UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

MAR 4 2005

Peter Dygert

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

Dear Mr. Hansen,

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 Service) regarding actions necessary to protect species listed under the Endangered Species Act (ESA). This letter summarizes NOAA Fisheries Service's consultation standards and provides guidance regarding the effects of the 2005 season on listed species.

GENERAL COMMENT: MARK-SELECTIVE FISHING

Recent Federal legislation mandates marking of all Chinook, coho, and steelhead produced in Federal or Federally funded hatchery facilities that are intended for harvest. The purpose of this Congressional mass marking directive is first, to improve our ability to determine the status of the natural origin component of populations by making hatchery origin fish distinguishable from natural origin fish in mixed spawning populations. In addition, mass marking gives managers a tool for providing mark selective fishing opportunities on abundant hatchery fish while limiting impacts on commingled natural origin fish or unmarked hatchery fish produced for conservation reasons.

Unfortunately, use of the adipose fin clip as a mass mark negatively affects the coast wide coded wire tag (CWT) program that provides much of the data used for stock assessments and fishery management. According to the Pacific Salmon Commission's (Commission) Selective Fishery Evaluation Committee, information formerly provided by the CWT program will be degraded or lost with the implementation of mass marking and mark selective fisheries that are now being considered and implemented. In response, the Commission and its participating entities have devoted much effort to reducing or mitigating these negative effects. The Commission has established agreed protocols for U.S. and Canadian management agencies to facilitate coast wide coordination of mass marking and mark selective fishery proposals. Innovative technical and analytical measures to address the very complex problems presented by mass marking and mark selective fisheries have been developed. These protocols and measures include the double index tagging approach, broad-scale use of electronic tag detection, schedules and templates for the exchanges of proposals involving mass marking and mark selective fisheries, and analytical methods for evaluating the impacts of mark selective fisheries on stocks. Last June, the Commission appointed a panel of scientific experts and held a scientific workshop to explore potential solutions to the still unresolved problems facing the coast wide CWT program. The panel's report should become available in the late spring or summer of this year and contain recommendations that will inform future fishery and stock assessment programs.

While NOAA Fisheries Service welcomes the improved ability to determine the status of listed fish that results from marking hatchery fish and appreciates the benefits of mark selective fisheries, we are concerned about the degradation of the data provided by the coastwide CWT system. To minimize the negative consequences and maximize the benefits of mass marking and mark selective fisheries, the managers are strongly encouraged to comply with the Commission's established protocols for proposing and reporting mass marking and mark selective fisheries. Fisheries that are implemented should employ an appropriately risk-averse approach to the uncertainties that will result from mark selective fisheries. This is especially critical for new mark selective fisheries for Chinook salmon in mixed stock areas, which raise the most complex issues with respect to the viability of the CWT system. New mark selective fisheries should be explicitly coupled with 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 estimated mortality rates associated with these encounters. The future success of mark selective fisheries ultimately may depend on the quality of the information provided by these early monitoring plans.

CHINOOK SALMON

Puget Sound Chinook Salmon

In early March, 2005, NOAA Fisheries Service expects to approve fishing activities conducted in accordance with a Resource Management Plan (RMP) submitted by the Washington Department of Fish and Wildlife and the Puget Sound Treaty tribes under Limit 6 of the 4(d) rule. The take limit for fisheries implemented under the terms of the RMP will apply to the 2005-2009 fishing years (May 1, 2005 through April 30, 2010). The RMP management approach consists of a two tiered harvest regime (normal and minimum), depending on stock status. The harvest objectives in the RMP are a mixture of total and southern U.S. exploitation rates (termed in the RMP Rebuilding Exploitation Rates[1] or RERs) and escapement goals. Under conditions of normal abundance, the RERs and escapement goals, listed on the left of Table 1, apply. However, when a particular management unit is 1) not expected to meet its low abundance threshold, or, 2) if the total exploitation rate is projected to exceed its RER under a proposed set of fisheries, the co-managers will constrain their fisheries such that either the RER is not exceeded, or the Critical Exploitation Rate Ceiling (CERC)[2], listed on the right of Table 1, is not exceeded.

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

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[1] These are not to be confused with the Rebuilding Exploitation Rates used by NOAA Fisheries Service to assess proposed harvest actions under the ESA since they are derived by different methodologies and used for different purposes. The RERs in Table 1 are those developed by the co-managers in the RMP approved by NOAA Fisheries Service and therefore fisheries conducted consistent with these RERs are not subject to an ESA prohibition on take of listed Puget Sound Chinook.

[2] The ceiling rate used by the co-managers may be below the CERC shown on the right side of Table 1 if the 2003 fisheries modeled with 2005 abundances results in rates less than the CERC.

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 Evolutionarily Significant Unit (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 four percent on average, 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.

NOAA Fisheries Service recognizes that there is also a sequence to the planning process for Puget Sound Chinook: the March Council meeting, the North of Falcon process, and the subsequent April Council meeting where final recommendations for oceans seasons are made. Therefore, the final option adopted at the April Council meeting must, when combined with Puget Sound fisheries negotiated during the North of Falcon process, meet the escapement goals and exploitation rates for each Puget Sound Chinook management unit included in Table 1, applying the appropriate status of each management unit.

Table 1. Guidance on ESA listed Puget Sound Chinook for the 2005 Council ocean salmon fisheries.

	Normal Abundance Regime			Minimum Fishing Regime		
	Rebuilding Exploitation Rate		Escapement Goal[1]	Low Abundance Threshold	Critical Exploitation Rate	
Management Unit/Population	Total	Southern US (PT=Preterminal)			So. US	Preterminal So. US
Nooksack spring NF Nooksack SF Nooksack	Minimum fishing regime applies			 1,000[3] 1,000[3]	7.0%/9.0%[2]	
Skagit Summer/Fall Upper Skagit Lower Skagit Lower Sauk	50.0%			4,800 2,200 900 400	17.0%	
Skagit Spring Suiattle Upper Sauk Cascade	38.0%			576 170 130 170	18.0%	
Stillaguamish NF Stillaguamish SF Stillaguamish	25.0%			650[3] 500[3]	15.0%	
Snohomish Skykomish	21.0%			2,800 1,745	15.0%	

Snoqualmie				521		
Lake Washington[4]		15.0% PT		200[3]		12.0%
Green		15.0% PT	5,800	1,800		12.0%
White River	20.0%			200	15.0%	
Puyallup[5]	50.0%			500		12.0%
Nisqually			1,100	1,100		
Skokomish		15.0% PT	1,200 natural[6] 1,000 hatchery	1,300 aggregate 800 natural		12.0%
Mid-Hood Canal		15.0% PT		400		12.0%
Dungeness		10.0%		500	6.0%	
Elwha		10.0%		1,000	6.0%	

[1] When escapement is expected to be less than the goal, the co-managers will take additional management measures with the objective of meeting or exceeding the goal.
[2] Expected Southern US rate will not exceed 7.0% in 4 out of 5 years and 9.0% in 1 out of 5 years.
[3] Threshold expressed as natural-origin spawners.
[4] Cedar River.
[5] South Prairie Creek Index.
[6] The aggregate escapement goal is 3,650 hatchery and natural spawners. However, if the recruit abundance is insufficient to meet the aggregate 3,650 goal, these spawner abundances trigger specific additional management actions.

Lower Columbia River Chinook

NOAA Fisheries Service guidance regarding the Lower Columbia River (LCR) Chinook ESU is unchanged from that provided in recent years. The 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 2005, 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 in every year but one since 1980. Escapements over the last four years have averaged 11,700, and thus continue to be well above the escapement goal. Given the long

history of healthy returns, NOAA Fisheries Service does not anticipate the need to take specific management actions in the ocean to protect the bright component of the LCR Chinook ESU in 2005. NOAA Fisheries Service 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 naturally producing 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 Columbia River has already been reduced by more than half as a result of funding reductions.

Consistent with our guidance from recent years, NOAA Fisheries Service expects the 2005 Council fisheries to be managed such that the total exploitation rate from all fisheries does not exceed 49.0% . The NOAA Fisheries Service believes that further review of harvest provisions for the tule component of the LCR Chinook ESU is warranted, but also 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 Upper 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 Service' guidance with respect to Snake River fall Chinook is unchanged from that of the last several years. NOAA Fisheries Service requires that the Southeast Alaskan, Canadian, and Council fisheries, in combination, achieve a 30.0% 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 30.0% 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 California 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. That biological opinion required that the projected age-4 ocean harvest rate for Klamath River fall Chinook not exceed 17.0%, which was the maximum observed between 1996 and 1999. In 2002, the Salmon Technical Team 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 16.0%.

The 2003 age-4 harvest rate on Klamath River fall Chinook was estimated at 23% and preliminary estimates for 2004 are substantially higher, approximately 52%. NOAA Fisheries Service is concerned about the higher age-4 harvest rate in recent years, and the potential impacts on listed California Coastal Chinook stocks given the lack of reliable information to directly assess the health of the populations. NOAA Fisheries Service is reviewing the events and factors that may have contributed to the higher than anticipated harvest to determine whether to reinitiate consultation. In the mean time, the existing 2000 biological opinion continues to provide the necessary exemptions from take prohibitions for California coastal Chinook populations.

Sacramento River Winter Chinook Salmon

In 2002, NOAA Fisheries Service issued a biological opinion and incidental take statement for the 2002 and 2003 fishing seasons that specified a reasonable and prudent alternative for Sacramento River winter-run 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-run Chinook and Central Valley spring Chinook. An amendment was not in place in time for the 2004 fishing season, and NOAA Fisheries Service issued a supplemental biological opinion for winter Chinook prior to the 2004 season. The supplemental opinion provides coverage through the 2009 fishing season. Discussions on amending the Salmon FMP are still on-going, and as such, NOAA Fisheries Service's guidance for the 2005 fishing seasons with respect to Sacramento winter-run 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.
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> 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 the 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 Service's 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 Service' 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. The preliminary escapement estimate for 2004 is approximately 12,000 fish signifying continued strong returns of spring Chinook to the primary spawning tributaries. Based on these estimates, NOAA Fisheries Service has no specific guidance for Central Valley spring Chinook supplemental to the conclusions of the 2000 biological opinion.

COHO SALMON

NOAA Fisheries Service considered the effects of west coast ocean fisheries on listed populations of coho salmon in a supplemental biological opinion dated April 28, 1999. That 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 2005 season. Lower Columbia River (LCR) coho were proposed for listing as threatened under the ESA on June 14, 2004. A decision regarding the proposed listing is due in June 2005. NOAA Fisheries Service will conduct a formal conference regarding the effects of the 2005 west coast ocean fisheries on the LCR coho ESU resulting in a formal conference report, which is similar to a biological opinion.

Oregon Coast Coho Salmon

The ESA listing of OC coho has been the subject of ongoing litigation. Most recently, on February 24, 2004, the Ninth Circuit Court of Appeals dismissed the appeal in the Alsea Valley Alliance v. Evans case, and on June 15, 2004, the Ninth Circuit returned the case to Judge Hogan and ended its stay of the District Court's order that voided the OC coho listing. The practical effect of the decision is that there was no longer Federal protection under the ESA for OC coho. Since then, in an effort to address the issues raised in the Alsea decision, NOAA Fisheries Service again reviewed the status of the 26 previously listed salmon and steelhead ESUs, including OC coho. On June 14, 2004, NOAA Fisheries Service proposed that OC coho be listed as threatened under the ESA. A final decision regarding the listing of OC coho is due in June 2005. Consistent with our guidance from recent years, NOAA Fisheries Service expects that the Council will continue to manage OC coho according to applicable provisions of the Salmon FMP that are reiterated below.

Amendment 13 to the Salmon FMP provided separate exploitation rate targets for four OC coho substocks that depend on estimates of spawner abundance and marine survival. The three northern substocks are managed according to the provisions of Amendment 13. The southern substock 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. An ad hoc Work Group provided a review of Amendment 13 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 Work Group report as "expert biological advice to help guide Council management of OCN coho." For the 2005 season, the applicable spawner status is in the "high" category, and the marine survival index is in the "low" category. Under this circumstance, the Work Group report requires that the exploitation rate be limited to no more than 15.0%.

Lower Columbia River Coho – new ESU

LCR coho were proposed for listing as threatened under the ESA in a June 14, 2004 proposed rule. LCR coho are listed as endangered under the Oregon's ESA. NOAA Fisheries Service is also aware of efforts by the State of Oregon to integrate management for OC coho and LCR coho. Oregon has developed a management matrix for LCR coho that is conceptually equivalent to that used for OC coho. With respect to the ocean salmon fisheries, NOAA Fisheries Service accepts Oregon's management matrix as guidance for the 2005 season. For 2005, both spawner abundance and marine survival are in the "low" category resulting in an ocean fishery mortality limit of 15.0%.

If LCR coho is listed, NOAA Fisheries Service will review our guidance for LCR coho again prior to the 2006 season. Among other things NOAA Fisheries Service expects to consider recommendations developed through the ongoing recovery planning process for LCR coho that will presumably outline a comprehensive recovery strategy and requirements for harvest that are expected to be part of that strategy.

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 Service's 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 13.0%.

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 and rarely caught incidentally in Council salmon fisheries. Management constraints in ocean fisheries for the protection of Hood Canal summer chum are not considered necessary.

SOCKEYE SALMON

Snake River Sockeye Salmon
Ozette Lake Sockeye Salmon

Sockeye salmon are not targeted and rarely 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 Service 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,

Joe Scordino for

D. Robert Lohn
Regional Administrator
Northwest Region

Joe Scordino for

Rodney McInnis
Regional Administrator
Southwest Region