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ESA Critical Habitat for Puget Sound Steelhead

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Puget Sound Steelhead Recovery Workshop

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ESA Definitions

ESA § 3(5)(A) - Defines Critical Habitat:

(i) the specific areas <u>within the geographical area occupied</u> by the species, at the time it is listed …, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and

(ii) specific areas <u>outside the geographical area occupied</u> by the species at the time it is listed ... upon a determination by the Secretary [of Commerce] that such areas are essential for the conservation of the species.

ESA § 7 Describes the Impact:

Requires that Federal agencies do not fund, authorize, or carry out any actions that will <u>destroy or adversely modify</u> critical habitat.

- ✓ ***ESA Listing/Take Prohibitions = Jeopardy analysis***
- ✓ ***ESA Critical Habitat = Destruction/Adverse Mod analysis***

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ESA Definitions (cont.)

ESA § 4(b)(2) Describes the approach:

- Shall designate critical habitat on the basis of the best scientific data available.
- Requires "taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat.''
- Allows excluding any area if "the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat.''
- Does NOT allow excluding an area if doing so ''will result in the extinction of the species.''

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ESA Definitions (cont.)

- **Primary focus on occupied areas with <u>features that are essential</u> and may require special management.**
  - "Occupied" = areas where steelhead were present based on observation or professional judgment using GIS data layers from WDFW and NWIFC.
  - Essential Features = life-cycle based, sites with supporting qualities (e.g., water quality and quantity supporting spawning and incubation). NMFS proposed CH included estuaries,freshwater spawning & rearing sites, and freshwater migration corridors.
  - NMFS considered but did not propose CH in nearshore and offshore marine areas (features present but lack of specific areas).

- **Secondary focus on unoccupied <u>areas that are essential</u> for conservation.**
  - One area – upper Elwha River – unoccupied at time of listing but deemed essential for conservation (due to large amount of habitat that may support unique life histories in the Strait).

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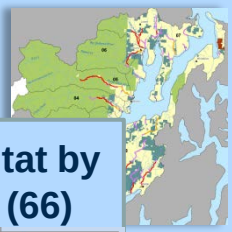
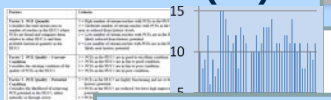
NMFS Designation Process

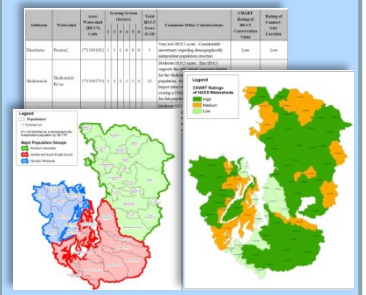
Confirm Eligible Habitat Areas



Score Habitat by Watershed (66)



Rate Watersheds



Impacts on Nat'l Security

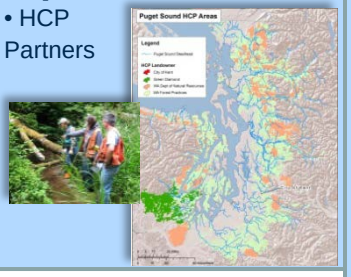
- Training/Readiness concerns at Ft. Lewis, NB Kitsap, & NRS Jim Creek

Other Relevant Impacts

- Indian Tribes

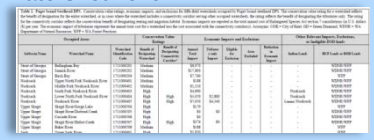
Other Relevant Impacts

- HCP Partners



Consider/Monetize Economic Impacts by Watershed

1. Identify the BASELINE of economic activities..
2. Identify the TYPES of ACTIVITIES likely affected.
3. Estimate MODIFICATION COSTS
4. Project over space and time the OCCURRENCE of the activities and the LIKELIHOOD of modification and
5. AGGREGATE COSTS up to the watershed level.



ESA 4(b)(2) Analysis

Balance the Benefits of Designation vs. the Benefits of Exclusion

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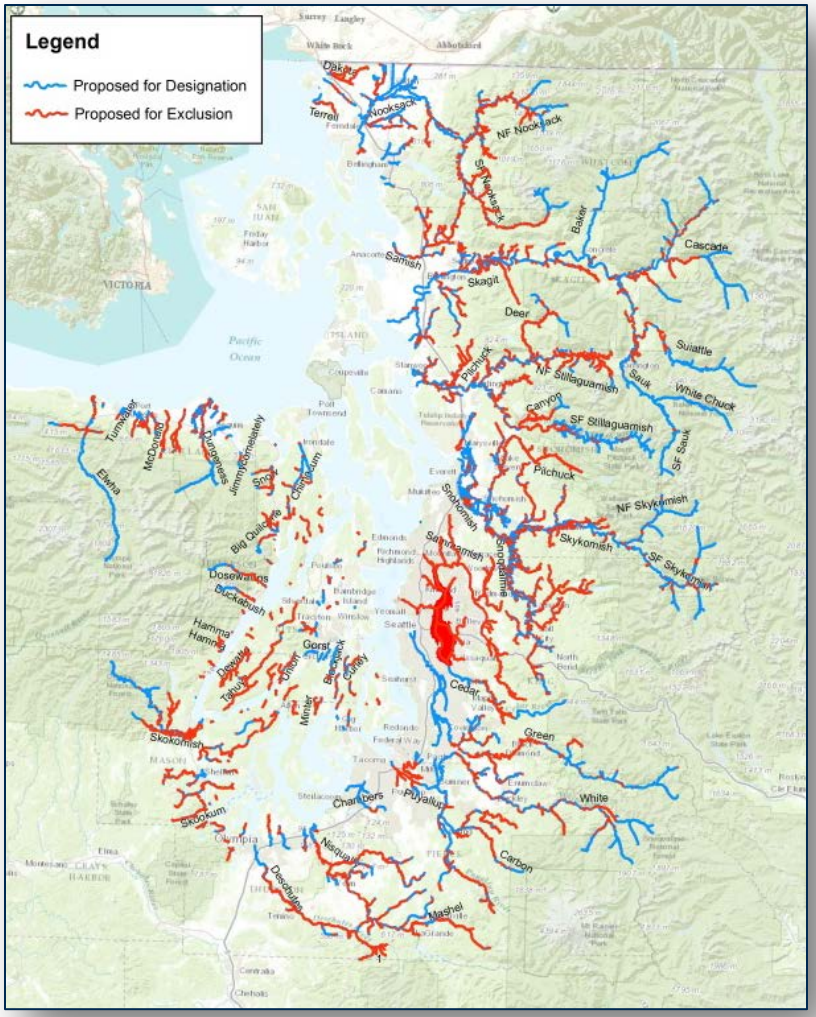
Summary of January 2013 Critical Habitat Proposal

- Designate 1,880 miles of rivers & estuaries as critical habitat
- One Army & two Navy sites ineligible as CH due to INRMPs
- Exclude all Indian lands (68 mi)
- Exclude HCP lands (1,434 mi) for:
  - WDNR—West of Cascades
  - Washington State Forest Practices
  - Green Diamond Company
  - City of Kent
- Exclude three entire watersheds (138 mi) due to economic impacts:
  - Lake Washington
  - Lake Sammamish
  - Sammamish River



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2005 Chinook vs. 2013 Steelhead

- Same essential features, same watershed rating process but different rating outcomes.
- Five additional watersheds assessed for steelhead.
- Steelhead more widely distributed.
- No specific nearshore areas identified for steelhead.
- Excluded Indian lands & approved HCPs (plus City of Kent & WA Forest Practices).
- Military sites not designated.
- Upper Elwha proposed as essential area for steelhead.
- 4(b)(2) “Benefits Balance” used incremental costs instead of co-extensive costs (lower $$ thresholds).
- Proposed economic exclusion of 3 watersheds for steelhead (vs. 17 excluded for Chinook).

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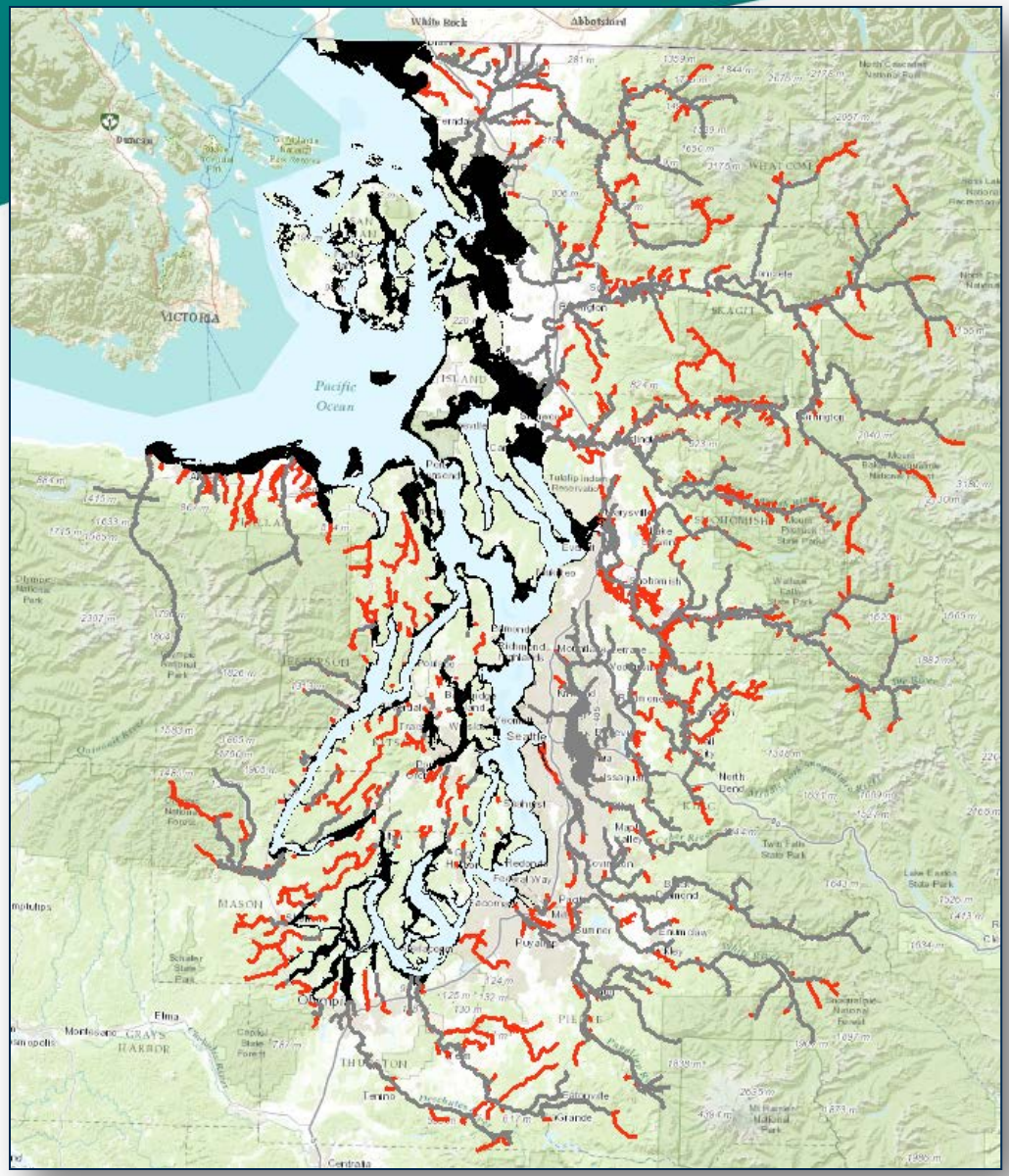

2005 Chinook vs. 2013 Steelhead

Specific Areas Evaluated

- Steelhead only
- Steelhead/Chinook Overlap
- Nearshore - Chinook only

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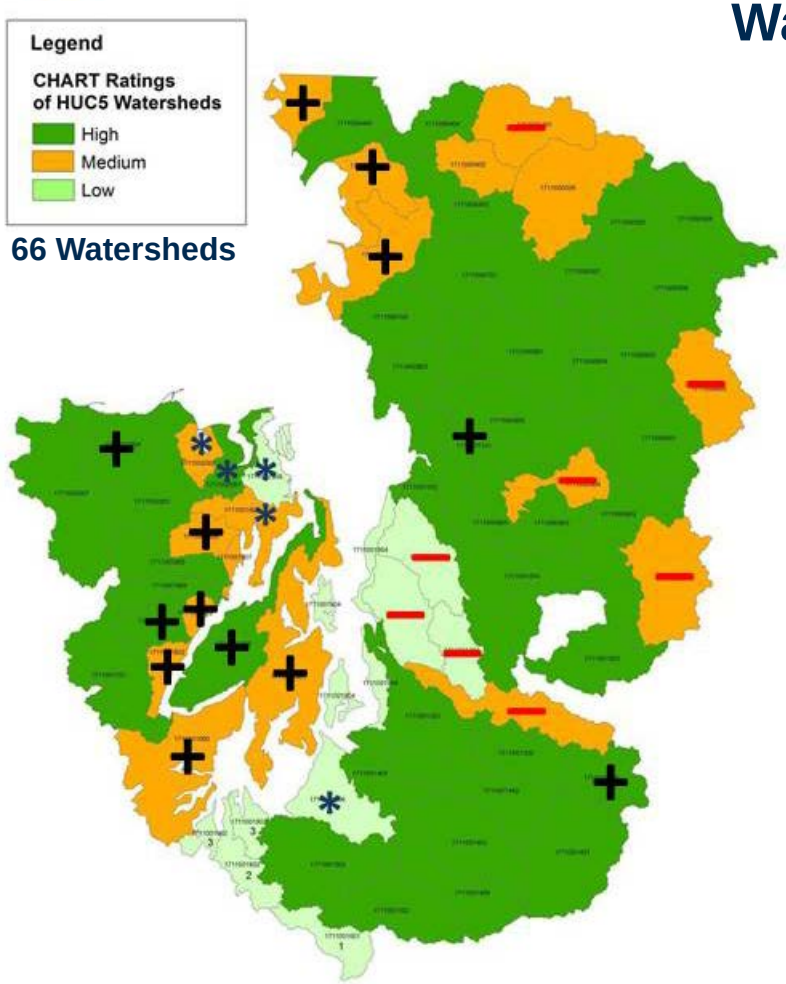
2005 Chinook vs. 2013 Steelhead



66 Watersheds

Watershed Conservation Values

+

1. Birch Bay
2. Bellingham Bay
3. Samish River
4. Pilchuck River
5. Cedar River
6. Kennedy/ Goldsborough
7. Puget
8. West Kitsap
9. Lower West Hood Canal
10. Hamma Hamma
11. Big Quilcene
12. Port Angeles Harbor

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1. Upper NF Nooksack
2. Upper Suiattle
3. Sultan River
4. Tye & Beckler Rivers
5. Lake Washington
6. Lake Sammamish
7. Sammamish River
8. Cedar River

New *

1. Chambers Creek
2. Upper West Hood Canal
3. Port Ludlow/ Chimacum Creek
4. Discovery Bay
5. Sequim Bay

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Comments on NMFS Proposal

- **Designate additional areas, including unoccupied reaches above barriers or with intrinsic potential (new data?)**
- **Designate nearshore and marine areas.**
- **Designate adjacent riparian areas beyond ordinary high water.**
- **Concerns about excluding Lake Washington watersheds.**
- **Both concerns and support for HCP exclusions.**
- **Expand description of Federal consultation requirements.**

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Acknowledgments

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