

NOAA Fisheries West Coast Region

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

What is NOAA Fisheries releasing?

NOAA Fisheries is releasing a draft environmental impact statement (DEIS) 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 45-day public comment period for the DEIS runs through Monday, December 28, 2015.

How does this draft 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 represent all of the early winter steelhead hatchery programs in Puget Sound.

What are early winter steelhead and why are they important?

Beginning in 1935, 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 draft environmental impact statement evaluate?

The draft environmental impact statement (DEIS) 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 DEIS was developed considering comments received during public scoping, and evaluates water quantity, socioeconomic, and environmental justice resources, and cumulative effects.

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

The draft environmental impact statement (DEIS) explores and objectively evaluates a range of alternatives. The four alternatives in the DEIS include: (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; and (4) an alternative that would transition the programs to use local Puget Sound steelhead as hatchery broodstock. 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. Adaptive management provisions would be applied under all of the action alternatives.

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 draft 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

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 than those related to a NEPA analysis.

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

Is there a preferred alternative or environmentally preferred alternative identified in the draft environmental impact statement?

The draft environmental impact statement does not contain a preferred alternative. NOAA Fisheries anticipates that after considering public comment, it will identify a preferred alternative in the final environmental impact statement (FEIS). The preferred alternative may end up looking like one of the alternatives analyzed in the draft environmental impact statement or it could look like a combination of components of more than one alternative, possibly varying for each hatchery program. Additionally, the preferred alternative may or may not be the environmentally preferred alternative, which will be identified in the Record of Decision (ROD) that follows the FEIS. The environmental effects of the preferred alternative will be explained in the FEIS and summarized in the ROD.

Can I comment on or suggest alternatives not identified in the draft environmental impact statement?

Yes. You are not constrained to comment solely on the specific alternatives in this draft environmental impact statement (DEIS). We encourage you to comment on or recommend a preferred alternative that integrates elements of several alternatives presented in this draft.

Specifically, we encourage those reviewing the DEIS to:

1. Review the DEIS to understand how it is organized and how the alternatives are framed and analyzed.
2. Carefully consider the information provided in Chapter 4, Environmental Consequences and Chapter 5, Cumulative Effects.
3. After considering the effects, comment on how NOAA Fisheries should formulate a preferred alternative for publication in the final environmental impact statement and Record of Decision.

What is the relationship between the draft 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 draft environmental impact statement as the proposed action, 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.

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

The draft 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

When is the public comment period for this draft environmental impact statement and how can I submit comments?

The public may submit comments on this draft environmental impact statement (DEIS) through Monday, December 28, 2015. Electronic or written comments on the DEIS may be submitted by mail, fax, or e-mail. The email address for submission of comments on the early winter steelhead DEIS is EWShatcheriesEIS.wcr@noaa.gov. For access to the DEIS and other information on how to submit comments, please visit:

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 both a final environmental impact statement and 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.