



ITSSD PRESS RELEASE

ITSSD SEEKS ADDED PUBLIC TRANSPARENCY & ACCOUNTABILITY: FILES REVISED BUREAU OF RECLAMATION FOIAs AND OREGON STATE GOVERNMENT PUBLIC RECORDS REQUESTS

Princeton Junction, NJ – July 28, 2016 – Today, in furtherance of its effort to bring government public transparency and accountability to the Klamath Basin, the nonprofit Institute for Trade, Standards and Sustainable Development (“ITSSD”) filed Revised Freedom of Information Act Requests with the Denver, Colorado and Sacramento, California offices of the U.S. Department of Interior Bureau of Reclamation, and new Public Records Requests with multiple Oregon state government agencies and offices.

The Revised FOIA Request expands upon the [Freedom of Information Act \(“FOIA”\) Requests ITSSD filed yesterday](#) with the Denver Colorado and Sacramento, California offices of the U.S. Department of Interior Bureau of Reclamation. It contains additional subject matters and persons of interest concerning initiatives that have a genuine bearing on Klamath Irrigation Project farmers’ and ranchers’ ability to afford the very costly Project operations & maintenance (“O&M”) obligations Reclamation has thrust upon them.

It is commonly known, for example, that the replacement of the Klamath Irrigation Project C Canal flume will soon begin and that substantial improvement of the Project’s A Canal will need to take place in the not-too-distant future. It is not commonly known, however, that each such O&M activity will entail steel pipe encasement of existing canal structures. It also is commonly known based on media and Reclamation reports that Reclamation and PacifiCorp, two signatories to the Amended Klamath Hydroelectric Settlement Agreement (“Amended KHSA”), supported and were involved in the Klamath Irrigation District’s development of the C-Drop Hydroelectric Project. However, it is not commonly known whether the Project has earned a sufficient return-on-investment for the District or its Klamath Basin resident patrons, and if not, why not?

The ITSSD also has filed new Public Records Requests with four Oregon executive agencies, including the Oregon Departments of Energy, Environmental Quality, Water Resources, and Fish & Wildlife. In addition, the ITSSD has filed a new Public Records Request with the Oregon Governor’s Office. Each Public Records Request seeks disclosure of records showing communications between state government officials and the expanded list of persons of interest about the expanded list of relevant subject matters referred to above.

More broadly speaking, many Klamath Irrigation Project (“Project”) and non-Project Klamath Basin residents believe they have been left in the dark concerning the real economic stakes involved in conceding their water and land rights, as federal, state and local public officials have called for, to ensure implementation of the Klamath Basin Agreements. This belief is reasonable, considering how high-level and local Reclamation officials, together with high-level Oregon State and California State

Government agency officials, have continued to convene “[secret” meetings with only selected public stakeholders](#) requiring the signing of “confidentiality statements” as a condition of admission. Apparently, these meetings have involved discussions about the four-*plus* Klamath Basin Agreements championed by the Obama administration. In fact, the execution of both the Amended KHSA and the new Klamath Power and Facilities Agreement was made possible only because of the secrecy of such meetings!

It is believed these residents are not fully aware that the Agreements require: 1) upper basin water right settlement concessions in favor of Oregon-based tribes; 2) the removal of four perfectly operational dams along the Klamath River in settlement of three California-based tribes’ off-reservation fishing and water rights; and 3) the concession of Project-related water and land rights as the result of the “introduction/reintroduction” of nonindigenous threatened and endangered fish species into the Upper Klamath Basin and the imposition of related costly and burdensome U.S. Endangered Species Act regulatory restrictions, in settlement of *all* such tribes’ fishing and water rights, and in satisfaction of environmental activist group demands. It also is believed that these same residents do not fully understand the value of the water and land rights they would give up in exchange for uncertain tribal promises not to legally challenge farmer and rancher water claims in the Klamath Basin Adjudication. Do these residents readily grasp that the tangible and intangible costs of giving up *their* right to enforce their full water claims in court may be far greater than the costs of accepting considerably lesser water and related land rights by consenting to Klamath Basin Agreements settlement? Have the relative benefits of each choice been clearly explained?

These largely uninformed Klamath Basin residents deserve and have “[a right to know](#)” under both federal and Oregon state law as much as possible about what federal, state and local government officials have discussed with other Basin residents behind closed doors and in their absence. They need to know exactly what they must give up if the Klamath Basin Agreements are to be implemented. It is commonly believed that the implementation of these Agreements supported by related impending congressional (funding) legislation will devastate small Klamath Basin farms and ranches in favor of larger area farms and ranches. It is believed that this is precisely why certain larger Klamath Project farmers and ranchers have been so vocal about their support for the Klamath Basin Agreements, and have so aggressively opposed, disparaged and intimidated those of their neighbors who have disagreed!

The purpose of these Revised Federal FOIA Requests and newly filed Oregon State Public Records Requests is to ensure these Klamath Basin Project and non-Project residents can fully exercise their “right to know” whether these beliefs and suspicions are true. The Bureau of Reclamation and the State of Oregon’s executive agencies must uphold the rule of law and remain transparent and accountable to ALL members of the public for policies and official actions adversely impacting Klamath Basin resident private property rights.

Copies of these Revised Federal FOIAs may be obtained [here](#) and [here](#).

Copies of these new Oregon Public Records Requests may be obtained [here](#), [here](#), [here](#), [here](#) and [here](#).

Press and media inquiries are welcome and invited.

The Institute for Trade, Standards and Sustainable Development (“ITSSD”) is a globally recognized nonprofit public interest legal research, analytics and educational organization that examines domestic and international law and policy relating to trade and positive sustainable development. The ITSSD’s evolving work focuses, in part, on disclosing information about the deleterious impacts of environmental and tribal laws and policies on exclusive private property rights.