



May 27, 2015

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PFMC

The Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

RE: Pacific Fishery Management Council's Request for Additional Klamath River Flows

Dear Secretary Jewell:

On behalf of the Klamath Water Users Association (KWUA), I am writing in response to a May 12, 2015 letter sent to you by the Pacific Fishery Management Council (PFMC). In that letter, PFMC requested that the Department of the Interior (Interior) make plans for additional stored water releases for flows in the Klamath River this fall. While PFMC is not specific as to the source of water for these flows, releases would be highly inappropriate if they come from already inadequate allotments for agricultural production, including water intended for the Klamath Project. Additional releases are not required or authorized by law, and would potentially cause great economic hardship for the local communities. Specific amounts of water have been allocated for flows in the mainstem Klamath River. Interior should manage the Klamath River needs with the water already allocated for that purpose and not increase the allocation in response to the PFMC request.

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 family farms and ranches that depend on the Upper Klamath Lake/Klamath River system for water for irrigation. KWUA has consistently communicated with Reclamation about Klamath River flow issues for decades, most recently on January 30, 2015, regarding the "Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River." Currently, 11 of the 15 irrigation districts in the Klamath Project that have water delivery contracts with the United States are shut off from irrigating with Klamath River water, save for a few small water transfers. Nearly 60,000 acres of the Klamath Reclamation Project is likely to be without any water in 2015. Additionally, for the third consecutive year, the Lower Klamath National Wildlife Refuge will be without meaningful amounts of water, which impacts migratory birds on the Pacific Flyway and other important wildlife. The impacts to our community, businesses, and culture will again be significantly, and perhaps irreparably, harmed.

In the face of these facts, and possibly the worst drought this region has ever experienced, it is irresponsible for PFMC to seek yet another change in water management for the speculative benefit of non-listed species in the Klamath River. Or, perhaps it simply reinforces what experience has taught us: that no matter the condition of the salmon in the Klamath River, PFMC will request that more water be released, under the pretext of some purported unique circumstance. In years when the salmon run is too small, additional

releases are requested in order to address this concern; when the salmon run is large, additional releases are requested to address this concern. This year, the justification for the request appears to be that there may be more returning salmon than currently forecasted and, seemingly, that more water is better no matter what. The PFMC does not acknowledge that additional releases come at the expense of other interests, let alone demonstrate any awareness or respect for other affected communities.

We understand the importance and value of healthy Klamath River fisheries and we support a way of doing business on the Klamath River that involves respect, collaboration, and communication. PFMC has not followed this approach and we do not see the justification for the request for more water. Under the Klamath Project biological assessment and 2013 joint biological opinion, the environmental water account (EWA) is set aside for flows to the Klamath River from Iron Gate Dam. The EWA is calculated based on, and is supposed to mimic, the natural hydrologic conditions. In practice, however, this block of water can be overspent early on due to artificially high river flows. While this should mean that additional water is not available for requested pulse flows at allegedly crucial times of the year, no cap to the EWA has been enforced due to the recurring assertion that another fish die-off is imminent. This is evident by the fact that stored water releases in addition to the EWA have been requested and sent for salmon during the two years this biological opinion has been in place. Whether one considers the Klamath or the Trinity system, these sorts of releases harm rural communities and must stop now.

PFMC cites the fish die-off in 2002 and the loss of essential fish habitat (EFH) for salmon as justification for additional releases. While KWUA also wants to avoid a fish die-off event, we believe PFMC and others use selective information to make the conclusion that more water would have fixed the problem. KWUA is skeptical of whether this flow-centric approach is an effective tool for addressing the salmon issues. For example, the National Research Council Committee on Endangered and Threatened Fish in the Klamath Basin in 2003 failed to find a linkage between the operation of the Klamath Project and the fish die-off, and questioned whether changes in federal project operations at the time would have prevented it. Furthermore, a federal judge in 2003 found that conflicting facts about the fish die-off prevented her from concluding that Klamath Project operations caused the death of the fish. She agreed with motions put forth by KWUA and the federal government that there was no evidence linking Reclamation's management of water with the die-off.

KWUA understands that all interests sense risk this year due to the poor hydrology in the Klamath Basin. However, as referenced earlier, each interest, in wet years and dry years, can anticipate an amount of water under the Klamath Project joint biological opinion. It is up to each of the interests to manage their needs within their allotment, including those who look after the interest of fish. The federal fishery agencies have promulgated a biological opinion that is based on natural hydrology, as we believe it should be. In a year like this, the natural hydrology creates the risk to salmon EFH, not the operation of the Klamath Project. The Klamath Project should not be required to make up any perceived shortcomings.

KWUA continues to support and recommend non-flow alternatives as part of the long-term solution to fishery needs. These alternatives, however, are often discarded without any detailed justification despite the lack of reason to believe that the additional releases are actually benefiting the fish (e.g., see pages 12-14 of the "Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River"). Interior should not plan for additional releases. Rather, it should plan to operate within the confines of the EWA and take a serious look into non-flow alternatives. Additional releases for salmon negatively affect not only

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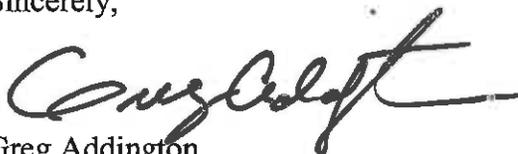
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agriculture, but also other species listed under the Endangered Species Act and millions of migratory birds that rely on feed from refuges watered by the Klamath Project.

PFMC is asking you to plan for additional fish flows but PFMC's characterization of this request as "advance planning" is not correct. The request comes too late to represent realistic, fair, or true water management planning. We urge Interior to respect the allocations set up under the biological opinion to fairly protect all sensitive species in the Klamath system, and to allow farmers a secure water supply that the proposed action originally intended. We offer our assistance to help inform any action taken by Interior on this issue.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Addington", written over a horizontal line.

Greg Addington
Executive Director

cc: Donald O. McIsaac, Pacific Fishery Management Council



June 3, 2015

Dorothy Lowman, Chair
Pacific Fishery Management Council
1100 NE Ambassador Place, Suite 101
Portland, OR 97220

Re: Agenda Item C.1. Council Letter on Aquaculture Impacts

Dear Chair Lowman and Council Members,

On behalf of Audubon California, Earthjustice, Oceana, and the Redwood Region Audubon Society, we are writing in strong support of the Council's draft letter to Mr. Jack Crider of the Humboldt Bay Harbor, Recreation and Conservation District, regarding the proposed Humboldt Bay Harbor District Mariculture Pre-Permitting Project and the proposed Coast Seafoods Expansion Project. We applaud the leadership of the Habitat Committee in reviewing these separate yet related proposed projects on behalf of the Council, and we urge the Council to approve the letter.

The combined proposed expansion is massive, consisting primarily of culch-on-longline oyster mariculture would include approximately 1150 acres of intertidal habitat, including at least 925 acres of eelgrass (*Zostera marina*) designated as Essential Fish Habitat under the Fishery Management Plan for the Pacific Coast Groundfish Fishery (Figure 2 in letters attached). Regulations implementing essential fish habitat (EFH) designations for this fishery include Humboldt Bay as a Habitat Area of Particular Concern (HAPC) for Estuaries and for Sea Grass. The California Department of Fish and Wildlife has identified the project area as core spawning habitat for Pacific herring, an Ecosystem Component Species in the Coastal Pelagic Species Fishery Management Plan. Humboldt Bay is the third most important spawning site for Pacific herring in the state, by spawning biomass. Finally, Humboldt Bay is within EFH for Coastal Pelagic Species.

We appreciate the attention of the Habitat Committee on this important issue and look forward to full Council review of the serious adverse impacts that these proposed projects would have on Essential Fish Habitat and Pacific herring spawning habitat. This letter from the Council is timely in light of the fact that a DEIR is being prepared for the proposed Coast Expansion Project, and an FEIR is being prepared for the Harbor District Pre-Permitting Project. For your consideration, we have attached our comment letters on the proposed expansion projects.

Sincerely,



Anna Weinstein
Seabird and Marine Program Director
Audubon California



Andrea Treece
Staff Attorney
Earthjustice



Geoffrey G. Shester, Ph.D.
California Program Director
Oceana



Hal M. Genger
President
Redwood Region Audubon Society