

PRESS RELEASE

KARUK TRIBE • YUOK TRIBE

For Immediate Release: September 25, 2006

Contact: *Craig Tucker, Klamath Coordinator, Karuk Tribe, 530-627-3446 x3027*
Troy Fletcher, Spokesman, Yurok Tribe, 530-625-4015

FERC THREATENS PLAN TO REMOVE KLAMATH DAMS *Tribes mobilizing to challenge FERC's draft license*

Happy Camp, CA – Despite what some experts consider an iron clad case for the removal of PacifiCorp's Klamath dams, today the Federal Energy Regulatory Commission (FERC) issued a draft environmental impact statement that recommends only modest changes to current dam operations.

“FERC's draft document disregards sound science, the needs of our communities and federal law,” according to Leaf Hillman, Vice Chair of the Karuk Tribe.

Dam removal advocates celebrated last March when federal agencies issued their terms and conditions for a new license to operate Klamath dams. Although the agencies' terms and conditions did not order dam removal, they did order ‘volitional fish passage.’ In other words, the agencies want fish to swim upstream, not hitch a ride in trucks. The National Marine Fisheries Service did recommend dam removal as the preferred means to achieve this mandate.

“Our economic analysis concluded that dam removal is cheaper than installing ladders, as did FERC's,” according to Troy Fletcher of the Yurok Tribe. However, FERC's draft environmental impact statement does not recommend dam removal or ladders. Instead the commission recommends introducing radio tagged fish, watching where they go, and developing a modest reintroduction plan based on the results. Fletcher adds, “FERC's meager reintroduction plan fails to take into consideration all the species that the agencies' terms and conditions address such as spring salmon and lamprey eel.”

“There's a reason that the National Marine Fisheries Service and the Department of Interior gets to write the terms and conditions for a new license – that's where the fish biologists work. By ignoring sound science FERC is not only attempting to land the death blow to Klamath salmon, but they're breaking federal law as well,” says Hillman.

The Tribes point out that under the Federal Power Act, the agencies' terms and conditions must be implemented; however last year the Act was amended to give stakeholders the ability to appeal fish agency requirements and to make alternative recommendations.

In addition to the Federal Power Act, the United States also has Tribal Trust responsibilities. “With this draft plan, the United States clearly fails to fulfill their responsibility to Tribes. Again Indian People will have to fight tooth and nail to protect their resources,” adds Fletcher.

PacifiCorp’s dams are poor power producers, generating on average only 90 mW of power. However, the dams severely damage water quality and host toxic algae blooms and parasites that cause fish diseases. The result has been widespread in-river Tribal and sportfishing closures as well as coastal fishing closures over 700 miles of coastline. On August 10th, Secretary of Commerce Gutierrez declared a “fishery failure” disaster in California and Oregon because of the Klamath declines. Both Oregon and California Governor’s had previously declared economic disasters and are seeking federal disaster assistance for those whose livelihood have been affected.

“All we ask is that the federal government hold PacifiCorp accountable for their impacts on this river. Their dams are destroying the fishery and our economies and cultures along with them. Tribes, fishermen, and farmers are all suffering from the decline of salmon as fishing restrictions and regulatory burdens are instituted on everyone except the worst perpetrator – PacifiCorp,” states Hillman.

Several fish passage measures are still under consideration by the federal agencies, which have recommended full dam decommissioning, but are subject to rulings under the new Administrative Appeals provisions of the Energy Policy Act. Hearings on these provisions for the Klamath were held in Sacramento in late August, and a decision on these fish passage measures is due from the Administrative Law Judge sometime after September 27th. The outcome of these hearings will make a real difference in how FERC ultimately deals with these issues. The Draft EIS was released before any of these rulings.

Tribes as well as the general public have 60 days to comment on FERC’s draft plan. The final plan will be affected by these comments, a federal judges ruling on related issues due out later this week, and proposed alternative plans. A final license is slated to be issued in March, 2007.

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