

COUNCIL LETTERS OF COMMENT ON EXTERNAL ESSENTIAL FISH HABITAT ISSUES

Situation: The Habitat Steering Group (HSG) will be reviewing several issues at its April meeting including Columbia River hydrology, Klamath River flows, Willamette superfund issues, and essential fish habitat coordination (see Ancillary E for the complete agenda). From the Council's agenda, the HSG will review and comment on C.1 - Habitat elements of Channel Island National Marine Sanctuary Program, C.2 - habitat elements of the groundfish strategic plan implementation, and F.7 - habitat elements of groundfish rebuilding plans.

Council Action:

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

Reference Materials:

1. Habitat Steering Group Agenda (Ancillary E).

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HABITAT STEERING GROUP REPORT TO THE COUNCIL

Dr. Don McIssaac, Executive Director, met with the Habitat Steering Group (HSG) to clarify its purpose and roles and to give the HSG direction in setting agenda priorities. He encouraged the Group to give high priority to commenting on habitat components of Council agenda items. Under this direction, the HSG reprioritized its discussions in response.

The HSG does not have any proposed action items; however, we will be commenting separately on other Council agenda items.

The HSG received presentations on the following issues:

Essential Fish Habitat (EFH) Lawsuit Briefing

Eileen Cooney, NOAA General Counsel, briefed the HSG on a recent salmon EFH lawsuit and the ongoing groundfish EFH lawsuit. As a result of the latter lawsuit, NMFS will draft an environmental impact statement on the overall groundfish fishery to satisfy the court order. The HSG intends to follow the process and provide comment on the draft EIS.

EFH Information on the Northwest Region Website

At the request of a Council member, the HSG reviewed the EFH information on the NMFS Northwest Region website in September 2000 and individual HSG members provided suggested changes to NMFS staff. NMFS incorporated the suggested changes to its website in response to the expressed concerns.

Columbia River Hydrology

Stuart Ellis, with the Columbia River Inter-tribal Fish Commission, gave a presentation to the HSG concerning the drought in the Columbia Basin and the management of the federal hydropower system. The flow forecasts for the Columbia Basin predict near-record lows and record low reservoir levels for 2001. NOAA climate researchers are predicting the formation of an *El Niño* by mid-summer which will extend this year's drought into 2002. Currently the Bonneville Power Administration (BPA) is operating under a system emergency in order to meet electricity production needs. NMFS is allowing the BPA and Corps of Engineers to not implement actions required in the hydrosystem biological opinion. Because of the lack of spring spill and expected high summer temperatures, the Columbia River Tribes anticipate extremely high mortality (approaching 99%) for out-migrating juvenile fish this year. The federal hydrosystem operators are currently making river operation decisions based on their desire to meet power production objectives and the goal to make their federal treasury payment. However, there are some things that could be done to aid fish including some minimal spill, moderation in changes in reservoir levels, and temperature control. This drought will have severe impacts to Columbia River salmon stocks that are important components of the salmon harvested in Council area fisheries.

Klamath Flow Issues

Upper Klamath Basin water in-flow forecasts predict a critically dry 2001 water-year. There is inadequate water this year to meet the draft biological opinion requirements of upper-basin endangered suckers and lower-basin threatened coho salmon even without water deliveries to agriculture and National Wildlife Refuges. A final decision on flows has not yet been rendered but is expected soon.

The Utah State University (Hardy) Phase II flow study report is expected to be finalized by the end of April. It will recommend minimum instream monthly flows at Iron Gate Dam based on five water-year types. This will form the basis for the development of an EIS by the U.S. Bureau of Reclamation for a long-term operations plan which is expected to be completed by December 2001. The Council may want to comment on this EIS in writing at its November meeting.

Kelp Management

The CDFG final environmental document "Giant and bull kelp commercial and sportfishing regulations" relating to kelp management in California was released in March 2001. The California Fish and Game Commission will meet on April 6th for consideration of final certification of the environmental document, adoption of findings, and proposed project (or alternative) and adoption of proposed changes to existing law relating to the harvest of kelp. We will update the Council on the results of this meeting in June.

San Francisco Airport Expansion

The San Francisco airport has still not identified its preferred alternatives for the proposed runway reconfiguration. Restoring historical tidal wetlands within San Francisco Bay is still being considered as the primary mitigation option. Based on a recommendation by the multi-agency resources agencies taskforce at their March meeting the airport will examine fish population information as a way to evaluate habitat usage at both the impact sites and potential mitigation sites in both north and south San Francisco Bay. The HSG will continue to track this ongoing issue.

Trinity River Flow Issues

Interior Secretary Babbitt signed the Trinity River Flow Evaluation Final Environmental Impact Statement Record of Decision (ROD) on December 19, 2000.

The Westlands Water District filed an order to enjoin implementation of the ROD. On March 19, Judge Oliver Wanger Federal Eastern District Court, Fresno, CA heard oral arguments regarding the plaintiffs' request. Judge Wanger issued a 59-page opinion outlining 3 fundamental issues in an injunctive order including (1) limiting Trinity river flows to 369,000 acre feet which is a critically dry year flow regime according to the ROD; (2) requiring a supplemental EIS be completed to analyze hydropower and ESA issues; and (3) initiating Mainstem Trinity River restoration activities this fiscal year.

Finally, recent rainfall in the Trinity River basin has changed the Trinity River flow designation to a dry water-year type. The ROD dry-year flow designation calls for an additional 84,000 acre feet above the initial dry-year flow forecast.

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SALMON ADVISORY SUBPANEL REPORT ON
HABITAT ISSUES

There are a number of habitat issues the Salmon Advisory Subpanel (SAS) would like to draw the Council's attention to. We urge the Habitat Steering Group (HSG) to track the following:

1. Portland Harbor Super Fund site.
2. Federal Energy Regulatory Commission relicensing for the numerous dam operations throughout the region; dams and associated hydro power, flood control and diversion operations affect nearly every aspect of streams, river line, and riparian ecosystems (Essential Fish Habitat for salmon).
3. The Sacramento Winter Chinook smolt mortality at the State of California water project's pump at Tracy. The estimated kill of 18,000 young salmon is a significant issue that one we urge the Council and the HSG to follow up on.
4. The Oregon State Forest Land's Habitat Conservation Plan (HCP) for forest lands in Northwest Oregon.
5. The Oregon Department of Forestry is in the process of developing their priority monitoring projects. There is an opportunity to influence the department's priorities such as: herbicide use, reducing sediment sources that impact survival of young salmon.

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