

NMFS REGULATORY ACTIVITIES

The National Marine Fisheries Service (NMFS) provides this report on issues relevant to ocean salmon harvest management in 2022 and 2023.

Rebuilding plans

Adequate Progress Reviews

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to review stocks being managed under a Rebuilding Plan for adequate rebuilding progress at least every two years (MSA section 304(e)(7)). For any stock that NMFS makes a determination of inadequate progress toward rebuilding, the MSA requires that NMFS notify the Council via letter and make recommendations for additional management and conservation measures. The Council is then required to develop a new or revised rebuilding plan to be implemented within two years of NMFS' notification letter; although there have been exceptions to this requirement (e.g., Pribilof Island blue king crab).

Currently there are four salmon stocks being managed under rebuilding plans (Klamath River fall-run Chinook salmon, Queets coho, Juan de Fuca coho, and Snohomish coho). NMFS West Coast Region began reviewing the rebuilding progress for these stocks in September 2021 and will present the findings of our review at the April 2022 Council meeting.

The review will include consideration of many factors including meeting annual catch limits and other accountability measures, trends in escapement, and non-fishing factors that affect salmon productivity. Failure to meet the target rebuilding date (Ttarget) would not automatically be sufficient for a determination of inadequate progress toward rebuilding. Should NMFS determine that any of the rebuilding plans are making inadequate progress, we will work with the Council and the affected comanagers to determine the appropriate next steps.

Hood Canal Coho re: MSA Criteria as Overfished Stock

In 2021, NMFS determined that the Hood Canal coho salmon stock was approaching an overfished condition. Information in the Council's Review of 2021 Ocean Salmon Fisheries suggests that this stock likely meets the Pacific Coast Salmon Fishery Management Plan (FMP) criteria for overfished status, based on escapement for the years 2018 through 2020. NMFS will complete our 2022 salmon stock assessments this summer and notify the Council of any stock status determinations that result from those stock assessments. If NMFS determines that Hood Canal coho salmon is overfished, the MSA requires that a rebuilding plan be developed and approved by the Secretary within two years of NMFS notifying the Council. Regulations at 50 CFR 600.310(j)(2)(ii) state that the Council should transmit a recommended rebuilding plan within 15 months—to give NMFS time to review the plan and go through the regulatory process:

If a stock or stock complex is overfished or approaching an overfished condition. Upon notification that a stock or stock complex is overfished or approaching an overfished condition, a Council must prepare and implement an FMP, FMP amendment, or proposed regulations within two years of notification, consistent with the requirements of

section 304(e)(3) of the Magnuson-Stevens Act. Council actions should be submitted to NMFS within 15 months of notification to ensure sufficient time for the Secretary to implement the measures, if approved.

NMFS anticipates completion of its overfished determination for Hood Canal coho in time to discuss at the September 2022 Council meeting. Based on the timeline in the regulations, the Council would develop and transmit a rebuilding plan by December 2023 which anticipates Council final action to adopt the rebuilding plan at the November 2023 Council meeting. NMFS would target completion of the regulatory process by August/September 2024.

Status of Amending the Salmon FMP to Incorporate Adopted Harvest Control Rules for the Southern Oregon/Northern California Coast Coho Salmon ESU

In January 2022, the Council adopted new harvest control rules for the Southern Oregon/Northern California Coast (SONCC) Coho Salmon ESU ([January 2022 Decision Summary](#)) for amendment of the FMP (Amendment 23). NMFS has initiated ESA consultation on the effect of ocean salmon fisheries as managed under the FMP, including the harvest control rules adopted by the Council on the SONCC coho salmon ESU in January. We anticipate completing a new biological opinion prior to the issuance of the salmon regulations for the 2022 fishing season. We are working with Council staff on transmittal of the amendment to the FMP, likely in spring 2022 once ocean salmon preseason planning is completed. NMFS will then publish a notice of availability in the Federal Register with a 60-day public comment period on the amendment and on a draft environmental assessment for the amendment. NMFS should make its determination on whether to approve, partially approve or deny the amendment by early fall 2022.

Concerns regarding Central Valley spring Chinook (CVSC) returns in 2023/2024

The Central Valley Spring-run Chinook salmon (CVSC) ESU is listed as threatened under the ESA. As described in the NMFS Report on Fisheries Science Center Activities (Agenda Item D.1.a, NMFS Report), data are extremely limited for the ESU such that ocean impacts cannot be directly assessed and data are insufficient to develop an ESU-specific conservation objective. Because of similarities between the CVSC and Sacramento River Winter-run Chinook ESUs, NMFS concluded in a 2000 biological opinion that the management framework for Sacramento River Winter-run is adequately protective of the CVSC ESU. As described in the Science Center report, current information indicates survival of the 2020 brood year was very poor due to extreme drought conditions during juvenile outmigration. This could lead to very low CVSC adult returns in 2023 that could affect planning for the 2023 salmon fishing season.

Actions taken to offset poor survival of the 2020 brood year for Sacramento River Winter-run Chinook (i.e., increased production and trucking of juveniles, treatment of Sacramento River Winter-run Chinook hatchery production for thiamine deficiency) would not benefit the BY20 CVSC cohort. For salmon fisheries in the 2023 management year, allowable impacts on Sacramento River Winter-run Chinook and Sacramento River fall Chinook will be driven by forecasts for returning brood year 2021 Sacramento River Winter-run Chinook and brood year 2020 Sacramento River Fall Chinook salmon. Because the interventions taken are expected to increase Sacramento River Winter-run Chinook survival, the brood year 2021 forecast for

Sacramento River Winter-run Chinook will likely be higher than it would be without those actions. If that were to happen, application of the Sacramento River Winter-run Chinook management framework in 2023 could be overly optimistic relative to the poor survival of the 2020 brood year for CVSC. In its report, the Science Center highlights information and analysis that could be done during 2022 that could be very helpful to Council discussion regarding management of CVSC in 2023. We strongly support Council consideration of this work and how the various management entities could collaborate to accomplish as much as possible over the next year.

Status of listing Upper Klamath/Trinity River Spring Chinook listing petition

NMFS continues to work on the status review for the Upper Klamath/Trinity River Spring-run Chinook petition. The initial petition was received November 2, 2017. The population is 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.