

Hunting and Wildlife Conservation Council

September 19, 2023

The Honorable Deb Haaland
Secretary
United States Department of Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Haaland:

The Hunting and Wildlife Conservation Council wishes to express our 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 (TLNWR) in northeastern California, which continue to negatively impact waterfowl and other wetland-dependent wildlife. Specifically, we recommend that water deliveries to the refuges 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 find it unacceptable that refuges remain the only water user in the basin that are not receiving water given the negative impacts on waterfowl populations and habitat in the Pacific Flyway. 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 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

CHAIR
Collin O'Mara

VICE CHAIR
John Devney

MEMBERS

Colin Beck

Ryan Busse

Jeffrey Crane

Michael Crowder

George Dunklin, Jr.

Bethany Erb

Daniel Forster

Cole Mannix

Lucas Martinez

Lydia Parker

Joel Pedersen

Land Tawney

Keith Tidball

Lauren Ward

Joel Webster

Designated Federal Officer

Douglas Hobbs
U.S. Fish and Wildlife Service
5275 Leesburg Pike, MS:OC
Falls Church, Virginia 22041
P 703-358-2336

regarding the LKNWR's within-Project priority under Claim 312, which the evidence clearly establishes should be an "A" priority. We respectfully recommend 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 percent, the lowest fall counts ever recorded.

This spring and summer, the only flooded wetland habitat on LKNWR was the result of water purchases that were 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 also provided water to Unit 2.

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.


We would appreciate a response to these recommendations and an update from appropriate staff on the DOI plan to address the LKNWR and TLNWR water crisis prior to our next Council meeting, the date yet to be determined.

Thank you for your consideration of this request. Should you have questions or need more information regarding this matter, please contact Doug Hobbs, the Council's Designated Federal Officer, at doug_hobbs@fws.gov or (703) 358-2336.

Sincerely,



Collin O'Mara
Chair



John Devney
Vice Chair

Cc: HWCC members

Matt Strickler, Deputy Assistant Secretary – Fish and Wildlife and Parks, DOI

Martha Williams, Director, U.S. Fish & Wildlife Service

Cynthia Martinez, Chief – National Wildlife Refuge System, U.S. Fish & Wildlife Service

Matthew Huggler, Acting Assistant Director – Office of Communications, U.S. Fish & Wildlife Service