

## CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Tuesday, September 13, 2011. At this meeting, the HC will discuss the Monterey Bay National Marine Sanctuary Ecosystem-Based Management Initiative, Elwha and Klamath dam removal, the Redden decision regarding Columbia River hydropower operations, and other issues.

### **Council Action:**

**Consider comments and recommendations developed by the HC at its September 2011 meeting.**

### Reference Materials:

1. Agenda Item D.1.b, Supplemental HC Report.

### Agenda Order:

- a. Agenda Item Overview
- b. Report of the Habitat Committee
- c. Reports and Comments of Advisory Bodies and Management Entities
- d. Public Comment
- e. **Council Action:** Consider Habitat Committee Recommendations

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PFMC  
08/16/11

## HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

### **Judge Redden/Columbia River Biological Opinion**

The Habitat Committee (HC) received a report on the Opinion and Order for National Wildlife Federation v. National Marine Fisheries Service III issued by Federal District Court Judge James Redden on August 2, 2011. Judge Redden ruled that the 2008/2010 Federal Columbia River Power System Biological Opinion (BiOp) that guides current conservation and recovery activities for Columbia and Snake rivers salmon and steelhead violates the Endangered Species Act. The Court held that the BiOp is “arbitrary and capricious” because it relies too heavily on unidentified, non-specific mitigation efforts:

“Coupled with the significant uncertainty surrounding the reliability of NOAA Fisheries’ habitat methodologies, the evidence that habitat actions are falling behind schedule, and that benefits are not accruing as promised, NOAA Fisheries’ approach to these issues is neither cautious nor rational.” (Federal Judge James Redden)

The Council is obligated to comment on Federal actions that will have substantial impacts on essential fish habitat (EFH) for salmon. As EFH conservation recommendations mirror actions identified in the reasonable and prudent alternatives of the BiOp, EFH recommendations have also not been implemented.

**The HC proposes preparing a letter to National Marine Fisheries Service (NMFS) supporting the formation of a stakeholder forum, comprising sport and commercial fishing interests, nongovernmental organizations, and other interested stakeholders, to guide salmon habitat restoration in the Columbia basin.** This is similar to the approach taken in the Klamath Basin, where settlement talks produced an agreement among affected stakeholders. This process increases political buy-in and, subsequently, the probability of funding for required habitat restoration measures.

### **Klamath Dam Removal**

The HC heard a summary of the Klamath dam removal process from HC member Dave Hillemeier (Yurok tribal representative).

The Secretary of the Interior will make a determination on dam removal by March 2012 based on two criteria: whether dam removal will advance restoration of salmonid fisheries in the Klamath basin, and whether it is in the public interest. As part of this process, the Federal agencies have conducted numerous analyses that are feeding into the environmental review process for the National Environmental Policy Act (NEPA) and California Environmental Quality Act. The environmental impact statement/environmental impact (EIS/EIR) report will provide NEPA backing for the Secretarial Determination Overview Report which will support the Secretary’s decision. The environmental analysis is focused on the impacts of the removal of the four PacifiCorp dams; however, given that the Klamath Basin Settlement Agreement and the Klamath Basin Restoration Agreement (KBRA) are linked, the KBRA is being reviewed as a connected action via the environmental review process. The draft EIS/EIR is expected to be released for public review/comment on September 22, 2011; there is a 60-day comment period. **Pending**

**Council approval, the HC will prepare a letter for November commenting on the draft EIS/EIR consistent with previous Council comments.**

### **Elwha Dam Removal**

The HC received an update on the Elwha River dam removal project from George Pess, NOAA Northwest Fishery Science Center. After several decades of planning, deconstruction of the two dams begins this Saturday, September 17. The Elwha and Glines Canyon dams currently block 146 km of mainstem and floodplain channel habitat, which formerly supported pink, chum, Chinook, coho salmon and steelhead and anadromous bull trout.

Fine sediment is likely to prohibit rapid recolonization of upstream habitats for two to five years. Nearly one million dump truck loads of fine sediment will be removed from behind the dams before the project is complete. Current salmon production in the Elwha River is between 5,000 and 10,000 fish, while historically it was around 400,000 fish. Initially, sediment is likely to increase the amount of adult salmon straying away from the basin to other systems until turbidity returns to background levels after a few years. Habitat will recover more quickly than will the salmon population after the dams are removed. Full salmonid productivity may not be realized for 30-50 years.

Good pre-dam removal baseline information has been gathered, but funding is needed to continue monitoring after the dams are removed.

### **Condit Dam Removal**

The HC heard an update from HC member Tim Roth on the removal of Condit dam on the Washington's White Salmon River this fall. Condit dam, built in 1913, began its Federal Energy Regulatory Commission relicensing process in 1996. A settlement agreement was signed in 1999 by PacifiCorp, state, Federal, tribal, and nongovernmental organizations. The NEPA and permitting processes were completed in 2010. Tule fall Chinook in the White Salmon River are a listed Columbia River fall Chinook population. Chinook, steelhead, coho, and Pacific and Western Brook lamprey are also present below Condit dam. A multi-agency salvage operation is currently underway to capture fall Chinook below the dam and transport them to upstream spawning areas so that their production will not be lost when siltation from dam removal initially inundates the lower river later this fall.

Following dam removal, a passive reintroduction process will take place, at least for the near term, with monitoring to the degree funding is available. Any future plans for active reintroduction (hatchery supplementation, translocation, etc.) would be developed through a multi-agency adaptive management planning process.

### **West Coast Energy Projects**

Council staff reported on a recent Ocean Renewable Energy Conference held in Portland. The alternative ocean energy industry (offshore wind, wave and tidal energy) is eager to move forward. Funding and regulatory infrastructure for ocean energy projects is just now maturing, and several large investors such as Lockheed Martin and Google are expressing interest in renewable ocean energy.

Industry representatives for ocean renewable energy are aware of concerns for effects on fish habitat. These concerns center on how to study it, lack of regulatory clarity and scope of potential mitigation. Marine spatial planning initiatives (national, state, and regional) are needed to provide increased certainty for the entities involved and avoid fisheries impacts.

Action items:

- For November, the HC proposes a comment letter to the Dept. of the Interior/Bureau of Reclamation on the draft Klamath EIS/EIR.
- Also for November, the HC proposes a letter to NMFS supporting the formation of a stakeholder forum to guide salmon habitat restoration in the Columbia Basin, comprising sport and commercial fishing interests, nongovernmental organizations, and other interested stakeholders.

PFMC  
09/14/11