Endangered Species Panel Won't be Convened For Oregon Farmers

Friday, July 13, 2001

In the end, the fish won — at least for one season.

Farmers in Oregon's drought-stricken Klamath basin had hoped that a government committee would make an exemption to endangered species protections and allow the farmers to water their crops with water set aside for endangered fish.

The committee, nicknamed the God Squad, could have allowed the farmers to ignore the endangered species protections. In a letter to the farmers Friday, Interior Secretary Gale Norton and a Commerce Department undersecretary said no such committee would be convened.

Norton said the farmers didn't meet the criteria of a party eligible to apply for exceptions: a relevant government agency, a state's governor or a person whose request for permit or license was denied primarily to protect endangered species.

Hours later, for the fourth time in recent weeks, the farmers broke into an irrigation canal at the Klamath Project and released some of the water that had been set aside for the endangered sucker fish and threatened coho salmon. Farmers said the protest was symbolic, as most crops were already lost.

The headgate was last opened on the Fourth of July holiday and had been welded shut afterward.

David Haddock, an attorney who represented the farmers, said Norton's decision was based on a technicality.

"We are disappointed. We had high hopes that the Bush administration would be more willing to offer some support for these people," Haddock said. He said the farmers might decide to appeal the decision in court.

The basin, which straddles the Oregon-California border, has been plagued by a drought that has tribes, the fishing industry, environmentalists, farmers and ranchers all arguing that their interests should have the limited amount of water.

In April, the U.S. Bureau of Reclamation cut off irrigation water to 90 percent of the farms in the area to help boost dwindling stocks of endangered fish.

Glen Spain, Northwest regional director for the Pacific Coast Federation of Fishermen's Associations, supported the decision. "It clearly makes no sense to sacrifice a whole down river fishing industry," he said.

Only six other applicants have requested exemptions since Congress established the committee in the 1978 amendments to the Endangered Species Act.
Thus far, the committee has heard three of the requests. It denied one and provided another an exemption.

In the third case, the Bureau of Reclamation was granted an exemption to the Endangered Species Act in 1992 for logging on 13 tracts of old-growth forest in Oregon, habitat for the Northern spotted owl. However, the agency's director withdrew the request in 1993 amid allegations of illegal lobbying.

The committee consists of a group of six Cabinet-level appointees and a resident of the impacted state who is nominated by the governor and appointed by the president.

*The Associated Press contributed to this report.*