



NOAA
FISHERIES

CASE STUDY—ESA Consultations

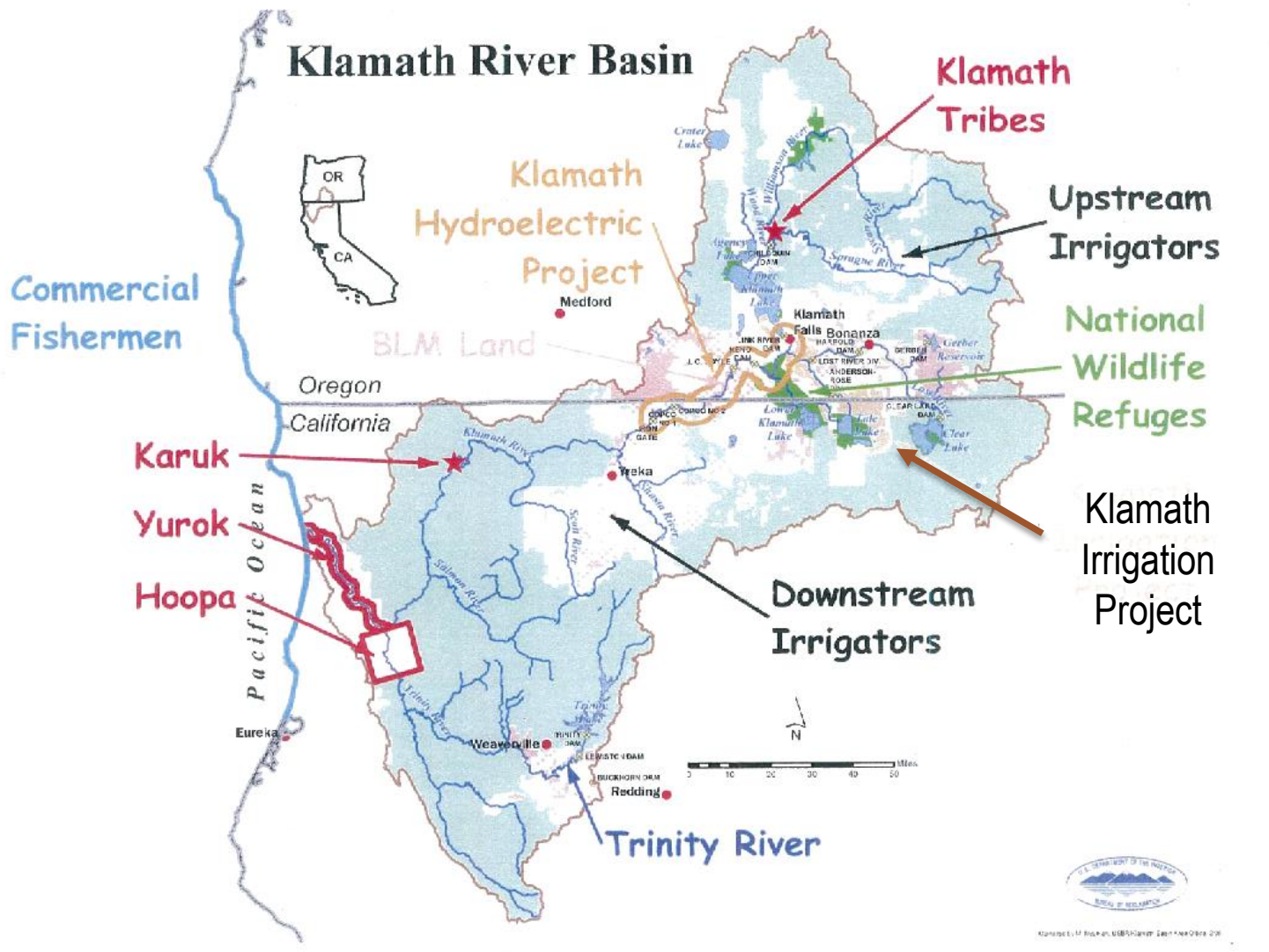
How to Avoid Jeopardy: Lose the Swagger, Share a Vision

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West Coast Region

Partnerships, Communications and External Affairs

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Klamath Hydroelectric Project

Amended Klamath Hydroelectric Settlement Agreement & Klamath Power and Water Agreement (April 2016)



What is an ESA Section 7 Consultation?

All Federal Agencies are required, in consultation with either NOAA Fisheries and/or US Fish & Wildlife, to ensure that any action authorized, funded, or carried out is not likely to jeopardy the continued existence of any endangered or threatened species or result in destruction or adverse modification of its critical habitat.

Raise your hand...



Have you been part
of an ESA Section 7
consultation?

What was the species,
and the outcome of the
consultation?

ESA Consultation on the Bureau of Reclamations Klamath Irrigation Project

Subject to 4 previous consultations:

- Threatened Coho Salmon; Endangered Sucker Fish
- All jeopardy opinions, never integrated
- Subject to litigation, appeals, and 9th Circuit orders
- National Academy of Sciences Review by special NRC Committee (2001/2002)
- 5th Consultation:
 - No Jeopardy
 - Integrated (Joint) Biological Opinion (very rare)

Threatened Coho Salmon—River (1997) Endangered Sucker Fish—Upper Klamath Lake & Lost River & Tributaries (1993)



Klamath Communities



Different Approach to 2013 Consultation

- Leadership wanted to joint opinion by a date certain
- Middle Managers highly committed (monthly in-person meetings)
- Formed topic specific teams (hydrology, biology, management)
- FWS & NMFS & Reclamation together built the proposed action
- Shared outcomes: More flexibility for water management, spread risk, use real time hydrology
- Created a new norm of working together—released our imaginations that created a new, innovative way to allocate water among Project, Lake, River.

Lessons Learned:

- Create a Shared Vision with agency partners
- Strong leadership with competent technical staff
- Invest time and resources (modeling)
- Closely manage process and report up
- Set Internal Deadlines
- Work upfront to develop a proposed action that avoids jeopardy—run scenarios, evaluate effects as you go—with partners

Expanded Input & Collaboration

Key Partners:

Bureau of Reclamation

US Fish & Wildlife

Klamath Basin Tribes

Water Users

PacifiCorp

Innovate Collaboration with Interested Parties!

Raise your hand...



Before today, did you know that even with regulatory work, partnerships can matter and change outcomes?

On the horizon

- Implementation of the Klamath Irrigation Project under the new joint biop
- First 2 years during severe droughts
- Active litigation today
- New culture of how the federal agencies work together remains—very committed to problem solving.
- Biological Opinion brings stakeholders together.

NOAA, Partnerships and the ESA

- Rare to collaborate on the development of a federal agency's proposed action.
- NOAA Fisheries brings deep experience on land use effects on salmon, salmon biology/habitat needs and ESA implementation.
- This consultation represents a shift in culture of how NOAA is involved in ESA consultations.
- In the past, we worked in isolation believing we had all the expertise and regulatory authority to find solutions.
- NOAA Fisheries West Coast Region is enhancing our culture to cultivate partnerships to find solutions that fit—work in progress—so we can make a bigger difference for the long run.

Questions?



Photo by Thomas B. Dunklin