

# What's at stake in Klamath water deal

## *Stakeholders share opinions of agreement and future of Basin*

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For some, the Klamath Basin Restoration Agreement is considered a key to the future of farming, fisheries and a way of life in the Basin.

But others say it doesn't do enough to secure affordable power and stable water supplies.

In the second of a three-part series, Bud Ullman, legal counsel to the Klamath Tribes; Karl Scronce and Becky Hyde, off-Project irrigators and members of Upper Klamath Water Users Association; and Tom Mallams, an off-Project irrigator and president of Klamath Off Project Water Users, weigh in on the agreement and what is at stake.

### **Tom Mallams, off-Project irrigator, president of Klamath Off Project Water Users**

Q: What, in your view, are the stickiest or most problematic parts of the KBRA? Why?

A: Mallams said he has a number of concerns with the restoration agreement, but secure, affordable power for irrigators and how the document was crafted are among the most prominent.

The lack of a set power rate in the restoration agreement leaves it too exposed, Mallams said, and the likelihood of hitting the target of 3 cents per kilowatt hour is unlikely, though other stakeholders say it is still possible. He also said there isn't enough money budgeted for renewable energy projects to help offset the cost of power.

Mallams said he also is upset about how the public had so little access to the negotiations, saying closed door meetings and confidentiality agreements have allowed some stakeholders to hide details from their constituents.

Q: What exactly is the process to get the KBRA implemented?

A: "I still disagree with the short, 30-day time to decide whether to sign or not. This will affect our local basin forever. Everyone on all sides needs to understand all the implications before deciding whether to sign or not.

"There are boards that are elected to help with this process here, but I see many who doubt the advice of them much as we doubt many of our elected officials in Washington, D.C., to give us correct information, and vote in a way that their constituents desire.

"I believe in our public comment process, but it seems evident that many in the decision making positions are ignoring the public sentiment here in the Klamath River Basin."

Q: What's at stake here? Who benefits and in what ways if the agreement is implemented? Who would benefit and how if the agreement isn't implemented?

A: "Our economic base in the Klamath Basin is at stake here. There are very definite, permanent benefits to certain parties if the two agreements are implemented."

Mallams said the Klamath Tribes will be given the 92,000-acre Mazama Tree Farm by 2012 or 2013, before other programs start to be implemented. If the agreement falls apart, many of the provisions for the Tribes, environmental groups and government agencies remain in place, including retiring agricultural land off the Project and dam removal.

“If the agreement isn’t implemented, I feel all our community will benefit. The adjudication needs to go forward to completion and a comprehensive settlement could then be completed with a group of true “stakeholders” participating, that would have a much higher chance of passing the legislative process.”

Q: What about the funding? Estimates have said it would cost \$1 billion over 10 years to implement the KBRA, with about \$600 million from redirected funding. Does that estimate still hold true? What about the other \$400 million? Where would that come from?

A: “The funding estimates are like any government (funding), and very likely to be underfunded. I know of no government program that came out on or under budget.

“The actual redirected funding is closer to \$450 million, not \$600 million, with the rest coming off the backs of very unhappy, unrepresented taxpayers. Also the actual sources of the \$450 million in redirected funds are being kept hidden from the public. That money will come from existing programs that will lose their funding .

“Once again the public is going to continue to suffer in these already desperate financial times, with no current proven benefits in the current KBRA and dam removal documents.”

**Bud Ullman, legal counsel to the Klamath Tribes**

Q: What, in your view, are the stickiest or most problematic parts of the KBRA? Why?

A: “Assuming that the key groups sign the agreements, each group will continue to face the same problems we face today on the thorny issues until settlement programs are developed, funded and implemented. It’s like an oil tanker; you can set it on full speed ahead but it will take a long time to get up to speed.

“Much of the funding that will support implementation is federal, and since federal budgets are planned two years in advance, it will take a few years to get the resources flowing for program implementation.

“So, the interim period could be challenging, and we all need to be ready to react carefully and patiently to address short term issues that arise, doing our best to maintain the integrity of our long-term solutions.”

Q: What exactly is the process to get the KBRA implemented?

A: “As you know, several of the KBRA parties are considering whether to sign on. Once those decisions are made, the next step will include getting legislation through Congress. At the same time, parties including state and federal agencies will begin the process of implementing the KBRA.”

Q: What’s at stake here? Who benefits and in what ways if the agreement is implemented? Who would benefit and how if the agreement isn’t implemented?

A: Ullman said a variety of people will benefit from the agreement, including people whose water supplies are uncertain and whose power bills for pumping agricultural water are increasing; those who depend on water related resources for some or all of

their livelihoods such as fishermen; and those interested in healthier wildlife refuges and a healthier Klamath River. People also will benefit from resolving water adjudication issues and dam relicensing issues.

“Those who will temporarily benefit from failure of the KBRA are those who thrive on community discord (radical environmentalists and radical property rightsers) and those whose water supplies have not yet been (but will be) affected by the ESA, the Clean Water Act, or the adjudication. Also, lawyers and judges will benefit, along with any media that thrives on conflict.”

Q: What about the funding? Estimates have said it would cost \$1 billion over 10 years to implement the KBRA, with about \$600 million from redirected funding. Does that estimate still hold true? What about the other \$400 million? Where would that come from and how is it possible to secure that as the country continues to suffer financially?

A: “That estimate is generally correct. Congress will be asked to appropriate the ‘new’ money. Fixing the problems of the Klamath River Basin is one of the most worthwhile investments that Congress can make in the current situation.”

**Karl Scronce and Becky Hyde, Off-Project irrigators and members of Upper Klamath Water Users Association**

Q: What, in your view, are the stickiest or most problematic parts of the KBRA? Why?

A: “I believe the document is extremely complex and will require constant attention to see that its intentions are carried out in a responsible manner,” Scronce said.

“I fully expect the extremes on the left to oppose this agreement. They include Oregon Wild, who already has a Web site up and running to collect money to fight the agreement.

“I fully expect the extremes on the right to oppose this agreement. They include the six active ‘Nicholson Groups’ and unfortunately the personal political ambitions of (state) Rep. (Bill) Garrard and Sen. (Doug) Whitsett.

“It troubles me that the casualties, if this agreement fails, will be the responsible people, in the middle, caught in the crossfire who are merely trying to make a living in a tough world.”

Q: What exactly is the process to get the KBRA implemented?

A: Hyde said people are providing public comment, and stakeholders are voting on the agreement.

“There continues to be misinformation spread in the off-Project, especially regarding Oregon water law, and the ongoing Klamath Adjudication. Hopefully, some of those questions will be brought up, and we can talk about them.”

“UKWUA made several changes in the document to include all off-Project irrigators in the settlement if they choose — we’ll be talking about that. We’ll also be talking about how Tom Mallams’ group, the Klamath Off Project Water Users, is included in the agreement, and our efforts to meet with their board and our continued commitment to work with other groups in the Off Project.”

Q: What’s at stake here? Who benefits and in what ways if the agreement is implemented? Who would benefit and how if the agreement isn’t implemented?

A: “For ranching in the Off Project, the settlement, if implemented, benefits our power rates, and works to secure a water settlement with the Klamath Tribes so our water

future can become more secure,” Hyde said. “It also creates a way that is funded to implement the best regulatory protections available under law.

“I think, as we move forward, there are clearly stakeholders in this Basin whose livelihood will be affected by this agreement. For example, ranchers and farmers facing a 10-cent power rate, or living year-to-year, wondering if they will have water for their crops.

“Other folks may be interested and may have opinions about the agreement, but their way of life and ability to continue in business is not affected by the agreement. It’s been interesting to watch some of the opposition and ask, ‘Why are these people potentially trying to put my ranch out of business?’

“I think we’ve been polite with folks, but I also think it’s time to say when ranching and farming suffers in this community, it affects all of us.”

Q: What about the funding?

A: “Funding is dependent on federal legislation. Continued ‘Klamath Crisis’ is extremely expensive for taxpayers in this country,” Hyde said.

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