



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to NMFS No.:
2003/01270

August 30, 2005

Bill McDonald, Director
Pacific Northwest Region
1150 N. Curtis Rd. Ste.100
Boise, ID 83706-1234

Re: Amendment to the Endangered Species Act Section 7 Consultation and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Ongoing Operation and Maintenance of the Deschutes River Basin Projects, Deschutes River, Crooked River, and Clear Creek, HUCs – 17070306 (Lower Deschutes), 17070301 (Upper Deschutes), and 17070305 (Lower Crooked), Crook, Deschutes, Jefferson, and Wasco Counties, Oregon

Dear Mr. McDonald:

On February 17, 2005, the National Marine Fisheries Service (NMFS) transmitted to you our biological opinion (Opinion) and Magnuson-Stevens Fishery Conservation and Management Act essential fish habitat consultation for the Ongoing Operation and Maintenance of the Deschutes River Basin Projects, Deschutes River, Crooked River, and Clear Creek (NMFS No.: 2003/01270). Since then, our staffs have discussed the Opinion and determined that amendments to Reasonable and Prudent Measure (RPM) 1 and Term and Condition 1 are appropriate for clarification and to link flow releases from Bowman Dam to the term and condition. This is simple refinement and clarification of RPM 1 and Term and Condition 1 and is unrelated to any data, analysis, or conclusion presented in the Opinion. This letter is intended to ensure that the flow RPM and term and condition are clear and appropriately tied to the Bureau of Reclamation's (BOR) project. Accordingly, NMFS believes that rewording of RPM 1 and Term and Condition 1 as follows is warranted.

RPM 1 is amended as follows, with ~~striketrough~~ indicating deleted text and double underline indicating added text:



1. Minimize incidental take by ~~providing~~ continuing its authorized irrigation and flood control releases from upstream projects Bowman Dam ~~which will ensure streamflows to meet a downstream minimum flow target~~ on a weekly basis⁵ of ~~1,700~~ 1,200 cfs ~~into Lake Billy Chinook at the gage on the Crooked River below Opal Springs near Culver~~ ~~in~~ from October 1st ~~and~~ through November 15th.

Likewise, Term and Condition 1 is amended as follows:

1. To implement Reasonable and Prudent Measure 1 (downstream minimum streamflows target), the BOR shall continue its authorized irrigation and flood control releases from Bowman Dam on the Crooked River ~~and Wickiup Dam on the Deschutes River to ensure a minimum stream flow~~ meet a downstream minimum flow target on a weekly basis of ~~1,700~~ 1,200 cfs ~~between the gage on the Deschutes River near Culver and~~ at the gage on the Crooked River below Opal Springs near Culver⁶ ~~during~~ from October 1st ~~and~~ through November 15th. However, it is not necessary to meet this requirement under any of the following circumstances:
 - a. When ~~water availability in October and November of a given year is limited due to drought conditions or low runoff into upstream projects, as measured by:~~
 - i. ~~Prineville Reservoir content below 50,000 acre feet on September 30 of that year, or;~~
 - ii. ~~combined Prineville and Wickiup Reservoirs content below 80,000 acre feet on September 30 of that year, or;~~
 - iii. ~~the previous 12 months of precipitation totals on September 30 for either Derr or Ochoco Meadows SNOTEL sites are less than 19 inches.~~

~~If projections on September 1 indicate that any of the above three scenarios may occur, BOR will notify NMFS, and coordinate to develop appropriate alternative October and November releases from Bowman and Wickiup Dams. Written approval of alternative operations from NMFS is required prior to their implementation~~ the Bowman Dam release is 215 cfs or greater for irrigation or flood control (even if the downstream minimum flow target is not being met), or;
 - b. When maintenance of Bowman ~~or~~ Wickiup Dams or related structures is required, for routine periodic or human health and safety reasons, which necessitates very low or zero flow below Bowman ~~or~~ Wickiup Dams, or;
 - c. When a downstream search and rescue effort requires reduction in release from Bowman ~~or~~ Wickiup Dam.

⁵ Minimum stream flows on a weekly basis is the measure used for minimum streamflows in the FERC relicensing of the Pelton Round Butte Hydroelectric Project. For this consultation it is calculated as ~~the arithmetic mean of the daily mean streamflow over a 7 day moving average, beginning with the October 1-7 period. Periods for calculating flows are October 1-7, 8-14, 15-21, 22-28, 29-November 4, November 5-11, 12-18, 19-25, and 26-31.~~

⁶ Based on flow data from the 1990 to 2001 period of record, it appears that a combined flow between of 1,700 and 1,800 1,200 cfs ~~between the gage on the Deschutes River near Culver and~~ at the gage on the Crooked River below Opal Springs near Culver is sufficient to provide at least 3,500 cfs on the Deschutes River near Madras.

So, in final format, RPM 1 is amended to read as follows:

1. Minimize incidental take by continuing its authorized irrigation and flood control releases from Bowman Dam to meet a downstream minimum flow target on a weekly basis⁵ of 1,200 cfs at the gage on the Crooked River below Opal Springs near Culver from October 1st through November 15th.

And, in final format, Term and Condition 1 is amended to read as follows:

1. To implement Reasonable and Prudent Measure 1 (downstream minimum streamflow target), the BOR shall continue its authorized irrigation and flood control releases from Bowman Dam on the Crooked River meet a downstream minimum flow target on a weekly basis of 1,200 cfs at the gage on the Crooked River below Opal Springs near Culver⁶ from October 1st through November 15th. However, it is not necessary to meet this requirement under any of the following circumstances:
 - a. When the Bowman Dam release is 215 cfs or greater for irrigation or flood control (even if the downstream minimum flow target is not being met), or;
 - b. When maintenance of Bowman Dam or related structures is required, for routine periodic or human health and safety reasons, which necessitates very low or zero flow below Bowman Dam, or;
 - c. When a downstream search and rescue effort requires reduction in release from Bowman Dam.

All other terms and conditions in the February 17, 2005 Opinion are unchanged. A copy of this letter will be posted with the Opinion on NMFS' website. If you have any questions regarding this Amendment or the Opinion, please contact Scott Hoefer of my staff in the Eastern Oregon Branch of the Oregon State Habitat Office at 509.962.8911 x228.

Sincerely,

for 

D. Robert Lohn
Regional Administrator

cc: Ronald J. Eggers, BOR

⁵ Minimum stream flows on a weekly basis is the measure used for minimum streamflows in the FERC relicensing of the Pelton Round Butte Hydroelectric Project. For this consultation it is calculated as a 7 day moving average, beginning with the October 1-7 period.

⁶ Based on flow data from the 1990 to 2001 period of record, it appears that a flow of 1,200 cfs at the gage on the Crooked River below Opal Springs near Culver is sufficient to provide at least 3,500 cfs on the Deschutes River near Madras.