

Upper Klamath Basin Refuge Crisis Will Not Be Solved by Restoration Agreement:
Time to Take Another Path
By Greg King

Thanks to the Times Standard for the April 10 AP article covering the Upper Klamath Basin water supply crisis on the National Wildlife Refuges (Scarce Water Spreads Disease on Waterfowl Refuge) and the related guest editorial of April 12 by Erik Bergren (Restoration Pact Offers Klamath Basin Hope). As the Executive Director of the Northcoast Environmental Center, I was engaged in Klamath Settlement negotiations from 2007 through 2009. The AP article and the editorial both state that the Klamath Basin Restoration Agreement (KBRA) would resolve water supply problems for the Lower Klamath and Tule Lake National Wildlife Refuges. This is not true.

The Klamath Refuges constitute one of the world's most important migratory bird habitats, with 40% of the birds on the Pacific Flyway over-wintering there. The recent death of an estimated 10,000 ducks, geese and other waterfowl due to avian cholera can be expected to recur regularly, if the KBRA is implemented. For example, the language "guaranteeing" a minimum of 24,000 acre-feet of water delivery to Lower Klamath Refuge in extreme drought is contradicted elsewhere in the KBRA and in fact there is no floor. Even the 24,000 acre-feet is a fraction of the 32,255-125,000 acre-feet that U.S. Fish and Wildlife reports say is needed to support over-wintering water fowl and bald eagles.

Mr. Bergen and the AP article incorrectly state that the Tule Lake and Lower Klamath National Wildlife Refuges have junior water rights. In fact, the lease lands within the Refuges have 1905 water rights that should be transferred to fish and wildlife purposes through adjudication. Furthermore, the other parts of the Lower Klamath Refuge have a 1908 water right and the Tule Lake Refuge has a 1928 water right. These are senior to many others and the adjudication now underway in Oregon should result in more water delivery to Lower Klamath Lake and Tule Lake without the KBRA.

The AP story also states that allocation for the refuges worked fine until "more water had to be allocated to the river for endangered salmon, and to Upper Klamath Lake for endangered suckers." Storing more winter water in Upper Klamath Lake is actually a water security measure for the Klamath Project irrigators and doesn't materially benefit Lost River and shortnose suckers sucker recovery because conditions in the lake are often lethal to young. This is because not enough is being done to restore the marshes that once bordered the lake and maintained its ecological balance. Ironically, Upper Klamath Lake was filled by holding back lower Klamath River flows for coho salmon between the months of October and February just passed, without regard to the Endangered Species Act (ESA) and the Biological Opinion (B.O.) between the National Marine Fisheries Service and the Bureau of Reclamation (BOR), which operates the Klamath Project.

On April 22, 2010, less than 90 days after the KBRA was signed, the U.S. Fish and Wildlife Service issued a modified B.O. that gave the BOR permission to allow Tule Lake levels to drop to where they would no longer support the two sucker species. The

BOR subsequently removed over 400 endangered Lost River and shortnose suckers from Tule Lake, violating both the federal and California ESA, under which both species are listed. At this point, extinction could be just around the corner for these critical indicator species, thanks to an unwillingness of federal and State officials to uphold environmental laws.

The losses suffered by the formerly magnificent lakes on the Klamath National Wildlife Refuges are almost Biblical. Tule Lake, which was formerly 110,000 acres, has been reduced to 9,000-13,000 acres. Lower Klamath Lake, formerly 85,000 acres, is now only 4,000-7,000 acres, depending on the water year. Today, 22,000 acres of these wildlife refuges have been taken over by industrial agriculture, a situation that does not occur anywhere else in the nation. Under the KBRA, this agricultural use of the refuges will continue for 50 years.

To restore health to this system, we need to let the Klamath River flow into Lower Klamath Lake, as it did historically. Unless we expand marshes in the National Wildlife Refuges, effluent from the Klamath Project will continue to cause the Klamath River within Keno Reservoir to remain an anoxic dead zone for weeks each year. Disastrous ripple impacts for salmon downstream will continue and will offset benefits of dam removal. This would be the legacy of the KBRA.