

AMENDED IN ASSEMBLY JUNE 14, 2001

AMENDED IN ASSEMBLY JUNE 12, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**Assembly Joint Resolution**

**No. 14**

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**Introduced by Committee on Water, Parks and Wildlife (Florez (Chair), Dickerson (Vice Chair), Aanestad, Calderon, Hollingsworth, Kelley, Leslie, Thomson, and Wyman)**  
(Principal coauthors: Senators Costa, Johannessen, Monteith, and Oller)

June 4, 2001

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Assembly Joint Resolution No. 14—Relative to the Klamath Project.

LEGISLATIVE COUNSEL'S DIGEST

AJR 14, as amended, ~~Florez~~ *Committee on Water, Parks and Wildlife*. Klamath Project.

This measure would memorialize the Secretary of Interior to convene the Endangered Species Committee to issue orders, as necessary, to remedy the crisis in the Klamath River Basin and ensure that this crisis is not replicated in other regions of the country. The measure would also memorialize the Congress of the United States to amend the Endangered Species Act, as specified.

Fiscal committee: no.

- 1 WHEREAS, The Klamath Project is a federal reclamation
- 2 project in Siskiyou and Modoc Counties, California, and Klamath
- 3 County, Oregon that provides water to over 200,000 acres of farms

1 and ranches, and two internationally significant wildlife refuges;  
2 and

3 WHEREAS, Water supplies are not sufficient, during a drought,  
4 to provide the water necessary to meet the needs of all existing  
5 uses, including farming, tribal fisheries, commercial fisheries,  
6 waterfowl refuges, and endangered fish and wildlife populations;  
7 and

8 WHEREAS, The Klamath Basin is one of the most critical  
9 waterfowl staging areas in North America, each year serving as a  
10 migratory stopover for nearly three-quarters of all Pacific Flyway  
11 waterfowl and, in addition, supports over 430 documented species  
12 of wildlife, including the largest wintering concentration of bald  
13 eagles in the lower 48 states; and

14 WHEREAS, In 1905, the California Legislature ceded certain  
15 land in Siskiyou and Modoc Counties for reclamation purposes  
16 and homesteading under the 1902 Reclamation Act, and veterans  
17 of world wars were given preference in homesteading lands in *the*  
18 *City of Tulelake* in reward for their service to the nation; and

19 WHEREAS, The settlers and invited homesteaders and their  
20 successors, through their diligence, labor, and commitment, have  
21 stewarded both private and public land for agricultural purposes,  
22 and developed valued economies and communities; and

23 WHEREAS, Water users that participate in the Klamath Project  
24 entered into agreements that provide for delivery of water to  
25 Klamath Project lands and have fully repaid their share of the costs  
26 of construction of the Klamath Project, and have otherwise  
27 complied with the terms of their agreements with the United  
28 States; and

29 WHEREAS, The Klamath Project has provided a reliable water  
30 supply to water users in the Klamath Project for nearly a century,  
31 enabling the agricultural sector to generate over \$300 million  
32 annually in economic activity throughout the region; and

33 WHEREAS, In past drought years, Klamath Project water users  
34 have voluntarily curtailed water use for the benefit of fish and  
35 wildlife, and have testified as to their willingness to support a  
36 balanced solution that protects fish, wildlife, and farms; and

37 WHEREAS, Irrigation in the Klamath Project, particularly *at*  
38 *the City of Tulelake*, typically commences by mid-March; and

39 WHEREAS, On April 6, 2001, *facing predictions of the worst*  
40 *drought since 1961*, the United States Fish and Wildlife Service



1 issued a biological opinion pursuant to the federal Endangered  
2 Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.) calling for the  
3 maintenance of the Klamath Project reservoir elevations to protect  
4 the shortnose sucker and the Lost River sucker; and the National  
5 Marine Fisheries Service issued a biological opinion concerning  
6 the flow of the Klamath River at Iron Gate Dam for coho salmon;  
7 and

8 WHEREAS, Also on April 6, 2001, the United States Bureau  
9 of Reclamation issued a Klamath Project operations plan based on  
10 those biological opinions under which the Klamath Project alone  
11 guarantees specific reservoir elevations at Upper Klamath Lake  
12 and specific streamflows below Iron Gate Dam, and which had  
13 resulted in zero water deliveries to the Klamath Project from  
14 Upper Klamath Lake and the Klamath River; and

15 WHEREAS, These actions and decisions have resulted in  
16 severe adverse impacts upon farm and ranch families, ~~farm~~  
17 ~~workers~~ *farmworkers* and their families, agricultural and retail  
18 businesses, schools, local governments, and rural communities at  
19 large; and

20 WHEREAS, Those actions and decisions have resulted in  
21 severe adverse impacts to the environment such as soil erosion and  
22 impairment of air quality through blowing dust, as well as loss of  
23 food and habitat for waterfowl and other wildlife, including bald  
24 eagles, and endangered species; and

25 WHEREAS, ~~Farm-workers~~ *Farmworkers* have had a long  
26 standing presence in the Klamath Basin, and the recent actions and  
27 decisions have contributed to the loss of approximately 2,600  
28 agricultural-related jobs in the three county area, many of these  
29 jobs belonging to ~~farm-workers~~ *farmworkers*; and

30 WHEREAS, The economic devastation to the community is  
31 having serious social consequences on families that are being  
32 separated or relocated in an effort to find alternative employment,  
33 and local schools are reporting a decrease in attendance and  
34 academic performance and a significant escalation in referrals of  
35 students for disciplinary problems and emotional counseling; and

36 WHEREAS, On May 4, 2001, Governor Gray Davis declared  
37 a state of emergency in the Counties of Modoc and Siskiyou, and  
38 allocated \$5 million to assist, in cooperation with the counties and  
39 local water districts, in the emergency discovery and extraction of



1 groundwater for cover crops to protect against the loss of topsoil;  
2 and

3 WHEREAS, On May 22, 2001, the Assembly Committee on  
4 Water, Parks and Wildlife held a hearing on the Klamath River  
5 water crisis and heard testimony of federal agencies and affected  
6 local interests; and

7 WHEREAS, Legitimate unanswered questions have been  
8 raised concerning the process, technical soundness, equity, and  
9 necessity of the actions and decisions made by the United States  
10 Fish and Wildlife Service and the National Marine Fisheries  
11 Service with regard to the Klamath River water crisis; and

12 WHEREAS, Hearing testimony underscored the devastating  
13 human and environmental consequences of the actions and  
14 decisions of April 6, 2001, and left unresolved major questions  
15 concerning the procedural and substantive aspects of those  
16 decisions; and

17 WHEREAS, A solution to the problems of the Klamath River  
18 Basin requires not only answers to the questions about the actions  
19 and decisions of April 6, 2001, but also a plan to balance all  
20 existing uses, including farming, tribal fisheries, commercial  
21 fisheries, waterfowl refuges, and endangered fish and wildlife  
22 populations; now, therefore, be it

23 *Resolved by the Assembly and Senate of the State of California,*  
24 *jointly,* That the Legislature of the State of California respectfully  
25 memorializes the Secretary of Interior to convene the Endangered  
26 Species Committee to issue orders, as necessary, to remedy the  
27 crisis in the Klamath River Basin and to ensure that this crisis ~~is~~  
28 *is* not replicated in other regions of the country; and be it further

29 *Resolved,* That the Legislature of the State of California  
30 memorializes the Secretary of Interior and the Secretary of  
31 Commerce to immediately seek and consider an objective,  
32 independent review of the biological opinions concerning the  
33 Klamath Project and Klamath River issued on April 6, 2001; and  
34 be it further

35 *Resolved,* That the Legislature of the State of California  
36 memorializes Congress to amend the Endangered Species Act to  
37 require that federal agencies in their actions to protect listed  
38 species make all efforts, consistent with the purpose of the act, to  
39 avoid disastrous consequences to citizens and communities; and  
40 be it further



1     *Resolved*, That the Legislature of the State of California  
2 memorializes the United States Department of the Interior and the  
3 National Marine Fisheries Service to revise their technical and  
4 decisionmaking processes to ensure that the processes are open,  
5 honest, objective, and timely; and be it further

6     *Resolved*, That the Legislature of the State of California  
7 memorializes the Congress of the United States to remediate, to the  
8 maximum extent possible, the impacts on individuals, firms, local  
9 agencies, and local communities caused by the actions and  
10 decisions of April 6, 2001; and be it further

11     *Resolved*, That the Chief Clerk of the Assembly transmit copies  
12 of this resolution to the President and Vice President of the United  
13 States, to the Secretary of Interior, to the Speaker of the House of  
14 Representatives, the Majority Leader of the Senate, and to each  
15 Senator and Representative from California and Oregon in the  
16 Congress of the United States.

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