Final Environmental Impact Statement to Inform Columbia River Basin Hatchery Programs and the Funding of Mitchell Act Programs

Questions & Answers

What is NOAA Fisheries releasing?

NOAA Fisheries is releasing a final environmental impact statement (EIS) to inform its decisions regarding what kind of hatchery programs to fund with federal appropriations provided under the Mitchell Act. The scope of this EIS includes all of the Columbia River Basin. Under the Mitchell Act, funding is provided to produce salmon and steelhead for fishing and conservation. The EIS compares six alternatives, one no-action alternative and five action alternatives, including a preferred alternative (Alternative 6).

Is this environmental impact statement (EIS) different than the EIS NOAA Fisheries released in July 2014?

The EIS released in July 2014 analyzed two resource management plans submitted by the Washington Department of Fish and Wildlife and the Puget Sound Treaty Tribes for the operations of their hatcheries in Puget Sound. NOAA Fisheries will use that analysis to inform its determinations of those hatcheries' compliance with the Endangered Species Act. This EIS analyzes alternatives for NOAA Fisheries' decisions on distributing Mitchell Act grant funds to hatchery programs in the Columbia River. The Puget Sound EIS is a draft and is currently open for public comment. This EIS is final; a draft of it was released for public comment in 2010.

What is the Mitchell Act Program?

Congress passed the Mitchell Act in 1938 in response to federal projects and management that contributed to declining salmon and steelhead resources in the Columbia River Basin. A program was added in 1946 to enable federal funds to be distributed to the states. Since then, the program has evolved into two components with individual Congressional appropriations:

- Hatcheries: Operation and maintenance; and monitoring, evaluation, and reform of 62 individual hatchery programs (as of 2010) and 21 associated hatchery facilities, which release approximately 63 million juvenile salmon and steelhead in Oregon, Washington, and Idaho.

- Screening and Passage: Construction, operation, and maintenance of more than 700 fish screens for juvenile fish protection at irrigation diversions and 90 fishways enhancing adult fish passage to nearly 2,000 miles of stream habitat in Oregon, Washington, and Idaho. The screening and passage program is not evaluated in this environmental impact statement.

Historically, the majority of hatchery production funded under the Mitchell Act has provided fish for ocean and in-river non-treaty commercial and recreational harvest. The Mitchell Act has also funded hatchery production to support tribal treaty harvest in the Columbia River and hatchery programs designed specifically to conserve salmon protected under the Endangered Species Act. This EIS only addresses the hatchery programs under the Mitchell Act.

Why is NOAA Fisheries producing an environmental impact statement (EIS) for the Mitchell Act hatchery program?

The annual funding of Mitchell Act hatcheries constitutes a major federal action and, as such, requires evaluation of the effects of this action to the environment, as guided by the National Environmental Policy Act (NEPA).

What does the final environmental impact statement (EIS) evaluate?

The final EIS discloses the likely effects on the environment, beneficial and adverse, from the operation of Columbia River Basin salmon and steelhead hatchery programs, across a range of alternatives. This includes effects to the natural and human environment, such as: effects to animal and plant species, water quality and quantity, socioeconomics effects, environmental justice effects, and human health effects.

What role did the public play in developing this environmental impact statement (EIS)?

The EIS process allows NOAA Fisheries to solicit input from the public in shaping the alternatives that are analyzed within the EIS. In the case of this EIS, NOAA Fisheries requested public comment in formulating several alternatives for operating Columbia River salmon and steelhead hatcheries.

Two public scoping processes, one in 2004 and another in 2009, allowed NOAA Fisheries to develop a range of alternatives for operating Columbia River Basin hatchery programs. NOAA Fisheries proceeded to analyze the impacts of each alternative and published a draft EIS for public comment in 2010. In the draft EIS, NOAA Fisheries invited the public to comment on and describe a preferred alternative for the final EIS.

What modifications have been made between the draft and final environmental impact statement (EIS)?

NOAA Fisheries received over 400 letters containing over 1,100 comments on the draft EIS. In response to these comments, NOAA Fisheries produced a final EIS which updates relevant information, provided by the public review process, and identifies and analyzes NOAA Fisheries' preferred alternative. Other key modifications include:

- Hatchery production is updated to 2010 levels;
- Key modeling assumptions in the analysis related to hatchery program performance; hatchery effects, beneficial and adverse; and harvest rates throughout the Columbia River and Pacific Ocean have been updated; and
- The biological status of fish and wildlife species that would be affected under each alternative has been updated.

Is there a preferred alternative identified in the final environmental impact statement (EIS)?

Yes. In the draft EIS, NOAA Fisheries informed the public that a preferred alternative would likely be developed from a combination of the alternatives presented in the draft EIS and input received during the public comment period. The final EIS includes a preferred alternative (Alternative 6) that incorporates elements from draft EIS Alternative 1, Alternative 4, and Alternative 5. Under the preferred alternative, NOAA Fisheries would fund hatchery programs that minimize the risks, associated with hatchery programs, to natural populations of salmon and steelhead. The preferred alternative also supports the initiation of new hatchery programs for conservation, harvest augmentation, or both.

Does the preferred alternative specify production levels?

No. The preferred alternative focuses on providing greater protection for natural populations of salmon and steelhead. It acknowledges that there are various ways to accomplish this goal and does not dictate or prescribe specific hatchery actions or practices, such as production levels.

What is the relationship between the final environmental impact statement (EIS) and the *U.S. v. Oregon* process?

U.S. v. Oregon was originally a combination of two cases, *Sohappy v. Smith* and *U.S. v. Oregon* (302 F. Supp. 899, 1978), which legally upheld the Columbia River Treaty Tribes' reserved fishing rights and tribal entitlement to a fair share of fish runs. Although the *Sohappy* case was closed in 1978, *U.S. v. Oregon* remains under the federal court's continuing jurisdiction. In 1977, under the jurisdiction of *U.S. v. Oregon*, the federal court ordered a five-year plan for in-river harvest sharing between non-Indian and Indian fisheries. In 1988, the Columbia River Fish Management Agreement (Management Agreement) was adopted by the federal court, and it addressed both harvest and hatchery production management. The most current Management Agreement was adopted by the federal court in 2008, and it expires in 2017. It includes goals for many hatchery programs in the Columbia River Basin, including production levels, marking strategies, and release locations. Approximately half of the production currently funded under the Mitchell Act is part of the *U.S. v. Oregon* Management Agreement.

Fisheries in the Columbia River are carefully designed to be consistent with federal court rulings related to treaty Indian fishing rights. The governing Management Agreement has been cooperatively negotiated by the federal and state governments and the involved treaty Indian tribes, under the continuing jurisdiction of the federal court, to ensure achievement of the tribe's fishing rights. The agreement includes commitments related to hatchery production that are "intended to ensure that Columbia River fish runs continue to provide a broad range of benefits in perpetuity." The Management Agreement also includes provisions to "facilitate cooperative action by the Parties with regard to fishing regulations, policy issues or disputes, and the coordination of the management of fisheries on Columbia River runs and production and harvest measures."

The purpose of this EIS is to analyze the environmental effects of a range of reasonable alternatives related to hatchery production. No specific assertions are made in this EIS about consistency between alternatives and the Management Agreement. Rather, NOAA Fisheries contends that affected parties, including NOAA Fisheries itself, will exercise their authority regarding production measures, following this environmental analysis, in a manner that is consistent with the most current Management Agreement.

What are the next steps with this environmental impact statement (EIS)?

The final EIS is open to public review for 60 days after notice is published in the Federal Register, which is expected to occur September 12. Following public review, NOAA Fisheries will issue a record of decision describing its final decision on continued Mitchell Act hatchery funding.

Where can I access the final environmental impact statement?

The final environmental impact statement is available on the NOAA Fisheries West Coast Region website: http://www.westcoast.fisheries.noaa.gov/hatcheries/mitchell_act/ma_feis.html