

Anger boils without water in Ore.

Farmers, allies condemn limits on irrigation to protect species

By Patrick McMahon
USA TODAY

KLAMATH FALLS, Ore. — Shouting "water, water, water," several thousand residents on Tuesday welcomed a convoy of anti-government activists carrying an empty, 12-foot-tall bucket into town.

The giant bucket symbolized sympathy with farmers fighting the federal government over water to irrigate crops. Oregon has been suffering through a drought. Federal irrigation water was shut off for a time in the spring to protect endangered fish, and another shutoff is imminent.

The bucket, hoisted onto the town plaza in front of the Klamath County Government Center by a crane, also reflects growing anger in parts of the West over federal environmental policies.

"This bucket represents the very best and the very worst of the United States," said Klamath County Commission Chairman Steve West. The worst, he said, is a federal government "seduced by its own bureaucratic power."

"This is a fight for our lives," said local resident Richard Ruegger, 50. He wore a button saying "Stop the Rural Genocide" and a light-blue ribbon pin symbolizing water.

The bucket was brought in from Elko, Nev., and three truck convoys carried food, supplies and money from Montana, Nevada and California. The protesters paraded through downtown during the morning, then drove to a "Freedom Day" rally at the county fairgrounds that featured such speakers as former congresswoman Helen Chenoweth-Hage, a conservative Idaho Republican.

Although some residents were concerned that the rally could be flashpoint for violence, none was reported. "I was assured that this would be a peaceful crowd and that the militia types would not be coming," Sheriff Tim Evinger



By Julie Jacobson, AP

Flood of protesters: Bill Oetting rallies opponents of federal water regulations Tuesday in Klamath Falls, Ore. The giant steel bucket symbolizes farmers' fight with the government over irrigation.

said. He estimated the downtown crowd at 4,000 and the rally crowd at 2,000.

The timing of the rally coincided with another controversial step in the area's struggle over water in Upper Klamath Basin that the government has reserved to help endangered species — the suckerfish and coho salmon.

When water was not released in the spring for irrigation, almost 1,400 farms went dry. Since late July, farmers have been getting irrigation water ordered released by Interior Secretary Gale Norton. Those rations, however, are expected to stop on Thursday.

The latest deadline has peo-

ple here on edge as they wait to see whether the federal government will shut the gates that hold back the water — and whether activists will try to reopen them.

"I've heard people say they'll make sure the water keeps flowing," said Barbara Martin, 40; a real estate agent who said she has been at the headgates almost every day for more than a month.

"We're concerned about the health and safety of our employees, but we're going to do what the law requires," interior Department spokesman Jeff McCracken said.

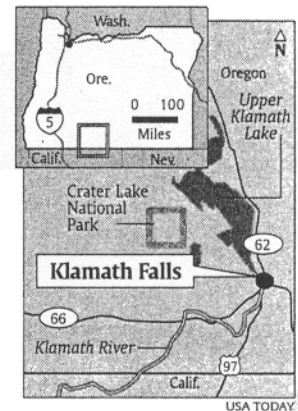
In a statement, Norton urged local, tribal and federal officials

to keep searching for solutions.

Water in the Klamath basin has been regulated for years. Local Indian tribes have had water rights since the mid-1800s, and the U.S. Bureau of Reclamation was directed by Congress to develop an irrigation plan in 1905.

The government had provided water for 94 consecutive years. But this year's drought and the U.S. Fish and Wildlife Service's order requiring higher lake levels led to the crisis.

It is the same drought that lowered lake levels behind hydrodams throughout the Northwest, forcing utilities to find higher-cost alternatives and raise electric rates. The



drought also has produced conditions fueling many of the ongoing forest fires in Oregon and Washington.

The neighboring Klamath Tribes say that even if the Endangered Species Act didn't exist, there would still be a water crisis in the basin.

"The real problem is the federal government promised people more water than the rivers and lakes can supply, while at the same time encouraging so much habitat loss and pollution in the forests, streams and marshes that the watershed itself has been damaged," said Allen Foreman, tribal chairman for the Klamath Tribes.

Foreman urged the convoys of protesters to go home. "Their message will actually hurt farmers and ranchers in the basin by raising false hopes and discouraging people from coming together to focus on the search for workable answers," he said.

Tuesday's parade route was lined with signs espousing many conservative causes, but the most enmity was reserved for environmentalists and the Endangered Species Act.

People such as Hank Nichols, 70 and retired, see a much broader threat to a way of life. "They use the sucker(fish) just like the spotted owl," he said, recalling logging cutbacks in the early 1990s after the owl was listed as endangered.

"They done it to the loggers, they've done it to the miners, they did it to the fishermen, and now they're after the farmers," Nichols said. Environmentalists, he said, "won't be happy till they've destroyed an entire way of life."

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Rushed decision endangers species and people, too

Our view:

Klamath case reveals need to judge science carefully.

In the 29-year-history of the Endangered Species Act, the government has sometimes looked thoughtless in placing the well-being of animals above the needs of people. But rarely, if ever, have those who administer the act looked as inept as the National Academy of Sciences made them look last week.

The academy registered its opinion in one of the most controversial endangered-species decisions of recent years: the cutoff of irrigation water last summer to more than 1,000 farms in southern Oregon and Northern California in order to save endangered suckerfish and local salmon.

Farms turned to dust, livelihoods were threatened, and violence was barely avoided. Now the academy's preliminary report says the decision was rooted in inadequate science. Low water levels caused by a combination of drought and irrigation from Upper Klamath Lake never threatened the suckerfish. And the salmon may actually have been hurt by the government's efforts.

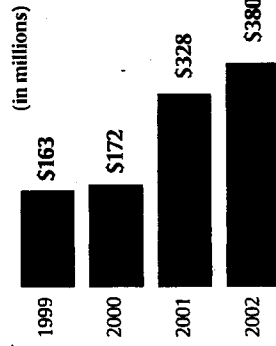
This is hardly the first time enforcement of the Endangered Species Act has seemed to turn into an absurd battle of man vs. beast. Fights involving bugs, fish, birds and even rare plants have roiled the nation for decades, delaying construction of hospitals, highways and homes. But the Klamath case isn't about political differences as much as it is about competence and patience under pressure.

The science on which the academy's decision was based was available last summer. Yet the two federal agencies involved focused so narrowly on the threat to the fish that they rushed to cut off the water anyway. Given the certain stakes for the farmers and the, at best, uncertain stakes for the animals, they clearly made the wrong choice. Such decision-making is not unusual.

To cite just one example among many, at-

Spending not at risk

In the past four years, spending by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service has more than doubled.



1 - estimate
Source: Congressional Research Service

By ALLEN FOREMAN, WASH. POST

more damage than they would have from proposed repairs.

In part, such actions result from mandates in the law to act quickly, a problem recognized by the academy in 1995. Failure to act results in lawsuits.

In part, they also result from the way the act is worded. It limits the ability of decision-makers to balance the importance of protecting species against the impact on people. Only the secretary of the Interior can set in motion a process that can result in the demise of a species because the human impact is too great — an option rejected in Klamath by Secretary Gale Norton.

The result too often is the defeat of common sense. But attempts to amend the law aren't likely to improve the situation. Powerful interests from business and Western states would rather gut the law's spirit than actually reform it. Instead, both government decision-makers and people who care about saving animals from extinction need ways to work within the flawed system. That begins with getting all of the facts straight before making a decision.

In Klamath, the responsible government

No time for delay

Opposing view:
Clean water, healthy fisheries should be government's goal.

By Allen Foreman

The National Academy of Sciences' preliminary report on science in the Klamath Basin faults the U.S. Fish & Wildlife Service's analysis used last year to prevent another Interior Department agency, the Bureau of Reclamation, from draining Upper Klamath Lake to levels that could risk extinction for endangered fish species vital to the Klamath Tribes.

The academy criticizes the service for not having enough data to prove that keeping the lake at its natural water level is necessary to prevent fish from going extinct. But the academy has not charged Interior with using bad science. As one academy panel member said, "It's a real insult for people to call it junk science, because there has been a lot of good science done. It just hasn't provided a clear-cut answer."

So the academy, with only a few weeks to analyze 15 years of data, has not yet put Klamath science under a microscope. The final report, still a year away, will consider much more than has been reviewed so far. Curiously, Interior did not ask the acad-

emy to consider clean waters and abundant fisheries, which thrived before irrigated polluted and depleted the Klamath system as the environmental base line for Klamath country.

Instead, the currently degraded and endangered status of Klamath's natural systems and their wildlife is the benchmark. This backward approach means federal agencies are supposed to provide new scientific evidence before healing the system to recover its natural values. It's as if children already near death from pneumonia already were forced to breathe diesel exhaust, and then they weren't allowed to breathe clean air again until they proved that each ounce of it would cure the pneumonia.

Upper Klamath Lake is not a Bureau Reclamation storage reservoir; it is a natural lake whose waters and fish and natural habitats the Interior secretary is bound by law and treaty to protect and restore for Klamath Tribes. That means harvest at fisheries in a healthy, natural system, and not depleted fish in the currently damaged system, must be the legal, scientific and ethical base line for all federal resource managers in the Klamath Basin.

Allen Foreman is chairman of the Klamath Tribes, which have treaty rights to fish in the former reservation lands in southern Oregon

Study: Bad science led Feds to cut water to farms

Independent panel's report revives volatile debate over salmon, crops

By Patrick McMahon
USA TODAY

Drought stricken farmers cheered the release Monday of a report saying that a federal decision to favor fish over crops last summer in southern Oregon wasn't based on sound science.

The study by an arm of the National Academy of Sciences is a victory for farmers and a major development in one of the nation's most volatile environmental issues.

The trouble in Klamath Falls, Ore., began when opinions by two environmental agencies prompted water cutbacks to farmers from a giant irrigation project last spring. Property-

rights advocates and anti-government activists from around the country joined farmers to protest.

As the drought worsened, protesters forcibly opened floodgates holding back water from parched crops.

The county sheriff declined to help maintain order, and federal agents patrolled the area day-and-night for several weeks.

The dispute centers on how water from a largely arid region should be used: for crops or for the coho salmon and suckerfish in the Klamath River and Upper Klamath Lake. The fish are protected by the federal Endangered Species Act.

Interior Secretary Gale Nor-

prominent scientists from universities around the nation.

"Scientific evidence does not support current proposals to change water levels or river flows to promote the welfare of the fish currently at risk, although future research may justify doing so," panel chairman William Lewis of the University of Colorado said.

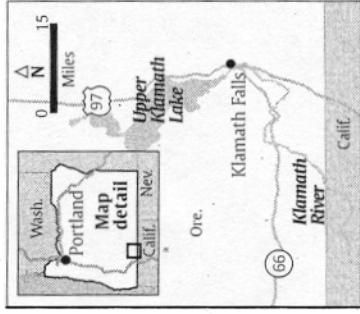
"This report exposes flawed decisions that were made in the name of protecting fish, which forced family farmers and ranchers to go bankrupt and brought widespread harm to the economic vitality of the entire Klamath community," said Rep. Greg Walden, R-Ore. Ranch owner and businessman Bill Ransom called the report "a turning point." Landowners deserve compensation for last year's crop and business losses, and endangered-species laws

"need to be overhauled," he said.

Interior officials hope that the crisis will ease this year with more rainfall and a proposal to pay farmers who forego their water allotment.

Environmentalists said the report did not totally undercut their position. "It does recognize that endangered species face many problems in the Klamath River Basin, especially polluted water," says Reed Benson, executive director of WaterWatch in Portland, Ore.

At least 3,000 fishermen depend on the Klamath River for their income, said Glen Spain, the coordinator for a group representing them. "My fear is that this report will be used to justify denial, delay and avoidance of a real issue: There are too many users and too little water."



By Adrienne Lewis, USA TODAY

ton, whose agency operates the irrigation project, asked the academy to evaluate the scientific basis for withholding water from the farmers. The academy is an independent institution chartered by Congress to provide scientific and technology advice. The 12 experts on the Klamath panel are

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