

Facing challenges of perception, funding

Final of three parts

By TY BEAVER
H&N Staff Writer
February 2, 2010

Klamath County Commissioner John Elliott says changing inaccurate public perceptions about the Klamath Basin Restoration Agreement is one of the most challenging aspects of promoting the water deal.

Glen Spain, northwest regional director for Pacific Coast Federation of Fishermen's Associations, believes funding is an issue, though implementing the water agreement would cost the federal government less than water shutoffs to agricultural lands and fisheries.

In the final installment of our three-part series, the commissioner and fisheries director talk about the agreement, their roles and what comes next.

Klamath County Commissioner John Elliott



Elliott

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

A: Elliott said one of the challenging aspects is informing the public and state and federal lawmakers about the agreement and what it does and doesn't do. That effort also requires continued communication among stakeholders.

"The most problematic element of the KBRA and the Klamath Hydroelectric Settlement Agreement is a public perception that rejecting the agreements will ensure that the dams remain, that water will be available to all regardless of priority date and that Tribal Trust and environmental issues will simply go away. None of those perceptions are true.

"PacifiCorp's choices are two: relicensing with expensive fish ladders and continued litigation, or removal. The acceptance or rejection of the KBRA will not change Oregon water law. The adjudication process will continue. Water rights will be given senior or junior status, depending on priority date. Congress remains as the sole authority on Endangered Species Act enforcement and fulfilling its Tribal Trust obligations.

"In the longer term, I am concerned about the agreements' lack of definitive water storage plans for the Basin, apart from more shallow, warm storage around Upper Klamath Lake. The Bureau of Reclamation has built and operated pumped storage

facilities around the West, but has been reluctant to embrace such a facility for the Klamath Basin.

“The KBRA does require ongoing reports on storage to the participants, but there are no new funds to provide it. However, the immediate need of the Basin is a balance of water use, which the KBRA attempts to address.”

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

A: “Exhibit 3 of the KHSA (dam removal) and Appendix C-1 of the KBRA (water agreement) identify timelines over the next several years for specific elements to be addressed and by whom. Many of these elements key from the ‘Effective Date,’ the date the agreements are signed, and are intentionally approximate.

“Other dates are ‘hardwired.’ For example, the KHSA targets March 31, 2012, as the date for a determination from the Secretary of the Interior as to whether the facilities are to be removed. However, prior to that determination, several conditions have to be met, including federal legislation, certain agreements with Pacifi-Corp being in place and so on.”

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: “In many ways, the KBRA/KHSA represents one of the most important long-term opportunities to protect economic, agricultural, environmental and Tribal concerns. The community, on the whole, benefits from an ability to help shape the future stewardship of its resources.”

Elliott said he sees little benefit to the Basin without the agreements. Dam removal or expensive litigation and retrofitting of the facilities will have to occur. Adjudication will continue and there will be no financial assistance during low water years. Power rates will continue to rise. Defeat of the agreements also will not stifle the Klamath Tribes’ desire for a land base, he said.

“If the benefits to the communities were greater without the agreements, the KBRA/KHSA never would have been developed.”

Q: What about the funding? Estimates have said it would cost \$1 billion over 10 years to implement the KBRA, with about \$600 million of that coming 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: Elliott said estimated cost of the project is \$970 million over 10 years. Current funding would be redirected, with new funding come from Congress. Congress would determine funding priorities.

Glen Spain Pacific Coast Federation of Fishermen’s Associations northwest regional director



Spain

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

A: The document is complex, and fully funding and implementing it over the next several years will be a challenge, Spain said.

“But there really is no going back. Decades of escalating conflict, uncertainty, and litigation resulted only in a past decade of total gridlock and suffering,” he said. “What the KBRA does is chart a new direction out of chaos, a path all the parties to the agreement have pledged to walk together.”

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

A: After the public review process, securing funding and legislation from the federal and state levels would be critical, Spain said. Drought plans, plans for fisheries, habitat restoration and other actions also would need to be created and implemented as soon as possible, as would the formation of new agencies or groups to oversee implementation.

“Nobody will be holding just their breath and doing nothing after the signing ceremony, let me assure you.”

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: Spain said he thinks everyone in the Klamath Basin would benefit if the agreements were implemented. If the agreements fail, chaos would return and every major stakeholder will suffer.

“The settlement’s opponents mostly do not understand the documents, or do not believe those benefits will actually materialize, or in some cases are simply flat out mistaken about their impacts,” he said.

Q: What about the funding? Estimates have said it would cost \$1 billion over 10 years to implement the KBRA, with about \$600 million of that coming 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: The funding is still about \$1 billion over 10 years, and Spain said it is a good investment toward resolving long-standing conflicts in the region compared with the cost of the actions in the past.

The 2001 water shutoff cost an estimated \$40 million to the Basin’s agricultural community, while the 2006 Klamath salmon fishery collapse cost more than \$60 million in immediate relief, plus an additional \$100 million in economic losses on the Oregon and California coasts.

“In the long run it will be much cheaper for Congress to fix the festering problems of the Basin than to simply hope they go away and continue to pay out in the form of

disaster assistance when they (the article ended here online and in the print addition - B)

Side Bar

Upcoming public meetings scheduled on the KBRA

Upcoming public meetings on the Klamath Basin Restoration Agreement

Today

Klamath Basin Improvement District, 10 a.m., Klamath Irrigation District headquarters.
Tulelake Irrigation District, 11 a.m., Tulelake Irrigation District headquarters. Klamath
Water and Power Agency, 12:30 p.m., Klamath Irrigation District headquarters.

Monday, Feb. 8

Klamath County Board of Commissioners, 2 p.m., Klamath County Government
Center.

About the Klamath water agreement

Stakeholders have worked on a final draft of the Klamath Basin Restoration Agreement since early 2008.

The 369-page document aims to resolve disputes over water in the Klamath River watershed. It would cost an estimated \$1 billion over 10 years to implement, with about \$400 million in new spending.

It would promote the removal of four Klamath River hydroelectric dams to re-establish fish passage, provide reliable water and affordable power for irrigators and help the Klamath Tribes acquire the privately owned 92,000-acre property known as the Mazama Tree Farm.

Stakeholders also reached an agreement with dam owner PacifiCorp to move toward a final decision on dam removal by April 2012 with a capped cost of \$450 million, paid for by surcharges on PacifiCorp customer bills and California bonds approved by its voters.

To read the restoration agreement and the related dam removal agreement go to www.edsheets.com .

++++
NOTE: In accordance with Title 17 U.S.C. section 107, any copyrighted material herein is distributed without profit or payment to those who have expressed a prior interest in receiving this information for non-profit research and educational purposes only. For more information go to: <http://www.law.cornell.edu/uscode/17/107.shtml>