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To Save the Klamath, Congress Must Act Now *By Glen Spain*

ONE OF THE MOST IMPORTANT – and most urgent – actions that can be taken in the final days of the 114th Congressional Session this year, to help the battered West Coast ocean commercial salmon fisheries in the "Lower 48," is to restore the valuable salmon runs of the Klamath River, once the third largest runs in the US outside of Alaska.

With the hard-fought "Klamath Settlement" on the table in the form of the "Klamath Basin Water Recovery and Economic Restoration Act of 2015" (S. 133), this happy future right now is still within the power of Congress to achieve.

But unfortunately, that window is closing fast! And what is Congress doing to make this happen? Nothing. In spite of valiant efforts by all four Senators from California and Oregon, who have all sponsored that bill, continued Congressional inaction is risking the future of the entire West Coast ocean salmon fisheries over more than 700 miles of northern California to Washington State coastline.

On February 18, 2010, after nearly 100 years of increasingly bitter Klamath Basin "water wars," then a catastrophic 2002 salmon fish kill, then several disastrous Klamath-driven 2005, 2006 and 2007 partial or complete shutdowns of ocean commercial salmon fisheries from Monterey, California to southern Washington, some 43 major stakeholder groups and government agencies (including two Governors, one a Republican and one a Democrat, and in a deal originally a product of the Bush Administration) all came together to announce that they had finally reached a "Klamath Settlement Agreement" that gave real hope for stabilizing and restoring that key West Coast salmon-producing basin – and ultimately restoring thousands of lost jobs Klamath-based jobs, in both agriculture and fisheries.

Yet Congress, which must still approve this landmark (and hard won) Klamath Settlement, is asleep at the wheel. The latest version of the "Klamath Basin Water Recovery and Economic Restoration Act of 2015" (S. 133), designed to fully implement that settlement, is now being more or less ignored.

Just ignoring the escalating water and ecological problems strangling key Klamath River salmon runs does not make those problems go away – without solutions those problems will remain, get worse and ultimately kill the Klamath River. For West Coast salmon-dependent communities of northern California, Oregon and southern Washington, continued Congressional inaction in resolving the Klamath's simmering salmon problems is simply not acceptable.

Every other major landmark to make the Klamath Settlement a reality has already been achieved. The last remaining piece is final Congressional approval.

But failure at the last minute by Congress to pass the final necessary legislation to implement that landmark Settlement would plunge the region back into chaos, and the cycle of year-by-year rotating crises would never end. Inaction also puts the mixed-stock ocean commercial fisheries of those three states – worth several hundred million dollars a year – at continued risk of major future Klamath-driven 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 few upward spikes, 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, damaged 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 combining to cost our industry another $100 million dollars that has never been compensated, and putting many coastal fishing jobs and communities 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 in the early 20th century 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 corporation 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.

Slack-water reservoirs behind the dams also create or greatly contribute to serious lower 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.

Under the Klamath Settlement Agreement, PacifiCorp has agreed that these four nearly obsolete hydropower dams would be completely taken down in 2020 – and full salmon passage restored!

Best of all, the money for dam removals would come entirely from non-federal sources, principally from PacifiCorp's own customer base, with some backup funds from the State of California. In other words, dam removal would not cost federal taxpayers a dime!

But since federal licenses, federal lands, federal irrigation systems and federal Tribal Treaty water rights are involved, Congress still has to approve. That is the roadblock.

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 are now irrigated as part of the federal Bureau of Reclamation's 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 always 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, mostly along the Williamson and Sprague Rivers that 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.

All in all, it is clear that too much water was promised to federal and non-federal irrigators in the past, and too little was reserved for the fish. 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 a politically-driven 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 Klamath Settlement Agreement represents that change.

Support for the Settlement is both broad and deep. This is a bi-partisan, bottom-up, stakeholder-driven and both biological and economic restoration plan, as recommended previously by Congress. Congress now needs to approve it.

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.

Klamath Restoration Benefits for Fishermen

For nearly 100 years now, the four PacifiCorp-owned dams have 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 from today's numbers as a result of full implementation of both the habitat restoration and dam removal components of the Klamath Settlement. Official economic projections are that full implementation of the Klamath Settlement 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 small and economically depressed coastal areas this is no small economic benefit.

In summary, once approved by Congress, the Klamath Settlement Agreement would also, 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 to protect the fish from future drought disasters; (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.

How You Can Help

Restoring the once-great salmon runs of the Klamath River will nearly double the current size of Klamath salmon runs, restore hundreds of lost fishing industry jobs and end nearly 100-years of bitter Klamath Basin water conflicts.

Tell your elected officials that it is urgent that they support the "Klamath Basin Water Recovery and Economic Restoration Act" (S. 133) in the current (114th) Congress, and any versions of that same bill coming over to or introduced in the House. There is no time to lose! . FN

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Former PCFFA director William F. "Zeke" Grader, Jr., a fierce advocate for wild fish and the men and women who harvest them, died on September 7 after a long illness. He was 68.

For more information on the Klamath Settlement see:

Economic, Engineering, Scientific Studies and Impacts Analysis: www.klamathrestoration.gov. A *Summary of Key Conclusions*: http://klamathrestoration.gov/sites/klamathrestoration.gov/files/Final.Summary.Sept.21.pdf

General information on the Klamath Settlement and its benefits: www.klamathrestoration.org

See how the Klamath Settlement will benefit West Coast commercial fisheries: 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). 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).

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."