



February 12, 2024

Tina Bartlett, Regional Manager
California Department of Fish and Wildlife,
Northern Region
601 Locust St.
Redding, CA 96001
Email: Tina.Bartlett@wildlife.ca.gov

Debbie Colbert, Deputy Director for Fish and
Wildlife Programs
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Dr. SE
Salem, OR 97302
Email: Debbie.L.Colbert@odfw.oregon.gov

Jenny Ericson
Field Office Supervisor
U.S. Fish and Wildlife Service
c/o Yreka Fish and Wildlife Office
1829 South Oregon Street
Yreka, CA 96097
Email: jenny_ericson@fws.gov

Re: Urgent need to protect wildlife in the Klamath River Basin from failed mitigation for dam-removal project

Dear Agency Officials:

As you may know, there is an urgent and ongoing threat to wildlife in the Klamath River Basin, and we write to ask your assistance to protect local wildlife and to hold the Klamath River Renewal Company's (KRRC or Company) dam-removal contractor, Resource Environmental Solutions (RES), accountable.

Before both Copco and Iron Gate lakes were drained in preparation for removing the Klamath River Dams, the lakes provided critical freshwater to grazing animals such as deer, elk, and wild horses in the Klamath River Basin. These animals are a critical part of the ecosystem, reducing dangerous wildfire fuel-loads on the landscape.¹ The now empty reservoirs are quagmires of sticky clay mud trapping deer and other wildlife, leading many to suffer prolonged deaths from hypothermia and drowning.² There is a high potential for wild horses and other wildlife to suffer

¹ William L. Ripple et al., *Collapse of the World's Largest Herbivores*, Sci. Advances, May 1, 2015, at 1.

² Simpson, *infra* note 8.

the same terrible and unnecessary fate. Photographs of trapped deer are attached to this letter, showing the loss of animal life and the ongoing ecological crisis.

The KRRC, which is responsible for the dam removal and dam-related environmental mitigation, committed to building fencing to keep animals away from the mud and to install alternate water sources for wildlife.³ KRRC reaffirmed its mitigation commitments to the Siskiyou County Board of Supervisors last month.⁴ However, as of the January 23, 2024 Board of Supervisors meeting, KRRC has yet to make good on its commitment and even indicated it was rethinking the plan.⁵ RES⁶ has not kept its promise to provide fencing or barriers of any kind, or to install alternative water sources necessary to prevent animals from dying of thirst.

Without the required mitigation, the hazardous and extensive mud flats that have been exposed from the draining of the Iron Gate and Copco dams⁷ pose a significant hazard to the weakened Klamath Basin herbivory and other wildlife, likely including endangered and threatened species protected by federal and state law. Lakeshore residents report daily that deer attempt to cross Copco's clay mud bottom to reach drinkable water, but become mired in mud, dying of hypothermia, exhaustion, dehydration, and suffocation.⁸ Fencing around Copco Lake—which the Department of the Interior deemed a necessary mitigation effort prior to the dam removal⁹—would prevent the needless deaths of deer and other wildlife who contend with a radically changed ecosystem following dam removal.

KRRC's failures are stunning, resulting in adverse wildlife impacts far greater than what the dam removal's environmental review anticipated. These impacts result in unacceptable and unnecessary wildlife deaths, and traumatized residents are seeing an ecological nightmare unfold before their eyes. These impacts also threaten to hasten the collapse of the herbivory, and with it, dramatically worsen wildfire risks in coming seasons.

This situation is contrary to the public missions and statutory duties of the addressee agencies, the Federal Energy Regulatory Commission, the California and Oregon Departments of Fish and Wildlife, and the U.S. Fish and Wildlife Service, all of which have legal duties to oversee the dam removal project, including KRRC and its subcontractors' legal compliance with the terms of

³ FERC, FERC/EIS-0313F, Final Environmental Impact Statement For Hydropower License Surrender and Decommissioning 2-40 (2022).

⁴ Siskiyou County, Cal., Special Board of Supervisors' Meeting, Meeting Minutes, at 311 (Jan. 23, 2024).

⁵ *Id.*

⁶ For more information on the relationship between KRRC and RES, see *RES and KRRC Confirm Restoration Design for Klamath Dam Removal*, RES (Jan. 29, 2021), <https://res.us/news/res-and-krrc-confirm-restoration-design-for-klamath-dam-removal/>.

⁷ Cassandra Profita, *The World's Largest Dam Removal Will Touch Many Lives in the Klamath River Basin*, Or. Pub. Broad. (Nov. 18, 2022), <https://www.opb.org/article/2022/11/18/klamath-river-dam-removal-southern-oregon-dams-northern-california-drought/>.

⁸ William E. Simpson II, *Will the Klamath River Ecosystem Survive Dam Removal?*, Siskiyou News (Jan. 30, 2024), <https://www.siskiyou.news/2024/01/30/will-the-klamath-river-ecosystem-survive-dam-removal/>; see attached Photos of Klamath River Dam Removal Effects on Wildlife for evidence of animal death and suffering.

⁹ Dep'ts of the Interior & Commerce & Nat'l Marine Fisheries Serv., *Klamath Dam Removal Overview Report for the Secretary of the Interior: An Assessment of Science and Technical Information* 162–63 (2013).

its legal authorizations.¹⁰ The agencies have failed to take action to secure the promised safeguards against unnecessary wildlife death and herbivory depletion. Such inaction threatens to exacerbate Klamath Basin’s ecological decline and heighten wildfire dangers.

Accordingly, we call upon the named agencies to take immediate action to preserve the ecological health of drained reservoir areas and the entire Klamath River Basin. KRRC and RES must take the promised mitigation measures to stop the wildlife’s unnecessary deaths.

Sincerely,

WILD HORSE FIRE BRIGADE

/s/ William E. Simpson II
William E. Simpson II
Executive Director, Wild Horse Fire Brigade
P.O. Box 202
Yreka, CA 96097

/s/ Taylor Scott Berkley
Taylor Scott Berkley
Alexis McCullough
Lydia Samson
Student Attorneys

Christophe Courchesne
Director
Diana Csank
Staff Attorney
Environmental Advocacy Clinic
Vermont Law and Graduate School

Counsel for Wild Horse Fire Brigade

cc:
Michael N. Kobseff
Fish and Game Commission Liaison
Siskiyou County, CA Board of Supervisors
1312 Fairline Road, Suite 1
Yreka, CA 96097
Email: mkobseff@co.siskiyou.ca.us

¹⁰ Or. Dep’t of Fish & Wildlife, *Mission, Principles and Priorities*, <https://www.dfw.state.or.us/agency/mission.asp> (last visited Feb. 8, 2024) (“To protect and enhance Oregon’s fish and wildlife and their habitats for use and enjoyment by present and future generations.”); Cal. Dep’t of Fish & Wildlife, CA.GOV, <https://wildlife.ca.gov/> (last visited Feb. 8, 2024) (“To manage California’s diverse fish, wildlife, and plant resources, and the habitats upon which they depend, for their ecological values and for their use and enjoyment by the public.”); U.S. Fish & Wildlife Serv., *Mission and Vision*, <https://www.fws.gov/about/mission-and-vision> (last visited Feb. 8, 2024) (“The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect, and enhance fish, wildlife, plants, and their habitats for the continuing benefit of the American people.”); 16 U.S.C. § 803(j) (requiring licenses issued to contain conditions to protect, mitigate damages to, and enhance fish-and wildlife-related habitat based on recommendations from federal and state fish and wildlife agencies); 16 U.S.C. §§ 1531–1544 (requiring that some species have been listed as endangered or threatened and States are required to develop and maintain conservation programs for these species to meet the Federal government’s goals); 16 U.S.C. § 1801(a)(1) (stating it is a goal of the Federal government to maintain healthy fish populations and the “fishery resources contribute to the food supply, economy, and health of the Nation and provide recreational opportunities”).

Dave Coffman
Northern California and Southern Oregon Director (by email)
Email: dcoffman@res.us

Tim DeGraff
Vice President & Regional General Manager, West (by email)
Email: tdegraff@res.us

Resource Environmental Solutions, LLC

Mark Bransom
Chief Executive Officer (by email)
Email: mark@klamathrenewal.org

Laura Hazlett
Chief Operations Officer & Chief Financial Officer (by email)
Email: lhazlett@klamathrenewal.org

Klamath River Renewal Corporation

Enclosure

PHOTOS OF KLAMATH DAM REMOVAL'S EFFECTS ON WILDLIFE



Photos by Chrissie Ishida Reynolds. Part of family of eight deer dead in the clay mud. Chrissie Ishida Reynolds, *Tragic Deaths of 8 Deer Today at Copco*, Facebook (Jan. 30, 2024), <https://www.facebook.com/groups/1536133236568310/permalink/2685946248253664/>



PHOTOS OF KLAMATH DAM REMOVAL'S EFFECTS ON WILDLIFE



PHOTOS OF KLAMATH DAM REMOVAL'S EFFECTS ON WILDLIFE



Still of a video by William E. Simpson II showing dead fish. Marilyn Root, Facebook (Feb. 7, 2024), <https://www.facebook.com/groups/1536133236568310/permalink/2691898714325084/>.

PHOTOS OF KLAMATH DAM REMOVAL'S EFFECTS ON WILDLIFE



Still of a video by Jeff Ralston. Stuck golden eagle in the mud at Iron Gate. It might be a juvenile bald eagle. Chrissie Ishida Reynolds, Facebook (Jan. 29, 2024), <https://www.facebook.com/groups/1536133236568310/permalink/2685594231622199/>

PHOTOS OF KLAMATH DAM REMOVAL'S EFFECTS ON WILDLIFE



Photos of dead fish and crayfish. William E. Simpson II, *A Losing Trade – Quality of Human Life + Millions of Animals Dead for What? The Possibility of a Better Salmon Run?*, Siskiyou News (Feb. 7, 2024), <https://www.siskiyou.news/2024/02/07/a-losing-trade-quality-of-human-life-millions-of-animals-dead-for-what-the-possibility-of-a-better-salmon-run/>.