

## 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**

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**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

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**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

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**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

## DRAFT

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

Dear Ms. Salas:

The Pacific Fishery Management Council (Council) is writing to comment on the relicensing of the four Pacific Power hydroelectric projects on the Klamath River.

The Klamath River above Iron Gate Dam once supported substantial anadromous fish populations, and still has nearly 300 miles of usable anadromous fish habitat. Ocean fisheries on the West Coast are limited by the number of naturally-produced salmon in the Klamath River. In 2006, the low abundance of Klamath Chinook will severely restrict fisheries targeting abundant stocks from other areas, and is expected to have dramatic impacts on West Coast fishing communities and tribes.

Under the Magnuson Stevens Fishery Conservation and Management Act §305(b)(3)(B), our Council is obligated to comment on activities that are likely to substantially affect essential fish habitat (EFH) for salmon.

The Council makes the following observations:

- Wild Klamath River salmon and steelhead are an irreplaceable genetic resource that 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.
- Reintroduction of anadromous fish above the current barrier of Iron Gate Dam could be a key component of Klamath River Basin and west coast restoration goals.
- Significant resources are being directed at improving potential anadromous fishery habitats in the Upper Klamath Basin above Upper Klamath Lake.
- Improvement of Klamath River stocks would result in significant increases in ocean and in-river fishing opportunities, and thus contribute toward a healthy and diverse regional economy.
- 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 Federal Energy Regulatory Commission (FERC) relicensing process.

- PacifiCorp has not provided adequate mitigation to their continued blockage of anadromous fish runs, or to their continued contribution to water quality problems, in the Klamath River.
- 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.

Based upon these observations, the Council believes the proposed relicensing of this project will have substantial adverse impacts on EFH in the Klamath River. Therefore, the Council recommends that FERC deny a new license and order the immediate decommissioning of the project, including removal of the four lower dam structures and full restoration of habitat affected by the dams and reservoirs, or that any new license be conditioned upon the following restoration measures proposed by the agencies and tribes:

[Placeholder for prescriptions and recommendations]

Sincerely,

Pacific Fishery Management Council

PFMC  
03/07/06



## HABITAT COMMITTEE REPORT

### **Liquefied Natural Gas Proposal for the Columbia River**

The Pacific Fishery Management Council (Council) received a draft letter to the Federal Energy Regulatory Commission on the Northern Star Bradwood proposal, one of several liquefied natural gas (LNG) proposals pending in Oregon (Agenda Item G.1, Attachment 1). These proposals may adversely affect salmon essential fish habitat (EFH) and the EFH of other managed species.

The Habitat Committee (HC) reviewed the letter, but we learned that additional “Draft Resource Reports” from the project proponents have recently come available. These reports contain more information about potential habitat impacts. In addition, the HC received a letter from Northern Star Natural Gas requesting a meeting with the HC in June (Agenda Item G.1.c, Supplemental Public Comment 2). The HC Chair, Mr. Stuart Ellis, has contacted Northern Star to see if they are available to brief the HC in April. Therefore, the HC recommends postponing this letter at this time. We will review the new documents and provide a more detailed letter for Council consideration at the April or June Council meeting.

### **Klamath River Parasite Infestations**

Mr. Jim Welter of the Salmon Advisory Subpanel reported on parasite infestations in the Klamath River. He provided copies of recent scientific research and reported on a workshop that further indicated a potential relationship between the high incidence of parasite infestations and low water flows.

Given the long history of the Council writing letters urging balanced and proper water management, several members wished we could write an “I told you so” letter. But realistically, as the Council provides information to the public on this disastrous fishing season, we recommend that links to inadequate water flows and other habitat factors be made.

### **Klamath River FERC Relicensing Process**

The relicensing of the Klamath River hydroelectric project has reached a critical juncture where prescriptions from the federal agencies regarding fish passage and instream flows are due at the end of the month. The HC has drafted a resolution on this matter (Agenda Item G.1, Attachment 2). The resolution encourages dam decommissioning to allow successful fish passage and improved water quality conditions or appropriate restoration measures as proposed by agencies and tribes. This resolution is used as the basis of the attached draft letter (Agenda Item G.1.a, Supplemental Attachment 3). There is a placeholder in the letter to anticipate specific comments on the prescriptions issued by federal and state agencies in late March.

PFMC  
03/07/06

**FRESH DAILY FISH  
140 CABRILLO ST. #24  
COSTA MESA, CA.  
92627**

February 7 2006

HABITAT COMMITTEE  
National Marine Fisheries Service  
Mr. Bryant Chesney  
National Marine Fisheries Service  
Southwest Region  
501 W Ocean Blvd Ste.4200  
Long Beach Ca. 90802

Dear Mr. Chesney,

My name is Dan McCafferty. I am a commercial Fisherman for the past 29 years. I am 44 years of age and married to a wonderful wife.

I operate a small business in Southern California catching and selling live Sculpin/Scorpionfish, using set line gear, also I catch and sell live California Halibut, using fishing rods.

In the last few years there has been a major change in the fishery that I have been involved in for the most of my life. I realize that in order for measures to be taken to protect the resources in the fish biomass, data needs to be collected. In the short range, these measures needed to be strict to ensure that fish stocks were not compromised during the implementation of new laws.

Looking at the history of the Scorpionfish harvests in previous years it seems that this species was taken mostly by commercial means. Ref: Post Star-Panel Report, May 2005, page 15.

In looking at the Groundfish Stock Assessment Results for 2007-08, [a document that was prepared for the Groundfish Public Scoping Meetings] on pg. 1 shows that the California Scorpionfish stock status is very healthy.

I hope this is good news for me and some 20 other Commercial Fishermen who target the Sculpin species.

I am concerned about the way the fish has been divided. As I mentioned earlier, this fish was and has been used by the commercial sector, and a lively market was flourishing in Southern California until we felt the brunt of the 300lb per 2 month trip limits and the 2 month closures in the last few consecutive years while the implementation of the Magnuson-Stevens Act, and The Marine Life Management Act regulations were being ironed out.

I am glad that Scorpionfish has been given its own quota, and has been separated out of the list of "shallow water nearshore species"

I am hoping that you will chose the high end OY of 219 mt, as this will help in allowing larger trip limits for us.

In regard to the proportion of quotas allocated to the north region/central regions/south region, I realize that the majority of the fish listed on the nearshore species list are caught in northern territories. Still there seems to be a problem in the allocation of quotas for the Southern Region because the majority of the Sculpin/Scorpionfish are caught in the South Region and have been subject to **statewide** nearshore harvest quotas.

The problem I fear is that since there is more fishing effort in the central and northern regions than those of us who **fish primarily for the Scorpionfish in the south**, I feel that the laws don't reflect our need down here, and that in the process of all of this new management stuff, we have been left out of the picture.

Also it seems that there has been a push by the sport sector to try and minimize the need of this resource in the commercial sector, with the end result being more fish being allocated to the sport sector. As a group I don't think we, the commercial sector have been vocal enough as we don't generally have the resources and or lobbying power as do some of the big fishing organizations. This whole thing is very overwhelming, and it seems that a person needs to be a scientist and independently wealthy to be able to understand all of it and to be involved enough to protect ones rights and livelihood, I am just a small business operator and I haven't had enough money since all of this started and I'm very worried that it will continue to be lopsided.

That is why I am writing this letter, so as to show my concern.

We need help down here. We need it in the form of bigger trip limits, 300-400 lbs for each two-month period is not enough. Considering the expense of fuel, equipment, dock fees/slip rent, boat insurance, and labor, rent, food, utilities, and health insurance, car payments and car insurance, the list goes on right. This amount of fish doesn't add up. At \$4.00lb for one two month period of 300 lbs adds up to \$1200.00. That is \$600.00 per month. Lets say I sold it for \$5.00lb, which has happened, that totals out to a whopping \$1500.00 for each two month period, that is before expenses. Not very good That is why I could not fish in 2005, and also not as much in previous years. It just doesn't add up. Needless to say that this has caused extreme economic hardship on my family.

Also, because of the 'March/April' closure on nearshore stocks, we have been having a very difficult time in paying for our taxes and required fishing permits, as these are due in March and April every year. These closures also create a vacuum in the markets, which make it impossible for Small Southern California Fishing Businesses to compete with in and out of state dealers. {Mexico in particular}

There are different ways to accomplish the necessary goals of the PFMC, and the DFG. One way if I may suggest is to continue to expand having better region specific fisheries data, as this is critical to having fair quotas for different geographic areas.

Fishing techniques that are not invasive to the habitat. Example: the Huntington Flats area has an area that is outside of state waters [three miles] which is also an area of nearshore species habitat and is being fished by Commercial Trawl Gear.

Documentation shows what Trawl gear does to fish habitat, I think there are other areas where the shelf extends out past three miles. If I may suggest again that measures be taken to prohibit Trawl Gear in any areas from the shore to the shelf.

Your agency is very informed and you are probably doing things of this design already. May my suggestions be among the many voices already asking for the same care taken to preserve this valuable resource for our children. While at the same time preserving the fishing opportunities for both the sport and commercial fishing communities by using responsible and effective gear types.

I don't know if my little business can handle the economic strain of these quotas for one more year. And I am asking that you please consider my requests for in-season adjustments for the sculpin quotas for our area in the south region, these requests would not affect the quota of the other nearshore species, especially in the north where most of the other species are caught. Also since this fish [sculpin] has been and is of value to the commercial fishermen in southern California, I would ask that you please look at our needs and make sure that we can sustain ourselves and our markets once again using this particular species and not allowing it to be monopolized by the sport fishing entities, resulting in an unfair outcome.

Sincerely,  
Dan McCafferty  
140 Cabrillo St.  
Costa Mesa, Ca. 92627

949-574-9107

mccafferty@dslextreme.com



## Northern Star Natural Gas

March 1, 2006

Mr. Stuart Ellis  
Columbia River Inter-Tribal Fish Commission  
729 NE Oregon St., Ste. 200  
Portland, OR 97232  
*Sent via fax: 503-235-4228*

Dear Mr. Ellis:

I am writing in response to your proposed letter being put before the Pacific Fishery Management Council regarding the siting of the Bradwood Landing liquefied natural gas receiving terminal on the lower Columbia River.

It has been nearly one year since the company entered the FERC pre-filing process, and since that time we have been working closely with state and federal consulting agencies, including NOAA. But, as your draft letter indicates, Northern Star Natural Gas is still in the early stages of the permitting process for this facility.

Over the past year, we have conducted extensive outreach to fisheries stakeholders on the Columbia River including but not limited to the Northwest Sportfishing Industry Association, Salmon for All, Columbia River Fishermen's Protective Union, Oregon Fishermen's Cable Committee, Columbia River Estuary Study Taskforce, and your group, the Columbia River Inter-Tribal Fish Commission.

I am sorry that you were not able to be present for our meeting with CRITFC officials, but trust your colleagues brought you up to speed with the process we are undertaking and our desire and practice of consulting with the tribes and other stakeholders. Since our meeting we have followed up with CRITFC staff regarding potentially acceptable mitigation projects to enhance salmon populations in the lower Columbia Estuary and we are hopeful that our working together will identify areas where we can achieve positive results.

While Northern Star is still early in the permitting process for this facility, we are prepared to address all potential impacts and spell out mitigation measures as requested in your draft letter. We are working very hard to minimize negative impacts on both fish habitat and fishing activities. To the extent impacts are identified, we will prepare detailed mitigation plans that we would like stakeholders and the Council's involvement in developing.

To that end, we request that you hold your comments on the Bradwood facility until we are able to make a presentation on our findings and potential mitigation ideas. We hope to have this ready by the June PFMC meeting and we request an opportunity to brief

both the Habitat Committee and the full Council, and would appreciate your input at that time We will be making the same request of Council staff and hope you will support it.

Please contact me with any questions and thank you for your interest in working with us.

Sincerely,

A handwritten signature in black ink, appearing to read "David Glessner", with a long horizontal flourish extending to the right.

David Glessner  
Vice President, Engineering

cc: Members of the Oregon and Washington PFMC delegations  
Dr. Don McIsaac