

July 12, 2024

Via Electronic Mail Only

Honorable Camille Calimim Touton
Commissioner
United States Bureau of Reclamation
ctouton@usbr.gov

Subject: Exigent Issues for Klamath Project Operations

Dear Commissioner:

There is an urgent need for informed, prudent water management in the Klamath Basin. Klamath Water Users Association (KWUA) has been in continuous dialogue with federal agencies and other parties regarding the issues in this letter, but time has run out. KWUA respectfully requests that the Bureau of Reclamation (Reclamation) exert strong leadership among the federal agencies and take immediate action to prevent unnecessary disasters.

Here, we describe the immediate threats and needed responses. We know that our letter may trigger positional bargaining over water volumes that have plagued Klamath Project (Project) operations for too long. We implore you and your colleagues to reject this dynamic and instead take immediate action based on public interest and common sense.

Need to Prevent Waterfowl Disease

First, KWUA is deeply concerned by the high potential for disease outbreaks and mass waterfowl mortality in Lower Klamath and Tule Lake National Wildlife Refuges (Refuges). Based on our most recent information, this risk is not hypothetical; symptoms are appearing now.

In 2020, restrictions on the diversion of water resulted in Sump 1A on Tule Lake National Wildlife Refuge becoming hot and shallow – with no water circulating through this 9,000-acre lake. These conditions were central to an outbreak of avian botulism, estimated to have killed 60,000 ducks. In 2021, thanks to the extraordinary efforts of the Tulelake Irrigation District (TID), a similar outbreak was avoided in both Sumps 1A and 1B.

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Earlier this year, with recent hydrology and some unique operational opportunities, TID and Klamath Drainage District, in close coordination with U.S. Fish and Wildlife Service (USFWS) Refuge staff, were able to help refill portions of the Refuges, which largely had been dewatered for more than four years. These efforts have produced a remarkable recovery of the Refuges' wetlands and diverse populations of birds this spring, including hundreds of thousands of still flightless hatchlings. With cause, KWUA fears that we are poised for an even worse situation than the 2020 disaster. We implore Reclamation to confer with Refuge managers immediately and learn their perspectives.

KWUA and member districts have been working closely with Refuge staff to identify viable operations and approaches to water management to prevent the pending crisis. These discussions have been especially informed by the recent and ongoing dialogue regarding the "flow-through" concept, which is also a longer-term solution. Without going into detail here, we believe that an opportunity exists for a coordinated set of joint operations that could not only avert the impending catastrophe for birds this year, but also validate a more comprehensive, multi-benefit operation that also addresses water quality problems in the Klamath River.

These operations, both in the immediate and longer-term, are only achievable through the actions and management decisions of KWUA's member districts. We stand prepared to assist and help realize durable solutions.

Need to Prevent Damage to Agricultural Communities

Second, we face the prospect of unnecessary irrigation curtailments. Already having received little or no water for three years in a row, this year, over 50,000 acres in the Klamath Project served under Warren Act contracts have been allocated just 0.6 acre-feet per acre of water. That allocation can and should increase immediately. Further, if hot and dry conditions continue with no break, the current total Project supply available from Upper Klamath Lake (260,000 acre-feet) appears likely to be exhausted sometime in September. Just as we need to avoid a disaster for the Refuges, we need to avoid disaster for agricultural communities and bring this year's crops to full production and harvest.

Need for Collaboration on Stressors to Aquatic Species

Third, we also have significant concerns about Klamath River and Upper Klamath Lake, and the fish and wildlife they support. This letter does not suggest immediate management actions required at this time, but parties can and should be prepared to address fast-evolving conditions.

Current water temperatures in the Klamath River mainstem far exceed levels stressful and even lethal for salmon and other fish. The hottest water of all is coming out of Upper Klamath Lake (78°F and rising). Elevated water temperatures are a well-known driver of fish

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disease in the Klamath River, particularly *Ich*, as demonstrated by the 2002 fish die-off on the Lower Klamath River.

We are aware that discussions are underway among federal agencies, tribes, and the Klamath River Renewal Corporation about the possibility of special releases from Upper Klamath Lake to transport sediment that will be discharged into the mainstem Klamath River when the coffer dam at Iron Gate is breached in the coming months. Yet such flows are not provided for under Reclamation's current "Interim Operations Plan" or the new proposed action. The sediment discharged to the Klamath River during the final breach of the coffer dam at Iron Gate will be additive to the considerable volume of fine organic sediment that appears to have already been deposited in the Klamath River as a result of dam removal. We have concerns, this year and going forward, about potential direct and indirect impacts of the sediment.

The Project should not and cannot be held responsible for mitigating impacts of dam removal, this year or at any time in the future. But current and upcoming river conditions underscore the need for a new paradigm based on cooperation.

KWUA also has concerns about the apparent status of the remaining populations of Lost River and shortnose sucker in Upper Klamath Lake. This year's monitoring of these fish, both for their spawning and habitat use around the lake, initially suggests a precipitous decline over the last year.

Farmers and ranchers within the Project have always been and continue to be willing to assist in the recovery of species and to work with other stakeholders to address their interests. We expect equal respect for the interests of agricultural communities.

KWUA has invited Klamath Basin tribes to work with KWUA and its members to address these challenges, both immediate and long-term, in a new spirit of cooperation, rather than resorting to positional bargaining over water. That attitude is reflected in KWUA's participation in the memorandum of understanding for ecosystem recovery in the Klamath Basin.

That spirit must become the norm in water management. We urge leadership within Reclamation and the Departments of Interior and Commerce to embrace this attitude and exercise all influence and discretion to encourage other stakeholders to work together to address all interests and needs in the Klamath Basin, including those of farms and ranches in the Project.

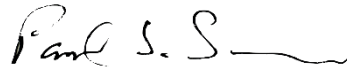
Request for Immediate Action

KWUA emphasizes the need for immediate action to prevent unnecessary damage. If necessary, we will continue to share more specific information on all these issues with your staff, other agencies, and interested parties. We respectfully request your focused attention on

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this year's operations, particularly the immediate concerns with respect to the Refuges, the insufficient allocation for Warren Act contractors, and the likelihood for an end-of-season shortage in the available Project supply.

Sincerely,



Paul S. Simmons
Executive Director/Counsel

cc (via email): Karl Stock (kstock@usbr.gov)
David Palumbo (dpalumbo@usbr.gov)
John Watts (jwatts@usbr.gov)
Lanie Paquin (mpaquin@usbr.gov)
Alan Heck (aheck@usbr.gov)
Carter Brown (carter.brown@sol.doi.gov)
Anna Braithwaite (anna.brathwaite@sol.doi.gov)
Matt Strickler (matthew_strickler@ios.doi.gov)
Janet Coit (janet.coit@noaa.gov)
Lisa Van Atta (alecia.vanatta@noaa.gov)
Paul Souza (paul_souza@fws.gov)
Adam Johnson (paul_souza@fws.gov)

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