

## Dam's Toxic Algae Spreads Downriver

as Warren Buffett and PacifiCorp back away from corporate responsibility



**INSIDE**  
**Un-dam the Klamath!**  
**Putting Pressure on Oregon DEQ**  
**Scott River Groundwater**



## A YEAR IN THE LIFE OF RIVERKEEPER



Sometimes its hard to believe that Klamath Riverkeeper began less than a year and a half ago.

Within that time we have become one of the most

important and effective voices speaking up for the Klamath, thanks to the support of our community, along with the strategic thinking and hard work of our board and

**“The efforts to remove dams and restore watersheds are not ours alone, but those of all of us that work on, and love, the Klamath**

staff. We’ve filed four collaborative lawsuits on behalf of our members opposing the dams and toxic algae, helped organize demonstrations, and taken on Klamath environmental health and justice issues. We’ve taken on the inaction of Oregon’s Department of Environmental Quality, worked on restoring flows to the Scott River, and planned a Shasta River campaign. We’ve been everywhere from Omaha, NE and Washington D.C. to Sacramento, CA for the Klamath, generating articles in hundreds of newspapers and magazines. We’ve filed a landmark nuisance case with Joe Cotchett, Robert Kennedy Jr. and Lawyers for Clean Water on behalf of Tribal members and religious leaders, fishermen,

and recreational businesses. This lawsuit could get PacifiCorp’s pollution from the Klamath dams in front of a jury for the first time ever. Our outreach has inspired hundreds of people to comment on everything from the Klamath dams to agricultural pollution to state rules on mining.

How does such a small group get so much done in only a year? By working with people like you. We’re lucky to have great members and awesome partners like the Karuk Tribe and California fishermen beside us in the struggle. The efforts to remove dams and restore watersheds are not ours alone, but those of all of us that work on, and love, the Klamath River. By working in coalitions we make what could be an isolated campaign into a movement. Movements, not groups working in a box, are what create change.

We look forward to working with all of you in the movement to restore the Klamath River, and the communities and economies that depend on it. Please consider joining the Riverkeeper and volunteering. Here’s to another great year of working together.

- Regina Chichizola, Executive Director & Riverkeeper



### Staff

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Peter Brucker  
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### Mission

*Klamath Riverkeeper’s projects and campaigns restore water quality on the Klamath River, bringing vitality and abundance back to the river and its people. We are committed to making the Klamath fishable and swimmable again, and to working with all people who need clean water and healthy fisheries in the Klamath Watershed.*

### Waterkeeper Alliance

*Klamath Riverkeeper is a local organization affiliated with the international Waterkeepers Alliance. A grassroots advocacy network with over 170 members, Waterkeepers Alliance connects and supports local Waterkeepers to provide a voice for waterways and their communities worldwide.*

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*Cover photo: Aerial photography by Thomas Dunklin. Algae photos by Susan Corum and the Karuk Tribe, the Klamath Salmon Media Collaborative and Klamath Riverkeeper.*

Klamath River News is printed on 100% post-consumer recycled Sakura paper.

## Keepin’ up with Klamath Riverkeeper...

### UN-DAM THE KLAMATH ART & FILM NIGHTS

With live music and beautiful artwork by Klamath River artists, our fall outreach events were a huge success. People in Ashland and Arcata turned out to learn more about the campaign to Un-Dam the Klamath, meet up with other river lovers, and support local, grassroots art and activism. We showed some great fish footage with *Shake Your Onchorhynchus*, and audience members were consistently inspired and educated by the documentary *Solving the Klamath Crisis - Keeping Fish and Farms Alive*. Both films were produced by the Klamath Salmon Media Collaborative, and we’d love to work with you to bring them to your community. Contact us if you can help show our films at your college, community center, or in your living room.

### T-SHIRTS HOT OFF THE PRESS!

Printed on made-in-the-USA organic cotton, our new t-shirts are selling quickly. Buy online at [www.klamathriver.org](http://www.klamathriver.org) or call us and we’ll send you



your size in mens, womens, or childrens styles. T-shirts come free with memberships at the “Half-Pounder” level and above. Let us know if you have a retail location and you’d like to help sell these cool shirts.



Ashlanders sipped wine donated by Eagle Mill Farm, while enjoying the Flat 5 String Band and art by Chris Adams, Amanita Mollier, Susan Cross,



### PART-TIME WORK AVAILABLE

We need help in the office!

Klamath Riverkeeper is growing and needs a part-time **bookkeeper/administrator**. We’re looking for someone skilled in Quickbooks and grant administration who can show our payroll and membership database who’s boss. Salary and hours dependent on experience and skills. Please contact us to learn more.

### VOLUNTEER OPPORTUNITIES

We can always use more help doing outreach and tabling, organizing events, showing movies, stuffing envelopes, and before too long, sampling water quality. Don’t hesitate to let us know if you have extra time and would like to volunteer.

### UPCOMING EVENTS, NEWS & ACTION ALERTS ON KLAMATH RIVER eNEWS

Our twice-monthly compendium of all the latest headlines on the Klamath includes ways to get involved in the issues, as well as important announcements about Riverkeeper actions and events. Email [malena@klamathriver.org](mailto:malena@klamathriver.org) to get on the list.

### RIVERKEEPER TO BEGIN WATER QUALITY MONITORING

Riverkeeper organizations around the world support their policy and advocacy work with citizen-aided scientific monitoring of water quality. As we move into our second year, Klamath Riverkeeper is researching the most effective way to accomplish our twin objectives of involving local citizens in river science, and in contributing data that is meaningful in a basin-wide context. We look forward to networking with the agencies and organizations already involved in this work. If you are a citizen interested in volunteering as a water quality monitor, let us know. Likewise, if you have expertise or advice you want to share as we begin, we want to hear it.

### WELCOME TO OUR NEW OUTREACH AND SCIENCE DIRECTOR



Malena Marvin joined Klamath Riverkeeper in September as our second full time staff

member. Opening our new office in Ashland, Oregon, Malena’s position has taken some of the weight off our Executive Director’s shoulders and allowed us to publish a new website and expand our outreach efforts. She’ll be working on developing our monitoring program in the coming year. Born and raised in southern Oregon, Malena has a background in fisheries and aquatic ecology with an emphasis on communicating science to the public. Malena is pleased with the opportunity to be involved in restoring the Klamath River, and looks forward to helping Riverkeeper expand its membership and effectiveness in the year to come.



The toxic algae scum at left appeared this fall in the free-flowing Klamath River below the dams, just above the mouth of Beaver Creek. Health Advisories were placed along the river from the dams to the ocean. Photo by Susan Corum.

# Toxic Algae Threatens Klamath Communities

## Klamath Riverkeeper pursues Pacificorp in the courts & on the

This fall, water carrying dangerously high levels of toxic algae spilled out of Klamath reservoirs, stretching 100 miles from mid-river to the mouth in a neon plume of toxic pollution.

Though the river was plastered with scary health warnings, California's State and Regional Water Boards still do not have water quality standards for toxic algae in the Klamath, nor is the Klamath listed as impaired by toxic algae on the federal list of impaired water bodies.

This lack of regulation is very convenient for PacifiCorp, owner and operator of the Klamath dams responsible for breeding the algae *Microcystis aeruginosa*. So convenient that PacifiCorp did not inform the public about the dangers associated with toxic algae until after water quality officials with the Karuk Tribe documented the algae in PacifiCorp's reservoirs.

With algal toxins peaking at levels 4,000 times what the World Health Organization considers a moderate risk to human health, the Klamath has become a summer-time public health nightmare in a region dependent on fishing and recreation dollars.

As with the demise of the Klamath's famous salmon fishery, the only smart solution to the algae crisis is dam removal, yet PacifiCorp refuses to acknowledge there's a problem. While Klamath communities struggle to survive PacifiCorp's one-two punch, Forbes Magazine reports that Warren Buffett, the world's second richest man and owner of PacifiCorp, is \$10 billion richer than he was last year.

### PUSHING THE STATE OF CALIFORNIA TO DO ITS JOB

#### Klamath Riverkeeper takes policy action

Even before this year's river closures, we've been supporting the Karuk Tribe in pushing for statewide regulation of toxic algae blooms. We've also filed a petition to the Regional Water Board - the agency that controls water pollution - to regulate PacifiCorp's dangerous discharges. We're working with the state of California to ensure PacifiCorp's toxic discharges result in the state denying the corporation's Clean Water Act permit at the dams - which is the only influence states have in the debate over dam removal. We're also working to get toxic algae listed as a pollutant on the Klamath River, which would mandate a clean up plan and regulations.

### WE'LL SEE YOU IN COURT, PACIFICORP

#### Klamath Riverkeeper takes legal action

As part of our commitment to go to bat for Klamath communities affected by declining water quality, Klamath Riverkeeper is pursuing an aggressive legal strategy against Pacificorp. In May of 2007, a coalition of tribal members, riverfront business owners, fishermen, and Klamath Riverkeeper sued PacifiCorp for creating a public and private nuisance via its operations of the Iron Gate and Copco dams. The coalition's federal lawsuit seeks damages for toxic discharges that impact plaintiffs' uses of the reservoirs and the Klamath, tourism, religious and cultural uses of the river by tribal members, and for the destruction of the fishery. Klamath Riverkeeper recruited Cotchett, Pitre &

**While Klamath communities struggle to survive PacifiCorp's one-two punch, Forbes Magazine reports that Warren Buffett is \$10 billion richer than he**

## KLAMATH ALGAE

### frequently asked questions

#### What's the difference between toxic algae and Blue-Green Algae? Isn't algae taken as a health supplement?

Algae is a general term applied to many species of aquatic microorganisms. *Microcystis aeruginosa*, the troublemaker on the Klamath, is actually a blue-green algae, or **cyanobacteria**, but is a different species than those commonly harvested for their nutritional value, with uniquely toxic properties.

#### Doesn't algae occur naturally in the Klamath? Why is it a health problem now?

*M. aeruginosa* is in fact native to the Klamath Basin, but don't be fooled by PacifiCorp's claims that the algae is "natural." The reservoirs behind PacifiCorp's dams create unusually warm and stagnant water - full of nutrients from upper basin marshes and agriculture - which are perfect for accelerating the growth of algae into highly toxic "blooms." These algae blooms appear as bright green scum in the Klamath when water temperatures are high in summer and autumn. These blooms occur neither in naturally flowing river conditions, nor upstream of the reservoirs.

#### Exactly how is toxic algae dangerous?

When *M. aeruginosa* cells die, they break open and release a toxin known as microcystin. Superficial contact can result in rashes, itching, and skin discomfort. When ingested, microcystins are a known-liver toxin implicated in tumor growth and organ failure. Children and pets are at greatest risk of exposure because of their reduced body size and propensity to ingest water.

#### What's the most effective way to solve this problem on the Klamath?

One possibility that has been suggested is treating toxic algae with a chemical herbicide. This is a strategy that focuses on one symptom of a larger problem, and does so in a way that increases the public's exposure to toxic substances. PacifiCorp's dams are a systemic problem on the Klamath, one that requires a systemic solution: dam removal and river restoration.

#### Why are the Klamath's Native Tribes concerned with toxic algae?

Native Tribes on the Klamath river are in constant contact with the water and salmon both with cultural ceremonies and while fishing for subsistence and livelihood. Tribal members and biologists have attended agency meetings and written letters to the Federal Energy Regulatory Commission on behalf of their right to fish and participate in cultural ceremonies.

### Take Action on Toxic Algae

For information on how to contact the California Water Boards and demand that they start regulating for toxic algae on the Klamath and deny PacifiCorp's Clean Water permit, and for talking points for your letter to the editor, go to [www.klamathriver.org/dams-algae](http://www.klamathriver.org/dams-algae). Join the campaign to remove PacifiCorp's dams by becoming a member of, or volunteering with, Klamath Riverkeeper.



Susan Corum, a biologist with the Karuk Tribe, samples water from Copco reservoir this summer. With ancestral territory downstream of the dams, the Karuk Tribe is the only group tracking and keeping records on microcystin levels in PacifiCorp's reservoirs. Photo courtesy of the Karuk Tribe.

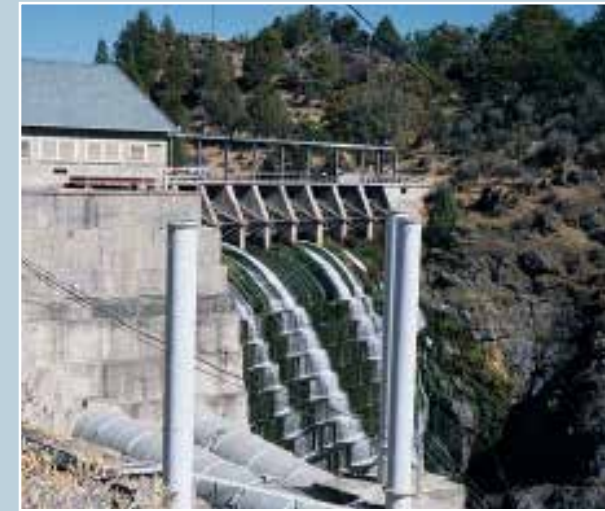
McCarthy, one of the most effective plaintiffs' firms in the western U.S.; Lawyers for Clean Water, specialists in water advocacy; and Kennedy and Madonna, Bobby Kennedy's lawfirm; to prosecute the action. PacifiCorp tried to have the case dismissed this summer, but was denied by a federal judge. The case is ongoing.

In early December 2007, a coalition organized by Klamath Riverkeeper again sued PacifiCorp, this time for violations of the Federal Resource Conservation and Recovery Act ("RCRA"), the federal law regulating hazardous and solid waste. The toxic algae and toxin generated by PacifiCorp's dams is solid waste, and PacifiCorp stores or disposes that waste in the reservoirs and the river, threatening humans and polluting the Klamath. RCRA subjects the violator to penalties of \$32,500 per day per violation, and to Court Orders to eliminate the activity. Since the only way to stop the toxic algae discharges is to take down the dams, this action poses serious problems for PacifiCorp.

### HOLDING A BILLIONAIRE ACCOUNTABLE

#### Will Warren ever walk his talk on the Klamath?

Our nation's policy regarding large energy corporations gives free rein to companies like PacifiCorp to pollute and hurt citizens with little regulation or accountability. Warren Buffett takes advantage of this while claiming to support social justice in the third-world. Klamath Riverkeeper is committed to making the Klamath's major corporations take responsibility for their actions and will not stop fighting until the Klamath is fishable and swimmable again.



Juvenile fish kill, as many as 90% of juvenile fish sampled near Iron Gate dam have tested positive for dam-related diseases; Commercial fishermen rally for Klamath Dam removal; Copco 1 is one of four dams targeted for removal, with no fish passage. Photos by Karuk Tribe (left, right) and Klamath Riverkeeper (middle).

# COMING BACK TO SALMON NATION

## Dam removal is vital to restoring the Klamath and its Salmon-based

In 1918, construction was completed on the 250-foot tall Copco 1 dam. Several others followed over the next 40 years, effectively slicing the Klamath River in half and setting into motion a cascade of ecological effects that have helped reduce Klamath salmon populations by 90 percent. In 2007, the river's ecological dysfunction and economic woes made daily headlines. We're losing a salmon-based economy on the Klamath, but if we can remove these antiquated dams - now owned by Warren Buffett's PacifiCorp - we just might get it back.

### THE AGE OF DAMS IS OVER

When the Klamath was split by its first dam 90 years ago, we believed progress meant sacrificing natural systems. We live in a new paradigm now, one in which people are learning that working with the land is the only way to achieve sustainable prosperity. PG&E removed Marmot Dam in the Sandy River this year, the tallest ever removed in Oregon. The Marmot powered 12,000 homes, but PG&E found it would be cheaper to dismantle than to retrofit for fish passage under current re-licensing standards. Two dams on Washington's Elwha River, including the 210-foot Glines Canyon Dam, are slated for removal in Olympic National Park in 2010. On its website, the National Park Service maintains that, "Elwha restoration is an investment in the future, bringing renewal to a natural system, as well as boosts to the local and regional economy in sectors such as tourism, recreation, and fishing over the next 100 years."

### BRINGING THE KLAMATH BACK TO SALMON NATION

Native Tribes, commercial fishermen, and recreational businesses depend on the restoration of a free-flowing Klamath and the fish it will carry. Studies show that every sport-hooked Chinook brings \$200 to the local economy, and the cultural and subsistence ben-

efits to Native tribes of a restored fishery are incalculable. What's more, as we saw with the commercial fishing closure of 2006, the Klamath's salmon runs affect more than just Klamath communities. Fishermen from southern California to Newport, Oregon were hit hard by the Klamath's failing Fall Chinook run, an economic reality that echoes the ecological relationships between the Klamath and the Pacific coastal ecosystems of which it is a part. Salmon Nation, the stretch of salmon-bearing watersheds between California and Alaska, is having an identity crisis as its famous salmon runs blink out, one by one, down the coast. By un-damming the Klamath, we can restore the fishery that feeds Klamath communities, and do our part to rebuild Salmon Nation.

### GRASSROOTS ACTION FROM OMAHA TO PORTLAND

Restoring the Klamath requires strategic grassroots action. That's why Klamath Riverkeeper joined Klamath River Tribes, fishermen, and Friends of the River, in Omaha, Nebraska last May to speak truth to power at the Woodstock of Capitalism, or Warren Buffett's Berkshire Hathaway shareholders meeting. Together with the Klamath Salmon Media Collaborative, the Riverkeeper and the Karuk Tribe made a big media splash, getting the Omaha demonstration and our toxic algae nuisance lawsuit all over the international press. We'll keep the grassroots momentum going with educational film nights along the coast, in Oregon cities, and throughout Klamath country; a return to Omaha with the Tribes this year; and a massive rally at PacifiCorp's headquarters in Portland this spring.

### RIVERKEEPER AND ALLIES TURN TO PACIFICORP RATEPAYERS

After successful organizing efforts aimed at educating PacifiCorp's shareholders, Riverkeeper is now reaching out to PacifiCorp's customers. Working with the Karuk Tribe, Friends of the River and others, our new effort focuses on explaining to PacifiCorp's cus-

tomers that maintaining these dams not only means more ecological catastrophe for the Klamath, but higher power bills too. According to economic studies by Federal Energy Regulatory Commission (FERC) and the California Energy Commission, if PacifiCorp re-licenses the dams and passes the cost on to ratepayers, it could cost as much as \$270 million more than if they had simply removed them! In order to pass along the costs of relicensing to ratepayers, the Oregon Public Utility Commission (OPUC) will have to approve the plan. We'll work to educate ratepayers and organize letters and petitions to the OPUC urging them to deny any such request.

**Check [www.klamathriver.org](http://www.klamathriver.org) to take action.**

### WHAT THE FERC?!

We're sitting on the edge of an unprecedented opportunity for river restoration on the Klamath. In a process that happens only once every 50 years, FERC is reviewing the operating licenses of the four Klamath dams lacking fish passage. In settlement negotiations paralleling the FERC process, PacifiCorp, Klamath Tribes, farmers, and others are reaching for agreement on dam removal and river flows. Though FERC has recommended keeping the dams, (see page 10), our lawsuits and grassroots campaigns are urging public utilities and state water quality commissions to reject dam re-licensing, and keeping the pressure on PacifiCorp to settle on dam removal.

More info on the campaign to Un-Dam the Klamath:

<http://www.klamathriver.org/Pacificorps-Dams.html>

<http://www.salmonforsavings.com/>

More on Salmon Nation:

<http://salmonnation.com/>

Dam removal in the Northwest:

<http://marmotdam.com/>

<http://www.nps.gov/olym/naturescience/elwha-ecosystem-restoration.htm>

### Which dams are targeted for removal?

Iron Gate, JC Boyle and Copco 1 and 2 are up for re-licensing. These dams do not provide flood control or irrigation diversions, nor do they currently have fish ladders. Flood controlling Keno and Link River dams - and their fish ladders - would remain.

### Is more science needed before we remove dams?

Scientists are certain that Klamath dams block salmon from half of their watershed, increase water temperatures that breed fish-killing diseases, and cause dangerous outbreaks of toxic algae. The US Fish and Wildlife Service identified the lack of fish passage beyond Iron Gate Dam as a significant impact to Klamath salmon runs. Meanwhile, consulting engineers have analyzed dam sediment for toxicity and deposition and found little risk to downriver communities. Dam removal would not begin until 2015, leaving plenty of time to continue scientific analysis and ensure safe removal.

### What will dam removal do for locals?

In the short term, dam removal means a \$200-500 million investment in deconstruction, which means new jobs in Siskiyou County and a huge cash influx to local businesses. After that, as salmon runs recover, toxic algae disappears, and the river regains its natural look, fishermen and recreationalists will flock to the Klamath. The local tourism and angling industry is currently in decline, and this investment in the "restoration economy" will turn that around, drawing visitors to raft, explore and fish the Klamath's famous waters. Riverfront property values will likely increase as water quality improves, and struggling coastal fishermen will get their jobs back.

### Is dam removal dangerous?

Dam removal will not affect drinking water supplies, and engineers have determined that sediment releases will be safe and manageable. The dams slated for removal were built for hydro-power, not flood control, and we saw the perilous effects of a partial breach of Iron Gate Dam in the 1964 flood. A full breach of this aging dam could be catastrophic. When we consider this alongside the fact that reservoirs are too toxic to touch in the late summer because of algae blooms, keeping these dams becomes more dangerous than getting rid of them.

### Do PacifiCorp's dams provide "clean" energy?

Because it tends to cause more environmental problems than it solves, large-scale hydro is not widely considered green, and new projects are meeting considerable resistance worldwide. Scientists have made preliminary estimates based on toxic algae and water quality conditions on the Klamath, and found that up to 1/8 of the carbon emissions displaced by the Klamath Hydro Project are regained from methane emissions, a powerful greenhouse gas. When you factor in dwindling salmon runs, public health warnings from toxic algae, and fish-killing diseases, it's clear the Klamath Hydro Project should be replaced with truly renewable wind or solar power. The dams only provide 160mW of electricity, an amount the California Energy Commission said could be replaced with a wind farm at equal cost to upgrading the dams.



The Wild & Scenic Scott River was once known for strong runs of winter and summer steelhead, spring and fall chinook, and coho salmon. ScottHardingPhoto.com

## Is Groundwater Pumping Bleeding the Scott River

New study will shed light on how groundwater levels affect Scott River flows and temps

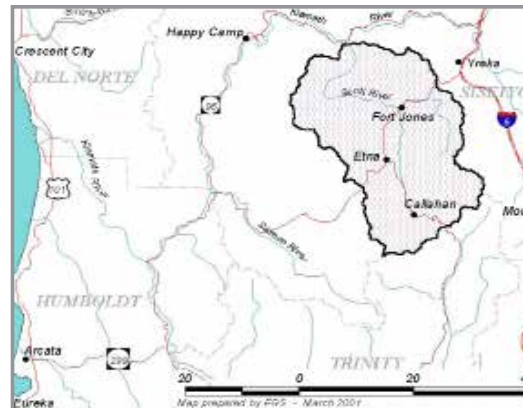
One of the four main tributaries of the lower Klamath, the 58-mile Scott River was once a stronghold for threatened Klamath River coho salmon, and is now on California's 303(d) list of impaired waterways due to sedimentation and high water temperatures.

The Scott River begins high in the Trinity Alps, meanders through the wide, agricultural Scott Valley and then cuts a canyon through the

eastside of the Marble Mountains before joining the Klamath. The portion of the river flowing through the Scott Valley commonly dries up completely during the summer, and flows at the confluence with the Klamath can dip to little more than a trickle. Low flows have an adverse affect on the cool water temperatures needed by salmon, but little is understood about how agricultural groundwater pumping affects Scott River flows. It is known that ground and surface water are well-connected in the Scott, and that federally listed Coho have been killed as a result of no flow events in the Scott River.

The 2003 listing of the river as impaired under the Clean Water Act required the Regional Water Board to begin develop-

ment of a "Total Maximum Daily Load," or TMDL, water quality action plan for the Scott River. In California, authority over



From the Scott River Watershed Council Strategic Action Plan

groundwater lies with the county, so the Water Board requested Siskiyou County develop a long term study of how ground and surface water interact in the Scott. Siskiyou County deferred to the Scott River Watershed Council and the Siskiyou Resource Conservation District, who are currently working with Dr. Thomas Harter, a groundwater hydrologist from U.C. Davis, to develop a study plan for the watershed.

A rough draft of the study plan was released this year, and received extensive public comments that Harter is now using to adjust the plan, noting that "We can prescribe all the science we want, but it has to be a program that landowners understand and buy into in order to move forward." Harter will develop a conceptual model of Scott River groundwater hydrology over the next year, and then

spend up to 3 years testing that model with data gathered from monitoring sites in the watershed. In 2 to 3 years he expects to have an initial picture of how groundwater dynamics affect temperatures in the Scott, which can be used to prioritize further hydrological study.

Klamath Riverkeeper is pushing for interim measures to protect flows in the Scott River Watershed, and will be working with the Scott River Watershed Council and Siskiyou RCD to ensure that groundwater pumping practices are in alignment with emerging science on Scott valley groundwater. "The intent is that the development of information will be ongoing, and as we get better information, it will better inform how we do things on the Scott River," said Bill Krum, President of the Siskiyou Resource Conservation District Board of Directors.

The Scott River Watershed Council and Siskiyou RCD have done great work building relationships and improving science in the Scott River Watershed. The Siskiyou RCD manages 35 static groundwater level monitoring sites on private land in cooperation with local landowners, and the Watershed Council has worked with landowners to restore habitat on the Scott's tributaries. As we develop our own Citizen Water Quality Monitoring Program, Klamath Riverkeeper is dedicated to supporting and strengthening these projects, and to making sure salmon can reach those tributaries.

## Oregon DEQ: Watchdog or Lapdog?

By Steve Duin, originally printed in the Oregonian - September 8, 2007. Reprinted with permission.

In a state where people take pride in their devotion to the natural world, you might think the agency assigned to safeguard Oregon's environmental quality would be independent of the industries it regulates.

You would assume the agency has the investigative tools and financial means to monitor air and water quality, and aggressively pursue the polluters.

You would bet that progressives in the Legislature and the governor's office would consider the environment a top priority.

You would expect the attorney general's office would leap to supply the legal muscle when the agency squares off against the lawbreakers.

And you would be flat-out wrong on each and every count.

Oregon's Department of Environmental Quality is an emasculated, isolated, compromised disaster. To evaluate the mess, you need to understand the mission. "People don't have a clear idea," agency director Stephanie Hallock said, "of what we are tasked to do."

The DEQ is not asked to monitor potential polluters. It is not empowered to take offenders to court; nor is the agency challenged, Hallock said, "to address the true sources of pollution . . . or opine whether or not someone is a good operating facility. Our job is to make sure they operate within the law."

True . . . but that mission comes with two smelly footnotes. Thanks to the Legislature, the DEQ no longer has authority over the environmental fallout of the timber industry and the agriculture community. As Bill Blosser of the state's Environmental Quality Commission notes, that means the DEQ can only "put the screws" to industry and cities on water quality and runoff issues, not agriculture wherein the vast majority of the problem resides.

Worse, the Legislature has willfully underfunded the DEQ so that it is powerless to enforce the law. "That," Blosser said, "is a longstanding tactic of the Legislature."

As it is, Hallock said, 64 percent of the agency's funding comes from the businesses it regulates. That is a powerful disincentive -- that's right, disincentive -- to hold those businesses accountable, and a clear signal of just whom the DEQ aims to serve and seeks to please.

"It always appeared to me," said former state Sen. Charlie Ringo, D-Beaverton, "that the DEQ was industry's lap dog. During the '90s, the DEQ was so constantly browbeat by the Republican leadership that it got used to acting in a subservient way toward polluting industries."

And this didn't bother those Greenpeace-lovin', Earth Day-swoonin', organic hempsters in the Democratic Party? Nope. Ringo rarely if ever saw signs the environment or DEQ operations were of any concern to Democrats, including Gov. Ted Kulongoski. Hallock, Ringo said, "could have been very, very aggressive in protecting the environment and taking on certain industries. I don't think Governor Kulongoski wanted that to occur."

When Hallock -- who took over in 2000 and will retire next May -- was "drafted" for the job, she said she was "told point-blank I needed to fix the relationship between the agency and the Legislature. My job was to build credibility."

With Oregonians? No, with the companies that were paying for permits, strip-mining Ross Island or funding new industry-friendly turbidity standards in area rivers.

The result, said Issa Simpson, the DEQ local's union rep, is a culture that kowtows to industry to get funding, a culture more impressed by politics than science, a culture where the employees in the field -- and on the rivers -- are just as depressed and just as outraged . . . as you should be.

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**"Oregon's Department of Environmental Quality is an emasculated, isolated, compromised disaster."**



Who's keeping track of water pollution in the Klamath? Sixty-four percent of ODEQ's funding comes from the industries it

### Putting Pressure on Oregon DEQ

Thanks in part to ODEQ, the Klamath has the worst water quality in the state of Oregon. Permits for point source pollution sources -- which should be renewed by ODEQ every 5 years -- may be ignored for up to 17 years, or simply overlooked all together, despite serious and repeated violations of often outdated standards. Klamath Riverkeeper is part of a statewide movement pushing ODEQ to start enforcing Oregon's laws and permits; and encouraging the Oregon legislature to ask ODEQ to regulate agricultural pollution on the Klamath.

# EYE ON THE AGENCIES...

## <<THUMBS

### CALIFORNIA ENERGY COMMISSION

#### Speaks up for dam removal

In an official letter to state Public Utilities Commissions (PUC) in October, this commission asked the PUCs NOT to let PacifiCorp pass on the costs of dam relicensing to its customers, instead recommending the PUCs authorize cost-recovery for dam decommissioning only. The Commission emphasized that if **dam removal** is pursued over **re-licensing and costly upgrades**, the ratepaying public would receive an *economic benefit* to the tune of \$38 to \$153 million, even when replacement energy is factored into the equation. All economics aside, an analyst with the commission also told the press, "The California Energy Commission not only has a responsibility to provide reliable energy supplies, but to provide for the environment. It takes that balancing mandate seriously."

### NATIONAL ACADEMY OF SCIENCE

#### Asks for coordinated science on the Klamath, backs higher flows for fish

The National Research Council released a report in November denouncing the current fragmented approach to science on the Klamath, and called for a "big picture" basin-wide plan that avoids political quagmires and keeps an eye on climate change. Bucking political inertia from the White House, the council also came out in support of a previous Utah State study whose results confirmed the obvious: ailing Klamath salmon runs need higher flows than recommended by federal managers.



FERC is Jon Wellinghoff, Marc Spitzer, Joseph Keller, Suedeen Kelly and Philip Moeller.

## <<THUMBS

### FEDERAL ENERGY REGULATORY COMMISSION

#### Issues contradictory final EIS on Klamath dam re-licensing

**"Science shows that trucking and barging has not slowed the rate of salmon declines. Moreover, salmon that travel in-river typically survive at higher rates than those that are trucked or barged."**

No one was quite sure what to make of FERC's Final Environmental Impact Statement (FEIS), released this November, on the 4 Klamath dams up for 50-year re-licensing. The FEIS clearly showed that keeping the dams would cost Pacificorp - and in turn, the ratepaying public - \$7 million more per year than removing the dams and buying replacement power. Despite this economic fact, FERC still recommended keeping the dams. FERC also ignored a recent federal court mandate for fish ladders on the Klamath dams and instead recommended trucking fish around the dams, the same strategy that has failed to save salmon runs on the Columbia. The buck does not stop here, however. FERC still hasn't issued a decision on re-newing licenses for PacifiCorp's dams, the FEIS is only a recommendation. Next up the state PUCs have to decide which dam-related costs PacifiCorp can legally "recover" from its ratepayers, and Oregon and California have to certify the dams for water quality through the Clean Water Act "401(d)" process. Klamath Riverkeeper will let you know how and when to comment on these decisions.

- Save Our Wild Salmon on trucking salmon around dams on the Columbia. FERC recommends we try the same

### BUREAU OF RECLAMATION

#### Biological Assessment Claims Klamath Irrigation Project will continue to endanger fish

In a Biological Assessment (BA) released in October, the Bureau concluded its own Klamath Project will continue to threaten Endangered Species Act listed fish. The agency suggested reducing fall flows for adult salmon, in order to increase spring flows for juvenile salmon. The controversy over BOR's last Biological Opinion - and the tampering with it by the Bush Administration - made international press and led to the 2002 Klamath Fish Kill and subsequent fishing closures. Last year a judge threw out Bush's ten-year plan made under the previous Biological Assessment, which stalled needed water deliveries for fish. We're now awaiting a Biological Opinion on this year's BA from NOAA Fisheries and the US Fish & Wildlife Service, agencies with the power to impose additional restrictions on behalf of fish.

## THANK YOU!



Our heartfelt thanks to the foundations, individuals, businesses and organizations that support us. If your name is missing, let us know and we'll get you in the next issue.

**Foundations:** Compton, Emmitt, Environment Now, Marisla, Resource Legacy Fund, Tides, Wallis, Weeden.

**Friends and Volunteers:** Trout Unlimited, Glenn Spain, Mike Becker, Lawyers for Clean Water, California Coastkeepers Alliance, Sandy Tripp, Dan Emmitt & Family, Linda Sheehan, Erika Muller, Sarah Hugdahl, Kathy McCovey, Columbia Riverkeeper Earl Crosby, Molli Jane White, Howard McConnell, Stormy Staats, Shawn Bourque, Erika Terrence, Malcolm & Sue Terrence, Alan Levine, Nuwandart Gallery, Howard's Market, Salmon River Outpost, Northcoast Environmental Center, Mike Hudson, Susan Corum, Amy Chastain, George Sexton, Molly Cooper, Ron Reed, Leaf Hillman, Chook-Chook Hillman, Klamath Knot Arts Council, Tony Sylvagio, Loma Hurwitz, Birdman, Cynthia Poten, Sandy Bar Ranch, Kerul Dyer, Basketball Bob, Cotchett, Pitre, and McCarthy, Robert Kennedy Jr., Kevin Madonna, Chris Sprowl, Dana Rose, Sam and Kari Norgaard-Stroich, Jeff Mitchell, Hallie Pennington, the Klamath-Siskiyou Wildlands Center, Kevin McGrath, Humboldt Baykeeper, Kenneth Brink, Tommy Wilson, Mike Lozeau, Terry O'Day, Ashland Shop-n-Kart, Ashland Food Co-op, Ron Roth and Eagle Mill Farm, Flat 5 String Band, Robyn Jansen, Katherine Holden, Mid-Klamath Watershed Council, Scott Harding, Chris Adams, Scott Greacen, Susan Cross, Amanita Mollier, Bramble, the Environmental Justice Coalition for Water, Jack Baker, the Karuk Tribe, Black Bear Ranch, Alan Crockett & family, Klamath Salmon Media Collaborative, Will Johnson & Ashland Fly Shop, Klamath Forest Alliance, Pete Wallstrom & Momentum River Expeditions, Pacific Coast Federation of Fishermen's Associations, Wendy & Merv George, Jr. and all of our continuing and new members.

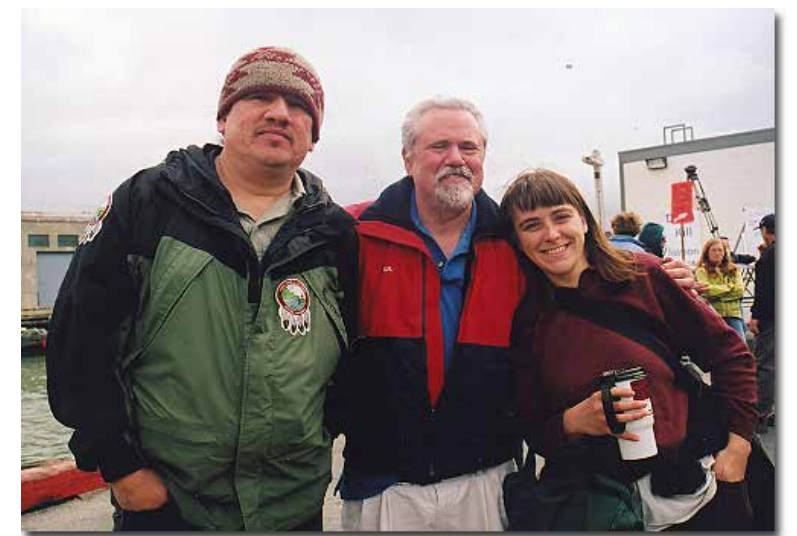
## Dan Bacher, Fish Hero

We would like to extend a special thank-you this issue to Dan Bacher, fish activist extraordinaire and tireless supporter of Klamath Riverkeeper.

According to Fish Sniffer magazine, where he edits the print edition and contributes to the online version, Mr. Bacher is known as "Dangerous Dan" to fish and out-of-line government agencies alike. Dan's hard-hitting and well-researched articles have been inspiring anglers to take action for decades through Fish Sniffer. His articles also find their way to the general public via on-line publications like Aquaforia.com, Californiaprogressreport.com, Counterpunch.org and San Francisco Independent Media. Dan has also written articles for the Sacramento News & Review and North American Fisherman.

Dan is actively involved with Restore the Delta, an organization advocating a fishable, swimmable, drinkable and farmable Sacramento-San Joaquin River delta; and Water 4 Fish, a coalition of angling groups working to restore the California Delta and Klamath River. A key figure in the fight to Un-Dam the Klamath and to save the Delta Smelt, Dan is also active in the anti-globalization and social justice movements. Dan worked to get fishermen and Native American Tribes much needed relief after the commercial salmon fishing closures of 2006.

Dan has been a stalwart Riverkeeper ally, regularly helping us spread our news and action alerts around the internet and in fishing and Native American magazines. Very few activists do such a great job of breaking down the walls between social movements by tying in diverse people and campaigns. We thank Dan for his help and encouragement in getting the Klamath Riverkeeper off the ground, and for all the work he puts in to save fish and fishing jobs throughout California.



From left, Ron Reed of the Karuk Tribe, Dan Bacher, and Riverkeeper Regina Chichizola at a 2006 fishermen's rally at the San Francisco docks organized by US Representative Mike Thompson and commercial fishermen. Photo by Margi Whitnah.

Scott River after a storm, ScottHardingPhoto.com



## BECOME A MEMBER

The most effective way to show your support for the work of Klamath Riverkeeper is to become a member. You can donate online at [www.klamath-river.org](http://www.klamath-river.org), or you can send this form with a check to the address below. Every membership comes with a Klamath-related gift, from t-shirts to DVDs to raft trips.

- Salmon Fry - \$25**
- Half-Pounder - \$50**
- Steelhead - \$100**
- Spring Chinook - \$200**
- Green Sturgeon - \$400+**

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_ Today's Date \_\_\_\_\_ I am donating \$ \_\_\_\_\_

T-shirt style and size, if donating at Half-Pounder level or above \_\_\_\_\_



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