



January 28, 2015

Mr. David G. Murillo  
Mid-Pacific Regional Director  
Bureau of Reclamation  
2800 Cottage Way  
Sacramento, CA 95825

**Subject: Comments on Bureau of Reclamation Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River**

Dear Mr. Murillo:

The California Department of Fish and Wildlife appreciates the opportunity to comment on the US Bureau of Reclamation's (Reclamation) Draft Long-Term Plan for Protecting Late Summer Adult Salmon in the Lower Klamath River. Like Reclamation, the Department seeks to work with partners to allow for the recovery and restoration of conditions within the Klamath River watershed that guarantee sustainable anadromous fish populations, as well as to implement protective actions if necessary to adapt management to changing climate and water conditions.

The Department offers the following comments on the draft plan to provide guidance for undertaking actions to protect anadromous fish during low flow conditions in the Lower Klamath River:

**Title:** The Department believes the document and resulting protective actions be inclusive of all anadromous species and ages. We suggest the title *"Long-Term Plan for Protecting Anadromous Fish Species during Summer/Early Fall Migration Periods in the Lower Klamath River"*.

**Section 1.2:** The draft document cites 34,000 adult Chinook died in the September 2002 die-off event. While just over 98 percent of the deaths were adult Chinook salmon, grilse Chinook salmon, steelhead, and coho salmon died as well.

**Section 2.1:** The second sentence seems poorly worded. Summer low flows and run entry timing are actual existing conditions rather than considerations. The consideration is how to alleviate these existing conditions when run size is large and/or water flow is below normal.

**Section 2.3:** The last sentence should be amended to *"Adult fall Chinook post-return estimates...."*

**Section 2.4.3:** The last sentence of the second paragraph should be amended to reflect fall Chinook return post-season adult estimate revision to 292,000.

**Section 4.3.1:** In the Annual Actions for March-May, add *"California Department of Fish and Wildlife"* to subsection C, D, and F.

**Section 5.1:** The last sentence of this paragraph should be amended to read: *"In addition, the actions under the Long-Term Plan are also consistent with Reclamation's obligation to preserve*

*tribal trust resources, and to comply with State law regarding the protection of State public trust resources."*

Additional sentences should be added referring to Congress' long standing policy to defer to State water law on Reclamation matters:

*"Lastly, as stated in California v. United States, 438 U.S. 645 (1978), the United States must comply with State water laws unless such laws are directly inconsistent with specific congressional directives regarding the project. Thus, Reclamation's actions specified in this Long-Term Plan must comply with State water laws, including Fish and Game Code section 5937."*

**Section 6.3.3:** This section should be amended to include a discussion of coho salmon and steelhead which are also in the Lower Klamath River at the time augmentation flows would be considered. Southern Oregon/Northern California Coast coho salmon are listed under both the federal Endangered Species Act and California Endangered Species Act (CESA). The Department should be consulted regarding compliance with CESA.

The Department supports the release of a final version of the plan in the spring of 2015 to inform of any potential protective actions during the upcoming low flow period.

We look forward to continuing collaboration and coordination with Reclamation and other stakeholders to best manage our mutually important Klamath River Basin natural resources. If you have questions or wish to discuss this further, please contact Wade Sinnen at (707) 822-5119 or [wade.sinnen@wildlife.ca.gov](mailto:wade.sinnen@wildlife.ca.gov), or Nancee Murray at (916) 654-3818 or [nancee.murray@wildlife.ca.gov](mailto:nancee.murray@wildlife.ca.gov).

Sincerely,



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