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## **Klamath River Tribes Support Klamath Basin Restoration Agreement**

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The Klamath Basin has been the home of one of the West's most infamous water disputes for more than a century. It's a sad yet classic American tale of colonialists driving native populations from the land, denying opportunities to practice cultural traditions, harvest traditional foods such as salmon, and a string of broken promises. However, when the Klamath's rural communities hit rock bottom in the drought of 2001-02, enough public attention was focused on the bitter fight between Tribes and irrigators that an opportunity to improve fisheries and forward the right to Tribal self-determination emerged.

In 2001, in the midst of a terrible drought, irrigation water to Bureau of Reclamation's 225,000 acre Klamath Project was curtailed to protect ESA listed salmon and suckers which serve as cornerstones of local tribal cultures. The consequences were that many irrigators went bankrupt and the community rallied to put pressure on the Bush Administration to make amends. In 2002, with the Basin still in a drought, the Bush Administration decided to deliver water for irrigation resulting in the largest salmon kill in US history.

Everyone's first reaction to the federal actions during the drought was to litigate. However, the courts did little to resolve the issue. Then the license to operate the Klamath River dams expired. The dams, owned by American business tycoon Warren Buffet's PacifiCorp, do not divert water to the Bureau's irrigation project, but have dramatic effects on fish health and water quality. Thus, from the Tribes' perspective, there were two problems to solve: 1) develop an irrigation plan for the Bureau's project that left enough water in the river to recover struggling fisheries and 2) remove four large hydroelectric dams.

To the credit of leaders from both Tribal and ranching communities, there was an honest commitment to meet face to face over the course of several years to hammer out a compromise. For the Tribes the message was clear: you can stay and farm but you must use less water and support removal of the dams. For the irrigators' part, they were willing to accept the Tribes'

demands if the Tribes' agreed to discontinue ongoing litigation to further curtail irrigation diversions.

The decisions to enter into these Agreements were not taken lightly. The Karuk, Yurok, and Klamath Tribes invested heavily in technical analyses to develop a basin wide restoration plan, an approach to safely executing largest dam removal in history, and a flow plan to restore the fishery. This plan goes above and beyond the current environmental safeguards provided by the Endangered Species Act and the Clean Water Act which will remain in effect.

After over 8,000 pages of peer reviewed scientific analysis and thousands of public comments were considered, the Department of Interior, in collaboration with Karuk, Yurok, and Klamath Tribes released an Environmental Impact Statement in 2011 recommending removal of dams and implementation of the Klamath Agreements.

Despite widespread support for the Agreements from Klamath River Tribes, local irrigation districts, the dam owner, and a host of fishing and conservation groups, opposition still exists. Most of the opposition comes from classic anti-Indian right wing hate groups and rural counties with a long history of opposing Tribal rights. However, the Hoopa Tribe has also emerged as an opponent as detailed in ICT's June 1 coverage of the introduction of legislation to implement the Klamath Agreements by Senators Wyden, Merkley, Feinstein, and Boxer.

The Hoopa Reservation is centered on the Trinity River, the Klamath's largest tributary. Hoopa contends that the Agreements serve to 'terminate' tribal water and fishing rights and provide irrigators a superior water right that does not currently exist. Neither of these claims are true. No new water rights were granted and no existing water or fishing rights are terminated by these Agreements. Furthermore, Hoopa's claims that the flow and restoration plan detailed in the Agreements will not serve to restore fisheries and water quality are not backed up by any scientific analysis – in fact they are contradicted by scores of studies and reports by federal, university, private and tribal scientists.

So why would the Hoopa Tribe make such dramatic claims and use such provocative terms as 'termination?' It may simply be that Hoopa genuinely believes that we could achieve greater results by litigating our way to a solution. However, as demonstrated by Hoopa's settling of their lawsuit against DOI for a breach of Tribal Trust after the 2002 fish kill for a mere copy million, justice for Tribes is rarely served by federal courts.

Hoopa may also be concerned that the cost of implementing the Klamath Agreements, nearly \$500 million in new federal spending over 15 years, could affect funding for their restoration efforts on the Trinity. We note that Tribes party to the Agreements are just as enthusiastic about Klamath River restoration as we are for Trinity River restoration – we need the entire Klamath Basin to be healthy for our fisheries to thrive.

We urge everyone with something at stake in the Klamath to consider the Klamath Agreements and what they achieve: the largest dam removal in history, the largest river restoration effort in history, and an opportunity for Klamath River Tribes to take the lead in restoring the watershed our ancestors have entrusted us with. We cannot wait for another opportunity to come along to

resolve the Klamath Crisis, if we don't seize this moment, we are likely to witness the disappearance of our salmon runs and an irreplaceable loss to our cultures.

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