

Agenda Item 7.1
For Information

Council

CNL(10)24

*Annual Report
on Actions Taken Under Implementation Plans*

USA

Annual Report on actions taken under the US Implementation Plan for the Calendar Year 2009

The Guidelines for the preparation of ‘Implementation Plans and for Reporting on Progress’, NSTF(06)10 (copy attached) indicate that the primary purpose of the annual reports is to provide a summary of all the actions that have been taken under the Implementation Plan in the previous year. In addition, details of any significant changes to the status of stocks, new factors affecting stocks, any changes to the management regime in place, and any changes to the Implementation Plan should be included in the report. Details of actions taken in accordance with Articles 14 and 15 of the Convention are also needed by the Council. **Please provide the following information to the Secretariat by 2 April 2010**

Section 1: Details of any significant changes to the management outlined in the introduction to the Implementation Plan.

Last year we reported that we had issued a proposed rule to extend Endangered Species Act (ESA) protection to Atlantic salmon inhabiting the three largest river systems in the State of Maine. In addition, we reported that we had proposed to designate critical habitat for Atlantic salmon. In 2009, we finalized our ESA listing and critical habitat rules. The effect of these actions is to protect greater numbers of Atlantic salmon and to protect the features of their habitat that are essential to the conservation of the species. The “take” of species listed under the ESA is considered a violation of the Act unless an incidental take permit or incidental take statement is provided. Take is defined to include harm, harass, trap, collect, kill or injure. Federal agencies conducting, authorizing or permitting work that may affect the Gulf of Maine Distinct Population Segment of Atlantic salmon must consult with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service to ensure that they do not jeopardize the continued existence of Atlantic salmon and/or adversely modify or destroy critical habitat.

Section 2: A description of any significant changes in the status of stocks and information on catches. The Council has asked that the following information on catches be provided:

- (a) the provisional catch of salmon in tonnes for 2009;**
- (b) the confirmed catch of salmon in tonnes for 2008;**
- (c) an estimate of unreported catch in tonnes for 2009;**
- (d) the number of salmon caught and released in recreational fisheries in 2009.**

(a-c) Provisional, Confirmed and Unreported Catch

There have been no significant changes to the status of stocks as described in the US Implementation Plan. Vessel and dealer landings as well as the observer database were queried to identify any landings of Atlantic salmon for 2009. According to the dealer and vessel landings data, there were no reported landings of Atlantic salmon in 2009 aside from on individual salmon incidentally captured in March of 2009. Thus, the confirmed catch of Atlantic salmon for 2009 was zero tons. Unreported catch for 2009 was also zero tons.

(d) There was no recreational fishery for sea-run Atlantic salmon in the US in 2009. In 2009, recreational fisheries on post spawned domestic broodstock occurred in the Merrimack River, an area south of the GOM DPS. Roughly 1,535 broodstock were released to the river to support the fishery. While data for the 2009 season are not yet available, there have been roughly 1,400 permits sold each of the previous three years (2006-2008). Broodstock are known to be captured and killed in the fishery for consumption. However, the time series of creel data for this fishery suggests that the majority of anglers practice catch and release.

Section 3: A description of any new factors which may significantly affect the abundance of salmon stocks.

Section 4: An account of all actions taken under the Implementation Plan with regard to the management of salmon fisheries; habitat protection and restoration; aquaculture and related activities (not required in 2010); and other influences affecting salmon abundance or diversity (including the marine environment).

NOTE: Actions that were completed in 2008 are not included below.

Management Action	Reporting Update	Achieved Management Action (Yes, No, Ongoing, Completed)
Fisheries Management		
4.1.1.1 Participate in the annual meeting of the WGC to negotiate a quota based on the scientific advice from NASCO (2007, 2008, 2009, 2010 and 2011)	The U.S. participated in the WGC in 2009 during which a new multi-annual regulatory measure was adopted for 2009 – 2011. This measure incorporates the Framework of Indicators which will be applied in 2010 and 2011.	Yes
4.1.1.2 Reach a multi-annual regulatory measure for the West Greenland Fishery (2007 and 2009)	As noted above, a new multi-annual regulatory measure for the West Greenland Fishery was developed in 2009.	Yes

4.1.1.3 Participate in annual sampling of the fishery off West Greenland (2007, 2008, 2009, 2010 and 2011).	The U.S. helped negotiate a new sampling agreement in 2009 and continued to serve as the coordinator for the sampling program. Of significant note is the expansion in 2009 for an enhanced sampling program as part of the overall SALSEA Program.	Yes
4.1.1.4 Facilitate a continent of origin analysis on salmon sampled off West Greenland to determine composition of the mixed stock affected by the fishery (2007, 2008, 2009, 2010 and 2011).	The biological samples collected as part of the joint sampling program were analyzed for continent of origin in order to determine the composition of the mixed stock complex.	Yes
4.1.1.5 Collaborate with Canada and France to implement sampling of the salmon fishery off St Pierre et Miquelon and to conduct continent of origin analysis on the sampled fish (2007, 2008, 2009, 2010 and 2011).	Unfortunately, there was no progress in 2009 on the development of a comprehensive sampling program for St. Pierre et Miquelon. The US continues to collaborate with the Secretariat and Canada on the potential development of a sampling program.	Ongoing
4.1.3.1 Review commercial fisheries log books and observer databases for any records of Atlantic salmon (2007, 2008, 2009, 2010 and 2011).	The US reviews dealer and vessel landings as well as observer reports annually for any records of Atlantic salmon. As described in Section 2 of this report, there were no directed fisheries for Atlantic salmon and only one report of one individual salmon landed as bycatch in 2009.	Yes
4.1.3.4 Work with all state agencies to monitor incidental recreational catches and ensure that hooked salmon are released in an appropriate manner (2007, 2008, 2009, 2010 and 2011).	Reports of incidental catch come from a variety of sources including federal and state agency law enforcement or field biologists, concerned citizens, anglers or groups (salmon clubs and watershed councils). Angling and conservation web sites are also monitored for reports of catch.	Yes

Habitat Protection and Restoration		
4.2.1 Continue to populate NASCO Habitat Database with information from US Rivers (2007, 2008, 2009, 2010 and 2011).	The majority of pertinent data have previously been assembled. Additional coordination of disparate data sources has continued.	Ongoing
4.2.2 Conduct consultations on all federal actions in areas where Atlantic salmon EFH is designated and issue conservation recommendations to avoid, minimize, or mitigate impacts to salmon habitat (2007, 2008, 2009, 2010 and 2011).	EFH recommendations are issued in salmon rivers south of the GOM DPS. These recommendations assist action agencies in minimizing effects of construction activity on salmon populations. EFH recommendations are issued in the GOM DPS in a manner complimentary and/or consistent with requirements under section 7 of the Endangered Species Act (see 4.2.5 below).	Ongoing
4.2.3 Prepare maps and descriptions of critical habitat and provide these to local authorities and state agencies to encourage focus on protection, restoration and enhancement of habitat in these areas (2008 and 2009).	Maps of Critical Habitat have been prepared and are available at: http://www.nero.noaa.gov/prot_res/altsalmon/dpsmaps.html	Completed
4.2.4 Designate critical habitat for listed Atlantic salmon populations (2007, 2008, and 2009).	A final rule designating critical habitat was published and is available at: http://www.nero.noaa.gov/prot_res/altsalmon/	Completed
4.2.5 Conduct ESA Section 7 consultations on all federal actions in the GOM to determine and minimize impacts to endangered Atlantic salmon and their habitat (2007, 2008, 2009, 2010 and 2011).	Over 100 consultations were completed in 2009 on a variety of projects including road, bridge, and pier construction projects. Through the section 7 process, NMFS and FWS worked with action agencies to implement best management practices, time of year restrictions (i.e., work windows), and other project modifications such as noise reduction that minimize “take” of the GOM DPS of Atlantic salmon.	Yes

<p>4.2.6 Remain active and involved in the oversight of fish passage agreements on the Kennebec, Saco and Penobscot rivers (2007, 2008, 2009, 2010 and 2011).</p>	<p>Implementation of the agreements on the Kennebec, Saco, and Penobscot Rivers is well under way. Each agreement varies in terms of passage goals, monitoring strategies, and stakeholder engagement. While they each offer opportunities for salmon recovery, we must remain aware of monitoring outcomes and shortfalls in terms of passage efficiency targets. Further, the existence of these agreements does not negate the need for “take” coverage under the ESA (see 4.2.7 below).</p>	<p>Ongoing</p>
<p>4.2.7 Remain active and involved in hydroelectric project licensing at dams located within Atlantic salmon habitat in the U.S. and advocate for upstream and downstream fish passage facilities, as appropriate (2007, 2008, 2009, 2010 and 2011).</p>	<p>For the GOM DPS, NMFS is now working with a variety of hydroelectric operators to avoid and minimize incidental “take” at these projects. NMFS can only authorize “take” levels that do not jeopardize the continued existence of the GOM DPS. NMFS is currently analyzing expected take levels and how those levels relate to recovery goals for the GOM DPS</p> <p>In southern New England rivers where salmon are not listed as endangered, all parties have remained active and involved in project licensing and re-licensing throughout New England including Swift River Hydro Project, Pawcatuck River, RI; Canton Hydro Project, Farmington River, CT; and downstream passage agreements/studies on the Connecticut River (VT/NH) and Deerfield River (MA). Merrimack River Project (Amoskeag, Hooksett and Garvins Falls dams) was renewed in May 2007 and in 2009 the fishery resource agencies reached a settlement with the licensee regarding future prescriptions for fishway construction at the project.</p>	<p>Ongoing</p>

Aquaculture and related activities <i>(only required if a jurisdiction wishes to supplement its FAR or has not submitted a FAR)</i>		
Other influences affecting salmon abundance or diversity (including marine environment)		
4.5.3 Implement the Penobscot River Restoration Project (PRRP)(2007, 2008, 2009, 2010 and 2011)	In 2009 the Penobscot River Trust filed applications for the surrender of licenses, removal of two dams, and construction of a natural bypass at the third dam. As noted in 2008, all of the funds for dam purchases had been secured. In FY09 NOAA provided funding to the Trust for removal of Great Works dam and also for pre-removal monitoring.	Ongoing
4.5.4 Prepare and implement restoration plan for the Penobscot River's diadromous fish populations in combination with the PRRP (2007, 2008, 2009, 2010 and 2011)	Maine Department of Marine Resources finalized a Strategic Plan for diadromous fish in the Penobscot River in 2009. Implementation of this plan is underway, however significant funding shortages exist.	Ongoing
4.5.5 Implement rigorous, pre-removal monitoring of the PRRP to evaluate the effects of dam removal and concomitant changes in ecological functions (e.g. predator-prey dynamics) following implementation (2007, 2008, 2009, 2010 and 2011).	In 2008, NMFS developed a pre- and post-removal monitoring plan for the PRRP. This plan includes provisions for evaluating sediment transport, water quality, wetland and riparian community structure, invertebrate community structure, fish community structure, upstream and downstream fish passage efficiency, among other important parameters. Funds (1.3M USD) from the American Recovery and Reinvestment Act were secured in 2009 to implement the many components of this plan and collection of essential baseline data is ongoing.	Ongoing
4.5.6 Submit Status Review for Peer Review and determine if additional action under the ESA is warranted (2007 and 2008).	The Status Review was submitted for peer review, a proposed rule was issued and a final rule followed. The range of Atlantic salmon listed under the ESA was expanded in 2009 and critical habitat was designated for the species.	Completed

<p>4.5.7 In watersheds in which comprehensive diadromous fish restoration has already begun, continue to provide fish passage for American shad, alewife, blueback herring, sea lamprey, shortnose sturgeon, Atlantic sturgeon, American eel, and other diadromous species, as appropriate as well as other support activities such as habitat improvement and stock transplantation (2007, 2008, 2009, 2010 and 2011).</p>	<p>In 2009, many fish passage improvement projects were completed including dam removals and road-stream crossing remediation projects. For example, dams on the Souhegan River (a Merrimack River tributary), Williams River (Connecticut tributary), Sedgeunkedunk Stream (a Penobscot River tributary) and the Little River (Androscoggin River tributary) were removed in the summer of 2009. In addition, Project SHARE replaced 38 road culverts that impeded fish passage and natural stream function with open-bottom structures. The majority of these sites were located in the Machias River watershed in eastern Maine.</p>	<p>Ongoing</p>
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Section 5: Details of any proposed revisions to the Implementation Plan.