WATERWATCH

PROTECTING NATURAL FLOWS IN OREGON RIVERS

HB 4016

Testimony of WaterWatch of Oregon
Submitted to the House Energy and Environment Committee
February 9, 2018

Founded in 1985, WaterWatch is a non-profit river conservation group dedicated to the protection and restoration of natural flows in Oregon's rivers. We work to ensure that enough water is protected in Oregon's rivers to sustain fish, wildlife, recreation and other public uses of Oregon's rivers, lakes and streams. We also work for balanced water laws and policies. WaterWatch has members across Oregon who care deeply about our rivers, their inhabitants and the effects of water laws and policies on these resources.

WaterWatch opposes HB 4016:

What HB 4016 does: HB 4016 is limited to Irrigation Districts who hold determined claims within the Klamath Project. It does not apply to all determined claims in the Klamath Basin, only those in the Project. For this select group of determined claims the bill does two things:

1. Allows the transfer of determined claims in the Klamath Project without requiring proof of use in the past five years. The practical effect of this is that it will allow long unused claims to be revived, which will increase water demand in an already overstretched basin.

2. Under a new statute, more than doubles an existing pilot irrigation project from 15 districts to up to 33 (with up to 18 districts all within Klamath Project), without adhering to the process negotiated for review/extension, nor importing all the checks and balances of the existing program.

Concerns with HB 4016:

1. **Allows revival of unused determined claims:** Granting a special right to one select group of irrigators in this state to allow them to transfer water without any showing of proof of use over the past five years not only sets dangerous precedent, but, because this will allow the revival of unused claims, will lead to an increase of water use by these select districts. In this oversubscribed basin, this increase in use comes at the expense of other Klamath basin farmers, Oregon's commercial and recreational fishing industry dependent upon ocean salmon harvest, Tribes, National Wildlife Refuges and federally-listed species both in the lake (short nosed and lost river suckers) and in the downstream Klamath River (coho salmon). This bill will only serve to worsen the fundamental water supply imbalance in the Klamath basin.

2. **With a likely drought in the Klamath basin, this legislation narrowly benefits Klamath Project irrigation districts at the direct expense of the many other interests in the basin who will also be facing drought:** With the Natural Resources Conservation Service reporting snowpack in the Klamath Basin at 33% of normal as of February 7th,[1] Klamath County is already planning to declare a drought emergency in 2018. This comes on the heels of the 2017 request for a federal declaration of a regional salmon fishing disaster by Governor Brown (OR) and Governor Brown (CA), due to the closure or sharp curtailment of commercial, recreational, and tribal salmon fishing resulting from the collapse of the Klamath River fall chinook population. Federal authorities still have not approved this request nor provided disaster relief funding for coastal fishing families. Tribal fishing in the lower river also has been closed or curtailed, negatively impacting the income, dietary health, cultural ways, and religious practices of downriver tribes. Similar severe impacts face The Klamath Tribes as the result of federally-listed fish in the Upper Klamath Basin remaining on the brink of extinction. Meanwhile, since 2012, tens of thousands of birds on the Klamath's National Wildlife Refuges have died for lack of water.[2] This legislation will exacerbate the basin's already disastrous water imbalance and increase the harm to other interests.

   It is important to note that leaving even relatively small amounts of water instream in the Klamath can make a difference. For example, in late May of 2015, federal officials managing the Klamath Project denied a request from federal fisheries officials to increase springtime flows by just 5,000 acre-feet to help slow the massive losses of young salmon due to parasite outbreaks greatly magnified by low river flows during drought. During this critical outmigration period, infection in these young salmon spiked to over 90%. The few survivors of this 2015 class of out-migrating salmon were the bulk of the adult salmon making up the record low Klamath salmon run in 2017. The Governors' 2017 letter requesting a federal fisheries disaster noted these parasites as one of the causes for the collapsed Klamath River fall chinook population.[3] This same letter estimated that in 2017, salmon fishing boats from the southern half of Oregon would see a devastating 94% reduction in revenue from the sale of their salmon catch—known as ex-vessel value—compared to their 2012 through 2016 average.

   In this environment, the legislature should not pass a bill that will only benefit one select group of people in the basin—the Klamath Project irrigators---at the expense of the many other interests in the basin, including Tribes, coastal salmon fishing communities and businesses, National Wildlife Refuges, struggling fish populations, and farmers outside of the Klamath Project.

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[1] NRCS data accessed here: https://www.nrcs.usda.gov/wps/portal/nrcs/detail/or/snow/products/?cid=nrcs142p2_046169

[2] See "Migrating Waterfowl Die from Lack of Water," *San Francisco Chronicle*, April 21, 2012; "Not Much Refuge in Klamath Basin For Migratory Birds," *OPB*, June 10, 2014

[3] See attached fishery disaster declaration request letter to the U.S. Secretary of Commerce dated May 24, 2017.

3. **Pilot Irrigation Project**[4]**:** HB 4016 takes the flexibility allowed to the original pilot project of 15 districts spread geographically around the state and exports it to up to 18 districts within the Klamath Project, which more than doubles the use of this experimental tool (all in one basin). We have a number of concerns with this:

   a. **Jumping ahead of the process:** HB 4016 expands the program before the required 2021 OWRD Report to the Legislature that was meant to inform future discussions on expanding/extending the program. Current sunset on the existing program is 2022. Any decisions whether to expand/extend this program should wait until that final report so that identified problems can be addressed.

   b. **Avoiding sideboard of existing pilot project:** HB 4016 grants extraordinary flexibility to the Klamath Project Districts, without also applying some carefully negotiated accountability sideboards of the existing program, including:

      i. **Doubles scope:** HB 4016 veers drastically from the existing program's purposefully restricted size of 15 districts. The current pilot was purposefully restricted to 15 districts until 2022 so that there could be a genuine "pilot" to determine the efficacy of the program. More than doubling the program undermines the narrow scope of this experiment.

      ii. **No public notice of transfer ahead of change:** The current process requires public notice of use of this tool prior to use. The Klamath project proponents chose to leave this out, which raises questions as to transparency/accountability.

      iii. **No Report to the Legislature:** HB 4016 does not provide for a Report to the Legislature on the success, or not, of the new Klamath Project "pilot". This raises questions as to accountability.

      iv. **No reporting of water use:** Irrigation districts in this state that hold water rights must report water use; this is a cornerstone of ensuring water use accountability within districts. All districts in the current pilot project are required to report water use under ORS 540.610. The Klamath Project districts, on the other hand, do not have to report water use because they currently only hold "determined claims" rather than water rights. HB 4016 does not require reporting of water use, which raises serious questions as to how the Klamath program will be monitored.

      v. **Lengthy "pilot period":** HB 4016 provides an 8 year pilot. Given the lack of information on the management structures of the 18 Klamath Project districts, as well as the bill's skirting of existing sideboards, this lengthy "trail" period could prove problematic if problems arise.

   c. **Water Management Concerns**: HB 4016 puts an extraordinary workload on the Klamath District watermaster. The responsibility of ensuring against injury and monitoring these "informal" transfers of place of use lies with the local OWRD watermasters. The existing program has 15 districts spread across the state. This amendment would double the program, all in one river basin.

[4] See attachment for description of the four bills that make up the current pilot irrigation project.

4. **There is not a need for additional transfer authority in the Klamath basin:** In 2015 the Legislature passed SB 206 to grant holders of "determined claims" in the Klamath basin the ability to temporarily transfer water either instream or out-of-stream. This bill came from the Governor's office and was a direct response to users in the basin who had expressed concerns as to not being able to transfer determined claims. The Legislature has already given Klamath basin irrigators the ability to temporarily transfer determined claims, this bill is unnecessary.

   Moreover, it should be noted that determined claims can take advantage of existing drought provisions that allow expedited processing of emergency transfers. See e.g. OAR 690-0190-0055. These are the drought tools that all other farmers use in this state use; there is no need for an additional special carve out for Klamath Project irrigators. Klamath Basin claim holders have taken advantage of this tool in past droughts, and can certainly do so in 2018.

Conclusion: For the reasons outlined in our testimony, we ask the Committee to reject this bill. A one off bill designed to help only one group in the Klamath Basin---the Klamath Project Irrigation Districts---at the expense of the other interests in the basin, including non-project farmers, refuges, endangered fish, Tribes and commercial fisherman will only escalate the crisis facing the Klamath basin, especially as we head into drought.

Contacts:

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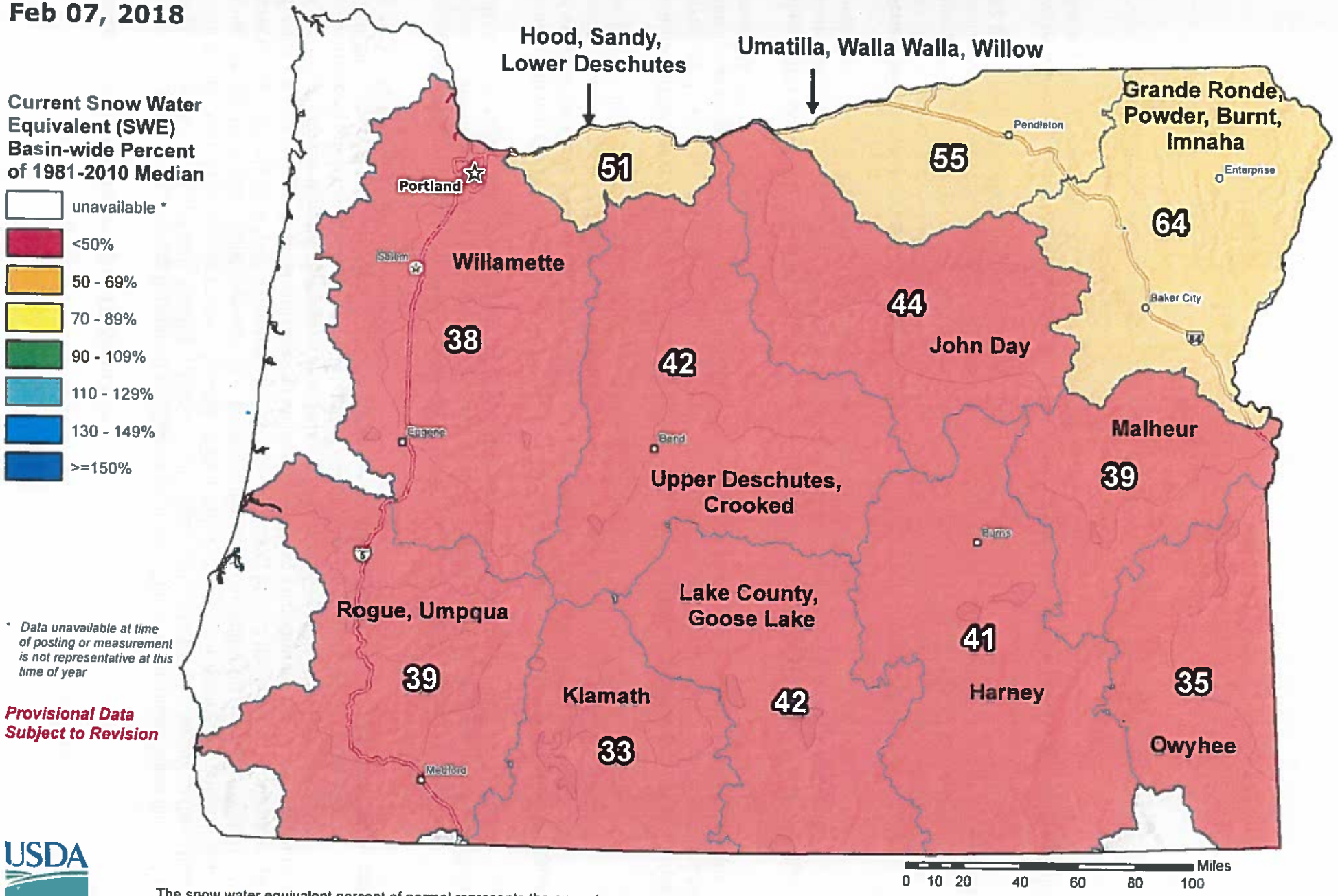
Oregon SNOTEL Current Snow Water Equivalent (SWE) % of Normal

Feb 07, 2018



* *Data unavailable at time of posting or measurement is not representative at this time of year*

Provisional Data Subject to Revision

USDA NRCS

The snow water equivalent percent of normal represents the current snow water equivalent found at selected SNOTEL sites in or near the basin compared to the average value for those sites on this day. Data based on the first reading of the day (typically 00:00).

Prepared by:
USDA/NRCS National Water and Climate Center
Portland, Oregon
http://www.wcc.nrcs.usda.gov

Existing Pilot Irrigation Project, ORS 540.570

Basic parameters of the existing Irrigation Pilot Project program: This existing pilot project allows 15 irrigation districts to temporarily transfer irrigation water rights subject to transfer (meaning those that could already utilize the transfer process) to lands within their districts for irrigation use only without going through the regular transfer process (i.e. application/public comment/protest/fees to OWRD). Participating districts must meet a number of sideboards including but not limited to accurate measuring of water use, robust management structure in existence, maps, etc. The program allows the switching out of one district for another, but that means an existing district must drop off to keep the pilot at 15; furthermore, the new district must meet all statutory standards to allow them to use the transfer flexibility allowed by the pilot program. The WRD was required to report in 2015, and must do so again in 2021. The pilot program sunsets in 2022.

Legislative Background: Since 2003 the Oregon Water Resources Congress has brought four bills related to this pilot process. The Congress, WaterWatch and OWRD negotiated amendments to all four bills to reach compromise bills that were intended to govern this process through 2022.

Senate Bill 820 (2003) established a pilot to allow three named districts to temporarily change the place of use of water rights for one irrigation season without filing a water right transfer application and receiving approval from the OWRD. The bill laid forth standards that must be met for a district to qualify for the pilot. The original pilot was scheduled to sunset on June 30, 2008.

Senate Bill 89 (2007) extended the pilot to June 30, 2010. The sunset was extended due to the limited history and experience with the annual temporary transfer process that was being piloted. Extending the sunset was proposed to allow the Department and pilot districts to develop a longer "track record" for assessing this new approach.

Senate Bill 664 (2009) expanded the pilot project participants to 15 named districts and extended the pilot project to June 30, 2016. All districts had to meet the previously established pilot program sideboards. The bill allowed WRD to replace one district for another.

Senate Bill 267 (2015) extended the program to 2022. It also clarified that the transfer could only involve irrigation and included a public notice provision for switching out districts to ensure any new district that took the place of another also met the qualifications required of original participating districts. WRD was also required to publish notice of which of the listed districts would be using this in the next year. This was to be the last amendment until 2022.

WaterWatch negotiated these bills in good faith with the expectation that the Legislature would uphold the negotiated processes/sideboard contained therein until 2022.

CALIFORNIA

OREGON

May 24, 2017

The Honorable Wilbur Ross
Secretary of Commerce
United States Department of Commerce
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Secretary,

We request that you expedite declaration of a catastrophic regional fishery disaster under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), a fishery resource disaster under section 308 (b) and (d) of the Interjurisdictional Fisheries Act of 1986, and a commercial fishery failure under section 312a of the MSA, for the States of Oregon and California for 2016 and 2017. Ocean salmon fishery restrictions in our states in 2016 and 2017, including full closures in some areas for 2017, have severe effects on already distressed rural communities and the businesses that depend upon these fisheries. Declaring a catastrophic regional fishery disaster and commercial fishery failure will begin the process for requesting federal aid to assist these fishery-dependent communities during this difficult time.

Oregon ocean salmon fisheries in 2016 were affected by reduced allowable catches of Klamath River fall Chinook. While fishing occurred throughout the year in all Oregon waters, commercial opportunity was reduced compared to prior years, resulting in a lower economic return. Additionally, due to anomalous oceanographic conditions, commercial catches along the Oregon coast were less evenly distributed than normal; 74 percent of the Chinook salmon landed by the Oregon commercial fishery in 2016 was landed into Newport. Other ports, such as Astoria and Charleston, experienced significant declines, and fishers incurred higher travel costs in order to reach productive fishing areas. The overall Oregon commercial ex-vessel value of Chinook was

$4.3 million compared to the 2011-2015 average of $7.3 million. Oregon recreational catch of Chinook was 4,100 fish, compared to an expected 9,000 fish, and a 2011-2015 average of 16,400 fish.

Similarly, California's 2016 fisheries significantly under-performed expectations, noting that expectations were already pessimistic due to very low stock forecasts which suggested that statewide catch would fall well below average. By the year's end, California's 2016 commercial fisheries only caught 67 percent of what was expected, with statewide ex-vessel revenues totaling only $5.3 million compared with revenues in 2011-2015 that averaged $12.6 million. Meanwhile, California's 2016 recreational fisheries also fell short of expectations, with total catch falling below 40,000 fish, and amounting to only three-quarters of what was expected. By comparison, average statewide ocean recreational catch from 2011-2015 was 80,400 chinook.

On April 11, 2017, the Pacific Fishery Management Council (PFMC) adopted 2017 seasons. As a result of these seasons, there will be no commercial salmon fishing in federal waters off Oregon's coast in 2017 from Florence, Oregon south to the Oregon/California border, a distance of approximately 160 miles, or about 50 percent of the Oregon coastline. There will also be no recreational salmon fishery in federal waters from Humbug Mountain south to the border - a smaller but still significant closure area. These rules will be in effect from April 15-October 31, 2017.

The 2017 seasons adopted by the PFMC for waters off California likewise offer only minimal opportunities. From the California/Oregon border south to Horse Mountain – a distance of approximately 130 miles, there will be zero ocean salmon fishing opportunity for both commercial and recreational fishery sectors. Moreover, in response to the lowest projected abundance of Klamath River fall Chinook salmon on record since forecasting began in the mid-1980s, the California Fish and Game Commission made the difficult decision to prohibit all in-river fishing for chinook salmon in the Klamath-Trinity watershed from August 15 through the end of the year, to protect the few adult fish projected to return to spawn this fall.

Oregon commercial ocean salmon fisheries are projected to result in a total ex-vessel value of $2.7 million for the sale of 29,400 Chinook in 2017; this is 63 percent less than the 2012-16 average of $7.3 million. Fisheries and communities in the southern half of Oregon will be hit hardest, and are expected to generate only 6% of the 2012-16 average ex-vessel value of $479,000 through limited Oregon state managed fisheries. Oregon recreational ocean salmon fisheries are expected to catch 6,700 Chinook, 47% of the 2012-16 average of 14,300.

Commercial ocean salmon fisheries along the entire California coast in 2017 are projected to result in a total ex-vessel value of $4.5 million for the sale of 47,600 fish – 72 percent less than the 2012-16 statewide average of 169,400 fish. Communities in the far-north are expected to be hardest hit. California's recreational ocean salmon fisheries likewise face both a lack of opportunity and low chances of success in 2017. It is projected that 35,000 Chinook will be landed in the California recreational ocean salmon fisheries statewide in 2017 – 55 percent less than the 2012-16 average of 78,000 fish.

The seasons adopted by PFMC reflect a severely diminished population of Klamath River fall Chinook salmon, following from the very low escapement in 2016. The causes of this stock's decline are multiple years of drought in California, parasites within the Klamath River Basin, and poor ocean conditions. The causes of the disaster are beyond the control of fisheries managers to mitigate through conservation and management measures, or both. This decline may also continue beyond 2017.

The PFMC has provided analyses of the economic impacts of 2017 regulations. Effects on dependent businesses associated with salmon fishing are more difficult to estimate. There will be negative effects on fish processors, fishing equipment retailers, marine repair and moorage businesses, as well as recreational fishing guides, charter boat operators, bait shops, motels, and other dependent businesses. We ask that you support assistance for all affected businesses in your review of this issue.

According to PFMC projections, the 2017 Oregon/California salmon seasons are likely to result in:

- Commercial salmon fisheries from Cape Falcon to Humbug Mountain – which includes the closed area between Florence and Humbug Mountain – are expected to result in total ex-vessel value of $2.7 million which is 40 percent of the 2012-2016 average of $6.8 million for this area.
- Commercial salmon fisheries from Humbug Mountain to the Oregon border – which is closed for 2017 – will have ex-vessel value only from state-waters fisheries, and is expected to generate only $28,000 in ex-vessel value, which is 6 percent of the 2012-2016 average of $479,000 for this area.
- Recreational fisheries from Humbug Mountain south to the Oregon/California border are projected to result in an economic loss of 46 percent relative to the 2012-2016 average, with the only recreational fishing in this area being in limited state-waters fisheries.
- The full season closure for sport and commercial ocean salmon fisheries from the Oregon/California border south to Horse Mountain means that businesses dependent on salmon fishing in this area will earn zero revenue from salmon fishery activity in 2017. The recreational fishery has been open an average of 116 days in 2012-2016, while the commercial fishery produced an average of $220,000 in ex-vessel revenue over this recent time period.
- In the Fort Bragg area (Horse Mountain to Point Arena), 2017 commercial salmon fishery revenues are projected to decline 93 percent compared to 2012-2016 average revenues of $4.4 million. Meanwhile, in the San Francisco area (Point Arena to Pigeon Point), projected catch will only result in $1.9 million in ex-vessel revenue, a 69 percent reduction from the recent average of $6.3 million.
- The recreational fishery in the Ft. Bragg Area will be closed most of the summer – from June 1 through August 14 – the time of year when recent averages suggest the best sport fishing occurs, and when sport anglers are most likely to engage in ocean fishing activities. Given this substantial reduction in opportunity, projected catches are expected to drop from an average of 8,200 in 2012-2016 to only 1,700 fish in 2017.

Additionally, according to California Department of Fish and Wildlife projections, closure of the recreational fall-run Chinook fishery on the Klamath and Trinity rivers is expected to result in a loss of an estimated $2.5 million in total economic output, with impacts to an estimated 42 California jobs.

As you know, salmon are a vital component of Oregon and California's natural resources and provide significant commercial, recreational, economic, and aesthetic benefits to both states. Salmon are also highly valued by Native American tribes for culture, subsistence, and economic benefits. We are troubled that Tribal salmon fisheries will also face severe restrictions in 2017. While economic assistance will be essential to address the impacts of closures and restrictions on our salmon fisheries, it is vitally important that federal, state, tribal and local governments continue to work together to recover and restore salmon populations and develop management strategies to ensure the long-term health and sustainability of our salmon fisheries.

We have personally visited the Klamath Basin together and heard from Tribes, agencies, fishermen and women, and farmers. While this joint letter seeks assistance to respond to a salmon fishery disaster, we know that the long-term, public interest in the Klamath River requires our two states to work toward collaborative solutions with people from the headwaters to the ocean, including farmers and irrigators, Tribes, recreationalists, fishermen and women, conservation organizations, and state, federal, and local government.

Lauri Aunan has been designated as the Oregon state coordinator for this request. Ms. Aunan can be reached at 503-373-1680. Chris Kern of the Oregon Department of Fish and Wildlife will act as alternate Oregon state coordinator and can be reached at 503 947-6209. Dr. Craig Shuman of the California Department of fish and Wildlife has been designated as the California state coordinator for this request, and can be reached at 805-568-1246. Marci Yaremko of the California Department of Fish and Wildlife will act as alternate California state coordinator and can be reached at 858-442-3004.

We greatly appreciate your anticipated support and leadership on this critical issue and look forward to a favorable reply.

Sincerely,

Edmund G. Brown Jr.
Governor
State of California

Kate Brown
Governor
State of Oregon

CC:
The Honorable Dianne Feinstein
The Honorable Ron Wyden
The Honorable Jeff Merkley
The Honorable Kamala Harris
The Honorable Peter DeFazio

The Honorable Anna G. Eshoo
The Honorable Earl Blumenauer
The Honorable Mike Thompson
The Honorable Greg Walden
The Honorable Jackie Speier
The Honorable Kurt Schrader
The Honorable Suzanne Bonamici
The Honorable Jared Huffman
The Honorable Salud Carbajal
The Honorable Jimmy Panetta
Senator Jeff Kruse, Chair, Oregon Coastal Caucus
Senator Mike McGuire, Chair Joint Committee on Fisheries and Aquaculture
Assemblymember Jim Wood, Vice Chair, Joint Committee on Fisheries and Aquaculture
Chuck Bonham, California Department of Fish and Wildlife
Curt Melcher, Oregon Department of Fish and Wildlife
Valerie Termini, California Fish and Game Commission
Mike Finley, Oregon Fish and Wildlife Commission

Enrolled
Senate Bill 206

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D.)

CHAPTER .....

AN ACT

Relating to alterations in determined water rights in the upper Klamath Basin; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section, "determined claim" means a water right in the Upper Klamath Basin determined and established in an order of determination certified by the Water Resources Director under ORS 539.130.

(2) Except as provided in subsections (3) and (4) of this section, during the period that judicial review of the order of determination is pending, a determined claim is:

(a) An existing water right that may be leased for a term as provided under ORS 537.348; and

(b) A primary water right that is subject to temporary transfer for purposes of ORS 540.523.

(3) Subsection (2) of this section:

(a) Does not apply to a water right determined and established in an order of determination that has been stayed by the filing of a bond or irrevocable letter of credit under ORS 539.180;

(b) Does not apply to a water right transfer that includes changing the point of diversion upstream; and

(c) Does not allow a person to purchase, lease or accept a gift of a determined claim for conversion to an in-stream water right as described in ORS 537.348 (1).

(4) For purposes of determining under ORS 537.348 (5) or 540.523 (2) whether the Water Resources Department may approve a lease or temporary transfer of a determined claim, an injury to another determined claim is an injury to an existing water right. Notwithstanding ORS 537.348 (6) or 540.523 (5), the department shall deny, modify or revoke the lease or temporary transfer of a determined claim if the department determines that the lease or temporary transfer has resulted in, or is likely to result in:

(a) Injury to another determined claim or other existing water right; or

(b) Enlargement of the determined claim.

(5) The department shall revoke the lease or temporary transfer of a determined claim if a court judgment stays the determined claim.

(6) If a determined claim is removed from land by lease or temporary transfer, the land from which the determined claim is removed may not receive water during the term of the lease or temporary transfer.

SECTION 2. (1) Section 1 of this 2015 Act is repealed January 2, 2026.

(2) Notwithstanding the repeal of section 1 of this 2015 Act by subsection (1) of this section, subject to modification or revocation under section 1 of this 2015 Act, a lease or temporary transfer of a determined claim under section 1 of this 2015 Act for a term beginning prior to January 2, 2026, may continue in effect for the term of the lease or temporary transfer. If a court judgment results in a modification of the determined claim, the parties may continue the lease or temporary transfer of all or part of the water right as modified for all or part of the original term of the lease or temporary transfer.

SECTION 3. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by Senate April 28, 2015

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House June 4, 2015

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M....., 2015

Approved:

.....M....., 2015

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M....., 2015

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Jeanne P. Atkins, Secretary of State

Fishery Managers Close 200 Miles Of West Coast To Salmon Fishing

by Cassandra Profita (/contributor/cassandra-profita/) Follow OPB/EarthFix April 11, 2017 11:30 a.m. | Updated April 12, 2017 10:59 a.m. | Portland

About 200 miles of the West Coast will be closed to ocean salmon fishing this year to protect a record-low run of Klamath River chinook.

Fishery managers with the Pacific Fishery Management Council voted Tuesday for a total closure of ocean salmon seasons (http://www.pcouncil.org/wp-content/uploads/2017/04/E5a_Sup_STT_Rpt_041117_Apr2017BB.pdf) from southern Oregon to northern California.

Commercial troll fishing seasons will be closed from Florence, Oregon, to Horse Mountain, which is south of Eureka, California. Sport fishing seasons will be closed from Humbug Mountain south of Port Orford, Oregon, to Horse Mountain in northern California. The rest of the coast will have limited fishing seasons.

West Coast salmon runs have been hit hard in recent years by drought conditions in their native rivers and El Niño conditions in the Pacific Ocean that reduce their food sources.

While fishermen up and down the coast are in for a tough year, those who depend on Klamath River salmon are already calling for help. Fishing groups and Native American tribes plan to ask California Gov. Jerry Brown to declare a fishing disaster (http://www.times-standard.com/article/NJ/20170406/NEWS/170409898) so they can receive federal assistance.

Fall chinook. Fishery managers will close ocean salmon seasons on about 200 miles of coastline in Oregon and California.

Pacific Northwest National Laboratory (https://www.flickr.com/photos/uswspacific/15044586845/in/photostream/) / Flickr (https://creativecommons.org/licenses/by-nc/2.0/legalcode)

The salmon returns for other Oregon streams and the Columbia River look healthier than the Klamath, according to state reports (http://www.dfw.state.or.us/mrp/salmon/docs/OSIG_2017_Forecasts_and_Escapements_Slideshow.pdf). And Washington is expecting (http://wdfw.wa.gov/fishing/northfalcon/2017/2017_north_of_falcon_forecast_presentation.pdf) average to

good chinook returns for Puget Sound salmon and other coastal rivers. However, some Washington coho salmon stocks (http://www.pcouncil.org/wp-content/uploads/2016/07/2017-April-PFMC-salmon-press-release-FINAL.pdf) are expected to have low returns, and that triggers restrictions on other salmon fisheries.

The north coast of Oregon and Washington will have minimal seasons that are a little better than last year, according to Butch Smith, who chairs an advisory panel that helps the council set salmon seasons.

Smith said the fishing seasons from Florence, Oregon, to San Francisco are so grim they will likely qualify for fishing disaster assistance. Managers were only able to allow fisheries in that whole region to catch about 800 Klamath River fish to protect what is projected to be smallest run ever of Klamath River fall chinook.

"All those coastal communities can only impact 800 fish. That is a pretty devastating thing," Smith said. "They could be right back there again next year, too."

Managers are expecting to see less than 12,000 Chinook salmon returning to the Klamath River this year, which means tribes that fish on the river will also be severely limited in how many fish they can catch.

Thomas Wilson of the 6,100-member Yurok Tribe said the allocation for his tribe of 650 fish is by far the lowest they've ever received. That will force the tribe to cancel its commercial fishing season for the second year in a row.

"This is about one fish for every 10 Yurok people," Wilson told members of the Pacific Fishery Management Council. "That's not enough for us to live. The Yurok people people are fishing people. It's our identity. Without fish we are nothing. We cease to exist."

He called on fishery managers to work together to heal the Klamath River.

Fish advocates blame a lack of water releases from dams for the low returns of Klamath River salmon. Earlier this year, a judge ordered (http://www.opb.org/news/article/more-water-releases-klamath-river-dams/) the U.S. Bureau of Reclamation to increase water flows in the hopes of flushing out a salmon-killing parasite (http://www.opb.org/news/article/salmon-killing-parasite/) that infected 90 percent of juvenile salmon in the river in 2015.

"When you lose 90 percent of your fish population through juvenile disease, we're seeing the effects of that now," said Karuk Tribal Councilman Joshua Saxon.

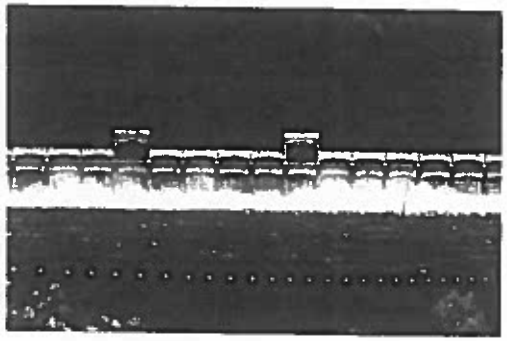
Saxon says the Klamath salmon returns are so low, the Karuk tribe is restricting its ceremonial and subsistence fishing for the first time ever. The 3,600-member tribe will only catch 200 fish this year.

"Two hundred fish is really not even enough for ceremonial purposes, so this is really beyond a minimal number of fish," Saxon said. "This is not an amount that is going to feed hardly anyone."

Saxon said the unprecedented restrictions will have social and economic consequences for the tribe, which has been fishing in the same Klamath River pools for thousands of years.

RELATED COVERAGE

"It's affected us to the core," he said. "We have a relationship with our river that's stronger than anything else that we have."



(/news/article/columbia-river-native-american-sites-dam-removal-process/)

Shielded Native American Cultural Sites Thrust Into Debate Over NW Dams (/news/article/columbia-river-native-american-sites-dam-removal-process/)

While dams, low water flows and disease have gravely harmed the fish, Saxon said, he still has hope that the plans to remove dams on the river will go forward and improve conditions for salmon.

PacifiCorp is awaiting approval from the Federal Energy Regulatory Commission on a plan to remove its four Klamath River dams by 2020.

"We can't give up," Saxon said. "This river needs to be managed for fish. Taking care of the fish disease problem upriver close to the dams is our number one priority."

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Migrating waterfowl die from lack of water

KLAMATH RIVER

By Peter Fimrite Published 4:00 am, Saturday, April 21, 2012

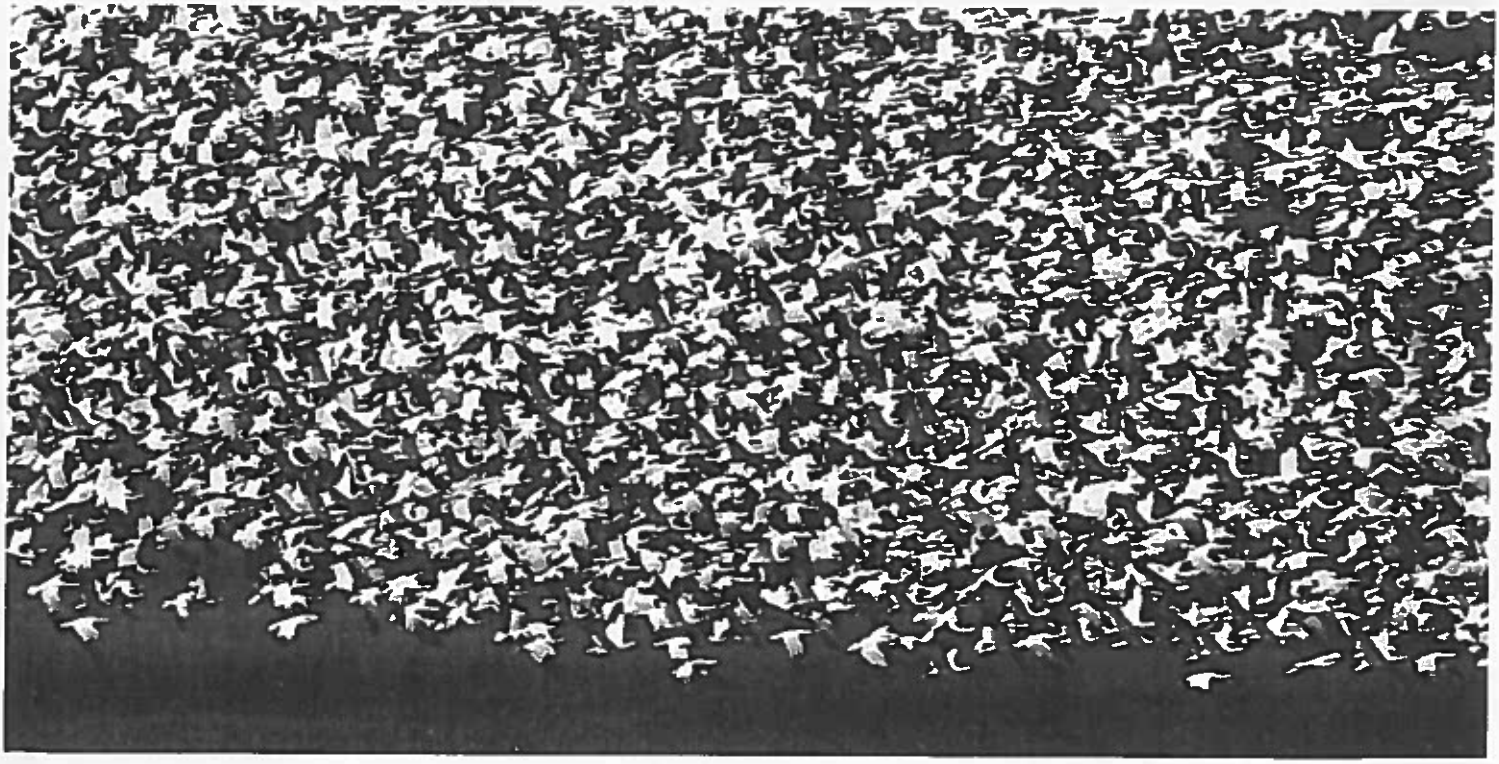

IMAGE 1 OF 8

Thousands of Ross Geese take flight Thursday April 19, 2012 ioutside of Tulelake, Calif. An estimated 10,000 to 20,000 migrating birds have died so far this year because of reduced water flow to the Lower ... more

The deaths of up to 20,000 migrating birds this year in a wildlife refuge near the Oregon border has renewed debate about resource management on the Klamath River, where myriad competing interests are fighting for water rights.

The waterfowl began dropping dead from avian cholera in February after a lack of water forced as many as 2 million birds to bunch together in the Lower Klamath National Wildlife Refuge, said representatives of the **U.S. Fish and Wildlife Service**.

Experts said a lack of rain during peak migration and water delivery obligations by the **Bureau of Reclamation** left sensitive wetlands along the Pacific Flyway dry. The result was the worst die-off in the region in about a decade.

In normal years the whole refuge is flooded, but "only about half the acres on the refuge were flooded going into this spring," said **Matthew Baun**, the spokesman for the Fish and Wildlife Service. "We had more than the normal number of migrating waterfowl this year coming into the refuge. What that did was concentrate the birds on about half the wetlands, which enhanced disease transmission."

Biologists and volunteers disposed of thousands of carcasses in an attempt to prevent the further spread of the disease.

The problem seems to have dissipated as the spring rain helped fill the wetlands and fewer birds showed up in April as the migration wound down, Baun said. Birders and other environmental groups nevertheless point to the die-off as another example of resource mismanagement.

"There is a long-term systemic problem here of just not enough water in the refuges," said **Steve Holmer**, the senior policy adviser for the **American Bird Conservancy**. "There is just this ongoing diversion of water. It's really just a space problem. If the birds had more water they wouldn't be facing this."

Water use is a huge issue around the lakes, refuges and wildlife reserves that make up the **Klamath Basin National Wildlife Refuge Complex**, a once enormous wetland in northeast California and southern Oregon that essentially made up the headwaters of the mighty 255-mile Klamath River.

The vast wetland system connected to the natural estuary known as Upper Klamath Lake was tapped by canals built by the Bureau of Reclamation in the early 1900s as huge chunks of land were converted for agricultural use.

The canals were followed by construction of four dams - Iron Gate, Copco 1, Copco 2 and **J.C. Boyle** - along the Klamath River in 1909, blocking miles of salmon-spawning habitat.

Fish and farmers first

At that time, an estimated 7 million waterfowl used the area as a stopover along the transcontinental migration route known as the Pacific Flyway. It was recognized even then as an important ecological region. The Lower Klamath Refuge was established by President **Theodore Roosevelt** in 1908 as the nation's first preserve set aside for waterfowl, but life did not get any better for the birds.

The water that flows out of Upper Klamath Lake is used to preserve fish habitat, allow farmers to irrigate their land and for Native American ceremonial events. What's left over fills up the wetlands.

This year there wasn't much water left for the 50,000-acre refuge. The avian cholera - which was first detected in North America in the 1940s after apparently spreading from European poultry and fowl - began affecting birds in February at the nearby Tule Lake refuge. It spread to the Lower Klamath, where the birds congregated, officials said.

The bacterial disease, which does not affect humans, killed only a small proportion of the 1.8 million to 2 million birds that used the Klamath Basin. Still, volunteers and refuge workers picked up 3,774 dead birds between Feb. 21 and April 7. They estimated that between 10,000 and 20,000 birds died from the disease.

Worst-hit species

The worst-hit species were snow geese, American coot, American wigeon, the white-fronted goose and northern pintail, refuge managers said.

"The consequences to shutting off water to the Lower Klamath Refuge are enormous and unacceptable," said **George Fenwick**, president of the American Bird Conservancy. "We cannot continue to place wildlife at the bottom of the pecking order."

The Klamath River system is already at the center of a free-for-all among farmers, American Indians, environmentalists and fishermen over a $291 million plan to dismantle the four hydroelectric dams. The idea of the dam removal, which would begin in 2020, is to open up 420 miles of habitat and allow chinook salmon to swim all the way from the ocean to Upper Klamath Lake in Oregon.

Dam removal

The biggest dam-removal project in California history would result in a huge increase in the number of spawning chinook, steelhead trout and coho salmon, allowing the local Yurok, Karuk and Hoopa Valley tribes in California and the Modoc and Klamath tribes in Oregon to reclaim at least a part of their historic fishing cultures.

The proposed deal would also provide water guarantees for the other users, including, apparently, the Klamath refuges.

Some agricultural groups, ranchers and residents who live next to the reservoirs oppose the plan out of fear that it would limit irrigation, raise the cost of energy and take away their historic rights. It is an issue that has existed for decades, mainly because there has never been enough water to go around.

"Over the years, one group or another gets the short end of the stick," Baun said. "This year we had 10,000 birds die. It's just another example of the difficulty of balancing priorities for water."

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