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August 20, 2015

Via Electronic Mail Only

Mr. Paul Zedonis
Bureau of Reclamation, Northern California Area Office
16349 Shasta Dam Blvd.
Shasta Lake, CA 96019
sha-slo-klamath-LTP@usbr.gov

Re: Environmental Impact Statement for the Draft Long-Term Plan for Protecting Late Summer Adult Salmon in Lower Klamath River

Dear Mr. Zedonis:

This letter provides additional comments from Klamath Water Users Association (KWUA) on the “Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River” (Draft Plan). These comments also provide additional scoping considerations for the Environmental Impact Statement (EIS). KWUA submitted comments on January 30, 2015 regarding an earlier version of the Draft Plan, but it appears that no changes were made in response to our comments in the latest rendition of the Draft Plan (April 2015). We resubmit these comments in hopes that the final plan will be clearer in stating that any water from Upper Klamath Lake for flow augmentation in the lower Klamath River must be planned for and provided through the Environmental Water Account (EWA) under current Klamath Project operations. Although we have concerns with the technical and legal basis for the EWA, there certainly is not a basis for releases from Upper Klamath Lake in excess of the EWA, which is itself for fisheries management.

KWUA is a non-profit corporation whose members are primarily irrigation districts and similar water delivery agencies holding contracts with the Bureau of Reclamation (Reclamation) for the diversion, delivery, and use of water through the Klamath Project. KWUA members operate on more than 170,000 acres in south-central Oregon and northern California, sustaining approximately 1,200 farms and ranches that depend on the Upper Klamath Lake/Klamath River system for water for irrigation. KWUA has consistently communicated with Reclamation in regard to the lower Klamath River flow issues addressed in the Draft Plan for more than a decade, and most recently on July 25, 2014. We do not repeat all of that information here, but focus on specific attributes or mechanics of the Draft Plan itself and further scoping considerations for the EIS.

COMMENTS ON THE DRAFT PLAN

Under Reclamation’s proposed action evaluated in the Klamath Project biological opinions and the Klamath Project operations plans, the EWA is calculated and then managed



through the year based on the input of federal, state, and tribal biologists, PacifiCorp, and others. Although we have concerns about the biological opinion and scale of the EWA, we acknowledge that these EWA practices are applicable for the term of the biological opinion. Footnotes 8 and 14 of the Draft Plan state that, “[b]ecause subnormal accretion flows in the lower Klamath River are predicated by subnormal hydrology within the entire Klamath River basin, only rarely will water storage conditions in the Klamath Basin be sufficient to provide augmentation water.” We understand this text to be a recognition that, in dry years, the EWA for Klamath Project operations may be relatively smaller than in wetter years. We also understand that Klamath Project storage is viewed as a potential source for flow augmentation under the Draft Plan only if there is EWA water available, but not otherwise. Subject to other concerns, we recommend that, if a plan of this sort is considered further, the plan specify that it considers potentially “available” water to be water strictly within the current biological opinion’s EWA quantity (e.g., section 4.3.1 of the Draft Plan, subpart C under May-June).

Section 5 of the Draft Plan states the “Statutory Authority” for the proposed plan. As you know, none of the identified statutory authorities authorizes, let alone requires, releases from Upper Klamath Lake for Klamath River flow augmentation. Further, the Klamath Project is authorized only for 1902 Reclamation Act purposes, and those are the purposes of its water rights. The Draft Plan also does not suggest that tribal trust is a source of authority. Rather, the Draft Plan states only that it is consistent with Reclamation’s obligations to preserve tribal trust resources.

The Draft Plan primarily would threaten water supply impacts to the Central Valley Project (CVP) water and power users. KWUA does not support or advocate that action, and urges your consideration of information and comments of those parties that relate to their interests. We also support and encourage your careful review of comments submitted by the Family Farm Alliance.

Watershed-based restoration efforts, and improved non-flow related habitat access, are key factors in providing beneficial conditions for Klamath River salmonids. We encourage Reclamation to support those activities. The sole focus on flow-centric solutions is questionable to us. Reclamation must seriously consider options and recommendations other than simply increasing flows without conclusive evidence that is actually solving a problem. Additionally, Reclamation must justify how the draft documents have repeatedly reached the conclusion that “no viable non-flow alternatives for fish protection have been identified.”

EIS SCOPING CONSIDERATIONS

As stated above, the EIS for the Draft Plan should not consider releases from Upper Klamath Lake (UKL) as a viable source of water for lower Klamath River flows due to the strict regulation under the current biological opinion. Requiring more water to be released from UKL than calculated under the EWA would amount to double regulation on the Project’s already meager and inadequate water supply. If flow augmentation or pulse flows are to be derived from UKL, they should be planned for and taken from the EWA supply.

If further releases above the EWA are considered, there would be significant and potentially significant adverse impacts in taking water from the Klamath Project and national wildlife refuges that the EIS must address. For example, additional releases would be expected to result in more involuntary fallowing of farmland in the Klamath Basin, which would have multiple negative effects:

- First, less water would be sent to the Lower Klamath National Wildlife refuge and economic and wildlife impacts should be addressed.
- Second, agriculture produces significant amounts of food and habitat for hundreds of species on farms, in the refuges, and in the canals, ditches and drains that make up the water delivery system. Fewer acres of farmland in production would burden these other wildlife populations and create further stresses on their ability to find food and habitat.
- Third, fewer farm acres in production will also have devastating socioeconomic impacts. The Klamath Basin Research and Extension Center calculates that for every million dollars of production lost in the agricultural sector, the community loses 15 jobs. Property values would decrease as would the region's tax base. The demand to provide social services will increase while the ability to pay for such programs would decrease.
- Fourth, an increase in fallowed fields would also increase the amount of wind erosion of the soil and the spread of noxious weeds. This would decrease air quality, reduce the quality of any remaining habitat for wildlife, and further decrease land values and the productivity of land.

In addition to the fallowing of more acres, Reclamation should expect to see an increase in groundwater use and must evaluate the effects of such an increase. If surface water is not available for agriculture, groundwater will likely be used at some significant level. Furthermore, the cost of pumping groundwater increases the overhead for small family farms and ranchers, further reducing economic contribution of agriculture to the basin, and potentially driving more farms to bankruptcy.

We have additional information and studies that can be provided on these issues for use in the EIS. Finally on this issue, the impact analysis in the EIS should not treat as "given" (or as a baseline) the adverse impacts related to water shortage in the Klamath Project (same types of impacts as above) driven by operations for the ESA, including the EWA itself. These impacts have not undergone NEPA analysis to date and should not be "grandfathered" in any current EIS. Releases for Lower Klamath River flow augmentation could also affect elevations of Upper Klamath Lake, directly or indirectly. Any attendant impacts must also be considered.

EIS Alternatives

If UKL water is considered a potential source for additional releases to address fish health issues, Reclamation should look at all the alternatives available. An alternative to consider would be to adjust the current calculation under the biological opinion for making

releases at Iron Gate Dam (IGD). This could be accomplished by lowering the daily base flows released at IGD, which would leave more water in the EWA. This banked water could then be used for pulse flows at the most critical times of the year.

There is also evidence that this idea of lower base flows may be an effective technique to reduce the prevalence of *Ceratomyxa shasta* that affects salmon in the Lower Klamath River. Researchers at Oregon State University have seen positive results in the lab in controlling the polychaetes associated with the *C. shasta* life cycle by drying out the river bank environments they are found in.¹ The theory is that artificially high and stable flows have created an ideal environment for the polychaetes to flourish, which increases the probability of more parasites infecting the fish. Further studies are currently being completed on this hypothesis and researchers are eager to try the theory out in the field.

Finally, there are water sources other than UKL that can and should be considered if proposing water releases from the Upper Basin. Recent experience has shown that when water is requested and sent from the Upper Basin, it is the Klamath Project irrigators that take the full hit. Other sources should be considered should the United States decide to reallocate water, an action that is not supported by authority or facts.

CONCLUSION

KWUA's position is that any additional flows from the Upper Klamath system would be highly inappropriate. If alternatives are considered that include the Upper Klamath water supply, the above issues must be seriously considered and addressed in the EIS.

Respectfully submitted,



Matthew Vickery
Deputy Director

cc: David Murillo, Regional Director, USBR
Jason Phillips, Deputy Regional Director, USBR
Therese O'Rourke Bradford, Area Manager, Klamath Basin Area Office, USBR
Jason Cameron, River Operations Manager, Klamath Basin Area Office, USBR

¹ Sarah J. Bjork, *Appendix 1: The Effects of Temperature and Dewatering on the Survival of Manyunkia Speciosa*, in SARAH J. BJORK, *FACTORS AFFECTING THE CERATOMYXA SHASTA INFECTIOUS CYCLE AND TRANSMISSION BETWEEN POLYCHAETE AND SALMONID HOST 193-201* (2010), available at <http://ir.library.oregonstate.edu/xmlui/handle/1957/15435?show=full> (click on "View/Open" link at bottom of page).