



Agenda item 5.1
For information

Council

CNL(19)23

***Annual Progress Report
on Actions Taken Under the Implementation Plan for the Calendar Year 2018***

United States

CNL(19)23

Annual Progress Report on Actions taken under the Implementation Plan for the Calendar Year 2018

The primary purposes of the Annual Progress Reports are to provide details of:

- any changes to the management regime for salmon and consequent changes to the Implementation Plan;
- actions that have been taken under the Implementation Plan in the previous year;
- significant changes to the status of stocks, and a report on catches; and
- actions taken in accordance with the provisions of the Convention

These reports will be reviewed by the Council. Please complete this form and return it to the Secretariat **no later than 28 March 2019**.

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| Party: | United States |
| Jurisdiction/Region: | |

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| 1: Changes to the Implementation Plan |
| 1.1 Describe any proposed revisions to the Implementation Plan <i>(Where changes are proposed, the revised Implementation Plans should be submitted to the Secretariat by 1 December).</i> |
| None |
| 1.2 Describe any major new initiatives or achievements for salmon conservation and management that you wish to highlight. |
| <p>There has been considerable progress with the International Year of the Salmon (IYS) initiative. For the East Coast of the United States, the IYS was launched on October 30, 2018 at the New England Aquarium in Boston, Massachusetts. The event included an opening lecture by Catherine Schmitt (author of <u>The Presidential Salmon</u>) and Madonna Soctomah (Former Passamaquoddy Tribal Representative with the Maine State Legislature) and a social event launching the new Atlantic salmon exhibit at the Aquarium. There was also a kick-off event at the Maine Discovery Museum on February 28, 2019 that included a lecture from Ed Baum (author of <u>Maine Atlantic Salmon: A National Treasure</u>) and a gallery event, featuring artist Karen Talbot's "Maine's River Run Fish." We have also developed several new outreach tools and contracted with a marketing firm to help guide IYS-related messaging to the four key audience groups.</p> <p>In October of 2018, the Maine Department of Marine Resources, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service announced a new program to help fund Atlantic salmon recovery work and reduce the regulatory burden associated with road and bridge construction projects. The Atlantic Salmon Restoration and Conservation Program provides public and private parties working on road and bridge construction projects, bank stabilizations, dam repairs or other in-water projects the flexibility to pay a fee in lieu of mitigation efforts required by federal law to offset unavoidable environmental impacts of the construction activity.</p> |

The in-lieu-fee program requires that funds paid are used to support other restoration work that results in, at minimum, no net loss of habitat or habitat function. Once sufficient funds are available, grant proposals will be solicited and evaluated by a review committee, convened by the Maine Department of Marine Resources, and made up of representatives from state and federal agencies. Mitigation projects will be selected based on an analysis of their ability to compensate for impacts of the projects paying into the program, and to provide significant benefits to Atlantic salmon and the ecosystem upon which they depend.

2: Stock status and catches.

2.1 Provide a description of any new factors which may significantly affect the abundance of salmon stocks and, if there has been any significant change in stock status since the development of the Implementation Plan, provide a brief (200 word max) summary of these changes.

For 2018, there are no new factors which we expect to significantly affect the abundance of salmon stocks in the United States. Provisionally, adult returns to U.S. waters in 2018 were 869.

2.2 Provide the following information on catches:*(nominal catch equals reported quantity of salmon caught and retained in tonnes ‘round fresh weight’ (i.e. weight of whole, ungutted, unfrozen fish) or ‘round fresh weight equivalent’).*

| | In-river | Estuarine | Coastal | Total |
|---|---|-----------|---------|-------|
| (a) provisional nominal catch (which may be subject to revision) for 2018 (tonnes) | 0 | 0 | 0 | 0 |
| (b) confirmed nominal catch of salmon for 2017 (tonnes) | 0 | 0 | 0 | 0 |
| (c) estimated unreported catch for 2018 (tonnes) | 0 | 0 | 0 | 0 |
| (d) number and percentage of salmon caught and released in recreational fisheries in 2018 | There are no recreational fisheries for sea-run Atlantic salmon in the United States. There are, however, small fisheries for domestic broodstock in the Merrimack, Naugatuck, and Shetucket Rivers in Southern New England; these rivers are outside the geographic range of endangered Atlantic salmon. | | | |

3: Implementation Plan Actions.

3.1 Provide an update on progress against actions relating to the Management of Salmon Fisheries (Section 2.8 of the Implementation Plan).

Note: The reports under ‘Progress on Action to Date’ should provide a brief overview with a quantitative measure of progress made. While referring to additional material (e.g. via links to websites) may assist those seeking more detailed information, this will not be evaluated by the Review Group.

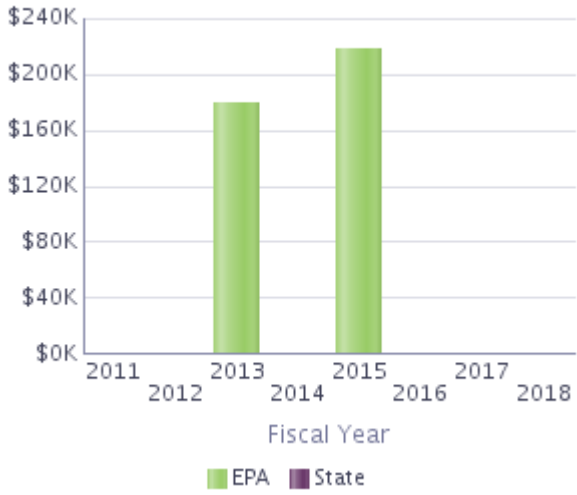
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| Action F1: | Description of Action <i>(as submitted in the IP)</i> | Continue to remain active in the West Greenland Commission and the North American Commission |
| | Expected Outcome <i>(as submitted in the IP)</i> | Continued collaborative management of the fishery at West Greenland, enhanced collaboration with France (in respect of St. Pierre et Miquelon) regarding the fishery at St. Pierre et Miquelon, and enhanced |

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| | | collaboration with Canada regarding the fishery in Labrador |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | West Greenland Commission - The United States worked cooperatively with the Parties of the West Greenland Commission to successfully negotiate a new regulatory measure for 2018, 2019, and 2020. The new regulatory measure includes a number of elements that, if well implemented, will significantly improve the management and control of the fishery. For example, all fishers for Atlantic salmon, including both private and commercial fishers, will now be required to obtain a license. All fishers will also be required to provide an accurate and detailed report of their fishing activities and landings, including no fishing effort and zero landings, prior to receiving a license to fish the following year. These requirements should improve the accuracy of the reported landings and fisheries management moving forward. North American Commission – In 2018, we continued to support efforts to monitor and sample the fishery at St. Pierre et Miquelon and reviewed new information pertaining to the mixed-stock fishery in Labrador. |
| | Current Status of Action | Ongoing |
| | If ‘Completed’, has the Action achieved its objective? | |
| Action F2: | Description of Action <i>(as submitted in the IP)</i> | Work with state authorities to ensure that recreational fisheries for other species, such as brook trout, reduce bycatch of salmon to the maximum extent possible. |
| | Expected Outcome <i>(as submitted in the IP)</i> | Closures of certain areas of rivers, gear restrictions, bag limit reductions and other means could be agreed to within the context of a conservation plan for recreational fishing permitted by the State of Maine. |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | To further reduce potential bycatch of adult Atlantic salmon in the Penobscot River in 2018, the area within 150 feet of any part of the West Enfield and Milford Dams was closed to fishing at all times. In addition, stringent regulations governing recreational fishing (https://www.maine.gov/ifw/docs/2019_MaineFishingLaws.pdf) in salmon habitats remained in place in 2018 as well as the “take” prohibitions of the federal Endangered Species Act. Fishing regulations explain that sea-run salmon are federally endangered and cannot be removed from the water. Anglers are also prohibited from retaining landlocked salmon and brown trout above 25 inches to ensure that adult sea-run salmon are not incidentally captured and retained. |
| | Current Status of Action | Ongoing |

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| | If 'Completed', has the Action achieved its objective? | |
| Action F3: | Description of Action <i>(as submitted in the IP)</i> | Maintain closures for all directed fisheries for Atlantic salmon |
| | Expected Outcome <i>(as submitted in the IP)</i> | Reduced risk to productive capacity. |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | Directed fisheries for sea-run salmon remained closed in 2018. NOAA's Office of Law Enforcement, Maine Marine Patrol, and Maine Warden Service conducted a saturation patrol effort in the summer of 2018 in areas with a history of salmon poaching on the Penobscot, Kennebec, and Narraguagus Rivers. This effort was in addition to routine patrols in these areas and involved contact with 69 anglers and 25 other non-anglers. Fortunately, no violations were detected. The National Oceanic and Atmospheric Administration (NOAA) maintains a vessel landings database, a dealer purchases database, and an observer database for commercial fisheries subject to federal jurisdiction. To ensure that bycatch of Atlantic salmon in other commercial fisheries remains insignificant, each year we query these databases. For 2018, our query of the dealer purchases database and vessel landings database revealed no record of Atlantic salmon having been caught. For the observer database, bycatch of Atlantic salmon remains a rare event. Interactions have been observed in only 7 of the 29-year time series and no Atlantic salmon have been observed since August 2013. Reporting is complete through August of 2018. |
| | Current Status of Action | Ongoing |
| | If 'Completed', has the Action achieved its objective? | |

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| 3.2 Provide an update on progress against actions relating to Habitat Protection and Restoration (Section 3.4 of the Implementation Plan). <i>Note: The reports under 'Progress on Action to Date' should provide a brief overview with a quantitative measure of progress made. While referring to additional material (e.g. via links to websites) may assist those seeking more detailed information, this will not be evaluated by the Review Group.</i> | | |
| Action H1: | Description of Action <i>(as submitted in the IP)</i> | Improve fish passage by removing dams, installing fishways, removing culverts, decommission roads, and upgrading road-stream crossings |
| | Expected Outcome <i>(as submitted in the IP)</i> | Enhanced connectivity between freshwater habitats and the Atlantic Ocean |
| | Progress on Action to Date | In 2018, 18 aquatic connectivity projects were completed within the range of endangered salmon in |

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| | <p><i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i></p> | <p>Maine. Over 174km of stream were made accessible as a result of these projects. These efforts were made possible due to strong partnerships between the Natural Resource Conservation Service, Penobscot Indian Nation, Project SHARE, Maine Dept. of Inland Fisheries and Wildlife, Maine Department of Marine Resources, Maine Department of Conservation, Maine Forest Service, NOAA Fisheries Service, the Atlantic Salmon Federation, U.S. Fish and Wildlife Service, The Nature Conservancy, Downeast Lakes Land Trust, municipalities, lake associations, towns, and numerous private landowners.</p> <p>In southern New England, the Blackledge River Dam in Glastonbury, CT was removed. This was the last major dam in the Salmon River drainage (a tributary of the Connecticut River that continues to be stocked with salmon fry as part of the Legacy Program).</p> |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |
| Action H2: | Description of Action <i>(as submitted in the IP)</i> | Continue to implement Clean Water Act and other federal and state laws |
| | Expected Outcome <i>(as submitted in the IP)</i> | Continued water quality improvement |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | <p>The Maine Department of Environmental Protection implements water quality programs under the Clean Water Act and state law. The Department is responsible for managing, protecting and enhancing the quality of Maine's water resources through voluntary, regulatory, and educational programs. The Department collaborates with local, state and federal agencies to plan and implement strategies to protect Maine's water quality.</p> <p>A summary of recent enforcement actions in Maine pursuant to the Clean Water Act (Figure H2) reveals a total of roughly \$400,000 (USD) in fines over the last seven years. For 2018, there were no new enforcement actions made public.</p> |

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| | | <p style="text-align: center;">Total Monetary Penalties Assessed (All)</p>  <p style="text-align: center;">Fiscal Year</p> <p style="text-align: center;">■ EPA ■ State</p> <p>Figure H2. Total monetary penalties assessed related to enforcement actions in Maine from 2011 through 2018.</p> |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |
| Action H3: | Description of Action <i>(as submitted in the IP)</i> | Conduct consultations on all federal actions in areas where Atlantic salmon Essential Fish Habitat is designated and issue conservation recommendations to avoid, minimize or mitigate impacts to salmon habitat |
| | Expected Outcome <i>(as submitted in the IP)</i> | No net loss of productive capacity |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | <p>Under the Magnuson-Stevens Act, Essential Fish Habitat (EFH) must be designated for all managed species. For Atlantic salmon, EFH (which equates roughly to the historic range of the species) has been designated by NOAA and the New England Fishery Management Council (http://www.greateratlantic.fisheries.noaa.gov/hcd/webintro.html). The EFH provisions of the Act require federal agencies to consult with NOAA regarding any actions authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken that may adversely affect EFH. NOAA incorporates EFH consultations into interagency procedures previously established under the National Environmental Policy Act, Endangered Species Act, Clean Water Act, Fish and Wildlife Act, or other applicable statutes. If a federal project may have an adverse effect on EFH, federal action agencies are required to prepare an Essential Fish Habitat Assessment which must include (1) a description of the proposed action; (2) an</p> |

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| | | <p>analysis of the effects, including cumulative effects; (3) the federal agency’s conclusions regarding the effects of the action on EFH; and (4) proposed mitigation, if applicable. NOAA is required to provide EFH conservation recommendations to federal and state agencies for actions that would adversely affect EFH. These recommendations may include measures to avoid, minimize, mitigate, or otherwise offset adverse effects on EFH. Federal agencies are required to respond to EFH conservation recommendations in writing within 30 days explaining how they will incorporate them or why they will not.</p> <p>For 2018, NOAA had approximately 35 requests for consultations, and we provided conservation recommendations for approximately 10 projects that were in Atlantic salmon EFH. While this is our best attempt to quantify progress under this action, we caution that it should not be used as a metric to compare progress from year-to-year. We respond to requests for EFH consultation as they are received and do not have control over the number of requests in a given year. In many instances, EFH conservation recommendations are not necessary because project proponents are already proposing best management practices to reduce impacts to the maximum extent practicable.</p> |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |
| Action H4: | Description of Action <i>(as submitted in the IP)</i> | Issue conservation recommendations to avoid and minimize impacts to salmon habitat on all federal actions in areas where Atlantic salmon are listed as endangered and Critical Habitat is designated |
| | Expected Outcome <i>(as submitted in the IP)</i> | No net loss of productive capacity |
| | Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i> | Under the Endangered Species Act, the United States has designated critical habitat for Atlantic salmon. NOAA and the U.S. Fish and Wildlife Service (USFWS) conduct consultations with other federal agencies pursuant to the Endangered Species Act, which requires all federal agencies to ensure that any action they authorize, undertake or fund does not reduce the likelihood of the survival and recovery of endangered Atlantic salmon. The Endangered Species Act also requires NOAA and USFWS to analyze whether an action may result in destruction or adverse modification of critical habitat. If an action is likely to destroy or adversely modify critical habitat, NOAA and USFWS must develop one or more alternative |

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| | | ways for the action to move forward in a way that is not likely to destroy or adversely modify the critical habitat. In 2018, USFWS completed roughly 64 consultations, and NOAA completed roughly 31 consultations within designated Critical Habitat. Many of these projects result in improvements to fish passage and aquatic habitat connectivity within critical habitat for salmon. While this is our best attempt to quantify progress under this action, we caution that it should not be used as a metric to compare progress from year to year. We respond to requests for ESA consultation as they are received and do not have control over the number of requests received in a given year. |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |

3.3 Provide an update on progress against actions relating to Aquaculture, Introductions and Transfers and Transgenics (Section 4.8 of the Implementation Plan).

Note: The reports under 'Progress on Action to Date' should provide a brief overview with a quantitative measure of progress made. While referring to additional material (e.g. via links to websites) may assist those seeking more detailed information, this will not be evaluated by the Review Group.

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| Action A1: | Description of Action (as submitted in the IP) | Continue to monitor implementation of protective measures identified in the Biological Opinion from 2003. Continue collaboration with Canadian provincial and federal agencies to inform new regulations for consistency with U.S. federal permit requirements. |
| | Expected Outcome (as submitted in the IP) | Zero escapes, reduced disease transfer |
| | Progress on Action to Date (Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.) | In 2018, we continued to monitor compliance with protective measures in place within the U.S. salmon farming industry. The current status of active farm sites in Maine shows all sites are in full compliance with the required permit conditions. There were no reportable escape events in 2018, and no aquaculture origin salmon were reported captured in any rivers in Maine. |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |
| Action A2: | Description of Action (as submitted in the IP) | Implement specific regulations and guidelines for importation of baitfish described in State laws and a National Aquatic Animal Health Plan (NAAHP). |
| | Expected Outcome (as submitted in the IP) | Reduced transmission of diseases of concern including; Viral Hemorrhagic Septicemia and Bacterial Kidney Disease. |

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| | <p>Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i></p> | <p>There is no further progress for 2018 beyond what was already reported for 2017. As noted in last year's report, the Northeast Fish Health Committee (NEFHC, a subcommittee of the Northeast Fisheries Administrators Association) encourages state and federal fish and wildlife agencies to develop rules, regulations, and/or protocols to manage fish importation in ways that minimize the movement of pathogens. The NEFHC annually reviews the fish health status of the Northeast states and have developed regional guidelines that enable state resource agencies to prevent the importation or transfer among member states of fish infected with the listed pathogens of concern. In 2015, the NEFHC completed revisions to the existing fish health guidelines to include fish importation, movement and transfer between all states in the Northeast United States (Connecticut, Delaware, Maine, Maryland, Massachusetts New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia). These revisions have been unanimously accepted by the Northeast Fisheries Administrators for each of the States represented above.</p> |
| | <p>Current Status of Action</p> | <p>Ongoing</p> |
| | <p>If Completed, has the Action achieved its objective?</p> | |
| <p>Action A3:</p> | <p>Description of Action <i>(as submitted in the IP)</i></p> | <p>Implement broodstock management protocols at conservation hatcheries.</p> |
| | <p>Expected Outcome <i>(as submitted in the IP)</i></p> | <p>Slow the rate of the loss of genetic diversity.</p> |
| | <p>Progress on Action to Date <i>(Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.)</i></p> | <p>In 2018, we continued monitoring genetic diversity within seven broodstock populations to ensure the goals of the conservation hatcheries are being met. Maintenance of genetic diversity remains the primary goal of the conservation hatchery program: to maintain the genetic characteristics of each individual broodstock, to allow for the diversity to persist for natural selection and adaptation to occur, and to ensure that genetic diversity is not being lost inadvertently due to management practices. Estimates of heterozygosity (observed and expected) compared over time within a broodstock and between broodstocks indicate that similar levels of diversity are present in each broodstock; however, some broodstocks, particularly the Pleasant River, have decreased estimates of allelic diversity relative to other broodstocks, likely a result of decreased broodstock number. Estimates of effective population size also vary between broodstocks from between 50 to 150 for most populations to over 500 for the Penobscot, due to</p> |

the larger total broodstock number and overall population size of the Penobscot River population. The most recent estimates of effective population size are provided in table A3 (below), and reflect estimates of the number of breeders for the parr-collected broodstocks, and is based on multiple year classes of returning adults sampled at time of spawning for the Penobscot River, hence the lag in the sample year between the two groups.

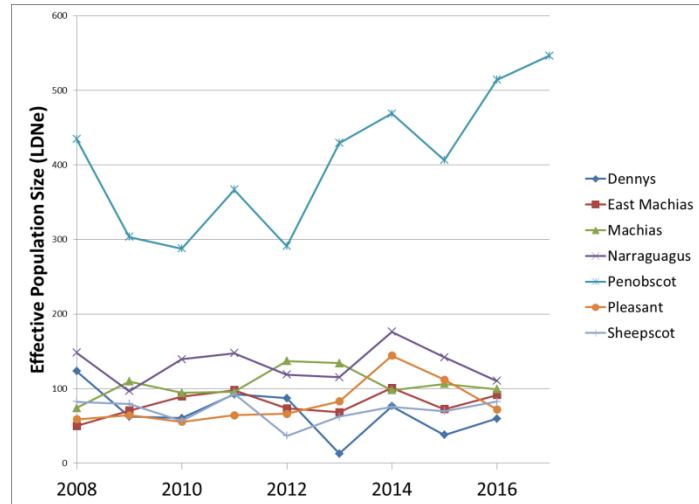


Figure A3. Estimates of effective population size for the seven Atlantic salmon broodstocks managed through the conservation hatchery program in Maine based on time of sampling: as parr for the parr-based broodstocks, and as returning adults for the Penobscot River (operated by the U.S. Fish and Wildlife Service).

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| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |
| Action A4: | Description of Action (as submitted in the IP) | Coordination with state programs that stock salmonids to support recreational fisheries. |
| | Expected Outcome (as submitted in the IP) | Identification of potential areas of overlap of salmon and other stocked salmonids. |
| | Progress on Action to Date (Provide a brief overview with a quantitative measure of progress. Other material (e.g. website links) will not be evaluated.) | Progress in curtailing stocking of non-native salmonids in salmon rivers continued in 2018 with little stocking of non-native salmonids in areas that are actively managed for Atlantic salmon. For example, in 2018 there was no stocking of brown trout near areas that are actively managed for Atlantic salmon in the Penobscot River (or its tributaries). |
| | Current Status of Action | Ongoing |
| | If Completed, has the Action achieved its objective? | |

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| 4: Additional information required under the Convention | |
| 4.1 | Details of any laws, regulations and programmes that have been adopted or repealed since the last notification. |
| N/A | |
| 4.2 | Details of any new commitments concerning the adoption or maintenance in force for specified periods of time of conservation, restoration and other management measures. |
| N/A | |
| 4.3 | Details of any new actions to prohibit fishing for salmon beyond 12 nautical miles. |
| N/A | |
| 4.4 | Details of any new actions to invite the attention of States not Party to the Convention to matters relating to the activities of its vessels which could adversely affect salmon stocks subject to the Convention. |
| N/A | |
| 4.5 | Details of any actions taken to implement regulatory measures under Article 13 of the Convention including imposition of adequate penalties for violations. |
| N/A | |
| North American Commission Members only: | |
| 4.6 | Details of any new measures to minimise by-catches of salmon originating in the rivers of the other member. |
| N/A | |
| 4.7 | Details of any alteration to fishing patterns that result in the initiation of fishing or increase in catches of salmon originating in the rivers of another Party except with the consent of the latter. |
| N/A | |