



Laurie Sada/R8/FWS/DOI

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To Ren Lohofener/R8/FWS/DOI@FWS, Alexandra  
Pitts/SAC/R1/FWS/DOI@FWS  
cc Darrin Thome/SAC/R1/FWS/DOI@FWS, Michael  
Fris/SAC/R1/FWS/DOI@FWS, Matthew  
Barry/R8/FWS/DOI@FWS, Ron  
bcc  
Subject response to your request for information on CDFG permitting  
issues for mtg with State Director

Ren - When you were in Kflls before Thanksgiving, we discussed the need to develop a comprehensive approach to dealing with CDFG permitting/regulatory challenges associated with relocating listed suckers from California to Oregon. You indicated that you were scheduled to meet with the State Director in a couple of weeks and you asked me to provide you some background on the issue for your meeting. Please let me know if the following information is not sufficient. Laurie

**Issue:** CDFG permitting for FWS, USGS, and BOR to Relocate Lost River and Short Nose suckers from California to Upper Klamath Lake in Oregon

**Background:** Conservation and recovery of listed suckers includes the need to relocate suckers that have moved from Upper Klamath Lake through the Klamath Irrigation Project into California back into Upper Klamath Lake. The fish screen at the A-canal diversion on Upper Klamath Lake is not effective for larval suckers. Some of these larval suckers survive in the canal system of the Project and eventually end up in Tule Lake which serves as a sump for Project drainage. Although Tule Lake was historic habitat for suckers, habitat alteration resulting from Project construction prevents suckers living here from reaching spawning habitat and reproducing. Even though this is not self sustaining population, the recovery plan for both species identifies Tule Lake as a refugial site that should be maintained to limit extinction risk until the populations in Upper Klamath Lake and Clear Lake are recovered.

BOR, as part of Project operations, is required to maintain certain water elevations in the sump to protect these fish. Historically, the Service's biological opinion also required BOR to salvage fish from the canals before draining them at the end of the irrigation system and move them to sump 1A at Tule Lake. We did not consider returning fish to UKL because of the challenges with getting permits to move the fish from California to Oregon. Two events occurred in 2010 that made it clear that we need the flexibility to relocate these fish to UKL: 1) the 2010 drought crisis made it impossible for BOR to maintain required water elevations in sump 1A so the fish had to be salvaged and relocated to support their survival; and 2) the Klamath Basin NWR developed a proposal to restore wetlands at sump 1A for waterfowl that would require draining the sump. Although there is a self-sustaining population of suckers at Clear Lake in California it is unclear if fish here are genetically matched. In addition, this lake is remote and accessed by dirt roads making transport of fish here unlikely or impossible.

California requires a collection permit and fish health tests to relocate fish. In addition, these suckers are listed under state law and the state does not have a process for authorizing take under this law. The current time-line for obtaining a collection permit is 18 months. We avoided this process in 2010 by having a CDFG employee on-site for part of the BOR salvage effort. However, we still needed to sacrifice 50 fish to meet fish health test requirements. Oregon quickly processed a tranportation permit for moving the fish back into Oregon. The California permitting process and staff availability make it extremely challenging to effectively comply with biological requirements, respond to emergency situations, and carry out recovery plan actions. We also need to limit the need to sacrifice these endangered fish on an individual permit basis to comply with fish health requirements.

**Recommendation:** Develop a programmatic permit that enables FWS, BOR and USGS to responsibly and responsively relocate fish for specific activities such as recovery plan actions, biological opinion requirements, and emergency response such as drought.

Laurie Sada  
Field Supervisor