HABITAT COMMITTEE REPORT ON HABITAT ISSUES

Supplemental Attachments

The Pacific Fishery Management Council's (Council) Habitat Committee (HC) developed comments on the Nordic Aquafarms Environmental Impact Report for the proposed land-based Atlantic salmon farm on Humboldt Bay, California (Agenda Item G.1, Supplemental Attachment 1). The Council submitted those comments in February 2022 through the quick response procedure. The HC also provided comments on the Humboldt Wind Energy Area (WEA) Environmental Assessment (Agenda Item G.2, Supplemental Attachment 2) and Morro Bay WEA. All Council letters can be found here: https://www.pcouncil.org/correspondence-2/.

Klamath Dam License Surrender and Removal Draft EIS

On February 26, 2022, the Federal Energy Regulatory Commission (FERC) issued its *Draft Environmental Impact Statement for Hydropower License Surrender and Decommissioning for the Lower Klamath Project and Klamath Hydroelectric Project (DEIS)*, which represents the next important step toward Klamath dam removal and river restoration.

Since at least 2006 when the current 50-year FERC license for these dams expired, the Council has encouraged FERC to decommission these aging facilities in order to restore a natural flow regime to the Klamath River and provide access to crucial salmon spawning and rearing habitat that is now blocked behind impassable dams. Restoring the anadromous salmon runs of the Klamath is also of vital importance to West Coast ocean salmon fisheries.

The HC is pleased to report that the DEIS finds that removal of the Lower Klamath Project dams would increase salmon habitat availability, restore a more natural flow regime, restore more natural seasonal water temperature variation, better protect water quality, and reduce the likelihood of fish disease, all of which would have significant long-term benefits for Fall-run Chinook salmon, Spring-run Chinook salmon and Endangered Species Act (ESA)-listed Southern Oregon/Northern California Coast (SONCC) coho salmon.

In anticipation of the DEIS, the Council previously tasked the HC with preparing a comment letter for the Council on this action. The HC is in the process of doing so and will provide a draft comment letter in the April Supplemental Briefing Book ahead of FERC's **April 18th public comment deadline**. The HC intends to convey the Council's desire that FERC expedite its approval of the plans submitted by PacifiCorp and the Klamath River Renewal Corporation for license transfer and removal of the four lower Klamath River dams (Iron Gate, Copco 1 & 2, and J. C. Boyle) and will provide any technical recommendations as necessary.

Additional Klamath Concerns Independent of the Dam Removal EIS

The Klamath Dam removal will solve many, but not all, problems for salmon in the Klamath Basin. The Council should remain aware of these additional salmon-related Klamath basin issues that are outside the scope of the Klamath dam license surrender and removal EIS process:

- Long-standing Upper Klamath Basin Water Conflicts: Several years of severe drought have exacerbated long-simmering Klamath Basin water conflicts, recently brought to a head by the Klamath Irrigation District obtaining an Oregon Court Order requiring the Oregon Water Resources Department to forbid the Federal Bureau of Reclamation (BOR) from conveying Upper Klamath Lake "stored waters" downriver to meet minimum water obligations for ESA-listed Klamath SONCC Coho and downriver Tribal salmon fisheries. These salmon-water disputes have now been consolidated and submitted to the U.S. Federal District Court of Northern California in the case *Yurok Tribe, PCFFA et al. vs. Bureau of Reclamation, et al.* (Case No. 3:19-cv-04405) with an expedited briefing schedule to resolve the conflict between Federal and state jurisdictions before the 2023 irrigation season. The outcome of this case may have major in-river flow implications for restoring depressed Klamath Chinook salmon fisheries as well as protecting SONCC coho.
- Ancillary Salmon Passage Problems Triggered by Klamath Dam Removals: There are several urgent projects to improve salmon passage above where the dams now are, to speed their recolonization after dam removal. The Klamath Hydropower Settlement Agreement (KHSA) calls for PacifiCorp's small remaining (purely flow-regulation) Keno Dam in Oregon to be transferred to the BOR, have fish ladders installed, and continue as a flow regulation dam. There are also efforts to install fish screens at Straits Drain, which is an open Oregon inflow canal for returning irrigation flows back to the Klamath River. BOR is fast-tracking both of these projects in light of eminent Klamath dam removals. The HC plans to track this issue for the Council. The Council may want to develop written comments and recommendations on these efforts in the near future.
- Addressing Long-term Klamath Basin Salmon Habitat Restoration Needs: Many watershed habitat restoration efforts will also be needed to reverse salmon habitat damage done in the basin over the past 100 years. To address these needs, the Klamath Basin Integrated Fisheries Restoration and Monitoring Plan (IFRMP) is intended to structure a basin-wide, long-term fisheries habitat restoration platform. The IFRMP "will use the best available science with an Adaptive Management framework to develop basin-scale goals and objectives for the restoration and monitoring of fisheries within the Klamath Basin." The Pacific States Marine Fisheries Commission (PSMFC) is the lead entity for this planning effort (see more information at www.kbifrm.psmfc.org). Phase 4 of this comprehensive, Klamath basin-wide IFRMP planning document was released for public comment on February 17, 2022, with comments due back to the PSMFC team by April 15, 2022. No Council comments are needed at present but may be in the near future.

Benthic habitat assessment in the Rockfish Conservation Area (RCA) off Oregon

This year, Oregon Department of Fish and Wildlife's (ODFW) Marine Habitat Team along with Oregon State University (OSU) collaborators Waldo Wakefield and Clare Reimers will continue a multi-year effort to examine benthic habitats and communities within the newly opened bottom trawl RCA. The study focuses on a swath of the seafloor west and north of Heceta Bank. The initial phase of the project, initiated in 2019, is a baseline characterization of the benthic habitats, fish and invertebrate communities, and biogeochemical properties of seafloor sediment where no bottom trawling occurred for the duration of the 18-year RCA closure. The collaboration has benefited from ongoing input from the fishing industry on the spatial and temporal resumption of bottom trawling. Anticipated subsequent phases over the long term will re-visit baseline areas to

assess changes in communities and seafloor condition. This information will provide the foundation for assessment of potential changes in community structure, habitat condition, and biogeochemical cycling that may result from a resumption of bottom trawling activity in the region. In complementary projects funded by the National Oceanic and Atmospheric Administration Fisheries Bycatch Reduction Engineering Program, researchers from the PSMFC and OSU are focusing on trawl gear designs that reduce seafloor contact of trawl doors, sweeps, and potentially footropes – termed semi-pelagic trawling.

Oregon's new "Private Forest Accord"

A new multi-stakeholder agreement greatly improves Oregon's Forest Practices Act riparian protection standards to improve the management of 10 million acres of private forest to better protect at-risk fish and wildlife and water quality. It sets the stage for a habitat conservation plan (HCP) to be developed, similar to the state-wide HCP for private forest lands already in place in Washington State. A lawsuit threat and several competing initiative battles resulted in Oregon Governor Kate Brown calling together a coalition of timber companies, environmental, and fishing groups to work out an agreement. After almost a year of work an agreement was reached. These provisions were just enacted into law (SB 1501, SB 1502, and HB 4055) and work will now begin to draft the HCP. The Accord includes adaptive management, climate change adaptation, and new guidance on how beavers are managed. Glen Spain and PCFFA were involved in these negotiations.

Forage Fish Research Gaps

A new report entitled *Critical Research Needs for Forage Fish within Inner Shelf Marine Ecosystems* was written by scientists at OSU and ODFW. This paper focuses on forage fishes in the nearshore environment and identifies research gaps at the population, community, and ecosystem levels. This may help inform the Council's Research and Data needs work. See the report at https://afspubs.onlinelibrary.wiley.com/doi/abs/10.1002/fsh.10725.

Habitat Committee Transitions

Lance Hebdon, Chair of the HC for the past 4 years of his six-year appointment, is leaving the HC as he continues in his new position with the Idaho Department of Fish and Game as the Bureau Chief of Fisheries. Dr. Correigh Greene, with NW Fisheries Science Center, NMFS, will assume the role of interim HC Chair beginning at this meeting.

Randi Thurston who has been on the HC for six years, will be retiring. Director Susewind, Washington Department of Fish and Wildlife is nominating Laura Brown as the Department's representative on the Habitat Committee. Laura joined the Washington Department of Fish and Wildlife as their Restoration and Coordination Manager for the Lower Columbia River Estuary in 2020 and works with Columbia River Basin policy and science leadership to develop, implement, and manage large scale aquatic restoration efforts throughout the Lower Columbia River. Laura will replace Randi Thurston in June.

PFMC
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