

CURRENT HABITAT ISSUES

The Habitat Committee (HC) will meet on Monday, June 11, 2007, to discuss the process for changing groundfish essential fish habitat designations, the California Marine Life Protection Act, the role of fish spills in Columbia River salmon returns, and other issues.

Council Action:

Consider comments and recommendations developed by the HC at its June 2007 meeting.

Reference Materials:

1. Agenda Item D.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
05/21/07

HABITAT COMMITTEE REPORT

Wave Energy Proposals

To date, applications for six preliminary wave energy permits in Oregon state waters have been filed through the Federal Energy Regulatory Commission (FERC). Two of the six preliminary permits—off Reedsport and Coos Bay—have been granted.

FERC is exerting its authority under the Federal Energy Act as the lead agency. Oregon Division of State Lands (DSL), which claims ownership of the seabed in state waters, is concerned about FERC's exertion of regulatory authority in this situation. DSL has also drafted rules governing the placement of these facilities; the comment period closes July 31, 2007.

FERC has proposed the use of a settlement agreement to expedite the permitting process, which will allow the first 14 buoys and associated anchors and tethers by summer 2008 in the Reedsport area. The area of this facility will be 0.5 x 0.5 mile. The full array of 200 buoys is scheduled to be completed in 2010.

The installation of wave energy facilities has the potential to affect habitat, fish and fisheries. Among other effects, the area encompassed by these facilities will be closed to all activities including fishing.

The permitting process being proposed may not allow sufficient time to fully assess potential impacts, and limits participation to those originally involved in the settlement. This process may set a precedent for future wave energy proposals and other coastal states.

This wave energy proposal appears to be on a fast track. The HC believes it will be important to the Council to comment on this. Since wave energy is one of a number of different marine development issues that may impact Council-managed fisheries, the Council would be well served by developing an approach to these issues.

California Marine Life Protection Act

The Habitat Committee (HC) heard a presentation by John Ugoretz, California Department of Fish and Game, about the Marine Life Protection Act (MLPA) process undertaken in the Central California Study Region. He outlined the legal background, steps in the process, stakeholder involvement efforts, outcomes, and lessons learned. Although the initial phase generated significant controversy and misinformation, the process for the second phase has been modified to address these concerns. The Lessons Learned document is available online at http://www.dfg.ca.gov/mrd/mlpa/lessonslearned_phase1.html.

The HC thought it would be useful if information from stakeholders involved in the process were made more widely available to other agencies considering the establishment of marine protected areas. The Council could provide a forum for such a discussion and the distribution of accurate information.