

## HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

The Habitat Committee (HC) met September 17 – 18 to consider current habitat issues and to develop a supplemental report. The HC submitted a largely informational report (E.1.a, Supplemental HC Report 1) that was posted to the September Briefing Book September 10. In Report 1, the HC reported on these items, which we won't expound on any further:

- The National Fish Habitat Partnership Program
- Northwest Power and Conservation Council's Fish and Wildlife Program
- A Klamath River Endangered Species Act (ESA) court decision
- The California Artificial Reef Program Plan Draft
- California Salmon Strategy Update Report March 2025- June 2026
- National Oceanic and Atmospheric Association (NOAA) Decision for Evaluation of the California Coastal Management Program
- California Senate Bill 605 Wave and Tidal Energy Update

Report 1 also includes information on deep sea mining, ESA regulations, the Ocean Observatories Initiative, and the San Francisco Bay-Delta Plan. We cover these topics in more detail below; as well as some new topics covered during this week's meeting.

### **UPDATES ON TOPICS COVERED IN SUPPLEMENTAL HC REPORT 1**

#### **NATIONAL**

##### **Presentation to the National Academy of Sciences Engineering and Medicine (NASEM) Ad Hoc Committee on A Research Strategy for Seabed Critical Mineral Resources**

In HC Report 1 we note a June 29, 2026 presentation by HC Chair Scott Heppell to the National Academy of Sciences Engineering and Medicine (NASEM) Ad Hoc Committee on *A Research Strategy for Seabed Critical Mineral Resources*. The take-home message from that presentation is that deep-sea mining (DSM) could affect fisheries through both direct habitat loss and indirect changes to ocean conditions, food webs, fish behavior, and fish physiology, which might affect both productivity and availability of managed species. Dr. Heppell stated that significant research is needed before impacts on commercially and culturally important fish populations can be confidently assessed.

This information is germane given that in [Informational Report #5](#) the National Ocean Service (NOS) requests consultation with the Council on seabed mining applications and potential impacts to U.S. West Coast fisheries. Dr. Heppell developed a list of initial research needs and would be happy to provide those to the Council. The Council may wish to consider tasking HC with developing a response to NOS for their November 27, 2026 deadline.

##### **Endangered Species Act (ESA) Regulations Update**

On July 10, the Department of the Interior and the Department of Commerce announced they have finalized a rule rescinding the regulatory definition of "harm" under the Endangered Species Act. In response, a coalition of 21 state attorneys general filed a [lawsuit](#) on September, 9th in the U.S.

District Court against the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) challenging the recent revisions to the regulatory definition of “harm”. Washington, Oregon and California are among the states participating in the lawsuit. The states argue that eliminating the definition of “harm” weakens the ESA’s “ability to protect listed species from the destruction or degradation of their habitat.”

## **REGIONAL**

### **Ocean Observatories Initiative (OOI)**

The HC is recommending the Council provide comments on the “dear colleague” open [letter](#) from the National Science Foundation (NSF) requesting “input on priorities, strategies and technologies for future NSF ocean observing systems to effectively support scientific and societal needs.” Comments are due by September 30.

Additionally, there are some further updates on the NSF Ocean Observatories Initiative (OOI). The Coastal Endurance Array off Washington and Oregon is beginning redeployment of moorings originally recovered in September 2025 and June 2026, now set for September 26-29. The three Endurance Array moorings have surface meteorological sensing arrays. OOI will also deploy up to four gliders. Together, these three moorings should provide a reasonable assessment of the regional changes associated with El Niño. The remaining OOI Endurance moorings (Oregon and Washington offshore and inshore moorings) are scheduled to be redeployed in April 2027.

In addition, the HC wanted to highlight the loss of another ocean observing system: the network of Biogeochemical-ARGO floats (BGC-ARGO), a subset of a much larger global array of oceanographic profiling floats ([BioGeoChemical-ARGO](#)). The NSF funded the U.S. portion of the BGC Argo for five years, with funding ending in October 2026. NOAA had agreed to continue support for the project, but 2025 budget cuts removed its ability to fund the program. Should the Council desire, the HC is prepared to draft a comment letter in response to NSF’s request for “input on priorities, strategies and technologies for NSF ocean observing systems, including both OOI and BGC Argo.” It is important to identify OOI and BGC-ARGO as complementary systems rather than duplicative ones.

## **CALIFORNIA**

### **San Francisco Bay-Delta Plan**

The public comment period on the San Francisco Bay-Delta Water Quality Control Plan (“Plan”) closed on September 18, 2026. The Plan finalizes Phase II of the Water Quality Control Plan for the Sacramento-San Joaquin Delta Estuary. (Phase I focused on the San Joaquin River, Phase II focuses on the Sacramento River.) The Plan expands the definition of beneficial use, updates water quality standards, and sets tributary inflow and delta outflow standards.

Phase II of the Plan proposes two parallel pathways to water quality policy and enforcement, which is a novel strategy of water management in California. The “voluntary agreement” or Healthy Rivers and Landscapes pathway relies on participating water agencies and irrigation districts engaging in habitat restoration projects which, at least theoretically, could allow them at times to withdraw more water than they would otherwise be allowed based on a fixed percentage. The regulatory pathway will, in general, require 55 percent of “unimpaired flow” of the year-round flow of the Sacramento River, with a provision to drop that to 45 or even 35 percent in dry years.

For the San Joaquin River, the unimpaired flow requirement will be 40 percent, with the State Water Resources Control Board able to increase that to 50 percent or lower it to 30 percent depending on conditions. Given the novelty and uncertainty of this Plan, monitoring of potential effects on Council-managed species is critical.

## **ADDITIONAL HABITAT COMMITTEE TOPICS**

### **NATIONAL**

#### **Aquaculture**

##### **Aquaculture Opportunity Areas**

NOAA's Office of Aquaculture announced a [request for public input](#) on potential locations for new Aquaculture Opportunity Areas (AOA). The public comment period closed on Sept. 14. However, the HC will continue to monitor the new AOA process and brief the Council about any interest in establishing new West Coast AOAs.

##### **Kelp Aquaculture Farm Approved**

On Sept. 9, the California Coastal Commission (CCC) approved the CZMA consistency certification for [Ocean Rainforest](#) to install and operate a giant kelp (*Macrocystis pyrifera*) aquaculture farm off Ventura County, CA. The aquaculture facility will occupy a 2,000-acre site in federal waters approximately 6.3 nautical miles from Ventura Harbor. This project is considered to be the largest kelp farm in the United States once fully completed.

#### **U.S. Navy Northwest Training and Testing Area - Supplemental Environmental Impact Statement**

On Sept. 4, the Navy and Coast Guard published a [Fact Sheet](#) announcing the release of a joint draft [supplemental environmental impact statement](#) (SEIS) proposing to increase the type, frequency, duration, intensity and location of military training and testing activities in the Northwest Training and Testing Area. The training area encompasses offshore waters off Washington, Oregon and Northern California, Washington inland waters including Puget Sound, and the western Behm Canal in Southeast Alaska. The current Draft SEIS is part of a continuing sequence of environmental reviews associated with an expanding military training and testing program. Concerns include increased surface and subsurface water activities, acoustic and other impacts on sensitive species and habitats, the release of hazardous substances and debris, safety risks, and interference with fishing activities. The Fact Sheet notably emphasizes the potential impacts of explosives on Chinook salmon in Puget Sound and adjacent offshore waters while it somewhat understates other potential adverse effects to other marine species, habitats and the marine environment. The Navy has scheduled in-person and virtual public meetings for late September while the public comment period ends October 19.

#### **Essential Fish Habitat Practicability Application**

The following statement is included within Supplemental Informational Report 6 regarding Advancing Agency-Level Reforms to Restore American Seafood Competitiveness: “*NOAA Fisheries will not implement regulatory measures based solely on Habitat Areas of Particular*

*Concern designations and instead apply the “Essential Fish Habitat practicability” standard to ensure protections are balanced with economic interests.”*

It is worth noting that Amendment 28 to the Pacific Coast Groundfish FMP, which included updating essential fish habitat (EFH) Conservation Areas, balanced protections and economic interests. As stated in the Final Rule: *“The new closures protect a variety of ocean floor types (substrates) designated as groundfish EFH, and include areas designated as habitat areas of particular concern...Impacts to fishing communities are anticipated to be minimal, because very little fishing effort occurred in the closed areas (less than 2 percent of the total groundfish landings and revenues on either a coastwide or port-group level). Overall, this final rule, in combination with existing habitat management measures that remain unchanged, minimizes the adverse effects of fishing on groundfish EFH while mitigating negative socioeconomic effects to fishing communities.”*

## **REGIONAL**

### **FERC issues Final SEIS for the Hells Canyon Hydroelectric Project**

On September 4th, the Federal Energy Regulatory Commission (FERC) released a final supplemental environmental impact statement (SEIS) for Idaho Power Company’s (IPC) application for a new license to continue to operate and maintain the Hells Canyon Project ([Federal Register: Notice of Availability of the Final SEIS for the Hells Canyon Hydroelectric Project](#)). In the final SEIS, FERC recommends relicensing the project under the Staff Alternative, which includes most of Idaho Power’s proposed measures, along with certain mandatory conditions and recommendations made by state and federal agencies. The final SEIS supplements the 2007 final EIS and is the last major environmental document before FERC issues its order on a new license.

PFMC submitted a [comment letter](#) on the draft SEIS in February of 2026. The final SEIS directly addressed two PFMC comments. First, FERC addressed PFMC’s support for timely (within six years) construction of spillway deflectors at all three Hells Canyon Complex dams by noting the license will make construction mandatory but will include time for required design review and permitting, plus 2 years for construction and install. Second, FERC adopted PFMC’s suggestion that IPC develop an invasive mussel prevention and management plan. The Council’s suggestion on adjusting the end date of flow augmentation to correspond with spill reduction in the lower Snake River was not directly addressed.

### **NOAA funding for Habitat Restoration Projects**

[NOAA Fisheries awarded \\$103 million in funding](#) for 16 habitat restoration projects across the country, including \$8 million for restoring fish passage for salmon and sturgeon in California, \$5.9 million for restoring habitat for coho salmon across four Oregon Coast watersheds, and \$7.2 million for restoring floodplain habitat for Chinook and steelhead in the Mid-Columbia River.

### **Dynamic Ocean Mapping (DOM)**

The HC received a presentation from Heather Welch (Southwest Fisheries Science Center and UC Santa Cruz) on efforts, supported through NOAA’s Office of Habitat Conservation FY23 EFH Innovation and Advancement funding, on efforts to understand environmental drivers of the distribution of council-managed species and other ecosystem components. Species Distribution Models work to (1) model how animals respond to environmental parameters and thereby (2)

predict animal distributions based on those parameters. When combined with a dynamic ocean seascape process this can then be used to hindcast, nowcast, and forecast how distributions change under changing ocean conditions. These models can use any animal distribution data and can be combined with multiple environmental data layers to create outputs that include predicted presence, abundance, density, size, and potential for species overlap. Ms. Welch explored potential fishery-related applications that evaluate changing species distributions and static boundaries, or target catch and bycatch trade-offs.

While these models are exploratory at this time, the HC does see potential for how such efforts could help meet both conservation and harvest goals in a dynamic and changing system. This may be of interest in planning any DOM workshops under Special Project 1.

## **OREGON**

### **Ocean Policy Advisory Council**

The Ocean Policy Advisory Council (OPAC) is seeking new members to represent commercial and recreational fisheries interests. OPAC is Oregon's legislatively established marine policy advisory body and provides advice to the Governor, state agencies, and local governments on ocean policy and resource management matters (ORS 196.433). The four open positions include one north coast and one south coast recreational fisheries position, and one north coast and one south coast commercial fisheries position. Applications are being accepted this fall to join OPAC in 2027. Application materials and other information are available [here](#) or contact DLCD's Marine Affairs Coordinator Andy.Lanier@dlcd.oregon.gov.

## **RECOMMENDED COUNCIL DIRECTION**

- Consider tasking the HC with preparing a draft letter to NSF on OOI priorities and strategies for their Sept. 30 deadline.
- Consider tasking the HC with drafting a response to NOS for their November 27 deadline.

PFMC

09/18/26