

KLAMATH RIVER NEWS

a publication of **KLAMATH RIVERKEEPERS**®

Winter 2012

The Clean Water Act Turns 40!

Take action to re-water the Scott River
2012 toxic algae round-up
Fish kill dodged, for now



“Thanks to the Clean Water Act, it is not only a good idea, but the law, that the Klamath be swimmable and fishable for all.”



Some PFD-wearing river otters out for a swim on the Lower Klamath. Photo by Danielle Katz of Rivers for Change.

FOR A FISHABLE, SWIMMABLE KLAMATH RIVER

LIKE A SALMON, MY WHOLE LIFE has been a meandering trip back to the place I call home: the Klamath River. And it was a job at KRK that finally brought me all the way back. One of the best parts about working for a Waterkeeper organization is that it broadens your perspective of where you call home. Sharing ideas with people working to protect their waters in 20 other countries around the globe gives you the sense that you are not alone in the fight for healthy rivers and oceans. It is with that expanded concept of home that I have decided to take a break from KRK to travel through South America in 2013.

Our highly capable Outreach Director Konrad Fisher will step in as the Executive Director of Klamath Riverkeepers in January. Konrad has fifteen years experience in water policy and the protection of river-dependent communities and four generations of his family have called the basin home. I encourage you to get in touch with him and stay engaged in the campaign for a fishable, swimmable Klamath.

Many of us forget that it was the Clean Water Act - 40 years old in 2012 - that first set down the terms “fishable and swimmable” as legally defensible targets for our nation’s waterways. And though many things may change at KRK (see our Board’s letter below!), we will always base our work on seeking to fulfill this mandate. Thanks to the Clean Water Act, it is not only a good idea, but the law, that the Klamath be swimmable and fishable for all.

As you’ll see in these pages, we’re working hard to defend and enforce the Clean Water Act and other environmental laws on the Klamath. Since the actual nuts and bolts of the Act are determined at the state level, we’ve been lobbying California’s Water Board to “list” the Scott and Shasta Rivers as “impaired” due to lack of water - a key step that will allow us to use the Clean Water Act more effectively to restore these dewatered tributaries for fish.

We also hear from our partners at the Karuk Tribe about the latest on Klamath toxic algae - a pol-

lutant KRK forced the state to regulate through the Clean Water Act in 2008. And now that dam-caused toxic algae annually renders the river unswimmable, the dam removal settlement continues to be a good deal for polluter PacifiCorp, who would otherwise have to face noncompliance with the Clean Water Act during an overdue relicensing of its Klamath dams. Glen Spain of the Pacific Coast Federation of Fishermen’s Association argues that settlement continues to be the best option for a fishable river.

It has been an honor to work along side these great allies, and so many of you to protect and restore the Klamath River. I’m proud of what we’ve accomplished together. Of course, there’s a lot more work to be done - and I hope you will continue to stand with us as we stand with the Clean Water Act.

For the Klamath,
Erica Terence
Executive Director

KLAMATH RIVERKEEPER is now Klamath Riverkeepers. Seems like a small change but picking the right word really is a large matter.

So why the change and why does it matter? Rivers and landscapes are not protected and restored by organizations or individuals, but by communities. This truth has been illustrated for millennia by local Tribes. The tribes historically collaborated to manage fisheries and forests through communal practices such as construction and management of fish weirs and ceremonial burning. Many of these practices are still in place. Non-native land management agencies are slowly realizing that traditional ecological knowledge holds the key to restoring and managing the river and landscape today.

Inherent to these traditional practices is community involvement. For Tribes, land management and stewardship is the responsibility of all members of the community. In today’s Klamath Basin, culturally diverse non-profits and community groups are stepping up to share the hard work of restoration and sustainable land management. Groups like Salmon River Restoration Council and Mid-Klamath

Watershed Council are two great examples.

Today, Klamath basin communities are now more diverse than ever. Native Americans, descendants of the pioneers, hippies, loggers, federal agency officials, environmentalists and more are living in and sharing the remarkable landscapes of the Klamath Basin. We are all learning to appreciate that living in or even visiting this remote and beautiful place comes with an inherent responsibility. We all must do our part to take care of the Klamath Basin. For some that means managing privately owned or reservation land. For others it may mean volunteering with a local watershed restoration group, and for others it’s being an advocate or an activist.

Those of us involved with Klamath Riverkeeper always struggled with the singular nature of the organization’s name. How can any one organization or person claim to be THE Klamath Riverkeeper? This work cannot be done by any one of us, but it can be done by all of us. That’s why, from this day forward, we are the Klamath Riverkeepers. And by “we,” we mean you too!

Keepin’ up with Klamath Riverkeepers...

OUTREACH AROUND THE REGION

We had a great time getting out around the basin this summer, hosting our first Klamath River Paddle Party (see below) on August 11th. The following weekend, we staffed a booth at the Yurok Tribe’s 50th annual Klamath Salmon Festival in Klamath, CA. On August 20th, we returned to the Potato Festival in Merrill, OR to staff a booth in a sea of potato farmers and the people who love them. On October 4th, we schmoozed and strategized with representatives from the outdoor industry at the grand opening of REI in Medford, OR.



KLAMATH RIVER PADDLE PARTY 2012

This August’s Klamath River Paddle Party, organized by Klamath Riverkeepers and partner Rivers for Change, was a tremendous success with a flotilla of 50 Klamath River aficionados floating down a beautiful stretch of the lower Klamath. Nearly 100 folks enjoyed the evening post-paddle party with an extraordinary dinner, music, dancing, and a bar with beer, wine, margaritas and mojitos.

Many of our supporters would like to attend our annual dinners, but they can’t justify the long drive for a one-night gathering – especially in the middle of winter. The weekend-long Paddle Party gave supporters a new way to connect with KRK and other lovers of the Klamath River. After a rafting trip and evening shindig, participants stayed in local campgrounds and lodges on Saturday night, waking up on Sunday to embark on their

MEET KRK THIS WINTER!

Feb 15-17: Winter Wings Festival in Oregon Institute of Technology in Klamath Falls
www.winterwingsfest.org

Feb 28 - March 3: Public Interest Environmental Law Conference at the University of Oregon in Eugene
www.pielc.org



(left) Klamath River supporters prepare to depart for August’s Paddle Party. (above) KRK’s Konrad Fisher caught in the crossfire.

own hiking, rafting, and kayaking adventures.

The inspiration for this event came from Rivers for Change – an organization that partnered with local river conservation programs to complete “source-to-sea” expeditions down 12 California rivers in 12 months in 2012. See more photos and learn about River for Change’s other California river adventures at: www.riversforchange.org

We enjoyed the Paddle Party so much, we want to do it again in 2013! Would you like to visit the beautiful lower Klamath River in far Northwest California, go rafting, and meet others who are working to restore the Klamath? If so, please make sure you’re on our e-mail list and we’ll keep you in the loop. And if you happen to own or work for a rafting company, we’d love to hear from you.

THANK YOU!

Foundations: Environment Now, Bella Vista Foundation, Weeden Foundation, Acorn Foundation, New World Foundation, Norcross Wildlife Foundation, Hundredth Monkey Foundation
Supporters & Volunteers: Klamath River Outfitters, Ken Ratihn, Grant Gilkison, Elizabeth Terzakis, DJ Natty P., Sierra Nevada Brewery, Melinda Stearns, Nancy Doman, Tom Rider, Plants For The People, Jon Grunbaum, Hope Woodward, Karen Gardner, John Palmer, Donald Snow, Joshua Saxon, Debra Becker, Sarah Burstein, Phillip Dietrich, P. Givins, Charles Ceronys, Harriet Beinfield, Crescent Calimpong, Ken Rupnik, Sarah Hugdahl, Charles Kuhn, Aaron David, Dr. Dan Silver, Stephen Most, Gerald Crnich, Scott Johnson, Dan Bacher, Katherine Clark, Jean-nie McKenzie, Wally Watson, Lorraine Hancock, Brian Lavelle, Gary Gripp, Peter Leaf, Mary Seeger, Jerry Martien, Mark Godbey, Victoria Tenbrink, Jerry Chadwick, Mary Cody, Barbara Haley, Mark Schaffner, Barbara Kennedy, Nancy Kampas, Emily Sinkhorn, Rex Richardson, Daniel Buckley, Dara Pearson-Soto, Rose Soto, Troy Fletcher, Mike Belchik, Sammy Gensaw III, John Driscoll, Congressman Mike Thompson, Jeremiah Baumann, Senator Jeff Merkley, Senator Barbara Boxer, Mary Gautreaux, Kaleb Froehlich, Frank Lake, Will Harling, Josh Saxon, Mid Klamath Watershed Council, Carley Whitecrane, Michelle Marta, Sara Aminzadeh, Sean Bothwell, California Coast Keeper Alliance, Jamie Ortiz, Stephanie Spear, EcoWatch, Waterkeeper Alliance, Marc Yaggi, Ippolita DePaola, Pete Nichols, Tom Quinn, John Turner, Mike Gerel, Martin Goebel, Sustainable Northwest, Susan Larmaan, Steve Richardson, Megan Walters, Doug Wheeler, Ray Calamaro, Stephanie Tidwell, Forrest English, Klamath Siskiyou Wildlands Center, Glen Spain, Dave Bitts, Pacific Coast Federation of Fishermen’s Associations, Karuk Tribe, Tom Cannon, Rebekah Sluss, Quartz Valley Tribe, Lawyers for Clean Water, Environmental Advocates, Shakoora Azimi-Gaylon, Linda Sheehan, Earth Law Center, Mark Lovelace, Danielle Katz, Rivers for Change, Edna Watson, Greg Bennett, Yeshi Neumann, Rachel Neumann, Tom Carlson, Jenny Sowerwine, Norma Cummins, Environmental Health Center, Erick Burren, California Clean Water Team, Toz Soto, Crystal Bowman



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Konrad Fisher
Outreach Director
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Mission
Klamath Riverkeepers restores water quality and fisheries throughout the Klamath River and its tributaries, bringing vitality and abundance back to the river and its people.

Waterkeeper Alliance
Klamath Riverkeepers is a local organization affiliated with the international Waterkeeper Alliance. A grassroots advocacy network with over 190 members, Waterkeeper Alliance connects and supports local Waterkeepers to provide a voice for waterways and their communities worldwide.

In California
Panamnik Building
38150 Hwy 96
Orleans, CA 95556
ph/fax: 530.627.3311

Mailing:
PO Box 751
Somes Bar, CA 95568

In Oregon
PO Box 154
Klamath Falls, OR 97601

www.klamathriver.org

Klamath River News is edited by Malena Marvin.

on the cover: An autumn 2012 portrait of the Klamath River just upriver of the Shasta River confluence, near the Interstate 5 Klamath River rest area. Photo by Malena Marvin.

A Fish Kill Dodged... But Only For Now

The ultimate solution remains the Klamath Settlement, says Glen Spain



Glen Spain, Northwest Regional Director at the Pacific Coast Federation of Fishermen's Associations, explains his take on this year's salmon returns and the Klamath Basin Restoration Agreement. Klamath Riverkeepers has been a close ally of PCFFA throughout the campaign to Un-Dam the Klamath, and has partnered with PCFFA on numerous successful legal actions.

A WHOLE LOT OF PEOPLE in the Klamath basin are now breathing a sigh of relief that at least for this year we have avoided - though perhaps just barely - the same kind of tragic salmon fish kill we suffered in 2002.

This year's projections of some 380,000 salmon spawners returning to the Klamath - the largest run in many years - raised alarms by both Tribal and State fish biologists early this spring. So many fish coming in at the same time can mean massive overcrowding that both stresses fish and makes them simultaneously more vulnerable to epidemic spread of disease. Poor water quality and low flows only exacerbate these problems.

In other words, by this last spring it was realized that we were potentially facing precisely the same sorts of conditions that led to the deaths of an estimated 68,000 salmon spawners in 2002 - perhaps the worst adult fish kill in U.S. history. Three years later (in 2006) the loss of so much of the late 2002-early 2003 salmon egg production in turn triggered a massive ocean salmon fisheries closure. This 2006 closure cost coastal ports more than \$100 million in lost fisheries, and required \$60.4 million in Congressional disaster assistance.

Nobody wants a repeat of the 2002 fish kill, nor the consequent 2006 fisheries collapse.

The best way to avoid another such fish kill was to provide more water to help spread out and speed the passage of the incoming September-October fish run to its spawning grounds. But water in the Klamath Basin is always limited. Keeping that much water in reserve through the summer to spend for fish in September-October is no easy feat. It takes agency planning starting many months earlier. This planning started last January, 2012, right after the driest December on record hit all the alarms.

Heading off a potential September fish kill is precisely why emergency efforts were made earlier this year to store as much water in Upper Klamath Lake through the January to March wet months as quickly as possible. This was also why Upper Klamath Basin Irrigation Project irrigators were asked to conserve water throughout the summer. And this is why the Bureau of Reclamation, at the request of the Hoopa Valley Tribe and Humboldt County, also put more water down the Trinity River this fall to help spread out the fish in-migration throughout that major tributary and in the estuary.

Fortunately, all these emergency measures combined have worked. But unfor-

tunately, there is no guarantee they will work next year, or the next. If this had also been an extreme drought year, as the alarmingly dry December seemed to indicate, we would still have been in deep water deficit by September and the incoming salmon runs might not have survived. In short, we got lucky.

But clearly these kinds of ad hoc emergency measures are not sustainable. Ultimately the problems of the Klamath River itself have to be cured. We cannot depend on luck forever.

The real problem is still that when exceptionally good ocean conditions lead to large in-coming salmon runs, those fish are forced to return to a broken and damaged river.

Remember that historically the Klamath produced some 880,000 returning adults salmonids on average each year. But the biological "carrying capacity" of the river to produce new salmon has since been greatly cut back from historic baselines by a combination of impassable dams, reduced flows, loss of habitat and deteriorating water quality. The river is in such bad shape today that relatively large runs like this year's 380,000 fish can simply overwhelm that now greatly limited carrying capacity, and many fish then die before spawning.

The ultimate solution? Fully restore the Klamath River! This means four-dam removal in accordance with the Klamath Hydropower Settlement Agreement (KHSA) by 2020, so that salmon can once again have access to more than 420 stream-miles of now-blocked habitat. The KHSA is the only sure way to make this happen. But it also means implementing the Klamath Basin Restoration Agreement (KBRA) to permanently put up to 230,000 acre-feet per year of water back into the river for salmon, and start the long-term work of major salmon habitat restoration throughout the basin. Only the Klamath Settlement can achieve both.

The scientists tell us that dam removal alone will not be enough to fully recover these salmon runs - the biological carrying capacity of the river itself must also be restored. The full Klamath Settlement will be necessary, they tell us, to nearly double the average size of future Klamath salmon runs and to restore the basin's once abundant salmon economy.

If we fully implement the Klamath Settlement, then in the future when we are fortunate enough to have large incoming runs due to good ocean conditions, those returning salmon will have a healthy river to come home to, and in which to begin their next generation.

“The real problem is still that when exceptionally good ocean conditions lead to large in-coming salmon runs, those fish are forced to return to a broken and damaged river.”

Klamath dam removal update FAQ

Where are we currently at in the dam removal process?

The set of restoration agreements signed in 2010 set forward a process that required an environmental review on the impacts of dam removal, approval from the US Secretary of the Interior, and Congressional legislation before dam removal commences in 2020. The initial round of studies are now complete and a final Environmental Impact Study will be issued soon, and legislation has been introduced in both houses of Congress.

Why does Siskiyou County continue to oppose dam removal even though the economic benefits are in the billions of dollars?

It seems the Siskiyou County Supes are more interested in political pandering than new jobs for Siskiyou County. Official reports place the low end of economic benefits at \$14.1 billion over the next 50 years. The County should be actively working to ensure local businesses are well-poised to benefit from the range of jobs dam removal will provide, from heavy equipment operators in the short term to ecotourism and restoration related jobs in the long term.

What can I do to un-dam the Klamath?

You can contact your representatives in Congress and ask that they support the Klamath Restoration Agreements. Also, sign on as a member of KRRK, and we'll make sure you have the latest info on our dam removal strategy. Send one-click letters to your Congress people at www.KlamathRiver.org.

2020 is too long to wait! Why don't we just scrap the settlement and pursue dam removal through the FERC relicensing process?

As with all dams in the US, PacifiCorp's Klamath dams require a license to operate from the Federal Energy Regulatory Commission. The Klamath dams have expired licenses, which is why PacifiCorp has negotiated a settlement for their removal. Should the settlement fail, PacifiCorp will have to return to relicensing its outdated dams. And while the dams lack of fish passage and Clean Water Act-violating toxic algae pollution would be difficult to relicense, one important truth remains: FERC loves dams, and has never, ever, revoked a dam's license to operate in the US.



Klamath Riverkeepers Executive Director Erica Terence and Klamath River advocate Sammy Gensaw met with Senator Barbara Boxer to talk dam removal this fall.

REJECTED BY THE METRO rail-line ticket machine yet again, I started to growl. Our lack of street savvy must have stood out like a white-knuckled flatlander driving the single-lane Salmon River Road, lead blindly ahead by GPS navigation.

Finally, close to midnight, after persuading the machine to spit out two tickets, we sat on a platform, hoping we were in the right place. "At least we're outside," Sammy Gensaw reminded me in his infinite good humor. I had to agree, and I felt my city stress evaporate into the evening.

If the Klamath teaches you anything, it's how to remain unruffled in the face of the challenging and unexpected. Flat tires, power outages, hungry bears; it's hard to surprise us. This is a lesson Sammy has learned well in his upbringing at the mouth of the river, and it served him well thousands of miles across the country where policies are made.

It was the same grit and stubborn determination that lead us to propose dam removal starting in 2004, and to push the idea from the grassroots to the court room, from legal pressure to the negotiating table, and from a negotiated settlement to remove four Klamath dams in 2020 to the halls of Congress for authorization and funding for the settlement in 2011 and 2012.

After two years of waiting for the political stars to align for passage of the Klamath Basin Economic Restoration Act in Congress, with still no bill movement in sight, we decided we couldn't wait any longer. So Klamath Riverkeepers sent a small delegation to Washington, D.C. in spite of the obstacles in September.

I traveled with 18-year-old Yurok river activist Sammy Gensaw to the nation's capitol to meet with dozens of lawmakers and their staffs about fish, water, and dams in the Klamath River. It was Sammy's first trip to Washington, D.C.

Even though we were there in the last week of this session of Congress with the elections looming, we needed to make our voices heard so our silence isn't taken for complacency. And lawmakers need to hear from real people from the river, not just lobbyists.

We delivered the message to Congressional representatives and staff that the coalition supporting the settlement remains unified and hopeful that the bill can gain momentum in 2013. Support from Oregon Senator Ron Wyden and Oregon Representative Greg Walden are critical to the chances of passing legislation.

-Erica Terence

2012 Klamath toxic algae report

Q and A with scientist Crystal Bowman

While Klamath dam removal remains stalled in Congress, the dams' reservoirs continue to produce dangerous levels of toxic algae in the Klamath. KRRK works closely with the Karuk Tribe to ensure public health warnings of toxic river conditions are well publicized. To bring you the latest news on toxic algae, we spoke with water quality scientist Crystal Bowman, who is the Water Resources Coordinator for the Karuk Tribe, about the Tribe's ongoing toxic algae monitoring efforts.

KRRK: Give us the rundown on toxic algae in the Klamath this year.

Bowman: We first detected algae-caused toxins in the river just below Iron Gate dam near Interstate 5 on August 1st. Levels were low but continued to rise throughout the month of August. By August 29th, levels exceeded public health safety thresholds at this location, and within a week the public safety threat had traveled downriver to Orleans. By September 5th, our results indicated posting was required from the dams all the way to the estuary, a toxic event impacting 189 miles of river and lasting through October 10th.

KRRK: Are these results unusual on the Klamath?

Bowman: We are still waiting for more data results but samples rushed for public safety monitoring indicate that this past summer conditions in the Klamath River differed from trends in previous years in two ways. First, high levels of toxic algae were detected for a longer period of time. Secondly, high levels of toxic algae were detected to the estuary.

KRRK: Tell us more about the Karuk Tribe's toxic algae monitoring program.

Bowman: The Karuk Tribe is part of a Klamath toxic algae monitoring group that covers the entire mainstem Klamath, from Upper Klamath Lake to the estuary. We work with the Yurok Tribe, the US EPA, California's Water Quality Control Board, PacifiCorp, and the Bureau of Reclamation. The Karuk Tribe is responsible for monitoring toxic algae conditions from the outlet of Iron Gate Dam downriver to Orleans near the Salmon River confluence.

KRRK: What should the general public know about toxic algae?

Bowman: The toxic algae species *Microcystis aeruginosa* resembles neon green fish food flakes and, when present in high concentrations, forms a scum or "oil slick" across the surface of the water. It grows well in slow or still warm water with high nutrient concentrations. This species of algae is toxic in its own right, but is especially dangerous because it also produces a powerful toxin called microcystin which has been found to poison the liver and promote tumors. Symptoms of microcystin poisoning include skin rash, eye irritation, nausea, vomiting, diarrhea, mouth ulcers, liver damage, kidney damage, and in extreme cases, liver failure and death. People can be easily exposed by accidentally swallowing some water while swimming or boating, or inhaling the toxin in aerosol form while water skiing. For animals, ingestion generally occurs through drinking the water as well as through licking the algae off the fur once the animal gets out of the water. Exposure is most dangerous for relatively smaller body sizes, as in children and pets.

KRRK: Can you tell us more about how public health warnings for toxic algae work?

Bowman: We are required to post health warnings when sampling results exceed numerical limits set by the state of California for both the algae and its toxic byproducts. Postings occur through the coordination of several agencies, PacifiCorp, and tribes.

KRRK: Is there a way for the general public to track the status of algae toxicity on the river?

Bowman: The latest postings and monitoring results from the Karuk Tribe and our monitoring partners can be found on an interactive map at <http://kcmp.net/blue-green-algae-tracker>.



Blue-green algae spills out of PacifiCorp's reservoirs and spreads into the river below. Toxic algae is a pollutant officially regulated by the Clean Water Act.

Siskiyou County rubberstamps the status quo for Scott Valley irrigators

The groundwater battle is well underway on the Scott River, with the **Scott Valley Groundwater Advisory Committee (SVGAC)** - a consortium of water users - releasing their groundwater plan for the Scott River this November. The "voluntary" plan, which ignores current science on Scott groundwater pumping commissioned by the Karuk Tribe, does not propose any regulations to govern groundwater usage or impacts on stream flow, despite ongoing, total de-watering of endangered fish habitat on the Scott River.

SVGAC chairman and alfalfa irrigator Tom Menne presented the plan to an ecstatic group of **Siskiyou County** Supervisors this November, who were overjoyed to rubber-stamp a document that calls for continued study of the status quo and suggests no action to protect endangered salmon. Menne noted he had trouble using outside resources when crafting the plan, describing comparable plans as "tough to read," and saying he "didn't understand it all." Supervisors praised the plan as "tremendous," "outstanding," and "really very special."

KRK's Konrad Fisher testified that the plan continues the practice of over allocating water and suggested the County consider limiting or discontinuing well drilling permits in Scott Valley.

While local water users and politicians may believe perpetuating the status quo in the Scott Valley will work indefinitely, Klamath Riverkeepers, the Karuk Tribe, and many others are determined to use the Clean Water Act and other powerful



KRK's Erica Terence explains Scott River flow problems to California's Water Board, while KRK Board Member Craig Tucker holds a poster photo of the de-watered stream channel. As the state agency in charge of enforcing the Clean Water Act, the Water Board should act swiftly to implement flow regulations on the beleaguered Scott River.

environmental laws to ensure that justice for fish - and the people who depend on them - is restored on the Scott River.

The Karuk Tribe's Scott River groundwater reports can be found at www.karuk.us/karuk2/departments/natural-resources

The SVGAC's draft plan is on Siskiyou County's website and can be found most easily by googling "Voluntary Groundwater Management & Enhancement Plan for Scott Valley Advisory Committee PDF."

Using the Clean Water Act to re-water the Scott & Shasta

The proposal by KRK and the **Quartz Valley Tribe** to list the Scott and Shasta rivers as flow impaired under Section 303(d) of the Clean Water Act (CWA) has picked up steam in recent months.

In August, KRK teamed up with coalition partners to testify at a **State Water Resources Control Board (SWRCB)** meeting in Sacramento about the urgent need to acknowledge the reality that many riverine habitats in the state are routinely dewatered with little consequence.

The testimony put the issue back on the radar of regulators, who are years behind in reviewing evidence and listing proposals for water body impairments in California. Despite having petitioned for the listing in 2010 on the Scott and Shasta Rivers, the request has seen

little movement since.

KRK and Karuk Tribe Klamath Coordinator Craig Tucker spoke about the importance of expediting listings on the Scott and Shasta Rivers, often considered poster children for flow problems where the last few imperiled coho salmon struggle to survive severe dewatering by agriculture.

Sara Aminzadeh of the California Coast Keepers Alliance reinforced the need for action by the SWRCB on the Scott and Shasta, and described similar flow depletions on the Ventura River to further illustrate the state-wide nature of the crisis.

California Sport Fishing Protection Alliance spokesman **Bill Jennings** addressed myriad Central Valley dewatering issues. He also plead with the SWRCB to use the Clean Water Act to begin remediating the flow impairments there.

"Listing under Section 303(d) is the proverbial first step in admitting the state has a problem. This admission will open the door for action under the Public Trust Doctrine, Reasonable Use Doctrine, Basin Plan implementation plans, and other existing tools to address such impairments," **Earth Law Center** director **Linda Sheehan** pointed out in her testimony.

According to Sheehan, U.S. EPA has compiled nationwide data showing that 50,660 miles of rivers and streams, 548,980 acres of lakes, reservoirs and ponds, 299 square miles of bays and estuaries, and 32,660 acres of wetlands nationwide have already been listed on states' 303(d) lists as impaired by flow alterations. This corresponds to listings for at least 136 water body segments nationwide in the District of Columbia, Idaho, Michigan, Montana, Ohio, Tennessee, Wyoming, and even California.



A de-watered Scott River, photo taken in October 2012 in the mid Scott Valley, where unregulated groundwater pumping occurs from April through October. The Scott Valley was once a key Klamath tributary for fish, functioning as an essential nursery for rearing young salmon and lamprey - critically important species for local tribes.

Only two of those 136 listings are from California so far, however, suggesting that the category of flow impairment is grossly under-utilized here to date.

KRK presses Forest Service to use its fish-saving water right on the Scott

The **Klamath National Forest (KNF)** has rights to the water in the Scott River - rights that have been officially adjudicated to the agency specifically for use in protecting fish and wildlife. So why, when irrigators geared up for their annual dewatering of the Scott this summer, did the Forest Service refuse to use its water right to provide habitat for fish and wildlife? Klamath Riverkeepers is pushing for answers.

Together with our allies, we once again pressed the US Forest Service to use its adjudicated but unmet 30 cfs instream water right in the Scott River this season, after flows there dropped to 10 cfs in early August. We applied increasing pressure on the agency to call on California's State Water Resources Control Board for assistance in enforcement of the right to restore in-stream flows and ensure salmon adequate water for survival. Using an online action alert, we generated more than 1,000 letters from supporters like you to Forest Service officials. After we raised our concerns with KNF Supervisor **Patricia Grantham** repeatedly but saw little action as a result, we took our complaint up the chain to **Region 5 Forester Randy Moore**, **Region 5 Deputy Forester Barney Gyant**, and even **Tom Tidwell**, **USFS Chief**.

KNF Supervisor Grantham has repeatedly pointed out the practical difficulties of enforcing a water right in a junior schedule of the 1980 court-ordered adjudication for the Scott River, and has instead chosen to pursue a "collaborative" approach to the problem with Scott River water users while so far refusing to give KRK a seat at the table. Bottom line: we don't trust the FS and a bunch of irrigators to come up with a solution that works for fish, so we are pushing for a seat at the table. We have also urged the USFS to expand its bargaining power by simultaneously approaching the California's Water Board for aid. According to page 13 of the 1980 adjudication, the Water Board has the authority to re-open and change the USFS water right in the adjudication to ensure that the purpose of that right - protection of fish and wildlife - is being met.

Constant public pressure is beginning to pay off, and Supervisor Grantham and Region 5 Deputy Barney Gyant have indicated that if collaborative talks have not yielded a guarantee of more instream flow for fish by December of 2012, the agency is prepared to take the issue to the Water Board. Join us in increasing the pressure on Klamath National Forest to do their job and protect fish and wildlife.

TAKE ACTION

The days of lawless groundwater pumping in the Scott and Shasta Valleys are numbered - but only if people like you take action. Since we can't count on local water users - or Siskiyou County - to regulate their own, it's way past time our public agencies implemented and enforced laws designed to protect water and fish.

Go to www.FishNeedWater.org to email several public agencies, and clip the letter below, put in a stamped envelope, and send!



FISH NEED WATER!

California State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100
commentletters@waterboards.ca.gov

Dear members of California's State Water Resources Control Board:

Your agency has a unique responsibility to protect water quality and quantity on the Klamath's Scott and Shasta Rivers, and I strongly urge you to take decisive action in this regard. Every year the Scott River is drained dry by excessive water withdrawals, constituting a severe flow impairment that should be on the state's 303(d) list of impaired water bodies. The 2012 season has been particularly troubling, with flows hovering around 10% of the normal rate.

With only 2 of the nation's 136 listed flow impairments from California, it's likely the state is failing its duty to track and regulate this chronic water quality issue.

The SWRCB and cooperating agencies have the responsibility and the power to "re-water" the Scott. Please expedite a Clean Water Act listing of these rivers as impaired by chronic low flows, ensuring our environmental laws can be used as they were intended.

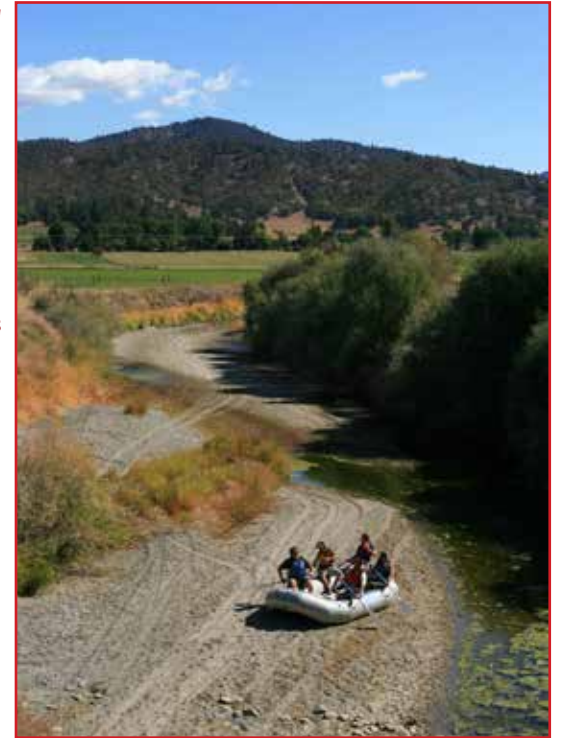
It is also your agency's legal responsibility to hold the Klamath National Forest accountable for making sure their 30 cfs Scott River water right - intended to maintain instream flows for fish - is met. The KNF must obey environmental laws and fulfill its mandate to protect fish and wildlife habitat by using its adjudicated water right.

The Scott and Shasta Rivers were once key fish-producing tributaries on the Klamath, itself the third largest salmon producing river system in the Western US. We cannot restore this magnificent river system - and all the cultural, economic, and recreational beneficial uses it provides - without meaningfully addressing the ongoing and steadily worsening flow emergency on these tributaries.

Sincerely,

Name _____ Email _____

Address _____ Zip _____




The Scott River, once a salmon stronghold, now often runs dry while neighboring fields are irrigated green.



PO Box 751
Somes Bar, CA 95568

If you feel you've received this newsletter in error,
please let us know at info@klamathriver.org

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A group of people are shown in a blue raft on a river, splashing water. They are wearing life jackets and hats, and holding red paddles. The scene is filled with water droplets and bubbles, suggesting a fun and active event.

Thanks to all those who made our 2012 Paddle Party so much fun!
Contact us for more info on the 2013 Klamath River Paddle Party..