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Klamath Basin water resources: Merkley's proposal unscientific and unsustainable

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Guest Columnist

By

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WaterWatch of Oregon supports Klamath River dam removal and has worked for years to find a sustainable way forward in the Klamath Basin.

Like other prominent environmental groups and the Hoopa Valley Tribe, we oppose many elements of the Klamath Basin Restoration Agreement and the implementing legislation proposed by Sen. Jeff Merkley as unscientific, unsustainable and bad for taxpayers. We believe the basin's invaluable natural resources and communities deserve better.

Contrary to what **The Oregonian's Dec. 2 editorial "On the Klamath, a ship is sailing"** asserts, the federal legislation would harm, not help, waterfowl by closing off the best opportunities for National Wildlife Refuge habitat improvement and turn over public refuge lands to private agricultural operations damaging to wildlife.

Of critical importance, the bill tramples on some Native American treaty rights while failing to address the fundamental problem in the Klamath: competition for limited water.

The editorial asserts that "if Merkley's bill goes nowhere, the water will run short again and again, the fish will go belly up and the lawsuits will fly."

But let's be clear about the specifics of this legislation: Merkley's bill contains no minimum flows for fish or the river. Though the restoration agreement attempts to guarantee specific quantities of water for the Klamath Irrigation Project, it fails to provide guaranteed minimum survival flows for fish or permanently reduce the demand for irrigation water to allow river flows consistent with science, tribal trust responsibility and Endangered Species Act requirements.

Indeed, analysis by restoration agreement proponents shows that these irrigation water guarantees would regularly cause stream flows to violate bare minimum scientific and legal standards, placing fish populations at significant risk.

A drought plan is proposed to address this shortcoming. However, the drought plan, revealed after years of secrecy, is little more than an agreement among certain parties to meet when and if there is a drought to discuss what might be done. This illusory plan is exactly the type of toothless gesture that federal courts have routinely struck down as

insufficient to protect imperiled fish -- including on the Klamath River.

Merkley's legislation would subsidize more groundwater use in the Klamath Basin. This robs Peter to pay Paul. Why? As the U.S. Geological Survey and the state of Oregon have found, groundwater and surface water are essentially one resource in the Klamath. A taxpayer-subsidized shift from surface water to groundwater is neither fiscally nor environmentally sustainable.

Unfortunately, because the restoration agreement requires congressional passage of expensive and controversial policies that favor narrow special interests before dam removal can begin, it will likely delay much-needed Klamath River restoration for years.

Providing Klamath River stream flows to meet long-term recovery needs for salmon and other fish will require reduced water use in the basin and better water management. Achieving these flows will also require establishing concrete minimum flow assurances, assurances that are nowhere in the restoration agreement or Merkley's legislation.

If Merkley would like taxpayers to spend nearly \$1 billion on this proposal, he should ensure that it offers a sustainable and durable solution to the Klamath's water woes. Only then will we have any real hope of achieving peace on the Klamath River and a vibrant future for the region's many communities.

John DeVoe is executive director of WaterWatch of Oregon.

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