UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Fisheries Science Center
2725 Montlake Boulevard East
Seattle, WA 98112-2097

February 20, 2003

Dear Co-Manager:

I would like to ask your help in reviewing an important technical work product related to salmon conservation and management.

As you know, about a year ago the National Marine Fisheries Service (NMFS) committed to a systematic updating of the Endangered Species Act (ESA) status of all listed Evolutionarily Significant Units (ESUs) of Pacific salmon and steelhead. This decision was influenced by several considerations. First, a September 2001 ruling in a lawsuit involving Oregon Coast coho salmon concluded that NMFS had violated the provisions of the ESA by listing only part of an ESU (i.e., NMFS had included hatchery populations in the ESU but not listed them). Although this legal case applied directly only to Oregon Coast coho salmon, the same factual situation (hatchery populations considered part of listed ESUs but not listed) also applied to most of the other listed ESUs of salmon and steelhead. Second, another lawsuit currently pending that involves the Southern California ESU of steelhead raised a similar issue—NMFS concluded that resident fish were part of the steelhead ESUs but they were not listed. Again, this same factual situation is found in most, if not all, listed steelhead ESUs. Finally, at least several years of new data are available even for the most recently listed ESUs, and up to a decade has passed since the first populations were listed in the Sacramento and Snake Rivers. Furthermore, in some areas, adult returns in the last few years have been considerably higher than have been seen for several decades. Collectively, these factors indicated that it was time to update the status of listed ESUs of West Coast salmon and steelhead, in a uniform way and based on the most current information.

For the past year, NMFS scientists have been working with state, tribal, and other federal biologists to develop the updated information necessary to re-evaluate the status of each listed ESU. To maximize efficiency and accuracy and avoid unnecessary duplication of effort, as much as possible the compilation of these datasets has been done through the Technical Recovery Teams (TRTs) established to provide the scientific basis for ESA recovery planning for salmon and steelhead. The TRTs have broad representation from state, tribal, federal, academic, and independent scientists, and we appreciate the work your staff has already contributed to this extensive effort.

Recently, the NMFS Biological Review Team (BRT) met to review this updated information and analyses and to draw preliminary conclusions about the status of each listed ESU. The results of that review are included in the enclosed draft report. **[The entire report will also be available soon online at http://www.nwfsc.noaa.gov/]** I would like to ask the help of you and your staff in ensuring that the report is as accurate and complete as possible. Specific questions regarding which we would appreciate your comments include the following: Are the data complete and up-to-date? If not, can you provide more recent or complete data? Are the preliminary BRT conclusions reasonable, given the information and analyses presented?

Printed on Recycled Paper

The draft BRT conclusions in this report should be considered preliminary for two reasons. First, the BRT will not finalize its conclusions until comanagers have had a chance to review and comment on the draft report. Written comments provided by the comanagers as part of this review process will be considered by the BRT in their subsequent evaluations. Second, as discussed in the main body of the report, some policy issues regarding the treatment of hatchery fish and resident fish in ESU determinations and risk analyses are not resolved at this time. If subsequent policy decisions substantially change the working framework used by the BRT in this report, the BRT conclusions could change as well.

In addition, it is important to recognize that, even in its final form, the BRT report will not provide recommendations regarding listing determinations for these ESUs. Instead, as in the past, the BRT report will present conclusions of the team regarding the degree of risk faced by each ESU, based on the best available scientific information. By statute, ESA listing determinations also must take into consideration those efforts being made to protect the species. After receiving the final BRT report and after considering the conservation benefits of such efforts, NMFS will determine what changes, if any, to propose to the listing status of the affected ESUs.

As before, we will try to arrange for face-to-face meetings of BRT members and comanager biologists to discuss technical issues before the BRT meets again to finalize its conclusions. With 27 ESUs of 5 species spread across 4 states involved in these deliberations, arranging such meetings on a tight time frame will present some serious logistical challenges, but they should be feasible if they can be focused on those ESUs and species for which substantial issues arise. Please contact Robin Waples at (206) 860-3254 or robin.waples@noaa.gov if you have questions or want to discuss such a meeting.

To allow time for full consideration by the BRT, we will need to receive any written comments on the draft by **20 March.** I appreciate that this is a great deal of material to review in a relatively short time, but this time frame is necessary to allow the agency to meet legal deadlines associated with the updated status reviews.

Thanks very much in advance for your assistance in this important effort.

Sincerely,

Usha Varanasi

Usha Varanasi, Ph.D.
Science and Research Director
Northwest Fisheries Science Center