HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

The Habitat Committee (HC) met on August 28, 2006 in Portland, Oregon. A number of topics were discussed. Council action is requested on the first three items; our requests and recommendations are highlighted in bold. The other items are informational in nature.

Clarification on Groundfish EFH effects

The Recreational Fishing Alliance (RFA) has been involved in online discussions about the effects of groundfish essential fish habitat (EFH) on recreational fishing opportunities. It is apparent that there is some confusion about the subject, and a large number of people have received misinformation on this issue. **The HC requests that the Council ask legal counsel to provide a concise, clear letter to the RFA and other recreational fishing groups that explains the effects of the Groundfish EFH environmental impact statement (EIS)** (particularly closed areas such as Davidson Seamount) on recreational fishing activities. This information could also be posted on the Council's website.

Ecosystem-Based Management

The HC discussed ecosystem-based management in light of the Council discussion on this issue in June. **The HC recommends a joint meeting with the Scientific and Statistical's Ecosystem-Based Management Subcommittee in November** to further discuss this issue.

Klamath River Update

The traditional relicensing process for the Klamath River hydroelectric project has reached a critical phase. As the Council may be aware, the Federal Power Act was amended during 2005 to allow an opportunity for the license applicant (PacifiCorp in the case of the Klamath) to contest what they consider to be "disputed facts" associated the Federal agencies' preliminary prescriptions (Section 18 regarding fishways and Section 4e regarding habitat conditions within the project). As part of this process, an Energy Policy Act hearing has been underway, culminating in oral hearings during the week of August 21, with an expected ruling by the judge sometime during September. The ruling regarding disputed facts will then be considered by the Secretaries when issuing their final prescriptions, as well as by the Federal Energy Regulatory Commission (FERC) during the National Environmental Policy Act (NEPA) process. FERC is expected to issue a draft environmental impact statement (DEIS) this fall, with the final EIS due in spring of 2007. The HC will likely recommend that the Council consider submission of comments regarding the DEIS, using the letter from the spring of 2006 as a template.

A separate but somewhat parallel process regarding the relicensing process involves ongoing confidential settlement negotiations that are being conducted between various tribes, federal, state, and county governments, stakeholders, and PacifiCorp.

Given that Klamath fall Chinook meet the criteria for a "conservation alert" under the Council's salmon fishery management plan (FMP), the HC has formed a subcommittee to work with the

states and tribes to draft a report regarding factors that have contributed to the depressed status of this stock. The HC is expected to provide an outline of the habitat section of this report at the November Council meeting. **We also recommend that the Council consider receiving a presentation regarding the challenges facing the Klamath Basin fisheries resource during the spring of 2007.**

Coastal Hypoxia

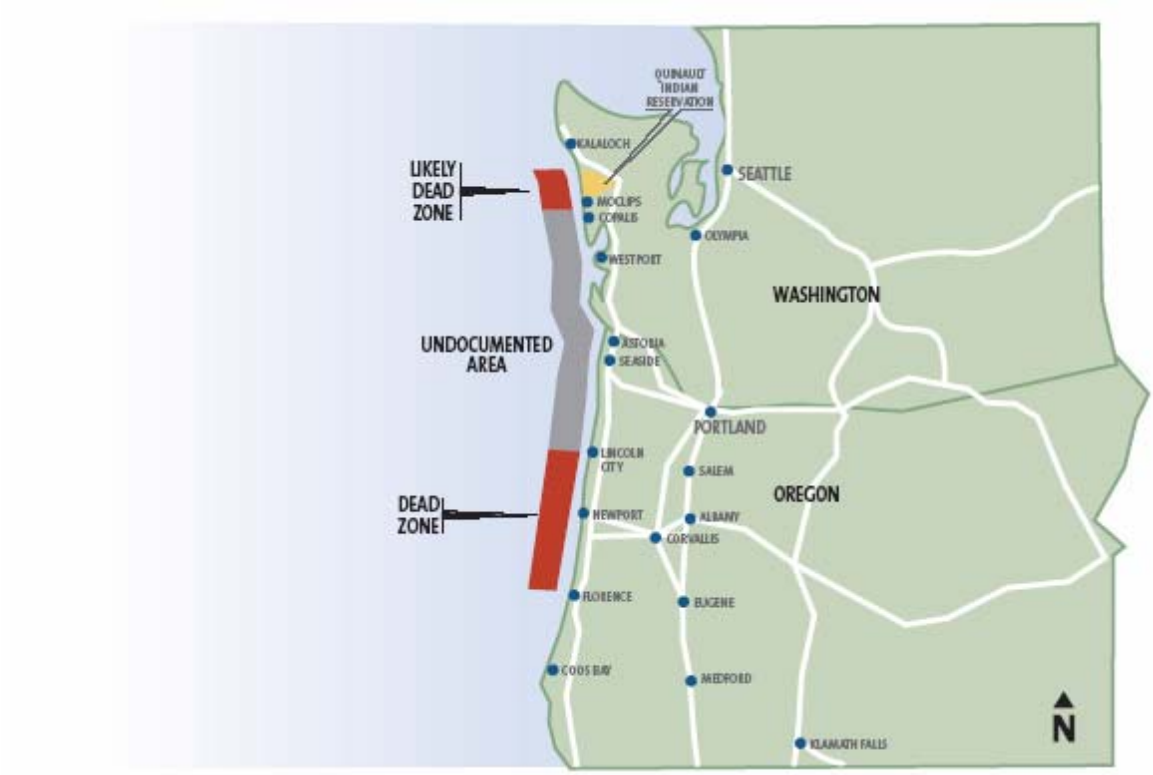
Oregon State University (OSU) researchers have documented low-oxygen (hypoxia) conditions on the continental shelf of the central Oregon coast again in 2006 based on measurements of dissolved oxygen levels at the bottom along three lines (off Cascade Head, Lincoln Beach, Yaquina Head, Seal Rock and Strawberry Hill (south of Yachats)) at depths from 15 meters to 100 meters. Hypoxia is defined as less than 1.43 mg O_2 per liter of water; this corresponds to approximately 20% oxygen saturation. The development of the hypoxic conditions is based on coastal upwelling which draws deep, oxygen-poor (though nutrient rich) waters onto the continental shelf. Phytoplankton (unicellular algae) that bloom as a result of the upwelling die and sink, and their decomposition contributes further to depleted oxygen levels. The hypoxic waters are denser than adjoining coastal waters, and hug the bottom.

OSU oceanographers have monitored dissolved oxygen off of Yaquina Head since the mid 1960s; these records are a basis for comparison with observations made over the last five years. Based on these observations, hypoxic conditions appear to be a typical summertime condition on the outer and mid-continental shelf as dense, low oxygen waters are upwelled onto the shelf. The principal differences observed since 2002 are the penetration of hypoxic waters into the nearshore area, and the degree of oxygen depletion.

Oregon Department of Fish and Wildlife staff collaborated with OSU researchers of the Partnership for Interdisciplinary Studies in Coastal Oceans (PISCO) to visually inspect the effects of hypoxia at Perpetua Reef (south of Yachats) on Tuesday, August 8, and again on Monday, August 21. Each day, a remotely operated vehicle (ROV) was used to survey two transects that had previously been studied before and after hypoxic events were first noted in 2002. On these surveys, substantial numbers of dead or moribund sea stars, peanut worms and other worms were observed, and sea anemones were largely closed (tentacles withdrawn). Many hundreds of molted crab shells were observed, but no finfish at all were seen on either date. Dissolved oxygen measurements taken before and after each ROV transect showed very low oxygen levels (0.2 to 0.5 mg O_2 per liter of water).

We understand from conversations with the OSU researchers that the hypoxic conditions seem to be receding in the Lincoln City area, at the north end of where these conditions are monitored. ODFW monitoring of sonically tagged rockfish on Siletz Reef during this period has indicated that tagged fish have been continuously present within the telemetry array.

We do not know what the effect of these hypoxic zones are on Council-managed stocks. Some life stages of some species may simply be able to move to other areas, but there could be direct mortality to some species. There are likely negative indirect effects from such things as loss of prey and displacement from preferred habitat.



credit: Oregon State University

Liquefied Natural Gas Proposals

Natural gas is becoming an increasingly important source of energy within the United States and throughout the world. This increased demand has led to a number of proposed liquefied natural gas (LNG) terminals along the west coast, which are in various stages of licensing. Currently, LNG projects have been proposed near Clatskanie, Bradwood, Warrenton, and Coos Bay, Oregon; and near Oxnard, Long Beach, Malibu, and other offshore sites in California.

FERC is the lead Federal action agency for onshore LNG facilities and the United States Coast Guard (USCG) is the lead for offshore facilities. Potential impacts of concern to the Council include entrainment and impingement of eggs, larvae, and juvenile fish; generation of thermal plumes; discharge of treated water; generation of increased noise in the marine environment; construction impacts associated with dredging, placement of pipelines, and other infrastructure construction; loss of estuarine habitat; increased vessel traffic; and maintenance dredging. Additionally the projects will likely produce conflicts with other resource users at least in part due to security concerns.

Pursuant to Magnuson-Stevens Act §305(3)(A), the Council may comment on and make recommendations to FERC or USCG regarding LNG proposals that may affect EFH. Moreover, according to Magnuson-Stevens Act §305(3)(B), the Council is obligated to comment and make recommendations if a proposal is likely to substantially affect EFH for any anadromous fish species. The public comment period associated with the development of DEIS may be the most appropriate phase for Council comment. The HC will inform the Council when a DEIS will be made available and will seek direction at that time. **The Council may also want to consider**

drafting a guidance document similar to the one developed by the South Atlantic Fishery Management Council for LNG projects. Although currently in draft form, National Oceanic and Atmospheric Administration's Recommended Best Practices Document for LNG Terminals may be helpful to the Council for providing comments and recommendations to FERC or USCG.

Wave Energy Projects

The HC noted that there were two applications in Oregon to develop wave energy facilities on the Oregon coast (in the area just north of the Umpqua River and just south of Newport). Additionally, Snohomish County and another out-of-region private entity have applied for permits to study seven sites in Puget Sound (Deception Pass, Admiralty Inlet, Agate Passage, Rich Passage, Guemes Channel, San Juan Channel (S) and Spieden Channel). Other projects are being planned for the Washington coast. There is momentum building for other alternative energy developments via the Minerals Management Service rulemaking. **The HC recommends scoping the proposed projects and their impacts**. If impacts on EFH are predicted, descriptions of these proposals, potential impacts, and ways to minimize these impacts should be included in the non-fishing impacts document developed as part of the EFH EIS process for groundfish and other species.

PFMC
09/11/06