

MINUTE ITEM

This Calendar Item No. 49 was approved as
Minute Item No. 49 by the California State Lands
Commission by a vote of 2 to 0 at its
12-14-06 meeting.

**Minute Item
49**

12-14-06

CALIFORNIA STATE LANDS COMMISSION

Regular Item 49: The Commission was asked again by the Controller to consider a resolution supporting environmental protection of the Klamath River for protection of salmon habitats and other public trust benefits. The item was approved as presented by a 2-0 vote.

The item was approved as presented by a 2-0 vote.

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**CALIFORNIA STATE
LANDS COMMISSION**


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PROPOSED
**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION
SUPPORTING THE RECOVERY OF SALMON AND OTHER ANADROMOUS FISH
AND THE RESTORATION OF OTHER PUBLIC TRUST RESOURCES**

WHEREAS, the Klamath River, an asset California for its fish, recreational values, water and its role in the north state ecosystem, but has lost much of its value because of damming, water diversions and other causes; and

WHEREAS, the California State Lands Commission is responsible for the stewardship of the lands underlying the state's navigable waters and is required to administer these lands pursuant to the public trust doctrine; and

WHEREAS, the public trust doctrine protects water-covered lands so that they are available to the public for commerce fishing and navigation; and

WHEREAS, the public trust resources protected by the public trust doctrine include the use of the lands and waters for commerce, fishing, navigation, recreation and habitat; and

WHEREAS, the California Supreme Court, in *National Audubon Society v. DWP of the City of Los Angeles* (February 1983), found that "the state has an affirmative duty to take the public trust into account in the planning and allocation of water resources, and to protect public trust uses whenever feasible;" and

WHEREAS, the Klamath River once fostered the third largest salmon runs of all rivers on the West Coast, steelhead in the millions and significant numbers of lamprey, green sturgeon and other fish; and

WHEREAS, the Klamath River salmon, lamprey and other fish support Native American people from the Yurok, Hupa, Karuk and the other Klamath tribes and are an endemic part of their culture; and

WHEREAS, water diversions, dams, fish harvesting, and other factors have reduced fish runs in the Klamath by as much as 80 percent; and

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WHEREAS, in 2002, up to 70,000 thousand of the remaining adult salmon were killed by ceratomyxa shasta, a small aquatic parasite, and the fish diseases ich and columnaris; and

WHEREAS, many scientists have concluded that low water flows, which are caused in part by increased upstream water diversions, and the high temperatures of the river, to which the lakes behind the dams contribute, coupled with high densities of fish waiting to migrate upstream, fostered the populations of the parasite and diseases which killed the salmon; and

WHEREAS, the Trinity County Board of Supervisors has adopted a resolution calling for the removal of four of the dams – Iron Gate, Copco I, Copco II and J.C. Boyle; and

WHEREAS, PacifiCorp, which owns the dams has indicated that it is not opposed to dam removal as long as its customers and property rights are respected; and

WHEREAS, a study sponsored by the State Coastal Conservancy found that the four dams could be removed safely and a joint California Energy Commission and Department of Interior study found that their removal would be more cost effective than some of the alternatives for fish restoration, such as fish ladders; therefore be it

RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION, that thorough consideration be given to the removal of the four dams on the Klamath River to help restore its habitat value and; be it further

RESOLVED, that the California State Lands Commission calls on all relevant parties to undertake the additional steps necessary to assure the restoration and protection of public trust resources on the Klamath River.

Adopted by the California State Lands Commission on _____

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