



# Briefing Paper

DATE: 20 January 2010 STATE: CA  
PREPARED BY: Ron Cole- Project Leader/ Klamath Basin NWRC  
PREPARED FOR: Regional Director Ren Lohofener  
SUBJECT: How the Klamath Basin Restoration Agreement (KBRA) Affects the Klamath Basin National Wildlife Refuges (KBNWR)  
PURPOSE OF BRIEFING DOCUMENT: Provide an analysis of the how the Refuges will function with a KBRA compared to without a KBRA (current situation)  
ISSUES:

- **Modification of Klamath Project Purpose:** Refuge purposes will be added to current project purposes to assure that the refuge water allocation is equal in priority to the irrigator's allocation. This provision also allows the Refuge to enter into contracts with irrigation districts and/or the Bureau of Reclamation for the delivery of Refuge water through Project facilities. *Current Situation: The refuges, fish and wildlife are not included as a purpose of the Klamath Reclamation Project. As such, the refuges have no priority for water delivery and cannot receive water until irrigation needs are met.*
- **Certainty of Water Delivery:** The Refuges will receive sufficient water for wildlife purposes in nine of ten years. A Drought Plan will be developed to address the rare occasion where water is in extremely short supply. Refuge managers will have the ability to call for water when it is needed which gives them the flexibility needed to manage water to create optimum habitat conditions. *Current Situation: In the past Refuges have suffered draught conditions in eight out of ten years. Lower Klamath NWR was essentially dry between the 1920's-40's with no legal right Project water. Planning for habitat management is difficult without knowing how much water delivery the refuge will receive.*
- **A Lower Klamath NWR Water Allocation (Apr-Oct):** 48 taf in dry years increasing incrementally to 60 taf in wet years. Even this dry year allocation of 48 taf will provide for full refuge needs 88% of years. This dry-year wet-year approach is similar to that used by Project water users. *Current Situation: Refuges have no allocation of water and only receive water in excess of ESA, Tribal Trust and Project Irrigator needs. This has left the refuge short of water 80% of years since river flows and lake levels have been regulated.*

- **Lower Klamath NWR allocation (Nov-Mar):** 35 taf is similar to historic use. The refuge would also have the ability to increase winter use up to 60 taf; however, the increase in use beyond 35 taf would be deducted from the subsequent spring-summer allocation. This provision allows the refuge flexibility in the future to manage wetland habitats for migratory birds. *Current Situation: The refuges have no flexibility and are unable to adapt to drought year extremes*
- **Tule Lake NWR “Allocation”:** Tule Lake NWR’s water needs are met within the Project irrigator’s allocation. This includes water to maintain elevations within the Sumps (13,000 acres of wetland habitats), consistent with current operating rules and regulations and Biological Opinions, as well as water needed to serve the agricultural lease lands. Within the On-Project Water Plan, Tule Lake NWR will be dealt with equitably and provisions within the Plan that relate to Tule Lake NWR must be approved by the Refuge Manager. This will ensure that any reductions in allocation are not imposed disproportionately to Tule Lake NWR. If water elevations within the sumps are intentionally lowered under the direction of the Service for wildlife management purposes, water to reflood those areas will be subtracted from the Lower Klamath allocation.
- **Water for “Walking Wetlands:** “Walking Wetlands”, the practice whereby wetlands are inserted into commercial crop rotations, will receive its water from both the Lower Klamath allocation (1 af/acre) and the irrigator’s allocation (2 to 2.5 af/acre). The refuge gains additional wetland habitat for a relatively minor cost in terms of water allocation, and the Project irrigators are not penalized for using additional water to provide wetlands on private lands. This provision applies to “walking wetlands” on both private lands and lease lands on Tule Lake NWR. Any walking wetlands utilizing the Lower Klamath allocation must be approved by the Refuge Manager. *Current Situation: Walking Wetlands can be denied water if the Klamath Project deems water delivered to agricultural crops is a better use of water resources. The Refuge Manager has no authority to direct water to Walking Wetlands.*
- **Refuges and Electrical Power:** KBRA provides the refuge authority to order water delivery through Project pumping facilities including D-Plant and several pumping plants on the Straits Drain. Management of wetland habitats for wildlife on Lower Klamath NWR requires the timely delivery of water in quantities needed. Refuges and irrigators will pay for 31.25% the costs, respectively. This proportion reflects LKNWR water use. BOR pays remaining 37.5%. *Current Situation: Refuge*

*cannot order water on demand but can only receive water if Irrigation District evacuates water to maintain flood control.*

- **Leased Agricultural Lands:** Management of Refuge lease lands will remain subject to the Refuge System Improvement Act, the Kuchel Act, and all other applicable laws, regulations and policies. The parties agree to pursue collaborative conservation measures on the lease lands including walking wetlands as well as other practices beneficial to wildlife.

***Current Situation:** The lease land farming program is subject to the National Wildlife Refuge System Improvement Act of 1997 and will be evaluated in the upcoming Comprehensive Conservation Plan as it relates to the primary purpose of waterfowl management and other applicable laws, regulations and policy.*

- **Lease Land Administration:** The Service would maintain the ultimate administrative control over the lease lands; however, Tule Lake Irrigation District (TID) and Klamath Drainage District (KDD) would become the leasing agent for those lands. The lands would be managed consistent with the Kuchel Act. Because of the close proximity of TID and KDD, lease administration and coordination with the Service would be much improved. Under this provision, the Refuge would receive 20% of net lease revenues for implementation of conservation practices on the Refuge. In 2009, the Refuge share would have been \$640k. ***Current Situation:** The Refuge receives no funds from the current leasing program.*

- **Agency Lake Ranch and Barnes Ranch:** Reclamation shall transfer the land to FWS upon written mutual agreement between Reclamation and FWS (transfer agreement) within one year of the Effective Date. The FWS, with technical assistance from BOR, will make best efforts to reconnect the land to Agency Lake, to provide restoration, wildlife, fisheries, and water management benefits.

**MAIN DECISION OR MESSAGE:**

If the KBRA is enacted, the refuges will, for the first time in over 100 years receive a certainty of water delivery. If the KBRA were in place in 2009, the summer water delivery to LKNWR would have been 48,000 AF.- about twice as much water as what the refuge actually received in 2009.

**BUREAU PERSPECTIVE:  
CONTACT:**

**The KBRA provides the certainty of water delivery and the safety net the Refuges need but have never had.**

Ron Cole- Refuge Manager, KBNWRC 530-667-2231