

PACIFIC FISHERY MANAGEMENT COUNCIL

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November 29, 2004

Mr. Chester V. Bowling
Operations Manager
U.S. Bureau of Reclamation
Central Valley Operations Office
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Mr. Carl Torgersen
California Department of Water Resources
3310 El Camino Avenue, Suite 300
Sacramento, CA 95821

Dear Messrs. Bowling and Torgersen:

On behalf of the Pacific Fishery Management Council (Council), I am writing to comment and provide recommendations on the Long-Term Central Valley Project (CVP) and State Water Project Operations Criteria and Plan (OCAP) for the purpose of conserving and enhancing essential fish habitat (EFH). The project area includes the Central Valley Basin of California, which includes two major watersheds, the Sacramento River to the north, and the San Joaquin River to the south. These systems join at the Sacramento-San Joaquin Delta (Delta). Also included is the Trinity River portion of the CVP from Lewiston Dam downstream to the confluence with the Klamath River. The Council is concerned that the proposed action will adversely affect the EFH of Chinook salmon and starry flounder in the project area.

The Council, through the Fishery Conservation and Management Act of 1976 and subsequent amendments, is charged to advise the U.S. Secretary of Commerce in the management of Pacific West Coast anadromous and marine fish stocks and to comment on federal agency actions that affect the EFH of Council-managed species. The Council identified and described EFH for Chinook salmon in 1999 under Amendment 14 to the Pacific Coast Salmon Fishery Management Plan (FMP), and for starry flounder under Amendment 11 to the Pacific Groundfish FMP. In the project area, the Council identified currently viable EFH for all tributaries and the mainstems of the Sacramento and San Joaquin river systems, and most of the habitat historically accessible to Chinook salmon, as well as estuarine waters, including the Delta. The Council also identified all estuarine waters to be EFH for starry flounder.

Proposed Action

The proposed action continues the operation of the CVP and State Water Project (SWP) (collectively, the Project) to divert, store, and convey Project water consistent with applicable law. The U.S. Bureau of Reclamation's (Reclamation) facilities and actions include on-going operations at all CVP divisions including the Tracy Pumping Plant and Fish Collection Facility, the CVP/SWP Intertie, implementation of the Trinity River Record of Decision flows, and operations of the proposed Freeport Regional Water Project. The California Department of Water Resources' (DWR) facilities include ongoing operations at the Oroville-Thermalito Complex, the Harvey O. Banks Delta Pumping Plant, the Clifton Court Forebay, the Skinner Fish Protective Facility, the Northbay Aqueduct, and the Suisun Marsh Salinity Control Gates.

Recommendations

Project operations will alter the quantity, timing, and quality of water passing through the Central Valley into the Delta estuary, and thereby substantially affect the habitat conditions for juvenile and adult salmonids. Project operations will also affect the EFH of starry flounder.

In developing its recommendations, the Council places highest priority on recommending that all appropriate and practicable steps be taken to avoid adverse effects to EFH. When that is not possible, the Council recommends measures that minimize remaining adverse effects as described in Central Valley Improvement Act. This entails that Reclamation and DWR work in a coordinated fashion to implement avoidance and minimization approaches through appropriate CalFed programs to accomplish the following:

- 1) Establish flow regimes that are as stable as possible to minimize redd dewatering, stranding and isolation of juveniles;
- 2) Develop temperature control management strategies/plans for all tributaries to the delta that balance the cold water needs of all salmonids and manage reservoir carryover storage appropriately;
- 3) Facilitate the Central Valley Project Improvement Act's Anadromous Fish Screening program to complete planned screening of water diversions;
- 4) Adopt more prescriptive minimum flow standards that optimize remaining flow needs for spawning and rearing Chinook salmon;
- 5) Manage Delta operations to reduce salmonid straying, reduce temperature-related mortalities, reduce losses in redds and juvenile rearing areas related to fluctuating flow regimes, reduce susceptibility to predators and reduce mortalities from salvage and entrainment operations for both salmonids and starry flounder;
- 6) Mitigate impacts that cannot be avoided by assessing the mitigation debt due, and begin mitigation compensation by improving spawning and riparian habitat.

Messrs. Bowling and Torgersen

November 29, 2004

Page 3 of 3

The Council is well aware that many of the efforts it recommends are constrained by existing operational conditions that have transpired over the lifetime of Central Valley water management. Consequently, opportunities to avoid and minimize adverse effects may be limited and insufficient to offset the further deterioration of EFH habitat functions in parts of the project area. The Council believes that in order to provide meaningful recommendations for conserving and enhancing EFH, the two agencies need to look beyond options for avoiding and minimizing adverse affects and include compensatory mitigation for conserving and enhancing Chinook salmon EFH. As a first step, the Council recommends assessing reductions in fish abundance due to the proposed activities. The Council asks that you respond to this recommendation in writing.

To begin mitigation compensation, the Council recommends that the two agencies seek ways to improve the efficiency of water use in water contracts, including aspects of measurement, accounting and compliance; investigate options to improve passage for all runs of Chinook above current impassable barriers where possible and improve habitat in these upstream tributaries; and seek opportunities to restore adequate instream flows and necessary fish passage facilities on the San Joaquin River.

Regarding the Trinity River, the Council recommends that the Trinity River Mainstem Fishery Restoration Program flows as described in the Trinity River Record of Decision be implemented.

Only the water operations associated with the proposed activities are addressed in these recommendations. They do not address potential impacts from construction of any facilities needed to implement the proposed actions. All site-specific/localized activities of the actions will be addressed in separate letters if it appears they will substantially affect the EFH of any anadromous fishery resource under Council authority.

Thank you for the opportunity to comment. Please contact Ms. Jennifer Gilden at the Council office at 503-820-2280 if you have any questions.

Sincerely,



Donald K. Hansen
Chairman

JDG:rdd

c: Mr. Rod McInnis, NMFS SWR
Council Members