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# PACIFIC FLYWAY COUNCIL

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November 5, 2021

The Honorable Debra Haaland, Secretary  
United States Department of Interior  
1849 C Street, NW, MS 5311  
Washington, DC 20240

Dear Secretary Haaland:

The Pacific Flyway Council (Council) is an organization of the fish and wildlife agencies of the 11 western states. The Council facilitates scientific management of migratory birds and their habitats, in association with federal agencies and other cooperators, to sustain and enhance the public's resource interest in the United States, Canada, and Mexico.

The Council is respectfully requesting that the Department of the Interior prioritize a reliable water supply for the Klamath Basin National Wildlife Refuge Complex (Klamath Refuges) in the Klamath Basin of southern Oregon and northeastern California.

The Klamath Refuges contain some of the most biologically productive wetland habitat in the Pacific Flyway, supporting migratory birds throughout their annual cycle. Lower Klamath National Wildlife Refuge (NWR; established in 1908 as the nation's first waterfowl refuge) and neighboring Tule Lake NWR (established 1928) form the core of the Klamath Refuge's wetland habitat, totaling 40,000 managed wetland acres. In 2021, only 2,600 of those acres remain on the landscape.

Water deliveries to the Klamath Refuges have been reduced significantly since 2001, which has resulted in a decline of resources for migratory birds, ultimately leading to reduced bird use throughout the year. Unstable water supplies and decreased water levels in summer wetlands have had deleterious impacts on breeding wildlife, resulting in nest abandonment by colonial waterbirds and stranding of flightless ducks, both young broods and molting adults. Further, insufficient water has exacerbated disease outbreaks such as avian botulism and avian cholera. In 2020, an avian botulism outbreak, killed an estimated 60,000 waterfowl and shorebirds.

Wetlands at the Klamath Refuges provide important habitat and significant resources for a broad suite of migratory birds, including:

- Historically, over 50% of ducks, white-fronted geese, and tundra swans wintering in California passed through the Klamath Refuges in the fall. Recent surveys indicate that waterfowl use has declined to the lowest level ever recorded.
- Wetlands serve as a critical staging area for waterfowl in the spring, in particular for northern pintail.

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- Historically, the area hosted the largest wintering concentration of bald eagles in the lower 48 until waterfowl use declined.
- Up to 200,000 shorebirds use the area in the spring.
- Klamath Refuges are a key breeding and molting area for local waterfowl and waterbirds.
- Klamath Refuges are an important fall staging area for sandhill cranes that winter in California.

We recommend the following three solutions, as they would provide a reliable, long-term approach for securing water:

1. ***Include Lower Klamath NWR water needs as part of the Klamath Project and consider in the Bureau of Reclamation's Klamath Project Biological Opinion***

Since establishment of the Klamath Project (Project), the Klamath Refuges are not considered part of the Project purpose; meaning that water needs for habitat and wildlife are not recognized. The Secretary should direct the Bureau of Reclamation (Bureau) to fulfill the purposes of Lower Klamath NWR as required under the National Wildlife Refuge System Improvement Act of 1997 (NWRISA). The NWRISA directs that in administering the Refuge System, "the Secretary shall assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge; . . . and, acquire, under State law, water rights that are needed for refuge purposes."

2. ***Acquire transferred senior water rights for the Lower Klamath NWR***

The Lower Klamath NWR does have limited water rights; however, these are not honored by the Bureau (see item 1). The acquisition of water rights from willing sellers outside the Klamath Project could contribute to a reliable supply without altering Project water allocated to Klamath Tribes, agriculture, and endangered species.

Up to 30,000 acre-feet of water could be available. Although a water transfer of this magnitude would not provide the full supply the refuge requires, it would allow habitat managers to plan their water use to manage habitat for wetland dependent wildlife efficiently and effectively.

3. ***The Department of Interior should renew and facilitate efforts for a comprehensive agreement that provides a reliable water supply to all users in the Klamath Basin***

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In 2010, the water users in the Klamath Basin entered into the Klamath Basin Restoration

Agreement (KBRA), which would have incorporated the Klamath Refuges as a stakeholder in the Project and equitably allocated water to all stakeholders. Unfortunately, the KBRA was not authorized by Congress before it lapsed under term. The Klamath Refuges receive erratic and unreliable water deliveries and are prone to complete water delivery shutoffs. This has resulted in a significant decline of wetland habitat acres and reduced wetland quality causing a loss of functional connectivity within the Klamath basin. Inconsistent water supplies make it impossible for the refuge to efficiently manage limited wildlife habitat to produce adequate food resources for birds and manage invasive species. Chronic reduced water deliveries, deteriorating habitat conditions, and significantly declining bird use, demonstrate that a consistent and secure water supply is needed to conserve both the wetland habitats and associated wildlife.

Sincerely,

Ken McDonald, Chair  
Pacific Flyway Council

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