

CURRENT HABITAT ISSUES

Situation: When the Council approved the November agenda, the Habitat Committee (HC) was directed to develop statements on the following agenda items:

- B.2 Update on MPA Issues (Including SSC White Paper and CINMS Process)
- D.11 Groundfish Programmatic Bycatch EIS: Adopt Alternatives for Public Review
- I.8 Appointments to Advisory Bodies

The HC will also consider developing statements on the following topics:

- B.1 Joint Presentation on Jurisdiction and Authority for MPAs (NMFS and National Ocean Service)
- D.2 Makah Rockfish Enhancement Proposal
- D.3 Feasibility of Using Real-time Electronic Logbook Data in Groundfish Fishery Management
- D.8 Preliminary Optimum Yield (OY), Acceptable Biological Catch (ABC), Management Measures, and Preseason Management Schedule (November-June) for 2005-2006 Fisheries
- D.14 Groundfish Fishery Management Plan Amendment 16-3: Rebuilding Plans for Bocaccio, Cowcod, and Widow and Yelloweye Rockfish

In addition, the HC will discuss the development of a briefing paper on salmon net pen aquaculture, as requested by the Council at the September 2003 meeting; Klamath/Trinity River issues; and other matters.

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

Council Action:

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

Reference Materials:

None.

Agenda Order:

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

Jennifer Gilden
Stuart Ellis

PFMC
10/20/03

HABITAT COMMITTEE REPORT

The Habitat Committee (HC) met on Monday, November 3 to discuss issues including the following topics. The HC also has supplied separate statements on groundfish rebuilding plans, the bycatch environmental impact statement (EIS), and marine reserves.

Habitat Committee Function and Purpose

The HC discussed its function and purpose in order to address Council priorities and issues in a more effective manner. The HC will discuss this further in March.

NMFS Report on Non-Fishing Impacts

The HC would like to make known that NMFS has developed a report on non-fishing impacts to both marine and freshwater habitats for use in consultation and other purposes. The document is entitled "Non-Fishing Impacts to Essential Fish Habitat and Recommended Conservation Measures" and is available on the NMFS Southwest Region website. Comments on the publication are being accepted from state, tribal, and other agencies. The HC would like to highlight the importance of this document for consultations regarding fish habitat protection.

San Francisco Airport Expansion

At past meetings, the HC has updated the Council on plans to expand the San Francisco airport. The San Francisco Board of Supervisors have decided not to proceed with the expansion plan. The large scale Cargill salt marsh restoration plan in San Francisco Bay will proceed, as it is not connected to mitigation for the airport expansion.

Klamath Issues

The HC has commented previously on Klamath flow issues. The Hardy Phase II Report, which makes flow recommendations for all water year types, has been delayed for two years, but is now moving forward. However, the HC has concerns about the new pre-development flow estimates provided by the Bureau of Reclamation (BOR). These flow estimates will need outside peer review before being incorporated into the Hardy Phase II report.

In addition, some new and sometimes contradictory reports have been released recently. These include the National Academy of Sciences (NAS) report on endangered and threatened fishes of the Klamath River Basin; the Oregon Independent Multidisciplinary Science Team (IMST) report on the 2001 endangered sucker and coho biological opinion; and a leaked draft report by the U.S. Fish and Wildlife Service on causative factors in the September 2002 Klamath River fish kill. The NAS report did

not find scientific support that higher flows would result in recovery of coho salmon, but found that higher flows would benefit Chinook salmon and other species. The IMST report found that coho would benefit from higher flows. The U.S. Fish and Wildlife Service report concurs with the California Department of Fish and Game preliminary fish kill report, which implicated low flows in the September 2002 fish kill.

Other notable recommendations in the NAS report include a basin-wide approach to restoration and enforcement, particularly in the Shasta, Scott, and Trinity basins. This shifts the focus away from Klamath Project operations. The report also recommends a three-year closure of Iron Gate Hatchery and Trinity River Hatchery to evaluate competition and predation between the hatchery-produced species and coho. The report also recommends evaluating the removal of Iron Gate Dam on the mainstem Klamath, and Dwinell Dam on the Shasta River, to provide additional coho habitat.

The courts will decide whether low flows were responsible for the Klamath fish kill; whether the biological opinions should be revisited; and what the flows should be for 2004.

Recommendations in the Natural Resource Consultants report may also result in a reconsultation between NMFS and the BOR, but it is anticipated the BOR will provide flows based on existing schedules for 2004.

Trinity Issues

Restoration of the Trinity River revolves around three separate tracks: administrative, judicial, and legislative. Administratively, this includes completion of a supplemental EIS ordered by the Court. Court-ordered completion date is July 9, 2004. In litigation, a final court ruling was issued in April 2003. The case has been appealed to the Ninth Circuit by all parties, and the appeals court has agreed to an expedited schedule. Finally, the Hoopa Valley Tribe has been pursuing federal legislation which would codify implementation of the Trinity River Record of Decision.

The Court ruling on the Trinity in April allowed for a supplemental release of 50,000 acre-feet of water to alleviate lower Klamath River flow conditions. This implies that releases may be available in the future to alleviate late summer low-flow conditions. However, it also does not negate the need to address mainstem low flow issues above the confluence of the Klamath and Trinity Rivers.

Salmon Net Pen Aquaculture

In response to the Council's request at the September meeting, HC members are working on developing a fact sheet on salmon net pen aquaculture. We plan to have a summary available to the Council by the March 2004 meeting.

PFMC
11/04/03