POINT NO POINT TREATY COUNCIL

Port Gamble S'Klallam * Jamestown S'Klallam

Mr. Steve Stone
Protected Resources Division
Northwest Region
National Marine Fisheries Service
1201 NE Lloyd Blvd., Suite 1100
Portland, OR 97232

Steve

Dear ~~Mr. Stone~~,

Thank you for the opportunity to provide a peer review of the biological information supporting the designation of critical habitat for Puget Sound steelhead as published by the National Marine Fisheries Service (NMFS) in a Federal Register Notice (FRN) published on January 14, 2013 (78 FR 2726).

I have reviewed the FRN and the Draft Biological Report, the Draft Economic Analysis, and the Draft Section 4(b)(2) Report referenced in the FRN for information related to Puget Sound steelhead. Overall, I generally agree that NMFS relied on the best scientific information available, accurately described the species and its habitat requirements (primary constituent elements (PCEs)), and concur with the critical habitat selection criteria. The Puget Sound steelhead Critical Habitat Analytical Review Team (CHART) is to be commended for their good work as they generally clearly identified uncertainties and distinguished facts from professional judgments as they applied a three phase assessment. The documents are generally complete and clear.

I do have some comments and questions related to the information in the FRN and the three reports and provide these, below.

Accuracy, quality, and completeness of information considered

The Northwest Indian Fisheries Commission (NWIFC) is in the process right now (report due April 2013) of estimating Intrinsic Potential (IP) for Puget Sound steelhead from 1:24K GIS datasets and steelhead distribution in freshwater is one of the major datasets being used. It may be a good idea to check the distribution of steelhead used by NMFS to designate occupied habitat vs. the steelhead distribution used by the NWIFC to estimate IP; e.g., it is my understanding that the NWIFC may be using updated (and more complete) data.

The geographical area identified by NMFS as occupied by Puget Sound steelhead emphasized the freshwater range of the Distinct Population Segment (DPS) since NMFS delineated DPSs based on spawning (or natal) areas. The CHART was asked to consider the marine areas in

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Puget Sound, but CHART members could not delineate specific foraging areas near shore in Puget Sound and concluded that "the best available information suggests there are no areas that meet the definition of critical habitat in the statute". It seems to me that the CHARTs conclusion may be contrary to the conventional wisdom that survival in the marine waters of Puget Sound is a major bottleneck for Puget Sound steelhead and that marine habitat may be one of the key factors limiting steelhead production. In addition, new information may be available that should be considered since the CHART completed their assessments. Regional experts recently convened a workshop on the Salish Sea to address the uncertainties surrounding the causes of significant salmon and steelhead mortality, especially in the marine environment, and that pose a significant risk to wild salmon and steelhead recovery. NMFS should review any new information and the results and recommendations of the symposium (see http://www.lltk.org/SSMSPworkshop/meeting-materials) as NMFS considers whether marine waters of Puget Sound should be designated as critical habitat for steelhead.

I agree with the CHARTs assessment that unoccupied stream reaches in the upper Elwha River watershed, that will become accessible due to the removal of two dams, are essential for the conservation of steelhead in the watershed. Similarly, the unoccupied reaches in the upper North Fork Skokomish River (upstream of two dams) should be considered by NMFS for designation as essential for steelhead conservation in the Skokomish River watershed. As a result of a FERC relicensing Settlement Agreement between the Skokomish Tribe and the City of Tacoma, fish passage facilities are being constructed that will allow steelhead access to productive upper watershed habitats as soon as 2014. I believe there is a compelling argument to be made to include the upper North Fork Skokomish watershed as essential for steelhead conservation.

Many of the PCEs identified for steelhead depend on watersheds as a whole (including, for example, riparian habitat, upslope habitats, unoccupied tributaries) and not just the stream reaches that steelhead physically occupy. Consequently, it may be difficult or impossible to conserve steelhead by limiting critical habitat designation only to the wetted stream reaches that they physically use. For example, there is an abundance of scientific information supporting that adjacent riparian zones are integrally tied to the instream habitats. In my mind, this supports the designation of, for example, a riparian zone as critical habitat for steelhead. It is unclear whether or how this is taken into account by NMFS in the designation of critical habitat if the purpose is to truly conserve steelhead.

As information is pulled together and a recovery plan is developed for Puget Sound steelhead over the next couple of years, can/will the designation of critical habitat be revisited and/or revised by NMFS as new information becomes available? It would seem to me that this updating should be able to occur to effectively conserve steelhead and critical habitats.

For each HUC5 watershed (which I agree is the appropriate scale to assess), the CHART used a combination of best available data and professional judgment to score PCEs and rate the Conservation Value of a HUC5 watershed as High, Medium, or Low. If designated as critical habitat for steelhead, is there a difference in the treatment under section 3 of the ESA for watersheds rated as High, Medium, or Low? This should be made clearer in the documents.

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Report formatting errors or omissions

I have a few observations on formatting errors in the report:

(1) Figure B2 on page B50 in Appendix B of the Biological Report appears to have reversed the color coding of the medium and low conservation value ratings. At least that's the case for Hood Canal and Strait of Juan de Fuca and others that I checked vs. the ratings in Table B2.

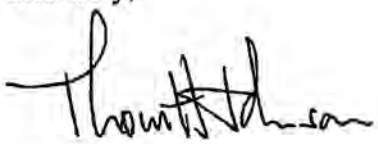
(2) Map B17 for the Kitsap Subbasin is missing from Appendix B.

(3) On page B43, in the Comment/Other Considerations column, for the Hamma Hamma River watershed it states 'focus of recent steelhead supplementation/rebuilding efforts'. As part of the collaborative Hood Canal Steelhead Project (Berejikian et al.2007), a new integrated conservation (supplementation) program, using indigenous stocks, was implemented beginning in 2007 on the South Fork Skokomish River (Skokomish River watershed), Duckabush River, and Dewatto River (West Kitsap watershed), so the same Comment/Other Consideration stated for the Hamma Hamma River can be stated for these three watersheds. This would not, however, change the conservation value for these watersheds which the CHART rated as High.

Again, I appreciate the chance to comment and provide a peer review of the documents.

Please let me know if you have any comments, questions, or need more information. I can be contacted at (360) 297-6532 or by email at tjohnson@pnptc.org .

Sincerely,



Thom H. Johnson
Point No Point Treaty Council
Environmental Program Manager