

HABITAT COMMITTEE REPORT

Response letter from Department of Interior (DOI) on Klamath River:

The Habitat Committee (HC) had reviewed the July 7, 2005 letter from the DOI in response to the Council’s April 21, 2005 letter on Klamath and Trinity River flow issues, and offers the following observations and recommendations:

Issues Addressed in Council Letter	Issues Addressed in DOI Letter
1. 2002 Biological Opinion (BO) low flows implicated in chinook and coho fish kills, impacts to essential fish habitat (EFH) and impedance to recovery.	Not Discussed.
2. Council still recommends Hardy Phase II flows, but urged “share the pain” water allocation approach this year.	Did not discuss Hardy Phase II, but stated “share the pain” being met by water bank and voluntary 15% reduction in irrigation.
3. Council requests reinitiation of consultation on chinook EFH.	Not Discussed.
4. Do not use Trinity River water to mitigate for Klamath River problems: Do not charge Trinity pulsed flows to the Trinity Record of Decision (ROD).	Not Discussed.
5. Water bank should be scientifically sound, fair and transparent.	Discussed.
6. Council recommends Bureau of Reclamation (BOR) incorporate Clean Water Act multiple-use criteria and National Environmental Policy Act (NEPA) multi-species criteria when developing Conservation Implementation Program (CIP) and Environmental Impact Statement for ten-year Project Operations Plan.	Not Discussed.
7. Not Discussed.	CIP process is described and the Council is invited to participate.

The major issue that needs clarification is the water bank. The water bank is prescribed by the 2002 NOAA Fisheries Coho BO for all water year types and is specified to augment BO minimum flows below Iron Gate Dam during the April 1 through September 30 Project irrigation season, although water bank augmentation was also provided from February 1

through March 31 in 2005. The water bank flows are intended to avoid jeopardy to coho and not to be drought mitigation for the Klamath River. The water bank (100K acre-feet (AF) in 2005) is an accounting system consisting of: (1) idled land normally farmed; (2) ground water substitution – using well water rather than surface irrigation; (3) direct well pumping and (4) surface storage. Direct well pumping was anticipated to provide 50K-70K AF of water and surface storage 15K AF in 2005.

The HC's main concern is how this water is accounted for:

- (1) BOR's Upper Klamath Lake Management emphasizes filling Upper Klamath Lake (UKL) as early as possible, resulting in lake elevations far above Sucker BO requirements, at the expense of providing only coho jeopardy avoidance flows below Iron Gate Dam (IGD). This happens regularly during February and March when chinook fry are already rearing in the main stem and coho smolts are outmigrating, impacting the EFH of both species. Thus, UKL can be in or near spill mode by April 1 even in a dry or critically dry water year. The water bank normally takes effect on April 1, but if UKL enters natural spill mode, the water bank is credited for the difference between the minimum BO flows and the BO flows plus water bank flows.
- (2) Although BOR's flow requirements are identified at IGD, the hydraulic control point for the Project is Keno Dam, many miles upstream. If exceptional accretion (from storms or snow melt run-off) occurs below Keno Dam, that water is counted by BOR as water bank contribution (as is exceptional run-off above UKL). For example, in May 2005, when nearly unprecedented precipitation occurred and IGD flows exceeded 5,000 CFS, the water bank was still charged over 28,000 AF.
- (3) The 15,000 AF of water delivered to the Klamath Basin refuges is being counted as water bank water in 2005, even though in previous years it was not and is part of normal refuge water deliveries.
- (4) The replacement of surface irrigation with well pumping is equated to the idling of a certain number of acres of farmland, yet the actual volume of water saved is not exactly known. Long-term impacts to water table drawdown are not described.
- (5) Although not part of the water bank, the 15% voluntary reduction in consumption by Project users in 2005 is unmeasured and consists primarily of lower-priority users such as cemeteries, parks and residential back yards.
- (6) Base flows, which are augmented by water bank flows, are not biologically based upon needs of salmon, but upon status quo management during the 1990's. Therefore, the sum of base and water bank flows fall far short of meeting the needs of Council managed species during some water year types.

The DOI letter invites the Council to participate in the CIP process, yet that process is still in its early stages of development and it is unclear what role the Council could play at this time. The HC recommends the Council direct HC to draft a response letter based on these comments to be finalized at the November meeting.

Guidelines for Response to Proposals for Development Projects in Marine Waters:

Several proposals are currently circulating relating to development projects in marine waters, and many major issues are coming up, for example, oil and gas development, aquaculture and wave energy projects. It is important for the Council to comment on these proposals and issues, but the HC believes the Council lacks sufficiently detailed guidance to effectively deal with emerging nonfishing issues. HC has become aware that the South Atlantic Fishery Management Council developed a guidance document in June 2005 regarding policies for protecting EFH related to energy exploration & development. The Pacific Council could develop a similar document(s) by building on existing scientific guidance (e.g., Amendment 19 Appendix D “Nonfishing Effects to Groundfish EFH ...” by Hanson, Helvey and Strach, and other Council white papers) and expanding to include statements of policy. The HC seeks guidance from the Council on how we should proceed, and the priority of attention.

Miscellaneous Report:

Klamath River is currently experiencing a toxic algal bloom in the reservoirs and river. Algal levels have been tested well above World Health Organization guidelines for levels tolerable for human recreational contact.

Court-ordered summer spill in the Columbia/Snake rivers has been evaluated in two preliminary reports by the Fish Passage Center relative to juvenile downstream passage survival for the area from Lower Granite to McNary Dams. 2005 survival of Snake River fall fingerling chinook juveniles was about 74% (with a 95% confidence interval) during the summer flow period (Mid-June through August), which was higher than 2005 pre-spill survival, and exceeded the recent-year (2001-2004) average survival by approximately 71%.