Written materials for Amy Cordalis’ presentation to CILA

California Indian Law Association, Inc.
Thursday, May 27, 2021, 12:00 PM PDT
Zoom virtual event
Amy Cordalis
Principal
Ridges to Riffles Conservation Fund
Water
Klamath River Basin

Iron Gate Dam

Complex Basin
Klamath Basin

- Trump: Ecosystem and Tribal Rights Attacked
  - Endangered Species Act Violations
  - Boat Dance Flows Denied
  - Midnight Memos; upholding state rights and overturning long standing positions of the federal government
Klamath Basin 2021
• Extreme Drought; lowest inflow into Klamath Basin in history
• Litigation: Endangered Species Act, Interstate Water Allocation, Supremacy Clause, and Tribal Water Rights
Klamath Litigation

• Oregon State Court:
  • Klamath Basin Adjudication
  • State statutory authority to use water and from what source
  • Federal authority to use water

• Federal Court
  • Endangered Species Act – what does the ESA require when there is not enough water to satisfy all listed species needs?
  • Federal discretion to curtail AG for ESA
  • Supremacy Clause
  • Reclamation Act
Dam Removal

- Klamath; largest dam removal project in history. Removing 4 dams on the lower Klamath River
- Tribal rights play a key role in dam removal
- Klamath Dam License Transfer and Surrender Applications Pending in the Federal Energy Regulatory Commission
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