



INSTREAM

Winter '16 Newsletter



Clackamas River by Rachel Sandwick

Stream of Consciousness: Our Conservation Values Will Endure

By John DeVoe, Executive Director



Lee Raymond, ExxonMobil's chairman and chief executive from 1993 to 2005 – and an architect of the corporation's denial of climate change – once said: "Presidents come and go; Exxon doesn't come and go." No doubt Raymond meant to suggest that the world's mega-corporations are more powerful – and can afford to wait out – any president. This isn't to suggest the obvious: that given the presidential election, we are entering a time when federal policies will be more favorable to the ExxonMobils of the world. Rather it's to suggest that conservationists can take some guidance and satisfaction from the thought behind Raymond's words. Just substitute "conservation values"

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WaterWatch's mission is to protect and restore streamflows in Oregon's rivers for fish, wildlife, and the people who depend on healthy rivers.

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*WaterWatch of Oregon publishes
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Jim McCarthy, Editor



WaterWatch in the Community

WaterWatch...

- ... tabled at Rogue on the Fly in Galice
- ... guest lectured to four undergraduate classes at Oregon State University
- ... presented to the Douglas County Global Warming Coalition in Roseburg
- ... guest lectured at the University of Oregon School of Law
- ... spoke at a McKenzie Flyfishers gathering in Springfield
- ... partnered with Oakshire Brewing Public House in Eugene for an Oakshire Inspires event
- ... led a panel regarding deficit irrigation techniques and water use efficiency at the 25th Annual Oregon Water Law Conference

for “ExxonMobil” and the thought works equally well: “Presidents come and go; Conservation values don’t come and go.”

Persistence, vigilance, and staying power are core values of the conservation movement. For generations, they have served us well regardless of the political party in power at any specific level of government. They have been the bedrock of WaterWatch’s work for Oregon’s rivers and streams over the last three decades. These values will serve us well over the next four years.

The need for persistent, tenacious conservation advocacy on everything from climate to water to fish and wildlife doesn’t change. Different administrations may require different strategies and tactics to address threats and create opportunities, but ultimately, the ends of conservation don’t change too much because those ends are what people value and support: healthy rivers, public lands and waters, fish and wildlife, safe drinking water, clean air to breathe, safe food to eat, a planet that can sustain life in all of its forms.

Yes, in the near term, there will likely be unprecedented pressure to roll back environmental laws and protective policies, to privatize and plunder public lands and waters, and to promote policies that undermine the ability of the

planet to sustain us and cause extinction. But let’s be clear – to a greater or lesser degree, those pressures have always existed due to the nature of the world economy, extreme poverty, extreme affluence, consumption, population growth, fossil fuels and land use across the planet. The crisis we face is larger than any one administration – red, blue, purple or otherwise. Conservation, in all of its facets, may be a core American value, but it is a value we have just begun to incorporate into our lives and economy at scale.

With your support, WaterWatch hasn’t come and gone. We grind away, come what may, to protect and restore the waterways – and way of life – Oregonians cherish. And with your support, WaterWatch will be there for the next four years and beyond, doing our part to make our shared conservation values real for Oregon’s waters while also strengthening the conservation movement. We at WaterWatch are hopeful that people will capitalize on this moment to join together to demand that the government does its part to deliver what people want: healthy rivers, public lands and waters, fish and wildlife, clean water to drink, clean air to breathe, safe food to eat, and a planet that can sustain life in all of its forms.

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Agreement Reached to Protect Upper Deschutes River

This fall, WaterWatch and our allies reached an interim agreement with the U.S. Bureau of Reclamation and several irrigation districts to temporarily boost flows in the Upper Deschutes River to reduce harm to the Oregon spotted frog. The deal also requires the Bureau and districts to consult with the U.S. Fish and Wildlife Service to create a long-term water management plan, known as a biological opinion, on a set timeline.

The agreement stems from lawsuits brought by WaterWatch and the Center for Biological Diversity arguing that management of Crane Prairie and Wickiup dams on the Upper Deschutes is driving the struggling frogs toward extinction. The groups also argued that the Bureau had failed to follow the law requiring creation of a plan to reduce harm from its river management operations.

Large fluctuations in both the size of the reservoirs and the river's flows alternately flood and dry out the frog's

habitat, in violation of the Endangered Species Act. The flow regime also damages water quality while harming fish and wildlife. One of the most visible recent examples of this harm occurred in October 2013, when a rapid flow reduction due to irrigation management killed nearly 3,000 fish and sparked outrage throughout the state.

WaterWatch's goal has always been a science-based water management plan that benefits frogs as well as fish, other wildlife, and the people of Central Oregon who cherish and rely on the Upper Deschutes. The interim flow measures are a step in the right direction while parties work toward the main objective: establishing substantive flow improvements in the river. We will be holding parties to achievement of this goal under the timeline defined by the settlement.

Learn More: Read the Upper Deschutes River settlement at waterwatch.org



Oregon spotted frog courtesy U.S. Fish and Wildlife Service

Corruption in the Klamath Wastes Millions, Kills Wildlife

This October, responding to a whistleblower complaint by two federal biologists, the Office of Inspector General for the Interior Department released a report finding that the U.S. Bureau of Reclamation illegally funneled \$32 million over several years to agribusiness in the Klamath River Basin. The public money was provided to reduce drought impacts on Klamath fish and wildlife, but instead paid for salaries, fringe benefits, rent, and travel for the Klamath Water and Power Agency (KWAPA), among other highly suspect uses. The Interior Department is now considering further action, which could include criminal charges under the federal Anti-Deficiency Act.

The Klamath Water Users Association, an agribusiness interest group, created KWAPA in anticipation of federal passage of the \$1 billion Klamath Basin Restoration Agreement (KBRA). Under this controversial water deal and supporting federal legislation, KWAPA would receive \$92.5 million for an irrigator-authored water use plan that did not require irrigators to conserve water, or return a single drop to struggling fish and wildlife. Since the KBRA's 2010 signing, WaterWatch raised alarms over this costly and unwarranted subsidy – and many other troubling elements of the deal. Our concern was that much of this money would be used to expand unsustainable

groundwater pumping in a basin already suffering from dramatic groundwater losses. The KBRA expired in late 2015, and KWAPA ceased operations in early 2016.

Despite the auditor's investigation, Oregon's U.S. Senators Wyden and Merkley attached a rider to this year's Senate Energy bill authorizing the KBRA's \$92.5 million agribusiness giveaway and other sweetheart deals for Klamath irrigators. WaterWatch is working to defeat the Merkley-Wyden rider – which the Senators attached to the federal bill without a public hearing or debate – and bring accountability and balance to Klamath water management.

Adding insult to injury, over the same period that \$32 million in fish and wildlife funds lined the pockets of agribusiness, tens of thousands of birds on the Klamath Basin National Wildlife Refuges actually died for lack of water. When few wetland acres are available on these refuges due to the Department of Interior's water delivery decisions, large numbers of waterfowl pack together during migration periods, sparking lethal disease outbreaks. Refuge staff estimated that some 20,000 birds perished this way in 2014 alone. Similar conditions on these refuges sparked massive waterfowl die-offs in 2012 and 2013.

WaterWatch and our allies have repeatedly urged federal leaders to provide needed water for these critically important refuges. Just days after the Inspector General's report, WaterWatch and sixteen other groups wrote to Interior Secretary Jewell requesting emergency water deliveries to reduce the risk of another Klamath waterfowl kill. Secretary Jewell has not responded to this letter, nor to similar letters in years past. In the absence of federal leadership, WaterWatch and our allies are working to secure improved water supplies through the refuge's ongoing Comprehensive Conservation Planning process.



Refuge staff collect dead birds during the 2014 waterfowl kill in the Klamath Basin. Photo by Nate Schweber.

Water Briefs From Around the State

Back in Court to Stop McKenzie River Speculation

WaterWatch staff attorney Lisa Brown presented oral arguments in late November before a three judge panel of the Oregon Court of Appeals regarding the denial of a speculative proposal by Willamette Water Company to withdraw 22 million gallons per day from the McKenzie River. WaterWatch's effort to stop this water grab began with a protest on a permit application in March 2010 on grounds that it did not conform to state requirements and that the applicant showed no need for the water. The harmful proposal threatened a river prized by fishermen, boaters, and nature enthusiasts from around the world. Since that first protest, we have prevailed in decisions by an administrative law judge, the Oregon Water Resources Department, and the Oregon Water Resources Commission. We are now awaiting an opinion from the court.

Clackamas River Update

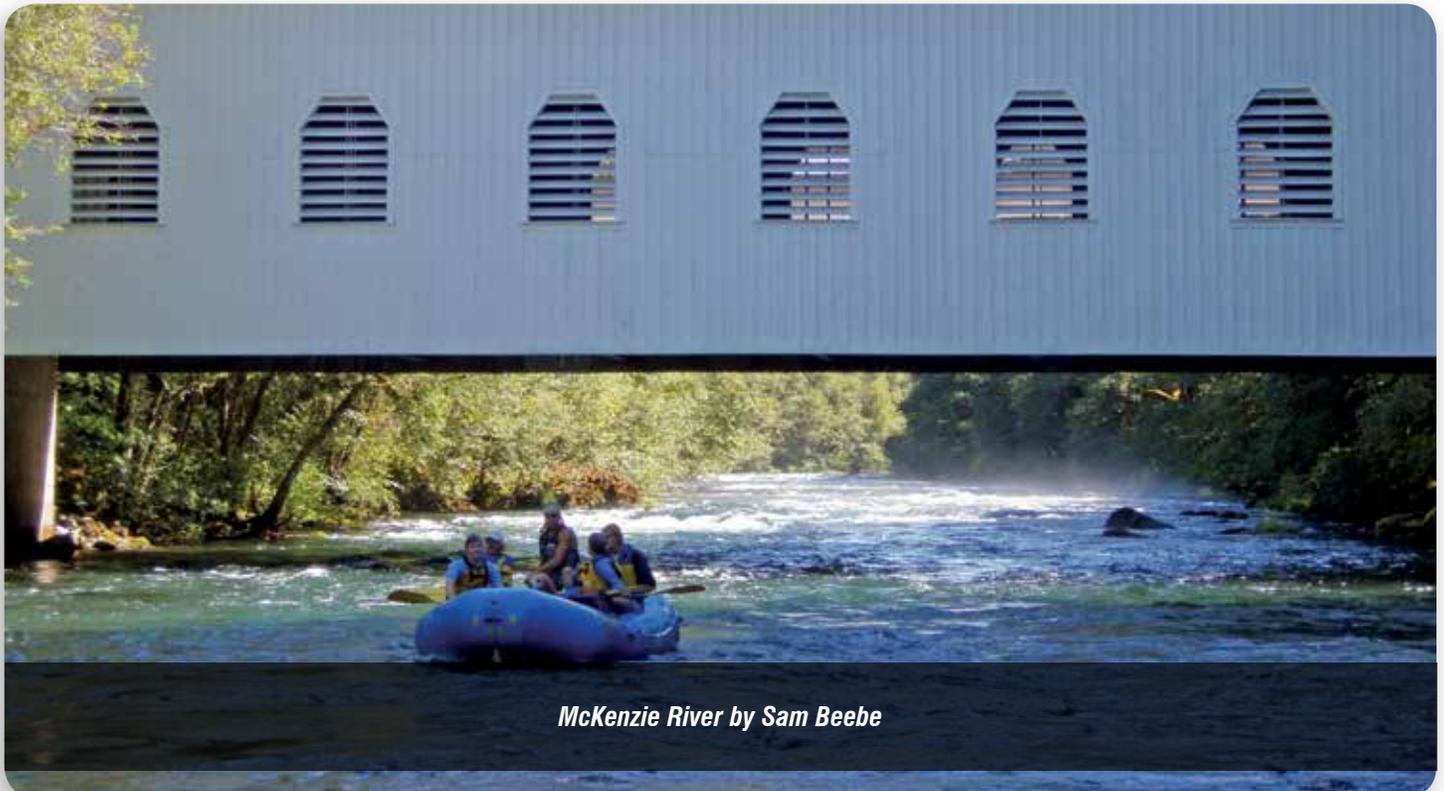
A longrunning WaterWatch challenge to enforce protection

for salmon and steelhead in the Clackamas River – one of metro-Portland's favorite waterways – is in the middle of closing briefing before an administrative law judge. A proposed order will then follow.

In 2008, WaterWatch challenged the Oregon Water Resources Department's decision to approve diversion of an additional 100 million gallons of water per day from the lower Clackamas for municipal use. We asserted in part that the diversions were not conditioned to protect struggling Clackamas salmon and steelhead listed under the state and federal Endangered Species Acts, as required by law.

After a trial and an appeal, the Oregon Court of Appeals agreed with WaterWatch, concluding that with regard to protecting these fish, the agency's decision lacked "both substantial evidence and substantial reason." The court told the agency to try again.

With a strong team of experts and witnesses, WaterWatch went back to trial this July to secure better protections for Clackamas fish and to force Oregon to follow the law.





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