

HABITAT ISSUES

Situation: The Habitat Steering Group meets Monday, April 7, at 10 a.m. The Steering Group agenda is included in the briefing book as ANCILLARY D. Among other items, the Steering Group will be addressing the need to add marine habitat expertise to its membership. The new Chair of the Steering Group, Mr. Paul Heikkila, will present the report.

Council Action: Consider adding marine habitat expertise to the Habitat Steering Group and act on other Steering Group recommendations as appropriate.

Reference Material:

1. Habitat Steering Group agenda (ANCILLARY D).
2. Report of the Steering Group (Supplemental HSG Report C.1.).

PFMC
3/25/97

REPORT OF THE HABITAT STEERING GROUP

The Habitat Steering Group (HSG) met on Monday, April 7, 1997.

The HSG first discussed the make-up of the group and the proposed addition of Mr. Dave Fox, an Oregon Department of Fish and Wildlife (ODFW) biologist with marine expertise. Mr. Fox has agreed to join the committee. The committee supported the addition of Mr. Fox. There was also consensus among steering group members that marine habitat issues should continue to be addressed through the habitat committee.

The HSG agreed to survey habitat panel and committee members regarding whether it is necessary to institute a format schedule for northern and southern panel meetings, as well as election of chairs for the northern and southern panels.

Mr. Mark Helvey of the National Marine Fisheries Service (NMFS) updated the committee on the implementation of the Magnuson-Stevens Act's essential fish habitat (EFH) mandates.

NMFS expects to issue an EFH draft rule in the "next couple of weeks". There will then be a 60-day comment period. For the implementation of the fishery management plan/amendment process, NMFS has discussed the formation of an "oversight committee" composed of NMFS and Council representatives.

Mr. Troy Fletcher asked Mr. Helvey if the new EFH process will result in productive changes on habitat protection. Mr. Helvey responded that EFH "is a small club, but it is a club".

Mr. Jim Steele of the California Department of Fish and Game (CDFG) updated the group on California's (Governor's) "Coastal Watershed Initiative" (CWI). There is currently a proposed budget of \$3.8 million for the CWI in the California legislature. Mr. Richard Oba said that to get more funding into the CWI, perhaps it could dovetail onto a potential 1998 California coastal bond state ballot initiative.

Mr. Nat Bingham asked a related question of NMFS as to whether or not they will work with the State of California in partnership with the CWI. Mr. Jim Lecky, NMFS, told the committee that communications with the CDFG is thawing.

Therefore, the HSG has drafted a resolution for adopted by the Council (attached).

Mr. Rich Lincoln, Washington Department of Fish and Wildlife, gave an update on Washington's Wild Salmon Policy.

There was also a panel presentation among water users, U.S. Fish and Wildlife Service, Pacific Coast Federation of Fisherman's Association and the Environmental Defense Fund. This panel discussion entailed the Central Valley Project Improvement Act's 800,000 acre-feet of water for fishery restoration purposes.

Following the discussion, the HSG prepared a letter to the Department of the Interior for Council approval. That letter was originally considered for adopted by the steering group at their March meeting and has been updated and edited.

PFMC
04/08/97

RESOLUTION ON COHO ~~SALMON~~

WHEREAS, there has been a prohibition on directed take (Section 9, Endangered Species Act) on the fishery for coho salmon off the coasts of California and Oregon; and

WHEREAS, the Central California coho Evolutionary Significant Unit (ESU) has been listed since October 1996 and a decision is due on April 25, 1997 on the listing of the northern California/southern Oregon boundary ESU and the Oregon ESU; and

WHEREAS, there have been severe delays in the implementation of actions to bring about the recovery of coho in the central California ESU due to a lack of progress in discussions between the National Marine Fisheries Service (NMFS) and the State of California, including the failure to publish "take" avoidance guidelines; and

WHEREAS, the discussions to-date on coho recovery between NMFS and the State of California have not involved either the public or interested NGOs (non-government organizations) or tribes causing further delay in developing a program for recovery; and

WHEREAS, on-the-ground activities (e.g., timber harvest, ~~salmon restoration or assessment activities~~) in the affected waters have been ^{delayed} halted, including the review of an estimated 70 timber harvest plans; and

WHEREAS, there has been a lack of adequate science and a failure to convene a scientific panel for the recovery of coho in California; now, therefore, be it

RESOLVED, the Pacific Fishery Management Council (Council) urges NMFS to convene an independently facilitated meeting of all parties of interest, including fishery NGOs and tribes to resolve conflicts in the implementation of coho recovery in California; and be it further

RESOLVED, the Council requests NMFS ^{to} convene, following consultation with California and Oregon, and NGOs and tribes, an independent scientific panel to evaluate coho recovery, including limiting factors (e.g., existing habitat protection regulations, best management practices, hatchery practices, etc.)

PACIFIC FISHERY MANAGEMENT COUNCIL

2130 SW Fifth Avenue, Suite 224

Portland, Oregon 97201

Telephone: (503) 326-6352

CHAIRMAN

Robert C. Fletcher

EXECUTIVE DIRECTOR

Lawrence D. Six

April 8, 1997

The Honorable John Garamendi
Deputy Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Deputy Secretary Garamendi:

The Pacific Fishery Management Council has responsibility for developing management plans for the fisheries occurring offshore the states of California, Oregon, Washington and Idaho, pursuant to 16 USC 1801 *et seq.* In recent years, this Council has been forced to implement restrictive measures in the ocean salmon fishery, costing millions of dollars in lost jobs, food production and recreational opportunity, due to declining salmon populations. The salmon declines came about in large part due to inland habitat losses, including those associated with dams and water diversions.

We are concerned that the Department of Interior has not made the decision's necessary to fully implement the Central Valley Improvement Act (CVPIA), including adoption of the Anadromous Fish Restoration Program, Delta Flow and Habitat Objectives using CVPIA tools [Section 3406(b)(1)(B), (b)(2), (b)(3)]. The act identified these actions were to be implemented in **1995** to assure the protection of fish and wildlife, and double the natural spawning production of anadromous fish in the Central Valley rivers system by the year 2002. ✓

Specifically, this Council, which has management responsibility for the West Coast salmon fishery, urges the Bureau of Reclamation to commit the water called for under the CVPIA's Anadromous Fish Restoration Program's nine action items for the maintenance and recovery of Central Valley salmon stocks. While water for fish and wildlife have not been provided their full water allocation, the Bureau has, in stark contrast, committed to providing full deliveries to all Central Valley Project contractors (except for the west side of the San Joaquin, the area where land is slated to be taken out of irrigated agriculture production because of toxicity problems).

Congress was clear in the 1992 passage of the CVPIA that fish and wildlife were to be given equal consideration in the use of water from the federal project. We are concerned that the undue belaboring of scientific uncertainty in the CVPIA process is being used instead of proceeding in an adaptive management way and that results, in effect, in circumventing expedient implementation of the law.

As provided under 16 USC 1855, this Council requests that the Department of the Interior to comply with the law set forth in the CVPIA to provide equal consideration for fish and wildlife in its annual water supply decisions and assure that the annual allocation of up to 800,000 acre-feet, designated by Congress for fish and wildlife is delivered on a schedule that meets fish and wildlife needs.

In related water management activities, specific provisions of Section 3406(b)(23) of the CVPIA called for permanent operations constraints and procedures for the Trinity River by December 31, 1996. As you are aware, delays in completion of the U.S. Fish and Wildlife Service 12-year flow study have precluded the Secretary of Interior from meeting mandates of the CVPIA with regard to Trinity River flows and National Environmental Policy Act compliance, currently scheduled for November 1997. Further, the Congressionally mandated Trinity River Restoration Program (PL 104-143) clearly established the goal of restoring Trinity River fish and wildlife natural populations to levels that existed prior to construction of the Trinity River division of the CVP. Accordingly, specific pre-project levels of natural salmonid production have been established and differ from CVPIA goals of doubling production.

We encourage you to make the decisions on fish and wildlife flows and initiate the adaptive management approach necessary to achieve fish and wildlife goals in a timely manner.

Sincerely,

DRAFT

Robert C. Fletcher
Chair

- c. Kathleen McGinty, White House Council on Environmental Quality
Michael Spear, Region Director, U.S. Fish & Wildlife Service
Roger Patterson, Pacific Region Director, U.S. Bureau of Reclamation

SCIENTIFIC AND STATISTICAL COMMITTEE REPORT ON THE HABITAT STEERING GROUP
ADDING MARINE HABITAT EXPERTISE TO STEERING GROUP

The Scientific and Statistical Committee (SSC) met with Steve Phillips and Paul Heikkila from the Habitat Steering Group (HSG) to discuss the proposal to add a new member, with expertise in marine habitat. Although a few of the current steering group members have knowledge of marine habitat, a new member would help meet the increased workload caused by the need to identify essential fish habitat for all fishery management plans as required under the revised Magnuson-Stevens Fishery and Conservation Act.

Dave Fox of Oregon Department of Fish and Wildlife (ODFW) has been identified as a candidate for this position. From personal knowledge of several SSC members, he is well qualified to address a number of marine habitat issues.

The Council should be aware that identification of critical habitat, and measures to protect it, will be an overwhelming task, that will require much more in the way of additional personnel resources than just the addition of one member to the Habitat Steering Group. Assessment of marine habitat will be very complex, requiring collection and analysis of new data. For example, assessment of fishery-related impacts alone will require examination of the effects of each of many different gear types (e.g. hook-and-line, longline, pots, trawl).

PFMC
04/08/97

REVISED RESOLUTION ON COHO

WHEREAS, there is a Section 9 prohibition on directed take of coho salmon in central California; and

WHEREAS, retention of coho in ocean fishing has been prohibited for the last three years and is anticipated to be prohibited again in 1997; and

WHEREAS, the Central California coho Evolutionary Significant Unit (ESU) has been listed since October 1996 and a decision is due on April 25, 1997 on the listing of the northern California/southern Oregon boundary ESU and the Oregon ESU; and

WHEREAS, there have been severe delays in the implementation of actions to bring about the recovery of coho in the central California ESU due to a lack of progress in discussions between the National Marine Fisheries Service (NMFS) and the State of California, including the failure to publish "take" avoidance guidelines; and

WHEREAS, the discussions since October on coho recovery between NMFS and the State of California have not involved either the public or interested NGOs (non-government organizations) or tribes causing further delay in developing a program for recovery; and

WHEREAS, on-the-ground activities (e.g., timber harvest) in the affected waters have been delayed, including the review of an estimated 70 timber harvest plans; and

Strike-out

~~WHEREAS, there has been a lack of adequate science and a failure to convene a scientific panel for the recovery of coho in California; now, therefore, be it~~

LB-

RESOLVED, the Pacific Fishery Management Council (Council) urges NMFS and the state to convene an independently facilitated meeting of all parties of interest, including fishery NGOs and tribes to resolve conflicts in the implementation of coho recovery in California; and be it further

*and
and effective local govts.*

RESOLVED, the Council requests NMFS and the state convene, following consultation with California and Oregon, and NGOs and tribes, an independent scientific panel to evaluate coho recovery, including limiting factors (e.g., existing habitat protection regulations, best management practices, hatchery practices, etc.)

and effective local governments,

*Changes in per 4/10/97
2:00pm*

motion 11: Adopt and send this resolution w/ the modified changes. Moved → Bingham/Caito. motion passed.

LB, Boudreau and Bill B... obtained the vote

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CHAIRMAN
Robert C. Fletcher

EXECUTIVE DIRECTOR
Lawrence D. Six

April 8, 1997

*motion 12:
send this letter to
John Garamendi*

moved by: Bingham/Warrens

The Honorable John Garamendi
Deputy Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Deputy Secretary Garamendi:

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We are concerned that the Department of Interior has not made the decisions necessary to fully implement the Central Valley Improvement Act (CVPIA), including adoption of the Anadromous Fish Restoration Program, Delta Flow and Habitat Objectives using CVPIA tools [Section 3406(b)(1)(B), (b)(2), (b)(3)]. The act identified these actions were to be implemented in 1995 to assure the protection of fish and wildlife, and to double the natural spawning production of anadromous fish in the Central Valley rivers system by the year 2002.

Specifically, this Council, which has management responsibility for the West Coast salmon fishery, urges the Bureau of Reclamation to commit the water called for under the CVPIA's Anadromous Fish Restoration Program's nine action items for the maintenance and recovery of Central Valley salmon stocks. While water for fish and wildlife have not been provided their full water allocation, the Bureau has, in stark contrast, committed to providing full deliveries to all Central Valley Project contractors (except for the west side of the San Joaquin, the area where land is slated to be taken out of irrigated agriculture production because of toxicity problems).

Congress was clear in the 1992 passage of the CVPIA that fish and wildlife were to be given equal consideration in the use of water from the federal project. We are concerned that undue belaboring of scientific uncertainty in the CVPIA process is being used instead of proceeding in an adaptive management way, the results of which is the lack of expedient implementation of the law.

As provided under 16 USC 1855, this Council requests that the Department of the Interior be attentive to that section of the Act which requires to provide equal consideration for fish and wildlife in its annual water supply decisions, and take the necessary steps to assure that the annual allocation of up to 800,000 acre-feet, designated by Congress for fish and wildlife is delivered on a schedule that meets fish and wildlife needs.

In related water management activities, specific provisions of Section 3406(b)(23) of the CVPIA called for permanent operations constraints and procedures for the Trinity River by December 31, 1996. As you are aware, delays in completion of the U.S. Fish and Wildlife Service 12-year flow study have precluded the Secretary of Interior from meeting mandates of the CVPIA with regard to Trinity River flows and National Environmental Policy Act compliance, currently scheduled for November 1997. Further, the Congressionally mandated Trinity River Restoration Program (PL 104-143) clearly established the goal of restoring Trinity River fish and wildlife natural populations to levels that existed prior to construction of the Trinity River division of the CVP. Accordingly, specific pre-project levels of natural salmonid production have been established and differ from CVPIA goals of doubling production.

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