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WATER KLAMATH WATER EFFORTS SLOW BUT STEADFAST

by **JEFFREY A. VOLBERG, DIRECTOR OF WATER LAW AND POLICY**

After suffering a devastating defeat at the end of 2015, water interests in the Klamath Basin are re-forming a coalition to fight for a more equitable distribution of water in the Basin, which is a critical staging area for migrating birds, as well as an important hunting region. California Waterfowl will seek to join the coalition.

In the face of a continuing water shortage at the Lower Klamath National Wildlife Refuge, the pace of progress is frustratingly slow. Lower Klamath got some water in August, but little in September and October, save what fell out of the sky.

But stakeholders including CWA remain steadfast, bolstered by a recent federal report highlighting the stark differences between the amount of water Lower Klamath needs and the amount it gets.

The story behind the water shortage is complex because it is man-made, not a function of drought. Water in the Basin is managed for the benefit of agriculture, fish and wildlife, and tribes. The Klamath Project collects water from the Upper Klamath River and from the Link and Lost rivers and stores it in Upper Klamath Lake and other reservoirs, from which it is distributed throughout the Basin.

Since the late 1990s, the water has been managed primarily to ensure the survival of endangered sucker fish and coho salmon. The distribution of water

is governed by “biological opinions” promulgated by the U.S. Fish and Wildlife Service, which dictate how much water may be distributed each month and how much has to be stored in Upper Klamath Lake. The refuge staff, with its waterfowl and bird biologists, was not consulted in the preparation of the biological opinions, even though they are employed by the same agency.

Constrained by the biological opinions, the U.S. Bureau of Reclamation operates the Project to distribute any water left over after endangered species requirements to its contractors. The Lower Klamath refuge is not a contractor and is only entitled to water that is left over after contractors’ needs are met. The refuge receives some water from the Project each year, and it also receives agricultural runoff that drains into the Tule Lake National Wildlife Refuge, then is pumped through a tunnel under Sheepy Ridge to Lower Klamath.

The amount of water the refuge receives is less than it needs in a normal year and is desperately short in drought years. Millions of ducks, geese, shorebirds, eagles and other migratory birds use the refuge in the fall and spring as they migrate on the Pacific Flyway. The biological opinions prevent the delivery of water from the Project to the refuge in the spring and summer and restrict the delivery of Project water in the fall and winter months, when it is most critical for waterfowl and for hunters.

Under the Klamath Basin Restoration Agreement – the proposal that collapsed at the end of 2015 – the refuge would have been made a stated purpose of the Project and would have been assured of an adequate water supply in nine out of 10 years. A group of farmers, tribes, federal and state agencies, and conservation groups has united to revive the water-supply provisions of the agreement.

This group will be accepting new members in January 2017, and California Waterfowl intends to join and participate actively. Only through the provisions of the revived Klamath Basin agreement will the refuge be able to receive all the water it needs, when it needs it. Under the biological opinions, the best the refuge can receive will be about 80 percent of its full water needs in wet years and much less in drier years.

The U.S. Fish and Wildlife Service issued a draft Comprehensive Conservation Plan for all of the Klamath Basin wildlife refuges last spring. The draft plan highlighted the differences between the water supply that could be provided under the biological opinions and under the revived agreement. The differences are stark.

California Waterfowl submitted comments on the draft Conservation Plan emphasizing the need to restore the water-supply provisions of the agreement, rather than to continue to operate solely under the biological opinions. The comments also emphasized the importance of providing water to the Lower Klamath NWR for flood-up prior to the pre-season youth hunt and the opening of the hunting season.

After the good winter of 2015-16, there has been some excess water available in the Klamath Project. The Bureau of Reclamation delivered water to Lower Klamath in August, but was cut off for September and October by the biological opinions. The Bureau was able to deliver some additional water in September and October, but hunters on Opening Day were disappointed with the amount of wetlands that were flooded up.

The Klamath National Wildlife Refuges’ water supply problem will continue to be a primary focus of California Waterfowl until the refuges are able to receive all the water they need, when they need it. 🦆

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