



## PACIFIC STATES MARINE FISHERIES COMMISSION

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# HABITAT HOTLINE

NUMBER 8

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## I. FEDERAL

### Rangeland Reform

On August 9, The Clinton Administration proposed new grazing regulations for federal lands. However, the changes, spearheaded by Interior Secretary Babbitt, have run into stiff opposition in Congress because it more than doubles grazing fees over three years.

**Background:** Poor grazing practices have substantially degraded many streams, rivers and wetlands in the Western United States. When livestock are allowed to enter stream riparian areas for extended periods, overhanging vegetation is grazed down and trampled, causing increased sedimentation and elevated stream temperatures. One step in restoration of watersheds containing anadromous (and resident) salmonids will be grazing practices that do not degrade fish habitat.

Proponents of a fee hike say the current rate charged by the government is far below fair-market value, encouraging overgrazing (including riparian areas) of the public range. On the other side of the issue, Western ranchers have argued that the current fee does not account for added production costs associated with grazing on public land, including water and fencing that must be provided at the rancher's expense and that significant increases in the federal grazing fee would drive many of them off the public range.

The good news is the proposed new regulations should be beneficial to fish habitat on the public range. Some specifics of the proposed policy:

- ▶ Grazing advisory boards, which have been criticized as being overly represented by ranching interests, would be replaced with "resource advisory boards," made up of ranchers, wildlife managers, fisheries experts, environmentalists and local business owners.
- ▶ Grazing management practices will be implemented that will insure the recovery of threatened or endangered species and prevent listing restrictions.
- ▶ Grazing practices will leave sufficient riparian vegetation to provide for adequate sediment filtering and dissipation of stream energy for bank protection.

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"To promote the conservation, development and management of Pacific coast fishery resources through coordinated regional research, monitoring and utilization"

- ▶ Stream bank damage by livestock will be limited to less than 25 percent of the linear length of a stream segment.
- ▶ Grazing management structures within the normal high water line causing deterioration of aquatic areas (e.g. dams, diversions, road crossings) will be removed or modified.
- ▶ Provisions in the new regulations will allow for grazing "Best Management Practices" to meet the federal non-point source water pollution control strategy and thus meet Clean Water Act requirements.

**NOW WHAT:** As we go to press, the reforms are being debated in the Interior Department appropriations conference committee, and that committee appears to be at a deadlock over this issue. Western Senators are leading the fight to stop the reforms claiming it will bankrupt many ranchers. The Senate recently voted 59-40 to place a one-year moratorium on the proposed reforms; however the House voted 314-109 to instruct its conferees to oppose the one year moratorium. Even if the fee increase is held-up, it is hoped that the environmental provisions of the proposal will be approved.

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#### CLINTON WETLANDS PLAN RELEASED, ALASKA EXEMPTION NOT INCLUDED

The Clinton Administration recently released its federal wetlands policy. The policy came about in response to "years of agency infighting and gridlock" over the Nation's wetlands strategy. In many ways, the plan is similar to the Baucus-Chafee wetlands bill (S. 1304, see below). Below are some highlights of the proposed Clinton policy:

- The Administration will issue an Executive Order embracing the interim goal of no overall net loss of the Nation's remaining wetlands resource base.
- The Army Corps of Engineers (Corps) will establish an administrative appeals process so that landowners can seek recourse short of going to court and establish deadlines for wetlands permitting decisions under the Clean Water Act.
- Recently the Corps and the EPA issued a final regulation ensuring that approximately 53 million acres of prior converted cropland -- areas which no longer exhibit wetlands characteristics -- will not be subject to wetlands regulations.
- The Soil Conservation Service will be the lead Federal agency responsible for identifying wetlands on agricultural lands under both the Clean Water Act and the Food Security Act.
- Recently, the EPA and the Corps issued guidance to field staff highlighting the flexibility that exists to apply less vigorous permit review to small projects with minor environmental impacts.
- The Corps, the EPA, the Soil Conservation Service, and the Fish and Wildlife Service will all use the same procedures to identify wetland areas.
- To help attain the no overall net loss goal, the Administration endorses the use of mitigation banks.
- The Administration strongly supports incentives for states and localities to engage in watershed planning.

**Alaska Wetlands:** The policy also withdraws a controversial proposed Bush Administration rule that would have allowed the State of Alaska an exception from mitigation requirements of Alaska wetlands resources. Alaska has been seeking an exception that would have allowed development of one percent of its wetland resources, claiming that the regulations were overly prohibitive. The Clinton Administration's reasoning:

An additional 1.5 million acres of Alaska's wetlands would be destroyed before the one percent threshold would be met, including potentially all of Alaska's 345,000 acres of extremely valuable coastal wetlands [emphasis added]. Wetlands losses in Alaska have historically been greatest in coastal areas where the State's population is concentrated. For example, losses of high value coastal wetlands near the cities of Anchorage and Juneau are estimated to exceed 50 percent of their historic base. There is enough flexibility in the existing Section 404 regulatory program to respond to Alaska's unique concerns administratively. During the last 20 years, of the approximately 4,000 permit applications received by the Corps' Alaska District, only 108 (2.7 percent) were denied; the remaining applications were either issued as individual or general permits, or withdrawn. Of the more than 3,000 individual permits issued, only 15 (0.5 percent) required compensatory mitigation.

While there are positive aspects to the Clinton wetland policy, fisheries and conservation interests are concerned about:

- ▶ its citizen appeal process for permit denials, and not for permit issuances;
- ▶ the role of the Soil Conservation Service in the permitting process;
- ▶ the ranking of wetlands by value and function;
- ▶ the exemption of 54 million acres of prior converted wetlands;
- ▶ its mitigation banking proposal (destroy wetland x and create or restore wetland y in another location as a mitigation). While there are those that feel that mitigation banking is vital to assure no net loss of wetlands, many scientific questions remain as to the long term viability of restored or created wetlands and whether it can be done at all.

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#### **BAUCUS-CHAFEE WETLANDS BILL (S. 1304):**

The "Wetlands Conservation and Regulatory Improvements Act" (S. 1304), was introduced by Senators Max Baucus (D-Mont.) and John Chafee (R-R.I.) in late July. Their bill would amend Section 404 of the Clean Water Act. S. 1304 has gained praise from conservationists for its regulation of wetlands destroying activities such as ditching, draining, and channelization that are not currently regulated by the Clean Water Act. Other highlights of S. 1304:

- ★ This bill would broaden the scope of wetlands to protect against activities that degrade and destroy wetlands.
- ★ Provide a landowner assistance program to assist small landowners with the delineation of wetlands on their property and help with wetlands management plans.
- ★ Require the Corps to monitor its issuance of general permits to determine the real impact that these permits have on wetlands habitat.

However, some fisheries and conservation groups are uncomfortable with portions of S. 1304. According to Doug Inkley of the National Wildlife Federation, "The removal of watershed management provisions which encourage the use of local and regional general permits would be devastating because it would fragment federal and state wetlands conservation authority and subject wetlands to less oversight."

However, Ken Bierly, wetlands program manager for the Oregon Division of State Lands feels that, "There is enough federal oversight in S. 1304 to allow for federal rescinding of regional and local plans that fall short in wetlands protection". He also states, "We need to look at wetlands within a watershed context and just not a permit by permit basis. The management provisions in S. 1304 would allow this to happen."

Other controversial issues (similar in the Clinton Policy) in S. 1304 include the 60 day public and scientific review process for all high impact wetland activities, agricultural exemptions for conversions prior to 1985, and its use of taxpayer subsidized mitigation banks for private development.

**What You Can Do:** There are now 3 wetland proposals on Capitol Hill: 1) H.R.350 introduced by Rep. Don Edwards [Sen. Barbara Boxer introduced same bill (S. 1195) in Senate] -- backed by many environmental and fisheries interests; 2) H.R. 1330 introduced by Rep. Jimmy Hayes -- backed by developers and property rights advocates; 3) H.R. 1304 introduced by Sens. Baucus and Chafee -- which has many similarities to Clinton Plan, and is painted as a compromise proposal by some. Another wetland bill is expected any day from Rep. Gerry Studds.

The final wetlands regulations will be vital to fish habitat for years to come. Unfortunately, the message too often coming from Capitol Hill is that fisheries interests are not heard from on a consistent basis regarding habitat issues. Take a moment to consider how important healthy fish habitat is to the future of the fishing industry and write your representative: U.S. House of Representatives, Washington, D.C. 20515; and U.S. Senate, Washington, D.C. 20510.

**For More Information:** Dr. Doug Inkley, National Wildlife Federation, 1400 Sixteenth Ave N.W., Washington, D.C. 20036-2266, (202) 797-6878; Ken Bierly, Oregon Division of State Lands, 775 Summer Street, N.E., Salem, OR 97310, (503) 378-3805 (ext. 246); Robyn Roberts, Clean Water Network, 1350 New York Ave, N.W., Suite 300, Washington D.C. 20005, (202) 624-9357.

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## II. REGIONAL

### CLINTON FOREST PLAN

The Clinton Forest Plan's (Report of Forest Ecosystem Management Team (FEMAT)) preferred "Option 9" contains beneficial fish habitat provisions, including 300 foot buffers on fish bearing streams in "key watersheds". But, by the plan's own admission, it provides only a 60 percent to 70 percent chance of survival for critical salmon species on public lands. This has raised eyebrows in the fisheries and environmental community.

Glen Spain of the Pacific Coast Federation of Fishermen's Associations feelings about the plan reflect its good/news bad news aspects, he states, "Option 9 presents a clearly unacceptable level of extinction risk for many fish species under any circumstances. The plan is particularly galling when you consider that more than half the region's coho stocks and many of its chinook stocks already have been lost forever. Many of the fishermen PCFFA represents are salmon fishermen who are out of work because of the damage to fish habitat that logging can cause."

Other concerns raised by PCFFA about Option 9 include:

- ▶ As currently constructed, Option 9 would provide only an estimated 65% chance of survival of salmon species on federal lands. However, the FEMAT report scientific analysis itself says the best way to protect riparian areas is for full 300 ft. buffers on all fish bearing streams, not just in "key watersheds" (see FEMAT V-70 & 72). FEMAT also recommends removing key watersheds from the timber base entirely, i.e., making them true reserves in which only restoration activities would take place but no timber harvesting per se. Thus Option 9 seems to fly in the face of the FEMAT scientific assessment team's own recommendations.
- ▶ The FEMAT report grossly undervalues the economic contribution of salmon fishing to both coastal and inland communities. For instance FEMAT estimated that there were only about 1,000 jobs created by commercial salmon industry and fails to consider the sportfishing component at all. Yet other reputable estimates indicate that as recently as 1988, over 62,000 jobs and \$1.25 billion were generated regionally by the salmon industry (including both commercial and sportfishing components). By using data from a time when the industry is in the midst of almost complete collapse, the economic potential of the industry is completely distorted. Instead, historical data from more productive times should be used as an indication of the economic potential that has been lost, but which can potentially be restored.
- ▶ The projected impact on the timber industry is greatly overestimated by comparing data 1980-89 (years of unprecedented overcutting) to data from 1990-92 (during which injunctions greatly reduced timber harvests).
- ▶ Option 9 would only provide as much protection for salmon as 65% survival presuming there will be substantial and well funded efforts at stream restoration beginning immediately. However, these funds are by no means assured by Congress. We also have no clear idea of how to go about stream restoration in the first place, and some once common practices are now known to have done more harm than good.
- ▶ Option 9 also assumes we will learn enough in the "Adaptive Management Areas (AMA's)" to better protect key watersheds. This however is a total leap of faith, betting on knowledge which is currently unknown to help save the day later on. Furthermore, some of the key watersheds will be in those adaptive management areas and contain stocks already at a very high risk of extinction. The key watersheds should be removed from the timber base entirely and not tinkered with in the AMA's.

PCFFA has criticized this whole riparian protection effort for being limited only to spotted owl areas, when it should also be applicable to forests east of the Cascades and in other states as proposed by PACFISH (see below).

However, Spain also feels that:

On the other hand, many fishermen are happy -- for the time being -- about the plan's proposed new riparian protection buffers on so-called "key watersheds." The buffers are supposed to be at least 300 feet on those watersheds, and about half that on some other non-fish bearing rivers and streams. The proposed streamside buffers under Option 9 are an improvement over the riparian buffer zones included in most of the existing forest plans, most of which are only 100 foot strips in which considerable cutting is still allowed.

The ultimate success of the plan, whatever its final form, will be whether Congressional monies are appropriated to undertake watershed restoration. Critical salmon species survival on public lands is tied to watershed restoration, which according to the plan is an "integral part of a program to aid recovery of fish habitat, riparian habitat and water quality."

Currently, the House/Senate Interior appropriations conference committee is debating the restoration amount. Unfortunately, indications are that as little as \$14 million may be appropriated for watershed restoration and the money will be split between the Departments of Interior and Agriculture.

**WHAT YOU CAN DO:** The public comment period on the plan extends through October 28, 1993. If you are interested in obtaining a copy of the DSEIS (Clinton Forest Plan), Contact: Interagency SEIS Team, Box 3623, Portland, Oregon 97208-3623, (503) 326-7883.

For Further Information contact: **The Pacific Coast Federation of Fisherman's Associations (PCFFA)**, P.O. Box 11170, Eugene, Oregon, 97440-3370, (503) 689-2000; or the **Pacific Rivers Council**, Box 309, Eugene, OR 97440, (503) 345-0119; **Association of Forest Service Employees for Environmental Ethics**, Box 11615, Eugene, OR 97440, (503) 484-2692.

### "PACFISH" CALLS FOR 300 FOOT BUFFERS, ALASKA TO GET EXEMPTION

The 1991 American Fisheries Society Report identifying numerous salmonid stocks "at risk" coupled with E.S.A. salmon listings on the Snake River, served as a warning bell for federal land managers and others to provide more sensitive management of Pacific anadromous fish and their habitat.

To address declining fish stocks in Alaska, California, Idaho, Oregon and Washington, the U.S. Forest Service and Bureau of Land Management undertook an assessment and developed a management strategy that addresses the habitat needs of all Pacific anadromous "at risk" stocks on National Forests. That strategy is now known as "PACFISH".

As part of the PACFISH assessment, current habitat conditions were characterized in many watersheds on National Forests and other lands in Alaska, California, Idaho, Oregon, and Washington. Generally, these habitats have 30% to 70% fewer larger, deep pools, more fine sediments in spawning gravels, and greater disturbance of riparian vegetation than is acceptable, and have reduced fish habitat capability. These downward trends in habitat conditions represent the cumulative effects, across all ownerships, of past and present land management activities.

#### Elements of the PACFISH Strategy

The PACFISH strategy, like the Clinton Plan, includes key watershed identification, watershed analysis, Riparian Habitat Conservation Areas and standards and guidelines, and watershed restoration. Specifically:

- **Key Watersheds** will be identified by determining which watersheds are important to "at risk" stocks, and currently are in "good" condition, or have a high potential for restoration. Key watersheds will receive top priority for watershed analysis, maintenance and restoration activities.
- **Riparian Habitat Conservation Areas (RHCA's)** RHCA's include the traditional riparian corridor along permanent fish-bearing streams, and also include areas of unstable soils, wetlands, intermittent headwater streams, and other areas where proper ecologic functioning is crucial to maintenance of the stream's water, sediment, woody debris and nutrient delivery systems. Based on regional averages throughout the five state area, minimum interim widths for delineation of RHCA's in key watersheds, in the absence of site-specific information, are as follows:

- ▶ Fish bearing streams and lakes = 300 ft
- ▶ Permanently flowing non-fish bearing streams = 150 ft
- ▶ Ponds, reservoirs, and wetlands > 1 acre = 150 ft
- ▶ Seasonally flowing or intermittent streams, wetlands < 1 acre, landslides and landslide-prone areas = 100 ft

However, the above buffers are not inviolate. Timber harvest activities could be allowed inside the buffer areas if watershed analysis determines that the activity will not negatively impact anadromous salmonids. Somewhat lesser standards are likely in "non-key" watersheds, very similar to Option 9 of the Clinton Forest Plan.

**ALASKA FIGHTS STANDARDS:** While PACFISH is welcome news to many in the fisheries and conservation community, the State of Alaska is fighting the proposed new federal land standards in the Tongass National Forest. Alaska claims that there are currently enough stream protection measures in the Tongass through Alaska's Forest Practices Act and the federal Tongass Timber Reform Act.

But Jerry McCune of United Fishermen of Alaska disagrees, "The 100-foot buffer on salmon streams (required by the laws) was to be a minimum buffer requirement allowing the forest service to add more protection for critical channel types....the 100 foot buffer minimum became the 100 foot maximum".

There are also questions of whether a 100 foot buffer is providing enough protection. Says McCune, "The Tongass Land Management Plan draft now allows timber harvesting within the 100 foot buffers for 'opening the canopy', 'personal use woodcutting' and 'specialty wood products'. As such, the composite effect of these timber harvesting provisions within riparian areas can be quite devastating to the integrity of the habitat."

**NOW WHAT:** Publication of the PACFISH report in the federal register is anticipated by early November. It is expected to go into effect at that time as an interim rule, and will be finalized in about 18 months. In essence, these rules will serve as a response to critical salmon habitat needs outside of the areas covered in the Clinton Forest Plan. These rules will not affect spotted owl habitat.

\*\*\* AS WE GO TO PRESS, it appears that the Interior appropriations conference committee has decided that the Alaska's Tongass National Forest will be exempted from the PACFISH RHCAs for one year. However, it appears that the watershed health study portions of PACFISH will take place in the Tongass in the coming year.

**WHAT YOU CAN DO:** The public comment period for the new rules will be announced with the publication of the Federal Register notice. See future issues of the "*Habitat Hotline*" for further information.

### III. ALASKA

#### KENAI RIVER DEVELOPMENT STOPPED

Spawning and rearing habitat won a reprieve recently on the world famous Kenai River as a proposed development was turned down (See *Habitat Hotline* #5). The development proposed to place fill in a .7 acre wetland for the construction of an access road, launch ramp, and a small-boat and floatplane harbor launch along the shoreline of a tributary of the Kenai, the Moose River.

In its denial of the permit request, the Division of Governmental Coordination for the State of Alaska, which includes Commissioner Carl Rosier of the Alaska Department of Fish and Game (who voted against the development), found

that the construction and proposed project "will significantly alter the functions of the existing [coho and chinook] rearing habitat.... Undisturbed contiguous wetlands and natural streambanks provide essential optimal habitat for rearing juvenile chinook and coho salmon. The low water velocities associated with the lower Moose River provide optimum flow for juvenile salmonids."

Recreational and commercial fishing groups were active in stopping the development for obvious reasons -- the Kenai River and its salmon runs are a national treasure. The Alaska Sportfishing Association (ASA) was active in the fight to halt the proposed development and deserve recognition for their efforts. For further information contact: Phil Cutler, President ASA, 3605 Arctic Blvd., Suite 800, Anchorage, Alaska 99503, (907) 561-1461.

## IV. OREGON

### COLUMBIA BASIN SCREENING STUDIES

The screening of water intakes to prevent salmon mortalities has been identified as one step in the recovery of declining salmon stocks. The Idaho Department of Fish and Game estimates that 70 "H1" diversions ("H1" = rivers with chinook stocks of "highest concern") are unscreened and many others need replacement in the chinook bearing waters of the Salmon River Basin. The Washington Department of Fisheries reports that there are over 200 pump intakes in the Okanogan River, with a small percentage of these meeting criteria to protect chinook and sockeye salmon, steelhead, and resident fishes.

In March and July of this year, two water pump station inventory reports, one by the firm Storment and Ray Associates, and the other by Oregon State Police Department were released.

The Storment-Ray study was conducted on the Columbia River from Bonneville Dam to Wells Dam and on the Snake River from its confluence to the Grande Ronde River, upstream from Lewiston, Idaho. The purpose of this study was to identify water users and determine compliance with water withdrawal regulations. As a follow-up to that study, the Oregon State Police Department conducted pump site inspections on the Oregon side of the Columbia River above Bonneville Dam to the Oregon Washington state line.

Results from the studies:

- o In Oregon, there is a fairly high level of non-compliance for screening criteria by water withdrawal users. The Storment-Ray information indicated a compliance rate of only 65%. The Oregon State Police study indicated a 60% compliance rate (A 1980 study conducted by the National Marine Fisheries Service also indicated a 65% compliance rate).
- o The three agencies responsible for regulating water withdrawal users -- the Corps of Engineers, Oregon Department of Fish and Wildlife and Oregon Water Resources Department lack the staff and resources necessary to effectively regulate the users.
- o Site operator interviews indicate that there is confusion on their part as to the responsible agency, and in some instances, the operators admitted that they were unaware of any regulatory authority.
- o Columbia River anadromous fisheries resources are being negatively impacted at non-complying withdrawal sites. There is anecdotal evidence to suggest that fish losses, including warm water species, regularly occur at various withdrawal sites along the Columbia.



The key recommendations by the Oregon State Police from the studies include: There should be a coordinated effort by all three regulatory agencies to assure compliance amongst all Columbia River water withdrawal users; there should be an effective information and education program to inform all users of the regulations and the need for such regulations; and there should be regular above-ground and underwater site inspections to assure validity of permits and water withdrawal regulations.

Further site inspections to obtain geographical coordinates, and to interview operators regarding water intake screening will continue in 1994.

For Further Information Contact: Lt. Laurence Kraft, Fish and Wildlife Division, Oregon Department of State Police, 107 Public Service Bldg., Salem, OR 97310, (503) 378-3720; or Storment-Ray & Associates, Box 1173, Hermiston, OR 97838; or Clayton Hawkes, Columbia Basin Fish and Wildlife Authority, 2501 S.W. First, Suite 200, Portland, Oregon 97201, (503) 326-7031.

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## V. CALIFORNIA

### WORKSHOPS SCHEDULED FOR CENTRAL VALLEY IMPLEMENTATION

Following the passage last year of the Central Valley Project Improvement Act (CVPIA) (see *Habitat Hotline #'s 2,3,&5*), it was anticipated that half the battle has been won to reform the operations of the federal water project that has devastated salmon populations throughout the Central Valley and the Trinity River. The other half of the battle would have to be fought implementing the legislation -- making sure resource agencies carry out the law as intended by Congress. A crucial portion of CVPIA includes operating the project to protect fish and wildlife by providing a minimum of 800,000 acre-feet more water for fish and wildlife.

In August, the U.S. Fish & Wildlife Service released its draft CVPIA "Plan of Action for the Central Valley Anadromous Fish Restoration Program". The comment period for the plan closed September 24. However, public workshops are planned for the following dates and locations on the programmatic Environmental Impact Statement (EIS) for the CVPIA and the Plan to Restore Anadromous Fish:

Fresno:	October 12	- Sheraton Smugglers Inn, 3737 N. Blackstone
Oakland:	October 13	- Federal Building, 1301 Clay Street, Room ABC
Red Bluff:	October 14	- Elks Lodge, 355 Gilmore Road
Sacramento:	October 20	- Expo Inn, 1413 Howe Avenue
Fort Bragg:	November 2	- Salmon Trollers Hall, North Harbor Drive

For more information on the workshops call: (800) 742-9474 or (916) 978-4613. For a copy of the draft plan contact: Jim McKevitt, Team Leader, Central Valley Fish and Wildlife Restoration Program, U.S. Fish & Wildlife Service, 2800 Cottage Way, Room E-1803, Sacramento, CA 95815-1846, Tel: (916) 978-4613.

## **POLLUTION PREVENTION AGREEMENT REACHED IN SAN JOSE**

The City of San Jose will invest \$2 million to help local businesses recycle their water and reclaim heavy metals, and an additional \$375,000 to launch a Pollution Prevention Center, in an agreement that settled a suit by Citizens for a Better Environment and the CLEAN South Bay Coalition.

The lawsuit has been filed by the above groups that alleged that the San Jose/Santa Clara Water Pollution Control Plan violated its discharge permit 700 times over a two-year period by permitting heavy metals (copper, nickel, cadmium) to pass through its outfall pipes into the San Francisco Bay. The source of the metals are small, high waste metal finishing and printed circuit manufacturers in the silicon valley. Metal contamination is so bad that fish consumption advisories are in effect and the south bay commercial shrimp fishery has been decimated. The out-of-court settlement, announced June 30, is a landmark program to prevent heavy metal pollution from entering shallow southern reaches of San Francisco Bay and provide cost savings for industrial discharges.

This innovative program has received acclaim because of its cooperative nature that will actively invest in pollution prevention. Specifically, the City of San Jose will establish a \$2 Million Small Business Capital Fund for industrial pollution prevention improvements; new restrictions to prevent industrial toxic sewer releases will be implemented; funding will be provided for a new pollution prevention center; industrial pollution prevention audits to design waste reduction technology; and other actions to reduce toxics from non-industrial sources will be set in motion.

As a result of the agreement, the Citizens For A Better Environment and the Clean South Bay Coalition, through the San Francisco Regional Water Quality Control Board, have agreed to give San Jose a five year grace period from strict enforcement of state and federal effluent limits as the city works to implement the new program. The city of Santa Clara is also party to the agreement.

For further information contact: Denny Larson, Citizens For a Better Environment, 501 Second Street, Suite 305, San Francisco, CA 94107, (415) 243-8373.

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## **VI. MISCELLANEOUS**

### **HABITAT LAW SUMMARY AVAILABLE**

Regulatory authority exists in varying degrees at the local, state, and federal levels to protect fisheries' habitat through environmental and land use regulations affecting private lands.

PSMFC's "A Summary of Federal and State Laws Designed to Protect Riparian and Coastal Fish Habitat On The West Coast", released 10/92, is intended to serve as an overview of the state and federal regulations that relate to protecting wetlands, stream-side vegetation, and water quality and quantity

*(Continued on last page)*

TUESDAY, SEPTEMBER 28, 1993

## Restore fish habitat

*New study on depressed salmon stocks in the Olympic Peninsula makes sense in emphasizing stock diversity*

**D**egraded fish habitat, aggravated by low summer stream flows, is the primary cause of declining salmon runs in northeast Olympic Peninsula rivers, a Washington state study reveals.

Biologist Jim Lichatowich, the report's author, underscored the finding when he said that the same rain-shadow conditions that draw tourists to the area also create harsh conditions for fish.

Only 20 percent of the salmon stocks in these rain-forest rivers are considered healthy.

Nearly half of the salmon on the state's critical list spawn in these rivers — five threatened stocks in all. Washington has 12 salmon stocks on the critical list.

Two dams are responsible only for minor salmon losses.

Lichatowich emphasizes the importance of maintaining many different species within a watershed. The only way to preserve stock diversity, he says, is to protect the places they live.

That is not happening now in the Olympic Peninsula watersheds. Similar habitat problems are taking their toll on salmon, especially wild coho stocks, in coastal streams from California to British Columbia.

The Pacific Rivers Council already has filed notice that it will seek Endangered Species Act protection next

month for coho salmon throughout the fish's range in Washington, Oregon, Idaho and California.

Freshwater habitats' deterioration by human activities (mining, logging, cattle grazing, recreational activities) clearly is the No. 1 cause of the coastal coho's decline.

What to do? Federal and state agencies must develop a comprehensive approach to rebuilding wild salmon runs. That includes protecting and restoring watershed ecosystems, riparian areas and flood plains, and habitat, such as lowland estuaries regionwide, regardless of who owns the land.

This effort cannot be limited to the public-lands portion of watersheds. Watersheds don't respect ownership boundaries. To get the job done right, the agencies must educate private land owners to protect stream banks and restrict activities that help destroy salmon spawning beds.

Over this century, a lot of things, mostly man-caused, have combined to reduce the runs of salmon and steelhead in the Northwest. Certainly the Columbia River dams have taken a large toll. So has ocean harvesting and mismanaged hatchery programs.

However, a snapshot of what is happening in the Olympic Peninsula watersheds demonstrates that neglect in restoring lost habitat contributes mightily to the salmon crisis.

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City and county land use regulations intended to protect aquatic resources are highly variable and beyond the scope of this document. Information on local zoning and land use regulations is available at your city hall or county offices. Non-regulatory programs that help protect aquatic resources (e.g., those programs providing tax breaks or educational and technological assistance or those encouraging restoration/enhancement activities or acquisitions of easements) are also not reviewed in this document. For information on non-regulatory programs contact your state's natural resource agency, fisheries department or such federal agencies as the Soil Conservation Service and Department of Agriculture.

To order this 42 page document: please send \$4.00 (made out to "PSMFC") for postage and handling to: PSMFC, 45 SE 82nd Drive, Suite 100, Gladstone, OR, (503) 650-5400.

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**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, 45 SE 82nd Drive, Suite 100, Gladstone, OR, (503) 650-5400. Fax: 650-5426.



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