

Agenda
Klamath Basin Coordinating Council Meeting

December 15, 2010, 9 am to 5 pm
Hilton Garden Inn, 5050 Bechelli Lane, Redding, California, 96002

1. Introductions and review agenda.
2. General public comment.
3. Approve summary from October 7th KBCC meeting (Ed Sheets).
4. Review status of implementing the Hydroelectric Settlement (Tim Hemstreet).
5. Review draft outline of process to develop Klamath Fisheries Restoration and Monitoring Plan (Klamath Fish Managers).
6. Review status of draft Drought Plan (Drought Plan Lead Entity).
7. Discuss status of draft FACA charters for Klamath Basin Advisory Council and Technical Advisory Team.
8. Review workplan and schedule for implementing Restoration Agreement (Ed Sheets).
9. Discuss communications and outreach plan (Ed Sheets, Craig Tucker and Glen Spain).
10. Public comment period.
11. Discuss next steps and schedule for future meetings. Please check your availability for a KBCC meeting on February 3, 2011.

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DRAFT
Summary and Follow Up Actions
October 7, 2010 KBCC Meeting in Klamath Falls, Oregon

Next Meeting

Wednesday, December 15th from 9 am to 5 pm Redding California.

KBCC Actions

1. The KBCC reviewed and approve the Protocols by a vote of 11 to 0. The representatives from the Federal agencies abstained from the vote.

Follow Up Actions

1. Comments on the draft of the FACA charter are due on October 21st. Please send them to Ed Sheets and he will compile them.
2. Ed Sheets will update the Restoration Agreement implementation workplan and schedule for discussion at the December 15th meeting.
3. The Communications Committee will prepare recommendations for addressing misunderstandings about the Klamath Settlement Agreements. They will also prepare recommendations for participation in future KBCC meeting via conference phone.

Summary of KBCC Meeting

- The KBCC adopted the draft Protocols. A copy will be posted on the website.
- The KBCC reviewed the status of the implementation of the Klamath Hydroelectric Settlement Agreement.
- The KBCC discussed the status of the draft Drought Plan. The Drought Plan Lead Entity is preparing a draft for review at the December 15th meeting. At that meeting, the KBCC will discuss the schedule for KBCC review. The Lead Entity needs to complete the Drought Plan by February 28, 2011.
- The KBCC reviewed the draft workplan and schedule.
- DOI presented a draft of the Federal Advisory Committee Act (FACA) charter for the Klamath Basin Advisory Council and the Technical Advisory Team.
- The KBCC discussed the issues that should be addressed in the draft communications plan and gave guidance to the Communications Committee.

The KBCC heard public comment from: Jim Cook and Ric Costales of Siskiyou County, Tom and Bev Mallams, Robert Jameson, Frank Goodson, Michael Luft, Duane Bowen, Dennis Jeffcoat, Bill Adams, Dennis Lyndecomb, Steve Kandra, Vanessa Barons, Ted Kleig, Linda King Kleig, Brandon Tophan, Jerry Jones, Paulette Noel, Del Fox, Bruce Tophan, Justin Lowenthal, Ben Edwards, Mark Valence, Justin Loenthal, and Ben Edwards.

Klamath Hydroelectric Settlement Agreement Implementation Progress

December 10, 2010

General Settlement Implementation

On March 18, 2010, in accordance with KHSA Sections 4.1.1 and 7.3.9, PacifiCorp filed its Economic Analysis and requested the California and Oregon Public Utility Commissions establish customer surcharges to collect the customer contribution towards dam removal costs and adjust the depreciation schedule for the Klamath hydroelectric facilities in contemplation of their potential removal in 2020. On September 16, 2010, the Oregon Public Utility Commission (OPUC) issued a final order affirming the dam removal surcharges for Oregon customers and a depreciation schedule for the facilities that provides for removal in 2020. The OPUC order is available at <http://apps.puc.state.or.us/orders/2010ords/10-364.pdf>. The Oregon customer surcharge will provide approximately \$184 million in funding for dam removal. The California surcharge proceeding is currently ongoing before the California commission, which is expected to issue a final order on the California surcharge filing in April 2011.

On March 19, 2010, PacifiCorp requested, pursuant to Section 6.5 of the KHSA and on behalf of the Parties except ODEQ, to the California State Water Resources Control Board (SWRCB) and the Oregon Department of Environmental Quality (DEQ) that permitting and environmental review for PacifiCorp's licensing activities be held in abeyance during the Interim Period. This request was subsequently granted by DEQ on March 29, 2010 and the SWRCB passed a resolution granting the abeyance, with conditions, on May 18, 2010. On September 16, 2010, PacifiCorp filed a request to the SWRCB to amend its abeyance resolution to accommodate the fact that federal legislation was not introduced in Congress by June 18, 2010. A number of parties to the KHSA wrote the SWRCB to express support for this request and the abeyance resolution was amended on October 5, 2010 to incorporate a May 17, 2011 milestone for enacting federal legislation.

Pursuant to KHSA Section 7.5.2, PacifiCorp and the Bureau of Reclamation (Reclamation) conducted a conference call on April 8, 2010 to commence negotiations on the potential transfer of the Keno development. PacifiCorp has cooperated with Reclamation in completing a Safety of Dams Inspection of the Keno development, as well as transferring project drawings and information necessary for the Department of the Interior to complete the Keno facility study process described in Section 7.5.1. Reclamation is continuing its studies of Keno facility transfer and PacifiCorp and Reclamation are discussing the framework for a transfer agreement for the Keno facility.

Pursuant to KHSA Section 2.5, PacifiCorp submitted special use applications to the Oregon Department of State Lands on April 16, 2010 for leases authorizing occupancy of submerged and submersible lands occupied by J.C. Boyle and Keno dams. PacifiCorp and the State of Oregon are currently reviewing lease terms for these lands.

Interim Measures Implementation

Interim Measure No. 1 – Interim Measures Implementation Committee

PacifiCorp designated its Interim Measures Implementation Committee (IMIC) representatives on March 24, 2010 and convened the first meeting of the IMIC on May 13, 2010 in Portland, Oregon. PacifiCorp convened the second meeting of the IMIC in Medford on August 18, 2010 and the IMIC anticipates conducting quarterly meetings. The IMIC meeting met again in Sacramento on November 16. The next scheduled IMIC meeting is for February 8, 2010 in Portland.

Interim Conservation Plan Measures (Interim Measures Nos. 2-5)

PacifiCorp has been implementing Interim Conservation Plan (ICP) measures to benefit listed species (Lost River and shortnose suckers and coho salmon) since the Interim Conservation Plan was developed in November 2008. Pursuant to Section 6.2 of the KHSA, PacifiCorp is currently developing an application for incidental take permits under Section 10 of the Endangered Species Act (ESA) through a Habitat Conservation Plan. PacifiCorp has engaged in technical discussions with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) regarding the contents of this application. PacifiCorp has also met with and briefed the Klamath, Karuk, Yurok, and Hoopa Tribes on the development and implementation of ICP measures and has requested comments from the Tribes on an early draft of the Habitat Conservation Plan. PacifiCorp expects to transmit a final application to the USFWS and NMFS in the near future.

Interim Measure No. 2 – California Klamath Restoration Fund/Coho Enhancement Fund

On February 12, 2010, PacifiCorp made its second payment of \$510,000 into the Coho Enhancement Fund, which is being administered by the National Fish and Wildlife Foundation. A request for proposals under the Coho Enhancement Fund was released in May of this year and projects have been reviewed by the California Department of Fish and Game (CDFG) and the National Marine Fisheries Service (NMFS). CDFG recently forwarded a list of projects recommended for funding to PacifiCorp following that review. PacifiCorp concurred with those project recommendations on August 24, 2010 and has directed NFWF to initiate contracts to implement the selected 2010 projects. Projects selected and implemented under the Coho Fund in 2009 included the following.

Project Name	Contractor
Seiad Creek Channel Reconstruction - Phase 1	Karuk Tribe
Seiad Creek Off-Channel Pond Habitat Construction	Mid Klamath Watershed Council
Scott River Diversion Improvements: Shackelford, French and Etna Creeks	Siskiyou Resource Conservation District
Scott River - Denny Ditch Fish Screen Installation	Siskiyou Resource Conservation District

Interim Measure No. 3 – Iron Gate Turbine Venting

Passive venting of the Iron Gate turbine was successfully tested at the Iron Gate powerhouse in the fall of 2008. Based upon this initial testing, a blower system was installed in 2009 to

determine if forced air introduction into the Iron Gate turbine draft tube would result in additional dissolved oxygen (DO) improvement in tailrace discharges. This initial system was tested inconclusively prior to its failure shortly after it became operational. PacifiCorp installed a new blower system at the Iron Gate powerhouse in January 2010. This blower system was successfully tested after initial installation. Based upon dissolved oxygen monitoring below the Iron Gate powerhouse indicating DO levels were dropping below 85 percent saturation, the blower system was engaged on June 30, 2010. PacifiCorp conducted additional testing this fall and will monitor DO improvement resulting from the operation of this blower system. Following these activities, PacifiCorp will develop a standard operating procedure for ongoing turbine venting operations.

Interim Measure No. 4 – Hatchery and Genetics Management Plan

After consultation with CDFG and NMFS, PacifiCorp retained a consultant in early 2010 to assist in the development of a Hatchery and Genetics Management Plan (HGMP) for Iron Gate Hatchery. This consultant has been working with CDFG and PacifiCorp to develop an HGMP for review and approval by NMFS. The HGMP is being prepared to meet applicable regulatory requirements and to address the recommendations of the Hatchery Scientific Review Group. PacifiCorp provided a draft HGMP to NMFS in mid-July and subsequently presented and discussed the draft HGMP to NMFS and basin Tribes and requested comments on the draft HGMP. CDFG and PacifiCorp submitted a final HGMP with a Section 10 application to NMFS on September 16, 2010 for its review and approval. PacifiCorp is funding, and CDFG is implementing, a number of early actions called for in the HGMP.

Interim Measure No. 5 – Iron Gate Flow Variability

PacifiCorp has been reviewing the NMFS (2010) Biological Opinion on operation of the Bureau of Reclamation Project to better understand the concept and feasibility of implementing flow variability. PacifiCorp has been working with the Bureau, NMFS, and other stakeholders to assess the feasibility of enhancing flow variability and to develop a flow variability plan that will be implemented upon issuance of a final Incidental Take Permit to PacifiCorp by NMFS.

Interim Measure No. 6 – Fish Disease Relationship and Control Studies

PacifiCorp provided funding of \$500,000 to the National Fish and Wildlife Foundation, the administrator of this fund, in 2009. In cooperation with NMFS, research projects have been selected to investigate the effects of scour on the polychaete that is the intermediate host for *C. shasta*. Other work being funded under this measure includes water quality monitoring and polychaete habitat monitoring.

Non-ICP Interim Measures

Interim Measure No. 7 – J.C. Boyle Gravel Placement and/or Habitat Enhancement

The IMIC formed a subgroup that is working to identify potential gravel placement sites and conducted a site visit in June to evaluate possible gravel placement locations and feasibility. The subgroup assisted in developing a scope of work for PacifiCorp's contracting purposes to support implementation of this measure, and reviewed the technical merits of respondent proposals. A consultant has been selected and a site visit with the consultant and members of the IMIC subgroup is scheduled for December 16, 2010.

Interim Measure No. 8 – J.C. Boyle Bypass Barrier Removal

PacifiCorp consulted with the IMIC during the May 13, 2010 meeting to begin the scoping and planning for removal of the sidecast rock barrier. PacifiCorp has discussed the means and methods for removal of the barrier with contractors to develop a conceptual plan for implementation following Concurrence with the Secretarial Determination.

Interim Measure No. 9 – J.C. Boyle Powerhouse Gage

PacifiCorp is continuing to provide the U.S. Geological Survey with funding for the operation of the existing gage below the J.C. Boyle powerhouse (USGS Gage No. 11510700).

Interim Measure No. 10 – Water Quality Conference

PacifiCorp has held discussions with representatives of the Oregon Department of Environmental Quality (DEQ) and the North Coast Regional Water Quality Control Board (NCRWQCB) on the composition of a steering committee to oversee the workshop. Potential steering committee members are being contacted to determine their availability and interest. The NCRWQCB has been soliciting additional funding for this workshop. The water quality workshop is planned to occur in 2011.

Interim Measure No. 11 – Interim Water Quality Improvements

PacifiCorp provided background to the IMIC during the May 13, 2010 meeting on prior work that PacifiCorp has conducted on in-reservoir water quality improvements and wetlands feasibility investigations. PacifiCorp also presented ideas for potential water quality studies to be performed prior to the Secretarial Determination. During the August 18, 2010 IMIC meeting, PacifiCorp presented a draft plan for pilot projects and studies to be conducted prior to the Secretarial Determination. Based on comments from IMIC members, PacifiCorp revised the draft plan and is beginning to implement the studies. PacifiCorp has continued to work with DEQ, NCRWQCB, and the U.S. Environmental Protection Agency on the development of a water quality tracking and accounting framework. These agencies and PacifiCorp held a conference call on November 30, 2010 with other basin water quality stakeholders on the Klamath tracking and accounting program.

Interim Measure No. 12 – J.C. Boyle Bypass Reach and Spencer Creek Gaging

PacifiCorp completed installation of the J.C. Boyle bypass reach gage in mid-August and the gage is functional and logging data. However, due to the presence of heavy aquatic vegetation in the monitoring pool, rating of the gage cannot be completed until this seasonal vegetation dies back. PacifiCorp is currently completing the telemetry link for the gage and expects that to be operational shortly. For the Spencer Creek gage, PacifiCorp is in discussions with the Oregon Water Resources Department about contributing ongoing funding for the maintenance and telemetry of data from this existing gage. Gaging data for the Spencer Creek gage is available at the following website:

http://apps2.wrd.state.or.us/apps/sw/hydro_near_real_time/display_hydro_graph.aspx?station_nr=11510000

Interim Measure 13 – Flow Releases and Ramp Rates

PacifiCorp is maintaining flow releases and ramp rates consistent with the existing FERC license and the requirements of applicable biological opinions as contemplated by this interim measure.

Interim Measure 14 – 3,000 cfs Power Generation

As contemplated by this interim measure and pursuant to the Water Rights Agreement between PacifiCorp and the State of Oregon contained in Exhibit 1 of the KHSAs, the Oregon Water Resources Department issued a limited license to PacifiCorp on April 20, 2010 authorizing diversions to the J.C. Boyle powerhouse of up to 3,000 cfs. Due to the basin drought conditions, there has been insufficient river flows to operate the J.C. Boyle powerhouse at this higher flow rate. During the August 18, 2010 meeting the IMIC discussed the framework of a protocol to quantify and manage any additional flows in the Klamath River made available through implementation of the KBRA and to coordinate the release of those flows with the operation of the J.C. Boyle facility. The protocol was reviewed and approved by the IMIC at the November 16, 2010 meeting.

Interim Measure No. 15 –Water Quality Monitoring

PacifiCorp has collaborated with NCRWQB, EPA, BOR, ODEQ, and the Karuk and Yurok tribes to develop a water quality plan that includes baseline and public health monitoring from Link River dam to the estuary. The plan was finalized in April 2010 and is posted on the NCRWQCB's website. The baseline monitoring plan occurs on a monthly time step and public health monitoring is performed weekly during the algal bloom period. Monitoring entities include BOR, PacifiCorp, and the Karuk and Yurok tribes. Public health data is distributed every two weeks to inform regulatory entities on the need to post public health advisories. The 2010 monitoring plan includes a special study to evaluate the possibility of microcystin accumulation in anadromous fish tissue. Under this study, fall chinook and steelhead will be collected from the mouth of the river up to Iron Gate dam during their migration period. PacifiCorp and the NCRWQCB have cooperated in posting the reservoirs in response to monitoring results to provide notice of public health risks when algal cell counts are above established guidelines. The sampling entities plan have begun developing the 2011 monitoring plan.

Interim Measure No. 16 –Water Diversions

Implementation of this measure is not contemplated to occur until just prior to the reintroduction of anadromous fish above Copco reservoir as a result of potential dam removal.

Interim Measure No. 17 – Fall Creek Flow Releases

PacifiCorp adjusted instream flow releases in the Fall Creek bypass reach from 0.5 cubic feet per second (cfs) to 5 cfs on May 18, 2010. This flow release was required to be made within 90 days of the Effective Date, which is May 19, 2010. The additional instream flow release is being provided through an existing bypass culvert at the Fall Creek diversion dam. PacifiCorp's operations staff will monitor this flow release during the course of their routine visits to the Fall Creek diversion dam to ensure that the instream flow is maintained.

Interim Measure No. 18 – Hatchery Funding

PacifiCorp is now responsible under this interim measure for funding 100 percent of the operations and maintenance costs of Iron Gate Hatchery and is now funding these additional

costs. PacifiCorp has also issued a contract to purchase a fish marking system for the Iron Gate Hatchery to continue 25 percent constant fractional marking of chinook salmon produced at the hatchery, which was begun in 2009. The hatchery marking trailer was delivered to the hatchery in December for use in the spring 2011 marking season.

Interim Measure No. 19 – Hatchery Production Continuity

PacifiCorp has begun the study to evaluate hatchery production options that do not rely on the current Iron Gate Hatchery water supply. PacifiCorp engineering and environmental staff are researching available water supply options in the area and historic records on hatchery water supply options considered at the time Iron Gate Hatchery was constructed. PacifiCorp has developed some preliminary alternatives for continued hatchery operations that should be evaluated with further engineering and economic study and is evaluating past work conducted during the relicensing process that evaluated hatchery operations. PacifiCorp anticipates hiring an engineering consultant to assist with further study and intends to have this consultant engaged in the near future when the outlines of the engineering study requirements are completed.

Interim Measure No. 20 – Hatchery Funding After Removal of Iron Gate Dam

No implementation actions have occurred for this interim measure given that this requirement begins only following potential removal of Iron Gate dam.

Interim Measure No. 21 – BLM Land Management Provisions

The Bureau of Land Management provided PacifiCorp with a proposed 2010 work plan on June 9, 2010 for work activities proposed to be performed under this interim measure. PacifiCorp is currently reviewing the work plan and making arrangements with BLM to transfer funds to support the proposed work activities.

November 29, 2010 DRAFT

KBRA Phase I Fisheries Restoration and Monitoring Plan: Proposed Outline and Approach

Restoration and Monitoring Plan, Phase I – Focus on pre-dam removal period, 2012-2022
Draft Phase I Plan due February 18, 2011

Purpose of this document:

This draft outline presents a proposed strategy for developing the Phase I Restoration Plan that is consistent with Klamath Basin Restoration Agreement (KBRA) guidance and National Resource Council (NRC 2007) recommendations. NRC recommended that Klamath Basin stakeholders work towards “connecting science and decision making” and employ conceptual and simulation models towards that end in an adaptive management approach on a Basin scale.

- The Fisheries Restoration and Monitoring approach includes: A transparent decision-making process including the participation and involvement of key agencies, tribes, and other groups
- Integration of the results of existing studies and lessons learned from relevant restoration and planning efforts
- A multiple-scale restoration and monitoring approach, integrating Basin-scale goals with geographically targeted objectives
- A science-driven, adaptive management framework for developing restoration priorities and monitoring objectives
- An integration of the Phase I Restoration Plan with the Monitoring Plan covering the same time period

Why combine the Phase I Restoration and Monitoring plans?

Under Section 10 of the KBRA, the Phase I Restoration Plan is scheduled to be finalized by March 31, 2012. The Phase II Restoration Plan will be developed by 2022 based on the effectiveness monitoring of the Phase I actions. The combined plans will be co-authored by the Klamath Basin Fish Managers.

The Monitoring Plan initially goes into effect at the same time as the Phase I Restoration Plan, but is expected to continue through at least 2055. However, it is required to undergo periodic review at a minimum by 2020 and again by 2030 (Section 12.2.7). Although the Monitoring Plan covers a longer period of time than the Phase I Restoration Plan, the plan components can be reasonably expected to be amended concurrently with the development of the Phase II Restoration Plan. The Monitoring Plan components and justification for their review and modification concurrently with the Restoration Plan are as follows:

1. ***Status and Trends Monitoring:*** At the time of plan implementation, dams will be in place and reservoirs will be included within the geographic bounds of this effort. If the Secretary of Interior determines to proceed with dam removal as proposed under the Klamath Hydropower Settlement Agreement (KHSAs), the character of the Basin will change significantly; monitoring targets and associated methodologies will adapt to reflect this change.

2. **Data Related to Environmental Water:** Monitoring of water quality and quantity can also be reasonably expected to change following dam removal and full implementation of the KBRA and KHSA.
3. **Effectiveness Monitoring:** Effectiveness monitoring is intended to assess the performance of restoration actions. This section will be directly linked to the restoration plan component and would need revision with the implementation of a new Phase II Restoration Plan.
4. **Limiting Factors:** Results of earlier limiting factors monitoring will likely inform later work, and this element should be subject to periodic review to assess scientific uncertainties; the need for periodic review is consistent with the timing of the Phase II Restoration Plan.
5. **Data System:** Data management technology can undergo rapid evolution, and periodic review would help ensure that the data management approach remains the best available.

To facilitate the most efficient adaptive management linkages between monitoring data and restoration actions, we recommend combining the Phase I Restoration Plan and Monitoring Plan into a Phase I Restoration and Monitoring Plan, which will then be revised and followed by a Phase II Fisheries Restoration and Monitoring Plan by March 31, 2022.

Expected Products:

If the general approach proposed in this document is acceptable to the Fish Managers, then we propose refining the approach as needed and then contracting with an outside party to develop a specific task lists with cost estimates. This would result in a Scope of Work and an RFP for completion of plan elements, which may either go out to bid or be determined to be inherently governmental, as supported by agency/tribal responsibilities and authorities. The Fish Managers would oversee this process, reviewing specific components of the plan and providing guidance and final approval for plan development.

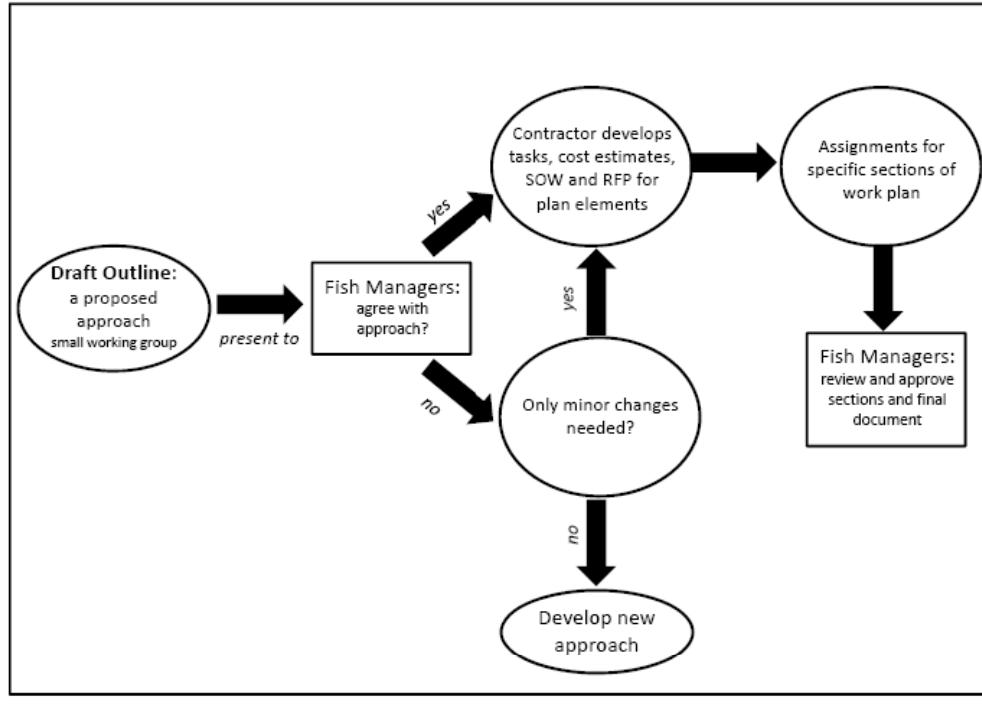


Figure 1. Proposed workflow towards development of a Phase I Restoration and Monitoring Plan.

DRAFT OUTLINE of expected plan sections and their components

A. Introduction

Purpose:

Set the stage for the document, giving relevant background information and group perspectives

Section components:

- a. Fisheries Restoration Program goals
- b. Conceptual model development
- c. Timeframe (ten years)
- d. Context (Phase I and Phase II Restoration Plan, Monitoring Plan, Reintroduction Plan)
- e. Spatial extent (set by KBRA: Klamath Basin excluding Trinity)
- f. Spatial scale (tributaries of tributaries, and similar-sized mainstem segments)
- g. Temporal scale (short and longer-term goals)
- h. Development of program metrics
 - i. Metrics will be developed across spatial scales, where appropriate, to track restoration project success and guide effectiveness monitoring
 - ii. Metrics will be defined for monitoring to track species-specific population and habitat changes
 - iii. Metrics will consider and integrate the four parameters for evaluating population viability status including abundance, population growth rate, genetic diversity, and spatial structure.

- i. Primary goals of the Restoration and Monitoring Plan
 - i. Define the restoration component of the plan as described in Section 10.1.2 to prioritize restoration projects (instream, riparian, and upland) that:
 - 1. Directly benefit existing fish resources
 - 2. Significantly contribute to protecting and preparing habitats for use by anadromous fish after passage is restored (Phase I Restoration)
 - 3. Significantly contribute to protecting and preparing habitats for utilization throughout the Basin as abundances of anadromous and non-anadromous fish increase (Phase II Restoration)
 - ii. Define the monitoring component of the plan as described in Section 12.2:
 - 1. Status and trends
 - a. Methods for stock identification
 - b. Collecting information to assess status and trends in sizes of fish populations and availability of their habitats, including riparian areas
 - c. Providing information on restoration actions and for management of fisheries dependent on Klamath Basin populations
 - d. Species will include Chinook and coho salmon, steelhead trout, resident rainbow trout, lamprey, suckers, bull trout, sturgeon, and eulachon (as specified in Section 12.2.1).
 - 2. Data related to environmental water
 - a. Collect data on water quality and quantity
 - b. Evaluate water outcomes from implementation of Water Resources Program
 - i. Monitor Klamath River instream flows and Upper Klamath Lake water surface elevations
 - c. Assist TAT in developing Annual Water Management Plan
 - i. Provide in-season management recommendations
 - 3. Restoration effectiveness
 - a. Evaluated based on *a priori* selection of:
 - i. Representative indicators of ecosystem status
 - ii. Multi-scale indicators of progress towards achieving long-term goals of the monitored restoration actions
 - b. Used to inform adaptive management actions
 - 4. Limiting factors
 - a. Assessments to evaluate factors limiting recovery and restoration of fish populations
 - b. Used to identify measures to eliminate, reduce, or mitigate threats
 - i. To inform restoration priorities and adaptive management actions

- j. Criteria for project selection
 - i. Based on contribution to overall, Basin-scale goals and objectives
 - ii. Restoration action priorities set at Basin scale, then geographically prioritized by ecological benefit

B. Plan Development and Public and Stakeholder Participation

Purpose:

Comply with KBRA Section 9.2.2 to “use collaboration, incentives, and adaptive management as preferred approaches” for restoration planning and implementation.

Follow KBRA Section 10.1.1: “The Fish Managers shall work with other Parties and seek their input during plan development, and shall also consider public input under Applicable Law.”; “The Phase I Plan shall describe how the public comments and recommendations were incorporated.”

Section components:

- a. Description of how tasks were shared among lead agencies (NOAA, USFWS) and how outside parties (e.g., facilitators) were used
- b. List of stakeholders to participate in the process
- c. Explanation of how stakeholder viewpoints were used in the development of this plan
 - i. Proposing to hold meetings with key stakeholders to solicit their input into objective setting, restoration actions, and prioritization strategies
 - ii. Can also involve stakeholders in development of some plan components
 - iii. Request stakeholder reviews of draft and final plan
- d. Explanation of how public comments and recommendations were solicited and incorporated
- e. Description of the process through which existing studies, reports, and ongoing restoration planning and monitoring efforts were incorporated in the process to address restoration and monitoring topics by:
 - i. Geographic area: consider existing regional planning and monitoring efforts;
 - ii. Ecological topic: consider existing Klamath Basin or sub-unit planning and monitoring efforts that address specific issues as developed during the restoration priorities planning phase (e.g., fish passage, riparian restoration, etc.)
- f. Federal and state environmental and endangered species act compliance discussion

C. Goals and Objectives

Purpose:

To define the goals and specific, measurable objectives for the restoration and monitoring plan.

To outline the linkages between goals and objectives and important ecological processes and functions, in order to address Section 9.2.2 to “emphasize restoration and maintenance of properly functioning lake and riverine processes and conditions, and remediation of the conditions described in Section 9.1.2,” which include “degraded riparian habitat and stream channels, passage barriers, diversions resulting in entrainment, adverse water quality conditions, adverse hydraulic conditions, fluctuating water levels, and other impacts, known and unknown.” Restoration program-specific goals will be checked for consistency with Fisheries Program goals described in Section 9.2.6. Monitoring goals will be targeted to the objectives of specific monitoring plan components. This section should include a clear decision path, and be well-organized to show the development of ideas and explain the ranking and inclusion decisions.

This section addresses:

- a. Identification of key processes and justification for their selection
 - i. e.g., hydrological, geomorphological, hydraulic, and community processes
- b. Identification of the finer-scale riverine “processes and conditions” that contribute to healthy fish habitats, underneath the broader-scale headings
 - i. Through development of broad, ecosystem-process level conceptual models
 - ii. Identify desired end states (target conditions)
 - iii. Identification of process linkages and their stressors (that prevent habitats from attaining desired conditions)
- c. Prioritized list of goals for reducing, eliminating, or mitigating effects of stressors
 - i. Goals should capture implied trade-offs
 - ii. The group should rank goals by importance to achieving desired end states, using conceptual models as a guide
- d. Specific, measurable objectives for each goal
 - i. Explicitly address spatial and temporal scale issues associated both with actions to be taken and with the expected results.
 - ii. Means of measuring the achievement of the goal
 - iii. Incorporate uncertainty
 1. Define areas of scientific uncertainty or group disagreement
 2. Identify data gaps or value differences
 3. Consult scientists and existing documents and publications to define true uncertainties
- e. Final goals and objectives should be checked against the list of priorities set by KBRA to ensure inclusion. These priorities include, but not limited to:
 - i. Riparian vegetation of the mainstem and tributaries (restoration and permanent protection)
 - ii. Water quality improvements (nutrients and temperature in tributaries; nutrients, dissolved oxygen, pH, and ammonia in Upper Klamath Lake and Keno Reservoir)
 - iii. Restoration of stream channel functions (dynamic alluvial processes)

- iv. Measures to prevent and control excessive sediment inputs, where problematic
- v. Remediation of fish passage problems (physical barriers, thermal and flow related)
- vi. Prevention of entrainment into diversions (fish screens, bypass)
- vii. Coarse and fine sediment management
- viii. Management and reduction of organic and nutrient loads in the Upper Klamath Lake, the Klamath River mainstem and tributaries, including in and above Keno reservoir (Section 10.1.2)
- ix. Disease
- x. Water flows (quantity, regime)
- xi. Restoration actions proposed in Appendix C-2, and as updated over time
- xii. Actions should be consistent with Fisheries Program goals as described in Section 9.2.6:
 - 1. Restore and maintain ecological functionality and connectivity of historic fish habitats
 - 2. Re-establish and maintain naturally sustainable and viable populations of fish to the full capacity of restored habitats
 - 3. Establish specific metrics to evaluate progress and population viability status including consideration of abundance, population growth rate, genetic diversity, and population spatial structure

D. Adaptive Management and Incorporation with Monitoring Plan, and NEPA

Purpose:

To describe the integration of restoration and monitoring, and how the adaptive management approach will be used to address uncertainty and help resolve inaction related to disputed science or disagreements. This section addresses Section 5.4.1, to “include specific objectives for the benefits of performance (such as a change in the present condition of fish habitat), metrics to track achievement of those objectives, monitoring and evaluation, and procedures to use the evaluation results to inform and improve future management and funding of that obligation.”

Section components:

- a. In order to use the “best available science,” uncertainties will be addressed through the scientific method, using “restoration project effectiveness monitoring” as an adaptive management tool within the restoration plan.
- b. Each key assumption resulting in a particular restoration action will be addressed using a hypothesis/alternative hypothesis(es) approach, with specific monitoring targets developed to evaluate monitoring data for consistency with hypotheses.
 - i. It is expected that this approach will reduce conflicts caused by disagreements about the science, because a process will be “built-in” for testing and responding to unsupported assumptions, and alternatives will be in place.

- c. The Restoration Plan will include a process for incorporating monitoring results and defining the actions to take depending on monitoring feedback.
- d. Federal and state environmental and endangered species act compliance considerations will be addressed for the suite of possible options by including a clear set of actions and path to adaptive management actions based on monitoring results.

E. Restoration Actions

Purpose:

To describe the types of restoration actions proposed, their intended effect (whether to restore long-term riverine functions and processes, or to provide a short- or long-term benefit to fish populations). Restoration actions should be explicitly tied to objectives.

Section considerations:

- a. Organize section by process, each process divided into goals, and each goal defined by objectives. Describe proposed restoration action in general terms beneath each objective.
 - i. Identification of restoration actions will be subject to a decision-support process to determine the most effective means of achieving the objective.
- b. Each objective and restoration action should be accompanied by a description of uncertainties that were identified in the process, relevant hypotheses, and an assessment strategy to address the hypotheses.
 - i. Specifically link this section to the Monitoring Plan (or monitoring/assessment section of the integrated restoration, monitoring and assessment plan).

F. Restoration Priorities

Purpose:

To develop a method for prioritization across the full period of the agreement, and to provide a prioritized list of restoration actions for the first few years of the Restoration program. Specific recommendations will be included for each applicable sub-watershed. The prioritization process will be developed with collaborative input, including consideration of locations and actions that will best address the ecological function objectives, and including compilation and consideration of completed and ongoing prioritization efforts as described in section B (Plan Development and Public and Stakeholder Participation) above. Priorities will be informed by monitoring and assessment and re-evaluated periodically using a predefined adapted management feedback approach.

Section components:

- a. Short-term Priorities: Description and prioritization of restoration actions intended for the immediate enhancement of fish reproduction and survival (e.g., removal of barriers, screen water diversions).

- b. Long-term Priorities: Description and prioritization of restoration actions intended for the extended recovery of ecological function (e.g., riparian planting, improve water temperature and shade conditions, reduce risk of fine sediment delivery, increase coarse sediment recruitment, manage upland fuels conditions, improve flows).
- c. Spatial Scales and Geographical Priorities: Define spatial subunits (sub-basins and tributaries) that will be the focus of specific restoration recommendations and outline the process for identifying priority areas for addressing specific restoration objectives.
 - i. For the desired "processes and conditions" defined within the goals and objectives, identify the geographic/landscape conditions associated with ecological/hydrological functions
 - ii. Classify sub-watersheds based on geographic/landscape variables and potential end states as targeted by goals and objectives
 - iii. Identify the subset of applicable short-term and long-term goals and objectives as they pertain to instream, riparian, and upland habitats in each sub-watershed.

G. Monitoring Actions and Priorities

Purpose:

To develop a plan for implementing monitoring actions for each of the four primary monitoring foci (e.g., status and trends, environmental water, restoration effectiveness, and limiting factors for recovery and restoration of fish populations) during the Phase I period. Monitoring actions and priorities will include compilation and consideration of completed and ongoing Klamath Basin monitoring efforts as described in section B (Plan Development and Public and Stakeholder Participation) above.

Section components:

- a. Spatial Scales and Geographical Priorities: Define spatial subunits (sub-basins and tributaries) that will be the focus of specific monitoring recommendations and outline the process for identifying priority areas for addressing specific monitoring objectives.
 - i. Classify sub-watersheds based on geographic/landscape variables and potential for assessing monitoring objectives
- b. Monitoring plans will be developed to address the scientific uncertainties that will be identified during the process of developing conceptual models and setting restoration objectives and actions.
- c. Restoration effectiveness monitoring will be targeted towards small-scale, short-term biological and/or physical response indicators that targeted parameters are consistent with eventual project success.
 - i. Project-specific indicators will be described during project development, if applicable.
 - ii. Emphasis on Adaptive Management framework for informing restoration

- d. Other monitoring efforts, e.g., status and trends and environmental water, will be assessed for baseline conditions and/or larger spatial scale, longer-term biological and/or physical responses to habitat changes.
- e. Link to TMDL compliance and Klamath Basin Monitoring Program efforts.

H. Data System

Section will describe a cohesive and integrated approach to the collection and storing of monitoring data and restoration information. An integrated data system will identify existing monitoring efforts and monitoring gaps to expand data collection efforts where necessary to promote comprehensive, integrated, and efficient Restoration and Fisheries Management programs.

I. Timeline

Purpose:

To describe the timeline, milestones, and expected completion dates of the projects

J. Budget

Purpose:

In the final Phase I Restoration and Monitoring Plan, this section will describe the anticipated funding needed by each entity to complete projects, as well as describe the process for annual budget review as described in Section 13.2:

“On an annual basis, or other appropriate interval to be determined by the Parties depending on appropriations, all Parties with funds or other resources (e.g., in-kind services) available for use in the implementation of the Fisheries Program shall meet and confer to identify all available funds appropriate for such uses within 180 days of the finalization of the Fisheries Restoration Plan and Fisheries Monitoring Plan and then annually thereafter. They shall also identify funding constraints.”

During the development of the Restoration and Monitoring Plan, a government cost estimate will be developed by a contractor. The contractor, with the assistance of the Fish Managers, will develop a breakdown of tasks and deliverables needed to develop the final plan, and the contractor will provide a government cost estimate for the tasks and deliverables that will be used to provide an estimate of the total cost of plan development; tasks and deliverables may then be distributed to partners or through an RFP process, as determined by the Fish Managers.

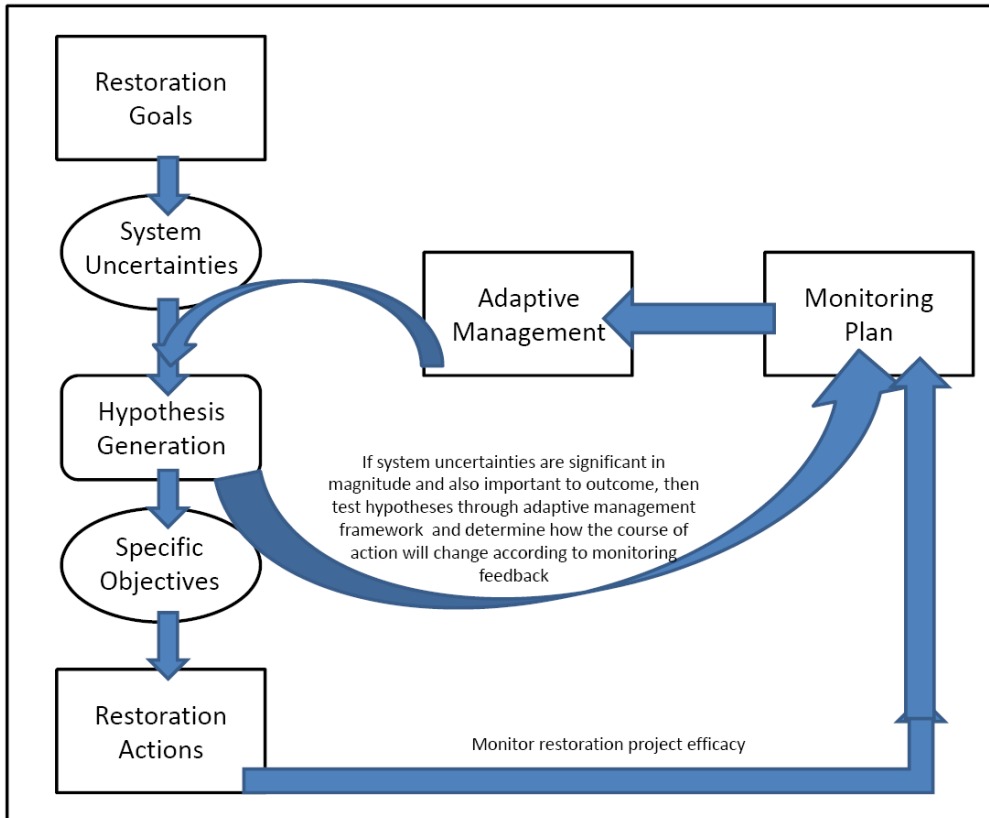


Figure 2. Proposed adaptive management framework for developing targeted objectives and restoration action.

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**Notice from Drought Plan Lead Entity
for Extension of Time to Develop Drought Plan**

November 30, 2010

Summary

On October 5, 2010 the Drought Plan Lead Entity requested an extension on the deadline for the preparation of the draft Drought Plan under Section 19.2 of the Restoration Agreement. The Lead Entity is providing a second notice under Section 3.2.4.C of the Klamath Basin Restoration Agreement that it will need more time to complete the Drought Plan. The revised schedule called for completion of a draft Drought Plan by November 30, 2010 and a comment period for Restoration Agreement Parties through the end of December. The revised schedule also called for a final Drought Plan to be submitted to the Fund Administration Entity by February 28, 2011.

The Drought Plan Lead Entity requests a second extension to February 28, 2011 to complete the draft Drought Plan. It also requests an extension of the deadline for final completion of the Drought Plan to May 31, 2011.

Reasons for the Delay

Unanticipated circumstances have affected the ability to complete a draft of the Drought Plan. For example, the Drought Plan Lead Entity has made use of both recent and updated hydrologic data and evaluations. After incorporating this new information into our work, there was identified the need for further evaluation and discussion to ensure that there not be errors or inadvertent oversights affecting the draft to be submitted to the Parties. It will take time to for the Drought Plan Lead Entity Parties individually and collectively to address these questions, and to complete review by all the Drought Plan Lead Entity Parties. Other issues also require consultation with affected entities.

Steps taken to Timely complete performance

The Drought Plan Lead Entity has been meeting since May to prepare the draft Drought Plan. It has made significant progress in most of the sections of the draft Drought Plan; however, some sections require additional technical analysis or review and some sections require additional work to achieve consensus. In addition, the organizations represented on the Drought Plan Lead Entity need time to review a draft before submitting it to the Restoration Agreement Parties for their review and comment. Based on the productive working relationship to date, the representatives of the Drought Plan Lead Entity believe it is likely that a consensus can be achieved on a final Drought Plan with the requested second extension of time.

Request for Extension

The Drought Plan Lead Entity requests an extension to February 28, 2011 to complete the draft Drought Plan. It also requests an extension of the deadline for final completion of

the Drought Plan to May 31, 2011. Please note that this provides more time for comment by the Parties and completion of the final Drought Plan than is described in 19.2.3 A and B because the Drought Plan Lead Entity will need sufficient time to evaluate comments, develop consensus on any outstanding issues, and complete the Drought Plan.

The Drought Plan Lead Entity has consulted with the Drought Panel as described in Section 19.2.3. F. It is the understanding of the Drought Plan Lead Entity that the Drought Panel is also requesting an extension for its potential obligations under Sections 19.2.3. F and G.

If any other Restoration Agreement Party disputes the request for additional time, that other Party should initiate the Dispute Resolution Procedures stated in Section 6.5 of the Restoration Agreement.

Submitted by the Drought Plan Lead Entity. The Entity is comprised of: the Klamath Tribes, the Karuk Tribe and Yurok Tribe, the Upper Klamath Water Users Association, the Klamath Water and Power Agency, the Klamath Basin National Wildlife Refuges, the Oregon Water Resources Department, the California Department of Fish and Game, and Trout Unlimited (selected as the representative of the Parties listed as “Other Organizations” in Section 1.1.1 of the Restoration Agreement).

Notice from Drought Panel for Extension of Time to Develop Drought Plan

December 7, 2010

Summary

The Drought Panel is providing notice under Section 3.2.4.C of the Klamath Basin Restoration Agreement that it is seeking additional time to complete the Drought Plan if required to do so under Section 19.2.3.F and G of the Restoration Agreement. Under the revised schedule developed by the Drought Plan Lead Entity in October, if the Drought Plan Lead Entity does not complete the Drought Plan by February 28, 2011, the Drought Panel would convene by March 31, 2011 and complete a Drought Plan by to October 31, 2011.

The Drought Plan Lead Entity is requesting a second extension to February 28, 2011 to complete the draft Drought Plan. It also requests an extension of the deadline for final completion of the Drought Plan to May 31, 2011. Therefore, the Drought Panel requests an extension to thirty days after the Drought Plan Lead Entity fails to meet the second revised deadlines for either completion of the draft or final Drought Plan. The Drought Panel would complete its work consistent with the time period called for in Section 19.2.3.F and G of the Restoration Agreement.

Reasons for the Delay

The Drought Panel has been monitoring the work of the Drought Plan Lead Entity and understands the reasons for delay in the Lead Entity's completion of a draft for review by the Parties. The Drought Panel believes that the Restoration Agreement intended that any Drought Plan, developed by the Panel, would be built on a foundation created by the Lead Entity. Further, the Drought Panel's role is to complete a Plan only if consensus cannot be reached among the Lead Entity or if there is an irresolvable delay in completing the Lead Entity's work. These conditions are not present.

Steps taken to Timely complete performance

The Drought Panel is aware that the Drought Plan Lead Entity has made significant progress in most of the sections of the draft Drought Plan; however, several sections require additional technical analysis and drafting. In addition, the organizations represented on the Drought Plan Lead Entity need time to review a draft before submitting it to the Restoration Agreement Parties for their review and comment.

Request for Extension

The Drought Panel requests an extension as described above. The intent of this request is to be consistent with the sequencing and time periods described in Sections 19.2.3 A through G of the Restoration Agreement.

If any other Party disputes the request for additional time, that other Party should initiate the Dispute Resolution Procedures stated in Section 6.5 of the Restoration Agreement.

Submitted by: Kirk Miller: representative of the Secretary of the California Natural Resources Agency, Sue Knapp: natural resources staff for the governor of Oregon, and John Bezdek: representative of the Secretary of the Interior

DRAFT
2010 and 2011 Workplan for Implementing Klamath Basin Agreements

December 8, 2010

Introduction

This is an updated draft list of the tasks to implement the Klamath Basin Restoration Agreement. The purpose is to track the status of the tasks to implement the Restoration Agreement.

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.

The KBCC/Interim KBAC needs to fill in dates and other details in [brackets]. Near term milestones are highlighted in **yellow**.

Klamath Basin Restoration Agreement

General Provisions

Form Klamath Basin Coordinating Council and Interim Advisory Council (see Appendix D).

1. Identify representatives (ES).
2. Develop protocols. (Completed on October 7, 2010)
3. Prepare FACA Charter for KBAC and TAT. (ES convened Bonham, Roos-Collins, Ullman)
 - 3.1. KBAC members reviewed at October 7th meeting.
 - 3.2. DOI Revise charter [Start date; completion date].
4. Form TAT
 - 4.1. Identify Interim TAT representatives. Current list attached.
 - 4.2. Develop workplan and schedule [Start date; completion date].
 - 4.3. Form other subgroups as needed.
5. Develop procedures to add new Parties (Sections 1.1.3, 7.2.2, and 38).
 - 5.1. Discuss with KBCC/Interim KBAC at first meeting at July meeting.
 - 5.2. Develop draft procedures (Sheets convened Bonham, Roos-Collins, Ullman) [Start date; completion date].
 - 5.3. Review and adoption by KBCC/Interim KBAC at September meeting.
6. Prepare public information and involvement plan.

- 6.1. Notice meetings on website. Ongoing.
- 6.2. Prepare draft communications protocols and communications plan: Draft for review on December 15, 2010
- 6.3. KBCC/Interim KBAC review by January 15, 2011.
- 6.4. Revise plan by next KBCC meeting.
- 6.5. KBCC/Interim KBAC implementation.

Adopt workplan and schedule for implementation of Klamath Basin Settlement Agreement. (See Appendix C-1)

The KBCC is using this document to track implementation; it is revised and reviewed at each meeting.

Legislation (Section 3.1.1.B)

1. Assist legislative offices and committees in the introduction and passage of legislation [ongoing].
2. Coordinate activities to support implementing legislation [ongoing].
3. Simmons and Sheets to prepare memo documenting funding levels in draft legislation.

Funding

1. Non-Federal Parties support funding for Agreement (Section 3.2.4.B.ii).
2. Relevant Federal agencies implement funding (Section 4).
 - 2.1. Federal Team working on FY 2012 and 2013 budgets.
 - 2.2. Federal Team reported on base funding at September 2010 meeting.
3. Develop procedures for specific funds (Section 14.3) [Completion date in conjunction with legislation].
 - 3.1. On-Project and Power for Water Management (Section 14.3.1)
 - 3.1.1. Develop administrative provisions (BOR)
 - 3.1.2. KWAPA and Management Entity submit expenditure plan.
 - 3.2. Water Use Retirement and Off-Project Reliance (Section 14.3.2)
 - 3.2.1. [FWS] Develop administrative provisions.
 - 3.2.2. UBT and UKWUA submit expenditure plan.
 - 3.3. Klamath Drought Fund (Section 14.3.3)
 - 3.3.1. Reclamation develop contract with National Fish and Wildlife Foundation.
 - 3.3.2. National Fish and Wildlife Foundation develop administrative provisions.
 - 3.3.2.1. Enforcement Entity submits expenditure plan [date].
 - 3.3.2.2. Enforcement Entity submits annual report [annual date].

4. Periodically adopt and recommend a successor to budget in C-2 (Section 4.1.2.A).
Schedule after legislation.
 - 4.1. Schedule after legislation.
5. Amend budget based on changed circumstances (Section 4.1.2.B).
 - 5.1. Revisions regarding organizations that did not sign the Agreement.
 - 5.2. Other changed circumstances.
 - 5.3. Schedule after legislation.
6. Klamath Basin Restoration Agreement Fund (Section 4.2)
 - 6.1. Establish Fund to receive non-federal funding.
 - 6.2. Establish committee to design and implement fund raising program.
 - 6.3. Designate manager and procedures for disbursement and accounting.
 - 6.4. Bonham and Roos-Collins have contacted National Fish and Wildlife Foundation.

Coordination and Oversight

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). Ongoing
2. KBCC track the progress of all components in real-time (Section 5.4.2.A). Ongoing
3. KBCC prepare Annual Report by March 31st of each year (Section 5.4.2.B).

Establish enrollment procedures for programs

1. Identify eligible customers for Power Program (Section 17.3)
 - 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].
 - 1.2. Off-Project: KBCC adopt procedures for enrollment by **May 18, 2010**.
2. UKWUA and KWAPA Determine eligibility as of **February 18, 2011** under Section 19.5.3.
 - 2.1. [Fill in process to determine eligibility].

Fisheries Programs

Fisheries Restoration Program

1. Fish Managers prepare Fisheries Restoration Phase I Plan (Section 10.1).
 - 1.1. Fish managers prepared outline for December 15, 2010 meeting [Fill in steps and schedule]
 - 1.2. Federal Team working on identifying funding.
 - 1.3. Seek input from Restoration Agreement Parties and the public.

- 1.4. Draft Phase I Plan is due on **February 18, 2011**; there is no budget for the Plan so it will be delayed.

Fishery Program funding and reporting

1. Fish Managers establish process to determine Fisheries Program funding needs (Section 13.1 and 13.3).
 - 1.1. Convene meeting of Fish Managers to determine initial budget and develop funding plan (see Section 13.1).
 - 1.1.1. Develop procedures for annual funding (see Sections 13.2, 13.3 and 13.5).
 - 1.1.1.1.[Fill in steps and schedule]
2. Annual Reporting on funding and implementation (Section 13.4)
 - 2.1. Prepare draft report [who?].
 - 2.1.1.1.[Fill in steps and schedule]
 - 2.2. Fishery Managers review.
 - 2.3. Final report to KBAC by [date].

Fisheries Monitoring Plan

The Monitoring Plan is being developed in coordination with the Fisheries Restoration Plan.

Fisheries Reintroduction Plan

1. Oregon Plan (Section 11.3)
 - 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.
 - 1.1.1. [Fill in steps and schedule later]
 - 1.2. Seek input from interested Parties and others with technical expertise.
 - 1.3. Complete Phase I Plan within 12 months.
2. California Plan (Section 11.4)
 - 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.
 - 2.1.1. [Fill in steps and schedule closer to 2012]
 - 2.2. Seek input from other Parties and public.
 - 2.3. Complete plan within 24 months.

Water Resources

File validation actions (Section 15.3.1.B): Completed.

Collaboration on Irrigation Diversions and Environmental Water.

1. KWAPA complete analysis of historical data by February 18, 2011 (based on availability of funding). (Section 15.1.1.A.ii.a)
 - 1.1.1. This analysis will be included as part of the Drought Plan Tech Assistance contract Reclamation is going to award
 - 1.2. [Fill in steps and schedule when funding is available]
2. KWAPA, in cooperation with others, develop predictive techniques for use by TAT. (Section 15.1.1.A.ii.b).
 - 2.1. [Fill in steps and schedule]
3. KWAPA participates in TAT activities. (Section 15.1.1.A.ii.c)

Collaboration to benefit agriculture and Wildlife Refuges.

1. [Ed Sheets checking on schedule for 15.1.2.J; other provisions will on a schedule that will allow implement when Appendix E-1 becomes effective, not in 2010 or 2011.] (Section 15.1.2.C)

On-Project Plan

1. KWAPA prepares draft On-Project Plan within 18 months of funding available. (Section 15.2.2.B.i)
 - a. Conducted under the Enhancement Act authority and funding
 - b. [Fill in steps and schedule]
2. BOR evaluates and approves plan within 60 days of completion of any environmental review. (Section 15.2.2.B.i)
 - a. [Potential activity for 2011]
3. KWAPA adopts plan within 45 days of BOR approval and provides notice to Parties. (Section 15.2.2.B.i)

Groundwater Technical Investigations

1. USGS, in cooperation with OWRD, initiates groundwater investigations pursuant to workplan in Appendix E-2. (Section 15.2.4.B).
 - 1.1. This measure was not funded in FY 2010 so the schedule has been delayed (See Appendix E-2 for workplan)
 - 1.2. Complete as expeditiously as possible to inform On-Project Plan.
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)

Klamath Basin Adjudication Process

1. KPWU and Klamath Tribes file amended stipulations by May 18, 2010 (Section 15.3.2.B). These Parties sent notice on May 19th that this action would be delayed [check on new schedule].

D Pumping Plant Costs

1. Reclamation, with TID, LKNWR Review and adjust cost allocation in Section 15.4.2.A by February 18, 2011.
 - 1.1. Convene relevant Parties in January [Fill in steps and schedule]

Klamath Reclamation Project operations

1. The Secretary will consult with Project contracts and establish a process to analyze costs by February 18, 2011. (Section 15.4.7).
 - 1.1. Convene relevant Parties in January [Fill in steps and schedule]

OPWAS negotiations.

1. OPWAS Parties Negotiate OPWAS. (Section 16.2)
 - 1.1. OPWAS Parties will provide steps and schedule to develop OPWAS.
 - 1.2. Deadline for OPWAS is February 18, 2012.
2. As part of OPWAS, develop Water Use Retirement Program.

Power Resources

1. KWAPA and UKWUA formed Management Entity and developing operating protocols by December 1, 2010. (Section 17.4.1)
 - 1.1. [Fill in steps and schedule]
2. Management Entity to adopt guidelines by January 15, 2011. (Section 17.4.3).
 - 2.1. [Fill in steps and schedule]
3. Management Entity will identify eligible customers (Section 17.3)
4. Management Entity will develop system to distribute funds to eligible customers (Section 17.4.4).
 - 4.1. Management Entity develop program with PacifiCorp.
 - 4.2. [Fill in steps and schedule]
 - 4.3. Support necessary Regulatory Approvals.
5. Management Entity to implementation Interim Power Program (Section 17.5).
 - 5.1. [Fill in steps and schedule]
6. Reclamation negotiate contract with BPA (Section 17.6)

- 6.1. Reclamation working on interconnection agreement with BPA
- 6.2. [Reclamation is preparing schedule]
7. Management Entity will prepare financial and engineering plan; funding is anticipated in FY 2011. (Section 17.7.2).
 - 7.1. Reclamation entering into cooperative agreement for power that will include the ability to conduct financial and engineering plan.
 - 7.2. Reclamation entering into contract with Cal Poly on biomass study.
 - 7.3. [Fill in steps and schedule]
8. Management Entity implements renewable resource project and conservation. [Check to confirm that this will be after 2012]

Williamson River Delta: Support monitoring (Section 18.2.1)

Agency Lake and Barnes Ranch

1. Reclamation and FWS completed transfer agreement and are working to transfer Reclamation lands. (Section 18.2.2.B)
 - 1.1. Reclamation and FWS completed transfer agreement.
 - 1.2. Reclamation initiating contract for modeling assistance.
 - 1.3. [Fill in steps and schedule]
2. FWS complete study by March 31, 2012 on options identified in Section 18.2.2.C.
 - 2.1. FWS is having area mapped using LIDAR system which will give new detailed elevation and cover data. Scheduled to be completed spring 2011.
 - 2.2. FWS has received preliminary Engineering surveys detailing the inadequacies of the dikes surrounding the Barnes-Agency ranches. The draft engineering assessment states: the dikes are not built to engineering specifications and are subject to catastrophic failure if used to contain water. Estimates to replace dikes may be cost-prohibitive. Final assessment to be completed fall 2011.
3. FWS commence environmental analysis within 60 days of Affirmative Determination by Secretary.

Wood River Wetland

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

Future Storage

1. Reclamation is working on study and will provide progress reports every six months after Effective Date. (Section 18.3.1)

Develop Drought Plan. (Section 19.2)

1. Lead Entity Process
 - 1.1. Lead Entity seeking extension.
2. KBCC review [fill in new schedule].
3. Lead Entity adopts Plan by [fill in new schedule].
 - 3.1. Any Party may issue Dispute Initiation Notice by [fill in new schedule].
4. Lead Entity submit adopted Drought Plan to fund Administrator (fill in new schedule following Dispute Resolution Process).
5. Fund Administrator complete environmental review and make decision by [fill in new schedule]
 - 5.1. If Plan is not approved, adopt revised Plan by [fill in new schedule].
6. Drought Panel Process (if Lead Entity does not reach consensus)
 - 6.1. Convene by [fill in new schedule] if Lead Entity does not meet November 30, 2010 deadline or by [fill in new schedule] if Lead Entity does not meet March 31, 2011 deadline.
 - 6.2. Adopt plan by [fill in new schedule].
 - 6.3. Fund Administrator complete environmental review and make decision by July 31, 2012.
 - 6.4. If the Plan is not approved, submit revised Plan by [fill in new schedule].

Prepare Emergency Response Plan.

1. Reclamation and KWAPA are Lead Parties for developing a draft Emergency Plan by **February 18, 2011**. (Section 19.3)
2. Review material from Klamath County Emergency Response Plan and fill in additional steps to prepare draft.
3. Parties provide comment by May18, 2011.
4. Reclamation adopts Plan by August 18, 2011.

Climate Change

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

Off-Project Reliance Program

1. UKWUA and KWAPA will prepare recommendation to determine eligibility as of **February 18, 2011** under Section 19.5.3
 - 1.1. [Fill in process to determine eligibility].
2. UKWUA to complete plan prior to OWRD determination that the WURP purposes have been achieved under Section 16.2.2.F.

Interim Flow and Lake Level Program [develop details after legislation enacted]

1. The Secretary will plan and implement a water leasing and purchase program under Section 20.4.
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.
 - 2.1. [Fill in steps and schedule].
 - 2.2. Take into account recommendations of TAT.
3. The Secretary will provide updates to the Parties and stakeholders.
4. OWRD actions to protect Environmental Water (Section 20.5.2)
5. Parties will support petition by PacifiCorp to SWRCB to dedicate Environmental Water to instream use (Section 20.5.3).

State TMDLs

Parties support development and implementation of appropriate TMDLs (Section 20.5.4.B). This is the responsibility of the individual Parties and not a KBCC workplan item.

Regulatory Assurances

Fish Entrainment Alleviation

1. Reclamation will evaluate methods and locations and construct facilities (Section 21.1.3.A)
 - 1.1. Reclamation working with Denver engineering office to develop strategies.
 - 1.2. [Reclamation will update steps and schedule]
2. Reclamation evaluates measures to prevent adverse impacts in Klamath Straights Drain. (Section 21.1.3.B)
 - 2.1. [Fill in steps and schedule]

Endangered Species Act (Section 22)

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). Services need to prepare to implement this action.
 - 1.1. [Fill in steps and schedule]
2. Reclamation, at an appropriate time in consultation with KWAPA, will request reinitiation of consultation. (Section 22.1.2) [Implementation on standby.]
3. [Need to discuss schedule for General Conservation Plan and Habitat Conservation Plan. Budget assumes action beginning in 2013](Section 22.2)

Bald and Golden Eagle and Migratory Bird Protection (Section 23)

1. [Determine whether actions under Section 23 will occur in near term]. FWS checking

California Laws (Section 24)

1. California Endangered Species Act: DFG will evaluate the necessity for incidental take coverage following concurrence with an affirmative Secretarial Determination, by the Governor of California. Within 90 days of such concurrence, DFG will advise the Parties of its determination and recommend specific procedures for obtaining any necessary coverage.
2. California Fully Protected Species: DFG will initiate discussions with legislative staff and key stakeholders, including interested Parties, regarding the scope and methods of proposed legislation, beginning in March 2011.

Oregon Laws (Section 25)

- 1.1. [ODFW will determine schedule].

Counties Program

Klamath County

1. Klamath County will develop and adopt Klamath County Program by June 30, 2012. (Section 27.2).
 - 1.1. [Klamath County will fill in steps and schedule]
2. Non-Federal Parties seek funding by July 1, 2012. (Section 27.3)
3. Non-Federal Parties support funding for property tax impacts to be dispersed by July 1, 2016.

Tribal Program

Tribal Participation in Fisheries and Other Programs

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

Economic Revitalization

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

Klamath Tribes' Interim Fishing Site

1. CDFG, Klamath Tribes and relevant agencies of U.S. have met to discuss process for joint petition to California Fish and Game Commission. CDFG letter to Jeff Mitchell on May 10, 2010 to extend time line to establish an interim fishery by September 30, 2011. (Section 34)

Interim Technical Advisory Team Representatives

Parties	Representative	Alternate
FWS	Nick Hetrick	
BOR	Jon Hicks	
BIA	Dale Morris	
Dept. of Commerce	Jim Simondet	Mark Hampton
Dept. of Agriculture	Dick Ford	
ODEQ	Steve Kirk	Chris Stine
ODFW	Ted Wise	
OWRD	Kyle Gorman	
State of California	Mark Pisano	Matt Myers
Klamath Tribes	Larry Dunsmoor	
Yurok Tribes	Mike Belchik	
Karuk Tribes	Toz Soto	Craig Tucker
Humboldt County	Hank Seemann	
Parties related to KRP	Greg Addington	
Total	14	

DRAFT Klamath Basin Coordination Council Communications Protocols

November 5, 2010

Communications by Klamath Settlement Parties

Objective: Communications should facilitate implementation of Klamath Basin Settlements.

Coordination: The Klamath Settlement Parties intend to coordinate communications regarding implementation of the settlement agreements within the scope of activities of the KBCC and/or KBAC.

KBCC and KBAC communications: Draft press releases and other external documents regarding the KBCC and/or KBAC from the Klamath Settlement Parties will be reviewed and approved by the KBCC and PacifiCorp. When communications are needed between meetings, the facilitator will seek electronic approval from these Parties before release to the press. As a matter of courtesy, contacts listed in a press release related to the Klamath should be notified and provide approval of being listed as a contact, prior to release.

When a Party is communicating on behalf of all Parties they should follow the talking points or other communications materials that have been agreed to by Parties to the KBRA and KHSa.

Communications by individual organizations: Parties may initiate external communications (press releases, letters to the editor, opinion articles, etc) about their individual position on issues related to the scope of activity of the KBCC and/or KBAC; parties that plan to independently communicate to external organizations should provide prior notice to other Klamath Settlement Parties to the maximum extent possible. Such notice is intended to: 1) improve coordination of communications; 2) avoid surprises; and 3) reduce the risk of actions that other Parties may view as inconsistent with the settlements. The Klamath Parties understand that Parties will not be able to provide such prior notice when responding to press inquires or communications from non-parties.

KBCC and KBAC Meetings

Public notice of meetings and distribution of meeting materials: The facilitator will send notices for the time and location of KBCC and KBAC meetings to a public distribution list and press distribution list. The facilitator will also post meeting information on the website. The facilitator will post draft agendas on the website prior to meetings and all materials from each meeting within five working days after the meeting.

Confidential and Privileged—For Settlement Purposes Only

KBCC conference calls: The KBCC may utilize conference calls to address time-sensitive information or provide to address issues between regular meetings. Given the limitations on the Klamath conference line, KBCC conference calls will not be noticed to the public. Individual KBCC Parties will follow any applicable open meeting requirements regarding their participation on conference calls.

Draft Communications Proposal for Klamath Basin Coordinating Council

Prepared by S. Craig Tucker & Glen Spain, November 12, 2010

Statement of Need

The Klamath Basin Coordinating Council (KBCC) was established by the Klamath Basin Restoration Agreement (KBRA) to “promote continued collaboration, cooperation, coordination, and consultation between Parties and others as elements of the Agreement are implemented. The KBCC will provide for general oversight and administration, including activity and program coordination, information sharing, priority setting, fund seeking, and dispute resolution related to implementation of the Agreement...*The KBCC will serve as the primary forum for public involvement in implementation of the Agreement.*” (KBRA Appendix D.3)

It should be noted that the KBCC does not provide advice or recommendations to Federal Agency Parties and thus is not subject to the Federal Advisory Committee Act requirements. Nevertheless, the KBCC has independent obligations under the KBRA not only to encourage public involvement in KBRA implementation, but also to keep the public as informed as possible about KBRA-linked activities.

It should also be noted that many of the actions contemplated by the KBRA are actions by federal or state agencies. Public input to such actions will be managed by the relevant agencies pursuant to applicable laws which mandate public participation in the decision making process such as the National Environmental Quality Act or California Environmental Quality Act, and more. However, the KBCC can certainly serve as an information clearing house so that members of the public have a one-stop access point to what would otherwise be very scattered information on these related agency processes.

In order to effectively bear the responsibility granted by the KBRA Parties, the KBCC must establish clear communication objectives, develop tools for meeting these objectives, and clearly define the scope of its communications responsibilities. That scope, however, includes only official KBCC communications, and does that extend to the communications efforts of any of its member Parties.

Communication Plan Scope

The KBCC purpose and function as stated in the KBRA commits the KBCC to the following in terms of communications:

1. Provide public updates on the progress of KBRA implementation.
2. Provide public access to relevant KBCC decisions and recommendations along with any minority reports.
3. Provide a forum and mechanism to solicit, receive, and consider public input on KBCC activities.

Establish A Standing KBCC Communications Committee

The KBCC Communications Committee should be a standing committee that will meet on an *ad hoc* basis as directed by the KBCC. The KBCC Communications Committee will make recommendations to the KBCC, or otherwise offer advice, as to what events are newsworthy enough to warrant official KBCC press outreach, draft press materials, draft language for the KBCC website, and help prepare any other outreach materials that will be specifically originating from, or be attributed to, the KBCC.

These materials must be approved by the KBCC in accordance with its Communications Protocols before release to the public. As needed, the KBCC Communications Committee will recommend one or more individuals to serve as a KBCC contact spokesperson for approval by the full KBCC as needed, on a case-by-case basis.

KBRA Implementation Updates and Oversight

The terms of the KBRA require the KBCC to publish an annual progress report by March 31st of each year (Sec. 5.4.2.B) . After the report is drafted, the KBCC communications committee will draft an executive summary and press release for approval by the KBCC in accordance with its Protocols.

KBRA Sec. 5.4.2.A also requires either the KBCC or the KBAC, as applicable, to report monitoring results on a real-time basis through a web site or similar mechanism. This is part of a larger obligation to keep the public well informed through the Coordination and Oversight provisions of the KBRA (Sec. 5) in order to maximize public benefit as well as understanding of KBRA programs.

Public comment

The KBRA outlines a responsibility to implement its programs and to operate in a publicly transparent manner, actively solicit public input, and consider public input in decision making.

To facilitate this, the KBCC Communications Committee or its designee must effectively notice upcoming meetings through general notices to local media outlets, emails to individuals requesting information, and on a dedicated KBCC website.

In addition, written public comments should be received and recorded as part of the meeting record and, to the extent feasible, be made available online.

Development of the KBCC Website

In order to meet the objectives of this Communications Plan and the KBRA, the KBCC must establish a dedicated website with at least the following elements:

- KBCC description
- KBRA description
- Downloadable copies of the KBRA and KBRA Summary
- List of Parties and their designated representatives
- Meeting calendar and meeting agendas with attached documents
- A record of previous KBCC decisions and minority reports
- Official KBCC Press releases
- Official KBCC reports, publications or updates
- Links to real-time monitoring data and data archives to the extent available

Additional elements would be added as needed. Management of that web site will also be necessary on an ongoing basis in order to assure that the content is current, accurate and available in easily accessible downloadable formats. This requires at least some ongoing funding for dedicated staff time for this purpose.

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The Klamath Basin Restoration Agreement for the Sustainability of Public and Trust Resources and Affected Communities

WHAT IS THE KBRA? On February 18, 2010, a diverse group representing more than 40 stakeholder organizations and government entities from all over the Klamath Basin and in both Oregon and California signed the “Klamath Basin Restoration Agreement” or KBRA. The KBRA is the most comprehensive and ambitious effort to date to put an end to decades of contentious natural resource and water disputes in the Klamath Basin. The KBRA is intended to create durable, locally-driven solutions which: (1) restore and sustain improved natural production of fish species throughout the basin, including valuable salmon runs that were once the third largest in the nation; (2) establish reliable irrigation water and power supplies for upper basin agricultural communities; (3) provide secure water deliveries to the Klamath National Wildlife Refuges, and; (4) contribute to the public welfare and economic sustainability of all Klamath Basin communities by creating and maintaining local jobs.

Ultimately, the KBRA is a local, stakeholder-driven effort to help make all the communities and economies of the basin – whether farming, fishing or tribal – more economically sustainable, as well as resolving decades of past conflicts and crises. The KBRA arises out of the realization that all the basin’s communities are in this basin together, and all must prosper together if there is to be lasting and long-term peace. The ultimate goal of the KBRA is to foster environmental restoration of the Klamath Basin in a manner that *supports and enhances* the basin’s diverse rural economies and cultures, whether fishing, farming, ranching or tribal.

DOES THE KBRA ESTABLISH MORE GOVERNMENT CONTROL? Absolutely not. The KBRA does not create any new governmental entities, nor does it supersede, change or modify any of the existing governments’ legal authorities (see KBRA Sec. 2). Nor does the KBRA change, waive or modify anyone’s existing water rights (Sec. 2.2.11). The KBRA does, however, attempt to shift oversight and coordination of future restoration efforts toward more *locally controlled, stakeholder-driven* processes and away from the “top-down” government efforts of the past, many of which failed to take local needs into account. This kind of local coordination will result in future restoration efforts that save money, are cost effective, and truly serve the needs of the basin’s many farming, fishing and tribal communities.

HOW DOES THE KBRA WORK? The KBRA creates a new kind of partnership among the various stakeholder groups who are Parties to the Agreement, many of whom are veterans of past water and resource allocation conflicts. The Parties who signed the KBRA have pledged under its terms to work together for common goals outside the courts.

While the KBRA commits to a 50-year watershed restoration effort in the basin, many of the specific projects needed for that restoration effort are still being developed. Various more specific Plans (e.g., a Fish Restoration Plan, a Fish Reintroduction Plan, a Fisheries Monitoring Plan and a Drought Plan) will later be required to implement the KBRA, and each specific project in those later Plans may require its own environmental impacts or costs-benefits analysis and public comments, in accordance with applicable law.

IS THE KBRA BINDING ON NON-PARTIES? Not at all. Like any other partnership agreement, the KBRA does not in any way legally bind non-partners who have not formally signed the Agreement as a Party. All of the landowner programs outlined in the KBRA (such as the off-Project water use retirement program, Sec.16.2.2) that might potentially apply to non-Parties are *entirely voluntary*. Furthermore, the KBRA *specifically forbids* any use of eminent domain or land acquisitions under the voluntary off-Project Water Use Retirement Program (WURP) (Sec. 16.2.2 G & H). This and other KBRA-proposed water acquisition

programs for which non-Parties can qualify are to be conducted *solely on a willing seller, voluntary basis*. If qualified individual landowners see benefits to participating they are welcome to do so, but no one will require it.

WHAT IS THE KLAMATH BASIN COORDINATING COUNCIL (KBCC)? The primary stakeholder-Party coordination and information-sharing body of the KBRA is called the Klamath Basin Coordinating Council or KBCC. All its meetings are public, and an essential role of the KBCC will be to seek public input, and to keep the public fully informed about how KBRA implementation is proceeding. The KBRA, at Appendix D (II), specifically describes the role of the KBCC as follows:

“Its purpose is to promote continued collaboration, cooperation, coordination, and consultation among Parties and others as elements of the Agreement are implemented.... The KBCC shall serve as an oversight forum to foster efficient and effective implementation of the Agreement, including tracking and reporting action progress, solving problems, establishing protocols and procedures, providing approvals, making decisions, resolving general issues within and among programs, promoting collaboration and coordination among groups and Klamath Basin partners, providing input to assist with prioritization of program projects, concertedly and cooperatively seeking grants and other funding for priority projects, reporting program expenditures, and developing an annual workplan.... **The KBCC shall ensure public engagement is afforded through facilitated participation in KBCC and subgroup meetings, and shall consider public input when making decisions.**”

All signing Parties to the KBRA have representatives on the KBCC, but maximizing public input and understanding of the process is a high priority in the Agreement. In addition to the KBCC, several separate but parallel Party-stakeholder groups will also be formed under the Federal Advisory Commission Act (FACA), which requires notice of meetings to be published in the *Federal Register* and a fully transparent, public process with ample opportunity for public input. These parallel and public stakeholder FACA committees will provide advice to the state and federal governments on how to efficiently implement KBRA measures and to manage water in the basin to benefit the basin’s damaged fisheries (see KBRA Appendix D).

DOES THE KBRA REQUIRE DAM REMOVAL, AND IF SO WHY? The future of the Klamath Hydropower Project dams is dealt with in a separate, though parallel, decision-making process in the Klamath Hydropower Settlement Agreement (KHSA). *However, many of the KBRA’s long-term benefits cannot be achieved, including the recovery of the basin’s depressed salmon runs and the resolution of long-standing water disputes, without eventual dam removal.* The last 50-year FERC license to operate the dams has now expired, subject to only annual extensions while relicensing is being considered, yet these dams cannot be FERC-relicensed without considerable (and very expensive) upgrades and repairs to meet modern environmental standards. Ultimately, the decision on whether to remove the dams is a business decision by PacifiCorp since they are, after all, PacifiCorp’s private property. But Klamath dam removal under the KHSA will still be *far cheaper for PacifiCorp’s customers* than trying to retrofit these dams. The dams produce only a very small amount of power (about 82 megawatts annual average), which can be replaced with renewable power from elsewhere, according to energy regulators.

HOW CAN I FIND OUT MORE ABOUT THE KBRA AND GET MORE INVOLVED? Copies of the KBRA and the KHSA, a Summary of both, and all documents and official agendas from past (and immediately upcoming) KBCC meetings can be downloaded from www.edsheets.com/Klamathdocs.html. For more information about the KHSA and the ongoing federal and state NEPA/CEQA analysis of potential environmental impacts from dam removal, see:

www.klamathrestoration.gov. For other information from NGO Parties about the KBRA-KHSA and the benefits those two Agreements will provide, see: www.klamathrestortion.org and www.kbraequalsjobs.com.