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# Congress Must Act to Restore The Klamath

By Glen Spain

One of the most important and most urgent actions that can be done to restore the battered West Coast ocean commercial salmon fisheries in the "Lower 48" is to restore the valuable and once-great salmon runs of the Klamath River, once the third largest runs in the US outside of Alaska.

On February 18, 2010, after more than 90 years of increasingly bitter Klamath Basin "water wars," then several disastrous Klamath-driven 2005, 2006 and 2007 partial or complete shutdowns of ocean commercial salmon fisheries over more than 700 miles of coastline, some 43 major stakeholder groups and government agencies (including two Governors, one a Republican and one a Democrat) came together to announce that they had finally reached a "Klamath Settlement" that gave real hope for stabilizing and restoring that key West Coast salmon-producing basin – and ultimately restoring thousands of lost jobs.

Yet the "Klamath Basin Economic Restoration Act" (S. 1851 and H.R. 3398), a bill that would have fully implemented that Settlement, was more or less ignored by the just ended 112th Congress, and the bill never even got a hearing.

Now, more than two years after the Settlement was signed, and for purely ideological reasons that fly in the face

of all the facts, certain members the US House of Representatives continue to delay House approval, trying to block it in Congress.

For the West Coast salmon-dependent communities of California, Oregon and southern Washington, continued Congressional inaction on solving the Klamath's salmon problems is simply not acceptable. Failure to pass the necessary legislation to implement that landmark Klamath Settlement Agreement simply puts the mixed-stock ocean commercial fisheries of those three states – worth several hundred million dollars a year – at continued risk of future closures.

### Why the Klamath Matters

The depressed fall-run chinook salmon stocks of the Klamath are in the very center of the West Coast's "Lower 48" ocean salmon commercial fishery, and thus intermingle in the ocean with all other salmon stocks all the way from Monterey, California to central Washington. Yet in spite of a helpful upward spike in escapement numbers for 2012, these Klamath-origin fall chinook stocks still remain very weak. And under "weak stock management" constraints, the health of these Klamath River fall chinook stocks dominates and constrains the entire management regime for ocean salmon fisheries throughout that vast

700-plus mile region.

The Klamath Basin was historically the third-largest salmon producing river system in the US outside of Alaska, with large original salmon populations only surpassed by the Columbia and Sacramento-San Joaquin Rivers. Before European development, the Klamath produced an estimated average of 880,000 returning adults salmonids each year. Today, however, more than 90 percent of its salmon habitat has been destroyed or blocked.

Lost salmon habitat means declining populations. In years like 2006, in which the fall-run chinook (the only healthy Klamath salmon run left) could not even meet its 35,000 "minimum spawner floor," (the minimum escapement that allows any harvest), these declines have meant widespread or total "weak stock management" ocean salmon season closures over most of the northern California and Oregon coastline, triggering severe restrictions even well into southern Washington.

That 2006 closure alone cost the West Coast fishing industry more than \$100 million in economic losses, and required \$60.4 million in Congressional disaster assistance. Only slightly less depressed seasons also occurred in 2005 and 2007 for the same reasons, also costing our industry many tens of millions of dollars



that has never been compensated, and putting many coastal fishing jobs at risk.

### **Removing Fish-Killing Dams**

Today the heaviest impact on Klamath salmon production by far comes from a series of four small hydropower dams originally built since 1918 without fish passage (which would be illegal today), along the Klamath River near the California-Oregon border. These dams are owned by PacifiCorp (aka Pacific Power), a privately owned but publicly regulated utility providing power to about 560,000 Oregon and 40,000 California customers.

But the four dams combined have generated only about 88 MW of electrical power on average over the last 50-year Federal Energy Regulatory Commission (FERC) license. By comparison, a single modern power plant could generate more than 1,000 MW of power.

Reservoirs behind the dams also create or greatly contribute to serious river water quality problems, including warming the water above tolerance levels for cold-water salmon, concentrating nutrients, curtailing natural gravel recruitment, and encouraging the explosive growth of toxic blue-green algae as well as encouraging the growth of fish pathogens downriver such as *Ceratomyxa shasta* and *Parvicapsula minibicornis*.

However, that 50-year license to operate these four dams expired in April 2006, and is only being extended annually while an ultimate decision on whether to reliance them is pending. But fixing these dams up to modern relicensing standards would simply cost more than they are now worth.

Under the Klamath Settlement Agreements, therefore, PacifiCorp has agreed that these four now-obsolete hydropower dams would be completely taken down in 2020 – and full salmon passage restored. This would restore access for salmon to more than 420 stream-miles that were previously blocked, greatly improving the river's runs.

### **More Water for Klamath Salmon**

The other major constraining factor

for lower river salmon production is sheer lack of water for fish. In the upper basin, about 220,000 acres of farmland is now irrigated as part of the federal Bureau of Reclamation Klamath Irrigation Project. The Bureau's water right claim is currently for effectively unlimited amounts of water, so long as they can use it for irrigation. Prior to recent federal Endangered Species Act (ESA) constraints, the Klamath Irrigation Project typically diverted up to 435,000 acre-feet of water from Upper Klamath Lake for this purpose, with its higher diversions in the driest water years – thus exacerbating the impacts of all droughts on lower river salmon.

At least another 110,000 acres of irrigated lands also exist that are hydrologically above the federal irrigation Project, along the Williamson and Sprague Rivers, which feed Upper Klamath Lake. These lands either divert water directly from the flows to Upper Klamath Lake or irrigate from groundwater pumping, some of which could be reducing nearby stream flows by curtailing inflows from aquifer springs.

A big source of water conflicts in the upper Klamath basin revolves around ESA protections both for resident fish in Upper Klamath Lake and for ESA-listed Klamath coho salmon below the dams. Water over-allocation led to a major confrontation between the federal ESA and state-based water rights during the near-record drought of 2001. That year many Klamath Project farmers who were dependent upon federal Project water deliveries found themselves losing much of their anticipated water deliveries (and their crops), causing serious economic losses to these Project-dependent farmers and resulting in a sharp political backlash.

Yet in an effort to restore full irrigation deliveries in the upper basin, in spite of continued drought, in 2002 the Bush Administration then cut off water to the lower basin just as the adult salmon runs were returning to spawn, causing the premature death of more than 70,000 adult spawners before they could lay their eggs – said to be the largest adult fish kill in US history.

These and similar back-to-back

water, farming and fisheries crises in 2001, 2002, 2005, 2006, 2007 and 2010 resulted in rotating economic disasters throughout the Klamath basin, punctuated by nearly constant litigation and political gridlock. This past decade of disasters amply demonstrates the desperate need for change in the Klamath basin for both farmers and fishermen alike. The two parallel Klamath Settlement Agreements represent that change.

The Klamath Settlement Agreements were the result of nearly 10 years of hard fought efforts by all those stakeholder groups, including PCFFA representing the interests of ocean salmon fisheries, to finally resolve these problems and to restore the Klamath's once-great salmon runs.

This is a bi-partisan, bottom-up, stakeholder-driven and both biological and economic restoration plan. It is also precisely the sort of long-term, locally-based restoration plan we were told by previous Congresses was needed.

This once-in-a-lifetime economic restoration opportunity should not be sabotaged by current Congressional foot-dragging. The Klamath Basin will most certainly return to the chaos and conflicts of the past if these conflicts are not ultimately resolved through this Settlement. There is no other alternative even remotely on the table.

### **How Klamath Restoration Benefits Fishermen**

For more than 90 years now, the four PacifiCorp-owned dams have illegally blocked access to more than 420 stream-miles of once fully occupied salmonid habitat above the dams – habitat which fishery biologists estimate could still support as many as 111,000 additional salmonids.

In other words, the salmon runs of the Klamath would nearly double as a result of full implementation of both the habitat restoration and dam removal components of the Klamath Settlement, restoring hundreds of lost fishery-dependent jobs. Because the Settlement also provides more water certainty, many more jobs would also be restored to upper basin farming communities as well. And most of those restored jobs in



both sectors would be permanent.

Once approved by Congress, the Klamath Settlement Agreements would, among other benefits to salmon fisheries: (1) permanently restore between 130,000 and 230,000 acre-feet of water back to the Klamath River to benefit salmon, the total amount each year depending on rainfall; (2) help “drought proof” the lower river and its salmon runs as much as humanly possible, including implementing the Settlement’s first ever “Drought Plan” for the river; (3) restore access for salmon to more than 420 stream-miles of previously occupied habitat now blocked by the four obsolete Klamath dams; (4) greatly improve Klamath River water quality, gravel recruitment and other ecological functions necessary for maximizing salmon production; (5) greatly diminish the incidence of various fish pathogens and diseases that are exacerbated by current poor in-river water quality conditions; (6) authorize an aggressive 50-year

salmon habitat restoration program to help fully restore the basin’s damaged salmon habitat over time.

A thorough scientific and economic analysis has already been done on the likely impacts of the Klamath Settlement, including dam removal, and those results are very encouraging. According to that analysis the Settlement, once implemented, would: (1) increase the median annual production of adult Klamath Basin chinook salmon by at least 81.4 percent, and increase local and regional ocean commercial and sport salmon harvests by at least 46.5 percent. In-river Tribal harvests would also conservatively increase by an estimated 54.8 percent, and in-river recreational harvests by 9 percent.

Additionally, projections are that full implementation of the Klamath Settlements would create an additional 4,600 new jobs over its first 15-year implementation period – at least 453 of them

permanent full-time commercial fishing jobs. In economically depressed coastal areas this is no small economic benefit.

### **What You Can Do To Help**

Restoring the once-great salmon runs of the Klamath River will restore hundreds of lost fishing industry jobs and end more than 90-years of bitter Klamath Basin water conflicts. Tell your elected officials to support the “Klamath Basin Economic Restoration Act” when that bill is reintroduced in the current (113th) Congress. 🐟

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#### **FOR MORE INFORMATION ON THE KLAMATH SETTLEMENT SEE:**

Economic, Engineering, Scientific Studies and Impacts Analysis:  
[www.klamathrestoration.gov](http://www.klamathrestoration.gov). A “Summary of Key Conclusions” is at:  
<http://klamathrestoration.gov/sites/klamathrestoration.gov/files/Final.Summary.Sept.21.pdf>

General information on the Klamath Settlement and its benefits:  
[www.klamathrestoration.org](http://www.klamathrestoration.org)

See how the Klamath Settlement will benefit west coast commercial fisheries:  
[www.pcffa.org](http://www.pcffa.org) and click on the “Klamath” links at the top.

For details about the Klamath Settlement, see: “*The Klamath Settlement: Hope for West Coast Salmon Fishermen*,” (July, 2010 FN at: [www.pcffa.org/fn-jul10.htm](http://www.pcffa.org/fn-jul10.htm)).

For how the Klamath is key to managing all West Coast ocean salmon fisheries in the Lower 48, see “*Why the Klamath Matters to Fishermen*” (August, 2001 FN at: [www.pcffa.org/fn-aug01.htm](http://www.pcffa.org/fn-aug01.htm)).

For the current status of the “Klamath Settlement Bill,” search the THOMAS Congressional Bill Service (<http://thomas.loc.gov/home/thomas.php>) under the keyword: “Klamath.”