

ONGOING AND NEW HABITAT ISSUES

Situation: The Habitat Steering Group (HSG) will be reviewing several issues at its March meeting including Columbia River hydrology, Klamath River flows and dam relicensing, oil and gas pipeline permits, and essential fish habitat consultation procedures (see Ancillary D for the complete agenda). From the Council's agenda, the HSG will review and comment on the Queets Coho overfishing status review.

Council Action:

1. Consider comments and recommendations developed by the HSG at the March meeting.

Reference Materials:

2. Habitat Steering Group Agenda (Ancillary D).

PFMC
02/16/01

HABITAT STEERING GROUP REPORT TO THE COUNCIL

The Habitat Steering Group (HSG) has one action item for Council consideration and two additional fast-track items for Council approval. The HSG would like the Council to send identical letters to PacifiCorp and the Federal Energy Regulation Commission (FERC) regarding the Klamath FERC relicensing. PacifiCorp has drafted a first stage consultation document which describes the studies that need to be conducted in drafting an EIS with alternatives for the restoration of anadromous salmonids in the upper Klamath basin. The purpose of the letter is to ensure that studies are conducted which adequately assess the effects of the project on Klamath salmonids and to assess a range of alternatives which will result in successful restoration of these salmonids. The comment deadline is March 27.

The first fast-track letter is also regarding the Klamath River. It will be addressed to NMFS regarding the final Biological Assessment (BA) prepared by the Bureau of Reclamation (BOR). The NMFS will consider the BA in drafting its Biological Opinion (BO) which is expected to be produced around the first of April and NMFS has requested comments before the BO is completed. Therefore, a draft letter will be circulated among Council members for approval around March 15. The HSG will continue to have a placeholder on its agenda for Klamath River issues.

The second fast-track letter is to the Secretary of Commerce regarding the draft Artificial Reef National Plan Revision. An HSG subcommittee is collating comments and drafting a letter for HSG and Council review. The comment deadline on the plan is April 1.

The rest of the HSG meeting was informational in nature with a wide variety of presentations and discussions.

NMFS Consultation on Oil and Gas Pipeline

The National Marine Fisheries Service reviewed the Essential Fish Habitat Assessment for re-issuance of the Environmental Protection Agency's National Pollutant Discharge Elimination System general permit for oil and gas platforms off the California coast. The general permit would cover 22 existing production platforms. Of the 82 fish species federally managed in the West Coast Groundfish Fishery Management Plan, 39 have been recorded in various water depths over a 35-year period at southern California platforms. Some of the more common groundfish species consistently observed include all life stages of bocaccio, brown, olive, widow, blue, and flag rockfishes as well as the subadult and adult life stages of California scorpionfish, cabezon and lingcod; the affected coastal pelagic species are Northern anchovy, Pacific sardine, and jack mackerel.

NMFS recommends that the EPA adopt four conservation measures, one requiring extensive studies of the effects of discharge on the juvenile and adult life stages of rockfish and lingcod. EPA is drafting a report utilizing existing information which it will present to NMFS in May; if this satisfies the NMFS requirements, consultation will be closed. We will receive an update from NMFS at the June HSG meeting.

Marine Reserves

The HSG received an update on the coordination of West Coast marine reserve efforts through the COMPASS (COMMunication PARTnership for Science and the Sea) process. COMPASS's West Coast Marine Reserve Coordinating Committee met in February concurrent with the AAAS (American Association for the Advancement of Science) meeting in San Francisco. The Coordinating Committee has identified high priority marine reserve activities and discussed mechanisms for integration with the Council's marine reserve process. The HSG also received an update on the results of the Council's Ad Hoc Marine Reserve Process Development Committee meeting, the HSG will have a more in-depth discussion on marine reserve efforts at our April and June meetings.

EFH/Magnuson Act Review

At its November 2000 meeting the HSG requested that NMFS provide an update on the number of EFH consultations that have occurred to date. We also requested clarification on how to facilitate coordination between the Council and NMFS on consultations. NMFS has recently developed a system to track EFH consultations. To date the Southwest Region has conducted approximately 65 consultations since March 1999, and the Northwest Region has conducted 45 consultations since October 2000. There are different types of consultations: (1) Informal consultations, which are presented in the form of a letter from NMFS to the action agency, (2) Formal consultations, which occur on combined endangered species act and EFH issues which take the form of formal meetings, and (3) Expanded consultations, which are on EFH issues only and also take the form of formal meetings. The regional EFH coordinators will keep the Council apprised of formal and expanded consultations and will recommend Council action on the issues that may benefit from additional Council input.

Other Issues

The HSG also received updates on the San Francisco airport expansion, the Lower Willamette Superfund Assessment, and the Queets River EFH overfishing outline review.

Administrative Items

The HSG unanimously decided to have co-chairs (vs. a chair and vice chair) with designated government and non-government seats to capture the diversity present in the group as well as share the increasing workload. The HSG is recommending Michele Robinson and Jennifer Bloeser for these seats.

The HSG also formed subcommittees to address the artificial reef plan review and ongoing FERC relicensing issues.

Council Action:

1. Letter to FERC and PacifiCorp regarding Klamath River relicensing.
2. Fast-track letter to NMFS regarding Klamath River BA
3. Fast-track letter to Secretary of Commerce regarding the draft Artificial Reef Plan Revision.

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Mr. Todd Olson, Project Manager
PacifiCorp
825 NE Multnomah, Suite 1500
Portland, OR 97232

Subject: Federal Energy Regulatory Commission (FERC) Relicensing of the Klamath Hydroelectric Project (PP2082)

Dear Mr. Olson:

This letter presents concerns of the Pacific Fishery Management Council (Council) regarding the relicensing of the Klamath Hydroelectric Project (Project) and the First Stage Consultation Document (FSCD) that PacifiCorp has prepared to initiate this effort.

The Project has dramatically diminished the range, quantity, and quality of habitat for Klamath Basin anadromous fish stocks. The Project has had direct influence on the condition of anadromous fish stocks in the Klamath Basin, both by extirpating anadromous fish from the basin above Iron Gate Dam, and by affecting the habitat of the mainstem Klamath River below Link River Dam. The decline of Klamath River Basin fisheries resources is of serious concern to the Council, since ocean fisheries along the Pacific Coast from Cape Falcon to Monterey Bay have been constrained by the need to reduce harvest impacts to Klamath River fall chinook. The Project has had a significant affect on Klamath Basin fisheries and subsequently on the economies of tribal and non-tribal fishing communities within the Klamath Basin and along several hundred miles of the Pacific Coast.

The Council was created by the Magnuson Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) of 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 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 "Essential Fish Habitat" (EFH) of a fishery under its authority. The Act's amendments also mandate that threats to EFH be identified, and that conservation and enhancement measures be prescribed that minimize those adverse impacts. The proposed relicensing of the Project by the Federal Energy and Regulatory Commission (FERC) is a federal action that has an affect on EFH and will require EFH consultation.

The Council believes that the scope of the FSCD is too limited and that the potential effects of the Project are understated. The Council has the following specific concerns.

Water Quality

The document asserts (page 5-28) that, "The only relevant issue of water quality related to fisheries that the Project can control is the amount of water released in the bypass reaches of J.C. Boyle and Copco Dam." Therefore, no studies have been proposed to assess the effects of the Project upon water quality downstream of Iron Gate Dam. The Council is very concerned about the poor water quality of the Klamath River and the related fish kills that have occurred downstream of Iron Gate Dam during recent years. The mainstem Klamath River is listed as an impaired waterway under Section 303(d) of the Clean Water Act in both Oregon and California. We believe water quality problems are severe throughout the length of the river and are aggravated by Project facilities and operations. As part of the relicensing effort, PacifiCorp should conduct thorough investigations to determine the effects of the Project upon water quality in the Klamath River, with the goal of developing a strategy for operating the Project that does not further degrade Klamath River water quality.

FERC Minimums

The FSCD does not propose studies that will determine adequate minimum flows below Iron Gate Dam. It is the consensus of scientists familiar with the Klamath River that the existing FERC minimum flows have been a major factor in the decline of anadromous fish runs. Recent studies have confirmed the inadequacy of the existing FERC minimum flows. The Council recommends that PacifiCorp conduct flow studies that build on existing information to identify FERC flows that are essential for protecting Council-managed fish species.

Fish Passage

The FSCD does not propose investigations to assess the feasibility of providing access for salmonids to their historic range in the Klamath River. Instead, the FSCD defers identification of the necessary studies to a Fish Passage Advisory Team. However, the effectiveness of this team will be hampered without critical studies to support their efforts. The failure of the FSCD to specifically identify information needs and associated studies is a serious deficiency of the document. Therefore, we urge PacifiCorp to identify and conduct studies to assess a broad range of alternatives for the successful upstream and downstream passage of anadromous salmonids, up to and including decommissioning of dams within the Project. We believe that a component of this fish passage analysis should include an assessment of the anadromous salmonid habitat available above Iron Gate Dam as well as an accounting of the many projects being conducted or proposed to restore aquatic and riparian habitat in the Upper Klamath Basin.

Mitigation

In the relicensing process, PacifiCorp must evaluate whether it is meeting its obligation to mitigate for the loss of fishery resources resulting from Project operations. It is important to consider that Iron Gate Hatchery (IGH) presently only mitigates for habitat that was lost between Iron Gate Dam and Copco 2 Dam, and only for fall chinook, steelhead, and coho. IGH does not mitigate for the habitat lost above Copco Dam, including tributaries such as the Williamson and Sprague rivers, which once supported healthy populations of spring-run chinook and steelhead. We believe it is imperative that PacifiCorp fully evaluate IGH mitigation production goals within the context of providing fish passage to the upper basin. Marking and monitoring of hatchery populations is a fundamental component of hatchery operations, and must be adequate to assess the performance of hatchery operations and their effects on endangered species. Studies should be developed to assess past hatchery performance in meeting mitigation goals for all species and the effects of hatchery stocks on natural populations.

In summary, the Council requests PacifiCorp to conduct studies that will adequately assess the effects of the Project on anadromous salmonids in the Klamath River as well as to assess a range of alternatives that will assist in the restoration of anadromous salmonids to the entire Klamath River Basin.

Please notify us of additional opportunities to comment as the relicensing process progresses.

Sincerely,

DRAFT

Jim Lone
Chair

- a: Federal Energy Regulatory Commission
 - Robert Hight, Director, California Department of Fish and Game
 - Don Koch, California Department of Fish and Game
 - Lindsay A. Ball, Acting Director, Oregon Department of Fish and Wildlife
 - Jeff Koenings, Director, Washington Department of Fish and Wildlife
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 - Oregon Department of Water Resources
 - Oregon Department of Environmental Quality
 - California State Water Resources Control Board
 - North Cost Regional Water Quality Control Board
 - Pacific Fishery Management Council Members