

HABITAT COMMITTEE REPORT ON CURRENT HABITAT MATTERS

Elections

The Habitat Committee (HC) held elections at its meeting yesterday. Mr. Eric Wilkins will now serve as Chair, with Dr. Correigh Greene as Vice-Chair.

Oroville Dam Update

In November, the HC reported to the Council on the pending Federal Energy Regulatory Commission (FERC) relicensing of the Oroville dam on the Feather River. The National Marine Fisheries Service (NMFS) Biological Opinion was released in December 2016.

The Oroville dam, operated and owned by the California Department of Water Resources (DWR), is a major component of the State Water Project for the Sacramento/San Joaquin Delta. The Feather River supports three Council-managed salmon stocks, most notably is the Central Valley fall Chinook salmon. The 2006 Oroville Facilities Settlement Agreement for Licensing agreed to implement several environmental and facility enhancements that would benefit all salmonid species including fall-run Chinook. One of the main issues deserving attention concerns reducing interactions between ESA-listed spring Chinook and fall Chinook via redd superimposition. The proposed separation weir may negatively expose fall Chinook to lethal spawning water temperatures if proposed facility temperature control measures are not addressed first. The HC believes it is worthwhile to stress to DWR and FERC the value of implementing at least some of the temperature control measures identified in a 2006 DWR Study (and acknowledged in the NMFS Biological Opinion) to enhance essential fish habitat. Because it is important to know the details of the preliminary weir program plans and for FERC to be aware of Council concerns, **the HC recommends drafting a comment letter as soon as possible, potentially for the April BB.**

Klamath Dam Removal

Following the signing of the Klamath Hydroelectric Agreement in 2016, the Klamath River Renewal Corporation (KRRC) was formed to oversee the process leading up to the removal of four lower Klamath dams.

The California State Water Board is currently considering an application from the KRRC for 401 water quality certification to remove the four dams from the Klamath River. Funding (\$450 million) is in place for the dam removal.

PacifiCorp and the KRRC submitted two applications to FERC in September 2016. One of the applications was to transfer ownership of the dams to the KRRC, while still being operated by PacifiCorp until the dams are decommissioned, and the other application was to decommission the dams. These applications are currently being considered by FERC and would benefit from public support. **The HC recommends the Council consider submitting a letter to FERC following the June meeting**, in support of transferring the dams to the KRRC and decommissioning the dams.

Klamath Returns

Klamath fall Chinook returns to natural spawning grounds in 2016 were near all-time lows. Projections are worse for 2017, with the age-three ocean projection being the second lowest on record and the age-four projection being the lowest on record. These extremely low returns are due to poor ocean conditions (see this year's CCIEA report) and high juvenile disease rates.

In 2014, 81 percent of the juvenile Chinook salmon sampled in the Klamath River were infected with the parasitic disease *Ceratonova shasta* (*C. shasta*). In 2015, 91 percent were infected with this disease, surpassing the threshold identified in the Biological Opinion.

The Klamath Basin tribes (Yurok and Hoopa), along with Pacific Coast Federation of Fishermen's Associations and Klamath Riverkeeper, successfully litigated against Bureau of Reclamation (BOR) and NMFS over their failure to reconsult following the exceedance of the disease threshold. The plaintiffs were granted certain flows to minimize juvenile disease risk in the future. These flows are focused on disturbing habitat conditions for a polychaete worm that is a host to *C. shasta*, and diluting concentrations of the spores of *C. shasta* during the spring when the juvenile salmonids are typically infected. The court-ordered flows will remain in effect until reconsultation is complete.

Trinity Court Case regarding Lower Klamath Flows

The Ninth U.S. Circuit Court of Appeals recently upheld the BOR's 2013 provision of flows in the Lower Klamath River from Trinity Dam to minimize the risk of an adult fish kill, such as occurred in 2002. BOR's decision had been challenged in court by the Westlands Water District and the San Luis & Delta-Mendota Water Authority, who claimed that such flows should come from the volume identified in the 2000 Record of Decision (ROD), and not be in addition to the ROD. This decision should allow for the provision of these flows in future years when deemed appropriate by BOR.

Coast Seafoods

The U.S. Army Corps of Engineers (USACE) released a public notice for the Coast Seafoods Company Humboldt Bay Shellfish Aquaculture Permit Renewal and Expansion Project on March 6, 2017. The comment period ends April 6, 2017. The permit application is for a Section 404 permit of the Clean Water Act for the existing 297 acres and an expansion of an additional 256 acres of intertidal areas within Humboldt Bay. The Council sent comments to the Humboldt Bay Harbor District in 2015 and 2016 for the draft Environmental Impact Report for the project. In September, the Council directed the HC to draft a comment letter when the USACE Public Notice came available. The comment period is just outside of the normal Council process. **The HC recommends Council staff request a two-week extension from the USACE and that the HC draft a comment letter for either the briefing book (in April) or fast track process in case the extension is not granted.**

Environmental Protection Agency (EPA) Proposed Rule for Offshore Processors

The EPA proposes to issue a National Pollution Discharge Elimination System general permit to seafood processors discharging in Federal waters off the coast of Washington and Oregon. The

HC discussed the proposed rule changes and potential impacts to habitat and processors. The draft permit should be released sometime in the near future. The 45-day comment period may or may not align with Council meeting schedules. **The HC recommends drafting comments for when the public notice on the draft rule is released so that they can be submitted through the normal Council process or through the fast track process.**

Coastal Coho Restoration Plan

The HC received an update from Rob Walton, NMFS, regarding the need to develop habitat status and trends indicators to inform delisting criteria for listed Oregon Coast Natural Coho.

Summary:

- Re **Oroville Dam fish passage**, the HC recommends drafting a comment letter as soon as possible, possibly for the April briefing book.
- Re **Klamath dam removal**, the HC recommends the Council consider submitting a letter to FERC following the June meeting, in support of transferring the dams to the KRRC and decommissioning the dams.
- Re **Coast Seafoods**, the HC recommends Council staff request a two-week extension from the USACE and that the HC draft a comment letter for either the briefing book (in April) or fast track process in case the extension is not granted.
- Re the **proposed EPA discharge rule**, the HC recommends drafting comments for when the public notice on the draft rule is released, so that they can be submitted through the normal Council process or through the fast track process.

PFMC
03/08/17