

PACIFIC FISHERY MANAGEMENT COUNCIL

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April 7, 2000

Mr. Herman C. Bliss, Manager
Airports Division
Western Pacific Regional Airports Division
PO Box 92007 WWPC
Los Angeles, CA 90079

Dear Mr. Bliss:

Consistent with the requirements for coordination with the Pacific Fishery Management Council (Council) under the essential fish habitat (EFH) statutory requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council requests that the FAA give serious consideration to designing a runway configuration that minimizes adverse effects on EFH.

The Council is one of eight regional fishery management councils established under the Magnuson-Stevens Act of 1976. The councils regulate federal fisheries within their jurisdictional waters by means of fishery management plans (FMPs).

The 1996 amendments to the Magnuson-Stevens Act require councils to include habitat provisions in existing FMPs and call for more direct action to stop or reverse the continued loss of fish habitats. It mandates the identification of habitats as "essential" to federally-managed species and now requires federal action agencies to consider implementing measures to conserve and enhance EFH.

In early 1999, the U.S. Secretary of Commerce approved the EFH designations to our Pacific groundfish FMP and coastal pelagic species FMP. These EFH designations include the waters and substrate of San Francisco Bay. As a result, the proposed airfield reconfiguration project for the San Francisco International Airport falls within the EFH of groundfish and coastal pelagic species.

Because of the new consultation provisions to the Magnuson-Stevens Act, I want to acquaint you with the need to conserve EFH and familiarize you with the breadth of your EFH consultation responsibilities. Section 305 (b)(3) of the Magnuson-Stevens Act allows the Council to provide comments and EFH conservation recommendations to federal or state agencies on actions that affect EFH and requires the Council to comment on actions likely to substantially affect the EFH of an anadromous fishery resource under its authority.

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Based on the various runway alternatives proposed that include San Francisco Bay landfills ranging from 430 acres to 1,300 acres and recognizing the potential for obtaining sources of landfill material from aquatic sites, it is clear the proposed project will adversely affect the EFH of a significant number of fish species managed under the Council's three FMPs. That is, the project will reduce the quality and/or quantity of EFH. Consequently, at the appropriate time, the Council and/or Secretary will provide EFH Conservation Recommendations to avoid, minimize, mitigate or otherwise offset the adverse effects on EFH resulting from the FAA's proposed actions. The Council requests the FAA give serious thought to designing a runway configuration that will minimize disruption of remaining fish habitat and ensures, where mitigation is required, there is no net loss of in-kind habitat value.

I also call to your attention that pursuant to section 305 (b)(4)(B) of the statute, federal agencies are required to provide a detailed response in writing to EFH conservation recommendations received from a Council and the U.S. Secretary of Commerce. The response shall include a description of the measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on such habitat. If your response is inconsistent with the EFH Conservation Recommendations submitted, you must provide an explanation of the reasons for not implementing those recommendations.

Thank you for the opportunity to provide information on the new habitat provisions and federal agency responsibilities of the Magnuson-Stevens Act and your consideration of a project that will minimize adverse impacts to the EFH of the Council's managed fishes. The Council will discuss this project further and will follow up with specific comments on EFH impacts and may provide Conservation Recommendations.

Sincerely,

DRAFT

Jim Lone
Chair

c: Ms. Loretta Barsamian - California Regional Water Quality Control Board
LTC Peter T. Grass - U.S. Army Corps of Engineers
Mr. Robert C. Hight - California Department of Fish and Game
Ms. Felicia Marcus - Environmental Protection Agency
Mr. Rod McInnis - National Marine Fisheries Service, Southwest Region
Mr. John Pfeifer, Federal Aviation Administration
Mr. Michael Spear - U.S. Fish and Wildlife Service
Mr. Will Travis - San Francisco Conservation and Development Commission

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