

CURRENT HABITAT ISSUES

Situation: The Habitat Committee (HC) will meet Monday, June 14, 2004, to develop recommendations on the following Council agenda items:

- B.2 Council Communication Plan - Phase I (Communication During Council Session)
- B.3 Update on Council Operating Procedures (COPs)
- C.4 Groundfish Essential Fish Habitat (EFH) Environmental Impact Statement (EIS) Analytical Model – Fishing Gear Impact Model Component
- G.1 Federal Waters Portion of the Channel Islands National Marine Sanctuary (CINMS) Schedule Update
- G.2 Guidelines for Review of Marine Reserves Issues
- G.3 Update on Miscellaneous Marine Protected Area Activities
- G.4 Monterey Bay National Marine Sanctuary (MBNMS) Krill Harvest Ban Proposal

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

Council Action:

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

Reference Materials:

None.

Agenda Order:

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

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05/25/04

REPORT OF THE HABITAT COMMITTEE

The Habitat Committee (HC) has comments on a number of marine issues that will be presented during those agenda items.

Klamath River Issues

The Habitat Committee (HC) received a report on current and anticipated future flow and fish health conditions in the Klamath River basin. Effective May 1, the U.S. Bureau of Reclamation (USBR) reclassified the current water year type for the Klamath River from “below average” to “dry.” The “dry year” classification has reduced spring and summer flows to levels similar to 2002 when a major adult anadromous salmonid fish kill occurred and 2000 when up to several hundred thousand juvenile fish perished. However, full Klamath Project irrigation deliveries are planned.

Beginning the week of May 10, 2004 and continuing through the present, high levels of juvenile salmon mortality and incidence of the pathogen *Ceratomyxa shasta* have been observed in fish captured in screw traps from the upper mid-reaches of the Klamath River. The HC is concerned that the “dry year” flows being implemented by the USBR are, in large part, responsible for contributing to the existing fish-kill conditions and increase the probability of additional juvenile and/or adult fish-kills this summer. Poor in-river survival of BY 2003 Chinook salmon could lead to weak returns of three and four year old fish in 2006 and 2007, respectively, thus potentially constraining ocean and in-river fisheries in those years.

The USBR has suggested that the fish-kill conditions in the Klamath River below the confluence of the Trinity River may be ameliorated by releasing additional Trinity River water during September as was done in 2003. Efforts are being made by the USBR to secure this additional water. However, this action will not improve low flow conditions in the 145 miles of the Klamath River above the confluence of the Trinity.

Energy Bill

The energy bill moving through Congress would have serious implications for fish habitat, including creating a NEPA exemption for certain types of energy development, including natural gas pipelines. This potentially would exempt fuel companies from paying royalties if they're producing natural gas from methyl hydrate from sea floor. The energy bill may have an uncertain future this year, however, and could still be subject to major revisions.

Central Valley Project

NOAA Fisheries is preparing EFH Conservation Recommendations for the U.S. Bureau of Reclamation and California Department of Water Resources to operate the Central Valley Project and state Water Project (the Project) to divert, store, and convey Project water consistent with applicable law. These recommendations will accompany an Endangered Species Act section 7 consultation the agency is also preparing for listed salmonids. Under Section 305 (b)(3)(B) of

the Magnuson-Stevens Act, each Council shall comment on and make recommendations to the Secretary and any Federal or State agency concerning any such activity that, in the view of the Council, is likely to substantially affect EFH of an anadromous fishery resource under its authority. The NOAA Fisheries Southwest Region believes that there will be adverse impacts to Chinook EFH. The Conservation Recommendations should be complete by mid-July. The NOAA Fisheries Southwest Region will provide these recommendations to the Council. The Council may wish to also provide comments to the appropriate agencies, but it would presumably need to be done by "fast track letter" since it would be between Council meetings.

Columbia River Summer Spill Reductions

The Bonneville Power Administration (BPA) came out with a revised proposal to eliminate part of the summer spill program on the Columbia River. The proposal is a smaller reduction than initially proposed, with elimination of spill at various dams in parts of August. There will still be significant impacts affecting fish stocks that drive Council fisheries, like Snake River fall Chinook and upriver brights. BPA has proposed offsets to partially mitigate for this. It is hard to judge the value of the offsets because it is not clear if they will really be implemented or, in the case of offsets to benefit wild fish, what exactly they will be. It is difficult to know exactly where this proposal will go. There is still some likelihood of litigation. If BPA prevails, spills at Bonneville Dam could be cut beginning in late July.

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