

## Update on Proposed Hatchery Listing Policy and Listing Revisions for Pacific Salmon and Steelhead

June 22, 2004

Completing two significant steps in the implementation of NOAA Fisheries' response to the district court decision in *Alsea Valley Alliance v. Evans*, 161 F.Supp.2d 1154 (D. Or. 2001), *appeal dismissed*, 358 F.3d 1181 (9<sup>th</sup> Cir. 2004), NOAA Fisheries has recently published in the *Federal Register* a proposed hatchery listing policy and proposed listing revisions for West Coast salmon and steelhead ("salmonid") evolutionarily significant units ("ESUs") under the Endangered Species Act ("ESA"). For copies of these *Federal Register* notices and background information on the proposed policy and rule, see <http://www.nwr.noaa.gov/AlseaResponse/20040528/index.html>. The *Federal Register* notices are linked as "Draft Hatchery Listing Policy Federal Register Notice" and "Proposed ESU Listing Determinations Federal Register Notice."

The proposed hatchery listing policy was published in the *Federal Register* on June 3, 2004. See [69 Fed. Reg. 31354](#) (June 3, 2004). This policy will guide NOAA Fisheries' listing determinations, by establishing how NOAA Fisheries will consider fish originating in hatcheries in making listing decisions.

The proposed rule to revise the listing status of 25 currently listed Pacific salmonid ESUs, and to list two additional ESUs, was signed on May 28, 2004 and published in the *Federal Register* on June 14, 2004. See [69 Fed. Reg. 33102](#) (June 14, 2004). The two ESUs proposed for listing are Oregon Coast coho salmon, whose 1998 listing was set aside by the district court in the *Alsea Valley* litigation, and Lower Columbia River coho salmon, which has not previously been listed.

The *Federal Register* notices provide 90-day public comment periods on these proposals (with deadlines of Sept. 1, 2004 for the proposed hatchery listing policy and Sept. 13 for the proposed listing rule). In addition to soliciting written comments, NOAA Fisheries is preparing to hold several public meetings on the proposed policy and rule. NOAA Fisheries will publicize and publish in the *Federal Register* the times and places of these meetings when they are scheduled.

NOAA Fisheries must make final decisions on the proposed listing rule by June 14, 2005. Promptly thereafter, notice of those decisions and rules will be sent to the *Federal Register* for publication. NOAA Fisheries expects to adopt a final hatchery listing policy several months before issuing the final listing revisions rule. NOAA Fisheries will use that final policy in making its final listing decisions.