



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Klamath Field Office  
P.O. Box 1006  
Yreka, CA 96097

July 17, 1989

### Memorandum

TO: Klamath Fisheries Task Force

FROM: Ron Iverson

SUBJECT: Minutes of June 29, 1989 meeting.

It has come to our attention that attachment number 3 was omitted from the minutes of the June 29 meeting. Also some of the packages had attachments 5, 6 and 7 reversed. We are sorry for this inconvenience if the minutes you received were collated incorrectly. Enclosed is attachment 3.

### Enclosure

CC: Management Council  
Task Force Work Group  
Interested parties

KLAMATH RIVER BASIN FISHERIES TASK FORCE

NOTES ON THE MEETING HELD 29 JUNE 1989

IN KLAMATH, CALIFORNIA

The meeting was convened at 8 a.m. by chairman Bill Shake. Bill informed the Task Force that he has been officially designated as the Task Force representative of the Department of the Interior. A quorum was present, with Howard Myrick absent, and Bob Rice represented by Barbara Holder (see roster, Attachment 1).

Approval of minutes and agenda The Task Force added discussion of work group procedures for rating projects to the agenda (Attachment 2).

Status of current year work plan

o Long-range planning Mike Orcutt reported on the procedure for technical review of proposals, which included review of management capability of the proposing firm, and technical merit of the proposal. Selection of a contractor is expected by July 6.

o Education project Ronnie Pierce reported that elements of a request for proposals were drafted by Klamath Field Office and reviewed by the Task Force education committee. Advertising for proposals is scheduled to begin by August 1.

o Public information project Tricia Whitehouse identified the following elements of this project:

oo A questionnaire, to determine level of public understanding of anadromous fish restoration in Klamath Basin...scheduled for this fall.

oo A presentations program, also scheduled for this fall, including a slide show, a brochure on Task Force and Klamath Fishery Management Council activities, and a newsletter. She asked that Task Force agencies be ready to contribute to the newsletter.

oo Press releases, including releases about significant progress at advisory committee meetings.

Sue Masten commented that better public information is needed in the lower Klamath River area, to clear up misconceptions about roles of the Task Force and Council.

o Scott River sediment study Consultant Sari Sommarstrom provided a progress report on this project, being conducted through a cooperative agreement between the Fish and Wildlife Service and the Siskiyou Resource Conservation District. In 1988, the Task Force technical work group

identified deposition of decomposed granite sand in the Scott River and tributaries as a significant problem limiting anadromous fish restoration. Most sand originates in mountains west of Scott Valley, an area of decomposed granitic soils. Sand is carried by high-gradient tributaries, and deposited in the low-gradient Scott Valley reach of the Scott River (see Attachment 3). Sand erosion is aggravated by logging and roadbuilding, and deposition is probably increased by reduced flows resulting from water withdrawals. Concentrations of fine sediment reduce survival of salmonid eggs and fry by reducing water flow through the gravel, and by inhibiting movement of hatched fry out of the gravel. Some studies indicate significant problems for fish where fine sediments are more than 20% of total sediments. Sari's samples in Scott River indicate fine sediments there average 44% of total.

The sediment study will examine sources of sand, storage and transport of sand in the Scott River watershed, and effects on salmon and steelhead in Scott River. The study will not recommend site-specific corrective actions - that will require additional work.

Comments included:

- o A plan to channel and remove sediment from Scott River would be desirable. Soil Conservation Service has looked into this, and the limiting factor seems to be finding disposal sites.

- o The Scott River basin was once highly productive of salmon and steelhead.

- o Yreka Creek Greenway Barbara Holder reported that a master plan has been completed and approved by the City of Yreka, identifying anadromous fish and fish habitats as a focus of the Greenway project. Reception of the Greenway concept by riparian landowners has been good. A number of local service groups have offered help in developing the project (Attachment 4). About \$36,000 has been secured for Greenway work, in addition to \$55,000 already invested by California Department of Fish and Game for fish restoration work.

Barbara noted that the Greenway, with large numbers of visitors anticipated, can provide a better opportunity to inform the public about fish restoration than could other streams which may be more pristine but also less-visited. The Greenway master plan calls for walking access from primary schools in Yreka, to promote environmental education. The plan also calls for handicapped access, and for signing and rest area displays along Interstate 5.

- o Status of other Federally-funded projects Ron Iverson provided the following status update:

- oo Agreement with Hoopa Tribe (Pine Creek project): signed, in effect.

- oo Agreement with California Department of Water Resources (Scott River flow augmentation study): Awarded May 31.

oo Agreement with U.S. Department of Agriculture (several projects): Awarded June 26.

oo Agreement with California Department of Fish and Game (several projects): To be sent to CDFG for signing by July 3.

oo Agreement with City of Yreka (Yreka Creek erosion control): To be sent for signing by July 3.

o Status of State-funded projects Mel Odemar reported that Klamath projects costing about \$345,000 will be funded in State fiscal year 1989-90, rather than in 88-89 as originally planned. These include nine Klamath Basin projects proposed by Klamath National Forest, Six Rivers National Forest, Siskiyou Resource Conservation District, and California Department of Fish and Game.

Discussion of technical work group procedures for rating project proposals for funding in Fiscal Year 1990 Mitch Farro expressed concern about an apparent conflict of interest in the work group rating process of 14-15 June: Work group members rated proposals submitted by their own agencies, and also rated proposals which might be viewed as competing with their own proposals. The work group also decided, by 7/10 majority, where to draw a recommended funding cutoff line in each work category - another opportunity for conflict of interest. Concern was also expressed that work group members were able to lobby for their projects, while other parties were not represented at the meeting.

Comments provided on this issue included:

o The work group process successfully dealt with a large number of complex proposals, and the recommendations of the work group to the Task Force are a good product.

o Review of proposals should include a time for proponents to provide brief summaries and answer questions, after which the work group could go to closed session.

o Get proposals to the work group sufficiently in advance of the meeting to permit preliminary rating.

o Work group should look solely at technical aspects of proposals, leaving cost-effectiveness issues to the Task Force.

o Many low-ranking projects were seen by the group as having merit, but not appropriate for funding in FY1990.

Nat Bingham moved that, in any work group of the Task Force, and especially where funding recommendations are being made, any member with a direct interest or involvement in a proposal under consideration will abstain from voting on or rating that proposal. Nat later amended his proposal to include any proposals which might be construed as competing with the proposal of interest.

After discussion of this motion, Chairman Shake referred it to an ad hoc committee consisting of Sue Masten, Mel Odemar, Nat Bingham and Ron Iverson. The committee is charged with revising the draft chapter of the Task Force operating procedures that deals with the technical work group, and specifically to recommend a way to avoid conflict of interest in proposal evaluation. The committee is to report to the Task Force by next meeting.  
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Discussion followed as to the status of Task Force goals and objectives. It was noted that draft goals/objectives were distributed, by Rod McInnis, to the ad hoc committee on goals and objectives in November 1988, and no substantive comments have been received.

Report on activities of the Klamath Fishery Management Council At their last meeting in early June, the KFMC began the process of developing a long-term plan and policy for harvest management, as directed by the Klamath Act. The Council plans to solicit harvest management concerns from their constituencies, then meet in a closed session, or retreat, to begin the planning process. This will occur in September. Possible actions identified in the retreat will be discussed publicly at a subsequent meeting. KFMC agreed that annual salmon harvest planning will be done in two steps: A general framework agreed to in the fall, and specific recommendations developed in winter when information from the previous season becomes available.

The KFMC also endorsed a commercial net fishery for surplus hatchery spring chinook salmon, to be conducted in the Klamath estuary in June and July, and recommended that the Pacific Fishery Management Council re-examine closures planned for ocean salmon fishing off northern California and southern Oregon, in light of low ocean chinook harvest levels to date.

Comments on the KFMC included:

- o Estimated cost of KFMC operation for Fiscal Year 1989 was provided to the Task Force by a handout (Attachment 5). Klamath Field Office is to obtain, from the KFMC, their estimate of Klamath Restoration Program funds needed for their operation in FY1990.

- o Communication should be improved between the KFMC Technical Advisory Team and the PFMC Salmon Technical Team.

Report of the technical work group: recommendations for projects to be included in the Fiscal Year 1990 Work Plan

Ron Iverson distributed and explained a written report from the technical work group (Attachment 6). The work group recommended that the Task Force approve funding, in FY1990, of all projects with average ratings higher than the "technical work group recommended funding cut-off level" displayed in Attachment 7 for each major category of work. Proposals with average ratings below the cut-off level are not recommended for funding in FY1990, except that

the work group made no recommendation for or against funding proposal 90-0.1, addition of a biologist to the Klamath Field Office staff.

Iverson said that the work group recommendations are for funding in FY1990 only, with no recommendations made for carrying projects over into subsequent fiscal years. Bill Shake commented that the long-range plan will provide guidance on issues that will require multi-year actions.

Mel Odemar led a review and discussion of the work group's proposed work plan. Task Force action on the proposal is summarized below for each category of work, followed by a summary of comments offered on proposals in that work category. Results of Task Force action on the FY1990 work plan are also presented in tabular form, as Attachment 7.

#### Administration

Action: The Task Force accepted the work group's recommendation to fund projects 89-0.1 and 89-0.2, costing \$267,500. The Task Force will review proposal 90-0.1 (Attachment 8) for a decision at the next meeting.

#### Comments:

#### Artificial Propagation

Action: The Task Force accepted the work group's recommendation to fund ten projects in this category (see Attachment 7, page 2) totalling \$248,830.

#### Comments:

Proposal 90-12: Concern that this ongoing project is rearing some juveniles from Iron Gate hatchery, and has lost many juvenile steelhead of local native stock to disease.

#### Educate

Action: The Task Force accepted the work group's recommendation to fund continuing projects 89-3.1 and 89-3.2, totalling \$109,000. At its next meeting, the Task Force will consider a revised proposal 90-3.1 from the City of Yreka, in the amount of \$30,000 to fund directional signing, educational programs, and a nature/hiking trail as elements of the Yreka Creek Greenway.

#### Comments:

Proposal 90-70: this work appears to be encompassed by ongoing project 89-3.1. Concern about classroom aquarium incubator program - may lead to stocking of diseased fish.

Proposal 90-3.1: Barbara Holder said there are several positive aspects of this proposal which the technical work group apparently didn't take into account - see her report (above) on status of the Yreka Creek Greenway. Others commented that investment in physical improvements such as trails, signs, and a building may be premature until the public information project is

further along in planning. Responding to a question about a fish viewing chamber, Barbara said this is an idea that hasn't been developed into a proposal.

Get Information

Action: Now it gets complicated:

Proposals approved as recommended: 89-2.23, 89-2.22, 89-2.51, 90-28, 90-18, and 90-27.

Proposals withdrawn: 90-2.9, 90-2.10.

Proposals approved in amended form: 90-2.11 for \$6300, 90-89 for \$15,000.

Proposals to be considered again at the next Task Force meeting: 90-2.12 (Rogue chinook monitoring), 90-26 (chinook radio tagging, Salmon River).

Comments:

Projects 89-2.23 and 90-2.11 (Blue Creek studies): Craig Tuss explained that Blue Creek work is planned to continue for a 4-year brood cycle, possibly to be followed by monitoring. Craig provided a handout (Attachment 9) detailing the problem of very wide confidence intervals for estimated numbers of fall chinook spawners in Blue Creek, and providing justification for the revision of proposal 90-2.11 to apply radio tags to fall chinook spawners, to increase reliability of estimates of numbers of these fish, and to provide related information. Craig explained that radio tagging will allow investigators to locate redds and collect information on egg and fry survival. This information will be used to develop an index allowing spawner numbers to be calculated from numbers of juvenile outmigrants. Mitch Farro said a direct estimate of spawner numbers would be preferable. Responding to a question as to whether Blue Creek is representative of lower Klamath tribs, Craig said it is larger than other tributaries, but run timing is typical.

Project 89-2.51, trapping of juveniles in the Klamath, is long-term monitoring.

Proposal 90-2.12, Rogue chinook surveys: Jim Martin explained that Oregon Department of Fish and Wildlife (ODFW) has been gathering detailed information on some Rogue River anadromous stocks for 15 years, and on fall chinook for eight years. The ODFW proposal is for the Klamath Restoration Program to take over funding of seining at the river mouth and spawning surveys. ODFW will pay overhead costs, and will continue surveys of spring chinook and steelhead from other funding sources. Jim claimed that information on Rogue fall chinook would have value to the Klamath Restoration Program in three areas: (1) The status of Rogue stocks could serve as a control for evaluating restoration measures in the Klamath, allowing effects of ocean conditions to be separated from effects of restoration; (2) Rogue data would include information on straying of Klamath fall chinook to the

Rogue, which Jim feels is extensive; (3) Rogue information is necessary for management of Klamath stocks in the mixed-stock ocean fishery.

Mel Odemar responded that, of the three benefits to Klamath restoration identified above, only the benefit to ocean harvest management is significant, and expenditure of Klamath funds for that purpose may be illegal, according to a Federal solicitor's interpretation of the Klamath Act (Attachment 10).

Other comments on 90-2.12:

- o ODFW will provide a 100% match to Federal funds. If Klamath funds aren't available, the Rogue work won't get done.

- o We shouldn't assume the Rogue is the best control for evaluating Klamath restoration actions. Perhaps a relatively unmodified subbasin in the Klamath basin would serve better.

Project 90-89, Camp Creek outmigrant trap: Cost estimate was reduced, during the technical work group meeting, from >\$30,000 to \$9320. USFS estimate is now about \$15,000, to be used to collect data on outmigrants. The outmigrant trap would be an element of a larger information-gathering effort on Camp Creek, which Six Rivers National Forest is using as an index or barometer stream for status of anadromous fish stocks. USFS has invested about \$40,000, expects to continue studies for 4-5 years.

Project 90-26, spring chinook radio tagging, Salmon River: Jack West and Roger Barnhart explained the total cost of this three-year study will be \$107,000, of which USFS will contribute over \$66,000. Anglers will contribute volunteer labor. They think tagging mortality can be minimized. Information will also be collected on summer steelhead. More information is needed on spring chinook and summer steelhead because of the new commercial net fishery, and possible listing of summer steelhead as a threatened stock.

#### Manage Habitat

Action: The Task Force accepted the proposal of the work group to approve 13 proposals in this category, totalling \$261,328 (see Attachment 7, page 4). In addition, the Task Force approved a revised proposal 90-4.1 to purchase and operate wells to provide water to restore fish habitat in Yreka Creek, subject to a pumping test of the wells. The Task Force will act on five additional proposals in this category, at its next meeting. Those are: 90-36 (Grider Creek habitat restoration); 90-191 (Pine Creek - reduce sedimentation) amended to \$62,593 by removing overhead costs; 90-4.2 (Scott River basin sediment study, phase II); 90-117 (CCC proposal for habitat restoration in lower Klamath tributaries), amended to \$68,000; and 89-4.3 (CDFG proposal to increase maintenance of diversion screens - brought forward from the FY1989 work plan and amended to \$25,000).

#### Comments:

Proposal 90-36, Grider Creek habitat restoration: Jack West asked for an explanation of the low work group rating of this project, given

that CDFG has endorsed it. Response from work group members was that it may be better to wait until the watershed has stabilized from fire damage and timber removal before investing in stream habitat. Rebuttal was that the Grider EIS has identified some actions to be taken, and these should be done before problems get worse.

Proposal 90-4.2, Phase II of Scott River sediment study: Sari Sommarstrom said this proposal is aimed at finding ways to stop sediment at its source in the French Creek drainage - similar to the Hoopa proposal for stabilizing Pine Creek. Sue Masten responded that the work group was concerned about lack of information as to whether sediment from French Creek is indeed a significant problem, and how this small watershed fits into the larger issue.

Proposal 90-4.1, Yreka Creek habitat improvements: Barbara Holder withdrew the \$80,000 proposal until habitat typing is completed, but requested \$12,000 to buy and operate wells, which could increase low flows in Yreka Creek by 40%. The revised proposal was approved by the Task Force.

Project 89-4.3, increase maintenance capability for diversion screening: Mel Odemar reintroduced this proposal, which was an approved part of the FY1989 work plan but was withdrawn by CDFG in March 1989 because of problems in formulating a statement of work.

Public Comment was taken throughout the meeting.

Next meeting was set for September 7-8, in Eureka.

The meeting was adjourned at 5 p.m.

ATTACHMENT 1

KLAMATH FISHERIES TASK FORCE

Attendance Roster, June 29, 1989 meeting, Klamath, California.

Management Council Members

Nat Bingham	California Commercial salmon fishing industry
Don DeVol	Del Norte County
Rod McInnis	National Marine Fisheries Service
Leaf Hillman	Karuk Tribe of California
Susan Masten	Yurok Tribe
Mel Odemar	California Department of Fish and Game
Mike Orcutt	Hoopla Indian Tribe
Ronnie Pierce	Humboldt County
Barbara Holder*	Department of Agriculture
Bill Shake	Department of Interior
George Thackeray	Siskiyou County
Keith Wilkinson	Oregon Department of Fish and Wildlife

\*Barbara Holder represented Bob Rice. Howard Myrick was absent.

Others Attending

Scott Downie  
Chuck Lane  
David Muraki  
Sari Sommarstrom  
Jerry Boberg  
Jim Waldvogel  
Dan Petit  
Bill Kier  
Danny Hagans  
Jim Martin  
Alvis Johnson  
Terry Brown

ATTACHMENT 2

KLAMATH RIVER BASIN FISHERIES TASK FORCE

MEETING AGENDA

June 29, 1989

- 8:00 a.m. Call to order. Correction and approval of minutes and agenda.
- 8:15 Report on status of the current year's work plan
- o Selection of contractor to prepare long-range plan (Orcutt)
  - o Status of education project (Pierce)
  - o Status of public information project (Whitehouse)
- 9:30 Break
- 9:45
- o Status of Scott River sediment study (Sommarstrom)
  - o Status of Yreka Creek Greenway (Rice)
  - o Status of other Federally-funded projects (Iverson)
  - o Status of State-funded projects (Odemar)
- 11:00 Other old business
- 11:15 Report on activities of the Klamath Fishery Management Council (Bingham)
- 11:45 Lunch
- 1 p.m. Reconvene. Report of the technical work group: recommendations for projects to be included in Fiscal Year 1990 Work Plan
- o Work group decisionmaking process (Iverson)
  - o Description of projects proposed for funding (Jerry Barnes)
  - o Description of State of California approval and funding process, from this point on (Odemar)
  - o Description of Federal approval and funding process (Bob Gable)
- 2:30 Break
- 2:45 Task Force action on FY1990 Work Plan

(Over)

4:00 Other new business  
4:15 Public comment  
4:45 Discussion of field trip and of next meeting  
5:00 Adjourn

COMMUNITY SUPPORT

The following community groups and organizations have offered to adopt a section of stream and/or financial assistance for the City of Yreka's Greenway Project:

Yreka Rotary  
Soroptimist International of Yreka  
Ieka Lions Club  
Kiwanis  
Girl Scouts  
Welcome Wagon  
Siskiyou Fly Fishermen  
Yreka Chamber of Commerce Merchants Committee  
California National Guard  
Yreka Police Department Employees  
Yreka Garden Club  
Siskiyou County Historical Society  
California Conservation Corps  
Siskiyou County Schools Office  
4-H  
Boy Scouts  
Jackson Street School  
Montague Elementary School  
Siskiyou County Sheriff's Office Trustees

6/27/89

## KLAMATH FIELD OFFICE

## BUDGET REPORT

OBJECT CLASS NAME	OBJECT CLASS	AMOUNT PLANNED	AMOUNT OBLIGATED	BALANCE	PROJECTION	BALANCE
PERSONNEL SALARY-PFT	1110	\$92,150.00	\$51,990.92	\$40,159.08	\$40,000.00	\$159.08
PERSONNEL SALARY-OT, HOLIDAY AWARDS	1150	\$800.00	\$70.52	\$729.48	\$729.48	\$0.00
	1160	\$500.00	\$0.00	\$500.00	\$0.00	\$500.00
TRAVEL CEILING - MGT COUNCIL	2101	\$6,500.00	\$14,716.67	(\$8,216.67)	\$4,500.00	(\$12,716.67)
TRAVEL CEILING - TASK FORCE	2102	\$6,500.00	\$1,864.15	\$4,635.85	\$3,500.00	\$1,135.85
TRAVEL CEILING - KFO	2110	\$7,000.00	\$6,914.92	\$85.08	\$2,000.00	(\$1,914.92)
TRANS OF EQUIPMENT	2290	\$5,000.00	\$2,270.63	\$2,729.37	\$1,500.00	\$1,229.37
UTILITIES - TELEPHONE	2320	\$5,000.00	\$2,726.37	\$2,273.63	\$1,500.00	\$773.63
PRINTING	2400	\$2,000.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00
FEDERAL REGISTER	2411	\$1,000.00	\$250.00	\$750.00	\$1,500.00	(\$750.00)
OTHER-CONTRACTUAL SERVICES	2500	\$1,000.00	\$0.00	\$1,000.00	\$0.00	\$1,000.00
OTHER MGT COUNCIL	2501	\$4,000.00	\$6,673.48	(\$2,673.48)	\$800.00	(\$3,473.48)
OTHER TASK FORCE	2502	\$2,200.00	\$965.81	\$1,234.19	\$500.00	\$734.19
MOVE	2503	\$8,000.00	\$463.80	\$7,536.20	\$0.00	\$7,536.20
INFORMATION PROJ 3.2 (1M)	2508	\$40,000.00	\$772.23	\$39,227.77	\$39,227.77	\$0.00
SEATTLE/OTHER	2509	\$9,000.00	\$0.00	\$9,000.00	\$5,000.00	\$4,000.00
FS RENTAL AGREEMENT	2510	\$12,000.00	\$0.00	\$12,000.00	\$12,000.00	\$0.00
AGREEMENTS/PROJECTS	2511	\$778,750.00	\$744,314.58	\$34,435.42	\$34,435.42	\$0.00
TRAINING	2516	\$1,600.00	\$1,436.42	\$163.58	\$165.00	(\$1.42)
OTHER - SUPPLIES	2619	\$3,000.00	\$2,513.91	\$486.09	\$1,000.00	(\$513.91)
NON-CAPITALIZED PROPERTY	3111	\$7,000.00	\$914.70	\$6,085.30	\$6,085.30	\$0.00
CAPITALIZED PROPERTY	3112	\$7,000.00	\$5,062.44	\$1,937.56	\$1,937.56	\$0.00
<b>TOTAL</b>		<b>\$1,000,000.00</b>	<b>\$843,921.55</b>	<b>\$156,078.45</b>	<b>\$156,380.53</b>	<b>(\$302.08)</b>

ATTACHMENT 5

PROJECTIONS EXPLANATIONS ARE NOTED BELOW:

- NOTE 1: OBCLASS 1110 INCLUDES 9.5 PP FOR IVERSON, COBURN AND CLERK  
NOTE 2: OBCLASS 2101 INCLUDES SOME CURRENT TRAVEL + ESTIMATED TRAVEL TO 9/30 (ESTIMATE FOR RETREAT IN SEPT)  
NOTE 3: OBCLASS 2102 INCLUDES SOME CURRENT TRAVEL + ESTIMATED TRAVEL AND MEETING TO 9/30  
NOTE 4: OBCLASS 2110 ESTIMATE OF KFO STAFF TRAVEL TO MEETINGS, ETC. TO 9/30  
NOTE 5: OBCLASS 2290 IS ESTIMATE OF VEHICLE USE UNTIL 9/30  
NOTE 6: OBCLASS 2320 IS ESTIMATE OF TELEPHONE USAGE UNTIL 9/30  
NOTE 7: OBCLASS 2411 IS THE ACTUAL AND ESTIMATED COST OF PUTTING MEETING NOTICES IN THE FEDERAL REGISTER TO 9/30  
NOTE 8: OBCLASS 2501 IS OTHER THAN TRAVEL COSTS ASSOCIATED TO MGT. COUNCIL  
NOTE 9: OBCLASS 2502 IS OTHER THAN TRAVEL COSTS ASSOCIATED TO TASK FORCE  
NOTE 10: OBCLASS 2503 THIS WAS AN ESTIMATE OF OUR MOVE OUT OF THE MAIN FS BUILDING TO OUR PRESENT LOCATION  
- MOST OF COSTS ARE UNDER FS AGREEMENT  
NOTE 11: OBCLASS 2508 THIS IS FOR THE INFORMATION SPECIALIST SALARIES AND PROJECTS  
NOTE 12: OBCLASS 2509 TESTING EQUIPMENT FOR SALMON RIVER  
NOTE 13: OBCLASS 2510 - THIS IS RENTAL AND ASSISTANCE AGREEMENT WITH FS  
NOTE 14: OBCLASS 2511 INCLUDES ALL PROJECTS IDENTIFIED EXCEPT INFORMATION  
NOTE 15: OBCLASS 2619 INCLUDES MISC. SUPPLIES\IMPRESS  
NOTE 16: OBCLASS 3111 INCLUDES FURNITURE FOR NEW EMPLOYEES/OFFICE  
NOTE 17: OBCLASS 3112 PROPERTY INCLUDES COMPUTER/PRINTER/CALCULATOR/FAX MACHINE

TOTAL KLAMATH FISHERY MANAGEMENT COUNCIL COSTS FOR FY 1989 (OBCLASS 2101 AND 2501)

TRAVEL COSTS \$19,300.00

OTHER COSTS \$ 7,500.00

TOTAL \$26,800.00

ATTACHMENT 6

Klamath Field Office  
1312 Fairlane Road  
Yreka, CA 96097

June 28, 1989

Memorandum

TO: Klamath River Basin Fisheries Task Force

FROM: Ron Iverson

SUBJECT: Recommendations of the technical work group for fishery restoration work to be funded in 1990

The technical work group met in Redding June 14-15. That meeting resulted in the attached recommendations, which we present for your consideration. Some background on how the recommendations were arrived at, and how to interpret them, is presented below.

Procedure

Recall that both California Department of Fish and Game and the Fish and Wildlife Service solicited proposals for fishery restoration work. The volume of material submitted in response was large - especially to CDFG. Many proposals were mailed to the work group for review in advance of the Redding meeting, and many more were made available at the meeting.

Each proposal was discussed by the group, and comments were summarized and displayed. Participants were asked to rate each proposal over a range of 0-100, based on the information available on that project, and using suggested criteria for project evaluation. Ratings of the ten participants were averaged for each proposal, and proposals were ranked - by average rating, - within each of five major activity categories.

Ranked lists of proposals were displayed to participants, and the work group was asked to identify a cutoff level within each category, to show which projects would be recommended to the Task Force. In doing this, the work group considered the guidelines for distribution of funding between categories provided by the Task Force at its last meeting. The "cutoff lines" were drawn at the levels that were considered sufficient by a 7/10 majority of the work group.

Interpreting the attached table

The attachment is pretty straightforward. The first column shows proposal numbers assigned for bookkeeping purposes. Numbers that start with 89 refer to projects approved in FY1989, and continuing into FY1990, or beyond. Numbers

starting with 90 are proposals for new work to be initiated in FY1990.

The second column, displaying names of proposers, contains a few unfamiliar acronyms: NCIDC stands for Northern California Indian Development Council, and RCD stands for Resource Conservation District.

the fifth column displays which of the five major categories of work the proposal has been assigned to.

The sixth column shows the average rating of the proposal - an average of the ratings of ten participating members of the work group.

The seventh column is a boiled-down version of comments provided at the work group meeting.

Mel Odemar and I will provide more explanation, as needed, on Thursday afternoon.

Attachment

cc Grover  
Gable

a:ktf6-29c

KLAMATH RIVER BASIN FISHERIES TASK FORCE  
RANKED PROPOSALS FOR FY '90  
Files: rank.dbf/cat\_big.ndx/  
cat\_big.frm

PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE RATING	COMMENTS
<b>** CATEGORY ADMINISTRATION</b>						
89-0.1	USFWS	OPERATE KLAMATH FIELD OFFICE	187500	ADMINISTRATION	99	CARRYOVER FROM FY 89
89-0.2	USFWS	REGIONAL OFFICE OVERHEAD	80000	ADMINISTRATION	99	CARRYOVER FROM FY 89
*****	Technical Work Group	Recommended funding cut-off level.	0	ADMINISTRATION	99	Cumulative total for this category = \$267,500
90-01	USFWS, KLAMATH FO	ADD A PROGRAM EVALUATION BIOLOGIST TO STAFF	70000	ADMINISTRATION	48	No recom. from work group. Big fish staff in K basin now
<b>** Subtotal **</b>			337500			
<b>** CATEGORY ARTIF. PROPAG.</b>						
90-157	NCIDC	HUNTER CR. CAGE REARING	10583	ARTIF. PROPAG.	90	Indian operated. Continues ongoing BIA program
90-154	NCIDC	SPRUCE CR. INCUB./REARING FACILITY	15176	ARTIF. PROPAG.	89	CDFG wants to limit capture of late fall adults
90-155	NCIDC	MIDDLE KLAMATH TRIBS-REARING POND PROGRAM	73990	ARTIF. PROPAG.	88	Uses Iron Gate broodstock. Successful: 6000 adults
90-158	NCIDC	HIGH PRAIRIE CREEK STOCKING PROGRAM	14675	ARTIF. PROPAG.	83	NCIDC projects include CMT evaluation
90-12	ORLEANS ROD & GUN	SALMON RIVER STEELHEAD REARING	8810	ARTIF. PROPAG.	83	Cost effective. Uses local stocks
90-153	NCIDC	OMAQAR CR. STOCKING PROGRAM	14675	ARTIF. PROPAG.	79	See comments on other NCIDC proposals
90-160	CDFG	CAMP CREEK-WEIR AND TRAP	30954	ARTIF. PROPAG.	79	Builds natural brood stock. Technical prototype
90-158	NCIDC	CAPPELL CR. HATCHERY	36976	ARTIF. PROPAG.	75	See comments on other NCIDC proposals
90-159	NCIDC	PECWAN CR. CAGE REARING	17588	ARTIF. PROPAG.	73	See comments on other NCIDC proposals
90-100	SHASTA VALLEY RCD	FALL CR. - REAR 180,000 CHINOOK YEARLINGS	25423	ARTIF. PROPAG.	59	Ongoing about 10 years. Includes CMT. Need more Iron Gate??
*****	Technical Work Group	Recommended funding cut-off level.	0	ARTIF. PROPAG.	58	Cumulative total for this category = \$248,830

KIAMATH RIVER BASIN FISHERIES TASK FORCE  
RANKED PROPOSALS FOR FY '90  
Files: rank.dbf/cat\_big.ndx/  
cat\_big.fm

PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE RATING	COMMENTS
90-203	EAGLE RANCH	COLD CREEK-STEELHEAD RESCUE FACILITY	29636	ARTIF. PROPAG.	37	"Band-aid" fix of instream flow problem. Costly
90-17	ROGERS/WOOD	SHACKLEFORD CR.-REAR STEELHEAD	13131	ARTIF. PROPAG.	25	See comments on 90-203 (above)
90-86	HORSE CR REARING CO	HORSE CR-REAR SALMON TO YEARLING	18317	ARTIF. PROPAG.	5	Iron Gate fish. Passage problems- low water in fall
90-20	ROGERS/WOOD	SHASTA R.-DETERMINE REARING CAPACITY OF SPRINGS	28319	ARTIF. PROPAG.	3	Not needed if Big Springs is used for propagation
** Subtotal **			338233			
** CATEGORY EDUCATE						
89-3.1	USFWS - CONTRACT	CLASSROOM CURRICULUM, TEACHER TRAINING	69000	EDUCATE	99	CARRYOVER FROM FY 89
89-3.2	USFWS	PUBLIC INFORMATION	40000	EDUCATE	99	CARRYOVER FROM FY 89
***** Technical Work Group Recommended funding cut-off level.			0	EDUCATE	15	Cumulative total for this category = \$109,000
90-70	SISKIYOU CTY EDUCAT	FISHERY RESOURCE EDUCATION FOR GRADE SCHOOLS	64542	EDUCATE	14	Project 89-3.1 (above) will meet this need
90-3.1	CITY OF YREKA	EDUCATION/INTERPRETATION, YREKA CREEK GREENWAY	50000	EDUCATE	5	Question building purchase. Nebulous proposal funds park?
** Subtotal **			223542			
** CATEGORY GET INFORMATION						
89-2.23	USFWS	BLUE CREEK STUDIES	43800	GET INFORMATION	99	CARRYOVER FROM FY 89
89-2.22	USFWS	STUDIES IN SMALL TRIBS, LOWER KIAMATH	24000	GET INFORMATION	99	CARRYOVER FROM FY 89
89-2.51	USFWS	TRAP OUTMIGRANTS, LOWER KIAMATH RIVER	27200	GET INFORMATION	99	CARRYOVER FROM FY 89
90-2.11	USFWS, ARCATA FAO	BLUE CREEK INCR. JUV. AND ADULT CHINOOK MONITORING	33000	GET INFORMATION	67	PROPOSAL WITHDRAWN
90-28	USFS SALMON R RD	SPAWNING HABITAT AND UTILIZATION SURVEYS	81568	GET INFORMATION	65	Continues FY 89 spawner project 89-2.31

KLAMATH RIVER BASIN FISHERIES TAXATION FORCE  
RANKED PROPOSALS FOR FY '90  
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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE COMMENTS RATING
90-18	ROGERS/WOOD	SHASTA R.-MONITOR WATER QUALITY	23233	GET INFORMATION	63 CNFG supports. Need data to fix water quality problems
90-27	USFS SALMON R RD	SALMON R. MAINSTEM AND FORKS - TYPE HABITAT	45247	GET INFORMATION	55 Continues FY 89 habitat typing 89-2.41
90-2.12	OREGON DFW	ROGUE RIVER SEINING AND SPAWNING SURVEYS	66217	GET INFORMATION	44 Need Rogue R info to manage Klamath chinook
90-2.9	USFWS, ARCATA FAO	LOWER KLAMATH TRIBS INCREASE JUV. CHINOOK MONITOR.	11100	GET INFORMATION	42
90-2.10	USFWS, ARCATA FAO	BLUE CR. - INCREASE JUV. CHINOOK MONITORING	13900	GET INFORMATION	34 Augments ongoing project 89-2.44
90-89	USFS SIX RIVERS	CAMP CR. OUTMIGRANT TRAP	9320	GET INFORMATION	28 Provides "bottomline" for Camp Ck studies
*****	Technical Work Group	Recommended funding cut-off level.	0	GET INFORMATION	28 Cumulative total for this category = \$379,385
90-26	USFS	SPRING CHINOOK RADIO TAGGING, SALMON R	41830	GET INFORMATION	25 Concern about mortality
90-171	GREAT NORTHERN	SHASTA R.-SURVEY HABITAT, EDUCATE LANDOWNERS	15011	GET INFORMATION	16 Should be part of a subbasin plan. May ID ditch water losses
90-35	USFS OAK KNOLL RD	HORSE CR.-WATERSHED IMPROVEMENT PLAN	27789	GET INFORMATION	13 May be premature?
90-2.6	SHASTA VALLEY RCD	SHASTA VALLEY STREAMBANK SURVEY	50000	GET INFORMATION	4 Premature? Need a subbasin plan.
90-2.8	SHASTA VALLEY RCD	SHASTA SUBBASIN WATER BUDGET	60000	GET INFORMATION	4 See comments on 90-2.6
90-19	ROGERS/WOOD	KLAMATH RIVER-ESTIMATE YELLOW PERCH PREDATION	37545	GET INFORMATION	3 If a problem, what action would we take?
90-2.5	SHASTA VALLEY RCD	SHASTA VALLEY LANDOWNER SURVEY	20000	GET INFORMATION	3 See comments on 90-2.6
90-2.7	SHASTA VALLEY RCD	SHASTA VALLEY STREAM SURVEY	120000	GET INFORMATION	3 See comments on 90-2.6
90-166	NORTHWEST BIOLOGICAL	INVENTORY OF SALMON PROJECTS, STATEWIDE	41452	GET INFORMATION	3
90-167	NORTHWEST BIOLOGICAL	REVIEW OF HYDRAULIC REHAB PROJECTS	128423	GET INFORMATION	3

KLAMATH RIVER BASIN FISHERIES TASK FORCE  
RANKED PROPOSALS FOR FY '90  
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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE RATING	COMMENTS
90-97	X	VIDEO WEIR	92492	GET INFORMATION	3	
** Subtotal **			1013927			
** CATEGORY MANAGE HABITAT						
90-179	CDFG	PARKS CREEK - SCREEN DIVERSION	10001	MANAGE HABITAT	92	Cost effective. A good thing to do (can't charge diverter)
90-178	CDFG	BOGUS CREEK - SCREEN DIVERSION	10001	MANAGE HABITAT	92	Cost effective. A good thing to do (can't charge diverter)
90-95	KARUK TRIBE	CAMP CREEK - IMPROVE HABITAT	31920	MANAGE HABITAT	86	Habitat typing done. USFS will contribute expertise
90-190	HOOPA VALLEY DC	PINE CR.-DEVELOP HABITAT PROJECTS	32624	MANAGE HABITAT	81	Follow-up on FY 89 watershed study. Benefits steelhead mostly
90-63	SISKIYOU RCD	ETNA CR.-- FISH PASSAGE OVER DAM	10450	MANAGE HABITAT	80	Opens up habitat
90-180	CDFG	BOGUS CREEK - RENOVATE BOULDER WEIRS	10120	MANAGE HABITAT	79	Routine renovation and upgrade of project
90-88	USFS-SIX RIVERS	BLUFF CREEK-INCREASE HABITAT	49950	MANAGE HABITAT	79	Big stream, space for more habitat projects. Has pond rearing
90-90	USFS SIX RIVERS	CAMP CREEK-IMPROVE HABITAT	26030	MANAGE HABITAT	72	Habitat typing done. USFS salmonid index stream
90-30	USFS	INDIAN CREEK-IMPROVE HABITAT	19147	MANAGE HABITAT	65	Pond rearing support. USFS will evaluate spawner use, summer
90-33	USFS HAPPY CAMP RD	INDIAN CR. - IMPROVE HABITAT	14094	MANAGE HABITAT	65	juvenile use. Spawner limited. Needs more instream structure
90-32	USFS HAPPY CAMP RD	INDIAN CR. - IMPROVE HABITAT	10052	MANAGE HABITAT	65	USFS putting in \$\$ . Provides summer refuge for juveniles
90-31	USFS	INDIAN CR.-IMPROVE HABITAT	10027	MANAGE HABITAT	65	from Klamath River. (projects 30, 33, 32 and 31 lumped)
90-29	USFS SALMON R RD	SALMON R. MAINSTEM AND FORKS - IMPROVE HABITAT	26912	MANAGE HABITAT	58	*** RECOMMEND "MANAGE HABITAT" PROPOSALS THROUGH 90-29

KLAMATH RIVER BASIN FISHERIES TASK FORCE  
RANKED PROPOSALS FOR FY '90  
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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE RATING	COMMENTS
*****	Technical Work Group	Recommended funding cut-off level.	0	MANAGE HABITAT	57	Cumulative total for this category = \$261,328
90-62	SISKIYOU RCD	SCOTT R. RIPARIAN FENCING	14485	MANAGE HABITAT	50	Will reduce silt, won't help on DG sand. Seems piecemeal
90-58	CLEARWATER BIOSTUDI	GRIDER CREEK - PROTECT REARING POND	17200	MANAGE HABITAT	48	Too expensive...overhead too high
90-214	SISKIYOU RCD	SCOTT R. -REMOVE SEDIMENT	28800	MANAGE HABITAT	42	Approved in FY89, but \$\$ ran short. May remove gravel. Cost?
90-13	USDA SCS	SCOTT R. COST SHARE TO INSTALL RIPARIAN FENCING	14698	MANAGE HABITAT	37	Not in the best location, but may reduce sediment downstream
90-36	USFS-OAK KNOLL RD	GRIDER CR. - IMPROVE HABITAT	16600	MANAGE HABITAT	37	Supported by pond rearing. Habitat typing done. Fire damage
90-91	USFS SIX RIVERS	RED CAP CR. IMPROVE HABITAT	24240	MANAGE HABITAT	36	Concern that Red Cap already has lots of habitat work.
90-119	TRINITY FISH CONSULT	CAMP CREEK-INCREASE SPAWN/REAR HABITAT	21095	MANAGE HABITAT	35	Need is met, in part, by proposal 90-05.
90-57	CLEARWATER BIOSTUDI	SHASTA R.-IMPROVE SPAWNING HABITAT	28800	MANAGE HABITAT	35	Bank stabl. part is good, but question instream. Cost high.
90-191	HOOPA VALLEY BC	PINE CR.-REDUCE SEDIMENTATION	81493	MANAGE HABITAT	32	Should wait for results of FY89 watershed mgmt plan.
90-4.2	SISKIYOU RCD	SCOTT R. BASIN SEDIMENT STUDY, PHASE II	42892	MANAGE HABITAT	30	Need a study for every small basin? Sediment limit fish?
90-56	CLEARWATER BIOSTUDI	BOGUS/COLD CREEKS - IMPROVE SPAWN HABITAT	42750	MANAGE HABITAT	26	Like riparian fencing, but not instream work. Cost high.
90-169	GREAT NORTHERN CORP	CARDOZA CR. - RIPARIAN IMPROVEMENTS	9199	MANAGE HABITAT	21	Problem doesn't warrant correction
90-165	NORTHWEST BIOLOGICAL	YREKA CR. SPAWNING RIFFLES	42750	MANAGE HABITAT	18	Not needed-flows not sufficient for salmon spawning. Costly.
90-4.1	CITY OF YREKA	YREKA CR.FISH HABITAT IMPROVEMENTS	80000	MANAGE HABITAT	16	Should complete habitat typing first.

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	AVERAGE RATING	COMMENTS
90-117	CAL. CONSERV. CORPS	LOWER KLAMATH TRIBS-IMPROVE HABITAT	800991	MANAGE HABITAT	14	\$650000 planned for Terwer Cr., with no habitat typing done
90-25	USFS	ELK CR.-IMPROVE HABITAT	20230	MANAGE HABITAT	14	Experimental placement of fallen trees. Will they stay?
90-4.3	CALIFORNIA DWR	KLAMATH/SIESTA:PLAN,DESIGN HABITAT IMPROVEMENTS,	31000	MANAGE HABITAT	6	Poor track record of habitat projects in upper Klamath.
90-34	USFS SALMON R RD	HORSE CR.-REMOVE MIGRATION BARRIERS	54000	MANAGE HABITAT	5	Task Force should address landowner-caused migration blocks
90-163	NORTHWEST BIOLOGICAL	BOGUS CR. HABITAT IMPROVEMENT	33751	MANAGE HABITAT	5	Landowner responsibility.
90-164	NORTHWEST BIOLOGICAL	KLAMATH R.- REDEVELOP SPAWNING CHANNEL	72929	MANAGE HABITAT	3	Poor outlook for success of Klamath R. spawning channels.
90-59	CLEARWATER BIOSTUDI	COTTONWOOD CR.-SPAWNING RIFFLES	31620	MANAGE HABITAT	1	Flow lacking. Wait to see if other spawn riffles work.
90-60	CLEARWATER BIOSTUDI	HORSE CR.-SPAWNING RIFFLES	33564	MANAGE HABITAT	1	Flow inadequate for salmon spawning.
90-137	RURAL HUMAN SERVICES	LYNN CR.-HABITAT IMPROVEMENTS	7498	MANAGE HABITAT	1	Stream too small.
** Subtotal **			1811913			
*** Total ***			3725115			

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
** ADMINISTRATION					
* APPROVED					
89-0.1	USFWS	OPERATE KLAMATH FIELD OFFICE	187500	ADMINISTRATION	APPROVED
89-0.2	USFWS	REGIONAL OFFICE OVERHEAD	80000	ADMINISTRATION	APPROVED
* Subsubtotal *			267500		
* IN REVIEW					
90-01	USFWS, KLAMATH FO	ADD A PROGRAM EVALUATION BIOLOGIST TO STAFF	50000	ADMINISTRATION	IN REVIEW
* Subsubtotal *			50000		
** Subtotal **			317500		
ARTIF. PROPAG.					
* APPROVED					
90-154	NCIDC	SPRUCE CR. INCUB./REARING FACILITY	15176	ARTIF. PROPAG.	APPROVED
90-156	NCIDC	HIGH PRAIRIE CREEK STOCKING PROGRAM	14675	ARTIF. PROPAG.	APPROVED
90-153	NCIDC	OMAGAR CR. STOCKING PROGRAM	14675	ARTIF. PROPAG.	APPROVED
90-157	NCIDC	HUNTER CR. CAGE REARING	10563	ARTIF. PROPAG.	APPROVED
90-158	NCIDC	CAPPELL CR. HATCHERY	36976	ARTIF. PROPAG.	APPROVED
90-159	NCIDC	PECWAN CR. CAGE REARING	17588	ARTIF. PROPAG.	APPROVED
90-100	SHASTA VALLEY RCD	FALL CR. - REAR 180,000 CHINOOK YEARLINGS	25423	ARTIF. PROPAG.	APPROVED
90-12	ORLEANS ROD & GUN	SALMON RIVER STEELHEAD REARING	8810	ARTIF. PROPAG.	APPROVED
90-160	CDFG	CAMP CREEK-WEIR AND TRAP	30954	ARTIF. PROPAG.	APPROVED
90-155	NCIDC	MIDDLE KLAMATH TRIBS-REARING POND PROGRAM	73990	ARTIF. PROPAG.	APPROVED

KLAMATH RIVER BASIN FISHERIES TASK FORCE  
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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
* Subsubtotal *			248830		
* NOT APPROVED					
90-203	EAGLE RANCH	COLD CREEK-STEELHEAD RESCUE FACILITY	29636	ARTIF. PROPAG.	NOT APPROVE
90-17	ROGERS/WOOD	SHACKLEFORD CR.-REAR STEELHEAD	13131	ARTIF. PROPAG.	NOT APPROVE
90-20	ROGERS/WOOD	SHASTA R.-DETERMINE REARING CAPACITY OF SPRINGS	28319	ARTIF. PROPAG.	NOT APPROVE
90-86	HORSE CR REARING CO	HORSE CR-REAR SALMON TO YEARLING	18317	ARTIF. PROPAG.	NOT APPROVE
* Subsubtotal *			89403		
** Subtotal **			338233		
** EDUCATE					
* APPROVED					
89-3.1	USFWS - CONTRACT	CLASSROOM CURRICULUM, TEACHER TRAINING	69000	EDUCATE	APPROVED
89-3.2	USFWS	PUBLIC INFORMATION	40000	EDUCATE	APPROVED
* Subsubtotal *			109000		
* IN REVIEW					
90-3.1	CITY OF YREKA	EDUCATION/INTERPRETATION, YREKA CREEK GREENWAY	30000	EDUCATE	IN REVIEW
* Subsubtotal *			30000		
* NOT APPROVED					
90-70	SISKIYOU CTY EDUCAT	FISHERY RESOURCE EDUCATION FOR GRADE SCHOOLS	64542	EDUCATE	NOT APPROVE
* Subsubtotal *			64542		
** Subtotal **			203542		

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
* GET INFORMATION					
APPROVED					
90-2.11	USFWS, ARCATA FAO	BLUE CREEK INCR. JUV. AND ADULT CHINOOK MONITORING	6300	GET INFORMATION	APPROVED
90-18	ROGERS/WOOD	SHASTA R.-MONITOR WATER QUALITY	23233	GET INFORMATION	APPROVED
90-27	USFS SALMON R RD	SALMON R. MAINSTEM AND FORKS - TYPE HABITAT	45247	GET INFORMATION	APPROVED
90-28	USFS SALMON R RD	SPAWNING HABITAT AND UTILIZATION SURVEYS	81568	GET INFORMATION	APPROVED
90-89	USFS SIX RIVERS	CAMP CR. OUTMIGRANT TRAP	15000	GET INFORMATION	APPROVED
89-2.23	USFWS	BLUE CREEK STUDIES	43800	GET INFORMATION	APPROVED
89-2.50	USFWS	STUDIES IN SMALL TRIBS, LOWER KLAMATH	24000	GET INFORMATION	APPROVED
89-2.51	USFWS	TRAP OUTMIGRANTS, LOWER KLAMATH RIVER	27200	GET INFORMATION	APPROVED
Subsubtotal *			266348		
IN REVIEW					
90-2.12	OREGON DFW	ROGUE RIVER SEINING AND SPAWNING SURVEYS	66217	GET INFORMATION	IN REVIEW
90-26	USFS	SPRING CHINOOK RADIO TAGGING, SALMON R	41830	GET INFORMATION	IN REVIEW
Subsubtotal *			108047		
NOT APPROVED					
90-19	ROGERS/WOOD	KLAMATH RIVER-ESTIMATE YELLOW PERCH PREDATION	37545	GET INFORMATION	NOT APPROVED
90-35	USFS OAK KNOLL RD	HORSE CR.-WATERSHED IMPROVEMENT PLAN	27789	GET INFORMATION	NOT APPROVED
90-1	GREAT NORTHERN	SHASTA R.-SURVEY HABITAT, EDUCATE LANDOWNERS	15011	GET INFORMATION	NOT APPROVED

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
90-2.5	SHASTA VALLEY RCD	SHASTA VALLEY LANDOWNER SURVEY	20000	GET INFORMATION	NOT APPROVED
90-2.6	SHASTA VALLEY RCD	SHASTA VALLEY STREAMBANK SURVEY	50000	GET INFORMATION	NOT APPROVED
90-2.7	SHASTA VALLEY RCD	SHASTA VALLEY STREAM SURVEY	120000	GET INFORMATION	NOT APPROVED
90-2.8	SHASTA VALLEY RCD	SHASTA SUBBASIN WATER BUDGET	60000	GET INFORMATION	NOT APPROVED
90-166	NORTHWEST BIOLOGICAL	INVENTORY OF SALMON PROJECTS, STATEWIDE	41452	GET INFORMATION	NOT APPROVED
90-167	NORTHWEST BIOLOGICAL	REVIEW OF HYDRAULIC REHAB PROJECTS	128423	GET INFORMATION	NOT APPROVED
90-97	X	VIDEO WEIR	92492	GET INFORMATION	NOT APPROVED
* Subsubtotal *			592712		
** Subtotal **			967107		
** MANAGE HABITAT					
* APPROVED					
90-4.1	CITY OF YREKA	YREKA CR.FISH HABITAT IMPROVEMENTS	12000	MANAGE HABITAT	APPROVED
90-63	SISKIYOU RCD	ETNA CR.-- FISH PASSAGE OVER DAM	10450	MANAGE HABITAT	APPROVED
90-95	KARUK TRIBE	CAMP CREEK - IMPROVE HABITAT	31920	MANAGE HABITAT	APPROVED
90-90	USFS SIX RIVERS	CAMP CREEK-IMPROVE HABITAT	26030	MANAGE HABITAT	APPROVED
90-180	CDFG	BOGUS CREEK - RENOVATE BOULDER WEIRS	10120	MANAGE HABITAT	APPROVED
90-88	USFS-SIX RIVERS	BLUFF CREEK-INCREASE HABITAT	49950	MANAGE HABITAT	APPROVED
90-29	USFS SALMON R RD	SALMON R. MAINSTEM AND FORKS - IMPROVE HABITAT	26912	MANAGE HABITAT	APPROVED
90-179	CDFG	PARKS CREEK - SCREEN DIVERSION	10001	MANAGE HABITAT	APPROVED
90-178	CDFG	BOGUS CREEK - SCREEN DIVERSION	10001	MANAGE HABITAT	APPROVED

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
90-30	USFS	INDIAN CREEK-IMPROVE HABITAT	19147	MANAGE HABITAT	APPROVED
90-33	USFS HAPPY CAMP RD	INDIAN CR. - IMPROVE HABITAT	14094	MANAGE HABITAT	APPROVED
90-32	USFS HAPPY CAMP RD	INDIAN CR. - IMPROVE HABITAT	10052	MANAGE HABITAT	APPROVED
90-31	USFS	INDIAN CR.-IMPROVE HABITAT	10027	MANAGE HABITAT	APPROVED
90-190	HOOPA VALLEY BC	PINE CR.-DEVELOP HABITAT PROJECTS	32624	MANAGE HABITAT	APPROVED
Subsubtotal *			273328		
IN REVIEW					
90-4.2	SISKIYOU RCD	SCOTT R. BASIN SEDIMENT STUDY, PHASE II	42892	MANAGE HABITAT	IN REVIEW
90-86	USFS-OAK KNOLL RD	GRIDER CR. - IMPROVE HABITAT	16600	MANAGE HABITAT	IN REVIEW
	CAL. CONSERV. CORPS	LOWER KLAMATH TRIBS-IMPROVE HABITAT	68000	MANAGE HABITAT	IN REVIEW
90-191	HOOPA VALLEY BC	PINE CR.-REDUCE SEDIMENTATION	62593	MANAGE HABITAT	IN REVIEW
89-4.3	CDFG	IMPROVE MAINTENANCE OF DIVERSION SCREENS	25000	MANAGE HABITAT	IN REVIEW
Subsubtotal *			215085		
NOT APPROVED					
90-119	TRINITY FISH CONSULT	CAMP CREEK-INCREASE SPAWN/REAR HABITAT	21095	MANAGE HABITAT	NOT APPROVED
90-13	USDA SCS	SCOTT R: COST SHARE TO INSTALL RIPARIAN FENCING	14698	MANAGE HABITAT	NOT APPROVED
90-56	CLEARWATER BIOSTUDI	BOGUS/COLD CREEKS - IMPROVE SPAWN HABITAT	42750	MANAGE HABITAT	NOT APPROVED
90-165	NORTHWEST BIOLOGICAL	YREKA CR. SPAWNING RIFFLES	42750	MANAGE HABITAT	NOT APPROVED
90-62	SISKIYOU RCD	SCOTT R. RIPARIAN FENCING	14485	MANAGE HABITAT	NOT APPROVED
	CLEARWATER BIOSTUDI	GRIDER CREEK - PROTECT REARING POND	17200	MANAGE HABITAT	NOT APPROVED

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PROP#	PROPOSER	PROPOSAL DESCRIPTION	COST(\$)	CATEGORY	TASK FORCE ACTION
90-57	CLEARWATER BIOSTUDI	SHASTA R.-IMPROVE SPAWNING HABITAT	28800	MANAGE HABITAT	NOT APPROVED
90-214	SISKIYOU RCD	SCOTT R.-REMOVE SEDIMENT	28800	MANAGE HABITAT	NOT APPROVED
90-25	USFS	ELK CR.-IMPROVE HABITAT	20230	MANAGE HABITAT	NOT APPROVED
90-34	USFS SALMON R RD	HORSE CR.-REMOVE MIGRATION BARRIERS	54000	MANAGE HABITAT	NOT APPROVED
90-59	CLEARWATER BIOSTUDI	COTTONWOOD CR.-SPAWNING RIFFLES	31620	MANAGE HABITAT	NOT APPROVED
90-60	CLEARWATER BIOSTUDI	HORSE CR.-SPAWNING RIFFLES	33564	MANAGE HABITAT	NOT APPROVED
90-91	USFS SIX RIVERS	RED CAP CR. IMPROVE HABITAT	24240	MANAGE HABITAT	NOT APPROVED
90-137	RURAL HUMAN SERVICES	LYNN CR.-HABITAT IMPROVEMENTS	7498	MANAGE HABITAT	NOT APPROVED
90-163	NORTHWEST BIOLOGICAL	BOGUS CR. HABITAT IMPROVEMENT	33751	MANAGE HABITAT	NOT APPROVED
90-164	NORTHWEST BIOLOGICAL	KLAMATH R.- REDEVELOP SPAWNING CHANNEL	72929	MANAGE HABITAT	NOT APPROVED
90-169	GREAT NORTHERN CORP	CARDOZA CR. - RIPARIAN IMPROVEMENTS	9199	MANAGE HABITAT	NOT APPROVED
90-4.3	CALIFORNIA DWR	KLAMATH/SHASTA: PLAN, DESIGN HABITAT IMPROVEMENTS,	31000	MANAGE HABITAT	NOT APPROVED
* Subsubtotal *			528609		
** Subtotal **			1017022		
*** Total ***			2843404		

ATTACHMENT 8

KLAMATH FIELD OFFICE  
PROPOSED STAFFING PLAN

Project Leader  
Supervisory fishery biologist  
GM-482-13  
(Iverson)

Senior Scientist  
Klamath Restoration  
Program  
Fishery biologist  
GS-482-12  
(vacant)

Interpretive Specialist  
Fishery biologist  
GS-482-7/9  
(Whitehouse)

Cooperative Agreements  
Specialist  
GS-1101-7  
(Coburn)

Clerk  
GS-322-4  
(vacant)

a:staffpln/5/8/89

cc *Gray*  
*Snake*  
*Whitehouse*

PROJECT 90-0.1

a: staffbio

PROJECT PROPOSAL

KLAMATH FISHERY RESTORATION PROGRAM

FISCAL YEAR 1990

1. Project Title

Add third biologist to staff of Klamath Field Office, Yreka, CA.

2. Program Information

This proposal addresses the "administer program" objective approved by the Klamath Task Force in 1988.

3. Background

The Fish and Wildlife Service has responsibility for three major fishery restoration programs concerned with Pacific salmon and steelhead: the Lower Snake River Compensation Program, the Trinity River Basin Fish and Wildlife Restoration Program, and the Klamath River Basin Conservation Area Restoration Program. The Trinity and Lower Snake programs have been underway for some time. Our experience with those two programs has demonstrated the need for a fishery biologist to serve in a senior scientist capacity, principally to ensure technical evaluation of the restoration program, to maintain quality control for biological work, and to monitor adherence to and accomplishment of the action plan.

4. Project Objectives

Establish a permanent full-time fishery biologist position in the Klamath Field Office at approximately the senior staff level (GS-12).

5. Tasks (not applicable)

6. Methods

The position would be recruited for and filled in accordance with Federal personnel regulations.

7. Decision Points

Need for this position, appropriate grade level, series, and position description should be reviewed at intervals established by the long-range plan for the Restoration Program, in a section dealing with program administration. The plan should provide a basis for review and evaluation of all aspects of program administration.

## 8. Specific Work Products

Principal duties and products of this position would include the following:

- o As senior technical specialist, participate in developing annual work plans for the Restoration Program that are consistent with the objectives and schedules of the long-range plan.

- o Draft standards and criteria for developing work plans, soliciting and reviewing project proposals, and evaluating ongoing or completed projects for contribution to program objectives, technical quality, and effectiveness.

- o Review plans and specifications for proposed construction projects; provide consultation during design and construction phases, and provide final inspection.

- o Participate, as needed, in technical work groups, review committees, seminars, and professional meetings where technical knowledge is pooled and exchanged in furthering the Restoration Program.

- o Provide technical expertise in review of private-sector proposals for Restoration Program work elements that are bid competitively.

- o Serve as principal staff specialist in updating the long-range plan and environmental assessment.

- o Coordinate with fishery management agencies to ensure the Klamath Restoration Plan is in compliance with state, tribal and Federal regulations and fishery management concepts and plans.

- o Assist the project leader and other Klamath Field Office staff in maintaining up-to-date knowledge and application of fishery biology, statistics, and data processing applications.

- o Assist in maintaining the KFO technical library.

## 9. Project Duration and Schedule

This position is proposed as a permanent position for the duration of the Klamath Restoration Program, with the proviso that a review of all administrative functions will be provided for in the long-range plan at intervals of...five years?

10. Budget

Salary	\$38,400
Benefits	10,400
Relocation	10,000
Travel	4,000
Equipment/supplies	5,500
Training	1,000
Rents/utilities	700
TOTAL	\$70,000

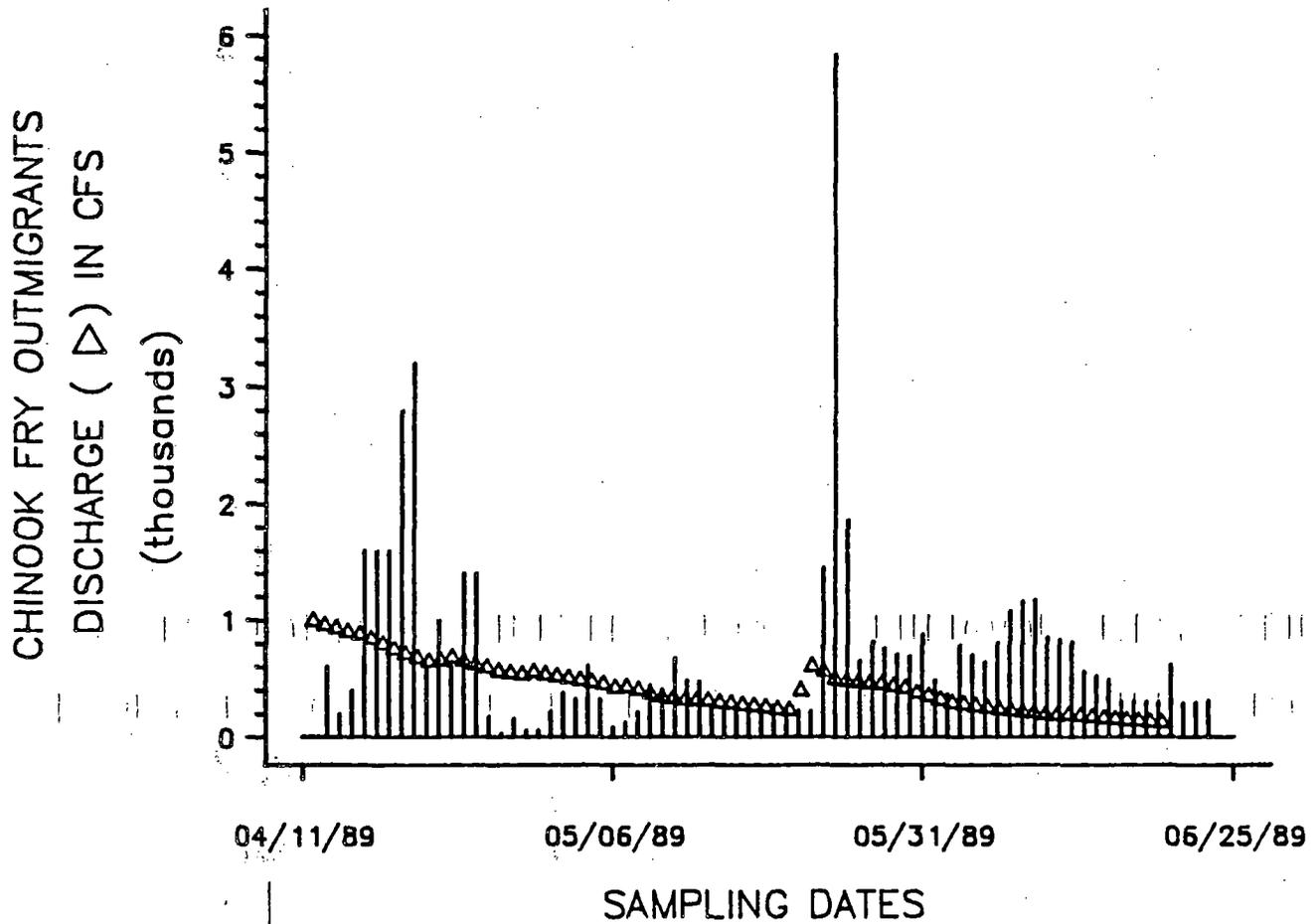
Grover comments:  
1) - lower grade - trainee }  
2) - FWS pays relocation } \$50K  
3) R-1 effort to get \$\$ beyond  
\$1MM - (+) \$350K, in FY 91  
and thereafter.

ATTACHMENT 9

**SAMPLING TOTALS ON OUTMIGRATING JUVENILES IN BLUE CREEK,  
48 DAYS OF SAMPLING, APRIL 11 - JUNE 23, 1989**

<b>Chinook fry coded-wire tagged</b>	<b>9,606</b>	Chinook fry coded-wire tagged
<b>Chinook fry captured in rotary trap</b>	<b>8,503</b>	Chinook fry captured in rotary trap
<b>Steelhead fry in rotary trap</b>	<b>88</b>	Steelhead fry in rotary trap
<b>Steelhead yearlings and 2+ in rotary trap</b>	<b>772</b>	Steelhead yearlings and 2+ in rotary trap
<b>Coho juveniles captured in rotary trap</b>	<b>93</b>	Coho juveniles captured in rotary trap
<b>Expanded estimate of chinook fry in Blue Creek</b>	<b>52,152</b>	Expanded estimate of chinook fry in Blue Creek

EXPANDED ESTIMATES FOR CHINOOK FRY AND  
DAILY DISCHARGE IN BLUE CREEK, SPRING 1989



## ESTIMATES FOR CHINOOK SPAWNERS IN BLUE CREEK DURING FALL 1988

Below are listed three estimates for the number of fall chinook using Blue Creek for spawning. These are only crude at best since data needed to form more reliable estimates are lacking. As the project progresses, we hope to refine these estimates by using information actually gathered on the Blue Creek stock.

### I. Using information from direct observation:

#### DATA USED:

Number of adults observed by snorkeling all pools within the lower 5.2 miles of the mainstem of Blue Creek on November 9-11, 1988 = 287

**EXPANDED ESTIMATE:** the above number was expanded to include all the mainstem up to the natural fish barrier at River Mile (RM) 14.1 = 778

**PROBLEMS:** The above gives an estimate for only that point in time - a poor estimator for the entire run; it does not consider limitations of the habitat or adults holding in habitat types other than pools; it does not include spawners using the two major tributaries to Blue Creek; it assumes divers observed all adults in the pools that were snorkeled, individual adults were not recounted during subsequent sampling days, and the lower 5.2 RM are representative of the entire mainstem to RM 14.1.

### II. Using redd count information:

#### DATA USED:

- a. Expanded number of redds in mainstem to RM 14.1 (actual count through season = 23) = 35.6 redds
- b. Number of redds per female = 1
- c. Ratio of males : females : grilises (an average from fall chinook at hatchery racks, Iron Gate State Fish Hatchery, 1980-1988) = 0.838 : 1 : 0.254

**EXPANDED ESTIMATE:** 75

**PROBLEMS:** Obviously, redd counts were not effective in Blue Creek during the spawning season due to low instream visibility and long reaches where the stream is inaccessible during voluminous winter flows; redds were not counted in the major tributaries; the number of redds per female is unknown in Blue Creek and only assumed to be 1; the sex ratios for Blue Creek remain unknown - those used are from hatchery and not natural stocks within the Klamath River basin.

III. Using expanded estimates of outmigrating juvenile chinook:

DATA USED:

- a. Expanded estimates of outmigrating chinook fry (as of June 23, 1989 from outmigrant trapping currently being conducted by USFWS) = 52,152 chinook fry
- b. Survival from egg-to-fry stage (CDFG estimate from Bogus Creek, Klamath River drainage, during years 1984-1987)= Wet year 0.6%  
Normal year 17.8%  
Normal-to-dry year 9.3%
- c. Fecundity (from Biological Report by Allen and Hassler, 1986, for Klamath River fall chinook salmon) = 3,634
- d. Ratio for male : female : grilse (same source as in II.c.) = 0.838 : 1 : 0.254

EXPANDED ESTIMATE: for spawners in Blue Creek

Wet year	5,004
Normal year	169
Normal-dry year	323

PROBLEMS: Sampling of outmigrating chinook fry continues as emigration is not complete (i.e. the given expanded estimate for chinook fry will be an underestimate). Once sampling for outmigrants is halted for the season, snorkel counts for chinook young-of-the-year should be conducted to determine the number of juvenile chinook remaining in the stream.

Survival from egg-to-fry stage for chinook in Blue Creek is unknown and use of rates from other watersheds within the basin can only confound expanded estimates for Blue Creek. As demonstrated above, a trend in juvenile survival needs to be established for wet, normal, and dry years. Plans for monitoring juvenile production and sampling redds can help in determining yearly rates.

Fecundity for adult female chinook in Blue Creek is unknown - at present, no plans have been made to address this point in Blue Creek.

The sex ratio for Blue Creek spawners is unknown - the ratio used was obtained from hatchery rack returns at Iron Gate State Fish Hatchery as there is no information readily available for any natural stocks within the Klamath River basin.

**COST AND JUSTIFICATION FOR RADIO-TAGGING  
FALL CHINOOK SPAWNERS IN BLUE CREEK, SPAWNING SEASON 1989-1990**

Conventional methods of carcass surveys, counting live adults by snorkeling, trapping immigrating adults with a weir, and redd counts are ineffective in Blue Creek. The dynamics of the stream, its flashy hydrograph with extreme peak discharges (>15,000 cfs), its heavy debris load during frequent winter flood events, and its characteristic low instream visibility during the spawning season precludes methods that require direct visual observation. Radio-tagging and telemetry would allow investigators to locate tagged adults during those winter periods. This would yield information on spawner distribution within the watershed, habitat used for spawning and adult holding, and location of redds. Once redds were located, they could be monitored to gain information on timing of fry emergence and egg-to-emergent survival. Such information will increase reliability in estimates of the spawner population in the Creek when combined with data being gathered on juvenile production and habitat availability. In a stream the size of Blue Creek, innovative and more sophisticated methods in gathering data become necessary to achieve the objectives listed in the current proposal.

**COST:** Initial costs for FY 1990. Additional tags and general equipment maintenance will be necessary in subsequent years of sampling; however, receivers and antenna should be a one-time cost.

<b>Tags with at least 6 month lifespan</b>	<b>\$3,100</b>
20 tags at \$155/tag	
<b>Antenna</b>	
ground use - 2 at \$80 each	160
aircraft use - 2 at \$90 each	<u>180</u>
<b>TOTAL</b>	<b>340</b>
<b>Receivers</b>	
ground use (remote)	550
scanner/receiver	2,200
battery pack	<u>110</u>
<b>TOTAL</b>	<b>2,860</b>
<b>GRAND TOTAL</b>	<b>\$6,300</b>

\*Flight time would be no charge when working within the bounds of our Memorandum of Understanding with the U.S. Coast Guard

ACTUAL NUMBERS OF OUTMIGRANTS CAPTURED ON THE LOWER TRIBUTARIES  
TO THE KLAMATH RIVER, SPRING 1989

Stream	River mile	Period trapped	Chinook		Steelhead			Coho	Cut- throat	# Nights trapped
			YOY	I+	YOY	I+	2+			
Hunter	1.1	4/12-5/29	28	2	0	3	0	1	1	9
Terver	5.3	3/21-6/12	115	1	4	83	11	34	10	15
Tarup	7.8	3/21-4/18	0	0	0	8	2	2	7	6
Ah Pah	17.2	3/21-5/29	1	1	0	2	4	8	9	12
Bear	18.6	4/19-5/30	0	3	1	8	2	3	0	6
Tectah	22.1	4/5-6/20	90	0	83	18	4	6	0	12
Pecwan	25.3	4/27-6/13	0	10	10	0	0	2	0	7
Roach	31.5	4/27-6/21	4	0	247	54	6	2	0	8
Tulley	38.5	4/29-6/22	0	0	79	0	0	0	0	7
Pine	40.9	4/29-6/22	3	0	10	1	0	0	0	7

\*YOY. = young-of-year (fry)



United States Department of the Interior

OFFICE OF THE SOLICITOR

Pacific Northwest Region  
500 N.E. Multnomah Street, Suite 607  
Portland, Oregon 97232

K RFF  
CS-ORD  
Sent 1/29

JAN 20 1989

FWS.PN.0710

MEMORANDUM

TO: Regional Director, Fish and Wildlife Service, Region 1

FROM: Office of the Regional Solicitor  
Pacific Northwest Region

SUBJECT: Expenditure of Funds for the Klamath River Basin  
Fishery Resource Restoration Act

The Klamath River Fishery Resource Restoration Act requires the establishment and implementation of a Klamath River Basin Conservation Area Restoration Program (the "Restoration Program"). The Conservation Area includes the anadromous fish habitats and resources of the Klamath River Basin. You have requested an opinion as to whether funds appropriated for the Restoration Program can be expended at locations outside the Conservation Area for purposes or projects that legitimately serve the objectives of the program. Specifically, a study has been proposed to collect data on the fall-run chinook salmon in the Rogue River for the purpose of facilitating ocean harvest management of chinook salmon which originate in the Klamath River.

The issue presented by your request is whether the proposed expenditure legitimately serves the purpose for which the appropriation was made. The question of whether an expenditure is covered by a specific appropriation has been the subject of numerous opinions issued by the Comptroller General in interpreting 31 U.S.C. § 1301(a) (formerly 31 U.S.C. § 628), the principal statute controlling the expenditure of appropriated funds, which provides that "appropriations shall be applied only to the objects for which the appropriations were made except as otherwise provided by law."

A well-established corollary to this statute is the necessary expense rule, as stated in 6 Comp. Gen. 619, at 621 (1927):

It is a well-settled rule of statutory construction that where an appropriation is made for a particular object, by implication it confers authority to incur expenses which are necessary or proper or incident to the proper execution of the object, unless there is another appropriation which makes more

specific provision for such expenditures, or unless they are prohibited by law, or unless it is manifestly evident from various precedent appropriation acts that Congress has specifically legislated for certain expenses of the Government creating the implication that such expenditures should not be incurred except by its express authority.

For an expenditure to be justified under the necessary expense rule, the following tests must be met:

1. The expenditure must have a logical relationship to the appropriation sought to be charged.
2. The expenditure must not be prohibited by law.
3. The expenditure must not otherwise be specifically provided for within another appropriation.

See GAO, Principles of Federal Appropriation Law, Ch. 3, pp. 3-13, 3-14, 1st Ed. (1982). In this case, the proposed expenditure is not prohibited by law, and to my knowledge there is no other appropriation which specifically provides for the study of Rogue River chinook salmon. Therefore, the focus in this opinion is to determine the purposes for which the subject appropriation was made and whether the proposed expenditure is logically related to meeting these purposes.

An administrative agency has considerable discretion in determining whether an expenditure is reasonably necessary to accomplish an authorized purpose of an appropriation, and substantial deference will be given to an agency's administrative determination that a given expenditure constitutes a necessary expense. 65 Comp. Gen. 797, 798 (1980) However, this discretion is limited by the applicable statute, which ultimately determines the appropriateness of an expenditure. This point is well stated in 18 Comp. Gen. 285, 292 (1938):

Generally, the Congress in making appropriations leaves largely to administrative discretion the choice of ways and means to accomplish the objects of the appropriation, but, of course, administrative discretion may not transcend the statutes, nor be exercised in conflict with law, nor for the accomplishment of purposes unauthorized by the appropriation \* \* \*.

To determine the authorized purpose of an appropriation, the actual language of the appropriation act is of paramount importance. Every appropriation act has a purpose, although the degree of specificity to which that purpose is described varies greatly from statute to statute. In some cases, an appropriation

act will so specifically describe a purpose that there is little or no discretion as to the expenditure of the appropriated funds. However, in most instances, an appropriation act will provide only a general purpose for expenditure of the appropriation, usually referring to an established statutory program. In these cases, the authorized purpose of the appropriation will be found in the appropriations authorization legislation, if any, and in the underlying program legislation. GAO, Principles of Federal Appropriations Law, ch. 3, p. 3-7, 1st Ed. (1982).

In the present case, a general appropriation of \$1 million for FY 1989 has been made for restoration of fishery resources in the Klamath River Basin. Thus, the Klamath River Basin Fishery Resource Restoration Act, which includes an appropriations authorization provision, is the focal point for ascertaining the purpose of the appropriation. The appropriations authorization provision is found at 16 U.S.C. § 460ss-5(a):

There are authorized to be appropriated to the Department of the Interior during the period beginning October 1, 1986, and ending on September 30, 2006, \$21,000,000 for the design, construction, operation, and maintenance of the program. Monies appropriated under this subsection shall remain available until expended or October 1, 2006, whichever first occurs.

Section 460ss-(1)(b) of the Act describes the "program" and specific program activities:

(b) Klamath River Basin Conservation Area Restoration Program

(1) Establishment

The Secretary shall, in consultation with the task force established under section 460ss-3 of this title, formulate, establish, and implement a 20-year program to restore the anadromous fish populations of the Area to optimum levels and to maintain such levels. The program shall be based on the Klamath River Basin Fisheries Resource Plan referred to in section 460ss(6) of this title and shall be known as the Klamath River Basin Conservation Area Restoration Program.

(2) Program activities

In carrying out the objectives of the program, the Secretary, in cooperation with the task force established under section 460ss-3 of this title, shall--

(A) monitor and coordinate research evaluating the Area anadromous fish populations and administer and evaluate the success of activities described in subparagraph (B); and

(B) take such actions as are necessary to--

(i) improve and restore Area habitats, and to promote access to blocked Area habitats, to support increased run sizes;

(ii) rehabilitate problem watersheds in the Area to reduce negative impacts on fish and fish habitats;

(iii) improve existing Area hatcheries and rearing ponds to assist in rebuilding the natural populations;

(iv) implement an intensive, short-term stocking program to rebuild run sizes while maintaining the genetic integrity and diversity of Area subbasin stocks; and

(v) improve upstream and downstream migration by removal of obstacles to fish passage and the provision of facilities for avoiding obstacles.

Another component of the statute is the establishment of a Klamath Fishery Management Council (Council). As set forth in 16 U.S.C. § 460ss-2(b)(1)(A), the Council is directed to:

Establish a comprehensive long-term plan and policy that must be consistent with the goals of the program for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River Basin anadromous fish populations.

The Council is to use this plan and policy in making recommendations regarding harvest regulations to the California Fish and Game Commission, the Oregon Department of Fish and

Wildlife, the Pacific Fishery Management Council, the Bureau of Indian Affairs and the Hoopa Valley Business Council. 16 U.S.C. § 460ss-2(b)(1)(B)

Thus, the legislation authorizes appropriations for the "design, construction, operation and maintenance" of a 20-year program, based on the Klamath River Basin Fisheries Resource Plan, for the purpose of restoring and maintaining anadromous fish populations in the Conservation Area to optimum levels. The Council is to establish a comprehensive long-term plan and policy for the management of the in-river and ocean harvesting that affects or may affect Klamath and Trinity River Basins anadromous fish populations. This plan and policy is to be consistent with the goals of the Restoration Program, and should be used in making recommendations to the various agencies which have jurisdiction over in-river and offshore harvesting of anadromous fish.

An important point to make is that the development of the Council's plan and policy for harvest management is not the purpose of the authorized appropriations. The authorized appropriations are for the Restoration Program, which is described in Section 460ss-1. While you have already determined that management of the ocean harvest of Klamath River Basin chinook salmon requires adequate information on other chinook stocks, including Rogue River chinook, the crucial issue is whether ocean harvest management is an authorized component of the Restoration Program.

The Klamath River Basin Fisheries Resource Plan (Resource Plan) is intended to provide general guidance for the Restoration Program.<sup>1</sup> The report provides a historical perspective on anadromous fish conditions in the Klamath Basin and evaluates the current status of anadromous fish management, population strengths, habitat quality and availability, and artificial population programs. In addition, specific action plans are recommended to rebuild the anadromous fish stocks of the basin. Most of the action plans recommended in the Resource Plan are encompassed in the specific program activities listed in Section 460ss-1 of the Act.

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<sup>1</sup>The statutory language indicates that the Secretary is not bound by the Resource Plan when developing the Restoration Program. The committee report supports such a conclusion:

While not bound by the Klamath River Basin Fisheries Resource Plan developed under contract for BIA, the Secretary and the Task Force are encouraged to make use of this Plan in the development of the Klamath River Basin Conservation Area Restoration Program.

Proper ocean harvest management is recognized in the Resource Plan as a key component in restoring anadromous fish populations in the Klamath Basin. A primary recommendation of the Resource Plan is to provide an interagency coordination mechanism which would facilitate cooperation among the various agencies which have jurisdiction for in-river and ocean harvest management of anadromous fish of the Klamath River Basin. Establishment of the Klamath Fishery Management Council is consistent with the Resource Plan's recommendation.

However, an important point to remember is that the Secretary of Interior does not have jurisdiction to implement regulation of ocean harvest management of anadromous fish originating in the Klamath Basin. Such jurisdiction is vested in the agencies which are part of the Council established by the Act.<sup>2</sup> As noted earlier, the purpose of the appropriation is for the "design, construction, operation and maintenance" of a Restoration Program, and the Secretary is to "formulate, establish and implement" the program. Without a separate grant of jurisdiction, the Secretary cannot construct, operate, maintain, establish or implement any ocean harvest management action plans.<sup>3</sup> For the specific program activities in Section 460ss-1(b)(2), which are in-basin actions, the Act provides a mechanism for facilitating the implementation of any activity for which the Secretary does not have jurisdiction:

In order to facilitate the implementation of any activity described in paragraph (2) over which the Secretary does not have jurisdiction, the Secretary shall enter into a memorandum of agreement with the Federal, State, and local agencies having jurisdiction over such activities, and the Area Indian tribes. The memorandum of agreement shall specify the program activities for which the respective signatories to the agreement are

<sup>2</sup>The jurisdictional scheme for ocean harvest management is established in the Magnuson Fishery Conservation and Management Act. 16 U.S.C. § 1801 et seq.

<sup>3</sup>An argument might be made that as part of the Restoration Program the Secretary could simply "design" or "formulate" ocean harvest management strategies that the Council members could use in determining a long-term plan and policy for ocean harvest management. However, note that the operative conjunctive in the phrases "design, construction operation and maintenance" and "formulate, establish and implement" is the word "and." Absent a contrary legislative intent expressed elsewhere in the statute or legislative history, use of the conjunctive "and" implies that all of the listed requirements should be fulfilled by the Secretary. See Sutherland, Statutory Construction, § 21.14, pp. 90-91 (1972).

responsible and shall contain such provisions as are necessary to ensure the coordinated implementation of the program.

16 U.S.C. § 460ss-1(b)(4). There is no similar provision which facilitates implementation of ocean harvest management activities.

While the Klamath Fishery Management Council is clearly intended to facilitate better ocean harvest management strategies, the appropriated funds are for the purpose of designing, constructing, operating and maintaining the Restoration Program.<sup>4</sup> From the statutory language, it is apparent that a necessarily implicit aspect of the Restoration Program is that it can be carried out by the Secretary of the Interior. Ocean harvest management activities and plans, which the Secretary has no authority to implement, should not be viewed as authorized aspects of the Restoration Program. Therefore, it is our opinion that funds appropriated for the Restoration Program are not authorized to be expended on a study of Rogue River chinook salmon if the purpose of such a study is to develop ocean harvest management plans or activities.

However, the FWS has indicated that a possible alternative purpose of a study of Rogue River chinook salmon would be to evaluate Restoration Program activities conducted within the Conservation Area. We understand that this might involve a determination of the numbers of salmon entering the Rogue River which have been marked as having originated in the Klamath River. Generally, the funding of a study conducted for the purpose of evaluating Restoration Program activities would be an authorized

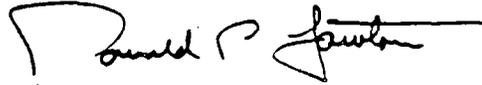
<sup>4</sup>A review of the legislative history of the Act is not particularly enlightening on the subject. However, the following comment by Representative Bosco of California does indicate that the authorized appropriations for the Restoration Program serve a purpose which is separate and distinct from the harvest management objectives also set forth in the Act:

Like the Trinity River legislation, H.R. 4712 authorizes a joint Federal-State program to restore degraded fish habitat and rebuild salmon and steelhead populations. The total cost is \$42 million over 20 years, with half the funding coming from the State and other non-Federal agencies. Unlike the Trinity bill, this legislation also contains provisions dealing with harvest management to ensure that necessary conservation measures are both equitable and effective, with representation for all affected user groups.

expenditure under the Act. See 16 U.S.C. § 460ss-1(b)(2)(A). There is no statutory limitation that such a study must be conducted within the Conservation Area. In the final analysis, the FWS, relying on its technical expertise and judgement, must determine whether a study of Rogue River chinook salmon legitimately serves the purpose of evaluating authorized Restoration Program activities.

If you have any further questions regarding this matter, please contact Barry Stein of this office at 231-2136.

For the Regional Solicitor



Donald P. Lawton  
Assistant Regional Solicitor  
Pacific Northwest Region



United States  
Department of the Interior

~~Fish and Wildlife Service~~

Lloyd 500 Building, Suite 1692  
500 N.E. Multnomah Street  
Portland, Oregon 97232

MEMORANDUM

In Reply Refer To:

Your Reference:

To: Office of the Regional Solicitor  
Pacific Northwest Region

From: Regional Director, Fish and Wildlife Service  
Portland, Oregon

Subject: Request for Opinion - Klamath River Basin  
Fishery Resources Restoration Act

April 28, 1988

Congress enacted the Klamath River Fishery Resources Restoration Act (100 Stat. 3080, 16 U.S.C. 460ss) in October, 1986. The Act requires the Secretary to establish and implement a 20 year program to restore the anadromous fish populations in the Klamath River Basin. The Act authorizes a Task Force to develop and implement a fishery and habitat restoration program and a Council to advise the Secretary on long-term policy matters for fish harvest regulations to five fishery management entities.

Section 2 of the Act directs the Secretary of the Interior to designate the anadromous fish habitats and resources of the Klamath River Basin as the Klamath River Basin Conservation Area (the Conservation Area), and to implement a Klamath River Restoration Program (the Restoration Program). The Restoration Program may include research, monitoring and evaluation, and any of a variety of measures to restore anadromous fish stocks of the Klamath River Basin (Section 2 (b) (2)).

The Klamath Fishery Management Council has been asked to endorse a fishery study on the Rogue River, and to recommend it be funded through the Klamath Restoration Program. The Oregon Department of Fish and Wildlife has proposed that funds budgeted for the Restoration Program be expended for collection of data on fall-run chinook salmon in the Rogue River, Oregon. The rationale presented for such expenditure is that the ocean harvest of chinook salmon originating in the Klamath River Basin cannot be adequately managed without adequate information on certain other chinook stocks, including those originating in the Rogue River basin, which are harvested together with Klamath chinook off the coasts of northern California and southern Oregon. In our opinion, this argument is biologically valid.

It is unclear to us and we request your opinion as to whether funds appropriated for the Restoration Program can be expended in locations outside the Conservation Area for purposes or projects that legitimately serve the objectives of the Restoration Program.

We would like to be able to respond to the Oregon proposal at the next meetings of the Klamath River Basin Fisheries Task Force and the Klamath Fishery Management Council, now scheduled for the first week of June, 1988.

Original Signed  
by Wally Staucke

cc: Klamath Field Office

COLLECT MEM CROVED