

## WILDLIFE MANAGEMENT, KLAMATH PROJECT

An act to promote the conservation of the Nation's wildlife resources on the Pacific flyway in the Tule Lake, Lower Klamath, Upper Klamath, and Clear Lake National Wildlife Refuges in Oregon and California and to aid in the administration of the Klamath reclamation project. (Act of September 2, 1964, Public Law 88-567, 78 Stat. 850)

**[Sec. 1. Policy of the Congress.]**—It is hereby declared to be the policy of the Congress to stabilize the ownership of the land in the Klamath Federal reclamation project, Oregon and California, as well as the administration and management of the Klamath Federal reclamation project and the Tule Lake National Wildlife Refuge, Lower Klamath National Wildlife Refuge, Upper Klamath National Wildlife Refuge, and Clear Lake National Wildlife Refuge, to preserve intact the necessary existing habitat for migratory waterfowl in this vital area of the Pacific flyway, and to prevent depredations of migratory waterfowl on agricultural crops in the Pacific Coast States. (78 Stat. 850; 16 U.S.C. § 695k)

**Sec. 2. [Areas preserved for migratory waterfowl—Agricultural use.]**—Notwithstanding any other provisions of law, all lands owned by the United States lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, the Upper Klamath National Wildlife Refuge, and the Clear Lake Wildlife Refuge are hereby dedicated to wildlife conservation. Such lands shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith. Such lands shall not be opened to homestead entry. The following public lands shall also be included within the boundaries of the area dedicated to wildlife conservation, shall be administered by the Secretary of the Interior for the major purpose of waterfowl management, but with full consideration to optimum agricultural use that is consistent therewith, and shall not be opened to homestead entry: Hanks Marsh, and first form withdrawal lands (approximately one thousand four hundred and forty acres) in Klamath County, Oregon, lying adjacent to Upper Klamath National Wildlife Refuge; White Lake in Klamath County, Oregon, and Siskiyou County, California; and thirteen tracts of land in Siskiyou County, California, lettered as tracts "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", and "N" totaling approximately three thousand two hundred and ninety-two acres, and tract "P" in Modoc County, California, containing about ten acres, all as shown on plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956, prepared by the United States Fish and Wildlife Service. All the above lands shall remain permanently the property of the United States. (78 Stat. 850; 16 U.S.C. § 695l)

## EXPLANATORY NOTE

**Klamath Project and Klamath Compact.** All lands referred to in section 2 above lie within, adjacent to or nearby the Klamath Federal reclamation project, Oregon-California. The project was authorized by the Secretary of the Interior, pursuant to the Reclamation Act of June 17, 1902, 32 Stat. 388, on May 15, 1905. The consent of Congress to the negotiation of a compact relating to the waters of the Klamath River by the States of Oregon and California was given by the Act of August 9, 1955, 69 Stat. 613. The consent of Congress to the resulting compact was given by the Act of August 30, 1957, 71 Stat. 497. Each of these acts appears herein in chronological order.

**Sec. 3. [Payments to counties in lieu of taxes.]**—Subject to conditions hereafter prescribed, and pursuant to such regulations as may be issued by the Secretary, 25 per centum of the net revenues collected during each fiscal year from the leasing of Klamath project reserved Federal lands within the Executive order boundaries of the Lower Klamath National Wildlife Refuge and the Tule Lake National Wildlife Refuge shall be paid annually by the Secretary, without further authorization, for each full fiscal year after the date of this Act to the counties in which such refuges are located, such payments to be made on a pro rata basis to each county based upon the refuge acreage in each county: *Provided*, That the total annual payment per acre to each county shall not exceed 50 per centum of the average per acre tax levied on similar lands in private ownership in each county, as determined by the Secretary: *Provided further*, That no such payments shall be made which will reduce the credits or the payments to be made pursuant to contractual obligations of the United States with the Tulelake Irrigation District or the payments to the Klamath Drainage District as full reimbursement for the construction of irrigation facilities within said district, and that the priority of use of the total net revenues collected from the leasing of the lands described in this section shall be (1) to credit or pay from such revenues to the Tulelake Irrigation District the amounts already committed to such payment or credit; (2) to pay from such revenues to the Klamath Drainage District the sum of \$197,315; and (3) to pay from such revenues to the counties the amounts prescribed by this section. (78 Stat. 850; 16 U.S.C. § 695m)

**Sec. 4. [Leasing of reserved lands continued.]**—The Secretary shall, consistent with proper waterfowl management, continue the present pattern of leasing the reserved lands of the Klamath Straits unit, the Southwest Sump, the League of Nations unit, the Henzel lease, and the Frog Pond unit, all within the Executive order boundaries of the Lower Klamath and Tule Lake National Wildlife Refuges and shown in plate 4 of the report entitled "Plan for Wildlife Use of Federal Lands in the Upper Klamath Basin, Oregon-California," dated April 1956. Leases for these lands shall be at a price or prices designed to obtain the maximum lease revenues. The leases shall provide for the growing of grain, forage, and soil-building crops, except that not more than 25 per centum of the total leased lands may be planted to row crops. All other reserved public lands included in section 2 of this Act shall continue to be managed by the Secretary for waterfowl purposes, including the growing of agricultural crops by direct planting and sharecrop agreements with local cooperators where necessary. (78 Stat. 851; 16 U.S.C. § 695n)

**Sec. 5. [Areas not to be reduced.]**—The areas of sumps 1(a) and 1(b) in the Klamath project lying within the Executive order boundaries of the Tule Lake National Wildlife Refuge shall not be reduced by diking or by any other construction to less than the existing thirteen thousand acres. (78 Stat. 851; 16 U.S.C. § 695o)

**Sec. 6. [Water levels to be maintained.]**—In carrying out the obligations of the United States under any migratory bird treaty, the Migratory Bird Treaty Act (40 Stat. 755), as amended or the Migratory Bird Conservation Act (45 Stat. 1222), as amended, waters under the control of the Secretary of the Interior shall be regulated, subject to valid existing rights, to maintain sump levels in the Tule Lake National Wildlife Refuge at levels established by regulations issued by the Secretary pursuant to the contract between the United States and the Tulelake Irrigation District, dated September 10, 1956, or any amendment thereof. Such regulations shall accommodate to the maximum extent practicable waterfowl management needs. (78 Stat. 851; 16 U.S.C. § 695p)

## EXPLANATORY NOTES

**Reference in the Text.** The Migratory Bird Treaty Act of July 3, 1918, 40 Stat. 755, as amended, which is referred to in the text, does not appear herein. The Act is codified in 16 U.S.C. § 703, *et seq.*

Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended, which is referred to in the text, does not appear herein. The Act is codified in 16 U.S.C. § 715, *et seq.*

**Reference in the Text.** The Migratory

**Sec. 7. [Clear Lake National Wildlife Refuge studies continued.]**—The Secretary is hereby directed to complete studies that have been undertaken relating to the development of the water resources and waterfowl management potential of the Clear Lake National Wildlife Refuge. The results of such studies, when completed, and the recommendations of the Secretary shall be submitted to the Congress. (78 Stat. 851; 16 U.S.C. § 695q)

**Sec. 8. [Regulations to implement Act.]**—The Secretary may prescribe such regulations as may be necessary to carry out the provisions of this Act. (78 Stat. 851; 16 U.S.C. § 695r)

## EXPLANATORY NOTES

**Editor's Note, Annotations.** Annotations of opinions are not included because none were found dealing primarily with the activities of the Bureau of Reclamation under this statute.

**Legislative History.** S. 793, Public Law 88-567 in the 88th Congress. Reported in Senate from Interior and Insular Affairs June 28, 1963; S. Rept. No. 341. Passed Senate July 15, 1963. Reported in House

from Interior and Insular Affairs Dec. 19, 1963; H.R. Rept. No. 1072. Passed House, amended, Apr. 20, 1964. Senate asks for a conference Apr. 23, 1964. House agrees to a conference May 7, 1964. Conference report filed Aug. 17, 1964; H.R. Rept. No. 1820. House agrees to conference report Aug. 18, 1964. Senate agrees to conference report Aug. 19, 1964.