

State, federal officials sign new Klamath dam agreements

U.S. Interior Secretary Sally Jewell, California Gov. Jerry Brown and Oregon Gov. Kate Brown were among the dignitaries who signed new agreements to remove four dams from the Klamath River and do fisheries improvements and other projects in the Klamath Basin.

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KLAMATH, Calif. — Top state and federal officials made their latest Klamath River dam removal pact official April 6, as proponents vowed to keep pushing for water-sharing agreements that would benefit Klamath Basin farmers.

California Gov. Jerry Brown and Oregon Gov. Kate Brown were joined by U.S. Interior Secretary Sally Jewell and other dignitaries at a resort on the Yurok Tribe's reservation, where they inked the final version of the dam-removal plan they announced in February.

The plan calls for a nonprofit organization to take control of the four dams from owner PacifiCorp and seek a go-ahead for their removal from the Federal Energy Regulatory Commission.

"It's a day to reaffirm our shared commitment to restore and heal the Klamath Basin," Jewell said, "and to acknowledge the incredible and brave partners and leaders who, despite setbacks, stayed at the table."

California's Jerry Brown said the agreement is a testament to "non-extremism and non-polarization," as people from different backgrounds worked to put it together.

"What we're doing today in healing this river has implications not only for the United States but all over the world," he said.

In addition, the parties signaled a plan to revive the companion Klamath Basin Restoration Agreement, including water-sharing agreements between farmers, tribes and the U.S. Bureau of Reclamation and various fisheries improvements around the basin.

The side agreement includes support for federal legislation that would provide money to operate two diversion dams within the basin that PacifiCorp would turn over to Reclamation so irrigators wouldn't have to pick up the cost, said Craig Tucker, the Karuk Tribe's natural resources policy advocate.

"It's really a promise to ag that we're going to stay at the table with them and continue to support the things they need," Tucker told the Capital Press before the ceremony.

Oregon's Kate Brown said the agreements will heal divisions in the Klamath Basin, providing fisheries improvements for tribes and "a sustainable and predictable source of water" for ranchers and farmers.

"It's about the future we want to leave for our children and our children's children," she said.

The governors and Jewell were joined in the morning ceremony by Pacific Power President and CEO Stefan Bird, National Oceanic and Atmospheric Administration chief Kathryn Sullivan, Yurok Tribe Chairman Thomas O'Rourke, Karuk Tribe Chairman Russell Attebery and representatives of nongovernmental and water users' groups.

The ceremony was to sign off on a final version of the 133-page agreement announced Feb. 2 by PacifiCorp, the states of Oregon and California and the federal Departments of the Interior and Commerce. The new agreement was reached after Congress failed to authorize the original 2010 Klamath Basin water-sharing pacts by the end of 2015.

The officials stood near the mouth of the Klamath River and signed the agreements atop a fish-cleaning table. The event was streamed online by the Yurok Tribe.

The amended Klamath Hydroelectric Settlement Agreement will maintain the timeline for dam removal in 2020 and use the same funding as before — \$200 million from PacifiCorp ratepayers and \$250 million from California’s Proposition 1 water bond, which voters passed in 2014.

The separate agreement — called the 2016 Klamath Power and Facilities Agreement — aims to help Klamath Basin irrigators avoid any adverse impacts from the return of fish runs to the Upper Klamath Basin after dam removal, proponents said.

Removing dam removal from the equation could make it more politically palatable for lawmakers to support other aspects of the agreements. In December, Rep. Greg Walden, R-Ore., introduced a bill to move forward on other aspects of the agreements.

Another bill by Sen. Ron Wyden, D-Ore., has so far languished in the upper chamber’s Energy and Natural Resources Committee.

Most of the 42 original signatories have been working for the past two months to iron out details of the new pact, and the parties held a public meeting March 16 in Sacramento to gather input. **The process has drawn criticism from dam removal opponents, who in recent weeks have accused proponents of meeting in secret and claimed the private entity created under the new plan would still need congressional approval.**

One of the most vocal critics has been Lawrence Kogan, a New York-based water-rights attorney hired by the Klamath Irrigation District. Kogan alleges the government agencies are violating the original agreements by not giving the district enough time to study the new proposal and failing to disclose key elements of the pact, including an economic impact study he said Oregon and California utilities regulators will rely on in considering dam-removal permits.

Kogan sent an email April 4 urging Klamath Basin Coordinating Council facilitator Ed Sheets to postpone the signing ceremony until the irrigation district’s questions are resolved. He said he didn’t receive a response.

“We are objecting to the process that they violated and continue to violate,” Kogan told the Capital Press, adding that the district may sue to block the agreement.

At the ceremony, Jewell said the district’s meet-and-confer request has put the Upper Basin agreement into question, but “we are as committed” to the agreement “as we were on the day we first signed.”

The Karuk Tribe’s Tucker said in an interview the tribes and environmental groups were going to push for the dams’ removal to save beleaguered salmon runs regardless of whether an agreement was in place. He said it would be better for Klamath Basin irrigators if a water-rights settlement could be put in place.

Among the signing ceremony’s attendees was U.S. Rep. Jared Huffman, D-Calif., who said beforehand that the state and federal governments are “working toward one of the greatest restoration projects in history.”

Tucker agreed, arguing the dams’ removal would be “the greatest act of salmon restoration ever undertaken in America.”

“Dam removal hasn’t happened yet,” he said. “We still have hoops to jump through. I believe ... we cannot fix this without working with ag. We still have to come to terms on water-sharing with ag. Whether the dams stay or go doesn’t change that commitment to work with people in good faith to find solutions to water-sharing.”