 CHAIRMAN GENTRY: I guess a follow-up question  
21 you know just, you know, we do have this relationship with  
22 the federal government. This is a quasi-judicial process.  
23 I guess you know the value of whatever input and  
24 recommendations that we provide for consideration in the  
25 licensing -- how is that considered?

1           From our perspective there is this federal  
2   obligation, trust obligation -- the resources should have  
3   been here and they weren't provided you know, and I know  
4   there's folks that oppose the dam removal, they're  
5   participating in the process and providing their  
6   perspectives.

7           But I'm just wondering this legal standing that  
8   affected tribes have -- how is that considered in the  
9   process? I really want to see the value of everything that  
10  we are providing whether it is on the technical level, the  
11  scientific level on you know, just the direct communication  
12  about the importance of these resources to the tribe.

13          How is that considered in the process and weighed  
14  against opponents for one and so if we could have a better  
15  idea of the process? One of the significant concerns we  
16  have frankly is the Board that will be making the decision  
17  -- it's a politically appointed Board and we could do the  
18  best job of providing all the information and making the  
19  recommendations.

20          I guess I want to find out how that works in this  
21  quasi-judicial process and if they make a decision that's  
22  adverse to our interests, what is the remedy that we might  
23  have?

24          MS. MOLLOY: So the Commission is -- there are  
25  five Commissioners appointed by the President and confirmed

1 by the Senate. There can be no more than three of one  
2 party. Currently there are three Republicans, two  
3 Democrats.

4 Four of the current Commissioners were nominated  
5 by President Trump. The Commission is an independent  
6 Federal Regulatory Commission and as such it is governed by  
7 the statutes. It's also governed by -- well statutes such  
8 as the Federal Power Act, also NEPA which is the National  
9 Energy sorry -- National Environmental Policy Act and the  
10 other acts, ESA, National Historic Preservation Act -- all  
11 the acts that Congress has passed plus treaties that have  
12 been entered into with tribes, plus other laws and our own  
13 reg's.

14 So historically the Commission has been very good  
15 about working together -- the Commissioners in determining  
16 decisions and they usually come out unanimous and so they  
17 have all worked together. Every now and again there might  
18 be a split but historically they've been very good about  
19 working together.

20 They -- you've mentioned earlier you've  
21 intervened. The tribe since it's an intervener, if it does  
22 not like the decision is able to seek rehearing before the  
23 Commissioners again -- that would be the Commissioners would  
24 be looking at arguments that they had made a mistake in  
25 making a decision and if the tribe didn't like that answer,

1 they would then be able to take it to court.

2 Any party that doesn't like our decisions can  
3 seek rehearing which is appealing it for a look again and  
4 then if they -- any party who intervenes who does not like  
5 that decision can go to court. And then the court will  
6 decide whether we acted appropriately or not.

7 MR. WINCHELL: I'd like to add along with what  
8 Liz was saying -- this is Frank Winchell again at FERC -- is  
9 that the process would be -- and I'm talking about the  
10 surrender application.

11 Once we get through the decision on making the --  
12 whether the corporation would actually assume the  
13 responsibilities for the going to the next step which would  
14 be the surrender proceeding then as Liz and -- the two Liz's  
15 were saying, then we would go ahead and go forward with our  
16 full NEPA analysis.

17 And of course that's going to be done through  
18 Commission staff. And that staff is partially here today  
19 and there are other staff members like for example John  
20 Mudre is the staff person -- he's a fisheries biologist. He  
21 is the one who is going to be coordinating the surrender  
22 process.

23 But what's someone reassuring I think is that we  
24 take all the comments and opinions and all the information  
25 that's provided to us, and this is that opportunity to

1 letting the tribes give fully all the information that they  
2 have along with other folks as well -- all the stakeholders  
3 and all the other people who want to participate in this  
4 process is that we are going to take all that information  
5 and we are going to do an effective, objective, independent  
6 analysis to whether we think as staff that there should be a  
7 removal to take place through this surrender and then we  
8 bring all of that information to the Commissioners.

9           And the Commissioners themselves are the ones who  
10 are the elected officials who will make that decision about  
11 whether to go ahead and surrender the dams or not. The good  
12 news is that basically a staff decision brought before the  
13 Commissioners is almost 90% or more they will take with what  
14 staff recommends should be done.

15           And then of course that recommendation is made  
16 through our NEPA document. So again I think we're going to  
17 do an objective independent analysis that will make a  
18 determination whether we're going to remove the dams or not.

19           And I would reassure everybody in this room that  
20 we are going to make a good decision and it's going to be a  
21 reliable and fair decision.

22           MS. POLARDINO: Hi, this is Jennifer Polardino.  
23 I would also add that as we are looking at two separate  
24 proceedings we're trying -- even though we have both the  
25 amendment it is has not been decided whether or not to

1     approve the transfer amendment. We are also looking at the  
2     possible surrender proceeding and any comments that are made  
3     today will be on the record and 30 days after our meeting  
4     today they will be on our e-library systems.

5             So please make comments because we will be  
6     considered that when we are evaluating those proposals.

7             CHAIRMAN GENTRY: Just a couple more things and  
8     then we could start with Perry on the comments. So it's my  
9     understanding what you described -- that you will come forth  
10    with a recommendation based on all the information that you  
11    received.

12            MS. MOLLOY: Yes.

13            CHAIRMAN GENTRY: And you've kind of answered the  
14    question I had too in terms of the EIS process. We  
15    submitted a lot of comments, documentation, raised a number  
16    of issues -- environmental justice, a whole host of issues  
17    and documentation -- the fact that salmon are here and they  
18    are important to the tribes.

19            So you will take a look at that or do we need to  
20    resubmit that or it's basically is it a part of the process  
21    at this point?

22            MR. WINCHELL: It's part of the process. You're  
23    welcome to go ahead and if there's anything else you would  
24    like for us to know of that we don't presently know about it  
25    then please go ahead and submit.

1           But we already have the existing information that  
2   you have submitted in the past and that will certainly be  
3   considered and be part of our analysis.

4           CHAIRMAN GENTRY:   Okay.

5           MS. MOLLOY:   And you can if you choose to make  
6   reference to it and remind us.

7           CHAIRMAN GENTRY:   Yeah so we incorporate by  
8   reference in a comment letter or recommendation.   So the  
9   other thing that I wanted to share -- this is in regards to  
10   my understanding of the current status of this  
11   administration that was communicated directly to the Klamath  
12   Tribes -- this is for our members.

13           And I know it's gone out to the community.   I'm  
14   not sure what kind of press was around this but Alan  
15   Mikkelsen, Secretary Zinke's point person shared with this  
16   what he was allowed to share respective on the dam removal  
17   process as it is.

18           And what was shared through this current  
19   administration is they look at these dams as privately owned  
20   property.   If PacifiCorp determines that this is in their  
21   best interest, you know, that's something they could do.  
22   They are not going to intervene in any way -- they are going  
23   to go through the FERC process.

24           That's kind of paraphrased I guess from the  
25   discussions we have had and I know he -- Mr. Mikkelsen



1 shared that with Siskiyou County folks. He shared that with  
2 other folks in the basin that are opposed to dam removal.  
3 So it is my understanding that it sounded like there is a  
4 commitment to not get involved in the process in a political  
5 way -- whether that ends up where we are or not I don't  
6 know.

7 But I just wanted to share that's what we've  
8 heard directly. So I guess at this point did you have  
9 anything additional to share at this particular point? So I  
10 think it would be helpful. I would want to start with  
11 Perry, he's chomping at the bit to share about the  
12 importance of the dam removal.

13 MR. CHOCKTOOT: Thank you, Perry Chocktoot. I'm  
14 on Tribal Council and I'm a Director for the Culture and  
15 Heritage Department with the Klamath Tribes. I'd like to  
16 speak in support of dam removal today.

17 We need to re-establish volitional fish passage.  
18 When these dams were put on the Klamath River in the early  
19 1900's it robbed us -- robbed us from our God given right to  
20 have these fish -- not just salmon, steelhead, lampreys,  
21 eels, everything that migrated up and down that river it was  
22 ours -- given to us by the Creator.

23 And we were given shallow promises by the federal  
24 government to establish fish hatcheries down there. The  
25 concrete went up but the fish never occupied a pond. So

1     it's time. It's time for these fish to come home where they  
2     belong. It's time for us to be able to harvest these fish  
3     again.

4             It's time for these promises to be kept. It's  
5     time for our people to have a resource that we had forever  
6     and it took the European a little bit of time to destroy it  
7     and take it from us. As the first Europeans came in our  
8     valleys in the 1820's and so in 1917 -- just a very short  
9     period of time they took from us a gift -- a gift from God  
10    and it needs to be given back.

11            If we have the ability to remove these dams we  
12    need to see it through. It needs to happen. This will be  
13    the largest dam removal project in U.S. history. This will  
14    be one of the biggest clean-ups of one of the major fish  
15    bearing streams in the west. It was third on the list for  
16    salmon.

17            Today there's not enough fish for the tribal  
18    members. Today the water is poison. Today it's allowed to  
19    be anaerobic and stagnant. It's like four huge restrooms --  
20    that's what it is, the water is terrible, it smells bad, its  
21    poison.

22            There's a toxic algae bloom that happens down  
23    there every year. Let's clean this up. Let's work toward  
24    re-establishing indigenous fish populations, thank you.

25            MS. MOLLOY: Thank you.

1           CHAIRMAN GENTRY: I would encourage other tribal  
2 members to come forth and share their views, yes? Let me  
3 put you on the mid so that we can get it clearly on the  
4 recorder and the record.

5           MR. KIMBOL: Hello I'm Derek Kimbol, Klamath  
6 Tribal member. I was looking at your website for Ferc.gov  
7 and the industries since I graduated in sustainability  
8 really from the University of Oregon for future and covered  
9 energy and sustainable energy, conventional energies, well  
10 electric, oil, hydropower and natural gas all have pretty  
11 big environmental detriments -- all of them.

12           So they look like they're pretty unsustainable  
13 which is on your website for what industries you do. So  
14 also on your website you have net zero energy for federal  
15 buildings which is a really good concept, you know.

16           So that's a solution I'd like you to take in  
17 consideration. Also, like small micro-hydro is happening in  
18 central Oregon which is giving energy to the farmers without  
19 dams -- so there's no need for dams with the run of the  
20 river systems of turbines and small hydro.

21           And also the policies -- so my thing is looking  
22 at sustainable policy and moving forward into what is  
23 sustainable for the future and you have it on your website  
24 so I say that's awesome and if you could just take that  
25 consideration into it because it is a sustainable way and we

1 know from all the data that the dams are outdated.

2 Like Perry said the blooms -- they're only just  
3 intensified and they're outdated, the concrete. So it is my  
4 understanding they have way more -- they cost more to keep  
5 in but also for the future since we have these solutions we  
6 have to move for them.

7 I mean that's where the politicians should be --  
8 I thought they were going to be education people, the  
9 politicians, but actually they're not always doing the smart  
10 -- you know -- the right thing. So please take policy and  
11 sustainability of what you have on your website into  
12 consideration and move forward, thank you.

13 MS. MOLLOY: Thank you.

14 CHAIRMAN GENTRY: I appreciate that. I'm  
15 willing to take the mic around if somebody wants to raise  
16 their hand, okay. Thanks Kathy, for the record it might be  
17 good to state your name.

18 MS. HILL: Kathy Hill, thank you, easier to  
19 remember, H-i-l-l. My comments -- I don't want to turn my  
20 back on anybody but my comments are really for our tribal  
21 members. And I was fortunate to be one of the tribal  
22 representatives that went to Scottish Power in 2004 to  
23 protest the dams.

24 And Joseph and I were teaching at Humboldt State  
25 when I was invited to participate in that trip. And it was

1 a wonderful opportunity and blessing to be there with the  
2 downriver tribes. There were representatives of all of the  
3 tribes because all of the Klamath River tribes want those  
4 dams out because of the harm they are causing.

5 But what I wanted to share with people was there  
6 was a beautiful Karuk woman and I know I'm not saying that  
7 properly -- but a beautiful Karuk woman on that trip and we  
8 were having dinner one night and she started telling me  
9 about seeing the salmon hit the Iron Gate Dam, still trying  
10 to make their way up here.

11 And that's when I knew that you know, as Perry  
12 said, the Creator blessed us with this homeland and with  
13 these resources but along with that blessing comes a  
14 responsibility and once I heard about those salmon hitting  
15 the dams and still trying to get up here I know that we have  
16 a responsibility to bring them home.

17 And you know, I haven't gone down there and seen  
18 that but I have heard it since then from other downriver  
19 people and Perry you may even have seen it. So I think that  
20 for us it really -- it's our responsibility as keepers of  
21 this homeland -- the protectors of this homeland and the  
22 laws and termination, all of our history has kept us from  
23 being able to exercise that responsibility.

24 So I'm glad you're here that we have a  
25 responsibility to tell you that it's not just about salmon

1     so we can exploit a resource. It really is as much about  
2     caretaking and protecting as it is any personal benefit to  
3     us, thank you.

4             MS. MOLLOY: Thank you.

5             CHAIRMAN GENTRY: I appreciate that, thank you.

6             MS. LAWVER: Denise Lawver. My -- I have -- my  
7     great aunts and uncles were born in the late 1860's and some  
8     at the turn of the century but when my father married my  
9     mother, a Wasco Indian from the Columbia River, she always  
10    brought salmon and they would always say we used to have  
11    salmon.

12            And I did not believe them. And then so when  
13    Copco Iron Gate was given their license through the federal  
14    procedure, we really didn't have a good defense. We had  
15    people that were agents that did not represent our interest.  
16    So the beauty of this meeting right here is that now we can  
17    speak for ourselves but I want you to know that my family  
18    personally did eat salmon and I'm very fortunate to have  
19    known them being born as long ago as I was, I knew them.

20            But when you pulled out of the system the salmon  
21    and you put up those, of course, obsolete dams now, you took  
22    a big chunk out of this whole chain -- the eco-system that  
23    now we are seeing the damages of that species being gone.

24            And so if I think a lot of federal policies that  
25    were made at the turn of the 1900's now you guys have a

1 responsibility too and the ability to look at it objectively  
2 and look at these things and remember that our people didn't  
3 have the voice that we do now but we're telling you.

4           And when I grew up during the salmon wars of the  
5 Columbia River, there were stickers that said, "Save a  
6 salmon, can an Indian." And what happened was that was the  
7 end of the world. The commercial fisherman -- their life  
8 was over.

9           Well now go up to Hood River and the dells -- you  
10 have all of this recreation because there has to be water  
11 for those 50% of the fish. So always look objectively about  
12 how in 217 we can maybe turn back the clock a little bit and  
13 make this area a little bit closer to what it was before the  
14 federal government came in and made some of these -- I don't  
15 know whose ancestors made those decisions but not mine to  
16 put in the dams.

17           But you know, we've got plenty of hydro from BPA  
18 so that shouldn't even be an interest but I wanted you to  
19 know that is our history and it is not about money, it's  
20 about a lifestyle, thank you.

21           MS. MOLLOY: Thank you.

22           MR. KIMBOL: Another thing I wanted to say about  
23 it is the salmon did so much for this forest that is beyond  
24 -- beyond money. Over 200 plants and animals relied on the  
25 nutrients that came into our forests so these old growth

1 forests have salmon deep way up inside of them.

2 So the ocean nutrients they brought up here made  
3 this forest grow five times faster -- between three and  
4 five. You can say that so -- that's -- and for all the  
5 eagles, I feel sad for them all the time here in the basin  
6 because this placed got rashed -- this is their home, these  
7 Spragues.

8 But the salmon I can't even explain how much they  
9 brought here to this forest. They made this forest grow for  
10 thousands of years diverse so it's damaged -- this whole  
11 thing is damaged beyond by the -- since the time of the  
12 salmon have gone it got really bad.

13 So the forest is destroyed and that's what's  
14 wrong too, it's because the fish are gone and all for the  
15 rest of the people too what happened to all of us. I can  
16 tell you, you know we have went through a lot of deaths our  
17 people, you know, and lost and hurt and poverty and with no  
18 culture and no health -- diabetes, heart disease, okay more  
19 things than.

20 So this was from the loss of the fish for our  
21 brains. A lot of people went into the mental hospitals of  
22 our own -- our people, our families, you know, by not having  
23 the nutrients.

24 So I think -- I already know what this food does  
25 for the heart and for the brain and for all everything out



1 here. The mountains and all the birds and everything that  
2 we believe in is -- salmon that's what we caught the village  
3 -- even the littlest kids so it was given to our people that  
4 way and then it was taken just like that.

5 So we're always -- we're going to fight real hard  
6 for the right for this eco-system and for the rights of our  
7 people but we want to work together to make sure that  
8 everything benefits everyone and this eco-system at the same  
9 time because that's available you know, so thank you.

10 CHAIRMAN GENTRY: Thanks Derek.

11 MR. KIMBOL: Nick Kimbol, Senior, K-i-m-b-o-l. I  
12 came to this meeting, you know, out of concern. You know, I  
13 come here wishing you guys were coming to us to tell us good  
14 news that you had a date in January 2020 for dam removal,  
15 I'm serious.

16 This process has been taking way too long for  
17 some of us you know. We lost a lot of tribal members during  
18 this process you know and none of us are guaranteed  
19 tomorrow, you know.

20 I look at this as historical. Everything that  
21 was put in front of me from negotiating our water rights I  
22 did not vote for. The only thing they agreed upon through  
23 the whole process was dam removal, okay -- that's the only  
24 thing that made sense to me.

25 You can look at this drum out here in this lobby

1 out here. I painted it okay, that was a map from an  
2 ethnographer who made that map before the dams were put on  
3 the Klamath River. He called it the headwaters of the  
4 Klamath River, okay -- they go to the head of the  
5 Williamson, Sprague and the Sycan Rivers on our reservation  
6 okay, on our former lands, okay.

7 We don't even have access to our water rights  
8 anymore to even the way our people were called the people of  
9 the lake. We have limited fishing on this lake right here,  
10 Klamath Lake. We should have 100% fishing right there in  
11 every portion of that lake clear down the Klamath River,  
12 okay.

13 Our people fished the Klamath River. The Modoc  
14 people are a family of the Klamath Indians that split. The  
15 Modoc people decided to take their family to live on Tule  
16 Lake okay. The Tule Lake now is farmland, okay. And the  
17 Modoc people are with their people on this reservation, on  
18 this trust land now were mixed together -- back together out  
19 of a loss of our inherent rights, okay.

20 They knew that that land down in the Tule Lake  
21 was farmland okay -- that it was lush, prime, made into  
22 farmland okay, that's why they wanted it okay. And so  
23 that's that portion of the Tulelake okay. They lost all of  
24 their rights too, okay.

25 So you know what and I come here you know and how

1 I look at this -- you guys, to me you blew it when you  
2 mentioned Donald Trump's name you know. I don't want to get  
3 political, you know, but you know what I have to look at it  
4 as political you know.

5 You're the government, we're the tribe and we  
6 have been fighting for our rights for how long? How long  
7 did it take us to get restoration after we were exterminated  
8 -- wrongfully terminated as a tribe, okay?

9 I look at that as this process right here is just  
10 as much historical as our restoration, okay and some of us  
11 live with that trauma -- we were put out of the reservation,  
12 okay. We've heard it from other tribes and I'm one of  
13 those.

14 I'm one of those descendants. They don't call us  
15 descendants anymore we're just a tribal member but I was a  
16 descendant at one time in my life and I'm a 57 year old man  
17 now so you know what I'm looking at this process, I want to  
18 see -- I want to hear it from you guys, I want to hear it  
19 from -- I always thought it was a done deal.

20 People are paying for it out of California and  
21 Oregon to PacifiCorp you know what they've been paying for  
22 it on their electric bills, okay. That sounds like to me  
23 like a done deal okay -- doesn't it sound like a done deal  
24 to you?

25 And then now we have this process you know, the

1 FERC process okay. You guys are going to determine if it is  
2 good, if it is good to take out those dams. I always  
3 thought -- I always thought that was done. I always thought  
4 that was established but apparently not.

5 To me when you mentioned Donald Trump and  
6 Republicans that control Congress okay, you know what -- you  
7 guys just look like the middle people, okay. You know you  
8 look like the middle people coming here just like the  
9 Interior.

10 You know how many people here go through the  
11 Interior in a 20 year span? People get let go, you know,  
12 you guys are the middle people okay. Donald Trump could  
13 take that -- we could sign and everybody can celebrate, he  
14 can turn up he can take that and put it on his desk and void  
15 it.

16 So you know what -- when I came here you know I  
17 was optimistic you know -- I want to see it in the paper  
18 where it says from PacifiCorp you know, this is a done deal  
19 and we have a set time. Then I want to see it on paper so I  
20 can look at it you know.

21 And then let's celebrate. But until then you  
22 know what -- if it is up to you guys, you guys need to do  
23 the right thing that's how I see it because you know want, a  
24 lot depends on it. A lot of people have come and gone  
25 waiting for that time. Do you know what -- everybody knew

1 it was wrong in the beginning so the government needs to  
2 step up and do the right thing, thank you.

3 MS. MOLLOY: Thank you.

4 CHAIRMAN GENTRY: Thanks Nick. We will ask Mr.  
5 Root to do an update on that actual -- the dam removal  
6 process. It's still in play, the money is being collected  
7 -- California bond money is still in play so there is this  
8 FERC process that allows that to move forward and so we  
9 could at least answer your questions the best we can or at  
10 least Jim can and we have that opportunity.

11 But I still want to let our tribal members to  
12 provide comments at this point and we'll get to that.

13 MR. JACKSON: Charles Jackson, Sr., Klamath  
14 Tribal member. Nick was right. He's my cousin. You're  
15 smiling.

16 MS. MOLLOY: Well you've admitted he's your  
17 cousin, that's good.

18 MR. JACKSON: You guys took money from Oregon  
19 taxpayers, you guys took money from California taxpayers to  
20 pay for this dam removal. The dams were created by  
21 individual wealthy people and they have been the ones  
22 benefitting but I don't see any stakeholders living in  
23 Klamath Falls or down in Yreka where they have the dams.

24 They're probably sitting in New York City living  
25 the high life while we're the ones paying for it. So it's

1 not fair that you guys are still making money and you're  
2 always going to make money until these dams are removed and  
3 they're just protecting themselves.

4 FERC is protecting these dam people because it  
5 was wrong in the first place for those dams to be there  
6 because the tribes didn't have a say in it -- just like our  
7 water liaison said. We weren't there to oppose it -- we  
8 didn't have the right. So now you guys are here and Nick  
9 said it was a done deal -- these dams are supposed to be  
10 gone.

11 But the dam people have a right also and they  
12 have more of a right than any of the tribal people which is  
13 wrong. So these dams have to be removed. It's good that  
14 you put them in because now we get to point the finger at  
15 who messed it up.

16 The problem is Kino Dam that's not being removed  
17 and the tribe doesn't want to push that issue because we  
18 have people that are working lands at the off project and it  
19 helps our people so we don't get everything we want but we  
20 are going to help these off project people continue to help  
21 the economy and live in a good way.

22 Our people they live up Whiskey Creek, they know  
23 they can't have salmon back up there because the waters are  
24 so messed up. The tribe -- we removed the Sprague River Dam  
25 because we knew it was wrong and that was simple but that's

1     because it's our land and it was the right thing.

2                   And these fish ladders that were never  
3     implemented -- you could just stand there and look at those  
4     dams and you have money in one hand and said hey, we could  
5     have used this money for fish ladders but instead you got  
6     those greedy Americans back east, maybe southern California,  
7     wherever they live -- they're collecting this money because  
8     that's what they are entitled to.

9                   They're not entitled to do the right thing. So  
10    we're pointing the finger and we're saying we want these  
11    dams removed. All the benefits were not for the tribes and  
12    we'll never benefit until the dams are removed. That's all  
13    I have to say.

14                  MS. MOLLOY: Thank you.

15                  MS. HESS: Melissa Hess. I have a question -- we  
16    had as power -- consumers of power we're being charged for  
17    the -- or we're helping to pay for the dam removal. Well I  
18    know at one time landowners had the 50 year agreements with  
19    Pacific Power so how does that go forward on power rates and  
20    power negotiations?

21                  Is it still 50 year dates beyond this if the dams  
22    would happen to be taken out or would it be a whole new ball  
23    game that we would be going forth with Pacific Power?

24                  CHAIRMAN GENTRY: I think she was asking about  
25    the licensing being a 50 year -- or relicensing being a 50

1 year process and if the dams are relicensed is it going to  
2 be another 50 year process, is that what you're asking?

3 Yes, need to be relicensed another 50 years?

4 MS. MOLLOY: So if the projects -- if the project  
5 or projects were to undergo relicensing the statute says  
6 that on a relicense we can issue no less than 30 and no more  
7 than 50 years for a term. And that's the Federal Power Act  
8 Section 15.

9 MR. WINCHELL: I'd like to also mention that now  
10 the rates and the things of that sort -- again once we go  
11 through this amendment proposed transition, we're looking  
12 strictly mostly at the environmental aspects of dam removal,  
13 okay.

14 And again we know that there are other  
15 developments of the existing Klamath River projects that  
16 basically it's the east/west power houses which are  
17 associated with Linc Dam and Keno is Bureau of Reclamation.

18 So the focus -- what we're talking about today  
19 going into the surrender involves the four -- removal of the  
20 four developments which would be J.C. Boyle, the two Copco's  
21 -- Copco 1 and Copco 2 dams and Iron Gate Dam.

22 Other aspects of the hydroelectric project that  
23 exists to date would remain but we're focusing on the  
24 environmental consequences of dam removal from the Lower  
25 Klamath Basin that includes J.C. Boyle on downriver through



1 Iron Gate.

2 And again, that is something that is doable as  
3 far as the analysis. We know what the aspects of dam  
4 removal are and we can address that. Now these other things  
5 are going to be beyond that surrender review.

6 MS. MOLLOY: Sort of to summarize that -- our  
7 current proceedings that we're talking about at the lower  
8 four developments and we are limited by our jurisdiction.  
9 So there are some features further up that are Bureau of  
10 Reclamation which is outside of our --

11 CHAIRMAN GENTRY: And then the power issue with  
12 the project and other folks is a separate process their  
13 efforts to try to, you know, address that, I know with  
14 current legislation and other things but that's nothing that  
15 you are a part of. That's a completely separate process.

16 MS. MOLLOY: Separate, yes.

17 CHAIRMAN GENTRY: And different process?

18 MS. MOLLOY: Yes.

19 MR. CHOCKTOOT: Perry Chocktoot, Klamath Council.  
20 Just for clarification that's how we got into this was the  
21 license came up and they needed to be recertified for  
22 another 50 years of hydroelectric use.

23 Well there were benchmarks that need to be made  
24 -- the Wild Scenic River Act, Clean Water Act, the  
25 Endangered Species Act, and none of them could be met with

1 the water quality as it was.

2 So a decision was put before PacifiCorp -- either  
3 you rebuild these dams which I presume meant putting a head  
4 gate down below to release cooler water or you remove them.  
5 So you know they weighed the pluses and minuses and it was  
6 going to be literally billions of dollars to do these four  
7 dams so they made a decision to remove them.

8 Just another FYI -- none of those dams helped  
9 Oregon. None of this energy stuff helps Oregon. Bonneville  
10 doesn't help Oregon. That goes on a grid that goes to  
11 California. Klamath Cogen Plant goes to California. It  
12 doesn't help us any here.

13 Oregon has always been made to shoulder the brunt  
14 of the environmental impacts with no benefits to us ever.  
15 There are sometimes we need to stand up and speak for Oregon  
16 because it doesn't seem like Oregon gets to be heard by  
17 anybody. And I hope that FERC listens to us. I hope you  
18 honestly take this into consideration unlike the LNG  
19 Pipeline, because you denied it.

20 You denied rehearing and we're hearing it again  
21 -- something is wrong with that. So hopefully we're not  
22 going through this same process again.

23 MS. MOLLOY: Thank you.

24 CHAIRMAN GENTRY: There are a couple of things  
25 that I wanted to add just a little bit. Derek talked about

1 sustainability and I think that's what we're talking about.  
2 You know, it's pretty plain in our eyes the impacts that  
3 we've suffered to our resources and that this watershed has  
4 suffered.

5           It's benefitted others and had negative impact on  
6 the Klamath and other folks and other folks concerned about  
7 the fish. And so the environmental justice issue is  
8 important but you know, Derek also mentioned the health  
9 issues. We raised that issue, you know, the sudden  
10 departure in a relatively short period of time from our  
11 traditional foods to the foods that we have now.

12           I mean even in the treaties getting flour and  
13 those kinds of things you know. We have diabetes issues, we  
14 have health issues that we never, ever had in the past prior  
15 to this whole treaty reservation you know, kind of system  
16 that was set up. So the importance of these fish -- are  
17 important to us.

18           And the federal government actually -- I mean I'm  
19 concerned -- it doesn't even recognize this whole trust  
20 obligation. And it was evident when even in this continued  
21 resolution they were going to remove the program that helps  
22 us to address and prevent diabetes amongst our people.

23           They're going to take that funding away. It's  
24 easy to just get rid of the stuff that helps the Indians  
25 after the problem wasn't created by us. So that's a justice

1 issue too but I just wanted to point out the importance of  
2 the salmon in restoring our treaty resources and our  
3 abilities to gather and use those foods.

4           The other thing you know in terms of the dams.  
5 I'm hoping that there will be -- I think our technical folks  
6 may come forward with the information but you know the  
7 current status of the dams and water management is a pretty  
8 dire situation.

9           We have a current biological opinion that  
10 basically is focused on stopping the fish from becoming  
11 extinct. It's not focused on restoring our fisheries -- our  
12 current twam and kuptu our lost river and short no suckers  
13 are basically there to stop it from going into jeopardy.

14           We do know there's a relationship and it became  
15 really evident in the last court proceedings where the  
16 downriver folks challenged the current biological opinion  
17 and ended up with court ordered flows to address disease  
18 problems caused by the dams are one of the most significant  
19 culprits.

20           We do have water quality issues clear up at the  
21 upper part of the basin but the part of the mix is these  
22 dams. And in a very severely dry year like this it may  
23 actually pit -- concerns for salmon downstream for our  
24 concerns for making sure that we have appropriate lake  
25 levels to manage the risks to our currently endangered

1 species.

2           So what I'm saying is there's a relationship  
3 there in terms of what happens here in the basin and the  
4 availability of water for our fish and even AG for that  
5 matter. With these dams removed -- it seems the scientists  
6 are telling us that would help to address some of the water  
7 quality issues and maybe address some of the concerns about  
8 the status of the salmon down below and maybe not overtax  
9 what we need to have for the lake.

10           So I'm hoping our scientists and other folks will  
11 contribute that science to this and address that but I can  
12 see that right now in the current situation that we're in  
13 right now with what we've heard from our biologist is our  
14 twam and our kupto -- our kupto, the short-nose in  
15 particular could blink out.

16           Even this year they could blink out -- the  
17 remaining fish that we have could be gone. And these are  
18 fish that I used to take to my elders and in fact the elder  
19 that gave me my Klamath name I used to take those fish all  
20 the time and she was a Christian lady.

21           She was the one that actually said we need to  
22 reinitiate our return of twam ceremony. She really  
23 supported that because I guess the way that she paraphrased  
24 it was it's great to have scientists and all these technical  
25 people doing what you can to work on restoring the fish but

1     you have to do first things first. You have to pray for  
2     their return. You have to honor that ceremony the Creator  
3     directed us to do.

4             And so that's why we did that. So I'm one and  
5     unfortunately my grandson isn't -- we have a generation plus  
6     of people that haven't had that opportunity to catch and eat  
7     those fish. And I really attribute much of who I am today  
8     and my feeling of place you know, in all of God's creation  
9     being a tribal member, catching those fish and taking that  
10    to our people.

11            That shaped me to be who I am today. So to me a  
12    big part of who we are is lost if we don't have the salmon.  
13    If we don't have the suckers -- the people, I've said it  
14    this way numerous times. I really believe it's true. How  
15    can we be the people the Creator intended us to be if we  
16    don't have our fish.

17            So I wanted to point that out. I also -- mainly  
18    I wanted to point out the lady that gave me my Klamath  
19    Indian name was here when the salmon came here. I talked to  
20    her about it. She remembers the salmon and the steelheads.  
21    She remembers our people catching those fish before she  
22    passed.

23            She passed quite a while back but I just wanted  
24    to mention that. And I've also read the Lane and Lane  
25    report that has a personal testimony of our tribal members

1 and families that were alive that caught those salmon at  
2 Sprague Creek and Beatty -- what we call Bacon Powder Hill  
3 just being right out of the Chiloquin area here.

4 I read the documents from non-tribal members who  
5 used to trade beef for salmon that our tribal members caught  
6 on the Sprague River Valley. So I just wanted to point that  
7 out because folks want to be in denial. Those fish are  
8 important to us and they're still important to us and it's a  
9 fact. You know there's archeological evidence.

10 I've gotten in disputes with people that are  
11 reported biologists that say the fish were never here. I  
12 don't understand that. Chi-offs -- that's our name for the  
13 salmon. Why would we have that name, you know. Maybe  
14 people could say it because we trade with people downriver  
15 that's why we have that.

16 But our legends and stories even make reference  
17 to salmon in Klamath Lake. There are legends about that --  
18 they were here and we can't deny that. So I just wanted to  
19 state that for the record along with why it's important for  
20 us today.

21 You know my time in history in my life -- I've  
22 lived away from here, came back in '69. My dad was a tribal  
23 fisherman. He grew up catching suckers on the river and he  
24 became a salmon fisherman also on the Rogue River. We  
25 couldn't catch them here so he learned how to catch them

1 over there.

2 I also -- so I had a taste for salmon because we  
3 ate it, because we caught it in one of the limited places.  
4 And even that -- the headwaters were traditional Klamath  
5 fishing area in the Rogue but I can say I worked with tribal  
6 entities downstream and helped secure salmon -- traded deer  
7 and elk and you know they've given us salmon because of our  
8 relationship.

9 And I've taken around to elders in our community.  
10 You just don't know how fast it goes. Everybody wants  
11 salmon. I think it's in our DNA -- it's in our genetics,  
12 that taste and that desire to have the salmon and you know,  
13 I have in this broken situation without the dams some of our  
14 friends downriver would bring up truckloads of salmon that  
15 are iced down and one of those reservation times they'd give  
16 that salmon out to people.

17 Our people would take them out and hunt deer and  
18 elk. We had that relationship but that's no substitute for  
19 the loss of those fish that should be right here right now  
20 for our people. So I wanted to share those few things.

21 MS. MOLLOY: Thank you.

22 MR. KIMBOL: I just had one more thing on what he  
23 was saying about the salmon being here and a lot of people  
24 saying they weren't, you know. So Maude Baldwin Klamath  
25 Falls, there's photographs by Maude Baldwin of Linc River



1 residents holding salmon. So that should do it right there  
2 -- Maude Baldwin in the Klamath Falls.

3 So one of the oldest stories that was told it's  
4 in Frederick Colville -- it's a government book by Frederick  
5 Colville. The oldest stories of the Modoc Indians called  
6 Myths of the Modocs, which it was told by the oldest living  
7 Modoc woman in 1880 and she was 88 years old so she told the  
8 stories before there was any people here -- any Europeans.

9 So she told the story of Laconquash. She was  
10 beautiful -- she was a blue being that lived on the earth  
11 lodge down at Tulelake and a lot of people wanted to marry  
12 her so they made -- they sat in a sweat lodge, they made  
13 basket hats, they tried to go see and marry this beautiful  
14 woman that she had powers. She changed every time that they  
15 came there and they didn't get a glimpse of her then.

16 But anyways, her brothers are Laconquash brothers  
17 the five brothers who were salmon fisherman on the Lost  
18 River. So every day they went and caught salmon on the Lost  
19 River and this story by the oldest living woman in 1880 and  
20 they dressed those salmon every day and brought them back.

21 So these are stories told long ago and not  
22 everyone got to hear them in our tribe but they are true  
23 stories and oral history so you know, we do identify  
24 spiritually with this land and with all the teachings that  
25 were told to us.

1           A lot of those were lost but I'd like all of  
2 those to come back, you know.

3           MS. MOLLOY: Thank you.

4           MS. HESS: Melissa Hess. My husband's  
5 grandfather was Bill Scheme. He was 96 in 1969. He told  
6 and showed my husband Teeter Hess, where the salmon had  
7 come. It wasn't hearsay -- it was a grandpa telling his  
8 grandson where he could go to fish if the salmon were ever  
9 coming back.

10           And he hoped in his lifetime he knew it probably  
11 wasn't going to, he was 96, but he hoped my husband would be  
12 able to go to those places and catch the salmon again. Our  
13 children now have never seen the salmon. I, being 6 years  
14 younger than my husband, never had the chance to hear those  
15 stories.

16           But I believe my husband. I believe his  
17 grandfather and my belief is I would really like to possibly  
18 see those salmon back before I die. I know that may not be  
19 something that will happen but I hope my children will get  
20 to see it.

21           And those salmon down there hitting against the  
22 dams -- that is no lie, they have no political ways to say  
23 oh, we're going to try to go up there just to make them  
24 think this. They know where home is. Let them come home.

25           MS. MOLLOY: Thank you.

1           MR. KIMBOL: Nick Kimbol again tribal member. I  
2 know you guys aren't local but here's an issue of today's  
3 paper as to KRRRC liaison breaks down dam removal, okay.  
4 Imagine, did you guys -- you guys met each other right?  
5 Okay, he's sitting in the audience right in front of me.  
6 He's not here right this minute because he walked out.

7           But me, you know, I don't want this determined by  
8 the breakdown of water negotiations okay. To me that's was  
9 inevitable but to me there's supposed to be still ongoing --  
10 I don't know, so I don't know, okay.

11           So we'll just leave that part at that but I don't  
12 want that to determine your guys decision what's going on  
13 with water rights okay -- that's another big issue, you know  
14 what -- a big issue, okay.

15           Now this man is here -- see I'm getting mixed  
16 messages okay. I've always been getting mixed messages you  
17 know. You read in the paper about it and it says that is  
18 both during and after dam removal okay, alright that sounds  
19 good to me, that's what I want to hear okay?

20           And it was just quoted by the gentleman that I am  
21 referring to that just walked back into the room and yeah,  
22 but then again he said you know, he says I do believe that  
23 dam removal is going to take place, okay. See that's kind  
24 of like a mixed message you know it's kind of like okay --  
25 before you quoted yeah, okay, they're coming down and now

1 he's talking about okay, we're still uncertain, okay.

2 But anyway being that said if I'm going to ask  
3 Don and the tribal members here in this room Mr. -- I don't  
4 know how to pronounce your name Mr. Murr -- oh Jim Root,  
5 okay -- okay. Well I thought this man was supposed to be  
6 here today too, yeah he was supposed to be here too, okay.

7 CHAIRMAN GENTRY: If folks are comfortable maybe  
8 we can launch into -- we can come back if folks have more  
9 additional comments then we can have Jim talk about the  
10 process if you're cool with that.

11 MR. KIMBOL: Yeah, that's fine with me.

12 CHAIRMAN GENTRY: Jim, come up and introduce  
13 yourself -- and we'll you're already introduced but maybe  
14 you can give us a summary of the status and answer questions  
15 that folks might have if you are comfortable with that.

16 MR. ROOT: Thank you Chairman Gentry. I'll  
17 address my comments to the tribal members. Our corporation,  
18 Klamath River Renewal Corporation is the designated dam  
19 removal entity.

20 We're a private corporation 501C3 non-profit  
21 corporation and we're coming up on our second year of  
22 existence. We have a 14 member Board -- very diverse Board  
23 made up of tribal members, conservationists, business  
24 people, scientists -- and a hard-working Board.

25 We have been meeting monthly and everybody

1 attends. It's really remarkable the dedication that the  
2 Board has. We have been working on the requirements for the  
3 transfer of the license and we need to show financial  
4 capacity to take on dam removal.

5           We've been talking today about where the  
6 financing comes from. One other step that we haven't talked  
7 about is the monies reside with the entities who raise them  
8 -- that being the Public Utility Commissions in Oregon and  
9 California and the Natural Resource Agency.

10           We now have financing agreements with all of  
11 those entities so our financing is secure. We need to show  
12 legal capability and we've retained legal counsels who  
13 represent the different areas that we are working in -- one  
14 of the key relationships is with FERC and we've retained the  
15 Perkins Cooley law firm who has good FERC experience.

16           We need -- excuse me. We need construction  
17 counsel to be able to contract with the designers and the  
18 general contractors who will be executing the project.  
19 We've hired Hawkins Della Field Wood, a well-respected known  
20 construction counsel.

21           We also have general counsel on board and that's  
22 the water and power group out of Berkeley, California and  
23 many of you may have worked with Richard Ruse Collins. He's  
24 been involved in Klamath water and settlement issues almost  
25 from the beginning. He brings a lot of knowledge to us as

1     general counsel.

2                 It seems like there is one more capability we  
3     need to demonstrate -- oh technical capability -- there we  
4     go. Threes are hard for me. I can come up with two, the  
5     third one always challenges me.

6                 We've retain an engineering firm, A.E. Kham to  
7     provide the technical consultations for us. A.E. Kham back  
8     in the day was one of the largest dam designers and have  
9     tweaked their business model now that we're not building  
10    many dams and are one of the larger designers of dam  
11    decommissioning.

12                A.E. Kham has also affiliated themselves with CDM  
13    Smith. You might recall CDM designed the Chiloquin Dam  
14    removal and they've also affiliated themselves with River  
15    Design Group who will be the restoration entity and River  
16    Design Group has been doing the restorations on the Rogue  
17    Dam removals.

18                So I think we have the three areas for the  
19    transfer agreement well in motion and later I can answer any  
20    questions you might have about that. On surrender, the key  
21    item that we've been -- well there have been a number of key  
22    items, but the first that comes to mind is designing the dam  
23    removal.

24                We're starting with a plan that the Bureau of  
25    Reclamation produced called the detailed plan and the

1 assignment goes to A.E. Kham to modernize and bring that  
2 plan up to date -- one that we're calling the definite plan  
3 -- the definite plan is almost at completion -- it has not  
4 been submitted to FERC yet, it's not been required for FERC  
5 submittal.

6 But we're also working through 401 water quality  
7 certifications and in California we work with the California  
8 Water Control Board and the definite plan is to a point that  
9 we have submitted a draft of it to the Water Control Board.

10 So it's very close to having the -- our part of  
11 the design piece completed. We also have environmental  
12 responsibilities and the numbers of permits that are  
13 required for environmental permitting, both in Oregon and  
14 California.

15 The California Water Quality permit goes by an  
16 acronym CEQA -- California Environmental Quality Act and  
17 they administer the 401 certification. We've been working  
18 with them right from the beginning and their process is  
19 probably the longest process for us to work through and  
20 we're well through it -- expect in the next few months to  
21 see the draft of the CEQA permit out which will then start  
22 the public process that you all can participate in.

23 In Oregon the 401 certification is administered  
24 by the Oregon Department of Environmental Quality and they  
25 report to us that they expect to release their draft plan in

1 April of this year and once it's made public in a draft form  
2 then it starts the public process which again you all can  
3 participate in.

4 We're also working on a 404 permit which is  
5 administered by the U.S. Army Corp of Engineers and that's a  
6 removal and fill permit. It's what's needed to physically  
7 transport and deposit the materials that the dams are  
8 constructed of.

9 We're on schedule for that permit and again there  
10 will be a public release once it's in draft form and open  
11 for review. Those are kind of the major milestones that we  
12 have. We -- well I think I can just stop at that point. I  
13 don't want to drone on for too long but would sure be happy  
14 to try to answer a question, yes ma'am?

15 MS. HESS: Melissa Hess. Filling that process is  
16 there -- are you addressing just the environmental and or  
17 the environmental and the liabilities afterwards because we  
18 have to make sure that things are done right if the dams do  
19 go out that the salmon will have the ability to come back.

20 MR. ROOT: Yes, that is correct. We have to show  
21 that we have a control of liability. First by designing and  
22 implementing a project that will accomplish the goals but  
23 then there will be substantial insurance and bonding  
24 requirements -- we're anticipating this in the event that  
25 something happens that -- for some reason we were unable to



1 control.

2 MS. HESS: Okay so who is actually funding that  
3 and how long would that process go on? I mean if we take  
4 these dams out to let the fish come home I want to make sure  
5 they get home and I don't want it just ending -- well we did  
6 our best.

7 Because who is actually paying for that? Will it  
8 be the people of Oregon and California? Will it be private  
9 money? How is that actually going to happen and who will  
10 have the input on how that is done?

11 MR. ROOT: Our process will come to an end, where  
12 we're not an entity that will stay in business forever. We  
13 will work through the restoration of the reach of the river  
14 that the dams occupy and some distance downriver.

15 We anticipate after dam removal that we will be  
16 involved for 3 to 5 years in the active restoration process.  
17 It could be as long as 7 years.

18 CHAIRMAN GENTRY: So we know that there's going  
19 to be a process afterwards to re-establish the salmon.  
20 There needs to be a salmon recovery plan and it needs to  
21 engage all the federal agencies, the state agencies  
22 appropriate and definitely to tribes.

23 The tribes -- we anticipate and they are sort of  
24 going to push to have a significant role in how it's done  
25 but we'll be looking to the federal agencies and the

1 Congress to provide the funds that are necessary to restore  
2 the salmon back and to meet the trust obligations.

3 So it's a separate process. Their responsibility  
4 will end at a point then we are going to continue to move  
5 forward to put something in place similar to what was  
6 envisioned with the KBRA, you know, how we coordinate with  
7 the other parties and the level of funding identified -- may  
8 even need more funding now, I don't know.

9 MR. ROOT: Good thanks for filling in that piece,  
10 Chairman Gentry. Ours is a limited role but there is a lot  
11 of activity in place to ensure as fully a recovery of the  
12 anadromous species as the river and river conditions allow.

13 MS. HESS: Thank you.

14 CHAIRMAN GENTRY: And I had a question about the  
15 timeframe that was envisioned for the dam process --  
16 actually removal would be in 2020 earlier -- are we on track  
17 for that or any foreseen obstacles there?

18 MR. ROOT: That timeline is a tight timeline. We  
19 have to hit every mark to accomplish that and the bogey in  
20 this is to protect the fish to the best degree. We need to  
21 remove all four dams at the same time such that yes, we are  
22 going to disturb an anadromous run of fish -- there will be  
23 fish killed because of dam removal.

24 But if we would remove these sequentially we  
25 would disrupt four cohorts which is just unacceptable. We

1     also need to accomplish a dam removal in one year which is a  
2     monumental task.

3             And once we start we can't stop so we've got to  
4     make sure we have it right when we commence. So if we hit  
5     every benchmark we could start the process of lowering the  
6     pools, the reservoirs in late 2019, finish the draw down oh  
7     -- in March of 2020 and then complete the dam removal by the  
8     end of 2020.

9             But I would say it's a coin flip that we are  
10    going to hit every benchmark and this whole process could be  
11    delayed by one year.

12            CHAIRMAN GENTRY: Another thing I think our  
13    members would be interested in is I summarized at the  
14    beginning what my understanding is of the relationship  
15    between KRCC and the Klamath tribes and other effected  
16    parties.

17            Could you speak to that and summarize how KRCC  
18    that we're not a party to the amended agreement -- how do  
19    you see us in this whole mix and what's your commitment to  
20    make sure that our interests are considered and addressed?

21            MR. ROOT: We view the Klamath tribes as a  
22    stakeholder in the process. Stakeholders are represented on  
23    the Board of Directors. There are lower river tribes,  
24    environmental groups and there is a place held -- a Board  
25    spot that is open for the Klamath tribes to occupy should

1 the tribes choose to occupy that position.

2 We had a meeting last summer with the governing  
3 council and I gave advice which was seconded by my fellow  
4 Board members that there isn't a particular need for you to  
5 occupy that Board place. We will communicate with you in  
6 the same way we do with our stakeholder members.

7 We will invite you to every event that we have,  
8 do our best to keep you fully informed. We view you as a  
9 full partner in the dam removal activity.

10 CHAIRMAN GENTRY: Derek, I'll get you the mic so  
11 it will show up on the recording. It will be in the history  
12 books.

13 MR. KIMBOL: Thank you Mr. Root for the talk and  
14 explaining that to us. Yeah I just want to say thank you a  
15 lot on that and this is very inspiring to think about these  
16 dams coming out and the success that this can have because I  
17 was just looking at the Elwa story and it was just posted  
18 last year from National Geographic.

19 River revives after largest dam removal in U.S.  
20 history. So this is just saying you know that the salmon --  
21 the river restored itself right away and the salmon had come  
22 back and it's just a great success story and I believe that  
23 that's going to do it -- I know it's going to do it. I know  
24 the capability of the eco-system to heal itself so I just  
25 wanted to say it's a great track what we're on, but just how

1 great it is -- I want to say thank you.

2 I mean it is meaning a lot, it is a great success  
3 for all of us so I just can't wait to see it happen, but  
4 thanks.

5 CHAIRMAN GENTRY: Are there other comments or  
6 questions? All right I did want to make sure it's clear  
7 Nick raised some issues in his discussion about the process  
8 and feeling like it's a done deal.

9 In many respects we're way down the road in  
10 getting it a done deal but it's pretty clear that we have to  
11 go through this FERC permitting process and what I'm not  
12 certain of and I don't know if folks can speak to this.

13 You know there are some folks that oppose this,  
14 you know, strongly and what -- can they throw some  
15 roadblocks in terms of litigation and where might that  
16 happen and whether it's in the FERC permitting process or  
17 appeal -- if there's a positive decision to move forward or  
18 in any activity that KRCC has spoken with.

19 I know you don't have your attorneys here or  
20 whatever but I'm just wondering where potential snags could  
21 potentially occur.

22 MR. ROOT: Well we do have opponents and we're  
23 running as open a process as we possibly can. You can view  
24 everything we're doing on our Klamath River Renewal website.  
25 We put out a quarterly newsletter that can keep you all

1 current and we treat everybody the same.

2 We have had numerous meetings in Siskiyou County  
3 where the resistance mostly resides -- we're trying to do a  
4 good job of listening and responding. One of the issues  
5 that has come up is the water supply for the City of Yreka  
6 runs underneath the Iron Gate Reservoir.

7 So we've dedicated a lot of engineering, design  
8 and consultation with the City of Yreka to come up with a  
9 suitable for them rebuilding of that pipeline. We're  
10 meeting with property owners who live around the reservoirs  
11 and they have concerns that their property values will  
12 decline when the reservoirs are removed.

13 We're listening -- can't say we have solid  
14 answers for them but yes there can be legal processes  
15 involved and whether that's delaying or what might happen  
16 there is a little above my pay grade but yes, there is  
17 certainly resistance that is being exhibited.

18 MS. HILL: Assuming if you're the person after --  
19 is it on -- okay, what -- assuming the dams are transferred.  
20 Once they're transferred when will they stop generating  
21 power? Is that discussed?

22 MR. ROOT: Yes, upon transfer we have  
23 pre-negotiated an operations and maintenance agreement with  
24 PacifiCorp. So at the transfer point this agreement will  
25 kick in and everything will proceed up until surrender just

1 as it has before.

2 The agreement calls for PacifiCorp to operate the  
3 dams and maintain them right until we start disassembling  
4 them and of course that would start with the reservoir draw  
5 down because you need to have that head of water to run the  
6 turbines.

7 At that point the electricity will stop being  
8 produced.

9 MS. HILL: Okay I also wanted to say that I agree  
10 with Derek that this has been outstanding information and  
11 I'm very impressed with the team of people that have come  
12 together and that KRCC has drawn on, so thank you so much.

13 MR. ROOT: Thank you.

14 CHAIRMAN GENTRY: Other comments -- we might be  
15 getting close to ending here, well I really appreciate that.

16 Well there is one other thing that we did talk  
17 about in our communication last fall we talked about  
18 opportunities -- maybe employee tribal members and it sounds  
19 like there is somebody here in the local office that we  
20 could coordinate with to employ tribal members.

21 And I checked with Perry and our Natural Resource  
22 Director we're developing a cultural resource monitoring  
23 agreement because we know when there's ground disturbing  
24 activities there's the potential to disturb those sites and  
25 we need to have a plan in play to address that.

1           If we want to avoid those sites, our approach --  
2   so I know we have a budget that we haven't moved forward  
3   with yet I guess but we're real close to moving that forward  
4   in consideration but we may need to take a look at you know,  
5   all the activities and make sure that we are considering  
6   everything appropriately.

7           So we will propose a draft budget and I imagine  
8   we'll have more communication about that but if you could  
9   speak to some of the opportunities that may arise and I  
10   guess really that is a commitment to work with us to see how  
11   we can employ tribal members and involve them.

12           MR. ROOT: Yes, there is a little more detail  
13   since the meeting we had last summer. We indicated that we  
14   would be hiring local representation. We just announced  
15   last week the hiring of the first local person. His name is  
16   Dave Meurer. Dave resides in Reading, California and is the  
17   field staff for State Senator and -- I don't know the  
18   California senators but he will be leaving that position and  
19   is not full-time with us.

20           We plan on having a half-time position in Klamath  
21   Falls. We're interviewing but that hire has not been made  
22   yet. These individuals will do the community outreach  
23   assisted by interested Board members like me or Executive  
24   Director Mark Branson.

25           We're all going to be here. We're reaching out



1 to economic development folks including the Klamath tribes  
2 for participation in the project. The Board is committed to  
3 having multiple construction contracts such that we can have  
4 contracts appropriate for local contractors to participate  
5 in.

6 I think this is posted currently on the website.  
7 We also will be helping to fund job fairs which will present  
8 the kind of work that we will be doing and how individuals  
9 can start qualifying themselves to participate.

10 We will have a lengthy restoration period and  
11 that should offer particular opportunity for local  
12 employment.

13 CHAIRMAN GENTRY: Yes?

14 MS. POLARDINO: Hi, this is Jennifer Polardino  
15 with FERC. Kind of tying in with the whole culture  
16 resources -- if there's any cultural or TCP's or historic  
17 sites that are not on the record that would be of interest  
18 to the Klamath tribe and you wanted to note that for  
19 Commission's consideration that you can always file that as  
20 a privileged document in our e-library system.

21 So it would just be between the Commission staff,  
22 the licensee, the SHPOs, so those are the only people who  
23 would be able to view that documentation. So we're  
24 considering the decommissioning of the project that we could  
25 maybe work it out so we would avoid those areas.

1           MR. WINCHELL: This is Frank again, let me add to  
2 what Jennifer is saying. If there was this new kind of  
3 information that we don't already have involving sensitive  
4 cultural resources, the Klamath tribes would need to go  
5 ahead and provide that to the two SHPOs, to California and  
6 Oregon SHPOs, land managers as well as the application  
7 PacifiCorp and the corporation.

8           And then you go ahead and file that with us as a  
9 privileged document. Well we have to make sure that those  
10 people from the need to know basis -- SHPOs, land managers,  
11 other tribes, applicants, they would be provided that same  
12 information.

13           So when we review it we know that they've got  
14 that information as well. And we've done this in the past,  
15 so okay.

16           MS. POLARDINO: Right.

17           CHAIRMAN GENTRY: But you still need one more  
18 question because I've been -- I was at the dam removal EIS  
19 hearings and there were entities that are not federally  
20 recognized tribal entities -- the Shasta folks downriver and  
21 I had a direct conversation with a couple of the folks.

22           They show up at the meetings and they even said  
23 things like salmon weren't there or people never caught  
24 salmon, you know, that kind of stuff. But then just kind of  
25 on the end of their communication they were talking about

1     their need to be federally recognized.

2             They raised some concerns I think that are valid  
3     protecting cultural resources that may be under the water  
4     and the reservoirs and so forth but they took this approach  
5     that it's almost like the reservoirs are sacred -- you can't  
6     remove the reservoirs because it might expose human remains  
7     or village sites.

8             I'm just wondering how that will be addressed?  
9     That information and things that they've raised and I know  
10    it's on the record even in the EIS proceedings. I think we  
11    might have some differing perspectives on that in what may  
12    or may not occur and I know Perry actually in a previous  
13    part of his career was actually he had the opportunity when  
14    they dewatered some of the dams to do some of the survey  
15    behind that when he was a part of a BLM process.

16            So I know he has a pretty good understanding what  
17    may be behind some of the reservoirs -- maybe not all, I  
18    don't know. But we have had experience here with the  
19    Chiloquin dam removal so when these same concerns came up  
20    and I'm just wondering how that's going to be considered and  
21    what kind of information would be helpful.

22            I think it's a valid issue they raised but it  
23    seems to me there is a way to mitigate that and address  
24    those concerns.

25            MR. WINCHELL: Hi, this is Frank again and yes.

1 Again, we would review everything that's been filed before  
2 us and of course we would take in that consideration just as  
3 Chairman Gentry has said. You know we would certainly  
4 consider everything and anything that anybody would say  
5 about dam removal.

6 So we would consider it of course, but we would  
7 have an opportunity to figure out ways to mitigate as Don  
8 was saying, about certain concerns that does say that  
9 non-federally recognized Shasta tribes may have.

10 CHAIRMAN GENTRY: So if there's information that  
11 we can -- based on personal experience or recommendations we  
12 maybe want to address that, would that be helpful -- ok.  
13 Okay and that would be privileged, confidential information,  
14 okay.

15 MS. POLARDINO: And in our e-library system when  
16 you file documents you can make that choice to whether you  
17 want it to be public or privileged documents when you are  
18 doing that e-library.

19 After this meeting I will email you all of our  
20 contact information so -- phone numbers so people could  
21 contact us if they have any issues with filing anything with  
22 the Commission as well.

23 MR. CHOCKTOOT: Just for informational purposes  
24 to satisfy the NEPA requirements and the CEQA in California  
25 we spent two years from Linc River Dam serving all the way

1 to Iron Gate Dam, both side of the river, thousands of sites  
2 were found.

3 We are going to enter into a monitoring agreement  
4 with KRRC and we're going to protect those sites. There by  
5 far is more sites outside the water than there is inside the  
6 water. So wherever the machinery is going we need to have  
7 monitors on it, we need to keep them out of sites for the  
8 purpose of inadvertent discovery.

9 We're going to have to file an inadvertent  
10 discovery plan and we're going to have to protect the  
11 remains of our people that come up. You never consulted  
12 with the Klamath tribes when you put the dams in. It's time  
13 to consult with the Klamath tribes when you are taking them  
14 out because you could do just as much damage.

15 But it is very culturally significant. It is a  
16 traditional cultural property. It's probably eligible for  
17 multiple property nomination document actually because the  
18 village sites are continuous from Linc River all the way to  
19 Agrabasswick which is south of the canyon.

20 So we are going to be involved, we are going to  
21 be involved and we look forward to getting the opportunity  
22 to come up with the contract with KRRC.

23 MS. JACKSON: Rowena Jackson. What happens to  
24 the license after the dam removal? Does it still exist or  
25 does it expire immediately?

1                   MS. MOLLOY: So when -- in the Commission when it  
2 would review the decommissioning which is being proposed for  
3 the four lower -- when -- if the Commission approved it that  
4 would terminate the license. The license would end, the  
5 decommissioning would be approved so the dams would be taken  
6 out and there would be no more licenses for those four.

7                   The upper three developments would be a different  
8 proceeding.

9                   MS. JACKSON: What are in a nutshell like all the  
10 reasons for an organization or a company or whatever to come  
11 to FERC? Just from my experience I only know like pipelines  
12 and now this and what are other reasons that you would  
13 either make a decision on something -- what are those  
14 others?

15                  MS. MOLLOY: So the Commission is directed by the  
16 Federal Power Act to license hydropower projects to --  
17 non-federal hydropower projects that are located in certain  
18 locations -- navigable waterways, federal lands, there's  
19 certain conditions that if someone wants to create  
20 hydropower they have to get a license from us.

21                  They also have to get permission from us on how  
22 to take it out or how to surrender their license. So that's  
23 under the Federal Power Act. The pipelines would be under  
24 the Natural Gas Act and those are the two areas that we do  
25 infrastructure for the most part -- that would be interstate

1 natural gas and liquefied natural gas facilities and  
2 non-federal hydropower.

3 So those are pretty much -- we also -- FERC also  
4 works on certain rate issues not like you're an electric  
5 company to a customer but sort of like company to company,  
6 certain interstate rates and certain security issues.

7 MS. JACKSON: Do you mean like water?

8 MS. MOLLOY: No, no, power. And certain security  
9 so on the dams we also have a dam safety, we have a dam  
10 compliance and a project compliance and a licensing.

11 But so there's market stuff that would be the  
12 power rates and stuff like that and then infrastructure, so  
13 we're infrastructure and it's those two -- three areas and  
14 what are more the markets.

15 MS. JACKSON: What do you mean by the markets?

16 MS. MOLLOY: I'm sorry power rates between  
17 interstate power rates between companies or something but  
18 not -- I guess it's wholesale, not retail. So we don't tend  
19 to work with that we work with infrastructure.

20 MS. JACKSON: Who does work with that?

21 MS. MOLLOY: We have other staff that works with  
22 the wholesale rates.

23 MS. JACKSON: Okay and then who would that be?

24 MS. MOLLOY: We can find you contact information  
25 for that but that wouldn't be involved in this hydropower

1 proceeding and as I said it's not retail electric rates or  
2 anything between companies and customers, but we can find  
3 someone to give you a name.

4 Actually I can give you a name afterwards if you  
5 want to contact someone.

6 MS. JACKSON: Okay, thank you.

7 CHAIRMAN GENTRY: I think we're getting near the  
8 end here.

9 MR. KIMBOL: Nick Kimbol, tribal member. Can  
10 anybody -- I know Donnie should know -- how long has  
11 PacifiCorp been running on a temporary license, okay? When  
12 did their license expire and their renewal process start?

13 CHAIRMAN GENTRY: I believe that was 2005, is  
14 that correct?

15 MS. MOLLOY: Yes.

16 MR. KIMBOL: Thank you 12 years, okay, so now I'm  
17 going to make the comment okay -- 12 years ago they've been  
18 running business as usual until 2020 so anyway it's like the  
19 process is long and slow we understand that you know, this  
20 can drag on for you know what up to -- I wanted to come in  
21 here and be optimistic but you know the more I hear the  
22 little bit more I hear you know I'm kind of losing that  
23 optimism, you know.

24 I'm hearing from the gentleman right here on this  
25 board right here that says this process can be extended to



1     maybe another year if all the cards are played right and  
2     everything goes right okay, cross your fingers and there  
3     should be hopefully no too many delays.

4             But you know what -- we have all the counties in  
5     this process on the Klamath River, including Klamath County  
6     opposed to our thoughts, okay. So you know that's kind of  
7     like hard to swallow, you know it's like this process you  
8     know, in the beginning, you know, we knew it was going to be  
9     a time long fought battle you know.

10            And I just hope that it doesn't turn into a drag  
11     on -- dragging your feet process, you know. And I hope that  
12     everything is on the up and up okay -- that's what I want to  
13     know, that's what I want to hear. I want to hear positive  
14     stuff you know, I'm tired of seeing the negative. It's like  
15     -- I want my mom and dad to be there -- they're in their  
16     almost middle '80's.

17            I want my dad and mom to be there to see this  
18     happen, okay. So with this process I know it's going to be  
19     tough you know, we have a fight ahead of us. Yes, there are  
20     opponents and there have been opponents all along.

21            And to me it's kind of -- I think ahead you know,  
22     when the process finally starts if and when it finally  
23     starts, there's going to be water issues. Look at it right  
24     now, there isn't any snow out there. 75% -- there's only  
25     25% of the snow at Creator Lake right now, okay.

1           So you know it's going to take water to push that  
2 sediment downstream. You know there's issues you know,  
3 there's big issues waiting ahead of us, you know but you  
4 guys have to take that into consideration or there's going  
5 to be a fight all the way, you know and it's like it's sad  
6 but true

7           And no disrespect to you guys, you guys just have  
8 a job to do and you're doing your job, you know, but there's  
9 a lot of us -- and other tribal members that don't have  
10 trust in the government, you know and it's like look what  
11 Trump did to everything Obama did and is still doing it.  
12 He's reversing everything, you know.

13           I just hope for the best, okay, thanks.

14           MS. MOLLOY: Thank you.

15           CHAIRMAN GENTRY: I appreciate it Nick. Well I  
16 think we're about ready to wrap up -- close, don't want to  
17 miss this opportunity, not trying to cut us off but you  
18 know.

19           MS. JACKSON: I don't even know how to say this  
20 so I've been a part of -- this is just an example, Nestle  
21 coming in and trying to privatize water in the Cascade Locks  
22 area and this kind of -- this whole thing kind of raises a  
23 red flag for me. I don't know if anybody else is getting it  
24 but it's just for me it's a red flag. All of a sudden you  
25 know there's these dam removals and then all this interest

1 and I'm just trying to say this in a good way, I'm not  
2 trying to be -- you know.

3 So it just raises a red flag for me. I've been  
4 out there long enough to see the hidden red flags and stuff  
5 and especially when FERC wasn't wanting to answer my  
6 questions so I just want to put it out there just like that,  
7 thank you.

8 CHAIRMAN GENTRY: Well I really appreciate  
9 everybody coming. I think it was a good information -- I  
10 really appreciate the summary of where we are at on the KRRC  
11 process and thanks for being here and answering questions.

12 It was kind of a limited format in many respects.  
13 I think it was helpful to get information out and to I guess  
14 reaffirm our interest and commitment to the dams coming out  
15 and our folks aren't going to back down on that, you know.  
16 And at the Tribal Council level you know just our  
17 responsibility is to provide and protect for our treaty  
18 resources -- it's in the Constitution and that's a goal of  
19 our members that has been reaffirmed in a recent planning  
20 process so be assured that we are going to continue to be  
21 committed to making sure those dams come out and our treaty  
22 resources are restored, so thank you.

23 MS. MOLLOY: Thank you for hosting us, providing  
24 us information and sharing your thoughts with us, we  
25 appreciate it.

1 (Off mic comments)

2 CHAIRMAN GENTRY: So alright well thanks again  
3 everybody. We just really appreciate everybody for coming  
4 and look forward to getting a copy of the transcripts.

5 MS. MOLLOY: Thanks.

6 CHAIRMAN GENTRY: So again thanks. Any timeline  
7 on when we might receive those -- I think you mentioned it  
8 earlier, 30 days -- okay 30 days.

9 MS. MOLLOY: So they will come to you?

10 CHAIRMAN GENTRY: They'll come to the Council  
11 they will actually be published on the website -- e-library,  
12 yeah, it's public information.

13 (Whereupon the meeting was adjourned at  
14 12:23 p.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

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15 Docket No.: P-2082-062/ P-14803-000

16 Place: Chiloquin, OR

17 Date: Thursday, January 18, 2018

18 were held as herein appears, and that this is the original  
19 transcript thereof for the file of the Federal Energy  
20 Regulatory Commission, and is a full correct transcription  
21 of the proceedings.

22

23

24 Gaynell Catherine

25 Official Reporter

Document Content(s)

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1 FEDERAL ENERGY REGULATORY COMMISSION

2

3 KLAMATH AND LOWER KLAMATH

4 HYDROELECTRIC PROJECTS

5 DOCKET NOS: P-2082-062/ P-14803-000

6

7 SCOPING MEETING

8 YUOK TRIBE KLAMATH TRIBAL OFFICE

9 190 Klamath Boulevard

10 Klamath, CA 95548

11

12 FRIDAY, JANUARY 19, 2018

13 10:00 a.m.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, OFFICE OF THE GENERAL COUNSEL

7 YUROK TRIBE

8 THOMAS O'ROURKE, CHAIRMAN YUROK TRIBAL COUNCIL

9 JOE JAMES, YUROK TRIBAL COUNCIL MEMBER

10 MINDY NATT, YUROK TRIBAL COUNCIL MEMBER

11 EDWARD AUBREY, YUROK TRIBAL COUNCIL MEMBER

12 RYAN RAY, YUROK TRIBAL COUNCIL MEMBER

13 DAVID GENSAW, SR., YUROK TRIBAL COUNCIL MEMBER

14 LANA MCCOVEY, YUROK TRIBAL COUNCIL MEMBER

15 TOBY VANLANDINGHAM, YUROK COUNCIL MEMBER

16 LARRY HENDRIX, YUROK COUNCIL MEMBER

17 AMY CORDALIS, GENERAL COUNSEL YUROK TRIBE

18 DAVE HILLEMEIER, FISHERIES DIRECTOR FOR THE YUROK TRIBE

19 LOUISA MCCOVEY, YUROK TRIBE ENVIRONMENTAL DIRECTOR

20 JAVIER KINNEY, YUROK TRIBAL MEMBER

21 CHEYENNE SANDERS, YUROK TRIBAL MEMBER

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

2 (10:00 a.m.)

3 CHAIRMAN O'ROURKE: Good morning, my name is  
4 Thomas O'Rourke. It is custom to have a prayer before we do  
5 any business or even before we introduce ourselves you know  
6 and so that I would -- can you hear me, okay there you go.  
7 So Frank if you would come up and do the honors and give us  
8 a prayer you know that would be go until our day hopefully  
9 flows smoothly.

10 MR. MEYERS: (Prayer.)

11 CHAIRMAN O'ROURKE: So he talked about our maker  
12 and gives thanks for what our Creator gives us and for the  
13 waters and our fish, you know, and the life that surrounds  
14 it that depends on it, you know, and prayers for his tribe  
15 to know how to protect what he gave us, his people, in the  
16 beginning.

17 So first off I would like to say welcome to all  
18 of you that have come, you know, to put in their comments to  
19 make your remarks and a special welcome to the FERC team  
20 that comes to hear our comments that will help them to guide  
21 their decision as to the permitting.

22 So I guess everyone knows what FERC is, you know.  
23 Anyone that doesn't know what FERC is -- stands for --  
24 Federal Energy Regulatory Commission. So before I even  
25 begin with other opening remarks I would just like to say

1 welcome to our home.

2           You know we've been here since time immemorial.  
3 Our stories go back to the time of darkness before there was  
4 human form here in this place. Archeologists have traced  
5 our people back over 10,000 years here in this very place  
6 and so that we've been here for a very, very long time.

7           And with that before I state any further or other  
8 opening comment I would like to do introductions so I don't  
9 know where I'm going to start but with our table anyway that  
10 is here and so I'm Thomas O'Rourke, Chairman of the Yurok  
11 Tribe.

12           MR. JAMES: Good morning, Joe James, Yurok Tribal  
13 Council.

14           MS. NATT: Hello, I'm Mindy Natt, I'm the Tribal  
15 Council for the Pecwan District. It's located about 20  
16 miles upriver and we're real rural up there and I am a  
17 fisherwoman and I have lived on the reservation all my life  
18 and I look forward to hearing all the discussions and thank  
19 you for coming.

20           MR. AUBREY: Edward Aubrey, North District, thank  
21 you.

22           MR. GENSAW: David Gensaw, Sr. Vice-Chairman of  
23 the Tribe.

24           MR. VAILANDINGHAM: Toby Vailandingham I'm from  
25 the Weitchpec District which is a little bit further upriver

1       than Mindy and thank you all for being here.

2                   MR. HENDRIX:   Good morning, Larry Hendrix,  
3       Council member, welcome, waiting to see what's happening  
4       here today.

5                   MS. MOLLOY:   Good morning thank you for having us  
6       here in your beautiful facility.   I'm Liz Molloy, I'm the  
7       Tribal Liaison for FERC.

8                   MS. MCCORMICK:   Good morning.   I'm Liz McCormick,  
9       I'm in the Office of General Counsel at FERC.

10                  MS. POLARDINO:   Good morning I'm Jennifer  
11       Polardino and I'm in the Office of Energy Projects which is  
12       a division of Hydropower Administration Compliance.

13                  MR. WINCHELL:   Hi, I'm Frank Winchell.   I work  
14       with FERC with the Office of Energy Projects, Division of  
15       Hydropower Licensing and I'm an archeologist.

16                  MS. CORDALIS:   Good morning, Amy Cordalis,  
17       General Counsel Yurok Tribe and also tribal member.

18                  MR. HILLEMEIR:   Good morning I'm Dave Hillemeir  
19       and I'm the Fisheries Department Director for the Yurok  
20       Tribe.

21                  MS. MCCOVEY:   Good morning, Louisa McCovey,  
22       Environmental Director for the Tribe.

23                  MR. CATHERINE:   Good morning, Gaynell Catherine,  
24       Ace Federal Reporters, I'm the court reporter.

25                  CHAIRMAN O'ROURKE:   Very good.   Once again

1 welcome. I will go across the ground rules for the meeting.  
2 Can you hear me okay back there now? Alright -- so members  
3 of the public and interveners in the FERC process,  
4 precedents may attend these meetings however comment will be  
5 limited to tribal representatives, tribal members and  
6 employees and FERC representatives.

7 And I believe that that has been changed to allow  
8 community input as well, you know, so that people from the  
9 community are able to make comments.

10 Tribal member and employee comment will be  
11 limited to three minutes. The consultation meeting will be  
12 transcribed by a court reporter and the transcript will be  
13 placed in the public record of these proceedings.

14 If any tribe or tribal representative wishes to  
15 disclose information about a specific location which would  
16 create a risk or harm to an archeological site or Yurok  
17 Tribal cultural resource, the public will be excused for  
18 that portion of the meeting when the information is  
19 disclosed.

20 I have another sheet here and I'm going to set it  
21 here and speak from my heart. You know that the Klamath  
22 River is our lifeline and always has been and always will.  
23 If the Klamath River dies, we die with it.

24 Our live revolves around the river -- it's our  
25 main artery and it provides our traditional foods, you know,

1     our ways of life. It sustains a society of people which is  
2     us. We are an endangered species as a people and when you  
3     are looking at societies you know, it's the river that gives  
4     us our identity that gives us the ability to carry on and to  
5     teach others how to take care of something, to be an example  
6     of what good stewards should be.

7             The importance of the river is just that. It is  
8     our existence. Thousands of years my people -- our people  
9     have fished these waters. These waters gave life to  
10    everything that supports us and continues this day to do  
11    that.

12            The river is sick you know, for many reasons and  
13    many of the reasons stem from the dams being there. The  
14    dams in the water holds the waters back and they become huge  
15    incubators for poisons and toxins that come down the river  
16    and kill all of the life that depends upon it.

17            And so it's not just the fish -- everything else  
18    is an eco-system and it's a major eco-system and anyone that  
19    knows about eco-systems knows that they are all attached.  
20    One feeds another one and it's a big old cycle.

21            A major eco system is sick that impacts and will  
22    continue to impact many other eco systems. Eco systems  
23    support life -- your life, my life, all mankind and so that  
24    what we're working on is to have the dams removed and so  
25    that the river can begin to heal to be able to provide and

1 sustain the salmon runs which in turn feed many other  
2 animals, people and give people joy that come here.

3           You know it's a beautiful place and people come  
4 here from around the world to fish here. They come here to  
5 boat, or sightseeing for recreation and so it's much -- it  
6 goes out much broader than just Yurok. But for Yurok alone  
7 our way of life -- our very existence depends upon it.

8           And so with that you know, I would hope that FERC  
9 can see the reasons why the permit should be issued to KRRC  
10 -- Klamath River Renewal Corporation. Just a couple of  
11 short words to speak about this entity -- I've never seen a  
12 more capable or competent Board put together to do  
13 something.

14           If you look at the components each individual,  
15 you know, where they come from, what they've done and why  
16 they sit on this Board -- why they were chosen, whoever put  
17 this Board together and we offered up an individual, you  
18 know, and they did a very, very good job.

19           All doers -- people that made things happen  
20 wherever they come from. I'm impressed with them and I  
21 don't get impressed very easy, you know, and they come from  
22 all walks of life, you know and so each of them were  
23 hand-picked to do something and so I believe that that not  
24 only can this be done or they can do this but they'll do it  
25 in the best way that it can be done.

1           And so I have complete faith in them and their  
2   ability to be able to address any situation that may arise.  
3   And so I guess with that I'm going to turn it over to  
4   somebody here -- as soon as I see who -- presentation, where  
5   do we want to go --

6           MS. MOLLOY: I think we're next on the Agenda for  
7   just a brief little -- we'll just give a brief little  
8   statement of FERC and the two applications we have pending  
9   before us. So I think everyone is familiar with FERC but  
10   just briefly the FERC is Federal Energy Regulatory  
11   Commission.

12           We will be acting on the applications that have  
13   been brought before us. In doing so we build a record and  
14   do any environmental analysis that needs to be done,  
15   building upon what has already been done and then the  
16   Commissioners -- we have five Commissioners that will make a  
17   decision on the applications.

18           We have the two applications that Elizabeth will  
19   tell us about.

20           MS. MCCORMICK: So as Liz mentioned, we have two  
21   applications before us. The first is an application for  
22   amendment of the existing license to remove the four lower  
23   dams from that license and transfer it to the Renewal  
24   Corporation. It's purely administrative -- there's no  
25   environmental review involved in that part of the process.

1           And I believe at this time we have a complete  
2 application for that portion of the proceeding. The second  
3 application which we will act on once we've acted on the  
4 first application is the application for surrender and  
5 decommissioning of those four lower projects and that  
6 proceeding will involve an environmental analysis.

7           I believe we're still waiting for some additional  
8 information which once we have that will determine when the  
9 application is complete and once it's complete we'll begin  
10 an environmental review.

11           There has already been some environmental review  
12 done by Department of the Interior so we're still not sure  
13 whether we'll just supplement that or whether we'll do an  
14 entirely new review. We don't like to recreate the wheel  
15 and there's a lot of information about the Klamath Basin  
16 that's already out there so I'm guessing we'll use quite a  
17 bit of that.

18           So once we have all of that and we do the  
19 environmental analysis then we will be able to act on the  
20 surrender application. Because these two projects are so  
21 interrelated though we are taking comments even though we're  
22 not acting on the surrender proceeding, we're taking  
23 comments on the surrender proceeding at this time.

24           So like he said before, anything what you say  
25 will be put on the record and this transcript will be on our



1 e-library system 30 days after this meeting. So I just  
2 wanted to make sure that everybody speaks their mind. We  
3 want to hear your comments and concerns for consideration.

4 MR. WINCHELL: Hi, I just want to add real quick  
5 for the surrender application that will be forced shortly  
6 that John Mudre, a think a lot of you folks know from the  
7 past relicensing, continues to be the project coordinator  
8 for the surrender aspect of the Klamath and the Lower  
9 Klamath River Projects -- of course from J.C. Boyle down to  
10 Iron Gate Dam.

11 MS. MOLLOY: And the last thing I'll mention is  
12 we can't speak to timing. For one thing we have a  
13 regulation that says we can't talk about nature and timing  
14 of decisions but in addition there is still additional  
15 information and some other materials that will be required  
16 on the surrender application as it proceeds further -- water  
17 quality certifications and such so that affects timing on  
18 when the Commission can act because they will need  
19 approvals of water quality certification before taking  
20 action and any other permits they might require before  
21 taking action.

22 So the timing -- it's still early so we can't  
23 know the timing yet but we will be working on it as soon as  
24 we can.

25 MS. POLARDINO: And I want to add too this is --

1     this is also a contested proceeding which is why we have our  
2     tribal meeting with you guys today with the public being  
3     able to attend. So anything we say will be on the record  
4     and so everybody will be able to see it.

5             Like we said earlier if there are any sites that  
6     would be considered confidential to the tribe and you want  
7     to disclose that to us what we can do is ask the public to  
8     leave during that portion of time and we'll record that but  
9     anything we record that goes to these confidential sites we  
10    would put on the record as a privileged document so we would  
11    have two portions where we have a public and the portion  
12    that would be considered confidential historical sites we  
13    would have as a privileged document.

14            CHAIRMAN O'ROURKE: Thank you. I guess with that  
15    I'm going to turn it over to staff for a presentation.

16            MS. CORDALIS: Thank you Chairman and thank you  
17    to the FERC staff and to the tribal members and employees  
18    who have joined us today. Before I jump in to our  
19    presentation I had a couple of questions for you.

20            So one of my questions that I was going to ask  
21    was about timing and processing and so I hear you that you  
22    can't comment on that -- that's fair. What I will add is  
23    that as you know the KRRC, the State Water Board, the  
24    tribes, all of the signatories to the KHSA have been working  
25    under the assumption that we would at least start with dam

1 removal by 2020.

2 And to the extent you are able to keep your  
3 permitting processes in line with that timeline we strongly  
4 urge you to do that. And the other question I had so with  
5 respect to the two different applications -- so right now  
6 the transfer application is filed and basically all the  
7 documents have been submitted so you have that okay.

8 And then there's the surrender application coming  
9 and supplemental files will be coming in so that -- okay and  
10 so are you wanting to have one record for both of those  
11 applications? So each application has its own FERC Project  
12 Number --

13 MS. CORDALIS: Right.

14 MS. MCCORMICK: So we do have two separate  
15 records --

16 MS. CORDALIS: Okay.

17 MS. MCCORMICK: For each proceeding but they  
18 are very closely related yes. So rather the documents  
19 you'll see in both dockets on our e-library system and the  
20 reason for that is because they're so closely intertwined  
21 it's really hard to separate them out so they're technically  
22 two proceedings but we're here today to talk about both  
23 because the transfer really depends on the ability of the  
24 surrender to be completed successfully and without  
25 mitigation.

1 MS. CORDALIS: Okay and so the comments we make  
2 here today will be added to both records?

3 MS. MCCORMICK: Yes.

4 MS. CORDALIS: Excellent, okay, very good.

5 MS. POLARDINO: So if anybody has any questions  
6 even then about the transfer itself you could ask those too.

7 MS. CORDALIS: Can you -- for everybody's  
8 collective knowledge, can you all offer a few points on what  
9 FERC is and your role in the dam removal process -- thousand  
10 foot level.

11 MR. WINCHELL: I'll jump in. Basically okay,  
12 FERC is an independent regulatory agency and again it's  
13 headed by five Commissioners who are Presidential  
14 appointees. Of course, as you probably -- a lot of you know  
15 that we were down to one Commissioner when President Trump  
16 got elected.

17 And then he shortly you know, whenever appointed  
18 and was confirmed by the U.S. Senate four additional  
19 Commissioners. So they are the best body who actually makes  
20 a decision for let's say --a surrender or a licensing  
21 involving us as hydropower folks.

22 And again for the surrender, it ultimately goes  
23 before the Commissioners who make that decision but they  
24 base their decision on us staff and the people who are  
25 involved with that NEPA analysis along the Section 106 of

1 the National Historic Preservation Act.

2 So the good news with that is that for the most  
3 part our decision when we forward that to the Commissioners  
4 for their licensing decision based upon our environmental  
5 analysis is pretty much like 90% good.

6 I mean it's -- they normally and most usually  
7 will accept our decision. They may make some modifications  
8 to a license order but it's very unusual for the  
9 Commissioners themselves to actually contradict an  
10 environmental analysis from Commission staff.

11 So we are the staff people who are going to be  
12 involved with this environmental analysis.

13 MS. MOLLOY: And one final point the  
14 Commissioners are -- there's three Republicans, two  
15 Democrats. Historically, FERC Commission has been very good  
16 about working with regard to the issues and not other  
17 factors so they will look at the record, they will look at  
18 the recommendations made, they will look at the comments and  
19 they will make the decision and they have been historically  
20 very good at working together as a group.

21 MS. POLARDINO: And within the Commission itself  
22 we have different divisions. Like for example there's both  
23 Liz's are part of the Office of General Counsel. Frank and  
24 myself are part of the Office of Energy Projects and within  
25 that you have the Division and Licensing which Frank is part

1 of and they will be looking at the surrender application.

2 And I am part of the Division of Hydropower  
3 Administration Compliance and we're looking at the transfer  
4 and then the application. And another division that will be  
5 a part of the surrender they'll be looking at that will be  
6 also the Division of Dam Safety Inspections.

7 So I just kind of wanted you to know that there's  
8 going to be different divisions that will be looking at the  
9 different pieces of this project.

10 MS. CORDALIS: Excellent. So for the group's  
11 knowledge then you folks are the staff that is involved in  
12 doing the actual work of the environmental work, the  
13 statutory work to process the applications that we all hope  
14 will result in dam removal.

15 MS. MOLLOY: Yes.

16 MS. CORDALIS: Got it okay, excellent. Alright  
17 well with that I think we'll go ahead and jump into the  
18 staff presentation portion of the consultation today. Just  
19 as a reminder my name is Amy Cordalis. I am the tribe's  
20 general counsel. I'm also a tribal member and my family is  
21 from Requa which is at the mouth of the river.

22 My grandma and auntie and several other family  
23 members are here today in the audience also from Requa and  
24 we -- I know we are very pleased to have you here. It's a  
25 great honor to be able to be here in this place to talk

1 about dam removal which is something the tribe has been  
2 working on ever since the last brick was installed into Iron  
3 Gate Dam to be frank.

4 So today I'm going to cover kind of the  
5 introduction -- make some of the tribe's key points that we  
6 want to make sure you all hear today and then we are going  
7 -- I'm going to turn it over to our very well-trained  
8 scientific experts who are going to talk about the science  
9 of the river.

10 Our presentation should be about -- we're hoping  
11 it will be under an hour and then we'll break for lunch and  
12 then when we come back from lunch that's when we'll open up  
13 the meeting to the tribal member, tribal employee comment  
14 period.

15 And then at the conclusion of that we'll hear  
16 from Tribal Council and then if there are members of the  
17 general public here who would like to speak we'll hear from  
18 them. We do have a process for receiving the public comment  
19 and anybody who would like to make a comment you need to  
20 sign-up to do so at the table there.

21 Mya is there to get your information and we will  
22 make those comments in the order that they are received.  
23 FERC staff very graciously has offered to stay here as long  
24 as it takes to hear from every single one of you and so we  
25 will accommodate folks who want to speak.

1           Comments are limited to three minutes -- and on  
2   the screen there will be a countdown and at the end of your  
3   three minutes a very bright red or green -- I'm not sure  
4   what color, will flash and everyone will know it's the end  
5   of your time.

6           So that will be the general process for the day.  
7   If you have any questions about how things are going to  
8   proceed feel free to ask Mya or myself. Also I think  
9   Cheyenne Sanders is around and available to answer  
10   questions.

11           So we really encourage everyone to speak up and  
12   let these folks know how you feel about dam removal, talk  
13   about your experiences on the river, talk about your  
14   cultural experiences with the river, talk about what it  
15   means -- what dam removal means to you.

16           This is our opportunity to send our words and to  
17   speak for the river and as it's been communicated already  
18   what we say here is being recorded and that will go into the  
19   official record that these folks will rely on to inform  
20   their work which then the FERC Commission staff will  
21   consider when they are deciding whether to deny or grant the  
22   permits.

23           And that's how we're going to get to dam removal.  
24   Okay.

25           MS. POLARDINO: I would only add that when you're



1 speaking your comments if you guys could say your name and  
2 spell out your name for our transcriptionist that would be  
3 really helpful.

4 MS. CORDALIS: Thank you I was supposed to make  
5 that point. Alright, so I think with that we're actually  
6 ten minutes ahead -- shocking, and I'm going to go ahead and  
7 jump into our presentation and these first couple of points  
8 are basically the gist of what we want you all to hear.

9 That is that the Yurok tribes strongly supports  
10 the transfer of the license to the Klamath River Renewal  
11 Corporation which today I'll refer to as the KRRC for just  
12 ease. And we also support the subsequent license surrender  
13 application and of course decommissioning of the dams.

14 And we strongly urge you to take action on those  
15 applications in a timely fashion so that we can stick to  
16 that 2020 dam removal start date. Okay, also when I change  
17 the slide I have to let the folks in Weitchpec know -- hi  
18 folks in Weitchpec, so I'm going to say change slide and  
19 when I change the slide.

20 Again, kind of keeping on our points of -- can  
21 everyone hear me if I'm right here -- good. So keeping on  
22 our points of the things that we really want you all to hear  
23 is that the Yurok Tribe has been involved in the dam removal  
24 process since it started.

25 We were -- we started it as the Chairman reminds

1 me. We went to Scotland to strongly tell Warren Buffet how  
2 we felt about those dams and I think that was really a  
3 turning point for the movement that has gotten us here  
4 towards dam removal.

5 We were at the negotiation table, led the  
6 negotiations for the Klamath hydroelectric settlement  
7 agreement. We were a key player in the amendment to that  
8 agreement and as you all probably know the signing ceremony  
9 for the amended KHSA was held here in Klamath a few years  
10 back.

11 And for us that dedication has come from the  
12 tribe's deep cultural commitment to preserving the river but  
13 then also informed by our very extensive technical expertise  
14 in the area of the science and the biology of the fisheries  
15 on the Klamath River and also its overall health.

16 Both of those sources have led the tribe to  
17 acknowledge that dam removal is the key component to making  
18 our river healthy. And because of that we have led all of  
19 this work from our perspective.

20 In that work when the amended KHSA was signed and  
21 the dam removal entity was called for and created which is  
22 now the KRRC, we have continued to be very involved in their  
23 processes of forming the corporation, getting their staff,  
24 organizing their finances, having their Board meetings,  
25 keeping in touch with the signatories to the KHSA.

1           We of course, have a Board representative, Scott  
2 Williams, who serves as a Board member. And through all of  
3 that work we have seen the inner workings of the KRRC and we  
4 can say with utmost confidence that we know they are capable  
5 of accepting the license, of facilitating dam removal and  
6 they are working in a very, very calculated thorough and  
7 careful process.

8           They understand that they have a significant  
9 amount of risk associated with this project and they are  
10 carefully and in a very calculated manner evaluating that  
11 risk and managing it in a good way.

12           And so we want you all to know that from our  
13 perspective they are the person for the job. PacifiCorp has  
14 made it clear that they no longer want these dams and that  
15 for better or worse -- well for better, from our  
16 perspective, it's time for a new day and the KRRC has  
17 stepped up and built the capacity to take those licensees  
18 on and facilitate the dam removal.

19           So you know, with the entire support of the Yurok  
20 Tribe, we support transfer of those applications to the KRRC  
21 and we are confident in their capabilities.

22           Today, as I spoke earlier, I'm going to cover the  
23 Yurok Tribe's legal rights on the Klamath River, our  
24 fishing, our water rights and I'm going to attempt to tell  
25 you sort of the story and the history of the Klamath River

1 as it relates to our rights and our culture.

2 And what I hope is -- at the end of this meeting,  
3 you will walk away understanding how the Yurok Tribe sees  
4 the river and our vision of the future which includes a  
5 free-flowing healthy Klamath River.

6 At the end of my remarks I'll pass it over to Mr.  
7 Hillemeier who is our senior fisheries biologist and has  
8 over 30 years of expertise working in fisheries and water  
9 issues on the Klamath River.

10 And I get the great honor of representing the  
11 tribe in court. Often our cases come down to a battle of  
12 sciences and as you folks probably know, there's a legal  
13 term of art -- the best available science. And I am very  
14 proud to say that most often the best available scientist is  
15 sitting to my right so we have developed an extensive amount  
16 of research and work related to that.

17 So I'll hand it over to him to talk about that  
18 work and also Miss Louisa McCovey, she's the Director of our  
19 environmental department and also a very distinguished  
20 scientist and policy maker who is going to speak to some of  
21 the water quality issues that the dams create for the  
22 Klamath.

23 So what I'm hoping you'll get from this again is  
24 just the understanding that the Yurok Tribe not only has  
25 legal rights to water and fish on the Klamath River which we

1 take very seriously, we also have some of the best science  
2 on the river.

3 And I think that distinguishes us from maybe some  
4 of the other entities that you've met with recently and so  
5 we hope to share that with you all today.

6 CHAIRMAN O'ROURKE: Neither behind nor ahead of  
7 the Confederated Tribes of the Klamath which is where you  
8 were yesterday. We likewise have a senior water right.

9 MS. CORDALIS: Thank you Chairman. So to kind of  
10 orient us I'm going to start with this map. The Yurok  
11 people, we are still an aboriginal territory. You are in an  
12 Aboriginal territory right now.

13 Unlike some of the other tribes in the Midwest  
14 the Yurok Tribe was never relocated from our aboriginal  
15 territory and that has allowed us to continue our fishing  
16 way of life. Since time immemorial we have fished the same  
17 river or the same fish actually -- the salmon, the  
18 steelhead, the trout, the candle fish, the sturgeons that  
19 are going through that river now and I think we all kind of  
20 agree at this point we share the same DNA.

21 And that way of life allowed us to thrive. There  
22 were really fish in the river year round and in addition to  
23 that there were you know, the habitat, the natural  
24 environment supported us. So there was ample food, the  
25 climate was you know, fairly mellow.

1           We had these wonderful redwood plank houses, you  
2   know, I think that things were pretty good for us here. In  
3   recognition of that the Yurok Reservation was created in  
4   1855 by an executive order and the boundaries were set as a  
5   mile on either side of the Klamath River from the Village of  
6   Requa down at the mouth of the river up 44 miles to  
7   Weitchpec.

8           And those are the same boundaries as the  
9   reservation has today. Now that didn't include all of our  
10  aboriginal territory but it did include sort of some of the  
11  main villages -- not all of them. Luckily for us it  
12  included the river and that allowed us to preserve that  
13  traditional fishing way of life.

14          And in the creation of the reservation, the Yurok  
15  people reserved for ourselves -- a fishing and a water  
16  right. Now that was an aboriginal based fishing and water  
17  right. It wasn't something that the federal government gave  
18  to us it was something that we reserved in the creation of  
19  the reservation.

20          Now those rights we call now federally reserved  
21  water rights and as a matter of federal law it's recognized  
22  that the Yurok Tribe has fishing and water rights as is  
23  necessary to fulfill the purposes of the reservation.

24          And here the purposes of the reservation was to  
25  preserve -- well was to create a permanent homeland for the

1 Yurok people and in doing so preserving our fishing way of  
2 life. And there's really great language in some of our case  
3 law that says the fishery was not much less necessary to us  
4 than the existence -- excuse me, not much less necessary to  
5 us than the atmosphere we breathe and I think that statement  
6 is absolutely true today as you've heard from the Chairman.

7           So we kind of went through that -- so our  
8 federally reserved fishing rights include the right to fish  
9 for commercial, subsistence and ceremonial purposes. And  
10 it's important to remember those three points -- commercial,  
11 ceremonial and subsistence purposes.

12           In addition to that, our federally reserved water  
13 rights include water and stream flows necessary to support a  
14 fishery for those commercial, ceremonial and subsistent  
15 purposes.

16           And as the Chairman noted earlier, because that  
17 -- because those rights -- those federally reserved rights  
18 weren't a grant of rights from the government but were  
19 rather a reservation of our own rights that were based on  
20 our aboriginal uses, our water right has a priority date of  
21 time immemorial. And so what that means is that along with  
22 the Klamath Tribes, the Yurok Tribes has one of the most  
23 senior water rights in the entire basin.

24           The federal government has a trust responsibility  
25 to protect those rights and that means that there's a

1 responsibility and a duty on behalf of the federal  
2 government to manage the basins -- excuse me, the basin's  
3 resources even off reservation in a manner that protects our  
4 federally reserved rights.

5           This duty extends to FERC to take the necessary  
6 actions to protect our federally reserved rights and in this  
7 case that means by granting the necessary applications to  
8 facilitate dam removal.

9           That is the like -- you know, I think I did that  
10 in about five minutes. That is the five minute overview of  
11 our rights, of our rights as they relate to the Klamath  
12 River and I'm sure that later on we will hear from community  
13 members talking more about the scope of those rights and  
14 what they mean to us.

15           But now what I want to do is turn to this map.  
16 So those rights were secured to us in 1955 and one of the  
17 promises that the federal government made to us when they  
18 created that reservation in 1855 was protection of those  
19 rights.

20           So meanwhile, what was happening is that at the  
21 same time you had development of the whole Klamath Basin.  
22 So this map shows the entire Klamath Basin and it shows some  
23 of the other projects that were happening, that have been  
24 developed over the past 170 years since 1855 that have  
25 frankly been in direct conflict or extremely harmful to the



1 Yurok Tribe's fishing rights and our water rights.

2 As it relates to the discussion today the Klamath  
3 Hydroelectric Project which you see in yellow, is right  
4 smack in the middle of the river. What that did -- and I'm  
5 kind of going to go back and forth between these two slides  
6 but when the last dam was finished and I believe that was in  
7 the 1960's when Iron Gate Dam -- what that did, so this is a  
8 picture of Iron Gate Dam.

9 It blocked this fish passage right and  
10 essentially ended access for salmon to 450 miles of spawning  
11 habitat. No fish ladders on this. So the Klamath River was  
12 once the third largest salmon producing river in the entire,  
13 you know, Pacific Coast, and here in 1960 you have your  
14 final dam built, no fish passage, this is the end of the  
15 river for fish.

16 And so you go back to this slide and you see how  
17 that's like right smack in the middle of the river. So all  
18 of that area up in the north where the salmon had been going  
19 they no longer had access to.

20 And that -- you could kind of say that that final  
21 brick on Iron Gate Dam was in some ways the final nail in  
22 the coffin. It marked a time where the salmon really  
23 started declining. In addition to the dams of course you  
24 had the Klamath irrigation project which was authorized in  
25 1902.

1           And basically what that did was turn a bunch of  
2   high desert land into irrigation lands by diverting massive  
3   amounts of water out of Upper Klamath Lake and parts of the  
4   main stem to support agriculture.

5           In addition to that it also --over the years, you  
6   know, with the different pesticides being used and so on and  
7   so forth it allowed a lot of pollutants to go down to the  
8   dams, collect behind the reservoirs and create really high  
9   water temperatures and poor water quality and Louise is  
10  going to speak to that earlier.

11           But the gist of what's happened there is that all  
12   of those actions that were supported by the federal  
13   government were in direct conflict to the Yurok's Tribe's  
14   water rights at the bottom of the river.

15                       And so even though those rights have  
16   been in place -- well really secured under federal law in  
17   1855, you have 170 years of development on the basin and in  
18   a manner that is extremely harmful to fish, extremely  
19   harmful to the natural environment of the river and has  
20   decimated the river and the fish and as a result has  
21   extremely limited our ability to exercise our fishing rights  
22   for subsistence for ceremonial and for commercial purposes  
23   and I'm going to talk about that a little bit later.

24           There has been a trend of -- in federal policy to  
25   support all of this. From our perspective today and the

1 fact that FERC is here and that there are pending  
2 applications that we hope will result in dam removal -- that  
3 marks what we hope is a new day of federal policy and a  
4 policy that supports fish -- that supports the Yurok Tribe's  
5 rights, that supports restoration of the Klamath River as a  
6 whole. And for us, that's what this means right

7 And I think that's critically important to be on  
8 the record and for you all to hear is that dam removal for  
9 us marks the beginning of a new era -- an era of  
10 restoration, an era of healing -- not only for us as people  
11 but for the whole entire river.

12 And also an era where there is the potential to  
13 fulfill that original promise that the federal government  
14 made to us that this river would be ours and that we would  
15 be able to continue our fishing way of life on it.

16 So that is a critically important point and I  
17 hope that you all can take that back to the Commissioners  
18 themselves and reiterate it to them and know that that's  
19 what this means for us.

20 And I'm going to kind of step into why this is so  
21 important and it also -- this new era is absolutely needed  
22 right now because frankly we're at a critical juncture where  
23 if we don't make dramatic policy changes, we are going to  
24 see our fish die.

25 We're going to see the river die. The fish are

1 going to go extinct and Mr. Hillemeier will talk about that  
2 more. We've had several signs on the Klamath River of the  
3 declining health of the river.

4 One of those big ones was the 2002 Klamath River  
5 fish kill. That was a year in which it's estimated -- we're  
6 debating numbers because there's a lot, but what I guess the  
7 official word is that is estimated over 60,000 adult Chinook  
8 fall salmon died within a period of a couple of weeks in  
9 September. This is a picture of it. This is a picture of  
10 the river just below Blue Creek. You can see the mouth of  
11 Blue Creek on the left side of the picture here.

12 And what happened during that time was salmon  
13 acquired a fish disease -- "ick" and it killed them. And by  
14 the end of the kill the whole entire river all within the  
15 Yurok Reservation the sides -- the banks of the river were  
16 lined with dead fish all the way down and up the reservation  
17 and it was horrifying.

18 It was absolutely horrifying and so we know that  
19 things like this are not in our natural history right? We  
20 don't know of things ever occurring like this in our natural  
21 history and we've been on this river since time immemorial  
22 so this is not a natural phenomenon.

23 This was a man-made problem. A lot of it  
24 resulted from excessive water diversions to the Upper Basin  
25 but the dams played a role in it also in that again that bad

1 water comes down the river, the water quality is poor, the  
2 water temperature rises and when that's released it goes  
3 down into our neck of the woods and salmon can't survive in  
4 that.

5 And these two will talk more about that but the  
6 gist of it is to know that there are signs -- and we know  
7 that our river is not healthy. Even more recently in 2016  
8 and 2017 we had basically a collapse of the fall Chinook  
9 run.

10 Last year we had the second smallest allocation  
11 in the tribe's history which means that --

12 CHAIRMAN O'ROURKE: I think that was the smallest  
13 allocation we have ever gotten in our history last year.  
14 The year before was the second smallest.

15 MS. CORDALIS: That's what I said so the 2016 was  
16 the second smallest and then 2017 was the smallest. And  
17 basically what that means is that the returning run was the  
18 smallest that had ever been on record.

19 Mr. Hillemeier is going to talk about why that  
20 was but what I'm going to go through is talk a little bit  
21 about what that meant for us and I'm sure you will hear more  
22 from the fishermen about what that meant for us.

23 But as an initial matter we cancelled our  
24 commercial fishery. Our fishery is at the heart and soul of  
25 who we are as Yurok people. And usually there's fish in the

1 river all year long and even when we're not fishing we're  
2 cleaning our boats, we're tending our nets, we're smoking  
3 salmon, we're drying salmon or we're eating salmon or we're  
4 talking about salmon.

5 In some way, shape or form we are always doing  
6 something about salmon but provided the really low, low  
7 numbers of the returning runs, we have to cancel our fishing  
8 season and that is incredibly difficult for us. But we  
9 regulate our own fishery right -- the tribal government has  
10 laws that apply to the tribal harvest and the allocation.

11 We have a significant amount of staff biologists  
12 who work to set the allocations and to make sure that our  
13 fishery is sustainable and provided the low numbers over the  
14 last two years we felt we couldn't make a sustainable  
15 harvest and so the Tribal Council had to make a very  
16 difficult decision to close down the fishery and that's what  
17 we did, because that was right to preserve the fishery.

18 Now we will never put a price tag on our fish  
19 ever because they are -- there's no monetary value worth  
20 enough to compensate us for the inability to fish. But what  
21 I will say is that we did apply to the Secretary of Commerce  
22 for a fisheries disaster declaration that was awarded in  
23 2016 and in a part of that process we had to estimate the  
24 amount of the economic loss to the community and our  
25 estimates were just under 30 million dollars and that's just

1 to this little community of Klamath.

2 And in an area where there aren't a lot of  
3 economic opportunities, you can imagine how harmful that is  
4 to everybody here. We also are waiting for a 2017 disaster  
5 declaration as well and we're hoping that the federal  
6 government will step up and do the right thing and offer us  
7 some fisheries disaster relief funding there.

8 One of the hard things about this year was that  
9 in addition to cancelling the commercial fishery we also  
10 cancelled the subsistence fishery and I don't think that  
11 since time memorial there has ever been a year where the  
12 Yurok people did not fish for subsistence purposes before  
13 2017.

14 And that is an important point because it notes  
15 how poor the Klamath River is right now. It is sick. And  
16 our fish can only take so much and the fact that we removed  
17 ourselves and you know, said that blessing to those fish to  
18 let them go up and spawn, you know, that is a very clear  
19 sign again that if we don't change things, if these dams  
20 aren't removed that we are on a path towards extinction and  
21 I think Dave will talk more about that as well.

22 So I think with that I'll hand it over to Dave  
23 and I know that our tribal members will offer more about  
24 their experiences on the river as fishermen, but I wanted to  
25 offer that so that you understand who we are.

1           I think another important point to note is that  
2   we are the only tribe in the whole basin with undisputed  
3   fishing and water rights on the Lower Klamath and our  
4   reservation encompasses the lower 44 miles of the Klamath  
5   Rivers.

6           So when you are talking about the stakeholders,  
7   when you are talking about the legal interests implicated in  
8   dam removal, you're talking about the Yurok Tribe.

9           And let's see -- and that's just important to  
10   note so I hope that this gave you sort of an overall  
11   perspective of what dam removal means to us and the legal  
12   interests that are implicated from our perspective and I'll  
13   hand it over to Dave.

14           MR. HILLEMEIER: Thank you Amy. Before I get  
15   into the PowerPoint I wanted to talk briefly about the  
16   science that's gone into the dam removal process. This has  
17   been going on a long time. I know PacifiCorp -- I think  
18   they filed for their traditional license application before  
19   the settlement discussions began back in the early 2000's --  
20   like 2001 I think is when they applied.

21           I have a picture -- I wish I would have put it in  
22   here of Ronnie Pierce who used to do some work -- remember  
23   Ronnie? Yeah, yeah -- he wasn't a tall person but I have a  
24   picture of her sitting next to the license application that  
25   PacifiCorp filed with FERC back in 2001 and it dwarfs her by



1     about two feet all of these binders stacked on top of each  
2     other.

3             That was just the beginning of the process and  
4     since that time there's been an enormous amount of science  
5     that's been developed in regards to the effects of the dams  
6     upon the resources of the river and the tribe and the people  
7     that depend upon the river's resources as well as the  
8     effects of taking the dams out and what the short-term  
9     impacts are going to be and what the long-term benefits are  
10    expected to be as well.

11            So with that I would just encourage you to rely  
12    heavily upon that science that's already been developed in  
13    particular, in regards to the Secretarial determination and  
14    the wealth of science that was developed largely by the  
15    Department of the Interior and as you are probably aware a  
16    lot of that is readily available on [Klamathrestoration.gov](http://Klamathrestoration.gov).

17            But I think that now that we're 17 plus years --  
18    18 years I guess into this process my hope is that you're on  
19    the downhill slope. You've already got this wealth of  
20    information to base your determination upon so I would just  
21    recommend that you rely heavily upon that. There's  
22    definitely no need to recreate the wheel in regards to the  
23    science associated with the dams on the Klamath River.

24            Okay so we were talking about the recent decline  
25    in Klamath fall Chinook on the Klamath River. I did want to

1 clarify that the number that we had in there for 2017 that  
2 was a projection. We don't really know yet what the actual  
3 escapement was in 2017. Indications are that it is going to  
4 be a little bit better than what was projected but it is  
5 still well below what we need to have a healthy fishery in  
6 the Klamath River.

7           So a large -- well there were several things that  
8 contributed to that decline and this slide just touches upon  
9 the fact that ocean conditions played a part, flows played a  
10 part and also the dams played a part and this presentation  
11 is going to focus more on the role that the dams had in  
12 regards to the decline of the salmon that we had this year  
13 as well as the role that the dams have in regard to the  
14 health of all of the tribal fisheries.

15           And for the Weitchpec folks we are on a slide  
16 right now where the title says "Extremely high sea Shasta,  
17 et cetera." So what this shows is that in 2014 and 2015 we  
18 had extremely high incidence of infection of *Ceratomyxa*  
19 shasta, the juvenile Chinook in the Klamath River.

20           In 2014, 81% of the hundreds of juvenile Chinook  
21 that were samples for the presence of *C. shasta*, 81% of them  
22 were infected with it. In 2015, 91% of the juvenile Chinook  
23 that were headed down the river were infected with the  
24 disease *Ceratomyxa shasta*. It doesn't necessarily mean that  
25 all of those fish died, but it does mean that a bunch of

1 fish died and most of those fish the pathologists believe --  
2 especially given that a lot of the sampling takes place in  
3 the Upper River so they were still infected with it for  
4 weeks before they hit the ocean.

5 The pathologists believe that most of those fish  
6 would have perished because of being infected by that  
7 disease. So a little bit about the Ceranova shasta -- when  
8 the -- where do we start here?

9 Well initially we'll start with the worms. These  
10 are called polychaete worms and I lost my pointer but at the  
11 upper end of the figure there is a little worm. It's about  
12 2 to 3 millimeters long and it's called a polychaete worm.

13 And the little parasite -- the Ceranova shasta  
14 parasite infects those worms. And in the springtime when  
15 the juvenile fry salmon are out rearing and migrating down  
16 to the ocean, the worms release what are called actinospores  
17 which is the live stage of that parasite.

18 And those actinospores then infect -- they're  
19 ingested by the little juvenile fish and they cause an  
20 inflammation in their stomach which causes them to die.

21 And so that is the life cycle of C shasta but  
22 then when the -- I probably should have started with the  
23 adults coming up but the way that those worms get infected  
24 is by the adults. When the adults spawn and die and the  
25 carcasses rot in the river they release what are called

1 myxosporeas that then float down and infect those little  
2 polychaete worms.

3           So I'm going to talk a little bit more about the  
4 polychaete worms because they are a really critical part of  
5 the C shasta lifecycle. In this picture off to the right is  
6 right there -- those are polychaete worms. That's a big  
7 boulder -- that's about a meter size boulder and that's a  
8 cluster of gazillions of polychaete worms that have  
9 colonized that boulder.

10           And so there are several things that can minimize  
11 the abundance of the polychaete worms in the Klamath River  
12 -- one of them is flows and this shows that flows since the  
13 2000's have been reduced and we have not had the scouring  
14 flows that we had in decades before that.

15           What this is, is a slow duration curve for the  
16 number of days in a year that we had flows over certain  
17 levels and the blue portions of the lines are flows over  
18 6,000 CFS. The red portions in the line are those over  
19 10,000 CFS. So as you can see we've had reduced flows since  
20 2000 which we think has contributed to the prevalence of the  
21 polychaete worms which have contributed to the prevalence of  
22 the C shasta.

23           But it's not just flows that affect these  
24 polychaete worms and here's a picture that shows the affect  
25 that flows can have. On the left-hand side is this rock

1     that had all these polychaete worms living on it. In 2016  
2     after we had a pretty good flow you can see that those  
3     polychaete worms have been scoured off of it. So that's  
4     pretty much all flow related.

5             But another thing that is really important to  
6     minimize these polychaete worms is the ability to move the  
7     rocks around that the polychaete worms are living on and  
8     that has to do with the size of the rocks that are in the  
9     Klamath River.

10            And one things that the dams have done and the  
11     reservoirs behind the dams have done -- when you have all  
12     the sediments flowing downstream, they settle out when they  
13     hit those reservoirs -- they don't pass downstream over the  
14     dams.

15            So what that results in is a Klamath River bed  
16     that has much larger rocks than there would be if we had a  
17     natural sediment regime going through the river and so that  
18     makes it so you only have these big boulders.

19            They don't get tumbled over as easily as say a  
20     fist-sized cobble would or even smaller substrate that the  
21     polychaetes would be growing on otherwise. So if we had a  
22     more natural sediment budget that was not being trapped by  
23     the dams we wouldn't have this large substrate and life for  
24     the polychaete worms would be much more miserable -- not to  
25     mention they'd be getting sandblasted during all the high

1 flow events and things like that.

2 Furthermore, another way that the dams and their  
3 reservoirs can affect the high juvenile disease rates that  
4 we've been experiencing in the Klamath River is in regard to  
5 the toxic algae blooms that we see in those reservoirs every  
6 year. The algae grow -- the algae dies and then the algae  
7 floats downstream and that is food for the polychaete worms.

8

9 So not only are we providing a really nice home  
10 for them to live on but we're feeding them as well with all  
11 of the algae that is coming downstream from the dams.  
12 Another way that the dams affect the juvenile disease rates  
13 that we have in the Klamath River is with Iron Gate  
14 Hatchery.

15 As you're probably aware Iron Gate Hatchery is a  
16 mitigation hatchery for the lost habitat between Iron Gate  
17 Dam and Copco Dam. It was put there in the early 1960's.  
18 What happens and you can see a picture of the Iron Gate Dam  
19 and the hatchery is right below it on the right-hand side of  
20 the slide up there.

21 And what happened -- often times you'll have  
22 thousands if not tens of thousands of adult Chinook  
23 returning to the hatchery each year which is mitigation for  
24 the dams being there and then they die and you have really  
25 high concentrations of carcasses within a fairly short

1 reach.

2           And these carcasses we talked about early about  
3 the lifecycle of C shasta as they rot if they have been  
4 infected with the myxospores they then release these  
5 myxospores you can have hot spots which is where we've had  
6 some of the highest incidence of C shasta has been not too  
7 far below Iron Gate Dam.

8           And actually there have been centennial stage  
9 where they have taken fish out to see if they get infected  
10 below Iron Gate Dam and if they get infected above Iron Gate  
11 Dam and there's been 100% survival of fish above Iron Gate  
12 Dam and almost 100% mortality of fish from C shasta that  
13 were held in the water for three days below Iron Gate Dam  
14 and then taken back to the lab to see how long they live.

15           So -- and then another way that the hatchery can  
16 affect the juvenile disease rates in the river is that often  
17 times the hatchery fish -- they're not up to size to be  
18 released when the natural fish migrate downstream which is  
19 typically April and May through middle part of May -- so  
20 oftentimes the hatchery fish are not released until early  
21 June to mid-June and that coincides with the water quality  
22 getting extremely warm in the Klamath River and also when  
23 the C shasta infection rates in the river are becoming  
24 elevated.

25           So often times these hatchery fish are getting

1 infected at a higher rate than the natural fish would have  
2 and this infection of these juvenile fish -- they then die  
3 in the river. They release myxospores, they go infect the  
4 polychaetes and it's been speculated that that's how the  
5 adults then may get re-infected when they come back out  
6 because then those polychaetes by about October or November  
7 are releasing those little actinospores that are infecting  
8 the adults as they return to spawn so they're perpetuating  
9 this cycle of C shasta disease.

10           So that's it in regards to the effects of the  
11 dams. There may be other effects from the dams in regards  
12 to disease issues but that's my understanding of how the  
13 dams are affecting the disease in the Klamath River for  
14 juveniles anyway.

15           Now I wanted to talk a little bit about the  
16 benefits to the fishery -- to the tribe's fishery from  
17 removing the dams. Okay so Iron Gate Dam -- actually Amy  
18 touched upon this but Iron Gate Dam is located right there  
19 and as you can see there's an enormous amount of historic  
20 habitat upstream of there -- over 420 miles of historic  
21 anadromous habitat that was totally cut-off in about 1917  
22 or 1918 whenever the first dam was put in place.

23           So needless to say taking those dams out and  
24 providing volitional fish passage is going to be a huge  
25 benefit to the resource, especially important for spring



1 Chinook that are doing really poorly in the Lower Klamath  
2 River.

3           Some of the largest spring Chinook populations  
4 historically were above the dams on the Klamath River.  
5 Another place that a lot of the spring Chinook used to  
6 inhabit on the Klamath River was above the Trinity dams  
7 which is over here and there's also no fish passage at  
8 Trinity dam, so we lost two of our huge populations for  
9 spring Chinook.

10           And the remnant populations which are the Salmon  
11 River which is right there and the southward Trinity River  
12 which is right there -- they're a fraction of their  
13 historical abundance. So being able to provide access for  
14 spring Chinook to the Upper Klamath Basin that contains a  
15 lot of thermal refugia -- which is really important for this  
16 species that stays in the river throughout the summer months  
17 and needs to have adequate temperatures to be able to do  
18 that.

19           I'm going to talk a little bit more about that  
20 soon. So it's really important for spring Chinook not to  
21 mention the benefits that will be there for fall Chinook,  
22 Coho salmon and Steelhead and of course expanding this range  
23 it increases the spatial and the life history diversity of  
24 these species as well as the abundance of the species.

25           And all three of those are the primary factors

1     that are considered say when NYMPS is doing some sort of  
2     viability analysis to figure out whether or not a population  
3     is facing extinction or should be listed on the Endangered  
4     Species Act.

5             The spatial diversity, the life history diversity  
6     and abundance are the key factors that they consider and  
7     taking these dams out would address all of those -- not to  
8     mention the staff on the lower left-hand sides -- that's  
9     from the Secretarial determination -- some of the science  
10    that they conducted.

11            And it shows the increase in tribal harvest that  
12    can be expected which could be for fall Chinook we're  
13    expecting an average or median increase of about 55% and  
14    the production of fall Chinook is expected to increase by  
15    81% for the modeling that was done for the Secretarial  
16    determination.

17            And these graphs -- the graph on the left was  
18    taken from some of their work. This is something that Mike  
19    Belchak, a colleague of ours who is on vacation right now or  
20    he'd be here, had put together in regards to thermal refugia  
21    and so the blue circles that you see there -- these are  
22    areas of thermal refugia that are above the dams.

23            You have the Wood River Basin, the Williamson  
24    River Basin, the Sprague River Basin and then below J.C.  
25    Boyle there's about 220 cubic feet per second of cold water

1     that inputs the stream right there from the Sprague as well  
2     as the Shasta and you have the Trinity Alps -- Trinity Alps  
3     right here, the Shasta River, all above Trinity Lake, above  
4     the dams on the Trinity, the south floor of Trinity and then  
5     the Lower Klamath because of the marine influx.

6             When you put it -- when Iron Gate Dam was put in  
7     place, all of that refuge which is quite abundant in the  
8     Upper Klamath -- the analogous fish lost access to it.

9             And then with climate change some of the  
10    predictions for climate change is that our influence of cold  
11    water refuge from the wilderness areas from the snow pack is  
12    going to be diminished substantially which really magnifies  
13    the importance of other thermal refugia areas.

14            And so it just ends up -- so if we were to get  
15    these dams out we would at least once again have the refuge  
16    that is not so much snow-packed drive, although there is  
17    some snow pack influence of course in the Upper Klamath but  
18    there's a lot of groundwater influence -- a lot of volcanic  
19    geology up there, both in the Upper Klamath as well as in  
20    the Shasta that will provide cold water once again.

21            So the Klamath River dams -- because you have  
22    these large bodies of water -- the reservoirs that sit there  
23    and they have thermal inertia which means once the  
24    atmospheric air temperature starts to change, there's a  
25    substantial lag before the water temperature within the

1 reservoir starts to change.

2           So what that has resulted in is in the fall time  
3 in particular the reservoirs get very hot in the summertime  
4 and then they cool down much slower than a natural flowing  
5 river would. And what that has really done is made it so  
6 you have these elevated water temperatures up to about 4  
7 degree centigrade higher in some of the fall times  
8 downstream of the dams than we would have had historically.

9           And those higher water temperatures are not  
10 tolerable for fall Chinook to hopefully be able to spawn and  
11 have healthy success with their eggs -- it's just those  
12 temperatures eggs cannot be spawned and hatched in those  
13 warmer water temperatures.

14           So what it's really done is it's truncated the  
15 fall Chinook run. Historically before the dams the fall  
16 Chinook probably started to enter the Lower Klamath River  
17 more in mid-July and even into early August and now the peak  
18 of the run is more toward the second to third to fourth week  
19 of August so it's really chopped off a couple of weeks of  
20 the run.

21           And some have speculated that that may be one  
22 reason that we had the fish kill back in 2002 is that you  
23 have the Klamath fish and the Trinity fish which typically  
24 enter the river later than Klamath side fish -- now they're  
25 much more on top of each other so you have higher densities

1 of fish in the Lower Klamath which can lead to the  
2 conditions that caused the fish kill of 2002.

3 So we feel that removing the dams and allowing  
4 the fish to go through natural selection to start to expand  
5 their migration timing will be a substantial benefit  
6 allowing them to get to the Upper Klamath earlier.

7 Also you have the same thing -- I don't have a  
8 graph in regards to the springtime months but you have the  
9 same thing in the springtime when the river stays cooler  
10 because of the coolness of the reservoir and it doesn't warm  
11 up as fast as the free-flowing river would and that affects  
12 the growth of the juvenile salmon which also affects the  
13 time that they head out to the ocean.

14 They do not smolt and head to the ocean as early  
15 as they would if the dams weren't there and the river were  
16 warming sooner and that makes them much more vulnerable to  
17 the C shasta disease because typically we see the disease  
18 rates becoming more elevated as we get through May and start  
19 to enter into June.

20 So just a quick summary of the benefits from  
21 access to the historic habitat -- one, it's the 420 miles  
22 that would once again be available to the analogous fish --  
23 all of the thermal refugia that exists in the Upper Basin  
24 would be extremely beneficial, especially for the spring run  
25 Chinook but also for Coho salmon, especially below Upper

1 Klamath Lake there's some good Coho habitat there and the  
2 cold springs that are in the Klamath River and that area  
3 would be very beneficial for the ESA listed Coho salmon as  
4 well.

5           The improvement to the viability of all of the  
6 populations because the increased spatial and life history  
7 diversity and their abundance and just as we noted the  
8 increased productivity by 81% and then the lack of the  
9 thermal inertia from the reservoirs would let the fish once  
10 again experience the temperatures that they have evolved  
11 with over thousands of years.

12           With that I'm going to hand it over to Louisa.

13           MS. MCCOVEY: Thank you Dave. So as these guys  
14 have mentioned before I'm the Environmental Director but  
15 also Yurok Tribal member so I'm going to talk a little bit  
16 today about water quality impacts and public health impacts  
17 that the dams have created as well as I guess give us some  
18 tribal member perspective.

19           So much of the environmental program has been  
20 collecting water quality data on the Klamath River for about  
21 17 years. Some of the major parameters that we collect --  
22 water quality parameters that we collect are toxic algae  
23 including microcystin, temperature, dissolved oxygen and PH.

24

25           And we've had USE EPA approved water quality

1 assurance planned and sampling analysis planned for about 15  
2 years so it sort of gives us a way to collect legally  
3 defensible data and do that in a way that's standardize --  
4 through standardized methods, USGS and EPA standardized  
5 methods, next slide.

6           So some of the water quality impacts from dams  
7 that we've seen they're -- it's long been held by tribes and  
8 other organizations collecting data on the Klamath River  
9 that you know dams have negatively affected temperature, DO,  
10 and PH in the Middle and Lower Klamath River as a direct  
11 result of dams.

12           Nitrogen and phosphorous concentrations in the  
13 basin substantially decreased between Iron Gate and the  
14 Klamath River estuary. The removal of these dams could help  
15 reduce the lifetime of these sediments in the Klamath River  
16 and possibly reduce the overall concentrations in the  
17 watershed.

18           And getting to Dave's point earlier this could  
19 help with the sediment budget and armoring that's happening  
20 because of that imbalance and help with the fish disease.  
21 So that brings me to the public health impacts that the  
22 Yurok Tribe experiences from toxic algae blooms.

23           So there is some major stratification that's  
24 happening as a result of the dams. So water falling behind  
25 the dams mix the nutrients inputs upriver from the dams

1 create conditions that are favorable for these blooms and so  
2 they're basically creating this stuff on the river --  
3 unnatural stuff and you know, creating a cesspool and  
4 perfect conditions for these blooms to proliferate which  
5 create an urgent public health need for dam removal for  
6 Yurok tribal members.

7           So we've been experiencing the detrimental  
8 effects from these cyanobacterial blooms for the entire  
9 length of our river from Weitchpec at the inception of our  
10 reservation up river all the way down to the estuary which  
11 also means that the entire river has been affected by these  
12 blooms.

13           And they have been linked to reservoir water  
14 conditions behind the dams. They have put highly exposed  
15 Yurok tribal members at risk -- public health risk. They  
16 have generated disproportionate negative impacts -- health  
17 impacts and created a serious environmental justice issue.

18           So this back here what we're looking at is the  
19 microcystin data that we've collected since 2009 and you can  
20 see there's a red dash line down there toward the bottom and  
21 that's the public health threshold for recreational use.

22           And so you can see over the years that on average  
23 for a 10 week duration we are exceeding that public health  
24 threshold in micrograms per liter.

25           And I think another important point about this



1 slide is that the timing of the toxic algae blooms also  
2 happens to coincide with the tribe's use of the water. It's  
3 the same exact time that we're you know, practicing our  
4 ceremonies, we're using the river for fishing, we're in the  
5 river all the time at the same exact time that there are  
6 these toxic blooms happening.

7           So last year we had a record high amount of toxic  
8 algae in the Klamath River. You can see over the years that  
9 it has consistently exceeded the threshold and last year in  
10 2017 it got up to 30 micrograms per liter which is way off  
11 the charts and posing an incredible public health risk to  
12 our tribal members.

13           So a way that this is sort of an environmental  
14 justice issue is our tribal members have unique exposure  
15 pathways because we are a living, breathing culture. We're  
16 here -- we're practicing our way of live every single day.

17           And so some of those pathways include dermal  
18 absorption through commercial fishing, cultural  
19 practitioners you know, during basket collection for the  
20 materials. They are submerging their arms and legs into the  
21 water and coming in contact with the water.

22           There was a picture down there on the far right  
23 of some folks actually in the water. A lot of the materials  
24 are plants that grow right next to the river and so you have  
25 to get into the river physically to collect these species.

1           And also dermal absorption during ceremonies for  
2   maybe ritual bathing or water collection. Also general  
3   recreational use -- and accidentally falling in the river --  
4   so the second unique pathway is ingestion -- and so this  
5   happens through eating subsistence and traditional foods  
6   like freshwater mussels, there could be some ingestion on  
7   the salmon that we eat, lamprey, sturgeon, whatever fish  
8   that we're harvesting or species that are harvesting from  
9   the river could actually be making it into our bodies.

10           And so microcystin is a liver toxin and so there  
11   are potential impacts from that. So the third and final  
12   pathway is inhalation could potentially be coming from the  
13   aerosolization of water through jet boat motors and jet ski  
14   motors and so folks are out there on the river breathing  
15   that in and ingesting it into their bodies.

16           So we as Yurok people believe the river is a  
17   living, breathing being and right now as the Chairman and  
18   Amy said our river is sick. And there's just something  
19   inherently wrong with that and it inhibits our way of life  
20   and our ability to I guess be Yurok.

21           Every year there comes a point in the hot summer  
22   months where my program has to go out and post fliers around  
23   the community and tell tribal members that it's unsafe to  
24   come in contact with the river.

25           We utilize the river in the same way that our

1     ancestors did. We hunt fish down where we live on the  
2     Klamath River every single day of our lives and so our  
3     exposure rates to the toxic algae that's present in the  
4     river and the impacts that are felt from degraded and poor  
5     water quality are unique and far greater than the general  
6     public.

7                     And this is creating a major environmental  
8     injustice issue that has one solution and that solution is  
9     the decommissioning of the dams, Copco 1, Copco 2, Iron Gate  
10    and J.C. Boyle. So if that as Amy mentioned earlier we are  
11    confident in the KRRC's ability to accept the transfer of  
12    the license and successfully complete the decommissioning.

13                    We strongly urge you as the federal entity that's  
14    overseeing this process to take part in this monumental  
15    river restoration and help to heal our sick river. Thank  
16    you.

17                    MS. CORDALIS: Thank you Louisa. I just wanted  
18    to add that I think what I saw come through is the point  
19    that we are still a living and breathing culture and our  
20    very much traditional way of fishing and we're at a juncture  
21    now where if we don't change the way that the river is being  
22    managed we're going to lose those fish.

23                    And I'd like to -- I don't like to but I think  
24    there's an analogy to be made here with the Sioux people and  
25    how they lost the buffalo in the 1800's and how the loss of

1     that buffalo really ended that Sioux way of life.

2                 We are at a junction now you know, 200 years  
3     later where if we lose these salmon in this river we will  
4     also lose our way of life and that is a huge loss to not  
5     only everyone in this room and our entire tribe but to the  
6     nation, right and to the whole -- you know, humanity and I  
7     would like to think that at this day and age and with how  
8     much we have progressed that the United States values  
9     native cultures sufficiently.

10                They value, and we as a nation value our public  
11    natural resources sufficiently to take actions to preserve  
12    them and that's why the dams need to come out.

13                So I want to offer Javier Kenney an opportunity  
14    to speak and then we'll close the tribal portion oh and  
15    Chairman.

16                CHAIRMAN O'ROURKE: I do have something to share  
17    with you and it's very short but very brief and very true  
18    and but if you heard of the story of the Yellowstone -- you  
19    know the wolf and the Yellowstone.

20                So in the Yellowstone park long ago there was a  
21    wolf problem you know until they put a bounty on them on the  
22    wolf's back there, the gray wolf, and they hunted the wolves  
23    near extinction, you know, and what was left they ran out so  
24    you didn't see wolves very often in Yellowstone if at all.

25                Until not long after the wolves left you know,

1     they started having water problems, you know -- wetlands  
2     drying out, you know and so they started to track the reason  
3     why these wetlands dried up.

4             And they noticed there was no more beavers, you  
5     know and so they couldn't figure out, you know, what's going  
6     on here -- no more wolves, no more beavers and our fields  
7     are drying up, what was our dam water problem.

8             And so after an individual that thought about it  
9     and a person with vision you know, he seemed to answer. And  
10    what caused the problem as when they hunted the wolf to near  
11    extinction and ran directed them out that the elk which is  
12    the wolf -- the wolf is the elk's only predator back then  
13    outside of man, you know, and so without the predators  
14    around them, they stayed and overgrazed our lands too much.

15            And one of their favorite foods was the willow  
16    sprig that grows along the springs there. It's the willow  
17    trees that the beaver makes his dams out of so when the wolf  
18    was gone, the elk overgrazed, there was no more home for the  
19    beaver so the beaver moved out.

20            When the beaver moved out there was no more dams  
21    to supply the wetland with the waters to back the waters up  
22    to make the wetland and so it caused havoc across the whole  
23    land. So very much the same when we start to disrupt  
24    nature, you know -- that nature's way of life or fixing  
25    things or taking care of things without truly understanding

1 all that it does.

2 The eco-system is the web of life.  
3 Everything is connected to something that drives something  
4 else and when you upset that balance, you cut one thread in  
5 my shirt you know it doesn't seem like much when you pull a  
6 thread and watch what happens in a couple of years where you  
7 pulled that thread.

8 You know pretty soon you have to get a new shirt  
9 because that one is not looking too good or it's starting to  
10 fall apart. So very much an example of what it is and to  
11 understand what it is that we do and to go back and to fix  
12 these things first somebody has to understand them.

13 But right now the first thing that we need to do  
14 is quit unraveling it, you know, and that's where we're at.  
15 And so mankind depends upon water. They depend upon our  
16 eco-system you know, nature and so when we disrupt it we  
17 have to be very careful or we end up with what they call  
18 climate change. So thank you, Javier.

19 MR. KINNEY: Again good morning and we want to  
20 welcome you to not only the Yurok Reservation but Yurok  
21 country. My name is Javier Kinney, I'm a tribal member and  
22 the Director of the Office of Self Governance for the Yurok  
23 Tribe. The spelling of my name is J-a-v-i-e-r K-i-n-n-e-y,  
24 from the villages of Wedgepouce, Pectaw.

25 We just wanted to share a few things as well

1     during your time here. The Yurok people are a water, fish,  
2     natural resource and prayer people.

3                     I wanted to share three things with  
4     you today as well in regards to the train of governance of  
5     including indigenous knowledge and technical expertise, the  
6     importance of recognizing and implementing Yurok Tribal  
7     decision-making and thirdly, the implementation of Yurok  
8     knowledge in these proceedings as we move forward toward dam  
9     removal.

10                    The Yurok Tribe strongly supports the application  
11     of the Klamath River Renewal Corporation to transfer the  
12     hydroelectric license from PacifiCorp to the Klamath River  
13     Renewal Corporation.

14                    The Yurok Tribe strongly supports the Klamath  
15     River Renewal Corporation application for license surrender  
16     and dam removal in 2020. As explained earlier, the  
17     technical expertise, the cultural knowledge and the  
18     governmental leadership of the Yurok Tribe is key and  
19     critical to all decisions made on the Klamath Basin.

20                    As has been expressed before, dam removal in many  
21     conversations and discussions and federal government  
22     decisions did not include the Yurok Tribe. Energy policy  
23     and infrastructure development also excluded not only the  
24     Yurok Tribe's indigenous knowledge but cultural importance  
25     of we're still here -- we will always be here.

1           So our recommendation and the technical expertise  
2   of not only Yurok Tribal members as well as scientific  
3   biologists, hydrologists and other technical staff should be  
4   very carefully and intricate to all of these proceedings.

5           The Yurok Tribal decision-making is also critical  
6   as you see the trend of excluding indigenous knowledge is no  
7   longer evident or comparable to the historic exclusion of  
8   those types of insights.

9           The implementation of Yurok knowledge in dam  
10  removal is going to continue not only for the current  
11  project of the dams coming out in 2020, but our  
12  grandchildren's grandchildren to also work together in a  
13  very critical and cooperative way that recognizes not only  
14  the benefit to the Yurok people and communities and  
15  resources but the protection of the region as a whole.

16          So with that we'd like to again thank you for  
17  coming to the Yurok Reservation. We'd like to welcome more  
18  cooperation on the governmental level as well as share with  
19  your colleagues the importance of coming out to tribal lands  
20  and seeing for yourself, getting on the river and locating  
21  the importance of the cultural prayers, the ceremonies, the  
22  White Deer Skin Dance, the Brush Dance, the Jump Dance,  
23  because those prayers are not just for us but for all of  
24  mankind, thank you.

25  CHAIRMAN O'ROURKE: You know so we're getting pretty close



1 to lunch time. I think that we have like four or five  
2 minutes. We'll give this time to get up and to stretch and  
3 to do whatever it is that we do when we stand up, you know.  
4 So let's get ready to break for lunch. I don't know where  
5 lunch is but I'm sure that it will be here soon if it is not  
6 here already. How long are we going to need for lunch -- an  
7 hour? So we'll break for an hour. (Whereupon a lunch  
8 recess was taken to reconvene later this same day.)

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14 A F T E R N O O N S E S S I O N

15 MR. GENSAW, SR: The chair is behind here and he  
16 said to get things started so I guess we can get things  
17 going.

18 MS. SANDERS: Great. So welcome back everyone my  
19 name is Cheyenne Sanders I work for the Office of Tribal  
20 Attorney and I'm a tribal member. I'm going to be helping  
21 facilitate public comment this afternoon.

22 Just as a refresher we do have our ground rules  
23 listed on the back of one of the handouts that you received  
24 at the front desk. I have a list of everyone's name who  
25 checked the "Yes" they would like to submit a comment box at

1 the front desk.

2 I'm going to read those names aloud in the order  
3 that they will be called. If you do not hear your name or  
4 you would like to be added, please reach out to Mya who is  
5 sitting at the front desk and you will be added to the list.

6 Just as a reminder we're planning on starting  
7 comments in Klamath now and then we will be switching over  
8 to the Weitchpec Office at 2 and then after the conclusion  
9 of the Weitchpec comments we'll come back to Klamath.

10 If I call your name and you're not present I'll  
11 just go ahead and keep you on and return to you at the  
12 conclusion of the list that I have. I'm going to read the  
13 names now. The first -- again in order that they will be  
14 called, Gino O'Rourke, Mel Brooks, Jacque Mattz, Victor  
15 Knight, Frank Eisele, Susan Masten, Levina Bowers, George  
16 Gensaw, Toni Peters, Bessie Shortee, Shelly Shahawmin,  
17 Alison McCovey, Joe Hausler, Lucinda Myers, Oscar Gensaw,  
18 III, Franklie Myers, Laura Woods, Micah Gibson and Rich  
19 Nelson.

20 Again, if you'd like to give comments and didn't  
21 hear your name please speak with Mya. We're going to do  
22 three minute comments. I'm going to have the clock up behind  
23 and it will ding at the conclusion of your three minutes.  
24 Please wrap up your comments at that time.

25 I'd like to invite Gino O'Rourke. The comments

1 will be given right here in this chair so if you would like  
2 to come forward and Mel Brooks is on deck. Mel if you would  
3 like to come a little closer and we'll go through comments  
4 that way.

5 Are there any questions that I can answer right  
6 now about the public comments?

7 UNIDENTIFIED SPEAKER: Off mic question.

8 MS. SANDERS: So it's not necessary, thank you  
9 for asking. Any other questions or comments at this time?

10 MR. O'ROURKE: Is that necessary clarification?

11 MS. SANDERS: It is not necessary. I have them  
12 written down. Again, if you did not hear your name please  
13 make sure that you check in with Mya and we'll confirm the  
14 spelling for the court reporter at that time.

15 So I'm going to let Gino get started, thank you  
16 all.

17 MR. O'ROURKE: Hello, I just want to thank you  
18 for coming again. Gino O'Rourke, Yurok Tribal member from  
19 the Weitchpec area -- Weitchpec District.

20 I just want to start off saying I fully support  
21 the removal of the dams. A large part was because of the  
22 health of the fishery is -- the fish is really important to  
23 Yurok people. You know it just gives us sustenance to  
24 survive, also it helps us to connect to our culture and  
25 connect to our land in spiritualness.

1           The Yurok spirituality is all connected together  
2   and I just want to say that some of my favorite times and my  
3   most memorable times have been out on this river fishing  
4   with my friends and family so it does bring us to this  
5   connection -- all the way to back when the old times.

6           It's there -- it's not only just for the fish but  
7   also for the health of the river. Like if I want to get a  
8   kayak and just go kayaking on the river but by the time it  
9   gets late months that's the way -- we get warnings that the  
10  river is not even safe to touch, you know, don't even go so  
11  close to it.

12          And so that's not good. I don't swim in the  
13  river, I get hot I'll go swim in the creek because how dirty  
14  they said the river is. My brother was down there fishing  
15  one time and he had an open cut and then he got staph in his  
16  hand just from keeping that hand in the river.

17          And through all the science and everything that  
18  we heard today I don't really see the purpose of keeping the  
19  dams in. It seems like it's more beneficial -- there's a  
20  lot more benefits of taking it out than leaving them in,  
21  that's what I have to say, thank you.

22          MS. SANDERS: Thank you Gino, I'd like just to  
23  confirm for the record that Gino is a Yurok Tribal member  
24  from the Weitchpec District. Next up we have Mel Brooks, a  
25  Yurok Tribal member from the North District and on deck we

1 have Mr. Jack Mattz.

2 CHAIRMAN O'ROURKE: Tribal elder.

3 MR. BROOKS: Wait a minute now, oh there you go.

4 Good afternoon, my name is Mel Brooks, M-e-l B-r-o-o-k-s,

5 Yurok Tribal member. I was raised at the mouth of the

6 Klamath River here.

7 The first year that I can remember gill netting

8 was when I was 5. My dad was sick and my mother and I went

9 down in the springtime and fished. Well we had those ugly

10 nests back in those days and it was just a little throw net

11 which was heavier than -- four or five times heavier than

12 the nets now and it was only about 20 foot long.

13 But we'd catch fish because there's a lot of fish

14 that come up here for that. What I'd like to say is that I

15 heard all the comments made by the esteemed panel and

16 esteemed tribal share but 1978 we had a big fish kill up at

17 Iron Gate -- I think it was '78 or '79.

18 What they did they had one of them -- biologist

19 at that time was U.S. Fish and Wildlife Services and they

20 didn't know their you know what's from their you know

21 what's. But what happened is that there was a guy named

22 Gallagher who worked for and he was a layman -- he worked

23 for Cal Fish and Game and he worked at the dams. He'd come

24 down and try to get little, little hatcheries on the

25 tributaries and things like that.

1                   And so up at Iron Gate they had one of the  
2   biggest returns that they had for years -- they had 8,000  
3   fish up there.   They hatched them out and low water. The  
4   water got too warm -- there was worry about that time to  
5   whatever size -- fingerlings I guess and they all started  
6   getting the hatchery gill disease.

7                   So they had massive burials up there. And then,  
8   subsequent to that or after they started trucking fish down  
9   from Iron Gate down to the grand -- different places and  
10  dropped them off. But that's like feeding -- they'll stay  
11  around for three or four days and they're just feeding the  
12  birds really.

13                  There might be some that survived which would be  
14  good but we didn't really have good, reliable fishery data  
15  back in those days and the U.S. Fish and Wildlife Service  
16  they were more or less lay people too.

17                  We hired people or they did -- they hired people  
18  that could do the paperwork but didn't do really good  
19  investigations. We got biologists that didn't do good  
20  investigations because they just came out of college --  
21  probably Humboldt State or some place.

22                  We had to tell them that felines eat salmon and  
23  they didn't know that which is kind of far-fetched -- I  
24  don't know what they went to biology school for. I have got  
25  to tell you one thing about -- oh, oh, my twin brother is

1 going to be here so can I finish -- can my twin brother  
2 finish was I was starting. So that's it -- oh, alright.

3 CHAIRMAN O'ROURKE: You get an elder minute.

4 MR. BROOKS: Back in -- oh the '70's, the  
5 biologist -- I mean the anthropologists at that time were  
6 being taught that Indians of the Pacific Northwest were  
7 lucky to live, reside around water systems because it was  
8 plentiful of animals, plentiful of fish, plentiful of ocean  
9 -- for us, of clams and stuff like that.

10 Well you know that's not too far gone. That's  
11 not too far back. That's one of the problems with when the  
12 dams were started they didn't talk to us because it was  
13 stupid. They didn't have to talk to us because at that time  
14 when the commercial fishery started here years ago,  
15 California -- they're the ones that issued the permits  
16 because a guy wanted to build a carry down here and a  
17 couple of carries.

18 But what they did was they opened up a commercial  
19 fishery here and on the other systems -- Sacramento and the  
20 Eel. Now Smith River also had a fishery that, you know,  
21 they never asked anybody down here.

22 We were happy and I know my dad said he was happy  
23 to get to fish and sell his fish even though it was a nickel  
24 a pound. It was still a good deal because there's no money  
25 floating around. Everybody had enough to eat and things

1 basically but they didn't have any money for buying extra  
2 things like shoes and clothes and things like that, you  
3 know, on a regular basis because there just wasn't that much  
4 money floating around and Indians weren't getting their fair  
5 share of the jobs.

6 And then the logging industry kind of eliminated  
7 that. It just went whole hog -- but you know, we don't have  
8 those options anymore. All we have is our system. They  
9 always said that the river was the lifeline of the Yurok  
10 people.

11 Now I don't know, I don't know what we're going  
12 to do if our lifeline is severed at the neck because our  
13 head can keep on talking I guess but we can't feed our  
14 bodies -- that's not what it is.

15 I think I better let you guys -- they only gave  
16 me three minutes, plus, thank you.

17 MS. SANDERS: Thank you, Jack Mattz is up next  
18 followed by Victor Knight.

19 MR. MATTZ: Good afternoon everybody, Council.  
20 I have been part of the river my whole life. My family  
21 comes from Requa, my grandmother grew up down there -- all  
22 my relations have actually. I learned how to swim in this  
23 river when I was just a little kid 7 years old being able to  
24 swim across the river.

25 Nowadays I won't even touch it because of the



1 diseases that come down it. Dam removal has to happen. It  
2 is a very important part to get our river back to where it  
3 used to be. Right now 55% of the water that used to come  
4 down that river goes somewhere else. That means we're only  
5 getting 45%.

6 And I see where the state of California is  
7 wanting to take more out of the Trinity and sent it down  
8 there to the farmers. They're saying it's not going to the  
9 farmers -- they're trying to say it's going to the  
10 communities down there but we know where it's going.

11 I am all for dam removal. I hope you people turn  
12 the licenses over. The main company itself has already said  
13 that they don't want the dams anymore they want to turn the  
14 licenses over to you so you can turn them over to the dam  
15 removal company.

16 I have met all of those people that we have  
17 appointed on to that dam removal company. They're all a  
18 very bunch of wise, smart people and every one of them are  
19 for dam removal and just listen to them and listen to  
20 everybody here and do the right thing, thank you.

21 MS. SANDERS: Thank you Jack, next up is Victor  
22 Knight followed by Frank Eisele.

23 MR. KNIGHT: My name is Victor Knight, I'm from  
24 Weitchpec. I would like to thank the Council and the  
25 Commission for being here. One of the things that I would

1     like to talk about is the dam removal as far as the Yurok  
2     Tribe and tribal members having to take part in it.

3             I own a corporation -- an S corp in the state of  
4     California. I have different contacts. I would like to,  
5     you know, get in on the actual hands on on doing this. I  
6     believe that it's an economic stimulus for our tribal  
7     members to be part of this and to build a relationship with  
8     the Commission and employ some people on this project, thank  
9     you.

10            MS. SANDERS: Thank you Victor, next we have  
11     Frank Eisele followed by Susan Master.

12            MR. EISELE: My name is Frank Eisele, Frank I. L.  
13     Eisele, Yurok member elder. I've been involved with the  
14     fisheries down there about 30 years. Dave Hillemeier gave  
15     me a lot of information much dam work on tribal program  
16     fisheries.

17            And I represent Oregon fisheries up in Oregon.  
18     We come down every summer on the mouth of the Klamath. And  
19     every year I watch the river get sicker and sicker, sicker.  
20     In my -- it's spiritual, it affects the whole tribe. It's  
21     just not our tribe -- it's the whole west coast.

22            Every tribe I talk to that's on that river has  
23     the same issues, you know. Water is the most important  
24     factor in survival. I don't know much about our tribe  
25     because I was raised in Oregon. I lived on the Klamath six

1 months a year for five - six years 20 years ago so I watched  
2 this river get sick.

3 And then in 2000 it really got sick and it's --  
4 dam removal is the answer. So I have to depend on our  
5 Council and our fisheries and people like you to fix it, you  
6 know. We have great traditions in our stories of our  
7 heritage that we live in a different time, you know, and our  
8 generation did all the damage but we can fix it.

9 Like I said spiritually is my goal as I pray on  
10 that river, I pray on that the last five-six years heavily.  
11 But then again I have to apologize to our holy people that  
12 pray on that river also that I didn't get involved with them  
13 but I prayed with some of the fishermen -- they're all  
14 fishermen on the river that lived on that river and  
15 survived.

16 And I'm just an estuary tribal fisherman. I'm  
17 not an upper river fisherman -- I don't know that river. I  
18 didn't know the estuary and when it gets sick upriver  
19 really, really, really deteriorates.

20 And I watched all those fish over the years get  
21 killed. Boy that three minutes goes quick but we're  
22 depending on you guys to make the right decisions and our  
23 tribal Council and our tribe -- they did a great  
24 presentation this morning. It was very simple and I'm  
25 really surprised that more people didn't show up because

1     this is a very, very important meeting.

2                 So I pray that every year I'll be back here, that  
3     Chairman, every year our fisherman come down and have a  
4     reunion down here during salmon festival time and this year  
5     we'll be here again and we'll have fresh fish to serve our  
6     elders through that salmon festival.

7                 So I thank you guys for coming and I'm proud of  
8     our tribe for where we're headed.

9                 MS. SANDERS: Thank you Frank, next we have Susan  
10    Masten followed by Lavina Bowers.

11                MS. MASTEN: Good afternoon, Susan Masten,  
12    S-u-s-a-n M-a-s-t-e-n and I am the past Chairman and the  
13    past Vice-Chair and the past Yurok transition team member  
14    and Yurok Council member so I've been around a long time.

15                And prior to that I came home at a time when it  
16    was can an Indian and save the salmon. It was my uncle's  
17    Supreme Court case that Mattz v. Arenet that reaffirmed our  
18    fishing rights on the Klamath Basin and it was a turbulent  
19    time -- a time when the federal agents were called in in  
20    full riot gear with helmets and shields and M16's and bullet  
21    proof vests to protect the salmon.

22                However, the only people not fishing were the  
23    first people of this land. The river sport was fishing, the  
24    ocean sport was fishing and the ocean commercial fishermen  
25    were fishing. So as that's not okay for us that we had just

1 won in the highest court of the land and so the people  
2 protested.

3 And we protested for several months -- that would  
4 have never happened if we would have had a tribal government  
5 at that time but we weren't organized. We did organize as  
6 the fishermen of this river and we held numerous meetings  
7 and we began to get involved in the management system of  
8 those fish because we never intended for that to happen to  
9 us again.

10 So it's been the Yurok people that have been  
11 there to protect the river from day one. We have been  
12 provided with everything that we need. Our spiritual  
13 well-being is dependent on the health of that river. As a  
14 fishing people we spend the majority of our time on that  
15 river whether we're gathering materials or fishing to put  
16 food on the table or we're fishing to make enough money to  
17 put clothes on our children.

18 The unfortunate thing is that a lot of other  
19 people have gained a lot of wealth off of our resources  
20 including this dam, including timber and fishery and that's  
21 the unfortunate thing. And it's ironic that the dam which  
22 provided power to people -- provided power to everyone  
23 except the first people of this land and we didn't have  
24 power on our reservation on the upper 40 miles until the  
25 Yurok Tribe came into place and began to put the power line

1 on the river.

2 So you know, it's time for the dams to be  
3 removed. Our cultural well-being, the health of the people  
4 depends on the health of that river and as soon as the dams  
5 come down and the river begins to restore itself and our  
6 fish with their DNA remember where to find their home, the  
7 healthier the Yurok people will be.

8 And so I just want you to understand how  
9 important this system is to who we are as a people. It is  
10 who we are and it's not lifeline it's our heart line and so  
11 I thank you very much because there was a time when  
12 decisions were being made about our livelihood and our way  
13 of life without having a voice.

14 And so you being here is important for us because  
15 it's about time and I want to thank you.

16 MS. SANDERS: Thank you Sue, next we have Lavina  
17 Bowers followed by George Gensaw.

18 MS. BOWERS: Good afternoon. My name is Levina  
19 Bowers. I'm in my 80's so I know a lot about when I was  
20 young and on this river I know that my mom and my brothers  
21 and my dad did a lot with fishing like smoking and canning  
22 and all that.

23 But the most important thing was my mother prayed  
24 a lot for our fish. It was Indian way of living that we  
25 fished and we prayed before we went. I know one time my

1 mother was -- and she prayed for a lot of other things, our  
2 boys did also, but this -- when they would go fishing my mom  
3 always prayed that they would go and they would come home  
4 with fish.

5           So that was something in our lives that we did.  
6 Yurok people know who Yurok people are. That's what we were  
7 born, we were raised, and they don't make up rules, and  
8 that's why everybody knows our dams have to come down  
9 because our people lived right. Our people did things that  
10 honored and took care of their babies and their growing up  
11 families.

12           I just wish now that a lot of people understood  
13 what it means to say our prayers for our fish, for  
14 everything that we have to do on our river. The last two  
15 years I have not eaten fish. My daughter, Sue, keeps  
16 telling me mom if it's smoked, if it's cooked, if it's this  
17 -- you can eat it but when they say it's got "ick" in it I  
18 don't want to eat it.

19           So I have missed a lot the last two years. I  
20 think the first spring salmon came in I ate but -- and a lot  
21 of people tell me, you know, it's alright and I was -- my  
22 nephew's wife he said, "Auntie, you can eat that fish," and  
23 I said, "Does your wife eat it?" He said, "No, she didn't  
24 eat it." Well why would you want your auntie to eat it?

25           But if we get rid of our fish we'll get rid of

1 the ick on the river and we'll be able to do what Yurok  
2 people did -- take care of our fish. And I have a lot of  
3 thanks to give to Dave Hillemeier. My daughter worked with  
4 him for a long time and I know how hard Dave worked for our  
5 river and how hard he has tried to get things back on the  
6 way it was.

7 I don't see Dave in here right now but I feel  
8 that and Ronnie Pierce also, worked with -- her and Sue used  
9 to go on traveling trips about the fishing and sometimes  
10 they didn't have enough money for a room so they put their  
11 money together or people would donate some money for them to  
12 go and I don't know Ronnie Pierce and her sometimes slept on  
13 the floor of some of the rooms to get to go.

14 So we have a lot to do to thank Ronnie Pierce,  
15 Dave Hillemeier and my Susan Masten, thank you.

16 MS. SANDERS: Thank you next is Georgiana Gensaw  
17 followed by Toni Peters.

18 MS. GENSAW: Georgiana Gensaw, G-e-o-r-g-i-a-n-a  
19 G-e-n-s-a-w. I hope that won't count in my time. I agree  
20 Georgiana Gensaw and Oscar Gensaw the third. I have three  
21 sons, David -- Faylynn is 13, David is 10, Oscar the IV is 6  
22 and my daughter is a year and a half old and her name is  
23 Queen.

24 We are all Yurok Tribal members and of Cutter  
25 descent. Since 2002 dam removal has been the biggest



1 priority for the tribes and those of us that live along it  
2 -- along the river. My family and I have attended and even  
3 helped organize rallies, meetings, negotiations and many,  
4 many FERC consultations and state water board meetings --  
5 everyone has.

6 Klamath River people have traveled to Sacramento,  
7 Portland, Salem, Omaha and Scotland. Along the river we  
8 have an unemployment rate of over 50% and yet we combined  
9 our limited resources to keep pushing for dam removal  
10 efforts.

11 I saw all of this to remind you, FERC, that  
12 Yurok, Cutter, and Hoopa people have always been committed  
13 to the river. Our loyalty has never wavered and our demand  
14 has never changed. We want dam removal and we want it now.

15 Our fishery is collapsing and every summer our  
16 river is made toxic by the dams. This past fall the Yurok  
17 Tribe had to shut down its fall fishery. This was an  
18 agonizing decision -- it caused hard feelings and it was  
19 catastrophic for fishing families like mine.

20 Both my husband and my father are fisherman. My  
21 brothers and brother-in-law depend on the bounty of the  
22 river to feed our families. No fish means no food. No fish  
23 means nothing we can barter with. No fish means our  
24 smokehouses went empty.

25 Our communities depend on the river for

1     sustenance. Right now our generation is watching the  
2     Klamath diminish and we are fighting to not let it fade  
3     away. It's January -- we should be opening jars of fish to  
4     make dinner or to give to our kids to snack on.

5             This is not happening. Instead I'm relying on  
6     tuna that was purchased at the Crescent City docks to feed  
7     my family fish just to keep fish in their diet. But nothing  
8     can replace salmon for the Yurok people. It's another dry  
9     winter and we as river people know that things will only get  
10    worse this summer and fall.

11            We all know that dam removal is the one thing  
12    that can save our fishery and our river. I am asking FERC  
13    to please approve the permits that are necessary for  
14    PacifiCorp to give the dams to the Klamath River Renewal  
15    Corporation so that we are one step closer to dam removal.

16            I know that we are not in a political climate  
17    that values our environment but I know that the powers that  
18    be do value business and this is a business decision --  
19    plain and simple. PacifiCorp made the decision for dam  
20    decommissioning instead of putting in fish ladders.

21            River people have relied on FERC to protect our  
22    river from a dangerous pipeline project and now we call on  
23    you to continue to champion dam removal. The road to dam  
24    removal has been long and at times depressing. The light at  
25    the end of the tunnel is to see dam removal take place that

1 would make every hardship my people have had to endure worth  
2 it.

3 It cannot bring back the dead fish of 2002.

4 MS. SANDERS: Thank you, next we have Toni Peters  
5 and then after that we'll be moving to the Weitchpec and  
6 then we'll return back to Klamath.

7 MS. PETERS: My name is Toni Ray Peters. I come  
8 from the Klamath Weitchpec Hoopa District Orleans and I  
9 would like to say these dams need to come out because if we  
10 don't have water, we don't have life.

11 Let me ask you this. Put your guys' lives in our  
12 shoes and see how far you flow and see what you think about  
13 life. You guys look and smile and think it's all okay, it's  
14 not. This is our life, this is where we come from, respect  
15 our rivers.

16 You guys think it's all fun and jokes. This lady  
17 thinks -- look she's smiling and smirking and things it's  
18 all okay, it's not okay. We don't have nothing without  
19 water. If we don't have that water our kids and our  
20 grandkids and our kid's grandkids they will have nothing in  
21 life.

22 The fish are our world -- that's where we live.  
23 We rely on that. You can't just go and saw to one elder or  
24 another elder, "Hey we're taking your fish away, we're  
25 taking this away from you." Why don't you put your guys'

1 selves in our shoes and see how you feel for one year -- for  
2 one year I want you guys to get in our shoes to see how we  
3 feel, then you'll really know what's going on in our family  
4 life.

5           Why we don't have water. We should have water.  
6 You look at me and you smile like it's funny -- it's not  
7 funny. This is our elder's program. This is where it comes  
8 from, years and years past and from. What are all of our  
9 grandkids going to say later down the road when you guys  
10 are, "Oh no, you can't do this, you can't do that." Then  
11 what?

12           Nothing. See? Just like always. Natives don't  
13 matter to you people maybe you ought to put yourselves in  
14 our boat, in our shoes and see what the real life is all  
15 about then you'll know why we need water for these fish and  
16 to replenish everybody, feed our elders and all the other  
17 kids and everything.

18           You guys think it's all okay -- it's not. You  
19 guys need to stop and think and look. Maybe you guys ought  
20 to come and spend one week in our shoes to find out what you  
21 guys really want to shut us down for.

22           That is my thing for you guys.

23           CHAIRMAN O'ROURKE: Your time is up.

24           MR. PETERS: And put all you guys -- I  
25 want you guys to come and spend one week in our shoes to see

1     how things are -- see how life is. One week in our shoes, I  
2     guarantee you, you'll change your mind.

3                 MS. SANDERS: Thank you, at this time we're going  
4     to transition to the Weitchpec Public Hearing. Dawn, are  
5     you able to facilitate bringing up people in order? Before  
6     we get started, we're having some technical difficulties.

7                 I'm being informed the audio is not coming over  
8     the mic. It's not coming through to our court reporter.  
9     The audio is not coming through to our court reporter, we're  
10    going to update the batteries, just be on standby, thank  
11    you. Just a few moments, I apologize for the delay.

12                Loud and clear, thank you -- and just a reminder  
13    to Weitchpec I'm going to be having the timer up on the  
14    screen on my end if you wouldn't mind trying to pay  
15    attention to that during the course of your testimony but  
16    Sammie I'll hand it off to you.

17                MS. MASTEN: We just wanted to add to the record  
18    that when the Yurok Tribe was organizing in our early years,  
19    one of the things that we recognized that needed to happen  
20    first was the development of the fisheries department  
21    because the fishing resource is so important in that river  
22    system to the Yurok people.

23                So at the time then and now it's been ever  
24    important for us -- not just to have good science, but to  
25    have the best science and that's the science that's being

1 looked at today to approve the permits but also for removal  
2 of the dam.

3 MR. GENSAW: Sammie Gensaw. I come from the  
4 Village of Requa. I was raised on the same land as my  
5 ancestors have lived since the beginning of time. My blood  
6 runs deep in these lands and I have been a part of an  
7 organization known as Klamath River Justice Coalition since  
8 a young age.

9 I was raised in the "Undam the Planet Movement".  
10 Some might say I was born in a struggle and raised in a  
11 resistance. I will always speak for the people of the  
12 river. I will always speak for those who are defending what  
13 we hold sacred.

14 The time to act upon the circumstances of our  
15 river is now. We need to take the right steps to make sure  
16 that future generations of our people have the same access  
17 to sustainable energies, sustainable lifestyles and healthy  
18 lifestyles for many generations to come.

19 If we do not act now, we threatening more than a  
20 way of life -- we are threatening a huge economy on the  
21 north coast. We are threatening more than an economy -- we  
22 are threatening the environment which we all need to live.

23 And what's happening on our river is not just  
24 happening on our river, it's happening all over the world  
25 and we need to be the prime example to lead to be that

1 example so others can see and look back on this point in  
2 time and say, "Yes, during this administration, this was the  
3 decision that we made that was good for the American  
4 people."

5 And not only is it good for the American people  
6 because when you protect resources in northern California,  
7 you are protecting resources in southern Oregon. When  
8 you're protecting resources in southern Oregon you are  
9 setting the examples for the United States to follow.

10 We need to come together on this and we need to  
11 make sure that these dams come out and we need to let you  
12 know that when these dams come out this is not the end, but  
13 it is just the beginning because when these dams come out  
14 the next thing on our list is to fix the water that is being  
15 diverted from our rivers, from our people -- and when I say  
16 people I'm not just talking about Yurok people, I'm talking  
17 about all people that depend upon the Klamath River for  
18 life.

19 I'm talking about all the tribes and non-tribal  
20 members alike because we live in this community together and  
21 as we live in this community we hold certain rights and we  
22 hold certain responsibilities. And that right is the  
23 lifestyles and we can choose to live a healthy life and our  
24 duty is that we do what we can so we maintain that, thank  
25 you.

1                   MS. DAWN: Thank you Sammie. Next up is John  
2 Link. I'm sorry John would you mind asking the speakers to  
3 state their full name and spell it for the record.

4                   MR. GENSAW: John Gensaw, Requa. I speak for the  
5 youth and I speak for everybody that's indigenous and lives  
6 along the Klamath and the Trinity River. When I was growing  
7 up I was a fisherman and this life on the Klamath River is  
8 all we have ever known.

9                   The Klamath River has helped me get through  
10 depression and it's helped me climb through struggles and  
11 it's helped me to be a better person. Growing up I noticed  
12 that the water has been getting sick and our people are  
13 getting sick along with it.

14                  The river ties into many lifestyle issues among  
15 our people and if we can't stop this now I don't know what's  
16 going to happen to my kids or even their kids. All that I  
17 can say is the dams are something that's just poisoning our  
18 people and it's not right.

19                  And it's known -- it's been known for years. And  
20 we just need to stand together and fight for what is right  
21 as indigenous people. And we can't do it alone so we need  
22 your help and we need you to acknowledge that we've been  
23 here for years.

24                  And the dams -- the electricity plant or is it  
25 how much they actually emit is outdated. It's -- 30 wind



1 turbines can be just as effective as the dams itself. When  
2 it comes down to it it's just a system of depression and  
3 we've been involved with it for years.

4 So like again I said -- I talk for the youth  
5 because growing up I noticed that the river has been getting  
6 warmer. The river has been getting more shallow and there's  
7 no better time to fight for our future generations than now,  
8 thank you.

9 MS. DAWN: Thank you, next up we have Annelia  
10 Hillman.

11 MS. HILLMAN: I agree Annelia Hillman,  
12 A-n-n-e-l-i-a H-i-l-l-m-a-n. I've been following this dam  
13 removal process from the beginning. I've seen all the  
14 effort that has gone into it, you know, the different  
15 parties that have worked together and come to these  
16 agreements and you know, I think that I would hope that you  
17 would respect in your decision the effort that has gone into  
18 this thusfar.

19 I think you've heard the testimony today from the  
20 tribe and the evidence of the effects -- the environmental  
21 effects that these dams have had on our river. But I'd also  
22 like to speak to the psychological and emotions effects that  
23 it has had on our people.

24 We have been suffering and if you think about it  
25 like a family member being sick and watching that and

1 watching somebody you love die -- that's kind of the pain  
2 that our people feel. This river gives us purpose. It  
3 gives us a reason to live. It is our purpose and it is why  
4 we exist.

5 And I know that it has always historically been  
6 the intention of the United States to wipe out indigenous  
7 cultures and I hope that we are on a different track now but  
8 that we're moving towards living together as humans.

9 And I think that we understand now that the  
10 environmental tactics that they've used to wipe out our  
11 cultures is not only affecting us but it's also affecting  
12 you.

13 So you know, I hope that in the decision that you  
14 make that you think about your children and your  
15 grandchildren and your families and your life and human life  
16 in general. I hope that you think about those people that  
17 you love, that the decision that you make is also affecting  
18 them.

19 But I think that we've stalled long enough.  
20 These dams need to come out. We are confident in the KRRC.  
21 We want you to transfer the license and we want you to  
22 accept the surrender and we want dam removal to stay on  
23 track for 2020. It must come out now, it's urgent.

24 There's no people waiting, there's no more time.  
25 And I just hope that you keep all of those things in mind.

1 I also want to remind you that gas pipelines -- these kinds  
2 of things go through in a very timely manner so I hope the  
3 dam removal can do the same.

4 MS. DAWN: Next we have tribal member Larry  
5 Alameda.

6 MR. ALAMEDA: My name is Larry Alameda, Jr. Last  
7 name is spelled A-l-a-m-e-d-a. I hope FERC realizes this is  
8 very emotional for everybody involved. Each event -- it's  
9 harder and harder. Many times a month my family tries to  
10 have a salmon dinner and I have to tell them I'm sorry we  
11 don't have food in our freezers, we have to serve whatever  
12 fish we have left.

13 My auntie, my uncles, my elders ask for more  
14 salmon. We do not have enough to last us a year and I have  
15 to say to them I'm sorry, there's not enough this year,  
16 hopefully next year.

17 I have to fill my diet with something that's  
18 soaked with calories. And each year it's harder and more  
19 difficult to catch salmon. Not to mention I'm starving  
20 myself and my family because of the hazardous conditions on  
21 the river forced itself -- we just want to continue to be  
22 Yurok with these hazardous toxic water conditions.

23 I finally suggest to FERC that they do not stall  
24 in this transition process to quickly hand over the  
25 licensing to KRRC so we have a chance to save our salmon and

1 steelhead, not for us, but for our grandchildren's children  
2 as well as you and your families.

3           During the lunchbreak I thought if I went to the  
4 area where the Trinity and the Klamath come together, I was  
5 actually able to put my hands in the water -- wash my hands  
6 and splash water on my face. I was not able to do that in  
7 July and August when it's hot out and all you want to do is  
8 jump in the river -- I couldn't because it's toxic and it's  
9 dangerous.

10           Remove these dams and give the river a chance to  
11 heal itself and go back to what it used to be. To have  
12 summer steelhead and stringer salmon go to where their homes  
13 are, the -- sorry it's emotional.

14           I actually grew up with the fisheries my entire  
15 life. I love fish and I just want there to be more fish and  
16 if you remove these dams you give them a chance, thank you  
17 for your time.

18           MS. DAWN: That's everyone we had signed up.  
19 Last call -- anyone in the room want to make an additional  
20 comment? Okay we have one more person and I will have her  
21 introduce herself.

22           MS. MOON: I'm Cindy Niles Moon, a Yurok Tribal  
23 member and I'm here and I'm just hoping that you know,  
24 you'll do what's right and please transfer the license from  
25 the current owner PacifiCorp to the Renewal Corporation so

1       that would be much appreciated.

2                   And it's just really sad that, you know, we have  
3       to go through this when you know what's right is right, so  
4       I'm hoping you do what's right for our river and our fish  
5       and all, thank you.

6                   MS. DAWN:   Okay that's everyone we have here and  
7       we'll turn it back over to Anna.

8                   MS. SANDERS:   Thank you Dawn.   Next on our list  
9       is Bessie Shorty followed by Shalishah Harman -- is  
10      Shalishah here?   Is Allison McCovey here?   Joe Hostler --  
11      Joe is here, Joe Hostler is our next speaker followed by  
12      Lucinda Myers.

13                  MR. HOSTLER:   Joe Hostler, I'm a tribal  
14      descendent but I'm also a Yurok Tribe employee.   I work in  
15      our environmental program throughout the last 10 years and  
16      I've worked the last 10 years or so my job has been  
17      dedicated to protecting the environment for the Yurok people  
18      and I work in a communities and eco-systems division which  
19      we study the health of the environment and the health of the  
20      people that we recognize the Yurok people are tied to the  
21      land and the health of the land is a reflection of the  
22      health of the people.

23                  And we know that with these dams being in place  
24      and the impacts -- the negative impacts that the dams have  
25      on water quality is directly impacted on the Yurok people

1 and the health of the people and the physical health,  
2 emotional health, spiritual health -- it's all tied  
3 together.

4 I've been fortunate to talk to a number of elders  
5 who were familiar with the river long before the dams came  
6 in and in talking with them they all mentioned that the  
7 water quality was so much better before the dams came in,  
8 before Iron Gate and Copco 1 and 2 were placed.

9 That prior to these dams being in the Klamath was  
10 clear, cold, healthy -- a beautiful river that is nothing  
11 like what it is today. It's unfathomable to think about  
12 what the river could be again and with the removal of these  
13 dams in a timely manner we can correct something that's been  
14 wrong for long.

15 And I also think that part of my job is studying  
16 the health of the people and we've also had a rash of  
17 suicides on the reservation. A number of young men have  
18 chosen to take their own lives and I personally tie that to  
19 the health of the environment as well.

20 Without these salmon, without purpose these young  
21 men -- I apologize to any families if I offend anybody but I  
22 see that as a direct impact -- that these dams are having a  
23 real impact right now and they need to come down right now.

24 And also too, part of my job is studying climate  
25 change and so I'm working with many people across the

1 country in the federal government in academia that we are  
2 already seeing all the effects of climate change -- the  
3 negative impacts are already here.

4 We see chaotic weather, we have extreme drought,  
5 we have floods -- all the problems that we are having right  
6 now are just going to become worse with climate change and  
7 so one of the things that we can do to mitigate climate  
8 change and rebuild resiliencies to remove these dams to  
9 allow the river to be healthy and that can be a mechanism to  
10 heal the people, heal the environment and let the  
11 candlefish come back.

12 We used to have candlefish here on the Klamath  
13 River and many of the others I've talked to blame the  
14 collapse of the candlefish on the placement of Iron Gate Dam  
15 and the Trinity River Dam as well.

16 And so if we can fix this, we need to do it now.  
17 There's no time to wait, thank you.

18 MS. SANDERS: Thank you Joe, I see a few people  
19 have rejoined us so I'm going to go back to the top of the  
20 list. Next up is Bessie Shorty followed by Shalishah  
21 Harman.

22 MS. SHORTY: Bessie Shorty, Requa. I said hello  
23 my name is Bessie Shorty and I'm from the Village of Requa.  
24 My mom is Lavina Brooks and my dad is Tom Joseph. And I  
25 came to you to speak about the removal of the dam and the

1 health of the water.

2 I've raised four kids up and down the river on  
3 all six rivers. My oldest is 25 and my youngest is 16. The  
4 health of the water reflects the health of our youth and the  
5 health of our people. Just like the salmon they spend the  
6 beginning of their years in the water and they spend the end  
7 of their years in the water. They're born in the water of  
8 the river and they die in the water of the river.

9 And our people spend their time on the river.  
10 They learn from 0 to 5 how to swim, how to read the  
11 environment, how to read the tides, how to read the stars  
12 and how to read the wind. That's where they learn their  
13 early developmental skills.

14 Then they reach junior high and high school and  
15 that's when they learn to fish, to eel, to dip net and to  
16 gather basket materials and to gather anything else that  
17 might grow.

18 Downriver at the mouth we can get  
19 seaweed along the ocean and that teaches the youth how to be  
20 independent, how to feed themselves, know their physical  
21 development, to be able to trust their environment and trust  
22 those around them -- because once again they have to know  
23 their environment to have that skill to know their  
24 surroundings to be safe.

25 All of that knowledge is turned around and



1 reflected in their everyday life. It's reflected in the  
2 relationships with their community, the relationship with  
3 their tribe and the relationship with their family.

4 Without a healthy river our youth are unable to  
5 learn those skills. We have ceremonies here with the Yurok  
6 Tribe, our transitional ceremonies help us learn how to  
7 transition from childhood to puberty to adulthood and then  
8 also once we cross the river when we pass away.

9 When boarding school came along we forgot all of  
10 those -- like a lot of the transitional skills and then  
11 drugs and alcohol take the place of those transitional  
12 skills. We've lost our coping skills. The ceremonies are  
13 our coping skills and they all coincide with the health of  
14 that water in that river.

15 So when the river is ruined and the water is  
16 unhealthy we are unable to transition. We're unable to  
17 teach those coping skills to our youth and we're unable to  
18 leave this earth in the way and the manner that we have for  
19 thousands of years.

20 So I'm speaking on behalf of the removal of the  
21 dam. If the dam is not removed the water deteriorates, it  
22 gets sick and the people aren't able to learn those coping  
23 skills, those transitional skills, they don't learn the  
24 skills to trust their environment, trust their community and  
25 trust themselves.

1 MS. SANDERS: Thank you Bessie. Next we have  
2 Shalishah Harmon, followed by Alison McCovey.

3 MS. HARMON: Shalishah Harmon, S-h-a-l-i-s-h-a-h  
4 Harmon is H-a-r-m-o-n. I come from Sregon and I'm actually  
5 not making a comment I'm asking a request to please hear out  
6 each and every comment that is made to you, that you hear  
7 our elders, that you listen to the people of this community.

8 I left when I was about five from the area. I've  
9 been back home two years and I didn't realize the vital  
10 importance of this river. I hope you hear each and every  
11 comment and listen and pay attention especially to the  
12 elders. They are the most important people to pass down  
13 this information and we need to continue it for the health  
14 of our environment and especially this river -- at least  
15 take down the dams.

16 MS. SANDERS: Thank you Shalishah, Alison McCovey  
17 is next followed by Lucinda Myers and then Oscar Gensaw.

18 MS. MCCOVEY: Hi, my name is Alison McCovey. My  
19 mother grew up at the Village of Kapow and my father grew up  
20 at the Village of Notchco, those are upriver villages.

21 I was lucky to grow up on the river fishing and  
22 swimming and through all those year's I've heard my elders  
23 talk about the detrimental damages that the dams have done  
24 to our river. I feel like I was unable to give my daughters  
25 the same experience that I had.

1           The river looks like Armageddon at this point  
2   with all of the -- with all of the damage to it and it's  
3   barely not really even able to swim it in anymore with the  
4   film that's on you when you get out of the water.

5           They definitely haven't had the same experience  
6   that I had and I know I didn't have the same experience that  
7   my parents and my grandparents had. And for all the things  
8   that have been taken away from us, this is something that we  
9   could actually build back.

10           It would be wonderful to have something to give  
11   to the next generation so you know, I ask that you transfer  
12   the hydroelectric license from PacifiCorp and that you  
13   approve the application and surrender the hydraulic license  
14   and remove the dams, thank you.

15           MS. SANDERS: Thank you Allison. Is Lucinda  
16   Myers still here -- no? Next up is Oscar Gensaw, followed  
17   by Frankie Myers.

18           MR. GENSAW: Oscar Gensaw, I come from the  
19   Village of Requa. I'm a Yurok Tribal member and I was born  
20   and raised on the Klamath River. I am supportive of the dam  
21   removal. I am a fisherman. I grew up fishing with my  
22   grandpa, dad and uncle who are no longer here with us.

23           They taught me a lot about this river and how to  
24   be a Yurok man and fisherman and that's important to me  
25   because I am a father of four. I have three boys and one

1 daughter. As a Yurok man it is important to me to be able  
2 to pass what I've learned from them on to my kids.

3 And in order for that to happen that river needs  
4 to be healthy and I'm asking you today to help me be a part  
5 of the healthy process and transfer the license so we can  
6 get this river back to where it needs to be, thank you.

7 MS. SANDERS: Thank you Oscar, next up is Frankie  
8 Myers followed by Laura Woods.

9 MR. MYERS: Frankie Myers. Our river is our  
10 church. We are connected. Our future and our past is  
11 intertwined. Our fate as a people depends on the fate of  
12 the river. Time is not on our side. You must act swiftly.  
13 The KRRC has the knowledge and experience to get this job  
14 done.

15 FERC has the power to save our river and secure  
16 the future of our people. Future generations will look back  
17 on this time as a tipping point. Use your heart, look at  
18 the science and the data to support what you already know is  
19 the right thing to do.

20 In your life, you will look back on the work you  
21 were doing. When you look back and when you face your  
22 Creator, you will be held accountable for your actions and  
23 your decisions. You are writing the history of the river --  
24 the history of our people, now here, today.

25 The science is sound, the plans are thorough.

1 The KRRC is the organization to get it done. We know from  
2 the knowledge of our ancestors the river has the power of  
3 renewal. You must act now to allow it to begin to restore  
4 itself.

5           You're not processing an application of transfer.  
6 You're processing an application for the future of our  
7 people. Don't sit on this. Don't get caught up in the red  
8 tape. We've done our homework, we've done our science. Do  
9 your part for us, for you, for all of our future  
10 generations.

11           MS. SANDERS: Thank you Frankie, next up is Laura  
12 Woods followed by Micha Gibson and Rich Nelson.

13           MS. WOODS: Good afternoon, good morning, good  
14 afternoon. My name is Laura Woods, L-a-u-r-a W-o-o-d-s.  
15 I'm a Yurok Tribal member, I'm an elder. I also work in the  
16 Tribal Court as a paralegal and a family law mediator and I  
17 appreciate your time. I'm glad you're here and at the same  
18 time I think that what I feel in my heart is why is this  
19 still an issue?

20           Why are we still debating this issue? This, to  
21 me, is a no-brainer because the river is connected not just  
22 to the fish, but to life itself -- the big catch phrase  
23 lately is water is life and that's true for you.

24           As human beings you wouldn't last very long  
25 without it. So as one people -- as one species, human

1 species on earth, we're the same -- we're brothers and  
2 sisters in the same way. This is a no-brainer. This is  
3 good for the river, this is good for the people.

4 What's good for the river is good for the people,  
5 good for the communities. So whether you have to stand on  
6 one foot, hop backwards and circle three times to do  
7 whatever it takes, to amend an application, to make a new  
8 law, to render a new agreement, to whatever it takes to  
9 bring these dams down, please do that. It's up to you.

10 This is an opportunity for the federal government  
11 to do something right for the first peoples of this country  
12 and we're all painfully aware of a lot of mini-atrocities  
13 that have happened over the years and this is your  
14 opportunity to make sure that another atrocity isn't  
15 propagated.

16 This is your opportunity to fight on behalf of  
17 these people -- of my people, this land, this river and all  
18 the people that depend on it. You can champion this cause.  
19 You can do what's right and we can move together in the  
20 partnership that can help untold people and untold  
21 generations to come.

22 I have two little granddaughters who are 6 and I  
23 don't want them to have to be here when they're my age  
24 saying please do what's right. Do what's right.

25 We know from the science that rivers and

1 waterways and watersheds and the earth itself have a  
2 tremendous healing ability if allowed the chance. There are  
3 rivers whose dams have come down and the scientists have  
4 been astounded at the rate of healing that took place in  
5 such a short time so it can happen.

6 So sign your papers, push your agendas, whatever  
7 you have to do, let's get this thing done and let's get it  
8 done now, thank you.

9 MS. SANDERS: Thank you Laura. Is Micah Gibson  
10 in the room -- Micah -- no? Is Chrystal Helton in the room?  
11 Oh yeah, so Chrystal will be next followed by Cassandra  
12 Grimm.

13 MS. HELTON: Good afternoon, my name is Chrystal  
14 Helton, I am not a Yurok Tribal member but I live in Klamath  
15 and I have Yurok boys -- three Yurok sons. I'm a -- woman  
16 who lives here and decided to raise my kids here on the  
17 reservation which is their home.

18 I'm here for them today. I work at the Head  
19 Start, I'm the site supervisor and all of our staff wanted  
20 to be here but they can't because we are a very busy people  
21 raising the next generation.

22 My sons wanted to come today as well but they're  
23 really shy and I literally came over here to pick something  
24 up and said oh I should stop. Thank you, I should stop in  
25 and say something -- my lips are packaged.

1                   So I'm here for my sons really. When I asked  
2   them I said, "What would you say," two days ago, I said,  
3   "What would you say if you were able to go to the FERC  
4   meeting?" The first thing he said is do we seriously have  
5   to say something again? Hasn't dad already told FERC about  
6   dam removal? So that was the first reaction.

7                   And their second was -- well we haven't eaten  
8   fish in month's mom -- we haven't tasted salmon in months.  
9   We don't even know the smell of it anymore. We also haven't  
10  been out fishing with dad because dad doesn't go fishing  
11  because why would you go fishing if there are no fish when  
12  you have a lot of other responsibilities?

13                  And when I asked my 7 year old -- that was my 9  
14  year old. When I asked my 7 year old, "Well what about you  
15  son," he said, "You know I would like to be able to swim in  
16  our river when it gets hot in the summertime without getting  
17  sick."

18                  So those are my son's reasons that dam removal  
19  must happen. It's been a hard -- a very awkward year  
20  without fish in our river and fish -- my son's believe have  
21  a responsibility given to them by something way higher than  
22  us and they cannot fulfill that responsibility and that's to  
23  feed the people.

24                  And it's your responsibility, I think, listening  
25  to us to make sure that this transfer happens and make sure



1 dam removal happens as fast as possible, thank you.

2 MS. SANDERS: Thank you Chrystal. Is Cassandra  
3 Grimm in the room, followed by Suzanne Fluharty.

4 MS. GRIMM: Cassandra Grimm, K-a-s-s-a-d-n-d-r-a  
5 Grimm, G-r-i-m-m. I'm here to speak in support of any  
6 measures that need to be taken for the timely removal of the  
7 dams on the Klamath River.

8 I am a new community member and not a tribal  
9 member so I would like to thank the Council for the  
10 opportunity to speak here today being a community member. I  
11 moved here less than a year ago because I got a position  
12 here with the Tribe as the water quality specialist.

13 I was really excited at the opportunity to be a  
14 water quality specialist on a river with a dam removal  
15 coming up. I worked on the Elwa River during dam removal  
16 and that was a very exciting time to be doing any kind of  
17 environmental monitoring, watching the eco-system heal  
18 itself with the dam removal process was very moving.

19 And so I am very excited to be here but my work  
20 there didn't prepare me for exposure to harmful algae blooms  
21 so working here has been my first experience with that. So  
22 I'm exposed to these harmful algae blooms in my professional  
23 life because during the summer season I am monitoring the  
24 water quality in the main stem of the Klamath River being in  
25 the field exposed to the river water at least two days a

1 week during that field season.

2 And then when I receive data results that there  
3 are toxic levels of microcystin in the river it is my job or  
4 it is part of my job to make sure that the public knows  
5 about the risks that that river poses.

6 And so being a professional in water quality it's  
7 been a very sobering experience moving to this area and  
8 being responsible for notifying the public about the risks  
9 that a river can pose them. And so for that reason I have a  
10 professional interest in having these dams removed and I  
11 also have a personal interest in having these dams removed.

12 I have really enjoyed living in this community  
13 because I have been able to grow on the Klamath River. It  
14 really is very special to me and knowing the health hazards  
15 that can be posed from that river -- I'm having to weigh  
16 those risks with my desire to be outside and active.

17 And so removal of these dams will fulfill my  
18 personal interests, professional interests in seeing the  
19 water quality in this river improve and also the community  
20 interest -- both cultural and economically so yeah, thank  
21 you.

22 MS. SANDERS: Thank you Kassandra. Next up is  
23 Suzanne followed by Victoria Carlson.

24 MS. FLUHARTY: Greetings. I am Suzanne Fluharty,  
25 S-u-z-a-n-n-e F (as in Frank) - l-u-h-a-r-t-y. I have my

1     Doctorate in environmental sciences and I've had the great  
2     privilege of working here in Yurok country for the last 9  
3     years.

4                 I am the Assistant Director for the Eco-System  
5     and Community Health Division and so I have a lot of things  
6     I could add but I really feel compelled to speak and explain  
7     some of the microcystin issue that has been brought up over  
8     and over here.

9                 And so I want to thank the Council for hosting  
10    this and you for giving your time to come down and here what  
11    it is that's important to the Yurok people. So focusing on  
12    that it's important to know that microcystins are the toxin  
13    that are produced during mats.

14                It is however, only one of 80 toxins that are  
15    associated with that algae mat that brewing and growing  
16    above the dams. It is primarily a liver toxin and it  
17    impairs the function and it is proven to significantly  
18    increase the weight of tumors of the liver but in addition  
19    to that microcystins are classified as a general tumor  
20    promoter with body-wide effects, secondarily focusing on the  
21    stomach and the skin organs.

22                We are finding out that the other ones have a  
23    great many other ones including impacts to the central  
24    nervous system. Some of these are expressed  
25    inter-generationally so that the people who are exposed now

1 are putting their children and their grandchildren at risk  
2 through alteration of the body.

3           So the important thing is is that you have heard  
4 all of these things from people from the heart but what I am  
5 here for is to be the primary investigator for two National  
6 Institute of Health and U.S. EPA National Center for  
7 Environmental Research, million dollar grants that the Yurok  
8 Tribe has been awarded twice.

9           And so this is not just hearsay evidence but with  
10 five years of United Indian Health Clinic data we gathered  
11 the actual diagnoses codes for over 300 enrolled Yurok  
12 Tribal members -- significant findings that the Yurok Tribe  
13 has three times the rate of cancers in general over other  
14 tribes, it has over a 40% greater rate of this in the  
15 general population.

16           Of those cancers that are diagnosed the primary  
17 one is skin cancers. And the rate of the skin cancer has  
18 indications that they are five times greater for the Yurok  
19 than it is for the general population. There are  
20 significant connections between microcystin and these  
21 cancers.

22           Because of this I really urge that a speedy  
23 decision be reached to begin this implementation of the  
24 removal of the dams. It is imperative that these dams that  
25 support a totally preventable condition that is poisoning

1 thousands of people proceed.

2 This is something with the dams are removed, the  
3 poisoning, the toxin, will not be in this river down here  
4 and be impacting the tribal members and their children. And  
5 I better just quit so thank you very much and I ask for a  
6 speedy decision.

7 MS. SANDERS: Thank you Suzanne, next is Victoria  
8 Carlson followed by Pergish Carlson who is the last speaker  
9 I have listed.

10 MS. CARLSON: So my name is Victoria Carlson. I  
11 come from the Village of Sregon and Kepel. My husband and  
12 my daughters -- that's what I said, their names, and right  
13 now I live in Terwer which is here in Klamath.

14 And I work for the Yurok language program as the  
15 language coordinator and I've worked with several  
16 departments, you know, working with the youth and the elders  
17 and the same ones that you have heard here today listening  
18 to their words.

19 You've heard the youth, you know, express their  
20 concerns and the elders express their concerns. We've had  
21 community leaders get up here and talk and I just want to  
22 say that the river and our language -- the connection  
23 between our river and our language -- our Yurok language was  
24 predicted by linguists to be extinct by 2010 and as of today  
25 we have over 100 basic, you know, learners learning the

1 language.

2           We have intermediate speakers. We have the  
3 language taught in four different high schools within the  
4 two counties here. So you know, as Yurok people we  
5 persevere and as you heard some of the history that was  
6 spoken about, you know, the fish wars.

7           My mother -- she's a full-blooded Yurok and my  
8 grandparents were both full-blooded Yurok and they fought in  
9 the fish wars and it was a time, you know, where it was  
10 pretty rough and my mom talks about a story where she was  
11 down at Requa in a little boat with her mom and her sister  
12 and the feds would come and that's the time they came and  
13 basically granted at a pretty good speed, towards their  
14 boat, trying to tip their boat over and they were almost  
15 going out the mouth.

16           And if they probably would have went out the  
17 mouth, they probably could have tipped their boat over and  
18 it probably could have been pretty bad, you know. But they  
19 took measures -- those types of measures you know, to fight  
20 for their river and to fight for their fish and to fight for  
21 their people because you know, the river keeps our people in  
22 balance.

23           And you know like everyone says it's connected to  
24 our life, to our hearts and in the recent year's we've been  
25 having, you know, we had an emergency suicide action go on

1     because of our youth -- our young people.

2                 You know that hasn't happened before. That  
3     hasn't happened in our past history. We have elders who,  
4     you know, they get too fish a year and that's most of them  
5     or some of them get that. So I think it's the connection  
6     with mental health and our youth and our elders and you  
7     know, our community leaders.

8                 We're all going to keep fighting for our river  
9     and I hope today that you hear all of our concerns and you  
10    know, you take it into account when you go back and make  
11    that decision so.

12                MS. SANDERS: Thank you Victoria. Next we have  
13    Pergish Carlson followed by Amy Cordalis.

14                MR. CARLSON: I'm Pergish Carlson, I live here in  
15    Klamath, that's my wife Victoria. And I grew up here in  
16    Klamath on the river and I'm on the river all the time --  
17    I'm a fishing guide, that's what I do. I take people  
18    fishing on the river, sport fishing and scenic tours and so  
19    on.

20                And you know I -- this is a time where I look at  
21    dam removal and I'm excited. I'm excited about it because  
22    the river is just running and I think, you know, only on  
23    about 20% so not even to its full potential.

24                And I'm so excited that maybe someday, maybe in  
25    my life-time, I'll be able to see that. And if not, you

1 know, maybe my kids will be able to see that potential of  
2 the river at its fullest you know -- not just for Yurok  
3 people, for everybody.

4 This river was so abundant a long time ago where  
5 people came here that were hungry and they'd come and get  
6 food from us, you know and so this is an exciting time for  
7 all of us, you know, and I think that it will happen.

8 And just like my wife said, you know, we will  
9 continue to fight no matter what and if your decision or  
10 not, we're still going to continue to fight until they come  
11 down. And I feel that you know, salmon, you know the water  
12 and everything, you know, it is us, it's us. It's who Yurok  
13 people are, you know and I'm on the river every single day  
14 in the summertime, in the fall, in the winter and I see how  
15 the river like will be really clean sometimes and beautiful  
16 and it's like man, it's beautiful.

17 And then later on it starts getting sick and ugly  
18 and I have clients come up and say, "Why does the river look  
19 like that, why does it look like -- it kind of looks like  
20 anti-freeze?" And I say, "Yeah it does." And you see these  
21 little things and I have to explain everything, you know.

22 Well there's these dams, you know, and they're up  
23 there and you know, they ruin everything, they're obsolete  
24 and you know most people are like, "Well, you know I thought  
25 they were taking those out." I go, "Yeah."



1           You know after the fish kill and stuff and the  
2 fish kill -- that's another thing that I always kind of look  
3 on and I always think like you know, maybe that happened for  
4 a reason. You know, maybe we wouldn't be sitting here today  
5 if the fish kill didn't happen. Dams would be still there,  
6 nothing happened, you know, but I think the fish took a  
7 sacrifice so we could be sitting here today.

8           It's kind of happened for a reason and I think  
9 they took all the sacrifice for themselves so the dams could  
10 come out in my opinion, thank you.

11           MS. SANDERS: Thank you next is Amy Cordalis.

12           MS. CORDALIS: Thank you. I spoke earlier as you  
13 all know my name is Amy Cordalis, that's A-m-y  
14 C-o-r-d-a-l-i-s. I'm the tribe's general counsel but I'm  
15 also a tribal member and I wanted to make a comment on  
16 behalf of myself and my family with -- well regarding the  
17 Tribe's commercial fishery.

18           We are, as you have heard today, fisherman. And  
19 before I was a lawyer or anything else I was a fisherman and  
20 I still am a fisherman. And that river has brought me home  
21 to this place year after year in pursuit of catching salmon.

22           And I come from a long line of men and women who  
23 have been fishermen. There are stories of my great, great  
24 grandmother and father loading fish into you know, a horse  
25 wagon, and covering it with brush and then loading it up and

1 going to Crescent City to sell it.

2 And they had to cover it up because it was  
3 illegal to sell it and that's what they were going to do.  
4 And so I always say that we were salmon bootleggers. And  
5 then my great uncle's Supreme Court case, *Mattz v. Arnett*,  
6 got reaffirmed the status of the Yurok Reservation as Indian  
7 Country and then that set the stage for our federally  
8 reserved fishing and water rights.

9 And my uncle is -- in my opinion -- just an  
10 excellent fisherman and he taught my dad how to be a very  
11 good fisherman. And my dad had four girls and one boy and  
12 so guess what I learned how to fish.

13 And I love fishing and we have in good years a  
14 very healthy, thriving, commercial fishery and that's where  
15 this community is at our best -- where we're all working  
16 together continuing that ancient tradition and it's an art.  
17 And it's a fine art that we have developed since time  
18 immemorial and we're very good at it.

19 In a good year our allocation which is set with  
20 the Pacific Fisheries Management Council, is about 100,000  
21 fish. Last year our allocation was 650 fish. So the Tribal  
22 Council had the very difficult decision of closing the  
23 commercial fishery as well as just the fishery in general  
24 because that number was so small.

25 And not having a commercial fishery -- that has

1     disastrous economic effects on us. It's estimated through  
2     here that the unemployment rate on the reservation is  
3     somewhere between 50 and 80% right -- it's atrocious.

4             The commercial fishery is one of the only sources  
5     of income that tribal members will have. And I want to add  
6     that the unemployment rate is so high in part because there  
7     are no other options and so that commercial fishery is  
8     really important to us and without the dams coming out,  
9     we're not going to have one.

10            So this is cultural, it's spiritual, it's  
11     economic, thank you.

12            MS. SANDERS: That concludes the list of speakers  
13     that I have so I'll turn it back to Tribal Council.

14            CHAIRMAN O'ROURKE: I would like to ask Council  
15     that Council has not made comments one way or the other, you  
16     know, and that you are all tribal members, you know, and we  
17     are. And so does Council wish to make comments?

18            MR. HENDRIX: Larry Hendrix, H-e-n-d-r-i-x. I  
19     like to look at our fish as the subsistence and for culture,  
20     not so much as commercial. And I look at it as water  
21     quality and quantity and you can sum that up into one word  
22     and that's a healthy river. Thank you.

23            MR. VANLANDINGHAM: Hello again, Tony  
24     Vanlandingham, do you need me to spell that -- okay thank  
25     you. So as a family man the river has continually been

1     resourced for my family as a source of food, a source of  
2     many hours of recreation. At times it's been highway when  
3     our land had that rogue spell in the winter.

4             I fish to feed my family, to feed my elders, to  
5     teach my kids and my grandkids how to sustain themselves the  
6     way we have for thousands of years. Excuse me -- in 2015 I  
7     caught 21 fish. In 2015 I caught 6 fish. Last year I could  
8     not fish. So it's been a hardship on my family and the  
9     elders that relied on me to fish for them.

10            I wasn't here during the 2002 fish kill. I'm  
11     glad I wasn't because I mean I see the pictures and I hear  
12     the stories and it causes me pain. It's a physical pain  
13     because we as a people we lost so much of ourselves in that  
14     one year to see that kind of devastation.

15            When I talk to elders when we -- usually it turns  
16     to talking about the fish, the river. And a lot of times if  
17     in Karuk country and in here with the Yuroks we've heard the  
18     stories of how we had salmon runs so great that we could  
19     literally walk across the river on the backs of the salmon.

20            We know that these stories are true because you  
21     can still see it today up in Alaska with the sock-eye runs,  
22     when you see an untamed wild river that isn't disrupted with  
23     dams you have good, health fish.

24            So we know that those stories are true. I'd like  
25     to see a day when my grandchildren can go out and see that

1 and then be able to give that story to their grandchildren,  
2 a day where we can once again see that the salmon runs on  
3 this river and her tributaries are so great that we could  
4 walk across the backs of the fish.

5 So since time began our people have been great  
6 fisherman, we've been eeler's, we've been basket weaver's,  
7 we've been canoe maker's, storytellers, singers, dancers,  
8 healers and great medicine people.

9 So what you're looking at right now is we are a  
10 culture interrupted. We're sitting here today trying to  
11 regain a piece of that. Our place needs a healthy river.  
12 Our people need a healthy river and a healthy river is a  
13 free river.

14 So I'm asking you to support all the necessary  
15 steps required to help us bring these dams down. Thank you  
16 for being here.

17 MR. GENSAW, SR: David Gensaw, Sr. I'm not going  
18 to spell that for you, you've heard several Gensaw's here  
19 today talking. I'm a Yurok Tribal member. I'm a Karuk  
20 ancestry, Tolowa, Chetco. I'm a hunter, a fisher and a  
21 gatherer. And our people today I mean I hope that you heard  
22 everybody here.

23 Because you heard it all -- and we're not here  
24 just today talking for today. We're here talking for  
25 tomorrow and years after in future generations for our

1 people. We're survivors. We survived conquests, massacres,  
2 we survived the disease -- germ warfare, small pox blankets  
3 that were given to help us supposedly and boarding schools,  
4 separate our families to make us civilized human beings and  
5 assimilate us, change us.

6 But we're still here today and we're still living  
7 the way we have even in this vast world the way we lived  
8 since the beginning of time. Our ancestors told us when our  
9 fish are gone so are we -- so are the Yurok people.

10 We don't plan on going anywhere so that's why  
11 we're here telling you today these stories that -- stories  
12 of our history, stories of today, stories of survival. My  
13 great-grandmother, Kitty Genshaw was one of the people that  
14 saw the first white man coming up the river.

15 Since then came the gold rush, commercial  
16 fisheries -- 7 canneries down here, fished out the river  
17 night and day for 20 years in the salmon runs, the logging  
18 industry. We had huge redwood trees -- you can see some of  
19 the remnants of it right now -- Douglas Fir and those trees  
20 shaded the river, provided when it rained -- held that water  
21 in the ground, shade the fish, kept the temperature down --  
22 they're not here anymore.

23 Dams came up, cut our salmon run off. The  
24 Creator made those salmon for the people to go all the way  
25 up through all the tributaries, all the up to Upper Basin.

1 They can't make it there anymore.

2 We know that PacifiCorp wants those dams down.

3 They have to pay a lot of money -- more money to put fish  
4 passage there than to tear them down. Those dams need to  
5 come down. You know, we are fighters. You know the salmon  
6 wars -- we saw the salmon wars.

7 We saw the federal marshals coming down the river  
8 in full riding gear with M-16's ramming our boats, grabbing  
9 up our people, clubbing them up, hauling them off to jail.  
10 In 2001 irrigators got shut off their water.

11 They went up and opened up the flood gates. They  
12 never saw federal marshals, riding gear and 16's clubbing  
13 them up like they didn't have to fight for that. 2002 we  
14 saw the largest fish kill ever. Today they say 33,000  
15 salmons laid dead on the shores of the Klamath River in 2002  
16 but they admit it was 88,000 salmon.

17 2014 -- 80% of our juveniles were lost. 2015 --  
18 90% of our juveniles were lost. You couldn't see them like  
19 that fish year on our shores stinking up our river, but it  
20 was just as bad..

21 CHAIRMAN O'ROURKE: Worse.

22 MR. GENSAW, SR: So that's why we're here. We're  
23 not going anywhere. And we are asking you to take it back  
24 to the people that are going to make the decisions, take  
25 those dams down. Let those fish go up the river and feed

1 everybody -- all the people they are supposed to.

2 Do what's right. Listen to what you hear today,  
3 what you heard today and all the rest of the people I know  
4 you heard at your other meetings, thank you.

5 MR. RAY: Ryan Ray, Requa District. You know  
6 growing up here on the river I think we all shared the same  
7 memory as one of the first things I learned how to do was  
8 check a net and row a boat, maybe even before I learned how  
9 to swim.

10 You know, which is, you know, you see a lot  
11 around here. You see the kids in the boats or with the  
12 lifejackets on and that's one thing that we all share is  
13 that memory and you know it didn't matter what time of year  
14 it was, I'd be in the river every day of the year.

15 And if I wasn't home my mom knew where I was. I  
16 was probably in the river somewhere. But you know, last  
17 year I took the kids out -- I have five kids, I took the  
18 kids down to Wakel to go and do a barbecue.

19 So we got down there in this big beautiful river  
20 but you can't go fishing -- there's no fishing. So we're  
21 sitting there and as my older kids are chasing the younger  
22 ones away from the river like it was poison -- you know I  
23 sat back watching this thinking man, this is supposed to be  
24 a fun day but for me it really turned kind of depressing  
25 because you couldn't fish and you are chasing the little



1 kids away from the river, like don't touch it, don't touch  
2 it you'll get sick.

3 And you know, you can make a beautiful chocolate  
4 cake and if you tell them don't eat it they won't as long as  
5 you are in the room with them but once you walk out of the  
6 room you come back they have frosting on their face.

7 But in this case the frosting comes in the form  
8 of big, nasty scabs on their face, on their head, so when  
9 they come home and the next day they have got these big  
10 scabs you know they were in the river and they kind of  
11 learned from that.

12 But that's why we need to get these dams down to  
13 restore the health of the river and restore our people to  
14 what we used to be. I'm not that old -- I'm only 34 years  
15 old. 25 years ago, you know, I could never remember anybody  
16 telling me to get away from the river you're going to get  
17 sick -- ever.

18 And now I've got to chase my kids away from the  
19 river because, you know, it's not good for them and we see  
20 that. Get these dams out and this Council is fully  
21 committed to dam removal and there's no doubt in my mind  
22 come 2020 we will see the decommissioning of these four dams  
23 in the Klamath River, thank you.

24 MR. AUBREY: Hello, my name is Edward Horse  
25 Aubrey. I'm from North District. I grew up fishing on the

1 Klamath River with my grandfather. This really hurts here  
2 because toxic algae is poisoning the Klamath River. FERC  
3 has an obligation because if you take the tribal resources.  
4 The collapse of the fishery in 2016 and 2017 points the need  
5 for urgent action.

6 Dam removal is the most important step to  
7 restoring our rivers and our fisheries. FERC should approve  
8 the transfer and surrender the application immediately and  
9 let our Klamath River heal itself, thank you.

10 CHAIRMAN O'ROURKE: Mindy?

11 MS. NATT: My name is Mindy Natt. I'm a Yurok  
12 Tribal member and a Council member for the Yurok Tribe. I'm  
13 only 34 years old and I have lived on the Yurok Reservation  
14 all my life.

15 I grew up in Pequa. I spent most of my time on  
16 the river swimming and learning how to fish with my  
17 stepfather, Tommy Wilson. I never went without any fish  
18 because my stepfather, Tommy Wilson, would provide plenty  
19 for me.

20 The poor quality and the lack of natural flow are  
21 making our river sick and it's due to the dams. And as a  
22 result our fishing are dying. I remember the 2002 fish  
23 kill. I was out of town at school and I was out of town  
24 going to school for like five years so that pretty much was  
25 all my life on the reservation.

1           And I remember it like it was yesterday. It was  
2   devastating to me. It brings back the intergenerational  
3   trauma that was passed down to me through my ancestors and  
4   what our people went through.

5           And so, basically what I'm trying to say is that  
6   this epidemic inflicted harm on not only me but our tribe as  
7   a whole. And I'm asking FERC to remove the four dams off  
8   the Klamath River to restore our traditional way of life,  
9   our river and our fish.

10           CHAIRMAN O'ROURKE: Before I get ready to close  
11   up the meeting are there comments that you folks would like  
12   to make and then I do have a little bit of a closing  
13   statement so.

14           MS. MOLLOY: I would like to thank everyone who  
15   provided comments for providing the comments. I know it was  
16   difficult and we appreciate it greatly. It will be  
17   considered when the Commission considers the transfer and  
18   surrender applications.

19           It will be put in the record so it will be there.  
20   We will also be putting the presentation that was made this  
21   morning in the record and that will be considered as well.  
22   We appreciate the time that it's taken for you to come out  
23   today and listen and also provide comments.

24           We have heard all that you have said and we will  
25   make sure that everyone back in Washington hears it and

1 understands it and again it will be written and in the  
2 record. So thank you again for your time and your comments  
3 and also to the Council for allowing comments and for your  
4 comments as well, thank you.

5 CHAIRMAN O'ROURKE: In closing you know, first  
6 off thank you folks for coming out you know and for hearing  
7 our concerns. You know the facts that we present and to  
8 share a part of us with you so that you can better  
9 understand this native people -- that's important.

10 I believe that the dam removal is a very  
11 important component of -- for the healing of the river. I  
12 think that all who live around the river -- the river  
13 doesn't know what color we are, not really, maybe, but you  
14 know it will repair and treat us all the same.

15 It doesn't matter who you are or what color you  
16 are, if you live around a river you talk about the river,  
17 you use the river in one form or another. You know, and to  
18 our visitors that come from abroad to see the beauty along  
19 the river and the river itself you know, to the excitement  
20 that it brings when they ride a rubber raft or a kayak  
21 through one of the rapids that are out there or to reel  
22 fishing in the boat, or to pull a fish in the boat out of a  
23 net.

24 You know, right now it is not safe for any of us  
25 to do any of that. In mid-summer, you know, and towards the

1 later end of summer it's not safe for us to do that. You  
2 hear of Council member Ryan what he says about his kids.  
3 What he says is so and I know it to be so and so do most of  
4 the people in this room.

5 I think that it's beneficial to all people to  
6 remove the dams and to begin to do our part in restoring the  
7 health back to the river. I believe we have that power  
8 within our grasp and that we are able, you know, and capable  
9 of doing this component of it.

10 Who all knows what all it's going to truly take  
11 to truly heal it, but this is a major step towards making it  
12 happen? You know, if you show effort and you show care and  
13 your prayers comes from your heart and your action comes  
14 from your heart -- usually positive results that come from  
15 it.

16 And who knows how much ability that that river  
17 has to heal itself you know. We can go back and look at  
18 other dam removals and what has happened you know, and in  
19 the short timeframes that they have taken the major of what  
20 has happened as far as restoration of itself.

21 And so with those thoughts in your mind I would  
22 hope that you would consider all that you heard here today.  
23 You know I think that you have heard from many people, not  
24 only their minds but their hearts.

25 You know, and it's not easy for native people to

1 share their heart with someone from outside, you know. And  
2 so travel safe and we thank you once again for your time  
3 here with us. Thank you.

4 MS. CORDALIS: Just a housekeeping note -- we  
5 would like to add the Yurok Constitution on to the record.  
6 And then also for folks in the audience if you haven't  
7 signed-up we want to make sure that your presence is known  
8 so please make sure you sign up with Mya out there in the  
9 front desk, so thank you.

10 (Whereupon the meeting was adjourned at  
11 3:21 p.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH HYDROELECTRIC PROJECTS

8

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11

12

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14 Docket No.: P-2082-062/ P-14803-000

15 Place: Klamath, CA

16 Date: Friday, January 19, 2018

17 were held as herein appears, and that this is the original  
18 transcript thereof for the file of the Federal Energy  
19 Regulatory Commission, and is a full correct transcription  
20 of the proceedings.

21

22

23 Gaynell Catherine

24 Official Reporter

25

Document Content(s)

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1     FEDERAL ENERGY REGULATORY COMMISSION  
2             KLAMATH AND LOWER KLAMATH  
3             HYDROELECTRIC PROJECTS

4

5     DOCKET NOS: P-2082-062/P-14803-000

6

7

8             TRIBAL CONSULTATION MEETING

9             TELECONFERENCE

10

11            Monday, February 5, 2018

12                    11:00 A.M.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, ATTORNEY-ADVISOR

7 MODOC TRIBE

8 CHIEF BILL G. FOLLIS, CHIEF AND TRIBAL ADMINISTRATOR

9 JUDY COBB, CHIEF

10 ROB BURKYBIKE III, HOUSING & ENERGY DIRECTOR

11 W. BLAKE FOLLIS, ENVIRONMENTAL DIRECTOR AND TRIBAL ATTORNEY

12 MARISSA FAHRING, TRIBAL BUSINESS REPRESENTATIVE

13 TROY LITTLEAXE, ASSISTANT TRIBAL ADMINISTRATOR AND ATTORNEY

14 DAVE MEURER, COMMUNITY LIAISON

15 KEVIN TAKEI, OFFICE OF GENERAL COUNSEL

16 JOSHUA ADRIAN, ATTORNEY

17 DIANE HENKELS, ATTORNEY

18 THOMAS P. SCHLOSSER, COUNSEL FOR HOOPA VALLEY TRIBE

19 JOHN HAMILTON, COMMUNITY MEMBER

20 JEFF MORRIS

21 HOLLY DILLEMUTH, HERALD AND NEWS

22

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

2 (11:00 a.m.)

3 MS. POLARDINO: So first off, before we begin, I  
4 kind of wanted to make sure that we kind of know who's  
5 attending the meeting. So first off, I will kind of go  
6 through the attendance sheet that I have and if there's  
7 anybody here who is not on this sheet please let me know.

8 And after the meeting what we can do is you can  
9 email me to verify all of the information that you have --  
10 for example, the spelling of your name, the entity that you  
11 represent, et cetera. And you can email me at Jennifer -  
12 J-e-n-n-i-f-e-r dot Polardino which is P-o-l-a-r-d-i-n-o @  
13 FERC.gov -- because I understand sometimes people get the  
14 call-in information from other people or what not.

15 So first off, do we have Chief Bill G. Follis of  
16 the Modoc Tribe on the phone?

17 CHIEF FOLLIS: Yes, he's here.

18 MS. POLARDINO: Okay, do we have Judy Cobb from  
19 the Modoc Tribe?

20 CHIEF FOLLIS: Judy will not be here this  
21 morning.

22 MS. POLARDINO: Okay, do we have Rob Burkybike,  
23 III from the Modoc Tribe?

24 MR. BURKYBIKE, III: Yes, I'm here.

25 MS. POLARDINO: Okay, do we have W. Blake Follis

1 from the Modoc Tribe?

2 MR. FOLLIS: Yes, I'm here Jen.

3 MS. POLARDINO: Thank you, do we have Marissa  
4 Fahring from the Modoc Tribe?

5 CHIEF FOLLIS: Marissa will be in shortly.

6 MS. POLARDINO: Okay, do we have Troy LittleAxe  
7 from the Modoc Tribe?

8 MR. LITTLEAXE: Yes, I'm here.

9 MS. POLARDINO: Okay, do we have any other  
10 members or representatives from the Modoc Tribe on the phone  
11 today?

12 CHIEF FOLLIS: No, we do not have any from our  
13 office and should any come in we'll be happy to announce  
14 them.

15 MS. POLARDINO: Okay, great -- that'd be great.

16 MS. POLARDINO: Do we have Dave Meurer from the  
17 Klamath River Renewal Corporation on the phone?

18 (No response.)

19 MS. POLARDINO: Okay. Do we have Kevin Takei -- I  
20 apologize if I'm mispronouncing anybody's last name -- from  
21 the California Department of Fish and Wildlife on the phone?

22 (No response.)

23 MS. POLARDINO: Do we have Joshua Adrian from Duncan,  
24 Weinberg?

25 MR. ADRIAN: Yes, I'm here.

1 MS. POLARDINO: Okay, do we have Diane Henkels  
2 from Henkels Law, LLC?

3 (No response.)

4 MS. POLARDINO: Okay, do we have Thomas Schlosser?

5 MR. SCHLOSSER: Yes.

6 MS. POLARDINO: Okay, do we have John Hamilton on  
7 the phone?

8 MR. HAMILTON: Yes we do. I'm a member of the  
9 general public. I assume that's okay to attend.

10 MS. POLARDINO: Yes, yes. Do we have Jeff Morris  
11 on the phone?

12 (No response.)

13 MS. POLARDINO: Okay, do we have Elizabeth Nielsen  
14 from the County of Siskiyou -- I apologize?

15 MS. NIELSEN: Yes, you do.

16 MS. POLARDINO: Okay, yes. Do we have Natalie  
17 Reed from the County of Siskiyou?

18 MS. NIELSEN: She may be calling in a little bit  
19 later.

20 MS. POLARDINO: Okay, do we have Holly Dillemuth  
21 from the Herald and News on the phone?

22 (No response.)

23 MS. POLARDINO: Okay, are there any other people on  
24 the phone that I haven't called out their names?

25 (No response.)

1 MS. POLARDINO: Okay -- so hello?

2 (No response.)

3 MS. POLARDINO: Okay, so for the members of the  
4 public if you would not mind muting the phones so we won't  
5 have a lot of extra static on the teleconference call.

6 Also, since we're having a teleconference call anytime  
7 anybody would speak if you wouldn't mind re-identifying  
8 yourself whenever you're on the phone and what not.

9 My name is Jennifer Polardino. I'm a Historian  
10 from the Division of Hydropower Administration and  
11 Compliance and with the Office of Energy Projects and I'm  
12 going to go around the tables to identify other FERC staff  
13 members who are here.

14 MS. MCCORMICK: Hi, I'm Elizabeth McCormick. I'm  
15 in the Office of the General Counsel here at the Commission.

16 MS. MOLLOY: I'm Liz Molloy, I'm the Tribal  
17 Liaison here at the Commission and I'm also from the Office  
18 of the General Counsel.

19 MR. WINCHELL: Hi, I'm Frank Winchell. I'm an  
20 Archeologist with the Office of Energy Projects Division of  
21 Hydropower Licensing at FERC.

22 MS. POLARDINO: Okay so first off, we have an  
23 agenda I sent out to the Modoc Tribe. Do you have an  
24 opening statement?

25 CHIEF FOLLIS: I think our opening statement is

1     rather simple. We're happy you all can be here today and  
2     happy for the opportunity to have this call. And I also  
3     wanted to let you know Jennifer, that Marissa did just walk  
4     in.

5                 MS. POLARDINO: Great.

6                 CHIEF FOLLIS: Do you want to say hi Marissa?

7                 MS. FAHRING: Hello.

8                 MS. POLARDINO: That's Marissa Farring, and again  
9     if you guys wouldn't mind re-identifying. We have a court  
10    reporter who's transcribing the meeting -- that's the reason  
11    why we were asking everybody to re-identify themselves so  
12    when we are doing the transcript we would have an idea who  
13    actually was speaking.

14                CHIEF FOLLIS: Okay.

15                MS. POLARDINO: Just first some ground rules for  
16    the public. I think I kind of have already stated this --  
17    this is a meeting between the Commission staff and the Modoc  
18    Tribe to see any concerns or what not they have with regards  
19    to their proposals for the Klamath and Lower Klamath  
20    Projects.

21                The general public is able to attend this meeting  
22    but this meeting will not be for public comments so we'll  
23    kind of maybe turn this over to Elizabeth.

24                MS. MCCORMICK: Sure, I'll just -- this is Liz  
25    McCormick again. Thanks everyone for being on the call

1 today. I'll just give a little background of the proceeding  
2 up to this point. I'm kind of -- our goals for the call  
3 today. So I think as most of you know, we have received an  
4 application from the Klamath River Renewal Corporation and  
5 PacifiCorp.

6 We have two applications in front of us. One is  
7 for an amendment of the existing license and to transfer it  
8 to the Renewal Corporation -- four dams that PacifiCorp  
9 would like to transfer to the Renewal Corporation and then  
10 they would amend their existing license to remove those four  
11 dams from the project.

12 And then there would be a new license issued to  
13 the Renewal Corporation for those lower four dams. The  
14 second application is for a surrender of those lower four  
15 dams by the Renewal Corporation.

16 And so we do have two separate proceedings before  
17 us which can get a little bit confusing but they're very  
18 closely related and so the purpose of doing them separately  
19 is because it's kind of a unique situation where one entity  
20 is transferring dams to another entity for the explicit  
21 purpose of removing those dams from the river.

22 So they're very closely related but there's a lot  
23 of information that is pertinent to both proceedings.  
24 Anything else that you can think of -- so yeah, so as far as  
25 our process goes we have these applications before us.



1           We anticipate acting on the application for  
2   amendment and transfer first and then once we've made a  
3   decision on that application then we will be able to move  
4   forward with considering the application for surrender.

5           So the amendment and transfer proceeding is more  
6   of an administrative proceeding -- there's no physical  
7   change proposed in that application. It's a purely legal  
8   and administrative proceeding.

9           When we eventually get to the point where we --  
10   if we decide to consider the application for surrender that  
11   proceeding will involve the full environmental analysis and  
12   also the cultural resources, historic properties -- all that  
13   kind of stuff that is really into the physical removal of  
14   the dams from the river.

15           So the transfer and amendment is purely an  
16   administrative proceeding.

17           MS. POLARDINO: And anything that got transferred  
18   over would have the same terms and conditions -- this is  
19   Jennifer Polardino. Anything that would be from the four  
20   projects would be transferred over and have the same terms  
21   and conditions for the new license.

22           MR. FOLLIS: Jennifer and Liz, this is Blake  
23   Follis from the Modoc Tribe. My question is -- is that  
24   nothing has been done as far as cultural resource studies or  
25   environmental studies at this point, is that correct?

1           MR. WINCHELL: Yeah, this is Frank Winchell  
2 speaking. Yeah like -- okay there has been quite a bit of  
3 background work done that was conducted during the previous  
4 relicensing as well as there's been some more recent work  
5 done when the Department of Interior issued their final  
6 environmental impact statement back in 2012.

7           So there is quite a bit of cultural resources  
8 information that we already have before us that's on record.

9           MR. FOLLIS: Okay Frank, this is Blake again --  
10 and how much of that has included our tribe?

11          MR. WINCHELL: Good question. I don't think  
12 we've got a whole great deal of information. We certainly  
13 -- we have the contextual information about the Modoc  
14 historically, but as far as recent information -- like let's  
15 say the perspective from the tribe, we would by all means  
16 welcome any additional information that you may have that  
17 can be provided on the record for us to use as part of our  
18 environmental analysis for the Klamath.

19          MR. FOLLIS: Frank, this is Blake again, so my  
20 understanding of the cultural resource studies that have  
21 been conducted that's everything on the surface as of today,  
22 correct?

23          MR. WINCHELL: Yeah, now when you say surface --  
24 you know there's quite a bit of a comprehensive  
25 archeological surveys done. I think there was some

1 sub-surface testing of some particular sites.

2 Of course there's a lot of traditional cultural  
3 resources information that was provided as well.

4 MR. FOLLIS: So let me re-define that in line  
5 with that. When I say surface I'm discussing areas not  
6 currently covered by water.

7 MR. WINCHELL: Yeah, I think we pretty much have  
8 most of the surface area that's been intensively inventoried  
9 involving the Lower Klamath Project.

10 MR. FOLLIS: So with that said there's nothing  
11 underneath the existing reservoirs right now to think about?

12 MR. WINCHELL: Correct. Now of course we are  
13 aware that there is stuff that's inundated since the  
14 reservoirs have been put in place over the last hundred  
15 years or so, so we are definitely aware that there would be  
16 resources that would probably be exposed to some degree if  
17 and when the dams would be removed.

18 MR. FOLLIS: Okay. And then moving towards a  
19 little bit of the environment -- again this is Blake Follis  
20 -- the environmental side, you know, how much as far as  
21 mitigation efforts and remedial efforts have been taken into  
22 account with this study?

23 From my research of just briefly looking through  
24 the filings that have been made, I'd say those were rather  
25 voluminous but volume doesn't always mean that something has

1     been addressed directly.

2                 So I'm looking in terms of what type of sediment  
3     mitigation is being accounted for prior to the consideration  
4     of the dam removal and then post-dam removal what type of  
5     sedimentation mediation and mitigation aspects will be done?

6                 MR. WINCHELL: Right. The corporation has  
7     provided what they call the "detailed plan" and that's going  
8     to be followed up with sort of the finalization of the  
9     detailed plan. There's quite a bit of information about  
10    the, the -- what kinds of sediments are behind the dam.

11                They have done some coring so they do -- you  
12    know, they do have some empirical data about the sediments  
13    and there's been some work on what would happen once the  
14    sediments got removed.

15                So I would definitely recommend that the Tribe  
16    look at that information in the detailed plan and then of  
17    course the corporation is going to be filing their final  
18    finalization of the detailed plan which would also be  
19    available on the record fairly soon.

20                MR. FOLLIS: Okay, okay and that would also --  
21    again this is Blake Follis. That will also address  
22    different types of fish habitat impacts?

23                MR. WINCHELL: Yeah.

24                MR. FOLLIS: Species impacts, different types  
25    that would otherwise be considered under an ESA -- or EIS?

1           MR. WINCHELL: Correct, correct. And that  
2 information is also -- again we've got two NEPA analyses.  
3 The one I would start off with would be the FERC final  
4 environmental impact statement which was done back in 2008.  
5 That's a very comprehensive analysis on the existing and  
6 anadromous fish and the impacts are such also riparian  
7 impacts along the shoreline with terrestrial resources.

8           And then of course we've got the more recent  
9 analysis on involving the final environmental impact  
10 statement that was done by the Department of Interior back  
11 in 2012. And again, these are very comprehensive  
12 environmental analyses. They have a lot of this  
13 information -- if not everything, that we need to go forward  
14 with an analysis on a surrender of the projects and  
15 subsequent dam removal.

16           MR. FOLLIS: Okay and I'm -- in here I'm briefly  
17 assuming but that would also take into account the impact on  
18 the water table itself for the river?

19           MR. WINCHELL: Yes.

20           MR. FOLLIS: Okay and all of the hydrology  
21 studies have been included on that as well?

22           MR. WINCHELL: As far as we know, yes.

23           MR. FOLLIS: Okay -- other aspects that I'm  
24 looking at -- what's the basis of filing this application  
25 with the KRRC and PacifiCorp? What's the foundational

1 reasoning for that?

2 MR. WINCHELL: Well I believe again -- they want  
3 to transfer the jurisdiction from PacifiCorp specifically to  
4 essentially the corporation is made up of the states of  
5 California and the state of -- or the state of California  
6 and Oregon. They're the principals of the corporation along  
7 with involved Indian Tribes and some other entities.

8 So it's essentially a jurisdictional transference  
9 of the authority from PacifiCorp which is a private entity  
10 to the states of California and Oregon who also have the  
11 water quality certification authority as well.

12 MR. FOLLIS: Frank, this is Blake, you mentioned  
13 tribes and of the tribes that are included on that --

14 MR. WINCHELL: Right.

15 MR. FOLLIS: We are not and I'm kind of wondering  
16 as far as the elephant in the room as to why we are not  
17 included on that as being involved with the KRRRC in that  
18 type of -- any type of settlement agreement as it applies to  
19 the river considering the fact that the four dams in  
20 question here are well within our ancestral territory.

21 MR. WINCHELL: Right.

22 MR. FOLLIS: And the water rights that are going  
23 to be impacted according to, you know, our 1864 Treaty and  
24 then pre-dating it ancestral files.

25 MR. WINCHELL: Right.

1           MR. FOLLIS: Why we have not been consulted is an  
2 area of concern for us.

3           MR. WINCHELL: Well again Blake, you are  
4 certainly -- and we recognize you as a federally recognized  
5 tribe and that you are indeed involved with this -- these  
6 procedures that are before us.

7           In the past I can only say that there were, you  
8 know, attempts to involve the tribes way back over a decade  
9 ago. Why that didn't occur I'd have to look into the record  
10 but I think that's literally, you know, water underneath the  
11 bridge and hence forward you are certainly involved.

12          MS. MOLLOY: This is Liz Molloy. Certainly from  
13 our proceeding we certainly encourage you to file comments.  
14 We certainly will take those comments into account and we  
15 will consider your views in analyzing the application and  
16 going towards making the decision on both the applications.

17          But as to why the corporation -- the corporation  
18 is not us, it is an applicant and so any questions about  
19 whether -- why they would not have included you or why --  
20 whether or not they would be interested in having you  
21 participate now in their corporation would be a question for  
22 them as an applicant.

23          That wouldn't be us. We will be analyzing the  
24 applications and making a decision based on that but they  
25 are the ones applying.

1 MR. WINCHELL: Yeah.

2 MR. FOLLIS: Thank you for that Liz, I appreciate  
3 it. I do have another question -- again this is Blake  
4 Follis. What's going to be the impact of, you know, fire  
5 safety? As I understand it those reservoirs right now are  
6 used for fire-fighting efforts and if you remove a large  
7 body and volume of water away from, you know, basically  
8 you're removing that resource. What will be the impact on  
9 that?

10 MS. POLARDINO: We will be analyzing that Blake.

11 MS. MCCORMICK: Yeah that is something that we'll  
12 be looking at as part of the application for surrender and  
13 so we're still waiting for some additional information from  
14 applicants before we can fully analyze that application --  
15 but that's definitely something that we've received comments  
16 on and we are going to be analyzing.

17 MR. FOLLIS: That's awesome. One more question  
18 -- who carries the liability during the removal of the dams  
19 and then once the dams are removed? As I understand it the  
20 KRRC is a 501C3 and typically non-profits don't carry much  
21 liability outside of their assets.

22 So what's, you know, either personal or I guess  
23 it's going to really end up coming down to personal  
24 liability. What's the impact for an individual who may be  
25 harmed -- what do they do as far as finding a remedy?



1 MS. MCCORMICK: So we are still waiting on  
2 additional information regarding insurance and risk  
3 mitigation as part of the application for surrender. From  
4 what the Renewal Corporation has told us, they have kind of  
5 a general business kind of insurance policy and then they  
6 will also have more project-specific policies.

7 And so we're waiting on additional information  
8 but that's definitely something that we're looking at very  
9 closely and we're anticipating that we should be getting  
10 that information with the definite plan that Frank was  
11 talking about hopefully in the next few months.

12 MR. FOLLIS: Okay, yeah because I think it would  
13 be a very intelligent move on their part to have a long-term  
14 insurance policy based on the effect of this removal.

15 MS. MCCORMICK: Yes, absolutely and to your  
16 question earlier about who exactly will be liable and when  
17 -- PacifiCorp has agreed to continue operating the dams up  
18 until decommissioning begins, if and when that does happen.

19 And then from the beginning of decommissioning  
20 on, it will be the Renewal Corporation alone -- it will be  
21 the full entity responsible.

22 MR. FOLLIS: Okay, what will be the economic  
23 impacts that take place? I've read a little bit of the  
24 charge issue -- rate users right now for electric -- the  
25 argument is that it will be minimal but I find that a little

1 bit hard to believe when you don't have power coming in to  
2 be distributed.

3 I see that as kind of a great opportunity to  
4 raise prices because you have a lower amount of supply.

5 MR. WINCHELL: Well, we're going to do some --  
6 you know, the economic analysis was going to be part of our  
7 NEPA analysis on the surrender so a lot of that information  
8 would be -- we would be looking into it and that would be  
9 part of our analysis.

10 There is something that you know,  
11 jurisdictionally wise, you know, the Commission isn't  
12 involved with let's say -- in-state retail and so there may  
13 be things that would be outside of our jurisdiction as part  
14 of regulating electric prices as such but we certainly would  
15 -- that would be part of our analysis on the effects of a, a  
16 decommissioning removal of the dams on the local economy and  
17 things as such.

18 MR. FOLLIS: Okay well I think for my part I'll  
19 allow for the rest of the Tribal members who are present to  
20 speak if they have any questions or concerns, so far I'm  
21 getting a bunch of no's.

22 MR. WINCHELL: Okay this is Frank again. I just  
23 wanted to add that the -- the project coordinator for this  
24 surrender his name is Dr. John Mudre. He is a Fisheries  
25 Biologist, he was also the coordinator for the analysis that

1 we did on the original relicensing so again you're welcome  
2 to contact any of this today but I just wanted to make it  
3 clear that John Mudre is going to be the Project Coordinator  
4 for the surrender process.

5 MR. FOLLIS: Frank, this is Blake again, I'd  
6 appreciate it if you all worked through Jennifer to send me  
7 the appropriate contact information and --

8 MS. POLARDINO: Blake, this is Jennifer, I was  
9 planning on doing so, so yes, absolutely.

10 MR. FOLLIS: Yeah because I, you know, it's kind  
11 of rough coming in late in the game, so to speak, how  
12 everything is working out but we still definitely want to  
13 have a place on this project.

14 MR. WINCHELL: Sure.

15 MR. FOLLIS: And work with everybody within the  
16 community that we've been very well opened and obvious with  
17 making investments in the area and then also insuring that  
18 everybody benefits from decisions that we have the  
19 opportunity to have an impact on.

20 MS. MOLLOY: One -- this is Liz Molloy, one thing  
21 I'd like to clarify is due to our quasi-judicial role where  
22 we're making a decision on an application and there is both  
23 support and opposition on various aspects of this -- this is  
24 a contested proceeding and therefore our -- the Commission's  
25 ex parte rules apply.

1           So that's one reason -- that's why we're having  
2   this -- a court reporter report on this, do a transcript of  
3   this meeting and all the other tribal meetings. But so,  
4   while we can answer procedural questions we actually need to  
5   have comments and concerns raised on the record.

6           So we certainly will be on the surrender when we  
7   get the additional information. We will be issuing a notice  
8   asking for comments and we certainly welcome any comments  
9   that you all would have. And if there are any comments that  
10  you would be filing or interested in making that would be  
11  privileged that you would want confidential, we do have  
12  privileged filing methods that would keep it more sheltered,  
13  the information.

14           MR. WINCHELL: Yeah, and this is Frank just  
15  following up on what Liz is saying is that of course,  
16  anything that's procedural -- like if there was a filing of  
17  confidential information as such we would certainly be able  
18  to help you understand that and we can do that by telephone.

19           But anything involving the merits of the project  
20  we can't talk about because of our off the record  
21  communication prohibitions involving a contested proceeding.  
22  That would have to be put on the record, but anything that's  
23  procedural we certainly can walk you through these kinds of  
24  things.

25           MR. FOLLIS: I appreciate that very much Frank

1 and Liz and as it kind of stands right now I think we're a  
2 little bit near the issues as well and it would be premature  
3 of us to support this without further involvement of the  
4 Tribe going forward and we appreciate you all providing an  
5 opportunity for the call today and we really look forward to  
6 working with you all in the future.

7 MS. MOLLOY: In the -- one other thing I would  
8 notice -- this is Liz Molloy again, one thing I would  
9 mention is that the applicant -- the Klamath Renewal  
10 Corporation -- in the notice that we issued of the  
11 applications filed, we issued a notice in November, 2016 --  
12 I believe they were designated non-federal representatives  
13 for 106 -- Section 106 National Historic Preservation Act  
14 and for ESA.

15 So to the extent they reach out and ask for any  
16 information you might have or might be willing to share with  
17 them we encourage you to work with them to help make sure  
18 their application and additional information they filed with  
19 us is as complete and accurate as possible.

20 MR. FOLLIS: So let me understand -- they are  
21 authorized to reach out to tribes?

22 MS. MOLLOY: They are.

23 MR. FOLLIS: Okay, okay thank you. Okay, does  
24 anybody else -- Chief do you have anything? Okay, well  
25 again thank you all for your time. We appreciate it and if

1 we have any other opportunities to visit with you we'll be  
2 happy to do so.

3 MR. WINCHELL: Great.

4 MS. POLARDINO: Yes, and just to remind you guys  
5 on the phone, everybody outside, this meeting will be  
6 transcribed and will be on the record at least 30 days after  
7 this meeting.

8 And if there are any additional comments as both  
9 Frank and Liz have made clear, if there are any additional  
10 comments you want to make for the record you can file it on  
11 our e-library system and if you have any issues for filing  
12 anything, contact anybody here that you're talking to today.

13 And we thank you for your time and your comments  
14 and your questions.

15 MS. MOLLOY: Thank you.

16 MR. FOLLIS: Thank you all as well.

17 (Whereupon the meeting was adjourned at 11:31 a.m.)

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH

8 HYDROELECTRIC PROJECTS

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16 Docket No.: P-2082-062/P-14803-000

17 Place: Washington, D.C.

18 Date: Monday, February 5, 2018

19 were held as herein appears, and that this is the original  
20 transcript thereof for the file of the Federal Energy  
21 Regulatory Commission, and is a full correct transcription  
22 of the proceedings.

23

24 Gaynell Catherine

25 Official Reporter

1       FEDERAL ENERGY REGULATORY COMMISSION

2               KLAMATH AND LOWER KLAMATH

3               HYDROELECTRIC PROJECTS

4

5       DOCKET NOS: P-2082-062/P-14803-000

6

7

8               TRIBAL CONSULTATION MEETING

9               TELECONFERENCE

10

11              Monday, February 5, 2018

12                      11:00 A.M.

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1 PARTICIPANTS

2 FERC STAFF

3 ELIZABETH M. MOLLOY, TRIBAL LIAISON

4 JENNIFER POLARDINO, HISTORIAN

5 FRANK WINCHELL, ANTHROPOLOGIST/ARCHAEOLOGIST

6 ELIZABETH MCCORMICK, ATTORNEY-ADVISOR

7 MODOC TRIBE

8 CHIEF BILL G. FOLLIS, CHIEF AND TRIBAL ADMINISTRATOR

9 JUDY COBB, CHIEF

10 ROB BURKYBIKE III, HOUSING & ENERGY DIRECTOR

11 W. BLAKE FOLLIS, ENVIRONMENTAL DIRECTOR AND TRIBAL ATTORNEY

12 MARISSA FAHRING, TRIBAL BUSINESS REPRESENTATIVE

13 TROY LITTLEAXE, ASSISTANT TRIBAL ADMINISTRATOR AND ATTORNEY

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15 KEVIN TAKEI, OFFICE OF GENERAL COUNSEL

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17 DIANE HENKELS, ATTORNEY

18 THOMAS P. SCHLOSSER, COUNSEL FOR HOOPA VALLEY TRIBE

19 JOHN HAMILTON, COMMUNITY MEMBER

20 JEFF MORRIS

21 HOLLY DILLEMUTH, HERALD AND NEWS

22

23

24

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

2 (11:00 a.m.)

3 MS. POLARDINO: So first off, before we begin, I  
4 kind of wanted to make sure that we kind of know who's  
5 attending the meeting. So first off, I will kind of go  
6 through the attendance sheet that I have and if there's  
7 anybody here who is not on this sheet please let me know.

8 And after the meeting what we can do is you can  
9 email me to verify all of the information that you have --  
10 for example, the spelling of your name, the entity that you  
11 represent, et cetera. And you can email me at Jennifer -  
12 J-e-n-n-i-f-e-r dot Polardino which is P-o-l-a-r-d-i-n-o @  
13 FERC.gov -- because I understand sometimes people get the  
14 call-in information from other people or what not.

15 So first off, do we have Chief Bill G. Follis of  
16 the Modoc Tribe on the phone?

17 CHIEF FOLLIS: Yes, he's here.

18 MS. POLARDINO: Okay, do we have Judy Cobb from  
19 the Modoc Tribe?

20 CHIEF FOLLIS: Judy will not be here this  
21 morning.

22 MS. POLARDINO: Okay, do we have Rob Burkybike,  
23 III from the Modoc Tribe?

24 MR. BURKYBIKE, III: Yes, I'm here.

25 MS. POLARDINO: Okay, do we have W. Blake Follis



1 from the Modoc Tribe?

2 MR. FOLLIS: Yes, I'm here Jen.

3 MS. POLARDINO: Thank you, do we have Marissa  
4 Fahring from the Modoc Tribe?

5 CHIEF FOLLIS: Marissa will be in shortly.

6 MS. POLARDINO: Okay, do we have Troy LittleAxe  
7 from the Modoc Tribe?

8 MR. LITTLEAXE: Yes, I'm here.

9 MS. POLARDINO: Okay, do we have any other  
10 members or representatives from the Modoc Tribe on the  
phone  
11 today?

12 CHIEF FOLLIS: No, we do not have any from our  
13 office and should any come in we'll be happy to announce  
14 them.

15 MS. POLARDINO: Okay, great -- that'd be great.

16 MS. POLARDINO: Do we have Dave Meurer from the  
17 Klamath River Renewal Corporation on the phone?

18 (No response.)

19 MS. POLARDINO: Okay. Do we have Kevin Takei -- I  
20 apologize if I'm mispronouncing anybody's last name -- from  
21 the California Department of Fish and Wildlife on the  
phone?

22 (No response.)

23 MS. POLARDINO: Do we have Joshua Adrian from Duncan,  
24 Weinberg?

25

MR. ADRIAN: Yes, I'm here.

1 MS. POLARDINO: Okay, do we have Diane Henkels  
2 from Henkels Law, LLC?

3 (No response.)

4 MS. POLARDINO: Okay, do we have Thomas Schlosser?

5 MR. SCHLOSSER: Yes.

6 MS. POLARDINO: Okay, do we have John Hamilton  
on the phone?

7  
8 MR. HAMILTON: Yes we do. I'm a member of the  
9 general public. I assume that's okay to attend.

10 MS. POLARDINO: Yes, yes. Do we have Jeff  
Morris on the phone?

11  
12 (No response.)

13 MS. POLARDINO: Okay, do we have Elizabeth Nielsen  
14 from the County of Siskiyou -- I apologize?

15 MS. NIELSEN: Yes, you do.

16 MS. POLARDINO: Okay, yes. Do we have Natalie  
17 Reed from the County of Siskiyou?

18 MS. NIELSEN: She may be calling in a little bit  
19 later.

20 MS. POLARDINO: Okay, do we have Holly Dillemuth  
21 from the Herald and News on the phone?

22 (No response.)

23 MS. POLARDINO: Okay, are there any other people on  
24 the phone that I haven't called out their names?





1 MS. POLARDINO: Okay -- so hello?

2 (No response.)

3 MS. POLARDINO: Okay, so for the members of the  
4 public if you would not mind muting the phones so we won't  
5 have a lot of extra static on the teleconference call.

6 Also, since we're having a teleconference call anytime  
7 anybody would speak if you wouldn't mind re-identifying  
8 yourself whenever you're on the phone and what not.

9 My name is Jennifer Polardino. I'm a Historian  
10 from the Division of Hydropower Administration and  
11 Compliance and with the Office of Energy Projects and I'm  
12 going to go around the tables to identify other FERC staff  
13 members who are here.

14 MS. MCCORMICK: Hi, I'm Elizabeth McCormick.  
I'm  
15 in the Office of the General Counsel here at the  
Commission.

16 MS. MOLLOY: I'm Liz Molloy, I'm the Tribal  
17 Liaison here at the Commission and I'm also from the Office  
18 of the General Counsel.

19 MR. WINCHELL: Hi, I'm Frank Winchell. I'm an  
20 Archeologist with the Office of Energy Projects Division of  
21 Hydropower Licensing at FERC.

22 MS. POLARDINO: Okay so first off, we have an  
23 agenda I sent out to the Modoc Tribe. Do you have an  
24 opening statement?

25

CHIEF FOLLIS: I think our opening statement is

1       rather simple. We're happy you all can be here today and  
2       happy for the opportunity to have this call. And I also  
3       wanted to let you know Jennifer, that Marissa did just walk  
4       in.

5                   MS. POLARDINO: Great.

6                   CHIEF FOLLIS: Do you want to say hi Marissa?

7                   MS. FAHRING: Hello.

8                   MS. POLARDINO: That's Marissa Farring, and  
again

9       if you guys wouldn't mind re-identifying. We have a court  
10      reporter who's transcribing the meeting -- that's the  
reason

11     why we were asking everybody to re-identify themselves so  
12     when we are doing the transcript we would have an idea who  
13     actually was speaking.

14                  CHIEF FOLLIS: Okay.

15                  MS. POLARDINO: Just first some ground rules for  
16     the public. I think I kind of have already stated this --  
17     this is a meeting between the Commission staff and the  
Modoc

18     Tribe to see any concerns or what not they have with  
regards  
19     to their proposals for the Klamath and Lower Klamath  
20     Projects.

21                  The general public is able to attend this  
meeting  
22     but this meeting will not be for public comments so we'll  
23     kind of maybe turn this over to Elizabeth.

24 MS. MCCORMICK: Sure, I'll just -- this is Liz  
25 McCormick again. Thanks everyone for being on the call

1 today. I'll just give a little background of the  
proceeding

2 up to this point. I'm kind of -- our goals for the call  
3 today. So I think as most of you know, we have received an  
4 application from the Klamath River Renewal Corporation and  
5 PacifiCorp.

6 We have two applications in front of us. One is  
7 for an amendment of the existing license and to transfer it  
8 to the Renewal Corporation -- four dams that PacifiCorp  
9 would like to transfer to the Renewal Corporation and then  
10 they would amend their existing license to remove those  
four  
11 dams from the project.

12 And then there would be a new license issued to  
13 the Renewal Corporation for those lower four dams. The  
14 second application is for a surrender of those lower four  
15 dams by the Renewal Corporation.

16 And so we do have two separate proceedings  
before  
17 us which can get a little bit confusing but they're very  
18 closely related and so the purpose of doing them separately  
19 is because it's kind of a unique situation where one entity  
20 is transferring dams to another entity for the explicit  
21 purpose of removing those dams from the river.

22 So they're very closely related but there's a  
lot  
23 of information that is pertinent to both proceedings.

as           24    Anything else that you can think of -- so yeah, so as far  
              25    our process goes we have these applications before us.

1           We anticipate acting on the application for  
2   amendment and transfer first and then once we've made a  
3   decision on that application then we will be able to move  
4   forward with considering the application for surrender.

5           So the amendment and transfer proceeding is more  
6   of an administrative proceeding -- there's no physical  
7   change proposed in that application. It's a purely legal  
8   and administrative proceeding.

9           When we eventually get to the point where we --  
10   if we decide to consider the application for surrender that  
11   proceeding will involve the full environmental analysis and  
12   also the cultural resources, historic properties -- all  
that  
13   kind of stuff that is really into the physical removal of  
14   the dams from the river.

15           So the transfer and amendment is purely an  
16   administrative proceeding.

17           MS. POLARDINO: And anything that got  
transferred

18   over would have the same terms and conditions -- this is  
19   Jennifer Polardino. Anything that would be from the four  
20   projects would be transferred over and have the same terms  
21   and conditions for the new license.

22           MR. FOLLIS: Jennifer and Liz, this is Blake  
23   Follis from the Modoc Tribe. My question is -- is that  
24   nothing has been done as far as cultural resource studies  
or



25 environmental studies at this point, is that correct?

1                   MR. WINCHELL: Yeah, this is Frank Winchell  
2 speaking. Yeah like -- okay there has been quite a bit of  
3 background work done that was conducted during the previous  
4 relicensing as well as there's been some more recent work  
5 done when the Department of Interior issued their final  
6 environmental impact statement back in 2012.

7                   So there is quite a bit of cultural resources  
8 information that we already have before us that's on  
record.

9                   MR. FOLLIS: Okay Frank, this is Blake again --  
10 and how much of that has included our tribe?

11                  MR. WINCHELL: Good question. I don't think  
12 we've got a whole great deal of information. We certainly  
13 -- we have the contextual information about the Modoc  
14 historically, but as far as recent information -- like  
let's  
15 say the perspective from the tribe, we would by all means  
16 welcome any additional information that you may have that  
17 can be provided on the record for us to use as part of our  
18 environmental analysis for the Klamath.

19                  MR. FOLLIS: Frank, this is Blake again, so my  
20 understanding of the cultural resource studies that have  
21 been conducted that's everything on the surface as of  
today,  
22 correct?

23                  MR. WINCHELL: Yeah, now when you say surface --  
24 you know there's quite a bit of a comprehensive

25    archeological surveys done.    I think there was some

1 sub-surface testing of some particular sites.

2 Of course there's a lot of traditional cultural  
3 resources information that was provided as well.

4 MR. FOLLIS: So let me re-define that in line  
5 with that. When I say surface I'm discussing areas not  
6 currently covered by water.

7 MR. WINCHELL: Yeah, I think we pretty much have  
8 most of the surface area that's been intensively  
inventoried  
9 involving the Lower Klamath Project.

10 MR. FOLLIS: So with that said there's nothing  
11 underneath the existing reservoirs right now to think  
about?

12 MR. WINCHELL: Correct. Now of course we are  
13 aware that there is stuff that's inundated since the  
14 reservoirs have been put in place over the last hundred  
15 years or so, so we are definitely aware that there would be  
16 resources that would probably be exposed to some degree if  
17 and when the dams would be removed.

18 MR. FOLLIS: Okay. And then moving towards a  
19 little bit of the environment -- again this is Blake Follis  
20 -- the environmental side, you know, how much as far as  
21 mitigation efforts and remedial efforts have been taken  
into  
22 account with this study?

23 From my research of just briefly looking through  
24 the filings that have been made, I'd say those were rather

has 25 voluminous but volume doesn't always mean that something

1       been addressed directly.

2                       So I'm looking in terms of what type of sediment  
3       mitigation is being accounted for prior to the  
consideration  
4       of the dam removal and then post-dam removal what type of  
5       sedimentation mediation and mitigation aspects will be  
done?

6                       MR. WINCHELL: Right. The corporation has  
7       provided what they call the "detailed plan" and that's  
going  
8       to be followed up with sort of the finalization of the  
9       detailed plan. There's quite a bit of information about  
10      the, the -- what kinds of sediments are behind the dam.

11                      They have done some coring so they do -- you  
12      know, they do have some empirical data about the sediments  
13      and there's been some work on what would happen once the  
14      sediments got removed.

15                      So I would definitely recommend that the Tribe  
16      look at that information in the detailed plan and then of  
17      course the corporation is going to be filing their final  
18      finalization of the detailed plan which would also be  
19      available on the record fairly soon.

20                      MR. FOLLIS: Okay, okay and that would also --  
21      again this is Blake Follis. That will also address  
22      different types of fish habitat impacts?

23                      MR. WINCHELL: Yeah.

24                      MR. FOLLIS: Species impacts, different types

25     that would otherwise be considered under an ESA -- or EIS?

1                   MR. WINCHELL: Correct, correct. And that  
2 information is also -- again we've got two NEPA analyses.  
3 The one I would start off with would be the FERC final  
4 environmental impact statement which was done back in 2008.  
5 That's a very comprehensive analysis on the existing and  
6 anadromous fish and the impacts are such also riparian  
7 impacts along the shoreline with terrestrial resources.

8                   And then of course we've got the more recent  
9 analysis on involving the final environmental impact  
10 statement that was done by the Department of Interior back  
11 in 2012. And again, these are very comprehensive  
12 environmental analyses. They have a lot of this  
13 information -- if not everything, that we need to go  
forward  
14 with an analysis on a surrender of the projects and  
15 subsequent dam removal.

16                  MR. FOLLIS: Okay and I'm -- in here I'm briefly  
17 assuming but that would also take into account the impact  
on  
18 the water table itself for the river?

19                  MR. WINCHELL: Yes.

20                  MR. FOLLIS: Okay and all of the hydrology  
21 studies have been included on that as well?

22                  MR. WINCHELL: As far as we know, yes.

23                  MR. FOLLIS: Okay -- other aspects that I'm  
24 looking at -- what's the basis of filing this application



25 with the KRRC and PacifiCorp? What's the foundational

1 reasoning for that?

2 MR. WINCHELL: Well I believe again -- they want  
3 to transfer the jurisdiction from PacifiCorp specifically  
4 essentially the corporation is made up of the states of  
5 California and the state of -- or the state of California  
6 and Oregon. They're the principals of the corporation  
7 with involved Indian Tribes and some other entities.

8 So it's essentially a jurisdictional  
9 transference of the authority from PacifiCorp which is a private entity  
10 to the states of California and Oregon who also have the  
11 water quality certification authority as well.

12 MR. FOLLIS: Frank, this is Blake, you mentioned  
13 tribes and of the tribes that are included on that --

14 MR. WINCHELL: Right.

15 MR. FOLLIS: We are not and I'm kind of  
16 wondering as far as the elephant in the room as to why we are not  
17 included on that as being involved with the KRRC in that  
18 type of -- any type of settlement agreement as it applies  
19 to the river considering the fact that the four dams in  
20 question here are well within our ancestral territory.

21 MR. WINCHELL: Right.

22 MR. FOLLIS: And the water rights that are going  
23 to be impacted according to, you know, our 1864 Treaty and

24     then pre-dating it ancestral files.

25                     MR. WINCHELL:   Right.

an 1 MR. FOLLIS: Why we have not been consulted is  
2 area of concern for us.

3 MR. WINCHELL: Well again Blake, you are  
4 certainly -- and we recognize you as a federally recognized  
5 tribe and that you are indeed involved with this -- these  
6 procedures that are before us.

7 In the past I can only say that there were, you  
8 know, attempts to involve the tribes way back over a decade  
9 ago. Why that didn't occur I'd have to look into the  
record

10 but I think that's literally, you know, water underneath  
the  
11 bridge and hence forward you are certainly involved.

12 MS. MOLLOY: This is Liz Molloy. Certainly from  
13 our proceeding we certainly encourage you to file comments.  
14 We certainly will take those comments into account and we  
15 will consider your views in analyzing the application and  
16 going towards making the decision on both the applications.

17 But as to why the corporation -- the corporation  
18 is not us, it is an applicant and so any questions about  
19 whether -- why they would not have included you or why --  
20 whether or not they would be interested in having you  
21 participate now in their corporation would be a question  
for  
22 them as an applicant.

23 That wouldn't be us. We will be analyzing the

24 applications and making a decision based on that but they  
25 are the ones applying.

1 MR. WINCHELL: Yeah.

2 MR. FOLLIS: Thank you for that Liz, I  
appreciate

3 it. I do have another question -- again this is Blake  
4 Follis. What's going to be the impact of, you know, fire  
5 safety? As I understand it those reservoirs right now are  
6 used for fire-fighting efforts and if you remove a large  
7 body and volume of water away from, you know, basically  
8 you're removing that resource. What will be the impact on  
9 that?

10 MS. POLARDINO: We will be analyzing that Blake.

11 MS. MCCORMICK: Yeah that is something that  
we'll

12 be looking at as part of the application for surrender and  
13 so we're still waiting for some additional information from  
14 applicants before we can fully analyze that application --  
15 but that's definitely something that we've received  
comments  
16 on and we are going to be analyzing.

17 MR. FOLLIS: That's awesome. One more question  
18 -- who carries the liability during the removal of the dams  
19 and then once the dams are removed? As I understand it the  
20 KRRC is a 501C3 and typically non-profits don't carry much  
21 liability outside of their assets.

22 So what's, you know, either personal or I guess  
23 it's going to really end up coming down to personal  
24 liability. What's the impact for an individual who may be

25    harmed -- what do they do as far as finding a remedy?

1 MS. MCCORMICK: So we are still waiting on  
2 additional information regarding insurance and risk  
3 mitigation as part of the application for surrender. From  
4 what the Renewal Corporation has told us, they have kind of  
5 a general business kind of insurance policy and then they  
6 will also have more project-specific policies.

7 And so we're waiting on additional information  
8 but that's definitely something that we're looking at very  
9 closely and we're anticipating that we should be getting  
10 that information with the definite plan that Frank was  
11 talking about hopefully in the next few months.

12 MR. FOLLIS: Okay, yeah because I think it would  
13 be a very intelligent move on their part to have a long-  
term  
14 insurance policy based on the effect of this removal.

15 MS. MCCORMICK: Yes, absolutely and to your  
16 question earlier about who exactly will be liable and when  
17 -- PacifiCorp has agreed to continue operating the dams up  
18 until decommissioning begins, if and when that does happen.

19 And then from the beginning of decommissioning  
20 on, it will be the Renewal Corporation alone -- it will be  
21 the full entity responsible.

22 MR. FOLLIS: Okay, what will be the economic  
23 impacts that take place? I've read a little bit of the  
24 charge issue -- rate users right now for electric -- the



25 argument is that it will be minimal but I find that a  
little

1 bit hard to believe when you don't have power coming in to  
2 be distributed.

3 I see that as kind of a great opportunity to  
4 raise prices because you have a lower amount of supply.

5 MR. WINCHELL: Well, we're going to do some --  
6 you know, the economic analysis was going to be part of our  
7 NEPA analysis on the surrender so a lot of that information  
8 would be -- we would be looking into it and that would be  
9 part of our analysis.

10 There is something that you know,  
11 jurisdictionally wise, you know, the Commission isn't  
12 involved with let's say -- in-state retail and so there may  
13 be things that would be outside of our jurisdiction as part  
14 of regulating electric prices as such but we certainly  
would  
15 -- that would be part of our analysis on the effects of a,  
a  
16 decommissioning removal of the dams on the local economy  
and  
17 things as such.

18 MR. FOLLIS: Okay well I think for my part I'll  
19 allow for the rest of the Tribal members who are present to  
20 speak if they have any questions or concerns, so far I'm  
21 getting a bunch of no's.

22 MR. WINCHELL: Okay this is Frank again. I just  
23 wanted to add that the -- the project coordinator for this  
24 surrender his name is Dr. John Mudre. He is a Fisheries

that 25 Biologist, he was also the coordinator for the analysis

1 we did on the original relicensing so again you're welcome  
2 to contact any of this today but I just wanted to make it  
3 clear that John Mudre is going to be the Project  
Coordinator  
4 for the surrender process.

5 MR. FOLLIS: Frank, this is Blake again, I'd  
6 appreciate it if you all worked through Jennifer to send me  
7 the appropriate contact information and --

8 MS. POLARDINO: Blake, this is Jennifer, I was  
9 planning on doing so, so yes, absolutely.

10 MR. FOLLIS: Yeah because I, you know, it's kind  
11 of rough coming in late in the game, so to speak, how  
12 everything is working out but we still definitely want to  
13 have a place on this project.

14 MR. WINCHELL: Sure.

15 MR. FOLLIS: And work with everybody within the  
16 community that we've been very well opened and obvious with  
17 making investments in the area and then also insuring that  
18 everybody benefits from decisions that we have the  
19 opportunity to have an impact on.

20 MS. MOLLOY: One -- this is Liz Molloy, one  
thing  
21 I'd like to clarify is due to our quasi-judicial role where  
22 we're making a decision on an application and there is both  
23 support and opposition on various aspects of this -- this  
is

24 a contested proceeding and therefore our -- the  
Commission's

25 ex parte rules apply.

1                   So that's one reason -- that's why we're having  
2     this -- a court reporter report on this, do a transcript of  
3     this meeting and all the other tribal meetings. But so,  
4     while we can answer procedural questions we actually need  
to  
5     have comments and concerns raised on the record.

6                   So we certainly will be on the surrender when we  
7     get the additional information. We will be issuing a  
notice  
8     asking for comments and we certainly welcome any comments  
9     that you all would have. And if there are any comments  
that  
10    you would be filing or interested in making that would be  
11    privileged that you would want confidential, we do have  
12    privileged filing methods that would keep it more  
sheltered,  
13    the information.

14                  MR. WINCHELL: Yeah, and this is Frank just  
15    following up on what Liz is saying is that of course,  
16    anything that's procedural -- like if there was a filing of  
17    confidential information as such we would certainly be able  
18    to help you understand that and we can do that by  
telephone.

19                  But anything involving the merits of the project  
20    we can't talk about because of our off the record  
21    communication prohibitions involving a contested  
proceeding.  
22    That would have to be put on the record, but anything  
that's

23 procedural we certainly can walk you through these kinds of  
24 things.

25 MR. FOLLIS: I appreciate that very much Frank

1 and Liz and as it kind of stands right now I think we're a  
2 little bit near the issues as well and it would be  
premature  
3 of us to support this without further involvement of the  
4 Tribe going forward and we appreciate you all providing an  
5 opportunity for the call today and we really look forward  
to  
6 working with you all in the future.

7 MS. MOLLOY: In the -- one other thing I would  
8 notice -- this is Liz Molloy again, one thing I would  
9 mention is that the applicant -- the Klamath Renewal  
10 Corporation -- in the notice that we issued of the  
11 applications filed, we issued a notice in November, 2016 --  
12 I believe they were designated non-federal representatives  
13 for 106 -- Section 106 National Historic Preservation Act  
14 and for ESA.

15 So to the extent they reach out and ask for any  
16 information you might have or might be willing to share  
with  
17 them we encourage you to work with them to help make sure  
18 their application and additional information they filed  
with  
19 us is as complete and accurate as possible.

20 MR. FOLLIS: So let me understand -- they are  
21 authorized to reach out to tribes?

22 MS. MOLLOY: They are.

23 MR. FOLLIS: Okay, okay thank you. Okay, does



24 anybody else -- Chief do you have anything? Okay, well

25 again thank you all for your time. We appreciate it and if

1 we have any other opportunities to visit with you we'll be  
2 happy to do so.

3 MR. WINCHELL: Great.

4 MS. POLARDINO: Yes, and just to remind you guys  
5 on the phone, everybody outside, this meeting will be  
6 transcribed and will be on the record at least 30 days  
after  
7 this meeting.

8 And if there are any additional comments as both  
9 Frank and Liz have made clear, if there are any additional  
10 comments you want to make for the record you can file it on  
11 our e-library system and if you have any issues for filing  
12 anything, contact anybody here that you're talking to  
today.

13 And we thank you for your time and your comments  
14 and your questions.

15 MS. MOLLOY: Thank you.

16 MR. FOLLIS: Thank you all as well.

17 (Whereupon the meeting was adjourned at 11:31 a.m.)

18

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24



## 1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding:

7 KLAMATH AND LOWER KLAMATH  
8 HYDROELECTRIC PROJECTS

9

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16 Docket No.: P-2082-062/P-14803-000

17 Place: Washington, D.C.

18 Date: Monday, February 5, 2018

19 were held as herein appears, and that this is the original  
20 transcript thereof for the file of the Federal Energy  
21 Regulatory Commission, and is a full correct transcription  
22 of the proceedings.

23

24 Gaynell Catherine

25 Official Reporter





Document Content(s)

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**ERRATA SHEET**

DEPOSITION OF: P-2082-062 and P-14803-000, Public Version

DATE OF DEPOSITION: 7/9/2019

PAGE 1 of 1 pages

<b>Page</b>	<b>Line</b>	<b>Correction</b>
1	4	PacificCorp should be replaced with PacifiCorp
3	3	Change Private Power to Hydropower
4	15	Unidentified Male is Mr. Myers
6	13	Ms. Nguyen should be replaced with Ms. Shannon
6	13	Kim Nguyen should be replaced with Diana Shannon
7	15	Unidentified Male is Mr. Myers
7	17	Ms. Espy should be replaced with Ms. Polardino
8	18	Replace “elements” to “developments”
8	23	Replace “and concurrently,” with “Concurrently”
9	11	Replace “created” with “stated it”
9	19	Replace “findings” with “financing”
9	20-21	Replace “as was” with “until”
10	22	Replace “okay, okay” with “yes”
10	25	Replace “Ms. Espy” with “Ms. Polardino”
11	3	Replace “Ms. Espy” with “Ms. Cordalis”
11	6	Replace “Ms. Espy” with “Ms. Cordalis”
11	9	Add “want to” at the end of sentence
22	21	Replace “hemo’s” with “members”
30	3	Replace “photos” with “flows”
48	12	Replace “lab” with “lot”
49	19	Replace Unidentified Speaker with Mr. Belchik
56	24	Replace “credit council” with “critics”
57	18	Replace “because it’s correct” “because I want to get it correct”
63	13	Replace “three days” with 30 days”



1 Federal Energy Regulatory Commission

2

3 Teleconference with the Yurok Tribe

4 To discuss PacificCorp and the Klamath River

5 Renewal Corporation's application.

6 Docket Nos. P-2082-062 and P-14803-000

7 Federal Energy Regulatory Commission

8 888 First Street, NE

9 Washington, D.C.

10 Tuesday July 9, 2019

11 1:00 p.m.

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1     SPEAKER LIST  
2     Jennifer Polardino, Chair  
3     Paige Espy  
4     Linda Gilbert  
5     Michael Belchik  
6     Amanda Clark  
7     Frankie Myers  
8     Amy Cordalis  
9     Andrea Claros

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

2 CHAIR POLARDINO: My name is Jennifer Polardino  
3 and I'm with the Commission Division of Private Power  
4 Administration and Compliance. And just really briefly, I  
5 would like to kind of go through and see who's in  
attendance  
6 for this meeting.

7 So, first off, I will go through the people who  
8 are in the room right now, and then I'll go to the people  
9 who are on the phone, okay. Do I have Frankie Myers?

10 MR. MYERS: Yes, ma'am.

11 CHAIR POLARDINO: Yes, okay. Amy Cordalis?

12 MS. CORDALIS: Yes.

13 CHAIR POLARDINO: And if I mispronounce  
anybody's  
14 name, please correct me. I won't be offended. Michael  
15 Belchik?

16 MR. BELCHIK: Belchik.

17 CHAIR POLARDINO: Belchik, okay.

18 MR. BELCHIK: And it's misspelled on my email, I  
19 won't get that, so I'll correct that for you.

20 CHAIR POLARDINO: Okay, thank you. And I think  
I  
21 don't have you on my list?

22 MR. MYERS: Frankie Myers.

23 CHAIR POLARDINO: Oh, Frankie Myers, I do,  
sorry.

24 Thank you. Okay, Amanda Clark?

25 MS. CLARK: Clark.

1 CHAIR POLARDINO: What is your title?

2 MS. CLARK: I'm the Assistant Director of the  
3 Office of Self Governance. And it's  
4 Aclark@yuroktribe.nsn.us like the other three.

5 CHAIR POLARDINO: Yeah. Okay, just really  
6 quickly, I'd like to get the Yurok Tribal members who were  
7 on the phone. First, can we kind of go through that really  
8 quickly?

9 MR. RAY: Council Member Ryan Ray, Yurok Tribal  
10 Council. Toby Vanlandingham, and Council Member Edward  
11 Aubrey.

12 CHAIR POLARDINO: Can you spell those names for  
13 me please?

14 MR. RAY: R-y-a-n R-a-y.

15 UNIDENTIFIED MALE: We got it Councilman Ray.

16 MR. RAY: What's that?

17 UNIDENTIFIED MALE: We'll fill out your names  
for  
18 yourself and Councilman Vanlandingham, Councilman Aubrey.

19 CHAIR POLARDINO: Do we have anyone else from  
the  
20 Yurok Tribe on the line?

21 MS. THOMPSON: Yes, this is Geneva Thompson, I'm  
22 Associate General Counsel with the Office of Tribal  
23 Attorneys for the Yurok Tribe.

24 CHAIR POLARDINO: Is that all the members from

25 the Yurok Tribe?



1 MR. RAY: Yeah.

2 CHAIR POLARDINO: Okay. I'm going to go down  
3 through the list of participants that -- not participants,  
4 the attendees who said they would be on this phone call,  
and  
5 if there's anybody else who did not notify me, after I get  
6 through this list I will ask you to let me know who was on  
7 the call.

8 Okay, Nathan Rietnmann? Okay. Thomas  
Schlosser?

9 MR. SCHLOSSER: Yes.

10 CHAIR POLARDINO: Okay, Richard Marshall? Okay,  
11 Kevin Takei?

12 MR. TAKEI: Yes, here.

13 CHAIR POLARDINO: Okay, Pat Reiten? Anika  
14 Marriott? Demian Ebert? Elizabeth Nielsen?

15 MS. REED: This is Natalie Reed from Siskiyou  
16 County and Elizabeth will be joining me shortly.

17 CHAIR POLARDINO: Okay, Natalie, what's your  
last  
18 name?

19 MS. REED: Reed, R-e-e-d.

20 CHAIR POLARDINO: Okay.

21 MS. REED: I'm with the County Council.

22 CHAIR POLARDINO: Okay, Peter Brucker?

23 MR. BRUCKER: Here, I am.

24 CHAIR POLARDINO: Okay, Bob Gravely?

25

MR. GRAVELY: Yes, here.

1 CHAIR POLARDINO: Okay, Mark Quehrn?

2 MR. QUEHRN: Mark Quehrn, yes, I'm here.

3 CHAIR POLARDINO: Okay, thank you. Janice  
Crowe?

4 MS. CROWE: Janice Crowe, present.

5 CHAIR POLARDINO: Okay. Around the table for  
the

6 Commission Staff, I am Jennifer Polardino.

7 MS. ESPY: Paige Espy, in the Office of General  
8 Counsel.

9 MS. GILBERT: Linda Gilbert, also in the Office  
10 of General Counsel.

11 MS. CLAROS: Andrea Claros with the Division of  
12 Hydropower Compliance.

13 MS. NGUYEN: Kim Nguyen with the Division of  
14 Hydropower Administration.

15 CHAIR POLARDINO: Is there anybody else on the  
16 line that I did not call their name? Okay, just to move  
on.

17 We are meeting with the Yurok Tribe. I should say the  
18 Commission staff is meeting with the Yurok Tribe to discuss  
19 the Klamath and Lower Klamath Projects.

20 Just to really quickly, I would like to  
establish

21 some ground rules for this. The public is on -- they can  
22 listen in on this teleconference, but they cannot comment  
on

23 it. If there's any comments on the proceeding or on the

24   teleconference as a whole, you can electronically file your  
25   comments with the Commission through our e-filing process.

1                   If there's anything that the Yurok Tribe feels  
2   that is privileged or sensitive they want to discuss with  
3   the Commission, like if there's any archeological sites  
that  
4   they're concerned about, we will wait to discuss that at  
the  
5   end of this meeting and that would be filed on the  
6   transcript as a privileged document.

7                   So, there will be a public transcript and there  
8   will be a privileged transcript, if there's any sort of  
9   sensitive things they want to talk to us directly about. I  
10   think that's it.

11                  MS. ESPY: We do have a Court Reporter here, so  
12   if any of the Tribal Members on the line comment, if you  
13   could just state your name again, quickly before  
commenting,  
14   so we can associate it with the right person.

15                  UNIDENTIFIED SPEAKER: What's his name?

16                  MR. FLOWERS: Larry Flowers.

17                  MS. ESPY: And the transcript for this  
18   teleconference will be on the record after 30 days, on the  
19   e-library system. Okay, alright. I'm going to give a  
20   fairly brief background of the proceedings leading up to  
21   where we are now.

22                  MR. MYERS: Paige, before you get going, we have  
23   a Tribal Law that we need to start.

24                  MS. ESPY: Okay.

25

MR. MYERS: All of our first meetings with an

to 1 opening prayer, so if you don't mind taking a few minutes

2 open with prayer.

3 MS. ESPY: Okay, great.

guide 4 MR. MYERS: I pray that you watch over and

5 us as we go about our business today talking of the river

our 6 and dam and I pray that you watch out for our hearts and

of 7 minds as we continue the conversation. Watch out for all

8 us as we go about our business today and I also pray that

the 9 you watch over our families and our communities, for all

listening 10 people in the room, and for all the people who are

11 in.

12 MS. ESPY: Thank you, alright, so if it's okay,

the 13 I'm going to move into just giving a brief background of

14 proceeding. So, in September of 2016, PacifiCorp and

15 Klamath River Renewal Corporation, KRRC, filed an

16 application to amend and partially transfer the Klamath

17 Project, specifically the applicant's propose to

18 administratively remove the four lower elements of the

19 Klamath Project, create and administratively place those

20 four developments into a new license for the Lower Klamath

from 21 Project, and transfer the Lower Klamath Project license

22 PacifiCorp to KRRC.

23                   And currently, with that application, KRRC filed  
24 an application to surrender the Lower Klamath Project and  
25 remove the four developments. The Commission has not yet



1 noticed that surrender application. If the Commission  
2 ultimately approves the transfer at that time would move to  
3 then notice the surrender application.

4 As to the amendment and transfer application, in  
5 March of last year the Commission approved the proposed  
6 amendment and deferred consideration of the transfer. The  
7 Commission explained it needed additional information  
before  
8 it would act on the transfer, specifically information  
9 regarding KRRC's capacity to complete, decommission, and  
10 removal of the Lower Klamath Project.

11 In addition, the Commission created and would  
12 need the results of an independent review of the adequacy  
of  
13 the proposed funding, insurance and bonding arrangement.  
14 The Commission had previously notified KRRC that an  
15 independent board of consultants, or BOC, would be required  
16 to review aspects of the proposed dam removal process, and  
17 so in the March order, the Commission explained that the  
BOC  
18 -- that that BOC could conduct its independent review of  
19 the findings of insurance and bonding.

20 That March 2018 order was subsequently stayed as  
21 was the Commission's acts on the transfer application so as  
22 to avoid unnecessary compliance issues. In May of 2018,  
the  
23 Commission staff approved KRRC's BOC and the BOC held its

24 first meeting in October of 2018.

25 The BOC generated a report which was provided to

1 KRRC at the end of November 2018, and in the report the BOC  
2 concluded that there's likely sufficient funding for the  
3 project of the BOC identified areas where information was  
4 lacking, and the BOC provided KRRC with some  
5 recommendations.

6 In December of 2018, KRRC filed that report with  
7 the Commission and stated it would address the  
8 recommendations and file updated information with the  
9 Commission by April 29, 2019. The KRRC subsequently  
10 requested an extension which was granted by Commission  
11 staff, and so that information is now due to be filed by  
12 July 29, 2019.

13 So, at this point we are awaiting that filing.  
14 So, that's sort of the background of where we're at now.

15 MS. CORDALIS: Can I ask one question just to  
16 make sure I understood correctly? So, at the beginning of  
17 that you said that the Commission would not notice the  
18 surrender application until the transfer order is complete.

19 MS. ESPY: Until if and when a transfer is  
20 occurring.

21 MS. CORDALIS: If and when?

22 MS. ESPY: Okay, okay.

23 CHAIR POLARDINO: And could you state your name?

24 MS. CORDALIS: Oh, Amy Cordalis.

25 MS. ESPY: As a ground rule before we say



1 anything internally, we should also state our name.

2 CHAIR POLARDINO: Yes.

3 MS. ESPY: Yes.

4 CHAIR POLARDINO: Yes, because it would help him  
5 with the transcription.

6 MS. ESPY: Okay, no problem.

7 CHAIR POLARDINO: Thank you.

8 MS. ESPY: Okay, alright well I guess we will  
9 sort of turn it over to you all to go through what you  
10 discussed.

11 CHAIR POLARDINO: Great.

12 MR. MYERS: Absolutely, I first wanted to say  
13 thank you for allowing us the space to meet with you, to  
14 confer with you on this project. It's extremely important  
15 to us, to move it forward, and I think one of the things  
16 that Yurok tries to convey to anyone when talking about the  
17 river, is to really get a sense of the meaningfulness to

the

18 Tribes of people and so I think what is appropriate today,  
19 and also consistent with our culture practices to begin the  
20 meeting with a story and then throughout the rest of the  
21 meeting we can explain how that story is implemented and

how

22 those lessons can be shown to today.

23 And I think the story that is fitting -- there  
24 was a couple that were fitting for today. I think the one

25 that is most paramount on this subject specifically, deals

1 with the river itself and existence of the Yurok people.

2           Natiqua Queen, lived in the village of Kennick,  
3 and Kennick is the center of the Yurok world as well. And  
4 people came from -- she lived there in a house and when she  
5 was elderly and she recounts a story and it was passed down  
6 to us to be told and to be remembered and she tells the  
7 story of one night she was laying in bed in her house, and  
8 she was awoken --

9           She was awoken by a spirit being that had woken  
10 her up. And for whatever reason, she immediately knew  
11 exactly who it was, and it was Rawa, it was the spirit that  
12 lived in the river -- not the river spirit, but one that  
13 lived in the river. And he woke her, and he told her to  
14 follow him, so she did. She followed him down to one of  
15 prayer rocks that's close to the river, a place that she  
16 visited many times.

our

had

looked

could

all

17           And she stood there with him and she just waited  
18 and he said Kaseen, look, look, and so she looked at the  
19 river and she looked at Pacheek and the lake, and she  
20 up the river and she looked down the river and soon she was  
21 able to see the entirety of the Klamath Basin, and she  
22 see all the way to the pebbles on the ground from Rekwa,  
23 the way up to the headwaters.

24                    She could see the entire river and she was  
amazed

25    that she could see the salmon returning, and the fish



coming 1 returning, the eels returning, and she could see runs

2 over and over and over again in a matter of moments. And  
3 she looked and she stared with awe and she had felt so  
showing 4 incredibly blessed that she told him, "Thank you for

5 me this.

6 This is incredible and I'm deeply moved by what  
7 you're showing me." And he shook his head and he said,  
8 "No, that's not what I want you to watch, keep watching,  
9 keep looking."

salmon, 10 And so, she did and soon she started to see that the

11 when they were coming back, they weren't coming back as  
12 much.

13 And the eels, they weren't coming back as much,  
14 and the Kakah and sturgeon, they weren't returning and  
then

15 finally as she had first seen in the buoy, what we eat --  
16 the salmon, started to vanish, and soon and before her eyes  
17 there was no more salmon and no more eels, and no more  
18 sturgeon in the river at all.

19 It was completely gone, and she was overwhelmed  
20 with sadness and grief. She had asked him what she had  
done

21 to have to see such a thing in her life -- to see the  
demise

22 of what was her entire world -- her whole life and the

23 generations before.

24 And she asked what have I done to deserve to  
have

25 to see this? And he said, "I'm showing you this because I

1 need for you to understand without the salmon in the river,  
2 without the eels and the sturgeon, if you let this pass  
3 where they go away, there will be no need for Yurok people  
4 anymore."

5 And so, she took the message and she handed it  
to  
6 him. It was one that's shared by many of the proud people  
7 along the river, throughout their families. We all have  
8 similar stories of similar experiences.

9 The continual survival of salmon as a species is  
10 a continual survival as us as Yurok people. And without  
11 them in the river, we believe there will be no need for us  
12 to continue. That's what drives the Tribe to move the way  
13 we move. That's what forces us forward. It's not for any  
14 one action, but self-preservation.

15 Self-preservation is what you will hear today  
16 from our presentation. And whatever it means that we find  
17 to preserve the salmon, preserve our way is what we move  
18 forward with. Trying to act with no preconceived notions  
19 about what is right, what is wrong, but we move forward  
with  
20 what we believe is in the best interest of the salmon,  
21 because we believe that's the best interest for us as a  
22 people as a whole.

23 We're going to cover many topics today. We're  
24 going to go into detail into the science, the policy aspect

25 of this project that's before you. The other thing I think

world 1 that's important that Yurok people believe -- we are a

2 with ceremony people.

3 We pray for the world as a whole and our part of it -- the  
4 salmon, the river, it's for all of us.

5 We are sent here to protect it, to maintain it,  
6 to harvest it. We believe that the Project that's sitting  
7 before you for the decommissioning of the lower four dams  
on

8 the Klamath and the transfer and surrender application that  
9 you'll be deciding on, is critical to our survival as a  
10 people and we will outline that.

11 We feel that it is in the best interest of the  
12 public for it to move forward. We have thoroughly vetted  
13 the KRRC, as if our lives depended on it because we believe  
14 it does. We feel that they have the capacity to move this  
15 project forward.

16 We've used the same and the local science that  
we  
17 do for our fisheries and natural resources as we do for  
18 anything. We use that same analytical approach in looking  
19 at the KRRC and found that they are sufficient to complete  
20 the task.

21 I also think that the Tribal trust  
responsibility  
22 relies on this Commission as well. That type of trust  
23 that's been granted, that's been given, that is held by the

24 federal government came at a cost -- a cost that we have  
25 paid, a cost that our Tribal people have paid in full for,

1 and the one that we hope that you will adhere to and listen  
2 to.

3 And we need to move quickly. Salmon run in  
4 cycles. The fear is based on how the salmon populate and  
5 how they spawn -- the concern is we don't understand how  
6 many low cycles we have left before we won't be able to  
7 bring them back again. And we'll go into the status about  
8 the other fisheries a little bit more and with that I'll  
9 hand it over to our general counsel, Miss Cordalis.

10 MS. CORDALIS: Thank you, Chairman. Let's see,  
11 so a couple of housecleaning matters. As for the agenda  
12 today, for the benefit of the folks on the phone, we gladly  
13 have a description of Yurok interests in Klamath dam  
14 removal, status of the plan of river fishery, which will  
15 include a discussion of water quality issues, the KRRRC's  
16 capacity, status of applications, and then dam removal and  
17 public interests.

18 Excuse me, is there anything else that the  
19 Commission staff would like to add to the agenda? We're  
20 good, okay.

21 CHAIR POLARDINO: Just really quickly for the  
22 people on the phone. I did try to email the PowerPoint  
that  
23 the Yurok Tribe has prepared for the meeting, and when we  
do  
24 change slides, I will try to make it clear when we're on  
the

25    next slide.



a 1 MS. CORDALIS: Okay, excellent. So, we do have  
2 PowerPoint for the status of the Klamath River fishery and  
3 that includes some more technical aspects. But for the  
rest 4 of these issues, we envision just more of a conversation.  
5 Also, we have before this consultation, submitted a lot of  
6 documents to the FERC record, and we don't intend to repeat  
7 that information here today.  
8 Really, the purpose of this meeting is to update  
9 you on new information that's happened since our last  
10 consultation, which Jennifer was that in --  
11 CHAIR POLARDINO: Last January.  
12 MS. CORDALIS: Last January, yeah, so, okay,  
13 good. So, any other logistics we need to cover before we  
14 jump right into it? Alright, and our time with you is over  
15 at 3 today.  
16 CHAIR POLARDINO: And by last January, I should  
17 say actually January of 2018, yeah.  
18 MS. CORDALIS: Okay, excellent. Alright, so I'm  
in 19 going to start with a description of the Tribe's interest  
20 Klamath dam removal and much of that has already been  
21 covered in our previous filing, so I'm not going to get  
into 22 the specifics other than just to orient the Commission  
23 staff.

24                    So, the Yurok people are still in an aboriginal  
25    territory -- that area included, can we go back to that map

1 please? That area included the lower 45-miles of the  
2 Klamath River along with some of the coastal territories  
3 from -- is that the Little River Bend, right around here  
all  
4 the way down to what is now known as McKinleyville and  
5 Arcata area. And so, our aboriginal territory included  
this  
6 land and then up into some of our shared areas, what we  
call  
7 the high country, but the reservation was created in 1855  
8 and included the lower 45-miles of the Klamath River.

9 There were some executive orders and things that  
10 got adjusted that through time, but the current status of  
11 the Yurok Reservation is that it includes a mile on either  
12 side of the Klamath River from the mouth of the river and  
13 the village that my family is from, Rek'-woy, up to 45-  
miles  
14 to the village of Weych-pues.

15 So, that's the Reservation, and you could  
imagine  
16 the Klamath historically was the third largest salmon  
17 producing river in the whole Northwest, and because of that  
18 great abundance, we developed as salmon people.

19 And so, we fish, that's what we do. We fish, of  
20 course the salmon, but then also the other species of fish  
21 that are in the river, the steelhead trout, candle fish,  
22 sturgeon, eels, but pretty much all year around there was

like

23 some kind of fish or food in the river, and so I always

24 kind of over romanticized our aboriginal times, because we

25 had lots of food, we had these great ceremonies.

1           The river was our highway, where we travelled on  
2   it to get up and down through Yurok country. We would  
trade  
3   with the coastal villages for different kinds of seafood.  
4   And then one of our traditional creations stories talks  
5   about how all of that was created for Yurok people, and as  
6   long as we lived in the balance with the natural  
environment  
7   and never took more than what we needed, we would never  
want  
8   for anything.

9           And so, I think we all had it fairly well back  
10   in the day. Things have changed, right? Things have  
11   changed. As you can tell through this map, you know, the  
12   basin has been largely developed and what happens up here  
13   affects what happens down here.

14           We're going to get into the status of the  
15   fisheries, but I'm not going to talk about that much now  
16   other than to note that the fishery is collapsing because  
of  
17   what's happening up here and because of the dam. And it's  
18   critical to preserve, our fairly preserved fishing rights  
to  
19   remove those dams, so that we can restore the fishery,  
20   resource the river.

21           A part of our story and our legacy is that we  
22   have always tried to preserve the, you know, our territory.  
23   So, what happened through the settlement of this country,

24 through the development of this county through basically  
25 trying to get farmers out into this part of Oregon in the

1 upper basin, the whole promise was water right?

2 If you come and farm, we'll give you water and  
3 that water came from the Klamath River. Power -- they also  
4 needed power and so those dams were built. All of that  
5 negatively impacted our rights and our fisheries down here,  
6 but at the time as that was happening, you know, between  
7 really 1902 and today still, there was little that we could  
8 do about it.

9 So, right now the Tribe is in a place of trying  
10 to reclaim our land to figure out a way in which fisheries  
11 here, clean water, recreation, commercial fisheries, both  
in  
12 the estuary and off the off-shore, the Orca whales even,  
can  
13 all survive and benefit from the bounty of what was the  
14 Klamath River, while supporting agriculture.

15 And a big key for that is removing these dams so  
16 that we can then start rebuilding our habitat, restoring  
the  
17 natural hydrograph of the river and cleaning up water  
18 quality. So, that's the work that we're doing now. The  
19 tribe has a Constitutional mandate to do that work.

20 One of the things I wanted to bring to the  
21 Commission's attention is that the Tribe is preparing a  
22 comprehensive plan, and that plan we will submit to the  
FERC  
23 record.

24                   We're shooting for submittal right around the  
25   beginning of August, but that plan will basically lay out a



1 lot of what I just said with respect to what the  
2 significant resources are highlighting the fishery there,  
3 talking about the different uses, so the commercial  
4 fisheries, the recreation, the tourism, the hydropower, the  
5 agriculture -- those kinds of things.

6 Also getting into what is the law of the river.  
7 And there's a significant amount of law of the river  
dealing  
8 with -- well, actually law of the river under the Yurok  
9 Tribe's own body of law. We have an annual Harvest  
10 Management Plan that governs our harvest of salmon.

11 We have various Tribal ordinances that govern  
our  
12 interaction, and also the various kinds of actions that can  
13 take place on the river. In addition to Tribal laws, of  
14 course that area there are also two ESA listed species,  
15 which you guys all know about. There's a biological  
opinion  
16 which we'll get into a little bit later that protect Coho.

17 There's also various Clean Water Act issues on  
18 the river, so that's all to say that there is a lot of law  
19 that applies to the river and the Yurok Tribe law is an  
20 important component of the law that governs the lower  
21 45-miles of the river, and so the comprehensive plan will  
22 outline that and basically make the main point that removal  
23 of the lower 45 or excuse me, the removal of the lower four  
24 dams on the Klamath River is consistent with the Yurok

the 25 Tribe's long-term plan for management and restoration of

1 lower 45-miles of the river.

2 So, I think with that we're going to transition  
3 into the site of the Klamath River fishery. And I think  
4 I'll turn it over to Vice Chair to discuss what the fishery  
5 closures have been and how that's been affecting people on  
6 the ground and then we'll turn it over to Mike to do his  
7 PowerPoint.

8 MR. MYERS: Absolutely, as Miss Cordalis said,  
9 the salmon typically, are crucial and vital to our economy,  
10 to our way of life and to our members who still -- it's  
11 extremely important to remember that our Tribe members  
still  
12 have subsistence fishery. They still depend on the fishery  
13 to live.

14 I think it's important to recognize when  
thinking  
15 about what subsistence harvest means -- the portion of the  
16 Reservation. I live in the district. I live in the one  
next  
17 to us has an annual median to \$11,000 subsistence harvest  
of  
18 salmon is a significant portion of the protein needed for  
19 those communal members to live their lives.

20 Around the turn of the century and so on, many  
of  
21 our hemo's had to leave the Reservation had to leave to go  
22 and find work for their families to live. There are still  
23 members who live along the river who subsistence fish for

24 salmon and eels and sturgeon, and it's incredibly important  
25 to their day to day lives.

1           I think what is often lost is the individual who  
2 still to this day, makes salmon camps along the river bars,  
3 that's still a part of our culture and who we are. There  
4 are still family gatherings where individuals and families  
5 come together and harvest and smoke their fish.

6           I tell the story when my youngest sister went to  
7 college, we spent the summer fishing so that she would go  
8 off with salmon -- smoked salmon to eat. Many of our Tribe  
9 members have the same stories and our students come home to  
10 get salmon to go back to feed themselves as well as our  
11 members, but it's also a vital part of our economy beyond  
12 when we have the ability to sustainably harvest for  
13 commercial.

14           It's a huge part of the lives of our members as  
15 well. It's an opportunity for them to get caught up. It  
16 used to be an opportunity for them to get ahead. Those  
days  
17 are no longer. Now it's opportunities for them to get  
18 caught up on what they can for as much as they can for the  
19 few short times they have it.

20           And at the back of our minds every year that we  
21 are no longer able to harvest as in previous years, the  
22 story that had been handed down as the one that I just hope  
23 linger in the back of our minds, and I think it also pleads  
24 to the psychology of our members and our community.

25           We have come through numerous horrific times in



1 the past and in the very recent. A lot of the issues  
2 affected that our communities deal with are based on mental  
3 health. We believe the connection of the people and the  
4 river is at a place where we see that as being an absolute  
5 cause and effect scenario within our communities.

in

6 When our river suffers, our people suffer hand  
7 hand. You could go back, and you could see it happens over  
8 and over again.

9 MS. CORDALIS: And just to highlight the  
10 Chairman's point, this is Amy Cordalis again. The last  
11 three years Tribal Council has voted to close our fishery.  
12 So, they declared a fishery disaster for the last three  
13 years. That was because the returning salmon runs were the  
14 lowest on record, lowest in history.

15 2016, '17, and '18, fishery closed. In 2017,  
16 right -- our allocation was 650 fish. We have over 6,400  
17 Tribal members, so that wasn't even enough for our, you  
18 know, our Tribal members to have a sliver of salmon. And  
19 for a salmon people who have traditionally eat it or ate  
20 thousands and thousands of pounds of salmon, that reduction  
21 really does affect our health in both a spiritual,  
22 physically and mental way.

23 In 2016, I think it was in May, Council declared  
24 the fishery disaster and then by August they declared a  
25 suicide emergency because we have had a string of suicides





1 along in the Reservation of Tribal members, often who were  
2 under, you know, 26 years of age.

3 So, I just wanted to highlight that because the  
4 Chairman or the Vice Chairman's point is right on. So,  
5 literally we're losing our people.

6 MR. MYERS: Absolutely, and I think in hand and  
7 hand with that also the idea or the hope for an abundant

run

8 of salmon is also there and we also understand that, and we  
9 also know that. I want to make sure that you understand  
10 that the Yurok Tribe, or Yurok people, we are not anti-dam  
11 and we are not pro-dam. We are pro-survival. That is our  
12 goal.

13 Whether that means leaving the dams in or taking  
14 them out, there's no difference to us. If we can have  
15 abundant runs of salmon again, that's what's at our core.  
16 And I think we'll run into that in Mr. Belchik's  
17 presentation.

18 MS. CORDALIS: The only thing that I could just  
19 note -- so, the closure of the Klamath River fishery it  
20 affected us in a real economic way. We've estimated that  
21 over that time we've lost over 150 million in income and  
22 that's just within the Tribe. Also, the Klamath River  
23 fishery collapse has affected the offshore commercial  
24 fisherman, and I can't attest to you know, the economic  
25 impact of that but I'm sure it's quite significant.



1                   MR. MYERS: That's a good point Amy. Our Tribal  
2 members are also commercial fisherman -- ocean commercial  
3 fisherman as well.

4                   MS. CORDALIS: Yeah.

5                   MR. MYERS: So, this impact is doubled down when  
6 they no longer have an in-river fishery, or do they have an  
7 ocean fishery. We see the impacts in our communities and  
we  
8 also see the impacts that we live in, the communities that  
9 we live in -- you had mentioned earlier that many members  
10 had to move from the Reservation, an essential territory  
11 around the turn of the century.

12                   Well they moved to the coastline areas where  
13 there was still an abundant job market. We see those same  
14 affects now in those areas as well because of the amount of  
15 geographic area that the Klamath River affects. Our  
Klamath  
16 River affects from --

17                   MR. BELCHIK: Well from Monterey all the way up  
18 through middle Oregon.

19                   MR. MYERS: So, these are a lot of communities  
20 just like ours. They're small, rural communities who are  
21 dependent on migrant runs to sustain them. And we know  
that  
22 because our members lived there as well.

23                   MR. BELCHIK: Well thank you, my name is Mike

Yurok

24 Belchik and I am a Senior Water Policy Analyst for the

25 Tribe. My training is in biology, I'm the Senior Fishery's

1 Biologist for about 22 years and the last 2 years, I've  
2 become a Senior Water Policy Analyst.

3 I've been working on the Klamath -- basically my  
4 entire career -- for 24 years, for the Yurok Tribe. It's  
5 important to understand that you've heard a lot of human  
6 reasons here, spiritual reasons and everything, but the  
7 Tribe is also committed to science -- Western science and  
8 using the best possible science.

9 We've made numerous submissions to the FERC  
10 record, including the Fishery Introduction Plan that we did  
11 with the Klamath Tribes, among many other submissions that  
12 we've done with the Tribe, and they have very high  
standards  
13 for that.

14 Today I want to talk to you about three main  
15 topics. I want to talk to you about the existing record of  
16 science that's available for FERC to use when looking at  
17 this project because we know that you have environmental  
18 compliance and NEPA and things like that that you're  
19 thinking about.

20 We want to talk about some newer information  
21 that's been developed, especially with regard to fish  
22 disease, C. shasta, sediment movement and the role of the  
23 dams in that. And then I want to talk to you about Spring  
24 Chinook and restoration and some of the new information on  
25 that, so next slide please.



1 I'm going to say that out loud even though I  
2 could reach the button. It's for those of you on the phone  
3 here. So, here's a slide show of a map, a geographic map  
of  
4 the Klamath, and just as they pointed out, just taking the  
5 big picture, there's a couple things I like to point out  
6 here.

7 One is just the sheer diversity of numbers of  
8 people here that are affected. This is a nationally  
9 significant river here. It provides, as they stated, a  
10 significant portion of the mixed dock ocean fisheries that  
11 affects the ocean all the way from Monterey to Mid-Oregon.

12 And then within the Klamath basin, everybody who  
13 makes their living and lives in the Klamath basin depends  
on  
14 the river in one way or another, even directly or  
15 indirectly, from irrigators, national wildlife refuges,  
16 irrigators on the Shasta and Scott, and the Tribes, all the  
17 way down river.

18 So, looking -- the viewpoint that the Tribe has  
19 looking upriver is that everything that happens above  
20 affects the Yurok Tribe in one way or another -- whether  
21 it's just water diversions or water quality impacts for the  
22 dams or things like that.

23 When we started talking about -- well I was  
there  
24 when PacifiCorp rolled into town with its first relicensing

25     introductory meeting.    And this was right around the year



many                   1     2000, when the license expired in 2006. I went through  
2     of those meetings with PacifiCorp, and we've developed  
3     professional relationships with PacifiCorp and their very  
4     capable technical staff, as well as many other people.

5                   As we worked through the information during the  
6     FERC relicensing, it became increasingly clear that dam  
looked               7     removal was an option that really should be seriously  
8     at. And our early position with FERC in our filings, was  
9     that that was at least something you guys should take a  
look               10    at.

11                   It often fell in other relicensing processes  
into               12    the category of considered but not considered seriously.  
13    And we looked at the criteria that FERC itself has for  
14    decommissioning, wrote, went through that, did some filings  
15    and in fact it was analyzed, next slide please.

16                   So, when we look at the previous environmental  
17    studies and what we have available. I want to start with  
18    the FERC EIS. There's also PacifiCorp's license  
application       19    too, but I want to start with the FERC EIS.

20                   In the FERC EIS, you guys did analyze dam  
removal           21    and some of those conclusions I believe are still valid.  
22    FERC, you found that dam removal would help the C. shasta

23 situation, the disease situation, and also improve water  
24 quality.

25 As part of the FERC EIS in the relicensing

1 process, there were also 10(j) and 4(e) requirements. The  
2 10J, of course, being fish passage and the 4(e)  
requirements

3 were from Vera Rock Glen Management required bypass photos  
4 and things like that. Those were issued requiring  
5 volitional fish passage, PacifiCorp disputed those, and we  
6 went to court over it under the new Energy Policy Act.

7 The court found in favor of the federal agencies  
8 that required the conditions on I think 19 out of 20  
counts,

9 I'm not -- I can't remember the exact number. The only one  
10 that was not found enough evidence was lamprey passage, but  
11 it's clear that there are Pacific lamprey above the dams,  
12 land-locked, so that already seems to be settled too.

13 Consequently, or subsequently, we -- there are  
14 two milestone agreements reached -- the KBRA and the KHSa,  
15 that were intended to be twin agreements that governed  
16 basically three major aspects, one of which was the water -

-  
17 there was a Water Sharing Agreement with the irrigators in  
18 the Upper Basin, and these are agreements made by the  
people  
19 directly affected.

20 And there was another -- that also included  
major  
21 water quality and fish passage or fish restoration and then  
22 there is the Klamath Hydro Electric Settlement Agreement.

23       The Agreement as structured back then required a  
Secretarial

24       determination to be made.

25                       So, the Secretary of Interior had to take a look

1 at it and there was very specific wording in there about  
2 what criteria they needed to base it on, but I think what  
3 you guys need to know is that a very large body of work was  
4 done related to that.

5 I know that there has -- some people have raised  
6 questions about it, but I think the important thing to  
7 understand about the Secretarial determination work is that  
8 it was subject to a very rigorous and independent peer  
9 review process.

10 So, this isn't like they -- Fish and Wildlife  
11 decided to review Fish and Wildlife's work and said it was  
12 okay. They contacted people and did a blind peer review,  
13 they had an expert panel on various aspects including the  
14 Chinook, the expected effects to Coho salmon et cetera, and  
15 took a look -- took a fresh look at all the work that they  
16 did.

17 I think, including sediment modeling fish  
18 production affects to Coho salmon, et cetera. I think this  
19 is an incredibly strong point to make is that this science  
20 is still relevant. There's not been significant new  
science  
21 developed since then that would replace it, not to my  
22 knowledge.

23 And the circumstances are still the same. It's  
24 not like there's dramatically changed base circumstances.  
25 And so, since then -- since 2010, as we all know the KBRA



1 and KHSA failed to be ratified in Congress, so there's an  
2 amended KHSA and there's been water plans ever since that  
3 are generally guided by biological opinions.

4 In response to rising disease levels, the Yurok  
5 Tribe, along with our other Tribal partners and our federal  
6 partners, produced a guidance document that succinctly put  
7 the C. shasta disease lifecycle and affects into one  
8 understandable and peer-reviewed document and provided  
9 management recommendations.

10 We subsequently went to court against the Bureau  
11 and won in court and elements of the guidance document were  
12 put in under the restraining order -- no, it's a --

13 MS. CORDALIS: Injunction.

14 MR. BELCHIK: Injunction, next slide please.

So,

15 but it hasn't stopped there -- the guidance document.

16 There's been more, so the State of California just  
completed

17 a draft EIR, the analysis which is -- I don't know exactly  
18 how many pages, let's call it 6 or 700 pages of  
19 state-of-the-art water quality analysis.

20 And the KRRC has also completed its own  
analysis,

21 including refining the dam removal plans, taking a further  
22 look at sediments and various elements, refining the  
23 restoration plans and things like that. So, I think what  
24 you're hearing here -- the point that I'm trying to make is

25    that there is a significant body and we're hoping that the



1 FERC staff, when you're thinking of environmental  
2 compliance, that you lean on this -- we're encouraging you  
3 to, especially given that the Secretarial determination had  
4 peer review, the guidance document also had peer review.

5 The Bureau of Reclamation, according to their  
6 peer review policy, it appointed an independent peer review  
7 board and that is available too. I believe, I'm not sure

if

8 the guidance document and the peer review is in the FERC  
9 record, but it will be very soon.

10 MS. CORDALIS: We plan to submit that to the  
11 record.

12 MR. BELCHIK: Yeah, see what I got next. Okay,  
13 so next I want to shift to a little bit about, and help you  
14 understand some of the new thinking and information about  
15 fish disease and sediment movement, specifically how it  
16 relates to the Lower Klamath Hydroelectric Project, so our  
17 next slide please.

18 I will start with just the basic lifecycle and I  
19 apologize if you guys already know this, but Ceratanova  
20 shasta, formerly Ceratomyxosis shasta -- there's a new name  
21 for it now, is a Myxosporean single-cell parasite disease  
22 that affects juvenile and adult fish and it's capable of  
23 inflicting heavy losses to migrating juvenile salmon, both  
24 Chinook and Coho salmon and steelhead to a level that does  
25 affect the population.



1                   And I'll be providing some references for that,  
2                   next slide please. So, in the years 2006 through '16,  
which  
3                   covers this table, but continuing on to '17, '18 and even  
4                   '19, this C. shasta disease rates have inflicted heavy  
5                   losses.

6                   So, when you look at the 2014 and '15, which  
were  
7                   drought years, we see 81 and 91 per sample rate percentage  
8                   of fish that were affected by C. shasta. Most of these  
fish  
9                   are going to die. I mean let's put it simple right here,  
10                  you lost a whole bunch of your fish when they are only less  
11                  than 6 inches long and they never made it out to the ocean  
12                  here.

13                  So, when we look at the -- so, the source for  
14                  this table is the Myxosporean Parasite annual updates, but  
15                  there's also other work that talks about the affects of the  
16                  population dynamics for other species, and next slide --  
17                  will just bring us up to date for what happened this year.

18                  So, despite the fact that we had fairly high  
19                  flows and deep flows, we still have a Myxosporean outbreak  
20                  in the Klamath River. I don't think this shows a lack of  
21                  connection between the deep flushing flows of sediment  
22                  movement. I think it shows that it would have been much,  
23                  much worse had we not had that.

24                  So, let's talk a little bit about the deep

25 flushing flows here, next slide please.

1 MS. CORDALIS: Sorry about that.

2 MR. BELCHIK: That's okay, so a couple years ago  
3 in response to the heavy losses, we prepared a document and  
4 we -- being the Disease Technical Advisory Team, which  
5 consists of technical experts from the Yurok group, Hoopa  
6 Valley Tribe and the Klamath Tribes, prepared a document  
7 that outlined the lifecycle of the C. shasta disease, and  
8 recommended six different management actions to counteract  
9 this disease.

10 We also looked at a variety of other actions  
that

11 we went through in there that were basically considered but  
12 eliminated, either due to feasibility costs or like for  
13 example in the case of people had suggested dewatering the  
14 river to kill the excessive ecological ramifications,  
15 unintended consequences.

16 The guidance document was based on four  
17 foundational technical memoranda from our federal partners.  
18 There's a geomorphic analysis that looked at the sediment  
19 movement in the river and the flows, polychaete technical  
20 memo because the disease has an altering host, polychaete  
21 worms, the C. shasta spore memo that talked about the spore  
22 distribution and the relationship between spores and fish  
23 and also the fish infection memo, which focused on the fish  
24 themselves, population dynamics.

25  
document

Each one of these memos is a stand-alone

1 that was prepared at the request of the Tribes by federal  
2 agencies who then provided their own peer review. So, the  
3 guidance document was peer reviewed by the Bureau of  
4 Reclamation, and each of the four foundational memos had  
5 its' own peer review process by independent peer reviewers,  
6 not by someone that we knew or anything, so pretty nerve  
7 wracking to have people look at your work like that.

8 But we will provide that. We got very good  
9 reviews and so like foundationally well-based in logic and  
10 the available data and things like that and we'll provide  
11 that peer review document to you also.

12 So, I want to focus -- next slide please, on the  
13 flows here. This is a figure from the geomorphic memo here  
14 and these bar graphs represent the amount of days above  
15 certain threshold flows. So, for example blue is surface  
16 flushing. So, if the flow in Iron Gate was about 6,000  
CFS,  
17 you got a blue bar, and so if you look all the way to the  
18 left you could see it's had about 53 days above 6,000 CFS  
19 and then another number of days above the deep flushing  
20 flows which is about 9,000 and then there's armor  
21 disbursements at 11,250 and then there's  
22 geomorphically-effected flows which are about 15,000 flows.

23 And when you look across the years here from '64  
24 through '16, you could see quite easily that there's been a  
25 dramatic reduction in the number of flows. We had a period





of 1 in the late 90's, and then it all stopped. There's a lot  
2 reasons for this, but the main reason is an emphasis on  
3 filling Upper Klamath Lake, which is the source water for  
4 the Klamath River.

5 There's been an emphasis in getting that lake as  
6 full as possible for the benefit of some additional  
7 endangered species that reside in the lake -- the cuktoo  
and 8 the schwam, otherwise known as the suckers -- endangered  
9 suckers in Upper Klamath Lake.

10 We fully support the restoration of the cuktoo  
11 and the schwam, but the impacts to downriver have been  
12 pretty significant, next slide please. Because what  
happens 13 when you have those flows as you saw on the left part of  
the 14 graph where there's five flows, but the dams have  
15 interrupted the sediment flow, then you get down cutting on  
16 rivers.

17 And I'm sure this is familiar to you because  
18 you've worked with hydro projects before and you've seen  
19 this before, but the rivers carry more than just water,  
they 20 carry sediment and nutrients and other things too, and when  
21 you have high flows without the sediment replenishment,  
then 22 all the moveable sediment gets moved out and only the

23    courser sediment is left and as a consequence of that is  
24    that the amount of flow necessary to move the sediment and  
25    control the polychaete worms and then control the disease

1 has risen over time.

2           It now takes 6,000 just to move the surface of  
3 the water. With the hydrology, the recurrence intervals  
4 suggest that that should occur about at 3,000 CFS is what  
it  
5 should take. This means that the presence of the dams and  
6 the interruption of the sediment has increased the amount  
of  
7 water necessary to control the C. shasta disease, and as a  
8 consequence of that combined with the decrease in the  
higher  
9 flows, the fish disease problem has spiraled out of control  
10 and is now at the point where it's just wiping out the runs  
11 in the Upper Klamath River.

12           And we're starting to see it. We're starting to  
13 see the returns come low on this and so what I'm trying to  
14 give you a picture of is that our scientific understanding  
15 of it has advanced to the point where we're starting to  
16 understand the mechanism by which this happens.

17           So, FERC reached the conclusion in the 2007 EIS,  
18 that the dams are exacerbating the fish disease problem and  
19 the removal would help that. And now we're understanding  
20 the exact mechanism by which that happens, next slide  
21 please.

22           So, this next slide is a picture of the  
23 intermediate host and what we're focused on now is  
24 controlling the intermediate host in order to control this

25     disease.

1                   MR. MYERS: Mike, the individual -- those are  
2 actual worms that live on the rocks?

3                   MR. BELCHIK: Yeah, so what you're seeing here  
4 is the tubes built by these polychaete worms. The worms  
are  
5 clear, like glass, they're about the size of an eyelash and  
6 they coat the rocks in the Upper Klamath River because  
7 there's no sediment movement.

8                   They could withstand high water velocities just  
9 fine. I mean you can blast them with water. They really  
10 need to be sandblasted off those rocks is what ends up  
11 happening. And as I explained before, the amount of water  
12 necessary to sandblast these guys off here is steadily  
13 rising over time to the point right now, where it's  
14 difficult to deliver the amount of water.

15                   It has impacts to the lake, to the farms, and to  
16 the river, needing to provide these high flows. In early  
17 2016, we had a series of large storms that provided  
18 hydrologic back-up and we were able to receive some pretty  
19 high flows.

20                   This is literally the exact same rock here,  
21 before and after the flows. You can see the left side of  
22 the rock and the right side of the rock. This picture, I  
23 need to give credit to Oregon State University, who's been  
24 doing a lot of research on this for that.

25                   But there's -- it's not just the polychaete



1 worms, there's other factors too, next slide please. So,  
2 these are some of the things you guys have found here that  
3 the hydrologic project contributes to C. shasta.

4 One of the contributing factors is the toxic  
5 algae blooms on the river. So, not only are they  
6 inherently toxic with the microsystem, but the algae is  
food  
7 for the worms. These are filter feeders, they live on the  
8 bottom, they attach to the rocks and they filter feed and  
9 algae is food for them.

10 As I explained before, the dams interrupt the  
11 sediment budget and that has required that the sediment  
12 stays stationary under most ordinary flows now and that has  
13 allowed the worms to explode their populations.

14 Iron Gate Hatchery creates high densities of  
15 Chinook carcasses because now the fish can't pass the dams.  
16 So, in order to complete its lifecycle, the adults take the  
17 C. shasta back up and carry it back up, re-infect the  
worms.

18 So, when you have a naturally high concentration  
19 of spawners and carcasses, that helps perpetuate the  
20 lifecycle, especially when that occurs right over the  
21 highest concentration of worms in the river.

22 And so, what you're seeing is all of this has  
put  
23 together the cause of runaway reaction here that is  
24 decimating to salmon on the Klamath River here. So, I want

25 to now talk about the third topic which is Spring Chinook



1 and some of the other species, next slide please.

2                   So, Spring Chinook -- I want to talk about  
3 reviving the lost run of Spring Chinook, which is a pretty  
4 ambitious goal here, but Spring Chinook, unlike other  
5 salmon, unlike the Fall run of Chinook, they run in April,  
6 May and June. The adults run up- river. They need cold  
7 water hauled in for the summer and then they are there on  
8 the spawning rounds right during the Fall, they don't need  
9 to wait for the first rains or anything.

10                  This gives them an advantage because they are  
11 spawned first, but the disadvantage is they need stable  
12 areas of cold water all summer to hold in. There were  
13 Spring Chinook in the Upper Klamath, in fact it was the  
14 dominant run in the Upper Klamath and there's new genetics  
15 work.

16                  So, bullet number 2 talks about the new genetics  
17 work, and as a matter of fact, scientists from U.C. Davis  
18 have isolated the specific gene that is -- that causes the  
19 different in run timing. Using that work, you can go back  
20 and analyze old samples from Upper Klamath -- archeological  
21 samples, even from thousands of years ago and then sure  
22 enough, there are Springers, that's what was up there.

23                  It wasn't all Springers, there's Fall run too,  
24 but it's clear that that was at least a major component, if  
25 not the dominant component. And at its heart, the dam



1 removal is a fish restoration project. And the goal is  
2 ambitious, it's to bring back this lost Spring Chinook run.

the

3 And we've had meetings with the scientists in  
4 basin and with U.S. Davis, to talk about how to revive this  
5 lost lineage and what genetics, what stock might work and  
6 how can we help this happen.

fish

7 Bringing back the Spring run helps stabilize  
8 populations in the face of climate change because it  
9 represents genetic diversity in that the fish have more  
10 genetic variability and thus are able to handle more  
diverse  
11 conditions. And also, it has geographic diversity. So, if  
12 a calamity like say a large flood or a rain or snow event  
13 happens in the lower basin, it's less likely to affect the  
14 entire basin -- parts of elements of the run are able to  
15 survive these catastrophic occurrences and that brings  
16 resiliency to the fish, next slide please.

of

17 This is information that I think you already  
18 have, but I just want to emphasize how much habitat is  
19 available above the dams, and I have a graphic that will  
20 show this even better in the next slide here, but as part  
21 the Secretarial determination work, the Department of  
22 Interior did a fish population modeling.

23 And so, the graph in the lower left is -- I lost



1                   MR. BELCHIK: It shows ocean and tribal harvest  
2 here expected under dam removal conditions. There's a  
3 number of assumptions that went into this model. I don't  
4 know about the exact numbers, but it's clear that the fish  
5 modeling -- the fish experts from the federal government  
6 have concluded that dam removal will result in  
7 significantly higher harvest opportunities for both tribal  
8 and ocean fisheries.

9                   And the area on the right is just meant to show  
10 you all the miles of habitat that will become available to  
11 the fish. And next slide please -- so, on this slide I  
want  
12 to talk to you about securing the long-term future of the  
13 salmon. So, I work for the Yurok Tribe and my mission, as  
14 stated in the preamble to their Constitution and as given  
to  
15 me by the Council, is to secure the long-term future of the  
16 salmon.

17                   And like it or not, we are already living in a  
18 time of climate change and it's already happening. We've  
19 had a couple years where we know, we've lived long enough  
to  
20 see it. 2015 had about 4% of average snow, it never snowed  
21 in the mountains that year.

22                   And this is what we're looking at in the future.  
23 So, if we look at the next -- if you click again, those of

24 you who are following on PowerPoint, these circles  
represent

25 areas of cold water that stay through the summer. These  
are

1 water that's important for Spring Chinook and everything.

2 If you look at the blue circles up on the upper  
3 right, those represent the large cascade springs that are  
4 available to fish in the Upper Klamath Basin -- areas like  
5 the Headwaters of the Wood which is over 400 CFS, it just  
6 pops right out of the ground, full-size river from one  
7 spring.

8 Spring Creek, Lower Williamson, the Pelican Bay  
9 area of Upper Klamath Lake and the J.C. Boyle Springs.  
10 These are areas that will remain stable and are incredibly  
11 valuable to the fisheries. The very large circle in the  
12 middle is the Trinity Alps Snow Pack and there's also  
Shasta  
13 River.

14 And then the two circles at the bottom -- one is  
15 the Yellow Bully Spring-Pack on the south fork of the Snow  
16 Pack and the lower right circle is the Cold Water Dam  
outlet  
17 at Trinity Lake. And then all the way to the ocean is the  
18 Maritime Fog Belt and the temperate rain forest area which  
19 just stays cold just because of climate to the weather  
here.

20 So, when we put the dam in, at dam set one  
21 there's a red rectangle there, we lost all the upper  
22 springs. Now, they're still there, it's just the fish  
can't  
23 get to them and the cold water can't make it down river

24 because it goes through the reservoirs, so effectively  
25 they're gone for the fish.



1                   If we roll climate change forward, we lose the  
2   Snow Pack areas and here's what we're left with. We're  
left  
3   with the Spring complex called Big Springs on the Shasta  
4   River. We're left with Cold Water Outlet for Trinity Lake  
5   and we're left with the Maritime Fog Belt, which is  
expected  
6   to possibly remain stable in the face of climate change  
7   although that's not even certain.

8                   If we take the dam out, I just put one big red  
9   bar, it represents all four of those dams, we at least  
bring  
10   back those areas on the Upper Klamath. And the Yurok Tribe  
11   sees this as vital to ensuring the future of the salmon  
runs  
12   is to allow access. So, we can't bring that cold water  
down  
13   to the fish. We need to get the fish up to that area.

14                  So, I just wanted to emphasize how important  
this  
15   is for the long-term viability and survival of the salmon  
16   runs here in a way that's just pretty graphic and easy to  
17   understand here, next slide.

18                  With the Klamath -- the other thing is that with  
19   the dams in place, it elevates the early Fall water  
20   temperatures. This is why we lost the Springers that  
21   existed, even with Copco down there, there were Springers  
22   below Copco dam until Iron Gate was put in in the early

23 '60's as a re-regulating dam, the Springers only lasted  
24 about 10 more years and by the late '70's they were all  
gone  
25 from the Upper Klamath.

1                   Because Copco had several cold water creeks,  
2                   including Jenny and Fall Creeks, or Jenny and Camp Creeks  
at  
3                   or below it, they were able to survive just based on a  
small  
4                   amount of thermal refuge area, but when Iron Gate got put  
5                   in, the nearest cold water was Clear Creek over 20 miles  
6                   down river and it just wasn't big enough and the run  
7                   disappeared -- it didn't take long after Iron Gate dam.

8                   There is no way to correct this thermal feature  
9                   of the dams here and believe me, PacifiCorp tried. I went  
10                  through all the meetings, even in their license application  
11                  they admit there just isn't enough cold water to do a low  
12                  water dam release, it has no oxygen, and there's just not  
13                  enough feet, it's not enough storage.

14                 MR. MYERS: Let's go back real quick Mike, when  
15                 you were explaining how quickly the drop-off for the Spring  
16                 run happened after the installation of Iron Gate dam. When  
17                 you're talking 10 years, that's two full lifecycles for a  
18                 salmon -- two and one-half lifecycles.

19                 Yeah, earlier when I was talking about the  
20                 concern about where we're at now and the need to move  
21                 quickly now, this is how quickly that you can lose a run  
22                 because they're based on cycles and if you know, the dam  
was  
23                 put in for five years and then got took out, no issue with  
24                 salmon bring back, the Springers come back and they're

25 fine.

1 But the prolonged negative impacts, salmon just  
2 are not built to take prolonged negative impacts, they  
don't  
3 operate like that. Other species have a better survival  
4 rate, they live longer, they have the process with salmon  
5 are like they're built to take short bursts of negative  
6 impacts, not prolonged.

7 Yeah, in the 10 years it's two cycles of salmon  
8 run, and they're completely decimated.

9 MR. BELCHIK: Yeah, and I also -- I wanted to  
10 take a look and I had a slide where I was supposed to talk  
11 about this earlier, about the ecological impacts of this.  
12 So, when you look at Coho salmon for example, Coho salmon  
13 have a three-year lifecycle and so you know, fish run in  
14 cycles, and so we have two pretty weak cohorts and then  
15 every third year you get a decent run of Coho back.

16 And most of those, through the Shasta and Scott,  
17 predominantly Scott River, but we're losing the Coho right  
18 now. The numbers of fish in the low years are getting to  
19 the point where we're running into genetic bottleneck  
issues  
20 here. We don't have enough to preserve the genetic  
21 diversity to keep the species from running into the future.  
22 When you look at the Fall Chinook, the current biological  
23 opinion that governs the operations of the Klamath Project  
24 -- the irrigation project, now also includes southern

25     resident killer whales.

1           That's because the species that are depending on  
2 the salmon are starting to feel the impact. They're not  
3 going to be the first species that we see listed, because  
4 the salmon keeps their downward decline. We're going to  
5 start to see the other species that depend on them start to  
6 go downhill too.

7           So, I just wanted -- there was a point where I  
8 was supposed to say these things are all related and the  
9 fish that have actually made it to the ESA list are the  
ones  
10 that are in very serious trouble. But the other ones that  
11 aren't listed yet are headed there too, right now.

12           And we're just going to end up with a lab of  
13 endangered species that we're trying to prop up one at a  
14 time, when in fact we should be looking at the whole system  
15 and the ecological function of the system itself.

16           And so, this brings me to my last slide where  
17 what I want to do is just sort of summarize the things that  
18 I wanted -- that I was saying earlier and the three main  
19 points here that I wanted to say is that the existing  
record  
20 is robust and includes many elements of the existing that  
21 have rigorous peer view attached to them, specifically the  
22 Secretarial determination and the guidance document and the  
23 foundational documents that support the guidance document,  
24 all have their own peer group process that are available

25 for you guys to look at.



the 1 The new information on the disease shows that  
2 interruption of the sediment supply from the dams has  
3 exacerbated the disease issue, caused a runaway reaction  
4 that is now affecting the populations of the salmon and the  
5 amount of water necessary to control this disease has risen  
6 over time as a result of the dam's sediment interruption.

7 And then finally, the Spring Chinook, the new  
8 genetics and the ability and the hope that we have of  
9 providing this run in what would be the largest fish  
10 restoration project in U.S. history is there now. And we  
11 think that's significant new information that should be  
12 taken into account.

fishery 13 MR. MYERS: And Mike, this is the largest  
14 restoration and it is true, but this is also a restoration  
15 of the indigenous peoples and coastal communities.

the 16 MS. CORDALIS: Mike, can we maybe get back to  
17 slide about the C. shasta infection rates? And while  
18 we're --

19 UNIDENTIFIED SPEAKER: Am I going too fast?

20 MS. CORDALIS: No, you're good.

21 MR. BELCHIK: The one with the table?

22 MS. CORDALIS: Yeah, C2.

23 UNIDENTIFIED SPEAKER: Is this them right here?

24 MS. CORDALIS: Go back to the last one. And so,

25 I mentioned earlier how the Tribe fishery has been closed

1 over the last three years. That's because the runs that  
2 were returning as adults were the baby fish that were taken  
3 out, killed by the high C. shasta in 2014 and 2015.

4 So, C. shasta is directly impacting in a very  
5 negative way, the tribe's fisheries and there's a direct  
6 correlation between the runs that are subject to high fish  
7 disease as babies, and then the closure of the Tribe's  
8 fishery as those fish return as adults.

9 And so, the longer we allow the river to operate  
10 like this, the longer we allow it to be sick. So, the more  
11 our Tribe's fishing interest are harmed, but really the  
12 closer to get to extinction. There was a biological  
opinion  
13 for the Coho just completed in April.

14 And one of the things that it noted was that the  
15 Coho are on track for extinction. So, you know, then that  
16 kind of gets to you know, well what can you do, right? And  
17 from the Tribe's perspective, if you look at it in terms of  
18 mitigation, a healthy river is the best mitigation, right?

19 And getting dams out is a key component of  
making  
20 the river healthy again. And frankly, from the Tribe's  
view  
21 of this, from a you know, scientifically formed  
perspective,  
22 we can't restore the river without the dams coming out. We  
23 just can't. They are too harmful to the system as a whole,

24    so the dams have to come out for us to restore the river,  
25    yeah.

1                   Are there any questions about the technical  
2 components before we move to the next agenda item? No?

3                   MR. MYERS: Any questions Larry?

4                   MR. FLOWERS: No.

5                   MS. CORDALIS: Okay, well so, we'll turn to the  
6 next agenda item. You know, I think we hit on the urgency  
7 of this which goes to the current plan. We are -- the

Yurok

8 Tribe is heavily involved in the implementation of the plan  
9 of hydroelectric settlement agreement and also working with  
10 the KRRC.

11                   We have the utmost confidence in the KRRC. We  
12 believe the KRRC is the right entity to complete the full  
13 project removal in a way that minimizes risks to our  
14 complete satisfaction. Collectively, as a basin, the  
15 signatories to the KHSA, which involve all of the major  
16 players, the state, PacifiCorp, the Tribes, NGOs, all of

the

17 entities that have significant interest in the river and

the

18 dams, have spent a lot of time and energy coming up with a  
19 plan that we feel best accomplishes dam removal and  
20 protects the interest of the stakeholders.

21                   And that plan is the KHSA, that plan is the work  
22 that the KRRC has done in pulling together resources to  
23 ensure project removal. Specifically, we understand the  
24 Commission is interested in the cost and the risk

25 management. To those points, first we would urge the

1 Commission to look at the financial aspect of this project  
2 in a comprehensive way.

and

3               You know, we know there have been 450 million  
4 various surcharges and bonds available, but in addition to  
5 that, the KRRC has pooled various surety bonds, insurance  
6 and also has transferred some of the risk of the project to  
7 some of the cooperating businesses, the folks that will do  
8 the actual removal of the dams, the construction work and  
9 then the insurance risk mitigation entities.

that

10              So, we urge you to look at that plan. We're not  
11 going to get into the plan now. The KRRC will do that, the  
12 BOC has been doing that. I think it's sufficient for us in  
13 our short time here today, to just note that we support  
14 plan and also, we urge you to look at that plan  
15 comprehensively.

It

16              Don't just look at the 450 -- look at the whole  
17 package as one. Because what they've done is top notch.  
18 is really an industry standard for combining various  
19 resources to get you from what looks like 450 million  
20 available, to a much larger amount through pooling those  
21 resources of insurance, surety bonds and transfer of risks  
22 to other entities.

23              So, I think that is that point there. The next

has 24 one is with respect to risk management. The Yurok Tribe  
25 evaluated and reviewed other dam removal projects involving



1 Tribal Nations across the country, L-Law is an example of  
2 that.

3 From our perspective, the plan that the  
4 stakeholders -- the parties to the KHSA, the KRRC, the plan  
5 that we've all put together really is top notch. I don't  
6 know how else to say it. We feel it is -- it will be a  
7 successful project. The dams will be removed. There are  
8 some protections built into the KHSA to ensure that.

9 Specifically, I wanted to highlight for the  
10 Commission that if in an unlikely scenario that dam removal  
11 results in costing more money than what we have available  
to  
12 us, that would then trigger under the KHSA a meet and  
confer  
13 process amongst the parties where we would sit down and say  
14 here's where we are, we need to find more money and then  
the  
15 parties will go out and do that.

16 We have a long history of working together and  
17 solving problems. And in the unlikely event that dam  
18 removal is beyond our existing resources, we would find  
19 more. I have no doubt in that.

20 Also, with respect to the risk  
21 management and looking at other Tribal projects, it's clear  
22 to us that the comprehensive package which again, we're not  
23 going to get into, is sufficient to protect the potential  
24 risks, protect the public, from any sort of outlying

25 liabilities or and workman's project, that kind of a thing.

1                   So, you know, I can't over stress the confidence  
2     that the Tribe has in one -- the ability for the group,  
3     meaning the KHSA stakeholders as well as the KRRC to get  
the  
4     job done and do it in a good way that is in the best  
5     interest of the public.

6                   To that note, you know, we started earlier  
7     mentioning how the federal government, how the Tribe's  
8     responsibility to the Yurok Tribe, to protect our fishery,  
9     to protect our federally preserved rights and that trust  
10    responsibility falls on FERC Commission and staff.

11                  And from our perspective, exercising that trust  
12    responsibility by removing the dams is the highest exercise  
13    of that trust responsibility. We cannot, as the Yurok  
14    Tribe, physically remove those dams.

15                  We can't issue the regulatory permits to do  
that,  
16    but you all can, right? That is in your hands and we  
really  
17    see you as -- we all see you all as partners in that plan  
of  
18    restoring the river and healing the river and fixing  
19    historical wrongs, right?

20                  And so, what we've tried to demonstrate is that  
21    this is the most important thing to us, and we can't do it  
22    alone, but we can do it together. And I think that's the  
23    approach that all of the basin stakeholders have taken is

24 collectively, our intent for this river is to restore it to  
25 its former glory and to rebuild the standard around to make

will           1    the water clean again, to rebuild that habitat and that  
                 2    not only make all of our communities in the basin  
                 3    sustainable, but then also it helps, you know the orca's  
                 4    that are starving right now.

look           5                It helps the ocean fisheries and so, when we  
                 6    at management of this country's natural resources, and  
where           7    we all as a nation should be moving, it is towards  
                 8    restoration in areas where we can do it, right? And the  
                 9    Klamath is one of those areas. We don't have a lot of  
                10   development, right?

                11               It's not like the Columbia River for example.  
                12   It's not like the Snake River. We are on a river system  
                13   where there are four dams and then there's an irrigation  
                14   project on top. But that area, for the most part is wild,  
                15   right? It's wild.

                16               MR. MYERS: Absolutely.

                17               MS. CORDALIS: It's a place where people want to  
water,         18   come and recreate. You know, they want to get on the  
                19   and they want to float down it. They want to fish, they  
                20   want to camp, they want to hike. Right now, they can't do  
                21   that. In about three weeks the toxic blue green algae  
                22   blooms are going to explode, and pretty much from that last  
                23   dam all the way down to my village, will be toxic and  
people

24 won't get in the river, right?

25 And there's no fish to catch. So, collectively

1 when we look at managing our country's natural resources,  
2 the Klamath is the place to preserve as the crown jewel of  
3 salmon country. That's what we all want it to be and the  
4 KHSA is our plan in how to get there.

5 And so, all we need you guys to do is to act  
now,  
6 right? Act now and do whatever review you need to do to  
7 finish this transfer and then if we need to notice the  
8 surrender applications, let's get that going as quickly as  
9 possible because time is money, but more importantly time  
is  
10 the extinction of these fish and this river.

11 So, the longer we wait the more damage it's  
12 caused, so we really just need you guys to move as quickly  
13 as you can and we are your partner in that, so however we  
14 can help you move quickly on those applications, we are  
15 here.

16 MR. MYERS: Absolutely, I think one of the  
things  
17 I wanted to hit on is the confidence we have with the KRRC  
18 is the confidence about a mistrust. I think you've done a  
19 really good job explaining the importance the river has.  
To  
20 hand over that responsibility to a third party or to  
another  
21 entity, was very difficult for us as a Tribe, and for us as  
22 Tribal members to have another corporation come in and  
drive

are           23    them with the dam removal, so I think we looked at -- we  
              24    probably some of KRRC's worst credit council, because we  
              25    look at every single detail they do.



1                   We look at each of their contractors they bring  
2                   on. We look at the process, because it is that important  
to  
3                   us. And so, the confidence that we are showing today on  
4                   KRRRC isn't because we brought them on and we trust them  
5                   overnight and we're off to a great run, so fabulous.

6                   It's because we have thoroughly vetted them  
7                   because we understand the impact they will have on our  
8                   communities. So, we can now say confidently that we have a  
9                   trust in KRRRC to admit the project, and they have the  
10                  capacity to do so. But that is over a very long period of  
11                  ensuring that that was actually a true honest statement  
that  
12                  we could make.

13                  I think that as our part that Miss Cordalis did  
14                  very well explaining the Tribal trust obligations, the  
15                  timeliness, but I also just want to hit on the even if  
16                  everything else that we said didn't resonate or was lost, I  
17                  think I will make this quote that PacifiCorp and I'm  
reading  
18                  off the one because it's correct, "PacifiCorp remains fully  
19                  committed to the successful implementation of the KHSA  
which  
20                  will result in the removal of the lower four Klamath River  
21                  dams, coupled with customer protections," -- a direct quote  
22                  from PacifiCorp.

23                  And I think at the end of the day this is a

24 project that the owners want to see happen. And there is  
25 some amount of responsibility that has to be shown to the

1 corporation on their behalf as well, and I will let them  
2 speak for themselves, but I also want to highlight that  
this  
3 is not just a Tribe -- a Tribal Board, but that PacifiCorp  
4 as a corporation, as a partner with the Tribe, also  
supports  
5 the KHSA removal of the four dams. Questions?

6 CHAIR POLARDINO: You guys have any questions?  
7 Thank you so much.

8 MR. MYERS: Thank you for having us. Do we ask  
9 for questions on the phone or is that --?

10 CHAIR POLARDINO: Is there any Tribal members  
11 from the Yurok Tribe who want to make any statements?

12 MS. CORDALIS: Hearing none, I have a couple  
13 Tribe points just to ask. I know the Commission was  
14 interested in the timing of hatcheries and dam removal, if  
I  
15 understand that correctly.

16 So, I think the Commission was interested in for  
17 the timing of your -- I want to check maybe I have that  
18 wrong.

19 MR. GILBERT: No, I think of course that would  
be  
20 an interest we'd have, I'm not sure that we particularly  
21 have questions about it. I mean I'm not knowledgeable  
about  
22 it, I'm not a biologist.

23 MS. CORDALIS: Yeah, okay. I think the only

24 point we wanted to make there is that, you know, the  
25 mitigation measure is a healthy river and so if it comes

time                   1     down to the hatchery not being fully operational by the  
2     that the dams are removed, we would urge you to go forward  
3     with dam removal and have the -- I'm sure there would be a  
4     Hatcheries Management Plan, but don't allow that delay to  
5     somehow stall dam removal.

6                   MR. BELCHIK: This is my correct contact  
7     information.

8                   MS. ESPY: Oh, great, we'll correct that,  
thanks.

9                   MR. BELCHIK: It's not correct in there.

10                  MS. CORDALIS: So, I guess my question then is  
in  
11     terms of timing and process, how quickly do you anticipate  
12     taking action on the transfers application?  
13                  MS. ESPY: I mean that's really hard to speak to  
14     because we don't know what sort of filings we're going to  
15     get at the end of July.  
16                  MS. GILBERT: And also, even once we get the  
17     filing and review it, we are prohibited by our regulations  
18     from announcing when the Commission might take action. So,  
19     all we can say is we're -- we'll be actively reviewing it  
20     and acting as quickly as possible because we have no  
21     interest in delay, but we can't -- we can't project a  
22     timeframe because the regulations don't allow us to.  
23                  MS. CORDALIS: Which we appreciate. I think one  
24     of the challenges is that in the implementation of the KHS

25 in getting all the various you know, contracts and whatnot

1 together, and then putting a timeline together for the  
2 overall project, it's difficult to move forward without  
3 knowing what FERC's timeframe might be. And I know you  
4 can't -- so, I'll discuss that, and you know, that will be  
5 okay, fair enough.

6 Have you all thought more about assuming we move  
7 forward to a surrender, have you considered your approach  
to  
8 the NEPA analysis?

9 MS. GILBERT: That's certainly under  
10 consideration, but again until we review the information  
and  
11 know what direction the Commission is heading, we can't say  
12 too much about that either. It's certainly something we're  
13 thinking about and discussing.

14 MS. CORDALIS: Okay, what is an average timeline  
15 under similar circumstances for processing surrender  
16 applications?

17 MS. GILBERT: I don't know that I -- I don't  
know  
18 if we have a typical.

19 MS. CORDALIS: Yeah.

20 MS. GILBERT: It depends on the size of the  
21 project and the complexity of the issues.

22 MS. CLAROS: They're all -- so I threw out a  
23 number as a length of time, but you're thinking down the  
24 wrong path.

25

MS. CORDALIS: Okay.



1 MS. CLAROS: So, depending on what they're going  
2 to do down there, we can't get that.

3 MS. CORDALIS: Okay, is there any other  
4 information from the Yurok Tribe that would help your  
5 process?

6 MS. GILBERT: Well obviously what you presented  
7 today is very helpful information and if any of the  
8 follow-up filings that you intend to make, we are  
definitely  
9 interested in.

10 CHAIR POLARDINO: I would suggest Amy, also to  
11 put the PowerPoint file of PowerPoint for our records as  
12 well.

13 MS. CORDALIS: Okay.

14 MR. BELCHIK: Should we turn that into an Adobe  
15 Acrobat?

16 CHAIR POLARDINO: A PDF document.

17 MR. BELCHIK: Yes, yes.

18 CHAIR POLARDINO: That would be helpful.

19 MR. BELCHIK: We will lose the animation on  
that.

20 CHAIR POLARDINO: That's okay.

21 MR. BELCHIK: That climate change one, I think.

22 CHAIR POLARDINO: That's okay.

23 MS. GILBERT: Right, well we do have the  
24 transcript describing, so that people -- I think with the

25 two together side by side can probably figure that out.

1                   MR. BELCHIK: Okay. You don't have any more  
2 questions for us, alright.

3                   CHAIR POLARDINO: Did you guys have any concerns  
4 about archeological issues that you need a private, some  
5 sort of separate congregation with regards to that or --

6                   MR. MYERS: That was actually, I was wondering  
if  
7 that was something you wanted to talk about today. I think  
8 if maybe we could get just a two-minute break real quick,  
we  
9 can talk out in the hall real fast and then we can go from  
10 there, do you guys mind?

11                  MS. GILBERT: That would be fine. In fact, the  
12 only question would be is this just a sort of a general  
13 discussion that would not need to be private or would it  
14 involve protected information under the National Historic  
15 Preservation Act that is the location of the cultural --

16                  MR. MYERS: Yes.

17                  MS. GILBERT: Significant --

18                  MR. MYERS: No, it would -- I think that's what  
19 we want to talk about.

20                  MS. GILBERT: Practices, or anything like that.

21                  MR. MYERS: It would be under NHP.

22                  MS. GILBERT: Okay.

23                  MS. CORDALIS: We're okay, so then we would  
24 probably wrap up the public portion of this.

25

MS. GILBERT: I think we would plan to then end

1 the call and if you have Tribal representatives who would  
2 need to participate, we could reinitiate the call with  
them.

3 MR. MYERS: I think --

4 MS. GILBERT: Or, we would continue with just  
the  
5 people here.

6 MS. CORDALIS: I think we're okay with just  
7 terminating the call.

8 MS. GILBERT: Okay.

9 MS. CORDALIS: Okay.

10 MS. GILBERT: Great. That makes it easy.

11 CHAIR POLARDINO: Okay, just to remind people on  
12 the phone that the transcript will be available to on  
FERC's  
13 e-library system three days after the meeting. You can  
14 comment on the proceeding itself, or on the meeting for our  
15 Commission records as well.

16 Does anybody else have any questions, concerns,  
17 whatnot before I end the call? Alright, on behalf of our  
18 Commission staff members, I would say thank you to the  
Yurok  
19 Tribe for being here and making the trip out and thank you  
20 for all of you who are participating or on the phone, okay,  
21 thank you.

22 (Break 2:39 p.m. - 2:46 p.m.)

23

24

25

1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding  
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the  
5 Matter of:

6 Name of Proceeding: Klamath and Lower Klamath  
7 Projects

8

9

10

11

12

13

14

15 Docket No.: P-2082-062/P-14803-000

16 Place: Washington, D.C.

17 Date: Tuesday, July 9, 2019

18 were held as herein appears, and that this is the original  
19 transcript thereof for the file of the Federal Energy  
20 Regulatory Commission, and is a full correct transcription  
21 of the proceedings.

22

23

24 Larry Flowers

25 Official Reporter







Document Content(s)

Errata Form for p-2082-062 and p-14803-000- public.DOC.....	1-1
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28 May, 2003

Reply To: FERC030505A

Michael Strickler  
Hydro Resources Project Manager  
PacifiCorp  
825 N.E. Multnomah, Suite 1500  
Portland, Oregon 97232

**Re: Iron Gate Hydroelectric Project (FERC No. 2082), Modification of Dam Crest**

Dear Mr. Strickler:

Thank you for your letter dated May 2, 2003 regarding proposed modification of the Iron Gate Hydroelectric Project on the Klamath River near Hornbrook, California. PacifiCorp owns and operates the Iron Gate Hydroelectric facility as part of the Energy Regulatory Commission (FERC) Licensed Klamath Project, FERC Project Number 2082.

You have provided me with the results of your efforts to determine for the benefit of FERC, whether the above undertaking may affect historic properties. You have done this, and are consulting with me, in order to enable FERC to comply with Section 106 of the National Historic Preservation Act and implementing regulations codified at 36 CFR Part 800.

You state that the Iron Gate Dam was completed in 1962 and therefore does not meet the 50-year-minimum age criteria for eligibility for listing on the National Register (NR). Although this statement is factual, applying the 50-year criterion without qualification may run the risk of overlooking a potentially exceptional property. In this case, however, I have concluded that the evidence that you provided demonstrates that the Iron Gate Hydroelectric Project does not possess exceptional importance and does not otherwise meet the requirements for eligibility under Criteria Consideration G for properties that have achieved significance within the last fifty years. I will assume that FERC has made this determination unless I hear to the contrary from them within 15 calendar days after you have furnished them with a copy of this letter.

You also state that the scope of the project will only alter the crest of the non-historic Iron Gate Dam and spillway. Recent cultural survey did not find any cultural sites or materials in any of the areas proposed for construction, and no other ground disturbing activities or alterations are planned to the surrounding buildings or grounds. You are requesting my concurrence in your determination that the Iron Gate Dam is not eligible for the NR and in a finding that this undertaking will have no adverse effect on historic properties.

I have reviewed the documentation furnished and have the following comments:

- 1) The steps taken to identify historic properties that may be affected by this undertaking are satisfactory.
- 2) I concur with your recommendation to FERC that there are no historic properties within the Area of Potential Effects (APE).
- 3) Since there are no historic properties within the APE, FERC could request concurrence on a finding of "no historic properties affected" [36 CFR §800.4(d)(1)] instead of a finding of "no adverse effect".
- 4) In order to expedite closure of this consultation I will assume that FERC has made this finding unless I hear to the contrary from them within 15 calendar days after you have furnished them with a copy of this letter.
- 5) I would not object to an official finding by FERC that there are no historic properties that may be affected by this undertaking.

Thank you for considering historic properties during project planning. If you have any questions, please contact Andrea Galvin at (916) 653-4533 or agalv@ohp.parks.ca.gov.

Sincerely,

Dr. Knox Mellon  
State Historic Preservation Officer

May 3, 2018

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Ste. 100  
Sacramento, CA 95816

**RE: Initiation of Informal Consultation for the Lower Klamath Project (FERC No. 14803)**

Dear Ms. Polanco,

Klamath River Renewal Corporation (KRRC) and PacifiCorp request the initiation of informal consultation with the California Office of Historic Preservation regarding the Lower Klamath Project (Project; FERC No. 14803) and your comments on the preliminary Area of Potential Effects (APE) defined for the Project by AECOM, our technical representative. Informal consultation is being requested under a November 10, 2016, "Notice of Applications Filed With the Commission" (Attachment 1) issued by the Federal Energy Regulatory Commission (FERC) which designated PacifiCorp and KRRC as the Commission's non-federal representative for carrying out informal consultation to help facilitate FERC's compliance with Section 106 of the National Historic Preservation Act (54 U.S.C § 300101 et seq.) and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4). KRRC and PacifiCorp (Proponents) have submitted to FERC a License Surrender Application (LSA) for the Project. FERC considers review of the LSA an "undertaking" (36 C.F.R § 800.16(y)) and thus subject to Section 106 as implemented in 36 C.F.R. Part 800.

The Project seeks the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle), located on the Klamath River, which are currently owned and operated by PacifiCorp. The J.C. Boyle development is located in Klamath County, Oregon, with the other three developments located in Siskiyou County, California. The purpose of the project is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams.

This letter provides a summary of the Project's administrative background, a status update on informal consultation efforts conducted to date, a brief Project description, and a written definition of the preliminary APE, accompanied by maps. Your comments on the preliminary APE are requested at this time to help focus KRRC's and PacifiCorp's informal consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent formal consultation process.

### Administrative Background

KRRC is a 501(c)(3) organization created by the Klamath Hydroelectric Settlement Agreement (KHSa), as amended in 2016, to decommission the four dam developments owned by PacifiCorp (see the attached APE map book for overview and detail maps showing the project location). PacifiCorp is a leading western U.S. energy services provider and the largest grid owner-operator in the West. For the Lower Klamath Project, KRRC is the transferee, while PacifiCorp is the transferor.

KRRC and PacifiCorp jointly filed a combined license amendment and license transfer application with FERC on September 23, 2016. The license amendment asked FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (No. 2082). The transfer amendment asked that the four developments be administratively placed into a new license for the Lower Klamath Project (No. 14803). On March 15, 2018, FERC granted the license amendment application and deferred the license transfer, pending receipt of required additional information. On April 16, 2018, PacifiCorp filed a motion asking FERC to change the effective date for the new Lower Klamath license so splitting the license happens concurrently with the license transfer. PacifiCorp will continue to operate each of the four developments proposed as the Lower Klamath Project until the Commission approves the License Transfer Application and KRRC accepts the license.

KRRC filed a separate license surrender application on September 23, 2016 for Project No. 14803 that, if approved, would allow KRRC to decommission the four facilities. Under the amended KHSa, KRRC would oversee dam removal activities, which, if approved, are expected to begin in 2020 with dam removal occurring in 2021. PacifiCorp would continue to operate the dams until they are decommissioned.

### Consultation Status

KRRC and its technical representative, AECOM, have formed a Cultural Resources Working Group (CRWG) to compile information to assist FERC in its Section 106 compliance efforts. KRRC invited the participation of the representatives of California Office of Historic Preservation; Oregon State Historic Preservation Office; US Army Corps of Engineers; USDI Bureau of Reclamation; Klamath Falls and Redding Field Offices of the USDI Bureau of Land Management; USDA Klamath National Forest; and PacifiCorp. To date, the CRWG has participated in three teleconference calls where: a Project overview was provided (September 2017), a preliminary Area of Potential Effects was discussed (December 2017), and preliminary work plans for 2018 were reviewed (March 2018).

KRRC has also initiated informal consultation with Indian tribes. KRRC sent letters to 25 Indian tribes native to or currently residing in northern California and southern Oregon requesting their participation in the informal consultation process. Eight Indian tribes (Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, Shasta Indian Nation, Shasta Nation, Cher' Ae Heights of the

Trinidad Rancheria, and Yurok Tribe) have confirmed their interest in participating in the informal consultation process. A Project introduction meeting with the participating Indian Tribes was held on April 6, 2018 in Yreka, California.

FERC conducted scoping meetings in January and February 2018 with six federally recognized Indian Tribes regarding the KRRC and PacifiCorp license amendment and transfer application. The tribes invited to the meetings include the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, and Yurok Tribe.

As KRRC advances consultation with federal, state, and local agencies and Indian tribes, we will also be soliciting input about which other consulting parties may have knowledge or an interest in historic properties in the Project area. This outreach will include contacting local-level government entities, historical societies and museums, and other groups with a focus on historic preservation, history, and archaeology. We welcome suggestions from your office on additional entities that we should consider contacting.

#### Project Summary

The proposed Project includes the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle) on the Klamath River. In September 2017, KRRC prepared a technical support document for the California State Water Resources Control Board (SWRCB) and the Oregon Department of Environmental Quality (ODEQ) for their use in preparing Clean Water Act Section 401 Water Quality Certifications required before FERC can issue a final surrender order for the Project. This document<sup>1</sup> also provided technical and field information for use in preparation of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). An Administrative Draft version of a Definite Plan<sup>2</sup> for Decommissioning was provided to the SWRCB in January 2018, providing an update on schedule and additional technical information. KRRC is currently preparing the Definite Plan for submittal to FERC in June 2018.

The year prior to removal of the dams and hydropower facilities, improvements to the diversion tunnels at Iron Gate Dam and Copco No. 1 dam, City of Yreka water supply line and intake, Iron Gate and Fall Creek fish hatcheries, roads and bridges, and flood mitigation features will be built (currently planned for 2020). Prior to dam removal, the water surface elevation in each reservoir will be drawn down as low as possible to facilitate accumulated sediment evacuation and to create a dry work area for facility removal activities.

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<sup>1</sup> Available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/lower\\_klamath\\_ferc14803/1\\_3\\_18\\_krrc\\_updated\\_submittal.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf)

<sup>2</sup> Available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/lower\\_klamath\\_ferc14803/1\\_3\\_18\\_krrc\\_updated\\_submittal.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf)

In general, drawdown will begin on January 1 of the drawdown year (currently planned for 2021), and will extend through March 15 of the same year. After drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible and dam and hydropower facility removal will begin in the same year. Full reservoir area restoration will also be accomplished and will begin after drawdown, and extend throughout the year, and possibly extend into the subsequent year. Vegetation establishment could extend several years.

Other key project components include measures to reduce Project related effects to cultural, aquatic, and terrestrial resources; and development of a recreation plan for existing and possibly new developments.

Changes or refinements to the Project description, resulting from new information, updated analysis, or new project components, will be incorporated into future correspondence and documents provided to your office and discussed during CRWG meetings.

#### Contact Information

If you have any questions or would like any additional information, please contact me, Mark Bransom, at the number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at [elena.nilsson@aecom.com](mailto:elena.nilsson@aecom.com) (530-893-9675 ext. 1231).

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,



Mark Bransom,  
Executive Director, KRRC

[mark@klamathrenewal.org](mailto:mark@klamathrenewal.org)  
415-820-4441

#### Attachments

1. FERC Notice of Applications Filed with the Commission
2. Preliminary APE Description
3. Preliminary APE Map Set

## Attachment 1

FERC Notice of Applications Filed with the Commission



UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp  
Klamath River Renewal Corporation

Project No. 2082-062  
Project No. 2082-063  
Project No. 14803-000  
Project No. 14803-001

NOTICE OF APPLICATIONS FILED WITH THE COMMISSION

(November 10, 2016)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. Types of Applications: Application for Amendment and Partial Transfer of License;  
Application for Surrender of License
- b. Project Nos.: 2082-062 and 14803-000 (amendment and transfer application);  
2082-063 and 14803-001 (surrender application)
- c. Date Filed: September 23, 2016
- d. Applicants: For license amendment and transfer:  
PacifiCorp (transferor) and  
Klamath River Renewal Corporation (transferee)  
  
For license surrender:  
Klamath River Renewal Corporation
- e. Name of Projects: Klamath Project (P-2082)  
  
Lower Klamath Project (P-14803)
- f. Locations: Klamath Project - on the Klamath River in Klamath County, Oregon, and on the Klamath River and Fall Creek in Siskiyou County, California. The project includes about 477 acres of federal lands administered by the Bureau of Reclamation and the Bureau of Land Management.

Project No. 2082-062, *et al.*

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Lower Klamath Project - on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 USC 791a-825r.

h. Applicants Contact: Sarah Kamman, Vice President and General Counsel, PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland, OR 97232, (503) 813-5865, [sarah.kamman@pacificorp.com](mailto:sarah.kamman@pacificorp.com)

Michael Carrier, President, Klamath River Renewal Corporation, 423 Washington Street, 3<sup>rd</sup> Floor, San Francisco, CA 94111, (415) 820-4441, [michael@klamathrenewal.org](mailto:michael@klamathrenewal.org)

i. FERC Contacts: Amendment and Transfer: Steve Hocking, (202) 502-8753, [Steve.Hocking@ferc.gov](mailto:Steve.Hocking@ferc.gov)

Surrender: John Mudre: (202) 502-8902, [john.mudre@ferc.gov](mailto:john.mudre@ferc.gov)

j. Description of Amendment and Transfer Request: The applicants request that the Commission transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082 from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) and create a new project, the Lower Klamath Project, for the transferred developments with the Renewal Corporation as the sole licensee. PacifiCorp requests that the license for Project No. 2082 be amended to delete references to the four transferred developments. The applicants state that they will make a supplemental filing on or before March 1, 2017, demonstrating the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.

k. Description of Surrender Request: The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, including removal of the project dams is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P-2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (j), above. The Lower Klamath Project, as envisioned by the Renewal Corporation, would consist of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082, and the Renewal Corporation would be the sole licensee. The

Renewal Corporation requests that the Commission not act on this request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 C.F.R. §§ 6.1 and 4.32(j). Therefore, while action on the amendment and transfer application is pending, the Commission will maintain both applications in the dockets for both project numbers. If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803.

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency implementing regulations at 50 C.F.R. Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR § 600.920; and (c) the California and Oregon State Historic Preservation Officers, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800.

m. With this notice, we are designating PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4).

n. Locations of the Applications: Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. These filings may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Copies are also available for inspection and reproduction at the addresses in item (h), above.

o. Individuals desiring to be included on the Commission's mailing list for these proceedings should so indicate by writing to the Secretary of the Commission.

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p. Additional Information: We are not requesting comments at this time. After receiving the applicants' supplemental filings on or before March 1, 2017, for the license transfer and December 31, 2017, for the surrender, the Commission will issue notices requesting comments, protests, and motions to intervene.

Kimberly D. Bose,  
Secretary

## Attachment 2

### Preliminary Area of Potential Effects Description

# Preliminary APE for the Lower Klamath Project License Surrender Application (FERC Project No. 14803)

## 1.0 INTRODUCTION

### 1.1 Regulatory Context for Establishing an APE

The implementing regulations of the NHPA, require that the federal agency determine if its undertaking has the potential to cause effects on historic properties<sup>3</sup> (36 CFR 800.3(a)). This is accomplished in part by determining and documenting the Area of Potential Effects (APE) (36 CFR 800.4(a)(1)). The APE means the “geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 CFR 800.16(d)). Once an APE is defined, the scope of identification efforts within the APE can be determined. This document is intended to provide guidance to facilitate APE consultations.

### 1.2 APE, Study Area, Project Area, and FERC Project Boundary

The APE is distinct and different from other project-defined “areas” that are often referred to in discussion. For example, background research on known archaeological sites may encompass a broader geographic area referred to as the “**Study Area**.” The study area for cultural resources<sup>4</sup> may be larger than the APE and is designed to allow for the retrieval of information about known sites, site types, buildings, structures, objects, districts, ethnographic landscape features, land use patterns from prehistoric and historic eras, as well as Traditional Cultural Properties (TCPs) and Indian Sacred Sites.<sup>5</sup> Background research may include resources from outside this area, particularly broader ethnographic and historic overviews that provide context for the resources identified in the Study Area. To date, KRRC has completed an updated records search for a Study Area that includes the length of the Klamath River from its origin at the southern end of Upper Klamath Lake, in Oregon, to the mouth of the river at the Pacific Ocean. This Study Area comprises a 0.5-mile wide zone extending either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.

The “**Project Area**” is also distinct from the APE. For this discussion, the Project Area refers specifically to the *Project Limits of Work and Access* as defined on maps included with the project’s California Environmental Quality Act (CEQA) and California and Oregon Section 410 Water Quality

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<sup>3</sup> 36 CFR 800.16 defines a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

<sup>4</sup> Cultural resources are those tangible and intangible aspects of human cultural systems, both past and present, that are valued by or representative of a given culture, or that contain information about a culture.

<sup>5</sup> The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as: Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

Certifications Technical Support Document (KRRRC 2017). The preliminary APE (defined below) includes the entirety of the Project Area.

Lastly, the “**FERC Project Boundary**” which includes the geographic extent of the Klamath Hydropower Project (FERC #2082) included the geographic area a licensee must own or control on behalf of its licensed hydropower projects and is likewise distinct from the APE. Due to FERC’s jurisdiction, the FERC Project Boundary for the Lower Klamath Project (FERC Project No. 14803) is wholly included within the preliminary APE.

**Table 1. Area Terms Ordered According to Diminishing Size.**

Term	Description
Study Area	<ul style="list-style-type: none"><li>• Larger than APE to better understand cultural context.</li><li>• The length of the Klamath River from the highest reach of the J.C. Boyle Reservoir downstream to Humbug Creek (83 river miles) and a 0.5-mile wide zone extending on either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.</li></ul>
Area of Potential Effects (APE)	<ul style="list-style-type: none"><li>• The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 CFR 800.16(d)). (See Project-specific definition below).</li></ul>
Project Area	<ul style="list-style-type: none"><li>• Sometimes referred to as the “direct APE.” Also called the “Project Limits of Work and Access” as defined on maps included with the 2017 “Klamath River Renewal Project Technical Support Document” (KRRRC 2017).</li></ul>
FERC Project Boundary	<ul style="list-style-type: none"><li>• The jurisdictional limits of the FERC hydroelectric license and located entirely within the APE. For this Project, the FERC Project Boundary refers to the limits of the Lower Klamath Project (FERC Project No. 14803).</li></ul>



### 1.3 Previous Iterations of the APE

Previous FERC license applications, National Environmental Policy Act (NEPA) Environmental Impact Statements (EIS), California Environmental Quality Act (CEQA) Environmental Impact Reports (EIR), and Section 106 of the National Historic Preservation Act (Section 106) compliance reports, related to the relicensing, operation, and/or decommissioning of the Klamath Hydroelectric Project (FERC Project No. 2082) have produced varying definitions of the APE. This is primarily due to the varying scopes of the projects.

The 2004 PacifiCorp relicensing project involved all eight of the Klamath Hydroelectric Project developments, including the decommissioning of the East Side and West Side developments, the removal of the Keno development, and continued operations of the J. C. Boyle, Copco No. 1, Copco No. 2, Iron Gate, and Fall Creek developments. In contrast, the later 2012 Klamath Facilities Removal focused exclusively on the removal of four of PacifiCorp's Klamath River developments - J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate – and did not consider the remaining Klamath Hydroelectric Project developments (East Side, West Side, Keno, and Fall Creek). Table 2 summarizes the APEs identified in previous Klamath Hydroelectric Project cultural resources studies.

**Table 2. Summary of Klamath River Project Previous APE Iterations.**

Reference	APE Description
PacifiCorp 2004 (License Application Exhibit E Page 6-33; PacifiCorp 2004:121-122)	<ul style="list-style-type: none"> <li>• <u>PacifiCorp APE</u>: All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. Included proposed Project hydropower facilities, recreation sites, proposed wildlife enhancement lands, and river reaches between Project developments.</li> <li>• Cultural Resources Working Group (CRWG) APE: Included the FERC Project boundary, riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop (rim to rim).</li> <li>• <u>PacifiCorp and CRWG Compromise</u>: Field Inventory Corridor (FIC) studied instead of an APE. FIC covered the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2).</li> <li>• Downriver tribes (Karuk and Yurok) felt the APE should be more broadly defined to extend from Iron Gate down to the mouth of the Klamath River (at the Pacific Ocean) due to potential Project effects on salmon fisheries and other (non-archaeological) cultural resources along the Klamath River corridor.</li> </ul>
PacifiCorp 2006 Revised APE (FERC 2007 EIS/EIR (Page 3-539)	<ul style="list-style-type: none"> <li>• Based on proposal to decommission East Side and West Side developments and to remove Keno development from the project.</li> <li>• Excluded Keno reservoir, the Klamath River from Keno reservoir to the head of J.C. Boyle reservoir, and the river</li> </ul>



Reference	APE Description
	reach from just below J.C. Boyle powerhouse to the Oregon-California state line.
FERC 2007 EIS/EIR (Page 3-551)	<ul style="list-style-type: none"> <li>Entirety of the APE as delineated by PacifiCorp in its October 2004 draft HPMP and that portion of the Klamath River reach from Iron Gate to the mouth.</li> </ul>
Bureau of Reclamation 2012 EIS/EIR (Section 3.13.1 Area of Analysis)	<ul style="list-style-type: none"> <li>The Klamath River from the outlet at Keno Dam to the river's outlet at the Pacific Ocean and extending outward for 0.5 miles from each bank of the river, plus a 0.5-mile-wide corridor from the high water mark surrounding each of the four reservoirs, and all four dams and associated facilities.</li> </ul>

PacifiCorp's 2004 APE designated for the relicensing project included all proposed hydropower developments, recreation sites, proposed wildlife enhancement lands, and river reaches between the various Klamath Hydroelectric Project developments. This covered all lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. The archaeological survey conducted for the PacifiCorp relicensing study focused on a broader "field inventory corridor" (FIC) based on input from the Cultural Resource Working Group, including the tribes, who felt the APE should be considerably larger than the FERC Project boundary. The FIC comprised the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2), as river geomorphology studies indicated little to no effect on downstream river bank erosion beyond Interstate 5 for the project as then defined. Therefore, the 2004 APE extended a short distance downstream from Iron Gate dam to just below the Iron Gate fish hatchery.

FERC's 2007 Final Environmental Impact Statement (FEIS) for the hydroelectric facility relicensing followed the extent of the 2004 APE and reported that PacifiCorp subsequently proposed another APE (March 2006). In a revised Historic Properties Management Plan (HPMP), PacifiCorp defined a revised APE that reflected its proposal to decommission the East and West Side developments and to remove Keno development from the project. This revised APE also excluded Keno Reservoir, the Klamath River to the head of J.C. Boyle Reservoir, and the river reach from just below the J.C. Boyle powerhouse to the Oregon-California state line. The FEIS stated that neither the Oregon nor the California SHPO had concurred with either the 2004 or the 2006 versions of the APE. The APE at that time essentially conformed to PacifiCorp's proposed project boundary, and the FEIS analysis noted that the 2004 version was generally consistent with the customary minimum APE. The revised 2006 version, however, excluded lands that FERC would need to consider as part of the APE and thus assess how historic properties would be affected. The 2007 FEIS stipulated that the APE would appropriately encompass (1) the entirety of the 2004 APE as delineated by PacifiCorp in the 2004 Draft HPMP and (2) that portion of the Klamath River reach from Iron Gate Dam to the mouth. The expanded APE was justified by the potential for effects on riparian vegetation that could result in destabilized shorelines and subsequent erosion of archaeological sites. The expansion would also allow FERC to consider potential project effects on TCPs, specifically on the Klamath Cultural Riverscape in which the totality of natural environment is a contributing element.

Finally, in 2012, the Bureau of Reclamation (BOR) and the California Department of Fish and Game completed the Klamath Facilities Removal Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that offered another version of the APE. This version largely built on the 2007 FERC definition and offered an “Area of Analysis” that extended along the Klamath River from Keno Dam downstream to the Pacific Ocean and included a half-mile-wide buffer around this extent. The Klamath Facilities Removal APE offered the broadest geographic area yet considered for potential impacts on cultural resources and incorporated the concept of a FIC into the Area of Analysis.

In defining the preliminary APE for the Klamath River Renewal Project (see below), each of these related APEs was considered to provide a balanced definition that reflects APE boundaries defined in previous environmental documents, as well as those informally discussed in the CRWG meetings.

## 2.0 PRELIMINARY APE FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER APPLICATION

Defining an APE provides both the lead federal agency and consulting parties with a basis for understanding the geographic extent of anticipated impacts of the proposed project, which is necessary to determine whether the project may adversely affect historic properties. The different types of potential effects that may be caused by dam decommissioning have resulted in defining an Area of Direct Impacts (ADI) within the preliminary APE that delineates where there are anticipated direct physical impacts, particularly areas subject to ground disturbance such as dam facility removal and reservoir restoration activities. The ADI corresponds with the “Project Area” or the *Project Limits of Work and Access* as discussed in other documents. The distinction of an ADI also helps inform discussions regarding level of effort for cultural resources surveys and NRHP eligibility evaluations.

The preliminary APE is defined as a 0.5-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. Attachment 3 provides the location of the preliminary APE. This geography represents a complex array of natural and cultural features that collectively represent what has been termed a cultural riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes (King 2004). This riverscape may include known archaeological or historical sites, TCPs, Sacred Sites, natural features of cultural importance, wildlife, the waterway itself, and other features. The riverscape has been defined as a place that meets the eligibility criteria and retains sufficient integrity for inclusion on the NRHP (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct for ensuring that the current Project considers the possibility of indirect effects within the river canyon area outside of the ADI. The Klamath Riverscape concept also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple Indian tribes.

The preliminary APE is largely consistent with the APE’s defined by FERC (2007) and BOR (2012) (see Table 2). FERC’s 2007 APE encompassed the entirety of the APE delineated by PacifiCorp in their October 2004 HPMP <sup>6</sup> and that portion of the Klamath river reach from Iron Gate dam to the mouth. The BOR’s 2012 APE included the Klamath River from the outlet at Keno Dam to the river’s outlet at the Pacific Ocean.

This project’s preliminary APE similarly extends along the Klamath River to its mouth at the Pacific Ocean, but excludes a 26-mile stretch from the northern end of J.C. Boyle Reservoir (RM 228) to

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<sup>6</sup> All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development.

Upper Klamath Lake (RM 254). This northernmost area has been omitted from the preliminary APE for a number of reasons: (1) it is outside the FERC jurisdictional boundary for the Lower Klamath Project (FERC No. 14803); (2) as currently understood, the northernmost area would not be affected by the undertaking (i.e., the water levels upriver from the northern end of J.C. Boyle Reservoir won't change and/or the downriver dam removals would not trigger changes to these upriver facilities either directly or operationally); and (3) other upriver hydroelectric facilities (Link River Dam and Keno Dam) would remain part of the Klamath Hydroelectric Project (FERC No. 2082) and continue operations under existing licenses, permits, and/or agreements between private entities and/or federal agencies.

The preliminary APE encompasses a Traditional Cultural Property (TCP) composed of seven locations in the Big Bend, Oregon area identified by Klamath Tribes consultants for the FERC relicensing project (Deur 2003). Other TCPs were identified by the Klamath Tribes consultants upstream (outside) of the preliminary APE, on the Klamath River, north of J.C. Boyle Reservoir, and in the Sprague River, Williamson River, Wood River, and Upper Klamath Lake basin. The preliminary APE also comprises the locations of TCPs and Sensitive Cultural Resources (SCRs) identified by the Shasta Nation for the FERC relicensing project (Daniels 2006).

In defining the APE, it is not necessary to know if effects will occur, only that they may occur based on KRRC's current analysis of the proposed actions. To ensure the consideration of possible downstream effects on the river below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Reservoir and Copco Lake, a geographically broad APE is proposed. This APE also allows for consideration of potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon.

The potential for direct or indirect impacts in areas outside the Klamath River Canyon is considered unlikely. For example, while the removal of water from the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate reservoirs may result in indirect visual impacts due to the unnatural looking unvegetated ring around the former reservoirs, this impact does not necessarily expand beyond the historic properties located along the river corridor and its immediate environs, which comprises a varied topography that ranges from steep canyons to low hills that limit the potential for indirect effects. Given the visual and auditory screening imposed by these land forms and the nature of the facilities, the project is not expected to result in auditory, atmospheric, or other indirect changes that may affect cultural resource locations beyond the preliminary APE boundary.

## 2.1 Area of Direct Impacts (ADI)

The ADI defined within the preliminary APE includes two primary components that largely correspond geographically to the *Project Limits of Work and Access* as presented in the project's California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document (KRRC 2017), with the inclusion of a few isolated areas. Attachment 3 includes maps showing the location of the proposed ADI components. The ADI may be updated to reflect ongoing changes in project engineering, such as the specific location of disposal areas and access roads, as well as information learned through the tribal consultation process.

Within Oregon, the ADI comprises the *Project Limits of Work and Access* associated with the decommissioning of J.C. Boyle Dam and its associated facilities. ADI lands include discontinuous areas located between the upper reach of the J.C. Boyle Reservoir (RM 228) and RM 220, as shown on Attachment 3, Sheets 1-4. The ADI within California encompasses a roughly continuous, 33-mile long area located between the eastern end of Copco Lake (RM 204) and Humbug Creek (RM 171), as shown on Attachment 3, Sheets 11-23.

The two primary components of the ADI include:

1. Existing dam facility sites, associated reservoirs and water conveyance systems, and features related to the original components of the Klamath Hydroelectric Project (FERC No. 2082).
2. Project components outside of the immediate reservoir and facility areas, including disposal areas, staging areas, access roads, former recreation areas, culvert and bridge replacement areas, road improvement areas, and unique isolated components, such as bridges (pedestrian and railroad), transmission lines, and substations that will likely need to be removed, raised, or monitored. This component would also include any new recreation sites developed along the river. It also includes lands below Iron Gate dam to Humbug Creek within the projected altered 100-year floodplain.

Secondary components of the ADI are listed below. This list is subject to change as project planning advances.

- In Oregon, J.C. Boyle Dam and Reservoir, including intake structure, spillway, dam, timber bridge, fish ladder, canal headgate, and the warehouse, shed, and residential buildings. Downstream from the dam, the J.C. Boyle work area includes the canal, forebay, spillway, scour hole, tunnel, penstocks, powerhouse, and substation. This area is inclusive of staging areas, temporary access roads, and fill and disposal areas.
- In California, Copco No. 1 Dam and reservoir, abutment/intake structure, penstocks, powerhouse, diversion tunnel, switchyard, and the residential and maintenance buildings, associated staging and disposal areas, and temporary access roads.
- In California, Copco No. 2 Dam, including embankments and abutment walls, conveyance tunnel to wood-stave penstock, overflow spillway tunnel, penstock, control center building, powerhouse, maintenance buildings, Copco Village, and associated staging areas, fill areas, and temporary access roads. The Daggett Road Bridge downstream from the village is also scheduled for replacement.
- In California, Iron Gate Dam and reservoir, diversion tunnel, intake structure, spillway, penstock/intake structure, fish holding facilities, power house, aerator, residential building, the Iron Gate Fish Hatchery, and associated fill, disposal, staging areas, and temporary access roads. The Lakeview Road Bridge is also scheduled for replacement, as is the City Yreka water supply pipeline, which crosses the Klamath River near the upstream end of the reservoir impounded behind Iron Gate Dam.

Non-reservoir area components of the ADI include features such as buildings, structures, and pedestrian and railroad bridges between Iron Gate Reservoir and Humbug Creek, in California, that may be affected by the altered 100-year flood plain. In Oregon and California, non-reservoir area components include roads that will be altered to account for increase project-related transport; culvert and bridge replacement areas; and proposed recreation areas and existing recreation areas that may be impacted due to adjustments required to access a river instead of a reservoir environment.

Humbug Creek, in California, is selected as a preliminary downstream boundary for the ADI based on the potential for structures above this point on the river to be within the altered 100-year floodplain following the removal of the dams. River areas below Humbug Creek are likely subject to less flooding (and less scour potential) from dam removal. There are an estimated 45 structures located in the altered 100-year floodplain between Iron Gate Dam and Humbug Creek with an additional 10 structures located near the altered floodplain. These structures should be subject to document review and potential National Register evaluation (including survey) as it is reasonable to anticipate effects on these properties directly resulting from dam removal and subsequent changes to the flood plain dynamics.

### 2.1.1 Level of Effort Discussion

The delineation of the ADI helps inform the level of identification efforts and methodologies to be employed to identify, evaluate, and treat historic properties. Within the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review (largely completed for this area); pedestrian inventory of previously unsurveyed areas; gathering information from ethnographic research; consultation with tribes regarding TCPs, Indian Sacred Sites, and other areas of concerns; and consultation with other consulting parties. Each cultural resource identified within the ADI will be evaluated for National Register eligibility, and eligible resources (individual historic properties and/or historic districts) that are determined to be adversely affected by the project will require the development of mitigation measures that may include data recovery, site monitoring, Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation, public interpretation, or other creative mitigation measures decided through ongoing consultation among interested parties. Many of these treatment considerations are captured in the 2017 CEQA Technical Support Document (KRRRC 2017) and in previous HPMPs, and effects analyses from earlier documentation involving the Klamath River Dams (BOR 2012; Cardno ENTRIX 2012; FERC 2007; and PacifiCorp 2004) and will be considered during consultation.

Outside the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review. Known archaeological and built environment sites, as well as TCPs, Indian Sacred Sites, historic districts, and cultural landscapes will be identified to facilitate ongoing consultation and consideration of potential direct and indirect effects. Presently, no pedestrian field survey is recommended and no NRHP eligibility determinations are planned outside of the ADI.

## 3.0 REFERENCES

Bureau of Reclamation (BOR)

2012 U.S.D.I. Bureau of Reclamation and California Department of Fish and Game. Klamath Facilities Removal Final EIS/EIR.

Cardno ENTRIX

2012 Klamath Secretarial Determination Cultural Resources Report. Prepared for the Bureau of Reclamation.

Daniels, Brian I.

2006 Shasta Nation TCP Study. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Summary Report: Traditional Cultural Properties and Sensitive Resource Study – Klamath Tribes. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Federal Energy Regulatory Commission (FERC)

2007 Federal Energy Regulatory Commission. Final Environmental Impact Statement for Hydroelectric License, Klamath Hydroelectric Project FERC Project No. 2087-027, Oregon and California.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal Fish and Water Commission.

Klamath River Renewal Corporation (KRRRC)

2017 Klamath River Renewal Project California Environmental Quality Act (CEQA) and California and Oregon 401 Water Quality Certifications Technical Support Document.

PacifiCorp

2004 Cultural Resources Final Technical Report and Associated Confidential Appendices. Klamath Hydroelectric Project FERC No. 2082. PacifiCorp, Portland, Oregon.

## Attachment 3

### Preliminary Area of Potential Effects Map Set

May 3, 2018

Dennis Griffin  
State Archaeologist  
State Historic Preservation Office  
725 Summer St. NE, Suite C  
Salem, OR 97301

**RE: Initiation of Informal Consultation for the Lower Klamath Project (FERC No. 14803)**

Dear Mr. Griffin,

Klamath River Renewal Corporation (KRRC) and PacifiCorp request the initiation of informal consultation with the Oregon State Historic Preservation Office regarding the Lower Klamath Project (Project; FERC No. 14803) and your comments on the preliminary Area of Potential Effects (APE) defined for the Project by AECOM, our technical representative. Informal consultation is being requested under a November 10, 2016, "Notice of Applications Filed With the Commission" (Attachment 1) issued by the Federal Energy Regulatory Commission (FERC) which designated PacifiCorp and KRRC as the Commission's non-federal representative for carrying out informal consultation to help facilitate FERC's compliance with Section 106 of the National Historic Preservation Act (54 U.S.C § 300101 et seq.) and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4). KRRC and PacifiCorp (Proponents) have submitted to FERC a License Surrender Application (LSA) for the Project. FERC considers review of the LSA an "undertaking" (36 C.F.R § 800.16(y)) and thus subject to Section 106 as implemented in 36 C.F.R. Part 800.

The Project seeks the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle), located on the Klamath River, which are currently owned and operated by PacifiCorp. The J.C. Boyle development is located in Klamath County, Oregon, with the other three developments located in Siskiyou County, California. The purpose of the project is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams.

This letter provides a summary of the Project's administrative background, a status update on informal consultation efforts conducted to date, a brief Project description, and a written definition of the preliminary APE, accompanied by maps. Your comments on the preliminary APE are requested at this time to help focus KRRC's and PacifiCorp's informal consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent formal consultation process.



### Administrative Background

KRRC is a 501(c)(3) organization created by the Klamath Hydroelectric Settlement Agreement (KHSa), as amended in 2016, to decommission the four dam developments owned by PacifiCorp (see the attached APE map book for overview and detail maps showing the project location). PacifiCorp is a leading western U.S. energy services provider and the largest grid owner-operator in the West. For the Lower Klamath Project, KRRC is the transferee, while PacifiCorp is the transferor.

KRRC and PacifiCorp jointly filed a combined license amendment and license transfer application with FERC on September 23, 2016. The license amendment asked FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (No. 2082). The transfer amendment asked that the four developments be administratively placed into a new license for the Lower Klamath Project (No. 14803). On March 15, 2018, FERC granted the license amendment application and deferred the license transfer, pending receipt of required additional information. On April 16, 2018, PacifiCorp filed a motion asking FERC to change the effective date for the new Lower Klamath license so splitting the license happens concurrently with the license transfer. PacifiCorp will continue to operate each of the four developments proposed as the Lower Klamath Project until the Commission approves the License Transfer Application and KRRC accepts the license.

KRRC filed a separate license surrender application on September 23, 2016 for Project No. 14803 that, if approved, would allow KRRC to decommission the four facilities. Under the amended KHSa, KRRC would oversee dam removal activities, which, if approved, are expected to begin in 2020 with dam removal occurring in 2021. PacifiCorp would continue to operate the dams until they are decommissioned.

### Consultation Status

KRRC and its technical representative, AECOM, have formed a Cultural Resources Working Group (CRWG) to compile information to assist FERC in its Section 106 compliance efforts. KRRC invited the participation of the representatives of California Office of Historic Preservation; Oregon State Historic Preservation Office; US Army Corps of Engineers; USDI Bureau of Reclamation; Klamath Falls and Redding Field Offices of the USDI Bureau of Land Management; USDA Klamath National Forest; and PacifiCorp. To date, the CRWG has participated in three teleconference calls where: a Project overview was provided (September 2017), a preliminary Area of Potential Effects was discussed (December 2017), and preliminary work plans for 2018 were reviewed (March 2018).

KRRC has also initiated informal consultation with Indian tribes. KRRC sent letters to 25 Indian tribes native to or currently residing in northern California and southern Oregon requesting their participation in

the informal consultation process. Eight Indian tribes (Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, Shasta Indian Nation, Shasta Nation, Cher' Ae Heights of the Trinidad Rancheria, and Yurok Tribe) have confirmed their interest in participating in the informal consultation process. A Project introduction meeting with the participating Indian Tribes was held on April 6, 2018 in Yreka, California.

FERC conducted scoping meetings in January and February 2018 with six federally recognized Indian Tribes regarding the KRRC and PacifiCorp license amendment and transfer application. The tribes invited to the meetings include the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Indian Rancheria, and Yurok Tribe.

As KRRC advances consultation with federal, state, and local agencies and Indian tribes, we will also be soliciting input about which other consulting parties may have knowledge or an interest in historic properties in the Project area. This outreach will include contacting local-level government entities, historical societies and museums, and other groups with a focus on historic preservation, history, and archaeology. We welcome suggestions from your office on additional entities that we should consider contacting.

### Project Summary

The proposed Project includes the decommissioning and removal of four dam developments (Iron Gate, Copco No. 1 and No. 2, and J.C. Boyle) on the Klamath River. In September 2017, KRRC prepared a technical support document for the California State Water Resources Control Board (SWRCB) and the Oregon Department of Environmental Quality (ODEQ) for their use in preparing Clean Water Act Section 401 Water Quality Certifications required before FERC can issue a final surrender order for the Project. This document<sup>1</sup> also provided technical and field information for use in preparation of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). An Administrative Draft version of a Definite Plan<sup>2</sup> for Decommissioning was provided to the SWRCB in January 2018, providing an update on schedule and additional technical information. KRRC is currently preparing the Definite Plan for submittal to FERC in June 2018.

The year prior to removal of the dams and hydropower facilities, improvements to the diversion tunnels at Iron Gate Dam and Copco No. 1 dam, City of Yreka water supply line and intake, Iron Gate and Fall Creek fish hatcheries, roads and bridges, and flood mitigation features will be built (currently planned for 2020).

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<sup>1</sup> Available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/lower\\_klamath\\_ferc14803/1\\_3\\_18\\_krrc\\_updated\\_submittal.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf)

<sup>2</sup> Available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/lower\\_klamath\\_ferc14803/1\\_3\\_18\\_krrc\\_updated\\_submittal.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/1_3_18_krrc_updated_submittal.pdf)

Prior to dam removal, the water surface elevation in each reservoir will be drawn down as low as possible to facilitate accumulated sediment evacuation and to create a dry work area for facility removal activities. In general, drawdown will begin on January 1 of the drawdown year (currently planned for 2021), and will extend through March 15 of the same year. After drawdown is accomplished, remaining reservoir sediments will be stabilized to the extent feasible and dam and hydropower facility removal will begin in the same year. Full reservoir area restoration will also be accomplished and will begin after drawdown, and extend throughout the year, and possibly extend into the subsequent year. Vegetation establishment could extend several years.

Other key project components include measures to reduce Project related effects to cultural, aquatic, and terrestrial resources; and development of a recreation plan for existing and possibly new developments.

Changes or refinements to the Project description, resulting from new information, updated analysis, or new project components, will be incorporated into future correspondence and documents provided to your office and discussed during CRWG meetings.

#### Contact Information

If you have any questions or would like any additional information, please contact me, Mark Bransom, at the number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at [elena.nilsson@aecom.com](mailto:elena.nilsson@aecom.com) (530-893-9675 ext. 1231).

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,



Mark Bransom,  
Executive Director, KRRC

[mark@klamathrenewal.org](mailto:mark@klamathrenewal.org)  
415-820-4441

#### Attachments

1. FERC Notice of Applications Filed with the Commission
2. Preliminary APE Description
3. Preliminary APE Map Set

## Attachment 1

FERC Notice of Applications Filed with the Commission

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp  
Klamath River Renewal Corporation

Project No. 2082-062  
Project No. 2082-063  
Project No. 14803-000  
Project No. 14803-001

NOTICE OF APPLICATIONS FILED WITH THE COMMISSION

(November 10, 2016)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. Types of Applications: Application for Amendment and Partial Transfer of License;  
Application for Surrender of License
- b. Project Nos.: 2082-062 and 14803-000 (amendment and transfer application);  
2082-063 and 14803-001 (surrender application)
- c. Date Filed: September 23, 2016
- d. Applicants: For license amendment and transfer:  
PacifiCorp (transferor) and  
Klamath River Renewal Corporation (transferee)  
  
For license surrender:  
Klamath River Renewal Corporation
- e. Name of Projects: Klamath Project (P-2082)  
  
Lower Klamath Project (P-14803)
- f. Locations: Klamath Project - on the Klamath River in Klamath County, Oregon, and on the Klamath River and Fall Creek in Siskiyou County, California. The project includes about 477 acres of federal lands administered by the Bureau of Reclamation and the Bureau of Land Management.

Project No. 2082-062, *et al.*

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Lower Klamath Project - on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 USC 791a-825r.

h. Applicants Contact: Sarah Kamman, Vice President and General Counsel,  
PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland,  
OR 97232, (503) 813-5865, [sarah.kamman@pacificorp.com](mailto:sarah.kamman@pacificorp.com)

Michael Carrier, President, Klamath River Renewal  
Corporation, 423 Washington Street, 3<sup>rd</sup> Floor, San Francisco,  
CA 94111, (415) 820-4441, [michael@klamathrenewal.org](mailto:michael@klamathrenewal.org)

i. FERC Contacts: Amendment and Transfer: Steve Hocking,  
(202) 502-8753, [Steve.Hocking@ferc.gov](mailto:Steve.Hocking@ferc.gov)

Surrender: John Mudre: (202) 502-8902,  
[john.mudre@ferc.gov](mailto:john.mudre@ferc.gov)

j. Description of Amendment and Transfer Request: The applicants request that the Commission transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082 from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) and create a new project, the Lower Klamath Project, for the transferred developments with the Renewal Corporation as the sole licensee. PacifiCorp requests that the license for Project No. 2082 be amended to delete references to the four transferred developments. The applicants state that they will make a supplemental filing on or before March 1, 2017, demonstrating the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.

k. Description of Surrender Request: The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, including removal of the project dams is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P-2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (j), above. The Lower Klamath Project, as envisioned by the Renewal Corporation, would consist of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082, and the Renewal Corporation would be the sole licensee. The



Renewal Corporation requests that the Commission not act on this request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 C.F.R. §§ 6.1 and 4.32(j). Therefore, while action on the amendment and transfer application is pending, the Commission will maintain both applications in the dockets for both project numbers. If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803.

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency implementing regulations at 50 C.F.R. Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR § 600.920; and (c) the California and Oregon State Historic Preservation Officers, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800.

m. With this notice, we are designating PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4).

n. Locations of the Applications: Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. These filings may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Copies are also available for inspection and reproduction at the addresses in item (h), above.

o. Individuals desiring to be included on the Commission's mailing list for these proceedings should so indicate by writing to the Secretary of the Commission.

Project No. 2082-062, *et al.*

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p. Additional Information: We are not requesting comments at this time. After receiving the applicants' supplemental filings on or before March 1, 2017, for the license transfer and December 31, 2017, for the surrender, the Commission will issue notices requesting comments, protests, and motions to intervene.

Kimberly D. Bose,  
Secretary



## Attachment 2

### Preliminary Area of Potential Effects Description

# Preliminary APE for the Lower Klamath Project License Surrender Application (FERC Project No. 14803)

## 1.0 INTRODUCTION

### 1.1 Regulatory Context for Establishing an APE

The implementing regulations of the NHPA, require that the federal agency determine if its undertaking has the potential to cause effects on historic properties<sup>3</sup> (36 CFR 800.3(a)). This is accomplished in part by determining and documenting the Area of Potential Effects (APE) (36 CFR 800.4(a)(1)). The APE means the “geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Furthermore, the APE “is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking” (36 CFR 800.16(d)). Once an APE is defined, the scope of identification efforts within the APE can be determined. This document is intended to provide guidance to facilitate APE consultations.

### 1.2 APE, Study Area, Project Area, and FERC Project Boundary

The APE is distinct and different from other project-defined “areas” that are often referred to in discussion. For example, background research on known archaeological sites may encompass a broader geographic area referred to as the “**Study Area**.” The study area for cultural resources<sup>4</sup> may be larger than the APE and is designed to allow for the retrieval of information about known sites, site types, buildings, structures, objects, districts, ethnographic landscape features, land use patterns from prehistoric and historic eras, as well as Traditional Cultural Properties (TCPs) and Indian Sacred Sites.<sup>5</sup> Background research may include resources from outside this area, particularly broader ethnographic and historic overviews that provide context for the resources identified in the Study Area. To date, KRRC has completed an updated records search for a Study Area that includes the length of the Klamath River from its origin at the southern end of Upper Klamath Lake, in Oregon, to the mouth of the river at the Pacific Ocean. This Study Area comprises a 0.5-mile wide zone extending either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.

The “**Project Area**” is also distinct from the APE. For this discussion, the Project Area refers specifically to the *Project Limits of Work and Access* as defined on maps included with the project’s California Environmental Quality Act (CEQA) and California and Oregon Section 410 Water Quality

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<sup>3</sup> 36 CFR 800.16 defines a historic property as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

<sup>4</sup> Cultural resources are those tangible and intangible aspects of human cultural systems, both past and present, that are valued by or representative of a given culture, or that contain information about a culture.

<sup>5</sup> The definition of an Indian Sacred Site is governed by Executive Order 13007 of May 24, 1996. The order defines an Indian Sacred Site as: Any specific, discrete, narrowly delineated location on federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site. It is the Tribe or the traditional religious practitioner of the Tribe, not the federal government that identifies a sacred site.

Certifications Technical Support Document (KRRRC 2017). The preliminary APE (defined below) includes the entirety of the Project Area.

Lastly, the “**FERC Project Boundary**” which includes the geographic extent of the Klamath Hydropower Project (FERC #2082) included the geographic area a licensee must own or control on behalf of its licensed hydropower projects and is likewise distinct from the APE. Due to FERC’s jurisdiction, the FERC Project Boundary for the Lower Klamath Project (FERC Project No. 14803) is wholly included within the preliminary APE.

**Table 1. Area Terms Ordered According to Diminishing Size.**

Term	Description
Study Area	<ul style="list-style-type: none"><li>• Larger than APE to better understand cultural context.</li><li>• The length of the Klamath River from the highest reach of the J.C. Boyle Reservoir downstream to Humbug Creek (83 river miles) and a 0.5-mile wide zone extending on either side of the reservoir shorelines (J.C. Boyle, Copco Lake, and Iron Gate Reservoir) or from the center point of the Klamath River in areas where the river remains flowing.</li></ul>
Area of Potential Effects (APE)	<ul style="list-style-type: none"><li>• The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist (36 CFR 800.16(d)). (See Project-specific definition below).</li></ul>
Project Area	<ul style="list-style-type: none"><li>• Sometimes referred to as the “direct APE.” Also called the “Project Limits of Work and Access” as defined on maps included with the 2017 “Klamath River Renewal Project Technical Support Document” (KRRRC 2017).</li></ul>
FERC Project Boundary	<ul style="list-style-type: none"><li>• The jurisdictional limits of the FERC hydroelectric license and located entirely within the APE. For this Project, the FERC Project Boundary refers to the limits of the Lower Klamath Project (FERC Project No. 14803).</li></ul>

### 1.3 Previous Iterations of the APE

Previous FERC license applications, National Environmental Policy Act (NEPA) Environmental Impact Statements (EIS), California Environmental Quality Act (CEQA) Environmental Impact Reports (EIR), and Section 106 of the National Historic Preservation Act (Section 106) compliance reports, related to the relicensing, operation, and/or decommissioning of the Klamath Hydroelectric Project (FERC Project No. 2082) have produced varying definitions of the APE. This is primarily due to the varying scopes of the projects.

The 2004 PacifiCorp relicensing project involved all eight of the Klamath Hydroelectric Project developments, including the decommissioning of the East Side and West Side developments, the removal of the Keno development, and continued operations of the J. C. Boyle, Copco No. 1, Copco No. 2, Iron Gate, and Fall Creek developments. In contrast, the later 2012 Klamath Facilities Removal focused exclusively on the removal of four of PacifiCorp's Klamath River developments - J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate – and did not consider the remaining Klamath Hydroelectric Project developments (East Side, West Side, Keno, and Fall Creek). Table 2 summarizes the APEs identified in previous Klamath Hydroelectric Project cultural resources studies.

**Table 2. Summary of Klamath River Project Previous APE Iterations.**

Reference	APE Description
PacifiCorp 2004 (License Application Exhibit E Page 6-33; PacifiCorp 2004:121-122)	<ul style="list-style-type: none"> <li>• <u>PacifiCorp APE</u>: All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. Included proposed Project hydropower facilities, recreation sites, proposed wildlife enhancement lands, and river reaches between Project developments.</li> <li>• Cultural Resources Working Group (CRWG) APE: Included the FERC Project boundary, riparian and hydrologically connected areas along Project-affected reaches, and culturally sensitive lands within the Klamath River Canyon from ridgetop to ridgetop (rim to rim).</li> <li>• <u>PacifiCorp and CRWG Compromise</u>: Field Inventory Corridor (FIC) studied instead of an APE. FIC covered the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2).</li> <li>• Downriver tribes (Karuk and Yurok) felt the APE should be more broadly defined to extend from Iron Gate down to the mouth of the Klamath River (at the Pacific Ocean) due to potential Project effects on salmon fisheries and other (non-archaeological) cultural resources along the Klamath River corridor.</li> </ul>
PacifiCorp 2006 Revised APE (FERC 2007 EIS/EIR (Page 3-539)	<ul style="list-style-type: none"> <li>• Based on proposal to decommission East Side and West Side developments and to remove Keno development from the project.</li> <li>• Excluded Keno reservoir, the Klamath River from Keno reservoir to the head of J.C. Boyle reservoir, and the river</li> </ul>

Reference	APE Description
	reach from just below J.C. Boyle powerhouse to the Oregon-California state line.
FERC 2007 EIS/EIR (Page 3-551)	<ul style="list-style-type: none"> <li>Entirety of the APE as delineated by PacifiCorp in its October 2004 draft HPMP and that portion of the Klamath River reach from Iron Gate to the mouth.</li> </ul>
Bureau of Reclamation 2012 EIS/EIR (Section 3.13.1 Area of Analysis)	<ul style="list-style-type: none"> <li>The Klamath River from the outlet at Keno Dam to the river's outlet at the Pacific Ocean and extending outward for 0.5 miles from each bank of the river, plus a 0.5-mile-wide corridor from the high water mark surrounding each of the four reservoirs, and all four dams and associated facilities.</li> </ul>

PacifiCorp's 2004 APE designated for the relicensing project included all proposed hydropower developments, recreation sites, proposed wildlife enhancement lands, and river reaches between the various Klamath Hydroelectric Project developments. This covered all lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development. The archaeological survey conducted for the PacifiCorp relicensing study focused on a broader "field inventory corridor" (FIC) based on input from the Cultural Resource Working Group, including the tribes, who felt the APE should be considerably larger than the FERC Project boundary. The FIC comprised the area between the outlet of Upper Klamath Lake (River Mile [RM] 254.7) downstream to approximately 1 mile southwest of the Iron Gate dam (RM 189.2), as river geomorphology studies indicated little to no effect on downstream river bank erosion beyond Interstate 5 for the project as then defined. Therefore, the 2004 APE extended a short distance downstream from Iron Gate dam to just below the Iron Gate fish hatchery.

FERC's 2007 Final Environmental Impact Statement (FEIS) for the hydroelectric facility relicensing followed the extent of the 2004 APE and reported that PacifiCorp subsequently proposed another APE (March 2006). In a revised Historic Properties Management Plan (HPMP), PacifiCorp defined a revised APE that reflected its proposal to decommission the East and West Side developments and to remove Keno development from the project. This revised APE also excluded Keno Reservoir, the Klamath River to the head of J.C. Boyle Reservoir, and the river reach from just below the J.C. Boyle powerhouse to the Oregon-California state line. The FEIS stated that neither the Oregon nor the California SHPO had concurred with either the 2004 or the 2006 versions of the APE. The APE at that time essentially conformed to PacifiCorp's proposed project boundary, and the FEIS analysis noted that the 2004 version was generally consistent with the customary minimum APE. The revised 2006 version, however, excluded lands that FERC would need to consider as part of the APE and thus assess how historic properties would be affected. The 2007 FEIS stipulated that the APE would appropriately encompass (1) the entirety of the 2004 APE as delineated by PacifiCorp in the 2004 Draft HPMP and (2) that portion of the Klamath River reach from Iron Gate Dam to the mouth. The expanded APE was justified by the potential for effects on riparian vegetation that could result in destabilized shorelines and subsequent erosion of archaeological sites. The expansion would also allow FERC to consider potential project effects on TCPs, specifically on the Klamath Cultural Riverscape in which the totality of natural environment is a contributing element.

Finally, in 2012, the Bureau of Reclamation (BOR) and the California Department of Fish and Game completed the Klamath Facilities Removal Environmental Impact Statement/Environmental Impact Report (EIS/EIR) that offered another version of the APE. This version largely built on the 2007 FERC definition and offered an “Area of Analysis” that extended along the Klamath River from Keno Dam downstream to the Pacific Ocean and included a half-mile-wide buffer around this extent. The Klamath Facilities Removal APE offered the broadest geographic area yet considered for potential impacts on cultural resources and incorporated the concept of a FIC into the Area of Analysis.

In defining the preliminary APE for the Klamath River Renewal Project (see below), each of these related APEs was considered to provide a balanced definition that reflects APE boundaries defined in previous environmental documents, as well as those informally discussed in the CRWG meetings.

## 2.0 PRELIMINARY APE FOR THE LOWER KLAMATH PROJECT LICENSE SURRENDER APPLICATION

Defining an APE provides both the lead federal agency and consulting parties with a basis for understanding the geographic extent of anticipated impacts of the proposed project, which is necessary to determine whether the project may adversely affect historic properties. The different types of potential effects that may be caused by dam decommissioning have resulted in defining an Area of Direct Impacts (ADI) within the preliminary APE that delineates where there are anticipated direct physical impacts, particularly areas subject to ground disturbance such as dam facility removal and reservoir restoration activities. The ADI corresponds with the “Project Area” or the *Project Limits of Work and Access* as discussed in other documents. The distinction of an ADI also helps inform discussions regarding level of effort for cultural resources surveys and NRHP eligibility evaluations.

The preliminary APE is defined as a 0.5-mile wide area on each side of the Klamath River and the current reservoir limits, extending from the upper reach of J.C. Boyle Reservoir (RM 228) in Oregon, to the river mouth at the Pacific Ocean (RM 0), in California. Attachment 3 provides the location of the preliminary APE. This geography represents a complex array of natural and cultural features that collectively represent what has been termed a cultural riverscape associated with significant patterns of events in the traditional histories of the Yurok, Karuk, Hupa, Shasta, and Klamath Tribes (King 2004). This riverscape may include known archaeological or historical sites, TCPs, Sacred Sites, natural features of cultural importance, wildlife, the waterway itself, and other features. The riverscape has been defined as a place that meets the eligibility criteria and retains sufficient integrity for inclusion on the NRHP (King 2004). Although the Oregon and California SHPOs have not concurred with this NRHP eligibility recommendation, the riverscape concept is a useful construct for ensuring that the current Project considers the possibility of indirect effects within the river canyon area outside of the ADI. The Klamath Riverscape concept also acknowledges the crucial and significant role that the river and its environs play in the lifeway practices of multiple Indian tribes.

The preliminary APE is largely consistent with the APE’s defined by FERC (2007) and BOR (2012) (see Table 2). FERC’s 2007 APE encompassed the entirety of the APE delineated by PacifiCorp in their October 2004 HPMP <sup>6</sup> and that portion of the Klamath river reach from Iron Gate dam to the mouth. The BOR’s 2012 APE included the Klamath River from the outlet at Keno Dam to the river’s outlet at the Pacific Ocean.

This project’s preliminary APE similarly extends along the Klamath River to its mouth at the Pacific Ocean, but excludes a 26-mile stretch from the northern end of J.C. Boyle Reservoir (RM 228) to

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<sup>6</sup> All lands within the FERC Project boundary under the existing license, all lands within the PacifiCorp proposed FERC Project boundary for the new license, and river reaches below each Project development.

Upper Klamath Lake (RM 254). This northernmost area has been omitted from the preliminary APE for a number of reasons: (1) it is outside the FERC jurisdictional boundary for the Lower Klamath Project (FERC No. 14803); (2) as currently understood, the northernmost area would not be affected by the undertaking (i.e., the water levels upriver from the northern end of J.C. Boyle Reservoir won't change and/or the downriver dam removals would not trigger changes to these upriver facilities either directly or operationally); and (3) other upriver hydroelectric facilities (Link River Dam and Keno Dam) would remain part of the Klamath Hydroelectric Project (FERC No. 2082) and continue operations under existing licenses, permits, and/or agreements between private entities and/or federal agencies.

The preliminary APE encompasses a Traditional Cultural Property (TCP) composed of seven locations in the Big Bend, Oregon area identified by Klamath Tribes consultants for the FERC relicensing project (Deur 2003). Other TCPs were identified by the Klamath Tribes consultants upstream (outside) of the preliminary APE, on the Klamath River, north of J.C. Boyle Reservoir, and in the Sprague River, Williamson River, Wood River, and Upper Klamath Lake basin. The preliminary APE also comprises the locations of TCPs and Sensitive Cultural Resources (SCRs) identified by the Shasta Nation for the FERC relicensing project (Daniels 2006).

In defining the APE, it is not necessary to know if effects will occur, only that they may occur based on KRRC's current analysis of the proposed actions. To ensure the consideration of possible downstream effects on the river below Iron Gate Dam, as well as within the river reaches between J.C. Boyle Reservoir and Copco Lake, a geographically broad APE is proposed. This APE also allows for consideration of potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon.

The potential for direct or indirect impacts in areas outside the Klamath River Canyon is considered unlikely. For example, while the removal of water from the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate reservoirs may result in indirect visual impacts due to the unnatural looking unvegetated ring around the former reservoirs, this impact does not necessarily expand beyond the historic properties located along the river corridor and its immediate environs, which comprises a varied topography that ranges from steep canyons to low hills that limit the potential for indirect effects. Given the visual and auditory screening imposed by these land forms and the nature of the facilities, the project is not expected to result in auditory, atmospheric, or other indirect changes that may affect cultural resource locations beyond the preliminary APE boundary.

## 2.1 Area of Direct Impacts (ADI)

The ADI defined within the preliminary APE includes two primary components that largely correspond geographically to the *Project Limits of Work and Access* as presented in the project's California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document (KRRC 2017), with the inclusion of a few isolated areas. Attachment 3 includes maps showing the location of the proposed ADI components. The ADI may be updated to reflect ongoing changes in project engineering, such as the specific location of disposal areas and access roads, as well as information learned through the tribal consultation process.

Within Oregon, the ADI comprises the *Project Limits of Work and Access* associated with the decommissioning of J.C. Boyle Dam and its associated facilities. ADI lands include discontinuous areas located between the upper reach of the J.C. Boyle Reservoir (RM 228) and RM 220, as shown on Attachment 3, Sheets 1-4. The ADI within California encompasses a roughly continuous, 33-mile long area located between the eastern end of Copco Lake (RM 204) and Humbug Creek (RM 171), as shown on Attachment 3, Sheets 11-23.



The two primary components of the ADI include:

1. Existing dam facility sites, associated reservoirs and water conveyance systems, and features related to the original components of the Klamath Hydroelectric Project (FERC No. 2082).
2. Project components outside of the immediate reservoir and facility areas, including disposal areas, staging areas, access roads, former recreation areas, culvert and bridge replacement areas, road improvement areas, and unique isolated components, such as bridges (pedestrian and railroad), transmission lines, and substations that will likely need to be removed, raised, or monitored. This component would also include any new recreation sites developed along the river. It also includes lands below Iron Gate dam to Humbug Creek within the projected altered 100-year floodplain.

Secondary components of the ADI are listed below. This list is subject to change as project planning advances.

- In Oregon, J.C. Boyle Dam and Reservoir, including intake structure, spillway, dam, timber bridge, fish ladder, canal headgate, and the warehouse, shed, and residential buildings. Downstream from the dam, the J.C. Boyle work area includes the canal, forebay, spillway, scour hole, tunnel, penstocks, powerhouse, and substation. This area is inclusive of staging areas, temporary access roads, and fill and disposal areas.
- In California, Copco No. 1 Dam and reservoir, abutment/intake structure, penstocks, powerhouse, diversion tunnel, switchyard, and the residential and maintenance buildings, associated staging and disposal areas, and temporary access roads.
- In California, Copco No. 2 Dam, including embankments and abutment walls, conveyance tunnel to wood-stave penstock, overflow spillway tunnel, penstock, control center building, powerhouse, maintenance buildings, Copco Village, and associated staging areas, fill areas, and temporary access roads. The Daggett Road Bridge downstream from the village is also scheduled for replacement.
- In California, Iron Gate Dam and reservoir, diversion tunnel, intake structure, spillway, penstock/intake structure, fish holding facilities, power house, aerator, residential building, the Iron Gate Fish Hatchery, and associated fill, disposal, staging areas, and temporary access roads. The Lakeview Road Bridge is also scheduled for replacement, as is the City Yreka water supply pipeline, which crosses the Klamath River near the upstream end of the reservoir impounded behind Iron Gate Dam.

Non-reservoir area components of the ADI include features such as buildings, structures, and pedestrian and railroad bridges between Iron Gate Reservoir and Humbug Creek, in California, that may be affected by the altered 100-year flood plain. In Oregon and California, non-reservoir area components include roads that will be altered to account for increase project-related transport; culvert and bridge replacement areas; and proposed recreation areas and existing recreation areas that may be impacted due to adjustments required to access a river instead of a reservoir environment.



Humbug Creek, in California, is selected as a preliminary downstream boundary for the ADI based on the potential for structures above this point on the river to be within the altered 100-year floodplain following the removal of the dams. River areas below Humbug Creek are likely subject to less flooding (and less scour potential) from dam removal. There are an estimated 45 structures located in the altered 100-year floodplain between Iron Gate Dam and Humbug Creek with an additional 10 structures located near the altered floodplain. These structures should be subject to document review and potential National Register evaluation (including survey) as it is reasonable to anticipate effects on these properties directly resulting from dam removal and subsequent changes to the flood plain dynamics.

### 2.1.1 Level of Effort Discussion

The delineation of the ADI helps inform the level of identification efforts and methodologies to be employed to identify, evaluate, and treat historic properties. Within the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review (largely completed for this area); pedestrian inventory of previously unsurveyed areas; gathering information from ethnographic research; consultation with tribes regarding TCPs, Indian Sacred Sites, and other areas of concerns; and consultation with other consulting parties. Each cultural resource identified within the ADI will be evaluated for National Register eligibility, and eligible resources (individual historic properties and/or historic districts) that are determined to be adversely affected by the project will require the development of mitigation measures that may include data recovery, site monitoring, Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER) recordation, public interpretation, or other creative mitigation measures decided through ongoing consultation among interested parties. Many of these treatment considerations are captured in the 2017 CEQA Technical Support Document (KRRRC 2017) and in previous HPMPs, and effects analyses from earlier documentation involving the Klamath River Dams (BOR 2012; Cardno ENTRIX 2012; FERC 2007; and PacifiCorp 2004) and will be considered during consultation.

Outside the ADI, historic properties identification efforts will focus on archival research, records searches, and literature review. Known archaeological and built environment sites, as well as TCPs, Indian Sacred Sites, historic districts, and cultural landscapes will be identified to facilitate ongoing consultation and consideration of potential direct and indirect effects. Presently, no pedestrian field survey is recommended and no NRHP eligibility determinations are planned outside of the ADI.

## 3.0 REFERENCES

Bureau of Reclamation (BOR)

2012 U.S.D.I. Bureau of Reclamation and California Department of Fish and Game. Klamath Facilities Removal Final EIS/EIR.

Cardno ENTRIX

2012 Klamath Secretarial Determination Cultural Resources Report. Prepared for the Bureau of Reclamation.

Daniels, Brian I.

2006 Shasta Nation TCP Study. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Summary Report: Traditional Cultural Properties and Sensitive Resource Study – Klamath Tribes. Klamath Hydroelectric Project FERC No. 2082. Submitted to PacifiCorp, Portland, Oregon.

Federal Energy Regulatory Commission (FERC)

2007 Federal Energy Regulatory Commission. Final Environmental Impact Statement for Hydroelectric License, Klamath Hydroelectric Project FERC Project No. 2087-027, Oregon and California.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal Fish and Water Commission.

Klamath River Renewal Corporation (KRRRC)

2017 Klamath River Renewal Project California Environmental Quality Act (CEQA) and California and Oregon 401 Water Quality Certifications Technical Support Document.

PacifiCorp

2004 Cultural Resources Final Technical Report and Associated Confidential Appendices. Klamath Hydroelectric Project FERC No. 2082. PacifiCorp, Portland, Oregon.

## Attachment 3

### Preliminary Area of Potential Effects Map Set

June 7, 2018

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816-7100

Re: Response to Letter Dated June 1, 2018: Initiation of Consultation and Preliminary Area of Potential Effect, Lower Klamath Project (FERC NO. 14803) Siskiyou County, CA – SHPO File # FERC\_2018\_0507\_001

Dear Ms. Polanco,

Thank you for providing your written comments on the Klamath River Renewal Corporation's (KRRRC) request for initiation of consultation and presentation of the preliminary area of potential effect (APE) for the Lower Klamath Project (FERC No. 14803) located in Siskiyou County, California and Klamath County, Oregon. This letter serves as confirmation that KRRRC has received your comments. The input you have provided will assist with project compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108) as implemented in 36 CFR Part 800. In addition, your comments will help KRRRC further refine the APE and address concerns. They will also serve as a foundation for future Section 106 consultation through the Cultural Resources Working Group (CRWG) and will be shared with participating federal agencies, tribes, and consulting parties.

If you have any questions or comments, or would like any additional information, please contact me, Mark Bransom, at the phone number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at [elena.nilsson@aecom.com](mailto:elena.nilsson@aecom.com) (530-893-9675).

Sincerely,



Mark Bransom,  
Executive Director, KRRRC

[mark@klamathrenewal.org](mailto:mark@klamathrenewal.org)  
415-820-4441

Cc: Kathleen Forrest, California SHPO  
Brendon Greenaway, California SHPO  
Jessica Gabriel, Oregon SHPO  
Dennis Griffin, Oregon SHPO  
Jeanne Goetz, Klamath National Forest  
Eric Ritter, BLM  
Russ Howison, PacifiCorp  
Elena Nilsson, AECOM

July 23, 2018

Dennis Griffin  
State Archaeologist  
State Historic Preservation Office  
725 Summer Street NE, Suite C  
Salem, OR 97031

Re: Response to Letter Dated June 28, 2018: Initiation of Consultation and Preliminary Area of Potential Effects (APE), Lower Klamath Project (FERC NO. 14803) Siskiyou County, CA and Klamath County, OR – SHPO Case No. 17-1370

Dear Mr. Griffin,

Thank you for providing your written comments on Klamath River Renewal Corporation's (KRRRC) request for initiation of consultation and presentation of the preliminary APE for the Lower Klamath Project (FERC No. 14803) located in Siskiyou County, California, and Klamath County, Oregon. This letter serves as confirmation that KRRRC has received your comments. The input you have provided will assist with project compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. 306108) as implemented in 36 CFR Part 800. In addition, your comments will help KRRRC further refine the APE and address concerns. They will also serve as a foundation for future Section 106 consultation through the Cultural Resources Working Group (CRWG) and will be shared with participating federal agencies, tribes, and consulting parties.

If you have any questions or comments, or would like any additional information, please contact me, Mark Bransom, at the phone number or e-mail listed below, or Elena Nilsson, AECOM cultural resources lead, at [elena.nilsson@aecom.com](mailto:elena.nilsson@aecom.com) (530-893-9675).

Sincerely,



Mark Bransom,  
Executive Director, KRRRC

[mark@klamathrenewal.org](mailto:mark@klamathrenewal.org)  
415-820-4441

cc: Elena Nilsson, AECOM





Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
[www.oregonheritage.org](http://www.oregonheritage.org)



June 28, 2018

Mr. Mark Bransom  
Klamath River Renewal Corp  
, OR

RE: SHPO Case No. 17-1370  
FERC 14803, KRRC Lower Klamath Project,  
Removal of dams Oregon and California  
Multiple locations, Klamath County

Dear Mr. Bransom:

Our office has recently received a letter from your agency requesting concurrence regarding your Area of Potential Effect (APE) boundaries for the project referenced above. Upon review of your letter/ document, our office has a few comments regarding the boundaries of the project's APE and ADI, as defined in your letter. Our questions include:

1. Section 2.0 - The proposed APE is said to encompass a TCP composed of seven locations in the Big Bend, Oregon area. I do not believe that this TCP has ever been formally recognized or evaluated and our office would like additional information regarding the history, location and extent of this property in order to understand how the proposed project will both encompass the TCP and may impact this property. Deur's 2003 report earmarked seven general areas along the river, downstream from Big Bend but the description of each of these areas is not well defined nor have they been discussed in any detail. They are said to include major villages and trading centers, the east and west canyon rims, area ridges and gathering areas important to the Klamath people. How does your office feel that the proposed APE can adequately encompass this TCP with so little documentation? Before our office is able to understand the extent and applicability of this property in relation to the proposed activity, we would like to receive additional documentation regarding the extent of the Big Bend sensitive areas and hear from the Klamath Tribes to insure that the areas of concern are indeed all included within the proposed APE. You may have detailed maps that show the extent of the TCP and the APE but the aerial photos submitted to our office are not clear enough for us to confirm the extent of the APE with regards to noted feature areas.

2. Section 2.0 - You state that the geographically broad APE being proposed is considering the "potential direct and indirect effects on the surrounding cultural landscape, the potentially NRHP-eligible Klamath Riverscape and other identified TCPs, Sacred Sites, and historic districts located within the Klamath River Canyon." None of the TCP documents that our office received during the earlier Klamath Dam license renewal process (circa 2003-2004) have ever been discussed or reviewed. How are we to know the potential direct and indirect effects on these properties, and more importantly, how is your office insuring that the APE is including all of the above since such discussions have never occurred regarding the reports and their extent? These type of documents are often left vague on purpose with later discussions refining boundaries and potential impacts. I do not believe that such discussions have ever occurred for your agency to base the APE on. At a minimum, the APE should seek formal tribal approval from all associated groups to insure that it does include all potential direct and indirect effects on these properties. Our office can be involved in later discussions as to how these properties might be affected by the proposed project when further discussions ensue, as long as the tribes find that the APE is sufficient as drafted.





3. Area of Direct Impact (ADI) - The description of the ADI appears to be pretty inclusive of the lands that should be within this area. However, the maps included in Attachment 3 are not very clear in demarcating these areas. The colors used to demarcate the ADI and PacifiCorp lands are very close. We suggest that you make these colors more contrasting in future reports and correspondence. Please be sure to include topographic maps for the APE along with future consultations. Solely relaying on aerial photos is difficult to follow over time and can be confusing given the ever changing landscape in the area and the differing aerial photo layers that reviewing offices may have.

4. We concur with California SHPO's comment that the project related effects to both aquatic and terrestrial resources and activities associated with the recreation plan need to be clearly stated as being included within the APE.

5. All potentially historic structures affected by the undertaking, directly or indirectly, must be included within the boundaries submitted to our office for concurrence. Should additional built environment resources be impacted during any phase of the project, an amended APE would be necessary.

Our office looks forward to discussing this project with your agency in the future. If you have any questions or comments regarding this letter, please do not hesitate to contact me. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dennis Griffin", is written over a light gray circular background.

Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
dennis.griffin@oregon.gov

cc: Elena Nilsson, AECOM



September 28, 2018

Mr. Mark Bransom  
Klamath River Renewal Corp  
, OR

RE: SHPO Case No. 17-1370  
FERC 14803, KRRC Lower Klamath Project,  
Removal of dams Oregon and California  
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for the opportunity to review your Appendix L: Cultural Resources Plan associated with the above project. Our office has reviewed your document and we have the following comments:

- 1). Previously Recorded Cultural Resources (Chapter 6:36-37) – Since this section is primarily relying on information completed many years ago, along with your discussion of previously identified archaeological sites and their eligibility, it would be good to include a table of all of these archaeological sites here along with such eligibility status (including agency recommendation, FERC determination and SHPO concurrence). If determined eligible, under what criterion? If determined not eligible, did the past evaluation consider site eligibility under all four criteria (A through D)? Early archaeological studies tended to focus only on Criterion D and we are curious if a wider review was conducted at the time of previous determinations. Perhaps this table could also note where the project lies with the larger APE (e.g., liable to be directly affected, indirectly or likely no effect). You provide a nice table (6-5) for the built environment but nothing for archaeological sites.
- 2). Isolated Finds (Chapter 6:37) – This summary states that there have been 108 isolates previously identified in Oregon. Have any of these had probing conducted around them to insure that they are indeed isolate locations of cultural material?
- 3). Archaeological Districts (Chapter 6:41) – Your summary mentions work on the development of an earlier archaeological district within Oregon that included four groups of multiple sites. Does KRRC plan on picking up on this earlier study and reintroducing this district nomination?
- 4). Klamath River Canyon Archaeological District (Chapter 6:42) – Your report mentions a publication written by McCutcheon and Dabbling in 208. This reference is missing from your bibliography and I don't believe that it has ever been shared with the Oregon SHPO. Has this document been sent to our office in the past? If not, is this something that we can expect to see or is it going to be reanalyzed?
- 5). TCPs (Chapter 6:46-47) – Oregon SHPO looks forward to future consultation with KRRC and the Klamath Tribes on the various earlier identified TCP locations within Oregon, as well as the Klamath Cultural Riverscape that was earlier introduced that focused on the Klamath River. Such discussions will assist our office in understanding the true extent and impact of the proposed project on the Klamath River. Knowing little about what this discussion will entail, at this time we are unsure if this research and consultation would be considered a viable mitigation topic for the proposed project or simply part of the research that is needed



in order to complete the discussions on the proposed dam removals.

6). Pre-removal Resource Inventory (Chapter 6:48) - We were unable to find a copy of Figure 5.2-1(C) that depicts the disposal sites associated with the removal of the J.C. Boyle Dam. Could you forward our office a copy of this Figure?

7). Archaeological Inventory (Chapter 6:50) – Oregon SHPO’s Field Guidelines were updated in 2013. Please reference the most current field guidelines in all future documents.

8). Site Definition (Chapter 6:50) – Oregon SHPO’s definition of a feature as being a product of patterned cultural activity within a surface area reasonable to that activity is not based on density measurement. It stems more from a recognition that a feature may exist and that its components are not random (e.g., one camas oven, hearth, peeled tree). Each of these examples would be considered a feature, therefore a site, and you would not need to find multiple numbers of such features in order to be recognized as a site.

9). Archaeological Evaluation (Chapter 7:55) – In future eligibility discussions regarding both archaeological sites and TCPs, please be sure to include a discussion of eligibility based on all four criteria (A-D) rather than simply Criterion D for archaeological sites and Criterion A for TCPs as is often done in past studies.

10). Historic Properties Management Plan (Chapter 8) – Please be sure to include a section on future reporting that references future reports will consider Oregon’s SHPO Reporting Guidelines. We want to be sure that all future reports include all components that are needed in order for our office to complete our review in a timely way.

11). References (Chapter 9:69) – As noted above, the reference for McCutcheon and Dabling 208 is missing from this section. Could you also send us a copy of Cardno Entrix’s 2012 Klamath Secretarial Determination Cultural Resource report? A copy of this document could not be found and we are interested in refreshing ourselves on this earlier determination study in order to recall where discussions have been left off when last this project was discussed with our office.

Thank you again for the opportunity to review your Cultural Resources Plan and our office looks forward to discussing the above project as it moves forward toward completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Griffin". The signature is fluid and cursive, with a large initial "D" and a stylized "G".

Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
dennis.griffin@oregon.gov

cc: Elena Nilsson, AECOM



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

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September 28, 2018

In reply refer to: FERC\_2018\_0507\_001

Mr. Mark Bransom  
Executive Director  
Klamath River Renewal Corporation  
423 Washington Street  
San Francisco, CA 94111

RE: Section 106 Consultation, Appendix L of Definite Plan, Lower Klamath Project  
(FERC No. 14803) Siskiyou County, CA

Dear Mr. Bransom:

The State Historic Preservation Officer (SHPO) received, on August 30, 2018, the letter continuing consultation on behalf of the Federal Energy Regulatory Commission (FERC) for the above-referenced project in order to comply with Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations found at 36 CFR § 800. The Klamath River Renewal Corporation (KRRC) has been delegated Section 106 consultation authority by the Federal Energy Regulatory Commission (FERC), pursuant to FERC's November 10, 2016 *Notice of Applications Filed With the Commission* and 36 CFR § 800.2(c)(4). Included with the KRRC's letter was a copy of the *Definite Plan for the Lower Klamath Project, Appendix L—Cultural Resources Plan* (Appendix L), prepared in June 2018.

The undertaking seeks the decommissioning and removal of the Iron Gate, Copco No. 1, Copco No. 2, and J.C. Boyle developments, located on the Klamath River and currently owned by PacificCorp. The J.C. Boyle development is located in Klamath County, Oregon, and is not within the jurisdiction of the California SHPO. The remaining three developments are located in Siskiyou County, California. The purpose of the undertaking is to achieve a free flowing river condition and full volitional fish passage through the reaches of the Klamath River currently impacted by the four dams by removing the facilities.

The KRRC and PacificCorps jointly filed a combined license amendment and license transfer application with FERC, requesting FERC to administratively remove the four dam developments from the Klamath Hydroelectric Project license (FERC No. 2082). KRRC filed a separate license surrender application for Project No. 14803 that would

allow KRRC to decommission the four facilities.

The KRRC has requested the SHPO's review and comment of Appendix L. After reviewing the information submitted with your letter, the following comments are offered:

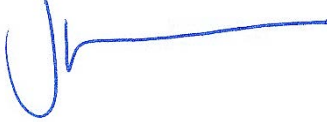
- Section 6.1.4, Ethnographic Information and TCPs
  - A substantial amount of identification and analysis has been previously prepared for the Klamath Cultural Riverscape, including an eligibility determination. Any additional work on this would appear to be part of the identification efforts for the undertaking, rather than mitigation.
  - Documentation should discuss in detail why the Riverscape study could not be completed as part of the identification efforts, but the Historical Landscape Analysis discussed in Section 6.1.5—a new analysis that is likely to cover a very large area as well—could be completed as part of the identification effort.
  - Additionally, I encourage you to review the decision of the State of California Court of Appeals for the *Madera Oversight Coalition, Inc. v. County of Madera* in regards to any mitigation developed for the purposes of the California Environmental Quality Act (CEQA).
- Section 6.2.4, General Inventory and Resource Recordation Methods
  - Built Environment HABS/HAER/HALS Recordation can be an important mitigation, as stated in the document. However, it is appropriate as one of a suite of mitigation when the historic property in question is significant under National Register Criterion C. If a property is significant under one of the other Criteria, HABS/HAER/HALS would not be appropriate mitigation. Mitigation should always be determined in consultation with the consulting parties.
- Section 7.2, Evaluation of Historic Built Environment Resources: The document states that two historical resources reports will be prepared, for hydroelectric and non-hydroelectric resources. It is not clear why the preparation of two documents is necessary, and the California SHPO recommends that only one document be prepared.
- Section 8.1, Historic Properties Management Plan and Programmatic Agreement
  - The project has anticipated the preparation of a Programmatic Agreement. FERC's current template Programmatic Agreement will not be sufficient to address the complexities of this undertaking. The SHPO looks forward to working with FERC and KRRC to develop an appropriate agreement document.
- The SHPO recommends that FERC and the KRRC keep the Advisory Council on Historic Preservation (ACHP) apprised of the ongoing consultation as the undertaking moves forward.

Mr. Mark Bransom  
September 28, 2018  
Page 3 of 3

FERC\_2018\_0507\_001

The opportunity to comment on Appendix L of the Definite Plan is appreciated and I look forward to continuing this consultation with you. Please direct any questions or concerns that you may have to Kathleen Forrest, Historian, at 916-445-7022 or [Kathleen.Forrest@parks.ca.gov](mailto:Kathleen.Forrest@parks.ca.gov).

Sincerely,



Julianne Polanco  
State Historic Preservation Officer

Cc: Jessica Gabriel, Oregon SHPO  
Dennis Griffin, Oregon SHPO  
Jeanne Goetz, Klamath National Forest  
Eric Ritter, BLM  
Elena Nilsson, AECOM



Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
[www.oregonheritage.org](http://www.oregonheritage.org)



October 1, 2018

Mr. Mark Bransom  
Klamath River Renewal Corp  
, OR

RE: SHPO Case No. 17-1370  
FERC 14803, KRRC Lower Klamath Project,  
Removal of dams Oregon and California  
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for providing our office an opportunity to comment on Appendix L of the Definite Plan for the Lower Klamath Project. Our comments below pertain only to the historic, built environment. Comments regarding archaeological resources have already been provided by Dennis Griffin, Oregon State Archaeologist (letter dated September 28, 2018).

1. Regarding the proposal to update the existing evaluations is an important piece of the consultation process. In addition to updating and submitting eligibility determination forms to our office, please be sure to account for relevant elements of the Klamath Project that have been demolished, altered, or otherwise affected by federal undertakings since 2003, when the resources were last identified. Bureau of Reclamation's Sacramento office should have these records available. For example, Flume C, a large, concrete flume that represented a highly significant feature of the system, has been replaced, and consultation with our office resolved the adverse effect through mitigation.
2. We look forward to reviewing the draft Historic Properties Management Plan for the Klamath Project, once it becomes available.
3. We look forward to consulting on the Area of Potential Effect (APE), once the preliminary APE has been determined. Please be sure to include areas that may be indirectly affected by the project in any way, in addition to areas affected directly. This may include areas far outside of direct impacts, such as canals, laterals and sub-laterals that may be retired as a result of dam removal, as well as properties that may suffer deferred or unfulfilled maintenance due to loss of use through the retirement of pieces of the system. We appreciate, for example, the inclusion of properties that may be affected by the reintroduction of seasonal flooding and the re-definition of the 100-year flood zone (p.33), and encourage similar forward-thinking considerations when defining the APE.
4. When consulting the online Historic Sites Database for records regarding historic built resources, please bear in mind that the database does not represent a complete record of past consultations with our office. Any properties within the APE should be evaluated and considered during the review process, regardless of the presence or absence of records of past consultation.
5. We concur that using a 45-year age standard for consideration, rather than a 50-year age standard, is appropriate, in order to account for properties that may become 50 years old during the consultation process, prior to implementation of the project. If it appears that the project will take longer than 5 years to complete, we recommend expanding that standard to ensure that all properties are properly accounted for.



6. When considering visual impacts to properties, we recommend against using lack of visibility due to intervening vegetation as means to eliminate these from consideration. Vegetation should only rarely be used for such determinations, and only when there is a high likelihood that this condition will not change, i.e., a forest is between the resource and the source of impacts. Thin lines or swaths of trees, deciduous trees generally, or sections of trees that may be scheduled for harvest will all fail to sustain the standard of blocked visibility too readily (via seasonal changes, timber harvest, or routine cutting/thinning independent of the project) to be a meaningful basis for visibility analysis.

7. When reporting results of built environment surveys, inventories, or re-surveys, please consult with the Oregon SHPO to obtain a subset of the Oregon Historic Sites Database to update existing records and to create new records for adding to the Master database, which we maintain in Salem. Using this tool will dramatically increase review efficiency and facilitate up-to-date record keeping at our office.

8. When considering potential mitigation measures for historic, built resources, please bear in mind that documentation through HABS/HAER/HALS or otherwise is generally considered to be a baseline measure by our office, and is almost always paired with further stipulations designed to project the data to the public in some form, or to inform further mitigation of some type. In some cases, documentation may be deemed to be sufficient, however, this will be comparatively rare, and suitable only for minor structures with marginal eligibility.

9. Because the Klamath Project as a complete resource spans Oregon and California SHPO jurisdictions, please be sure to provide both our office and California SHPO with data related to resources in the opposite state for the purposes of allowing the two SHPOs to fully understand the resource as a whole. Even though the Oregon and California SHPOs will be consulting directly on resources that occur in our states, respectively, consulting agencies must have a full comprehension of the system in its entirety, in order to properly evaluate any individual element within it.

We look forward to further consultation on this project. If you have any questions regarding any of the above, please feel free to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Allen', is written over a light blue horizontal line.

Jason Allen, M.A.  
Historic Preservation Specialist  
(503) 986-0579  
jason.allen@oregon.gov

cc: Elena Nilsson, AECOM





AECOM  
1550 Humboldt Road, Suite 2  
Chico, CA 95928  
www.aecom.com

530 893 9675 tel  
530 893 9682 fax

November 15, 2018

Julianne Polanco  
State Historic Preservation Officer  
Office of Historic Preservation  
1725 23rd Street, Ste. 100  
Sacramento, CA 95816

**RE: Submittal of Revised Area of Potential Effects, Lower Klamath Project, Siskiyou County, California (SHPO No: FERC \_2018\_0507\_001)**

Dear Ms. Polanco,

On May 3, 2018, Klamath River Renewal Corporation (KRRRC) submitted to your office a written definition of the preliminary Area of Potential Effects (APE) for the Lower Klamath Project, accompanied by maps. At that time, KRRRC requested your comments on the preliminary APE to help focus KRRRC's and PacifiCorp's consultation efforts [36 C.F.R. § 800.2(c)(4)] with agencies, tribes, and other interested parties, as well as to focus that dialogue in more meaningful content for FERC's subsequent consultation process. On June 1, 2018, KRRRC received your comments on the preliminary APE. Based on your comments and those of other agencies and tribes participating in the project's Cultural Resources Working Group (CRWG), KRRRC has prepared a revised APE definition and map set, which are attached to this letter.

On behalf of KRRRC, AECOM is transmitting the revised APE information to you and requesting your comments as part of regulatory requirements under Section 106 of the National Historic Preservation Act of 1966 (NHPA) as codified in 36 CFR Part 800.

If you have any questions, or would like any additional information regarding the Project, please contact me at 530-893-9675 ext. 1231, or by e-mail at [elena.nilsson@aecom.com](mailto:elena.nilsson@aecom.com).

Thank you for your support of this effort. We look forward to continuing our work with you.

Best regards,

Elena Nilsson  
Principal Archaeologist

cc: Mark Bransom, KRRRC

Enclosure



Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
725 Summer St NE Ste C  
Salem, OR 97301-1266  
Phone (503) 986-0690  
Fax (503) 986-0793  
[www.oregonheritage.org](http://www.oregonheritage.org)



December 4, 2018

Mr. Mark Bransom  
Klamath River Renewal Corp  
, OR

RE: SHPO Case No. 17-1370  
FERC 14803, KRRRC Lower Klamath Project,  
Removal of dams Oregon and California  
Multiple locations, Klamath County

Dear Mr. Bransom:

Our office recently sat in on the meeting that addressed the revised APE boundaries for the above project. However, while comparing the discussion during that meeting to the maps that have been provided to our office, we noted other areas were being discussed that will add to the proposed APE. Such areas include possible rafting locations and campground areas that may be made available directly below the J.C. Boyle Dam, as well as a new rafting access point and parking area may be established in the area of Frain Ranch (albeit across the river from the ranch itself). Due to the extreme sensitivity of these areas and the damage that has been ongoing to significant cultural sites near Frain Ranch in the past, we believe that project related indirect effects could occur to lands along the eastern banks of the Klamath River in this and possibly other areas, and we want to be sure that these lands are considered during any future discussions. Our office looks forward to future discussions are held regarding potential direct and indirect project effects.

In noting that rafting access locations may be proposed in the future, a second look at previous archaeological surveys will also be needed before our office would agree that surveys conducted over 15 years ago would still be considered valid for the current proposed activity. In listening in on the conversation during our last meeting, this assumption seemed to be taken for granted and there are many factors that need to be examined when one hopes to use old survey data for compliance concerns with future projects. Visibility at the time of the initial survey, nature of proposed impacts, degree of subsurface probing or testing that accompanied the earlier investigation, all are components to be considered when deciding if a new survey will be needed along stretches of the river that could be impacted (either directly or indirectly) by the proposed removal of the four Klamath River Dams. We recall that portions of the lands within the earlier proposed Hydro relicensing project along the Klamath River, that was being considered prior to deciding that the dams should be removed rather than relicensed, were slated to be surveyed but we don't think this ever occurred (e.g., BLM lands along the Klamath River in Oregon, Spring Creek diversion and several tributaries and access roads within the earlier FERC boundary). If any of these lands remain in the current project APE that could be affected, a survey of these lands will probably also be required.

In an earlier letter to your office we highlighted the lack of past consultation with our office regarding any of the earlier reported TCP locations that the various Tribes have stated exist along the river. This holds true today and we are looking forward to hearing from you regarding their number, composition, extent, integrity and possible effect. We believe that this information will be necessary before our office is able to understand and concur on project effects. Has a determination of eligibility for these properties yet been made? If so, when should our office expect a letter requesting concurrence? If not, when do you expect such determinations to be made?

Our office has recently added a new built-environment staff person who will be taking over the review of



potential effects to historic properties from the proposed dam removal. Her name is Tracy Swartz. Can you send any pertinent documents that outline the full scope of activities that are being proposed to the existing dam and downriver structures? This would kindly be appreciated!

Our office looks forward to future consultation regarding the above project. If you have any questions or comments regarding this letter, please do not hesitate to contact me. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence. This letter refers to archaeological resources only. Comments pursuant to a review for above-ground historic resources will be sent separately.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Griffin". The signature is fluid and cursive, with the first name "Dennis" being more legible than the last name "Griffin".

Dennis Griffin, Ph.D., RPA  
State Archaeologist  
(503) 986-0674  
dennis.griffin@oregon.gov

cc: Mike Kelly, AECOM



Oregon  
Kate Brown, Governor

Parks and Recreation Department  
State Historic Preservation Office  
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[www.oregonheritage.org](http://www.oregonheritage.org)



December 13, 2018

Mr. Mark Bransom  
Klamath River Renewal Corp  
, OR

RE: SHPO Case No. 17-1370  
FERC 14803, KRRC Lower Klamath Project,  
Removal of dams Oregon and California  
Multiple locations, Klamath County

Dear Mr. Bransom:

Thank you for the opportunity to review the proposed Area of Potential Effects (APE) for the project noted above. The Oregon SHPO concurs that the APE for above-ground architectural resources is sufficient for the scope and scale of the undertaking. A separate letter addressing the adequacy of the APE for archaeological resources was sent on December 4, 2018.

We look forward to continued consultation on this project. Please contact me with any further questions or comments.

Sincerely,

Tracy Schwartz  
Historic Preservation Specialist  
(503) 986-0677  
[tracy.schwartz@oregon.gov](mailto:tracy.schwartz@oregon.gov)

cc: Mike Kelly, AECOM





**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer

1725 23rd Street, Suite 100, Sacramento, CA 95816-7100

Telephone: (916) 445-7000

FAX: (916) 445-7053

calshpo.ohp@parks.ca.gov

[www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

September 23, 2020

In reply refer to FERC\_2018\_0507\_001

Mr. Mark Bransom  
Executive Director  
Klamath River Renewal Corporation  
423 Washington Street  
San Francisco, CA 94111  
VIA EMAIL/FERC E-file

RE: Section 106 Consultation for the Lower Klamath Project, Phase II Evaluation Plan

Dear Ms. Bransom,

The State Historic Preservation Officer (SHPO) received your consultation letter on August 3, 2020 pursuant to Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. § 300101), as amended, and its implementing regulation found at 36 CFR § 800. The Klamath River Renewal Corporation (KRRC), non-federal representative for the Federal Energy Regulatory Commission (FERC) is continuing consultation with the SHPO regarding the above referenced project. At this time, KRRC is requesting SHPO comments on its revised document: *Lower Klamath Project Phase II Archaeological Research Design and Testing Plan* (AECOM, July 2020).

Follow up email correspondence on September 2, 2020 between my staff and Principal Archaeologist Michael Kelly of AECOM clarified that consultation with Tribal parties on the document is ongoing. This letter is to inform you that I withhold comment until consultation on the plan has been completed with Tribes and the public. In addition, I request a summary of comments received once available. If you have any questions or concerns, please contact Brendon Greenaway at (916) 445-7036 or [Brendon.Greenaway@parks.ca.gov](mailto:Brendon.Greenaway@parks.ca.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Julianne Polanco".

Julianne Polanco  
State Historic Preservation Officer

Electronic cc:

Michael S. Kelly  
Principal Archaeologist, AECOM

Ranzetta, Kirk

---

From: Eric Ritter <eritter@blm.gov>  
Sent: Monday, July 16, 2018 1:41 PM  
To: Araxi Polony; Nilsson, Elena; Neel, Alden; Anmarie.Medin@parks.ca.gov; Greenaway, Brendon@Parks; Heather Schultz; Jennifer Mata  
Subject: Re: [EXTERNAL] Re: Request for Comments on Lower Klamath Project (FERC No. 14803)

Follow Up Flag: Flag for follow up  
Flag Status: Completed

I see that on Attachment 3, Sheet 8 of 23 you have not earmarked the BLM lands with important National Register of Historic Places sites. I don't see those sites as having a direct effect from the dam removal other than construction-related traffic using the flats. I also believe that there would be direct effects to the Klamath River corridor between Copco Dam and the upper end of Iron Gate Reservoir. One such scenario would be high flows/debris from dam removal/flood events, etc. And what is the rationale for not having the Klamath River from the mouth of Humbug Creek to its mouth at Requa not being subject to direct effects? Eric Ritter

On Wed, Jul 11, 2018 at 3:43 PM Araxi Polony <[araxi@klamathrenewal.org](mailto:araxi@klamathrenewal.org)> wrote:

Mr. Ritter,

Apologies – please find the Preliminary Area of Potential Effects Map Set (Attachment 3) attached here for your reference.

Best,

Araxi

Araxi Polony, [Klamath River Renewal Corporation](#)  
Administrative Assistant  
Cell: 510-730-5534 | Office: 510-679-6928  
[araxi@klamathrenewal.org](mailto:araxi@klamathrenewal.org)  
[www.klamathrenewal.org](http://www.klamathrenewal.org)

---

From: Araxi Polony  
Sent: Wednesday, July 11, 2018 3:06:35 PM  
To: [eritter@blm.gov](mailto:eritter@blm.gov)  
Subject: Request for Comments on Lower Klamath Project (FERC No. 14803)

Dear Mr. Ritter,

Please find attached Klamath River Renewal Corporation's letter requesting your comments on the preliminary Area of Potential Effects (APE) defined for the Lower Klamath Project (Project; FERC No. 14803).

In addition, the Preliminary Area of Potential Effects Map Set (Attachment 3) is attached here for your reference. The FERC Notice of Applications File with the Commission (Attachment 1) and Preliminary Area of Potential Effects Description (Attachment 2) are embedded in the letter.

Please let me know if you have any questions.

Best,

Araxi

Araxi Polony, [Klamath River Renewal Corporation](#)  
Administrative Assistant  
Cell: 510-730-5534 | Office: 510-679-6928  
[araxi@klamathrenewal.org](mailto:araxi@klamathrenewal.org)  
[www.klamathrenewal.org](http://www.klamathrenewal.org)

Ranzetta, Kirk

---

From: Ranzetta, Kirk  
Sent: Tuesday, December 04, 2018 2:16 PM  
To: 'Vehmas, Lisa'  
Cc: Nilsson, Elena; Stacey Leigh; Joseph Giliberti  
Subject: RE: [EXTERNAL] Re: Klamath River Dam Removal Project

Thank you Lisa for the quick response. Greatly appreciated. Feel free to contact myself or Elena Nilsson if you all should have any questions.

All the best.

Regards,

Kirk Ranzetta

From: Vehmas, Lisa [mailto:lvehmas@usbr.gov]  
Sent: Tuesday, December 04, 2018 2:13 PM  
To: Ranzetta, Kirk  
Cc: Nilsson, Elena; Stacey Leigh; Joseph Giliberti  
Subject: Re: [EXTERNAL] Re: Klamath River Dam Removal Project

Kirk - We haven't been involved from the 106 end since the Sec Determination process ended and the settlement agreement expired. We don't think we need to be involved, but am looping in Stacey Leigh who is the regional Cultural Resources lead right now. Also cc'd is Joe Giliberti, Reclamation's Federal Preservation Officer (the new Tom Lincoln) just in case other questions outside the region arise.

Lisa

On Tue, Dec 4, 2018 at 2:27 PM Ranzetta, Kirk <[kirk.ranzetta@aecom.com](mailto:kirk.ranzetta@aecom.com)> wrote:

Hi Lisa,

I am contacting you on behalf of the Klamath River Renewal Corporation who is currently preparing FERC documents in its efforts to decommission the four dams along the Klamath River in Oregon and California. I am currently working with the larger project team and facilitating Section 106 (NHPA) consultation. Over the past few months we have convened a Cultural Resources Working Group and been making progress in terms of describing the APE for the project, methods for field investigations for cultural resources, etc. In looking through the Advisory Council for Historic Preservation's website, I noticed on there that BOR was listed as the involved agency for that project. I just wanted to confirm that this was a holdover from the Secretarial Determination process as the individual who is listed as the contact for BOR (Tom Lincoln) has apparently retired and the information on the ACHP website does not present any of the most recent project developments and processes.



Could you confirm that this information is old? And also, will the BOR be a part of the Section 106 consultation process as FERC proceeds with considering the decommissioning application? The USFS and BLM have been active participants in the CRWG thus far. Thanks for your help!

Regards,

Kirk

**Kirk Ranzetta**

**Senior Architectural Historian**

Direct: 1-503.478.1629 Cell: 1-503.853.6354

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--

Lisa A. Vehmas  
Manager, Environmental Compliance Division  
Policy & Administration

Bureau of Reclamation  
303.445.2925 (desk)  
303.248.6762 (cell)

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp  
Klamath River Renewal Corporation

Project No. 2082-062  
Project No. 2082-063  
Project No. 14803-000  
Project No. 14803-001

NOTICE OF APPLICATIONS FILED WITH THE COMMISSION

(November 10, 2016)

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

- a. Types of Applications: Application for Amendment and Partial Transfer of License;  
Application for Surrender of License
- b. Project Nos.: 2082-062 and 14803-000 (amendment and transfer  
application);  
2082-063 and 14803-001 (surrender application)
- c. Date Filed: September 23, 2016
- d. Applicants: For license amendment and transfer:  
PacifiCorp (transferor) and  
Klamath River Renewal Corporation (transferee)  
  
For license surrender:  
Klamath River Renewal Corporation
- e. Name of Projects: Klamath Project (P-2082)  
  
Lower Klamath Project (P-14803)
- f. Locations: Klamath Project - on the Klamath River in Klamath County,  
Oregon, and on the Klamath River and Fall Creek in Siskiyou  
County, California. The project includes about 477 acres of  
federal lands administered by the Bureau of Reclamation and  
the Bureau of Land Management.

Lower Klamath Project - on the Klamath River in Klamath County, Oregon, and Siskiyou County, California. The project would include about 395 acres of federal lands administered by the Bureau of Land Management.

g. Filed Pursuant to: Federal Power Act, 16 USC 791a-825r.

h. Applicants Contact: Sarah Kamman, Vice President and General Counsel, PacifiCorp, 825 NE Multnomah Street, Suite 2000, Portland, OR 97232, (503) 813-5865, [sarah.kamman@pacificorp.com](mailto:sarah.kamman@pacificorp.com)

Michael Carrier, President, Klamath River Renewal Corporation, 423 Washington Street, 3<sup>rd</sup> Floor, San Francisco, CA 94111, (415) 820-4441, [michael@klamathrenewal.org](mailto:michael@klamathrenewal.org)

i. FERC Contacts: Amendment and Transfer: Steve Hocking, (202) 502-8753, [Steve.Hocking@ferc.gov](mailto:Steve.Hocking@ferc.gov)

Surrender: John Mudre: (202) 502-8902, [john.mudre@ferc.gov](mailto:john.mudre@ferc.gov)

j. Description of Amendment and Transfer Request: The applicants request that the Commission transfer the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082 from PacifiCorp to the Klamath River Renewal Corporation (Renewal Corporation) and create a new project, the Lower Klamath Project, for the transferred developments with the Renewal Corporation as the sole licensee. PacifiCorp requests that the license for Project No. 2082 be amended to delete references to the four transferred developments. The applicants state that they will make a supplemental filing on or before March 1, 2017, demonstrating the legal, technical, and financial capabilities of the Renewal Corporation to perform its responsibilities as transferee. Applicants further request that the Commission act on the amendment and transfer application by December 31, 2017, and allow the Renewal Corporation six months from the issuance date of the order approving transfer to submit proof of its acceptance of license transfer.

k. Description of Surrender Request: The Renewal Corporation's request to surrender and decommission the Lower Klamath Project, including removal of the project dams is contingent upon a Commission order amending PacifiCorp's existing Klamath Project (P-2082) license to create a new project, the Lower Klamath Project, and transferring the Lower Klamath Project to the Renewal Corporation, as described in item (j), above. The Lower Klamath Project, as envisioned by the Renewal Corporation, would consist of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments of the existing Klamath Project No. 2082, and the Renewal Corporation would be the sole licensee. The

Renewal Corporation requests that the Commission not act on this request until it is ready to accept license transfer and states that it will file, by December 31, 2017, its decommissioning plan to serve as the basis for Commission staff's environmental and engineering review of the surrender application. Because only a licensee may file to surrender a license and the Commission does not accept contingent applications, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation. *See* 18 C.F.R. §§ 6.1 and 4.32(j). Therefore, while action on the amendment and transfer application is pending, the Commission will maintain both applications in the dockets for both project numbers. If the Commission approves the transfer and the Renewal Corporation accepts the license, following which the Renewal Corporation would become the sole licensee, the surrender proceeding would continue solely in Project No. 14803.

l. With this notice, we are initiating informal consultation with: (a) the U.S. Fish and Wildlife Service and NOAA Fisheries under section 7 of the Endangered Species Act and the joint agency implementing regulations at 50 C.F.R. Part 402; (b) NOAA Fisheries under section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act and implementing regulations at 50 CFR § 600.920; and (c) the California and Oregon State Historic Preservation Officers, as required by section 106 of the National Historic Preservation Act, and the implementing regulations of the Advisory Council on Historic Preservation at 36 C.F.R. Part 800.

m. With this notice, we are designating PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act, and section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4).

n. Locations of the Applications: Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 502-8371. These filings may also be viewed on the Commission's website at <http://www.ferc.gov/docs-filing/elibrary.asp>. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Copies are also available for inspection and reproduction at the addresses in item (h), above.

o. Individuals desiring to be included on the Commission's mailing list for these proceedings should so indicate by writing to the Secretary of the Commission.

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p. Additional Information: We are not requesting comments at this time. After receiving the applicants' supplemental filings on or before March 1, 2017, for the license transfer and December 31, 2017, for the surrender, the Commission will issue notices requesting comments, protests, and motions to intervene.

Kimberly D. Bose,  
Secretary

Document Content(s)

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FEDERAL ENERGY REGULATORY COMMISSION

WASHINGTON, D.C. 20426

July 14, 2017

OFFICE OF ENERGY PROJECTS

Project Nos. 2082-063 and 14803-001—  
Oregon and California  
Klamath Hydroelectric Project  
PacifiCorp

Ms. Sarah Kamman  
Vice President and General Counsel  
PacifiCorp  
825 NE Multnomah Street, Suite 2000  
Portland, OR 97232

Mr. Michael Carrier, President  
Klamath River Renewal Corporation  
423 Washington Street, 3rd Floor  
San Francisco, CA 94111

**Reference: Klamath Hydroelectric Project—Request for Additional Information**

Dear Ms. Kamman and Mr. Carrier:

On September 23, 2016, PacifiCorp and the Klamath River Renewal Corporation (Renewal Corporation) filed a joint application for a license transfer and license amendment for the Klamath Hydroelectric Project (P-2082). On the same day, the Renewal Corporation filed an Application for surrender of the license.<sup>1</sup> The amendment/transfer application requests that the Commission amend the license for the project by removing the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments from the license and transferring them from PacifiCorp to the Renewal Corporation, thereby creating a new project, the Lower Klamath Project (FERC No. 14803), with the Renewal Corporation as the sole licensee. The surrender application states that it was made in accordance with the amended Klamath Hydroelectric

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<sup>1</sup> As explained in the Commission's November 10, 2016 public notice of the applications, pending Commission action on the license amendment and transfer request, the surrender application is deemed to be filed by both PacifiCorp and the Renewal Corporation.



Settlement Agreement (amended KHSA)<sup>2</sup> to decommission and remove the Lower Klamath Project developments.

The surrender application relies heavily on information contained in the U.S. Department of the Interior and the California Department of Fish and Game's<sup>3</sup> 2012 Klamath Facilities Removal Final Environmental Impact Statement/Environmental Impact Report (EIS/EIR)<sup>4</sup> and earlier studies that the EIS/EIR cites as the basis for most of the analyses in the EIS/EIR. Various factors that could influence some of the economic and environmental effects of the proposed surrender and decommissioning have changed since 2012 when the EIS/EIR was prepared. Additionally, the EIS/EIR effects analysis and recommendations were based on the assumption that certain restoration activities contained in the now-expired Klamath Basin Restoration Agreement (KBRA) would be implemented. Because it is not clear which, if any, of the KBRA's restoration activities will be conducted, it is not clear which of the EIS/EIR's conclusions and recommendations remain applicable. Therefore, based on our preliminary review of the September 23, 2016 surrender application, additional information is needed for Commission staff's analyses of the proposed surrender.

Pursuant to Section 4.32(g) of the Commission's regulations, please include the additional information requested in the enclosed schedule A with the supplemental information you plan to file as described in the surrender application.<sup>5</sup> Within 5 days of receipt of this letter, please provide a copy of this letter and the enclosed schedule A to all agencies with whom you will consult in response to this request. Then, when you file the requested information with the Commission, you also should provide exact copies of the filings to those agencies.

If the submission of any additional information causes any other part of the surrender application to be inaccurate, please revise that part and refile it by the due date. Also, please be aware that further requests for additional information may be sent to you at any time before final action on your application is taken.

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<sup>2</sup> The amended KHSA was executed on April 6, 2016.

<sup>3</sup> Now the California Department of Fish and Wildlife (California DFW).

<sup>4</sup> U.S. Department of the Interior and California Department of Fish and Game. 2012. Klamath Facilities Removal Final Environmental Impact Statement/Environmental Impact Report Volume I. State Clearinghouse # 2010062060. December 2012.

<sup>5</sup> The surrender application states that this supplemental information will be filed by December 31, 2017.

The Commission strongly encourages electronic filing. Please file the requested information using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please put the docket numbers, P-2082-063 and P-14803-001, on the first page of your response.

If you have any questions regarding this letter or the contents of your required contents of the surrender application, please contact John Mudre at (202) 502-8902 or at [john.mudre@ferc.gov](mailto:john.mudre@ferc.gov).

Sincerely,

Timothy Konnert, Chief  
West Branch  
Division of Hydropower Licensing

Enclosure: Schedule A—Additional Information

cc: Mailing List  
Public Files

## Schedule A

Project Nos. 2082-063 and 14803-001

**ADDITIONAL INFORMATION**

The following is a list of additional information needs identified during staff's preliminary review of the application for license surrender and decommissioning of the proposed Lower Klamath Project (i.e., the existing J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate developments and appurtenant features of the Klamath River Project No. 2082). Please file the requested information by December 31, 2017. The requested information may be incorporated into an amended surrender application, a decommissioning plan, or any accompanying environmental analyses, as appropriate.

**Initial Statement**

1. The Initial Statement, pursuant to section 4.51(a) of the Commission's regulations, states that: "Applicant [(Klamath River Renewal Corporation)] will today file requests for water quality certification with Oregon Department of Environmental Quality (Oregon DEQ) and the California Water Resources Control Board (California Water Board), for the purpose of this License Surrender Application." On October 21, 2016, the California Water Board filed a copy of its letter acknowledging receipt of your application on September 23, 2016. Please file documentation as to when Oregon DEQ received your application.

**Exhibit B**

2. Exhibit B of the surrender application indicates that PacifiCorp is voluntarily operating Project No. 2082 as described in the 2011–2014 Klamath Hydroelectric Settlement Agreement (KHSa) Implementation Reports. The amended KHSa<sup>6</sup> includes an update on the implementation status of all interim measures for both the original KHSa and the Habitat Conservation Plan along with a timetable for those not yet completed. According to that update, as of the amended KHSa's effective date (April 6, 2016), interim measures 7 (funding), 9, 11 (studies), 13, 17, and 21 had been fully implemented, but the other interim measures were in varied states of completion. Please file an updated status report and implementation schedule

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<sup>6</sup> Ady District Improvement Company, et al. 2016. Klamath Hydroelectric Settlement Agreement. February 18, 2010, amended April 6, 2016, pages E2-1 through E2-6.

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for the interim measures in the amended KHSA and the Habitat Conservation Plan<sup>7</sup> so staff has a thorough understanding of their status.

**Exhibits C and D**

3. The surrender application includes (as Exhibit E.3) the “Detailed Plan for Dam Removal – Klamath River Dams, Klamath Hydroelectric Project, FERC License No. 2082, Oregon – California” (Detailed Plan) prepared by the U.S. Bureau of Reclamation in 2012. Although this plan provides substantial information on the planned approach for permitting, implementing, and remediating the removal of project facilities, section 7.2.1 of the amended KHSA indicates that the Detailed Plan will be superseded by a “Definite Plan for Facilities Removal” (Definite Plan), which will be consistent with the Commission’s requirements for surrender and include consideration of prudent cost overrun management tools, such as performance bonds. Please revise exhibit E.3 to replace the Detailed Plan with the Definite Plan.
4. The surrender application proposes the simultaneous removal of the four lower dams with the dewatering periods<sup>8</sup> scheduled to minimize sediment release into downstream areas during critical times for important aquatic species and life stages (e.g., anadromous fish spawning, rearing, and in- and out-migration). The schedule indicates that the deconstruction period, including dewatering and facilities removal, would occur over about 20 months.<sup>9</sup> The EIS/EIR prepared in support of the original KHSA<sup>10</sup> states

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<sup>7</sup> PacifiCorp. 2012. PacifiCorp Klamath Hydroelectric Project Interim Operations Habitat Conservation Plan for Coho Salmon. Prepared by PacifiCorp Energy, Inc., Portland, OR. Submitted to the National Marine Fisheries Service, Arcata Area Office, Arcata, CA. February 16, 2012. Available at: [http://www.westcoast.fisheries.noaa.gov/habitat/conservation\\_plans/pacificcorps\\_energy\\_hcp.html](http://www.westcoast.fisheries.noaa.gov/habitat/conservation_plans/pacificcorps_energy_hcp.html). Accessed July 5, 2012.

<sup>8</sup> The dewatering period is the time from when water releases intended to drain the reservoir begin to when the dam is sufficiently removed such that it no longer retains water.

<sup>9</sup> EIS/EIR, page 2-35.

<sup>10</sup> U.S. Department of the Interior and California Department of Fish and Game. 2012. Klamath Facilities Removal Final Environmental Impact Statement/Environmental Impact Report Volume I. State Clearinghouse # 2010062060. December 2012.

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that the deconstruction period drawdown length could vary depending on water year type, with longer drawdowns occurring during wet years and shorter drawdowns during dry years.<sup>11</sup> To reduce the uncertainty regarding the length of time over which flows with high suspended sediment concentrations would occur and potentially negatively affect aquatic resources, please provide the following information:

- a. Your proposed measures for ensuring that reservoir dewatering is completed by the end of February to avoid high suspended sediment concentration after March 15.
- b. An assessment of the extent to which a wet year would extend the reservoir dewatering period, the potential effects on downstream environmental resources of deconstruction implementation during a wet year, and the increase in the cost of deconstruction, if it occurred in a wet year. In addition, please provide a detailed discussion of the process and rationale that would be used to determine if any adjustments to the dewatering schedule are needed to minimize the release of sediment during the previously identified critical times for important species and life stages.

**Exhibit E***Agreements and Biological Opinions*

5. The Upper Klamath Basin Comprehensive Agreement (UKBCA),<sup>12</sup> which was signed April 18, 2014, was developed in concert with the original KHSA and the Klamath Basin Restoration Agreement (KBRA) to provide a “comprehensive solution” for water, fishery, and power issues in the Klamath River Basin. We understand that progress was made in implementing the UKBCA’s water use and riparian programs during 2014 and 2015. Publicly available documents describe some of this progress, although the complete and current status of implementing the UKBCA is unclear. To ensure that

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<sup>11</sup> EIS/EIR, page 2-33.

<sup>12</sup> Signatories to the UKBCA include the State of California, California Department of Fish and Wildlife, California Natural Resources Agency, State of Oregon, Oregon Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Water Resources Department, Klamath Water Users Association, American Rivers, California Trout, Trout Unlimited, National Marine Fisheries Service, U.S. Department of the Interior, and Sustainable Northwest.

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Commission staff has a thorough understanding of the effects of the UKBCA on water availability, please provide a status report documenting the current schedule and status for implementation of the measures described in the UKBCA.

6. The EIS/EIR's evaluations for the Full Facilities Removal of Four Dams and the Partial Facilities Removal of Four Dams (Alternatives 2 and 3, respectively) incorporated the KBRA as a connected action. Since the KBRA was terminated at the end of 2015, Commission staff needs an update on which KBRA actions will be conducted and when they will be implemented. The Fifth Annual Report for the Klamath Settlement Agreements,<sup>13</sup> which was released less than 2 months before the KBRA's termination at the end of December 2015, provides the status of implementation of KBRA measures at that time. For each action in the KBRA, please describe the likelihood of it being implemented, the responsible party, any potential limitations on implementation, and the schedule for implementation. Also, please revise any EIS/EIR conclusions and recommendations that were based on the assumption that the KBRA would be implemented.
7. The original KHSA was predicated on passage of federal legislation. Because no federal legislation was enacted, to implement the KHSA measures, the States of Oregon and California, the United States Departments of the Interior (Interior) and Commerce, and PacifiCorp amended the KHSA on April 6, 2016. Subsequently, Interior, the National Marine Fisheries Service (NMFS), and other KBRA and UKBCA signatory parties signed the 2016 Klamath Power and Facilities Agreement (KPFA) to address the interests of irrigators in the upper basin. Our understanding is that congressional authorizations are required for the federal agency parties to fully participate in certain actions supported in the KPFA. Therefore, please file a list of the KPFA's activities that require congressional authorization to enable implementation, along with the status of receiving each congressional authorization.
8. The biological opinions incorporated into the EIS/EIR have not been finalized. The EIS/EIR assumed implementation of the U.S. Fish and Wildlife

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<sup>13</sup> Klamath Basin Coordinating Council. 2015. Fifth Annual Report Implementing the Klamath Basin Settlement Agreements. November.

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Service's (FWS's) 2008 biological opinion<sup>14</sup> for suckers and NMFS's 2010 biological opinion<sup>15</sup> for coho salmon. In 2012, NMFS and FWS released a joint preliminary biological opinion<sup>16</sup> for all species listed under the Endangered Species Act, which addressed the effects of dam removal as described in the Detailed Plan, but did not include implementation of the KBRA as part of the proposed action.

To ensure that Commission staff has an understanding of the current status of the various biological opinions pertaining to the proposed removal of the Klamath River dams under the amended KHSA and of operation of Reclamation's Klamath Irrigation Project, please provide an update of the current status of the relevant biological opinions.

*Geology and Soils*

9. The EIS/EIR predicts response of the channel bed elevation between J.C. Boyle Dam and the Pacific Ocean to removal of the four dams with implementation of the KBRA, based on the results of several extensive modeling efforts, including broad-scale one-dimensional models (SRH-1D and DREAM-1) and a two-dimensional model of Copco No. 1, which draw on prior studies of the Klamath River system. The analyses<sup>17</sup> generally predict

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<sup>14</sup> FWS. 2008. Biological/conference opinion regarding the effects of the Bureau of Reclamation's proposed 10-year Operation Plan (April 1, 2008–March 31, 2018) for the Klamath Project and its effects on the endangered Lost River and shortnose suckers. U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, Klamath Falls, OR, and Yreka Fish and Wildlife Office, Yreka, CA.

<sup>15</sup> NMFS. 2010. Biological opinion on the operation of the Klamath Project between 2010 and 2018. Prepared for U.S. Bureau of Reclamation. Prepared by NMFS, Southwest Region. March 15, 2010.

<sup>16</sup> NMFS and FWS. 2012. Joint preliminary biological opinion on the proposed removal of four dams on the Klamath River. NMFS, Southwest Region and FWS, Region 8. November 2012.

<sup>17</sup> Refer to pages 9-33 to 9-37 of Technical Report No. SRH-2011-02. Reclamation. 2011. Hydrology, hydraulics and sediment transport studies for the Secretary's Determination on Klamath River dam removal and basin restoration. Prepared for Mid-Pacific Region, US Bureau of Reclamation, Technical Service Center, Denver, CO.

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that two years following removal of the dams a channel will be cut through the dam-stored sediments and the maximum aggradation (1.1 to 1.6 feet depending on water year type during dam removal) will occur in the reach between Bogus Creek and Willow Creek. Predicted aggradation is 0.6 to 0.9 foot for Willow Creek to Cottonwood Creek, and less than 0.25 foot downstream of Cottonwood Creek, which is 8 miles downstream of Iron Gate Dam. Although the EIS/EIR states that 2-year SRH-1D simulations estimate “up to 1 foot of reach-averaged deposition of fine and coarse sediment between Iron Gate Dam and Bogus Creek (RM 189.8),” Figure 3.3-15 in the EIS/EIR and Appendix F of the EIS/EIR indicate degradation, not aggradation, in this reach.<sup>18</sup> To resolve this conflicting information, please revise the text and/or Figure 3.3-15 to clarify whether aggradation or degradation is expected to occur in the Iron Gate Dam to Bogus Creek reach.

10. Although the EIS/EIR and supporting studies address the effects of dam removal on general streambed elevation and the storage of sediment in bars and channel fringes between J.C. Boyle Dam and the Pacific Ocean, modeling is not sufficient to evaluate whether the release of dam-stored sediment would aggrade at tributary mouths and form obstacles/barriers to the upstream and/or downstream migration of trout and salmon. Please describe whether and where any such effects are expected and how long such effects would persist. Please also include a proposed approach for monitoring and mitigating any impacts that such obstacles/barriers would have on fish populations downstream of Iron Gate Dam.
11. The conclusion in the EIS/EIR that channel morphology will be restored quickly following dam removal is based on the results of broad-scale, one-dimensional models; a focused, two-dimensional model of Copco No. 1; and flume experiments conducted by Stillwater Sciences in 2008. The conclusions of the models were expressed in general terms. As a result, the time frame for the expected persistence of deposited sediments in pool habitats, which are holding habitat for salmonids, is unclear. Please provide the rationale and assumptions used in estimating the time for reestablishment of pool depths in the reach between Iron Gate Dam and Willow Creek and the establishment of pools in the currently impounded reservoir reaches. In addition, provide a proposed monitoring plan and mitigation measures to address reestablishment of pools to support ESA-listed species after year one of deconstruction.

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<sup>18</sup> Refer to pages 3.3-108 and 3.3-109 of the EIS/EIR and page F-17 of Appendix F to the EIS/EIR.



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12. The effects of removing the dams on channel response in the vertical direction is evaluated in the Technical Report No. SRH-2011-02, which includes an evaluation of impacts to infrastructure.<sup>19</sup> This infrastructure evaluation is limited to bridges, culverts, and a pipeline near the river and reservoirs between J.C. Boyle Dam and Iron Gate Dam, and does not appear to address potential lateral migration of the channel on infrastructure and private property downstream of Iron Gate Dam. Please provide an assessment of potential damage to infrastructure/property due to channel wandering.
13. Technical Report No. SRH-2011-02 includes an evaluation of sediment transport under the dam removal alternative, which includes both one-dimensional and two-dimensional modeling.<sup>20</sup> The two-dimensional model (SRH-2D) was applied to Copco No. 1 to assess erosion patterns that may occur during reservoir dewatering and to verify the assumptions inherent in the one-dimensional simulations. However, when the SRH-2D model was used to predict sediment erosion and deposition processes during the Elwha Dam removal, Reclamation concluded that the model did not simulate delta channel processes accurately.<sup>21</sup> Reclamation's subsequent model improvements successfully simulated the vertical and lateral erosion processes of the delta for dam removal, although Reclamation found that the improved model still missed some of the details of delta erosion. Please provide an evaluation of the extent to which these model limitations may have affected the two-dimensional modeling for the Klamath Dam removals.
14. Section 3.2.5 of the EIS/EIR states that "while the Alternatives Formulation Report identified the option of mechanical sediment removal as mitigation for sediment erosion impacts associated with removal of the Four Facilities, subsequent analysis found this measure to be infeasible (Lynch 2011)." So we understand options for mitigating sediment erosion impacts associated with dam removal, please file a copy of Lynch (2011).

*Water Quantity*


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<sup>19</sup> Refer to pages 10-1 to 10-25 of Technical Report No. SRH-2011-02.

<sup>20</sup> Refer to pages 9-3 to 9-92 of Technical Report No. SRH-2011-02.

<sup>21</sup> Reclamation. 2014. Modeling of delta erosion during Elwha Dam removal with SRH-2D. Prepared by Yong G. Lai. Peer reviewed by Jennifer Bountry. Technical Report No. SRH-2014-31.

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15. Since preparation of the EIS/EIR, a number of actions and other factors may have changed water availability conditions, including: increased groundwater pumping in the upper Klamath Basin,<sup>22</sup> retirement of irrigated agriculture lands, improvements in estimating evapotranspiration from wetlands around Upper Klamath Lake,<sup>23</sup> changes in Klamath Irrigation Project operation, changes in Lewiston Dam operations,<sup>24</sup> and the Oregon Water Resources Department's completion of Phase One of the Klamath River Basin Adjudication of water rights in the Klamath Basin.<sup>25</sup> Because an accurate understanding of the water available to support anadromous fishes is crucial to evaluating the response of salmonids to dam removal, please update the information provided in the EIS/EIR to reflect any changes in the availability of water for release to the Klamath River under the current environmental and regulatory regime.
16. Simultaneous dewatering of the reservoirs would increase river flows during the high-flow period over naturally-occurring levels. To facilitate Commission staff's evaluation of the effect of reservoir dewatering on flooding, please provide simulated Klamath River flows at the USGS gages below Iron Gate Dam, near Seiad Valley, at Orleans, and near Klamath for normal and wet water year types that includes flow contributions from reservoir dewatering.

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<sup>22</sup> Gannett, Marshall W. and Katherine H. Breen. 2015. Groundwater levels, trends, and relations to pumping in the Bureau of Reclamation Klamath Project, Oregon and California. U.S. Geological Survey Open-File Report 2015-1145.

<sup>23</sup> Stannard, David I., Marshall W. Gannett, Danial J. Polette, Jason M. Cameron, M. Scott Waibel, and J. Mark Spears. 2013. Evapotranspiration from marsh and open-water sites at Upper Klamath Lake, Oregon, 2008–2010. U.S. Geological Survey Scientific Investigations Report 2013–5014.

<sup>24</sup> Refer to [https://www.usbr.gov/mp/nepa/nepa\\_base.cfm?location=ncao](https://www.usbr.gov/mp/nepa/nepa_base.cfm?location=ncao).

<sup>25</sup> Refer to <http://www.oregon.gov/owrd/pages/adj/index.aspx>.

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*Water Quality*

17. To support our review of the proposed surrender and decommissioning, please provide the current status of any required state or federal permit applications related to water quality,<sup>26</sup> including: Clean Water Act section 401 water quality certifications, section 402 National Pollutant Discharged Elimination System permits, section 404 dredge and fill permits, California DFW section 1602 California streambed alteration permits, and any required water quality permits under the Hoopa Valley Tribe Water Quality Control Plan.
18. Several studies concerning water quality have become available since preparation of the EIS/EIR. These studies include baseline monitoring of water quality and algae communities, an evaluation of the effectiveness of turbine venting at Iron Gate Dam in increasing DO concentrations, and evaluation of several methods for reducing nutrient concentrations in project waters.<sup>27,28</sup> New guidelines for posting public health advisories for toxic algae blooms<sup>29,30</sup> have also been released. To ensure that Commission staff has an accurate understanding of the environmental baseline, please provide up-to-date information on water quality data trends, the status of contaminants in sediments and biota, and algae in the Klamath River Basin. The information for algae should include characterization of the dominant algal species within the Klamath River Basin, and the potential limiting factors for blue-green algae and associated nuisance algal blooms.

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<sup>26</sup> See list of regulations in table 6.1 of the EIS/EIR.

<sup>27</sup> PacifiCorp Energy. 2014. Klamath Hydroelectric Settlement Agreement Implementation Report, FERC Project No. 2082. June 2014.

<sup>28</sup> Otten, Timothy G., Joseph R. Crosswell, Sam Mackey, and Theo W. Dreher. 2015. Application of molecular tools for microbial source tracking and public health risk assessment of a *Microcystis* bloom traversing 300 km of the Klamath River. *Harmful Algae* 46:71-81.

<sup>29</sup> Oregon Health Authority. 2016. Oregon Harmful Algae Bloom Surveillance (HABS) Program Public Health Advisory Guidelines Harmful Algae Blooms in Freshwater Bodies. May 2016.

<sup>30</sup> Yurok Tribe. 2016. 2016 Posting Guidelines for Public Health Advisories.

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19. Appendix E of the EIS/EIR provides an analysis of the potential effects of suspended sediment resulting from dam removal on certain fish species (fall and spring runs of Chinook salmon, coho salmon, summer and fall/winter runs of steelhead, Pacific lamprey, and green sturgeon). Daily time series of suspended sediment concentrations were developed using the median and 10-percent (referred to as “worst case” for the Proposed Action) exceedance values for each day of the year based on output from the SRH-1D 2.4 sediment transport model, which was run for water years 1961 through 2008. Although this appendix provides figures that display time series for the median and 10-percent exceedance suspended sediment concentrations, it does not provide information on suspended sediment concentrations, lake levels, or river flows that would occur with less than a 10 percent frequency. To provide for a comprehensive understanding of the simulated timing for each year’s drawdown, along with the resulting simulated river flows and simulated suspended sediment concentration values, please provide in Excel format the entire dataset for stream flows, reservoir water elevations, and simulated suspended sediment concentrations used for water years 1961 through 2008.
20. The EIS/EIR<sup>31</sup> states that suspended sediment concentrations would begin to decline in late March of the deconstruction year and would continue declining through that year’s early summer during normal to dry years, but that a wet year may prolong the dewatering of reservoirs and result in high suspended sediment concentrations for a longer period of time. Because the dewatering is scheduled for late fall-winter to minimize effects on aquatic biota, extending the duration of high suspended sediment concentrations beyond that period has the potential to have adverse effects on life stages of sensitive species present in the river at the time.<sup>32</sup> In order to provide Commission staff with adequate information to evaluate the risks associated with a prolonged dewatering period in a wet year, please provide an assessment of the potential adverse effects on water quality and aquatic resources that would result from high suspended sediment concentrations continuing after mid-March of the deconstruction year.

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<sup>31</sup> On page 3.3-102 of the EIS/EIR.

<sup>32</sup> Sensitive life stages present in spring are out-migrating smolts, adult green sturgeon, and in-migrating steelhead and spring-run Chinook adults. In the summer, rearing juvenile salmonids, green sturgeon adults, and in-migrating spring-run Chinook salmon adults.

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21. The EIS/EIR evaluates contaminant concentrations in sediment and aquatic biota<sup>33</sup> based on research conducted during or before 2011 to determine whether sediment mobilization caused by dam removal had the potential to adversely affect aquatic biota and consumers of aquatic biota, including humans. While Camp Dresser & McKee (CDM) (2011)<sup>34</sup> was conducting its evaluation, the freshwater sediment screening levels being used were under review and were subsequently finalized. Since CDM's 2011 evaluation, the U.S. Army Corps of Engineers (Corps),<sup>35</sup> Northwest Regional Sediment Evaluation Team (RSET),<sup>36</sup> and U.S. Environmental Protection Agency (EPA)<sup>37</sup> have revised screening levels for both fresh and marine sediments. Please confirm whether the contaminant screening levels used in the EIS/EIR still represent the accepted criteria for evaluating risks to the freshwater or marine environment posed by sediment resulting from the removal of the Klamath River dams and for fish consumption. If newer criteria are more appropriate, please provide a reassessment of the effects of sediment contaminants on aquatic biota using the currently-accepted criteria. Also, please provide a proposed monitoring and mitigation plan to manage contamination risks caused by dam removal.

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<sup>33</sup> On pages 3.2-33 to 3.2-36 of the EIS/EIR.

<sup>34</sup> CDM. 2011. Screening-level evaluation of contaminants in sediments from three reservoirs and the estuary of the Klamath River, 2009-2011. Prepared with assistance from Stillwater Sciences. Prepared for U.S. Department of the Interior, Klamath Dam Removal Water Quality Sub Team. September 2011.

<sup>35</sup> Corps. 2016. Dredged material evaluation and disposal procedures user manual. Prepared by the Dredged Material Management Office, Corps, Seattle District. August 2016.

<sup>36</sup> RSET. 2016. Sediment evaluation framework for the Pacific Northwest. Prepared by the RSET Agencies. July 2016.

<sup>37</sup> EPA. 2016. EPA risk assessment, regional screening levels (RSLs)—Generic tables (May 2016) web page. Available at: <https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables-may-2016>. Accessed February 3, 2017.

## Schedule A

Project Nos. 2082-063 and 14803-001

22. A 2012 USGS report<sup>38</sup> summarized available information concerning contaminants in the Klamath River basin and identified data gaps. One of the conclusions of the report was that “the myriad of ecological stressors on the basin’s resources can complicate predicting the trajectory and success of restoration efforts, thus it is important to inventory those stressors and identify critical data gaps prior to implementing actions.” Given that the report was published in 2012, please provide relevant information from any subsequent studies concerning contaminants in the aquatic environment to allow us to adequately evaluate the potential effects of dam removal.

*Aquatic Resources*

23. Our November 10, 2016 Notice of Applications Filed With the Commission in this proceeding designated PacifiCorp and the Renewal Corporation as the Commission’s non-federal representative for carrying out informal consultation, pursuant to section 7 of the Endangered Species Act, section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act. To allow us to assess compliance with these regulations and support our environmental analysis, please provide an update on the status of these consultations, as well as the status of any pending state or federal permit applications<sup>39</sup> related to aquatic resources, including records of correspondence with relevant permitting agencies.
24. In order for staff to evaluate the current state of aquatic resources that could potentially be impacted by dam removal, please provide available information developed after publication of the EIS/EIR concerning: 1) the population status of spring and fall Chinook salmon, coho salmon, and steelhead; and 2) advancements in understanding of fish diseases, specifically the myxozoan parasites *Ceratonova shasta*<sup>40</sup> and *Parvicapsula minibicornis*, and fish disease outbreaks as they relate to survival of salmonids in the Klamath River Basin.

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<sup>38</sup> Eagles-Smith, C.A. and B.L. Johnson. 2012. Contaminants in the Klamath basin: historical patterns, current distribution, and data gap identification. U.S. Geological Survey Administrative Report. 88p.

<sup>39</sup> See list of regulations in table 6.1 of the EIS/EIR.

<sup>40</sup> Formerly *Ceratomyxa shasta*.

## Schedule A

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25. The Secretarial Overview Report<sup>41</sup> states that the migration of fall-run adult Chinook salmon could be seasonally blocked in the summer by the combination of warm water and low dissolved oxygen in the Keno impoundment. Implementation of the Total Maximum Daily Load (TMDL) standards for this reach (ODEQ, 2010)<sup>42</sup> pursuant to section 303(d) of the Clean Water Act, the original KHSA's Interim Measures, and a restoration component of the KBRA are intended to reduce the severity of this water quality barrier. Nonetheless, the report notes that the seasonal trap and haul of migrating fall-run adult Chinook around Keno Reach "is an envisioned component" of the KBRA in some years following dam removal, until water quality improves. Please provide an update on the status of implementing the TMDLs<sup>43,44</sup> and interim measures related to water quality to further our assessment of expected water quality improvements and associated potential effects on salmonid restoration. Also, in the absence of the KBRA, how would the planned Keno water quality restoration and trap and haul programs be implemented?

*Threatened and Endangered Species*

26. Please provide information on any species, aquatic or terrestrial, that have been listed or proposed for listing under the federal or state Endangered Species Act since release of the EIS/EIR, as well as any previously-listed species that are now known to occur in the project area. Please also include any new designated or proposed critical habitat.

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<sup>41</sup> Refer to page 114 of the Klamath Dam Removal Overview Report for the Secretary of the Interior, An Assessment of Science and Technical Information. Version 1.1. March 2013.

<sup>42</sup> ODEQ. 2010. Upper Klamath and Lost River subbasins total maximum daily load and water quality management plan. December 2010.

<sup>43</sup> North Coast Regional Water Quality Control Board. 2010. Final staff report for the Klamath River total maximum daily loads addressing temperature, dissolved oxygen, nutrient, and microcystin impairments in California the proposed site specific dissolved oxygen objectives for the Klamath River in California and the Klamath River and Lost River Implementation Plans. March 2010.

<sup>44</sup> Oregon Department of Environmental Quality. 2010. Upper Klamath and Lost River subbasins total maximum daily load and water quality management plan. December 2010.

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*Socioeconomic Resources*

27. Should the Definite Plan contain elements that differ in a significant way from those described in the Detailed Plan, provide an analysis of the potential effects of those differences on socioeconomic resources including: commercial fishing; sport fishing; whitewater boating; regional economics (including Siskiyou County employment, labor income, and output); and tribal demographics and socioeconomic conditions so that we may consider them in our environmental review.

*Cultural Resources*

28. Our November 10, 2016 Notice of Applications Filed With the Commission in this proceeding designated PacifiCorp and the Renewal Corporation as the Commission's non-federal representative for carrying out informal consultation, pursuant to section 106 of the National Historic Preservation Act and the Advisory Council's regulations at 36 C.F.R. § 800.2(c)(4). To allow us to ensure compliance with section 106 of the National Historic Preservation Act, as amended, please provide the status of all consultation completed, including consultation with the California State Historic Preservation Office, Interior, affected Indian Tribes, the U.S. Forest Service, and others regarding: (a) the identification and National Register of Historic Places evaluation of all cultural resources that would be affected by the proposed action, including archaeological sites, historic-era sites and structures, and historic dams and associated structures; and (b) measures to avoid, minimize, or mitigate adverse effects to all eligible properties. Please include the current status of the development of a Historic Properties Management Plan that would specify all management, treatment, protection, and mitigation measures for resources eligible for listing in the National Register of Historic Places.
29. Similarly, please also provide the status of all consultation with affected Indian Tribes and other tribal organizations with regard to the identification and National Register of Historic Places evaluation of Traditional Cultural Properties (TCPs), the Klamath Tribe's proposed Klamath Riverscape as a cultural landscape or TCP; and the management, disposition, and treatment of human remains.



Document Content(s)

P-2082-063Letter.DOCX.....1-17

UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

PacifiCorp and  
Klamath River Renewal Corporation

Project Nos. 14803-001  
2082-063

NOTICE OF APPLICATION FOR SURRENDER OF LICENSE, SOLICITING  
COMMENTS, MOTIONS TO INTERVENE, AND PROTESTS

(December 16, 2020)

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- a. Application Type: Surrender of Project License
- b. Project No: 14803-001 and 2082-063
- c. Date Filed: September 23, 2016, and supplemented June 29, 2018; July 29, 2019; February 28, 2020; and November 17, 2020
- d. Applicant: PacifiCorp and Klamath River Renewal Corporation
- e. Name of Project: Lower Klamath Hydroelectric Project
- f. Location: The project is located on the Klamath River in Klamath County, Oregon and Siskiyou County, California. The project includes federal lands managed by the U.S. Bureau of Land Management.
- g. Filed Pursuant to: Federal Power Act, 16 USC 791a - 825r
- h. Applicant Contact: Mark Bransom, Chief Executive Officer, Klamath River Renewal Corporation, 2001 Addison Street, Suite 317, Berkeley, CA 94704, (415) 820-4441, [info@klamathrenewal.org](mailto:info@klamathrenewal.org)

Sarah Kamman  
Vice President and General Counsel, PacifiCorp  
825 NE Multnomah Street, Suite 2000, Portland, OR 97232,  
(503) 813-5865, [sarah.kamman@pacificorp.com](mailto:sarah.kamman@pacificorp.com)

Project Nos. 14803-001 and 2082-063

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- i. FERC Contact: Diana Shannon, (202) 502-6136, [diana.shannon@ferc.gov](mailto:diana.shannon@ferc.gov)
- j. Deadline for filing comments, motions to intervene, and protests: **February 15, 2021**

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <http://www.ferc.gov/docs-filing/ecomment.asp>. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket numbers P-14803-001 and P-2082-063. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Description of Request: The Klamath River Renewal Corporation (Renewal Corporation) and PacifiCorp request to surrender the license for and decommission the Lower Klamath Project No. 14803 (project). Decommissioning activities would include the full removal of the J.C. Boyle, Copco No. 1, Copco No. 2 and Iron Gate dams, located on the mainstem Klamath River in Klamath County, Oregon and Siskiyou County, California.

On July 16, 2020, the Commission issued an order approving a partial transfer of the license for the project from PacifiCorp to PacifiCorp and the Renewal Corporation as co-licensees. In the amended surrender application filed on November 17, 2020, PacifiCorp and the Renewal Corporation indicated that they will not be accepting co-licensee status. PacifiCorp and the Renewal Corporation state that they intend to file a new transfer application by January 16, 2021, requesting that the Lower Klamath Project be transferred from PacifiCorp to the Renewal Corporation and the states of California

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and Oregon, for the purposes of license surrender and decommissioning the four developments.

Also included in the November 17 filing was a Memorandum of Agreement entered into by PacifiCorp, the Renewal Corporation, the Karuk Tribe, the Yurok Tribe, and the states of California and Oregon indicating the parties' support for the new transfer proposal to be filed by January 16, 2021.

With PacifiCorp's consent and technical support, the Renewal Corporation will act as the proponent of the surrender application and is authorized to act as the Commission's non-federal representative in ongoing consultations.

l. Locations of the Application: This filing may be viewed on the Commission's website at <http://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or e-mail [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene: Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Documents: Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an

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intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Kimberly D. Bose,  
Secretary.

Document Content(s)

P-14803-001\_Notice.DOCX.....1

Name	Affiliation	Phone Number (work)	Phone Number (r	Email	Address
Cindy Heitzman, Director	California Preservation Foundation	415.495.0349 x200		<a href="mailto:cheitzman@californiapreservation.org">cheitzman@californiapreservation.org</a>	101 The Embarcadero, Suite 120, San Francisco, CA 94105
Lisa Gioia, Museum Director	Siskiyou County Museum/Historical Society	530.842.3836		<a href="mailto:SCMuseum@co.siskiyou.ca.us">SCMuseum@co.siskiyou.ca.us</a>	910 South Main Street, Yreka, CA 96097
Todd Kepple, Museum Manager	Klamath County Museum/Historical Society			<a href="mailto:tkepple@klamathcounty.org">tkepple@klamathcounty.org</a>	1451 Main Street, Klamath Falls, OR 97601
William Gates, Interim Director	Southern Oregon Historical Society		5417736536	<a href="mailto:bill.gates@sohs.org">bill.gates@sohs.org</a>	160 N. Central, Medford, OR 97501
Peggy Moretti	Restore Oregon			<a href="mailto:info@restoreoregon.org">info@restoreoregon.org</a>	1130 SW Morrison Street, Suite 318, Portland, OR 97205
Steve Baker	City of Yreka	530.841.2321		<a href="mailto:sbaker@ci.yreka.ca.us">sbaker@ci.yreka.ca.us</a>	701 Fourth Street, Yreka, CA 96097
Terry Barber	County of Siskiyou, CA	530.842.8005		<a href="mailto:tbarber@co.siskiyou.ca.us">tbarber@co.siskiyou.ca.us</a>	1312 Fairlane, Yreka, CA 96097
Elizabeth Nielsen	County of Siskiyou, CA	530.842.8012	530.598.2776	<a href="mailto:enielsen@co.siskiyou.ca.us">enielsen@co.siskiyou.ca.us</a>	1312 Fairlane, Yreka, CA 96097
Klamath County Commissioners Office	County of Klamath, OR	541.883.5100		<a href="mailto:bocc@klamathcounty.org">bocc@klamathcounty.org</a>	305 Main St #224, Klamath Falls, OR 97601

Klamath Section 106 Consultation Contact List				
Organization	Status	Contact Name/Office	Address	Phone and email
Oregon SHPO	Consulting Party, CRWG Member	Dennis Griffin (State Archaeologist) and Tracy Schwartz	Oregon Heritage, Oregon Parks and Recreation Department, 725 Summer St. NE, Suite C, Salem OR 97301	(503) 986-0690; dennis.griffin@oregon.gov & tracy.schwartz@oregon.gov (503) 986-0677
California SHPO	Consulting Party, CRWG Member	Julianne Polanco (SHPO); Kathleen Forrest (Architectural Review); Anmarie Medin (CRM), Brendon Greenway (Associate State Archaeologist)	1725 23rd Street, Suite 100, Sacramento, CA 95816	(916) 445-7000; brendon.greenaway@parks.ca.gov; anmarie.medin@parks.ca.gov; kathleen.forrest@parks.ca.gov
Six Rivers National Forest (USFS)		Heritage Program Resources Manager Jeannie Goetz (Klamath Forest Archaeologists/Heritage Program Resources Manager)	1330 Bayshore Way, Eureka, CA 95501	(707) 442-1721
Klamath National Forest (USFS)	Consulting Party, CRWG Member	Eric Ritter and Aldon Neel, Redding (Northern California District Office)	1711 South Main Street, Yreka, CA 96097	(530) 841-4488; jgoetz@fs.fed.us
Bureau of Land Management (BLM) Redding	Consulting Party, CRWG Member		6640 Lockheed Drive, Redding, CA 96002	(530) 224-2100; eritter@blm.gov; aneel@blm.gov
Bureau of Land Management (BLM) Klamath	Consulting Party, CRWG Member	Laird Naylor, Klamath Falls Field Office	2795 Anderson Ave. Bldg 25, Klamath Falls, OR 97603	(541) 885-4139; lnaylor@blm.gov
US Army Corps of Engineers (USACE)	Consulting Party, CRWG Member	Cameron Purchio, Eureka Field Office	601 Startare Dr # 100, Eureka, CA 95501	(707) 443-0855; cameron.r.purchio@usace.army.mil
Bureau of Indian Affairs (BIA)				
Bureau of Reclamation (BoR)				
National Park Service (NPS) Redwood NP			1111 Second Street, Crescent City, CA 95531	(707) 465-7335
Federal Energy Regulatory Commission (FERC)	Lead Federal Agency			
Other Interested Parties				
Del Norte County Historical Society	Potential Interested Party		577 H Street, Crescent City, CA 95531	(707) 464-3922
Humboldt County Historical Society	Potential Interested Party		703 8th Street, Eureka, CA 95501	(707) 445-4342; info@humboldthistory.org
Siskiyou County Museum	Potential Interested Party	Lisa Gioia, Director	910 South Main Street, Yreka, CA 96097	(530) 842-3836; SCMuseum@co.siskiyou.ca.us
Klamath County Museum	Potential Interested Party	Todd Kepple, Museum Manager	1451 Main Street, Klamath Falls, OR 97601	(541) 882-1000; tkepple@klamathcounty.org
Southern Oregon Historical Society	Potential Interested Party		106 North Central Avenue, Medford, OR 97501	(541) 773-6536
Restore Oregon	Potential Interested Party	Peggy Moretti, Exec. Dir.	1130 SW Morrison Street, Suite 318, Portland, OR 97205	(503) 243-1923; info@restoreoregon.org
Oregon Heritage Commission	Potential Interested Party			
California Preservation Foundation	Potential Interested Party	Cindy Heitzman, Exec. Dir.	5 Third Street, Suite 424, San Francisco, CA 94103	(415) 495-0349; cpf@californiapreservation.org
State Historical Resources Commission (CA)	Potential Interested Party	Twila Willis-Hunter, OHP	1725 23rd Street, Suite 100, Sacramento, CA 95816	calshpo@parks.ca.gov
Local Governments (w/jurisdiction)				
City of Yreka				
Klamath County				
Siskiyou County				
Del Norte County				
Humboldt County				



Date Sent

Date Received

Comments

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## Meeting Minutes

Subject	Klamath River Restoration Project Cultural Resources Working Group (CRWG) Project Introduction Meeting
Date	September 5, 2017
Time	1:00-2:30 pm PST
Location	WebEx
Attendees	Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Elena Nilsson, Kirk Ranzetta, Seth Gentzler, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison U.S. Forest Service (USFS): Jeanne Goetz California Office of Historic Preservation (CA OHP): Kathleen Forrest Oregon Office of Historic Preservation (OR OHP): Dennis Griffin, Jessica Gabriel Bureau of Land Management (BLM): Eric Ritter
Distribution	CRWG

### Purpose

To provide an overview of the Klamath River Restoration Project and introduce participants of the cultural resources working group (CRWG).

### Introductions

Elena Nilsson (AECOM) and Mark Bransom (KRRC) welcomed the group. The CRWG team members provided brief introductions. The Bureau of Reclamation (BOR) has declined the invitation to participate in the CRWG at this time. Four returning group members from the PacifiCorp Relicensing Project CRWG (Russ Howison, PacifiCorp; Dennis Griffin, OR OHP; Eric Ritter, BLM; Kirk Ranzetta, AECOM) can provide historical perspective for the Klamath River Renewal Project (Project).

### Project Background

Seth Gentzler, AECOM Project Manager, provided a general overview of PacifiCorp's Klamath Hydroelectric Project (KHP) and the current Project. The KHP is PacifiCorp owned and operated, and includes eight facilities. Four of the facilities are part of the Project, consisting of J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate.

A historical background of the various projects related to the KHP was provided, including built dates of the dams (1902-1962); PacifiCorp's 50-year license and 2004 re-license efforts; 2000-2007 studies for Federal Energy Regulatory Commission (FERC) relicensing, resulting in a 2007 Environmental Impact Statement (EIS); and the 2010 Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA). The KHSA laid out steps to remove the dams and to provide river restoration and identified information needs, and specific questions that should be addressed with new studies and analyses, prior to the Secretary of the Department of the Interior (DOI) making a determination on removal of the Four Facilities (Secretarial Determination).

In 2012, the BOR, as lead federal agency, and California Department of Fish and Game (CDFG), as lead state agency, developed an EIS/EIR to analyze the potential impacts to the environment from the proposed removal of four PacifiCorp dams pursuant to the National Environmental Quality Act (NEPA) and the California Environmental Quality Act (CEQA). The EIS/EIRs environmental assessments were outlined in a 2012 BOR technical study, referred to as the Detailed Plan for Dam Removal (Detailed Plan). The plan addressed full and partial dam removal, as well as four mitigation measures for cultural resources.

In 2013, the BOR also prepared an Overview Report for the SOI to provide a summary of key findings from the Federal technical studies to inform the Secretary in making a decision about dam removal. Congressional action was required to pass legislation to endorse dam removal. The dam removal project was put on hold because Congress did not enact the legislation.

To move the project forward, in 2016 an amended KHSa (Amended KHSa) was signed to remove the need for Congressional authorization, and to pursue dam removal through the FERC license surrender process. The KRRC was established as the dam removal entity (DRE) to implement the Project. Currently, the KRRC is comprised of 12 Board Members, including tribal representatives, and 3 vacancies. In September 2016, KRRC submitted a license amendment and a surrender application to the FERC to remove the four facilities. In November 2016, FERC designated KRRC and PacifiCorp as the representative for carrying out informal consultation pursuant to Section 106 of the National Historic Preservation Act.

Since March 2017, AECOM has been conducting project management and field reconnaissance surveys of the river corridor, including for cultural and biological resources. Geological surveys and visual inspections will be conducted soon. Regulatory and permitting is currently being reviewed by CDM Smith.

The State Water Resources Control Board (SWRCB), as the California Environmental Quality Act (CEQA) lead, is preparing an Environmental Impact Report (EIR) as part of the water quality certification for the Project. SWRCB has requested additional information from KRRC regarding the Project, and the KRRC's technical representative, AECOM, is preparing responses. FERC also has requested additional information as part of the NEPA process and surrender applications.

### **Project Overview**

Elena Nilsson provided a Project overview, focused on previous cultural resources studies conducted for relicensing and dam removal studies, and also discussed Project goals. The goals of the Project are to remove the four dams (Copco No. 1, Copco No. 2, Fall Creek, and Iron Gate) and associated works to achieve a free flowing river, volitional fish passage, and a restored project area.

J.C. Boyle Dam and Powerhouse were built between 1956-1958 in Oregon. A number of associated buildings and structures (i.e., fish ladder, dam, spillways, powerhouse) are part of the built environment. The J.C. Boyle Reservoir area was not surveyed for cultural resources before dam construction because it was mostly in private holdings. Some survey work was completed downstream of the reservoir, and 12 sites were identified along the reservoir's margins, mostly pre-contact Native American village sites.

Copco No. 1 Dam is first dam on the river in California, and construction was completed in 1918 and the dam enlarged in 1922. A number of historic structures are associated with the dam, including penstock, diversion tunnel, powerhouse, and ancillary buildings. There were no cultural

studies done in advance of the dam construction. Eight archaeological sites have been identified along the shoreline, and the potential exists for submerged Shasta Indian village sites to occur within the Copco Lake reservoir.

Copco No. 2 Dam is a diversion dam that began operation in 1925. Like Copco 1, there is a complex of historic buildings associated with the dam, including a powerhouse, spillway, wood-stave penstock, and the Copco village complex (housing structures) that currently functions as a PacifiCorp operation center.

The Iron Gate Dam is the last retention development on the river in California and was completed in 1962. Associated buildings and structures include a powerhouse, spillways, and fish hatchery. The Iron Gate reservoir is the only reservoir that had a pre-inundation cultural resources survey, which was completed by the University of Oregon in the early 1960s. One precontact village site – CA-SIS-326 - was excavated before inundation. In addition, eight other cultural sites have been identified bordering the reservoir's shoreline. As with Copco Lake, the potential exists for submerged Shasta Indian village sites to occur within the Iron Gate Reservoir.

### **Schedule**

A project schedule is provided on page 29 of the PowerPoint presentation. In general, Copco No. 1 drawdown will begin in November 2019, and the other dam drawdowns will follow shortly after. The sediment release is scheduled for January 1, 2020. Should permitting cause delays, the project will be delayed to the following year (work needs to start in January of any given year).

### **Previous Cultural Studies**

#### **1. 2002-2004 FERC Relicensing Cultural Resources Studies.**

PacifiCorp consultants (CH2M Hill and HRA) completed a records search, pedestrian survey, tribal ethnographic/riverscape reports, historic context and determination of eligibility for the KHP, and draft Historic Properties Management Plan (HPMP). Monthly CRWG meetings were conducted. The Area of Potential Effects (APE) was not delineated before field work; however, the CRWG developed a "fieldwork inventory corridor", which extended 65 miles along the river corridor from upper Klamath Lake downstream to the Iron Gate Dam area. The field inventory, which began in 2002, focused on areas that had not been previously surveyed for cultural resources.

In 2003, an APE was delineated by PacifiCorp; and in 2004, surveys were conducted in areas not previously covered. Because of the survey, 302 archaeological resources were identified, including 172 archaeological sites (PacifiCorp 2004). National Register of Historic Places (NRHP) eligibility recommendations were provided for precontact and historic-period sites, but the CA and OR State Historic Preservation Officers (SHPOs) did not finalize the recommendations. Five precontact archaeological districts and one historic archaeological district were also identified; the NRHP eligibility of these districts was not finalized.

- Dennis Griffin (OR OHP) indicated that not all BLM lands in Oregon were not previously surveyed during the PacifiCorp relicensing project.

PacifiCorp prepared a historic context statement (Kramer 2003a) and determination of eligibility (Kramer 2003b) for the seven hydroelectric facilities comprising the KHP. A historic district, comprised of the Link River, Keno, J.C. Boyle, Copco No. 1, Copco No. 2, and Fall Creek facilities, was recommended NRHP-eligible under Criterion A for its association with the industrial and economic development of southern Oregon and northern California. The NRHP eligibility of

the district has not been finalized. The Iron Gate facility was excluded from the district because it had been previously determined Not Eligible for listing in the NRHP by the State of California.

PacifiCorp sponsored four tribal ethnographic studies prepared by the Klamath (Deur 2003), Shasta (Daniels 2003), Karuk (Salter 2003), and Yurok (Sloan 2003) tribes to address traditional and contemporary use of the Klamath River corridor. Traditional cultural properties (TCPs) were identified.

The Klamath Cultural Riverscape was identified, which focused on the inter-relatedness of natural and cultural aspects of the Klamath River. A draft regulatory analysis of the riverscape was prepared in 2003 by Dr. Thomas Gates Yurok Tribal Historic Preservation Officer (THPO). The following year, an integrated report was prepared from the four ethnographic studies (King 2004). The integrated report identified the entire length of the river as a cultural and ethnographic landscape for the tribes. The Klamath Riverscape was recommended NRHP-eligible; however, the report and eligibility determination was not submitted to the California or Oregon SHPO offices for review and concurrence.

PacifiCorp also prepared a draft Historic Properties Management Plan (HPMP) for management, treatment, protection, and mitigation measures for NRHP-eligible resources; however, the management plan was not finalized. The draft HPMP will be revised as part of the current Project.

2. 2012 BOR Secretarial Determination, Cultural Resources Report.

CARDNO Entrix completed the cultural resources work for the BOR EIR/EIS study. The records search was updated for a project corridor between the Upper Klamath Lake and Pacific Ocean, but no new survey was conducted. The 2004 NRHP recommendations prepared by PacifiCorp were used for the BOR study. CARDNO Entrix provided NRHP eligibility recommendations for any new sites identified during the records search and not included in the previous PacifiCorp study.

3. 2012 BOR Detailed Plan.

Four cultural resources mitigation measures were outlined in the BOR EIS/EIR and were also outlined in the Detailed Plan. These mitigation measures will frame the current KRRP work, and the project wants to confirm that these measures are still valid in 2017; and if not, what measures would be appropriate. The measures are:

- CHR-1: Klamath Hydroelectric Project. Focuses on the 4 hydroelectric facilities and includes updating the 2003 Determination of Eligibility (Kramer 2003b) and reaching a consensus on the determination. Historic American Building Survey/Historic American Engineering Record (HABS/HAER) would be conducted under this measure.
- CHR-2: Archaeological Resources. Focuses on steps to resolve impacts to archaeological resources, identify and evaluate resources, and develop plans for Section 106 compliance (e.g., Inadvertent Discovery Plan, Treatment Plan, and Memorandum of Understanding).
- CHR-3: TCPs, Cultural Landscapes, and Klamath Riverscape. Focuses on resolving impacts to TCPs and the riverscape, identifying and evaluating these resources, conducting additional ethnographic research, and developing a Cultural Resources Management Plan (CRMP) for the riverscape, if eligible.
- CHR-4: Treatment of Human Remains. Resolving impacts on Native American burials through ongoing tribal consultation for the treatment, disposition, and management of human remains exposed or impacted from dam removal and develop a Plan of Action and Inadvertent Discovery Plan.

### **Next Steps for Section 106 Process**

Kirk Ranzetta provided an overview of the next steps envisioned in the Section 106 process. These steps include:

1. Define the APE for the Project
2. Tribal identification and participation in the CRWG
3. NRHP eligibility for built environment resources, archaeological resources, and TCP/ethnographic landscapes. Includes fieldwork to identify resources.
4. Memorandum of Agreement for HABS/HAER documentation of built environment resources. This work has to be done prior to any work on the dams.
5. Programmatic Agreement and preparation of associated plans
6. CRWG communications protocol and recordkeeping

Many of the documents discussed above are published on the KRRC website:

<http://www.klamathrenewal.org/resources/>.

The current project is issued under FERC docket no. P-14803; all pre-2016 documents related to the Klamath River Project are under FERC docket no. 2082.

### **Questions and Answers**

- Kathleen Forrest, CA SHPO. What was the legal hook for the four mitigation measures and how were they determined?  
Response: The mitigation measures were outlined in the 2012 BOR EIS/EIR; however, a formal Record of Decision was not completed. The mitigation measures were developed through the NEPA process and were close to a final decision, but FERC is currently doing a new NEPA process and will be revising the 2012 document. There also is a CA CEQA process to develop a revised EIS. Because the project has not changed, the project anticipates building on or revising the existing mitigation measures through the CRWG.
- Kathleen Forrest, CA SHPO. While the mitigation measures are reasonable and there are no objections, CA SHPO is concerned about HABS/HAER documentation being the only mitigation measure for the built environment. CA SHPO would like to request a summary of how the consulting parties arrived at the HABS/HAER mitigation measure if moving forward with it.
- Jessica Gabriel, OR SHPO. OR SHPO may not have received the 2012 documentation and will need full list of properties, eligibility recommendations, and effects before concurring with mitigation measures. In addition to HABS/HAER, recommend public outreach or public interpretation to allow the resources to be available to the community. Would also like a summary of previous consultation on mitigation measures.
- Kirk Ranzetta, AECOM. What other types of mitigation has the CA SHPO used on comparable projects?  
Response: CA SHPO is looking for something that is useful to the community and driven by the consulting parties.

### **Future Meetings**

Next meeting will be in October 2017. The group will continue to have WebEx meetings, with a possible in person meeting further into the project.

Pending Action Items:**AECOM**

- Review 2012 documentation and contact BOR to understand how the HABS/HAER mitigation measures (CHR-1) was developed. Provide a summary of consultation to the CA and OR SHPOs.

The meeting ended at 2:30 pm.

**References Cited**

Daniels, Brian I.

2003 Preliminary Shasta TCP Study. On file, PacifiCorp, Portland, Oregon.

Deur, Douglas

2003 Traditional Cultural Properties and Sensitive Resource Study. On file, PacifiCorp, Portland, Oregon.

Gates, Thomas

2003 Ethnographic Riverscape: Regulatory Analysis. On file, PacifiCorp, Portland, Oregon.

King, Thomas F.

2004 First Salmon: The Klamath Cultural Riverscape and the Klamath River Hydroelectric Project. Prepared for the Klamath River Intertribal and Fish Commission. On file, PacifiCorp, Portland, Oregon.

Kramer, George

2003a Historic Context Statement: Klamath Hydroelectric Project, FERC No. 2082. On file, PacifiCorp, Portland, Oregon.

2003b Request for Determination of Eligibility: Klamath Hydroelectric Project, FERC No. 2082. On file, PacifiCorp, Portland, Oregon.

PacifiCorp

2004 Final Technical Report Klamath Hydroelectric Project (FERC Project No. 2082) Cultural Resources. On file, PacifiCorp Portland, Oregon.

Salter, John

2003 White Paper On Behalf of the Karuk Tribe of California: A Context Statement Concerning the Effect of the Klamath Hydroelectric Project on Traditional Resource Uses and Cultural Patterns of the Karuk People within the Klamath River Corridor. On file, PacifiCorp, Portland, Oregon.

Sloan, Kate

2003 Ethnographic Riverscape: Klamath River Yurok Tribe Ethnographic Inventory. Draft report prepared for PacifiCorp by Yurok Tribe Culture Department under contract #P13342 in conjunction with FERC Project No. 2082. On file, PacifiCorp, Portland, Oregon.

## Meeting Minutes

Subject	Klamath River Renewal Project Cultural Resources Working Group (CRWG) Proposed Area of Potential Effects (APE) Meeting
Date	December 14, 2017
Time	1:00-2:30 pm PST
Location	WebEx
Attendees	AECOM: Elena Nilsson, Kirk Ranzetta, Burr Neely, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison Bureau of Land Management (BLM): Eric Ritter, Alden Neel, Laird Naylor California Office of Historic Preservation (CA OHP): Kathleen Forrest, Anmarie Medin, Brendon Greenaway Oregon State Historic Preservation Office (OR SHPO): Dennis Griffin, Jessica Gabriel
Distribution	CRWG

### PURPOSE

To provide an overview and initial definition of the proposed Klamath River Renewal Project (Project) area of potential effects (APE).

### REGULATORY CONTEXT AND PROJECT DEFINITIONS

Burr Neely (AECOM) provided a general overview of the regulatory context for establishing the Project APE. The APE is influenced by the nature of the undertaking, and the APE may be different for different kinds of effects. Ultimately, the Federal Energy Regulatory Commission (FERC) will determine the APE with input provided by the cultural resources working group (CRWG) consultation meetings.

Three project-defined areas were discussed. The *Study Area* is a broader geographic area that is typically larger than the APE and is used to help frame the literature review and cultural/ethnographic context. The Klamath River Renewal Corporation (KRCC) has initiated an updated records search for the Study Area, which includes a 0.5-mile wide zone extending on either side of the reservoir shorelines, beginning at the southern end of Upper Klamath Lake, Oregon and extending to Humbug Creek, California. Once the APE is formally defined, the Study Area will be expanded, as needed, to cover the APE in more detail, and the background research will be updated.

The *Project Area* refers to the Project Limits of Work and Access (LOW), as currently defined in the KRCC California Environmental Quality Act (CEQA), California, and Oregon 410 Water Quality Certifications Technical Support Document.

The *FERC Project Boundary* refers to the jurisdictional boundary of the Klamath Hydroelectric Project (FERC Project No. 2082).



**DAM REMOVAL COMPARATIVE CONTEXT**

The Elwha River Restoration Project and the Condit Dam Removal Project, both in the State of Washington, were reviewed to provide contextual information regarding APEs defined for previous dam removal. On the Elwha River in the Olympic Peninsula, mitigation measures were included for both downstream and upstream effects to cultural resources from the facility removal. The project also took into account access to archaeological sites that were currently inundated post-dam removal.

For the Condit Hydroelectric Project, located along the White Salmon River, a historic properties management plan (HPMP) was developed that outlined stipulations for managing impacts on archaeological and built environment resources. The project's APE included the reservoirs above the dam and downstream from the Condit dam to its mouth at the confluence of the Columbia River.

**PREVIOUS APEs FOR KLAMATH RIVER EIS/EIRS**

The APEs developed in support of the EIS/EIRs prepared for the FERC Klamath Hydroelectric Project Relicensing (2007) and Klamath Dam Removal (2012) studies were reviewed to provide background information and a summary.

In 2004, PacifiCorp developed an APE through a relicensing application that included the FERC project boundary under the existing license (FERC #2082) and all lands within the proposed boundary for the new license, including the proposed hydropower facilities, recreation sites, wildlife enhancement lands, and river reaches between project developments.

The Cultural Resources Working Group (CRWG) formed for the PacifiCorp relicensing effort developed a broader APE that included the FERC project boundary, as well as the culturally sensitive lands within the Klamath River Canyon (ridgetop to ridgetop).

The PacifiCorp APE and the CRWG APE evolved into a compromise that was referred to as the Field Inventory Corridor (FIC). The FIC was studied rather than an APE, and it covered the area between the outlet of the Upper Klamath Lake downstream to 1 mile southwest of the Iron Gate dam (RM 189.2). Cultural resources surveys and evaluations were conducted within the FIC.

Downriver tribes, such as the Karuk and Yurok, felt the APE should be more broadly defined to include the area extending downstream from Iron Gate Dam to the mouth of the Klamath River at the Pacific Ocean due to project effects on salmon fisheries and other cultural resources along the Klamath River corridor.

In 2006, PacifiCorp revised the APE based on the proposal to decommission East and West Side developments and to remove the Keno development from the project. The revised 2006 APE excluded the Keno reservoir, the Klamath River from the reservoir to the J.C. Boyle reservoir, and the river reach from below J.C. Boyle powerhouse to the Oregon-California state line.

In 2007, during the FERC EIS/EIR relicensing process, FERC established the APE as the area delineated by PacifiCorp in 2004, as well as the river reach from Iron Gate to the river's mouth at the Pacific Ocean.

In 2012, the Bureau of Reclamation's (BOR) Area of Analysis for the Klamath Dam Removal EIS/EIR established an APE that extended from the outlet at Keno Dam to the Pacific Ocean. The APE extended outward for 0.5 miles from each bank of the Klamath River, plus a 0.5-mile-wide corridor from the high water mark surrounding the four reservoirs (J.C. Boyle, Copco 1, Copco 2, and Iron Gate) and all four dams and associated facilities. This APE represented the broadest area studied.

**Comments/Questions:**

- Eric Ritter (BLM-Redding Field Office) indicated that previous FERC projects (e.g., Oroville) considered more than one APE, such as an APE for the Tribes. Is this being considered for the current Project?  
Response: There may be different APEs for different types of effects that may be encountered during the course of the Project.
- Elena Nilsson (AECOM) requested confirmation that none of the previous APEs were concurred upon by Oregon or Californian SHPO.  
Response: Dennis Griffin (OR SHPO) responded that the CRWG did approve two APEs; one APE was for Traditional Cultural Properties (TCPs) and one was for the river. All the BLM lands were not surveyed. Dennis will review previous project notes to confirm that the APEs received concurrence.

**PROPOSED PROJECT APE**

The proposed APE for the Project begins at RM 233, at the upper reach of the J.C. Boyle Reservoir, encompassing a 0.5-mile area on either side of the Klamath River downstream to its mouth at the Pacific Ocean (RM 0). This proposed APE is consistent with previous agency APE definitions (e.g., FERC, BOR). Within the proposed APE, a Subarea 1 has been developed, reflecting Project's LOW where direct impacts may likely occur.

The proposed APE incorporates the concept of the Klamath Cultural Riverscape (Gates 2003; King 2004) and the "rim-to-rim" APE developed by the 2004 PacifiCorp CRWG. The Riverscape was also recorded a specific historic property, which allowed consideration of potential effects on cultural practices, TCPs, Indian Sacred Sites, and Archaeological and Historical Sites/Districts that extended beyond the river and facility boundaries. In general, there is a distinct difference between the NRHP-eligible Riverscape and the proposed APE.

By defining a proposed Project APE, a sense for the level of effort needed for cultural resources compliance can be determined. The entire APE would be subject to a literature review and identification of known cultural resources (e.g., sites, TCPs, sacred sites). However, it is not intended that fieldwork would be required throughout the entire APE for identification purposes. Subarea 1 would be the focus of fieldwork, identification/evaluation reports, and mitigation measures, as direct impacts on sites may occur in this area.

**Comments/Questions:**

- Dennis Griffin (OR SHPO). How would indirect effects be addressed?  
Response: Indirect effects (e.g., setting, noise, atmospheric) would be assessed within the broader APE. However, a 100% field survey from rim-to-rim to the mouth of the river would not be recommended.  
Dennis Griffin commented that other indirect effects could potentially damage archaeological sites. Changes to recreational areas, such as campgrounds and access areas, along the Klamath River could impact archaeological sites.
- Eric Ritter (BLM-Redding Field Office) commented that the rim-to-rim concept does not seem applicable in California and inquired how the rim-to-rim will be defined within this landscape.  
Response: The proposed APE would include an arbitrary 0.5-mile buffer zone and would not just be based on topography.
- Anmarie Medin (CA OHP). Would it be appropriate for the proposed APE not to extend to Mt. Shasta because the nature of the work would not affect the characteristics that would qualify Mt. Shasta for eligibility?  
Response: The project proponent will review this when considering the likely reach of the Project on indirect effects.

- Russ Howison (PacifiCorp) clarified that when PacifiCorp filed the license application they did not have concurrence from either Oregon or California SHPO at the time the license was filed. However, it is possible that once FERC determined an APE, OR SHPO may have concurred with FERC. If OR SHPO submitted a concurrence letter, it would have been when FERC was processing the license application. Also, on the Riverscape Study, Oregon and California SHPOs did not concur on the eligibility recommendation of the Klamath Cultural Riverscape, and it was unclear if FERC concurred with the eligibility of the Riverscape. PacifiCorp recommends discussing the Riverscape and eligibility recommendation with FERC.
- Dennis Griffin (OR SHPO) indicated that the CRWG did not come to a consensus about the value of the Riverscape study. Dr. King has been working with other Tribes on a similar type of Riverscape for other rivers since the 2004 study (e.g., Alaska); consequently, additional data regarding a Riverscape concept may be available for review.

### **SUBAREA 1 COMPONENTS**

The existing dam facilities and other types of components associated with proposed Subarea 1 were reviewed. Within Subarea 1, existing facilities within the J.C. Boyle Area, Copco No. 1 Area, Copco No. 2 Area, and the Iron Gate Area will be subject to demolition. In addition, the alteration to the 100-year floodplain and associated impacts to existing buildings and structures downstream of the dam facilities were discussed. Some roads will be improved or subject to road surface maintenance throughout the Project.

#### **Comments/Questions:**

- Are the access routes included to the main highways?  
Response: Most of the existing highways will not be modified, and there will be smaller connector routes to the Project area. There are a minimal number of new access roads proposed for the Project. Many of the routes are existing roads that will be improved or restored. Existing gravel roads that are not proposed for improvements are not included in Subarea 1 but may be part of the broader APE.
- Eric Ritter (BLM-Redding Field Office) inquired if there is a consideration for leaving some of the historic components rather than demolition.  
Response: The intent of the Project is to remove the facilities and associated built features; however, based on resource evaluations and costs, the Project may allow certain structures, such as the powerhouses, to remain in place (referred to as a “partial removal option”).

### **OVERVIEW OF PROPOSED APE MAPS**

An overview figure depicting the proposed APE extending from the upper reach of the J.C. Boyle Reservoir to the Pacific Ocean was reviewed (on-screen) with the CRWG. The figure also illustrated Subarea 1 components and the FERC Project Boundary (which in some areas may be wider than the 0.5-mile buffer). Additional maps showing areas within the APE, such as the J.C. Boyle Reservoir Area, Copco Lake Area, Iron Gate Reservoir/100-Year Floodplain, were also reviewed and discussed.

#### **Comments/Questions:**

- Eric Ritter (BLM-Redding Field Office). How will the cultural resources study coordinate with the environmental justice and socioeconomic assessments of the Project, specifically in regards to the private properties over 50 years in age on the 100-year floodplain?  
Response: This portion of the Project is still in the developmental stages; however, the studies will coordinate on the 53 structures that have been identified downriver of Iron Gate Dam. Age and eligibility of these structures have not been assessed.
- Anmarie Medin (CA OHP) requested that a narrative be included with the submittal of the final APE that discusses why or why not certain elements were included within the APE.

- Anmarie Medin (CA OHP). Is there a plan for consulting with the tribes on the APE?  
Response: There have been a number of parallel tribal outreach processes that have occurred with state agencies and FERC requesting tribal input on the license amendment. Prior to initiating non-formal consultation with the tribes, KRRC has been waiting on the FERC process to determine which tribes have expressed interest in the project. Currently, four federally-recognized tribes, consisting of the Karuk, Yurok, Hoopa, and Klamath, have requested consultation with FERC. KRRC is sending out letters to five tribes (Karuk, Yurok, Hoopa, Shasta, and Klamath) who have expressed interest in participating in the process. There will also be an invitation to participate in the CRWG and a request to initiate informal consultation in February 2018.
- Kathleen Forrest (CA OHP). Is there any overlap between the current Project and the Klamath Irrigation District?  
Response: There is not an overlap, but there is some coordination on the Section 7 consultation for Endangered Species.
- Eric Ritter (BLM-Redding Field Office). Are you considering potential subsurface archaeological sites that were under terraces (sub-lakes)?  
Response: AECOM is compiling mapsets that include current sediment depths within the reservoirs (new bathymetric surveys will be conducted in January), as well as historic landscape features and ethnographic village information. The goal is to have a reservoir-specific historic landscape document that can be reviewed by the CRWG.

## **CONCLUSION**

**Historic District vs. Multiple Property Approach for Dam Facilities:** The approach to the evaluation of the dam facilities was briefly discussed, particularly if the approach should be as an integrated historic district (either as one district with four complexes or individual districts for each of the four dams) or as a multiple property nomination. Kathleen Forrest (CA OHP) and Jessica Gabriel (OR SHPO) suggested that the historic district approach would be appropriate, and the facilities should be considered as one historic district. Some of the built resources may also be individually eligible.

**Tribal Participation in the CRWG:** As discussed, invitations letters will be sent to the Klamath, Shasta, Karuk, Hoopa, and Yurok Tribes and THPOs for a February 2018 meeting to initiate non-formal consultation and invite participation in the CRWG.

**Next CRWG Meeting:** A meeting in March 2018 may occur with the CRWG, tribes, and THPOs. In addition, another CRWG may be proposed for late January/early February 2018. The goal is to have monthly meetings with the CRWG.

**Technical Reports:** The KRRC has prepared CEQA and California and Oregon 401 Water Quality Certifications Technical Support Document. The document contains the latest technical and field information:

- [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/lor\\_klamath\\_ferc14803.shtml](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lor_klamath_ferc14803.shtml)
- [https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/docs/lower\\_klamath\\_ferc14803/20170929\\_krrc\\_tech\\_report.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/20170929_krrc_tech_report.pdf)

Written comments and feedback regarding the APE should be provided to Elena (elena.nilsson@aecom.com) by January 19, 2018.

The meeting ended at 2:30 pm.

## Meeting Minutes

Subject	Lower Klamath Project Cultural Resources Working Group (CRWG) Meeting
Date	March 15, 2018
Time	11:00-12:00 pm PST
Location	WebEx
Attendees	KRRC: Araxi Polony AECOM: Elena Nilsson, Kirk Ranzetta, Burr Neely, Mike Kelly, Shannon Leonard, Stephanie Butler CDM Smith: Kate Stenberg PacifiCorp: Russ Howison Bureau of Land Management (BLM): Eric Ritter, Alden Neel, Laird Naylor California Office of Historic Preservation (CA OHP): Kathleen Forrest, Anmarie Medin Oregon State Historic Preservation Office (OR SHPO): Dennis Griffin, Jessica Gabriel
Distribution	CRWG

### TRIBAL CONSULTATION UPDATE

In January 2018, 25 tribes (Chairperson and THPOs) received letters from KRRC requesting participation in the consultation process and a Project Introduction Meeting. The Native American Heritage Commission (NAHC) and the Oregon Commission on Indian Services (CIS) provided lists of appropriate tribes to consult. Mailing lists for the FERC scoping meeting and the State of California Natural Resources Agency list were also consulted.

As of March 2018, 8 Tribes have accepted to participate in consultation. Those tribes include: Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Rancheria, Shasta Indian Nation, Shasta Nation, Cher'Ae Heights of the Trinidad Rancheria, and the Yurok Tribe.

A project introduction meeting has been scheduled in Yreka, California for April 6, 2018. The meeting will review previous studies conducted; describe the FERC informal consultation process and current project goals; provide an overview of the Cultural Resources Working Group (CRWG) and invite the tribes to participate in the group; and ask the tribes how they would like to participate on tribe-specific informal consultation.

### Comments/Questions:

- Eric Ritter (BLM-Redding Field Office): Did AECOM follow-up with phone calls to the Tribes after mailing the letter?  
Response: There were several rounds of tribal outreach. AECOM called the 25 Tribes, including both the Chairperson and the THPOs/Cultural Director, and sent an email to all tribal participants.

### FERC SCOPING MEETINGS WITH THE TRIBES

In October 2017, FERC invited participation of federally-recognized Tribes in the proceedings for the license amendment to remove the four dams from the Klamath Hydroelectric Project, and then also on the application to transfer the four dams from PacifiCorp to KRRC, creating the Lower Klamath Project.

In January and February 2018, FERC held public scoping meeting with six federally-recognized tribes, consisting of the Hoopa Valley Tribe, Karuk Tribe, Klamath Tribes, Modoc Tribe of Oklahoma, Quartz Valley Rancheria, and Yurok Tribe. FERC's main objective was to identify any concerns with the amendment and transfer application proceedings; it was not to initiate Section 106 consultation. Transcripts are available in the FERC docket for the project or upon request.

**Comments/Questions:**

- Kathleen Forrest (CA OHP): Did the Modoc Tribe of Oklahoma participate previously?  
Response: The Modoc Tribe did not participate in the 2004 CRWG effort.  
Was there also a working group for the 2012 study?  
Response: There was not a 2012 CRWG because it was just an update to documents.
- Anmarie Medin (CA OHP): Does that also apply to the Quartz Valley Rancheria?  
Russ Howison (PacifiCorp): The Quartz Valley was involved in the relicensing work in 2004, as well as the Resighini Rancheria, which is at the mouth of the Klamath. The Resighini Rancheria may have opted to have the Yurok Tribe represent their interests since they are closely affiliated.
- Kathleen Forrest (CA OHP): Can you provide an update on other, non-tribal consulting parties that have been contacted regarding the project?  
Response: The team has reached out to the tribes and the current participants in the CRWG. Recommendations from the CRWG as to other groups to include in the outreach at this point are encouraged.  
Were there other parties involved in the relicensing?  
Response: They were primarily federal and state agencies and tribes.  
Kathleen recommends that outreach be extended to local historical societies and any other local jurisdictions or groups that might be interested. Jessica Gabriel (OR SHPO) also recommends contacting Restore Oregon.

**PROJECT SCHEDULE**

The Project is currently in the FERC License Transfer and Surrender process, the California and Oregon 401 Water Quality Certification process, and other environmental permitting (e.g., Section 106; biological assessments), as well as the FERC NEPA process. Construction will likely begin in 2020, with the dam drawdowns occurring in January 2021 and dam removal in summer 2021.

**2018 CULTURAL RESOURCES WORK PLAN**

The work plan includes an ongoing consultation process with tribes and agencies. A data gap analysis is also being prepared to determine if there are areas that have not been previously surveyed or archaeological sites that need to be assessed. The precontact and historic contexts are being updated, and field planning has been initiated. The field investigations will include a site records update and archaeological inventory; hydro facilities update and built environment survey; and archaeological testing and evaluation, in consultation with the CRWG. HABS/HAER mitigation will also be conducted in advance of dam decommissioning.

**MOA FAST TRACK CONCEPT**

Impacts to the hydroelectric facilities may begin in 2019; and as a result, the team would like to develop a plan that would allow initiation of some of the HABS/HAER mitigation documentation. This would not be the only mitigation.

As part of the fast track process, a hydro facilities specific report with eligibility recommendations would be prepared and provided to the CRWG for review and concurrence. Once concurrence was received, a Memorandum of Agreement (MOA) would be developed, and the HABS/HAER mitigation fieldwork would be initiated. If the project schedule is delayed, the MOA fast track plan may not be necessary.



Other 2018 submittals will include consultation requests with descriptions of the APE and associated maps; technical reports for the hydro facilities, non-hydro, and archaeology with eligibility recommendations; Phase II research design and evaluation report; MOA or Programmatic Agreement (PA) with a Historic Properties Management Plan (HPMP).

**Comments/Questions:**

- Dennis Griffin (OR SHPO): Discussions on the APE occurred in December 2017; however, the OR SHPO office has not received a formal APE to concur with. Prior to any field investigations, APE concurrence needs to be received.  
Kathleen Forrest (CA OHP): Because formal consultation has not been initiated with the CA OHP, mitigation cannot be discussed at this point.  
Response: The team will provide formal submittal of the APE; however, the submittal has been delayed to incorporate tribal input on the APE. Based on these discussions, the APE description and maps, along with an initiation of consultation, will be submitted to the CRWG now. If the APE needs to be adjusted based on tribal input, the APE would be revised and resubmitted to the CRWG.
- Dennis Griffin (OR SHPO): The 2004 negotiations were for relicensing and the entire river shed was being considered for investigations, and a smaller APE for dam removal was not approved. As such, SHPO would like to see where the current decommissioning activities will take place.
- Kathleen Forrest (CA OHP): The MOA fast track schedule may be feasible. The MOA will be important to consider adverse effects. The full scope of effects will need to be understood in order to develop the MOA. In addition, NPS standards should be implemented during HABS/HAER documentation.
- Kirk Ranzetta (AECOM): NPS will provide a letter of stipulation when HABS/HAER is proposed for mitigation, and they typically prefer to have a MOA in hand. The letter of stipulation usually provides the level of effort that is required with input from the consulting parties. A PA will take longer, and the team does not want to miss the opportunity to document the resources.

**COMMUNICATIONS PROTOCOL**

A draft communications protocol has been developed; the protocol will be circulated for review and input once the tribes and FERC are involved in the CRWG.

**NEXT STEPS**

The next CRWG meeting may occur in late April or early May. A monthly meeting may be conducted during the field season to provide regular updates.

**AECOM ACTION ITEMS**

1. Letter of request initiating consultation with the Oregon and California SHPOs, along with an APE description and maps, will be submitted.
2. Tribal Introduction Meeting will occur on April 6.
3. A CRWG will be scheduled for the end of April/early May.

## Meeting Minutes

Subject	Klamath River Renewal Project KRRRC Informal Consultation Cultural Resources Working Group (CRWG) Meeting
Date	August 14, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 9:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRRC): Mark Bransom AECOM: Elena Nilsson, Shannon Leonard, Mike Kelly, Burr Neely, Kirk Ranzetta, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Josh Saxon, Alex Watts-Tobin, Craig Tucker Klamath Tribes: Perry Chocktoot, Clay Dumont, Betty Blackwolfe, Janice Miller Modoc Tribe of Oklahoma: Blake Follis Quartz Valley Indian Reservation: Crystal Robinson Shasta Indian Nation: Janice Crowe Shasta Nation: Roy Hall, Jr., Betty Hall, Dean McBroom, Jim Prevatt Yurok Tribe: Frankie Joe Myers, Rosie Clayburn BLM-Redding: Eric Ritter USFS-Klamath NF: Jeanne Goetz, Jason Coats Congressman Doug LaMalfa's Office: Erin Ryan  <i>Via telephone:</i> CA SHPO: Kathleen Forrest, Brendan Greenaway OR SHPO: Dennis Griffin Shasta Indian Nation: Sami Jo Difuntorum, James Sarmento
Prepared	August 23, 2018
Prepared by	AECOM
Distribution	KRRRC Informal Tribal Consultation Group

### MEETING OBJECTIVE

To introduce and discuss cultural resources issues associated with the Klamath River Renewal Project (Project) with the Cultural Resources Working Group (CRWG), through informal consultation with Klamath River Renewal Corporation (KRRRC) and its technical team, AECOM.

### INTRODUCTIONS

Mark Bransom, KRRRC CEO, Elena Nilsson, AECOM Principal Archaeologist, and Kirk Ranzetta, AECOM Senior Architectural Historian, welcomed the group. The CRWG provided brief introductions.



## PROJECT OVERVIEW

Shannon Leonard, AECOM Project Manager, provided a general overview of PacifiCorp's Klamath Hydroelectric Project (KHP) and the current Project. In 2006, PacifiCorp's operating license for the hydropower project expired; and in 2010, parties agreed to the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA). Federal funding was not initially provided; and as a result, renegotiations occurred and an amended KHSA was signed in 2016. Currently, the KRRC is implementing the amended KHSA and pursuing dam decommissioning.

KRRC has initiated the process for transferring the license from PacifiCorp to KRRC. In September 2016, KRRC submitted a license amendment and a surrender application to the FERC to remove the four facilities. In March 2018, FERC issued its first decision on those applications, which was an agreement to split the license into two. They are both owned by PacifiCorp. The surrender order and the transfer order to KRRC are both pending. A draft Environmental Impact Report (EIR), as well as the California and Oregon water quality certifications, will be submitted by the State Water Resources Control Board (SWRCB). In addition, KRRC submitted a Definite Plan to FERC on June 28, 2018. FERC has not initiated the NEPA process on the surrender.

The goals of the Project are to remove the four dams (Copco No. 1, Copco No. 2, J.C. Boyle, and Iron Gate) and associated works to achieve a free flowing river, volitional fish passage, and restored reservoir areas. There are a number of project components that must be completed prior to dam removal and reservoir drawdown, consisting of the City of Yreka intake and pipeline replacement; temporary construction access improvements; permanent road, bridge, and culvert improvements; downstream flood control improvements; hatchery (Iron Gate and Fall Creek) and dam modifications; dam and hydropower facility removal; reservoir restoration; and recreation planning to provide additional recreational activities.

## TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Perry Chocktoot (Klamath Tribes) summarized the meeting topics for the CRWG.

### Comments/Questions:

- The overall theme of the discussion was "Tribal inclusiveness" and the need to form a Tribal Committee to ensure there is Tribal input from all Tribes, on every issue.
- Participation and training: The consensus is for each Tribe to participate in the various aspects of the Project (monitoring, mitigation, etc.). Training of Tribal staff will be needed.
- Funding: Question was raised about funding for a Tribal Committee and long-term oversight activities.
- Mitigation documentation and monitoring agreements: The Tribes intend to address each archaeological site on a case-by-case basis, and will determine whether rehabilitation is appropriate in conjunction with elders.
- Tribal Resolution: There was discussion of the Klamath Tribe bringing a resolution to the Tribal Council regarding the Shasta groups and their contribution to this Project.
- Law Enforcement: There is a need for a strong law enforcement presence in this area due to looting by the general public. The group is discussing ideas on how to implement an effective law enforcement presence and to keep it on-going for a number of years. There is also a need to prevent the general public from obtaining knowledge about cultural sites, and to implement a "zero-tolerance" policy for construction workers if found within designated avoidance areas, for example.

- Human Remains: The CRWG needs to begin discussions about the hundreds of documented submerged graves. No removal will be allowed.
- Inadvertent Discovery Plan (IDP): The Tribes are in the process of drafting a Tribal-only IDP for Human Remains. This will focus on spiritual and ceremonial elements and therefore excludes non-tribal persons, and will be in addition to the typical “boilerplate” IDP/Monitoring Plan.

## **PROJECT STATUS UPDATE**

After presenting the Project Overview, Shannon Leonard, AECOM Project Manager, continued to discuss details about recent Project activities and plans.

### *Submittal of Definite Plan and FERC Engagement*

The Definite Plan for the Lower Klamath Project, which includes Appendix L for Cultural Resources, was submitted to FERC on June 28, 2018, and is available online: <http://www.klamathrenewal.org/definite-plan/>. Hardcopies were distributed at the meeting. The FERC Surrender Order is still pending, and the FERC NEPA process has not started. Therefore, consultation with the CRWG is still “informal” at this time.

#### **Comments/Questions:**

- Blake Follis (Modoc Tribe of Oklahoma): When are comments on the Definite Plan due?  
Response: The FERC docket is currently open for comments (see website at [ferconline.ferc.gov/quickcomment.aspx](http://ferconline.ferc.gov/quickcomment.aspx); enter P-2082-062 to specify the project) or cultural resources comments can be emailed directly to [Elena.Nilsson@aecom.com](mailto:Elena.Nilsson@aecom.com). Comments should be provided ideally within 30 days although an end date for receipt of comments is not known.

### *Hatchery Modifications*

Modifications at Fall Creek and Iron Gate Hatcheries will include ground disturbance. A new settling pond is needed near Fall Creek Hatchery; three potential areas are being looked at, but there are cultural resources concerns at each. The team briefly reviewed options for types of pond construction.

#### **Comments/Questions:**

- General discussion: What is the extent of current wildfires near hatcheries? What are the effects? What will happen to the hatcheries after the dams are removed?
- Craig Tucker (Karuk Tribe): Iron Gate Hatchery was built as mitigation for the Iron Gate Reservoir, so won't be needed after the dam is removed.
- Perry Chocktoot (Klamath Tribes): Hatchery fish are genetically inferior to native fish.
- General discussion: Recommend monitoring at hatcheries during ground-disturbing construction. Use modeling to define High Probability Areas.
- Dean McBroom (Shasta Nation): Confirm no archaeological sites are depicted on this presentation and that discussions do not disclose where sites are when describing potential impacts to sites.

### *City of Yreka Intake and Pipeline Replacement,*

The cultural team is working with engineering team to re-route the pipeline away from cultural sites to avoid impacts. Relocation of the 24-inch water supply pipeline at upper end of Iron Gate Reservoir must be completed prior to reservoir drawdown and dam removal.

**Comments/Questions:**

- James Sarmiento (Shasta Indian Nation): Even with site avoidance, we recommend pre-construction assessment of HDD bore entrance and exit pits for water lines, and monitoring.

*Recreation Plan and Restoration*

Restoration of the reservoir, removal of campgrounds, and development of new recreation facilities is being assessed in conjunction with recreation and tourism groups and Federal, Local, Tribal stakeholders. Plans will restore former recreation sites to native habitat. The cultural team is working with the restoration team to try and avoid/minimize impacts to cultural sites, and KRRC will continue to integrate restoration and recreation discussions with the CRWG.

**Comments/Questions:**

- General discussion: Define what is “native habitat” proposed for restoration and who will be deciding this? How will Tribal input be integrated into the restoration and recreation plans? What are the impacts to village sites? The plans must consider restoration of villages. Is there a way to get rid of the sulphur smell, for example? Tribes want to provide input and have a stake in these plans, from the development process through implementation.

*Seed Collection Program*

Seeds are being collected from the Project area for revegetation of reservoir areas. KRRC (through a subcontractor) has conducted surveys to identify specific areas for target native species. No ground disturbance is occurring. A Native plant seed list was included on the PowerPoint slide.

**Comments/Questions:**

- General discussion: Who decides what plants are appropriate for reseeding? It is very important to consult with elders in the restoration and native plant use. The Tribes request distribution of the native plants list for further consideration and input (i.e., it is at first glance missing important plants such as tobacco and bear grass). The CRWG definitely wants to provide input into the seed collection program.
- Frankie Joe Myers (Yurok Tribe): A cultural landscape is present. Many species around village sites were different than today so you need to consult with tribes for appropriate types of vegetation. The natural world of today is different than what was there traditionally, and we don't want you to create hodgepodge of species. Our people managed the land. KRRC botanists may use a European mindset versus a tribal perspective; randomly throwing seeds out was not a traditional pattern. Consider the harvesting of seeds by those who traditionally collect them now, then those Tribal collectors could replant the seeds, allowing the Tribes to buy into this process collaboratively.

**APE DISCUSSION**

Burr Neely, AECOM Senior Cultural Resources Specialist, presented an overview of the APE. The APE is currently defined as extending from J.C. Boyle to the mouth of the river at the ocean, extending 0.5 mile along each side of the reservoir or river. Preliminary comments have been received from CA and OR SHPOs, BLM Redding, and Karuk THPO. The comments express concern for inclusion of TCPs, cultural landscapes, sacred sites, and historic districts, and concern that the APE is expansive enough to include flood mitigation measures, restoration activities, and a depth of disturbance (vertical APE).

A geoarchaeology analysis is underway to help address vertical APE (i.e., determining depth of sediments before encountering the archaeological sites). The geoarchaeological analysis is expected to be completed over the next couple of months, and includes reviewing depth of known

cultural deposits; sediment load over time via bathymetry studies; geological studies regarding rim stability; and rate of drawdown to minimize rate of erosion. The bathymetry study is currently being conducted using a boat and sonar equipment, and will produce a map set.

**Comments/Questions:**

- General Discussion: Will there be a separate APE for Tribal Resources? Will the Tribal Caucus be working on the APE? Tribes need to participate in surveys.
- Roy Hall, Jr. (Shasta Nation): What about the sites Tribes keep confidential, are they included? Tribes do not want to disclose this information because these places are deeply spiritual. Discussion: Tribal Caucus can discuss further and let Project Team know how or what information, if any, is to be provided to adjust the preliminary APE, without needing to disclose specific site locations.
- Perry Chocktoot (Klamath Tribes): Visual impacts need to be addressed to spiritual sites especially. Religious ceremonies are still held today; people watched this river turn into a reservoir, now they are going to be watching the reservoir turn back into a river. This needs to be captured in the data, with points of perspective and a visual analysis; this was a city street of our New York and a major trade route. These are the cities where we lived and died. This is not a disposable area, has great significance to tribal elders who still remember the special sites, and is not ancient history, but very current and close to us. People we know are buried here. The rock feature complex in this area is so vast. Our religion is very private and we won't disclose the details to outsiders.
- General discussion: Who is doing the geoarchaeological and bathymetry work, and how will results be shared with the CRWG? Response: AECOM is doing the geoarchaeological work and will share the findings as soon as they are available.

**REVIEW OF 2017-2018 FIELD STUDIES**

After the APE discussion, Burr Neely (AECOM) summarized the 2017-2018 field studies that have occurred to date. Appendix L of the *Definite Plan* provides an updated records search, a review of ethnographic reports, and extensive historic land use research of land currently inundated. There are currently 485 sites in the Preliminary APE and approximately 70 sites in the ADI (Area of Direct Impact). There are also around 105 "Unrecognized Sites" (that is, sites that are probable based on archival research but that have not yet been formally recorded) around or inundated by the reservoirs.

AECOM has conducted initial site visits to assess current conditions in order to plan for future survey and site evaluation work at previously documented archaeological sites, and is updating recordation of all hydroelectric buildings and structures. Goal is 100% inventory of unsurveyed and new areas such as access roads, borrow and disposal areas, fish-hatchery-related actions (4 new sites identified to date). Current work is focused on 29 sites located on PacifiCorp land; 20 sites have been updated so far. No digging has occurred; these have been site visits only. The team has noticed evidence of erosion and expanded areas of exposed artifacts at some sites. There is no access yet to sites on private land.

**Comments/Questions:**

- General discussion: Who is conducting this fieldwork? The team needs to reach out to the experts in the room, reach out to tribal individuals to participate in fieldwork. site updates, etc. Ensure people who are experts in NW archaeology. Indigenous people have connection to the land and need to be included in these studies.
- Frankie Joe Myers (Yurok Tribe): When was this site visit (in reference to the slideshow photographs of a site with pin flags)? Response: June 2018.

## **APPROACH TO SITE EVALUATIONS**

Burr Neely (AECOM) introduced the topic of site evaluation methods, but time only allowed for a brief discussion and the following CRWG meeting will need to revisit this topic. There are no clear NRHP eligibility determinations for any of the 70 sites in the ADI. Part of the current site update process is to reconcile different NRHP eligibility recommendations and provide current site conditions. The CRWG will need to discuss methods for site evaluation.

### **Comments/Questions:**

- General discussion: Are you considering digging holes? You don't have to; you can take our word for it that these sites are eligible. ? Response: No digging has occurred and is not planned at this time, further discussion and involvement with CRWG is needed.
- Betty Hall (Shasta Nation): My daughter is an experienced archaeologist and some archaeologists won't acknowledge certain materials—they say it's not an artifact, but we know it is. This is very frustrating and happens frequently.
- Tribal comment: how many sites do we want to walk through eligibility process because some of the sites get registered and then some of worst disturbances occur by "professional archaeologists"—the less you know the better off we are. Response: AECOM recommends keeping two categories: "recognized" and "unrecognized" sites so that the ones that are already known are managed one way, but "unrecognized" are managed separately, pending CRWG discussions.
- Eric Ritter (BLM-Redding): Where is the discussion about landscapes and historic districts? Response: AECOM is aware that the 2003 PacifiCorp study had multiple districts proposed. We are looking through the districts and will discuss more at next meeting.
- Perry Chocktoot (Klamath Tribes): OR SHPO comment letter addresses TCPs and districts. Rock feature phenomenon around here is very eligible for a Multiple Property nomination.
- Dean McBroom (Shasta Nation): What security measures are there to protect what's been found so far during survey? Response: AECOM has internally secure project files. Tribal caucus to discuss protection at next meeting.
- Tribal comment: are artifacts moving down river? AECOM response: Artifact movement is a factor we are attempting to address on site-by-site basis; geoarchaeological work is in progress.
- Eric Ritter (BLM-Redding): How is the study addressing Environmental Justice issues when you don't have access to private property? Response: KRRC is making a reasonable and good faith effort to obtain access, and will continue to do so.

## **NEXT STEPS**

Elena Nilsson (AECOM) briefly presented the preliminary document preparation schedule.

- The Draft Cultural Resource Survey and Resource Update Report and Historic Built Environment Draft Evaluation Report are anticipated to be completed in November 2018.
- The Programmatic Agreement (PA) and Inadvertent Discovery Plan (IDP) are scheduled for December 2018.
- A Preliminary NRHP Evaluation Report, Looting and Vandalism Protection Plan, Historic Properties Management Plan, and Cultural Resources Monitoring Plan are planned for spring and summer 2019.

### **Comments/Questions:**

- Kathleen Forrest (CA SHPO): What template will you be using for the FERC PA? This is a unique project and the usual templates may not apply; the Project will need more than just a

template ending with an HTMP. We recommend you start engaging with FERC now.

Response: We are not at that point in the process yet; should SHPO or KRRC reach out to FERC?

## **LOGISTICS AND PLANNING**

Continuation of Tribal Caucus and CRWG Meetings is proposed monthly. Doodle polls will be sent out for September and October meetings. Alternate meeting locations can be discussed further, but for now the consensus seems to be Yreka.

### **Comments/Questions:**

- General: A preference for in-person meetings (versus telephone) was expressed.
- Blake Follis (Modoc Tribe of Oklahoma): We would like to request that the Team make a Gantt chart and insert due dates for reviews so Tribes can organize meetings and schedule comments to be provided.

The meeting ended at 4:00.

## Meeting Minutes

Subject	Klamath River Renewal Project KRRC Informal Consultation Cultural Resources Working Group (CRWG) Meeting
Date	September 18, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Burr Neely, Brian Person, Kirk Ranzetta, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Josh Saxon, Craig Tucker Klamath Tribes: Perry Chocktoot, Jai Matthew Jackson, Mandy Roberson Quartz Valley Indian Reservation: Crystal Robinson Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmento Shasta Nation: Donald Boat, Betty Hall, James Prevatt Yurok Tribe: Rosie Clayburn USFS-Klamath NF: Jeanne Goetz, Jason Coats  <i>Via telephone:</i> AECOM: Elena Nilsson, Shannon Leonard OR SHPO: Dennis Griffin Modoc Tribe of Oklahoma: Blake Follis PacifiCorp: Russ Howison BLM-Redding: Alden Neel
Prepared	October 20, 2018
Prepared by	AECOM
Distribution	KRRC Informal Tribal Consultation Group

### MEETING OBJECTIVE

To continue informal consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month's meeting was focused on project updates, the regulatory process, and further refinement of the Area of Potential Effect (APE).

### INTRODUCTIONS

After an opening prayer by James Prevatt (Shasta Nation), Brian Person, AECOM meeting facilitator, and Mark Bransom, KRRC CEO, provided a brief introduction. KRRC put forth and briefly summarized meeting guidelines, as sent with the meeting invite, to clarify how CRWG meetings will be conducted and moderated. Brian reiterated that if sensitive information needs to be disclosed and discussed outside this meeting, it will only be discussed to extent that is



necessary to address concerns or questions raised. Brian asked if there were any comments on the August meeting's minutes.

**Comments/Questions:**

- Craig Tucker (Karuk Tribe): The meeting guidelines don't outline the meeting purpose. KRRC needs to state the purpose of these meetings and provide clarity. Why are we here? Is it to debate about dam removal? Develop a mitigation plan? You need to make sure everybody is on the same page so time is being used efficiently.
- Sami Jo Difuntorum (Shasta Indian Nation): We request a correction to the August meeting notes, under "Tribal Caucus Update," second bullet ("*Participation and training: The consensus is for each Tribe to participate in the various aspects of the Project (monitoring, mitigation, etc.). Training of Tribal staff will be needed.*") The correction should reflect that Tribal consensus has not been reached. The Tribes are still working toward a consensus.

## TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Perry Chocktoot (Klamath Tribes) summarized the meeting topics for the CRWG.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Tribal caucus discussions were centered around how the group can reach a consensus. The steps to reach a consensus have not been gone through. Why are we here, what is our goal? We didn't get to the meat and bones of mitigation. We are struggling with how to move forward effectively, how to reach consensus. The Tribal Caucus meeting would benefit from a third-party facilitator/dispute mediator.
- Mark Bransom (KRRC): KRRC will provide you with whatever additional needs we can. Give us a list of individuals who you would like to use as a mediator.

## PROJECT UPDATE

Mike Kelly, AECOM Principal Archaeologist, provided an update on project design and schedule.

### *Field Work and Tribal Monitoring*

No field work is being scheduled until there is a plan for tribal monitoring in place. KRRC is requesting that the tribes put together a plan that outlines which tribes will send a representative for which locations. The Tribal Monitoring Plan is needed before field work recommences in early spring.

### *Water Quality Gage Upgrades*

Water quality gages will include rock anchors and equipment upgrades. All are proposed at existing sites except for one (Seiad Valley), which will be moved from the left bank to the right bank. A map showing the gage locations was presented in the PowerPoint.

**Comments/Questions:**

- Sami Jo Difuntorum (Shasta Indian Nation): Is this list comprehensive? These are the only gages being proposed?
- Shannon Leonard (AECOM): We are pretty certain these gages will be part of the monitoring program.

### *Fall Creek Hatchery Update*

The August CRWG meeting discussed the need for hatchery modification at Fall Creek, specifically for a new settling pond, where three potential areas were being looked at, each with



cultural resources concerns. Since the last meeting, the project design has been modified so that the existing footprint can be used, and the new proposed settling pond should not affect any known sites. However, this area is a reported village, and although there have been no archaeological finds to date, an identification investigation is needed.

**Comments/Questions:**

- Sami Jo Difuntorum (Shasta Indian Nation): This is very good news. We are glad to hear this.

**REGULATORY RECAP**

Mike Kelly (AECOM) discussed the current state of regulatory consultation. FERC is not currently engaged, and as such the CRWG and KRRC will be advancing Section 106 consultation through these monthly meetings. The CRWG mission is to develop alternatives and recommendations for addressing cultural, historical, and archaeological resources for the relicensing process. The CRWG will address and document consultation requirements for FERC, lay groundwork for adverse effects, and review, advise, and participate on Section 106 steps. Confidentiality will be a priority, but some discussions may need to include site specifics.

**AREA of POTENTIAL EFFECT DISCUSSION**

Burr Neely, AECOM Senior Cultural Resources Specialist, provided a recap of the general comments that were received from the SHPOs and Tribes regarding consideration of Traditional Cultural Properties (TCPs) and landscapes/riverscapes; visual impacts; the built environment; fish, wildlife, and restoration sites; and effects of a free-flowing river. Mapping the APE is a priority, and a map book has been produced.

There has also been progress toward establishing a vertical APE. Geoarchaeological work is underway and will help delineate areas of subsurface disturbance (e.g., cut-and-fill areas) and maximum depths of disturbance, and attempt to develop a reservoir sediment depth model based on pre-dam historic topographic mapping and geotechnical data. The model will be used to identify those areas where the project may impact the pre-dam historic ground surface. The KRRC team is digitizing geologic maps to show where the project will impact landforms with potential to contain buried archaeological resources. Bathymetric data and reported site locations will also be used in this analysis.

The CRWG discussed how bathymetry data is obtained and used, how much water will be released and what sites are most likely to be affected and how. Looting and vandalism of unprotected sites by recreationalists continues to be a primary concern, and time was spent trying to understand how recreational use is currently managed, and could be managed in the future in a manner that helps prevent looting and vandalism. Several CRWG members requested that a viewshed modeling and high points analysis be considered in the delineation of the APE.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): KRRC needs to address the current protections of cultural resources right now, as well as after the dams are removed. For example, destruction of Big Boulder Village. It would show a good faith effort for KRRC to provide protective elements *now*. Looters are actively digging at these sites. It is hard for the tribes to have confidence in any of this while being robbed of our cultural heritage, our ancestors. At this point, any measure would be better than nothing.

- Donald Boat (Shasta Nation): In reference to limiting the amount of people able to loot and vandalize sites: would it be possible to establish a boat permit process like on the Rogue River?
- Craig Tucker (Karuk Tribe): At the Rogue River there is a lottery process limiting the number of camper and commercial use permits during certain times of the year. After October 15, anyone can use the river. There could be a system like that on the Klamath River. For example, you could have to show that you pack out your waste; you could train people on what is proper care and stewardship in and around cultural sites.
- Russ Howison (PacifiCorp): There is a permit process on the Klamath for commercial permits and for private overnights. I don't know if a day trip permit with a waiting list is used.
- Craig Tucker (Karuk Tribe): It depends on the reach.
- James Prevatt (Shasta Nation): We need to teach commercial outfitters where they can and can't put in and take out. They need to know only the places they *can* pull up—they don't need to know why (to avoid cultural sites).
- Mike Kelly (AECOM): This group will have the ability to comment on the recreation plan.
- Craig Tucker (Karuk Tribe): American Whitewater reached out to me. This group will need to be integrated into discussions on river recreation. An example, there is a Yurok village site at a state park that allows for active ceremonies to take place. This is a benefit to the tribe because they have a nice facility to use for their ceremonies but it is for general public use too. A win-win.
- Jeanne Goetz (USFS-Klamath NF): The Klamath National Forest does issue permits, and we work around ceremonies. Permitting depends on who is managing the land. Most landings are at archaeological sites.
- Craig Tucker (Karuk Tribe): How will the Civil War Tribal Cemetery site be protected? That should be included in the Tribal Monitoring Plan.
- Betty Hall (Shasta Nation): I read through these KRRC reports [*Definite Plan*] and regarding flood mitigation measures, one place says one thing and another says another about the amount that the river will rise once the dams are removed. How do we know which is right?
- Shannon Leonard (AECOM): The project will affect flows, flooding downstream of Iron Gate. Structures affected are mostly in the floodplain, but some are out. Mitigation will depend on what the property owner wants: e.g., elevate the building, build small berms around it. Reclamation modeling studies indicate that during a 100-year event, following dam removal the water surface elevation increases approximately 18 inches immediately below Iron Gate, to less than 6 inches at Humbug Creek (about 18 miles away), then the rise is not much different downstream of that point.
- Betty Hall (Shasta Nation): But you don't know the depth during a flood. Marks on the rocks show tremendous amounts of water, in just in one flood event. It's a lot of water, not just a foot.
- Perry Chocktoot (Klamath Tribes): We're not talking about a cataclysmic event, but a controlled release. KRRC can't base their assumptions on a catastrophic event.
- Burr Neely (AECOM): That reach where the models show flooding is already included in the APE. We are communicating with hydrologists for the archaeological analysis and will continue to pass that information along to the CRWG as it becomes available.
- Sami Jo Difuntorum (Shasta Indian Nation): I would like to request an electronic map book of the APE.
- Craig Tucker (Karuk Tribe): Why is the APE not topographically defined?
- Burr Neely (AECOM): The intent is to capture the viewshed, e.g., rim to rim topography.
- Craig Tucker (Karuk Tribe): Why not 100-year floodplain? What does it mean for mitigation regarding loss of eligibility for a viewshed versus where direct impacts for where access points, new infrastructure, etc. will be?

- Burr Neely (AECOM): Those are included in our defined “Area of Direct Impacts.” We are also trying to address the riverscape and the concerns folks have on broader viewpoints.
- Perry Chocktoot (Klamath Tribes): Places where people go to pray, where there were skirmishes, or slaves went, where people drew power from. The flooding after the dams were built impacted traditional practitioners. Now the flooding is being taken away, and there will be another set of impacts to traditional practitioners. I’m glad you’re considering visual impacts.
- Jeanne Goetz (USFS-Klamath NF): A viewshed modeling and high points analysis was completed for Medicine Lake as an example.
- General: Several people responded in agreement. The CRWG is requesting a viewshed analysis.
- Rosie Clayburn (Yurok Tribe): I would like to request shapefiles.
- A General discussion about the vertical APE and how bathymetry works ensued. How much sediment has accumulated since the dams were built, can the post-dam renewal area be modeled with archaeological sites overlain? Will drainage lead to exposure of sites, how and which ones? In response, AECOM will present the geoarchaeological and bathymetry results to the CRWG in a separate session, as the results of these studies are still being finalized and are expected in October 2018, along with LIDAR.

## **AGREEMENT DOCUMENT DISCUSSION**

Kirk Ranzetta, AECOM Senior Architectural Historian, explained that there is a potential for ACHP involvement (John Eddins), explained the use of Programmatic Agreements (PAs), and how this process differs when FERC is involved because FERC is the final decision maker but not initially involved in the day-to-day activities. Kirk discussed the PA process and the need for a Historic Properties Management Plan (HPMP). FERC has agreement templates that would be used.

### **Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Is there talk of FERC delegating to another agency?
- Kirk Ranzetta (AECOM): No.
- Perry Chocktoot (Klamath Tribes): If we are a concurring party it means we agree, versus consulting party.
- Betty Hall (Shasta Nation): What is “consultation?” It’s meaningless, In the Dictionary it means nothing. It’s dead.
- Kirk Ranzetta (AECOM): We try to integrate discussions in this CRWG, to make it a two-way street conversation.
- Perry Chocktoot (Klamath Tribes): What about Traditional Cultural Properties in the Klamath Canyon? These were identified in the past but not concurred with or moved forward with the SHPOs.
- Dennis Griffin (OR SHPO): There were 3-4 TCP reports by the tribes; those TCPs were not reviewed by our office because the project/dam relicensing was dropped.
- Perry Chocktoot (Klamath Tribes): TCPs are a heightened consultation piece. Isn’t the land manager responsible for following through even if a project is dropped? It is very important to get these eligible TCPs listed.
- Russ Howison (PacifiCorp): For the relicensing, an inventory was done, recommendations were made, and the findings were submitted to FERC, but there were a couple of problems in closing the loop: 1. The APE for relicensing was never settled. Both SHPOs couldn’t comment until the APE was resolved. 2. FERC stopped all further processing of the relicensing. Now is the time to reengage.
- Craig Tucker (Karuk Tribe): Is there a map of the proposed TCPs?
- Russ Howison (PacifiCorp): Yes, in the cultural resources report filed with FERC.

- Betty Hall (Shasta Nation): Appendix L of the Definite Plan (June 2018) references ethnographic studies [Section 6.1.5]. I would like to see the ethnographic reports.
- James Prevatt (Shasta Nation): No cultural sites should be shown on maps like happened in the FERC Relicensing process. That was a mistake and those were deleted from the computer right then, when that happened.
- Betty Hall (Shasta Nation): Highlight the confidentiality.
- Craig Tucker (Karuk Tribe): Can you explain the difference between federally-recognized and non-recognized tribes? No disrespect is meant; we just all need to be clear on what this means in the 106 process.
- Kirk Ranzetta (AECOM): Federally recognized tribes have a specific role in 36 CFR Part 800. Non-federally recognized tribes are more like Consulting Parties and can sign documents like the PA as a Consulting Party.
- Betty Hall (Shasta Nation): The Shasta Nation is a sovereign nation. Grass Valley is Shasta. Relatives and history ties us to these areas.
- Jeanne Goetz (USFS-Klamath NF): The USFS tries to include everybody in gathering input. For example we've had the Karuk as signatories on a PA and Shasta Nation as concurring; we try to include everybody.
- Donald Boat (Shasta Nation): The Shasta Nation is treated like a step child. That's how we feel.
- Mike Kelly (AECOM): Our goal is to listen to everyone in this room. That's the purpose of the CRWG, so that you can all provide input.
- James Prevatt : Add "Tribal laws" in addition to "federal, state, and local laws" to slide 25: HPMP Principles"
- General discussion: if pushing for clean energy, why are the dams being removed? Because they have outlived their useful lifespan and are no longer cost efficient to upgrade and maintain.

## **SCHEDULE**

The FERC NEPA process starts once the transfer order is issued for work on the surrender application. Several documents are proposed for the end of 2018 and early 2019.

### *Agreement Document Schedule*

- PA – December 2018
- IDP – December 2018
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - June 2019
- Historic Properties Management Plan (HPMP) – June 2019
- Treatment of Human Remains (to be provided by Tribes)

## **ACTION ITEMS**

Sarah McDaniel, AECOM Senior Archaeologist, summarized a list of action items:

- The Tribal Caucus has requested an impartial facilitator. KRRC will assist with providing one. The Tribes will need to communicate if they have a particular person in mind.
- AECOM is to help clarify purpose of each Tribal Caucus/CRWG meeting to help focus the discussion.

- A Tribal Monitoring Plan is needed and will be used for planning next stages of field work. AECOM is requesting identification of who would want to provide a tribal monitor in which areas/sites.
- APE Discussion: AECOM will distribute electronic and/or hardcopy maps and shapefiles to the CRWG with the proposed APE. The CRWG needs to identify high points for a Project viewshed analysis, and any adjustments to APE boundary. AECOM will provide maps within next 2 weeks; request review and comments by the next CRWG meeting. Let us know what format is preferred; otherwise electronic maps will be emailed.
- Recreation Discussion: CDM Smith will determine who manages rivers with multiple land managers. Is it NPS? This is relevant to discussion of recreation plan and site protection e.g., permitting/lottery system for rafters.
- Protection: Tribes would like to see KRRC make a good faith effort in protection of sites that are being looted and vandalized currently, not just after dams are removed.
- Geoarchaeology: AECOM will schedule a geoarchaeologist to speak to the CRWG. This will help with the vertical APE and understanding which sites would be affected and how. Bathymetry modeling and LIDAR is expected to be finalized in Oct.
- Hydrology: Further work on modeling for pre- and post- dam removal is underway and this information will be shared with the group, possibly as part of the geoarchaeology expert discussion.
- TCPs: Evaluation of previously identified TCPs needs to be completed.

The meeting ended at 3:50.

## Meeting Minutes

Klamath River Renewal Project	
Subject	KRRC Cultural Resources Working Group (CRWG) Meeting
Date	October 29, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i> Klamath River Renewal Corporation (KRRC): Mark Bransom AECOM: Mike Kelly, Burr Neely, Brian Person, Jay Rehor, Sarah McDaniel CDM Smith: Kate Stenberg Karuk Tribe: Craig Tucker, Alex Watts-Tobin Klamath Tribes: Perry Chocktoot, J. Jackson, Mandy Roberson Shasta Indian Nation: Janice Crowe, Frank Crowe, Sami Jo Difuntorum Shasta Nation: Donald Boat, Roy Hall Jr., Betty Hall, James Prevatt USFS-Klamath NF: Jeanne Goetz  <i>Via telephone:</i> Quartz Valley Indian Reservation: Crystal Robinson  AECOM: Shannon Leonard, Kirk Ranzetta CA SHPO: Kathleen Forrest OR SHPO: Dennis Griffin BLM-Klamath Falls: Sarah Boyco Yurok Tribe: Rosie Clayburn, Frankie Myers
Prepared	November 16, 2018
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month's meeting was focused on project updates, finalization of the Area of Potential Effects (APE) inclusive of a visual impacts analysis, and an indepth discussion of hydrological and geoarchaeological studies to better understand impacts to cultural resources.

### INTRODUCTIONS

After an opening prayer by Perry Chocktoot (Klamath Tribes), Brian Person, AECOM meeting facilitator, called for opening statements.

### TRIBAL CAUCUS UPDATE

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the Tribal Caucus meeting and summarized those discussions for the CRWG. Sarah McDaniel (AECOM) took meeting notes only if requested by an individual as “for the record” and these are to be distributed by AECOM to the Tribal Caucus separate from the CRWG meeting notes.

Overall, the Tribal Caucus concentrated on discussing the merits of the project and on the topic of protecting cultural resources. To help focus the meeting purpose, KRRC recently sent a letter to the Shasta Nation with the objective of acknowledging their position of non-support for the project and soliciting their engagement in cultural resources issues in this meeting forum under the assumption that the dams would be removed, and that a different forum could be used to object to the project. The Shasta Nation voiced their concerns about the letter during the Tribal Caucus.

The Tribal Caucus is working on preparation of an Inadvertent Discovery Plan (IDP) and Monitoring Plan. Some caucus members agreed to share their individual tribal plans used for other projects so that the CRWG can collectively review and edit, and be prepared to discuss in detail at the November 2018 CRWG meeting.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Emotions run high, especially with issues regarding the federal government. PacifiCorp needs to be clear and we need to work together to get this done. We need to make an IDP and Monitoring Plan that is all-inclusive because we have a shared history. I can't tell you [KRRC] how to move forward if a group isn't willing to move this forward. The Klamath Tribes are willing to move this forward.
- Roy Hall, Jr. (Shasta Nation): The Tribal Caucus developed into a free-for-all. The Klamath say it's their territory, we say it's ours. We don't need everybody discussing our sacred sites. KRRC has an agenda moving forward no matter how we feel.
- Sami Jo Difuntorum (Shasta Indian Nation): We are planning to distribute the example IDP/Monitoring Plan documents electronically so it's more productive and everyone can offer comments back and forth.

**PROJECT UPDATES**

Mike Kelly, AECOM Principal Archaeologist, reviewed the September action items and asked if there were any corrections to last month's meeting notes. No corrections were requested.

*September Action Item Review*

A slide was presented showing the current status of action items. In summary, as requested by the Tribes, a facilitator was provided for the Tribal Caucus; the APE was refined based in part on a viewshed analysis and circulated for review; no KRRC jurisdiction for law enforcement was identified, although Oregon State Parks rangers have agreed to increase patrols on State Park lands; the Monitoring Plan is still pending Tribal input; the requested hydrology/geoarchaeology reviews are complete and are being presented as part of the current CRWG meeting; and recreation planning is still underway and will be on the November meeting agenda.

*Recreation Plan Update*

American Whitewater recreationalists and outfitters recently set up a recreation field visit; Mike Kelly (AECOM) was one of the attendees. The whitewater group is soliciting ideas for how to work with the Tribes and for stewardship of cultural resources, especially if there are any at proposed new landings. KRRC is planning to schedule a recreation presentation for the November 2018 CRWG meeting.



In clarification of last month's meeting question about who regulates rafting permits and regulations, KRRC determined that on federal lands, BLM, USFS, and NPS require permits for commercial recreation activities. NPS does not regulate permits for rafters outside of National Parks, and an agreement that designates a river as Wild and Scenic gives the state authority to manage recreation.

**Comments/Questions:**

Perry Chocktoot (Klamath Tribes): Those rafters stop at some of the most sensitive areas, where they shouldn't be at. The general public shouldn't be there.

Craig Tucker (Karuk Tribe): We're expanding areas for their opportunities.

**FINALIZATION OF THE AREA OF POTENTIAL EFFECTS**

Burr Neely, AECOM Senior Cultural Resources Specialist, provided an overview of the newly completed visual analysis requested by the CRWG in September 2018. The visual analysis focuses on the Klamath River Watershed, is a bare earth analysis (no vegetation), and is shown as a "heat index" gradient of high versus low visibility. Examples were presented on PowerPoint slides. Several mountain peaks outside of the APE are shown as having viewshed visibility; however, many high places along the river corridor are included within the APE.

**Comments/Questions:**

- Kathleen Forrest (CA SHPO): CA SHPO needs a hard copy in order to provide formal comments; we can't accept electronic submissions.
- Betty Hall (Shasta Nation): The prior SHPO letter recommends adding topographic maps—has this been addressed?
- Burr Neely (AECOM): Yes, copies of the revised maps were distributed via email to the CRWG last week. AECOM will provide a hardcopy of these maps to the Shasta Nation.

*Reservoir and Rim Stability*

Shannon Leonard, AECOM Assistant Project Manager, provided an overview of rim stability (i.e., for larger landslides) based on studies that were made during a reservoir drawdown. The study steps included a geologic desktop study, a geologic reconnaissance, field investigations and laboratory testing, slope stability analyses, and mapping of areas of potential impacts. Appendix E of the Definite Plan has more detail.

In summary, for Iron Gate Reservoir, no large landslides are anticipated but shallower landslides are likely to occur in the shallow surficial deposits that characterize the reservoir area and along its rim. For JC Boyle Reservoir, large landslides are less likely and no stability problems were identified. For Copco Reservoir, minor slides beneath the reservoir surface are possible during drawdown and larger, deeper slides are possible along submerged higher bluffs along the original Klamath River channel but these would not affect the reservoir rim. PowerPoint slide 18, Copco Dam Slope Failure Analysis Overview Map, provided the locations of potentially unstable slopes. Additional field data collection is underway.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Will high water post-dam removal cause a problem for bank stability, for example, after a large storm event?
- Shannon Leonard (AECOM): That has not yet been analyzed. There are a lot of rocks and bedrock along these channels, so I would guess conditions would be similar conditions to what they were prior to the dam going in.



- Perry Chocktoot (Klamath Tribes): How soon will there be stability after dam removal?
- Shannon Leonard (AECOM): Vegetation would help stabilize remaining sediment and the vegetation plan calls for early pioneer seeding as quickly as possible.
- Roy Hall Jr. (Shasta Nation): The weather is difficult to predict around here (i.e., need to consider this in terms of the reseeding plan).

#### *Reservoir and Rim Stability*

Shannon Leonard, AECOM Assistant Project Manager, provided an overview of flood hydrology. The Bureau of Reclamation estimated the flood control benefits of the reservoirs. PowerPoint slide 21 provided a hydrograph charting a 100-year flood event with the dams in, compared to an estimated 100-year flood event with the dams out. There was a general discussion around this hydrograph, which is based on the 1964 flood that had 29,400 cubic feet per second (cfs) when the dams were in place. The analysis shows that there may be an approximate 7% increase in water volume (33,800 cfs) with the dams out.

Slide 22 provided a map of the Klamath River Watershed illustrating the projected flow magnitude, using 100-year statistics (Slide 23) for gage river flows. Slide 23 showed a graph of the “100-year Flood Water Surface Elevation Downstream of Iron Gate,” with current data for “dams in” and projected date for “dams out.” The “dams in” line and “dams out” lines overlap each other such that both appear as a single red line in this graph. (This means that below Humbug Creek there isn’t much of a difference.)

#### **Comments/Questions:**

- Craig Tucker (Karuk Tribe): Great slides! So, if there is a 100-year flood at Upper Klamath Lake, whether it floods or not isn’t relevant because at Iron Gate it’s only 31,000 cfs (5%) but once you get to the mouth it’s at 570,000 cfs.
- Alex Watts-Tobin (Karuk Tribe): Is it safe to say that the leveling out at lower end of Humbug is at 0.4 ft. and it’s negligible after that?
- Shannon Leonard (AECOM): The model isn’t accurate enough to get any more detail.
- Craig Tucker (Karuk Tribe): Was sediment modeling taken into account?
- Shannon Leonard (AECOM): Yes, part of the 18-inch increase at the upper end is related to sediment.
- Burr Neely (AECOM): That’s why the APE for direct impacts is above Humbug Creek and below Humbug Creek is considered for indirect impacts.

#### **GEOARCHAEOLOGY REVIEW**

Jay Rehor, AECOM Senior Geoarchaeologist, provided an overview of georachaeology as a landscape evolutionary approach to understand where archaeological sites are likely to be located both horizontally across the landscape and vertically (i.e., how deeply they may be buried). Buried and submerged resources were considered by looking at the pre-dam ground surface through bathymetry data, historic maps, and a sediment depth model. Project-related ground disturbances were added to this model, and samples of resource site types overlain to give an idea of where the project has the potential to impact known and suspected cultural resources, and to what potential depth they might be encountered. There is an inherent error of +- 5-10 feet in the historic ground surface model. Next steps include completing the geomorphic sensitivity model to the Area of Direct Impacts, working with the design team to minimize impacts in areas of high sensitivity, and developing identification protocol for high sensitivity areas with potential impacts.

**Comments/Questions:**

- Craig Tucker (Karuk Tribe): How many acres of High Probability Areas are within the direct APE?
- Jay Rehor (AECOM): The analysis is still in progress.
- Roy Hall Jr. (Shasta Nation): Once you add sites to this model, you can't share it with this group. Those sites are confidential.
- Craig Tucker (Karuk Tribe): As discussed in a previous meeting, please address impacts to the Civil War Cemetery. According to the Water Board there is concern that tribes said two graves would need to be removed. We need to address this and advocate if needed.
- Perry Chocktoot (Klamath Tribes): I am very concerned that previous site forms and maps are being circulated. These are only to be used on a need-to-know basis. I want to bring this to both SHPOs' attention because the general public has these. These are for professional archaeologists and tribal representatives only.

**DOCUMENT PREPARATION AND SCHEDULE**

Mike Kelly (AECOM) presented the proposed Section 106 timeline and a table with dates that deliverables will be due (Slides 49 to 51). Suggested monthly meeting topics were also presented. November's meeting will include review of the Recreation and Restoration Plans, and introduction of the Phase II Study Plan.

*Document Schedule (the following dates are when the first Draft is due to KRRC)*

- Phase II Study Plan – January 2019
- PA – January 2019
- IDP – January 2019
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - March 2019
- Historic Properties Management Plan (HPMP) – May 2019
- Treatment of Human Remains (to be provided by Tribes) – June 2019

**Comments/Questions:**

- Alex Watts-Tobin (Karuk Tribe): I assume the Tribes will draft the PA so we can have input, rather than receive this from an agency?
- Mike Kelly (AECOM): The idea is to write as a collaborative effort as opposed to a redline review. We hope to get agreement, and this is why we need input on the Tribal Monitoring Plan and IDP. But the intention is to circulate the Draft PA amongst this group.
- Kathleen Forrest (CA SHPO): FERC's typical procedure of deferring to the HPMP isn't going to work. We won't accept their template for this project.
- Mike Kelly (AECOM): We're taking that into account; thank you for providing the example documents.
- Perry Chocktoot (Klamath Tribes): Has KRRC settled on a construction firm yet?
- Mark Bransom (KRRC): Not yet. The prime contractor will determine work performance, and then bid out 5% for other teams including tribal teams, and another 5% for local preference. The contractor assumes risk and delivery of work. KRRC will have other direct contracts with other opportunities for tribal contracts. In evaluating the RFP, we will ask bidders for additional details on how they will outreach procurement opportunities to tribal entities, and about past successes, etc.
- Perry Chocktoot (Klamath Tribes): The monitoring will have 100% tribal involvement.
- Mike Kelly (AECOM): The Phase II work needs to be scheduled as early as possible next spring. We need to focus on the IDP and Monitoring Plans.

**ACTION ITEMS**

- *Recreation Planning:* AECOM and KRRC will try to schedule American Whitewater representatives attending an upcoming CRWG meeting. The purpose would be to collaborate with proposed recreation planning so that cultural resources concerns can be taken into account.
- *Tribal IDPs/Monitoring Plan:* The Tribal Caucus will distribute examples of Inadvertent Discovery Plans and Monitoring Plans amongst the tribes and be prepared to discuss at the next Tribal Caucus.
- *Finalization of APE:*
  - Consulting Parties/CRWG will review and comment on revised October 2018 APE draft.
  - KRRC will send a formal consultation letter and hardcopies of the revised APE to CA SHPO.
  - AECOM will send a hardcopy of the revised APE to the Shasta Nation.
  - AECOM will provide maps within next 2 weeks; request review and comments by the next CRWG meeting.
- *Distribute PowerPoint:* AECOM will distribute the October PowerPoint presentation to the CRWG via email. AECOM will also send a hardcopy to the Shasta Nation.
- *Impacts Analysis:* The Civil War Cemetery is of concern and the CRWG needs to understand potential impacts.

The meeting ended at 4:00 pm.

## Meeting Minutes

Klamath River Renewal Project	
Subject	KRRC Cultural Resources Working Group (CRWG) Meeting
Date	November 29, 2018
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>

AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel  
BLM-Redding: Eric Ritter  
Karuk Tribe: Craig Tucker, Alex Watts-Tobin  
Klamath River Renewal Corporation (KRRC): Mark Bransom  
Quartz Valley Indian Reservation: Crystal Robinson  
Shasta Nation: Roy Hall Jr., Betty Hall  
Siletz Tribe: Robert Kentta  
USFS-Klamath NF: Jeanne Goetz, Jason Coats  
Yurok Tribe: Rosie Clayburn

*Guest Speakers:*

American Whitewater: Bill Cross  
CDM Smith: Chris Park, Terichael Office

*Via telephone:*

AECOM: Shannon Leonard  
BLM-Klamath Falls: Sarah Boyco, Heidi Anderson  
BLM-Redding: Bill Kuntz  
CA SHPO: Kathleen Forrest, Brendan Greenaway  
Klamath Tribes: Jan Jackson, Mandy Roberson  
OR SHPO: Jason Allen, Dennis Griffin  
PacifiCorp: Russ Howison  
Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmento

Prepared	February 14, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, this month's meeting was focused on discussion of the Recreation Plan and the Phase II Study Plan strategy.

**SCHEDULE AND MEETINGS**

After introductions, Brian Person, AECOM meeting facilitator, began by going over the proposed Section 106 timeline. In order to meet the compressed schedule, KRRC solicited CRWG opinions regarding continuing Tribal Caucus meetings and CRWG meetings in person. A CRWG meeting has not been set up for December due to inclement weather considerations and the holidays.

*Document Schedule (the following dates are when the first Draft is due to KRRC)*

- Phase II Study Plan – January 2019
- IDP – January 2019
- PA – February 2019
- Looting and Vandalism Prevention Plan (LVPP) – March 2019
- Cultural Resources Monitoring Plan (CRMP) - March 2019
- Historic Properties Management Plan (HPMP) – May 2019
- Treatment of Human Remains (to be provided by Tribes) – June 2019

**Comments/Questions:**

- Alex Watts-Tobin (Karuk Tribe): I'm in favor of continuing the Tribal Caucus groups given the schedule. We need to discuss these things in person.

**TRIBAL CAUCUS UPDATE**

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the Tribal Caucus meeting and summarized those discussions for the CRWG.

The Tribal Caucus discussed the Proposed Meeting Guidelines and specific items regarding the Inadvertent Discovery Plan (IDP) and Monitoring Plan. Ideas were presented on how to move these documents forward. The Tribal Caucus is requesting assistance from KRRC to help the CRWG share these documents amongst themselves.

**OCTOBER MEETING MINUTES AND ACTION ITEM REVIEW**

Mike Kelly, AECOM Principal Archaeologist, reviewed the October action items and asked if there were any corrections to last month's meeting notes. No corrections were requested.

A slide was presented showing the current status of action items. The items included:

- October presentation distribution – distributed November 1, 2018
- APE distribution – submitted November 15, 2018
- Recreation planning – included on current agenda
- Finalization of APE – no additional comments received
- Civil War Cemetery consideration – research is ongoing but indicates this far from the ADI and therefore not likely to be affected
- IDP and Monitoring Plans – plans are in preparation

**Comments/Questions:**

- Craig Tucker (Karuk Tribe): How far is the Civil War Cemetery from the APE?
- Elena Nilsson (AECOM): The Civil War Cemetery is in Parcel A lands (to be kept by PacifiCorp), and is 5 miles outside the ADI, below J.C. Boyle.
- Alex Watts-Tobin (Karuk Tribe): This is well above the 100-year floodplain, about 5 miles upstream, and I don't see impacts being an issue.

**RECREATION PLAN UPDATE**

Representatives from CDM Smith (Chris Park and Terichael Office) and American Whitewater (Bill Cross) joined the meeting to discuss the status of recreation planning and to solicit input from the CRWG regarding stewardship of cultural resources, especially if there are any at proposed new launches. Chris Park led the discussion and presented slides summarizing the current status of the Draft Recreation Plan (submitted to FERC in the *Definite Plan* as Appendix Q, June 2018). The loss of late summer boating on the Hell's Corner Reach and loss of recreation facilities at the three reservoirs are considered impacts. Maps were presented showing the proposed locations of eight proposed rafting access points: Keno, Highway 66 Crossing; Below J.C. Boyle; Across from Frain Ranch; Copco Valley; Fall Creek Boat Launch; Camp Creek; and Iron Gate Hatchery.

**Comments/Questions:**

- General comment: When will the Recreation Plan be completed, and will it be mailed out?
- Chris Park (CDM Smith): The Final Recreation Plan is planned for submission to FERC in early 2019.
- Craig Tucker (Karuk Tribe): Which access points are new?
- Betty Hall (Shasta Nation): Are these new maps? I request that they be mailed to me.
- Mandy Roberson (Klamath Tribes): Are the whitewater landings in or out of archaeological sites? Have you been working with the archaeologists in siting these?
- Mike Kelly (AECOM): Yes, these locations do avoid all known sites within the ADI. As the geoarchaeology analysis moves forward these locations will be further considered. The team is looking at larger areas to allow for flexibility.

*Keno Launch*

- Craig Tucker (Karuk Tribe): Is Keno outside the APE?
- Burr Neely (AECOM): Yes.
- Craig Tucker (Karuk Tribe): There is a kayak surf wave at Keno in the project area; shouldn't the recreation group be weighing in with the biological resources team?
- Robert Kennta (Siletz Tribe): Will there be a closure during winter?
- Chris Park (CDM Smith): Yes, but we want to move the gate close to the campground or keep it open year-round.
- Dennis Griffin (OR SHPO): Has this area ever been surveyed?
- Elena Nilsson (AECOM): My recollection is yes, in 2003-2004 by PacifiCorp, but we'll double check.
- Craig Tucker (Karuk Tribe): This is also an important bass fishing site.

*Highway 66 Launch*

No comments.

*Below J.C. Boyle Launch*

- Alex Watts-Tobin (Karuk Tribe): Are there plans to improve Topsy Grade? That is not a good road.
- Chris Park (CDM Smith): Road improvements are not currently part of the Recreation Plan. Some stakeholders don't want upgrades and some do.
- Eric Ritter (BLM – Redding): Topsy Grade is a historic road and there are archaeological values that would need to be considered if road improvements are planned.

*Frain Ranch Launch*

- Chris Park (CDM Smith): Hell's Corner begins at Frain Ranch. J.C. Boyle boat Ramp to Dam is extremely steep and challenging, with Class 4 whitewater.

- Alex Watts-Tobin (Karuk Tribe): Frain Ranch has been singled out as subject to cultural resources damage and looting and is a potential candidate for law enforcement so damage doesn't accrue. This needs to be considered if this site is developed.
- Chris Park (CDM Smith): What's being proposed has a limited footprint and includes access to the river, parking pads, and grading a new boat ramp and parking area. Oregon says vault toilets are needed. California has no interest in vault toilets, just the ramp.
- Alex Watts-Tobin (Karuk Tribe): That needs to be discussed with relevant Tribes with knowledge of the sacred sites in this area. A port-a-potty is preferred over a vault toilet.

*Copco Valley Launch*

- Eric Ritter (BLM – Redding): Whoever is going to own that land, aren't they going to want a say-so in how it's being used?
- Craig Tucker (Karuk Tribe): I think having a recreational facility will be enticement for whoever takes over as land manager.
- Robert Kennta (Siletz Tribe): Do you have an idea of how much sediment has accumulated here?
- Elena Nilsson (AECOM): We do have the data, and that analysis will be done. We know that deeper sediments (10-12 ft.) are closer to the original channel, with less sediment (2-3 ft.) at the shoreline/Copco Road.
- Robert Kennta (Siletz Tribe): It will be really silty, too. Makes me think it will require hauling a lot of rock to make the parking pads stable enough. How will feasibility factor into site selection? Unless the silt is going to be removed?
- Eric Ritter (BLM – Redding): Have you done historic research to see if these deep alluvial terraces would have been ranch land?
- Elena Nilsson (AECOM): Yes, we have looked at historic maps to determine locations of ranches and other features. At the meeting last month we went over how we will be doing additional screening for cultural resources with this data in the future.
- Chris Park (CDM Smith): Given uncertainties in the reservoir drawdown, we may need alternate sites as described in the Recreation Plan.
- Betty Hall (Shasta Nation): Wave action is going to be swift in some places. They tell me we don't have to worry about graves being washed away, but I don't know that they are considering our sacred burial sites.
- Brian Person (AECOM): How long until we know about feasibility and engineering for roads?
- Shannon Leonard (AECOM): When the contractor is on board, we will get the first design packages and preliminary engineering at the site.

*Fall Creek Launch*

- Crystal Robinson (Quartz Valley Indian Reservation): Could this launch be in an area of thermal refuge? I have biological concerns about habitat for salmon at Fall Creek.
- Alex Watts-Tobin (Karuk Tribe): This is close to the proposed Yreka Pipeline crossing.
- Eric Ritter (BLM – Redding): Is Fall Creek a potentially anadromous stream after dam removal? What would the effect be if so?
- Sami Jo Difuntorum (Shasta Indian Nation): There is a really high density of cultural resources in that entire stretch of river. Our preference is to stay away from these areas. Where we have a village, there is a high probability for burials.
- Crystal Robinson (Quartz Valley Indian Reservation): Creek mouths in general are a bad location for biological as well as cultural resource issues.
- Bill Cross (American Whitewater): We have some latitude to move if there is a problem with a specific spot.



*Camp Creek Launch*

- Craig Tucker (Karuk Tribe): This is a popular area for drift boats, too. Have you had a conversation with fishermen?
- Chris Park (CDM Smith): We've attempted to engage the angling community, but they are not as active as the whitewater community so far.
- Craig Tucker (Karuk Tribe): Does PacifiCorp have a contractual agreement to ensure access?
- Russ Howison (PacifiCorp): We're open to it but we're not committing at this time.
- Eric Ritter (BLM – Redding): Didn't PacifiCorp move the Stateline take-out?
- Russ Howison (PacifiCorp): Camping was moved, not the take-out. Currently this area gets little use since Access 6 is in use.

*Iron Gate Hatchery*

- Eric Ritter (BLM – Redding): Brush Creek has anadromous fish – is there tribal concern regarding fisheries?
- Crystal Robinson (Quartz Valley Indian Reservation): Upstream is better than downstream. Big springs should be avoided too (e.g., below J.C. Boyle).
- Craig Tucker (Karuk Tribe): Fishermen can stack up here. Has there been an evaluation of the biology of coldwater areas?
- Alex Watts-Tobin (Karuk Tribe): I suggest moving this upstream to the footprint of the dam.
- Janice Crowe (Shasta Indian Nation): We don't want any of these near our cultural sites. We recommend cultural sensitivity training as part of the permitting process.
- Craig Tucker (Karuk Tribe): Isn't there already ground disturbance at the dam or hatchery? Why not use the already paved parking lots for boats to minimize impact, versus creating a new impact somewhere else.
- Robert Kennta (Siletz Tribe): And avoid the coldwater refuge areas. If the houses here are going to be demolished, could that already-disturbed area be used for this development?
- Craig Tucker (Karuk Tribe): I get frustrated when we have to talk about "mitigation" in the Recreation Plan – we've created a gold mine. The Plan needs to point out the improved water quality and increased opportunities for guided fishing trips. This is great for recreation and commercial operations.
- Unidentified Telephone Participant (Bill Kuntz?): What about hiking trails?
- Chris Park (CDM Smith): We looked at some but ruled them out in the Draft Plan because of land ownership challenges.
- Unidentified Telephone Participant (Bill Kuntz?): Will the land at Jenny Creek connect to Siskiyou National Monument?
- Eric Ritter (BLM – Redding): It depends on who gets the land. There are lots of unknowns. BLM California might consider trails.

**PHASE II STUDY PLAN**

Burr Neely (AECOM) presented the outline for the upcoming Phase II Plan. The purpose of the research design is to guide summer 2019 archaeological field investigations and establish criteria for determinations of site eligibility. There are about 40 sites in the ADI.

**Comments/Questions:**

- Eric Ritter (BLM – Redding): There are about 40 sites in Parcel B lands, but hundreds on Parcel A that we can't get to—how are you going to take this into account?
- Elena Nilsson (AECOM): To explain: Parcel A lands include "ranch lands", some scattered at J.C. Boyle and upper Copco Lake, and these are not for transfer. Parcel B lands are the majority of the ADI; there is a potential for effect and these lands are subject to transfer to



KRRC and State agencies—it's the land under the reservoirs and dams. We have completed the record search and have a database for all sites in the reach to use when focusing down on the 40 within the ADI.

- Roy Hall, Jr. (Shasta Nation): What about current submerged sites?
- Burr Neely (AECOM): There will be a separate Plan to deal with the inundated sites. The Phase II Study Plan is for all the sites we can get to first. We know at this time it may not be feasible to look at all of a site, in some cases it might just be a sliver.
- Roy Hall, Jr. (Shasta Nation): Is this excavation?
- Burr Neely (AECOM): Yes, with tribal participation.
- Eric Ritter (BLM – Redding): I assume from past talks, that tribes assume prehistoric sites are eligible? What does SHPO think about that approach?
- Brendan Greenaway (CA SHPO): It depends on if the sites can be avoided. If so, it can be assumed that the site is eligible; otherwise we will want to see an evaluation.
- Dennis Griffin (OR SHPO): I concur. Avoidance is preferred, but we have to know how the site is being affected and what the direct impacts will be.
- Roy Hall, Jr. (Shasta Nation): Even if there is not a direct impact, there is increased risk for pot hunting.
- Robert Kennta (Siletz Tribe): We need to know an adequate boundary, too.
- Alex Watts-Tobin (Karuk Tribe): The Karuk Advisory Board does not support subsurface testing just to detect site boundaries and buffers.
- Rosie Clayburn (Yurok Tribe): The Yurok does not do subsurface testing either on our lands, and that has worked well for us.
- Robert Kennta (Siletz Tribe): What about place names and translations of those? E.g., plant gathering areas and other environmental considerations. Have these been considered?
- Burr Neely (AECOM): That is part of the context update that is needed. There are the 2004 PacifiCorp Ethnographic Reports. Should we use a redacted version to respect confidentiality? We are looking for your feedback for an appropriate approach given the sensitivity.
- Mike Kelly (AECOM): We plan to have details on sites in relation to the shoreline, with general descriptions in the report.
- Rosie Clayburn (Yurok Tribe): We're okay with that, but other Tribes may need chapters in different areas; maybe redact others for different Tribes. We will need to have a discussion using territorial maps.
- Mike Kelly (AECOM): We can meet with individual tribes to get your input.
- Elena Nilsson (AECOM): Maybe we can break it up into reservoir areas.
- Robert Kennta (Siletz Tribe): I have museum photos from back east- showing 18 feet below surface from the Klamath River area. I will try to find the references and get those to you.
- Eric Ritter (BLM – Redding): Do the SHPOs want informal review of some of these methods in the Phase II Study Plan?
- Brendan Greenaway (CA SHPO): We will wait to do a formal review.
- Alex Watts-Tobin (Karuk Tribe): I took the APE and ADI to the Karuk Advisory Board. They are happy with the ADI, and noted that the APE is an indirect impact. I asked if we could consider impacts a "net positive", i.e., it is just as good as a river versus a reservoir? The answer was no, not always. They want that noted.
- Rosie Clayburn (Yurok Tribe): There are many benefits: access to fishing goes up, we can go swimming, have ceremonial uses with less toxicity. We want it noted that we consider the project to have positive indirect impacts.

**CLOSING REMARKS**

- Craig Tucker (Karuk Tribe): I want to make sure we're getting fisherman access. I'm offering to help. Duck hunting maybe should be considered too as part of the Recreation Plan, not just commercial rafters. Can I get a list of people you talked to?
- Crystal Robinson (Quartz Valley Indian Reservation): I would like to see a biological overlay with the Recreation Plan. The plan needs to address flexibility until dams are removed. We won't know all areas until we can see it as a river.
- Craig Tucker (Karuk Tribe): I'm troubled by the informal letter-based agreements. There is no permanency, no legal obligations. The Recreation Plan should commit PacifiCorp to ensure public access.
- Eric Ritter (BLM – Redding): What about new rapids? Will there be tribal fishing areas?
- Craig Tucker (Karuk Tribe): Tribal fishing rights won't be discussed here.
- Janice Crowe (Shasta Indian Nation): We would like to go on the record stating that any Recreation Plan decisions will adversely affect cultural resources.

**ACTION ITEMS**

- *Tribal Caucus notes:* Brian to correct October notes and distribute to Tribal Caucus by December 3<sup>rd</sup>.
- *Facilitate document sharing.* KRRRC to assist with establishing a method of document sharing amongst the Tribal Caucus.
- *Set up in-person Tribal Caucus meetings for January and February.* AECOM to send out Doodle poll for location and day preferences.
- *Schedule individual discussions.* AECOM to contact Tribes for individual meetings to discuss the Phase II Plan and other deliverables.
- *Circulate Phase II Study Plan.* AECOM to send out first draft of the plan to the CRWG in January.
- *Recreation Planning:*
  - Provide biological overlay (e.g., thermal refugia, spawning areas, big springs). Consider upstream as better than downstream at stream crossings. Consider stream crossings and springs as generally bad locations due to cultural resources.
  - Provide list of what whitewater commercial outfitters were contacted. Ensure sample includes a variety of outfitters and anglers (and possibly duck hunters?).
  - Craig Tucker (Karuk Tribe) may like to collaborate with gathering angler input to ensure access for them and understand drift boat use.
  - Address comment on whether the plan can commit PacifiCorp legally to ensure public access.
  - Address feasibility of having cultural sensitivity training as part of the permitting process.
  - AECOM to verify survey coverage at Keno Dam.
  - Focus recreation developments on locations that have existing disturbances from dam/fisheries/residences.
  - Use of vault toilets should be approached with the Tribes. Port-a-potty may be better option.

- Any road improvements will also need to consider cultural resources.
- *Distribute PowerPoint:* AECOM will distribute the November PowerPoint presentation to the CRWG via email. AECOM will also send a hardcopy to the Shasta Nation.

The meeting ended at 4:00 pm.

## Meeting Minutes

Klamath River Renewal Project	
Subject	KRRC Cultural Resources Working Group (CRWG) Meeting
Date	February 19, 2019
Time	1:00-3:00 pm PST
Location	Teleconference
Attendees	AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel CA SHPO: Kathleen Forrest CDM Smith: Kate Stenberg OR SHPO: Tracy Schwartz PacifiCorp: Russ Howison Karuk Tribe: Craig Tucker Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Roy Hall Jr., Betty Hall Shasta Indian Nation: Janice Crowe, Sami Jo Difuntorum, James Sarmento
Prepared	April 8, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. Specifically, the telephone meeting was focused on providing an overview of the Draft Phase II Study Plan being distributed to the CRWG this month.

### SCHEDULE AND MEETINGS

After introductions, Mike Kelly (AECOM Principal Archaeologist) reviewed the proposed Section 106 timeline.

*Document Schedule (the following dates are when the first Draft is due to KRRC)*

- Phase II Study Plan – February 28, 2019 to CRWG; request comments from CRWG March 22, 2019; Final due in April
- IDP – to CRWG March 2019
- PA – to CRWG March 2019
- Cultural Resources Monitoring Plan (CRMP) – to CRWG March 2019
- Looting and Vandalism Prevention Plan (LVPP) – to CRWG May 2019
- Historic Properties Management Plan (HPMP) – to CRWG July 2019
- Treatment of Human Remains (to be provided by Tribes) – August 2019

### NOVEMBER MEETING MINUTES AND ACTION ITEM REVIEW

Brian Person (AECOM meeting facilitator), reviewed the November action items and asked if there were any corrections to the Tribal Caucus or CRWG meeting notes. For project updates: the SWRCB's Lower Klamath Project Draft EIR was published on December 27, 2018, inclusive of AB-52 Mitigation measures. Comments on the Draft EIR are due by February 26, 2019.

The Draft EIR is available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/water\\_quality\\_cert/lower\\_klamath\\_ferc14803\\_deir.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/lower_klamath_ferc14803_deir.html)

The current status of action items include:

- November presentation distribution – distributed December 6, 2018
- Distribution of Tribal Caucus notes –distributed December 3, 2018
- Facilitate document sharing – under investigation
- Set up January and February 2019 Tribal Caucus meetings – polls were circulated with no appropriate dates identified; set the current conference call
- IDP and Monitoring Plans – plan preparation is underway

**Comments/Questions:**

- Sami Jo Difuntorum (Shasta Indian Nation): I'd like to note there was no Tribal Caucus meeting today. Are the notes from the Tribal Caucus that AECOM sent out on December 3, 2018 and January 30, 2019 the same?
- Brian Person (AECOM): Yes.
- No corrections were requested.

**PHASE II STUDY PLAN: GENERAL RESEARCH METHODS**

Elena Nilsson (AECOM Principal Archaeologist) summarized the Phase II Study Plan that has been drafted and will be circulated to the CRWG by February 29. The General Research Methods were the focus of the conversation, specifically, how they were developed on a site-by-site basis for 49 archaeological sites on the PacifiCorp Parcel B lands. These sites are unevaluated and potentially eligible for the National Register of Historic Places. Two of the 49 sites lack data potential and are not included in the Phase II Study. Of the 47 sites with data potential, 8 are historic-period rock features or linear resources to be evaluated through research and 39 are precontact, historic-period and/or multiple component resources that are proposed for subsurface testing.

**Comments/Questions:**

- Kathleen Forrest (CA SHPO): There are two sites you are not testing; are you submitting them for concurrence?
- Elena Nilsson (AECOM): Yes.
- Roy Hall, Jr. (Shasta Nation): Did you do any comparison of burial sites in the drawdown area, and how they might be affected?
- Elena Nilsson (AECOM): We did not call out burials in the Phase II plan.
- Roy Hall, Jr. (Shasta Nation): So that's unknown.
- Elena Nilsson (AECOM): Yes, each site has a different "life"— different reservoirs will have different amounts of silt accumulation and deflation. Background studies give us some information, but you're right in that there will be different scenarios during the drawdown at different sites.
- Betty Hall (Shasta Nation): Sami Jo's write up mentions there could be cremations. Our people did not do that. Also, you mention determining eligibility for the NRHP. Often we say sites are eligible, but they never get listed. Why is that? There are lots of good sites up there that are eligible.
- Elena Nilsson (AECOM): To get a site listed, there is a nomination process, but often that nomination form never gets filled out. There are a few sites in the Stateline that have been listed by BLM.
- Mike Kelly (AECOM): Whether a site is listed or eligible, the protection status is the same.

- Craig Tucker (Karuk Tribe): The Karuk got a site listed in 2015--a ceremonial area outside Orleans.
- Betty Hall (Shasta Nation): The Karuk used our Treaty. At the Quartz Valley Reservation, Shasta and Karuk were both on the Reservation. My father had an assignment there, and I grew up there since I was 4 years old until I got married. My father would care for Karuk children. There was no comparison between our people and the Karuk that were there. There were protocols between the tribes that were understood.
- Craig Tucker (Karuk Tribe): I was just trying to be helpful and give an example, Ms. Hall.
- Mike Kelly (AECOM): Thank you for sharing your stories. We would like to hear more when we visit for individual tribal consultation.
- Betty Hall (Shasta Nation): Page 1,008 of the State Water Board Draft EIR. What's happening? This doesn't provide for investigation under Section 106?
- Elena Nilsson (AECOM): Their program didn't call for Section 106 compliance for sites. Ours is different.
- Mike Kelly (AECOM): The Shasta Nation would need to send comments on the EIR to the State Water Board.
- Betty Hall (Shasta Nation): You make it sound easy. We met with the State Water Board and discussed how sediment is going to flow down the river. But they didn't know how much. I'm apprehensive about wave action.
- Elena Nilsson (AECOM): This is a very unusual project because of the unknown reservoir actions. We will all be learning together and adjusting as we're out there. We can change and move forward with the CRWG, because this is not going to be a "standard" Phase II investigation.

## **GENERAL FIELD METHODS**

Elena Nilsson (AECOM) discussed proposed archival research proposed for 17 archaeological sites as well as general field methods that will be used on the currently exposed (not inundated) portions of sites on Parcel B lands that will have direct impacts from project activities. Hand excavation will occur at 39 sites. Water screening is proposed where there is heavy sedimentation because it gives better recovery. Excavations will be conducted following state guidelines. Surface reconnaissance and collection, subsurface excavation, treatment of human remains identified during testing, and field documentation were discussed.

- Surface reconnaissance (survey at 3-meter intervals) will occur at all 39 sites.
- Surface Reconnaissance Units (SRUs) (2-meter long segments; GPS and collect artifacts) will be placed in the reservoir drawdown zone at 6 sites.
- Surface Collection Units (SCUs) (2x2 meter blocks; GPS and collect artifacts) will be used in site areas less prone to erosion /water fluctuation at 19 sites.
- Subsurface Excavation will occur at 39 sites, including:
  - Shovel Probes (SPs) (30 cm diameter): 4 to 55 per site at 36 sites
  - Shovel Test Units (STUs) (50 x 50 cm): 8 to 55 per site at 36 sites
  - Excavation Units (EUs) (1x1 and 1x2 meters): 2 to 6 per site at 37 sites
  - Auger Bores (ABs) (15 cm diameter bucket) will be used at the base level of select STUs and EUs
- Total excavation volumes will be 5-6 cubic meters per site on average. Many sites are very large because of erosion.

If any human remains are encountered, work will stop near the location and the Inadvertent Discovery Plan (IDP) steps will be followed. Field documentation will include photographs and written records and notes. Artifacts will be placed in plastic bags and transported for processing to the AECOM laboratory in Chico, California. Curation protocols are to be determined in consultation with the CRWG. Specialized studies including radiocarbon dating, tephra (ash)

analysis, obsidian studies, geomorphology and sedimentology, and paleoethnobotanical analyses may be undertaken.

**Comments/Questions:**

- Roy Hall (Shasta Nation): You overlooked an important item. You need to identify which Tribe is going to respond to inadvertent discoveries. This is our area, not any splinter groups. You need to make a decision. All laws must be followed.
- Mike Kelly (AECOM): We recognize this is something that still needs to be worked out among the CRWG and procedures will be included in the IDP.
- Roy Hall (Shasta Nation): You're inviting as many parties as possible and that is not going to work. Don't invite any Tribes—being of Shasta blood but being recognized with Siletz for example—is borderline criminal. Think about what you're doing in relation to the Tribes and our relationships. We don't appreciate other Tribes making decisions for us.
- Elena Nilsson (AECOM): All of that will be important for the IDP.
- Roy Hall (Shasta Nation): Under CEQA?
- Elena Nilsson (AECOM): No, under the NHPA federal nexus. The State Water Board is CEQA.
- Sami Jo Difuntorum (Shasta Indian Nation): When you recover artifacts, will monitors be present? What is the decision for ultimate disposition; where will they go? I agree with Roy that not everybody should have input to what are Shasta artifacts.
- Elena Nilsson (AECOM): Yes to the tribal monitors. Regarding artifacts, that's where we need direction from the CRWG.
- Sami Jo Difuntorum (Shasta Indian Nation): You'll be having conversations with individual Tribes?
- Elena Nilsson (AECOM): Yes.

**INADVERTENT DISCOVERY PLAN**

Burr Neely (AECOM Cultural Resources Specialist) presented a few slides introducing the IDP, which provides basic protocols to follow in the event cultural resources or human remains are unexpectedly encountered. Protocol discussion topics include: the need for different protocols depending on the location and type of discovery; the designation of a Project Cultural Resource Specialist to ensure the IDP is appropriately implemented; protocols during drawdown activities where work stoppage may not be immediately possible; CRWG representative contact information to be included; and feedback regarding the notification process.

**Comments/Questions:**

Kathleen Forrest (CA SHPO): Have you engaged with the Native American Heritage Commission? Have you considered designating Most Likely Descendants (MLDs) in advance of the project?

Burr Neely (AECOM): No, we haven't engaged them yet.

Kathleen Forrest (CA SHPO): I recommend you engage them sooner rather than later.

Burr Neely (AECOM): Our intent is to do that well in advance of an inadvertent discovery.

James Sarmiento (Shasta Indian Nation): NAHP doesn't normally predesignate MLDs. You have to go through the process when there is an inadvertent discovery. You need to contact them to learn what the process is.

**SHPO MEETINGS**

The previous week, AECOM met with CA and OR SHPOs for a discussion on project status and planning for steps moving forward. No questions or comments were raised.

**ACTION ITEMS**

The meeting's follow-up action items are provided in the following table:

**Action Items Table for February 2019**

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
February 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	-
Facilitate document sharing	Look into ftp site or similar mechanism	-
April in-person Tribal Caucus/CRWG meeting and tour	Send out Doodlepoll and emails to CRWG	Respond to AECOM Doodlepoll re: location and day preferences
Phase II Study Plan	Distribute to CRWG by Feb. 28, 2019	Comments due back to KRRC/AECOM by March 22, 2019
Individual Tribal Consultation	Schedule meetings for March	Provide dates/times to AECOM
IDP and Monitoring Plans	Incorporate CRWG protocol into draft plans	Provide draft plans to AECOM

The call ended at 3:00 pm.



## Meeting Minutes

### Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting

Date	April 25, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>  AECOM: Mike Kelly, Burr Neely, Elena Nilsson, Brian Person, Sarah McDaniel BLM-Redding: Eric Ritter CA SHPO: Kathleen Forrest, Brendan Greenaway, Juli Polanco Karuk Tribe: Alex Watts-Tobin Klamath Tribes: Perry Chocktoot OR SHPO: Tracy Schwartz PacifiCorp: Russ Howison Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Roy Hall Jr., Betty Hall, Carl Hall, Dean McBroom, James Prevatt Shasta Indian Nation: Janice Crowe, Frank Crowe Siletz Tribe: Robert Kentta USFS-Klamath NF: Jeanne Goetz, Jason Coats Yurok Tribe: Rosie Clayburn  <i>Via telephone:</i> AECOM: Shannon Leonard, Kirk Ranzetta 2 unidentified
Prepared	June 4, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on discussion of the Monitoring and Inadvertent Discovery Plan.

### SITE VISIT SUMMARY

After introductions, Brian Person, AECOM meeting facilitator, began by going over the site tour that occurred the day before (April 24, 2019). The tour was well attended. Besides those present

for this CRWG meeting, attendees for the site tour included additional representatives from PacifiCorp, AECOM, KRRC, CDM Smith, River Design Group, Oregon SHPO, and the BLM Lakeview District. The site tour itinerary included stops at J.C. Boyle Dam; Iron Gate Dam, Hatchery, and Powerhouse; and Copco 1 and Copco 2 Dams and Powerhouses.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Yesterday brought back memories of seeing the removal of the Chiloquin Dam as it was falling apart. What came to my mind was the life expectancy of these dams. Looking at those antiquated dams yesterday—their time is done. These need to come down. There's rebar sticking out and these are just dinosaurs. This is my personal view.
- Roy Hall (Shasta Nation): I hauled in a new generator not long ago. These dams are in good shape, and we wouldn't be hauling in new equipment if they were in a state of decay. Let's leave that discussion to the engineers. That's my view.
- Alex Watts-Tobin (Karuk Tribe): The numbers are in from PacifiCorp: it will cost more money to relicense them for 50 years than to take them out now.
- Crystal Robinson (Quartz Valley Indian Reservation): I'm amazed at how deep the canyon is. The Dam at Copco 2 looks solid, like it could be there for 500 years...it was great to see it in person. It's going to be beautiful once it's a free-flowing river again.

**TRIBAL CAUCUS UPDATE**

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the meeting. The Tribal Caucus primarily discussed the Looting and Vandalism Prevention Plan (LVPP). The group decided that the role of the Tribal Caucus should continue, in addition to individual tribal consultation between KRRC and the Tribes.

**PROJECT UPDATE**

Mike Kelly (AECOM) provided a project update. KRRC just signed a contract with Kiewit Corporation as the selected contractor for dam removal. In his opinion, of the three bidders, Kiewit had the best approach for consideration of cultural resources. In the contract there is an opportunity for public outreach regarding dam deconstruction. Kiewit will be offering opportunities for local involvement. Kiewit was also the company that worked on the Oroville Dam most recently.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): I hope they will be responsible for working with the CRWG. We don't want them to trump our capabilities.
- Mike Kelly (AECOM): No, they will have to implement the plans we put together here.
- Roy Hall (Shasta Nation): Shouldn't our CRWG plans be done before Kiewit makes their plans? I'm concerned because our concerns aren't met yet. We have had no feedback on anything concrete, and I don't want them to get ahead.
- Mike Kelly (AECOM): We forwarded your concerns to the legal team. We will follow up with them and ask that they provide a response.
- Brian Person (AECOM): I'd like to point out that the design stage is a lengthy process and hasn't begun yet. If the decommissioning is approved, it would begin January 2021.
- Roy Hall (Shasta Nation): We have no assurance that you're taking our considerations seriously.
- Mike Kelly (AECOM): The permitting is still ongoing, and concerns regarding the removal process should be directed toward the California Water Board under the EIR process. In these meetings, we need to stay focused on cultural resources planning.

- Elena Nilsson (AECOM): Authorization of the project is contingent upon FERC approval.
- Roy Hall (Shasta Nation): Protection measures need to be in place prior to any removal.
- Mike Kelly (AECOM): The Programmatic Agreement (PA) will include protective measures decided upon by this group. This process will continue up to and through decommissioning.
- Roy Hall (Shasta Nation): I'm just concerned about the timeline and don't want to be put off. We're still waiting for a response from the KRRRC attorneys regarding our concerns.
- Mike Kelly (AECOM): I know a letter is being prepared. We will follow up on the status of the response with the KRRRC legal team.

### **SCHEDULE UPDATE**

*Document Schedule (the following dates are when the draft is due to the CRWG)*

- Phase II Study Plan – April 2019
- IDP – May 2019
- PA – May 2019
- Monitoring Plan - May 2019
- Looting and Vandalism Prevention Plan (LVPP) – June 2019
- Historic Properties Management Plan (HPMP) – November 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

### **PHASE II STUDY PLAN**

Mike Kelly (AECOM) provided an update on the Phase II Study Plan, which is going to be distributed next week to the CRWG. Ethnographic sections were redacted from the version to be circulated. Site location information was also redacted. The unredacted version will go the agencies. The expectation is that FERC will be engaged by the time the final draft is ready.

#### **Comments/Questions:**

- Tracy Schwartz (OR SHPO): The ACHP has been contacted; will they be engaged when FERC is? So, will there be more drafts after that?
- Mike Kelly (AECOM): Yes, once FERC is engaged we'll see more drafts.
- Juli Polanco (CA SHPO): This schedule is aggressive. We will need to see meaningful consultation--that's very important for the Tribes and the public. If that happens when FERC is involved, that's fine, but meaningful consultation is something our office takes very seriously. That's a general comment. If FERC engages in October 2019, what's the timeline you have in mind?
- Mike Kelly (AECOM): January 2021, or about 1 year for additional consultation.
- Julianne Polanco (CA SHPO): Because the client has such an aggressive schedule, it's very important that these documents you're preparing are advanced. That's critical to our timely review. Is there an overall schedule of CEQA/NEPA and this? That might be a question for KRRRC—but to have a schedule showing input opportunities for the public would be helpful.
- Mike Kelly (AECOM): We weren't heavily with the California Water Board DEIR process.
- Eric Ritter (BLM): At the end of January, the Hoopa Valley Tribe won a lawsuit...is that being brought into this discussion?
- Mike Kelly (AECOM): KRRRC is taking that into account.
- Perry Chocktoot (Klamath Tribes): At some point we want government-to-government consultation.

**MONITORING AND INADVERTENT DISCOVERY PLAN**

Burr Neely (AECOM) presented an overview of the draft Monitoring and Inadvertent Discovery Plan (MIDP), which has two main sections: a comprehensive discussion for monitoring protocols, and a section with steps to take in the event of a cultural resources or human remains discovery situation. For now, these documents are combined into one plan. The MIDP acknowledges the need for Tribal Representatives to be present throughout the decommissioning process. The first half of the MIDP has a draft language for roles and responsibilities, qualifications and training (including Tribal training programs for which CRWG input is needed), monitoring locations and how these will be delineated, and types of activities to be monitored. The second half of the MIDP is focused on discovery protocols (stop, secure, notify, support, document, proceed). Exceptions must be made for certain situations; for example, once started, the drawdown cannot be interrupted; safety concerns may also present a challenge. The MIDP needs feedback from CRWG members.

**Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): This needs to be a very comprehensive plan.
- Burr Neely (AECOM): The plan will be part of the Programmatic Agreement (PA) and Historic Properties Management Plan (HPMP). These are mitigation measures in the CEQA DEIR and will be part of the FERC process.
- Perry Chocktoot (Klamath Tribes): What about the Looting and Vandalism Prevention Plan (LVPP)? Will looters be prosecuted under state or federal law if this is a federal project?
- Juli Polanco (CA SHPO): It will depend on the landowner. Is most of the project on state land?
- Perry Chocktoot (Klamath Tribes): The state penalties are just a slap on the hand. If you keep this under the state, there's essentially no penalties for violators.
- James Prevatt (Shasta Nation): This is our aboriginal homeland. That takes precedence over anything else.
- Juli Polanco (CA SHPO): It would be good to have the attorneys review these documents. You don't want to have agreement documents with measures that don't align with the laws and regulations.
- Eric Ritter (BLM): What about including penalties for transporting cultural items across federal lands?
- Perry Chocktoot (Klamath Tribes): It would be better to get them for trespassing. There are greater penalties for that.
- James Prevatt (Shasta Nation): One case, where babies were taken from their graves, the people got some time because it was a federal case. But the state doesn't care. They think we're just dumb old Indians. We're not dumb--and just some of us are old!
- Perry Chocktoot (Klamath Tribes): We need an airtight law enforcement presence for a long, long period of time.
- Elena Nilsson (AECOM): Parcel B lands will be transferred to California or other entities during decommissioning, and then there may be a flip in ownership. This will have implications for any long-term provisions.
- Crystal Robinson (Quartz Valley Indian Reservation): Let's push for federal land ownership--like BIA, BLM—to ensure protections.
- Roy Hall (Shasta Nation): This is Indian Land. It always has been and always will be. No one else has the right to say how it should be. It's up to us. The original ownership is Tribal.
- Kathleen Forrest (CA SHPO): When will land ownership be determined?

- Elena Nilsson (AECOM): It's my understanding that the California Resources Agency is doing outreach for the California side. But it's contingent on the FERC license surrender decisions. There may be some flexibility.
- Eric Ritter (BLM): Any future federal land ownership would involve Congress and would be a very complicated process.
- Russ Howison (PacifiCorp): The land transfer will be active when the surrender order is active. That's when PacifiCorp hands over the keys, the land is transferred and KRRC begins deconstruction.
- Tracy Schwartz (OR SHPO): What about in Oregon?
- Elena Nilsson (AECOM): That would be the Department of State Lands.
- Crystal Robinson (Quartz Valley Indian Reservation): How can we advocate regarding the transfer of lands?
- Elena Nilsson (AECOM): The California Natural Resources Agency—we have the name of the person doing the outreach, Brady Moss. We'll get that contact information out to the group.
- Perry Chocktoot (Klamath Tribes): Your PowerPoint slide 11 says KRRC is the "project proponent and FERC Section 106 delegate." FERC cannot delegate their Section 106 responsibility.
- Mike Kelly (AECOM): That is meant to refer to a temporary situation between PacifiCorp/KRRC until FERC gets involved.
- Juli Polanco (CA SHPO): Perhaps clarifying the slide would be helpful.
- Roy Hall (Shasta Nation): Regarding Tribal monitoring, would the Tribes be paid the prevailing wage? Under a contract?
- Burr Neely (AECOM): There would be a payment mechanism in place.
- Eric Ritter (BLM): There is a need for monitors for historic resources as well.
- Perry Chocktoot (Klamath Tribes): The Klamath Tribes provides monitors to work on both pre-contact and historic sites, as well as SOI-qualified anthropologists. Regarding the Cultural Resources Monitoring Plan, the on-site monitors will need to keep daily, weekly/monthly logs, have daily tailgate meetings, and wear PPE. These are just some of the provisions that need to be in the MIDP.
- Crystal Robinson (Quartz Valley Indian Reservation): Are you going to have training in order to take someone who doesn't know how to monitor, to being able to monitor? Quartz Valley doesn't have many people already qualified to do this.
- Perry Chocktoot (Klamath Tribes): We give 40-hour training and a test before issuing a certification for someone to be a cultural resources monitor. We do that with our own Tribes, but it's open to everyone.
- Rosie Clayburn (Yurok Tribe): We do training for our monitors too. To be a Yurok monitor, a person must be certified by the Yurok Tribe. Maybe we could do a collective training. This would be a good topic for the next Tribal Caucus.
- Alex Watts-Tobin (Karuk Tribe): We also do our own training, and we have some members who identify as Shasta.
- James Prevatt (Shasta Nation): The duration of long-term monitoring has to be forever. With constant ongoing training. Not just for a few years. Any bodies that are found need to be kept right there and not moved. There will be no desecration of graves. If they find one, leave it alone! This is our tradition, our religion, our life—past and future.
- Eric Ritter (BLM): It would be helpful to include scenarios in the IDP—for example, if I'm working in area x, what's the plan?
- Perry Chocktoot (Klamath Tribes): We'll need to do contractor awareness training for Kiewit. A "zero tolerance policy" is needed. If they're found outside their construction zone, that's

grounds for termination. Their workers must be sensitive—no negativity towards the monitors, no racial harassment like calling us “chief” or making “war cries” or calling us “Indian givers.”

- Eric Ritter (BLM): The MIDP needs to consider items of cultural patrimony too. Need to draw out NAGPRA with some detail.
- Tracy Schwartz (OR SHPO): In Oregon, we have strict guidelines on who can and can’t do surveys. Also, our permitting process needs to be built into the MIDP.
- Burr Neely (AECOM): We are also considering some scenarios where “stop work” can be done. Dewatering is the most challenging scenario. As we learned on our field trip yesterday, there will be a 4 to 6-week period where we won’t be able to get down because of safety concerns when the “pudding-like” sediment is released and settles as the water recedes. But, this could also protect any sites that might be submerged.
- Elena Nilsson (AECOM): We are beginning a submerged resource report through a GIS exercise. Monitors would have access to this information during the drawdown—it will show what resource is where, and potentially how deep, based on historic maps and geoarchaeological information.
- Perry Chocktoot (Klamath Tribes): This is going to be the largest dam removal in US history! We’re going to have to learn as we go. Don’t rule out any type of monitoring--air, ground. But safety should always be first! We don’t want anyone to slip on the slime and slide 30 feet into a deep hole for example. Maybe look to the Everglades region as an example of how to treat safety in this sort of environment?

## SHASTA NATION PRESENTATION

Betty Hall gave a presentation on the history and lineage of the Shasta Nation, including use areas and villages. Ms. Hall shared her family history that includes Chief Ike, some genealogy of the Shasta Nation, and historical research she has conducted. She stated that her father started the Quartz Valley Indian Reservation, and that there were Indian allotments at Hamburg, California. She shared posters she has assembled that illustrate ancestors, treaties including Treaty Q, a schedule of Indian Land Cessations, and a map of ceded areas. She spoke of the genocide that happened after the treaty.

## ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
April 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	April 29, 2019
KRRC Attorney Response to Shasta Nation	Check in to see when KRRC attorneys intend to respond to Shasta Nation letter	Letter in progress; to be delivered prior to June CRWG meeting
Schedule June meeting	Send out Doodle poll and emails to CRWG	Respond to AECOM Doodle poll re: location and day preferences
Monitoring/Inadvertent Discovery Plan	Distribute to CRWG by May 17, 2019	Comments due back to KRRC/AECOM by June 3, 2019
Individual Tribal Consultation (Phase II Plan, IDP)	Schedule meetings for June	Provide dates/times to AECOM
Provide acronym list	Provide list with terms commonly used in the documents and meetings	To be prepared for June CRWG meeting

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
KRRC Attorney consultation	Ask KRRC legal dept. what LVPP jurisdiction can be. Agreement documents must align with cultural resource laws	June 12, 2019
Land transfer plan	Brady Moss is the appropriate CA contact regarding land transfer process and how CRWG members can provide input	
Provide timeline	Need to obtain timelines and overall schedule for public input opportunities (CEQA/NEPA, etc.)	
Define Tribal training certifications		Provide draft language regarding individual Tribal training/approval requirements for a monitor to AECOM

The meeting ended at 4:00 pm.



Lower Klamath Project Area Tour Attendees – April 24, 2019

Name	Organization	Contact No.	Email
Russ Howison	Pacificorp	503-913-3634	russ.howison@pacificorp.com
Mike Kelly	AECOM	503-475-2426	mike.s.kelly@aecom.com
Elena Nilsson	AECOM	530-521-9935	elena.nilsson@aecom.com
Burr Neely	AECOM	907-978-9684	burr.neely@aecom.com
Kirk Ranzetta	AECOM	503-853-6354	kirk.ranzetta@aecom.com
Shoshana Jones	AECOM	503-243-3107	shoshana.jones@aecom.com
Sarah McDaniel	AECOM	360-624-4285	sarah.mcdaniel@aecom.com
Brian Person	AECOM/Facilitation	208-386-5000	brian.person@aecom.com
Dave Meurer	KRRC	530-941-3155	dave@klamathrenewal.org
Wendy George	KRRC Board		wendy@klamathrenewal.org
Scott Wright	River Design Group	541-738-2920	swright@riverdesigngroup.net
Kate Stenberg	CDM Smith	425-495-5095	stenbergkj@cdmsmith.com
Julianne Polanco	CA SHPO	916-445-7000	julianne.polanco@parks.ca.gov
Kathleen Forrest	CA SHPO	916 445-7022	kathleen.forrest@parks.ca.gov
Brendan Greenaway	CA SHPO	916-445-7036	brendon.greenaway@parks.ca.gov
Christine Curran	OR SHPO	503-986-0684	christine.curran@oregon.gov
Tracy Schwartz	OR SHPO	503-986-0677	tracy.schwartz@oregon.gov
Jason Coats	USFS	530-905-3717	jacoats@fs.fed.us
Don Holstrom	BLM	541-974-5851	dholmstr@blm.gov
Perry Chocktoot	Klamath Tribe	541-783-2764 x 107	perry.chocktoot@klamathtribes.com
Sami Jo Difuntorum	Shasta Indian Nation	530-643-2463	samijodif@yahoo.com
Janice Crow	Shasta Indian Nation	530-244-2742	twocrowes63@att.net
Frank Crowe	Shasta Indian Nation	530-244-2742	twocrowes63@att.net
James Sarmento	Shasta Indian Nation		jd.sarmiento@gmail.com
Betty Hall	Shasta Nation	530-468-2314	shastanation@hotmail.com
Roy Hall	Shasta Nation	530-468-2314	shastanation@hotmail.com
Jim Prevatt	Shasta Nation	530-468-2314	shastanation@hotmail.com
Alex Watts-Tobin	Karuk Tribe	530-627-3446 x 3015	atobin@karuk.us
Vikki Preston	Karuk Tribe	530-627-3446	
Craig Tucker	Karuk Tribe	916-207-8294	craig@suitsandsigns.com
Rosie Clayburn	Yurok Tribe	707-482-1350 x 1309	rclayburn@yuroktribe.nsn.us
Crystal Robinson	Quartz Valley	530-468-5907 x 318	crystal.robinson@qvtr-nsn.gov
Rachel Sundberg	Trinidad Rancheria	707-677-0211	rsundberg@trinidadrancheria.com



## Tour Itinerary

Start	End	Elapsed	Location/Activity
6:00	6:15	0:15	Meet at Yreka Holiday Inn Express; depart for Ashland
7:00	7:15	0:15	Alternate Meet at Ashland Hills Hotel parking lot, Ashland
7:15	8:15	1:00	Drive to J.C. Boyle Dam via Ashland, St. Hwy 66
8:15	9:00	0:45	Tour J.C. Boyle Dam
9:00	9:15	0:15	Drive to J.C. Boyle Powerhouse
9:15	10:00	0:45	Tour J.C. Boyle Powerhouse
10:00	11:15	1:15	Return to Ashland
11:15	12:15	1:00	Drive Ashland-Iron Gate Dam/Hatchery
12:15	1:00	0:45	Meet CA participants/Lunch at Iron Gate Hatchery
1:00	1:30	0:30	Drive Iron Gate-Copco 1
1:30	2:15	0:45	Tour Copco 1 dam, powerhouse and Copco 2 dam
2:15	2:30	0:15	Drive to Copco 2 Village
2:30	3:00	0:30	Tour Copco 2 Powerhouse
3:00	3:20	0:20	Drive Copco 2 Village to Iron Gate
3:20	4:00	0:40	Tour Iron Gate Powerhouse
4:00	5:30	1:30	Return to Yreka/Ashland

## Meeting Minutes

	Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting
Date	June 12, 2019
Time	1:00-3:30 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>  AECOM: Mike Kelly, Elena Nilsson, Brian Person, Stephanie Butler BLM-Redding: Eric Ritter Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Roy Hall Jr., Betty Hall, Don Boat Shasta Indian Nation: Janice Crowe Yurok Tribe: Rosie Clayburn CDM Smith: Kate Stenberg, Chris Park, Terichael Office  <i>Via telephone:</i> AECOM: Burr Neely, Shannon Leonard Klamath Tribes: Perry Chocktoot OR SHPO: Dennis Griffin PacifiCorp: Russ Howison
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on discussion of the Recreation Plan. The status of the Phase II Study Plan and the Monitoring and Inadvertent Discovery Plan were also briefly discussed.

### TRIBAL CAUCUS SUMMARY

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated the meeting, and five tribal members attended. The Tribal Caucus discussed the Recreation Plan and areas of common concern among the Tribes. It was strongly suggested that there should be a permitting process for whitewater rafting that would limit the whitewater traffic and provide less disruption of tribal resources on the river. An education component should also be part of the permitting process. The group also discussed the Phase II monitoring and how the Tribes and KRRC are going to fulfill their requirements. Individual discussions with the Tribes will continue in regards to the monitoring.

**PROJECT UPDATE**

Shannon Leonard and Mike Kelly (AECOM) provided a project update. Ongoing biological and cultural surveys will hopefully occur later this summer. For regulatory processes, the draft CEQA document has been released, and the State Board is in the process of revising the document. A final CEQA document will likely be released by the end of this year or early next year. A submittal to FERC is due at the end of July that will provide additional project costs and risks. A USACE 404 permit application has been submitted, and KRRC will provide additional information to the Corps about the field surveys this summer, as well as the project design. A draft Biological Assessment has been shared with USFWS and NMFS. A MOU has been executed with Klamath County, and a similar document will be prepared with Siskiyou County.

KRRC has hired Kiewit, and they are working with Knight Piesold as the prime engineer and with RES as the restoration designer. They are moving towards a 60 percent design by the end of the year.

Prior to drawdown, they are several project components that need to be completed, such as road improvement and bridge upgrades; pipeline replacement in the City of Yreka; hatchery modifications; and downstream flood control improvements. After drawdown, the dams can be removed, and habitat and recreation can be restored.

The Phase II Study Plan was submitted to the CRWG on May 3, and comments have been received from OR SHPO and CA SHPO. The final draft will be finalized by the end of July. The Monitoring and Inadvertent Discovery Plan is being reviewed by KRRC and AECOM, and will likely be submitted by the end of June for review. The Programmatic Agreement and the Looting and Vandalism Plan will be submitted to the CRWG in August. Draft HPMP and Human Remains Treatment Plans will be circulated in November.

**Comments/Questions:**

- Eric Ritter (BLM): How does Kiewit's design relate to the removal process that is in the definite plan and how does it fit into the FERC license relinquishment?
- Shannon Leonard (AECOM): KRRC hired Kiewit as the design-build contractor, and Kiewit will take the information from the definite plan and prepare the engineering and construction designs in order to execute the project. FERC would likely not require final design in order to assess impacts of the project; the 60 percent design will likely be used to support their approvals. FERC is also interested in the cost of the project because KRRC has a limited amount of funding.
- Eric Ritter (BLM): Has Siskiyou County approved the project where they are willing to go forward with a MOU? And, what happens if the County does not agree to the project?
- Shannon Leonard (AECOM): No, the County has not entered into a MOU yet. FERC has the authority to supersede local authority. This route is not preferred, which is why the project proponent is trying to execute a MOU.
- Eric Ritter (BLM): Is the Phase II Study Plan specifically for PacifiCorp sites?
- Mike Kelly (AECOM): Yes, those are the only sites that KRRC has access to.
- Elena Nilsson (AECOM): The Plan covers the sites in the area of direct impact (ADI) where there may be ground disturbance and affects to those sites. The other sites are outside the ADI. Direct impacts will occur to sites within the reservoir pool, with the exception of Fall Creek Hatchery.

- Eric Ritter (BLM): Historic homes may be affected that no longer have a lakeshore.
- Elena Nilsson (AECOM): If it is an archaeological site that has been recorded, touches the ADI, and is on PacifiCorp land, it is covered in the Phase II Plan. Access has not been granted outside of PacifiCorp parcels. Phase II work on private lands is not permitted at this time.
- Mike Kelly (AECOM): The Built Environment Team will be assessing structures for visual or indirect impacts where access is not required (reconnaissance level inventory of historic structures).
- Eric Ritter (BLM): There will be impacts to sites other than those on PacifiCorp lands.
- Betty Hall (Shasta Nation): What about the sites below the dams?
- Mike Kelly (AECOM): Those sites will be part of a subsequent analysis and part of the mitigation phase of the project. Currently, sites associated with the reservoirs will be evaluated for impacts. KRRC is starting to contact landowners to gain access to private lands downstream.
- Eric Ritter (BLM): Is the Klamath River considered navigable?
- Kate Stenberg (CDM Smith): They are a lot of agencies with different areas of jurisdiction. The CA FWS regulates up to the riparian zone, and they have jurisdiction. The CA State Lands Commission is not involved (not occupying the riverbed and not sovereign waters). The Corps is involved because they are looking where fill will be placed in the mainstem river and tributaries. Up to RM 38, the Klamath River is traditionally Navigable.

## **RECREATION PLAN UPDATE**

Chris Park (CDM Smith) provided an update on the recreation plan. A draft recreational plan was released with broad conceptual plans of where potential recreation sites might be located. Since the draft recreation plan was completed, a larger amount of detail has been included in the plan to better inform decision makers and the public about what KRRC is proposing to do and how the recreation sites will affect scenic quality. The revised draft also includes information on the existing scenic quality along the river, as well as details about where the recreation sites will be located and their preliminary conceptual designs.

Whitewater users are concerned about their commercial access to the river. As a result, KRRC is implementing a flow study to evaluate what stretches will be useful during expected average flows after dam removal. KRRC is trying to design the recreational sites for rafters, the fishing community, and passive recreationalists. Both commercial rafters and Tribes are concerned about what sections of the river will be useable and what times of the year.

Eight river access sites are proposed. They have already been refined and shifted based on feedback that has been received from the stakeholders, as well as known cultural and biological sensitivity. The sites are a work in progress, and some of the sites already need to be shifted slightly due to cultural concerns.

Site1 Keno Dam: It is the furthest upstream site, and following dam removal, will be owned and managed by the Bureau of Reclamation. Due to interest of this site by recreational users, KRRC has developed conceptual designs for the site but KRRC will not implement as part of the Recreation Plan. Due to biological and cultural concerns, Alternative A is most feasible.

Site 2 Highway 66 Bridge Crossing in OR: Recreational users at Keno could get out at this location, and this section of the river is expected to transition to a gradual gradient for the next mile or so. Recreational use may include canoeing, flatwater boaters, and fishing users.

Site 3 Moonshine Falls: This site is immediately downstream of the existing JC Boyle site. It is a put in location for water users that would like to access the bypassed reach of the Klamath River. It will be advanced whitewater (Class IV and V rapids). The site is on a fairly steep slope, and a trail is proposed down to the river, as well as a slide and lynch system to lower the boats into the river.

Site 4 Turtle Camp: This site has already shifted based on feedback from the last recreation webinar. It has shifted upstream to an existing BLM dispersed camping site. Due to cultural concerns, the conceptual design will need to be revised to avoid a resource of concern.

Site 5 Copco Valley: Within a proposed restoration area, so there is not a lot of flexibility in the layout until that reservoir restoration is underway. There will be a new parking and an access trail down to the river.

Site 6 Copco No. 2 Powerhouse: There are two alternatives or layouts for the proposed site, and part of the decision on the layout will be dependent on what happens to the Copco No. 2 Powerhouse (The building itself may not be demolished.). The two alternatives are currently upstream of the existing Fall Creek Day Use Area in highly disturbed areas. Revegetation would occur to better control the number of people on site, and a ramp would be developed down to the river's edge.

Site 7 Camp Creek: Access is from Copco Road, and it is proposed within the existing reservoir footprint, so there is some uncertainty to the exact layout of the site. It is not being proposed for commercial use and will be used for fishing access and passive recreation use with access down to river.

Site 8 Iron Gate Hatchery: The site is downstream of the existing hatchery. The site has been shifted upstream since the last meeting due to a request to move it from the bridge crossing and a spawning area at the confluence.

#### Next Steps of the Recreation Plan:

The final recreation plan is underdevelopment, and the sites are being refined. Comments on the plan are requested by June 28. Another webinar is planned for late August in regards to the revised conceptual designs.

#### Comments/Questions:

- Betty Hall (Shasta Nation) expressed concern in regards to the flow of the river and the usability of the river.
- Perry Chocktoot (Klamath Tribes): There is more to recreation than rafting the canyon, and part of the problem will be due to hiking, camping, and fishing and potential looting of cultural sites. Once the dams are removed and the recreational areas are identified, it will be really important to "police" the canyon. Looting is currently still going on today, and the new camping sites and access roads post-dam removal will cater to the looters.
- Mike Kelly (AECOM): The Looting and Vandalism Protection Plan is one of the near future deliverables that KRRC will work on to prepare, in collaboration with CRWG.
- Chris Park (CDM Smith) would like to reference the Looting and Vandalism Plan in the Recreation Plan. Because of the looting concern, KRRC is proposing that the 8 proposed

recreational sites are day-use areas. No new camping sites are being proposed. Although, it is recognized that this does not fully resolve concern in regards to looting and vandalism.

- Eric Ritter (BLM): Has BLM agreed to the Turtle Camp Recreation Site as it will increase maintenance costs?
- Chris Park (CDM Smith): No, BLM has not agreed to this site yet.
- Roy Hall (Shasta Nation): Are there any identified cultural areas within the proposed Copco Valley recreation site?
- Elena Nilsson (AECOM): It is anticipated that remnants of the Ward Bridge across the historic river corridor. There are also some ranch lands encompassed in this area, but there are no structures or buildings depicted on the historic maps. When the reservoir waters come down, there may be cultural features that are exposed. Currently, there is no known site in the area.
- Crystal Robinson (Quartz Valley Indian Reservation): The development of the proposed recreational sites is to mitigate for the loss of recreation through the removal of the reservoirs. How did you choose the number of sites? I think fewer sites are better, but what is needed to fully mitigate the loss of the reservoir recreation sites?
- Chris Park (CDM Smith): The mitigation was identified in the 2012 EIS/EIR. The goal is to identify a recreation site both upstream and downstream ends of each of the four reservoirs. During meetings, the whitewater groups requested 20 sites. Since the request, KRRC has worked with these groups to identify which sites are the most important to them, as KRRC does not have the funding to develop their initial request and there are significant concerns with many of their sites.
- Perry Chocktoot (Klamath Tribes): Regarding Site 6 Copco No. 2 Powerhouse, hopefully the fish passage will not be disturbed.
- Chris Park (CDM Smith): That is our understanding of the requirements. The only uncertainty is to the powerhouse structure upslope from the river.
- Eric Ritter (BLM): How would the hydrology change in terms of the eddy at the Iron Gate Hatchery site?
- Chris Park (CDM Smith): There is some question about how sediment might accumulate in the upper portion of the eddy following dam removal, but there are steps that the project can take in its configuration, such as rock barriers, to protect the eddy. It will still be an eddy, but the footprint may be reduced to some extent.
- Eric Ritter (BLM): The plan does not discuss recreational trails or interpretative signage. Who is doing this analysis?
- Chris Park (CDM Smith): We are not proposing any new trail systems along the river due to the number of landowners that control different sections of the river, and the KRRC was not equipped to implement in terms of a trail system. The final plan does discuss the amenities at each of the eight site, as well as the interpretative signage.
- Eric Ritter (BLM): Are any of these interpretative signs going to include input from the Tribes and other community groups?
- Chris Park (CDM Smith): The interpretative signs are not being developed now so interest from the Tribes and other groups would be excellent for the final Recreation Plan.
- Crystal Robinson (Quartz Valley Indian Reservation): Are any of the eight sites not a threat to cultural or biological resources, already have ground disturbance, and are ideal for the boaters? Those are the sites that could be supported, and do any of these three factors line up at any of the eight sites?
- Chris Park (CDM Smith): We have tried to identify sites that serve the recreation stakeholders interests while addressing any biological and cultural concerns. The biological concerns are easier to avoid than the cultural concerns.
- Perry Chocktoot (Klamath Tribes): As the outreach continues, we will want to make sure the Recreation Plan mentions another plan that will protect cultural sites.

**CULTURAL RESOURCES PLAN UPDATE AND SECTION 106 OUTREACH**

Mike Kelly (AECOM) provided an update on the Phase II Study Plan and Inadvertent Discovery Plan (IDP). The Phase II Study Plan was provided to the CRWG on May 3, 2019. Comments have been received by the Oregon and California SHPOs. The comment period has been extended to June 19, 2019, and the comments will be distributed after June 19. Fieldwork is anticipated Fall 2019.

The Monitoring and Inadvertent Discovery Plan is currently under review by KRRC and AECOM Project Management. The CRWG should receive a draft by June 28, 2019.

KRRC is currently preparing letters for distribution to local jurisdictions, historical societies, counties, and other potentially interested parties under the Section 106 outreach. Information on historic roads and trails may be collected from the historical societies to enhance the data collection effort.

**Comments/Questions:**

- Roy Hall (Shasta Nation): The project is putting issues out to all the Tribes, but it is not necessary.
- Mike Kelly (AECOM): It is a requirement of Section 106 to consult with all of the Tribes who are federally recognized up and down the river. Lists of the Tribes that should be consulted have been provided by FERC, the Native American Heritage Commission, and LCIS to KRRC/AECOM.
- Elena Nilsson (AECOM): When we initially sent out letters about the project, we sent letters to the Native American Heritage Commission and the Oregon Legislative Commission of Indian Services asking them if they could provide a list of Tribes that was appropriate for the area. A list was provided by these agencies of the appropriate Tribes to contact. The Tribes that responded back with interest in the Project are part of the CRWG. FERC separately contacted Tribes to discuss their thoughts on the process, but not the cultural component yet. They have had meetings with the federally recognized Tribes about a year and half ago. These meetings were not under Section 106; FERC has not initiated Section 106 consultation yet. KRRC and PacifiCorp have been asked by FERC to be the federal representative for Section 106. The project proponent cannot be in direct communication with FERC in regards to the CRWG.
- Mike Kelly (AECOM): KRRC/PacifiCorp is not in the position to decide which Tribes to consult with. The list of Tribes is provided to the project proponent, and we are asked to reach out to those specific Tribes.
- Crystal Robinson (Quartz Valley Indian Reservation): How different are the monitoring plans from the different Tribes?
- Mike Kelly (AECOM): Not very different. The documents are pretty standard.
- Crystal Robinson (Quartz Valley Indian Reservation): Then it becomes a question of which Tribes to contact?
- Mike Kelly (AECOM): Yes, that will be in part resolved when we come to a consensus as to who will be monitoring where. Protocols still need to be determined for inadvertent discoveries. We do not intend to exclude any Tribes from the monitoring.
- Crystal Robinson (Quartz Valley Indian Reservation): Does the State have a map that shows who to contact in the event of an inadvertent discovery?
- Mike Kelly (AECOM): They primarily use the map in the Handbook of North American Indians (vol. 8).



- Brian Person (AECOM): During the tribal caucus, monitoring of the Phase II investigations was discussed. The Klamath Tribes position is that their ancestors were indigenous to entire river corridor. And, it is understood that the Shasta disputes that. The Shasta Nation and the Shasta Indian Nation have asserted that Copco and below is the area of their ancestry and where their rights need to be protected. More than one Tribe will likely be represented during the monitoring. Specifics of the monitoring will need to be resolved.
- Crystal Robinson (Quartz Valley Indian Reservation): Is there a framework that can be used for the monitoring and inadvertent discoveries (i.e., State process, map)?
- Mike Kelly (AECOM): During a meeting with the Heritage Commission, guidance was specifically requested on inadvertent discovery protocols; however, none was provided.
- Betty Hall (Shasta Nation): Each Tribe should provide monitors and conduct monitoring on their own territory.
- Roy Hall (Shasta Nation): This may take a few years to clear up in court.
- Eric Ritter (BLM): In this process, who is the ultimate decision maker?
- Mike Kelly (AECOM): At this point, the ultimate decision maker in this process is KRRC and PacifiCorp, until FERC engages.
- Roy Hall (Shasta Nation): All inclusive monitoring will not be an acceptable alternative. Documents and tribal elders provide evidence that Shasta can document the river.
- Mike Kelly (AECOM): The Heritage Commission noted that they typically defer to established tribal territories in human remains discovery situations. The Handbook includes Shasta Nation and Shasta Indian Nation territory, including the project area.
- Roy Hall (Shasta Nation): The Shasta Nation can submit another packet of documents that establishes the Shastas on the Klamath River up to Lake Ewauna.
- Brian Person (AECOM): At this stage in the process, there are two Tribes that the project has obligations to. The best solution is to accommodate both Tribes by not excluding the other.
- Eric Ritter (BLM): The anthropology is pretty clear that this is Shasta territory, and there was interaction between different groups, including Klamath Tribes, up and down the river.
- Roy Hall (Shasta Nation): According to the constitution, Native American lands can only be taken by treaty. Our land was never taken by treaty; we never signed a treaty and have unextinguished land title to our lands. We are sovereign.
- Mike Kelly (AECOM): We intend to continue to not differentiate between federally recognized and non-federally recognized tribes.
- Crystal Robinson (Quartz Valley Indian Reservation): Quartz Valley recognizes Shasta territory along the river, and being that there are three separate sovereign nations for Shasta, all three share similar ideas on ancestral lands.
- Eric Ritter (BLM): For the Recreation Plan, will comments be taken into consideration and incorporated in the final Plan?
- Mike Kelly (AECOM): We will share any concerns so that they can be incorporated into the Plan.
- Eric Ritter (BLM): In terms of territories and language groups, *California Indian Languages* by Victor Golla is recommended. The book describes changes in territory from a linguist prospective.

## ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
June 2019 presentation distribution	Circulate presentation and maps (including hardcopy to Shasta Nation)	June 17, 2019



Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Distribute Section 106 Deliverable Schedule	Circulate deliverable schedule table to CRWG	July 2019
Monitoring/Inadvertent Discovery Plan	Distribute Plan to CRWG by June 28, 2019	Comments due back TBD
Phase II Study Plan	Comments will be distributed after June 19, 2019.	Comments due back on June 19, 2019.
Recreation Plan	Maps of the site locations will be distributed to the CRWG by KRRC/AECOM.	Comments on the Recreation Plan and site locations are due on June 28, 2019.
Prepare Local Jurisdiction Letters	Prepare and distribute letters to local jurisdictions and historical society	July 5, 2019

The meeting ended at 3:30 pm.

## Meeting Minutes

### Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting

Date	July 30, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>  AECOM: Mike Kelly, Elena Nilsson, Brian Person, Shoshana Jones, Sarah McDaniel, Kirk Ranzetta, Andrew York BLM-Redding: Eric Ritter Karuk Tribe: Scott Quinn, Alex Watts-Tobin KRRC: Mark Bransom OR SHPO: Tracy Schwartz Shasta Nation: Carl Hall, James Prevatt Shasta Indian Nation: Janice Crowe, Frank Crowe USFS-Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn  <i>Via telephone:</i> BLM: Sara Boyko, Heidi Anderson CA SHPO: Amanda Blosser PacifiCorp: Russ Howison
Prepared	August 28, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on continuing discussion of the Phase II Study Plan and on providing an overview of the Monitoring and Inadvertent Discovery Plan (MIDP).

### UPDATES

After introductions, Brian Person, AECOM meeting facilitator, began by going over the Action Items Review from the June meeting and upcoming deliverable dates.

**SCHEDULE UPDATE**

*Document Schedule (the following dates are when the draft is due to the CRWG)*

- Phase II Study Plan – Final Draft due July 31, 2019
- Monitoring and Inadvertent Discovery Plan (MIDP) – 1<sup>st</sup> Draft due July 31, 2019
- Programmatic Agreement (PA) – 1<sup>st</sup> Draft due August 5, 2019
- Looting and Vandalism Prevention Plan (LVPP) – 1<sup>st</sup> Draft due September 6, 2019
- Historic Properties Management Plan (HPMP) – November 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

**TRIBAL CAUCUS UPDATE**

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated. The Tribal Caucus discussed monitoring; the effectiveness of drone technology and use during the drawdown, with a focus on sites of tribal interest; and what to do if damage is observed during the drawdown. The Civil War Cemetery was discussed, and a warning against disturbing tribal artifacts. The group discussed recreation plan development and how the drawdown might elevate site visibility, and the positives and negatives of a Wild and Scenic River designation in terms of protecting cultural resources.

The Looting and Vandalism Prevention Plan (LVPP) is next in line for distribution. Members expressed the need for provisions for limiting access, preventing damage to sites, patrols, consequences, use of drone technology, and fencing.

One of the main topics was the review of the draft Phase II Plan. Several tribes voiced opposition to excavation proposed under the Phase II Plan.

The group discussed proposed Historic American Engineering Record (HAER) documentation for the dams and how such documentation needs to account for the negatives of the dams, for example decimating fish species and other impacts, as well as the benefits.

**Comments/Questions:**

- Alex Watts-Tobin (Karuk): I would like to emphasize the Phase II disconnect. Also, the ethnographic study section for the Karuk will need to be rewritten.
- Mike Kelly (AECOM): Regarding the Phase II Plan, this has been in place for some time and this group reviewed the SHPO comments previously, so I'm not sure where the disconnect came from. We need additional discussion.
- Alex Watts-Tobin (Karuk): There is consensus in the Tribal Caucus—none of the Tribes represented here support excavation testing, especially on the scale per the Oregon SHPO. There are other ways to address eligibility.
- Carl Hall (Shasta Nation): How it is written now isn't going to work for anybody. We're willing to talk. Recall the discussions we had about this last time in our one-on-one consultation meeting?
- Elena Nilsson (AECOM): Yes, and we followed up with the SHPOs. Their view is that we need to do some level of Phase II excavations to meet Section 106 requirements.
- Mike Kelly (AECOM): Oregon SHPO has treatment and guideline procedures, and after their review they requested we expand what we had originally proposed to excavate. It is difficult to determine site boundaries without excavation.
- Carl Hall (Shasta Nation): What about previous archaeological investigations that have already been done?
- Mike Kelly (AECOM): Those consisted of surface survey only, which is not enough information for full characterization of most of the sites.

- Alex Watts-Tobin (Karuk): When other archaeologists have come into Karuk territory to shovel test, we have said no to them too. There has been high quality and extensive archaeological work upriver as compared to downriver. I expect you have a pretty good handle on many of these 38 sites already.
- Elena Nilsson (AECOM): There are still some aspects we don't know about, like depth, or whether there are intact deposits.
- James Prevatt (Shasta Nation): We need to see how deep and where the holes are proposed.
- Mike Kelly (AECOM): Typically, we would go in cardinal directions working our way from the outside toward the site. Half of the units would be outside boundaries to help establish the boundaries, with some units inside the site to determine depth.
- James Prevatt (Shasta Nation): Would ground penetrating radar (GPR) or other types of x-ray equipment work?
- Mike Kelly (AECOM): That is more useful for burials and features, but not for general site characterization.
- James Prevatt (Shasta Nation): I'm concerned you're going to encounter a body.
- Mike Kelly (AECOM): If we did, we would immediately stop. There is no intent to excavate human remains.
- James Prevatt (Shasta Nation): Some Shasta sites are within the ADI, and no one besides us can know where or what sites are—we can't divulge that information. Sacred and ceremonial sites.
- Mike Kelly (AECOM): There are some TCP studies from 15 years ago, and OR SHPO asked us to see if these are still good and to move forward. If we know approximately where these are, we can avoid them.
- Alex Watts-Tobin (Karuk): We have a cultural monitoring program, for example, for infrastructure work. Finds are documented, but it is important that the artifact goes back in the dirt where it was found. By our protocols, things found go back in the ground.
- Mike Kelly (AECOM): We could try and propose that approach.
- Eric Ritter (BLM): Could you assume that a site is significant, and add a buffer based on GPR/soil chemistry or another non-invasive method?
- Mike Kelly (AECOM): If we assume eligibility, later in the process we have lots of adverse effects that we otherwise would be able to avoid. So that approach leads to additional concerns.
- Eric Ritter (BLM): Maybe you can do it for some sites, though, even if not for all. Maybe that's a compromise.
- Elena Nilsson (AECOM): We will need CA and OR SHPO input to see if that will work. And FERC, although they're still not on board yet.
- Eric Ritter (BLM): Who does the decision lie with?
- Elena Nilsson (AECOM): PacifiCorp and KRRC until FERC engages.
- Mark Bransom (KRRC): We are hopeful that FERC will engage by the end of the year. This is all good input and suggestions, but we are constrained. Let's get this group and the SHPOs talking about this issue now--I'm hopeful this will lead to resolution. Let's get a meeting arranged ASAP.
- Rosie Clayburn (Yurok): The meeting will need Tribes, SHPOs, AECOM, and KRRC. I want to clarify this is a BIG disconnect. These are tribal resources that are completely connected to people today. The project has damaged sites, and it's hard to balance tribal focus of dam removal and on cultural resources. We're willing to roll up our sleeves and bring everyone to the table. The Yurok are the first THPO in California; we're experienced, and we know we need to get this done by working together.

**BUILT ENVIRONMENT UPDATE**

Shoshana Jones and Kirk Ranzetta (AECOM) provided an update on the historic built resources within the ADI. These include hydroelectric facilities: dams, powerhouses, water conveyances, employee housing, a school, other operations buildings, fish management, and transportation. In 2003, previous field surveys and evaluations of the Klamath River Hydroelectric Project District were completed. Survey updates are now required to account for such things as: demolished, overlooked, and miscounted resources; resources that have since reached the age of 50; and a lack of data for non-hydroelectric resources. Historic themes include early exploration and settlement, mining, agriculture/ranching, logging, transportation, hydropower, fish management, and recreation. Upcoming fieldwork is planned for the Fall Creek Hatchery, hydro transmission lines, and non-hydro bridges and culverts within the ADI. Mitigation ideas are being sought; some include: HABS/HAER; potential for adaptive re-use of the buildings; relocation for residential/commercial re-use; grants to benefit local repositories; scholarship programs for regional students.

**Comments/Questions:**

- Alex Watts-Tobin (Karuk): It is interesting there was a school at Fall Creek. Regarding the slide of Klamath Hot Springs, I don't believe that was in the ADI; but maybe was in the larger APE? For the record, it is very interesting to read stories of the hotel and hot springs. About 4 miles upstream from Copco Lake, it was popular in the 1880s-1900s until Copco was constructed. It was popular because there were SO many fish.
- Eric Ritter (BLM): For historic context, consider adding "Euroamerican" to your "Settlement" and add "Tribal" and other peoples to this discussion. You could add "Surveys/Engineering" and later "Post-Dam Settlement" related to recreation, development of the dams and residences as themes.
- Tracy Schwartz (OR SHPO): What type of form will you be using?
- Shoshana Jones (AECOM): We are planning to record Oregon resources on OR SHPO database forms, and California resources on CA SHPO forms, then attach each to the other state's resources.
- Amanda Blosser (CA SHPO): Regarding your request to learn more context about hatcheries, there are examples of hatcheries with early design in California--for example at the Oroville Dam.
- Kirk Ranzetta (AECOM): Is there historic context at the state level for hatcheries?
- Amanda Blosser (CA SHPO): There are water resources in California. I've seen some come in, for example Fish and Game had some come in, but nothing standardized. I could try to find and email some documents.
- Scott Quinn (Karuk): Klamath Dam had fish racks, and remnants are still there.
- Tracy Schwartz (OR SHPO): A University of Oregon student wrote a thesis on a fish hatchery, and we have a copy.
- Eric Ritter (BLM): Other examples of hatcheries: 1870s at Bear Lake, Battle Creek and mouth of the Sacramento River. Have you considered making mitigation recommendations for buildings to remain preserved for use as clubs, recreation, fishing, etc.?
- Alex Watts-Tobin (Karuk): The potentials for re-use are good ideas. You could also consider doing mega Digi-pixel photography to piece together very detailed photographs. If museum displays are created, there should be a language included regarding what the effects of the dams were; how abundant fish were in that area.
- Kirk Ranzetta (AECOM): That could definitely be folded into larger interpretive displays.
- Eric Ritter (BLM): There is also some good 3D modeling technology to consider. Check out the Getty Museum for examples.

- Alex Watts-Tobin (Karuk): It would be good to have a 3D model of the river, before and after decommissioning.
- Tracy Schwartz (OR SHPO): I appreciated the thought you've put into this so far. The public benefit for the local community is important. We haven't concurred on adverse effects yet. What is the timeline for the report?
- Kirk Ranzetta (AECOM): ETA is soon. We would like to get in additional fieldwork first for identification and evaluation but could separate them into two reports depending on if you want more or less.
- Tracy Schwartz (OR SHPO): We would prefer it all at one time if possible but can be flexible.
- Amanda Blosser (CA SHPO): Same with us. We can talk about phasing if we need to.
- Kirk Ranzetta (AECOM): We have fieldwork scheduled for next month, so will plan to get SHPOs the full report.
- Eric Ritter (BLM): Have you considered disposal of historic debris? And integrating construction camps and dumps?
- Kirk Ranzetta (AECOM): Yes, and if there are areas of crossover between built environment and archaeology, we will coordinate on documentation. We're already coordinating the historic contexts.
- Tracy Schwartz (OR SHPO): What about other consulting parties? Who else wants to participate?
- Kirk Ranzetta (AECOM): We sent letters to about 10 parties. Not much response so far, but we'll follow up with an email with the presentation.
- Shoshana Jones (AECOM): The president of the Siskiyou County Historical Society is definitely interested.
- Kirk Ranzetta (AECOM): We're also reaching out to a Landscape Architect from the USFS in Yreka to include in these discussions.
- James Prevatt (Shasta Nation): Have you reached out to Josephine and Jackson County Historical Societies? There is Shasta land up there too.
- Scott Quinn (Karuk): Your last slide [slide 38], "scholarships to encourage study in history, engineering, cultural resources, geography, fish biology, etc." as potential mitigation; you should also add "anthropology." Also, for any interpretive displays, there should be an effort to include the effect of the dams as well as dam decommissioning on Tribes and NGOs; this would be important to include.

## **CLOSING REMARKS**

The group reiterated the need to have a collective meeting between the CA and OR SHPO archaeological representatives (who were not in attendance for the current meeting), KRRC, and Tribes as soon as possible to resolve disagreement over Phase II excavation requirements. There was also a brief discussion regarding land ownership. Mark Bransom (KRRC) confirmed that Parcel B lands in the 2016 Settlement Agreement will go to the State of California, or a possible third party as designated by the State.

**ACTION ITEMS**

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
July 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	
Resolve Phase II eligibility—need for testing	Set up meeting with SHPOs and Tribes	Respond to doodle poll and attend meeting

The meeting ended at 4:00 pm.

## Meeting Minutes

### Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting

Date	September 5, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Best Western Miners Inn, Yreka, CA
Attendees	<i>In person:</i>  AECOM: Mike Kelly, Elena Nilsson, Brian Person, Sarah McDaniel, Kirk Ranzetta BLM-Redding: Eric Ritter Karuk Tribe: Scott Quinn, Anna Powell, Alex Watts-Tobin Klamath Tribes: Les Anderson, Perry Chocktoot KRRC: Mark Bransom Shasta Nation: Betty Hall, James Prevatt USFS-Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn  <i>Via telephone:</i> BLM: Sara Boyko CDM Smith: Ben Swann CA SHPO: Brendan Greenaway OR SHPO: Dennis Griffin, Tracy Schwartz Shasta Indian Nation: Janice Crowe Karuk Tribe: Craig Tucker
Prepared	October 4, 2019
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on review of: the Monitoring and Inadvertent Discovery Plan (MIDP), the Phase II Evaluation Program, the Fall Creek Hatchery improvements plan, and language included in the upcoming draft Programmatic Agreement (PA).



**UPDATES**

After introductions, Brian Person, AECOM meeting facilitator, began by going over the Action Items Review from the July meeting and upcoming deliverable dates.

**SCHEDULE UPDATE***Document Schedule*

- Phase II Study Plan – Final Draft is in process of revision based on CRWG input
- Monitoring and Inadvertent Discovery Plan (MIDP) – comments on draft needed from CRWG by September 30, 2019
- Programmatic Agreement (PA) – comments on draft needed from CRWG by September 30, 2019
- Looting and Vandalism Prevention Plan (LVPP) – 1<sup>st</sup> Draft due to CRWG September 30, 2019
- Historic Properties Management Plan (HPMP) – 1<sup>st</sup> Draft due to CRWG January 2019
- Treatment of Human Remains (to be provided by Tribes) – November 2019

**TRIBAL CAUCUS UPDATE**

The Tribal Caucus met in the morning, prior to the CRWG meeting. Brian Person (AECOM) facilitated. The Tribal Caucus discussed the Phase II Study Plan which is in the process of being revised to reduce the amount of proposed excavation based on CRWG input. The Tribal Caucus members are in collective agreement that no excavation should occur. Past projects were cited where eligibility and impacts could be discussed without the need for additional testing. The Klamath Tribes has an inadvertent discovery plan they will share to assist with the draft MIDP. The Tribal Caucus also discussed the Recreation Plan.

**Comments/Questions:**

- Scott Quinn (Karuk Tribe): I think it would be more effective if tribes wrote individually to the SHPOs regarding no excavation for Phase II evaluation.
- Craig Tucker (Karuk Tribe): Regarding the Recreation Plan, it would be a good idea to have a pamphlet to educate recreators, like we discussed in the Tribal Caucus.
- Perry Chocktoot (Klamath Tribes): And they need to note protocols, like using public facilities for calls of nature, because that's normally how they come across these sites. They need to stay out of the shell middens.
- Craig Tucker (Karuk Tribe): They could require a "pack it in, pack it out" policy for recreation access; that means everything, including human waste.
- Eric Ritter (BLM): The BLM issues permits out of Oregon. There are all sorts of complications with permitting and who would run it.

**PHASE II EVALUATION PLAN UPDATE**

There was general discussion regarding tribal opposition to any excavation work within the archaeological sites to evaluate them for NRHP eligibility, and the need for KRRC and the Project to comply with Section 106 of the NHPA in evaluating sites and determining impacts. KRRC, AECOM, OR and CA SHPO representatives, and John Eddins of the ACHP (responsible for FERC projects) had an initial call on August 15, 2019. The ACHP intends to have a conversation with FERC, who is not yet engaged in this process.

**Comments/Questions:**

- Mike Kelly (AECOM): We need to get guidance from the ACHP and FERC to help navigate this issue. KRRC is required to implement Section 106, including assessments for eligibility.

- Mark Bransom (AECOM): KRRRC appreciates all of the hard work this group has done, and I have a deep respect for the tribal members working through these different issues. For now, we are a non-federal designee of FERC. You may not care about Section 106, but I have to. We need to find a way to navigate this process. We all want to provide for the protection of these sensitive sites, and I'm confident we can get there. I have to balance regulatory requirements with concerns brought up here. We are planning for dam removal, and I think it will take place. Be thinking about how we can do things today to prepare for when we see dam removal underway. For example, if we can avoid an inadvertent discovery situation that's what we want. We're open to using such methods as dogs and alternate approaches. I welcome your input: 1) what technologies or approaches are feasible and appropriate; 2) what other prior experiences do you have that can help inform our approach? This impasse needs to be resolved. Thank you for sharing your experience; it's meaningful and helpful.
- Rosie Clayburn (Yurok Tribe): Regarding the revised in-preparation Phase II Plan, how close did you incorporate SHPO comments for additional excavation?
- Elena Nilsson (AECOM): We made changes and are preparing a revised draft, but there are a lot of comments and it is not ready to be distributed, pending additional discussions.
- Mike Kelly (AECOM): I think from our previous discussions with Dennis Griffin, he understands the need for a reduced level of effort.
- Dennis Griffin (OR SHPO): Many of the sites proposed for testing need additional data for possible mitigation, not necessarily for eligibility.
- Perry Chocktoot (Klamath Tribes): Ruby Pipeline is a good example of where we did not excavate sites, we just called them all eligible.
- Dennis Griffin (OR SHPO): I have no problem with the eligibility discussion, but how do you address the adverse effect? You can cap sites. But if there are remaining portions of sites, that's another thing.
- Mike Kelly (AECOM): We currently don't have a good handle on depth or boundaries for sites that are just visible from the surface.
- Perry Chocktoot (Klamath Tribes): They're overdue for maintenance and monitoring. Just do some Phase I work.
- Elena Nilsson (AECOM): We did visit them.
- Perry Chocktoot (Klamath Tribes): Were the tribes involved?
- Elena Nilsson (AECOM): No.
- Perry Chocktoot (Klamath Tribes): That's a big problem.
- Elena Nilsson (AECOM): We saw most boundaries expand, which is a change in the 15 years since they were last visited or recorded. That's why we're unsure of site boundaries, maybe they're expanding through erosion.
- Perry Chocktoot (Klamath Tribes): Erosion happens all the time, to all sites.
- Mike Kelly (AECOM): But we need to be prepared to plan for impacts and mitigation.
- Dennis Griffin (OR SHPO): Sometimes it's easier to assume sites are eligible. With minimal testing to make sure a new site isn't being exposed.

## **RESTORATION PLAN**

Mike Kelly explained that the restoration plan needs input for the types of native plants that would be appropriate for planting, and where; i.e., are there any tribally important areas for particular plant species that should be considered. Feedback is needed as soon as possible.

### **Comments/Questions:**

- Scott Quinn (Karuk): In easy-access areas, basket materials like willow would be good.
- Perry Chocktoot (Klamath Tribes): Bear grass, tule, cat tail—there's a whole list.

- Scott Quinn (Karuk): Just riparian, or upslope too?
- Elena Nilsson (AECOM): The current reservoir footprint.
- Eric Ritter (BLM): Also, roads and construction zones, too.
- Jeanne Goetz (USFS): I know KRRC's botanist has contacted the USFS.
- Elena Nilsson (AECOM): The KRRC Definite Plan appendix also has information on species.
- Alex Watts-Tobin (Karuk): Is the Definite Plan susceptible to input by the Tribes at this point?
- Mark Bransom (KRRC): Yes, definitely.
- Les Anderson: Is the plan adoptable based on mortality?
- Mark Bransom (KRRC): Yes.

## **INTRODUCTION TO LOOTING AND VANDALISM (LVPP) PLAN OUTLINE**

Mike Kelly provided an overview of the LVPP which is still in draft form and needs to be reviewed by KRRC before distribution to the CRWG. Some of the draft possible protection measures were briefly discussed, and would be expected to vary on a site-by-site basis. One difficulty is that AECOM has not found an example of an LVPP for guidance. The CRWG was asked to provide any examples they may have seen or used in the past.

### **Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Patrolling should be mandatory, not "possible." Consider establishing a phone number that anyone could call in an area with cell coverage. Like a "see something, say something" campaign or that old image of a criminal-looking looter that you used to see on those anti-looting posters. Come up with a number that goes to law enforcement in this canyon. Don't make known the set schedule for patrols; that has to fluctuate based on maybe holidays or high-use periods. Have something that bites. This canyon is going to need managed for a long while.
- Sarah McDaniel (AECOM): The LVPP is currently written to span the period that KRRC is responsible for managing. Once KRRC ceases to exist, we can't project how that will work with unknown future landowners.
- Perry Chocktoot (Klamath Tribes): That's a big problem. This needs to be long-term.
- Sarah McDaniel (AECOM): I think there may be some mechanism on how to ensure that happens after KRRC's involvement, but we need this group to brainstorm that and get attorney input on how that can happen. For now, it's being written for while KRRC is the responsible party.
- Scott Quinn (Karuk Tribe): As far as creating longevity, maybe something like if a future landowner wants the Parcel B lands, they have to accept the LVPP conditions.
- Jeanne Goetz (USFS): What about a tribal site stewardship program?
- Perry Chocktoot (Klamath Tribes): we have to be careful on who to involve. Some BLM and USFS employees have some of the largest artifact collections! Be very careful on who we involve.
- Eric Ritter (BLM): We attempt to educate people, including our own employees, in training.
- Les Anderson (Klamath Tribes): From a tribal perspective, the tribes here should have that stewardship.
- Eric Ritter (BLM): KRRC also needs to deal with how to deal with indirect effects: trampling, garbage dumping, ORV trails, etc.

## **PARCEL B LANDS**

There was a brief discussion on where Parcel B lands, which will be handed over by KRRC.

Elena Nilsson (AECOM) pointed out the KHSA 7.6.1 defines Parcel B lands. Basically, these are the lands that are around the reservoirs and inundated lands. Parcel A lands include 11,000 acres

owned by PacifiCorp that are not directly associated with the Klamath Hydroelectric Project, like the ranchlands between J.C. Boyle and Copco. PacifiCorp will be retaining the Parcel A lands.

## **MONITORING AND INADVERTENT DISCOVERY PLAN (MIDP)**

The MIDP had been distributed to the CRWG but few comments had been received to date. A brief discussion followed.

### **Comments/Questions:**

- Alex Watts-Tobin (Karuk): I would like to reiterate that humans can't safely access the drawdown area. We have partnered with a group at U.C. Davis that has high definition drone technology well suited for monitoring the sites during drawdown.
- Perry Chocktoot (Klamath Tribes): A lot of tribes have this technology.
- Alex Watts-Tobin (Karuk): Yes, but it needs to be very detailed and high scale. Their battery technology allows for 2,500 acres per day.
- Eric Ritter (BLM): Page 56 of the MIDP states that impacts involved with moving several structures from Iron Gate to Humbug Creek. Do previous plans cover this?
- Mike Kelly (AECOM): No, we don't have access yet and that's not part of Parcel B lands as those lands are private. We did a windshield reconnaissance and recognize the need; we're not ignoring it and will make sure this is covered in future documentation.
- Elena Nilsson (AECOM): We have conducted record searches for this areas.

## **FALL CREEK HATCHERY UPDATE**

Ben Swann (CDM Smith) provided an update regarding the proposed Fall Creek Site Modifications. He discussed hatchery production and presented photographs of the locations of modifications, and of the current Upper Raceway, Lower Raceway, and Diversion Points.

### **Comments/Questions:**

- Mike Kelly (AECOM): We did not find any surface evidence of prehistoric sites at the Fall Creek area during the 2018 field visit.
- Perry Chocktoot (Klamath Tribes): What about consulting with Tribes?
- Mike Kelly (AECOM): We have talked about it and know it's an extremely sensitive location. We're working with Ben and team to limit improvements at the hatchery. The first step is to confirm a lack of subsurface deposits, and we know there will be a need for monitoring.
- Jim Prevatt (Shasta Nation): Coho were brought in from Japan in the late 1800s or early 1900s. They're not from here. I keep hearing they're going to resurrect the Coho. The only place they've ever known is the hatchery!
- Perry Chocktoot (Klamath Tribes): Fish studies at PSU show differently.
- Ben Swann (CDM): Coho is a controversial subject but is beyond KRRC's work objective to get into that. Our objective is the disturbed footprint of the old facilities.
- Perry Chocktoot (Klamath Tribes): Will you set on septic/sewage system? That could run sludge on the fish areas, whereas another line would have more protective measures?
- Ben Swann (CDM): Given the 8-year lifespan of the project, high water still wouldn't allow sludge into the creek.
- Perry Chocktoot (Klamath Tribes): Are you treating it before it goes into the settling pond?
- Ben Swann (CDM): An unlined pond would discharge into the creek. The California State Water Board has requirements the pond must meet. There is a plan to put in a cascade. Not adding enough to change oxygen or temperature, but we will be monitoring it nonetheless.

- Mark Bransom (KRRC): The hatchery has 8 years of funding from PacifiCorp. Beyond that is the responsibility of Fish and Wildlife.
- Eric Ritter (BLM): Fall Creek has private lands—what are their water rights?
- Ben Swann (CDM): PacifiCorp is the primary water right holder along Fall Creek. There are three primary holders: City of Yreka, PacifiCorp, and the California Department of Fish and Wildlife.
- Kirk Ranzetta (AECOM): There also could be an adverse effect to the hatchery as a historic property that may need to be mitigated.

## **PROGRAMMATIC AGREEMENT (PA)**

Kirk Ranzetta, AECOM Architectural Historian, provided an introductory overview of the PA, including the purpose, overall structure, FERC's expectations, standard language, and typical sections. FERC uses a Historic Property Management Plan (HPMP) template following the 2002 Guidelines.

### **Comments/Questions:**

- Perry Chocktoot (Klamath Tribes): Tribes are considered "Consulting Parties" instead of "Concurring Parties" to keep us from objecting.
- Alex Watts-Tobin (Karuk): Invited signatories have certain rights.
- Perry Chocktoot (Klamath Tribes): FERC can't delegate consultation.
- Kirk Ranzetta (AECOM): FERC's PAs for hydro projects are very minimal. The priority of this effort is to come to agreement where we can so FERC can focus on the bigger issues. The reason we need a PA is because it is regional in scope, the effects are not fully determined, and KRRC as a non-federal party has been delegated major responsibilities.
- Perry Chocktoot (Klamath Tribes): Was this enacted under the Clean Energy Act—George Bush in 1997?
- Alex Watts-Tobin (Karuk): I think it was under Clinton?
- Kirk Ranzetta (AECOM): In 2002 they published Guidelines for HPMPs. These documents include what other agencies would typically put as stipulations in their PAs.
  - "Signatories" include SHPOs, ACHP, and FERC.
  - "Invited Signatories" are not included. Why? Because when FERC is dealing with the Federal Power Act they won't allow inclusion of the licensee because they could back out.
  - "Concurrence by Others" is used and includes BLM, USFS, USACE, Tribes, local governments, etc.
- Tracy Schwartz (OR SHPO): ACHP involvement is "pending", correct? When will letters go out?
- Kirk Ranzetta (AECOM): They are involved and will likely have a letter announcing engagement soon.
- Tracy Schwartz (OR SHPO): Has the USFS delegated FERC as the lead agency?
- Kirk Ranzetta (AECOM): No, they manage the lands. We'll need to double check if they are considering this an undertaking versus as a land manager. They're still working out if they will participate in the PA or not.
- Brendan Greenaway (CA SHPO): Are you planning to use the FERC template PA?
- Kirk Ranzetta (AECOM): Yes, with appropriate revisions to account for a number of projects in Oregon where the template has been modified. We're trying to anticipate changes.
- Brendan Greenaway (CA SHPO): This is not a standard undertaking like relicensing. And because the USFS and BLM have land in the APE, they also have 106 responsibilities.
- Perry Chocktoot (Klamath Tribes): This is rough for the Tribes: we're always Consulting Parties. What if we don't agree, and what if we don't sign?

- Kirk Ranzetta (AECOM): FERC will continue to consult.
- Les Anderson (Klamath Tribes): Are the BLM and USFS going to start holding other meetings for consultation?
- Jeanne Goetz (USFS): I don't foresee that.
- Eric Ritter (BLM): I'm not sure about Oregon.
- Jeanne Goetz (USFS): The PA refers to the APE, but what about the ADI (which has less USFS land)?
- Kirk Ranzetta (AECOM): The PA will apply to the entire APE.
- Perry Chocktoot (Klamath Tribes): You need to take into account visual impacts.
- Alex Watts-Tobin (Karuk Tribe): The APE includes Karuk Tribal Trust lands, and we should be a main signatory.
- Rosie Clayburn (Yurok Tribe): The Karuk and Yurok would have to be signatories because we're both in the APE.
- Scott Quinn (Karuk): Would the PA commit CDFW to operating fisheries/hatcheries?
- Kirk Ranzetta (AECOM): No, it only pertains to cultural resources.
- Scott Quinn (Karuk): Fish ARE cultural resources. CDFW and Oregon Fish and Wildlife could be signatories too?
- Jeanne Goetz (USFS): We had an example of a PA where the Karuk were a concurring party and other tribes were invited signatories.
- Perry Chocktoot (Klamath Tribes): Hasn't there already been one surrender at JC Boyle that's been in the headlines lately?
- Mark Ransom (KRRRC): ODEQ issuance of water quality certification, but that is not part of FERC. In CA, for water quality certification the EIR is currently underway.
- Perry Chocktoot (Klamath Tribes): Your slide about Swan Lake lifted my hackles [note: this refers to PowerPoint Slide 25, which cites Swan Lake as a recent FERC PA example]. I don't agree in any way, shape, or form. This area is filled with religious alters, burials, and they're protecting NOTHING. This is heartache for the Klamath Tribes.
- Kirk Ranzetta (AECOM): We will make sure we're not adopting anything from that agreement that could be troublesome.
- Tracy Schwartz (OR SHPO): Be sure to add a "Whereas" clause for other consulting parties like CLGs and historical societies.
- Eric Ritter (BLM): Is there EIS interplay? Who is writing that?
- Kirk Ranzetta (AECOM): FERC. As soon as "notice" is given for the surrender proceeding, they will initiate NEPA. We expect they will initiate that sooner rather than later. But the PA needs to be signed before that.
- Perry Chocktoot (Klamath Tribes): Will there be public hearings?
- Mark Bransom (KRRRC): Yes, but we don't know the dates or process yet.
- Eric Ritter (BLM): Given the current administration and the hurrying up these days, I'm not sure of the review process.
- Alex Watts-Tobin (Karuk Tribe): We'll be getting an ethnographic statement to you. That EIS public document should NOT contain sensitive information about any resources or locations.
- Scott Quinn (Karuk Tribe): You will need to look at grazing impacts, too.
- Eric Ritter (BLM): There are a lot of cattle along the river. Look at open range along the river.

## **CLOSING REMARKS**

Next steps include review of the draft "Whereas" statements within 30 days. The next CRWG meeting will present PA Stipulations.



Rosie Clayburn requested that the next meeting be moved to Medford in order to accommodate those who drive long distances to attend the Yreka meetings.

#### ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Sept 2019 presentation distribution	Circulate presentation (including hardcopy to Shasta Nation)	-
List of cultural plants needed for Restoration Plan	-	- Provide list of culturally important plants as soon as possible. - Describe which areas they were in traditionally and/or where they should be considered for replanting
Schedule Oct and Nov meetings	Send out Doodlepoll and emails to CRWG	Respond to AECOM Doodlepoll re: day preferences
Monitoring/Inadvertent Discovery Plan Comments	Draft MIDP was distributed to CRWG in late August	Comments due back to KRRC/AECOM by <u>October 5, 2019</u>
Provide IDP examples to AECOM	-	Provide any examples of Tribal IDPs to AECOM as soon as possible
Provide LVPP examples to AECOM	-	Provide any examples of LVPPs to AECOM as soon as possible
Parcel B maps and description needed	Circulate electronic version of maps/description (hardcopy to Betty)	-
Programmatic Agreement Comments	Edit draft PA "Whereas" clauses per meeting discussion	Comments due back to KRRC/AECOM by <u>October 5, 2019</u>
APE versus ADI per FERC signatory process	Investigate how FERC treats signatory parties (all tribes in APE are signatories, versus only ADI?)	-
USFS and BLM and FERC process	-	Confer on how the 106 process for the BLM and USFS will proceed in conjunction with FERC

The meeting ended at 4:00 pm.

## Meeting Minutes

	Klamath River Renewal Project KRRC Cultural Resources Working Group (CRWG) Meeting
Date	October 29, 2019
Time	1:00-4:00 pm PST (Tribal Caucus 10:00am – 12:00pm)
Location	Holiday Inn Express, Yreka, CA
Attendees	<i>In person:</i> AECOM: Mike Kelly, Kirk Ranzetta, Brian Person, Stephanie Butler BLM-Redding: Eric Ritter CDM Smith: Kate Stenberg Karuk Tribe: Scott Quinn, Alex Watts-Tobin Klamath Tribes: Les Anderson Quartz Valley Indian Reservation: Crystal Robinson Shasta Nation: Betty Hall, Jim Prevatt USFS Klamath NF: Jeanne Goetz  <i>Via telephone:</i> AECOM: Sarah McDaniel BLM-Klamath Falls: Sarah Boyco Klamath Tribes: Perry Chocktoot OR SHPO: Dennis Griffin, Tracy Schwartz PacifiCorp: Russ Howison Yurok Tribe: Rosie Clayburn
Prepared by	AECOM
Distribution	KRRC Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRC) and its technical team, AECOM. This month's meeting was focused on discussion of the Programmatic Agreement and the Looting and Vandalism Protection Plan. The status of the Phase II evaluation program and the Monitoring and Inadvertent Discovery Plan were also briefly discussed.

### REVIEW OF ACTION ITEMS FROM THE SEPTEMBER 2019 TRIBAL CAUCUS AND CRWG MEETING

Individual meetings with the Tribes are ongoing to discuss the review of the Phase II Evaluation Plan, as well as any other project concerns. To date, three meetings have occurred, and additional meetings will be scheduled with the Klamath, Shasta Indian Nation, and Karuk Tribes.

No information has been received on culturally important plant species that should be included in the Recreation Plan, with the exception of those discussed during the CRWG meeting.



No written comments have been received on the Monitoring and Inadvertent Discovery Plan from any of the tribes. The comment period will be extended to November 15. A final draft of the Plan is on hold pending receipt of tribal comments.

Comments have been received from BLM and Oregon SHPO on the PA. Additional information on FERC and other federal agency responsibilities for the PA has not been obtained.

**Comments/Questions:**

- Eric Ritter (BLM): Are culturally important plants (cultivars, orchard crops) associated with historic homesteads and ranches in the Klamath River valley being considered? Studies have been conducted on the cultivars.  
Mike Kelly (AECOM): Those resources have likely not been taken into consideration, but prior studies can be reviewed.

**TRIBAL CAUCUS SUMMARY**

The Tribal Caucus met in the morning, prior to the CRWG meeting. During the Tribal Caucus, Rosy Clayburn (Yurok Tribe) emphasized that tribal ordinances should be included in both the Monitoring and Inadvertent Discovery Plan and the Looting and Vandalism Protection Plan. There was general concern about long-term funding and law enforcement, particularly after transfer of Parcel B lands. There will be potential for greater exposure and access to cultural resources post-project, so how will they be protected over the long term. Federal funding (e.g., USFS, BLM) and other funding sources will need to provide for necessary law enforcement. The Looting and Vandalism Plan discusses the See and Say program, which will need to be followed up on post-project.

A recommendation was provided that as a condition of the transfer of Parcel B lands, there could be restrictions on any subsequent transfers on the nature of land use that would help protect tribal and cultural assets.

Signage was also discussed, specifically the concern that signs warning against tampering and looting may label cultural resources within the vicinity. Instead, signs should be placed at defined entrance points with general warnings.

Modifications to the Phase II Plan were discussed. The Phase II effort has been scaled back in terms of the level of ground surface disturbance. Artifact analysis and curation will still need to be resolved. There was some discussion if artifacts can be analyzed without removal from the site; and if removal is necessary, can the artifacts be put back in the exact location as originally discovered.

The overlay of Kiewit's design was discussed and how it does not necessarily consider the avoidance of known sites. AECOM will meet with Kiewit to discuss this concern.

**PROJECT UPDATE**

Mike Kelly (AECOM) provided a project update. The comment period for the Monitoring and Inadvertent Discovery Plan has been extended to November 15, and any comments, such as the inclusion of tribal ordinances, should be submitted.

The Phase II Evaluation Plan is currently being revised to minimize impacts to sites, and individual meetings with tribes are being conducted to reach a consensus on the level of effort. Fieldwork will occur in Spring 2020.

Ethnographic summaries have been submitted to each tribe, and feedback has been requested.

A revised draft of the Recreation Plan was sent out to the consulting parties, and comments are requested on this plan.

Comments on the Looting and Vandalism Protection Plan are requested at the end of the month. The Human Remains Treatment Plan and the Historic Properties Management Plan (HPMP) will be the next documents to be prepared. The HPMP will not be finalized until the evaluations have been completed. Input from the tribes will be required for the Human Remains Treatment Plan.

**Comments/Questions:**

- Dennis Griffin (OR SHPO): Are the documents that require review submitted to SHPO via Go Digital?  
Mike Kelly (AECOM): The Monitoring and Inadvertent Discovery Plan has been submitted electronically (August 2019) to SHPO, however, the Looting and Vandalism Protection Plan will be submitted within the next few days.

**LOOTING AND VANDALISM PROTECTON PLAN**

Mike Kelly (AECOM) provided a general summary of the Looting and Vandalism Protection Plan (LVPP). The Plan is a working draft that was designed to generate discussion and new ideas. The Plan includes: 1) law and regulations that pertain to the protection of cultural/tribal/historic resources; 2) a training program for construction personnel and monitors; 3) summary of known resources within the project area; 4) site protection measures; 5) procedures for responding to looting and vandalism; 6) post-decommissioning; and 7) contact information.

Examples of site protection measures include periodic monitoring during decommissioning and law enforcement and security both during and after decommissioning. Visits to specific sites would occur to monitor changes in site conditions, which would include evidence of erosion and looting/vandalism. Surveillance cameras may be used, which are already in place for fire protection. Access restrictions are being reviewed, both temporary during construction and long term for protection.

Post-decommissioning options include land transfer considerations, continuation of the LVPP procedures, endowments and site stewardship programs, and education programs.

**Comments/Questions:**

- Eric Ritter (BLM): Is the LVPP for the APE or ADI? There may be potential indirect effects that should be covered in the Plan.  
Mike Kelly (AECOM): The Plan is for the ADI. Indirect effects are not covered in detail in the Plan due to access and other issues, but it will be taken into consideration in the revised LVPP.
- Les Anderson (Klamath Tribe): What is your tribal stewardship program? Will drones be used? Will there be a maintenance and monitoring form?  
Mike Kelly (AECOM): Stewardship is part of the Plan and we are looking for additional suggestions and ideas. Drones are also described in the Plan, especially during

decommission activities, as well as an observation form (as well as another form for project-related impacts).

Les Anderson (Klamath Tribe): Will there be funding available for restoration of a site that is impacted by erosion?

Kirk Ranzetta (AECOM): If a site is actively impacted by the new river course, then it would be subject to the HPMP, and it would be determined if maintenance or restoration would be used to arrest whatever erosion may be occurring at the site. A number of mitigation measures could be proposed in the HPMP, and KRRC would have to implement the measures once the license order is received. And, KRRC would have to demonstrate sufficient funds.

- Eric Ritter (BLM): Funding for local sheriff's department needs to be taken into consideration.
- Betty Hall (Shasta Nation): Lands should be transferred back to the Shasta.

Alex Watts-Tobin (Karuk Tribe): Tribal entities are eligible to receive rights to land transfers.

- Brian Person (AECOM): Can lands be transferred to a private interest and not one of the two states?

Kate Stenberg (CDM Smith): There must be a public interest to it, so a non-profit group might be able to make that case.

- Crystal Robinson (Quartz Valley Indian Reservation): The site protection measures may interplay with the Restoration Plan because there may be some ways that restoration can protect further erosion of a site.

Brian Person (AECOM): The Plan addresses erosion resistance measures.

## **PROGRAMMATIC AGREEMENT**

### **Review of Comments on the Whereas Statements**

Kirk Ranzetta (AECOM) provided an update on the review of the Whereas Statements in the Programmatic Agreement (PA), as well as a review of comments received from BLM and SHPO. Specific comments on the Whereas Statements of the PA are discussed below.

Sarah Boyco (BLM) commented that the districts should be referred to by their formal names. Revisions were made and the PA now refers to the Redding District, the Klamath Falls Resource Area, and the Lakeview District, as opposed to calling them all districts.

Tracy Schwartz (OR SHPO) asked if BLM, USFS, and the Corps delegated FERC as the lead federal agency for the project. No changes have been proposed because these agencies have not provided in writing that they concede to FERC. It is also uncertain if the USFS and BLM have a Section 106 undertaking related to this project or if purview is strictly within existing resource management plans and the granting of archaeological permits. It needs to be determined if the agency's role in the project needs to be more specific or if the current Whereas Statements sufficiently define it.

Tracy Schwartz (OR SHPO) makes a statement about rewording a Whereas Statement that the Commission is consulted with the Oregon and California SHPOs. Tracy suggests just stating that the Commission is consulted with the Oregon and California SHPOs pursuant to 36 CFR 800 and are signatories to the PA (and cut out some of the references).

Tracy Schwartz (OR SHPO) asked since the BLM, USFS, and Corps are going to participate in the PA and have responsibilities under the agreement, why wouldn't they be an invited signatory. In the past, FERC has expressed the desire to keep the signatories as narrow as possible, particularly because of the Federal Power Act. They don't want to provide other federal agencies terminating authority over an agreement. They also don't want the applicant to have terminating

authority over an agreement. When FERC enters the process, it is suggested to inquire about the invited signatories to the agreement. Also, because the APE extends through tribal lands, shouldn't the THPOs of the respective tribal governments also be signatories to the agreement, particularly when the SHPOs are signatories.

The Confederated Tribes of Siletz Indians and the Resighini Rancheria were inadvertently omitted from the consulting party list in the Whereas Statement. Those tribes have been added to the statement.

A Whereas Statement will also be added that outlines what other consulting parties have been contacted to part of the consultation process. This includes: City of Yreka, Siskiyou County, Klamath County, California Preservation Foundation, Siskiyou County Museum, Klamath County Museum, Southern Oregon Historical Society, and Restore Oregon.

Another Whereas Statement has been added in regards to FERCs public outreach under NEPA/Section 106 process.

Tracy Schwartz (OR SHPO) inquired about the involvement of the Advisory Council on Historic Preservation (ACHP). The ACHP has not submitted a letter indicating that they are officially participating in consultation, but they have participated in calls for the CRWG. AECOM will ask the ACHP when that letter might be forthcoming.

Dennis Griffin (OR SHPO) inquired about the completion of the HPMP within six months of the order issuance. AECOM indicated the HPMP schedule is just a goal, and components of the HPMP will be reviewed during CRWG meetings.

Dennis Griffin (OR SHPO) commented about the IDP and the curation and collection of artifacts, particularly the distinction of different land owners (federal, non-federal public, private) when developing a collection and curation plan.

**Comments/Questions:**

- Eric Ritter (BLM): There isn't a Redding District Office; it is a Field Office. There is also an entire new structure for BLM for Region 10.
- Kate Stenberg (CDM Smith): BLM does have an undertaking. There will be some work near JC Boyle and there are some FERC activities that go a little outside of the FERC boundary (BLM ROW) and other direct actions that BLM needs to consider. No changes to a RMP.
- Tracy Schwartz (OR SHPO): When are we planning to engage FERC?  
Kirk Ranzetta (AECOM)/Kate Stenberg (CDM Smith): FERC is technically involved, and they are reviewing the transfer application, which transfers the ownership of the dams from PacifiCorp to KRRC. Once the FERC has reviewed the transfer application and are comfortable with KRRC's funds for dam removal, they will then review the surrender application. When FERC does that, they will begin the NEPA and Section 106 process, including formal consultation. It is anticipated that FERC will decide on the transfer order in early spring.

**Review of Standard Provisions of the PA**

Within a FERC PA, the HPMP is the most important document, as it describes the consultation process for identification and evaluation of historic properties and for the resolution of adverse effects.

The interim treatment of historic properties is the 6-month period between when the PA is initiated and when the HPMP will be accepted by the consulting parties. FERC will write in the PA that the Commission will follow Section 106 during those 6 months, under 36 CFR 800.4-7.

Coordination with other federal reviews: This provision may/may not be in the PA after FERC is involved. The provision is in the PA to provide flexibility in case another federal agency comes into the process and decides to use the PA for Section 106 compliance (e.g., the Corps).

FERC's dispute resolution process: Anyone involved in the project can file a complaint about Section 106 compliance to FERC (the Commission). FERC will take that complaint and distribute it to the other consulting parties and signatories, and then they will consult on it to see if they can gain resolution on it. If there isn't a resolution, the issue is forwarded to the ACHP, and the ACHP will respond within 30 days and will provide FERC with their perspective on the matter. FERC will take the ACHP's position into account and then the process moves forward. Change may or may not happen through the dispute resolution process.

Amendment of the Programmatic Agreement: Any consulting party or signatory can propose an amendment to the PA; however, all the signatories (FERC, ACHP, OR SHPO, CA SHPO, and any other signatory) must agree on the amendment. The amendment is filed with the ACHP.

Termination of the Programmatic Agreement: Only a signatory of the PA may elect to terminate the agreement.

Duration of the PA: FERC will make the time period consistent with however long they are involved with the project. When signs off that KRRC has no further responsibilities under the Federal Power Act for the decommissioning process, the PA would likely end. At minimum, the duration would be 10 years.

Effective Date: The effective date of the PA will be when all the signatories sign the agreement and when the license surrender order is filed by FERC.

Execution of this Programmatic Agreement in Counterparts: An agency can sign one page and it can be added to the agreement.

### **Review of HPMP Outline**

The purpose of the HPMP is to ensure the identification and evaluation of historic properties, and if there is a potential for adverse effects, to ensure that those adverse effects are resolved. A HPMP may include measures to avoid resources, minimize impacts, or provide treatment measures if an adverse effect can't be avoided. In addition, the HPMP is the conduit for consultation.

The current "signatories" of the PA include FERC, OR SHPO, CA SHPO, and the ACHP. The consulting parties and the other federal agencies involved in the project can also sign the agreement as a "concurring party". By signing as a concurring party, the party is agreeing to the contents of the PA, but it doesn't commit those organizations or governments to do anything within the confines of the PA.

FERC has published guidelines on what a HPMP is required to contain, including the project location and description; regulatory context; cultural context (precontact, ethnographic, and historic periods); previous cultural resources studies, known cultural resources, and data gaps;

delineation of the APE and the ADI (area of direct impacts); identification of historic properties, including NRHP, state, and local significance.

The HPMP will describe the different project effects, including erosion; looting and vandalism; access; and demolition of the structures. Any pre-construction activities may be identified in this section of the HPMP, as well as the decommissioning process (i.e., demolition of the dams and construction of access road) and the post-decommissioning and restoration activities. Recreational use and the potential for looting and vandalism would be identified within the HPMP and the potential for effects.

Once project effects have been identified, measures to avoid, minimize, or mitigate any adverse impacts would be described in the HPMP. The consulting parties would be able to provide input on the types of mitigation at both the site-specific level and more broad creative mitigation. Types of resources that may have avoidance, minimization, or mitigation measures may include archaeological resources, traditional cultural properties, tribal cultural resources, and historic structures.

Management measures for historic properties: FERC will be interested in how KRRC will manage the coordination and protection of cultural resources once pre-construction and decommissioning activities occur. Construction personnel and cultural awareness training, as well as confidentiality provisions to protect known cultural resources under Section 304, would be outlined in this section. Archaeological site protection measures, a plan for collection and curation, and protocols for inadvertent discoveries would be outlined. There will also be opportunities for interpretation and public education.

Consultation will be a critical part of the agreement. There will be a consultation period for identification and evaluation of historic properties, and consultation will occur during the development of mitigation measures to resolve adverse effects.

Implementation Procedures: KRRC would prepare annual reports to show progress over the 10-year period. There is typically an annual meeting to touch base on the PA and the HPMP.

**Comments/Questions:**

- Eric Ritter (BLM): Are the tribes a concurring party?  
Kirk Ranzetta (AECOM): Correct. However, if FERC determines that the APE is extending through tribal lands, then several tribes could potentially be signatories.
- Scott Quinn (Karuk Tribe): Is there any risk when signing the PA?  
Kirk Ranzetta (AECOM): Litigation is usually with the lead federal agency. The federal agency is ultimately responsible for all decisions.
- Crystal Robinson (Quartz Valley Indian Reservation): Who decides the consulting parties?  
Kirk Ranzetta (AECOM): Any organization or agency who has been approached by the KRRC with an interest in cultural resources is being considered a consulting party.
- Jim Prevatt (Shasta Nation): Why wouldn't the major tribes in the area be a signatory?  
Kirk Ranzetta (AECOM): It has to do with the definition of Native American tribes in Section 106, as well as having a THPO. When the HPMP is negotiated, there will be many opportunities for the consulting parties, including the tribes, SHPOs, and ACHP, to provide their opinions to FERC. FERC will have to consider any comments.
- Jeanne Goetz (USFS)/Mike Kelly (AECOM): The level of protection is the same for a cultural resource that has been determined eligible for listing in the NRHP and one that has been listed on the National Register.

- Eric Ritter (BLM): Is the previous HPMP prepared by PacifiCorp being considered?  
AECOM: Yes.
- Eric Ritter (BLM): Will the HPMP be good until the lands are transferred to the state?  
Kirk Ranzetta (AECOM): The HPMP will be applicable for the duration of FERC's involvement and/or if another agency decides to use the PA for their own compliance.
- Kate Stenberg (CDM Smith): Is there a way for the Corps to adopt a portion of the agreement?  
Kirk Ranzetta (AECOM): The Corps could join in to the PA and state the limits of their jurisdiction and authority (i.e., the permit area for the Corps could be the limits). The Corps could also choose to be independently responsible for Section 106.
- Eric Ritter (BLM): Because PacifiCorp will still own land, will they also have some oversight?  
Mike Kelly (AECOM)/Russ Howison (PacifiCorp): PacifiCorp will be retaining the Parcel A lands, but those are outside of the FERC boundary. There will be cultural resources within the indirect APE that may be on Parcel A lands, and PacifiCorp would have a role in that process.
- Tracy Schwartz (OR SHPO): FERC may be releasing a new PA template.

#### GOALS FOR NEXT MEETING

- Content and Implementation of the HPMP
- Interim Treatment of Historic Properties
- Phase II Decisions and Scheduling

#### ACTION ITEMS

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Looting and Vandalism Protection Plan	AECOM to submit to Oregon SHPO via Go Digital	Review Plan by end of the month
Monitoring/Inadvertent Discovery Plan	Comments will be distributed after November 15, 2019	Comments due back November 15, 2109
Recreation Plan	Comments will be distributed after XXXXXX.	Comments on the Recreation Plan are due on XXXXXX.
Historic Property Historic Management Plan	HPMP stipulations will be distributed XXXXX.	Review stipulation within 30 days of submittal to CRWG.

The meeting ended at 4:00 pm.



## Meeting Minutes

Klamath River Renewal Project KRRR Cultural Resources Working Group (CRWG) Meeting	
Date	December 12, 2019
Time	10:00-11:30 am PST
Location	Teleconference
Attendees	AECOM: Mike Kelly, Kirk Ranzetta, Elena Nilsson, Sarah McDaniel, Stephanie Butler BLM-Klamath Falls: Sara Boyco BLM-Redding: Eric Ritter CA SHPO: Brendan Greenaway CDM Smith: Kate Stenberg Karuk Tribe: Alex Watts-Tobin KRRR: Mark Bransom OR SHPO: Tracy Schwartz PacifiCorp: Russ Howison USFS Klamath NF: Jeanne Goetz Yurok Tribe: Rosie Clayburn
Prepared by	AECOM
Distribution	KRRR Cultural Resources Working Group (CRWG)

### MEETING OBJECTIVE

To continue consultation between cultural resources stakeholders with the Klamath River Renewal Corporation (KRRR) and its technical team, AECOM. This month's meeting was focused on continued review of the Programmatic Agreement.

### REVIEW OF OCTOBER 2019 MEETING AND ACTION ITEMS

KRRR requested comments as soon as possible on the Recreation Plan. No comments have been received from the CRWG.

KRRR requested comments on the Monitoring and Inadvertent Discovery Plan. The comment period was extended to November 15. A final draft of the Plan is on hold pending receipt of comments.

Comments have been received from BLM and Oregon SHPO on the PA. Additional information on FERC and other federal agency responsibilities for the PA has not been obtained.

### PROJECT UPDATES

Mike Kelly (AECOM) provided a project update:



- The comment period for the Monitoring and Inadvertent Discovery Plan was extended to November 15; no input has been received from Tribes.
- Ethnographic summaries have been submitted to each Tribe; no input has been received from Tribes.
- The Phase II Evaluation Plan is currently being revised to minimize impacts to sites. KRRC is meeting with Tribes individually to reach a consensus on the level of effort. Fieldwork will occur in Spring 2020. The Phase II Plan has been revised to minimize impacts to sites.
- Comments on the Looting and Vandalism Protection Plan were requested by November 23. Comments have been received by OR SHPO.
- FERC Status Report. In early 2020, KRRC plans to submit a report to advise FERC on the current status of consultation.
- CRWG Meetings and Tribal Caucus: Starting in January 2020, KRRC will transition from hosting monthly Tribal Caucus and CRWG meetings to individual tribal and agency meetings. Several tribes have requested this.

**Comments/Questions:**

- Mark Bransom (KRRC): The Status Report will be submitted to FERC in early 2020. Although the report will be broad and include other matters leading toward FERC's consideration in addition to cultural resources, it will include cultural resources topics.
- Rosie Clayburn (Yurok): Is there anything you need from us for the status report?
- Mark Bransom (KRRC): Comments on these outstanding reports would be helpful to help with FERC's engagement.
- Rosie Clayburn (Yurok): I'm okay with moving away from Tribal Caucus, but the CRWG meetings include agencies and I feel those are helpful because we can hear SHPO comments and don't want to be isolated into our little bubbles. Can we still do that?
- Mark Bransom (KRRC): We can consider a variety of approaches—like as needed CRWG meetings, or written correspondence-- to give folks opportunity to stay connected.

**PROGRAMMATIC AGREEMENT****Review of Standard Provisions**

Kirk Ranzetta (AECOM) provided an update on the review of the Standard Provisions in the Programmatic Agreement (PA). Accomplishments to date include:

- Completed Review of Whereas Statements
- Review of BLM and OR SHPO Comments
- Review of Standard Provisions of the PA
- Review of HPMP Structure and Content

Kirk noted that the number of provisions have been modified by FERC in consultation with Oregon and California SHPOs for recent projects. Some examples include Prospect No. 3 Hydroelectric Relicensing - Oregon (2019), Lassen Lodge Hydroelectric Project - California (2019) and Swan Lake North Pumped Storage Hydroelectric Project - Oregon (2019). These projects serve as recent examples and help inform how to approach the standard provisions to this surrender license process. KRRC is modifying the standard FERC agreement documents given OR and CA SHPO concerns by using similar language presented in these recent approved FERC PAs.

Stipulation III. Interim Treatment of Historic Properties. This outlines the process for complying with Section 106 for the gap between the Surrender Order issuance and HPMP approval. The interim treatment of historic properties is the 6-month period between when the PA is initiated and

when the HPMP will be accepted by the consulting parties. FERC will write in the PA that the Commission will follow Section 106 during those 6 months, under 36 CFR 800.4-7.

Stipulation IV. Coordination with Other Federal Reviews. This provision would allow a federal agency to accept the PA and integrate it into its Section 106 decisional process. This provision may/may not be in the PA after FERC is involved. The provision is in the PA to provide flexibility in case another federal agency comes into the process and decides to use the PA for Section 106 compliance (e.g., the Corps).

Stipulation V. Dispute Resolution. Objections can be filed by any federal agency, ACHP, Tribes, SHPO, or License Applicant to FERC. FERC will take that complaint and distribute it to the other consulting parties and signatories, and then they will consult on it to see if they can gain resolution on it. If there isn't a resolution, the issue is forwarded to the ACHP, and the ACHP will respond within 30 days and will provide FERC with their perspective on the matter. FERC will take the ACHP's position into account and then the process moves forward. Change may or may not happen through the dispute resolution process.

Stipulation VI. Amendment to the PA. Any consulting party or signatory can propose an amendment to the PA; however, all the signatories (FERC, ACHP, OR SHPO, CA SHPO, and any other signatory) must agree on the amendment. The amendment is filed with the ACHP.

Stipulation VII. Termination of the PA. If any signatory determines that the PA terms can't be carried out, continue consultation and attempt amendment. If no resolution is reached, the agreement is terminated and FERC can either execute a new PA or consult with the ACHP. Only a signatory of the PA may elect to terminate the agreement.

Stipulation VIII. Duration of the Agreement. Addresses the duration of the surrender order and the temporal limits of FERC's oversight responsibilities. FERC will make the time period consistent with however long they are involved with the project. When signs off that KRRC has no further responsibilities under the Federal Power Act for the decommissioning process, the PA would likely end. At minimum, the duration would be 10 years.

Stipulation IX. Effective Date. The effective date of the PA will be when all the signatories sign the agreement and when the license surrender order is filed by FERC.

Stipulation X: Execution of this PA in Counterparts. Allows for signatures to be collected individually on different pages.

The current "signatories" of the PA include FERC, OR SHPO, CA SHPO, and the ACHP. The consulting parties and the other federal agencies involved in the project can also sign the agreement as a "concurring party". By signing as a concurring party, the party is agreeing to the contents of the PA, but it doesn't commit those organizations or governments to do anything within the confines of the PA.

**Comments/Questions**

- Brendan Greenaway (CA SHPO): We haven't seen the draft of the PA yet.
- Kirk Ranzetta (AECOM): We haven't formally submitted it but circulated an earlier draft. Just to clarify, we are not asking for formal comments yet.
- Eric Ritter (BLM): Under Stipulation VI (Amendment to the PA), are non-federally recognized tribes able to amend the PA?

- Kirk Ranzetta (AECOM): Yes, there is language for “any party.”
- Brendan Greenaway (CA SHPO): Typically parties that can amend are not Consulting Parties but are Invited Signatories and Signatories have amendment termination rights per the regulations.
- Kirk Ranzetta (AECOM): I don’t think FERC because of the Federal Power Act doesn’t like to have “Invited Signatories”, including the Applicant. The problem is it may allow the Applicant to terminate the PA—basically, allow a back-door for the Applicant to get out of the relicense or surrender, so that ‘s why FERC maintains that role for Invited Signatories.
- Brendan Greenaway (CA SHPO): The problem is that FERC has a large role. It’s something to be mindful of and we’ll comment on it.
- Tracy Schwartz (OR SHPO): Has the ACHP reviewed the first draft?
- Kirk Ranzetta (AECOM): They will look at this draft version. Jon Eddins didn’t provide comments on the earlier version.
- Eric Ritter (BLM) and Rosie Clayburn (Yurok): Does Kiewit have anyone on board with a cultural resources background? And if so, when will we start engaging with them?
- Mike Kelly (AECOM): Yes, we will be in including them in future meetings. We haven’t met yet but will be soon.
- Tracy Schwartz (OR SHPO): Where do built environment resources fall into this timeline?
- Kirk Ranzetta (AECOM): There will be a report, separate from the Phase II archaeological report due to delays with the Phase II evaluation. The report is underway. Also, we’ve reached out other consulting parties as part of the consultation process, including City of Yreka, Siskiyou County, Klamath County, California Preservation Foundation, Siskiyou County Museum, Klamath County Museum, Southern Oregon Historical Society, and Restore Oregon. No response yet, but we’ll follow up again.
- Tracy Schwartz (OR SHPO): I think that’s important, thank you.
- Brendan Greenaway (CA SHPO): When will we see a draft of the PA?
- Kirk Ranzetta (AECOM): KRRC is reviewing the current draft, but we will circulate it in a week or so.
- Alex Watts-Tobin (Karuk): I have extra comments on the LVPP that I would like to share. What is the update on Phase II?
- Mike Kelly (AECOM): We are currently making revisions to the Phase II plan by minimizing impacts to sites. We will prepare a Status Report to FERC and KRRC will be making a decision on how to move forward very soon.
- Eric Ritter (BLM): OR SHPO commented, are there comments from CA SHPO?
- Brendan Greenaway (CA SHPO): Yes, we will be sure to comment when it is available.
- Rosie Clayburn (Yurok): We did provide comments on the ethnographic summary. Do you need me to resend?
- Elena Nilsson (AECOM): Yes, please resend.
- Alex Watts-Tobin (Karuk): I’ll give you comments on the Karuk ethnography in the next few days. The analysis is too prone to quoting anthropologists rather than native peoples.

#### **ACTION ITEMS**

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
CA SHPO needs Draft PA	AECOM to submit to CA SHPO	-
Distribute Powerpoint	AECOM to email meeting Powerpoint to CRWG	-
Comment on Draft PA	-	Provide comments
Comment on LVPP	-	Provide comments

Action Item	KRRC/AECOM Action	CRWG/Tribal Action
Comment on Ethnographies	-	Rosie stated she will resend. Alex stated he will send.

The meeting ended at 11:30 am.

**NEXT STEPS**

- Complete draft documents
- Prepare Status Report for FERC in early 2020
- Schedule individual Tribal meetings in early 2020
- Reach final decision on Phase II evaluation approach
- Implement Phase II evaluation