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Klamath fights could reignite

■ Key part of river deal dies in Congress

By Bettina Boxall
Los Angeles Times

The demise of a deal to end decades of feuding on the Klamath River could rekindle old battles over water use and dams in Siskiyou County.

A key piece of a three-part agreement expired when Congress failed to

approve it by Dec. 31. The complicated pact, backed by California and Oregon, called for the removal of four hydroelectric dams, settled water rights disputes, and spelled out water allocations for irrigators and wildlife refuges in the Klamath Basin.

But the deal never got traction in the GOP-dominated Congress. And though some backers are holding out hope that it can be resurrected, others are doubtful.

"It would be very

difficult if not impossible to pull the same parties to the table and reach a similar agreement," said Don Gentry, chairman of Oregon's Klamath Tribes.

Kevin Eastman, chief of staff for North State Rep. Doug LaMalfa, R-Richvale, said the responsibility was not on Congress in the first place.

"Removal of these dams does not require congressional action," Eastman said. "The idea that ... the impetus for action was on the House or certain

members of the House, it's just entirely false."

Eastman said the focus on Congress had to do with liability issues for the federal government, not whether the dams could legally be removed.

"The stakeholders and the owners of the dams and the state of California, they can start that project tomorrow," he said. "They wanted congressional action because the Senate bill would have ... placed liability with the federal government."

Eastman said that LaMalfa "appreciated" the idea of Oregon Republican Rep. Greg Walden, who authored a bill that would have ratified the agreement, but left the dam-removal question up to the states and Pacificorp, the company that owns the dams.

"(LaMalfa) thought it was more appropriate that the federal government accepting the liability for an extremely large private

See KLAMATH, 2A

KLAMATH from 1A

company," Eastman said.

Conflict over the Klamath embodies classic struggles over western water.

Tribes, farmers, hydro-power interests and commercial fishermen all have fought over the 255-mile river, which winds from southern Oregon through Northern California to the Pacific Ocean. Dams, farm and ranch diversions and agricultural runoff have exacted a heavy toll on a waterway that once supported Chinook salmon runs half a million strong.

The clashes drew national attention in 2001, a dry year when the federal government cut irrigation deliveries to preserve fish flows.

Enraged farmers threatened to open irrigation gates by force. The following year, the government increased irrigation deliveries — triggering lethal river conditions that left more than 30,000 dead salmon and steelhead trout floating in the lower Klamath.

The agreements, signed in 2010 and expanded in 2014, were supposed to

end the strife. But they didn't please everyone.

Siskiyou County, where three of the utility company dams are located, opposed their removal, as did key Republican Congressmen. Environmentalists and some tribes complained that the pact gave too much water to irrigators and too little to salmon.

Attorney Tom Schlosser, who represents California's Hoopa Valley Tribe, called the expiration "good news."

"I'm so tired of hearing this story. ... We all sang 'Kumbaya,' and Congress didn't pay any attention," Schlosser said, "when actually the Congress did exactly what it should have done. They looked at this and said, 'This is a nonstarter.'"

The Hoopa, he said, will press ahead for dam removal through the federal dam relicensing process, which was put on the back burner when the agreements were struck. California's Yurok Tribe, which withdrew from the accord last year, also has indicated it will keep pushing to get rid of the dams.

Other groups could head back to court to settle lingering water rights

disputes between the Klamath Tribes and farmers. "Parties are going to start doing some of their own things," said Greg Addington, of the Klamath Water Users Association, a group of irrigation districts supplied by the federal Klamath Project.

"I'm not saying it's over," Addington said of attempts to save the accord. But Congress would have to signal more interest before his group makes another big push for the settlement. "We're not just going to go beat our head against the wall again," he said.

The U.S. Interior Department, which oversees federal irrigation operations and wildlife refuges in the basin, supported the Klamath deal. "We still believe the future of the basin lies with negotiated agreements, and we will work hard with the parties to find ways to achieve their collective goals," Interior Secretary Sally Jewel said in a statement.

The dams, spread across 65 miles of the Klamath, are owned by PacifiCorp, a part of Warren Buffett's Berkshire Hathaway Inc. empire.

Under the pact, the company had until 2020 to

remove the structures, the oldest of which was erected in 1918. The dams block historic salmon spawning grounds on the upper river and create stagnant pools of water that breed toxin-producing algae.

The agreements called for California to help pay for the dam removal and granted PacifiCorp immunity from any liability claims that arose from decommissioning.

Without the Klamath agreements, PacifiCorp faces a lengthy dam relicensing process and requirements to meet California water quality standards that could force it to spend an estimated \$400 million on fish ladders and other improvements.

"We're all just waiting to see whether there's any desire among the congressional delegation, the administration and the settlement partners to try to resurrect the agreements we made," said PacifiCorp spokesman Bob Gravely. "We don't know exactly how that would happen or what it would look like."

Record Searchlight reporter Alayna Shulman contributed to this report.