




Chief Joseph Hatchery 2013 Annual Program Review

***CJHP, the Endangered Species Act, and
related federal statutes/processes***
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Proposed Actions and Consequences

- As part of the Chief Joseph Hatchery Program rear, acclimate, and release spring Chinook into tributaries of the Okanogan and the Okanogan mainstem including Canadian habitats
- Utilize Methow-Composite spring Chinook from the Winthrop National Fish Hatchery to contribute to recovery, de-listing and overall abundance of upper Columbia River spring Chinook
- Work with NOAA Fisheries to ensure that local landowners, businesses, and governments are not harmed by this action



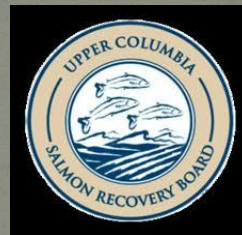
How does an Experimental Population Designation Avoid Increased Regulatory Risks and Burdens for Local Landowners, Businesses, and Governments?



- For most purposes, individuals of an experimental population are treated as “threatened” rather than “endangered” under the ESA
- The Colville Tribes have requested that NOAA Fisheries adopt regulations that would authorize take of an individual of the population if incidental to an otherwise lawful activity
- No critical habitat designation or ESA Section 7 consultation requirements

How Does the Proposed Action Contribute To Recovery and De-listing Efforts?

- Reintroduction is identified in the Upper Columbia River Salmon Recovery Plan and the Biological Opinion for the Federal Columbia River Power System as an action that will lower the species’ risk of extinction and promote recovery



- Reintroduction can make a positive contribution to the biological criteria used for evaluating the upper Columbia River spring Chinook population’s status under the ESA – abundance, productivity, spatial structure, and diversity

ESA- substantive sections:

- **§4** – Listing decisions; critical habitat designation; status review; protective regulations.
- **§7** – Federal agency action and consultation (informal/formal).
- **§9** – Take prohibition.
- **§10** – **(a)(1)(A)** scientific purposes; propagation. **(a)(1)(B)** incidental take. **(j)** experimental populations.

Related federal statutes:

- **NEPA** – “Major federal action significantly affecting quality of the human environment.”
- **APA** – Administrative rulemaking, notice and comment requirements; **§558(c)(2)** “timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.”

CJHP ESA §10(j) non-essential experimental population designation request for MetComp reintroduction into the Okanogan:

1. Request to NMFS designation of a non-essential experimental population of MetComp SpCk into the Okanogan sub-basin.
2. NMFS advance notice of proposed rulemaking in the FR; public meetings in Okanogan/Omak;
3. Submittal of an HGMP for §10(j) program; sufficiency letter.
4. NEPA/EA; §7 (NMFS) self-consultation; §10(a)(1)(A) permit; §4(d) rule.
5. WNFH HGMP/*U.S v. OR* process?

Other ESA-related actions:

1. Okanogan Weir - §7 informal consultation and NLAA concurrence letter
2. Tribal harvest/selective harvest and adult management – BiOp/ITS; §4(d), Tribal §4(d) Rule, TRMP, APA §558(c)(2)

Questions?

Thank you!

