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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

NATIONAL WILDLIFE FEDERATION, *et al.*

Plaintiffs,

v.

NATIONAL MARINE FISHERIES, U.S. ARMY
CORPS OF ENGINEERS, and U.S. BUREAU
OF RECLAMATION,
Defendants.

Civ. No. 01-00640-RE (Lead Case)
Civ. No. 05-0023-RE
(Consolidated Cases)

**DECLARATION OF
BRUCE K. SUZUMOTO
NOAA FISHERIES SERVICE**
(Remand Extension)

I, Bruce K. Suzumoto, declare and state as follows:

1. I am the Assistant Regional Administrator for the Hydropower Division of the National Marine Fisheries Service (NMFS or NOAA Fisheries) in the Northwest Region, which includes the states of Oregon, Washington, Idaho and Montana. The Hydropower Division evaluates the biological impacts of Columbia Basin mainstem hydropower

projects and storage projects, including the Federal Columbia River Power System (FCRPS) operated by the U.S. Army Corps of Engineers (Corps) and U.S. Bureau of Reclamation (USBR). The Hydropower Division is primarily responsible for implementing NMFS' regulatory responsibilities under the Endangered Species Act (ESA), including preparation of biological opinions on FCRPS operations. As the FCRPS program also includes beneficial actions for habitat, hatcheries and predation management, I coordinate the involvement of other NMFS divisions with expertise in these areas.

2. I am a fisheries biologist with 31 years of professional experience in the field of salmonid fisheries management. Prior to taking my current position with NOAA Fisheries I provided technical analysis and policy development in the areas of hydropower, artificial production and harvest for the Northwest Power and Conservation Council. In that position, I gained a working knowledge of the management and science of Pacific salmonids listed by NOAA Fisheries for ESA protection.
3. This declaration is offered in support of the Federal Defendants' Motion for Extension of Time for completing the Remand in these cases. On October 31, 2007, NOAA Fisheries provided its draft biological opinion for the FCRPS program of operation, including associated offsetting actions and certain USBR projects, for 2008 through 2017, as well as its draft biological opinion for USBR's operation of its water storage projects in southern Idaho through 2034. Both opinions were founded on a common analysis presented in documents referred to as the Comprehensive Analysis, provided by the FCRPS action agencies, and NOAA's Supplemental Comprehensive Analysis. These documents were made available to the parties to this litigation, as well as to other

interested entities and to the general public by posting them on the Internet. On December 12, 2007, the court established a comment period which closed on January 4, 2008, and a due date for final biological opinions on March 18, 2008.

4. The parties, other affected sovereigns and many members of the public submitted extensive and, in some cases, voluminous comments to NOAA. We are now carefully considering all comments as NOAA prepares its final biological opinions for these actions. Detailed comments were received from over forty-seven entities whose collective sheer volume exceeds a thousand pages. Twenty-five sets of comments are from parties we recognize as having long-standing expertise with Columbia Basin fish and hydropower matters and their comments are knowledgeable and address complex technical and legal issues. Additionally, NOAA received over eighteen thousand comments from individuals using form letters.
5. Within my Division, completion of the final FCRPS biological opinion is the matter that has the highest priority and urgency. In certain key areas the breadth and complexity of the comments requires careful consideration and, in some instances, further analysis. Although this is not a formal rulemaking under the Administrative Procedures Act and therefore a "response to comments" document is not legally required, it is our intention to show how the major substantive comments were taken into account and, if they called for changes that were not included in the final biological opinion, why the changes were not adopted. It is our belief that such an approach will not only strengthen the biological opinion but also increase its transparency. Based on our preliminary review, it is not reasonably possible for us to thoroughly consider these comments and provide our evaluation of them for the ESA decisions in the time allotted by the current March 18,

2008, court deadline. For these reasons, we believe it is necessary to extend the deadline to May 2, 2008.

6. Working backward from the current deadline, based on our experience in producing the drafts in October, at least two weeks is necessary leading up to the due date for error checking, printing, and Compact Disk production, to have these very large documents ready for the Court and parties on March 18, 2008. Currently that leaves NOAA with roughly six weeks to organize and consider comments leading to revisions for the comprehensive analysis and biological opinions, and/or responses to comments for the information of the Court and commentors. Given the breadth and complexity of the comments received, as well as the complexity of the comprehensive analysis and biological opinions themselves, an additional six weeks is necessary to adequately complete this task.

Pursuant to 28 U.S.C. § 1746, I declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge, based on my education, experience and professional judgment. Executed January 18, 2008, in Portland, Oregon.

A handwritten signature in black ink, appearing to read "Bruce K. Suzumoto", written over a horizontal line.

Bruce K. Suzumoto