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Assemblyman Doug LaMalfa
Vice-Chair Assembly Natural Resources Committee
California State Assembly

Testimony
Before the Committee on Resources
United States House of Representatives

The Endangered Species Act 30 Years Later:
The Klamath Project
July 17, 2004

**House Resources Committee
Water and Power Subcommittee
Field Hearing
July 17, 2004
Klamath Falls, Oregon**

Testimony for Assemblyman Doug LaMalfa

The Honorable Richard Pombo
Chairman
House Resources Committee
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The Honorable Ken Calvert
Chairman
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Thank you Chairman Pombo, Chairman Calvert, and Members of the Committee, for allowing me to testify on the issue of the Klamath River Basin and the future of the application of the Endangered Species Act in this region. I come here today, not just to testify as an Assemblyman who represents people and communities harmed by the initial water shut off, but also as a lifelong rice farmer who understands the vital need of water to producing crops, protecting the environment, and the survival of our rural communities.

This is not strictly a multi-sided struggle between environmentalists, local tribes, farmers, and the government. Many of the water users have implemented many different programs in an attempt to aid the recovery of the endangered sucker and coho salmon species' that instigated the Bureau of Reclamation's (Bureau) initial shut off of the water supply on April 6, 2001. Assistance on creating and restoring wildlife refuges, ecosystem enhancement, water quality projects and strong attempts at water efficiency are just a few of the things that local communities have taken upon themselves in order to mitigate harmful effects on these endangered species.

The impact of the sudden unforeseen availability of water to these local communities was devastating. Not only were farmers and ranchers immediately harmed, leaving thousands of acres of vital farmland unable to produce, but the resulting trickle-down effect to the broader communities and region at large was nearly insurmountable. The loss of water inflicted \$200 million worth of economic damage to the Klamath region. You will hear individuals testify today that entire communities were almost wiped out entirely by this random and inappropriate application of the Endangered Species Act (ESA).

After the wholesale destruction of an entire region's way of life, a study showed that the application of the ESA to shut off availability of Klamath water was inappropriate and incomplete. Moreover, the report rejects the idea that there was any scientific justification behind the 2001 shut-off of Klamath Project Water to stakeholders. There was not enough scientifically based proof that higher lake and river levels would have any effect on the endangered fish. It is a national tragedy that it took such widespread harm to show the lack of credibility in the standards set forward in the ESA.

The final report by the National Research Council (NRC) on the issue of these endangered species has shown that shutting the water off at the Klamath Project was absolutely the incorrect response to the discovery of the low numbers of these fish. The final report shows that a full watershed approach will be the only effective means to protect these fish--a watershed approach that would necessarily include the farmers and ranchers in the area. It is ironic that those individuals who suffered the most from the hasty and panicked response in the first place, will be the individuals who are integrally involved in the recovery of the species.

Hype, fear, and incomplete science almost led to the destruction of an entire vital agricultural region. We cannot allow that to ever happen again, and we must act to restore stability and harmony between the stakeholders of the water in this region.

It is imperative that any solution that is implemented to the myriad challenges in this region must be achieved cooperatively. There must be input from all the different stakeholders and such solutions must be based upon sound scientific principles as laid out by NRC report. The foundation of these solutions *must not* pander to fear or mass hysteria.

The west coast's farmland is not just food-producing and economy-boosting land, it is land that supports the health of the local watershed, it is land that feeds, houses, and protects local wildlife, it is land that promotes and maintains open space. It is a fallacy to believe that without the use of local farmland and the cooperation of local farmers and ranchers that the proposed improvements to the watershed can be made to protect these endangered species. This is why any plan for this area must be a coordinated effort between all the stakeholders. The scientific condition of the watershed must be determined, and a realistic balanced approach to improving it must be worked out at the local level. Regulations and bans, depriving agricultural land of the vital water it needs, and painting local farmers as the enemy of the local wildlife are all ineffective solutions to a watershed-wide problem. Those have been the only solutions attempted thus far. That's a travesty.

We need only look back on the oil embargoes of the 1970's and the current spike in steel and concrete prices today, driven by actions of our rivals around the globe. They do not have America's best interests in mind. Do we want to depend on them for our food security now by essentially offshoring our farming as well? We must be more thoughtful about what regulations and ESA policies have wrought on our American heartland and the salt-of-the-earth families who work it for all of us.

The NRC report has provided many different approaches and ideas on how to solve this problem. These solutions must be reviewed and a balanced, region-wide solution based on sound scientific principles that works for all stakeholders must be adopted.

Current application of the Endangered Species Act simply isn't working. It didn't work here, and this is just an example of how dangerous faulty implementation or faulty original standards can be. A cooperative approach to revising the ESA based upon solid scientific principles is critical to preventing the "mass hysteria" approach to application that was apparently utilized here on the Klamath. Constructive changes must be made that consider long-term solutions.

Many so-called "environmental problems" are attempted to be solved by outright bans, strict regulations, or other sudden and unpredictable changes in the law or its application. This "shotgun" approach to protecting the environment is too random and too harmful to the people, businesses, and communities that it affects. Solutions should be implemented over a period of time, so that the people and environments that are affected can have time to adapt and implement the ultimate goal. To suddenly shut off the water tap to an agricultural community, to suddenly determine that a certain fertilizer or pesticide can no longer be used, or to suddenly mandate the levels of emissions that have to be met because of environmental concerns is unrealistic. It gives farmers, ranchers, and other affected parties no time to implement changes over a period of time, effectively damaging or destroying their businesses, their communities, and their way of life.

I would like to emphasize that farmers and ranchers are definitely NOT against environmental protection, or to making changes, adaptations or improvements to their businesses for environmental reasons. The agricultural community has shown time and again their willingness and ability to utilize their land for open space preservation, watershed conservation, and wildlife habitat. They have worked hand-in-hand with the environmental community to change things for the better, when they have been approached. As a rice grower, the success of our industry as a positive partner for local wildlife habitat has been not only a huge success, but also a vital link in the chain between environmentalism and economy.

This is the direction that the Endangered Species Act should go. We must endeavor to find ways to phase in thoughtful environmental policy changes over a period of time by working together with stakeholders and involving the actual people on the ground who will be affected, instead of adopting arbitrary decisions with no warning that devastate businesses, communities and lives.

The current pattern here in the Klamath Basin is flawed, the status quo cannot continue. None of the stakeholders are happy or satisfied with the uninformed, illogical, and capricious way that the issue of the Klamath Project has been treated. Resources management here needs to take place in an objective and reasonable way that balances the needs of all the people who will be affected, with the needs of the environment. The solution needs to be comprehensive and scientifically justified, it needs to approach the issue in a way that can be utilized and maintained effectively in that region.