

CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Monday, March 6, 2006, to discuss the following Council agenda items:

- Agenda Item B.2 Council Meeting Agenda Planning
- Agenda Item B.3 April 2006 Council Meeting Agenda and Three-Meeting Outlook
- Agenda Item H.2 Fishery Management Plan (FMP) Amendment – Krill Management
- Agenda Item I.1 Update on Regulation of MPAs within the Channel Islands National Marine Sanctuary (NMS) through Magnuson-Stevens Act and State Management Authority

In addition, the HC will discuss a proposal for a liquefied natural gas terminal in the lower Columbia River approximately 38 miles from the river mouth, and complete development of a draft letter addressing the issue (Agenda Item G.1, Attachment 1). The HC will also consider a draft resolution calling for the decommissioning of Iron Gate Dam on the Klamath River (Agenda Item G.1, Attachment 2). Finally, the HC will receive updates on federal salmon management issues, as well as parasite infestations in Klamath River fish.

Council Action:

Consider comments and recommendations developed by the HC at its March meeting.

Reference Materials:

1. Agenda Item G.1, Attachment 1: *Draft letter (and cover sheet) regarding proposed liquefied natural gas terminal in the lower Columbia River.*
2. Agenda Item G.1, Attachment 2: *Draft resolution regarding Iron Gate Dam on the Klamath River.*
3. Agenda Item G.1.a, Supplemental HC Report.

Agenda Order:

- a. Report of the HC
- b. Reports and Comments of Advisory Bodies
- c. Public Comment
- d. **Council Action:** Consider HC Recommendations

Stuart Ellis

PFMC
02/17/06

HABITAT COMMITTEE PROPOSED ACTION FORM

HC Sponsor: Stuart Ellis

Title of Issue: Letter regarding proposed Liquefied Natural Gas Terminal on Columbia River

Deadline (if any):

Proposed Action: Letter for Council signature

Addressed To: The Honorable Magalie Roman Salas, Secretary
Federal Energy Regulatory Commission
888 First Street NE
Washington, D.C. 20246

Description of Issue: Northern Star Gas LLC has proposed building a liquefied natural gas terminal at approximately river mile 38 in the Columbia River. The proposed project would include docking facilities, ship turning basin, 2 storage tanks, a vaporization facility and a 34 mile pipeline to connect to existing natural gas distribution systems. The vaporization and storage facilities will be constructed at an abandoned saw mill site. The project requires a FERC license. The proponents are currently in a "pre-filing" process with FERC.

Description of Regional Significance: This project could have adverse impacts to fish habitat from both the construction and operation and maintenance dredging of the facility. It may also have adverse effects on other river users because of the high security precautions required for LNG tankers and facilities.

Potential Adverse Impacts to EFH? Yes No

For Which Species? Primarily salmon, but possibly some Council managed marine species may be identified in the area

Potential Benefits of Proposed Action:

Sending a comment letter to FERC would address the Council's responsibility to comment on federal permitting processes affecting EFH.

Attach draft document for Habitat Committee consideration.

DRAFT

Magalie R. Salas, Secretary
Federal Energy Regulatory Commission
888 First St., N.E., Room 1A
Washington, DC 20426

Attention – OEP/DG2E/Gas Branch 3 (PJ-11.3)

RE: Docket No. PF05-10-000

Dear Ms. Salas:

The Pacific Fishery Management Council (Council) is writing to comment on the Bradwood Landing Liquefied Natural Gas Project. The Council understands that this proposal is still in “pre-filing” status, but that comments are being accepted.

Essential Fish Habitat Consultation Mandate

The Magnuson-Stevens Fishery Conservation and Management Act (MSA), as revised in 1996, requires federal fishery management plans to include essential fish habitat (EFH) descriptions. The MSA includes the following definition relative to salmon:

“EFH for Pacific coast salmon fishery means those waters and substrate necessary for salmon spawning, rearing, breeding, feeding, or growth to maturity, needed to support a long-term sustainable salmon fishery and salmon contributions to a healthy ecosystem.”

Likewise, the MSA requires federal agencies, such as Federal Energy Regulatory Commission (FERC), to consult with NOAA Fisheries on activities that potentially could impact EFH in order to conserve and protect such habitat. In making project licensing decisions, FERC must minimize any potential acute and cumulative impacts to salmon and other marine fish habitat from the construction and operation of the facilities. In order to fully assess and minimize impacts to EFH, FERC should also consult with other federal, state, and local resource agencies and Indian Tribes, including fish, wildlife, recreation, and land management agencies.

We are concerned that time pressures to complete the permitting process may hamper a full analysis of potential impacts. The Council realizes that it is still early in the permitting process, and that documents such as the draft resource reports are not yet available, but we wish to notify FERC of our basic concerns with this proposal.

Potential EFH Concerns

- The lower Columbia River is an important rearing area for juvenile salmonids from all Columbia River populations including Endangered Species Act-listed populations, and is a migration corridor for adult salmonids.
- The lower Columbia River is also EFH for certain Council-managed marine fish that spend various parts of their life histories in the estuary.
- The project proponents should fully address impacts and mitigation measures from:
 - a) construction of the facility and pipeline;
 - b) dredging the ship turning basin and channel, and;
 - c) operation of the facility including any biological effects of water withdrawals and waste water releases.
- Cumulative impacts should be examined relative to other proposed or allowed activities that adversely affect EFH.

In addition to EFH issues, we have concerns related to security needs for tankers transiting through areas used by sport and commercial fishermen in the lower Columbia River and near ocean areas. Should the project go forward, the Council hopes that fishing activities will not adversely affected.

The Council looks forward to learning more about this proposal and may wish to offer more detailed comments on the EFH consultation at a later date.

We appreciate your attention to our concerns and suggestions.

Sincerely,

Draft

Donald K. Hanson
Chairman

PFMC
02/21/06

DRAFT

RESOLUTION IN SUPPORT OF ANADROMOUS FISH RESTORATION IN THE KLAMATH RIVER, CALIFORNIA AND OREGON

WHEREAS, the Klamath River above Iron Gate Dam once supported substantial anadromous fish populations, and still has nearly 300 miles of usable anadromous fish habitat; and

WHEREAS, communities, fishing cultures, livelihoods, economies, and recreation along the Pacific Coast of California and Oregon have been dramatically affected by the precipitous decline of anadromous fish in the Klamath River Basin; and

WHEREAS, wild Klamath River salmon and steelhead are an irreplaceable genetic resource that continue to play a vital ecological role even at their currently depressed levels. If these runs are allowed to vanish, the foundation of the Klamath River's ecosystems will be severely undermined; and

WHEREAS, reintroduction of anadromous fish above the current barrier of Iron Gate Dam will form a key component of Klamath River Basin and West Coast restoration goals; and

WHEREAS, significant resources are being directed at improving potential anadromous fishery habitats in the Upper Klamath Basin above Upper Klamath Lake; and

WHEREAS, improvement of Klamath River stocks will result in significant increases in ocean and in-river fishing opportunities, and thus contribute toward a healthy and diverse regional economy; and

WHEREAS, the California Energy Commission staff assessment indicates that, in terms of the potential impact to electricity resource adequacy, decommissioning one or more of the dams is a viable alternative that should be examined during the FERC relicensing process; and

WHEREAS, PacifiCorp has not proposed significant mitigation to their continued blockage of the anadromous fish runs of the Klamath River; and

WHEREAS, PacifiCorp has not proposed significant mitigation to their continued contribution to water quality problems in the Klamath River; and

WHEREAS, it is clear from the record that resource impacts to these regionally significant anadromous fish stocks far outweigh the nominal power production from this small Hydroelectric Project;

NOW THEREFORE, the Pacific Fishery Management Council urges that FERC deny a new license and order the immediate decommissioning of the project, including removal of dam structures and full restoration of habitat affected by the dams and reservoirs, OR that any new license be conditioned upon the restoration measures proposed by the agencies and tribes.

PFMC
02/21/06