

CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Saturday, March 31, 2012. At this meeting, the HC will discuss the Southern Oregon/Northern California coho (SONCC) recovery plan, marine spatial planning, the groundfish essential fish habitat review, Columbia River hydropower management issues, and other topics.

Two draft letters are attached. Agenda Item C.1, Attachment 1, is a letter requested by the Council to the U.S. Army Corps of Engineers on levee vegetation management. Attachment 2 is a letter on the need for additional water in the Klamath River to address the needs of returning salmon populations. Attachment 3 is a related letter from Humboldt County to the Department of Interior and State of California on Klamath water issues. In addition, the HC has prepared comments on the SONCC recovery plan, which will be provided under Agenda Item E.6.

Council Action:

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

Reference Materials:

1. Agenda Item C.1.a, Attachment 1: Letter on Levee Vegetation.
2. Agenda Item C.1.a, Attachment 2: Letter on Klamath Water.
3. Agenda Item C.1.a, Attachment 3: Letter from Humboldt County on Klamath Water.
4. Agenda Item C.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

Jennifer Gilden
Joel Kawahara

PFMC
03/15/12



Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | www.pcouncil.org
Dan Wolford, Chairman | Donald O. McIsaac, Executive Director

[Date]

U.S. Army Corps of Engineers
Attn: CECW-CE, Tammy Conforti
441 G Street, N.W.
Washington, D.C. 20314-1000

Re: Docket number -COE-2010-0007

Dear Ms. Conforti:

The Pacific Fishery Management Council (Council) has followed, with concern, the proposal by the U.S. Army Corps of Engineers (Corps) to reduce vegetation tolerance on levees adjacent to thousands of miles of salmon essential fish habitat (EFH) in Washington, Oregon, Idaho, and California. As you are aware, many salmon populations are also listed under the Endangered Species Act (ESA) in these streams. Both EFH and critical habitat designations call for the conservation of riparian vegetation due to the vital role it plays for salmon in maintaining productive habitat, including moderating water temperatures, reducing fine sediment, and providing cover and food resources.

The Council commented on a previous draft of the Policy Guidance Letter on levee vegetation (PGL)¹, and appreciates the opportunity to provide comments on the most recent draft of the PGL². The Council was established by the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and has jurisdiction over fisheries in Federal waters off Washington, Oregon and California. The MSA includes provisions to identify, conserve, and enhance EFH for species regulated under Council fisheries management plans. The MSA requires Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, authorized, funded, or undertaken by the agency, that may adversely affect EFH,³ and requires the Council to comment on those activities that are likely to have a substantial impact on the habitat, including EFH, of salmon under its authority.

The Council is concerned that the policies outlined in the Draft PGL will further impair salmon populations and their habitats due to the strong restrictions contained in the Engineer Technical Letter (ETL) 1110-2-571 - *Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures*.

¹ 75 FR 6364 (2/09/10)

² 77 FR 9637 (2/17/12)

³ MSA §305(b)(2)

The draft PGL will seriously limit levee vegetation under the ETL umbrella. Where vegetation is permitted, restrictions on the size, root characteristics, and density greatly diminish its potential to shade streams or form and maintain in-stream salmon habitat. While the primary goal of the PGL and ETL is to ensure public safety, the Corp's own Engineer Research and Development Center (ERDC) researchers have noted that neither document is supported with robust science and engineering principles, especially with regard to streams and rivers of the West Coast where levee and riverine characteristics differ significantly from Mid-west and East Coast systems (see Dunbar et al. 2011 and Corcoran et al. 2010). As identified in these ERDC reports, significant research gaps remain in characterizing vegetation risks and benefits. In many situations, vegetation has been observed to benefit levee stability (Dunbar et al. 2011 and Corcoran et al. 2010). Clearly, more research is needed in order to develop appropriate standards for West Coast levees. Such standards may provide more opportunity to maintain salmon habitat and safety.

Additionally, under the MSA, actions taken by the Corps in adopting the ETL and subsequent PGL require EFH consultation with NMFS. Moreover, ESA consultations are required with NMFS and the US Fish and Wildlife Service (USFWS). Therefore, because the Corps is implementing these nationwide policies, the Council believes that it is the Corps' responsibility, rather than the individual levee owners, to conduct an EFH consultation to avoid violating the MSA. The Council formally requests a response from the Corps on why consultation under MSA has not yet occurred.

The Council reiterates its previous comments (attached for reference) to develop and authorize acceptable levee standards and variances at the Corp's District or Division level, rather than in Washington D.C., as currently proposed. It is unclear that variances to the ETL will conserve and maintain salmon EFH or avoid jeopardy for listed species without such an approach. While the scientific literature suggests that long-term salmon protection will improve by moving levees further away from rivers and streams, there has been progress in recent years in developing safe levees with vegetation benefits to salmon in the Sacramento and Seattle Districts. The Council believes the continuing work in these districts can provide a model for developing both safe levees and future habitat for salmon.

To reiterate, although we note some improvements from previous versions, the Council is concerned that adoption of the PGL fails to adequately protect Council-managed species under MSA. We strongly encourage the Corps to consult with the Federal Services (NMFS and USFWS) prior to administering the levee vegetation management program. The Council looks forward to your response regarding meeting EFH obligations and consulting with NMFS.

Thank you for the opportunity to provide comment on the revised PGL.

[Signature block]

References:

Corcoran, M.K., J. F. Peters, J.B. Dunbar, J. L. Llopis, F.T. Tracy, J.L. Wibowo, J.E. Simms, C.E. Kees, S.K. McKay, M.E. Glynn, B.A. Robbins, R.C. Strange, M.T. Schultz, T.E. Berry, C.D. Little, L.T. Lee, J.U. Clarke, and J.C. Fischenich. 2010. *Effects of Woody Vegetation on Levees Volume IV of IV: Summary of Results and Conclusions*. Final Report – DRAFT. US Army Corps of Engineers, Engineer Research and Development Center. 23pp.

Dunbar, J.B., E.R. Gore, and M.K. Corcoran. 2011. *Trip Report: Site Visit to Examine Woody Vegetation on Levees in the U.S. Army Corps of Engineers, Walla Walla District*. US Army Corps of Engineers, Engineer Research and Development Center. 42pp.

AGENDA ITEM NO.



COUNTY OF HUMBOLDT

For the meeting of: March 13, 2012

Date: March 7, 2012

To: Board of Supervisors

From: Supervisor Ryan Sundberg

Subject: Consider Joint Letter with the Hoopa Valley Tribe and the County of Humboldt to the U.S. Department of the Interior and Governor Jerry Brown to take Action to Protect the Klamath River from another Catastrophic Fish Kill.

RECOMMENDATION(S): That the Board of Supervisors authorize the Chair to sign the joint letter with the Hoopa Valley Tribe.

SOURCE OF FUNDING: N/A

DISCUSSION: Current Federal and State forecasts for the Klamath/Trinity basin water supply indicates critically dry levels for 2012. In addition, salmon population estimates for fall Chinook returning to the Klamath River this year are expected to be far greater than at any time since comprehensive monitoring began in 1978. The combination of low water levels and high fish populations could produce conditions similar to those that led to the devastating fish kill in the Lower Klamath River that occurred in October 2002. The Board of Supervisors and the Hoopa Valley Tribe are strongly urging the U.S. Department of the Interior and Governor Jerry Brown to take action to prevent such an occurrence in the fall of 2012.

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: Hoopa Valley Tribe.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Proposed Letter to U.S. Department of the Interior and Governor Jerry Brown.

Prepared by _____ Kathy Hayes _____

Signature Ryan Sundberg _____

REVIEW:	Auditor _____	County Counsel _____	Personnel _____	Risk Manager _____	Other _____
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TYPE OF ITEM:

Consent

Departmental

Public Hearing

Other _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
 Upon motion of Supervisor
 Seconded by Supervisor
 And unanimously carried by those members present,
 The Board hereby adopts the recommended action
 contained in this report.

PREVIOUS ACTION/REFERRAL:

Board Order No. _____

Dated: _____
Nikki Turner, Deputy Clerk of the Board

Meeting of: _____

By: _____

Hoop Valley Tribal Council

Hoop Valley Tribe

P.O. Box 1348 - Hoopa, California 95546 - Phone (530) 625-4211 - Fax (530) 625-4594



Leonard E. Masten Jr
Chairman



BOARD OF SUPERVISORS
COUNTY OF HUMBOLDT
825 9TH STREET
EUREKA, CALIFORNIA 99901-1103 PHONE (707) 478-2300 FAX (707) 445-7200

By Facsimile: (202) 219-2100
(916) 445-4633

March 13, 2012

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

The Honorable Jerry Brown
Governor
State Capitol
1st Floor
Sacramento, CA 95814

RE: Prompt Action Requested to Protect Klamath River from Catastrophic Fish Kill

Dear Secretary Salazar and Governor Brown:

Federal and State agencies report two critical facts that could lead to a crisis for Klamath/Trinity River fisheries in 2012. First, current forecasts indicate the Klamath/Trinity basin's water supply will be at dry or critically dry levels. Second, population estimates of fall Chinook returning to the Klamath River this year are expected to be far greater than at any time since comprehensive monitoring began for Klamath fall Chinook in 1978. The combination of low water levels and high fish populations could produce conditions similar to those that led to the devastating fish kill in the Lower Klamath River that occurred in October 2002. We urge you to take immediate action to prevent that kind of outcome in the fall of 2012.

Current electronic snow surveys indicate that water content of the California snowpack is 30 percent of normal for the end of February and 61 percent of normal for the Upper Klamath Basin. However, because of wet conditions in 2011, overall reservoir storage levels north of the Delta average 100 percent of the 15 year average. Storage in Trinity Reservoir is at 111 percent of the 15-year average. The Klamath Basin Area Office reported that December 2011 had the lowest net inflow to Upper Klamath Lake (UKL) on record (since December 1960). Precipitation and snowpack in the upper Klamath Basin, and inflows to UKL, have been well below average for the first several months of the water year, and substantial additional precipitation and snowpack are still needed to ensure an adequate supply of water for the 2012 season.

With respect to anticipated returns of salmon to the Klamath River in 2012, the Fish and Wildlife Service has analyzed data in the Pacific Fishery Management Council's 2012 Preseason Report I and Stock Abundance Analysis and Environmental Assessment Part 1 for 2012 Ocean Salmon Fishery Regulations. The Service estimates that 350,000 adult fall run Chinook will enter the Klamath River in September and October.

To understand the magnitude of the risk to the fishery that these forecasts represent, the water and in-river fish estimates for 2012 may be compared with the conditions in 2002 when the water year was also constrained by limited water supply in the Klamath/Trinity basin and the returning fish numbered 161,000 adult fall Chinook. Also, in 2004, fisheries scientists developed criteria for release of water from the Trinity Division for the benefit of fish migration in the Lower Klamath River. One criterion was a forecast fish run in excess of the historic average run size of 110,000 adult fall Chinook (1981-2003). The 2012 forecast is three times that threshold. The Trinity release criteria were further refined by memorandum of the Executive Director of the Trinity River Restoration Program in 2010. We urge the Department to convene scientists immediately to review the 2010 criteria and revise as appropriate for 2012 supplemental flow releases from the Trinity Division for Lower Klamath fish migration.

The communities of the Trinity River basin are legally entitled to water for this purpose. The Act of August 12, 1955, 69 Stat. 719, 1959 State Water Rights Permits and a June 19, 1959 contract between Humboldt County and the Bureau of Reclamation establish a right annually to not less than 50,000 acre-feet of Trinity Division water. We have made repeated requests for the Bureau of Reclamation to fulfill this entitlement. See Letter from Humboldt County to Secretary Norton (March 25, 2003); Letter from Humboldt County to Solicitor Myers (May 21, 2003); History of the 50,000 acre-feet proviso in Section 2 of the Act of August 12, 1955 Prepared by the Hoopa Valley Tribe for the Department of the Interior (REVISED) August, 2010.

By letter of January 28, 2011, we wrote to you expressing our concerns about the need for the Bay-Delta Conservation Plan planning process to account for federal and state law limitations on diversions of water from the Trinity River basin through the Central Valley Project's Trinity Division facilities. More than a year has passed, but we have not received a reply. From the little information we have been able to obtain on our own, neither state nor federal representatives tasked with the planning have addressed our concerns.

We have just learned from press reports that draft environmental planning documents for the BDCP will be published in early March. To our knowledge the Bureau has not provided in the plan for the 50,000 acre-feet to be available for release at Lewiston. This is unacceptable. The failure to honor our rights under federal and state law is creating conditions for immediate and long-term impacts to our rights and resources.

Underscoring the importance of the issues we have raised, Assembly Member Wesley Chesbro and Congressman Mike Thompson also wrote of their concerns in correspondence dated June 20, 2011 and August 25, 2011, respectively. Copies of their letters are enclosed for your convenient reference. They, as we, insist that rights under state and federal law to Trinity Division water be protected and that the obligations of Central Valley contractors who benefit from the Trinity Division pay the environmental costs of its construction and operation, especially the costs of the Trinity River Restoration Program whose goals include the restoration and resumption of tribal, commercial and sport harvest.

Please act now to ensure that neither the Bay Delta Conservation Plan nor any other program for water management in California will include or otherwise rely on the volumes of Trinity Division water: (1) provided under the Trinity River Mainstem Fishery Restoration Record of Decision (December 2000) or (2) the additional 50,000 acre-feet mandated by the Act of August 12, 1955 for annual release for the benefit of Humboldt County and downstream users. Your prompt attention to this request is needed to avoid the unlawful interference with the rights and economies of California's North Coast communities and Indian tribes, as well as the fisheries on which they depend.

Sincerely,

Leonard E. Masten, Jr. Chairman
Hoopa Valley Tribe

Virginia Bass, Chairperson
Humboldt County Board of Supervisors

Enclosures

cc: Honorable Dianne Feinstein
Honorable Mike Thompson
Senate Indian Affairs Committee
Honorable Wes Chesbro
Don Glaser

Honorable Barbara Boxer
House Natural Resources Committee
Senate Energy and Natural Resources Committee
Director, Mid-Pacific Region, USBOR

MIKE THOMPSON

1ST DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON SELECT
REVENUE MEASURES

PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

RANKING MEMBER, SUBCOMMITTEE ON TERRORISM,

HUMAN INTELLIGENCE, ANALYSIS AND
COUNTERINTELLIGENCE

SUBCOMMITTEE ON OVERSIGHT



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

DISTRICT OFFICE:
1040 MAIN STREET, SUITE 101
NAPA, CA 94559
(707) 226-9898

317 THIRD STREET, SUITE 1
BERKEA, CA 95501
(707) 269-9595

POST OFFICE BOX 2208
FORT BRAGG, CA 95437
(707) 962-0933

712 MAIN STREET, SUITE 101
WOODLAND, CA 95695
(530) 662-5272

CAPITOL OFFICE:
231 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3311

WEB: <http://mikethompson.house.gov>

August 25, 2011

Mr. John Laird, Secretary
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Dear Secretary Laird:

I am writing to address two important provisions of law that must be considered in any water budget developed for the Bay-Delta Conservation Plan. I am especially concerned about any water budget that relies on increased diversions from Northern California and the Trinity River.

The federal act establishing the Trinity Division of the Central Valley Project (CVP)(Pub. L. 84-386) specifically allocates water for two distinct purposes within the Trinity-Klamath River basin.

1. Permanent annual flow allocations, as laid out in the 2000 U.S. Interior Secretary's Record of Decision, for recovery and maintenance of Trinity River fish and wildlife populations ranging from 815,200 acre feet in extremely wet years to 368,600 acre feet in critically dry years; and
2. 50,000 acre feet annually for Humboldt County and downstream water users.

These two allocations have priority over all Trinity Division diversions to the Sacramento River and the Central Valley. Each is protected by the federal laws and state permits that authorized construction and operation of the Trinity Diversion and the Central Valley Project Improvement Act (Pub. L. 102-575 Title XXXIV). Both allocations are essential to protect North Coast communities, Indian tribes and fisheries.

I support the goals you laid out in your June 2, 2011 testimony to the U.S. House of Representatives regarding Rep. Nunes' legislation H.R. 1837. As you may know, I and many of my colleagues in the California Delegation have opposed this irresponsible legislation, which threatens to undermine state water law and divert even more water needed to sustain healthy fisheries in Northern California.

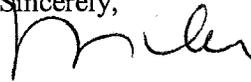
Mr. John Laird, Secretary

Page 2

August 25, 2011

I believe our goals are the same: to provide for a more reliable water supply while protecting the critical Bay-Delta ecosystem. These goals should not come at the expense of the Trinity River. The volumes of water provided under the Trinity River Record of Decision and Humboldt County's 50,000 acre feet are not available for diversion. I ask that your planners are made aware of this as they develop a water budget for the Bay-Delta Conservation Plan. Your attention to this matter is much appreciated.

Sincerely,



MIKE THOMPSON

Member of Congress

MT:jd

John - thanks for your
attention to this issue.

COMMITTEES

NATURAL RESOURCES, CHAIR
 SELECT COMMITTEE ON DISABILITIES, CHAIR
 SELECT COMMITTEE ON WINE, CHAIR
 JOINT COMMITTEE ON FISHERIES AND
 AQUACULTURE, CHAIR

BUDGET
 BUDGET SUBCOMMITTEE #1
 JOINT LEGISLATIVE BUDGET
 ENVIRONMENTAL SAFETY AND
 TOXIC MATERIALS
 GOVERNMENTAL ORGANIZATION

Assembly California Legislature



WESLEY CHESBRO
 ASSEMBLYMEMBER, FIRST DISTRICT

STATE CAPITOL
 P.O. BOX 942848
 SACRAMENTO, CA 94248-0001
 (916) 319 2001
 FAX (916) 319-2101

DISTRICT OFFICES
 710 E. STREET, SUITE 150
 EUREKA, CA 95501
 (707) 446 7014
 FAX (707) 446-6607

501 D STREET, SUITE 450
 SANTA ROSA, CA 95404
 (707) 576-2626
 FAX (707) 576-2207

311 N. STATE STREET
 UKIAH, CA 95482
 (707) 463-5770
 FAX (707) 463-5773

June 20, 2011

Mr. John Laird, Secretary
 Natural Resources Agency
 1416 Ninth Street, Suite 1311
 Sacramento, CA 95814

Dear Secretary Laird:

The purpose of this letter is to call your attention to provisions of law that must be taken into account as you prepare a water budget for the Bay-Delta Conservation Plan.

The federal act establishing the Trinity Division of the Central Valley Project (CVP) (Pub. L. 84-386) allocates project water for two distinct purposes in the Trinity-Klamath River basin:

(1) permanent annual flow allocations for recovery and maintenance of Trinity River fish and wildlife populations ranging from 815,200 acre-feet in extremely wet years to 368,600 acre-feet in critically dry years; and

(2) 50,000 acre-feet annually for Humboldt County and downstream water users.

These two allocations have priority over all Trinity Division diversions into the Central Valley. Each one is protected by the federal laws and state permits that authorized construction and operation of the Trinity Division and the Central Valley Project Improvement Act (Pub. L. 102-575 Title XXXIV). Both allocations are especially important to the work of the Joint Committee on Fisheries and Aquaculture and California's North Coast communities, Indian tribes, and fisheries.

Your June 2, 2011 testimony in the United States House of Representatives identified several critical issues raised in pending federal legislation (H.R. 1837). You observed that H.R. 1837 would adversely affect a decades-old federal-state relationship that has been the foundation for operation of the State Water Project (SWP) and the CVP that are critical to our State's economy and environment. Your testimony referred to the two goals that the California Legislature established for the conservation of the Bay-Delta: first, to provide a more reliable water supply for California including protection, restoration, and second, enhancing the Delta ecosystem. I wholeheartedly agree with your testimony and fully support those goals.

As you pursue the Bay-Delta conservation goals in coordination with federal officials please take all appropriate steps to inform planners that neither of the aforementioned volumes of Trinity Division CVP water is available for diversion from the Trinity basin. Your attention to this request is deeply appreciated.

Sincerely,

WESLEY CHESBRO
 Chair, Joint Committee on Fisheries and Aquaculture

cc: David Nawi, Special Advisor to the Secretary of the Interior



Pacific Fishery Management Council

7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384
Phone 503-820-2280 | Toll free 866-806-7204 | Fax 503-820-2299 | www.pcouncil.org
Dan Wolford, Chairman
Donald O. McIsaac, Executive Director

REVISED ATTACHMENT 2

April X, 2012

The Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

RE: Action Requested to Prevent Klamath River Fish Kill

Dear Secretary Salazar:

The Pacific Fishery Management Council (Council) is concerned that projected low flows in the Klamath River will substantially affect salmon essential fish habitat (EFH) and create the potential for a fish kill in the Klamath River during the fall Chinook migration in 2012.

As you know, the Council is one of eight regional fishery management councils established by the Magnuson Fishery Conservation and Management Act of 1976 (MSA), and recommends management actions for Federal fisheries off Washington, Oregon and California. The MSA includes provisions to identify, conserve, and enhance EFH for species regulated under a Council fisheries management plan. Each Council is authorized under MSA to comment on any Federal or state activity that may affect the habitat, including EFH, of a fishery resource under its authority. Furthermore, for activities that the Council believes are likely to substantially affect the habitat of an anadromous fishery resource under its authority, the Council is obligated to provide comments and recommendations (MSA §305(b)(3)).

Forecasted Flows

~~Current forecasts indicate that this year the Klamath/Trinity Basin's water supply will be at a dry or critically dry level.~~

On March 1, the National Resources Conservation Service (NRCS) released its April-September forecast for inflows to Upper Klamath Lake. The current forecast for that time period is 235,000 acre-feet (af), compared to an average inflow of 515,000 af. In other words, the Upper Klamath Basin forecast was for 47% of average inflows. The Trinity Basin forecast classifies the water year at the upper end of the range for a "critically dry" water year. Therefore, the entire Klamath-Trinity Basin is projected to experience extremely dry conditions during the coming months. Despite recent rainstorms, current forecasts indicate that this year the Klamath/Trinity Basin's water supply may still be at a dry level during the fall Chinook migration. Updated flow information will be available on April 1 for the Klamath and April 9 for the Trinity.

At the same time, the projection for the fall Chinook run is much larger than any time since comprehensive records were first taken in 1978. The low flows, combined with such a large run, could result in conditions similar to those that led to the September 2002 fish kill, when more than 33,000 adult salmon died in the Lower Klamath River.

Therefore, in the event flow augmentation is deemed necessary to maintain the quality of salmon EFH and minimize the likelihood of another fish kill, we recommend you pursue all necessary measures to ensure additional water will be available for release from the Trinity and/or Upper Klamath basins, [including the use of the 1959 contract Humboldt County has for 50,000 acre feet of water from the Trinity Division.*]

*The Habitat Committee had an irresolvable disagreement about whether this clause should be included.

~~we recommend you pursue measures, such as providing Humboldt County's legal entitlement to 50,000 acre feet of water from Lewiston Reservoir, to provide additional flow during the fall Chinook migration period to maintain the quality of salmon EFH and minimize the likelihood of another fish kill. Relative to the release of 50,000 acre feet, it is our understanding that the Act of August 12, 1955, 69 Stat. 719, 1959 State Water Rights Permits and a June 19, 1959 contract between Humboldt County and the Bureau of Reclamation (BOR) establish a right annually to not less than 50,000 acre feet of Trinity Division water.~~

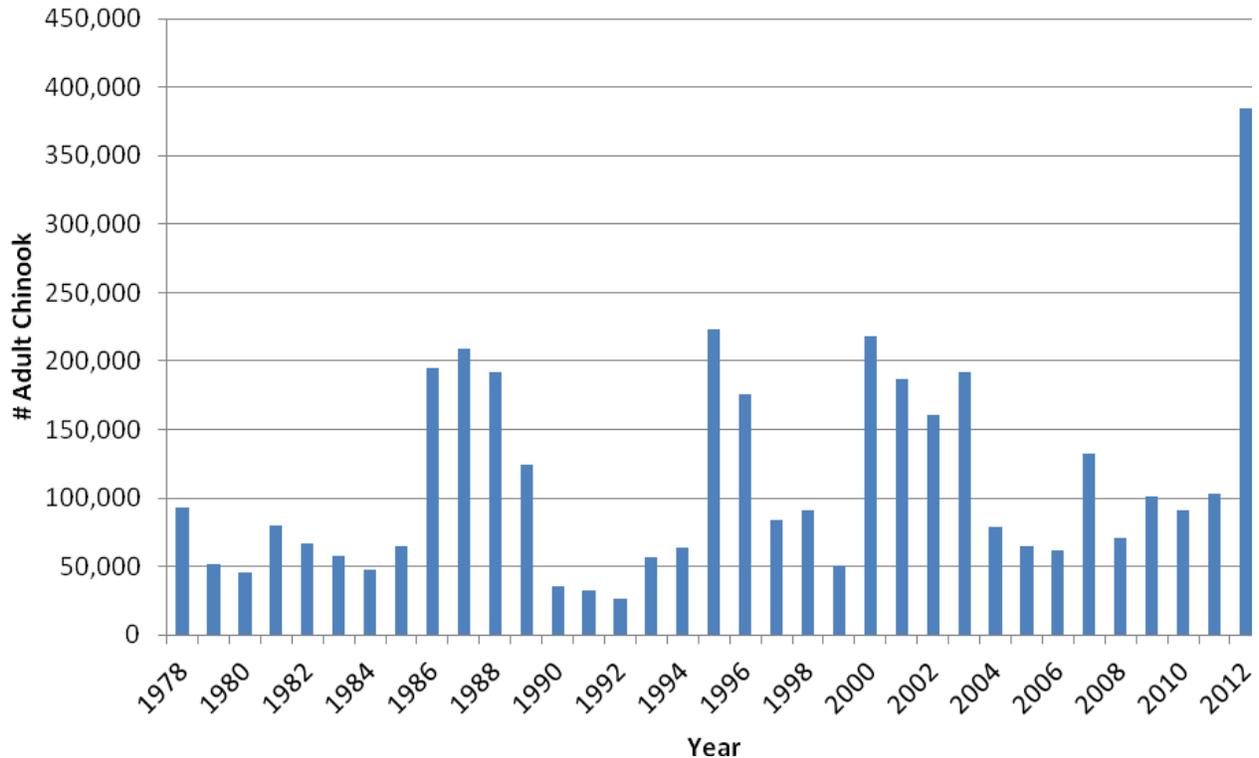
We recommend that the ~~BOR~~ Department of Interior work with the Klamath Basin's biologists and scientists, such as the Trinity River Restoration Program's Flow Group, to determine the best manner for using this water to minimize the potential for another fish kill.

Forecasted Run Size

The 2012 fall Chinook escapement is projected to be much larger than any other year since 1978. Ocean fishery modeling, including projections of the number of fish returning to the Klamath Basin, will continue through April, but the Council's Salmon Technical Team's preliminary Klamath Ocean Harvest Model estimate indicates that over 380,000 adult fish will return to the Klamath River, nearly 2.4 times the 2002 adult run size associated with the 2002 fish kill. Several analyses, including one produced by the U.S. Fish and Wildlife Service¹, concluded that low river flow and high densities of fish contributed to the outbreak of two diseases (Ich and columnaris) that caused the 2002 fish kill.

¹ Guillen, G. 2003. Klamath River Fish Die-Off, 2002, Causative Factors of Mortality

The figure below contains the post-season estimated Klamath River adult fall Chinook run sizes for 1978 – 2011 and the projected abundance for 2012.



Post-season fall Chinook adult run size to the Klamath Basin, 1978 - 2011, and projected abundance for 2012.

The Council recommends that the Department of Interior take all necessary steps in the coming months to ensure sufficient water is available to minimize the potential for another fish kill if conditions in the Klamath River are predicted to become, or become, inhospitable to migrating Chinook salmon in the late summer and fall of 2012.

~~The Council recommends that the BOR proactively take action to minimize the potential for another fish kill by augmenting flow releases from Lewiston Reservoir to alleviate stressful conditions for the 2012 fall Chinook run as these fish migrate through the Lower Klamath River. In particular, we recommend that BOR provide the 50,000 acre feet of water for which Humboldt County has legal entitlement.~~

Thank you for your attention to this important matter.

Sincerely,

[Signature block]

cc: Dept of Commerce

HABITAT COMMITTEE REPORT

Klamath Letter

Because of busy schedules and the short time frame between the March Council meeting and the April Council meeting briefing book deadline, it was not possible for all Habitat Committee (HC) members to come to agreement on this important water management issue. Therefore, the HC offers the following clarifying comments and revised draft letter concerning the Klamath River water management issue (Agenda Item C.1.a, Revised Supplemental Attachment 2).

The HC continues to support the request for adequate fall season flows to reduce the risk of another fish kill in the Klamath River. However, the HC also recognizes that there is a complex anthropogenic linkage of water storage flows moving between the Trinity River and Sacramento River basins. Furthermore, both listed and non-listed salmonids occur in both of these major rivers systems, and depend upon adequate flows and water temperatures to provide for safe passage to natural spawning areas. While supporting a request for real time monitoring of adult fish passage conditions in the Klamath by Klamath Basin biologists and scientists, such as the Trinity River Restoration Program's Flow Group, and release of upstream storage when certain fish passage criteria are triggered, the HC in no way believes that the potential augmentation of flows to prevent a fish kill in the Klamath basin diminishes the need for appropriate management actions necessary to protect Central Valley spawners. Rather, the HC believes that appropriate water management actions need to occur in both major river systems that meet the needs of listed salmon species and protect Essential Fish Habitat (EFH) for non-listed salmon species that are important to Council-managed fisheries.

There was a major disagreement regarding whether to include language regarding Humboldt County's contract for 50,000 acre feet of water. Some HC members thought this was an integral part of the letter, while others thought it was inappropriate to tie Humboldt County water contract issues to the prevention of the fish kill.

Columbia Issues

The HC received an update on three Columbia River issues: the Federal Columbia River Power System Biological Opinion (BiOp), the results of a study on salmon survivorship, and recovery planning.

Federal Columbia River Power System BiOp: No new or significant changes have occurred in this process since the last update at the March 2012 meeting.

Comprehensive study on juvenile and smolt-to-adult salmon survival in the Columbia River: The results of this study and future studies should be monitored as a potential emerging issue for the HC because of the connections of flow and water delivery by different habitats/regions of the Columbia River.

Recovery planning: Oregon and Washington have completed draft recovery plans for watersheds in their portions of the Lower Columbia area. These draft plans address listed Chinook, coho, chum and steelhead occurring in this area. Lower Columbia fall Chinook and coho are stocks of particular significance to Council salmon management. The intended next step is for NMFS to develop a combined plan using the Oregon and Washington interim Lower Columbia plans as well as the White Salmon River recovery plan. With the completion of this recovery plan, additional emphasis will need to be placed on priority and funding for recovery actions in this area. Due to their importance the HC anticipates commenting on the NMFS recovery plan that includes Lower Columbia fall Chinook and coho stocks. The HC recommends that the Council coordinate with NMFS regarding the comment period to ensure adequate time to provide comments on this recovery plan.

Wave Energy Update

The HC heard an update on West Coast marine hydrokinetic projects. The Reedsport, Oregon wave energy project has been scaled back; current plans are for only one test buoy, not connected to the grid, in Phase 1 (Summer 2012). Subsequent phases call for three and ten buoys, with eventual connection to the power grid.

PFMC
04/01/12

SALMON ADVISORY SUBPANEL REPORT ON CURRENT HABITAT ISSUES

The Salmon Advisory Subpanel (SAS) supports the amended draft letter to Interior Secretary Salazar provided by the Habitat Committee (HC) intended to alert the Secretary of the 2012 projection for historic returns of Klamath fall Chinook coincident with dry water conditions in the Klamath Basin. However, the SAS believes it would be appropriate that the letter acknowledge the 1959 Trinity River water contract for Humboldt County and downstream water users. Interior has never honored this critical volume of Trinity water that was a hallmark of the Trinity River Division (TRD) of the Central Valley Project authorized by Congress in the Act of August 12, 1955, Pub. L. 84-386, 69 Stat. 719. The 1955 TRD Authorization required that no less than 50,000 acre-feet of Trinity water be released annually for Humboldt County and downstream users. This is the last unallocated source of cold, clean water in the Klamath River watershed to supplement fishery restoration flows in both the Trinity River and Lower Klamath River. Honoring the Humboldt County contract flows, over and above those set aside in the 2000 Trinity Record of Decision for fishery restoration would be of benefit to the future of west coast dependent salmon fisheries.

PFMC
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