



## Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384  
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | [www.pcouncil.org](http://www.pcouncil.org)  
David W. Ortmann, Chairman  
Donald O. McIsaac, Executive Director

November X, 2009

Mr. Donald Glaser  
Regional Director  
Mid-Pacific Region  
U.S. Bureau of Reclamation  
2800 Cottage Way, MP-3700  
Sacramento, California 95825-1898

Dear Mr. Glaser:

The Pacific Fishery Management Council (Council) is concerned that the Bureau of Reclamation (Reclamation) has to date failed to respond to the Essential Fish Habitat (EFH) recommendations provided by the National Marine Fisheries Service (NMFS) regarding Reclamation's long-term operations of the Central Valley Project, operated in coordination with ~~and the~~ State Water Project (Operations).

Fall and late fall-run Chinook salmon stocks from the Central Valley have historically comprised the vast majority of the ocean salmon harvest south of Cape Falcon, Oregon to the Mexico border. Unfortunately, their populations have decreased dramatically in recent years, prompting the Council to recommend, and NMFS to approve, unprecedented ocean salmon fishery closures along the coasts of California and Oregon. These fishery closures have had severe socio-economic repercussions for many coastal communities in California and Oregon that rely on the opportunity to harvest those salmon stocks.

The Council was given an update in September regarding the biological opinion and conference opinion and EFH analysis for your Operations. The Council was briefed on NMFS' conclusions that Operations are likely to jeopardize the continued existence of the Endangered Species Act (ESA)-listed Sacramento River winter-run Chinook salmon and Central Valley spring-run Chinook salmon (among other ESA-listed species).

The Council manages fisheries for these winter-run and spring-run salmon and is deeply concerned about their health. Because the Council is required to protect these stocks, which intermingle with healthier stocks in the ocean, their ESA listings restrict other fisheries. The Council is pleased that Reclamation has provisionally accepted NMFS' reasonable and prudent alternative (RPA) and is beginning to work with NMFS to implement these critical measures. Such work needs to be pursued with vigor to rebuild these stocks.

However, the Council has learned that Reclamation has yet to respond to the EFH conservation recommendations that were provided by NMFS. These recommendations include (1) general recommendations from Appendix A of Amendment 14 to the Pacific Coast Salmon Fishery

Management Plan, (2) the habitat-based actions within the RPA from the Opinion, and (3) the specific conservation recommendations for fall- and late fall-run Chinook salmon in the Central Valley system.

The Magnuson-Stevens Fishery Conservation and Management Act section 305(b)(4)(B) and 50 CFR 600.920(k) requires Reclamation to provide a written response to EFH conservation recommendations within 30 days of their receipt. It requires the response to include a description of measures to avoid, mitigate, or offset the adverse impacts of the activity. Furthermore, if the measures are inconsistent with the EFH conservation recommendations, Reclamation must provide NMFS an explanation of the reasons for not implementing those recommendations. The reasons must include the scientific justification for any disagreements over the anticipated effects of the proposed action and the measures needed to avoid, minimize, mitigate, or offset such effects.

The Council believes the EFH conservation recommendations contained in the Opinion include measures necessary to reestablish populations of Chinook salmon, and especially the fall- and late fall-runs, in the Central Valley. The Council urges Reclamation to comply with its statutory and regulatory obligation to respond to NMFS' EFH conservation recommendations and to implement them fully. The Council believes this would be an important step in providing sustainable populations of Chinook salmon in the Central Valley.

Thank you for considering our concerns. Please feel free to contact Council Executive Director Don McIsaac if you have any questions.

SIGNATURE BLOCK