

Agenda
Klamath Basin Coordinating Council Meetings

October 7, 2010, 9 am to 5 pm
Mazama/Scott Rooms in the College Union Building at the Oregon Institute of
Technology in Klamath Falls

1. Introductions and review agenda.
2. General Public Comment—This period of time is set aside to allow members of the public to address the Council on any issue that is not on the agenda. The facilitator may limit the amount of time allotted overall or for each speaker, as he determines to be reasonably necessary.
3. Review and Adopt KBCC Protocols—This is a Voting Matter; there will be public comment prior to the vote.
4. Review status of implementation of the Hydroelectric Settlement—PacifiCorp.
5. Review status of draft Drought Plan—Drought Plan Lead Entity.
6. Discuss draft of FACA charters for Klamath Basin Advisory Council and Technical Advisory Team—John Bezdek and Kristen Johnson.
7. Review workplan and schedule for implementing Restoration Agreement—Ed Sheets.
8. Discuss process to add new organizations as Parties.
9. Discuss communications and outreach plan.
10. Public comment period.
11. Discuss next steps and schedule for future meetings.

Klamath Basin Coordinating Council Protocols

September 21, 2010 DRAFT

1. Purpose

The Klamath Basin Coordinating Council (KBCC) is the coordinating body for all Parties to the Klamath Basin Restoration Agreement (Restoration Agreement). Its purpose is to coordinate continued collaboration, cooperation, and consultation among Parties and others in the implementation of the Restoration Agreement, including related provisions of the Klamath Hydroelectric Settlement Agreement. The purposes, roles, and responsibilities for the KBCC are described in more detail in Appendix D-1, subsections I and II, of the Restoration Agreement.

The KBCC provides general oversight and administration, including activity and program coordination, information sharing, priority setting, fund seeking, and dispute resolution related to implementation of the Restoration Agreement. The KBCC also makes decisions to implement certain provisions as specified in the Restoration Agreement.

The KBCC serves as the forum for public involvement in implementation of the Restoration Agreement.

The KBCC does not provide advice or recommendations to Federal Agency Parties. Under the Restoration Agreement, any advice or recommendations to Federal Agency Parties would be made by the Klamath Basin Advisory Council (KBAC) as described in Appendix D-1, subsections I and III, of the Restoration Agreement. The operation of the KBAC will be subject to the requirements of the Federal Advisory Committee Act.

2. Definitions

Terms used in these protocols shall have the same definitions as provided in the Restoration Agreement. We restate the definitions of certain terms used extensively in these protocols. Further, these protocols add three new defined terms: Consensus Matters, Non-Voting Matters, and Voting Matters.

Consensus Matters shall mean: those matters where the Restoration Agreement requires Consensus.

Non-Voting Matters shall mean: those matters that arise in the course of coordination and oversight that do not require a vote, such as reviewing progress in implementation of the Agreement.

Notice shall mean: written notice pursuant to the requirements and procedures of Restoration Agreement Section 7.1.

*KBCC Protocols
9/21/2010 draft*

Deleted: , including amendment of the Agreement under Section 7.2, addition of a New Party under Section 7.2.2, and Dispute Resolution under Section 6.5

Deleted: Klamath Water and Power Authority or KWAPA shall mean: an intergovernmental and joint powers entity currently made up of water agencies within the Klamath Reclamation Project, as established under an intergovernmental agreement on June 12, 2008 pursuant to Oregon Revised Statutes Chapter 190 and Chapter 5 (commencing with section 6500) of Division 7 of Title 1 of the California Government Code.¶

Klamath Water Users Association or KWUA shall mean: the following of the contractors associated with the Klamath Reclamation Project: Tulelake Irrigation District, Klamath Irrigation District, Klamath Drainage District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Malin Irrigation District, Midland District Improvement Company, Pioneer District Improvement Company, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Randolph Walthall and Jane Walthall as trustees under declaration of trust dated 1995, and Inter-County Property Company which acquired title as Inter-County Title Company, Reames Golf and Country Club, Winema Hunting Lodge, Inc., Van Brimmer Ditch Company, Collins Products, LLC, and Plevna District Improvement Company.¶

Parties shall mean: the signatories of this Agreement from among the entities listed in the Restoration Agreement Section 1.1.1 and, with respect to Federal Agency Parties, as provided in Section 1.1.2. Additional entities may become Parties after the Effective Date as provided in Section 1.1.3, 7.2.2, 37, and 38 of the Restoration Agreement.

Parties Related to Klamath Reclamation Project shall mean: Tulelake Irrigation District, Klamath Irrigation District, Klamath Drainage District, Klamath Basin Improvement District, Ady District Improvement Company, Enterprise Irrigation District, Malin Irrigation District, Midland District Improvement Company, Pioneer District Improvement Company, Shasta View Irrigation District, Sunnyside Irrigation District, Don Johnston & Son, Bradley S. Luscombe, Randolph Walthall and Jane Walthall as trustees under declaration of trust dated 1995, and Inter-County Property Company which acquired title as Inter-County Title Company, Reames Golf and Country Club, Winema Hunting Lodge, Inc., Van Brimmer Ditch Company, Collins Products, LLC, Plevna District Improvement Company and Klamath Water and Power Agency.

Deleted: the following of the contractors associated with the Klamath Reclamation Project:

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Voting Matters are: those matters where the Restoration Agreement requires a vote but not Consensus.

3. Organization

3.1. Membership Generally

All Parties to the Restoration Agreement are members of the KBCC.

3.2. Representation for Voting Matters

While all Parties may participate in KBCC meetings, only designated representatives of the Parties shall be voting members, as specified in Table 1 below, for any voting matters. Designated representatives shall seek the individual views of their member Parties to ensure effective representation in voting matters.

Table 1. Party Membership and Representation for the KBCC

Parties	Representation	Constituent Entities
Department of the Interior	1	FWS, BLM, BOR, BIA
Department of Agriculture	1	USFS
Department of Commerce	1	NOAA/NMFS
State of Oregon	1	ODEQ, ODFW, OWRD
State of California	1	CDFG
Klamath Tribes	1	
Yurok Tribe	1	
Karuk Tribe	1	
Klamath County	1	
Humboldt County	1	
Parties related to Klamath Reclamation Project	2	
Off-Project Representative	1	

Conservation /Restoration Groups	2	
Commercial Fishing Industry	1	
Total	16	

3.3. Designation of Representatives for Voting Matters

Each Party will designate its representative pursuant to its own rules for this purpose, although the KBCC will develop a procedure to address the circumstance where a Party is not able to select its representative.

Each Party on the KBCC will provide to the Facilitator written notification of its designated representative to the KBCC. Each Party may also designate an alternate representative. The Facilitator will maintain a record of representatives and any alternates.

3.3.1. Klamath Reclamation Project

One representative for the [Parties Related to the Klamath Reclamation Project](#) will be an employee or agent of Klamath Water and Power Agency (KWAPA), and another will be an employee or agent of Klamath Water Users Association (KWUA), which may alternately designate a Party related to the Klamath Reclamation Project. Such designation may be changed by a majority of the Parties Related to the Klamath Reclamation Project as defined in Section 2 above.

3.3.2. New Parties

The KBCC will determine appropriate representation for any additional entities that may become Parties after the Effective Date as provided in Section 7.2.2 of the Restoration Agreement.

3.4. Delegation for Purpose of Non-Voting and Consensus Matters

With respect to any matter on which the Restoration Agreement provides for consensus of all Parties, any Party may delegate to another Party the authority to act on its behalf. Any such delegation shall be in writing and will remain in effect according to its terms or until revoked.

3.5. Committees

The KBCC may establish committees as it deems appropriate to address specific issues on a standing or *ad hoc* basis, and to assist in the implementation of the Restoration Agreement, including the separate but related Hydroelectric Settlement. Each such committee will provide advice or recommendations to the KBCC. Each such committee may establish its own operating protocols.

4. **Roles and Responsibilities**

4.1. **Coordination and Oversight**

The Restoration Agreement establishes the following roles and responsibilities for the KBCC:

- tracking and reporting progress in implementation;
- providing approvals as specified in the Restoration Agreement;
- ~~facilitating the resolution of~~ disputes ~~among or~~ between the Parties,
- promoting collaboration and coordination among Parties and other entities in the Klamath Basin;
- assisting in the prioritization of programs and projects;
- seeking grants and other funding;
- reporting program expenditures;
- establishing protocols and procedures;
- developing an annual workplan.

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4.2. **Dispute Resolution**

The KBCC is the forum ~~to facilitate~~ dispute resolution in implementation of the Restoration Agreement, pursuant to the procedures and requirements specified in Section 6 of the Restoration Agreement.

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4.3. **Public Participation**

The KBCC will encourage public participation in the implementation of the Restoration Agreement. It will hear and consider public comments at plenary or committee meetings, as provided in Section 6 of these protocols.

4.4. **Coordination with other Resource Management Processes**

The KBCC will coordinate the implementation of the Restoration Agreement with regulatory actions, such as Biological Opinions and Recovery Plans under the Endangered Species Act, and with other watershed groups within the entire Klamath River Basin (e.g., Trinity River Working Group, Upper Klamath Basin Working Group, and resource conservation districts). The KBCC will promote basin-wide solutions and approaches.

4.5. **Reservation of Authorities**

As provided in Section 2.2 of the Restoration Agreement, these protocols are not intended, and will not be construed, to modify or waive any legal right, obligation, or authority of any Party. ~~The KBCC does not have governmental~~

power; nor does its existence or activities modify the authorities under Applicable Law of any federal, state, tribal, or local government.

5. **Operations.**

5.1. **Procedures for Voting Matters**

The KBCC or Facilitator will develop a decision memorandum and a schedule for any decision that requires Voting. The Facilitator will provide Notice, including these materials, to all Parties at least seven calendar days prior to the meeting when the Voting Matter will be discussed.

A quorum will be a majority of the designated representatives.

Only designated representatives will vote on those matters which the Restoration Agreement specifies for this procedure, although all Parties may participate in the discussion.

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Except for matters under Section 15.3.8.B. of the Restoration Agreement, a decision in a Voting Matter requires the support of $\frac{3}{4}$ of the KBCC representatives who comprised the quorum.

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With respect to matters under Section 15.3.8.B of the Restoration Agreement, the decision process is described in Section 15.3.8.B and Appendix D-1, Section II.D on pages D.5 and D.6 of the Restoration Agreement.

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Parties that do not support a vote may prepare a minority report. All reports shall become part of the record.

5.2. **Procedures for Consensus Matters**

Certain actions under the Restoration Agreement, including amendments under Section 7.2 and the addition of a New Party under Section 7.2.2, require the Consensus in written form of all Parties.

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Deleted: and dispute resolution under Section 6.5

The KBCC or Facilitator will develop a decision memorandum and a schedule for any decision that requires Consensus.

For amendments of the Restoration Agreement under Section 7.2 and the addition of a New Party under Section 7.2.2, the Facilitator will provide Notice, including the decision memorandum, to all Parties at least 14 calendar days prior to the meeting when the Consensus Matter will be discussed. A consensus of all the Parties exists for these matters if all Parties submit a written approval to the Facilitator by the deadline established in the decision memorandum.

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Deleted: For actions under the dispute resolution provisions of Section 6.5 of the Restoration Agreement, the Facilitator will provide Notice, including the decision memorandum, to all Parties at least seven calendar days prior to the meeting when the dispute resolution Consensus Matter will be discussed. A consensus of all the Parties exist if no Party submits a written objection to the Facilitator by the deadline established in the decision memorandum. Written objections may be filed electronically, by facsimile, or U.S. mail.¶

5.3. Procedures for Time-Sensitive Actions

If a time-sensitive issue arises that requires action by the KBCC under the Voting Matter or Consensus Matter procedure on a schedule that does not allow the normal Agenda review schedule, Notice, or other process provisions in this Protocol, the Facilitator shall provide at least 72 hours notice when scheduling a conference call or meeting to address the time-sensitive issue.

5.4. Procedures for Administrative Matters

If a Voting Matter arises during a meeting of the KBCC, a vote may be taken at that meeting if the matter is administrative in nature. A vote of the KBCC will be taken to as to whether the matter is administrative. Any action on any such matter will be subject to reconsideration at the next KBCC meeting at the request of any Party.

5.5. Procedures for Non-Voting Matters

5.5.1. Generally

The KBCC or Facilitator will provide Notice at least seven days prior to the meeting when a Non-Voting Matter will be discussed.

5.5.2. Involving Hydroelectric Settlement

The KBCC may consider how to coordinate implementation of the Restoration Agreement and the Hydroelectric Settlement. Any discussion of the implementation of the Hydroelectric Settlement will be a Non-Voting Matter. The KBCC will provide Notice to PacifiCorp, which may participate in any such discussion.

5.6. Facilitation

The KBCC agrees to use facilitation. Subject to the availability of funding, the facilitator will be independent of the Parties.

5.6.1. Facilitator's Tasks

The Facilitator will actively manage the effort in a neutral and fair manner. The Facilitator will develop draft agendas, chair discussions, enforce the protocols, provide process oversight, help to resolve disputes, and otherwise work to build consensus. The Facilitator will handle meeting logistics, meeting notes and follow-up on action items.

5.6.2. Process Management

DRAFT—Not Reviewed or Approved by KBCC--DRAFT

The Facilitator is responsible for overseeing the development and implementation of the workplan. If actions in the Restoration Agreement miss a deadline, the Facilitator will work with the Parties to get back on schedule. If these efforts are not successful, the Facilitator will seek assistance from the KBCC.

5.7. Meetings

5.7.1. Agendas

The Facilitator will distribute a draft written agenda at least a week prior to a meeting of the KBCC. After consultation with KBCC representatives, the Facilitator will finalize the agenda at least three business days in advance of such a meeting. Each agenda will identify items for discussion and decision, materials for consideration, and any other relevant information. KBCC Representatives may request a time certain for an agenda item to accommodate schedules.

5.7.2. Schedule

The Facilitator will notice and schedule KBCC meetings three weeks in advance. The scheduling of meeting will attempt to accommodate participation of all KBCC Representatives for Voting Matters and otherwise for all KBCC members.

The KBCC shall hold periodic or episodic meetings of all Parties on Non-Voting Matters such as coordination and oversight matters that do not require a vote, including reviewing the progress of implementation of the Agreement.

5.7.3. Record Keeping

A record of all meetings will be kept to concisely identify all topics of discussion, decisions reached, matters carried over, action items, and schedule. The Facilitator will prepare and keep the written record of all KBCC meetings and post it on the website.

5.8. Initial Adoption and Amendment to the Protocols.

Initial adoption and any subsequent amendment of these protocols will be a Voting Matter. These protocols are subordinate to the Restoration Agreement, including Appendix D, and may not constitute or affect an amendment to that agreement.

6. Public Involvement

6.1. Public Information

The KBCC shall maintain a list of interested parties and will notify the distribution list via email regarding future meetings, pending decisions, and information and reports prepared by the KBCC. It will provide notices to local papers regarding KBCC meetings.

The KBCC shall also maintain a website to provide information to the public.

6.2. Public Comment at KBCC Meetings

The KBCC will provide an opportunity for public comment by anyone attending a meeting. Public comment will be scheduled: 1) at the beginning of the meeting for general comments and requests to comment as part of specific agenda items, 2) prior to KBCC action on Voting Matters and Consensus Matters, and 3) at the end of each meeting. The facilitator may limit the amount of time allotted overall or for each speaker, as the facilitator determines to be reasonably necessary.

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6.3. Public Comment on KBCC Plans

The Restoration Agreement includes public review and comment in the development of several plans. In those cases the KBCC will develop a schedule to provide for public review and comment prior to a decision.

7. Funding

As provided in Section 5.3 of the Restoration Agreement, the Non-Federal Parties will support authorizations and appropriations in the amount estimated in Appendix C-2 of the Restoration Agreement to fund the coordination and oversight functions of the KBCC, including facilitation, for the first ten years after the Effective Date.

Klamath Hydroelectric Settlement Agreement Implementation Progress

October 6, 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 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 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 have written the SWRCB to express support for this request.

Pursuant to KHSA Section 7.5.2, PacifiCorp and the Bureau of Reclamation conducted a conference call on April 8, 2010 to commence negotiations on the potential transfer of the Keno development. PacifiCorp has cooperated with the Bureau of 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.

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 finalizing 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 next IMIC meeting is scheduled for Sacramento in November 2010.

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 projects.

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 is conducting 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 in September 2010 for its review and approval.

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 expects to develop flow variability plans and implement those plans 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. PacifiCorp is currently in the process of reviewing final contracts to complete all aspects of the research studies initiated to date.

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 did assist in developing a scope of work for contracting purposes to support implementation of this measure. PacifiCorp has released a request for proposals due in mid-October.

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 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. PacifiCorp is currently revising the draft plan to incorporate comments from IMIC members so that a final plan can be completed in October 2010. 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 expect to engage other basin water quality stakeholders on the Klamath tracking and accounting program in the near future.

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.

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 to meet in November to begin to develop 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. PacifiCorp expects the hatchery marking trailer to be delivered to the hatchery in early 2011 for use in the spring 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 anticipates hiring an engineering consultant to assist with this study and intends to have this consultant engaged in the near future.

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.

U. S. Department of the Interior

Klamath Basin Advisory Council Charter

1. COMMITTEE'S OFFICIAL DESIGNATION. The official designation of the Committee is the Klamath Basin Advisory Council (KBAC).
2. AUTHORITY. This is a Federal advisory committee within agency authority and is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
3. OBJECTIVES AND SCOPE OF ACTIVITIES. The purpose of the KBAC is to advise the Bureaus organized in the Department of the Interior, the U.S. Forest Service, and the National Marine Fisheries Service regarding implementation of the programs laid out in the Klamath Basin Restoration Agreement. In the event Congress fails to grant authority to the Departments of the Interior, Agriculture and Commerce for fulfillment of the projects as envisioned and negotiated, the KBAC will advise on alternate programs to achieve the same ends as originally planned.
4. DESCRIPTION OF DUTIES. The duties of the KBAC shall be to advise the Federal Parties to the KBRA as defined in the Agreement.
5. AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS. The KBAC reports to Secretary through the Designated Federal Officer.
6. SUPPORT. Support of the KBAC is provided by the Office of the Secretary, and may be delegated to other Bureaus.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.**
8. DESIGNATED FEDERAL OFFICER. The DFO is a full time Federal employee appointed in accordance with agency procedures. The DFO will approve or call all KBAC and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Commission reports.
9. ESTIMATED NUMBER AND FREQUENCY OF MEETINGS. The KBAC will meet approximately four times a year, and at such other times as designated by the DFO.

10. **DURATION.** In accordance with the Federal Advisory Committee Act and implementing regulations, the KBAC will endure for two years after its charter is approved, and may be continued.
11. **TERMINATION.** The KBAC shall terminate after two years of its charter approval, in accordance with the Federal Advisory Committee Act and implementing regulations, unless continued.
12. **MEMBERSHIP AND DESIGNATION.** The KBAC shall be composed of 18 members, to be appointed by the Secretary, of whom, in accordance with the KBRA, each representing a signatory Party:
 - a. One member representing the Department of the Interior
 - b. One member representing the Department of Agriculture
 - c. One member representing the Department of Commerce
 - d. One member representing the state of Oregon
 - e. One member representing the state of California
 - f. One member representing the Klamath Tribes
 - g. One member representing the Yurok Tribe
 - h. One member representing the Karuk Tribe
 - i. One member representing Del Norte County, OR
 - j. One member representing Klamath County, OR
 - k. One member representing Siskiyou County, CA
 - l. One member representing Humboldt County, CA
 - m. Two members representing the Klamath Reclamation Project
 - i. One member from Klamath Water and Power Association
 - ii. One member from Klamath Water Users Association
 - n. One member representing “off project” organizations
 - o. Two members representing Conservation/Restoration groups
 - p. One member representing the commercial fishing industry

Representative members will be appointed for the term of the charter. Members are expected to participate in KBAC meetings and activities. If a member fails to do so, the DFO may recommend that the Secretary terminate the member’s appointment to the KBAC. All members serve at the pleasure of the Secretary.

An individual member, representing one of the signatory Parties, may be reappointed for the life of the KBAC.

A vacancy on the Commission shall be filled in the same manner as the original appointment was made, and the vacancy shall be filled from the same constituent pool as the committee member who vacated the appointment.

Members of the Commission shall serve without compensation.

The TAT shall select a Chairperson and Vice Chairperson from among the members of the TAT. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. A member may serve as Chairperson or Vice Chairperson for not more than one consecutive year in office.

A majority of the KBAC shall constitute a quorum for purposes of conducting business.

13. **ETHICS RESPONSIBILITIES OF MEMBERS.** No KBAC or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest. In addition, the Department of the Interior will provide materials to those members appointed as special Government employees, explaining their ethical obligations with which the members should be familiar. Consistent with the ethics requirements, members will endeavor to avoid any actions that would cause the public to question the integrity of the KBAC's operations, activities or advice. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.
14. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed. However, such subcommittees must act only under the direction of the DFO. The subcommittees should not cover topics better addressed by the separately chartered Technical Advisory Team (TAT). The KBAC chair, with the approval of the DFO will appoint subcommittee members.
15. **RECORDKEEPING.** The records of the KBAC, formally and informally established subcommittees of the KBAC, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Secretary of the Interior

Date signed

Date filed

U. S. Department of the Interior

Technical Advisory Team Charter

Established subcommittee to the Klamath Basin Advisory Council

1. **COMMITTEE'S OFFICIAL DESIGNATION.** The official designation of the Committee is the Klamath Basin Technical Advisory Team (TAT).
2. **AUTHORITY.** This is a Federal advisory committee within agency authority and is being established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
3. **OBJECTIVES AND SCOPE OF ACTIVITIES.** The purpose of the TAT is to utilize the technical expertise of the Parties to the KBRA and other with interest and expertise in water management and fisheries to inform the implementation of the KBRA as it relates to Managed Environmental Water, as is defined in the KBRA, and other aquatic resource issues.
4. **DESCRIPTION OF DUTIES.** The duties of the TAT shall be to advise the Federal Parties to the KBRA as defined in the Agreement.
5. **AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS.** The TAT reports to Secretary through the Designated Federal Officer.
6. **SUPPORT.** Support of the TAT is provided by the Office of the Secretary, and may be delegated to other Bureaus.
7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS.**
8. **DESIGNATED FEDERAL OFFICER.** The DFO is a full time Federal employee appointed in accordance with agency procedures. The DFO will approve or call all KBAC and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the official to whom the Commission reports.
9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS.** The TAT will meet approximately four times a year, and at such other times as designated by the DFO.
10. **DURATION.** In accordance with the Federal Advisory Committee Act and implementing regulations, the KBAC will endure for two years after its charter is approved, and may be continued.

11. **TERMINATION.** The TAT shall terminate after two years of its charter approval, in accordance with the Federal Advisory Committee Act and implementing regulations, unless continued.

12. **MEMBERSHIP AND DESIGNATION.** The TAT shall be composed of

- a. One fisheries staff member representing each of the following entities/groups: the Yurok Tribe, the Karuk Tribe, the Klamath Tribe, the State of Oregon, the State of California, the National Marine Fisheries Service, the U.S. Fish and Wildlife Service, Del Norte County, Klamath County, Siskiyou County, Humboldt County, conservation/restoration groups, commercial fishing industry.
- b. One water quality staff member from each of the following entities listed above in paragraph 12(a).

Representative members will be appointed for the term of the charter. Members are expected to participate in TAT meetings and activities. If a member fails to do so, the DFO may recommend that the Secretary terminate the member's appointment to the TAT. All members serve at the pleasure of the Secretary.

An individual member, representing one of the signatory Parties, may be reappointed for the life of the TAT.

A vacancy on the Commission shall be filled in the same manner as the original appointment was made, and the vacancy shall be filled from the same constituent pool as the committee member who vacated the appointment.

Members of the Commission shall serve without compensation.

The TAT shall select a Chairperson and Vice Chairperson from among the members of the TAT. The Vice Chairperson shall serve as Chairperson in the absence of the Chairperson. A member may serve as Chairperson or Vice Chairperson for not more than one consecutive year in office.

A majority of the TAT shall constitute a quorum for purposes of conducting business.

13. **ETHICS RESPONSIBILITIES OF MEMBERS.** No TAT or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest. In addition, the Department of the Interior will provide materials to those members appointed as special Government employees, explaining their ethical obligations with which the members should be familiar. Consistent with the ethics requirements, members will endeavor to avoid any actions that would cause the public to

question the integrity of the TAT's operations, activities or advice. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

14. **SUBCOMMITTEES.** Subject to the DFO's approval, subcommittees may be formed. However, such subcommittees must act only under the direction of the DFO. The TAT chair, with the approval of the DFO will appoint subcommittee members.

15. **RECORDKEEPING.** The records of the TAT, formally and informally established subcommittees of the TAT, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Secretary of the Interior

Date signed

Date filed

DRAFT
2010 and 2011 Workplan for Implementing Klamath Basin Agreements

October 4, 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].

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. (Sheets convened Bonham, Roos-Collins, Ullman)
 - 2.1. Develop draft by September 1, 2010.
 - 2.2. KBCC/Interim KBAC review September 9-10.
 - 2.3. KBCC/Interim KBAC adoption October meeting.
3. Prepare FACA Charter for KBAC and TAT. (ES convened Bonham, Roos-Collins, Ullman)
 - 3.1. Consult with DOI FACA staff and prepare draft by October meeting.
 - 3.2. KBAC members review at October 7th meeting.
 - 3.3. Revise charter [Start date; completion date].
 - 3.4. KBAC members adopt charter [Date].
4. Form TAT
 - 4.1. Identify 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. (Sheets will convene Communications Committee)
 - 6.1. Notice meetings on website. Completed.
 - 6.2. Prepare draft, including implementation tasks and resources [Start date; completion date].
 - 6.3. KBCC/Interim KBAC review.
 - 6.4. Revise plan.
 - 6.5. KBCC/Interim KBAC implementation.

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

1. Review settlement documents to identify all tasks and schedules in June 2010. Completed.
2. Prepare draft workplan for review by KBCC at July meeting. Completed.
3. Revise and discuss the workplan based on comments at KBCC meetings.

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 will report on base funding at September meeting.
3. Develop procedures for specific funds (Section 14.3) [Develop start date; 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).
2. KBCC track the progress of all components in real-time (Section 5.4.2.A).
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. Determine eligibility as of February 18, 2011 under Section 19.5.3. [Need to determine responsible entity. Is this a task for KBCC?]
 - 2.1. [Fill in process to determine eligibility].

3. Ed Sheets working to convene workgroup.

Fisheries Programs

Fisheries Restoration Program

1. Fish Managers prepare Fisheries Restoration Phase I Plan (Section 10.1).
 - 1.1. Fish managers met on July 23rd and workgroup is developing workplan; status report at October 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.

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

1. Convene Fish Managers to refine scope (see Section 12.2) and develop workplan and process. Discussed at Fish Managers meeting; work will follow Restoration Plan.
2. Fish Managers to develop Monitoring Plan.
 - 2.1. [Fill in steps and schedule]
3. Seek input from Restoration Agreement Parties and the public.
4. First draft Monitoring Plan is due on February 18, 2011.

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 Completed (Section 15.3.1.B).

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 until the end of August.

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 in October]

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 in October]

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 form Management Entity and develop 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 implement 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. [Fill in steps and schedule]

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 prepare outline (First draft completed May 2010)
 - 1.2. Assign small groups to draft sections.
 - 1.3. Regular conference calls and meetings.
 - 1.4. Reclamation can assist with modeling using a contractor.
 - 1.5. Draft plan is due September 30, 2010. 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].
2. Lagomarsino checking with Hytrek. 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)

- 3.1. [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		
BIA		
Dept. of Commerce	1	NOAA/NMFS
Dept. of Agriculture	1	FS
ODEQ	3	
ODFW		
OWRD	Kyle Gorman	
State of California	1	CDFG
Klamath Tribes	Larry Dunsmoor	
Yurok Tribes	1	
Karuk Tribes	Toz Soto	Craig Tucker
Humboldt County	Hank Seemann	
Parties related to KRP	1	
Total	14	

	NAME	ORGANIZATION	EMAIL ADDRESS	OFFICE #	CELL #
1	M. Belchik	Yurok			
2	Frank Goodson	KCV PAC			
3	Ty Beaver	HAN	tbeaver@heraldandnews.com		
4	Jimm Cook	Siskiyou Co.	jcook@co.siskiyou.ca.us		
5	Dave Hillemeier	Yurok Tribe			
6	Sue Knapp	OR GOV OFFICE	SUZANNE.KNAPP@STATE.OR.US		
7	Steve Karl	ODEQ	Kirk.ostewe@deq.state.or.us		
8	Del Fox	U.S. CITIZEN	FoxDENRANCH@CENTURYTEL.NET		541-892-0991
9	David Ferguson	NRCS	david.ferguson@ca.usda.gov	530-867-4247	x102
10	TED WISE	ODFW	ted.g.wise@state.or.us		
11	Greg Addington	KWUA	gug@kwua.org		
12	Laurie Sude	USFWS	laurie_sude@fws.gov		541-885-8507
13	Chris Nota	USFS	CNota@fs.fed.us		916 498 5901
14	Kyle Gorman	OWRD	Kyle.G.Gorman@wrld.state.or.us	5-11-388-6669	
15	Glen Spain	PCFFA	fish1itr@aol.com	541-689-2000	
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30	Billy Myke	UKWUA			
31	Matt Walter	UKWUA			
32	Jeff Mitchell	Klamath Tribes			
33	Mark Lovelace	Humboldt County	on vacancy		
34	Bill Adams	One Stop Auto Wreckers		541-891 7600	
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36	Dennis Lynch	USGS			
37	Steve Kanda	KWUA	skkanda@fivesense.net		541 892 6433
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