

GRAY DAVIS, Governor
MARY D. NICHOLS, Secretary

May 19, 2003

The Honorable Gale Norton, Secretary
United States Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Dear Secretary Norton:

In light of the loss of over 30,000 salmon last year on the Klamath River, I strongly urge the U.S. Bureau of Reclamation (USBR) to revisit their approach to operations of the Klamath River Project. Unfortunately, the 2003 Klamath Project Operations Plan – released on April 10th - does not reflect any change to the 10-year plan and flow schedules put in place last year.

While we commend your effort to balance competing environmental and economic interests, California strongly feels that the current flow schedule is inadequate to protect the Klamath River's Coho and Chinook salmon and steelhead trout. As California suggested in October 2002, we again request you to direct the USBR to reinstate consultation with NOAA Fisheries to minimize further loss and work towards recovery of the Klamath River's native fish. In addition, we request that you direct the USBR to also work closely with the California Department of Fish and Game (CDFG)¹ and tribal interests to develop a revised 2003 Operations Plan that will protect the Klamath River's ecosystem and the native fish it supports.

As the State and federal agencies work closely together with the tribal interests in the development of a revised 2003 Operations Plan, I ask that the following issues also be addressed.

Use All Available Information and Data

The 2003 Operations Plan needs to be based on the sum of the best available information – not on a portion of one report that supports implementation of the current operations plan put in place last year. USBR staff have repeatedly made the comment that the current 10-year operations plan is based on the National Research Council (NRC) Interim Report. However, the NRC Panel was not asked to develop a river flow

¹ *The California Department of Fish and Game (CDFG) has reviewed the 2003 Operations Plan, and provided technical comments to USBR

schedule to avoid jeopardy of the Coho salmon – that responsibility falls to NOAA Fisheries – nor was it intended to support any project operations plan. The NRC Interim Report did raise questions about the evidence to support higher flows downstream of the Klamath Project for Coho salmon, but it found an equal lack of evidence to support changing the then existing project operations. Specifically, the NRC Interim Report described the proposed operations plan as “unjustified ... because [it] would leave open the possibility that water levels...in the Klamath River main stem could be lower than those occurring over the past 10 years.” Despite this clear assessment, the USBR continues to use the NRC Interim Report to justify the current operations plan.

New information provided during the last year also needs to be considered, for example, the January 2003 CDFG Preliminary Report on the fish kill. There is also a wealth of other information that needs to be made available and considered, specifically the USBR Hardy Phase 2 Report and the U.S. Fish and Wildlife Service (USFWS) Report on the September 2003 fish kill.

The CDFG Report is available to the public, and they will be responding to comments and producing a final report soon. Given that the fish kill happened more than six months ago, I hope the USFWS will report soon on their findings.

The USBR Hardy Phase 2 Report, which contains important site-specific information used to develop instream flow recommendations necessary to protect the aquatic resources within the main stem Klamath River between Iron Gate Dam and the estuary, has been in preparation for years. I urge you to direct the USBR to provide a final version that incorporates peer review comments and can be used during the development of a revised 2003 Operations Plan.

California believes that all these reports, along with any additional new information that may become available, will serve as solid foundation when the State and federal agencies work together with the tribal interests to develop a revised 2003 Operations Plan.

Consider the entire Klamath River Ecosystem

The revised 2003 Operations Plan should focus on the recovery and sustainability of the Klamath River ecosystem – not just the Coho salmon. While the Endangered Species Act (ESA) does provide for the protection of individual species, our previous collective efforts (such as the CALFED Bay-Delta Program) have led the State and federal agencies to focus on the recovery of river ecosystems to support native fishes. In addition, the Klamath River Fall run Chinook salmon – while not protected under the ESA – do require “Essential Fish Habitat” consultation under the Magnuson-Stevens Fishery Conservation and Management Act, as amended in 1996 by the Sustainable Fisheries Act (Public Law 104-267).

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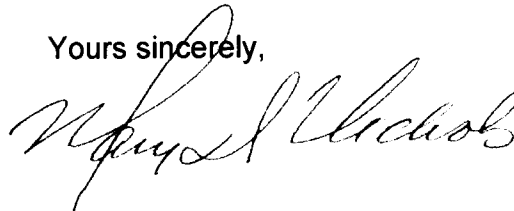
California Coho and Chinook salmon and steelhead trout are very significant economic, recreational, cultural, and biological resources for our State, and the Klamath Basin is an important watershed for these native fish and Northern California communities. These resources are also central to the history, tradition, culture, and future of California's Native American communities along the river.

Consult with California

California was not consulted in the development of the current 2003 Operation Plan despite federal policies that encourage, and in some cases require, coordination with State agencies having fish and wildlife management responsibilities. State agencies are prepared to invest time and resources in long-term comprehensive planning for management of the Klamath River Project. Before that occurs, however, these challenging fiscal times and prudent stewardship require that immediate action be taken to address these and earlier comments to ensure the protection of the Klamath River Coho and Chinook salmon and steelhead this year.

In this important effort, California stands ready to work with the tribal communities, local communities throughout the watershed, the State of Oregon, all interest groups, and the federal agencies to resolve the issues within the Klamath watershed. Thank you for your careful consideration of these comments.

Yours sincerely,



Mary D. Nichols
Secretary for Resources

Cc: Bennett Raley, Assistant Secretary for Water and Science
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