CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Friday, March 2, 2012. At this meeting, the HC will discuss salmon essential fish habitat, levee vegetation issues, and a U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) climate change strategy document. In addition, the HC will hear presentations from NMFS, USFWS, and the California Dept. of Fish and Game on Sacramento (b)(2) water issues; and from Mr. Barry Thom of NMFS on the Federal Columbia River Power System Biological Opinion (BiOp). As requested by the Council, a letter on the need for a collaborative process for the Columbia River BiOp is attached with changes suggested by the Council at the November 2011 meeting (Agenda Item E.1.a, Attachment 1).

Council Action:

1. **Consider comments and recommendations developed by the HC at its March 2012 meeting.**

Reference Materials:

1. Agenda Item E.1.a, Attachment 1: Letter on Columbia River Biological Opinion.
2. Agenda Item E.1.b, Supplemental HC Report.

Agenda Order:

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

PFMC
02/03/12

Pacific Fishery Management Council

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Dan Wolford, Chairman
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Note: Edits made to this letter were approved by the Council in November.

March X, 2012

Dr. Rebecca M. Blank, Acting Secretary
U.S. Department of Commerce
[Address]

Dr. Jane Lubchenco, Administrator
National Oceanic and Atmospheric Administration
[Address]

Mr. Eric C. Schwaab, Assistant Administrator for Fisheries
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
[Address]

Dear Dr. Blank, Dr. Lubchenco and Mr. Schwaab:

We write to you today about an issue of great importance to West Coast salmon fisheries and the communities that depend on them: the protection and restoration of Columbia-Snake River Basin salmon and steelhead. As you know, these fish are a tremendous economic, cultural, and biological resource to the Pacific states and the nation. They support and contribute to ecosystems from Alaska to California, and as far inland as Idaho ~~and Montana~~.

Federal efforts to craft a protection and restoration plan for these imperiled species that has passed Endangered Species Act (ESA) judicial review have been challenging. On August 2, U.S. District Court Judge James Redden remanded the most recent plan, NOAA Fisheries' *2010 Biological Opinion for the Federal Columbia River Power System* (BiOp). This was the fourth federal salmon plan to be remanded since 1995. As the entity charged with helping NOAA Fisheries guide the management and stewardship of Pacific salmon resources in California, Oregon, Washington, and Idaho, the Pacific Fishery Management Council believes that a new approach to addressing the challenges of Columbia Basin salmon restoration may be warranted.

To that end, we encourage NOAA Fisheries to convene a collaborative process where regional stakeholders can work alongside Tribes and Federal and state agencies to develop a salmon restoration blueprint that is legally sound and guided by science, with the goal of meeting the diverse needs of affected communities.

To be truly effective, this process must be transparent and inclusive, and must include non-governmental stakeholders. We believe that by working collaboratively, the Basin's diverse interests can craft a plan that recovers salmon, builds jobs, and enhances local and regional economies.

Collaborative processes have proven successful in addressing other natural resource challenges across the West Coast, including on the San Joaquin River, in the Klamath Basin, and on the Elwha River. A similar effort in the Columbia-Snake Basin – one that includes all parties with a stake in salmon restoration, and that is committed to exploring all scientifically-credible recovery options – would help move the salmon debate beyond the courtroom while greatly improving the resulting plan's probability of success.

Existing, ongoing processes such as the Salmon Recovery Planning process, Regional Implementation Oversight Group and the court-ordered remand of the 2010 BiOp could help inform and strengthen the work of a collaborative stakeholder effort by bringing additional scientific, economic, and technical expertise to bear on stakeholders' policy discussions and decisions. By leveraging the work that Federal, state, and Tribal agencies are doing at a BiOp-specific level, regional stakeholders could then expand the dialogue to help address the broader needs and priorities of affected communities. ~~A collaborative process for the Columbia Basin, like similar efforts elsewhere, would likely be funded by a blend of state and federal support. This type of process could produce a regional plan that is beneficial to both fish and affected communities.~~

After more than twenty years of Endangered Species Act listings and litigation, a fully inclusive, basin-wide, solutions-oriented collaborative stakeholder process is needed in the Columbia Basin. ~~Previous tiered approaches that have not included regional stakeholders in crucial discussions and decisions have so far failed to yield a plan judged sufficient to meet ESA legal requirements, creating more uncertainty for the region.~~ The Pacific Fishery Management Council strongly urges NOAA to make the most of the two year period provided by the Court before a new BiOp is due, and to begin collaborative talks as soon as possible.

We hope NOAA, in cooperation with their co-managers at U.S. Fish and Wildlife Service who collectively administer the ESA program for aquatic and terrestrial species, will convene this collaborative stakeholder process in the months ahead~~; we stand ready to assist in any way~~.

Thank you very much for your consideration of our request.

Sincerely,

HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

Corps of Engineers Levee Vegetation Policies

The HC heard a synopsis of the draft Corps of Engineers (COE) levee vegetation management standards and variance process. In a letter to the COE dated June 27, 2011, the Council had previously expressed concern with the national vegetation standards as inadequately protecting Essential Fish Habitat for salmon listed under the Endangered Species Act (ESA). The Council also expressed concern for the lack of consultation with National Oceanic and Atmospheric Association (NOAA) by the COE under the Magnuson-Stevens Act (MSA) or Section 7 of the ESA. A recently revised draft of the Policy Guidance Letter (PGL) was posted in the Federal Register on February 17, 2012 for 60-day public review.

Serious shortcomings remain in the new COE levee vegetation management process. Despite improvements in the PGL, vegetation variance activities are required to be functionally equivalent with the no- or minimal- vegetation standards in the existing Corps process. Variance allowances provided in the PGL continue to prohibit salmon habitat-forming processes from occurring. The COE acknowledges that science and engineering support for the levee standards and variance process is largely lacking, yet they continue to require that levees be largely denuded for public safety or inspection purposes.

Lastly, as with the previous PGL drafts, the COE fails to acknowledge necessary consultation with NOAA on impacts to listed salmon under Section 7 of the ESA, or for EFH impacts under the MSA. The MSA is not mentioned in the Federal Register notice at all despite the Council's previous correspondence.

The HC is prepared to draft a new letter to the Corps for Council approval in April, should the Council wish to direct it to do so.

Draft National Fish, Wildlife & Plants Climate Adaptation Strategy

The HC reviewed the Public Review Draft of the National Fish, Wildlife and Plants Climate Adaptation Strategy (Strategy) that was submitted for public comment in January of 2012. The Strategy details how climate change is expected to affect the eight major ecosystem types in the United States (Chapter 2, http://www.wildlifeadaptationstrategy.gov/public-review-draft.php).

The HC agrees with a number of statements that are presented in the preface of the document:

- *Our climate is changing, and these changes are already impacting the nation's resources and the people, communities, and economies that depend on them.*
- *The observed changes in climate, in turn, have been correlated to increasing levels of carbon dioxide (CO_2) and other greenhouse gases (GHG) in the atmosphere, which have set in motion a series of changes in the planet's climate system.*

- *Far greater changes are already inevitable because CO_2 stays in the atmosphere for a long time. Even if further GHG emissions were halted today, alterations already underway in the earth's climate will last for hundreds or thousands of years.*
- *If GHG emissions continue, as is more likely, the planet's temperature is projected to rise by 2.0 to 11.5 degrees Fahrenheit by the end of the century, with accompanying major changes in extreme weather events, sea level rise, and acidification of our oceans.*
- *The pace and scale of these kinds of changes are expected to have major impacts on our natural resources and the communities and economies that depend on them.*
- *The problem, therefore, is serious and urgent. The nation must prepare for and adapt to a changing climate to safeguard our valuable living resources for current and future generations.*

To help inform the Council about this Climate Adaptation Strategy, the HC crafted a short informational document about the Strategy with excerpts from the Executive Summary, Fact Sheet, and other similar reference materials (attached). The draft Strategy is currently in the public review stage with comments due by March 5, 2012.

The HC strongly supports the significant Federal, state and tribal collaborative effort that has brought this document to its current status and also recognizes the significant contributions of key West Coast management entities on the Steering Committee and Technical Teams that have helped to shape its direction. The HC strongly supports the authors moving the draft document forward towards final adoption and believes that it can be an effective tool to inform the public and a framework for decision makers to take constructive action at the local level.

San Francisco Bay Housing Issue

The HC heard from Steven Knight of Save the Bay about a proposed housing development in Redwood City, CA on former Cargill saltponds in Francisco Bay, which historically were productive wetlands. Cargill has gained the support of the Redwood City Council, which is moving forward with the California Environmental Quality Act process. In addition, the developer has purchased water rights in the Central Valley to provide water for this development, further reducing water for salmon in the Delta. At this point there is no opportunity to comment.

Sacramento River Water

The HC received a presentation from Russ Bellmer (California Department of Fish and Game), Roger Guinee (U.S. Fish and Wildlife Service), and Garwin Yip (NMFS) on Sacramento River water issues. The presentations covered the implementation of the Central Valley Project Improvement Act (CVPIA) and the associated use of (b)(2) water, which was originally intended by Congress to double anadromous fish runs. They also addressed ESA Section 7 and essential fish habitat consultation on the Central Valley Project, and salmonid monitoring programs in the Central Valley.

Water management decisions associated with these processes are complicated and involve many stakeholders. Several issues that affect ESA-listed and non-listed Chinook salmon populations in the Central Valley were identified during the discussion. For example:

- It is not clear that (b)(2) water is being managed such that habitat restoration has equal priority to other uses (e.g., power generation) as described in the CVPIA.
- Currently, (b)(2) water is being used preferentially to meet ESA and Clean Water Act requirements, rather than for its intended purpose of doubling runs (including for Sacramento fall Chinook).
- Despite a recommendation from an independent review of the CVPIA to allow (b)(2) water to flow through the Delta, it is often allocated for upstream purposes and later withdrawn in the Delta.
- Due to limited water available to meet various demands, fall and late-fall run Chinook needs are often not met in drier years, resulting in reduced spawning habitat, and dewatering of redds.
- The Bureau of Reclamation has yet to provide an adequate response to the EFH conservation recommendations included in the Central Valley Project EFH consultation.
- Salmonid monitoring programs in the Central Valley, which are necessary to inform water allocation and fishery management decisions, do not have dedicated funding for current and future programs (they rely on grants or other funding sources).

Based on this information, the HC believes there are several issues associated with the use of (b)(2) water and the implementation of the CVPIA that are harming Council-managed fisheries and which warrant a followup letter or letters to the Bureau of Reclamation. The HC will monitor these processes and determine the timing for comment.

Federal Columbia River Power System BiOp

At the November meeting, the Council reviewed and suggested edits to the HC's draft letter to NOAA on Columbia River hydropower operations (Agenda Item E.1.a, Attachment 1). Please note that the date of the first BiOp should be changed from 1995 to 1994.

At the request of the Council, the HC received an update from Barry Thom, Deputy Regional Administrator of the NMFS NW Region. Mr. Thom noted changes between the 2008 to the 2010 Biological Opinions and addressed NMFS' response to Judge Redden's Opinion and Order.

Most of the HC's questions and discussions centered on the difficulty of modeling the efficacy of habitat measures, and their certainty to occur. The HC also discussed existing stakeholder processes and involvement. Mr. Thom described existing collaborative processes (including the Regional Oversight Implementation Group) and noted that non-sovereigns currently have opportunities to comment. A basin-wide stakeholder process (for example, one including fishing, timber, and agricultural interests) would likely need to cover much broader issues than those addressed in the BiOp. Mr. Thom suggested that another Federal entity or a nonprofit may be a better lead for such an effort.

A draft BiOp will be available in August 2013; the Council might benefit from a briefing at that time.

Draft National Fish, Wildlife & Plants Climate Adaptation Strategy

In 2009, Congress urged CEQ and the Department of the Interior to develop a national, government-wide climate adaptation strategy to assist fish, wildlife, plants, and related ecological processes in becoming more resilient, adapting to, and surviving the impacts of climate change as part of the Fiscal Year 2010 Department of the Interior, Environment and Related Agencies Appropriations Act Conference Report.

This congressional directive was supported by a variety of reports and calls for U.S. action from a number of sources including the U.S. Government Accounting Office (2009), U.S. Global Change Science Program (2008-9), the National Academies, and others. In October 2010, the Interagency Climate Change Adaptation Task Force included the development of this Strategy as one of their top recommendations in their Progress Report to the President.

In the fall of 2010, the U.S. Fish and Wildlife Service and CEQ invited the National Oceanic and Atmospheric Administration and the state wildlife agencies (with the NY Division of Fish, Wildlife, & Marine Resources as their lead representative) to co-lead the development of the strategy.

A Steering Committee, Management Team, and five Technical Teams were then established to guide and facilitate the Strategy development process.

VISION

Ecological systems will sustain healthy, diverse, and abundant populations of fish, wildlife and plants. Those systems will continue to provide valuable cultural, economic and environmental benefits in a world impacted by global climate change.

PURPOSE

The purpose of the Strategy is to inspire and enable natural resource professionals and other decision makers to take action to conserve the nation's fish, wildlife and plants, ecosystem functions, and the human uses and values they provide in a changing climate. It provides professionals and other decision makers with a basis for sensible actions that can be taken now, in spite of the uncertainty that exists about precise impacts of climate change on living resources. It further provides guidance about what actions are most likely to promote natural resource adaptation to climate change, and describes mechanisms that will foster collaboration among all levels of government, conservation organizations and private landowners.

GUIDING PRINCIPLES

The following principles are adopted to lead and implement the National Fish, Wildlife and Plants Climate Adaptation Strategy:

- Build a national, not just federal framework for cooperative climate response.

- Respect jurisdictional authorities and foster communication and collaboration rather than prescription.
- Provide a blueprint for collective action that promotes collaboration and communication across government and non-government entities.
- Adopt a landscape/seascape-based approach that integrates best-available science and adaptive management.
- Focus actions and investments on natural resources of the U.S. and its Territories.
- Identify critical scientific and management needs.
- Engage the public.
- Integrate strategies for natural resources adaptation with those of other sectors.
- Identify opportunities to integrate climate adaptation and mitigation efforts.
- Act now.

GOALS

The overarching goal of the National Fish, Wildlife and Plants Climate Adaptation Strategy is to provide a nation-wide unified approach—reflecting shared principles and science-based practices—to safeguard the nation's biodiversity, ecosystem functions and sustainable human uses of fish, wildlife and plants in a changing climate.

The Strategy identifies seven goals to help fish, wildlife, plants and ecosystems cope with the impacts of climate change. These goals were developed collectively by diverse teams of federal, state, and tribal technical experts, based on existing research and understanding regarding the needs of fish, wildlife and plants in the face of climate change.

Goal 1: Conserve habitat to support healthy fish, wildlife and plant populations and ecosystem functions in a changing climate.

Goal 2: Manage species and habitats to protect ecosystem functions and provide sustainable cultural, subsistence, recreational, and commercial use in a changing climate.

Goal 3: Enhance capacity for effective management in a changing climate.

Goal 4: Support adaptive management in a changing climate through integrated observation and monitoring and improved decision support tools.

Goal 5: Increase knowledge and information on impacts and responses of fish, wildlife and plants to a changing climate.

Goal 6: Increase awareness and motivate action to safeguard fish, wildlife and plants in a changing climate.

Goal 7: Reduce non-climate stressors to help fish, wildlife, plants, and ecosystems adapt to a changing climate.

STRUCTURE

The objective is to produce a collective, national (not federal) Strategy that identifies and defines principles and methods to maintain key terrestrial, freshwater and marine ecosystems and functions needed to sustain fish, wildlife and plant resources in the face of accelerating climate change.

Ultimately, the Strategy will be a blueprint for common action that outlines needed scientific support, policy and legal frameworks, best management practices, processes for integration and communication, and a framework for stepping down and implementing these approaches. It will enable national and international conservation communities to harness collective expertise, authority, and skills to define and prioritize a shared set of conservation goals and objectives.

CONTENT & ORGANIZATION

The Strategy includes:

- A clear statement of purpose and direction
- A compelling case for the need for action
- An overview of the primary climate change impacts and threats to major U.S. ecosystems
- Strategies to build capacity in science, decision making, adaptive management
- A framework to translate broad strategy to action on the ground
- Methods to facilitate inter-jurisdiction coordination and communication
- Methods to facilitate inter-sector integration
- Options to measure progress
- A framework for implementation of the Strategy

The content focuses on national-level strategies, and provides specific strategies and actions for the eight major ecosystems of the United States:

1. Forests
2. Shrublands
3. Grasslands
4. Deserts
5. Tundra
6. Inland Waters

7. Coastal
8. Marine

In addition, cross cutting issues such as water availability, sea level rise, invasive species, and others are considered across all systems.

TIMELINE

Initial outreach and planning for the Strategy began in 2009 and early 2010 with a number of listening and engagement sessions as well as several Conservation Leadership Forums. Key milestones are shown below.

- Begin Outreach and Engagement Sessions - 2009/2010
- Steering Committee Formed - December 2010
- First Steering Committee meeting - January 2011
- Establish Technical Teams - February 2011
- First Technical Team meeting - March 2011
- Second Technical Team meeting - May 2011
- Second Steering Committee meeting - June 2011
- Third Steering Committee meeting - September 2011
- Agency Review Draft - November 2011
- Public Review Draft - January/February2012
- Final Strategy - May/June 2012