



Conserving California's waterfowl, wetlands, and waterfowling heritage.

CALIFORNIA WATERFOWL ASSOCIATION

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"Preserving California's waterfowl, wetlands, and outdoor heritage . . .since 1945"

Testimony of

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Director, Government Affairs
California Waterfowl Association**

**Before the Committee on Resources
Subcommittee on Water and Power
United States House of Representatives**

Klamath Oversight Field Hearing

"The Endangered Species Act 30 Years Later: The Klamath Project"

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Good morning. Mr. Chairman and Members of the Committee, my name is Bill Gaines, and I am the Director of Government Affairs for the California Waterfowl Association. On behalf of our Association's nearly 20,000 members, and waterfowl enthusiasts throughout the Pacific Flyway, I would like to thank you for coming to Klamath Falls, and for providing us the opportunity to present our concerns regarding the chronic water crisis that continues to plague the Upper Klamath Basin.

Founded in 1945, the California Waterfowl Association (CWA) is a private, nonprofit organization dedicated to the conservation of California's waterfowl, wetlands and our sporting heritage. The California Waterfowl Association effectively pursues this mission through waterfowl research, habitat projects, education and outreach programs, and Government Affairs activities.

The Upper Klamath Basin is the most critical waterfowl staging area in all of North America. So important is the Klamath Basin to North American waterfowl on their annual migration that the region can be easily located on a flyway map simply by locating the "apex of the Pacific Flyway hourglass."

Historically, this Basin contained over 350,000 acres of naturally occurring seasonal and permanent wetland habitats. Today, however, largely due to the construction of the Klamath Reclamation Project, over 75% of these historic wetlands have been destroyed. Yet, each year, an estimate 80% of Pacific Flyway waterfowl – representing nearly a full one-third of the continental population – depend upon this Basin's few remaining wetlands and agricultural lands for critical staging habitat. In addition to waterfowl, remaining wetlands in the Basin – nearly all of which are contained within the Klamath National Wildlife Refuge Complex – also provide critical habitat for many other species. In fact, more than 430 other wildlife species have been documented in the Upper Klamath Basin – including the largest wintering concentration of bald eagles in the lower 48 states.

Recognizing the importance of the Upper Klamath Basin to migratory waterfowl, and the tremendous loss of waterfowl habitat resulting from the construction of the Klamath Reclamation Project in 1906, President Teddy Roosevelt established the Lower Klamath National Wildlife Refuge by Executive Order in 1908. Nearly one hundred years later, the Klamath National Wildlife Refuge Complex remains the most important waterfowl refuge in the entire National Wildlife Refuge System.

Because of the Klamath Reclamation Project, and the manner in which it changed the Upper Basin's natural hydrology, nearly all of the region's wetlands must now be "managed" – artificially irrigated and intensely managed to maintain marsh conditions. In effect, public and private wetland managers in the Klamath Basin must now "farm for ducks". As a result of this condition, the quantity and quality of wetland habitat available in any given year – most notably the critical waterfowl habitats available on the Lower Klamath and Tule Lake National Wildlife Refuges – is heavily dependent upon availability of wetland water supplies from the Klamath Reclamation Project. Tragically, as you are all keenly aware, the Upper Basin's highly limited surface water supply, combined with the regulatory actions mandated by Biological Opinions, will result in little Project surface water being made available to the refuges this year, and little or no water for these managed wetlands in all but the wettest of future water years.

Combined, Lower Klamath and Tule Lake National Wildlife Refuges require about 216,000 acre-feet of water each year for full and appropriate habitat management. Yet, again this year, artificially high Endangered Species Act (ESA) mandated water levels in Upper Klamath Lake and enhanced flows in the Klamath River will minimize Klamath Reclamation Project deliveries to wildlife habitat on Klamath National Wildlife Refuges – marking the fifth year in a row in which the Refuge Complex must operate on a substantially reduced water budget. With this summer’s Project deliveries to the refuge again at a minimum, refuge staff are being forced to cannibalize some wetland units in an attempt to adequately manage others. The net result being a 50% reduction in wetland habitats available on Lower Klamath Refuge.

Some environmentalists, in their effort to protect both fish and wildlife, have sought to address this problem by calling for the complete elimination of agriculture in this Basin in order to redirect surface water to refuge wetlands. Our Association, however, is here to tell you that the elimination of agriculture is not the answer. In fact, eliminating agriculture in the Upper Klamath Basin in an attempt to free up wetland water would substantially harm, not help Pacific Flyway waterfowl. With three-quarters of our Upper Basin wetlands no longer available, it is crucial that we do all we can to manage the few habitats that remain in order to maximize their values and functions for waterfowl and other wildlife. Yet, even if we had sufficient annual Klamath Project water available to maximize the values of these few wetlands, we still could not meet the biological needs of the tremendous numbers of waterfowl that depend upon this region. As such, similar to California’s Sacramento Valley where over one-half million acres of rice production provides vitally important surrogate habitat for waterfowl, cereal grains and other wildlife-friendly agriculture in this Basin are critical to meeting the annual needs of Pacific Flyway waterfowl.

In addition to the direct habitat agricultural production provides, perfectly timed “tail water” made available to the refuges by growers who are de-watering their fields in the late summer and early fall provides the cornerstone of surface water necessary for the especially important annual fall flood up. Further, the willingness of farmers and local agricultural irrigation districts to pump ground water from their wells and wheel it to the refuges at time of greatest need, often at little or no cost, has proved integral to refuge management throughout this continuing water crisis. Suffice it to say that removing wildlife-friendly agriculture from the Upper Klamath Basin – regardless of the quantity of water it may free up for refuge use – would devastate our Pacific Flyway waterfowl resource by eliminating roughly half of the Upper Basin’s annual waterfowl food base and our only current stable source of annual wetland surface water supplies.

Members of the Committee, three species of fish continue to hold the Pacific Flyway, the bald eagle, roughly 430 other wildlife species, 1,200 families and the entire local economy hostage in the Upper Klamath Basin. The California Waterfowl Association does not believe that this was Congress’ true intent when they passed the Endangered Species Act a few short decades ago. Truly, as our nation becomes more urbanized, conflicts between our fish and wildlife species and our human environment will become increasingly common. Today’s crisis in Klamath can be viewed as the “canary in the mineshaft” for what we can expect in the future should resource agencies be allowed to continue to implement the ESA as they do today.

To address these very real concerns, we ask Members of this Committee, and all of Congress to join our Association in seeking some solutions. We ask you to join us in calling for U.S. Department of Interior agencies to veer away from irresponsible “single-species” management, and instead require that the impacts and risks to waterfowl and wildlife be also considered when making water allocation and other decisions under the ESA. We also ask that the importance of wildlife-friendly agriculture and the vital water supplies that the farming community makes available for wetland use be fully considered when evaluating the importance of agriculture in the Upper Basin relative to the watershed’s environmental needs.

The California Waterfowl Association also asks for an opportunity to work with Congress on seeking changes in the Endangered Species Act which recognize our obligation to our international neighbors under the Migratory Bird Treaty and elevate our internationally shared migratory waterfowl resource to a par with listed species. We also wish to work with Congress on obtaining careful, common sense amendments to the ESA which will forever ensure that impacts to all non-listed species are appropriately considered before implementing actions directed at addressing listed species concerns. Closer to home, and more specifically, we ask for Congress to direct the Klamath Reclamation Project to elevate the priority of refuge water deliveries to an equal par with fish water, without impacting agricultural deliveries which are vital not only to the local economy, but also to Pacific Flyway waterfowl.

We also urge Congress to strongly consider appropriating federal funding for projects designed to increase the surface water annually available to meet the region’s water needs. For example, off-stream storage facilities to capture excess flows when available, and tail-water return systems which more effectively utilize available supplies could play a vital role in addressing the region’s water woes. In addition, these types of facilities, if properly managed, can also provide additional waterfowl habitat and groundwater recharge benefits. We also hope to work with Congress to design new and creative programs in the next Farm Bill which provide additional incentives to encourage more wildlife-friendly farming and ranching practices.

The Upper Klamath Basin is the most important waterfowl staging area in all of North America. Yet only about 25% of the Basin’s historic wetland habitat base remains today. With nearly all of these remaining wetlands contained within the boundaries of the Klamath Basin National Wildlife Refuge Complex, it is critical that we allocate sufficient water to address the needs of the waterfowl, bald eagles and the hundreds of other species which depend upon this habitat. When making water allocation decisions we must also consider the vitally important wildlife benefits provided by local agriculture, and, of course, the importance of farming to local families and the community.

Finally, we ask the Committee to recognize that the most important environmental assets of the Klamath Basin – its waterfowl – are also the greatest victims of the current water management decisions. It is also important to recognize that waterfowl hunting provides a financial and emotional commitment to the conservation, and enhancement of wetlands throughout North America. Throughout California, as an example, 70% of the wetlands which remain today are privately owned and managed, with the sole incentive of these landowners being the ability to hunt ducks and geese on these

habitats during the waterfowl season. Yet, these wetlands directly or indirectly support hundreds of wildlife species year-round, as well as an estimated 50% of California's listed species.

Klamath Reclamation Project water allocations mandated to address the needs of three listed fish species in the Klamath Basin are seriously threatening the future health and well-being of the Upper Klamath Basin community, and the Pacific Flyway. We urge the Committee to recognize this serious fault and demand that future water management strategies assure that waterfowl, including the farm and ranch food resources, are equally protected.

The California Waterfowl Association appreciates the opportunity to provide testimony today. We do not believe there can be only one "winner" in this crisis. We believe that if we all work together we can find solutions which meet the needs of the local community, the Pacific Flyway, other wildlife and the fish species. We look forward to working with Congress and all interests in seeking these solutions.