

NEWS RELEASE

Klamath Riverkeeper • Karuk Tribe • Pacific Coast Federation of Fishermens' Associations

FOR IMMEDIATE RELEASE – August 23, 2007

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Tribe, Fishermen, Conservationists Sue California over Toxic Discharges to Klamath River

Groups want state to regulate PacifiCorp's Algal Toxins

Sonoma, CA- Today the Klamath Riverkeeper, the Karuk Tribe of California, and the Pacific Coast Federation of Fishermen's Association (PCFFA) filed a lawsuit against the California Regional Water Quality Control Board, North Coast region, for failing to regulate toxic discharges from PacifiCorp's Klamath dams and reservoirs.

The groups petitioned the board last February demanding that it establish limits on the amount of the highly toxic algae *Microcystis aeruginosa* that can be discharged into the river by Iron Gate and Copco dams. The dams are located in the Northeast corner of California. The dams are owned by Portland based PacifiCorp, which in turn is owned by billionaire Warren Buffett.

The groups have long sought the removal of the dams which degrade water quality and destroy salmon runs without providing flood control, irrigation diversions or substantial amounts of electricity to downstream communities.

In March the board denied the petitioners request. Although the board appeared to agree with the petitioners claims – that PacifiCorp's reservoirs host massive levels of *Microcystis aeruginosa* that threaten human health – the board argued that they lacked the authority to regulate PacifiCorp. The suit filed today in California Superior Court in Sonoma County argues that congress passed the Clean Water Act explicitly to preserve and expand states' authority to regulate water quality.

“When it comes to this issue, we respectfully disagree with the Water Board's position. The state has to stiffen its resolve and act quickly to stop PacifiCorp's poisoning of the Klamath River,” said Regina Chichizola of Klamath Riverkeeper.

Since 2005, Iron Gate and Copco reservoirs have seen some of the most toxic blooms of the toxic algae *Microcystis aeruginosa* ever recorded in the United States (see <http://www.karuk.us/press/06-08-08%20toxic%20reservoirs.pdf> for details).

Health experts warn that even modest exposure to the toxin produced by the algae, called microcystin, can lead to skin rashes, vomiting, and diarrhea. High doses of the toxin, such as those found in the Klamath reservoirs each summer, could lead to massive liver failure and even death in humans. Microcystin also can poison and kill fish and wildlife.

According to Glen Spain of the Pacific Coast Federation of Fishermen's Organizations (PCFFA) the regional water board not only has the authority but the mandate to protect the public from toxins like these in water bodies, "PacifiCorp is clearly in violation of California's Porter-Cologne Water Quality Act and it's the responsibility of the California State Water Boards to hold corporate polluters like PacifiCorp accountable."

The Iron Gate and Copco reservoirs have not only become "toxic algae factories" that generate microcystin, as set forth in the petition, but also have caused deteriorating water quality. Petitioners say the toxic releases have made many people not use the Klamath River.

For Karuk ceremonial leaders and participants, the toxic blooms also constitute an infringement on their freedom to practice their religion. During certain ceremonies, participants bath in the river for long periods of time making them especially susceptible to exposure. "This is one of the ways that companies like Warren Buffett's PacifiCorp are complicit in the genocide of Native American Cultures," said Chook Chook Hillman, a Karuk ceremonial participant.

PacifiCorp's dams provide optimal growth conditions for the toxic algae by trapping nutrient rich water in shallow warm reservoirs. Last year the microcystin toxin levels behind the Klamath dams exceeded World Health Organization guidelines for a "moderate health risk" by nearly 4,000 fold. Neither the United States EPA nor the State of California as yet have independent guidelines for this toxin.

This suit comes on the heels of a ruling last Friday by a Federal Judge that allows tribal members, commercial fishermen, and business owners along the river to sue PacifiCorp for damages associated with their toxic pollution.

Currently PacifiCorp is engaged in talks with Tribes, conservationists, fishermen, farmers, as well as state and federal agencies aimed at removing the troublesome dams.

Over the past several years Tribes, conservation groups, and fishermen have litigated, protested, petitioned, and traveled as far away as Edinburgh, Scotland to attend shareholder meetings of PacifiCorp parent companies in an effort to convince the company to remove the dams.

"Hopefully we can arrive at an agreement that removes the dams and this case will be moot," said Craig Tucker, spokesman for the Karuk Tribe, "but until we are sure that PacifiCorp is willing to negotiate in good faith, we will continue to throw everything we have at them. This is a fight that the Karuk Tribe simply has to win."

Dam removal proponents note that Warren Buffett owns these dams, which create the very conditions he hopes to end with his philanthropy.

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