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**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS --
(Senate - May 21, 2014)**

By Mr. **WYDEN** (for himself, Mr. **MERKLEY**, Mrs. **FEINSTEIN**, and Mrs. **BOXER**):

S. 2379. A bill to approve and implement the Klamath Basin agreements, to improve natural resource management, support economic development, and sustain agricultural production in the Klamath River Basin in the public interest and the interest of the United States, and for other purposes; to the

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Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I rise to introduce a bill that would authorize the implementation of the landmark agreements that settle some of our country's most complex and contentious water allocation and species preservation issues. Water management crises this century have made the Klamath Basin nationally known, with all interests having experienced devastating water years. Overcoming that adversity, the parties in the basin have spent years coming together to hammer out solutions--essentially giving up their right to obstruct in the name of the greater good. With this bill the basin should now be known for the dedicated and enduring collaborative efforts that have honed in on a sustainable and more economically certain future for the basin--an example that other regions can emulate for their watershed challenges. It is time for Congress to place its seal of approval and set about implementing these agreements to restore the basin by passing the Klamath Water Recovery and Economic Restoration Act of 2014.

I am pleased to be joined by three colleagues on this bill. Senator **MERKLEY** has tirelessly worked to support the collaborative approach undertaken by two states, four Tribes, multiple Federal agencies, and countless stakeholders. Senators **FEINSTEIN** and Boxer have answered the call for communities reeling from unprecedented drought, and the Klamath Basin--spanning Oregon and California--is yet another illustration of their efforts to assist communities in need while supporting fish and wildlife. Together, we are committed to working with our colleagues in the Senate and House to advance this bill and get it signed by the President.

The story of the Klamath Basin revolves around water. Congress authorized a federal irrigation project for the basin in 1905. Now the Klamath Project provides water service to roughly 210,000 acres of productive farmland--producing such crops as potatoes, cereal grains, sugar beets, alfalfa and other

hay, and irrigated pastures for beef cattle. The Klamath Hydroelectric Project supports power needs in the basin with seven dams, the last of which was built more than 50 years ago. Water needs for irrigation have increasingly come into conflict with the needs of fish and wildlife. In 1908, President Teddy Roosevelt established the nation's first waterfowl refuge, Lower Klamath National Wildlife Refuge. The importance of the basin for migratory birds along the Pacific Flyway saw the later creation of the Clear Lake, Tule Lake, Upper Klamath, Bear Valley, and Klamath Marsh National Wildlife Refuges. The basin is also home to 13 species of anadromous fish. Three of these species are listed under the Endangered Species Act, including the endangered listing of the Lost River and shortnose suckers in 1988, the threatened listing of coho salmon in 1997, and the threatened listing of bull trout in 1999. These fisheries--particularly salmon and suckers--are important to the six federally recognized tribes in the basin. Water demand often far exceeds the amount of water in a given year, setting up a situation ripe for conflict.

That conflict grew to a head in the early 2000s. In 2001, biological opinions about the water necessary for endangered fish resulted in the Bureau of Reclamation of the Department of the Interior withholding much of the water that would have normally gone to Klamath Project irrigators. Researchers for Oregon State estimated that the water curtailment would have, in the absence of public and private emergency mitigation efforts, reduced agricultural output in the Upper Basin by \$82 million, about 20 percent, and regional employment by almost 2,000 jobs. Then in 2002, low water flows and poor water health caused the death of as many as 70,000 fall chinook before they could navigate up the Klamath and spawn, in an event known as the "2002 fish kill." The rancor and legal conflicts only intensified with these events, creating uncertainty in the basin that has impeded overall growth and prosperity.

Instead of accepting a future determined by acrimonious and costly legal battles over the water, stakeholders in the basin came together to chart a different path. They recognized that their respective interests could be better met through cooperative efforts designed to enhance species recovery, the certainty of agricultural operations, and stability in the basin for economic growth and civic relations. Years of complex and challenging work culminated in two historic agreements in 2010--the Klamath Basin Restoration Agreement, KBRA, and the Klamath Hydroelectric Settlement Agreement, KHSA. The KBRA settles water disputes in exchange for greater water certainty for farmers and ranchers, water for fish and wildlife needs, reduced power costs for irrigators, and restoration efforts for fisheries. The KHSA sets out a process whereby four hydroelectric dams may be removed, at no federal cost, should removal be in interest of fish restoration and the public interest considering local community impacts. Together these cooperative efforts can achieve more for the basin than asserting individual interests could. The collective efforts will promote economic stability and growth, while ensure a full suite of restoration efforts are in place for the recovery of listed fish species.

The latest agreement in the basin became final just this year, the Upper Basin Comprehensive Agreement, UBA. I am especially proud of the work that produced the UBA, having helped convene the special task force that worked mightily to find agreement on the key remaining issues in the basin. The task force came about after a June 2013 Senate Energy and Natural Resources Committee hearing on water issues in the basin that I chaired. The Committee heard from 17 diverse witnesses and received roughly 4,000 comments via email prior to the hearing. Most acknowledged the clear impetus for a comprehensive solution given that the Oregon Water Resources Department found in March 2013 that the Klamath Tribes held a time immemorial water right, making them the most senior water right holder in the basin. And after months of arduous work on the task force, members including irrigators, environmentalists, and tribes found common ground on habitat protection and restoration and swallowed hard to reduce the federal expenditures needed as I had called for in the Senate. The UBA lays out specific water management and restoration measures for the Upper Basin, including 30,000 acre feet of increased stream flows into Upper Klamath Lake. The agreement provides crucial economic certainty to small business in the basin who sell equipment to farmers growing the crops, certainty for the cattle ranchers who manage their herds, certainty for the tribes who want to pursue promising opportunities in forestry, like biomass and other economic development.

The Klamath Basin Water Recovery and Economic Restoration Act of 2014 authorizes these historic agreements and paves the way for the restoration work needed to achieve their goals. In so doing, it sets out a new cooperative management plan that the Bureau of Reclamation will administer. For the first time, the Klamath Reclamation Project will include fish, wildlife, and National Wildlife Refuges as authorized purposes for the project. This will allow water managers to increase in-stream flows and lake levels. Private landowners and others will undertake permanent protections for riparian areas and other enhancements that will help restore hundreds of miles of fish habitat. Fish biologists estimate that these efforts will boost annual production of adult Chinook salmon by 80 percent. Additional water and flexible releases for the National Wildlife refuges means greater numbers of migratory waterfowl, non-game water birds, wintering bald eagles, and other sensitive species.

Achieving these benefits for fish and wildlife correspond to economic benefits to the basin. The restoration efforts will also produce jobs. The Department of the Interior calculates that more than 4,000 farming, ranching, commercial and recreational fishing, construction, and other jobs will be created or preserved. The water management plan provides for more predictable water for farmers and ranchers to ensure irrigated agriculture continues in the basin. A drought management plan assists in navigating the challenges created by drought and climate change in the basin. To deal with the escalating electric costs faced by irrigators, the bill lays out a path to

affordable power including renewable energy development. There are also economic benefits to tribes, beyond what a water right alone can achieve. The legislation sets up an economic development fund for the Klamath Tribes so they can create tribal jobs while sustainably managing their natural resources. By modifying some parties' interests for the greater good, the basin can move beyond years of polarizing debate and create a stable future from which to plan and prosper.

These historic agreements didn't happen by osmosis. They represent years of hard work among parties who have stood up to incredible pressures and made very real sacrifices to better their communities and the associations they represent. I have thanked many parties for their dedication over the course of these agreements and want to again express my deepest thanks to the members of the task force and those who went before them to tee up the work for Congress. With this bill, it is now time for Congress to step up and deliver on this package of agreements. The spirit of compromise on these thorny water issues has a message for not just Congress, but provides an example of how other vexing water situations across the Nation can sit down to work out their differences.