

COOPERATIVE AGREEMENT  
BETWEEN  
THE UNITED STATES OF AMERICA  
AND  
THE STATE OF OREGON  
FOR THE  
OPERATION AND MAINTENANCE  
OF  
CERTAIN PORTLAND DISTRICT COE HATCHERIES

This agreement is entered into this 26th day of October 1990 by and between the United States of America, acting by and through the U.S. Army Corps of Engineer District, Portland (hereinafter referred to as the "Corps") and the State of Oregon, represented by the Department of Fish and Wildlife (hereinafter referred to as the "State").

The premises for this cooperative agreement under 31 USC 6305 are as follows:

(1) The Corps has constructed about 20 dams and related hydropower facilities pursuant to authorization in the Flood Control Act of 17 May 1950, P.L. 516, 81st Congress and other laws;

(2) Construction and operation of said projects have resulted in losses of runs of salmon and other species;

(3) House Document 531, 81st Congress, 2nd session, and other projects' authorizations authorize the Corps to provide facilities to mitigate loss of natural spawning, feeding, and rearing grounds for fish life caused by said projects; and to conduct studies and evaluations in support of these mitigation activities; and, in addition, a plethora of subsequent federal legislation directs and authorizes the Corps to operate and maintain these facilities in compliance with federal laws for the protection and enhancement of fish and wildlife, water quality, the human environment, and other federally authorized purposes;

(4) In addition, the Mitchell Act of May 11, 1938, 16 USC 755-757, authorized the Secretary of Commerce acting through the National Marine Fisheries Service to enter into agreements with the States of Oregon, Washington, and Idaho for the conservation of fish and wildlife within the Columbia River Basin and to contract for the use of state facilities and services for this purpose;

(5) Further, the Dingell-Johnson Sport Fish Restoration Act of Aug. 9, 1950, 16 USC 777 ff., authorized the Secretary of the Interior acting through the US Fish and Wildlife Service to enter into joint agreements with various states, including Oregon and



## ARTICLE IV

### COLE M. RIVERS FISH HATCHERY

#### ADDITIONAL PREMISES:

WHEREAS, the Corps has constructed Lost Creek Lake and Applegate Lake Projects in the Rogue River watershed pursuant to authorization in the Flood Control Act of 1962, House Document 566, 87th Congress, 2nd Session; and

WHEREAS, construction and operation of said projects have resulted in losses of runs of salmon, rainbow trout, and steelhead; and

WHEREAS, the aforementioned document authorized the Corps to provide facilities to mitigate loss of natural spawning, feeding, and rearing grounds for fish life caused by said projects; and

WHEREAS, it is mutually agreeable to the State and the Corps that the Corps pay 100% of the costs of O & M of Cole M. Rivers Fish Hatchery to provide both compensation for and enhancement of fish runs as noted above; and

WHEREAS, the Corps and the State entered into an agreement on the 23d day of August 1972 for land acquisition, construction, and O & M of Cole M. Rivers Fish Hatchery; and

WHEREAS, the Corps' share of the total O & M costs of said hatchery which is equivalent to the Corps' mitigation responsibilities under the authorities cited above;

the parties agree as follows:

#### CLAUSE 1. Responsibilities of the State

The State shall:

a. Release the hatchery mitigation production into the Rogue River Basin.

#### CLAUSE 2. Responsibilities of the Corps

The Corps will:

a. Reimburse the State for 100% of the hatchery O & M costs to provide for the mitigation responsibility of the Corps, as defined in CLAUSE 3 below.

b. Assure the hatchery has an acceptable (quantity and quality) water supply (300 c.f.s./ 134,640 g.p.m. from the Lost Creek Dam tailrace and 60 c.f.s./ 26,928 g.p.m. of warmer water from the Lost Creek Dam forebay).

#### CLAUSE 3. Mitigation Requirements

a. Funding by the Corps will be based on what is required to rear a maximum of 365,120 pounds of fish excluding gradeouts based on the following schedule:

	Total Pounds at Release
Spring Chinook (O. tshawyscha) (Lost Creek)	263,000 ✓
Summer Steelhead (O. mykiss) (Lost Creek)	14,300 ✓
Rainbow trout (O. mykiss) (Lost Creek)	45,420
Coho (O. kisutch) (Applegate)	3,000 ✓
Winter Steelhead (O. mykiss) (Applegate)	28,700 ✓
Rainbow trout (O. mykiss) (Applegate)	<u>10,700</u>
Total -	365,120

This poundage schedule will be sufficient to maintain the hatchery equivalent of the production, including harvest, from the 13,020 wild spring chinook spawners and 500 wild summer steelhead spawners which returned to the area above Lost Creek Dam and the 500 wild coho spawners and 2,000 wild winter steelhead spawners which returned to the area above Applegate Dam. The Corps recognizes the States need for fish management flexibility for the Rogue Basin, therefore the above schedule serves only as an agreement guideline for the various species to be reared. The Corps expects the annual production for each species to fluctuate, however, the total (365,120 pounds) should not be exceeded on a regular basis with Corps funding.