

January 30, 2015

Via Electronic Mail Only

Ms. Erin Curtis
Public Affairs Officer
United State Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825
eccurtis@usbr.gov

Re: Comments on Draft Long-Term Plan for Protecting Late Summer Adult Salmon in Lower Klamath River

Dear Ms. Curtis:

This letter provides comments of Klamath Water Users Association (KWUA) on the “Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River” dated December 31, 2014 (Draft Plan). In brief, KWUA does not believe that an appropriate or supportable technical basis has been established for the Draft Plan as a whole. With respect to the Klamath Project specifically, we realize that late summer lower Klamath River flow, or flow augmentation, may be planned for and provided through the Environmental Water Account (EWA) under current Klamath Project operations. There 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.

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 opinions and scale of the EWA in some years currently, we acknowledge that these EWA practices are applicable for the term of the biological opinions. 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

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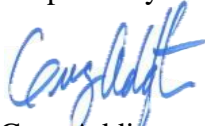
storage is a potential source for flow augmentation under the Draft Plan if there is EWA water available but not otherwise. Subject to other concerns, we recommend that, if a plan of this sort is considered further, the plan specify that it considers potentially “available” water to be water within the EWA quantity (for example, 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. We understand the importance of tribal trust resources and actions consistent with protection of such resources. The Draft Plan does not suggest this 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.

Watershed-based restoration efforts, and improved habitat access, are key factors in providing beneficial conditions for Klamath River salmonids. We encourage Reclamation to support those activities.

Respectfully submitted,



Greg Addington
Executive Director

cc: David Murillo, Regional Director, USBR
Jason Phillips, Deputy Regional Director, USBR
Brian Person, Acting Area Manager, Klamath Basin Area Office, USBR
Jason Cameron, River Operations Manager, Klamath Basin Area Office, USBR