

PACIFIC FISHERY MANAGEMENT COUNCIL

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Telephone: (503) 326-6352

March 11, 1997

Mr. John Malek
Environmental Protection Agency, Region X
Eco-083
1200 Sixth Avenue
Seattle, WA 98101-3188

Dear Mr. Malek:

The Pacific Fishery Management Council (Council) was created by the Magnuson Fishery Conservation and Management Act (MFCMA) in 1976 with the primary role of developing, monitoring, and revising management plans for fisheries conducted within federal waters off Washington, Oregon and California. Subsequent congressional amendments in 1986, 1990 and in 1996 added emphasis to the Council's role in fishery habitat protection. Amendments in 1996 have directed the National Marine Fisheries Service, as well as the regional fishery management councils, to make recommendations regarding federal or state agency activities that may affect the habitat of a fishery under its authority.

On March 3, 1997, the Council's Habitat Committee met in Portland, Oregon, and discussed the proposed expansion of ocean disposal sites "B" and "E" off the mouth of the Columbia River (CENPP-PE-E-96-09).

At that meeting, Mr. Steve Stevens of the U.S. Army Corps of Engineers gave an overview of the proposed site expansion. In addition, Mr. Dale Beasley of the Columbia River Crab Fisherman's Association spoke to the committee and expressed his serious concerns about the location of the sites and their impact on not only the Dungeness crab resource, but also to the ground fish species managed by the Council.

The Council has not developed a position with regard to the proposed expansion. However, we are concerned with the potential negative impacts on Dungeness crab and fisheries resources. We base our concerns on issues discussed below by the Oregon Department of Land Conservation and Development, and the Washington Department of Fish and Wildlife.

In a February 7, 1997 letter to the Corps of Engineers, the Oregon Department of Land Conservation and Development said:

Without more specific evidence to the contrary, the state must conclude that the disposal in the nearshore portion of site B has the potential to directly impact an economically important species [crabs] and the habitat on which the species depends. Furthermore, the state cannot conclude that disposal at site B, particularly in the nearshore portion, would not [be] consistent with goal 19^{1/} requirements for the long-term protection of renewable ocean resources (habitat and shellfish) and the protection of commercial fish and shellfish areas.

1/ Goal 19 of Oregon's statewide planning goals mandates conservation of ocean resources, requires minimization of conflicts between user groups, and gives priority to the proper management and protection of renewable resources versus non-renewable resources. In addition to Goal 19, the Oregon Territorial Sea Plan (TSP) applies to activities in the territorial sea. The TSP, which received approval as part of the Oregon Coastal Management Plan (OCMP) in 1995, established mandatory measures and standards for implementing Goal 19 requirements.

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The Washington Department of Fish and Wildlife, in an October 28, 1997 letter to the Corps of Engineers, expressed their concerns with disposal at Site B:

We do not, however, support the use of site B. Almost no sand (less than 10 %) will enter the littoral system if disposed...offshore.

This area is at the westward edge of the littoral zone, where depths are sufficient to protect the bed from wave action, making this one of the most productive areas for fish life [emphasis added]. Detritus necessary for productivity, especially for Dungeness crab, falls to the bottom in this area. This results in excellent fishing and heavy utilization by crab fishermen. This is also a productive area for bottomfish. Disposing in this area would both reduce productivity and waste sand.

Another concern the Habitat Committee has with the site designation process is the paucity of distribution and production data on fisheries resources around the mouth of the Columbia River. Without an improvement in the precision of the data currently being used, we fear that convincing fishers that you are taking necessary steps to ensure minimal impacts to crab and fishery resources will continue to be a point of contention.

Therefore, we encourage you to take the necessary steps to increase the baseline data on fish and crab abundance in and around the disposal sites. We suggest that you develop methods to obtain real time monitoring data. Perhaps this could be accomplished in cooperation with the fishing industry.

We realize that dredging and disposal of dredge spoils are a necessary part of keeping the Columbia River a functioning economic arterial. Our request is that decisions regarding the location of disposal sites be made with sufficient biological information to minimize impacts to crab and fish resources. If sufficient data does not exist, it is incumbent that steps be taken to get that data. Between the resources of the Environmental Protection Agency, U.S. Army Corps of Engineers, and NMFS, as well as state natural resource agencies and the fishing industry, there must be a vehicle to obtain better biological information.

We also hope that the "temporary" status of this rulemaking will be resolved quickly and that studies needed are undertaken promptly to finalize locations of disposal sites so as to minimize impacts to fisheries resources.

Please call on us if we may be of any assistance in this important process.

Sincerely,



for

Lawrence D. Six
Executive Director

SHP:sjk

c: Habitat Committee
Council Members