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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

NATIONAL WILDLIFE FEDERATION, *et al.*,

Plaintiffs,

and

STATE OF OREGON,

Intervenor-Plaintiff,

v.

NATIONAL MARINE FISHERIES SERVICE,
et al.,

Defendants,

and

NORTHWEST RIVERPARTNERS, *et al.*,

Intervenor-Defendants.

Case No. 3:01-CV-00640-SI

STATE OF OREGON'S RECORD
CITATIONS AND DEMONSTRATIVE
EVIDENCE REFERENCED DURING
ORAL ARGUMENT ON MOTIONS FOR
SUMMARY JUDGMENT ON JUNE 23,
2015

As requested by the Court, below, the State of Oregon provides citations to the administrative records that were referenced during oral argument, but that were not previously provided in briefing.

Oregon also attaches hereto as Exhibit 1 a copy of the demonstrative exhibit that it displayed during oral argument.

PROPOSITION	CITATION
NOAA stated in the 2004 BiOp that “[t]he purpose of safe passage, relative to ‘survival or recovery’ of listed species, is survival through the migratory corridor at a rate sufficient to support increasing populations up to at least a recovery level.”	2014 NOAA B277:NMFS025591-92 (2004 BiOp at 8-7 to 8-8) (quoted in <i>NWF v. NMFS</i> , No. CV 01-640-RE, CV 05-23-RE, 2005 WL 1278878 *16 (D. Or. May 26, 2005).
Northwest Power and Conservation Council, Columbia River Basin Fish and Wildlife Program sets a biological objective of achieving SAR rates in the 2-6% range for SR and UC salmon and steelhead.	2014 NOAA B320:NMFS 034299.
A 2000 NOAA study states that juvenile downstream migration survival rates were already 40 to 60% at that time.	2000 AR B.164 Kareiva, P., M. Marvier, and M. McClure. 2000. Recovery and management options for spring summer chinook salmon in the Columbia River basin. <i>Science</i> 290, internal pin cite page 977.
The record shows an estimate, based on data and simulations, that juvenile in-river survival rates need to be greater than 85% in order to provide average SAR of 4% and that models indicate spill levels of 55-60% may achieve 85% survival across a range of flow conditions.	2014 NOAA B408: NMFS 41268-69 (Comparative Survival Study, 2013 Workshop Report (2013) at 14).
Related to dam performance standards, the “FCRPS Juvenile Dam Passage Performance Standard and Metrics” provides: “consistent with the BA and BiOp, performance standards will not be assessed during a year with extreme flow conditions which result in operation other than intended at a given project.”	2014 NOAA B417: NMFS043476.

Other tests of dam performance standards have been conducted, and the dams failed to meet the performance standards, but these were not reported in the 2014 BiOp.	2014 NOAA C013084:NMFS128615 (Table ES.1, yearling and steelhead less than 96% at Bonneville in 2010) 2014 NOAA C033887:NMFS285035 (Table ES.1 shows subyearling less than 93% at Little Goose and Lower Monumental in 2013)
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DATED this 30th day of June, 2015.

Respectfully submitted,

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s/ Stephanie M. Parent

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