

HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

Coast Seafoods Letter

On March 17, the Council wrote a letter (Agenda Item D.1, Attachment 2) requesting an extension to allow the Council to comment. The extension was granted until April 20.

At the March meeting, the Council tasked the Habitat Committee (HC) with drafting a letter on the Coast Seafoods project for their consideration (Agenda Item D.1, Supplemental Attachment 3). After the draft letter was prepared, California Department of Fish and Wildlife suggested some additional edits to better reflect the Army Corps Public Notice for the Permit Request (the Army Corps Public notice reflects the project to date that is detailed in the Final Environmental Impact Report) based on additional review. The HC discussed these proposed changes in depth, and suggests the edits shown in the updated draft (Agenda Item D.1, Supplemental Attachment 5).

Oroville Dam Letter

The HC heard a report from Gary Sprague, National Marine Fisheries Service, Sacramento, on the Oroville Facilities Hydropower Relicensing Biological Opinion and Magnuson-Stevens Act consultation. The HC letter on the Oroville project (Agenda Item D.1, Attachment 1) is consistent with the information provided by Mr. Sprague. Mr. Sprague reviewed the letter and had very minor edits (including mailing address and project number.) A copy of the presentation *Oroville Facilities Hydropower Relicensing, Biological Opinion and MSA Consultation* is available from Council staff. Mr. Sprague also provided a map showing the locations of the Feather River and Oroville, where the dam is located.

This letter would be sent outside of an official comment period. The Federal Energy Regulatory Commission (FERC) cannot publicize their decision-making schedule due to ex-parte disclosure rules, and there is no way to know at this time when FERC will move forward with the licensing process. However, the letter from the Council may still be considered relevant as they make their decisions, as it will be a part of the public record.

Environmental Protection Agency National Pollutant Discharge Elimination System (NPDES) Report

As requested by the Council in March 2017, the HC has provided a background report on EPA's National Pollutant Discharge Elimination System (NPDES) General Permit for Offshore Seafood Processors in Federal Waters off the Coasts of Washington and Oregon (EPA GP No. WAG520000) (Agenda Item D.1, Supplemental Attachment 4).

It should be noted that there is a correction on page 1, paragraph 2. The amount of processing volumes should read 128,000 metric tons (not 128 mt).

The EPA has recently imposed a 30-day internal review period prior to the release of the *Federal Register* notice. Therefore, the new public notice and revised draft NPDES permit and Consistency Determination will be delayed, with a probable release in early May for a 45-day public comment period. This may overlap with the June Council meeting. The HC could brief the Council on the new draft permit in June, and/or provide a draft letter for the June briefing book, framing its

comments consistent with the essential fish habitat recommendations in the groundfish and salmon fishery management plans.

Klamath Update

Dave Hillemeier from the Yurok Tribe provided a short presentation to the HC that will also be presented to the Council at this meeting. The presentation described factors that have contributed to the recent decline of Klamath Fall-run Chinook salmon, including unproductive ocean conditions in 2014 and 2015, and freshwater conditions that led to extremely high juvenile disease rates from the parasite *Ceratanova shasta* (*C. shasta*). Lack of peak winter flows, and effects of the Klamath River dams, were noted as primary contributors to the high juvenile disease rates. Recently, the Tribe and other litigants prevailed in litigation that will require formal reconsultation on the Biological Opinion for Southern Oregon/Northern California Coho salmon. Furthermore, for the interim, the judge ordered winter flushing flows to disturb habitat for polychaete worms that are an obligate part of the life cycle for *C. shasta*, and up to 50,000 acre feet of water for spring dilution flows if disease conditions warrant. The four Klamath River dams, which contribute to conditions that contribute to *C. shasta*, continue to be on a trajectory for removal in 2020.

In March, the Council directed the HC to draft a second letter supporting the decommissioning of the four lower Klamath dams and the transfer of their ownership to the Klamath River Renewal Corporation in preparation for removal of the dams in 2020. The HC is planning to submit this letter for the June briefing book.

Bureau of Ocean Energy Update

Mr. Chris Potter, California Ocean Protection Council, and Ms. Donna Shroeder, Bureau of Ocean Energy Management (BOEM), updated the HC on offshore wind planning efforts in California. In October, 2016, BOEM and the state of California formed the BOEM California Intergovernmental Renewable Energy Task force (Task Force). The Task Force has gathered ocean use and environmental data that can be viewed by the public through the Data Basin portal, a web portal for data storage and analysis (<https://databasin.org>). BOEM and the state of California have been meeting with local stakeholders and scientists to request and gather relevant data for use in siting and impact considerations. The goal of the offshore wind update to the HC and other advisory committees is to keep the Council informed of the state and BOEM's process. The Task force will meet in July to review potential offshore renewable energy sites based on the Data Basin analysis. The HC encourages interested individuals to visit BOEM's website for more information and opportunities for involvement. www.boem.gov/California/.

HC Recommendations:

1. Oroville Dam letter (Att. 1)
2. Coast Seafoods letter (Supplemental Attachment 5)
3. Klamath Dam removal letter to FERC (for June)
4. Potential letter to the EPA on the draft NPDES General Permit (for June)

PFMC
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