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Agencies sign dam removal agreements

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Congress

—Signing comes despite local opposition

Federal agencies, California, Oregon, and a corporation owned by Warren Buffet bucked local opposition last Wednesday when they signed two agreements aimed at removing four major dams along the Klamath River. According to local opponents, the finalization of the agreements was premature and excluded input from the public and affected stakeholders.

The Counties of Klamath and Siskiyou (the home of the dams) and local water-use groups such as the Klamath Irrigation District and Siskiyou Water Users Association are saying that PacifiCorp—Buffet’s company, which owns the dams—teamed up with the agencies, Native American tribes, and environmental groups to push for dam removal. According to Siskiyou County Supervisor Ray Haupt, the removals are expected to cost \$550 million, all funded by ratepayers and the public; result in a major tax break for PacifiCorp; and leave the company liability-free.

“All while offing PacifiCorp’s liability and operational costs on the very public who is most negatively affected by dam removal,” Haupt added when speaking to *WLJ*.

In a prepared statement Wednesday, U.S. Department of the Interior (DOI) Secretary Sally Jewell called the two agreements a “shared vision” that is “an important initial step” toward “longterm restoration and sustainability for tribes, fisheries, and agriculture and water users across the Klamath Basin.”

But while Jewell’s statement sounds promising for all stakeholders, local voices are making clear that the “shared vision” of dam removal is not universal, and that the agreements as drafted may not ensure either restoration of the river or sustainability of water use on the Klamath.

According to Lawrence Kogan, attorney for the Klamath Irrigation District, his client was “stonewalled” from participating in the drafting of either of the freshly signed agreements. Kogan says this was a clear violation of procedure, since the district is an original signatory to one of them, the Klamath Hydroelectric Settlement Agreement (KHSAs).

KHSAs started out as a water allocation agreement that required congressional approval. But several officials from the federal and state agencies and PacifiCorp have since been quietly making edits, so that the KHSAs now contains a plan to remove the four dams without congressional approval. Kogan pointed out that the district has not been allowed to participate in those edits, or even have adequate time to read drafts. He notified the agencies that this violation of process places the district in a position to litigate the agreement.

The second agreement finalized Wednesday was, until recently, a mystery document, Kogan said. The Klamath Power and Facilities Agreement (KPFA), he said, was produced “entirely behind closed doors.” He said the agreement “guarantees fish and aboriginal tribal water right priorities at the expense of irrigator water rights,” while at the same time making “weak promises” to irrigators that they will not be harmed by Endangered Species Act regulations in the event that the dam removals result in federally-protected fish migrating into new areas.

Supervisor Haupt agreed with Kogan that the KPFA’s promises of protections for irrigators can’t be upheld.

“This agreement makes no water guarantees to farmers,” Haupt told *WLJ*. “Nor can it stop outside environmental groups from suing farmers when the ‘threatened’ Coho salmon doesn’t have enough water in the Upper Basin. And that scenario is likely, given that the historical evidence shows that the Upper Basin was never good Coho habitat in the first place.”

He added that new Clean Water Act regulations would undoubtedly come into play should the dams be removed. Currently, the dams catch and collect toxins— both naturally occurring and those added by agriculture and other uses—preventing them from entering California from Oregon.

Despite the agreements’ weaknesses, however, PacifiCorp and the agencies are finding ways to either “bribe or coerce” parties into supporting them, Kogan told *WLJ*. For example, he said, when Oregon granted the Native American tribes on the Klamath senior water rights “from time immemorial,” it forced irrigators to negotiate with the tribes, who are pushing for dam removal. In another example, the U.S. Bureau of Reclamation (BOR) is forcing the Klamath Irrigation

District to make repairs to a large irrigation canal, the “C Canal Flume,” and to accept an unwieldy BOR financing agreement. Negotiations seem to be contingent on the district’s support for the KHSA and dam removal, Kogan said.

“It all came clear when Senators [Ron] Wyden [D- OR] and [Jeff] Merkley [D- OR] introduced their legislation that links it all together: support for the KHSA; funding for the C Canal Flume; and recognition of tribal water rights,” Kogan told *WLJ*. “They want to make dam removal and continued farming in the basin a package deal.”

More opposition and danger

Other local bodies are complaining of being left out of the agreement drafting process as well. Last Tuesday, the Siskiyou County Board of Supervisors issued a letter to DOI and California Governor Jerry Brown stating they had “just learned” that a small group of stakeholders intended to sign a new agreement (the KPFA) on Wednesday.

“The sheer fact that Siskiyou County is home to 68 percent of the Klamath River frontage tells you our well-documented local concerns should have been included in the planning process,” Haupt told *WLJ*. “But they were not.”

WLJ spoke with Haupt about the expected economic and environmental effects of dam removal in his county. He said the dams provide enough power for 70,000 houses per year—a significant number in rural northern California and southern Oregon. Dam removal is expected to cause regional energy rates to skyrocket. Siskiyou County also expects several million in annual economic losses; Klamath County estimates around \$0.5 million in losses.

The predicted environmental damage is perhaps most striking. While Brown said last Wednesday that signing the agreements was an act of “healing this river,” Haupt said the government’s own analysis predicts the opposite. He referenced a biological assessment prepared in 2010 by the federal agencies themselves, which reveals that the four dams’ removal method will result in “complete sterilization of all aquatic life for a minimum of two years” in the Klamath River, due to the roughly 20 million cubic yards of sediment that will be flushed into the river. Haupt said the report even admits dam removal will wipe out an entire generation of the federally-listed Coho salmon—the very fish that is being touted as the reason for the dams’ removal. This is a “clear, egregious violation” of the Endangered Species Act, he said.

“The agencies have this information in their hands, and yet they’re forging ahead,” Haupt told *WLJ*.

“Never mind the facts, never mind that 80 percent of the Siskiyou County’s electorate has voted against removing the dams. There are a few powerful players who want this [dam removal]. We fully intend to fight against this environmental and economic abomination put upon the taxpaying ratepayers of Siskiyou County.” — **Theodora Johnson, *WLJ* Correspondent**