



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
Mark Cedergreen, Chairman Donald O. McIsaac, Executive Director

June 27, 2011

Mr. Douglas J. Wade
U.S. Army Corps of Engineers
Attn: CECW-CE
441 G Street, N.W.
Washington, D.C. 20314-1000

Re: Docket number -COE-20 1 0-0007

Dear Mr. Wade:

The Pacific Fishery Management Council (Council) is aware of the Army Corps of Engineers' (Corps) intention to revise its policies on levee vegetation management, and would like to take this opportunity to comment.

The Council was established by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (MSA), and has jurisdiction over 119 fish species in managed fisheries off the Washington, Oregon, and California exclusive economic zone. MSA includes provisions to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Council fisheries management plan. The MSA requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH (MSA §305(b)(2)). The Council is also authorized under MSA to comment on and make recommendations for any Federal or State activity that may affect the habitat, including EFH, of a fishery resource under its authority. Furthermore, for activities that the Council believes are likely to substantially affect the habitat of an anadromous fishery resource under its authority, the Council is obligated to provide comments and recommendations (MSA §305(b)(3)).

The Council has recently become aware of actions proposed by the Corps to require removal of vegetation on levees adjacent to thousands of miles of Chinook and coho salmon EFH in Washington, Oregon, Idaho, and California streams (75 FR 6364 (02/09/10)). Numerous salmon populations are listed under the Endangered Species Act (ESA) in these streams where riparian vegetation is vitally important in maintaining productive habitat and sustainable populations. In fact, some of these streams have been designated as critical habitat for these ESA-listed stocks.

The Council is concerned that the implementation of the Corps guidance, i.e., Engineer Technical Letter 1110-2-571 - *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures* and associated Draft Policy Guidance Letter (PGL) will have severe impacts to salmon populations and their habitat, including those areas designated as critical habitat. Further, the Council believes these actions require EFH and ESA §7 consultation by the Corps with NMFS. The Council disagrees with the

Corps' apparent perspective that National Environmental Policy Act and ESA review can be made the sole responsibilities of levee owners.

In addition, the Council notes the collaborative efforts to develop and approve regional vegetation management variances in the Seattle and Sacramento Corps Districts. We strongly encourage the Corps to allow for a sufficiently flexible regional approach to levee vegetation management where both public safety and salmon habitat have been protected successfully over the last 30 years.

Finally, it is the Council's understanding that the Corps intends to publish a revised Draft PGL in the Federal Register on, or around, July 31, 2011. The Council requests that the Corps adopt an extended comment period until at least October 15, 2011 to allow for the next Council review opportunity in September.

Thank you for your consideration.

Sincerely,



D. O. McIsaac, Ph.D.
Executive Director

JDG:kam