

HABITAT COMMITTEE INFORMATIONAL REPORT

Sanctuary Nomination Process

The Chumash Heritage National Marine Sanctuary (CHNMS) was accepted to the inventory of places that NOAA may select from for designation as a national marine sanctuary on Oct 5, 2015. The proposed sanctuary is located off San Luis Obispo and Santa Barbara counties. Nominations expire after five years on the inventory if they have not moved forward to designation. The five-year review ensures that nominations continue to be responsive to the 11 sanctuary nomination criteria.

As part of the five-year review of the CHNMS nomination, the Office of National Marine Sanctuaries West Coast Region Office held a virtual public meeting on May 27. NOAA is requesting that comments focus on new information from the past five years that is relevant and responsive to the 11 sanctuary nomination criteria (four national significance criteria and seven management considerations). The deadline to submit written public comments is June 15, 2020 at regulations.gov Docket # NOAA-NOS-2020-0063.

National Marine Fisheries Service West Coast Region Consultation

NMFS recently completed a combined essential fish habitat (EFH) and Endangered Species Act (ESA) consultation on the U.S. Department of Agriculture's semiaquatic mammal damage management activities in Oregon, which includes management of nuisance beaver, mink, nutria, and river otter. The consultation found that removal of beaver (both lethal and non-lethal) would adversely affect EFH for Pacific salmon due to the loss of beaver ponds and the benefits they provide. Removal of the other three species would not adversely affect EFH. Four EFH Conservation Recommendations targeting beavers were made that promote non-lethal management measures, monitoring and reporting, improving outreach to landowners, and relocation efforts.

Klamath Basin Issues

On June 4th, the Bureau of Reclamation (BOR) proposed increasing Klamath Project allocation to 140 thousand acre-feet (TAF) and only increasing the Environmental Water Account (the water released to the Klamath below Iron Gate Dam) by 8 TAF, as opposed to the 16 TAF dictated by the Klamath interim operations agreement. The agreement arose when BOR was sued by the Yurok Tribe and Pacific Coast Federation of Fishermen's Associations over the 2020 Biological Assessment. In order to get a stay on the suit, the parties developed an interim agreement that provided more water for salmon in the mainstem Klamath River under certain hydrologic conditions. Those conditions were met this year.

BOR's proposal (which is not yet finalized) would violate the interim agreement and may violate the NMFS Biological Opinion. BOR is reconsidering the plan and will provide more information next week.

The Flow Account Scheduling Technical Advisory committee, a multi-agency group tasked with determining the best use of the Environmental Water Account, will have an opportunity to weigh in and point out shortcomings of the BOR allocation decision.

West Coast Deep Sea Coral Initiative Report

The HC received a presentation from Tom Laidig (SWFSC) and Dr. Liz Clarke (NWFSC) on the West Coast Deep Sea Coral Initiative (WCDSCI), which is funded by NOAA's Deep Sea Coral Research and Technology Program and partners.

The Deep Sea Coral Research and Technology Program funds multi-year regional framework initiatives. The last initiative on the West Coast occurred in 2010-2012 and focused on supporting data needs for the Pacific Coast Groundfish EFH review process (Amendment 28).

The current Initiative began in 2018 and will likely occur through 2021/2022. The focus is on partnership and collaboration for conducting deep sea surveys in support of mapping and exploration.

The West Coast Deep Sea Coral Initiative incorporated several HC-recommended data needs into their science plan:

- Fish densities and occurrence of habitat-forming invertebrates (e.g. deep sea corals and sponges)
- Baseline habitat-forming invertebrates prior to re-opening areas to bottom-contact fishing
- Response of habitat-forming invertebrates to EFH Conservation Area and Rockfish Conservation Area reopenings and closures
- Associations between fish and corals, sponges and other habitat-forming invertebrates

In 2018 and 2019, more than 30 cruises were conducted off Washington, Oregon and California in the Amendment 28 re-openings and closures, collecting baseline data of fish and habitat-forming invertebrate occurrence and densities. Some comparison to conditions before Amendment 19 was possible at Daisy Bank and Coquille Bank. Preliminary results show that the responses of habitat-forming invertebrates to the EFH closures of 2005 - 2018/2019 show increases of Lyssacine sponges on Daisy Bank, and increases of *Swiftia pacifica* corals on Coquille Bank (both off Oregon), indicating recruitment of these species in the last decade.

Current technologies allow for long-term monitoring of selected sites, enabling scientists to distinguish between responses in habitat-forming invertebrates and fish densities and occurrences due to environmental variation and anthropogenic impacts.

Ventura Shellfish Enterprise Project

Brian Pendleton, General Manager of Ventura Shellfish Enterprise (VSE), along with biological consultants, and James Morris (NOAA), presented VSE's plan to grow Mediterranean mussels off the coast of Ventura, CA on a grid of longlines in Federal waters. The project's preferred alternative would convert 2,000 acres of the Santa Barbara channel to leased commercial aquaculture parcels. Many of the permitting plans, including the essential fish habitat assessment, have been started. Currently the Army Corps application and the EFH, ESA, and Marine Mammal Protection Act consultations have been withdrawn by the Federal agencies while VSE works with the Ventura Local Agency Formation Commission (LAFCo) to determine if VSE can do the project in Federal waters. The Ventura LAFCo is the boundary agency for cities and most special districts in Ventura County. The HC will continue to monitor this project and will keep the Council apprised of any important developments.

Executive Order on Expediting Infrastructure Investments and Other Activities

On June 4th the President signed an [Executive Order](#) directing agencies under the Secretaries of Interior, Commerce and Agriculture to expedite work on, and completion of, all authorized highway and associated infrastructure projects, civil works projects, energy projects, environmental projects and natural resource projects.

The order requires expedited permitting timelines and processes for National Environmental Policy Act (NEPA) and ESA/EFH consultations under emergency authority due to the COVID-19 pandemic. This includes either applying prior NEPA and ESA consultations to new projects without the need for new consultation, or entirely exempting projects from NEPA/ESA requirements.

This action could affect the Council's ability, responsibility, and opportunity to comment on permitting issues that impact EFH, particularly if a greater-than-normal number of projects impacting EFH are placed on expedited timelines, and for projects exempted from NEPA/ESA consultations and public review. The timeline for identifying expedited projects is 30 days from the signing of this order. The Council may want to establish its own "expedited" process for quick response, as opportunities to comment on processes and issues impacting EFH could open and close very quickly, and with little advance notice.

Elections

The HC held overdue elections for Chair and Vice-Chair. The current Chair (Lance Hebdon) and Vice-Chair (Correigh Greene) were reelected for another term.

PFMC
6/12/20