

THE NATIONAL MARINE FISHERIES SERVICE REPORT ON REGULATORY ACTIVITIES

The National Marine Fisheries Service (NMFS) provides this report on issues of interest to the Pacific Fisheries Management Council relevant to ocean salmon harvest management.

Adequate Progress Review

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 NMFS to periodically review the rebuilding progress of stocks being managed under rebuilding plans. We are currently reviewing the rebuilding progress of the Klamath River fall Chinook salmon stock that is being managed under a rebuilding plan approved by NMFS in 2020. The last adequate progress review for the stock was conducted in 2022. We will present the findings of our review at the March 2025 Council meeting.

The criteria in the National Standard 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 (*Per Amendment 16, 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.

For any stock for which 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).

The review will consider 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 (T_{target}) would not automatically be sufficient for a determination of inadequate progress toward rebuilding. Should NMFS determine that the stock is making inadequate progress under the rebuilding plan, we will work with the Council and the affected comanagers to determine the appropriate next steps.

Status of Endangered Species Act (ESA) listing petitions and determinations

Washington Coast Chinook: NMFS received a petition in July 2023 to list either an Evolutionary Significant Unit (ESU) of spring-run Chinook salmon on the Washington coast; or, to list the Washington Coast Chinook ESU (which includes both spring- and fall-run Chinook salmon), based primarily on the decline in the status of the spring-run component of the ESU. Last December, NMFS found that the petition met the standard for further review to determine if these ESUs warrant listing given new information. NMFS will conduct a status review of Chinook salmon on the Washington Coast to inform its determination as to whether the petitioned action to list is warranted.

Olympic Peninsula Steelhead Distinct Population Segment (DPS): In August 2022, NMFS received a petition to list the DPS. The 90-day finding issued in February 2023 concluded the petitioners met the standard for further review to determine if these ESUs warrant listing given new information. NMFS is currently conducting a status review to inform its determination as to whether the petitioned action to list is warranted.

Oregon Coast/Southern Oregon Northern California Coast Chinook ESUs: In August 2022, NMFS received a petition to list the Oregon Coast (OC) and the Southern Oregon/Northern California (SONC) Chinook ESUs under the ESA, or, alternatively, to list only spring-run Chinook salmon in each of the ESUs. The 90-day finding issued in January 2023 concluded that: (1) the petitioners met the standard for further review to determine if these ESUs warrant listing given new information, and; (2) that the petitioned action to list only the spring-run components of the OC and SONCC Chinook salmon ESUs is not warranted. NMFS is currently conducting a status review to inform its determination as to whether the petitioned action to list is warranted.

Upper Klamath/Trinity River Chinook ESU: NMFS received the petition in 2017 and announced a positive 90-day finding in 2018. NMFS continues to evaluate this petition and to incorporate traditional ecological knowledge in the evaluation of the petition.

Central Valley Spring Chinook ESU: This ESU was listed as threatened under the ESA in 1999. Given the limited data available on CVSC, the Council relies on the management framework developed for Sacramento River Winter Chinook, along with other regulatory measures in the FMP, to limit impacts to CVSC salmon in a manner sufficient to avoid jeopardy to CVSC. NMFS has conveyed its heightened concern about this ESU in previous year given its declining status. NMFS is re-assessing the status of the ESU based on information provided in the most recent 5-year status and viability reviews.