Summary of instances reported to Felice Pace in which NOAA Fisheries Klamath lead staff member Jim Simondet is alleged to have failed to properly implement the ESA in the Klamath River Basin.

- Just a few years ago, NMFS lost on a case where JS had NMFS mgmt sign a ~ 2015 letter to Reclamation stating reinitiation of consultation was not needed even though the 2013 Klamath Project Biop's C. shasta infection- take thresholds were excessively exceeded (81 and 91% infections for 2 consecutive yrs when take threshold was 49%). That exceedance should have been seen as a huge issue, and instead the BOR was offered a free pass. See 16-cv-04294-WHO and 16-cv-6863-WHO. Also at: https://www.uscourts.gov/cameras-courts/hoopa-valley-tribe-v-national-marine-fisheries-et-al-and-yurok-tribe-et-al-v-united

- The Fruitgrowers HCP biop was another of JS' litigation losses in 2013 (Klamath-Siskiyou Wildlands Center, CBD, and Klamath Forest Alliance vs NMFS and FWS, N District of CA) with a failure to analyze short term effects among other issues.

- In 2005, PCFFFA v US Bureau of Reclamation (9th Cir 426 F.3d 1082), NMFS lost again for failing to properly analyze Phases 1 and 2 of Reclamation's Klamath Project operations. Phases 1 and 2 released insufficient water for coho, but the agency accepted that because phase 3 provided better water but was years away. Judge concluded the jeopardy analysis was arbitrary and capricious for the agency's failure to ensure phases 1 and 2 would avoid jeopardizing coho and noted there may not be any coho left to experience phase 3 flows. JS was the lead biologist that time I believe.

- The 2010 Klamath project biop had serious issues, but the agency escaped litigation. While that biop was a jeopardy biop, it had prescribed a flow exceedance table that was apparently not implementable. There is suspicion that JS and Irma knew about that flaw because they said nothing when Reclamation ignored the prescribed flows and BOR released only the bare minimum out of IGD and NOAA didn't do anything about it for years. The next biop reinitiation was in 2013, so for about 2-3 years, coho didn't get the flows it needed. Not many people, even within the agency know about this.

- The most recent Klamath Project Biop under Trump administration, likely flawed too. internally his own staff complain that there was no support from him during that consultation for lots more water for coho as needed, just small amounts to not make any waves. Looks like Reclamation is working on reinitiating on that now. Many NOAA staffers don't have confidence in JS' conservation ethic or backbone.