



**OREGON
WILD**

Formerly Oregon Natural Resources Council (ONRC)

Over a Decade of Delays and Broken Promises...

Since Coho Salmon were listed as threatened in 1997, well over a decade has passed in the Rogue Valley of southern Oregon and the Bureau of Reclamation (BOR) has still failed to adopt an Endangered Species plan to provide for the salmon's survival and recovery.

The Southern Oregon and Northern California Coasts (SONCC) Ecological Significant Unit of Coho Salmon (SONCC Salmon) was **listed on May 7, 1997**, by the Secretary of Commerce, through the National Marine Fisheries Service, (NMFS), as threatened under the Endangered Species Act (ESA).

Under the Endangered Species Act, NMFS must produce, and BOR must adopt, an endangered species plan, to protect Coho Salmon in Jackson County's Rouge Basin creeks and spawning streams. Termed a "Biological Opinion" this management plan is to insure that water diversions for irrigation in the Rogue Valley do not cause unauthorized takes and otherwise negatively impact the threatened Coho Salmon's survival.

The Bureau of Reclamation (BOR) authorizes and permits the diversion of water from the Klamath River Basin to the Rogue River Basin through its Rogue Project Operations. The Project also authorizes all storage and releases of this water. Two main tributaries of the Rouge River watershed are affected by these actions. The first, Emigrant/Bear Creek, essentially drains the southern watershed of the Rogue River. The second, Little Butte Creek essentially drains the middle watershed of the Rogue River. Conservationists' publically expressed concerns regarding the operation of BOR's Rogue Project, even before the beginning of the new millennium.

Moreover by 2001, the Medford Mail Tribune had begun running news articles fully airing the concerns of the local Irrigation Districts **regarding issues over water from the Klamath River being diverted for irrigation purposes into the Rogue**. See "Debating a Diversion", **April 22, 2001**:

<http://www.mailtribune.com/apps/pbcs.dll/article?AID=/20010422/NEWS/304229999&cid=sitesearch>

Still, as described below, in what has been a decade of federal agency delay and broken promises, the legally required Biological Opinion, while frequently and repeatedly promised, to date has never been finalized, and thus never fully delivered on.

After earlier requests had failed to produce a specific commitment to produce the required Biological Opinion, on **January 20, 2003 conservationists filed a notice of intent to sue**. However, before a lawsuit was actually filed, a legal **settlement agreement was reached and announced on July 9, 2003**, requiring that BOR must work with (then) the US Fish and Wildlife Service (USFWS) to address water transfers from the Klamath watershed into the Rogue Basin.

In this case BOR, working with USFWS, did meet its agreed to April 2004 deadline, and reassuringly **on April 16, 2004, BOR's Regional Director specifically informed Oregon Wild that BOR was continuing to work with NMFS's to finalize its Biological Opinion** for the Rogue Basin as well.

Thus, at this time, Oregon Wild did not insist on a specific deadline for a NMFS's Biological Opinion, based on the Bureau's assurance that it was well underway, and due to other interested Rogue Basin parties stated desire to work out a collaborative agreement hopefully acceptable to both conservation and irrigation interests. Collaborative discussions, as under the auspices of the WISE project (Water for Irrigation, Streams and Economy) were self-described as:

“addressing the problems of degraded water quantity and quality for native anadromous salmonids in the Bear Creek and Little Butte Creek watersheds by improving irrigation reliability and aquatic habitat in an economically and environmentally feasible manner.”

Partners in the WISE project have included the City of Medford, Medford Water Commission, Jackson County, Talent Irrigation District, Medford Irrigation District, and Rogue River Valley Irrigation District. See <http://wiseproject.org/index.html>

Still, and despite some well-intended, local collaborative efforts, **nearly 5 years after the USFWS/BOR's 2004 Biological Opinion was completed, there was still no full BOR Biological Assessment**, nor formal NMFS Biological Opinion in place governing the restoration of threatened Coho Salmon in the Rouge Basin. So thus, after first giving a formal 60 day notice, Oregon Wild **on February 13, 2009 finally filed a Rogue Basin, Endangered Species Act lawsuit against BOR and NMFS**. That legal action produced yet **a second settlement agreement signed on September 30, 2009**, with BOR (this time) agreeing to produce a Biological Assessment by October 16, 2009, and with a final binding Biological Opinion to be produced by NMFS no later than March 1, 2010.

Again local political and irrigation district pressures succeeded in delaying the completion of this second agreed to deadline. But, in May 2011, NMFS fish biologists took the unexpected step of formally expressing to BOR their heightened concern that operation of the Rogue Project in the South Fork of Little Butte Creek (a core-population area of the species) was specifically jeopardizing the survival of Coho Salmon. In response to Oregon Wild's then renewed protests, the federal agencies, yet once again (**and now for a third time in eight years since the first settlement agreement was signed**) pledged that they would have the long-promised Coho Salmon Biological Opinion published **no later than October 2011**.

Now in 2012, this (last and third) agency set deadline date has come and gone. Still, no legally required Biological Opinion is seen as forthcoming to address the Rogue Valley Coho Salmon's plight and to appropriately adjust the water project's operations to also provide essential salmon spawning and rearing habitat.