

ESSENTIAL FISH HABITAT ISSUES

Situation: The Habitat Committee (HC) will meet Monday, March 10, 2003 to develop recommendations on the following agenda items:

- D.2 Update on Marine Reserves Activities
- D.3 Planning for Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS)

The HC will also be discussing Klamath River flow issues and the San Francisco Airport expansion and will be holding elections for HC Chair and Vice Chair. In addition, the Council received a response to its letter to the Secretary of Commerce on Klamath River flows. That response is attached (Exhibit C.1, Attachment 1). The HC's complete agenda is provided in Ancillary C.

Council Action:

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

Reference Materials:

1. Letter from the Department of Commerce on Klamath River flows (Exhibit C.1, Attachment 1).

Agenda Order:

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

Paul Heikkila

PFMC
02/19/03

Exhibit C-1
Attachment: 1
March 2003



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
1315 East-West Highway
Silver Spring, Maryland 20910
THE DIRECTOR

JAN - 8 2003

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PFMC

Mr. Hans Radtke
Chairman
Pacific Fishery Management Council
7700 Northeast Ambassador Place
Portland, Oregon 97220

Dear Mr. ^{Hans} Radtke:

Thank you for your letter to Secretary Evans regarding the Council's concerns about the effects of reduced flows in the Klamath River basin on coho and chinook salmon populations. The National Marine Fisheries Service (NOAA Fisheries) is deeply concerned about the recent fish kill in the basin and the impacts to the communities, the economy, the tribes and the fishery resource.

NOAA Fisheries will be evaluating any new information that becomes available on fish populations and flow needs in the Klamath basin over the coming months to determine if reinitiation of consultation under either section 7 of the Endangered Species Act or the Essential Fish Habitat provisions of the Magnuson-Stevens Fishery Conservation and Management Act is warranted. NOAA Fisheries is currently working with the Bureau of Reclamation and other interests in the basin to initiate a Conservation Implementation Committee to find a lasting solution that will balance the competing water interests in the basin. If you have any further questions, please call Jim Lecky, in our Southwest Regional Office at (562) 980-4015.

Sincerely

William T. Hogarth, Ph.D.

REPORT OF THE HABITAT COMMITTEE

The Habitat Committee (HC) met on Monday, March 10 and discussed the following topics.

Marine Reserves

The HC prepared comments on marine reserves, which will be provided during those agenda items.

Klamath Update

Klamath River flow releases at Iron Gate Dam continue to be managed by the U.S. Bureau of Reclamation, as they were in the summer and fall of 2002, under a dry-water year type specified in the 2002 coho 10-year biological opinion (BO). The BO requires the release of only 849 to 993 cubic feet per second (CFS) during March at Iron Gate Dam, compared to the Hardy Phase II recommendation of 2,400 CFS. March is an important chinook salmon fry emergence and rearing period in the mainstem Klamath, and such low flows cannot provide adequate habitat for these important life stages. Furthermore, it appears highly likely the April 1 through September 30, 2003 water year will be similarly dry. Thus it is anticipated, if the proposed flow schedule is implemented, that the survival of juvenile chinook and coho salmon and steelhead in the Klamath River will be low in 2003. The HC is also concerned that the anticipated flow schedule could again result in a significant summer juvenile and/or fall adult fish kill which could impact future year fishing opportunities. The California Department of Fish and Game's January 3, 2003 report "September 2002 Fish Kill: Preliminary Analysis of Contributing Factors" implicates low flow as the primary factor contributing to the death of over 33,000 salmon last year. The HC is concerned that the 10-year BO only addresses coho and not chinook salmon habitat and flow needs. As far as we know, there has not been a response from the U.S. Bureau of Reclamation regarding consultation on coho and chinook salmon essential fish habitat (EFH) that was initiated by NOAA Fisheries last year. Therefore, the Council has not been given an opportunity to comment on the EFH conservation measures that BOR may propose to implement, as is required under the Magnuson-Stevens Fishery Conservation and Management. The HC plans to provide a draft letter on 2003 Klamath River flows and associated EFH issues for Council consideration at the April meeting.

Trinity Flows

The HC heard a report concerning Trinity river flows and issues affecting the volumes available for the upcoming water year. Trinity River flows are currently the subject of litigation in the *Westlands v. Babbitt* lawsuit. In October 2002 [post-Council meeting revision: should read, In December 2002], the Federal District Court issued its opinion, which enjoined the Trinity Record of Decision capping flows at a "Dry Year" flow designation (453,000 acre feet). The Judge also ordered the federal defendants to prepare a supplemental environmental impact statement (SEIS) within 120 days of his opinion.

On February 24, the Judge heard oral arguments regarding the final order implementing his decision. Subsequently, after hearing all parties' oral arguments, the Judge agreed to modify his order regarding the SEIS completion schedule, and agreed with the federal defendants' call for a 180-day schedule. The SEIS is now scheduled for completion by July 9, 2004. The Judge also ordered that updates be submitted by June 2003 and January 2004 regarding the progress of the SEIS. The Judge also heard arguments submitted by the Hoopa Valley Tribe to modify his order to allow additional water to be released in the 2003 water year. The Judge was receptive to the arguments, conducted a follow-up hearing on March 4, and is currently scheduled to receive advice from federal defendants regarding fishery flow needs for 2003 in Trinity River. The Trinity is currently expected to have a normal or wet water year. The Record of Decision would have mandated a flow of 647,000 acre feet and 671,000 for normal and wet water year types respectively.

Klamath Hydropower Relicensing

The Klamath River has five mainstem dams with power-generating facilities (all run by Pacificorp), for

which a draft relicensing application is due this June. A number of the facilities are unscreened, but Pacificorp has

been reluctant to conduct studies of fish entrainment because of the financial costs. Relicensing stakeholders believe that entrainment is a problem, but the licensee has thus far failed to address this issue adequately.

The HC also heard about a U.S. Geological Survey report that shows the financial benefits of a downstream fishery outweigh the benefits of growing crops in the Klamath basin. This report may not be complete, but the HC plans to review it, if available. Members of the HC expressed some frustration that the Council's letters and efforts have had little effect on how the Klamath basin is managed.

FERC Update

A draft license application is due in the next few weeks for Priest Rapids and Wanapum Dams on the Columbia River. Juvenile passage through the projects, as well as stranding in the Hanford Reach, are important issues associated with these projects. The timing of this license application should provide an opportunity for the Council to consider providing comments, possibly at the June meeting.

A draft license application for the Hells Canyon Complex of Dams on the Snake River was completed in late 2002. This is a 15,000-page application and will be challenging for the HC to review. These projects impact Snake River fall chinook, a stock that can drive ocean fisheries. It may be worthwhile for the HC to expend some effort in tracking this process.

The HC also received a presentation by a representative of FERC, Mr. John Mudre. This presentation was the result of a letter the Council sent to FERC last year. Much of the presentation dealt with FERC's "rulemaking" to modify the license renewal process. From FERC's perspective, the new rule will create an optional (through default) process for renewing licenses. The new process will involve FERC earlier, produce needed studies and data collection earlier, and increase the efficiency of the license renewal process. FERC believes there will also be increased environmental benefits from this process. The presentation raised some concerns in the HC about Congressional pressure on FERC and the statutory authority to renew licenses by their expiration date even at the expense of fish. The draft rulemaking document was provided to the HC. FERC welcomes comments from the Council. The HC plans on reviewing the document and may recommend comments at the April meeting. Mr. Mudre also suggested ways for the Council to be more effectively involved in individual relicensing processes, such as communicating with FERC about individual project applications.

Airport Expansion

The San Francisco Airport Expansion is facing two major issues: the size of the area in the bay to be filled (for the new runway) and the source of high-quality sand for fill material. The runway is now expected to use 650 to 850 square acres of fill, down from 1,400 acres. Several sources of fill are being considered, but the main source seems to be dredging in San Francisco Bay. This would entail a six-year, seven-day-a-week, 24-hour-a-day mining operation, which would strongly impact the bay's resources. Another alternative, which coincidentally developed out of a contact made at a HC meeting, is to use lower Columbia River dredging materials, and materials mined from Rice Island, which was originally created from dredge materials. Since disposal of lower Columbia dredge materials is problematic and controversial, exporting these materials for use in the San Francisco airport expansion could solve two problems.

Ramping Study

The HC heard an update on a study of stranding issues associated with ramping in the Hanford Reach. A study funded by the Pacific Salmon Commission (with support from the State of Alaska) is ongoing. The issue is being monitored, and the HC will update the Council as necessary.

Entrainment

At the September 2002 Council meeting, the Council requested information on the effects of power plant entrainment on Council-managed species. The HC heard a report from NMFS on EFH consultations they

are conducting with three power plants in California undergoing relicensing. NMFS is encouraging the plants to use cooling towers as an alternative to water intake systems. The Environmental Protection Agency also has interim regulations, under the Clean Water Act, that address entrainment. Many studies have been done on entrainment, but most are not current. The extent to which Council-managed species are affected is unknown. However, it appears to be economically feasible for power plants to use alternative cooling methods.

EFH Mapping

The HC heard a report from Dr. Waldo Wakefield on habitat mapping efforts for the EFH EIS. Dr. Wakefield and Ms. Fran Recht also briefed the HC on the recent Ad Hoc Groundfish Habitat Technical Review Committee meeting.

Researchers at Oregon State University, Moss Landing Marine Laboratories, and Olympic Coast National Marine Sanctuary have completed an interim habitat map for the West Coast. The map identifies structural habitat and will include historical and new shelf/slope survey data. Although Version 1 is complete and will be used for the EFH EIS, the mapping effort will continue for several years and may be applied to other management efforts such as stock assessments and design of future shelf/slope surveys.

The HC believes that such mapping efforts should be included in the Council's Research and Data needs document in order to encourage funding for these efforts.

The HC also heard about a collaborative research project under development with the fishing industry to collect core samples off Oregon. The data will be used in mapping efforts.

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03/11/03