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For people  
who care about  
the West

# High Country News

## Peace on the Klamath

The enemies in the West's most vicious water war  
have finally reached a ceasefire.

This is the story of how it happened.

By Matt Jenkins. Page 12.

## EDITOR'S NOTE *Unlikely alliance?*



*High Country News*, like everyone else who covers the West's environmental issues, *loves* "unlikely alliances." We're delighted whenever chardonnay-sipping Sierra Clubbers from Mill Valley fight on the same side of a cause as Budweiser-swilling elk hunters in Idaho. We love writing about what happens when surly miners join forces with grassroots greens, partly because these are some of our rare "good news" stories, but also because we think they surprise our readers. Witness the spate of stories in recent years about the "surprising" partnership of the greens and the hook-and-bullet crowd in fighting gas and oil drilling in wild places.

*Hunters and ranchers want to save forests and deserts, too? Wow! That's almost as crazy as enviros drinking Coors!*

But is anyone *really* shocked by it nowadays? As much as I love these stories, they're hardly new. In fact, I can't think of one successful conservation effort that did *not* include so-called unlikely partnerships. Consider Teddy Roosevelt, who was a predator hunter *and* national park establisher, all wrapped into one.

I've seen miners take a leading role in river cleanup efforts. A quarter of a century ago, a citizens' coalition pushed for the formation of the 400,000-acre Weminuche Wilderness in southwestern Colorado. That coalition was hardly monolithic: There were Democrats and Republicans, conservationists, hunters, outfitters, anglers, miners and quite a few farmers and ranchers. Fact is, most "unlikely alliances" aren't unlikely at all.

In this issue's cover story, however, Matt Jenkins spins a fascinating tale about what *is*, in some ways, a genuinely surprising alliance: Indian tribes on the Klamath River are working with the region's farmers on a groundbreaking agreement. It's startling because those tribes and those farmers have been fighting bitterly with each other for years.

At the same time, maybe we shouldn't be so surprised. After all, the tribes and the farmers have one fundamental thing in common: They rely on the river for their food and their livelihoods. While those needs have competed with one another in the past, they are also what kept these guys at the bargaining table until an agreement came together.

It wasn't easy. Before the farmers and tribes could hold hands, they both had to endure a lot of pain — massive fish kills, dried-up fields and the tedium of the negotiations themselves.

Perhaps that's the lesson here: Unlikely alliances don't happen by magic, they take work. Sometimes the situation needs to become so dire that the two sides have no other choice but to get along. Then they can find a bit of common ground, and their reverence for and reliance upon the land will finally win out over age-old animosities. And then they will discover that their alliance was never that unlikely after all.

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Jenkins' is hardly the first or last word *High Country News* has or will publish about the Klamath. To see our previous coverage, please check out our free archives on [www.hcn.org](http://www.hcn.org). And while you're there, look at the Online News section and the Goat Blog for all kinds of Web-exclusive content.

—Jonathan Thompson, editor

# dear friends

## SUMMER BREAK

During the last two weeks of June, we'll be taking our annual summertime publishing hiatus, in which we skip an issue to catch up on office projects and maybe play some Frisbee in the park. Look for the next issue of *HCN* around July 21.

## WELCOME, NEW INTERNS

During her first attempt to return to her native West, new intern **Andrea Appleton** worked as a school lunch lady and hot dog vendor in Phoenix. Eight years later, she's excited to be back, this time as an environmental journalist.

Andrea spent her first 14 years of life in tiny La Veta, Colo., then moved to the Midwest and got a degree in English from the University of Illinois. After graduating — and discovering that school lunch and hot dogs were not her calling — Andrea took a series of entomology-related jobs, including driving a mobile bug museum. Six months of insect research in Switzerland convinced her that she'd prefer a career with a broader focus, so she moved to New York, where she got a master's in journalism from Columbia University and worked as a freelance journalist.

Paonia may be a long way from Brooklyn, but she welcomes the change. "The bird songs, the plant life, the color of the sky all feel like home," she says. "I guess even the bugs feel familiar."

**Rob Inglis** worked in a sheet-metal shop at McMurdo Station from October through February this year. "The landscape of Antarctica is not as harsh as I thought it would be," he says, recalling the beauty of the sun's late-night glow on the glaciers and the Royal Society Mountains. Originally from South Carolina, Rob finished his bachelor's degree at Yale in ethics, politics and economics last spring. He also participated in the school's nascent Journalism Initiative. Since graduating, besides his Antarctica stint, he's hitchhiked



MARTY DURLIN

## New *HCN* interns Rob Inglis, Andrea Appleton and Emily Steinmetz.

around New Zealand and studied invertebrate sea creatures in Friday Harbor, Wash.

Rob says he's always been fascinated by the West, and sees journalism as an opportunity to explore a wide variety of topics, from the environment and science to public health and immigration.

**Emily Steinmetz** has made some big changes in her life recently. In early June, she moved from Albuquerque to Paonia to become *HCN's* first multimedia intern. A scant three days before that, she eloped with her boyfriend. "We were trying to get married the whole week," she says, "but we would go hiking or whatever and suddenly realize it was 4:30 and the courthouse was closed!"

While pursuing her master's degree in anthropology at American University in Washington, D.C., Emily spent dozens of hours in a prison interviewing female inmates. As part of her Ph.D. work at Northwestern University in Illinois — also on the anthropology of prisons — she lived for a year in a rural New Mexico town, one-third of whose residents were incarcerated.

There, she was often mistaken for a reporter, confirming her hunch that she'd do better as a writer than an academic. She chose *HCN* because it seemed the perfect venue for exploring her interests in journalism, social justice and the environment.

—Andrea Appleton,  
Rob Inglis and Emily Steinmetz  
for the staff



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News

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**COVER** Mist on the Klamath River, two miles upriver from Happy Camp, California. BRUCE A. HARLOW

BY MATT JENKINS

# Peace on the Klamath

*The enemies in the West's most vicious water war have finally reached a ceasefire.*

*This is the story of how it happened.*

**O**N AN APRIL AFTERNOON alive with light, Troy Fletcher — an imposing Yurok Indian who could pass for a bouncer — is knocking together tuna-salad sandwiches in the kitchen of his new house, a doublewide that got trucked in from the coast three days ago. He's wearing Hawaiian shorts and a T-shirt that says "The Future is Ours." A flat-panel TV drones on in the living room, and a hot tub sits out back, waiting to be hooked up. Fletcher, who is 46, pads to the fridge for a Budweiser and says: "I've been waiting forever for this." The reference is only partly to the house.

Here, where the lower Klamath River winds down into the gorges of California's North Coast, the river is a world unto itself. This is an isolated and truly wild piece of country, a place that seems to live by its own rules. It is Bigfoot's reputed stomping ground. It is also home to several tribes of coastal Indians whose cultures revolve around the river's salmon and steelhead, and who can smoke a fish into sublimity.

Not just this stretch of the river but the entire basin — which reaches several hundred miles inland into the Oregon high desert and covers an area about the size of Denmark — is known for something else. No other corner of the West has seemed so determined to live up to the maxim, endlessly misattributed to Mark Twain, that "whiskey's for drinkin' and water's for fightin' over." That attitude has attained a triple-distilled kick here, in a running battle between Indians, environmentalists, fishermen and a notoriously combative band of farmers 200 miles up the river.

Fletcher has variously served as the

Yurok's executive director, fisheries director and now, policy advisor, and he has been as deep in the fight as anyone. The Klamath River was once home to the third-largest salmon run on the West Coast. But fish populations plunged when dams blocked salmon and steelhead from the upper reaches of the river, where they spawn, and irrigation drained off much of the river's water.

For decades, the situation somehow wobbled clear of a full-blown crisis. Then, in 2001 a severe drought hit. To save fish protected by the Endangered Species Act, the federal government shut off the farmers' irrigation water — and incited an insurrection that brought death threats, a shooting spree and the intervention of federal marshals. A year later, the government made sure the farmers got their water — and caused a massive salmon die-off that enraged the river's Indians. From a distance, the situation has seemed irredeemable. But for the past three years, Fletcher and his erstwhile enemies have been trying to negotiate the shape of their future together. They have sought to keep all their communities going, and the effort has forced everyone to tackle the most volatile parts of the river's rip-roarin' politics.

"We've been in the fight for ages," Fletcher says. "But we can't afford to litigate for decades and watch our fish continue to die."

The negotiation process has been as tortuous as the river's run through the canyons, and it has been tightly wrapped in secrecy. But after 90 years, salmon will soon be bound once more for the river's upper reaches. And the long-warring parties say they have laid the groundwork to sustain native fish, farm-

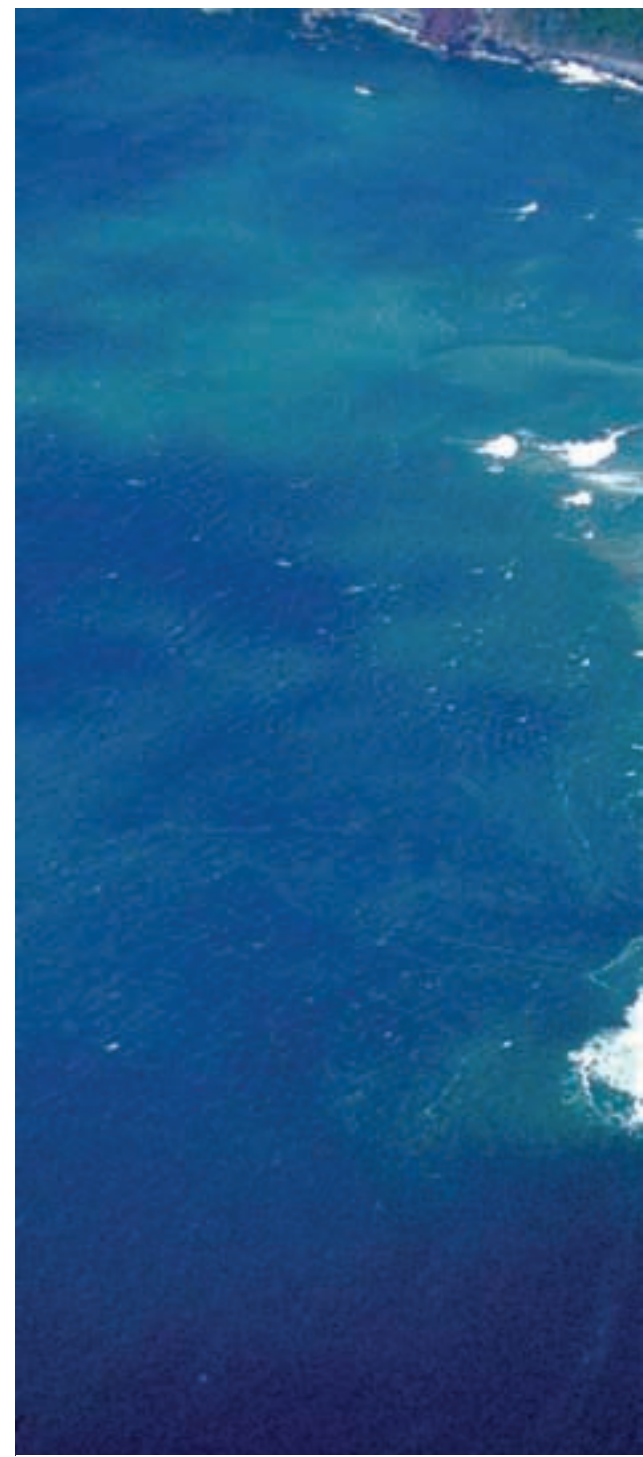
ing and Indian communities, creating a peace on the river that can last.

"We turned the traditional alliances upside-down," Fletcher says. "Now you've got the deck shuffled, and it makes no rhyme or reason who's out or who's in."

**T**WO HUNDRED MILES UP THE RIVER, not far from Mount Shasta's snowy flanks, the farms of the Upper Klamath Basin fit together in an awkward jigsaw with the remnants of Tule Lake and lower Klamath Lake.

This was originally the land of the Klamath and Modoc Indians, who were hunted down, rounded up, and deposited on a reservation that was subsequently dissolved. In their place came Czech and Irish immigrants and, later, veterans returning from the First and Second World Wars, who drew lots for homesteads out of a pickle jar in the town of Tulelake.

The area is unabashed meat-and-potatoes farm country. No frisée gets grown here, and no mâche, either. The main crops on the roughly 1,200 farms here are alfalfa for dairy and beef cattle, wheat, and potatoes, which usually end up sliced and fried and Frito-Lay'd. Some farmers do a mid-dling commerce in things like mint, horse-





The Klamath River as it empties into the Pacific Ocean in Northern California.  
U.S. ARMY CORPS OF ENGINEERS

radish, and strawberry seedlings.

Like much of the West's farm country, the Klamath has suffered from a surfeit of optimism running all the way back to the days of Theodore Roosevelt. The crusade to irrigate the desert parceled out too much water to too many people, leaving the region's native fish and wildlife to go, quite literally, belly-up.

Nothing has done more to tilt the scales back toward something like balance than the Endangered Species Act. The 1973 law effectively grants a water right to endangered species like coho salmon — though only enough for minimum "survival" flows, and only when species are in imminent peril of extinction. But many farmers here saw even that as regulatory overkill: Flows to preserve endangered species supersede all existing water rights, upending the Western water hierarchy in which farmers typically have first place.

The tension between water priorities for farming and those for wildlife had long been growing throughout the region, but it was in 2001 in the Klamath Basin that things finally blew up more spectacularly than anywhere else. That year, the Klamath Basin received just a third of its

average annual precipitation. On April 6, the federal government announced that it needed to keep water in the river for coho salmon — which are classified as threatened under the Endangered Species Act — and in Upper Klamath Lake for the endangered Lost River and shortnose sucker fish. The Bureau of Reclamation cranked the headgate on the farmers' canal closed and locked it down.

Many farmers had already planted their crops when the water was shut off; all told, Klamath farmers lost between \$27 million and \$47 million that year. Some were literally ruined, and the headgate in the town of Klamath Falls quickly became the stage for some hard-core political theater. Farmers organized a protest there that dragged on throughout the summer. Armed with cutting torches and power saws, they reopened the headgate four times.

"You're dealing with farmers: They can handle anything," says Bill Ransom, who helped organize the protest. "(The federal agencies) were gonna have to do a lot more than they did to keep it closed." In between assaults on the headgate, the farmers grilled salmon. The fish weren't from endangered runs, but still, the point

was clear.

Finally, in July, the federal government deployed law-enforcement agents from around the region to guard the headgate. The whole affair took on the feel of a tent revival — or, in its own weird way, a civil-rights march. "The day they came, the people there linked arms around the headgate and started singin' hymns," Ransom says. "It kind of dumbfounded them, I think."

The FOX News satellite trucks weren't far behind the marshals — and a growing din from the right proclaimed that environmentalists and the federal government were using the Endangered Species Act as a weapon for "rural cleansing."

The drama was very consciously stage-managed, but the situation was truly volatile. And emotions eventually came uncorked. In December, three local men in their 20s terrorized the town of Chiloquin, the center of the Klamath Indian tribes, firing a shotgun at buildings and signs and taunting the Indians as "sucker lovers."

The farmers themselves were far more methodical. They hired the most notorious

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**"We turned the traditional alliances upside-down. Now you've got the deck shuffled, and it makes no rhyme or reason who's out or who's in."**

—Troy Fletcher,  
negotiator for the  
Yurok Tribe

# Klamath

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private-property rights lawyer in the country to seek a billion-dollar indemnity from the feds (that case still lingers in the courts, with uncertain prospects). And they begged Karl Rove to get their water back. In 2002, with the help of Dick Cheney, they succeeded — only to cause the die-off of tens of thousands of salmon.

That fish kill seemed a sort of desecration for all the Indian tribes on the Klamath — not to mention the hundreds of commercial fishermen who were shut out by subsequent, last-ditch government fishing bans meant to protect the increasingly beleaguered salmon runs. The entire situation seemed to be wobbling more wildly than ever before.

**A**T THE EASTERN EDGE OF AKLAMATH FALLS, not far past the county fairgrounds, the Klamath Water Users Association's office is tucked into a spartan mini-mall that's also home to a custom boot shop and a pizza joint. Greg Addington, a Carhartts-and-Skoal kind of guy, runs the association; essentially, he was deputized by the farmers to defend their water rights. When Addington started in early 2005, he says, "I only knew, 'Troy Fletcher: He's a bad guy.' He was Public Enemy #1 here."

That was before Addington spent three years negotiating with Fletcher.

After 2002, there were several attempts to talk about resolving the problems, but they went nowhere: The wounds were too raw. Sometime in the fall of 2004, however — after the farmers lost several key legal fights — things started to change.

The Bureau of Reclamation had sponsored a series of several-day "listening sessions" meant to initiate *some* kind of dialogue. It was a woo-woo, pass-the-talking-stick sort of deal that the farmers and Indians normally wouldn't be caught dead at.

"They were really painful," says Troy Fletcher. "It's hard to sit through two days of 'talk about your feelings.' It really sucked." Yet as long as any one of the warring parties attended the sessions and spoke out, none of the others could afford to stay home.

Then, in March 2005, at a listening session in the town of Tulelake, the microphone came around to Fletcher. For reasons he still struggles to fully explain, he took a deep breath and said: "I don't know all the answers here, but I do know that what we've been doing just isn't working. Let's do a ceasefire and start trying to work on some stuff together."

For a lot of veterans of the water fight — even people on Fletcher's side — it sounded like some sort of setup. "This is a very long war. My entire life, all I've known is the fight with the irrigators," says Leaf Hillman, the vice-chairman of the Karuk Tribe, whose members live downstream near the Yurok Reservation.

Hillman, who has a congenital disdain for happy talk, and a thick braided ponytail you could ring a bell with, didn't attend the Tulelake meeting. He sent one of the tribe's biologists instead.

"My guy, as part of reporting back, said, 'You know, Troy stood up and said we need a ceasefire.' He said it was a genuinely moving moment," Hillman recalled. "I looked at him and I laughed. I said, 'You don't know Troy. That sounds like a brilliant damn Troy moment where he's hooked some people into believing that he actually believes this shit.'"

But that moment signaled the first real thaw in relations. "About a week or two later we set a meeting, where we brought Greg and a bunch of people down," says Fletcher. "And that's where I think we really started zeroing in. Us and the Karuk kind of jointly reached out to these guys, and fumbled through a couple meetings."

They met in a room at the back of the

Karuk tribal housing office in Yreka and "spent about four hours hashing it out," Hillman says. "We started laying stuff out there honestly, away from any audience, where we didn't have to posture for the media. It was the first attempt to bring the tribes and the irrigators in a room by themselves, away from the spotlight, to say, 'Look, we all are in bad shape here.'"

**I**MAGINE THAT YOU ARE A MAMA COHO in ... oh, say, 1918. Halfway around the world, the Great War is winding down. And here you are, chugging in from the sea to lay your eggs, following your nose up the Klamath back to the creek where you were born. *Swim on, old girl, swim home!*

You struggle hard. And then, 210 miles up the river, in a narrow, rocky gorge where the water comes sluicing down, you wriggle through the rapids and — *bonk!* — smack face-first into the toe of a brand-new dam called Copco 1. Behind it, you smell 350 miles of river and streams and creeks beckoning, but they are no longer yours.

That dam was the first of four on the river that now spin out electricity for PacifiCorp, a utility owned by investor Warren Buffett's company Berkshire Hathaway. It is only because of a pair of fish hatcheries that the Klamath salmon runs have persisted into the 21st century.

Tribes like the Yurok, not surprisingly, have long thought that the dams need to come down. The farmers, on the other hand, saw PacifiCorp as an ally. For one thing, the company's dams keep salmon — and at least some of the regulatory headaches that trail endangered fish — from making it as far up the river as the irrigation project. It didn't hurt that PacifiCorp kept the irrigators flush in cut-rate power, either.

As it happened, negotiations over the dams' future had just gotten under way at about the same time the Indians and

Troy Fletcher, below, of the Yurok Tribe helped push through an agreement between Native Americans and farmers. Leaf Hillman, below right, vice chairman of the Karuk Tribe, at Ike's Falls on the Klamath River near Orleans, California.



LEE JUILLERAT/HERALD AND NEWS



AP PHOTO/RICH PERONCELLI



Farm fields ring the remains of Tule Lake within the Tule Lake National Wildlife Refuge. SCOTT HARDING

farmers began talking. The operating licenses for the dams — issued by the Federal Energy Regulatory Commission, or FERC — were up for renewal. And PacifiCorp, hoping to head off lawsuits, began gathering practically everyone who had a stake in the river to negotiate the terms and conditions of its new licenses.

Ultimately, that included the Klamath farmers; the Yurok, Karuk, Hoopa and Klamath tribes; commercial salmon fishermen; several federal agencies; and a number of environmental groups — altogether, some 28 different governments and organizations. Throughout 2005, their representatives holed up in hotels in various towns in Northern California and southern Oregon to negotiate.

At first, the talks focused narrowly on the dams' licenses. But in the evenings, after negotiations ended for the day, Addington and Fletcher occasionally shared a beer in hotel bars and had what Addington refers to as “off-line conversations.” In the beginning, they stuck to safe subjects, like their kids. But eventually, they edged back toward the conversation that began in the back room in Yreka.

In one sense, the early talks were a way to run through some of the rumor and rhetoric that dominated each side's pronouncements in the wake of the water showdown. “I got to a point where I just trusted Troy, and I knew he wouldn't be offended by me asking stupid questions,” Addington says. (*Exempli gratia*, “Troy,

*are you sure that fish kill in 2002 wasn't caused by meth-lab leakage somewhere down on your end of the river?”*)

For Fletcher, it was a chance to remonstrate gently about the way the farmers had framed their plight. “You're telling me how bad off you are, that you're gonna go bankrupt,” he says. “My people can't *afford* to go bankrupt. If you wanna talk about the poorest of the poor, we're gonna win that one, alright? So let's just not go there.”

But the thaw had begun, and it was starting to reach all the way to Fletcher and Addington's respective communities. Bob Gasser is a Klamath Basin fertilizer dealer who sits on the board of the water users' association. He helped fund the

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**Greg Addington, below left, negotiated for the Klamath Water Users Association. Farmer Scott Seus, below, shows off horseradish grown on his family farm near Tulelake.**

TUPPER ANSEL BLAKE/USFWS



COURTESY KLAMATH WATER USERS ASSOCIATION



AP PHOTO/JEFF BARNARD

# Klamath

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headgate protests in 2001, and to this day keeps a FEED THE FEDS TO THE FISH bumper sticker in his office. But earlier this year he acknowledged, “Everybody’s tired of the fight. We’ve got every enviro out there beatin’ on us — we’re fighting people we don’t even know. And we don’t have the funds to do it. How long can we put millions of dollars into a fight that we just aren’t winning?”

And even blunt-spoken Indians like Hillman felt that the time had come to break free of the see-sawing legal wars. “That shit’s been going on forever, and it’s very unsatisfying,” Hillman says.

“(Winning) is exhilarating, for a moment: You can sit around and have a beer and say, ‘Yeah! We kicked their ass.’ But when you go back to work on Monday morning, you better look behind you, because the other side has already set to work figuring out how to undermine that.”

**T**HE KLAMATH IRRIGATION PROJECT is an intensively plumbed system; farmers delight in pointing out that a drop of water may get re-circulated up to seven times on its trip through the project. Addington once remarked — alluding to the old saw “water flows uphill toward money” — that “if water can go uphill anywhere, it’s here.” It’s not

much of an exaggeration: At one point in the system, the farmers’ water is literally pumped through a mountain.

But it takes a lot of electricity to keep that system running. And in 2004, as PacifiCorp’s dam licenses neared expiration, the company announced that it was going to end the super-cheap, half-cent-per-kilowatt-hour power rate it had charged irrigators for the past 50 years. The new rate would be about a thousand percent higher.

That “brought the farmers face to face with imminent disaster,” says Hillman. “If you can’t switch on a pump and move water in the Upper Basin from point A to point B, you don’t have an irrigation project.”

A year earlier, that would have seemed a heaven-sent opportunity for the tribes to pound a stake through the farmers’ collective heart. Now, though, the Indians agreed to do something that appeared to border on self-destruction: help keep their old adversaries in business.

“Nothing brings two people together like a common enemy,” says Troy Fletcher — and both sides realized that “we had a common opponent through this FERC negotiation, and that was PacifiCorp.”

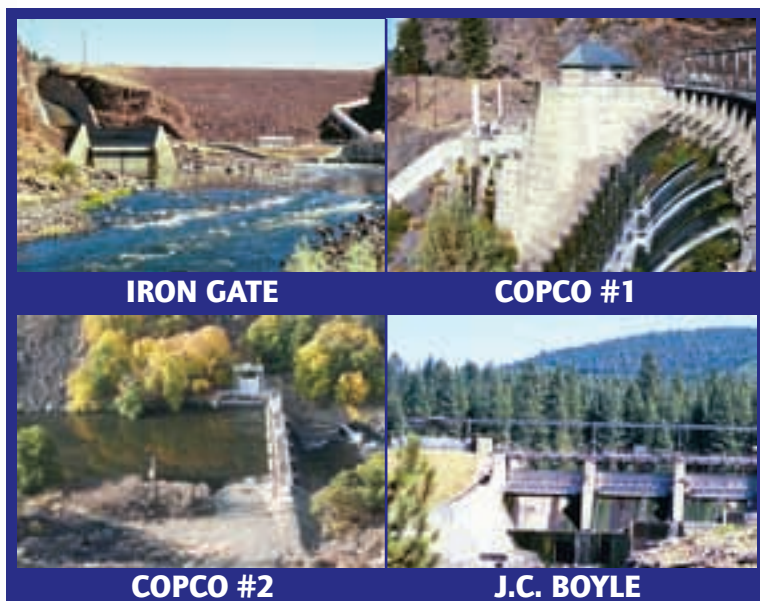
The farmers planned an appeal to the Oregon and California Public Utility Commissions to block the hike, and quietly made it known that they could use all the help they could get. And, Hillman says, “Troy Fletcher and myself stood up after they made that plea and said very publicly, in front of God and everybody, ‘We acknowledge (the farmers’) right to exist in this basin.’” The Karuk and Yurok tribes agreed to support the farmers’ quest for rate relief.

That was a turning point — and it suddenly put many of the negotiators in an uneasy relationship with the people they represented. When they returned home from the meeting, Hillman says, “we kept it low profile. Our respective communities were still not very hip on this whole notion of holding hands with our enemies.”

But soon after, the Indians had to make their own “ask” of the farmers: clearing the path for salmon to get all the way back up the river. “The basin is basically cut in half,” says Hillman. “To restore runs, we need that untapped productivity that fish aren’t able to access anymore — all that spawning habitat” beyond the dams.

For the farmers who’d been symbolically barbecuing salmon with such gusto, the prospect of having the fish back in their own backyard was disconcerting. As Addington put it, “C’mon, a fish is a fish.

## THE KLAMATH BASIN AND THE DAMS THAT COULD COME DOWN



SOURCE: BUREAU OF RECLAMATION



Lower Klamath  
National Wildlife  
Refuge.  
TUPPER ANSEL BLAKE/USFWS

If you need more salmon, just make more in a hatchery.”

But card trading is a curious sport. The farmers realized that, after passing junk to the Indians in 2002, it might be time to kick an ace their way.

At a February 2006 meeting in Sacramento, federal fish and wildlife managers asked Addington about the farmers’ position on re-opening the upper river to salmon. When Addington said that the farmers would stand with the tribes, “they were like, ‘*Holy shit.*’” Fletcher says. “You could hear their jaws drop on the table.”

**O**N A BLUEBIRD AFTERNOON six weeks ago, Scott Seus was in the cab of a tractor, planting onion seed not far from Tulelake. His tractor and another worked their way in tandem across the field while a crew of men followed, laying irrigation pipe.

“When I pull this planter out of there, and the pipe’s on the ground, we are already 90 percent invested into this onion crop,” he said. “All my money’s laying out here on the table, and I’ve got no way to try to recoup any of it if they shut the water off mid-season.”

That was exactly what happened to farmers in 2001. And, Seus said, many of them realized that if they didn’t wind up victims the next time things got tight, someone else — whether tribes or fishermen — would. And when *that* happened, the rest of the world was sure to hear about it.

“It’s unpredictable, and it’s a dangerous game,” Seus said. “Everybody’s playing Russian roulette.”

The challenge for Addington — and everyone else — was immense. After going back and forth with former enemies to come to incremental agreements,

Addington now had to sell it to people like Scott Seus — who, along with about 1,200 other farmers in the basin, had been footing his salary for the past three years.

Addington tried to make it clear that he hadn’t succumbed to a cowboys-and-Indians version of Stockholm syndrome. “When you disappear for a week at a time and you’re talking to people who have not been your friends, you better hustle back and let people know what’s going on,” he says. “You kind of got to a point with these guys where you just really wanted to *make* this thing happen. But you can only go so far out on a limb before it breaks.”

In the settlement negotiations — which by this point had ranged through practically every government-rate frontage-road hotel in Northern California and southern Oregon — a comprehensive package was emerging. It included the creation of a council to coordinate the agreement and day-to-day operations of the river; removal of the four PacifiCorp dams; an ambitious fisheries restoration program that would go beyond minimum survival for the coho and suckers, and restore non-endangered fish like chinook, steelhead and lamprey; a formal water right for the area’s national wildlife refuges; reduced-rate electricity for the irrigators; and a provision enabling the Klamath Tribes to buy 90,000 acres of their homeland.

The cornerstone of the entire deal was the question of how to divvy up the river’s water. During a string of back-to-back meetings in Sacramento in December 2006, the negotiating group agonized over how to balance the competing demands. Biologists from the tribes and an engineering consultant for the farmers ran a seemingly endless series of computer models to find a workable com-

promise. The farmers needed enough water to continue farming — and yet the tribes and environmentalists saw removing the dams as a hollow victory if there wasn’t enough water for the fish.

Ultimately, they closed in on a plan that would limit irrigators to 10 to 25 percent less than they’d used historically. The upside for the farmers was a greatly reduced threat of their water being completely shut off again to protect fish. In about half the years, farmers will have to get by on less water than they’ve used in the past. When there’s not enough water for the river and the lake, they will either have to pump groundwater, or fallow — temporarily dry up — some farmland for the year.

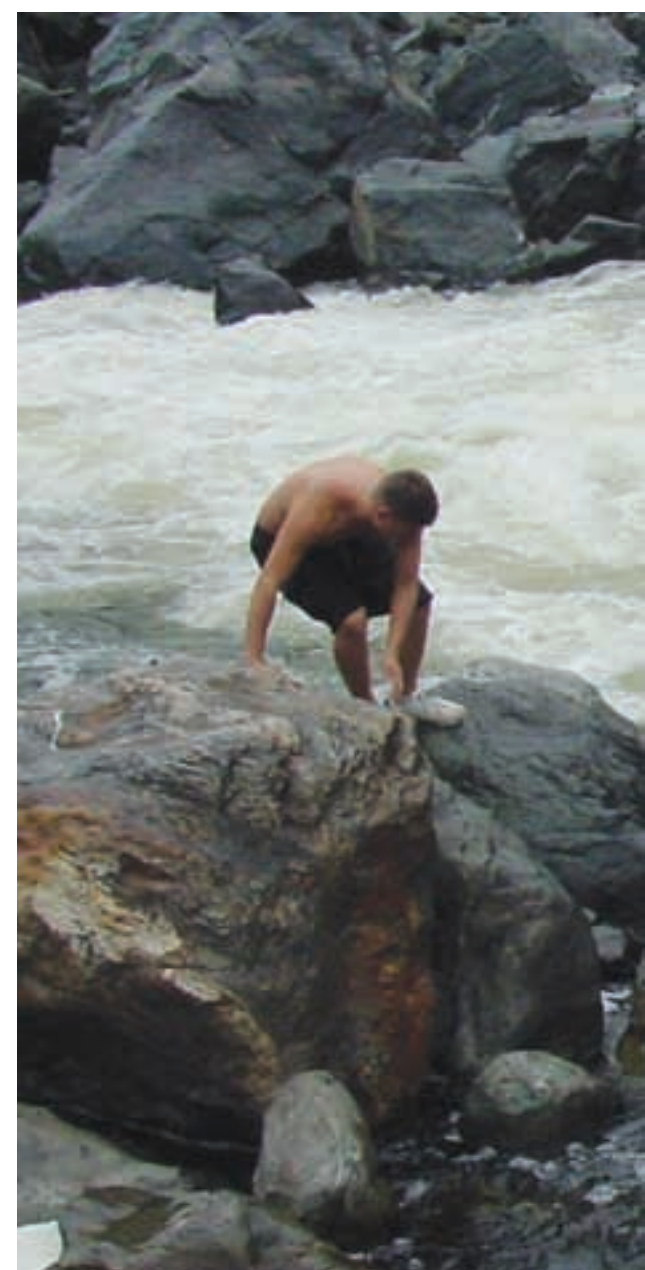
The nearly \$1 billion budget for the settlement includes money for a one-time upfront payment to farmers willing to fallow their land when necessary to free up water for the lake and river. That money will, in theory, cover the cost of fixed expenses like land payments, taxes and yearly operation and maintenance costs for the irrigation system — all of which farmers have to pay whether they farm a particular piece of ground or not. With clearer rules in place, farmers like Seus can plan smarter: During years when water will be tight, they can shift their crop mix from low-value crops like alfalfa to higher-value crops to maximize their return on the reduced amounts of water.

Gasser, the fertilizer dealer, pointed out that in a drought year, “if you can farm 50 percent, you can probably hold things together. You may not *make* anything, but you can keep your operation alive.”

Still, it was a serious thing to commit to. “A lot of (the settlement) is very important, but that was locking in less water than we knew we needed in at

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**But card trading is a curious sport. The farmers realized that, after passing junk to the Indians in 2002, it might be time to kick an ace their way.**



**Then something cracked. And suddenly the Indians and farmers had yet another common enemy: two of the environmental groups in the negotiations.**

## Klamath

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least 50 percent of the years,” Addington says. “We knew that once we committed to that, we weren’t going back.”

Crossing that threshold caused so much heartburn that Addington, together with several federal and state officials in the negotiations, requisitioned a plane and flew to Klamath Falls in a snowstorm to meet with the water users’ board.

“It was raining, and spittin’ snow, and it was just horrible. It went all night long,” says U.S. Fish and Wildlife Service regional director Steve Thompson. For several hours, the water users’ board deliberated in closed session; with nowhere else to go, Thompson says, the government contingent “sat out in one of the ranchers’ Suburbans, with snowflakes falling and the windshield wipers going. It was a tough, tough night.”

Finally, at some point late in the night, the entourage flew back to Sacramento, and started negotiating again the next morning. “It was just painful. It was terrible,” says Addington. “You’re having to make a call that is gonna affect everybody up here, and you can’t foresee every possibility. There’s things you’re just having to make a gut call on, and hope you’re right.”

**D**URING THE FIRST TWO WEEKS of January 2007, the pace of the negoti-

ations peaked. Even with the linchpin of the settlement in place — at least in rough form — many other issues remained unresolved, and the pressure was rising.

Then something cracked. And suddenly the Indians and farmers had yet another common enemy: two of the environmental groups in the negotiations.

The Tule Lake and Lower Klamath national wildlife refuges are important layovers for birds traveling the Pacific Flyway. And about one-tenth of the farming in the Klamath Irrigation Project takes place on the two refuges, on about 22,000 acres that Scott Seus and other farmers lease from the federal government.

In recent years, the lease-land program has been retooled to be more bird-friendly, most notably by the creation of a “walking wetlands” program in which farmers flood parcels of leased land in a rotating schedule to provide habitat for waterfowl. But two environmental groups, Water Watch and Oregon Wild, have long insisted that farming has no place on the refuges. Bob Hunter, a Water Watch attorney, is fond of taking visitors to Tule Lake — which is often the scene of a veritable blizzard of snow geese in the winter — and asking, “Is this a refuge for ducks, or potatoes?”

Hunter says that the only real way to reduce water demand in the basin is to take farmland out of production perma-

nently. And, his reasoning goes, it makes sense to do away with the refuge lease-land program first.

“If you’re gonna try to reduce irrigation demand, maybe the best place to start is on lands already owned by the public,” he says. “There’s a dozen farm families that have farms around here that are situated to do (lease-land farming) and they kind of trade ‘em around. But why should a couple dozen people be holding hostage some of the most valuable refuges in the nation so they can make money off of them?”

For the farmers, though, the idea of downsizing farming was a non-starter. “What we, quite honestly, have told people at the table is: If you want to reduce the project permanently, we’d be glad to take that back and see what our people say,” Addington says. “But we can tell you what they’re gonna say” — he starts to mouth an “F” and then thinks better of it — “*Hell, no!*”

The details of the negotiations remain hidden behind a confidentiality agreement, and various participants give differing versions of what ultimately happened. During the fall of 2006, in side discussions, Oregon Wild and Water Watch apparently broached the possibility of phasing out lease-land farming. But as the strands of the agreement began tightening in January 2007, the two groups insisted on a provision to phase out farming on the refuges.

The reaction from the farmers — and



Trolling for salmon at the mouth of the Klamath River (far left), circa 1955. Traditional Karuk dipnet fisherman Ron Reed (near left) at Ishi Pishi Falls on the Klamath River near Katimiin (Somes Bar), California.

COURTESY AMERICAN FISHING ASSOCIATION (FAR LEFT); KARUK TRIBE OF CALIFORNIA

the Yurok and Karuk tribes — was decisive. Hillman says that he wasn't himself averse to the idea of downsizing farming, but he knew that an insistence on ending the lease-land program would break the entire deal.

"(Oregon Wild and Water Watch) foreclosed an opportunity that all of us had been looking at and working on in little incremental bits and pieces for years," he says. "But (you have to) work with your allies and be strategic about the pace you address it at, instead of going nuclear and all the rest of us having to deal with the fallout."

"There was no question from that day forward that they had to get out, or we were done," he says. "It put us in a bad position. And we led the charge to throw them out of the damn room."

On April 6, the settlement group was dissolved. Then, within a matter of hours, the farmers and the two tribes created a new one and invited back all the parties except Oregon Wild and Water Watch.

Both Hunter and Steve Pedery, the conservation director for Oregon Wild, give a different version of events: They say the politically connected Klamath farmers wanted to reach an agreement that could be put into effect in the final year of George Bush's presidency. "The Bush administration," Pedery says, "(came) in with a settlement outline and demand(ed) that everyone in the process sign on."

"This," Hunter says, "was just another settlement process that got hijacked by the Bush administration to deliver some key things to a politically connected ally."

But the participants still inside the process — including representatives of the environmental groups Trout Unlimited and American Rivers — say that simply isn't true.

"The intensity of some of our meetings and discussions was just incredible. And I think it came to a point where the deadline (arrived), and the compromise was just too much for Oregon Wild and Water Watch," says Thompson, the Fish and Wildlife Service regional manager. "It was pretty obvious that they couldn't get to a resolution with us, and that they were not going to be supportive of any resolution. They said that. So then it was a matter of, 'Well, OK: We need to move on with those parties that can.'"

"They just ran into issues that they weren't willing to go any further on," says Larry Dunsmoor, a biologist with the Klamath Tribes. "Those of us who committed to the process worked our butts off, and we worked it out with the irrigators, and they worked it out with us. It was one of the hardest things we've ever done."

**I**N JANUARY, THE AGREEMENT was finally released to the public. It was the first time that most of the people the negotiators represented got to see it for

themselves, and Fletcher and Addington & Co. have since been busy campaigning to win the support of their communities.

The settlement is still far from being a done deal. The federal government has decreed that PacifiCorp must add ways for fish to get around its dams, which is usually done by adding water-filled ramps called fish ladders — so salmon, steelhead and lamprey *will* soon be headed all the way up the Klamath. But PacifiCorp still has not agreed to take its dams *out*, and a separate negotiation on that issue continues. The settlement will also certainly face challenges from its opponents, who say the farmers are attempting to teleport themselves back to the good old days, before there were such things as endangered species laws.

"The Endangered Species Act flipped things to where fish come first, and you have to have some minimum survival flows for them," says Bob Hunter. "This agreement's just trying to turn things back to the way it's been for 100 years, where project irrigators get theirs first, and the fish get what's left over. You're putting the risk back on fish."

But Fletcher says the agreement could ultimately lead the way into a new world, where fish can prosper beyond mere survival levels. "We're talking about getting away from Endangered Species Act management — which means the population is (just) maintaining — to something more,"

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Fletcher says. “We want a boatload of fish. Because we want to catch those fish. That’s what we *do*.”

Fletcher, who started the Yuroks’ fisheries department in the early 1990s, says he struggled with how to integrate the tribe’s traditional view of the world with the river’s complicated politics. “The tribe and tribal people have an obligation to protect the river and do what we can to restore it,” he said. “And we have a challenge of expressing that in today’s world, and in the complexities that are out there right now.”

“I think one part of how to express the obligation is to know your stuff,” he said. “It’s not good enough to be good enough: You’ve gotta be better.” That led to a big tribal investment in people and expertise for its fisheries program, and the sorts of computer modeling that makes Fletcher think the settlement agreement will get fish — and not just endangered suckers and threatened coho, but chinook and lamprey, too — the water they need.

“I think a lot of people trust environmental groups, and they trust tribes, and it’s confusing when you see people who typically are on the same side start to line up on different sides,” Fletcher said. But the tribe’s quest to uphold its obligations has forced it to break with traditional allies and strike out on its own. “Everybody’s for tribal sovereignty,” Fletcher said, “until you start thinking for yourselves, and make your decision that you wanna go a different way.”

The most surprising thing about the Klamath Basin is that for all the rancor here, this is, ecologically speaking, an extremely promising spot for river restoration. “It’s huge and complicated and complex,” Hillman says, “(but) it’s still probably the one single place on the continent that still has an opportunity to restore an entire river basin.”

At the same time, there is no shortage of places in the West that are having their own water crises — which is to say, their own Klamath moments. It’s tempting to see the Klamath settlement as a harbinger for the rest of the region: If bitter enemies can bargain their way to peace here, they can do it anywhere, right?

But Fletcher isn’t so sure that’s the take-home message. “I went and testified before the (California) fisheries committee last year, and they wanted me to talk a little bit about the Klamath



Salmon baking the traditional way.  
COURTESY KARUK TRIBE OF CALIFORNIA

experience,” he says. “I was thinking, ‘I don’t know if you want to repeat the Klamath experience.’ We’re at a point where we can almost reach a settlement that can resolve a lot of things. But you don’t even wanna go through what it takes to get there.

“Have you litigated enough? Are you beating each other up enough? You gotta reach that point where everybody’s felt enough pain,” he said. “You have to check off all those things, and if you haven’t got ‘em all, then you’re not ready. You’re not ready to go through it.”

If the Klamath experience proves anything, then, it may only be that in the end — and even in the Klamath — water politics is not warfare so much as perpetual negotiation.

The same week this spring that Troy Fletcher had taken delivery of his doublewide, Scott Seus was planting onions. Midway through the afternoon, Seus stopped his tractor when his wife, Sara, pulled up with their year-and-a-half-old son, Spencer, and Seus’ lunch. As he ate out of the back of Sara’s Suburban, Seus said, “There’s a whole bunch of guys that have just learned to hate, and they can’t see beyond that. This is my third year of farming on my own, and there’s my young wife and my son. I’d love to see him farm, too, and I see (the agreement) as the only way to provide enough certainty that I can make this farm go forward.

“And honestly,” he added, “to be able to think that far forward, you gotta let go of some of the past.”

*Matt Jenkins is a contributing editor of High Country News.*

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## letters

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That includes our own, where economic “elites” swoon at the mere thought of population stabilization. As Al Gore hinted and as economist Kenneth Boulding said, “Anyone who believes exponential growth can go on forever in a finite world is either a madman or an economist.”

By 2050, just eight nations will have contributed half of all growth on the planet. They are India, Pakistan, Nigeria, the United States, China, Bangladesh, Ethiopia and the Democratic Republic of the Congo — in that order (Source: United Nations). Three — India, China and the United States — are both carbon-emissions giants and the only nations with populations over 300 million. There should be a legal remedy against nations that encourage population tsunamis, including our own, which is driven by immigration roughly 30 times pre-1965 levels despite warnings from Earth Day founder Gaylord Nelson that population — global and United States — must be stabilized.

Although Douglas Bruce’s comments were boorish, I am less worried about Colorado agricultural interests — who fought having to provide workers with even basic sanitation facilities — than for our forgotten resident poor. Those on the open-borders bandwagon might consider why Chavez, knowing he could never leverage advancements in a flooded labor market, volunteered his United Farm Workers to patrol the border.

*Kathleene Parker  
Rio Rancho, New Mexico*

### WHAT’S THE PENALTY FOR “SHOOTING UNDER THE INFLUENCE”?

I have one very small quibble with Ed Quillen’s article “Cold Dead Fingers” (*HCN*, 4/28/08). Mr. Quillen seems to conflate

“rights” and “responsibilities” in saying: “Owning a gun is more than a right; it is also a responsibility. ...” (I have trouble thinking how a right can be something more than a right in this sense. It seems to me that if something is a right, then it’s a right, nothing more nor less, and that’s an end of it.) While rights and responsibilities are certainly linked, they are also certainly distinct. We have a number of rights, each of which entails usually several responsibilities. And any right can be abrogated if we fail to fulfill the attendant responsibilities. For example, our right to drive an automobile can be taken away if we fail to respect the traffic laws, and our right to liberty can be taken away if we fail to respect the laws concerning certain kinds of criminal behavior.

Why can we not treat the right to bear arms in the same way we treat the right to drive a car? Register the gun as we register the automobile (with make, model, serial number, etc.), require appropriate education, the passing of a proficiency examination to get a license for it, and perhaps insurance of some form. Make it all subject to renewal every five years or so, require appropriate documentation when ownership changes hands, and so on. And if one fails to fulfill the appropriate responsibilities — i.e., breaks the laws regarding the use of such weapons — then the right to bear that type of weapon can be rescinded, as can any other right as noted above. We already do all of this with automobiles, trucks, airplanes, motorcycles, boats, certain kinds of tools, and certain kinds of professions: doctors, lawyers, contractors, even barbers and hairdressers. Why not with weapons?

*Michael Stroup  
Waimanalo, Hawaii*

### YOU CAN WALK BUT YOU CAN’T HIDE

“My feeling of **smugness** doesn’t last long when I realize that just about **everything I consume is trucked in** from far away and is affected by **rising fuel prices**.”



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