

November 13, 2021

U.S. Fish and Wildlife Service  
Klamath Marsh National Wildlife Refuge  
21401 Silver Lake Road  
Chiloquin, Or 97624

Sent via email to: [FW8PlanComments@fws.gov](mailto:FW8PlanComments@fws.gov)

RE: BARNES AGENCY RESTORATION

Thank you for the opportunity for Klamath Drainage District to comment on the *DRAFT Environmental Assessment of Wetland Restoration on Upper Klamath National Wildlife Refuge Barnes Unit, Agency Lake Units, and Adjacent Lands (Draft EA)*.

Klamath Drainage District (KDD) is a 27,000-acre district located in Southern Oregon on the California border and adjacent to the Lower Klamath National Wildlife Refuge. The District primarily grows grass and alfalfa hay, grain potatoes and pasture. The District sits in the heart of the Pacific Flyway and provides feed and habitat for numerous species of birds and mammals including over one-million migrating waterfowl annually. Over half of the District's acres are certified organic.

KDD has year-round adjudicated and permitted water rights for the use of water stored in Upper Klamath Lake (UKL) and the live flow in the Klamath River. After review of the Draft EA, we do not believe that other water users were considered in the analysis. By our review, injury will certainly be incurred by every water user on the system, including listed species that rely on the water resource.

### **Initial Fill will Impact Species and Water Users**

The Draft EA does not address the initial fill of the over 14,000-acre project nor the impacts to species or other users of the water resource. By our best assessment, the initial fill of the project area will take approximately 50,000 acre-feet and impact lake elevation of just under 0.5 feet across the entire surface of UKL.

Additionally, adding an additional 14,000 acres to the surface area of UKL will extend the time it takes to fill the lake in general. This will have serious impacts on certain years to every species and every water user that utilizes UKL as its resource.

For example, recent modelling by the U.S. Bureau of Reclamation suggests that UKL will not fill to management levels identified in the 2013 Biological Opinion for Suckers on certain years

whereas it would have otherwise (see 2010). This would result in delayed or zero irrigation for Klamath Reclamation Project water users as well.

Not surprisingly, the Reclamation modelling suggests that delayed starts for irrigation will be more commonplace than they already are. This will negatively impact the overall economy and social well-being of the community.

### **Project Will Impact Water Deliveries**

Above, we mentioned the regularity of water deliveries being delayed. The impacts are actually greater than just timing. However, we need to discuss the importance of timing for context. The Upper Klamath Basin has a very short growing season. Certain crops are grown within this short window and any delay on either end of the growing season could mean that nothing will come to harvest. This results in a total loss to the crop and the season for the grower. More common delayed starts to irrigation will change the cropping patterns to less desirable, shorter season crops. This will have an immediate impact on the livelihood of the growers and the local economy in general.

Additionally, the recent Bureau modelling suggests that impacts to overall allocation will be impacted. This is due to the increase of the total surface area of UKL. As a result, the lake will respond much slower for the refill and release of water.

Conditions would need to be perfect for the modelling to show an increase in allocation. Perfect conditions rarely occur in the Klamath Basin, and it is suggested that KDD will take a hit to winter water deliveries nearly annually. Winter water for KDD has multiple benefits including raising the soil moisture profile so less water is required in the summer months; it provides invaluable habitat for migratory birds, and it provides the perfect recipe for natural organic farming.

### **Lack of Analysis on Dilution Benefits over Lake Elevations**

It is no question that the Barnes / Agency Project identified in the Draft EA is a habitat improvement project with one notable improvement being water quality. However, reiterating the fact the Bureau modelling suggests the project will impact lake elevations, we believe the analysis in the Draft EA did not go far enough to determine whether the water quality benefits outweigh the impacts to lake elevations.

Considering, the Bureau's modelling for 2010, Biological Opinion lake elevations would not have been met for the entire year. This means that the USFWS analysis is directly contrary to USFWS science on lake elevations for sucker.



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KDD would like to see further analysis showing that the improved water quality in UKL by breaching the Barnes / Agency Ranch will result in lower lake elevations being adequate for sucker. If that can not be accomplished, this project should not be considered.

### **What About Existing Water Rights?**

Barnes and Agency Ranch both have existing water rights for irrigation. Those rights have been temporarily transferred to Lower Klamath National Wildlife Refuge. The Draft EA does not analyze the effects of the existing water rights once the project is complete. Are the water rights going to be permanently transferred? If so, we would argue that a breach of the dikes would result in enlargement of the existing rights and therefore they cannot be transferred. We would also argue that the transfer, considering breach of the dikes, would result in injury to KDD. The existing water rights should be cancelled if the project goes forward, and the EA is deficient for not considering the inter-related impacts.

Once again, a lack of analysis was done in the Draft EA to adequately measure the impacts of the existing water rights.

### **Analysis is Lacking Regarding Impacts to Lake Level, Project Supply and Multiple Species**

In summary, USFWS must go back, consider the recent Reclamation modelling on Klamath Irrigation Project impacts and on lake levels. Further, the EA must identify and consider the impacts of hydro-connectivity on lake levels, storage releases and the multiple species at issue. Restoring wetland areas may not provide reliable habitat to re-introduced species and may result more deficiencies in the Klamath Basin system.

For the reasons above, KDD cannot support the project as proposed. We strongly suggest that the USFWS go back to the drawing board, consider the points above, consider the Bureau of Reclamation's recent modelling, and come up with a comprehensive environmental analysis and a better project that does not impact water users, or the endangered species the USFWS is trying to protect – Lost River and Shortnose Sucker.

We thank you for the opportunity to comment and hope that you take these suggestions seriously. An entire community and multiple species are in your hands.

Sincerely,

Scott White  
General Manager,  
Klamath Drainage District