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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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Turlock Irrigation District : Project No. 2299-082

Modesto Irrigation District : Project No. 14581-002

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DON PEDRO AND LAGRANGE PROJECTS

Request for Comments on the DEIS

Afternoon Public Scoping Meeting

Doubletree Hotel

1150 Ninth Street

Modesto, California 95354

Tuesday, March 26, 2019

The public comment session, pursuant to notice, convened  
at 1:10 p.m. before a Panel:

JIM HASTREITER, Project Coordinator, Federal  
Energy Regulatory Commission

CAROL LEPERT, Federal Energy Regulatory  
Commission

BRIAN MATTAX, Aquatic Scientist, Louis Berger

FRED WINCHELL, Louis Berger Project Manager

GEORGE GILMORE, Fisheries Biologist, Meridian  
Environmental.

CHRIS DIXON, Economist, Louis Berger

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

2                   MR. HASTREITER: Okay, folks, we're going to get  
3 started. My name is Jim Hastreiter, I'm with the Federal  
4 Energy Regulatory Commission. I am the Project Coordinator  
5 for licensing La Grange Hydroelectric Project and  
6 relicensing Don Pedro Hydroelectric Project. The objective  
7 for today's meeting is, we're here to solicit comments on  
8 our Draft Environmental Assessment that we issued February  
9 11th.

10                   In the notice of that availability of the DEIS,  
11 we provided a 60-day comment period, and written comments --  
12 the deadline for written comments with FERC is April 12th;  
13 it's a Friday.

14                   I really appreciate everybody coming here; this  
15 project's been along grind so far, and this is a fairly  
16 major milestone in pursuing relicensing and licensing of the  
17 project. The documents fairly hefty, there's lots of  
18 controversial issues presented in the application; a lot of  
19 recommendations from Fish & Wildlife agencies and  
20 environmental organizations that we looked at. We gave it  
21 our best shot with the information we have; but again, this  
22 is an important part in the process, where we get comments  
23 back. we address the comments in our final environmental  
24 impact statement, and either revise our analysis based on  
25 those comments or say why we're not going to modify our

1 final environmental assessment based on those comments. So  
2 all the comments will be addressed, one way or another, so  
3 that's pretty important.

4 I just want to quickly say that we've scheduled  
5 an environmental site visit tomorrow of the project. It's  
6 going to start at 10 and last until about 4. We're meeting  
7 at 1200 Bonds Flat Road where the parking lot is, where the  
8 old visitors center used to be. We asked folks to confirm  
9 last week if they were coming or not; but if you really have  
10 a need to see the project, you're more than welcome to join  
11 us. So there's that.

12 We have a court reporter today, his name is Dan  
13 Hawkins; he'll be documenting everything that's said at the  
14 meeting by us and all the commenters. Transcripts are  
15 usually available on FERC's eLibrary website within about  
16 two weeks. So if you're interested in seeing those, you can  
17 just go to the FERC website. If, after the meeting you're  
18 not familiar with our website, I'd be glad to go over it  
19 with you. I have a handy-dandy guide, but I only have one.  
20 So I probably need to look at it as well on some of the  
21 components of it.

22 So today with me as well, on controversial  
23 projects like this where there are a lot of complicated  
24 issues, FERC often uses contractors that are technical  
25 people in preparing draft environmental impact statements

1 and finals; and so these are the contractor folks that have  
2 worked with us in preparing this draft. And I think what  
3 I'll do is have everybody introduce themselves and what  
4 their expertise is and what part of the DEIS they're  
5 responsible for.

6 MR. DIXON: My name is Chris Dixon. I work for  
7 Louis Berger; I'm an economist, and I work on the  
8 socioeconomic analysis for this.

9 MR. GILMORE: Hello, everyone. My name is George  
10 Gilmore, I'm a fisheries biologist with Meridian  
11 Environmental, and I am the lead author of the Aquatic  
12 Resources section.

13 MR. WINCHELL: Hello, I'm Fred Winchell, with the  
14 Louis Berger Group. I'm the Project Manager for the  
15 contractor team.

16 MR. MATTAX: Hi, I'm Brian Mattax, and I did the  
17 water quality turn in the Berger Team.

18 MR. WINCHELL: And in the back by the sign-in  
19 table is Carol Leford, who handled recreation, land use and  
20 aesthetics in the DEIS.

21 MR. HASTREITER: I think the group is small  
22 enough, if we could quickly go around. I don't know most  
23 of the people here, and I would just like a better feel for  
24 who's here.

25 So if you could just quickly say your name and

1 who you're with, I think that would be helpful for us,  
2 rather than trying to figure out who is talking and who you  
3 are with.

4 So let's start over there in the cushy chairs.

5 MS. ANDERSON: Constance Anderson with Turlock  
6 Irrigation District.

7 MR. McMILLER: Brandon McMiller, also with TID.

8 MR. FORD: Bob Ford.

9 MS. [(inaudible)] Ceres District.

10 MR. RUSSELL: Cecil Russell, Modesto.

11 MS. FERRAR: Dana Ferrar, MID.

12 MS. LOKEY: Samantha Lokey, MID.

13 MR. DAVID: John David, Modesto Irrigation.

14 MR. COSTA: Costa.

15 MS. DOSCH: I'm Lisa Dosch with HDR.

16 MS. -- I'm Jennifer -- also with HDR, consultant.

17 MR. LE: Bao Le, HDR.

18 MR. PARIS: Bill Paris, MID.

19 MS. LEVIN: Ellen Levin, San Francisco Public  
20 Utility Commission.

21 MR. HASHIMOTO: Casey Hashimoto, TID.

22 MR. COOKE: Michael Cooke, City of Turlock.

23 MR. SORJAR: Tom Sorjar, (ph) .

24 MR. RENWICK: Ken Renwick, Tuolumne River Trust  
25 and the ACA.

1 MR. HASTREITER: Okay. Let's start back there.

2 MR. DELEBRAND: Chase Delebrand, State Water  
3 Board.

4 MR. BUCKLEY: John Buckley, Semko-Sierra  
5 Environmental Resource Center.

6 MS. LEHY: Meghan Lehy, Central Sierra  
7 Environmental.

8 MR. WADE: Mike Wade, California Farm Water  
9 Coalition.

10 MS. BOUCHET: Allison Bouchet, Tuolumne River  
11 Conservancy.

12 MR. BOUCHET: Dave Bouchet, Tuolumne River  
13 Conservancy.

14 MR. ZINKER: Alan Zinker, La Grange resident.

15 MR. KISHLER: Les Kishler, member of the public  
16 and a resident of Santa Clara Valley Water District.

17 MR. HASTREITER: Peter, why don't we come back  
18 this way, and we'll get that last section last.

19 MR. DREKMEIER: Peter Drekmeier, Tuolumne River  
20 Trust.

21 MR. WELCH: Steve Welch, Arta River Trips.

22 MR. McDONNELL: Sierra Mac River Trips, I'm Marty  
23 McDonnell.

24 MR. Martin D, private voter.

25 MR. LONGSTRETH: Evan Longstreth, farmer, River's

1 Choice.

2 MS. BORGES: Katherine Borges, MID ratepayer.

3 MS. -- The Bay Area Water Supply Companies

4 agency.

5 MR. WATER: Tom Water, Stanislaus County Farm

6 Bureau.

7 MR. MARTIN: Phil Martin, TR Club, California.

8 MR. PAUL WENGER: Paul Wenger, farmer.

9 MR. JAKE WENGER: Jake Wenger, farmer, former  
10 Director of Modesto Irrigation District.

11 MS. MICHELETTI: Sue Micheletti with the Turlock  
12 Chamber of Commerce.

13 MR. ERNST: Kevin Ernst, Turlock resident.

14 MR. GODWIN: Art Godwin, Turlock Irrigation  
15 District.

16 MR. WARD: Walt Ward, Stanislaus County.

17 MR. WHITE: Dave White, Opportunity Stanislaus,  
18 we're the County Economic Development organization.

19 MR. MORENO: Marc Moreno with the Latino  
20 Community Roundtable, Water, Daily Culture, Inner Youth  
21 Committee.

22 MS. MILLSAP: Stephanie Millsap, U.S. Fish and  
23 Wildlife Service.

24 MS. SIMSIMAN: Theresa Simmsimum, California  
25 Stewardship Director, American Whitewater.

1 MR. STURTEVANT: Jon Sturtevant, a Tuolumne  
2 resident.

3 MR. RAYMOND WHEELER: Raymond Wheeler, farmer.

4 MR. DAVE WHEELER: Dave Wheeler, farmer.

5 MR. BURKE: Larry Burke, rancher and Director of  
6 Modesto Irrigation District.

7 MS. GORMAN: Elaine Gorman, resident of Modesto.

8 [Inaudible]

9 MS. BUTTERWICK: Mary Butterwick, resident, San  
10 Francisco.

11 MR. KANE: Eric Kane, The Valley Citizen.

12 MR. GARIZBY: Edgar Garizby, the Tuolumne River  
13 Trust.

14 MS. GOMEZ: Yolanda Gomez. [Mr. Moreno:] A  
15 community resident within the Riverside community in  
16 Modesto. Airport community.

17 MR. VAN ELDE: Leonard Van Elde, Yosemite Farm  
18 Credit.

19 MR. HASTREITER: All right. We're getting some  
20 chairs here. All right. I'll just move on while they're  
21 doing that. Let me know if it's too distracting and we can  
22 wait. But I just want to describe the process moving  
23 forward from here for us.

24 Our next step is to hold 10(J) meetings with the  
25 National Marine Fisheries Service and the U.S. Fish and

1 Wildlife Service, and California Department of Fish and  
2 Wildlife. It is our attempt to resolve the agency's  
3 recommendations where we didn't agree with them; we call  
4 them inconsistencies.

5           We've sent letters to Fish & Wildlife Service,  
6 NMFS, and California Fish & Wildlife documenting the  
7 outstanding issues. We'll issue a letter probably after the  
8 deadline for these comments, which is April 12th, to them  
9 and set a meeting. We're looking at having that meeting in  
10 HDR offices in Sacramento. This is all tentative. I need  
11 to work with the agencies to pick a date that works for  
12 everyone. We do have quite a few inconsistencies with the  
13 Fish and Wildlife agencies' recommendations, so it's  
14 probably going to be an all day meeting.           And, I am  
15 hoping as part of these comments that maybe the fish and  
16 wildlife agencies will help prioritize what issues we should  
17 start with. The most important ones for them, just in case  
18 we can't get through all of them in that day-long meeting.

19           Next is, we'll have an endangered species  
20 consultation with the U.S. Fish and Wildlife Service and  
21 National Marine Fisheries Service. The Fish & Wildlife  
22 Service didn't concur with our -- not likely to adversely  
23 affect decision on several terrestrial species; so we'll  
24 have to continue to work with them on formal consultation.  
25 We haven't had any discussions yet about that with them.

1           And then also we've requested formal consultation  
2 with National Marine Fisheries Service on Oncorhynchus,  
3 which is steelhead. And we haven't received a letter back  
4 from National Marine Fisheries Service based on our request  
5 yet. I'm hoping that will happen fairly soon.

6           I just want to go through a few generic issues  
7 that sort of describes how FERC has taken recommendations  
8 and dealt with them on some fairly generic issues in the  
9 past on other projects; and as well we did the same thing on  
10 this DEIS. The decisions sort of represent a policy change  
11 over the last couple years. I just want to quickly go  
12 through them so you understand our perspective on how the  
13 Commission has dealt with these issues.

14           One is monitoring. We didn't adopt quite a few  
15 of the monitoring proposals and recommendations that were  
16 made by the resource agencies, and the districts, which is  
17 something in the past we probably would have done, but the  
18 Commission is taking a harder look at monitoring to make  
19 sure it's tied to a license condition in some way. We have  
20 been a bit concerned that a lot of the monitoring  
21 recommendations we've received, it seems the objective was  
22 more searching for an issue to deal with rather than, you  
23 know, monitoring, providing information to a license  
24 condition that's in the license and then make a decision  
25 whether that condition needs to change in some way. And

1 again, these deal with environmental sorts of issues.

2           So, ultimately we want to see when we go along  
3 with a monitoring program that there's some connection to a  
4 license condition, that we can gather the monitoring  
5 information, look at it, determine "Well, okay, the  
6 requirements of a license on that particular resource are  
7 doing fine, we don't need to change anything. Or, we find  
8 out, 'No, there's a problem and we need to reevaluate what  
9 those conditions would be.'

10           So, where it's not clear that there's a nexus to  
11 the project or there's any evaluation criteria or trigger  
12 back to a license condition, we haven't been going along  
13 with those sorts of monitor recommendations and monitoring  
14 plans recently.

15           Other items we haven't gone along with are  
16 requirements for ecological groups, advisory committees and  
17 annual meetings, and essentially that approach is the same;  
18 we haven't found that those are not necessarily tied to a  
19 license condition. In the past we've always found those as  
20 useful. I'm sure the irrigation districts find them useful  
21 as well, but the Commission has just decided that again  
22 those sorts of meetings aren't something that we're going to  
23 require because there isn't a connection back to the license  
24 itself, license requirement.

25           But we would encourage the licensees to do that

1 on their own even if we don't require it. And I think they  
2 do realize it probably in their best interests to go ahead  
3 and participate in those sorts of activities. The other  
4 reason we don't typically go along with annual meetings or  
5 advisory groups and making them a requirement is the  
6 Commission doesn't have any authority over all the other  
7 agencies, we only have authority over the licensee, and  
8 therefore we can't require everybody else to participate in  
9 those meetings. We can only require the licensee. From a  
10 legal perspective that doesn't work for the Commission, as  
11 well.

12           But as many of you know that have worked on FERC  
13 cases in the past in California, a lot of the  
14 recommendations the agencies make that we may not  
15 necessarily go along with, get included in the license as  
16 mandatory conditions. The Forest Service, BLM, National  
17 Marine Fisheries Service, the Water Board, they can all  
18 require mandatory conditions that the Commission legally has  
19 to include those in a license issued; and therefore a lot of  
20 these items that we don't go along with necessarily, would  
21 still be in the license if they're issued as mandatory  
22 conditions. So that's something to consider as well, not to  
23 think that 'Big Bad FERC is not including these conditions  
24 in, we've lost.' That's not necessarily the case. I just  
25 wanted to raise that as well.

1           Did you want to talk about habitat enhancement-  
2 type plan issue, just briefly?

3           MR. MATTAX: Just briefly. There was a, one of  
4 the proposed measures from Fish & Wildlife Service that the  
5 districts agreed to go with is a habitat improvement plan,  
6 and that's an area that FERC has been reluctant to include  
7 in a license condition. A plan that doesn't really specify  
8 exactly what the measures are, where they're going to be  
9 carried out, and so I think we indicated in the EIS, in  
10 section five there's a list of the types of items that the  
11 Commission would need to see for us to understand where it  
12 would happen, what the project boundary-- whether the  
13 project boundary would need to incorporate the areas, what  
14 is the extent of the enhancement. How they would comply  
15 with ESA or National Historic Preservation Act for any sites  
16 that are going to be enhanced. So, that's an area where  
17 we're hoping to get input on the comments on the DEIS.

18           MR. WINCHELL: Basically, I might add, the bottom  
19 line is that really it's very difficult for us, as FERC  
20 staff, to analyze the effects of an action unless we really  
21 have a thorough understanding of what the action or actions  
22 may be down the road.       MR. HASTREITER: I do want to  
23 point out, the Fish and Wildlife Service provided revised  
24 10(J)s and provided information that did help, but it didn't  
25 quite get to where we needed to be. And we can talk about

1 those things with them, but we do appreciate your efforts in  
2 trying to provide more details on the habitat enhancement  
3 plan.

4           Anyway, do you have the speaker list? All right.

5  
6           So, we're at the point now where we're going to  
7 take public comment, and I guess I can sort of remind  
8 everybody you don't have to provide a comment if you're  
9 going to provide written comments; those are as good as  
10 providing public comments. And if you're terrified of  
11 public speaking then you don't have to get over that hurdles  
12 well; but you're more than welcome.           So, we're going to  
13 have a mic and you need to speak in the microphone so Dan  
14 can pick up what we're after; and Chris is going to bring  
15 the mic around.

16           So, I think David White asked to go first?

17           He must be important that he gets to go first.

18           MR. WHITE: No, no. Do you want me to stand up  
19 or ?

20           MR. HASTREITER: It's up to you.

21           MR. WHITE: All right. My name is David White.  
22 I'm the CEO of Opportunity Stanislaus. We are an economic  
23 development organization that serves Stanislaus County. Our  
24 investors are the businesses that work here and have been  
25 here for multiple generations. We have multiple companies

1 that have made this county their home and really drive the  
2 economy here.

3           This county is on the path of recovery from a  
4 very difficult recession. Our unemployment rate is about  
5 twice the unemployment rate of the State of California.  
6 It's getting better, but the reason it's getting better is  
7 because our companies are doing better. And we have a very  
8 large ag-based economy with a lot of food processing and  
9 wineries and other types of manufacturing in this county  
10 that depend on water. And if it weren't for the water those  
11 companies would not be here. That's the lifeblood of our  
12 economy.

13           And so as such we are very concerned about any  
14 types of measures that are going to have an adverse impact  
15 on our local economy and especially at a time when we're  
16 struggling to improve the economy and make life better for  
17 the people who live here. This economy is supported by  
18 multiple support industries that also should be factored in  
19 to any kind of economic analysis. I sat on a panel back  
20 about a year ago with the California Water Board, and they  
21 produced an economic report that only looked at what the  
22 effect would be on surface uses. Actually planting and  
23 harvesting of crops. That is just a small portion, a very  
24 important portion, I might add, but a small portion of our  
25 total local economy. When you add in all the value-added

1 economic factors, you add in all the production, the  
2 logistics, all the industries that are supported by this  
3 economy, it's a multi-billion dollar economy. If that  
4 economy is even affected by, let's say, 10, 20, percent it  
5 would have a devastating impact on not only on those  
6 companies but the people they employ, many of whom are  
7 people who are struggling and improving nonetheless, but  
8 are trying to put food on their tables and support their  
9 families.

10           So, I just want to make sure that this body  
11 understands that. That I believe and our organization  
12 believes that TID and MID have added some significant  
13 measures that they agree to that are - represent a  
14 compromise by them -- that we feel are honorable and  
15 effective and equitable, and we would hope that this body  
16 would support that and those findings.

17           One thing that always gets left out of any  
18 conversation it seems is what the predation issue is in the  
19 water. And water is one part of helping fish. We need to -  
20 - I hope this body will look at the predation issue as well.  
21 And look at a total economic impact, not just some surface  
22 water issues and other things like that.

23           I can tell you that having been here now for five  
24 years, we have a great community. We have great community  
25 and family companies that are very conscious, wanting to do

1 the right thing, not only to serve the communities but also  
2 to take care of our natural resources. So, I am hopeful for  
3 a very, what I'd call a very responsible approach, looking  
4 at all the factors, and not just some voices who, of people  
5 who probably don't even live here and live in this community  
6 and work in this community. So, that's what I'd like to  
7 offer and say that on behalf of the business community, we  
8 ask for a very responsible approach by this body. Thank  
9 you.

10 MR. HASTREITER: Just to follow up, David. Are  
11 there any specific comments you have on, you know, any  
12 analysis we did in the Draft Environmental Impact Statement?  
13 We did some economic analysis of some of the measures. Do  
14 you have any specific comments on those?

15 MR. WHITE: I think your analysis is better than  
16 what I've seen in the past. It's more comprehensive, and  
17 that's good, but I just, my main point of being here today  
18 is just to echo what you'll hear from others that we  
19 encourage F E R C to take a responsible approach, which, you  
20 know, we believe that is your intention and make sure that  
21 you're representing all the factors and not just some  
22 factors that may be loud voices in the community but don't  
23 represent really, the economy of our community like I think  
24 it should. I hope that answered your question.

25 MR. HASTREITER: Yes. Thank you.

1           So, let us go with Griselda Manze?

2           MR. MORENO: Manze. I'll be translating.

3           MR. HASTREITER: Okay.

4           MS. MANZE: [Mr. Moreno:] Her name is Griselda  
5 Manze and she lives in the neighborhood that we do, we  
6 provide some work in, in the airport neighborhood, for the  
7 Tuolumne River Trust. And so she's acknowledging that the  
8 recreation piece, where she goes with her family to the  
9 river parts, but because of there's not enough water in the  
10 river at times specifically during the summer, so the fact  
11 that there isn't recreational opportunities is something  
12 very important to her so that to mention to this Board.

13           She also just wants to mention that they want to  
14 also improve the community and part of that also involves  
15 that more people enjoying the river and being able to enjoy  
16 the river at some points of the year. She did mention --  
17 I'm just paraphrasing -- some points of the year the water  
18 is not high enough for them to do water related activities.  
19

20           MR. HASTREITER: Can you describe the water  
21 related activities?

22           MR. MORENO: Canoe, canoeing.

23           Basically most of the time is like fishing,  
24 canoeing, kayaking, and stuff like that. And we do that  
25 with a youth group called Trek. And we used to go out to

1 the river and do river cleanups and stuff like that; and  
2 we've also seen that there's been a lot of dead animals due  
3 to contamination and stuff in the water like that, when we  
4 do our river cleanup. And usually when we try to do  
5 canoeing and kayaking and stuff like that in the river, we  
6 don't have enough water to do that. We also have to go to  
7 the middle of the river to like get knee deep in the  
8 river. MR. HASTREITER: Where is this in the river?

9 MR. MORENO: Right here in the Tuolumne River  
10 behind the airport.

11 MR. HASTREITER: So, right here in Modesto at the  
12 airport?

13 MR. MORENO: Yes.

14 MR. HASTREITER: Okay.

15 MR. MORENO: That was it.

16 MR. HASTREITER: All right. Are you Edgar? Did  
17 you want to say anything?

18 MR. GRANBY: Just again, it's finding that, I  
19 think there are residents here, again, that care much about  
20 the river, and our river and this is the gem; I think  
21 there's a big economic opportunity as well to not only be  
22 able to recreate but also as ways to find jobs. So finding  
23 that balance is critical; at the same time we need to find  
24 real solutions about how, you know, beyond a lot of  
25 different analysis and a lot of different things how people

1 in these communities that I work with on a day-to-day -- and  
2 it's not just the airport, there are a lot of underserved  
3 communities along the river that have other needs as well.

4 I know we were talking more about, you know, the  
5 river itself but I think it's also important to work with  
6 the communities that work along the river, because obviously  
7 all of us want the best thing for the county, for Stanislaus  
8 County and what a great way to know that a river passes  
9 through here so, I think it's very important. I work very  
10 much with a lot of our Hispanic families and they very much  
11 would like to stay here and be able to recreate here, but  
12 oftentimes they don't have the means to do that whether it's  
13 to travel -- so we have these great parks to look at and to  
14 invest in, and that also speaks throughout the watershed.

15 So, if there's meaningful comments and solutions  
16 that we can do where we are meeting all the needs, I think  
17 that's the very most important thing that we can do because  
18 it's not about fish versus human, it's about how we can come  
19 together as communities -- a like a lot of people in the  
20 room have known about the homelessness crisis. People have  
21 come together. Why can't we come together in this? These  
22 sorts of things. So, I just will hope that everybody here  
23 will be able to - we can all work together, develop visions  
24 and work to these solutions to make a better, healthy  
25 Tuolumne River. Thank you.

1           MR. HASTREITER: Thank you very much. Appreciate  
2 it.           Did you want to come up here, Carol?

3           MS. LEPERT: No, I'm good.

4           MR. HASTREITER: You're good? All right. We got  
5 a lot of recreation comments there and I thought maybe --

6           MS. LEPERT: I'm here.

7           MR. HASTREITER: Can you hear them?

8           All right. So, our next speaker is Marty  
9 McDonnell.

10           MR. McDONNELL: My name is Marty McDonnell, I  
11 have a whitewater rapids business. I have been doing tours  
12 on the Tuolumne River since 1989. I've been entering the  
13 reservoir at Jacksonville before the reservoir backed up, up  
14 to Wards Ferry. We lost a great takeout facility at  
15 Jacksonville when the reservoir was built and inundated some  
16 five-six miles of our white water run.

17           My business is located in Tuolumne County, so I  
18 employ a lot of people to do this, and we also do private  
19 boating. My concern really here is FERC's stand on the  
20 Wards Ferry takeout facility. I've been with a variety of  
21 stakeholders including the irrigation district to work on  
22 mitigating the loss of taking out at Jacksonville and trying  
23 to resolve a very serious situation at Wards Ferry that has  
24 not been any more than a short trail a couple feet wide for  
25 taking out heavy boats and people walking up a vertical

1 cliff.

2           It's dangerous and this is an issue that really  
3 needs to be resolved and the FERC response was there's no  
4 nexus, there's no connection with what we do with the  
5 reservoir. I find that to be false. It's wrong. I don't  
6 understand where that came from. So, the Tuolumne River is  
7 known nationwide as a wild and scenic river; one of the most  
8 pristine runs, it's revered as being one of the best. And  
9 to end your trip in a V-shaped canyon with no way to get out  
10 is really an objectionable process.

11           So, I wish that you would join the Bureau of Land  
12 Management and their recommendation. It was an agreement  
13 that was made with the irrigation districts to build a  
14 better facility at Wards Ferry that would include not only a  
15 good trail down the river but a place for lifting boats out  
16 of the water on the side, bathroom facility, parking --  
17 which is now, if you come tomorrow and look at this tomorrow  
18 afternoon, you'll see that this is a pretty primitive place  
19 for a lot of activity. There's thousands of people that go  
20 down the river and there would be many more people that  
21 would come if there was a decent place to take out there.  
22 And this is clearly one of the reasons why people don't do  
23 this particular whitewater run, is because the takeout is  
24 miserable, dangerous, hot and there's no trails going down  
25 to the water.

1           When the reservoir was built, the motor boaters  
2 have fantastic facilities at Fleming Meadows and at Moccasin  
3 Point. There's huge campgrounds, and so they recognized the  
4 need to provide a facility for the motorized boaters but  
5 they have not recognized the need for taking out at Wards  
6 Ferry for the paddlers, the non-motorized boaters.

7           The irrigation districts issue a permit to me,  
8 and have for the last 40 years, to take out at Wards Ferry  
9 Bridge. I pay for this. I pay the irrigation districts to  
10 take out, enter their reservoir and take out at Wards Ferry.  
11 So, for the irrigation district to say or you to say that  
12 there's no nexus to this project is flat wrong. I do not  
13 understand the logic on page 223 of your decision  
14 recommended by staff that there's no need to build a takeout  
15 facility at Wards Ferry. I find this very regrettable and  
16 whatever, sort of, information you got that shows that  
17 there's no nexus, no need for this is wrong. And my  
18 question to you is how do you come to this conclusion? It's  
19 mind boggling.

20           MR. HASTREITER: So, if you have any other  
21 information that we could use to change our minds in written  
22 comments, we would appreciate it.

23           MR. McDONNELL: Yes, I will submit -- and when  
24 you see the place tomorrow you'll get a better idea what the  
25 problem is.

1 Thank you.

2 MR. HASTREITER: Thank you, Marty.

3 Our next speaker is Megan Lehey.

4 MS. LEHEY: Is there some sort of time limit?

5 MR. HASTREITER: Typically five minutes.

6 MS. LEHEY: All right. Meghan Lehy, with the  
7 Central Valley Environmental Research Center. I'm an  
8 aquatic biologist with that organization. We work in those  
9 regions to protect water and wildlife, and also Bob Slazer,  
10 but specifically we're just focusing on this project with  
11 water and wildlife, obviously. And as you guys are aware,  
12 the native salmonid populations that are hosted by the  
13 Tuolumne River are not doing well. As you know, they used  
14 to be in the hundreds of thousands back in the day, but now  
15 not so much.

16 I think there need to be some drastic steps taken  
17 to protect them, the general native aquatic species also  
18 that are found in the Lower Tuolumne.

19 Our recommendation, proceed with this Draft EIS  
20 and the first alternative did not include enough  
21 requirements that are necessary to protect the salmonids  
22 that use the Lower Tuolumne River. Therefore, I think that  
23 the FERC must require licensees to take strong measures to  
24 provide more adequate protections for these resources.

25 So what are needed are adequate flow

1 requirements, combined with non-flow measures. So in terms  
2 of flow, I urge the FERC to require minimum instream flows  
3 below the amounts that are equivalent to the State Water  
4 Board mandatory and required flow requirements for the  
5 months of February to June, and October.

6 Obviously we know that increases in minimum flow  
7 will be essential for spawning and rearing salmonids in the  
8 Tuolumne. I also urge the FERC to require a couple  
9 different non-flow measures. One of those is salmonid  
10 monitoring in the Lower Tuolumne. It should be the  
11 district's responsibility to at least financially provide  
12 for salmonid monitoring in the Lower Tuolumne; of course in  
13 consultation with resource agencies. This monitoring is  
14 essential to understand the implications of project  
15 operations to salmonids in the Lower Tuolumne. And  
16 ultimately the data collected from salmonid monitoring would  
17 help enhance the resource.

18 There's also a critical need for robust gravel  
19 and large wood enhancement and management in the Lower  
20 Tuolumne. These habitat enhancement measures are essential  
21 components for not only salmonids but other aquatic native  
22 organisms, and for river habit stability and complexity.  
23 Gravel is not only essential for salmonid spawning habitat,  
24 but is also an important habit component for  
25 macroinvertebrates, and is also essential for streambed

1 stability.

2           Ultimately, the flow requirements and the nonflow  
3 measures I just talked about briefly are just some of the  
4 critical actions needed to restore native fisheries and the  
5 river ecosystem of the Lower Tuolumne.

6           But I appreciate the opportunity to speak to you;  
7 and I hope the resources of the Lower Tuolumne are at the  
8 same level of importance as other users under the new  
9 license.

10           MR. HASTREITER: I just have a quick follow up  
11 question. You mention you would like us to implement the  
12 Water Board's flow proposal; and I think they're proposing  
13 sort of a range of 30, 40, or 50 percent of the unimpaired  
14 flow? Is there any one in particular or is it just wherever  
15 they land, that's what --

16           MS. LEHEY: I think for our organization, the  
17 higher the better. I believe the State Water Board said  
18 that they would start at 40 percent, and from there it's not  
19 clear where in the 30 to 50 the Tuolumne would fall.

20           MR. HASTREITER: Okay, thank you.

21           Our next speaker is Mary Butterwick.

22           MS. BUTTERWICK: If that's all right, I will sit.  
23 Good afternoon, my name is Mary Butterwick and I have lived  
24 in San Francisco for over 30 years. And while I enjoy a  
25 high quality drinking water that comes to San Francisco from

1 the Tuolumne River, I also realize that the delivery of this  
2 precious resource comes at a very high cost to the aquatic  
3 ecosystem.

4 As phased in San Francisco Public Utility  
5 Commission's proposed alternative resolution dated March  
6 12th 2019, quote: "The Bay Delta ecosystem is in a state of  
7 crisis, with populations of most species of wild salmon at  
8 record lows; fish populations such as Delta smelt on the  
9 brink of extinction, and current water quality, water  
10 quantity and habitat conditions unable to support their  
11 recovery.

12 The construction and operations of the Don Pedro  
13 and La Grange Dams have had and continue to have adverse  
14 impacts on the aquatic ecosystem of the Tuolumne River, an  
15 important tributary within the larger Bay Delta watershed.  
16 For instance, before the Don Pedro Dam was constructed, the  
17 Tuolumne hosted more than 100,000 spawning salmon in many  
18 years. And in recent years that number has dropped to just  
19 a few thousand, or even as low as a few hundred.

20 This degree of degradation is unsustainable and  
21 must be reversed by increasing flows in the river. In order  
22 to comply with the requirements of the Federal Power Act,  
23 the FERC licensing of the Tuolumne River Dam needs to give  
24 recreational and aquatic uses equal treatment with power and  
25 water supply.

1                   Therefore I urge the FERC to select as its  
2 preferred alternative one that complies with the California  
3 Water Resources Control Board's new instream flow standards  
4 which were adopted on December 12th, 2018. These standards  
5 call for instream flows of 30 to 50 percent of the February  
6 through June unimpaired flow starting at 40 percent. I  
7 understand that Modesto and Turlock Irrigation Districts,  
8 San Francisco and FERC proposed much lower flows, at about  
9 20 percent.

10                   So the preferred alternative also needs to  
11 provide spring flows high enough to get water on the flood  
12 plains, provide sufficient flows for the migration of fish  
13 upstream and downstream, maintain downstream water  
14 temperatures low enough to support a cold water fishery and  
15 incorporate water conservation measures to help meet the  
16 water demands for power and municipal and agricultural uses.  
17 Thanks.

18                   MR. HASTREITER: Thank you, Mary.

19                   Steve Welch is our next speaker.

20                   MR. WELCH: My name is Steve Welch, I'm the  
21 General Manager of Arta River Trips, we're one of the four  
22 outfitters permitted to run ships on the Tuolumne River. I  
23 have spent a lot of my time over the last 35 years at the  
24 Wards Ferry Bridge site, carrying boats up the hill,  
25 carrying equipment up the hill. Helping people up the hill.

1 Maintaining trails and whatnot. Not my favorite place, I'll  
2 be honest with you. It's hot. So I was excited five years  
3 ago when this process started, more or less. And an  
4 opportunity to fix that problem. And another opportunity  
5 to see big government in action.

6           So, I went to the first meeting of stakeholders  
7 and learned about flows and temperatures and fish and large  
8 woody debris and all these other things that are involved in  
9 this project; and when the topic of Wards Ferry, the  
10 facility there came up, the district's response was there's  
11 no nexus there. I didn't know what no nexus meant; but I  
12 figured I wasn't good. I'm still not sure I know what it  
13 means.

14           But we pointed out to them that for the past 20  
15 years they've issued us a permit and collected money from us  
16 to use that facility, so they must have thought there was a  
17 nexus at that point. And they finally did agree to that;  
18 and we spent the last five years negotiating with them; and  
19 I have learned a little bit more about the government  
20 processes and felt we had moved past the no-nexus roadblock.  
21 So, it was disappointing when your draft environmental  
22 impact statement came out and said that there was no nexus,  
23 so I would like you to reevaluate that part of your  
24 decision. Thank you.

25           MR. HASTREITER: Do you have any -- are you going

1 to provide some written comments?

2 MR. WELCH: Oh, yes. I'm much better in writing.

3 MR. HASTREITER: Okay, great. Thanks. More  
4 information is better for us to look at.

5 William Martin is our next speaker. Right here.

6

7 MR. MARTIN: Here are five packages of graphs  
8 that I have, pictures and graphs.

9 MR. HASTREITER: William, are you going to file  
10 written comments?

11 MR. MARTIN: I am.

12 MR. HASTREITER: Are you going to provide these?

13 MR. MARTIN: Yes. My name is William Martin. I  
14 am a San Francisco resident. A customer of the San  
15 Francisco Public Utilities Commission, or SFPUC. I'm also  
16 here speaking on behalf of Sierra Club California, for which  
17 I am a volunteer.

18 For over two years I've been involved at the  
19 SFPUC in discussions regarding their opposition to the State  
20 Water Resources Control Board's water quality plan update.  
21 I have examined the SFPUC's opposition, and I've met with  
22 their staff and spoken with the commission on numerous  
23 occasions.

24 My conclusion. Their opposition is based on  
25 speculative, erroneous conclusions and assumptions. In the

1 SFPUC area, the San Francisco and the counties to the south  
2 and east, water use decreased by about 23 percent from 2010  
3 to 2016, as shown in the graphs that I just handed out.  
4 This is a result of water conservation during the most  
5 recent drought.

6           During the same periods, San Francisco and San  
7 Mateo Counties experienced strong employment growth. That  
8 is, water conservation and employment growth were negatively  
9 correlated during the recent drought. I bring this up very  
10 carefully, and all of the data that's in that graph is  
11 publicly available. Because the SFPUC responded to your  
12 draft, and in part of their response they used a series of  
13 economic tables, claiming economic depression in the Bay  
14 Area if they ever have to cut back on water. And the data  
15 that is in front of you indicates they're wrong; that, in  
16 fact, there is no evidence at all that water conservation  
17 and economic growth go hand-in-hand.

18           In fact, all the evidence we have is that they go  
19 the opposite direction. And, if you then, take, if somebody  
20 wanted to do it -- and I have done most of the work, you  
21 take that same graph and go backwards in time as far as we  
22 can, which is roughly around 1900, and look at every growth,  
23 at every period of drought and put up against that period of  
24 drought economic growth of both employment, population, and  
25 economic growth, you find that throughout the state of

1 California, every time there's been a drought, there's been  
2 economic growth, there's population growth, and there's been  
3 employment growth.

4           So, please, whenever you're looking at economic,  
5 at the effects of the, for example, the State Water Board's  
6 decision to require 40 percent mandated flows, unimpaired  
7 flows down the river, then somebody says 'Oh, there goes our  
8 economy.'

9           I really think if you want to carefully examine  
10 those statements and carefully examine exactly what parts of  
11 the economy are affected if any, because the record shows  
12 that throughout the state that simply doesn't occur.

13           Briefly I'd also like to point out that in  
14 response to your follow-up question earlier that in 2010 the  
15 first report that the Water Board released relative to  
16 unimpaired flow in the February to June period to be  
17 protected, fully protected; while Fish & Wildlife was 60  
18 percent. That is, the scientists working for the Water  
19 Board recommended 60 percent unimpaired. Not 40.

20           The Water Board then reasonably, and responsibly  
21 I suppose, cut that number. But I did want to point out to  
22 you that that actually was what the scientist who did the  
23 report for them showed. That's important because, as pointed  
24 out earlier, the salmon and steelhead need those high flows.

25           Also, a final point on that relative to

1 predation. One of the issues of predation is habitat. I  
2 happen to be a bass fisherman. I, you know, have a pretty  
3 good idea where I'm going to find a bass. I'm not going to  
4 find a bass in a cold, fast stream. And that's just facts,  
5 so if we want to make sure that we've got habitat for cold  
6 water fish, we need to make sure that we've got habitat for  
7 cold water fish, not warm water fish.

8 Thank you very much.

9 MR. HASTREITER: Thank you, William.

10 MR. MARTIN: Thank you.

11 MR. HASTREITER: The next speaker is John  
12 Buckley.

13 MR. BUCKLEY: Good afternoon. I'm John Buckley  
14 with the Central Sierra Environmental Resource Center. I'm  
15 going to provide some very brief context, and that addressed  
16 a pretty long trend. That's what I know you're asking for,  
17 is about the EIS and comments on that.

18 For years Center Staff has devoted time and  
19 resources, and participating in this process, and unlike  
20 some processes we think that we've made it especially clear  
21 that we are seeking feasible middle ground strategies or  
22 majors that will result in the least costs to the applicants  
23 and the least amounts of impacts on the majority of water  
24 that's used from the Tuolumne River by agriculture and other  
25 water users. And I would respectfully point out that that's

1 not something that was necessarily in this FERC relicensing  
2 you're involved in, or the Stanislaus River, that there was  
3 a sensitivity by the environmental groups and by the  
4 agencies to truly try to minimize the cost of impacts on the  
5 licensees.

6 But in this case, even when there have been  
7 meetings separate from the licensees, there's been a  
8 considerable amount of discussion of how to minimize the  
9 impacts, and not just because of economics but just in terms  
10 of fairness and balance so that if there are benefits for  
11 water species, aquatic species, especially the salmonids,  
12 but if there are benefits for water quality or all the other  
13 values, that they are benefits that are balanced by respect  
14 for the needs for agriculture.

15 So, I hope that it's very clear and I'm sure we  
16 affirm this later, that there has been a clear effort to try  
17 to find that middle ground. The challenge has been, and I  
18 see this with a lot of respect for having worked with all of  
19 the different interests in this process is that over the  
20 years, especially with the modeling, the districts have gone  
21 to the extreme of not being interested in working with the  
22 NGOs or with the agencies to sit down and collaboratively  
23 use the modeling to find out how to minimize those impacts  
24 and to make adjustments.

25 And instead, it is my bias that there has been a

1 blanket core opposition to consider anything that appears to  
2 reduce the water supply. It's been a position rather than  
3 an approach that is based on a true need. And as our Center  
4 has worked and reviewed the FERC preferred alternative,  
5 we've gone through this process, we have a number of  
6 concerns that we think are of highest priority.

7           One, you asked about the monitoring, whether or  
8 not it was actually providing something. With all due  
9 respect, if you're not monitoring the species that are most  
10 at risk, you cannot have good information to assess whether  
11 your operations and the way that the river is being managed,  
12 is or isn't benefiting those species at risk. Again, I  
13 think this is a no-brainer. I respectfully advocate that  
14 you will hear from not just NGOs or from the citizens  
15 concerned about water quality, but from the agencies why  
16 it's so essential to have that salmonid monitoring.

17           Second issue. It is a struggle for me -- and  
18 Jim, you know as I said I've been involved in the FERC  
19 license for a long time is that there has been so much, I  
20 would call it rejection of the 10(J) conditions by the  
21 agencies that have put so much time and effort into  
22 carefully providing the rationale for why those are put  
23 forward. So one of the things that I'm urging is that I  
24 believe that the FERC should adopt all the 10(J) conditions  
25 deemed to be within the scope of section 10(J), which is

1 separate from those that you reach out, because you don't  
2 believe they're within the scope.

3           And last, there are many aspects to this complex  
4 planning process where the FERC can reasonably side with the  
5 districts, looking at the economics. Because anyone who  
6 doesn't say that there are economic effects from this  
7 complex project is not being realistic. The ability for  
8 water users to use new technologies, new practice and  
9 everything really isn't addressed adequately in the EIS and  
10 the FERC preferred alternative. It's as if you are assuming  
11 that these economic factors are going to be irreconcilable  
12 and irreversible despite the fact that there are so many  
13 ways that people can adapt and utilize and we were already  
14 referred to as how the City and County of San Francisco,  
15 the SFPUC, has reduced water use by using technologies.

16           So, in closing, our Center urges FERC staff to  
17 move toward a middle ground. We truly believe there is  
18 middle ground here. We don't need to have the level of  
19 polarization that comes out of so many of these processes.  
20 Our Center urges the FERC staff to act to ensure that  
21 there's a central protection for diminished resources, the  
22 river system, even while the majority of river water will  
23 continue to be diverted to benefit agriculture, the local  
24 economy, water users in the region's overall jobs and  
25 economic benefits.

1           One last point, it's not written down here. I  
2 know today when people talk about, 'You don't even live in  
3 this area,' this water comes from the mountains where our  
4 Center is located, it comes from the snow pack on federal  
5 lands; the overwhelming majority of this water that is being  
6 used by people in this area is coming from outside of the  
7 area. It's coming from places where there is almost no  
8 benefit provided through the Tuolumne River for the county  
9 of use, or the county of origin, and the places where the  
10 water actually begins. Thank you very much.

11           MR. HASTREITER: Thank you, John.

12           Peter Drekmeier.

13           MR. DREKMEIER: Peter Drekmeier, the Policy  
14 Director for the Tuolumne River Trust. I appreciate you  
15 coming out today. Our organization was founded in 1981 and  
16 we secured federal wild and scenic status for 83 miles in  
17 1984. For the last couple of decades we have put a lot of  
18 focus on the Lower Tuolumne, working on the Lower Tuolumne  
19 Parkway, restoring 269 acres at Big Ben to flood plain  
20 habitat. In 2012 we raised 22 million dollars to purchase  
21 1,600 acres at the confluence of the Tuolumne and San  
22 Joaquin, and that's restored to wildlife habitat. And  
23 actually that is inundated right now, thanks to the high  
24 flows.

25           And just this last summer we finished a ten year

1 project to remove Dennett Dam in Modesto, which was a big  
2 dam but it was a dangerous dam. A couple people died there  
3 in the last dozen years. So we've invested a lot in the  
4 Lower Tuolumne.

5           The Tuolumne is really in bad shape. We have  
6 lost the spring run salmon. The steelhead are threatened.  
7 We are on the brink with fall run salmon. And the Lower  
8 Tuolumne is listed as impaired per the Clean Water Act.

9           The problems go back a long ways. Back to the  
10 1850s. Mining, ranching, logging. Introduction of bass  
11 back in 1879, into the delta. Building of Wheaton Dam,  
12 later replaced by La Grange and the old Don Pedro. But even  
13 after all of that, in 1944 we had 130,000 salmon come up the  
14 Tuolumne to spawn. And then with the creation of new Don  
15 Pedro in the '60s, a lot changed, and we see dwindling  
16 populations. This year we had about 3,000 and that was  
17 higher than the recent average, so. The salmon are in bad  
18 shape and the entire ecosystem that depends on salmon.

19           A lot of the science that's used to support the  
20 Tuolumne River management plan [it forward by the irrigation  
21 districts and SFPUC is questionable. It hasn't been peer-  
22 reviewed. For example, there's a temperature study that  
23 found that salmon in Tuolumne can survive higher  
24 temperatures in other areas. It didn't look at the food  
25 source and how it's impacted by warmer temperatures and it

1 didn't look at the predators, for which they can become  
2 food. And we know that bass have evolved  
3 in slow-moving warm water. So, the ecosystem now favors  
4 nonnative predators over the native species.

5           And the plan that FERC seems to have embraced is  
6 to put all the life stages of salmon into the main channel.  
7 In a healthy ecosystem there's off-channel habitat,  
8 inundated flood plains where there's more food and refuge  
9 for the juvenile fish. But without adequate flows that's  
10 not available. So, the irrigation districts and SFPUC argue  
11 that 'Well, we'll put the juveniles in with the predators  
12 and there could be a problem there, so we will manually  
13 suppress the predators.' And FERC in the EIS said we're not  
14 going to require that because we think it's unlikely to be  
15 successful and could even cause problems with salmonids.  
16 Particularly the weir that was proposed.

17           So that undermines the whole fish model which  
18 hasn't been peer-reviewed and there's a lot of pressure on  
19 the State Water Board to peer review that model and see how  
20 it holds up. What you are recommending is a series of non-  
21 flow measures, primarily. And those have been tried before.  
22 The 1995 settlement agreement focused almost exclusively on  
23 non-flow measures; and many of them didn't get done. The  
24 signature project was special [] and that was filled in; and  
25 what we found was the largemouth bass were replaced by

1 smallmouth bass; and the district's own post-project  
2 monitoring report states: During extremely wet years high  
3 flows can flush largemouth bass out of a stream, but  
4 typically a sufficient number of adults can find shelter in  
5 flooded areas to repopulate the stream during lower flow  
6 conditions. During the years following the flood,  
7 largemouth bass abundance was controlled by spring and  
8 summer flow conditions that were unfavorable for  
9 reproduction. Largemouth bass requires low water velocity  
10 and warm water temperatures to reproduce.

11           That was their own post-project report. So, I'm  
12 going to give you this graph of the flows in the Tuolumne  
13 since 1995, and the quality since 1995 and it shows what the  
14 unimpaired flow is and what's diverted. And during the  
15 recent drought the unimpaired flows were as follows: 20  
16 percent in 2012, 12 percent in 2013, 12 percent, 13 percent,  
17 8 percent in 2016. That's what the unimpaired flow was.  
18 2017, 79 percent. Could be a water year. And essentially  
19 all the water people conserved for five years got dumped.  
20 One excessively good year at the expense of five terrible  
21 years on the Tuolumne.

22           So, the State Water Board, they proposed 30 to 50  
23 percent unimpaired flow, starting at 40 percent. There's a  
24 real incentive to do the non-flow measures. We think those  
25 are important to habitat restoration. If we can reach

1 biological goals and objectives with less water, it could  
2 drop down to 30 percent. If they're not working, move up to  
3 50 percent. Adaptive management and the FERC license  
4 doesn't address adaptive management.

5           So, we seen a lot of progress, as mentioned  
6 before, in the San Francisco PUC service area; water  
7 conservation has really paid off. We saw a 30 percent drop  
8 in water demand in a 10 year period, 2006 to 2016. In the  
9 south San Joaquin irrigation district they did a pilot  
10 project where they did a pressurized water system. They  
11 found that yields increased by 30 percent and water use and  
12 energy use decreased by 30 percent.

13           So we have technology. We've been encouraging a  
14 groundwater water bank for San Francisco; we would partner  
15 with the irrigation districts in big water years like 2017  
16 or this year when there is extra water that can be taken  
17 without harming the ecosystem. Capture it, put it  
18 underground, make it available during the drier year  
19 periods. So, we submitted, we worked with other  
20 conservation groups and submitted comments on ready for  
21 environmental analysis. We put a lot of time and effort  
22 into that. We felt like we were looking at alternatives  
23 that really could work for everyone; and most of our  
24 comments were dismissed in the Draft EIS, so that was very  
25 disappointing. We'll weigh in again. But we really hope

1 that you will consider a lot of the comments made today.

2 Thank you very much.

3 MR. HASTREITER: Thank you, Peter.

4 Our next speaker is Elaine Gorman.

5 MS. GORMAN: Good afternoon. My name is Elaine  
6 Gorman and my comments are mainly of a personal nature. So,  
7 just coming from my heart. I'm a retired teacher of Modesto  
8 City Schools and I first found out about the Tuolumne River  
9 when I moved here in 1976 and I lived on a walnut farm where  
10 we pumped water directly out of the river; so that farm  
11 bordered the river and I remember hauling those irrigation  
12 pipes for hours in between the walnut trees, so I know what  
13 it's like to lift Tuolumne River water.

14 And as I mentioned I'm a retired teacher, and  
15 I've lived in Modesto for more than 35 years, mostly within  
16 about two miles of the Tuolumne River. I have taken  
17 hundreds of students and their parents on field trips to La  
18 Grange where they had the opportunity to learn from wildlife  
19 biologists about the life cycle of Chinook salmon, the  
20 cultural history of the area, the natural history of our  
21 riparian ecosystems, and then the importance and irrigation  
22 of domestic water use. I also talked to the MID water  
23 conservation system way back in the '80s that's been  
24 provided to local teachers.

25 I currently lead local community nature walks

1 along the Tuolumne River as a volunteer for the Sierra Club  
2 and the Tuolumne River Trust. In fact, this weekend I lead  
3 a trip to the Shoreline out of Blue Oaks recreation  
4 overlooking Don Pedro. We saw an osprey, and that was  
5 really awesome, and had a fish in its talons. So we really  
6 appreciated that. Walking along the river, berries  
7 underneath the reservoir there so we had a good time.

8 I have hiked, canoed, swam, inner tubed and  
9 backpacked along most of the Tuolumne River. I have sipped  
10 water fresh from wild glacier. I have watered my garden and  
11 fruit trees with water from the Tuolomne. In most places in  
12 Modesto I can open a tap and drink water from the Tuolomne.  
13 The Tuolomne River is very precious to me.

14 Revisions to the Federal Power Act require that  
15 recreational and aquatic uses get equal treatment with water  
16 and power supply. Recreational enhancements along the  
17 Tuolomne River and La Grange, Waterford, Ceres, and Modesto  
18 will allow our community members to enjoy and learn about  
19 the river. When citizens visit public natural resources  
20 like the Tuolomne River, they learn to appreciate, advocate  
21 for, and protect these valuable natural resources that  
22 belong to all of us.

23 There is a disparity between the State Water  
24 Board's adopted new instream flow standards of 30 to 50  
25 percent of the February through June unimpaired flow and the

1 FERC proposal. The District, San Francisco and the FERC  
2 proposal of 20 percent is not sufficient for the health of  
3 wildlife in the San Joaquin Delta and San Francisco Bay.  
4 Low flows in the Tuolumne River have a negative impact on  
5 recreation and enhances growth of invasive water hyacinth.

6 Low flows impact water quality and negatively  
7 affect salmon during many stages of their life cycle.  
8 Nonnative fish have an advantage over native fish under  
9 current management practices. I urge the Federal Energy  
10 Regulatory Commission to consider these issues and comments  
11 during the licensing process of dams along the Tuolumne  
12 River. Thank you.

13 MR. HASTREITER: Thank you, Elaine.

14 Our next speaker is Les Kishler.

15 MR. KISHLER: Hello. My name is Les Kishler, I'm  
16 a retired high school science teacher and a resident of  
17 Santa Clara Valley Water District. I've backpacked for 40  
18 years in the Sierra and sometimes in the watershed of the  
19 Tuolumne. I was going to make a suggestion you've already  
20 heard a couple of times, so I'll reduce this to less than a  
21 minute.

22 The State of California has assigned itself what  
23 it calls the coequal responsibility of distributing water to  
24 water users and the protection of the San Francisco Bay and  
25 Delta ecosystem. The Federal Energy Regulatory Commission

1 could be supportive of these coequal missions by mentioning  
2 in its report California's recent adoption of February-to-  
3 June unimpaired flows starting at 40 percent. Even this 40  
4 percent isn't enough to slow the deteriorating quality of  
5 the Bay and the Delta.

6           If the Commission were to be quiet on this  
7 important standard, it may encourage ever-expanding export  
8 of water for increased, large scale export agriculture and  
9 increase suburban and urban growth to the detriment of  
10 already-existing agriculture and cities.

11           MR. HASTREITER: All right. Les, thanks. Just  
12 so you're aware though, the Water Board will be filing final  
13 conditions on the project as well. We will address those in  
14 the final EIS.

15           Next speaker is Adrienne Carr.

16           MS. CARR: Hi. I'm Adrienne Carr. Senior Water  
17 Resources Specialist with the Bay Area Water Supply and  
18 Conservation Agency, or BAWSCA. Under California law,  
19 BAWSCA represents the interests of 1.8 million residents and  
20 over 40,000 businesses and community agencies in Alameda,  
21 San Mateo, and Santa Clara Counties. I am going to provide  
22 you with some facts about those water customers and some  
23 understanding of their interests and concerns for your  
24 upcoming decisions.

25           BAWSCA's agencies and their customers buy 2/3rds

1 of the water provided by San Francisco Regional Water  
2 System, the Hetch Hetchy Reservoir that is upstream of Don  
3 Pedro. That means that BAWSCA's member agencies are the  
4 primary recipient of the water from Hetch Hetchy Reservoir.  
5 And 16 of BAWSCA's 27 member agencies solely rely on San  
6 Francisco water to address all of their potable water supply  
7 needs. Unlike conventional FERC proceedings which deal  
8 primarily with energy generation and environmental  
9 protection, this proceeding also has the significant  
10 potential to affect the Tuolumne River water supply for the  
11 San Francisco Bay area.

12           The Bay area has the highest gross domestic  
13 product of any metropolitan region in the United States, and  
14 includes the Silicon Valley which drives the California  
15 economy. It is clear that your important decisions can  
16 seriously impact the health, welfare, and economic well-  
17 being of millions of water customers in the Bay area and  
18 their future depends on water.

19           Water supply shortages caused by new alternative  
20 downstream flows from Don Pedro could reduce business  
21 expansion, delay construction of much needed affordable  
22 housing, threaten jobs, and reduce vital community services  
23 in the Bay area. Any conditions for relicensing must  
24 consider the effect that reducing the water supply would  
25 have on the Bay area communities. Thus far, FERC has done

1 well to take these significant effects into account.

2           BAWSCA understands and supports restoring salmon  
3 populations in the Tuolumne River. It's a complicated  
4 challenge with many competing needs. Both flow and non-flow  
5 measures should be included to improve habitat conditions  
6 for salmon on the Tuolumne River and maintain water  
7 reliability for people who depend upon it. BAWSCA respects  
8 FERC and the licensing process and urges FERC to continue to  
9 strive for a balanced plan for the future of the Tuolumne  
10 River and everything that relies on it. The environment,  
11 the public, and the economy.

12           MR. HASTREITER: Thank you, Adrienne.

13           MS. CARR: You're welcome.

14           MR. HASTREITER: Our next speaker is Paul Wenger.

15           MR. WENGER: Paul Wenger, Farmer here in Modesto  
16 and so first I wanted to say thanks for coming back. I  
17 think it was eight years or so ago when we had the first  
18 meeting over it. At the time I was serving as president of  
19 the California Farm Bureau. I got here about 8 o'clock at  
20 night. I watched all my neighbors have to leave by 10  
21 o'clock because a lot of them were going to go out and farm.  
22 Have to farm early in the morning. I stayed until about  
23 midnight and some of you here were there at that meeting,  
24 but it was interesting how many people from out of the area,  
25 mostly out of Santa Clara valley, who utilize our area to

1   recreate, were here. And at the time I made a comment it was  
2   interesting how some folks were more concerned about how  
3   they were going to get their raft out of the water and that  
4   the people in this area, the Valley of the Poor, should have  
5   to pay for it.

6           One of the most, richest areas in the world where  
7   the median home is priced at a million dollars. Where  
8   people have to drive sometimes four and five hours a day to  
9   go to and from work in the Bay area because they can't live  
10  there. And yet, the solution was this area, which has a lot  
11  of disadvantaged communities in it -- well, I wouldn't call  
12  it the Valley of the Poor, would have to pay for that. We  
13  worked those out. So, for the gentleman here with the  
14  rafting company, from my understanding, it's not part of the  
15  solution in there but they've come up -- the irrigation  
16  districts, the Bureau and the rafting companies have come up  
17  with a workable solution. And that's what's called sitting  
18  down at the table and coming up with something that works  
19  for everybody.

20           And maybe I'm wrong because I'm not a rafter,  
21  wish I had time to do it, but they came up to a conclusion  
22  that worked. You know, it's interesting because everybody  
23  wants to come to you and have you solve their problem and  
24  again, you're looking at what items for a licensing for the  
25  reservoir, you know, to create power generation. When

1 grandpa came here from Pennsylvania in 1910 he thought it  
2 was the stupidest idea to have Don Pedro Reservoir, because  
3 you dug a hole out here 32 inches deep and you could see the  
4 water running then. There wasn't 40 million people in  
5 California back then.

6           It's interesting that we have people that are  
7 here from the Bay Area -- and I feel sorry for the people  
8 from the San Francisco Public Utilities Commission because  
9 they have to provide water to those people in the Bay Area,  
10 and many of them represent environmental groups that want to  
11 live in beautiful San Francisco and want cheap water rates.

12

13           And they talk to us in the valley, that we ought  
14 to conserve. I'm on a well and a septic. I turn on my tap  
15 to shower, to wash our clothes. We do whatever we do, it  
16 goes out the septic tank, it goes out the leach line. My  
17 youngest son lives a quarter mile to the west. In time that  
18 water is picked up by my son to his well. And he showers,  
19 and they cook, and they do whatever and it goes out into the  
20 septic and the leach line; and my middle son lives another  
21 quarter mile to the west and he does the same thing. That's  
22 called water recycling.

23           I feel sorry for those folks that are in charge  
24 of water structure in San Francisco, because those folks  
25 want cheap water. They clean it up a little bit and they

1 discharge it to the Bay; they don't recycle anything. And  
2 they have the audacity to come over here and tell us in the  
3 Valley of the Poor that we have to do something different.  
4 We have to cut back on the water that grows the crops that  
5 feeds them.

6           So when you talking about sustainability, we're  
7 pretty sustainable in the valley. I don't think if you shut  
8 off the -- just read, We're Nine Meals Away From Anarchy,  
9 it's a very interesting read there, to read about what  
10 happens if people don't have food that they can eat. And  
11 we're about nine meals away from anarchy. And it's very  
12 interesting, our biggest water footprint is not flushing the  
13 toilet or taking quick showers; It's the food that we eat.  
14 And currently, food has to be grown with potable water.  
15 Pretty good water.

16           So, the last thing is that I think that in your  
17 plan you come up with some good things. I would ask that  
18 you think about the Lower Tuolumne River improvement project  
19 and some predator screens. It's interesting that over the  
20 years I've been at meetings talking about some of the things  
21 here as well as the State Board, and some folks say, you  
22 know, 'I like catching wild caught salmon.' How is it that  
23 we have an endangered species that we're killing before they  
24 can come back? We can put the most salmonids in the river  
25 but if we're going to harvest them before they come back,

1 how in the heck is this sustainable? Kind of like the old  
2 parody or the old parable, if you give a man a fish, or a  
3 person a fish, you've fed him for a day; you teach him to  
4 fish, you've fed him for a lifetime.

5           There's 40 million people in California. What  
6 happens if every one of those people have to go catch a fish  
7 every day? It is a very nice thing to have time, the money,  
8 and the ability to go catch wild caught salmon but we're in  
9 a different place than we were a hundred years ago. And I  
10 think the science that has come together for San Francisco  
11 and TID and MID does stand up to peer review. I was just  
12 over here at a city council meeting not too long ago when  
13 the State Water Board come and they said, 'True, we do have  
14 a lot of things we can do besides increasing flows to save  
15 the salmon.' Their own person said that right there.

16           It's not all about water is going to increase the  
17 salmon, there's other things that we can do. Non-flow  
18 measures that can increase the salmon. It's really about  
19 just putting water out there for who knows what. But thank  
20 you for coming. I think you do have, come up with some good  
21 solutions. I would say that in your final report, think  
22 about predator control. We found that a lot of salmon are  
23 eaten by stripers. And do think about the Lower Tuolumne  
24 River habitat. And for the gentleman over here I think  
25 we've got a solution. From what I understand for those

1 folks, maybe one day I can come up and get a trip with one  
2 of these guys. They do have a way, and we've come up with  
3 a solution to be able to meet their needs and be able to not  
4 have this 40 or 50 million dollar price tag that all the  
5 people in this area would have to pay for, so, thank you for  
6 your efforts.

7 MR. HASTREITER: Thank you, Paul.

8 Our next speaker is Larry Byrd.

9 MR. BYRD: Well, I didn't sign up to speak.  
10 Somebody must have put my name on it. But I'll certainly  
11 say a few words.

12 (Laughter)

13 I would like to thank you for coming here today,  
14 too, and we've been through this process and I was like Mr.  
15 Wenger, I was at the first FERC meeting. I don't think I  
16 ever missed one. It's very important to me that we have a  
17 balance and that we did the right thing. The districts have  
18 been very good and sitting down with the opposition, you  
19 might say. We hope it's not opposition. I happen to have a  
20 relationship with most of the people on the Tuolumne that  
21 are involved with Tuolumne River Trust, and Tuolumne River  
22 Conservatory. I feel for them but at the same time we have  
23 to do the right thing regardless in this way:

24 The right thing is, like Paul mentioned earlier,  
25 we have 40 million people in California. Instead of

1 decreasing the lakes or the stream, there should be more  
2 lakes built. There should be more. I know that's besides,  
3 kind of a little bit beside the point here; but we need to  
4 have more storage in California instead of spilling 3  
5 million acre feet down the rivers, the three rivers combined  
6 right now that's going to be over 3 million acre feet by  
7 August 1st, which is two-and-a-half times Don Pedro. A  
8 little bit troublesome to me.

9           We can, I think that what we've done, I've ported  
10 the Tuolumne River. Seven miles of it is very unique, very  
11 beautiful. Nobody wants to see those fish worse than I do.  
12 But I watched also, I did fish runs for 25 years for Modesto  
13 Irrigation District. I did the fish flows, the releases out  
14 of La Grange. I watched how these fish reacted on flood  
15 years, on big water years, on minimal years. If I've  
16 noticed anything at all, more water didn't make more fish.  
17 I'm just, I'm stating the fact of what I've seen in all the  
18 years I've been on that river. Since 1983. So, I think  
19 that what you've given back to us is very good. I think  
20 there's a few little things.

21           Well, I hate to go back to Wenger again, but he  
22 was talking about predation. I think that's one of the  
23 issues that we need to address. I think there was a good  
24 plan in place for that so if we take another look at that,  
25 and I could talk forever but I think I kind of hit on, being

1 you handed me the mic, I thought I'd say a few words. Thank  
2 you for the work you've done and I hope this comes to a  
3 balanced resolution.

4 MR. HASTREITER: Thanks for your forced comments,  
5 Larry. Appreciate that. Didn't mean to put you on the  
6 spot. You sure this isn't your handwriting?

7 MR. BYRD: Well, it could be -- maybe I was  
8 signing in, but not signing to talk.

9 MR. HASTREITER: Could be. All right.

10 Our next speaker is Jake Wenger.

11 MR. JAKE WENGER: Good afternoon, gentlemen. I  
12 want to thank you and Carol in the back. We can't forget  
13 Carol back there. I want to thank you for being here today  
14 and giving us the opportunity to discuss the draft  
15 environmental impact report. One of the things that  
16 obviously is coming up a lot is the flows in relation to  
17 fish, because when it comes to fall run Chinook salmon,  
18 that's really what the underlying matter is about.

19 You've heard a lot about wanting to go toward the  
20 State-recommended goals on the flows, at 30 to 50 percent  
21 range. What's left out of that and why that pugh for that  
22 flow is the State can only mandate flow. They cannot  
23 mandate non-flow measures so they overcompensate in flow  
24 because they cannot take into consideration non-flow  
25 measures. So, those are inflated numbers by the State of

1 California because they do not have the authority to mandate  
2 the non-flow measures that may give them some of those fish  
3 back.

4           And one of the things the State uses to measure  
5 those salmon is return of migrating salmon. The problem  
6 with using that as your jurisdiction for success of anything  
7 is that as was mentioned earlier, in years where there are  
8 higher salmon runs there's commercial harvesting in the  
9 ocean. You're now penalizing people in this community for  
10 coming up with higher numbers of returning salmon when they  
11 have been out of this area for several years and in other  
12 habitats where they've had the chance for predation or  
13 harvesting.

14           So, that is an incorrect number. What is a  
15 correct number is something that the irrigation districts  
16 came up with in its Tuolumne River management plan. They  
17 look at the number of juvenile salmon per spawning female.  
18 Because if we can send out higher numbers of juvenile salmon  
19 per spawning female, that is a better show of success. When  
20 you look at current river standards there's about six  
21 juvenile salmon per spawning female. When you look at that  
22 State Water Board number, 40 percent where they've  
23 recommended that everyone said we should get behind, that  
24 takes it to 8 juvenile salmon per spawning female.

25           When you look at the Tuolumne River management

1 plan that was submitted by MID/TID in San Francisco, it  
2 goes to 17. More than double the amount of juvenile salmon  
3 per spawning female on the Tuolumne River. That is success.  
4 The reason we can have that success is by taking a  
5 comprehensive approach to finding solutions on the Tuolumne  
6 River. We aren't looking at just flow. We aren't looking  
7 at just predation. We aren't looking at just habitat  
8 restoration and stream bed improvements. It is a suite of  
9 options encompassing all of those, which means you make  
10 minor tweaks to each one to see success.

11           We know predation is an overbearing factor on the  
12 river. It's part of the study. The study that FERC  
13 accepted as a study of record is the 2012 predation study  
14 that showed 96 percent loss of juvenile salmon on the  
15 Tuolumne in 2012 due to predation alone. There was enough  
16 predators in the river to completely decimate the entire  
17 population of juvenile salmon. We know that predation is  
18 the overwhelming problem. We hear that more flow can help  
19 and yes it can, as one biologist from California Department  
20 of Fish and Wildlife stated in the hearing in Sacramento,  
21 'If there's more water there's more places for the little  
22 fish to swim and hide away from the predators' but that's  
23 like saying the example I used before, if the City of  
24 Modesto had a problem right outside and if we walked across  
25 the crosswalk to go to a parking garage, in that crosswalk

1 lived a pack of wild coyotes. And every time we walked  
2 through that crosswalk we were getting attacked by coyotes,  
3 we would go to a city council meeting and say 'We have a  
4 problem and you need to help us fix it.' And they said,  
5 'Don't worry, we're going to make that crosswalk the width  
6 of a city block, a lot more of you will get across. You'll  
7 be safe, don't worry about it.' You didn't address the  
8 issue.

9           So, if we really want to do what's best for the  
10 environment and habitat in the Tuolumne River we have to  
11 address predation. And coming up with ideas like a  
12 predation weir to create a natural nursery in the Tuolumne  
13 River, a removable weir that once you have established a  
14 population can make a difference, is a significant state-of-  
15 the-art improvement for decreasing impacts from predation  
16 while creating a habitat for those juveniles, salmon,  
17 salmonids to grow to a larger size, so they can be flushed  
18 out to the ocean.

19           It was mentioned about the temperature study and  
20 how these studies haven't been peer-reviewed. The  
21 temperature studies not only have been peer-reviewed,  
22 published in scientific journals, but has now been adopted  
23 by our scientists scout by U.S. EPA, and those scientists  
24 are now doing that same temperature study all across the  
25 country by U.S. EPA. It is seen as revolutionary as a

1 study.

2 Our studies, these districts have spent \$25  
3 million on studies in the last several years to go into  
4 preparing the Tuolumne River management plan. Those studies  
5 were designed collaboratively with not only districts but  
6 NGO and state and federal agencies participation. They were  
7 not one-sided; they were all done through the FERC process  
8 through a cooperative approach. It is state-of-the-art, up  
9 to date, site specific science which is exactly what FERC  
10 should be looking for as they find solutions.

11 One of the other issues is we have 17  
12 disadvantaged communities within just Stanislaus County.  
13 And we look at the water impacts, one of the things that is  
14 outside jurisdiction of FERC is the fact that in California  
15 we have the Sustainable Ground Water Management Act that is  
16 limiting our ability to pump groundwater if you're  
17 overdrafting. This community has never had a problem with  
18 overdrafting of groundwater because we properly manage our  
19 surface and ground water sources. However, with higher  
20 flows, in that flow plan the State Water Board has  
21 suggested, they acknowledge that their plan will have  
22 significant yet unavoidable impacts to ground water.  
23 Meaning, no surface water, significant and unavoidable  
24 impacts to ground water, a state law regulating ground water  
25 usage, means damage to water quality for disadvantaged

1 communities. Meanwhile, you have all those projects that  
2 the disadvantaged communities are being asked to pay for  
3 them.

4 One of the things that comes out of this is not  
5 this argument of where people live, but it should matter who  
6 pays for it, because the people in these communities are  
7 being asked to not only put up the money, but put up the  
8 water and find the solutions for the Tuolumne River. And  
9 those expenses come at a high cost. Yes, when you look at  
10 the Tuolumne River management plan, you have \$150 million  
11 worth of infrastructure improvements. You have more water  
12 in the river than is put down today.

13 Any argument, districts have not been able and  
14 willing to negotiate compromises is inaccurate when you look  
15 at the fact that they have put up money and water and nobody  
16 else has. There are solutions in the Tuolumne River  
17 management plan that are workable and not only that, but  
18 through the infiltration galleries were suggested in the  
19 Tuolumne River management plan, it allows the districts to  
20 put down more water and then pull that water back out at a  
21 point in the river where the river is narrower with higher  
22 sides. So you don't have as much ability; higher flows  
23 don't get you any more flood plain habitat.

24 So, if you could pull the water out before that  
25 in the upper portion of the lower river, where the spawning

1 grounds are, you can have higher flows to push them out into  
2 the infiltration galleries, reuse that water by the  
3 districts, that is creative thinking that allows more water  
4 into the river system but allows the districts to be able to  
5 utilize that water. So, looking at the infiltration  
6 galleries is a great compromise. It could mean more water  
7 in the river yet also helping out the districts.

8           With that I just want to thank you for your time  
9 and giving us a chance for comments, obviously there's a lot  
10 of passion in everything in today but when it comes to FERC,  
11 I've -- my time on the Modesto Irrigation District Board of  
12 Directors. We deal with a lot of agencies. State, federal,  
13 and FERC has always been one of the best organizations to  
14 work with because we're looking at sound science.

15           One last thing I want to end with as we talk  
16 about state flow requirements. The State of California  
17 State Water Board currently has a voluntary settlement  
18 agreement in front of them. It was helped develop by  
19 California Department of Fish and Wildlife and California  
20 Department of Water Resources. It includes factors for  
21 deprivation including a predation weir. So, this is  
22 something that has already been looked at and signed off on  
23 by California Department of Water Resources, Department of  
24 Fish and Wildlife and presented to the State Water Board as  
25 an alternative, so. With that, again, thank you very much

1 for your time.

2 MR. HASTREITER: You want to say who you're with.

3

4 MR. WENGER: I'm a farmer. And former Irrigation  
5 District Board Member. Thank you.

6 MR. HASTREITER: Thank you, Jake.

7 Our next speaker is Tom Schwartzer.

8 MR. SCHWARTZER: Yes, my name is Tom Schwartzer.

9 I raised my children in Tuolumne County, so I'm quite  
10 familiar with the river; have spent a lot of vacations on  
11 it. I became more aware of the lower stretches of the  
12 Tuolumne, the regional trust, that they were having salmon  
13 problems.

14 One of my concerns is that if the salmon  
15 population got too low, that would have a chance of  
16 eliminating a brood year; we could have a pollution event or  
17 a bacterial or viral pathogen event, and that could lead to  
18 losing a whole brood year. Well, what everyone can talk  
19 about today was, our concern about a representation of  
20 younger people at these events. I go to water events all  
21 over California. This is absolutely one of the youngest  
22 crowds I've been in. We actually have a couple people here  
23 that are under 35, and so I'm concerned about outreach to  
24 that generation. I will commend you on having a later  
25 meeting tonight, so maybe someone who is in school or at

1 work can put in their comments. We just got over this  
2 ordeal with an 80-year old governor trying to push through a  
3 20-year project that could affect water for decades to come.  
4 He didn't want people to vote on it.

5           And we're kind of in a similar situation here;  
6 like we have a 30 or 40 or 50 year license, there should be  
7 input from younger generations. And the way that you might  
8 be able to do that is possibly hold some of these meetings  
9 at say a school, a university or so forth; you can get input  
10 from water experts there and the students, because they will  
11 be able to go.

12           My kids live in the Bay Area right now; they love  
13 the Tuolumne River, so forth, and wish they could have been  
14 here today, but had to go to work.

15           So I'm looking for ways that we can reach young  
16 people. It's very important that they have a say. And I  
17 know from my own children, the preservation is a really big  
18 deal. Most of their disposable income goes towards buying  
19 Subarus, tents, boots, hiking equipment -- so they see it as  
20 a big deal I'd like to see more of their input if possible,  
21 and we're always talking about transparency and outreach,  
22 and we're not doing a very good job getting our children and  
23 grandchildren involved in these quality of life issues, but  
24 are going to affect them for the rest of their lives.

25           And so thank you for allowing me to speak here

1 today.

2 MR. HASTREITER: All right. Thanks, Tom. Just,  
3 I mean, if you know some young people or some old people  
4 that couldn't make it to the meeting, they can provide  
5 written comments to the secretary of FERC, and I have some  
6 information how best to do that online if you are  
7 interested.

8 MR. SCHWARTZER: And the trouble with that is how  
9 do we get to the young people to let them know that they can  
10 submit the written materials?

11 MR. HASTREITER: Okay. I thought you mentioned  
12 there were people interested but they couldn't make it  
13 because of a day meeting.

14 MR. SCHWARTZER: Well, that level of education  
15 amongst the younger generation on water issues in California  
16 is pretty high.

17 MR. HASTREITER: All right. Thank you.

18 Our next speaker is Mike Wade.

19 MR. WADE: Thank you. My name is Mike Wade. I'm  
20 Executive Director of the California Farm Water Coalition.  
21 The  
22 Coalition is a nonprofit education organization that was  
23 formed over the last three decades to provide fact-based  
24 information on farm water issues to the public. Our mission  
25 is to help consumers, legislators, policy makers, and the

1 media make the connection between farm water and the food we  
2 need.

3           The Tuolumne River has been an important resource  
4 for Central Valley agriculture for more than 130 years.  
5 It's the backbone of the region's economy and is essential  
6 to the security of the communities it serves. We are  
7 pleased that the Commission has accepted and applied current  
8 and best available science in the development of this  
9 document. It's important that science relevant to the  
10 Tuolumne River is being used and not substituted with  
11 unrelated studies that were either outdated or inappropriate  
12 to local conditions.

13           The applicants have spent years and millions of  
14 dollars developing a balanced approach to water supply and  
15 fishery needs. There's no question fish need water. But  
16 science shows us that fish need more than just water. The  
17 recommended projects in the document are part of an  
18 interrelated suite of measures that when working together  
19 can provide a broad range of ecosystem benefits. It's  
20 important to note the suite of proposed measures includes  
21 infiltration galleries designed to help with instream flows  
22 as well as achieving water reuse in downstream areas.  
23 Accomplishing multiple benefits is an essential part of  
24 California water management. The public expects it, and  
25 excluding proposals that achieve these kinds of multiple

1 benefits from the draft EIS limits the effectiveness of the  
2 plan.

3 Also excluded from the Draft EIS are a set of  
4 non-flow measures including predator control and the  
5 implementation of the Lower Tuolumne River habitat  
6 improvement program. These are essential elements to the  
7 overall balanced proposal that will generate the biggest  
8 benefits in the shortest amount of time, and we strongly  
9 encourage the Commission to adopt them in a final EIS.

10 We look forward to the new approach to bring a  
11 balanced set of solutions for both water users and the  
12 environment. I appreciate the opportunity to be here today.

13

14 MR. HASTREITER: Thank you, Mike.

15 Our next speaker is Jon Sturtevant.

16 MR. STURTEVANT: I'm Jon Sturtevant. I was  
17 invited to speak today by the Tuolumne River Trust, and I  
18 live  
19 just a short hike away from the Tuolumne River Canyon. I'm  
20 also former chair of the Tuolumne group at the Sierra Club.

21

22 As a young boy I was very lucky to be able to  
23 partake in salmon fishing with my grandfather on Monterey  
24 Bay. We were usually successful, and I remember when we got  
25 back we would put the salmon on the lawn, get the high

1 pressure hose out and hose the scales off. And the sight of  
2 those shiny scales flying through the air was always a great  
3 memory of mine.

4           As an adult, I took my canoe on the Tuolumne to  
5 observe the salmon run. This memory pales in comparison to  
6 the salmon scales flying through the air and the salmon on  
7 our dinner plates. That year the total amount of salmon I  
8 saw was four. I'm sure there were a few more, but not at  
9 all like the historical numbers. I suspect that we will  
10 never see historical levels of salmon in the Tuolumne. But  
11 can do better. It's important for other kids who have  
12 grandparents who want there to be salmon to catch.

13           This relicensing must do several things and  
14 you've probably heard most of them already. Realize that  
15 salmon are a native species and we need to manage the river  
16 to support them. Salmon need cold, fast water and we need  
17 to give them a better chance by having higher flows. I'm  
18 not going to go through all the percentages about the  
19 California Water Resources Control Board, because you've  
20 heard those already. But 20 percent proposed by FERC is not  
21 enough. And for folks that like to eat salmon, the  
22 commercial salmon fisheries have been closed a couple of  
23 years. So, those folks are losing their income and we're  
24 losing the fish that we might want to eat.

25           The salmon have gotten the short end of the stick

1 for too many years. Every year as a sixth grade teacher, I  
2 read The Lorax to my students. The Lorax spoke for the  
3 trees, be they cannot speak. Today like the Lorax, I'm here  
4 to speak for the salmon. If we continue on the path that  
5 we're following now we'll have the same disastrous effect on  
6 the salmon. You have the power to decide the future of the  
7 salmon. Please speak for the salmon. Thank you.

8 MR. HASTREITER: Thank you, Jon.

9 MR. STURTEVANT: You're welcome.

10 MR. HASTREITER: Next speaker is Ellen Levin.

11 MS. LEVIN: Thank you. I'm Ellen Levin. I'm the  
12 Deputy Manager for Water at San Francisco Public Utilities  
13 Commission. We're a department of the city and county of  
14 San Francisco. You heard from Adrienne Carr, Bay Area Water  
15 Supply and Conservation Agency. They represent the 26,000  
16 customers that we sell water to. We provide water to a  
17 total of 2.6 million people. The residents and businesses  
18 in the city and county of San Francisco. And then the 26  
19 wholesale customers in three barrier counties including  
20 Tuolumne County.

21 We're the third largest utility in California and  
22 85 percent of our supply comes from the Tuolumne River,  
23 through San Francisco's Hetch Hetchy Water and Power  
24 Project. I'm not going to get into how we're connected to  
25 the districts. What's important here today is to remind you

1 that when we wrote our comments in January of 2018, we stood  
2 behind the district proposal for their preferred plan; and  
3 the reason we did was because a significant amount of site-  
4 specific science was used to develop a plan that combined  
5 flow and non-flow measures to provide improvement to the  
6 salmon fishery while also protecting water supply. The  
7 alternatives that FERC received, when we did an analysis,  
8 the district did an analysis, and San Francisco did as well.  
9

10 Looking at our future demand out in 2040 we  
11 realized shortages of 58 to 85 percent. For a water system  
12 as dependent on 85 percent of its supply coming from the  
13 Tuolumne, seeing that supply cut down by almost 100 percent,  
14 we are looking at 85 percent rationing. That's  
15 unsustainable. We in the Bay area enjoy a very low per  
16 capita use. In San Francisco we have one of the lowest in  
17 the state. Some of our hotel customers also boast the  
18 lowest. What does the lowest mean? We're at about .2  
19 gallons per person per day. That's the water conservation.  
20 That's also in the hotel service area; a third of their  
21 supply comes from recycled water, groundwater, brackish  
22 desalt water. We're employing alternative water supplies to  
23 drive our per capita uses down.

24 We're going to get to a point where rationing is  
25 not going to be an answer. We're going to have shortages

1 that we can't make up through conservation. And I just want  
2 to remind FERC that as you go from your DEIS to the FEIS,  
3 maintaining balance and recognizing protection of water  
4 supply as being a critical element. We will have comments  
5 on the DEIS and I'm not going to get into the detailed  
6 comments today, but we will be filing those. I just wanted  
7 to thank you for the balancing that you've done and  
8 acknowledged is necessary and showing that we're providing  
9 improvement to the salmon and water.

10 MR. HASTREITER: Thank you, Ellen.

11 Our next speaker is Mark Gonzales.

12 MR. GONZALES: Hello. I'm Mark Gonzales. I'm a  
13 boater on the Tuolumne River. And we keep hearing about  
14 'our water.' My history is, my ancestors were the Ohlone  
15 Indians. We're in the Monterey Bay and San Francisco Bay.  
16 So, the dam went up in the 1800's, whose water was it then?  
17 Was it the Ohlone Indians who lost their fishing habitat?  
18 My relatives came from Spain. So, just imagine the rivers  
19 and the ecosystem that was alive then. We're never going to  
20 return that, but that should be one basis we should be  
21 looking at.

22 Right now we're looking at between less than half  
23 the water, and 20 percent of the water. We should be  
24 looking at 100 percent of the water versus no water. I  
25 thought I'd say my mother was in the hospital recently. She

1 had circulation problems. They put stent after stent in  
2 her. Eventually her leg got gangrene. She had to have her  
3 leg amputated. She went to a rest home. The hospital  
4 worker came up and said 'It's time to get up for your walk.'  
5 She didn't have a leg.

6 Are we going to be the ones who lost our leg to  
7 this process? Thank you.

8 MR. HASTREITER: Thank you, Mark.

9 Next speaker is Tom Orvis.

10 MR. ORVIS: Thank you sir. Again, thank you guys  
11 for coming. I remember my first meeting in this process was  
12 in the MID multipurpose room, and it seems so long ago. And  
13 many of the faces that were in that room that day are  
14 retired and some of us are still here. It's very hard for  
15 me to follow Wenger the Elder and Wenger the Younger. But I  
16 fall somewhere in between them.

17 As I look back at the new Don Pedro facility and  
18 you here today, we're talking about hydro power that is the  
19 Federal Energy Regulatory Commission and what comes along  
20 with it. But those dams were built for what we're using  
21 them for today and that's flood control. The dam is not  
22 simply flood control or hydro power, I look at it as water  
23 for people, water for the environment, water for recreation,  
24 water for industry, water for food, and if the State of  
25 California can ever adopt it's water code and get things

1 corrected, possibly water for groundwater recharge.

2           What we fall in right now is what I call a  
3 perfect storm. Not only do we have FERC relicensing going  
4 on on the Tuolumne River, it was noted earlier today we have  
5 a supplemental environmental draft from the State Water  
6 Board and we also have a single groundwater management; and  
7 the Tuolumne is really--and I will add the Merced-- the only  
8 two rivers in the State of California going through that  
9 process with this perfect storm. As Mr. Wenger the  
10 Younger noted earlier, that in Sigma's EIR, they note that  
11 the, it is a significant, unavoidable impact to take 25  
12 percent of ground water that we won't be able to use it  
13 anymore. And of course, we use surface flows. And of  
14 course, on the surface flows, what do we get? We get  
15 accretion into our side channels and into our groundwater  
16 basins as well.

17           We will be submitting other comments later on,  
18 but just a few things. I mean, you've heard about the  
19 economy in this county, one-third of every job in this  
20 county is tied to agriculture in some form. You know that.  
21 The predation issue, I think Pilger from Fish Bio just  
22 released a study yesterday or recently in this last week,  
23 and he shows some of the things that have been done on the  
24 Stanislaus River just neighboring to the north. I know  
25 you've already done your FERC relicensing on that but that

1 was just released; and in fact, they're going to be  
2 undergoing some predator control issues through the Wynn  
3 Act, is where the financing is coming through the Wynn Act  
4 as well. These districts, they represent the people of this  
5 area. They are their lights, in many places they are their  
6 water and in other places they're the source of our food as  
7 well with the water that comes down from the mountains.

8           For many of us, you've seen it's emotional  
9 because we do live here. When we turn on the tap, we do  
10 know where it comes from. Others, I will say, you know,  
11 it's true, the Bay Area. their water comes from here, too.  
12 There's no doubt about that. For those of us that are here  
13 every day, and my family came here in the 1850's, there's a  
14 lot of us that rely on these rivers and it continues, and it  
15 continues, and we don't move away. We stay here. These  
16 people stay and they work and they build their families,  
17 they build their businesses, and they continue to build  
18 here in this area.

19           You know, I've been reminded of something I  
20 always -- I sit back and I wonder the gentleman talked  
21 about the Native Americans and we have Indian grinding holes  
22 all over our home ranch. And there's an old story that in  
23 the fall they would burn behind them to clean out the  
24 forest. But I wonder in the summertimes before there were  
25 dams, are we not giving the salmon enough credit? Because

1 when there was no water flowing in the rivers, what would  
2 the salmon do? I don't think they would try to go up  
3 something where there was nothing to bring them up. And so  
4 I think they have survived an evolution by having the  
5 intelligence to stay back when it's time and go forward when  
6 it's fresh.

7           And I encourage you and the current  
8 administration to continue on this path, and I continue to  
9 say these things. As I say it, we will go ahead and submit  
10 comments later.

11           I thank you again for coming back to Modesto one  
12 more time.

13           MR. HASTREITER: Who are you with, Tom?

14           MR. ORVIS: Stanislaus County Farm Bureau.

15           MR. HASTREITER: Our next speaker is Theresa  
16 Simsiman.

17           MS. SIMSIMAN: My name is Theresa Simsiman. I am  
18 the California Stewardship Director for American Whitewater.  
19 I do want to thank FERC staff for coming out this afternoon;  
20 it's not an easy job. And I understand that you have a lot  
21 to balance. Today I would like to talk a little bit about  
22 economics and then I would like to address the nexus issue  
23 at Ward's Ferry, because I believe the administrative record  
24 should be corrected.

25           So, first of all I wanted to read off some

1 numbers because I've heard a lot today about economics. And  
2 I understand that. We all have to make a livelihood. So, I  
3 did want to provide a little bit of balance and give you  
4 some numbers from the Outdoor Industry Association. It did  
5 an economics study that came out last spring, and basically  
6 they determined that 92 billion dollars in consumer spending  
7 is done in California. In the Modesto congressional  
8 district it comprises 1.5 billion dollars in recreational  
9 spending. So, there is some economics here. We're not just  
10 out there enjoying. There are some businesses that this is  
11 their livelihood.

12 I also wanted to point out the Tuolumne County  
13 area and their congressional district. \$2.3 billion is  
14 spent there annually. So, if you want to think about  
15 economics, those are some good numbers.

16 Now going back to Ward's Ferry and nexus. And  
17 you heard Marty and Steve kind of speak up about being  
18 surprised, about FERC staff coming up with Wards Ferry not  
19 being a nexus to the project. And I think the issue is that  
20 FERC staff looked at it, a different impact. You stated  
21 that Holmes powerhouse, the timing of the flows from Holmes  
22 powerhouse. You talked about the U.S. Forest permitting  
23 system and how they manage people on the water, and you  
24 talked about Tuolumne County road management. To me that  
25 indicated to me that because we're kind of looking at the

1 impact of overcrowding at Ward's Ferry. The timing of the  
2 flow coming down, how many people U.S. Forest Service has  
3 sent, is sending down the river. You know, what is Tuolumne  
4 County doing for the capacity at Wards Ferry.

5           And while that is an impact to that, that is not  
6 the impact we are discussing when are here discussing Don  
7 Pedro. The impact that we are discussing is the fact that  
8 there is no shoreline facility that can withstand the  
9 fluctuation of the reservoir. The up and the down. We've  
10 had several instances where people have taken it into their  
11 own hands, Tuolumne River -- put together a budget, put some  
12 trail improvements there, washed away. It was flooded, the  
13 fluctuation of the reservoir came up, came down, comes up,  
14 come down, on a yearly basis. Anything that you put there  
15 that doesn't have a good amount of money spent on or a good  
16 facility is going to get washed away.

17           That is an impact of the reservoir. It is not an  
18 impact of Holms powerhouse -- and by the way, I do want to  
19 point out that Holm powerhouse was built before the new Don  
20 Pedro Reservoir. So, that's part of baseline. So, to point  
21 that out as an impact is not correct.

22           So, when you guys go out there tomorrow, I'm just  
23 hoping that you take a look at the impact that we're talking  
24 about. It is not the powerhouse, Holm powerhouse, it is not  
25 U.S. Forest Service permitting management, it is not the

1 management of the Tuolumne County road that is forcing all  
2 the people up to Wards Ferry Bridge. People are going up to  
3 Wards Ferry Bridge because there is no shoreline where they  
4 can safely get off the river, where they can stage their  
5 equipment, where they can walk up to, you know, there's no  
6 trail, and that is all affected by the reservoir level.

7 Thank you.

8 MR. HASTREITER: Thank you, Theresa.

9 Our next speaker is Bob Fores.

10 MR. FORES: That's me. That's me.

11 MR. HASTREITER: All right.

12 MR. FORES: I thank you for the opportunity. And  
13 my comments relate to, trying to make sure you understand,  
14 the context of our community and the passion expressed by  
15 people locally about your work. We live in a very low  
16 socioeconomic area. Several years ago said we have lower  
17 per capita income and educational levels in Appalachia;  
18 which is considered one of the poorest places in the United  
19 States. So, what you're doing here impacts people who don't  
20 have a lot.

21 I note in your DEIS, page 3409, the national  
22 recession lasted from December 2007 to June 2009. Not in  
23 these parts; in these parts it lasted well over 2011 or  
24 2012. We have recovered, but we haven't recovered as well  
25 as say the area which has a red hot economy; and a

1 completely different socioeconomic structure.

2           So, again, in the context of what I've heard here  
3 today, I haven't heard anybody from outside of our area talk  
4 about potential impact, remarkably on people, on human  
5 beings.

6           The rest of my comments, I just want to highlight  
7 some portions of your DEIS to affirm you're on the right  
8 track; I believe the solutions can be met that will help  
9 everyone get to Yes on this that will address all the  
10 stakeholders in here, but in particular the project also  
11 indirectly supports -- well, it directly supports 230,000  
12 acres of farmland, both in Merced and Stanislaus Counties,  
13 but it indirectly supports many other employers' portions of  
14 the agricultural sector, which is a huge portion of the  
15 local economy. Ag goes, so goes the economy. You'll find  
16 your reference to that at 3-409.

17           This I think is very important; Quote: Reduced  
18 surface water supplies can have widespread effects on the  
19 regional economy, including resulting in the displacement of  
20 household and businesses.  
21 And that's at 5-26.

22           No matter what anybody says, any increase in  
23 river flows will result in a reduction in water supplies,  
24 both ag and urban users. In that connection, that's why  
25 the recommendations that are made by the districts on non-

1 flow potential mitigation efforts are so critical; and  
2 people like me and others that you've heard here strongly  
3 urge you to reconsider your position and your thoughts on  
4 the subject.

5           Again, there's a lot of passionate views here,  
6 and I honestly believe that there's a formula out there  
7 where all the stakeholders interests can be met. Whether  
8 it's salmon, environmental, recreational users, or public  
9 entities or the private sector. Thank you.

10           MR. HASTREITER: Who are you with, Tom?

11           MR. FORES: I'm a taxpayer. I represent farmers.

12           MR. HASTREITER: Okay. Thank you.

13           Our next speaker is Leonard Van Elderan.

14           MR. VAN ELDERAN: Good afternoon. My name is  
15 Leonard Van Elderan, I'm the President and CEO of Yosemite  
16 Farm Credit. We have a stake in this relicensing process,  
17 also. That's why I came before in May of 2011 also and why  
18 I stand before you again.

19           Yosemite Farm Credit is a local ag lending  
20 cooperative. We make loans to farmers, ranchers and ag  
21 operations. We have six locations in Stanislaus and Merced  
22 County and we employ 157 people in this county. Our  
23 employees live in this fine area served by MID and TID. We  
24 have approximately 2 and a half billion dollars in ag loans  
25 out to the farmers in these two counties. Most of the loans

1 are secured by irrigated ag real estate. MID and TID  
2 provide reliable and affordable irrigation waters for  
3 farmers. These are the same farmers that are our owners and  
4 are borrowers of the lending coop.

5 This reliable water supply provides a strong  
6 economic engine for the towns and cities in our area. And  
7 also provides stable, underlying, ground values which is key  
8 to our ability to remain a reliable ag lender. In our area  
9 a stable ag sector allows our farmers to invest in the local  
10 economy, through local people, seed, insurance, fuel, and  
11 all the other inputs that go into farming. The well-being  
12 of this association, Yosemite Farm Credit, its employees and  
13 their families are directly contingent on reliable water.

14 The water provided by Don Pedro allows farmers in  
15 our areas to raise the most diverse crops in any area of  
16 California and the nation. This diversity of commodity  
17 serves to mitigate the risks to our farmers and our lending  
18 cooperative. Large scale increases in flows down the river  
19 may not have a big impact on D.C., but large scale flows  
20 down Tuolumne River's flow regime will definitely impact  
21 Yosemite Farm Credit and ag lenders in this area.

22 It will also affect the local economy, and the  
23 fabric of these communities. This will be magnified in dry  
24 years and even moreso in consecutive dry years. Through  
25 this relicensing process, MIB and TID have completed a lot

1 of work and spent millions of dollars that comes from our  
2 farmers and the ratepayers. They require the best available  
3 science on the Tuolumne River to assist FERC on issuing a  
4 new license. I've attended some of these workshops as you  
5 worked through these study plans.

6           The district submitted tangible science that can  
7 result in actual policy and projects that can benefit ag,  
8 recreation, fisheries, and our local domestic water users.  
9 This can be done in a manner that is not unbearably harmful  
10 to any one of these stakeholders. I'm pleased to hear that  
11 much of the best available science submitted by the  
12 districts was used to develop FERC's first draft  
13 environmental statement. That's important to our farmers  
14 and the employees who will be impacted by the operations on  
15 the Tuolumne River.

16           Finally, these districts and all stakeholders and  
17 invested substantial time and dollars in the relicensing  
18 process. I understand that FERC and other regulatory  
19 agencies have their requirement to have due diligence in  
20 this process. I also encourage you to act with a sense of  
21 urgency to bring this process to a conclusion. Time is  
22 money and it's a limited resource in the current ag economy.

23 Thank you.

24           MR. HASTREITER: Thank you, Leonard.

25           Next speaker is Ken Renwick.

1 DR. RENWICK: Hi. Again like others have said,  
2 thank you for being here and listening to all our comments.  
3 I'll take my comments sitting down.

4 I'm a retired physician. I trained here in  
5 Modesto and I served here at Doctors Medical Center in  
6 Tuolumne County, and I retired last year. But I'm also a  
7 canoeist; and the main reason I'm here today is to speak to  
8 the importance of recreation and healthful outdoor  
9 activities. And the fact that the Tuolumne River stretch  
10 from LaGrange down to Turlock Lake has very poor access;  
11 there are no facilities. The bathrooms, there are places  
12 where they are broken and people use outdoor disposal  
13 options; and it is very pathetic. And yet we have a  
14 wonderful resource here for recreation. I am active with  
15 the Tuolumne River Trust and take groups down during the  
16 salmon run in canoes, and it's a wonderful resource for the  
17 whole community. I feel like it's under-appreciated.

18 Part of it is that the flows get too low at times  
19 in the summertime; it drops below 300 cfs, and people start  
20 going aground if they're in rafts, and 200 canoes start  
21 going aground. Our preference is to paddle our boats rather  
22 than push them. I think most people would appreciate that.  
23 So I'm putting a plug in for that.

24 And then my comments also, my written comments  
25 also allude to the need for more water for salmon and so

1 forth. But my main plug is really to improve facilities for  
2 those folks, and that includes people like the Latin  
3 American families that spoke to the need for inexpensive  
4 recreation and the need for water. When the water levels  
5 get low it becomes a mudhole, and I actually remember a  
6 farmer commenting that he wouldn't want the river to be a  
7 mudhole. And it's a resource that we all share and our  
8 kids enjoy, and it ought to be respected and valued. And  
9 so that's essentially my comments. And I have made some  
10 written ones that I will add to the record.

11 MR. HASTREITER: Thanks, Ken.

12 Next speaker is Michael Cooke.

13 MR. COOKE: Good afternoon and thank you. My  
14 name is Michael Cooke, I'm the Director of Municipal  
15 Services for the City of Turlock. I'm here to describe the  
16 City of Turlock's interest and stake in the Don Pedro  
17 relicensing process, because ultimately where the  
18 Commission's environmental impact statement ends up is of  
19 immense importance to our residents and businesses.

20 FERC's decision regarding the terms of the  
21 license has the potential to harm the City's efforts to  
22 provide clean drinking water to Turlock residents, checking  
23 groundwater and minimizing increased cost to ratepayers.

24 The City of Turlock has a population of about  
25 74,000; it provides sewer and water service to those

1 residents, who have about 19,000 connections. Turlock is  
2 home to a number of agriculture-related industries,  
3 primarily food processors, who provide significant  
4 employment in the region. Food processors account for about  
5 40 percent of our water and waste water demand.

6 Turlock is proud to be home to a number of  
7 significant food processors, such as Kosta Farms, California  
8 Dairy, Farms -- Dairy Farmers of America, Blue Diamond  
9 Growers --and Superb Farms, just to name a few. Like most  
10 communities in this area, like Modesto, we're entirely  
11 reliant on groundwater at this time. We have 19 active  
12 wells, and we also use recycled water as part of our water  
13 supply portfolio. Currently we pump about 22,000 acre-feet  
14 of groundwater per year to our residents and industries.  
15 We've implemented significant conservation measures; and  
16 like San Francisco our use is down by 20 to 30 percent in  
17 the last ten years.

18 We note that the groundwater in the Turlock area,  
19 just like the rest of the San Joaquin Valley, has declined  
20 over time, which led in part to the passage of the  
21 Sustainable Groundwater Management Act in 2014. So  
22 groundwater is a diminishing resource in our region.

23 As groundwater levels have declined, so has the  
24 quality of the groundwater. We've had some issues with  
25 arsenic, nitrates and volatile organic compounds such as

1 industrial solvents that get into the drinking water system.  
2 This has resulted in a number of well closures.

3           In preparing our urban water management plan, we  
4 realize that we cannot meet future water demand by relying  
5 entirely on groundwater. In spite of significant  
6 conservation, extraction continues to exceed recharge, and  
7 water levels have dropped about 20 feet over the past 20  
8 years under our city.

9           To improve our water supply portfolio we have  
10 partnered with the City of Ceres, south of here, to  
11 establish the Stanislaus Regional Water Authority, we know  
12 it as the SRWA. The SWRA plans to take surface water from  
13 the Tuolumne River, treat it to drinking water standards,  
14 and then convey it to the two communities and other regional  
15 partners. The regional surface water supplied by that is  
16 intended to create a reliable and sustainable supply of safe  
17 drinking water to a disadvantaged region that desperately  
18 needs it. The project will also include groundwater level  
19 in the recharge, and provide benefits to aquatic species by  
20 using the implication gallery in the Tuolumne River.

21           Service water from the Tuolumne is critical to  
22 the future of our communities. It will provide our region  
23 with the quality of life and high quality of water that our  
24 region deserves.

25           Thank you.

1 MR. HASTREITER: Thank you, Michael.

2 Our next speaker is Matt Richardson.

3 MR. RICHARDSON: Thank you for the opportunity to  
4 speak today. I was here last time. I remember there was a  
5 female on the board, and is she not part of the board  
6 anymore?

7 MR. HASTREITER: She's hiding over there.

8 (Laughter)

9 MR. RICHARDSON: That's her?

10 MR. HASTREITER: Yes.

11 MR. RICHARDSON: No.

12 MR. HASTREITER: No?

13 MR. RICHARDSON: I remember a little more -- just  
14 thought I'd ask. Anyway, born and raised in the Bay Area;  
15 my grandparents gave me a wide understanding of California  
16 and its history. I am a big -- I benefit from being on the  
17 Tuolumne River, upstream and downstream. I've hiked and  
18 camped on the headwaters of Lyell Fork, I fly fish in the  
19 summer in the Tuolumne Meadows. That's all upstream.

20 And like this gentleman here, the physician said  
21 -- can't remember the exact words -- but I would say the  
22 downstream, Lower Tuolumne has been choked for a long time,  
23 so I think the instream flows between 30 and 50 is closer to  
24 an actual compromise, because there hasn't been a compromise  
25 up to this point.

1 I would also like to use an analogy that anyone  
2 can -- that flows don't matter would be the same thing to  
3 say climate change isn't happening. And I think farmers in  
4 particular know that, about how the climate change is  
5 affecting your crops. Better than other people.

6 As a resident of San Francisco, I'd also like to  
7 make comments about SFPUC, the Tuolumne River Trust and  
8 members of the community and myself, have been asking the  
9 SFPUC to use -- numbers for lack of a better term. I feel  
10 like their numbers are inflated. My understanding, it has  
11 been studied quite a bit, and even if we hit the 40 percent  
12 flows, my understanding is that we don't have 10 percent.  
13 I've heard that SFPUC used numbers in the past up to 50;  
14 that's the first time I've heard rationing 20/40. And  
15 rationing at 85 percent and 20/40 raw --I'll give you  
16 rationing at 85 percent, not a few feet.

17 I hope that the PUC will be a little more genuine  
18 in numbers that they submit, but it doesn't help; we're  
19 trusting the group in trying to figure out this process.

20 Lastly, I'm just like to advocate for higher  
21 flows for salmon and steelhead and also for recreation in  
22 downstream waters. Thank you.

23 MR. HASTREITER: Thank you, Matt.

24 Our next speaker is Gordon Hollingsworth.

25 MR. HOLLINGSWORTH: My name is Gordon

1 Hollingsworth and I'm a resident of Modesto. My principal  
2 concern with speaking here today is what I perceive to be  
3 inadequate proposed flows for fish on the Tuolumne.

4           We now have literally decades since the Don Pedro  
5 Project was completed, and during that time we've seen a  
6 drastic decline of the salmon population. We've also seen  
7 the irrigation districts of the City and County of San  
8 Francisco spend millions of dollars on instream  
9 modifications, on putting gravel -- and many other things;  
10 and unfortunately they have not been successful. We have  
11 these decades of declining fish population.

12           We also have a situation where, prior to the  
13 construction of the project, there were resident black bass  
14 and other introduced species, striped bass from the East  
15 Coast, which coexisted with the salmon. There seems to be  
16 an emphasis by the irrigation district to try to utilize all  
17 the most modern techniques, all the most modern science to  
18 try and raise fish without water. And it seems evident to  
19 me that the problem, which no one foresaw when this project  
20 was constructed, is that the lower amount of water that can  
21 be released would be of a warmer temperature, and would  
22 create an environment where these invasive species would  
23 thrive.

24           I can't see any way of mitigating that problem  
25 without providing more instream flows, especially as that

1 has been now ordered by interim orders from the State Water  
2 Board. I think if we proceed on the methodology of the past  
3 30 years, however well-intended it might have been, it's  
4 fraught with problems and it will not be successful.

5 So thank you very much for coming to the Modesto  
6 area and hearing us out.

7 MR. HASTREITER: Thanks for joining us today,  
8 Gordon, and for your comments.

9 All right, we have one more speaker. Allison  
10 Belcher. Bouchet.

11 MS. BOUCHET: So I heard several comments today  
12 about the science, and I listen to NPR and I hear MID talk  
13 about their science-based plan. And I'm having a little  
14 trouble with that, because that's not my understanding of  
15 science.

16 I give the biologists credit, they put on their  
17 waders, they went out and measured flows and depths and  
18 velocities. They get in their boats and they did the whole  
19 schmeer. They did their high flow flood plain analysis.  
20 They have gathered all the data, and it's all legitimate  
21 data. And then they took that data and they created an  
22 hypothesis, not science. They have created a plan that is  
23 nothing more than a hypothesis that needs to be tested.

24 And I'm going to tell you, I'm real worried about  
25 testing a hypothesis for the length of a license. So in my

1 heart, I knew we had always done some testing on previous  
2 plans, flows, hypothesis.

3           So I put together the full spreadsheet. It has  
4 two corrections on it I need to tell you about; the snorkel  
5 counts I've used I try to do in September, after the heat of  
6 the summer would be better. So these are snorkel counts  
7 done by TID, and I listed the counts of those fish over 150  
8 millimeters. Wup-di-do, a six inch fish. Who is going to  
9 take a picture of that? Well, anyway, they're counted.

10           So I wanted to show you what's happening based on  
11 my set of data, which is taken from their data. So in the  
12 FERC annual reports, in the DEIS, they've given me this: I  
13 went water year -- let's do the first page, May. 2006, it  
14 was a really good year. We had, I took the -- per feet, I  
15 converted it to CFS because that's what I'm used to thinking  
16 about, and I know that year because we were trying to plant  
17 and the flood plain was under water until July 1.

18           Okay, so the snorkel count at the end of the  
19 year, 543. Not good, but some fish. 2007: flow came down  
20 to 381, and our snorkel count came down. Next year, flow  
21 came up a bit, and our snorkel count came down a little bit  
22 more; that's disturbing. And then we keep going on down.  
23 Look at 2010, another really good year, and I remember that  
24 because we were trying to do construction. But the snorkel  
25 count didn't come up very much. Why is that? I don't know.

1

2           2011, my guys were out with chain saws up to  
3 their thighs. I took chain saws to the shop and you said  
4 'What did you do?' I said, "Oh, the guys dropped them." He  
5 said 'No, what did you do?' I said, "They dropped them in  
6 the river.'

7           So snorkel count came up a lot. Look at how  
8 great. Look at what happens when you get low flows; look at  
9 2016. The snorkel count was 62 fish. 62 fish. So what's  
10 wrong? Why aren't the flows the answer? Why isn't anything  
11 else working? I get really disturbed when I look at what  
12 the proponent wants to do for June, because June is an  
13 incredibly important month for any of our over yearling  
14 adults, and they're taking away the water in June to give it  
15 to us at other points in time. May and June water.

16           I don't know what else to tell you except if you  
17 give us less than 200, the snorkel counts drop off the map.  
18 So I'd really like somebody to do a little more analysis,  
19 think about this science that everyone is promoting as  
20 science, and realize it's not the complete picture; it's  
21 only a hypothesis.

22           And if you're going to give us this plan, this  
23 hypothesis to test, please keep the testing something short;  
24 the State is looking at voluntary settlement agreements of  
25 15 years. Those will start somewhere 20 years from now

1 because the lawsuits are going to tie all that up for  
2 probably 20 years from today. So give us something that will  
3 correlate with a short testing period.

4 MR. HASTREITER: Are you finished?

5 MS. BOUCHET: Thank you.

6 MR. HASTREITER: You're welcome. Thank you.

7 So Allison was our last speaker. Is there  
8 anybody else that didn't sign up that developed the courage,  
9 during the meeting?

10 MR. LONGSTRETH: Hi, I'm Evan Longstreth, I'm a  
11 farmer from Modesto.

12 MR. HASTREITER: Can you spell your name.

13 MR. LONGSTRETH: [Spelling]

14 MR. HASTREITER: And your first name?

15 MR. LONGSTRETH: Evan.

16 MR. HASTREITER: Thank you.

17 First of all, thanks guys for coming out,  
18 receiving all the comments. I appreciate it; it's a lot of  
19 good information from both sides. I think it's very well  
20 known that we need to be doing that, that we need to be  
21 working together to fix the problem.

22 A lot of speculation that farmers don't really  
23 care about fish -- well, that's not true. We actually do  
24 care about the fish. We care about the environment. We  
25 care about the rivers. We're stewards of the land, too; we

1 know that if there's no water, there's no food, there's  
2 nothing -- not a healthy environment. So that's kind of one  
3 of the things that's going to point, based on.

4           One of the things that we're always trying to say  
5 -- well, more water equals more fish or less water, or more  
6 timely use is better. The really bottom line is the fish  
7 know better than we do; they have been there for thousands  
8 of years; they know the instincts they have, what's going  
9 on, and they can adapt to their environment. I'm not a fish  
10 expert or anything, that's just something I'd feel that they  
11 would do. Natural selection at work, that's fine, it's  
12 right there.

13           So saying that more water is going to do better,  
14 I don't know -- that's mostly true. But also, too, at the  
15 same time if we're putting water down the river every year,  
16 same flows or 50 percent of what we have, you're kind of  
17 manipulating the fish by doing that, too, I feel. Because  
18 those years when there's absolutely no water, they never  
19 came up. So those numbers are deflated as well.

20           So just kind of some interesting things to be  
21 pointed out on that, I feel. But if people want more water,  
22 we should probably build more dams -- kind of going off what  
23 FERC is here for and everything, but it's kind of what Mr.  
24 Byrd had talked on earlier, is dam storage; you need more  
25 storage. More storage, more water. But one thing that

1 correlates with that is that there's always an annual, an  
2 average amount of snowfall every year. It's not really  
3 gaining a lot every year, but it's not going down.

4           One problem is there's a lot more people in  
5 California. More people, more water. So if you really want  
6 to talk about problems, it's actually people in California.  
7 Maybe you should cut 20 percent of California's population.  
8 That would cut a lot of water out, save a lot of water for  
9 everything right there. But, see, I get a laugh about that,  
10 and it's probably standard procedure, I can imagine.

11           But one other thing I wanted to talk about, too,  
12 is I go fishing on the Feather River and the Sacramento  
13 River, a little farther north. I've been doing that for the  
14 last five, six years. I go striper fishing on that.

15           I am amazed every year how many boats are on  
16 these rivers, fishing for this fish. They max out almost  
17 every day; two fish per man. I go with six other people,  
18 you get 12 fish a day. And they're still so many game fish  
19 and so many people on that river, and they're still catching  
20 them. And when we cut them up and we look at them, they had  
21 salmon inside them.

22           There's a lot of fish on that river that really  
23 shouldn't be there. I think it's that predation kind of  
24 deal. Kind of a major issue with this. It's some of the  
25 points that I wanted to comment on. I think you guys for

1 coming out. I did read the FERC plan; there's increased  
2 flows at certain times, I think that's a good idea. But  
3 overall, no one really knows until it actually happens.

4 Thank you.

5 MR. HASTREITER: Thank you, Evan.

6 All right, that concludes our comment section for  
7 today. I appreciate everyone coming and giving us your  
8 thoughts on how we can improve our document, and hope you  
9 look forward to our final FEIS. And don't forget, your  
10 written comments are due April 12th. It's a Friday.

11 So thank you again.

12 [Whereupon at 8:23 p.m., the verbal comment  
13 session concluded.]

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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 DON PEDRO AND LAGRANGE PROJECTS

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14 Docket No.: P-2299-082; P-14581-002

15 Place: Modesto, CA

16 Date: Tuesday, March 26, 2019

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 Dan Hawkins

24 Official Reporter

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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

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Turlock Irrigation District : Project No. 2299-082

Modesto Irrigation District : Project No. 14581-002

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DON PEDRO AND LAGRANGE PROJECTS

Request for Comments on the DEIS

Afternoon Public Scoping Meeting

Doubletree Hotel  
1150 Ninth Street  
Modesto, California 95354  
Tuesday, March 26, 2019

The public comment session, pursuant to notice,  
convened

at 1:10 p.m. before a Panel:

JIM HASTREITER, Project Coordinator, Federal  
Energy Regulatory Commission

CAROL LEPERT, Federal Energy Regulatory  
Commission

BRIAN MATTAX, Aquatic Scientist, Louis Berger

FRED WINCHELL, Louis Berger Project Manager

GEORGE GILMORE, Fisheries Biologist, Meridian  
Environmental.

CHRIS DIXON, Economist, Louis Berger



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

2 MR. HASTREITER: Okay, folks, we're going to get  
3 started. My name is Jim Hastreiter, I'm with the Federal  
4 Energy Regulatory Commission. I am the Project Coordinator  
5 for licensing La Grange Hydroelectric Project and  
6 relicensing Don Pedro Hydroelectric Project. The objective  
7 for today's meeting is, we're here to solicit comments on  
8 our Draft Environmental Assessment that we issued February  
9 11th.

10 In the notice of that availability of the DEIS,  
11 we provided a 60-day comment period, and written comments -

12 the deadline for written comments with FERC is April 12th;  
13 it's a Friday.

14 I really appreciate everybody coming here; this  
15 project's been along grind so far, and this is a fairly  
16 major milestone in pursuing relicensing and licensing of  
the  
17 project. The documents fairly hefty, there's lots of  
18 controversial issues presented in the application; a lot of  
19 recommendations from Fish & Wildlife agencies and  
20 environmental organizations that we looked at. We gave it  
21 our best shot with the information we have; but again, this  
22 is an important part in the process, where we get comments  
23 back. we address the comments in our final environmental  
24 impact statement, and either revise our analysis based on

25 those comments or say why we're not going to modify our

1 final environmental assessment based on those comments. So  
2 all the comments will be addressed, one way or another, so  
3 that's pretty important.

4 I just want to quickly say that we've scheduled  
5 an environmental site visit tomorrow of the project. It's  
6 going to start at 10 and last until about 4. We're  
meeting  
7 at 1200 Bonds Flat Road where the parking lot is, where the  
8 old visitors center used to be. We asked folks to confirm  
9 last week if they were coming or not; but if you really  
have  
10 a need to see the project, you're more than welcome to join  
11 us. So there's that.

12 We have a court reporter today, his name is Dan  
13 Hawkins; he'll be documenting everything that's said at the  
14 meeting by us and all the commenters. Transcripts are  
15 usually available on FERC's eLibrary website within about  
16 two weeks. So if you're interested in seeing those, you  
can  
17 just go to the FERC website. If, after the meeting you're  
18 not familiar with our website, I'd be glad to go over it  
19 with you. I have a handy-dandy guide, but I only have one.  
20 So I probably need to look at it as well on some of the  
21 components of it.

22 So today with me as well, on controversial  
23 projects like this where there are a lot of complicated  
24 issues, FERC often uses contractors that are technical

25 people in preparing draft environmental impact statements

1 and finals; and so these are the contractor folks that have  
2 worked with us in preparing this draft. And I think what  
3 I'll do is have everybody introduce themselves and what  
4 their expertise is and what part of the DEIS they're  
5 responsible for.

6 MR. DIXON: My name is Chris Dixon. I work for  
7 Louis Berger; I'm an economist, and I work on the  
8 socioeconomic analysis for this.

9 MR. GILMORE: Hello, everyone. My name is  
George  
10 Gilmore, I'm a fisheries biologist with Meridian  
11 Environmental, and I am the lead author of the Aquatic  
12 Resources section.

13 MR. WINCHELL: Hello, I'm Fred Winchell, with  
the  
14 Louis Berger Group. I'm the Project Manager for the  
15 contractor team.

16 MR. MATTAX: Hi, I'm Brian Mattax, and I did the  
17 water quality turn in the Berger Team.

18 MR. WINCHELL: And in the back by the sign-in  
19 table is Carol Leford, who handled recreation, land use and  
20 aesthetics in the DEIS.

21 MR. HASTREITER: I think the group is small  
22 enough, if we could quickly go around. I don't know most  
23 of the people here, and I would just like a better feel for  
24 who's here.

25

So if you could just quickly say your name and

1 who you're with, I think that would be helpful for us,  
2 rather than trying to figure out who is talking and who you  
3 are with.

4 So let's start over there in the cushy chairs.

5 MS. ANDERSON: Constance Anderson with Turlock  
6 Irrigation District.

7 MR. McMILLER: Brandon McMiller, also with TID.

8 MR. FORD: Bob Ford.

9 MS. [(inaudible)] Ceres District.

10 MR. RUSSELL: Cecil Russell, Modesto.

11 MS. FERRAR: Dana Ferrar, MID.

12 MS. LOKEY: Samantha Lokey, MID.

13 MR. DAVID: John David, Modesto Irrigation.

14 MR. COSTA: Costa.

15 MS. DOSCH: I'm Lisa Dosch with HDR.

16 MS. -- I'm Jennifer -- also with HDR,  
consultant.

17 MR. LE: Bao Le, HDR.

18 MR. PARIS: Bill Paris, MID.

19 MS. LEVIN: Ellen Levin, San Francisco Public  
20 Utility Commission.

21 MR. HASHIMOTO: Casey Hashimoto, TID.

22 MR. COOKE: Michael Cooke, City of Turlock.

23 MR. SORJAR: Tom Sorjar, (ph) .

24 MR. RENWICK: Ken Renwick, Tuolumne River Trust  
25 and the ACA.



1 MR. HASTREITER: Okay. Let's start back there.

2 MR. DELEBRAND: Chase Delebrand, State Water  
3 Board.

4 MR. BUCKLEY: John Buckley, Semko-Sierra  
5 Environmental Resource Center.

6 MS. LEHY: Meghan Lehy, Central Sierra  
7 Environmental.

8 MR. WADE: Mike Wade, California Farm Water  
9 Coalition.

10 MS. BOUCHET: Allison Bouchet, Tuolumne River  
11 Conservancy.

12 MR. BOUCHET: Dave Bouchet, Tuolumne River  
13 Conservancy.

14 MR. ZINKER: Alan Zinker, La Grange resident.

15 MR. KISHLER: Les Kishler, member of the public  
16 and a resident of Santa Clara Valley Water District.

17 MR. HASTREITER: Peter, why don't we come back  
18 this way, and we'll get that last section last.

19 MR. DREKMEIER: Peter Drekmeier, Tuolumne River  
20 Trust.

21 MR. WELCH: Steve Welch, Arta River Trips.

22 MR. McDONNELL: Sierra Mac River Trips, I'm  
Marty  
23 McDonnell.

24 MR. Martin D, private voter.

25 MR. LONGSTRETH: Evan Longstreth, farmer, River's



1 Choice.

2 MS. BORGES: Katherine Borges, MID ratepayer.

3 MS. -- The Bay Area Water Supply Companies  
4 agency.

5 MR. WATER: Tom Water, Stanislaus County Farm  
6 Bureau.

7 MR. MARTIN: Phil Martin, TR Club, California.

8 MR. PAUL WENGER: Paul Wenger, farmer.

9 MR. JAKE WENGER: Jake Wenger, farmer, former  
10 Director of Modesto Irrigation District.

11 MS. MICHELETTI: Sue Micheletti with the Turlock  
12 Chamber of Commerce.

13 MR. ERNST: Kevin Ernst, Turlock resident.

14 MR. GODWIN: Art Godwin, Turlock Irrigation  
15 District.

16 MR. WARD: Walt Ward, Stanislaus County.

17 MR. WHITE: Dave White, Opportunity Stanislaus,  
18 we're the County Economic Development organization.

19 MR. MORENO: Marc Moreno with the Latino  
20 Community Roundtable, Water, Daily Culture, Inner Youth  
21 Committee.

22 MS. MILLSAP: Stephanie Millsap, U.S. Fish and  
23 Wildlife Service.

24 MS. SIMSIMAN: Theresa Simmsimum, California  
25 Stewardship Director, American Whitewater.



1 MR. STURTEVANT: Jon Sturtevant, a Tuolumne  
2 resident.

3 MR. RAYMOND WHEELER: Raymond Wheeler, farmer.

4 MR. DAVE WHEELER: Dave Wheeler, farmer.

5 MR. BURKE: Larry Burke, rancher and Director of  
6 Modesto Irrigation District.

7 MS. GORMAN: ELaine Gorman, resident of Modesto.

8 [Inaudible]

9 MS. BUTTERWICK: Mary Butterwick, resident, San  
10 Francisco.

11 MR. KANE: Eric Kane, The Valley Citizen.

12 MR. GARIZBY: Edgar Garizby, the Tuolumne River  
13 Trust.

14 MS. GOMEZ: Yolanda Gomez. [Mr. Moreno:] A  
15 community resident within the Riverside community in  
16 Modesto. Airport community.

17 MR. VAN ELDE: Leonard Van Elde, Yosemite Farm  
18 Credit.

19 MR. HASTREITER: All right. We're getting some  
20 chairs here. All right. I'll just move on while they're  
21 doing that. Let me know if it's too distracting and we can  
22 wait. But I just want to describe the process moving  
23 forward from here for us.

24 Our next step is to hold 10(J) meetings with the  
25 National Marine Fisheries Service and the U.S. Fish and



1 Wildlife Service, and California Department of Fish and  
2 Wildlife. It is our attempt to resolve the agency's  
3 recommendations where we didn't agree with them; we call  
4 them inconsistencies.

5           We've sent letters to Fish & Wildlife Service,  
6 NMFS, and California Fish & Wildlife documenting the  
7 outstanding issues. We'll issue a letter probably after  
the  
8 deadline for these comments, which is April 12th, to them  
9 and set a meeting. We're looking at having that meeting in  
10 HDR offices in Sacramento. This is all tentative. I need  
11 to work with the agencies to pick a date that works for  
12 everyone. We do have quite a few inconsistencies with the  
13 Fish and Wildlife agencies' recommendations, so it's  
14 probably going to be an all day meeting.       And, I am  
15 hoping as part of these comments that maybe the fish and  
16 wildlife agencies will help prioritize what issues we  
should  
17 start with. The most important ones for them, just in case  
18 we can't get through all of them in that day-long meeting.

19           Next is, we'll have an endangered species  
20 consultation with the U.S. Fish and Wildlife Service and  
21 National Marine Fisheries Service. The Fish & Wildlife  
22 Service didn't concur with our -- not likely to adversely  
23 affect decision on several terrestrial species; so we'll  
24 have to continue to work with them on formal consultation.

25 We haven't had any discussions yet about that with them.

1  
consultation

And then also we've requested formal  
2 with National Marine Fisheries Service on Oncorhynchus,  
3 which is steelhead. And we haven't received a letter back  
4 from National Marine Fisheries Service based on our request  
5 yet. I'm hoping that will happen fairly soon.

6 I just want to go through a few generic issues  
7 that sort of describes how FERC has taken recommendations  
8 and dealt with them on some fairly generic issues in the  
9 past on other projects; and as well we did the same thing  
on  
10 this DEIS. The decisions sort of represent a policy change  
11 over the last couple years. I just want to quickly go  
12 through them so you understand our perspective on how the  
13 Commission has dealt with these issues.

14 One is monitoring. We didn't adopt quite a few  
15 of the monitoring proposals and recommendations that were  
16 made by the resource agencies, and the districts, which is  
17 something in the past we probably would have done, but the  
18 Commission is taking a harder look at monitoring to make  
19 sure it's tied to a license condition in some way. We have  
20 been a bit concerned that a lot of the monitoring  
21 recommendations we've received, it seems the objective was  
22 more searching for an issue to deal with rather than, you  
23 know, monitoring, providing information to a license  
24 condition that's in the license and then make a decision

25 whether that condition needs to change in some way. And

1 again, these deal with environmental sorts of issues.

2           So, ultimately we want to see when we go along  
3 with a monitoring program that there's some connection to a  
4 license condition, that we can gather the monitoring  
5 information, look at it, determine "Well, okay, the  
6 requirements of a license on that particular resource are  
7 doing fine, we don't need to change anything. Or, we find  
8 out, 'No, there's a problem and we need to reevaluate what  
9 those conditions would be.'

10           So, where it's not clear that there's a nexus to  
11 the project or there's any evaluation criteria or trigger  
12 back to a license condition, we haven't been going along  
13 with those sorts of monitor recommendations and monitoring  
14 plans recently.

15           Other items we haven't gone along with are  
16 requirements for ecological groups, advisory committees and  
17 annual meetings, and essentially that approach is the same;  
18 we haven't found that those are not necessarily tied to a  
19 license condition. In the past we've always found those as  
20 useful. I'm sure the irrigation districts find them useful  
21 as well, but the Commission has just decided that again  
22 those sorts of meetings aren't something that we're going  
23 to  
24 require because there isn't a connection back to the  
license  
itself, license requirement.

25

But we would encourage the licensees to do that

1 on their own even if we don't require it. And I think they  
2 do realize it probably in their best interests to go ahead  
3 and participate in those sorts of activities. The other  
4 reason we don't typically go along with annual meetings or  
5 advisory groups and making them a requirement is the  
6 Commission doesn't have any authority over all the other  
7 agencies, we only have authority over the licensee, and  
8 therefore we can't require everybody else to participate in  
9 those meetings. We can only require the licensee. From a  
10 legal perspective that doesn't work for the Commission, as  
11 well.

12           But as many of you know that have worked on FERC  
13 cases in the past in California, a lot of the  
14 recommendations the agencies make that we may not  
15 necessarily go along with, get included in the license as  
16 mandatory conditions. The Forest Service, BLM, National  
17 Marine Fisheries Service, the Water Board, they can all  
18 require mandatory conditions that the Commission legally  
has  
19 to include those in a license issued; and therefore a lot  
of  
20 these items that we don't go along with necessarily, would  
21 still be in the license if they're issued as mandatory  
to  
22 conditions. So that's something to consider as well, not  
23 think that 'Big Bad FERC is not including these conditions  
24 in, we've lost.' That's not necessarily the case. I just

25 wanted to raise that as well.

1                   Did you want to talk about habitat enhancement-  
2 type plan issue, just briefly?

3                   MR. MATTAX: Just briefly. There was a, one of  
4 the proposed measures from Fish & Wildlife Service that the  
5 districts agreed to go with is a habitat improvement plan,  
6 and that's an area that FERC has been reluctant to include  
7 in a license condition. A plan that doesn't really specify  
8 exactly what the measures are, where they're going to be  
9 carried out, and so I think we indicated in the EIS, in  
10 section five there's a list of the types of items that the  
11 Commission would need to see for us to understand where it  
12 would happen, what the project boundary-- whether the  
13 project boundary would need to incorporate the areas, what  
14 is the extent of the enhancement. How they would comply  
15 with ESA or National Historic Preservation Act for any  
16 that are going to be enhanced. So, that's an area where  
17 we're hoping to get input on the comments on the DEIS.

sites

18                   MR. WINCHELL: Basically, I might add, the  
19 line is that really it's very difficult for us, as FERC  
20 staff, to analyze the effects of an action unless we really  
21 have a thorough understanding of what the action or actions  
22 may be down the road.           MR. HASTREITER: I do want to  
23 point out, the Fish and Wildlife Service provided revised  
24 10(J)s and provided information that did help, but it

bottom

didn't

25 quite get to where we needed to be. And we can talk about

in 1 those things with them, but we do appreciate your efforts  
2 trying to provide more details on the habitat enhancement  
3 plan.

right. 4 Anyway, do you have the speaker list? All

5  
6 So, we're at the point now where we're going to  
7 take public comment, and I guess I can sort of remind  
8 everybody you don't have to provide a comment if you're  
9 going to provide written comments; those are as good as  
10 providing public comments. And if you're terrified of  
11 public speaking then you don't have to get over that

hurdles

12 well; but you're more than welcome. So, we're going to  
13 have a mic and you need to speak in the microphone so Dan  
14 can pick up what we're after; and Chris is going to bring  
15 the mic around.

16 So, I think David White asked to go first?

17 He must be important that he gets to go first.

18 MR. WHITE: No, no. Do you want me to stand up  
19 or ?

20 MR. HASTREITER: It's up to you.

21 MR. WHITE: All right. My name is David White.

22 I'm the CEO of Opportunity Stanislaus. We are an economic  
23 development organization that serves Stanislaus County.

Our

24 investors are the businesses that work here and have been  
25 here for multiple generations. We have multiple companies

1 that have made this county their home and really drive the  
2 economy here.

3           This county is on the path of recovery from a  
4 very difficult recession. Our unemployment rate is about  
5 twice the unemployment rate of the State of California.  
6 It's getting better, but the reason it's getting better is  
7 because our companies are doing better. And we have a very  
8 large ag-based economy with a lot of food processing and  
9 wineries and other types of manufacturing in this county  
10 that depend on water. And if it weren't for the water

those

11 companies would not be here. That's the lifeblood of our  
12 economy.

13           And so as such we are very concerned about any  
14 types of measures that are going to have an adverse impact  
15 on our local economy and especially at a time when we're  
16 struggling to improve the economy and make life better for  
17 the people who live here. This economy is supported by  
18 multiple support industries that also should be factored in  
19 to any kind of economic analysis. I sat on a panel back  
20 about a year ago with the California Water Board, and they  
21 produced an economic report that only looked at what the  
22 effect would be on surface uses. Actually planting and  
23 harvesting of crops. That is just a small portion, a very  
24 important portion, I might add, but a small portion of our  
25 total local economy. When you add in all the value-added



1 economic factors, you add in all the production, the  
2 logistics, all the industries that are supported by this  
3 economy, it's a multi-billion dollar economy. If that  
4 economy is even affected by, let's say, 10, 20, percent it  
5 would have a devastating impact on not only on those  
6 companies but the people they employ, many of whom are  
7 people who are struggling and improving nonetheless, but  
8 are trying to put food on their tables and support their  
9 families.

10 So, I just want to make sure that this body  
11 understands that. That I believe and our organization  
12 believes that TID and MID have added some significant  
13 measures that they agree to that are - represent a  
14 compromise by them -- that we feel are honorable and  
15 effective and equitable, and we would hope that this body  
16 would support that and those findings.

17 One thing that always gets left out of any  
18 conversation it seems is what the predation issue is in the  
19 water. And water is one part of helping fish. We need to

-  
20 - I hope this body will look at the predation issue as  
well.

21 And look at a total economic impact, not just some surface  
22 water issues and other things like that.

23 I can tell you that having been here now for  
five

24 years, we have a great community. We have great community

25 and family companies that are very conscious, wanting to do

1 the right thing, not only to serve the communities but also  
2 to take care of our natural resources. So, I am hopeful  
for  
3 a very, what I'd call a very responsible approach, looking  
4 at all the factors, and not just some voices who, of people  
5 who probably don't even live here and live in this  
community  
6 and work in this community. So, that's what I'd like to  
7 offer and say that on behalf of the business community, we  
8 ask for a very responsible approach by this body. Thank  
9 you.

10 MR. HASTREITER: Just to follow up, David. Are  
11 there any specific comments you have on, you know, any  
12 analysis we did in the Draft Environmental Impact  
Statement?

13 We did some economic analysis of some of the measures. Do  
14 you have any specific comments on those?

15 MR. WHITE: I think your analysis is better than  
16 what I've seen in the past. It's more comprehensive, and  
17 that's good, but I just, my main point of being here today  
18 is just to echo what you'll hear from others that we  
19 encourage F E R C to take a responsible approach, which,  
you  
20 know, we believe that is your intention and make sure that  
21 you're representing all the factors and not just some  
22 factors that may be loud voices in the community but don't  
23 represent really, the economy of our community like I think

24 it should. I hope that answered your question.

25 MR. HASTREITER: Yes. Thank you.

1                   So, let us go with Griselda Manze?

2                   MR. MORENO: Manze. I'll be translating.

3                   MR. HASTREITER: Okay.

4                   MS. MANZE: [Mr. Moreno:] Her name is Griselda  
5 Manze and she lives in the neighborhood that we do, we  
6 provide some work in, in the airport neighborhood, for the  
7 Tuolumne River Trust. And so she's acknowledging that the  
8 recreation piece, where she goes with her family to the  
9 river parts, but because of there's not enough water in the  
10 river at times specifically during the summer, so the fact  
11 that there isn't recreational opportunities is something  
12 very important to her so that to mention to this Board.

13                   She also just wants to mention that they want to  
14 also improve the community and part of that also involves  
15 that more people enjoying the river and being able to enjoy  
16 the river at some points of the year. She did mention --  
17 I'm just paraphrasing -- some points of the year the water  
18 is not high enough for them to do water related activities.

19

20                   MR. HASTREITER: Can you describe the water  
21 related activities?

22                   MR. MORENO: Canoe, canoeing.

23                   Basically most of the time is like fishing,  
24 canoeing, kayaking, and stuff like that. And we do that  
25 with a youth group called Trek. And we used to go out to



1 the river and do river cleanups and stuff like that; and  
2 we've also seen that there's been a lot of dead animals due  
3 to contamination and stuff in the water like that, when we  
4 do our river cleanup. And usually when we try to do  
5 canoeing and kayaking and stuff like that in the river, we  
6 don't have enough water to do that. We also have to go to  
7 the middle of the river to like get knee deep in the  
8 river. MR. HASTREITER: Where is this in the river?

9 MR. MORENO: Right here in the Tuolumne River  
10 behind the airport.

11 MR. HASTREITER: So, right here in Modesto at  
the  
12 airport?

13 MR. MORENO: Yes.

14 MR. HASTREITER: Okay.

15 MR. MORENO: That was it.

16 MR. HASTREITER: All right. Are you Edgar? Did  
17 you want to say anything?

18 MR. GRANBY: Just again, it's finding that, I  
19 think there are residents here, again, that care much about  
20 the river, and our river and this is the gem; I think  
21 there's a big economic opportunity as well to not only be  
22 able to recreate but also as ways to find jobs. So finding  
23 that balance is critical; at the same time we need to find  
24 real solutions about how, you know, beyond a lot of  
25 different analysis and a lot of different things how people



and 1 in these communities that I work with on a day-to-day --

2 it's not just the airport, there are a lot of underserved  
3 communities along the river that have other needs as well.

4 I know we were talking more about, you know, the  
5 river itself but I think it's also important to work with  
6 the communities that work along the river, because  
obviously

7 all of us want the best thing for the county, for  
Stanislaus

8 County and what a great way to know that a river passes  
9 through here so, I think it's very important. I work very  
10 much with a lot of our Hispanic families and they very much  
11 would like to stay here and be able to recreate here, but  
12 oftentimes they don't have the means to do that whether

it's 13 to travel -- so we have these great parks to look at and to  
14 invest in, and that also speaks throughout the watershed.

15 So, if there's meaningful comments and solutions  
16 that we can do where we are meeting all the needs, I think  
17 that's the very most important thing that we can do because  
18 it's not about fish versus human, it's about how we can  
come

19 together as communities -- a like a lot of people in the  
20 room have known about the homelessness crisis. People have  
21 come together. Why can't we come together in this? These  
22 sorts of things. So, I just will hope that everybody here

visions 23 will be able to - we can all work together, develop  
24 and work to these solutions to make a better, healthy  
25 Tuolumne River. Thank you.

1 MR. HASTREITER: Thank you very much.  
Appreciate

2 it. Did you want to come up here, Carol?

3 MS. LEPERT: No, I'm good.

4 MR. HASTREITER: You're good? All right. We  
got

5 a lot of recreation comments there and I thought maybe --

6 MS. LEPERT: I'm here.

7 MR. HASTREITER: Can you hear them?

8 All right. So, our next speaker is Marty

9 McDonnell.

10 MR. McDONNELL: My name is Marty McDonnell, I  
11 have a whitewater rapids business. I have been doing tours  
12 on the Tuolumne River since 1989. I've been entering the  
13 reservoir at Jacksonville before the reservoir backed up,  
up

14 to Wards Ferry. We lost a great takeout facility at  
15 Jacksonville when the reservoir was built and inundated  
some

16 five-six miles of our white water run.

17 My business is located in Tuolumne County, so I  
18 employ a lot of people to do this, and we also do private  
19 boating. My concern really here is FERC's stand on the  
20 Wards Ferry takeout facility. I've been with a variety of  
21 stakeholders including the irrigation district to work on  
22 mitigating the loss of taking out at Jacksonville and  
trying

23 to resolve a very serious situation at Wards Ferry that has

24 not been any more than a short trail a couple feet wide for  
25 taking out heavy boats and people walking up a vertical

1 cliff.

2           It's dangerous and this is an issue that really  
3 needs to be resolved and the FERC response was there's no  
4 nexus, there's no connection with what we do with the  
5 reservoir. I find that to be false. It's wrong. I don't  
6 understand where that came from. So, the Tuolumne River is  
7 known nationwide as a wild and scenic river; one of the  
8 pristine runs, it's revered as being one of the best. And  
9 to end your trip in a V-shaped canyon with no way to get  
10 is really an objectionable process.

11           So, I wish that you would join the Bureau of  
12 Management and their recommendation. It was an agreement  
13 that was made with the irrigation districts to build a  
14 better facility at Wards Ferry that would include not only  
15 good trail down the river but a place for lifting boats out  
16 of the water on the side, bathroom facility, parking --  
17 which is now, if you come tomorrow and look at this  
18 afternoon, you'll see that this is a pretty primitive place  
19 for a lot of activity. There's thousands of people that go  
20 down the river and there would be many more people that  
21 would come if there was a decent place to take out there.  
22 And this is clearly one of the reasons why people don't do  
23 this particular whitewater run, is because the takeout is

most

out

Land

a

tomorrow

24 miserable, dangerous, hot and there's no trails going down  
25 to the water.

1                   When the reservoir was built, the motor boaters  
2                   have fantastic facilities at Fleming Meadows and at  
Moccasin  
3                   Point. There's huge campgrounds, and so they recognized  
the  
4                   need to provide a facility for the motorized boaters but  
5                   they have not recognized the need for taking out at Wards  
6                   Ferry for the paddlers, the non-motorized boaters.

7                   The irrigation districts issue a permit to me,  
8                   and have for the last 40 years, to take out at Wards Ferry  
9                   Bridge. I pay for this. I pay the irrigation districts to  
10                  take out, enter their reservoir and take out at Wards  
Ferry.

11                  So, for the irrigation district to say or you to say that  
12                  there's no nexus to this project is flat wrong. I do not  
13                  understand the logic on page 223 of your decision  
14                  recommended by staff that there's no need to build a  
takeout  
15                  facility at Wards Ferry. I find this very regrettable and  
16                  whatever, sort of, information you got that shows that  
17                  there's no nexus, no need for this is wrong. And my  
18                  question to you is how do you come to this conclusion?  
It's  
19                  mind boggling.

20                  MR. HASTREITER: So, if you have any other  
21                  information that we could use to change our minds in  
written  
22                  comments, we would appreciate it.

23 MR. McDONNELL: Yes, I will submit -- and when  
24 you see the place tomorrow you'll get a better idea what  
the  
25 problem is.

1 Thank you.

2 MR. HASTREITER: Thank you, Marty.

3 Our next speaker is Megan Lehey.

4 MS. LEHEY: Is there some sort of time limit?

5 MR. HASTREITER: Typically five minutes.

6 MS. LEHEY: All right. Meghan Lehy, with the  
7 Central Valley Environmental Research Center. I'm an  
8 aquatic biologist with that organization. We work in those  
9 regions to protect water and wildlife, and also Bob Slazer,  
10 but specifically we're just focusing on this project with  
11 water and wildlife, obviously. And as you guys are aware,  
12 the native salmonid populations that are hosted by the  
13 Tuolumne River are not doing well. As you know, they used  
14 to be in the hundreds of thousands back in the day, but now  
15 not so much.

taken

16 I think there need to be some drastic steps  
17 to protect them, the general native aquatic species also  
18 that are found in the Lower Tuolumne.

19 Our recommendation, proceed with this Draft EIS  
20 and the first alternative did not include enough  
21 requirements that are necessary to protect the salmonids  
22 that use the Lower Tuolumne River. Therefore, I think that  
23 the FERC must require licensees to take strong measures to  
24 provide more adequate protections for these resources.

25 So what are needed are adequate flow



terms 1 requirements, combined with non-flow measures. So in  
2 of flow, I urge the FERC to require minimum instream flows  
3 below the amounts that are equivalent to the State Water  
4 Board mandatory and required flow requirements for the  
5 months of February to June, and October.

6 Obviously we know that increases in minimum flow  
7 will be essential for spawning and rearing salmonids in the  
8 Tuolumne. I also urge the FERC to require a couple  
9 different non-flow measures. One of those is salmonid  
10 monitoring in the Lower Tuolumne. It should be the  
11 district's responsibility to at least financially provide  
12 for salmonid monitoring in the Lower Tuolumne; of course in  
13 consultation with resource agencies. This monitoring is  
14 essential to understand the implications of project  
15 operations to salmonids in the Lower Tuolumne. And  
16 ultimately the data collected from salmonid monitoring  
would 17 help enhance the resource.

18 There's also a critical need for robust gravel  
19 and large wood enhancement and management in the Lower  
20 Tuolumne. These habitat enhancement measures are essential  
21 components for not only salmonids but other aquatic native  
22 organisms, and for river habit stability and complexity.  
23 Gravel is not only essential for salmonid spawning habitat,  
24 but is also an important habit component for

25 macroinvertebrates, and is also essential for streambed

1 stability.

nonflow

2                   Ultimately, the flow requirements and the  
3 measures I just talked about briefly are just some of the  
4 critical actions needed to restore native fisheries and the  
5 river ecosystem of the Lower Tuolumne.

you;

6                   But I appreciate the opportunity to speak to  
7 and I hope the resources of the Lower Tuolumne are at the  
8 same level of importance as other users under the new  
9 license.

wherever

10                   MR. HASTREITER: I just have a quick follow up  
11 question. You mention you would like us to implement the  
12 Water Board's flow proposal; and I think they're proposing  
13 sort of a range of 30, 40, or 50 percent of the unimpaired  
14 flow? Is there any one in particular or is it just  
15 they land, that's what --

not

16                   MS. LEHEY: I think for our organization, the  
17 higher the better. I believe the State Water Board said  
18 that they would start at 40 percent, and from there it's  
19 clear where in the 30 to 50 the Tuolumne would fall.

20                   MR. HASTREITER: Okay, thank you.

21                   Our next speaker is Mary Butterwick.

sit.

22                   MS. BUTTERWICK: If that's all right, I will

23 Good afternoon, my name is Mary Butterwick and I have lived

24 in San Francisco for over 30 years. And while I enjoy a  
25 high quality drinking water that comes to San Francisco  
from

this 1 the Tuolumne River, I also realize that the delivery of  
2 precious resource comes at a very high cost to the aquatic  
3 ecosystem.

4 As phased in San Francisco Public Utility  
5 Commission's proposed alternative resolution dated March  
6 12th 2019, quote: "The Bay Delta ecosystem is in a state of  
7 crisis, with populations of most species of wild salmon at  
8 record lows; fish populations such as Delta smelt on the  
9 brink of extinction, and current water quality, water  
10 quantity and habitat conditions unable to support their  
11 recovery.

12 The construction and operations of the Don Pedro  
13 and La Grange Dams have had and continue to have adverse  
14 impacts on the aquatic ecosystem of the Tuolumne River, an  
15 important tributary within the larger Bay Delta watershed.  
16 For instance, before the Don Pedro Dam was constructed, the  
17 Tuolumne hosted more than 100,000 spawning salmon in many  
18 years. And in recent years that number has dropped to just  
19 a few thousand, or even as low as a few hundred.

20 This degree of degradation is unsustainable and  
21 must be reversed by increasing flows in the river. In  
order 22 to comply with the requirements of the Federal Power Act,  
23 the FERC licensing of the Tuolumne River Dam needs to give  
24 recreational and aquatic uses equal treatment with power  
and

25 water supply.

1                   Therefore I urge the FERC to select as its  
2 preferred alternative one that complies with the California  
3 Water Resources Control Board's new instream flow standards  
4 which were adopted on December 12th, 2018. These standards  
5 call for instream flows of 30 to 50 percent of the February  
6 through June unimpaired flow starting at 40 percent. I  
7 understand that Modesto and Turlock Irrigation Districts,  
8 San Francisco and FERC proposed much lower flows, at about  
9 20 percent.

10                   So the preferred alternative also needs to  
11 provide spring flows high enough to get water on the flood  
12 plains, provide sufficient flows for the migration of fish  
13 upstream and downstream, maintain downstream water  
14 temperatures low enough to support a cold water fishery and  
15 incorporate water conservation measures to help meet the  
16 water demands for power and municipal and agricultural  
uses.

17 Thanks.

18                   MR. HASTREITER: Thank you, Mary.

19                   Steve Welch is our next speaker.

20                   MR. WELCH: My name is Steve Welch, I'm the  
21 General Manager of Arta River Trips, we're one of the four  
22 outfitters permitted to run ships on the Tuolumne River. I  
23 have spent a lot of my time over the last 35 years at the  
24 Wards Ferry Bridge site, carrying boats up the hill,

25 carrying equipment up the hill. Helping people up the  
hill.

I'll

1 Maintaining trails and whatnot. Not my favorite place,  
2 be honest with you. It's hot. So I was excited five years  
3 ago when this process started, more or less. And an  
4 opportunity to fix that problem. And another opportunity  
5 to see big government in action.

6 So, I went to the first meeting of stakeholders  
7 and learned about flows and temperatures and fish and large  
8 woody debris and all these other things that are involved  
in

9 this project; and when the topic of Wards Ferry, the  
10 facility there came up, the district's response was there's  
11 no nexus there. I didn't know what no nexus meant; but I  
12 figured I wasn't good. I'm still not sure I know what it  
13 means.

14 But we pointed out to them that for the past 20  
15 years they've issued us a permit and collected money from  
us

16 to use that facility, so they must have thought there was a  
17 nexus at that point. And they finally did agree to that;  
18 and we spent the last five years negotiating with them; and  
19 I have learned a little bit more about the government  
20 processes and felt we had moved past the no-nexus  
roadblock.

21 So, it was disappointing when your draft environmental  
22 impact statement came out and said that there was no nexus,  
23 so I would like you to reevaluate that part of your

24 decision. Thank you.

going 25 MR. HASTREITER: Do you have any -- are you

1 to provide some written comments?

2 MR. WELCH: Oh, yes. I'm much better in  
writing.

3 MR. HASTREITER: Okay, great. Thanks. More  
4 information is better for us to look at.

5 William Martin is our next speaker. Right here.

6

7 MR. MARTIN: Here are five packages of graphs  
8 that I have, pictures and graphs.

9 MR. HASTREITER: William, are you going to file  
10 written comments?

11 MR. MARTIN: I am.

12 MR. HASTREITER: Are you going to provide these?

13 MR. MARTIN: Yes. My name is William Martin. I  
14 am a San Francisco resident. A customer of the San  
15 Francisco Public Utilities Commission, or SFPUC. I'm also  
16 here speaking on behalf of Sierra Club California, for  
which  
17 I am a volunteer.

18 For over two years I've been involved at the  
19 SFPUC in discussions regarding their opposition to the  
State  
20 Water Resources Control Board's water quality plan update.  
21 I have examined the SFPUC's opposition, and I've met with  
22 their staff and spoken with the commission on numerous  
23 occasions.

24 My conclusion. Their opposition is based on

25 speculative, erroneous conclusions and assumptions. In the

1 SFPUC area, the San Francisco and the counties to the south  
2 and east, water use decreased by about 23 percent from 2010  
3 to 2016, as shown in the graphs that I just handed out.  
4 This is a result of water conservation during the most  
5 recent drought.

6                   During the same periods, San Francisco and San  
7 Mateo Counties experienced strong employment growth. That  
8 is, water conservation and employment growth were  
negatively  
9 correlated during the recent drought. I bring this up very  
10 carefully, and all of the data that's in that graph is  
11 publicly available. Because the SFPUC responded to your  
12 draft, and in part of their response they used a series of  
13 economic tables, claiming economic depression in the Bay  
14 Area if they ever have to cut back on water. And the data  
15 that is in front of you indicates they're wrong; that, in  
16 fact, there is no evidence at all that water conservation  
17 and economic growth go hand-in-hand.

18                   In fact, all the evidence we have is that they  
go  
19 the opposite direction. And, if you then, take, if  
somebody  
20 wanted to do it -- and I have done most of the work, you  
21 take that same graph and go backwards in time as far as we  
22 can, which is roughly around 1900, and look at every  
growth,  
23 at every period of drought and put up against that period  
of

24 drought economic growth of both employment, population, and

25 economic growth, you find that throughout the state of

1 California, every time there's been a drought, there's been  
2 economic growth, there's population growth, and there's  
been  
3 employment growth.

4 So, please, whenever you're looking at economic,  
5 at the effects of the, for example, the State Water Board's  
6 decision to require 40 percent mandated flows, unimpaired  
7 flows down the river, then somebody says 'Oh, there goes  
our  
8 economy.'

9 I really think if you want to carefully examine  
10 those statements and carefully examine exactly what parts  
of  
11 the economy are affected if any, because the record shows  
12 that throughout the state that simply doesn't occur.

13 Briefly I'd also like to point out that in  
14 response to your follow-up question earlier that in 2010  
the  
15 first report that the Water Board released relative to  
16 unimpaired flow in the February to June period to be  
17 protected, fully protected; while Fish & Wildlife was 60  
18 percent. That is, the scientists working for the Water  
19 Board recommended 60 percent unimpaired. Not 40.

20 The Water Board then reasonably, and responsibly  
21 I suppose, cut that number. But I did want to point out to  
22 you that that actually was what the scientist who did the  
23 report for them showed. That's important because, as  
pointed

24 out earlier, the salmon and steelhead need those high  
flows.

25 Also, a final point on that relative to

1 predation. One of the issues of predation is habitat. I  
2 happen to be a bass fisherman. I, you know, have a pretty  
3 good idea where I'm going to find a bass. I'm not going to  
4 find a bass in a cold, fast stream. And that's just facts,  
5 so if we want to make sure that we've got habitat for cold  
6 water fish, we need to make sure that we've got habitat for  
7 cold water fish, not warm water fish.

8 Thank you very much.

9 MR. HASTREITER: Thank you, William.

10 MR. MARTIN: Thank you.

11 MR. HASTREITER: The next speaker is John  
12 Buckley.

13 MR. BUCKLEY: Good afternoon. I'm John Buckley  
14 with the Central Sierra Environmental Resource Center. I'm  
15 going to provide some very brief context, and that  
addressed  
16 a pretty long trend. That's what I know you're asking  
for,  
17 is about the EIS and comments on that.

18 For years Center Staff has devoted time and  
19 resources, and participating in this process, and unlike  
20 some processes we think that we've made it especially clear  
21 that we are seeking feasible middle ground strategies or  
22 majors that will result in the least costs to the  
applicants  
23 and the least amounts of impacts on the majority of water

24 that's used from the Tuolumne River by agriculture and  
other  
25 water users. And I would respectfully point out that  
that's

1 not something that was necessarily in this FERC relicensing  
2 you're involved in, or the Stanislaus River, that there was  
3 a sensitivity by the environmental groups and by the  
4 agencies to truly try to minimize the cost of impacts on  
5 licensees.

the

6 But in this case, even when there have been  
7 meetings separate from the licensees, there's been a  
8 considerable amount of discussion of how to minimize the  
9 impacts, and not just because of economics but just in

terms

10 of fairness and balance so that if there are benefits for  
11 water species, aquatic species, especially the salmonids,  
12 but if there are benefits for water quality or all the

other

13 values, that they are benefits that are balanced by respect  
14 for the needs for agriculture.

15 So, I hope that it's very clear and I'm sure we  
16 affirm this later, that there has been a clear effort to

try

17 to find that middle ground. The challenge has been, and I  
18 see this with a lot of respect for having worked with all

of

19 the different interests in this process is that over the  
20 years, especially with the modeling, the districts have

gone

21 to the extreme of not being interested in working with the  
22 NGOs or with the agencies to sit down and collaboratively

23 use the modeling to find out how to minimize those impacts  
24 and to make adjustments.

25 And instead, it is my bias that there has been a

to  
Center  
1 blanket core opposition to consider anything that appears  
2 reduce the water supply. It's been a position rather than  
3 an approach that is based on a true need. And as our  
4 has worked and reviewed the FERC preferred alternative,  
5 we've gone through this process, we have a number of  
6 concerns that we think are of highest priority.

7           One, you asked about the monitoring, whether or  
8 not it was actually providing something. With all due  
9 respect, if you're not monitoring the species that are most  
10 at risk, you cannot have good information to assess whether  
11 your operations and the way that the river is being  
managed,  
12 is or isn't benefiting those species at risk. Again, I  
13 think this is a no-brainer. I respectfully advocate that  
14 you will hear from not just NGOs or from the citizens  
15 concerned about water quality, but from the agencies why  
16 it's so essential to have that salmonid monitoring.

17           Second issue. It is a struggle for me -- and  
18 Jim, you know as I said I've been involved in the FERC  
19 license for a long time is that there has been so much, I  
20 would call it rejection of the 10(J) conditions by the  
21 agencies that have put so much time and effort into  
22 carefully providing the rationale for why those are put  
23 forward. So one of the things that I'm urging is that I  
24 believe that the FERC should adopt all the 10(J) conditions

25 deemed to be within the scope of section 10(J), which is

1 separate from those that you reach out, because you don't  
2 believe they're within the scope.

3           And last, there are many aspects to this complex  
4 planning process where the FERC can reasonably side with  
the  
5 districts, looking at the economics. Because anyone who  
6 doesn't say that there are economic effects from this  
7 complex project is not being realistic. The ability for  
8 water users to use new technologies, new practice and  
9 everything really isn't addressed adequately in the EIS and  
10 the FERC preferred alternative. It's as if you are  
assuming

11 that these economic factors are going to be irreconcilable  
12 and irreversible despite the fact that there are so many  
13 ways that people can adapt and utilize and we were already  
14 referred to as how the City and County of San Francisco,  
15 the SFPUC, has reduced water use by using technologies.

16           So, in closing, our Center urges FERC staff to  
17 move toward a middle ground. We truly believe there is  
18 middle ground here. We don't need to have the level of  
19 polarization that comes out of so many of these processes.  
20 Our Center urges the FERC staff to act to ensure that  
21 there's a central protection for diminished resources, the  
22 river system, even while the majority of river water will  
23 continue to be diverted to benefit agriculture, the local  
24 economy, water users in the region's overall jobs and

25 economic benefits.

1                   One last point, it's not written down here. I  
2 know today when people talk about, 'You don't even live in  
3 this area,' this water comes from the mountains where our  
4 Center is located, it comes from the snow pack on federal  
5 lands; the overwhelming majority of this water that is  
being  
6 used by people in this area is coming from outside of the  
7 area. It's coming from places where there is almost no  
8 benefit provided through the Tuolumne River for the county  
9 of use, or the county of origin, and the places where the  
10 water actually begins. Thank you very much.

11                   MR. HASTREITER: Thank you, John.

12                   Peter Drekmeier.

13                   MR. DREKMEIER: Peter Drekmeier, the Policy  
14 Director for the Tuolumne River Trust. I appreciate you  
15 coming out today. Our organization was founded in 1981 and  
16 we secured federal wild and scenic status for 83 miles in  
17 1984. For the last couple of decades we have put a lot of  
18 focus on the Lower Tuolumne, working on the Lower Tuolumne  
19 Parkway, restoring 269 acres at Big Ben to flood plain  
20 habitat. In 2012 we raised 22 million dollars to purchase  
21 1,600 acres at the confluence of the Tuolumne and San  
22 Joaquin, and that's restored to wildlife habitat. And  
23 actually that is inundated right now, thanks to the high  
24 flows.

25                   And just this last summer we finished a ten year



1 project to remove Dennett Dam in Modesto, which was a big  
2 dam but it was a dangerous dam. A couple people died there  
3 in the last dozen years. So we've invested a lot in the  
4 Lower Tuolumne.

5 The Tuolumne is really in bad shape. We have  
6 lost the spring run salmon. The steelhead are threatened.  
7 We are on the brink with fall run salmon. And the Lower  
8 Tuolumne is listed as impaired per the Clean Water Act.

9 The problems go back a long ways. Back to the  
10 1850s. Mining, ranching, logging. Introduction of bass  
11 back in 1879, into the delta. Building of Wheaton Dam,  
12 later replaced by La Grange and the old Don Pedro. But  
even  
13 after all of that, in 1944 we had 130,000 salmon come up  
the  
14 Tuolumne to spawn. And then with the creation of new Don  
15 Pedro in the '60s, a lot changed, and we see dwindling  
16 populations. This year we had about 3,000 and that was  
17 higher than the recent average, so. The salmon are in bad  
18 shape and the entire ecosystem that depends on salmon.

19 A lot of the science that's used to support the  
20 Tuolumne River management plan [it forward by the  
irrigation  
21 districts and SFPUC is questionable. It hasn't been peer-  
22 reviewed. For example, there's a temperature study that  
23 found that salmon in Tuolumne can survive higher  
24 temperatures in other areas. It didn't look at the food

25 source and how it's impacted by warmer temperatures and it

1 didn't look at the predators, for which they can become  
2 food. And we know that bass have evolved  
3 in slow-moving warm water. So, the ecosystem now favors  
4 nonnative predators over the native species.

5           And the plan that FERC seems to have embraced is  
6 to put all the life stages of salmon into the main channel.  
7 In a healthy ecosystem there's off-channel habitat,  
8 inundated flood plains where there's more food and refuge  
9 for the juvenile fish. But without adequate flows that's  
10 not available. So, the irrigation districts and SFPUC  
11 that 'Well, we'll put the juveniles in with the predators  
12 and there could be a problem there, so we will manually  
13 suppress the predators.' And FERC in the EIS said we're  
14 going to require that because we think it's unlikely to be  
15 successful and could even cause problems with salmonids.  
16 Particularly the weir that was proposed.

17           So that undermines the whole fish model which  
18 hasn't been peer-reviewed and there's a lot of pressure on  
19 the State Water Board to peer review that model and see how  
20 it holds up. What you are recommending is a series of non-  
21 flow measures, primarily. And those have been tried  
22 before.  
23 The 1995 settlement agreement focused almost exclusively on  
non-flow measures; and many of them didn't get done. The

and 24 signature project was special [] and that was filled in;  
25 what we found was the largemouth bass were replaced by

1 smallmouth bass; and the district's own post-project  
2 monitoring report states: During extremely wet years high  
3 flows can flush largemouth bass out of a stream, but  
4 typically a sufficient number of adults can find shelter in  
5 flooded areas to repopulate the stream during lower flow  
6 conditions. During the years following the flood,  
7 largemouth bass abundance was controlled by spring and  
8 summer flow conditions that were unfavorable for  
9 reproduction. Largemouth bass requires low water velocity  
10 and warm water temperatures to reproduce.

11 That was their own post-project report. So, I'm  
12 going to give you this graph of the flows in the Tuolumne  
13 since 1995, and the quality since 1995 and it shows what  
the  
14 unimpaired flow is and what's diverted. And during the  
15 recent drought the unimpaired flows were as follows: 20  
16 percent in 2012, 12 percent in 2013, 12 percent, 13  
percent,  
17 8 percent in 2016. That's what the unimpaired flow was.  
18 2017, 79 percent. Could be a water year. And essentially  
19 all the water people conserved for five years got dumped.  
20 One excessively good year at the expense of five terrible  
21 years on the Tuolumne.

22 So, the State Water Board, they proposed 30 to  
50  
23 percent unimpaired flow, starting at 40 percent. There's a  
24 real incentive to do the non-flow measures. We think those

25 are important to habitat restoration. If we can reach

1 biological goals and objectives with less water, it could  
2 drop down to 30 percent. If they're not working, move up  
to  
3 50 percent. Adaptive management and the FERC license  
4 doesn't address adaptive management.

5           So, we seen a lot of progress, as mentioned  
6 before, in the San Francisco PUC service area; water  
7 conservation has really paid off. We saw a 30 percent drop  
8 in water demand in a 10 year period, 2006 to 2016. In the  
9 south San Joaquin irrigation district they did a pilot  
10 project where they did a pressurized water system. They  
11 found that yields increased by 30 percent and water use and  
12 energy use decreased by 30 percent.

13           So we have technology. We've been encouraging a  
14 groundwater water bank for San Francisco; we would partner  
15 with the irrigation districts in big water years like 2017  
16 or this year when there is extra water that can be taken  
17 without harming the ecosystem. Capture it, put it  
18 underground, make it available during the drier year  
19 periods. So, we submitted, we worked with other  
20 conservation groups and submitted comments on ready for  
21 environmental analysis. We put a lot of time and effort  
22 into that. We felt like we were looking at alternatives  
23 that really could work for everyone; and most of our  
24 comments were dismissed in the Draft EIS, so that was very  
25 disappointing. We'll weigh in again. But we really hope



1 that you will consider a lot of the comments made today.

2 Thank you very much.

3 MR. HASTREITER: Thank you, Peter.

4 Our next speaker is Elaine Gorman.

5 MS. GORMAN: Good afternoon. My name is Elaine

6 Gorman and my comments are mainly of a personal nature.

So,

7 just coming from my heart. I'm a retired teacher of

Modesto

8 City Schools and I first found out about the Tuolumne River

9 when I moved here in 1976 and I lived on a walnut farm

where

10 we pumped water directly out of the river; so that farm

11 bordered the river and I remember hauling those irrigation

12 pipes for hours in between the walnut trees, so I know what

13 it's like to lift Tuolumne River water.

14 And as I mentioned I'm a retired teacher, and

15 I've lived in Modesto for more than 35 years, mostly within

16 about two miles of the Tuolumne River. I have taken

17 hundreds of students and their parents on field trips to La

18 Grange where they had the opportunity to learn from

wildlife

19 biologists about the life cycle of Chinook salmon, the

20 cultural history of the area, the natural history of our

21 riparian ecosystems, and then the importance and irrigation

22 of domestic water use. I also talked to the MID water

23 conservation system way back in the '80s that's been

24 provided to local teachers.

25 I currently lead local community nature walks

1 along the Tuolumne River as a volunteer for the Sierra Club  
2 and the Tuolumne River Trust. In fact, this weekend I lead  
3 a trip to the Shoreline out of Blue Oaks recreation  
4 overlooking Don Pedro. We saw an osprey, and that was  
5 really awesome, and had a fish in its talons. So we really  
6 appreciated that. Walking along the river, berries  
7 underneath the reservoir there so we had a good time.

8 I have hiked, canoed, swam, inner tubed and  
9 backpacked along most of the Tuolumne River. I have sipped  
10 water fresh from wild glacier. I have watered my garden  
and  
11 fruit trees with water from the Tuolumne. In most places  
in  
12 Modesto I can open a tap and drink water from the Tuolumne.  
13 The Tuolumne River is very precious to me.

14 Revisions to the Federal Power Act require that  
15 recreational and aquatic uses get equal treatment with  
water  
16 and power supply. Recreational enhancements along the  
17 Tuolumne River and La Grange, Waterford, Ceres, and Modesto  
18 will allow our community members to enjoy and learn about  
19 the river. When citizens visit public natural resources  
20 like the Tuolumne River, they learn to appreciate, advocate  
21 for, and protect these valuable natural resources that  
22 belong to all of us.

23 There is a disparity between the State Water  
24 Board's adopted new instream flow standards of 30 to 50

the 25 percent of the February through June unimpaired flow and

1 FERC proposal. The District, San Francisco and the FERC  
2 proposal of 20 percent is not sufficient for the health of  
3 wildlife in the San Joaquin Delta and San Francisco Bay.  
4 Low flows in the Tuolumne River have a negative impact on  
5 recreation and enhances growth of invasive water hyacinth.

6 Low flows impact water quality and negatively  
7 affect salmon during many stages of their life cycle.  
8 Nonnative fish have an advantage over native fish under  
9 current management practices. I urge the Federal Energy  
10 Regulatory Commission to consider these issues and comments  
11 during the licensing process of dams along the Tuolumne  
12 River. Thank you.

13 MR. HASTREITER: Thank you, Elaine.

14 Our next speaker is Les Kishler.

15 MR. KISHLER: Hello. My name is Les Kishler,

I'm

16 a retired high school science teacher and a resident of  
17 Santa Clara Valley Water District. I've backpacked for 40  
18 years in the Sierra and sometimes in the watershed of the  
19 Tuolumne. I was going to make a suggestion you've already  
20 heard a couple of times, so I'll reduce this to less than a  
21 minute.

to

22 The State of California has assigned itself what  
23 it calls the coequal responsibility of distributing water  
24 water users and the protection of the San Francisco Bay and

25 Delta ecosystem. The Federal Energy Regulatory Commission

1 could be supportive of these coequal missions by mentioning  
2 in its report California's recent adoption of February-to-  
3 June unimpaired flows starting at 40 percent. Even this 40  
4 percent isn't enough to slow the deteriorating quality of  
5 the Bay and the Delta.

6 If the Commission were to be quiet on this  
7 important standard, it may encourage ever-expanding export  
8 of water for increased, large scale export agriculture and  
9 increase suburban and urban growth to the detriment of  
10 already-existing agriculture and cities.

11 MR. HASTREITER: All right. Les, thanks. Just  
12 so you're aware though, the Water Board will be filing  
final  
13 conditions on the project as well. We will address those  
in  
14 the final EIS.

15 Next speaker is Adrienne Carr.

16 MS. CARR: Hi. I'm Adrienne Carr. Senior  
Water  
17 Resources Specialist with the Bay Area Water Supply and  
18 Conservation Agency, or BAWSCA. Under California law,  
19 BAWSCA represents the interests of 1.8 million residents  
and  
20 over 40,000 businesses and community agencies in Alameda,  
21 San Mateo, and Santa Clara Counties. I am going to provide  
22 you with some facts about those water customers and some  
23 understanding of their interests and concerns for your

24 upcoming decisions.

25 BAWSCA's agencies and their customers buy 2/3rds

1 of the water provided by San Francisco Regional Water  
2 System, the Hetch Hetchy Reservoir that is upstream of Don  
3 Pedro. That means that BAWSCA's member agencies are the  
4 primary recipient of the water from Hetch Hetchy Reservoir.  
5 And 16 of BAWSCA's 27 member agencies solely rely on San  
6 Francisco water to address all of their potable water  
supply  
7 needs. Unlike conventional FERC proceedings which deal  
8 primarily with energy generation and environmental  
9 protection, this proceeding also has the significant  
10 potential to affect the Tuolumne River water supply for the  
11 San Francisco Bay area.

12 The Bay area has the highest gross domestic  
13 product of any metropolitan region in the United States,  
and  
14 includes the Silicon Valley which drives the California  
15 economy. It is clear that your important decisions can  
16 seriously impact the health, welfare, and economic well-  
17 being of millions of water customers in the Bay area and  
18 their future depends on water.

19 Water supply shortages caused by new alternative  
20 downstream flows from Don Pedro could reduce business  
21 expansion, delay construction of much needed affordable  
22 housing, threaten jobs, and reduce vital community services  
23 in the Bay area. Any conditions for relicensing must  
24 consider the effect that reducing the water supply would

25 have on the Bay area communities. Thus far, FERC has done

1 well to take these significant effects into account.

2 BAWSCA understands and supports restoring salmon  
3 populations in the Tuolumne River. It's a complicated  
4 challenge with many competing needs. Both flow and non-  
flow  
5 measures should be included to improve habitat conditions  
6 for salmon on the Tuolumne River and maintain water  
7 reliability for people who depend upon it. BAWSCA respects  
8 FERC and the licensing process and urges FERC to continue  
to  
9 strive for a balanced plan for the future of the Tuolumne  
10 River and everything that relies on it. The environment,  
11 the public, and the economy.

12 MR. HASTREITER: Thank you, Adrienne.

13 MS. CARR: You're welcome.

14 MR. HASTREITER: Our next speaker is Paul  
Wenger.

15 MR. WENGER: Paul Wenger, Farmer here in Modesto  
16 and so first I wanted to say thanks for coming back. I  
17 think it was eight years or so ago when we had the first  
18 meeting over it. At the time I was serving as president of  
19 the California Farm Bureau. I got here about 8 o'clock at  
20 night. I watched all my neighbors have to leave by 10  
21 o'clock because a lot of them were going to go out and  
farm.  
22 Have to farm early in the morning. I stayed until about  
23 midnight and some of you here were there at that meeting,

24 but it was interesting how many people from out of the  
area,

25 mostly out of Santa Clara valley, who utilize our area to

was  
1 recreate, were here. And at the time I made a comment it  
2 interesting how some folks were more concerned about how  
3 they were going to get their raft out of the water and that  
have  
4 the people in this area, the Valley of the Poor, should  
5 to pay for it.

where  
6 One of the most, richest areas in the world  
7 the median home is priced at a million dollars. Where  
8 people have to drive sometimes four and five hours a day to  
9 go to and from work in the Bay area because they can't live  
lot  
10 there. And yet, the solution was this area, which has a  
11 of disadvantaged communities in it -- well, I wouldn't call  
12 it the Valley of the Poor, would have to pay for that. We  
13 worked those out. So, for the gentleman here with the  
the  
14 rafting company, from my understanding, it's not part of  
15 solution in there but they've come up -- the irrigation  
up  
16 districts, the Bureau and the rafting companies have come  
17 with a workable solution. And that's what's called sitting  
18 down at the table and coming up with something that works  
19 for everybody.

20 And maybe I'm wrong because I'm not a rafter,  
21 wish I had time to do it, but they came up to a conclusion  
22 that worked. You know, it's interesting because everybody

23 wants to come to you and have you solve their problem and  
24 again, you're looking at what items for a licensing for the  
25 reservoir, you know, to create power generation. When

1 grandpa came here from Pennsylvania in 1910 he thought it  
2 was the stupidest idea to have Don Pedro Reservoir, because  
3 you dug a hole out here 32 inches deep and you could see  
the  
4 water running then. There wasn't 40 million people in  
5 California back then.

6 It's interesting that we have people that are  
7 here from the Bay Area -- and I feel sorry for the people  
8 from the San Francisco Public Utilities Commission because  
9 they have to provide water to those people in the Bay Area,  
10 and many of them represent environmental groups that want  
to  
11 live in beautiful San Francisco and want cheap water rates.

12  
13 And they talk to us in the valley, that we ought  
14 to conserve. I'm on a well and a septic. I turn on my tap  
15 to shower, to wash our clothes. We do whatever we do, it  
16 goes out the septic tank, it goes out the leach line. My  
17 youngest son lives a quarter mile to the west. In time  
that  
18 water is picked up by my son to his well. And he showers,  
19 and they cook, and they do whatever and it goes out into  
the  
20 septic and the leach line; and my middle son lives another  
21 quarter mile to the west and he does the same thing.

That's

22 called water recycling.

23 I feel sorry for those folks that are in charge

24 of water structure in San Francisco, because those folks  
25 want cheap water. They clean it up a little bit and they

1 discharge it to the Bay; they don't recycle anything. And  
2 they have the audacity to come over here and tell us in the  
3 Valley of the Poor that we have to do something different.  
4 We have to cut back on the water that grows the crops that  
5 feeds them.

6 So when you talking about sustainability, we're  
7 pretty sustainable in the valley. I don't think if you

shut

8 off the -- just read, We're Nine Meals Away From Anarchy,  
9 it's a very interesting read there, to read about what  
10 happens if people don't have food that they can eat. And  
11 we're about nine meals away from anarchy. And it's very  
12 interesting, our biggest water footprint is not flushing  
13 toilet or taking quick showers; It's the food that we eat.  
14 And currently, food has to be grown with potable water.  
15 Pretty good water.

the

16 So, the last thing is that I think that in your  
17 plan you come up with some good things. I would ask that  
18 you think about the Lower Tuolumne River improvement  
19 and some predator screens. It's interesting that over the  
20 years I've been at meetings talking about some of the  
21 here as well as the State Board, and some folks say, you  
22 know, 'I like catching wild caught salmon.' How is it that  
23 we have an endangered species that we're killing before

project

things

they

24 can come back? We can put the most salmonids in the river

25 but if we're going to harvest them before they come back,

1 how in the heck is this sustainable? Kind of like the old  
2 parody or the old parable, if you give a man a fish, or a  
3 person a fish, you've fed him for a day; you teach him to  
4 fish, you've fed him for a lifetime.

5           There's 40 million people in California. What  
6 happens if every one of those people have to go catch a  
fish  
7 every day? It is a very nice thing to have time, the  
money,  
8 and the ability to go catch wild caught salmon but we're in  
9 a different place than we were a hundred years ago. And I  
10 think the science that has come together for San Francisco  
11 and TID and MID does stand up to peer review. I was just  
12 over here at a city council meeting not too long ago when  
13 the State Water Board come and they said, 'True, we do have  
14 a lot of things we can do besides increasing flows to save  
15 the salmon.' Their own person said that right there.

16           It's not all about water is going to increase  
the  
17 salmon, there's other things that we can do. Non-flow  
18 measures that can increase the salmon. It's really about  
19 just putting water out there for who knows what. But thank  
20 you for coming. I think you do have, come up with some  
good  
21 solutions. I would say that in your final report, think  
22 about predator control. We found that a lot of salmon are  
23 eaten by stripers. And do think about the Lower Tuolumne

24 River habitat. And for the gentleman over here I think  
25 we've got a solution. From what I understand for those

1 folks, maybe one day I can come up and get a trip with one  
2 of these guys. They do have a way, and we've come up with  
3 a solution to be able to meet their needs and be able to  
not  
4 have this 40 or 50 million dollar price tag that all the  
5 people in this area would have to pay for, so, thank you  
for  
6 your efforts.

7 MR. HASTREITER: Thank you, Paul.

8 Our next speaker is Larry Byrd.

9 MR. BYRD: Well, I didn't sign up to speak.  
10 Somebody must have put my name on it. But I'll certainly  
11 say a few words.

12 (Laughter)

13 I would like to thank you for coming here today,  
14 too, and we've been through this process and I was like Mr.  
15 Wenger, I was at the first FERC meeting. I don't think I  
16 ever missed one. It's very important to me that we have a  
17 balance and that we did the right thing. The districts  
have  
18 been very good and sitting down with the opposition, you  
19 might say. We hope it's not opposition. I happen to have  
a  
20 relationship with most of the people on the Tuolumne that  
21 are involved with Tuolumne River Trust, and Tuolumne River  
22 Conservatory. I feel for them but at the same time we have  
23 to do the right thing regardless in this way:

24                   The right thing is, like Paul mentioned earlier,  
25   we have 40 million people in California.  Instead of

1 decreasing the lakes or the stream, there should be more  
2 lakes built. There should be more. I know that's besides,  
3 kind of a little bit beside the point here; but we need to  
4 have more storage in California instead of spilling 3  
5 million acre feet down the rivers, the three rivers  
combined  
6 right now that's going to be over 3 million acre feet by  
7 August 1st, which is two-and-a-half times Don Pedro. A  
8 little bit troublesome to me.

9 We can, I think that what we've done, I've  
ported  
10 the Tuolumne River. Seven miles of it is very unique, very  
11 beautiful. Nobody wants to see those fish worse than I do.  
12 But I watched also, I did fish runs for 25 years for  
Modesto  
13 Irrigation District. I did the fish flows, the releases  
out  
14 of La Grange. I watched how these fish reacted on flood  
15 years, on big water years, on minimal years. If I've  
16 noticed anything at all, more water didn't make more fish.  
17 I'm just, I'm stating the fact of what I've seen in all the  
18 years I've been on that river. Since 1983. So, I think  
19 that what you've given back to us is very good. I think  
20 there's a few little things.

21 Well, I hate to go back to Wenger again, but he  
22 was talking about predation. I think that's one of the  
23 issues that we need to address. I think there was a good

24 plan in place for that so if we take another look at that,

25 and I could talk forever but I think I kind of hit on,

being

Thank 1 you handed me the mic, I thought I'd say a few words.

2 you for the work you've done and I hope this comes to a  
3 balanced resolution.

4 MR. HASTREITER: Thanks for your forced  
comments,

5 Larry. Appreciate that. Didn't mean to put you on the  
6 spot. You sure this isn't your handwriting?

7 MR. BYRD: Well, it could be -- maybe I was  
8 signing in, but not signing to talk.

9 MR. HASTREITER: Could be. All right.

10 Our next speaker is Jake Wenger.

11 MR. JAKE WENGER: Good afternoon, gentlemen. I  
12 want to thank you and Carol in the back. We can't forget  
13 Carol back there. I want to thank you for being here today  
14 and giving us the opportunity to discuss the draft  
15 environmental impact report. One of the things that  
16 obviously is coming up a lot is the flows in relation to  
17 fish, because when it comes to fall run Chinook salmon,  
18 that's really what the underlying matter is about.

19 You've heard a lot about wanting to go toward  
the

20 State-recommended goals on the flows, at 30 to 50 percent  
21 range. What's left out of that and why that push for that  
22 flow is the State can only mandate flow. They cannot  
23 mandate non-flow measures so they overcompensate in flow  
24 because they cannot take into consideration non-flow

25 measures. So, those are inflated numbers by the State of

mandate 1 California because they do not have the authority to  
2 the non-flow measures that may give them some of those fish  
3 back.

4 And one of the things the State uses to measure  
5 those salmon is return of migrating salmon. The problem  
6 with using that as your jurisdiction for success of  
anything 7 is that as was mentioned earlier, in years where there are  
8 higher salmon runs there's commercial harvesting in the  
9 ocean. You're now penalizing people in this community for  
10 coming up with higher numbers of returning salmon when they  
11 have been out of this area for several years and in other  
12 habitats where they've had the chance for predation or  
13 harvesting.

14 So, that is an incorrect number. What is a  
15 correct number is something that the irrigation districts  
16 came up with in its Tuolumne River management plan. They  
17 look at the number of juvenile salmon per spawning female.  
18 Because if we can send out higher numbers of juvenile  
salmon 19 per spawning female, that is a better show of success.  
When 20 you look at current river standards there's about six  
21 juvenile salmon per spawning female. When you look at that  
22 State Water Board number, 40 percent where they've  
23 recommended that everyone said we should get behind, that

24 takes it to 8 juvenile salmon per spawning female.

25 When you look at the Tuolumne River management

1 plan that was submitted by MID/TID in San Francisco, it  
2 goes to 17. More than double the amount of juvenile salmon  
3 per spawning female on the Tuolumne River. That is  
success.

4 The reason we can have that success is by taking a  
5 comprehensive approach to finding solutions on the Tuolumne  
6 River. We aren't looking at just flow. We aren't looking  
7 at just predation. We aren't looking at just habitat  
8 restoration and stream bed improvements. It is a suite of  
9 options encompassing all of those, which means you make  
10 minor tweaks to each one to see success.

11 We know predation is an overbearing factor on  
the  
12 river. It's part of the study. The study that FERC  
13 accepted as a study of record is the 2012 predation study  
14 that showed 96 percent loss of juvenile salmon on the  
15 Tuolumne in 2012 due to predation alone. There was enough  
16 predators in the river to completely decimate the entire  
17 population of juvenile salmon. We know that predation is  
18 the overwhelming problem. We hear that more flow can help  
19 and yes it can, as one biologist from California Department  
20 of Fish and Wildlife stated in the hearing in Sacramento,  
21 'If there's more water there's more places for the little  
22 fish to swim and hide away from the predators' but that's  
23 like saying the example I used before, if the City of  
24 Modesto had a problem right outside and if we walked across

25 the crosswalk to go to a parking garage, in that crosswalk

1 lived a pack of wild coyotes. And every time we walked  
2 through that crosswalk we were getting attacked by coyotes,  
3 we would go to a city council meeting and say 'We have a  
4 problem and you need to help us fix it.' And they said,  
5 'Don't worry, we're going to make that crosswalk the width  
6 of a city block, a lot more of you will get across. You'll  
7 be safe, don't worry about it.' You didn't address the  
8 issue.

9           So, if we really want to do what's best for the  
10 environment and habitat in the Tuolumne River we have to  
11 address predation. And coming up with ideas like a  
12 predation weir to create a natural nursery in the Tuolumne  
13 River, a removable weir that once you have established a  
14 population can make a difference, is a significant state-  
of-  
15 the-art improvement for decreasing impacts from predation  
16 while creating a habitat for those juveniles, salmon,  
17 salmonids to grow to a larger size, so they can be flushed  
18 out to the ocean.

19           It was mentioned about the temperature study and  
20 how these studies haven't been peer-reviewed. The  
21 temperature studies not only have been peer-reviewed,  
22 published in scientific journals, but has now been adopted  
23 by our scientists scout by U.S. EPA, and those scientists  
24 are now doing that same temperature study all across the  
25 country by U.S. EPA. It is seen as revolutionary as a



1 study.

2 Our studies, these districts have spent \$25  
3 million on studies in the last several years to go into  
4 preparing the Tuolumne River management plan. Those  
studies  
5 were designed collaboratively with not only districts but  
6 NGO and state and federal agencies participation. They  
were  
7 not one-sided; they were all done through the FERC process  
8 through a cooperative approach. It is state-of-the-art, up  
9 to date, site specific science which is exactly what FERC  
10 should be looking for as they find solutions.

11 One of the other issues is we have 17  
12 disadvantaged communities within just Stanislaus County.  
13 And we look at the water impacts, one of the things that is  
14 outside jurisdiction of FERC is the fact that in California  
15 we have the Sustainable Ground Water Management Act that is  
16 limiting our ability to pump groundwater if you're  
17 overdrafting. This community has never had a problem with  
18 overdrafting of groundwater because we properly manage our  
19 surface and ground water sources. However, with higher  
20 flows, in that flow plan the State Water Board has  
21 suggested, they acknowledge that their plan will have  
22 significant yet unavoidable impacts to ground water.  
23 Meaning, no surface water, significant and unavoidable  
24 impacts to ground water, a state law regulating ground  
water

25 usage, means damage to water quality for disadvantaged

1 communities. Meanwhile, you have all those projects that  
2 the disadvantaged communities are being asked to pay for  
3 them.

4 One of the things that comes out of this is not  
5 this argument of where people live, but it should matter  
6 pays for it, because the people in these communities are  
7 being asked to not only put up the money, but put up the  
8 water and find the solutions for the Tuolumne River. And  
9 those expenses come at a high cost. Yes, when you look at  
10 the Tuolumne River management plan, you have \$150 million  
11 worth of infrastructure improvements. You have more water  
12 in the river than is put down today.

13 Any argument, districts have not been able and  
14 willing to negotiate compromises is inaccurate when you  
15 at the fact that they have put up money and water and  
16 else has. There are solutions in the Tuolumne River  
17 management plan that are workable and not only that, but  
18 through the infiltration galleries were suggested in the  
19 Tuolumne River management plan, it allows the districts to  
20 put down more water and then pull that water back out at a  
21 point in the river where the river is narrower with higher  
22 sides. So you don't have as much ability; higher flows  
23 don't get you any more flood plain habitat.

24 So, if you could pull the water out before that

who

look

nobody

25 in the upper portion of the lower river, where the spawning

into  
1 grounds are, you can have higher flows to push them out  
2 the infiltration galleries, reuse that water by the  
3 districts, that is creative thinking that allows more water  
4 into the river system but allows the districts to be able  
to  
5 utilize that water. So, looking at the infiltration  
6 galleries is a great compromise. It could mean more water  
7 in the river yet also helping out the districts.

8 With that I just want to thank you for your time  
9 and giving us a chance for comments, obviously there's a  
lot  
10 of passion in everything in today but when it comes to  
FERC,  
11 I've -- my time on the Modesto Irrigation District Board of  
12 Directors. We deal with a lot of agencies. State,  
federal,  
13 and FERC has always been one of the best organizations to  
14 work with because we're looking at sound science.

15 One last thing I want to end with as we talk  
16 about state flow requirements. The State of California  
17 State Water Board currently has a voluntary settlement  
18 agreement in front of them. It was helped develop by  
19 California Department of Fish and Wildlife and California  
20 Department of Water Resources. It includes factors for  
21 deprivation including a predation weir. So, this is  
22 something that has already been looked at and signed off on  
23 by California Department of Water Resources, Department of

24 Fish and Wildlife and presented to the State Water Board as  
25 an alternative, so. With that, again, thank you very much

1 for your time.

2 MR. HASTREITER: You want to say who you're  
with.

3

4 MR. WENGER: I'm a farmer. And former  
Irrigation

5 District Board Member. Thank you.

6 MR. HASTREITER: Thank you, Jake.

7 Our next speaker is Tom Schwartzer.

8 MR. SCHWARTZER: Yes, my name is Tom Schwartzer.

9 I raised my children in Tuolumne County, so I'm quite  
10 familiar with the river; have spent a lot of vacations on  
11 it. I became more aware of the lower stretches of the  
12 Tuolumne, the regional trust, that they were having salmon  
13 problems.

14 One of my concerns is that if the salmon  
15 population got too low, that would have a chance of  
16 eliminating a brood year; we could have a pollution event

or

17 a bacterial or viral pathogen event, and that could lead to  
18 losing a whole brood year. Well, what everyone can talk  
19 about today was, our concern about a representation of  
20 younger people at these events. I go to water events all  
21 over California. This is absolutely one of the youngest  
22 crowds I've been in. We actually have a couple people

here

23 that are under 35, and so I'm concerned about outreach to

24 that generation. I will commend you on having a later  
25 meeting tonight, so maybe someone who is in school or at

1 work can put in their comments. We just got over this  
2 ordeal with an 80-year old governor trying to push through  
a  
3 20-year project that could affect water for decades to  
come.

4 He didn't want people to vote on it.

5           And we're kind of in a similar situation here;  
6 like we have a 30 or 40 or 50 year license, there should be  
7 input from younger generations. And the way that you might  
8 be able to do that is possibly hold some of these meetings  
9 at say a school, a university or so forth; you can get  
input  
10 from water experts there and the students, because they  
will  
11 be able to go.

12           My kids live in the Bay Area right now; they  
love  
13 the Tuolumne River, so forth, and wish they could have been  
14 here today, but had to go to work.

15           So I'm looking for ways that we can reach young  
16 people. It's very important that they have a say. And I  
17 know from my own children, the preservation is a really big  
18 deal. Most of their disposable income goes towards buying  
19 Subarus, tents, boots, hiking equipment -- so they see it  
as  
20 a big deal I'd like to see more of their input if  
possible,  
21 and we're always talking about transparency and outreach,

and

22 and we're not doing a very good job getting our children

23 grandchildren involved in these quality of life issues, but

24 are going to affect them for the rest of their lives.

25 And so thank you for allowing me to speak here

1 today.

2 MR. HASTREITER: All right. Thanks, Tom. Just,  
3 I mean, if you know some young people or some old people  
4 that couldn't make it to the meeting, they can provide  
5 written comments to the secretary of FERC, and I have some  
6 information how best to do that online if you are  
7 interested.

8 MR. SCHWARTZER: And the trouble with that is how  
9 do we get to the young people to let them know that they  
can  
10 submit the written materials?

11 MR. HASTREITER: Okay. I thought you mentioned  
12 there were people interested but they couldn't make it  
13 because of a day meeting.

14 MR. SCHWARTZER: Well, that level of education  
15 amongst the younger generation on water issues in  
California  
16 is pretty high.

17 MR. HASTREITER: All right. Thank you.

18 Our next speaker is Mike Wade.

19 MR. WADE: Thank you. My name is Mike Wade.  
I'm

20 Executive Director of the California Farm Water Coalition.

21 The

22 Coalition is a nonprofit education organization that was

23 formed over the last three decades to provide fact-based

mission 24 information on farm water issues to the public. Our  
25 is to help consumers, legislators, policy makers, and the

we 1 media make the connection between farm water and the food  
2 need.

resource 3 The Tuolumne River has been an important  
4 for Central Valley agriculture for more than 130 years.  
5 It's the backbone of the region's economy and is essential  
6 to the security of the communities it serves. We are  
current 7 pleased that the Commission has accepted and applied  
8 and best available science in the development of this  
9 document. It's important that science relevant to the  
10 Tuolumne River is being used and not substituted with  
11 unrelated studies that were either outdated or  
inappropriate 12 to local conditions.

13 The applicants have spent years and millions of  
14 dollars developing a balanced approach to water supply and  
15 fishery needs. There's no question fish need water. But  
16 science shows us that fish need more than just water. The  
17 recommended projects in the document are part of an  
18 interrelated suite of measures that when working together  
19 can provide a broad range of ecosystem benefits. It's  
20 important to note the suite of proposed measures includes  
21 infiltration galleries designed to help with instream flows  
22 as well as achieving water reuse in downstream areas.  
23 Accomplishing multiple benefits is an essential part of

24 California water management. The public expects it, and  
25 excluding proposals that achieve these kinds of multiple

1 benefits from the draft EIS limits the effectiveness of the  
2 plan.

3 Also excluded from the Draft EIS are a set of  
4 non-flow measures including predator control and the  
5 implementation of the Lower Tuolumne River habitat  
6 improvement program. These are essential elements to the  
7 overall balanced proposal that will generate the biggest  
8 benefits in the shortest amount of time, and we strongly  
9 encourage the Commission to adopt them in a final EIS.

10 We look forward to the new approach to bring a  
11 balanced set of solutions for both water users and the  
12 environment. I appreciate the opportunity to be here  
today.

13

14 MR. HASTREITER: Thank you, Mike.

15 Our next speaker is Jon Sturtevant.

16 MR. STURTEVANT: I'm Jon Sturtevant. I was  
17 invited to speak today by the Tuolumne River Trust, and I  
18 live  
19 just a short hike away from the Tuolumne River Canyon. I'm  
20 also former chair of the Tuolumne group at the Sierra Club.

21

22 As a young boy I was very lucky to be able to  
23 partake in salmon fishing with my grandfather on Monterey  
24 Bay. We were usually successful, and I remember when we  
got

25 back we would put the salmon on the lawn, get the high

of  
great  
1 pressure hose out and hose the scales off. And the sight  
2 those shiny scales flying through the air was always a  
3 memory of mine.

4           As an adult, I took my canoe on the Tuolumne to  
5 observe the salmon run. This memory pales in comparison to  
6 the salmon scales flying through the air and the salmon on  
7 our dinner plates. That year the total amount of salmon I  
8 saw was four. I'm sure there were a few more, but not at  
9 all like the historical numbers. I suspect that we will  
10 never see historical levels of salmon in the Tuolumne. But  
11 can do better. It's important for other kids who have  
12 grandparents who want there to be salmon to catch.

13           This relicensing must do several things and  
14 you've probably heard most of them already. Realize that  
15 salmon are a native species and we need to manage the river  
16 to support them. Salmon need cold, fast water and we need  
17 to give them a better chance by having higher flows. I'm  
18 not going to go through all the percentages about the  
19 California Water Resources Control Board, because you've  
20 heard those already. But 20 percent proposed by FERC is  
not  
21 enough. And for folks that like to eat salmon, the  
22 commercial salmon fisheries have been closed a couple of  
23 years. So, those folks are losing their income and we're  
24 losing the fish that we might want to eat.

25  
stick

The salmon have gotten the short end of the

1 for too many years. Every year as a sixth grade teacher, I  
2 read The Lorax to my students. The Lorax spoke for the  
3 trees, be they cannot speak. Today like the Lorax, I'm  
here  
4 to speak for the salmon. If we continue on the path that  
5 we're following now we'll have the same disastrous effect  
on  
6 the salmon. You have the power to decide the future of the  
7 salmon. Please speak for the salmon. Thank you.

8 MR. HASTREITER: Thank you, Jon.

9 MR. STURTEVANT: You're welcome.

10 MR. HASTREITER: Next speaker is Ellen Levin.

11 MS. LEVIN: Thank you. I'm Ellen Levin. I'm  
the  
12 Deputy Manager for Water at San Francisco Public Utilities  
13 Commission. We're a department of the city and county of  
14 San Francisco. You heard from Adrienne Carr, Bay Area  
Water  
15 Supply and Conservation Agency. They represent the 26,000  
16 customers that we sell water to. We provide water to a  
17 total of 2.6 million people. The residents and businesses  
18 in the city and county of San Francisco. And then the 26  
19 wholesale customers in three barrier counties including  
20 Tuolumne County.

21 We're the third largest utility in California  
and  
22 85 percent of our supply comes from the Tuolumne River,  
23 through San Francisco's Hetch Hetchy Water and Power

24 Project. I'm not going to get into how we're connected to  
25 the districts. What's important here today is to remind  
you

stood 1 that when we wrote our comments in January of 2018, we  
2 behind the district proposal for their preferred plan; and  
3 the reason we did was because a significant amount of site-  
4 specific science was used to develop a plan that combined  
5 flow and non-flow measures to provide improvement to the  
6 salmon fishery while also protecting water supply. The  
7 alternatives that FERC received, when we did an analysis,  
8 the district did an analysis, and San Francisco did as  
well.

9  
10 Looking at our future demand out in 2040 we  
11 realized shortages of 58 to 85 percent. For a water system  
12 as dependent on 85 percent of its supply coming from the  
13 Tuolumne, seeing that supply cut down by almost 100  
percent,  
14 we are looking at 85 percent rationing. That's  
15 unsustainable. We in the Bay area enjoy a very low per  
16 capita use. In San Francisco we have one of the lowest in  
17 the state. Some of our hotel customers also boast the  
18 lowest. What does the lowest mean? We're at about .2  
19 gallons per person per day. That's the water conservation.  
20 That's also in the hotel service area; a third of their  
21 supply comes from recycled water, groundwater, brackish  
22 desalt water. We're employing alternative water supplies  
to  
23 drive our per capita uses down.

24                   We're going to get to a point where rationing is  
25   not going to be an answer. We're going to have shortages

want 1 that we can't make up through conservation. And I just  
2 to remind FERC that as you go from your DEIS to the FEIS,  
3 maintaining balance and recognizing protection of water  
4 supply as being a critical element. We will have comments  
5 on the DEIS and I'm not going to get into the detailed  
6 comments today, but we will be filing those. I just wanted  
7 to thank you for the balancing that you've done and  
8 acknowledged is necessary and showing that we're providing  
9 improvement to the salmon and water.

10 MR. HASTREITER: Thank you, Ellen.

11 Our next speaker is Mark Gonzales.

12 MR. GONZALES: Hello. I'm Mark Gonzales. I'm a  
13 boater on the Tuolumne River. And we keep hearing about  
14 'our water.' My history is, my ancestors were the Ohlone  
15 Indians. We're in the Monterey Bay and San Francisco Bay.  
16 So, the dam went up in the 1800's, whose water was it then?  
17 Was it the Ohlone Indians who lost their fishing habitat?  
18 My relatives came from Spain. So, just imagine the rivers  
19 and the ecosystem that was alive then. We're never going  
to 20 return that, but that should be one basis we should be  
21 looking at.

22 Right now we're looking at between less than  
half 23 the water, and 20 percent of the water. We should be  
24 looking at 100 percent of the water versus no water. I

She 25 thought I'd say my mother was in the hospital recently.

1 had circulation problems. They put stent after stent in  
2 her. Eventually her leg got gangrene. She had to have her  
3 leg amputated. She went to a rest home. The hospital  
4 worker came up and said 'It's time to get up for your  
walk.'

5 She didn't have a leg.

6 Are we going to be the ones who lost our leg to  
7 this process? Thank you.

8 MR. HASTREITER: Thank you, Mark.

9 Next speaker is Tom Orvis.

10 MR. ORVIS: Thank you sir. Again, thank you  
guys

11 for coming. I remember my first meeting in this process  
was

12 in the MID multipurpose room, and it seems so long ago.  
And

13 many of the faces that were in that room that day are  
14 retired and some of us are still here. It's very hard for  
15 me to follow Wenger the Elder and Wenger the Younger. But  
I

16 fall somewhere in between them.

17 As I look back at the new Don Pedro facility and  
18 you here today, we're talking about hydro power that is the  
19 Federal Energy Regulatory Commission and what comes along  
20 with it. But those dams were built for what we're using  
21 them for today and that's flood control. The dam is not  
22 simply flood control or hydro power, I look at it as water

23 for people, water for the environment, water for  
recreation,

24 water for industry, water for food, and if the State of

25 California can ever adopt it's water code and get things

1 corrected, possibly water for groundwater recharge.

2           What we fall in right now is what I call a  
3 perfect storm. Not only do we have FERC relicensing going  
4 on on the Tuolumne River, it was noted earlier today we  
have  
5 a supplemental environmental draft from the State Water  
6 Board and we also have a single groundwater management; and  
7 the Tuolumne is really--and I will add the Merced-- the  
only  
8 two rivers in the State of California going through that  
9 process with this perfect storm. As Mr. Wenger the  
10 Younger noted earlier, that in Sigma's EIR, they note that  
11 the, it is a significant, unavoidable impact to take 25  
12 percent of ground water that we won't be able to use it  
13 anymore. And of course, we use surface flows. And of  
14 course, on the surface flows, what do we get? We get  
15 accretion into our side channels and into our groundwater  
16 basins as well.

17           We will be submitting other comments later on,  
18 but just a few things. I mean, you've heard about the  
19 economy in this county, one-third of every job in this  
20 county is tied to agriculture in some form. You know that.  
21 The predation issue, I think Pilger from Fish Bio just  
22 released a study yesterday or recently in this last week,  
23 and he shows some of the things that have been done on the  
24 Stanislaus River just neighboring to the north. I know

25 you've already done your FERC relicensing on that but that

1 was just released; and in fact, they're going to be  
2 undergoing some predator control issues through the Wynn  
3 Act, is where the financing is coming through the Wynn Act  
4 as well. These districts, they represent the people of  
this  
5 area. They are their lights, in many places they are their  
6 water and in other places they're the source of our food as  
7 well with the water that comes down from the mountains.

8 For many of us, you've seen it's emotional  
9 because we do live here. When we turn on the tap, we do  
10 know where it comes from. Others, I will say, you know,  
11 it's true, the Bay Area. their water comes from here, too.  
12 There's no doubt about that. For those of us that are here  
13 every day, and my family came here in the 1850's, there's a  
14 lot of us that rely on these rivers and it continues, and  
it  
15 continues, and we don't move away. We stay here. These  
16 people stay and they work and they build their families,  
17 they build their businesses, and they continue to build  
18 here in this area.

19 You know, I've been reminded of something I  
20 always -- I sit back and I wonder the gentleman talked  
21 about the Native Americans and we have Indian grinding  
holes  
22 all over our home ranch. And there's an old story that in  
23 the fall they would burn behind them to clean out the  
24 forest. But I wonder in the summertimes before there were

25 dams, are we not giving the salmon enough credit? Because

1 when there was no water flowing in the rivers, what would  
2 the salmon do? I don't think they would try to go up  
3 something where there was nothing to bring them up. And so  
4 I think they have survived an evolution by having the  
5 intelligence to stay back when it's time and go forward  
when  
6 it's fresh.

7 And I encourage you and the current  
8 administration to continue on this path, and I continue to  
9 say these things. As I say it, we will go ahead and submit  
10 comments later.

11 I thank you again for coming back to Modesto one  
12 more time.

13 MR. HASTREITER: Who are you with, Tom?

14 MR. ORVIS: Stanislaus County Farm Bureau.

15 MR. HASTREITER: Our next speaker is Theresa  
16 Simsiman.

17 MS. SIMSIMAN: My name is Theresa Simsiman. I  
am  
18 the California Stewardship Director for American  
Whitewater.

19 I do want to thank FERC staff for coming out this  
afternoon;  
20 it's not an easy job. And I understand that you have a lot  
21 to balance. Today I would like to talk a little bit about  
22 economics and then I would like to address the nexus issue  
23 at Ward's Ferry, because I believe the administrative  
record

24 should be corrected.

25 So, first of all I wanted to read off some

1 numbers because I've heard a lot today about economics.  
And  
2 I understand that. We all have to make a livelihood. So,  
I  
3 did want to provide a little bit of balance and give you  
4 some numbers from the Outdoor Industry Association. It did  
5 an economics study that came out last spring, and basically  
6 they determined that 92 billion dollars in consumer  
spending  
7 is done in California. In the Modesto congressional  
8 district it comprises 1.5 billion dollars in recreational  
9 spending. So, there is some economics here. We're not  
just  
10 out there enjoying. There are some businesses that this is  
11 their livelihood.

12 I also wanted to point out the Tuolumne County  
13 area and their congressional district. \$2.3 billion is  
14 spent there annually. So, if you want to think about  
15 economics, those are some good numbers.

16 Now going back to Ward's Ferry and nexus. And  
17 you heard Marty and Steve kind of speak up about being  
18 surprised, about FERC staff coming up with Wards Ferry not  
19 being a nexus to the project. And I think the issue is  
that  
20 FERC staff looked at it, a different impact. You stated  
21 that Holmes powerhouse, the timing of the flows from Holmes  
22 powerhouse. You talked about the U.S. Forest permitting  
23 system and how they manage people on the water, and you

24 talked about Tuolumne County road management. To me that  
25 indicated to me that because we're kind of looking at the

1 impact of overcrowding at Ward's Ferry. The timing of the  
2 flow coming down, how many people U.S. Forest Service has  
3 sent, is sending down the river. You know, what is  
Tuolumne  
4 County doing for the capacity at Wards Ferry.

5 And while that is an impact to that, that is not  
6 the impact we are discussing when are here discussing Don  
7 Pedro. The impact that we are discussing is the fact that  
8 there is no shoreline facility that can withstand the  
9 fluctuation of the reservoir. The up and the down. We've  
10 had several instances where people have taken it into their  
11 own hands, Tuolumne River -- put together a budget, put  
some  
12 trail improvements there, washed away. It was flooded, the  
13 fluctuation of the reservoir came up, came down, comes up,  
14 come down, on a yearly basis. Anything that you put there  
15 that doesn't have a good amount of money spent on or a good  
16 facility is going to get washed away.

17 That is an impact of the reservoir. It is not  
an  
18 impact of Holms powerhouse -- and by the way, I do want to  
19 point out that Holm powerhouse was built before the new Don  
20 Pedro Reservoir. So, that's part of baseline. So, to  
point  
21 that out as an impact is not correct.

22 So, when you guys go out there tomorrow, I'm  
just

23 hoping that you take a look at the impact that we're  
talking  
24 about. It is not the powerhouse, Holm powerhouse, it is  
not  
25 U.S. Forest Service permitting management, it is not the

1 management of the Tuolumne County road that is forcing all  
2 the people up to Wards Ferry Bridge. People are going up  
to  
3 Wards Ferry Bridge because there is no shoreline where they  
4 can safely get off the river, where they can stage their  
5 equipment, where they can walk up to, you know, there's no  
6 trail, and that is all affected by the reservoir level.  
7 Thank you.

8 MR. HASTREITER: Thank you, Theresa.

9 Our next speaker is Bob Fores.

10 MR. FORES: That's me. That's me.

11 MR. HASTREITER: All right.

12 MR. FORES: I thank you for the opportunity.

And

13 my comments relate to, trying to make sure you understand,  
14 the context of our community and the passion expressed by  
15 people locally about your work. We live in a very low  
16 socioeconomic area. Several years ago said we have lower  
17 per capita income and educational levels in Appalachia;  
18 which is considered one of the poorest places in the United  
19 States. So, what you're doing here impacts people who  
don't  
20 have a lot.

21 I note in your DEIS, page 3409, the national  
22 recession lasted from December 2007 to June 2009. Not in  
23 these parts; in these parts it lasted well over 2011 or  
24 2012. We have recovered, but we haven't recovered as well

25 as say the area which has a red hot economy; and a

1 completely different socioeconomic structure.

here

2 So, again, in the context of what I've heard

talk

3 today, I haven't heard anybody from outside of our area

4 about potential impact, remarkably on people, on human

5 beings.

highlight

6 The rest of my comments, I just want to

7 some portions of your DEIS to affirm you're on the right

8 track; I believe the solutions can be met that will help

9 everyone get to Yes on this that will address all the

10 stakeholders in here, but in particular the project also

11 indirectly supports -- well, it directly supports 230,000

12 acres of farmland, both in Merced and Stanislaus Counties,

of

13 but it indirectly supports many other employers' portions

14 the agricultural sector, which is a huge portion of the

15 local economy. Ag goes, so goes the economy. You'll find

16 your reference to that at 3-409.

of

17 This I think is very important; Quote: Reduced

18 surface water supplies can have widespread effects on the

19 regional economy, including resulting in the displacement

20 household and businesses.

21 And that's at 5-26.

22 No matter what anybody says, any increase in

23 river flows will result in a reduction in water supplies,

24 both ag and urban users. In that connection, that's why  
25 the recommendations that are made by the districts on non-

1 flow potential mitigation efforts are so critical; and  
2 people like me and others that you've heard here strongly  
3 urge you to reconsider your position and your thoughts on  
4 the subject.

5           Again, there's a lot of passionate views here,  
6 and I honestly believe that there's a formula out there  
7 where all the stakeholders interests can be met. Whether  
8 it's salmon, environmental, recreational users, or public  
9 entities or the private sector. Thank you.

10           MR. HASTREITER: Who are you with, Tom?

11           MR. FORES: I'm a taxpayer. I represent  
farmers.

12           MR. HASTREITER: Okay. Thank you.

13           Our next speaker is Leonard Van Elderan.

14           MR. VAN ELDERAN: Good afternoon. My name is  
15 Leonard Van Elderan, I'm the President and CEO of Yosemite  
16 Farm Credit. We have a stake in this relicensing process,  
17 also. That's why I came before in May of 2011 also and why  
18 I stand before you again.

19           Yosemite Farm Credit is a local ag lending  
20 cooperative. We make loans to farmers, ranchers and ag  
21 operations. We have six locations in Stanislaus and Merced  
22 County and we employ 157 people in this county. Our  
23 employees live in this fine area served by MID and TID. We  
24 have approximately 2 and a half billion dollars in ag loans

loans 25 out to the farmers in these two counties. Most of the

1 are secured by irrigated ag real estate. MID and TID  
2 provide reliable and affordable irrigation waters for  
3 farmers. These are the same farmers that are our owners  
and  
4 are borrowers of the lending coop.

5 This reliable water supply provides a strong  
6 economic engine for the towns and cities in our area. And  
7 also provides stable, underlying, ground values which is  
key  
8 to our ability to remain a reliable ag lender. In our area  
9 a stable ag sector allows our farmers to invest in the  
local  
10 economy, through local people, seed, insurance, fuel, and  
11 all the other inputs that go into farming. The well-being  
12 of this association, Yosemite Farm Credit, its employees  
and  
13 their families are directly contingent on reliable water.

14 The water provided by Don Pedro allows farmers  
in  
15 our areas to raise the most diverse crops in any area of  
16 California and the nation. This diversity of commodity  
17 serves to mitigate the risks to our farmers and our lending  
18 cooperative. Large scale increases in flows down the river  
19 may not have a big impact on D.C., but large scale flows  
20 down Tuolumne River's flow regime will definitely impact  
21 Yosemite Farm Credit and ag lenders in this area.

22 It will also affect the local economy, and the  
23 fabric of these communities. This will be magnified in dry

24 years and even more so in consecutive dry years. Through  
25 this relicensing process, MIB and TID have completed a lot

1 of work and spent millions of dollars that comes from our  
2 farmers and the ratepayers. They require the best  
available  
3 science on the Tuolumne River to assist FERC on issuing a  
4 new license. I've attended some of these workshops as you  
5 worked through these study plans.

6 The district submitted tangible science that can  
7 result in actual policy and projects that can benefit ag,  
8 recreation, fisheries, and our local domestic water users.  
9 This can be done in a manner that is not unbearably harmful  
10 to any one of these stakeholders. I'm pleased to hear that  
11 much of the best available science submitted by the  
12 districts was used to develop FERC's first draft  
13 environmental statement. That's important to our farmers  
14 and the employees who will be impacted by the operations on  
15 the Tuolumne River.

16 and Finally, these districts and all stakeholders  
17 invested substantial time and dollars in the relicensing  
18 process. I understand that FERC and other regulatory  
19 agencies have their requirement to have due diligence in  
20 this process. I also encourage you to act with a sense of  
21 urgency to bring this process to a conclusion. Time is  
22 money and it's a limited resource in the current ag  
economy.

23 Thank you.

24 MR. HASTREITER: Thank you, Leonard.

25

Next speaker is Ken Renwick.

1 DR. RENWICK: Hi. Again like others have said,  
2 thank you for being here and listening to all our comments.  
3 I'll take my comments sitting down.

4 I'm a retired physician. I trained here in  
5 Modesto and I served here at Doctors Medical Center in  
6 Tuolumne County, and I retired last year. But I'm also a  
7 canoeist; and the main reason I'm here today is to speak to  
8 the importance of recreation and healthful outdoor  
9 activities. And the fact that the Tuolumne River stretch  
10 from LaGrange down to Turlock Lake has very poor access;  
11 there are no facilities. The bathrooms, there are places  
12 where they are broken and people use outdoor disposal  
13 options; and it is very pathetic. And yet we have a  
14 wonderful resource here for recreation. I am active with  
15 the Tuolumne River Trust and take groups down during the  
16 salmon run in canoes, and it's a wonderful resource for the  
17 whole community. I feel like it's under-appreciated.

18 Part of it is that the flows get too low at  
times  
19 in the summertime; it drops below 300 cfs, and people start  
20 going aground if they're in rafts, and 200 canoes start  
rather  
21 going aground. Our preference is to paddle our boats  
22 than push them. I think most people would appreciate that.  
23 So I'm putting a plug in for that.

24 And then my comments also, my written comments

25 also allude to the need for more water for salmon and so

for 1     forth. But my main plug is really to improve facilities  
2     those folks, and that includes people like the Latin  
3     American families that spoke to the need for inexpensive  
4     recreation and the need for water. When the water levels  
5     get low it becomes a mudhole, and I actually remember a  
6     farmer commenting that he wouldn't want the river to be a  
7     mudhole. And it's a resource that we all share and our  
8     kids enjoy, and it ought to be respected and valued. And  
9     so that's essentially my comments. And I have made some  
10    written ones that I will add to the record.

11                   MR. HASTREITER: Thanks, Ken.

12                   Next speaker is Michael Cooke.

13                   MR. COOKE: Good afternoon and thank you. My  
14    name is Michael Cooke, I'm the Director of Municipal  
15    Services for the City of Turlock. I'm here to describe the  
16    City of Turlock's interest and stake in the Don Pedro  
17    relicensing process, because ultimately where the  
18    Commission's environmental impact statement ends up is of  
19    immense importance to our residents and businesses.

20                   FERC's decision regarding the terms of the  
21    license has the potential to harm the City's efforts to  
22    provide clean drinking water to Turlock residents, checking  
23    groundwater and minimizing increased cost to ratepayers.

24                   The City of Turlock has a population of about  
25    74,000; it provides sewer and water service to those



1 residents, who have about 19,000 connections. Turlock is  
2 home to a number of agriculture-related industries,  
3 primarily food processors, who provide significant  
4 employment in the region. Food processors account for  
about  
5 40 percent of our water and waste water demand.

6 Turlock is proud to be home to a number of  
7 significant food processors, such as Kosta Farms,  
California  
8 Dairy, Farms -- Dairy Farmers of America, Blue Diamond  
9 Growers --and Superb Farms, just to name a few. Like most  
10 communities in this area, like Modesto, we're entirely  
11 reliant on groundwater at this time. We have 19 active  
12 wells, and we also use recycled water as part of our water  
13 supply portfolio. Currently we pump about 22,000 acre-feet  
14 of groundwater per year to our residents and industries.  
15 We've implemented significant conservation measures; and  
16 like San Francisco our use is down by 20 to 30 percent in  
17 the last ten years.

18 We note that the groundwater in the Turlock  
area,  
19 just like the rest of the San Joaquin Valley, has declined  
20 over time, which led in part to the passage of the  
21 Sustainable Groundwater Management Act in 2014. So  
22 groundwater is a diminishing resource in our region.

23 As groundwater levels have declined, so has the  
24 quality of the groundwater. We've had some issues with

25 arsenic, nitrates and volatile organic compounds such as

1 industrial solvents that get into the drinking water  
system.

2 This has resulted in a number of well closures.

3 In preparing our urban water management plan, we  
4 realize that we cannot meet future water demand by relying  
5 entirely on groundwater. In spite of significant  
6 conservation, extraction continues to exceed recharge, and  
7 water levels have dropped about 20 feet over the past 20  
8 years under our city.

9 To improve our water supply portfolio we have  
10 partnered with the City of Ceres, south of here, to  
11 establish the Stanislaus Regional Water Authority, we know  
12 it as the SRWA. The SWRA plans to take surface water from  
13 the Tuolumne River, treat it to drinking water standards,  
14 and then convey it to the two communities and other  
regional  
15 partners. The regional surface water supplied by that is  
safe  
16 intended to create a reliable and sustainable supply of  
17 drinking water to a disadvantaged region that desperately  
18 needs it. The project will also include groundwater level  
19 in the recharge, and provide benefits to aquatic species by  
20 using the implication gallery in the Tuolumne River.

21 Service water from the Tuolumne is critical to  
22 the future of our communities. It will provide our region  
23 with the quality of life and high quality of water that our  
24 region deserves.

25

Thank you.

1 MR. HASTREITER: Thank you, Michael.

2 Our next speaker is Matt Richardson.

to

3 MR. RICHARDSON: Thank you for the opportunity

4 speak today. I was here last time. I remember there was a

5 female on the board, and is she not part of the board

6 anymore?

7 MR. HASTREITER: She's hiding over there.

8 (Laughter)

9 MR. RICHARDSON: That's her?

10 MR. HASTREITER: Yes.

11 MR. RICHARDSON: No.

12 MR. HASTREITER: No?

just

13 MR. RICHARDSON: I remember a little more --

14 thought I'd ask. Anyway, born and raised in the Bay Area;

15 my grandparents gave me a wide understanding of California

16 and its history. I am a big -- I benefit from being on the

17 Tuolumne River, upstream and downstream. I've hiked and

18 camped on the headwaters of Lyell Fork, I fly fish in the

19 summer in the Tuolumne Meadows. That's all upstream.

20 And like this gentleman here, the physician said

21 -- can't remember the exact words -- but I would say the

22 downstream, Lower Tuolumne has been choked for a long time,

to

23 so I think the instream flows between 30 and 50 is closer

24 an actual compromise, because there hasn't been a  
compromise

25 up to this point.

1 I would also like to use an analogy that anyone  
2 can -- that flows don't matter would be the same thing to  
3 say climate change isn't happening. And I think farmers  
in  
4 particular know that, about how the climate change is  
5 affecting your crops. Better than other people.

6 As a resident of San Francisco, I'd also like to  
7 make comments about SFPUC, the Tuolumne River Trust and  
8 members of the community and myself, have been asking the  
9 SFPUC to use -- numbers for lack of a better term. I feel  
10 like their numbers are inflated. My understanding, it has  
11 been studied quite a bit, and even if we hit the 40 percent  
12 flows, my understanding is that we don't have 10 percent.  
13 I've heard that SFPUC used numbers in the past up to 50;  
14 that's the first time I've heard rationing 20/40. And  
15 rationing at 85 percent and 20/40 raw --I'll give you  
16 rationing at 85 percent, not a few feet.

17 I hope that the PUC will be a little more  
genuine  
18 in numbers that they submit, but it doesn't help; we're  
19 trusting the group in trying to figure out this process.

20 Lastly, I'm just like to advocate for higher  
21 flows for salmon and steelhead and also for recreation in  
22 downstream waters. Thank you.

23 MR. HASTREITER: Thank you, Matt.

24 Our next speaker is Gordon Hollingsworth.

25

MR. HOLLINGSWORTH: My name is Gordon

1 Hollingsworth and I'm a resident of Modesto. My principal  
2 concern with speaking here today is what I perceive to be  
3 inadequate proposed flows for fish on the Tuolumne.

Pedro

4 We now have literally decades since the Don  
5 Project was completed, and during that time we've seen a  
6 drastic decline of the salmon population. We've also seen  
7 the irrigation districts of the City and County of San  
8 Francisco spend millions of dollars on instream  
9 modifications, on putting gravel -- and many other things;  
10 and unfortunately they have not been successful. We have  
11 these decades of declining fish population.

all

12 We also have a situation where, prior to the  
13 construction of the project, there were resident black bass  
14 and other introduced species, striped bass from the East  
15 Coast, which coexisted with the salmon. There seems to be  
16 an emphasis by the irrigation district to try to utilize  
17 the most modern techniques, all the most modern science to  
18 try and raise fish without water. And it seems evident to  
19 me that the problem, which no one foresaw when this project  
20 was constructed, is that the lower amount of water that can  
21 be released would be of a warmer temperature, and would  
22 create an environment where these invasive species would  
23 thrive.

24 I can't see any way of mitigating that problem

25 without providing more instream flows, especially as that

1 has been now ordered by interim orders from the State Water  
2 Board. I think if we proceed on the methodology of the past  
3 30 years, however well-intended it might have been, it's  
4 fraught with problems and it will not be successful.

5 So thank you very much for coming to the Modesto  
6 area and hearing us out.

7 MR. HASTREITER: Thanks for joining us today,  
8 Gordon, and for your comments.

9 All right, we have one more speaker. Allison  
10 Belcher. Bouchet.

11 MS. BOUCHET: So I heard several comments today  
12 about the science, and I listen to NPR and I hear MID talk  
13 about their science-based plan. And I'm having a little  
14 trouble with that, because that's not my understanding of  
15 science.

16 I give the biologists credit, they put on their  
17 waders, they went out and measured flows and depths and  
18 velocities. They get in their boats and they did the whole  
19 schmeer. They did their high flow flood plain analysis.  
20 They have gathered all the data, and it's all legitimate  
21 data. And then they took that data and they created an  
22 hypothesis, not science. They have created a plan that is  
23 nothing more than a hypothesis that needs to be tested.

24 about And I'm going to tell you, I'm real worried  
25 testing a hypothesis for the length of a license. So in my



1 heart, I knew we had always done some testing on previous  
2 plans, flows, hypothesis.

3 So I put together the full spreadsheet. It has  
4 two corrections on it I need to tell you about; the snorkel  
5 counts I've used I try to do in September, after the heat  
6 the summer would be better. So these are snorkel counts  
7 done by TID, and I listed the counts of those fish over 150  
8 millimeters. Wup-di-do, a six inch fish. Who is going to  
9 take a picture of that? Well, anyway, they're counted.

10 So I wanted to show you what's happening based  
11 my set of data, which is taken from their data. So in the  
12 FERC annual reports, in the DEIS, they've given me this: I  
13 went water year -- let's do the first page, May. 2006, it  
14 was a really good year. We had, I took the -- per feet, I  
15 converted it to CFS because that's what I'm used to  
16 about, and I know that year because we were trying to plant  
17 and the flood plain was under water until July 1.

18 Okay, so the snorkel count at the end of the  
19 year, 543. Not good, but some fish. 2007: flow came down  
20 to 381, and our snorkel count came down. Next year, flow  
21 came up a bit, and our snorkel count came down a little bit  
22 more; that's disturbing. And then we keep going on down.  
23 Look at 2010, another really good year, and I remember that  
24 because we were trying to do construction. But the snorkel

of

on

thinking

25 count didn't come up very much. Why is that? I don't  
know.

1

2                   2011, my guys were out with chain saws up to  
3 their thighs. I took chain saws to the shop and you said  
4 'What did you do?' I said, "Oh, the guys dropped them."

He

5 said 'No, what did you do?' I said, "They dropped them in  
6 the river.'

7                   So snorkel count came up a lot. Look at how  
8 great. Look at what happens when you get low flows; look

at

9 2016. The snorkel count was 62 fish. 62 fish. So what's  
10 wrong? Why aren't the flows the answer? Why isn't

anything

11 else working? I get really disturbed when I look at what  
12 the proponent wants to do for June, because June is an  
13 incredibly important month for any of our over yearling  
14 adults, and they're taking away the water in June to give

it

15 to us at other points in time. May and June water.

16                   I don't know what else to tell you except if you  
17 give us less than 200, the snorkel counts drop off the map.  
18 So I'd really like somebody to do a little more analysis,  
19 think about this science that everyone is promoting as  
20 science, and realize it's not the complete picture; it's  
21 only a hypothesis.

22                   And if you're going to give us this plan, this  
23 hypothesis to test, please keep the testing something

short;

24 the State is looking at voluntary settlement agreements of  
25 15 years. Those will start somewhere 20 years from now

1 because the lawsuits are going to tie all that up for  
2 probably 20 years from today. So give us something that  
will  
3 correlate with a short testing period.

4 MR. HASTREITER: Are you finished?

5 MS. BOUCHET: Thank you.

6 MR. HASTREITER: You're welcome. Thank you.

7 So Allison was our last speaker. Is there  
8 anybody else that didn't sign up that developed the  
courage,  
9 during the meeting?

10 MR. LONGSTRETH: Hi, I'm Evan Longstreth, I'm a  
11 farmer from Modesto.

12 MR. HASTREITER: Can you spell your name.

13 MR. LONGSTRETH: [Spelling]

14 MR. HASTREITER: And your first name?

15 MR. LONGSTRETH: Evan.

16 MR. HASTREITER: Thank you.

17 First of all, thanks guys for coming out,  
18 receiving all the comments. I appreciate it; it's a lot of  
19 good information from both sides. I think it's very well  
20 known that we need to be doing that, that we need to be  
21 working together to fix the problem.

22 A lot of speculation that farmers don't really  
23 care about fish -- well, that's not true. We actually do  
24 care about the fish. We care about the environment. We

25 care about the rivers. We're stewards of the land, too; we

1 know that if there's no water, there's no food, there's  
2 nothing -- not a healthy environment. So that's kind of  
one  
3 of the things that's going to point, based on.

4 One of the things that we're always trying to  
say  
5 -- well, more water equals more fish or less water, or more  
6 timely use is better. The really bottom line is the fish  
7 know better than we do; they have been there for thousands  
8 of years; they know the instincts they have, what's going  
9 on, and they can adapt to their environment. I'm not a  
fish  
10 expert or anything, that's just something I'd feel that  
they  
11 would do. Natural selection at work, that's fine, it's  
12 right there.

13 So saying that more water is going to do better,  
14 I don't know -- that's mostly true. But also, too, at the  
15 same time if we're putting water down the river every year,  
16 same flows or 50 percent of what we have, you're kind of  
17 manipulating the fish by doing that, too, I feel. Because  
18 those years when there's absolutely no water, they never  
19 came up. So those numbers are deflated as well.

20 So just kind of some interesting things to be  
21 pointed out on that, I feel. But if people want more  
water,  
22 we should probably build more dams -- kind of going off  
what

23 FERC is here for and everything, but it's kind of what Mr.  
24 Byrd had talked on earlier, is dam storage; you need more  
25 storage. More storage, more water. But one thing that

1 correlates with that is that there's always an annual, an  
2 average amount of snowfall every year. It's not really  
3 gaining a lot every year, but it's not going down.

4           One problem is there's a lot more people in  
5 California. More people, more water. So if you really  
want  
6 to talk about problems, it's actually people in California.  
7 Maybe you should cut 20 percent of California's population.  
8 That would cut a lot of water out, save a lot of water for  
9 everything right there. But, see, I get a laugh about  
that,  
10 and it's probably standard procedure, I can imagine.

11           But one other thing I wanted to talk about, too,  
12 is I go fishing on the Feather River and the Sacramento  
13 River, a little farther north. I've been doing that for  
the  
14 last five, six years. I go striper fishing on that.

15           I am amazed every year how many boats are on  
16 these rivers, fishing for this fish. They max out almost  
17 every day; two fish per man. I go with six other people,  
18 you get 12 fish a day. And they're still so many game fish  
19 and so many people on that river, and they're still  
catching  
20 them. And when we cut them up and we look at them, they  
had  
21 salmon inside them.

22           There's a lot of fish on that river that really  
23 shouldn't be there. I think it's that predation kind of

24 deal. Kind of a major issue with this. It's some of the  
25 points that I wanted to comment on. I think you guys for

1 coming out. I did read the FERC plan; there's increased  
2 flows at certain times, I think that's a good idea. But  
3 overall, no one really knows until it actually happens.  
4 Thank you.

5 MR. HASTREITER: Thank you, Evan.

for

6 All right, that concludes our comment section  
7 today. I appreciate everyone coming and giving us your  
8 thoughts on how we can improve our document, and hope you  
9 look forward to our final FEIS. And don't forget, your  
10 written comments are due April 12th. It's a Friday.

11 So thank you again.

12 [Whereupon at 8:23 p.m., the verbal comment  
13 session concluded.]

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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 DON PEDRO AND LAGRANGE PROJECTS

8

9

10

11

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14 Docket No.: P-2299-082; P-14581-002

15 Place: Modesto, CA

16 Date: Tuesday, March 26, 2019

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 Dan Hawkins

24 Official Reporter



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