

Memorandum

November 20, 2013

To: The Klamath Basin Task Force

From: John Bezdek, Department of the Interior

Subject: Federal Authorities to Implement the Klamath Basin Restoration Agreement

The attached table has been prepared by staff at the Bureau of Indian Affairs, Bureau of Reclamation, Bureau of Land Management, National Marine Fisheries Service, U.S. Fish and Wildlife Service, U.S. Forest Service, and U.S. Geological Survey.

The Federal agencies determined that eleven of the 113 KBRA line items need new authority from Congress before they can be implemented¹. These programs are:

- Line item 66: the On-Project Plan;
- Line item 68: remedy for ground water impacts associated with On-Project Plan²;
- Line item 70: development of the Water Use Retirement Plan;
- Line Item 71: implementation of the Off-Project Water Use Retirement Program;
- Line item 72: the Interim Power Sustainability Program;
- Line item 73: authority for Reclamation to provide the Federal Power Program to Off-Project Irrigators³;
- Line item 74: Energy Efficiency and Renewable Resources Program;
- Line item 75: new authority for Off-Project portion of Renewable Power Program and Engineering Plan⁴;
- Line item 79: the Drought Plan Restoration Agreement Fund;
- Line item 83: the Off-Project Reliance Program⁵; and
- Line item 89: new authority for the Off-Project portion of the Interim Flow and Lake Level Program⁶.

Based on the draft 2013 KBRA cost revisions developed by the Non-Federal Parties to the KBRA, we estimate that these new authorities have a total cost of \$250 million in 2014 dollars. For those items where the Federal agencies have existing authorities, in many cases additional appropriations are needed to implement the line items.

¹ This analysis focused on new authorities related to the KBRA Appendix C-2 cost estimates prepared by the Non-Federal Parties; it did not address other authorities that may be needed to implement the KBRA.

² This provision would be addressed as part of the On-Project Plan; no funding is included in the cost estimates.

³ Assumed 40 percent of the funding is related to the new authority.

⁴ Assumed 40 percent of the funding is related to the new authority.

⁵ Funding for this program may use reallocated funds; funding is not included in KBRA cost estimates.

⁶ Assumed half the funding is related to the new authority.

Federal Authorities Table

#	Project	Lead Action Agency	Lead in Black, Supporting in Red	Authorities to Implement	2011 Revised (2007\$)	2013 DRAFT (2014 \$)
1	Coordination and Oversight	Shared	FWS, BOR, USDAFS, NMFS	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, Fish and Wildlife Conservation Act	1,500	1,740
2	Develop Fishery Restoration and Monitoring Plan	FWS/NMFS	FWS/NMFS	Fish and Wildlife Coordination Act, Fish and Wildlife Conservation Act, Endangered Species Act	2,500	2,901
3	Williamson R. aquatic habitat restoration	FWS	FWS/NRCS/ODFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act, Endangered Species Act	4,273	4,958
4	Sprague R. aquatic habitat restoration	FWS	FWS/NRCS/ODFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act, Endangered Species Act	49,100	56,968
5	Wood R. Valley aquatic habitat restoration	FWS	FWS/NRCS/ODFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act, Endangered Species Act	12,684	14,716
6	Williamson Sprague Wood Screening Diversion	FWS	FWS/ODFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act, Endangered Species Act	2,928	3,397
7	Williamson & Sprague USFS uplands	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	11,000	12,763
8	Upper Klamath Lake aquatic habitat restoration	FWS	FWS/NRCS/State	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act, Endangered Species Act	12,690	14,723
9	Screening of UKL pumps (underway)	BOR	BOR	Fish and Wildlife Coordination Act	490	569
10	UKL watershed USFS uplands	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	3,220	3,736
11	UKL and Keno nutrient reduction	BOR	BOR/ODFW	Fish and Wildlife Coordination Act	49,588	57,534
12	Keno Res. wetlands restoration	FWS	FWS/States/BLM/NRCS/USFS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	4,996	5,797
13	Keno to Iron Gate upland private & BLM	BLM	FWS/BLM/States/NRCS/USFS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	-	-
14	Keno to Iron Gate upland USFS (Goosenest)	USFS	USFS/FWS/BLM/States/NRCS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	1,400	1,624
15	Keno to Iron Gate mainstem restoration	FWS	FWS/BLM/States/NRCS/USFS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	1,250	1,450
16	Keno to Iron Gate tributaries - diversions & riparian	FWS	FWS/BLM/States/NRCS/USFS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	1,500	1,740
17	Shasta River aquatic habitat restoration	FWS	FWS/CDFW/NMFS/NRCS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	12,400	14,387
18	Shasta R. USFS uplands	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	-	-
19	Scott River aquatic habitat restoration	FWS	FWS/CDFW/NMFS/NRCS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	4,950	5,743
20	Scott R. USFS uplands	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	1,630	1,891
21	Scott R. private uplands	FWS	FWS/CDFW/NRCS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	575	667
22	Mid-Klamath & tributaries aquatic habitat restoration	FWS	FWS/CA/NOAA	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	4,950	5,743
23	Mid Klamath tributaries USFS upland	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	9,400	10,906
24	Mid Klamath tributaries private upland	FWS	FWS/CDFW/NMFS/NRCS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	5,600	6,497
25	Lower Klamath aquatic habitat restoration	FWS	FWS/NMFS/CDFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	15,000	17,404
26	Lower Klamath private/tribal uplands	FWS	FWS/NMFS/CDFW	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	32,500	37,708
27	Salmon River aquatic habitat restoration	FWS	FWS/NMFS/CA/USFS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Partners for Fish and Wildlife Act	3,320	3,852
28	Salmon R. USFS upland	USFS	USFS	Forest Service Organic Administration Act, Multiple Use - Sustained Yield Act of 1960, and National Forest Management Act of 1976	5,500	6,381
29	Reintroduction Plan	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Endangered Species Act	1,400	1,624
30	Collection Facility	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Endangered Species Act	7,392	8,576
31	Production Facility	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1956, Endangered Species Act	4,250	4,931
32	Acclimation Facility	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1957, Endangered Species Act	3,200	3,713
33	Transport	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1958, Endangered Species Act	855	992
34	Monitoring and Evaluation - Oregon	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1959, Endangered Species Act	30,900	35,851
35	Monitoring and Evaluation - California	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1956, Endangered Species Act	2,660	3,086
36	New Hatchery (IGD or Fall Creek)	NMFS	NMFS/FWS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Fish and Wildlife Act of 1956, Endangered Species Act	8,505	9,868
37	Adult Salmonids	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act, Anadromous Fish Conservation Act, Fishery Conservation and Management Act	15,966	18,524

Federal Authorities Table

#	Project	Lead Action Agency	Lead in Black, Supporting in Red	Authorities to Implement	2011 Revised (2007\$)	2013 DRAFT (2014 \$)
38	Juvenile Salmonids	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	17,239	20,001
39	Genetics Otololith	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	1,500	1,740
40	Hatchery Tagging (PacifiCorp paying costs under KHSA)	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	-	-
41	Disease	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	7,266	8,430
42	Green Sturgeon	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	2,254	2,615
43	Lamprey	FWS	FWS/NMFS/States	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	2,142	2,485
44	Geomorphology	FWS	FWS/NMFS/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	2,700	3,133
45	Habitat Monitoring	FWS	FWS/NMFS/FS/BLM/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	2,702	3,135
46	Water Quality	FWS	FWS/NMFS/States/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	1,500	1,740
47	UKL continuous water quality, hydrodynamic model	FWS	BOR/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	1,400	1,624
48	UKL nutrients/algae/zooplankton	USGS	USGS/BOR	USGS Organic Act, Fish and Wildlife Coordination Act	5,670	6,579
49	UKL internal load/bloom dynamics	USGS	USGS/BOR	USGS Organic Act, Fish and Wildlife Coordination Act	2,800	3,249
50	UKL external nutrient loading	BOR	BOR/USGS	Fish and Wildlife Coordination Act	3,626	4,207
51	UKL analysis of long-term data sets	BOR	BOR/USGS	Fish and Wildlife Coordination Act	600	696
52	UKL listed suckers	USGS	FWS/BOR/USGS	USGS Organic Act, Endangered Species Act, Fish and Wildlife Coordination Act	12,250	14,213
53	Tributaries water quality/nutrients/temperature	BOR	BOR/USGS	Fish and Wildlife Coordination Act	4,340	5,035
54	Tributaries geomorphology/riparian vegetation	BOR	FWS/BOR/USGS/FS/BLM	Fish and Wildlife Coordination Act	3,346	3,882
55	Tributaries physical habitat	FWS (was BOR)	BOR/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	2,982	3,460
56	Tributaries listed suckers	FWS	FWS/BOR/USGS	Fish and Wildlife Conservation Act, Fish and Wildlife Coordination Act	5,250	6,091
57	Keno Reservoir water quality/algae/nutrients	BOR	BOR/USGS	Fish and Wildlife Coordination Act	5,628	6,530
58	Keno Reservoir to Tributaries: (weather stations)	BOR	BOR/USGS	Reclamation Act of 1902	2,800	3,249
59	Remote Sensing acquisition and analysis	BOR	BOR/USGS	Reclamation Act of 1902	750	870
60	Keno Dam fish passage	BOR	BOR	Fish and Wildlife Coordination Act	3,500	4,061
61	Data Analysis and evaluation for provision to TAT	BOR	BOR/KWAPA	2000 Enhancement Act	155	180
62	Development of predictive techniques	BOR	BOR/KWAPA	2000 Enhancement Act	360	418
63	Klamath Basin Wildlife Refuges: North and P Canals	FWS	FWS	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, National Wildlife Refuge System Improvement Act	-	-
64	Klamath Basin Wildlife Refuges: Walking Wetland Construction	FWS	FWS/NRCS	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, National Wildlife Refuge System Improvement Act, Partners for Fish and Wildlife Act	2,300	2,669
65	Klamath Basin Wildlife Refuges: Big Pond Dike	FWS	FWS	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, National Wildlife Refuge System Improvement Act	-	-
66	On Project water plan	BOR	BOR/KWAPA	2000 Enhancement Act for planning; new authority needed for implementation and administration	92,500	107,322
67	Groundwater Technical Investigation	USGS	USGS/BOR/KWAPA	The Organic Act and The Fish and Wildlife Coordination Act	641	744
68	Costs Associated with Remedy for Adverse Impact	BOR	BOR/USGS/KWAPA	New Authority needed as part of implementation of On-Project Plan in line item 66	-	-
69	D Pumping Plant	FWS	FWS	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, National Wildlife Refuge System Improvement Act	2,550	2,959
70	Develop Water Use Retirement Plan	FWS	FWS/BOR	New Authority needed	1,000	1,160
71	Off Project Water Retirement Program: Use of 30K ac ft above UKL	FWS	FWS/BOR	New Authority needed	45,000	52,211
72	Interim Power Sustainability	BOR	BOR/FWS/KWAPA	New authority needed	7,690	8,922
73	Federal Power	BOR	BOR/KWAPA	Reclamation Act of 1902 for Project; authority needed for Off-Project	1,000	1,160
74	Energy Efficiency and Renewable Resources	BOR	BOR/KWAPA	New authority needed	40,498	46,987

Federal Authorities Table

#	Project	Lead Action Agency	Lead in Black, Supporting in Red	Authorities to Implement	2011 Revised (2007\$)	2013 DRAFT (2014 \$)
75	Renewable Power Program Financial and Engineering Plan	BOR	BOR/KWAPA	Reclamation Act of 1902 for Project; authority needed for Off-Project	1,000	1,160
76	UKL Wetlands Restoration: Agency/Barnes	FWS	FWS/BOR	Fish and Wildlife Act of 1956, Fish and Wildlife Coordination Act, National Wildlife Refuge System Improvement Act	2,778	3,223
77	UKL Wetlands Restoration: Wood River	BLM	BLM/NRCS/States	Federal Land Policy and Management Act of 1976 (FLPMA)	2,778	3,223
78	Drought Plan Development	BOR	BOR/NRCS/States	2000 Enhancement Act	-	-
79	Drought Plan Restoration Agreement Fund	BOR	BOR/FWS/USGS/ODWR	New authority needed	6,000	6,961
80	Emergency Response Plan	BOR	BOR	No funding	-	-
81	Emergency Response Fund	BOR	BOR	No funding	-	-
82	Technical Assessment of Climate Change	OWRD/CDFW	OWRD/CDFW/BOR/USGS/NOAA	No federal funding	-	-
83	Off-Project Reliance Program	BOR	BOR/USGS/NMFS	New authority needed	12000*	13,403*
84	Real Time Water Management	BOR	BOR/USGS	No funding	-	-
85	Real Time Water Management: Water Flow Monitoring and Gauges	BOR	BOR	Reclamation Act of 1902	2,980	3,457
86	Added Snowpack Gauges			No funding	-	-
87	Adaptive Management: Science and Analysis	BOR	BOR/NMFS	Reclamation Act of 1902	1,000	1,160
88	Real Time Management: Calibration and improvements to KLAMSIM or other modeling and predictions	BOR	BOR/NMFS	Fish and Wildlife Coordination Act	100	116
89	Interim Flow and Lake Level Program	BOR/FWS	BOR/FWS	2000 Enhancement Act (WUMP covers on-project through 2023); new authority needed for off-Project	44,000	51,050
90	Keno Reservoir KIP Screening	BOR	BOR	Fish and Wildlife Coordination Act for North and Ady; Reclamation Act of 1902 for Straits and LRDC	25,162	29,194
91	Federal GCP/HCP	FWS/NMFS	FWS/NMFS	Endangered Species Act.	5,500	6,381
92	California Laws	CDFW	CDFW/FWS/NMFS	No Federal Funding	-	-
93	Oregon Laws	ODFW	ODFW/FWS/NMFS	No Federal Funding	-	-
94	Klamath County Study	Oregon		No Federal Funding	-	-
95	Klamath County (Oregon funding)	Oregon		No Federal Funding	-	-
96	Siskiyou County	California		No Federal Funding	-	-
97	Humboldt County			No funding	-	-
98	Del Norte County			No funding	-	-
99	Fisheries Management HVT**	BIA	Hoopa	The Snyder Act	-	-
100	Fisheries Management Karuk	BIA	Karuk	The Snyder Act	14,500	16,823
101	Fisheries Management Klamath	BIA	Klamath	The Snyder Act	14,500	16,823
102	Fisheries Management Yurok	BIA	Yurok	The Snyder Act	14,500	16,823
103	Conservation Management HVT**	BIA	Hoopa	The Snyder Act	-	-
104	Conservation Management Karuk	BIA	Karuk	The Snyder Act	7,250	8,412
105	Conservation Management Klamath	BIA	Klamath	The Snyder Act	7,250	8,412
106	Conservation Management Yurok	BIA	Yurok	The Snyder Act	7,250	8,412
107	Economic Development Study HVT**	BIA	Klamath	The Snyder Act	-	-
108	Economic Development Study Karuk	BIA	Yurok	The Snyder Act	250	290
109	Economic Development Study Klamath	BIA	Klamath	The Snyder Act	250	290
110	Economic Development Study Yurok	BIA	Yurok	The Snyder Act	250	290
112	Fishing Sites	BIA	Klamath	The Snyder Act	-	-

Federal Authorities Table

#	Project	Lead Action Agency	Lead in Black, Supporting in Red	Authorities to Implement	2011 Revised (2007\$)	2013 DRAFT (2014 \$)
113	Klamath Tribes: Mazama Forest Project		Klamath	The Snyder Act; Indian Reorganization Act	22,000	25,525
Total					795,309	922,745
Total Costs of Line Items That Need New Authorities					215,688	250,017