



# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

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### MEMORANDUM

**TO:** Water Resources Commission

**FROM:** Bill Fujii, Field Services Division

**SUBJECT:** Work Session Item B, June 9, 2009  
Water Resources Commission Meeting

#### **Update on Willamette Basin Biological Opinion (BiOp)**

#### **I. Issue Statement**

The National Marine Fisheries Services (NMFS) completed a consultation with the U.S. Army Corps of Engineers, Bonneville Power Administration, and the Bureau of Reclamation (Action Agencies) on July 11, 2008, on the impact of the Willamette River Basin Project on species listed for protection under the Endangered Species Act (ESA). This is a follow-up informational item from the February 25, 2009 WRC meeting as requested by the Commission.

#### **II. Background**

The Willamette Basin Project includes thirteen federal reservoirs and 1.6 million acre feet (ac-f) of stored water in the upper and middle Willamette Basin operated by the USACE. The USACE operates and maintains the dams and revetments; the Bonneville Power Administration (BPA) markets the hydropower generated at the dams, and the U.S. Bureau of Reclamation (BOR) sells a portion of the water stored in Project reservoirs for irrigation. These three Federal agencies are referred to here as the "Action Agencies."

The listed native anadromous fish under the Endangered Species Act (ESA) include Steelhead (threatened) and spring Chinook (threatened). The resident fish are the Oregon Chub (endangered) and bull trout (threatened). The ESA requires all federal agencies to consult with NMFS for marine and anadromous species, and / or USFWS for fresh-water and wildlife, if they are proposing an "action" that may affect listed species or their designated habitat. Action is defined broadly to include operations, funding, permitting and other regulatory actions. The Willamette Project consultation began in 1999. USACE consulted with National Marine Fisheries Service (NMFS) and U. S. Fish and Wildlife Service (USFWS) regarding the affects of continued operation of the Willamette River Projects on fish, wildlife and plant species listed as threatened or endangered under the ESA. In 2006, the Action Agencies and NMFS merged the consultation with another to include the impacts of the Action Agencies' artificial production programs (hatcheries) in the Willamette River basin with the analysis of other issues in this Biological Opinion. The Actions Agencies also consulted with the U.S. Fish and Wildlife Service on ESA-listed species within their jurisdiction. The Action Agencies requested that NMFS issue its Biological Opinion for a term of 15 years.

### **III. Discussion**

The Willamette Basin Biological Opinion has implications to water supply and reservoir management. Collaborative efforts to manage the system are necessary to reach a multiple purpose goal with species recovery at its core. Extensive work to investigate fish passage and temperature control will be performed during the next 15 years under the terms of the Biological Opinion.

At the February 2009 Commission meeting, the USACE was requested to return to update the Commission on the Corps' implementation of the Biological Opinion. The BOR has also been invited to discuss the implications to present and future water service contracts.

### **IV. Summary**

Representatives from the USACE and the BOR will present information in addition to the attached informational materials.

#### Attachments:

1. Executive Summary of the Willamette River Basin Biological Opinion
2. Willamette River Basin Biological Opinion and the BOR Water Marketing Program.

Bill Fujii

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