

PUBLIC HEARING RE EIS/EIR TRINITY RIVER 11-23-99

U.S. DEPARTMENT OF THE INTERIOR
 U.S. FISH AND WILDLIFE SERVICE

PUBLIC HEARING
 regarding
 ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT
 FOR THE TRINITY RIVER MAINSTEM FISHERY RESTORATION

EUREKA INN
 518 7th Street
 Colonnade Room
 Eureka, California

TUESDAY, NOVEMBER 23, 1999

1:00 P.M. and 6:00 P.M.

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3	PRESIDING:
4	ROBERT G. RUESINK, Supervisor U.S. Fish and Wildlife Service Snake River Basin Office Boise, Idaho
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7	APPEARING:
8	BRUCE G. HALSTEAD U.S. Fish and Wildlife Service California/Nevada Operations Office 2800 Cottage Way, Room U-2606 Sacramento, California 95825
11	RUSSELL SMITH Bureau of Reclamation Manager, Trinity Restoration Program Shasta Lake, California
13	MIKE DRUETT Director, Natural Resources Program
14	JASPER HOSTLER Hoopa Valley Tribe Hoopa, California
16	TOM STOKELY CHRIS ERICKSON County Supervisor Trinity County Hayfork, California
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PUBLIC HEARING RE EIS/EIR TRINITY RIVER 11-23-99

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 2 AFTERNOON SESSION 1:00 P.M.
 3
 4 THE HEARING OFFICIAL: We are now on the record.
 5 Good afternoon. On behalf of the United States
 6 Fish and Wildlife Service, I welcome you to this public
 7 hearing. The U.S. Fish and Wildlife Service, U.S. Bureau
 8 of Reclamation, Hoopa Valley Tribe and Trinity County are
 9 conducting a joint process for taking comments on the
 10 draft Environmental Impact Statement/Environmental Impact
 11 Report for the Trinity River Mainstem Fishery Restoration.
 12 My name is Robert Ruesink. The last name is
 13 R-U-E-S, as in Sierra, I-M-K. I'm the supervisor of the
 14 Fish and Wildlife Service Snake River Basin Office in
 15 Boise, Idaho, and will be serving as the hearing official
 16 for this hearing.
 17 The hearing is scheduled from 1:00 to 3:00 p.m.
 18 this afternoon and we will be back here this evening from
 19 6:00 to 8:00 p.m.
 20 With me at the front table are representatives from
 21 the Fish and Wildlife Service, Hoopa Valley Tribe, Bureau
 22 of Reclamation and Trinity County. You'll hear more from
 23 each of them in a minute, and they'll introduce
 24 themselves.
 25 Other representatives for the U.S. Fish and

1 Wildlife Service are also at today's hearing at the
 2 registration and information table outside the entrance to
 3 this room. They have additional information for you at
 4 that table and will be able to answer questions that you
 5 might have about the Trinity River restoration project.
 6 At this point I'd like to introduce Bruce Halstead,
 7 who is the Fish and Wildlife Service representative today,
 8 and he will make an opening statement.
 9 MR. HALSTEAD: Thank you, Bob.
 10 Good afternoon. My name is Bruce Halstead of the
 11 Fish and Wildlife Service office in Arcata.
 12 Release of the draft Trinity River Mainstem Fishery
 13 Restoration Environmental Impact Statement/ Environmental
 14 Impact Report is the latest step in a process that
 15 Congress initiated several years ago to address
 16 longstanding concerns about the effects of water
 17 diversion, instream habitat, sedimentation, and watershed
 18 management issues on the Trinity River system's health,
 19 including its once-abundant salmon runs.
 20 Congress directed the Secretary of the Interior to
 21 evaluate the impacts of these issues and to take steps to
 22 restore the health of the Trinity River system. In
 23 response to this Congressional mandate, the Department of
 24 the Interior has been actively participating in a study
 25 for more than 15 years. This has been a collaborative

1 effort by the U.S. Fish and Wildlife Service, the U.S.
 2 Bureau of Reclamation, the Hoopa Valley Tribe, and Trinity
 3 County.
 4 The EIS/EIR summarizes the research that has been
 5 undertaken over the past several years and identifies for
 6 public comment several potential alternatives for
 7 restoring the Trinity River system. Impacts considered
 8 under National Environmental Policy Act and California
 9 Environmental Quality Act are not limited to the impact
 10 to the fishery resources of the Trinity River but include
 11 all impacts of the actions affecting the human
 12 environment. The Department encourages public comments on
 13 all aspects of the draft EIS/EIR.
 14 This public hearing is part of a comment process on
 15 the draft EIS/EIR. It will be closed December 20, 1999.
 16 A record of decision is expected in the early spring of
 17 2000.
 18 On behalf of the U.S. Fish and Wildlife Service,
 19 the Bureau of Reclamation, the Hoopa Valley Tribe and
 20 Trinity County, I thank you for the effort you have made
 21 to attend this meeting and also thank you in advance for
 22 your comments.
 23 Now I'd like you to hear some introductory remarks
 24 from Tom Stokely, the representative from Trinity County.
 25 MR. STOKELY: Thank you, Bruce.

1 I'm Tom Stokely. I'm with the Trinity County
 2 Planning Department. I've been working with the project
 3 team to develop this EIS/EIR for the last five years, and
 4 I'd just like to welcome you here and encourage you to
 5 submit your oral as well as written comments, either here
 6 today or by the deadline on the 20th of December. And
 7 also I wanted everyone to know that the Trinity County
 8 Board of Supervisors will be holding a public hearing on
 9 this same project in Weaverville on December 7th from 7:00
 10 to 9:00 p.m. at the Weaverville library, and I encourage
 11 you to come and also attend that hearing and let your
 12 feelings about the document and the project be known.
 13 Thank you.
 14 Now I'd like to introduce to you Jasper Hostler of
 15 the Hoopa Valley Tribe.
 16 MR. HOSTLER: Yes; I'm here to represent the Hoopa
 17 Valley Tribe.
 18 I've been involved since 1990, when, in fact, we
 19 were the first ones to start recognizing the reduced flow,
 20 and since then we have been -- Hoopa Valley Tribe has been
 21 the lead -- one of the lead tribes.
 22 Thank you for being -- attending this meeting.
 23 MR. SMITH: My name is Russell Smith. I am
 24 representing the Bureau of Reclamation, Northern
 25 California area office, which is located at Shasta Dam.

9
 1 I have been working to improve the Fish and Wildlife in
 2 the Trinity Basin for the past 11 years, and I represented
 3 the Bureau of Reclamation in this flow EIS/EIR process.
 4 THE HEARING OFFICIAL: Thank you.
 5 Public comments on these draft EIS/EIR documents
 6 will be accepted until December 20th, 1999. After review
 7 and consideration of your comments, the four co-lead
 8 agencies, along with the cooperating agencies, will
 9 prepare a final EIS/EIR. The purpose of this hearing is
 10 to receive your comments on the draft documents. Comments
 11 on all aspects of the alternatives described in those
 12 documents are very important and will be carefully
 13 considered. Because of the importance of your comments,
 14 it is necessary that we follow certain procedures here
 15 this afternoon.
 16 If you wish to present comments at this hearing,
 17 please register at the table outside this room. When you
 18 register, indicate any organization that you are
 19 representing. When you are called to present your
 20 comments, please come forward to the microphone in front,
 21 begin your presentation by stating your full name, spell
 22 it for the record, and indicate if you represent an
 23 organization.
 24 This is an informal hearing, and therefore you will
 25 not be questioned or cross-examined in connection with

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 1 your comments; neither will representatives of the
 2 agencies respond to questions. They will become a part of
 3 the administrative record on this action. They are being
 4 recorded by the reporter to preserve them for the record.
 5 Please keep in mind that the reporter will not record any
 6 statement from the audience or made to the audience.
 7 Comments must be made into the microphone and addressed to
 8 the agency representatives at the front table. Please
 9 leave a copy of any written material to which you refer
 10 with the reporter or the registration staff. If you are
 11 reading your testimony, we ask that you please read slowly
 12 for the reporter to be able to record all of your comments
 13 verbatim.
 14 Instead of presenting oral comments here this
 15 afternoon, or, in addition to oral comments, you may
 16 submit comments in writing. Written comments may be
 17 submitted today to the staff at the registration table or
 18 they may be mailed to Mr. Joe Polos. That's P-O-L-O-S.
 19 U.S. Fish and Wildlife Service; 1655 Weindon -- that's
 20 H-E-I-N-D-O-N -- Road, Arcata, California, 95521. This
 21 address is also available at the registration and
 22 information tables outside this room. Again, written
 23 comments will be accepted through December 20th, 1999.
 24 Written comments will be given the same consideration as
 25 oral comments that are presented here this afternoon.

11
 1 At this time we are ready for our first speaker,
 2 Mr. Denver Nelson.
 3 Would you come to the microphone, please.
 4 MR. NELSON: My name is Denver Nelson. I'm from
 5 Eureka, California.
 6 Do you want me to spell Nelson? N-E-L-S-O-N.
 7 I'm a member of the Humboldt County Fish and Game
 8 Commission, but I'm not here officially representing them;
 9 I'm just here representing myself.
 10 Thank you for coming to Humboldt County.
 11 As you know, the Trinity River was devastated by
 12 the Trinity River diversion project. Many millions of
 13 dollars have been spent trying to restore the Trinity
 14 River. The Trinity River has not been restored, and, in
 15 fact, has continued to decline. Many years of studying
 16 the Trinity River has shown that rivers need water to
 17 function. No amount of money without water will restore a
 18 river. Much emphasis has been given to the decline of
 19 salmon and steelhead populations in our area. This
 20 decrease is well-documented by many studies and by my
 21 personal observations as a sport fisherman.
 22 Fish numbers are certainly one indicator of the
 23 health of our river environments. There are many other
 24 factors that influence the health and numbers of the
 25 salmonid populations. A river is more than a natural fish

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 1 hatchery. We must not overemphasize increase in fish
 2 numbers as the ultimate goal of restoring the Trinity
 3 River. If there are no fish returning to the Trinity
 4 River 20 years from now, does that mean that the entire
 5 flow of the Trinity River can then be diverted to the
 6 Central Valley? I certainly hope not.
 7 The concept of making the Trinity River one-half
 8 the river it once was by giving it one-half the natural
 9 flow and spending millions to move gravel around is a
 10 noble experiment. The outcome of this experiment could be
 11 measured by the numbers of fish returning. One could
 12 simply assume the goal would be to add one-half of the
 13 prediversion fish returned. If three-fourths of the
 14 prediversion fish return, does that mean that
 15 three-fourths of the prediversion flow would be returned?
 16 In addition, millions of dollars would have to be spent
 17 moving gravel. Or, conversely, if only ten percent of the
 18 prediversion fish return, does that mean that ten percent
 19 of the natural flow comes down the Trinity River and fish
 20 restoration money is sharply cut back?
 21 Between 1976 and 1998, \$93,952,547 was spent on
 22 Trinity River restoration. During the same time, 648,457
 23 naturally spawning chinook returned to the Trinity River.
 24 This amounts to \$144.89 being spent per fish. There
 25 appears to be no correlation between dollars spent on

1 restoration and numbers of fish returning to the Trinity
 2 River. A much better correlation is seen between river
 3 flows and fish returning to the Trinity River. Fish
 4 responded better to water than to dollars. It would be
 5 better to spend less money on fish restoration and
 6 increase the Trinity River flows.

7 Humboldt County was given 50,000 acre-feet of water
 8 annually in the original legislation establishing the
 9 Trinity River diversion. This water allocation has never
 10 been accounted for, either by increasing the Trinity River
 11 flows or by Humboldt County being compensated for our
 12 50,000 acre-feet of water flowing down the Sacramento
 13 River. One of the cornerstones of the Cal Fed process is
 14 the sale of water by those with excess water to those who
 15 need more water. When the final Trinity flow is selected,
 16 that flow number should be increased by 50,000 acre-feet,
 17 so that we in Humboldt County can use that water to
 18 further enhance our fisheries. Conversely, if our
 19 50,000 acre-feet is going down the diversion, we should be
 20 compensated for that water by the users of that water.

21 The Trinity River Dam eliminated 109 miles of
 22 steelhead and salmon habitat above the dam. The ideal
 23 restoration of this habitat would be to remove the dam.
 24 The next best restoration would be to install a fish
 25 ladder to bypass the dam. Serious consideration has not

1 been given to this option. The fish ladder would be a
 2 more cost-effective way of restoring fish habitat.

3 My preferred flow alternative would be the
 4 restoration of the natural Trinity River flows and
 5 diverting no more water to the Central Valley. My next
 6 best flow would be that promised in the original
 7 legislation. The promised diversion originally was to be
 8 no more than 30 percent of the Trinity River flow. The
 9 preferred flow as outlined in this EIS/EIR would be my
 10 third choice. The other study flows are inadequate.

11 No matter which flow is chosen, funding must be
 12 available for the bridge and structural removals needed to
 13 allow these increased flows. "Adaptive management" is the
 14 new buzz word of resource management. In this project,
 15 adaptive management should be the prime governing force.
 16 If a funded project does not increase the fish returns,
 17 the project should not be funded again. If a water flow
 18 pattern does not result in increased fish returns, the
 19 flow should be changed. At a minimum, the outline of this
 20 adaptive management should be in place before any other
 21 changes are done.

22 Thank you for coming and listening to my comments.

23 THE HEARING OFFICIAL: Thank you, Mr. Nelson, for
 24 your comments.

25 Our next speaker is Mr. Tim Broadman.

1 MR. BROADMAN: Good afternoon. Thank you for
 2 letting me come and speak.

3 I have two very strong --

4 THE HEARING OFFICIAL: Excuse me. Would you please
 5 state your name and spell it for the record.

6 MR. BROADMAN: All right. Tom Broadman, spelled
 7 B-R-O-A-D-M-A-N. And I reside in Fieldbrook, California.

8 I just want to remind the panel and the government
 9 that we have two very strong legal arguments to restore
 10 flows to the Trinity River. One is the Endangered Species
 11 Act, and also under the Endangered Species Act, treaty
 12 rights, treaty rights to our tribes.

13 Signed in June 5th of '97 by secretarial order,
 14 issued by the Secretary of the Interior and the Secretary
 15 of Commerce, pursuant to the Endangered Species Act of
 16 1973, it acknowledged the trust, responsibility and treaty
 17 obligations of the U.S. Departments will carry out the
 18 responsibilities, "departments" meaning commerce and
 19 interior. Under the act, in a manner that harmonizes the
 20 federal trust responsibility to tribes, strive to ensure
 21 that Indian tribes do not bear a disproportionate burden
 22 for the conservation of listed species.

23 In 1991, 75 percent of Trinity water went south.
 24 Since the diversion began, 96 percent of coho have been
 25 eliminated. In May of 1997 the Southern California --

1 Southern Oregon and Northern California ESU for coho
 2 salmon was listed as threatened. Now, recently, affecting
 3 this listing under the Endangered Species Act, November
 4 8th of this year, in the Federal Register harm was
 5 defined, harm under the Endangered Species act, and harm
 6 is defined as any act which actually kills or injures fish
 7 or wildlife, and emphasizes that such acts may include
 8 significant habitat modification or degradation that
 9 significantly impairs essential behavioral patterns of
 10 fish or wildlife. Those essential behavior patterns are
 11 defined by National Marine Fisheries as breeding,
 12 spawning, rearing, migrating, feeding or sheltering. I
 13 think it's pertinent that you restore the runs so these
 14 listed fish that are 96 percent gone will have some of a
 15 chance to return.

16 Thank you very much for your time.

17 THE HEARING OFFICIAL: Thank you.

18 Our next speaker is Lawrence Lazio.

19 MR. LAZIO: Thank you. My name is Lawrence Lazio,
 20 L-A-Z-I-O. I'm a past president of the Humboldt Bay
 21 Fisheries Association and a past president of the
 22 California Seafood Institute, a statewide organization
 23 representing the seafood-processing industry in the State
 24 of California.

25 Before I get into the area that I have concern

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 1 with, specifically, under "alternatives" but eliminated,
 2 in talking about increased hatchery production, I want to
 3 tell you a story.

4 In 1975, I heard that the Japanese federal
 5 government had a fantastic enhancement program going on in
 6 their salmon fishery on island of Hokkaido. If you take
 7 the island of Hokkaido and you lay down the State of
 8 California, it's approximately from Red Bluff north,
 9 making an islet out of that. The Japanese federal
 10 government instituted a program of 72 facilities. And I'm
 11 specifically using the word "facilities" because they are
 12 not what we perceive as hatcheries. These facilities are
 13 an enhancement to the natural spawning of the salmon
 14 specie, and then the immediate release of the swim-up
 15 salmon, just after they've come out of the egg-sac stage
 16 and are swimming up, if they were in the river, they are
 17 -- their success ratio in relationship to the Eel River
 18 spawn fish is approximately ten percent for the natural
 19 survival of the eggs against 90 percent for the survival
 20 in their facilities. I am calling their facilities
 21 "nurseries."

22 Historically, there was a nursery on the Eel River,
 23 to my recollection, in a place called Steelhead Creek,
 24 whereby the eggs were taken from the fish, they got to the
 25 swim-up stage, they were put in containers, milk -- dairy

18
 1 units, put on horseback and taken to the top of the
 2 streams, where they were released into the natural
 3 situation for their survival.

4 I think by not having an idea of a nursery program,
 5 not having been looked at when the increased
 6 hatchery-production issue is discussed in this document
 7 under 2.2.6, is a failure in this document. I think that
 8 there are some new attitudes that are coming that are not
 9 included in here that could be extremely beneficial to the
 10 fast recovery of the system.

11 We know that we need more water, period. I agree
 12 with that. Everyone, I think, in this room, agrees. I
 13 would like to see compensation come from the users that
 14 got our water. And that's another issue. But going into
 15 this area of increased hatchery production and the reasons
 16 it has been eliminated from this document does not take
 17 into a fact the concept of a nursery program, and I think
 18 that all the people involved, all the professionals, need
 19 to start taking a look at that issue.

20 Those of us that are on the river -- and I'm on the
 21 river quite often; I was there a week ago Sunday as a fly
 22 fisherman -- recognize the predator problem in the Trinity
 23 River system, in the Klamath River system. It's a major
 24 issue, and I think that the way the predator-control issue
 25 has been handled in this program is just we're sticking

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 1 our head in the mud. There is a major problem out there;
 2 we all know it. And I have heard recently that National
 3 Marine Fisheries Service is looking at the predator
 4 problem.

5 Historically -- let me give you a historic view.
 6 I've been in the fish business all my life, from the time
 7 I was a little boy. My grandfather came to the Eel River
 8 in the 1880's and fished salmon commercially on the river
 9 and made a living off of it. Historically, when we had a
 10 salmon fishing fleet in the ocean, there was a substantial
 11 elimination of the seals and sea lions by the commercial
 12 fleet. Their used to be 5- to 700 boats fishing out of
 13 Eureka during April, May, June and July, and any time the
 14 sea lion was attached to that fisherman's lines when he
 15 was pulling up a salmon, it probably was eliminated.
 16 What's happened since we've had the protection of the
 17 marine mammals is we've had a fantastic explosion -- that
 18 probably you all know, but I'm just saying it here in
 19 public -- fantastic explosion of the predator population,
 20 yet we've had a fantastic reduction in the salmon species.
 21 So how can the government allow, on one hand, the
 22 predators to go wild and crazy -- and there's pictures
 23 circulated around Humboldt County that were taken from the
 24 air at the mouth of the Klamath River, and if you try to
 25 estimate, there looks to be maybe 2,000 to 2500 sea lions

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 1 that are in that grouping of -- in the picture.

2 So I think that this particular area that I'm
 3 talking about, the involvement of a -- I'm going to call
 4 it a "nursery program" -- should be looked at for the
 5 increased production, because if you take the eggs and you
 6 give them a faster start but you put them right back into
 7 the river, especially the upper reaches, in my view, you
 8 have a natural fish; you don't have what's being perceived
 9 as a hatchery fish.

10 Thank you very much.

11 THE HEARING OFFICIAL: Thank you for your comments,
 12 Mr. Lazio.

13 Our next speaker is Mr. Tom Weseloh.

14 MR. WESELOH: Good afternoon. Thanks for coming to
 15 Eureka. My name is Tom Weseloh, W-E-S-E-L-O-H. I'm the
 16 North Coast manager for California Trout. We represent
 17 about 5,000 individual members and another 5,000 affiliate
 18 club members. I live in Humboldt County and also work
 19 here, as well, and have a rather large interest in the
 20 Trinity River.

21 I already had the opportunity to address you in
 22 Redding, so I won't be redundant, as much as possible, but
 23 I really wanted to speak to a few issues.

24 One in particular is the time lines for your
 25 process. I know that several speakers and a lot of

1 various constituencies have asked for an extension of this ²¹
 2 process. Right now you are well within your legal
 3 guidelines with both the CEQA and NEPA process. We
 4 encourage you to stick to those time lines and to not
 5 extend any further the deadlines for comments. The
 6 studies have gone on long enough. We have the information
 7 in front of us. The people that need to review this
 8 information and give you comments have known about this
 9 information, have been following the studies, have been
 10 following the time lines, have been getting the documents.
 11 There is no need for further delay. We need to have you
 12 stick to the time lines of CEQA and NEPA and move forward
 13 with this. Our fisheries have been injured for long
 14 enough. No more delays are acceptable to us. Please
 15 close the comment period December 20th.
 16 Another reason that I think the time lines need to
 17 be met is it appears to me that the Bureau of Reclamation
 18 is still in violation by even operating this project.
 19 There is not a Section 7 consultation process finalized.
 20 There is not a biological opinion that has been granted by
 21 NMFS. And until then, under the Endangered Species Act,
 22 it is our opinion that any diversion at all is a violation
 23 of the Endangered Species Act, and if the Bureau wants to
 24 be in compliance, they'd better come up with a new flow
 25 regime in a hurry in order to get in compliance. One of

1 the ways you get there is by finishing up the CEQA and ²²
 2 NEPA process in a timely fashion, getting to a record of
 3 decision, and implementing the flows as quick as possible.
 4 Another issue that I haven't heard discussed yet
 5 that I would like to bring up is the -- some of the costs
 6 associated with the programs. I think there are some
 7 things that need to be added to the EIS/EIR in order to
 8 address this area. I feel that the final EIS/EIR should
 9 exempt Trinity PUD from any costs as a result of low power
 10 generation as well as implementation costs for the
 11 preferred alternative. The final EIS/EIR and record of
 12 decision should also include a plan for reauthorization of
 13 equitable cost-sharing provisions of the Trinity River
 14 Basin Fish and Wildlife Management Act of 1984, which are
 15 now expired. We have a lot of good things we would like
 16 to do, but right now there is no current way to fund those
 17 activities, and we need to have the money in there to
 18 carry out any of the alternatives that you have and to
 19 carry out restoration of the basin as a whole.
 20 The preferred alternative includes a watershed-
 21 protection component. We support inclusion of that
 22 component because it addresses uplope erosion. It's a
 23 nonflow component necessary for the restoration of this
 24 important fishery and for the river. It is also
 25 consistent with the requirements of the President's Forest

1 Plan under Option 9, which has never been adequately ²³
 2 funded in a meaningful manner. And in order to ensure
 3 that the promise of restoration isn't unfunded like Option
 4 9, identification of a funding mechanism is necessary in
 5 the final EIS/EIR and record of decision. Without
 6 adequate funding, the preferred alternative or any other
 7 actions you may take will not meet the goals and
 8 objectives of meaningful restoration.
 9 So not only do I request that you heed the comments
 10 I've provided you in Redding, but also the ones today of
 11 sticking to the time lines and dealing with these cost
 12 issues and the biological opinion.
 13 If I have forgotten anything in Redding or today,
 14 you will be hearing from me again, either verbally or in
 15 writing.
 16 Thank you very much for allowing us to provide
 17 additional testimony. And I encourage you to listen to
 18 all the other good speakers as closely as you did me.
 19 Thank you.
 20 THE HEARING OFFICIAL: Thank you.
 21 The next speaker is Carol Krueger.
 22 MS. KRUEGER: My name is Carol Krueger,
 23 K-R-U-E-E R. I'm here as a representative of Six Rivers
 24 Paddling Club. And thank you very much for the
 25 opportunity to comment on the public draft on the Trinity

1 River. ²⁴
 2 As whitewater canoeists, we are going to comment on
 3 the recreational uses of the Trinity River. We think the
 4 whitewater canoeists were left out of your list on
 5 recognized recreational users in tables 3-32 and 3-33. In
 6 our opinion, there is a big difference between canoeists
 7 and whitewater canoeists in their preferred flow ranges.
 8 Whitewater canoeists should be included with kayaking and
 9 rafting in their preferred flow ranges.
 10 The habitat in the Trinity River needs improvement,
 11 and we're going to support the preferred alternate. Along
 12 with the fisheries restoration, we think that the
 13 preferred alternative would also improve the whitewater
 14 recreational opportunities on the Trinity River. My
 15 comments deal primarily with the analysis of whitewater
 16 recreation opportunities that are affected by the
 17 proposals in EIS/EIR.
 18 As whitewater canoeists, we have three favorite
 19 runs on the mainstem of the Trinity River that will be
 20 affected by the proposals in the EIR/EIS. These runs are:
 21 Pigeon Point, which is from Pigeon Point Campground to Big
 22 Flat; Hayden to Cedar, which is Hayden Flat campground
 23 down to Cedar Flat Ridge; and Hawkins Bar to Salyer, which
 24 is the Hawkins Bar USFS river access, to the public access
 25 of the Sharper Slough on Fountain Ranch Road.

25
 1 Under the international scale of difficulty, Pigeon
 2 Point is rated as a Class III, or intermediate; Hayden to
 3 Cedar is rated Class II, or advanced beginner; and Hawkins
 4 Bar is rated as a Class I-plus, or intermediate beginner.
 5 These runs provide easily accessible whitewater for
 6 users at a variety of skill levels, and the first two runs
 7 are used extensively by whitewater boaters from Northern
 8 and Central California and from Southern Oregon. We
 9 believe that the preferred recreational flow range
 10 thresholds given in Table 3.32 incorrectly assigned either
 11 200 or 300 cubic feet per second as the lower limit of the
 12 preferred flow for whitewater canoeists or kayaking on
 13 these runs. At 300 CFS, the whitewater runs on the
 14 mainstem of the Trinity are marginally acceptable for
 15 whitewater canoeists. At this low flow, navigating around
 16 rocks and other obstacles to navigate are exposed or very
 17 close to the surface. Some routes to rapids are not
 18 available, and shallow reaches of the river do not have
 19 enough water to float a boat, such as the rapid on the
 20 Hayden/Cedar run, commonly commonly referred to as "Picket
 21 Fence." Even at releases of 400 CFS, whitewater canoeists
 22 get out to portage this long rapid, as we can't negotiate
 23 the tight turns at the very bottom of this drop. Shallow
 24 water is more dangerous for whitewater canoeists, as a
 25 canoe turns over, the paddler is in danger of getting

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 1 trapped under the canoe and getting, quote/unquote, beat
 2 up by the rocks.
 3 We feel that the lowest preferred flow for the
 4 mainstem Trinity for rafting, kayaking and whitewater
 5 canoeing should be noted as at least 450 CFS, rather than
 6 200 to 300 CFS. Three hundred CFS is a minimal flow for
 7 the low threshold but is not preferred. Recreational
 8 seasons were defined as from Memorial Day to Labor Day as
 9 a primary recreational season in the EIS/EIR, and, in our
 10 opinion, is not accurate. We think that the whitewater
 11 recreational season for the Trinity River can run
 12 year-round. Whenever flows are greater than 3000 CFS at
 13 the Lewiston Gorge, the majority of whitewater canoeists
 14 would choose to go out on other rivers, but we cannot
 15 speak for other types of boats, such as the kayaks and
 16 rafts, as they are willing to boat higher flows, and
 17 canoeists -- than most canoeists are comfortable with.
 18 The analysis should note that constraints in
 19 whitewater boating are dependent on boater skill level and
 20 difficulty of the whitewater run, and that low flow
 21 constrain whitewater recreation to a far greater extent
 22 than high flows.
 23 So, in conclusion, we support the proposal to
 24 increase flows into the Trinity River for the purpose of
 25 restoration of the fishery habitat in the absence of an

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 1 alternative that would allow all the inflow into the
 2 Trinity River Basin to be trained in the river. The
 3 preferred alternative appears to be a minimally acceptable
 4 compromise to promote the natural functions and values of
 5 the river.
 6 Thank you very much.
 7 THE HEARING OFFICIAL: Thank you.
 8 Marianne DeSobrinio.
 9 MS. DESOBRINO: My name is Marianne DeSobrinio. I
 10 live in Eureka on the Elk River, and I'm a chair of the
 11 Redwood Chapter of the Sierra Club.
 12 And our position on this is that we would like
 13 quite a bit more than your preferred alternative. We
 14 would like to see no more than 30 percent of the water
 15 diverted from the Trinity River, if any water at all needs
 16 to be diverted.
 17 I notice in your statement that the preferred
 18 alternative, the increase of -- to 11,000 CFS, the latter
 19 will be achieved in about 12 percent of the years. I
 20 mean, come on. If you're increasing the flow and you're
 21 only going to achieve that increased flow in 12 percent of
 22 the years, what happens in the other 88 percent of the
 23 years? That seems marvelously ineffective to people who
 24 care about fish and the ecosystem.
 25 And I'm also sort of dismayed by who would benefit

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 1 most from the project: communities and fishing-related
 2 industries. You don't say anything about the fish, which
 3 we have been cumulatively destroying, nor the ecosystem,
 4 which we all recognize needs support to retain its
 5 contiguosness and make its contributions to our survival
 6 as human beings.
 7 In addition, the most beautiful solution, I
 8 believe, to the entire problem with the Trinity River
 9 would be the removal of the dams.
 10 Thank you very much.
 11 THE HEARING OFFICIAL: Thank you.
 12 John McKeon. John McKeon, are you here?
 13 M-C-K-E-O-N.
 14 UNIDENTIFIED SPEAKER: He's here.
 15 THE HEARING OFFICIAL: We'll go to the next
 16 speaker, and if John does come in, we'll give him a chance
 17 to speak, as well.
 18 E.B. Duggan.
 19 MR. DUGGAN: Hi, Tom.
 20 Good afternoon, gentlemen. My name is E.B. Duggan,
 21 D-U-G-G-A-N. I'm representing the Willow Creek Community
 22 Chamber of Commerce, Trinity Fishing, Trinity Downriver
 23 Resource, and I'm also a fishing guide.
 24 I live on the river. I'm there every day. I'm on
 25 the river, physically on the river, on an average of about

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 1 three days per week, either fishing, looking, checking.
 2 I also make a fishing report for our small community that
 3 is published in about four different papers.
 4 I have watched over the years our river flows since
 5 the dam -- and this is after the dam's been in -- going
 6 from 150 CFS to 300 CFS, 400 CFS, and now at 450 CFS. I
 7 don't know if you know it or not, but there is a direct
 8 correlation in those increases as to the amount of fish
 9 that have come in. And I know Jack can attest to it
 10 because he hears it and sees it with his people down
 11 there, because I have good relations with those people and
 12 I know a lot of them and they are my personal friends.
 13 I have not been in here, or been in the valley, for
 14 many years, as Jack or many of his friends, but I've been
 15 there long enough to know and realize that, in my eight
 16 years as a professional guide, the fish need water. About
 17 four years ago, if I could have gone to Mike and come up
 18 with a -- and devise a method whereby they could have made
 19 small tennis shoes that the fish could have -- I could
 20 have put on the fish, I could have made a million dollars
 21 giving shoes away to the fish so they can go upriver and
 22 spawn. This is a fact. In the short distance from Salyer
 23 to my house, which is just three miles, when we were
 24 flowing 300 cubic feet per second during the summertime, I
 25 would have to jump out of my boat on three different

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 1 riffles and push my customers across it. That's how bad
 2 it was. And then the same since -- you have to remember
 3 that a drift boat only draws three to four inches with
 4 four people in it. Now, what are the fishing going to do?
 5 When you take a ten-pound fish that's eight inches
 6 across at the belly, you know, it makes it very difficult
 7 for them to get upriver. Even as today, I see many
 8 spawning beds called "reds" on the river down in Willow
 9 Creek area. And they should be all spawning at least up
 10 above Cedar Flat. At least that. It's a shame that the
 11 people are just now realizing -- and I say the people in
 12 charge of the water flow -- that this water flow is
 13 imperative to us. For some ungodly reason, October 15th
 14 is the magic date they need to take and reduce the water
 15 flow. And they go from whatever is being out down to the
 16 300 cubic feet per second, because we have rain. Believe
 17 it or not, we're supposed to have rain up here on the
 18 North Coast. That is not happening. If you will take and
 19 go to the Department of Fish and Game and check the local
 20 Fish and Game in this area here, for the last eight years
 21 we have not had rain for opening weekend of deer season,
 22 which starts in September. So if we're not getting rain
 23 in September and October, why do we cut the water off
 24 magically at that October 15th date? The fish need it.
 25 And for us to drop that water, it makes it drastically

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 1 low.
 2 The water at my house this year dropped down over a
 3 foot when they went from 450 down to 300 cubic feet per
 4 second. Now that we do have rain and the water's coming
 5 up, then there's plenty of room for the fish to come in.
 6 But when they started dropping that water, we had fish up
 7 around Junction City, in that section in there, that were
 8 actually spawning from Douglas City to Junction City,
 9 through that area. And when they dropped the water from
 10 450 to 300, we left -- I'm saying "we" -- left many reds
 11 high and dry. We're talking thousands upon thousands of
 12 naturally spawned fish that died because the water was let
 13 go and drained their spawning area. We need a better
 14 control of when that water is shut down from the releases
 15 of 450, or whatever is to be set, down to the minimum, so
 16 that it does not affect the spawning. I've been reading
 17 and reading and reading your river recommendations. The
 18 ones that come out here I feel are adequate but by far
 19 what we need. We need a return of the water as what was
 20 originally said.
 21 I have some friends that have lived on this river
 22 since 1948, and they fished it; they've been collecting
 23 paper -- newspaper clippings, and I have two of these
 24 folders that they've been collecting about what was going
 25 to happen when the dam was going to be in, how they were

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 1 going to help keep this water flow up, and none of those
 2 things that were put in the paper by the state legislators
 3 and the federal legislators have come about. In order for
 4 us to maintain and keep this fisheries, we do have to have
 5 that water. And without it, it's going to be a drastic
 6 situation, because we're already starting to lose more and
 7 more fishing areas within the State of California. Our
 8 logging was taken away from us. We were told look for
 9 other means of economic base for our community.
 10 And, Jasper, you know this. You've seen what our
 11 town was like. You used to come down and go shopping.
 12 Now we have -- we don't even have full stores anymore.
 13 We've lost seven major businesses -- seven of them -- that
 14 people from Hoopa, Salyer, and Willow Creek all depended
 15 upon for necessities within the community. And we don't
 16 have them anymore. We have to travel 51 miles one way,
 17 102 miles round trip, to come into Eureka or Arcata to
 18 spend our money and get groceries, a major supply of our
 19 groceries. That's outrageous. You in the city don't
 20 realize that, because you just go down to the local mall
 21 and you get all of the needs that you want. We choose to
 22 live in this kind of community because it's healthful and
 23 it's more relaxing than in the city. But, in the same
 24 sense, as the cities grow, the demand for water is going
 25 to just go completely out of sight in the next decade.

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1 There is going to be such a demand on water within the
 2 next decade, where they're building from Sacramento, even
 3 Redding, down south, that water is going to be worth gold.
 4 It could actually be an economic base where people could
 5 trade in buckets of water rather than in money.
 6 So please, take consideration. We have converted
 7 from logging as an economic base to fishing and tourism,
 8 and as we lose our water and our fish base, and the
 9 restrictions we're receiving from the Department of Fish
 10 and Game, it's harder and harder to entice people into our
 11 valley, just to come in and see and enjoy the refinements
 12 of outdoor living. And that's what the people in the
 13 cities are looking for, is outdoor living.
 14 Look at what has happened to Yosemite. You can't
 15 even hardly get in there. My wife and I spent our
 16 fortieth anniversary, which we got married in Yosemite 40
 17 years ago this last year, and we had to get reservations.
 18 In 363 days in advance, we got the last room in the hotel.
 19 So if that's the demand for that kind of area, and the
 20 demand is going to be put onto our valley and our
 21 communities, we need the resources to take care of them
 22 and provide for them, and without the water we're not
 23 going to have them.
 24 Thank you very much.
 25 THE HEARING OFFICIAL: Thank you.

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1 John McKeon, are you here now?
 2 MR. McKEON: Yes, I am. I'm going to reserve my
 3 comments for this evening's session.
 4 THE HEARING OFFICIAL: Thank you.
 5 Troy Fletcher.
 6 MR. FLETCHER: Good afternoon. My name's Troy
 7 Fletcher, F-L-E-T-C-H-E-R. I'm the executive director for
 8 the Yurok Tribe, and I'm here today with council member
 9 Howard McConnell and our fisheries staff representatives,
 10 Dave Hillemeier and Michael Belchik.
 11 The Yurok Indian reservation is located on the
 12 lower 44 miles of the Klamath/Trinity River, and the
 13 Trinity flows through 44 -- approximately 44 miles of our
 14 reservation. The Yurok Tribe is the largest harvester of
 15 fall chinook of Klamath River origin, period, of any of
 16 the user groups. We have an enormous stake in the outcome
 17 of this EIS and what the alternative is that will be
 18 selected or the particular management options that will be
 19 mandated by the Secretary.
 20 We're looking at the restoration of the Trinity
 21 River a little different. We, for decades and decades,
 22 have been unable to meet what we consider even minimal
 23 subsistence levels, much less have any meaningful economic
 24 opportunity to take advantage of the fisher resource on
 25 the Klamath/Trinity River Basin. The tribe has a

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1 significant cultural, ceremonial, subsistence and economic
 2 reliance on Klamath River fish, and that reliance has been
 3 relatively unmet because of the poor status of decline in
 4 fish populations on these river systems.
 5 In terms of which options or what alternative we
 6 support, before I verbalize that I'd like to talk a little
 7 bit about what we do, what our position is in terms of the
 8 approach to the alternatives.
 9 Number one is there needs to be a long-term
 10 approach to the restoration of the Klamath/Trinity River
 11 Basin. In the Trinity River EIS, even though it does have
 12 a window of decades, and that was one of the confining
 13 factors that was looked at in the alternatives, we're not
 14 sure that that's totally appropriate and that's going to
 15 take us to full restoration like we believe needs to
 16 occur. We believe that the "no dam" alternative is a true
 17 approach, a true long-term approach, to fully restoring
 18 that river, to put it back the way it was and let nature
 19 do what it always has done.
 20 In terms of the alternatives, we support as is, we
 21 do support the preferred alternative, and we support that
 22 because we think that you need to apply the best available
 23 science that you have in front of you. That's important.
 24 And we think that the various flow-study efforts, the peer
 25 review that occurred, and a whole host of agency and

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1 tribal and other involvement is a step to get to that best
 2 available science. We do need to support it with a few
 3 caveats, however.
 4 Because the Trinity River does not empty into the
 5 Pacific Ocean and Weichpec, it runs down the entire of the
 6 Klamath River, we believe that the condition of the
 7 mainstem Klamath River has a direct and important impact,
 8 and many times negative impact, on the survival of the
 9 Trinity River fish. Trinity River fish must traverse the
 10 Klamath River as they go out to the ocean and as they come
 11 back. If you do not take care of the Klamath River, you
 12 will not take care of Trinity River fish. The EIS, as it
 13 is, recognizes that to a small degree. We believe that
 14 that needs to be a little more -- there needs to be more
 15 analysis, and there needs to be more emphasis placed on
 16 the importance of that segment of river that those fish
 17 traverse through. There also needs to be more importance
 18 and emphasis placed on the estuary at the mouth of the
 19 river. Is that a bottleneck. What are some of the
 20 considerations that are negative impacts that are
 21 affecting the fish at the mouth of the river. We've heard
 22 about sea lion predation, seal predation. That's an easy
 23 one. What about the quality of habitat that's available
 24 to the fish. What about the -- what about the other
 25 things associated with the food web. What about other

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 1 factors. We don't know about those. Those need to be
 2 looked at. You cannot restore Trinity River fish unless
 3 we look at maybe some of those other bottleneck factors.
 4 So it's important that we take a holistic view in
 5 looking at the Klamath Basin. And I'm going to say
 6 Klamath basin because the Trinity is only a portion of the
 7 Klamath Basin. And I'm going to propose that you cannot
 8 restore Trinity fish in a piece of the Klamath Basin
 9 ecosystem unless you restore the entire Klamath Basin
 10 ecosystem. It's one package, and I don't think you can
 11 restore a single part of it, and I surely don't think you
 12 can restore a single part of the Klamath River Basin by
 13 only addressing those instream needs and not looking out
 14 to what those fish -- or what those fish have to go
 15 through in the mainstem of the Klamath River or at the
 16 estuary.
 17 I'd also like to comment on adaptive management
 18 planning and the whole process in terms of where do we go
 19 from here. That process, as laid out in the EIR, I think
 20 is a good workable start. I'd just like to add a few
 21 things: that the tribe needs to be included at all levels
 22 in that process; that it needs to be driven by sound
 23 science; and I do like the idea of a separate, discrete
 24 scientific review panel that looks at the merit of
 25 projects and helps identify which projects should be done

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 1 and which shouldn't be done. I do think that the way the
 2 task force and the TCC operate at present lend an
 3 atmosphere to -- for fighting and horsetrading, and all
 4 that good stuff, over the limited amount of funding we
 5 currently have available here.
 6 I'd like to see some type of objective, numerical
 7 ranking system when it comes to project proposals and
 8 project selection as guided by some type of independent
 9 review, scientific review team. I think that would add
 10 credibility and credence to the projects that are
 11 selected, and it would force the hypothesis-testing type
 12 of process as identified in the EIS to be more meaningful
 13 and separate the politics from the science. So I do like
 14 that portion of it.
 15 The other thing that's going to be necessary is
 16 funding. Right now a lot of people will focus on the
 17 amount of dollars and the effort that has been placed into
 18 the Trinity to date. I do know the task force and the TCC
 19 have struggled with priorities in trying to do the right
 20 thing, and I think their efforts are commendable, but we
 21 have a long ways to go in terms of funding. There's a lot
 22 of debate and discussion and haggling and arguing over
 23 whether you fund monitoring projects or whether you don't
 24 fund monitoring projects. We're a fishing tribe. That
 25 information collected by those monitoring projects helps

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 1 us manage our fisheries responsibly, it helps us predict
 2 how many fish are going to be available for harvest, it
 3 helps us account for run size, escapement information and
 4 our harvest information, and it's important information
 5 and it shouldn't be cast aside. And it's necessary to
 6 monitor the success of any restoration projects. There
 7 also needs to be adequate funding for upslope restoration
 8 projects, too. You can't just throw more water and
 9 restore river and walk away. You've got to do other
 10 things, and you've got to do what's necessary to keep
 11 sediment out of the mainstem river and restore those
 12 tributaries where those fish do spawn. So there needs to
 13 be sufficient amount of funding devoted to the Trinity
 14 River. I was going to say to the restoration program, but
 15 it might not be; it may have been in some other form. But
 16 to the Trinity River. And there needs to be enough of it.
 17 And you need only look at the amounts of fish, the amount
 18 of money that we and others have foregone because of our
 19 water being diverted elsewhere, and it doesn't seem so
 20 much an amount of money when you compare it against that
 21 of the lost opportunities, the lost economic
 22 opportunities, the failure to meet our subsistence needs
 23 for decades and decades. We think it's fair that federal
 24 agencies and others step up to the plate and identify and
 25 ensure that we have enough money in that program to do

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 1 what's necessary.
 2 That concludes my comments. Thanks.
 3 THE HEARING OFFICIAL: Thank you.
 4 Dave Nakamura.
 5 MR. NAKAMURA: Good afternoon. My name is Dave
 6 Nakamura. And just by way of starting this, I have a
 7 number of hats in this community. I work at the Humboldt
 8 State University and work with a lot of the recreation
 9 programs there, including fishing, rafting and river
 10 kayaking. I'm also an elected official with the City of
 11 Blue Lake. I'm a city council member and also presently
 12 a member of the Redwood Region Economic Development
 13 Commission. And I mention those, not necessarily that
 14 these are official positions in any of those
 15 organizations, but that kind of my background on how I'm
 16 looking at this situation.
 17 I'm here to lend support to increase flows to the
 18 Trinity River. I believe that the Trinity River is the
 19 absolute lifeblood of that entire region between the mouth
 20 of the Klamath River all the way up to the Trinity Alps
 21 area. Part of my perspective looking back on this and
 22 listening to other people's comments, where I was kind of
 23 remembering back to the opposite situation, which was the
 24 drought years in the -- I believe it was the early
 25 nineties when the Trinity River was extremely, extremely

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 1 Jimmy Smith.
 2 MR. SMITH: Thank you.
 3 Jimmy Smith, J-I-M-M-Y S-M-I-T-H. And I want to
 4 thank you, too, for being here today.
 5 On behalf of Pacific Coast Federation of
 6 Fishermen's Association, I'd just like to state for the
 7 record that we have not yet completed what our final
 8 request will be concerning the flow regime. I can tell
 9 you, however, that the absolute minimum will be the
 10 preferred alternative. And I'd also probably like to
 11 mention to you that I agree with a lot of the comments
 12 that were made here today: Ed Duggan, Troy Fletcher,
 13 Denver Nelson. The list goes on. Tom Weseloh. Folks
 14 that are very competent and have watched this situation
 15 for a number of years.
 16 The one request that I'd like you to hear clearly
 17 from me today -- and I want to reiterate that -- clearly
 18 -- is that we will not tolerate -- and I'll speak for the
 19 fishing industry here -- we will not tolerate the Central
 20 Valley Project Water Association's constant delays and
 21 implementation of whatever increase in flow that we'll see
 22 here in the near future, and we hope that you will join us
 23 in that effort.
 24 So thanks very much.
 25 THE HEARING OFFICIAL: Thank you for your comments.

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 1 John Stokes.
 2 MR. STOKES: Good afternoon. Thank you for giving
 3 me the opportunity to speak to you today. I am an
 4 attorney in Arcata.
 5 THE HEARING OFFICIAL: Excuse me, please. State
 6 your name and spell it for the record.
 7 MR. STOKES: John Stokes. J-O-H-N S-T-O-K-E-S.
 8 I'm a lifelong resident of Humboldt County. Though I was
 9 born in Alameda County, my family moved here when I was
 10 six months old. I've been fishing the Trinity River for
 11 at least 25 years, otherwise recreating on the river
 12 during nonfishing times.
 13 With all due respect to Mr. Sherman, I feel that I
 14 have a cultural attachment to the Trinity River as well as
 15 he does, although perhaps not as lengthy as his family's
 16 cultural attachment. I agree with Mr. Sherman. I think
 17 that the bottom line here is we're not going to get down
 18 to restoring fisheries on the Trinity River until we
 19 approximate the natural flows of the Trinity River. And
 20 this will not occur unless we substantially exceed the
 21 preferred alternative of 52-percent diversion, and more
 22 likely will not occur unless these dams are removed so
 23 that the natural processes can restore the river.
 24 I am very skeptical about any sort of piecemeal
 25 restoration efforts. I'm very skeptical that some sort of

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 1 mechanical manipulation of the streambed will result in
 2 removing the clogged, extremely clogged, riparian
 3 situation along the upper river, which is, as time goes
 4 by, gradually going farther and farther downriver. The
 5 river is becoming less and less able to clean itself out
 6 after each -- during each year, and I don't think that
 7 we're going to approximate that until we get close to
 8 natural flows and close to natural levels, and I don't see
 9 50 percent doing it.
 10 I think the histories of fisheries restoration has
 11 shown that we spend millions, if not billions, of dollars
 12 on efforts that have little or no effect on bringing the
 13 fisheries back. A good example would be look at the
 14 Columbia River Basin. Look at the fact that they have
 15 spent billions of dollars trucking fish in barges down
 16 through these dams to get them downstream so they can go
 17 to the ocean. The net result has been a continued decline
 18 of the fisheries.
 19 During my experience in the last 25 years, I have
 20 witnessed a continual decline in the fish available or the
 21 fisheries on the Trinity River. And I don't say that
 22 lightly. During probably between the beginning of
 23 September and the middle of November, on the average I am
 24 on the river two to three times a week for several hours
 25 at a shot, and this has been true over the last 15 or 20

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 1 years. In the last few years, the number of fish on the
 2 river -- and I'm speaking about steelhead -- is virtually
 3 -- there aren't any. They've virtually disappeared. And
 4 I don't know whether we can just directly connect this to
 5 the dams, but I can't help but feeling that this is a
 6 decline that has occurred gradually and persistently ever
 7 since those dams were put in. And I don't see how there's
 8 any way we're going to reverse that without doing
 9 something rather drastic instead of piecemeal.
 10 I thank you for giving me the opportunity to speak.
 11 THE HEARING OFFICIAL: Thank you, Mr. Stokes, for
 12 your comments.
 13 We have now heard from everyone that registered to
 14 speak. If there's anyone in the audience that would like
 15 to make a statement, please go to the registration table
 16 to fill out a card.
 17 We're scheduled to go until 3:00 p.m. this
 18 afternoon, and we'll keep the hearing here in place, but
 19 unless someone else fills out a slip right now, we'll take
 20 a break and reconvene when someone does that.
 21 We're now off the record.
 22 (Off the record.)
 23 We're back on the record.
 24 We've not had anyone else sign up to speak, and so
 25 I'd like to close the afternoon portion of the hearing

1 low. I'm sure many of you remember those years. If you⁴¹
 2 looked at the river at that time, during the summer
 3 months, boy, the temperature of that water was amazing. I
 4 think if you looked at the gravel bars and the situation
 5 where, what was happening with the streambeds, you can see
 6 what low flows were doing to the river. You could see
 7 what low flows were doing to the willow stands along the
 8 side of the river. I think increased flows, if you just
 9 propose that, are really going to benefit the river both
 10 ecologically and economically.

11 I would like to tag onto a couple of comments that
 12 were made by a couple of people earlier. There was a
 13 woman from the Six Rivers Canoeing Club. She made a
 14 number of comments regarding the river flows and how it
 15 affects her constituency, the whitewater canoeists, and I
 16 think everything that she said was very, very true in
 17 terms of the recreational use of that river. Ed Duggan
 18 also made some comments regarding the flows and how --
 19 the fact that when the river flows are essentially turned
 20 down on October 15th, what a significant impact that has
 21 on recreation as well. I've been up there quite a bit
 22 over the last two months doing whitewater rafting trips,
 23 doing kayaking trips, and it's really an interesting
 24 thing, once the water goes down that drastically, I think
 25 both for the economics of the recreation industry up

1 there, but also just looking at what happens to the river⁴²
 2 flow and the streambeds.

3 Lastly, I think that the river flows are absolutely
 4 critical for a number of recreation industries up there,
 5 including the whitewater rafting industry and the fishing
 6 industries.

7 Thank you.

8 THE HEARING OFFICIAL: Thank you for your comments.
 9 Duane Sherman? Is Duane Sherman here?

10 We'll set his card aside.

11 UNIDENTIFIED SPEAKER: Here he comes.

12 THE HEARING OFFICIAL: Okay. Duane Sherman, would
 13 you come up to the microphone, please. You're our next
 14 speaker.

15 MR. SHERMAN: First of all, let me identify that
 16 I'm only here on behalf of myself and not as the chairman
 17 of the Hoopa Valley Tribe.

18 (Speaking in foreign language; not reported.)

19 And what I said, was since time immemorial the
 20 Hoopa Tribe has used the Trinity River. It's important to
 21 us because it's life-sustaining. It sustains life not
 22 only through acorns, through salmon, through deer, but it
 23 means a lot more than that to us. In speaking as an
 24 individual and knowing that my roots run deep within the
 25 Hoopa Valley. For over 10,000 years the Hoopa tribe has

1 been located there, and my family has originated from⁴³
 2 there, and when you talk about agreements that were made,
 3 treaties that were never ratified, when you talk about the
 4 original legislation that was enacted in 1955 that created
 5 the dam on the Trinity River, promises have not been kept.
 6 Water transportation and water deliveries out of the
 7 basin, salmon habitat that has been destroyed or
 8 nonexistent anymore, several hundred miles of habitat. I
 9 think we need to look at what the real problem is, and the
 10 real problem, the bottom line, is the dam, and until the
 11 Bureau of Reclamation, until all the associated counties
 12 involved, look at the bottom line of actually removing the
 13 dam, then the problem will never really be solved.

14 This document that we're talking about today, that
 15 we're discussing today, is the best effort so far. Does
 16 it get us there where we need to be? No, it doesn't. But
 17 I think if we study it any longer, we'll fail. And by
 18 that I mean this is a 12-year process; it's a 14-year
 19 process. But when you look at it from the original
 20 legislation of 1955, you know it's a 30-or-40-year
 21 process. And at some point in time we need to address the
 22 real issue and we need to stop studying it and we need to
 23 enact on the legislation, the original legislation that
 24 said that. Not one delivery out of the basin, not one
 25 export would ever occur that would adversely affect those

1 involved who depend upon that for their very life.⁴⁴

2 Now, we have a lot of user groups who have come in
 3 here today and basically said that it doesn't go far
 4 enough, and I agree with that, but they can pick up and go
 5 use a different river; they can pick up and go flyfish
 6 somewhere else, go kayak somewhere else tomorrow. But I
 7 have a cultural, historical tie to that valley, and I will
 8 never, ever leave that valley. Like the generations who
 9 have come before me, I'll be there. And hopefully in
 10 10,000 years my family will still be there, and hopefully
 11 this issue will be no longer.

12 But I will submit written comments as an
 13 individual, not as -- not as the tribal representative,
 14 and I would just hope that the record would be open long
 15 enough. And I would hope the best science is being used,
 16 because I don't think that what we've come to agree upon
 17 today isn't going to be a political question where
 18 counties, where tribal governments, where state and
 19 federal agencies get involved, and it becomes a political
 20 question where the best science is not being used or will
 21 we actually use what we know is right. And the bottom
 22 line is the dam has to go.

23 Thank you.

24 THE HEARING OFFICIAL: Thank you for your time, Mr.
 25 Sherman.

1 with a reminder that we will be here again this evening 49
 2 from 6:00 to 8:00 p.m.
 3 I'd like to thank all of you for coming and making
 4 statements this afternoon.
 5 The hearing -- or the afternoon portion of the
 6 hearing, is hereby closed. We're off the record.
 7 [Afternoon session concluded.]
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 2 EVENING SESSION 6:00 P.M.
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 4 THE HEARING OFFICIAL: We're on the record.
 5 Good evening. On behalf of the United States Fish
 6 and Wildlife Service, I welcome you to this public
 7 hearing.
 8 The U.S. Fish and Wildlife Service, U.S. Bureau of
 9 Reclamation, Hoopa Valley Tribe and Trinity County are
 10 connecting a joint process for taking comments in the
 11 draft Environmental Impact Statement/Environmental Impact
 12 Report for the Trinity River Mainstem Fishery Restoration.
 13 My name is Robert Ruesink. The last name is
 14 spelled R-U-E-S, as in Sierra, I-M-K. I'm the supervisor
 15 of the Snake River Basin Office of the Fish and Wildlife
 16 Service in Boise, Idaho, and tonight I'll be serving as
 17 the presiding official for this hearing.
 18 We had a hearing this afternoon from 1:00 to 3:00
 19 p.m., and this is the last in the series of the hearings;
 20 we're scheduled to go until 8:00 p.m. this evening.
 21 At the table with me are representatives from the
 22 Fish and Wildlife Service, Bureau of Reclamation, Hoopa
 23 Valley Tribe and Trinity County. You'll been hearing more
 24 from these folks in just a minute.
 25 Other representatives of the U.S. Fish and Wildlife

1 Service are also at the hearing this evening. Many of 51
 2 them are present in the back of the room or outside at the
 3 information and the registration table. You will find
 4 additional information about Trinity River restoration at
 5 that information table, and I'm sure that the staff will
 6 be happy to try to answer questions that you may have
 7 about that restoration.
 8 At this point I'd like to introduce Bruce Halstead,
 9 who will make the official-service presentation.
 10 Bruce.
 11 MR. HALSTEAD: Thank you, Bob.
 12 Good evening. My name is Bruce Halstead. I'm with
 13 the U.S. Fish and Wildlife Service in Arcata, California.
 14 Release of the draft Trinity River Mainstem Fishery
 15 Restoration EIS/EIR is the latest step in a process that
 16 Congress initiated several years to address long-standing
 17 concerns about the effects of water diversion, instream
 18 habitat, sedimentation, and the watershed management
 19 issues on the Trinity River system's health, including
 20 its once-abundant salmon runs.
 21 Congress directed the Secretary of the Interior to
 22 evaluate the impact of these issues and to take steps to
 23 restore the health of the Trinity River system. In
 24 response to this Congressional mandate, the Department of
 25 the Interior has been actively participating in a study

1 for more than 15 years. This has been a collaborative 52
 2 effort led by the U.S. Fish and Wildlife Service, U.S.
 3 Bureau of Reclamation, the Hoopa Valley Tribe and Trinity
 4 County.
 5 The EIS/EIR summarizes the research that has been
 6 undertaken over the past several years and identifies for
 7 public comment several potential alternatives for
 8 restoring the Trinity River system. Impacts considered
 9 under the National Environmental Policy Act and the
 10 California Environmental Quality Act are not limited to
 11 impacts to the fishery resources of the Trinity River but
 12 include all impacts of the action affecting the human
 13 environment. The Department encourages public comment on
 14 all aspects of the draft EIS/EIR.
 15 The public hearing is part of the comment process
 16 on the draft EIS/EIR. It will be closed December 20th,
 17 1999. A record of decision by the Secretary of the
 18 Interior is expected in the early spring of 2000.
 19 On behalf of the U.S. Fish and Wildlife Service,
 20 the Bureau of Reclamation, the Hoopa Valley Tribe and
 21 Trinity County, I thank you for the effort you have made
 22 to attend this meeting and also thank you in advance for
 23 your comments.
 24 Now I'd like you to listen to some introductory
 25 remarks from Supervisor Chris Erickson, who is a

1 representative from Trinity County. 53
 2 Chris.
 3 MR. ERICKSON: Thanks. I'm Chris Erickson,
 4 Supervisor from Trinity County. And the reason Trinity
 5 County is interested in these hearings is that we're the
 6 lead agency under the California Environmental Quality Act
 7 for this document.
 8 On my right is Mike Orcutt from the Hoopa Valley
 9 Tribe.
 10 Mike.
 11 MR. ORCUTT: Good evening. I'm here on behalf of
 12 the Hoopa Valley Tribe. I just wanted to make some brief
 13 remarks, kind of give you the sense of kind of where we're
 14 coming from.
 15 The tribe that owns about 90,000 acres of land on
 16 the lower Trinity River and fish and wildlife resources of
 17 the basin are important; they have been important to the
 18 survival of the Hupa people for a good number of years.
 19 The tribe has records of village sites, people, and the
 20 Hoopa people being on the lower Trinity River and at least
 21 -- being there at least 7500 years. And the status of
 22 that resource is one in which some of the background
 23 information that is available will state, as well as in
 24 the EIS, is that the status of the resources, one of which
 25 -- at least one species is listed under the Endangered

1 Species Act, and steelhead, another important species, 54
 2 probably going to be listed in the near future. So I
 3 think the trend in the basin is one in which there's some
 4 steady declines. We know some of the reasons behind that.
 5 And as is stated in some of the earlier remarks here,
 6 Congress has intervened, seeing the importance of the
 7 fishery to the basin, the people there, and the 1992 CVPIA
 8 legislation, then, is part of the mandate that's being
 9 fulfilled here in terms of the flow study and the
 10 accompanying EIS.
 11 So we're here tonight to gather comments. And I
 12 want to thank you in advance for taking an interest in
 13 this important issue.
 14 MR. SMITH: Good evening. My name is Russell
 15 Smith. I'm the Environmental and Natural Resources
 16 Division Chief of the Northern California area office.
 17 It's located at Shasta Dam.
 18 The Trinity River is part of the Trinity division
 19 of the Central Valley project, and our office administers
 20 that project. I've been working to restore the fish and
 21 wildlife for the Trinity Basin for 11 years and
 22 represented reclamation in this EIR/EIS process.
 23 THE HEARING OFFICIAL: Thank you.
 24 Public comments on the draft EIS/EIR will be
 25 accepted until December 20th, 1999. After review and

1 consideration of your comments, the four co-lead agencies, 55
 2 along with the cooperating agencies, will prepare a final
 3 EIS/EIR.
 4 The purpose of this hearing is to receive your
 5 comments on the draft documents. Comments on all aspects
 6 of the alternatives described in those documents are very
 7 important and will be carefully considered. Because of
 8 the importance of your comments, it is necessary that we
 9 follow certain procedures here this evening.
 10 If you want to present comments at the hearing,
 11 please register at the table outside this room. When you
 12 register, indicate any organization that you represent.
 13 When you are called to present your comments, please come
 14 forward to the microphone in front. Begin your
 15 presentation by stating your full name, spell it for the
 16 record, and indicate if you represent an organization.
 17 This is an informal hearing, and therefore you will
 18 not be questioned or cross-examined in connection with
 19 your comments, nor will any of the representatives of the
 20 agencies at the front table respond to your comments.
 21 Your comments or questions are being recorded by
 22 the reporter to preserve them for the record. Please keep
 23 in mind that the reporter will not record any statements
 24 from the audience or which are made to the audience.
 25 Comments must be made into the microphone and addressed to

1 the agency representatives at the front table. Please 56
 2 leave a copy of any written material to which you refer
 3 with the reporter or with the registration staff. If you
 4 are reading your testimony, we ask that you read slowly
 5 for the reporter to be able to record your comments and
 6 have a verbatim record of those comments.
 7 Instead of presenting oral comments here this
 8 evening or in addition to oral comments, you may submit
 9 comments in writing. Written comments may be submitted
 10 this evening to the staff at the registration table or
 11 they may be mailed to Mr. Joe Polos, P-O-L-O-S, U.S. Fish
 12 and Wildlife Service; 1655 Heindon -- H-E-I-N-D-O-N --
 13 Road, Arcata, California, 95521. This address is
 14 available at the registration and information tables.
 15 Written comments will be accepted through December 20th,
 16 1999. Written comments will be given the same
 17 consideration as oral comments that are presented here
 18 this evening.
 19 At this time we are ready for our first speaker.
 20 Ms. Emelia Berol, would you please come to the
 21 microphone, state your name and spell it for the record,
 22 identify who you represent, and begin your comments.
 23 MS. BEROL: Good evening. My name is Emelia Berol,
 24 E-M-E-L-I-A B-E-R-O-L. I live in Arcata, California.
 25 I've lived in Northern California all of my life, and I

1 moved to the South Fork Trinity in 1971 and lived there
2 for nine years. I've been interested in Trinity River and
3 South Fork Trinity issues since those days. The last five
4 years I've been working as an environmental journalist and
5 videographer on the Trinity River and produced a
6 documentary last year about the Trinities, so I'm very
7 familiar with the issues.

8 I was not involved with the scoping for this flow
9 study. I wish I had been, because I feel that the study,
10 the way it was designed, is a bit of a stacked deck. I
11 really don't like the fact that there was not an
12 alternative between 48 percent and 98 percent. I don't
13 think that's really rational. Recent studies have shown
14 that there are other ways of managing the river besides
15 taking half the water or putting all of it back in.

16 I also object to the fact that the "no dam" option
17 was thrown out of the study. I understand that the --
18 there are reasons that supposedly justify why that option
19 was eliminated, but, as a journalist, I've talked to a lot
20 of people in Trinity County and Weaverville; I've spent a
21 lot of time wandering around the streets of Weaverville
22 talking to just everybody that lives there, works in the
23 stores. I've interviewed a lot of people for articles
24 I've written and for the video I made. And I don't know
25 anyone in Trinity County -- I honestly don't know anyone

1 that wouldn't like to see the dam come down. I think it's
2 a terrible injustice that that was not even looked at.

3 I also notice that three of the alternatives, the
4 "no action" and the state, and there's another one, all of
5 them seem to favor the benefiter of the dams, the people
6 who use the resource. It doesn't benefit the people of
7 Trinity County. So I think it would have been fair to
8 them to at least consider the "no dam" option.

9 With that said, I'll go on.

10 The EIS -- this is falling over. I want to read
11 from the executive summary, what it says, the purpose and
12 need for the action.

13 It says: "The purpose of the proposed action is to
14 restore and maintain the natural production of anadromous
15 fish on the Trinity River mainstem downstream of Lewiston
16 Dam. The need for this action results from Congress.

17 One, mandate that diversions of water from the Trinity
18 River to the Central Valley project not be detrimental to
19 Trinity River fish and wildlife resources; two, finding
20 that construction and operation of the Trinity River
21 division as well as other factors have contributed to
22 detrimental effects to habitat and have resulted in
23 drastic reductions in anadromous fish populations; three,
24 finding that restoration of depleted stocks of naturally
25 produced anadromous fish is critical to the dependent

1 tribal, commercial and sports fisheries; and, four,
2 confirmation of the federal trust responsibility to
3 protect tribal fishery resources affected by the TRD.

4 So what I'm reading here is that this is not about
5 all those other economic factors; it's about restoring the
6 fish. The maximum alternative is probably the one that
7 will most likely restore the fishery. Taking down the
8 Lewiston Dam is my vote, for starters. If you really want
9 to restore the fishery, you can't restore the fishery
10 without the water.

11 Secondly, the use of the water, I think, is
12 wasteful. You can grow cotton in many other places in the
13 world besides the westlands. I used to grow alfalfa in my
14 orchard in Willow Creek, and I grow lettuce in my garden
15 every year, and any fool can grow lettuce. Only wild
16 rivers produce wild salmon, and the wild salmon are
17 disappearing. We're losing our salmon. We're losing the
18 steelhead. The Trinity River is a sourced river. As the
19 Trinities fisheries collapse, all these other rivers
20 throughout this region are collapsing. The Trinity is the
21 biggest tributary of the Klamath River. The Klamath River
22 ESU is very important. If we lose that -- I mean, the
23 Sacramento and the Rogue are the biggest -- it's the
24 biggest river system in between those two large river
25 systems. We have a great responsibility here.

1 The preferred alternative is certainly the least
2 that would be acceptable. The least. I don't like that
3 this is -- could be turned into a political issue. I
4 mean, I think we have plenty of good science. We have
5 plenty of good legal grounds that are stated in the
6 executive summary.

7 So, in closing, I ask you to make the decision, to
8 encourage the decision, that will restore the fishery,
9 truly restore the fishery. Mechanical manipulations have
10 proven themselves costly and not necessarily effective.

11 So that's all I have to say. Again, I would like
12 to just reiterate that we're losing our wild salmon stocks
13 all up and down the West Coast. The Trinity River is one
14 of the most important fisheries that we had in this entire
15 stretch of the West Coast, and I think that needs to be a
16 priority consideration.

17 Thank you.

18 THE HEARING OFFICIAL: Thank you for your comments.

19 Our next speaker is Kristi Wrigley.

20 MS. WRIGLEY: My name is Kristi, K-R-I-S-T-I,
21 Wrigley, W-R-I-G-L-E-Y. And I live in Elk River. I've
22 lived in Humboldt County most of my life. I was educated
23 out of here and lived out of the county for ten years.

24 I would like to say that in the last couple of
25 months I went to a Water Quality meeting where we listened

1 to a gentleman tell us about the studies on the Trinity ⁶¹
 2 River, and when the dam was originally designed they did a
 3 study to see how much of the water that should be
 4 diverted, and I don't remember the exact alternative but
 5 I'll be pretty close. It was something like 52 percent --
 6 was not more than 52 percent of the water should be
 7 diverted. And recently another study was conducted over
 8 many years at a cost to us that do our best to pay our
 9 taxes, and it determined that the process of the diversion
 10 shouldn't be more than 53 percent. And right now it
 11 stands at 71 percent. It's gone as high as 90 percent,
 12 that I'm aware of.

13 I do not understand how the political strengths can
 14 override the pragmatic and the science that has so
 15 strenuously been put into these studies and to take the
 16 water away. It does not make good sense. You are -- we
 17 are the ones that are really paying the price. The fish
 18 are paying the higher price. It does not make sense to
 19 divert more than 30 percent, in my understanding, of using
 20 common sense, good judgment and consideration for the
 21 environment that we are trying to live from over the long
 22 run.

23 I also am of farming heritage, and find it rather
 24 deplorable that we export water to an area to grow food
 25 and truck it back up here when we could produce more of

1 that food ourselves, if we could make use of some of our ⁶²
 2 own growing lands up here. But it's not a very viable
 3 alternative right now. Water's pretty expensive.

4 So I would be advocate that you -- certainly not
 5 more than 30 percent, if that much, if you really want
 6 fish, and we do, take the dam down.

7 Thank you.

8 THE HEARING OFFICIAL: Thank you.

9 Jesse Noell.

10 MR. NOELL: My name is Jesse Noell, J-E-S-S-E
 11 N-O-E-L-L. Thank you for the opportunity to speak
 12 tonight.

13 It's my understanding that there are problems with
 14 fish populations. Several of the commenters have pointed
 15 this out, and I understand that that was the reason for
 16 the flow study in part, to look at the impacts on the fish
 17 population, including temperature. And Emelia Berol just
 18 pointed out that she was advocating removal of the
 19 Lewiston Dam. I'd like to know why it was that that was
 20 not considered. It seems that that would provide eight or
 21 nine more miles of habitat and for spawning and rearing,
 22 and that's one of the things that needs to be accomplished
 23 if we're to bring back the fish, is an increase in that.
 24 Seems that that would fit one of the objectives of the
 25 proposed -- I might have to put on my glasses here for a

1 minute -- the purpose and need to restore the natural ⁶³
 2 production of fish and wildlife.

3 So it's my understanding that the scoping for this
 4 project and the alternatives was developed more than a
 5 decade ago. Can you tell me whether that was true?

6 Mr. Halstead?

7 THE HEARING OFFICIAL: Mr. Noell, we're really here
 8 to get your comments, concerns and questions, and we're
 9 not answering those questions, at least in the hearing
 10 here. If we do take a break, I would encourage you to
 11 seek some of the Fish and Wildlife Service staff that will
 12 be at the information table to have that discussion, but
 13 here we're just really taking your comments and entering
 14 into the record.

15 MR. NOELL: Okay. It is an invitation to come back
 16 up and speak, then?

17 THE HEARING OFFICIAL: Well, again, we will not
 18 have a response here this evening on the record to the
 19 questions, but they can certainly be a part of a
 20 discussion that you would have with staff from the Fish
 21 and Wildlife Service if we take a break from the hearing.
 22 But the purpose and the time allotted was really to allow
 23 everyone a chance to speak and give comments on those
 24 draft documents.

25 MR. NOELL: And that was to get -- I suppose to

1 give people who don't write an opportunity to speak into ⁶⁴
 2 the microphone and have the court recorder record what
 3 they said, right?

4 THE HEARING OFFICIAL: Well, again, it is not
 5 intended to be a question-and-answer type of a session;
 6 we're here to listen to you and everyone else that may
 7 have something to say about the proposal.

8 MR. NOELL: Okay. Thank you for considering my
 9 comments, and I hope that you'll reopen the scoping to
 10 address some of these alternatives that have not been
 11 given proper consideration. I think it's important in
 12 this case, because both the coho and now other salmonids
 13 are being listed, and they weren't considered. That
 14 wasn't right at the time, at the time that the scoping of
 15 the issues was developed.

16 So, with that, I close my remarks, and I thank you.

17 THE HEARING OFFICIAL: Thank you.

18 Denver Nelson.

19 MR. NELSON: I spoke to you once before. Can I
 20 speak again?

21 THE HEARING OFFICIAL: Yes.

22 Please state your name again and spell it for the
 23 record.

24 MR. NELSON: Denver Nelson, N-E-L-S-O-N.

25 I gave you sort of a technical talk earlier today,

1 and I was inspired by the Hoopa tribal chairman, who ⁶⁵
 2 outlined that he -- his people had lived in the area for
 3 10,000 years, and, you know, the legal precedent for that,
 4 of course, is the Tribal Trust Act, which is taken care
 5 of, or at least talked about, in these documents.
 6 There's another -- you know, I have had a place on
 7 the Klamath River for many years, and I feel probably as
 8 strongly as the tribal chairman does about the river, and
 9 I think the legal precedence for that is the Public Trust
 10 Doctrine. And I actually went home and reviewed, did a
 11 search on the CD of these documents, and there is not much
 12 mention of the Public Trust Doctrine. So I came back to
 13 make sure that the Public Trust Doctrine is included in
 14 your discussions and decisions. I have brought it up once
 15 before at a Bureau of Reclamation hearing and people
 16 didn't know what it was, so I thought I would quote to you
 17 what the Public Trust Doctrine is.
 18 It's a -- and this is from the state lands
 19 Department, the solicitor.
 20 "The public trust doctrine is an affirmation of the
 21 duty of the state to protect the people's common heritage
 22 in streams, lakes, marshlands and tidelands, surrounding
 23 that right of protection only in rare cases when the
 24 abandonment of that right is consistent with the purposes
 25 of the trust. And, of course, the Public Trust Doctrine

1 is the basis for the Mono Lake decision which overturned ⁶⁶
 2 the water rights of Los Angeles County and that changed
 3 the flow of the Los Angeles aqueduct, and I think it's
 4 very important to understand and use that as one of the
 5 legal precedences in -- along with the Tribal Trust
 6 Doctrine for sort of nontribal people. I think it's very
 7 important that you consider and act upon the Public Trust
 8 Doctrine in the flow studies and in the EIR and EIS.
 9 Thank you.
 10 THE HEARING OFFICIAL: Thank you for those
 11 additional comments, Mr. Nelson.
 12 Jaime O'Donnell.
 13 MR. O'DONNELL: Hello. My name is Jaime,
 14 J-A-I-M-E, O'Donnell, O-D-O-N-N-E-L-L. I'm the owner of
 15 Aurora River Adventures. It's one of the largest
 16 whitewater rafting companies in the northwest part of
 17 California. We are based on the Trinity River. I am also
 18 on the board of the Friends of the Trinity River. I'm one
 19 of the liaison and lead members of the Six Rivers
 20 Outfitter Guide Association. And I'm also a designated
 21 rep for California Outdoors, which is the largest trade
 22 association for commercial whitewater rafting companies in
 23 California.
 24 I'm here to express my concern and absolute
 25 conviction of the economic benefits and prosperity on the

1 North Coast that can result from additional water flow on ⁶⁷
 2 the Trinity River.
 3 Although I'm aware this decision is focused on
 4 restoration of fish and wildlife, I want to elaborate on a
 5 complementing benefit that increased water flows will have
 6 on commercial rafting and tourism. I appreciate the
 7 opportunity to finally make comment on this long overdue
 8 EIS/EIR. I believe the time has come to complete this
 9 process, and I urge you not to extend the comment period
 10 beyond the December 20th deadline that is currently
 11 established.
 12 I'm preparing for my thirteenth year in commercial
 13 whitewater rafting industry in Northern California, with
 14 the Trinity River being my company's single biggest, most
 15 important river used in commercial rafting. Over the past
 16 decade, commercial rafting has increased dramatically on
 17 the Trinity River, with locally owned companies being the
 18 largest commercial users on the main fork and its
 19 tributaries. In the mid-nineties, the Big Bar Ranger
 20 District saw 100-percent increase annually in commercial
 21 use. In 1988, previous to additional water flow being
 22 released, there were simply 500 commercial user days. By
 23 1994, there was 5,000 commercial user days. That's
 24 1000-percent increase in a six-year period of time. Most
 25 of this increase occurred in the years of 1992 through

1 1994. This is the same time period the administrative ⁶⁸
 2 appeal had been filed by the Hoopa tribe, which guaranteed
 3 a minimum water flow of 340,000 acre-feet per year.
 4 Essentially, increased water flows equated out to
 5 increased boom and business that was nonexistent to
 6 pre-1988.
 7 Most rafting companies on the Trinity have shown a
 8 steady increase in growth over the past decade, some years
 9 showing more than a 25-percent increase annually in the
 10 number of commercial whitewater user days. It's clear to
 11 me that this demonstrates that a reliable water flow has
 12 an impact on the growth of commercial rafting on the
 13 Trinity River. Of the 22 permitted rafting companies on
 14 the Trinity River, 50 percent are Northern California,
 15 locally based operations. These 12 rafting companies boat
 16 primarily on the Trinity River, and that's defined by at
 17 least 60 percent of their gross revenues achieved on the
 18 Trinity. The approximate annual gross revenue generated
 19 by these companies is between 400,000 and \$500,000. The
 20 California State Office of Tourism has statistical
 21 information that shows a recycling factor of approximately
 22 3.5 times for the recreational tourism dollar.
 23 Specifically, this means that for every dollar generated
 24 by North Coast rafting companies, these dollars are reused
 25 within our host communities 3.5 times. Therefore, the

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 1 economic impact of commercial rafting alone comes into the
 2 range of 1.4- to 1.75 million dollars annually.
 3 Downstream users benefitting from this explosive
 4 growth include restaurants, motels, service-provider
 5 companies, private and government campgrounds. Economic
 6 gain is not only generated by the visitor or specific
 7 client, but it is also felt throughout the counties by the
 8 amount of employment opportunities. My business has
 9 experienced a rapid growth in payroll and number of
 10 employees annually since about 1995.
 11 Additional water releases during low run-off
 12 months, specifically, from July 1st through September
 13 30th, would ensure an adequate, reliable supply of water
 14 to allow our industry to continue to grow and contribute
 15 to the economies of Humboldt and Trinity counties.
 16 Increased water flow during these times would have
 17 significant impact, enabling companies to book trips to
 18 the end of September. Currently, most commercial
 19 outfitter reservations are sharply reduced after Labor
 20 Day, when the flow has traditionally been cut back to an
 21 inadequate level to perform commercial ventures.
 22 Another specific economic gain for rafting
 23 companies would be the opportunity to utilize the Burnt
 24 Ranch Gorge throughout the summer. Although there are
 25 only four permits issued on the gorge, the use can be

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 1 extremely high. The season for the gorge is completely
 2 dependent on flow and release. Increases of water from
 3 the current 450 to approximately 800 CSF from July 1st to
 4 September 15th would guarantee those outfitters an
 5 opportunity that presently ends sometime in early summer.
 6 Although my expertise is in commercial uses of the river,
 7 the use of private individual boaters, boating and
 8 canoeing clubs and rental companies also has dramatically
 9 increased over the past decade. Additional water releases
 10 would also greatly augment this use. Despite the
 11 difficulty in accumulating exact figures for private use,
 12 they also have a significant impact on the economy of the
 13 Trinity River Basin in both counties.
 14 In closing, I'm urging you to support additional
 15 water releases for the economic benefits of the recreation
 16 industry, our affiliates, and other downstream users. The
 17 original legislation creating the Trinity River division
 18 clearly prioritized Trinity fish and wildlife over any
 19 diversions to the CVP. I believe the flow evaluation
 20 alternative will provide the Trinity River with adequate
 21 water needed to restore the fisheries and support the
 22 developing recreation tourism dependent on the Trinity
 23 River.
 24 Thank you.
 25 THE HEARING OFFICIAL: Thank you for your comments.

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 1 Aida Parkinson.
 2 MS. PARKINSON: Good evening. My name is Aida
 3 Parkinson. It's A-I-D-A P-A-R-K-I-N-S-O-N. I've been a
 4 resident of Humboldt County since 1992, and I'm a native
 5 Californian for about several generations back. I'd like
 6 to comment on the recreational analysis for the whitewater
 7 boating section.
 8 Table 3.32 identifies a preferred flow range for
 9 whitewater rafting and kayaking as 300 to 8,000 cubic feet
 10 per second. Three hundred cubic feet per second is too low
 11 for safe and enjoyable whitewater kayaking. I've kayaked
 12 about 100 days a year since probably 1994. I actually
 13 have a full-time job. I have kayaked at least once a
 14 month since 1993 throughout the year, and I average about
 15 30 runs a year on the mainstem of the Trinity at all water
 16 levels, between 300 up to about 15,000 CFS. Four hundred
 17 fifty CFS would be a more preferred minimal flow. An
 18 optimal flow was not really identified in your
 19 recreational analysis, and there are presently standards
 20 for developing preferred thresholds for whitewater
 21 kayaking. FERC is using those in its relicensing
 22 projects.
 23 With respect to alternatives for restoration,
 24 restoration of the Trinity River ecosystem requires a
 25 minimal diversion from the river. What's good for the

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 1 fish will make the kayakers happy. The flow schedules
 2 under the flow evaluation alternative do not provide
 3 sufficient water for restoration of the fisheries. My
 4 preference would be for a dam-removal alternative, and
 5 that particular alternative should probably be carried
 6 through for a full analysis in the final EIS.
 7 We appreciate the opportunity to comment on this.
 8 Thank you very much.
 9 THE HEARING OFFICIAL: Thank you for your comment.
 10 Dan Doble.
 11 MR. DOBLE: Good evening. My name is Dan, D-A-N,
 12 D-O-B-L-E, and I represent myself and the Northern
 13 California council of Trout Unlimited, which I am the
 14 Northern California president of.
 15 At this time our membership has had some interest,
 16 of course, and that's because we are very profoundly
 17 interested in the salmon and steelhead restoration in all
 18 of Northern California, Trinity River being a particular
 19 interest. Historically, the runs were some of the best
 20 courses in the nation. The membership that I hold myself
 21 and others representing several thousand members in our
 22 state have the unique opportunity, having been educated,
 23 to some extent or another, as to the environmental
 24 recourse and the circumstances involved with the removal
 25 of water from the river. The response has been almost

1 universally, even though, of course, life in the valley ⁷³
 2 is somewhat dependent on water resources there, that the
 3 only fair alternative, given only two choices of 42
 4 percent or 98 percent, would of course be favorable to the
 5 98 percent return of water. Privately, most would support
 6 removal of Lewiston Dam with very, very little urging.
 7 I would like to go on record as supporting the most
 8 possible return of water to the Trinity River for all the
 9 economic, recreational and, of course, for the fish
 10 themselves.
 11 I thank you very much for allowing me to comment.
 12 THE HEARING OFFICIAL: Thank you for your comment.
 13 Dave Morrow.
 14 MR. MORROW: Good evening. My name is David
 15 Morrow, M-O-R-R-O-W.
 16 Thank you for the opportunity to speak to you
 17 tonight.
 18 My family are farmers in the Central Valley, and in
 19 Paso Robles area of San Luis Obispo County. We grow small
 20 grains and we have vineyards, and those crops are heavy
 21 water users. We pump fossil water from deep wells, and
 22 our irrigation costs for vineyards can average about
 23 \$1,000 a day for a 40-acre block. That would be usually
 24 irrigated once a week for about 20 weeks a year.
 25 One of the problems that we have as growers is

1 trying to compete with farmers who have access to the ⁷⁴
 2 canal water, which is heavily subsidized by the federal
 3 government through the construction of dams and canal
 4 system. And I probably would not be popular with those
 5 users in advocating more of a fair market.
 6 The basic thing that I've seen in farming is that
 7 when a resource is cheap it's wasted. For instance, my
 8 family uses drip irrigation on our vineyards. People in
 9 other parts of the valley who have access to what we call
 10 "ditch water," or the Central Water project or other
 11 sources like that, usually use furrow irrigation, or
 12 sometimes they'll use sprinkler sets. And sprinklers have
 13 about a 40-percent evaporation rate. Furrow irrigation is
 14 very wasteful, because you have to put a lot of water in
 15 at the beginning to push it out to the far end of the
 16 field, and there's a tremendous amount of water loss down
 17 below the root zone at your initial point of pumping.
 18 Now, people say, well, that's family farmers who
 19 are dependent upon those water sources. One of our
 20 neighbors who grows cotton is Westlake Farms. Their
 21 9,000-acre farm, they pump water using D-8 and D-9 cats
 22 through pumps that have a 20-inch outfall in roughly
 23 10,000 gallons a minute, and they irrigate cotton and
 24 other crops with, again, heavily subsidized water.
 25 So when we look at the economics of this project, I

1 think, just on a fairness doctrine, it would be much more ⁷⁵
 2 efficient if the farmers who receive water from the
 3 Trinity and other systems like this paid the fair market
 4 value and they were actually competing on a level playing
 5 field, because right now, through the system that's been
 6 devised back in the fifties and sixties, you know, it's an
 7 inefficient allocation of resources.
 8 I went over to the dam yesterday, which was the
 9 anniversary of President Kennedy's death, and listened to
 10 his voice at the dam. You can push the button and you can
 11 hear him talking about this wonderful dam and how it's
 12 providing a use of the water and it's no longer wastefully
 13 going out into the ocean. That was a few months -- I
 14 think in July, he gave that speech, a few months before
 15 his death in 1963. Well, times have changed. You know,
 16 the population of the United States is about 100 million
 17 more, and the population of California has quintupled.
 18 There's a tremendous demand on resources for fisheries,
 19 for recreation, for wildlife, and the amount of wild
 20 resources has really diminished to the extent that the
 21 Trinity is a real gem.
 22 And I advocate restoration of the flows to the
 23 water that will sustain a real healthy fish population.
 24 The fish is obviously a real important part of the food
 25 chain for the birds and the animals that live along the

1 river, and the people who actually lived on fish for part ⁷⁶
 2 of the year. There's a lot of poor people in this county
 3 who have told me that they used to eat a lot of salmon and
 4 steelhead when it was an abundant resource. We've kind of
 5 forgotten about them in the whole economic matrix.
 6 Eventually, I advocate just removing the dam, and I think
 7 it's only fair to consider that in the EIS. You can look
 8 at it in terms of wildlife or in terms of recreation, but
 9 also it's just a matter of fairness to the other farmers
 10 that we remove these unfair and inequalities and these
 11 subsidies that make people like myself or my family,
 12 actually drives own tractors and don't have a big
 13 operation -- it gives us a lot more of a chance.
 14 Thank you.
 15 THE HEARING OFFICIAL: Thank you, Mr. Morrow, for
 16 those comments.
 17 Wendy Ring.
 18 MS. RING: Good evening. My name is Wendy Ring,
 19 and I'm a family doctor who's worked for the past nine
 20 years in a mobile clinic serving low-income people in
 21 Humboldt and Del Norte counties. Among my patients are
 22 hard-working fishermen who are unable to afford health
 23 care for themselves or their family; owners of small,
 24 tourism-dependent businesses severely impacted by sport-
 25 fishing limits, and Yurok and Karuk native people

1 struggling with alcohol, drugs and family disruption ⁷⁷
 2 arising from the loss of their cultural heritage and
 3 traditional way of life.
 4 Diverting water from the Trinity River causes not
 5 only environmental degradation but also economic, social
 6 and spiritual impoverishment of our region. The dam, in
 7 human terms, is already grave. It has taken my profession
 8 a long time not to play God. Who are we to decide that
 9 the salmon god put here in our rivers or the people who
 10 depend on them have less value than the profits of
 11 agribusiness. When you take our water, you take our
 12 future. Please give us back our wild and free-flowing
 13 river.
 14 Thank you.
 15 THE HEARING OFFICIAL: Thank you.
 16 At this time we have heard from everyone that
 17 filled out a slip and registered to speak. If there's
 18 anyone in the audience who wishes to make a statement at
 19 this time, please go to the registration table and fill
 20 out a card, and you'll have an opportunity to do so.
 21 If there's no one that wishes to do so at this
 22 time, we'll go off the record and reconvene when we have
 23 someone in addition that wishes to speak.
 24 We're off the record.
 25 (Off the record.)

1 THE HEARING OFFICIAL: We do have one more person ⁷⁸
 2 that wishes to make a statement, so we're back on the
 3 record.
 4 And at this time I'd like to invite John McKeon to
 5 come up to the microphone, please. State your name, spell
 6 it for the record, and indicate who you're representing.
 7 MR. MCKEON: My name is John McKeon, M-C-K-E-O-N.
 8 I'm a senior associate with the environmental consulting
 9 firm of Affiliated Researchers with offices in Michigan
 10 and California. I am a commercial fisherman; until
 11 recently, owner of Fish and Game vessel number 22354, the
 12 "Cindy Lee." I'm a board member of the Humboldt Watershed
 13 Council. I am here tonight on my own behalf as a
 14 professional biologist, as an owner of a drift boat, and a
 15 sportfishing enthusiast.
 16 Before I start, I'd like to commend all the people
 17 who have put so much hard work and time over the years in
 18 attempting to rebuild the stocks of Klamath/Trinity River
 19 fish.
 20 The Trinity River flow studies have focused on the
 21 physical habitat parameters created by reduced flow and
 22 changed flow regimes in the Trinity River itself. The
 23 wider ecological impacts to a much greater environmental
 24 sphere have received little attention. Have the Trinity
 25 River flow studies given consideration to the temperature-

1 ameliorating effects that historically massive spring and ⁷⁹
 2 summer snow-melt flows of the Trinity have on the
 3 temperature-plagued Klamath River? Before the reduction
 4 of flows, almost 50 miles of the Klamath below the
 5 confluence of the two rivers was once likely a highly
 6 productive nursery habitat for outmigrating juvenile
 7 salmonids of both rivers. Historically created by the
 8 warm, organically rich waters of the Klamath, flowing from
 9 the Oregon deserts and commingling with the cold
 10 mineral-rich waters of the Trinity Basin mountain snow
 11 melt, it was the classic conditions for an ecological
 12 bloom. The loss of this nursery obviously reduces the
 13 size and, thus, survivability of ocean entry of both
 14 Klamath and Trinity salmonid outmigrants. No amount of
 15 manipulation of physical habitat parameters can mitigate
 16 this present impact of the Clare Engle Dam. Return of the
 17 unimpeded natural Trinity River flows is the only
 18 physically possible method of recreating this formerly,
 19 incredibly productive habitat of the Klamath/Trinity River
 20 system.
 21 Have the Trinity River flow studies investigated
 22 impact of the yearly loss of hundreds of millions of
 23 salmonid outmigrants of the Klamath/Trinity system on the
 24 predator/prey relationship of so-called ocean conditions?
 25 William Percy, in "Ocean Ecology of North Pacific

1 Salmonids," calculated that just the common murre marine ⁸⁰
 2 population consumes 150,000 juvenile salmonids per day.
 3 With the crash of Klamath Trinity salmonid populations,
 4 the highly mobile predators of the sea, both avian and
 5 mammalian, obviously flock to and congregate at the other
 6 mouths of rivers up and down the coast and hammer the
 7 limited populations of the smaller rivers, such as the
 8 Chetco, the Elk, Redwood Creek, the Smith, the Mad, the
 9 Eel, the Mattole, the Sixes, the Pistol, et cetera, et
 10 cetera.
 11 It is my opinion, as a professional biologist, that
 12 arguments of similar coast-wide fluctuations of salmonid
 13 populations which point to vaguely defined ocean
 14 conditions can, to a great degree, be attributed to this
 15 impact of Clare Engle Dam on the ocean ecology of
 16 predator/prey relationships. Again, return of unimpeded
 17 natural flows to the Trinity River is the only physically
 18 possible method of rebalancing the predator/prey
 19 relationships in protecting the smaller rivers from over-
 20 predation.
 21 Have the Trinity River flow studies considered the
 22 impacts of Clare Engle Dam on the salmonid metapopulation
 23 structure of the Klamath/Trinity system? Cooper and
 24 Mangel, 1998, in a study titled "The Danger of Ignoring
 25 Meta Population Structure for the Conservation of

1 Salmonids," published in Volume 97 of the National Marine ⁸¹
 2 Fisheries Service "Journal of Fisheries," found that the
 3 various demes, or populations of individual streams of the
 4 Columbia River system, could be classified as either
 5 sources or sinks of the greater metapopulation of the
 6 system. They attribute this phenomenon to the
 7 evolutionarily stable strategy of a documented, up to 27-
 8 percent strain of chinook populations, and up to 40-
 9 percent strain of coho, in their spawning returns to fresh
 10 water. They found the danger to fisheries investigations
 11 are that by simply monitoring so-called pilot-indicator
 12 streams, such as Pine Creek on the Klamath or New River or
 13 Horse Linto Creek on the Trinity, that although
 14 populations may hold steady or even increase for as long
 15 as 20 years, those results can be due, to a large degree,
 16 to the strain effect from source stream populations. With
 17 the change from source streams to sinks through habitat
 18 degradation, inability to successfully complete
 19 outmigration or change predator/prey relationships of
 20 ocean conditions, entire metapopulations of salmonids can
 21 crash with little or few warning indications.
 22 Clare Engle Dam effectively eliminated many likely
 23 source stream population demes. Genetic studies as early
 24 as 1980 chronicled in "Salmonid Ecosystems of the North
 25 Pacific," in the study "Population Structures of

1 Indigenous Salmonid Species of the Pacific Northwest," ⁸² by
 2 Fred M. Utter, et al., identified the unique alleles
 3 carried by upriver stocks of the Columbia Basin
 4 metapopulation. The loss of the genetic diversity of
 5 alleles carried by the fish once spawning and rearing in
 6 the year-round cold water streams above Clare Engle Dam
 7 cannot be mitigated by any processes or procedures
 8 instituted at the Trinity River hatchery.
 9 Again, return of unimpeded natural flows to the
 10 Trinity River is the only possible method of rebuilding
 11 the genetically viable and diverse Klamath/Trinity meta-
 12 population structure of salmonid stocks to historic
 13 levels.
 14 In conclusion, I would like to read the abstract of
 15 the Cooper and Manget study, "The Danger of Ignoring
 16 Metapopulation Structure in the Conservation of
 17 Salmonids."
 18 "Abstract: Because of their tendency to return to
 19 natal streams, salmonid populations have often been viewed
 20 in ecological isolation. Although the notion of an
 21 evolutionarily significant unit, ESU, recognizes dispersal
 22 on evolutionary time scales, we investigated the
 23 consequences of dispersal. Strain, on an ecological time
 24 scale, where strain creates a metapopulation structure for
 25 salmonid streams within an ESU. We developed a simple

1 model for salmonid metapopulations, focusing on source and ⁸³
 2 sink populations, and used the model to highlight the
 3 dangers of ignoring this structure in conservation
 4 efforts. We show that exactly the wrong conservation
 5 efforts may occur if metapopulation structure exists but
 6 is ignored.
 7 Thank you very much.
 8 THE HEARING OFFICIAL: Thank you for your comments.
 9 Is there anyone else that wishes to make comment?
 10 I don't have any other registration slips, but this
 11 is your last chance. If you would like to make a
 12 statement, please fill out a registration slip. We do
 13 have a few minutes left before the hearing is scheduled to
 14 be adjourned.
 15 If not, we'll go off the record right now.
 16 (Off the record.)
 17 THE HEARING OFFICIAL: We're back on the record.
 18 We have received no additional slips for people
 19 wishing to make a statement, so on behalf of the U.S. Fish
 20 and Wildlife Service and cooperating agencies, we
 21 appreciate the time and effort that you took this evening
 22 to present your comments. They've been very informative
 23 and will be fully considered in coming to a final
 24 decision.
 25 The hearing is closed. We're off the record.

1 [Hearing concluded.] ⁸⁴
 2 STATE OF CALIFORNIA)
 3) ss.
 4 COUNTY OF HUMBOLDT)
 5
 6 I, TANIA N. BRUNELL, Certified Shorthand
 7 Reporter of the State of California, do hereby certify
 8 that I reported and transcribed the foregoing pages 1
 9 through 83, in the matter of the EIS/EIR for the Trinity
 10 River Mainstem Fishery Restoration, November 23, 1999.
 11
 12 DATED this _____ day of _____,
 13 1999.
 14
 15
 16
 17 _____
 18 TANIA N. BRUNELL
 19 CSR #4277
 20
 21
 22
 23
 24
 25

PUBLIC HEARING RE EIS/EIR TRINITY RIVER 11-23-99

<p>\$</p> <p>31,000 73:23 \$164,89 91:24 \$500,000 68:19 \$93,952,547 12:21</p> <p>1</p> <p>1 84:8 1.4 69:2 1.75 69:2 10,000 42:25 44:10, 65:5 100 71:12, 75:16 100-percent 67:20 1000-percent 67:2 102:2-17 109 15:21 11 3:7, 9:2 14:21 12:00 27:18 12:27-19, 27:21, 68:15 68-year 43:18 14 3:8 14-year 43:18 18:2, 25:47-25, 52:2 15,000 71:16 150 29:6 150,000 80:2 15th 30:15 30:24, 41:20, 70:4 16 3:9 1855 10:19, 56:12 1868 8:1, 22:6 1868 8:1, 22:6 1955 43:24, 43:20 1963 75:15 1971 57:1 1972 12:16 1972 12:16 1976 12:16 1980 81:24 1984 22:14 1988 67:18 1991 85:23 1992 54:7, 71:4 1993 71:14 1994 6:1, 74:12 1995 69:10 1997 15:25 1998 12:16, 80:24 1999 10:23 52:17, 56:25, 56:16, 84:10, 84:13 1:00 1:17, 5:2, 3:17, 50:18 1st 69:12, 70:3</p> <p>2</p> <p>2,000 10:25 2,000 2:18, 5:1 20 3:10, 7:15, 12:4, 47:25 73:24, 81:25 20-inch 74:25 200 25:11, 56:6 2000 7:17, 82:6 20th 8:6, 9:16, 10:23, 21:15, 22:16, 39:25, 56:19, 67:10 22 68:13 2255 78:11 23 1:15, 3:11, 84:10 24 6:11, 47:19 25-percent 68:9 2500 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