

## HABITAT COMMITTEE REPORT ON CURRENT HABITAT ISSUES

### **Jordan Cove Liquefied Natural Gas Letter**

As directed, the Habitat Committee (HC) drafted a letter to the U.S. Forest Service (USFS) and the Bureau of Land Management (BLM) on the proposed natural gas pipeline project for the Jordan Cove Liquefied Natural Gas facility (Agenda Item D.2, Attachment 2). The letter comments on the agencies' proposed amendments to their Resource Management Plans (RMPs) in order to exempt the pipeline project from complying with the standards of the RMPs, as they described in the Federal Energy Regulatory Commission's (FERC's) draft Environmental Impact Statement (EIS). The HC initially recommended addressing the letter to the USFS, but suggests the letter also be addressed to the BLM, since the pipeline would traverse 47 miles of BLM lands subject to the proposed RMP amendments. In addition, the HC notes the following correction to the draft letter:

- on page 1, paragraph 2 add "Coos" to the list of BLM Districts in the last sentence.

Subsequent to the Draft EIS, FERC published the joint biological assessment (BA)/essential fish habitat (EFH) assessment for the Jordan Cove Project, which is now available on FERC's website. The assessment is over 1,000 pages with 18 appendices. There is not sufficient time for the HC to fully review the EFH assessment for the November briefing book deadline, but we will consider other options at the November meeting.

### **CVP/BOR Letter Update**

The National Marine Fisheries Service (NMFS) biological opinion (BO) for its ESA Section 7 consultation for the Reinitiation of Consultation on the Long-Term Operations of the Central Valley Project and State Water Project is currently under review and revision, and a final version is expected to be signed and submitted to the Bureau of Reclamation (BOR) on September 25.

A publically available but unsigned NMFS BO dated July 1 determined that the project would jeopardize the continued existence of winter and spring Chinook salmon, steelhead, and Southern Resident Killer Whales. Recognizing the BO is still under development, the HC is concerned about potential changes to the jeopardy analysis and about how the environmental baselines will be defined within the final BO. The associated NMFS EFH consultation is on hold until a final BO is signed to ensure that the consultation is based on the final proposed action.

In April, the Council instructed the HC to monitor the Reinitiation of Consultation. The HC is prepared to draft a comment letter to BOR and NMFS on the effects of the proposed action for Council approval at the November meeting.

### **Columbia River Hydropower System Operations**

A draft EIS evaluating the Columbia River system operations will be released for public review in February. The Draft EIS is being prepared by Bonneville Power Administration, U.S. Army Corps of Engineers and the Bureau of Reclamation.

Washington Department of Ecology and Oregon Department of Environmental Quality are considering changes to their total dissolved gas water quality rules to allow implementation of the flexible spill test program to improve juvenile fish survival.

### **Amendment 28 (Groundfish Essential Fish Habitat)**

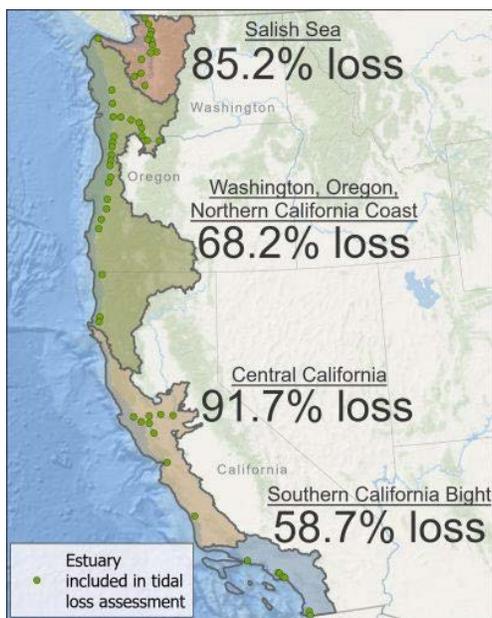
Amendment 28 was approved in its entirety by the Department of Commerce on September 11. The comment period for the proposed rule to implement Amendment 28 closes September 16. An easy way to comment on the proposed rule is to visit [www.regulations.gov](http://www.regulations.gov), search for 0648-BI89 and click “Comment Now!” It is expected that the final rule will be submitted for publication in time for the rule to become effective before January 1, 2020.

### **Pre/Post Study in Rockfish Conservation Area**

The Oregon Department of Fish and Wildlife Marine Habitat Project has partnered with marine scientists at Oregon State University to assess habitat conditions and gather baseline data on species and habitats in the vicinity of Heceta Bank, inside the trawl Rockfish Conservation Area, before the area is opened to trawling in January 2020. The HC will provide updates as the work progresses.

### **Klamath Dam Removal**

On July 29, 2019, the Klamath River Renewal Corporation (KRRC) and PacifiCorp submitted license transfer application and plan for project decommissioning to FERC. As of August 13, the transfer had not been completed. The KRRC has now shown that it has the funds as well as the ability through its contractors, many with similar dam removal experience, to successfully remove the four lower Klamath River dams (Iron Gate, Copco 1 & 2, and J.C. Boyle Dams). The Council has sent several letters to FERC supporting the KRRC’s progress and Klamath dam removal generally at opportune times in the past. The completion of the FERC application may be another such opportunity. The HC is prepared to assist in drafting a letter to FERC supporting continued efforts to make progress on the dam removal project.



### **Estuary Loss**

The Pacific Marine and Estuarine Fish Habitat Partnership (PMEP) recently funded a study on the loss of west coast estuary areas using a new methodology. The report, “Insights into estuary habitat loss in the western United States using a new method for mapping maximum extent of tidal wetlands,” was published in PLOS One on August 14, 2019 (<https://tinyurl.com/y2tqx8r9>). HC member Dr. Correigh Greene was one of the authors.

This document does not generally account for gains from estuary restoration efforts. PMEP is now compiling that information from restoration practitioners on the west coast; this information will be used to revise the loss numbers for each estuary.

### **Chehalis River Basin Flood Damage Reduction Project**

To reduce flood damage, the Chehalis River Basin Flood Control Zone District is proposing to construct a new flood retention facility and temporary reservoir near the town of Pe Ell, Washington, and levee improvements around the Chehalis-Centralia Airport. The Washington Department of Ecology (Ecology) and U.S. Army Corps of Engineers (USACE) have determined the proposal could have significant adverse environmental impacts and will require separate state and Federal EIS processes. The draft EIS will be made available for public comment in February, and the HC may invite the USACE or Ecology or both to attend our March meeting to present on the draft environmental impact findings.

### **Ventura Shellfish Project**

The USACE released a Public Notice for a permit for the Ventura Shellfish Project. Proposed is a 2,000-acre longline mussel aquaculture operation approximately 3.6 miles offshore of Ventura harbor. The comment period ends September 27. The USACE is currently assessing if an Environmental Assessment or EIS will be needed. There will also be further chance to comment when the California Coastal Commission reviews the Coastal Consistency Determination. We note that the project proponents commented to the Council under C.4 requesting time on the Council agenda in November.

### **Notice of Intent to Initiate Management Plan Review for Channel Islands National Marine Sanctuary (CINMS)**

The CINMS plans to initiate a review of their management plan. NOAA is asking for the public's input on the Sanctuary's management. The current schedule is to publish the Notice of Intent in October with a 45-day comment period. The Office of National Marine Sanctuaries will notify Federal, state, and local partners, including the Council, on publication of the Notice of Intent and how to submit scoping comments.

### **Summary of potential action items:**

- The Draft Letter to the USFS and BLM is included in the briefing book (D.2, Attachment 2) for Council approval. The HC has proposed adding "Coos" to the list of BLM districts.
- The HC is prepared to draft a comment letter to BOR and NMFS on the effects of the Central Valley Project and State Water Project for Council approval at the November meeting.
- The HC is prepared draft a letter to FERC supporting the Klamath River Renewal Corporation's efforts to remove the four lower Klamath dams.
- There is an opportunity to comment on the Ventura Shellfish project, noted above. The comment period ends September 27, but there will be other opportunities to comment in the future.