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Dear Reader,

Creating positive change in the Klamath Basin could not happen without our powerful network of members and allies. Together, we have enforced existing laws to protect our rivers, and at times we have shaped new laws. In some cases, we have supported new scientific studies. In other cases, we must expose regulators when they claim that scientific uncertainty prevents them from enforcing key laws. But even when law and science are on our side, we need collective action by stakeholders like you to ensure that decision-makers support our rivers and the people who depend on them.

In this issue of Klamath River News, you will see that the journey for a restored Klamath Basin continues to be difficult, but fruitful. We settled litigation that resulted in additional water for fish in the Shasta River—historically the Klamath Basin’s best salmon habitat. We supported our tribal allies who persuaded the Bureau of Reclamation to release additional water into the Trinity River, preventing a salmon die-off. We helped mobilize a statewide coalition that made California’s new groundwater law better for rivers than it otherwise would have been. We also continue to advance our long-term campaign for Klamath River dam removal—an effort that faces critical milestones in the coming year.

Klamath Riverkeeper could not accomplish what we do without our dedicated supporters. If you have not already done so, please consider becoming a member or engaging in our campaigns by visiting our website: KlamathRiver.org.

I look forward to working with you over the next year to achieve more victories for the Klamath Basin.

For the rivers,

Konrad Fisher, Executive Director

Thank You!

On the Cover: Cousins Christopher Doane and Kewet Mitchell, both eight years old, stand up for Klamath Salmon at a rally in Sacramento (See story page 6). Photo courtesy of Seventh Generation Fund.
Klamath Riverkeeper makes change by engaging with decision-makers and empowering citizens to do the same. Here are some **month-by-month highlights** of our presentations and outreach in 2014.

**January:** We testified before the California Water Board about the impact of groundwater withdrawals on rivers that feed the Klamath, and participated in a statewide environmental justice meeting in Sacramento.

**February:** We testified before lawmakers about California’s water bond and organized the first River Runs Through Us event with the Karuk Tribe and Mid Klamath Foodshed Program (see story to right).

**March:** We gave a Klamath River dam removal presentation at the Public Interest Environmental Law Conference in Eugene, Oregon and participated in a statewide meeting about California groundwater policy.

**April:** We met with key staff of California’s Governor Brown about protecting river flows from excessive groundwater extraction.

**May:** We presented at an inter-tribal water meeting in Blue Lake, California and provided lectures about Klamath Basin issues at two university water policy classes.

**June:** We gave two presentations at the annual Waterkeeper conference addressing dam removal and collaboration between Native American tribes and environmental organizations.

**July:** We tabled at the Karuk Tribal Reunion, hosted a group of college students studying water policy, and offered a presentation about Klamath dam removal at the Salmon River spring Chinook fish count.

**August:** We helped organize a rally that compelled the Bureau of Reclamation to release water into the Trinity River to prevent a fish kill on the lower Klamath. We also testified before the California Water Board to support Clean Water Act enforcement on the Klamath.

**September:** We participated in conferences with fellow Waterkeeper organizations to rally support for inseam flow protections and effective groundwater policy.

**October:** We gave two presentations at the Tribal-EPA conference in Sacramento addressing California’s new groundwater law and enforcement of laws to protect surface water flows for fish, wildlife and recreation. We also tabled at the California Indian Conference in San Bernardino, CA and at a gathering of the International Indian Treaty Council in San Francisco.

More than 100 Klamath River residents braved a rainstorm and rockslides in February to hear presentations about the relationship between river health and human health. Klamath Riverkeeper co-hosted the event, called “A River Runs Through Us,” with the Karuk Tribe and the Mid-Klamath Foodshed Program.

We provided a free dinner of healthy local and traditional foods and presentations about the causes and health consequences of toxic algae and lost access to healthy traditional foods for tribal members. We also outlined specific ways local citizens can get involved and advocate for improved community health.

**Business Owners Can Support Klamath Riverkeeper and Increase Their Profile**

Klamath Riverkeeper is a recipient member of 1% for the Planet, a growing network of ecologically concerned businesses that donate one percent of annual sales directly to approved nonprofit conservation organizations.
California became the last western state to regulate groundwater extraction this September when Governor Brown signed the Sustainable Groundwater Management Act. This law will ultimately replace a system that has allowed California landowners to drill new wells or deepen existing wells without permission or oversight from the state, and regardless of the impact on neighboring groundwater wells or the environment.

Decades of unregulated groundwater extraction have taken their toll. Streams and rivers throughout California are being depleted because less groundwater is rising to the surface as springs, and because surface waters seep underground to fill depleted aquifers. Many of California’s groundwater basins have been depleted faster than they can replenish themselves, and wells that once supplied families, municipalities, and farms are going dry. Over-pumping has caused land to literally sink, in some cases more than 30 feet.

In our own backyard, unregulated groundwater extraction has undermined efforts to restore salmon populations to the Scott River, a critical Klamath River tributary. Most summers, the Scott River is completely dewatered due in large part to excessive, and increasing groundwater withdrawals.

As the new groundwater law was being developed, Klamath Riverkeeper convened a statewide coalition of tribal, conservation, and environmental justice organizations to advance strong provisions to protect rivers and streams. Klamath Riverkeeper hired an attorney to support the coalition as they drafted alternative language, and then promoted it with legislators and Governor Brown’s office.

The final version of the new law gives local land and water managers until 2017 to choose or create a Groundwater Sustainable Agency (GSA). These agencies will have until 2020 or 2022, depending on the condition of the groundwater basin, to develop a plan that is capable of achieving sustainable groundwater management by 2040. If plans are not developed, or are inadequate, the state may intervene.

Groundwater management plans must meet several criteria, including one that relates directly to the protection of rivers and streams. They must prevent “depletions of interconnected surface water that have significant and unreasonable adverse impacts on beneficial uses of the surface water.” While this provision is stronger than language contained in earlier drafts of the law, it leaves a lot of room for interpretation, and possibly litigation.

The new law gives GSAs the authority to limit pumping, impose fines, and require reporting of groundwater extraction data. Unfortunately, the law does not require GSAs to take such actions. Moreover, by giving GSAs until 2040 to reach sustainability, the law will not bring immediate relief for rivers that are adversely impacted by groundwater withdrawals.

We believe that California’s new groundwater law is stronger than it would have been without Klamath Riverkeeper’s involvement. However, given the bill’s weaknesses and long implementation timeline, we must employ other tools to restore flows to the Scott River. To that end, we will continue working to curb excessive surface water diversions. We also will engage in the development of future California groundwater legislation.
A bill that would implement three interconnected stakeholder agreements for Klamath River dam removal, restoration and water allocation could pass this year. The Klamath Basin Water Recovery and Economic Restoration Act of 2014 was introduced by U.S. Senator Ron Wyden last May and passed out of the Senate Committee on Energy and Natural Resources in November.

Two of the agreements the bill is designed to implement were signed in 2010 by more than 40 stakeholder groups, and are known collectively as the Klamath Settlement Agreements. This includes the Klamath Hydroelectric Settlement Agreement (KHSA), which lays out a pathway for the removal of four Klamath River dams. It also includes the Klamath Basin Restoration Agreement (KBRA), which lays out a plan for river restoration, capping irrigation deliveries, management of wildlife refuges, and methods to help irrigators improve water management.

A bill that would have implemented the 2010 Klamath Settlement Agreements was introduced into both houses of Congress in November of 2011. That bill ultimately failed due to cost concerns and opposition from some sectors of the farming and ranching communities.

In 2013, the Klamath Tribes of Oregon won a court victory that allowed them to enforce their water right to protect fisheries resources in the Upper-Klamath Basin. This victory made it possible for the Klamath Tribes to negotiate a separate agreement with irrigators that turned key opponents of the Klamath Settlement Agreements into supporters. The resulting Upper Klamath Basin Comprehensive Agreement (UKBA) was finalized in March 2014 after months of negotiations between irrigators and the Klamath Tribes.

The UKBA provides a mechanism to achieve water savings detailed in the KBRA. To balance water use between agriculture, fish and wildlife refuges, the KBRA proposes a series of restoration and conservation activities. One of these is increasing inflow into Upper Klamath Lake by 30,000 acre feet through water use retirement programs. The UKBA describes in detail how this would be achieved through water purchases from willing sellers.

Although Oregon has issued a ‘Final Order of Determination’ regarding the Klamath Tribes’ water rights claims, the issue remains far from resolved. Claimants on both sides can still file additional appeals that could mean years of additional court battles. The UKBA seeks to finally and unequivocally resolve the adjudication, and result in final decree that all parties can accept. Finally, the UKBA provides funding for the Klamath Tribes to have some aboriginal lands repatriated which would be managed as commercial timberlands.

Klamath Basin Water Recovery and Economic Restoration Act would implement all three agreements – the UKBA and the two original Klamath Settlement Agreements (KBRA and KHSA). The bill is co-sponsored by Oregon Senator Jeff Merkley, and California Senators Dianne Feinstein and Barbara Boxer. It enjoys support of additional irrigation interests and addresses the cost concerns that contributed to the failure of the previous legislation. Supporters remain hopeful that the bill will pass this year. Stay tuned for updates.
For more than 50 years, the majority of the upper Trinity River – the Klamath River’s largest tributary – has been diverted to the Sacramento River to supply California’s agricultural industry. This diversion has compromised salmon populations and created an ongoing tug-of-war for water between powerful agricultural interests and communities that depend on Klamath Basin fisheries.

This summer, the U.S. Bureau of Reclamation dismissed repeated warnings from tribal biologists who were concerned that unusually low water levels in the Trinity and lower-Klamath Rivers could lead to a fish kill. Biologists were specifically concerned about outbreak of Ich, a parasite that attacks fish during low-water conditions and was largely responsible for the death of more than 60,000 Klamath River salmon in 2002. Despite repeated calls for immediate water releases, the U.S. Bureau of Reclamation (BOR) announced on July 30 that it would release extra water only after a fish die-off began.

Days after BOR’s announcement, a group of Hoopa Tribal members and their allies confronted Sally Jewel, the secretary of the U.S. Department of Interior (which houses BOR) while she was in Redding, California for unrelated meetings. Secretary Jewel sidestepped tribal members’ request for additional water, but committed to send a BOR representative to join Hoopa tribal employees for a tour of the Trinity River.

“We could see a major fish kill coming and we knew we had to take strong, unified action to avoid it…”

The dispute culminated on August 19, when an estimated 200 tribal members, Klamath Riverkeeper staff and allies held a protest at the BOR office in Sacramento to demand immediate water releases to prevent a fish kill. Ultimately, BOR’s regional director David Murillo agreed to meet with protest organizers for a heated but productive discussion.
“We could see a major fish kill coming and we knew we had to take strong, unified action to avoid it,” said Dania Rose Colgrove a Hoopa Tribal member and protest organizer. “We bound with other Tribes and activists, stood up against Central Valley agricultural interests, and won.”

Just days after the protest, BOR released additional water as requested from August 25 until September 15. During this interval, lab results confirmed that several Klamath River Chinook salmon were infected with the deadly parasite Ich. Two additional water releases followed and a fish kill was averted.

“History has shown us that collective action by dedicated stakeholders can influence decision-makers who tend to act on behalf of the most powerful interest groups,” said Konrad Fisher, Executive Director of Klamath Riverkeeper. “This summer we saw this play out when Tribal activists and their allies beat the odds and prevented a tragic fish kill by taking action.”

As expected, powerful agricultural interests were not happy that water previously earmarked for California’s Central Valley was being released for Klamath River salmon. Both Westlands Water District and San Luis and Delta-Mendota Water Authority filed a request for a Temporary Restraining order to stop the water release. Fortunately, a federal judge denied that request and allowed the water to continue flowing for fish.

The future of Trinity River flows will be determined largely by the courts. An October 2 federal court ruling affirmed that BOR did not violate the law by releasing water this summer, much to the dismay of Westlands. However, the court’s ruling also stated that BOR would need to cite stronger legal authority if it wishes to releases water for Klamath River salmon in the future.

In the coming year, tribes, conservation organizations and fishing organizations will continue to build political support for regular water releases as necessary to prevent fish kills.

above: Hoopa Tribal Chairperson Danielle Vigil-Masten is interviewed by a local television station after urging federal and state officials to take immediate emergency action for fish in the Klamath Basin.

left and background: More than 200 tribal members and river activists gather in Sacramento to demand release of Trinity River water to prevent fish Kill in the lower Klamath River.
Fixing the World, One Dam at a Time

Team Klamazon, a delegation of Yurok, Karuk and Hoopa Tribal youth and river activists including two Klamath Riverkeeper Board members, brought the struggle to Un-Dam the Klamath River to a global level this year. The group took an eleven-day solidarity journey from the Klamath to remote villages deep in the Amazon rainforest in Brazil to support the fight against the Belo Monte Dam on the Xingu River.

“Rivers like the Klamath, the Xingu and the Amazon are the bloodlines of every human on the planet. They are our life-givers and they all run with the same blood,” said Mahlija Florendo, a 16-year-old Team Klamazon member and Yurok Tribal member. “We realize that we are all human and we need to stand up for our rights, for our rivers, and for our mother earth.”

Team Klamazon bridged the hemispheres of local resistance between indigenous struggles – the Klamath Basin in North America and the Amazon Basin in South America, both plagued by destructive dam projects. If completed, the Belo Monte dam would destroy 580 square miles of Amazon rainforest, divert 80 percent of the Xingu River, and displace as many as 40,000 people. This includes members of the Xikrin, Kayapó, Juruna and Arara Tribes. The Belo Monte dam is the first in a proposed mega-dam project that would further degrade the Amazon basin, flooding an area the size of California.

The delegation received generous support from Amazon Watch staff who offered orientation, personal introductions, and documentation of the trip. While there, the group met with several tribes, students, organizers and the media. During one stop, at the Xikron-Kayapo village of Poti-Kro, Team Klamazon members received a warm welcome even while communicating across three languages.

“We did not know there were any Indigenous people left in North America,” said a member of the Xikrin, at Poti-Kro. “It brings us hope to see you here now standing in front of us.”

Members of the Klamazon delegation shared stories with Xikrin villagers about how the government attempted to destroy Indigenous communities in the United States, and how strong tribal people continue to fight.

“I was born in the struggle, raised in the resistance. I was taught what was right, so I know what is wrong,” said Sammy Gensaw, a Yurok Tribal member and youth delegate. “No longer will we let location, language or governments segregate us.”

Team Klamazon members included: Dania Rose Colgrove, Anna Rose Colgrove, Mahlija Florendo, Sammy Gensaw III, Halle Pennington, Nat Pennington and Damien Scott. •
The impaired Choqueyapu River carried trash and sediments through the canyon, to the bottom of the valley. Although the Choqueyapu River starts as a fairly clean stream, industrial, municipal and household waste contaminates it as it passes through the city. By the time the channel fans out into a river delta downstream, heavy equipment ploughs into and through its waters, shifting rocks and flows.

I met with the Choqueyapu Riverkeeper while there, and learned that farmers irrigate their fields with the polluted water that flows past. The use of contaminated water for irrigation raises questions about the safety of food those farms produce.

Like the Los Angeles River, the Hudson River, the Klamath River and countless other rivers around the globe, the Choqueyapu River is manipulated, poisoned and neglected. But like all rivers on the planet, it is a place worth protecting and restoring.

After working for four years with Klamath Riverkeeper, I fulfilled my dream of traveling through Latin America, gravitating toward water everywhere I went.

The rivers of Patagonia run clear and turquoise. You can scoop the water into a cup and drink it directly. On the Futalefú River, boaters cascade down one long, exhilarating whitewater ride with barely enough space between rapids to catch a breath. At the takeout I felt drenched, immersed purely in nature, and utterly in awe.

In the tiny, rural town of Futalefú, opposition to a proposal by Endesa Energy to build dams there is seen everywhere. While there, I had a chance to meet with the Futalefú Riverkeeper and its members, and I discussed the impacts of Klamath dams with local people.

Also while in Patagonia, representatives from the Doug Tompkins Conservation organization introduced me to a popular campaign called Patagonia Sin Represas (Patagonia Without Dams). A few months later, the campaign announced a victory after the Chilean government denied permits for new dams on Patagonia’s Baker and Pascua rivers.

After leaving Chile, I traveled to La Paz, a city that would become my Bolivian home base for a month. On a taxi ride into the center of the city I witnessed a scummy, polluted river plunge through a wide cement canal alongside the roadway.

**Colorado River Meets the Sea Thanks to Historic Agreement**

As we celebrate victories that provided additional water for two Klamath River tributaries, we would like to acknowledge a truly historic moment that re-watered the lower Colorado River. In March, for the first time ever, water was released for the environment from the last dam on the Colorado River – the Morelos Dam just across the border in Mexico. After the water was released, miles of dry riverbed were filled and the Colorado River flowed into the Gulf of Mexico.

This “environmental pulse flow” was the product of lengthy negotiations between U.S. and Mexican policymakers, conservation organizations and water agencies. The negotiations resulted in an international agreement called Minute 319, which allocates approximately one percent of the river’s flow for environmental purposes over a five-year period.

Klamath Riverkeeper’s Executive Director Konrad Fisher traveled to the lower Colorado to witness the historic event and meet the people who made it happen.

“This was an inspirational moment in history that I did not want to miss,” said Fisher. “It has raised the profile of a debate at the center of our work in the Klamath Basin – whether it is legally and ethically acceptable to dewater rivers to the detriment of ecosystems and river-dependent communities.”
Victory for Shasta River Salmon

Lawsuit delivers water to endangered coho

The Karuk Tribe and Klamath Riverkeeper reached a historic litigation settlement that requires the operators of Dwinnell Dam on the Shasta River to release water for fish on a sustained basis for the first time since the dam was built in 1926. During the 87 years between the dam’s construction and this settlement, the operators of the dam released water for fish only a handful of days. Under the new settlement, dam operators must also undergo a permitting process to comply with the Endangered Species Act.

With the construction of Dwinnell Dam in 1926, virtually the entire flow of the Shasta River and Parks Creek were impounded and diverted to the 26-mile-long Montague Ditch, reducing one of the most productive salmon streams in the West to a mere trickle.

According to UC Davis researchers, “the Shasta River historically produced roughly half of the Chinook salmon in the Lower Klamath River watershed while contributing less than one percent of the mean annual flow. This prodigious historical production of salmon was largely related to the unique hydrologic and geologic setting of the Shasta River…”

Once again, our fisheries were sacrificed in the name of ‘progress.’ However, native Chinook and coho salmon are still making their way back to the Shasta. Downstream of Dwinnell Dam, dozens of cold springs fed by glaciers atop Mount Shasta to the North remain the destination for the most determined salmon, but fewer and fewer return. In 2009, only nine coho made it back – all males.

With coho on the verge of extinction, Klamath Riverkeeper took action by filing suit against the operator of Dwinnell Dam, the Montague Water Conservation District (MWCD) in 2012. Weeks later they were joined by the Karuk Tribe. The suit alleged violations of the Endangered Species Act.

Nearly two years later, in December 2013, a settlement was reached that has dramatically improved conditions for Shasta River salmon. The settlement requires MWCD to apply for permits to operate the dam (until now, MWCD had no permits that regulated dam releases or diversions). This includes a flow plan to accommodate the needs of fish that will have to be evaluated in a public permitting process requiring the participation of the National Marine Fisheries Service and downstream tribes. In addition,
MWCD must screen diversions and restore the reach of river below Dwinnell dam.

In the interim period while these details are being worked out and permits approved, MWCD will provide between 2,250 and 11,000 acre feet of water annually for in stream benefits to fisheries. The exact amount will depend on rainfall, but these volumes are 10 to 100 times more than fish have received in nearly a century. Furthermore, the Karuk Tribe will undertake a feasibility analysis to determine whether or not a fish bypass around the dam is possible. If not, the Tribe and KRK may advocate that the agencies require MWCD to remove the dam.

Years like this one prove the worth of rivers like the Shasta. While many of our rivers and creeks will go bone dry due to historically low precipitation, the spring fed Shasta River will still flow. This river has no doubt served as a last resort for salmon through numerous droughts over the course of their evolutionary history, making it one of the most important streams in the Klamath Basin if not the whole West Coast.

Although ‘divine intervention’ is credited with sealing the leaks of Shastina Reservoir, it’s the hard work of advocates that will ultimately get our rivers flowing again. Klamath Riverkeeper is proud to work alongside the Karuk Tribe to protect and restore the irreplaceable Shasta River.

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**Klamath Riverkeeper Intern Organizes in the Upper Basin**

*by Rae Benson*

Growing up in the Upper Klamath Basin, I have always been grateful for being raised at the foot of the Cascade Mountains and near the headwaters of the Klamath River. I am an enrolled member of the Confederated Tribes of the Colville Indians, and a descendant of the Klamath Tribes. I am currently near completion of a Bachelor’s degree in Environmental Science at the Oregon Institute of Technology (OIT) in Klamath Falls, Oregon. I recently finished an internship with Klamath Riverkeeper working as a student organizer. My role as an organizer was to share awareness of water issues with my fellow students, organize events and collect petition signatures to support dam removal on the Klamath River.

I was able to have members of the Klamath Tribes Negotiating Team, including tribal Chairman Don Gentry, come to OIT present information about water issues of the Upper Klamath Basin Comprehensive Agreement, and to answer questions from students and community members. I was also able to show the film *Upstream Battle* to community members. I feel that the effort to spread awareness of the water issues along the Klamath River was very important.

Historically, the water issues in the Klamath Basin have been a very stressful experience for many. However, without continued efforts by tribes, federal and non-federal agencies, and other groups to support river and wildlife restoration, the future of the Klamath River is in jeopardy. We all need to come together to agree to restoration and to save the salmon!
Never Again

Klamath Fish Kill, 2002

Will you join us?

www.KlamathRiver.org