



March 27, 2023

RE: HR 2765 – SUPPORT

House Committee Members on Agriculture, Land Use, Natural Resources and Water:

The California Waterfowl Association respectfully requests that you support AB 2765, which would enable fully treated wastewater to be reused to support the Lower Klamath National Wildlife Refuge, amongst other environmental benefits, especially in times of drought when the refuge receives little, if any, water.

Our Association is a 20,000 member nonprofit organization which restores and enhances wetlands and other waterfowl habitat, as well as protects our waterfowling heritage. Many of our members hunt in the Klamath Basin or other parts of Oregon.

The Lower Klamath Refuge—America’s first waterfowl refuge that was established by President Theodore Roosevelt in 1908—lies in the Klamath Basin, which is the most important staging ground in the Pacific Flyway. Its managed wetlands not only support birds on their fall and spring migrations, but provides habitat for tens of thousands of waterfowl to breed and rear ducklings. It’s also normally one of the few large wetlands in California where ducks can molt in safety, protected from predators while they are flightless for 30 to 60 days.

Unfortunately, the refuge’s water rights are mostly junior to other water rights holders, and it is prone to complete shutoffs of water whenever other water users are short. The refuge also suffers because the cost of pumping water there from the Tule Lake NWR – which is supplied by agricultural drain water – became prohibitively expensive in 2006, when a power contract with PacifiCorp expired. Tule Lake pumping used to supply about three quarters of the Lower Klamath Refuge’s annual water needs. By 2019, annual pumping amounted to less than half of former supplies. A biological opinion governing water available from Upper Klamath Lake and the Klamath River also does not duly consider the needs of the refuge’s wetlands nor waterfowl populations.

The last 3 years of drought in the Klamath Basin have stood out as a parched nadir for the Lower Klamath Refuge’s waterfowl and other wetland-dependent wildlife. In 2020, reduced water deliveries exacerbated an outbreak of avian botulism, resulting in the deaths of more than 60,000 ducks and shorebirds there and at neighboring Tule Lake Refuge. As the winter progressed without water, the Lower Klamath Refuge experienced record low numbers of migrating birds, which were forced to keep flying south without refueling.

2022 was once again disastrous. Except for a small portion of one wetland unit, the Lower Klamath Refuge was entirely deprived of water in the summer and fall. Currently, only one wetland unit is flooded when there should be tens of thousands of wetland acres available to not only serve the habitat needs of waterfowl migrating north to Alaska, Canada and the Upper Midwest, but provide critical breeding and molting habitat for resident waterfowl such as mallards, cinnamon teal, gadwall and Canada geese.

There have been many habitat projects and improvements to the Lower Klamath Refuge in the last 25 years, with still others proposed in the next few years; however, available water supplies remain by far the most critical factor to properly managing the refuge for waterfowl and other wildlife. By providing a new water supply to serve the refuge's wetlands, HR 2765 ensures much-needed water reliability.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in blue ink that reads "Mark Hennelly". The signature is written in a cursive, flowing style.

Mark Hennelly, Vice President of Advocacy
California Waterfowl Association