



ITSSD PRESS RELEASE

**FOIA REQUESTS FILED WITH BUREAU OF RECLAMATION
SEEK COPIES OF COMMUNICATIONS
BETWEEN FEDERAL AGENCY OFFICIALS
AND
LOCAL KLAMATH BASIN RESIDENTS**

Princeton Junction, NJ – July 27, 2016 – Late yesterday afternoon, the Institute for Trade, Standards and Sustainable Development (“ITSSD”) filed Freedom of Information Act (“FOIA”) Requests with the Denver Colorado and Sacramento, California offices of the U.S. Department of Interior Bureau of Reclamation. The ITSSD FOIA requests seek disclosure of all communications exchanged between Reclamation officials and local Klamath Basin residents concerning the Klamath Basin Agreements championed by the Obama administration. These agreements include the now-defunct Klamath Basin Restoration Agreement (“KBRA”), the Upper Klamath Basin Comprehensive Agreement (“UKBCA”), the original and amended versions of the Klamath Hydroelectric Settlement Agreement (“KHSA”)/ (“Amended KHSA”), and the Klamath Power and Facilities Agreement (“KPFA”).

The KBRA failed by its own terms on January 1, 2016 following Congress’ failure to ratify it. The UKBCA promotes Upper Basin resident water right settlement concessions in favor of the Oregon-based Klamath Tribes to lessen but not extinguish the risk the Tribes will pursue adjudication of their aboriginal Basin claims in Klamath County Circuit Court. The KHSA and Amended KHSA aim to secure the removal of four perfectly operational Klamath River (the John C. Boyle, Copco 1, Copco 2 and Iron Gate) Dams in settlement of the off-reservation fishing and water right claims held by three California-based tribes – the federally recognized Hoopa Valley and Yurok Tribes and the non-federally recognized Karuk Tribe. The KPFA, meanwhile, seeks the “introduction/reintroduction” of nonindigenous threatened and endangered fish species into the Upper Klamath Basin vis-à-vis the imposition of potentially severe and costly Endangered Species Act regulatory restrictions upon Klamath Irrigation Project (“Project”) farmers and ranchers to prevent the entry of such species into designated Project diversion points.

Congressional appropriations necessary to achieve the policy objectives of each of these Basin Agreements has been sought in the Wyden-Merkley Amendment to the U.S. Senate Energy bill now being reconciled with a separate U.S. House energy bill by U.S. House and Senate conferees. Wyden-Merkley proponents, however, have refused to consider subjecting the execution of the Amended KHSA and new KPFA to subsequent Congressional review and ratification as had originally been envisioned.

The net impact the implementation of these agreements and impending legislation will have upon Klamath Basin farming and ranching, much like the dam removal and tribal settlement initiatives that the administration and environmental and tribal activist groups have pursued in other parts of Oregon

and other western states including California, Washington, Montana and Idaho, will be the eradication of considerable portions of U.S. agricultural production. In other words, the severely reduced water flows to generations-old non-Indian Project and non-Project farms and ranches serving major U.S. livestock & produce markets will effectively dry them up, diminishing their economic value and discouraging future generations of western farmers. Fewer western farmer and rancher crop and livestock harvests for Americans means reduced U.S. market supply of such products. U.S. national security will be compromised as America then becomes more dependent on third world food imports, the safe & secure delivery of which can no longer be assured.

Notwithstanding this negative reality, many Klamath Basin organizations and residents have supported the Klamath Basin Agreements since at least 2009. In fact, many of them have stepped up their advocacy activities to become much more critical of, and in some instances, have even harassed or threatened other Basin residents who have expressed opposition to such initiatives.

These socially unacceptable mob-like behaviors have arisen largely as the result of the November 2015 electoral changes in the Klamath Irrigation District (“KID”), the second largest and arguably most important of 22 districts within the Project, whose main headgate is located near the base of Upper Klamath Lake. At KID, a one man change in the Board of Directors effectively led to the retirement of a 25-year-or-more entrenched Board of revolving directors, and resulted in a new Board majority bearing a bold new electoral mandate and agenda. That mandate/agenda had called for the pursuit of a fair and equitable \$10 million-plus Reclamation financing contract to enable the replacement of the District’s aging C Canal flume, an in-depth examination of the pros and cons of securing absolute title to District Project transferred works (“title transfer”), the legal challenge of the Upper Klamath Lake/Klamath River joint biological opinion, and the total cessation and prevention of Interior Department dam removal plans.

The current minority and prior KID Board members and their patrons have done everything in their power to ensure they can reclaim political and financial control over the District and prepare for the successful implementation of the Basin Agreements. These actions include: 1) the disruption of KID business at monthly Board meetings; 2) the writing and securing of media articles critical of majority Board member and newly appointed counsel actions and sympathetic to minority Board member support for the Basin Agreements; 3) the filing of numerous FOIA requests seeking information about communications between majority Board members, supporting patrons and counsels; 4) the distraction of and interference with such counsels’ representation of the District before Reclamation and the public; 5) the filing of baseless Oregon Ethics Commission and Oregon State Bar complaints against KID majority Board members and newly hired counsels; and 6) the petitioning for and securing of a potential election recall of the KID Board’s new majority members.

It is widely believed that federal government officials, biased local editors, and environmental and tribal activist groups, intent on dividing the local community, are aiding and abetting these residents in their efforts to stop the new Board from pursuing its election mandate. It also is widely believed that these local Klamath residents are expecting some form of personal financial benefit or compensation from the federal government for their ongoing and unwavering support of the Basin Agreements.

The purpose of these and other soon-to-be-filed ITSSD FOIA requests, therefore, is to secure federal agency records that will confirm whether or not these beliefs and suspicions are true. Copies of these FOIAs may be obtained [here](#) and [here](#).

Press and media inquiries are welcome and invited.

The Institute for Trade, Standards and Sustainable Development (“ITSSD”) is a globally recognized nonprofit public interest legal research, analytics and educational organization that examines domestic and international law and policy relating to trade and positive sustainable development. The ITSSD’s evolving work focuses, in part, on disclosing information about the deleterious impacts of environmental and tribal laws and policies on exclusive private property rights.