

NATIONAL MARINE FISHERIES SERVICE REGULATORY ACTIVITIES

The National Marine Fisheries Service (NMFS) provides this report on issues relevant to ocean salmon harvest management in 2022 in addition to those presented by NMFS at the Council's March meeting.

Adequate Progress Reviews

Section 304(e)(7) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), and regulations at 50 CFR 600.310(j)(3)(iv), requires NOAA's National Marine Fisheries Service (NMFS) to periodically review the rebuilding progress of stocks being managed under rebuilding plans. NMFS' West Coast Region (WCR) recently reviewed the rebuilding progress for four stocks of Pacific Coast salmon being managed under rebuilding plans approved by NMFS in 2020 and 2021:

- Klamath River fall-run Chinook salmon
- Snohomish River natural coho salmon
- Strait of Juan de Fuca natural coho salmon
- Queets River natural coho salmon

The criteria in the National Standard 1 (NS 1) guidelines [50 CFR 600.310(j)(3)(iv)] state that the Secretary may find that a stock is not making adequate rebuilding progress if either:

- 1) The total fishing mortality rate (F) required to rebuild the stock within the rebuilding timeframe ($F_{rebuild}$) or the annual catch limit (ACL) associated with $F_{rebuild}$ is exceeded, and accountability measures (AMs) are not correcting the operational issue that caused the overage, nor addressing any biological consequences to the stock or stock complex resulting from the overage when it is known (*Under the FMP, ACLs and other status determination criteria for salmon are based on spawning escapement (S), not catch. We use the term S_{ACL} .*); or
- 2) The rebuilding expectations of a stock or stock complex are significantly changed due to new and unexpected information about the status of the stock.

The WCR is not recommending a determination of inadequate progress for any of these stocks as a result of its review and does not propose recommending additional management measures to the Council. For all four stocks, we concluded that they did not meet either of the NS1 criteria for inadequate progress.

- Klamath Chinook: Escapement has been well above S_{ACL} during rebuilding. F_{MSY} has not been exceeded during rebuilding; therefore the stock has not been experiencing overfishing. Annual escapement and the three-year geometric mean escapement have increased under rebuilding. Analysis for the rebuilding plan identified poor productivity due to freshwater and marine environmental conditions as the proximate cause of the overfished status in the rebuilding plan.
- Queets Coho: Queets coho salmon fall under the international exception for allowable biological catch and ACLs, because it is managed internationally under the Pacific

Salmon Treaty. Therefore Criterion #1 does not apply with respect to ACLs. F_{MSY} has not been exceeded during rebuilding; therefore the stock has not been experiencing overfishing. Council-area fisheries have a low impact on Queets coho. The largest fishery impacts on this stock occur in fisheries beyond the Council's, and NMFS' jurisdiction. Analysis for the rebuilding plan identified poor productivity due to freshwater and marine environmental conditions as the proximate cause of the overfished status in the rebuilding plan. Spawning escapement in 2020 was greatly improved over that in 2018 and 2019. Stock forecast for 2022 is the highest since 2013.

- Strait of Juan de Fuca (SJF) coho: Strait of Juan de Fuca coho salmon fall under the international exception for allowable biological catch and ACLs, because is it managed internationally under the Pacific Salmon Treaty. Therefore Criterion #1 does not apply with respect to ACLs. F_{MSY} has not been exceeded during rebuilding; therefore the stock has not been experiencing overfishing. The largest fishery impacts on this stock occur in fisheries beyond the Council's, and NMFS' jurisdiction. Analysis for the rebuilding plan identified poor productivity due to freshwater and marine environmental conditions as the proximate cause of the overfished status in the rebuilding plan.
- Snohomish coho: In 2020, NMFS determined that the status of Snohomish coho had improved from overfished to not overfished—rebuilding because the three-year geometric mean spawning escapement was above the stock's minimum stock size threshold (MSST), but below S_{MSY} for the stock (Table III-7 in the Review of 2019 Ocean Salmon Fisheries). In the Council's latest SAFE document, the Review of 2021 Ocean salmon fisheries, the three-year geometric mean spawning escapement remains above MSST, but below S_{MSY} (Table III-7 in the Review of 2021 Ocean Salmon Fisheries). Snohomish coho salmon fall under the international exception for allowable biological catch and ACLs, because the stock is managed internationally under the Pacific Salmon Treaty. Therefore Criterion #1 does not apply with respect to ACLs. F_{MSY} has not been exceeded during rebuilding; therefore the stock has not been experiencing overfishing. The largest fishery impacts on this stock occur in fisheries beyond the Council's, and NMFS' jurisdiction. Analysis for the rebuilding plan identified poor productivity due to freshwater and marine environmental conditions as the proximate cause of the overfished status in the rebuilding plan.
- For all four stocks, the rebuilding expectations have not significantly changed due to new and unexpected information about the status of the stock. Therefore, they do not meet Criterion #2.

Reinitiation of ESA Consultation on California Coastal Chinook

Re-initiation of consultation under the Endangered Species Act is required "...where discretionary Federal agency involvement or control over the action has been retained or is authorized by law and: (1) *If the amount or extent of taking specified in the incidental take statement is exceeded*; (2) *If new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered*; (3) *If the identified action is subsequently modified in a manner that causes an effect to the listed species*

or critical habitat that was not considered in the biological opinion or written concurrence; or (4) If a new species is listed or critical habitat designated that may be affected by the identified action.”

In its 2022 guidance letter ([March 2022, Agenda Item D.3.b, Supplemental NMFS Report](#)), NMFS provided an overview of the recent performance of the Council’s ocean salmon fisheries and their impact to California Coastal Chinook relative to the take limit under the Endangered Species Act. Based on the information evaluated to date, as described in our supplemental report to the Council in March (March 2022, [Agenda Item D.7.a, Supplemental NMFS Report 1](#)), NMFS expects that the actions and modeling adjustments taken this year in combination with those taken in 2021, will limit ocean impacts to California Coastal Chinook to not exceed the current consultation limit of a 16 percent age-4 harvest rate on Klamath River fall Chinook salmon. However, the ESA requires reinitiation of consultation when take limits are exceeded and we wanted to take this opportunity to notify the Council that we have reinitiated consultation on the effects of the fisheries managed by the NMFS and Council under the salmon FMP on the California Coastal Chinook Evolutionarily Significant Unit. We intend to consider the information provided in March in the consultation. We anticipate completion of a biological opinion prior to the implementation of the regulations for the 2023 ocean salmon season.

Given the available information, we do not see the reinitiation affecting the 2022 ocean salmon season, but it is possible that new information may arise in the course of completing our consultation that may refine our thinking. Should that occur, we will make every effort to provide that information to the Council as quickly as possible.