



COUNTY OF HUMBOLDT

AGENDA ITEM NO. C-1

For the meeting of: December 15, 2015

Date: December 11, 2015
To: Board of Supervisors
From: Supervisor Ryan Sundberg
Subject: Letter regarding Klamath Basin Agreement Discussion Draft Legislation

RECOMMENDATION(S): That the Board of Supervisors authorize the Chair to sign the attached letter to the Honorable Greg Walden regarding the Klamath Basin Agreement discussion draft legislation released December 2, 2015; and direct Public Works staff to enter these comments on Representative Walden's website on behalf of the Board of Supervisors.

SOURCE OF FUNDING: N/A

DISCUSSION:

Humboldt County is a signatory party to the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSAs), which were finalized in 2010 in an effort to resolve longstanding conflicts over water among various communities within the Klamath Basin. Execution of these agreements was authorized by the Board with Resolution 10-11 on February 9, 2010. The KBRA contains a variety of provisions and programs for fisheries, water resources, and power supplies and settles certain water rights adjudications. The KHSAs established a pathway toward removal of the four lowermost Klamath River dams, which is essential to restore fisheries and improve water quality. In 2013, the Secretary of the Interior affirmed, based on extensive studies and public input, that dam removal would be in the public interest. However, implementation of these agreements requires authorization from Congress.

Since 2010, several Congressional bills to implement the agreements have stalled, and the agreements are set to terminate on December 31, 2015. On December 2, 2015, Representative Greg Walden from Oregon introduced discussion draft legislation to implement only the KBRA (and a third agreement involving water

Prepared by Hank Seemann Signature Ryan Seemann
REVIEW: Auditor County Counsel Personnel Risk Manager Other

TYPE OF ITEM:
[X] Consent
Departmental
Public Hearing
Other

PREVIOUS ACTION/REFERRAL:

Board Order No.
Meeting of:

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Lovelace Seconded by Supervisor Bass
Ayes Sundberg, Lovelace, Fennell, Bohm, Bass
Nays
Abstain
Absent

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: Dec. 15, 2015
By: Kathy Hayes, Clerk of the Board

rights in the upper basin), leaving the KHSA unapproved and the dams to be addressed through the Federal Energy Regulatory Commission regulatory process. Representative Walden has invited input on the discussion draft legislation at his website (<https://walden.house.gov/klamath>).

As discussed in the attached comment letter, the KBRA and KHSA are interdependent and necessary as a package in order to honor the consensus negotiated among the various participating stakeholders. Humboldt County's support for the KBRA was conditioned on approval and implementation of both agreements. Representative Walden's draft bill must be revised to include the KHSA provisions before Humboldt County can support the legislation.

If the December 31, 2015 termination date passes without federal legislation supporting the agreements, Humboldt County will need to re-assess its options for moving forward on dam removal and the related Klamath River issues.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT:

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Letter



BOARD OF SUPERVISORS COUNTY OF HUMBOLDT

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December 15, 2015

The Honorable Greg Walden
U.S. House of Representatives
2185 Rayburn House Office Building
Washington, DC 20515

Re: Klamath Basin Agreement Discussion Draft Legislation

Dear Representative Walden:

Thank you for the opportunity to provide comments on your discussion draft bill released December 2, 2015, regarding two of the three Klamath Basin Agreements.

Humboldt County is concerned that the draft bill does not include essential provisions of the Klamath Hydroelectric Settlement Agreement (KHSAs), which lays out the criteria for removing the four hydroelectric facilities on the Klamath River. As such, the bill is incomplete and does not reflect the comprehensive package of agreed-to benefits and conditions that were negotiated by diverse stakeholders over the last ten years. We respectfully urge you to reconcile this draft bill with S.133 - Klamath Basin Water Recovery and Economic Restoration Act of 2015, introduced by Senator Wyden on January 8, 2015. Humboldt County and numerous parties have previously reviewed and taken positions of support for this introduced legislation.

Humboldt County was one of nearly 30 parties who actively participated in the negotiations from 2006 to 2010 in an attempt to resolve longstanding disputes over water in the Klamath River Basin. The Klamath River passes through our county for approximately 60 miles on its course from southern Oregon to the Pacific Ocean. Humboldt County was at the table advocating for restoration of salmon fisheries, improved public health, tribal interests, and economic stability for commercial fishermen. Participants were highly motivated to work together to resolve the ongoing pattern of conflict, litigation, and uncertainty. Participants negotiated with the goal of ending the perpetual crisis situation and the cycle of uncontrolled federal expenditures on emergency relief and disaster assistance.

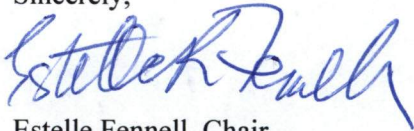
These multiple years of intense negotiations were spent working in good faith to understand the interests of the different parties, finding common ground, and negotiating a delicate balance of commitments and concessions aimed at addressing the interests of the basin as a whole. The initial product of these efforts was a set of two agreements completed in 2010 – the Klamath Basin Restoration Agreement (KBRA) and the KHSAs. Subsequent economic, scientific, and engineering studies demonstrated the substantial benefits for salmon, water quality, irrigation communities, PacifiCorp ratepayers, affected counties, and federal taxpayers. These two agreements were followed in 2014 by the Upper Klamath Basin Comprehensive Agreement,

which centered on the adjudication of water rights and was negotiated by upper basin parties.

The three Klamath Basin Agreements are interdependent. In other words, each agreement is necessary to address the complex issues in a holistic way and achieve the desired results. Humboldt County's support for the KBRA was conditioned on the removal of facilities described in the KHSA. As such, we do not accept the Federal Energy Regulatory Commission relicensing process as a substitute for the KHSA. The KHSA must be incorporated into your bill before Humboldt County can provide its support.

Humboldt County stands united with the Klamath Water Users Association, the Klamath Tribes, and the other Klamath settlement parties who are advocating for federal legislation that honors the full set of agreements negotiated by the affected communities to achieve a durable and comprehensive solution. Time is of the essence to develop revised legislation that is acceptable to the settlement parties, as the KBRA and KHSA are set to terminate on December 31, 2015. It is well past the eleventh hour for Congress to do its part to help resolve the long-standing water resource issues in the Klamath Basin. In the absence of Congressional action by this deadline, we fear a splintering of the settlement parties and a return to litigation and conflict. After ten years of trying to forge a new path through trust-building and compromise, this would be an immense loss for the stakeholders in the Klamath Basin.

Sincerely,



Estelle Fennell, Chair
County of Humboldt

cc: Senator Dianne Feinstein
Senator Barbara Boxer
Senator Ron Wyden
Senator Jeff Merkley
Representative Jared Huffman
Representative Doug LaMalfa
House Committee on Natural Resources