

HABITAT COMMITTEE REPORT ON ESSENTIAL FISH HABITAT ISSUES

The Habitat Committee (HC) met on Monday, September 9, 2002. The HC also heard a report from Ms. Cathy Tortorici of the NMFS Habitat Conservation Division about the proposed Columbia River channel deepening project, describing the project consultation history and the upcoming essential fish habitat (EFH) consultation on the deepwater disposal site. Ms. Tortorici also answered Habitat Committee members' questions about the project. The HC also discussed the following items:

Items Needing Council action

Columbia River dredging letter: the HC discussed a draft letter on Columbia River dredging (Exhibit B.1, Attachment 1) and made some edits based in part on information provided by NMFS at the meeting held on Monday. These edits are highlighted in the attached version. The comment period for the supplemental draft environmental impact statement (DEIS) ends September 15.

Other Items

Klamath flow issues: in mid-summer, the U.S. Bureau of Reclamation (USBR) reclassified the water year in the upper Klamath Basin from below average to critically dry and reduced flows at Iron Gate Dam to levels below Federal Energy Regulatory Commission (FERC) license required minimums. In mid-August, releases were approximately 670 cubic feet per second (cfs), compared to the FERC minimum of 1,000 cfs; and on September 8, the flow at Iron Gate Dam was 762 cfs compared to the FERC minimum of 1,300 cfs. FERC minimum flows have previously been characterized by state, tribal, and federal biologists as inadequate to restore Klamath River anadromous salmonids. In contrast, the USBR has made full deliveries of water for irrigation to the Klamath project area during the entire 2002 agricultural season. Past flow studies have shown such low flows will adversely impact a number of anadromous fish species and their habitat. Of immediate concern is these low flows will not adequately provide for adult fall chinook upstream migration and spawning. USBR has not yet consulted with NMFS on the effects of Klamath project operations on Chinook salmon EFH. NMFS has provided a 2002 biological opinion (BO) sanctioning operation of the Klamath project for the next 10 years resulting in flows that mimic the lowest flows attained during the 1990-1999 period, thus putting the Klamath River in a perpetual state of drought. Additionally, the USBR is preparing an EIS for the long-term operation of the Klamath project that seems designed to make these conditions permanent. The HC will prepare a draft letter addressing the NMFS 2002 BO and other Klamath flow issues for Council consideration at the October/November meeting.

FERC letter: on May 13, 2002, the Council sent a letter to FERC regarding FERC's hydro project relicensing system. At the June Council meeting, the Council requested staff to follow up on the letter. In late August, Council staff faxed the letter to Mr. Vince Yearick at FERC at his request. Mr. Yearick responded on September 4 to say FERC will be responding to the letter; no timeframe was given. FERC employees attributed the delay in responding to the fact that the letter did not focus on any particular hydropower project, so it was unclear who should respond.

In addition, on September 4, 2002 Council staff spoke with Mr. Kerry Griffin at the NMFS Habitat Division. Mr. Griffin says that NMFS concurs with most, if not all, of the points made in the Council's letter to FERC, and these concerns are high priorities for his division.

On Friday, September 13, FERC is expected to publish a *Federal Register* notice requesting public comment on a new process to determine what regulations are needed for licensing of nonfederal hydroelectric projects. This public comment period is expected to end December 6. FERC will hold a series of regional forums in October and November, and again in March and April, for this purpose. The final rule will be published in August 2003.

The HC recommends the Council provide additional comments as part of this process, and will provide a draft letter for consideration at the October meeting. The HC will be identifying a number of specific FERC relicensing projects for comments, focusing on those with particularly high impact on Council-managed species.

Hanford Reach stranding summary: the HC heard an update from the U.S. Fish and Wildlife Service (USFWS) on stranding studies in the Hanford Reach, which should provide better information on the effects of hydropower operations on upriver bright chinook. Work has been initiated through funding from the USFWS and the State of Alaska, but additional funding is still needed. The HC strongly endorses these studies.

Fishing gear: The HC heard an update on the EFH EIS work as it relates to describing fishing gear used in the Pacific region. The description will be made available to the Council at a later date.

PFMC
09/10/02

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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 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 "mitigation" if funding is and acceptable locations are secured. Since there is no certainty about funding mitigation-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. However, while this task force was apparently formed, the parties involved never signed a Memorandum of Understanding (MOU). We recommended a MOU be developed and signed by all relevant parties before the final deepwater disposal site is designated. This would increase the task force's ability to work effectively and would ensure that all parties clearly understand the process. 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

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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 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 Corps 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 NOAA Fisheries does not require it in the Biological Opinion. 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 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

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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.**" NOAA Fisheries 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 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, NOAA Fisheries 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 ~~is inadequate to meet the intent of the Magnuson-Stevens Act~~ overlooks important issues. The USACE should identify specifically what it intends to do to minimize the adverse effects on EFH that NOAA Fisheries 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,

DRAFT

Hans Radtke
Chairman

Fishery
To The Chair of The Pacific Management Council
Dr. Hans Radtke,

I am Sarah Josephine Martin, a new Oregon resident, Jan 4, 2002.

Formerly, I was a resident of Graylake, Illinois; and I am a conservationist.

My credentials are these: John Stanton Martin, now deceased, was the owner and operator of Martin Landscape and Tree Company of Graylake, IL.

I accompanied my father, for over 20 years, and I work in my fathers business for over five years.

Mr. John Stanton, had the highest honors from the President of the United States for conservation of land and water.

He was involved in The National and International Shade Tree Conventions.

He was noted as saving the Elms in Evanston from the Dutch Elm Disease, utilizing a specific chemical to kill the the larva and the Beetle - thru semiotic injection in the trees root system.

He was honored in Cook County, Lake County and Graylake, and Illinois State for his Conservation of trees, water, and space.

He continued to Educated himself, until the year of his death at The University of IL. and shared his knowledge with

The Farm Bureau Extension of
The U.S. Department of Agriculture

I used my father's credentials,
as my own, having worked in
management with him, and being
his daughter listening & watching
his conservationist actions, and
the changing of some of his
original conservation ideas -
which he shared with me as
his daughter.

He managed hundreds of
acres in best possible conservative fashion
and I help & witnessed this work,
also reading his findings and studying
the materials he read.

While father live, a flag flew in
Grayslake, which he landscaped for,
to his honor, Grayslake was recognized
as Tree City of the United States. Trees
survive a Great Lakes Naval Base -
because of his tree surgery and
rodding and felling properly.

On these ~~so~~ credentials Island,
as a knowledgeable Conservation.

^{paper}
Subject: The Fishery Management
my comments are listed after
reading the 50 page report of the Agenda
Community Fisheries Crisis Meeting,
Hatfield Marine Science Center Auditorium,
conducted 3-5, August 5, 2002, Newport, Or.

Comments as follows

(1) No further altering of the Pacific Coast line should be allowed.

Reason: By altering the Natural Coastline one changes the natural habitat of the common fish life present.

(2) No Damming or Blockage of ^{natural} Salmon Runs should occur in Oregon; such as the Blockage By the Area known as Salmon Run, by HUD Housing off 70th Street, - or any other Coastal State

Reason: stops SALMON FROM reaching their ^{natural} reproductive sites

(3) No Further Oil Refineries should be allowed, OFF the PACIFIC COAST.

Reason: Preservation of the Fish Life; Refineries leak oil - change water temperature. Noise of Refineries - can damage or Kill or demish Fish species in deep or shallow water. MANY species of Fish ARE affected negatively By sound vibrations; AS ARE human beings

4. Every Effort possible to stop pollution by Sanitary Waste leaking into the Pacific COAST should be of primary concern to local, county, ^{STATE AND FED. OFFIC}

Reason: extinction of Fish species; illness, death OR INFECTION to human beings

5. No Further Nuclear Plant on the Pacific Coast Line, or near Lake Waters, or in the Nation.

Reason: pollutes water - raises water temperature; causes extinction to certain species - Both in shallow & deeper Depths.

6. ALL EFFORTS ON the Local, county, state, ~~Fed~~ level should try to Avert disastrous damage of dumping dangerous materials into LAKES or OCEAN such; as occurred in LAKE MICHIGAN BY THE JOHNSON MOTORS ^(DON) MANFIELD) CATASTROPHIC dumping of INDUSTRIAL WASTE - making the FISH NON-EDIBLE IN Waukegan, IL. AREA ~~IL~~ + Further areas of Lake.
REASON: CONTAMINATED FISH - AND ENDANGERED HUMAN LIVES.

7. As previously stated - there should be NO CHANGING of the PACIFIC COAST LINE - to STRESS FURTHER + STOP ANY SUCH PASSAGE of the PACIFIC into interior LAKE - AS WAS created by Opening the Great Lakes By ~~ERIE CANAL~~ CANAL.
REASON: opening caused mingling of species such as the destructive entrance of the OCEANS LAMPREY ^{SP} ELE which poisons or kills FISH it attaches to; ALSO HARMING HUMAN BEINGS EATING such FISH.

8. The experienced, Humanitarian, Fisherman's or CAPTAINS Knowledge ^{OF THE} INDIGENOUS AREA, or particular state - that they live in; must be coupled to the scientist - on a one to one ratio - to reach ANY EXPERIMENTAL numbering to properly assess the dwindling of a particular species or the over abundance of a species.

FURTHER, The internal knowledge of a Humanitarian CAPTAIN or Fisherman should be as highly recompensed as each scientist involved.
REASON: Common sense and correct priorities,
→ comments on

9. EXPERIMENTAL gear - Similar to above - the knowledge gained thru YEARS of Fishing the PACIFIC AREA or CAPTAINING the AREAS - this knowledge - should be assimilated into the gear the scientist which to foster for numbering on studying certain species - and depths and shallows - RECOMPEN
AS HIGH AS THE EXPERT SCIENTIST'S

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9. Reason: Common Sense + correct priorities

10. All boats or ships from Foreign Harbor Area Risk to Pacific Fishing industry and Interior Lakes

Reason: Being the residual plants or different sea creatures that cling to the bottom or exterior of the ship or boat.

Example: An Asiatic weed from a boat enter the waters of Grays Lake, IL. (A species feed lake) and had devastating effect on the lake. Swimmers were unable to swim in the Red Kelpweed.

Weed cutter helped; ~~some~~ pulling weed up from roots - However Community voted to spray with chemicals and killed a large majority of fish indigenous to the lake.

From my father's education - I vetoed the chemicals. However, the community sprayed - animal that drank water died - my feet were burned weeks later by residue of spray that landed on rocks by the water - But the chemicals were so strong - they burnt through cotton canvas + burned my skin.

11. From my father's last statements to me - He truly believed chemicals are a last resort.

12. Further comments on the Pacific Coast problems: Foreign plants should not be brought to Pacific Coast or planted. Reason: Changes whole ecology - Ex. Florida Everglades

13. Foreign species should not be introduced into the waters deliberately. Reason - Death to species. Ex. Lamprey E.

15. Comment for Pacific Coast: Solar Energy

is truly understood and so is Hydro water power, and solar energy combined with hydrolic power is truly understood and should be used on the Pacific Coast.

Reason: Clean agents - creating Industrial Power - so Canning industry

15. Continued - could be located in OREGON COASTAL AREAS - AND OTHER PACIFIC LOCATIONS THAT WOULD NOT ENDANGER HUMAN LIFE; FISH LIFE; OR PLANT LIFE.

16. Solar-Hydro power is understood ^{to scientist} scientifically - AND ALSO BY LAY PEOPLE - AND I BELIEVE SHOULD BE USED FOR MORE CANNERIES - IN OREGON AND THE PACIFIC COAST.

REASON: CREATE MORE JOBS - A HEALTHIER ATMOSPHERE - CLEANER WATER - CLEANER AIR - HEALTHIER FISH & HUMAN BEING. OFTEN LOBBIST FOR GAS CO. OIL CO. - ELECTRIC CO. HINDER THE USE + PRODUCTION OF SOLAR-HYDRO POWER INDUSTRY.

17. REASON: MORE FINANCIAL GAIN FOR GAS CO. ELECTRIC CO - OIL CO.

I WISH THE LEGISLATION FOR PACIFIC COAST WOULD ORIGINATE IN THE PACIFIC COASTAL AREA - RATHER THAN BILLS ORIGINATING IN THE INTERIOR STATES.

18. LASTLY, I AM A CONSERVATIONIST, MY NEPHEW, WILLIAM TAYLOR WINN IS A FISHERMAN AND CAPTAIN FAMILIAR WITH THE PACIFIC COAST - AND ESPECIALLY A SPECIALIST ON OREGON WATERS AND MY SECOND NEPHEW, TODAY JOSEPH WINN, TOP GRADUATE FROM THE UNIVERSITY OF OREGON, 2002, ~~is quite~~ AND A PREVIOUS RESIDENT OF NEWPORT, HAS KNOWLEDGE AS A SOLAR ENERGIST; AND I BELIEVE THAT BOTH THESE INDIVIDUALS COULD AID GREATLY ^{in solving} THE PACIFIC FISHERY CRISIS - AND SHOULD BE RECOMMENDED FOR THEIR KNOWLEDGE. MY 3RD NEPHEW, AARON TYLER WINN IS QUITE PROFICIENT IN COMPUTERS, A NEW RESIDENT ^{of OR}, PREVIOUSLY A RESIDENT OF CAN. - I WOULD VOLUNTEER MY TIME, WHEN I AM HELD.

In a Final Tribute to my Father, John Stanton Martin, LANDSCAPER, FORESTER, CONSERVATIONIST, TREE SURGEON - FOR NEARLY HIS WHOLE LIFESPAN - HE STATED BEWARE OF CHEMICAL USUALLY THEY KILL MORE THAN SAVE - "I THINK IT BEST TO WATER WITH WATER."

Sarah Josephine Martin
AKA Sally J. Martin

320 N.W. 3rd Street
Newport, OR. 97365

Phone (541) 574-2964

P.S. I suffer from depression,
attention-deficient disorder, and
anxiety.

HABITAT COMMITTEE PROPOSED ACTION FORM

HC Sponsor: Stuart Ellis

Title of Issue: Lower Columbia River Dredging

Deadline (if any): 9/12/02

Proposed Action: Send Letter to Corps of Engineers with comments regarding Supplemental Draft Environmental Impact Statement (DEIS) for Lower Columbia Channel Deepening Proposal

Addressed To:

Colonel Richard Hobernicht
Corps of Engineers, Portland District
PO Box 2870
Portland, OR 97208

Description of Issue:

The recently released Lower Columbia River Dredging DEIS is a supplemental statement that includes as a foundation, no-jeopardy biological opinions released in May 2002 from NMFS (NOAA Fisheries) and U.S. Fish and Wildlife Service. In the supplemental statement, the Corps has, 1) revised their estimates of sediments to be dredged to 14.4 million cubic yards, 2) has proposed that 50 acres of riparian habitat be established with some of the sediment and 3) has revised their economic benefits analysis.

The Corps of Engineers is accepting comments on the DEIS until September 12, 2002. The Council may wish to provide input concerning this issue.

Description of Regional Significance:

The proposed channel deepening project may have adverse effects on many Council-managed fish stocks as well as essential fish habitat (EFH) for these species. These stocks are harvested in ocean fisheries off Oregon and Washington in the exclusive economic zone and in state waters and in freshwater fisheries for salmon in the Columbia and Snake River basins.

Potential Adverse Impacts to EFH?

☒ Yes

☐ No

For Which Species? Coho and chinook salmon, spiny dogfish, rattfish, lingcod, cabazon, kelp greenling, Pacific cod, Pacific whiting, sablefish, jack mackerel, darkblotched rockfish, greenstriped rockfish, thornyheads, Pacific ocean perch, widow rockfish, arrowtooth flounder, butter sole, curlfin sole, Dover sole, English sole, Pacific sanddab, petrale sole, rex sole, sand sole, starry flounder, northern anchovy, Pacific sardine, Pacific mackerel, market squid.

Potential Benefits of Proposed Action:

Allows the Council to communicate the perspective of its members and constituents regarding the potential effects of the Corps' dredging proposal.

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

Draft

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.

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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.

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Essential Fish Habitat: We recommended the FEIS for the proposed project be revised to ensure impacts to the EFH of the Columbia River, Columbia River Estuary, and marine ecosystems are minimized to the greatest extent possible. The current EFH consultation for salmon clearly states, "... **the proposed action may adversely affect the EFH for chinook and coho salmon species.**" NOAA Fisheries 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 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."

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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, NOAA Fisheries 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 consultation is inadequate to meet the intent of the Magnuson-Stevens Act. The USACE should identify specifically what it intends to do to minimize the adverse effects on EFH that NOAA Fisheries says may occur. We believe there should be a re-initiation of the EFH consultation, because of the inadequacies of the current consultation.

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

Sincerely,

DRAFT

Hans Radtke
Chairman

PACIFIC FISHERY MANAGEMENT COUNCIL

2130 SW Fifth Avenue, Suite 224
Portland, Oregon 97201

CHAIRMAN
Jim Lone

Telephone: (503) 326-6352

EXECUTIVE DIRECTOR
Lawrence D. Six

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	Juvenile	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				
Curlfin 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	
Petrals 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:

- 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

ESSENTIAL FISH HABITAT ISSUES

Situation: The Habitat Committee (HC) will meet Monday, September 9, 2002 to develop recommendations on the following agenda items:

- E.1 Marine Reserve Proposals for Channel Islands National Marine Sanctuary
- E.2 Update on Other Marine Reserves Processes
- C.6 Groundfish Programmatic and Essential Fish Habitat (EFH) Fishery Management Plan Environmental Impact Statements

Other issues on the HC agenda include a report from National Marine Fisheries Service on the Columbia River dredging EFH consultation, an update on a Hanford Reach fish stranding study, and an update on a description of fishing gear impacts. In addition, the HC will report on the items below that were assigned at the last Council meeting.

Update on Letter to Army Corps of Engineers Regarding Columbia River Dredging

At the June Council meeting, the Council requested the HC prepare a letter to the U.S. Army Corps of Engineers regarding Columbia River dredging and to follow up on a similar letter sent in October 1999. That letter has been prepared and is attached (Attachment 1), along with the previous Council letter.

Update on Letter to NMFS Regarding Klamath River Flows Biological Opinion

The Council also requested the HC prepare a letter to National Marine Fisheries Service on their Biological Opinion regarding Klamath River flows and the effect of flow levels on Council-managed species. The HC has postponed the development of this letter.

Update on Letter to Federal Energy Regulatory Commission

A letter to the Federal Energy Regulatory Commission (FERC) regarding hydropower relicensing procedures was sent on May 13. After several attempts to contact FERC, the letter was faxed to Mr. Vince Yearick in their Washington, D.C. office on August 22. As of the briefing book deadline, Council staff are awaiting a response.

The HC's complete agenda is provided in Ancillary D.

Council Action:

1. Consider comments and recommendations developed by the HC at the September meeting.

Reference Materials:

1. Habitat Committee Agenda (Ancillary D).
2. Letter to U.S. Army Corps of Engineers (Exhibit B.1, Attachment 1).
3. Public comment (Attachment B.1.c).

Agenda Order:

- a. HC Report
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider HC Recommendations

Paul Heikkila

PFCM
08/23/02

