

ISSUE 1 - HABITAT

This issue concerns the need for supplementary information in the FMP regarding the significance of habitat and the impacts of habitat changes on the salmon resource and the fishery.

Background

In November 1983, a habitat conservation policy was implemented for NMFS. Among other things, this policy encouraged greater participation by the RFMCs in habitat conservation matters. In line with that direction, the Council formally identified the need for development of a more detailed habitat section for the FMP in July 1985 during its first amendment scoping session following the implementation of its framework amendment. The Council also formed a Habitat Committee and developed a habitat policy shortly after that time.

In 1986, following the Council's initiation of work on the habitat issue, the MFCMA was amended to strengthen the involvement of the RFMCs in habitat matters. The amendment requires (1) inclusion of a section in the FMP which provides readily available information regarding the significance of habitat to the fishery and assessment as to the effects which changes to that habitat may have upon the fishery and (2) federal agencies to provide a detailed written response to Council comments and recommendations concerning impacts of their activities on the habitat of a fishery resource under Council jurisdiction.

Because the present FMP section dealing with habitat does not meet the requirements of the MFCMA amendment, status quo is not an option for this issue. A description of the Council's proposed action for this issue follows below.

Proposed Action

In compliance with the amended MFCMA and in view of the importance of habitat to the management of the salmon resource, the Council proposes consideration of an expanded habitat and environment section in the salmon FMP, including a "Habitat Appendix." The proposed new section would replace Section 3.2.2. of the framework amendment and incorporate a "Habitat Appendix" by reference as a separate document (the "Habitat Appendix" is included in this amendment document at the end of the amendment issue section).

The specific new text, as reproduced below, differs from the framework amendment primarily by (1) referencing the "Habitat Appendix," (2) stating the Council's current habitat policy of no net loss of productive capacity, and (3) listing the other policy statements of the "Habitat Appendix" as habitat objectives under Section 3.2.2.1. No changes have been proposed for the present production objectives of Section 3.2.2.2.

3.2.2. Habitat and Environment

The management objectives of the Council can best be achieved if its objectives and policies are also pursued by the agencies having environmental control and resource

management responsibilities over production and harvest in inside marine and fresh waters. Where feasible, the Council will strive for this consistency.

The Council will be prepared to assist all agencies involved in the protection of salmon habitat. This assistance will generally occur in the form of an endorsement of protection, restoration, or enhancement programs and in promoting salmon fisheries needs among competing uses for the limited aquatic environment. The Council's "Habitat Appendix" to the salmon FMP provides documentation of the habitat needs of the salmon resource and the adverse effects which alterations of the habitat have and can create.

The Council will be guided by the principle that there should be no net loss of the productive capacity of marine, estuarine, and freshwater habitats which sustain commercial, recreational, and native salmon fisheries beneficial to the nation. Within this policy, the Council will assume an aggressive role in the protection and enhancement of anadromous fish habitat and work toward achieving the following habitat and production objectives.

3.2.2.1 Habitat Objectives

1. The Council will work to assure that Pacific salmon, along with other fish and wildlife resources, receive equal treatment with other purposes of water and land resource development.
2. The Council will support efforts to restore Pacific salmon stocks and their habitat through vigorous implementation of federal and state programs.
3. The Council will work with fishery agencies, tribes, land management agencies, and water management agencies to assess habitat conditions and develop comprehensive restoration plans.
4. The Council will support diligent application and enforcement of regulations governing ocean oil exploration and development, timber harvest, mining, water withdrawals, agriculture, or other stream corridor uses by local, state, and federal authorities. It is Council policy that approved and permitted activities employ the best management practices available to protect salmon and their habitat from adverse effects of contamination from domestic and industrial wastes, pesticides, dredged material disposal, and radioactive wastes.

5. Where existing authorities and regulations are inadequate, the Council will encourage users to seek legislative remedies as potential means to conserve, protect, and restore salmon populations and their habitat.
6. The Council will promote agreements between fisheries agencies and land and water management agencies for the benefit of fishery resources and to preserve biological diversity.
7. The Council will strive to assure that the standard operation of existing hydropower and water diversion projects will protect and enhance salmon productivity.
8. The Council supports efforts to identify and avoid cumulative or synergistic impacts in drainages where Pacific salmon spawn and rear. The Council will assist in the coordination and accomplishment of comprehensive plans to provide basinwide review of proposed hydropower development and other water use projects. The Council encourages the identification of no-impact alternatives for all water resource development.
9. The Council will support and encourage efforts to determine the net economic value of conservation by identifying the economic value of fish production under present habitat conditions and expected economic value under improved habitat conditions.

3.2.2.2. Production Objectives

(No change from current FMP.)

Impacts

This amendment issue describes habitat factors important to salmon production and the general impacts which degradation of these factors can have on the salmon resource. The additional information provided by the Council's proposed action should help to provide more effective and timely guidance in the protection and enhancement of salmon habitat for stocks under Council jurisdiction.

The amendment adopts a habitat policy and specific habitat objectives which, in their present form, do not require implementation through regulations. Therefore, no direct or measurable economic and environmental effects are expected. Until specific management or regulatory actions are planned or anticipated, there is no tangible basis for evaluating the consequences of the Council's habitat policy and objectives. However, the adopted habitat objectives and associated recommendations may subsequently result in specific federal management or other actions which could have direct or indirect regulatory or environmental impacts. At such time, the involved federal

agencies will need to assess these impacts and satisfy the appropriate analytic requirements of Executive Order 12291, the Regulatory Flexibility Act, and Environmental Protection Act, etc.

The general impact of supplying additional habitat information in a readily available and documented format should be positive from both a biological and socio-economic standpoint. It should reduce the duplication of effort and expense by developers and management agencies in assembling and disseminating this information and should help focus Council and agency actions with respect to habitat management activities.

Interaction With Other Amendment Issues

There is no interaction between Issue 1 and the consideration of adjustments to allow for access denied by unsafe weather or oceanic conditions of Issue 2 in this amendment.

Recommendation

The Council recommends that the proposed action be implemented to satisfy the requirements of the amended MFCMA and to support the Council's habitat policy and objectives.

References

FMP Reference

Section 3.2.2. Final Framework Amendment for Managing the Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California Commencing in 1985:3-8.

Administrative and Legislative Reference

Habitat Conservation; Policy for NMFS. November 25, 1983. Federal Register, Volume 48(228): 53142-53147.

Sections 302(i) and 303(a)(7) of the MFCMA of 1976 (as amended).