



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

West Coast Region
Sustainable Fisheries Division
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Mr. David Troutt, Director
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Dr. Jim Unsworth, Director
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600 Capitol Way North
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Dear Director Troutt and Director Unsworth,

Over the last week, our staffs have met to discuss the co-managers' latest proposal for Nisqually Chinook harvest management as part of the 2016 Puget Sound Chinook Harvest Management Plan. After consideration of the information presented at the meeting and the discussion last week, the National Marine Fisheries Service (NOAA Fisheries) informed you that the proposed mitigation plan does not include sufficient detail or supporting analysis to conclude that it sufficiently reduces the risks presented by the 52% exploitation rate proposed for 2016¹. With the knowledge provided by analysis in prior consultations on Puget Sound harvest plans, NOAA Fisheries believes a proposed action including a 52 percent exploitation rate on Nisqually Chinook without a rigorous mitigation plan would not withstand a jeopardy analysis. Unless or until there is an alternative comprehensive mitigation plan, NOAA Fisheries concludes that a gradual reduction in the exploitation rate for Nisqually Chinook to mitigate that risk is warranted beginning in 2016. The first step will be to reduce the exploitation rate on unmarked Nisqually Chinook in 2016 to 50 percent. This letter is intended to follow up our notice to you of last week with a detailed explanation of the basis for our conclusion.

In coming to our conclusion, NOAA Fisheries takes note of role and status of the Nisqually Chinook population as essential to recovery of the Puget Sound Chinook Evolutionarily Significant Unit (ESU). However, since the native Chinook population is extinct, the recovery strategy is for a gradual transition to a locally adapted self-sustaining population while still providing for meaningful exercise of treaty fishing rights. In applying that approach, harvest actions are not to further depress the condition of the current population.

The previously-documented Nisqually Chinook strategy, which was well described in the co-manager's recovery plan (NCSMP 2011), provided a comprehensive strategy and supporting analysis. It included a suite of harvest, hatchery, and habitat actions and associated monitoring programs that were designed to reduce what the co-managers concluded is the primary limiting factor to recovering a locally adapted Chinook population, i.e., suppression of productivity and fitness of natural origin Chinook by a highly domesticated hatchery stock. Without addressing that problem, the Nisqually recovery plan concluded that Nisqually Chinook can only sustain an exploitation rate of 34 to 37 percent, even with fully

¹ Materials subsequently provided by the Nisqually Tribe (Troutt 2016) did not add significant information to what was received during the prior meetings and discussions.



implemented habitat restoration. If the original strategy were successful, the recovery plan suggested that the population could sustain rates of 53 to 55 percent.

The central feature of the co-managers' original Nisqually recovery plan transition strategy was the Nisqually River weir, first installed in 2011. The weir was designed to reduce the number of hatchery fish on the spawning grounds and achieve a target pHOS² level of 10 percent thereby improving productivity over the long term and mitigating the risks associated with the proposed harvest and hatchery programs. The strategy also included habitat restoration, a stepwise reduction in exploitation rate from 65 to 47 percent, use of terminal selective fisheries to meet tribal and recreational harvest goals while further reducing the number of hatchery spawners, and a stepping stone hatchery component designed to improve the fitness of fish in the hatchery. The selective fisheries and stepped exploitation rates were intended to further reduce the effects of harvest as a limiting factor, while minimizing disruption to the fishery during the transition. The recovery plan emphasizes the importance of the monitoring program designed to assess progress and allow for subsequent adaptive management. The analysis supported the conclusion that the actions if implemented over time would support the proposed harvest. NOAA Fisheries determined that this comprehensive approach met the requirements of the ESA (NMFS 2015).

After several challenging years trying to install and operate the weir, NOAA Fisheries and the co-managers jointly concluded that it had not worked as intended and was not likely to achieve its design objectives in the future. NOAA Fisheries believes a consensus exists among co-managers that a new long term transition strategy to replace the one built around the weir is necessary to mitigate the risks associated with the harvest and hatchery components (Troutt 2016).

Last week, the co-managers provided some elements of a new strategy based on the existing objectives and limiting factors (Troutt 2016). However, the strategy only briefly describes a new hatchery management strategy, and does not align the proposed hatchery strategy with a harvest regime (HSRG 2015). The previous plan emphasized limiting hatchery strays and the importance of selective fisheries in controlling strays and providing for harvest. The new plan indicates hatchery strays would be limited in some instances but does not describe what actions would be taken to do so while still providing harvest opportunity. The new strategy is reportedly based on the general principles of the recovery framework recommended by the Hatchery Scientific Review Group (HSRG)³. However, the proposal does not explain how the co-managers applied the general guidance of the recovery framework (HSRG 2015) to the specific circumstances of the Nisqually watershed, nor does it provide the criteria and management actions for moving from one phase of the recovery framework or one interim management step to the next. These elements are essential to ensure achievement of the management objectives and to guide monitoring and evaluation efforts (HSRG 2015). The proposal briefly lists some monitoring activities, but is unclear when or if those activities will actually be implemented. Most importantly, there is no documentation or supporting analysis provided to demonstrate that the proposed strategy mitigates the risks that are described in the co-managers recovery plan and previous biological opinions with regard to implementation of a 52% harvest plan.

NOAA Fisheries has had cause for concern about the plan for mitigating harvest for Nisqually Chinook following our experience with delays and difficulties in completing the necessary technical review of the weir (NMFS 2013, NMFS 2014). Because of the importance of the work, NOAA Fisheries made

² Proportion Hatchery Origin Spawners: The proportion of natural escapement composed of spawners that were released from the hatchery as juveniles.

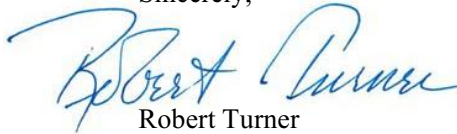
³ The framework is designed to achieve four phases of recovery (recolonization, reintroduction, local adaptation, full restoration). The appropriate phase is determined by the status of the stock in relation to its habitat and other factors. Moving from one phase to the next occurs when specific biologically based, quantitative goals are met (HSRG 2015). Each phase may include interim management steps.

concerted efforts to engage the co-managers in a collaborative planning effort beginning last fall. This included meetings with the Nisqually Tribal Council and Nisqually Fish Committee, numerous efforts to contact you by email and efforts to reach you by phone. These issues were discussed when NOAA Fisheries met with the treaty Indian tribes from Puget Sound in January. Early on we suggested a collaborative effort to develop an alternative approach. The co-managers indicated their preference to develop an initial plan of their own, to be later provided to NOAA Fisheries for further review and input. Even though co-managers had the experience of developing the original strategy, NOAA Fisheries sought to reiterate at each opportunity what information and analysis was required in the new plan. Last week, NOAA Fisheries expected to receive a comprehensive, long-term plan with the type of necessary specifics, supporting analysis, and documentation that was well reflected in the original strategy.

Co-managers well know that the 2010 Puget Sound Chinook Harvest Plan includes a final reduction to 47 percent for Nisqually Chinook that was to be implemented in 2014. The exploitation rate objective of 52 percent was a compromise for an interim management objective in 2014 until the primary harvest management model (FRAM) was updated and in recognition of challenges with implementation of the weir. NOAA Fisheries analysis indicates the Recovery Exploitation Rate for Nisqually Chinook is 33 percent under current conditions, similar to the Nisqually recovery plan assessment. Our analysis indicates that the proposed 52 percent exploitation rate without defensible mitigation measures would result in less than a 30 percent probability of recovery; less than half of the probability of recovery under the 33 percent exploitation rate. Therefore, given the available analysis, the importance of the role of the Nisqually population to recovery and its current status, and the lack of a sufficient alternative plan for mitigating risk due to higher exploitation rates, NOAA Fisheries concludes that caution is warranted. An incremental reduction in the exploitation rate beginning in 2016 is consistent with the gradual transition approach, provides an initial reduction in risk for the population and for a substantial fishery in 2016, and time to develop an alternative transition strategy that may obviate the need for additional reductions in future years.

Please be assured that NOAA Fisheries will continue to devote significant resources to efforts to address Nisqually Chinook management. We continue to urge co-managers to communicate more frequently and openly with us on the development of the mitigation plan so as to avoid, among other things, eleventh-hour planning and twelfth-hour decisions. I remain optimistic that a long term transition strategy can be developed that will meet the necessary requirements and provide for fisheries.

Sincerely,



Robert Turner
Assistant Regional Administrator
Sustainable Fisheries Division

Cc: Lorraine Loomis, NWIFC Chair
John Simmons, Nisqually Tribe
Ron Warren, WDFW
Peter Dygert, NOAA Fisheries
Craig Bowhay, NWIFC
Rob Jones, NOAA Fisheries
Susan Bishop, NOAA Fisheries
Tim Tynan, NOAA Fisheries
Elizabeth Babcock, NOAA Fisheries

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