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BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

- - - - -x
IN THE MATTER OF: : Docket No.
KLAMATH HYDROELECTRIC PROJECT : P-2082-027
- - - - -x

Karuk Tribal Community Center
39051 Highway 56
Orleans, CA

Wednesday, January 12, 2005

The above-entitled matter came on for tribal
consultation meeting, pursuant to notice, at 10:25 a.m.

MODERATOR: Sandi Tripp, Director of Natural Resources

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

2 (10:25 a.m.)

3
4 MS. TRIPP: Good morning. My name is Sandi Tripp
5 and I'm the Director of Natural Resources for the Karuk
6 Tribe. I'd like to thank the tribal and community members
7 for coming out today in regards to the Klamath Hydroelectric
8 Project Dam relicensing.

9 As we all know, the relicensing of the dams of
10 the Klamath River will have a huge impact on all of the
11 stakeholders within the basin. In the next couple of hours
12 the tribal representatives will be sharing their concerns of
13 environmental injustices inflicted on the Karuk people as a
14 result of the Klamath Hydroelectric Project.

15 We will further explain the ongoing devastation
16 to the tribal trust species and the impacts of that
17 devastation on Karuk culture. We know the dam is
18 responsible for the termination of the anadromous fish runs
19 in the upper basin. We further know that the Spring Chinook
20 salmon run that the Karuk people have been so dependent on
21 for thousands of years are truly at the brink of extinction.

22 In the past the negative impacts of dams may not
23 have been officially documented. However, we have seen
24 these impacts on our resources and they have now been
25 documented. These impacts have been documented.

1 We are certain that relicensing of the dams for
2 another 30 to 50 years will result in the extinction of many
3 of our trust species. By the end of this meeting today, we
4 hope that the Federal Energy Regulatory Commission
5 representatives will understand the enormity of their
6 decision when they begin to deliberate on this issue.

7 The relicensing of the Klamath River Dam is
8 irreversible and irretrievable commitment of the cultural
9 and trust resources of the Karuk people.

10 Gathered here today we have many of our tribal
11 people who have first-hand knowledge of the effects that the
12 dams have had on our resources.

13 So, to get started, I'd like to turn it over to
14 the Karuk Tribal Council so that we begin introductions.
15 I'm going to do my best to facilitate the meeting today.

16 For everybody's information, if you've been
17 selected to speak to represent tribal concerns, you'll have
18 a five-minute period. Holly Hensher will be here to assist
19 in keeping the meeting on track with the public comment or
20 with the tribal representatives' comments. She will give
21 you some sort of a tell-tell sign that it's about four
22 minutes. After that, you can begin to kind of close up your
23 comments. So, hopefully, we can keep this on track.

24 Everybody should have an agenda. If you don't,
25 there's one right back there. And, if you haven't signed

1 in, please do so, so that we can have that all on record.

2 Thank you.

3 (Introductions.)

4 MS. TRIPP: We will turn it over to you to let
5 everyone know what's going to go on today at the meeting --
6 your propose today.

7 MR. MUDRE: Thank you, Sandi.

8 My name is John Mudre and I'm on the staff of the
9 Federal Energy Regulatory Commission. What I'm going to do
10 is basically give you a brief overview of who the Commission
11 is, what the Commission does and talk a little bit about our
12 licensing process so you can understand it better and
13 participate better in the process.

14 I'll introduce a few people. Rollie Wilson is
15 the Commission's tribal liaison. It's a new office that was
16 created to help communicate with the tribes. He'll talk a
17 little bit later about what his role is and how it works.

18 Doug Hjorth is on our Support Contract Team for
19 the preparation of our Environmental Impact Statement. He's
20 leading the team of specialists and scientists that are
21 putting the EIS together under our direction. And to my
22 left is Marty Bowers. She's the cultural resources
23 specialists for the Contractor Team. There are probably a
24 total of 15 to 20 people in all that work on different areas
25 of the EIS or will be as the process develops.

1 The Federal Energy Regulatory Commission is
2 composed of five commissioners that are appointed by the
3 President of the United States and is confirmed by the
4 Senate. Among other things, the Commission has jurisdiction
5 over non-federal hydropower projects throughout the United
6 States.

7 Under the provisions of the Federal Power Act,
8 the Commission can issue licenses ranging from 30 to 50
9 years. It's not just about generating power, but we have to
10 consider a wide range of resource issues when coming up
11 developing a new license.

12 It's three divisions in the Commission that deal
13 with hydropower projects within the Office of Energy
14 Projects. We have the Licensing Branch, which I'm in, and
15 which issues licenses for projects. There's a Division of
16 Compliance and Administration which oversees projects once
17 licenses are issued to make sure that the licensees are
18 operating in accordance with the terms and conditions of the
19 license. And we have a Dam Safety Division too that ensures
20 that the licensed dams are safe and public safety is
21 protected at the projects.

22 The main office is in Washington, D.C. There are
23 five regional offices. The regional office that oversees
24 the Klamath Project is located in Portland.

25 We can go over the licensing process briefly.

1 PacifiCorp's initial license for the Klamath Project was
2 issued in 1956 or '55. Anyway, it expires in 2006. And so
3 in February of this year PacifiCorp filed an application to
4 relicense the project. And now that that has been filed at
5 the Commission the Commission needs to decide whether and
6 under what conditions to issue a new license for the
7 project.

8 Once we got the license application in, we issued
9 a public notice that we had received it and requested
10 additional study requests from the different stakeholders
11 that thought that there may be some things that were
12 overlooked in the license application.

13 We reviewed the license application to make sure
14 all the components that are required by law are in there.
15 Once we were satisfied with that we issued a notice that we
16 had accepted the license for processing, and at that time
17 requested motions to intervene -- people that wanted to be
18 come parties to the proceeding. We then held public scoping
19 meetings. We had six scoping meetings. Two of which were
20 in Eureka. And I think probably a good number of you were
21 there for those.

22 We're currently looking at all the comments,
23 written and oral, that we received on Scoping Document One.
24 We will be coming out with Scoping Document Two. We're also
25 evaluating -- we're in the process now of evaluating the 180

1 additional study requests that we received. And we're also
2 preparing an additional information request that we'll be
3 sending to PacifiCorp that identifies additional information
4 that we think we need before we can really start the
5 preparation of the Environmental Impact Statement.

6 Once we have that information, we'll issue what's
7 called a Ready for Environmental Analysis Notice that tells
8 people we've got everything we need. We're going to start
9 preparing this Environmental Impact Statement. It also
10 requests preliminary terms and conditions from agencies,
11 tribes as to what they think the conditions that ought to be
12 put into the license so that then we can consider those in
13 our environmental document.

14 We'll put together a draft Environmental Impact
15 Statement and circulate it to all of the interested parties
16 -- agencies, tribes, NGOs -- and request comments on it.
17 Let us know if we did a good job, a bad job, what we should
18 have put in there that we didn't put in there. And then,
19 once we get those comments, we'll review them and revise and
20 issue a final Environmental Impact Statement that will
21 address all of the comments that we've received.

22 The Commission then uses that environmental
23 document to inform its licensing decision, if and whether
24 and under what conditions a license should be issued for the
25 project. Once the Commission issues the license, groups

1 that are parties or intervenors to the proceedings can
2 request rehearing of the decision if they don't like it.
3 The Commission then reviews the rehearing request and
4 decides, well, maybe we should have done this instead. Or,
5 on the other hand, maybe they'll decide, well, no, we did it
6 right the first time.

7 The other component is that PacifiCorp has to
8 accept any new license that we've issued. If it's such that
9 they don't think that they could -- it's not in their
10 interest to accept the license under the terms it was given,
11 one, they can request a rehearing as well. But they can
12 also decline to accept the license and then they wouldn't
13 have a license and we would need to determine what to do
14 with the facility after that.

15 We do have court reporter here today and he's
16 recording the comments the people are making and will make.
17 The importance of that is to make sure that we get all this
18 information into the public record. The Commission can only
19 use information that's in the public record when it makes
20 its decision. So that's why this is being recorded. And,
21 of course, we do accept written comments. We offer a number
22 of opportunities to provide us comments. This is a unique
23 and a good opportunity to hear what people have to say.

24 It's a little awkward at times to have a
25 reporter. A couple of the things that are important is that

1 whoever is speaking needs to clearly identify themselves so
2 that we can associate the name with the comments in the
3 record. And talk slowly enough that we get a good record of
4 it so that we can accurately get the information into the
5 record.

6 Other than that, I think that's it in a nutshell.
7 If anyone has questions at any point, we'll try to answer
8 them. I think now maybe I'll just turn it over to Rollie so
9 he can just talk about the Office of the Tribal Liaison and
10 what he does.

11 MS. TRIPP: I'm sorry. If I could interrupt.
12 It's my mistake. I skipped the very first thing that we
13 should have done at this meeting and that is the opening
14 prayer. Excuse me for skipping that.

15 (Opening prayer.)

16 MS. TRIPP: Okay, Rollie.

17 MR. WILSON: Thanks, Sandi.

18 We appreciate your welcome and thanks for the
19 prayer. We all appreciate your hospitality here and are
20 looking forward to getting to know the Karuk Tribe better as
21 we're here with you today as this proceeding goes on.

22 As John mentioned, I'm the Commission's new
23 tribal liaison. I've been with the Commission for a few
24 months now. The position was originally developed about a
25 year and a half ago while we were going through a new

1 rulemaking proceeding for how hydro projects get licensed.
2 During that time a lot of tribes came forward to say that
3 they would appreciate additional resources -- asked the
4 Commission for participating in hydroelectric proceedings
5 and the Commission created this office to help with that.

6 I also work in all other areas that the
7 Commission's in -- gas, pipelines, electricity transmission
8 and any other areas where travel concerns may come up.

9 John mentioned the five commissioners. We act as
10 an agency of the federal government, but we're also kind of
11 a court of the federal government. We do quasi-judicial
12 functions. So we make decisions that are subject to
13 constitutional protections like due process as well as
14 regulations like the Administrative Procedures Act. So,
15 when we go about doing hydroelectric licensing, it's kind of
16 like a court decision. But, at the same time, we're
17 collecting information and doing an NEPA document. And at
18 some point there kinds of gets a tension between those two
19 things because we want to talk freely and gives as much
20 information as we can. But, at the same time, we have to
21 have the protections that a court might offer to ensure
22 fairness and due process to all parties.

23 This meeting in which we attempt to consult with
24 you all and get to know your government and your people and
25 your interest is held in that context. And so it's a little

1 bit of a tension there between getting to know the Karuk
2 Tribe while at the same time ensuring that there's a public
3 record that the Commission can rely on in ensuring fairness
4 to all other the parties. So that's why we have the court
5 reporter that John mentioned and why we do all this on the
6 record. And it's a tension within which the Commission
7 attempts to fulfill its trust responsibility to the tribe,
8 consider issues that you raise as well as allow us to get to
9 know you better.

10 I forgot to mention at the beginning -- I don't
11 have business cards -- but those of you that don't have my
12 phone number yet it's 202-502-8787.

13 At this point in the proceeding, the final
14 license application has been filed and interventions have
15 been taken. So, like this public meeting, we need to do
16 everything on the record. But, if you need to call me or
17 send me an e-mail at Rollie.Wilson@FERC.gov, we can talk
18 about process, ensuring that the tribe's issues get into the
19 record or are considered. We can talk about that kind of
20 stuff all that you want. But, when it comes to substantive
21 issues and comments that you may have on a fishery resource
22 or a water resource, we need to do those things on the
23 public record as this meeting is today.

24 So my office is within the Office of General
25 Counsel, but I float between that office and the Office of

1 Energy Projects that John's end as well as our gas and our
2 transmission offices. So, when a question comes up on a
3 project -- I don't know the project issues as well as people
4 like John do. So, if we have a question, I'll often take it
5 to John. We all work together to ensure that we get you the
6 best response. But, process-wise, I've been involved with
7 tribes in hydropower for a while now. I used to represent
8 the Bureau of Indian Affairs in hydropower proceedings and I
9 can help the tribes sort through how best to participate in
10 this proceeding.

11 As John mentioned, there's a number of other
12 comment opportunities coming up down the road. At the
13 moment, we're considering additional study requests to ask
14 the project operators additional information so that we can
15 do a thorough environmental analysis. We'll have a draft of
16 environmental documents coming out soon and the tribe can
17 comment and participate at that time. And then, our final
18 environmental document will come out.

19 And there will be, as John mentioned,
20 opportunities after the Commission's order for request for
21 rehearing and so on. So there are a number of other
22 opportunities beyond this meeting where we can continue to
23 interact and the Karuk Tribe can file comments with us or
24 there may even be additional meetings down the road if folks
25 feel like they're necessary.

1 So that's kind of a quick overview of what I do
2 and how I might be able to help out on this process with you
3 all. I'm not sure what's next. But that's it.

4 MALE SPEAKER: Are you going to be notifying us
5 specifically of those dates of those meetings.

6 MR. WILSON: Yes. We'll issue public notice of
7 those meetings and people that are on the mailing list --
8 excuse me?

9 MALE SPEAKER: Are they going to come directly to
10 the tribes or just the public?

11 MR. WILSON: If you're on the mailing list or
12 service list, copies of the notices are sent to all those
13 people.

14 Let me mention a couple of other things. FERC
15 does have a website -- www.FERC.gov. One of the nice
16 features on that website is what's called E-Library, which
17 allows you -- basically you can view online or print any and
18 every document that's been filed with the Secretary there at
19 the Commission. So you can see comments that other people
20 file. You can check to make sure your comments got into the
21 record. It's very handy and it's pretty easy to use.
22 Sometimes people have some problems. But, if you do, give
23 me a call. My number is 202-502-8902. We have an IT
24 support group. There's a number there. You can call them
25 as well.

1 One of the features of this E-Library is
2 something called E-Subscription. So, if you register one
3 time and tell them what projects you're interested in, in
4 this case P-2080, you'll receive an e-mail notification
5 every time a document comes in that's related to that
6 project. So you'd be able to keep abreast of everything
7 that's happen. You'll see all the notices when they come
8 out. You'll see our letters. You'll see letters that
9 people send in. It's pretty handy.

10 But you do make a good point. While we're the
11 ones charged with issuing a license, there's a number of
12 tribes involved in this project, a number of state and other
13 federal agencies, and it can be difficult to keep everybody
14 communicating about what's going on when. In the additional
15 study request document I think we're going to be putting out
16 sort of a revised schedule of when we see the big dates
17 coming up. That's another important thing to look for, for
18 when things are going to be happening. And that should be
19 coming out in the very near future.

20 Let me make sure. The Karuk Tribe did intervene
21 in this proceeding. So, Sandi, have you been getting the
22 mail?

23 MS. TRIPP: Yes.

24 MR. WILSON: Sandi's on the service list and your
25 vice chairman, Mr. Hillman, is on the service list and other

1 folks. So folks should be getting those things in the mail.
2 Sometimes it's hard to keep up-to-date on those service
3 list, but my impression is that we're getting better at
4 that.

5 MR. MUDRE: I think that's all we had to say for
6 now. If anyone has questions, we'll answer them. But we
7 would really like to hear what you people have to say.

8 MS. TRIPP: Does anybody have any questions?

9 MS. DONDERO: Do you have a government contract
10 for the environmental documents? You're talking about a
11 contract.

12 MR. MUDRE: Would you like to state your name for
13 the record.

14 MS. DONDERO: Jill Dondero from Orleans.

15 MR. MUDRE: The Commission, I think every five
16 years, issues a request for proposals to become the
17 Commission's environmental support contractor. We receive,
18 obviously, a number of responses to that. We evaluate them
19 to see who best would be able to support us in the needs we
20 have. At this time, and for the past, I think, two five-
21 year periods, it's been the Louis Berger Group headquartered
22 in Needham, Massachusetts. Doug works for Louis Berger
23 Group as does Marty and they work under our direction and
24 are considered Commission staff in this instance.

25 MS. DONDERO: Is that RFP, Request For Proposal,

1 funded to the lowest bidder? Is it that type of regular
2 government award to the last bidder?

3 MR. MUDRE: I'm sure it's not, although I'm not
4 involved in the contracting of it.

5 Doug, you may have better insight into that. But
6 we need to make sure that our requirements are going to be
7 met by whoever it is that we hire.

8 MS. DONDERO: Many government agencies do, but
9 they're not necessarily successful in doing that when
10 they're acting under the procurement regulations that they
11 are required to act under. So I'll look into it further.

12 MR. MUDRE: Okay.

13 MS. TRIPP: Thank you.

14 At this time, we should begin with members of the
15 tribe on our agenda. That would be Leaf and then tribal
16 council members.

17 MR. HILLMAN: Good morning. I appreciate you
18 folks being here today and I appreciate everyone in the
19 tribe being here today.

20 My name is Leaf Hillman. I'm the vice chairman
21 of the Karuk Tribe. And I'm going to begin my brief
22 statement by giving a disclaimer for this meeting before it
23 formally begins.

24 Pursuant to the Klamath Hydroelectric Project,
25 FERC No. P-2082-027, and the Executive Order 13175, which

1 was created to engender the government-to-government
2 relationship between Indian tribes and the federal
3 government, the Karuk Tribe had hoped to have a true and
4 honest government-to-government meeting with representatives
5 of the Federal Energy Regulatory Commission. This is
6 particularly true when a government agency is exercising
7 policies that have tribal implications. That trust
8 relationship, the government-to-government relationship, is
9 a requirement in federal law.

10 The United States has a unique legal relationship
11 with Indian tribal governments as set forth in the
12 constitution of the United States as well as various
13 treaties, statutes, Executive Orders and various court
14 decisions extending back 200 years.

15 Since the formation of the Union, the United
16 States has recognized Indian tribes as dependent nations
17 under its protection. The federal government has enacted
18 numerous statutes and promulgated numerous regulations that
19 establish and define a trust relationship with Indian tribes
20 as well as define what true government-to-government
21 consultation with Indian tribes means.

22 So, while we appreciate you being here today and
23 the opportunity to express our thoughts and views, and we
24 particularly welcome the opportunity to allow our tribal
25 membership and staff as well as folks who, up and down this

1 river who depend on the fisheries resource, members of the
2 communities, we appreciate the opportunity to be here today
3 and to express our thoughts and views.

4 But the Karuk Tribe wishes to express our
5 fundamental disagreement with FERC concerning the definition
6 of the government-to-government consultation, the
7 government-to-government relationship and to formally state
8 on the record that we, the Karuk Tribe, do not consider this
9 meeting as a formal government-to-government consultation.
10 We consider this meeting outside the realm of that special
11 relationship.

12 The disclaimer was longer than my statement,
13 actually.

14 (Laughter.)

15 MR. HILLMAN: For most people the link between
16 hydropower dams and the decline of salmon is readily
17 apparent. Particularly, I think folks from all walks of
18 life throughout the nation, and folks in the Northwest in
19 particular, the link between those two are closely related.
20 Outside of the meeting rooms where scientists debate these
21 issues and what the specific effects are, our own eyes and
22 our own common sense tells us that there is a strong link
23 and a strong association between the demise of the salmon of
24 the Pacific Northwest and hydropower dams.

25 This was not always the case. When the era of

1 dam construction first began, it was widely viewed as a way
2 to open up the West and provide folks a cheap source of
3 power, to expand, develop and settle the West. And it's not
4 to say that the people in our society at that time did not
5 have a strong bond with the salmon. People did not
6 understand the effects, the impacts of these dams during
7 that period. That has become much clearer to the rest of
8 the world.

9 The link between dams and the poor health, both
10 physical, mental -- and let's not forget the spiritual
11 health of our people and of all indigenous people along this
12 river, that link is not so well understood outside this
13 basin. That link is very well understood by people in this
14 room. It's very well understood by people up and down this
15 river system. This linkage is difficult for us to express
16 sometimes and sometimes our own folks don't give it too much
17 thought.

18 The conditions of our physical health today, the
19 fact that average life expectancy for the Karuk man or the
20 Karuk woman is substantially lower than that of the national
21 average or even the state average. We don't take time to
22 ponder those things often. We don't take time to ponder the
23 fact that this clinic right next door here sees patients day
24 in and day out who suffer from diabetes and heart diseases
25 at rates three, four times the national average. It's no

1 secret. Maybe to the rest of the world they might be
2 invisible. It's not invisible to us.

3 In addition to the effects on the health of our
4 people, the effects don't end there. Imagine being a
5 trespasser in your own country. Imagine being made into a
6 criminal in your own country trying to maintain traditions
7 that are thousands of years old. For this, we're called
8 criminals. The effects on our young people -- this our
9 home. This is their home -- our children's home. Our
10 children will be born here. They will continue to be born
11 here. This is our home. What do they have to look forward
12 to?

13 The economic conditions on the river, as everyone
14 knows, don't do a very good job of sustaining our
15 communities. They don't provide what they need to provide,
16 what they once provided for our children. The opportunity
17 to grow up, to be raised here and to feed your families
18 here, to maintain a standard of living that is adequate is
19 very difficult to do today. And this river that runs
20 through our country and through our territory, our homeland,
21 our home -- this river is like the blood that runs through
22 our veins. It supports us. It has always supported us. We
23 wouldn't be here today if it were not for that river. The
24 river is life to everything in our world.

25 And, when I say "salmon," I think, you know, I

1 see people, yeah, yeah. So they're so used to hearing it.
2 Oh, the salmon are declining. The salmon are declining.
3 It's not just a salmon. It is six species of salmon that,
4 at one time, between those six species of salmon -- Spring
5 Chinook, Fall Chinook, the Coho. Then we have all of our
6 steelhead and then our lampreys, our eels, our green
7 sturgeon, our white sturgeon, the canal fish -- all of these
8 things. It is our supermarket. You guys noticed when you
9 drove in here you didn't see no Safeways.

10 So our ability to live here in permanent
11 habitation in our homeland for thousands of years was
12 dependent on these resources. They provided it for us year-
13 round. The river provided it for us year-round. It also
14 provided us with our firewood during the high waters. It
15 also provided us a mode of transportation. It provided us
16 with the fresh water clams, the oysters that our people
17 don't harvest any more and they don't consume them any more.
18 Because even if you can find them, once again, common sense
19 tells you it probably wouldn't be a wise thing to consume
20 those.

21 The natural world is a wonderful place and it
22 provides everything that we humans need and then some. It
23 also has its own ways of dealing with -- we call natural
24 disasters now -- you know, the floods, the fires, all of
25 those things. Us humans will never conquer nature. We

1 sometimes think we have, but you will ultimately be proved
2 wrong.

3 In the meantime, the natural world has been
4 decimated here by humans every way imaginable. If we give
5 nature an opportunity, nature can heal itself. Us humans
6 have the ability to destroy things. We have very limited
7 ability to fix things. Our ability to bring back something
8 that we've destroyed, eliminated, rubbed off the face of the
9 earth -- our ability to bring those things back we haven't
10 quite figured that out. Given the slightest and the
11 smallest opportunity to bring itself back and to heal
12 itself, it will do it. It will do it.

13 Right now this river doesn't support us any more.
14 And, as a result, you know, we see it. We see it in the
15 social conditions. We see it our children. Our children
16 can't stay here. What are they going to do here?

17 These dams have contributed significantly to the
18 disenegration of our way of life, to our culture, our
19 health. They undermine our values as a people and they
20 continue to erode our sovereignty. We consider ourselves as
21 a part of this natural world. We were put here with
22 responsibilities to take care of our brothers and sisters,
23 to take care of everything that's a part of the natural
24 world. It's a responsibility that we have. Our ability to
25 respond to that mandate is being limited by influences that

1 have been imposed upon us.

2 It's with great pride I say that every one of our
3 tribal ceremonies has been brought back to life and is
4 practiced today. All except one, the Spring Salmon
5 ceremony. We don't do the Spring Salmon ceremony -- not
6 because we don't want to, not because we don't need to.
7 There are no spring salmon. The ability to catch that first
8 spring salmon and to perform the rituals prescribed by the
9 Creator at the beginning of time when salmon were made -- we
10 can't harvest that first spring fish. We can't harvest the
11 second one or the third one when there is no fish to
12 harvest.

13 The Spring run supported the Karuk people and
14 every other aboriginal peoples on this river from the
15 headwaters to the confluence of the Pacific Ocean. The
16 Spring run was the run that supported, sustained and allowed
17 our people to prosper. It was most heavily relied on. It
18 was the largest run in the Basin. Now no one talks about
19 it. They talk about Fall Chinook. And, when they talk
20 about Fall Chinook, they're talking about two weeks.
21 They're no longer talking about -- you know, even 30 years
22 ago the Fall Chinook run in the Klamath, our fishery at Ishi
23 Pishi Falls. You're talking, you know, three months, four
24 months.

25 Prior to that, the Spring run, the same thing.

1 After the Fall run, the Coho. There wasn't a time when you
2 couldn't fish and actually catch fish, accept maybe during a
3 flood. But, even then, we had high water fisheries because
4 those fish are still there year-round and they're right next
5 to the shore when the water is high.

6 Everybody talks about the decline of the salmon.
7 They're talking about Fall Chinook salmon and that's the
8 only thing that's left in this river. And it's barely left
9 -- two weeks, three weeks. That's our run. We've got less
10 than a hundred fish in our fishery this year. That resulted
11 from 2002 fish kill. This is the tip of the iceberg we saw
12 this year. Next year, the next year and for generations to
13 come, what happen 2002 with the fish kill? That effect
14 isn't going away. It's one more nail in the coffin. And,
15 yeah, it is a big deal. The Fall fishery -- the Fall
16 Chinook salmon. It is a big deal. It's a big deal because
17 it's the only thing we've got left -- you know, we've got
18 remnant populations, Spring Chinook salmon. Remnant
19 populations of coho salmon.

20 People want to go to Trinity River hatchery and
21 count coho and spring fish up at the hatchery -- returning
22 to the hatchery. Well, that doesn't mean a damn thing. It
23 doesn't mean a damn thing on the Klamath River. Yeah, it's
24 a tributary. Those fish don't come through here. Those
25 fish don't do anything to contribute to the people on this

1 river from the Trinity River up. And they don't contribute
2 to the fishery up here. They don't contribute to our
3 economy up here. They don't contribute to anything up here.

4 People say 30 to 50 years -- and I said earlier
5 people really didn't understand what they were buying when
6 the dams were first started being constructed. They didn't
7 know that it was going to have this kind of effect. They
8 didn't understand. The larger society didn't understand.
9 But now the larger society does understand. They understand
10 what we know -- what we know because we live with it every
11 day of our lives. We live with the fact that the river
12 doesn't support us. The river is dying in front of our very
13 eyes. It's not like this is a -- they say, oh, that's a
14 historical wrong that was perpetuated against your people.
15 But it's too late now to do anything now to do anything
16 about it.

17 Well, 2006, you know, relicensing and the
18 opportunity to reverse what's been going on in Klamath Basin
19 -- the disregard for Indian people, the disregard for the
20 natural world, the resources that we all depend on, not just
21 native people depend on. Everyone on this river depends on
22 it. Everyone in the larger society depends on what happens.

23 And, while we have our tribal scientists and they
24 have submitted our specific technical comments to FERC,
25 while that is valuable and expresses our views from a

1 technical point of view, all they are doing is expressing
2 the facts that we already know. That people on the street
3 already know. That people who live on this river already
4 know. But we have our scientists to tell you, too -- to
5 tell you the obvious. That we can't take much more.

6 So, in the end, FERC will have a unique
7 opportunity here in the Klamath Basin that maybe doesn't
8 exist everywhere else. And people ask me are you
9 optimistic? And I say, no, not really but I'm hopeful. I'm
10 not particularly optimistic because I have an understanding
11 and grasp of history, recent history, and even some
12 historical history. But I do have hope. The hope that I
13 have is that FERC will realize that there is unique
14 opportunity to here.

15 In a presentation given by representatives from
16 FERC in the past, I've heard mention about the process, the
17 EIS and how it goes and an explanation of the quasi-judicial
18 role as well as the federal agency role. And I've heard
19 FERC representatives allude to weighing the costs and
20 benefits to the costs of the generation of power, the cost
21 to society. And I am confident that if FERC weighs the
22 costs and benefits -- I know if they weigh the costs and
23 benefits to Karuk people it would be a pretty easy answer
24 because there are no benefits to our people. What benefits
25 have we gotten from these dams that have destroyed us, that

1 have destroyed our way of live, our food, everything about
2 us, destroyed our culture, continue to each and every day?
3 What benefits have we gotten?

4 Well, maybe a handful of our members up the river
5 a ways got electrical power. But, yet, we've got 50 miles
6 right in the middle of our territory that don't have power.
7 Don't even have electricity, none. Who benefits? What are
8 the benefits of society?

9 These dams are old. They're antiquated. They
10 don't generate very much power. The technology is old.
11 It's antiquated. And maybe when some of these dams were
12 built, and people didn't understand what kind of impacts
13 they were going to have, then maybe things were weighed a
14 little differently and I can see very easily how they could
15 have been.

16 Right now, today, with those ancient, antiquated,
17 inefficient dams, the hydro projects on the Klamath the
18 amount of power that's generated by them and weigh that with
19 the destruction -- not just to our people, but the entire
20 region have suffered. So it gives me hope that maybe here
21 in the Klamath, maybe we're a little bit different, maybe
22 the circumstances are different.

23 The tributary streams below the Iron Dam support
24 what life remains in this river. Those tributary streams
25 have been damaged by logging, mining, and then subsequent

1 flood events. Over the years people have come to realize
2 that we can no longer continue at that rate of destroying
3 the forest around us.

4 And so, just in a very short period of time, the
5 last 20 years since those ongoing impacts have been reduced
6 substantially, those tributary streams have healed
7 themselves. They've healed themselves and they support the
8 fish. Fish can actually live in those streams. They can
9 spawn there and their young can survive there. And then
10 they come out of those streams to migrate and they hit the
11 main stem of the Klamath River.

12 So even the potential of those tributaries below
13 Iron Gate Dam to support this fishery -- the tributaries
14 themselves, yeah, they can support a substantial fishery in
15 the Klamath River. The tributaries themselves are
16 functioning. Once those fish reach the main stem, those
17 juvenile fish -- we have juvenile fish kill every year.

18 It doesn't make the news. It doesn't make the
19 headlines. Anyone who lives along this river knows all
20 they've got to do is walk down there along the margins of
21 the river in the middle of summer and you look amongst the
22 muck and scum that extends out 5 or 10 feet and you see
23 these little fish that are dead or dying and then you see
24 some bigger fish that are dead or dying when you can catch
25 them with your hands. I'm not a scientist but I know that

1 this river is dying and it has to change.

2 I know that when you guys reissue licenses you
3 guys do these conditions -- apply these conditions. Like
4 the last go around one of the conditions was you've got have
5 a mitigation hatchery at Iron Gate Dam to mitigate for the
6 loss to the fisheries upstream. It should have been the
7 other way around, I guess. It seems to me from everything
8 that we know today that there should be a condition of
9 anything that goes on in the future is the removal of Iron
10 Gate hatchery and removal of the dam.

11 Iron Gate Dam blocks 60 percent of this basin.
12 We think this is a big basin. We live here and it's a long
13 ways to Iron Gate from here. Well, from Iron Gate up there
14 is 60 percent of the available spawning habitat, rearing
15 habitat for anadromous species. Most of it, 60 percent of
16 it is above us, above Iron Gate Dam.

17 So, not only does it impede migration upstream
18 and downstream, but the mitigation hatchery -- the so-called
19 mitigation hatchery at Iron Gate is a disaster. It's a
20 disaster for the wild, natural fish that spawn in the
21 tributaries below.

22 They haven't met their mitigation goals. They
23 say, oh, yeah, we met our goal this year. They didn't
24 actually this year but most years they say we met our goal.
25 They meet their goal and then they kill wild fish along with

1 hatchery fish. But, you know, there's tributaries right
2 below Iron Gate, all kinds of them that have wild
3 populations. Those fish come up there and bang into the
4 dam. They take the eggs that they want. We met our quota.
5 So they slaughter these fish. We've known this.

6 And last year some of those fish were tagged when
7 they had bumped up against the dam and guess what --
8 imagine? Where did they go? They went down the river. The
9 went up Scott River. They went up Shackelford Creek. They
10 went up different tributaries and they spawned.

11 Iron Gate hatchery has been slaughtering them
12 since its existence. It's not management. It's negligence.
13 It's stupid. It hasn't done anything to mitigate for the
14 loss of our fisheries. It has furthered the decline of our
15 fisheries. It has not served to maintain stock. It has
16 done anything except for help it along toward its seemingly
17 inevitable destruction. Iron Gate hatchery kills and uses
18 it for fertilizer more fish than the entire Karuk tribal
19 harvest every year. There is no exception to that.

20 So we asked the Federal Energy Regulatory
21 Commission to consider not just the needs of Karuk people,
22 but of the entire society. Our economy, for crying out loud
23 -- the needs of the larger society would be much better
24 served if those dams aren't there any more. They serve this
25 society no longer. They serve as a sore spot in this

1 society to all of our well-being. Thank you.

2 MS. TRIPP: Thank you, Leaf.

3 Next on our agenda would be -- I ask our tribal
4 council members. If they are interested in speaking to
5 ahead. You can either speak from your area or I can move
6 this microphone over there or you can stand here.

7 MR. GODWIN: Good morning. I would also like to
8 thank everybody for coming along. I'm going to bring my
9 daughter up here, Jaclyn Godwin. She's also a tribal
10 member. She's going to have a few things to say after I'm
11 done.

12 My name is Bob Godwin. I'm a tribal council
13 member. I'm a member of the Karuk Tribe, obviously. I am
14 here to express my feelings to the Federal Energy Regulatory
15 Commission along with other community and tribal members.

16 I grew up on Indian Creek, which is a main
17 tributary of the Klamath River. The confluence of the two
18 streams is in the community of Happy Camp. I remember when
19 I was young and each year Indian Creek would feel with
20 salmon and steelhead by the end of September -- and this run
21 would not cease until the creek finally cleared up with the
22 coming of spring in March.

23 I remember as a kid waiting for the third
24 Saturday in May when the fishing season opened so I could go
25 out there on the creek and fish for steelhead in Indian

1 Creek. And I would be able to fish all the way up until the
2 summer time, you know. The creeks were warm then. I could
3 fish. And, if I got too hot, I could go swimming in the
4 same creek that I was catching these fish out of.

5 Today things are different. The creeks are
6 cleaner. Now, instead of watching the brown water from the
7 first storms until near summer. The creeks clear up within
8 days of the end of a storm. So the water in the creeks is
9 cleaner than it has ever been, but the fish are not coming
10 back. I've asked myself how this has happened. Right now
11 we can't even fish in the creeks. The Department of Fish
12 and Game has closed them because the numbers are not
13 returning.

14 I have lived on the river and fished it long
15 enough to see the reason clearly. The quality of water in
16 the Klamath River has continued to decline to the point
17 where fish cannot survive. I own land along the banks of
18 Indian Creek today and walk the banks of the stream often.
19 There I do not see the same conditions as I see along the
20 Klamath River. I do not see the dead and dying outgoing
21 fish along my creek. Why do I see them dead and dying along
22 the river. You know, I'm a modern fisherman. I'm not a
23 traditional fisherman, but I support the traditional
24 fisherman whenever I can and however I can. I've had to
25 adapt, personally, to compete to catch fish. I do not have

1 the means to fish along my stream in a traditional manner.

2 Aside from the fact that Fish and Game has closed
3 it, to provide my family with the fish that give life, I've
4 had to take the pole in hand and buy a boat and to where the
5 fish are. You know, I've fished streams from Alaska,
6 Montana, Wyoming and then back here to my home. I see many
7 places where fish are regarded with the respect that they
8 deserve. Here the quality of water in the main stem of the
9 Klamath River is so poor that I wonder how the fish survive
10 at all.

11 I know the importance of fish to the Karuk Tribe.
12 And this last year when the tribe needed a place to put a
13 fish trap that counts outgoing migrant fish I gladly
14 volunteered them access to my property to allow the
15 biologists to establish base numbers, the scientific
16 information to back up what we already know from years of
17 living along the banks of these streams. The fish are dying
18 in the main stream. The reason for their deaths is the poor
19 quality of water that comes from the series of dams on the
20 upper Klamath.

21 My people are fish people. We attend and have
22 ceremonies in honor of the fish and ask the fish to come
23 back each year to provide sustenance to the people. My
24 people have directed me to represent them as a tribal
25 council member. And, in representing them, I have to

1 represent the fish as well. It seems that if I do not their
2 voice will not be heard. I am here to ask the FERC to
3 perform due diligence in their trust responsibilities to the
4 tribe and for them to protect the fish which were a part of
5 a culture and we cannot do without them.

6 You must make fish passage a priority in the dam
7 relicensing process along with dam removal to be brought
8 into as a question that needs to be answered. Is it the way
9 to go? It's seems to me that that's a possibility that
10 needs to be explored. Will the failure of this river
11 system, is that going to be your legacy? Will the
12 destruction of a culture be the story you tell to your
13 grandchildren. Fifty years is a long time. I'll be 92
14 then. I'm going to do my best to make it that far if things
15 don't change so I can fight this again. Thank you.

16 MS. GODWIN: My name is Jacqueline Godwin. As a
17 young member of the Karuk Tribe, I feel it is my
18 responsibility as well as my obligation to voice my feelings
19 about this issue. It saddens me deeply that we have
20 neglected our resources for so long that it has taken a
21 great toll on a certain part of our culture. I am now 17
22 years old and I have been unable to view the lands as my
23 people once did. If our tribe fails to take action today,
24 it will be years to come that we will suffer the effects of
25 this project. The relicensing to the dam operators would

1 take affect for 50 years. This means that I will be 67
2 years old before the tribe could make another attempt to
3 challenge the legitimacy of the dams. By this time I will
4 have kids who will probably have kids of their own. All of
5 these generations would have been deprived of the life
6 involving their cultural heritage.

7 Hearing the stories about how plentiful the fish
8 used to be in the creeks of this land gives me hope. It
9 gives me hope that one day I will be able to see the fish as
10 they once were. The Karuk people are of the river. We are
11 the upriver people. The Klamath River is an extensive part
12 of our lives and it would be astounding to see it restored
13 to how it was before the impediments of the dam were placed
14 upon it.

15 MS. CONRAD: Hello. My name is Florence Conrad.
16 I'm a member of the Karuk Council and also a lifelong
17 resident of the Salmon and Klamath Rivers. I'm called a
18 Masuwatta because I was born and raised on the Salmon River,
19 which is a tributary to the Klamath River. I married 43
20 years ago to a fellow that came from Sums Bar and we moved
21 back there. And even then the dams were new but he used to
22 tell us about when he and his brothers used to go down to a
23 certain spot below the house and gather fresh water clams
24 and I pooh-pooed him and said, you know, it's got to be one
25 of those stories. But, you know, it wasn't a story. It was

1 something that they used to do and used to gather crayfish
2 and all of that stuff. Something my children or
3 grandchildren will never do because the water is so
4 contaminated that you can't eat that stuff anymore. There's
5 not enough fish for all of us, let alone the commercial
6 people.

7 I'm not saying the commercial people shouldn't be
8 here. Everybody should have plenty of fish. There was a
9 time when there was plenty for everybody. It's not so any
10 more. So I just want you to take that thought with you when
11 you think about relicensing the dam. That it's not one or
12 two people. It's a whole livelihood for most of us along
13 the river. That the commercial people have to make a
14 living. None of us are rich here. We all work for a living
15 and we all are in this together and we beg of you not to
16 relicense. Thank you.

17 MS. SUPER: Hello. My name is Florraine Super and
18 I'm the secretary for the Council. Growing up, when I'd
19 come down here for ceremonies, as a girl I wasn't allowed to
20 go by the fishermen, so I don't have stories as other people
21 do of the fish. Although, I know that as an elected
22 official I've had people talk to me about not having fish
23 anymore, not being able to do the ceremonies anymore and I'm
24 just glad I'm able to represent the tribe and be able to
25 stand up here and ask you guys to not relicense because I

1 don't want to not be able to tell my great nieces and
2 nephews or tell my relatives that we don't have fish anymore
3 or we don't have ceremonies anymore because we didn't fight
4 hard enough or you guys don't hear what we have to say to
5 keep our livelihood to be Karuk people.

6 MR. HILLMAN: Hello. My name is Leon Hillman.
7 I've lived in ancestral territory for 37 years and the
8 experiences that people go through year-to-year, the things
9 you get to see, the decline in fish is a really bad thing
10 that I've really noticed. I've worked at the store, Herr's
11 Market, for the last 12 years and everybody has access to me
12 in the community. And I always have traditional fishermen
13 come to me and ask about elders in the community. If
14 they're having their needs filled. So we have a handful of
15 traditional fishermen that are here today that always come
16 to me and ask if the elders are getting what they need.

17 And I can tell you this year I've never seen any
18 traditional fishermen. They were so busy and they worked so
19 hard. But the need was so great that it was never met and I
20 can tell you right now that's a pretty sad thing. That's a
21 pretty sad thing. But, instead of seeing traditional
22 fishermen, what I've seen was elders. Elders coming to me
23 and asking me -- you know, because they're used the
24 traditional fishermen taking care of their needs. They're
25 asking me what happened? What's going on? Where's the

1 fish. Like I say, you know, we have approximately 10
2 traditional fishermen right around there and what they do is
3 they go to the Ishi Pishi Falls. And there are younger
4 fellows or younger people in their tribe that can do this
5 and feed the 60, 70, 80-year-old folks that need the fish
6 and I've seen in a lot of cases that was not filled this
7 year and it's really sad. It's a sad situation.

8 So every year it just gets a little worse and a
9 little worse and a little worse. So I'm not sure what I'm
10 suppose to tell these old folks when there is no more fish
11 because, like I say, the tribal council here is responsible
12 to fight for this and we'll do the best we can. I hope that
13 you folks understand that it's very, very serious. Our
14 culture depends on these fish. They fish also for our
15 ceremonies. You don't go to ceremonies and not have fish.
16 The fish that run in the river support our ceremonies and
17 our elders. And, if we don't have this, it hurts our
18 ceremonies so bad. I mean, what do we do.

19 I've lived here, like I said, 37 years. And
20 about 30 years back, like some other folks said, there was a
21 lot of fish. You see sports fishermen up and down the river
22 thick, a great place, the campgrounds full. Today you don't
23 see that. Thirty years ago, during the ceremonies, a lot of
24 people, a lot of fish, a lot of people to feed. And now
25 it's getting harder and harder to come up with fish. The

1 Karuk Tribe has the reunion every year. The Karuk Tribe has
2 a reunion at the tribe in --. And to get the fish for this
3 gathering was extremely hard. So I can tell you I don't
4 know what we tell the elders in the future if things keep
5 going the way they keep going. But it's not good here. It
6 needs to be better. So I hope you folks understand that our
7 livelihoods and lives and culture all depends on this. So I
8 hope you guys take it seriously.

9 MS. TRIPP: Thank you.

10 I think maybe we could take a break. Everybody
11 take about a 5- or 10-minute break. There are some drinks
12 and things over here. Help yourselves. Then we'll get this
13 going again.

14 (Short Recess.)

15 MS. TRIPP: If everybody is ready. Are there
16 others outside, Kevin?

17 (No response.)

18 MS. TRIPP: Okay. We'll be having lunch in about
19 a half an hour. But before lunch I would like to ask --
20 actually, Ron Reed was requesting that he come up before
21 lunch. He might have some things to do a little later on
22 this afternoon. And so I'd like to introduce Ron Reed our
23 cultural biologist for the Karuk Tribe Department of Natural
24 Resource.

25 MR. REED: My name is Ron Reed. I'm the cultural

1 biologist for the Karuk Tribe. I'm with the Fisheries
2 Department. I've had the opportunity to meet with Mr. Mudre
3 a few different times at these different FERC relicensing
4 meeting. Something that I've been involved with the last
5 couple of years. A lot of frustrations have come out of
6 those meetings, but we've gained a lot of information also.

7 First of all, I'd like to really send some
8 acknowledgement to the Council. It's not very easy to stand
9 up here in the little timeframe that they have to express
10 their concerns. But I think they did extremely well doing
11 that and we really appreciate that.

12 I think you guys came down from Eureka,
13 California yesterday -- this morning. If you came through
14 Happy Camp, you might have seen a bill billboard along the
15 side of the road that was recently repainted that says "The
16 Steelhead Capital of the World." I think there's some
17 argument to that at this point in time. But, nonetheless, I
18 think that's the importance of the river. That's the
19 important place of the place that signifies the importance
20 of the fishery to the communities the evolve around this
21 resource.

22 The people that spoke today about the impacts to
23 our ceremonies and I think that they've done a very good
24 job. Mainly, the Spring Salmon Ceremony that is basically
25 not here anymore. Out of the tribal fisheries below Iron

1 Gate Dam the Karuk Tribe is the only tribe that does not
2 fish for the spring chinook salmon. I can't emphasize
3 enough. That's a huge, huge impact to the physical well-
4 being of the Karuk people and its membership and the
5 descendants as well as the people that live in the
6 communities that surround this once magnificent river.

7 One of the things that was not brought up was the
8 fact about the medicine people that do participate in these
9 ceremonies. The medicine people need to bathe in the
10 Klamath River up to 10 days at a time -- a span of 10 days
11 up to three, four times a day. There's significant health
12 factors that surround the Klamath River water at that point
13 of year -- basically, August through September --
14 magnificent impacts, but, nonetheless, we carry on our
15 ceremonies with great pride and perseverance. A lot of the
16 species necessary that are used in the participation of
17 these ceremonies are no longer in existence. I think some
18 Florence or a council person alluded to earlier is there's a
19 lot of different foods that the Karuk people do not utilize
20 at this point -- fresh water clams, mussels, water crab,
21 rhubarb, things like that. Some of these words I don't even
22 know because those are the things my mother passed on to me.

23 When I started this relicensing process, my
24 mother was with me. She's no longer with me. This is
25 something that inspired to me to look into the altered diet

1 of the Karuk people. It's a book that I handed out to the
2 FERC Commissioners or to the panel, if you will, and it's
3 very important. Because of the Karuk people and the way of
4 our life is that the grandparents teach the younger babies
5 the ways of life, the wisdom and things of nature. That's
6 the problem I see that's happening to our people is that we
7 do not have the elders in our community any longer to give
8 that information to our children. So that's a big
9 fundamental problem of the people of the Karuk community.

10 I the back page of your book it's highlighted --
11 all of the different impacts that the Karuk people go
12 through. Leaf mentioned some of them earlier. And this is
13 what leads me into the environmental justice realm of the
14 FERC relicensing. Like I warned, I'm going to ask FERC to
15 give us an informal definition of environmental justice, if
16 you would, in regards to the Klamath hydroelectric
17 relicensing.

18 MR. WILSON: Well, Ron, I appreciate the
19 opportunity to dialogue with you about this a little bit. I
20 can, just sort of based out of my experience, give you a
21 definition off the top of my head of how I see my
22 environmental justice being interpreted by federal agencies
23 and what the Executive Order that the federal agencies have
24 taken -- environmental justice under consideration says.
25 Again, off the top of my head, it goes something along the

1 lines at one point the president issued an Executive Order
2 that directed that federal agencies examine environmental
3 justice issues where federal actions were tending to have an
4 impact on minority communities -- more of an impact on
5 minority communities than on other majority population
6 communities.

7 So, just to throw out an example, maybe there's
8 all the landfills are going in where all the poor folks live
9 because they don't have the political representation to
10 fight the landfills. That might be an environmental justice
11 type issue and folks can raise environmental justice
12 complaints to the federal government and we're suppose to
13 take them into consideration in approving all sorts of
14 actions.

15 If you don't mind, Ron, I'm going to elaborate on
16 it a little bit in the context of the Federal Energy
17 Regulatory Commission because there are some unique things
18 about our federal agency that would impact how an
19 environmental justice issue would be considered by our
20 agency. And I'll do this the best I can off the top of my
21 head to provide you information and we can talk about it
22 further, if you'd like, to help the tribe participate in our
23 process.

24 As we've mentioned along the way here, the
25 Commission acts as quasi-judicial body. And, within the

1 Executive Branch, some of those types of agencies, like
2 ours, is considered an independent executive agency. The
3 independence part of it -- I can't give you the best
4 definition for what that means. But it means that we act
5 somewhat outside of the bounds of what the president directs
6 us to do because, in this case, we're making judicial-type
7 decisions based on the information in front of us. So you
8 may find that the Commission have issued orders in the past
9 or made statements in the past that some Executive Orders
10 don't apply as strongly to the Commission as it would
11 another federal agency like the Department of the Interior
12 or the Department of Commerce.

13 Just off the top of my head, again, I believe
14 that there may be some Commission issuances that speak about
15 how strong the environmental claims can be brought and
16 considered in front of the Commission. But, having said
17 that, I mean, having sort of done the best I can to provide
18 some general information about how strongly we consider
19 environmental justice issues. I'd like to note that the
20 information that's in this study of the diet of the Karuk
21 people that is information that even if it doesn't come to
22 us under an environmental justice heading, it's information
23 that regulations around the NEPA process require us to
24 consider.

25 The Council on Environmental Quality issues

1 regulations for how federal agencies are to conduct NEPA.
2 And, in those regulations it says that we are to consider
3 direct, indirect and human health effects from the projects
4 that we're authorizing or not authorizing. I think that the
5 dietary health information that you've given us is excellent
6 information. It's information that we don't often see in
7 licensing proceedings and so it's really good and really in
8 depth about the impacts to the Karuk Tribe. And I'd just
9 like to take a moment to express our gratitude for hearing
10 the tribal council members speak so strongly to the core of
11 their concerns. Your dietary report mentions the toil the
12 lack of fish has put on the Karuk tribal members and you can
13 really, I think, personally hear that in you all words when
14 you speak and I think it's an important issue to get into
15 our record and I think your dietary study report does that.

16 So that information is in the record. It's
17 information that CEQ regulations direct us to consider.
18 There may be some issues around how much the Federal Energy
19 Regulatory Commission can deal with an environmental justice
20 complaint or issue. But, nevertheless, the underlying
21 information is still important to us and still should be in
22 the record.

23 MR. REED: I would just like to say that I think
24 if we need to talk more about this I think we maybe reserve
25 that time. But I know we have some elders in the room that

1 might want to speak, you know, earlier in the process than
2 later. And I think we can hold this conversation for a
3 little bit later in that aspect.

4 Yes, I really appreciate that. I guess my point
5 is that I feel the Karuk Tribe is that minority that does
6 not have the resources available to us to fight the federal
7 government or whoever to be able to put our concerns and
8 issues on the table that weigh equally to other
9 stakeholders, if you will, in the basin. I don't
10 particularly like to be considered a stakeholder because
11 we're not. We're inherent of this earth and we're inherent
12 of this land.

13 Some of the things I'd like to speak to today --
14 the subsistence and ceremonial species with the tribal
15 trust, which I don't really think I need to get into a lot
16 because I know the other agencies -- Fish and Wildlife
17 Service, NOAA Fisheries and all the different aspects of the
18 biological concerns with those species. I just want to say
19 in a nutshell that we really don't have adequate supplies
20 and we don't have adequate numbers of fish to be able to
21 suit our needs.

22 The fisheries down at Fishery Falls is the last
23 remaining fishery we have and I think Leaf mentioned earlier
24 about the timing of that fishery and I think I won't go into
25 that. But one thing I will tell you is that in my lifetime

1 there's been a big difference in the amount of fish and the
2 timing of the fishery, which I'll leave and somebody else
3 will bring that up here a little bit later in their
4 comments. But I just want to let you know that the fishery
5 is impacted by the dams in the Klamath River because of the
6 fact that we don't have the spring freshettes coming down
7 pass the dams.

8 The fishery at Ishi Pishi Falls is dependent upon
9 population of fish and flow dependent. We depend on the
10 spring freshettes and fall freshettes to put water down
11 through the system and the fish tune into that and they
12 migrate. So there are some big issues that maybe we talk
13 more about later, but I think that it's very important to
14 realize that the dams on the Klamath River have a profound
15 effect on the timing of the run and also the health and
16 condition of the fish by the time they get to our fishery.

17 I would also like to talk to about the
18 traditional values that we're talking about here. We're
19 talking about traditional values in the sense that right
20 now, as one of our council person's said, we have less than
21 or approximately 10 fishermen down Ishi Pishi Falls. That
22 has a serious impact.

23 I've heard so many times at different meetings
24 I've been in, well, can't you just go buy your fish? Can't
25 we figure something out? Can't the federal government give

1 you fish and things like that. And the answer is absolutely
2 not. The nutrient value is only one very small piece of the
3 traditional aspect of the Karuk people. It's about the
4 energy you expend going and getting these fish. A lot of
5 these fisheries are associated with ceremonies. It's our
6 inherent right. It's our obligation to get fish -- to fish
7 for our ceremonies.

8 It's a detrimental impact to the ceremony when
9 you're unable to get the fish that traditionally we would go
10 out to the river in our particular fishing areas to get
11 these fish. Nowadays we have to freeze fish. Sometimes you
12 go down river and buy fish. But, nonetheless, we have fish
13 in our ceremonies to make it right. But I think you can
14 feel or you can sense the problem with that.

15 I'm a traditional fisherman down at Ishi Pishi
16 Falls and I have six children and I'm teaching them the
17 tradition the way I know it. The way it has been taught to
18 me. But there's one component that I wasn't taught
19 traditionally. That component is what I do now with my
20 children. Besides teach them traditions, I'm also teaching
21 them the biological factors of what's wrong with our fish
22 today.

23 I have one son who's currently enrolled in
24 college and his major is fish biology. I have a son's
25 that's in fourth grade. He's doing a career project. Guess

1 what his occupation of choice is -- fish biology. So
2 there's a tremendous impact on our way of life, our
3 integrity, our traditions. I go to these meetings all the
4 time. I hear all the other stakeholders concerns. But,
5 when I throw my issues out on the table it's not heard in
6 the same way. It's not taken down and it's not held in the
7 same regard. So I think this is important to the Karuk
8 Tribe that you're sitting here listening to the people that
9 speak from their heart, speak about the resources that we've
10 talking about because I've been doing this for approximately
11 three years now and I wish I would have had all of these
12 people right here that spoke today in those meetings with me
13 because I think it would have had a profound effect on their
14 thought process.

15 There is a lot of different issues and its
16 impacts or the dam's impacts on the river and the river's
17 impacts on the people. I think I've said enough up here,
18 but I can't go by this without talking about the
19 basketweaving materials that hopefully people in the
20 audience will be speaking to shortly so I won't get into
21 that. But I will reserve comment later on. So I think the
22 basketweave materials is very important to the people.
23 Those are the baskets we take to our ceremonies and use in
24 our ceremonies. So it's a very important part of our
25 everyday life. I guess that's what I really have to say

1 today. And, again, I really appreciate you folks for coming
2 down and coming down the exhausted path to meet with us
3 because I think it's very important. The issues you have on
4 your shoulders today is going to effect the Karuk people
5 tomorrow and the day after and the day after. And like
6 everybody else that's spoke so far, please hear us. Please
7 listen to us and utilize the information that the Karuk
8 Tribe and all the other tribes, for that matter, have to
9 offer because we are the true stewards of the river. We are
10 the true stewards of the up slope of the forest. And to the
11 Karuk Tribe it's interconnected. And, again, thanks a lot.

12 MS. TRIPP: Thank you, Ron.

13 We have a bit of time before lunch. Did you know
14 of any elders that were needing to speak at this time?

15 LaVerne? All right.

16 MS. GLACE: I'm LaVerne Glace. I'm a member of
17 the Karuk Tribe. I'm a basket weaver, gatherer. I've lived
18 here all my life. That's a long time.

19 (Laughter.)

20 MS. GLACE: I have seen so many changes during my
21 lifetime. We used to swim in the river. Fish -- we had
22 fish all the time. We had eels. I remember going with my
23 dad and mom, going doing to eeling and coming back with
24 sacks full and now we can't even get one. Sorry. But now I
25 see basketweaving materials are going by the wayside. We

1 don't have enough water to wash out the willows so we can
2 get the root and good sticks. The sticks are all buggy now
3 because they're so old some of the stalks are about that
4 big. (Indicating.) And so the bugs get in there and they
5 just keep going after them and so we don't have any good
6 sticks anymore. We gather roots when the river comes up and
7 then it recedes and then the roots are exposed and that's
8 when we gather them -- that and wild grape root. And the
9 river doesn't come up that much anymore and so we don't have
10 our basket materials. It's just a lot of things.

11 And our fish is like we don't have enough fish
12 for all the people. Ron came up last year and gave me a
13 salmon. And I think that was probably the only salmon that
14 I got and that was really something and I sure appreciate
15 it. But I wish and I hope that you would consider all of
16 these issue because we have a lot of them up and down the
17 river with the water situation.

18 I worry about my grandchildren and my great
19 grandchildren weaving and not having any materials to weave.
20 Sorry.

21 MR. HJORTH: Can I ask you a question?

22 MS. GLACE: Yes.

23 MR. HJORTH: So that I understand. I wonder if
24 you could describe what you consider good basket-making
25 materials in terms of willows. Can you describe what is

1 there now that is not good?

2 MS. GLACE: The water doesn't come up enough
3 anymore to where it washes the willows out and brings new
4 shoots because what we want is the new shoots that come up
5 in the wet sand.

6 MR. HJORTH: So what you really need for your
7 basket-making is the young shoots that generate from the
8 older roots of the willow?

9 MS. GLACE: Right.

10 MR. HJORTH: And so they've got to be, I suspect,
11 pretty pliable, flexible.

12 MS. GLACE: They have to be new shoots.

13 MR. HJORTH: So they can't be too thick or
14 obviously you can't use them.

15 MS. GLACE: Right.

16 MR. HJORTH: I want to get a good understanding
17 of what kind of conditions we need to look at in terms of
18 good basket-weaving material or trying to generate good
19 basket-weaving material. So I understand why it's not good
20 now, but what I want to have a good understanding of is what
21 makes good basket-weaving material.

22 MS. GLACE: The new growth.

23 MS. HJORTH: Okay. I think you've helped me out.

24 MR. REED: If I might add to that a little bit.

25 Okay, the spring freshettes is key because the spring

1 freshettes which I feel is nonexistence today because of the
2 fact the dams are up there and they allow so much water out
3 of the dam and that's it. They don't fluctuate below the
4 dams as a normal river would. In that process we use
5 willow. Not only the shoots that come out, but the
6 basketweavers also use the roots that are exposed with these
7 spring freshettes. And so, if we don't have the spring
8 freshettes, then the exposure to these roots are basically -
9 - you know, the timing is hard to figure out when to go down
10 and to pick your basket materials. It's not the same time
11 as we did traditionally.

12 Another aspect of it is that the water quality
13 issue that goes on in the lakes above Iron Gate. Basically,
14 what you have is some nutrient-loaded water that comes down
15 these shallow reservoirs and they basically cook and they
16 create all these different water quality problems. And so
17 then that comes down the river and now all of a sudden you
18 have a nutrient-rich system that now, in my opinion, and
19 I've received this information from other basketweavers that
20 it creates an irregular growth pattern in our new shoots
21 where you have a big bulky stems down at the bottom instead
22 of the nice, long slender shoots. That's one of the things
23 that I picked up from our interviews and I think it might be
24 in the white paper.

25 I think a lot of these issues we have them in our

1 different series of comments or different stages. So that's
2 just something I thought I'd help out with.

3 MR. GOODWIN: I'm Bob Goodwin of the Council.
4 And some of the basketweavers have spoken in regard to the
5 bug infestations as well. When the river doesn't come up
6 and purge itself, clean itself out, because of the control
7 of the dam of the Klamath River, these bug infestations can
8 be terrible on the willows. The bugs get into the willows
9 and they eat the stems. So they can do all this work, go
10 out and gather all these willows and when they start peeling
11 them and making them into basket material they just break
12 because they're full of holes.

13 MS. TRIPP: Thank you.

14 At this time I know that we have a couple of
15 people that have come in that are going to represent tribal
16 opinion and they're going to need to leave for different
17 meetings in the afternoon. So maybe at this point -- I know
18 that April Conrad has a few things to share with you and
19 then I think we have just one other person before lunch for
20 sure, Scott Quinn.

21 So, April if you'd like to go ahead there's a
22 speaker right there. You might want to say your name so
23 that we can make sure that your comments are on the record.

24 MS. CONRAD-GAYLE: Hello. My name is April
25 Conrad-Gayle and Ron can maybe get up here. But I do have

1 something I'd like to say in regards to this matter and
2 that's the fact that I grew up fishing with my dad the
3 traditional way from the time I was about five-year-old. I
4 spent a lot of my youth down at the Ishi Pishi Falls
5 clubbing and packing salmon. And in those days the fish
6 were plentiful. There were even, I think, two different
7 runs each years. But, through the years, I've noticed less
8 and less fish every year. We only get one run of salmon. I
9 remember people would come down and take pictures of my dad
10 and he would have like seven or eight salmon in the net. I
11 don't know if you're familiar with how the Karuk
12 traditionally dip net, but he'd be wrestling around with all
13 these big, huge salmon in the net and people were just
14 fascinated with that. I was fascinated by it.

15 One year a guy from National Geographic came down
16 and he did this article in a book about my dad dipping and
17 took pictures. And so it's always been a big deal to us.
18 It was one of our staples when I was growing up. And, if it
19 was one of my staples now, I'd be in sad shape because we
20 get one run a year now instead of two. This year I didn't
21 get any salmon. My dad passed away this year and, of
22 course, he hadn't dipped in quite some time anyway because
23 he was getting old. But each year it's been less and less.
24 I don't believe even got a run at all this year. The water
25 was so low they were getting fish down river and we kind of

1 waiting for them to come up through the Falls and they just
2 never did really make it up because the water was too low.
3 They were going up the middle and our people didn't get
4 salmon this year. I think I saw a couple maybe go down to
5 my mom's house because she's an elder. But it's nothing
6 like it had been. It's gotten worse and worse and it's was
7 really sad that we didn't have a run this year.

8 My son is really excited about dipping. He's 14
9 and it's a big deal to him. Dipping season is his favorite
10 time of the year. Him and Sandy's son are the same age and
11 all through school during their art projects they've drawn
12 pictures of dipping down at the Falls. It's in their
13 hearts, you know, and it's really sad that they missed out
14 on that this year and it's sad to think that it might be
15 something that may just at some point not exist. I don't
16 know. But I just wanted to share that with you that it's
17 been in our family from the time I was little and it's being
18 carried on and it's very important to our people. The
19 changes have been real noticeable to the people and river.
20 Thank you.

21 MS. TRIPP: Thank you, April.

22 I understand at this point Scott Quinn had to
23 leave. He did leave his comments with Holly Hensher and she
24 will share those with us a little bit later.

25 I'd like to give any elders that would like to

1 come up an opportunity to come up at this point and speak if
2 they'd like. I know we have a list of people that would
3 like to speak, but if we have any elders in the room that
4 would like to speak that would be fine at this point.

5 Otherwise, what we can do is we can begin to go
6 through some of our staff -- the Department of Natural
7 Resources staff. We have some Fisheries folks here that are
8 on the river every day throughout the year -- summer or
9 winter -- always trying to get down the data that's
10 necessary to try to keep our fish alive and the culture of
11 the Karuk people alive for our children and our
12 grandchildren.

13 Kenneth Brink is our Fisheries biological
14 technician III. He's been doing this since right after he
15 got out of high school, maybe even before that. And I know
16 that he has a lot of experience and also is a traditional
17 fisherman. I'd like to welcome Kenneth Brink up here.

18 MR. BRINK: My name is Kenneth Brink. I'm a
19 biological technician for the tribe and tribe member. I'm a
20 traditional fisherman. That's kind of where I'm going to
21 hit. I 'm going to talk about some of the impacts upon the
22 traditional fisherman that I've seen in my time.

23 I started fishing probably when I was real little
24 in the early '80s. When I started fishing I remember
25 fishing when the fish were plentiful. I guess what we call

1 it was the very end of the Coho run we called it. It wasn't
2 very long after that that disappeared. It really declined
3 fast and there was an area where there wasn't any fish. It
4 wasn't to until to long ago the fish started increasing
5 again. There are certain things that I see now that I've
6 gotten older that make a big impact on our fisheries.

7 One is we need certain temperatures for our fish
8 to run, you know, and certain flows. If we don't have these
9 certain temperatures and certain flows these fish won't run.
10 There are times right now where these fish will come up the
11 river and they will hold in these tributaries -- you know,
12 the Salmon River is right below our Ishi Pishi Falls where
13 we traditionally fish and these fish will hold there because
14 they know they can't make it below the Falls because of the
15 temperature and the flow. So, at times, there are sports
16 fishermen catching more fish than we are at the Falls. And
17 that seems pretty drastic for a person being a traditional
18 fisherman and all. It's this little small thresholds and I
19 think there are some immediate actions that we can take.

20 I'm not too optimistic. I don't see the dam
21 being taken out in my time, but there is certain things that
22 we can do to help our fisheries. At the same time the adult
23 fish are migrating in, the young of the year are migrating
24 down. And they also take certain flows or certain cultures
25 of water. And these small thresholds of temperature, which

1 are very small ones, you know, 1 degree celsius. A couple
2 hundred cfs where these fish will migrate. And, if it
3 wasn't for our tributaries I feel like our fish will be gone
4 because these fish usually refuges during the summertime.
5 These cold water refuges from our tributaries to survive,
6 adults and the migrating young of the year.

7 And at certain times we get rainfall, which
8 should fluctuate our flows. But it doesn't because of the
9 project or the dam. We don't get the fluctuation that we
10 need. So I actually feel that there could be some immediate
11 actions taken that could actually help the migration both
12 ways -- adults coming up and juveniles going down. There
13 are certain times of the year the fish need the water and
14 Mother Nature takes care of it a lot of times, but during
15 the summertime when there are critical conditions when the
16 water is so hot and the water is so low where natural
17 disease exist in the river really thrive. All these fish
18 are gathering up in these refuges and these natural disease
19 actually exist in our system naturally. But we have all
20 these fish -- a mass of fish that usually have a pool twice
21 its size and you've got the same amount of fish trying to
22 sustain in the pool that's half its size at times because of
23 the flow coming out of Iron Gate. The disease really
24 thrive, you know, like the fish rubbing against each other.
25 It passes on. And during the 2002 fish kill was like -- you

1 know, I was fishing at the Falls and it seemed like over 80
2 percent of the fish were infected with fish disease. And
3 it's because of these fish we're having to back up because
4 these fish they know naturally they can't make above the
5 Falls or they can't go upstream because of the conditions.
6 They naturally know this. Fish are smart. So at certain
7 times we know these certain flows that can help the
8 migration.

9 So at certain times we need certain flows that
10 help the migration. I see at the Falls if we have water,
11 the fish will run. If we have no water, they stop. If we
12 get good rain flow, they'll come in at a time. When the
13 rain goes away, it starts declining. That's only if we get
14 sufficient rain. If we don't get enough, we don't have any
15 fluctuation due to the dam because the dam really controls
16 the fluctuation of our fish. The natural fluctuation we
17 used to get where the fish pulls and there's a lot of
18 natural factors that play a role in it that we can't do
19 nothing about like hot summers or playing a role on the
20 temperature of the water. But holding back the water at
21 certain times is what's really critical for our fish. And
22 these are some immediate things that I can be done this
23 year. Certain times of migration and out migration when the
24 water can be released could be critical for fish passage and
25 sustaining fish, for salmon -- for out migrating and

1 migrating fish of the river.

2 So I'm not too optimistic. I'm not looking in
3 the future too much as I want to have immediate action like
4 this year because I don't believe our system can withstand
5 another 2002 fish kill. And we also believe as Karuk people
6 these fish are -- that river is like our church. Those fish
7 exist in our church. And we believe when those fish are
8 gone we're also going to be gone as humans as we know it.
9 This is a way of life for our people and these fish have to
10 survive. We don't have McDonald's in this town. It doesn't
11 work like that for our people. I think immediate action, in
12 my opinion, that's where it's action.

13 There's going to be drastic measures taken if we
14 took dam out because of the sediment load and all the
15 nutrients in there. But, if you could just start learning
16 to manage this water in a better way, giving the fish the
17 water they need at certain times of migration out at the end
18 of year and adults coming up, that might be a real good
19 measure. That's all I have to say. Thank you.

20 MS. TRIPP: Thank you.

21 MR. GOODWIN: I'd like to make one comment. My
22 name is Bob Goodwin, tribal council member.

23 Along the lines of those that have been here
24 today and what's been expressed to you folks, I don't think
25 it's been expressed that these hundred fish that were caught

1 last year in our fishery that's suppose to support over 3300
2 tribal members. The folks that sit here is just a handful
3 of what is representative of the tribe -- 3300 people and we
4 can't get 100 fish. That doesn't make any sense to me. And
5 to get these people up here at the podium -- we don't see
6 our people as outspoken as they have been lately on this
7 issue. They're not outspoken people to begin with. It's
8 traditionally the turn-the-other cheek society that we live
9 in. Our tribe of people don't go out and attack somebody
10 who has taken something from them. But to see these people
11 speaking from their heart is very empowering to me and it
12 makes me want to continue to struggle and I think we'll all
13 be better in the end and we're going to look for the
14 success. Thank you.

15 MS. TRIPP: Although we do know that the FERC
16 Commission doesn't make decision on the water flow in the
17 river, we do know that the quality of the water in the river
18 is a big part of what's affecting the fish. When Vince was
19 talking about 2002 fish kill, that was a very serious time
20 that year. When my husband brought home fish that year,
21 before he even pulled them out of the river their gills were
22 bleeding. That was a scary thing. That was scary. The
23 fish just didn't die down river. They died here, too. They
24 continue to die and every year they do and we have juvenile
25 fish kills like they were talking about earlier that aren't

1 even talked about, but all of it is affecting the demise of
2 these fish.

3 In my opinion, we can't sit back and think that
4 another 30 or 50 years is okay to even think about having
5 those dams and this continuing. It's not going to take that
6 long. It's not going to take 30 years for these fish to be
7 gone and it is an environmental justice issue. It really
8 it.

9 Lunch should be starting here in about five
10 minutes. Everybody can get ready for lunch.

11 (Lunch Recess.)

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1 of coho run in the early '70s. Now our fishing consist of
2 two to three weeks, if we're lucky, with very little fish.
3 You've heard testimony today of people getting no fish, of
4 people getting one fish. That's real people. That's real.
5 I was down the Falls every single day and I fished hard. My
6 brother fished hard. My relatives fished hard for less than
7 100 fish.

8 You heard Leeon talk earlier about elders asking
9 him about fish. Where are the fish? Well, the fishermen
10 who were at the Falls were trying as hard as they could. I
11 know. I was there. And the little fish that we did catch
12 we distributed the best that we could. It wasn't like years
13 past where we could give fish up and down the river out to
14 the valley to all of our tribal members. It hasn't been
15 like that in a while.

16 Iron Gate, Coho I and II, they block 300 miles of
17 some of the best spawning habitat and rearing habitat on the
18 Klamath River. We don't know about that down here because
19 we're stuck in our world here. The upper basin is 200 miles
20 away. With no spring run, our fishery has dwindled. We
21 have no trigger net fisheries any more like we did in the
22 spring and our ceremonies are predicated on fish.

23 I live in Tee Bar. As Leaf mentioned before,
24 there are 50 miles of Klamath River that does not get
25 electricity. I happen to live in that region. So what is

1 that dam doing for me and my family? I heard testimony
2 about fresh water mussels how they used to be in abundance.
3 Well, whether we know that or not those are water quality
4 indicators. We no longer have them here anymore and I don't
5 know if we ever will.

6 What I'd also like to say is Iron Gate is a black
7 hole to our wild salmon. When they go in there where do
8 they go? From what I've heard, some are killed for
9 fertilizer. Others are killed and fed to prisoners. Those
10 are all wild fish. In other words, we have prisoners that
11 are eating better than the indigenous people below Iron Gate
12 Dam.

13 The thing about the Klamath River is it can be
14 fixed. Thank you.

15 MS. TRIPP: Thank you.

16 The next person that I'd like to come up to the
17 podium is Toz Soto. He's our lead fisheries biologist and
18 has lived here also all of his life on the river.

19 MR. SOTO: Toz Soto, lead fisheries biologists.

20 A lot of people have said a lot of powerful stuff
21 and it's great to hear that. I kind of want to point out a
22 little bit of irony and maybe some optimistic or hopeful
23 thoughts that I have about this situation.

24 By in 1986 there was the Klamath Restoration Act
25 and it was basically a 20-year plan to restore the

1 anadromous fisheries in the Klamath River for tribal
2 purposes, commercial sport purposes. The irony is that
3 we're on the 19th year of that Act and last year we had the
4 lowest run of Fall chinook that we've had yet in a 20-year
5 period. That tells me that the actions taken in the Klamath
6 Restoration Act are failing. The actions were primarily
7 piecemeal. Restoration actions there was a lot of habitat
8 manipulations, fish screens, all good stuff to some degree.
9 But what the Klamath Act failed to do was to adopt an
10 ecosystem-based approach to salmon restoration, which is a
11 holistic approach that involves restoring the entire
12 watershed. Okay. It doesn't mean fixing a problem here, a
13 problem here, a problem here -- basically bandages.

14 This approach means making the system whole. It
15 means habitat connectivity. It means looking at the entire
16 Klamath watershed, including the Trinity River, the upper
17 basin, the lake and taking a holistic approach to
18 restoration. Another irony is that we have an opportunity
19 right now to make a major step in ecosystem restoration and
20 that's restoring connectivity to the upper basin through
21 this relicensing. This is probably the biggest restoration
22 opportunity that the Klamath has seen yet. It's an
23 opportunity to connect the lower Klamath to the upper
24 Klamath, connect the fisheries, connect other river process,
25 aquatic habitats -- you name it. I see it as kind of the

1 new era in fisheries restoration. The old approach is not
2 working and this relicensing comes on irony 2006, which is
3 the end of the Klamath Restoration Act and, hopefully, the
4 beginning of this new approach. So I urge the FERC
5 Commission to consider this and take it seriously because
6 the Klamath is a very unique river system.

7 We have, like a few people stated, about 300
8 miles of anadromous habitat that is currently disconnected
9 from the lower Klamath. And, in order to restore the spring
10 run salmon and other cold-water dependent fisheries, we need
11 to do this. And, as you've heard before, the spring run
12 salmon is a vital part of the Karuk culture and it's a vital
13 part of the ecosystem function of the Klamath River. And it
14 sounds like a monumental task, but I see it as an
15 opportunity and I think we need to seize that opportunity.
16 Thank you.

17 MS. TRIPP: Thank you, Toz.

18 The next person we should call up is Alex. He's
19 our fishery biologist for the Fisheries Department of the
20 Karuk Tribe.

21 MR. CORM: Hi. I'm Alex Corm. I'm a fish
22 biologist. I've got a map I want to give you. Melissa made
23 this. She's our art view person. That map is based on some
24 work we did this fall. And, actually, there's an inset
25 there based on what we did last fall where we've been radio

1 tagging coho salmon at Ishi Pishi Falls. And I particularly
2 want to touch on coho because they're threatened --
3 federally and state listed threatened species and that gets
4 a lot of ears perked up.

5 So last year at the Falls we only managed to tag
6 five fish. Out of these five fish one of the wild fish we
7 tagged returned to Iron Gate hatchery. It was subsequently
8 killed. I don't know if they spawned it or what. That just
9 happens to be a fact from last year. One out of five. Five
10 is a very small sample size for what we do.

11 This year we managed to tag a few more fish, but
12 our total was only 17. That's still a very small sample
13 size. But 2 out of our 17 fish this year -- and we tagged
14 no hatchery fish. These are all wild fish -- returned to
15 Iron Gate hatchery. There's a project that U.S. Fish and
16 Wildlife is doing tagging fish at the hatchery. So these
17 fish were then released from the hatchery. They were not
18 killed this year.

19 One of these fish, the one on the map, you can
20 see it kind of mill around below the hatchery for -- I'm not
21 sure of the exact period of time -- several weeks, I
22 believe. Then it ended up finally spawning in Coho Creek,
23 which is a small tributary near Iron Gate Dam. The other
24 fish that returned to the hatchery this year never did enter
25 a tributary that we could detect and we're fairly sure it

1 spawned in the main stem. And that, along with some of our
2 fish and live crews documentation of main stem spawning by
3 coho this year seems to be a pretty reasonable assumption.

4 Now where I'm going with this is these fish
5 clearly were stopped by the dam. And what my point is, is
6 that with that dam removed these fish would not be stopped.
7 And that soon you would have fish utilizing this habitat
8 above Iron Gate Dam.

9 I'd further like to add that where Iron Gate Lake
10 sits is a volcanic substrate. It's well-known to be good
11 spawning substrate, the parts of the Shasta River as well.
12 There is very little flow fluctuation and it's real porous
13 so there's a lot of underground flow, which is very good for
14 egg development. And so, just Iron Gate Dam, in and of
15 itself, would open up a lot of high quality habitat. But
16 then, going beyond that, you have this tremendous high
17 gradient section of the river above which you have, of
18 course, Klamath Lake.

19 In this high gradient section of the river you
20 have a lot of springs and cold-water inflow associated with
21 this volcanic substrate. These springs and cold-water
22 inflow are also well-documented to support fish through some
23 of the high stress periods of time in their life cycle.
24 Spring chinook returns through the summer and also juvenile
25 fish out migration. There's a load of evidence within the

1 Klamath of these cold-water fugal areas importance to fish.
2 And there's essentially documentation of lots of springs
3 above these dams. So, to make a long story short, not only
4 are these dams blocking off habitats, but they're blocking
5 off some of the best habitat in the entire basin. And so,
6 with that in mind, it's kind of incredible that the fishery
7 is persisting at all.

8 That's all I have. Thanks.

9 MS. TRIPP: Thank you.

10 Melissa, can you come up and tell us some of the
11 things you see out there on the river, also.

12 MS. KLEEMAN: My name is Melissa Kleeman. I'm a
13 natural resources biologist with the Karuk Tribe. I'm new
14 to the area so I haven't done to much work on the Klamath
15 River, but I've done a lot of work on numerous rivers in
16 Oregon and a couple in northern California. And, while I've
17 been down here in California, people kept telling me these
18 runs are nothing compared to what you would find on the
19 Klamath. I've heard that from a number of sources and when
20 I got here, you know, I got here right before the fall run
21 for chinook and it's like everyone around me was saying,
22 yeah, just wait until the fall run fish come in. There are
23 going to be so many. And I got here and I was really
24 disappointed. I've seen more coho this fall than I have of
25 the fall run chinook. And, on top of that, I've worked on

1 some rivers that the fish there are just decimated for the
2 fall run chinook in northeastern Oregon near headwaters.
3 And I've seen more fall chinook there than I did there and
4 this is suppose to be a really good river for fall run
5 chinook.

6 The other thing I'd like to make comment on is
7 all those rivers that I've worked on have had dams on them.
8 They've had hatchery supplementation. But the difference
9 was that everyone of those dams had fish passage. Over here
10 we've got three right there at the beginning for Iron Gate,
11 Coho I and Coho II that have no fish passage, blocking at
12 least 50 percent or more of the basin for the Klamath River
13 Basin. And, even if we don't remove those dams, at the
14 least if we could get fish passage going through them, we
15 can get these fish that get stopped at the dams spawning in
16 the habitat above it. It would be kind of like if you were
17 to take everyone in the United States and put them east of
18 the Mississippi River and saying you cannot go pass this,
19 even though you have a lot of land and everything west of
20 it. It would be just keeping everyone and everything in a
21 smaller section than is available to them. Thanks.

22 MS. TRIPP: Thanks, Melissa.

23 Next is Jim Henderson. Jim is our water quality
24 biologist, water quality coordinator.

25 MR. HENDERSON: My name is Jim Henderson, water

1 quality coordinator for the Karuk Tribe.

2 The water quality issues, water impacts of the
3 dams on the Klamath get very technical and more technical
4 than the audience probably would care to hear right now. I
5 would refer, instead, to documents we already have on record
6 with FERC for the details of that. I will go over a brief
7 summary of a few of those effects, though, that are readily
8 apparent. You can go out and see them yourself any time
9 you're on the river, especially, in the summer.

10 The dams block cold-water appreciations that occur
11 between the reservoirs. These are cold-water appreciations the
12 same as Alex referred to as refuge areas. Those are no
13 longer available. Instead, we get warmer water released off
14 the top of the dams. So those are totally lost to the fish
15 in the river. The dams also create an effect called
16 thermalog, which means we get much colder water in the
17 spring and much warmer water in the summer. The
18 implications of that I would refer you to our documents that
19 we've already filed. But there are very grave implications
20 to both those effects.

21 Further, the reservoirs helps to foster fish
22 disease below the Klamath's reservoir. One of the greatest
23 ways they do this is by allowing a species of algae call
24 A.flos-aquae to grow unchecked. This species of algae
25 further harbors a disease pathogene that attacks juvenile

1 fish and adult fish. That is the seashell pathogene. I'm
2 sure you're aware of that.

3 And further, the reservoirs also allow massive
4 blooms of blue-green algae to occur in the summer. The
5 blue-green algae it actually has the ability to recruit
6 nitrogen out of the air and add it to the river, which is
7 already hyper-eutrophic and also produces toxic byproducts.
8 But, again, I refer you to the studies. That gets very
9 specific.

10 I just wanted to close with a comment on the
11 government-to-government relationship that was created by an
12 Executive Order and it was created so that a federal agency,
13 any federal agency -- in this case FERC -- is empowered to
14 protect the tribe from policies enacted by the federal
15 government that may have implications to a tribe. And, just
16 based on the reading of this Executive Order alone we really
17 shouldn't even be where we are right now. FERC should have
18 approached the tribe at the very beginning and said, yeah,
19 are these federal policies going to impact the tribe? Do
20 you feel that they will? And there should have been a
21 separate relationship just between the tribe and your
22 agency. And it's kind of to protect the tribe from the
23 government. It's kind of to protect the tribe from FERC
24 itself or the policies of FERC. Because as we've seen in
25 the past, the policies of the federal government aren't

1 always in the best interest of the tribes. And this
2 government-to-government is extremely sacred and you're
3 going to keep hearing more and more about it.

4 And, as far as the policies having implications
5 to the tribe, if you don't see the implications to the tribe
6 as being dire, then there's something keeping you from doing
7 your job. And we want to try to help you to do your job.
8 Thank you.

9 MS. TRIPP: Thank you, Jim.

10 Bill Tripp. Bill's lived here all his life.
11 He's a traditional fisherman. He's a cultural specialist
12 for the Department of Natural Resources.

13 MR. TRIPP: Bill Tripp with the Natural Resource
14 Department. I'm a traditional fisherman and a traditional
15 cultural practitioner. Being a person that grew up in this
16 area, I lived on salmon and acorns and deer meat and
17 steelhead all through my younger years. I learned a lot
18 about the ceremonies and the fisheries. And one of the
19 things with the Spring Salmon Ceremony is we were the
20 managers of the fisheries and everything we did we managed
21 for the fish first then the people. The fish themselves
22 helped to manage our lives.

23 Just because that ceremony isn't done today as it
24 was for thousands of years doesn't mean that some of us
25 don't still go down there and sit by the river and just wish

1 it could still be done. You don't see any fish. You can't
2 do it without the first fish. That was done in April. So
3 we start catching salmon and quit catching steelhead during
4 that moon. And so now that's basically five months before
5 we even see a fish now. We can't eat the steelhead.
6 They're there but we can't eat them by Karuk law. And now,
7 as a traditional fisherman, we see the first fish coming in
8 in September where you used to be able catch them -- after
9 that April moon, you could catch them from Ike's Falls to
10 the mouth, but you couldn't catch them Ishi Pishi Falls up
11 until the July moon, which allowed for a lot of time for
12 those fish to get all the way to the headwaters and they
13 can't do that anymore. The purpose of the ceremonies have
14 been basically stripped from us. The Salmon Ceremony up at
15 Clear Creek still happens today and we still don't go down
16 there to the Falls until after that moon.

17 There are five months where we should be eating
18 salmon and we can't. I, myself, am feeling the effects of
19 it because I have a really high cholesterol problem and am
20 now finding out that I'm a borderline diabetic and I'm only
21 31 years old. I would love nothing more than to be able to
22 live off of what the land could provide and I know I'd be a
23 lot healthier for it.

24 If we could fish pass that dam and bring meaning
25 back to the Salmon Ceremony and let those fish travel up

1 there, then we can catch them again. And we can start that
2 ceremony again and we can all live and raise our families on
3 the river. I noticed that in September the dams used to
4 operate under this FERC minimum where they ramped it up to
5 so many cfs at the beginning of September. Now, at the
6 beginning of this process for the relicensing, there was
7 some kind of biological opinion out there that said that
8 that didn't necessarily need to happen.

9 From then on I watched that fishery decline. I
10 watch the fish become sick. I never saw it before, and I
11 was down there since I was in diapers. And they tried to
12 help by releasing water earlier after the fish kill or they
13 released water during the fish kill and they brought those
14 fish up. The fish were coming through and they released
15 more water and I was down their fishing and I saw those fish
16 get healthier. They were still dying, but they were getting
17 healthier over time. Over a matter of three or four days
18 you saw less and less of this problem in the fish. I mean,
19 it only takes a couple of days to kill a fish when it comes
20 to these things and I hate to see our livelihood stripped
21 from us and our children. That's it.

22 MS. TRIPP: Thank you, Bill.

23 Molli?

24 MS. WHITE: I'm Molli White, tribal member and
25 this is my daughter. And I work in the Fisheries Department

1 as well. This is Trust Hillman and this is my son and he's
2 one of our newest tribal members. I want each of you to
3 look at his face -- really look at his face. When you
4 people go back to where you come from, I want you to carry
5 this face with you. The relicensing of the dams will not
6 only affect the Karuk people that are alive now -- the
7 people who are talking to you now, but will continue to
8 destroy generations of our people.

9 I would give anything for my boys not to have to
10 fight this fight. My family fishes at the Falls. Next year
11 will be the first year that my 1 and 1/2 year old son,
12 Nicknackage, will be following his grandpa and uncle down
13 the trail to the river. He will be packing the fish that
14 they catch back up that trail and I only hope that there
15 will be fish for them to catch. My sons and their sons
16 deserve to have these experiences. They deserve to have
17 their culture alive. So, once again, I ask you to look at
18 his face. Look at his face, ma'am, and think of our future.
19 Thank you.

20 MS. TRIPP: Thank you, Molli.

21 Earl Crosby is our watershed restoration
22 specialist. He deals with issues related to water and
23 restoration for the fish on a daily basis.

24 MR. CROSBY: Good afternoon. I'm Earl Crosby.
25 I'm the watershed restoration coordinator for the Karuk

1 Tribe. Thank you for coming today.

2 The Klamath River is a big organism. It's not
3 just a thing that just sits out there in the landscape. It
4 goes from the lips to the headwaters and all the tributaries
5 that feed into this living organism. And what these dams
6 are doing is cutting it off by 60 percent. It is like
7 somebody has cut off your cardiovascular system by 60
8 percent and how would that affect your quality of life.
9 Think about that. Put it in human terms since a lot of
10 people out there are so anthropomorphic.

11 Also, a lot of what I do is I deal with up flow
12 restoration work that deals with the past mismanagement of
13 the land by other U.S. government agencies. What I'm asking
14 you folks to do on the FERC Council is to not make the same
15 mistakes that other agencies have done on the river and do
16 the right thing and look at pulling these dams down and
17 making sure that when you do your environmental impact
18 studies that it goes from, not just from around the dams
19 when the dam's up. It should go from the headwaters all the
20 way to the lips of the river because that is the effects.
21 From the lips at the top, the headwaters at the bottom of
22 the river to the top of rivers. That's what the Karuk
23 people are worried about and that's what I'm worried about.
24 And, hopefully, you are too now that you've seen the river
25 and had a chance to listen to the people that are here and

1 what they've had to say.

2 I'd like to leave this on a quote from a poor
3 English gentleman when his land and his people were
4 threatened, too, by a force that some people thought were
5 maybe unsurmountable, and his name was Sir Winston Churchill
6 -- "We shall fight on the beaches. We shall fight on the
7 landing grounds. We shall fight in the fields and in the
8 streets. We shall fight in the hills. We shall never
9 surrender." Thank you very much.

10 MS. TRIPP: Thank you, Earl.

11 Did you want to read Scott Quinn's comments at
12 some point?

13 MS. DONDERO: I'm Jill Dondero. I'm this
14 caucasian in the community. I've been a community member
15 for 32 years. I'm a retired federal bureaucrat. My heart
16 goes out to you guys. I want to welcome you to our bio-
17 region and I really hope that you understand the Karuk
18 people are the gems of this bio-region. What they
19 represent, what they've always represented and what they'll
20 continue to represent because they have no place to go. I
21 can run back to Germany or England or wherever my heritage
22 came. The gems of this bio-bio-region are here, have always
23 been here and will continue to be here. So welcome to our
24 bio-region and enjoy the gems.

25 I just get so frustrated and so brokenhearted and

1 I guess it's just a condition of being a human being. But
2 we're talking real living human beings and cultures here.
3 And I want to talk about a little different culture. I want
4 to talk about a capitalist, corporate culture. And FERC may
5 or may not be the place to address this; however, any CEQ
6 requirements, Council of Environmental Quality who oversees
7 NEPA, all the letters of the government and documenting
8 environmental, and now social concerns. My social concerns
9 is with my white, corporate capitalist companies -- Scottish
10 Power, the parent company of PacifiCorp. I would certainly
11 like to see in the environmental discussion of social
12 effects to see the relationship with the Office of U.S.
13 Securities and Exchange Commission and I'd like to know the
14 relationship with the Securities and Exchange Commission and
15 the epics of Scottish Power, PacifiCorp and the ethics in
16 meeting Securities and Exchange Commission financial
17 reporting requirements.

18 Now, in 2002, the Securities and Exchange
19 Commission, partially in response to Enron and other
20 corporate scandals that bled us dry, came up with what they
21 call the
22 Sarbane/Oxley Act. It's just a reporting act to make sure
23 that, hey, the numbers, the finances, all that stuff,
24 they're being swept up in Scotland, in Utah because
25 PacifiCorp manages three Scottish power utility companies.

1 I want to make sure that this is being ethical and that with
2 all this corporate mess the people requesting the
3 relicensing are ethical, do have the standards, the
4 background, the compassion that the Karuk people do.
5 Because I don't see this so much as fish and water. I see
6 it as money, money, money. And I think the decisions of
7 FERC will be, more or less, which culture are we going to
8 choose -- corporate, rich, white cats who do have other
9 places to go, other areas to mine, other areas to suck dry.
10 Or will the decision probably be put back the people. Our
11 jewels here, the other tribes, the people who have come and
12 made this their home who have been welcomed and trained,
13 given the ability to begin to just scratch the surface and
14 understand what the gems of our bio-region had and have
15 lost.

16 So, specifically, I have a couple of questions
17 for the record. Has Scottish Power successfully implemented
18 the international Accounting Standards, IAS, as required by
19 the Sarbarnes-Oxley Act of 2002? And, more importantly,
20 what is Scottish Power and PacifiCorp's relationship with
21 KPMG and any of KPMG's subsidiaries, such as Bearing Points?
22 Thank you.

23 MS. TRIPP: Thank you, Jill.

24 MS. REIS: Good afternoon. My name is Blythe
25 Reis. I am the owner of a fishing lodge. I'm the owner of

1 a fishing lodge pretty much directly across the river here.
2 I took it over in 1992 and I'm also a member of the Mid-
3 Klamath Watershed Council, which is a local watershed group
4 that works on some projects in cooperation with the Karuk
5 Tribe.

6 I just wanted to bring up a few points. That my
7 business as a fishing lodge has been severely affected by
8 the lack of fish and I have entered comments with FERC in
9 April of 2004 as to that effect. So I have this fishing
10 business and it's not doing so great and I also have a
11 summer cabin business that was started in response to the
12 fact the fishing business was declining. And, in 2002,
13 there was something like 10,000 juvenile fish killed at
14 Perch Creek, which is the swing hole where my lodge is. So
15 you can imagine how the people might feel when they're
16 swimming with dead fish.

17 I also go out with the Mid-Klamath Watershed
18 Council doing monitoring of creek and monitoring of
19 strandings and we work with the tribe on that. We go out
20 together. And there are times when in the spring the Iron
21 Gate Dam starts keeping the water and all of a sudden the
22 level drops severely and we go out on the river and we find
23 all the fish that are stranded in these pools. If the water
24 had gone down a little slower, then this fish would have
25 been able to reenter into the main steam. So I see dead

1 fish regularly throughout the year here on the Klamath.

2 The other thing I wanted to bring up was that I
3 work with fishing guides here. And there were 26 guides at
4 one point between Happy Camp and Witchpeak and now there's
5 6. So the declining businesses on the river is pretty well
6 documented.

7 And I just wanted to wrap up with saying that the
8 way I see it something that is good for the Karuk Tribe is
9 also very good for white people and we shouldn't see it as
10 this dichotomy that I sense a lot of times.

11 MS. TRIPP: Thank you, Blythe.

12 MR. RIGGAN: Hi. My name is Ben Riggan and I'm a
13 resident here of the Klamath River. I work with watershed
14 issues and have seen a lot of changes. I've only been here
15 for about 12 years, but I've seen extensive change in the
16 river since I've been here. And in some ways the river
17 looks a little cleaner, but the fish aren't coming back.
18 The fish are disappearing before our eyes in spite of all
19 our best efforts. And there are a lot of people in this
20 room that are trying with all their spirit to hold on to
21 something here -- to hold on to the life of this river.

22 There have been a lot of individual impacts
23 discussed. I'd like to take a step back and assess how
24 these all become cumulative impacts. That you really can't
25 look at one thing separate from the other. And, in your

1 decision in relicensing the dam, there's a lot of other
2 considerations. One thing that we are always coming to
3 heads with year after year is the Bureau of Reclamation and
4 what water they're sending down here. People have discussed
5 these juvenile kills that happen annually. They may, in
6 fact, be a bigger problem to the life of these runs than
7 these sort of high-media focused adult kills. They happen
8 systematically. We're getting these spring die-offs every
9 year and they're very difficult to document. And they
10 almost, from our perspective and from my perspective, feel
11 malicious because we're letting them know, hey, we're right
12 on the brink of a major juvenile die-off. And then they'll
13 ramp it down a little further.

14 So in the FERC process there are a lot of other
15 things that are affecting the river. And the dam is a huge
16 one, but there are a lot of other factors that make the
17 existence of any of these runs in the next even 5 to 10
18 years tenuous is how it feels right now, especially, after
19 the run we had. The conditions in the river would have
20 supported fish this year. They would have made it up, but
21 there were just no fish to run. We have a lot of limiting
22 factors for species.

23 A lot of people talked about the flows in the
24 spring being very important. That's very important for a
25 number of reasons. One of which is that one of the limiting

1 factors for fish on this river is rearing habitat. The fish
2 need cover amongst where there's vegetation, frankly. And
3 when those flows get ramped down, they lose their rearing
4 habitat. They have no cover. They're wide open to
5 predators and disease. It's very complex and it's all
6 inter-tied.

7 One thing I'd like to point out to you -- I don't
8 know if you've eaten fall fish as oppose to spring fish, but
9 there is no comparison. Nobody would take a fall fish
10 before they would take a spring fish because a spring fish,
11 quite frankly, tastes about -- I don't know, it's infinitely
12 better. It's infinitely more edible and delicious.
13 Everybody wants these spring fish and, yet, they're not
14 there.

15 When Florence isn't able to get more than one
16 fish, that means I don't eat any fish. So my diet is being
17 severely curtailed and my nutrition is being affected
18 because these are the people who need to eat first. So that
19 means we get -- I get nothing. I got no fish this year. So
20 it really affects me that way.

21 The hatcheries, as was mentioned before, is also
22 a huge impact. It was a mitigation for the dam going in
23 originally. It's had the opposite affect and that really
24 needs to be looked at. The hatchery needs to go. It's a
25 huge liability to what remains of our wild stocks.

1 There's also been cumulative impacts to the
2 culture. And this is hard to appreciate, but I can't tell
3 you how continually impressed I've been by the Karuk people
4 to stand up with dignity and with tact and with
5 consideration in spite of, I mean, unbelievable abuse and
6 disk is all they've ever gotten. They were first taken from
7 -- and this is one of the oldest tribes and one of the most
8 traditional tribes in the state -- taken from lands, dumped
9 off into Whopa, you know, kicked out, given no land. The
10 Whopa got land. The Urocks got land -- no land, no land
11 base. This property here was bought with bake sales is how
12 they were able to get this mined-out few acres. So it's all
13 had to come from picking up crumbs and surviving any way
14 they can. The fact that they're here in such an organized
15 and cordial fashion is in itself a miracle and I thank every
16 one of them for being here and I can't you how continually
17 amazed I've been by the heart that I see in these people.
18 And this culture survives on the river and on the fish. And
19 to lose not just their land and their culture, but then --
20 really this dam will probably be the final nail. If we're
21 not able to open up those new habitats, the other factors
22 are going to get rid of the fish. It's not the dams
23 themselves. But without opening up that new habitat, the
24 fish are on their way out. Something needs to be done
25 immediately because we're right on the brink of losing these

1 runs.

2 So really the decisions need to be looked at in a
3 very -- they're very complex. It's not just FERC. It's the
4 BLR and a lot of other agencies that we're always trying to
5 negotiate with and there's up slope use as well. I mean,
6 like Toz said, we really need to start taking a more
7 holistic approach at ecosystem restoration. But, certainly,
8 for the fish to hang on, they need that new spawning ground.
9 And, quite frankly, if fish access not made available, it
10 will be consummate of an act of cultural genocide and
11 biological genocide. The river here -- the fish and the
12 people are not going to exist in the same way and FERC
13 really needs to consider the area of influence of the
14 impacts of the dam all way to the mouth because the extent
15 of the impacts are tremendous. And, ultimately, my feelings
16 is that some of these might be significant NEPA issues for
17 you or not. I understand that there is NEPA process and
18 some issues are going to trigger -- you know, be a
19 significant NEPA issue or not. But, really, what you're
20 hearing is people's hearts also. And maybe part of your job
21 is translate that into significant issues because a lot of
22 it is heart. And, if we're not able to build that bridge,
23 our laws, our agencies aren't able to value cultures and
24 people and the earth itself. It will be our own demise and
25 I would ask you to think of the Karuk Tribe and their

1 culture and their people as an indicator species for the
2 whole human race. We're on the brink of losing more than
3 we'll able to regain. This is a very serious decision you
4 have to make and I ask you to do it with heart. Thank you.

5 MS. TRIPP: Thank you, Ben.

6 MS. SHORT: Hello. My name is Barbara Short. I
7 am a local citizen. I've lived in the area for over half my
8 life, which is at 25 years or getting up there now.

9 I've worn a lot of hats. One of my first jobs
10 out of high school was working up above Happy Camp doing
11 fish counts for California Fish and Game. And it was a long
12 time ago, but there were lots of fish. We worked, I think,
13 August to about April and there were still fish but they ran
14 out of money -- big crews and there were lots of fish. And
15 had you all come to visit us back then, you would have found
16 four or more fishing lodges just here in Orleans, two
17 stores, a hotel, a motel, a couple of places to eat. Up
18 river they sold gas and had a store and had two fishing
19 lodges right there in Soms Spar and in on it went up river.
20 Boats lined up with people in them -- you know, commercial
21 fishing, winnebagos and campground overflowing to the point
22 of obnoxiousness. And all that has changed, not to mention
23 just the cultural impact of Indian families. Everybody had
24 a big smoke house and they were all full a lot -- full all
25 the time. And all that's changed in 25 years. It's pretty

1 frightening.

2 I guess what I want to speak to here is your role
3 in this. You've been very responsive so far. I feel like
4 I'm getting to know you people. We've seen you now in two
5 or three or four locations. And coming from the original
6 point of not holding hearings within the watershed, to come
7 into Eureka to now being on the river is really heartening
8 to me. It shows that your agency is really trying to make a
9 good, sound decision and really trying to listen to all the
10 stakeholders and be available to them.

11 In my view, the science is solid. I was a junior
12 high science teacher last year and my kids studied the
13 Klamath River and the dam issue. We all wrote letters.
14 There were a lot of spelling errors.

15 (Laughter.)

16 MS. SHORT: It's solid. Water quality is the
17 issue and I encourage you not to get seduced by the
18 mitigation issue because all the fish passages in the world
19 will not change the fact that the water is no good in the
20 Klamath River anymore. There's not enough oxygen. There's
21 too much algae. It's supporting the little amoebas and
22 parasites that are killing the fish, not just the big ones
23 but the small ones.

24 So given that the science is solid and that you
25 have all those documents to back it up, and given that the

1 continuation of the dams will be the final death blow to the
2 fisheries and not just the salmon, but the eel, the sturgeon
3 and so forth, it really comes down to this being a political
4 issue and I know you guys know that. You live and work in
5 Washington or deal with people in D.C. and government
6 agencies. The dams are really only valuable for their spike
7 needs, their ability to deal with spike energy needs.
8 Alfalfa, the people up there who have been farming as a
9 business, it's a false economy. If you look at the county
10 records, they were dry farmers. They grew pinto beans. As
11 the water is sitting there and available, mostly during the
12 '70s, and you can look at the county economic records, the
13 growth in alfalfa farming just right through the '70s and
14 '80s goes like this because the water was there. But it's
15 based on the false pretenses that the water could be used
16 for that purpose.

17 The way of life argument which the Basin present
18 and the energy argument, that's where the political support
19 is. George Bush loves those people up there. The
20 representatives in Oregon are strong. They have a strong
21 background, those farming people and the energy interest.
22 So I want to encourage you -- it's really a small group of
23 people, but I want to encourage you to be a strong force
24 that can hold the ground in doing what is really right and
25 appropriate in the long run.

1 We have options to create energy in other ways.
2 We have options for other places to grow alfalfa. We can't
3 replace an entire river system and we cannot replace a
4 culture. As Anglos, we're used to moving on. We all moved
5 over here. We're fluid. We go where the jobs are good or
6 where the soil's good. It is a way that we look at life in
7 our opportunities and choices. In my experiences I've
8 learned in a couple of different ways, both intellectually
9 and emotionally, that native people do not hold that world
10 view. They are where they are and they're going to stay
11 there no matter what happens.

12 People up in the Basin they cry about way of
13 life. We're talking about maybe 40 years of alfalfa
14 farming, maybe a 100 years of dry farming. The last time I
15 checked there was carbon dating here like 15,000 years old
16 of people who were fishing and living here and staying here.
17 And they are still here and these are them. The community
18 is here, have been and the tribe's pouring out their heart
19 to you because that's sort of the final straw without legal
20 action, you know. And it would be so nice if it could be
21 resolved on that higher level without having to go into
22 stalling and lawsuits and all of that.

23 Therefore, I want to encourage you because you
24 guys have a lot of responsibility. You have a
25 responsibility to convey what you're hearing here. And I

1 know you're hearing a lot and you're going to hear it all
2 week and to convey this to that larger party of decision-
3 makers. That the decision that will be made will severely
4 impact cultures that have already been severely impacted.
5 Also, the responsibility to honor the solid science because
6 other people will try to sweep that under the rug and bring
7 in the mitigation issue and all these other things they use
8 to whitewash these detrimental effects.

9 You have a responsibility to be a force of
10 resistance to all those people who will benefit monetarily
11 and who really don't care about the rights of communities or
12 the rights of native peoples. And they will try to pressure
13 your decision-making group to go with what Jill said -- like
14 the corporate culture. So this will take a lot of courage.
15 We all know that the dams were built on bad science and that
16 they were built with a total lack of respect for the
17 cultures that were impacted and it was in the '50s. It was
18 in the '40s. In these past times, people didn't use the
19 foresight that we try to use now and didn't use the
20 sensitivity that we try to have now. And, in the best
21 possible world, we would say this was a mistake and it took
22 down, not just people culturally, but the second largest
23 salmon system on the West Coast. And that's a shame and
24 what can we do now? How can we make a better decision.

25 The reason I want to encourage you because the

1 dam is there. And so, the inertia of keeping something
2 going is against a positive decision to make a better
3 choice. I want to encourage you to be strong and make the
4 choice that is the best for the people and the land. And
5 it's not going to be easy. And so, you guys offered your
6 numbers. I'm going to offer my number as a counselor, a
7 school counselor. So I'm not really licensed to counsel
8 adults, but I'd be happy to continue to encourage you.

9 (Laughter.)

10 MS. SHORT: Right. Free, unlicensed, free -- you
11 guys should be writing this down, 530-469-3215, because it
12 will be difficult. It's easy now while you sit here to be
13 in this space and to understand this perspective. When you
14 get back to the other people in the other groups and the
15 bureaucratic agencies that want to continue with the status
16 quo, it's going to be very hard to say but that this culture
17 is so important. These people have been there for 40,
18 50,000 years. Fishing is a way of life. It's not just
19 fishing. It's all these species. It's having a river
20 that's more than a little sewage trickle filled with algae.
21 It's so sad for those of us who are here. So I want to
22 encourage you guys to be very, very strong in taking all
23 this back with you and really keeping this place in mind and
24 keeping this place in heart, take some pictures, and call us
25 if you need support because you have a very, very, very

1 important job and you're doing a good job so far. So I just
2 want to encourage you in that way. Thank.

3 MS. TRIPP: Thank you, Barbara.

4 MR. PENNINGTON: Hi. My name is Nat Pennington,
5 the Fisheries program coordinator for the Salmon River
6 Restoration Council. We're a non-profit organization that
7 works with the community to protect fisheries and the
8 watershed of the Salmon River, which, as you probably know,
9 is a tributary about 10 miles upstream up here and one of
10 the major tributaries to the Klamath.

11 And I'd like to start out by just saying how sad
12 it was this year to witness the lowest fall chinook returns
13 in the Salmon River on record. That was really devastating
14 for a lot of us up on the river. And I'd also like to
15 mention how people I know would like to be here today.
16 Right now there's a couple of feet of snow on most of the
17 Salmon River. So I had to chain up this morning just to get
18 here. But I feel like I am speaking for a whole watershed,
19 which is very largely affected by what's going on in the
20 Klamath River.

21 I believe that National Resource Council in their
22 2003 Threatened and Endangered Fish of the Klamath Report
23 stated actually that it's likely that most of the problems
24 with the fisheries in the Salmon River lie outside of the
25 Basin. And that refers specifically to conditions in the

1 Klamath River. So we have an entire watershed. The Salmon
2 River, which we might have to change its name because last
3 year we saw the lowest returns ever of chinook salmon in the
4 fall. And it's just been an ongoing decline for as long as
5 people have been paying attention. So things certainly
6 aren't looking better.

7 Another thing about this Salmon River which I'd
8 like to bring to light is that it host one of the last
9 remnant wild population of spring chinook in the Klamath
10 Basin, which, as you may know, was once the predominant run.
11 And I'd like to talk a little bit more about the spring
12 chinook. Basically, they are fish that need -- they need
13 cold water. They usually exist in the higher portions of
14 watersheds like in the Klamath, for instance, the upper
15 basin above Iron Gate Dam was where many of those fish would
16 have returned to spawn. And this year in the Salmon River
17 we had 446 returning spring chinook. And so, if you imagine
18 that it's largest remnant population of what once was the
19 predominant run in the Klamath Basin, upwards of millions of
20 fish and this recent year we had 446. So that's what we
21 have left of the third largest salmon run on the West Coast,
22 basically -- 446 salmon, and on the best year we have 1200.
23 So really this species is on the brink of being extinct
24 forever.

25 Iron Gate hatchery mitigates for -- supposedly

1 mitigates for habitat loss above the dams. And I have a
2 major concern that Iron Gate was unsuccessful at mitigating
3 for the loss of spring chinook salmon, which are very
4 important to the Karuk people and to our economy here
5 locally. Spring chinook are much healthier fish for people
6 to eat than the fall chinook salmon because they come with
7 the fat stores in their body to stay through the summer and
8 spawn in the fall just like the Falls do. They all spawn in
9 the fall, but the spring chinook utilized higher flows in
10 spring to get further upstream and utilize that habitat that
11 the fall chinook couldn't reach.

12 Basically, what's happening now is that this type
13 of fish has been extropated from the upper basin. The
14 Shasta has a dam that extropated lots of habitat. The Scott
15 River water quality issues are marginal. But, basically,
16 the Salmon River is the only place that has the conditions
17 that these fish can thrive in left. And pretty much without
18 fish passage, without the dams being removed, I don't really
19 see that species of fish existing in the Klamath any longer.
20 I think it's, you know, basically on the brink of going away
21 forever.

22 I feel like what I heard before at Ishi Pishi
23 Falls where there is two weeks now where people can catch
24 fish. It's the same for the fishermen and the guides who
25 have depended on the river for their livelihood their whole

1 lives. Now where they once had all summer and even into the
2 fall and spring to spring to fish, now they only have this
3 small two-week period of time that's basically the surrogate
4 population from the hatchery.

5 And spring chinook, when they built the hatchery,
6 they attempted to rear and release and maintain a spring
7 chinook population which failed because the water was too
8 warm there at the dam. And I just that really is an issue
9 that hasn't been addressed at all by you guys or by
10 PacifiCorp. I mean, how can we get spring chinook back into
11 the river because they are vital for our community and the
12 tribal community to continue existing here.

13 So, basically, what I'm asking you to do is just
14 to look at all of these watersheds, all of these sub-basins
15 -- the Salmon, the Scott, the Shasta and look at how much
16 the dam on the Klamath and the water quality affects that.
17 I mean, in the Salmon River, our spring chinook they leave
18 our river in the fall, winter and spring as juveniles
19 whereas the fall chinook leave earlier in the year. And our
20 spring chinook are the only salmon juveniles that are
21 migrating down the Klamath River in fall and winter and they
22 have a lot of predation just because of that because there
23 is no other spring chinook in the Klamath Basin where there
24 used to be predominately spring chinook. Now we have just a
25 few and it's easy for those to fall under predation because

1 they have no defenses in number. And so, pretty much, what
2 we're looking at is a genetic bottleneck that's going on
3 here and we're about to lose an entire run of fish.

4 And, just so you know, spring chinook are
5 considered, at least in some places to be a separate species
6 from fall chinook -- not a species, but they have what's
7 called an evolutionally significant unit. And so, they
8 therefore get protection under the Endangered Species Act.
9 And, certainly, if the Klamath fish were separated between
10 fall and spring run, they would be considered endangered. I
11 think that the reason that didn't happen was basically for
12 political reasons and it would have shut down fishing off
13 the ocean or off the coast of northern California and
14 southern Oregon. It would have basically completely shut
15 down all fishing out there. So that was why these fish
16 actually are receiving no attention and are pretty much
17 unprotected.

18 And, really, I see that fish passage in the upper
19 basin and dam removal are some of the only ways that we can
20 even hope get that run back. And I'm going to fight as hard
21 as I can to make sure that these fish are seen for what they
22 really are and get the protection that they deserve because
23 I think that it's just absolutely critical to these people,
24 myself, my family that that run continues to come into the
25 Klamath River. And, certainly, for the Tribe it's a very

1 big part of the ceremonies that the Tribe held. So my main
2 concern is in what the dams are doing to the spring chinook and
3 the passage issues that they're causing.

4 And, also I mean water quality, too. I saw in
5 2002, the year of the fish kill, the Salmon River had an
6 average spring chinook run. But, in August and September,
7 spring chinook that were trying to make their way to the
8 Salmon River were sitting at the mouths of cold water
9 tributaries along the Klamath near here before the Salmon
10 River because they couldn't swim in the Klamath. In the
11 summertime -- in July, August and September, there are
12 almost no salmon that can live in the Klamath anymore. I've
13 snorkeled the river plenty of times during that and you just
14 don't see it. You don't see salmon in the Klamath River
15 anymore. It just becomes a hostile environment for salmon
16 and they have to figure out something else to do. And so
17 they go from tributary to tributary seeking cold water and
18 ways to stay alive. I've seen a lot of not make it. A lot
19 of them die at the mouth of that river and they're heading
20 to the Salmon River where I live in my backyard and they're
21 just not going to make it as long as what's happening in the
22 Klamath continues.

23 So I beg you guys, like Barbara said, to take our
24 message as well as you can and speak up and use your voice
25 to help us out. Thanks.

1 MS. TRIPP: Thank you, Nat.

2 While we're waiting, nearer to the end of today,
3 hopefully, we're going to be able to have some information
4 for you. The information that we'd like to make available
5 for everyone that is here is how would they go about giving
6 written testimony -- you know, sending in to you guys some
7 of their concerns written and what kind of format? Do you
8 have a particular kind of format? What the address would be
9 -- that sort of thing and maybe you could verbally let
10 people know. But then, also, we'll make it available for
11 everybody. We'll also put it into our newsletter. A lot of
12 people in our area get our newsletter and that sort of
13 thing.

14 Go ahead, please.

15 AUDIENCE MEMBER: Do you have a particular
16 format?

17 MR. MUDRE: Right now?

18 AUDIENCE MEMBER: If you could tell people, if
19 you do, if it's real simple as that, then they can go ahead
20 and do that and then I'll write it down and get it out to
21 them or an address that people could take down.

22 MR. MUDRE: Okay. Well, typically, people can
23 send in comments to us at any time. There are certain
24 milestones in the process where we specifically request
25 comments like on a draft environmental impact statement or

1 on a scoping document where we have a comment deadline. The
2 real purpose of that deadline is so we'll know when we can
3 expect comments to stop coming in so we can work on
4 analyzing them and make some decision on them. I mean, if
5 we didn't have a comment period, they'd come in at any time.
6 We do take comments at any time, but certain other things we
7 have deadlines for.

8 When we request comments, though, we'll tell you
9 how to give them to us. Like, if you look at Scoping
10 Document 1, for example, or any number of the notices, it
11 will say how to send the comments. They can be in any
12 format really. We encourage electronic filing.

13 MS. TRIPP: And that would be on your website?

14 MR. MUDRE: Yes. The instructions on how to do
15 that are on the website.

16 MS. TRIPP: Okay.

17 MR. MUDRE: The important thing is to note --
18 probably the most important thing to put on your comments is
19 the project number and project subdocument. In this case the
20 project number you would put P-2082 and then the subdoc is
21 027. So, if you put Project P-2082-027, then it will be
22 sure that it's filed in the right place and it'll get to the
23 right people. Sometimes, if you don't put all that stuff on
24 there, it still gets to the right place but there's no
25 guarantee. So it's important to put that on your comments.

1 I mean, I can give you an address right now that people can
2 write to.

3 MS. TRIPP: That would be great. Anybody who
4 can't get it down today in writing we'll have it out and you
5 can always call or come by our office. Okay.

6 MR. MUDRE: Comments should be addressed to the
7 Secretary, Federal Energy Regulatory Commission, 888 First
8 Street, N.E., Washington, D.C. 20426 and that will ensure
9 that the comments are entered into the official record.
10 Between that address and the P-2082-027, they will get in
11 the right place and we will be able to look at them and use
12 them in the decision-making process.

13 AUDIENCE MEMBER: How many copies?

14 MR. MUDRE: Typically, your ordinary person would
15 just need to file just an original and they don't even need
16 to file copies. If they're sending comments on their own
17 volition. There are different rules if you are an
18 intervenor and you're officially filing comments in response
19 to some sort of comment request. Typically, most
20 circumstances it's the original and a copy should be filed
21 with the Commission. And then, again, if you are an
22 intervenor, according to our Rules of Procedure and
23 Practice, you also have to file a copy with all of the other
24 parties in the proceeding. That way everyone knows what
25 everyone else is up to and there are no secrets or they're

1 doing something behind closed doors and that sort of thing.
2 So it's an open process.

3 MS. TRIPP: Okay. I'm thinking then maybe some
4 people here today at this meeting may not be able to get up
5 and speak today. But, to give everybody the opportunity to
6 be able to write in your comments and that also will have an
7 effect.

8 MR. MUDRE: The e-mail address is www.FERC.gov.
9 And, again, you can bring issues to our attention that we
10 may not be aware of or whatever.

11 MS. TRIPP: Okay.

12 MR. MUDRE: Again, certain times in the process
13 we'll request certain types of comments or comments on a
14 certain thing. But you're not limited to those
15 opportunities to send in your comments.

16 MS. TRIPP: We only have four more people and
17 Terry will be the next one. Terry Super.

18 MR. SUPER: My name is Terry Supahand Violet
19 Super. Do you want to talk to the government.

20 MS. SUPER: No. I don't want to talk to the
21 government.

22 (Laughter.)

23 MR. SUPER: I'm going to tell them that story you
24 told me when I was little. Do you remember? I wasn't very
25 big, but you said if I knew when I was going to die I'd

1 strap dynamite to my back and I would go blow up one of
2 those dams.

3 (Laughter.)

4 MS. SUPER: That is right.

5 (Laughter.)

6 MS. SUPER: I know it's a big day because she
7 wanted to wear her purple hat for you people. If you're not
8 from around here, it may seem strange that people talked
9 about FERC relicensing and people in this community were
10 talking about -- and I remember in 1988 we were talking over
11 the kitchen table and pickup trucks and getting firewood,
12 people were talking about -- I don't care if you were Indian
13 or non-Indian, people were talking about relicensing of
14 these dams and what was going to happen 16 years ago.
15 That's easy for me to remember because 16 years ago, Justice
16 Sandra Day O'Connor wrote the majority opinion for the
17 United Supreme Court of which the United States said at that
18 point that the Karuk people who worshipped in the high
19 country didn't have -- even though it was First Amendment
20 rights, even though it's spiritual rights are protected by
21 the United States constitution, our rights didn't weigh as
22 heavy as the majority rights to develop in Forest Service
23 land.

24 It eventually got figured out by
25 environmentalists and water right people and everything that

1 it's going to be protected. But I'll always remember 1988
2 in April of that year when the government wasn't looking out
3 for us. And we don't expect the government, as you just
4 heard, to look out for us.

5 I'm going to speak for both of us. I know here.
6 But, you know, I will say the same thing you people, whether
7 it was in Klamath Falls or Eureka or Sacramento or
8 Washington, D.C., that we're here to testify against the
9 relicensing of dams on the Klamath River. You've got a big
10 job because you've got to weigh all the evidence of the
11 smart people -- the army of scientists and Ph.D's and folks
12 that are going to have to figure out impacts, pro and con,
13 environmental, economic, relocation. That's complex for
14 you. It's simple for us. It's just right to let it move
15 the way it used to move. That's simple. I know you guys
16 are going to wonder about algae and temperature and water
17 stored and the effects that it had on the Basin and the
18 river system. So what? The river system we screwed it up
19 to begin with. So, if it takes a while for readjustment,
20 the river system will find its path again and it will find
21 its way again.

22 I just want to state that again that it doesn't
23 matter where you obtain testimony, and I appreciate -- I
24 guess I should say we appreciate the fact that you're here.
25 That you've come here to listen to this community. But it

1 doesn't matter, again, if it's in Orleans or Klamath Falls
2 or anywhere else. We're glad that you're here, but I hope,
3 and Sandi said it right earlier, this is an issue of
4 environmental justice. And I don't really care if the
5 United States and the Federal Energy Regulatory Commission
6 decides to stop the dams on the Klamath River and not to
7 allow relicensing for the next 50 or 100 years or beyond
8 years. I don't care if you do it for the fish or the
9 indicator species or the Karuk people or the Urock people,
10 the Whopa people or the Shasta people. I hope you do it for
11 yourselves and your kids and your grandkids and I hope you
12 make it right. You've got a chance this time.

13 Now, as Nat said earlier, we don't necessarily
14 believe it's going to happen, but I know we hope it happens.

15 MS. TRIPP: Thank you, Terry.

16 MS. McCONNELL: Hello. My name is Deborah
17 McConnell and I work for the California Indian Basketweaving
18 Association and I'm the northwest field officer director and
19 I work in northwestern California. I work with
20 basketweavers in northwestern California. My work has
21 mostly been with Karuk and Whopa tribes in this area.

22 I coordinate basket classes for youth and we try
23 to coordinate different kinds of projects for kids to work
24 on. It's really important when -- well, I should back up a
25 little bit. I've been weaving for about 30 years and I've

1 learned from a lot of different weavers, directly or
2 indirectly, and our connection to the river is really
3 important. I've learned throughout this whole process that
4 everything is connected. Everything we do and people -- you
5 know, we'll all connected. That's why I feel like the work
6 that I'm doing is pretty good work and it keeps me going
7 because I know that our basketweaving is an important part
8 of all that we do because it's connected to our everyday
9 life and it's connected to our ceremonies.

10 And the basketweaving traditions help look at the
11 world in a holistic way because it helps us look at
12 ourselves and our environment, and we need to take care of
13 the environment. Basketweavers go to the river together for
14 different types of willow and different types of roots for
15 basketweaving.

16 One thing that you should think about when -- I'm
17 sorry. I'm not a really good public speaker. I feel a
18 little bit nervous. But, anyway, when we weave, a lot of
19 the times the basket materials we use our mouth to hold on
20 to the materials. And then, another thing is that we make
21 baby rattles. It's a contemporary-type basket now and the
22 main materials in the baby rattles is made out of willow
23 roots and willow sticks. And one of my concerns about that
24 is that the willow roots are gathered along the river and
25 I'm concerned about the water quality and environment in

1 which the willow sticks and willow roots come from. I'm
2 worried that maybe the basket materials may cause harm to
3 the babies.

4 There are other baskets that are made out of
5 willow sticks and they are the heal baskets. A lot of the
6 different baskets are made out of willow sticks and willow
7 roots, so everything is connected. Thank you.

8 MR. HJORTH: I have a follow-up question. We've
9 heard very clearly that willows are important for
10 basketweaving purposes. And I'm not sure that you are at
11 liberty to say, but are there other species that grow along
12 the river that are also important for basketweaving
13 purposes? If you're not a liberty to say, I understand.
14 But, in terms of our analysis, if there are other important
15 species that we need to consider their life history as well
16 as the willows in our analysis, that would be helpful for us
17 to know.

18 MS. McCONNELL: Well, to my knowledge, there are
19 two different types of willows that the basketweaver in this
20 area use. And there's one type basket -- I mean, willow
21 that use willow sticks. And there are two types of willow
22 that they use the root. Some basketweavers use some of the
23 tree roots, like the alder, alder root. And there is the
24 cotton root. I'm not so sure that's native, but that's
25 another root that some of the local use. I'm sure that

1 there are other species of plants that are used by
2 basketweavers, but those are the main ones that I know about
3 now.

4 MS. TRIPP: We might be able to get together some
5 information from basketweavers and I'm sure that we'd be
6 able to put down things that are important to the different
7 basketweaving materials. Could we get your address before
8 you leave, or if it's the same one, we could surely give you
9 the information that would help you in your analysis in your
10 pre-report if that would be helpful.

11 MR. MUDRE: The trick there would be to file it
12 at the address that I gave you to the Secretary.

13 MS. TRIPP: The same one? Okay.

14 MR. MUDRE: That way, again, it gets into the
15 record.

16 MS. TRIPP: All right.

17 Josh?

18 MR. WHITE CRANE: My name is Josh Saxson White
19 Crane. I have another last name because any of them are so
20 persuasive.

21 (Laughter.)

22 MR. WHITE CRANE: First off, I think I want to
23 take the time that I have to express my appreciation to you
24 guys that work in the Department of Natural Resources. I
25 don't work in DNR. I work in a different department of the

1 Tribe, but we're all on the same team and you guys have done
2 a tremendous amount of work and have put out a lot of
3 energy. I have learned more in the last three hours than I
4 did in the last three semesters of school and I graduated
5 from college and I want to thank you from the bottom of my
6 heart because, through no choice of my home, I had to come
7 back to my ancestral territory and I'm in the learning
8 process. I'm in the humble learning process of learning all
9 the things that I didn't get a chance to learn as a young
10 boy and so I want to thank you guys for your work.

11 I want to continue on the same vane as Leaf and
12 Jim expressing their disappointment in our federal
13 government and the ways they deal with us in the trust
14 relationship. I want to say my comments on the public
15 record that our Executive Branch is very hypocritical on the
16 way that they approach Indian people. Our federal
17 government and our Executive Branch has released more \$356
18 million for the Tsumani victims and that was a tremendous
19 tragedy. But they don't have the ability to address their
20 own disaster right here in our country. And, if you walk up
21 and down the banks of this river, you can see it. And, if
22 you listen to these people talking to you, you can hear.
23 It's disappointing for me to see the hypocrisy that goes on
24 goes in our federal government. But, you know, we're going
25 to be here. We're not going anywhere and we'll continue to

1 fight and we'll continue to survive any way that we can
2 despite the government. Thank you.

3 MS. TRIPP: Thank you, Josh.

4 Would anyone else like to speak?

5 ELDER JACOBS-JOHNNY: Welcome. You're here on
6 our land. None of us hardly ever get to go to your land.
7 I've been a few places, not very far. And every place I go
8 there's rivers and water and lakes and flowers and fish.
9 But that's not ours. That's some other place. This is
10 ours. This is where we began and this is where we end. I
11 had a grandmother that lived in the world of the 1800s and
12 early 1900s and she died in 1929. And she said that this
13 was our space. From that mountain to that mountain. This
14 is where we were. And we loved the water. This is where we
15 could wash our clothes and this is where we drink our water
16 -- out of the same river. We can't do that anymore. We
17 can't do that today. We can't drink the water. There are
18 all kinds of gadgets to make the water pure again.

19 The dams -- I've been fighting the dams. There's
20 an old store about 8 miles above us and it used to be called
21 Somsburg. And on the bulletin board there was a little
22 postage sing. It said "If you want to stop the dams, you
23 have to write to Sam Morgan. Well, I wrote a letter. I
24 wanted to be informed. and it was the Salt Case Dam
25 projects. I got volumes and volumes of materials on the

1 different projects. I don't know if any of my people ever
2 read it, but i was very interested in the dams and stopping
3 that dam for sure. I think our fish need that water.

4 I was up in Oregon one time about the Sandra Day
5 O'Connor time. She was flying over us and I was doing
6 prayers up there because I was on an Indian Reservation up
7 there. And the Creator told me to call for the fish. And I
8 said I can't call for the fish. I'm from Orleans,
9 California. But I was impressed to go ahead and call for
10 the fish. I thought of all the dams I 'd just passed and
11 all the little traps and I did it anyway. I called for the
12 fish. And, when I sang, I knew that the fish were going to
13 come.

14 After I was done, my son had been born not to far
15 down the that river. And an eagle came and flew around in a
16 great big circle and I knew it was okay. And this medicine
17 woman came in spirit. She was a tiny little woman and she
18 sang through my voice. She was thanking me for doing what
19 has to be done. And it has to be done all the time because
20 if we're not here there is nobody to sing the songs, nobody
21 to bring back the salmon. They've been coming back year
22 after year as hard as they can come back in that same water.
23 And we're going to be here. We're going to be here with our
24 baskets. We're going to be gathering roots and we're going
25 to continue to be here. And then, after that, there will be

1 more of us. There will be more of us and we'll get stronger
2 together and we'll be able to go and do what you're doing.

3 We know you hear us and you've heard us speak.
4 But know in your hearts. Hear our hearts. We're not going
5 away. We'll always be here. Thank you.

6 MS. TRIPP: Thank you, Elder.

7 MS. HENSHER: My name is Holly Hensher and I'm a
8 tribal member. And I was raised on salmon and I've here and
9 in Oregon some.

10 What I've given out to you guys, which is two
11 pictures that were up on the wall in my office over here in
12 the DNR office and they're by young -- my boy is eight years
13 old and he did the colored one. And then, I believe Sandi's
14 son, who's older now, did the other one. And I think they
15 pretty much say everything that people have been trying to
16 say here today. And that's that fisheries and our
17 traditional way of fishing is who we are. I mean, these
18 boys it's who they are. It's what they draw. It's what
19 they doodle. It's what they think about. They're not
20 drawing trucks. They're not drawing other things. That's
21 what they're drawing. And, as Karuk people, we raise our
22 boys and our kids, in general, to know that they have to
23 take care of our community. They have to take care of their
24 elders. They have to take care of their family and it's
25 their responsibility. And it's just the way that life is.

1 And, through fishing, is how they're taught to do it. If
2 they don't have that, then what means to do they have?

3 And, for our girls, it's basketweaving. They
4 make baskets to be used for our babies to carry them, to
5 feed them, to feed our elders, for our ceremonies. In every
6 aspect of our lives we use baskets. And those are the two
7 things, among tons of other ones, that are being affected by
8 the dams on the river. That's just kind of what I wanted to
9 say. Everybody else has said tons of stuff that is the
10 facts and all the other stuff that goes along with that, but
11 just look at the pictures and remember that's what little
12 boys are drawing about -- little Karuk boys.

13 Also, I'm going read for Scott Quinn his
14 statement because he had to go. So this is for Scott Quinn.

15 MR. MUDRE: Do you want to submit that for the
16 record?

17 MS. HENSHER: Yes. I'll read it and then I'll
18 give it to you.

19 "My name is Scott Quinn. I'm a Karuk tribal
20 member from here on the Klamath River. I come from the
21 villages of Chim K'nee, Ammaikyarum, and Cappell.

22 I'm glad that representatives from FERC have
23 made it up to our part of the world today, but I don't like
24 your timing.

25 I wish you could have come here during the summer

1 when the river temperatures were around 80 degrees and mats
2 of algae covered the river bottoms.

3 I wish you could have come here during the fall
4 when the fishermen were only able to catch 100 fish for 3000
5 tribal members.

6 I wish you could have come here during the spring
7 when my people used to fish sacred spring runs of chinook
8 salmon, which is now virtually extent above the confluence
9 of the Trinity River and Karuk country.

10 Because you have come to our river during the
11 winter, I would like you to take a good look at this river.
12 It represents the core of our culture. It has allowed us to
13 exist here for thousands of years. FERC's decision to
14 relicense this project will have lasting effects on our
15 people for a lot longer than just the next 40 years.

16 I urge you to make the right decision and deny
17 this project -- Scott Quinn."

18 Thank you.

19 MS. TRIPP: And now I think that Jack wants to
20 speak.

21 MR. ELWANGER: My name is Jack Elwanger from the
22 Pelican Network. We're a network of 20,000 people
23 interested in cultural history and natural history in
24 California and we have 5000 active members. And, after the
25 fish kill two years and three months ago, at the Salmon

1 Summit in Klamath, we formed the Salmon Coalition to develop
2 a network of information about why these fish were killed.
3 And, out of that group, we developed a resolve to form a
4 group to help, hands-on, develop resources in the watershed
5 to restore the native fisheries. And we've found that the
6 Karuk Tribe was doing the most meaningful work and that that
7 was the place that our efforts would be best spent.

8 So we have been here and found that the thing
9 that is of greatest concern to them right now is the
10 relicensing of those dams. It is the one single most
11 critical impact on the watershed. All the rest of the stuff
12 can be fixed by the tribe because they have the knowledge.
13 You've heard the powerful stories and testimonies here
14 today.

15 And, as Ben said, it's just a miracle that there
16 here. I mean, that the people are here. Those dams were
17 put up in the middle of the night during the time when this
18 tribe was driven to the brink of extinction. And now, the
19 only thing that proposes a hope for restoring this watershed
20 is the knowledge that these people. So our group is here to
21 support them in those efforts.

22 Now we don't think that the State of California
23 is going to support the relicensing of these dams because
24 the economic case for doing that is just so lame. I would
25 urge you to look at the economics of these dams. Who

1 benefits from a less than 200 megawatt dam? What are they -
2 - pecker plants? You can get a little bit of mileage out of
3 them when you need some air conditioning in Portland or
4 something.

5 But, on the flip side, the consequences of that
6 power is just so devastating. It's so enormous. And, if
7 you are moved by the testimony that you heard here today, if
8 you don't find this so compelling, this cultural and
9 environmental injustice that has been heaped upon these
10 people because of these dams, then I urge you to look at the
11 economics of it. Hundreds of millions of dollars have been
12 spent to defend those dams and to mitigate those dams -- to
13 mitigate the consequences of those dams. That's just money
14 chasing money. You're just spending money after money. It
15 makes absolutely no sense. It's hilarious -- you know, if
16 you tried to put the whole thing in perspective. And, if
17 you were an outsider looking at it, you'd say, my God, those
18 people are mad. This is totally insane.

19 Step outside of the box and look at objectively.
20 Get somebody with some kind of budgetary acumen and look at
21 this thing. And then, put on top of that the cultural
22 implications, the deleterious affects of these dams, the
23 harm that it's done. You've heard it by powerful personal
24 testimony today. Put these things into perspective. And I
25 trust that when you do you'll find that there is no reason

1 to relicense the dams.

2 MR. REED: I know it's been a long day and
3 everything, but I still want to talk about two fundamental
4 issues that was going in the FERC relicensing process. And
5 one of those is the area of potential effects and fish
6 passage. There are a host of other issues we could probably
7 talk about the rest of the night. I just want to lend you,
8 I guess, a comment from a dear friend of mine in regards to
9 the area of project effects is that, if you put six dams on
10 a river, you must expect impacts.

11 And I think that's the issue here today is that
12 there is a tremendous amount of impact that is not being
13 realized by the license holder. And I think that is the
14 issue here today is that those dams are blocking off a huge
15 population of fish. They are blocking off the right of
16 life. There are human rights issues here, environmental
17 justice issues here. And I would just like to say thank you
18 very much for your trip down to this beautiful country and
19 may you have a safe trip out of here to Whopa.

20 One more thing I'd like to leave you with is
21 that, please, I have six children. Please don't make them
22 speak from this platform with the heart and with the pain
23 that was delivered because it very much is a lot of pain
24 associated with this relicensing process. The fact that
25 we've lost a tremendous amount of full-blooded Indians this

1 years, full-blooded Karuk tribal members which diminished
2 the population tremendously, please, please remember that.
3 Thank you.

4 MS. TRIPP: Well, it looks like we've come near
5 to the end of our meeting today. I know we had expected to
6 finish about 1:30, but it's 3:00 now -- not so bad.

7 You know there's just a couple of things that I
8 also want to remind you of. I know that in the beginning
9 today, beginning the meeting that I did my little spill to
10 you and I was hoping that things were calm enough for you to
11 hear me. But I do want you to remember, and I know
12 everybody said this also, but the enormity of your decision.
13 And the other thing that I wanted to reiterate was that the
14 relicensing of the Klamath River Dam is irreversible and
15 irretrievable commitment of the cultural resources of the
16 Karuk people and that's a really, really big decision for a
17 whole other people.

18 And so I know that when you go back there, there
19 will be a lot of people that are involved in this issue.
20 And like other people have said, you know, there's a lot of
21 money. there's a lot of political power, you know, trying
22 to push the relicensing of the dams through. Trying to say,
23 oh, let's just do few mitigation measures and we'll try to
24 make those other people happy and we'll just go on with our
25 business status quo. Well, really that isn't okay with us.

1 People are coming out here trying to let you feel what we
2 feel. We pray every day that we're going to make a
3 difference in your decision.

4 And so, just to end for myself today, I
5 appreciate you coming here and I hope with everything I have
6 that you've heard us and that you can take back to the
7 people -- other people that are making the decision that
8 we're dying here. And that if it continues we're going to
9 be dead. It's not okay with us. We really won't be dead
10 because we won't stop fighting. But please go back and
11 maybe you can speak from the heart and maybe they're going
12 to have some compassion and understanding.

13 I hope that the next time we meet that other
14 people that are making the decision with you will be at the
15 meeting and we can, again, give them some more information
16 to work with. Any kind of information that we have -- data
17 that we have, things like that that could help you guys with
18 your studies to be able to make an educated decision, we'd
19 be glad to share it with you. We care about this. This is
20 one of the biggest things that's ever going to happen in any
21 of our lives -- any of us. That's why the people are here.
22 That's why I cry because I'm hoping for a good outcome. So
23 thank you.

24 MR. HILLMAN: Are we at the end?

25 MS. TRIPP: Yes, we are.

1 (Laughter.)

2 MR. HILLMAN: Meeting wrap up and closing prayer
3 -- 20 minutes?

4 (Laughter.)

5 MR. HILLMAN: We welcome you to our country.
6 You're here for a short time. You're passing through and
7 there's not much more. I rattled this morning quite a bit
8 and I thought she will put a closing prayer on there to that
9 we'll have a chance to fill any gaps that might have been
10 left. Well, I don't know that there's much more to say.

11 The people have spoken and we understand that you
12 are the messenger here -- well, most of us understand that
13 you're the messenger, maybe Angie doesn't understand that
14 you're the messenger because when they first asked her if
15 she wanted to say something to you she said yeah. Tell them
16 to go to hell.

17 (Laughter.)

18 MR. HILLMAN: But we're not a mean people. We
19 believe in treating other people with respect and dignity
20 and we want the same in return. I'll leave you with a story
21 that I can't help but tell which explains -- summarizes, I
22 guess, our relationship to this place. It's a creation
23 story. It explains to us how we came about in this world.

24 The short version of it goes something like this.
25 At the beginning of time, and we've done any carbon dating,

1 so we don't exactly when that is. But, at the beginning of
2 time, the earth was a dark place that was inhibited by
3 spirit people. Then comes this time of what we call the
4 Great Transformation. And, at that time, all of these
5 spirit people who were roaming this earth were transformed
6 into different things. Some were transformed into rocks,
7 trees, air, water, fish. Some were transformed into human
8 beings. And, in this way, and because of this, this is the
9 history of our people. And this is why we have this
10 connection to this place. This is why we're not just
11 talking about fish. We're not just talking about water.
12 We're talking about our relations.

13 Along with this transformation came the
14 responsibility that was given to us as Karuk people. That
15 we were to continually strive to fix the world. So we
16 become known as the fix-the-world people because that's our
17 job -- why we were put here. So everything that we do
18 throughout our daily lives -- when we walk, we wake up --
19 whatever we do. Maybe we're just sitting around eating or
20 wishing that we was eating salmon. Whatever it is that we
21 do when we take breath everything that we do we have a
22 responsibility that we cannot forget. We have to take care
23 of our relations because our relations take care of us.

24 So, being the fix-the-world people is a big
25 responsibility. We have to conduct these ceremonies and we

1 have to train our priests. And these priests they take on -
2 - once again, they kind go back to our beginning and they
3 become spirit people once again in order to communicate with
4 all the other spirit people around us so we can remind all
5 the other spirit people that we haven't forgotten them. We
6 haven't forgotten our responsibility and we haven't
7 forgotten what that they take care of us. It's a reciprocal
8 relationship that we have.

9 So we go back and we do this and to us it's not a
10 religion. It's a way of life. It's what we do. It's not a
11 religion that's reserved for one day a week in a building.
12 It's not a religion that's reserved for 10 days and 10 days
13 there and 10 days there and another 30 days here where we do
14 our ceremonies. That's not it. That's not the only time we
15 practice our religion. We practice our religion with every
16 breathe we take, every step that we make.

17 So I guess when you take that story you take it
18 literally. All things are connected and these waters, these
19 fish, those are our very close relations. They come back
20 here. They come back here because they have a
21 responsibility to us to try, and working very hard at it
22 lately. They come back here because of the honor that we
23 bestow upon them, the honor that they have to subsist our
24 people, to be consumed by our people in ceremonies and to
25 subsist our people in their daily lives. This is the great

1 honor for them. This is why they come back, why they fight
2 so hard to return. We have a responsibility to make sure
3 that we can continue to honor them by fulfilling our
4 obligation to them. We must catch those fish and we must
5 consume those fish because that's our obligation to do that.
6 It's their obligation to come back. So we're both in the
7 same kind of fix here.

8 I guess, in summary of that story, that means
9 that you're our relations, too. That's kind of hard to
10 admit.

11 (Laughter.)

12 MR. HILLMAN: But, as human beings, we have
13 common origins. We have common origins as human beings and
14 those common origins we have not just in common with other
15 human beings. These rock and these trees, these fish, this
16 water, this air are all related. They're all living things.
17 And some people like to kick rocks around, crush them up and
18 do all kind of things. Those are living spirit people.
19 They have a spirit. The water is a spirit.

20 So we have obligations. You folks, we understand
21 that you are the messengers and we want you carry our
22 message back. And maybe this guy with the machine there, he
23 can kind of help us do that. I only wish that the FERC
24 Commissioners -- I know that there are not very many of them
25 and I know they're very powerful people. I don't know if

1 they read any of this stuff, all of this tons of stuff that
2 they get. There's probably too much for any person to read.
3 But, you know, they're spirit people, too -- these
4 Commissioner people and they also have an obligation to all
5 of their relations. So I ask that you folks do what you
6 need to do to communicate. Sometimes you do things
7 different. We do things in a special kind of way when we
8 need to communicate with our other spirit people. We have
9 to do it in a certain way. And I won't tell you how to
10 communicate with your people because I don't know how you do
11 that. But I ask you to do it the best way that you can
12 within how you're suppose to do your jobs.

13 So we wish you all well on your journeys from
14 this place. And this morning you passed through a good part
15 of our country all the way down the river that you come. As
16 soon as you turned onto this road that come down this river
17 follows it down. You've been in our country and when you
18 get down the road a little ways you'll be in somebody else's
19 country. And, by the time you get over to where you're
20 going, you'll be in somebody else's country yet.

21 I know that when we travel through our own
22 country or someone else's country, we can feel the people.
23 We feel what's there. And I trust when you come through the
24 center of the world up the road here that you felt something
25 -- probably you felt like you needed to use the restroom by

1 then. But I know that you felt something when you came
2 through there. And when you come through this place right
3 here, we're very close to the center of the world. And this
4 right here, this valley, is a spiritual place and carries
5 all the spirit people -- all the people who have gone
6 before, our ancestors, their spirits and they continue to
7 inhibit this place, too.

8 (Closing Prayer.)

9 MR. HILLMAN: That prayer is a reminder. We say
10 this place right here where we are is our home. This is
11 where we were born and raised just as our long ago people
12 were born and raised and it will continue to be so. And all
13 of the bad and evil things we sweep them off the edge of the
14 down river edge of the world and the up river edge of the
15 world and we make it clean and we start over. That's what
16 that prayer is. That's what that blessing is. I send that
17 blessing with you today.

18 MS. TRIPP: Thank you.

19 We wished that you could have come during the
20 summer and we could have walked you through some of the
21 devastation that we talked about. But, when you go down the
22 river, you'll see the Klamath River -- the area, the
23 riverscape is really beautiful. But we invite you back in
24 the summer during the time when you can feel the effects of
25 the water flows and things like that. So thank you very

1 much for coming.

2 (Whereupon, the above-entitled matter was
3 concluded.)

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