

## HABITAT ISSUES

Situation: The Habitat Steering Group (HSG) will receive and review draft letters for Council action on two issues the Council has been tracking. One letter regards the state/federal CalFed program. The decisions made under this program affects the ecosystem health and salmon production of the San Francisco Bay/Sacramento-San Joaquin Delta system. The other letter provides input on a supplemental draft environmental impact statement (EIS) for the Eastside and Upper Columbia River Basin (also known as ICBEMP-- Interior Columbia Basin Ecosystem Management Plan). Alternatives under study will affect the management of 63 million acres of Federal Land.

During its meeting, the HSG will also review and comment on the marine reserve report and on the habitat and marine reserve sections of the groundfish strategic plan.

The HSG will receive information on the Western Oregon Habitat Conservation Plan (HCP) being proposed by the Oregon Department of Forestry. This HCP is intended to cover approximately 634,000 acres, including the lands of the Tillamook, Clatsop, and Santiam State Forests. Additionally, the HSG will learn about changes being proposed for Oregon Forest Practices Act.

The HSG will also receive updates on fishing gear impact efforts, habitat areas of particular concern, the 4(d) rule, the technical guidance being developed for salmon essential fish habitat approach, and the work of the Olympic Coast Marine Sanctuary's marine conservation group.

### **Council Action:**

- 1. Consider draft letter to Co-Chairs of the CalFed policy group regarding CalFed's strategic plan and management programs.**
- 2. Consider draft letter to the Forest Service and Bureau of Land Management regarding the Supplemental Draft EIS preferred alternative.**

### **Reference Materials:**

1. Draft letter to Co-Chairs of the CalFed policy group regarding CalFed's strategic plan and management programs. (Attachment G.1.a.).
2. Draft letter to the U.S. Forest Service and Bureau of Land Management regarding the Supplemental Draft EIS preferred alternative. (Supplemental Attachment G.1.b.).

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MODIFIED CALFED LETTER---

David Hayes, Deputy Director  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

**DRAFT**

Mary D. Nichols, Secretary  
California Resources Agency  
1416 Ninth St., Room 1311  
Sacramento, CA 95814

Dear Mr. Hayes and Ms. Nichols:

The Pacific Fishery Management Council (Council) manages fisheries in California, Oregon, and Washington that depend on the ecological health of the Bay-Delta System. The Council, through the 1976 Magnuson-Stevens Fishery Conservation and Management Act and its subsequent amendments, has been charged by Congress to provide comments on federal actions in order to assure the minimization of impacts to the essential fish habitat of the fish it manages. The Bay Delta system and the ecological processes supported by this system are part of the essential habitat for salmon (fall chinook, steelhead, and coho) as well as numerous groundfish species whose life cycles depend on the productivity and habitats that the estuarine and wetland environments provide (e.g. ).

We write to urge you and other members of the CALFED policy group to give primary weight in your strategic plan to rehabilitating the biodiversity and ecological processes of the Bay-Delta system. Such rehabilitation is essential to the fish stocks we manage and to the current and future economic well being of fishermen and coastal communities in the region.

We are grateful for and continue to support CALFED's efforts to restore habitat and manage water operations to benefit our sensitive salmon populations. However, there are many risks and uncertainties inherent in various management options. Therefore, as you move forward in your plans, we urge you and your science groups to acknowledge these uncertainties and in response take a 'risk-adverse' approach. Restoring functioning systems within a highly altered background and restoring the fish that depend on such functioning systems will mean maximizing those potential benefits over other considerations when uncertainty is high.

Additionally, the Council urges the Policy group to incorporate the following

as requirements in any plan

- \* preference for restoration of natural ecological processes (e.g. through dike removal, water transfers/water markets) over engineered solutions such as increasing dam height and storage.
- \* quantitative performance measures established for all ecological rehabilitation efforts
- \* quantitative performance measures linked to numbers, diversity of fish runs
- \* a monitoring plan adequate to establish baseline and evaluate success based on performance measures
- \* a process by which changes can be made (adaptive management) based on such monitoring results
- \* identification of long-term funding sources for the plan and its monitoring component
- \* long-term commitment of funding for a long-term inter-agency, science-based governance body to assure plan execution and success.

We intend to monitor the development of CALFED's Assurances package and Record of Decision, and stand ready to assist in any way we can.

Respectfully,

**DRAFT**  
Jim Lone, Chair

**PACIFIC FISHERY MANAGEMENT COUNCIL**

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**DRAFT**

USDA Forest Service--CAET  
Attention: Roadless Areas Proposed Rule  
P.O. Box 221090  
Salt Lake City, Utah 84122

Dear Comment Officer:

The purpose of this letter is to provide comments on the Roadless Area Conservation Proposed Rule and Draft Environmental Impact Statement (Proposed Rule). The actions that will result from the Proposed Rule will affect the essential habitats of the coho, chinook, and Puget Sound pink salmon that are under our management; therefore, we urge you to accept these comments.

The Pacific Fishery Management Council (Council) was created by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) in 1976 with the primary role of managing fisheries conducted within federal waters off Washington, Oregon, and California. Subsequent congressional amendments to the Magnuson-Stevens Act in 1986, 1990, and 1996 added emphasis to the Council's role in fish habitat protection. The 1996 amendments directed the Council to identify and describe "Essential Fish Habitat," (EFH) the habitat essential to the spawning, breeding, feeding or growth-to-maturity of fish species it manages. It also directed the Council to provide comments and recommendations on federal actions in order to minimize the impacts on these essential habitats.

The Council commends the Administration and the U.S. Forest Service for taking this important step towards ensuring the protection of the region's remaining roadless areas. Such a strategy is an essential component to our regional salmon recovery plan.

Within the last 150 years land management practices throughout the Pacific Northwest have drastically changed the urban, agricultural and forested landscape. Thousands of stream miles in the region do not meet Clean Water Act water quality standards. These changes as well as other factors have led to the decline and extirpation of numerous salmon populations throughout the region. NMFS has now listed under the federal Endangered Species Act over 20 Evolutionarily Significant Units which encompass almost all of the anadromous spawning and rearing habitat from Central California through Oregon, Washington, and Idaho.

Within the sub-basins that support salmon the best habitat conditions are found in the few remaining relatively undeveloped areas. As the region attempts to deal with the many factors that have led to the declines in these salmon populations it is clear we must implement strategies that, as a first necessary step, protect the remaining areas of habitat that are properly functioning at the watershed scale. Additionally, we need to implement restoration plans on habitat that has been degraded, especially in areas that help link up and expand the high quality habitat areas. In this context, it becomes critical that the remaining roadless areas are protected from road construction activities.

NMFS has acknowledged that road construction activities and the impacts of the existing road network are major causes of salmon habitat decline. Federal watershed assessments throughout the region have also indicated that road construction causes unavoidable adverse effects on streams through increased sedimentation. This leads to a decrease in egg-to-smolt survival and in the quality of salmon rearing habitat. With so many ESA listed stocks and so few stronghold populations throughout the region any additional incremental damage through additional road building activities will accelerate population declines.

We recognize the importance of roads on public lands for multiple use purposes; however we believe the existing road networks adequately provide for those uses.

The Council believes the current proposal to protect roadless areas of 5,000 acres or more will lead to the eventual loss of many significant habitat areas; therefore, we make the following recommendations concerning the roadless area proposed rule:

- Provide full protection of all roadless areas greater than 1,000 acres (whether currently inventoried or not). Full protection includes prohibiting all land disturbing activities that degrade the ecological function of the roadless areas, such as logging, grazing, mining, and off-road vehicle use.
- Provide full protection of all roadless areas less than 1,000 acres that may be ecologically significant (for example for recruitment of large wood, provision of cold water refugia). These smaller roadless areas should not be subjected to disturbance until their ecological significance has been evaluated via peer-reviewed analysis.
- Develop an aggressive program to reduce the adverse effects of existing roads on anadromous fish habitat, especially in migration corridor and headwater areas to improve the connectivity between existing roadless high quality habitat areas.

For your information, under the Magnuson-Stevens Fishery Conservation and Management Act, the National Marine Fisheries Service requires federal agencies to consult regarding actions that may affect EFH. In this context, they may have additional comments and recommended conservation measures.

In summary, the Council believes roadless area conservation will be an important step in securing the survival of our remaining salmon stocks and hastening their recovery. We commend your efforts and urge you to move forward in your rulemaking.

Sincerely,

DRAFT  
Jim Lone  
Chair

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**DRAFT**

Mr. David Hayes, Deputy Director  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

Ms. Mary D. Nichols, Secretary  
California Resources Agency  
1416 Ninth St., Room 1311  
Sacramento, CA 95814

Dear Mr. Hayes and Ms. Nichols:

As a follow up to our letter of September 1999 regarding the CALFED DEIS, we have the following comments regarding your habitat and water management programs.

The Pacific Fishery Management Council (Council) manages fisheries off California, Oregon, and Washington that depend on the ecological health of the San Francisco Bay-Sacramento and San Joaquin Delta System (Bay-Delta System). The Council, through the 1976 Magnuson-Stevens Fishery Conservation and Management Act and its subsequent amendments, has been charged by Congress to provide comments on federal actions to minimize impacts to the essential habitat of the fish it manages. The Bay-Delta System, its biological components and the ecological processes supported by this system are part of the essential habitat for salmon (winter chinook, spring chinook, fall chinook, and coho), for coastal pelagic species (Pacific sardine and northern anchovy), as well as for numerous groundfish species whose life cycles depend on the productivity and habitats that the estuarine and wetland environments provide (e.g. English sole, starry flounder, California halibut, brown rockfish, lingcod, leopard shark).

We write to urge you and other members of the CALFED policy group to give primary weight in all of your programs to rehabilitating the biodiversity and ecological processes of the Bay-Delta system. Such rehabilitation is essential to the fish stocks we manage and to the current and future economic well being of fishermen and coastal communities in the region.

We are grateful for and continue to support CALFED's efforts to restore habitat and manage water operations to benefit our sensitive salmon and steelhead populations. However, there

are many risks and uncertainties inherent in various management options. Therefore, as you move forward in your plans, we urge you and your science groups to acknowledge these uncertainties and in response take a 'risk-averse' approach. Restoring functioning ecosystems within a highly altered background and restoring the fishes that depend on such functioning systems will mean maximizing those potential benefits over other considerations when uncertainty is high.

Additionally, the Council urges the Policy group to incorporate the following as requirements in your programs:

- \* Preference for restoration of natural ecological processes (e.g. through dike removal, water transfers/water markets) over engineered solutions such as increasing dam height and storage.
- \* Quantitative performance measures established for all ecological rehabilitation efforts.
- \* Quantitative performance measures linked to fish numbers and species diversity.
- \* A monitoring plan adequate to establish baseline and evaluate success based on performance measures.
- \* A process by which changes can be made (adaptive management) based on such monitoring results.
- \* Identification of long-term funding sources for the plan and its monitoring component.
- \* Long-term commitment of funding for an on-going inter-agency, science-based governance body to ensure plan execution and success.

We intend to monitor the development of CALFED's Assurances package and Record of Decision, and stand ready to assist in any way we can.

Respectfully,

**DRAFT**

Jim Lone Chair

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**DRAFT**

Ms. Susan Giannettino, Project Manager  
Interior Columbia Basin Ecosystem Management Project  
SDEIS  
P.O. Box 420  
Boise, ID 83701-0420

Dear Ms. Giannettino:

The Pacific Fishery Management Council (Council) appreciates the opportunity to comment in regards to the Interior Columbia Basin Supplemental Draft Environmental Impact Statement (SDEIS). We have previously (October 1997), commented on the Upper Columbia Basin draft EIS and the Eastside Draft EIS and have several recommendations regarding this SDEIS.

The Council was created by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) 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 have added emphasis to the Council's role in fishery habitat protection. Amendments in 1996 mandated the Council to describe and designate Essential Fish Habitat (EFH) (Magnuson-Stevens Act, Section 303), and required the National Marine Fisheries Service and Council to make conservation recommendations regarding federal or state agency activities that may adversely affect designated EFH of those fisheries under the Council's authority (Magnuson-Stevens Act, Section 305). The Council is concerned with the potential impacts on coho and chinook salmon EFH that may result from the various alternatives presented in the SDEIS. The other species of great concern include steelhead, sockeye, sturgeon, and Pacific lamprey.

While the three alternatives are all expected to improve resource conditions, we note the preferred alternative differs only slightly from the other choices presented and provides few options to reverse broad scale habitat degradation trends. The preferred alternative derives its benefits over other approaches from additional habitat restoration programs. While such efforts

may be commendable and result in some improvements in watershed conditions at a small scale, they are not likely to readily achieve the intended outcome for the vast majority of large, complex ecosystems considered in the Supplemental EIS given the resources the nation can commit to such an effort.

The Council recognizes the effort behind the ICBEMP process and notes it has considerable value as a conceptual framework for future management of public lands in the western United States. The document provides broad language/concepts with guidelines with reasonable advice (though it has few enforceable standards). We also believe it can provide information that will help local managers understand the cumulative effects of their activities and provide consistent direction for making management decisions.

Notwithstanding, we have serious concerns about funding broad land-based ecological approaches without also implementing main stem corridor survival programs necessary to address serious resource problems that require more immediate attention. In this regard, the Council notes that the federal government has concluded through the comprehensive ICBEMP process that the status of interior stream-type chinook and steelhead will not improve unless the migration corridor is restored. The Forest Service and Bureau of Land Management state in the ICBEMP Questions and Answers for the Supplemental Draft EIS, March 2000, #7:

“In analyzing the effects of the SDEIS alternatives on anadromous fish populations we found that outcomes for anadromous fish above the dams in the Snake River and Upper Columbia River showed minor to no improvements as a result of high uncertainty associated with migrant survival.”

#### Recommendations:

Since it is apparent that the actions called for in the SDEIS cannot mitigate for salmon mortality that is a result of the Federal Columbia River Power System (FCRPS), the Council recommends the following be implemented immediately:

1. Address migration corridor issues. (See the attached Council resolution on Snake River dams.)
2. Adopt the following recommendations in order to maintain areas of existing good fresh water habitat conditions and productivity:
  - a. Support protecting roadless areas as per the Roadless Area Conservation Proposed Rule. These areas would serve as the few remaining source areas for recovery.
  - b. Remove Riparian Conservation Area (RCAs) from the suitable timber and grazing land bases.
  - c. Identify, protect, and expand critical ecological connections (strong hold linkages) required to preserve and conserve A1 and A2 sub-watersheds. While the A1/A2 designation was to protect genetic integrity, the identified areas are too small and dispersed to be an adequate aquatic reserve network. In addition, they may be inadequate to provide a basis for maintaining the viability of aquatic species or provide for fishable populations.
3. Prevent further degradation of areas that are not properly functioning and target restoration efforts effectively:

- a. Design and adopt management standards that do not allow further extraction activities in sub-basins that are not meeting EFH properly functioning conditions or Clean Water Act standards.
  - b. Target restoration activities so that linkages can be created between aquatic reserve strongholds and expand the habitat base that can maintain aquatic species.
  - c. Minimize and avoid actions that have cumulative adverse effects.
4. Assure assessments, monitoring and implementation are keyed to obtaining Properly functioning conditions in the basin:
- a. Watershed Condition Indicators (WCI) should be based on a watershed assessment of properly functioning conditions consistent with the EFH document Table III (see attached).
  - b. Design and implement a comprehensive monitoring program by ESU that is designed to measure if such properly functioning conditions called for in Table III are being met. Water quality and quantity should be monitored. In addition, life cycle monitoring that would quantify fresh water and ocean survival rates for multiple species should be included.
  - c. Provide an adaptive management structure that specifically deals with information gathered through the assessment and management process.

In summary, the Council believes the SDEIS outlined actions by themselves are not likely to have the beneficial impact that is needed across the landscape to reverse the decline and restore salmonids throughout the Basin. The Council urges the agencies to focus their attention and finances on addressing migration corridor issues, protecting properly functioning areas from further disturbance and targeting restoration at those areas that are designed to expand and connect existing areas of productive habitat by addressing the limiting factors identified through watershed assessment.

Thank you for your attention.

Sincerely,

**DRAFT**

Jim Lone  
Chair

Enclosures





## **REPORT OF THE HABITAT STEERING GROUP**

At its meeting on Monday, June 26, the Habitat Steering Group (HSG) received informational presentations on the following projects which have the potential to adversely affect essential fish habitat, particularly for salmon. The HSG has drafted letters on these issues to the appropriate entities for Council consideration.

### **CALFED**

In September 1999, the Council sent a letter to CALFED regarding its Draft Environmental Impact Statement (DEIS) and provided comments on several sections. The San Francisco Bay-Delta System, its biological components, and the ecological processes supported by this system are part of the essential fish habitat for salmon, groundfish, and coastal pelagic species. CALFED has formed a Policy Group, co-Chaired by the U.S. Department of the Interior and the California Resources Agency. The HSG has drafted a letter for Council approval to the co-Chairs of the Policy Group recommending the rehabilitation of biodiversity and ecological processes of the Bay-Delta system, and urging the Policy Group to incorporate suggested requirements into its programs. The Policy Group is expected to finalize CALFED's Assurances Package and Record of Decision in July.

### **Roadless Area Conservation Proposed Rule and DEIS**

The U.S. Forest Service has released a proposed rule for public comment regarding the protection of roadless areas nationwide. The actions resulting from the proposed rule will affect the essential habitats of coho, chinook, and Puget Sound pink salmon. Remaining areas of salmon spawning habitat that are properly functioning at the watershed level need to be protected, and degraded salmon habitats need to be restored. The current option in the proposed rule would protect roadless areas of 5,000 acres or more which would lead to the eventual loss of many significant habitat areas. Therefore, the HSG has drafted a letter for Council approval recommending the protection of roadless areas greater than 1,000 acres as well as roadless areas smaller than 1,000 acres which are ecologically significant. Comments on the proposed rule are due in August.

### **Interior Columbia Basin Ecosystem Management Project (ICBEMP)**

ICBEMP has developed the Interior Columbia Basin Supplemental DEIS and sent it out for public review. The Council previously commented on the Upper Columbia Basin DEIS and the Eastside DEIS in October 1997. This project could potentially impact coho and chinook salmon essential fish habitat; other species of concern include steelhead, sockeye salmon, sturgeon, and Pacific lamprey. The current proposed strategy provides few options to reverse broad scale habitat degradation trends and does not implement mainstem corridor survival programs necessary to address serious resource problems that require attention now. The HSG has drafted a letter for Council approval recommending management measures for immediate implementation. Comments on the Supplemental DEIS are due on July 6.

### **Non-Action Items**

The HSG also received informational presentations and updates on the following issues:

### **Fishing Gear Impacts**

The HSG received an update from Ms. Cyreis Schmitt, National Marine Fisheries Service (NMFS), regarding fishing gear impacts. NMFS is currently conducting a habitat survey using a submersible and a remotely operated vehicle (ROV) off Heceta Bank, Oregon; the survey is a repeat of a study which was done 10 years ago in the same area. Other fishing gear projects for the near future include a study to determine the effects of the five-inch roller gear restriction and cooperative gear modification developments.

### **Puget Sound Groundfish Endangered Species Act (ESA) Listings**

NMFS completed its first review of cod, pollock, and hake and distributed a draft report to the affected parties including the tribes, Canada, and Washington Department of Fish and Wildlife (WDFW)—comments from those entities are due around July 10. A biological team of NMFS staff will then forward a preliminary biological opinion to the Northwest Region, NMFS in mid-August for publication in the federal register around the end of October. A biological opinion on the other species petitioned for listing—Pacific herring and brown, copper, and quillback rockfishes—is expected to be in the *Federal Register* by February 2001.

### **Western Oregon Habitat Conservation Plan (HCP)**

The HSG received a presentation from Mr. Ross Holloway, Oregon Department of Forestry, regarding a draft HCP between the Board of Forestry, U.S. Fish and Wildlife Service, and NMFS. In addition to meeting the federal requirements under the Endangered Species Act (ESA), the goal of the HCP is to improve the landscape of state forest land with older, more diverse stands. The plan contains management strategies for landscapes, roads, and slope stability and proposes a network of “salmon emphasis areas”—a set of state forest watersheds which are the “best” areas for salmon—with recommended restoration projects. A draft assessment is expected by the end of the year.

### **Proposed Final 4(d) Rule**

The HSG received a presentation from Ms. Rosemary Furfey, NMFS Protected Resources Division, regarding the proposed final ESA 4(d) rule. The rule describes 14 populations of salmon and steelhead—7 evolutionary significant units (ESUs) for salmon and 7 ESUs for steelhead. There are two types of limits to ESA take provisions in the rule—one which incorporates state and local programs which have already been determined by NMFS to be effective in minimizing impacts, and another which develops criteria that a program can meet to get a limit if the jurisdiction elects to work with NMFS. The latter provides opportunities for programs to come within a limit without a rule amendment. The steelhead 4(d) rule will be final 60 days after it is published in the Federal Register (end of August), and the salmon rule will be final 180 days after publication (end of December).

### **Klamath Water Operations Plan 2000**

Despite the June 1, 2000, letter from the Pacific Council to the Secretary of the Interior advocating higher minimum flows for the Klamath River Basin, the Bureau of Reclamation (BOR) adopted stream flows which were inadequate. The California Department of Fish and Game has been following this issue closely and has also sent comments to BOR. The adopted flows will result in an adverse modification of critical habitat which is a violation of ESA. Dr. Thomas Hardy developed the first flow recommendations (Hardy Phase I)—which were disregarded by BOR—and is in the process of drafting Hardy Phase II which is expected to be done by the end of August. The HSG will receive an update on this issue in September and will likely have a draft letter for Council approval at the November meeting.

### **San Francisco Airport Expansion**

Federal and state regulatory agencies (NMFS, Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, and California Department of Fish and Game) continue to meet monthly with representatives of the Federal Aviation Administration, San Francisco International Airport, and the City of San Francisco. The purposes of these meetings are to review the status of ongoing environmental studies, discuss the list of runway alternatives, identify a process for examining potential habitat mitigation sites, and discuss the progress of setting up a peer review panel. The agencies have formally requested the runway proponents drop Alternative F4 from further consideration as this is the most excessive alternative for bay landfill needs (up to 1,300 acres). Eliminating this alternative from further review also allows a comprehensive assessment of the more realistic alternatives which require less fill. The HSG will continue to follow this issue and will receive another update at the September meeting.

### **Other Discussion**

The HSG reviewed and discussed the Ad-Hoc Marine Reserve Committee Phase I Technical Analysis and the Draft Groundfish Fishery Strategic Plan. The HSG has prepared separate written statements on these items which will be presented to the Council this week. More in-depth comments and suggestions for these documents will be presented to the Council at its September meeting.

### **Council Action:**

1. Approve letter to U.S. Forest Service regarding Roadless Areas Proposed Rule for Council Chair's signature.
2. Approve CALFED letter to Policy Group for Council Chair's signature.
3. Approve letter to Interior Columbia Basin Ecosystem Management Project on its Supplemental DEIS for Council Chair's signature.

### **Reference Materials:**

1. Draft U.S. Forest Service letter (Supplemental Attachment G.1.b.).
2. Draft CALFED letter (Supplemental Attachment G.1.c.).
3. Draft Interior Columbia Basin Ecosystem Management Project letter (Supplemental Attachment G.1.d.).

PFMC  
06/27/00

## PROCESS FOR DESIGNATING HABITAT AREAS OF PARTICULAR CONCERN

Situation: The National Marine Fisheries Service (NMFS) presented a report to the Habitat Steering Group in April regarding habitat areas of particular concern (HAPC) and a potential process for designating them.

Since then, Council and NMFS staff have discussed several issues that need to be addressed. We expect NMFS to take the lead in identifying candidate areas, providing information about them, and consulting with the Council before formally designating them. The fishery management plan (FMP) should be amended to define HAPC and explain how they will be designated, what actions may be appropriate or necessary within them, and how they fit into the overall management program. The Stock Assessment and Fishery Evaluation (SAFE) document may be the most logical place for HAPC information to be compiled.

NMFS will address the Council on these issues and propose an initial process. The Council should provide initial response and consider initiating an FMP amendment.

### **Council Action:**

- 1. Direction to NMFS, initiate FMP amendment.**

### **Reference Materials:**

1. None.

PFMC  
06/14/00