

August 12, 2021

VIA ELECTRONIC FILING

Kimberly D. Bose
Secretary, Federal Energy Regulatory
Commission
888 First Street, N.E.
Washington, D.C. 20426

Re: Draft Biological Assessment Errata Sheet 1; Application for Surrender of License for Major Project and Removal of Project Works and Request for Expedited Review, FERC Nos. P-14803-001, P-2082-063

Dear Secretary Bose:

On March 22, 2021, the Renewal Corporation filed its Draft Biological Assessment in support of the above-referenced application.¹ On August 2, 2021, Commission staff advised the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that FERC adopted the BA and stated that “the proposed surrender and removal of the project would have no effect on critical habitat of the Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*).²

On August 10, 2021 the U.S. Fish and Wildlife Service noted that FERC’s determination with respect to the critical habitat for these species was inconsistent with the text of the BA.³ Rather, the BA finds, on page 223, that the proposed project may affect, but is not likely to adversely affect, critical habitat for these species. This inconsistency appears to stem from errors in Table 7-1 at page 242 of the BA, and an error in Section 7.2.1 at page 246 of the BA.

The effects determinations summarized in Table 7-1 for Lost River sucker and shortnose sucker critical habitat, for the Southern Resident Killer whale, and for Southern Resident Killer whale critical habit are inconsistent with the controlling text of the BA. Table 7-1 has been revised to conform with the controlling text of the BA, and the error in Section 7.2.1 at page 246 of the BA has also been corrected. A revised Table 7-1 and a revised Section 7.2.1 are attached and submitted to the record as Biological Assessment, Errata Sheet 1.

If Commission staff has no further questions concerning this matter, we ask that you please adopt Errata Sheet 1 as a correction to the BA, and to please advise the U.S. Fish and

¹ FERC accession no. 20210322-5335.

² FERC accession no. 20210802-3022.

³ FERC accession no. 2121081015016

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Wildlife Service of your effects determination with respect to critical habitat for Lost River sucker (*Deltistes luxatus*) and shortnose sucker (*Chasmistes brevirostris*).

Respectfully submitted,

s/ Markham A. Quehrn

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Perkins Coie LLP
Attorneys for Klamath River Renewal Corporation

cc: Service List (FERC Nos. P-14803-001 and P-2082-063)

Biological Assessment, Errata Sheet 1

Amending Table 7-1 on page 242 as follows:

Table Error! No text of specified style in document.-1: Summary of Effects Determinations

Species	Effect Determination
NMFS Species and Critical Habitat	
SONCC coho salmon	Likely to adversely affect
SONCC coho salmon critical habitat	Likely to adversely affect
Southern DPS green sturgeon	Not likely to adversely affect
Southern DPS green sturgeon critical habitat	Not likely to adversely affect
Southern DPS eulachon	Likely to adversely affect
Southern DPS eulachon critical habitat	Likely to adversely affect
Southern Resident killer whale	Likely to adversely affect Not likely to adversely affect
Southern Resident killer whale critical habitat	Likely to adversely affect Not likely to adversely affect
USFWS Species and Critical Habitat	
Lost River sucker	Likely to adversely affect
Lost River sucker critical habitat	No effect Not likely to adversely affect
Shortnose sucker	Likely to adversely affect
Shortnose sucker critical habitat	No effect Not likely to adversely affect
Bull trout	Likely to adversely affect
Bull trout critical habitat	Not likely to adversely affect, beneficial
Northern spotted owl	Not likely to adversely affect
Northern spotted owl critical habitat	Not likely to adversely affect
Oregon spotted frog	Not likely to adversely affect
Oregon spotted frog critical habitat	No effect

Biological Assessment Errata Sheet 1

Amending Section 7.2.1 on page 246 as follows:

7.2.1 Lost River and Shortnose Suckers

Those Lost River and shortnose suckers not relocated to Tule Lake Sump 1A, the Klamath National Fish Hatchery, or the Klamath Tribes sucker rearing facility prior to reservoir drawdown will likely be lost.

Therefore, reservoir drawdown and dam removal are likely to adversely affect Lost River and shortnose suckers in the short term.

The Proposed Action will eliminate all Lost River and shortnose sucker habitat downstream of Keno Dam. Even though suckers in the Hydroelectric Reach have low reproductive success and are isolated from recovery populations in the Upper Klamath Basin, Lost River and shortnose suckers inhabiting the Hydroelectric Reach reservoirs will be lost in the long term due to conversion of their habitat from lake-type to free-flowing conditions. **Therefore, the Proposed Action is likely to adversely affect Lost River and shortnose suckers in the long term.**

The return of anadromous salmonids to the Upper Klamath Basin is likely to result in juvenile salmonid predation on Lost River and shortnose sucker eggs and larvae in the Williamson River and Sprague River. Due to the large reproductive potential of spawning Lost River and shortnose suckers and the known abundance of drifting sucker larvae in the Williamson River and Sprague River, juvenile Chinook salmon and steelhead are unlikely to substantially impact larval Lost River and shortnose sucker abundance. **Therefore, the Proposed Action may affect, but is not likely to adversely affect LRS and SNS recovery populations located in designated critical habitat in the Upper Klamath Basin.**

Designated critical habitat for the Lost River and shortnose suckers is upstream of Keno Dam. ~~Because the Proposed Action will only directly affect sucker habitat downstream of Keno Dam, implementation of the Proposed Action will have no effect on Lost River and shortnose suckers designated critical habitat.~~ Because the Proposed Action will potentially benefit the food PBF for Lost River and shortnose sucker critical habitat, implementation of the Proposed Action may affect, but is not likely to adversely affect, Lost River and shortnose sucker critical habitat.