

Klamath Water Users Association
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Written Testimony
Before the
Oregon Department of Fish and Wildlife Commission
July 18, 2008

Greg Addington, Executive Director
Klamath Water Users Association

Re: Exhibit B – Klamath Basin Fish Management Plan Amendment

Chair Rae and members of the Commission, thank you for the opportunity to comment on the proposed rule related to the Klamath Basin Anadromous Fish Reintroduction Plan. I apologize for not delivering these remarks to you in person; schedules simply did not make it possible. I am submitting these comments on behalf of the Klamath Water Users Association (KWUA).

KWUA recommends that the Commission defer action on the proposed rule. We also recommend you direct staff to engage in direct outreach to parties who could be adversely affected by the rule, and, prior to action, consider the full range of costs and benefits including whether and how all local interests will be protected.

KWUA is a non-profit organization formed in 1953. It represents the interests of irrigators in the federal Klamath Reclamation Project. Our membership consists of 17 irrigation, drainage and improvement districts located on both sides of the Oregon/California border. Our member districts serve over 1200 family farms and ranches and encompass nearly 200,000 acres of some of the most productive farmland in the west.

The Commission is well aware of the resource conflicts facing irrigators in the Klamath Project and the Upper Klamath Basin generally. Issues related to endangered suckers and the coho salmon below Iron Gate Dam have posed many challenges and have taken a toll on our members. We are concerned that introduction or reintroduction of salmonids “in our backyard” could magnify these conflicts. Few irrigators likely are aware

of the specific action being considered today. Bluntly stated, the Klamath Project and many other irrigation facilities were not designed with salmon in mind. In our view, it would serve the long-term interests of all concerned to actively inform the entire upper basin communities of what is being proposed and, equally important, to articulate how it will be ensured that the proposed actions do not inadvertently result in harm to irrigators. This should occur before a decision is made.

We have reviewed the “Agenda Item Summary” as well as the “Statement of Need and Fiscal Impact” regarding this issue. We find no mention or discussion of the possible effects, whether they be positive, negligible or otherwise, on the agricultural community, and the small business associated with them. We respectfully take issue with item “B” of the Economic and Fiscal Impact statement which reads in part, “*No units of local government are expected to be significantly affected by these rules...*” As you may be aware under Oregon law, irrigation districts are considered units of local government. We do not believe sufficient thought has gone into investigating possible impacts on districts and district patrons.

To summarize our concerns:

- What analysis has been done to show what the impacts to local communities will be? We recognize that there certainly could be positive impacts to any introduction or reintroduction effort; however, we have not seen any analysis or discussion of potential adverse impacts, particularly to the irrigation community both within the Klamath Reclamation Project and outside the project.
- Does the introduction or reintroduction of anadromous fish species in the Upper Klamath Basin have potential to affect water quality standards for temperature, dissolved oxygen, nitrogen, phosphates or other standards currently in place?
- What analysis or review has been done on the possible water quality affects on salmon in the Keno Reach? What modifications or improvements may be needed for fish passage at Keno or Link River dams? Who would be the responsible parties for funding such improvements?

As serious as these concerns are, KWUA is not suggesting you reject the proposal. Rather, and recognizing there is no urgency, the Commission should defer action at this time.

As you know, KWUA has been engaged with many other stakeholders in crafting the Klamath Basin Restoration Agreement (KBRA). The KBRA represents an historical agreement between diverse parties. This comprehensive and intricate agreement represents a series of compromises and commitments designed achieve lasting and meaningful solutions to complex issues that have plagued the communities of the Klamath Basin. We are proud of the work done and the relationships built.

I want to acknowledge the important role and good work done by the state of Oregon, ODF&W (Chip Dale) and by our other partners, particularly the Klamath Tribes. These comments in no way reflect any change in our position on the KBRA, or a discounting of the very significant interests of the Klamath Tribes or other parties.

Section 11.1 of draft 11 of the KBRA specifically calls for the ODF&W to consider the very action in front you today and we fully expect the final agreement will include reintroduction of anadromous fish to the Upper Klamath River Basin. We have concerns about the process and potential impacts that reintroduction may have on the irrigation community. However, with the help of other stakeholders, we were able to adequately address these concerns within the context of the KBRA. Today, the KBRA remains in draft form and has not been adopted, implemented or funded.

As part of the KBRA, KWUA is in a position to support and even advocate for the reintroduction of anadromous fish. However we do not know what the ultimate outcome for the KBRA will be at this point in time. We have been silent on the issue up to this point, because of the effort that has gone into building the comprehensive agreement that will result in meaningful habitat improvement and expansion while addressing the concerns of other stakeholders.

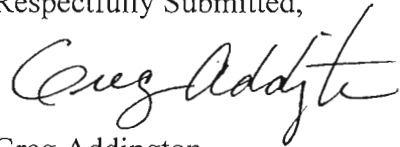
Accordingly, we recommend the Commission defer action as discussed above. If this recommendation is not accepted, at an absolute minimum we believe any amendment to the Klamath Basin Fish Management Plan should be modified to include specific direction from the Commission to provide a process to address landowner and irrigator

concerns, outline budget needs for potential modification or mitigation to adverse impacts and allow for participation and acceptance from the agricultural community.

Finally, I regret that these comments come at this time in your process. We did voice some of the above concerns at the April 28th public meeting in Klamath Falls, but I recognize these are the first formal, written comments from our organization. I hope you will consider them, and appreciate that our recent focus has been on the KBRA, including issues of local community acceptance.

Thank you for your consideration of these comments.

Respectfully Submitted,

A handwritten signature in black ink that reads "Greg Addington". The signature is written in a cursive style with a large, sweeping initial "G".

Greg Addington