

HABITAT COMMITTEE REPORT ON HABITAT MATTERS

Salmon Essential Fish Habitat Issues

A Federal district court ruled on October 17, that in the Columbia River the Environmental Protection Agency (EPA) must establish and enforce temperature standards under the Clean Water Act in order to protect salmon and other aquatic life. Columbia Riverkeeper and other plaintiffs have asked that the EPA develop a comprehensive plan to deal with high water temperatures and reduced salmon survival resulting from dam operations in the river system. Reservoirs in the hydropower system are a major cause of elevated water temperature in the basin. The ruling is online at <http://tinyurl.com/y7nuydhx>.

The Bureau of Reclamation and Central Valley Project water users are preparing to pursue the raising of Shasta Dam by 16 feet, which would facilitate the capture of all flows upstream of the dam in most years and could all prevent spill not prescribed for the protection of listed species. In March of this year, Congress appropriated \$20 million for pre-construction engineering studies, which are currently occurring. Earlier this year the Bureau ceased Lake Shasta winter-run Chinook salmon reintroduction activities and cancelled associated contracts.

The California State Water Resources Control Board is proceeding with the adoption of revised instream flow requirements in its Bay-Delta Plan Update. The Board issued a proposed framework for unimpaired flow requirements for the San Joaquin and its three major tributaries in July of this year, and is scheduled to adopt its final recommendations on November 7. The Board may soon issue a proposed framework for the second phase of the plan update, applicable to the Sacramento River and the Bay-Delta. State and Federal agencies, water users, and some nongovernmental organizations are engaged in voluntary settlement discussions for the plan amendments that may involve habitat restoration in lieu of flow.

The Northwest and Southwest Fisheries Science Centers are meeting with the National Weather Service (NWS) late November to share their requirements for water science, and determine opportunities to connect with the NOAA Water Initiative and the NWS Water Model.

Ocean Renewable Energy Development

Oregon's Ocean Energy Coordinator conveyed to the HC appreciation for the Pacific Council's contribution to the PacWave South Ocean Energy Project review and scoping process (formerly the Oregon State University South Energy Test Site). In 2014, the Council provided comments to Federal Energy Regulatory Commission (FERC) on the sensitivity of rocky habitats and important fishing grounds at the proposed site for the cable route, and strongly urged FERC to reroute the cable to avoid the reef. FERC's decision on an alternate cable route was largely based on the Council's comment letter.

The HC discussed the status of Bureau of Ocean Energy Management's (BOEM's) Call Area scoping process for offshore wind energy development in Federal waters off of Morro Bay and Humboldt Bay. BOEM recently published a call for information and nominations in the *Federal*

Register, commencing a 100-day comment period that expires on January 28, 2019. The purpose of the call is for BOEM to further define the proposed areas for a potential offshore public lease auction, and to gather resource and use information and data.

San Clemente Dam Removal

Dr. Tommy Williams (NMFS Southwest Fisheries Science Center) gave a presentation to the HC on the removal of the San Clemente dam from the Carmel River. The anadromous fish of the Carmel River include steelhead and Pacific lamprey. While these are not Council-managed species, research associated with dam removal projects is limited, so lessons learned from this dam removal can provide insights in the future.

Dr. Williams emphasized the importance of habitat diversity and increased connectivity that can result from such large-scale activities as dam removal. He also emphasized the contribution that resulting life history diversity makes to productivity. A paper by Bellmore et al. (BioScience) currently in press will provide a good review of past dam removal projects.

Deep Sea Corals

Heather Coleman (NOAA Deep Sea Coral Research and Technology Program) and Chris Caldwell (Channel Islands National Marine Sanctuary Research Coordinator) described progress on the West Coast Deep Sea Coral Initiative (Initiative). This follows up on a presentation that Liz Clarke gave to the HC in March 2018. The initiative will provide funds over the next three years to conduct research off the West Coast.

A workshop was held in April to identify research priorities. These priorities incorporated those provided by the HC, in particular to determine the functional relationship between groundfishes and deep-sea corals and sponges as essential fish habitat (EFH). The Initiative is developing an online tool that will be used to prioritize specific areas for research. The HC was asked to participate in this work directly or to suggest individuals to help with this effort, including the Councils, National Marine Sanctuaries, state agencies, and nongovernmental organizations.

The workshop capitalized on the opportunity afforded by the changes to bottom trawl closures in Amendment 28 before fishing commences, and participants plan to examine changes in deep sea corals and sponges in response to long-term closures and upcoming re-openings. Potential priorities included the association of groundfishes with deep sea corals and sponges (DSCS), fish abundance with and without DSCS, and the effect of spatial closures on this habitat. Following up on these ideas, researchers on the *R/V Bell M. Shamada* are currently surveying areas on the West Coast, including some groundfish essential fish habitat conservation areas (EFHCAs) and areas in the Rockfish Conservation Area (RCA).

The initiative's work complements research plan being developed by the Northwest Fisheries Science Center (NWFS).

Aquaculture

The HC received a presentation from Don Kent from Hubbs Seaworld Research Institute regarding a proposed project by Pacific Ocean Aquafarms. Mr. Kent emphasized that the current

administration is focused on reducing the U.S. aquaculture deficit and outlined a proposal for a state-of-the-art commercial offshore fish farm for California yellowtail.

Diane Windham (NOAA Aquaculture Coordinator) discussed the regulatory context of the project, which at this point is conceptual (no permits have been filed). It is not clear when the National Environmental Policy Act (NEPA) process will begin. NOAA is currently working on a Memorandum of Agreement with the Environmental Protection Agency and Army Corps of Engineers which would make NOAA the lead agency on the NEPA analysis. This memorandum needs to be completed and approved before the NEPA review would begin. There will be future opportunities to weigh in on the project.

A specific location hasn't been determined at this time, but the developers are looking at an area off San Diego in coarse sand habitat. The project will be approximately 0.15 km². The fish stock yield would be 1,000 metric tons, possibly scaling up to 5,000 metric tons. Feed would be soy-based.

Public testimony on this issue focused on potential conflicts with existing commercial and recreational fisheries in the area of interest, and potential for whale entanglements.

Ms. Windham also discussed the Ventura Shellfish Enterprise, a proposed offshore mussel farm in the Santa Barbara Channel that would have an approximately 2,000 acre footprint consisting of twenty 100 acre units. The NEPA process will be triggered once the Corps of Engineers deems the permit application complete. The HC will track this newly-proposed project and brief the Council as the potential proposed project process possibly progresses.

Ms. Windham also explained the implications of the recent court decision on aquaculture in the Eastern District Court of Louisiana, which determined that NOAA does not have authority to manage aquaculture under the Magnuson-Stevens Fishery Conservation and Management Act. This is one of several differing opinions on NOAA's jurisdiction over aquaculture, and NOAA is considering whether to appeal. The ruling does not prohibit marine aquaculture; the Gulf aquaculture fishery management plan that was the subject of the litigation was meant to streamline the permitting process. The passage of the AQUAA Act would allow NOAA to permit aquaculture projects. The bill will likely be reintroduced in the next Congress.

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