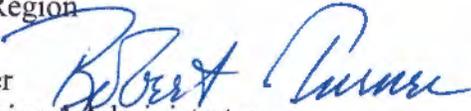




**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
West Coast Region  
Sustainable Fisheries Division  
510 Desmond Drive SE, Suite 103  
Lacey WA, 98503

June 7, 2016

MEMORANDUM FOR: William W. Stelle, Jr.  
Regional Administrator  
West Coast Region

FROM: Robert Turner   
Assistant Regional Administrator  
Sustainable Fisheries Division

SUBJECT: Joint State/Tribal Hatchery and Genetic Management Plans Submitted by the Washington Department of Fish and Wildlife and the Jamestown S'Klallam Tribe for Chinook, Pink, and Coho Salmon Production in the Dungeness River, Washington, Under Limit 6 of the Endangered Species Act 4(d) Rule (50 CFR 223.203(6)) (65 FR 42422, July 10, 2000) --  
**DECISION MEMORANDUM**

#### ISSUE

The Washington Department of Fish and Wildlife (WDFW) and the Jamestown S'Klallam Tribe (hereafter also referred to as "the co-managers") provided three joint Hatchery and Genetic Management Plans (HGMP) as a resource management plan (RMP) for supportive breeding of native stock-origin salmon populations in the Dungeness River watershed. The co-managers provided the HGMPs in January 2013 as the proposed frameworks through which the state and tribal jurisdiction will jointly manage salmon artificial propagation in the watershed, while meeting requirements specified under the Endangered Species Act (ESA). The plans were submitted for review and determination by National Marine Fisheries Service (NMFS) that they meet the requirements of Limit 6 of the ESA 4(d) Rule, 50 CFR 223.203(b)(6) (July 10, 2000; 65 FR 42422, as amended June 28, 2012, 70 FR 37160).

#### RECOMMENDATION

The NMFS Sustainable Fisheries Division (SFD) has evaluated the HGMPs (Table 1) and finds that the plans meet all of the requirements specified in Limit 6 of the ESA 4(d) Rule, including the criteria for HGMPs in Limit 5 of the Rule. SFD recommends that these HGMPs be approved, and the West Coast Region issue its written determination on the HGMPs to WDFW and the Jamestown S'Klallam Tribe, provided that the plans are implemented in accordance with the section on implementation terms at the end of this memo.



**Table 1. Hatchery and Genetic Management Plans Salmon Hatchery Programs in the Dungeness River Watershed Submitted by the Co-managers to NMFS under Limit 6 of the ESA 4(d) Rule.**

<b>Hatchery and Genetics Management Plan (Program Type)</b>	<b>Funding Agency</b>
Dungeness River Hatchery Spring Chinook (Integrated)	WDFW, BIA
Dungeness River Hatchery Pink (Fall-Run) Salmon (Integrated)	WDFW
Dungeness River Coho Hatchery Program (Segregated)	WDFW, BIA

## **BACKGROUND**

NMFS issued a final ESA 4(d) Rule adopting regulations necessary and advisable to conserve salmon and steelhead listed under the ESA (50 CFR 223.203 (65 FR 42422, July 10, 2000; amended June 28, 2005; 70 FR 37160). The ESA 4(d) Rule applies the prohibitions enumerated in section 9(a)(1) of the ESA, and also prescribes specific circumstances when the prohibitions will not apply, which are known as 4(d) limits.

In January 2013, NMFS received three HGMPs from the WDFW and the Jamestown S'Klallam Tribe describing Dungeness River salmon hatchery programs affecting listed Puget Sound Chinook salmon, Hood Canal summer chum salmon, and Puget Sound steelhead in 2013 and beyond. The co-managers submitted the three HGMPs as an RMP for evaluation by NMFS for compliance with Limit 6 ESA 4(d) Rule criteria. For the purposes of this document, the HGMPs and RMP are discussed interchangeably.

The supportive breeding programs proposed by the co-managers (Table 1) are described in detail in the HGMPs (WDFW 2013a; 2013b; 2013c). All three programs are on-going. The Dungeness River Hatchery Spring Chinook salmon program was initiated in its current form as a supplementation effort in 2004, after functioning as a captive broodstock-based program since 1992. The conservation program for fall-run pink salmon at the hatchery began in 2007. The Dungeness River Hatchery coho salmon program has operated for the longest duration, releasing smolts into the lower river since about 1902. The Chinook and pink salmon programs are designed to preserve and bolster the natural spawning abundance of the native Dungeness River populations of the species. The coho salmon program is operated for harvest augmentation purposes, using broodstock derived from the native Dungeness River coho salmon population. Protocols applied through the three programs would minimize potential risks to listed natural-origin Dungeness River Chinook salmon, summer chum salmon, and steelhead populations. The Dungeness River Hatchery Spring Chinook program would assist in the recovery of the listed native Dungeness Chinook population, which is required to achieve a viable status for the Puget Sound Chinook salmon ESU to be considered recovered. The proposed hatchery programs are consistent with the Dungeness River chapter of the Shared Strategy for Puget Sound (SSPS 2005; Ruckelshaus et al. 2005) and the Hood Canal Summer Chum Plan (HCCC 2005). These recovery plans were approved by NMFS to protect and restore Chinook and summer chum salmon populations across their range in Puget Sound (NMFS 2006; NMFS 2007).

As part of the proposed hatchery programs, monitoring and evaluation would be implemented to assess their performance in meeting population conservation or harvest augmentation objectives, and their effects on ESA-listed natural-origin Chinook salmon, summer chum salmon, and

steelhead. Information gained through monitoring and evaluation will be used to assess whether the impacts of the programs on listed fish are as expected. Review of the HGMPs by NMFS and the co-managers will occur annually to evaluate whether assumptions regarding HGMP effects and analysis remain valid, and whether the objectives of the HGMPs are being accomplished.

## **DISCUSSION**

### *Controversial Issues*

The three salmon hatchery programs described in the HGMPs are not controversial, and none are the subject of on-going or pending litigation. The programs are not new, with durations of operation ranging from 8 years (pink salmon) to 113 years (coho salmon). The HGMPs describing the programs incorporate best management practices and hatchery reforms considered necessary to provide for program operation while minimizing potential risks to ESA-listed species.

### *Public Review and Comment*

On February 20, 2015, NMFS published in the Federal Register notification of the availability of its ESA 4(d) Rule proposed evaluation and pending determination (PEPD) for the three joint HGMPs for public review and comment (80 FR 9260). A draft Environmental Assessment (EA), assembled by NMFS to evaluate compliance of any NMFS ESA 4(d) Rule determination regarding the RMP with the National Environmental Policy Act (NEPA), was made available for public review at the same time, as announced in the same notice. The public comment period was open from February 20, 2015, to March 23, 2015. During the public comment period, NMFS received comments from two commenters (see Appendix A to Attachment 3 for the comments and NMFS responses).

None of the comments raised issues that required substantive modification of the NMFS 4(d) or NEPA documents. There was, therefore, no need for revisions to the documents to clarify, correct, or refine RMP action description and effects evaluation sections based on comments received (some edits were made as a result of final internal review).

### *Evaluation of Federal Actions under the ESA Section 7 and the Magnuson-Stevens Act Essential Fish Habitat*

The SFD prepared an ESA section 7 biological opinion to evaluate the effects of the action on the listed salmonids (Attachment 1). As described in SFD's biological opinion, the approval of the HGMPs is not likely to jeopardize the continued existence of listed Puget Sound Chinook salmon or Puget Sound steelhead, nor result in the destruction or adverse modification of their critical habitat where designated.

Adequate measures are described to monitor the performance and effects of the programs, including the viability status of the affected listed Chinook salmon and steelhead populations, proportion of natural and hatchery fish reaching natural spawning areas, and the survival to adult return of hatchery fish released through the programs. The Federal action germane to evaluation and determination is NMFS' approval of the HGMPs, based on the NMFS determination of

whether or not the hatchery plans meet ESA 4(d) Rule criteria and qualify for limits on section 9 take prohibitions. Included in this consultation is funding of the described hatchery programs by the Bureau of Indian Affairs.

Certification by General Counsel, Northwest Section, of their review of the opinion is on file (see ledger). The effects of take associated with implementation of Dungeness River Hatchery salmon production on the Hood Canal Summer Chum salmon ESU were previously evaluated and authorized by NMFS through a separate ESA section 7 consultation process (NMFS 2002a).

The SFD also considered the potential effects of the proposed action on other ESA-listed species. We determined that the proposed action would have no effect on southern resident killer whales, because the number of fish released by the programs represents a very small proportion of the United States and Canadian-origin salmon that could serve as prey for killer whales.

The SFD also analyzed the effects of the actions on Essential Fish Habitat (EFH) under the Magnuson-Stevens Act; the EFH analysis is included in Attachment 1. We determined that the effects of the action on EFH are likely to be within the range of effects considered in the ESA portion of the opinion, and concluded that the proposed actions are not likely to adversely affect Pacific salmon EFH. There will be minimal, if any, disturbance of vegetation, and negligible harm to Pacific salmon spawning and rearing habitat, and to water quantity and water quality. What small adverse effects on EFH might occur as a result of facility operations (hatchery intake structure and screening) on Dungeness River habitat would be adequately addressed by the steps described in the HGMPs. Since SFD has found that the action would adversely affect EFH, consistent with an overarching recommendation from PFMC (2003), one conservation recommendation was included with our EFH analysis to address potential hatchery program effects on EFH of hatchery fish on natural fish in natural spawning and rearing areas. Also, Reasonable and Prudent Measures and Terms and Conditions included in the ESA section 7 biological opinion constitute NMFS' recommendations to address potential EFH effects. NMFS and the Bureau of Indian Affairs (BIA) shall ensure that these measures and terms and conditions are carried out. A statutory response requirement from the hatchery program operators was included with this general conservation recommendation.

#### *Evaluation of HGMPs under the ESA 4(d) Rule*

The SFD determined that the HGMPs provided by WDFW and the Jamestown S'Klallam Tribe meet all of the requirements in Limit 6 of the ESA 4(d) Rule for RMPs. See Attachment 2 for our evaluation of how the HGMPs meet the Limit 6 requirements.

#### *Evaluation of NMFS' Proposed Determination under NEPA*

The SFD, for purposes of complying with the NEPA, published an EA to evaluate whether NMFS' proposed determination would result in significant environmental impacts and necessitate an EIS. SFD drafted an EA that considered the effects of the proposed action on the human environment. As alternatives to the proposed action, the EA also evaluated the effects of closing the programs (no hatchery programs on the Dungeness River), and effects of reducing by one-half the number of salmon produced by the programs.

As detailed above, the EA was made available for public comment. One private citizen and one representative of a not-for-profit steelhead trout fisheries conservation club responded with very general comments assumed to be directed at both the draft EA and the 4(d) PEPD documents. The private citizen's comments generally pertained to adverse effects associated with the use of hatcheries, and the comment from the club representative expressed support for NMFS approval of the proposed salmon hatchery actions. None of the commenters provided substantive information that would indicate the need for changes in the draft EA and 4(d) PEPD documents provided for public review. We addressed the comments that were applicable to the draft EA, as reflected in our responses to comments appended to the final EA. The SFD prepared a Finding of No Significant Impact (FONSI). The FONSI was signed on June 3, 2016. The final EA, with changes from the draft EA marked in red, and the FONSI are provided as Attachment 3.

### *Implementation Terms*

The three joint HGMPs include performance standards and indicators designed to identify, monitor, and evaluate the effects of the salmon hatchery actions on listed fish, and performance of the hatchery programs in meeting Chinook and pink salmon population conservation and coho salmon fisheries harvest augmentation objectives. Monitoring actions proposed to evaluate the performance indicators are identified in sections 1.0 and 11.0 of the HGMPs. We support the collection and the reporting of the results of the identified monitoring and evaluation activities to determine the performance and effects of the supportive breeding actions. Of particular importance are monitoring and evaluation actions addressing hatchery-related impacts on ESA-listed natural-origin fish populations, and identification of the status of salmon and steelhead populations in the Dungeness River. These actions include, but are not limited to:

- Monitoring Chinook, coho, and pink salmon escapement to the Dungeness River to estimate the total number of hatchery-origin and natural-origin fish escaping to the hatchery release sites and natural spawning areas each year. This monitoring will allow for assessment of the status of the target populations for recovery, and the success of the programs in achieving restoration (Chinook and pink salmon) or harvest augmentation (coho salmon) objectives.
- Monitoring natural-origin juvenile salmonid production, and hatchery-origin smolt and fry seaward emigration through operation of WDFW's Wild Salmon Production Evaluation Unit's juvenile salmonid out-migrant trap in the mainstem Dungeness River (RM 0.5). The effects of the juvenile out-migrant trapping program on listed salmon have been reviewed and authorized through a separate ESA consultation (NMFS 2015).
- Monitoring the number, species, origin, and age class of adult fish escaping to the hatcheries and removed for use as broodstock each year.
- Monitoring the total number of juvenile fish by species released at each hatchery location each year.

To help ensure consistency with the NMFS effects findings and ESA determinations for the proposed hatchery actions, WDFW and the Jamestown S'Klallam Tribe must comply with the following implementation terms in operating the programs described in the HGMPs (NMFS provides these implementation terms to the WDFW and the Jamestown S'Klallam Tribe in

letters describing our final determination). These terms respond to monitoring, take accounting, and reporting regulations for hatchery actions specified in subparagraphs 5(ii) and 5(iii) of Limit 5 of the ESA 4(d) Rule, and are applied to hatchery actions under Limit 6.

- (1) Monitor the annual abundance, diversity, spatial structure, and productivity status of the Dungeness River Chinook population relative to recovery plan objectives to guide decisions regarding termination, adjustment, or continuation of the conservation hatchery program for Dungeness Chinook salmon.
- (2) Monitor the annual abundance and productivity status of the Dungeness River steelhead and summer chum salmon populations to identify trends in these viability parameters relative to Dungeness River Hatchery program-origin salmon escapement and juvenile fish production levels.
- (3) Mark and/or tag all hatchery-origin juvenile salmon released each year through the hatchery programs as described in the HGMPs to allow for the differentiation of hatchery- and natural-origin juvenile and adult fish in the natural environment, assessment of hatchery program effects on listed fish, and monitoring and evaluation of program performance in meeting stated conservation or fisheries harvest augmentation objectives.
- (4) Maintain annual releases of juvenile salmon consistent with the maximum abundance levels described in the proposed HGMPs.
- (5) Annually report numbers, pounds, dates, tag/mark information, locations of artificially propagated fish releases, results of monitoring and evaluation activities that occur within the hatchery environment, and adult return numbers by fish origin to any naturally spawning area and to the hatchery programs. Reports shall also include: analyses of any scientific research data collected in direct association with the hatchery programs; documentation of any problems that may have arisen during conduct of the authorized activities; a statement as to whether or not the activities had any unforeseen effects; and steps that have been and that will be taken to coordinate research or monitoring activities with those of other researchers.

Consistent with subparagraph 5(vi) of Limit 5 of the ESA 4(d) Rule, it is NMFS' intent to regularly communicate with WDFW and the Jamestown S'Klallam Tribe regarding the effectiveness of the HGMPs in meeting performance standards, including the programs' effects on listed salmon and steelhead population viability. All reports, as well as all other notifications required through the 4(d) determination, should be submitted to NMFS SFD.

**SUMMARY**

NMFS SFD concludes that the joint HGMPs provided by WDFW and the Jamestown S'Klallam Tribe for Dungeness River Hatchery Chinook, pink, and coho salmon meet all of the requirements for RMPs under Limit 6 of the ESA 4(d) Rule. As described above, all of the necessary administrative and biological requirements have been met for the approval of the co-managers' HGMPs. SFD recommends that the supportive breeding programs described by the joint HGMPs qualify for limitation of take prohibitions pursuant to Limit 6 of the 4(d) Rule provided that they are implemented in accordance with the implementation terms and reporting requirements described in NMFS's letter of concurrence. SFD recommends that you concur with the implementation of the HGMPs.

**CONCURRENCE**

I concur with your recommendation to approve WDFW's and the Jamestown S'Klallam Tribe's implementation of the Dungeness River Chinook salmon, pink salmon, and coho salmon HGMPs, provided the plans are implemented in accordance with the section on Implementation Terms described above.



June 10, 2016

\_\_\_\_\_  
 William W. Stelle, Jr.  
 Regional Administrator  
 West Coast Region  
 National Marine Fisheries Service

\_\_\_\_\_  
 Date

I do not concur with your recommendation to approve WDFW's and the Jamestown S'Klallam Tribe's implementation of the Dungeness River Chinook salmon, pink salmon, and coho salmon HGMPs.

\_\_\_\_\_  
 William W. Stelle, Jr.  
 Regional Administrator  
 West Coast Region  
 National Marine Fisheries Service

\_\_\_\_\_  
 Date

cc (w/ attachments): SFD: Sharon Houghton (file number: WCR- 2013-9701), Tim Tynan  
 GC-NW: Chris Fontecchio

Attachment 1: 4(d) rule Limit 6 Evaluation and Recommended Determination Document

Attachment 2: Section 7 Biological Opinion, including EFH and DQA analyses

Attachment 3: Finding of No Significant Impact/Environmental Assessment

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