

HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

Items with Action Required

Klamath/Trinity Flows

Water supply in the Klamath Basin this year will likely result in extreme drought conditions for returning adult salmonids. Precipitation has been substantially lower than average since January of 2013, and precipitation between now and August will likely be insufficient to mitigate adverse habitat conditions. The Habitat Committee (HC) proposes sending the attached letter, which encourages the Department of Interior to provide sufficient water supplies to prevent conditions similar to those that led to the September 2002 fish kill, when more than 33,000 adult salmon died in the Lower Klamath River. The letter is similar to others the Council has sent in the past.

Bay Delta Letter

An earlier version of the Bay/Delta Conservation Plan (BDCP) letter (Agenda Item H.1.b, Supplemental Attachment 3) was provided at the April Council meeting and was approved by the Council for sending just prior to the June Council meeting. The letter was co-authored by the Salmon Advisory Subpanel and the HC. Since then, the deadline for the letter was extended to July 29, giving the HC, Council staff, and the Council itself additional time for review.

Apart from some minor edits, the main difference is in the paragraph advocating passive integrated transponder (PIT) tag technology, which was moved and edited. The wording on impacts to the fall and late-fall runs was strengthened, and a section was added calling for the BDCP to take notice of any pending changes to salmon essential fish habitat (EFH), including descriptions of non-fishing activities that may adversely affect EFH. Some explanatory wording on the Northwest Power and Conservation Council (NPCC) was deleted, and the “Fall Chinook Salmon” section was renamed to “Harvest Management” and moved.

NPCC Letter

A letter to the Northwest Power and Conservation Council is included in the briefing book (Attachment 5). The HC discussed the letter and suggests deleting the section on hatcheries, which are outside the scope of the committee.

Principal Power Wind Energy Scoping Period

Bureau of Ocean Energy Management (BOEM) has opened the scoping period for the environmental assessment for the Principal Power offshore wind energy project. The comment period closes on July 28; however, there is no scoping document at this time on which to develop comments. Since this is a precedent-setting application, and there is no document to respond to, the Council could submit the research questions it had previously sent to Department of Energy in October 2013 into this process if it so desires.

In May, Principle Power was one of three projects to receive an additional \$46.7 million over four years for construction and deployment. The Demonstration project is not a commercial project; it would not be authorized to expand beyond the proposed five wind turbines. However, it would sell the power it generates.

In addition, BOEM's Oregon Intergovernmental Renewable Energy Task Force will meet in Portland on June 26, and Council staff may attend.

Informational Items

Sanctuary Nomination Process

National Oceanic and Atmospheric Administration (NOAA) has re-established the National Marine Sanctuary nomination process. The sanctuary designation process is a separate, formal process. Whereas sanctuary sites were previously nominated based on a top-down process, the new process defines the process as community-based, i.e., to include a broad range of stakeholder interests. The final criteria for nominations were published in the *Federal Register* on June 13. Interested communities can submit nominations starting in July. There is no deadline for accepting nominations, and each nomination will be evaluated on a rolling basis. Reviews of nominations are expected to take 3-6 months, during which they will be evaluated against the final published criteria. It is unclear to the HC how controversies over nominations will be resolved. Once the review is complete, nominated sites will either be placed on the nomination inventory or declined. Previously, candidate sanctuary sites comprised a Site Evaluation List. Sites on this list are not carried over and would need to be nominated to be placed on the new inventory. A website (www.nominate.noaa.gov) is now dedicated to the new sanctuary nomination process. **A summary document by NOAA is attached.**

California Drought Conditions

The HC had a brief discussion regarding the current drought conditions in California. California remains in extreme drought throughout much of the state. NOAA's June 23, 2014 El Niño Southern Oscillation prediction currently puts the chance of El Niño at 70 percent during summer and reaches 80 percent during the fall and winter; however, it is unclear whether the predicted El Niño will provide significant precipitation. Reservoirs are currently at 35 to 50 percent of capacity. For example, Trinity Lake is at 45 percent of capacity. The final manual snowpack survey of the season conducted on May 1 showed California snowpack at 18 percent of normal. Snowpack is now almost gone. California Department of Fish and Wildlife staff evacuated trout from a major hatchery on the American River last week to avoid a massive die-off of fish due to increased water temperatures in the hatchery. In all, over two million fish are being relocated and released earlier than normal by the Department due to drought conditions. Federal and state agencies continue to actively monitor and manage fish and water resources due to the drought.

KZO Sea Farms Consultation

The U.S. Army Corps of Engineers issued a permit to KZO Sea Farms on June 5, 2014, and the California Coastal Commission has also approved the permit. KZO Sea Farms accepted NMFS's EFH recommendations to avoid hard bottom habitat and conduct long-term monitoring.

Salmon EFH

On June 9, the Council transmitted to NMFS Amendment 18 of the Pacific Coast Salmon FMP and the revised Appendix A (Identification and Description of EFH for Pacific Coast Salmon). The Notice of Availability for Amendment 18 was published in the *Federal Register* on June 16, 2014. The 60-day public comment period closes on August 15, 2014. The modifications to salmon EFH are expected to be finalized in September, 2014.

Fisheries-Specific Habitat Objectives

In May, the Council sent a letter to NMFS in support of their pilot project to establish habitat conservation objectives for Council-managed species (Agenda Item H.1, Attachment X). Based on the proposal and the support voiced by the Council, the pilot project was funded. A two-day meeting will be held in Seattle to initiate the project. NMFS is seeking Council staff participation to ensure that the habitat objectives address Council needs. Staff from the Mid-Atlantic Fishery Management Council and the NMFS Greater Atlantic Regional Office are also developing an East Coast pilot project and will attend the meeting. The final report will be completed in the Spring of 2015.

Fish Processing Waste Offshore Disposal

The HC discussed offshore disposal of fish processing waste, brought to light by Trident Seafoods' proposal for a new and larger disposal site near Stonewall Bank. Fish waste is specifically excluded from permit requirements of the Federal Ocean Dumping Rules, unless such action is "reasonably anticipated to endanger the environment or ecological systems." The HC is concerned about the potential impacts of large volumes of fish waste on EFH quality, and the lack of adequate regulatory oversight of the activity.

The HC is encouraged to hear that EPA has recently expressed interest in pursuing approaches for more oversight on fish processing waste disposal. The HC intends to track this issue and may suggest at some point that the Council encourage EPA to use its authority to regulate fish waste disposal.

PMEC-SETS Letter

The letter on the Pacific Marine Energy Center-South Energy Test Site (PMEC-SETS) project in the Briefing Book (Agenda Item H.1.a, Attachment 2) was sent to BOEM in response to Oregon State University's (OSU's) request for a Research Lease for the wave energy test site off Newport. The Council's letter focused primarily on the cable route, which was not well addressed in the lease application.

Following the lease application, OSU initiated steps for Federal Energy Regulatory Commission (FERC) licensing. The scoping period is open now until August 4th. As this is the only opportunity for the Council to comment on project scoping, Council Executive Director approved sending an essentially identical letter to FERC as the one sent to BOEM and referred to above.

Cormorant Management Plan

The HC discussed the U.S. Army Corps of Engineers Draft Environmental Impact Statement (DEIS) for their proposed cormorant control program. The intent of the program is to increase salmonid survival by reducing predation on downstream-migrating juveniles.

The DEIS notes that improving downstream survival of juvenile salmonids is a "complex issue." However, the DEIS takes a simplified approach to this complex issue by ignoring habitat-relevant issues that affect salmon EFH. These include omission of habitat drivers such as changes in turbidity and dredge operations, loss of wetland habitats, and opportunities to increase survival through increased spill. To compare, spill management is expected to result in at least an order of magnitude higher survival than cormorant management (see Council letter of August 6, 2013 regarding the effects of spill).

The proposed habitat modifications include lowering the elevation of the downstream end of East Sand Island and dumping the material on two existing intertidal wetlands on the island. Intertidal wetlands are important habitat for juvenile salmonids, and the HC believes that this action would adversely affect salmon EFH. The DEIS does not provide sufficient detail on the other potential modifications to determine whether or not they would adversely affect EFH.

The HC also notes that many bird populations, including double crested cormorants, are at a fraction of their historical abundance. While management of bird populations is outside of the purview of the Council, they are an important component of the ecosystem, and managed under the Migratory Bird Treaty Act.

The HC understands that the Council is already planning to send a letter on this issue. The HC hopes that these comments will be considered as the letter is drafted, and is willing to assist in this process.

Action items for Council:

1. Approve/Disapprove Klamath flows letter (attached)
2. Approve/Disapprove BDCP letter with staff/HC edits (attached)
3. Approve/Disapprove NPCC letter with HC edits (removal of hatchery section)
4. Approve/Disapproved re-sending October 10, 2013 comments to BOEM on Principle Power project
5. Approve/Disapprove National Marine Sanctuary expansion letter (if relevant)

PFMC
06/24/14