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The Willamette River Basin Project Biological Opinion and Reclamation's Water Marketing Program

One of the authorized purposes of the U.S. Army Corps of Engineers' Willamette River Basin Project (Project) is the storage and release of water to downstream users who have contracts with the Bureau of Reclamation for irrigation use. Reclamation is the U.S. Army Corps of Engineer's agent for irrigation water marketing in the Willamette River Basin. In its biological opinion for the Project, National Marine Fisheries Service (NMFS) determined that the diversion of water by Reclamation's contractors can adversely affect Upper Willamette River Chinook and steelhead and their habitat by reducing stream flows and by entraining juvenile salmonids into water diversions.

The NMFS identified required measures to minimize the effects of diversions by Reclamation's contractors on listed species and their habitat. These measures include limiting the total amount of stored water that can be provided under new contracts; requiring existing contract diverters to install screens and other fish passage devices within a specified timeframe; requiring screening of all new contract diversions; and ensuring that water released to serve contractors does not prevent meeting minimum flow objectives by reducing the volume of stored water diverted by contract holders in deficit (low) water years. The overall purpose for these measures is to avoid jeopardizing listed species and to avoid destroying or adversely modifying their critical habitat while also allowing for continued water marketing and contracting by Reclamation to meet current and future irrigation needs in the Willamette River Basin.

Reclamation is implementing changes to the administration of contracts under the water marketing program in order to comply with the terms and conditions of the biological opinion. The most notable change is that all existing and all new contract diversions will be required to have fish protection devices (primarily fish screens) that comply with NMFS design criteria and are approved by NMFS. A fish screen assessment process was developed in cooperation with NMFS and the Oregon Department of Fish and Wildlife in order for Reclamation to verify contractor compliance with the fish protection requirement. The costs of performing the fish screen assessments will be funded by the contractors and remitted to Reclamation. Reclamation is currently in the process of notifying contractors of the requirements. Costs associated with implementing remedies prescribed for those diversions found to be unscreened or inadequately screened will also be initiated and borne by the affected contractors. Following receipt of request and monies for fish screen assessments, contractors and applicants will receive additional information about assessor contact information.

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