

Committee on Resources, Full Committee

- - Rep. James V. Hansen, Chairman

U.S. House of Representatives, Washington, D.C. 20515-6201 - - (202) 225-2761

Witness Statement

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

Testimony of
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U.S. House of Representatives
Committee on Resources
Klamath Water Field Hearing
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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 15,000 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 serious water crisis currently confronting 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 North America. So important is the Klamath Basin to North American waterfowl on their annual migratory trek 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 habitat. Today, however, largely due to the construction of the Klamath Reclamation Project, over 75% of these historic wetlands have been destroyed. Yet, each year, a full 75% of Pacific Flyway waterfowl depend upon this Basin's few remaining wetlands and wildlife-friendly agricultural lands for critical staging habitat. In addition to waterfowl, remaining wetlands in the Basin - nearly all of which are now 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 just two years later. 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 "farm for ducks". As a result of this condition, the quantity and quality of wetland habitat available in any given year - most notably the exceptional habitat available on the Lower Klamath National Wildlife Refuge - is almost entirely dependent upon availability of wetland water supplies from the Klamath Reclamation Project. Tragically, the Upper Basin's highly limited surface water supply, combined with the regulatory actions mandated by the two recent Biological Opinions, will result in no water to the refuges this year, and little or no water for wetland habitat in all but the wettest of future water years.

Some environmentalists, in their zeal to protect both fish and refuges, have called for the elimination of agriculture in this Basin to free up the water necessary to address listed species concerns. Our Association, as a spokesmen for waterfowl and their environments, can assure you that this is not the answer. With only 25% of our historic wetland habitat available in this region, it is critical that we manage our remaining habitats to maximize values and functions for waterfowl and other wetland dependent wildlife. Yet, even if we have sufficient annual water available to maximize the waterfowl values of these few remaining 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 rice production provides vitally important surrogate habitat and food for waterfowl, cereal grains and other wildlife-friendly agriculture in the Basin are critical to meeting the needs of Pacific Flyway waterfowl. Removing wildlife-friendly agriculture from the Upper Klamath Basin - regardless of the quantity of water it may free up for refuge use - would gut our Pacific Flyway waterfowl resource by eliminating roughly half of the food base annually available to these birds.

As we all are aware, the two Biological Opinions released in early April have not only shut off critical water deliveries to the Klamath Refuge Complex, but also to the important waterfowl food resources provided by local agriculture. To make matters worse, as waterfowl are forced to crowd onto what little wetland habitat that may remain, there will likely be significant die-offs due to the increased risk of avian botulism and cholera. The serious stress placed on birds by the lack of habitat, coupled with the anticipated die-offs due to disease, may mark the beginning of the end for our Pacific Flyway waterfowl resource.

Ladies and gentlemen of the Committee, three species of fish are currently holding our 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 more 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 Congress to join our Association in immediately seeking some solutions. First, in the short-term, we ask you to join our Association in:

- Calling for the U.S. Department of Interior and its agencies to fully consider the impacts and risks to waterfowl, other wildlife and the importance of wildlife-friendly agriculture before making water allocation decisions based upon these Biological Opinions.
- Calling for a groundwater management plan that will ensure that the groundwater resources used to help address our short-term water supply needs will remain viable over the long-term. It is important to recognize that groundwater is not the "silver bullet" to addressing the Basin's water needs. Groundwater quality must be checked to ensure that it is not harmful to agriculture and wetland plant growth. In addition, the excessive temperature of some groundwater sources could be harmful to waterfowl and other wildlife. Finally, we must fully understand the ramifications of using this resource. Past use of groundwater has reportedly resulted in the drying up of naturally occurring spring fed wetlands.

Finally, over the long-term, we ask for your help in:

- Seeking changes in the Migratory Bird Treaty Act which elevates our internationally shared migratory waterfowl resource to a par with local or regional listed species.
- Seeking careful, common sense amendments to the Endangered Species Act. If ever there were a "poster child" for the need to amend the ESA in order to ensure it considers impacts upon other non-listed species and our human environment, it is the current crisis in the Klamath Basin.
- Appropriating federal funding for projects which serve 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.
- Calling for appropriate "peer review" of future Biological Opinions. Full outside peer review is required throughout the scientific community before any opinion is considered credible.
- Creating federal programs which provide incentives to encourage for 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 Klamath Basin National Wildlife Refuge Complex, it is critical that we allocate sufficient water to address the needs of the waterfowl, bald eagles and hundreds of other species which depend upon this habitat. But we must not stop there. When allocating limited water supplies, 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.

In closing, we urge the Committee to recognize that the most important environmental assets of the Klamath Basin - its waterfowl - are also the most costly victims of the current water management decisions. Waterfowl hunting provides a financial and emotional commitment to the conservation, and enhancement of wetlands throughout North America. These habitats directly or indirectly support hundreds of wildlife species, as well more than one-half of our currently listed species. Water allocations mandated to address the needs of three listed species in the Klamath Basin are seriously threatening the future health and well-being of the entire Pacific Flyway. We urge the Committee to reject the current action, and demand water

management strategies to assure that waterfowl, including the farm and ranch food resources, are protected.

The California Waterfowl Association appreciates your close attention to this serious crisis, and 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.

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