

July 25, 2023

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

RE: Water Crisis at Klamath Refuges

Dear Secretary Haaland:

The undersigned organizations are writing to express our serious concerns about the lack of water deliveries from the Klamath Project to the Lower Klamath National Wildlife Refuge (LKNWR) and Tule Lake National Wildlife Refuge in northeastern California, which continue to negatively impact waterfowl and other wetland-dependent wildlife. Specifically, we believe that water deliveries to the refuges need to be included in the Bureau of Reclamation's (Reclamation) proposed action in the upcoming biological opinion for Klamath Project operations. The Department of the Interior (DOI) should also utilize available funding from the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) to permanently acquire water rights from willing sellers for the benefit of LKNWR.

It is our understanding that Reclamation's 2023 Operations Plan does not include any water deliveries to the refuges. We appreciate the complexity of water management in the Klamath Basin but are disturbed that all other users of water – endangered fish, agriculture, and Tribes – will receive water while most of the refuges remain dry. The current Interim Operations Plan for the Klamath Project has resulted in almost no meaningful deliveries of water, other than a limited amount in the winter, for managed wetlands of the Klamath Refuges.

We understand that the Department of the Interior (DOI) is currently developing a new biological opinion for operation of the Klamath Project, and we strongly urge you to include water deliveries to refuges as a part of the Proposed Action. Doing so would ensure compliance with the Kuchel Act and the National Wildlife Refuge Improvement Act (NWRIA), which states 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.”

DOI holds two sources of state-adjudicated water rights for the LKNWR: Claim 312, Bureau of Reclamation, and Claim 313, Fish and Wildlife Service. These rights should be recognized and honored in annual operations plans and biological opinions for the Klamath Project. Previous Secretaries pledged to make a determination regarding the LKNWR's within-Project priority under Claim 312, which the evidence clearly establishes should be an “A” priority. We respectfully request that you review the record and undertake to complete that long-awaited decision, which would greatly help in recovering from a substantial loss of food supply and habitat at the refuge.

As you are aware, the last three years have been amongst the driest period on record for the Klamath refuges. Because of reduced water deliveries, waterfowl counts in both 2020 and 2021 were among the lowest ever recorded. In 2020, 60,000 waterfowl and other waterbirds died from an avian botulism outbreak at LKNWR and neighboring Tule Lake Refuge, which was exacerbated by low water conditions. Aerial surveys later that fall showed waterfowl numbers at both refuges down 86%, the lowest fall counts ever recorded.

Currently, the only flooded wetland habitat on LKNWR is the results of water purchases brokered and paid for by the California Waterfowl Association. This includes a spot market purchase of 2,500 acre-feet this spring from the Klamath Drainage District that was delivered to Unit 2, the main sanctuary unit for the LKNWR.

A separate, voluntary, water rights purchase agreement of 3,750 acre-feet from a landowner in the Wood River Valley of Oregon is currently helping to maintain the water levels of Unit 2. That transaction has thus far been paid for only through the donations from the California Waterfowl Association and grant funding from the State of California.

Without additional water deliveries later this summer, another severe outbreak of avian botulism is likely to occur with the potential to kill tens of thousands of more waterfowl. This not only negatively affects local waterfowl populations, but migratory waterfowl that travel throughout the Pacific Flyway states.

While including deliveries to the Klamath refuges in the Klamath Project biological opinion is necessary, financial assistance from the federal government is still critical. Congress made funding available in the Bipartisan Infrastructure Law for ecosystem restoration in the Klamath Basin. DOI should expedite completion of the above-mentioned 3,750 acre-foot water rights purchase, as well as the acquisition of additional water rights from willing sellers identified in a 2021 Environmental Assessment by the U.S. Fish and Wildlife Service. It should be noted that a similar water rights purchase strategy has helped nearby Stillwater Refuge in Nevada obtain a more reliable supply of water to meet its annual wetland management needs.

Thank you for your attention to this matter. We look forward to a response to these concerns and recommendations from your office.

Sincerely,

California Waterfowl Association
Grassland Water District
Delta Waterfowl
Sustainable Northwest
The Black Brant Group
Tulare Basin Wetlands Association
Suisun Resource Conservation District
Audubon California
Cal-Ore Wetlands & Waterfowl Council
The Nature Conservancy – California Chapter
National Audubon Society

