

NMFS REPORT ON RECENT DEVELOPMENTS  
WITH POTENTIAL IMPACTS FOR SALMON MANAGEMENT

**Stock Status Determinations**

NMFS West Coast Region sent a letter to Executive Director Tracy on July 23, 2021, to inform the Council on recent salmon stock status determinations under the Magnuson-Stevens Fishery Conservation and Management Act (MSA) for three stocks of Pacific salmon.

- ***Sacramento River fall-run Chinook salmon (SRFC)***: In 2018, NMFS determined that the SRFC stock was overfished. NMFS determined on July 1, 2021, that the SRFC stock is *rebuilt*. This determination was based on the 2021 stock assessment, which showed that the most recent three-year geometric mean of spawning escapement, 133,549 spawners, exceeded the  $S_{MSY}$  for this stock (122,000 spawners). NMFS is currently developing a final rule to remove the SRFC rebuilding plan from regulation at 50 CFR 660.413.
- ***Snohomish River natural coho salmon (Snohomish coho)***: In 2018, NMFS determined that Snohomish coho was overfished. NMFS determined on January 4, 2021, that Snohomish coho stock status was *not overfished—rebuilding*. This determination was based on the 2020 stock assessment, which showed that the three-year geometric mean spawning escapement (2016-2018), 36,009 spawners, exceeded the MSST for this stock (31,000 spawners). This stock continues to be managed under a rebuilding plan until the stock is rebuilt.
- ***Hood Canal coho salmon***: Based on the 2020 stock assessment (see Preseason Report III for 2021) NMFS determined on July 1, 2021, that Hood Canal coho status is approaching overfished. This determination was based on the three-year geometric mean of reported spawning escapement for 2018 and 2019 and the anticipated spawning escapement under 2021 management measures. Spawning escapement information in Preseason Report III for 2021 suggests that the Hood Canal coho stock is unlikely to meet the FMP criterion for overfished when the next stock assessment is reported in the Council’s Review of 2021 Ocean Salmon Fisheries (anticipated February 2022).

**Amendment 21 to the Salmon FMP**

The Council transmitted its recommendation for Amendment 21 to NMFS on May 25, 2021. Amendment 21 would implement specific management measures to limit ocean salmon fishery impacts on the availability of Chinook salmon as prey for endangered Southern Resident killer whales when preseason abundances was projected to fall below a low-abundance threshold. NMFS published a notice of availability in the Federal Register on June 2, 2021 (86 FR 29544) with a 60-day public comment period on the amendment and on the draft environmental assessment. NMFS received nearly forty thousand comments on Amendment 21.

NMFS's will make a decision on Amendment 21 by September 1, 2021, consistent with the provisions of the MSA. NMFS will report to the Council on the decision at the September Council meeting.

### **Critical Habitat Designation for SRKW**

NMFS recently published a final rule in the Federal Register (86 FR 41668, August 2, 2021) on a revised critical habitat determination for endangered SRKW. The rule took effect on September 1, 2021. The update was made in response to new information on the use of coastal areas by SRKW. The final rule can be found here: [Final Rule to Revise Critical Habitat Designation for SRKW](#).

NMFS has expanded the whales' critical habitat designation, which was previously limited to inland waters of Washington, to include an additional approximately 15,910 square miles of occupied marine waters between the 6.1-meter and 200-meter depth contours off the coasts of Washington, Oregon, and to Monterey Bay in California. These coastal waters contain the same essential features identified for the whales' existing critical habitat, including (1) water quality to support growth and development; (2) prey species of sufficient quantity, quality, and availability to support individual growth, reproduction, and development, as well as overall population growth; and (3) passage conditions to allow for migration, resting, and foraging.

NMFS is excluding one area from the designation, the Navy's Quinault Range Site (QRS) off the coast of Washington (requested by the Navy including a 10-km buffer around a portion of the site), because we determined that the impacts to national security outweigh the benefits of designating critical habitat there and excluding the area would not result in extinction of Southern Resident killer whales. The final rule reduces the extent of the 10-km buffer being excluded, where the QRS overlaps with the OCNMS.

The requirement to ensure actions do not destroy or adversely modify critical habitat under section 7 of the ESA only applies to federal agencies. Activities that are not funded, authorized, or carried out by a federal agency are not subject to these protections. NMFS does not anticipate changes to fishery actions specific to critical habitat beyond what is currently being done to protect the whales. NMFS' biological opinions on the effects of Council salmon fisheries on SRKW already consider the effects on the same essential features described above so NMFS does not anticipate the revised critical habitat designation to affect current opinions or the general way in which we assess Council fishing actions going forward.

### **Status of Listing Petitions for Oregon Coast, SONCC and Upper Klamath/Trinity River Spring-run Chinook**

On August 17, 2021, NMFS published its 12-month finding that listing the Oregon Coast and Southern Oregon and Northern California Coastal spring-run Chinook salmon populations as threatened or endangered ESUs under the ESA is not warranted. We determined that the Oregon Coast and Southern Oregon and Northern California Coastal spring-run Chinook salmon populations do not meet the ESU policy criteria to be considered ESUs separate from the Oregon

Coast and Southern Oregon and Northern California Coastal fall-run Chinook salmon populations. The full listing determination can be found at: <https://www.fisheries.noaa.gov/action/12-month-findings-petitions-list-spring-run-oregon-coast-chinook-salmon-and-spring-run>

NMFS is still working on the status review for the Upper Klamath/Trinity River Spring-run Chinook and Oregon Coast spring-run Chinook petitions. The initial petition was received November 2, 2017. The populations that are the subject of the petition are currently part of an ESU for which NMFS had previously determined listing was not warranted. NMFS is continuing to evaluate the implications of more recent genetic studies on run-timing and the genetic mechanisms behind it which will be important to its determination.