



February 18, 2011

William W. Stelle, Jr.  
 Regional Administrator  
 National Marine Fisheries Service  
 7600 Sand Point Way NE  
 Seattle, WA 98115-0070

RE: Comments on the proposed Population Recovery Approach for prioritizing Puget Sound Chinook salmon populations announced by the National Marine Fisheries Service in the December 29, 2010 Federal Register (75 FR 82208 (2010-12-29))

Dear Will,

We appreciate your willingness to meet with WRIA 8 representatives on February 3<sup>rd</sup> to discuss our concerns regarding the proposed Population Recovery Approach (PRA) for prioritizing Puget Sound Chinook salmon populations. Talking with you and Elizabeth Babcock helped us to better understand the context for the PRA and the National Marine Fisheries Service's (NMFS) intention in announcing the PRA. We also appreciate the extension of the deadline for commenting on the PRA. We hope that our conversation helped you to understand how the announcement of the PRA was received in the Lake Washington/Cedar/Sammamish Watershed (aka Water Resources Inventory Area 8 or WRIA 8).

The draft prioritization of Puget Sound Chinook populations as presented in the PRA represents a major change in policy. Given the longstanding collaborative nature of salmon recovery planning in Puget Sound, the unilateral nature of the PRA process with a surprise announcement of the PRA in late December and a very short comment period is counter to the spirit and collaborative structure of the Puget Sound Salmon Recovery Council. The NMFS has been an important member of the Puget Sound Salmon Recovery Council from the beginning and should be commended for recognizing and supporting the bottoms-up, Shared Strategy approach

- Beaux Arts Village
- Bellevue
- Bothell
- Clyde Hill
- Edmonds
- Hunts Point
- Issaquah
- Kenmore
- Kent
- King County
- Kirkland
- Lake Forest Park
- Maple Valley
- Medina
- Mercer Island
- Mill Creek
- Mountlake Terrace
- Mukilteo
- Newcastle
- Redmond
- Renton
- Sammamish
- Seattle
- Shoreline
- Snohomish County
- Woodinville
- Yarrow Point
  
- The Boeing Company
- Cedar River Council
- Greater Maple Valley Area Council
- Greater Seattle Chamber of Commerce
- Mid-Sound Fisheries Enhancement Group
- Northwest Marine Trade Association
- Save Lake Sammamish
- Sustainable Fisheries Foundation
- Trout Unlimited
  
- US Army Corps of Engineers
- Washington Departments:
  - Ecology
  - Fish and Wildlife
  - Natural Resources
- Washington Association of Sewer and Water Districts
- King Conservation District

to developing and implementing the Puget Sound Chinook Recovery Plan. We are more effective in accomplishing salmon recovery when we work together. The prioritization should have been developed collaboratively with the Puget Sound Salmon Recovery Council as the lead body overseeing implementation of the Puget Sound Chinook Recovery Plan.

As written, the draft PRA sends some very confusing and mixed messages about its purpose and how it will be used. For example, in the conclusion on page 15, the PRA document emphasizes that NMFS will only use the prioritization of Chinook populations when assessing the effects of habitat, harvest, hatchery and hydropower actions on Chinook salmon populations and their habitat under ESA consultations and regulatory processes. However the PRA has several paragraphs on pages 3-4 emphasizing that the PRA framework could be used in making funding decisions. For example on page 4 “When implemented by NMFS, the PRA may provide guidance to these entities [Puget Sound Partnership, Washington Department of Fish and Wildlife and Puget Sound tribes] for their determinations regarding where best to direct Chinook salmon recovery efforts and funding.”

As drafted, the PRA is inconsistent with the NMFS’s 2006 Supplement to the Puget Sound Chinook Recovery Plan. The first delisting criteria in the NMFS Supplement is all 22 remaining Chinook populations in the Ecologically Significant Unit must improve. The PRA emphasizes a new strategy, p. 3, “preserve all and restore the best.” This new strategy seems to accept the status quo for some Chinook populations. Improvement in the condition of all Chinook salmon populations will not happen without protection and restoration actions in all the watersheds. Restoration actions are most needed in the more urban watersheds that are facing the most growth pressure if conditions for those populations are to improve.

If approved in its current form, the PRA will have unintended consequences that could seriously jeopardize our efforts to recover Chinook salmon in Puget Sound and in the WRIA 8 watershed. It will undermine the current collaborative process that exists in the Puget Sound Salmon Recovery Council. It sends a message to the public and local/state/federal and private funding agencies that Chinook populations with lower rankings in the PRA are not worthy of funding. The PRA devalues and undercuts salmon recovery efforts at the local watershed level in watersheds whose populations receive a lower ranking in the PRA. It will signal to permitting agencies and developers that habitats in lower ranked watersheds do not need the same level of protection as the more highly ranked watersheds.

We also have serious concerns regarding the technical framework and data used for the PRA's proposed ranking of Chinook populations. In brief, the Viable Salmonid Population (VSP) criteria are used inappropriately in this assessment and much of the data used in the assessment is outdated or used improperly. We do not understand why hatchery-dependent populations receive higher scores in some criteria than non-hatchery dependent, natural populations like the Cedar River. Why do the non-hatchery dependent, natural populations lose points for the effects of strays from those same hatchery systems? The assessment of juvenile Chinook use of nearshore areas relies on outdated data and assumptions that have been disproven in the past decade.

More specifically for the WRIA 8 watershed, a number of assessments suggest that the Cedar population should be given a higher ranking than the draft PRA framework gives it. For example, the habitat information used in the framework does not take into account the fish passage project completed in 2003 at the City of Seattle's Landsburg water supply diversion dam located on the Cedar River about 22 miles above Renton. This very important project, an element of the federally approved Cedar River Habitat Conservation Plan, opened up 17 miles of high quality mainstem and tributary habitat to Chinook salmon. Considerable data has been collected by University of Washington scientists demonstrating that the habitat above Landsburg is very productive for Chinook. The Cedar population also has the lowest rate of hatchery origin strays in the Central/Sound Sound and Hood Canal Regions, and Tribal managers consider the Cedar population to be a Category 1 (highest priority) population. Please see the attached technical comments from the WRIA 8 Technical Committee for a more complete description of our technical concerns.

Given our serious policy and technical concerns regarding the PRA, the WRIA 8 Salmon Recovery Council respectfully asks that the NMFS withdraw the proposed PRA and remove all reference to it in the 4d evaluation of the Puget Sound Chinook Harvest Plan. However, we recognize that the NMFS has linked the PRA and the proposed 4d evaluation of the Puget Sound Chinook Harvest Plan and that it may not be possible for the NMFS to withdraw the PRA without delaying approval of the 4d rule for the Harvest Plan. If there is a need to adopt some form of the PRA to get through the rule making process for the Harvest Plan, we urge that NMFS does so with a clear statement that the PRA is a draft that is still under development with the Puget Sound Salmon Recovery Council and the Recovery Implementation Technical Team and will only be used for the 4d Harvest Plan at this time.

If you feel that you must move forward on the PRA for statutory reasons, it should be done in a collaborative manner with the Puget Sound Salmon Recovery Council and

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the Recovery Implementation Technical Team. The data and technical framework in the PRA should be developed in an open process and should be peer-reviewed by other scientists. The purpose of the PRA and how it will be used should be thoroughly discussed with the Puget Sound Salmon Recovery Council and once an agreement is met as to its purpose and function, this should be clearly outlined in the final PRA document.

Thank you for considering our comments and again for your willingness to meet with WRIA 8 representatives and hear our concerns in person. We also appreciate your willingness to meet with the Puget Sound Salmon Recovery Council after the PRA comment deadline to assess how the PRA might be modified to address public concerns and avoid unintended consequences. We look forward to working more with you in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Davidson". The signature is fluid and cursive, with a long horizontal stroke extending across the middle of the name.

Dr. Don Davidson, D.D.S.  
Mayor, City of Bellevue  
Chair, WRIA 8 Salmon Recovery Council

CC: Garth Griffin, NMFS  
Joe Ryan, PSP  
Laura Blackmore

Technical weaknesses of the PRA's Framework and data include the following:

1. **VSP population criteria are used inappropriately in this assessment.** The variable number of criteria under each of the four VSP attributes means that attributes are weighted differently, suggesting that some attributes are more valuable than others. NMFS does not explain the reasoning for the weighting nor how it is consistent with the intention and application of VSP as identified in McElhany et al. (2000).
2. **VSP data used in the Framework are outdated or overly simplistic.** 'Recent' recruit abundance, lambda, spatial distribution and genetic data are outdated, and should be recalculated in light of post-2005 data. For example, even NOAA Fisheries' own Proposed Evaluation and Pending Determination regarding the 2010 Comprehensive Management Plan for Puget Sound Chinook uses data as recent as 2009 (NMFS 2010a). In addition, the criteria for diversity do not adequately account for other indicators of genetic uniqueness. Criteria should also consider age at maturity, lake-rearing life-history and genetic indicators.
3. **Hatchery-dependent populations receive higher scores in some criteria than hatchery-free natural populations; hatchery-free populations then lose points for the effects of strays from those same hatchery systems.** The scoring system gives points to hatchery-supported populations while penalizing systems not containing hatcheries. The use of NMFS (2004) to assign extra value to hatchery-supported populations while penalizing populations not supported by hatcheries goes beyond the intent of NMFS (2004) and is not technically justified.
4. **Assessment of % HOR fails to account for management actions available to minimize this impact.** If a scoring system similar to the PRA is to be used, and if % HOR were a metric, some means of accounting for managers' opportunities to reduce % HOR should be incorporated.
5. **Habitat information is based on grossly outdated (pre-1999) data from an inappropriate source.** The ISAT (1999) document is outdated and used improperly by NMFS. Others have commented on the problems in using these data (e.g., King County, Tulalip Tribes); we concur with their critiques. Two items need further emphasis, however.
  - a. Even if sufficiently accurate and appropriate information were used, the coarse-scale, WRIA-wide analysis used in ISAT (1999) is inappropriate when assessing habitat at the population scale. If a WRIA includes more than one spatially distinct population, a separate habitat assessment at the scale of each population is necessary.
  - b. Fish passage at Landsburg on the Cedar River opened 17 miles of high quality mainstem and tributary habitat to Chinook salmon colonization in 2003. In addition, a guaranteed minimum flow regime on the Cedar River (part of the 2000 NMFS-approved Habitat Conservation Plan) is designed to provide beneficial flow conditions for Chinook and other salmonids. These and other elements should be reflected in any current habitat assessment NMFS might use. Please

consult with local watershed groups to ensure data are as accurate and up to date as possible.

- 6. Assessment of juvenile Chinook use of nearshore areas relies on outdated data and assumptions.** Current scientific understanding of Chinook salmon mixing throughout Puget Sound differs substantially from the information used in this assessment. Please consult more recent information that is publicly available (<http://www.rmpec.org/>).
- 7. Block 4 amplifies flawed conclusions derived from Blocks 2 and 3, and misapplies NMFS's own criteria from the Puget Sound Chinook Recovery Plan.** Of the six delisting criteria comprising the Block 4 score, only criteria 2 and 3 appear to exhibit differences among the extant Chinook populations assessed in the Framework, and thus are the only relevant elements of this Block. However, the use of these criteria is inappropriate for the following reasons:
  - a.** The flawed information used in Blocks 2 and 3 (as described above) is compounded by its further use to support Criterion 2 in Block 4. No new information is presented; rather, the re-use of this information simply amplifies flaws already discussed.
  - b.** Criterion 3 mistakenly assumes that the Nisqually population has been determined to be the late-run genetic/life history group that must be at low risk for ESU viability in the Central/South Sound biogeographic region, when Table 1 of the PRA, as well as Table 1 of the Final Supplement to the Puget Sound Chinook Recovery Plan both state that either the Nisqually or one of the other late forms must be at low risk. Therefore, all late populations in the Central/South Sound region meet Criterion 3. Note also that relying solely on populations originating from habitat draining Mount Rainier (i.e., the Nisqually and White) may not sufficiently reduce risk geographically within the Central/South Sound region.
- 8. Other assessments indicate that the Cedar population should be given more importance than the Framework does.** The Cedar population has the lowest average %HOR of all Chinook populations in the Central/South Sound and Hood Canal Regions (NMFS 2010a). State and Tribal managers consider the Cedar population to be a Category 1 (highest priority) population. Notwithstanding the highly urbanized lowermost portion of the watershed, most spawning and instream rearing occurs outside the Urban Growth Area boundaries, and much of the upper watershed is in protected status or is the focus of large scale restoration, with significant local support.

In addition to our significant policy and process objections to a prioritization exercise such as this, the number and severity of technical flaws calls into question the technical foundation of the Framework. We recommend that this document be withdrawn and its use discontinued immediately, until and unless it is subject to rigorous independent technical and policy review.

**Documents cited**

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- National Marine Fisheries Service (NMFS) 2010a. Proposed Evaluation of and Pending Determination on a Resource Management Plan (RMP), Pursuant to the Salmon and Steelhead 4(d) Rule – Comprehensive Management Plan for Puget Sound Chinook: Harvest Management Component. NMFS Tracking Number F/NWRJ2010/06051. Seattle, WA.
- National Marine Fisheries Service (NMFS) 2010b. Puget Sound Chinook Salmon Population Recovery Approach (PRA), NMFS Northwest Region Approach for Distinguishing Among Individual Puget Sound Chinook Salmon ESU Populations and Watersheds for ESA Consultation and Recovery Planning Purposes. Draft, November 30, 2010.