

HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

NMFS Biological Opinion on pesticide impacts on Salmonids and Critical Habitat in Oregon and Washington

The National Marine Fisheries Service (NMFS) published a [draft biological opinion](#) (BiOp) for two widely used pesticides and concluded that continued use of pesticides containing [carbaryl](#) or [methomyl](#) are likely to jeopardize the continued existence of 30 listed species, including 18-22 ESUs/DPSs of listed salmonids (Chinook salmon, coho salmon, sockeye salmon, and steelhead) in the Columbia, Willamette, and Snake rivers, as well as Central Valley spring-run Chinook, Sacramento River winter-run Chinook, California coastal Chinook, and Southern Oregon/Northern California coho. These pesticides are also likely to destroy or adversely modify their Critical Habitats. Carbaryl and methomyl are insecticides commonly used on field vegetables and orchard crops across the Willamette Valley, the Columbia River Gorge, and southeastern Washington. The NMFS draft BiOp is open for [public comment](#) until May 15. Because of this tight timeframe (which would require a quick response letter) and the complexity of the issue for which the Habitat Committee (HC) would have to seek the help of outside expertise, the HC does not recommend a letter, but would like to highlight this issue for the Pacific Fishery Management Council (Council) and its stakeholders.

The HC noted that most chemical toxins affect individual fish health and populations through protracted and convoluted biological processes. There may be cumulative impacts as well considering the 21 other registered agricultural pesticides that received a jeopardy determination in prior NMFS biological opinions over the last two decades, as well as from other stressors. The result is a reduction in fitness that can have consequences for fish population performance (e.g., increased vulnerability to disease and predation, pre-spawn mortality, and homing ability) (Coastal Multi-Species Conservation and Management Plan, ODFW 2014). That is, the “jeopardy” standard (likely to cause extinction) for which Reasonable and Prudent Alternatives (RPAs) are developed is a low bar. These RPA conservation measures, such as application setbacks, rates and frequency, use of vegetated strips and ditches necessary to avoid jeopardy may not prevent harm to fish or habitat. or to humans, especially communities that consume relatively more salmon than others.

Oregon House Bill 3382

The HC has identified a state bill that may be of interest to the Council. [Oregon HB 3382](#) authorizes ports at Astoria, Newport, Coos Bay, Portland and St. Helens to construct, maintain and improve deep draft navigation channel improvements without demonstrating compliance with state or local land use law. This would apply to activities located within or adjacent to a federal navigation channel or on land controlled by a port having a property interest served by channel improvements. If successful this bill will deepen the estuaries, potentially significantly reducing rearing habitat for coho, Chinook salmon and shellfish.

As explained in joint written [testimony](#) by Oregon natural resource agencies (Department of Land Conservation and Development, Division of State Sands, and the Oregon Department of Fish and

Wildlife (ODFW)) to the Oregon Joint Legislative Committee on Transportation, this bill could affect the state's authority to implement the state's Coastal Zone Management Program and Coastal Zone Management Act Federal consistency authority. The bill could also undermine Oregon's Statewide Planning Goals and local land use regulations.

In that testimony, ODFW expressed concerns that the bill could affect the delisting of Oregon Coast Coho salmon. ODFW believes there is high potential for delisting at the next five-year status review scheduled in 2027 due to successful management actions implemented under state and Federal conservation and recovery plans. This would be the first time NOAA Fisheries has delisted any salmon/steelhead from the Endangered Species Act because of recovery. The state is concerned that the bill may jeopardize the National Oceanic and Atmospheric Administration's (NOAA) confidence in Oregon's ability to provide protections for salmonid habitat, thus jeopardizing the delisting of Oregon Coast Coho salmon.

The HC believes that the bill would also set a bad precedent to allow special interests to waive land use regulation review.

Salmon Passage at Chief Joseph Dam and Upper Columbia River

The HC received an update on the efforts to reintroduce salmon to the previously blocked area above Chief Joseph Dam on the Columbia River by Casey Baldwin from the Confederated Tribes of the Colville Reservation. In 2020, the Council provided a letter of support for the Upper Columbia United Tribes (UCUT) for this effort, with the request for regular updates. UCUT has completed Phase 1 of this project, which included a scientific phased approach to modeling habitat availability and suitability, stock options, and salmon survival. UCUT has moved on to Phase 2, which is implementation of pilot projects, monitoring, evaluation and adaptive management, design and testing reintroduction strategies, and evaluating fish passage facilities. Phase 2 is a roadmap on how they intend to implement the reintroduction, starting at the dam furthest downstream and working stepwise upstream. They are establishing access to sources of non-ESA Chinook and sockeye salmon stocks and testing key assumptions around life cycle modeling. During this process, they began moving fish above the dams for cultural and education releases to address short-term Tribal goals. They have had successful harvesting and educational events providing a proof of concept. They released >1,500 adults and >16,000 juveniles in areas that had not seen salmon in 70-110 years. While the HC acknowledges that there are many issues and concerns around quality and quantity of habitat, predation, and infrastructure in the Columbia Basin, we support the reintroduction effort and applaud and appreciate the update.

PFMC
04/02/23