

GROUND FISH ADVISORY SUBPANEL REPORT ON CURRENT HABITAT ISSUES

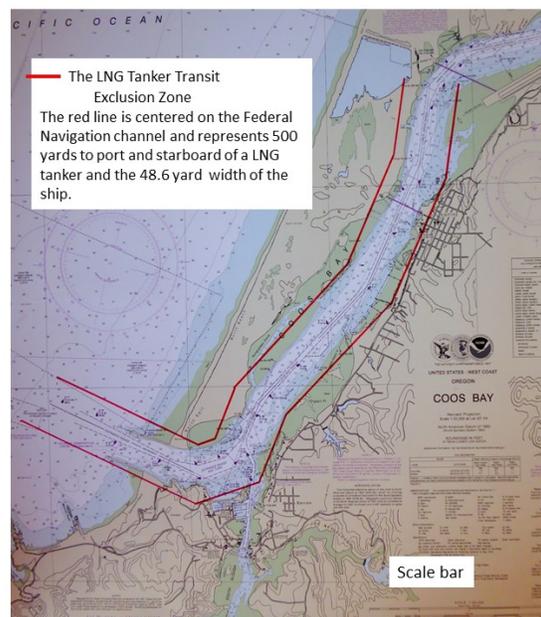
Ms. Jennifer Gilden provided the Groundfish Advisory Subpanel (GAP) an update on habitat issues discussed by the habitat committee. The GAP offers comments and recommendations on specific items below.

Jordan Cove

The GAP generally supports the Pacific Fishery Management Council's (Council's) past letters to the Federal Energy Regulatory Commission (FERC), the U.S. Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) relative to the Jordan Cove Liquefied Natural Gas project (JCP). The construction at the north spit, the related Coos Bay dredging, the associated pipeline through Oregon, and other related aspects of this project are so comprehensive that it is difficult to determine where exactly we should focus our comments. Because it is of most immediate concern to commercial and recreational groundfish fishermen, we are concentrating on the safety issues, and specifically the safety exclusion zone.

The GAP supports the [September 2019 Salmon Advisory Subpanel report](#) that discusses safety issues for recreational and commercial fleets when large liquefied natural gas (LNG) tankers are transiting the Coos Bay bar. Fishermen and processors from Coos Bay have noted their concerns with proposed moving safety/exclusion zones that would likely be 500 yards on either side of the vessel (i.e. roughly 1,050 yards wide including the width of the vessel). As industry understands, this safety or exclusion zone is under the U.S. Coast Guard (USCG) jurisdiction and, so far, the USCG has been hesitant to comment on or change the size of the zone until the Jordan Cove plans are further along in the approval process. This leaves the industry with a high level of uncertainty.

The chart below shows the size of the expected exclusion zone along Coos Bay, as submitted to the Coos County Planning Commission by Dr. Jan Hodder.



<http://www.co.coos.or.us/Portals/0/Planning/2019/REM/REM-19-001/Exhibit%2059.pdf?ver=2019-09-09-161359-313> at pg. 5.

As can be seen above, the exclusion zone would push most vessels to the extreme shallow areas of the bay or keep them offshore until the LNG tanker fully transits and is docked at the terminal. This could be dangerous for vessels, particularly in winter, when storms require vessels to transit the bar at high slack, for safety reasons.

Southern Resident Killer Whale and Humpback Whale Critical Habitat

The GAP also reviewed information provided about proposed critical habitat for southern resident killer whales (SRKW) and humpback whales. The critical habitat proposed rule for SRKW explicitly states that the designation could affect Council-managed groundfish fisheries because of salmon bycatch. The GAP recognizes that, at this point, National Marine Fisheries Service (NMFS) does not anticipate the need for new groundfish fishery management measures relative to SRKW. However, NMFS highlights that there is uncertainty about the need for new groundfish fishery management measures and that the need for such measures will be determined through future Endangered Species Act (ESA) section 7 consultations. Because ESA section 7 consultations are not required to provide opportunity for public review and comment nor a formal role for the Council in the consultation process, the GAP is concerned that consideration of new measures in the future will occur solely under the purview of NMFS. In the recent ESA section 7 salmon consultation for the groundfish fishery and the ongoing SRKW consultation for the salmon fishery, NMFS provided a formal role for the Council and the consultations occurred in an open and transparent process where NMFS briefed the Council and public over the course of several Council meetings, which provided critically important opportunities for Council and public input. Therefore, the GAP strongly recommends that the Council secure a commitment from NMFS that any future SRKW consultations for Council-managed fisheries include a formal, and meaningful, role for the Council in the consultation process.

PFMC
11/16/19