

Wally Herger: Where I stand on the Klamath dams

Staff Reports

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I have always been — and continue to be — a fervent supporter of dams. I believe we need more dams, not fewer. They are invaluable because of their many benefits, including as a source of abundant and cheap electricity, protection from flooding, and recreational opportunities (including the economic benefits they create) for local communities. Unfortunately, decades of increasing environmental regulation have created skyrocketing costs and potential liabilities for existing dam owners. It's a problem we are seeing play out across the West and indeed right here in our own backyard as four dams on the Klamath River are currently being considered for removal because the environmental costs and risks of continued operation have become so high. The debate over these four Klamath River dams has become a big issue in our area. Constituents I have known and worked with for many years are sharply divided on it.

Farmers in Tulelake in Siskiyou County have been fighting regulatory battles like these for years. Indeed, in 2001 their area was ground zero for a national battle over the inflexible Endangered Species Act (ESA), as farmers there had all of their irrigation water abruptly shut off in a decision that was later determined to be not justified by science. It is these same farmers who have been working to take the best advantage of a settlement agreement that they fervently hope will provide them the regulatory certainty they need to survive. They are hardly cheerleaders for dam removal. But they have concluded that giving up certain dams that create hydropower but do not store agricultural water is a trade-off they are willing to make in exchange for what they hope will stop the endless regulatory and court battles over their water supplies. If I were in their position, I would be advocating for the same settlement agreement to have a more secure economic future.

There is a wider community sentiment that strongly opposes dam removal. This was reflected in a lopsided but legally nonbinding referendum. This emotionally charged issue is further complicated by the fact that, at its core, dam removal in this case involves a private property right. PacifiCorp, the owner of the dams, has reluctantly made a tentative business decision to remove its dams. The company indicated to me that it did not reach this decision lightly. But, to be blunt, the company had a regulatory gun pointed at its head.

It is not that the dams are structurally deficient; the problem is that they cannot meet current state and federal laws and regulations. As PacifiCorp moved through the relicensing process, it realized it would be required to spend hundreds of millions of

dollars for fish ladders and other mitigation, and yet it was still unclear whether it would receive a vital permit required under the Clean Water Act. Faced with this prospect, PacifiCorp decided to cut its losses. (The negotiated settlement allows the company to cap its costs at \$200 million. Seeking to relicense the dams would far more than double that cost, which, under current law, would be passed on to ratepayers.)

That said, dam removal is by no means a "done deal." The "Agreement in Principle" requires a \$250 million contribution from the state of California. Given the acute fiscal crisis facing California, such funding is by no means assured.

Furthermore, the Klamath River Expert Panel (a scientific "peer review" panel convened by the Department of Interior) recently concluded that current studies are deficient in addressing a host of subjects. A June story in the Los Angeles Times was headlined: "Scientists find holes in Klamath River dam removal plan." The opening sentence bluntly noted, "A \$1.4 billion project to remove four hydroelectric dams and restore habitat to return Chinook salmon to the upper reaches of the Klamath River amounts to an experiment with no guarantee of success, an independent science review has concluded."

Bear in mind that the Department of Interior asked for this review. I contacted Interior Secretary Ken Salazar in late August and asked him to respond to the Expert Panel's scathing criticisms, but I have still received no reply. Before the secretary renders a decision on dam removal, and before the Congress is asked to expend roughly a billion dollars to implement a "restoration" program, it might be a good idea to make sure that the plan will not be a colossal failure.

If the science does not justify the proposal to remove the dams, or if the cost/benefit ratio is so out of kilter that it does not pass the straight-face test, then PacifiCorp should be owed the opportunity to seek a new license that contains reasonable and affordable conditions. But the bottom line is we must continue working to reform the environmental laws that are making life so difficult and costly for farmers and energy producers alike.

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