



June 9, 2017

The Honorable Ryan Zinke
Secretary
U.S. Department of Interior
1849 C Street NW
Washington, D.C. 20240

Re: Water Supplies for Lower Klamath National Wildlife Refuge

Dear Secretary Zinke:

In a year in which precipitation in the Klamath Basin has been 120 percent of normal, the Bureau of Reclamation's 2017 Annual Operations Plan does not commit any water to the Lower Klamath National Wildlife Refuge. This is a continuation of a long-term water supply problem for the refuge that was exacerbated, but not caused, by the recent drought. Even in a year of above normal conditions, the federal government is unable to meet its obligations to the National Wildlife Refuge.

The California Waterfowl Association requests that the Department of Interior, through the Bureau of Reclamation and the U.S. Fish and Wildlife Service, provide a more reliable water supply for the Lower Klamath and the Tule Lake National Wildlife Refuges, this year and in the future. The federal government has a number of options for providing water to the Lower Klamath NWR.

Recently, former Deputy Secretary Mike Connor signed a memo agreeing that there is a factual basis for Lower Klamath NWR to have a Class A priority designation within the Klamath Project. The memo recommends how to proceed to secure the designation.

What is needed is for the Fish & Wildlife Service and the Bureau of Reclamation to enter into an agreement for the Bureau to provide a sufficient water supply to provide wetland habitat at appropriate times of year in the Lower Klamath NWR. Among the available water supply options are, without limitation, the following or a combination of the following:

1. Provision of water supplies to the Lower Klamath NWR and the Tule Lake NWR as provided in Section 15.1.2 of the Klamath Basin Restoration Agreement;

2. Exercise of the water rights identified under Claims 312 and 313 allowed under the Klamath River Basin Adjudication, with Claim 312 begin designated as a Class A priority water right within the Klamath Project;
3. Financial assistance to the Tule Lake Irrigation District for the payment of the costs of pumping water from the D Plant through Sheepy Ridge to the Lower Klamath NWR and to the Klamath Drainage District for the payment of costs of pumping water from the Straits Drain pumping plant from Lower Klamath NWR to the Klamath River;
4. Purchase or lease of senior water rights from either the Upper Klamath River Basin or from irrigators in the Klamath Project; and/or,
5. Model Lower Klamath NWR irrigation and federal reserve water rights into the next biological opinion.

All these options are available right now. Others may also be available, if the Bureau and the Service will make it a priority to seek a solution to the water supply crisis at the Lower Klamath NWR. The amount of water required is a relatively small amount in terms of the entire yield of the Klamath River Basin, which is delivered to the Klamath Reclamation Project, stored in Upper Klamath Lake, and released down the Klamath River for fisheries purposes. The problem that has plagued the refuge has been the imbalance of competing claims, due to the preemption of all other claims by the Endangered Species Act.

The water needs of the entire Klamath Basin need to be rebalanced, so that all needs are met and water is allocated most efficiently and effectively. The Klamath Basin Restoration Agreement and Upper Basin Comprehensive Agreement would have provided this balance, but because Congress did not act in time, the two agreements have lapsed. The agreements balanced the needs of irrigators, tribes, and the environment. Without the agreements, there is no balance, which can only lead to continued conflict. The provisions of the KBRA relating to the NWRs would be the best solution for the refuges, if implemented.

In the next few months, the Bureau of Reclamation will conduct a re-consultation of the biological opinions relating to the listed species in the Klamath Basin. This will provide an opportunity to modify the "refuge threshold" criteria in the Klamath Basin biological opinions for provision of water to the NWR, because the criteria under the current biological opinion are almost impossible to meet. This modification is within the purview and the responsibility of the Bureau of Reclamation and the Fish & Wildlife Service.

The Lower Klamath NWR is the first waterfowl refuge in the United States, established in 1908 by President Theodore Roosevelt, and it is struggling to receive any water. It is part of a complex of refuges in the Upper Klamath River Basin. The area of the Klamath National Wildlife Refuge Complex is the single most important staging area for waterfowl in all of North America. An estimated 80 percent of Pacific Flyway waterfowl, representing one-quarter of the continental population, depend upon this region for fall and spring staging during their annual migrations.

The Lower Klamath NWR is located within and adjacent to the U.S. Bureau of Reclamation Klamath Project, and is heavily reliant on the Project for wetland water during the seasonal migrations. Lower Klamath NWR receives water from the Tule Lake NWR through a pipeline, and from water stored in the Upper Klamath Lake, through the Ady Canal.

The refuge is entitled to certain water rights in the State of Oregon, but it received practically no water during the recent drought. The result has been the loss of approximately 20,000 acres of wetlands habitat for waterfowl migrating on the Pacific Flyway, and outbreaks of avian botulism that have killed tens of thousands of ducks and other migrating birds. Waterfowl hunting, once a major component of the local economy, has suffered accordingly. Hunting still remains an important component of the public uses of the refuge, but without water in the right places at the right time, opportunities for the public are greatly reduced.

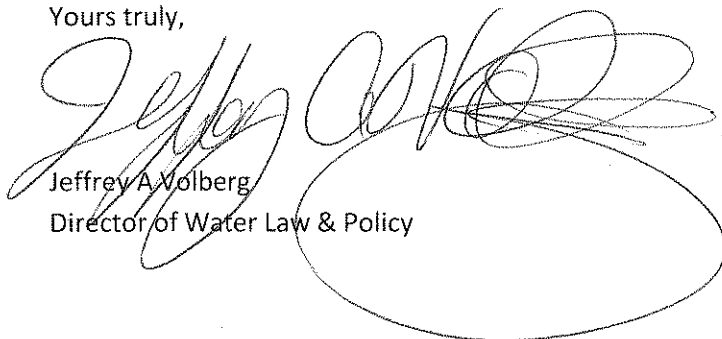
Failure to provide a water supply to the refuge may result in long-term effects on the health and the size of the population of migrating waterfowl and other wetlands-dependent species on the Pacific Flyway. In addition, the lack of water supply is having a detrimental effect on local ducks, including mallards, that breed in the Central Valley of California and travel to the Klamath Basin to molt.

The loss of wetlands habitat in the Klamath Basin has an effect throughout the Pacific Flyway. The birds involved are protected under the Migratory Bird Treaty and various other federal obligations. Although the birds are not protected by the Endangered Species Act, the continued and long-term loss of habitat negatively affects their populations. By managing exclusively for the benefit of ESA-listed species, such as suckers and Coho salmon, the Fish & Wildlife Service risks creating additional threatened and endangered species.

The California Waterfowl Association is a statewide nonprofit organization whose principal objective is the conservation of the state's waterfowl, wetlands, and hunting heritage. California Waterfowl believes hunters have been the most important force in conserving waterfowl and wetlands.

Thank you for your consideration of our request. If you have any questions about the request, please contact Jeffrey Volberg at (916) 217-5117, or jvolberg@calwaterfowl.org.

Yours truly,



Jeffrey A. Volberg
Director of Water Law & Policy

CC: Senator Dianne Feinstein, California
Senator Kamala Harris, California
Senator Ron Wyden, Oregon
Senator Jeff Merkley, Oregon
Representative Doug LaMalfa, First District of California
Representative Tom McClintock, Fourth District of California
Representative Mike Thompson, Fifth District of California
Representative Jared Huffman, Second District of California
Representative John Garamendi, Third District of California
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