



United States Department of the Interior
OFFICE OF THE SOLICITOR
Washington, D.C. 20240

April 8, 2021

Mr. Paul Simmons
Executive Director and Counsel
Klamath Water Users Association
2312 South Sixth Street, Suite A
Klamath Falls, OR 97601

Dear Mr. Simmons:

During the last Administration, various actions and analyses were undertaken in late 2020 and early 2021 with respect to the Bureau of Reclamation's Klamath Project, and many of these analyses were subsequently shared with you. At the outset of this Administration, President Biden signed an Executive Order that emphasized a commitment to addressing climate change; conserving lands, waters, and biodiversity; and delivering environmental justice. The Order directed federal agencies to "review and, as appropriate and consistent with applicable law, take action to address" certain regulations or other agency actions that conflicted with national objectives. Executive Order 13,990, Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis, 86 Fed. Reg. 7037 (Jan. 25, 2021).

Consistent with that Executive Order, the Departments of the Interior and Justice undertook a careful review of those actions and analyses related to the Klamath Project described above. Based on that review, we found that those actions and analyses conflicted with longstanding interpretations of governing law. Accordingly, the Department of the Interior has formally withdrawn those memoranda and transmittal letters (see enclosed memorandum) and note that they should not be relied upon for any purpose. Because these prior analyses had been shared with you, I wanted to inform you of this review and conclusion.

Understandably, this letter may be unwelcome news given the dire and unprecedented drought conditions facing the Klamath Basin this year. I want to emphasize that the Department of the Interior is firmly committed to working collaboratively with you, your constituents, your Congressional delegation, and other interested parties within the Klamath Basin (local, State, Tribal, and federal partners), not only to minimize the impacts of upcoming water allocation decisions but also to develop a long-term plan to facilitate conservation and economic growth within the Basin.

Sincerely,

Ann Marie Bledsoe Downes
Deputy Solicitor for Indian Affairs

Enclosure