Syn: The Klamath Tribes say the fish are “existentially important” to their culture, and claim the Endangered Species Act requires the government to prioritize their survival over irrigation during extreme drought.

(CN) – Two species of endangered sucker fish could face extinction this year because the federal government let farmers take irrigation water from Upper Klamath Lake (or project?) instead of leaving enough water in the lake for the fish born this year to survive, the Klamath Tribes claim.

Southern Oregon’s Klamath Basin is in its third straight year of **extreme** drought. Last year, the fight over the region’s water risked a standoff between extremist farmers who threatened to take control of the irrigation system the government had shut off in an effort to prevent the extinction of two species of endangered sucker fish sacred to the Klamath Tribes: the C’waam, or Lost River sucker and Koptu, or shortnose sucker. The fish live nowhere else on Earth.

The fish were one of the tribes’ main foods for millennia, a gift from the creator NAME, according to tribal Chairman Don Gentry. But their numbers declined dramatically when white settlers arrived and began damming the Klamath River, which is fed by Upper Klamath Lake, draining the vast wetlands that once surrounded the lake and sucking out its water to irrigate new farmland there and letting cattle wade through the pristine streams that feed the lake.

Upper Klamath Lake, the most critical spawning habitat for C’waam and Koptu, has shrunken and dwindled. Every year, it suffers a toxic algae bloom caused by decades of pollution from cattle ranching and other agriculture that kills off the majority of each successive generation of sucker fish.

But because C’waam and Koptu are listed as endangered, the federal government is legally required to prioritize their survival needs over the irrigation needs of farmers who grow potatoes TKTK nearby, according to a federal lawsuit filed Monday by The Klamath Tribes, a federally recognized tribe that consists of the Klamath, the Modoc and the Yahooskin Band of Snake Indians – three groups of people who have always lived in the areas now called southern Oregon and Northern California.

Instead, the Bureau of Reclamation, which manages Upper Klamath Lake as the primary water supply for the Klamath Irrigation Project, let farmers take water from the lake starting April 15 – right in the middle of C’waam and Koptu spawning season. Irrigation withdrawals from the lake drew down water levels so severely that an important group of fish that spawn on the east side of the lake can’t reach their spawning grounds, the lawsuit states.

In 2020, the Bureau of Reclamation produced a biological assessment of the Klamath Project, as part of its consultation with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. F&W determined in a biological opinion issued that year that the bureau’s water allocation plan wouldn’t jeopardize the survival of C’waam and Koptu.

The Klamath Tribes disputed that finding, arguing that the plan did jeopardize the fish.

But this year, the bureau didn’t even bother to stick to the minimum protections outlined in the biological assessment. Instead, it ignored critical elements of its water allocation plan that require it to maintain specific water levels in the lake that allow the fish to spawn, the lawsuit states, allowing irrigators to take water from the lake without regard for the lake elevation levels outlined in the biological opinion.

“The net effect of the 2022 Ops Plan, therefore, is to consign to death 2022’s entire year class of baby C’waam and Koptu,” the lawsuit states. “This decision appreciably reduces the survival and recovery of these species in contravention of the ESA, which requires Reclamation to prioritize listed species’ needs ahead of those of Project irrigators when there is insufficient water to go around.”

The tribes want a judge to issue an injunction and declare that the bureau’s operation plan for this year violates the terms of the 2020 biological opinion and that the irrigation the bureau has allowed for the last month violate the Endangered Species Act.

In addition to requirements under the Endangered Species Act, the federal government is required to protect C’waam and Koptu under the treaty agreements it made with the tribes in exchange for the lands they have inhabited since time immemorial. Earlier cases in the Ninth Circuit Court of Appeals have found that one of the “very purposes of establishing the Klamath Reservation was to secure to the Tribe[s] a continuation of [their] traditional hunting and fishing lifestyle” and that these treaty rights survived the federal government’s 1954 termination of the Klamath Tribes’ former reservation.