

## **NOAA Fisheries West Coast Region**

### **Questions & Answers - Final Environmental Impact Statement for Five Early Winter Steelhead Hatchery Programs in Puget Sound**

#### **What is NOAA Fisheries releasing?**

NOAA Fisheries is releasing a final environmental impact statement (FEIS) that reviews five hatchery and genetic management plans (HGMPs) for early-returning winter steelhead (“early winter steelhead”) hatchery programs that were submitted by the Washington Department of Fish and Wildlife and the Puget Sound treaty tribes (referred to as co-managers) for review and approval under the Endangered Species Act. The HGMPs describe five early winter steelhead hatchery programs in the Dungeness, Nooksack, Stillaguamish, Skykomish, and Snoqualmie River basins. The 30-day review period for the FEIS runs through Monday, April 11, 2016. A decision document called a record of decision (ROD) will be prepared no sooner than 30-days after the release of the FEIS.

#### **How does this final environmental impact statement relate to previous National Environmental Policy Act reviews of early winter steelhead hatchery programs?**

In March 2015, NOAA Fisheries released a draft environmental assessment (EA) reviewing the effects of three early winter steelhead hatchery programs in the Dungeness, Nooksack, and Stillaguamish River basins. Based on comments received during public review, NOAA Fisheries determined that an EA was not sufficient to consider the proposed action under the National Environmental Policy Act, and proceeded to prepare a draft environmental statement (DEIS). The five early winter steelhead hatchery programs in the DEIS represented all of the early winter steelhead hatchery programs in Puget Sound. The public comment period on the DEIS closed on December 28, 2015. This FEIS was prepared after NMFS considered all public comments.

#### **What are early winter steelhead and why are they important?**

Beginning in 1945, steelhead returning to Chambers Creek in south Puget Sound were selected to establish a hatchery stock that was subsequently out-planted in streams throughout the Sound. The Chambers Creek stock has since become highly domesticated, surviving best in hatchery conditions and not reproducing well in nature. Adults return earlier to freshwater than their natural-origin counterparts. The purpose of these “early” winter steelhead is to provide harvest benefits for tribal and recreational fishers, while minimizing interbreeding, competition, and predation effects on natural-origin Puget Sound steelhead. Early winter steelhead are not included in the Puget Sound steelhead distinct population segment that is listed under the Endangered Species Act, and thus are not appropriate for use in steelhead hatchery programs whose purpose is to contribute to conservation and recovery.

**What does the final environmental impact statement evaluate?**

The final environmental impact statement (FEIS) discloses potential effects, positive and negative, of releases from five early winter steelhead hatchery programs in Puget Sound on animal and plant species (both listed and not listed under the Endangered Species Act) and their habitats. The FEIS was developed after considering comments received during public scoping, and comments received during public review of the draft EIS. The EIS evaluates water quantity, socioeconomics, and environmental justice resources, and cumulative effects, under a range of reasonable alternatives.

**What reasonable alternatives are analyzed in the environmental impact statement?**

The final environmental impact statement (FEIS) explores and objectively evaluates a range of alternatives. Four alternatives were evaluated in the draft EIS including and a preferred alternative is also evaluated in this FEIS. Evaluated in the FEIS are: (1) a “no-action” alternative; (2) the action proposed by the state and tribal co-managers in their hatchery resource management plans; (3) a reduced production alternative; (4) an alternative that would transition the programs to use local Puget Sound steelhead as hatchery broodstock, and (5) the preferred alternative. Under the “no-action” alternative hatchery production would be terminated. Under the “proposed action” alternative, hatchery production would be the same as under existing conditions. Monitoring an adaptive management provisions would be applied under all of the action alternatives.

**What is the preferred alternative?**

The final environmental impact statement (FEIS) identifies and evaluates the preferred alternative. The preferred alternative is the same as the proposed action except that the number of steelhead released into the Skykomish River basin would be reduced by 34 percent. After the draft EIS was released, the co-managers jointly submitted an updated hatchery and genetic management plan to NMFS for review and approval under the ESA for this Skykomish River program.

**What are hatchery and genetic management plans?**

Hatchery and genetic management plans (HGMPs) are specific to the Endangered Species Act (ESA). They are prepared by the hatchery operators, and provide management frameworks through which the co-managers would jointly manage hatchery operations, monitoring, and evaluation activities, while meeting requirements specified under the ESA.

**How do you define a hatchery facility, hatchery program, and hatchery and genetic management plan?**

*Hatchery facilities* are defined by the physical structures required for the artificial production of fish. *Hatchery programs* are defined by how artificial production operates for a specific group of fish. A hatchery facility may support one or more hatchery programs. *Hatchery and genetic management plans, or HGMPs*, are the plans that describe each individual hatchery program, the

numbers and locations of fish produce for release, supporting hatchery facilities, and the effects, positive and negative, of the program and facilities on species listed under the Endangered Species Act.

### **What is NOAA Fisheries' role in the joint state and tribal hatchery plans?**

NOAA Fisheries' has a limited role under the 4(d) rules, which is to determine whether or not the hatchery and genetic management plans (HGMPs) *as proposed* comply with the Endangered Species Act (ESA) and with the National Environmental Policy Act, or NEPA. The co-managers have submitted the HGMPs to NOAA Fisheries for evaluation and approval under Limit 6 of the ESA 4(d) rules. NOAA Fisheries is publishing the early winter steelhead hatchery final environmental impact statement to comply with NEPA.

### **What are 4(d) rules?**

Under section 4(d) of the Endangered Species Act (ESA), NOAA Fisheries can specify how an activity can be exempt from ESA regulations, for salmon and steelhead listed as "threatened." NOAA Fisheries has identified 13 such categories of activities, or "limits," and has described how an interested party or parties can qualify for an exemption. Limit 5 of the 4(d) rule describes how a hatchery program may qualify for an exemption and Limit 6 describes how a joint tribal and state hatchery program may qualify. A separate, but closely related, tribal 4(d) rule creates an additional limit for tribal resource management plans. Section 4(d) was not designed for and does not apply to species that are at greater risk and listed under the ESA as "endangered."

NOAA Fisheries released *A Citizens Guide to the 4(d) Rule for Threatened Salmon and Steelhead on the West Coast*. The Citizens Guide outlines the 13 "limits" under Section 4(d) in a more user-friendly description of why the rule is needed, how to qualify, what it contains, how it will affect citizens, and how to get more information. The Citizens Guide is available at: [http://www.westcoast.fisheries.noaa.gov/publications/reference\\_documents/esa\\_refs/section4d/4d-citizens-guide.pdf](http://www.westcoast.fisheries.noaa.gov/publications/reference_documents/esa_refs/section4d/4d-citizens-guide.pdf)

### **What is the relationship between the National Environmental Policy Act and Endangered Species Act and how do they relate to this action?**

Both the federal Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) address environmental values related to the impacts of a given action being proposed for implementation. However, each law has a distinct purpose, and the scope of review and standards of review under each statute differ.

Under NEPA, the purpose of an environmental impact statement is to promote disclosure, analysis, and consideration of the broad range of environmental issues surrounding a proposed major federal action by considering a full range of reasonable alternatives, including a "no-action" alternative. Under the ESA, NOAA Fisheries' role is to make a regulatory finding and determine whether a proposal complies with specific standards in the ESA. To this end, the ESA has its own substantive requirements, and the documents that reflect the analysis and decisions are different from those related to a NEPA analysis.

This final environmental impact statement being released to the public as part of the NEPA process. It does not ask the same questions and it does not include the same standards or statutory requirements as the ESA. The five early winter steelhead hatchery programs will be evaluated through separate processes to ensure ESA compliance.

**What is the relationship between the environmental impact statement and tribal treaty and trust rights?**

*United States v. Washington* is the 1974 federal court proceeding that enforces and implements treaty fishing rights for salmon and steelhead (and other species) in Puget Sound (and other areas). Fishing rights and access to fishing areas in Puget Sound were reserved in treaties that the federal government signed with the tribes in the 1850s. The Puget Sound Salmon Management Plan is the implementation framework for the allocation, conservation, and equitable sharing principles defined in *United States v. Washington* that governs the joint management and harvest of salmon and steelhead resources between the Puget Sound treaty tribes and State of Washington. The hatchery and genetic management plans submitted jointly by the Puget Sound treaty tribes and Washington Department of Fish and Wildlife, and evaluated in this environmental impact statement, are components of the Puget Sound Salmon Management Plan.

**How does NOAA Fisheries accomplish stewardship of treaty Indian fishing rights and conservation of protected salmon and steelhead species?**

Through its authorities, NOAA Fisheries must accomplish two objectives: protect and recover species listed under the Endangered Species Act *and* honor its federal trust responsibility to treaty Indian tribes. In recognition of its treaty rights stewardship obligation, and consistent with *Secretarial Order: American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act*, NOAA Fisheries, as a matter of policy, will make every effort to harmonize the protection of listed species and the provision for tribal fishing opportunities. NOAA Fisheries recognizes that the treaty tribes have a right to conduct their fisheries within the limits of conservation constraints.

**What's next in this NEPA process?**

Under NEPA, no sooner than 30-days after release of the final environmental impact statement (FEIS), NOAA Fisheries will identify its selected alternative, which will be reflected in a document called a record of decision (ROD).

**Can I comment on the final environmental impact statement?**

Yes. You may comment on the final environmental impact statement (FEIS). NOAA's NEPA implementing procedures do not require responses to comments received on the FEIS (NOAA Administrative Order 216-6). However, comments received by April 11, 2016, will be reviewed and considered for their impact on issuance of the record of decision.

**How can I submit comments?**

The public may submit comments on this final environmental impact statement (FEIS) through Monday, April 11, 2016. Electronic or written comments on the FEIS may be submitted by mail, fax, or e-mail. The email address for submission of comments on the early winter steelhead FEIS is [EWSHatcheriesEIS.wcr@noaa.gov](mailto:EWSHatcheriesEIS.wcr@noaa.gov). For access to the FEIS and other information on how to submit comments, please visit:

[http://www.westcoast.fisheries.noaa.gov/hatcheries/salmon\\_and\\_steelhead\\_hatcheries.html](http://www.westcoast.fisheries.noaa.gov/hatcheries/salmon_and_steelhead_hatcheries.html)

**Where can I access the final environmental impact statement and accompanying documents?**

The final environmental impact statement, the hatchery and genetic management plans, and other information is available on the NOAA Fisheries West Coast Region website at:

[http://www.westcoast.fisheries.noaa.gov/hatcheries/salmon\\_and\\_steelhead\\_hatcheries.html](http://www.westcoast.fisheries.noaa.gov/hatcheries/salmon_and_steelhead_hatcheries.html)

**When will NOAA Fisheries complete its evaluations under the National Environmental Policy Act and Endangered Species Act?**

NOAA Fisheries anticipates releasing a record of decision, as required under the National Environmental Policy Act, and determinations on this action under the Endangered Species Act, in the spring of 2016.