

status assessment, and additional information concerning these species are available on the Southwest Region's Web site: <http://swr.nmfs.noaa.gov/>.

With regard to the salmon and steelhead species subject to this notice of availability, we evaluated information that has become available on the species since they were previously reviewed in 2005 (70 FR 37160) and 2006 (71 FR 834), respectively. After considering the best available information, our 5-year reviews recommend that each of these species should remain listed as determined in 2005 and 2006. Our reviews also recommend that the southern boundaries of two species (California Coastal Chinook salmon and Central California Coast coho salmon ESUs) should be extended. Finally, our reviews also recommend that six hatchery stocks should be removed from the California Coastal Chinook salmon ESU based on information demonstrating the hatchery programs propagating these stocks have been terminated since the last status review.

In furtherance of these recommendations, we have already proposed to change the southern boundary of Central California Coast coho salmon (76 FR 6383). We will consider proposing the adjustment of the species boundary and hatchery status for California Coastal Chinook salmon in a separate rulemaking. We conclude that these 5-year reviews meet the requirements of the ESA.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: August 8, 2011.

**Therese Conant,**

*Deputy Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 223 and 224

**RIN 0648-XA535**

#### **Endangered and Threatened Species; 5-Year Reviews for 17 Evolutionarily Significant Units and Distinct Population Segments of Pacific Salmon and Steelhead**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of 5-year reviews.

**SUMMARY:** NMFS Northwest Region announces the availability of 5-year reviews for 11 evolutionarily significant units (ESUs) of Pacific salmon (*Oncorhynchus sp.*) and 6 distinct population segments (DPSs) of steelhead (*Oncorhynchus mykiss*) in Oregon, Washington, and Idaho as required by the Endangered Species Act of 1973, as amended (ESA). The purpose of the reviews was to evaluate whether the listing classifications of these salmonids remains accurate or should be changed. After reviewing the best available scientific and commercial data, we conclude that the 11 ESUs of Pacific salmon and 6 DPSs of steelhead in Oregon, Washington, and Idaho shall remain listed as determined in 2005, 2006, and 2007.

**ADDRESSES:** Additional information about the 5-year reviews may be obtained by visiting the NMFS Northwest Regional Office Web site: <http://www.nwr.noaa.gov/>, or by writing to us at: NMFS Northwest Region, 1201 Lloyd Blvd., Suite 1100, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Eric Murray (503) 231-2378.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Under the ESA, a list of endangered and threatened wildlife and plant species must be maintained. The list is published at 50 CFR 17.11 and 50 CFR 223.102 (for animals) and 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every 5 years. On the basis of such reviews under section 4(c)(2)(B), we determine whether any species should be removed from the list (delisted), or reclassified from endangered to threatened or from threatened to endangered. During 5-year reviews, we consider the best scientific and commercial data available, including new information that has become available since the last listing determination or most recent status review of a species.

On March 18, 2010, the NMFS Northwest and Southwest Regional Offices announced initiation of 5-year reviews of Pacific salmon ESUs and steelhead DPSs (75 FR 13082). Both ESUs and DPSs are treated as 'species' under the ESA, and we use the term 'species' to refer to both in the remainder of this notice. At the time of our announcement, we requested information on species viability, protective efforts, and threats to the species from the public, concerned governmental agencies, Tribes, the

scientific community, environmental entities, and other interested parties.

This notice addresses the following salmon species: (1) Upper Columbia River spring-run Chinook salmon; (2) Snake River spring/summer-run Chinook salmon; (3) Puget Sound Chinook salmon; (4) Lower Columbia River Chinook salmon; (5) Upper Willamette Chinook salmon; (6) Snake River fall-run Chinook salmon; (7) Hood Canal summer-run chum salmon; (8) Columbia River chum salmon; (9) Lower Columbia River coho salmon; (10) Snake River sockeye salmon; and (11) Ozette Lake sockeye salmon. We did not complete a 5-year review for the Oregon Coast coho salmon because, as part of a legal settlement, we previously agreed to conduct a new review of the status of this species. On June 20, 2011, we issued a final rule re-promulgating the threatened listing for Oregon Coast coho salmon (76 FR 35755).

This notice also addresses the following steelhead species: (1) Upper Columbia River steelhead DPS; (2) Middle Columbia River steelhead DPS; (3) Snake River Basin steelhead DPS; (4) Lower Columbia River steelhead DPS; (5) Upper Willamette steelhead DPS; and (6) Puget Sound steelhead DPS. Information about these species can be found at our Northwest Regional Web site: <http://www.nwr.noaa.gov/>.

We used a two-step process to complete the reviews of the listed salmonid species in Oregon, Washington, and Idaho. First, we asked scientists from our Northwest Fisheries Science Center to collect and analyze new information about species viability. To evaluate viability, our scientists apply the Viable Salmonid Population (VSP) concept. The VSP concept relies on evaluating four criteria—abundance, productivity, spatial structure, and diversity—to assess species viability. They also considered new genetic and biogeographic information regarding species' boundaries. At the end of this process, the science team prepared a report detailing the results of their analyses. This report is available at our regional Web site.

Salmon management biologists from our Northwest Regional Office completed the second step in the review process. These biologists, organized into geographically-based teams, reviewed new information related to the five ESA section 4(a)(1) factors, which we consider when determining if a species should be listed as threatened or endangered or be de-listed. These are: (1) The present or threatened destruction, modification, or curtailment of the species' habitat or range; (2) overutilization for

commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or man-made factors affecting the species' continued existence. The biologists also evaluated new information on hatchery programs to inform an updated assessment of which hatchery programs should be included as part of the listed species. They applied our Policy Addressing the Role of Artificially Propagated Pacific Salmon and Steelhead in Listing Determinations under the ESA (70 FR 37204) to complete this evaluation. The 5-year review reports, the science team report, and additional information are available on our Web site: <http://nwr.noaa.gov>.

### Findings

After considering the best available information, we conclude that all 11 Pacific salmon species and 6 steelhead species in Oregon, Washington, and Idaho shall remain listed as currently classified.

We also conclude that, based on the best information available, no adjustments to species boundaries are necessary. We did conclude that the species membership of several hatchery programs will need to be revised, and we also identified several errors in our current species descriptions in the list of threatened and endangered species found at 50 CFR 17.11, 223.102, and 224.102. We will adjust the hatchery memberships and correct any listing inaccuracies through a subsequent rulemaking.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: August 8, 2011.

**Therese Conant,**

*Deputy Chief, Endangered Species Division,  
Office of Protected Resources, National  
Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

RIN 0648-BB13

#### Fisheries off West Coast States; Pacific Coast Groundfish Fishery Management Plan; Trawl Rationalization Program; Program Improvement and Enhancement; Amendment 21-1

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendment 21-1 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for review by the Secretary of Commerce (Secretary). Amendment 21-1 would further revise the FMP to support the trawl rationalization program, a catch share program, implemented in January 2011 through Amendments 20 and 21. Amendment 21-1 would modify the FMP to clarify that Amendment 21 supersedes the limited entry/open access allocations for groundfish species allocated through Amendment 21. Amendment 21-1 would also revise the formula in the FMP to allocate Pacific halibut bycatch to the limited entry trawl fishery.

**DATES:** Comments on Amendment 21-1 must be received no later than 5 p.m., local time on October 14, 2011.

**ADDRESSES:** You may submit comments, identified by RIN 0648-BB13 by any one of the following methods:

*Electronic Submissions:* Submit all electronic public comments via the Federal eRulemaking Portal <http://www.regulations.gov>.

*Fax:* 206-526-6736, *Attn:* Jamie Goen.

*Mail:* Barry Thom, Acting Administrator, Northwest Region, NMFS, 7600 Sand Point Way NE., Seattle, WA 98115-0070, *Attn:* Jamie Goen.

*Instructions:* All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business

Information or otherwise sensitive or protected information.

NMFS will accept anonymous comments (enter N/A in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

#### FOR FURTHER INFORMATION CONTACT:

Jamie Goen, *phone:* 206-526-4656, *fax:* 206-526-6736, and e-mail [jamie.goen@noaa.gov](mailto:jamie.goen@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

Background information and documents are available at the Pacific Fishery Management Council's Web site at <http://www.pcouncil.org/>.

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each regional fishery management council submit any FMP or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, immediately publish a notice that the FMP or amendment is available for public review and comment. NMFS will consider public comments received during the comment period described above in determining whether to approve Amendment 21-1 to the FMP.

Amendment 21-1 would further revise the FMP to support the trawl rationalization program, a catch share program, implemented in January 2011 through Amendments 20 and 21. Amendment 21-1 would modify the FMP to: (1) Clarify that Amendment 21 supersedes the limited entry/open access allocations for groundfish species allocated through Amendment 21; and (2) revise the formula in the FMP to calculate the Pacific halibut bycatch mortality limit for the limited entry trawl fishery.

Amendment 21 to the FMP established allocations to the limited entry trawl fishery participants. As part of Amendment 21, allocations were established between the trawl and non-trawl sectors for certain groundfish species in preparation for the trawl rationalization program (called Amendment 21 species). In a letter to the Council dated August 9, 2010, NMFS disapproved part of Amendment 21 because the FMP language available to the public and to the Council during its decision making did not clearly state that Amendment 21 allocations supersede the previous limited entry/open access allocations for Amendment