



## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XF825]

#### 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 three Hatchery and Genetics Management Plans (HGMPs) for hatchery programs rearing and releasing chum salmon in the Skagit River watershed. The plans describe hatchery programs operated by the Sauk-Suiattle Indian Tribe, Swinomish Indian Tribal Community, Upper Skagit Indian Tribe, and Washington Department of Fish and Wildlife (WDFW), 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 at the appropriate address (see **ADDRESSES**) no later than 5 p.m. Pacific time on *[insert date 30 days after date of publication in the FEDERAL REGISTER]*. Comments received after this date may not be considered.

**ADDRESSES:** The HGMP for the WDFW hatchery program is available online concurrently while the comment period for the PEPD is open at:

*<https://wdfw.wa.gov/fishing/management/hatcheries/hgmp#comment>.*

The HGMP for the Upper Skagit Hatchery chum salmon program is available online concurrently while the comment period for the PEPD is open at: *[https://upperskagittribe-nasn.gov/wp-content/uploads/2026/04/Upper\\_Skagit\\_Chum\\_HGMP\\_150826.pdf](https://upperskagittribe-nasn.gov/wp-content/uploads/2026/04/Upper_Skagit_Chum_HGMP_150826.pdf)*. The

HGMP for the Sauk River chum salmon hatchery program is available online

concurrently while the comment period for the PEPD is open at:

*<https://www.fisheries.noaa.gov/resource/document/three-hatchery-and-genetic-management-plans-skagit-river-watershed-chum-salmon>.*

You may submit comments on this document, identified by NOAA-NMFS-2025-0834, 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-2025-0834 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).

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

*<https://www.fisheries.noaa.gov/resource/document/three-hatchery-and-genetic-management-plans-skagit-river-watershed-chum-salmon>.*

**FOR FURTHER INFORMATION CONTACT:**

Morgan Robinson, (253) 307-2670, *[morgan.robinson@noaa.gov](mailto:morgan.robinson@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 (*O. mykiss*): threatened, naturally and artificially propagated.

## **Background**

The term “take” is defined under the Endangered Species Act (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 have submitted HGMPs to NMFS pursuant to NMFS’ Limit 6 of the 4(d) Rule of the ESA for hatchery activities in the Skagit River watershed, Washington. The PEPD is NMFS’ initial determination for how the HGMP addresses the criteria in 50 CFR 223.203(b)(5).

The hatchery programs under review are harvest augmentation programs and support Tribal treaty fishing rights. 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 salmon harvests. Included in the HGMPs are research and monitoring activities to study the effect of the programs on 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 (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).

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

Dated: May 28, 2026.

**Jennifer Leigh Quan,**

*Regional Administrator, West Coast Region,*

*National Marine Fisheries Service.*

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