

## SUPPLEMENTAL HABITAT COMMITTEE REPORT

The Habitat Committee (HC) recommends that a quick response comment letter be sent to NMFS and the U.S. Bureau of Reclamation (USBR) on Klamath Flow issues.

We expect a draft Biological Opinion (BO) as soon as April 12 with a final Opinion due by early June. This provides the Council to provide input before the final BO is complete. Depending on the content of the Draft BO, the HC recommends the points below be included in the draft letter.

Once the Draft BO is released, members of the HC intend to review the BO, prepare a draft letter based on these points, and submit the draft to the Council for fast-track consideration. The HC will work to ensure that Council members have adequate time to review the letter before it needs to be sent.

### **Klamath Flow Letter Major Issues**

**Proposed Flows:** The Biological Assessment (BA) proposes to operate the Project for the next ten years in a way that will result in flows that are substantially less than what the best available science indicates is required to support healthy fish populations. The river will be in perpetual drought during most water years. The Council should support the Draft Hardy Phase II Flow Study Report recommended flows, which are significantly higher.

**April-May Flows:** NMFS has already concurred with the USBR that the proposed flows for April and May are not likely to affect coho salmon. These flows are less than one half of the flows recommended for these months by the Draft Hardy Phase II Flow Study Report and will cause loss of virtually all stream margin edge-type habitat required by coho and chinook salmon fry.

**Best Available Science:** The BO needs to acknowledge that the Draft Hardy Phase II Report represents the best currently available information regarding Klamath River anadromous salmonid habitat and flow needs and should form the major basis for reasonable and prudent alternatives and/or measures that avoid jeopardy. At a minimum, the BO should be allowed to incorporate the concepts in the report as it is finalized.

**Length of BO Coverage:** The BO should only address one year rather than the ten-year period requested in the BA. There is no reason to lock in operations for a set time frame, especially while controversy exists regarding fish flow needs. A ten-year plan should require going through the National Environmental Policy Act process.

**Adverse Impacts on Essential Fish Habitat (EFH):** The BA proposes flows which will adversely impact designated EFH. NMFS needs to consult with the USBR and recommend conservation measures to protect coho and chinook salmon habitat (which it has not done for past operations) as required under the Magnuson-Stevens Fishery Conservation and Management Act.

**Adverse Economic Impacts:** The proposed flows will result in reduced populations of Klamath River coho and chinook salmon, delaying recovery of listed southern Oregon/northern California coast coho and further constraining fisheries that impact Klamath stocks. This will cause continued financial hardship to coastal, Klamath Basin, and tribal communities which are dependent on these fish.

**Ramping Rates:** The BA does not address ramping rates at Iron Gate Dam, which in the past have stranded and killed salmon. NMFS needs to specify a ramping schedule, as was done in the 2001 BO, that will avoid stranding.

**Coordination:** The BA does not include the California Department of Fish and Game and the Oregon Department of Fish and Wildlife in coordination relative to flow determinations, emergency flow changes and other issues of resource conservation. The inclusion of the states should be specified in the BO. NMFS should also coordinate the coho BO with the U.S. Fish and Wildlife Service BO on suckers, so that there is a balanced approach regarding the prescribed reasonable and prudent alternatives for endangered suckers and coho salmon.

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