

HABITAT COMMITTEE REPORT ON HABITAT ISSUES

Environmental Protection Agency Draft Revised National Pollutant Discharge Elimination System (NPDES) General Permit

As requested by the Council in April 2017, the Habitat Committee (HC) prepared an update on the status of the Environmental Protection Agency's (EPA's) proposed new NPDES General Permit to regulate seafood processing waste in the ocean from processor vessels (Supplemental Report E.1.a, attached).

The revised draft permit was expected to be released for public comment in May, but is now expected later this month. EPA's public comment period will likely occur outside the Council's regular meeting schedule. In lieu of a draft letter, the HC has prepared draft comments regarding the impacts to essential fish habitat (EFH) for multiple fishery management plans that could be included in a Council letter (Supplemental Attachment 3). The HC recommends the Council use the "fast track" process for commenting on this permit. HC members are available to assist Council staff in developing the letter.

A brief summary of the recommendations follows. An expanded discussion and supporting figures and tables on these recommendations are provided in Supplemental E.1 Attachment 3.

- 1) *Depth-based exclusion area*: Recommend avoiding hypoxic-prone waters by extending the proposed Exclusion Area to include the continental shelf off Washington and Oregon (approximating the 200 m contour).
- 2) *Seasonal closure*: The exclusion area is currently proposed as a seasonal closure from April to September to coincide with peak hypoxia. The HC recommends a year-round closure.
- 3) *Rocky reefs*: Protect water quality and habitats of rocky reefs by establishing year-round closures around large rocky reefs that are not included in the Exclusion Area.
- 4) *Vessel speed*: Vessels should maintain a minimum speed of 5 knots while discharging, unless it is unsafe to do so.
- 5) *Monitoring and reporting*: The monitoring and reporting requirements of the General Permit should include vessel tracking requirements to ensure that processor vessels are not discharging fish waste inside the exclusion area.
- 6) *Reporting*: EPA should require that processor vessels report the quantities of solids and wastewater discharged.

Coastwide Pacific Coast Alliance on Climate Change

All three West Coast states and British Columbia are now committed to the Pacific Coast Collaborative (PCC) and Ocean Acidification Alliance. The PCC created the Ocean Acidification Alliance to bring together governments around the globe to combat ocean

acidification and changing ocean conditions that pose immediate and critical threats to coastal economies and ecosystems. The announcement was made yesterday, June 8th, on World Ocean Day.

Ocean Acidification Alliance members announced a voluntary commitment to the implementation of United Nation's Sustainable Development Goal 14.3, which addresses ocean acidification and the threats it poses. Along with their West Coast partners, the Alliance is calling on U.N. member nations to act on ocean acidification by investing in research and monitoring, exploring adaptation and mitigation strategies to changing ocean conditions, engaging in public outreach and education, and making deeper commitments to reduce carbon emissions to protect the economic and cultural resources at risk in coastal communities around the world.

Court-Ordered Spill on Columbia River

Earlier this year, Ninth District Court Federal Judge Michael Simon ordered additional spill from dams on the Columbia River to aid smolt migration. State, Federal, and tribal fish managers and Federal action agencies are developing project-by-project spill operations planning for 2018.

Migrations conditions in 2017 are delivering good survival for smolts with lots of spill, flow and turbid water.

Columbia River Treaty

The HC heard an update on the Columbia River Treaty. The Treaty was signed in 1964 to ensure cooperative development and operation of water resources of the Columbia River Basin for the benefit of both countries. The U.S. has indicated its interest in modernizing the Treaty, and the U.S. entity published its recommendations for potential treaty provisions in 2013. In 2016, the Department of State received formal authorization to renegotiate the Treaty in advance of 2024. Although the Government of Canada does not yet have the authority from Parliament to renegotiate the treaty, both countries have been working collaboratively on alternative flow models that consider ecosystem functions. The U.S. Federal resource management group (seven Federal resource management agencies) have been meeting biweekly to discuss impacts of different flow regimes and inclusion of ecosystem function in preparation for negotiations with Canada. These agencies are also collaborating with tribes in the Columbia River basin. The HC will keep the Council apprised of updates and opportunities to provide formal comment.

Habitat Use Database

The Habitat Use Database (HUD), developed for Amendment 19 to the groundfish fishery management plan and used to generate the Habitat Suitability Probability maps in the amendment, is undergoing a major update by the National Oceanic and Atmospheric Administration Southwest and Northwest Fisheries Science Centers. The updates will improve the organization, quality, and usefulness of the HUD, and are being used to update the Habitat Suitability Probability maps. The updated HUD and Habitat Suitability Probability maps will be useful tools for stock assessments, EFH consultations, and other purposes. National Marine Fisheries Service will make the HUD publically accessible through a web portal when it is ready.

BOEM Data Portal

At the April 2017 Council meeting, the HC received a report on the California Bureau of Ocean Energy Management (BOEM) Ocean Renewable Energy Taskforce. BOEM reported to the HC that the state of California and BOEM were in the process of creating a data portal for offshore renewable energy planning known as California Offshore Renewable Energy Gateway. The “Data Basin” web based portal is now up and available for public viewing. Information about the portal and access to data basin can be found at:

<https://caoffshorewind.databasin.org/>

Oroville Dam Update

In April 2017, the HC submitted a comment letter on the Oroville Dam relicensing process and temperature controls within the Biop for Council consideration. It was the HC’s understanding from Council direction that the HC should reach out to the Federal Energy Regulatory Commission (FERC) and California Department of Water Resources (DWR) staff, invite them to the next Council meeting, and potentially send a list of questions to FERC and DWR. The HC reached out to DWR, FERC, and California Dept. of Fish and Wildlife staff. Due to California state travel restrictions, the HC was unable to secure DWR staff for the June meeting; and the HC was likewise unable to find suitable FERC staff to attend. The HC plans to schedule a publicly-noticed conference call to communicate with FERC and DWR staff. Following that call, the HC could draft a letter for Council consideration in September.

Proposed Council actions:

- Draft Klamath letter (Agenda Item E.1, Attachment 2)
- Fast track NPDES letter (Agenda Item E.1, Supplemental Attachment 3)
- Potential comment letter on Oroville dam for September

PFMC
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