



UNITED STATES DEPARTMENT OF
COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
1655 Heindon Road
Arcata, California 95521-4573

In response refer to NMFS Nos:
WCR-2019-11512
WCRO-2019-00113

April 10, 2022

Brian Person
Acting Area Manager
Bureau of Reclamation – Klamath Basin Area Office
6600 Washburn Way
Klamath Falls, OR 97603

RE: 2022 Water Year – Klamath Project Temporary Operating Procedures and Term and Condition 1A of the National Marine Fisheries Service’s 2019 Biological Opinion

Dear Mr. Person:

Thank you for your April 9, 2022, letter to NOAA’s National Marine Fisheries Service (NMFS) documenting the Bureau of Reclamation’s (Reclamation’s) recent actions under Term and Condition (T&C) 1A of NMFS’ *Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for Klamath Project Operations from April 1, 2019 through March 31, 2024* (NMFS 2019 Biological Opinion) issued on March 29, 2019. With that letter, Reclamation provided proposed Temporary Operating Procedures (TOP) for Project Operations for the 2022 spring/summer operating season.

NMFS acknowledges that critically dry and extraordinary hydrologic conditions in the Klamath River Basin will likely prevent Reclamation’s full, simultaneous satisfaction of requirements for Endangered Species Act-listed species in Upper Klamath Lake (UKL) and the Klamath River, as specified in the 2018 Modified Operations Plan/Interim Operations Plan (IOP), NMFS 2019 Biological Opinion, and the 2020 U.S. Fish and Wildlife Service (USFWS; collectively the Services) Biological Opinion.

The Upper Klamath Basin has experienced record low cumulative net inflows to UKL. Reclamation determined that Environmental Water Account spending could fall outside thresholds listed in T&C 1A of NMFS’ 2019 Biological Opinion, although it has not fallen outside those thresholds yet. Accordingly, Reclamation notified NMFS in February and consulted with the Services to determine the causative factors. Reclamation has met with the Services extensively since February to determine and implement in-season corrective actions consistent with the IOP and the Biological Opinions. In addition, Reclamation has coordinated with the Services, Tribes, and water users and evaluated water management approaches considering the needs of threatened and endangered species.

In response to Reclamation’s letter, NMFS acknowledges: (1) that water year 2022 is critically dry and the Klamath Basin is experiencing extraordinary hydrologic conditions; (2) receipt of the most current and up-to-date hydrologic data and forecasts that Reclamation has based management decisions upon in 2022; and (3) that Reclamation has taken actions to closely coordinate with the Services consistent with the process outlined in Term and Condition 1A of the NMFS 2019 Biological Opinion.

In the TOP, Reclamation intends to maintain monthly minimum flows in the Klamath River below Iron Gate Dam as described in NMFS' 2019 Biological Opinion for the period of April through September. Therefore, the minimum flows during the period of the TOP are expected to be consistent with the proposed action analyzed in NMFS' 2019 Biological Opinion.

In addition, Reclamation proposes a modified Surface Flushing Flow (SFF) in the TOP. Due to critically dry hydrologic conditions and resulting reduced UKL elevation, the target peak magnitude and duration of the SFF (6,030 cfs for 72-hours, total volume 50,000 acre-feet), as described in the proposed action and analyzed in NMFS' 2019 Biological Opinion, cannot be achieved in 2022. To maximize benefits of the 2022 SFF, Reclamation proposes to maximize peak discharge out of Link River Dam and create a bimodal modified SFF event below IGD. The proposed modified SFF is based on the recommendations of geomorphic and disease experts in the Klamath River Basin. Given the reduced magnitude and duration of the proposed 2022 modified SFF, a reduced volume of water supply is required (approximately 25,000 to 26,000 acre-feet).

In our 2019 Biological Opinion, NMFS analyzed Reclamation's proposed action, which includes annual SFF events. In two of the 36 years in the period of record NMFS analyzed, Reclamation's water balance model indicated a SFF of 6030 cfs for 72-hours could not be achieved due to limited water supply and reduced UKL elevation. In those two years, the Klamath Basin Planning Model maximized discharge, and the volume of water expended for the modified SFF events were less than 50,000 acre feet. Therefore, NMFS concludes that the modified SFF proposed in the TOP is not likely to result in adverse effects to listed species or critical habitat beyond those considered in NMFS' 2019 Biological Opinion.

In the TOP, Reclamation also provides that it may implement accelerated ramp down rates during the modified SFF event. NMFS understands that Reclamation will coordinate closely with us when implementing the modified SFF and any accelerated ramp down rates, as well as on any differences between those accelerated ramp down rates and the ramp down rates analyzed in NMFS' 2019 Biological Opinion.

NMFS appreciates the collaboration and coordination among Reclamation, NMFS, and USFWS on this matter. Please contact me at (707) 825-5171 should you have any questions.

Sincerely,



Jim Simondet
Klamath Branch Supervisor
California Coastal Office

cc: Jenny Marek, USFWS, Klamath Falls, OR