



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XF775]

#### Endangered and Threatened Species; Take of Anadromous Fish

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

**ACTION:** Notification; availability of a proposed evaluation and pending determination for public comment.

**SUMMARY:** Notice is hereby given that NMFS has received five Hatchery and Genetic Management Plans (HGMPs) for hatchery programs rearing and releasing fall-run Chinook salmon, coho salmon, and fall-run chum salmon in the Puyallup River basin. The plan describes five hatchery programs operated by the Washington Department of Fish and Wildlife (WDFW) and the Puyallup Tribe of Indians (PTI) as co-managers. This notice provides an opportunity to comment on a Proposed Evaluation and Pending Determination (PEPD) document on implementing the proposed hatchery programs and associated findings.

**DATES:** Comments must be received no later than 5 p.m. Pacific time on **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** You may submit comments on this document, identified by NOAA-NMFS-2026-1585, by electronic submission:

- Electronic submission: Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA-NMFS-2026-1585 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter "N/A" in the required fields if you wish to remain anonymous). Comments received after **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]** may not be considered.

The document available for public comment is available on the internet at:

<https://www.fisheries.noaa.gov/action/five-hatchery-and-genetic-management-plans-puyallup-river-basin>.

The HGMPs are available online concurrently while the comment period for the PEPD is open at: <https://www.puyalluptribe-nsn.gov/member-services/tribal-natural-resources/fisheries/> (PTI Programs) and

<https://wdfw.wa.gov/fishing/management/hatcheries/hgmp#comment> (WDFW programs).

**FOR FURTHER INFORMATION CONTACT:** Molly Gorman, (206) 526-6114, [molly.gorman@noaa.gov](mailto:molly.gorman@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **Endangered Species Act (ESA)-Listed Species Covered in This Notice**

- Puget Sound Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally and artificially propagated;
- Puget Sound Steelhead (*Oncorhynchus 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, WDFW collaborating with tribal co-manager PTI, have submitted five HGMPs to NMFS pursuant to NMFS' Limit 6 of the 4(d) Rule of the ESA for hatchery activities in the Puyallup River basin, Washington. The PEPD is NMFS' initial determination for how the HGMPs address the criteria in 50 CFR 223.203(b)(5).

The hatchery programs under review are designed to help meet adult fish loss mitigation responsibilities, off-setting adverse impacts to natural-origin salmon abundances that historically sustained tribal, commercial, and recreational fisheries. These hatchery programs are intended to contribute to fulfilling federal trust responsibilities toward tribes with rights guaranteed through treaties, as affirmed in *United States v. Washington* (1974), by contributing to the recovery of ESA-listed salmon. Included in the HGMP is research and monitoring activities to study the effect of the programs on the recovery of Puget Sound Chinook salmon and Puget Sound steelhead.

### **Classification**

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 regulations (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 regulations 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).

(Authority: 16 U.S.C. 1531 *et seq.*; 16 U.S.C. 742a *et seq.*)

Dated: May 15, 2026.

**Jennifer Leigh Quan,**

*Regional Administrator,*

*West Coast Region,*

*National Marine Fisheries Service.*

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