

HABITAT COMMITTEE REPORT ON CENTRAL VALLEY ENDANGERED SPECIES ACT
BIOLOGICAL OPINION AND SACRAMENTO RIVER FALL CHINOOK STOCK
COLLAPSE

The Habitat Committee (HC) received an update from National Marine Fisheries Service (NMFS) Sacramento field office staff on the June 4, 2009, biological opinion (BO) and essential fish habitat (EFH) analysis for the Central Valley Project and State Water Project Operations Criteria and Plan (OCAP). NMFS concluded that the project is likely to jeopardize the continued existence of the following Endangered Species Act (ESA) listed populations: Sacramento River winter Chinook, Central Valley spring Chinook, Central Valley steelhead, Central California Coast steelhead, Southern Distinct Population Segment of North American green sturgeon, and Southern Resident killer whales. The BO included sections on reasonable and prudent alternatives (RPA), amount of incidental take expected, and ESA conservation recommendations. The BO also includes a section on EFH and provided EFH conservation recommendations for fall and late-fall run Chinook salmon.

Bureau of Reclamation (BOR) has provisionally accepted the RPA pertaining to listed species. However, BOR has not responded to the EFH conservation recommendations for fall and late-fall run Chinook. Although many of the actions prescribed in the RPA will also provide protections to fall and late-fall run Chinook, the EFH conservation recommendations provide additional and focused protection for these non-listed Chinook stocks, which are important prey supporting the Southern Resident killer whale population. According to Magnuson-Stevens Act (MSA) Section 305(b)(4)(B), BOR must provide a detailed response in writing to the conservation recommendations provided by NMFS within 30 days of receiving the recommendations. Given the importance of these stocks to the Council and the fishing community, the HC suggests that the Council encourage BOR to respond to NMFS on the EFH conservation recommendations. In addition, the Council should encourage speedy completion of consultations with NMFS on the effects of their action on EFH for various Federally managed species under the coastal pelagic and Pacific groundfish fishery management plans. The HC requests that the Council direct the HC to draft a letter to BOR for Council consideration in November that would address these points.

In addition, the impacts of the Trinity River Division of the Central Valley Project (CVP) on Southern Oregon/Northern California Coastal Coho are being addressed in a separate BO. Because these actions are linked to water operations covered under CVP OCAP, the HC believes it is important to complete this BO in a timely manner. The HC was informed by NMFS staff that the BO is currently undergoing peer review and may be available as early as November 2009.