BEFORE THE

FEDERAL ENERGY REGULATORY COMMISSION

In the Matter of:	:	Project Number
SANTA FELICIA PROJECT	:	2153
	:	

Piru Community Center
802 Orchard Street
Piru, California

Thursday, February 5, 2004

The above-entitled matter came on for hearing, pursuant to notice, at 8:42 a.m.

BOFORE:

KENNETH J. HOGAN
Fishery Biologist
Department of Energy
Federal Energy Regulatory Commission

APPEARANCES (CONTINUED):

FEDERAL ENERGY REGULATORY COMMISON:

Philip D. Peters - Attorney
Carolyn R. Holsopple - Environmental Protection Specialist
Emily Carter - Environmental Biologist

ALSO PRESENT:

Matt Carpenter, ENTRIX
Dilip Paul, Forest Service
Tim Cohen, Rancho Temescal
Linda Pupus, United Water Conservation District
Betty Courtney, Department of Fish and Game
Alan Nelsen, Water Resource Engineering Associates
Maurice Cardenas, Department of Fish and Game
Chris Dellith, United States Fish and Wildlife Service
Stan Glowacki, NOAA Fishery
Kris Schmidt, Sierra Club
Michelle Kinnun, United Water Conservation District

APPEARANCES (CONTINUED):

John Dickenson, United Water Conservation District

Jim Edmondson, Cal Trout

Murray McEachron, United Water Conservation District

P R O C E E D I N G S

(8:42 a.m.)

MR. HOGAN: My name is Ken Hogan. I'm with the Federal Energy Regulatory Commission. I'm a fishery biologist, and I am the project coordinator for the Santa Felicia project.

I'd like to start today with having everybody introduce themselves. If you could say your name, spell your name, and who you are with for the court reporter, I'd appreciate it. This is on the record, and the transcripts will be available in about 10 days on the Commission's Web site under the e-library. So if anybody wants a copy of this meeting, the transcripts are there. If you're not familiar with how to navigate our Web site, catch me during a break and I'll be happy to help you with that.

Phil?

MR. PETERS: I'm Phil Peters. I'm with FERC's Office of General Counsel, and I'm the attorney assigned to this case.

MS. HOLSOPPLE: I'm Carolyn Holsopple, C-a-r-o-l-y-n H-o-l-s-o-p-p-l-e, and for this project, I'll be looking at special resources as well as threatened and endangered species.

MS. CARTER: My name is Emily Carter, and I'm an environmental biologist at FERC, and I'm looking at the recreation land use and studies.

MR. CARPENTER: I'm Matt Carpenter from ENTRIX, Incorporated, and I'm a consultant to the applicant United Water.

MR. PAUL: I'm Dilip Paul, D-i-l-i-p, Paul, P-a-u-l. I'm with the Forest Service.

MS. PURPUS: I'm Linda Purpus, P-u-r-p-u-s, with United Water Conservation District. I'm the environmental coordinator.

MR. CARDENAS: I'm Maurice Cardenas, with the Department of Fish and Game. I'm a fishery biologist.

Want me to spell it?

THE REPORTER: Sure.

MR. CARDENAS: M-a-u-r-i-c-e C-a-r-d-e-n-a-s.

MR. DELLITH: Chris Dellith of the U.S. Fish and Wildlife Service, last name is D-e-l-l-i-t-h, and I'm a fish and wildlife biologist.

MS. COURTNEY: Betty Courtney, environmental scientist, Department of Fish and Game, C-o-u-r-t-n-e-y.

MR. EDMONDSON: Jim Edmondson, E-d-m-o-n-d-s-o-n. I'm here on behalf of Cal Trout.

I've been a staff person for over 20 years.

MR. COHEN: Tim Cohen, C-o-h-e-n, Rancho Temescal, T-e-m-e-s-c-a-l.

MR. NELSEN: I'm Alan Nelsen, A-l-a-n N-e-l-s-e-n. I'm with the Water Resource Engineering Associates.

MR. DICKENSON: I'm John, J-o-h-n, Dickenson, D-i-c-k-e-n-s-o-n, engineering department manager. United Water Conservation District.

MS. KINNUN: Michelle Kinnun, K-i-n-n-u-n, United Water Conservation District.

MR. HOGAN: Okay. Thank you very much.

The reason for this meeting today is to see how studies are proceeding in this two-year study plan that United has proposed and has been implementing, and to get an idea of what's on track, what's not on track, any issues that may have been raised as a result of the preliminary study results or if there's things that have not been done to the agency standards which should be getting done differently. We'd like for hear all that information today. And at this time I'd like to turn it over to, I guess --

Are you going to --

MR. CARPENTER: Would you like to start,

John?

MR. DICKENSON. Well, I'll just introduce you, I guess.

I'm John Dickenson with United Water. We embarked on a pretty ambitious study plan last year. Most of you were involved with the formulating of those study plans. A lot of the effort focused around our annual conservation release. We spent this year's budget primarily gathering the data, that survey that provides the analyses that you all will need for conditioning a license for Santa Felicia project.

And with that, I'll turn it over to Matt Carpenter from ENTRIX, who has been doing the majority of the studies. We have been using subconsultants and independent consultants. The district staff has been doing some of the study work themselves, particularly in the field of water quality and some of the other ones that we're infinitely familiar with.

Later on today we'll have our hydrologist join us, and he has a presentation on this year's release and the state of flows from the Santa Felicia. And with that, I'll turn it over to Matt Carpenter.

MR. CARPENTER: Thanks, John. I'll stand over here by these maps to give people some perspective.

Before I get started talking about the studies that we're currently engaged in, I wanted to go ahead and familiarize everyone with the watershed that we're dealing with here. Our area of focus for the Santa Felicia project includes to about two miles upstream of Lake Piru, going all the way down through the lake, lower Piru Creek to the Santa Clara River confluence. That's what we call our focus study area. We have kind of an area of more general study that includes the Santa Clara River as it goes down to the ocean. United has the facility further downstream. And some of their operations up here are connected to that facility downstream, so we've been looking at more focused -- some focus studies on the Santa Clara River proper, but the primary area of focus is the lake area and Piru Creek below the dam.

As it was mentioned, in terms of kind of our consultation history, last -- or a year ago November, November 2002 -- or December 2002; I'm sorry -- we met with the stakeholders for this project and kind of broke into focus study groups to

develop plans that would be ultimately approved by FERC to address the concerns of the stakeholders and get us to the point where we could pull that information together into an Exhibit E for the final application.

What happened along the way was we came up with a revised project schedule. And I think everybody's got the handout, but I've included that in there, and a lot of the items in the initial part of this table show that that was really trying to get the study plans approved and that was a very fast-paced process. So starting in about June we start the implementing, or conducting, a lot of the studies that we had outlined, and we continue to do that probably all the way until July of 2004 to collect all the data necessary, whether it be linked to seasonal resources or, you know, any number of other factors, but that's what we're looking at and taking it. We started in earnest in June and really hit a lot -- we did a lot of study work starting in September prior to the conservation release that John mentioned. There were a lot of studies that were focused around that and bracketed. So right now, we're moving along.

On the next page, we put together a

table that outlines the project study status, and, you know, in some cases, it says the study is ongoing, meaning, you know, there's sampling, monitoring form occurring, or that the fieldwork has been completed and that, you know, we're in a data-analysis phase or something to that effect. So we've initiated -- of our 29 studies, I think we've initiated at least 22 of them. Most are closely tied to field-season oriented things where we had to gather, for instance, summertime recreation data or history flow data related to conservation releases.

So at this time we have a number of studies where the fieldwork has been completed and we're ready to take the next step in bringing focus study groups back together to decide how to best analyze that data so that we can ultimately get the condition via the license.

MR. HOGAN: Do you have a schedule for that for focus groups and --

MR. CARPENTER: Yeah. It's near term, and I was hoping to achieve that today, but I'm looking at over the next month, maybe even over the next few weeks.

MR. HOGAN: Not all parties are here today.

MR. CARPENTER: Right. Right. But we'll

reach out to the people that we've been dealing with in the past. Probably make a general announcement as well.

Let's see. You can kind of flip through here, and you can see --

Would you like me to go through every study? Would that be the most appropriate?

MR. HOGAN: Yeah. That would be good to say where you are on that study, what's left to be done, and if you have kind of an idea for a completion date.

MR. CARPENTER: Okay. Okay. On this same page that has the tables, there's some detailed text, but I'm going to use this table for now because it's right in front of me and I don't have to flip all the pages, but you can look through either way.

Our study Number 1 is our Water Quality Monitoring Program. That's a study that's being conducted by United's staff in coordination with my team at ENTRIX, but it's primarily happening, at least in data collection form, under their direction, and that's an ongoing monthly process. We have temperature data being collected, water quality samples --

MR. DICKENSON: Windmill is completed.

MR. CARPENTER: Yeah. And the lake-related water quality information has been collected today. And at this time we're looking to bring that information together and start analyzing and interpreting it for the Exhibit E.

Study Number 2 --

MR. HOGAN: Do you have a completion date or at least a draft for the Board?

MR. CARPENTER: Well, in many cases I think we're think looking at incorporating these into the draft Exhibit E in September of '04. I guess it's possible to release data as it comes available, but I know that's what we're trying to shoot for right now.

MR. HOGAN: So you're planning on doing a draft early in September?

MR. CARPENTER: Yeah.

MR. HOGAN: In our letter which we requested quarterly reports and so forth, we figured as soon as you got studies completed, you could submit those with the quarterly report. It would give us an opportunity to collect comments on those as you completed them.

MR. CARPENTER: I think that that study is

still ongoing. I mean, not all of the field data is collected --

MR. HOGAN: I'm not expecting it for studies that are ongoing but studies that are completed. The agency is comfortable with just getting a draft -- one document at the end in September. We're comfortable with that too. We just had a thought that with the quarterly reports if you completed a study, or at least a draft of the study, you could file that the next quarter and give the agencies time to invite comments and address those comments. But I'll leave that up to the agencies. We won't deal with that.

MR. MC EACHRON: Matt, so you know, the two items that are remaining in our study -- one is the inflow into the lake and getting the samples of the tributaries. I'm going to go up there tomorrow actually and see if one of them are flowing because we don't know if we're going to get another rain event.

And the other thing is, we put the temperature monitors in at the very beginning of September, and we'll be keeping those in for one year. So we'll be pulling those out in September.

MR. PETERS: Would you mind stating your

name. We have a court reporter.

THE WITNESS: I'm Murray McEachron. I'm with United Water. McEachron, M-c-E-a-c-h-r-o-n.

MR. HOGAN: Yes?

MR. CARDENAS: Do you want the agency to comment now as to whether we would prefer the releasing of data studies?

MR. HOGAN: Sure.

MR. CARDENAS: I think I'd like to have it in some interval order.

MR. CARPENTER: To kind of take a step back, there are a number of studies where we're doing that because we described it that way in the study plan package. For instance, instream flows, we've collected data, and we're getting to a point right now where we want to engage the agencies and the stakeholders in determining what the next analytical step is going to be.

So in some cases, we have data in its raw form. It probably isn't nearly as valuable as bringing it to another useful form and the engaging the agencies to determine because what -- because we had this call back in September for instance, with respect to interstream flows where we weren't exactly sure what species we're managing for. And

so we're looking at the data that we collected and we need to engage the stakeholders in order to determine what we're going to focus on.

MR. CADENAS: You said you started surveys, for instance, in July, was it?

MR. CARPENTER: Well, some surveys started in July. But, like, for instance, instream flows, we didn't do anything until mid October.

MR. CARDENAS: So we can actually start compiling that data and backtrack it into a quarterly survey.

MR. HOGAN: I think what FERC had a vision of is, once there was a draft report if submitted with the quarterly progress reports, then you could have it before September. At least you'd have a report at that point. But the agencies are saying that they would benefit from the raw data.

MR. CADENAS: Yeah, yeah.

MR. HOGAN: Do you have a problem submitting that with the quarterly reports as you have them?

MR. CARPENTER: I guess as long as it's been reduced into a form that -- I mean, unless you want data sheets and the whole --

MR. CARDENAS: You entered that into a flow sheet; right?

MR. CARPENTER: Yeah. And that's kind of where we're at right now, is we're plugging and checking some of our data.

MR. CARDENAS: I think it would be worthwhile to have that information just because we may have some questions that come up with the data, and it would be nice to take it at the initial step -- right? -- than at the very end.

MR. HOGAN: And we look at this as, you know, we're on a very tight schedule here and would rather flush out issues sooner rather than later.

MR. CARPENTER: I think we've identified the number of studies where that is going to happen. There's other studies that they're just not going to be at that step, and a lot of them are informational in nature. For instance, you know, some of the recreational facility information that's really just an inventory, we haven't received any input that says, you know, "We need that in six months ahead of the draft application." It just needs to be in the draft application.

But there are other studies where the stakeholders are driving the analysis. That's where we would -- for instance, wildlife special status species, here is the original map. It's the result

of the survey work that we've done and engaged them. What's the next step? And then collect additional information. But that would be based on information we would provide to the agencies. It wouldn't be us just telling them, "This is what we want to do." It would be sitting down, everybody's looking at the same thing, and deciding where we go from there.

MR. EDMONSON: Can I just add a few points for clarification? Has it been determined what style or type this licensing process was to be?

MR. HOGAN: This is a traditional licensing process.

MR. EDMONSON: And then, secondly, when the release of this information is done, is it solely through the agencies or is it to all interveners?

MR. HOGAN: It would be to all interveners, to all parties.

MR EDMONSON: Thank you.

MR. HOGAN: Traditionally this information should be filed with the quarterly report and put on the Commission's Web site and made available to everybody.

MR. DICKENSON: We also have to consider that while some of these studies relate to one another, and in fact some studies proceed others or

necessarily proceed others, others are stand-alone. And so the stand-alone ones could be submitted in a draft form in accordance exactly as proposed, but some of the sequential ones won't ever be stand-alone. They're going to come out in Exhibit E and be included. Right?

MR. HOGAN: Right. I understand that's where you have a lot of intertwined studies, but there are stand-alone studies that are provided in the quarterly report. The agencies and everybody here is working on a very tight time frame. So rather than get the entire document in September, if they can have something in June -- you know, half of it -- that gives them that much more time and helps everybody's schedules out.

We're looking at a December 31 deadline, and that's not just me saying it. That's my office director who signed the letter, and he's following this very closely. I'm here to stress December 31. You know, the agencies -- we want to help the agencies out any way that we can because everyone is extremely busy. So if we can get data to them or a draft study before the Exhibit E they can look at, that helps.

I'll let the agencies and United during

your first groups as to how to analyze data which you say is going to take place within the next month or so decide how you want to provide the data, and I would expect maybe a summary of how that meeting goes --

MR. CARPENTER: Sure.

MR. HOGAN: -- filed with the Commission.

MR. CARDENAS: I was wondering, if it looks as if we want to modify something that we realize that we maybe agreed to a certain process or procedure earlier on when we had these initial meetings that we would like to come in and say that, well, rather than have that, we realize that we were wrong and we'd like to have that modified, would it be right now that we do this or --

MR. HOGAN: When he comes up to that study and you find a flaw in something that's going on and you realize there was a mistake, go ahead and bring it up. If you want something modified, what I would recommend is that you file it writing -- I'd like to hear it today, but file it in writing with significant justification. Let's say there's a study, and you found a new species, that's significant justification. I don't know what you're thinking of, but just good support for it and we

will consider it.

MR. CARDENAS: Sure.

MR. CARPENTER: So the water quality monitoring program is well under way and is expected to be completed in September of 2004.

Study 2 is Geomorphology and Channel Maintenance Flows. This study was initially -- it looked to the fall of 2003 to initiate this study. The recent fire activity that we had in the fall kind of left us with completing other studies and not starting this one until right now, and we've completed our Level 1 Rozgin (phonetic) style geomorphic reach break analysis so that we could start stratifying lower Piru Creek into geomorphic units. And starting in February, this month, we'll be conducting quantitative analyses throughout the lower Piru Creek channel to support sediment transport analysis, channel maintenance flow restriction, and things of that nature.

That process, the data collection phase, most of it will occur in February, but we're also going to be looking at the post-spring runoff to look at areas of deposition and things of that nature since our rainfall in this area happens in a relatively small window. So again, this is a study

that we're anticipating having completed sometime during the summer of 2004.

Indicators of hydraulic alteration --

MR. PETERS: Can I ask one question?

MR. CARPENTER: Yes.

MR. PETERS: Going back to Number 1, what was the rationale for using the two miles that you referred to where the --

MR. HOGAN: Upstream?

MR. PETERS: -- upstream from the creek, the distance that you referred to?

MR. CARPENTER: I think that property, there are five dec boundaries that were first defined by the dec. The two miles, I don't know how accurate that is, but it sounds right. I don't have the FERC background on my map so...

MR. DICKENSON: Yeah. Of course, from the lake, distance is going to vary dramatically with the lake level because the lake shifts horizontally as the water level falls.

MR. HOGAN: From the high watermark?

MR. DICKENSON: From the high watermark, it's right at the high watermark. Just above the --

MR. PETERS: So not into the creek, just the reservoir. Is that what you're saying?

MR. HOGAN: Well, the creek is part of the reservoir.

MR. DICKENSON: High water is actually -- the project boundaries are actually defined as to the top of the dam as if the dam were about to overspill, so the five boundaries do go up the creek. Normal maximum is 30 feet or 40 feet below that, which makes for a long stretch of the creek. That's in the project measures. There's a USGS weir that we visited yesterday that says as a project manager.

MR. HOGAN: You can use the weir from Santa Felicia Dam as a reference, how far upstream from the dam.

MR. CARPENTER: Okay. I think I can do that.

To take a quick step back, we actually have -- in our mapping exercises we have river mile stationed Piru Creek and Santa Clara River so that we can have this consistently and where we're talking about facilities, study sights and things of that nature. River mile 0.0 for, quote, Piru Creek being the confluence for the Santa Clara River. We move upstream. All these maps have tick marks, tenth-of-a-mile tick marks on them. You get up to the dam at about river mile 6.2, and if we draw a

straight line through here through the lake and the extent of inundation is in the neighborhood of River Mile 10. So we're talking about roughly four miles upstream of the dam itself.

MR. PETERS: Thank you, Matt.

MR. CARPENTER: Sure. Okay. Indicators of Hydraulic Alteration, this is a study that is being conducted collaboratively between my team at ENTRIX and United Water with Murray McEachron here. We're in that process. There was an IHA study conducted in the original application, and when we engaged in the study-group process to come up with these study plans, we determined that the best approach would be to incorporate -- that study was kind of a more base-and-scale study and we're kind of focusing on Piru Creek itself within that larger framework. So we're kind of enhancing an existing study, but it required us to take kind of a fresh look at all of the data. So that process is ongoing in acquiring historic data and building a data base that will support conducting that analysis. So this is a study that is also slated for completion in summer of 2004.

And this is also -- in some ways this includes beta flows analysis looking at surface

water-groundwater interaction related to conservation releases and hydrologic response of the Santa Clara basin and the groundwater and surface waters that are included there.

Study 4 is Vegetation Mapping. This is a study that the field survey work is completed. We recently completed our draft GIS mapping. These maps represent that effort. These still need to be QC'd, but I thought I'd bring them just to demonstrate that we've done what we said we were going to do, and this is the type of product that folks should expect, along with, you know, a methodology and discussion of the results.

With this study, this is the kind of study that we will have -- we can provide in the next quarterly report because we have at least a summary of this information written up. You know, part of our challenge with providing results to the stakeholders is that writing for the Exhibit E is a little different than writing for a technical report. And so to the extent that we can be brief here, you know, and be data-heavy-discussion limited -- because we'd like to save that discussion for the Exhibit E unless it's pertinent at this time. But for a study like this, we want to convey

to FERC and the stakeholders what we've collected today, and frankly, we're not at a point where we're ready to analyze it in the context of the project. We're looking at what the resources are strictly as an inventory, and I think that's what was asked for in the study-plan package.

MR. HOGAN: Does that sound feasible to the agencies?

MR. CARPENTER: Maurice?

MR. CARDENAS: Can I go back real quick to Number 2?

MR. CARPENTER: Okay.

MR. CARDENAS: I wanted to know, John had mentioned a while ago that they were going to try to limit natural flows below Felicia Dam, and I was wondering if that is still -- does that still look like you're going to do that, limit the summit flows, natural summit flows?

MR. DICKENSON: Well, Yeah. We do that now as our water rights dictate that we release natural flow up to 5 cfs. That's the way our water rights are spelled out.

MR. CARDENAS: And you're going to shut off flows where you have indicated to show that that's --

MR. DICKENSON: Right. We have a formula we could share with everyone that we've developed to describe what the natural flows are, because, of course, there's that significant project upstream of us, Pyramid, that filters hydrologically on the inflow. So the Blue Point gauge upstream of the project is a natural flow, you know, so there's other things that have to go into determining what the natural flow would have been were Pyramid not there.

MR. HOGAN: John, correct me if I'm wrong, but your water right and minimum flow requirement is 5 cfs or inflow, whichever is less, but it's definitely not a maximum cap.

MR. DICKENSON: No. Wait.

MR. HOGAN: If you wanted to put more than 5 cfs down through the system, you could.

MR. DICKENSON: That comes out our appropriated water, 5 cfs. Our appropriation gives us everything over 5 cfs.

MR. HOGAN: Just the way that you had it phrased, you sounded like you had it capped at 5 cfs I just wanted to clarify that.

MR. CARDENAS: My point really was, when you do these geomorphology and channel maintenance

flows, are you going to be doing that new subregime minimum flows where they'll be having that data for those kind of releases?

MR. CARPENTER: Well, the channel maintenance flows, the way that they're developed are based on the local hydrology, including disorder hydrology. But channel maintenance flows are a different event. It provides some opportunity to, you know, flush sediments and things like that, and to the extent possible minimum, you know, natural conditions as opposed to regulated conditions. In this case, right now you're getting probably somewhere in the neighborhood of the right flow in terms of quantity of flow, but it's happening in a different time of the year than would occur in nature.

It's happening in October. Channel maintenance flow, if we come up with -- if we predict a number, it might be 300, 400 cfs for a sample, or something like that, and that's what maintenance flows are kind of all about.

MR. CARDENAS: You're talking about higher flow conditions rather than --

MR. CARPENTER: Sediment transport.

MR. CARDENAS: I was way off. You're talking about --

MR. CARPENTER: To clarify, channel maintenance flows are closely -- or they're directly or related to sediment transport. So that's what we're going to be collecting information to find out.

MR. CARDENAS: Okay. Sorry.

MR. EDMONSON: Would you also agree with me that channel maintenance flows can have a larger effect beyond the geomorphic condition of the channel and sediment: i.e., sea-setting vegetation, large woody debris, fish stock and all those kind of activities?

MR. CARPENTER: Sure. Sure. I think the way we get to the number is more a play to the geomorphology. There's wood recruitment and all kind of things that -- you know, flood plain interaction. You know, that's part of the analysis.

Stan?

MR. GLOWACKI: Are these studies going to be also evaluating effects to aquatic species during the time of the year that these studies are done, aquatic species that are actual present, and will they also address the effects to steelhead which aren't there now but some day could be in the system?

MR. HOGAN: Before you answer that, Stan, would you identify yourself.

MR. GLOWACKI: I'm Stan Glowacki, Cal Fishery; Stan, last name G-l-o-w-a-c-k-i.

MR. CARPENTER: Okay. So you're asking about the effects that of the species based on channel maintenance, prescribed channel maintenance flows?

MR. GLOWACKI: Do these studies just effect -- just talk about geomorphology or are they talking about species?

MR. CARPENTER: Like I said, it's based on geomorphic principles, but any change to the license conditions, we'd have to -- somebody is looking at the effects to the other resources, not just, you know, the benefits to, you know, sediment and things like that. It has to be evaluated in the -- more the creek-as-an-organism context.

MR. DICKENSON: What's the relationship between this geomorphic instream flow that we're talking about, and the -- I'm sorry channel maintenance flows and the instream flows? Maybe these flows are considered under the instream flow studies, and that's where the --

MR. CARPENTER: I think that there's information that was collected in Study 14, the

instream flow study that will help -- will facilitate making decisions or calling impact out as a result of predicted or projected or prescribed channel maintenance flows. So I think that we kind of have enough -- we will have information in place to conduct that analysis of effects on, you know, fish, for instance.

MR. GLOWACKI: Thank you.

MR. PETERS: If I could ask one more question just so I can understand. This sounds like a trick lawyer question, I know, but it's not meant to be. I just want to understand the issue.

Let's say hypothetically, John, yesterday the flow from Pyramid down was 20 cfs. How would that effect your 5 cfs release below the dam? What's the relationship between those two?

MR. DICKENSON: I would have to research the water-rights documents, but I believe that that's what that 5 cfs -- and it sounds like a cap -- means, is that we have the water rights from the State Water Resource Control Board to appropriate water above 5 cfs. And by appropriation here in California, we mean that we're allowed to store that water, making it then forward in time. It's forward in time to the creek. If we release that at a

future point, it is appropriated water, and it's no longer natural water.

MR. PETERS: Okay. Thank you.

MR. CARPENTER: Does anybody have any more questions about this analysis?

(No audible response.)

MR. CARPENTER: So we talked about the vegetation mapping. I think I described that. Were there any questions related to Study 4 after we took a step back?

(No audible response.)

MR. CARPENTER: Okay. We'll go ahead and move on. We have two more studies focused on vegetation: Study 5 and Study 6. Study 5 is Special Status Plant Survey, or rare plant surveys, and Study 6 is a Noxious Weed Survey. Those are season-dependant. They're spring surveys. They happened during the course the three independent months in the spring and early summer where we're at here in Southern California, and we're actually going to be conducting those surveys starting in late March or early April. We have that kind of flexibility with the way the protocol is spelled out.

Betty?

MS. COURTNEY: How much of that study area was burned in the Piru fire?

MR. CARPENTER: I don't know that offhand. I mean, that would be something we could look into. I'm sure Ventura County has some burn area as does the forest service, but I have no idea how much of the subwater burned.

MR. DICKENSON: There was some burned. The study area under the watershed wasn't a significant study area for the plants. They're mostly associated with the Piru Creek corridor and not a lot of that burned.

MR. CARPENTER: Yeah. The buffer that we have, some of it was burned, but I honestly can't tell you what percentage may have burned.

MR. DICKENSON: It's a good question. I would guess 15 percent.

MS. COURTNEY: Is there a way to get that information in the next couple weeks?

MR. CARPENTER: I suppose. I mean, we would be dependent on some other agencies and their ability to provide that information, because my reaction right now is that Ventura County is going to have information in one shape or form and the Forest Service is going to have that information.

And they're going to be not tied together, so we'll have to seek that out.

MR. MC EACHRON: I think I have GIS of the area.

MR. CARPENTER: Do you?

MR. MC EACHRON: So we could come up with a calculated area and overlay that on --

MR. HOGAN: Are you saying a special issue that you want to direct?

MS. COURTNEY: Well, I'm saying if those areas were burned and you haven't had any surveys done prior to now, you're obviously going to get different species or no species, depending on the severity of the burn. Some of the burn areas were actually severe where the soils were actually destroyed in the fire, and that is going to take several years for those areas to start to come back.

MR. CARPENTER: Well, I think what Murray had indicated -- it sounds like he has got the GIS overlay.

MR. MC EACHRON: Yeah.

MR. CARPENTER: We can take that and pop it right into our veg map and see if it fits into our buffer or where it goes. And then we can talk about how big that number is and what it's --

MR. HOGAN: How to fix it.

MR. CARPENTER: Yeah. What affect it might have on our ability to fully assess what we said we were going to assess.

MS. HOLSOPPLE: Matt, in your original study plan, you had listed approximately 12 plant species that were known to occur in the area or that could occur in the area. Do your surveys -- are they going to include all of those or have you narrowed it down to a select number of plant species?

MR. CARPENTER: We're going to be on the lookout for all of them. There are some species that we suspect are more likely to be there than others.

MS. HOLSOPPLE: But you are going to do surveys --

MR. CARPENTER: We're going to be doing it based on that list as well as noxious weed, where we'll have a suite of plants that we're focusing on because we think they have a higher potential to be there.

So those studies are going to occur up to, I believe, July of 2004, and so that's one of those ones where in terms of reporting, we'll probably be right up against -- you know, late

August, September time frame for being able to report that information.

We're also conducting a riparian vegetation field survey this spring. We're going to be taking a closer look at -- we're more or less refining what we've done here in terms of looking at vegetation in Piru Creek and the species that inhabit that area, but basically looking at the community structure there and calling out unique or important features like flood-plain habitat, marsh areas, wetlands, things of that nature, or habitat-limiting areas -- you know, areas where the creek itself has very little of important habitat type -- trying to get that information.

But also just trying to semi-quantify how much flood-plain habitat is there and things of that nature, you know, in here so that we can tie in its relationship with some of the nature and sensitive species that may be present in the area.

MR. PETERS: Will that study address the California Condor Sanctuary?

MR. CARPENTER: The riparian survey?

MR. PETERS: Yes.

MR. CARPENTER: No, I don't believe it will. I think that we were going to cover that in our

special status wildlife.

MR. PETERS: I'll wait until that then.

MR. CARPENTER: Yeah. That's actually the right study. The riparian surveys are just like the special status plants. Those are going to be surveys conducted up until early summer, data analysis through the summer, and probably some sort of reporting element in August or September of 2004.

MR. CARDENAS: Are you going to include fish?

MR. CARPENTER: We've already done fish. Those are in different studies.

MR. CARDENAS: Getting back to the thing about these changes and releases, how did you do the studies when you had intermittent flows in the summer?

MR. CARPENTER: Well, we didn't have intermittent flows when we conducted the surveys. We conducted them during base-flow conditions.

MR. CARDENAS: That's the point I was getting at earlier, is that we need to know what the fishery habitat in the summer is going to look like now that United is going to kind of follow this natural flow regime which means that that section of river that used to flow will now be dry, the lower section, and there will be a section that will remain wet

immediately below the dam. We have to know what that is now. We can't use the old data because the old data was a continuous flowing stream all year long. Now we're going to have a short reach, a shorter reach.

MR. DICKENSON: No, no, no. That will be weather and base-flow dependent, natural-flow dependent. Natural flow can be and was what it was last year, and that's at what time -- between the time the survey was done. I don't know what the weather is going to hold and whether next summer will be any different, but, you know, if we waited to get all the different natural inflow conditions, to do that, we would not be able to meet this deadline, and our studies are going to determine what it is we need to do.

MR. CARPENTER: I think that what we've intended to do with this study is what we do with most studies, survey habitat conditions under the normal low-flow conditions, preferably not dry, so that we can see what the limiting habitat looks like in terms of what is the worst-case conditions for rearing habitats, for instance for salmonids or other fish that require deeper pools. Because if we use that for our baseline, low-flow conditions, then

we can build upon that in terms of what is possible there.

But that was what the flow was at the time, and that's typically the range that it's in. Understanding that maybe it will be zero at some point and maybe it will be 20, but that wasn't what was intended with the study. The study wasn't intended to look at the variation in habitat under a number of different flow streams. It was to go out and identify -- inventory stream habitat for the purpose of conducting instream flow studies, and stream studies and things of that nature, aquatic sampling. So I think what you're getting at is a few steps beyond the intent of the original study.

MR. CARDENAS: Well, I guess I was under the assumption that we would have intermediate flows now in the summer. The reason it's important and the reason I want to bring this up is because the red-legged frog and the arroyo toad really need natural flow regimes for them to make it. You would have this artificial condition, which I think it is, where you have continuous flow, you have invasive species that really do some havoc on the natural species. You have bullfrogs that are very successful in those continuous flowing conditions.

So with my conversations I had with John earlier, it was my impression that these new flows were going to be, in fact, mimicking the hydrology, the historic hydrology, and that we should expect dry reaches of stream. And that would represent what we had in the past, but it seems to me that that's not what we should expect.

MR. DICKENSON: Well, we're doing studies right now to determine what the license conditions are going to be, and I can't speak to what the flows are going to be until we go through this.

MR. HOGAN: I think what I'm hearing is that you're study the existing environment, and then, from that data, you'll decide -- look at it and determine, How can we benefit from the results? Is it good the way it is or does it need to be improved? And from your experience and knowledge with the red-legged frogs, you can say, "Well, we need a more active flow regime," or maybe John would want to include that in their revised operation of the project when they file their Exhibit E. And also I assume you're looking at modifying how those projects are going to look from what you have filed to date. I may be wrong on that.

MR. CARDENAS: You mean from the habitat?

MR. HOGAN: Well, right now we have a budget application before us where you have a proposal on how you're going to operate the project. That proposal hasn't taken any of these things into that consideration, so I don't know if you're going to come out with a modification to that proposal based on the comments or you're going to allow the Commission to decide how that needs to be modified. Either way, Fish and Game, you know, will have an opportunity to comment.

We're going to be scoping this. So based on the study results, you're going to say there's habitat down there, but the flow regime is not suitable to providing the ultimate habitat for whatever species it may be, and this is the flow regime that we feel should be implemented to help that species. We'll consider that along with all the other issues that are coming in, and we will try to work out how best to license the project.

The best way to do it, though, is to get together with United and say, "This is how we think you should modify the proposal to FERC." If they come in with a proposal that works for everybody here, we're much more apt to go along with it, and people are happier than if we decide how

it's going to look.

MR. CARDENAS: Just one thing that kind of fortifies the idea of doing that is that immediately upstream of Piru Creek Reservoir, Fish and Wildlife Service has now changed -- has required the Department of Water Resources to change their flow so that they, in fact, mimic natural flows for the same reason you guys discussed earlier. So not only is there going to be now lesser flows during the summer from Pyramid into Piru so that we promote the endemic species there, but that's what I thought we were going to expect downstream.

So basically what I would like to do is get with John at some time and so we have enough time to iron all of this out so that we can maybe get the data if there is new data that needs to be recorded so that we can make some determination. I'd like to have that done as soon as possible so we can coordinate and make sure --

MR. HOGAN: What kind of data would you like to have collected?

MR. CARDENAS: Well, I'd like to look at their projected flow data. Under what conditions would they expect the lower river to go dry? How often would that happen? With this whole new regime

that's happening up as a result of Pyramid shutting down it's summer flows, I think that might have something to do with it. I'm not sure. So I would like to have the creek -- I would like to have the time to have surveys done if it indicates that we are going to have intermittent conditions in the lower creek in the summer.

MR. CARPENTER: What kind of surveys are you talking about that haven't been identified here?

MR. CARDENAS: Just flow data.

MR. CARPENTER: So state discharge data.

MR. CARDENAS: Yeah. And the rate and extent that you have this data -- I mean the extent that you have continuous flow of surface water from the dam to wherever it subsides. Real straightforward.

MR. CARPENTER: I understand that and I'm just going to mention one thing. In the next study, I was going to describe the special status wildlife habitat surveys. One of the things that we've done is identify habitats for the sensitive species that you're talking about, you know the herps, and also the riparian, the vireo, and the southwestern bull flycatcher in lower Piru Creek. And I think that it would be extremely valuable to talk to you and this is one of those focus study groups that is probably

going to have to happen first anyway because we have a protocol survey starting in March where you guys will now have information to decide what else you need to see. And, you know, based on what we've seen today, there's some limiting factors that the stakeholders need to take into account before we start engaging in grander scale studies.

MR. CARDENAS: I think the sooner we get together and start making these meetings, the better it's going to be, because I think I have questions that we're just going to have to not take time here but settle out and then come back to the group.

MR. CARPENTER: Right.

MR. HOGAN: I think what I've heard from Matt is he plans on assembling these in the next four to five weeks.

MR. CARPENTER: Yeah. It's right here. It says late February, early March 2004, focus study groups meetings, Study 8.

MR. DICKENSON: Are you just talking about Study 8 now?

MR. CARPENTER: Yes.

MR. HOGAN: I would just encourage those agency personnel study groups to try to coordinate now for a date 30 days or 40 days in advance. Don't

wait until the end of February and say, "Hey, we want to have a meeting next week."

MR. CARPENTER: No. That's understand. Thanks.

Yes, Stan?

MR. GLOWACKI: Just what protocols are you using for the riparian?

MR. CARPENTER: For the riparian?

MR. GLOWACKI: Yeah. What was the protocol?

MR. CARPENTER: For riparian mapping or for aquatic habitat surveys? They're two different --

MR. GLOWACKI: For Study 7, Riparian Survey, what protocol?

MR. CARPENTER: The protocol that was outlined in the study-plan packet. It's my understanding, it was probably a hybrid -- as many of the riparian studies are, it was based on the focus study-group meetings we had a year ago November. So I can't say specifically what we're doing there because I don't have the study-plan packet in front of me. But we are doing riparian surveys and that shouldn't be confused with aquatic habitat surveys, which is an entirely different study purpose, and we'll talk about that in a few minutes.

In terms of special status wildlife, facilitating, aiding, and whatnot, to move forward with special status species protocol surveys, back in November of 2002, we had identified four target species: southwestern arroyo toad, California red-legged frog, southwestern willow flycatcher, and least Bell's vireo. And we actually put those protocol surveys into the plan.

The first step was Study 8, which was to identify potential habitat for those species so that we could identify where would we focus these surveys on. Because what we're shooting for is presence, not necessarily absence. It's like where would they be if they're there.

And ultimately United has kind of, you know, exhibited a desire to manage -- expecting, based on potential, to be there and manage for the habitat as opposed to, you know, it's there one year and it's not the next -- expect it to be there. So that was why we took that more course-scaled approach to that study. So that we could come back to this group, identify where the potential habitat is, and decide where we want to get the most bang for our buck in terms of going out to find presence.

And we've conducted that wildlife

study, and our GIS map is in prep right now. There's a number of areas in lower Piru Creek -- some parts of the lake, particularly the tributary inlets, and the reach of Piru Creek immediately upstream of the dam up to Blue Point Camp Ground is also an area of particular interest for all of those species.

MR. HOGAN: Apparently you've identified the habitat, but you haven't done a species --

MR. CARPENTER: The protocol survey -- the protocol spells out not starting until March, April, and in some cases they need to be conducted once during each month or any time for four days within a six-month period. So we've outlined that in our study plans, and that's exactly how we intend to proceed.

MR. HOGAN: So the agencies actually want on-the-ground surveys, and they would just be satisfied with the management of the habitat for these species?

MR. DICKENSON: The reason I recall for developing these protocol surveys -- and they are limited graphically in scope by such -- but the reason, as I recall, Betty, we knew we were going to have habitats for species that might be competing

for a certain flow or we might map different habitats for these different species, and we wouldn't know which one to manage for unless we knew which one was actually using the habitat. So the idea was to do protocol surveys where we can and use that information to manage the habitat that is being used --

MR. HOGAN: That makes sense.

MR. DICKENSON: -- ahead of the habitat that isn't used.

MR. CARPENTER: Yeah. That's a good point, that there's an interdependency among habitats.

MR. HOGAN: And conflicting interests.

MR. CARPENTER: Yes. Study 9 --

MR. PETERS: Before you go to 9, and the reason I mentioned the condor issue is that I have a map here that I pulled off the Forest Services Web site that may or may not be accurate. But if it is accurate, it appears that that sanctuary incorporates part of the project boundary --

MR. HOGAN: Or right down to it.

MR. PETERS: -- up to Blue Point. So if possibly you could obtain an actual accurate map and determine whether or not that sanctuary incorporates the project boundary, that might be helpful.

MR. CARPENTER: Okay. Yeah. That's the first time I've ever seen it.

MR. DICKENSON: I've never seen that extension.

MR. PETERS: Again, I'm not saying that this is accurate. It's a Web site of the Forest Service, but I'm sure they have hard maps that are more detailed.

MR. DICKENSON: You'd imagine there would be a public process before they'd extend the boundaries.

MR. CARPENTER: Well, we'll look into it. We can look into it soon and actually wrap it into this book, a study group meeting, and say, "Okay. We're in the sanctuary. We're not looking at that at this time."

MR. PETERS: That's fine. Thank you.

MR. CARPENTER: But I understand. You want that map back?

MR. PETERS: You can keep it.

MR. CARPENTER: Thank you. So Study 9, 10, 11, and 12 represent those protocol surveys all being initiated this spring, some terminating in the mid-summer period. Some may go a little bit longer. We're probably not going to go much longer than mid

summer just because we need this information to be incorporated into the Exhibit E. So that's kind of our window right now.

MR. DICKENSON: Can we share a little bit about who's doing what?

MR. CARPENTER: Yeah. Yeah. With respect to the special status species protocol surveys, we have a couple of different local experts that are going to be conducting the studies. Nancy Sandburg is going to be conducting the arroyo toad and red-legged frog surveys, and Jim Greeves is going to be conducting the vireo and willow flycatcher surveys. And those are both, you know, respected scientists in the area down here. They've done a lot of work and have worked often with the agencies. And so from my standpoint, we're just coordinating them.

MS. HOLSOPPLE: Are the agencies in agreement that these species that are being examined are the only ones being looked at? I mean, you don't have any other species? Because I printed out a list of species that are in Ventura County, whether they're listed as threatened and endangered, and there's some of those on here that are threatened and endangered that there aren't specific citings to

those, and I'm just wondering if the agencies are in agreement with these four. Are there any additional ones?

MR. DELLITH: As far as the federally listed species, we're satisfied they're covered.

MS. HOLSOPPLE: Okay.

MR. CARPENTER: Moving on to Study 13, which is Aquatic Habitat Studies, and this speaks to what we would call the fish habitat side of things, where we conducted habitat -- aquatic habitat mapping from the confluence of Piru Creek to the Santa Clara River up through to Santa Felicia Dam. And we're also in the process of collecting habitat data upstream of the dam. We collected this information, the lower Piru Creek information in the early fall to facilitate finalization of an approach for conducting our instream-flow studies that were linked to that conservation release in October, so we needed to have habitat information in order to properly stratify lower Piru Creek for transectional activity and things of that nature.

I can tell you a little bit about what we found. Piru Creek at that base-flow condition, 5 cfs range, is really divided up into thirds. If you look at habitat based on presence of pools,

ripples, and runs, they're all in the 30s percentilewise, ripples being delineating habitat unit. So there's generally a lack of deeper pools -- deeper meaning greater than three feet deep -- which is important when we start talking about the suitability of habitats for species of interest in this neck of the woods, which would be whether we're talking about rainbow trout. Certainly we're also looking at that habitat structure as it's the results to the native non-deep fishes as well which happen to be far more abundant in lower Piru Creek than trout.

So we're going to actually be going up to upper Piru Creek and surveying that stretch between the top of the lake and Blue Point Camp Ground here in the near future. We're also going to be pulling some information from Department of Fish and Game and Forest Service. We know that there's a number of different habitat and population studies that have happened in that reach between Piru Lake and Pyramid, so we're interested in trying to synthesize some of that information and at least have it as we move forward in this process.

Study 14 is our instream flow study . With this study back in August and September of

2003, we conferred with our focus study group membership for actually implementation of this study. How are we going to proceed? Get it down to a final approach, and that flow study was interrelated with a number of other studies that we're looking at, things such as, you know, change in available habitat which is kind of a typical approach to inflow studies. But we're also looking at things like potential stranding issues of fish in Piru Creek and the lower Santa Clara River. As flows receded, there was a number of different things happening.

The primary focus of the instream flow study was to examine habitat -- changes in available habitat in lower Piru Creek under a lower flow regime than is United's maximum flow regime.

John?

MR. DICKENSON: I'm sorry. Maurice stepped out. Does this answer his question? Does that information answer Maurice's question regarding habitat going to zero. Can we extrapolate --

MR. HOGAN: Why don't we wait until Maurice comes back since it is his question.

MR. COHEN: Does this study measure whether there's instream flow to Piru?

MR. CARPENTER: The instream flow?

MR. COHEN: Yes.

MR. CARPENTER: No. No. The instream flow is looking at the available habitat, whether it be migration habitat for salmonids or it be backwater habitat for sticklebacks. That's what the whole -- under a different flow regime, we go out and we survey specific areas under a different flow regime: 15 cfs, 25 cfs. 10 cfs. And based on that, we refer to criteria that is associated with species of interest. We come up with a curve that helps us extrapolate what's going to be available to that species under the -- in between and the outlying kind of flow conditions. So even though we didn't see it at 75, that curve will allow us to cut this off at 50 maybe, depending on the power of our data and things like that. That's kind of the whole idea is how will a habitat look under a different flow.

Jim?

MR. EDMONDSON: It's a very powerful tool. Basically it shows you predictions on fish habitat flows and quality of different flow streams so you're able to begin the pick and flow process.

Matt, this pretty much is a PHABSIM operation, I understand.

MR. CARPENTER: On lower Piru Creek it was. I mean, that was the approach we used to collect the data.

MR. EDMONDSON: So maybe this question is premature because I think it shows up otherwise, but you used this term of "migration barrier evaluation factor kind of process." Are you using the Thompson Protocol for that?

MR. CARPENTER: It's certainly in the spirit of Thompson. We don't know what the data looks like right now, but we want to make sure it fits into the Thompson's box before we call it Thompson. But I think that's another conference period where we need to meet with the agencies and say, "This is what the data looks like. Is this how we want to proceed in analyzing and interpreting it?" Maybe what you're speaking about is looking at limiting factor migration sites for focus on steelhead migration on the Santa Clara River below the Piru Creek confluence moving down toward Santa Paula and Ventura.

MR. EDMONDSON: Are you going to have a focus group to talk about that protocol before you actually go out there and do that?

MR. CARPENTER: Well, we've already collected

the data.

MR. EDMONDSON: Right. But it's how you interpret the data.

MR. CARPENTER: The interpretation, yes, we are intending to --

MR. EDMONDSON: We definitely want to have Dr. Bill Thrush, our consultant on this project, be part of that discussion group when it happens in the future, because we have some serious concerns about the Thompson Protocol, not to do about it, but -- I'm not sure what to do about it, but Dr. Thrush from Humboldt State will talk to you about it.

MR. CARPENTER: Yeah. I think, to answer you question, we tried to collect as much data that could be widely utilized in a number of different analyses, and I think we've hit that and that's why we have all these great stakeholders to help us decide what to do as we move forward. So that's an integral component of this whole thing.

John?

MR. DICKENSON: Maurice, when you were out, I asked a question and then we decided to wait until you got back. What I asked was: This instream flow bottle stuff that we've gone to great lengths to acquire the data for, I asked whether that can be

extrapolated down to zero flow and an active aquatic habitat and how it varies the flow. And then I was asking if that can be extrapolated down to zero flow which would answer your question about what that would be expected to look like.

MR. CARDENAS: I don't know.

MR. DICKENSON: I was asking Matt.

MR. CARDENAS: What's his answer?

MR. DICKENSON: I didn't get an answer to that.

MS. PURPUS: We did -- for each reach we did a stage zero flow also study which would help with the extrapolation.

MR. CARPENTER: I think to get to kind of the heart of what you're asking, Maurice, is that where we do have transects, which are representative of the three primary habitat units that we find in lower Piru Creek, we will be able to utilize curves. That tells us how much usable habitat is present at zero or near zero flow. Because we've looked at it at 5 cfs, we'll have a better ability.

We haven't seen it at zero flow, but we will have some insight into what zero flow might look like from a longitudinal perspective in terms of linear river miles and how much wet this area is.

Like you were talking about low surface flow and not, that's an observed condition. You would have to model it in a completely different way to predict what might happen. You would have to apply before it would go out.

MR. CARDENAS: For 2 cfs?

MR. CARPENTER: Yeah. Spend a lot of money.

MR. CARDENAS: Well, we'll talk. I think it's going to be straightforward actually, but we've got to get the ball rolling.

MR. CARPENTER: Yeah. And that's what we're talking about. That's why we're here now, and we're going to be talking for sure in the weeks to come.

So the instream flow study -- just to give you an idea of what we're looking at, these migration sites that we evaluated on the lower Santa Clara River, those were evaluated while United was releasing kind of the upper tier flows: 500, 400 cfs's. They basically ramped their flows up pretty quick.

Within 10 days?

MR. CARDENAS: Oh, less than that.

MR. CARPENTER: Yeah. They were from 5 to 500 within a few days. And at that time, Murray and I went out and established these transects prior to

the close-out week, and there wasn't a drop of water to be found anywhere on the Santa Clara River, or at least where we were looking at migration issues. So within a few days, you've got 500 cfs in. So we at least went out and developed standardized transect and surveyed -- we basically collected information to establish some state discharge relationships under those flow conditions understanding that this is a linked surface water, groundwater system and that 500 this year is probably going to -- is going to produce a different condition next year at any given point on the lower river depending on how groundwater sits. But for the year, we captured a number of different flows.

Betty?

MS. COURTNEY: When you did your summer release flows, did anything get to the estuary.

MR. CARPENTER: To the estuary? No. No.

MS. COURTNEY: How far down did you go?

MR. CARPENTER: It gets to the creek.

MS. COURTNEY: So you captured everything at the creek?

MR. MC EACHRON: Yes.

MR. CARDENAS: Ramping rates, we are going to have to have some -- if we're looking at the issue

of frog and toad, then we're going to have to get some idea of what the expected ramping rates are when you've got -- when United is going and if there's construction, utilizing the hydrogenerating system. We would need to know what those ramping rates would be and maybe more importantly when you would expect to engage those -- you know, to activate those generators, because it might lie outside those critical period -- according to the map as critical -- you know, it wouldn't be as problematic if you started doing it when you have eggs or tadpoles.

MR. HOGAN: So United will be proposing ramping rates with their modified application, and you can provide comments on that.

MR. CARPENTER: Yeah. And actually, when we conducted these studies, we went with the modified ramping rate schedule and certainly our ramp down which was dramatically different from what they've done in the past.

MR. EDMONDSON: This is kind of a dovetailing of Study 14 and Study 3. I think it's generally accept that there isn't any doubt in the evidence indicating that steelhead prior to the construction had utilized periodically this creek, Piru Creek

periodically, and I believe those observations are tied to dates, as least years. Will Study 3, which is essentially a big part of this due to unimpaired hydrograph -- how long of a record will we have? Is it a 50-year record we're shooting for? Seventy-five-year record? Hundred-year record? Will this be done on monthlies or an annual? And lastly, will there be some type of a procedure analysis that gives us at least a dry-year, wet-year, normal-year prediction?

MR. CARPENTER: I think Murray can speak to that.

MR. MC EACHRON: Well, the period of record is intermittent. We have good data on Piru Creek. We have it from I think it's something like 1928 almost until the present. As you know, we have projects that have been put in the river system that have changed the natural flow, so you have to come up with calculations to actual measure what the natural flows are. How that relates, though, to Piru down through Santa Clara is a little bit tougher too come up with.

Is that part of your question, is how it goes through the Santa Clara to Piru Creek?

MR. EDMONDSON: Not necessarily. What I'm

really striving to understand is, if your work, the team's work for instance, goes back to '28, that's a very nice, good long record -- and it is a simulation. Everybody understands that. I mean I understand that -- but if it was able, for example, that steelhead were observed in 1938 at Blue Point just as a hypothetical illustration, and your simulation indicated that 1938 was in the upper 20 percent of your season analysis a very wet year or wet year, I think that's important information to understand in trying to gain a handle on the way this ecosystem functions and may function and dovetail on this project and water operations and whether it's even possible.

MR. CARPENTER: I think that we'll try and do exactly what you're asking. We are collecting this kind of information, and it's going to be in different areas, and it shouldn't be that hard to bring it together. But like you said, some information, like anecdotes, might be hard to come across, but they exist. That's true. So I think we'll try to do that.

So instream flow study, we're looking to engage the stakeholders to determine how we want to move forward in analyzing and interpreting this

data. There's a number of different options, and some of it is based on Study 15 results, which I'll talk about right now, The Aquatic Species Surveys. One of the things that we have not pinned down in our prior meetings, whether they were focus study-group meetings leading to this instream flow study or even when we were doing -- the study plan development was trying to pin down species X per se. You know, which species are we managing for or are we managing for a whole bunch or is there one in particular we get that we don't want to manage for? That hasn't really been decided, and that's going to be a huge common denominator in what kind of an analytical tool as we move forward with this really good data that we have.

We pretty much can do anything with it. It's just that we have to start picking and choosing how we want to go down that path because there are a number of complicated steps to get to the right answers. But at the same time, I think that the data we have is going to provide a good insight into where we want to go. But there are resource management directives that are going to have a lot of input in what we choose, I think.

Stan?

MR. GLOWACKI. Matt, do you know if any of these studies address or investigate changes in the flow regime upstream from the stake Pyramid lakes as a means of making flows more natural below Lake Piru? Did any of these studies address the possibility of changes in the flow regime, changes in water releases from Castaic and Pyramid lakes which are tapped into the state water table?

MR. CARPENTER: Right now they're not related to this process. I mean, we have not engaged the state in -- because I think what you're asking --

MR. GLOWACKI: Well, I'm just asking has anybody thought of it?

MR. CARPENTER: Yes. We actually talked about it in our focus of the meeting that we had November 2002, and I think what we walked away with was, you know, there's two pretty different things going on there, and in order to bring the state into the game might overcomplicate this process right now. But it's a question that was asked, and I don't think we ever really did anything --

MR. GLOWACKI: Is there anything preventing changes in water releases upstream and tying that into the whole process in the future? Is the permit going to be so, you know, binding, so like

restricting that once it's set there's no way to ever change the flow regime?

MR. CARPENTER: I don't think that's ever true, especially if there's other federal interventions.

MR. DICKENSON: We did address this during our study development, and the problem we had with not able to convey those considerations is (a) it's not controlled by United water in any fashion, and (b) FERC cannot put license provisions on third parties. The license conditions have to be on the licensee. So we have to consider those existing projects as they are.

MR. HOGAN: We could write an article that said if the state releases these waters for certain purposes United Water will have those flows as released, no questions asked.

MR. GLOWACKI: That answers my question.

MR. PETERS: But in order to address Pyramid directly, the Commission or some party will have to ask for it reopened of that license itself, I believe.

MR. HOGAN: That's the hydro part. Is there a water release without the hydro on it at Pyramid?

MR. PETERS: I think the they get -- their

license provides for a minimum flow from Pyramid down.

MR. HOGAN: But they can always increase their --

MR. PETERS: Right.

MS. COURTNEY: Well, I think Pyramid is in the process of changing their FERC license on their releases so that it mimics natural flows versus having this 5 cfs per release. So that's in process right now.

MR. PETERS: Have they filed for an amendment to their license? Or is this something they're doing in-house, trying to decide what to file?

MR. CARDENAS: I think it's all been set up. I think all the conditions have already been set. I forget what they are.

MR. EDMONDSON: Are they implementing their conditions?

MR. CARDENAS: Yeah. I think it's already works, whatever it was.

You know when you guys were talking about Pyramid, do you mean just Pyramid into Piru or Pyramid into Piru and also Castaic? Because Castaic was also just mentioned. Who was the one that brought that up?

It was you, Stan. So how do you mean -- thinking about running water from Pyramid into Castaic and Castaic out?

MR. GLOWACKI: I'm just talking about augmenting flows between Piru using upstream lakes.

MR. HOGAN: Because we're not sure where the Pyramid application is at the Commission and we have an ex parte rule, we cannot really discuss the merits of that project. We will definitely look into the record when we get back and find out where it is. But if we can avoid discussing merits of the Pyramid project right now, I'd appreciate it.

MR. CARPENTER: So we've conducted a number of aquatic species surveys focusing on fish. And what we -- these surveys have been conducted primarily in lower Piru Creek, and if we take a break eventually here, we'll --

MR. HOGAN: We're going to be taking one in 15 minutes.

MR. CARPENTER: -- people can come and look at what we have in our draft map and they can get a better idea of the kind of information we've got in here. But we had a number of different fish sampling sites, and what we came up with were species that we thought we came up with: partially

armored threespine sticklebacks, the arroyo chub, Santa Ana suckers and then a variety of non-California native -- or certainly not this part of California. Santa Ana suckers, I don't even know if it's native to this --

MR. CARDENAS: No. It's introduced.

MR. CARPENTER: Yeah. It's introduced to this basin, but it's native to the region. And so we have dusky (phonetic) suckers and hybrids of dusky suckers, and Santa Ana suckers, and then we have a bunch of warm-water eastern sharkets (phonetic) and things of that nature. But the habitat in lower Piru Creek is real productive for sticklebacks and chubs and the Santa Ana suckers. I don't have numbers in hand yet -- reduced the data to that point yet, but I can tell you we found a lot.

In conjunction with understanding what species we have there, these surveys were conducted the summer before the conservation release. We actually went out after the conservation release as well to see what happened, what was the spread of fish. And I don't have the results, but we still found fish in a lot of the same places that they were already at. I don't know in terms of numbers

how that relates. This is not a quantitative study. We were looking at kind of relative abundance. We have strict limitations on how we can sample these habitats right now. We can't do it by kind of the conventional electro-fishing means. We're out there seining cobbley substrains. So we're going to miss a number of species, but I think we have a good idea of what the community structure looks like there.

In addition, during the conservation release period, particularly on the ramp down, we spent a lot of time looking at areas for stranding the lower Piru Creek as well as the Santa Clara River, and, as expected, there were a number of locations where there was a lot of stranding and gradation as a result in our local bird populations. They were usually there before we were. And the ability to identify stranding, unless you had a very large group of individuals, was pretty challenging. It was really challenging to know when the habitat might be water and things of that nature, but we did identify a number of sites, and they're also on these maps. At least the Piru Creek ones are. We have a lot of them on the Santa Clara River. But we focused on areas we knew would go dry first, and then moved out from there.

MR. CARDENAS: Where did you notice that didn't go dry?

MR. CARPENTER: In the Santa Clara?

MR. CARDENAS: No, on Piru.

MR. CARPENTER: Well, no, none of Piru went dry.

MR. CARDENAS: Is that right?

MR. CARPENTER: Because we went down to 5. We didn't go down to zero. But there were habitats that temporarily had that flooded, you know, that ramped down. So what we thought, I think -- and we can kind of look at the ramping scale that we have and the degree of stranding that we observed and get an idea how we might want to treat that in the future. I think that the ramping approach we used recently was pretty good. I think it gave us an ample opportunity to do the job. I think the fish that get flushed into the lower river have a lesser chance because the low Santa Clara River has a couple of refuge sites, and otherwise it's dewatered within 10 minutes.

MR. CARDENAS: I think for the Department -- I'm sorry.

MR. HOGAN: Go ahead.

MR. CARDENAS: For the Department, I don't

think we're concerned, except with the steelhead, with any of the fishery there, except for the exotics, which are a nuisance. But the concern is the frog and the toad. So even though you might not be impacting the fish, you can be really harming.

And I don't know if this would be the time right now to ask United when they would anticipate making these scheduled releases for, you know, hydrogeneration and stuff. I think it was September somebody mentioned. Is that right?

MR. DICKENSON: You want to rundown normal operations?

MR. CARDENAS: Is that all right?

MR. HOGAN: Sure. And actually, while you're taking this opportunity, I have a rundown of the conservation flows: how they're used, why they're done.

MR. CARDENAS: They're the same question.

MR. DICKENSON: Santa Felicia project is a water conservation project, and by that, we mean it's a flood water conservation project. The entire release from the lake is used for the -- appropriate waters that are released from the lake are used for groundwater recharge, and in lieu of groundwater recharge, we're in an overdrafted basin. There are

a number of groundwater basins in the valley, and then the Oxnard plain, which is almost solely recharged from Santa Clara River. So our normal operation here is to hold back all flows in excess of 5 cfs over the year, and then, in the early fall -- late summer, early fall -- usually the week after Labor Day -- we ramp flows up to somewhere in the neighborhood of 400 cfs and run it down until our water allotment for that year is gone out of the lake.

The hydroplant only generates a portion of those flows. The hydroplant can run up to 100 cfs, and we typically release 400 cfs from the reservoir. The reason for that is it was not economical to build generation capacity for 400 cfs for something that's only used maybe five or six weeks a year. Those waters then run down Piru Creek, down the Santa Clara River recharging the basin through infiltration. And each of those -- and Murray McEachron here, our hydrologist, has pretty good data on what last year's release looked like.

And what's left of those flows reaches a facility of ours in the lower Santa Clara River called the Treatment Diversion, where they're

diverted into refreshing grounds for percolation to recharge the Oxnard plain, which most of you might know is a textbook example of sea water intrusion into the Oxnard plain where you take Groundwater Hydrology 101 and you open up the textbook on sea water intrusion and there's a picture of the Oxnard plain in there.

MR. HOGAN: So what's the significance of timing of the flows?

MR. DICKENSON: Well, the significance of the timing is that we want to keep the maximum volume of water if we can during the winter storm period which runs through the mid part of April or so. Following that, our recreation season opens up, and it's been the policy of the district for the past 15 years or so anyway to try to keep lake levels high for the recreation season, which then ends on Labor Day. And that's why we start our release and bring the lake down after Labor Day. It provides the optimum water resource conservation function that the product is designed to do, and it also provides the optimum recreation opportunity for the water surface.

MR. HOGAN: So is it possible -- let's say recreation was just not an issue. Is it possible

to, instead of a water recharge or a recharge service, it would be a flow maintenance of that groundwater table? Could you provide, let's say, 10 cfs year round and have it's purpose just to maintain your ground level all year round?

MR. DICKENSON: No. And the hydrology stuff that Murray can show us will show you. The resource problems in this area manifest on the coast in terms of sea water intrusion, in terms of overdraft of aquifers and all of that.

MR. HOGAN: That's what I mean by maintenance. If what came out was the same as what went in in percolation, wouldn't you be maintaining -- wind up preventing salt water intrusion?

MR. DICKENSON: No. Because that water these has to get across these groundwater basins. There's three large groundwater basins between the confluence at Piru Creek and the fore bay of the Oxnard plain aquifers. And these percolations happen -- you know, if we released 10 cfs, it would not get past the five days. We release 400 cfs, and we get --

What, Murray?

MR. MC EACHRON: It depended on the time, but

for two weeks we didn't get any water downstream.

MR. HOGAN: Okay. But if those groundwater aquifers were full all of the time, wouldn't that water make it go down?

MR. DICKENSON: Yes. But there's a reason they're not full, and that is agriculture and municipalities and individuals pump the tar out of these things, and they use that water for human releases. And so 10 cfs won't satisfy the water demand of --

MR. HOGAN: I just threw 10 cfs out there. What would satisfy the water demand?

MR. EDMONDSON: Isn't there a mechanical solution where you could physically put this water in a pipe to bypass those groundwater recharge unit down to your intended point of diversion unit? And so there may be some alternatives, albeit costly to essentially create an artificial overflow --

MR. HOGAN: That doesn't get the benefit to the stream that I was looking for.

MR. EDMONDSON: It depends where your pickup point might be. If your pickup point happened to be, for purposes of this illustration, at the confluence of Piru Creek and Santa Clara River, if you had water diverted into this pipeline for

purposes of transmitting it through a 10-mile corridor to get it over the top of that giant sucking sound of the groundwater basins and then to get it to United for the purposes of preventing salt water intrusion on the Santa Clara flood plain, it's a creative way to look at it. I'm not advocating that. I'm just --

MR. HOGAN: I guess what I'm looking for is a better understanding of how the system works. I didn't read it in the application.

MR. DICKENSON: Murray's presentation will get to that.

MR. HOGAN: I think I want to take a break. We're on Study 15; is that correct?

MR. CARPENTER: Yeah. And I can finish that in one sentence.

MR. HOGAN: Let's finish that up, we'll take a break, and we'll we come back and hear Murray's presentation.

MR. CARPENTER: We have a couple of more surveys to do and we're going to complete this study. This information will be in summary form used in our upcoming focus study group meaning to look at how to evaluate the instream flow data in addition to how it applies to the aquatic species

that we observed. So they're linked.

So that's kind of a near-term deliverable, but again, it's going to be summary form.

MR. HOGAN: And after Murray's presentation we'll have some time for discussion if there's any issues or concerns that the agencies want to raise regarding the flows before we get into the recreation stuff.

MR. CARDENAS: Will I be able to ask one other question that's in the study that maybe we haven't covered?

MR. HOGAN: You can ask it now.

MR. CARDENAS: I don't know how much time this is going to take, but when we met initially, the Department had agreed that we would do this macroinvertebrate study.

MR. CARPENTER: Yeah; it's Study 16.

MR. CARDENAS: I had agreed that we would supply perhaps our person to do that and that it would be done for one season, one year. I have since had conversations with one of the people that were key in putting this protocol together, and it can't be done in one season. This is a protocol -- this is a study that makes a determination as to the

health of the stream. I don't know gauged against what, the health of the stream, based on these -- I don't want to say long term, but they're like two-year, maybe three-year studies, that evaluate the bird-year life in the stream, the change and that. And right now where we are I think is that we just -- with this plan of doing it for one year, and it just won't give any data in one year.

MR. HOGAN: It won't give any data at all or any useful data?

MR. CARDENAS: No. Because it's the sum of being able to look at several years, so you can't extrapolate from one year what it will look like in two years or three.

MR. HOGAN: And how do you use this data to make recommendations for a license?

MR. CARDENAS: My understanding is that we have -- with FERC in other parts of the state, it is now very common that they employ this protocol.

MR. HOGAN: Well, I understand. But I'm wondering how you use it to make recommendations on a conditional license. Is it used for adaptive-management purposes after a license is issued or are you writing a license condition based on the data collected ahead of time.

MR. CARDENAS. No. Some of the folks might have adaptive management concerns. My discussion with our person, Jim Harrington (phonetic) -- I don't know if you know him.

MR. HOGAN: No.

MR. CARDENAS: -- we have discussed -- when you mention this, you don't know if you're target species, target specific, or you're talking general. I was more general in this idea. I started thinking that maybe -- one of the major concerns that the Department has are the frog and the toad. Now, based on that the critical period -- what we want to do is have flows mimic those conditions and then do the analysis -- the protocol on those natural flow conditions. For steelhead, you would not do that. I don't know what the steelhead folks want to do with that. But for the department, and speaking with Harrington, it seems that what we would want to do is to mimic any condition -- natural conditions -- do the studies several years on that, and active management might be required, but it's not at all on the same scale.

Because we're talking about 3 cfs, 4 cfs. How much are you going to have to modify that flow to mimic something or to improve the

habitat? Not much. So it isn't like you were going to be asking for 200 cfs more releases or anything like that. If there was to be adaptive management, it would be on a very, very small scale.

MR. HOGAN: Well, adaptive management just means that we build in monitoring and a plan where after a license is issued there's ongoing study or monitoring. The license can be modified without having to do amendments. The applicant will come in and explain that he's done this monitoring. The agency has looked at the study. This is what we recommend and the agency agreed. And we just say okay. The new article says you're going to do this.

MR. CARDENAS: In this case, that is what we would think is necessary.

MR. HOGAN: By doing that, we're not holding up a license issuance for ongoing studies. We are looking for the potential need. We've identified that there could be a better way to operate the project.

MR. CARDENAS: That's exactly what I would be looking -- that's how I was looking at...

MR. HOGAN: All right. Why don't we take a ten-minute break.

(Recess.)

MR. MC EACHRON: So I was going to show you guys how the conservation release went this last year. I thought it was a pretty good year to study it. We had pretty much an average condition. We had a little bit above average rainfall. The groundwater conditions were right around average, so there's nothing -- you know, it wasn't extreme where we had a high-flow year, and it wasn't an extreme drought either.

I'll go over it. Unfortunately my first slide didn't come in when I copied them, but we had 20 inches of rainfall. Average fall is around -- pardon me. Median fall is around 14 inches -- that was taken around Santa Paula -- so it was a little bit above average.

At the beginning of last year at the end of our release in 2002, we left the lake at 27,508 feet of storage. So that's kind of where we started out at the beginning of the water year. We had 13,560 acre feet of natural inflow, and this year was kind of different from most years in that we had a couple different sources of additional water that came into our lake. One is that we did purchase our state water of 3,150 acre feet which we have an option to do every year. It's not always

guaranteed to be 3,150 acre feet. It depends on how they're doing up north. And then also what we call -- it was a one-time deal. We had a Castaic transfer of contract water that we had transferred down to our lake, and that was 2,700 acre feet.

MR. SCHMIDT: Murray, are you going to post this presentation --

MR. MC EACHRON: I can point out something, I think.

MR. HOGAN: I think John agreed that he e-mail something to the parties.

MR. DICKENSON: I don't remember that, but we can figure something out.

MR. MC EACHRON: This is an XP, so if you don't have XP, it doesn't work. But maybe there's something we can do.

Right before the release, we ended up with about 48,500 acre feet of storage of water in our lake, and we decided to release down -- a release of a total of 30,600 acre feet, which was going to take us down right to about 20,000 acre feet of storage. That's kind of where we find our minimum pool. If we start taking it below that, we can run into some problems of moving the sand out there in the delta down into our intake, so we left

it right at that point.

MR. CARDENAS: That's upstream?

MR. MC EACHRON: Yeah, that's upstream going down. Exactly.

MR. GLOWACKI: When you stated "one-time transfer," what do you mean, "one-time"?

MR. MC EACHRON: That was a deal that we had worked out another year where there was extra water. It was 2001. We were filling and spilling at our lake. We offered some of the flood flows that Castaic could beneficially use those waters then. So they took that water and gave it back to us this year. So it was a great deal for us.

MR. EDMONDSON: Murray, can you go back to the last slide if possible? Can you go back to 1?

For those quantities, the 6768, 1351, 3150, et cetera, those are inflows?

MR. MC EACHRON: Those are inflows.

MR. EDMONDSON: What was the evaporation loss during that period?

MR. MC EACHRON: It runs right around 3,000 acre feet. And that's the reason why if you add up all those, it doesn't add up.

MR. EDMONDSON: Thank you.

MR. MC EACHRON: And that water actually I

should take out of -- mostly out of the natural inflow. But anyway...

Just to give you an idea of the groundwater conditions, this is the groundwater condition in the Piru basin. That's the first basin in our release that comes out of Piru Creek and goes into Piru basin there. Just to give you an idea that it was kind of an average year, this blue line here is about where it was during the release. This line here is on available storage. It's related directly to the groundwater levels in Piru basin. As you can see, throughout the 1950s, it was must lower during a severe drought, 70 in the 1990 drought, and then our condition was right about here. So if anything, it was probably a little bit above average groundwater conditions.

Same thing for Fillmore basin. Here again the conditions during the release, the blue line, and then the period 1955 to present was there.

Okay. The release -- the release went as such here. We started out at 5 cfs. We ramped up over two days. Got up to 400 cfs on the third day. We held up for a few days, and we actually ramped up to 500, back down to 400, and then, after a little over a month, we actually started dropping

down to zero habitat. And I'll show you what happens on the way down.

MR. CARDENAS: Why do you have to ramp down so quickly?

MR. MC EACHRON: I don't know how -- we did this in order to do our instant flow studies. This was something that we laid out in the studies on the ramp down.

MR. DICKENSON: We developed this -- Betty was involved. You were contacted. We did these ramp things collaboratively with the stakeholders. That ramp down you say is rapid, but I'm looking at dates there. It looks like it takes about nine days to go from 400 to zero.

MR. CARDENAS: It's not rapid compared to the ramp up.

MR. GLOWACKI: Can that be changed in the future?

MR. DICKENSON: Yeah. We designed that.

MR. CARDENAS: The ramp up and ramp down can be remodified?

MR. MC EACHRON: Yeah. Sure.

MR. HOGAN: What are the probable limitations on that things mechanically?

MR. DICKENSON: I can't think of any

mechanical ones. I think there are water resources that might be as short as possible that we recognize, you know, as affected, biological communities. You know, we want to minimize those impacts. Whatever works best.

You know, we talked about this. Jim Edmondson provided us some studies from Idaho that suggested certain ramping rates, but if you calculate those out on our volume of water and our transfer, you can't get to our flow and back down. We'd be out of water before you ramped up and ramped back down. In other words, that blue area is a fixed amount, and if you stretched it out longer and longer, you know, you could never get up to the 400.

MR. EDMONDSON: The valuable thing here if I'm connecting the dots -- and I might not be -- but I believe what we talked about it in the entire process about a year ago with the recognition that the conservation was an opportunity to collect a lot of information and not necessarily to set a permanent, full regime or ramping rate. It's to collect data.

MR. MC EACHRON: Correct.

MR. EDMONDSON: And for all intents and purposes, it got done, and I think a part of

collecting that data, as Matt talked about -- alluded to, was observations on some stranding and some possible knowledge and data to discuss perhaps ramping rates in the future.

MR. HOGAN: And, John, what was the significance of the 400?

MR. DICKENSON: Well, we're going to get into that, because, as we talked about earlier, part of our goal is to balance that resource amongst the folks that paid for it. And this project and most of the activities are paid through the levying of groundwater pump charges. And so we tried to benefit the basins in accordance with their needs and their proportionate share of the resource.

MR. HOGAN: So it takes 400 cfs to do that?

MR. DICKENSON: It takes 400 to get it down to the coast, as I said earlier, where the water is pumped.

MR. MC EACHRON: It's kind of important to remember also that of this release the natural inflow -- we would have actually started pumping down right here at this red line if all we had this year was the natural inflow. So it would have been a fairly short release.

Let's take a look at what it did on

downstream. Now, during this release, what we do is we go out to different points on down the Santa Clara River and gauge at these different points. This one happens to be at the end of the Piru basin, kind of where the Fillmore Fish Hatchery is down there. And so during the release, we'd be gauging the river, and this is what we got down at that time at the Fillmore Fish Hatchery.

So if you notice, we had to wait. We didn't get any water down for a few days. And then we started getting some down. At this point, we realized we weren't getting anything upstream at diversion, so we decided, let's go ahead and kick it up to 500. Maybe water on top of water, we'll start getting more -- we'll start getting something downstream at diversion. That was kind of our goal.

Sure enough, it did go up for a little bit. Then actually the water started percolating at a higher rate in the higher basin. It actually started dropping. This was at the end of the 500 cfs it was dropping. I thought actually we were going to lose the whole thing when we turned it down to 400, but fortunately a channel started forming in the Piru basin and the efficiency started to pick up, so we started to get water.

And then, at this point right here, this is about 30 days after the release started, channel started forming pretty well. We started getting water down past the Piru basin. It started coming across. But still, even at the end of this release, we were getting almost 250 cfs down out of the 400 down to near Fillmore there.

MR. GLOWACKI: The additional water, that's the water from Castaic --

MR. MC EACHRON: And the state water.

MR. GLOWACKI: -- and the state water?

MR. MC EACHRON: Yeah. And also additional water that we released from the year before's storage. We went below the release we did the year before, so therefore there was some water left over from years prior.

MR. HOGAN: And this was for the purpose of the study?

MR. DICKENSON: And our water resources.

MR. MC EACHRON: This our water resources, yeah. We would have been doing something very much like this anyway.

This is at the next point where I engaged. It's called Willard Road. And basically, what we're looking at here, is how much is going

past the Fillmore basin. This is fairly near, actually, Santa Paula Creek, and as you can see, it took quite a few days before we actually started getting any water down to there. We got a big shot, but then all of a sudden is started tipping down again, and then gradually it started working it's way back up again also. We ended up at about 150 cfs out of the 400 coming down.

MR. CARDENAS: Is this below the mouth of the Santa Paula Creek or above?

MR. MC EACHRON: It's upstream of.

MR. CARDENAS: (Inaudible).

THE REPORTER: I can't hear you.

MR. CARDENAS: I'm sorry. I asked him if the discharge out of Santa Paula had any effect on what he was seeing here.

MR. MC EACHRON: No. Well, for one thing, what I did here is I did take out base flows. If I am engaging somewhere where there is water right there --

MR. CARDENAS: Oh, this is surface water. I'm sorry.

MR. MC EACHRON: Yeah, this is surface flow. So I am just looking at the release -- this is just the release water. I take out base flow out of

this.

And in the case of Willard, there was probably around 15 cfs base flow. Where I was at the fish hatchery, I think it was probably around a half cfs. It was almost down to nothing.

MR. CARDENAS: And most of the river is dry.

MR. MC EACHRON: Oh, the entire section where I engaged at Fillmore up is dry. And then from about the 23 bridge down to below the Sespe, that was also dry too. Then we did our release. That put more water into the basin. And it actually stayed wet for quite a while after that.

And this is what we actually got down upstream of diversion of the release.

So looking at it overall, 77 percent of it went into the Piru basin, 90 percent went into Fillmore, and about 14 percent we got down past and into the Freeman diversion.

I mentioned when the channels actually started forming we actually started getting more water. This was taken towards the middle -- or towards the end of the release or near the end. This is right at Torrey Ridge right here, and as you can see, there was about a 30-foot-wide channel that the water had to go across. This was a very

standing area that percolates a lot of water, and that's the reason why all of our water was just kind of disappearing in the Piru basin.

Then about a week later, I went out there and it cut a channel. This is the exact same point, but this water here, then, was four-feet deep and was flowing about eight feet per second and was just hauling right past there. It didn't provide a chance to really percolate into that area as well. Of course, it fanned out further down where we began to lose water, but it helped out a lot.

MR. DICKENSON: And that's why you have that rise --

MR. MC EACHRON: Yeah. It was at the same time I started getting that same rise. We started getting a lot more water down. It was roughly at the same time that this channel was formed. We were hoping that the 500 cfs might actually start cutting a channel better, but it appeared not to help at all.

That's it.

MR. GLOWACKI: If you were to cut a channel artificially, how would that affect your regulations range? That's a very interesting question coming from a fishery.

MR. DICKENSON: Is someone from the Board here?

MR. MC EACHRON: Way back, actually, they used to cut a channel, and it's hard to compare, you know, because we don't have the same conditions. It's really hard to compare it, but I assume that that would help.

MR. EDMONDSON: Murray, I don't know if this is for you or for John, so I'll pose the question to both of you. In regards to the groundwater pumping and the fees and the current operations along the basin and the river, would you characterize these as shallow groundwater extraction or deep groundwater extraction?

MR. DICKENSON: Deep. Deep. I mean, they are alluvial basin water table basins, and often when we say "deep aquifer out of the Oxnard plain," we mean aquatic aquifers and they are sitting out there with the woody debris.

MR. EDMONDSON: How deep?

MR. DICKENSON: On the Oxnard plain? They're maybe down to 1500 feet. Here in the Piru basin, I'd say from maybe 100 feet to 300 feet, something like that.

MR. MC EACHRON: The fish hatchery goes

deeper; right?

MR. EDMONDSON: So in regards to follow up on the Piru basin with 100 to 300 feet, if there's a surface flow and the pumps are turned on, does that affect the surface water?

MR. MC EACHRON: No, it really shouldn't. Because we had about 70 feet to the groundwater table, so what happens down here doesn't have a whole lot to do with what you're doing down here and the percolation going down to it.

MR. EDMONDSON: So it's not underflow.

MR. MC EACHRON: No.

MR. DICKENSON: It's saturated groundwater, but long term there is this large effect after years and years of use until demands on the basin ultimately meet supply of the basin.

MR. EDMONDSON: Thank you.

MR. HOGAN: Do you have any ideas as to what the irrigation demand is maybe on a weekly or monthly basis or irrigation demand in a week?

MR. DICKENSON: Yes. We have good numbers on those by basin and by aquifer and total district.

MR. HOGAN: Is that something that you can file with the Commission, not necessarily -- maybe for the past 10 years?

MR. DICKENSON: I'm trying to think how it relates to the Santa Felicia Dam or Santa Felicia project.

MR. HOGAN: Well, it relates to flows.

MR. DICKENSON: Well, we'll consider it. We'll think about it.

MR. HOGAN: Well, I can write an EAR for it.

MR. DICKENSON: We'll put something together for you. I'm trying to -- I'm trying to think about how it relates to Santa Felicia Dam and it's operation because it's being -- this water is being laundered, in effect, through nature, through the groundwater basin. So the demands of the groundwater basin is independent of how we operate the project.

MR. HOGAN: I'll tell you why. The project serves a purpose for irrigation or a water supply. There's a certain demand associated with that water. And if I can understand how much water is being utilized, I can understand how the flows that you're releasing and your fall release flow correlate to your irrigation demands.

MR. DICKENSON: Maybe a better solution for that is this overall basin, the Santa Clara basin, and these basins going from the dam to the sea are

all classically overdrafted, and so the demands exceed the supplies here in the district by approximately 30,000 acres per year. And these are designated by the state of California and other entities, maybe the Bureau of Rec and some others that designate it. The Santa Clara River faces a critical overdraft. So the demand exceeds supply. There's not really a timing relationship between the supply, the volume that's required by the project, and the timing of the use. There's no nexus.

MR. HOGAN: So you never fill those groundwater aquifers?

MR. DICKENSON: No. Nature does it all.

MR. HOGAN: On a typical water year, what percentage of capacity are you recharging those groundwater reservoirs?

MR. DICKENSON: It's different for each basin because the Piru basin --

MR. HOGAN: I'm not looking for specifics.

MR. MC EACHRON: I'll put the Piru basin back on.

MR. DICKENSON: Yeah. Put that Piru basin back up, and we'll talk about it for a minute.

Piru basin is the closest groundwater basin to the project. Interesting point to note is

that -- I'll try to stay where you can hear me.

MR. HOGAN: I want to get where I can read it.

MR. DICKENSON: The project came on line here in '55. The Piru basin was in a -- one of the reasons the Santa Felicia project happened instead of the Sespe project which was proposed at the time was that the Sespe project would have been no benefit to the Piru basin. The Santa Felicia Dam was built at this time. It didn't fill up until '69, and still, you see here in '67 all of a sudden now -- this represents the point in time in which Santa Felicia starts having affect on the basin, and back here in earlier times -- we have records back even further that Piru basin was seriously depleted.

Same is true in Fillmore. You don't see the full benefit of the Santa Felicia project in the basin there, but you can stop by on cold days and see from time to time, it does fill, but typically it's always below that pool filling up. When it's full, it's still only rising water in there. In fact, the rising water level -- I don't know what the elevation is in Piru basin, but, you know, if the walk down the Santa Clara River today and it just rained -- in a normal summer, if you'd

walk down the Santa Clara River, you'd walk from here, it's just sand and dry -- depending what time of day it is -- and then it starts getting spongy and water dries up out of the groundwater basin and flows on the surface for maybe a quarter mile.

MR. MC EACHRON: Depending.

MR. DICKENSON: Depending on how high the groundwater is. And then it percolates down to the Fillmore Basin. And then that basin goes across the dry Sespe to the Santa Clara River bed until you get to the bottom of the Fillmore Basin, and then it happens again.

Santa Paula Basin is a little different. There's different geology there. It crosses the fault, and when the water hits the Santa Paula Basin, it tends to ride on the surface. So the Santa Paula Basin is more neither -- it isn't recharged by the Santa Clara River nor does it percolate. It's river release water. So past Santa Paula Creek. It runs straight on down to diversion.

MR. MC EACHRON: Also, to add on to that, this graph is an available storage; right? And it's really hard to see because we have 55 years here. The groundwater conditions were right down to here was available storage in Piru basin before the

release. The release -- because the we put -- what was it? -- about 20,000 acre feet in the Piru basin. It came up to about here, and this is all based on groundwater elevations.

MR. EDMONDSON: So the orange portion or the orange area portion on that histogram represents the calculated amount of surface groundwater over time?

MR. MC EACHRON: This is more -- well, it's more looking like a cross section of a lake. This is the available storage. So if you go down to here, it's roughly 50,000 available feet of storage.

MR. EDMONDSON: Tell me, is the white available storage or the orange the available storage?

MR. DICKENSON: The interface. In this case, this is minus one, minus three. This is full at zero, and now you can stick 20,000 in there to fill it up -- 40,000 in there to fill it up. So at any point here, you need to stick 100 and some thousand in there in order to fill it up.

MR. EDMONDSON: So the interface of the white and the orange is essentially the calculated amount of storage in comparison to the amount of water available in this particular basin.

MR. DICKENSON: Full feet.

MR. GLOWACKI: Full basin being like Piru or --

MR. DICKENSON: Yeah, this is Piru, and the other one you showed was the Fillmore Basin.

If you looked at the downstream basins, you wouldn't see this nice up and down and sometimes the full thing. Some of the downstream basins just do this. They're down in the Oxnard plain. They're pumping water from 2- and 3- and 400 feet below sea level. And of course, we just turn off the pumps. It goes back to sea level, but what's happening is the ocean is moving it through the aquifer.

MR. EDMONDSON: Is there waste water being discharged into the Santa Clara River?

MR. DICKENSON: Yes, at three locations. One right out here past the airport in Ventura operates, in Piru, and the city of Fillmore and Santa Paula.

MR. SCHMIDT: There's also Valencia down the street.

MR. DICKENSON: Yes. That's coming in down the street.

MS. COURTNEY: What happens in the future when the potential result of Fillmore and Santa Paula establishing a new treatment plant and not releasing into the Santa Clara River.

MR. DICKENSON: Yes. And in those considerations -- that's being discussed, so everybody knows -- the city of Fillmore and the city of Santa Paula have hired a modeler and they're working with our groundwater department to model what that would be. I don't have the answer for you.

MR. GLOWACKI: John, you said the water demands exceed the supply on average 30,000 acre feet per year. Where is that occurring?

MR. DICKENSON: Well, that's districtwide.

MR. GLOWACKI so that's in all three basins combined?

MR. DICKENSON: Yes.

MR. GLOWACKI: Not necessarily the Oxnard flood plain. That's everywhere?

MR. DICKENSON: Not everywhere. But what happened is the problems accrued off coast, because that's interfacing with the ocean. So as those guys pump, the sea water comes in and fuels the aquifer. We have had good luck. During the '90s, we had the wettest decade on record, and we had record recharges from the sea and where the only instance that we found in the record of actually pushing sea water back in the aquifer.

MR. GLOWACKI: Can they get their water from anywhere else?

MR. DICKENSON: Not in these upper basins. There's not any facilities.

MR. GLOWACKI: I'm talking about where the problem is occurring. Can these ag people get the water anywhere else, and let's not even worry about cost.

MR. DICKENSON: Yeah. At cost, there's a couple projects on board that go to producing that 30,000-acre overdraft. One is the city of Oxnard is currently discharging all their waste water out of Oxnard, and the city of Oxnard is working with United and other projects to treat that waste water and serve it to those ag users. There are some that are just a slam-dunk. There are some that are just a bunch of trout farms that dirty all the pipelines, that deplete the wells, that could just easily be changed over to reclaimed water because who cares. Food crops -- there's a big issue about food crops and reclaimed water and the safety of it.

Anyway, the answer is yes. There's other water sources, in fact, from discharges somewhere in the order of 3,000 acres. Of course, they don't want to spend all this money, treat, and

it give it away. They want to trade that for additional pumping. The alternative water source down on the aquifer plain, the state water project is through Calleguas Municipal Water District, and it runs something on the order of $700 per acre foot. Local groundwater costs you somewhere on the order of $150 an acre foot. So it's a huge leap in cost to go to inverted water. Not to mention in an ecological sense, you know, how much can we really be relying on pumping more water out of the delta for local needs if we have local water resources that we should be using.

MR. GLOWACKI? Is anybody worrying about this overdraft?

MR. DICKENSON: Oh, yeah. That's what we're here for. That's our whole vision. And that's why, when we go through these things, we seem to be fighting for every drop here for groundwater recharge. That's the reason why, what we are set up to do. That's our mission.

MR. GLOWACKI: Can United water set limits?

MR. DICKENSON: No. Our legislative authority is limited. We have no ordinance authority at all other than the recreation district. There is an agency on the Oxnard plain that happens

to wear that hat. It's called the Fox Canyon Groundwater Management Agency, and there is a very elaborate system of allocations, pumping allocations and very strict penalties for exceeding those allocations.

MR. HOGAN: Does United have any conservation incentives to water users?

MR. DICKENSON: Well, this Fox Canyon GMA is a very severe conservation incentive. The GMA charges a groundwater extraction fee. Currently it's something like $3.50 an acre foot. If you exceed your allocation, you pay $750 an acre foot. But in these upper basins -- Santa Paula Basin has a different groundwater management regulatory act. It's a two-seated agency that tells people how much they can pump.

Fillmore and Piru Basins are managed by -- there was a groundwater management act with the state of California called AB 3030 and there's an AB 3030 groundwater management group that manages extractions in the Piru and Fillmore Basin.

MR. EDMONDSON: John, just allocation, customer allocation -- just ballpark -- between ag and others?

MR. DICKENSON: Ballpark districtwide I think

you're talking about maybe 75.

MR. HOGAN: If everybody's satisfied, we're going to get back to --

MR. SCHMIDT: I just have one more question. When that peaks above zero there, does that mean that there's free-flowing water there in the Santa Clara River?

MR. DICKENSON: Yes.

MR. MC EACHRON: Yes.

MR. HOGAN: Let's try to get back to the study plan. If there's more questions or concerns about how the water is used in the system after we have a final application we will have a scoping documentation. People can raise those issues and concerns at that time.

Thank you for that presentation.

MR. CARPENTER: We left off actually with Maurice asking a question about what happened to be Study 16, Macroinvertebrate Surveys, and we kind of flushed out how some of the longer term stuff might get blended into an adaptive management approach or condition or something like that. What we're looking to do, though, we are looking to go out and identify community structure, you know, even if it is a snapshot, because invertebrate surveys are

meant to be an indicator of how -- and of course many years of data, no matter what kind of organism you're trying to tract is better than one, but one gives you an idea. And a lot of that has to do with tolerances of those macroinvertebrate species, what they can tolerate water qualitywise, sediment size, things like that. So I think we're still looking to get that snapshot, at least in the area below the dam.

MR. HOGAN: Traditionally, if you're looking at adaptive management and there is operational changes -- you should see what's there now, their current conditions -- and then you modify current operations and see what it's doing to the macrovertebrae population. You make comparisons.

MR. CARPENTER: Right. And this is another study that has geographic implications. There's variant land uses in the area, and, you know, there's a very small opportunity area to look at the result of the lake -- not the results of the lake -- the lake's affect on the invertebrate community without other larger scale land use activities interacting with it.

For instance, further downstream on Piru Creek, there's a lot of land-use activities

that have nothing to do with the project per se. So I think what we're looking at is looking at the reach that's on United property of being indicative of having a relationship with the releases and the operation of the dam.

MR. CARDENAS: But I would guess that there weren't -- you know, I don't know the protocol. I haven't gone out. But I would suspect that there are some changes that occur year after year that can't be determined in one year. I'm not going to try to think about it real quick.

MR. CARPENTER: Yeah. In a regulated system like this one, you have a better opportunity to see -- you're more likely to see the same community patterns under a regulated scenario.

MR. CARDENAS: That would be the obvious to see how consistent any factor is or any measurement is or whether it's not consistent over a period of time. But there is a longevity that's needed. There is a time line that's needed to actually be able to tract this.

MR. CARPENTER: Right. And that's what makes adaptive management helpful.

MR. CARDENAS: The thing that it seems to me you're saying is you would like to have it done in

one year.

MR. CARPENTER: No. I'm just saying we need to have that snapshot. We need to establish a baseline. I mean, it's just like with the fish. We can do that, too, for years and years and years. But we need to establish a baseline at some point so that as we move forward we know where we were at one point, and right now there isn't anybody in the room who knows where we are community structurewise.

MR. CARDENAS: Right. But that baseline I would guess would be to begin the implementation of the study, rather than doing something different, then coming in and employing --

MR. HOGAN: You're proposing to do the study.

MR. CARDENAS: You are?

MR. CARPENTER: Yeah. We're going to do this, and it's likely that we will submit an application that doesn't have three years of data because we haven't begun collecting the data. However, if we can build that future monitoring into the license or extend it into the license, then as long as it has that --

MR. HOGAN: You're proposing to do the forestry right now and continue to --

MR. CARPENTER: Yeah. And go from there if

that's what's necessary.

MR. HOGAN: Their proposal in the application can be modified.

MR. CARPENTER: Correct. So there's the potential there for that, and that's why we need to do that first, so we can establish what the next step is. The first thing we need to do is find out what is there and whether there are indicators of distress and things like that and establish that baseline so we can make decisions and move forward.

Study 17 is Lake Piru Game Fish Survey, and what we're doing here is doing a couple of different things. We're looking at existing records from Department of Fish and Game, recreation area management at the lake, and the U.S. Forest Service related to population information that they have at Piru Creek above the lake because there's likely to be an acluvial (phonetic) fish connection between Lake Piru and Piru Creek up through Pyramid.

So we're going to be looking at the primary species. The management species in Lake Piru is a large amount of bass. So we're going to be looking at spawning habitat, rearing habitat, things like that within lake. A lot of that is going to be based on anecdotal information. I mean

that's how we're going to get with a lot of folks that regularly use the lake and rather than go with a needle-and-haystack approach, we're going to have people that fish there often lead us to areas at that we should focus on. But bottom line is we're going to establish where is, the spawning habitat, you know, kind of the critical habitat for bass management species.

But we're also going to take a look at Piru Creek above the lake to see if there's trout spawning and if there is some sort of acluvial bit -- so we're just going to really look for redds. We're not tagging any fish or trapping or anything like that. We're just going to do kind of a passive survey for trout redds.

And then we're also going to examine reservoir stocking information. We're trying to establish a connection with Department of Fish and Game to extract that information that has been collected in the past. There's a lot of information which is really difficult to get your arms around where it is, and so we're continuing on that pathway to get information from the Department and from Forest Service so that we can synthesize it and draw some sort of connection to the game fish resource at

Lake Piru.

So we're looking at some field surveys later this spring, and it's likely to take us through the summer to get the data necessary from the resources that we've identified.

Okay. Study 18 is Existing Recreation Use Survey. This was, I think, our first big effort of 2003. We started in the mid to late spring with the Memorial Day holiday period. Our efforts were focused on the Lake Piru recreation area, so we approached that survey in 3 ways. One was we developed a questionnaire survey to be handed out to every vehicle -- you know, every set of visitors that came through the gate at United over the course of what we would call the "peak-use period." So that would be May through October. And in this case, that was handed out in bilingual form, and we just encouraged people to get those filled out, hand them in, and we had a fairly poor return rate. But we got enough to achieve the statistical power that we needed according to my recreation planning folks.

We also conducted surveys of -- surveys of -- observation surveys of use of various kinds, whether it's boating on the lake or picnicking, beach-going, all those different -- fishing. We had

11 stations along the road that we toured yesterday that is acceptable to the public along the lake shore, and at regular intervals we basically tallied the various categories of use. And that was conducted between -- that wasn't an everyday thing. I think we were doing --

MR. DICKENSON: You said regular intervals. It was actually on design random intervals: so many random weekdays, so many random weekend days.

MR. CARPENTER: Yeah. We had established it when we did the study-plan development. That was the direction we got from Park Service. And so we've collected that information.

And then we also did some active survey work where, because we were getting some poor returns on the questionnaire where we interfaced with folks bilingually, we still did the English and Spanish thing and tried to kind of enhance our return on some of these things by actively seeking folks out. And we primarily did that on weekends because we knew we would get more bang for our buck. You can spend a weekday out here, even during the summer, and it can be a little slow.

So we ended up getting something like 300 questionnaires returned over the period. And so

right now we have a lot of information, and we're actually developing a database to put that information into and then start being able to do some analysis with it. But the questionnaire data that we ended up drawing from this kind of survey is pretty -- it's not easily reduced. So the recreation planning folks that we have working on this have to really think about how they're going to set up that database so that it's functional for statistical analyses and things like that as we move forward. So that's kind of an ongoing process, and it's likely to be completed sometime mid summer of 2004.

MR. HOGAN: So this potentially could make it into one of the reports before September --

MR. CARPENTER: It's possible.

MR. HOGAN: -- but otherwise it will be in September.

MR. CARPENTER: It's possible. Yeah. Once we start really reducing the data and seeing what we can do with it, I mean, we might be able to give out some raw data and be able to say, "You know, this is what we wanted from this process." I mean, that was one of the steps that we had identified in that the study-plan process. It's just making sure did we

get the information that we wanted. You know, did we miss the opportunity or did the opportunity miss us, and right now we're thinking that the opportunity missed us, that we went out and did what we could and the opportunities just weren't all that good, but we could be there. I guess we'll let you know in the next quarterly report whether to expect something like that.

Study 19 is this Regional Rec Assessment, and it looks at similar recreational opportunities in this geographic area, you know, the greater Los Angeles and Southern Central Coast area. And this is like one of those studies that's kind of independent. It's the kind of thing that we can do with some maps and things like that, and we just have not initiated anything on the study. But we don't foresee it challenging to complete the study because the information is already in hand. So as the opportunity comes up for us to complete the study, we will get it in. We're not anticipating it's going to be a very long effort. It's just a matter of when we actually start in earnest on it.

Study 20 is a Rec Facility Condition Inventory. A lot of this information is already included in United's Lake Piru rec area -- their

recreation plan, but we're going to essentially update that plan, or the information in it, by you know doing an ADA, American Disabilities Act survey of all the facilities. We think we already know what's going on there, but we have to broaden the scope a little bit to make sure we fully cover all the facilities there.

MS. CARTER: Is there a regular maintenance schedule for the recreation areas?

MR. DICKENSON: Uh-huh.

MS. CARTER: And will be that be looked at any further in the complete Commission report?

MR. DICKENSON: That's a good place for it.

MR. CARPENTER: Yeah, that's a good place for it. I agree. We have a rec plan, and the rec plan outlines all that stuff, and that's going to really be the backbone of this. So we'll get it in there.

MR. DICKENSON: Just so everybody knows, our existing license allows for us to have a recreation program up there in Lake Piru but does not mandate it in any fashion. So there's been no FERC involvement in our recreation facilities other than when we fill out the survey forms and we hand it to them and so forth. But there is no real FERC connection to the recreation.

MR. HOGAN: How is it that you're going about motivating yourself to do a recreation program?

MR. DICKENSON: You know it is a slight -- originally the recreation program was set up by our board of directors to be fully self-funded. So the gate-house fees paid for the maintenance of all the facilities. Most of the major capital facilities out there were constructed under grants from either the Department of California Boating and Waterway or other entities that had some sort of grants available. Our rec manager is a master at applying for rec grants. He's been really successful over the last 20 years or so of getting things in up there.

So up until the last few years the thing was all self-supporting. Costs of running the system have since exceeded that, and now the general fund of the district is floating the rec program up to about 200,000 a year. The Board wasn't keen on doing that, but, you know, we're primarily a groundwater recharge entity, but if there are auxiliary things that are good for the public, we might as well participate in them.

MR. HOGAN: Are you considering increases in fees or anything of that nature to offset some of

the costs?

MR. DICKENSON: It could be. If the operating costs keep increasing through the regulatory arm of the park's funding, we might have to. We're in a tough spot, because the state park system is still heavily -- but was even further more heavily subsidized by general fund tax money from the state for many years. So when you're in competition with something that gets to raise income tax on everybody, it makes for tough competition, you know.

MR. CARPENTER: Okay. I'm going to go ahead and move forward to Study 21, which was Whitewater Boating Assessment. This was a study that was developed and coordinate -- we developed it in coordination with stakeholders in November 2002, and we actually revisited how we were actually going to implement this with -- we had initially laid it out that American Whitewater would help us coordinate this activity. So we got together with them prior to our conservation release in the fall because that was the study period for whitewater boating opportunities. And we came up with a two-control flow approach at 400 and 200 cfs. American whitewater and Sierra Club River Touring Section

locally here came up with -- I think it was an abbreviated list.

Right, Chris?

We had about 22 or 23 participants on the first event

MR. SCHMIDT: Yeah, 22 on the first one.

MR. CARPENTER: There was a huge amount of interest, and I think we had 18 or 19 the second time. And we did those on consecutive weekends. We tried to mandate that we had the same folks running the creek, but it was an all-day endeavor two days in October, and we did what we said we were going to do in terms of video documentation. We used a standardized questionnaire. We had an open Q-and-A period after each run.

I think what we did find was that under 400 cfs it was kind of a high-flow thing. And it was kind of fast, but you could take it all the way down to the Santa Clara River. Under 200 cfs, they seemed -- it might have been a little bit more fun, but you'd have to pull out probably before going all the way to the Santa Clara River. But overall, it sounded like everybody had a -- you know, it was an enjoyable experience, and we had people who were generally interested in giving us constructive

input. So I feel it went fairly well.

Right now we're going through our video documentation. And we're kind of using an intern project at one of the local film institutes to produce this video, and so it's taking us some time to get through that process. So over the course of the next probably three or four months, we'll see that video come into play, and we'll probably have data to start working with. And I guess I would anticipate sometime during the summer having some sort of deliverable for interested parties.

MR. PETERS: Kris, would you mind saying your name for the court reporter.

MR. SCHMIDT: Kris Schmidt from the River Touring Section of the Sierra Club.

MR. PETERS: Thank you.

MR. CARPENTER: Study 22, Non-Boating Flow Assessment, and this was something that focused a lot of angling opportunities. We came up with a free-flow approach to look at lower flow conditions. Higher flow conditions didn't seem to be in the cards for -- I actually coordinated a bit here with Jim Edmondson from Cal Trout, and he actually turned me loose on some local entities, Sespe and Matilija Fly Fishers, and ultimately we came up with a survey

form that's been applied on a number of other FERC projects in California and back East. And we recruited some local volunteers. Had three locations on Piru Creek where we actually went out and we were -- they were -- you know, they were trying to mimic their angling opportunity.

I guess most of the participants weren't interested in staying there all day and seeing how many fish they would catch, so they really paid attention to what we had on the survey form. Looked at things like castability. You know, Is there opportunity to catch? Is the creek weightable? What's the surface velocity like for the type of fishing that you're doing? And all that stuff was related to level of experience and things like that, real similar to the approach we used with the whitewater survey, you know, based on skill and desired outcome. How does this feel to you?

And that study actually is -- we have a lot of data. We have one more opportunity we have to take to go do a base-flow survey. We got kind of pushed out by the fires in November, so we're heading out to do that hopefully in the next month. Right now I think we're looking at reducing the data and getting that study wrapped up in mid summer of

2004.

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MR. SCHMIDT: Do you have any idea at this point what the approximate flows are that are optimum for fishing?

MR. CARPENTER: For fishing? I have no idea. They're lower for sure. We used 50 as our peak and 50 was a little much. So 25 and 10 seem to be a little bit better. So that's just kind of off the top of my head.

Study 23, Land Management Review.

Just to take a step back to Study 22, this is a misrepresentation. There is no video documentation for the non-boating flow study, not for any particular reason. It's just a typo.

Study 23 is a Land Management Review. It's a table-top exercise looking at existing plans, policies, and regs, and their consistency with concurrent operations -- current and future operations -- just to kind of layout what the regulatory framework is for the project area.

MR. PETERS: John, I have a couple of questions here. Are there currently plans to expand the marina, existing marina?

MR. CARPENTER: John can answer that

question.

MR. DICKENSON: There's a desire to do so. As I mentioned, our cost stuff at the park exceeds the available resources. We had a master plan for enhancing the park about five years ago -- four or five years ago -- and we had an architect design things. And this will tie into this study as well as visual resources and some other things. There's a Lake Piru Recreation Master Plan that was alluded to earlier, and that was adopted by our board of directors and we have a, CUP, conditional use permit from the county of Ventura.

The park operates under a land-use permit from the county of Ventura. The water facilities under the state of California are exempt from land-use control -- land planning, or zoning issues. In that park, there's an increased marina. There's a proposed potential floating pool, general store, clubhouse complex, and then enhanced RV sites for that park. And right now we're in the process of -- because the district is not interested in funding it, we're in the process of trying to negotiate with concessioner to try to do that development in exchange for some long-term lease for those parklands. And those negotiations have been

going on for some months, and I'm not sure of the fruition of them.

MR. PETERS: Would that also encompass the size of the vessels that would be allowed to use the reservoir?

MR. DICKENSON: Well, I think some of that is addressed up in the whitewater boating section if you're taking the smaller vessels on the reservoir. In terms of larger vessels on the reservoir, I don't know that we have a limit on size in our ordinance. I'd have to look it up.

MR. PETERS: Would that address whether the larger vessels would be allowed to discharge to the reservoir or whether they have to have on-land offloading of waste and so forth?

MR. DICKENSON: Oh, yeah. Sure. We absolutely will without a doubt. We have -- out there on the reservoir there are floating restrooms that are common in lakes in California. They say the SS release, and you can dock right up on them and use the facilities without going to shore and driving a long way. So there are a couple or three of them on the lake.

MS. HOLSOPPLE: I wondered what those were.

MR. DICKENSON: Yeah. Those are boaters

restrooms.

MR. CARDENAS: John, do you guys have full-body contact.

MR. DICKENSON: Yes.

MR. HOGAN: I missed the question.

MR. CARDENAS: If they're allowed full-body contact.

MR. PETERS: What does that mean?

MR. CARDENAS: A lot of the reservoirs in California don't allow body contact at all so that will limit the size of boats.

MR. EDMONDSON: It's a state law dealing with what they call internal reservoirs for those reservoirs that are directly tied to municipal water supplies for full-body contact, a lawyer term for getting in the water.

MR. PETERS: Sounds like WWF Wrestling.

MR. EDMONDSON: That's on the other side of the SS reservoir for you folks not from town.

But it's fairly -- for Santa Clara and the lake, it's not completely unique, but it is a little unusual. Most of the our reservoirs in Southern California preclude full-body contact.

MR. DICKENSON: For sanitary reasons.

MR. PETERS: Right.

MR. CARPENTER: Okay. Study 24 is Land Management Inventory using GIS outlining various land-use zoning attributes and natural and sensitive resources in the project area. This is an exercise that is kind of ongoing. We have a number of other GIS tasks going on, so this one has actually been slated more toward the summer of 2004 period to facilitate getting some of this other GIS work done that we are doing related to the field survey work.

Visual resources study. Right now we're looking to conduct that study in either this spring or in the early summer of 2004. And it's likely at that we'll only be able to incorporate the results -- we might be able to summarize them, but again, this might be one of those studies that occurs late enough that it ends up being directly entered into the Exhibit E.

Yeah?

MS. CARTER: Are you going to be looking at the trash pile by the power house in that study?

MR. CARPENTER: The trash pile?

MS. CARTER: The bone yard.

MR. CARPENTER: Oh, the bone yard. Well, I suppose we will. We're looking primarily at various sensitive receptor sites, and that falls kind of in

a weird area because it's relatively inaccessible to most of the view shed. So I think most of the focus is going to be relatively lake-oriented, but we can kind of make a note to look for that kind of thing as well.

MR. HOGAN: You can address it the way that you just did.

MR. CARPENTER: Yeah.

Study 26, 27, both of these studies involve historic or cultural resources. The original application addressed much of this, and I think we're just looking to do an update.

Is that right, John?

MR. DICKENSON: Yeah. The original application had detail of cultural resources, inventory and assessments in them. We inadvertently included some stuff in the initial application that should not have been included in the original application. So we're going to have our cultural resource person modify those documents so they can be included in the final application.

MR. HOGAN: You can also just file them separately as confidential documents.

MR. DICKENSON: Okay.

MR. HOGAN: So we won't put them on the

Internet and publicize them to the world.

MR. DICKENSON: Probably what we'll do is do both them.

MR. HOGAN: Typically what they do is separate the documents marked "Confidential," and we'll just keep them off the Internet. However you want.

MR. DICKENSON: We'll probably do it both ways so that we can have a cultural resource -- the study is done included in our Exhibit E. So there will be some documents attached to our Exhibit E. That original report can go as promised.

MR. CARPENTER: Study 28 follows a similar track but it's a Project Historic Study and Evaluation, really just looking at the Santa Felicia project and whether there are features of it that qualify as having an historic quality or other elements that are, I guess, within the area of influence of the project. That's something that United is working on in-house.

Study 29 is a --

MS. HOLSOPPLE: May I interrupt and ask a question?

MR. CARPENTER: Yes. Sure you can.

MS. HOLSOPPLE: You had mentioned yesterday

in the site visits that you were in contact with a native American, and he was going to help you with some studies. Did I understand that correctly, your consultation? Is he going to like help to identify any other possible Indian-sensitive sites that might have been there in the past?

MR. DICKENSON: I don't know what he was going to do. What I was going to do with that consultation is just have a full-day meeting with him and do the tour pretty much like we did, have him look at our cultural resources study and visit some of those sites, and just get his feedback on how he'd like us to proceed.

MR. HOGAN: Is he associated with any particular tribe?

MR. DICKENSON: Yes. He's associated with the Chumash, but he's partially Tavatiam from San Fernando Mission, which is the tribe from that -- it was the Piru Indians from Piru.

MS. HOLSOPPLE: The reason that I asked that is because I forgot to mention that I'm doing to the cultural resources in case you're wondering who is the field person is for that. So I'm also do that resource. You can add that to your knowledge.

MR. PETERS: Would you mind spelling the

names of those two tribes for the court reporter.

MR. DICKENSON: Yes. I'll have to write them. Chumash is C-h-u-m-a-s-h, and Tavatiam is T-a-v-a-t-i-a-m.

MR. PETERS: Thank you.

MR. CARPENTER: Okay. Study 29 is a little bit of a catchall study that we identified back in November of 2002: Project Engineering/Operations Challenges and Opportunities. And it's the kind of study -- kind of a forum that allows us to kind of look at the facilities and the operations and exchange ideas. And United's kind of a -- they're taking the lead on facilitating that.

MR. DICKENSON: Right. We were asked in our initial consultation and also during the study-plan development to address issues of physical features that could be used as mitigations and so forth. These included fish-passage facilities. We were asked about decommissioning the project and some of these more physical programs that might fall out of this, to address those and have some sort of write-up that's included in the application, and that was -- this was supposed to include all of those.

We have some issues of piping through

the dam. We discussed yesterday in our tour the fixed point of outlet at the bottom, and this study is to incorporate some rough engineering solutions to those challenges and what those costs and what other problems or challenges might ensue as a result of those solutions would be detailed in that.

MR. PETERS: When we were there yesterday, I saw a sign on a power house called "Heli Spot Water." Is that for fire prevention?

MR. DICKENSON: Fire. Forest Service and county fire and CDF, California Department of Forestry Fire, both use that flat area below the dam as a helipad during wild fires. They run water off the dam for combating fires. It's a condition also of our original license that we provide water for fighting fires.

MR. HOGAN: All right. We have just a little bit after 12:00. I want to get your opinion. We can take a break, go to lunch, and come back. And what I'd like to hear after lunch -- or continue on now -- would be the agency's perspective on any of the studies, if things are going according to plan, how you think United's been performing according to the agreement everybody has laid out today in this modified process we've laid out, and I just want to

get your overall feeling of where we are.

So if you have significant issues you want to discuss, we'll take a lunch break. If you guys are pretty quick as far as your topics, we can sit through and leave after your done. I'll leave it up to the room. What you guys want to do?

MS. COURTNEY: I think we should just finish.

MR. HOGAN: Okay. Anybody else?

MR. DELLITH: I agree.

MS. HOLSOPPLE: Is there anybody who is not in favor of continuing right now?

(No audible response.)

MR. HOGAN: All right. Do you want to take a short break?

MR. GLOWACKI: Can we take a short break?

MR. HOGAN: We can do that. Short break. A quarter after.

(Recess.)

MR. HOGAN: I'd like to take this opportunity to have the agency respond to the presentation that we've heard today as far as ongoing studies in progress, how they're being conducted, and what their overall feelings are.

MS. COURTNEY: I guess first I would ask if you could sort of explain what the rest of the

process is going to be for all of us.

MR. HOGAN: Okay. Right now we're entering into the second year of studies. United is required to file a modified Exhibit E or a new Exhibit E to their application by December 31, 2004. At that time, we will review, as Commission staff, the adequacy of that application and make a determination as to whether we're going to accept the application or whether it's still deficient.

Upon acceptance of the application, we will then initiate our legal process, which will include scoping of issues. Right now we're leaning toward -- since we've done site assessment yesterday, we're leaning toward paper scoping rather than having another meeting up here. Basically if we're going to do a paper scoping it means we get a scoping document, and everybody will be provided an opportunity to write comments or raise new issues and so forth.

Based on those comments, we can either proceed with an REA, which is Ready for Environmental Analysis, or if there's something that really needs to be done or addressed we can write another addition informational request, wait for that information, and then issue an REA.

And then we will proceed with our NEPA document, Issue a Draft and File, and then eventually the Commissioner will make a decision in the form of an order for a new license or denial, I guess.

Does that answer your question?

MS. COURTNEY: Okay.

MR. HOGAN: So this isn't your last opportunity to voice an opinion.

MS. COURTNEY: Right. I just wanted to figure out exactly where we were and how much was left.

MR. HOGAN: And it's common practice for us, in the acceptance letter we will issue a schedule on how we proceed.

So would anything like to provide input as to how they feel this process as it is now is going?

MR. CARDENAS: I don't know because there hasn't been much contact as far as my experience with this goes.

MR. HOGAN: So you'd like to see more --

MR. CARDENAS: Yes. I'd like to see where things are and have a chance to maybe have input, if possible.

MR. HOGAN: That kind of brings me up to a good point. In our deficiency letter, we issued back in --

When did we issue that letter, John? I've got it in the file someplace.

MR. DICKENSON: I believe it was February.

MR. HOGAN: February '02?

MR. DICKENSON: I believe so.

MR. HOGAN: In that letter, we did require United to provide quarterly reports to the Commission and all parties on the progress for exactly the reason that you're claiming you feel like you're out of touch. United hasn't been -- as far as we know, has not been diligent in providing those quarterly reports. We have two that have been filed.

MR. DICKENSON: Right. There was one due in the middle part of December.

MR. HOGAN: Which has no one been filed, and would have been the third one. And then the next one would have been for the period through December to February. So that's coming up.

MR. DICKENSON: Okay.

MR. HOGAN: I would like to use this meeting in lieu of the February one, but knowing that you've

already missed one. We know where we're at right now.

MR. DICKENSON: I wanted to ask you at some point whether I can file this.

MR. HOGAN: Could you file this with your transcripts?

THE REPORTER: Are you marking this as an exhibit?

MR. HOGAN: Yeah.

THE REPORTER: What exhibit number?

MR. HOGAN: A.

(Exhibit A was marked for identification and is annexed hereto.)

MR. HOGAN: So it's very important that United become diligent in submitting those reports given this process that we're in, this modified process that we're in. So we'll ignore the fact that we didn't get one for December. This meeting will constitute February's, and three months from the end of February, we should have another one.

MR. DICKENSON: Very good.

MR. HOGAN: And that will help the agencies stay on track with the program. It will help FERC stay on track with what's going on. And when those drafts are available, it should give us enough time

to review them by September.

Do you think it would be beneficial if you had more face-to-face time?

MR. CARDENAS: I'd like to have face-to-face time. I'd like to have a chance at that face-to-face time to review the data, raw data if it's there. I don't care. I can draw some conclusions from our data too.

MR. HOGAN: What I would recommend is that those work-group meetings that you're planning on putting together, if an agency says, "Yeah, we would benefit from having a copy of the raw data," I don't necessarily need to see that as pushing that one thing to be filed, but I would recommend filing it with any entity who is requesting it.

MR. CARPENTER: Okay.

MR. HOGAN: Does that sound fair?

MR. CARPENTER: That sounds fair.

MR. CARDENAS: That sounds good.

MR. CARPENTER: Actually, for us, as data becomes available, whether it's reduced data -- in that form -- that's a big step for us. It costs a lot of money to reduce data. There's a lot of --

MR. HOGAN: I'm not expecting you to, you know, change your schedules of producing stuff. I

can take your data sheets. That's fine with me. It doesn't cost a lot to photocopy data sheets. So it's something for your work group to decide, what kind of product you can get and what the agency will expect. I don't want to micromanage at that level. I just want to make sure that we're going to stay on track, The agency doesn't take on quite a burden to make sure their involvement, accelerated schedule, as well as United's isn't burdened. So we want to make sure that everyone continues to work together because that December 31 deadline is very close. I can't stress that enough.

MR. DICKENSON: Very soon.

MR. HOGAN: Yes. It's coming quick.

MR. CARDENAS: I don't have to follow a formal process here or should I? Do I need to c.c. you if I'm making a request for data or for a meeting or -- I mean, I don't --

MR. HOGAN: I would say if you're not getting results, go ahead and give me an e-mail. But I don't think that's going to be an issue.

Right?

MR. CARPENTER: No.

MR. HOGAN: Does anybody else have something they'd like to add?

Go ahead, Jim.

MR. EDMONDSON: I just wanted to follow your guidelines of the agencies, and I assume the interesting parties. I've been involved with a few relicensings over the past, I guess, 10 years, and I've seen an emerging trend about adaptive management which I support, Cal Trout supports, that is we don't have all the answers. We feel comfortable with some. We feel comfortable in making some initial steps, and we encourage the monitoring to see how it's progressing. That's adaptive management. In these very unique and compressed proceedings, going down the traditional path, if the applicant was to not advocate adaptive management approach in their application, would it be within the purview of FERC to consider that as a possible license amendment in the license?

MR. HOGAN: Article you mean?

MR. EDMONDSON: Yes.

MR. HOGAN: Absolutely. It does not necessarily have to be proposed by the applicant in order for FERC to approve it.

MR. EDMONDSON: And, John, I'm not saying it in an adversarial way at all.

MR. DICKENSON: What I hear is that at some

point we're going to be -- it's possible that at some point we're going to be at odds about how much water gets to be used or how this licensing looks. At this point, my understanding is the Commission is the judge here. The Commission is a judicial body, not a participate in the process. They're ultimately going to resolve whatever issues we have.

MR. PETERS: As far as disputes over minimum flows and so forth, that's probably true, yes.

MS. HOLSOPPLE: If you do not come to an agreement, we'll take what information each of you provide and make a judgment on it.

MR. HOGAN: And sometimes, even if you were to come to an agreement and we did not support that agreement, we could override it as well.

MR. DICKENSON: Yes.

MR. EDMONDSON: As a traditional process in this compressed schedule versus the collaborative process, whatever the term is used now as an alternative, there isn't a set box in process that allows parties to negotiate areas of agreement, identify areas of dispute, reach a settlement agreement.

This particular process is leading to submission of a draft application, an application

decision by the agency as to whether it's acceptable or not, and then get the ball rolling with, you know, the paperwork.

MR. HOGAN: Correct. That does not preclude parties from sitting down at a table --

MR. EDMONDSON: Independently.

MR. HOGAN: -- independently and trying to hammer out, whether it's a semi-settlement or it's full-blown settlement, on how you want the project to the licensed. And if you were to do that, we would be happy to have the application -- even though we have the application December 31, 2004, it would not prevent you from amending your application after that date with the settlement. So if that's the route you folks wanted to take, the Commission is very favorable towards settlement agreements.

MR. PETERS: Just one second.

(Discussion held off the record between Mr. Peters and Mr. Hogan.)

MR. HOGAN: Yes, sir.

MR. SCHMIDT: Up to this point, I just wanted to say that I'll work with United Water on the controlled flow studies on whitewater. I don't know what the conclusion of the study are or what data will be unleashed, but at least in the coordination

of the studies and the execution of the event, it was a real collaborative process. John was real helpful in giving myself and an assistant access to do an exploratory run to make it a safe and productive event. So I just wanted to say that at least in that respect it's been quite a pleasant experience, especially in contrast with maybe some others I've experienced.

MR. HOGAN: Great to hear.

MS. HOLSOPPLE: Our invitation must have gotten lost in the mail somewhere for those two days.

MR. CARPENTER: It was an ex parte thing. It was a focus study group.

MS. HOLSOPPLE: I think someone else had their hand up.

MR. HOGAN: Stan?

MR. GLOWACKI: Yeah. I was wondering first about formal consultation with you guys, when that's going to happen?

MR. HOGAN: I'd have to look at our regs.

Is United proposing to become a designated consulting agency for the site?

MR. DICKENSON: We hadn't considered it. Isn't that part of development of the NEPA

requirements?

MR. HOGAN: I'm not too sharp on it.

MS. HOLSOPPLE: I believe at any point an applicant can request to be the independent consultation person to do consultation with other agencies.

MR. CARPENTER: Is that Section 10 then?

MS. HOLSOPPLE: Section 7.

MR. GLOWACKI: Section 7. We'll need a federal nexus. That would be you guys?

MR. HOGAN: If United doesn't do it, I believe what happens is our NEPA document would be used as our biological assessment. And that's what initiates consultation. Depending on what I call in the NEPA document.

MR. DICKENSON: Now, there is a method whereby the applicant can become the NEPA document confer?

MR. HOGAN: In the alternative licensing process, which we're not in. We're about four or five years too late.

MR. GLOWACKI: So is the Bureau of Reclamation involved in this in any way?

MR. HOGAN: Not to my knowledge.

Anybody else?

MR. GLOWACKI: I have more questions

MR. HOGAN: Spit it out.

MR. GLOWACKI: These questions don't have to be answered now. Probably be better for you guys just to write this down and start thinking about it: In which study will you be addressing an inventory of large woody debris in Piru Creek, which is an important part of fish habitat.

And then, in which ways are you willing to change the flow regime to mimic a more natural flowing creek, especially in the January through June period? And I guess that's probably Study 29.

Now, we're kind of interested in what are you guys willing to do to get the creek a more natural flow regime? Are you willing to think outside the box? You know, what ideas are you guys willing to explore on that, like applying more water to the California water project? Charging customers more? You know, things like that. We're kind of interested in that.

Because I'm sure that you will request that the way the releases are managed now -- I mean, we're going to request that things will be different with the new license.

MR. HOGAN: As far as a new flow regime, I

think what we need to do is get studies in, and that will be part of the proposal.

Large woody debris, I don't if you guys are studying that now.

MR. CARPENTER: It was something that was discussed, not as a line item, but it was discussed when we were developing studies more related to the fish habitat assessment. I can say with a high degree of confidence that we've inventoried what's there in addition to all the other riparian- and fish-habitat attributes.

We don't have anything specific looking at large woody debris right now. I think that the recruitment potential in Piru Creek is extremely doubtful that large woody debris plays an important role, but that's just me throwing that out there. But I think we got it covered in Study 13 or 14, one of those, the habitat survey study. If we didn't write it down, it means it wasn't there.

MR. CARDENAS: Matt, I tell you, I think you know that I did a lot of steelhead stock for several years in Santa Barbara and Ventura counties, and I've done surveys all the way from coastal screens into some of the wilderness screens, and we have some very isolated areas. And I understand what

large woody debris means when you're trying to define a steelhead or a trout stream. It's very critical. It has a lot of weight to it. If it's missing, it really notches down the health of the stream.

But unfortunately, in Southern California, we don't have large woody debris. I'm not quite sure. I imagine there's several reasons for that, but it's just absent in most streams, even if they're, you know, streams that are river systems that have very little human use or even historical human use. So realizing that it's a real important element in analyzing steelhead streams, it will always give you a real low rating when you do it here in Southern California because it's taxed.

MR. HOGAN: Jim?

MR. EDMONDSON: I'd like, for the record, extend my appreciation to the private landowner for his cooperation. It makes this whole process pleasant and ripe with potential, because what I saw yesterday from the Santa Felicia Dam to the Santa Clara River was rich and unique and ripe with opportunity to break an entirely new ecological paradigm.

I'm afraid I don't agree with Maurice

because I did see large release species, specifically gallery-force cottonwood, which only you'll see once every 15 or 16 years. I saw sycamores only on Q-25 or Q-50 bench of flood plain.

I think we have a real opportunity here considering that we're dealing with an ecosystem that's probably had major depravation for at least 300 years. The potential is, in my nonbiologist, nonhydrologist 20-year advocate -- potential here for improvement is large, particularly with cooperation of the landowner.

MR. HOGAN: I would concur with what you said as well. The landowner participation has been very, very valuable. We appreciate it.

MS. COURTNEY: I thought you would have the restaurant open today.

MR. COHEN: Well, if you had voted for lunch, maybe we would be.

MR. HOGAN: So in general, the folks who have been involved with this since last September, do you think things are going well or not so well?

I see heads nodding but the court reporter can't get heads nodding.

MS. COURTNEY: Well, I was sort of disappointed that the bio surveys were not conducted

last summer, but I recently today found out that there were financial limitations and that was the reason they weren't conducted. And I think that form of communication is not sometimes projected to the rest of us, and we're sort of left out of the loop as to why and how and when things were actually being done.

MR. HOGAN: So we'd like to know why things are scheduled when they are?

MS. COURTNEY: At least kept in the loop as to why things were being done.

MS. HOLSOPPLE: Hopefully the quarterly report will aid in that.

MS. COURTNEY: Right.

MR. DICKENSON: I heard from the Commission here that the quarterly report should be filed with you where nobody looked at them.

MR. HOGAN: They should be filed with all parties.

MR. DICKENSON: Given to all parties.

MR. HOGAN: Right. Especially the interveners. They have priority. Everybody who you've been consulting with, it's important to you know, keep them in touch.

One thing I'd like to have modified

about the monthly reports, going through them, I had a hard time figuring out whether there was a schedule change in the study or not because it wasn't identified. I had to keep going back to your study schedule and the progress on the study to see if it was on time. I'd rather know if you're just talking about progress in the study and you haven't changed the schedule that I know that it hasn't been changed. But if you have change it, I'd like to see that it's been identified as being a slated schedule change and the reason for it in the quarterly report. That would be beneficial to me, and I think it would be beneficial to most parties.

MR. SCHMIDT: Well, we finished the whitewater study four months ago, and I haven't really seen the data. If I had my wishes, I would want to see some of that data.

MR. HOGAN: And that goes along with what we've been discussing. As drafts are filled, stick them in the quarterly reports. And in your working groups, you know, if someone asks for the data, please provide it. Because if you don't want to get railroaded December 1, keep everyone aware of what's going on. It's a preemptive strike.

Anybody else have comments?

Stan?

MR. GLOWACKI: I just would like to add, changing the flow regime to benefit steelhead, arroyo toads, and red-legged frogs, it all happened at once. The more a natural flow regime can be manipulated -- the more you can manipulate the flow regime to look like a natural stream in these parts of the world, the more it's going to benefit all the species, and the more you're going to be satisfying all the agencies at the same time.

MR. HOGAN: Let me ask a question. You talk about manipulating flows. Does that mean that you just want something that would follow the natural habitat, not necessarily at the same level of flows that would be natural for Piru Creek? Just maybe -- this is the wet months -- maybe this time of year they get the 5 cfs, and during the dry months go down to 1 or 2? I mean, what are you looking at? Just following hydrodraft --

MR. GLOWACKI: Something like that, yeah. Something more natural.

MR. HOGAN: Something where that would collect the water but just not necessarily the Piru Creek type of graph.

MR. GLOWACKI: Right. It would have to be

scaled down. We don't want all the water. We want to work with you guys.

MR. HOGAN: So is that something that United can look into?

MR. DICKENSON: Yes. Absolutely. If there's any possibility for a win-win here -- if we're not having the water resources taken from our constituents, then it's the same yield from the project. It's exactly what we wanted.

MR. HOGAN: I think that's the kind of out-of-the-box thinking the folks are looking to.

MR. DICKENSON: Our job is to try bend that overdraft problem.

MR. EDMONDSON: Just as a scheduling suggestion, Ken, I think it's possible that come September when the draft application is on paper and surfaces in totality, there will be a brief window of opportunity for the parties to meet and to seek areas of agreement. I think it will be extremely helpful if the applicant is the one who wants to step forward and initiate that process, and I'll just let the applicant know that I'm very interested in that process. I've been successful in working in that process, and no offense to FERC, but I hate turning over all the controls to a judge if I can

have some control over my destiny and settlement.

MR. HOGAN: And the Commissioner would prefer, from my experience, that you guys make what works for you on the ground in the settlement is better than what we can see. Nobody likes it when we decide.

MR. EDMONDSON: I was very happy on your January 20 order on the Eel (phonetic) River that was issued. I think it was great.

MR. HOGAN: All right. Some people are happy; others are not.

MR. DICKENSON: Can I ask one too?

MR. HOGAN: Absolutely.

MR. DICKENSON: On the sharing of data, it would be better, I think, if we could get the data requests -- if we get requests for raw data in some sort of written form so there's a record of that. I mean, otherwise --

MR. CARPENTER: We can make a list of what data is available and the form that it's in. For instance, with Kris' situation, I might be able to say, "I've got questionnaires. I can make you a copy, but I don't have your data reduced into an Excel spreadsheet yet," but I can give an estimate of when it would be in a spreadsheet form or

something. So we can kind of come up with a list of available --

MR. DICKENSON: I worry about communication and either us not hearing the request clearly or the request not being made clearly and then down the road people are upset because "I asked for that and I never got it."

MR. HOGAN: One way to maybe address this is when you're scheduling your work-group meetings, at the meeting say, "This is the data I have available. Would it be beneficial if I provide it to you?"

If the answer is yes, then, "I can either bring it at work or" -- if the answer is "No. I'd like to see it in a more condensed version, then, "Okay. I'll have it at the next meeting." I mean, I have no problem with that, scheduling being done by e-mail and you have it in writing if you want that written record. But I think that's a good opportunity to say,
"What are your data expectations? Do you have it available? Is it helpful to you?"

MR. DICKENSON: That's a good idea. Maybe your list of available data could be something we have to send out on e-mail periodically, and then we get e-mail requests back.

MR. CARPENTER: Okay.

MR. HOGAN: Sounds like there has been some minor breakdowns in communication, and hopefully we can fix that. From what I've seen, the studies seem to be going -- progressing fairly well in my opinion. I'm not here hands-on and I haven't been in years, but there's definitely significant effort from our perspective being made here.

If that's everything --

MR. NELSEN: We represented in the past multiple users such as mutual water companies of water coming down the creek. What kind of consideration does this process look at for uses of water? We've talked about -- Stan has mentioned different -- altering the flows coming out of the creek for biology reasons.

MR. HOGAN: Are those downstream water rights?

MR. NELSEN: Yes.

MR. HOGAN: I would image that water rights are state water rights. So if this is a 5 cfs allocation collectively down the stream --

I'll let you field that one.

MR. PETERS: I think it's beyond our jurisdiction.

MR. NELSEN: Well, it goes beyond what the allegations are, but we're talking about how the release affect how these --

MR. PETERS: Well, obviously the volume of the releases will have impact upon those issues, and there's nothing that I know of to prevent your client or group from intervening to raise whatever issues you might want to raise.

MR. HOGAN: Absolutely.

MR. PETERS: Which also puts you on the list for receiving the information that we talked about earlier.

MR. HOGAN: And there is still a scoping process that we have so those issues can be raised at that time as well. You can file information all the time. We're constantly accepting information. There's nothing to stop it. If there's something that you think that we're not aware of, please make us aware of it.

MR. PETERS: Right. Even though it may be beyond our reach, there's nothing to prohibit you from raising issues that you think may be impacted by the Commission's decisions.

MR. EDMONDSON: The nexus of state -- the state has primary jurisdiction over water rights

certainly in these proceedings, and the state Water Resources Control Board I believe will be -- an application will be filed with the 401 Clean Water Act for certification of this project. They can decide whether they want to waive it or take action upon it, and that will provide the water-right holders an additional venue to share their concerns in these proceedings. This is actually the state agency that has the primary responsibility to protect your client's interests.

MR. HOGAN: Is there anything else?

(No audible response.)

MR. HOGAN: Well, I want to thank everybody for coming today. I think this was a productive meeting. We definitely learned a lot.

MS. HOLSOPPLE: Enjoyed the weather.

MR. HOGAN: Really appreciate your participation.

(TIME NOTED: 12:58 p.m.)

STATE OF CALIFORNIA) ss.
COUNTY OF LOS ANGELES)

I, MAXINE MILLER, Shorthand Reporter and Notary Public, Certificate No. 929568, for the State of California certify:

That the foregoing proceedings were taken before me at the time and place therein set forth;

That the proceedings were recorded stenographically by me, and were thereafter transcribed under my direction and supervision, and that the foregoing is a true record of same.

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed by name this 9th day of February, 2004.

_____

MAXINE MILLER, Notary Public 929568

EXHIBITS

LETTER	DESCRIPTION	IDENTIFIED
A	Pamphlet regarding Santa Felicia project	134