

PACIFIC FISHERY MANAGEMENT COUNCIL

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June 1, 2000

The Honorable Bruce Babbitt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

RE: Klamath River Stream Flow Plan, Water Year 2000

Dear Secretary Babbitt:

The Pacific Fishery Management Council (Council) is interested in the Klamath Project 2000 Annual Operations Plan (Plan) for the Klamath Project above Iron Gate Dam. The Council is concerned this Bureau of Reclamation (BOR) plan does not provide adequate stream flows for the survival of anadromous fish in the Klamath River Basin. Further, we find the lack of technical basis for the river flows contained in the plan to be flawed and ask that you to remedy the situation by implementing Klamath River mainstem flows based on the best available scientific information.

The Council was created by the Magnuson-Stevens Fishery Conservation and Management Act in 1976 with the primary role of developing, monitoring, and revising management plans for fisheries conducted within federal waters off Washington, Oregon, and California. Subsequent congressional amendments in 1986, 1990, and in 1996 added emphasis to the Council's role in fish habitat protection. Amendments in 1996 directed the National Marine Fisheries Service, as well as the regional fishery management councils, to develop conservation recommendations for federal or state agency activities which may affect the "essential fish habitat" (EFH) of the fishes it manages. The operational plans of the Klamath Project have a direct influence on the EFH of coho and chinook salmon. Such essential habitat includes the water quantity and quality parameters necessary for the successful adult migration, spawning, egg to fry survival, smolt migration, and estuarine rearing of coho and chinook salmon.

The status of Klamath River Basin salmon drives ocean fisheries management along the Pacific Coast from northern Oregon to south of San Francisco. The Council's decisions, based on the continued decline in Klamath fish stocks, have greatly impacted the economies of fishing communities along several hundred miles of the Pacific Coast. Despite complete closures to the coho salmon fishery (there has been no commercial coho fishery for Klamath/Trinity basin stocks since 1993 and no ocean recreational fishery for coho since 1994), these coho stocks were listed as a threatened species under the Endangered Species Act (ESA) in May 1997. Furthermore, since 1978, the Council has consistently reduced fishing pressure on healthy chinook salmon stocks (primarily Central Valley stocks) to minimize

impacts to the Klamath fall chinook which may be in the mix. However, despite these efforts, fall chinook runs in the Klamath Basin have not met their minimum natural spawning escapement goal during six of the past ten years.

The Council requests the BOR exert similar efforts to protect our fish resources. The BOR states in this newly issued Plan the legal framework for the Plan are two Interior Department regional solicitors' memorandums issued in 1995 and 1997^{1/} (Legal Framework). These Legal Framework documents state the flows for the Klamath River and the lake levels for Upper Klamath Lake take priority over other uses; therefore, river flows and lake levels should be determined and met first, using the best available information. However, the Plan developed by the BOR falls short of following this mandate.

As issued, the Plan offers no technical foundation for Klamath River flows. The Plan simply states it meets ESA requirements and Tribal Trust obligations while offering no evidence to substantiate that claim. In fact, the minimum flows in the plan are so different from any science-based alternative that it is highly likely they will substantially damage the Klamath River's anadromous fishery resources. Listed in the table below is a comparison of the flows in the Plan relative to the following: 1) pre-project median flows; 2) Hardy Phase I recommendations which resulted from a study completed last year that was funded by the Department of Interior to provide interim flow recommendations for the protection of anadromous species within the Klamath River utilizing hydrology-based methods; and 3) Hardy 2000 microhabitat dry year recommendations which were recently developed for the Department of Interior based on available site-specific data and preliminary habitat suitability indices for chinook salmon fry.

<u>Available Flow Regimes and Pre-Project Hydrograph</u>				
Hardy Phase I				
Timestep	Pre-Project Median Flows	<u>salmon minimum flow needs-- interim recommendation</u>	Hardy 2000 Microhabitat <u>dry year minimums</u>	BOR 2000 Operations Plan <u>minimum/target</u>
May 1-15	3509	3056	2200	1750/2200
May 16-31	3509	3056	2200	1750/2200
June 1-15	2786	2249	1800	1500/1750
June 16-30	2786	2249	1400	1500/1750
July	2100	1714	1000	1000
August	1462	1346	1000	1000
September	1361	1395	1300	1300 ^{2/}

The Plan's flow recommendations contain both minimum and target flows. In an April 26, 2000 letter from BOR to the National Marine Fisheries Service (NMFS) Southwest Region, it is stated, "Reclamation will attempt to release greater than the minimum flows when Upper Klamath Lake elevations and project deliveries to agriculture and refuges will be met." This is contrary to the priorities named in the above mentioned Legal Framework. It is also

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- 1/ The Pacific Southwest Solicitor's memorandum was issued in 1995; the joint Pacific Northwest and Pacific Southwest memorandum was issued in 1997.
 - 2/ Depending on such factors as ambient temperature, water temperature, the general hydrologic outlook, and other relevant factors". Reclamation in coordination with NMFS and others will make final determination.

noteworthy the "target flows" of the Plan closely resemble the "Hardy 2000 Microhabitat dry year" recommendation, which is the lowest recommended minimum flow with any technical basis. In accordance with the priorities outlined in the Legal Framework , we believe "targets flows" that would only be met if other, lower priority needs are met, are inappropriate.

It should also be noted the "Hardy 2000 microhabitat" flow recommendation is based upon a "dry year" water-year type, which was based on the prediction made by the Natural Resources Conservation Service (NRCS) in early April 2000. Since then, the weather in the Upper Klamath Basin has been relatively cool and wet, which will probably result in an updated NRCS streamflow forecast predicting substantially more inflow to Upper Klamath Lake. The flow recommendation developed by Dr. Thomas Hardy would then need to be reexamined based upon the new water-year type information, resulting in increased flows to the Klamath River. We expect that the BOR would adjust flow releases to the Klamath River in accordance with this new water year type information.

In summary, the Council recommends any potential water management actions adequately address the biological needs of Klamath River anadromous fish and utilize the best available scientific information, as is done in the management of ocean fisheries . Any decisions regarding water management for the Klamath Project must be based on sound technical information and fully provide for adequate instream flows necessary to sustain robust viable fisheries. We also request a copy, for our review, of any scientific documentation of the proposed minimum and target flow rates called for in the Plan.

Sincerely,



Jim Lone
Chair

DH:kla

c: Mr. Robert Anderson, Counselor to the Secretary of Interior
Mr. Rod McInnis, National Marine Fisheries Service
Mr. Karl Wirkus, Bureau of Reclamation