

UC ANR Water Webinar



Western Water: A Counter Narrative; By: Dr. Karrigan Börk, Professor of Law, UC Davis

Day/Time: Monday 10/24, 12 - 1 PM

Join Zoom Meeting:

<https://ucmerced.zoom.us/j/93722796133?pwd=a2FsKzBTUGVtOEovSTNVanRSNjZMdz09>

Meeting ID: 937 2279 6133; Passcode: 92837

Speaker Bio: Professor Bork graduated with Distinction and Pro Bono Distinction from Stanford Law School in 2009, and completed his PhD dissertation in Ecology at UC Davis in September 2011. He received the Shapiro Family Award in 2011 as the Outstanding PhD Graduate in Ecology at UC Davis. He clerked for Tenth Circuit Chief Judge Mary Beck Briscoe, U.S. District Court Judge Julie Robinson, and Judge Janice Karlin on the U.S. Bankruptcy Court for the District of Kansas. Professor Bork's publications run the gamut from the definitive text on the history and application of California Fish and Game Code Section 5937 to a hatchery and genetic management plan for spring-run Chinook salmon. Professor Bork is currently examining legal and ethical issues in ecological restoration. His past work has focused on the management of guest species, those invasive species that managers invite in and make comfortable, and on the evolution of law via administrative actions. He is currently working on local governance issues in ecosystem management.

Abstract: The canonical story of water in the West is a relentless pursuit of more and more water for human use with no consideration of environmental impacts. This history, the story goes, was inevitably bound to produce the modern water system—a system that has decimated western fish species, particularly the salmon and steelhead populations in the coastal states. It is a story of environmental degradation as destiny. But there is a countervailing, untold history of western water development: a story of states trying to restrain water development to protect fish. From their very beginnings, the legislatures in Oregon, Washington, and California have attempted to protect fish populations through a series of increasingly precise and stringent laws. As a representative example, this talk examines state laws in all three states that required dams to permit fish to pass unharmed. Blocking fish passage has been a crime in California since 1852 and in Oregon and Washington since they were territories. The legislatures in all three states have consistently reiterated and reinforced these laws for well over a century. But despite the fish passage laws, tens of thousands of barriers, from dams to water diversions to road crossings, block steelhead and salmon migration in all three states.

The fish passage laws represent a counter narrative to the traditional story of unyielding pursuit of water. These laws were a legislative promise that healthy fisheries could co-exist with water development, and that promise was a foundation of water development in the west. Understanding this countervailing history is important. The laws have continuing vitality as a constraint on existing dams, and improving their enforcement can save trout and salmon species from extinction. Moreover, this history provides vital lessons about writing environmental laws that cannot simply be ignored.

Host: Safeeq Khan & Ellen Bruno, CE Specialists UC ANR