



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MAY 31 2002

Mr. Kirk Rogers
Regional Director
Bureau of Reclamation, Mid-Pacific Region
2800 Cottage Way
Sacramento, CA 95825-1898

Dear Mr. Rogers:

This letter transmits the National Marine Fisheries Service's (NMFS) biological opinion regarding the Bureau of Reclamation's Klamath Project operations from June 1, 2002, through March 31, 2012 on Southern Oregon/Northern California Coasts (SONCC) coho salmon (*Oncorhynchus kisutch*). SONCC coho salmon are listed as threatened under the Endangered Species Act (ESA) (see enclosure).

On February 27, 2002, the Bureau of Reclamation (Reclamation) requested initiation of formal section 7 consultation on the effects of Klamath Project operations from April 1, 2002, through March 31, 2002 on SONCC coho salmon and their designated critical habitat. This biological opinion is based on information provided in Reclamation's February 25, 2002, biological assessment (BA), published literature and reports including the National Research Council's (2002) Interim Report "Scientific Evaluation of Biological Opinions and Endangered and Threatened Fishes in the Klamath River Basin," and Hardy and Addley's (2001) draft "Evaluation of Interim Instream Flow Needs in the Klamath River - Phase II Final Report," field investigations, other sources of information, and comments received on the May 16, 2002, draft biological opinion. After reviewing the current status of SONCC coho salmon, the environmental baseline for the action area, the effects of the proposed action and cumulative effects, it is NMFS's opinion that the operation of the Klamath Project from June 1, 2002, through March 31, 2012, as proposed, is likely to jeopardize the continued existence of SONCC coho salmon and adversely modify its designated critical habitat. Our jeopardy determination is generally based on the expectation that the proposed operation of the Project would result in incremental depletions of Iron Gate Dam flows over the course of the 10-year period and that will result in increased risk to the continued existence of coho salmon on the Klamath River.

Regulations (50 CFR §402) implementing section 7 of the Endangered Species Act require "jeopardy" biological opinions to identify any "reasonable and prudent alternatives" to the proposed action that: (1) can be implemented in a manner consistent with the intended purpose of the action; (2) can be implemented consistent with the scope of the action agency's legal authority and jurisdiction; (3) are economically and technologically feasible; and (4) in NMFS's opinion, would avoid the likelihood of jeopardizing the continued existence of listed species or resulting in the destruction or adverse modification of critical habitat. The reasonable and prudent alternative was identified during meetings and discussions with Reclamation in April



and May 2002 and developed after discussions with affected Tribes and after full consideration of all comments received on the May 16, 2002, draft biological opinion and reasonable and prudent alternative. NMFS thinks the final reasonable and prudent alternative meets the criteria outlined above.

Finally, NMFS used Reclamation's BA and the body of information considered in the final biological opinion as the basis for developing Essential Fish Habitat (EFH) recommendations, pursuant to the Magnuson-Stevens Fishery Conservation and Management Act, for SONCC coho salmon ESU, Upper Klamath-Trinity Rivers chinook salmon ESU and SONCC chinook salmon ESU. We have appended NMFS's EFH recommendations to this final biological opinion.

Sincerely,

A handwritten signature in black ink that reads "Don Knowles". The signature is written in a cursive, slightly slanted style.

Donald R. Knowles
Director, Office of Protected
Resources

Enclosure