

Committee on Resources, Full Committee

- - Rep. James V. Hansen, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6201 - - (202) 225-2761

Witness Statement

**Statement of Allen Foreman
Chairman of the Klamath Tribes
To the
House Subcommittee on Water and Power
June 16, 2001**

Congressmen, members of the committee, I appreciate the opportunity to present the Tribes views on the water problems in the Klamath Basin.

I appear before you here today representing not only a constituent base but also as a leader of a sovereign nation, recognized by the United States,. I am not here merely as another interest group or an interested party. I would like to remind you that the United States has a legal and moral obligation to preserve and protect their trust responsibility to us. The constitution of the United States refers to its treaties as the supreme law of the land. It is in this context that I direct my remarks to you, on a government-to-government basis.

In order to understand this problem appropriately it is important to understand its historical roots.

*From the beginning of time we owned all the land in the Klamath Basin and all of it's resources, including the water.

*As a result of the Treaty of 1864, the Tribes have given up twenty million acres of land but still retained ownership of the remaining land and its' resources. In the 1950's the land was lost due to a flawed termination policy, which President Nixon later declared to be immoral, we still retained the resources including the water. The courts have upheld that those rights exist today. I know of no agreed upon document in existence today that changes that fact.

*Later when the government invited farmers and veterans of world wars I and II, to move into the Basin and suggested that water would be available, the government did not tell the farmers about Tribal water rights. The Link River Dam was put into place that actually lowered the Klamath Lake from its historical levels. This began to diminish our resources.

*To further compound the problem for nearly a century the U.S. has allowed the State of Oregon to issue water permits without regard for Tribal water rights, and until recently, without regard for the natural health of the rivers, lakes and marshes. Causing a further decline to those Treaty resources.

*The governments own agencies, the Forest Service, National Park, and the U.S. Fish and Wildlife claim the same water, again without regard to the Tribes water rights or needs.

Today's problems are a cumulative result of nearly a century of extended promises to others for our water.

Recently the Tribes have been the victims of unwarranted and unjustified attacks on both our public image and our character. Unfortunately there have been personal attacks as well. The most grievous of these is the attacks on our children in the public school system, many of whom live and attend schools within the farming communities.

With the water shortage this year it is hard for anyone to think about the future when the present looks hopeless. We know that livelihoods are at risk in the farming community. I want to make one thing perfectly clear, it is not now, nor has it ever been, the intent of the Tribes to shut down or destroy agriculture in the Klamath Basin.

It is both incorrect and unfair to blame the Tribes for the current water shortage. The real problem is that the demand for water in the Klamath Basin has been allowed to exceed the supply. I hope that everyone can understand why the Tribes continue to defend our water rights, in the same way everyone else in the Basin seeks to reinforce their own rights and claims.

We also believe the federal government has a responsibility to the farm families who, like the Klamath Tribes, now depend on a water system that is simply not capable of meeting current demands. We as a people, who for years have felt the pain of being unable to meet the needs of our families and communities, do not want to see our friends and neighbors in the agriculture community suffer.

Sharing the benefits of nature's bounty is one thing but now we must also share the adversity caused by decades of over allocation and ineffective resource management.

Today we all need to focus on the present problem. The Tribes have been a leader in the search for an effective solution to the water problems.

The following is a list of things that we know that will and will not work:

Will not work:

Concerning the BO.

1. We believe that the current BO is the best available science.
2. A review is unnecessary because the courts have already ruled upholding the science.
3. We are concerned about the objectivity of any review simply because many influential people have already committed to a negative position.
4. A review would involve a great deal of time and resources.

Doing away with or revising the ESA and BO simply will not change the Tribal trust responsibility nor will this fix the problems that exist today.

What will work:

The current situation is correctable with strong, even-handed and focused leadership, to get beyond the squabbles among agencies, between water interests, and between the US and the State of Oregon.

*The goal must be restoring and sustaining a health and functioning ecosystem to support multiple uses. The upper basin watershed currently cannot provide a reliable foundation for either the tribal or the agricultural communities, correcting this will allow the Tribes and agriculture to become stable and healthy.

*We need to reduce demand on the system through a program that fairly rewards the agricultural community for retiring land, so the remaining lands can be farmed with certainty. This will stabilize the future for agriculture in the Basin.

*A sustainable livelihood for the tribal community depends on the restoration of the Tribes' ownership of our homelands, which contains a significant portion of the watershed so that we can restore the health of the forest, streams, and springs that nurture our water supply, and so that we will be able to restore our much needed subsistence base.

The Basin will not regain its health by treating symptoms while avoiding the causes of our water shortage. We need to restore nature's productive capacity in the Klamath Basin. Otherwise we will be facing problems like this one for years to come.

Those of us who must face the consequences of those empty promises cannot build a future by turning on each other. The fisheries, the farming communities, the Klamath Tribes culture and economy are all at risk.

We need high-level Federal policy makers to provide leadership so that all of us who live in the Klamath Basin can work together on a lasting solution, not an inadequate quick fix.

EXECUTIVE SUMMARY

The current situation in the Klamath Basin offers a unique opportunity to develop a policy showing that economic and environmental concerns can be productively balanced, and that the honor of the U.S. can be upheld in its dealings with both indigenous peoples and its other citizens. The situation is not some sort of obscure scientific controversy, but rather a problem of community instability on three fronts. These fronts are interdependent, so any real solution to Basin problems must address all three, or the problems will persist.

- The Klamath Tribes currently lack crucial elements required for their societal and community stability; as this is corrected the Tribes will become a stabilizing element in the Basin.
- The agricultural community is undergoing economic difficulty and uncertainty in water supplies that make it unstable; as this is corrected that community will become a stabilizing element in the Basin.
- The Upper Basin watershed is in a devastated condition and cannot provide a reliable foundation for either the tribal or the agricultural communities; correcting this will allow the Tribes and agriculture to become stable and healthy.

The situation is correctable with strong, even-handed and focused leadership by the Administration to get beyond the squabbles among agencies, between water interests, and between the United States and the State of Oregon which have characterized the situation in recent years. In this document the Klamath Tribes discuss three fundamental problems and offer the broad outlines of a prescription for solutions.

Ecosystem repair: Basin rivers, lakes, wetlands and forests are degraded to the point that the health and stability of all Basin communities are undermined. Large-scale restoration oriented toward long-term ecosystem functions can solve this problem. Research into agricultural improvements will enhance prosperity of agricultural operations, an essential component of achieving necessary restoration on private lands.

Solving over-appropriation: Federal and state promises have created a demand

for water that exceeds what Nature provides. Administration leadership is needed to lay the foundation for restoring the balance.

Returning the tribal homeland: A sustainable livelihood for the tribal community

depends on the Tribes' recovery of certain lands now in federal ownership. These lands were taken from the Tribes as part of the now discredited Termination policy; the Administration can further the process of their return. The Basin is at a critical juncture. It can be the centerpiece of a federal policy balancing nature and the economy, or it can be left to descend into decades of divisive litigation and strife.

A STRATEGIC APPROACH TO ACHIEVING ECONOMIC AND ECOLOGICAL HEALTH IN THE KLAMATH BASIN

The Klamath Tribes

June, 2001

The events of 2001 in the Klamath Basin are the inevitable consequence of long-standing, unresolved conflicts. With all Klamath Basin residents suffering economic hardship brought on by decades of the federal and state governments' mismanagement of the region's water resources, only leadership from the highest levels of the United States government can restore a sustainable economy based on rationally managed natural resources. The Klamath Tribes have been and will be here always, so we have been intimately involved in all of the issues that must be addressed to achieve stability and prosperity for the Basin as a whole.

The Klamath Tribes are uniquely positioned to play a central role in resolving Basin problems to the benefit of all, and we are very serious about doing so. Therefore, instead of focusing on past hurts and inequities, we are focused on the future, on finding solutions that can work for everyone. In this spirit, we offer the following outline of our strategic approach to achieving economic and ecological health in the Klamath Basin. Our intent here is not to provide a greatly detailed strategy, but rather to facilitate a basic understanding of the problems driving the present conflicts and crises, and then to offer the key elements of viable long-term solutions.

We believe that our strategy provides a strong foundation for the development of an effective U.S. policy which can resonate throughout the nation, and perhaps the world. We envision a policy showing that economic and environmental concerns can be productively balanced, and that the honor of the U.S. can be upheld in its dealings with both indigenous peoples and its other citizens. While we firmly believe that successful policy can be built on the foundations we offer here, we are not naive about the challenges involved. Strong, even-handed, responsive leadership from the highest levels of the U.S. government will be the pivotal element in determining the success or failure of efforts to bring health and stability to the

Klamath Basin.

Background and Description of Problems

It is our intent to approach the issues at hand in a positive, solution-oriented manner. However, it is crucial for policy-makers to understand the perspective from which the Klamath Tribes approach the present situation, so we must briefly detail some history. Social and ecological problems experienced here in the Klamath Basin are complex and have a 140+ year history. We refrain here from providing great detail, focusing instead upon the fundamental problems, which have brought us to the present situation; problems which must be resolved to achieve health and stability. We stand ready and able to provide detailed explanations and analyses of any component, and will await requests for further information to do so.

In the Treaty of 1864, the Klamath Tribes reserved hunting, fishing, and gathering rights on 2.2 million acres of land, essentially encompassing the entire Upper Klamath River Basin above Upper Klamath Lake. Over time, reservation boundaries were resurveyed and changed until in 1954 the reservation was reduced to 1.1 million acres. The Termination Act of 1954 led to the loss of federally recognized tribal status as well as the conversion of a major portion of our ancestral lands into the Winema and Fremont National Forests. Termination precipitated a time of severe economic and social devastation from which we are struggling to recover. In 1986 the US acknowledged the failure of the termination era policies by restoring our federally recognized tribal status. While this step restored some capability and authority to influence resource management, it was not accompanied by the return of our ancestral lands, and so was insufficient to overcome the legacy of devastation wrought on the landscape during the termination era.

It is vital to understand that the Klamath, Modoc, and Yahooskin peoples have been on this land for hundreds of generations, thousands of years before the ancestors of the American pioneers had any idea that the North American continent even existed. When we go out into the land, we can literally feel the permanent presence of our people throughout history, a sense of belonging that cannot really be described or fully understood by outsiders. Our land was taken from us in stages from 1864 to 1954, until we were left with none. Since 1864 we watched as enormous changes were made across the landscape; we watched Upper Klamath Lake turn into a cesspool, the streams and rivers degraded, the marshes plowed under, the salmon disappear, the sucker fishery plummet, the deer herds decline to all-time lows, sacred places trampled and pillaged, and the forests completely changed in character.

Many decades of industrial forestry, agricultural development, and other changes led to a complete transformation of our landscape, and resulted in the decimation of natural resources vitally important to the spiritual, cultural and economic livelihoods of the tribal community. Radical changes in forest structure and composition contributed to tremendous declines in our mule deer herds. Places sacred to our people have been trampled and pillaged. Road development has criss-crossed our ancestral lands with an amazingly dense road network. What little old growth forest remains occurs in small isolated patches.

Over the past century, the most beneficial use of water was considered to be taking water away from fisheries in order to create more irrigated agriculture. Accordingly, vast tracts of wetlands and even lakes were diked, drained, and transformed to farmland. Floodplains of our major river systems were developed as well, resulting in extensive loss of important riparian ecosystems and the commensurate impairment of floodplain function. Profound changes in the geomorphology (that is, the shape and physical characteristics) of our rivers degraded both fish habitat and water quality. Diversions of water from our rivers annually draw them far below natural base flows. Diversions of water from Upper Klamath Lake cause annual lake level fluctuations far in excess of the natural condition. Cumulative effects of these and other

transformations of the watershed contributed greatly to the hypereutrophication of Upper Klamath Lake, impairing water quality so severely that some of the toughest and most abundant fish species, the suckers, have been pushed to the brink of extinction. Effects of these terrible conditions are felt by everyone, causing problems for other fisheries and water users far downstream of Upper Klamath Lake.

The direct consequences of this severely degraded watershed are being felt by all in the present water crisis. As all parties battle over who gets how much water, the fundamental problems which underlie the entire situation are not being addressed. Everyone living here can fight about water quantity forever, and no matter who wins or loses the terrible problems we face will remain, until we properly address the central problem of extreme ecosystem degradation. A healthy Basin economy depends on being able to squarely address ecosystem restoration at an appropriate scale. Unless we do this, we simply doom ourselves to continued instability, strife, and economic depression.

So far we have described the devastated condition of both our ecosystem and the tribal economy, but another important piece of the puzzle remains, the health and stability of the agricultural economy. The recent shutoff of irrigation water to part of the Klamath Project has obviously hurt that portion of the agricultural economy. Such events further de-stabilize the basin, resulting in extreme polarization of the very groups which must come together to achieve long-term solutions. Agriculture needs something which it does not have: a stable water supply. Instability of the agricultural water supply results from decreased wetland and floodplain storage as well as from ESA-related regulatory actions, both of which originate from impaired ecosystem functions, and from uncontrolled development of water demand which now far exceeds the supply Nature provides.

In the present crisis we are watching our agricultural neighbors experience in part what has happened to the Tribes over and over: promises ignored, trust betrayed, severe personal economic damage, terrible pain, anguish, fear, and anger with no productive outlet. We do not revel in their misery, and did not try to engineer their demise. However, we cannot let their agony and anger obscure the pathway to successful resolution of our problems. We want what is best for all Klamath Basin residents, a healthy ecosystem with stable and prosperous economies for all. Thus the crucial question is this: can we devise an effective strategy to restore health and stability to the Klamath Basin ecosystems as well as to the Tribal and agricultural economies? We firmly believe that the answer is yes, a successful approach can be devised, and that the success or failure of such a strategy rests in the willingness of the highest levels of the US government to engage the situation with strong leadership, wise policy, and adequate resources.

The Pathway to Stability: Three Key Elements

A central theme of these problems is instability, which will persist until the foundational problems we face are addressed at the appropriate basin-wide spatial scale and a long-term temporal scale. We are not facing some sort of scientific controversy here, but rather a problem of extreme social instability. The instability occurs on three fronts, each of which must be addressed by real solutions.

- **As long as the Klamath Tribes lack crucial elements to regain stability, our social and economic pain will be a destabilizing element in the Basin.**
- **As long as the agricultural community undergoes the uncertainty and economic difficulties it has been experiencing, it will be a destabilizing element in the Basin.**
- **As long as the watershed in the Upper Basin remains in its present devastated condition, there is no**

possibility that either the Tribes or agriculture will become stable and healthy.

Critical ecosystem functions must be restored, recognized, and valued by all. Agriculture must own their land and have an assured water supply. The Klamath Tribes must own our land, manage it to meet our needs and the needs of our neighbors in the Klamath Basin, and have an assured water supply. A sustained and prosperous society in the Upper Klamath Basin cannot be achieved without adequately addressing these three foundational elements.

ECO-SYSTEM RESTORATION

Four main components require restoration in the Upper Klamath Basin ecosystem: rivers, lakes, wetlands, and forests. The Klamath Tribes have been researching and managing these ecosystems for a long time, and we have concluded that repair of the following structural and functional components is crucial to regain ecological health in the Basin. It is critical to consider the scale of both the problems and their solutions. Ecological problems in the Upper Basin have been 100+ years in the making and occur across a large portion of this watershed. To be successful we must recognize that repairing this Basin will take time; a century of abuse cannot be erased in a moment. We can guarantee failure by approaching restoration with a small-scale, short-term mind set, expecting that a few years of restoration actions will immediately realize benefits sufficient to free up water supplies and allow a quick return to the status quo. Alternatively, we can guarantee success by recognizing the landscape scale of restoration needs, and by focusing our goals on the long-term benefits to restoring critical ecosystem functions.

Ø Rivers and streams need to be re-shaped, re-positioned, and adequately watered.

Early on, riparian communities were removed, which destabilized the riverbanks, causing rivers to widen, straighten, and incise into their floodplains, lowering the local water tables and drying out the floodplains. As a result of these structural changes, nutrients are no longer stored appropriately either in the river channel or in the riparian ecosystem. Instead, nutrients free-flow down the river systems, which greatly contributes to the eutrophication of our lakes. Like nutrients, water is no longer stored appropriately in wetlands and floodplains, so summer base-flows are reduced, and then are further reduced by water withdrawals. All of these effects are reflected in the greatly impaired physical habitat and water quality conditions we now have in our rivers.

Our rivers need to be narrower, deeper, more sinuous, and they need to be placed back into the proper contact with their floodplains. Dense, diverse riparian systems need to once again flourish along our river corridors, and sufficient water must remain in the rivers to maintain healthy aquatic life and healthy riparian plant communities. We firmly believe that landowners will see benefits from these improvements as their fields and pastures in the flood plains are reconnected with the water table. They will embrace, not resist, these improvements once the benefits are demonstrated. A program of substantial pilot projects to illustrate these benefits would be an appropriate next step.

Implementing these restoration actions from the top down in the Basin watershed makes a lot of sense. As the watershed above Upper Klamath Lake heals, summer inflows to the lake will increase and nutrient inflows will decrease, with obvious benefits to all beneficial uses downstream from the lake.

Ø The Upper Klamath Lake system needs a more natural hydrology, with functional tributaries and peripheral marshes.

Just as Upper Klamath Lake has been a focal point of the present water controversy, it remains a vital ecosystem component because it provides the main habitat for endangered suckers, the main water source for the Klamath River where threatened salmon dwell, and the primary irrigation storage for the Klamath Project. Competition among these uses has been greatly intensified by the terrible water quality problems in Upper Klamath Lake, so solutions to the water quality problems have been and must continue to be a centerpiece for management in the Basin.

Two major components need to be addressed in Lake management and restoration. First, annual draw-down of the Upper Klamath Lake system far in excess of natural levels must stop. Both water quality and physical habitat for fish are impaired by the extreme fluctuations in lake elevation, which have occurred annually since 1921. Second, peripheral wetlands need to be reconnected to the lakes, providing fish habitat and water quality benefits. Major projects are already underway at the Wood River Ranch (BLM) and the Lower Williamson River Delta Preserve (TNC), and have already provided significant benefits. Both projects are located on major lake tributaries that are crucial locations for the restoration of appropriate morphology and connectivity between the rivers, their delta wetlands, and the lakes. In addition, marshes are becoming re-established on the Agency Lake Ranch (BOR), and options for its management are being developed. More opportunities exist for major wetland restoration around the edges of the Upper Klamath Lake system.

Ø Upper basin wetlands need to be restored.

Large, unique wetlands exist in the Upper Basin, and they are in need of extensive restoration. The Klamath Marsh (FWS) and the Sycan Marsh (TNC) are huge wetlands that are vitally important components of the rivers on which they occur. Both were extensively drained and modified for grazing uses, and require large-scale actions to restore their many important ecosystem functions. Of particular importance is the restoration of their hydrology, which has far-reaching influences on both the marshes themselves and flows in the downstream river systems. They also both perform important functions for the river systems upstream, exerting profound geomorphological influences on the river channels and providing important habitat for large, migratory fish like Redband trout and the threatened bull trout. The many ecological benefits realized by restoring these unique wetlands are too numerous to list here. Suffice it to say that in these critical areas the restoration efforts already underway, which are greatly limited by funding, need to be redoubled.

Ø Forests need to be re-structured.

Many decades of industrial forestry have radically altered the forests in the Basin. Forests, which once were structurally complex with trees of diverse species and ages, have been transformed into young stands with low species diversity. These simple forest types now dominate the landscape, which profoundly affects many things. Mature forest stands are rare and occur in isolated patches, and animals relying on them have suffered steep declines. Mule deer herds are at all time lows, due in large part to the poor habitat provided by these simplified forests. Road networks are amazingly dense, a legacy of intensive harvest activities. Hydrological functions of the forest lands have been altered in complex ways not fully understood, but which likely affect the timing and magnitude of spring runoff and influence the perennial nature of many small streams. We need to embark on a long-term approach to restore complex forest types across the landscape through careful, selective harvest and other innovative forestry practices.

Ø Agricultural research and enhancement.

Agricultural lands occupy large portions of our most sensitive landscapes - floodplains and historic wetlands. As such they represent crucial components of our present-day ecosystems. It is very important

that farmers and ranchers be supported by significant research into appropriate topics like water conveyance and application efficiencies, innovative crop selection and marketing strategies, and innovative grazing strategies. Much of the ecosystem restoration we all need must happen on private lands, and we believe the best way to make it happen is to help agriculture to prosper. Marginal operations cannot afford to be interested in restoration - prosperous operations can. Solid research can point the way to more profitable agricultural strategies. However, applying the results of such research will likely involve infrastructure changes with which financial assistance will be needed. It is imperative that changes to agricultural operations be facilitated in ways that make operational changes and ecosystem restoration both desirable and profitable for producers.

SOLVING OVER-APPROPRIATIONS PROBLEMS IS PART OF THE SOLUTION

Basin goals must include developing a sustainable agricultural component of the Klamath Basin economy.

* We do not have that now. Now it is fragile, dependent on regular government relief, and entangled in constant conflict with its neighbors.

Some farmers try to describe (and demand of public officials) an ideal that has never existed, i.e., uninterrupted water supply at current demand levels.

* In fact, even the farmers do not really believe it is possible.

Project Irrigators (below Upper Klamath Lake) in *Kandra v. U.S.* demand that the United States and the State of Oregon reduce Upper Basin (above Upper Klamath Lake) irrigators' water use.

Upper Basin irrigators in the Klamath Basin Adjudication challenge the validity of Project Irrigators' water rights and water use. And vice versa Project Irrigators challenge the validity of Upper Basin users' uses and rights.

It is unlikely that the congressional delegations can do the right thing on this issue.

* Politically no elected official from Oregon feels safe in being the first to say the real problem is over-commitment of limited resources.

RETURNING TRIBAL LANDS NOW IN FEDERAL OWNERSHIP AND CONTROL IS PART OF THE SOLUTION

* But if the Administration puts the issue on the table, elected officials and all other interests will have to respond. Everyone is learning that what's being asked of them by the farmers is (a) impossible to deliver and (b) not really believed by the farmers themselves, i.e., each farming interest asks for *its* water to be guaranteed while asserting that other farmers should be cut off. The delegations know the status quo is unsustainable; they need to respond to Administration leadership on the issue.

Demand reduction concepts should look Basin-wide, not just at the Project. There is more bang for the buck the farther up the watershed one looks.

* Water quality and temperature improvements higher in the system have more far-reaching

beneficial effects.

* Water savings higher in the system provide more management options over a larger territory than similar savings lower in the system.

The Klamath Tribes managed the territory of their homeland on a sustainable basis for thousands of years. We continue to have significant property rights in the form of hunting, fishing and gathering rights and the water rights to support these activities on the former reservation. As a result we have, over the past thirty years, been involved in and gathered significant information about the management of these lands and the related wildlife and water needs. We are intimately familiar with what the land needs in order to restore the stability of the natural systems on which the Basin economies depend.

Solutions to Basin ecosystem and economic problems should include the return to Tribal ownership of approximately 690,000 acres of certain lands now owned and managed by the federal government. The following points should be kept in mind when considering this aspect of resolving the current situation in the Klamath Basin.

- The Tribes are the only government in the Basin that can provide a long-term commitment to the management of these lands consistent with an articulated set of management principles that will NOT be subject to amendment by a successor administration. This is one way to guarantee that these lands will be managed over the long term consistent with watershed rehabilitation and restoration of watershed capability.
- The Tribes have a vision and proposal for how to accomplish the restoration of the lands, the watershed, and the wildlife habitat for generations to come.
- A restored watershed will return appropriate hydrologic functions to the Basin.
- Restoration of riparian areas will improve water quality and fish habitat, increase base flows, make flood plain agriculture more productive, and improve lake and river conditions far downstream.
- Returning out of Basin diversions that once naturally flowed into the Klamath watershed would add 30 to 40 thousand acre-feet to the system.
- Using more efficient irrigation methods would reduce substantial losses to the system.
- Enforcement measures should be mandated to protect legitimate water users. Currently there is little or no enforcement against illegal use.
- Major forest management changes are necessary to enhance the damaged watershed.
- Substantial reduction of both natural and artificial pollutants would greatly improve water quality.
- A serious reduction in out of stream demand above Klamath Lake would greatly enhance the entire system.
- Ground water augmentation is feasible only to the extent that it is based on sound hydrological data and does not impair the surface water supply.

- The Tribes can commit to the delivery of the harvest of timber to the local economy, thereby securing to the Basin economy a reliable and sustainable economic base for that sector.
- The lands were taken from the Tribes as a result of the disastrously flawed and now discredited federal policy of Termination, which the Tribes resisted unsuccessfully. Therefore the honor of the US is manifest in the extent to which serious consideration is given to return of the Tribes' homeland.
- The Tribes' stability depends on our ability to obtain a sustainable livelihood in the Basin. This, in turn, depends on our having a land base whose management is keyed to tribal values and long-term sustainability rather than to shifting federal priorities.

v **Establishment of a subsistence base for the Tribes.** We know from the past that this land is capable of providing for the needs of our people. The Tribes have a 100-year restoration plan to heal the land, *"When we heal the land, we also heal the people"*.

v **Restore our full Tribal identity.** *"Our culture is strongly linked to the land. It is impossible to talk about one without the other."*

v **Provide employment and income opportunities for tribal members.** *"We will protect our resource while generating a sound economy and commerce. Most important is not to take more than the land can endure."*

v **Protect and preserve our spiritual sites and cultural resources.** *"Our people have been on this land from the beginning of time, the spirit of our ancestors walk this land to this day."*

v **The stability and economic well being of the Tribes is beneficial for the entire community.**

HISTORY, BACKGROUND AND STATISTICS □

Klamath County, Oregon contains 6151 square miles on the California border in south central Oregon. The county is located between the foothills of the Cascade Range and the Great Basin desert. Klamath County comprises approximately one-third of the area drained by the 254-mile long Klamath River, which empties into the Pacific Ocean. The larger region known as the Klamath Basin, covers more than 10 million acres including most of Klamath County, Oregon and portions of three other Oregon counties and five counties in California.

This region once contained some 350,000 acres of lakes, freshwater marshes, wet meadows, and seasonally flooded basins. Salmon once traveled the length of the Klamath River into the Klamath Lake and its tributaries, the Wood, Williamson, and the Sprague Rivers. Lakes and streams in the upper basin also contained great populations of C'wam and Qupto. These fish provided a major food source for the Klamath Tribes. Early white explorers to the Klamath Basin were astounded by the great concentrations of ducks, gees, swans, pelicans and other birds. Early trappers in the area harvested beaver, otter and other fur-bearing animals here.

Historically, the Klamath, Modoc and Yahooskin Band of the Snake Indians lived in the major portion of the upper Klamath Basin as separate Tribes. Today the three Tribes are recognized collectively as The Klamath Tribes. Other Tribes residing in the lower portion of the Klamath Basin include the Hoopa, Karuk,

and Yurok.

Damming and diversions of rivers, and draining of wetlands in the upper river basin have taken a large toll on the region's ecology and wildlife. Over 75 percent of the Klamath Basin's wetlands have been drained and converted to agriculture. Over logging and other factors have also impacted the area's ecology dramatically, significantly altering the hydrology and degrading the water quality. The C'wam and Qupto are now listed as endangered species, and the Coho salmon are a threatened species.

In the Treaty of 1864 the United States government on behalf of the American people guaranteed the continuance of The Klamath Tribes' pre-existing right to hunt, fish, gather and trap on the Tribes' reservation, along with sufficient water to protect the resources necessary to these activities. The Tribes in turn ceded in excess of 20 million acres of surrounding lands. These mutual promises are still in force today.

In 1905 the United States government authorized the Bureau of Reclamation's Klamath Project without regard to water that was guaranteed to the Tribes in 1864. Later the United States government allowed the State of Oregon to issue certificates for the same water on the Oregon side of the basin, again without regard to the Tribes pre-existing rights. Later the U.S. Park service and the USFWS were allowed to claim the same water. As a result, there is a drastic over allocation of the existing water supply.

The statistical background of the local community offers important insights into the current situation and possible solutions.

- The population of Klamath County has increased 26 percent from 1970 to 63,185 people in 1997. The most significant change is that both the number and percent of Klamath County residents 65 years old and older have doubled during that same time period.
- Nearly two-thirds of the growth in personal income over the last 28 years has come from non-labor sources: dividends, interest, rent, and transfer payments (such as retirement and medical benefits).
- Services surpassed manufacturing and government as the largest source of earnings in the early 1990s. Health services comprise about half of total service income.
- Income from farming declined 93 percent (in real terms) between 1969 and 1997 and represents two-tenths of one percent of total personal income. Agricultural services accounted for six-tenths of one percent of income in 1997, a decrease since 1969.
- Total employment in Klamath County has increased 44 percent since 1969 to 32,065. The largest gain was an 82 percent increase in the number of people who own their own business. Farm employment declined one percent since 1969.
- Income from state and local government jobs has increased 98 percent since 1969 to \$106 million. State and local government now represent nearly three-fourths of government sector income.

Sources: US Department of Commerce. 1999. Regional Economic Information System (REIS) 1969-1997

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