

9. ESSENTIAL FISH HABITAT CONSULTATION

The MSA, as amended by the Sustainable Fisheries Act of 1996 (Public Law [PL] 104-267), requires federal agencies to consult with NMFS on activities that may adversely affect EFH.

The objective of this EFH assessment is to determine whether or not the proposed actions “may adversely affect” designated EFH for relevant commercial, federally managed fisheries species within the proposed action area. It also describes measures proposed to avoid, minimize, or otherwise offset potential adverse effects to designated EFH resulting from the proposed action.

EFH is broadly defined to include “...those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” This language is interpreted or described in the 1997 Interim Final Rule (62 FR 66551, Section 600.10 Definitions). “Waters” include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include historic areas if appropriate. “Substrate” includes sediment, hard bottom, structures underlying the waters, and associated biological communities. “Necessary” means the habitat required to support a sustainable fishery and the managed species’ contribution to a healthy ecosystem. “Spawning, breeding, feeding, or growth to maturity” covers a species’ full life cycle.

The consultation requirements of Section 305(b) of the MSA (16 USC 1855[b]) provide that:

- Federal agencies must consult with NMFS on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect EFH.
- NMFS shall provide conservation recommendations for any federal or state activity that may adversely affect EFH.
- Federal agencies shall, within 30 days after receiving conservation recommendations from NMFS, provide a detailed response in writing to NMFS regarding the conservation recommendations. The response shall include a description of measures proposed by the agency for avoiding, mitigating, or offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with the conservation recommendations of NMFS, the federal agency shall explain its reasons for not following the recommendations.

9.1 IDENTIFICATION OF ESSENTIAL FISH HABITAT

The Pacific Fishery Management Council (PFMC) has designated EFH for the Pacific salmon fishery, federally managed ground fishes, and coastal pelagic fisheries (PFMC 1999). The proposed action and action area for this consultation are described in Section 3 of this document.

In the estuarine and marine areas, proposed designated salmon EFH extends from the nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (230.2 statute miles) offshore of Washington, Oregon, and California north of Point Conception. Groundfish and coastal pelagic fisheries are found in the marine portion of the action area, but since impacts to habitat will not extend to this area, the project will have no adverse effect on these fisheries.

The EFH designation for the Pacific salmon fishery includes all those streams, lakes, ponds, wetlands, and other water bodies currently or historically accessible to salmon in Washington, Oregon, Idaho, and California, except above the impassible barriers identified by PFMC (1999). Chief Joseph Dam, Dworshak Dam, and the Hells Canyon Complex (Hells Canyon, Oxbow, and

1 Brownlee Dams) are among the listed manmade barriers that represent the upstream extent of the
2 Pacific salmon fishery EFH. Salmon EFH excludes areas upstream of long-standing naturally
3 impassable barriers (e.g., natural waterfalls in existence for several hundred years). The Pacific
4 salmon management unit includes Chinook, coho, and pink salmon (*Oncorhynchus gorbuscha*).
5 Of these, only Chinook and coho use the CRC action area. All of the water bodies in the action
6 area (the Columbia River, North Portland Harbor, Columbia Slough, Burnt Bridge Creek, the
7 Pacific Ocean, the Lewis River, and the Hood River) constitute EFH due to current or historical
8 presence of salmon. All of these water bodies provide migration and rearing habitat for Chinook
9 and coho. Spawning habitat for these species occurs only in the Hood River, and does not occur
10 elsewhere in the action area.

11 9.2 ANALYSIS OF EFFECTS

12 In summary, likely effects to EFH, as described in detail in Section 6 of this BA, include:

- 13 • *Increased in-water noise due to in-water pile driving.* This is likely to cause a temporary
14 degradation of rearing and migration habitat and may cause a temporary barrier to
15 migration.
- 16 • *Increased in-water shading from the permanent structures and temporary work*
17 *structures.* This could result in an increase in predation pressure on juveniles.
- 18 • *A temporary increase of suspended sediment during in-water work in the Columbia*
19 *River, North Portland Harbor, and mitigation sites in the Lewis and Hood Rivers.*
- 20 • *Increased PGIS which could result in slight negative impacts to EFH in Burnt Bridge*
21 *Creek.* The stormwater treatment scenario could result in long-term benefits to EFH in
22 the Columbia River, North Portland Harbor, and Columbia Slough.
- 23 • *The permanent loss of shallow-water habitat through construction of new bridge piers*
24 *and the temporary loss of shallow-water habitat while in-water work platforms and*
25 *cofferdams are in place.*
- 26 • *A permanent increase in the extent of hydraulic shadowing due to the larger piers of the*
27 *new bridges in the Columbia River and North Portland Harbor.*
- 28 • *A temporary increase in the extent of hydraulic shadowing due to temporary in-water*
29 *work platforms, cofferdams, and tower cranes.*
- 30 • *Long-term beneficial effects associated with mitigation activities in the Lewis and Hood*
31 *Rivers.*

32 As outlined in Section 7, numerous impact avoidance and minimization measures will be
33 employed to minimize harm to EFH to the extent practicable.

34 9.3 CONCLUSION

35 The project will have both short-term and permanent **adverse effects** on EFH for Chinook and
36 coho in the project area. However, the impact avoidance and minimization measures and
37 performance standards described in Section 7 are considered adequate to minimize the effects.

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