



Phone (541) 883-6100 ~ Fax (541) 883-8893 ~ 735 Commercial Street, Suite 3000 Klamath Falls, Oregon 97601

July 11, 2018

The Honorable John Barrasso
Chairman, Environment and Public Works Committee
United States Senate
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Barrasso:

On behalf of Klamath Water Users Association (KWUA), I write in support of the proposed “Endangered Species Act Amendments of 2018.” This discussion draft bill would amend the Endangered Species Act of 1973 (ESA) to increase transparency, increased regulatory certainty, and to reauthorize that Act. We appreciate the leadership of you and members of the committee on the issue of ESA reform, and strongly supports this very important legislation.

KWUA is a non-profit corporation whose members include public and private water delivery entities, primarily in the form of irrigation districts. KWUA members deliver water to about 170,000 acres of land and over 1200 family farms and ranches, located on both sides of the Oregon/California border.

Nearly every Klamath Basin water issue has stemmed from ESA policy, regulation, and/or litigation. In fact, next week we face another ESA court hearing that may determine the fate of a nearly \$500 million agricultural economy that is the lifeblood of our entire community.

The original intent of the ESA - stated in the Act itself - was to encourage “the States and other interested parties, through Federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards”. The authors of the ESA clearly believed in applying it in a way that would foster collaboration and efficiency of program delivery, in an incentive-driven manner. Unfortunately, implementation of the ESA has “progressed” in recent years towards an approach that is now driven by litigation and sometimes inappropriate interpretation by federal agencies. The Klamath Basin and other rural communities have, in particular, suffered as a result.

We are pleased to see the Committee re-assess the original intent of the ESA, which emphasized a paradigm where species conservation could be achieved in cooperation with state and local interests, including farmers and ranchers, instead of at the expense of agriculture, which is happening in several Western states under current interpretation of the Act. Had these reforms been in place years ago, we might well not be in condition of chronic crisis in the Klamath Project. With other proposed listings pending, we welcome the potential for a return to a paradigm that is based on problem-solving and collaboration rather than conflict.



KWUA urges that as the bill moves forward, the Committee be open to additional common-sense measures that would add efficiencies and reasonableness to the administration of the ESA as related to listed species. We look forward to providing recommendations on that subject.

In summary, Klamath Water Users Association strongly supports the draft “Endangered Species Act Amendments of 2018” and look forward to working with you further to advance this important legislation.

Please do not hesitate to contact me at (541) 883-6100 if you have further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "BK Kirby", written in a cursive style.

Brad Kirby, President
Klamath Water Users Association

