

Testimony of the California Waterfowl Association

Before the House Committee on Natural Resources Subcommittee on Water, Oceans, and Wildlife United States House of Representatives Klamath River Basin Conditions and Opportunities March 8, 2022

Introduction

The California Waterfowl Association (CWA) was formed in 1945 by duck hunters concerned about the growing need for waterfowl conservation efforts in California. Today, CWA is the largest state-based waterfowl group in the U.S. Its vision is a California with thriving waterfowl populations, vibrant wetland ecosystems and respected hunting communities. Our approach to conservation is to rely on science and work cooperatively with private landowners, state and federal resource agencies and other partners to achieve ecological benefits for both wildlife and people.

In the last three decades, CWA has completed more than 1,400 individual projects to protect, restore, and enhance almost 700,000 acres of wetlands and other waterfowl habitat, benefiting both game and nongame species. Recognizing the critical role that agriculture plays in California, the organization works to promote wildlife-friendly farming practices, including a new delayed wheat harvest incentive program that gives ground-nesting birds the chance to hatch their young and leave the field before harvest.

CWA's education programs have reached almost 320,000 children, young adults, and families to help to create a better understanding of biology, conservation, and the outdoors. Its hunting education programs help train adults and children alike to become responsible hunter-conservationists and nurture their pursuits in the field and marsh in hopes they'll develop a lasting passion for the outdoors that will be passed to the next generation.

Significance of the Lower Klamath National Wildlife Refuge

The Lower Klamath National Wildlife Refuge (LKNWR) has been in a continuous crisis for the past 20-years. Established in 1908 by President Theodore Roosevelt, the LKNWR is the nation's first national wildlife refuge dedicated to waterfowl. Containing 50,000 acres, the LKNWR sits astride the California-Oregon border. Originally comprising a lake and surrounding wetlands, the refuge is sustained almost entirely by water left in the Klamath River system after all other water needs are met.

The LKNWR is arguably the most important waterfowl refuge in the Western United States. An estimated 80% of Pacific Flyway waterfowl, representing one-quarter of the continental population, depend on the Klamath region for fall and spring staging during their annual migrations.

LKNWR also provides critical habitat for tens of thousands of waterfowl to breed and rear their young, most notably mallards, cinnamon teal, gadwall, and Canada geese. Many of these waterfowl then winter in the Central Valley and other parts of California. In addition, it's one of the few major wetlands in California where ducks and geese can safely molt (i.e. replace their flight feathers). Simply put, the refuge provides year-round habitat for ducks and geese, when it can get the water.

Crisis in the Klamath

The LKNWR has repeatedly been left mostly dry over the past 15 years. The lack of water causes waterfowl to crowd together on the remaining flooded wetlands, which worsens outbreaks of avian diseases such as botulism and cholera. The summer of 2020 saw an outbreak of avian botulism that killed an estimated 60,000 birds. CWA staff did double duty rescuing ducks infected with avian botulism and picking up the carcasses of the ducks and shorebirds that died of the disease.

The effects of low water on the refuge are not isolated to the Klamath basin nor are they limited to waterfowl. They ripple throughout the entire Pacific Flyway, leading to long term negative impacts to waterfowl from Alaska to Mexico and harm other species like bald eagles.

The refuge receives water from the Klamath Project in two ways: through the Ady Canal, mostly after the irrigation season if there is water left over after deliveries to Klamath Project contractors; and "through the hill" from the Tule Lake National Wildlife Refuge by way of "D Plant" a pumping station.

Historically, two thirds of the LKNWR water supply was delivered "through the hill" by the Tule Lake Irrigation District. In 2005, the district's electric power contract with PacifiCorp expired, causing the cost of running D Plant to increase beyond what the district could afford to spend. In addition, the quantity of agricultural drain water declined. The amount pumped eventually decreased by more than half, which led to a large portion of the refuge being dry in most years. Also, droughts and reductions in the Klamath Project's water supply has reduced the Ady Canal supply in many years.

As a result, the amount of flooded acreage on the refuge has declined by at least 50 percent in all but the wettest years, which have been rare this century. The number of birds (waterfowl and shorebirds) on the Pacific Flyway that stop and stage at LKNWR, or that summer at the refuge to breed and molt, has decreased accordingly. Of note, fall 2020 and 2021 surveys revealed some of the lowest waterfowl counts on record for LKNWR going back to the 1950s.

And currently as of March of 2022, LKNWR has only a part of one wetland unit flooded when there should normally be thousands of flooded acres to serve the spring migration needs of waterfowl.

The Solution

A 2021 assessment by the U.S. Fish and Wildlife Service (USFWS) identified an additional 30,000-acre feet of water available from willing landowners to support the waterfowl populations that need the refuge. The solution is clear – we need to establish a high priority, reliable source of water for the refuge to enable the USFWS to fulfill its mission of optimizing habitat conditions on the refuge for all wildlife.

Because of this, CWA has taken it upon itself to be a part of the solution and has sought senior water rights that can be voluntarily purchased and transferred to the refuge.

CWA believes that solving the Klamath crisis means ensuring that potential solutions do not benefit one Klamath stakeholder to the detriment of others. This means that water transfers to the refuge must not harm tribes, the Klamath Project, or listed species.

In 2021, a rancher from the Wood River Valley above Upper Klamath Lake offered to transfer the water rights from his cattle ranch to the LKNWR. The water rights have an 1864 priority date, which makes them junior only to the Klamath Tribes' time immemorial rights.

Working with the rancher, the State of Oregon, and the Department of the Interior, CWA was able to successfully enter a contract to purchase a of temporary transfer of 3,750-acre feet of senior water rights to the LKNWR, helping to flood the most important wetland unit (Unit 2) on the refuge in the late summer. In approving the transfer, the Oregon Water Resources Department had to ensure that the transfer did not harm water rights in the basin.

This, and future voluntary transfers, will provide numerous benefits beyond those to the LKNWR including:

- A reduction in particulate phosphorus and nitrogen laden return flows of irrigation water into Upper Klamath Lake as ranchers switch from flood irrigation to dryland pasture, which will benefit ESA listed species in the lake.
- An approximately 50% reduction in cattle numbers, further reducing the effluent flows into Upper Klamath Lake from natural winter runoff results from the dryland ranch management regime.
- The full transferred amount of water for participating ranches will remain instream permanently, adding incremental amounts of water above the Klamath Tribes' call, which will benefit both the quantity and quality of water in Wood River Valley tributaries to Upper Klamath Lake.

Need for Federal Support

To secure the volume of water necessary to ensure the LKNWR can continue to support the Pacific Flyway, it is imperative that the Fish and Wildlife Service have funding to acquire water rights from willing sellers and then transfer those rights to the refuge. CWA's contract for 3,750-acre feet of water for the refuge has demonstrated a proof of concept which must be expanded on.

The Infrastructure Investment and Jobs Act included \$162 million for Klamath basin restoration activities – CWA strongly supports the use of these funds for voluntary water rights acquisition.