



## **Klamath Basin National Wildlife Refuge Complex Comprehensive Conservation Plan (CCP) Process**

Under the National Wildlife Refuge System Improvement Act, the Secretary of Interior must develop a Comprehensive Conservation Plan (CCP) for all national wildlife refuges that will guide refuge management on each refuge for the next 15 years. The CCP process has just begun for the Klamath Basin National Wildlife Refuge Complex, including two of the nation's most important national wildlife refuges, Lower Klamath National Wildlife Refuge (LKNWR) and Tule Lake National Wildlife Refuge (TLNWR). See the following link for more information on the process:

[http://www.fws.gov/klamathbasinrefuges/KBNWRC\\_PlanningUpdate1.pdf](http://www.fws.gov/klamathbasinrefuges/KBNWRC_PlanningUpdate1.pdf). In developing the CCP, the United States Fish and Wildlife Service is supposed to review all refuge activities to ensure they are compatible with refuge purposes and the mission of the National Wildlife Refuge System. This gives the public a tremendous opportunity to participate in the future management of these refuges and to push for phasing out the extensive and harmful commercial farming that occurs on these refuges.

### **Background:**

**The Importance of LKNWR and TLNWR:** The Upper Klamath Basin historically contained 350,000 acres of wetlands and tremendous populations of waterfowl and other wetland birds. A century ago the basin showcased what was believed to be the largest concentration of waterfowl in the world with up to 10 million birds occupying basin wetlands at one time. Unfortunately, 75% of the historic wetlands have been drained in the Klamath Basin to make way for irrigated agriculture, while 95% of the wetlands in California have been lost. This greatly increases the importance of the remaining wetlands, some of the most important of which are located in Lower Klamath and Tule Lake National Wildlife Refuges. These refuges are located on the old lakebeds of Lower Klamath Lake and Tule Lake, and the refuge lands offer the best opportunity to reclaim and restore vital and much needed wetlands in the basin and in the Pacific Flyway. The importance of these National Wildlife Refuges is summarized in Attachment A.

**The Tragic Draining of Lower Klamath and Tule Lakes and the History of Commercial Farming on the Refuges:** There has been a long running conflict between farming in the Klamath Basin and Lower Klamath and Tule Lake National Wildlife Refuges (NWRs). Lower Klamath NWR was created in 1908 by President Theodore Roosevelt as the first National Wildlife Refuge for waterfowl. The entire 81,000 acres of Lower Klamath Lake was originally protected as a refuge, however, President Roosevelt's vision collided with the push to "reclaim" (i.e. drain) the lake and marshes for agriculture. The newly created refuge was within the boundaries of a massive Bureau of Reclamation irrigation project, and in 1917 the Bureau of Reclamation worked with a

railroad company to build a dike that cut off Lower Klamath Lake from the Klamath River thereby drying up the entire lake and refuge for a quarter of a century. This led photographer and former Oregon Game Commissioner, William Finley, to write in 1925:

“Today, Lower Klamath Lake is but a memory. It is a great desert waste of dry peat and alkali. Over large stretches fire has burned the peat to a depth of from one to three feet, leaving a layer of white loose ashes onto which one sinks above his knees. One of the most unique features in North America is gone. It is a crime against our children.”

The draining of Lower Klamath Lake paved the way for homesteading and farming on the drained lakebeds and subsequent administrations reduced the refuge to 53,600 acres to make way for privatization and farming of approximately 30,000 acres of what was once a national wildlife refuge. On top of that another 6,000 acres of remaining Lower Klamath NWR lands are being leased for commercial farming that provide little or no wildlife benefit. Today, only 12,000 to 27,000 acres of the remaining refuge lands are maintained in permanent and seasonal wetlands, compared to the 81,000 acres in wetlands that were originally protected.

Tule Lake originally ranged from 50,000 to 100,000 acres in size. This lake was also drained to make way for agricultural development. In 1928, Tule Lake NWR was created to preserve the remnants of this once vast lake. 37,000 acres were eventually protected, but with the construction of a tunnel through Sheepy Ridge, through which water from Tule Lake can be pumped, it became possible to further drain the lake and there was a push to privatize and homestead these refuge lands. This became known as the “ducks” versus “farmers” controversy and it led to the passage of the Kuchel Act in 1964. The Kuchel Act prohibited homesteading and privatization of the refuges, but allowed commercial farming on Tule Lake and Lower Klamath NWRs, but only to the extent it was consistent with the major refuge purpose of waterfowl management. Tule Lake NWR was once considered the premier waterfowl refuge in the nation, but it is not the case today. The biological resources and productivity of Tule Lake NWR have declined significantly since the passage of the Kuchel Act. Today, 15,500 acres of the original lakebed are leased for commercial farming on Tule Lake NWR, while only 13,000 acres are maintained in wetlands.

See Attachment B for a summary of why commercial farming on the refuges is not compatible with the purposes of these important national wildlife refuges.

At the end of the Clinton administration, there was a move by the refuge manager to move the commercial farming program off of Tule Lake NWR by buying private lands in the area and moving the leasing program to it. Plenty of willing sellers were identified, but the project was abandoned after Bush was elected President. Prior to the Bush administration coming into power, the refuge manager also tried to curtail the leasing of refuge land for farming in dry years, to make more water available for refuge wetlands. This too was halted, even though in drier years, water is delivered for commercially farming refuge lands, while adjacent refuge wetlands are forced to go dry.

Before it left office, the Bush administration used closed-door negotiations, ostensibly about dam removal, to try and lock in commercial farming on 22,000 acres of national wildlife refuge lands on Lower Klamath and Tule Lake NWR's for the next 50 years, and to lock in a water deal where refuge wetlands are required to give up water in drier years, while irrigation of refuge lands for commercial farming is not required to be cut back. The result of these closed-door negotiations is the KBRA. Unfortunately, instead of promoting sound management of our Klamath Basin National Wildlife Refuges, the KBRA attempts to lock in damaging commercial farming on the refuges as well as instituting water policies that favor farming at the expense of refuge wetlands. The upcoming CCP process gives the public an opportunity to challenge provisions in the KBRA and push for science based, sound management for the refuges.

### **Issues to Address in the CCP Process:**

**1. General.** Public lands on the national wildlife refuges are required by law to be managed for the purposes of the particular refuge and the mission of the National Wildlife Refuge System.

As part of the CCP process the United States Fish and Wildlife Service should:

- Provide for the conservation and restoration of migratory birds, fish, wildlife, plants and their habitats within the refuges.
- Ensure that the biological integrity, diversity and environmental health of the refuges are maintained and restored.
- Identify the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the refuges.
- Enhance and increase refuge wetlands and riparian areas.
- Restore the historic lake beds of Lower Klamath Lake and Tule Lake within the boundaries of the refuge.
- Give compatible wildlife-dependent recreational uses priority over other non-conservation uses.

**2. Commercial Farming.** Over 22,000 acres on LKNWR and TLNWR are leased for commercial farming. Commercial farming provides little or no wildlife benefits and prevents these former wetlands from being restored and managed for the fish and wildlife that our national wildlife system was created to protect. In addition, the former lakebeds and wetlands that are being farmed are an ideal place to store winter water to help meet the refuges' water needs. A number of pesticides, herbicides and fertilizers are used on the refuges in connection with commercial farming, including many that are known to be harmful to birds and other wildlife. Herbicides use also inhibits the growth of plants and trees that would be beneficial to wildlife. A high percentage of row crops and other crops that provide little or no wildlife benefit are grown on the refuges. (See Attachment B for a summary of why commercial farming on the refuges should be phased out.) It needs to be noted that these lands are leased for commercial farming purposes, which is very different from cooperative farming practices sometimes used as a management tool on these and other refuges (e.g. another 9,000 acres of Lower Klamath NWR is farmed cooperatively).

As part of the CCP process the United States Fish and Wildlife Service should:

- Identify the affects that commercial farming has on the populations and habitats of fish, wildlife, and plants in the refuges and the actions necessary to correct such problems.
- Assess whether this commercial farming program is consistent with refuge purposes under the Kuchel Act and compatible with refuge purposes and the mission of the National Wildlife Refuge System under the National Wildlife System Improvement Act of 1997.
- Make a determination that this harmful activity is not consistent with or compatible with the purposes of these refuges or with the mission of the National Wildlife Refuge System. The CCP should contain a plan to phase out these leases by prohibiting any new leases from being made.
- Prohibit pesticide, herbicide, and fertilizer use in connection with commercial farming on the refuge.
- Prohibit growing row crops and other crops that provide little or no benefit to wildlife.

**3. Water for the Refuges.** LKNWR's water needs based on current refuge management goals are equal to 60,000 acre-feet during the irrigation season and 35,000 acre-feet in the winter. Because the refuge's water rights for refuge wetlands have a priority date of 1908 and the Klamath Reclamation Project has a 1905 priority date for irrigation, LKNWR wetlands have suffered recently. In addition, the Klamath Basin water adjudication is not complete and the State of Oregon does not regulate water users that have water rights junior to the refuges. Leasing land for commercial farming on the refuges eliminates the best way to give water security to the refuges, which would be to use the old lakebeds on the refuge to store winter water for refuge use and use the water rights associated with those lands for refuge purposes, rather than use those lands for commercial farming. The KBRA does not solve the refuges water problem and in fact has many provisions that reduce water deliveries to LKNWR, make it more difficult to improve the refuges' water situation, and ensures the refuges will be the first to suffer during droughts. The KBRA also attempts to lock in commercial farming on the refuges for the next 50 years

As part of the CCP process the United States Fish and Wildlife Service should:

- Explore means of attaining a secure source of water for the refuges.
- Defend its claims in the Oregon Klamath Water Rights Adjudication for the full amount of water needed by the refuges, and develop a plan to ensure junior water users are regulated so that refuge rights are achieved.
- Curtail commercial farming on the refuges in any year that the refuges are not receiving their full water supply and require the 1905 priority dated water rights associated with the refuge lands farmed for commercial agriculture be delivered to refuge wetlands rather than for irrigating 22,000 acres of refuge land for commercial farming.
- Phase out commercial farming on the refuges and use those refuge lands to store winter water and manage for refuge purposes.
- Develop a plan to attain water from willing sellers to meet refuge water needs.

- Acquire all contracts, licenses, or easements needed for water delivery systems for the refuges, and to improve and develop the systems to adequately serve refuge water needs.
- Consider managing the refuges consistent with a more natural hydrological regime.
- Not rely on the KBRA to solve its water needs.

**4. Walking Wetlands.** Walking wetlands is a program that is currently being implemented to increase wetlands on the refuge leaselands and on private lands in the basin. The program is called “walking” wetlands because the wetlands that are created are temporary (generally only in existence for one or two years), and then the land is commercially farmed again, and new wetlands are then temporarily created on other land that was previously farmed, and so on. After land has temporarily been in wetlands it is more valuable for farming because there is less need for pesticides and fertilizer thereby reducing costs, and the crops grown may qualify as organic thereby bringing in greater revenue. And of course, when land is actually in wetlands the program provides great benefits to waterfowl, but no longer does when the land is farmed again. The program is being portrayed as a reason why commercial farming on the refuges is good for wildlife. Though it is certainly better to have some of the refuge leaselands in wetlands instead of all in farming, the fact remains that the value of the program to wildlife is not when the land is farmed, but when it is in wetlands. The program actually shows the enormous benefits that could be derived if commercial farming was actually eliminated from the refuge lands. In addition, it should be noted that there is no current requirement that any percentage of refuge leaselands must be in walking wetlands.

Under the KBRA, if the USFWS is directed by Congress to sign it, the USFWS would be agreeing to penalize Lower Klamath NWR for any walking wetlands, by reducing the water allocation to Lower Klamath NWR wetlands by one-acre foot per acre of walking wetlands. Water will be withheld from Lower Klamath NWR at a rate of one-acre foot per acre of walking wetlands, regardless of how much water is applied to the walking wetlands, and regardless of whether it is more or less than would have been applied if the land was farmed. Lower Klamath NWR is even being penalized where private walking wetlands are created under the program to increase the value of farming on private lands. Though the private wetlands will provide some benefit to waterfowl, public wetlands on a national wildlife refuge would suffer, in order to temporarily create wetlands on private lands for the private landowners’ benefit, all at taxpayer expense. This is not good public policy. It again makes a lot more sense to just phase out the existing commercial farming leases on the refuges, and restore those valuable refuge lands to their historic wetland condition.

As part of the CCP process the United States Fish and Wildlife Service should:

- Only use walking wetlands as a bridge management measure as historic lakebeds are restored to natural conditions and managed for migratory birds, fish and wildlife rather than for commercial farming.
- Not use walking wetlands as a justification for maintaining commercial farming on the refuges.
- Should not reduce water deliveries to LKNWR on account of walking wetlands.

- Should evaluate a demand reduction program to prevent the periodic draining of all Upper Klamath NWR wetlands.

**5. Stateline Road.** Currently Stateline Road, a major commercial trucking route, bisects Lower Klamath National Wildlife Refuge, has a 55 mile per hour speed limit, and has inadequate shoulders to pull over for nature observation.

As part of the CCP process the United States Fish and Wildlife Service should:

- Consider routing commercial trucking off Stateline Road where it goes through Lower Klamath National Wildlife Refuge.
- Consider lowering the speed limit through the refuge.
- Consider improving wildlife viewing opportunities on Stateline Road.

**Klamath Basin Wetlands**

- Historically contained 350,000 acres of wetlands and tremendous populations of waterfowl and other wetland birds.
- 80% of the Pacific Flyway waterfowl pass through the Basin during fall and spring migration. The abundance and diversity of waterfowl and other migratory water birds make the Klamath Basin one of the most unique and significant wetland wildlife areas in the nation.
- Some of the most productive breeding areas for water birds in the intermountain West.
- The largest overwintering population of bald eagles in the lower 48 states.
- 3 of the remaining 13 white pelican colonies remaining in the West.
- At one time up to 10 million birds in the basin thought to be the largest concentration of waterfowl in the world.
- As late as the 1950's peak waterfowl numbers reached 7 million birds, but there has been a steady decline down to 1.2 to 1.8 million birds at peak times today.
- 75% of the historic wetlands have been lost in the Klamath Basin and 95% of the wetlands in California have been lost – this greatly increases the importance of the remaining wetlands, most of which are located in the basin's 6 National Wildlife Refuges.
- The abundance and viability of suitable habitat is unquestionably the greatest limitation confronting waterfowl.
- Under current Klamath Reclamation Project operations, all 15,000 acres of Upper Klamath National Wildlife Refuge and all other wetlands around Upper Klamath Lake will be dry for extended periods, and in 50% of all future years 60 to 80% of the permanent and seasonal wetlands in Lower Klamath National Wildlife Refuge will be dry.
- The decline in wetland habitat in Klamath Basin refuge wetlands decreases the carrying capacity of the entire Pacific Flyway, having impacts from Alaska to Mexico.
- Under the North American Waterfowl Management Plan signed by the United States and Canada, wetland habitats in the Klamath Basin are currently insufficient to achieve the Plan's goals.

## **Lower Klamath National Wildlife Refuge**

- The first National Wildlife Refuge for waterfowl, it was created in 1908 by President Theodore Roosevelt.
- Initially, the entire 80,000 acres of Lower Klamath Lake was protected, but subsequent administrations reduced the refuge to 50,000 acres of which only 12,000 to 27,000 acres are maintained in permanent and seasonal wetlands today (15,000 acres are farmed with 6,000 of those acres being leased for commercial farming).
- In 1917, the Bureau of Reclamation worked with a railroad company to build a dike that cut off Lower Klamath Lake from the Klamath River thereby drying up the lake and refuge for a quarter of a century. Water was brought back to the refuge in 1942 when the tunnel through Sheepy Ridge was constructed to drain water from Tule Lake.
- Lower Klamath Lake National Wildlife Refuge (LKNWR) is the single most important staging area for both fall and spring migratory waterfowl in the Pacific Flyway, and most heavily used waterfowl area in the entire Pacific Flyway. It regularly supports 40-60% of the Basin's migratory population.
- LKNWR supports the greatest proportion of overwintering bald eagles and is currently the chief feeding area for overwintering eagles (50-90% of the basin's overwintering eagles use LKNWR each winter month).
- LKNWR is one of the major waterfowl production areas in the intermountain west and supports one of the densest breeding populations of waterfowl in the National Wildlife Refuge system, averaging over 50,000 birds during the 10 years prior to the water crisis.
- During late summer LKNWR is a focal point for molting waterfowl with 50,000 to 100,000 birds present, some coming from over 300 miles away.
- LKNWR is home to most of the 411 wildlife species in the upper Klamath Basin, including 25 species of special concern of which 3 are threatened or endangered species.
- LKNWR supports up to 1,000 sandhill cranes during the fall migration making it one of the largest fall staging areas for cranes in the Pacific Flyway – at times 20 to 30% of Central Valley population of greater sandhill cranes (considered a threatened species by the State of California) are on LKNWR.
- LKNWR supports one of the last two remaining white pelican colonies in California (the other is in Clear Lake National Wildlife Refuge).
- At times peak spring tundra swan populations on LKNWR have approached 50% of the Pacific Flyway total.
- At times peak canvasback population numbers on LKNWR have been greater than 50% of the Pacific Flyway total, making LKNWR one of the most important staging areas for this species.
- LKNWR supports one of the only remaining breeding colonies of California gulls in California.
- LKNWR is rapidly becoming one of the major production areas for breeding white-faced ibis in the intermountain west.

## **Tule Lake National Wildlife Refuge**

- Established in 1928, it consists of 39,116 acres, about 30,000 acres from the historic lakebeds of Tule Lake, which once ranged from 50,000 to 100,000 acres in size.
- As a result of controversy over the future of the Tule Lake National Wildlife Refuge (TLNWR) (continued reclamation of Tule Lake lands for farming or dedication to wildlife) the Kuchel Act was passed in 1964 establishing the primary purpose of the refuge to be for waterfowl, but allowing commercial farming on the TLNWR as long as it is compatible with refuge purposes.
- Today almost 50% of the TLNWR is leased for farming (17,000 acres, 15,500 of which is leased for commercial farming (as distinct from cooperative farming to produce grain for waterfowl); with 13,000 acres in two sumps filled with polluted agricultural return flow.
- The biological resources of TLNWR have declined significantly since the passage of the Kuchel Act.
- The lost productivity at TLNWR has increased the importance of LKNWR for migratory and breeding waterfowl and overwintering bald eagles.
- Before its decline, TLNWR was considered the premier waterfowl refuge in North America.
- If TLNWR is managed to enhance wetland productivity the biological potential is enormous, however the leaseland farm program severely restricts management options to increase TLNWR wetlands and wetland productivity.
- Despite the loss of its productivity, TLNWR remains one of the most important waterfowl migration staging areas in the Klamath Basin and regularly receives most of the Artic goose use within the Klamath Basin in the fall and supports large populations of fish eating birds in the spring and summer months.
- TLNWR produces an average of 4,665 waterfowl per year and supports 50,000 to 100,000 molting waterfowl in the late summer.

**Ten Reasons Why Leasing 22,000 Acres of Klamath Basin National Wildlife Refuge Land for Commercial Farming Should be Terminated.**

1. Commercial farming on refuge land uses scarce water resources at the expense of refuge wetlands, and the fish and wildlife of Upper Klamath Lake and the Klamath River. Commercial farms on refuge land receive water even when adjacent refuge wetlands are forced to go dry.
2. Commercial farming uses critical refuge lands that should be used for wetland and wildlife management. Eighty percent of the basin's wetlands have been drained for commercial agriculture. Keeping historic wetlands on our refuges drained to lease for commercial farming is incompatible with the purposes of our National Wildlife Refuges and a violation of public trust.
3. Commercial farming uses refuge land that could be used to store water naturally for refuge purposes. The refuges need an independent secure source of water. Up to 100,000 acre-feet of water could potentially be stored naturally on refuge land currently leased for commercial agriculture.
4. Phasing out commercial farming on the refuges is the logical place to begin reducing the irrigation season water demand of the Klamath Project (a necessary step to solve the basin's water crisis). Eliminating lease-land farming on the refuges could save up to 50,000 acre-feet (16 billion gallons) of water during the irrigation season thereby reducing Klamath Reclamation Project irrigation water use by approximately 10%. This reduction could be achieved on land already owned by the federal government and would reduce the need to purchase private lands in order to reduce demand.
5. Phasing out commercial farming on the refuges would save taxpayer dollars. The federal government currently is paying out more money per acre to Klamath Project farmers not to irrigate each year as part of a water bank than it receives from leasing refuge land to farmers to irrigate. The government could save money in meeting water bank requirements by simply not renewing leases for refuge lands for irrigated agriculture when the current leases expire.
6. Leasing out refuge lands for commercial farming unfairly competes with Klamath Reclamation Project landowners who lease their private lands for commercial farming.
7. Row crops such as onions and potatoes that are grown on refuge lands leased for commercial farming provide little or no benefit to wildlife. Even waste grain from left over grain harvests on refuge land provide only about one-tenth to one-half the food per acre as wetlands and are used by only a small number of species.
8. Heavy use of pesticides known to be harmful to wildlife are used on refuge lands leased for commercial agriculture including known carcinogens, neurotoxins, and endocrine disruptors. Some of these pesticides are so toxic EPA rules prohibit human entry into the treated fields for 24 to 72 hours after treatment.
9. Commercial farming activities (e.g. tilling, planting, mowing, cultivation, irrigation, harvesting, and pesticide/fertilizer applications) destroy nests and kill wildlife.
10. Managing the commercial farming activities on the refuges uses up time of refuge personnel and funds that should be used to manage the refuges for wildlife purposes.