

KLAMATH RIVER NEWS

a publication of **KLAMATH RIVERKEEPER.**

Winter 2013

INSIDE

Dam removal legislation in 2014?
Battle for water on Scott
& Shasta ramps up

Decolonizing diet

How river restoration, environmental justice and traditional nutrition go hand in hand on the Klamath

Un-Dam the Klamath supporters brought Klamath salmon to the Klamath Basin Potato Festival in Merrill, Oregon again this year.



2013: A GREAT YEAR FOR KLAMATH RESTORATION

CONTINUE TO BE INSPIRED BY HOW FAR we've come in the Klamath Basin. This December, after I testified in support of permanent water demand reduction at the final Klamath Basin Task Force meeting (p. 6), I was praised by several upper-basin agricultural water users. Ten years ago, I might have been booed (or escorted) out of the room. A critical mass of upper-basin irrigators now see that it's not only fair, but in their own economic interest, to share water to benefit the river ecosystem and the people who depend on it.

“A critical mass of upper-basin irrigators now see that it's not only fair, but in their own economic interest, to share water.”

That same day, I was pleasantly surprised when Senator Wyden (D-OR) had kind words for me even after I explained that our coalition organized a 60+ person rally outside his office earlier this year. Our message at the rally was to thank him for what he had done so far, and to urge him to push harder as Chairman of the Senate Energy and Natural Resources Committee to un-dam and restore the Klamath.

While Klamath Riverkeeper has tentatively supported the Klamath Settlement Agreements for restoration and dam removal, we continue to secure opportunities for “Plan B” in case the settlements fail or are compromised. This strategy hinges largely on the Clean Water Act. As long as it is properly enforced, dam removal will be PacifiCorp's cheapest option. We have our work cut out for us between now and August 2014 – the deadline for PacifiCorp to apply for a new Clean Water Act certification to operate its dams.

Our efforts to prevent dewatering of Klamath River tributaries have taken many positive turns this year. Thanks in part to hundreds of e-mails and phone calls from our members

(thank you!), the U.S. Forest Service FINALLY requested an investigation of its instream water right for fish on the often de-watered Scott River (p. 7). In response, the California Water Board officially confirmed what we've been saying all along – the Forest Service's instream water right CAN in fact be used to maintain vital minimum flows on the Scott River. Stay tuned as we make sure the Forest Service does not find another reason to deny the public their legal instream water right.

One of the more memorable moments of the year occurred while I was testifying before the California State Legislature in August about the unlawful dewatering of the Scott and Shasta Rivers (p. 7). Immediately after a Siskiyou County Supervisor testified that conditions are good for fish, I drew the legislators' attention to photos I had taken just a few days earlier showing a completely dewatered Scott River. It goes to show, we can't let the fox guard the henhouse.

We're excited to launch new efforts in 2014 to reduce the health impacts from toxic algae and lost access to traditional foods for tribal members. We'll train volunteers to recognize toxic algae and we'll host a series of free events (with free food!) highlighting the relationship between river health and community health (p. 4).

We've come a long way on the Klamath, but we also have a long way to go. I am hopeful that 2014 will be the most exciting and pivotal year yet in our effort to implement the largest dam removal in world history and to uphold state and federal laws against dewatering rivers. I hope you will join us in this effort.

For the rivers,
Konrad Fisher

Keepin' up with Klamath Riverkeeper...

FISH AND CHIPS 2013

In a gesture of mutual respect, a delegation of tribal members from the Lower Klamath Basin traveled five hours to cook salmon for more than 150 attendees of the annual **Klamath Basin Potato Festival** in Merrill, OR. Joined by Klamath Riverkeeper staff and board members, the delegation prepared salmon the way it has been done for thousands of years – on redwood sticks next to a madrone fire. This time, however, it was done on the sidelines of a football game at a festival celebrating the production of potatoes which compete directly for water that historically supported salmon populations. This “Fish & Chips” event has become somewhat of a tradition in recent years. It symbolizes the progress that has been made between agricultural water users and tribal members who have depended on fisheries for thousands of years.



Fish and Chips Pics: (below) Taylor David, KRK Board Member and member of the Klamath Tribes of Oregon, recruits for KRK at the Potato Festival in Merrill this summer. (left) Mollie Jane White & KRK Board Members Craig Tucker and Frankie Joe Myers prepare salmon for a traditional bake.



Klamath Riverkeeper

BUSY SUMMER & FALL FOR KRK!

In June we were at the **Yurok Spring Fling** in Weitchpec, the **Hoopa Fish Fair** in Hoopa, the Waterkeeper Alliance Conference in Georgia and the **International Indian Treaty Council's Salmon Event** in Klamath, CA. In July we hosted a **UCSB** water policy program and in August we hosted a **Karuk / UC Berkeley** collaborative event (see photo of Ron Reed, p. 6) and tabled at the **Yurok Tribe's Salmon Festival** in Klamath, CA. In September we took the KRK raft down the Rogue to support **Rogue Riverkeeper's** fundraiser & rafting trip and tabled at the **Smith River Rancheria Tolowa Days** in Trinidad, CA. This October we headed to the **Tribal Water Summit** at Bear River Rancheria in Loleta, CA, tabled at the **California Indian Conference** at CSU Sacramento and at the **Harvest Festival** in Orleans, CA.



Klamath Riverkeeper

2nd ANNUAL KLAMATH RIVER PADDLE PARTY A SPLASHIN' GOOD TIME!

Our summer foray on the river has turned into an annual can't miss party on the mid-Klamath. This year nearly 200 Klamath Riverkeeper supporters joined the festivities, enjoying a fun float down the river, dinner, and music. A great big thanks to all our volunteers and supporters and to **Ryan Allred of Adventure Whitewater** for co-sponsoring the event with professional and friendly raft-guiding! It's not too early to get your tickets for next year - **winter membership donations of \$200 come with a reserved seat on a 2014 Paddle Party raft**, donations of \$500+ get a whole boat to fill with friends!



Driven to restore the Klamath, the KRK crew checks out Board Member Marc Valens' 1968 Chevy Camaro, all original with a 327V8.



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MISSION
Klamath Riverkeeper restores water quality and fisheries throughout the Klamath River and its tributaries, bringing vitality and abundance back to the river and its people.

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Klamath Riverkeeper is a local organization affiliated with the international Waterkeeper Alliance. A grassroots advocacy network with over 200 members, Waterkeeper Alliance connects and supports local Waterkeepers to provide a voice for waterways and their communities worldwide.

Klamath Riverkeeper

THANK YOU!

Patagonia, The California Wellness Foundation, Acorn Foundation, Jewish Community Federation, Ben & Jerry's Foundation, Environment Now Foundation, Hundreth Monkey Foundation, Humboldt Area Foundation, New World Foundation, Perforce Foundation, Rex Foundation, Weeden Foundation, Adventure Whitewater, Thomas Dunklin, Salmon River Outpost, Dennis Specht & A Balanced Body, Aaron Longton, Peter Alsop, Allen & Pamela Ames, John & Mindy Anderson, Nancy Bailey, Scott Bendoroff & Laura Robin, Stephen Barry, Ellen Bryant, Lisa Butterfield, Jose & Anita Cardoza, Thomas Carlson & Jennifer Sowerwine, Kayla Rae Carpenter, Byron Carrier, Jerry Chadwick & Sarita Southgate, Zoe Chapman, Katherine & Michael Clark, Jerry Crnich, Alan & Clara Crockett, Aaron David, Tom Deluca, James Derden Jr. & Judith Little, Gary Durham, Genell Fitch, Jeremy Franklin & Wilderness Perspectives, Kara Friedhaber, William Gavelis, P. Givins, Ann & Alan Glaseroff, Sandy Greenwald, Jon Grunbaum, Edward Hanrahan Jr., Anne Hubbard, Matthew Hunter, Carol Kent Ireland, Rita Jacinto & Laurie Levy, Daniel Kent, Raymond Koch M.D., Karen Lawrence, Ann Lindsay, Judith Little, Francis W. Mangels, Michele Marta, Jeannie McKenzie, William McKenzie, Patrick McManus, Charles Minton, Carol & Donald Monkerud, Mike & Shelley Morrison, Julia O'Rielly, Peder Pedersen, Frank Pennington, Thomas & Barbara Peters, Pauline & Michael Robinson, David Rose, Perryn & Timothy Rowland, Katherine Saalfeld, Erich Schimps, Judy Schriebman, Bob-O & Kathleen Schultze, John & Mary Seeger, Alice Seyd, Bruce Shoemaker, Walter & Marianne Shubin, Alan Steinbach, G. & Russel Stewart, Chris & Sharon Stromsness, Janett Sultzbach, Jennifer Taylor, Zack & Ramona Taylor, Alvin Tolson, Cheri Williams, Thomas Ray & Maureen Williams, Karen Young-Lenk, Sandy Bar Ranch, Marrone Construction INC, Paradigm Winery



(left) The Yurok Tribe cooked 900 lbs of Klamath salmon at its 32nd annual Elders Dinner this year. (below) Karuk Cultural Ecologist Ron Reed works with researchers from around the country to highlight and study his tribe's traditional foods and eco-cultural practices. Photos by Thomas Dunklin.



Will work for food.

Why 'decolonizing diet' and prioritizing public health are crucial to Klamath River restoration

THE CONNECTION BETWEEN RIVER HEALTH AND public health is not obvious to many Americans, but on the Klamath it's an essential part of the restoration story. What has been done to people has also been done to the river, and reverberations of colonization are evident in the Klamath's dramatic salmon declines, deteriorating water quality, and in the diet and health of the people who depend on both.

DECOLONIZING DIET
For thousands of years, Klamath Basin tribal members relied on healthy food from the river including salmon, steelhead, sturgeon, and freshwater mussels. Unfortunately, the combination of pollution, outdated dams, and de-watering of Klamath River tributaries (namely the Scott and Shasta Rivers) have impaired and eliminated aquatic habitat, severely limiting the quantity of these foods available for harvest. The resulting health impacts for tribal members have been documented in groundbreaking work by sociologist Kari Norgaard, which has been featured in prominent national media (National Geographic, High Country News, Washington Post) and several award-winning independent films (Upstream Battle, River of Renewal). According to this research, tribal members once consumed as much as 450 pounds of salmon per person per year, but with salmon at less than 10% of historic abundance, tribal members are now limited to less than 5 pounds per person annually.

The impacts of this dramatic shift are striking. Norgaard points out that diet-related diabetes can be up to four times as common for Klamath

tribal people as for the United States population as a whole and her research suggests that rising diabetes rates among Klamath basin tribal members can be correlated with loss of staple traditional foods. Lack of access to traditional food is not only associated with diabetes, heart disease, and hypertension, but also impacts health due to overall lack of food for poor families. Poverty and hunger rates in some Klamath tribal communities are among the highest in California and the nation.

Though not generally included in the agenda of conservation organizations, there is a growing Native movement across the continent - and the Klamath - to 'decolonize diet' and reclaim traditional foods for health and cultural recovery. Since traditional foods are harvested from local ecosystems, decolonizing diet also means restoring landscapes and rivers. On the Klamath, eco-cultural practices and subsistence foods like salmon, freshwater mussels, and acorns have been researched through several collaborative projects between the Karuk Tribe, UC Berkeley, and Whitman College, to name a few. Tribal initiatives like the Yurok Tribe's Annual Elders Dinner also bring traditional food to the forefront. Now in its 32nd year, the Elders Dinner offers hundreds of pounds of traditionally roasted salmon to tribal members throughout the region.

WATER QUALITY, TOXIC ALGAE, AND PUBLIC HEALTH
Dams, diversions, agricultural pollution, mining, and many other issues have taken their toll on Klamath salmon and water quality both, and the impacts are felt by tribal members, the general public, and the Klamath's small businesses. Perhaps no issue has been as acute, and as danger-

ous, as the toxic algae blooms produced in the reservoirs behind PacificCorp's Klamath dams.

Though the toxic algae species *Microcystis aeruginosa* may have been historically present in the Klamath at very low levels, it now thrives in the Klamath dams' artificially warm, stagnant, and nutrient-rich reservoirs. *M. aeruginosa* releases a toxin known as microcystin which has been documented in publicly used Klamath reservoirs at levels several thousand times what the World Health Organization considers a risk to human health. Microcystin poisoning can be toxic, and in some cases fatal to humans, livestock, and wildlife. Short term exposure to microcystin can cause skin rash, eye irritation, nausea, vomiting, diarrhea, mouth ulcers, liver damage, kidney damage, and in extreme cases, liver failure and death. Long-term exposure is linked to tumor growth. Exposure is especially dangerous for children, and can occur through skin contact, swallowing water while swimming or boating, or inhaling the toxin in aerosol form while water skiing.

Microcystin levels regularly exceed public safety thresholds in the Klamath's Copco and Iron Gate reservoirs and sometimes as far as 200 miles downstream to the Klamath estuary. Posing special risks to tribal members, toxic algae blooms interfere with vital tribal ceremonies that require participants to come into contact with river water. Acutely dangerous levels of microcystin have been documented in fillets of reservoir gamefish as well as in freshwater mussels, an important subsistence food source for downstream tribes.

Toxic algae has also been a lynchpin in the fight to un-dam and restore

the Klamath River. As it turns out, dam removal is the only broadly agreed upon way to safely and effectively get rid of toxic algae. In this case, what's good for water quality is also good for fish, and what's good for fish is good for Klamath people.

KLAMATH RIVERKEEPER: WILL WORK FOR FOOD
Klamath Riverkeeper's work centers around restoring the ecosystem "goods and services" that fill pantries and keep people who work and play on the river healthy and safe. Klamath Riverkeeper prioritizes public health and environmental justice as intrinsic aspects of our campaigns and we acknowledge wholeheartedly that the Klamath's Native people are and always have been the watershed's original "riverkeepers." We strive to ensure that our organization's leadership reflects our values, and our Board of Directors includes dedicated river advocates from the four largest Klamath basin tribes.

Feel passionately that the health of communities and ecosystems are interrelated?

Consider joining us as a member or volunteer as we work for food, and for health, on the Klamath:
www.klamathriver.org/support

Find links to videos, public health studies & research, factsheets and more in our online Media Center:
www.klamathriver.org/media

River & Community Health KRK SPONSORS EVENTS IN 2014

Klamath Riverkeeper will join forces with tribes and local food security groups in 2014 to host public events about river health and community health. We will provide free dinner and presentations about:

- the causes and consequences of exposure to toxic algae and E. coli
- health problems for tribal members resulting from lost access to healthy traditional foods such as salmon and freshwater mussels
- how to identify and avoid contact with toxic algae
- how citizens can effectively advocate for policies that will eliminate the sources of toxic algae and E. coli and restore access to healthy traditional foods for tribal members

Our first River & Community Health event will take place at 5:30 pm on February 6 at the Orleans Elementary School.

This event will be co-sponsored by the mid-Klamath Watershed Foodshed Program and will feature a free dinner with local traditional foods served by local students.

Stay tuned! We will announce other River and Community Health events on our website and via our e-mail list in early 2014.

Down-Dam Like Klamath!

WITH A DROUGHT LOOMING AND THE KLAMATH Tribes' newly recognized senior water rights raising irrigators' hackles in the Upper Basin, Senator Ron Wyden (D-OR) convened a congressional hearing in June to address dam removal and water allocation in the Klamath Basin. KRK supporters poured in hundreds of comments supporting dam removal and asking that threats of violence be addressed. Following the hearing, Senator Wyden and others took action by forming a task force to tackle reasons that previous dam-removal legislation did not gain traction in Congress in 2012. The task force was charged with identifying opportunities for reducing the cost of the Klamath Settlement Agreements and winning support among additional groups of upper Klamath Basin irrigators.

During the Task Force's final meeting in December KRK's Kon-



Senator Ron Wyden (OR) hangs out with the Karuk Tribe's Director of Natural Resources Leaf Hillman (right) and Klamath Campaign Director Craig Tucker. Leaf and Craig also serve on Klamath Riverkeeper's Board of Directors.

Klamath River people demand action on dam removal, Senator Wyden promises legislation. Meanwhile, KRK keeps an eye on Plan B...

rad Fisher argued that it benefits both water users and fisheries to make permanent and substantive reductions in agricultural water demands. He also asserted that the most vocal opponents of dam removal are motivated by ideology rather than facts. Reinforcing Fisher's point, a representative of the Siskiyou County Water Users Association then testified that dam removal will worsen the toxic algae problem – the exact opposite of current scientific consensus. At a press conference the following day, Senator Wyden reaffirmed his commitment to introduce new legislation early in 2014 to implement the Klamath Settlement Agreements.

PROTECTING "PLAN B"

While KRK has supported the Klamath Settlement Agreements thus far, our Clean Water Act expertise gives us a unique role in safeguarding "Plan B" - dam removal via the Federal Energy Regulatory Commission (FERC) relicensing process (currently paused while stakeholders attempt to pass settlement agreements).

In order to relicense their dams through FERC, PacifiCorp must obtain state permits certifying the project under the Clean Water Act. Since KRK and friends sued the EPA to list toxic algae as an official pollutant on the Klamath River in 2008, PacifiCorp cannot obtain Clean Water Act permits – nor relicense its dams – without solving the toxic algae problem, which scientists say can only be contained via dam removal. As long as strong pollution limits are enforced, PacifiCorp remains in a Clean Water Act checkmate, with dam removal as its most cost-effective option.

Until this year, California's Water Board has granted PacifiCorp annual "abeyances" which allow the company to operate its toxic algae-producing dams in violation of the Clean Water Act during settlement negotiation and implementation. This year, however, PacifiCorp chose not to apply for another annual Clean Water Act break. Instead, the corporation requested and was granted an August 2014 deadline to complete a new application for Clean Water Act certification.

KRK is engaged in high-level discussions with California's Water Board to ensure that this certification process is not compromised by the corporation's trademark underhanded lobbying. Look out for Clean Water Act related dam removal action alerts in 2014 - with your grassroots support, we can keep dam removal on track by making sure PacifiCorp is held responsible for the cost of Clean Water Act compliance.



The Klamath Settlement Agreements would remove four dams on the mid-Klamath River that straddle the Oregon/California border. The dams provide neither flood control nor irrigation, and it would be cheaper to remove them and buy replacement power than it would be to bring them into compliance with modern environmental laws.



PacifiCorp's warm and stagnant reservoirs are breeding grounds for deadly toxic algae blooms. Thanks to courtroom action from Klamath Riverkeeper, toxic algae is now regulated by the Clean Water Act, a fact that holds PacifiCorp in a regulatory checkmate. Without Clean Water Act certification, the corporation's dams cannot be relicensed and negotiated settlement remains their cheapest option.

FOR THE LAST SEVERAL YEARS, KLAMATH RIVERKEEPER has been sounding the alarm on the chronic dewatering of the Scott and Shasta Rivers. These tributaries are critical habitat for fish, and an epicenter of "wild west" style lawlessness when it comes to basic environmental regulations. Read on to learn what we're doing to bring law, order, and water back to these rivers.

VICTORY! FOREST SERVICE CAN USE ITS WATER RIGHT FOR FISH

The Scott River (below) is regularly pumped dry in late summer, stranding fish in pools while adjacent farms harvest extra cuttings of irrigated alfalfa. Adding insult to this injury, the Klamath National Forest holds an adjudicated 30 cfs water right earmarked for fish and wildlife on the Scott – but until now, has refused to use it, claiming that it is "junior" to other water rights in the watershed. Although KRK has repeatedly contested this assertion, the Forest Service has been unwilling to even request a Water Board review of their water right – until this year.

This September, after years of pressure from KRK and allies, the U.S. Forest Service finally asked California's Water Board to investigate their instream water right to determine its priority relative to other water rights in the watershed. In October, Congressman Jared Huffman (CA) wrote a letter supporting this water right investigation. The Water Board responded in December with a letter confirming what we've been saying all along – the Forest Service's instream water right CAN be used to limit other diversions and protect vital instream flows on the Scott River.

KRK is now following up with the Forest Service, Water Board and members of Congress to ensure that this development results in actual water for fish next summer!

KRK TAKES THE SCOTT & SHASTA TO CALIFORNIA LEGISLATURE

In August, KRK's Konrad Fisher testified about the unlawful dewatering of the Scott River before the California State Legislature's Joint Committee on Fisheries and Aquaculture. Fisher was on a four-person panel that included a Siskiyou County Supervisor, a representative from The Nature Conservancy, and the President of the Montague Water Conservation District (whom KRK is suing over Endangered Species Act violations on the Shasta River).

Supervisor Mike Kobseff testified that conditions are improving on the Scott River, describing several taxpayer-funded restoration projects that

were done with the blessing of the agricultural community. When KRK got the mike, Fisher noted that all of the restoration projects described by Kobseff have one glaring thing in common – they fail to provide water for fish. Fisher then presented photos – taken just days before – showing a completely dewatered Scott River and a multi-million dollar, taxpayer-funded fish ladder that had zero water in it because every drop was being diverted by a taxpayer-funded diversion ditch. Fisher explained that the Scott and Shasta Rivers have been over-allocated and are routinely dewatered to the detriment of the diverse communities downstream that depend on fish and instream flows for food, jobs, recreation, health, and cultural survival. Irrigators are also harmed by over allocation because they face regulatory uncertainty.

Fisher offered two sets of solutions. The first is based on actually enforcing existing laws that would prevent rivers from being dewatered, such as the Public Trust Doctrine and the Reasonable [water] Use Doctrine. The second regulatory solution Fisher offered was the adoption of new laws targeting instream flows. These could include laws requiring that water conserved with taxpayer money be permanently dedicated to meet instream flow needs; earmarking funds for permanent, voluntary instream water right dedications; or setting default minimum instream flows for all California streams.

WORKING WITH THE WATER BOARD

This December, KRK met with the the leadership of the California Water Board to discuss strategies to restore instream flows in Klamath River tributaries and throughout California. We presented multiple options to restore instream flows that are within the power of the Water Board and received feedback on which were the most viable. We also expressed our appre-

Klamath Riverkeeper's full court press on officials charged with keeping water in the Scott & Shasta Rivers is getting results.



Most people have to see it to believe that the Scott River is literally dewatered in late summer while adjacent alfalfa irrigators run their sprinklers. Klamath Riverkeeper is working to ensure that images like this one are seen by key regulators across California as well as the general public.

ciation for the Water Board's defense of the Klamath National Forest's water right on the Scott River and encouraged the Water Board to allow its public trust enforcement unit to enforce the Public Trust Doctrine.

JOINT LETTER OPENS DOORS

In August, KRK spearheaded an attention-grabbing joint letter to the California Water Board and the California Department of Fish and Wildlife demanding emergency enforcement action to restore instream flows and prevent the death of endangered fish on the Scott River. This letter, signed by fishing, tribal, and conservation organizations, turned heads at the highest levels of state government and jump-started dialogue between Klamath Riverkeeper and agricultural water users.

Best News Water



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**Klamath Riverkeeper:
Will work for food.**

Will you join us?

**Klamath Riverkeeper works for the salmon and clean water that fill pantries
and keep people who live, work and play on the river healthy and safe.**

Consider joining us - we're stronger together, and the Klamath needs your voice more than ever.
Donate at www.klamathriver.org/support, or mail the membership envelope inside.