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#### News Release

## NEC Rejects Klamath Agreement

*Top scientists say Klamath Basin Restoration Agreement  
is flawed, and could prevent fish recovery,  
without guaranteed downstream flows*

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#### FOR IMMEDIATE RELEASE

**Arcata, CA** — The Northcoast Environmental Center (NEC) will not support the Klamath Basin Restoration Agreement as it is currently written, the NEC's Board of Directors decided in late February. The NEC, which has worked for 37 years to protect the Klamath River and its fishery, is concerned that the Agreement does not contain a guarantee of water for fish nor even a goal for fish recovery. Yet the Agreement would give farmers in the upper Klamath basin an unprecedented guaranteed allotment of water for irrigation.

The decision not to support the Restoration Agreement (also known as the Settlement Agreement) is based on scientific analyses provided by three of the West's most respected river flow analysts, who concur that as a "plan for a plan" — even with the removal of four dams — the Agreement could result in Klamath River flows so sparse at crucial times that endangered salmon may not be able to recover from what are now critically low numbers.

"We want nothing more than to support a workable agreement that would result in decommissioning of four mainstem Klamath dams and provide fish with the water they need to avoid extinction," Greg King, Executive Director of the Northcoast Environmental Center, said Monday. "The independent scientists we have commissioned and consulted, who are among the most respected river analysts in the west, tell us this deal won't do that. This Agreement would lock us in to supporting water allocations for agriculture, as well as state and federal legislation, that could result in stream flows so low as to cause extinction. We can't do that."

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The NEC is one of 26 parties to the Klamath Basin Agreement. Last year the organization contracted with hydrologist Greg Kamman, of Kamman Hydrology in San Rafael, and fisheries biologist Dr. Bill Trush, of McBain and Trush in Arcata, to analyze the scientific modeling and conclusions contained in the Restoration Agreement. In their reports (available at <http://yournec.org>) both scientists concluded that the Agreement could lock into place water allocations that would harm salmon.

Last week Trush completed an alternative plan for evaluating the needs of Klamath River fish prior to approval of the Restoration Agreement. That plan (attached) would have to be well under way, or completed, before the NEC will support the Basin Agreement.

In his alternative plan, Trush wrote, "The Klamath Basin Restoration Agreement relegates salmon and the Klamath River ecosystem to the status of junior water users, while Upper Basin irrigators become the senior water users. This premise squarely places onto the salmon and the river ecosystem any risk inherent in the conclusion that flows contained in the Agreement will actually provide enough water for recovery of the species. Nowhere is this clearer than in the future allocation of water. ... Quantitative goals for fish and the river ecosystem, conspicuously missing from the Settlement Agreement, are necessary to establish how much improvement (benefit) is required for restoration. ... The NEC shouldn't support the Settlement Agreement until these specific concerns are addressed quantitatively."

In addition to Trush and Kamman, another river scientist, Dr. Thomas Hardy, has expressed trepidations about the Basin Agreement. Hardy is the Associate Director of the Utah Water Research Laboratory at Utah State University. Many consider his studies of Klamath River hydrology to be the "best available science" for evaluating the river's fishery. Last year the National Research Council utilized much of Hardy's work in its definitive text, *Hydrology, Ecology, and Fishes of the Klamath River Basin*. In February 2008 Hardy told the NEC Board of Directors that in the Restoration Agreement, "Agriculture gets all the guarantees, and everything related to the environment is left to somewhat vague processes and committees."

Hardy said that in dry years agriculture in the upper basin will be "taking too much water from the system," with flow models demonstrating that the river will probably go well below 1,000 cubic feet per second (cfs) in late summer and early fall. "I'm just scared to death any time the flows get below 1,000 cfs," said Hardy. Such low flows, he said, "double the risk to the system." Flows that resulted in the 2002 fish kill, which killed nearly 70,000 adult Chinook salmon, were between 600 and 700 cfs.

Hardy said that an acceptable Agreement would "guarantee flows for fish first, then other water uses."

In his hydrological report, Kamman said, "I am concerned that the successful implementation of the Settlement Agreement hinges on a conceptual plan which has no guarantees of being

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achieved within a specified amount of time – time does not appear to be on the side of Klamath River salmonids.”

Under the Agreement, water in the mainstem will be reduced from September to February, “and this reduction in flow may prove detrimental to Klamath River salmonids,” said Kamman. “These flow conditions further emphasize the imbalance in flow and likely, in turn, salmonid habitat quality between the winter and spring periods (a time of salmonid immigration and spawning).”

Kamman also reports that the flows recommended in the Basin Agreement will draw too much water from Upper Klamath Lake, part of the Klamath Basin National Wildlife Refuge Complex, one of the most important habitats in North America for migrating waterfowl. Kamman said water use projected in the Basin Agreement could result in “lower total annual lake storage than was experienced historically.”

The NEC is also concerned that Settlement parties are being asked to support the Basin Agreement without seeing a dam removal agreement from PacifiCorp, owner of the four mainstem Klamath River dams whose relicensing process was the catalyst that brought the 26 Settlement parties together nearly three years ago. The PacifiCorp deal has been marred from the start by the company’s intransigence and occasional fits of economic hubris.

“Tearing down these dams would be the best thing to happen to an American river since dams started going up in the first place,” said the NEC’s Greg King. “You’d think that in facing the best opportunity in history to save precious salmon from extinction the folks at PacifiCorp would declare a ‘no-brainer’ and just go ahead and do it.” PacifiCorp ratepayers, said King, would also save \$114 million if the company tore down the dams, as opposed to building the more expensive fish ladders required by the U.S. Fish and Wildlife Service.

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