



March 10, 2008

Stephanie Parent  
4685 SW Flower Place  
Portland, OR 97221

Re: Status report on the Endangered Species Act Section 7 consultation for the  
Willamette Project.

Dear Ms. Parent:

The National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS), collectively, the Services, are providing you with this status report on the Endangered Species Act (ESA) Section 7 consultation for the Willamette Project. The consultation was the subject of recent litigation, Willamette Riverkeeper and Northwest Environmental Defense Center v. U.S. Army Corps of Engineers et al, Civil No. 07-CV- 1399 PK, filed in the United States District Court for the District of Oregon. The Services are sending this report to you, representing the plaintiffs, as we agreed to in the Stipulated Settlement Agreement, entered by the court on February 26, 2008. We have met this provision of the settlement agreement by sending you this report by the agreed-upon date of March 11, 2008<sup>1</sup>.

The Services are continuing to work on their respective Biological Opinions (Opinions) for the Willamette Project and are on track for meeting our agreed-upon completion date of July 11, 2008. We received a Supplemental Biological Assessment on May 31 2007, from the Action Agencies, the U.S. Army Corps of Engineers, Bonneville Power Administration, and the U.S. Bureau of Reclamation. Since that time, the Services have been working on completing their Opinions for this action that includes operation of 13 Federal dams and associated hatchery facilities in the Willamette River system and maintenance of about 43 miles of revetments (bank protection structures) located along the mainstem Willamette River and its tributaries. We have completed facilitated meetings with the Action Agencies, and are diligently continuing toward completion of the Opinions. As part of these meetings, from October 2007 through January

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<sup>1</sup> Please note that there is no legal requirement, other than the settlement agreement, that we provide you with a status report, as the Supreme Court recognized in *National Ass'n of Home Builders v. Defenders of Wildlife*, 127 S.Ct. 2518, 2531 n.6 (2007), stating, "Nor is there any independent right to public comment with regard to consultations conducted under § 7(a)(2)."

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**Department of Interior**  
**U. S. Fish and Wildlife Service**  
**Pacific Region**

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**Department of Commerce**  
**National Marine Fisheries Service**  
**Northwest Region**



2008, we have had over 10 meetings with technical staff and five meetings with senior policy managers. We are continuing to work with the action agencies on the biological opinions. We plan to meet at least three more times with action agency staff, once this month and twice in May. We also have a managers level meeting scheduled in May.

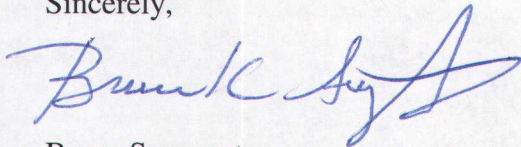
More specifically, NMFS has numerous resources working on completing the Opinion. NMFS has assigned a project leader; with oversight by the Assistant Regional Administrator (ARA) Hydropower Division, ARA Salmon Recovery Division (SRD), Chief, FERC and Water Diversions Branch in the Hydro Division, and ESA quality control by our ESA coordinator. We have focused additional staff to assist in this effort, including biologists, engineers, and administrative support, as part of their duties.

NMFS is currently working through each section of the draft Opinion. Some of the sections are completed and others are still in progress. Once we have a complete draft, we will have internal agency review and also provide the Action Agencies with a chance to comment. We will then complete the Opinion. Despite our diligent efforts to complete initial internal drafts as quickly as possible, we are finding that it is taking longer than anticipated to incorporate results of recent studies and monitoring into our document. Nonetheless, we continue to believe that we'll be able to meet our deadline for producing the Opinion by July 11, 2008.

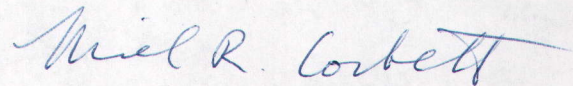
The USFWS has staff from the Endangered Species Division working on their biological Opinion. A draft Opinion has been completed and is currently going through internal agency review. We are confident we will meet our deadline for producing a completed Opinion by July 11, 2008.

In conclusion, both NMFS and USFWS are working diligently on completing their Biological Opinions and believe that we will meet our deadline of July 11, 2008 for the completed Opinions.

Sincerely,



Bruce Suzumoto  
Assistant Regional Administrator  
Hydropower Division  
National Marine Fisheries Service



Miel Corbett  
Acting State Supervisor  
Oregon Fish and Wildlife Office  
U.S. Fish and Wildlife Service

Cc: Coby Howell, Department of Justice

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