Dear Interested Parties:

The Bureau of Reclamation is seeking your continued participation in the development and implementation of the Klamath River Basin Conservation Implementation Program (CIP). The CIP is being formulated in response to National Oceanographic and Atmospheric Administration, Fisheries (NOAA Fisheries) May 31, 2002 biological opinion. In June of 2003 an initial public draft Program Document was released to the public for comment. The second draft Program Document, which incorporates written comments and verbal feedback obtained during numerous meetings and discussions, is attached.

Some of the changes to the second draft Program Document are:

- The purposes of the CIP have been modified and clarified.
- The second draft clarifies and emphasizes that the CIP is a cooperative effort, to be implemented with and through existing groups and organizations.
- The scope of the CIP has been expanded to include declining or special emphasis species, such as the Chinook salmon, in the initial efforts, that recovery is only a first step, and restoration efforts need to be expanded until other goals, such as harvestable populations, are achieved.
- A tribal trust committee has been added.
- Participation is open to any interested entity.
- Consensus voting as a decision making process has been eliminated.
- The committee structure has been modified.

The next step in development of the CIP will be to conduct a series of facilitated public meetings during the summer of 2004. The specific format of the meetings has not yet been determined, however, the goal will be for the participants to articulate their desired future condition for the Klamath Basin natural resources, and to then evaluate the draft CIP to determine how it should be modified so that implementation of the CIP will achieve that condition. Individuals will not be asked or expected to agree on a single vision for the future during the meetings. Meetings will be held in various locations in the Klamath Basin to allow for maximum stakeholder participation. Upon conclusion of the meetings, all the input will be compiled and incorporated into a third draft. The final document will then be produced by committee. The resulting CIP will not be solely a Reclamation program. Instead, the CIP will be a cooperative partnership, designed, governed and implemented by the participants. Written and e-mail comments are also welcomed.

The draft document is available on the Bureau of Reclamation's web site at http://www.usbr.gov/mp/kbao. Paper copies can be requested by calling Reclamation's Klamath Falls office at 541.883.6935. Written and e-mail comments should be sent to Christine Karas, Deputy Area Manager, Bureau of Reclamation, Klamath Basin Area Office, at ckaras@mp.usbr.gov or by U.S. Mail, at 6600 Washburn Way, Klamath Falls,

OR, 97603. Please aid us in distributing the second draft by sharing it with everyone you believe would be interested.

Program Document
Second Draft

Klamath River Basin Conservation Implementation Program

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Second Draft
February 2004

Prepared by U.S. Bureau of Reclamation
Klamath Basin Area Office
Klamath Falls, OR

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EXECUTIVE SUMMARY

The National Oceanic and Atmospheric Administration Fisheries 2002 Biological Opinion on the operation of the Klamath Project concluded that actions affecting threatened salmon would be best addressed through a comprehensive plan. Reclamation accepted the recommendations of the Biological Opinion, including the responsibility to develop a comprehensive plan in conjunction with other Klamath Basin stakeholders and circulated a draft document describing one possible manner in which the program could be formulated. The following document is the second draft of a program document for the plan, which is now titled the Klamath River Basin Conservation Implementation Program (CIP).

The purposes of the CIP are:

1) To largely restore the Klamath River ecosystem to achieve recovery of the Lost River and Shortnose suckers, and to substantially contribute to the recovery of the SONC ESU of Coho salmon;

2) To contribute to, but not to fully discharge, the tribal trust responsibilities of the federal government;

3) To allow continued sustainable operation of existing water management facilities and future water resource improvements for human use in the Klamath Basin.

This significant undertaking will require the joint efforts of numerous parties. The CIP is intended to serve as a mechanism by which the participants can work together to achieve the program goals. It will strive to coordinate the many existing conservation and restoration efforts on-going in the basin, avoiding duplication, but working with and through those groups.

The primary method of implementing activities will be by empowering the existing private and public groups and organizations through providing resources or guidance. The CIP will also provide essential services for coordination such as a web-based clearing house for posting data, reports, notices and other information. The CIP will work to fill gaps in data and information where they exist.

All CIP meetings and activities will invite participation by all interested stakeholders.

Although the CIP is being initiated by the Bureau of Reclamation, it will be formulated, governed, and funded by the participants.

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INTRODUCTION

1. Background

In 1988, the US Fish & Wildlife Service (FWS) listed the shortnose sucker (*Chasmistes brevirostris*) and the Lost River sucker (*Deltistes luxatus)* as "endangered" under the Endangered Species Act (ESA.) In 1997, the Southern Oregon/Northern California Coasts coho salmon (*Oncorhynchus kisutch*) was listed under ESA as a "threatened" species.

On February 25, 2002, Reclamation transmitted its Biological Assessment (BA) on the effects of proposed operation of the Klamath Project for a ten-year period of April 1, 2002 to March 31, 2012, to the FWS and the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries). Appendix A of the BA contains a list of potential actions to assist with protection, conservation and/or recovery of listed species. Specifically, in item 2.B Reclamation proposed to take the responsibility to develop a comprehensive plan to provide direction for research efforts, implementation of restoration projects, and monitoring of results. The plan would be developed with the Tribal and state governments and a network of stakeholder groups and would provide a mechanism for implementation of activities to be undertaken by tribes, federal, state, and local agencies and interest groups to improve habitat conditions for the listed species.

On May 31, 2002, the FWS and NOAA Fisheries each issued jeopardy Biological Opinions (BO) with a reasonable and prudent alternative (RPA) on Reclamation's proposed operation of the Klamath Project. An element of the NOAA Fisheries RPA recognized that achieving target flows would likely require more contributions to flow than could be reasonably provided by Reclamation alone, and that the larger context of actions affecting threatened salmon would be best addressed through a comprehensive plan. Reclamation accepted the RPA, including the responsibility to develop a comprehensive plan, which has been titled the Klamath River Basin Conservation Implementation Program (CIP).

This draft document proposes one way to construct the CIP, describing a structure, purpose, and set of goals modeled after successful programs being employed elsewhere (Upper Colorado River Endangered Fishes, Platte River, San Juan River, and June Sucker Recovery Implementation Programs; Grand Canyon Adaptive Management Program; Multi-species Conservation Program, etc.). These programs were designed to address similar issues of conflict between water use/development and endangered species protection and ecosystem restoration. Although the CIP draws on these programs conceptually, it is designed to be specific to the Klamath River Basin and its unique set of circumstances. The content of this draft document will be modified to meet the needs of the basin stakeholders.

Development of the CIP is recommended as part of the Reasonable and Prudent Alternative in NOAA Fisheries biological opinion, which is intended to remove jeopardy to the species resulting from operation of the Klamath Project. However, implementation of the CIP in intended to be an ecosystem restoration program, which goes beyond the

statutory requirement of avoiding jeopardy. The CIP is being designed not only to address the needs of the ESA listed species, but also to restore the ecosystem on which they depend. It will provide for the conservation of non-listed species, and contribute to economic recovery. This significant undertaking will require the joint efforts of numerous parties. The CIP is intended to serve as a mechanism by which the participants can work together to achieve the program goals.

Due to the magnitude of the restoration efforts needed, and limited resources available, a tiered approach will be used. The CIP will begin with a focus of recovering the listed and declining species within the Klamath River Basin, and improving conditions for Chinook salmon and other species of special concern, while simultaneously allowing for the continued human use of water resources. It will be expanded over time to address the entire biotic community. Restoration activities and studies will primarily be conducted with and through existing groups and processes, coordinating activities throughout the basin. In this way, the limited resources available to the program participants will initially be applied to the species identified by the FWS and NOAA Fisheries as most likely to continue to decline, and on those identified by the stakeholders as requiring early emphasis. CIP participants will collectively determine priorities for the program.

2. Recovery

The FWS Endangered Species Consultation Handbook (FWS/NMFS, March 1998) defines recovery as: "improvement in the status of a listed species to the point at which listing is no longer appropriate; the process by which species' ecosystems are restored and/or threats to the species are removed so self-sustaining and self-regulating populations of the listed species can be supported as persistent members of the native biotic communities." One of the stated purposes of the ESA is to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved. The definition of conservation is: "To use and the use of all methods and procedures which are necessary to bring any endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary." Actions undertaken through the CIP, aimed at recovering the listed species, will be those which restore the ecosystem. These efforts will be evaluated to insure they also protect and promote the other species within the ecosystem.

2.a Recovery Plans

Section 4(f) of the ESA requires the Secretary to develop and implement recovery plans for the conservation and survival of each listed species, unless the Secretary finds that a recovery plan will not promote the conservation of the species. The FWS is responsible for the preparation of recovery plans for the shortnose and Lost River suckers, and NOAA Fisheries is responsible for the recovery plan for the Southern Oregon and Northern California Coastal (SONCC) Coho salmon. The recovery plans for the shortnose and Lost River suckers were completed by the FWS in 1994, based on the best available information at the time. Significant new information has been developed since 1994, and the FWS is preparing to update the plan. Two separate but related processes,

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one by the State of California, and another by the 13 member Shasta Scott Recovery Team (SSRT) have developed recovery plans for the Coho. These plans describe the actions needed to recovery the coho. The broader California Department of Fish & Game document titled *Recovery Strategy For California Coho Salmon,* extending beyond the Klamath River Basin and the scope of the CIP, overlays the entire region, while the SSRT strategy provides a customized recovery plan for the Scott and Shasta rivers. These two state of the art recovery plans represent an extensive and comprehensive effort. In addition, NOAA Fisheries is in the process of developing a coho recovery plan. The CIP will rely on these efforts, working with and through the State and SSRT as they implement the plans.

The content of recovery plans is discretionary; however, to the extent possible, recovery plans should contain criteria for when down listing can occur and for what constitutes recovery. Ideally, the FWS and NOAA Fisheries recovery plans will identify the specific, measurable criteria (recovery goals) needed to remove the threats to the species which resulted in their listing as threatened or endangered. The CIP will coordinate and participate in their implementation. Progress toward meeting the recovery goals will constitute one of the Program bench marks.

3. Relationship of the CIP to Existing Klamath Basin Conservation Efforts

Numerous efforts to manage natural resources are on-going in the Klamath River Basin. Several were created by state or federal legislation, including:

- The Upper Klamath Basin Working Group, established by Public Law 104-333
- The Trinity River Restoration Task Force created by Public Law 98-541, as amended by Public Law 104-143
- The Klamath River Basin Fisheries Restoration Program established by the Klamath River Basin Fishery Resource Restoration Act (Public Law 99-552, 16 U.S.C. 460ss-3 et seq.)
- The Klamath River Basin Compact Commission created pursuant to the Klamath River Compact Act of 1954
- The Oregon Watershed Enhancement Board, originally established by the Oregon State legislature as the Governor's Watershed Enhancement Board in 1987

Other efforts include the Salmon River Restoration Council, the Klamath Basin Ecosystem Foundation, Shasta River Coordinated Resources Management and Planning Committee, and the Scott River Watershed Council. The Karuk, Hoopa and Yurok Tribes are actively involved in restoration of aquatic resources in their ancestral territories.

In addition, Oregon and California water law governs the management of water resources in the Basin, the Klamath Project Operations Plan (Reclamation 2003) serves as a planning guide for Klamath Project water users, Reclamation has entered into contracts to provide agricultural deliveries of Project water, and PacifiCorp is preparing to apply to the Federal Energy Regulatory Commission for a permit renewal.

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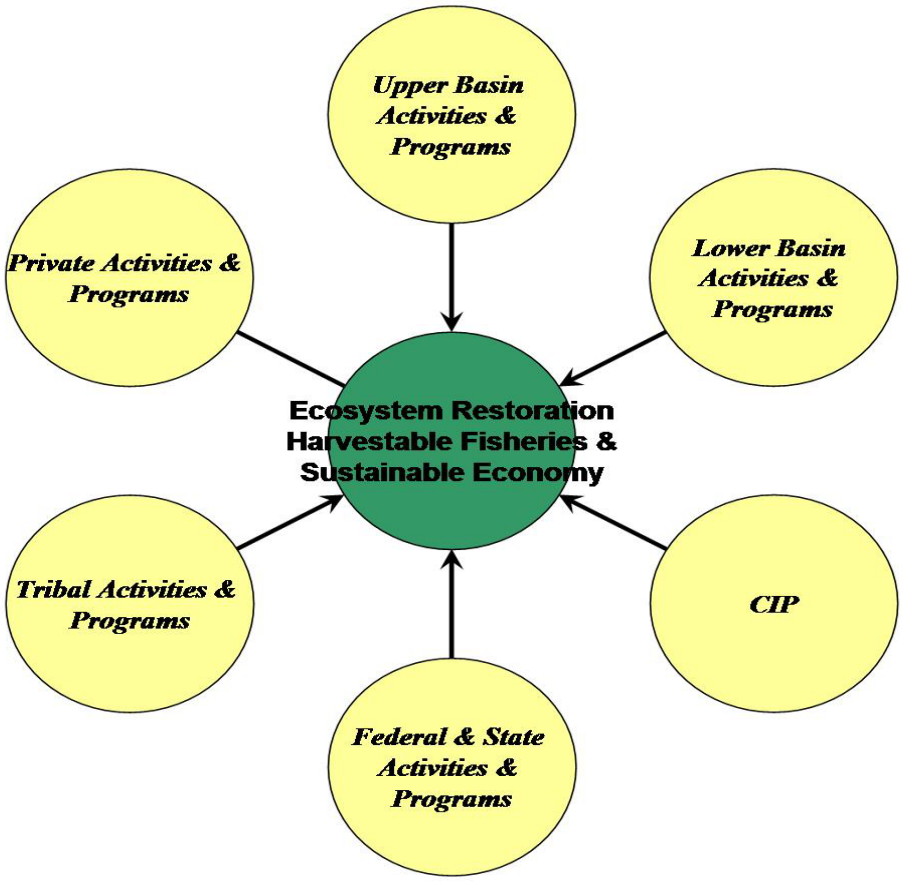
During a science conference sponsored by the Department of the Interior in Febreuary, 2004 a common theme of the recommendations for future action was establishment of an umbrella program to coordinate the efforts throughout the basin. This will be the primary roll of the CIP.

Collaboration between the various interest groups is critical to the success of the CIP. Despite the seemingly conflicting views on natural resource management in the Klamath River Basin, the common need is for the ecosystem to be restored and the fish recovered so that a sustainable, harvestable fishery can co-exist with agriculture, recreation, and other uses.

The CIP is not intended to supplant or compete with any of the existing efforts. Instead, the CIP will work through and with other efforts, enabling them by providing resources, contracting for or funding needed research, coordinating efforts, and filling gaps where they exist. The CIP will facilitate the sharing of information, in particular between the upper and lower portions of the Klamath River Basin.



4. Purposes of the Klamath River Basin CIP

The purposes of the CIP are:

1) To largely restore the Klamath River ecosystem to achieve recovery of the Lost River and Shortnose suckers, and to substantially contribute to the recovery of the SONC ESU of Coho salmon;

2) To contribute to, but not to fully discharge, the tribal trust responsibilities of the federal government;

3) To allow continued sustainable operation of existing water management facilities and future water resource improvements for human use in the Klamath Basin.

As described previously, ***recovery*** is the process by which ecosystems are restored and/or threats to the species are removed so self-sustaining and self-regulating populations of the listed species can be supported as persistent members of the native biotic communities. Recovery of the suckers is fully within the scope of the program. The SONC ESU of coho is not fully within the scope of the program, so the CIP will only be able to significantly contribute to their recovery. The focus for contributing to recovery of the coho will be to restore the historic roll of the Klamath River Basin to the greatest extent possible.

Human use includes, but is not limited to, the use of water for the support of harvestable populations of fish, irrigated agriculture, wildlife refuges, industrial and municipal use, and recreational purposes. ***Future development*** may include rehabilitation and betterment of existing facilities to improve efficiency, development of additional water storage, demand reduction, removal of dikes, creation or restoration of wetlands, or the construction of temporary propagation and rearing facilities. Propagation and rearing facilities could prove to be a useful tool for genetic management of suckers, production of fish for experimental purposes, or conducting research in a laboratory setting, given the difficulty of field research with rare fish.

These primary goals of the CIP are interdependent and interrelated. Equally support of all of the goals, while ensuring the program proceeds in a fair and equitable manner, is necessary for success. Although there seems to be contradiction between the goals in the eyes of some of the stakeholders, it is this tension between the future vision of differing individuals and broad expectation for multiple use of Klamath River Basin natural resources that which will serve to bring the numerous interests together.

4a. Other Goals

Other goals which are inherent in the CIP are to:

- Reduce conflict among stakeholders and support collaboration;
- Improve communications and data sharing;
- Support a viable economy throughout the Klamath River Basin;

- Provide a mechanism to streamline the ESA consultation process;
- Avoid litigation;
- Provide an increased level of certainty that sustainable, harvestable levels of fish populations will be restored and maintained;
- Provide an increased level of certainty of water supply to irrigated agriculture;
- To insure ecosystem restoration actions and water use and management do not negatively impact other native species;
- To measure success and progress of the CIP through established benchmarks.

4.b CIP Underpinnings

Critical underpinnings of the CIP include:

- Long range CIP Activities will be based on FWS/NOAA Recovery Plans and other existing
- Commitment to the use of sound science
- Rigorous scientific peer review
- Transparency
- Collaboration
- An adaptive, open, and flexible process
- Continual learning and adaptive management
- Benchmarking of progress and regular evaluations with adjustments where needed
- Coordination with other restoration efforts
- Compliance with Federal and state law, including state water laws
- Public education and information including opportunities for non-program participates to contribute and be involved in the process

5. Program Actions and Achievements

Once a final program document is agreed to, CIP participants will prepare both short and a long rang plans, and begin to implement recovery and restoration actions.

5.a Short and Long rang plans

Many needed improvements have already been identified regarding restoration of the Klamath River Basin ecosystem. The CIP will simultaneously execute actions to restore habitat (short rang plan) while a long range plan (including research needs) is being developed, thereby beginning to achieve on the ground results and accumulate a list of accomplishments. The long range plan will serve as a guide for future recovery actions, research, and monitoring efforts, including development of annual work plans and budget decisions. It will be an adaptive plan, modified annually as needed to incorporate new information and emerging science. As the recovery plans and recovery goals are completed, the actions they identify as needed for fish protection and recovery will be incorporated into the long range plan.

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As stated earlier, many needs, either physical restoration efforts or data needs have previously been identified. They are listed in existing plans or were identified during the Science Workshop in February, 2004 in Klamath Falls. These will be compiled into a short rang action plan, and prioritized for implementation within the first one to three years. It is unlikely there will be sufficient resources available to implement even all of the highest priotity needs in this time frame. Those not selected for immediate implementation will be incorporated into the long rang plan.

The long range plan will be a more comprehensive list of needs to be completed in the out years. The long range plan will also serve as the basis for budget requests, an estimate of total program cost, and a time frame for the CIP.

5.b Measure of Progress and Achievements

All needs listed in the short or long range plans will include an explanation of how the accomplishment of the need support achievement of one or more of the program goals, a cost estimate, a recommendation for how/who will implement it, interim and final products and their due dates, and benchmarks by which progress toward CIP goals will be measured.

Actual progress of the CIP will be measured in a variety of ways, as agreed to by the participants in the final Program Document. Examples of ways in which progress will be measured could include resource improvements such as increases in population size and demographics; improvements in water quality and quantity; physical habitat structure such as wetland restoration and development, channel improvements, dam removal, or protective measures such as fish passage and screening of diversions. Administrative progress could be measured in terms of agreements between the parties, establishment of a data clearing-house web page, contribution to electronic libraries, development of standardized data format to enhance technology transfer, meetings and conferences to share information, or public education and outreach, to list a few. Scientific progress will be measured in terms of research results, research facilities, measurement devices, and publications in peer review journals which were support by the CIP. Budget progress will be measured in terms of dollars, services in kind, and volunteer hours contributed to the program, and performance (expenditures). A report will be produced annually outlining the achievements or progress in each of these areas.

Process ≠ Progress

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6. Benefits of the CIP

The immediate benefits of the CIP will be having a mechanism which will forward the of the CIP goals of largely restoring the Klamath River ecosystem, contributing to the tribal trust responsibilities of the federal government, and allowing continued human use of water resources in the Klamath Basin by coordinating efforts, providing resources, and filling gaps.

6.a ESA Compliance

The CIP is intended to serve as the basis for compliance with sections 7 and 9 of the ESA. It will accomplish this through identifying and implementing actions to improve habitat and populations of threatened and endangered fish so that other activities in the basin do not jeopardize the fish and through protecting fish populations to reduce to the greatest extent possible take incidental to other natural resource uses. Measurable, tangible improvements in habitat and populations will be required before these benefits can be realized.

The FWS and NOAA Fisheries will be able to rely on the CIP to off set unavoidable impacts and to mitigate past actions. In this way, the CIP will, in time, be able to provide programmatic incidental take coverage. That is not to say the CIP will in any way effect the statutory mandate of the FWS and NOAA Fisheries it implement the ESA. For example, if it is identified that a particular activity, federal, state or private, is resulting in unmitigated incidental take, a remedy could be supported through the CIP. Rather than the private land owner or agency having full responsibility to plan, fund, and carry out the remedy, a partnership with the CIP could be established to execute the remedy. This would both increase the certainty of on the ground implementation, and serve to streamline the consultation process.

Specific agreements to describe how and under which conditions the CIP will be able to serve as the basis of compliance with the ESA will need to be developed by the participants. Knowledge of upcoming actions requiring consultation may influence the priority of work items or monitoring and research efforts. Continued participation in, cooperation with, or support of the CIP could also be a basis for a biological opinion or a no-jeopardy decision. By implementing (or enabling the implementation) of the actions identified by FWS and/or NOAA Fisheries as required to achieve compliance with section 7 and 9 of the ESA, the financial burden of that compliance will be born by the CIP, as opposed to a project proponent.

It is important to note that the legal mandate for enforcement and implementation of the ESA lies with the Secretary of the Interior and the Secretary of Commerce. This responsibility is carried out by the FWS and NOAA Fisheries, respectively. All decisions related to the ability of, or the degree to which the CIP can serve as the basis for compliance with the ESA must remain with those agencies.

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7. Scope

The CIP is being formulated by the Bureau of Reclamation, but will not be solely a Reclamation program. It will be governed and implemented by the participants.

7.a Program Scope

The geographic scope of this Program is the Klamath River Basin.

The biological scope of the CIP will initially be focused on activities that benefit Lost River sucker, shortnose sucker, and Klamath River Coho and Chinook salmon. The Chinook salmon has been identified by the Tribes, commercial fishermen, and other stakeholder as a species which must receive full and equal consideration from the inception of the CIP if it is to achieve its goals.

Numerous other species of concern have also been identified by the tribes and other stakeholders. However, if the scope of the activities initially undertaken with the limited resources available to the CIP is overly broad, the effects of the program will be diluted and progress slowed. This would likely affect the ability of the program to demonstrate enough benefit and progress to the Congress of the United States and of the State and California and Oregon to justify continued funding. Activities undertaken to benefit the initial target species (listed species and Chinook salmon), and increased understanding of the system, will likely benefit other native species as well. No action will be approved of, funded, or carried out by the CIP which would knowingly harm native species or degrade the habitat. For example, improved water quality and the restoration or creation of wetlands will have benefits for many species, both aquatic and terrestrial, and to the human communities within the ecosystem.

The CIP Participants will determine when there are sufficient resources to be applied toward additional efforts. One way this could be accomplished would be through support of other conservation or restoration activities which are being conducted in the basin. All activities would have to be within the authority of a participant providing the funding, consistent with goals of the CIP, and agreed to by CIP Participants.

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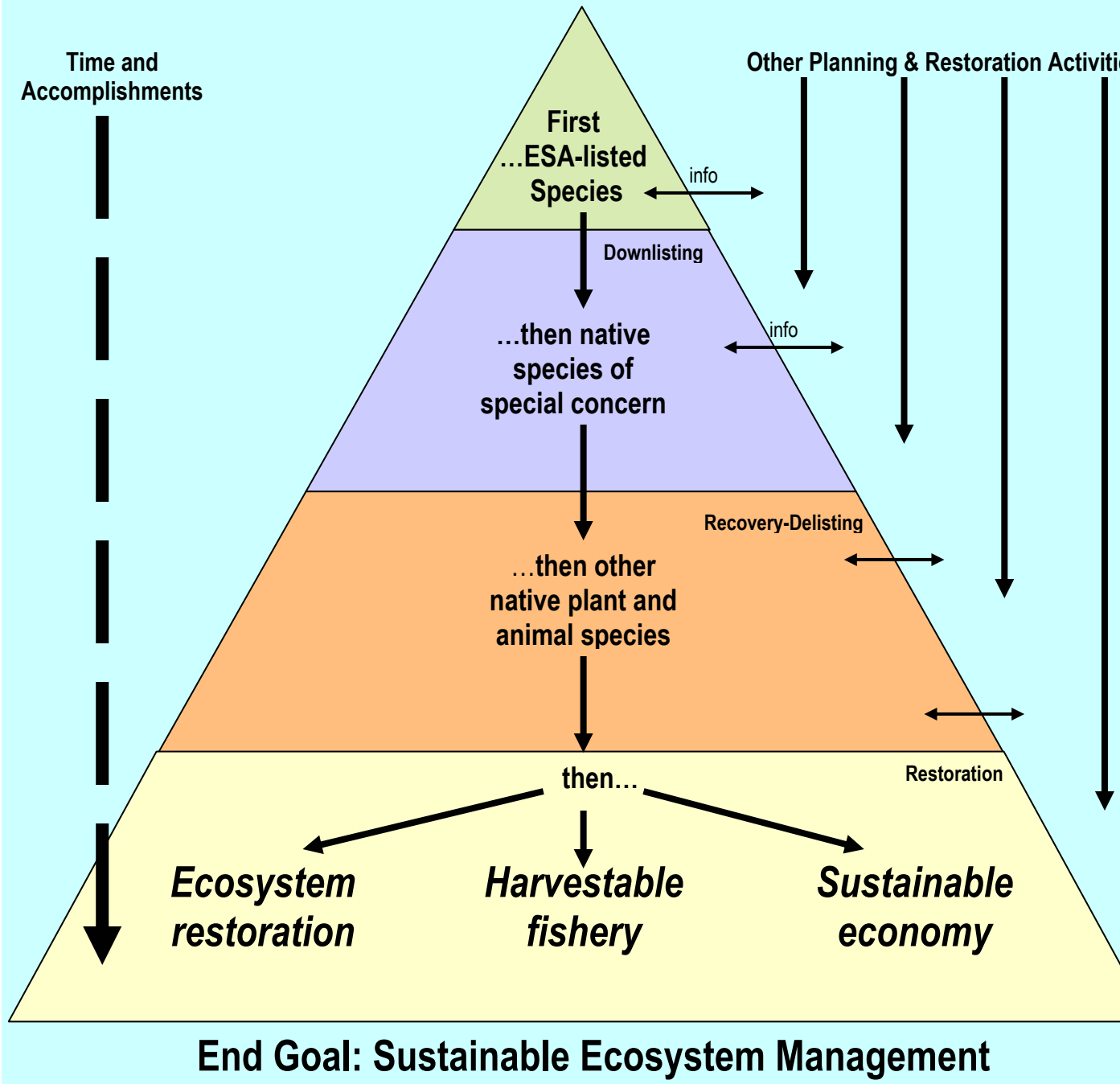
CIP Scope & Focus



8. CIP Participants

Reclamation originally envisioned the structure of the CIP as consisting of a relatively small working group directly participating in the process with input from existing groups and stakeholders. It was anticipated that both individuals and interest groups with similar philosophies, for example, environmental organizations, would elect to send a single participant to the CIP meetings. This member would be responsible for communicating with the individuals they were representing and developing positions on the issues facing the CIP, then representing that position during meetings. Based on the comments received from the stakeholders, it is clear that this model is not acceptable to many of the residents of the Klamath Basin, who prefer more direct representation. Therefore, participation in the CIP will not be restricted.

8.a Stakeholder and Public Involvement

Meaningful, constructive participation by stakeholders in all CIP meetings is encouraged. All meetings will be open to the public and all documents including meeting summaries, research reports, budget documents, and program evaluations will be available on a web site. Paper copies will be provided upon request to those without internet access. Comments and input from stakeholders will be called for during each agenda item during Committee meetings, and prior to any vote taken by the committees.

8.a.1 Varying Levels of Participation

Recognizing that not all stakeholders who have an interest in Klamath River Basin resources and the CIP will be able to devote the time, energy, and resources to being a full, active participant, five levels of participation will be available. A stakeholder or group can select the appropriate level of participation from the chart below. As issues come up for consideration, the level of interest of a stakeholder or group may change, so they can re-designate their level of participation at any time.

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SPECTRUM OF CIP PARTICIPATION

1 *(Lowest Level of Participation)*	2	3	4	5 *(Highest Level of Participation)*
•Receive Newsletters Only •Request General Information Only	•Receive Newsletters •Request General Information •Receive Meeting Agendas •Receive Notification of Availability •Provide Input to Process	• Receive Newsletters • Request General Information • Receive Meeting Agendas • Attend Coordination Council Meetings • Receive Meeting Summaries/ Notes • Receive Budget Information • Receive Notification of Availability of Reports • Provide Input to Process	• Receive Newsletters • Request General Information • Receive Meeting Agendas • Attend Coordination Council Meetings • Participate in Sub-Committee or Workgroup Activities • Receive Meeting Summaries/ Notes • Receive Budget Information • Receive Notification of Availability of Reports • Provide Input to Process	• Receive Newsletters • Request General Information • Receive Meeting Agendas • Full Participation in Process/ Meetings • Representation on One or More Sub-Committees or Workgroups • Attend Coordination Council Meetings • Receive Meeting Summaries/ Notes • Receive Budget Information • Receive Notification of Availability of Reports • Provide Input to Process

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9. Committee Structure

As currently formulated, the Program will function under a 3-tiered administrative structure. This structure, like all aspects of the CIP may be modified as the stakeholder involvement process continues.

The Policy Administration Group will oversee the policy issues of CIP as they relate to government policy, funding, and authorization. A Coordination Council will conduct the CIP's regular business including planning, coordinating with other entities, and preparing an annual work plan/budget.

Support for these two Committees will be provided by four standing committees: Public Involvement, Science, Water Quality, and Tribal Trust Committees. The Science Committee will be supported by 5 subcommittees: An Independent Science Review Panel, and the Salmon, Sucker, Native Aquatic Species, and Other Resources subcommittees. Subcommittees can be created and dissolved as needed.

A Program Administrator and staff may also be created. The CIP Administrator will track and manage the budget, keep records, plan and manage meetings, and conduct other support services for the Policy Administration Group and Coordination Council.

Each CIP Participant will appoint one individual to represent them on each of the committees as appropriate. A backup should be designated to hold official proxy for the member when the member cannot be present for a meeting.

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CIP Organization

Policy Administration Group

Ensure equitable distribution of CIP resources among CIP objectives
General oversight of the CIP activities
Resolve CIP policy and administrative issues
Meets semi-annually, or as needed

Coordination Council

Develop, based on existing and new information and plans, recovery activities and benchmarks.
Determine priority of CIP activities.
Monitor progress of CIP activities in meeting goals and benchmarks.
Modify priority list of CIP activities and adapt activities in response to progress.
Coordinate ongoing and future conservation and restoration actions/activities.
Facilitate transfer of information between Coordination Council members and with outside groups.
Support and pursue unified funding requests for CIP activities.

Comprised of representatives of federal, tribal, state, local governments and other groups involved in Klamath Basin activities, such as (but not necessarily limited to):

Klamath River Compact Commission
Klamath River Fisheries Task Force
Upper Klamath Basin Workgroup (Hatfield)
Klamath Water User's Association
Klamath Basin Coaliti
Trinity Management Council
Watershed Councils
Soil and Water Conser
County/Federal/State governments
Pacific Fishery Management Council

Public Involvement Committee

Outreach and public involvement activities
Public affairs and external communication
Education and interpretative services

Science Committee

Develop Requests for Proposals
Review scopes of work
Review draft and final reports
Identify data gaps and scientific technologies needed
Recommend and prioritize studies and research

Water Quality Committee

Identify water quality issues related to CIP activities.
Recommend CIP activities to addres water quality issues.
Coordinate ongoing water quality dat collection

Independent Science Review Panel

Salmon Subcommittee

Sucker Subcommittee

Native Aquatic Species Subcommittee

Other Resour Subcommittee as needed

9.a Policy Administration Group

The Policy Administration Group will meet semi-annually to provide general oversight of the CIP. The committee has the following responsibilities:

- Provide general oversight of the CIP, ensuring course of action being recommended by the Coordination Council are in keeping with the goals of the program are being pursued proportionately;
- Ensure the direction of the program is consistent with the policy and legal mandates of the participant's organization;
- Approve prioritized work plans and associated budget documents;
- Ratify such committees and ad hoc groups as are necessary to ensure effective implementation of the CIP;
- Resolve issues elevated from the Coordination Council.

Membership on the Policy Administration Group will be the head of the CIP participant's organization, or their official designee. It is anticipated the Tribal Chair, Regional Director, Regional Administrator, Executive Director, Area Manager, State Supervisor, Governor's representative, etc. will be participating actively on the Policy Administration Group. This committee will meet semi-annually.

9.b Coordination Council

The Coordination Council is the planning and problem solving arm of the CIP. The primary responsibility of the Coordination Council is to ensure that the CIP is effectively managed and coordinated and addresses the highest priority recovery needs of the endangered Klamath Basin fishes. The Coordination Council will develop new procedures to resolve problems or remove obstacles to recovery. Responsibilities include:

- Annually review and recommend for approval to the Policy Administration Group updates to the CIP Activities;
- Develop a prioritized annual work plan and budget to achieve the CIP activities;
- Review and approve the annual report for the CIP which includes status of activities, status of fish populations, and budget information and serves as the primary source of information on progress of the CIP to the Policy Administration Group, tribal councils, and Congress;
- Report and/or respond to the Policy Administration Group on special issues that arise during implementation of the CIP;
- work to ensure that full funding for the CIP is provided by each participating agency;
- Monitor, evaluate, coordinate and direct activities of Biology Committee, Coordination, Information and Education Committee, and any subcommittees.

The Coordination Council will consist of one representative of each of the CIP Participants or their representative.

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The Coordination Council may invite input from other appropriate technical experts or working groups as deemed necessary. Reports from the subcommittees will be provided to the Coordination Council. The chair of the Coordination Council will initially be selected by the Policy Administration Group. The CIP participant serving as chair may be changed based on a consensus vote of the Coordination Council and approval of the Policy Administration Group.

9.c Public Involvement Committee

Communication and coordination with the many groups working to conserve and enhance the natural resources of the Klamath River basin will be an essential element of a successful CIP. Coordination is the responsibility of all committees and participants on the CIP, however the Public Involvement Committee (PIC) will actively coordinate with outside groups, and be responsible for the production of information and education materials about the CIP and its mission and accomplishments. This includes news releases, briefing materials, and educational materials.

Each CIP participant may appoint one member of their organization to the CIEC. Major responsibilities of the CIEC are to:

- Promote public and agency support for the recovery and restoration of the Klamath River Basin;
- Develop and distribute information on the CIP for educational purposes;
- Serve as a point of contact for information and education materials;
- Present the CIP and/or status reports to interested parties;
- Prepare news releases and briefing materials.

9.d Science Committee/Peer Review

A Science Committee will be a multi-disciplinary group responsible for reviewing the monitoring and research activities, identifying and recommending needed studies, and advising the Coordination Council and/or Program Administrator's office in scientific matters. This committee will also be responsible for development of the details of an internal and external peer review process.

9.d.1 Science Committee

The Science Committee will consist of representatives of the CIP participants with a science specialty such as hydrology, biology, modeling, statistics, or ecology. The primary responsibility will be to provide scientific advice and input to the Management and Policy Administration Groups. Science Committee members will be precluded from any Science Committee work involving their organization's products and proposals. Specifically, the Science Committee will:

- Review scopes of work, research proposals, draft and final reports which are submitted to the CIP for scientific validity;
- Identify data gaps and recommend needed research to Coordination Council;

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- Aid the Coordination Council in prioritizing CIP activities;
- Answer technical and scientific questions;
- Monitor the outside peer review process.

Members of the Science Committee may also serve on one or more of the subcommittees. The subcommittees will consist of experts in a given topic, such as salmon/anadramous fishes. The subcommittees will be encouraged to draw on and work with the broader Science Committee. In an effort to reduce any duplication of effort and to avoid increasing the work load of scientists currently working in the Klamath Basin, existing science committees, such as that of the Klamath River Fisheries Taskforce, may be asked to provide their expertise to the CIP instead of a new committee being formed.

9.d.2 Peer Review

Peer review can take many forms and be conducted at a variety of levels. Most often peer review is a process used to increase the technical quality and credibility of science. Typically, outside experts with similar areas of expertise are invited to review research proposals and products for accuracy and scientific merit. Scientific work of the CIP will likely require several degrees of peer review. The Science Committee will serve as a general peer review panel for the activities of the CIP, yet an independent level peer review should also be used. Final products such as research reports could be subject to both and internal (Secience Committee) and external peer review. In addition, the CIP itself should be peer reviewed by an independent external group. Independent peer reviewers should be individuals with subject matter expertise who's work does not directly or indirectly involve the Klamath Basin. There is merit to having a work evaluated by an, independent, disinterested group which would be less subject to bias, group think, or politics. At the same time, the recommendations from such a peer review group should also be evaluated by an internal peer review group with hands-on experience and a higher degree of familiarity with the resources in question. The Science Committee will develop a plan for peer review, including what work will be subject to what level of peer review at differing points in its development.

9.e Tribal Trust Committee

The Tribal Trust Committee will be composed of CIP participants who are Tribal members, Tribal Representationves, and government agency personal with a trust responsibility. Like all committee meetings, Tribal Trust Committee meetings will be open to the public. The roll of the committee will be:

- To provide oversight of the CIP as it concerns Tribal Trust and to make recommendations to the Coordination Council and Policy Administration Group to ensure equitable consideration of Tribal Trust issues;
- To inform and educate other participants and other committees on trust issues, laws, regulations and responsibilities.

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10. CIP Administrator's Office

The Administrator and his staff are a service group, and will not influence the direction or activities of the program. The primary mission of the CIP Administrator and staff is to manage the program. The CIP Administrator will be employed by the U.S. Fish and Wildlife Service, NOAA Fisheries, or U.S. Bureau of Reclamation and will be responsible for carrying out the decisions of the Policy Administration Group and Coordination Council. The CIP Administrator and staff are dedicated accomplishing all the goals of the CIP, and will not serve as their agency's representative on any of the CIP Committees. The members of the Administrator's office will not promote objectives or mission of the specific agency in which they are a part, but will promote actions consistent with the goals of the CIP. The CIP Administrator and staff are responsible for coordinating recovery activity implementation, planning and evaluating CIP progress, monitoring and tracking CIP budgets and accounts, providing assistance to CIP Committees, and coordinating technical review for the Program. Specific examples of the administrative responsibilities of the CIP Administrator and staff include:

- Evaluate the work conducted by the CIP and produce recommendations annually on areas of emphasis for the following year for consideration by the Coordination Council (***Program Administrator's Guidance***);
- Prepare an Annual Work Plan detailing work to be conducted during the following budget year, as directed by the Coordination Council;
- Prepare and or update a bi-annual budget document in support of Annual Work Plan, and track expenditures in conjunction with the funding agencies;
- Update the Long Range Plan as determined to be needed by the Coordination Council;
- Track and report on the short range plan until such time as the Recovery Plans, Recovery Goals, and Long Range Plan are completed;
- Compile and maintain the CIP's administrative record including producing meeting agendas, meeting summaries, and a library of CIP reports and other documents;
- Develop the Request for Proposals, compile proposals for Management and Biology Committee Review;
- Aid the Science Committee in coordinating the technical review and peer review processes;
- Track and report to the Coordination Council and other Committees on the status of draft and final research reports and associated expenditures;
- Compile and distribute annual CIP accomplishments reports;
- Coordinated non-monetary resources such as services in kind provided to the CIP to implement the Annual Work Plan;
- Track the contributing efforts and actions of outside groups in conjunction with the PIP;
- Work with the FWS and NOAA Fisheries to develop an ***Annual Assessment of CIP progress***. This document will be used by the service to gage the progress toward recovery of listed species.

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11. Decision Making Process

Upon formulation, the members of the various committees will determine the best method of decision making for that committee. It is anticipated that the Policy Administration Group will operate by consensus. Consensus means that all members can support a proposed action, even though some members may prefer an alternative approach or action. Any participant choosing to abstain from any vote or decision will be allowed to do so.

However, because of the depth and breath of issues facing the other committees and subcommittees, and their large number of participants, these committees may chose to use a majority or supermajority form of decision making. Unresolved issues can be reported to the next higher level of committee for resolution along with majority and minority reports detailing the areas of disagreements.

A quorum of the participants, as defined by each committee, must be present before an issue can be put to a vote. Members who are not able to be present can have a representative appear in their stead, or present their position in writing. A member who is not able to attend may request a topic be tabled for one meeting only. Non-attendance and no written objection will constitute a no-dissent vote.

All CIP Participants will agree to operate in good faith to advance the goals of the CIP as a whole, and not block actions or the ability of the other participants to reach consensus unless they have serious reservations about the appropriateness or out come of an action. CIP participants will engage in active discussion of any concern raised by any member and attempt to develop a means to accommodate the member's concerns. Each member will express in clear and concise terms what their concerns are, and why they believe an action would be detrimental to the CIP's goals.

When decisions cannot be reached at the Coordination Council the issue will be elevated to the Policy Administration Group for resolution. In the rare circumstance that the Policy Administration Group cannot resolve the issue to the satisfaction of all parties, a participant may be required to make an independent decision if the issue involves their obligations under applicable federal, state or tribal law, or expenditure of appropriated funds.

CIP participants are expected to attend meetings and be prepared to discuss the topics on the agenda. Significant time may be required to read materials and become fully prepared for the meetings. Agendas will identify topics as work in progress, for discussion, or for decision. Lack of familiarity with an issue should not be used as a reason to prevent discussion or decision.

12. Funding

CIP Participants agree to share in funding the implementation of this CIP. Support for the CIP will include cash contributions and in-kind services directed towards achieving the goals of the CIP. Some participating agencies will implement recovery actions under

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their respective mandates which will be accounted for under the CIP as determined by the Policy Administration Group.

The short and long range plans will have budget estimates associated with them. An equitable distribution of costs will be developed by the Coordination Council and forwarded to the Policy Administration Group for a final decision. A cost-sharing agreement among the parties may be required to ensure a disproportionate burden is not born by any one participant. Not all parties will be able to contribute their proportionate share every year, so the funding requirements may be balanced over a two year period.

The CIP Administrator's office will track the expenditure of funds by the participants as part of the annual work plan and budget process. Each contributing entity will provide individual budget information to the CIP Administrator's office for compilation and regular reporting to the Committees.

13. Miscellaneous Provisions

The CIP Program Document is a basic framework for a mechanism by which the Klamath River Basin ecosystem can be restored while human use and development of water resources continue, in compliance with state, federal, and tribal laws. It will be a fluid document. It is anticipated that the CIP Participants will need other information, may adopt Roberts Rule of Order or another form of meeting management, and will develop detailed agreements on specific aspects of the program. These documents will be appended to the Program Document.

All CIP Participants recognize that each Participant has statutory and/or corporate responsibilities that must be respected and cannot be delegated. This CIP does not and is not intended to abrogate any of the CIP Participants statutory or corporate responsibilities.

This program is a partnership effort, in which the representative of each participant will provide input and recommendations on program activities on an individual basis, and has not been established or utilized to advise the executive branch through its agencies. The Committees of the Program shall meet to explore potential means of accomplishing program objectives through informal consultations, not to form a recommendation to any one participant or group of participants on behalf of the Program. All activities and decisions will be in compliance with existing state and federal laws and executable under existing agency authorities, and do not constitute policymaking. Furthermore, all meetings shall be open to the public and include and opportunity for broad public input beyond that represented by the program participant's representatives.

The term of this CIP shall be 15 years. It shall be automatically reviewed on consecutive 15 year intervals unless the CIP Participants agree otherwise.

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Any Participant may withdraw from the CIP on sixty (60) days written notice to the other CIP Participants.

This CIP is subject to and is intended to be consistent with all applicable federal and state laws. The requirements of the National Environmental Policy Act will be met before the implementation of this CIP and prior to implementation of significant actions und the CIP.

Any funding commitments made under this CIP are subject to approval and appropriations by appropriate private, state, local, and federal legislative bodies.

No member of, or delegate to Congress, or resident Commissioner, shall receive any direct or immediate benefit that may arise from this CIP.

Appendices

Appendix 1 : Delisting a Species – FWS

Appendix 2 : Klamath River Basin Conservation Implementation Program Funding Agreement – to be developed

Appendix 4 : List of Acronyms

List of Acronyms

BOR – U.S. Bureau of Reclamation
CIP – Conservation Implementation Program
ESA – Endangered Species Act
FWS – U.S. Fish and Wildlife Service
KIFWC – Klamath Intertribal Fish and Water Commission
NOAA Fisheries – National Oceanographic and Atmospheric Association, National Marine Fisheries
PIC – Public Involvement Committee
RPA – Reasonable and Prudent Alternative
SONCC – Southern Oregon and Northern California Coastal Coho salmon

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