

## **DRAFT 2010 and 2011 Workplan for Implementing the Klamath Basin Restoration Agreement**

July 15, 2010

### **Introduction**

This is a draft list of the tasks to implement the Klamath Basin Restoration Agreement. The purpose is to elicit comments to ensure that the list of tasks is complete and provide a starting place to fill in more detail about the schedule of actions and the Parties that will do the work.

Please note that the Restoration Agreement includes a number of commitments, obligations, program design provisions, and understandings that are not included in the tasks for specific actions below.

At the July 21<sup>st</sup> and 22<sup>nd</sup> Klamath Basin Coordinating Council meeting the Council should:

1. Review this list to determine if any actions in the Restoration need to be added.
2. Identify a process to fill in dates and other details that are in [brackets]. The Council may want to discuss some issues at the meeting and identify small workgroups to develop the detailed workplan for each action item.

### **Klamath Basin Restoration Agreement**

#### **General Provisions**

1. **Form Klamath Basin Coordinating Council and Interim Advisory Council** (see Appendix D).
  - 1.1. Identify representatives (ES).
  - 1.2. Develop protocols. (ES facilitate small group)
    - 1.2.1. Form small drafting group [Start date; completion date].
    - 1.2.2. Develop draft [Start date; completion date].
    - 1.2.3. KBCC/Interim KBAC review [Start date; completion date].
    - 1.2.4. Revise protocols [Start date; completion date].
    - 1.2.5. KBCC/Interim KBAC adoption [Date].
  - 1.3. Prepare FACA Charter for KBAC and TAT. (ES facilitate small group)
    - 1.3.1. Form small drafting group [Start date; completion date]
    - 1.3.2. Consult with DOI FACA staff and prepare draft [[Start date; completion date].
    - 1.3.3. KBAC members review [Start date; completion date].
    - 1.3.4. Revise charter [Start date; completion date].
    - 1.3.5. KBAC members adopt charter [Date].
  - 1.4. Form TAT, UBT

- 1.4.1. Identify representatives [Start date; completion date].
  - 1.4.2. Develop workplan and schedule [Start date; completion date].
  - 1.4.3. Form other subgroups as needed.
  - 1.5. Develop procedures to add new Parties (Sections 1.1.3, 7.2.2, and 38).
    - 1.5.1. Discuss with KBCC/Interim KBAC at first meeting at July meeting.
    - 1.5.2. Develop draft procedures [Start date; completion date].
    - 1.5.3. Review and adoption by KBCC/Interim KBAC at second meeting.
  - 1.6. Prepare public information and involvement plan. (ES, Communications Committee)
    - 1.6.1. Convene communications committee in July 2010.
    - 1.6.2. Prepare draft, including implementation tasks and resources [Start date; completion date].
    - 1.6.3. KBCC/Interim KBAC review at second meeting.
    - 1.6.4. Revise plan.
    - 1.6.5. KBCC/Interim KBAC implementation.
  - 1.7. Schedule meetings.
- 2. Adopt workplan and schedule for implementation of Klamath Basin Settlement Agreement.** (See Appendix C-1)
- 2.1. Review settlement documents to identify all tasks and schedules in June 2010.
  - 2.2. Prepare draft workplan for review by KBCC at July meeting.
  - 2.3. Revise and adopt the workplan based on comments by second meeting.
- 3. Legislation (Section 3.1.1.B)**
- 3.1. Assist legislative offices and committees in the introduction and passage of legislation [ongoing].
  - 3.2. Coordinate activities to support implementing legislation [ongoing].
- 4. Funding**
- 4.1. Non-Federal Parties support funding for Agreement (Section 3.2.4.B.ii).
  - 4.2. Relevant Federal agencies implement funding (Section 4).
    - 4.2.1. Federal Team working on FY 2012 and 2013 budgets
  - 4.3. Develop procedures for specific funds (Section 14.3) [Start date; completion date].
    - 4.3.1. On-Project and Power for Water Management (Section 14.3.1)
      - 4.3.1.1. Develop administrative provisions (BOR)
      - 4.3.1.2. KWAPA and Management Entity submit expenditure plan.
    - 4.3.2. Water Use Retirement and Off-Project Reliance (Section 14.3.2)
      - 4.3.2.1. [FWS] Develop administrative provisions.
      - 4.3.2.2. UBT and UKWUA submit expenditure plan.
    - 4.3.3. Klamath Drought Fund (Section 14.3.3)
      - 4.3.3.1. Reclamation develop contract with National Fish and Wildlife Foundation.
      - 4.3.3.2. National Fish and Wildlife Foundation develop administrative provisions.
      - 4.3.3.3. Enforcement Entity submits expenditure plan [date].

- 4.3.3.4. Enforcement Entity submits annual report [annual date].
- 4.4. Periodically adopt and recommend a successor to budget in C-2 (Section 4.1.2.A).
- 4.5. Amend budget based on changed circumstances (Section 4.1.2.B).
  - 4.5.1. Revisions regarding organizations that did not sign the Agreement.
  - 4.5.2. Other changed circumstances.
- 4.6. Klamath Basin Restoration Agreement Fund (Section 4.2)
  - 4.6.1. Establish Fund to receive non-federal funding.
  - 4.6.2. Establish committee to design and implement fund raising program.
  - 4.6.3. Designate manager and procedures for disbursement and accounting.

## **5. Coordination and Oversight**

- 5.1. KBCC will adopt procedures to report on the status of performance of each obligation under the Agreement and identify issues to be resolved (Section 5.1).
- 5.2. KBCC track the progress of all components in real-time (Section 5.4.2.A).
- 5.3. KBCC prepare Annual Report by [July 2011?] (Section 5.4.2.B).

## **6. Establish enrollment procedures for programs**

- 6.1. Identify eligible customers for Power Program (Section 17.3)
  - 6.1.1. On-Project: KBCC confirm Parties and create a mechanism by which a Power User within a district that did not become a Party may become eligible. [Need to develop steps and schedule].
  - 6.1.2. Off-Project: KBCC adopt procedures for enrollment by May 18, 2010.
- 6.2. Determine eligibility as of February 18, 2011 under Section 19.5.3. [Need to determine responsible entity. Is this a task for KBCC?]
  - 6.2.1. [Fill in process to determine eligibility].
- 6.3. Other programs?

## **Fisheries Programs**

### **7. Fisheries Restoration Program**

- 7.1. Fish Managers prepare Fisheries Restoration Phase I Plan (Section 10.1).
  - 7.1.1. Convene Fish Managers to develop Phase I Plan (see Section 10.1.1).
    - 7.1.1.1. [Fill in steps and schedule]
  - 7.1.2. Seek input from Restoration Agreement Parties and the public.
  - 7.1.3. Draft Phase I Plan is due on February 18, 2011.

### **8. Fishery Program funding and reporting**

- 8.1. Fish Managers establish process to determine Fisheries Program funding needs (Section 13.1 and 13.3).
  - 8.1.1. Convene meeting of Fish Managers to determine initial budget and develop funding plan (see Section 13.1).
    - 8.1.1.1. [Fill in steps and schedule]
  - 8.1.2. Develop procedures for annual funding (see Sections 13.2, 13.3 and 13.5).
    - 8.1.2.1. [Fill in steps and schedule]
- 8.2. Annual Reporting on funding and implementation (Section 13.4)

- 8.2.1. Prepare draft report [who?].
  - 8.2.1.1. [Fill in steps and schedule]
- 8.2.2. Fishery Managers review.
- 8.2.3. Final report to KBAC by [date].

## **9. Fisheries Monitoring Plan**

- 9.1. Convene Fish Managers to refine scope (see Section 12.2) and develop workplan and process.
- 9.2. Fish Managers to develop Monitoring Plan.
  - 9.2.1. [Fill in steps and schedule]
- 9.3. Seek input from Restoration Agreement Parties and the public.
- 9.4. First draft Monitoring Plan is due on February 18, 2011.

## **10. Fisheries Restoration Plan**

- 10.1. Oregon Plan (Section 11.3)
  - 10.1.1. ODFW and Klamath Tribes, in collaboration with Tribes and other Fish Managers initiate plan development when funding is available, but no later than State Concurrence of an Affirmative Declaration by Secretary of Interior under KHSA Section 3.3.
    - 10.1.1.1. [Fill in steps and schedule]
  - 10.1.2. Seek input from interested Parties and others with technical expertise.
  - 10.1.3. Complete Phase I Plan within 12 months.
- 10.2. California Plan (Section 11.4)
  - 10.2.1. CDFG, in collaboration with other Fish Managers initiate when State Concurrence of an Affirmative Declaration by Secretary of Interior under KHSA Section 3.3.
    - 10.2.1.1. [Fill in steps and schedule]
  - 10.2.2. Seek input from other Parties and public.
  - 10.2.3. Complete plan within 24 months.

## **Water Resources**

### **11. File validation actions**

- 11.1. Klamath Project Water Entities filed validation or confirmation of KBRA. Validation on May 14, 2010 (Section 15.3.1.B).
- 11.2. Other actions?

### **12. Collaboration on Irrigation Diversions and Environmental Water.**

- 12.1. KWAPA complete analysis of historical data by February 18, 2011 (based on availability of funding). (Section 15.1.1.A.ii.a)
  - 12.1.1. This analysis will be included as part of the Drought Plan Tech Assistance contract Reclamation is going to award (for development of the Drought Plan - see below)
  - 12.1.2. [Fill in steps and schedule]
- 12.2. KWAPA, in cooperation with others, develop predictive techniques for use by TAT. (Section 15.1.1.A.ii.b).

- 12.2.1. [Fill in steps and schedule]
- 12.3. KWAPA participates in TAT activities. (Section 15.1.1.A.ii.c)

**13. Collaboration to benefit agriculture and Wildlife Refuges.**

- 13.1. [Check to confirm that these actions are taken on a schedule that will allow implement when Appendix E-1 becomes effective, not in 2010 or 2011.] (Section 15.1.2.C)

**14. On-Project Plan**

- 14.1. KWAPA prepares draft On-Project Plan within 18 months of funding available. (Section 15.2.2.B.i)
  - 14.1.1. Reclamation processing a cooperative agreement with KWAPA to provide funding to initiate this activity[Fill in steps and schedule]
- 14.2. BOR evaluates and approves plan within 60 days of completion of any environmental review. (Section 15.2.2.B.i)
  - 14.2.1. [Potential activity for 2011]
- 14.3. KWAPA adopts plan within 45 days of BOR approval and provides notice to Parties. (Section 15.2.2.B.i)

**15. Groundwater Technical Investigations**

- 15.1. USGS, in cooperation with OWRD, initiates groundwater investigations pursuant to workplan in Appendix E-2. (Section 15.2.4.B).
  - 15.1.1. See Appendix E-2 for workplan.
    - 15.1.1.1. USGS expects calibrated groundwater model and report to be completed by Dec 2010. The model uncertainty report is to be completed by April 2011.
  - 15.1.2. Complete as expeditiously as possible to inform On-Project Plan.
    - 15.1.2.1. USGS reports funding will need to come from other agencies to continue participation in Section V (informing KBRA efforts).
    - 15.1.2.2. USGS reports previously identified dates will shift according to when funding and authorization is received.
- 15.2. KWAPA will meet with OWRD and other interested Parties at least once during development of On-Project Plan and at least 30 days prior to completion of On-Project Plan (Section 15.2.4.B.iv.a)

**16. Klamath Basin Adjudication Process**

- 16.1. KPWU and Klamath Tribes file amended stipulations by May 18, 2010 (Section 15.3.2.B). These Parties sent notice on May 19<sup>th</sup> that this action would be delayed until the end of August.

**17. D Pumping Plant Costs**

- 17.1. Reclamation, with TID, LKNWR Review and adjust cost allocation in Section 15.4.2.A by February 18, 2011.
  - 17.1.1. [Fill in steps and schedule]

**18. Klamath Reclamation Project operations**

- 18.1. The Secretary will consult with Project contracts and establish a process to analyze costs by February 18, 2011. (Section 15.4.7).
  - 18.1.1. [Fill in steps and schedule]

**19. OPWAS negotiations.**

- 19.1. OPWAS Parties Negotiate OPWAS. (Section 16.2)
  - 19.1.1. [Add steps and schedule to develop OPWAS.]
  - 19.1.2. Deadline for OPWAS is February 18, 2012.
- 19.2. As part of OPWAS, develop Water Use Retirement Program.

**20. Develop Water Use Retirement Program. (UBT)**

- 20.1. UBT complete draft WURP within 12 months of termination of OPWAS and submit to KBCC. (Section 16.2.2)
- 20.2. [Are UBT actions needed in 2010 or 2011?]

**21. Determination of Achievement of WURP Purposes**

- 21.1. OWRD determines whether WURP purposes have been achieved (Section 16.2.2.F).

**22. Power Resources**

- 22.1. KWAPA and UKWUA form Management Entity and develop operating protocols by December 1, 2010. (Section 17.4.1)
  - 22.1.1. [Fill in steps and schedule]
- 22.2. Management Entity to adopt guidelines by January 15, 2011. (Section 17.4.3).
  - 22.2.1. [Fill in steps and schedule]
- 22.3. Identify eligible customers (Section 17.3) [KBCC, Reclamation or Management Entity?]
- 22.4. Develop system to distribute funds to eligible customers (Section 17.4.4).
  - 22.4.1. Management Entity develop program with PacifiCorp.
  - 22.4.2. [Fill in steps and schedule]
  - 22.4.3. Support necessary Regulatory Approvals.
- 22.5. Management Entity to implementation Interim Power Program (Section 17.5).
  - 22.5.1. [Fill in steps and schedule]
- 22.6. Reclamation negotiate contract with BPA (Section 17.6)
  - 22.6.1. Reclamation working on interconnection agreement with BPA
  - 22.6.2. [Fill in steps and schedule]
- 22.7. Management Entity will prepare financial and engineering plan; the schedule assumes funding in 2012. (Section 17.7.2).
  - 22.7.1. Reclamation processing cooperative agreement with KWAPA for power resources program development that will include the ability to conduct financial and engineering plan.
  - 22.7.2. Reclamation entering into contract with Cal Poly on renewables/biomass preliminary feasibility study to inform KWAPA.

- 22.7.3. [Fill in steps and schedule]
- 22.8. Management Entity implement renewable resource project and conservation. [Check to confirm that this will be after 2012]

**23. Williamson River Delta**

- 23.1. Support monitoring (Section 18.2.1)

**24. Agency Lake and Barnes Ranch**

- 24.1. Reclamation and FWS complete transfer agreement by February 8, 2011 and Reclamation transfer lands. (Section 18.2.2.B)
  - 24.1.1. Reclamation and FWS completed transfer of property. Transfer agreement in development phase.
  - 24.1.2. [Fill in steps and schedule]
- 24.2. FWS complete study by March 31, 2012 on options identified in Section 18.2.2.C.
  - 24.2.1. [Fill in steps and schedule]
- 24.3. FWS commence environmental analysis within 60 days of Affirmative Determination by Secretary.

**25. Wood River Wetlands**

- 25.1. BLM complete study by March 31, 2012 (Section 18.2.3).
  - 25.1.1. [Fill in steps and schedule]
- 25.2. BLM commence environmental analysis within 60 days of Affirmative Determination by Secretary. [Assumed to be in 2012]

**26. Future Storage**

- 26.1. Reclamation to provide progress reports every six months after Effective Date. (Section 18.3.1)

**27. Develop Drought Plan.** (Section 19.2)

- 27.1. Lead Entity Process
  - 27.1.1. Lead Entity prepare outline (First draft completed May 2010)
  - 27.1.2. Assign small groups to draft sections.
  - 27.1.3. Regular conference calls and meetings.
  - 27.1.4. Reclamation in process of awarding a services contract for Drought Plan Technical Assistance. This contract will allow, thru Reclamation, the ability to conduct necessary modeling to complete the Drought Plan.
  - 27.1.5. Draft plan is due September 30, 2010.
  - 27.1.6. KBCC review complete by October, 29, 2010.
  - 27.1.7. Lead Entity adopt Plan by November 30, 2010.
  - 27.1.8. Any Party may issue Dispute Initiation Notice by December 20, 2010.
  - 27.1.9. Lead Entity submit adopted Drought Plan to fund Administrator (by January 7, 2011 or by March 31, 2011 following Dispute Resolution Process).
  - 27.1.10. Fund Administrator complete environmental review and make decision by March 31, 2012.

- 27.1.11. If Plan is not approved, adopt revised Plan by June 30, 2012.
- 27.2. Drought Panel Process (if Lead Entity does not reach consensus)
  - 27.2.1. Convene by December 31, 2010 if Lead Entity does not meet November 30, 2010 deadline or by April 30, 2011 if Lead Entity does not meet March 31, 2011 deadline.
  - 27.2.2. Adopt plan by July 31, 2011.
  - 27.2.3. Fund Administrator complete environmental review and make decision by July 31, 2012.
  - 27.2.4. If the Plan is not approved, submit revised Plan by October 31, 2012.

**28. Prepare Emergency Response Plan.**

- 28.1. Reclamation and KWAPA are Lead Parties for developing a draft Emergency Plan by February 18, 2011. (Section 19.3)
- 28.2. [Fill in steps to prepare draft]
- 28.3. Parties provide comment by May 18, 2011.
- 28.4. Reclamation adopts Plan by August 18, 2011.

**29. Climate Change**

- 29.1. OWRD and CDFG, in coordination with Water Managers and Fish Managers are co-Lead Parties
- 29.2. Co-Lead Parties seek input from interested Parties.
- 29.3. [Fill in steps and schedule]
- 29.4. Initiate assessment process by February, 2012.

**30. Off-Project Reliance Program**

- 30.1. Determine eligibility as of February 18, 2011 under Section 19.5.3. [Need to determine responsible entity. Is this a task for KBCC?]
  - 30.1.1. [Fill in process to determine eligibility].
- 30.2. UKWUA to complete plan prior to OWRD determination that the WURP purposes have been achieved under Section 16.2.2.F.

**31. Interim Flow and Lake Level Program**

- 31.1. The Secretary will plan and implement a water leasing and purchase program under Section 20.4.
- 31.2. The Interim Flow and Lake Level program (IFLLP) will be an extension of Reclamation's current Water User Mitigation Program (WUMP). If the IFLLP includes purchasing any water off the project, Reclamation would need to receive additional authority and modify the existing WUMP agreement. Additionally, KWAPA will need to agree to the TAT being incorporated in their existing process.
  - 31.2.1. [Fill in steps and schedule].
  - 31.2.2. Take into account recommendations of TAT.
- 31.3. The Secretary will provide updates to the Parties and stakeholders.
- 31.4. OWRD actions to protect Environmental Water (Section 20.5.2)
- 31.5. Parties will support petition by PacifiCorp to SWRCB to dedicate Environmental Water to instream use (Section 20.5.3).



**32. State TMDLs**

- 32.1. Parties support development and implementation of appropriate TMDLs (Section 20.5.4.B)

**Regulatory Assurances**

**33. Fish Entrainment Alleviation**

- 33.1. Reclamation will evaluate methods and locations and construct facilities (Section 21.1.3.A)
  - 33.1.1. Reclamation working with Denver engineering office to develop strategies.
  - 33.1.2. [Fill in steps and schedule]
- 33.2. Reclamation evaluates measures to prevent adverse impacts in Klamath Straights Drain. (Section 21.1.3.B)  
[Fill in steps and schedule]

**34. Endangered Species Act**

- 34.1. Federal agencies will consult with FWS and NMFS on Barnes Range/Agency Lake, Wood River Wetlands Project, and Off-Project Water Use Retirement Program. (Section 22.1.1). [Determine whether actions under this Section will occur in near term].
- 34.2.
  - 34.2.1. [Fill in steps and schedule]
- 34.3. Reclamation, at an appropriate time in consultation with KWAPA, will request reinitiation of consultation. (Section 22.1.2) [Confirm that this task will occur near completion of On-Project Plan, not near term.]
- 34.4. [Need to discuss schedule for General Conservation Plan and Habitat Conservation Plan. Budget assumes action beginning in 2013](Section 22.2)

**35. Bald and Golden Eagle and Migratory Bird Protection**

- 35.1. [Determine whether actions under Section 23 will occur in near term].
- 35.2. Lagomarsino checking with Hytrek. FWS checking

**36. California Laws**

- 36.1. [Determine whether actions under Section 24 will occur in near term].

**37. Oregon Laws**

- 37.1. [Determine whether actions under Section 25 will occur in near term].

**Counties Program**

**38. Klamath County**

- 38.1. Klamath County will develop and adopt Klamath County Program by June 30, 2012. (Section 27.2).
- 38.2. [Fill in steps and schedule]

- 38.3. Non-Federal Parties seek funding by July 1, 2012. (Section 27.3)
- 38.4. Non-Federal Parties support funding for property tax impacts to be disperse by July 1, 2016.

**39. Humboldt County**

- 39.1. [Confirm that actions in Section 29 occur in association with Facilities Removal].

**Tribal Program**

**40. Tribal Participation in Fisheries and Other Programs**

- 40.1. Tribes implement fisheries capacity building and conservation management programs (Section 32).
  - 40.1.1. [Fill in steps and schedule]

**41. Economic Revitalization**

- 41.1. Non-Federal Parties support funding. Budget assumes funding in FY 2012 and FY 2013. (Section 33.1)
- 41.2. Klamath Tribes' implementation of Mazama Forest Project. (Section 33.2)

**42. Klamath Tribes' Interim Fishing Site**

- 42.1. CDFG, Klamath Tribes and relevant agencies of U.S. jointly petition California Fish and Game Commission by May 18, 2010. (Section 34)