

HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

Update on Offshore Wind Energy Projects

The Habitat Committee (HC) received an update on the proposed Oregon State University (OSU) offshore wind energy test site to be located in Federal waters six miles off Seal Rock, Oregon.

OSU convened a local fishing industry stakeholder group to assist in selecting a preferred site without input from the state of Oregon or other entities. The preferred site is located offshore of a nearshore rocky reef and is 2 x 3 miles wide. OSU proposes drilling beneath the reef to run the associated cables to land, with potential adverse effects on the reef environment. This high-profile research project sets a precedent for subsequent commercial development, with the message that it is acceptable to drill under rocky reefs.

The Bureau of Ocean Energy Management (BOEM) is currently reviewing this lease application.

The HC notes that the proposed project may adversely affect essential fish habitat. Also, the rocky reef is a habitat area of particular concern. The HC proposes to draft a comment letter on the project for the March briefing book.

BOEM-Oregon Task Force on Ocean Energy

As noted in previous HC reports, BOEM convened an Oregon task force at the request of Oregon's governor. Other states could request similar task forces.

The HC and the Council have discussed the merits of asking for Pacific Council representation on the BOEM-Oregon Task Force in terms of voicing fisheries-related concerns during planning discussions. Although National Marine Fisheries Service and Oregon Department of Fish and Wildlife are task force members, the task force does not represent fisheries issues well. Fisheries representatives have attended as observers, but not as members.

Potential Council membership on the BOEM-Oregon Task Force is complicated by the fact that only a member of the Council who is also a Federal, State, or Tribal representative may join. The task force member would officially be representing their own agency, but could raise Council concerns and report back to the Council on task force discussions, and take part in task force decision-making.

The Council may wish to consider whether to request membership on the Task Force; or, alternately, Council staff could attend as a non-member. BOEM meetings generally occur twice a year in Portland.

Klamath Basin Update

This spring, the Council sent a letter to the Bureau of Reclamation (BOR) requesting additional Lower Klamath River fall flows for fall-run Chinook salmon, anticipating a record run and hoping to avoid another fish kill. There is good news to report.

The BOR began releasing augmentation flows from Lewiston Dam the morning of August 13, 2013. Westlands Water District and the San Luis and Delta Mendota Water Authority immediately filed a request for Preliminary Injunction with the Federal Eastern District Court, and on August 13, the Court issued a Temporary Restraining Order preventing the releases. Releases were reduced to the summer minimum later that day. Later, the Court vacated the restraining order, and augmentation flows were resumed the morning of August 25 and continued through September 21.

The 2013 augmentation flows appear to be successful in having avoided a fish kill. Building on this success, the HC will continue to track this issue and will prepare a similar letter for Council consideration next spring, if necessary.

Bonneville Power Administration/Northwest Power and Conservation Council Fish and Wildlife Program

On August 7, the Council submitted a comment letter to the Northwest Power and Conservation Council on its revised Fish and Wildlife Program. A revised public draft of the Fish and Wildlife Program five-year plan will be released for comment on February 17, 2014, taking into consideration over 400 public comments, with a comment period through May 2014.

The HC proposes to prepare a follow-up letter on this plan for the March briefing book for possible approval at the April meeting. The letter would, among other things, note whether or not the Council's prior comments were incorporated in the revised draft.

San Pedro Aquaculture Project (KZO Sea Farms)

KZO Sea Farms proposes to develop a 100-acre open ocean shellfish farm in Federal waters approximately 4.5 miles off Long Beach, California. This initial phase of development is intended to serve as a pilot for what was originally proposed to be a 10,000 acre project. This proposal highlights the need for Marine Spatial Planning and habitat impact analysis before new structures are established in offshore areas.

The HC recommends drafting a letter for the March briefing book to the California Coastal Commission regarding EFH and the necessity of habitat monitoring that can inform decisions on the KZO project, both for the current process and potential future expansion.

Update on Columbia River Biological Opinion Process

A draft final Supplemental Federal Columbia River Power System (FCRPS) Biological Opinion (BiOp) was released by NOAA Fisheries September 9. The comment period has been completed and NOAA Fisheries is now finalizing the BiOp. The Federal Court has asked for submission of the revised BiOp by January 1 and is expected to schedule a review of the document early in 2014.

Comments from several of the state and tribal sovereigns regarding habitat provisions of the Draft Final BiOp have been shared with the HC. It is generally accepted that the BiOp contains a substantial assemblage of reasonable and prudent alternatives relative to estuary and tributary habitat. There is concern about the magnitude and time frame for survival and production benefits of these actions, the certainty of implementation, and the need for more emphasis on

lower Columbia populations impacted by FCRPS operations. Considerable controversy remains concerning the role spill should play in hydropower passage. Plaintiffs in the BiOp lawsuit advocate a more complete series of spill evaluations coupled with new FCRPS survival metrics, while NOAA Fisheries rejects the necessity for such actions. It seems likely this controversy will continue through Federal Court discussions next year. Disagreements continue over the related issue of timing and the proportion of juvenile fish to be artificially transported downstream.

The HC recommends that the letter the Council wrote to the Northwest Power and Conservation Council (NPCC) on August 7 be sent to NOAA Deputy Regional Administrator Barry Thom so it can be considered by NOAA Fisheries as the BiOp is being finalized.

The HC will continue to follow development of the supplemental Biological Opinion as it is finalized for submission to the Court in 2014 and subsequent review by the Court.

Summary

In summary, the HC proposes the following items for Council consideration:

- Comment letter on OSU offshore wind energy test site (for March).
- Potential Council membership on the BOEM-Oregon Task Force; or, alternately, Council staff attendance as a non-member.
- A follow-up letter on the NPCC plan for the March briefing book for possible approval at the April meeting.
- A letter to the California Coastal Commission regarding EFH in regard to the KZO project (for March).
- Forwarding the Council's August 7 letter to the NPCC to NOAA Deputy Regional Administrator Barry Thom so it can be considered by NOAA Fisheries as the BiOp is being finalized.

PFMC
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