

PACIFIC FISHERY MANAGEMENT COUNCIL

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September 20, 2002

Colonel Richard Hobernicht
U.S. Army Corps of Engineers
Portland District
PO Box 2870
Portland, OR 97208

Dear Colonel Hobernicht:

The Pacific Fishery Management Council (Council) is one of eight regional fishery management councils established by the Magnuson Fishery Conservation and Management Act (Magnuson-Stevens Act) of 1976 for the purpose of managing fisheries 3-200 miles offshore of the United States of America coastline. The Pacific Council is responsible for fisheries off the coasts of California, Oregon, and Washington.

On October 22, 1999, the Council sent the U.S. Army Corps of Engineers (USACE) a letter that included a number of comments and recommendations regarding the lower Columbia River dredging proposal being considered at that time (attached). These comments and recommendations are still relevant to the current Columbia River Channel Improvements Project proposal. We would like to review our 1999 letter in light of the current proposal.

Our comments and recommendations from the 1999 letter include discussions of the eight following topics:

Develop an Ocean Disposal Site Task Force: In its original plan, the USACE committed to forming a taskforce of stakeholders to develop a management plan for the ocean disposal sites for dredging spoils. In the first 20 years of the project, a portion of the 14.4 million cubic yards of dredge material will be placed in the lower estuary as ecosystem restoration if funding and acceptable locations are secured. Since there is no certainty about funding restoration projects, this material, as well as all maintenance dredge spoils, may all end up in the ocean. The task force needs to deal with either contingency. We support the continuation of the task force in order to deal with unresolved marine disposal issues, including siting and ongoing management. The task force must be given clear authority to steer such decisions.

Monitoring and Baseline Data: In our October 1999 letter we requested an additional assessment of the biological and physical characteristics of the proposed ocean dumpsites be undertaken. The USACE proposal to collect baseline data during or after the project is inadequate. We recommend baseline data be collected before the project begins, and existing datasets from other agencies be examined to see if they can serve as part of the baseline data.

Dungeness Crab: We recommended clamshell dredges be used in estuarine areas to reduce the entrainment of Dungeness crab, which are important prey for Council-managed groundfish species. This recommendation has apparently been ignored. Why is the USACE planning on

using suction dredging when there are alternatives that will reduce impacts to economically and ecologically important species? The cost savings to the USACE for using suction dredging will end up being paid by the fishing industry. This is unfair.

Contaminants: We recommended the USACE add specific information or a preliminary ecological risk assessment to the final environmental impact statement (FEIS) to define conditions in the Columbia River that would either support or negate sediments as the source for transfer of contaminants such as PCBs. While the Sustainable Ecosystem Institute addressed toxins to some degree in a report commissioned by the USACE and other agencies involved in the process, they did not address sub-lethal effects such as effects on behavior (including predator avoidance) or physiological effects (such as estrogens and estrogen-mimicking compounds that can alter sexual development of aquatic species). These sub-lethal effects may compromise stock viability. Effects on human health from increased toxins in the water column were not considered. We still believe our initial recommendation is valid.

Year-Round Dredging: We requested the timing of in-water work be considered to minimize impacts to Council-managed resources. Such timing has not been sufficiently considered. Dredging in the channel and turning basins will occur continuously until project completion, and maintenance dredging will occur from November to February. Some effort needs to be made to allow dredging to stop during certain times of the year, especially when critical stocks of juvenile fish are migrating through dredging areas.

Mitigation: The current Biological Opinion (BO) does not require mitigation for ocean impacts, and we feel the USACE's commitment to mitigation is suspect, because there is no guaranteed funding of mitigation activities in the project budget. In our letter, we recommended the USACE commit to mitigation and form a group of agencies and stakeholders to determine the specifics of the mitigation package. We continue to believe mitigation should be guaranteed or the project should be halted. Mitigation should not depend on hoped-for future funding. The lack of consideration of mitigation for ocean impacts is inappropriate and adversely affects many Council-managed species.

Forage Fish: We recommended dredging be done around the Lewis River only between January 1 and June 1 and only with a clamshell dredge to protect juvenile smelt. We continue to believe this. However, there has been no commitment to do this by the USACE, and NMFS does not require it in the BO. Again, methods are available to minimize adverse effects to important species; and again, the cost savings to the USACE for using suction dredging will end up being paid by the fishing industry. This is not fair.

Essential Fish Habitat: We recommended the FEIS for the proposed project be revised to ensure impacts to the essential fish habitat (EFH) of the Columbia River, Columbia River Estuary, and marine ecosystems are minimized to the greatest extent possible.

The EFH information in Exhibit I of the Supplemental EIS makes many unsupported statements and draws conclusions that reflect no impact on EFH for groundfish. Specific surveys must be conducted in the area on a year-round sampling basis to determine fish community structure and habitat use of Council-managed groundfish species by life stage and season. Without this information, an adequate EFH assessment of impacts to Council-managed species, their forage, and other ecosystem impacts is impossible.

In addition, the current EFH consultation for salmon clearly states, "... **the proposed action may adversely affect the EFH for chinook and coho salmon species.**" NMFS also has stated,

"While NMFS understands that the proposed dredging and disposal Impact Minimization Measures and Best Management Practices identified in Chapter 3 of the 2001 BA conservation measures described in the [sic] will be implemented by the Corps, **it does not believe that these measures are sufficient to address the adverse impacts to EFH** described above. However, the Conservation Measures outlined in Section 10 of this Opinion and all the reasonable and prudent measures and Terms and Conditions outlined in Section 12 of this Opinion are generally applicable to designated EFH for chinook and coho salmon and address these adverse effects. Consequently, NMFS recommends that they be adopted as EFH conservation measures."

The conservation measures in Chapter 10 relate to suggestions (not requirements) to implement a number of studies and monitoring activities, a suggestion to release pipeline-dredged materials into as deep of water as possible, and a suggestion to work with the Columbia River Treaty Tribes. None of these will provide any direct benefit to EFH, and most of the tribes' comments have not been considered. Similarly, the reasonable and prudent alternatives (RPAs) and Terms and Conditions in Section 12 include references to minimizing take, but do not explain how EFH will be protected. While they require the implementation of the dredging and disposal Impact Minimization Measures and Best Management Practices identified in Chapter 3, NMFS has stated these are inadequate to address EFH impacts. Section 12 also requires the establishment of monitoring programs (some of which may monitor effects on habitat) and indicates adaptive management may be used. However, Section 12 neither requires nor indicates how EFH impacts will be minimized.

In summary, we feel the EFH salmon consultation overlooks important issues. The USACE should identify specifically what it intends to do to minimize the adverse effects on EFH that NMFS says may occur. We believe there should be a re-initiation of the EFH consultation, because of the inadequacies of the current salmon consultation. Further, the information for the pending groundfish and coastal pelagics EFH consultation is insufficient to conduct a proper EFH assessment.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Hans Radtke
Chairman

JDG:kla

Enclosure

PACIFIC FISHERY MANAGEMENT COUNCIL

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CHAIRMAN
Jim Lone

EXECUTIVE DIRECTOR
Lawrence D. Six

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October 22, 1999

U.S. Army Corps of Engineers
Policy Review Branch, Attention CECW-AR-(IP)
7701 Telegraph Road
Alexandria, VA 22315-3861

To Whom It May Concern:

Re: "Final Integrated Feasibility Report for Channel Improvements and Environmental Impact Statement: Columbia and Lower Willamette River Federal Navigation Channel"

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 developing, monitoring, and revising management plans for fisheries conducted within federal waters off Washington, Oregon, and California. Subsequent congressional amendments in 1986, 1990 and 1996 added emphasis to the Council's role in fishery habitat protection. The 1996 amendments 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 Magnuson-Stevens Act amendments also mandate that threats to EFH be identified, and that conservation and enhancement measures be described to minimize those adverse impacts.

The proposed project has the potential to affect EFH for chinook and coho salmon as well as the following Council-managed groundfish and coastal pelagic species and their life history stages.

Groundfish Species	Egg	Larvae	Young Juvenile	Junvenile	Adult	Spawning
Spiny Dogfish			x	x	x	
Ratfish				x	x	
Lingcod		x		x	x	x
Cabezon		x				
Kelp Greenling		x				
Pacific Cod		x	x	x	x	x
Pacific Whiting (Hake)			x	x	x	
Sablefish		x	x	x	x	x
Jack Mackerel					x	
Darkbloched Rockfish				x	x	

Groundfish Species	Egg	Larvae	Young Juvenile	Junenile	Adult	Spawning
Greenstriped Rockfish				x	x	
Thornyheads	x					
Pacific Ocean Pearch				x	x	
Widow Rockfish			x	x		
Misc. Rockfish				x	x	
Arrowtooth Flounder				x	x	
Butter Sole	x	x				
Curfin Sole	x					
Dover Sole	x			x	x	
English Sole	x	x	x	x	x	x
Flathead Sole		x		x	x	x
Pacific Sanddab				x	x	
Petrale Sole			x	x	x	
Rex Sole	x	x		x	x	
Sand Sole	x	x				
Starry Flounder	x	x	x			x

Coastal Pelagic Species

Northern Anchovy	x	x		x	x	
Pacific Sardine	x	x		x	x	
Pacific Mackerel	x	x		x	x	
Jack Mackerel					x	
Market Squid	?	?	?		x	?

COMMENTS AND RECOMMENDATIONS:

Our comments on the final environmental impact statement (FEIS) are as follows:

- 1. Ocean Disposal Taskforce:** The Corps committed to forming a taskforce of agencies and stakeholders to develop a management plan for the ocean disposal sites and determine studies needed to monitor and manage the sites. It is unclear in the FEIS what authority the taskforce will have and when it will be formed.

Recommendation: An memorandum of understanding (MOU) to form the Ocean Disposal Taskforce needs to be developed and signed by all parties prior to final designation of the deepwater site. The Corps needs to commit to long-term funding of the taskforce. The Corps needs to give the taskforce clear and significant authority in determining how the sites are managed.

2. **Monitoring and Baseline Data:** It is our understanding that the deep water site is large enough that there should be flexibility in the dumping location within the site to protect unique habitats and biologically productive areas. For example, anecdotal information from fishers indicates that the eastern portion of the deep-water site may concentrate English sole. If this can be confirmed, disposal activities in this area should be avoided.

Recommendation: We request that additional assessment of biological and physical characteristics of the proposed ocean dumpsites, especially the deep-water site, be undertaken. Baseline studies of the deep-water site are needed prior to beginning disposal there. For example, habitats should be characterized using side-scan sonar, multibeam bathymetry, and various groundtruthing techniques. In addition, benthic surveys and trawl studies should be conducted to determine biological characteristics.

We request that the Corps and the Ocean Disposal Taskforce design studies to gather this baseline information prior to disposal in the deep-water site. In addition, special studies and on-going monitoring are needed to monitor impacts to aquatic resources from disposal activities and to make timely adjustments to ocean disposal strategies if monitoring information indicates that adjustments are needed (for example, the Corps funded a preliminary study to examine burial impacts to Dungeness crab. A more thorough study is needed to fully document and understand potential burial impacts).

3. **Dungeness Crab:** Fishermen and resource agencies have raised concerns about entrainment and killing of Dungeness crab during dredging activities (in addition to ocean disposal activities). Though not a Council-managed fish species, we are concerned about this valuable resource because it is one of the few healthy fisheries remaining off the Oregon and Washington Coasts.

Recommendation: We agree with the Washington Fish and Wildlife Department's suggestion that a clamshell dredge be used in estuarine areas (and elsewhere where feasible) to reduce entrainment of Dungeness crab.

4. **Contaminants:** We are concerned that the channel deepening projects impact will result in increased exposure of salmonids and other fish to contaminants such as dioxins, furans, PCBs, and DDE. Specifically, dredging activities in shallower areas on either side of the channel aimed to reduce sloughing will disturb shallower depositional zones that contain finer sediments, which are often a major source of contaminants. If resuspended through dredging, these contaminants become bioavailable.

Recommendation: As was suggested in comments provided on the draft EIS by the U.S. Fish and Wildlife Service (dated February 8, 1999), we recommend the Corps add specific information or a preliminary ecological risk assessment to the FEIS to define conditions in the Columbia River that would either support or negate sediments as the source for transfer of bioaccumulative compounds.

5. **Year Round Dredging:** We are concerned that the deepening project's planned year round dredging does not take fully into consideration the life history patterns of migrating fishes, especially salmonids.

Recommendation: We request that in-water work timing considerations be added to minimize impacts to Council-managed resources.

6. **Mitigation:** The project's mitigation package does not adequately address all biological impacts. For example, no compensatory mitigation has been proposed for ocean impacts. We understand that while there are existing policies and procedures for estuary mitigation, there is no real model available for ocean disposal mitigation.

Recommendation: The FEIS needs to include a mitigation package for estuary and ocean impacts. We recommend that the Corps commit to mitigation and form a group of agencies/stakeholders to determine the specifics of the package.

7. **Forage Fish:** We are concerned about project impacts to forage species, such as Pacific sand lance (*Ammodytes hexapterus*) and smelt (*Thaleichthys pacificus*). Smelt have been returning in low numbers in recent years.

Recommendation: We concur with past comments made by Washington Department of Fish and Wildlife (WDFW) that dredging around the mouth of Lewis and Sandy Rivers be limited to the use of clamshell dredging between January 1 and June 1. We also concur with NMFS and WDFW for time closures to protect juvenile smelt from the Sandy River to Cathlamet.

8. **Essential Fish Habitat:** We believe that the FEIS for the proposed channel deepening project needs to be revised to ensure that impacts to the essential fish habitat of the Columbia River, Columbia River estuary, and the marine ecosystems are minimized to the greatest extent possible.

Thank you for the opportunity to comment on this important matter.

Sincerely,

Jim Lone
Chairman

SHP:rdh