

PACIFIC FISHERY MANAGEMENT COUNCIL

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July 7, 2003

Mr. Dave Sabo, Area Manager
Klamath Basin Area Office
U.S. Bureau of Reclamation
6600 Washburn Way
Klamath Falls, OR 97603

Attention: KO-150

Dear Mr. Sabo:

Re: Supplemental Notice of Intent (SNOI) to Prepare a Draft Environmental Impact Statement (DEIS) for the Operation of the Klamath Project (Project)

The Pacific Fishery Management Council (Council)¹ is writing to comment on the May 5, 2003 SNOI² and Scoping Document for the U.S. Bureau of Reclamation (USBR) Klamath Project DEIS. The Council is concerned that the Proposed Action, as described in the SNOI and the scoping document, will adversely impact the essential fish habitat (EFH) of Klamath River coho and chinook salmon, which are managed by the Council.

Background

The future operational plans of the Project, which will be determined by the preferred alternative in the DEIS, will have a direct influence on the EFH of coho and chinook salmon, and will directly influence the viability of these salmon stocks. EFH in the Klamath River includes the water quantity and quality conditions necessary for successful adult migration and holding, spawning, egg-to-fry survival, fry rearing, smolt migration, and estuarine rearing of juvenile coho and chinook salmon.

1/ 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 added emphasis to the Council's role in fish habitat protection. Amendments in 1996 directed NOAA Fisheries and the regional fishery management councils to develop conservation recommendations for agency activities that may affect the EFH of the fish they manage. In 1999 the Council identified and described EFH for Chinook and coho salmon under Amendment 14 of the Pacific Coast Salmon Fishery Management Plan. In the Klamath Basin, EFH for coho and Chinook salmon has been designated for the mainstem of the Klamath River and its tributaries from the mouth to Iron Gate Dam and upstream to Lewiston Dam on the Trinity River.

2/ *Federal Register*, May 5, 2003 (Volume 68, Number 86, Page 23761-23764)

Proposed Action

The USBR proposes to implement an operations plan through March 2012 based on flows during the 1990-1999 water years. While these flows may be technically consistent with the 2002 NOAA Fisheries coho salmon and U.S. Fish and Wildlife Service endangered suckers biological opinions (BOs), they are inadequate. The Council has stated³ that the 2002 prescribed flows are too low to conserve coho and chinook salmon EFH, and has asked that the USBR initiate consultation with NOAA Fisheries on the effects of Project operations on EFH and reinitiate Endangered Species Act (ESA) consultation for coho salmon.

From 1990 through 1998, there were no conservation measures in place to protect coho salmon or its habitat. This period also represents some of the lowest flows on record, and is not an adequate baseline. These factors strongly suggest that it would be imprudent to mimic Project operations in the 1990s to meet current ESA and EFH mandates. The inadequacy of the flows contained in the 2002 coho BO (which was similar to the operation plan for 1990-1998) was highlighted when low flows were implicated as a major cause of the September 2002 Klamath River fish kill.

Therefore, the Council recommends that the flow provisions of the 2002 BO and the 1990-1999 period flow management record NOT BE USED as criteria for managing, protecting, and recovering Klamath River basin anadromous salmonids when developing the DEIS.

DEIS Development

The USBR initiated development of a DEIS for operation of the Project in November, 1997 and formulated five draft alternatives in January, 2001 after numerous scoping sessions involving a broad array of stakeholders. The USBR is now rejecting those five alternatives and considering only two alternatives that were developed without stakeholder input. The SNOI proposes that the DEIS will only consider the proposed action and a "no action" alternative, which is essentially Project operations prior to the 2002 BOs. Both of the alternatives are very similar, since the proposed action aims to mimic 1990-1999 Project operations. The Council believes that these two alternatives do not constitute an adequately broad range of alternatives that would lead to a rigorous examination of the relative effects of different Project operations scenarios.

The Council believes that a broad range of alternatives must be developed for the DEIS and should emphasize the best available science. We have repeatedly emphasized the importance of completing the Hardy Phase II Report. The report's conclusions and recommendations should form the basis for Project management of flows in the Klamath River, and be a major component of the DEIS. **Therefore, the Council now formally requests that the Department of Interior fund completion of that report and use it to develop alternatives for the DEIS.**

The Council does not believe that the NAS interim report should negate the large body of scientific information developed on the Klamath River over the past fifteen years. The report was a quick, very narrowly focused review of only the 2001 Biological Assessment and BOs and only covered coho. Other studies have consistently shown a strong correlation between increased flows and improved habitat conditions for salmonids.

Cumulative Effects

3/ December 4, 2002 letter from Radtke to Norton and Evans; April 2, 2003 letter from Radtke to Norton.

In evaluating the proposed action and the range of alternatives, **the DEIS needs to consider the cumulative environmental effects of non-Project water diversions above, within, and below the Project, including the USBR Trinity Diversion of the Central Valley Project.**

Geographic Scope

The DEIS should include areas and resources affected by Project water diversion, storage and delivery and include the mainstem Klamath River and all tributaries below Iron Gate Dam, including the Trinity River, and the ocean ⁴.

Scoping and Cooperating Agencies

During the early stages of DEIS development, when there were still five draft alternatives, numerous scoping sessions were held with cooperating agencies and other stakeholders. However, according to the SNOI, no scoping meetings are planned for the next two years, even though the alternatives have been significantly changed. **To adequately consider stakeholder concerns, the Council requests that a series of public and cooperating agency meetings be made a part of the formal DEIS schedule.**

Please keep the Council informed of additional opportunities to provide input as the Klamath Project DEIS process progresses.

Sincerely,



Hans Radtke, Ph.D.

Chairman

JDG:ddd

c: Dr. Donald McIsaac
Dr. John Coon
Ms. Jennifer Gilden
Habitat Committee
Salmon Technical Team
Salmon Advisory Subpanel

4/ Klamath River basin salmon stocks are important contributors to ocean fisheries in California and Oregon. Impacts of the project on these fish influence Council managed fisheries, fishers, and coastal communities.