

**Statement by the Honorable Geri Byrne, Chair
Modoc County Board of Supervisors
Modoc County, California**

**Before the Natural Resources Committee
Subcommittee on Water, Oceans and Wildlife
U.S. House of Representatives**

Klamath River Basin Conditions and Opportunities

March 8, 2022

Chairman Huffman, Ranking Member Bentz, and Members of the Subcommittee, thank you for holding this important hearing and for the honor of testifying before you.

I am Supervisor Geri Byrne and am speaking today on behalf of the three primary Klamath Basin Counties: Klamath County, Oregon; Siskiyou County, California; and my own Modoc County in northeastern California.

As the elected leaders of the Klamath Basin Counties, we represent all of the citizens that we serve, and have a clear legal responsibility to protect the health, safety and welfare of our citizens.

As of today, we face numerous overlapping crises including the loss of basic drinking water to over three hundred families and economic catastrophe due to the loss of irrigation water in our canals for our farms, not to mention the impacts to fish and wildlife at our neighboring federal wildlife refuges. To successfully carry out the health and safety mandate, each of our counties depends upon the federal government to honor its federally mandated coordination obligation by conducting government-to-government interaction with County officials. While the Department of the Interior has recently conducted informational briefings focused on touting the newly enacted infrastructure law, County leaders are seeking government-to-government consultation focused on our legal obligations, jointly held goals, and sharing of proposed actions to fulfill these responsibilities.

Today's crises stem from decisions made in 2021, when the Bureau of Reclamation determined that the project would receive a zero water allocation for wildlife refuges or Project agriculture. This action directly resulted in the failure of more than 300 domestic wells in Klamath County alone and is likely double that

number when California's dry wells are included. Consequently, these families are continuing to be left without water for drinking, cooking, or basic sanitation. The temporary efforts to provide alternative relief measures such as distribution of bottled water and bringing in temporary water storage tanks are insufficient and unsustainable. While drought conditions will always be difficult to manage, cutting off water entirely to the Klamath Basin Project's agricultural customers can never be an acceptable solution. Other proposals to address the issue including suggesting fallowing of some agricultural lands, is shortsighted and does not take into account revenue losses for local governments that have real impacts to the services we must provide to our citizens.

We believe the drought crisis now upon us is analogous to fighting a wildfire. The health and safety of those laying in the path of the fire overrides "business as usual" management plans. These same, extraordinary conditions exist in the Klamath Basin today. Due to the historic drought and subsequent federal government management decisions, hundreds of our counties' residents – many of whom are disadvantaged, low-income, and/or minority citizens – are without basic necessities for safe and healthy living in their homes.

Again, in order for us to successfully honor the oaths and obligations that we entered into upon taking office to protect our citizens from these imminent threats, the Department of the Interior's Bureau of Reclamation (Bureau) must successfully achieve its Klamath Basin Project operational goals now and over the long term. We need a lifeline and our constituents cannot sustain our economy without water.

To use my home County of Modoc, California as an example, the Klamath Basin Project is the primary economic driver for both the public and private sector. Modoc County GDP totaled about \$438 million in 2020. Naturally, the Project's revenues are a primary source of County revenues. However, the continuing drought puts at risk the ability of the County of Modoc to provide core public safety and health and human services for our citizens.

Interior's project management role and our roles, while different, are dependent on one another. It is unacceptable that some project management decisions and agency actions have placed our citizens at risk in the past. It is our desire to work with the Department to help it include the basic needs of our communities in long-term management of the Project. Our immediate and sole focus now is to assist the Bureau of Reclamation in relieving the health and safety risks that our counties' residents are facing on a daily basis.

Our entire community is suffering under the current approach. Our Tribal partners and constituents, our agriculture community, our business community, and all of those that call the Klamath Basin home need our help. Importantly, this includes the more than 400 species of fish and wildlife that depend on the water in the canals, drainage and the refuge habitat for survival, and we are all stewards in this effort. The goals of restoring fish and wildlife populations and delivering water to farmers are not mutually exclusive. Neither of these goals is being accomplished under the current operational plan.

We must recognize that during this time of drought there are not sufficient resources to provide a full water allocation to all parties, but an approach that provides for the survival of the communities we serve while we look forward to a long-term solution for the Basin must be our goal. We look forward to working with Congress and executive branch agency partners to find a more balanced approach both for now and in the future.

I am pleased to report to the Committee that we have made some inroads in recent months in working with the Bureau of Reclamation and the Fish and Wildlife Service to begin government-to-government discussions. We look forward to continuing this consultation with these federal agencies to work together to find solutions to achieve mutual objectives and goals, and how best to incorporate the important perspectives of County governments into the decision-making process.

Keeping in mind these mutual goals of the Bureau and the Counties, we have proposed to begin re-watering Project canals without further delay in order to test for safety (since the canals have been dry for nearly two years) and to be able to start moving water through to the wildlife refuges. As background, in order to provide water deliveries to Project agriculture and wildlife refuges, water must pass through the canals that lay within the city limits of Klamath Falls, Oregon, a city of more than 20,000 residents. The unprecedented zero allocation in 2021 and subsequent drying up of this critical delivery infrastructure, last used nearly two years ago, has degraded the canal so that there is the potential for canal failure or other system failure, posing a great risk to nearby residents and their property. Currently, a prudent conservative approach to re-water the system is being undertaken to ensure structural integrity of the canals. This current effort will enable bringing more water through the canals to both farmers and the wildlife refuge later this year.

We appreciate the need for ongoing coordination to satisfy the many competing concerns of our Basin. We will continue to engage with federal officials as they

begin to make decisions about the influx of funds from the new Infrastructure Investment and Jobs Act that are available for both the Bureau of Reclamation and the Fish and Wildlife Service. As we discuss proposals with these federal agencies, we will emphasize the importance of using these funds to the best effect and in a coordinated effort. Funds should be used with clear objectives in mind, and measurable benefits that can be achieved. All too often in the past, we have seen what some call “random acts of conservation,” which have limited benefits but often are not coordinated with other agencies’ efforts or done in concert with local governments’ planning and input. Instead, we ask that federal agencies incorporate County elected officials’ proposals and feedback to understand the socioeconomic impacts and consequences of federal decisions.

At this moment in time, we believe the health and safety crisis currently existing in the Project area supersedes all other issues, regardless of agency missions. Like a raging wildfire or other disaster threatening a community, government operations and elected officials that manage governmental responses must place human health and safety at the highest priority.

To this end, we ask Congress to support efforts that are now underway to replenish the dry wells across the Basin by diverting water to the canals and begin to restore the aquifer that is the vital life blood for our constituents, as well as replenish the wildlife refuge that is a vital part of our community.

Thank you