

Time for Different Direction on Klamath Dam Removal

By Donald McCovey

This guest editorial is on behalf of the Tribal Council of the Resighini Rancheria. We are a small federally recognized tribe with a reservation at the top of the Klamath River estuary. We are of Yurok ancestry and our people have fished the Klamath River since time immemorial and we remain dependent on the bounty of the river both for our sustenance and our spiritual well being. The Resighini Rancheria favors decommissioning of four Klamath Hydroelectric Project (KHP) dams as soon as possible but strongly opposes the implementation of the Klamath Basin Restoration Agreement (KBRA) that is part of the government dam removal process.

Our tribal government was denied participation in the Klamath Settlement talks, but we have studied the issues while participating in review of government dam removal environmental documents. We have come to the conclusion that our treaty rights and the government's trust responsibility should not be changed for the next 50 years to favor politically powerful farm interests as part of dam removal. Also, dam owner PacifiCorp should be made to remove its polluting dams sooner than 2020 and replace their power generating capacity at the expense of their rate-payers, not at the expense of the citizens of California.

The Indian people of the Klamath River Basin share a Harmony-based culture where all living creatures are part of a living river system. The Upper Klamath ecosystem historically provided clean water for the lower Klamath River before the Klamath Project reduced lakes and wetlands by 80%. By preventing recovery of the marshes and shallow lakes of the Upper Klamath Basin, the Klamath Settlement will block the recovery of water quality as well as the endangered sucker fish and dozens of bird species dependent on the Tule Lake and Lower Klamath National Wildlife Refuges. Harmony would not be restored by a government dam removal process that includes the KBRA.

When we asked in government to government meetings that the effects of the KBRA be scientifically analyzed, government representatives said that its effects were unknown and yet to be determined. In fact the KBRA and its effects are already being felt. In January 2012 the U.S. Bureau of Reclamation turned off the water to the refuges and in March 2012, dead ducks started falling from the sky. Lower Klamath River flows were drawn down from October 2011 through February 2012 to levels that violated the coho salmon Biological Opinion for Klamath Project operation. We also note that flows further from the normal historic range and posed risk of increasing problems with algae blooms that are known to be a major factor in salmon disease epidemics. In April of 2010, the U.S. Fish and Wildlife Service allowed the Bureau to draw down Tule Lake to where it wouldn't support Lost River and shortnose suckers for the first time since time immemorial, and to truck capture the fish and transport them to Upper Klamath Lake. We have asked Secretary of Interior Salazar to explain why these agencies are not upholding the Endangered Species Act, but he has not responded.

The federal authorizing legislation for dam removal by the government is stalled and likely dead. California is not even posturing as if it will come up with the \$250 million for dam removal under the Klamath Settlement. The Resighini Rancheria agrees with the Hoopa Tribe that dam removal through the Federal Energy Regulatory Commission (FERC) relicensing process will be the quickest path to decommissioning. Although FERC staff recommended dam retention for power generation, the requirement by the National Marine Fisheries Service for fish ladders that cost \$240 million will render the project uneconomic. This forces dam decommissioning at PacifiCorp's expense and would involve a simple Settlement not involving water rights or tribal trust, similar to the one the company recently signed to facilitate the Condit Dam in Washington State.

The California State Water Resources Control Board also has the ability to block relicensing of the KHP because the reservoirs within the project create thermal, nutrient and toxic algae pollution. Interim measures that PacifiCorp is following until 2020 under the Klamath Settlement do not lessen these conditions, so we will be calling on the Water Board at their July 17 meeting to do their job and re-activate their 401 Certification authority recognized in both the Clean Water Act and Federal Power Act. The Resighini Rancheria hopes that citizens of the North Coast will make their voices heard to force dam removal through FERC and help work for Klamath River ecological restoration legislation similar to that planned for the Everglades.

See www.KlamathER.org for more information.

Donald McCovey is the Chairman of the Resighini Rancheria Tribal Council.