



United States Department of the Interior



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In Reply Refer To:
Project Code: 2022-0020519

April 11, 2022

To: Area Manager, Bureau of Reclamation Area Office
Klamath Falls, Oregon
Acting: JENNY MAREK Digitally signed by JENNY MAREK
Date: 2022.04.11 08:46:46 -07'00'

From: Field Supervisor, Klamath Falls Fish and Wildlife Office
Klamath Falls, Oregon

Subject: 2022 Klamath Project Temporary Operating Procedures and Term and Condition
1c of the U.S. Fish and Wildlife Service 2020 Biological Opinion

This responds to your memorandum dated April 9, 2022, regarding the Bureau of Reclamation's (Reclamation) proposed temporary operations of the Klamath Project (Project) in light of continued drought conditions in water year 2022. The memorandum also documents your efforts to date to manage Project operations consistent with Term and Condition (T&C) 1c of the U.S. Fish and Wildlife Service's (Service) 2020 Biological Opinion (BiOp).

The Service recognizes the exceptional and unprecedented drought conditions that the Klamath Basin continues to experience in 2022. The hydrologic conditions observed this year represent an ongoing natural disaster that is beyond the control of Reclamation. We acknowledge and appreciate that Reclamation is providing the most up to date hydrologic information in 2022 and expect this will continue. We also acknowledge that, through the meet and confer process provided for under T&C 1c, Reclamation has made a good faith effort to address the ongoing drought and the likelihood that BiOp boundary conditions will not be fully met for critically endangered Lost River (*Deltistes luxatus*) and shortnose (*Chasmistes brevirostris*) suckers in Upper Klamath Lake (UKL). While we are deeply concerned about the impacts that missing these requirements will have on both species this year, we understand that historically poor hydrology is the root cause for invoking the meet and confer process.

The Service has reviewed Reclamation's assessment of current and projected hydrologic conditions, as well as the proposed 2022 Temporary Operating Procedures (TOP) resulting from this assessment. The Service's internal analysis comports with Reclamation's conclusion that current and projected hydrologic conditions this year will preclude attainment of the 4142.0 ft. of elevation in UKL necessary to provide adequate habitat for shoreline spawning Lost River suckers, regardless of any proactive water conservation measures that Reclamation might take at this point in time. Success of river spawning suckers, which includes the majority of Lost River suckers and all shortnose suckers in UKL, is unlikely to be greatly impacted by UKL elevation

this year, as UKL tributary access is not elevation dependent. Reclamation also proposes to provide a surface flushing flow (SFF) to reduce disease risk for juvenile salmon in the Klamath River. This action, which the Service acknowledges is likely necessary to achieve positive outcomes for threatened coho salmon this year, when coupled with poor hydrology, will preclude any chance of UKL reaching or exceeding 4140.5 ft. through July 15. This will greatly reduce larval sucker rearing habitat in UKL this year, and the Service encourages Reclamation to take any available steps to maintain UKL elevation as high as possible through July 15. The TOP does, however, commit Reclamation to managing Project deliveries and river flows such that a buffered annual minimum elevation in UKL of 4138.15 ft. will be met, and the Service appreciates that Reclamation is intent on working to achieve this threshold. Though meeting this elevation does not avoid the biological impacts to suckers that missing the earlier season elevations creates, it will reduce the risk of catastrophic impacts to adult suckers by lessening the likelihood of poor water quality and affording adults access to water quality refugia if water quality conditions deteriorate.

The Service is further encouraged that Reclamation proposes to share 50% of any surplus volume above current projections with suckers by holding it in UKL, as this will not only expand the limited habitat provided for adult suckers in the TOP but also improve the likelihood of UKL refill next year. We stand ready to work with Reclamation to monitor changes in hydrology and expect that necessary steps, which could include reducing river minimum flows and curtailing Project deliveries, are taken to ensure that the UKL elevation guaranteed in the TOP is met. We also urge Reclamation to consider using some part of any Project Supply water gained through improved hydrology to support the needs of Lower Klamath National Wildlife Refuge, and the migratory birds who rely upon that habitat, since it has been dry for two years.

Reclamation's memorandum informs us that, given the hydrology that the Klamath Basin has experienced for the last three years and the high rate of disease-related mortality in Klamath River salmon last year, Reclamation feels compelled to provide adequate water resources to meet the needs of salmon in the Klamath River and allocate a meaningful water supply to the Klamath Project. We recognize the devastating impacts to the river and Project irrigators that occurred last year when Reclamation withheld a SFF and was only able to provide the calculated minimum Project Supply of 33,000 acre-feet. Despite these withholdings last year, suckers in UKL still experienced suboptimal conditions due to drought conditions, and they, and the Klamath Tribes for whom these fish are sacred, will feel those impacts more acutely this year. We cannot rely upon improved hydrology next year, and the dire condition of sucker populations in UKL means that substantive steps must be taken in the future to provide for the survival and recovery of these fish. We look forward to working with Reclamation to take advantage of ongoing reinitiated consultation on Project operations and the impending expiration of the Service's BiOp on September 30, 2022, to realize improved resource management to benefit suckers, as well as meet the needs of salmon and agriculture.

The Service is appreciative of the regular consultation with Reclamation through the meet and confer process to date, as set forth under T&C 1c. We are committed to continuing to work with Reclamation throughout the challenging summer ahead to navigate another extremely challenging water year and provide the best protection possible for the Service's trust resources.