

Two Rivers Tribune Guest Editorial of March 28, 2010

More Ethical Problems with Klamath Dam Removal Process than Press Releases

By Pat Higgins

Thanks to the Two Rivers Tribune for the excellent article on the ethics scandal related to the government dam removal process (Whistle-Blower Says DOI Employees Spun Science on Klamath Dam Removal). The dismissal of Scientific Integrity Officer Dr. Paul Houser by the Bureau of Reclamation (BOR) for trying to keep them honest is truly ironic but not a surprise to someone who has tracked the Klamath dam removal process closely. While Dr. Houser may be restricting his concerns to whether the Department of Interior (DOI) press releases reflected scientific findings, in fact the ethics problems and abuse of science goes much deeper than that.

Your article is correct in its assertion that government staff ended up as promoters of the Klamath Hydropower Settlement Agreement (KHSAs) and its companion Klamath Basin Restoration Agreement (KBRA) because of the Secretary of Interior's strong pronouncement of support. Environmental documents produced by the government provided no alternatives to the KBRA, such as ecological restoration, which is illegal under the National Environmental Policy Act (NEPA). NEPA requires the government to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." In stead of analyzing controversial aspects of the KBRA, the government claimed that actions under the KBRA were not yet defined. The real reason the actions of the KBRA were not analyzed is because they couldn't be scientifically justified.

The best scientific reports related to the Klamath dam removal process were those produced by Expert Panels for Chinook Salmon and for Steelhead and Coho Salmon, which were composed of some of the foremost authorities on salmon restoration. The questions raised by these experts are not even broached in the government documents. DOI selected the same quote as representative of the Chinook Expert Panel in all documents and presentations: "The Proposed Action appears to be a major step forward in conserving Chinook compared with decades of vigorous disagreements, obvious fish passage barriers, and continued ecological degradation."

Actually the Chinook Expert Panel stated that lack of effective KBRA nutrient reduction in the Upper Klamath Basin would cause the Keno Reservoir reach to remain an anoxic dead-zone for weeks a year. With regard to sufficiency of pollution reduction of the KBRA they stated that "The Panel is nevertheless very concerned that the magnitude of the proposed solutions may not match the scope and extent of the water quality problem.... Without solving the water quality problems, a fully self-sustaining run of fall Chinook salmon to the upper basin is unlikely."

The Steelhead and Coho Expert Panel also expressed concern that lower Klamath River algae blooms would continue after dam removal, creating stressful conditions for

salmonid juveniles: “Thus, it would be premature to conclude that any problems caused by these blooms, including low dissolved oxygen, will be substantially reduced by KBRA.”

The recently released dam removal Overview report is another example of out of control spin. It blatantly mischaracterizes Federal Energy Regulatory Commission (FERC) findings stating that “FERC (2007) concluded that dam removal would enhance water quality and reduce the cumulative water quality and habitat effects that contribute to disease-induced salmon die-offs in the Klamath River downstream of Iron Gate Dam.” In reality, the FERC final Environmental Impact Statement on dam relicensing asserts that acute fish disease problems would likely continue after dam removal and that only the location of where the concentration of fish diseases organisms occur would change.

Lost River and shortnose suckers are the canaries in the Upper Klamath coal mine and the Overview report makes the following claim: “KBRA implementation would provide greater promise for preventing extinction of these species, and for increasing overall population abundance and productivity, than would occur if the dams were left place and KBRA was not implemented.” Only three populations of these fish remain: Tule Lake, Upper Klamath Lake and Clear Lake in the upper Lost River.

On April 22, 2010, less than 90 days after the KBRA was signed, the U.S. Fish and Wildlife Service (USFWS) issued a revised Biological Opinion for Klamath Project operation allowing BOR to drop Tule Lake to where it would no longer support suckers and allowing their removal. Although federal agencies are not bound by the KBRA without authorizing legislation, no other reason but adherence to the KBRA seems to explain USFWS complicity. The agency abdicating its responsibility to protect endangered suckers raises moral questions of the highest order.

The reason that Klamath River water quality problems cannot be solved by the KBRA is that not enough of the marsh and lakes of the Upper Basin would be restored so that the natural water storage and water purification capacity of the ecosystem can be rebuilt. Dam decommissioning can be achieved through the FERC relicensing process instead of the KHSA. If the Klamath River is ultimately to be saved, the KBRA must be abandoned for legislation taking an ecological restoration approach similar to the Everglades, which is the only scientifically valid approach.

Patrick Higgins is a consulting fisheries biologist who has been assisting the Resighini Rancheria with response to the government’s Klamath dam removal process.