

Date

Address the letter to one or all of the three following members of Congress:

The Honorable Ron Wyden
U.S. Senate
221 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jeff Merkley
U.S. Senate
313 Hart Senate Office Building
Washington, DC 20510

The Honorable Greg Walden
U.S. House of Representatives
2185 Rayburn House Office Building
Washington, DC 20515

Dear Senator Wyden, Senator Merkley, and Congressman Walden:

I am writing to make sure you are aware that our family is very concerned with several lawsuits recently filed in federal court by two environmental groups, under the federal Endangered Species Act regarding the Oregon spotted frog.

Describe who you are:

- What crops/livestock do you produce?
- Where?
- How long you have owned this property (or how long your family has farmed in this area, whether your children, brothers/sisters, etc., are involved in the business, etc.)

Explain your concern that the lawsuits will be controversial, expensive and may result in shortages to families like your own:

- These lawsuits may undercut collaborative efforts like the Deschutes Basin Habitat Conservation Plan (which over 20 stakeholders have been working on for several years to improve habitat for species including Oregon spotted frog).
- These lawsuits will place new costs on the U.S., our irrigation districts and the people who rely upon the districts for their water supplies. These are funds that could instead be used for real projects to conserve water, increase instream flows for fish and wildlife and help improve habitat for Oregon spotted frog.
- The lawsuits may result in an unbalanced ruling, where people who have done nothing wrong are penalized - the loss of water for our family farm would hurt our family as well

as other businesses that rely on us. Families in North Unit for example, are already short on water supplies.

We encourage you to fully support the Deschutes Basin Habitat Conservation Plan. This is a collaborative, science-based, open process that will result in a sustainable solution. The goal of this process is to develop a long-term plan that will improve habitat for several species including the Oregon spotted frog. And it will provide long-term water supply certainty for families like ours.

Sincerely,

Oregon Spotted Frog Background

- In December, the Center for Biological Diversity filed a lawsuit in the U.S. District Court for the District of Oregon against the U.S. Bureau of Reclamation (Reclamation) regarding Oregon spotted frog (OSF).
- In January, WaterWatch of Oregon filed a lawsuit against Reclamation and three districts (Central Oregon, North Unit and Tumalo). The Court recently consolidated the two lawsuits.
- Despite statements by the two environmental groups, the litigation threatens the water supplies of many Central Oregon families. These shortages may affect many small family-owned businesses.
- The lawsuits will also deprive local citizens, businesses, cities, counties, stakeholder groups, and others from having a voice or a role in the litigation. Unless these interests intervene in the litigation, they will have no say in the court's decision.
- Regardless of the litigation's outcome, these lawsuits may also affect the collaborative processes underway by the Districts, farmers, ranchers, and landowners, to improve habitat for the OSF and other species. Examples of their work includes the following:
 - In 2008, the Districts and City of Prineville began development of the Deschutes Basin Habitat Conservation Plan. The plan is in development, and when final, it will include steps to improve OSF habitat. Senator Wyden, Senator Merkley, and Congressman Walden have all supported the Districts' and the City's efforts (dating back to 2009).
 - The Fish and Wildlife Service has awarded six matching grants to develop the plan, totaling \$2.6 million. The Districts and City have contributed an additional \$2.7 million.
 - TID and COID initiated a pilot study in late 2014 to determine the benefits of increasing releases from Crescent Lake to improve frog-breeding success in Crescent Creek and the Little Deschutes River. A test release of water from Crescent Lake, which began in November 2014, was increased to 30 cfs in February 2015, and continues today.
 - COID voluntarily released water from Crane Prairie Reservoir in early 2015 (prior to the irrigation season) to counteract unusually low natural flows in the Deschutes River due to drought in an effort to improve frog-breeding conditions.
 - The Districts are working with the Forest Service and Fish and Wildlife Service on a pilot program to determine the feasibility of creating OSF habitat in the Ryan Ranch meadow. If the pilot is successful, a long-term program could be implemented.
 - Reclamation has provided nearly \$7 million in WaterSmart grants for canal lining, piping, and hydropower projects. These projects will improve fish and wildlife habitat.

Oregon Spotted Frog - Background

The Oregon Spotted Frog is an aquatic frog native to the Pacific Northwest. In August 2014, the U.S. Fish and Wildlife Service listed the frog as a “threatened” species under the Endangered Species Act (ESA), due to a reported population decline and threats to its habitat. Some of the largest remaining populations are in the upper Deschutes River basin. Two environmental groups—the Center for Biological Diversity and WaterWatch of Oregon—have sued the Bureau of Reclamation and three irrigation districts—North Unit, Central Oregon and Tumalo Irrigation Districts—alleging violations of the ESA. The environmental groups are using the lawsuits to seek dramatic changes to how water is managed, particularly in irrigation reservoirs south of Bend.

The lawsuits are putting production agriculture and family farming in central Oregon in serious jeopardy.

- Our high desert climate is ideal for growing many specialty crops, as well as hay and livestock, but a reliable water supply for irrigation is absolutely essential for the continued viability of agriculture in our region.
- Environmental groups are using the lawsuits to attempt to dramatically alter the way water has been managed in the upper Deschutes for over 50 years by severely limiting the ability to store water in irrigation reservoirs.
- After two straight years of hot, drought-like conditions, many farm and ranch families in central Oregon may not recover financially if they lose additional water due to these lawsuits.
- The lawsuits are creating significant uncertainty that is making it difficult for farm and ranch families, and businesses dependent on farming, to plan for the coming season, make necessary investments, and sustainably manage their businesses.
- Many businesses in our communities are already feeling the economic impact, as the added risk of losing access to irrigation water may jeopardize normal business activities.

Irrigators are leading collaborative efforts to improve water resources management and invest in water conservation in central Oregon.

- Irrigation districts have been working diligently to find ways to conserve water and improve fish and wildlife habitat. The Deschutes Basin Board of Control (DBBC), a consortium of all eight irrigation districts in central Oregon, is leading this effort.
- Since 2000, the irrigation districts have invested tens of millions of dollars in major conservation projects that have increased instream flows by nearly 80,000 acre-feet water to the Deschutes River and its tributaries.
- These projects, often at large costs to farmers through irrigation user fees, are helping to increase instream flows and improve habitat for salmon, steelhead, bull trout, and the Oregon spotted frog.
- The irrigation districts are currently working with local state and federal agencies, conservation groups and other stakeholders on a multi-species Habitat Conservation Plan aimed at identifying and implementing habitat restoration and enhancement projects that would help protect the Oregon spotted frog and other fish and wildlife species.
- The districts are also involved in a comprehensive study of the Deschutes basin, along with other state and federal agencies, and stakeholders, to identify the most beneficial conservation projects and options for improving overall water management in the long-term.
- These stakeholders include the following; the U.S. Fish and Wildlife Service, the National Marine Fisheries Service, the U.S. Bureau of Reclamation, the Oregon Water Resources Department, as well as the Confederated Tribes of Warm Springs, the Deschutes River Conservancy, Upper Deschutes Watershed Council, Trout Unlimited and many others.

The lawsuits may become a major barrier to continued habitat improvement and water conservation.

- The lawsuits are proving counterproductive by threatening to derail the collaborative efforts that irrigation districts have been leading to improve water conservation and management in the Deschutes basin.
- Responding to the lawsuits is requiring irrigation districts to spend hundreds of thousands of dollars and months—potentially years—of time that could otherwise be productively spent on meaningful conservation and habitat improvement efforts.
- One of the plaintiffs, the Center for Biological Diversity, is an out-of-state environmental group with no prior effort or role in developing an understanding of the ecology of the Deschutes basin, and no appreciation for our local stewardship efforts. A major source of revenue for the group is legal fees awarded from overly aggressive lawsuits that fail to achieve the intent of the ESA and create significant economic risk for our communities.

The lawsuits undermine sustainable agriculture, rather than encourage the progress central Oregon farmers and ranchers are making to be responsible stewards of water resources.

- Central Oregon has a reputation for some of the most sophisticated and progressive farming and water stewardship practices.
 - The most productive farms and ranches in the region use high efficiency overhead sprinkler and complex water recovery systems to minimize water loss. Efforts are underway to provide incentives for wider adoption of on-farm water use efficiency equipment and practices.
 - Nearly 5,000 acres of high-value seed crops in central Oregon are farmed with sophisticated drip irrigation systems that further minimize water use.
 - Many farmers are investing in innovative ways to optimize water and energy use, such as installing variable frequency drive pumps and water monitoring systems.
- Central Oregon is leading the movement toward alternative agriculture, with many large and small organic, Community Service Associations, and niche farms and ranches, as well as significant “foodie,” farmers’ market, restaurant and agri-tourism industries that are very much dependent on reliable access to water for irrigation.

The lawsuits could have a severe and irreparable impact on the economy, our communities and the entire landscape and culture of central Oregon.

- Agriculture was critical to the development of central Oregon and remains the most essential source for jobs and economic growth in most small communities.
- If a significant number of family farms and businesses lose irrigation water and are forced out of business, many small communities will not be able to recover.
- Farms, ranches and agriculture businesses are the primary supporters of many community and educational programs that are a hallmark and major source of pride in our rural towns, such as 4-H, FFA, county fairs and rodeos, as well as many sports and service organizations.
- A large portion of our minority and low-skilled workforce is dependent on jobs in agriculture. Job losses will strike this community especially hard with resulting negative social and economic impacts that will harm local government and its ability to support these families.
- The success and viability of agriculture has been a major factor in many young, educated entrepreneurs and families deciding to return or relocate to central Oregon.

Letter writing guidance

- Use the attached bullet points for information and guidance in writing your letter.
- Make it personal. Explain who you are, where you live, and how the lawsuits may impact you.
- Keep it short. Only include the points that are most relevant to you—no need to cover every angle.
- Make it clear what you are asking for, such as:
 - ***“We need the public to understand the seriousness of the risk the Oregon Spotted Frog lawsuits pose for farmers, ranchers, our families and communities.”***
 - ***“We urge you to support the collaborative efforts the irrigation districts are leading to conserve water and protect wildlife habitat, and denounce the baseless and harmful Oregon Spotted Frog lawsuits.”***

Contact

- Use the addresses below for USPS mailed letters.
- Use the link below to email via the congressional website.
- In addition, consider using Facebook or Twitter—also accessible via the links below.

Senator Ron Wyden

221 Dirksen Senate Office Bldg.
Washington, D.C., 20510

<https://www.wyden.senate.gov/contact>

Senator Jeff Merkley

313 Hart Senate Office Building
Washington, DC 20510

<http://www.merkley.senate.gov/connect>

Congressman Greg Walden

2185 Rayburn House Office Building
Washington, DC 20515

<https://walden.house.gov/contact-greg>