



American Fisheries Society

Oregon Chapter

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February 14, 2005

To Whom It May Concern:

The Oregon Chapter of the American Fisheries Society would like to submit the following comments regarding NOAA Fisheries' methodology to determine critical habitat for West Coast salmon and steelhead. The American Fisheries Society is comprised of over 400 fisheries and aquatic science professionals from federal, state, and tribal agencies, colleges and universities, and diverse private employers, including students and retirees. The Oregon Chapter was established in 1964. Our mission is to improve the conservation and sustainability of Oregon fishery resources and their aquatic ecosystems for long-term public benefit by advancing science, education and public discourse concerning fisheries and aquatic science and by promoting the development of fisheries professionals.

We applaud NOAA Fisheries' efforts to undertake such an extensive and comprehensive task in a short timeframe, but we do not support some of the methodology and the outcome of greatly reduced critical habitat. Our first general concern is that, although there may be legal allowances to base some decisions on it, "not allowing extinction" leads to much different considerations than those for recovery, which is the legal objective for ESA-listed species. Thus, some objectives are at odds because habitat is necessary for recovery, and recovery warrants a greater level of inclusion – as opposed to the extensive exclusion proposed.

Another major concern is the scale at which decisions were made. We feel the watershed scale is much too broad for making critical habitat designations. Justifications for using the HUC5/watershed scale are that we now have maps and that recovery efforts happen at this scale. Although we may now have data compiled at the HUC5/watershed scale, it is NOT the appropriate scale to consider for habitat use. Nor is it the finest scale for which we have data or knowledge. Many HUC6s have been mapped and agencies have stream-by-stream maps. In addition, we do not agree that recovery efforts are occurring at the watershed scale across all agencies and organizations. Many on-the-ground efforts happen on a stream-by-stream basis as a result of local efforts and regulations. Although slightly more labor intensive, it would have been much more appropriate to designate critical habitat on a stream-by-stream basis rather than by watersheds. Different methodologies could have been used to accommodate this finer scale within the given timeframe. A practical reason to designate habitat at a stream-by-stream scale is that this is the scale at which NOAA Fisheries consultation and actions occur. For example, if a watershed is designated for Chinook salmon, which only occupy a portion of the watershed, it is unlikely NOAA Fisheries will seriously consider impacts in streams within the watershed not occupied by Chinook. This results in a discrepancy between the scale of designation and implementation.

Because the scale of exclusion is greater, the impacts outside the excluded area and within critical areas will also be greater. Within excluded watersheds, occupied and important habitat

will be potentially lost, which will hinder recovery and likely move listed species closer to extinction. Excluded watersheds may also impact downstream watersheds.

We also question why only federal biologists were involved in the CHARTs, given that other biologists have additional expertise and, in many locations, more immediate and detailed knowledge about the watersheds and streams being assessed. Even though existing data were used, a potential lack of this knowledge makes the effort much more theoretical and less representative of the existing situation; this may result in serious impacts to the salmonid populations of concern. We could not tell how the level of knowledge or conflicting information (e.g., high habitat quality but low fish numbers) for a particular watershed affected its designation, or whether there were any precautions within the process and in the designations to safeguard against inadequate knowledge. In addition, relying on data too heavily without this knowledge could lead to inaccurate conservation values.

Although we have not reviewed the *Draft Economic Analysis of Critical Habitat Designation for 13 Pacific Salmon and O. mykiss ESUs* (NMFS, July 14, 2004) per se, the 4(b)(2) report indicates that the impacts on land use activities are considered only if habitat is designated as critical. The economic impacts of NOT designating a watershed or corridor as critical to sport, commercial, and tribal fisheries, as well as communities which have already made substantial investments in recovery (e.g., habitat restoration, fish passage, screening), do not seem to be considered. Thus, the economic analysis seems particularly one-sided, which is unfortunate given that this is the primary decision factor for designating critical habitat.

We disagree with the blanket statement that the “benefits of exclusion outweigh the benefits of designation” at military sites. It is stated that all habitat at these sites had a high conservation value. It is then asserted that this is a small percentage of the entire habitat, but it does not indicate what percentage of the high-value habitat this is. How this will detrimentally affect the “war on terrorism” or other military actions is also unclear. Given the high value of the habitat, blanket policy statements do not seem appropriate. Site-by-site analyses should be completed in conjunction with the military, while considering other options it may have for training and readiness. We commend NOAA Fisheries for its effort to delineate estuarine and nearshore habitat as critical. This recognizes that conservation of an ESU must occur in freshwater, estuarine, and saltwater environments, but this attack on nearshore habitat, where the primary military sites occur, should be repulsed.

With the existing methodology, some critical habitat watersheds are disconnected from migration corridors (i.e., there is no migration corridor leading to this habitat that is also designated as critical). This could eventually lead to the disconnected critical habitat becoming unoccupied. All critical habitat watersheds should have protected habitat corridors leading to them.

Although described in text, for clarity we recommend adding a flow chart of the decision process for proposed critical habitat designations. Also, in the 4(b)(2) tables, for those watersheds or corridors proposed for exclusion, it would be helpful to highlight the factor leading to the decision to exclude. Examining the table, some watersheds or corridors with the same relatively similar values have different proposed designations. This seems arbitrary (and in some cases may indeed be the case if not discussed in the text). Also, for easier comparison of the pairs of maps in the 4(b)(2) report, it would be helpful if the watershed name were included in the maps of the excluded areas, as they are in the maps of conservation value for the same areas.

Finally, it is not described exactly how conservation genetic concepts were incorporated to prevent extinction or reduced population fitness. A more thorough consideration of the importance of maintaining genetic diversity is warranted. Species and ESU recovery requires appropriate genetic conservation (and diversity), supported by available habitat across the landscape.

Thank you for the opportunity to comment on this important rule concept. Please let us know if we can help with future reviews.

Sincerely,

A handwritten signature in black ink that reads "Douglas E. Olson". The signature is written in a cursive style with a large initial 'D' and a distinct 'E'.

Doug Olson
President, Oregon Chapter of the American Fisheries Society