



WATERWATCH
Protecting Natural Flows in Oregon Rivers

INSTREAM

Spring 2023 Newsletter

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Staff



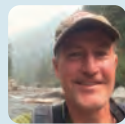
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Jack Dempsey
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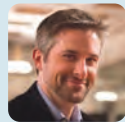
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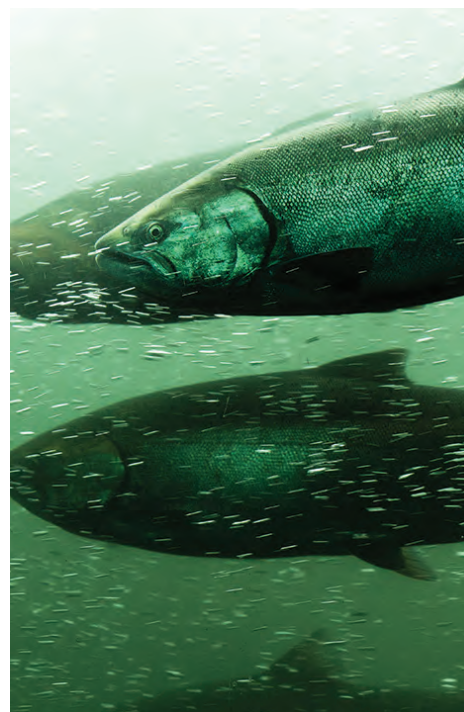
WaterWatch of Oregon

Learn more about our work, become a member, or sign up for RiverAction Alerts at:

waterwatch.org

Email: info@waterwatch.org

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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Monet Hampson, design and layout
Staff, story content and edits

Front Cover Photo: Kayakers of the winding Wood river, OR, part of the Klamath Basin drainage. By: Wollertz

STREAM OF CONSCIOUSNESS

Neil Brandt



Dear WaterWatch members and supporters,

I'm thrilled to be writing this column for the first time as WaterWatch of Oregon's new Executive Director. I have had the wonderful opportunity to meet many over the last three years as Development Director for WaterWatch, but there are also many who I have not yet had the pleasure of meeting. For those who are curious about who I am, I wanted to take a moment here to share some background about myself and some thoughts about WaterWatch's path forward.

As many of you know, I've been working for WaterWatch since the summer of 2019. From organizing our annual auction to securing grants and major donations to managing our membership program, my focus has been to fundraise for WaterWatch's mission. Building capacity to advocate for Oregon's rivers has been my priority over these last three years, and I'm proud of our successes there, especially during an unprecedented and tumultuous pandemic.

Before coming to WaterWatch, I worked for The Nature Conservancy in Colorado while pursuing my graduate degree in environmental policy, and I spent a year directing a fundraising office in Seattle on behalf of Amnesty International for refugee rights. I grew up in the heart of the Adirondack Mountains in upstate New York. In large part due to my father's career as an atmospheric scientist, I have long been passionate about preserving and protecting our natural environments and addressing climate change. Since arriving in the PNW in 2018, Oregon's rivers have captured a big piece of my heart, and I'm truly excited to make a difference for these rivers that are beloved and relied upon by so many.

But it's not all about me. I view the role of Executive Director as a caretaker for WaterWatch's mission—and that mission is not changing. Since 1985, WaterWatch has worked to protect and restore flows in our rivers to sustain the native fish, wildlife, and people who depend on healthy rivers. Our expert staff is hard at work in all corners of the state to advocate for this unduplicated and essential mission.

Some of the elements of our work that I think are especially important include:

- Working to protect special places in Oregon, including iconic rivers like the Rogue, the Umpqua, the Deschutes, and the Klamath;
- Influencing balanced, sustainable, and equitable policy reforms for Oregon's rivers, lakes, aquifers, and groundwaters;
- Pursuing equity and water justice for historically marginalized communities in Oregon's systems of water allocation; and
- Adapting Oregon's waters to a changing climate to give cold water fish and wildlife a fighting chance to survive in a climate changed Oregon.

Of course, our programs go beyond the topics listed above, and our work is cut out for us. We regularly go up against powerful and well-financed interests as the underdog, yet we still achieve big wins. **The common theme across all our programs and projects is your support. None of this work would be possible without YOU!** Our members and supporters give us the ability to tackle major issues, fight big opponents, and walk away with victories for Oregon's waters. Your support for WaterWatch makes everything we do possible, and I can't thank you enough.

As WaterWatch continues in its thirty-eighth year, I am honored and energized to have the opportunity to lead this incredible organization. In a climate-changed Oregon, this work is more important than ever. As you'll go on to read in this issue, there have been many changes for WaterWatch in the last several months, including the expansion of our program capacity with the hire of our newest Staff Attorney, Tory White. With Tory on board, we're planning to get even more done. I'm deeply committed to WaterWatch's important work and mission, and I look forward to sharing what we're able to accomplish this year with your help.

For rivers,
Neil Brandt
Executive Director

It's spring and change is in the air.

It is an exciting time at WaterWatch. We have several board and staff transitions to report, more than any of us can recall at one time.



At the Board level, Mary Lou Soscia officially returns to the Board (as Board President) after her retirement from 38 years of service at the US Environmental Protection Agency in Washington DC and the Pacific Northwest. Protecting human health and ecosystem restoration in Indian Country throughout the US and

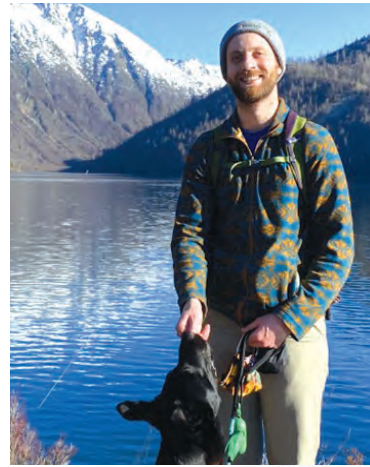
especially in the Pacific Northwest was a key foundation for her work with the EPA. She provided leadership for development of the Oregon human health criteria to protect high tribal fish consumers, the most protective state criteria in the nation when developed. Mary Lou also created and led the Columbia River Basin Restoration Program which Congress added to the Clean Water Act. The program received \$79 million from Congress in 2021 to reduce toxics to protect human health and increase ecosystem resilience in the Columbia Basin. Mary Lou provided regional leadership for over 25 years on Columbia River water temperature issues and decisions which have become more critical and complex with a warming climate.

During her career, Mary Lou also worked for the States of Maryland, Wyoming, and Oregon; and the Columbia River Inter-Tribal Fish Commission. She brings lots of positive energy to the Board (and most everything she does) and WaterWatch is grateful to have Mary Lou back and leading our Board of Directors.

With Mary Lou's return, WaterWatch thanks Karl Anuta for his term served as Board President. As president, Karl steered a steady course for WaterWatch.

He will continue to bring extensive expertise in policy and other matters to the Board.

At the staff level, we are excited to announce that Neil Brandt has become



WaterWatch's seventh executive director. Neil moves into the position after a successful three-year run as Development Director. Neil is strategic, energetic and fearless, and he brings invaluable qualities to the position – including a diplomatic approach, climate policy chops, a familiarity with WaterWatch's systems and methods and

knowledge of WaterWatch's supporters and organizational infrastructure. We are thankful to have Neil at the helm.

WaterWatch is also thrilled to introduce Tory White, WaterWatch's new staff attorney. Tory is a 2022 graduate of Lewis and Clark Law School, a member of the Oregon Bar and will hit the ground running after interning and clerking at some of our favorite organizations, including Columbia Riverkeeper, Center for Biological Diversity and Earthrise Law Center. Tory has an always helpful undergraduate degree in environmental science, likes to paint, rock climb and hike – like a lot of hiking - like the entire Appalachian Trail in 2017!



John DeVoe steps back after almost twenty years in the Executive Director position.

He will serve part-time as a Senior Fundraiser and Advisor. You can read John's note to WaterWatch supporters on the website at <https://waterwatch.org/change-and-transition-at-waterwatch/> which documents some of the achievements WaterWatch accomplished during those two decades. Oregon's waters and freshwater aquatic species thank John for his advocacy and service. John plans to spend more time at many of the places WaterWatch has worked to protect or restore, but he will continue to raise funds for the mission. He will be reaching out to many of you. If you want to go fishing, give him a call.



One fossil admires another

Wade Nkrumah has returned to work in communications for Multnomah County after two years at WaterWatch. Always a focus, Wade worked with Monet Hampson to strengthen the Newsletter. Wade recently told us that "[W]orking at WaterWatch of Oregon was educational and illuminating on Oregon's relationship with its waterways and water in ways I never imagined." While we will miss Wade at the office (though the rumor is that he will join us on the auction committee), we wish him luck and success in his new venture with the County.



Last but not least, WaterWatch has a winter intern, Zöe Serrano. Zöe is a candidate for the Master of Studies in Law at Lewis and Clark. Zöe is passionate about public outreach on environmental issues and has experience with databases and digital media. She has previously served as the water education and outreach intern for the Carver County Water Management Organization in Minnesota. Zöe appreciates her internship, and we appreciate her. "Interning with WaterWatch has given me the opportunity to make a difference by advocating for the protection and restoration of rivers in Oregon." And that is what it's all about. ■





Instream Water Rights – A key component of Water Equity for Oregon

Umpqua River, Oregon

A 2023 Secretary of State Report (SOS Report) calls on Oregon to move away from our historical unbalanced water system to embrace water equity. Water equity, as defined by the SOS Report, includes adequate water for ecosystem health.

Healthy waterways and the fish and wildlife they support sustain people and cultures across Oregon. Fish, wildlife and recreational uses of rivers, streams and lakes generate billions of dollars of economic activity across Oregon—often in rural parts of the state. Instream water rights not only protect and help restore these values but also give Oregon’s waters (and fish and wildlife) a fighting chance to adapt to a changing climate by supporting healthy, connected freshwater habitat.

What are instream water rights? Instream water rights are “water rights” to protect water in rivers and streams held in trust by the Oregon Water Resources Department for the benefit of the people of Oregon. Because they protect water in rivers and streams, instream water rights are a key tool to help adapt to a changing climate in Oregon.

History and context. The Instream Water Rights Act was passed in 1987 to create water rights that protect water in the channel of a stream. These non-consumptive “water rights” for instream flows have equal footing with all other water rights. For the century prior to the Instream Water Rights Act, Oregon law only recognized water rights for largely extractive, out of stream uses of water such as agriculture, industry and cities. Accordingly, Oregon now has approximately 90,000 water rights that pull water out of Oregon’s rivers for these out of stream uses. By comparison, today there are only about 1,650 instream water rights in Oregon. The Integrated Water Resources Strategy—Oregon’s blueprint for meeting the state’s instream and out of stream needs—recognizes this glaring lack of balance and directs the state to secure new instream rights.

Instream Water Rights are foundational to water equity. Almost the entire history of water development in Oregon focused on extractive, out of stream uses and failed to recognize the environment, cultures, or economies dependent on salmon as legitimate users of water for any purpose. Instream water rights provide a meaningful measure of balance and equity for Oregon by helping to protect and restore healthy connected freshwater

habitat for salmon, steelhead, lamprey and other species important to indigenous people and cultures in our state. Instream water rights can help Oregon’s waters adapt to climate change and the disproportional water impacts of a changing climate on marginalized communities.

Pathway to new instream water rights under threat.

Oregon’s Integrated Water Resources Strategy calls on the state to secure new instream water rights. Oregon’s Department of Fish and Wildlife has been moving forward with just that, but this has raised the ire of conservative counties across Oregon. For example, Douglas County recently challenged every new instream water right application for the Umpqua River (113 total!), at a cost of over \$100,000 in taxpayer money for filing fees alone, let alone attorney time. And in October 2022, the Eastern Oregon Counties Association sent a letter to legislators signed by 14 counties voicing their opposition to new instream water rights. Continuing that theme, a number of bills are winding their way through Salem that would stall or even halt progress forward on instream water rights.

What can you do? Soon, the Ways and Means Committee will hold field hearings in many parts of the state on budget matters. *All hearings will be open to the public and members of the press.*

TIMES AND LOCATIONS FOR THE SERIES OF PUBLIC HEARINGS ARE LISTED BELOW:

Saturday, April 8 (10:00 am - 12:00 pm) - Portland
Location: Portland Community College - PAC Auditorium, Sylvania Campus, 12000 SW 49th Ave, Portland, OR 97219

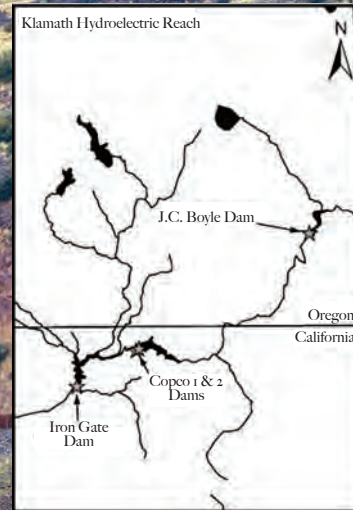
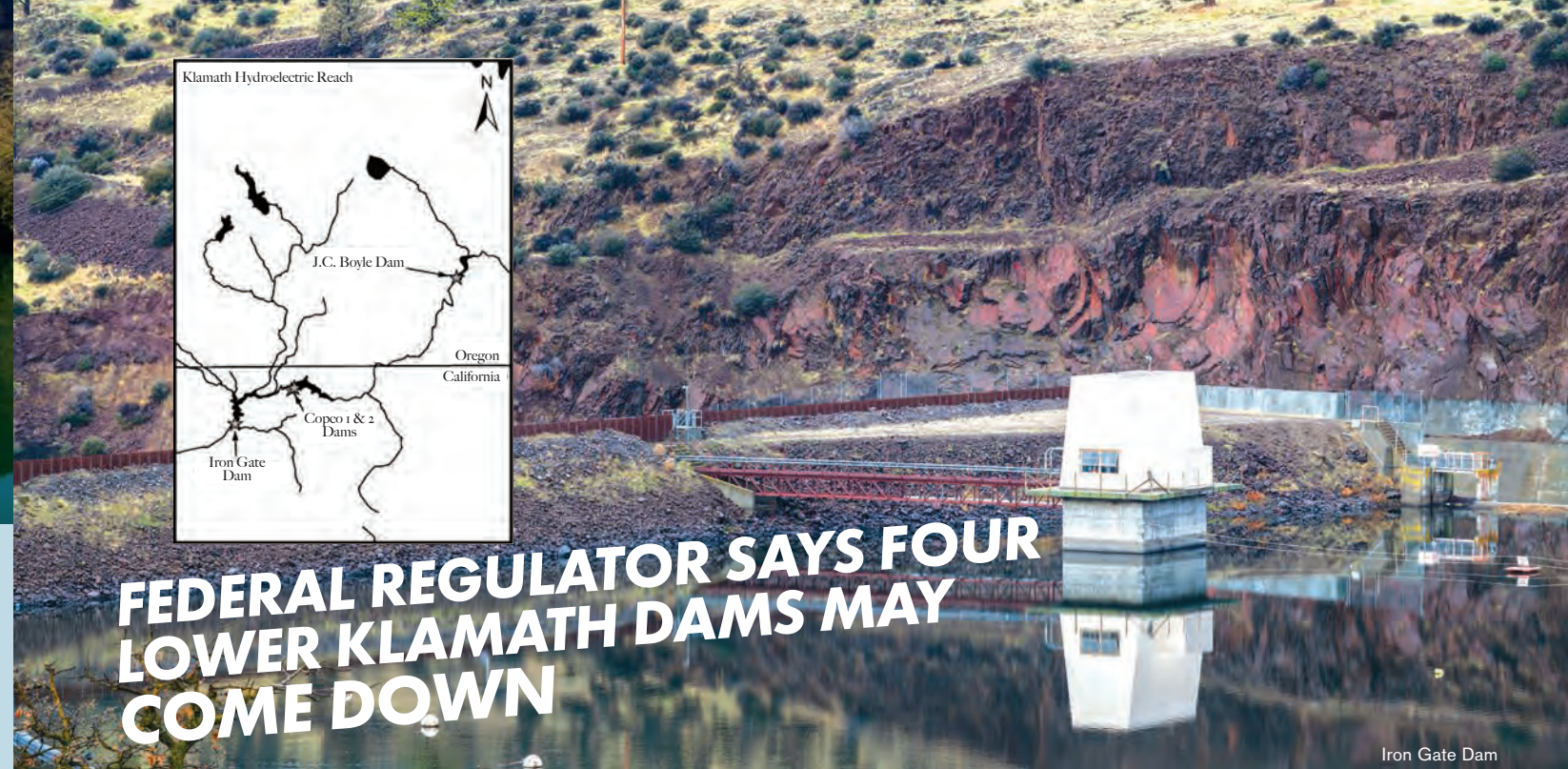
Friday, April 14 (5:00 - 7:00 pm) - Newport Location:
Newport Performing Arts Center
777 W Olive St, Newport, OR 97365

Friday, April 21 (5:00 - 7:00 pm) - Roseburg Location:
Umpqua Community College
1140 Umpqua College Rd, Roseburg, OR 9747

Friday, April 28 (5:00 - 7:00 pm) - Ontario Location:
Four Rivers Cultural Center
676 SW 5th Ave, Ontario, OR 97914

Note: Ontario, Oregon is in the Mountain Time Zone

Sign up for WaterWatch’s River Action Alerts:
<https://waterwatch.org/get-involved/>
to get notice of and attend these hearings to voice your support for funding and programs in support of instream water rights.



FEDERAL REGULATOR SAYS FOUR LOWER KLAMATH DAMS MAY COME DOWN

Iron Gate Dam

In November 2022, the Federal Energy Regulatory Commission granted final approval for decommissioning the lower four hydroelectric dams on the Klamath River near the Oregon-California line. The decision marked the end of two decades of advocacy, politics, and bureaucratic processes surrounding this hydro complex. It is hoped that the smallest of the four dams, Copco 2, will come down this summer, and that the other three dams will follow to open over 350 miles of habitat closed to native salmon and steelhead since 1918 in violation of tribal treaty rights and common sense.

Klamath dam removal presents a major opportunity to restore important but dwindling fish runs vital to the region, Native American tribes, and coastal communities. This year, as in many other past years, a Klamath salmon collapse sparked a coast-wide salmon fishing disaster, causing tens of millions of dollars of lost economic activity, millions of pounds of lost seafood production, thousands of lost jobs, and the loss of world class recreational opportunities. However, dam removal alone cannot restore the Klamath and end the region’s woes. Restoration will require other essential steps. These include providing adequate stream flows and lake levels to support abundant salmon and other native fish, improving fish passage at Keno Dam and other dams upstream of the soon former hydro complex or removing these structures, protecting and restoring depleted groundwater reserves, and reclaiming converted wetlands to recover aquatic habitat and natural water storage while improving water quality. WaterWatch continues to advocate in public, in the legislature, and in the courts for these essential steps towards the Klamath’s sustainable future.

WaterWatch began working towards Klamath dam removal well before PacifiCorp’s hydropower license expired in March 2006. Years before, we joined with Oregon Wild and others to publicly expose and end an exclusive electric pumping subsidy funneling some \$10 million per year to Klamath agribusiness at the expense of PacifiCorp’s other ratepayers. These powerful

interests had succeeded in connecting this subsidy politically to PacifiCorp’s federal hydropower license when it was last renewed in 1956. In 2006, Klamath agribusiness intended to quietly extend this lucrative and water-wasteful subsidy 30 to 50 years into the future alongside another federal license for the Klamath dams. In this situation, WaterWatch believed ending the pumping subsidy would not only improve water use efficiency in the Klamath, but would also remove a substantive reason for powerful agribusiness interests to support relicensing the Klamath dams.

By April 2006, WaterWatch and our allies had convinced the Oregon Public Utility Commission to rule against the subsidy after a months-long proceeding. The state legislature, over WaterWatch’s objections, then provided Klamath agribusiness a generous multi-year subsidy off-ramp period paid for by other Oregon utility ratepayers. With the subsidy question resolved in favor of river restoration, WaterWatch and Oregon Wild returned to the PacifiCorp dam relicensing negotiations advocating for our preferred alternative: a standalone deal to remove the four lower dams. Unfortunately over the next 2 years the George W. Bush administration took over as mediators in these talks. They excluded WaterWatch against our will due to our opposition to the Bush Administration’s Klamath Basin Restoration Agreement (KBRA), which required dam removal wait until Congress passed the bloated and unworkable \$1 billion KBRA package favoring agribusiness at the expense of taxpayers, fish, and National Wildlife Refuges. WaterWatch joined Hoopa Valley Tribe and others to defeat the KBRA by 2015. Unfortunately, by then the KBRA had delayed dam removal longer than even PacifiCorp could have hoped. Generally, utilities can expect to delay federal relicensing decisions for 12 years while using interim annual licenses. Klamath was ultimately delayed 17 years. Fortunately, by 2016 a standalone dam removal agreement moved forward. WaterWatch is gratified this long-sought goal for many in the Klamath is within sight. ■

ADVOCATES PETITION TO STOP STEELHEAD MASSACRE BY UMPQUA'S BIGGEST FISH KILLER



Winchester Dam

Thanks to your ongoing support, WaterWatch continues to lead a coalition of local and statewide fishing, conservation, and whitewater groups working to remove Winchester Dam on the North Umpqua River. We are also working to ensure this notoriously outlaw dam complies with all laws, rules, and regulations protecting salmon, steelhead, and water quality until it is torn down.

In February, our coalition formally petitioned the Oregon Department of Fish and Wildlife to reconsider the authorization the department recently granted allowing the owners of Winchester Dam to dewater and close their fish ladder from August 7th through 28th, 2023 to conduct dam structural repairs to the minimum extent necessary. This fish ladder closure set off alarm bells because it overlaps the peak period of summer steelhead migration as well as the migration of spring Chinook. The North Umpqua's summer steelhead populations have yet to meaningfully improve after falling to an all time record low in 2021, while the river's spring Chinook are a candidate species for listing under the federal Endangered Species Act. In our petition, we argue among other things that the needless



Spring Chinook

additional stress, loss of reproductive capacity, and mortality inflicted on already dangerously low salmon and steelhead runs by three weeks passage interruption to 160 miles of high quality habitat and cold-water refugia upstream of Winchester Dam cannot be justified, is not in the public interest, will likely violate state and federal law, and would result in economic and other harm to our communities. We asked ODFW to instead consider a project design alternative using cofferdams. Such dam repair designs have been previously implemented successfully in Oregon, and would allow the proposed repairs to Winchester Dam with little or no interruption of upstream fish migration. ODFW has 60 days from the date of our petition to respond.

Just before submitting our petition to ODFW, our coalition learned of our latest win against this outlaw dam. After receiving our coalition's written allegation of illegal water storage in spring 2022, the Oregon Water Resources Department investigated, then informed the Winchester Dam owners in January 2023 that they are in fact in violation of their reservoir storage claim and must either lower the reservoir elevation by 1.5 feet or apply for a new water right to come into compliance on a permanent basis. This finding also means that the dam owners' current proposal to drain then refill the dam's reservoir to conduct repairs in 2023 would unlawfully injure downstream water rights, including instream water rights intended to protect salmon and steelhead. However, this development does not mean that dam repair is impossible. Far from it. Achieving a lawful repair will require selecting a repair plan alternative to the current unlawful plan. For example, it is probable that a lawful repair plan could be achieved through the same cofferdam alternative our coalition has proposed to ODFW to maintain fish passage throughout the repair.

As of this writing, is not clear what path the dam owners will choose. WaterWatch and our coalition will keep working until this outlaw dam is removed. ■



DEFEND LAKE ABERT

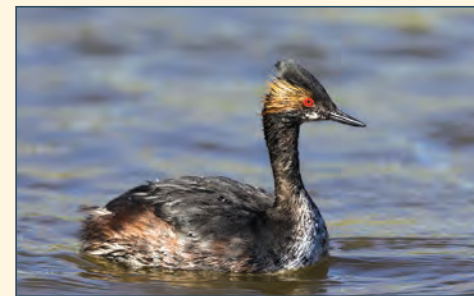
Lake Abert, Oregon

In December 2022, President Biden signed the **Saline Lakes Ecosystems in the Great Basin States Program Act**. The Act establishes a scientific assessment program to help conserve these ecologically critical lakes. This is a huge step for the future of Great Basin saline lakes, including Oregon's imperiled Lake Abert. WaterWatch has worked for years to advocate for needed inflows to Lake Abert to support the numerous species of migratory and nesting birds that rely on the lake. The bipartisan legislation was led by: **Sen Merkley (D-OR) and Sen. Romney (R-UT), Rep. Blake Moore (R-UT), Rep. Jared Huffman (D-CA).**

Thank you, Senator Merkley, for sponsoring and championing this important bill!



Snowy Plover



Eared Grebe



American Avocet

BECOME A RIVER DEFENDER AND START CREATING YOUR LEGACY FOR OREGON'S WATERS TODAY.



Are you interested in securing a healthy, climate resilient, equitable water future for Oregon's waters, fish, wildlife and people? You're not alone.

WaterWatch's River Defender Program is for people who love our rivers and waters and commit to support WaterWatch through their estate planning. Doing so creates a lasting impact for Oregon's rivers, lakes, wetlands, fish, wildlife and people.

Legacy giving isn't just for those with high net value. Anyone who wants to create a lasting legacy after landing that last trout or padding that last rapids can participate in this program and provide meaningful future support for the healthy, climate resilient waters we all want for Oregon's fish and wildlife and people.

When you take steps to include WaterWatch in your estate, you'll be in good company, joining a community of dedicated visionaries who have taken meaningful steps to ensure Oregon's future includes healthy rivers and climate resilient waters – for fish and wildlife and for people. Your planned gift can make a lasting impact for Oregon's waters and everything they support – now, and into the future – when you commit to becoming a River Defender with WaterWatch.

PLEASE JOIN WATERWATCH'S COMMUNITY OF LEGACY MEMBERS BY BECOMING A RIVER DEFENDER TODAY!

By including WaterWatch in your will or estate planning, you give the gift of healthy, climate resilient waters to fish and wildlife and future generations of Oregonians! You can also direct estate gifts to WaterWatch's endowment fund, which invests in WaterWatch's future. To learn more about planned giving and the different ways to give through your estate or other planned giving, please contact John DeVoe, our Senior Fundraiser and Advisor at John@waterwatch.org or 503-295-4039



Birding with WaterWatch

This January, Mike Houck, expert birder and Emeritus Director of the Urban Greenspaces Institute, led a group of WaterWatch bird enthusiasts on a tour of Sauvie Island on the Columbia River. They saw nearly forty species of birds, including Sandhill Cranes, Trumpeter Swans, and even a Eurasian Wigeon!

Mike has generously donated this trip to WaterWatch's auction for a number of years in a row—thank you so much, Mike! *We'll be offering tickets to attend WaterWatch's 2024 birding tour of Sauvie Island at our annual event and auction this fall.*

Please stay tuned for details—location and date TBA!

Upcoming WaterWatch Events:

April 27th, 2023

WaterWatch presentation @
PORTLAND PATAGONIA STORE
1106 W Burnside St,
Portland, OR 97209



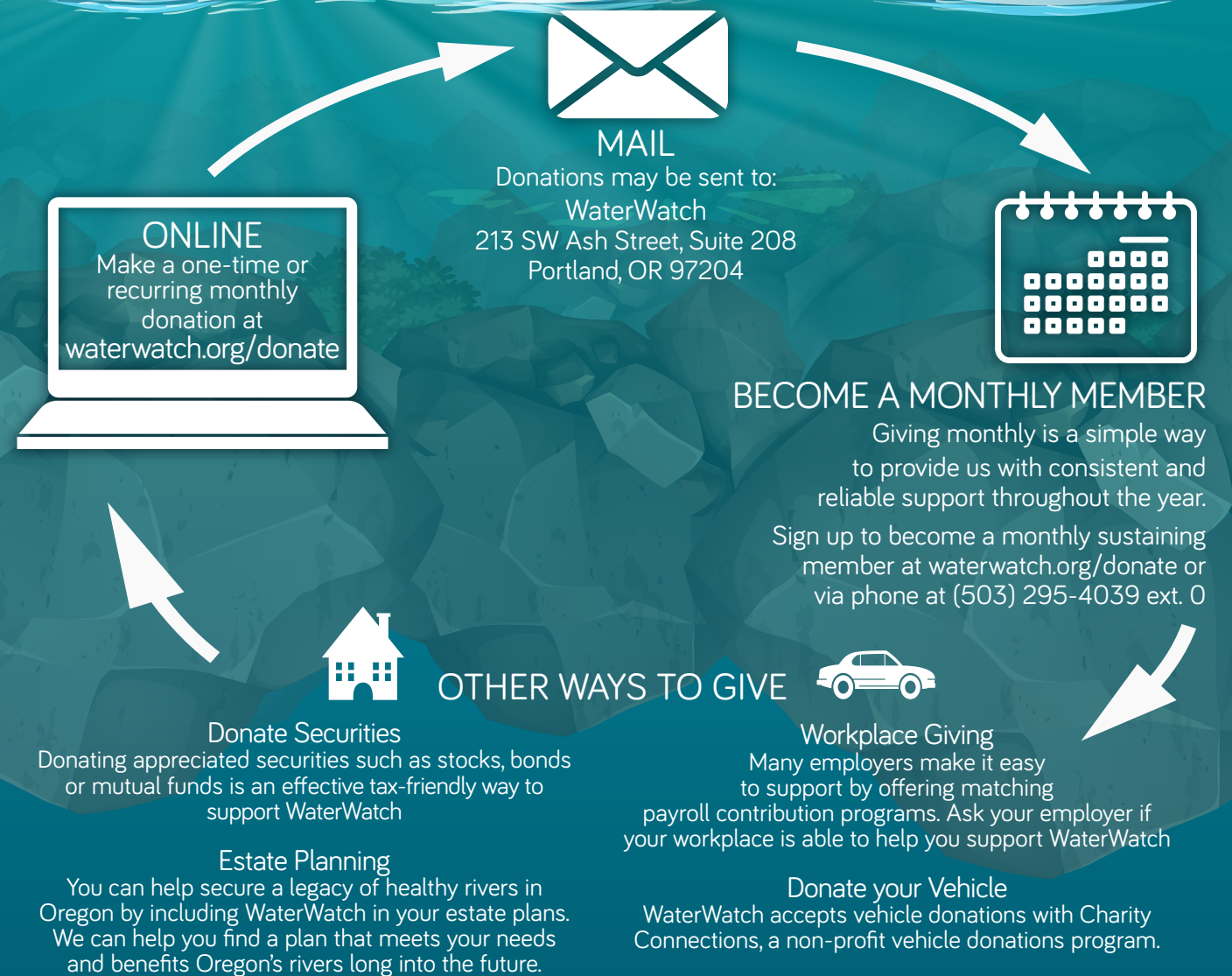
May 13th, 2023

WaterWatch tabling at and sponsoring the
2023 Re-Wilding Oregon Conference @
LAKE CREEK LODGE
13375 SW Forest Service Rd #1419,
Camp Sherman, OR 97730



Please Support WaterWatch and invest in the health of Oregon's rivers, lakes, aquifers and wetlands!

Ways to support!



WaterWatch is proud to participate in the following programs:





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