

HABITAT COMMITTEE REPORT ON FUTURE COUNCIL MEETING AGENDA AND WORKLOAD PLANNING

Although the Council's June agenda does not include a habitat agenda item, the Habitat Committee (HC) met on June 10 and 11 and submitted an informational report (IR 19) with items that did not require immediate Council action. In addition, the HC discussed its responsibilities regarding Klamath and Sacramento fall Chinook rebuilding plans and identified four time-sensitive issues that would require Council comment prior to the September meeting. These are described in this workload planning report.

Salmon Rebuilding Plans

In March, the Council tasked the HC to coordinate with the Salmon Technical Team (STT) concerning habitat issues that may be affecting rebuilding of fall Chinook salmon stocks in the Klamath and Sacramento Rivers. In May, members of the HC and STT met to discuss possible approaches. At this meeting, the HC discussed the process and how best to present information to the Council. The HC agreed to follow up on previous STT analysis by comparing conditions in the key brood years affected by the rebuilding plan with previous years, addressing whether these conditions might be continuing, and suggesting ways the Council can address potential habitat impacts. The HC will continue reaching out to State and Federal scientists and members of the STT and report back to the Council in September. This may affect the STT's workload as well as the HC's.

1. Executive Order Promoting American Seafood Competitiveness and Economic Growth

The HC reviewed IR 7 on the Executive Order for Promoting American Seafood Competitiveness and Economic Growth. In addition to the sections on fishing and enforcement, the HC notes that the five sections on aquaculture development are also important to the Council.

Section 6 calls for an *expedited, two-year National Environmental Policy Act* timeline that begins with the published notice of intent and concludes with the Record of Decision. NOAA is the designated lead agency for Federal waters.

The U.S. Army Corps of Engineers has 90 days to develop *three new nationwide permits* for finfish, seaweed, and multi-species aquaculture activities in coastal and marine waters under both state and Federal jurisdiction.

Section 7 of the Executive Order calls for the *identification of at least two geographic areas suitable for aquaculture* (Aquaculture Opportunity Areas) within one year of the date of the order, and the completion of a programmatic environmental impact statement for each area within two years after that. The order calls for coordinating the selection of Aquaculture Opportunity Area with Councils, state and tribal governments, and other Federal agencies.

The Council (or the Council Coordinating Committee) may want to comment on the three nationwide permits, which will be published around August 7. The comment period could be as short as 30 days.

2. Call for Comment from California Energy Commission on Potential New Areas for Offshore Energy

The Bureau of Ocean Energy Management (BOEM) and other agencies have been planning for offshore renewable energy for the past several years, and the Council has previously commented on these efforts, mainly from an essential fish habitat (EFH) perspective.

The California Energy Commission (CEC) is working with the Department of Defense and other agencies to determine if there are potential offshore wind energy sites along the central California Coast offshore of Morro Bay that are not in conflict with military testing activities. These sites would be in addition to the Morro Bay “call area” previously identified by BOEM. Fishing activities, population monitoring, research, abundance of fish stocks, and EFH all may be impacted by wind energy projects.

Although the CEC has called for comments on the proposed offshore wind sites, it does not appear that they have conducted outreach to the fishing community to discuss the additional sites.

Because of the current lack of impact assessment and stakeholder engagement, and the Council’s interest in this issue, the HC is prepared to draft a letter to the CEC identifying potential effects on Council-managed fisheries, and requesting that the Council be directly engaged in this process as it moves forward.

Other Council advisory bodies, such as the Highly Migratory Species Advisory Subpanel or Groundfish Advisory Subpanel, may wish to contribute to such a letter. The HC would reach out to them when drafting the letter if this is the Council’s preference. The deadline for comments is July 31, 2020 and would require the Council’s quick response process.

3. New EPA daily temperature limits for Columbia River

The Environmental Protection Agency (EPA) has established a new total maximum daily limit (TMDL) for water temperature in the Columbia and Lower Snake Rivers and is taking public comment. EPA found that “the 15 dams within the TMDL area have a cumulative warming effect during the summer and early fall.” The lower Snake River dams significantly raise the temperature of the river from July through September, causing or contributing to numerous water quality standard violations.

The comment period ends July 21. Documents for the proposed TMDL and instructions for submitting comments are available on the [EPA website](#). The HC believes the TMDL is a positive step that is consistent with previous Council comments concerning elevated temperatures. If directed by the Council, the HC can prepare a letter of support for this action using the quick response process.

4. Decommissioning of Potter Valley Project Dams

The Potter Valley Project is a hydropower project located on the Eel River in Mendocino and Lake County, CA owned and operated by the Pacific Gas & Electric Company (PG&E). The Two-Basin Partnership coalition has filed a “Feasibility Study Report” with the Federal Energy Regulatory Commission (FERC) to take over the Potter Valley Project FERC license from PG&E. Their plan proposes to decommission and remove Scott Dam and replace the poorly-performing fish ladder at the Cape Horn Dam. This would restore fish passage to more than 100 miles of high-quality, high elevation habitat.

The Eel River watershed is a critical basin for California Coast Chinook salmon, which constrain commercial fisheries. The ocean waters surrounding the mouth of the Eel River, from the Humboldt South Jetty to Horse Mountain, have been closed to salmon fishing for decades to protect this stock.

This project would benefit Council-managed commercial and recreational fisheries by restoring constraining stocks and producing additional fish for ocean harvest.

The HC is prepared to draft a letter for Council consideration through the quick response process to FERC and the Two-Basin Partnership indicating support for the Partnership’s feasibility study and plans for the Potter Valley Project decommissioning and fish passage improvements. The Partnership has asked that letters of support be sent by June 29. It is important to note that this precedes the official launch of the FERC process.

Summary of recommended letters:

- Letter from Council (or CCC) to Army Corps of Engineers on Nationwide Aquaculture Permits (may be due as early as September 7)
- Letter to California Energy Commission on wind energy siting (due July 31)
- Letter of support to Environmental Protection Agency on TMDL water temperature limits (due July 21)
- Letter of support to FERC and the Two-Basin Partnership on decommissioning Eel River dams (due June 29)

PFMC
6/17/20