

REPORT OF THE HABITAT COMMITTEE

The Habitat Committee (HC) met on Monday, April 7, 2003 and discussed the following topics.

Klamath and Trinity River Issues

The HC received a report regarding Klamath and Trinity River flow issues. The U.S. Bureau of Reclamation is proposing to operate the Klamath Irrigation Project in 2003 under "dry water year" criteria that will result in flows lower than occurred in 2002, when the largest adult salmon fish kill ever recorded on the Klamath occurred in September. Proposals have been put forth to augment flows in the lower Klamath River during late August and early September by increasing Trinity River releases at Lewiston Dam, but these suggestions have not yet been approved. These flow increase proposals do not consider that flows will not be enhanced at all for the 140-miles of the Klamath River above the mouth of the Trinity or that flows are inadequate to sustain anadromous fish species for the rest of the year in all areas of the Klamath River. The HC has prepared a draft letter to the U.S. Secretary of the Interior, Gale Norton, regarding Klamath River flow issues for Council consideration (see Exhibit D.1, Supplemental Attachment 4).

The Trinity Record of Decision (ROD) is presently the subject of litigation in the *Westlands* lawsuit, filed by the Westlands Irrigation District and two municipal utility districts regarding implementation of the Trinity ROD. The court has issued its final ruling that allows 18 months for the Department of the Interior to complete a supplemental environmental impact statement (July 9, 2004). Second, regarding the 2003 water year, the court has conditionally allowed up to 50,000 acre-feet of water for relief in the lower Klamath River and has reaffirmed its December 10, 2002 ruling capping flows to a "dry-year" designation at 452,600 acre-feet. Finally, the court has denied the Hoopa Valley Tribe's request for a stay pending appeal. (The Hoopas are requesting that water be delivered according to the water year type.) The Tribe and other parties will be appealing this ruling of the Eastern District Court to the 9th Circuit Court of appeals.

Recent California Fish Kills

The HC received a report regarding fish kills on Battle Creek, Butte Creek, and the American River; all tributaries to the Sacramento River.

The Battle Creek situation involved an 85% incidence of prespawning mortality when approximately 400,000 fall chinook salmon returned to a four-mile reach of Battle Creek below Coleman National Fish Hatchery. This section of stream can typically only support approximately 35,000 to 40,000 spawners. The fish died of natural causes, but did not have an opportunity to spawn.

Butte Creek contains the largest of three remaining natural populations of state and federally-listed spring chinook salmon. Spawning surveys in 2002 estimated that 3,341 adult springers died during the summer months out of a total population of 12,216. It is believed the mortalities were caused by large numbers of fish being crowded into holding areas that were subjected to continuously high water temperatures. Average daily water temperatures were higher than in previous years, peaking at over 76F by mid-July and remaining high through August. The spring chinook runs have increased dramatically in size since restoration programs have begun in the watershed. From 1967 to 1991 they averaged 360 adults; from 1995 to 2001, the run has averaged 6,737 adults.

Flows were increased from 4,000 to 5,600 cubic feet per second (CFS) on the American River on February 10, 2003, to meet Sacramento/San Joaquin Delta water quality (salinity) standards. In the process, side channels became accessible and were used by listed steelhead for spawning and newly emerged fall chinook salmon fry for rearing. Subsequent decrease in flows to 2,000 CFS by the end of February resulted in observed dewatering of steelhead redds and stranding of chinook fry. The magnitude of mortality from this event is unknown. The American River Operations Group will approach the Cal Fed

Environmental Water Account to ask for funds to purchase water that may alleviate this problem. The HC will investigate further to see if Council letter support may assist in this effort.

Salmon Net Pens

Mr. Paul Engelmeyer of the Salmon Advisory Subpanel (SAS) distributed a report on salmon net pens created by the David Suzuki Foundation. The report outlines the effects of ocean salmon farming on wild salmon and habitat, including the use of hormones and antibiotics, the effects of which are not carefully monitored. There are eight active salmon farms in Puget Sound, and many in British Columbia. Recently, a collapse of pink salmon stocks in northern British Columbia was traced to probable contamination by sea lice due to the high density of fish farms in the area. Despite these drawbacks, Canada is planning to increase production of farmed salmon, despite proven escapes and spawning of non-native Atlantic salmon. Council-managed salmon from Oregon and Washington waters pass through Canadian waters, and there are risks of disease transfer that may be associated with net pen management.

Potential expansion into ocean waters could affect other species in addition to salmon. Other fish farms have experimented with farmed halibut, white sea bass, and blackcod.

The HC would like to invite an expert to speak to the HC in June on the effects of invasive Atlantic salmon on Council-managed salmon runs and the ecosystem effects of net pens. The discussion will focus on potential effects to essential fish habitat (EFH) and risks to the genetic integrity of ESA-listed salmon stocks. This could potentially be a joint meeting with the SAS. The HC also suggests the Council also hear a presentation on this issue. Dr. Ian Fleming is one potential candidate for such a presentation.

The HC will keep the Council updated on this issue and may be developing a position statement in the near future.

Federal Energy Regulatory Commission Letter

The Federal Energy Regulatory Commission Letter (FERC) is engaged in a draft rulemaking process that will result in an additional process for hydropower facility re-licensing. This will result in three possible processes that licensees may undertake. FERC is accepting comments on this rulemaking process until April 21. The draft letter (Exhibit D.1, Supplemental Revised FERC Letter) is an initial attempt to provide a recommendation for the Council to provide comments. The HC reviewed the draft FERC letter contained in the Briefing materials. The attached version of the draft letter contains the results of the HC discussions. The major revisions are shown as underlined.

The HC also discussed the need for a timeline of FERC projects, so the HC and the Council can effectively track and influence these issues.

Marine Reserves

The HC discussed the report by Dr. Richard Parrish of the National Marine Fisheries Service that was included in the briefing book for the March Council meeting. The HC believes the report represents a good starting point for considering directions for Phase II of the Council's deliberations on marine reserves. It builds on work conducted during Phase I of the Council's marine reserve considerations and applies marine reserve concepts that have been developed over the past four or five years. Each concept includes the current Cowcod and California Rockfish Conservation Areas and the other 2003 groundfish closures. Dr. Parrish discusses the importance of using some of these areas as future reference sites. Reference or "control" sites are important in order to learn the effects of marine reserves, but it will take a significant amount of time for detectable changes in these areas to be observed. Therefore, the HC believes the establishment of research sites, at a minimum, should take place in the near future. Because the Parrish white paper presents a conceptual framework for what a network of

marine reserves might look like, the HC also feels it would be constructive to see what this network would look like if it was extended to include Oregon and Washington.

The HC believes that more study of Parrish's recommendations needs to be undertaken. It is possible that such a study could be incorporated into the SSC's upcoming white paper on marine reserves. The HC suggests that Dr. Parrish make a presentation at the next HC meeting in June. Perhaps this could be a joint presentation with the SSC.

National Fisheries Conservation Center Proposal

The HC understands that a representative of the National Fisheries Conservation Center (NFCC) presented the NFCC's proposal to the SSC today. The HC believes the workshop proposed by the NFCC is an opportunity to better integrate marine reserve design with existing fishery management tools and examine whether different marine reserve objectives can be integrated into the same design. For example, the sanctuaries are interested in ecosystem biodiversity, while the Council is interested in fisheries goals. Are there "one design fits all" marine reserve designs that meet both these objectives? The HC believes this workshop could start moving the dialogue in this direction and looks forward to hearing the SSC's perspective on the workshop.

The HC also heard brief updates on the Programmatic Environmental Impact Statement, habitat mapping efforts, gear description efforts, and efforts to reduce power plant entrainment at Potrero and Morro Bay power plants.

PFMC
04/08/03