

McCloud Public Forum

June 2, 2009
Meeting Summary

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Table of Contents

I.	Introduction and Overview.....	1
II.	Presentation	1
III.	Community Comments	2
	Baseline Development.....	2
	Watershed and Habitat Studies	3
	Adaptive Management Program.....	6
	Other Environmental Issues	7
	Water Rights.....	7
	Water Resources	7
	Invasive Species	8
	Proposed Project.....	8
	Project Alternatives	8
	Meeting Process and Topics	8
	Other Comments	9
IV.	Closing Remarks and Next Steps	9

List of Attachments

- Attachment 1. Comment Card Responses
- Attachment 2. McCloud Public Forum Wallgraphic

I. Introduction and Overview

On June 2, 2009, Nestlé Waters North America (Nestlé Waters) hosted a public forum at the McCloud Elementary School in the Town of McCloud. This public forum was intended to provide community members with information about the watershed and habitat studies currently being conducted in Squaw Valley Creek and to provide an opportunity for public feedback. Participants had the opportunity to ask questions and share their comments on the project as it related to the watershed and habitat studies. This document summarizes individual comments and concerns expressed by individuals during the meeting or through written comment cards submitted to MIG after the meeting. Data or information sources referenced by the commenters have not been verified by MIG.

More than 50 participants attended the evening meeting. Participants included local McCloud residents, as well as residents from other communities in the region including: Chico, Redding, Arcata, Montague, and Mt. Shasta. There were also representatives from a variety of interest groups including California Trout, and natural resources and conservation groups, among others.

Joan Chaplick, Facilitator, MIG, Inc. (MIG) began the meeting with welcoming remarks to participants. She provided an overview of the agenda, described the meeting outcomes, and reviewed the general format for the public forum. Ms. Chaplick then introduced Keith Marine, Principal Aquatic and Fishery Scientist, and Jim Fitzgerald, Certified Engineering Geologist, with North State Resources, Inc. (North State); Dr. Vincent Resh with the University of California, Berkeley; Brendan O'Rourke, National Director of Natural Resources, and Dave Palais, Natural Resource Manager, with Nestlé Waters; and Andi Nelson, Recorder, MIG.

II. Presentation

Keith Marine with North State gave a PowerPoint presentation that provided an overview of the watershed and habitat study objectives. The purpose of the environmental studies is to obtain information on Squaw Valley Creek hydrology and ecology; provide data for evaluation of potential impacts from future development, including proposed water bottling facility, to aquatic resources of the Squaw Creek watershed surrounding McCloud; and, identify long-term watershed monitoring and adaptive management measures to sustainably manage aquatic resource values of Squaw Valley Creek Watershed.

Mr. Marine described the watershed and habitat study elements, which include: 17 stream and spring flows and temperature sites; water balance model; water quality; seasonal (quarterly) habitat and bio monitoring that assesses stream physical habitat, aquatic insect communities, fish population estimates, amphibian occurrence, and 4 water quality monitoring sites and 2 control sites along Squaw Valley Creek; Lower Elk Springs snail population (seasonal); and, flow reduction simulation (during summer low flow).

Studies conducted to-date show the following key findings:

- Average wetted width of Squaw Valley Creek at Nestlé Waters' property changed less than at the downstream site at Willow Creek between October 2008 and April 2009; average wetted width of Squaw Valley Creek at Willow Creek was greater in April 2009 than in October 2008.
- Fish species collected from November 2008 to May 2009 at Nestlé Waters' property include the following in order of relative abundance: brook trout, brown Trout, and Rainbow Trout. In addition to these fish species, the other three sites collected the following: sculpin, golden shiner, black bullhead, and brown bullhead.
- Amphibians were observed at Squaw Valley Creek between November 2008 and May 2009 including: pacific chorus frog above Soda Creek, Pacific giant salamander below Pig Creek, and bull frog at Willow Creek Ranch.
- The aquatic snail population in a 30-meter length of the Lower Elk Spring overflow channel was estimated to be 30,812 in November 2008, 21,049 in January 2009, and 20,480 in May 2009.

Conducting the watershed and habitat studies required coordination with various regulatory organizations. The studies commenced in August 2008 and are scheduled to be completed in October 2010.

III. Community Comments

Following the presentation, Ms. Chaplick invited forum participants to comment on and ask questions about the watershed and habitat studies. She requested that participants speak one at a time, identify themselves by raising a hand, and use one of two microphones provided. She also requested that participants focus their comments on the environmental studies. Comments on other aspects of the project should be made using the comment cards that were provided to each participant. Ms. Chaplick facilitated the discussion while Ms. Nelson graphically recorded community comments.

For organizational purposes, issues identified by participants at the meeting and on comment cards have been summarized and grouped by category. A wallgraphic documenting the results of the meeting is included on the last page of this document. Eleven comment cards and e-mails were received, transcribed, and are included as an appendix to this meeting summary.

Baseline Data Development

The study will develop information about the current or baseline conditions of Squaw Valley Creek by collecting watershed and habitat data from October 2008 and August 2010. This information serves as a basis of comparison between existing conditions (baseline condition) and potential changes to the watershed and habitat that may occur as a result of a proposed project's development and operation.

Several participants commented on the study and baseline start date. They expressed concern that the study timeframe would not accurately portray existing conditions at

Squaw Valley Creek. Mr. Marine explained that North State is conducting these studies during two low-flow years, which provides a worst-case scenario. He confirmed that two years of data collection should be sufficient to form an understanding of physical conditions of the watershed. Upon completion of the data collection and assessment, North State will determine if additional data is needed to accurately represent existing conditions.

An initial assessment was conducted of the potential environmental impacts of the originally proposed, larger Nestlé Waters project. The draft environmental impact report (Draft EIR) found that project development, with determined mitigation measures, would result in no significant environmental effects. The project was subsequently revised to substantially reduce the project's size and water demands. A two-year data collection timeframe was deemed adequate to evaluate baseline conditions. Some meeting participants suggested that the Draft EIR did not sufficiently describe the project to adequately predict the project impacts. A Final EIR was never produced on the originally proposed project because Nestlé Waters reduced the scope of the project and committed to conducting this two-year study of Squaw Valley Creek prior to initiating a new EIR.

One participant explained that additional data for these watershed and habitat studies was collected between 2006 and 2008 in response to Draft EIR comments. These data will be included in the final study report, but are not available to the public at this time. One participant requested that this data be made public.

California Trout has been working with North State to develop the baseline timeframe and methodology. A California Trout representative shared that North State has invested time and resources into the studies to ensure a solid database to-date. Additionally, the Scientific Working Group has contributed to the studies.

Watershed and Habitat Studies

River Water Flow

Existing River Water Flow Conditions

There was a discussion regarding Squaw Valley Creek's long-term stream flow. One participant cited a former public forum meeting in 2003, at which the presentation identified a flow rate of 14,500 acre-feet per year. Results from these current studies, though, indicate that the flow rate can drop to less than six cubic feet per second (CFS) during certain times of the year. Mr. Marine explained that this watershed and habitat study is investigating aquatic conditions and that the water flow rate is measured at storage tanks, including the overflow rate, among other locations along Squaw Valley Creek.

One participant inquired about the natural condition of Squaw Valley Creek. The Creek channel contains spring water flow diverted from the Elk Springs. Mr. Marine explained that under natural conditions, Squaw Valley Creek would not contain flow from the Elk Springs; creek flow would likely be intermittent year-round. He qualified these statements by explaining the difficulty of understanding Squaw Valley Creek before it was diverted to provide water for the town of McCloud.

River Water Flow Monitoring

Participants discussed Squaw Valley Creek flow monitoring throughout the project process. Several participants asked about records of stream flow rates for Squaw Valley Creek that could provide insight into historical stream flow rates. Mr. Palais explained that Nestlé Waters installed a stream gauge on its property about three years ago. California Trout installed some gauges at the lower end of Squaw Valley Creek at about the same time.

One participant inquired about the monitoring site at Lakin Dam. Mr. Marine explained that Lakin Dam is a potential source to augment low water flow in Squaw Valley Creek. Participants expressed concern that monitoring activities and water use at Lakin Dam would impact habitat resources. A representative from California Trout requested Nestlé Waters refrain from using Lakin Dam water resources.

Flow Reduction Simulation and Water Balance Model

The purpose of the flow reduction simulation in Squaw Valley Creek is to understand watershed and habitat responses associated with simulated reduced flow conditions mimicking a fully operational water bottling plant during the lowest-flow period of the year. The amount of the flow reduction rate in the simulation is approximately twice the maximum proposed allotted Nestlé use.

One participant asked about the duration of the flow reduction simulations. Mr. Marine explained that the length of the simulation and assessment will occur over a six-week period sometime in July and August of 2009, depending on when the low baseflow occurs in that period. He predicted that the flow reduction simulation conducted during summer 2009 will produce data similar to “worst-case scenario” conditions, due to the below average winter precipitation that occurred over the past two years.

Several participants asked Mr. Marine to explain the water balance model flow chart included in the presentation. The water balance model flow chart is a conceptual model of Squaw Creek Valley outflows that includes surface water output, water storage and water input components. One participant asked about the inclusion of industrial use in the water balance model, since McCloud does not currently include industrial uses. Mr. Marine explained that industrial use is a category of water use in water balance models that, in this case, is equal to zero.

Groundwater

Groundwater monitoring and assessment was of interest to several participants. Mr. Marine explained that North State is monitoring groundwater at two sites and will compare water levels during different seasons to understand the existing condition. Jim Fitzgerald, North State’s hydrogeologist, explained the groundwater conditions at several sites in the watershed area. The headwaters of Squaw Valley Creek are recharged between an altitude of 6,000 and 7,000 feet. As part of the study, North State scientists will measure groundwater below Pig Creek, which has large inputs of water and a small discharge area in the winter and spring.

Mr. Fitzgerald compared the groundwater studies to a “fingerprint” study of water. These studies provide unique information regarding the source of the recharge to the groundwater.

Aquatic Habitats and Species

Meeting participants provided observations and asked questions regarding aquatic habitats and species in Squaw Valley Creek. One participant asked if the studies included an evaluation of the fish habitat above the overflow tank on the Creek. Mr. Marine explained that the studies will not focus on existing environmental conditions above the tank as it is dry during most of the year.

A unique species of aquatic snails found in the project area is associated with the Lower Elk Springs outflow. Because of the operational connection of the Elk Springs with Squaw Valley Creek, the aquatic snail population at the springs will be monitored during the studies.

One participant, who identified himself as a fisherman, reflected that fish community and trout population data gathered to-date did not match his experience. He noticed that there are more rainbow trout downstream and less brown trout downstream. Mr. Marine thanked the participant for the observation and encouraged more similar comments. He would like to hear of more fish population observations from fisher-people.

Participants wondered about the origin of the trout population. Mr. Marine shared that the likely origin of the dominant trout in Squaw Valley Creek are the state-run Mount Shasta and Crystal Springs hatcheries.

Global Warming

Several participants were interested in assessing potential impacts to watershed and habitat conditions resulting from global warming. The world’s leading scientists and members of the Intergovernmental Panel on Climate Change (IPCC) report that carbon emissions from human activities have begun to destabilize the Earth’s climate. Climate changes will threaten public health, national and local economies, and supplies of food, water and energy.

Mr. Marine explained that North State is collecting data under current climate conditions, which reflect some level of global warming. These baseline data can be used in conjunction with predictive climate models to help extrapolate potential changes to watershed conditions resulting from global warming. The California Environmental Quality Act (CEQA) process requires the environmental impact review to identify environment effects related to global warming. Adaptive management measures could ensure that global warming impacts are addressed in the future.

Final Study Report Contents

Participants frequently questioned the outcomes and process following the completion of the watershed and habitat studies. A couple of meeting participants expressed concern that the scientific data could be skewed or used selectively. The President of North State, who attended the meeting, stood and gave his personal assurance to the

meeting participants that North State will not censor the scientific data or allow it to be used selectively.

Recommendations for low flow thresholds, elements of an adaptive management program, and impact mitigation measures will be identified in the final watershed and habitat study report. The study report will also identify special status species in the project area, as its inclusion in the environmental impact assessment is required by CEQA.

Adaptive Management Program

One of the watershed and habitat study objectives is to identify long-term watershed monitoring and adaptive management measures to sustainably manage aquatic resource values of the Squaw Valley Creek watershed. Adaptive management is a management process that includes a flexible management system, which responds to actively collected biological data and information. These watershed and habitat studies will help to define environmental thresholds, such as water temperature or aquatic species population. When and if these thresholds are approached, policies and practices are adjusted to maintain a healthy environmental condition.

Representatives from California Trout indicated that there is not a consistent definition of adaptive management among Nestlé Waters and community members. Mr. O'Rourke stated that California Trout and Nestlé Waters have different definitions of adaptive management. Several participants expressed concern regarding this discrepancy and requested a clear definition of the term, as well as a topic-based public forum focusing on adaptive management.

The process to determine biological metrics for managing impact was of interest to participants. Mr. Marine explained the metric determination and analysis process, which would include two levels: trend analysis and identification of useful management metrics. During the trend analysis level, population and seasonal trends are evaluated and assessed. During the metrics evaluation, physical habitat changes, such as width and depth of the creek, and specific biological metrics, such as aquatic species responses, and seasonal and manipulated river flow, are investigated. The objective of the metrics evaluation is to identify impact thresholds on which to base the adaptive management program. Mr. Marine explained that, in the case of an adaptive management program for the proposed project, if the established thresholds are approached, then potentially the water used by the proposed bottling plant might be reduced.

Several forum participants expressed a need for an adaptive management program if the proposed project is approved. Participants requested the program be developed in coordination with neutral parties to ensure trust among community members. Mr. Palais and Mr. O'Rourke confirmed that the company would commit to a long-term monitoring program. The project contract could determine a water withdrawal reduction agreement should the biological thresholds be approached.

Participants expressed concern regarding other Nestlé Waters's facilities and operations, and adaptive management programs. One participant asked if the

Calistoga Nestlé Waters facility maintains an adaptive management program and referenced remarks made by a participant at the February 18th Public Forum who shared his belief that the local bottling facility water withdrawal has severely impacted the fish population. The June 2nd Public Forum participant wondered why biological impacts have not been remedied with an adaptive management program at the Calistoga facility. Additionally, one participant asked if Nestlé Waters has experience with adaptive management programs. Mr. Palais from Nestle Waters cited a Pennsylvania water bottling facility where water is sourced from a remote spring where collection of spring water is reduced when “pass-by flow” levels approach the minimum required levels specified by the permit.

Other Environmental Issues

Water Rights

Squaw Valley Creek water rights were an issue of interest to several participants. One participant explained that the following organizations and entities have water rights to the water in the creek: US Forest Service, industrial forest companies, PG&E, various individuals, and the State of California. The participant suggested that precedence for water rights be historically based – those entities and individuals who have been privy to Squaw Valley Creek water resources for a longer period of time, would have greater access to water rights.

Mr. Palais explained that attaining water rights is not a part of Nestlé Waters’ proposed water bottling facility project. Nestlé Waters wants to be treated as an industrial customer of the McCloud Community Services District. As a customer, Nestlé Waters has the same rights regarding water use as other customers. Their water comes from the McCloud Community Services District; they do not obtain any water rights.

Water Resources

Several participants highlighted the current state of California’s water resources and drought conditions. California water resources impact health, welfare, and the states economy. Participants agreed that statewide water conservation is a priority. Currently, Southern California receives a large percentage of water sourced in Northern California. Participants wondered how river water withdrawal would be altered in California emergency conditions. Mr. Palais explained that under CEQA, the environmental analysis would consider emergency conditions in the assessment of environmental impacts.

Several participants suggested that Nestlé Waters withdraw less water when there are drought conditions in the Creek. One participant asked if Nestlé Waters would consider this suggestion. A suggestion was made to account for the entire McCloud community when assessing water resources and water use. The participant called attention to the different impacts water resources have on community members as opposed to Nestlé Waters. The amount of available water resources impacts community members’ quality of life and Nestlé Waters’ business outcomes.

Forum participants inquired about the pass-by flow program, which applies to the Nestlé Waters water bottling facilities in Texas and Pennsylvania. Mr. Palais clarified that the previous contract between Nestlé Waters and the McCloud Community Services District did not give priority for water supply to the proposed water bottling facility.

The legal history of Nestlé Waters as it relates to resource reduction was of interest to forum participants. One participant asked if the company had been involved in a lawsuit regarding resource use during drought conditions. Mr. Palais responded that he is not aware of a lawsuit associated with drought conditions.

To compensate for facility water use, another participant suggested protecting the land adjacent to the springs by buying recharge water or developing a water educational center as a mitigation measure to the facility's water outtake and use.

Invasive Species

Several participants expressed concern regarding invasive species, specifically scotch broom, on the proposed project site. There was a request to remove and eradicate scotch broom onsite and along the bank of the Squaw Valley Creek.

Proposed Project

There was discussion to clarify the proposed project's amount of flow withdrawal. One participant asked if Nestlé Waters had authorization to withdraw a percentage of the spring flow or if they were allowed a specific amount of withdrawal each year. Mr. Palais stated that Nestlé Waters has indicated to the McCloud Community Services District that it could operate its proposed water bottling plant with 600 acre-feet of spring water annually and not to exceed 600 gallons per minute of total water usage. The contract could define withdrawal protocols during low flow periods.

Project Alternatives

One participant suggested that no development occur on the proposed project site to avoid water resource and withdrawal impacts on the community and the state.

Meeting Process and Topics

Participants provided feedback regarding the public forum meeting process and topics. A meeting participant suggested that future meetings be held on weekends to provide an opportunity for all McCloud Community Services District ratepayers to participate in the public forum process. One participant suggested a weekend meeting and a weekday start time of 7 p.m., so that future meetings avoid the dinner hour to enable the attendance of more community members. There was also a suggestion to send meeting notices to absentee owners to promote future public forums.

Future public forum topics were suggested by participants. Requested Nestlé Waters public forum meeting topics included: additional education and discussion study opportunities, legal issues and pending lawsuits, employment, trust development between McCloud and Nestlé Waters, and an adaptive management program. One participant suggested company and citizen attorney attendance, as well as company

and citizen group representatives, at the legal issues topic meeting to ensure transparency in lawsuit explanations.

One participant suggested that future public forums focus strictly on the meeting topic.

Other Comments

One participant requested that Mr. O'Rourke, National Director of Natural Resources with Nestlé Waters, speak more during public forums.

The division among McCloud community members regarding the proposed project was of concern to one forum participant who asked why the proposed water bottling facility has divided the community. The participant went on to ask if there are issues, in addition to public forum presentations, that the community should consider.

Several participants requested their questions from the February 18th Public Forum, documented and provided on the website, be addressed by Nestlé Waters. Mr. Palais stated that a document addressing all of the questions raised during the February 18th Public Forum would be posted on the project's web site by the end of that week.

The development of a Citizen Committee to go through a process similar to the Protect Our Waters Coalition water-based study development process was suggested. The Citizen Committee would work with Nestlé Waters to develop "broadly conceived scientific studies" including components such as socio-economics, transportation, air quality, and noise. These studies could be conducted by an independent research team and include consideration of baseline assessment, long-term monitoring, and adaptive management.

Request for Additional Information and Next Steps

A number of meeting participants requested additional actions including:

- o Providing more information on lawsuits involving Nestlé Waters
- o Providing the data from watershed and habitat studies conducted for the original EIR
- o Addressing the February 18th Public Forum comments and questions
- o Holding future public forums be held on weekends
- o Holding future public forum on topics requested by the participants

Nestlé Waters agreed to make the previous watershed and habitat report data available to the public. One participant asked how the community would use this data and information.

IV. Closing Remarks and Next Steps

Dave Palais made closing remarks and thanked all of the participants for coming. Joan Chaplick noted that MIG will summarize the results from this public forum and provide a transcription of all the comments received through the comment cards. The meeting summary will be available on the Nestlé Waters project website. Participants were reminded to turn in their comment cards as the end of the meeting or mail or fax them

to MIG's office by June 16th. Next meeting's topic will be determined and the meeting will be held in approximately three months.

Attachment 1. Comment Card Responses

These comments were received in writing at the end of the meeting, by mail or fax to MIG and by e-mail.

Comment 1

- Nestle – tell us why your presence in McCloud has so bitterly divided the community of McCloud, and why your presence in other communities has also caused division. Are there issues larger than your presentation we should be considering?

Comment 2

- Will Nestle take action to remove and eradicate the invasive species Scotch Broom from their property in McCloud, which has infested heavily the 250 acres including the bank of Squaw Valley Creek? Time is of the essence!

Comment 3

- Meetings need to be held on weekends and notices to absentee owners have not been sent out. Over a third of our local CSD ratepayers are being left out of these processes, and that needs to be corrected at once if these meetings are to be at all meaningful.

Comment 4

- I want to emphasize the need to eliminate the Scotch plants at the Mill. They are growing at a dangerous speed.

Comment 5

- Let Brendan talk more.

Comment 6

- If people are worried about 600 acre feet per year affecting California and seriously impacting the drought and farmers than they should be protesting – fighting – blocking ANY new or proposed developments. For example further Shreder or Hurdy work and the Abbott project. It's ironic that Debra Anderson, Brian Stewart and others including the McCloud Building and Land Preservation non-profit want to develop the mill site for a micro-brewery and housing (which would be at least 600') but not allow Nestlé. Just another ploy to get the land for themselves.

Comment 7

- I was disappointed that the facilitator allowed other topics and spent so much time on one side of the room.

Comment 8

- Thank you for considering my comments regarding the June 2 meeting. I was thoroughly impressed with the contractor's presentation. It was a well planned monitoring project with oversight from the oversight panel of professionals. It is obvious to me that this is a well thought out scientific study. The information

gathered will help with development plans for the Nestlé project. This professional approach left the anti-development individuals with little to say except “why didn’t you do this 3 years ago.” Keep up the good work! P.S. MIG is doing a great job.

Comment 9

- I feel the meetings need to be on the weekend at 7PM. By having the meetings on weekdays, and during dinner hour, prevents over 34% of the home owners from attending.

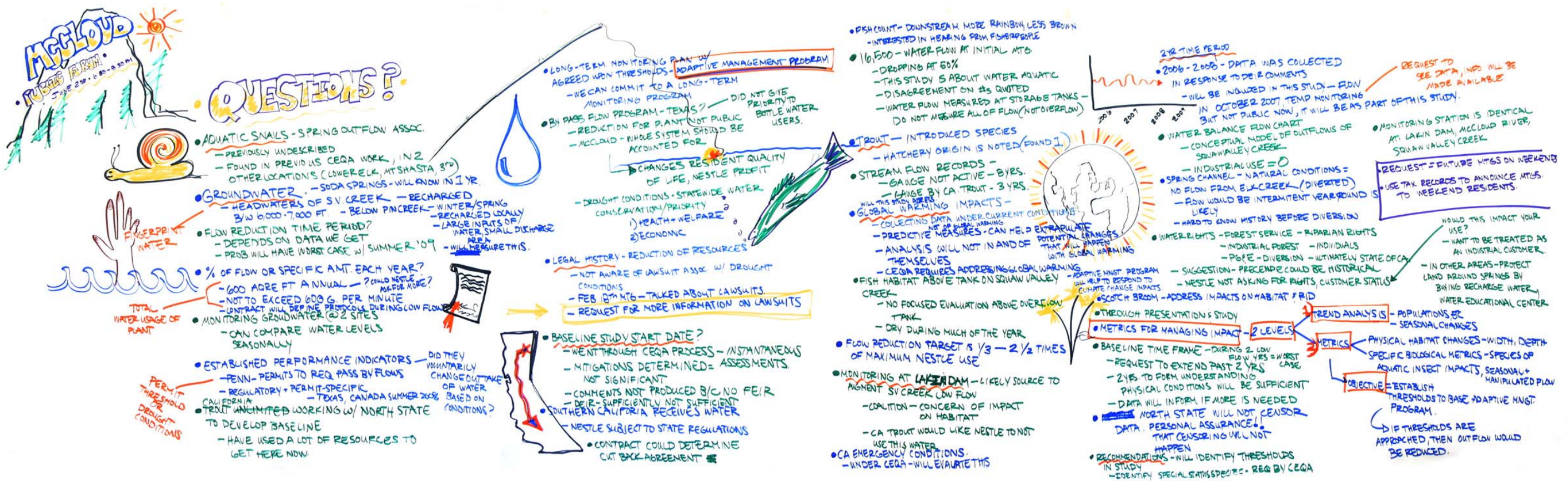
Comment 10

- The title of the last meeting "McCloud Public Forum" was not correct. These meetings are a Nestlé Public Forum. They have not involved the community in any way, except attend and listen to the Nestlé program. If you want to have another meeting, try asking the community what they want to hear: more information on studies, trust issues regarding legal issues, what Nestlé intends to offer this time, truth regarding "the jobs."

Comment 11

- In reading through the Answers To Questions Raised At Public Forum Held On February 18, 2009 I see that Nestlé is willing to explore the issue of Trust at a forum. I also reviewed my comment from the last meeting in February and see that it is all still valid, i.e. it all still needs to be addressed. For the next meeting (or multiple meetings may be needed) I think it would be good to address Trust—both in the context of the last 5 years in McCloud (subpoena of citizens, the \$2500 donation to ‘pro-Nestlé’ candidates, etc.), and to really get at the issues in Napa, Fryeburg, Wells, and Mecosta, MI as representative examples. Clearly there are two sides of the story: Nestlé’s, and the citizens from the communities. I think McCloud has the right to hear both sides of the story, with as much fact as possible, by bringing the players to McCloud for the Forum. This would mean that Nestlé’s attorneys and the Citizen attorneys would both be there, as well as the Nestlé Resource Manager and a representative of the associated citizen group would be in person, in McCloud, to provide the facts of the story so McCloud can judge for themselves about the information presented. In Napa a gentlemen is seeing significant impacts on the stream and fish. Nestlé’s response is that there isn’t. What is the full story? This brings me to my second topic, which could also fall under a Trust category, and that is adaptive management. In Napa, if there are stream and fish impacts, why isn’t Nestlé changing operations? I am greatly concerned about Mr. O’Rourke’s comment to Mr. Knight of California Trout that “we clearly have different ideas of adaptive management”. I think a full meeting needs to be dedicated to adaptive management—it is the critical component. If thresholds of impact are crossed, how can McCloud trust Nestlé to change its operations? Also, once we have scientific information, how will the community use it to make decisions? Ultimately the information is political. Then, as far as my comments on the February meeting, what I get from Nestlé’s ‘answers’ is that they don’t have long-term monitoring data on other plants. This is a new thing for them. They have water quality data, but not flow data or biological data—they’ve never had to take that data before. And, that they’ve never actually had to use less water at a plant. In Pennsylvania, where there are ‘pass by flows’, they simply got the water from another spring source in the area.

So clearly Nestlé doesn't have experience with adaptive management. Another thing from my February comments that has not been addressed is this: The meeting should also include the development of Citizen Committees to go through a similar process as the one Protect Our Waters Coalition went through with Nestlé to develop the water based studies, to develop study processes for Broadly Conceived Scientific Studies – The discussion should explore a protocol for addressing necessary scientific studies as broadly conceived and including but not limited to components such as socio-economics, transportation, air quality, and noise. All studies would be designed by an independent research team convened by the Citizens committees and Nestlé and include consideration of factors such as: a. Baseline Assessment; b. Long-term Monitoring; c. Adaptive Management. To summarize, I think the next forums should be on Trust issues—local, nation wide and adaptive management. I think the development of citizen committees to develop further broadly conceived science studies is important. Thank you for including my comment.



MCCLLOUD PUBLIC FORUM

June 2, 2009

Prepared By:

