UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

MAR 28 2002

BUREAU OF RECLAMATION
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MAR 28 2002
KLAMATH FALLS, OREGON

Mr. David Sabo
Area Manager
6600 Washburn Way
Klamath Falls, Oregon 97603

Dear Mr. Sabo:

This responds to your request, dated March 27, 2002, for concurrence with the Bureau of Reclamation's (USBR) determination that operating the Klamath Project to provide "below average water year" flows at Iron Gate Dam (as defined in USBR's biological assessment) will not adversely affect coho salmon through May 31, 2002. The National Marine Fisheries Service (NMFS) notes that the USBR relies entirely on the draft National Research Council (NRC) Interim Report released on February 6, 2002, to support its conclusion that coho salmon will not likely be adversely affected by project operations during this time period. In that report, the NRC concluded that "there is no convincing scientific justification at present for deviating from the flows derived from operational practices in place between 1990 and 2000 (emphasis added)." Based on NRC's finding, the USBR is proposing to operate the project in a manner that will provide flows below Iron Gate Dam identified in table 5.9 of the Biological Assessment (dated February 25, 2002) for a below average water year. Given the conclusions expressed by the NRC, NMFS currently has no basis for contradicting your determination, and accordingly, NMFS concurs with USBR's "not likely to adversely affect" determination.

In the event that the April 1 forecast indicates a shift to an above average water year, NMFS expects that the USBR would modify its April and May operations to be consistent with the flows identified in its biological assessment for above average water years. Similarly, if information or new analyses not considered by the NRC become available that indicate adverse effects may occur at the proposed flows or if evidence of harm to coho salmon becomes evident during April or May, the USBR must reinitiate consultation and address the issue consistent with the Endangered Species Act and its accompanying regulations.

The NRC also stated that its conclusions apply to interim management of the Klamath Project and that the Committee will make a separate analysis of the scientific evidence, including any new evidence, supporting various actions that might lead to improvement in coho salmon in the Klamath River Basin over the long-term future. In that regard, NMFS has requested clarification

from the NRC on the importance of spring flows to coho salmon smolts that are migrating out to sea and whether the Committee considered any benefits to coho juveniles from higher spring flows in months when temperatures are not adverse for coho salmon. Therefore, this concurrence for April and May 2002, does not preclude NMFS from arriving at a different conclusion for below average year operations in its biological opinion, which it expects to complete by June 1, 2002, based on the best scientific data available at the time.

Sincerely,

James H. Lecky

James H. Lecky
Assistant Regional Administrator
Protected Resources Division