

HABITAT COMMITTEE REPORT ON HABITAT ISSUES

Sites Reservoir

The proposed Sites Reservoir (formerly known as North of Delta Offstream Storage) in the Sacramento River Basin would become the 8th largest reservoir in California. Fall-run Chinook spawning and juvenile outmigration could be impacted by potential adverse effects to EFH related to the project, including a decrease in water quality and quantity, and fish screen interactions (impingement and mortality). The National Marine Fisheries Service (NMFS) expects to receive a draft Biological Assessment and essential fish habitat (EFH) Assessment from the Bureau of Reclamation in July, 2022. The revised Sites Reservoir Draft Environmental Impact Statement/ Draft Environmental Impact Review/ (DEIS/DEIR) was released in November 2021, and the final EIS is targeted for January 2023.

Delta Conveyance

The Delta Conveyance Project (DCP) which tunnels under the Sacramento-San Joaquin Delta is the reimagined California WaterFix project that was consulted on in 2017. In the WaterFix Biological Opinion, NMFS concluded that the project would not jeopardize listed species or adversely modify the critical habitat in the Central Valley. In the associated EFH consultation, probable effects of the action to Pacific Coast Salmon included temporary construction effects, bank armoring, changes in flow, and potential fish screen interactions (impingement and mortality). NMFS technical assistance on the National Environmental Policy Act (NEPA) document to date has focused on areas of departure from the WaterFix project and whether an adequate level of species protection is provided. The HC intends to track this issue and notify the Council if, and when, it is appropriate to provide comments.

Central Valley Project and State Water Project

The Court granted the Federal government's request for voluntary remand of the NMFS and United States Fish and Wildlife Service Biological Opinions (BiOps), so the Bureau of Reclamation (BOR) is operating the Central Valley Project/State Water Project (CVP/SWP) pursuant to the standards of the 2020 Record of Decision. Federal and state agencies are working on developing the proposed action, and NMFS has established a core consultation team. The current timeline is a complete Endangered Species Act initiation package by March 2023, and a final BiOp by March 2024. While the consultation is ongoing, CVP/SWP operations are modified by an Interim Operations Plan (IOP) which includes, among other things, NMFS approval of a temperature management plan to meet Sacramento River winter run Chinook salmon (SRWCS) habitat criteria. BOR recognizes the benefits of maintaining 53.5°F for egg incubation, but due to limited cold water resources in the reservoir, the Water Year 2022 plan targets a warmer temperature (54.5°F) but for a longer period. Even with this attempted optimization, about half of the eggs are forecasted to experience temperature-dependent mortality. Therefore, the HC recommends drafting a letter for the September Council meeting to BOR, California State Water Resources Control Board (SWRCB), and NMFS that recommends: 1) BOR continue to use the 53.5°F target; 2) SWRCB integrate the 53.5°F target into future water rights orders; and 3) NMFS include it in the CVP/SWP BiOp.

California Drought Plan

Endangered Species Act (ESA)-listed species and Magnuson-Stevens Fishery Conservation and Management Act (MSA) managed species are facing the adverse effects of historic drought. NMFS West Coast Region's California Coastal Office (CCO) is working with the California SWRCB and the California Department of Fish and Wildlife (CDFW) on measures that will help protect these species and reduce the likelihood of extinction or extirpation during extended drought periods. The SWRCB has responded to the drought with emergency regulation in only two watersheds in coastal California, but this is not adequate to prevent the extinction of these species. More resources are needed to move more quickly on developing water rights and instream flow recommendations to prevent extirpation/extinction recognizing that droughts will become more frequent and severe. There are some legislative efforts in progress to provide more resources (e.g. California Assembly Bill 2451).

Central Valley Spring-run Chinook Freshwater Habitat Indicators

Central Valley Spring-run (CVS) Chinook are listed as threatened and have been exposed to very poor freshwater conditions for several consecutive years. Assessment of the population is challenging for various reasons, including run timing. Given these factors, one assessment strategy in lieu of population assessment would be to use habitat indicators that the HC developed for Sacramento River fall-run Chinook (SRFC). At the March, 2022 Council meeting, the National Oceanic and Atmospheric Administration requested assistance from the HC on tailoring indicators to spring run by November. Northwest and Southwest Fisheries Science Center staff identified a number of potential changes to the habitat indicators used for SRFC to tailor the assessment to CVS Chinook. Additional work to be considered includes: 1) gather indicator data relevant to CVS Chinook; 2) verify "directionality" of indicators; 3) determine indicators that most strongly predict population productivity retrospectively; and 4) automate indicator updating. The goal is to have updated indicators for CVS Chinook by the November 2022 Council meeting.

Southern California Desalination Project Update

In May, the California Coastal Commission unanimously denied Poseidon Water a Coastal Development permit to build a water desalination plant in Huntington Beach. The denial was due in part to the inability to identify adequate mitigation measures to offset impacts from the intake and discharge.

Humboldt Bay Oyster Aquaculture Expansion Project

The Humboldt Bay Harbor District anticipates recirculating the Humboldt Bay Mariculture Intertidal Pre-Permitting Project Draft Environmental Impact Report (DEIR) in July 2022. The prior DEIR proposed an expansion of 136 acres of intertidal aquaculture in north Humboldt Bay. The Council previously commented on this project in July 2015 for project impacts to eelgrass habitat areas of particular concern and other resources, and the HC recommends reviewing the revised DEIR. Depending on the publication date of the notice, the comment period may end prior to the September meeting and may require the Quick Response procedure if comments are warranted. The HC recommends that the Council task the HC with drafting a comment letter should the revised document require comments.

Protected Seas Navigator: A guide to the regulatory seascape

Representatives from Protected Seas (<https://protectedseas.net/>) presented an informational report on Navigator, their seascape mapping tool. Multiple uses and the regulatory impacts of each use can create complex landscapes. Navigator creates a comprehensive clearinghouse for all marine regulations that spatially restrict activity, compiling a database and mapping tool of marine protected areas (MPAs) and marine managed areas with a focus on regulatory information, and is intended to aid in marine spatial planning. Navigator is presented as a data-driven tool that seeks to map the global marine regulatory seascape in a neutral, agenda-free, spatially explicit manner and is designed to be transparent and accessible to users. Their database currently covers 20,000 MPAs in 110 countries and they plan fully global coverage by the end of the year. The database also includes Marine Managed Areas and has consideration for Other Effective Conservation Measures, such as non-spatial management measures that have conservation benefits. Outputs are available as raw data, or visually through a mapping tool which allows the user to see all regulations in effect for a given location. Navigator provides lists of attributes, including links, summaries of activity restrictions and allowances, coded for specific fishing gears, etc for each query. Analyses can be by location but can also be by gear type or other marine activities across the seascape. Future efforts include moving beyond aggregation of diverse regulatory frameworks to understanding compliance and enforcement. They intend for Navigator to be dynamic, updated as new regulations come online. Protected Seas is looking to improve their database with feedback from on-the-water information for what's actually happening on the water relative to the regulations themselves.

HC Recommendations:

- **Draft letter to BOR, California State Water Resources Control Board and NMFS on CVP/SWP water temperature thresholds for the September Briefing Book.**
- **Possible draft letter to Humboldt Bay Harbor District on the Humboldt Bay Mariculture Intertidal Pre-Permitting Project draft EIR for the September Briefing Book or Quick Response.**

PFMC
6/9/22