



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
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Seattle, WA 98115

MAR 5 2004

Mr. Donald K. Hansen
Chairman
Pacific Fishery Management Council
7700 NE Ambassador Place, Suite 200
Portland, Oregon 97220-1384

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Dear Mr. Hansen,

PFMC

Amendment 14 to the Pacific Coast Salmon Fishery Management Plan (Salmon FMP) requires that the Pacific Fishery Management Council (Council) manage their fisheries consistent with consultation standards developed by the National Oceanic and Atmospheric Administration (NOAA), National Marine Fisheries Service (NOAA Fisheries) regarding actions necessary to protect species listed under the Endangered Species Act (ESA). This letter summarizes NOAA Fisheries' consultation standards and provides guidance for the 2004 season for listed species.

GENERAL COMMENT: MARK-SELECTIVE FISHING

Mass marking of all chinook, coho, and steelhead produced in Federal or Federally funded hatchery facilities that are intended for harvest is now mandated by a new Federal law passed by Congress. Mass marking (using the adipose fin clip) and mark selective fisheries already had been expanding rapidly in recent years for coho and chinook salmon. Marking of hatchery fish, when coupled with adequate monitoring programs, facilitates efforts to determine and monitor the status of wild populations. In addition, mass marking makes it possible for some fisheries to target abundant hatchery fish while limiting impacts on co-mingled natural origin stocks, including those that are listed under the ESA. Thus, mass marking and mark selective fisheries provide a potential means to achieve fishery objectives consistent with conservation and recovery of listed species.

Unfortunately, use of the adipose clip as a mass mark is not without consequences to the coast wide coded wire tag (CWT) program. For nearly three decades, the adipose fin clip was sequestered coastwide as the flag to indicate the presence of a coded wire tag (CWT). Now an adipose clipped fish may or may not have a CWT. Recovering CWTs now requires processing of many more fish head samples and/or the use of expensive electronic tag detection equipment by trained samplers over a geographically broad area. Even if new analytical techniques under development prove workable, some information formerly provided by the CWT program likely will be lost with the implementation of mass marking and mark-selective fishing.

Due to the consequences of mass marking and mark selective fisheries to coho and chinook fishery management, the Pacific Salmon Commission (PSC) has directed much attention to this issue. The Commission has established agreed protocols for U.S. and Canadian management agencies to facilitate the necessary coast wide coordination. Additionally, innovative technical and analytical measures to address the very complex problems presented by mass marking and mark selective fisheries have been developed. These measures include the double index tagging approach, broad-scale use of electronic tag detection, templates to guide exchanges of proposals involving mass marking and mark selective fisheries, and analytical methods for evaluating the impacts of mark selective fisheries on stocks. This

year, the PSC will hold a scientific workshop aimed at addressing the future direction of the coast wide CWT program, which may involve strengthening the current system and/or incorporation of new technologies.

NOAA Fisheries welcomes the improved ability to determine the status of listed fish that results from marking hatchery fish. However, NOAA Fisheries also is concerned about the potential degradation of the coastwide CWT system. As they proceed through the preseason fishery planning process and consider mark selective fisheries, the managers are strongly urged to proceed with due caution and deliberation, and employ an appropriately risk-averse approach to uncertainties resulting from mark selective fisheries. This is especially pertinent when considering new mark selective fisheries for chinook salmon in mixed stock areas, which invoke the most complex issues with respect to the viability of the CWT system. Preseason plans for new mark selective fisheries should be explicitly coupled with rigorous monitoring programs that, among other things, focus on the key variables that eventually will spell the success or failure of mark selective fisheries. These variables include the proportion of marked and unmarked fish present in a fishery, the encounter (handling) rate of unmarked fish (both legal and sub-legal size), and the mortality rates associated with these encounters. Though monitoring is expensive, the success of mark selective fisheries ultimately may depend on the quality and implementation of the associated monitoring plans.

CHINOOK SALMON

Puget Sound Chinook Salmon

This is the fifth year that NOAA Fisheries will provide guidance to the Council related to the listed Puget Sound chinook Evolutionarily Significant Unit (ESU). Procedurally, the Council forum and associated North of Falcon process, provide the appropriate forums for doing the necessary management planning. Under the current management structure, Council fisheries are included as part of the suite of fisheries that comprise the fishing regime negotiated each year by the co-managers under U.S. v. Washington to meet management objectives for Puget Sound and Washington Coastal salmon stocks. The comprehensive nature of the management objectives and the management planning structure strongly connect Council and Puget Sound fisheries. Therefore, in adopting its regulations, the Council must determine that its fisheries, when combined with the suite of other fisheries impacting this ESU, meet the management targets set for stocks within this ESU.

Having established the connection between Council and Puget Sound fisheries, it is also appropriate to acknowledge that impacts on Puget Sound chinook stocks in Council fisheries are generally quite low. Exploitation rates on Puget Sound spring chinook and fall chinook stock aggregates have been zero and three percent or less, respectively, in recent years. Management actions taken to meet exploitation rate targets will therefore occur primarily in the Puget Sound fisheries, but the nature of the existing process is such that ocean fishery impacts be accounted for, and are potentially subject to constraint to meet particular targets.

In May, 2003, NOAA Fisheries exempted fishery activities conducted in accordance with a Resource Management Plan (RMP) submitted under Limit 6 of the 4(d) rule (65 FR 42422, 66 FR 31603) from ESA section 9 take prohibitions. This RMP will expire on May 1 of this year. NOAA Fisheries is currently evaluating another RMP provided by the Washington Department of Fish and Wildlife and the Puget Sound Treaty tribes for the 2004-2009 fishing years, but will not complete its evaluation until after the March Council meeting. Consequently, it will be necessary to ensure that the state, tribal, and

Federal participants are confident that the range of options developed at the March meeting are sufficiently broad to encompass the foreseeable outcomes of the evaluation.

NOAA Fisheries found that the exploitation rates and escapements expected from the implementation of the 2003 RMP would not jeopardize the listed Puget Sound chinook ESU. For the most part, these exploitation rates and escapement goals are consistent with the exploitation rate ceilings proposed in the co-managers' 2004-2009 RMP that is currently under review by NOAA Fisheries. Puget Sound chinook returns in 2004 are expected to be similar to or slightly above returns of recent years and escapements have responded positively to exploitation rates since the implementation of the co-managers' new management approach beginning in 2001. Consequently, with two exceptions, the exploitation rates and escapement goal management anticipated to result from implementation of the 2003 RMP should be sufficiently protective of the Puget Sound Chinook ESU in 2004. The two exceptions are the Skagit spring and Snohomish summer/fall chinook management units. The harvest rate anticipated to result from implementation of the 2003 RMP for the Skagit spring and Snohomish summer/fall chinook management units were 30% and 24%, respectively. Since that time, NOAA Fisheries has derived a Rebuilding Exploitation Rate (RER) of 38% for the Skagit spring chinook management unit and revised its RER for the Snohomish summer/fall chinook management unit from 24% to 18%¹. The 2003 exploitation rates and escapement goals, and the updated RERs are summarized in Table 1, below.

Table 1. Guidance on ESA listed Puget Sound chinook for the 2003 PFMC salmon ocean fisheries.			
Management Unit	Exploitation Rate		Escapement Goal
	Total	Southern US	
Nooksack spring	20%	7%	
Skagit Summer/Fall	50%		
Skagit Spring	38%		
Stillaguamish	24%		
Snohomish	18%		
Lake Washington	31%		
Green			5,500
White River	20%		
Puyallup	50%		
Nisqually			1,100
Skokomish			1,200
Mid-Hood Canal	29%	13%	
Dungeness	22%	5%	
Elwha	22%	5%	

¹RERs are developed on a brood year basis. Each RER must be converted to a calendar year FRAM equivalent value for use in preseason planning. The change in the Snohomish chinook management unit RER was not in the RER itself but in the conversion to a FRAM equivalent value.

Therefore, the options adopted at the March Council meeting should include at least one option that, when combined with Puget Sound fisheries negotiated during the North of Falcon process, meets the escapement goals and exploitation rates included in Table 1. Exploitation rates should meet either the total exploitation rate or the southern U.S. exploitation rate for each Puget Sound chinook management unit managed for an exploitation rate goal. The co-managers have indicated they will be using the 2004-2009 RMP in their negotiations to shape fisheries during the 2004 preseason planning cycle, and therefore, NOAA Fisheries assumes those rates would also be reflected in the range of options the Council adopts. The proposed RMP contains harvest management exploitation rate objectives for several management units that are higher than those rates anticipated under the implementation of the NOAA Fisheries approved 2003 RMP. Together, this should provide a range of options that encompasses the foreseeable outcomes of NOAA Fisheries evaluation of the RMP for 2004. NOAA Fisheries may provide further guidance to the Council in April pending its evaluation of the co-managers proposed resource management plan under the requirements of the 4(d) Rule.

Lower Columbia River Chinook

The Lower Columbia River (LCR) chinook ESU is comprised of a spring component, a far north-migrating bright component, and a component of north-migrating tules. The three remaining spring stocks within the ESU include those on the Cowlitz, Kalama, and Lewis rivers. The historic habitat for these spring chinook stocks is now largely inaccessible due to impassable dams. Although some spring chinook spawn naturally in each of these rivers, these are presumed to be largely hatchery-origin fish with little resulting natural production. The remaining spring stocks are therefore dependent, for the time being, on the associated hatchery production programs. The hatcheries have met their escapement objectives in recent years, and are expected to do so again in 2004, thus ensuring that what remains of the genetic legacy is preserved until a more comprehensive recovery program designed to reestablish self-sustaining populations is implemented. No additional management constraints in Council fisheries are considered necessary.

Three natural-origin bright stocks have been identified in the LCR chinook ESU. The North Lewis River stock is used as a harvest indicator stock for ocean and in-river fisheries. The North Lewis River stock has exceeded its escapement objective of 5,700 every year since 1980, except that it was below goal in 1999 with an escapement of about 3,300 adults. The escapement shortfall has been attributed to severe flooding in 1995 and 1996. Escapements for the last three years have been well above goal with returns of 13,600, 12,300, and 19,000 in 2001, 2002, and 2003, respectively. Given the long history of healthy returns, NOAA Fisheries does not anticipate the need to take specific management actions in the ocean to protect the bright component of the LCR chinook ESU in 2004. NOAA Fisheries does expect that the management agencies will continue to take appropriate actions through their usual authorities, to ensure that the escapement goal continues to be met.

Unlike the spring stocks or the bright component of the ESU, LCR tule stocks are impacted substantially in Council fisheries. There are four self-sustaining populations of tule chinook in the lower Columbia River (Coweeman, East Fork Lewis, Clackamas, and Sandy) that are not substantially influenced by hatchery strays. Apart from these stocks, the system is dominated by hatchery production and whatever natural spawning does occur is heavily influenced by hatchery strays. The effect of hatchery operations on the ESU is currently the subject of a separate ESA review process. Tule production in the lower River has already been reduced by more than half as a result of funding reductions.

NOAA Fisheries reviewed the status of LCR chinook tules in recent biological opinions related to the 1999 Pacific Salmon Treaty Agreement (PST) and the 2003 fall season fisheries in the Columbia River. Tules will benefit substantially from the ocean harvest regime in the PST agreement because of their ocean distribution, which is centered off the west coast of Vancouver Island and the Washington coast. NOAA Fisheries developed a preliminary RER for the Coweeman population of 65% as part of the PST consultation. NOAA Fisheries has since reviewed the available information and provided a revised RER of 49%. Although further review of this estimate is warranted, NOAA Fisheries believes that an RER of 49% for the Coweeman stock is consistent with its continued survival and recovery, and expects the 2004 Council fisheries to be managed such that the total exploitation rate from all fisheries does not exceed that level. Further work on the tule component of the LCR chinook ESU is needed, but NOAA Fisheries believes that the appropriate course is to integrate future harvest management actions with recovery planning efforts that will seek to rebuild a broad range of self-sustaining, naturally producing tule stocks.

**Upper Columbia River Spring Chinook
Upper Willamette River Chinook Salmon
Snake River Spring/Summer Chinook**

Spring stocks from the Upper Columbia River and Willamette River Basins and spring/summer stocks from the Snake River are rarely caught in Council fisheries. Management actions designed to limit catch from these ESUs beyond what will be provided by harvest constraints for other stocks are therefore not considered necessary.

Snake River Fall Chinook Salmon

NOAA Fisheries' guidance with respect to Snake River fall chinook is unchanged from that of the last several years. NOAA Fisheries requires that the Southeast Alaska, Canadian, and Council fisheries, in combination, achieve a 30% reduction in the total age-3 and age-4 adult equivalent exploitation rate relative to the 1988-1993 base period. The Council fisheries therefore must be managed to ensure that the 30% base period reduction criterion for the aggregate of all ocean fisheries is achieved.

California Coastal Chinook Salmon

The absence of reliable estimates of short term abundance trends and ocean exploitation rates for coastal chinook make it difficult to assess the potential for coastal chinook populations to recover under the existing Salmon FMP objectives and ESA requirements for other stocks. The 2000 biological opinion on coastal chinook identified Klamath River fall chinook as the best available surrogate stock for estimating and limiting ocean harvest impacts on California coastal chinook populations. The biological opinion required that the projected age-4 ocean harvest rate for Klamath River fall chinook not exceed 17%, which was the maximum observed between 1996 and 1999. In 2002, the STT adopted new procedures for calculating the age-4 harvest rate on Klamath River fall chinook. Consistent with the revised definition of age-4 harvest rate, management measures developed under the Salmon FMP must achieve a projected age-4 ocean harvest rate on Klamath River fall chinook no greater than 16%.

Sacramento River Winter Chinook Salmon

In 2002, NOAA Fisheries issued a biological opinion and incidental take statement for the 2002 and 2003 fishing seasons that specified a reasonable and prudent alternative for winter chinook. The biological opinion was intended to accommodate the anticipated process of amending the Salmon FMP to include

recovery and long term conservation objectives for the Sacramento River winter chinook and Central Valley spring chinook. An amendment will not be in place in time for the 2004 fishing seasons, and NOAA Fisheries will issue a supplemental biological opinion for winter chinook prior to the 2004 season. NOAA Fisheries' guidance for the 2004 fishing seasons with respect to winter chinook is similar to the reasonable and prudent alternative of the 2002 biological opinion:

Recreational Seasons South of Point Arena, CA: The recreational season between Point Arena and Pigeon Point shall open no earlier than the first Saturday in April and close no later than the second Sunday in November; the recreational season between Pigeon Point and the U.S.-Mexico Border shall open no earlier than the first Saturday in April and close no later than the first Sunday in October. The minimum size limit shall be at least 20 inches total length.

Commercial Seasons South of Point Arena, CA: Commercial seasons between Point Arena and the U.S.-Mexico border shall open no earlier than May 1 and close no later than September 30, with the exception of an October season conducted Monday through Friday between Point Reyes and Point San Pedro, which shall end no later than October 15. The minimum size limit shall be at least 26 inches total length.

Since 1998, the California Department of Fish and Game and Council have recommended certain terminal gear restrictions, including the use of circle hooks while mooching in the recreational fishery between Horse Mountain and Point Conception, CA, which are designed to reduce hook and release mortality. Those restrictions should continue.

Central Valley Spring Chinook Salmon

The Central Valley spring chinook ESU was listed as threatened in 1999. NOAA Fisheries' April 18, 2000, biological opinion on the effects of ocean harvest on Central Valley spring chinook and California coastal chinook, concluded that ocean salmon fisheries, as regulated under the Salmon FMP and NOAA Fisheries' consultation standards for winter chinook, were not likely to jeopardize the continued existence of Central Valley spring chinook. The combined spawning escapements of spring chinook to Deer, Mill and Butte creeks have increased from 5,700 fish in 1999 to over 20,000 in 2003. NOAA Fisheries has no specific guidance for Central Valley spring chinook supplemental to the conclusions of the 2000 biological opinion.

COHO SALMON

NOAA Fisheries considered the effects of west coast ocean fisheries on listed populations of coho salmon in a supplemental biological opinion dated April 28, 1999. The opinion provided ESA consultation standards for the three listed coho ESUs in Oregon and California: Oregon Coast (OC), Southern Oregon/Northern California Coastal (SONCC), and Central California Coastal (CCC) coho salmon. The requirements of that opinion, which are summarized below, will remain in effect for the 2004 season.

On February 24, 2004, the Ninth Circuit Court of Appeals dismissed the appeals in the Alsea Valley Alliance case, and sent the case back to Judge Hogan. The practical effect of the decision is that there is no Federal protection under the ESA for OC coho. NOAA Fisheries will therefore not provide guidance for OC coho pursuant to our ESA authority and provisions of Amendment 14 as we have in the past. However, NOAA Fisheries expects that the Council will continue to manage Oregon Coast natural (OCN) coho consistent with applicable provisions of the Salmon FMP which are reiterated below.

Oregon Coastal Coho Salmon

Amendment 13 provides separate exploitation rate targets for four OCN sub-stocks that depend on estimates of escapement and ocean survival during the applicable brood year. The three northern sub-stocks are managed according to the provisions of Amendment 13. The southern sub-stock is part of the SONCC coho ESU and will be managed in accordance with the requirements for that ESU.

When the Council adopted Amendment 13 in 1997, they stipulated that it be reviewed and updated on a periodic basis. The first review, conducted by an ad hoc OCN Work Group, was completed in November, 2000. The Work Group's report recommended several changes to the original management matrix including a lower range of exploitation rates when spawner abundance and marine survival are very low. At its November, 2000 meeting, the Council adopted the OCN Work Group report as "expert biological advice to help guide Council management of OCN coho." For the 2004 season, the applicable parental spawner status is in the "low" category, because one of the sub-stocks is so categorized (the other three sub-stocks are "high"), and the marine survival index is in the "medium" category. Under this circumstance, both the Work Group report and the exploitation rate matrix in Amendment 13 require that exploitation rate be limited to no more than 15%.

NOAA Fisheries is also aware of efforts by the State of Oregon to integrate management for OCN coho and LCR coho. LCR coho are listed as endangered under the State's ESA. LCR coho are a candidate for listing under the Federal ESA, but are not currently listed or proposed for listing. Oregon has developed a management matrix for LCR coho that is conceptually equivalent to that used for OCN coho. Using that matrix, the circumstances related to LCR coho in 2004 lead to a recommendation that ocean fishery impacts not exceed a 30% exploitation rate, greater than the 15% allowable impacts for OCN coho. Under these circumstances, the guidance provided for OCN coho would apply and would provide more conservative management of LCR coho in ocean fisheries than that required by the State of Oregon.

Southern Oregon/Northern California Coastal Coho Salmon

The Rogue/Klamath hatchery stock is used as an indicator of the effects of fisheries on SONCC coho. NOAA Fisheries' 1999 biological opinion on listed coho requires that management measures developed under the Salmon FMP achieve an ocean exploitation rate on Rogue/Klamath hatchery stocks of no more than 13%.

Central California Coastal Coho Salmon

Little information on past harvest rates or current hooking mortality incidental to chinook fisheries exists for CCC coho. The 1999 biological opinion on listed coho requires that coho-directed fisheries and coho retention in chinook-directed fisheries be prohibited off California.

CHUM SALMON

Hood Canal Summer Chum

Chum salmon are not targeted or caught incidentally in Council salmon fisheries. Management constraints in ocean fisheries for the protection of Hood Canal summer chum are also not considered necessary.

SOCKEYE SALMON

**Snake River Sockeye Salmon
Ozette Lake Sockeye Salmon**

Sockeye salmon are not targeted or caught incidentally in Council salmon fisheries. Management constraints in ocean fisheries for the protection of listed sockeye salmon are therefore not considered necessary.

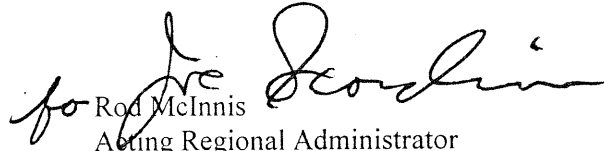
STEELHEAD

NOAA Fisheries has listed two ESUs of steelhead as endangered and seven ESUs as threatened in Washington, Oregon, Idaho, and California. Steelhead are rarely caught in ocean fisheries and ocean fishery management actions that seek to shape fisheries to minimize impacts to steelhead are not considered necessary. The Council and states should prohibit the retention of steelhead in ocean recreational fisheries to minimize the effect of whatever catch may occur.

Please call if you have additional questions.

Sincerely,


D. Robert Lohn
Regional Administrator
Northwest Region


Rod McInnis
Acting Regional Administrator
Southwest Region