

CHAPTER 7.0 PUBLIC COMMENTS AND RESPONSES

7.1 FORMAT OF COMMENTS AND RESPONSES AND LIST OF COMMENTERS

This chapter contains copies of the comment letters received from the public. The names of commenters are included in Table 7.1-1. DWR also received over 1,100 copies of a form letter related to the closure of Foreman Creek. A copy of this form letter is included as P0032. Several of these form letters included handwritten notations reiterating interest in retaining Foreman Creek for recreational use. Each formal letter and the copy of the form letter are followed by responses to the delineated comments. Responses to comments are numbered individually in sequence, corresponding to the numbering assigned to comments in each comment letter.

Table 7.1-1. Public comments received on the Oroville Facilities Relicensing Draft Environmental Impact Report.

Code	Name
P0001	Mike Vandeman
P0002	Mike Vandeman
P0003	Ron Davis
P0004	Cathy Hodges
P0005	Cathy Hodges
P0006	Janice Wilson
P0007	Gordon Andoe
P0008	Sharon Atteberry
P0009	Pat Clark
P0010	Charles Miller
P0011	David Pittman
P0012	Steve Jernigan
P0013	Paul McIntosh
P0014	Charles Hamill
P0015	Wendell Vantine
P0016	Janice Wilson
P0017	David Steffenson
P0018	Lyle Wright
P0019	Will Cotter
P0020	Tom Berliner
P0021	Ron Davis
P0022	Steven Keeler
P0023	Lannie Dragon
P0024	Cathy Hodges
P0025	Patsy Seek
P0026	Brandy Doering
P0027	Lonna Stark
P0028	Bob Gage
P0029	Mary Kaiser
P0030	Bruce Steidl
P0031	Pacific Cherokee Tribal Counsel
P0032	Form Letter (see Appendix A for signed form letters)

7.2 COMMENTS AND RESPONSES

Comment letters, the copy of the form letter, and responses to public comments can be found beginning on page 7-3.

COMMENT FROM MIKE VANDEMAN

Lundberg, Ann

From: Ramirez, Rick
Sent: Friday, May 25, 2007 1:27 PM
To: Lundberg, Ann
Subject: FW: Draft Environmental Impact Report, Oroville Facilities RelicensingFERC Project No. 2100

Print this out and then come see me (with the printout).

-----Original Message-----

From: Larsen, Sue
Sent: Friday, May 25, 2007 12:28 PM
To: Ramirez, Rick
Subject: FW: Draft Environmental Impact Report, Oroville Facilities RelicensingFERC Project No. 2100

Rick -

The email below was sent to the Orovillep2100 email address.

Sue

-----Original Message-----

From: Mike Vandeman
Sent: Thursday, May 24, 2007 4:05 PM
To: Orovillep2100@water.ca.gov
Subject: Draft Environmental Impact Report, Oroville Facilities RelicensingFERC Project No. 2100

May 24, 2007

Henry "Rick" Ramirez
Program Manager, Oroville Facilities Relicensing California Department of Water Resources
P.O. Box 942836 Sacramento, CA 94236-0001

Re: Draft Environmental Impact Report, Oroville Facilities Relicensing—FERC Project No. 2100

Dear Sir:

The DEIR appears to assume that whatever activity humans want to do must be accommodated (you call this "demand" and "user needs"):

"Recreation Facilities—Equestrian, Bicycle, and Hiking Trails The FERC Staff Alternative would revise SA Article A127 to include a provision to conduct baseline inventory of trail conditions using established standards developed for project trails prior to proposing any changes to trail use designation. Trail conditions would be monitored and reported on through the term of any license issued. The recreation monitoring program would be expanded to include non-trail users to detect latent demand and unmet user needs related to trails. The non-motorized trails program would be revised based on the trail condition inventory, analysis of the survey and trail use data, and results of the feasibility studies for new trails. Recommendations, if appropriate, for changing trail use designations and a proposed implementation schedule would be included."

This is unjustified. A federal court already averred that there is no right to mountain bike: any land manager may choose to close any trail to bikes, as long as they give a good reason (see <http://home.pacbell.net/mjvande/mtb10>). Mountain bikes accelerate erosion (anathema, around watercourses), create V-shaped ruts that make trail use difficult or dangerous, kill small animals and plants, drive other trail users off the trails and out of the parks, and teach young people that the rough treatment of nature is okay (it's

P0001-1

NOT!). There are five good reasons for keeping bikes out of natural areas. For the science on mountain biking impacts, see <http://home.pacbell.net/mjvande/scb7>. Just because someone is able to purchase a mountain bike, that is no reason that the public is obligated to provide them a place to ride it off-road. There are millions of miles of roads that are already open to bikes. If the presence of motor vehicles makes that difficult, then address that problem, instead of sacrificing our parks and wildlife, which have done nothing to deserve that kind of abuse!

Mountain bikers have exactly the same access to public lands and trails that everyone else has: on foot. They would like you to believe that they are being discriminated against but that is obviously not true.

Sincerely yours,

Mike Vandeman, Ph.D.



2007 MAY 25 PM 1:43

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Please don't put a cell phone next to any part of your body that you are fond of!

<http://home.pacbell.net/mjvande>

RESPONSE TO COMMENT FROM MIKE VANDEMAN

Response P0001-1:

After significant public and agency collaboration, including the California Department of Parks and Recreation (DPR), DFG, and others, DWR and these stakeholders developed a trails management plan that was part of the broader Recreation Management Plan (RMP) included as part of the Proposed Project. Trail segments selected for revised designation are considered capable of supporting such use without undue environmental damage or safety concerns, as described in Appendix D of the RMP. DWR concurs that trail closure, as well as opening, is best decided by land managers. In addition, any trail use designation changes at Oroville would be first approved by FERC and then implemented under trail use and maintenance guidelines developed by DPR and employed statewide.

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COMMENT FROM MIKE VANDEMAN

May 24, 2007

Henry "Rick" Ramirez
Program Manager, Oroville Facilities Relicensing
California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236-0001

Re: Draft Environmental Impact Report, Oroville Facilities
Relicensing-FERC Project No. 2100

2007 MAY 29 PM 2:19

Dear Sir:

The DEIR appears to assume that whatever activity humans want to do must be accommodated (you call this "demand" and "user needs"):

"Recreation Facilities-Equestrian, Bicycle, and Hiking Trails The FERC Staff Alternative would revise SA Article A127 to include a provision to conduct baseline inventory of trail conditions using established standards developed for project trails prior to proposing any changes to trail use designation. Trail conditions would be monitored and reported on through the term of any license issued. The recreation monitoring program would be expanded to include non-trail users to detect latent demand and unmet user needs related to trails. The non-motorized trails program would be revised based on the trail condition inventory, analysis of the survey and trail use data, and results of the feasibility studies for new trails. Recommendations, if appropriate, for changing trail use designations and a proposed implementation schedule would be included."

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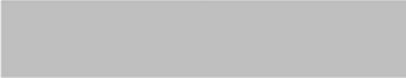
P0002-1

public is obligated to provide them a place to ride it off-road. There are millions of miles of roads that are already open to bikes. If the presence of motor vehicles makes that difficult, then address that problem, instead of sacrificing our parks and wildlife, which have done nothing to deserve that kind of abuse!

Mountain bikers have exactly the same access to public lands and trails that everyone else has: on foot. They would like you to believe that they are being discriminated against but that is obviously not true.

Sincerely yours,

Michael J. Vandeman
Mike Vandeman, Ph.D.



2007 MAY 29 PM 2:19

RESPONSE TO COMMENT FROM MIKE VANDEMAN

Response P0002-1:

This letter is a duplicate of Comment Letter P0001. Please see Response to Comment P0001-1.

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COMMENTS FROM RON DAVIS

8/17/07

TO

CALIFORNIA DEPARTMENT OF
WATER RESOURCES

VIA FAX 916 653-6105
c/o ANN LUNDBERG

(FORWARDING COMMENTS ON DUR
DOCUMENT FOR RON DAVIS)

PLEASE ADVISE IF THE ENTIRE PAGE(S)
ARE NOT LEGIBLE. I MAY OR MAY NOT
NOT GET TIME TO SUBMIT A TYPE-
WRITTEN VERSION, SO AM SENDING
THESE FOR HIM NOW.

2007 AUG 17 PM 4:02

Cathy Hedges

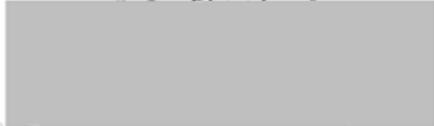
(home and fax)

page 1 of 6

P0003

Aug. 2007

Ron Davis



Comments On.
Environmental Report
for the relicensing application
to F.E.R.C.
for the Oroville Facilities by the
Department of Water Resources
State of California
(PROJECT 2100)

2007 AUG 17 PM 4:02

I find this report to be deficient and unsatisfactory in complying with N.E.P.A. and C.E.Q.A.

An E.I.R. needs to identify the plans of the project managers and alternatives to the preferred alternative. This is crucial in order to identify likely negative impacts to the environment. Then, mitigation measures must be planned to offset these impacts.

The E.I.R. states how D.W.R. shall submit some of its plans after a new licence is granted. This gives us a textbook example of skirting environmental protection laws and is not to be tolerated.

FISHERIES: If D.W.R. blocks off more of the Feather River seasonally to upstream migration of fish negative impacts are foreseeable:

- WIER:
- 1) Predation including human poachers, including added costs to Law Enforcement.
 - 2) Increased losses from handling eggs at the needed "egg taking station" losses leading to decreased recruitment of young fish.
- there is no need for a weir: No genuine spring run is present on this river!

UPSTREAM
PASSAGE:

- 1) This was tried in the 1960's and it failed to help.
- 2) An encroachment on trout fishermen would be needed to protect any juvenile steelhead that might be produced by the project. (negatively affecting their sport)
- 3) Any H₂O sterilization device for the Hatchery would be subject to the same unreliability problems as the smaller devices now used. Upstream migration of fish into a hatchery water supply is contrary to good management practices.
- 4) Negative fiscal impacts foreseeable!

LAMPREYS:

- 1) No plan has been offered to address the negative impacts of this project on the Pacific Lampreys.

ACCUMULATIVE
IMPACTS:

- 1) no plan has been offered to address the negative impacts that this project adds to for downstream fishes (delta smelt, split tail, SACRAMENTO BLACK FISH to name only a few)
- 2) Negative results to ocean salmon fisheries of decreasing Hatchery production

NOXIOUS PLANTS:

1) No plan has been offered to control the invasion of "broom" species in the DIVERSION POOL area. (starthistle too!)

P0003-11

FUEL LOAD MANAGEMENT:

1) No plan has been offered. The public needs to see the plan in order to determine impacts.

P0003-12

Oroville RECREATION Advisory Committee:

1) I foresee negative impacts to our citizens due to eliminating ORAC. I feel DWR wants to control the Recreation Advice of the public and has not earned the trust of the public by their disrespect to ORAC.

P0003-13

Should I be disqualified from the more meaningful levels of future participation in the planning process because I did not sign the settlement agreement? This impact on me is purely negative!

P0003-14

③

Whitewater sports: DWR has expressed support for facilities for this — we should see the plan in the E.I.R. for the licence application.

The application for a new licence should be an ideal event for the public to participate in the planning for facility operations. I have worked with D.W.R. in this A.L.P. for over five years and have contributed greatly. We should be able to arrive at reasonable protection as well as mitigation to impacts of new actions of the licensee during this licencing.

(next 50 years!) The N.E.P.A. and C.E.Q.A. require the "actor" to announce what the action is to be and needs to be satisfied before a new licence is granted.

I cannot accept this E.I.R.

Respectfully yours,

Ronald E. Davis

stakeholder: A.L.P.

(4)

RESPONSES TO COMMENTS FROM RON DAVIS

Response P0003-1:

DWR appreciates your interest and continued involvement in the Alternative Licensing Procedure (ALP) collaborative through the development of the EIR for the Oroville Facilities. Section 1.1.1 of the DEIR, pages 1-2 and 1-3, describes the programmatic structure of the DEIR, consistent with California Public Resources Code Sections 21093 and 21094 and 14 California Code of Regulations (CCR) Sections 15152 and 15168. The Proposed Project considered in the DEIR includes the development and implementation of numerous plans and programs over the next several decades in addition to actions designed for immediate implementation. While some individual actions are well described in the Proposed Project and ripe for analysis, specific details of the numerous plans and programs described are unknown at this time. DWR anticipates that additional CEQA documents will be necessary in the future when these plans and programs are finalized. The programmatic structure of the DEIR provides the opportunity to examine the entire project broadly with project-specific information included as available.

Response P0003-2:

DWR is aware of this potential for poaching and will address this issue in the operational plan for the weir. Avoidance and minimization measures will be reflected in the design and location of the weir, its security features, and operation and maintenance schedules. In addition, DWR has provided DFG with funding for 2 full-time Game Warden positions for additional patrols within the FERC Project boundary, and the weir site will be included in their enhanced patrol efforts.

Response P0003-3:

The taking and fertilization of salmon eggs by trained hatchery personnel at field stations is a fairly common practice, and it is envisioned that the egg-taking station would be operated by DFG hatchery personnel. Proven protocols exist to minimize losses at field stations and transport of eggs to the hatchery. Also, the number of eggs taken is typically greater than the target number and size of juveniles to be released based on the survival rates from eggs to juveniles. Currently, the hatchery is not limited by the adults available to spawn, but by the capacity for hatching and rearing the juveniles; therefore, no decreased recruitment of young fish is anticipated as a result of any of the Proposed Actions. The DEIR states that the segregation “weir would include an egg taking station to replace the fall-run Chinook salmon access to the Feather River Fish Hatchery (FRFH) fish ladder. Fish weir installation would be subject to more detailed environmental impact analyses in a subsequent environmental document prior to implementation of this action.” (DEIR Appendix C, page C-3.) However, it is anticipated that segregation of spring-run Chinook salmon from fall-run will likely lead to decreased redd superimposition thereby increase natural production of spring-run Chinook salmon. Additionally, many of the actions described in the Proposed Project

are designed to increase the quantity and quality of salmonid habitat availability, leading to increased natural in-river salmonid production.

Response P0003-4:

Because construction of Oroville Dam limited the spatial separation of spring-run/fall-run Chinook salmon spawning and there is a temporal overlap in timing of spawning between the two runs, there is speculation that the current spring-run Chinook salmon in the Feather River are hybrids of the two runs. However, the spring-run Chinook salmon phenotype for early adult immigration behavior is certainly present in the Feather River and the lower Feather River is listed as critical habitat by NMFS for spring-run Chinook salmon. In the last 4 years, FRFH practices have changed to separately spawn the phenotypic spring-run Chinook salmon (those that enter the hatchery ladder in the early summer) from the phenotypic fall-run (those that enter the hatchery ladder in the fall). Please refer to Chapter 2.0, Section 3.2.3.3, of this FEIR for a description of hatchery practices and revisions to the DEIR.

Response P0003-5:

DWR and Pacific Gas and Electric Company have entered into an agreement (Habitat Expansion Agreement) with NMFS and other interested parties to create or restore habitat for up to 3,000 spring-run Chinook salmon and steelhead in lieu of providing upstream passage over Oroville Dam for salmonids. Please see Chapter 3.0 of the DEIR for a description of the agreement. One of the many challenges of providing upstream passage would have been differentiating between steelhead juveniles and resident rainbow trout. Overall, the Habitat Expansion Agreement (Appendix F of the Settlement Agreement [SA]) was agreed to by the interested parties due to the fact that there was such uncertainty of success with upstream passage.

Response P0003-6:

As mentioned in Response to Comment P0003-5, DWR is not considering upstream passage of salmonids over Oroville Dam at this time. As described in the DEIR, SA Appendix F, Article A107, the need for a water sterilization device for the FRFH will be evaluated through the Feather River Fish Hatchery Improvement Program (A107).

The issues associated with the reliability of any water treatment facility at the FRFH would be thoroughly analyzed prior to construction. This analysis would assess the variety of treatment facilities used at other fish hatcheries and their success rates, the specific disease concerns at the FRFH, and comments from the public and fish and wildlife agencies. The reliability issue would be a primary concern in the selection process for any water treatment system built at the FRFH.

Response P0003-7:

While fish passage was discussed at the Environmental Work Group and evaluated through modeling, the Proposed Project does not include any provisions for fish passage upstream of the Oroville Facilities. Since the comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR, no further response is necessary.

Response P0003-8:

Two species of lamprey, river lamprey and Pacific lamprey, are found within the Project area. Life history and habitat requirements of both species are described in the Environmental Setting section (Chapter 4.0) of the DEIR. However, only those species of primary management concern are further discussed in the document. Species of primary management concern include those that are recreationally or commercially important, State-listed and/or federally listed species within the project study area under the federal Endangered Species Act (ESA) or California Endangered Species Act (CESA), candidate species for listing under ESA or CESA, and California species of special concern. River lamprey are a California species of concern, while Pacific lamprey do not currently fall into any of these categories to qualify them as a species of management concern.

Impacts on river lamprey are discussed in Section 5.4 and Section 6.2 (Other Statutory Requirements—Cumulative Impacts) of the DEIR. Although Pacific lamprey are not discussed in these sections of the DEIR, most of the life history information for river lamprey is derived from studies on Pacific lamprey, as river lamprey have not been well studied in California. Based on studies of river lamprey conducted on the Columbia River and in British Columbia, habitat requirements (including water temperature tolerances) of the two species are similar. Additionally, although river lamprey may begin their upstream migrations in the late fall while Pacific lamprey begin migrations in January, peak spawning activity for both species occurs in May.

Both river lamprey and Pacific lamprey have similar freshwater habitat requirements to Chinook salmon and steelhead in that all species require cool water and a gravel substrate for spawning. Improvements in habitat conditions for salmonids in the lower Feather River will improve the habitat for lamprey. Page 5.4-17 of the DEIR states: "Implementation of the Gravel Supplementation Program and Channel Improvement Program would result in **beneficial** effects for river lamprey. Additionally, initial new license period operational modifications would result in **beneficial** effects on the habitat quantity and quality for river lamprey through water temperature enhancements in the lower Feather River."

Response P0003-9:

Only those fish species of primary management concern (as defined in Response to Comment P0003-4) are discussed in the DEIR. Potential impacts on Sacramento splittail are discussed in both the impacts section (Section 5.4) and the cumulative

effects section (Section 6.2) of the DEIR. Delta smelt are not found within the Project area; because none of the Project alternatives, including the No-Project Alternative, affect habitat in the Sacramento River or the Delta, potential effects on Delta smelt are not analyzed.

The Feather River High Flow Channel (HFC) flow regime would stay essentially the same as before the relicensing of the Oroville Facilities because the Feather River flows support many of the environmental measures in Sacramento–San Joaquin Delta (Delta) operations. Therefore, there would be no change in effects on Delta fishes due to Feather River flows.

Response P0003-10:

No decrease in hatchery production is anticipated under any of the Project alternatives. Adaptive management of the hatchery practices, which is included in the Proposed Project and are designed in part to increase hatchery fish survival rates, would result in an enhancement of the number of fish produced by the hatchery that reach the ocean fishery. The implementation of many of the habitat enhancement actions of the Proposed Project would also increase natural production of salmon in the lower Feather River, which also would benefit the ocean fishery.

Response P0003-11:

The issue of invasive species was considered and discussed in DEIR Chapter 4.0, pages 4.5-88 through 4.5-91, and Chapter 5.0, page 5.5-29. The SA proposes the development of an Invasive Species Plan (Article A126). The plan's development was not evaluated in the DEIR because the development of the plan itself would not have an environmental effect on resources. Once developed with appropriate land management agencies and Ecological Committee (EC) input, the actions resulting from the plan would be subject to additional CEQA review. In SA Article 126, it specifically states that it will manage and address both yellow starthistle and three invasive species of broom within the Project boundary.

Response P0003-12:

On page 3.3-39 of the DEIR, the description of SA Section B102 indicates that development of the Fuel Load Management Plan for the Project lands would occur within 1 year following issuance of a license in coordination with the U.S. Forest Service (USFS), U.S. Bureau of Land Management (BLM), California Department of Forestry and Fire Protection (CDF), DPR, DFG, Paradise Fire Department, Butte County Fire Safe Council, Butte County Resource Conservation District, State Water Contractors (SWC), Native American Tribes, and other appropriate agencies and associated public processes. A programmatic analysis of the environmental impacts associated with a Fuel Load Management Plan was provided in the DEIR and summarized in Table 5.16. Project-level CEQA analysis will be completed after a plan is developed, as stated in Section 1.1.1 of the DEIR.

Response P0003-13:

The Proposed Project replaces the Oroville Recreation Advisory Committee (ORAC) with the Recreation Advisory Committee (RAC), as described on page 3.3-26 of the DEIR. DWR believes that the RAC will function more efficiently, and allow for more rapid direct response to public input. Moreover, the RAC, like the ORAC, is composed of 13 entities, including many local government and citizen groups as well as DWR, DFG, and DPR. Also, the RAC was overwhelmingly supported by the 50+ stakeholders who affirmatively voted for this new arrangement during the public-meeting process that led to the SA RMP.

Response P0003-14:

Electing not to sign the SA in no way eliminates or even meaningfully limits the opportunity for material public participation and input. All members of the public can avail themselves of the resources provided by the License Coordination Unit at DWR's Oroville Field Division office, and all members of the public can participate in public workshops and comment at RAC meetings.

Response P0003-15:

The Proposed Project includes investigation and development of elements of parts of a "river trail" (Analysis of a Non-motorized Water Trail Shoreline Access, DEIR page 3.3-30) along the Feather River. DWR also has agreed to conduct a Feather River Whitewater Boating Opportunity Feasibility Study (DEIR, page 3.3-35). Completion of a feasibility study does not require CEQA analysis; a project-level CEQA analysis would be completed if a specific whitewater boating opportunity is developed.

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COMMENTS FROM CATHY HODGES

AUG-20-2007 04:33P FROM:CATHY HODGES TO:19166548748 P.1/1

916 654-8748

Henry M. "Rick" Ramirez,
Program Manager Oroville Facilities Relicensing
California Department of Water Resources
1416 ninth Street Rm.1155
Sacramento, Calif. 95814

August 20, 2007

Project 2100

Comments re: Ca. DWR Draft EIR

I appreciate the work that went into the creation of the DWR Draft EIR, but found it to be an overwhelming document for the time allotted to the public for response.

With regard to the information contained in the Draft EIR related to Recreational Non Motorized Trails, it is my belief that the maps, charts, and data related to existing use on trails at Project 2100 are not accurate. I raised this same concern at the Trails Focus Group meetings, but was told by DWR staff that "existing use" was not important. I believe, however, that in a CEQA/NEPA process such as is involved in the Oroville Facilities Relicensing, existing use is an important consideration. The No Project Alternative was not considered in trails planning, which is also a requirement, I believe, under CEQA. DWR data failed to establish a baseline of existing use on the h/c trails prior to their proposal to convert most of the existing h/e trails to multi-use.

P0004-1

P0004-2

Additional comments to follow.....

Cathy Hodges

Cathy Hodges



2007 AUG 21 AM 8:04

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RESPONSES TO COMMENTS FROM CATHY HODGES

Response P0004-1:

Minor inaccuracies related to existing trail segments on Figure 3.2-4 in the DEIR have been corrected and are included in Chapter 2.0 of this FEIR. The existing trail use, based on the results of Relicensing Studies R-9 and R-13 (SP-R9 and SP-R13), is accurately described in Section 4.7 of the DEIR.

Response P0004-2:

The No-Project Alternative is described in the DEIR (see Section 3.3.1), and is analyzed in Chapter 5.0 of the DEIR consistent with CEQA. The data collected and subsequent results of SP-R13, Recreation Surveys; SP-R9, Existing Recreation Use; and other facility inventory and water quality studies exceed those necessary to reasonably establish existing and "baseline" conditions at project trails. These conditions can be compared to Proposed Project conditions in Table 5.16 of the DEIR.

The recreation survey period spanned May 2002 to May 2003. The surveys were undertaken in conformance with a Study Plan conceived and drafted in collaboration with the Recreation and Socioeconomics Work Group and the Study Plan Task Force, and approved by those entities in an open and consensus-based public forum. In response to the survey effort, 2,583 visitors completed an on-site survey and 1,071 of those completed a mail-back survey; these included 991 respondents project-wide who regarded themselves as "trail users." These trail users were contacted at most of the recreation sites within the project area, with the greatest number contacted at major trailheads and campgrounds with direct access to project trails. In addition, between August 2002 and August 2003, as many as four trail-use counters were deployed at various locations on project trails. Trail-use data were collected at a total of 10 locations during that period. Beginning March 2002 and throughout the survey and trail use count period, a shared-use policy was in effect that was rescinded following an August 2004 FERC Order. However, there was no indication from the study results that trail conditions differed significantly from conditions in place prior to the March 2002 shared-use policy. Additionally, survey respondents did not identify trail-use designations as a significant issue during the survey period, despite opportunities to do so during the surveys. Because of the exceptionally large size of the survey group, and the reliability of results, DWR considers the information available to be sufficient to describe both the No-Project Alternative and the baseline conditions upon which FERC considers License conditions.

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COMMENTS FROM CATHY HODGES

AUG-22-2007 04:31P FROM: CATHY HODGES TO: 19166548748 P. 1/5

TO RICK RAMIREZ 8/22/07

I replaced my ink cartridge so
am forwarding a better (more
clear copy of the page which
may not have been legible
in my fax of 8/20/07.

(COMMENTS RE: DRAFT EIA
PROJECT 2100)

THANK YOU.

Cathy Hodges

(I am faxing the other pages as
well to make it easier for
you)

2007 AUG 23 AM 8:46

pg 1 of 5

P0006

AUG-22-2007 04:31P FROM:CATHY HODGES

TO:19166548748

P.2/5

916 654-8748

Henry M. "Rick" Ramirez,
Program Manager Oroville Facilities Relicensing
California Department of Water Resources
1416 Ninth Street Rm.1155
Sacramento, Calif. 95814

August 20, 2007

Project 2100

Comments re: Ca. DWR Draft EIR

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Additional comments to follow.....

Cathy Hodges

Cathy Hodges

AUG-22-2007 04:31P FROM: CATHY HODGES

TO: 19166548748

P. 3-5

Henry M. "Rick" Ramirez
Program Manager Oroville Facilities Relicensing
California Department of Water Resources
Sacramento, Calif. 95814

Project 2100

Comments (continued) re: Ca. DWR Draft EIR

ES.3 PURPOSE OF THE DRAFT ENVIRONMENTAL REPORT

"In compliance with CEQA (Section 2102.1(a), the DEIR publicly discloses potential significant environmental effects that may result from approval of the Proposed Project, recommends mitigation measures related to the implementation of actions included in the SA and evaluates alternatives to the Proposed Project."

Page 3.2-18 EQUESTRIAN, BICYCLE, AND HIKING TRAILS

"The Dan Beebe Trail is a 14.3 mile trail that is for equestrian and hiking use." I believe this mileage description is inaccurate by a large margin with the actual mileage being closer to 7 miles in length.

P0005-1

Restroom facilities and trailheads are dispersed along the route. This sentence does not seem to be accurate. I believe that there is only one restroom (a porta-potty at the beginning of the Dan Beebe Trail) which is located at the Lakeland Blvd. parking area.

P0005-2

With regard to the Brad Freeman Trail..... **"It was constructed in the mid 1990's as a mountain bicycle trail but became popular with equestrians and now has portions considered multi-purpose."**

P0005-3

This DEIR statement is misleading. It should be noted that many sections of the Freeman mountain bike trail were simply routed along existing gravel or dirt roads which had already been used by equestrians (and hikers) for many years. I have not been able to find any evidence of public notice or disclosure that as a result of the dedication of mt. bike trail along those roads, other users would subsequently be banned from using the dirt or gravel roads. I, myself, as an equestrian, supported the Freeman Trail as a reasonable project to allow bicycles to ride off pavement.

However, many years later, DWR (without public notice) installed bicycle gates, not just across the (6ft.?) width of the bicycle trail, but in a manner which physically blocked the entire road way so that it was no longer possible for a horse to pass or access those dirt or gravel roads. This could (and should) be easily corrected by restoring the previous existing use/access to those areas. The description of "existing use" within the project was altered by the action of blocking access.

P0005-4

The Sewim Bo Trail is described as a hiking trail, but I believe that hiking equestrian grant money was received and used for construction of the trail. This, too, is an inconsistency and should be clarified and/or corrected.

P0005-5

AUG-22-2007 04:32P FROM: CATHY HODGES

TO: 19166548748

P. 4/5

Trail Maps (described as 3.2-4 and 3.2-4a) are inaccurate in their descriptions of existing use. The maps are difficult to read but do not appear to reflect horse access in any part of the OWA or Thermalito. As stated before, I believe that horses are allowed on certain roadways in Thermalito and DFG regulations allow horse use on roadways open to public vehicles such as are present in the OWA.

P0005-6

Also, according to the current approved Recreation Management Plan, the hiking equestrian trails comprise a facility which is entirely h/e and contains NO multi use sections. There has been no approval by FERC for that kind of a change, yet the DEIR maps of existing use reflect sections of multi use which interrupts the continuity and integrity of the h/e trails. I can find no indication of public involvement, and no disclosure to the public by DWR or DPR of prior intent to convert any of these h/e trail sections to multi use.

P0005-7

The DEIR trail maps also reflect sections of trail which were built by Ca. DPR, but not approved by FERC (North Fork/Potters Ravine and Bidwell Bike Trail). Therefore, the criteria for "existing" use is not clear to this reader. Does the physical presence of a trail (which was built without public involvement or an amendment to the RMP and not approved by FERC) automatically qualify it for "existing use" status under the current license?

P0005-8

4.7-10 Saddle Dam parking does not provide direct access onto the Dan Beebe Trail. I believe the Dan Beebe Trail description of that section of trail from Saddle Dam toward the Visitor's Center is in error. I believe Kelly Ridge section of h/e trail would be more accurate.

P0005-9

Burma Rd. trailhead is also used for equestrian parking access (omitted in DEIR) to access the Freeman Trail section that lies on the north side of the Diversion Pool.

P0005-10

"Hand launching" of boats is mentioned in the DUA of the Diversion Pool on this page, but omitted under the "car top boat launching" sites elsewhere in the DEIR. It is called undeveloped, but DWR created a graveled access to the water, which would seem to me to be "developed", since it was "improved".

P0005-11

Many trail users live locally and access the trails without vehicles. I believe the use data would be altered if these users could be counted.

P0005-12

The trail studies were conducted while the trails were being managed out of compliance with the current approved DWR Recreation Plan. Therefore, there was no baseline of existing use established for the h/e trails with which to determine the actual or potential negative affects of proposed changes in designated use. Even so, the DWR Needs Analysis failed to show any documented "need" to add bicycle use on the h/e trails.

P0005-13

Also, no evaluation was conducted of the effect of the Ca. DPR (contracted) reservation system which has been the subject of many complaints by horse camp users. Many have

P0005-14

AUG-22-2007 04:32P FROM: CATHY HODGES

TO: 19166548748

P. 5/5

commented that they were told that there was no horse camp at Lake Oroville ---or that the camp was full and no reservations were available, only to find (when visiting for day use only) that this was not true and that there were many vacant campsites during that same time.

P0005-14
con't

The Draft DEIR did not attempt to survey dog owners who might like to be able to hike with their dog (leashed) on LOSRA trails. This seems especially appropriate given the presence of mountain lions and even (less frequently) bears in the wooded areas where the trails are situated.

P0005-15

Although there is so much more to address (but not enough time), thank you for this chance to bring some of these issues to your attention.

Cathy Hodges
Cathy Hodges

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RESPONSES TO COMMENTS FROM CATHY HODGES

Response P0005-1:

The 14.3-mile total length of the Dan Beebe Trail was determined during Relicensing studies. Several different lengths for this trail have appeared in various documents over the years, including DPR publications, DWR filings, and FERC orders. For example, the August 17, 2004, FERC order includes two different lengths (17.5 miles and 14 miles) for this trail in the same document. The description of the 14.3-mile trail length in the DEIR, extending from the Lakeland Boulevard Trailhead to the Saddle Dam, is accurate.

Response P0005-2:

Along the length of the Dan Beebe Trail, restroom facilities can be found at Lakeland Boulevard, the Lake Oroville Visitors Center, and the Saddle Dam Trailhead. No further response is necessary.

Response P0005-3:

The observation that the Brad Freeman Trail was, in part, routed along existing gravel/dirt roads is correct. While there are no data to describe the use of various sections prior to designation of the route as a 41-mile mountain bicycle trail in a 1994 CEQA Negative Declaration prepared by DWR, it is reasonable to assume that these roads were used by all user groups. Clarification of the description in the DEIR is included in Chapter 2.0 of this FEIR, Section 3.2.4.1.

Response P0005-4:

The gates referred to by the commenter were installed to allow bicycle passage but restrict motorized vehicles. They were not specifically designed to restrict equestrians and this issue has been taken into consideration as a current trail maintenance item.

Response P0005-5:

Funds used for construction of the Sewim Bo Trail did not include funds from equestrian groups. Funding for the trail development was predominantly from the State Water Project (SWP), supplemented by the federal grant program known as the Land and Water Conservation Fund Grant Program. Although this half-mile trail was designed as a hiking trail, equestrians are not precluded from using this trail.

Response P0005-6:

The trail maps included in the DEIR (Figures 3.2-4 and 3.2-4a) show existing Oroville Facilities trails and were not intended to include all roadways and/or trail access points. It is correct that equestrian usage is allowed on certain roadways in the Thermalito area, and DFG regulations allow horse use in certain areas of the Oroville Wildlife Area

(OWA). The DEIR has been corrected to include this information. Please see Chapter 2.0 of this FEIR for revision to Section 3.2.4.1.

Response P0005-7:

This assertion is incorrect, according to a recent FERC issuance on this subject. The commenter had made this assertion in a 2006/2007 proceeding regarding trail use designations along the Dan Beebe Trail, a hiking/equestrian trail. After a series of meetings, discussions, and correspondence between DWR, ORAC, and FERC, FERC concluded in its April 26, 2007, letter to DWR: "In conclusion, I find that the licensee is complying with the August 17 order. The licensee's decision to allow multiple use on these short segments of trail is reasonable and consistent with our order." The DEIR's maps are consistent with both the RMP and current designations in the area.

Response P0005-8:

Describing "criteria" for existing trail use is beyond the scope of the DEIR. However, in the examples cited in the comment, which are within the Lake Oroville State Recreation Area (LOSRA), DPR determines use designation of trails consistent with California Code of Regulations Title 14, Sections 4359 and 4360. To the extent that any existing trail section is possibly not recognized by FERC as a trail segment under the existing license, DWR will, pursuant to the recommendations made by DPR for such segments, delineate and submit these to FERC for approval.

Response P0005-9:

This observation is incorrect; the Saddle Dam Trailhead parking lot is located at the southeastern terminus of the Dan Beebe Trail, and it also services the Bidwell Canyon Trail.

Response P0005-10:

Under a FERC order issued on August 17, 2004, equestrian usage on this "Burma Road" section of the Brad Freeman Trail is currently prohibited. Therefore, the Existing Conditions described in the DEIR are correct. DWR proposes to open this area to equestrian use as part of the proposed trails program in the RMP. Trailhead parking is not restricted or limited to user types since other adjacent trails or roads can be accessed. Note that there is no officially designated "trailhead access" at Burma Road; however, this road provides numerous places to park and convenient access to the Brad Freeman Trail. The DEIR's trail map (Figure 3.2-4) incorrectly labeled this trail section as multiple-use; this has been corrected in the FEIR. Please see Chapter 2.0 of this FEIR for revised trail maps.

Response P0005-11:

The Diversion Pool Day Use Area (DUA) has not been characterized as a "car-top boat ramp" in published Relicensing studies or in the proposed RMP. As described in the

DEIR on page 4.7-10, there is an undeveloped boat access point at the Diversion Pool DUA for hand launching of boats only.

Response P0005-12:

Use of trails by those who do not use a vehicle to reach the trail or trailhead is included in trail counter data reported in SP-R9, Existing Recreation Use, which is accurately summarized on page 4.7-19 of the DEIR.

Response P0005-13:

The data collected and subsequent results of SP-R13, Recreation Surveys, exceed those necessary to reasonably establish existing and "baseline" conditions at Project trails. Proposed changes to trail designations are not predominantly based on a perceived "need" for additional bicycle or equestrian trail opportunities, but rather on the desire to enhance and maximize opportunities for both groups. The overwhelmingly positive feedback received from the roughly 1,000 trail user survey respondents supports this perspective, as does the support for the proposed trails plan from Region II of the California State Horsemen's Association, the International Mountain Biking Association, and the Lake Oroville Bicycling Organization. The SA signatories represent the largest statewide and local organizations representing both equestrians and bicyclists.

Response P0005-14:

While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

Response P0005-15:

In LOSRA, like many other units of the State Parks system, dogs (even leashed) are not allowed on most trails. The issue of dogs on trails illegally was not identified as a problem or desired use by interviewed trail users. A specific survey of trail-using dog owners was not among study plans approved by the Recreation and Socioeconomics Work Group. However, the on-site and household surveys conducted for SP-R13 gave both current and potential trail users the opportunity to comment on this or any other topic regarding trail use.

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COMMENTS FROM JANICE WILSON

Henry M. Ramirez, Manager DWR
1416 Ninth Street, Room 1155
Sacramento, CA 95814

August 19, 2007

Subject: Foreman Creek State Recreational Area,

Mr. Ramirez,

My name is Janice Wilson and I am a member of the Berry Creek Municipal Advisory Council. We represent the residents in the 95916 Zip Code area in Butte County, CA. This portion of Butte County, encompasses over 6000 property owners in and around the Foreman Creek area and is the only free public access to Lake Oroville. I would like to discuss recent changes to regulations at Foreman Creek.

The area is unique. You can gain access to the entire shore by vehicle, due to the dense soil types in the area even when water levels are changing daily. Actually the lower the water goes the more exposed shoreline becomes exposed and with it's very gradual slope allows for more available area for outdoor activities. This is the kind of area where you can drive your vehicle right up to your campsite or daytime camping site area. It eliminates the need for large parking areas where items have to be carried to recreational enjoyment areas. Security is not as big an issue because you are with your vehicle. Typically a security car driving around looking at cars they don't recognize only allows for an increase in crime.

In addition people with disabilities find the gentle sloping of the area to be of great benefit.

DWR had the responsibility of putting together a recreation plan for the Foreman Creek area. The changes that have occurred beginning August 1st are unacceptable. Day use only from 8:00am to sunset in an area that has been opened for public enjoyment for so many, many years 24 hours a day. Why are they taking this away from us? In addition why are they not letting us watch the beautiful sunsets anymore or enjoying the wonderful nighttime cat fishing.

P0006-1

Designated parking? Once again.... why? Your vehicle can be a big part of you dayuse camping enjoyment. Lake Recreation is not "Hike To" activity. A short distance is all you can carry your life jackets, towels, blanket's, chairs, ice chests, snacks, food, sun shades, rafts, fishing poles, tackle boxes, etc. Why are they changing rules that have worked so well for so many for so many years? This is how the Foreman Creek area has been used for years and years. Why now these harsh changes?

P0006-2

P0006-3

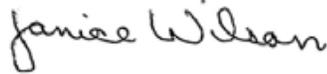
Page 2:

The 153 Series bulletins and the 132 series bulletins which outline the Federal and State funds and clearly identify the on record funds that were earmarked for the development of the recreation opportunities in the Foreman Creek area. P0006-4

The studies that have been done by the DWR clearly do not outline or identify the current use conditions (Over 50 Years) of the Foreman Creek Recreation Area. The studies also do not outline or identify the significance of the Foreman Creek Recreational area to the people who live here and enjoy it regularly. P0006-5

You will find enclosed over 1100 signed flyers outlining our concerns with the recent changes to the Foreman Creek Recreation area. P0006-6

Respectfully submitted,



Janice Wilson

RESPONSES TO COMMENTS FROM JANICE WILSON

Response P0006-1:

The Proposed Project includes development, within 1 year of license issuance, of a formal recreation plan for the Foreman Creek area. As part of the Proposed Project, DWR plans to enhance recreation facilities here. Periodic closures presently exist as recurring practice and are necessary when the water level is low, to prevent damage and looting of cultural resources exposed in the inundation zone, especially at water elevations below 800 feet. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0006-2:

It is still proposed for visitors to reach the shoreline at Foreman Creek during low-water periods by using the old road/ramp, where supplies can be unloaded. Lessened convenience at these limited times must be balanced against the need to protect cultural, historic, and other resources. Also note that vehicle access directly to the shoreline is similarly prohibited everywhere else within the Project where similar uses occur, including at developed swim areas.

Response P0006-3:

Please see Response to Comment P0006-2. Additionally, Relicensing studies identified the impacts that existing uses in the Foreman Creek area have had on sensitive and irreplaceable cultural resources, and the proposed changes are designed to prevent future impacts while still allowing popular recreation to occur. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0006-4:

The Proposed Project includes new recreation improvements at Foreman Creek, in conjunction with measures to protect cultural resources. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0006-5:

The existing and historical use of the Foreman Creek area is accurately outlined in several Relicensing study reports, and is sufficiently summarized on page 4.7-7 of the DEIR. DWR concurs that most use at Foreman Creek (and other "east side" access points) is predominantly "local." Please see Chapter 2.0, Section 4.7.5.3, in this FEIR for clarifications made to the DEIR.

Response P0006-6:

Scanned images of each of the signed flyers received by DWR are provided in Appendix A of this FEIR. Detailed responses to the flyers, also referred to as a form letter, are provided in Responses to Comments P0032-1 through P0032-4.

DWR understands and acknowledges the value of the Foreman Creek area to recreational users, and is committed to enhancing recreational use at this location while also addressing potential impacts on significant cultural resources, as noted in the Proposed Project (SA Article A129) and the Final Historic Properties Management Plan (HPMP). Please see in this FEIR Chapter 3.0, Master Responses, Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this topic.

**COMMENTS FROM PUBLIC HEARING AT THE KELLY RIDGE COUNTRY CLUB,
OROVILLE, CALIFORNIA**

Comments from the Public Hearing for the Oroville Facilities Draft Environmental
Impact Report at Kelly Ridge Country Club in Oroville on June 21, 2007.
(The first 19 pages of this document, which detail the proceedings before the
comment period, are located in Appendix A.)

6/21/2007

1 There are a couple of guidelines. Basically it's to wait
2 for your name to be called. Speak clearly and into the
3 microphone. Spell your last name. I understand the
4 court reporter will greatly appreciate knowing how to
5 spell your name. Honor the time guidelines as I think we
6 want to give everyone a fair shot at making their views
7 known. And it is also likely that you may hear some
8 views that don't quite line up with your own, but I think
9 we all know we would like to respect any view that's
10 expressed here and have folks give a fair shot at
11 expressing their views. Okay?

12 So let me call the first speaker. Mr. Gordon
13 Andoe. Is Gordon in the audience?

14 MR. ANDOE: well, I don't know who put my name
15 in but I appreciate it. My name is Gordon Andoe,
16 A-N-D-O-E. I am the former mayor of Oroville. I was the
17 mayor for approximately seven years, I believe. I worked
18 with this project since its inception. I remember the
19 first meeting at the State Theater. It was a much larger
20 crowd than what we have here today and a very hostile
21 crowd.

22 There are numerous things that have come to the
23 attention of the -- in the process. It is almost
24 anything you can dream of has been discussed, argued and
25 some of them are still on the table today. But I want to

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1 applaud the Department of Water Resources and the State
2 water Contractors for going through the alternate
3 licensing process that we've been through because I think
4 the local people have been heard. We've come to a
5 solution that I feel that is probably the best for our
6 area and we've adopted or proposing to relicense the
7 project that's almost a living project and some living
8 documents within that that will improve not only the Lake
9 Oroville recreational areas, the river recreational
10 areas, the economy of Oroville, the lower Feather River,
11 the fisheries over the Feather, and if you look at the
12 signatories that have approved this process, I don't
13 think at any other time in history throughout the United
14 States will you see as many federal and state agencies
15 that are in agreement of what we are talking about today.

16 So I am thankful for, again, whoever put in my
17 name. I will just add that. It's been my pleasure to
18 work with DWR, Department of Water Resources, Water
19 Contractors and those that have not yet been involved
20 with in this process. Thank you.

21 MR. RAMIREZ: Thank you, Gordon.

22 Sharon Atteberry.

23 MS. ATTEBERRY: I can't agree more with Mr.
24 Andoe's comments. We sat in this room for many years.
25 We've have spent many hours in this room and we've

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P0007-1

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1 watched all the stakeholders. They brought their
2 concerns to the table and we watched DWR. We watched the
3 State Water Contractors and we listened to the attorneys.
4 We've worked side by side with many of the resource
5 agencies. We feel that this agreement is good for the
6 community. And in our negotiations as a City in creating
7 the Supplemental Benefit Fund which is in the Appendix B,
8 we worked to create something that this community would
9 have control over. And so the City of Oroville supports
10 this application and we thank those that put many many
11 long hours into this process.

P0008-1

12 Thank you.

13 UNIDENTIFIED SPECTATOR: Can we get a little
14 more audio? It is hard to hear.

15 MR. RAMIREZ: Dave, can you crank it up a bit?

16 Thank you.

17 Next speaker is Pat Clark. Is Pat Clark here?

18 MS. CLARK: Good afternoon. It is Clark,

19 C-L-A-R-K. I wasn't intimately involved in the FERC
20 relicensing process but I know many of the stakeholders
21 that have been involved. I applaud them. I applaud the
22 Department of Water Resources and I'm in full support of
23 this project.

P0009-1

24 Thank you.

25 MR. RAMIREZ: Thank you, Pat.

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1 Charlie Miller.

2 MR. MILLER: Charles Miller, M-I-L-L-E-R.

3 I am the Director of Parks and Trees for the
4 City of Oroville Park's Department and I take and endorse
5 or applaud the Draft EIR. I read the majority of it and
6 I support it.

P0010-1

7 Thank you.

8 MR. RAMIREZ: Mr. David Pittman.

9 MR. PITTMAN: My name is David Pittman,
10 P-I-T-T-M-A-N. And as you might guess I do work for the
11 City, but I'm up here as a long-time fourth generation
12 person to this area. My great granddad started a little
13 project a little farther upstream called Lake Madrone
14 which actually was Butte County Assessment District No.
15 1. So I do understand development. My dad also -- I'm
16 son of a politician that served as a city councilman,
17 county supervisor and State senator. So I grew up with
18 this project as it has come to fruition and my father
19 also served as President of the Feather River Project
20 Association which was the advocate group that had the
21 idea in the '40s and '50s. So as I stand up here today I
22 am kind of tasked with the job of telling you all that I
23 am certainly in support of this activity and the Draft
24 EIR and I want to applaud Barbara and Rick and your
25 staff. They've done a tremendous job and I see this as

P0011-1

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1 something that will go on because we are now today
2 handling the good ideas that we have to help enhance this
3 area and enhance California. But this also has a
4 mechanism to take care of the good ideas that none of us
5 have thought about yet and they will come in the future.
6 So I stand here supporting this Draft EIR.

7 Thank you.

8 MR. RAMIREZ: Thank you.

9 Mr. Steve Jernigan.

10 MR. JERNIGAN: Good afternoon. Steve Jernigan,
11 J-E-R-N-I-G-A-N. I am the mayor of the City of Oroville.
12 I was born and raised here in Oroville, and believe it or
13 not I was seven years old when Ronald Regan came and
14 signed my brother's hand to view the beginning of Lake
15 Oroville. It's been a long time coming.

16 I would just like to thank all the agencies
17 involved in this project and the many many hours our
18 former major put in, our city council, supervisors, DWR,
19 Metropolitan water District. I knew this was going to be
20 a different relicensing when we viewed the people. The
21 people all got together and got to voice their opinions
22 frankly, openingly and then all of a sudden we started
23 building bridges and friendships with these other
24 agencies and became a working cohesive group in a very
25 complex issue. But this project will benefit not only

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1 our local area of the City of Oroville, since we are the
2 head waters of this project in the area of origin.

3 I would just like to thank all of you who have
4 worked diligently on this project and we look forward to
5 many many years of improvements around the many areas
6 within this project. And I would also like to thank you
7 for an investment that was made outside of Appendix A for
8 the SBF fund on behalf of the City and their local
9 agencies for more recreational opportunities and I fully
10 support this endeavor.

P0012-2

11 Thank you for all your hard work.

12 MR. RAMIREZ: Thank you.

13 Next speaker is Mr. Paul McIntosh.

14 MR. MCINTOSH: Thank you, Rick. I'm Paul
15 McIntosh. I am the Chief Administrative Officer for
16 Butte County. That is M-C-I-N-T-O-S-H.

17 Butte County is the host community for this
18 project and we welcome you here to the unincorporated
19 area of Butte County. I also have comments on the Draft
20 EIR itself.

21 First of all, we express our appreciation for
22 the time extension that you've granted to respond to this
23 document. It is quite a voluminous document. We
24 appreciate the amount of work that has gone into it and
25 the information contained therein. Unfortunately, our

P0013-1

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1	analysis thus far finds that document is willfully	
2	inadequate as a decision-making tool in addressing the	P0013-2
3	issues that Butte County has put forward in this	
4	relicensing process. The record is replete with studies	
5	that Butte County has filed which studies has ignored the	
6	EIR or the Draft EIR where issues that Butte County has	P0013-3
7	brought forward have been dealt with in the Draft EIR and	
8	they've been dealt with inadequate studies or incomplete	
9	information. We will be commenting extensively on the	
10	Draft EIR in writing and we will be submitting those to	
11	you. We feel the cumulative impacts of this project as	
12	proposed over the next 30, 40, 50 years of the license to	P0013-4
13	be granted will be significant on Butte County. Those	
14	impacts need to be addressed not just in the DEIR from an	
15	information standpoint so the decision makers have	
16	adequate information to make decisions but they also need	
17	to frame the mitigation of those impacts on Butte County	P0013-5
18	so that we can get into reasonable and good faith	
19	negotiations on how to mitigate those impacts.	
20	Thank you.	
21	MR. RAMIREZ: Thank you, Paul.	
22	Charles Hamill.	
23	MR. HAMILL: Good afternoon. H-A-M-I-L-L.	
24	This is from a citizen that was unable to make the	
25	meeting. This citizen is very concerned about the closer	P0014-1

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1 of Foreman Creek. Also in the DEIR they said that there
2 were facilities at Foreman Creek. I'm not sure what they
3 are referring to.

P0014-2

4 Thank you.

5 MR. RAMIREZ: Thank you. Charles, we will try
6 to clarify that in the final.

7 Jerry Faulck, F-A-U-N-L-C-K.

8 Is there a Jerry in the crowd? Let me put this
9 aside, and if someone finds their name isn't called,
10 please come up and perhaps we can match you up with this
11 card.

12 Wendell Vantine. I apologize if I am completely
13 messing up folks' names.

14 MR. VANTINE: That's close enough. Wendell
15 Vantine, V-A-N-T-I-N-E. I was here a couple of weeks ago
16 and everything with a bunch of County people and we were
17 addressing issues and DWR, I understand, has failed in
18 the past to reimburse the County for all the services
19 that are provided and needed by the Lake as rescue, roads
20 and all the lost revenue from the Lake covering up
21 property that's untaxable, a power plant that's no longer
22 being able to be used. I think they need to reimburse
23 the County for that. That's basically what I have to
24 say. You are not giving enough money to the county.
25 Maybe LA is not paying enough for their water.

P0015-1

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1 Okay. Thank you.

2 MR. RAMIREZ: Thank you.

3 Janice Wilson.

4 MS. WILSON: Hi. My name is Janice Wilson,
5 W-I-L-S-O-N. I'm a member of the Berry Creek Municipal
6 Advisory Counsel Steering Committee. I highly object to
7 the closing of Foreman Creek State Recreation area. I
8 have a petition right here with approximately 1,000
9 signatures to stop the closing of Foreman Creek. I have
10 430 letters collected in one week to stop the closing of
11 Foreman Creek. You say that only one percent of the
12 recreational use occurs at Foreman Creek. Maybe total
13 lake use, but 75 percent of all land use occurs at
14 Foreman Creek due to one very important fact and that is
15 the boat ramp, the Old County Road and entire shoreline
16 are accessible by vehicle at all water levels. At all
17 water levels is the most important part. If anything,
18 there needs to be a picnic table and fire rings staged at
19 different water levels. Pine Flats Lake is another power
20 and water lake on the State Water Project and that the
21 water level vary greatly. Those sites are staged at
22 different water levels so it can be done.

23 Prior to Lake Oroville being built, Foreman
24 Creek was private land. While the dam was being built,
25 all the remaining artifacts were excavated. They were

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M.O.A. Deposition Reporters

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1 found at the 720 to the 740 foot level. On July 30th,
2 2006, I spoke to Michael Delacorte and the whole State
3 archaeological team. They were never allowed to do any
4 of the surveys at Foreman Creek. It was all done by
5 untrained tribal members. In the summer of 2002 I
6 watched the surveys that were done at Foreman Creek. I'm
7 a certified grading inspector. I know the difference
8 between native soil and fill. I saw the artifacts that
9 they were documenting. They were what was trapped
10 between the native soil and the silt and when the silt
11 flaked away this is what they documented.

12 This is not the survey method described by
13 Michael Delacorte at the CRWG meeting as the method of
14 surveying done by archeologists. Archeologists take
15 sample digs below the native soil otherwise artifacts
16 could have washed in from anywhere. This is just another
17 plot to close down the only land that the Lake is easily
18 accessible by vehicles and that you can boat, swim and
19 fish in the same place. Stop the closing of Foreman
20 Creek.

21 Thank you.

22 MR. RAMIREZ: Thank you. Thank you, Janice.

23 Mr. David Steffenson.

24 MR. STEFFENSON: S-T-E-F-F-E-N-S-O-N. I am here
25 today on behalf of the joint districts. That would

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1 include Western Canal Water District, Richvale Irrigation
2 District, Biggs West Gridley Water District, Butte Water
3 District and Sutter Extension Water District. The
4 Districts receive irrigation water deliveries from the
5 Thermalito Afterbay. And since the construction of the
6 project back in the 1960s have been receiving colder
7 irrigation water than they did historically which has
8 caused damage to rice yields. The Districts have
9 participated in this relicensing process since the very
10 beginning and have attempted to bring this issue to DWR's
11 attention and also to the Federal Energy Regulatory
12 Commission's attention as well. In both the Draft
13 Environmental Impact Statement and the Final
14 Environmental Impact Statement, the FERC staff did not
15 address the issue and did not recognize agricultural
16 divergence as an environmental impact and now DWR in the
17 draft Environmental Impact Report does not recognize a
18 significant impact from the diversion of cold water.

19 We believe that the threshold for a significant
20 impact proposed by DWR in the Draft Environmental Impact
21 Report is much higher than that which is required under
22 CEQA by law. That having been said, I would like to
23 recognize the fact that the Department of Water Resource
24 staff including, I know, specifically ward Tabor and Nick
25 Kontos, who is here today, have been negotiating with the

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1 joint districts to try and resolve this issue and both
2 sides have been working extremely hard.

3 The Districts do plan on filing comments on the
4 Draft Environmental Impact Report. We do hope that the
5 negotiations are successful between DWR and the Districts
6 and if so that we can file comments reflecting that fact
7 prior to the deadline.

8 And I would also like to thank the staff for the
9 opportunity to speak today and for granting the extension
10 to the County on filing comments because on such a large
11 project and such a complex document, as the Environmental
12 Impact Report, an extension of time is well warranted.

13 Thank you.

14 MR. RAMIREZ: Thank you, Mr. Steffenson. Just a
15 point of clarification. The County requested the
16 extension but it does apply to all commenters so it's not
17 an extension simply for the County. It's for
18 everybody.

19 Mr. Lyle Wright.

20 MR. WRIGHT: Hello. My name is Lyle Wright.
21 That is W-R-I-G-H-T. And I'm the current president of
22 the Lake Oroville Bicyclists Organization. We have been
23 involved with this relicensing for quite a while now.

24 During the past five years I've seen how
25 seemingly insignificant errors can cause major headaches

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1 and allowed to become part of an official record.
2 I've noticed some errors and uses of language that I
3 would like to see changed in this report. I can see that
4 these observations, though, are better left for written
5 comments rather than going over them in this forum. So I
6 will just thank DWR for the opportunity to provide input
7 put on the project.

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8 Thank you.

9 MR. RAMIREZ: Okay. Mr. Will Cotter.

10 MR. COTTER: Hi. My name is Will Cotter,
11 C-O-T-T-E-R. I'm here today as a representative of the
12 Berry Creek Citizens Association. Our president Loren
13 Gill (phonetic) had to be out of town so he asked me to
14 come in his place.

15 I've kind of gone through the Draft EIR. It's a
16 huge document. I do appreciate the work you guys have
17 done. I know it's been a long process. I've only been a
18 resident up here for a year so I'm a relatively newcomer
19 to all of this. But as you can tell I did an informal
20 count and at least a third, probably closer to half of
21 the people at this meeting are from Berry Creek and I
22 think they are all here because of the closure of Foreman
23 Creek -- the State Recreational area at Foreman Creek
24 would be a huge blow to our recreational process. It's
25 the closest access for us. It's the only access on the

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1 north side of the Lake. If that closes down we are going
2 to have to drive at least another 10 miles through one of
3 the windiness stretches of the Oroville/Quincy Highway.
4 People are towing boats. That's just that much more
5 chance for accidents and wear and tear.

6 I've read that DWR proposes that they keep
7 Foreman Creek open while they do a study on how best to
8 preserve the cultural resources that are there or the
9 native resources that remain. The FERC staff alternative
10 calls for closing Foreman Creek. It says for at least
11 six months but that could be permanent while the plan is
12 developed. I can't see why we couldn't keep Foreman
13 Creek open and just do the study in six months, maybe
14 merge the two plans together. It's 547 acres. There's
15 no reason that the resources couldn't be preserved and
16 have recreational opportunities open at the same time.
17 It just makes no sense to me that you would close the
18 entire thing down.

19 Anyway, again, everyone who is here from Berry
20 Creek and is concerned about this issue take advantage of
21 the comment period. You can write letters, you can go
22 online and just let people know how you feel. Because as
23 you tell from the showing here this is a very very
24 serious and important issue to us up in Berry Creek.

25 Thank you very much.

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1 MR. RAMIREZ: Mr. Tom Berliner. Is Tom in
2 crowd?

3 UNIDENTIFIED SPECTATOR: He is coming.

4 MR. BERLINER: My name is Tom Berliner,
5 B-E-R-L-I-N-E-R. I'm here on behalf of the State Water
6 Contractors. We are the group of 27 water agencies that
7 are the beneficial users of the water that comes out of
8 Lake Oroville and flows down to the Delta. We obtain
9 our water from downstream of this area and we are
10 contractors with the Department of Water Resources.

11 I want to thank DWR for all the hard work that
12 they've done to prepare the Environmental Impact Report.
13 All the hard work that DWR and all of you and other
14 participants that aren't here today did to negotiate the
15 agreement. We think it's an excellent agreement. It's a
16 costly agreement to us. It's worth over a billion
17 dollars. A lot of that money is going to be put into
18 environmental enhancements. A lot of money is going to
19 be put into fish improvements.

20 I wanted to focus for a second on the
21 Supplemental Benefits Fund. That addresses items that
22 are outside of FERC's jurisdiction. Recreational
23 improvements around the Lake are in FERC's jurisdiction.
24 The fisheries matters are in FERC's jurisdiction, but
25 there was a lot of concern in the local communities about

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1 issues that were outside of FERC's jurisdiction. At
2 first we had a hard time negotiating those agreements.
3 we tried talking to various people and weren't making any
4 headway. Then some folks from the City and from the
5 Feather River Park District came together and offered
6 some ideas. We kicked around some ideas. DWR had some
7 ideas. The end result was a Supplemental Benefits Fund.
8 That's going to provide a minimum of 61 million dollars
9 to the community. However, it is important to know that
10 on top of that we have agreed that over the 50 years of
11 the new license to bring to FERC a half-time person on
12 for the entire time to help do grant funding with the
13 local communities to raise additional sums and there's no
14 limit on that. Now, there's no guarantee of success of
15 even getting a dollar, but we've had pretty good success
16 over the years of getting grant funds. So there's no
17 limit on the amount of money that we can get together to
18 address grant funds.

19 I would like to say in a conversation that I had
20 with somebody from the City several months ago, it's my
21 understanding, and I hope that this is still true today,
22 that a number of developers have come forth with ideas to
23 development projects around here as far as new housing
24 and other things as a result of the improvements that are
25 going to result from the new license. So we are very

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1 very pleased to hear that.
2 In the parking lot I talked to Don Raley
3 (phonetic) who told me that the fish are biting like
4 crazy and we are really pleased to hear that.
5 Thank you very much.
6 MR. RAMIREZ: Thank you, Tom.
7 Next speaker is Ron Davis.
8 MR. DAVIS: Thank you very much. That is Ron
9 Davis, D-A-V-I-S. I want to thank DWR for all the good
10 work you've done over the years to help preserve our
11 environment. I think you've done a good job with the
12 Salmon and Steelhead especially.
13 Although I see enormous faults with this EIR,
14 especially your identification that there are no
15 potentially significant adverse impacts. I'm speaking at
16 a time right after the State water project pumps were
17 forced to close down to try to prevent the total collapse
18 of the Delta Smelt species. Delta Smelt is only one of
19 several species which are obviously suffering from water
20 diversions in the Delta which cannot be separated from
21 this project. I believe that the cumulative impact
22 studies were flawed and the State didn't even try to
23 address the cumulative impacts. We were told that the
24 Delta Accords would address the downstream impacts, but
25 the public has since been informed in the press that the

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1 Delta Accords are a total failure.

2 The State Water Project could not exist without
3 the Oroville facilities and this dam. The manipulation
4 of the water flow coming off these mountains, in my
5 opinion, and most reasonable people's opinions, has a
6 significant negative impact upon the environment of our
7 State, and any EIR needs to address this.

P0021-3

8 I believe if you are going to shut down
9 recreation lands at Foreman Creek, you need to mitigate
10 that. We had ORAC formed in our community trying to
11 solve the stresses between the State and the locals
12 because recreational lands were sold. This process we
13 are seeing here is trying to eliminate the ORAC and I
14 think that's a mistake. But if you are going to
15 eliminate any recreational use, you have to mitigate
16 that. Any environmental assessment of a proposed project
17 needs to be done on the proposed plans of what the
18 proponent of the project proposes to do. We are being
19 told after you get your license you are going to do your
20 plans on things like noxious weeds and fisheries and many
21 many other items. This is not the right way to do an
22 environmental assessment. We need to know what you plan
23 to do so we can look at potential negative impacts and
24 address mitigations and protections and so forth.

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P0021-6

25 I see the idea of the weir downstream to

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1 separate the so-called spring-run fish from the fall- and
2 winter-run and not even recognize some run fish. This to P0021-7
3 my mind will have obvious negative impacts. You are
4 going to have to have a 24-hour security guard down there
5 to prevent snaggers. You are going to have huge
6 expenditures needed to be done to do the job you are
7 doing now cheaper. If you have upstream passage of a
8 unreleased fish, like a Steelhead, there is going to be
9 obvious negative impacts. It's probably going to shut
10 down the native Trout fishery in the west branch and P0021-8
11 streams upstream from there. I don't believe this EIR
12 fully addresses the potential negative impacts of this
13 project.

14 As this alternative licensing process has
15 been -- is being done, the State has been building new P0021-9
16 horse trails totally without public involvement. And
17 they don't plan to change that. They divided the horse
18 people and the bike people into fighting when they had a
19 potential agreement and I believe that the plan as
20 proposed on the trails will have a negative impact.

21 There's no reason for what they are doing. So, actually, P0021-10
22 I prefer a no-action alternative, but I can't see an
23 alternate who is going to run the powerhouse. But all
24 I'm asking is go back about five years to your flawed P0021-11
25 studies and do them over and honestly address the impacts

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1 that damming up the Feather River had on our environment.

2 Thank you.

3 MR. RAMIREZ: Thank you, Ron.

4 I'm going to give the name that we passed over

5 another try. It may be Jeremy Franco or Jenny Franco.

6 Address is No. 6 Wild Ridge. Does that help any?

7 Okay.. Next speaker. Mr. Steven Keeler.

8 MR. KEELER: My name is Steven Keeler. I'm a

9 resident of Berry Creek. K-E-E-L-E-R.

10 I don't pretend to know the details of all of
11 this activity that's going on. It's far too deep for me.

12 I will read more on it, get more involved in it. I think

13 that Lake Oroville has a tremendous amount to offer to

14 this part of the State and probably expands into

15 throughout the State. It's a wonderful lake. I enjoy

16 it, my family enjoys it. But my concern is the closure

17 of Foreman Creek and the ability for families to access

18 that area and to be able to walk the shoreline and to be

19 able to walk into the water and swim in that area. If

20 you look out those windows over there, you can't do that

21 anywhere else around that lake. It has a bank that's so

22 steep that families can't do that. I don't really

23 understand the need for closing Foreman Creek and so I'm

24 opposed to it and I just wanted to state that here today.

25 Thank you.

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1 MR. RAMIREZ: Mr. Lannie Dragon.

2 MR. DRAGON: Maybe I can start from back here.
3 My voice carries. Most people who know me know that I
4 don't need a microphone. That is spelled D-R-A-G-O-N.

5 My father taught me years ago that when you
6 address a serious issue in a crowd of people sometimes
7 it's good to start with a story or a joke, so let me just
8 compare the pig and the chicken talking about breakfast
9 as who makes the greater contribution. And the chicken
10 is bragging about producing all of those eggs that are
11 prepared so many different ways and are so wonderful and
12 enjoyed and the pig puts his head down a little bit and
13 he says, "Yes, but don't forget to make bacon and ham I
14 have to give my life."

15 I think that there is a correlation here. I
16 want to start off by congratulating the City of Oroville
17 on a fantastic Riverbend Park Project. I love that
18 place. Everyone I know downtown loves it. I've been to
19 a number of activities there and they've all been
20 spectacular. I think the City of Oroville has done a
21 great job putting all the eggs in the basket.

22 Now, I want to talk as a Berry Creek resident
23 and I think we piggies in the foothills have given a lot
24 to create that beautiful lake out there. There are dozen
25 of communities that don't exist anymore to create Lake

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1 Oroville. And now you want to close Foreman Creek? I
2 mean, I've been a resident and have property in Berry
3 Creek since 1971. I remember the first licensing project
4 where they talked about -- I'm way ahead of my residency
5 obviously -- but they did talk about expanding the
6 facilities at Foreman Creek with a real boat launch, a
7 picnic area, campgrounds, free access for the residents
8 of Berry Creek so that I don't have to drive all the way
9 down to Loafer Creek, pay an admission fee to put a boat
10 in the water. I can't go down Berry Creek Road anymore
11 to the lake because it's completely washed away and
12 covered in with all kinds of foliage. So the County
13 hasn't kept that road opened. I don't water-ski. I
14 don't fish, but I love to go out on that beautiful lake
15 in a boat. The only place I can put a boat in the water
16 is at Foreman Creek and I can do that year round with all
17 of my other resident neighbors from Berry Creek. I don't
18 know what the reasoning, other than what I've heard, and
19 it doesn't make much sense, but I am definitely opposed
20 to the closing of Foreman Creek and I think you should
21 seriously reconsider it.

22 MR. RAMIREZ: Just a quick reminder. The
23 Department is not proposing to close Foreman Creek. That
24 is not part of our proposed project.

25 UNIDENTIFIED SPECTATOR: You've mentioned it

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1 several times in your report.

2 MS. WILSON: That's not what it says.

3 MR. RAMIREZ: Well, That's part of the FERC
4 alternative that we are required to analyze, but the
5 Department's proposed project is contained within the
6 settlement agreement. Perhaps I can talk to folks
7 afterwards if you would like, but it really is not the
8 Department's proposed project.

9 UNIDENTIFIED SPECTATOR: You are giving us a
10 guarantee that Foreman Creek will stay open?

11 MR. RAMIREZ: No, I certainly cannot because
12 it's the Federal Energy Regulatory Commission that's
13 going to hand out the guarantees here, so I think the
14 Department could not give you that guarantee.

15 MR. RAMIREZ: Kathy Hodges.

16 MS. HODGES: My name is Kathy Hodges. Thank you
17 to DWR for this opportunity to comment on the Draft EIR.
18 I only obtained a hardcopy today and I'm kind of
19 dysfunctional with CDs and computers so I will have to
20 save most of my comments for written comments to be
21 submitted and thank you also for that extension. I
22 appreciate it.

23 I attended the relicensing meetings mainly
24 because of my interest in recreation specifically trails,
25 specifically equestrian opportunities. I'm really just

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1 so appreciative of the opportunities here for the trails
2 and trail users. The one thing that I did get a glimpse
3 of real quickly on Page 4.7-1 the comment by DWR that in
4 the EIR many of the lakes and reservoirs that they have
5 studied, they are talking about or were compared, have
6 similar facilities. Lake Oroville is unique in offering
7 floating campsites and equestrian trail riding combined
8 with equestrian camping. I'm so grateful that they
9 noticed the uniqueness of that. FERC also referenced the
10 uniqueness of the opportunities here for equestrians in
11 their statement that the unique opportunities provided or
12 the unique experience provided by the hiking equestrian
13 trails is worthy of preservation and that's what we are
14 hanging our hat on and we want opportunities for all
15 different kinds of recreation.

16 Another comment by -- in the Draft EIR, Page
17 4.7.2. The existing Oroville facilities hosts a wide
18 variety of recreation opportunities. There is so much
19 opportunity here for everyone and that doesn't mean we
20 need to be All crammed into the same space but the
21 opportunity is here for Oroville residents and Oroville
22 visitors to have the optimum opportunities that sometimes
23 are not available in other areas and I think that's what
24 DWR, EIR was talking about in that comparison with Folsom
25 and some of the other lakes.

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1 During the relicensing my concern was that there
2 were no baseline studies of trail users as required, I
3 believe, by CEQA. I still feel that that has not been
4 done and those baseline studies are required in order to
5 determine the potential and actual negative cumulative
6 impacts and I still feel that has not been done.

7 So FERC's recommendation is that there be more
8 studies for two more years to include all of those
9 aspects and I totally agree with that.

10 Some of the existing conditions that are
11 described in the EIR I think are in error and I will
12 appreciate the opportunity to point that out and help DWR
13 correct them if they find that that is the case.

14 I also appreciate the attitude of Bill Cochran
15 (phonetic) and Kevin Darcy (phonetic) in being willing to
16 look at things like that, so I'm looking very forward to
17 a very positive experience in the future license and that
18 includes preserving the hiking equestrians trails.

19 Thank you.

20 MR. RAMIREZ: Thank you, Kathy.

21 Next speaker is Patsy Seek.

22 MS. SEEK: First of all, I would like to thank
23 DWR. I've been to all their meetings, maybe missed two,
24 but I've been here ever since. And I just want to look
25 around here and I've heard some things that I'm not just

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1 really happy with. I think that some of you have taken
2 grounds to just automatically think that Foreman Creek is
3 going to be shut down. I've heard some comments about my
4 background which is Indian and I'm called Konkow Valley
5 Band of Maidu, but the thing of it is I think I've heard
6 some things that I don't think that you have the right to
7 say because for one thing you don't know what's happened
8 on those grounds up there. Have you guys had your people
9 dug up and took down to Sacramento and left down there in
10 Sacramento down in the basement? Do you know that? You
11 can turn your face and look what you want.

12 MS. WILSON: There will --

13 MS. SEEK: I'm talking here.

14 MS. WILSON: You referred to me.

15 MS. SEEK: Well, you were referring to me too.
16 I don't want this.

17 MR. RAMIREZ: Excuse me. We will give the
18 speaker the time to speak.

19 MS. WILSON: Okay.

20 MS. SEEK: And for one thing I just think that,
21 you know, those things shouldn't be said here. I agree
22 with the gentleman over here now he said some good
23 things. Anyway, I just want to get up here and say that
24 the Indian people have been pushed when this place was
25 put in 50 years ago. I had to deal with a lot of people

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1 that was here at all these meetings. I was here. I have
2 been born and raised here. I know what I'm talking
3 about. And I have those feelings just like you have the
4 feelings that you don't want Foreman Creek shut down
5 well, maybe it shouldn't be but there's lot of things
6 that is left there.

7 when you say you are talking about the people
8 that go up there and doing their digging and they don't
9 know anything about anything, that's not true. I've been
10 with those people there. We have been there to work with
11 them to find out what is going to happen to the grounds
12 there. And people are wanting to go up there and dig
13 things up. They've dug things up for years. They've
14 taken things for years. And, yes, if you people want to
15 sit here and you don't like the way I'm talking about
16 what's been taken, what's happened then I can't help that
17 no more than I can help what you want to say about the
18 Tribal. I'm not a Tribal to the casinos. I'm a tribal
19 of the Koncow Valley Maidu -- I'm a Tribal of the Koncow
20 Valley Band of Maidu and I have great feelings for our
21 tribes and not all people are alike. Not all people do
22 the same things. So I think that when people want to say
23 things I think they need to be careful what they say.

24 It's like the little pig and the chicken, you
25 know. The little pig has got to die to give his meat.

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1 well, the Indian people gave up their land way back, so
2 if we want to talk about the jokes here we can do that.
3 But all in all I've never really felt in all these
4 meetings that I have been to put down so severely because
5 I'm a tribal person. I'm not a meat person and I'm not a
6 vicious person and I can understand what your meaning not
7 wanting it shut down, but we do have the right to protect
8 our burial grounds that's there and that's a burial
9 ground. There's lots of things there yet. I've been out
10 there with them. I have been out there with them. I
11 know what's there and there's many many sites around that
12 lake that has been dug that has things taken from it.
13 would you like for me to go up to your grave sites and
14 dig your people up and send them down to Sacramento?
15 would anybody like that? No, I don't think you would.

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16 so all I'm saying here is that when you are out
17 here in a crowd and you are talking about people you
18 should be very careful because there is all types of
19 people here Indian, white, Spanish, whatever. But I
20 think we all should be careful about how we talk about
21 other people. Thank you.

22 I want to thank DWR. I have been there with
23 them and I'm for them. Thank you.

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24 MR. RAMIREZ: Thank you.

25 Brandy Doering.

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1 MS. DOERING: Hi. I'm also a member of the
2 Konkow valley Band of Maidu. I didn't plan on speaking
3 today. You have to forgive me if I stutter a bit. I'm
4 not very good at public speaking. I've worked on this
5 project for the six or seven years. I did two years of
6 research with the Far Western Anthropological Society
7 of -- with ethnographic. I've had ethnographic training
8 with them. They trained me excellently. Ethnographic --
9 I was an ethnographic assistant doing research in this
10 area basically researching the ethnic history of this
11 area. I've also worked for the last three years with the
12 archeological crews both the Sonoma State Archeological
13 crew and the Sacramento State Archaeological crew. I've
14 gone out with these crews. I have received excellent
15 training with them before going out into the field. We
16 have -- there are lots of cultural resources out there on
17 the sites that we've been at.

18 I use Foreman Creek as a recreationalist. I
19 didn't say that right. Anyways, I use Foreman Creek
20 also. I'm not at all proposing that Foreman Creek be
21 closed down. I am in agreement with a few of the people
22 that have said "I don't see any reason why the resources
23 out there can't be balanced with the recreational needs,"
24 but I did want to stand up and say that there are
25 cultural resources still there. We went swimming there

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1 last week and I was able to find a few artifacts on the
2 surface where we were at and I showed my kids. I have
3 had training for the last three years in identifying
4 those. That was just right on the surface in the area we
5 are swimming at. So kind of what my grandma was trying
6 to say is the Konkow valley Band is not at all for the
7 closing of Foreman Creek. We are for the balance of
8 cultural resources and recreational use.

9 The only reason that I stood up to speak was to
10 clarify the fact that there are cultural resources out
11 there.

12 Thank you.

13 MR. RAMIREZ: Lana Stark.

14 MS. STARK: I'm Lana Stark and what I want to
15 clarify is there wasn't only Indian burial sites down
16 there. There's three burial sites. There also was a --
17 our people were down there also and would you -- if you
18 were going to have something done by, say, if I wanted to
19 have the value of my house assessed, do you think that I
20 would call a relative to do it? All I'm asking for is a
21 fair, true, unbiased person to go down there that's not a
22 relative and to show us where the cultural things are and
23 to make boundaries where they won't get bothered. I do
24 not think it's fair to have somebody of your relative
25 going to tell you that the is culture. There they were

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1 trained for just a few weeks before they went down. They
2 would not allow a true archaeological person to go down
3 there. They were not allowed. This is not right. How
4 can we know what's really there? That's totally biased.

5 All I want is for the truth to be brought out,
6 the absolute truth. What is there? How can it be
7 protected? And that's all. It has nothing to do with
8 fighting with anybody. Everyone can get along. There's
9 plenty of space.

10 My parents cannot go down the hill. They've
11 been going down there for years and years bringing their
12 dog to go swimming down there. They cannot go down the
13 hill and go. They will not have access to the lake
14 anymore. My parents have been there. They've bought
15 there and have been there for years and years because
16 they had access to that lake. I know people that their
17 animals were killed and people would end up in jail
18 because they took their land away to build that lake.

19 So let's just have a little bit of fairness and
20 let's learn how to get along together and let's have some
21 truth, some real honest truth. Let somebody go down
22 there that isn't related and tell us what's really there
23 and then let us make a place where everything can be
24 worked out together. That's all I have to say.

25 MR. RAMIREZ: Mr. Bob Gage.

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1 MR. GAGE: Bob Gage. I'm here representing the
2 California State Horsemen's Association which we are
3 signatories to this settlement agreement and Mr. Bob
4 Adams, immediate past president, couldn't be here and Mr.
5 Jim Real, who is the current president, and I spoke to
6 him just before I came up here. The main thing he wanted
7 me to convey to everyone is that CSHA supports the
8 settlement agreement as signed. They also support
9 equestrian access to all trails. They support multi-use
10 where appropriate and support safety on the trails.

11 Oroville is in Region 2 of the California State
12 Horsemen's Association which my wife Becky Gage happens
13 to be the president of currently and I have been
14 president in the past and now I'm the northern area vice
15 president. I have all of northern California under my
16 jurisdiction. We support the signing of the settlement
17 agreement. Region 2 people such as Stacy Tonick
18 (phonetic) who I have a letter here from, she's also on
19 the region trails committee, she supports the signing.
20 Mr. James Tonick, he's a Region 2 member and trap member
21 of CSHA and he also supports the signing and Rita Casiba
22 (phonetic), who is the current vice president of the
23 California State Horsemen's Association Region 2, I have
24 a letter from her. She supports the signing. Ms. Liz
25 Murphy (phonetic), who is our CSHA Region 2 trails

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1 chairman currently and last year and she currently signed
2 the agreement. She has over 5,000 hours on these trails
3 in this area around Lake Oroville. She supports the
4 settlement agreement.

5 I'm speaking for these individuals and
6 myself when I say preserve equestrian access to trails.
7 We are not opposed to sharing trails and if a trail is to
8 be converted to a multi-use trail, which I know there are
9 about three or four sections of the trail that are
10 equestrian and hiking only, we know that they will be
11 brought up to current multi-use standards and improving
12 areas. Particularly I'm speaking about the Dan Beebee
13 (phonetic) trail where it crosses the road in four
14 different places where there's a hazardous road crossing
15 that is meeting vehicles and that is the sort of thing
16 I'm sure will be improved. If it is changed to a
17 multi-use and we support that and we will work towards
18 safe use of those trails.

19 In closing I just want to say that CSHA both
20 statewide and the region and me speaking for the northern
21 area regions who I've all been in contact, we support the
22 settlement agreement as signed by CSHA Region 2.

23 Thank you.

24 MR. RAMIREZ: Okay. I have got one last speaker
25 card left. It's Mary Kaiser. If the card we skipped

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P0028-3

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1 over realizes that they haven't been called, I guess we
2 might hear from him or her after Mary. But Mary
3 Kaiser.

4 MS. KAISER: Hello. I'm here to speak for
5 Foreman Creek. I'm really disappointed that you are
6 recommending closure. A more reasonable solution would
7 be to divert access from -- to the existing Foreman Creek
8 Boat and campground while DWR develops plans to protect
9 the sensitive areas at the current site.

P0029-1

10 A simple boulder barrier to divert traffic away
11 from the sensitive areas and still provide lake access by
12 the existing maintenance road for the existing boating
13 and campground. Alternate access should be provided
14 before the current access is closed. After 50 years of
15 broken promises and the short end of the stick, how can
16 we believe that the State will ever maintain access to
17 Foreman Creek once it's closed? There should be a
18 mandate to provide an alternate car-top boat launch in
19 the same general vicinity as Foreman Creek should Foreman
20 Creek prove to be unfeasible. The impact statement
21 minimizes the impact of the closure of Foreman Creek.
22 Closure will effect over 850 local families as well as
23 numerous other county residents. The impact statement
24 states that only four percent of the recreational use
25 occurs at Foreman Creek. However, Foreman Creek is one

P0029-2

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1 of only five car-top boat launches for the County. That
2 amounts to a loss of 20 percent in low cost lake access
3 for Butte County residents. That's not a minimal
4 The new license needs to maintain the current number of
5 car-top boat launches.

P0029-4

6 You recommend that DWR develop a detailed
7 recreation plan in consultation with the affected named
8 American tribes. A local community member should be
9 included in that same process. We are the people who
10 live here and work here and we are the ones who are going
11 to have to live with the consequences of your actions for
12 the next 50 years. Butte County residents are being
13 short changed in the current dam relicensing plan. The
14 new deal is no deal for Butte County.

P0029-5

15 I feel like there are a lot of people in the
16 audience who oppose the closing of Foreman Creek. COULD
17 you guys please stand up. Thank you.

18 MR. RAMIREZ: Okay. Thank you. I have no more
19 speaker cards so I believe I can assume we have heard
20 from everybody who would like to speak on this and that
21 will conclude the public hearing this afternoon.

22 It does appear that there's some questions about
23 the DEIR that perhaps we may be able to answer after the
24 meeting is over. So I want to thank you for coming down
25 and providing us with your comments. They will be, as I

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1 said, reported, transcribed and the Department will
2 address them as it finalizes its document.

3 So with that I will close this meeting and thank
4 you very much. And as I say some of us will be around to
5 answer specific questions on the EIR if there are
6 questions on that.

7 Thank you.

8 (Hearing concluded at 5:30 p.m.)

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1	REPORTER'S CERTIFICATE
2	
3	
4	
5	STATE OF CALIFORNIA)
6)
7	COUNTY OF BUTTE)
8	
9	
10	
11	I do hereby certify that the foregoing
12	transcript, consisting of <u>56</u> pages hereof, was taken
13	by me in shorthand at the time of the proceedings in the
14	above-entitled matter, and that the foregoing is a full,
15	true and correct transcription of the proceedings held at
16	said time.
17	
18	Dated <u>July 5</u> , 2007.
19	
20	
21	<i>Mary Ann Wyllie</i>
22	MARY ANN WYLLIE, CSR
	Certified Shorthand Reporter
23	CSR No. 6304
24	
25	

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RESPONSE TO PUBLIC HEARING COMMENT FROM GORDON ANDOE

Response P0007-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENT FROM SHARON ATTEBERRY

Response P0008-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENT FROM PAT CLARK

Response P0009-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENT FROM CHARLES MILLER

Response P0010-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENT FROM DAVID PITTMAN

Response P0011-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENTS FROM STEVE JERNIGAN

Response P0012-1:

The commenter's description of Proposed Project benefits and support for the Project is noted.

Response P0012-2:

The commenter's description of Proposed Project benefits and support for the Project is noted.

RESPONSE TO PUBLIC HEARING COMMENTS FROM PAUL MCINTOSH

Response P0013-1:

The commenter identifies an issue that is outside the scope of the EIR; therefore, no further response is necessary.

Response P0013-2:

During the ALP process, in which Butte County (County) actively participated, two complete study plans specific to economics and the County—SP-R18, Recreation Activity, Spending, and Associated Economic Impacts, and SP-R19, Fiscal Impacts—were developed and the studies undertaken. County issues were considered and County representatives were fully involved in the development of the plans and the evaluation of the results. DWR notes that the County largely recapitulates the same issues and arguments that it has raised throughout the FERC relicensing proceeding and that DWR, supported by the collaborative studies, has repeatedly shown to be flawed, irrelevant, and/or without legal or factual basis. Section 1.7 of the DEIR includes brief descriptions of the 71 studies conducted during the ALP in coordination with stakeholders, including regulatory agencies with decision-making responsibilities. The DEIR was based on these studies and highly qualified specialists identified in Chapter 8.0 of the DEIR conducted the analysis.

Response P0013-3:

Issues raised by the County during the ALP scoping process, study plan development, and subsequent collaborative review of study results were discussed within the collaborative process and helped inform the environmental analysis where appropriate under CEQA. Any comments submitted by Butte County in writing during the comment period are responded to in this FEIR.

Response P0013-4:

The Proposed Project's contribution to the significant cumulative public services impact would be considered significant only if the Project's contribution is cumulatively considerable. As discussed on page 6.2-62 of the DEIR, the Proposed Project's incremental contribution to the cumulative demand for local public services is anticipated to be minor. Additionally, DWR has previously expressed a willingness to provide funding for its fair share of public services effects. Please refer to DWR's Response to Comments on the FERC DEIS for further detailed analysis. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Socioeconomics, for additional information relevant to this comment.

Response P0013-5:

No mitigation was proposed because no significant impacts were identified. Please see Response to Comment P0013-4 above, and see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Socioeconomics, for additional information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENTS FROM CHARLES HAMILL

Response P0014-1:

As described in Chapter 3.0 of the DEIR, the Proposed Project is the Settlement Agreement for Licensing of the Oroville Facilities FERC Project No. 2100 (SA). The SA includes a variety of plans and programs that have been agreed upon by the SA signatories. SA Article A129 (Plan to Improve and Redirect Recreation Usage at Foreman Creek Boat Ramp) states that the Proposed Project includes development of a plan within 1 year of license issuance to redirect recreation usage at Foreman Creek to protect cultural resources during the development of planned recreation enhancement at this location. At this time, closing of Foreman Creek is not included in the Proposed Project. See Chapter 3.0 of the DEIR for a more detailed description of the Proposed Project, and specifically page 3.3-38 for the description of SA Article A129. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0014-2:

The DEIR contains numerous references to and descriptions of Foreman Creek, and no incorrect descriptions of facilities there were identified. The reference may be to the Foreman Creek Boat-in Campground; facilities there are described on page 3.2-25 of the DEIR.

RESPONSE TO PUBLIC HEARING COMMENT FROM WENDELL VANTINE

Response P0015-1:

Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Socioeconomics, for additional information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENTS FROM JANICE WILSON

Response P0016-1:

DWR plans to enhance recreation facilities at the Foreman Creek location and the Proposed Project seeks to avoid extended closure. However, the new license issued by

FERC may include a temporary closure of the Foreman Creek boat launch as described in the FERC Staff Alternative. Limited, periodic closures presently exist as a recurring practice and are necessary when the water level is low to prevent damage and looting of cultural resources exposed in the inundation zone, especially at water elevations below 800 feet. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0016-2:

One hundred percent of the area at Foreman Creek, including *all* State lands above the reservoir and the entire fluctuation zone down to 690 feet above mean sea level (found in Sections 13, 18, 17, 24, 19, and 30), were surveyed for archaeological resources. Professional archaeologists associated with California State University, Sacramento, and Sonoma State University conducted the survey. The crews consisted of six to eight archaeologists and one or two Maidu trainees. Information on survey methods can be found in *The Archaeological and Historical Site Inventory at Lake Oroville, Butte County—A Report for the Public*. This report can be found on the DWR website or may be obtained by request. The commenter identifies an issue that is outside the scope of the EIR; therefore, no further response is necessary.

RESPONSE TO PUBLIC HEARING COMMENTS FROM DAVID STEFFENSON

Response P0017-1:

Cold water effects on rice production are discussed and presented in the DEIR, Section 4.13, Environmental Baseline. Changes in water temperature conditions and affects on rice production are also discussed in the DEIR, Section 6.2.11. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Rice Yields, for additional information relevant to this comment. The commenter also submitted a comment letter (N0004). Individual responses to this letter are provided in Chapter 6.0 of this FEIR.

Response P0017-2:

Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Rice Yields, for information relevant to this comment.

Response P0017-3:

Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Rice Yields, for information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENT FROM LYLE WRIGHT

Response P0018-1:

Thank you for your interest in the Oroville Facilities Relicensing Project. While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

RESPONSE TO PUBLIC HEARING COMMENT FROM WILL COTTER

Response P0019-1:

DWR plans to enhance recreation facilities in the Foreman Creek area and the Proposed Project seeks to avoid extended closure. However, the new license issued by FERC may include a temporary closure of the Foreman Creek boat launch as described in the FERC Staff Alternative. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENT FROM TOM BERLINER

Response P0020-1:

The commenter's description of Proposed Project benefits and support for the project is noted.

Response P0020-2:

The commenter's description of Proposed Project benefits and support for the project is noted.

RESPONSE TO PUBLIC HEARING COMMENTS FROM RON DAVIS

Response P0021-1:

DWR appreciates your interest and continued involvement in the ALP collaborative through the development of the EIR for the Oroville Facilities. The comment is general; however, your opinion is noted. Thresholds of significance determinations were based on the State CEQA Guidelines and are generally described in Section 5.0.2 of the DEIR. Each impact section of Chapter 5.0 in the DEIR includes a description of the significance criteria specific to that resource, which was used to determine impacts.

Response P0021-2:

Section 6.2, pages 6-1 through 6-66 of the DEIR describe the comprehensive cumulative impacts assessment completed as part of the environmental analysis of the Oroville Facilities Relicensing. Each resource area within Chapter 5.0 of the DEIR included an evaluation of potential cumulative effects, which were then summarized in Chapter 6.0 of the DEIR. Best available information was used during the cumulative impacts assessment, and the geographic and temporal scope and the level of analysis is consistent with Sections 15130 and 15355(b) of the State CEQA Guidelines.

Response P0021-3:

The commenter identifies an issue that is outside the scope of the EIR; therefore, no further response is necessary. However, the DEIR does evaluate flood management, gravel movement, large woody debris recruitment, erosion issues, and other hydrologic issues as they relate to the Oroville Facilities Proposed Project.

Response P0021-4:

DWR plans to enhance recreation facilities at Foreman Creek, and the Proposed Project seeks to avoid extended closure. Closure may be imposed if the FERC Staff Alternative is selected; FERC seeks to minimize impacts by requiring development of a plan within 6 months following License issuance (and facility closure). Mitigation is not proposed, since there are several other points along the east shore of Lake Oroville that do not require fee payment to access. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0021-5:

The Proposed Project replaces the ORAC with the RAC, as described on page 3.3-26 of the DEIR. The RAC will function more efficiently and allow for more rapid direct response to public input. Moreover, the RAC, like the ORAC, is composed of 13 entities, including many local government and citizen groups as well as DWR, DFG, and DPR. Also, the 50+ stakeholders who affirmatively voted for this new arrangement during the public meetings process that led to the SA RMP overwhelmingly supported the RAC.

Response P0021-6:

Section 1.1.1 of the DEIR, pages 1-2 and 1-3, describes the programmatic structure of the DEIR, consistent with California Public Resources Code Sections 21093 and 21094 and 14 California Code of Regulations Sections 15152 and 15168. The Proposed Project considered in the DEIR includes the development and implementation of numerous plans and programs over the next several decades in addition to actions designed for immediate implementation. While some individual actions are well described in the Proposed Project and ripe for analysis, specific details of the numerous plans and programs described are unknown at this time. DWR anticipates that

additional CEQA documents will be necessary in the future when these plans and programs are finalized. The programmatic structure of the DEIR provides the opportunity to examine the project broadly, with project-specific information included as available.

Response P0021-7:

The fish weir program is described in Section 3.3.2 of the DEIR. There are no winter-run Chinook salmon in the Feather River. The counting weir in Phase 1 will passively count fish as they pass and will not block the fish. It will provide a mechanism to directly count all fish in the Low Flow Channel (LFC). The segregation weir in Phase 2 will spatially separate the spring-run Chinook salmon and provide a spawning location for the fall-run Chinook. The details of the location of the segregation weir and the operations will need to be developed with the assistance from the resource agencies and the EC and will address steelhead and other river fish species as well. DWR anticipates that the operation of the fish counting weir in Phase 1 will provide guidance on location and operation of the segregation weir in Phase 2. Effects of the weir program are discussed in DEIR Section 5.4 and the cumulative effects of the fish weir are discussed in Section 6.2.

Response P0021-8:

Although the Proposed Project does include the Habitat Expansion Agreement (HEA), there are no specific plans for fish passage in the Feather River basin. If fish passage in the Feather River basin were proposed as part of the HEA, the plan would be subject to a subsequent environmental analysis prior to implementation.

Response P0021-9:

The commenter identifies an issue that is outside the scope of the EIR; therefore, no further response is necessary.

Response P0021-10:

Under the No-Action Alternative, DWR would continue to operate the facilities under the existing license conditions.

Response P0021-11:

As described in the DEIR, page 2-7: The studies were developed by the five ALP Collaborative Work Groups, which used the resource issues, concerns, and comments gathered during the scoping process and issue statements they developed to cooperatively develop 71 study plans, resulting in over 160 individual reports to provide supporting data and analysis for the relicensing effort. The results of these studies address issues identified during the formal scoping process and public meetings, and fulfill regulatory requirements associated with relicensing. In some cases, the study plans were designed to also address issues outside FERC's authority that were anticipated to be considered in a settlement agreement.

RESPONSE TO PUBLIC HEARING COMMENT FROM STEVEN KEELER

Response P0022-1:

DWR plans to enhance recreation facilities at Foreman Creek, and the Proposed Project seeks to avoid a completed extended closure. Temporary closure of Foreman Creek may be imposed should the license include FERC Staff Alternative; FERC seeks to minimize impacts by requiring development of a plan within 6 months following license issuance (and facility closure). Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENT FROM LANNIE DRAGON

Response P0023-1:

DWR plans to enhance recreation facilities at Foreman Creek, and the Proposed Project seeks to avoid a complete or extended closure. Temporary closure of Foreman Creek may be imposed should the license include FERC Staff Alternative; FERC seeks to minimize impacts by requiring development of a plan within 6 months following license issuance (and facility closure). When the water elevation is above 835 feet, Enterprise provides free boat launching opportunities. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

RESPONSES TO PUBLIC HEARING COMMENTS FROM CATHY HODGES

Response P0024-1:

The commenter's description of Proposed Project benefits and support for the project is noted.

Response P0024-2:

The data collected and subsequent results of SP-R13, Recreation Surveys, exceed those necessary to reasonably establish existing and "baseline" conditions at project trails.

Response P0024-3:

Please see Response to Comment P0024-2, above.

Response P0024-4:

Your comment is noted. However, DWR remains supportive of the SA, including implementation of the Trails Plan described in the proposed RMP upon license issuance.

Response P0024-5

DWR appreciates your interest and continued involvement in the Oroville Facilities Relicensing EIR. The Existing Conditions as described in the DEIR represent a snapshot of those conditions surrounding the project at the time of release of the Notice of Preparation, consistent with the State CEQA Guidelines. DWR feels that Chapter 4.0, Existing Conditions, of the DEIR provides an appropriate representation of those conditions in existence within the scope of the Project at the time of the Notice of Preparation.

RESPONSES TO PUBLIC HEARING COMMENTS FROM PATSY SEEK

Response P0025-1:

The comment addresses the proposed closure of the Foreman Creek Car-top Boat Ramp to recreational use, as described in the Final Environmental Impact Statement issued by FERC and discussed earlier during the public hearing. As stated on pages 3.3-33, 3.3-37, and 3.3-38 of the DEIR, DWR intends to protect site values at Foreman Creek through mitigation measures incorporated in the HPMP, while redirecting and improving recreational uses in specific areas to allow for continued public access to Foreman Creek. In accordance with SA Article A129, the Proposed Project includes development of a plan within 1 year of license issuance to redirect recreation usage at Foreman Creek to protect cultural resources during the development of planned recreation enhancements at this location.

Page 3.3-33 of the DEIR also notes that the SA allows DWR to seek the removal of small amount of acreage from the Foreman Creek Unit of the LOSRA from the FERC Project boundary for the purpose of reburial of repatriated human remains.

As noted in Table 5.8-1 and described on Page 5.8-12 of the DEIR, the proposed measure to improve and redirect recreational usage to specific areas at Foreman Creek would provide enhanced protection of significant cultural resource values at this location, and would therefore result in a beneficial impact on cultural resources. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0025-2:

The commenter's support for the Proposed Project is noted.

RESPONSE TO PUBLIC HEARING COMMENT FROM BRANDY DOERING

Response P0026-1:

The archaeological survey of the Foreman Creek area confirmed the presence of numerous cultural resources in the area. Please see also Response to Comment P0025-1, and see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

RESPONSE TO PUBLIC HEARING COMMENT FROM LANA STARK

Response P0027-1:

Site location information is considered confidential, as noted in Section 4.8, page 4.8-1, of the DEIR. Furthermore, DWR intends to protect cultural and historical resources within the Project area through implementation of an HPMP, as identified on page 3.3-4 of the DEIR and in SA Article 128. Please see also Response to Comment P0025-1.

RESPONSES TO PUBLIC HEARING COMMENTS FROM BOB GAGE

Response P0028-1:

The commenter's description of Proposed Project benefits and support for the project is noted. DWR remains supportive of the SA, including implementation of the Trails Plan described in the proposed RMP upon license issuance.

Response P0028-2:

The Proposed Project, as described in Chapter 3.0 of the DEIR, would expand equestrian access to several trails, while maintaining equestrian-only access to certain trails.

Response P0028-3:

Trail segments selected for revised designation are considered capable of supporting such use without undue environmental damage or safety concerns, as described in the proposed RMP.

RESPONSES TO PUBLIC HEARING COMMENTS FROM MARY KAISER

Response P0029-1:

DWR plans to enhance recreation facilities in the Foreman Creek area and the Proposed Project seeks to avoid complete or extended closure. Closure, not recommended by DWR, may be imposed if the FERC Staff Alternative is selected.

Limited, periodic closures presently exist as recurring practice and are necessary when the water level is low, to prevent damage and looting of cultural resources exposed in the inundation zone, especially at water elevations below 800 feet. In any case, DWR will develop a plan for recreation access, which will likely evaluate the proposal described in the comment as one alternative. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0029-2:

DWR plans to enhance recreation facilities at Foreman Creek, and the Proposed Project seeks to avoid extended closure. Closure may be imposed if the FERC Staff Alternative is selected; FERC seeks to minimize impact by requiring development of a plan within 6 months following license issuance (and facility closure). When the water elevation is above 835 feet, Enterprise Boat Ramp provides free boat launching opportunities. Mitigation during closure is not proposed, since there are several other points along the east shore of Lake Oroville that do not require fee payment to access. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0029-3:

DWR plans to enhance recreation facilities at Foreman Creek, and the Proposed Project seeks to avoid extended closure. The FERC Staff Alternative proposes temporary closure of Foreman Creek while DWR considers options for protection of cultural resources, including closure, as part of a plan for the area. No permanent closure of Foreman Creek is assumed; impacts of temporary closure on visitors would also be temporary. When the water elevation is above 835 feet, Enterprise Boat Ramp provides free boat launching opportunities. In addition, opportunities for swimming, boat launching, and fishing are available a short distance away at Loafer Creek, although user fees are charged at that area. Note: 2000 U.S. Census data for Berry Creek list 534 occupied housing units within the zip code 95916 tabulation area (Berry Creek area). Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

Response P0029-4:

Please see Response to Comment P0029-3, above.

Response P0029-5:

While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration. The comment addresses the temporary closure of the Foreman Creek

Car-top Boat Ramp to recreational use, as described in the FEIS issued by FERC and discussed earlier during the public hearing. As stated on pages 3.3-33, 3.3-37, and 3.3-38 of the DEIR, DWR intends to protect site values at Foreman Creek through mitigation measures incorporated in the HPMP, while redirecting and improving recreational uses in specific areas to allow for continued public access to Foreman Creek.

In accordance with SA Article A129, the Proposed Project includes development of a plan within 1 year of license issuance to redirect recreation usage at Foreman Creek to protect cultural resources during the development of planned recreation enhancements at this location. This plan will be developed in consultation with the four federally recognized Native American Tribes located in Butte County, the Kon Kow Valley Band of Maidu, and the RAC (consultees). Through this committee, members of the public will be allowed to participate in the development of the plan to improve and redirect recreation usage to specific areas at Foreman Creek. Please see in this FEIR Chapter 3.0, Master Responses, The Relationship between the Oroville Facilities and Foreman Creek, for additional information relevant to this comment.

COMMENTS FROM BRUCE STEIDL

6.1.07

Dear Rick,

I would like to comment during this public comment period on the DEIR. I will also have to say at this time, I have not read the DEIR. This is the Ferc relicensing of Lake Oroville, Project No. 2100.

I am commenting on the notice of completion and availability of draft environmental impact report and notice of public meeting for relicensing of the Oroville facilities, Ferc project no. 2100.

My comments center around the project description heading; third paragraph.

1. The DEIR also needs to state here that our water also goes to many points on its way to southern California. What are these points? Where? P0030-1
2. The DEIR needs to state how much money these water contractors make from Lake Oroville. How many water contractors are there? DWR says we do not get any revenues from selling the water. P0030-2
3. All Cultural Resources need to be identified and protected. The rise and fall of the lake level exposes cultural sites where once they were hidden. Boaters can now boat right up to some of these sites. P0030-3
4. Many miles of basket materials have been inundated by the Lake. My Grandmother and her friends and relatives collected these basket materials in what is now the fluctuation zone. Literally miles of Native American gathering areas have been destroyed. We lost resources while someone (s) making big bucks and frankly doesn't care about what we lost. Huge acreages need to be set aside for these basket making materials. There has been resurgence in the art of making baskets. P0030-4
5. Pre and Post Dam all roads, trails, pull outs, camp grounds etc. need to have a local Native American name given to it. This could turn out to be a City and County project in collaboration with DWR. I also think the renaming of Oroville Dam is a good thing. Something with Maidu in the renaming of the dam sounds good to me. Indian names would bring the community closer together. There are some Native American Maidu Speakers in the area who could possibly help in coming up with names to roads and trails etc. P0030-5
6. I think a Native American Round House should be constructed in the Oroville area where the public can come and see what they look like. It should be large such as a dance house. I also think the local Tribes don't have to be big players in this endeavor. This is something the State and City can accomplish for all to see. P0030-6
7. Settlement Agreement on a new burial ground for individuals excavated. I feel the area needs to be in a similar aspect as the old cemetery, free of brush, on topography that is also similar to old cemetery (gentle), area should include many acres, possibly a high fence with large opening for vehicles to access, an official sign speaking of this new burial site etc., perhaps Tribes working with DWR who would hire contractors for possible landscaping etc., and also this new cemetery P0030-7

2001 JUN 15 PM 1:33

should be able to accommodate recent deaths and burials as well, also there may be Indian burials in the future which need a burial plot, DWR needs to hire contractor to help Tribes layout new cemetery and once all of this has been done DWR needs to hire a contractor to excavate all holes for burial.

Well Rick, here are some of my comments, not all, but some. Thanks for taking the time for reading all this. Take care and I'll try to make it to the next get together.

Bruce L. Steidl

Citizen and Tribal Member

2007 JUN -5 PM 1:33

RESPONSES TO COMMENTS FROM BRUCE STEIDL

Response P0030-1:

Section 3.2 of the DEIR states that the Oroville Facilities were developed as part of the SWP, a water storage and delivery system of reservoirs, aqueducts, power plants, and pumping plants. The SWP stores and distributes water to supplement the needs of urban and agricultural water users in Northern California, the San Francisco Bay Area, the San Joaquin Valley, Central Coast, and Southern California. As part of the SWP, the Oroville Facilities are also operated for flood management, power generation, water quality improvements in the Delta, recreation, and fish and wildlife enhancement. Information regarding water releases can be found in Sections 2.1.2.3, 3.2.2.6, and 3.2.3.4 of the DEIR. This EIR is a hydropower relicensing document specific to the Oroville Facilities FERC Project No. 2100, not the entire SWP. Discussion of all of the water transfer points throughout the SWP is beyond the scope of this EIR. More thorough information regarding the SWP operations and water deliveries can be found in DWR's annual publication, Bulletin 132.

Response P0030-2:

The 29 long-term water supply contractors that receive water from the SWP are all public, not-for-profit entities. These include both Butte and Plumas Counties as local entities. SWP water contractors pay for the cost of the delivered water, which includes facility operations and maintenance costs to their point of delivery, conveyance costs including power needed, and repayment of SWP capital debt. These public entities in turn supply water to meet local demand and needs in their individual service areas. Annual SWP water delivery volumes and cost allocation amounts to the 29 long-term SWP water contractors can be found in the Bulletin 132 series reports published annually by DWR. In addition to these public entities, which are allocated water from the SWP depending on water-year hydrology and a contractually stipulated percentage share of the total maximum allowable SWP water supply, the water districts in the Feather River Service Area also receive annual water deliveries through their superior and pre-SWP water rights on the Feather River.

Response P0030-3:

Section 5.8 of the DEIR addresses the impacts of reservoir level fluctuations and recreational uses on cultural resources. DWR intends to protect cultural and historical resources within the project area through implementation of an HPMP, as identified on page 3.3-4 of the DEIR and in SA Article 127.

Response P0030-4:

DWR recognizes that restoration or development of gathering areas for traditionally important plants is a concern of the Maidu community, as noted in Section 5.8.4 of the DEIR and Section 4.7 of the HPMP. Implementation of the HPMP, as noted on page 3.3-4 of the DEIR, will ensure that such areas are available for the gathering of

traditional plants. Furthermore, DWR is currently working with members of the local Maidu community to identify which plants are desired for cultivation.

Response P0030-5:

While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

Response P0030-6:

While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

Response P0030-7:

DWR is working with the local Maidu Tribes to identify a suitable location to rebury the human remains excavated when the reservoir was constructed. Page 3.3-33 of the DEIR also notes that the SA allows DWR to seek the removal of small amount of acreage from the Foreman Creek Unit of the LOSRA from the FERC Project boundary for the purpose of reburial of repatriated human remains. While your comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, your comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

**COMMENTS FROM PACIFIC CHEROKEE
TRIBAL COUNSEL**

PACIFIC CHEROKEE TRIBAL COUNSEL
175 Lakeland
Oroville, CA 95966

March 30, 2006

Secretary
Federal Energy Regulatory Commission
888 First Street, N. E.
Washington, D. C. 20426

Re: Motion of Intervention; Oroville Facilities of the State Water Project et al;
FERK Project 2100-052 et al; Butte County, State of California

Pursuant to the commission's rules of procedures, please find enclosed a motion of
intervention by Pacific Cherokee Tribal Counsel

If your staff has any additional questions, we can be contacted at [redacted] or
[redacted]. Thank you for the opportunity to submit this motion of intervention with
the Commission and its staff.

Respectfully Submitted,

Juanita J. Anglin *Juanita J. Anglin*
Wanda J. Chilton *Wanda J. Chilton*

Attachment: Motion of Intervention

2007 AUG 22 PM 1:25

United States of America

Before the Federal Energy Regulatory Commission

Oroville Facilities aka Feather River Project – FERC Project No. 2100-52

California Department of Water Resources, Licensee

Oroville Dam; Oroville Reservoir; Thermalito Forebay; Thermalito Afterbay; Hyatt Power Plant; Thermalito Powerhouse; et al. (aka Oroville Facilities).

Feather River Watershed Above and Below Oroville Dam

Butte County, California

In the Matter of Notice of Application and Applicant-Prepared EA accepted for filing, soliciting comments, and final recommendations, terms and conditions and prescriptions – Major License.

Motion of Intervention by Pacific Cherokee Tribal Council.

Recommended Terms and Conditions

The following are valid grounds for a motion of intervention to be accepted by the Commission for the re-licensing of the Feather River Project (aka Oroville Facilities – aka Oroville Facility of the State Water Project).

The Project

The Oroville Facility of the State Water Project includes, in part, Oroville Dam; Oroville Reservoir; Thermalito Afterbay; Thermalito Forebay; Hyatt Powerhouse; Thermalito Powerhouse; Thermalito Diversion Dam Powerhouse; and also Lake Davis. The project affects the natural flows of the people's water of the North Fork Feather River; Middle fork Feather River; South Fork Feather River; West Branch Feather River; and numerous small tributaries flowing into Oroville Reservoir above Oroville Dam. We further reference "Description of Project" as noted under (1) in said Notice of Application for major License, dated September 12, 2005.

THE PARTIES

1. The California Department of Water Resources (hereinafter known as "Licensee") is the Licensee for the Feather River Project 2100. The Feather River Project is part of the State Water Project and stores the people's water that is diverted at the State Pumps, which is located in the South Delta. The State Pumps is licensed with the Commission under FEERC Project No. 2416 and the Licensee is the California Department of Water Resources. The Licensee is a state water development agency that represents solely 29 state Water Contractors. There are several agents for the Licensee. The mailing address for the Licensee is 1416 Ninth Street, Sacramento CA 95814.

MOTION FOR INTERVENTION

STATEMENT OF FACT

The California Department of Water Resources (hereinafter known as "Licensee" states in the proposed settlement agreement to the Federal Energy Regulatory Commission (here after known as "FERC" that the licensee owns and operates Project 2100.

RELIEF REQUESTED

That Project 2100 is owned by the people of California and is operated by the licensee with their consent.

STATEMENT OF FACT

The Licensee circumvented FERC requirements and State of California Brown Act and tried to require, through communications agreements and stated that if you did not sign the settlement agreement you would not receive working copies of the work in progress settlement agreements. Also would not be allowed to attend all future meetings.

P0031-1

Barred the news media from the negotiations process. The use of an ad hoc committee in Sacramento in drafting agreements and permits. Local citizens could not have any meaningful input without staff and legal representation.

P0031-2

A settlement agreement was signed on March 21, 2006. It was by invitation only and for stockholders who agreed to sign. Stockholders who did not agree to sign have been banned from all future meetings of any kind. This included the draft environmental impact report which was not completed as of March 21, 2006.

P0031-3

RELIEF REQUESTED

That the settlement agreement signed on March 21, 2006 be void and all stock holders be brought back to the table and have time to understand the impact of the environmental report (released on May 2007 -- over a year later) on the March 21, 2006 settlement agreement. Stock holders have been given less than 60 days to read, check on data in report and to understand it's impact on the March 21, 2006 settlement agreement. In other words, this was placing, the carriage before the horse.

P0031-4

RESPONSES TO COMMENTS FROM PACIFIC CHEROKEE TRIBAL COUNSEL

Response P0031-1:

The comment addresses processes jointly established by stakeholders for the SA, and does not raise issues or concerns specific to the environmental analysis presented in the DEIR. In preparation of the DEIR, public meetings were noticed and open to the public in compliance with the requirements of CEQA and State law. No further response is necessary.

Response P0031-2:

The comment addresses processes jointly established by stakeholders for the SA, and does not raise issues or concerns specific to the environmental analysis presented in the DEIR. In preparation of the DEIR, public meetings were noticed and open to the public in compliance with the requirements of CEQA and State law. No further response is necessary.

Response P0031-3:

The comment addresses processes jointly established by stakeholders for the SA, and does not raise issues or concerns specific to the environmental analysis presented in the DEIR. In preparation of the DEIR, which was released for public and agency comment on May 18, 2007, public meetings were noticed and open to the public in compliance with the requirements of CEQA and State law. No further response is necessary.

Response P0031-4:

As described in the DEIR, the SA formed the basis of the Proposed Project. In compliance with CEQA, the environmental effects of the Proposed Project and alternatives to the proposed project were analyzed and described. DWR extended the comment period for the DEIR, so that the public and agencies were provided more than 90 days to review and comment on the DEIR, which is in excess of the requirements under CEQA. The comment does not raise issues or concerns specific to the environmental analysis presented in the DEIR. No further response is necessary.

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FORM LETTER

**STOP THE CLOSING OF
FOREMAN CREEK
STATE RECREATION AREA
547 ACRES**

Public Resource Code 5019.56 Recreation areas are selected for their having **TERRAIN** capable of withstanding **EXTENSIVE HUMAN IMPACT**. Most of Lake Oroville's shoreline is very steep and of poor soil density.

Foreman Creek State Recreation Area was chosen as the #1 **Recreation site**, with its gradule sloping terrain and its dense soil type. Foreman Creek State Recreation Area is one of the only sites, that the Boat Ramp (County Road) and entire Shoreline are accessible by vehicle's at **ALL WATER LEVELS**.

Public Resource Code 5019.53 - 5019.65 **A CULTURAL RESERVE SHALL NOT BE LOCATED IN A STATE RECREATION AREA.**

A Cultural Preserve may be located in a State Park. Water Code 111919 Lake Oroville is a State Recreation Area (ccr4753). Department of Water Resources and State Parks and Recreation as State Agency are required to comply with **STATE LAWS**.

P0032-1
P0032-2
P0032-3
P0032-4

signature

Lake Recreation is not a hike to activity. A short distance is all you can carry your, life jackets, towels, blankets, chairs, ice chests, snacks, food, shades, rafts, fishing poles, tackle boxes, etc., etc.,

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RESPONSE TO FORM LETTER

Response P0032-1:

The portion of the California Public Resources Code cited by the commenter provides a classification and brief description of various State recreation units that may be designated within the State parks system. As stated in Public Resources Code Sections 5019.96(a)–(d), State recreation units are classified as one of the following four types: (a) State recreation areas, (b) underwater recreation areas, (c) State beaches, and (d) wayside campgrounds.

The full text of Section 5019.56(a), which describes State recreation areas, is provided here:

(a) State recreation areas, consisting of areas selected and developed to provide multiple recreational opportunities to meet other than purely local needs. The areas shall be selected for their having terrain capable of withstanding extensive human impact and for their proximity to large population centers, major routes of travel, or proven recreational resources such as manmade or natural bodies of water. Areas containing ecological, geological, scenic, or cultural resources of significant value shall be preserved within state wildernesses, state reserves, state parks, or natural or cultural preserves, or, for those areas situated seaward of the mean high tide line, shall be designated state marine reserves, state marine parks, state marine conservation areas, or state marine cultural preservation areas.

Improvements may be undertaken to provide for recreational activities, including, but not limited to, camping, picnicking, swimming, hiking, bicycling, horseback riding, boating, waterskiing, diving, winter sports, fishing, and hunting. Improvements to provide for urban or indoor formalized recreational activities shall not be undertaken within state recreation areas.

The LOSRA was established by the State Park and Recreation Commission in connection with the Davis-Dolwig Act of 1961. Although this comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary, the comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

Response P0032-2:

DWR assumes that the commenter intended to refer to the LOSRA, as there is no area designated as Foreman Creek State Recreation Area. DWR is also unaware of a ranking of recreation sites in the project area. DWR acknowledges the value of the Foreman Creek area for local recreational users and is committed to enhancing recreational use at this location while also addressing potential impacts on significant cultural resources, as noted in the Proposed Project (SA Article A129) and the Final HPMP. Please refer to this FEIR, Chapter 3.0, Master Responses, Relationship between the Oroville Facilities and Foreman Creek, for additional information related to this topic.

Response P0032-3:

Sections 5019.53–5019.65 do not contain any statement that a cultural reserve “shall not” be located in a State Recreation Area. These sections do address the fact that areas within the State park system that are managed primarily for cultural values can be designated separately from State Recreation Areas. The Foreman Creek area has not been managed primarily for its cultural values, and it has not been designated as a cultural reserve or cultural preserve. As noted in Response to Comment P0032-2 and in the master response in Chapter 3.0 of this FEIR (The Relationship between the Oroville Facilities and Foreman Creek), the Proposed Project does not include the designation of the Foreman Creek area as a cultural reserve or a cultural preserve. As noted on page 3.3-33 of the DEIR, the SA also allows DWR to seek removal of a small amount of acreage from the Foreman Creek portion of the LOSRA from the FERC Project boundary to make land available to Native American tribes for reburial of repatriated human remains.

Section 5019.53 of the Public Resources Code describes the nature and purpose of State parks, including the goal of preserving “...outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora ...” Because there are no State parks within the Oroville Facilities, this portion of the code is not relevant.

Section 5019.56 of the Public Resources Code is related to State recreation units, as described more fully in Response to Comment P0032-1.

Section 5019.59 describes historical units that may be established to preserve objects of historical, archaeological, and scientific interest, and archaeological sites and places commemorating important persons or historic events. Again, no such designation has been made at Foreman Creek, and a designation of this nature has not been proposed by DWR.

Section 5019.62 is related to State seashores. This section of the code is not relevant to the Oroville Facilities.

Section 5019.65 describes and defines State reserves, including State natural reserves (Section 5019.65[a]) and State cultural reserves (Section 5019.65[b]). These areas are intended to be managed primarily for their natural or cultural values, but allow for other uses, including public access, enjoyment, and education. Foreman Creek has not been designated as a cultural reserve, and the Proposed Project does not include an action intended to make such a designation.

Section 5019.74 of the Public Resources Code addresses cultural preserves within the State park system. These areas are designated and managed to protect outstanding values related to “...significant places or events in the flow of human experience in California.” In a cultural preserve, complete integrity of the cultural resources is sought, and no “structures or improvements that conflict with that integrity shall be permitted.” DWR has not proposed to designate Foreman Creek as a cultural preserve.

Response P0032-4:

For informational purposes, the full text of Section 11919 of the State Water Code is provided below.

11919. Public recreation facilities in connection with state water projects are recreational areas.

DWR recognizes the LOSRA as a recreation area, and is fully aware of its obligation to comply with State laws. This comment does not raise issues or concerns appropriate to the environmental analysis in the DEIR and thus no further response is necessary. The comment is a part of the permanent record for this Project and has been forwarded to decision makers for consideration.

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