

### **Proposed Evaluation and Pending Determination**

**Title:** Tribal Resource Management Plan (TRMP) for the Clearwater River Coho salmon Restoration Project

**Plans Submitted by:** Nez Perce Tribal (NPT)  
Idaho Department of Fish and Game (IDFG)  
Columbia River Inter-Tribal Fish Commission (CRITFC)

**ESU/DPS:** Snake River Spring/Summer Chinook Salmon ESU  
Snake River Fall Chinook Salmon ESU  
Snake River Steelhead DPS  
Snake River Sockeye Salmon ESU

**ESA 4(d) Rule:** Tribal

**NMFS Tracking Number:** WCR-2017-7303

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## 1 EVALUATION

NOAA's National Marine Fisheries Service (NMFS) issued a final Endangered Species Act (ESA) 4(d) rule adopting regulations (50 CFR 223.203) to conserve listed salmon and steelhead (70 FR 37160 and 73 FR 55451; NMFS and NOAA 2005; 2008). However, under the exemptions contained in the rule or the 4(d) Tribal rule, ESA section 9 take prohibitions for threatened species do not apply to hatchery activities described in a resource management plan (RMP) or tribal resource management plan (TRMP; Tribal Plan) that meet certain requirements. This evaluation document considers hatchery plans submitted under the 4(d) Tribal rule.

Section 9 of the ESA prohibits the take of endangered species and, pursuant to §4, NMFS has extended that prohibition to threatened salmon and steelhead. Under the joint state-tribal 4(d) rule (50 CFR 223.203(b)(6)), those prohibitions don't apply to hatchery activities described in an RMP, provided that:

- The Secretary of Commerce has determined pursuant to 50 CFR 223.204(b) [the Tribal 4(d) rule] and the government-to-government processes therein that implementing and enforcing the TRMP will not appreciably reduce the likelihood of survival and recovery of listed salmon and trout
- The Tribal Resource Management Plan (TRMP) provided for 4(d) review will be implemented and enforced within the parameters set forth in *U.S. v. Oregon*; and
- The Secretary of Commerce has taken comment on NMFS' pending determination as to whether or not implementation of the TRMP will appreciably reduce the likelihood of survival and recovery of the listed salmonids (50 CFR 223.204(b)(3))

Under the tribal 4(d) rule (50 CFR 223.204), ESA section 9 prohibitions on the take of threatened species do not apply to activities described in a TRMP submitted to NMFS, provided that the Secretary determines that implementation of such TRMP will not appreciably reduce the likelihood of survival and recovery of the listed salmonids. TRMPs must also specify the terms of their enforcement.

The Clearwater River coho TRMP describes the operation of a reintroduction hatchery release of 500,000 coho salmon to the Clearwater River subbasin at levels of abundance and productivity sufficient to support sustainable runs and annual harvest. The Idaho Department of Fish and Game, Nez Perce Tribe, and Columbia River Intertribal Fisheries Commission (CRITFC) have provided NMFS with a TRMP in the form of one hatchery and genetic management plan (HGMP) and associated addenda proposed for implementation of the program (Table 1; Figure 1). The applicants have provided the HGMP for review and determination by NMFS pursuant to the Tribal 4(d) rule. The HGMP along with any addenda (Largo 2017) and the Annual Operating Plan (AOP) serves as a TRMP for this evaluation. This PEPD is only evaluating the coho salmon associated with Dworshak National Fish Hatchery (DNFH) and Kooskia National Fish Hatchery (KNFH).

As per the Tribal 4(d) rule, NMFS consulted with the applicants during the development of the HGMPs and addenda through government-to-government communication and technical work

group meetings to provide technical assistance, to exchange information and discuss what would be needed to conserve the listed species, and to be consistent with legally enforceable tribal rights and the Secretary’s trust responsibilities to the treaty tribes. The HGMP along with associated application materials was reviewed and NMFS determined that it was sufficient for NMFS to proceed in its evaluation of plan effects on ESA-listed species (Purcell 2017).

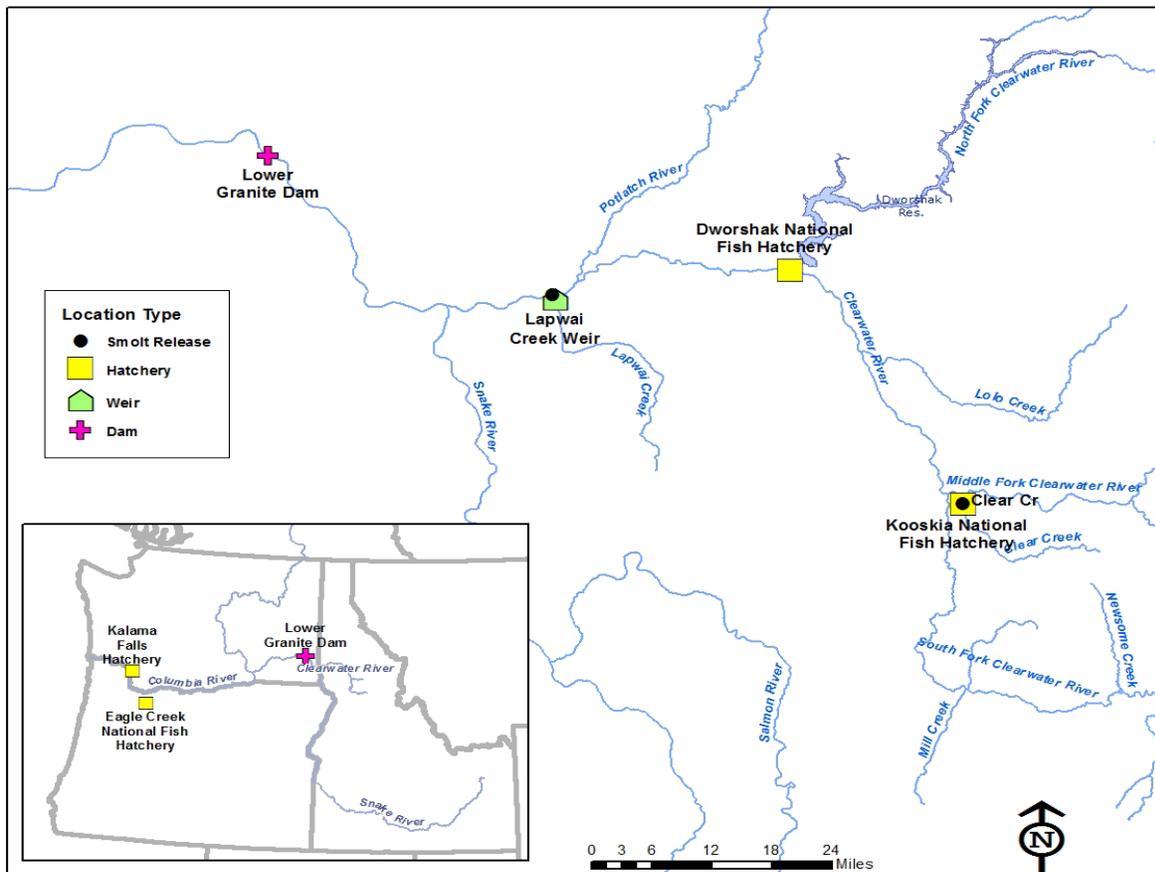
The following discussion evaluates whether the submitted plan addresses the criteria in section 223.203(b)(5) of the 4(d) rule for salmon and steelhead—the appropriate criteria for HGMPs for hatchery programs<sup>1</sup>.

**Table 1. Proposed hatchery program for Clearwater coho salmon requiring Tribal 4(d) rule evaluation.**

Hatchery Program	Operator	Funder	Program Purpose	Date Submitted <sup>1</sup>
Clearwater River Coho Salmon (at Dworshak and Kooskia)	NPT*	CRITFC	Reintroduction and Supplementation	April, 2016

\*Primary operator listed but efforts also coordinated with Idaho Fish and Game (IDFG)

<sup>1</sup> The criteria listed in 223.203(b)(5) concerning the sufficiency of an HGMP are appropriate for evaluating TRMP consisting of HGMPs, because those are the relevant criteria NMFS considers in evaluating whether a hatchery program will appreciably reduce the likelihood of survival and recovery of listed salmon and steelhead. The determination to be made under the Tribal 4(d) rule with regard to the criteria is functionally identical to the determination made under limit 5 of the 4(d) rule for salmon and steelhead. The submitted document is in the form of both a TRMP and an HGMP. We will refer to it henceforth as an HGMP.



**Figure 1. Location of coho salmon facilities used in the Proposed Action (courtesy of IDFG).**

**1.1 5(i)(A) The HGMP has clearly stated goals, performance objectives, and performance indicators that indicate the purpose of the program, its intended results, and measurements of its performance in meeting those results.**

The HGMP has clearly stated its goal, performance objectives, and methods for measuring the progress toward achieving those objectives. The general program goals described in Section 1.7 of the HGMP for propagating hatchery fish are to:

- Mitigate lost natural-origin fish production
- Meet tribal fishery harvest allocations guaranteed through treaties and affirmed in *U.S. v. Oregon*

Performance objectives and indicators that would be used to gauge compliance with each objective are described in Section 1.10 of the HGMP and submitted documents. Evaluation and monitoring to ensure standards and indicators are met is further described in Section 1.8 of this document and are summarized in Table 2. HGMP implementation would generally be described to determine:

1. Program consistency with proposed hatchery actions and intended results (e.g., juvenile fish release and adult return levels)
2. Measurement of the program’s success or failure in attaining results; and
3. Effects of the program on listed natural-origin fish populations in the Snake River Basin.

**Table 2. HGMP program performance standards and indicators.**

Standard	Indicator
Produce fish for supplementation and reintroduction while minimizing excess hatchery returns	<ul style="list-style-type: none"> <li>• Measure adult harvest and escapement</li> <li>• Estimate harvest rate- a portion are marked with CWT but no mark selective fisheries for them</li> <li>• Excess hatchery fish are used to seed tributaries that coho salmon were extirpated from as part of the reintroduction program</li> </ul>
Reintroduce natural population)	<ul style="list-style-type: none"> <li>• Increasing proportion of returning natural-origin adults on spawning grounds</li> <li>• Increasing natural smolt levels</li> </ul>
Proper broodstock collection and management	<ul style="list-style-type: none"> <li>• Collected randomly throughout the run</li> <li>• Weir/trap checked regularly</li> <li>• Designated mating scheme, sex ratio</li> <li>• Stray rates</li> </ul>
Meet hatchery juvenile production goal	<ul style="list-style-type: none"> <li>• Egg to fry or smolt survival is as expected</li> <li>• Release target</li> </ul>
Minimize interactions of releases with natural-origin fish	<ul style="list-style-type: none"> <li>• Juveniles released at sea-water ready life stages</li> <li>• Size and time of release accounts for listed stocks</li> </ul>
Life history characteristics of the natural population do not change	<ul style="list-style-type: none"> <li>• Stable life history patterns of natural fish</li> <li>• Age and size data for natural population</li> </ul>
Natural population genetic variation does not change due to artificial propagation	<ul style="list-style-type: none"> <li>• Genetic assessment</li> </ul>
Limit pathogen amplification and transmission	<ul style="list-style-type: none"> <li>• Follows fish health policies</li> </ul>

**1.2 5(i)(B) The HGMP utilizes the concepts of viable and critical salmonid population thresholds, consistent with the concepts contained in the technical document entitled “Viable Salmonid Populations.”**

HGMPs proposed for consideration under any of the 4(d) rules must use the concepts of viable and critical thresholds as defined in the NMFS Viable Salmonid Population (VSP) document (McElhany et al. 2000). Application of these VSP concepts is needed to adequately assess and limit the take of listed salmonids for the protection of the species. Section 2.2.2 of the HGMP describes the status of the listed Chinook salmon, sockeye salmon, and steelhead populations relative to “critical” and “viable” population thresholds within the Snake Basin and references the most recent Northwest Fisheries Science Center Status Review (NWFSC 2015).

The Snake River Steelhead DPS remains threatened (NWFSC 2015). Factors that limit the DPS’s survival and recovery include: migration through the Federal Columbia River Power System FCRPS; the degradation and loss of estuarine areas, and spawning and rearing areas as well as interbreeding and competition with hatchery fish that outnumber natural-origin fish. Hatchery

effects are likely more pronounced when the program occurs on a listed population. Those populations within the DPS with hatchery fractions > 50 percent are the Tucannon, Asotin Creek, Lolo Creek, South Fork Clearwater, Little Salmon River, Pahsimeroi, Lemhi, East Fork Salmon and Upper Salmon River based on a preliminary run reconstruction model (see Table 29; NWFSC 2015). Those in the Clearwater and Salmon River Basins are most likely to be affected by the programs in this Proposed Action. However, consolidation of release sites for most programs in the mainstem area of rivers, and releases where associated populations are targeted for maintained rather than viability or high viability is expected to reduce effects on listed populations.

The Snake River Spring/Summer Chinook Salmon ESU remains listed as threatened (NWFSC 2015). Factors that limit the ESU's survival and recovery are the same as those for steelhead above (Ford 2011). The most serious risk factor is low natural productivity (spawner-to-spawner return rates) and the associated decline in abundance to low levels relative to historical returns. The biological review team Ford (2011) was concerned about the number of hatchery programs across the ESU, noting that these programs represent ongoing risks to natural populations and can make it difficult to assess trends in natural productivity. However, none of the programs included in this document propagate spring/summer Chinook salmon, and there is minimal overlap between the two species.

The Snake River Fall-run Chinook Salmon ESU remains at threatened status (NWFSC 2015). Factors that limit the ESU's survival and recovery include: hydropower projects, predation, harvest, degraded estuary habitat, and degraded mainstem and tributary habitat (Ford 2011). Hatcheries mitigating for losses caused by the dams have played a major role in the production of Snake River fall-run Chinook salmon since the 1980s (NMFS 2012b). Since the species was originally listed in 1992, fishery impacts have been reduced in both ocean and river fisheries. (NWFSC 2015). Poor ocean conditions over the last 20 years have also negatively affected the survival of Snake River fall-run Chinook salmon (NMFS 2012b). Although none of the programs in this document propagate fall Chinook, there is overlap temporally between the species that could lead to some ecological effects.

The Snake River Sockeye Salmon ESU contains one MPG with one extant population (Redfish Lake) and two to four historical populations (Alturas, Pettit, Stanley, and Yellowbelly Lakes). Since ESA-listing, progeny of the Redfish Lake sockeye salmon population have been outplanted to Pettit and Alturas Lakes within the Sawtooth Valley for recolonization purposes (NMFS 2011). At this stage of the recovery efforts, the ESU remains endangered with a high risk for spatial structure, diversity, abundance, and productivity (NWFSC 2015). At present, anadromous returns are dominated by production from the captive spawning component. The ongoing reintroduction program is still in the phase of building sufficient returns to allow for large-scale reintroduction into Redfish Lake, the initial target for restoring natural program (NMFS 2015). None of the programs propagate sockeye salmon and there is very little overlap between the species spatially or temporally.

**1.3 5(i)(C) Taking into account health, abundances, and trends in the donor population, broodstock collection programs reflect appropriate priorities.**

A prioritized purpose of a broodstock collection program using listed fish is to re-establish an indigenous salmonid population for conservation purposes, including restoration of similar at-risk populations within the same ESU, and reintroduction of at-risk populations to under-seeded habitat. Under this 4(d) rule criterion, as described in the 4(d) rule, listed salmonids may be intentionally taken for broodstock only if:

1. The donor population is currently at or above the viable threshold and the collection will not impair its function, or
2. The donor population is not currently viable but the sole objective is to enhance the propagation or survival of the listed ESU, or
3. The donor population is shown with a high degree of confidence to be above the critical threshold although not yet functioning at viable levels, and the collection will not appreciably slow attainment of viable status for that population.

Coho salmon have been extirpated from the Clearwater River Basin. This reintroduction program is being managed as segregated as only returning hatchery-origin fish are available to be used for broodstock. The broodstock origin includes both the Tanner and Eagle Creek stocks. These have been the broodstock sources for the recent history (past 6 years- with the exception of 2015 broodstock that have been collected from returns to the Snake/Clearwater River). The Clearwater coho salmon program operated at DNFH and KNFH do not use listed fish for broodstock. Taking into account biological considerations like status of the species, broodstock collection reflects appropriate priorities as there are no ESA-listed coho salmon in the Clearwater River Basin. Refer to Sections 6, 7, and 8 in the HGMP as well as the Broodstock Collection and Spawning section below for descriptions of the various considerations used when determining the program should be managed as a reintroduction and supplementation program.

**1.4 5(i)(D) The HGMP includes protocols to address fish health, broodstock collection and spawning, rearing and release of juveniles, disposition of hatchery adults, and catastrophic risk management.**

The HGMP includes protocols, or “best management practices” (BMPs), for fish health, broodstock collection, broodstock spawning, rearing and release of juveniles, deposition of hatchery adults, and catastrophic risk management. These practices, when implemented, would be appropriate for their purpose of adequately limiting the risk of substantial direct and incidental adverse effects on listed fish.

*Fish Health (HGMP Sections 7, 9, and 10):* Prior to hatching, dead eggs are removed on a regular schedule (approximately two times per week) to discourage the spread of fungus. ELISA<sup>2</sup> optical density values for broodstock females are used to establish bacterial kidney disease (BKD) management criteria for egg culling and/or segregation needs. During rearing, regular fish health inspections are conducted. If disease agents are suspected or identified, more frequent inspections will be conducted. Recommendations for treating specific disease agents are

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<sup>2</sup> “Enzyme-linked immunosorbent assay”; the method used to detect *Renibacterium salmoninarum* (the causative agent of bacterial kidney disease) in salmonids.

provided by the Idaho Department of Fish and Game Fish Health Laboratory in Eagle, Idaho, for Clearwater Fish Hatchery and from the US Fish and Wildlife Service’s Pacific Region Fish Health Program (USFWS PRFHP) office located at DNFH for DNFH, KNFH, and NPTH programs. Additionally, the Clearwater Coho Restoration Program (CCRP) contracts with the PRFHP to provide a fish health specialist who monitors fish health monthly. Prior to release, a pre-release fish health inspection is conducted for their respective hatcheries. All fish production is conducted according to the USFWS - National Fish Health Policy, Pacific Northwest Fish Health Protection Committee (PNFHPC) - Model Program, and Integrated Hatchery Operations Team (IHOT) policies and guidelines.

*Broodstock Collection and Spawning (HGMP Sections 6, 7, and 8):* Only hatchery-origin fish are used as broodstock for the Clearwater River coho program by both DNFH and KNFH. Broodstock are collected from adult fish returning to the hatchery release sites using a weir and fish ladder on Clear Creek (weir), Lapwai Creek (weir), North Fork Clearwater River at DNFH (ladder), and trap at KNFH. The traps are open in October and adults are collected in October, November, and December. The target number of coho broodstock collected is 1,200 adult fish, or 600 females (assuming 1:1 sex ratio for adults) (Table 3). Broodstock collection (collection number) and collection activities (collection location and methods) associated with the Clearwater coho salmon program including the use of weirs are documented in Table 3 below.

**Table 3. Broodstock collection details; DNFH=Dworshak National Fish Hatchery; KNFH=Kooskia National Fish Hatchery.**

<b>Program</b>	<b>Source</b>	<b>Collection Location(s)</b>	<b>Collection Method</b>	<b>Collection Target</b>	<b>Collection Duration</b>	<b>pNOB</b>
Clearwater River Coho (at DNFH and KNFH)	Local hatchery-origin	Lapwai Creek Weir, Clear Creek, KNFH, DNFH	Weirs, trap, fish ladder	1,200	October-December	0

*Rearing and Release of Juveniles (HGMP Sections 9 and 10):* All coho would receive a mark or tag prior to release to allow for their differentiation from natural-origin salmon or steelhead. Release numbers, life stage, mark/tag types, and dates for all hatchery programs are detailed in Table 4 below.

**Table 4. Proposed annual release protocols for the coho program. CWT = coded-wire tag; PIT = passive integrated transponder tag; PBT=Parental-Based Tagging. DNFH=Dworshak National Fish Hatchery; KNFH=Kooskia National Fish Hatchery.**

Program	Life Stage, Size and Number	Marking and Tagging <sup>1</sup>	Egg Incubation Location	Rearing Location	Acclimation Site; Duration	Volitional Release?	Release Location	Release Time
Clearwater (coho at DNFH and KNFH)	500,000 smolts; 20 fpp	16-50% CWT <sup>2</sup> ; 100% PBT	KNFH; DNFH	KNFH; DNFH	KNFH; 3 weeks	No	Clear Creek	Late April or early May

<sup>1</sup> All marking (PBT, CWT and PIT tagging levels) may change based on budgets, evaluations needed, and cooperator agreement into the future. Changes for *U.S. v. Oregon* production will be approved through the process established in that forum, which includes coordination with NMFS as a party to the agreement. Additionally, if a marking is a set number instead of a percentage, that marking number will not change regardless of the actual number of fish released.

<sup>2</sup> Range depends on funding levels for a given year.

*Disposition of Hatchery Adults (HGMP Section 7.5):* If adult return exceeds broodstock needs, co-managers have agreed to outplant fish to spawn naturally. The co-managers have prioritized streams for outplanting with in the Clearwater River Annual Operating Plan as; 1-Lapwai Creek, 2-Lolo Creek, 3-El Dorado Creek, 4-Mainstem Clearwater River, and 5-South Fork Clearwater River.

*Catastrophic Risk Management (HGMP Section 5.8):* DNFH and KNFH adhere to the applicants' fish health policies (IHOT 1995; USFWS 2004; NWIFC and WDFW 2006) apply best management practices (BMPs) to reduce the risk of catastrophic loss of fish under propagation, such as specific rearing densities and feeding regimes, and use of disinfection protocols before entering and leaving egg incubation/rearing buildings at each facility. In addition, all hatcheries have staff on site 24 hours a day or have a way to contact staff in the event of an emergency (e.g., low water, fire).

Listed fish trapped at KNFH in Clear Creek are removed during trap sampling, measured, and either placed above the weir after recovery or allowed to continue their migration up Clear Creek or, if creek flows are low, trucked upstream several miles and released.

Listed fish trapped via the fish ladder at DNFH on the North Fork Clearwater River are sorted out, placed in a tank, driven to the Ahsahka access boat ramp, and released into the North Fork Clearwater River.

**1.5 5(i)(E) The HGMP evaluates, minimizes, and accounts for the propagation programs' genetic and ecological effects on natural populations, including disease transfer, competition, predation, and genetic introgression caused by straying of hatchery fish.**

The Clearwater coho salmon HGMP provides evaluations of potential genetic and ecological effects on listed salmon and steelhead in Section 2 and risk minimization measures in Section 6-10.

Artificial fish production may result in three forms of genetic risk: loss of within-population genetic diversity (the reduction in quantity, variety, and combinations of alleles in a population); outbreeding depression (loss in fitness caused by changes in allele frequency or the introduction of new alleles); and/or hatchery-influenced selection (Busack and Currens 1995).

The primary ecological risks to natural-origin salmon and steelhead populations posed by salmon and steelhead hatchery programs are increased pathogen transfer, competition, and predation (NMFS 2012a). As noted in the HGMP and earlier in this document, all hatchery actions would be implemented in accordance with fish health policies to account for and minimize the risks of pathogen amplification and transmission.

The program accounts for and minimizes genetic and ecological risks to listed salmon and steelhead populations through implementation of the following measures:

- Any natural fall Chinook salmon or steelhead incidentally trapped are returned to the

Clearwater River (fall Chinook salmon), and released above the weir on Lapwai Creek or Clear Creek (steelhead). If trapping occurs at DNFH, all natural fish are returned to the Clearwater River

- Listed fish are not propagated nor used as broodstock in the Clearwater Coho Restoration Program
- Continuing to follow fish health practices to minimize the incidence of infectious disease agents including all IHOT, AFS, and PNFHPC guidelines.
- Marking hatchery-produced coho salmon for monitoring and evaluation of program effectiveness.
- Attempting to program time of release to mimic natural fish emigration for Clearwater River and Snake River smolt releases.
- Continuing to release fish that are fully smolted to promote rapid emigration to reduce interactions with natural fish.
- Monitoring straying of coho salmon with CWT and PBT
- Monitoring of residuals through visual inspections prior to release

**1.6 5(i)(F) The HGMP describes interrelationships and interdependence with fisheries management.**

Descriptions of this criterion occur in Section 3 of the HGMP. Crossover with fisheries management occurs in:

- The *United States vs. Oregon Management Agreement (U.S. v. Oregon)*: hatchery programs would operate consistently with the *U.S. v. Oregon Management Agreement*, which requires that all parties cooperate and agree on the function, purpose, and fish production strategies.
- State recreational and tribal fisheries for hatchery-origin species produced through this program may incidentally affect natural-origin Chinook, sockeye salmon, and steelhead.

**1.7 5(i)(G) Adequate artificial propagation facilities exist to properly rear progeny of naturally spawned broodstock, to maintain population health and diversity, and to avoid hatchery-influenced selection and domestication.**

This program does not propagate ESA-listed fish. As described in Sections 4 and 5 of the HGMP, the hatchery facilities used to implement the program have adequate surface and groundwater sources, fish trapping and holding facilities, egg incubation and fish rearing vessels, and fish release facilities to ensure proper rearing. As mentioned previously, fish health is maintained throughout rearing by adhering to fish health policies and using pathogen-free water sources when possible. Minimization of catastrophic loss and genetic risks associated with this program were addressed in Sections 1.4 and 1.5, respectively, of this document.

**1.8 5(i)(H) Adequate monitoring and evaluation exist to detect and evaluate the success of the hatchery program and any risks potentially impairing the recovery of the listed ESU.**

Monitoring and evaluation actions to identify the performance of each program and hatchery-

related effects on ESA-listed fish are also proposed. These actions are summarized in Section 1.10 of the HGMP, and are further described in Section 12<sup>3</sup> of the HGMP. Monitoring and evaluation actions that would be implemented include:

- Broodstock/Adult Trapping for broodstock collection takes place from October to December. Adults are captured, measured, and sexed, examined for the presence of clips, tags, and marks then designated as broodstock or released. CWTs will be recovered. Genetic samples (tissue) are collected from all spawned adults to develop the PBT baseline.
- Redd counts (Spawning and Spawning Ground Surveys) and carcass surveys are conducted (October-December) to estimate the number of redds and composition of spawners
- Fecundity estimates: November-January
- Juvenile Rearing: Year round production
- Tagging/marking a representative group of juveniles at the hatchery-June-July (based on regular tagging activities) to estimate harvest in mixed-stock fisheries downstream of Idaho
- PIT tagging to detect adults in the mainstem Columbia River and Lower Snake River at dams to inform in-season fisheries management: March (based on regular PIT tagging activities)

**1.9 5(i)(I) The HGMP provides for evaluating monitoring data and making any revisions of assumptions, management strategies, or objectives that data show are needed.**

Under the HGMPs (Section 1.10), data collected relating to hatchery program performance and effects would be evaluated by the applicants to determine whether performance standards were met. Annual reports for the programs assembled by the applicants would be jointly reviewed by NMFS to document program results, and to determine if adjustments to the programs' assumptions and management strategies are warranted. Any changes would be incorporated into the *U.S. v. Oregon* Management Agreement, Annual Operating Plan documents, and/or the HGMP as necessary.

**1.10 5(i)(K) The HGMP is consistent with plans and conditions set within any Federal court proceeding with continuing jurisdiction over tribal harvest allocations.**

The coho salmon program was developed by the applicants pursuant to the *U.S. v. Oregon* Management Agreement fisheries and hatcheries management framework. The HGMPs are one component of an effort to preserve and recover to a fishable status listed salmon and steelhead in the Snake River Basin. There are no recovery plans for coho salmon in the Snake River basin because this is not an ESA-listed species. The final recovery plans for Snake River fall Chinook salmon (NMFS 2017b), Snake River spring/summer Chinook salmon and steelhead (NMFS 2017c), and the Snake River sockeye salmon (NMFS 2015) have hatchery and habitat components, and including monitoring, research, and restoration recommendations to complement artificial production. The hatchery actions proposed in the HGMPs are included

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<sup>3</sup> Generally this information is found in Section 11 in the HGMPs, but applicants recorded this under Section 12.

within, and consistent with, these recovery plans. There are no other plans or conditions set within Federal court proceedings, including memorandums of understanding, court orders or other management plans, that direct operation of the proposed coho salmon hatchery program.

## **2 PENDING DETERMINATION**

As required by the Tribal 4(d) rule, the Secretary is seeking comment from the public on the pending determination as to whether or not the TRMP evaluated here would appreciably reduce the likelihood of survival and recovery of ESA-listed salmon and steelhead. In addition, comment is sought on whether the TRMP meets the standards set forth in the Tribal 4(d) rule.

## **3 RECOMMENDED DETERMINATION**

As required in (b)(4) of section 223.204, after taking all public comments under consideration, the Secretary will publish notice of his determination as to whether the TRMP appreciably reduces the likelihood of survival and recovery of affected threatened species, together with a discussion of the biological analysis underlying that determination.

## **4 REEVALUATION CRITERIA**

NMFS will reevaluate this determination if: (1) the actions described by the TRMP are modified in a way that causes an effect on the listed species not previously considered in NMFS' evaluation; (2) new information or monitoring reveals effects that may affect listed species in a way not previously considered; or (3) a new species is listed or critical habitat is designated that may affect NMFS' evaluation of the TRMP.

## **5 REFERENCES**

- Busack, C., and K. P. Currens. 1995. Genetic risks and hazards in hatchery operations: Fundamental concepts and issues. AFS Symposium 15: 71-80.
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