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News Release

NEC Rejects Klamath Settlement Deal

*Northcoast Environmental Group Withdraws From
Negotiations Over Concerns for Salmon*

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April 23, 2009 — FOR IMMEDIATE RELEASE

The Northcoast Environmental Center has withdrawn from the Klamath Basin Restoration Agreement (KBRA) because the agreement threatens the river's fishery and could actually impede dam removal. The NEC remains committed to separate negotiations with the energy company PacifiCorp to remove four dams on the Klamath River, and will move forward with initiatives to protect and restore the Klamath River, its vital salmon runs, and the Klamath basin's critically important wildlife refuges.

The NEC has long held deep reservations about several provisions of the KBRA, including an unprecedented guarantee of water delivery to upriver farmers. In dry years, such a water diversion would likely violate minimum river flows established in 2006 by a federal judge under the U.S. Endangered Species Act. The irrigator allocation puts salmon at risk of another catastrophic fish kill such as occurred in 2002. Therefore, the NEC will not sign the final agreement.

After three years of negotiations, the NEC Board of Directors made the difficult decision this month to abandon the KBRA after the Klamath Settlement Group drafting committee released a near-final draft of the agreement that included none of the NEC's proposed changes.

These changes included reopening negotiations on the how much water will be diverted for irrigation in the upper Klamath basin. Other NEC "must haves" that did not turn up in the latest draft include a guaranteed in-stream flow for fish, such as currently exists under the court-ordered ESA Biological Opinion.

The NEC also objects to a KBRA provision that would allow continued cultivation of 22,000 acres on the Klamath National Wildlife Refuge for the next 50 years. The NEC opposes chemical-intensive farming on the Refuge, and has long sought to retire the leases.

“We understand and sympathize with the plight of upriver farmers, who need water for their crops,” said Greg King, the NEC’s Klamath Campaign Coordinator. “The farmers require water to avoid dry fields. But the salmon need that same water to avoid extinction. If potatoes don’t get water, they won’t go extinct.”

Many critics of the KBRA have labeled it a “Frankenstein” agreement because it began as a negotiation with the dam owner, PacifiCorp, to remove four dams on the Klamath River, yet PacifiCorp left the talks in 2006. Today the KBRA contains no mechanism for dam removal, though it does contain numerous special interest provisions inserted into the Agreement over the past three years. The NEC supports several of these provisions — such as funding for restoration, and for tribes to purchase land and expand their fisheries programs — but finds many others unsupportable, including the irrigator allocation, Refuge farming, and \$200 million in subsidies for farmers.

Last year PacifiCorp began negotiating a separate dam removal deal with most, but not all, members of the Klamath Settlement group. The NEC remains a party to this negotiation.

“The giveaway to farmers in the KBRA reflects their close allegiance with the Bush Administration,” said NEC Board President Pete Nichols. “We now have a new administration that will hopefully see the wisdom of abandoning this agreement. We need a new KBRA to ensure that fish and the health of the river are protected.”

In 2001 the U.S. Bureau of Reclamation cut water deliveries to upper Klamath Basin farmers in an effort to provide water to federally protected Coho salmon. Shortly thereafter Vice-President Dick Cheney personally intervened on the farmers’ behalf, a move seen as a ploy to help the reelection efforts of Oregon Republican Senator Gordon Smith.

Cheney’s meddling included calls to Department of Interior scientists requesting that they change their scientific conclusions to allow more water deliveries to farmers. During the dry year of 2002, Klamath farmers got their water: 400,000 acre feet, resulting in a fish kill that year of 68,000 salmon, the largest adult fish kill in U.S. history.

The four PacifiCorp Klamath dams targeted for removal are J.C. Boyle, Copco I, Copco II and Iron Gate. All lie many miles downstream of upper Klamath Basin farmers and do not provide irrigation water or flood control.

The NEC also objects to the size of the KBRA budget — nearly \$1 billion — and to a provision that the separately negotiated dam removal deal will not take effect unless Congress approves the KBRA. Congressional approval of the KBRA is unlikely due to its usurpation of federal environmental laws, and its excessive budget.

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