

## HABITAT REPORT ON CURRENT HABITAT ISSUES

### **Changes to Habitat Committee**

Eric Wilkins, California Department of Fish and Wildlife, was elected as vice chair of the Habitat Committee (HC), taking the place of Jennifer Quan, who has left the HC to take on other Washington Department of Fish and Wildlife responsibilities. HC awaits another appointee for Washington.

### **Desalination**

Several desalination projects are being proposed in California, including three projects within the boundaries of the Monterey Bay National Marine Sanctuary (MBNMS).

One project, DeepWater Desal, has submitted permit applications to MBNMS and the state of California to develop a desalination facility and co-located seawater-cooled 150-megawatt computer data center campus project at Moss Landing. Seawater intake and brine discharge pipelines would extend west from Moss Landing Harbor to the upper reaches of the submarine Monterey Canyon. National Oceanic and Atmospheric Administration is soliciting information and comments on the range and significance of issues related to this project proposed within the boundaries of MBNMS (<http://www.gpo.gov/fdsys/pkg/FR-2015-06-01/pdf/2015-12877.pdf>). The California State Lands Commission and MBNMS are seeking to conduct joint environmental analyses to address state California Environmental Quality Act (CEQA) and Federal National Environmental Policy Act (NEPA) requirements for each project. Comments are due July 3, 2015 and a public meeting is scheduled for June 16, 2015 at Moss Landing Marine Laboratories.

The second project, California American Water (CalAm), seeks to develop a desalination facility in Marina, Monterey County, California. Previously, in November 2014, MBNMS finalized an environmental analysis (with a finding of no significant impacts), which analyzed the potential impacts of a test slant well project proposed by CalAm to draw water from under the sea floor, past the average high tide line. The test project was authorized and CalAm reported that the quality and quantity of water produced warranted a larger project. The current larger project would use similar slant wells as the test project, with brine discharged to the ocean. MBNMS plans to issue a Notice of Intent to prepare a Draft Environmental Impact Statement late July 2015. The California Public Utilities Commission has released a Draft Environmental Impact Review for the CalAm project and the 90 day comment period ends July 1, 2015.

The third project is in the initial phases. The People's Moss Landing Water Desal Project (People's) would be comprised of an open bay seawater intake facility located on the beach and adjacent to Moss Landing, with brine discharged through and an existing ocean outfall pipeline. While no permit application has been received from People's, MBNMS is currently considering being the NEPA lead and potentially joining with Moss Landing Harbor District as the CEQA lead to do a joint CEQA/NEPA document.

MBNMS developed guidelines for desalination projects in collaboration with National Marine Fisheries Service (NMFS), the California Coastal Commission and the Central Coast Regional Water Quality Control Board. These non-regulatory guidelines were developed to help ensure desalination plants in the sanctuary would be properly sited, designed, and operated in a manner that results in minimal impacts to the marine environment (see <http://montereybay.noaa.gov/resourcepro/resmanissues/desalination.html>.)

### **Fisheries-Specific Habitat Objectives**

The HC heard a presentation from Matt Yergey (NMFS/Pacific States Marine Fisheries Commission) on the Fisheries Specific Habitat Objectives pilot project. The purpose of the project is to inform NMFS' existing non-fishing habitat conservation activities, including restoration, protection, and essential fish habitat and Endangered Species Act consultations; and to develop a methodology for ranking habitat stressors for Council-managed species. A draft report on the pilot project was shared with the HC. NMFS is looking for feedback on the logic of the plan, methods for prioritization, and available data sources of stressors. Individual HC members will be providing feedback. This pilot project is focusing on five species: black rockfish, bocaccio, English sole, lingcod, and Oregon Coast coho. Ultimately, the project will help the Council and NMFS better address priority stressors to Council-managed species. The HC continues to support this endeavor.

### **C.2. Ocean Energy Update**

The HC continues to track the status of offshore hydrokinetic energy development for the Council. In April and July 2014, the Council commented on two Federal public notices regarding a preliminary permit for Oregon State University's (OSU) ocean energy test site, known as the Pacific Marine Energy Center South Energy Test Site (PMEC-SETS). OSU is currently preparing to submit a Draft License Application (DLA) to Federal Energy Regulatory Commission (FERC). The DLA is anticipated this summer and it is possible that the public comment period may coincide with the September Council meeting. The project is of concern to the Council because of its potential effects on Council-managed species, habitats, and fisheries. The HC recommends that the Council task the HC with preparing a draft letter for September, should the Council meeting coincide with the DLA public comment period.

In the event that the DLA comment period closes before the September Council meeting, the Council might consider other options for providing comments, such as: 1) requesting either a comment period extension or late submission to overlap the September meeting, or 2) tasking Council staff with preparing a brief letter of interest/concern to FERC using introductory content from previous Council letters incorporating the general recommendations provided below. HC members are prepared to assist as needed.

- The HC recommends that the cable route avoid contact with complex rocky substrate (habitat area of particular concern), that it have a minimal footprint on the seafloor, and be fully buried to minimize bio-fouling, fish attraction, gear entanglement, fishery displacement, and electromagnetic frequency emissions (particularly magnetic emissions and induced magnetic fields caused by salt water, which are not eliminated with shielding alone).

- The project should include a monitoring plan for EMF emissions, including a process for determining emission thresholds for species impacts, and a contingency plan if thresholds are exceeded.
- Also of concern are acoustic stressors from construction and operation at the PMEC-SETS project site on FMP species for potential adverse physiological and behavioral effects. The DLA should include adaptive management and monitoring plans with mitigation measures designed to protect and mitigate for these and other adverse effects on Council-managed species and their habitat.

### **Humboldt Bay aquaculture letter**

The HC heard a public comment from Robert Smith of the law firm Plauche and Carr, representing Coast Seafoods. He indicated that the aquaculture letter may be premature because Coast Seafoods is revising their application in response to public comment, and that an eelgrass mitigation plan will be prepared as a part of the revised proposal. He also indicated there will be opportunity to comment following completion of the revisions in late August or early September. Nevertheless, the HC still suggests the Council send the letter on the two projects as is, as the concerns described in the letter are still relevant until new documentation is published. The Council may have additional or different comments on subsequent permit application documents, and can comment again at that time.

### **Catalina Sea Ranch**

The HC discussed the status of the offshore Catalina Sea Ranch/KZO Sea Farms. The permit for the Catalina Sea Ranch project is contingent upon the development of a monitoring plan. Catalina Sea Ranch is in the process of developing that plan. The Council commented on the now permitted project in March 2014, and the need for a well-designed monitoring plan was a significant portion of the comment letter. State and Federal agencies are currently reviewing the draft and will provide comments before the plan is finalized.

### **Klamath River and California Water Issues**

The HC discussed the current status of Klamath-Trinity River drought conditions and the potential need for supplemental flows to protect returning Chinook salmon in the lower Klamath River this year. The Council sent a letter to Department of the Interior (DOI) alerting them of this need. Presently, DOI is committed to developing a long-term Klamath Augmentation Plan. A draft was released in April, and a notification is expected for an Environmental Impact Statement to be developed to support the plan. This plan is not expected to be finalized this year.

In 2015, the Bureau of Reclamation and other co-managers will conduct a technical review of criteria to assess the need for supplemental flows this year based upon expected hydrologic conditions in the lower Klamath River.

It should be noted that previous letters from the Council were cited as important considerations in the additional protections provided to returning Chinook during this extreme drought.

**Summary of Suggested Actions:**

- Task HC with preparing draft letter on OSU ocean energy test site for the September Briefing Book
- Send letter on Humboldt Bay Aquaculture (Agenda Item C.1, Attachment 1).

PFMC  
06/12/15