

The Klamath Tribes

Tribal Council

HB 4016

Testimony of the Klamath Tribes of Oregon Submitted to the House Energy and Environment Committee

February 7, 2018

The Klamath Tribes is a federally recognized Native American Nation consisting of three Native American tribes who traditionally inhabited Southern Oregon and Northern California: the Klamath, Modoc and Yahooskin Band of Snake Indians. The Tribes headquarters are in Chiloquin, Oregon, in the heart of the Upper Klamath River Basin.

The Tribes' 1864 Treaty with the United States preserved hunting, fishing, trapping and gathering rights for the Tribes and its members. These rights include, as part of the most senior water rights in the Klamath Basin extensive rights in Upper Klamath Lake, which also serves as a primary source of water supply for the Bureau of Reclamation's Klamath Project. HB 4016 has the potential to impact the Tribes' treaty rights and treaty protected resources in a very damaging way.

THE KLAMATH TRIBES OPPOSE HB 4016

HB 4016 is limited to irrigation districts who hold claims in the Klamath Project. The Klamath Project impounds water in and releases water from Upper Klamath Lake. Upper Klamath Lake provides critical habitat for treaty and trust resources of the Klamath Tribes, including two tribal trust species listed as Endangered under the federal Endangered Species Act: *C'waam* (Lost River sucker) and *Koptu* (shortnose sucker). These species are integral to the Tribes' culture and identity and are in imminent risk of extinction. Given the terrible water year we appear to be entering, it is possible that conditions this year could be bad enough to eradicate these species entirely. Therefore, to the extent that HB 4016 results in increased demand for Klamath Project water, or increased use of Klamath Project water, it risks directly and adversely



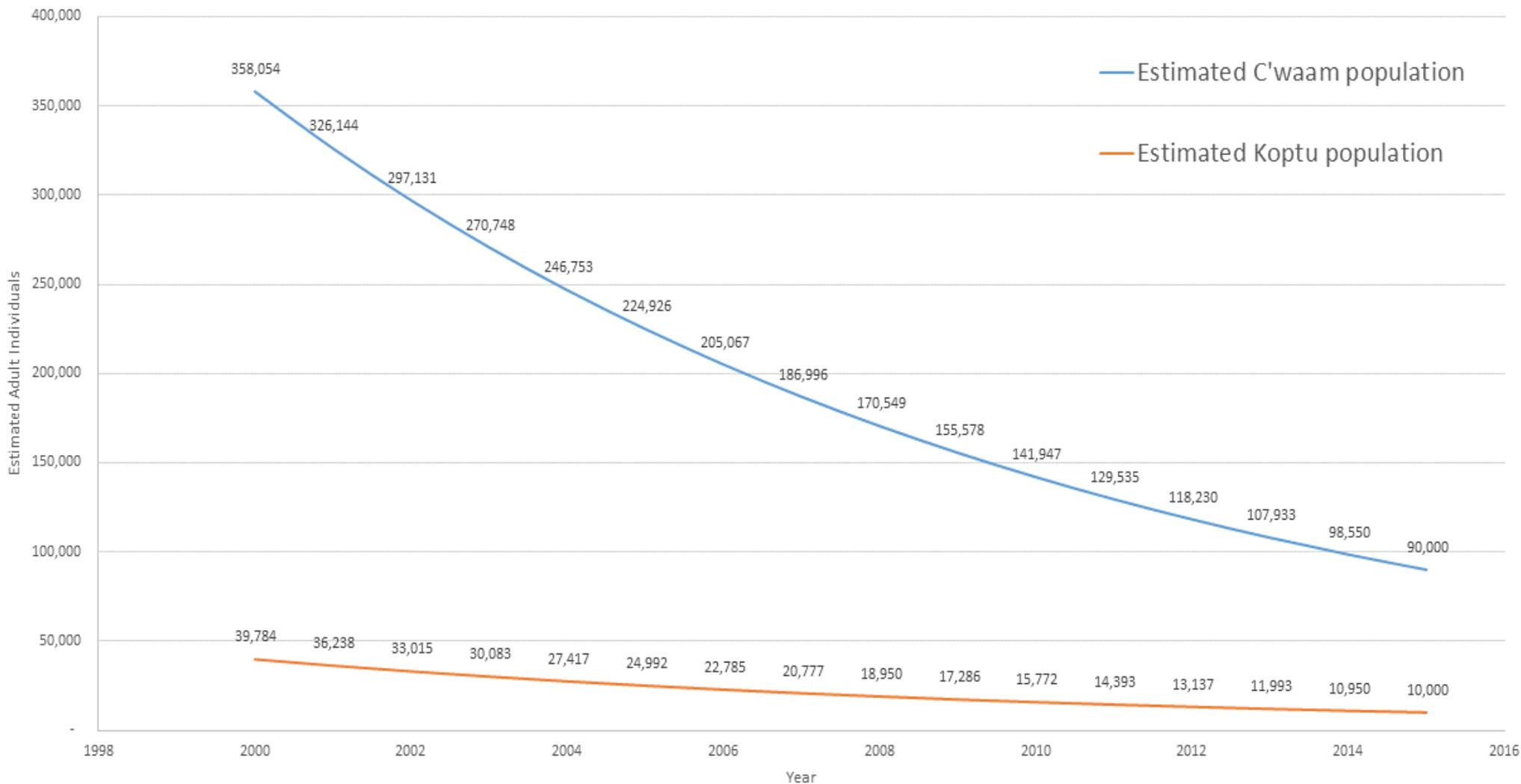
impacting the continued existence of these two critical species by leading to additional withdrawals from the Upper Klamath Land, and consequently strikes at the very heart of the Tribes' identity.

The overarching goal of the Tribes' use of our water rights, including our determined claims in Upper Klamath Lake, is to support a healthy and productive habitat that will enable us to meaningfully exercise our treaty rights to hunt, fish, trap and gather. Since at least the early 1990s, the Klamath Tribes have been working closely and carefully with Klamath Basin stakeholders, including the United States Fish and Wildlife Service, the United States Bureau of Reclamation, the State of Oregon, Klamath Project and non-Project water users, private landowners, The Nature Conservancy, and others to improve water quality and habitat in Klamath Lake. We have faced multiple obstacles in these efforts but continue to try to navigate a sustainable path forward for the treaty resources, ourselves and our neighbors. HB 4016 runs the risk of introducing a new and poorly understood variable into an already stressed Basin, thereby increasing the already daunting challenges we face.

For these reasons, the Klamath Tribes oppose HB 4016. Please do not hesitate to direct any questions to Chairman Don Gentry at Don.Gentry@klamathtribes.com.



Estimated population size based on average of estimated annual mortality rates



Both populations are estimated to be declining at a rate of 8-11% per year. An average rate of 9.5% was used to backcalculate historic population sizes, which are unknown.

