

## HABITAT COMMITTEE REPORT

The Habitat Committee (HC) met on Tuesday and Wednesday, September 14 and 15, 2004.

### **National Marine Fisheries Service (NMFS) Biological Opinion (BO) on Columbia River Hydropower System**

NMFS issued a new draft BO for the Columbia River Hydropower system on September 9. NMFS has requested comments from the co-managers by October 8. This BO represents a significant departure from previous biological opinions, which made jeopardy determinations. This BO uses the existing hydropower system as a baseline, rather than historic conditions. This sets a dangerous precedent that should be of significant concern to the Council.

As a result of the BO, NMFS finds no jeopardy for listed salmonids in the Columbia Basin. Part of the determination also relies on as yet un-implemented technological fixes to the dams to increase passage survival such as new “surface bypass collectors.” Part of the reason the last BO was remanded was the uncertainty of implementation of various reasonable and prudent alternatives. Un-implemented technological “fixes” at the dams may face similar legal concerns.

At this time, the essential fish habitat (EFH) consultation apparently is not included in this draft BO. The Council should consider commenting on the EFH consultation when it is available.

Because the comment period for this draft opinion ends in early October prior to the next Council meeting, preparing comments will not fit into the Council’s preferred procedures. Because this is an important issue, **the Council should still consider directing the HC to prepare a draft comment letter for Council action prior to the comment deadline period.**

It is unfortunate that such a short timeframe has been provided for co-manager comments. Due to the complexity and importance of issues related to this BO, it will not be possible to comment fully and appropriately by October. The Council may wish to also inform the National Oceanic and Atmospheric Administration that as the Council fully reviews the BO, they may wish to provide additional comments.

### **Central Valley Water Project**

The U.S. Bureau of Reclamation (USBOR) is still modifying its plans regarding the Central Valley Water project, which precludes the need for a Council EFH conservation recommendation at this time. The Council has already authorized the submittal of a fast-track letter to the USBOR, and it is anticipated that such a letter will be forthcoming within the next month.

### **Hypoxia off the Oregon Coast**

For the second time in three years, there has been a documented hypoxic event (oxygen levels less than 20% of saturation) off the central Oregon coast. The first documented hypoxic event occurred in 2002 and was discovered by crab fishers, reporting dead crab in pots. A subsequent remote-operated vehicle (ROV) survey by Oregon Department of Fish and Wildlife (ODFW) off Cape Perpetua (approximately 44°18' N latitude) showed large numbers of dead fish and invertebrates on the bottom.

The second discovered event occurred in 2004. Oceanographic investigations documented hypoxic waters off Yaquina Head (approximately 44°40' N latitude) and off Strawberry Hill (approximately 44°17' N latitude) in July. ODFW participated in a cruise on August 7, using an ROV to look at the bottom in the vicinity of Cape Perpetua, where dead organisms had been found in 2002. Waters at the Cape Perpetua rocky reef site were not hypoxic, and the ROV showed abundant live fishes. ODFW subsequently ran the ROV in deeper waters further west that were hypoxic. The bottom habitat was soft sediment, and ODFW observed sparse but live invertebrates (sea pens and crab) and fishes (flatfishes and sablefish). However, there are no comparable observations during non-hypoxic events to indicate what 'typical' densities of organisms might be.

### **Klamath Flows**

The HC received a report on current and anticipated future flow conditions in the Klamath River. The USBR will continue to operate the Klamath Project under "dry water year" criteria (the lowest of five water year types) through at least March 31, 2005. This will result in extremely low flows in the Klamath River below Iron Gate Dam that will deleteriously affect fall chinook salmon spawning, egg incubation, and fry rearing, as well as several life history stages of other anadromous salmonids. The HC is concerned that these low flows will negatively impact chinook salmon EFH. There have not been any indications that EFH reconsultation will occur on this issue.

The USBR provided a pulsed flow on the Trinity River from August 23 through September 14 that increased base flows at Lewiston Dam from 450 cubic feet per second (cfs) to 1,650 cubic feet per second (cfs). This was done to alleviate potential adult fish kill conditions in the lower 45 miles of the Klamath River. The HC is concerned that this is becoming an annual practice of trying to solve Klamath River problems with unnaturally large amounts of Trinity River water (six times the natural flow) that can result in unnatural ecological relationships between the Klamath and Trinity Rivers. Furthermore, Trinity River pulsed flows do not improve low flow conditions in the 145-miles of the Klamath River above the confluence of the Trinity.

Flow releases at Iron Gate Dam are currently 900 cfs, while 1,000 cfs is being diverted to the Klamath Project. Flow releases are scheduled to be 900 cfs for the rest of September and October, resulting in a loss of approximately 20% of maximum available fall chinook spawning habitat. Flows will be further reduced to below 700 cfs during February and March, potentially stranding chinook redds and reducing maximum available fry rearing habitat by approximately 50%. While these flows were approved by the National Marine Fisheries Service 2002 BO as adequate for avoiding jeopardy to coho salmon, the Council has expressed concern that these flows do not meet the needs of coho and chinook. The HC continues to share these concerns.

An appellate court recently ordered that the Record of Decision (ROD) for the Trinity River be

implemented, including the flows that were included in the 2001 ROD. Absent further delays from potential litigation, the implementation of the Trinity River ROD will result in significant increased flows and recovery of Trinity River fish populations.

### **Other Matters**

There appears to be strong biological evidence off Oregon and California of an impending, moderate-to-strong El Niño. This may affect lingcod and rockfish recruitment.

The HC also recommends the Council remind people who come to the November meeting that they need to make prior arrangements to vote in the November elections.

PFMC  
09/15/04