

January 24, 2022

VIA EMAIL

The Honorable Kate Brown
Governor of the State of Oregon
State Capitol Building
900 Court Street NE, Suite 254
Salem, Oregon 97301

Tom Byler, Director
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

Richard Whitman, Director
Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232

Curt Melcher, Director
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4034 Fairview Industrial Drive SE
Salem, Oregon 97302

Meg Reeves, Chair
Oregon Water Resources Department Commission
725 Summer Street NE, Suite A
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Kathleen George, Chair
Oregon Department of Environmental Quality
Commission
700 NE Multnomah Street, Suite 600
Portland, Oregon 97232

Mary Wahl, Chair
Oregon Department of Fish and Wildlife Commission
4034 Fairview Industrial Drive SE
Salem, Oregon 97302

RE: Conservation, Protection and Management of Lake Abert, Oregon

Dear Governor Brown, Commission Chairs and Agency Directors:

The undersigned organizations have been urging the State of Oregon to protect and restore Lake Abert for many years. The Oregonian's recent article "*Oregon's Lake Abert is 'in deep trouble.'* *The state shut down its effort to figure out why*" (January 16, 2022) describes the seriously low water levels at the lake and highlights areas where the state must do more to fulfill its responsibilities to protect this ecologically vital public resource. We are writing to request that the State of Oregon immediately undertake a comprehensive set of steps to ensure the protection and restoration of Lake Abert.

Lake Abert provides internationally important habitat for hundreds of thousands of shorebirds, waterfowl, and other waterbirds representing some 80 species that use the lake for breeding and migration.¹ When

¹ See, *Water and Birds in the Arid West: Habitats in Decline*, including appendices and references cited therein. Wilsey, Chad B., Lotem Taylor, Nicole Michel, and Karyn Stockdale. 2017. National Audubon Society, New York, New York, USA.
https://www.audubon.org/sites/default/files/wbaw_report_5july17_updated.pdf

ecological conditions are suitable, Lake Abert hosts 10 percent or more of the global populations of American Avocets and Wilson's Phalaropes, as well as significant numbers of Northern Shovelers, Eared Grebes, Western Sandpipers and state "threatened" Snowy Plovers.

Unfortunately, water levels in Lake Abert once again reached critically low levels in 2021 following a similar occurrence during the 2014-2016 timeframe. To protect and restore this vitally important ecosystem in Oregon's high desert, we request the Governor and state agencies take the following initial actions:

- Implement a water level and surface flow measurement program for Lake Abert and the Chewaucan River, including in the lower reach near the lake.
- Implement a groundwater level monitoring program for the Chewaucan and Lake Abert watersheds.
- Implement a water quality assessment and monitoring program for Lake Abert and the Chewaucan River.
- Develop and publish a comprehensive water budget and updated water availability analysis for the watershed based on current conditions and known and anticipated effects of climate change.
- Establish instream water rights for the Chewaucan River and Lake Abert in the amounts required to support healthy aquatic ecosystems.
- Develop, implement and fully fund a voluntary instream transfer initiative to support restoration of instream flow in the Chewaucan River and into Lake Abert.
- Designate a Serious Water Management Problem Area for the Chewaucan River and Lake Abert watersheds and require water use measurement and reporting to provide the information needed to support improved water management and restoration of Lake Abert.
- Utilize the pending Rivers End Ranch water permitting processes to address impacts of these permits on Lake Abert and in a manner protective of Tribal resources.
- Ensure the conditions in the Clean Water Act 401 certification for the Rivers End Ranch reservoir are applied so that water is released from the reservoir when lake levels are low, and in a manner protective of Tribal resources.
- Fully engage with the appropriate Tribes regarding management of natural and cultural resources.
- Establish an accountability framework to ensure timely implementation of these actions and restoration of Lake Abert.
- Support the passage of federal Saline Lake Ecosystems in the Great Basin States Program Act ([S. 1466](#) and [H.B 5345](#)), to provide important technical and financial resources for the study of Lake Abert and other saline lakes across the west.

We appreciate your attention to this serious matter and would welcome the opportunity to meet with you to answer questions, provide additional information and discuss these actions in more detail.

Respectfully Submitted,

WaterWatch of Oregon
Lisa Brown
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Ryan Houston
Executive Director

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