



May 15, 2020

MEMORANDUM FOR: Barry A. Thom
Regional Administrator

FROM: Allyson Purcell
Chief, Anadromous Production and Inland Fisheries Branch
Sustainable Fisheries Division

SUBJECT: One Summer Chinook Salmon Hatchery Program in the Upper Columbia River Basin, WA-Decision Memorandum

The Washington Department of Fish and Wildlife (WDFW) and the Douglas County Public Utilities District (DPUD) have jointly submitted a Hatchery and Genetic Management Plan (HGMP) for a summer Chinook salmon hatchery program for Southern Resident Killer Whales in the Upper Columbia River Basin at Wells Hatchery. The HGMP was submitted for review under Limit 5 of the Endangered Species Act (ESA) 4(d) Rule, 50 CFR 223.203(b)(4).

Recommendation

The National Marine Fisheries Service's (NMFS') Sustainable Fisheries Division (SFD) has evaluated the HGMP and finds that it meets all of the requirements specified in Limit 5 of the 4(d) Rule. SFD recommends that the HGMP be approved under Limit 5 of the 4(d) Rule, provided that the HGMP is operated in accordance with the implementation terms detailed at the end of this memo, and with the Proposed Action described in the Proposed Action section of NMFS' Biological Opinion.

Background

An application prepared by the co-managers (Table 1) was received and deemed sufficient by NMFS in 2019 (NMFS 2019b). The activities included in this evaluation are described in the HGMP (WDFW 2019).

Table 1. Application details for the hatchery program.

Hatchery and Genetics Management Plan	Program Operator ¹	Program Funder ¹
Wells Summer Chinook for SRKW ¹	Washington Department of Fish and Wildlife and Douglas PUD ²	Washington Department of Fish and Wildlife ³ and/or Pacific Salmon Treaty Funds

¹SRKW = Southern Resident Killer Whales

² Public Utility District No. 1 of Douglas County

³This will not include funding for Douglas PUD's normal operating and maintenance costs associated with their existing program obligations. Douglas PUD owns and operates Wells Hatchery.

Discussion

Controversial Issues

The activities described in the HGMP are not controversial, and are not the subject of on-going or pending litigation.

Public Review and Comment

NMFS has provided an opportunity for public comment on the Hatchery and Genetic Management Plan. This document was made available for a 30-day public comment period upon notice of availability in the Federal Register on January 7, 2020 (85 FR 704).

The Environmental Assessment (EA) that precedes the Supplemental EA (SEA) was also made available for a 30-day public comment period upon notice of availability in the Federal Register on April 2, 2020 (85 FR 12594). We received comments from two commenters. The comments were non-substantive and did not offer suggestions for improving the hatchery programs nor did they provide any supporting information or documentation for their critiques. None of the comments resulted in edits to the EA.

Evaluation of the HGMP under the 4(d) Rules

After considering public comments, SFD determined that the HGMP meets all of the requirements of the ESA 4(d) Rule. See Attachment 1 for our evaluation.

Evaluation of NMFS' Proposed Determination under NEPA

SFD published a Supplemental Environmental Assessment (SEA) (Attachment 2) to modify an existing EA (NMFS 2019a) and evaluate whether NMFS' 4(d) determination would result in significant environmental impacts. The SEA also evaluated the effects of terminating all HGMP activities, reducing production, and increasing production. SFD prepared a Finding of No Significant Impact (FONSI) (Attachment 3).

Evaluation of Federal Actions under the ESA Section 7 and the Magnuson-Stevens Act EFH

SFD prepared an ESA section 7 Biological Opinion to evaluate the effects of our determination on listed species in the Action Area (Attachment 4). As described in SFD's Biological Opinion, the approval of the HGMP is not likely to jeopardize the continued existence of the listed Upper Columbia River Spring Chinook Salmon ESU or Steelhead DPS, the Southern Resident Killer Whale DPS, nor would it result in the destruction or adverse modification of their critical habitat.

SFD also analyzed the effects of the actions on Essential Fish Habitat (EFH) under the Magnuson-Stevens Act in our Biological Opinion. We determined that the effects of the action on EFH are likely to be within the range of effects considered in the ESA portion of the opinion, and concluded that the proposed actions are not likely to have any additional adverse effects on Pacific salmon EFH.

NMFS engaged in a separate consultation with the USFWS on ESA-listed species under USFWS' jurisdiction (USFWS 2020).

Implementation Terms

To help ensure consistency with the NMFS effects findings and ESA determinations for the Proposed Action, the applicants must comply with the following implementation terms for the HGMP (NMFS provides these implementation terms to the applicant in a letter describing our final determination).

- 1) Provide advance notice of any change in program operation and implementation that may increase the amount or extent of take, or results in an effect of take not previously considered.
- 2) Notify NMFS SFD within 48 hours after knowledge of exceeding authorized take. The applicants shall submit a written report, and/or convene a discussion with NMFS to discuss why the authorized take was exceeded.
- 3) The applicants implement the Wells Summer Chinook Hatchery Program for Southern Resident Killer Whales program as described in the Proposed Action (Section 1.2) and the submitted HGMP including:
 - a) Providing advance notice to NMFS of any change in hatchery program operation that potentially increases the amount or extent of take, or results in an effect of take not previously considered.
 - b) Providing notice if monitoring reveals an increase in the amount or extent of take, or discovers an effect of the Proposed Action not considered in this opinion.
 - c) Allowing NMFS to accompany any employee or representative field personnel while they conduct activities covered by their biological opinion.
- 4) The applicants provide reports to NMFS SFD annually on December 31st a year after collection of data for the hatchery program and associated research, monitoring, and evaluation (RM&E).
 - a) All reports/notifications be submitted electronically to the NMFS SFD point of contact for this opinion: Natasha Preston (503) 231-2178, natasha.preston@noaa.gov.
 - b) Applicants will notify NMFS SFD within 48 hours after exceeding any authorized take, and shall submit a written report detailing why the authorized take was exceeded within two weeks of the event.
 - c) Annual reports to SFD for hatchery programs should include:
 - i) The number and origin (hatchery and natural) of each listed species handled and incidental mortality across all activities Hatchery Environment Monitoring Report
 - Number and composition of broodstock, and dates of collection
 - Numbers, pounds, dates, locations, size (and coefficient of variation), and tag/mark information of released fish
 - Survival rates of all life stages (i.e., egg-to-smolt; smolt-to-adult)
 - Disease occurrence at hatcheries
 - Precocious maturation rates prior to release
 - Any problems that may have arisen during hatchery activities
 - Any unforeseen effects on listed fish
 - ii) Natural Environmental Monitoring Report
 - The number of returning hatchery and natural-origin adults, including stray information to tributaries

- The number and species of listed fish encountered at each adult collection location, and the number that die
- The contribution of fish from these programs into ESA-listed populations (i.e., Methow River) based on coded wire tag recoveries/PIT tag detections
- Post-release out-of-basin migration timing (median travel time) of juvenile hatchery-origin fish to the confluence of the Snake River.
- Number and species of listed juveniles and adults encountered and the number that die during RM&E activities

Consistent with subparagraph 5(vi) of Limit 5 of the ESA 4(d) Rule, it is NMFS' intent to regularly communicate with the applicants regarding the HGMP's effects on listed salmon and steelhead population viability.

Summary

SFD has reviewed the HGMP provided by the applicants for the Wells summer Chinook salmon for SRKW hatchery program in the Upper Columbia River Basin (Table 1). Based on this review, SFD has determined that the plan addresses all of the requirements of Limit 5 of the 4(d) Rule. If the Regional Administrator concurs with this determination, take prohibitions for listed steelhead and salmon populations will not apply to activities implemented in accordance with the HGMP, provided that the program is operated in accordance with the implementation terms and reporting requirements described in NMFS' letter of concurrence.

Concurrence

I concur with your recommendation.

for 

 Barry A. Thom
 Regional Administrator

May 15, 2020
 Date

I do not concur with your recommended determination.

 Barry A. Thom
 Regional Administrator

 Date

Attachment 1: ERD; Attachment 2: SEA; Attachment 3: FONSI; Attachment 4: Section 7 Biological Opinion

Literature Cited

- NMFS. 2019a. Environmental Assessment for Endangered Species Act Section 4(d) Approval and Section 10(a)(1)(A) Permit Issuance for Steelhead Hatchery Programs and Section 10(a)(1)(B) Permits Issuance for Summer/Fall and Fall Chinook Salmon Hatchery Programs in Upper Columbia River Basin Final Environmental Assessment. June 2019. 134p.
- NMFS. 2019b. Sufficiency Letter to Kelly Susewind (WDFW) and Shane Bickford (Douglas PUD) from Allyson Purcell (NMFS). Wells summer Chinook. December 3, 2019. 1p.
- USFWS. 2020. Letter to Allyson Purcell (NMFS) from Brad Thompson (USFWS). Letter of Concurrence. March 31, 2020. 7p.
- WDFW. 2019. Wells Hatchery Summer Chinook Program for Southern Resident Orca Recovery and Support HGMP. Upper Columbia River Summer Chinook (*Oncorhynchus tshawytscha*). WDFW, Olympia, Washington. October 9, 2019. 46p.