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Statement of Leaf G. Hillman
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Water Resource Issues in the Klamath River Basin
Committee on Energy and Natural Resources, United States Senate
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Ayukii Mr. Chairman and Members of the Committee. On behalf of the Karuk Tribe, I thank you for the opportunity to participate in this important conversation on water resource issues in the Klamath Basin.

My name is Leaf Hillman and I am the Natural Resources Director for the Karuk Tribe. The Karuk Tribe is the second largest federally recognized Indian Tribe in California with over 3,600 members. Our aboriginal territory is located immediately downstream of the Klamath River dams and spans large portions of Siskiyou and Humboldt Counties in Northern California.

I was born on the Klamath River and have lived on it my entire life. I am a hereditary dance owner and ceremonial leader responsible for carrying on our ancient traditions of Piky'avish or World Renewal Ceremonies. Every year since the beginning of time, Karuk People have remade the world through these ceremonies handed down to us by the Creator where we pray for all things and all the peoples of the earth. So for my People, these issues are not just about fish or water but about something far deeper and more meaningful. Our physical health, our spiritual health, and our cultural identity are intimately tied to the ecological integrity of the Klamath River Basin.

The Karuk traditionally lived in over 120 villages and subsisted on the bountiful runs of salmon, steelhead, and lamprey in the rivers and the abundance of acorns, mushrooms, deer, and many other native plants and animals in the forests. The productivity of the natural landscape enabled

the Karuk to develop a sophisticated culture replete with its own currency, basketry, natural resource management practices, and ceremonial structure. Trade networks were well established with neighboring tribes in the area. The productivity of the landscape and the Karuk's sophisticated civilization inspired historian Arthur McElvoy to describe the Karuk at the time of contact with Europeans as "…at once the wealthiest of all California Indians in terms of disposable resources and the most specialized economically."

In the 1850s, the traditional Karuk lifestyle ended suddenly and violently with the onset of the California gold rush. As miners moved into Northern California to stake their claims – and as the U.S. Calvary moved in to ensure miners' safety – Karuk People were murdered, massacred, and enslaved. Many who escaped the violence fell to disease or starvation. Whole villages were burned and the life giving Klamath watershed was damaged by hydraulic mining and mercury contamination. Still many Karuk remained in our traditional territory, refusing to succumb to the violence and oppression of the invaders.

The gold rush was only the beginning. For over 160 years, the economy and politics of the middle Klamath River region was driven by the quest to extract natural resources; gold and copper mining operations were soon followed by the hydropower industry which constructed a series of dams between 1918 and 1962; the timber industry peaked in the mid- 20th century; industrial agriculture has dewatered the river increasingly over the past 100 years; and today the middle Klamath is a destination for illicit marijuana growing operations which pose a new set of environmental and social problems

Today the middle Klamath River region remains unhealed from the devastating effects of this series of disruptions to social, economic, and natural systems. Historically, Klamath River salmon runs numbered up to a million returning adults per year. (Hamilton, Crutis, Snedaker, & White, 2005). Today, runs are a fraction of this with some runs of salmon, such as chum and pink salmon, extirpated from the Klamath system altogether, and others such as coho salmon on the Endangered Species List.

The cumulative effects of mining, destructive logging practices, irrigation diversions, dam building, and the attempted genocide can be seen in Karuk communities today. In contrast to

McElvoy's observation that the Karuk were "…at once the wealthiest of all California Indians in terms of disposable resources," today the Karuk experience poverty at alarming rates. According to a recent government report, 91% of Karuk Tribal members in Klamath River communities live below the poverty line. (U.S. Department of Interior, Bureau of Indian Affairs, 2005).

The dramatic decline in fisheries also affects our physical health by denying Karuk People access to healthy foods. Before contact, research indicates that the average Karuk consumed over a pound of salmon, per person, per day. Today, the average Karuk living along the river consumes less than 5 pounds of salmon in a year. Thus, the decline in fisheries has led to a rapid shift in diet for Karuk People from fish to what is available through government food programs. The result of this altered diet is that today, the diabetes rate among the Karuk is 21%, nearly 4 times the national average. Similarly, the rate of heart disease is 39%, or 3 times the national average. (Norgaard, 2005).

As previously noted, the reasons for the decline in Klamath River fisheries is manifold; however, we assert that Klamath River dams are one of the two greatest factors to consider (the other being operation of the Klamath Irrigation Project discussed below). The Karuk Tribe has been one of the leading proponents of Klamath Dam removal for decades. That's because we have witnessed the impacts of Klamath River dams first hand. With the completion of Iron Gate Dam in 1962, we saw the utter collapse of Klamath fisheries which were already imperiled by a century of mining, poor forest management, dams, and diversions. Today we live with massive blooms of toxic algae that originate in the Klamath Reservoirs. When our Tribe's medicine men are required to bath in the Klamath River to fulfill their religious obligations, the river is often posted with signs warning against bodily contact with the water due to high levels of algal toxins. In the summer, we can't let our children swim in the river or let our dogs drink from it.

Thus dams harm Klamath River fisheries by blocking salmon's access to nearly half of their historic range in the Klamath Basin (Hamilton, Curtis, Snedaker, & White, 2005) and facilitate massive blooms of the toxic blue green algae *Microcystis aeruginosa* which create a significant human health risk (Kann, 2006).

As the health of the river has declined, the conflicts between Klamath basin communities have intensified. That's because in any given year, at least one community in the Klamath Basin is doomed to suffer. Sometimes its irrigators who get their water shut-off; sometimes its commercial fishermen who are not allowed to fish for a living; and in many years it is the Klamath River Tribes who cannot harvest enough fish to meet basic subsistence needs. We live with a rotating crisis that for years has led neighboring communities to engage in bitter political and legal battles. After decades of trying to shift the burdens of this crisis to someone else, leaders from the Basin's diverse rural communities decided to try something new. Something unprecedented in the Klamath Basin: compromise.

This effort started soon after the back to back disasters of 2001 and 2002. Although the Klamath Crisis started many years earlier, it was the irrigation shut-off to the Klamath Project Irrigators in 2001 followed by the massive fish kill of 2002 that elevated the Klamath Crisis into the national spotlight. Immediately following these events, Tribes, irrigators and other parties engaged in a series of court battles while at the same time they sought help from their respective members of Congress. At the time, these disputes focused on the operation of the Bureau of Reclamation (BOR) Klamath Irrigation Project (KIP) which is the primary factor controlling flows in the main-stem Klamath River. The KIP represents nearly 250,000 acres of irrigated farmland in southeastern Oregon and northwestern California. The KIP is made up of over 1,400 family farms and the Klamath Wildlife refuges which are fundamentally important nesting and feeding grounds for birds migrating along the Pacific Flyway.

Much of the litigation revolved around the Biological Opinion on the BOR irrigation plan. Since there are Endangered Species Act (ESA) listed suckers in Upper Klamath Lake and ESA listed coho salmon in the lower river, the BOR operational plan must be evaluated by wildlife agencies to determine if its implementation will jeopardize the survival of these species. It is important to understand that when we talk about balancing water in the Klamath, we are balancing water between 1) the lower river for ESA listed coho and other anadromous species, 2) ESA listed suckers that dwell in Upper Klamath Lake and other areas, 3) the wetlands of the Klamath Wildlife Refuges that are vitally important for migratory waterfowl, and 4) the Klamath

Irrigation Project. Needless to say, in the past it has been impossible to balance water resources in the Klamath Basin in a manner that satisfies the needs of all communities.

About the same time that Klamath communities were dealing with the aftermath of the 2001/2002 catastrophes, PacifiCorp's fifty year old Federal Energy Regulatory Commission (FERC) license to operate the Klamath River dams downstream of the BOR KIP expired. With PacifiCorp's application for a new dam license came an opportunity to participate in a process that could mitigate or end the devastating impacts of the dams. It also meant that for the first time, the two greatest factors limiting fish production in the Klamath Basin were subject to regulatory review at the same time: KIP diversions were subject to a Biological Opinion and PacifiCorp dams were subject to FERC relicensing.

In many ways, the timing of the 2001 water shut-off, 2002 fish kill, and the expiration of PacifiCorp's Klamath dam license was serendipitous. However, it was the leadership from Klamath Basin Tribes, irrigation districts, fishermen's organizations, conservation organizations, and local governments that recognized the opportunity and seized it. What started out as a FERC relicensing process evolved into a broad based discussion aimed at solving once and for all the Klamath Crisis. The products of these negotiations are the two Klamath Restoration Agreements. The Klamath Hydropower Settlement Agreement (KHSA) lays out a strategy for removing the lower four Klamath Dams in 2020 pending regulatory reviews, a public interest determination by the Secretary of Interior, and congressional approval. The Klamath Basin Restoration Agreement (KBRA) represents a roadmap for restoring the fisheries and water quality of the Klamath Basin while providing water security for Klamath Basin farmers, ranchers, and irrigators. It was not easy and some parties who were there in the beginning were not there in the end. But after years of conflict, I think that the parties whose cultures and livelihoods are most at risk realized that we all share a common destiny. We will either emerge from this crisis together or suffer perennial conflict and community instability for generations to come, which means many of our communities could simply perish.

The process has led to some very unique and unlikely alliances. I sit before you today in partnership with farmers and ranchers, commercial fishermen, conservationists, neighboring Tribes, and dam owner PacifiCorp. It's true that we still don't see eye to eye on every issue, but

we are uniformly committed to a long term solution to the Klamath Crisis. That solution is embodied in the Klamath Restoration Agreements. These Agreements are not perfect. The Karuk Tribe is not getting its every need met. Neither is anyone else. That is the nature of compromise. But the alternative, as I see it, is the continued collapse of west coast salmon fisheries, economic disaster for the region's unique and diverse rural communities, and the failure of the United States to live up to its obligations and to fulfill its legal and moral commitments to Klamath River Tribes. I respectfully and emphatically urge this committee to act quickly to introduce legislation that would see the Klamath Restoration Agreements fully enacted as soon as possible.

I realize that even if the Klamath Agreements are fully implemented there will remain some unresolved issues in the Klamath Basin. We still have water quality issues to address and degraded habitat in many tributaries will still need to be rehabilitated. But I firmly believe that if implemented, the Klamath Agreements would serve to set the Klamath Basin's ecosystems and economies firmly on the road to recovery.

The Karuk Tribe truly appreciates your attention to this important issue and the opportunity to share our perspective. Please let us know if we can provide any additional information or assistance to the Committee as it moves forward to address the ongoing Klamath Crisis.

Thank you.

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