

effectiveness of harvest management actions and objectives. The RMP also includes provisions for an annual report. This report will assess compliance with, parameter validation of, and effectiveness of the RMP objectives. A more detailed discussion of NMFS' evaluation is on the Sustainable Fisheries Division web site (see Electronic Access, under the heading, **SUPPLEMENTARY INFORMATION**).

Summary of Comments Received in Response to the Proposed Evaluation and Pending Determination

NMFS published notice of its Proposed Evaluation and Pending determination on the RMP for public review and comment on April 2, 2003 (68 FR 16001). The comment period closed on April 17, 2003. Washington Trout submitted comments to NMFS on the Proposed Evaluation and Pending Determination during this public comment period. No other comments were received during the public comment period. Several of the comments were addressed and reflected in NMFS' final Evaluation and Recommended Determination but no substantial changes were made in that document, and no changes were required of the 2003 RMP. NMFS considered all comments before issuing its final determination on the Puget Sound chinook RMP.

The public comments received and NMFS' response are summarized here. The commenter questioned the use of incomplete catch and escapement information in the calculation of exploitation rates. The commenter also questioned the uncertainty of the data, in particular as it related to estimating survival rates by age and mortality rates by fishery. NMFS recognizes that there will be some uncertainty associated with whatever information is available, and considers the degree of uncertainty when making its decisions. To address these uncertainties, the data analyses incorporated variability around the productivity and capacity stock-recruit parameters, survival variables and management error. In making its determination on the 2003 RMP, NMFS determined that the data uncertainties did not represent a substantial risk in the short term to the ESU, and that the benefits to the ESU in immediate implementation of the one-year plan outweighed the risks represented by the uncertainty in the data.

The commenter suggested that the potential changes in life history of chinook salmon due to the intensity of the fisheries for select biological traits (such as age, sex, or size) may be more than modest. Based on the best available

information, the anticipated exploitation rates in 2003 are expected to result in no, or at worst modest, changes in the biological traits of these populations with the implementation of this 1-year 2003 RMP. However, NMFS recognizes the potential for selective effects of fisheries and will continue to monitor them.

The commenter suggested that some management units within this classification have exploitation rates greater than 50 percent, and in those cases the exploitation rate would appreciably slow rebuilding to viable function. NMFS' critical thresholds are consistent with the concepts in the Viable Salmon Populations (VSP) document (NMFS 2000b, as cited in the Evaluation and Recommended Determination), which includes the concept of compensatory mortality (see page 12 of NMFS 2000b, as cited in Evaluation and Recommended Determination). Based on past performances of the fisheries under similar conditions, the current status of the populations, and the preliminary 2003 return information, it is expected that the implementation of the 2003 RMP will not appreciably reduce the likelihood of the ESU's survival and recovery or preclude most populations' movement toward achieving viable VSP thresholds, as required by the ESA 4(d) rule.

The commenter suggested that improved survival may be more responsible for the observed increasing escapement trend. NMFS recognizes that it is a combination of factors that have contributed to the observed stable to increasing five-year trends in escapement, including harvest actions. Overall, escapements observed under the 2001 RMP have been some of the highest during the five-year period reviewed for Puget Sound chinook salmon populations. The management objectives in the 2001 RMP are similar to the management objectives in the 2003 RMP. Based on the past performances of the fisheries under similar conditions, the current status of the populations, and the preliminary 2003 return information, it is expected that the 2003 RMP will continue the stable to increasing 5-year trends in escapement.

The commenter questioned the appropriateness of allowing impacts on a below-critical threshold population merely because the 2003 RMP demonstrates that the likelihood of survival and recovery of the entire ESU in the wild would not be appreciably reduced. NMFS followed directions provided in the ESA 4(d) rule in assessing the effects of the RMP on

populations below their critical thresholds, including the Dosewallips River and Nooksack River populations. The Dosewallips River population is within the Mid-Hood Canal Management Unit. The characteristics of this population, including life history and run timing, are represented by the other population in the Hood Canal region and by other populations within the ESU. Additionally, the role of the undefined spawning aggregations in the adjacent Hamma Hamma and the Duckabush Rivers in recovery and their relationship with the Dosewallips River population may be clarified as further information becomes available. Because it is possible that production in the Hamma Hamma and the Duckabush Rivers may contribute to the stability of the Dosewallips River population, NMFS' assessment of the impacts of the 2003 RMP on the Dosewallips should be considered conservative.

NMFS concludes in the Evaluation and Recommended Determination that the potential higher risk that the Dosewallips River population may be expected to experience in 2003, in this 1-year harvest management plan, will not appreciably reduce the likelihood of the ESU's survival and recovery.

Additional risk to the North Fork Nooksack River population may be expected in 2003, under the 2003 RMP, primarily due to the anticipated total exploitation rate, in which the Canadian fisheries will account for the majority of the exploitation, exceeding NMFS' rebuilding exploitation rate ceiling for this population. The treaty tribes have a right and priority to conduct their fisheries within the limits of conservation constraints. Because of the Federal government's trust responsibility to the tribes, NMFS is committed to considering the co-managers' judgment and expertise when it comes to the conservation of trust resources. However, the opinion of the co-managers and their immediate interest in fishing is balanced against NMFS' responsibilities under ESA. Based on these considerations, NMFS concluded in the Evaluation and Recommended Determination that the 2003 RMP Nooksack Management Unit's minimum fishery regime exploitation rate that would be imposed on the southern United States fisheries in 2003, in this 1-year 2003 RMP, achieves this balance.

Authority

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the