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Pacific Coast Federation of Fishermen's Associations • Institute for Fisheries Resources**

**PRESS RELEASE**

**October 22, 2009**

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**Coalition Challenges State's "Licenses to Kill Salmon" on Key Klamath River Streams**

*Agency proposal leaves threatened coho with dry riverbeds, impaired water quality*

San Francisco, CA – A coalition of tribes, conservationists, and commercial fishing groups filed suit today in San Francisco Superior Court to block a precedent-setting agency proposal to strip endangered species protections from threatened coho salmon in northern California's Klamath River watershed. The groups, represented by Earthjustice, oppose a plan by the California Department of Fish and Game (CDFG) to issue a blanket permit for agricultural practices that kill salmon or destroy habitat in the Shasta and Scott rivers, two of the Klamath's key salmon spawning tributaries.

"These proposed permits are essentially licenses to kill salmon," said Erica Terence of Klamath Riverkeeper, lead plaintiff on the case. "With conditions deteriorating for fish every year on the Scott and Shasta, CDFG should be proposing programs that expand protections for fish, not destroy them as these watershed-wide permits would do."

This summer, the Scott and Shasta garnered headlines statewide after irrigation withdrawals caused record low flows and dewatered stretches of both rivers as thousands of salmon swam upriver to spawn. While local officials blame lack of rain for this year's record low flows, peer-reviewed science shows that steadily increasing irrigation withdrawals are largely to blame for no-flow and record low-flow conditions in these rivers.



*A dry Scott River in Ft. Jones, CA.  
August, 2009. Download photos at  
<http://www.klamathriver.org>*

"This program amounts to a death sentence for salmon in both rivers," said Glen Spain of the Pacific Coast Federation of Fishermen's Associations (PCFFA), representing commercial fishermen devastated by fishing closures. "Instead of enforcing the laws, CDFG's proposed program turns a blind eye to the practices that have driven Klamath coho to near extinction. CDFG should put an end to these destructive practices, not make them the assumed environmental baseline."

The Watershed-Wide Incidental Take Permits (ITPs) at issue in this case would provide legal cover for continued de-watering of the Scott and Shasta while allowing illegal dams, water withdrawals, and livestock grazing in stream beds to continue unchecked. ITPs for coho salmon are required under the California Endangered Species Act (CESA) because the species is listed as threatened with extinction. Coho populations in the Klamath Basin have declined to roughly 1% to 2% of their historic abundance, with the Scott and Shasta rivers among their most important remaining habitat.

California currently issues individual permits to allow farmers and ranchers to continue lawful use of these rivers while threatened salmon are present, as long as their activities do not jeopardize fish survival and efforts are made to mitigate harm. But in the Scott and Shasta, the agency is planning a blanket waiver for all farming activities – without first determining whether any activities are harmful to salmon or even illegal. The program may be replicated by CDFG in watersheds throughout the state.

Terence suggested the new permits could actually undermine the good work done by Scott and Shasta landowners to restore fish habitat in the rivers, noting that “Fish screens and streambank restoration are good things, but they don’t help much if there’s no water in the river.”

“The agency proposal runs exactly opposite to the intent of the laws protecting our natural resources. Unfortunately, these permits as outlined by CDFG will ensure that conditions for threatened salmon will continue to erode in these key salmon watersheds,” said Wendy Park, attorney with Earthjustice.

The proposals have been in draft since September 2008. Tribes, conservationists, fishing groups, and the general public made frequent and substantive objections to the process, but CDFG failed to make significant changes in its final Environmental Impact Report released early this October. The agency’s action flies in the face of a 2004 National Academy of Sciences report suggesting that curbing agricultural water use and habitat degradation in the Scott and Shasta watersheds are critical for restoring Klamath River coho salmon. Indeed, the Shasta River was once the most productive salmon stream, for its size, in the state of California.

“This plan would also significantly undermine the efforts of the state’s Regional Water Quality Control Board, who were tasked with restoration of acceptable water quality in the Scott and Shasta under the federal Clean Water Act,” added Daniel Myers of the Sierra Club.

The suit comes on the heels of renewed concerns of another possible wave of fish kills in the Klamath Basin. Relatively high numbers of fall chinook salmon have returned to the Klamath this fall, even as the Shasta and Scott experience record low flows. Scientists found that low flows sparked the infamous September 2002 Klamath River fish kill that took the lives of some 70,000 returning salmon before they could spawn.

“We all want to encourage local landowner actions that help coho salmon recover in the Scott and Shasta, but this plan fails to deliver meaningful recovery actions for salmon. We cannot allow the state to just write off two of its greatest salmon rivers,” concluded PCFFA’s Glen Spain.

*More information, references, photo galleries, and photos for download of the de-watered Scott and Shasta Rivers are available at <http://www.klamathriver.org/tribs/ITP.html>*

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