PACIFIC STATES MARINE FISHERIES COMMISSION
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EXECUTIVE DIRECTOR
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HABITAT HOTLINE

NUMBER 5 **April 1993**

I. OREGON

Oregon Forest Practices Rules Revisions Shelved

Background: The Oregon Board of Forestry (Board) is in the process of drafting stream and riparian protection (forest practice) rules for state and private lands (See Habitat Hotline numbers 1,2,3 &4). In the latest development, at its March 3 meeting, the Board of Forestry decided not to send out controversial stream protection rules for public review.

The proposed draft rules were criticized for further reducing the productivity of Oregon's watersheds and potentially driving additional native salmon and trout populations toward extinction. The criticism was (levied by fisheries and environmental groups, Tribal interests, federal and state resource agencies, and university stream ecologists.

Additionally, in mid-February, a coalition of 30 fisheries and environmental groups requested, by letter, that Oregon Governor Barbara Roberts intervene in the forest practices process for the above mentioned reasons. The coalition included the Pacific Coast Federation of Fishermen's Associations, Portland Audubon, Trout Unlimited, Pacific Rivers Council, Oregon Wildlife Federation, Association of N.W. Steelheaders, Oregon Salmon Commission, Center for Marine Conservation, Westport Charterboat Association, the Pacific States Marine Fisheries Commission, Oregon Trout, N.W. Sportfishing Association, and many others.

Governor Roberts responded to the coalition's concerns by sending a letter to the Board on March 1, 1993, requesting that they adopt rules that achieve *"significant, not merely incremental improvements in riparian habitat protection, particularly where they will impact species on the edge of extinction"*.

At its March 3 meeting, the Board acknowledged public concerns and decided to delay sending out the rules package.

Now What: The Department of Forestry is now on a **6 month** track to bring timber, environmental and fisheries interests, and state administrative agency representatives to the table to develop a project consolidating outstanding issues concerning the future management of private and state forest lands. Finding a consensus on these issues will not be easy with timber owners citing economic hardship; and fisheries, water quality and environmental interests calling for a whole new way of managing our watersheds, including no-cut buffers (See "Gang of Four Revisited" below). Fisheries interests will also be insisting that the economic benefits of healthy watersheds to salmon production and harvest be included in any economic impact statement.

What You Can Do: There will be updates in future Habitat Hotlines on the direction of the state rule-making process. For further information contact: Jeff Boechler at the Oregon Department of Fish and Wildlife (503) 229-6967, ext. 469, Ted Lorenson at the Oregon Department of Forestry at (503) 945-7478, or Glen Spain, Pacific Coast Federation of Fishermen's Associations at (503) 689-2000.

II. WASHINGTON

Groups Seeks Dam Removal

Condit Dam on the Big White Salmon River, a south-central Washington tributary of the Columbia River has completely blocked migrating salmon and steelhead from 40 miles of prime spawning and rearing habitat for the past 80 years. Recently, a coalition of 15 conservation and fishing organizations filed a motion with the Federal Energy Regulatory Commission (FERC) to restore the Big White Salmon River ecosystem. One reason the coalition acted was that in applying for a new operating license for the dam, the applicant, Pacificorp, has taken the position that it does not have to consider any passage for anadromous fish runs.

According to representatives of the group, which includes American Rivers, Trout Unlimited, Washington Trout and the Big White Salmon River Steelheaders, there are several reasons for removing the dam:

- Losing Condit Dam would not affect the region's overall power supply, as Condit only supplies .0002 of the region's energy.

- Dam removal would provide access to spawning habitat for an estimated 3,000 spring chinook annually.

- Only Bonneville Dam lies between the Big White Salmon and the ocean, giving this system an advantage over other upriver drainages: migrating salmon have to navigate only one Columbia River Dam.

Additionally, a stretch of river above the dam is a part of the National Wild and Scenic River system. Above that stretch is a U.S. Forest Service "study" segment, and below the dam is the Columbia Gorge National Scenic Area. The coalition told FERC in their filing that relicensing the project would be inconsistent with these designations, as well as federal requirements to give fish and wildlife equal treatment with power generation.

Four Columbia River Treaty Tribes, (the Yakima, Nez Perce, Warm Springs, and Umatilla) and their **Columbia River Inter-Tribal Fish Commission** are also on record in favor of dam removal. CRITFC recently stated that *"taking down the dam rather than adding fish passage features and programs -- is the most biologically sound way to restore and sustain natural salmon runs"*.

What You Can Do: For further information on how to get involved contact: American Rivers, 4518 University Way, N.E., Seattle, WA 98105 (206) 545-7133; or CRITFC, 729 N.E. Oregon, Suite 200, Portland, OR 97232. (503) 238-0667.

III. CALIFORNIA

CVP Implementation Begins

President Bush signed H.R. 429 on October 30, 1992. This legislation (now referred to as Public law 102-575), a huge western water package, includes measures to provide water as well as enhancement funds for troubled salmon runs such as the threatened winter-run Sacramento chinook salmon. The winter-run is not the only stock in trouble. Dr. Peter Moyle (University California-Davis) reports that there are probably less than 5,000 wild coho left in the state of California, and that numerous runs of chinook and steelhead are in dire straits.

Title 34 of the law is the "Central Valley Project Improvement Act". Responsibility for implementation of Title 34 is being shared by the U.S. Fish and Wildlife Service and U.S. Bureau of Reclamation. Currently, an interagency coordination group is being organized and will include the California Department Fish and Game and the National Marine Fisheries Service. "Interim Guideline" draft rules with water transfer provisions were finalized in February and sent out for public review. Water contract renewals have also been distributed for public comment. Also, a programmatic Environmental Impact Statement (EIS) is being prepared, with a due date of October 1995.

D-1630 Put On Hold: On December 10th, the California State Water Resources Control Board issued an interim decision on the San Francisco Bay/Sacramento-San Joaquin Delta water rights decision. Called D-1630, this decision will replace the current water rights decision D-1485, issued by the State Board in 1978. Criticisms of the draft standards are that provisions for pulse flows and protection against flow reversals aren't enough to protect the Bay-Delta estuary, with additional freshwater inflow being needed.

In the latest development implementation of D-1630 was put on hold so impacts of the listing of the Sacramento-San Joaquin delta smelt as threatened under the Endangered Species Act can be analyzed.

WHAT YOU CAN DO: 1) Public input is currently being received regarding the EIS to implement provisions of Title 34. Final date for public comments is April 12. Contact Kirk Rogers, Mid-Pacific Region, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825-1898 (916) 978-4981; or Zeke Grader of the Pacific Coast Federation of Fishermen's Association at (415) 332-5080.

IV. REGIONAL

Gang of Four "Revisited" Calls for Large Buffers on Federal Lands

The Scientific Analysis Team (SAT), was formed by the Chief of the U.S. Forest Service to respond to questions and concerns expressed by U.S. District Court Judge William L. Dwyer regarding the U.S. Forest Service's Final Environmental Impact Statement on Management for the Northern Spotted Owl in the National Forests.

In 1992, the SAT was assigned three tasks by Judge Dwyer. One task was to determine if the adoption of the Interagency Scientific Committee's Conservation Strategy by the U.S. Forest Service would cause extirpation of any of the 32 species identified as loosely associated with late successional or old-growth forests. Eventually, the SAT expanded its scope to include habitat requirements of sensitive fish species considered to be at risk (in

total, an additional 635 plant and animal species that have a high likelihood of being associated with old-growth forests including the 112 fish stocks were added). Within the SAT, a group was assigned to determine the mitigation measures for the at-risk fish stocks on National Forests throughout the western states. This group is referred to as the Pacific Salmon Work Group and Field Team (Pacfish). Pacfish developed management options for the National Forests based on different risk ratings for the stocks in question. Pacfish proposed minimum interim buffer widths for **Riparian Habitat Conservation Areas** which essentially consist of no-touch buffers of the following widths:

- **300 FEET** on each side of lakes and fish bearing streams;
- **150 FEET** on permanent non-fish bearing streams, and on each side of ponds and reservoirs and of wetlands larger than one acre;
- **100 HUNDRED FEET** on each side of seasonal intermittent streams and wetlands, as well as landslide and landslide-prone areas.

The report provided to Judge Dwyer is over 500 pages in length and comments that: *"Moving to an ecosystem management approach seems most appropriate at this time because a species by species approach seems to be increasingly burdensome. Ecosystem management is considered by some as a new buzz word to follow behind "new perspectives" and as merely fluff. We disagree. The concept is sound and the evolving scientific concept and knowledge make it possible to embark on this quantum shift in management paradigm".*

V. FEDERAL

Mining Reform Legislation

The U.S. Senate and House of Representatives held hearings recently on reforming the general Mining Law of 1872. Interior Secretary Bruce Babbitt told the House Natural Resources subcommittee on energy and mineral resources on March 11 that he expects comprehensive reform legislation to be enacted this year. There are currently two bills in Congress, HR 322 introduced by Rep. Nick Rahall (D-W.Va), and a similar measure on the Senate side, S 257 introduced by Sen. Dale Bumpers (D-Ark).

These bills would overhaul the more than century-old mining law which regulates private access to unreserved federal lands, mostly in the West, to prospect for and produce gold, silver, copper, zinc, and other "hard-rock" minerals. Conservation interests have been arguing for years that the current law does not explicitly require mining lands to be restored after production is finished. However, the mining industry emphasizes that mining companies are generally subject to state-imposed reclamation standards, as well as numerous federal environmental laws. Regardless, watersheds in the West are still being impacted by past and present mining practices. The two bills are very similar in nature and contain many provisions aimed at watershed protection including:

1) Erosion Control;
2) Minimization of disturbances to the quality and quantity of water in surface and ground water systems;
3) Prevention of activities that result in generation of toxic or acid drainage during mining activities and reclamation;
4) Revegetation of the area of a mining activity;

5) Banning of mining activities that cause damage to riparian areas, adversely affect candidate species for threatened or endangered status or lands that are high priority habitat for important fish and wildlife.

Additionally, this legislation proposes that a restoration fund be created with monies from mining profits. Part of these dollars could go to reclaiming abandoned mines. Research in California's Salmon River (Klamath National Forest) found that hydraulic mining of the main river valleys occurring from about 1870 to 1950 produced an estimated 15.8 million cubic yards of sediment. The effects are still being felt today from sediments continually entering the system from mine tailings.

What You Can Do: the following legislators are key to the outcome of the legislation:

Washington:
1) The Honorable Patty Murray, U.S. Senate, Washington D.C. 20510
2) The Honorable Tom Foley, U.S. House of Representatives, Washington D.C. 20515.

Oregon:
3) The Honorable Mark Hatfield, U.S. Senate, Washington D.C. 20510.

California:
4) The Honorable Barbara Boxer, U.S. Senate, Washington D.C. 20510.
5) The Honorable Diane Feinstein, U.S. Senate, Washington D.C. 20510.
6) The Honorable George Miller, U.S. House of Representatives, Washington D.C, 20515.

For further information contact: David Albersworth, Director, Public lands and Energy, the National Wildlife Federation, 1400 16th Street N.W., Washington, D.C. 20036, ph: (202) 797-6859.

Clean Water Act Reauthorization

Background: The Clean Water Act (CWA) is scheduled for reauthorization this year. The House Public Works subcommittee on water resources has scheduled hearings for various groups that have a stake in the law. It is not known when the reauthorization bill will appear in Congress, however, any action will probably take place following work on President Clinton's economics package.

Legislation related to the act is currently being circulated, including a **"polluters pay" plan** proposed by Rep. Gerry Studds (D-Mass.). The aim of this legislation would be to tax sources of water pollution (industrial discharges, consumer products, agricultural chemicals). The proposal calls for establishing a "National Clean Water Investment Corporation" for state revolving funds. The newly structured revolving funds would be authorized to pay for a broad array of projects, including sewer repairs, polluted run-off controls and protecting drinking water.

Legislation is being drafted by Rep. Jim Oberstar (D-Minn.) pertaining to **polluted run-off**.

Wetland Legislation: Included in the reauthorization of the CWA will be regulations determining the fate of hundreds of thousands of acres of wetlands. Including wetlands critical to fisheries and water quality.

The two major pieces of wetlands legislation have been introduced. **H.R.1330 (Rep. James Hayes D-La.)**, would require landowners to be compensated when they are prevented from developing wetlands on their property. This bill had 176 co-sponsors by the end of the 102nd Congress and was strongly supported by

developers, ranchers and timber interests. This bill also would rank wetlands according to ecological value, restrict E.P.A.'s role in the regulatory process, and allow developers to destroy wetlands if they agree to restore or create an equivalent wetland elsewhere. The other major wetlands bill, supported by the conservation community, is the **Wetlands Reform Act (H.R. 350) introduced by Don Edwards (D-Calif.)**. This bill would regulate wetlands-destroying activities like flooding and draining, which do not require permits under the current law, establishes a tax incentive for private landowners to protect wetlands, and clarify agricultural exemptions.

What You Can Do: See future issues of the Habitat Hotline, or call Robyn Roberts, Clean Water Network Coordinator, at (202) 624-9357.

VI. ALASKA

Kenai River Habitat Battle

Spawning and rearing habitat on the world famous Kenai River is being threatened by a proposed development which calls for dredging a portion of shoreline of a tributary of the Kenai, for construction of a boat launch. The dredged material would be used to fill in part of the surrounding shoreline for an RV park. Recreational and commercial fishing groups are attempting to stop the development for obvious reasons -- the Kenai River's salmon runs are a national treasure and are dependent on healthy habitat. The Alaska Sportfishing Association (ASA) has been very active in the fight to halt the proposed development. Reprinted on **page 7** is a letter from ASA to Alaska Governor Walter Hickel requesting his help. **For further information contact:** Phil Cutler, President ASA, 3605 Arctic Blvd., Suite 800, Anchorage, Alaska 99503, ph:(907) 561-1461.

VII. ORGANIZATIONAL SPOTLIGHT

Fishermen Speak Out At Portland Forest Summit Rally

Over 100 people, including West Coast commercial and recreational fishermen and tribal interests, gathered along Portland's Willamette River April 1, to speak out on behalf of fish habitat.

The rally, which coincided with the Northwest Timber Summit, was held to bring attention to the need for protection and restoration of Northwest's watersheds. The fishing industry has experienced the pain of numerous endangered species listings and reduced fishing seasons, and recognizes that healthy forest ecosystems are vital for abundant salmon populations. Poor land use practices, including timber practices and livestock grazing, have been implicated as contributions of the decline of the West Coast salmon.

The rally was organized by Patricia Shifferle of Pacific Advocates, a San Francisco based public relations firm specializing in environmental issues. Participating in the event were Trout Unlimited, The Oregon Salmon Commission, Oregon Guides and Packers, Umatilla and Hoopa Tribes, American Rivers, Oregon Trout, Pacific Coast Federation of Fishermen's Associations, Washington Trollers Association, and the Pacific Rivers Council.

Alaska Sportfishing Association

3605 Arctic Blvd., Suite 800 • Anchorage, Alaska 99503

February 17, 1993

Governor Walter Hickel
Office of the Governor
P.O. Box 110001
Juneau, Alaska 99811-0001

Dear Governor Hickel:

When you were running for Governor, sport fishermen were among your strongest supporters. Now we need your support on an issue of great importance to our members and the general public. A permit for a boat harbor/wetland fill has been reviewed by the Alaska Department of Fish & Game (known as Moose River 8). In their review, ADF&G strongly rejected permitting this project and we wholeheartedly support their action. The Office of Governmental Coordination rejected ADF&G's rejection of the permit application. Now the permit review has been elevated.

As the largest sportfishing association in Alaska, we support facilities that provide access to fishermen and boaters. However, this interest has to take a back seat to concern for the Kenai River. The river can't support all of the use it is currently receiving. Development of new projects, such as the one being reviewed, will only add to the existing problems of crowding. More importantly, the proposed project will have a significantly damaging impact on the river. This type of project is exactly why the Kenai River Special Management Area Plan was developed. Without protection, the productivity of the river will be lost to us all. The type of facility being proposed is the most damaging there is to the critical habitat the fisheries resource depends upon. There are less damaging modes the applicant could pursue, but he is apparently unwilling to change his project.

We have all seen damage along the Kenai from recreational use. This summer, the City of Kenai will be starting a project to rehabilitate a short length damaged river bank, at a cost of over $600,000. It is clear that we cannot afford to fix all the damage that has occurred or will occur on the Kenai. If we want it to provide recreational opportunity and be the cornerstone for the recreational/tourist industry in the area, we need to focus on prevention of damage. Rejecting this permit is a good start on prevention. Sport fishermen and the public don't need another dock and boat harbor. What we need is a viable and healthy Kenai River now and in the future.

Please support the action of ADF&G in their rejection of this project and instruct the Office of Governmental Coordination to withdraw their objection.

Thank you for your action on this issue.

Regards,

The Alaska Sportfishing Association
Phil Cutler, President

cc. Senator Ted Stevens
cc. Senator Frank Murkowski
cc. Congressman Don Young

VIII. MISCELLANEOUS

Habitat Video Completed

PSMFC's F.I.S.H. Habitat Education Program has just completed a 19 minute video which provides information about coastal fish habitat problems around the country, including the Northwest. **"No Safe Harbor"** stars actor Ted Danson. This video was produced to provide those concerned with protecting fish habitat with an educational outreach tool. Those receiving the video are encouraged to show it to their own groups as well as to local Chamber of Commerce and service groups, provide copies to their library and video stores, and have local access cable T.V. stations air the program. This video can be used as a springboard for further discussion about the critical habitat issues in one own's area. To receive a copy, please send a check for $8.00, payable to the "National Fish and Wildlife Foundation", to PSMFC, 2501 S.W. First Avenue, Suite 200, Portland, Oregon 97201-4752. Allow two to three weeks for delivery.

Habitat Hotline Receives Grant

Our deepest thanks to the **Norcross Wildlife Foundation** which has provided a grant for production and distribution of the Habitat Hotline for the coming year.

EDITORS NOTE: **WE WELCOME HEARING ABOUT YOUR CONCERNS** relating to marine fisheries habitat and any efforts you or your group has undertaken on fish habitat issues. If you have any questions regarding the contents of this publication, or about our Habitat Education Program, please contact: Stephen Phillips, Editor, "Habitat Hotline", PSMFC, 2501 SW First, Suite 200, Portland, OR 97201. ph: (503) 326-7025, fax: (503) 326-7033.

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