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Lower Klamath tribes speak against new Klamath legislation

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The legislation, introduced by Senator Ron Wyden and co-sponsored by senators Barbara Boxer, Dianne Feinstein of California and Jeff Merkley of Oregon, would grant authority for the federal government to execute actions in the Klamath Hydroelectric Settlement Agreement, Klamath Basin Restoration Agreement and Upper Klamath Basin Comprehensive Agreement.

The KHSA and KBRA make possible the removal of four dams along the Klamath River, as well as an extensive list of restoration projects.

The more recent UKBCA solidifies certain concessions to the Klamath Tribes and water deliveries to upper basin irrigators.

Along with Siskiyou County, the Yurok and Hoopa tribes have expressed opposition to the agreements; however, Siskiyou County has opposed the removal of the dams and the tribes have long been opposed to the concessions made on their behalf in the agreements.

Late last week, both the Resighni Rancheria of the Yurok Tribe and the Hoopa Tribe issued press releases decrying the legislation, stating that the tribes view it as a termination of tribal water and fishing rights.

Tom Schlosser, attorney for the Hoopa Tribe, explained Wednesday that the tribe believes Wyden's Senate Bill S.2379 would eliminate the Bureau of Reclamation's duty to protect tribal trust resources by shifting the bureau's obligations to preserving water resources for agricultural purposes in the upper basin.

Schlosser said, "... As a result, the first priority for Klamath River surface water will go to the Klamath Irrigation District (diversions of 378,000 acre-feet per year), regardless of the effect on fish restoration.

"When, after those diversions, too little water remains for fish, then not only will the United States be unable to protect Indian fishing rights, it will be obligated to oppose those rights. That is, the U.S. will enforce the KBRA priority given to water diversions for irrigation."

In addition, both tribes have opposed the agreements in light of their support of a more immediate dam removal option, which they believe can be achieved more quickly through the Federal Energy Regulatory Commission's dam relicensing process.

"We were excluded from participating in the settlement talks leading to the KHSA and the KBRA because we were steadfast in our position that in order to restore a natural balance to the Klamath River Basin, PacifiCorp's obsolete hydro dams had to be removed from the Klamath River," the Resighini release states. "Our position was and is supported by the findings by the findings of the Federal Energy Regulatory Commission."

A third tribe, the Shasta, has also consistently opposed the agreements, but rather than encourage quicker dam removal, the Shasta have steadfastly opposed the dam's removal under the contention that it could result in the desecration of tribal lands and burial grounds.

Another bill from the same senators, titled the "California Emergency Drought Relief Act of 2014," also includes authorization for the Secretary of the Interior to enter into agreements on the Klamath, along with \$100,000,000 for drought relief efforts.

Both bills are currently in Senate committees.