

HABITAT ISSUES

Situation: The Habitat Steering Group (HSG) will receive and review draft letters for Council action on three topics reviewed and discussed at the March HSG meeting. These letters will help assure the protection of essential fish habitat (EFH) for coho and chinook salmon during decision making regarding San Francisco airport expansion, the CalFed ecosystem management program, and long-term irrigation project operation on the Upper Klamath.

During its meeting, the HSG will discuss a draft habitat classification scheme for use with the fishing gear impact work. They will also review a draft proposal from NMFS of a process to be used for identifying habitat areas of particular concern (under EFH). These discussions will be in preparation for its meetings with the Work Group on Gear Impacts and the Ad-Hoc Marine Reserve Committee.

The HSG will receive updates on Oregon and Washington salmon recovery plans. They will also hear presentations on the progress of the EFH interim final rule, the status of the salmon plan amendment, and EFH for highly migratory species.

Council Action:

- 1. Consider draft letter to City of San Francisco regarding airport dredge/fill proposal.**
- 2. Consider draft letter to signatories of CalFed Bay Delta Program regarding Council's interests in funding, habitat restoration, and adaptive management under the ecosystem restoration program.**

Reference Materials: None.

PFMC
03/20/00

SALMON ADVISORY SUBPANEL STATEMENT ON
HABITAT ISSUES

The Salmon Advisory Subpanel welcomes the opportunity to work with the Habitat Steering Group HSG on identifying significant habitat issues that effect natural production.

We urge the Council and the HSG to track and attempt to influence the following:

1. Highest priority - emergency action letter concerning the Bureau of Reclamation (BOR) water operation plan for 2000. This is a significant issue for coastal communities and fisherman. Fish need water and the BOR needs to follow the best available science - The Hardy Recommendation Report concerning minimum stream flows.
2. Superfund site designation in Willamette River/Portland area.
3. The upcoming Western Oregon Habitat Conservation Plan and Interior Columbia Basin Ecosystem Management Plan.

PFMC
04/06/00

REPORT OF THE HABITAT STEERING GROUP

At its meeting on Monday, April 3, 2000, the Habitat Steering Group (HSG) discussed the following issues:

San Francisco Airport Expansion

The HSG received an update on the proposal to expand the San Francisco airport by adding another runway. Currently, the runways at the airport are not far enough apart to meet Federal Aviation Administration (FAA) regulations. Various runway alternatives have been proposed which include Bay landfills ranging from 430 to 1,300 acres. The proposed project will adversely affect the quality and/or quantity of essential fish habitat (EFH) of a significant number of Council-managed species, including several flatfishes, coastal pelagic species, and chinook salmon. We have prepared a letter for Council Chair's, Jim Lone, signature to the FAA which describes the potential for EFH impacts as a result of the project and their responsibilities relative to EFH regulations in the Magnuson-Stevens Fishery Conservation and Management Act. NMFS has brought to our attention the Council has the ability to comment on proposals which may adversely affect EFH and provide conservation recommendations separately from NMFS. For this reason, with the Council's approval, the HSG plans to draft a follow-up letter for the September Council meeting which describes our specific concerns regarding EFH impacts and may suggest appropriate conservation recommendations.

Klamath River Flow Rates

In response to unanticipated significant changes in proposed flow rates for the Klamath River by the Bureau of Reclamation (BOR), the HSG is recommending the Council approve a letter utilizing the fast-track process. Last Friday, BOR significantly lowered its proposed flow rates from its previous proposal, and the HSG is concerned these reduced flow rates may significantly impact anadromous fish. A draft biological assessment on the proposed flows will be completed by the end of next week, and NMFS may have a Biological Opinion completed as early as the end of May. The HSG believes it would be timely to send a letter to BOR following the release of the biological assessment and prior to NMFS drafting the Biological Opinion. With this timing in mind, the HSG is proposing to draft a letter to BOR for the Council to approve via its fast-track process by May 1.

Oregon and Washington Salmon Recovery Efforts

The HSG received informational presentations from the Oregon Department of Fish and Wildlife and the Washington Department of Fish and Wildlife regarding their respective salmon recovery efforts. Copies of their presentation materials are being made available to the Council.

EFH Interim Final Rule and Salmon Plan Amendment 14

At the request of the HSG, NMFS provided an update on the status of the EFH interim final rule and Amendment 14. Public comments on the interim final rule have been organized into five categories, and teams have been identified to develop solutions for the issues. A meeting is scheduled for the third week of May to reach final resolution on the five topics. Following that, a final rule will be published in the federal register. Regarding Amendment 14, NMFS is expected to approve the final document by the end of the summer.

Highly Migratory Species EFH

The HSG received an update on the development of the highly migratory species fishery management plan, including the EFH components for the management unit species. The HSG will review and provide comments on the draft plan in November.

Fishing Gear Impacts

It is our understanding the Fishing Gear Impacts workgroup is an ad-hoc, budget-neutral, committee made up of HSG and Groundfish Advisory Subpanel members. Last year, the Council directed the HSG to address the issue of fishing gear impacts on habitat; the HSG plans to fulfill this responsibility and request feedback from the ad-hoc workgroup on its proposals, as necessary. Given recent developments on marine habitat issues, we are requesting a meeting concurrent with the June Council meeting. We will take the lead in drafting an agenda and will circulate it to the ad-hoc workgroup for review and approval.

Process for Designating Habitat Areas of Particular Concern

The HSG received a presentation from Mr. Ian Butler, NMFS, on the proposed process for designating Habitat Areas of Particular Concern (HAPCs) for West Coast groundfish. The HSG felt the process was thorough and provides adequate opportunities for public involvement. The HSG approved the proposed process which will be presented to the Council and other advisory groups at the June Council meeting.

Columbia River Dredge Disposal Sites

The HSG received an invitation to participate on a task force to address the location of the Columbia River dredge ocean disposal sites. The Council sent a letter to the U.S. Army Corps of Engineers last year describing its concerns with the Columbia River Channel deepening project. This invitation was in response to our request to be kept informed on this issue. Because NMFS is already participating in this process, the HSG discussed having NMFS be the liaison for the group.

Housekeeping Issues

The HSG usually does not provide comments to the Council as an advisory entity on salmon or groundfish agenda items other than through our general report. The HSG decided to have a placeholder on its agendas to review the Council agenda and, in the future, plans to provide comments on habitat-related issues on the Council's agenda.

Action Items:

1. Letter to the FAA regarding the San Francisco Airport expansion for Council signature.
2. Letter to BOR regarding Klamath River flow rates for the Council's fast-track process.
3. Approval to schedule Fishing Gear Impacts workgroup meeting concurrent with June Council meeting (budget-neutral).

PFMC

04/06/00

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.

Mr. Herman C. Bliss
April 7, 2000
Page 2

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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