



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF121]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; Determination on Hatchery and Genetic Management Plans and availability of the associated Finding of No Significant Impact.

SUMMARY: NMFS has evaluated hatchery and genetic management plans (HGMPs) for 12 hatchery programs rearing and releasing Chinook, coho, and chum salmon in the Nooksack River basin and Strait of Georgia submitted by the Lummi Nation and Washington Department of Fish and Wildlife (WDFW) in collaboration with the Nooksack Indian Tribe as co-managers pursuant to the limitation on take prohibitions for actions conducted under the Endangered Species Act (ESA). The plans describe hatchery programs operated by the co-managers. This document serves to notify the public of the availability of an Evaluation and Recommended Determination Document (ERD) in which NMFS, by delegated authority from the Secretary of Commerce, has determined that implementing and enforcing these HGMPs will not appreciably reduce the likelihood of survival and recovery nor modify or destroy critical habitat of Puget Sound Chinook salmon or Puget Sound steelhead. In compliance with the National Environmental Policy Act (NEPA), NMFS also announces the availability of its Finding of No Significant Impact for the hatchery operations under the HGMPs.

FOR FURTHER INFORMATION CONTACT: Morgan Robinson at (253) 307-2670 or by e-mail at morgan.robinson@noaa.gov.

SUPPLEMENTARY INFORMATION:

ESA-Listed Species Covered in This Notice

- Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally and artificially propagated; and
- Puget Sound Steelhead (*O. mykiss*): threatened, naturally and artificially propagated.

Background

The term “take” is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The ESA prohibits the take of endangered salmonids and, pursuant to ESA section 4(d), ESA regulations can be extended to prohibit the take of threatened salmonids. However, NMFS may make exceptions to the take prohibitions for hatchery programs that are approved by NMFS under the limits on the prohibitions outlined in 50 CFR 223.203(b). The operators, Lummi Nation and WDFW, collaborating with tribal co-manager Nooksack Indian Tribe, have jointly submitted twelve HGMPs to NMFS pursuant to 50 CFR 223.203(b)(6) for hatchery activities in the Nooksack River basin and Strait of Georgia, Washington. As required, NMFS took public comments on its recommended determination for how the HGMPs address the criteria in 50 CFR 223.203(b)(5) prior to making its final determination.

Discussion of the Biological Analysis Underlying the Determination

NMFS’s West Coast Region’s Sustainable Fishery Division (SFD) has analyzed the HGMPs’ proposed hatchery operations, along with conservation measures and monitoring plan described therein. The hatchery programs are designed to contribute to the survival and recovery of Nooksack River Chinook salmon and provide salmon for harvest augmentation purposes. These hatchery programs are intended to contribute to fulfilling federal tribal treaty rights affirmed in *U.S. v. Washington (1974)* by enhancing future fishing opportunities for Chinook, coho, and chum salmon. Included in the

hatchery plans are research and monitoring activities to study the effect of the programs on the recovery of Puget Sound Chinook salmon and steelhead.

We have concluded that adherence to the components of these HGMPs would provide effective protection to the Nooksack Chinook salmon and steelhead populations. Implementation of the hatchery programs as described would not jeopardize the Puget Sound Chinook Salmon Evolutionary Significant Unit (ESU) or the Puget Sound Steelhead Distinct Population Segment (DPS) based on parameters defining a viable salmonid population in terms of overall abundance and productivity, as well as the diversity and spatial structure of the populations within the Nooksack River basin and the role of the populations to the larger ESU or DPS. The HGMPs will provide for the proposed harvest opportunities while not appreciably slowing any listed population's achievement of viable function or appreciably reducing the likelihood of the survival and recovery of the Puget Sound Chinook salmon ESU and Puget Sound Steelhead DPS.

NMFS' determination on these 12 HGMPs depends upon implementation of all of the monitoring, evaluation, reporting tasks or assignments, and enforcement activities included within. Reporting and inclusion of new information derived from research, monitoring, and evaluation activities described within will provide assurance that performance standards will be achieved in future seasons. NMFS' evaluation is available on the West Coast Region website at: <https://www.fisheries.noaa.gov/action/twelve-hatchery-and-genetic-management-plans-nooksack-river-basin-and-georgia-strait-salmon>.

Summary of Comments Received in the Response to the Proposed Evaluation and Pending Determination

NMFS published notice of its Proposed Evaluation and Pending Determination (PEPD) on the plan for public review and comment on May 12, 2025 (90 FR 20156). The PEPD was available for public review and comment for 30 days.

During the public comment period, four comments were received, all by email. These came in the form of: individual, unique comments, and letters from conservation organizations. NMFS thoroughly reviewed and considered all of the substantive comments received from the public and the additional literature cited. This review of new information and data informed NMFS's subsequent analysis but did not lead to any changes to the HGMPs, as submitted, or to SFD's determination that the plan adequately addresses the 4(d), Limit 6 criteria. A section summarizing and responding to the substantive comments received during the public comment period on the PEPD is included as part of the final evaluation document, available on the West Coast Region website.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as deemed necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) Rule (50 CFR 223.203(b)) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. The rule further provides that the prohibitions of paragraph (a) of the rule do not apply to actions undertaken in compliance with a plan developed jointly by a state and a tribe and determined by NMFS to be in accordance with the salmon and steelhead 4(d) Rule (65 FR 42422, July 10, 2000).

16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*

Dated: August 22, 2025.

Jennifer Quan,

Regional Administrator, West Coast Region,

National Marine Fisheries Service.

