



## Pacific Fishery Management Council

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David W. Ortmann, Chairman | Donald O. McIsaac, Executive Director

November X, 2009

Mr. Stan Dixon  
Chairman  
California Board of Forestry and Fire Protection  
P.O. Box 944246  
Sacramento, California 94244-2460

Dear Chairman Dixon:

The Pacific Fishery Management Council (Council) would like to ~~provide~~ comments on the recently adopted State Board of Forestry and Fire Protection (BOF)'s 2009 Anadromous Salmonid Protection Rules. The Council concurs with National Marine Fisheries Service (NMFS) that further steps are necessary, and development of a Habitat Conservation Plan would be appropriate. As you may be aware, ~~t~~The Council is one of eight regional fishery management councils established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 for the purpose of managing fisheries in federal waters. The Council is responsible for fisheries off the coasts of California, Oregon, and Washington, including fisheries for Chinook and coho salmon, and comments on actions that impact essential fish habitat for these fish.

As you may know, there has been a sudden collapse recently in Chinook salmon populations originating in California's Central Valley region. This collapse prompted the Council to recommend, and NMFS to approve, a closure of all commercial Chinook salmon fishing south of Cape Falcon, Oregon in both 2008 and 2009. The state of California also issued a closure on all ocean salmon commercial fisheries in state waters (0-3 miles offshore). These actions have caused severe economic and social hardship to many coastal communities in both California and Oregon. In response to these ocean salmon fishery failures, Congress appropriated \$170 million in disaster relief funds that were distributed in 2008 and 2009 to fishing-related businesses affected by the closures.

In addition to the collapse of Chinook salmon stocks, a decline in many West Coast coho salmon populations has also been observed in recent years. Moreover, due to the overall depressed status of federally listed coho in California, especially with regard to Central California Coastal coho, coho-directed fisheries and coho retention in Chinook fisheries have been prohibited off the coast of California for the commercial and recreational sectors since 1993 and 1995, respectively.

It is clear that no single entity can recover salmon and steelhead in California, and that a unified and well-organized strategy will be necessary to accomplish this goal. In fact, there have been a number of Federal, State, and local laws and policies enacted in support of this effort, including

the NMFS Biological Opinion for the Central Valley Project and State Water Project Operations Criteria and Plan advising fish passage above several dams to avoid jeopardy to Central Valley salmonids, discussions regarding the potential removal of the Klamath Basin dams, and the fishery closures mentioned previously, among others. California's forestlands are critical to the freshwater survival and long term recovery of northern California's salmon and steelhead populations. Decisions by this BOF will have a significant influence on the future of these populations.

To this end, the Council commends the BOF for the October 7, 2009 unanimous adoption of permanent riparian rules for the protection of anadromous salmonids. The newly adopted rules are a milestone for both the BOF and these iconic species, but more work remains to be done. Moving forward, the Council requests that the BOF address the outstanding issues raised in NMFS' letters to the BOF from June, September and October of 2009. The items that need to be addressed include:

- (1) Take action to assure unauthorized take or harm does not occur and work to establish no-take rules (as exist for northern spotted owls or marbled murrelets), or
- (2) Reinitiate discussions between the California Natural Resources Agency and NMFS that began in 2006 to develop a section 10(a)(1)(B) California State Forestry Habitat Conservation Plan (HCP) that authorizes incidental take of salmon and steelhead. The Washington State HCP has proven to be beneficial to salmonids and to Washington's forest landowners, and California can use it as a model.

Without these steps, salmonids are still at risk of harm, and landowners remain subject to discretionary timber harvest plan reviews and ESA take enforcement actions by NMFS.

The Council wishes to acknowledge the October 7, 2009 unanimous BOF adoption of permanent rules for riparian zones specifically for the protection of anadromous salmonids on forestlands. Moving forward, the Council encourages the BOF to extend these rules to address outstanding issues raised in NMFS' letters to the BOF over the last several years (such as impacts of roads, cumulative effects, watershed analyses, and adaptive management).

In addition, the Council requests the BOF advance forest management practices that address the freshwater needs of listed salmon and steelhead, and take immediate action to assure unauthorized take or harm does not occur to federally listed salmonids. Specifically, the BOF should develop "no take" rules as exist for northern spotted owls or marbled murrelets, or move forward on the creation of a section 10(a)(1)(B) statewide permit or a California State Habitat Conservation Plan, with NMFS, that authorizes incidental take of salmon and steelhead under the Endangered Species Act (ESA).

Since the BOF's riparian rules are neither "no take" rules or rules secured under a Habitat Conservation Plan, landowners can still be subject to discretionary timber harvest reviews and ESA take enforcement actions by NMFS. California Resources Secretary Mike Chrisman initiated discussions between the State and NMFS regarding a Habitat Conservation Plan in 2006. The Council would like to see these discussions continue, since such a plan would create a

~~mechanism to protect both landowners and salmonids, and set the stage for a comprehensive monitoring and adaptive management process, as modeled by Washington State.~~

Thank you for your consideration. If you have any questions, please contact our Executive Director, Donald McIsaac, at 503-820-2280.

Sincerely,

<SIGNATURE BLOCK>

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