



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 130123065-4999-02]

RIN 0648-BC95

Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 18 to the Salmon Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues a final rule under authority of the Magnuson-Stevens Fishery Conservation and Management Act (MSA) to implement Amendment 18 to the Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP). Amendment 18 revises the description and identification of essential fish habitat (EFH) for Pacific salmon managed under the FMP, designates habitat areas of particular concern (HAPCs), updates information on fishing activities, and updates the list of non-fishing related activities that may adversely affect EFH and potential conservation and enhancement measures to minimize those effects. NMFS approved Amendment 18 on September 12, 2014.

DATES: This final rule is effective [insert date 30 days after date of publication in the Federal Register].

ADDRESSES: This final rule is accessible on the website of NMFS' West Coast Region (<http://www.westcoast.fisheries.noaa.gov>). The current FMP, through Amendment 18, is available on the Pacific Fishery Management Council's website (<http://www.pcouncil.org/>).

FOR FURTHER INFORMATION CONTACT: Peggy Mundy at 206-526-4323.

SUPPLEMENTARY INFORMATION:

The Pacific Fishery Management Council (Council) developed Amendment 18 in compliance with the MSA's requirement to periodically review EFH provisions, and to revise or amend those provisions, as warranted, based on available information (50 CFR 600.815(a)(10)). The Council took final action on Amendment 18 in September 2013 and transmitted the amendment to NMFS on June 10, 2014. Alternatives considered in the development of Amendment 18 were analyzed in a draft Environmental Assessment (EA). NMFS published a notice of availability of Amendment 18 in the Federal Register (79 FR 34272, June 16, 2014) to notify the public of the availability of the amendment and draft EA, and invite comments. NMFS published a proposed rule in the Federal Register (79 FR 56547, September 22, 2014) to notify the public and invite comments. NMFS received no comments in response to either the notice of availability or the proposed rule.

Amendment 18 revises the description and identification of EFH for Pacific salmon managed under the FMP, designates HAPCs, updates the current information on fishing activities, and updates the list of non-fishing related activities that may adversely affect EFH and potential conservation and enhancement measures to minimize those effects. The details of Amendment 18 were described in the proposed rule (79 FR 56547, September 22, 2014) and are not repeated here. This final rule identifies changes to the regulations under 50 CFR 660 subpart H to implement Amendment 18 and describes changes made from the proposed rule.

## Response to Comments

NMFS received no comments on the proposed rule. The Department of the Interior submitted a letter stating that they had no comments.

## Changes from Proposed Rule

This final rule includes changes to the existing regulations at 50 CFR 660.412 to implement Amendment 18. These are largely unchanged from the proposed rule; those that have changed from the proposed rule are described below.

### Table 1 to Subpart H of Part 660

Three table cells that were inadvertently left blank in the proposed rule have been corrected to identify EFH designations in hydrologic units 17100207, 17110012, and 17110016.

## Classification

Pursuant to section 304(b)(1)(A) of the MSA, the NMFS Assistant Administrator has determined that this final rule is consistent with Amendment 18, the Pacific Salmon Fishery Management Plan, the MSA, and other applicable law.

This final rule has been determined to be not significant for purposes of Executive Order 12866.

An EA has been prepared for Amendment 18; a copy of the EA is available online at <http://www.pcouncil.org/>. The EA includes a regulatory impact review (RIR) prepared by NMFS.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration, at the proposed rule stage, that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received on this certification, and no new information has been received

concerning the economic impact of this rule. As a result, no Final Regulatory Flexibility Analysis is required, and none has been prepared. NMFS will conduct the appropriate analyses for any subsequent rulemakings stemming from this final rule.

This final rule would not establish any new reporting or recordkeeping requirements. This final rule does not include a collection of information. No Federal rules have been identified that duplicate, overlap, or conflict with this action.

This action is not expected to have adverse effects on any ESA-listed species or critical habitat. As described in the EA for Amendment 18, this action may have minimal effects on ESA-listed species in freshwater areas where EFH designations would change slightly under the preferred alternative. NMFS has consulted with itself under ESA section 7 and prepared a memo concluding that implementation of the preferred alternative is not likely to adversely affect any listed species or critical habitat.

This final rule was developed after meaningful collaboration with the affected tribes, through the PFMC process. Under the MSA at 16 U.S.C. 1852(b)(5), one of the voting members of the PFMC must be a representative of an Indian Tribe with Federally recognized fishing rights from the area of the PFMC's jurisdiction.

List of Subjects in 50 CFR Part 660

Fisheries, Fishing, Recordkeeping and reporting requirements.

Dated: December 11, 2014

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Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS amends 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. et seq. and 16 U.S.C. 773 et seq.

2. Section 660.412 is revised to read as follows:

§ 660.412 EFH identifications and descriptions for Pacific salmon.

Essential fish habitat (EFH) is identified for anadromous Pacific salmon stocks managed by the Pacific Fishery Management Council (PFMC) under the Pacific Coast Salmon Fishery

Management Plan (FMP). These managed salmon include most of the Chinook salmon (*Oncorhynchus tshawytscha*) stocks and all of the coho salmon (*O. kisutch*) stocks from Washington, Oregon, Idaho, and California; as well as pink salmon (*O. gorbuscha*) stocks originating from watersheds within Puget Sound east of, and including, the Elwha River. The geographic extent of freshwater EFH is specifically identified in the FMP as all water bodies currently or historically occupied by PFMC-managed salmon in Washington, Oregon, Idaho, and California; including aquatic areas above all artificial barriers that are not specifically excluded. Freshwater EFH, identified in Table 1 of this subpart H, is described using fourth field hydrologic unit codes developed by the U.S. Geological Survey (defined in U.S. Geological Survey and U.S. Department of Agriculture, Natural Resources Conservation Service: Federal guidelines, requirements, and procedures for the national Watershed Boundary Dataset: U.S. Geological Survey Techniques and Methods 11–A3, 2009). Table 1 also identifies the dams that represent the upstream extent of EFH in each hydrologic unit.

(a) Chinook salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Chinook salmon in Washington, Oregon, Idaho, and California as identified in Table 1 of this subpart. Chinook salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the exclusive economic zone (EEZ) (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as Chinook salmon EFH by the North Pacific Fishery Management Council (NPFMC), for stocks that are also managed by the PFMC.

(b) Coho salmon EFH includes all water bodies currently or historically occupied by PFMC-managed coho salmon in Washington, Oregon, Idaho, and California as identified in

Table 1 of this subpart. Coho salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters out to the full extent of the EEZ (200 nautical miles) offshore of Washington, Oregon, and California north of Point Conception; and the marine areas of Alaska that are designated as coho salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

(c) Puget Sound pink salmon EFH includes all water bodies currently or historically occupied by PFMC-managed Puget Sound pink salmon in Washington State as identified in Table 1 of this subpart. Puget Sound pink salmon EFH also includes the estuarine and marine areas extending from the extreme high tide line in nearshore and tidal submerged environments within state territorial waters north and east of Cape Flattery, Washington, including Puget Sound, the Strait of Juan de Fuca and Strait of Georgia; the waters of the U.S. EEZ north of 48° N latitude to the U.S.-Canada border; and marine areas of Alaska that are designated as pink salmon EFH by the NPFMC, for stocks that are also managed by the PFMC.

3. Table 1 to Subpart H of Part 600 is revised to read as follows:

Table 1 to Subpart H of Part 660—Pacific Salmon EFH Identified by USGS Hydrologic Unit

Code (HUC)

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
17020005	Chief Joseph	WA	X	X	-	Chief Joseph Dam
17020006	Okanogan	WA	X	-	-	n/a
17020007	Similkameen	WA	X	-	-	n/a
17020008	Methow	WA	X	X	-	n/a
17020009	Lake Chelan	WA	X	-	-	n/a
17020010	Upper Columbia-Entiat	WA	X	X	-	n/a
17020011	Wenatchee	WA	X	X	-	n/a
17020012	Moses Coulee	WA	X	X	-	n/a
17020015	Lower Crab	WA	X	-	-	n/a
17020016	Upper Columbia-Priest Rapids	WA	X	X	-	n/a
17030001	Upper Yakima	WA	X	X	-	Keechelus Dam Kachess Dam (Kachess River)
17030002	Naches	WA	X	X	-	Rimrock Dam (Tieton River)
17030003	Lower Yakima	WA	X	X	-	n/a
17060101	Hells Canyon	OR/ID	X	-	-	Hells Canyon Dam
17060102	Imnaha River	OR/ID	X	-	-	n/a
17060103	Lower Snake-Asotin	OR/WA/ID	X	X	-	n/a
17060104	Upper Grande Ronde River	OR	X	X	-	n/a
17060105	Wallowa River	OR	X	X	-	n/a
17060106	Lower Grande Ronde	OR/WA	X	X	-	n/a
17060107	Lower Snake-Tucannon	WA	X	X	-	n/a
17060108	Palouse River	WA	X	-	-	n/a
17060110	Lower Snake River	WA	X	X	-	n/a
17060201	Upper Salmon	ID	X	-	-	n/a
17060202	Pahsimeroi	ID	X	-	-	n/a
17060203	Middle Salmon-Panther	ID	X	-	-	n/a
17060204	Lemhi	ID	X	-	-	n/a

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
17060205	Upper Middle Fork Salmon	ID	X	-	-	n/a
17060206	Lower Middle Fork Salmon	ID	X	-	-	n/a
17060207	Middle Salmon-Chamberlain	ID	X	-	-	n/a
17060208	South Fork Salmon	ID	X	-	-	n/a
17060209	Lower Salmon	ID	X	-	-	n/a
17060210	Little Salmon	ID	X	-	-	n/a
17060301	Upper Selway	ID	X	X	-	n/a
17060302	Lower Selway	ID	X	X	-	n/a
17060303	Lochsa	ID	X	-	-	n/a
17060304	Middle Fork Clearwater	ID	X	X	-	n/a
17060305	South Fork Clearwater	ID	X	X	-	n/a
17060306	Clearwater	WA/ID	X	X	-	n/a
17060308	Lower North Fork Clearwater	ID	X	-	-	Dworshak Dam
17070101	Middle Columbia-Lake Wallula	OR/WA	X	X	-	n/a
17070103	Umatilla	OR	X	X	-	McKay Dam (McKay Creek)
17070105	Middle Columbia-Hood	OR/WA	X	X	-	n/a
17070106	Klickitat	WA	X	X	-	n/a
17070306	Lower Deschutes	OR	X	X	-	n/a
17080001	Lower Columbia-Sandy	OR/WA	X	X	-	Bull Run Dam #2
17080002	Lewis	WA	X	X	-	n/a
17080003	Lower Columbia-Clatskanie	OR/WA	X	X	-	n/a
17080004	Upper Cowlitz	WA	X	X	-	n/a
17080005	Cowlitz	WA	X	X	-	n/a
17080006	Lower Columbia	OR/WA	X	X	-	n/a
17090001	Middle Fork Willamette	OR	X	-	-	n/a
17090002	Coast Fork Willamette	OR	X	-	-	Dorena Dam
17090003	Upper Willamette	OR	X	X	-	n/a
17090004	McKenzie	OR	X	X	-	Cougar Dam <sup>1</sup>
17090005	North Santiam	OR	X	X	-	Big Cliff Dam <sup>2</sup>

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
17090006	South Santiam	OR	X	X	-	n/a
17090007	Middle Willamette	OR	X	X	-	n/a
17090008	Yamhill	OR	X	X	-	n/a
17090009	Molalla-Pudding	OR	X	X	-	n/a
17090010	Tualatin	OR	X	X	-	n/a
17090011	Clackamas	OR	X	X	-	n/a
17090012	Lower Willamette	OR	X	X	-	n/a
17100101	Hoh-Quillayute	WA	X	X	-	n/a
17100102	Queets-Quinault	WA	X	X	-	n/a
17100103	Upper Chehalis	WA	X	X	-	n/a
17100104	Lower Chehalis	WA	X	X	-	n/a
17100105	Grays Harbor	WA	X	X	-	n/a
17100106	Willapa	WA	X	X	-	n/a
17100201	Necanicum	OR	X	X	-	n/a
17100202	Nehalem	OR	X	X	-	n/a
17100203	Wilson-Trask-Nestucca	OR	X	X	-	n/a
17100204	Siletz-Yaquina	OR	X	X	-	n/a
17100205	Alsea	OR	X	X	-	n/a
17100206	Siuslaw	OR	X	X	-	n/a
17100207	Siltcoos	OR	-	X	-	n/a
17100301	North Umpqua	OR	X	X	-	n/a
17100302	South Umpqua	OR	X	X	-	n/a
17100303	Umpqua	OR	X	X	-	n/a
17100304	Coos	OR	X	X	-	n/a
17100305	Coquille	OR	X	X	-	n/a
17100306	Sixes	OR	X	X	-	n/a
17100307	Upper Rogue	OR	X	X	-	Lost Creek Dam
17100308	Middle Rogue	OR	X	X	-	Emigrant Dam
17100309	Applegate	CA/OR	X	X	-	Applegate Dam
17100310	Lower Rogue	OR	X	X	-	n/a
17100311	Illinois	CA/OR	X	X	-	n/a
17100312	Chetco	CA/OR	X	X	-	n/a
17110001	Fraser	WA	X	X	-	n/a
17110002	Strait Of Georgia	WA	X	X	X	n/a
17110003	San Juan Islands	WA	-	X	-	n/a
17110004	Nooksack	WA	X	X	X	n/a
17110005	Upper Skagit	WA	X	X	X	Gorge Lake Dam

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
17110006	Sauk	WA	X	X	X	n/a
17110007	Lower Skagit	WA	X	X	X	n/a
17110008	Stillaguamish	WA	X	X	X	n/a
17110009	Skykomish	WA	X	X	X	n/a
17110010	Snoqualmie	WA	X	X	X	Tolt Dam (S. Fork Tolt River)
17110011	Snohomish	WA	X	X	X	n/a
17110012	Lake Washington	WA	X	X	-	Cedar Falls (Masonry) Dam (Cedar River)
17110013	Duwamish	WA	X	X	X	n/a
17110014	Puyallup	WA	X	X	X	n/a
17110015	Nisqually	WA	X	X	X	n/a
17110016	Deschutes	WA	X	X	-	n/a
17110017	Skokomish	WA	X	X	X	n/a
17110018	Hood Canal	WA	X	X	X	n/a
17110019	Puget Sound	WA	X	X	X	n/a
17110020	Dungeness-Elwha	WA	X	X	X	n/a
17110021	Crescent-Hoko	WA	X	X	-	n/a
18010101	Smith River	CA/OR	X	X	-	n/a
18010102	Mad-Redwood	CA	X	X	-	Robert W. Matthews Dam
18010103	Upper Eel	CA	X	X	-	Scott Dam
18010104	Middle Fork Eel	CA	X	X	-	n/a
18010105	Lower Eel	CA	X	X	-	n/a
18010106	South Fork Eel	CA	X	X	-	n/a
18010107	Mattole	CA	X	X	-	n/a
18010108	Big-Navarro-Garcia	CA	X	X	-	n/a
18010109	Gualala-Salmon	CA	X	X	-	n/a
18010110	Russian	CA	X	X	-	Coyote Valley Dam (E. Fork Russian R.) Warm Springs Dam (Dry Cr.)
18010206	Upper Klamath	CA/OR	X	X	-	Keno Dam
18010207	Shasta	CA	X	X	-	Dwinnell Dam
18010208	Scott	CA	X	X	-	n/a
18010209	Lower Klamath	CA/OR	X	X	-	n/a
18010210	Salmon	CA	X	X	-	n/a
18010211	Trinity	CA	X	X	-	Lewiston Dam

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
18010212	South Fork Trinity	CA	X	X	-	n/a
18020104	Sacramento-Stone Corral	CA	X	-	-	n/a
18020111	Lower American	CA	X	-	-	Nimbus Dam
18020115	Upper Stony	CA	X	-	-	Black Butte Dam
18020116	Upper Cache	CA	X	-	-	Capay Dam <sup>3</sup>
18020125	Upper Yuba	CA	X	-	-	n/a
18020126	Upper Bear	CA	X	-	-	Camp Far West Dam
18020151	Cow Creek	CA	X	-	-	n/a
18020152	Cottonwood Creek	CA	X	-	-	n/a
18020153	Battle Creek	CA	X	-	-	n/a
18020154	Clear Creek-Sacramento River	CA	X	-	-	Keswick Dam (Sacramento R.), Whiskeytown Dam (Clear Creek)
18020155	Paynes Creek-Sacramento River	CA	X	-	-	n/a
18020156	Thomes Creek-Sacramento River	CA	X	-	-	n/a
18020157	Big Chico Creek-Sacramento River	CA	X	-	-	n/a
18020158	Butte Creek	CA	X	-	-	n/a
18020159	Honcut Headwaters-Lower Feather	CA	X	-	-	Feather River Fish Barrier Dam
18020161	Upper Coon-Upper Auburn <sup>4</sup>	CA	X	-	-	n/a
18020162	Upper Putah	CA	X	-	-	Monticello Dam
18020163	Lower Sacramento	CA	X	-	-	n/a
18040001	Middle San Joaquin-Lower Chowchilla <sup>5</sup>	CA	X	-	-	Buchanan Dam (Chowchilla River), Bear Dam (Bear Creek), Owens Dam (Owens Creek) Mariposa Dam
18040002	Lower San Joaquin River <sup>5</sup>	CA	X	-	-	n/a
18040003	San Joaquin Delta	CA	X	-	-	n/a

4th Field Hydrologic Unit Code	Hydrologic Unit Name	State(s)	Chinook salmon	Coho salmon	Puget Sound pink salmon	Impassable Dam(s)
18040007	Fresno River	CA	X	-	-	Hidden Dam
18040008	Upper Merced	CA	X	-	-	Crocker-Huffman Diversion Dam
18040009	Upper Tuolumne	CA	X	-	-	La Grange Dam (Tuolumne R.)
18040010	Upper Stanislaus	CA	X	-	-	Goodwin Dam
18040011	Upper Calaveras	CA	X	-	-	New Hogan Dam
18040012	Upper Mokelumne	CA	X	-	-	Camanche Dam
18040013	Upper Cosumnes	CA	X	-	-	n/a
18050001	Suisun Bay	CA	X	-	-	n/a
18050002	San Pablo Bay	CA	X	X	-	San Pablo Dam (San Pablo Cr.)
18050003	Coyote	CA	X	X	-	LeRoy Anderson Dam
18050004	San Francisco Bay	CA	X	X	-	n/a
18050005	Tomales-Drake Bays	CA	X	X	-	Nicasio Dam (Nicasio Cr.) Peters Dam (Lagunitas Cr.)
18050006	San Francisco Coastal South	CA	-	X	-	n/a
18060015	Monterey Bay <sup>6</sup>	CA	-	X	-	Newell Dam (Newell Cr.)

<sup>1</sup> Cougar Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.

<sup>2</sup> Big Cliff Dam is a barrier to coho salmon only. Chinook salmon are trapped and hauled above the dam.

<sup>3</sup> Capay Dam was selected as the upstream extent of EFH because it was identified as a complete barrier by NMFS biologists and is located in the vicinity of the historical upstream extent of Chinook salmon distribution.

<sup>4</sup> Natural “lower falls” are downstream of any artificial barriers that would meet the criteria for designating them as the upstream extent of EFH; therefore, the upstream extent of EFH within this HU is at the “lower falls”.

<sup>5</sup> EFH for Chinook salmon in the Middle San Joaquin- Lower Chowchilla HU (18040001) and Lower San Joaquin River HU (18040002) includes the San Joaquin River, its eastern tributaries, and the lower reaches of the western tributaries. Although there is no evidence of current or historical Chinook salmon distribution in the western tributaries (Yoshiyama et al. 2001), the lower reaches of these tributaries could provide juvenile rearing habitat or refugia from high flows during floods as salmon migrate along the mainstem in this area.

<sup>6</sup> EFH for coho salmon in the Monterey Bay HU does not include the sections south of the Pajaro HU (18060002).

~~[FR Doc. 2014-29557 Filed 12/17/2014 at 8:45 am; Publication Date: 12/18/2014]~~