CHAPTER 2: THE ESA & NMFS RECOVERY PLANNING

"From the most narrow possible point of view, it is in the best interest of mankind to minimize the losses of genetic variations. The reason is simple: they are potential resources. They are the keys to puzzles which we cannot solve, and may provide answers to questions which we have not yet learned to ask."

U.S. House of Representatives when enacting the Endangered Species Act

THE FEDERAL ENDANGERED SPECIES ACT

The federal ESA (16 U.S.C. 1531 *et seq*.) was enacted by Congress and signed into law December 28, 1973, by President Richard Nixon, and amended several times subsequently (16 U.S.C. 1531 et seq.). The ESA was established to conserve the Nation's natural heritage for the enjoyment and benefit of current and future generations by conserving species in danger of extinction. The intent of Congress, interpreted by the United States Supreme Court, in enacting the ESA was "to halt and reverse the trend toward species extinction," "require agencies to afford first priority to the declared national policy of saving endangered species," and "give endangered species priority over the 'primary missions' of Federal agencies" (Tennessee Valley Authority v. Hill, 437 U.S. 153 1978).

NMFS and the U.S. Fish and Wildlife Service (USFWS) share responsibility for ESA implementation. Generally, USFWS manages land and freshwater species, while NMFS manages marine and anadromous species (*e.g.,* species that live their adult lives in the ocean but move into freshwater streams to reproduce or spawn; such as salmon). When a marine or anadromous species is listed as Federally threatened or endangered, section 4 of the ESA requires NMFS to develop a plan for the species conservation and survival (*i.e.,* recovery plan). The plan of recovery should outline the processes needed to stop or reverse the decline, neutralize threats, and bring the species back from possible extinction to a point at which the protections of the ESA are no longer necessary.

NMFS (2006a) defines recovery as:

"…the process by which listed species and their ecosystems are restored and their future safeguarded to the point that protections under the ESA are no longer needed."

Section 4(f)(1)(B) of the ESA outlines that the agency shall to the maximum extent practicable:

> *Incorporate in each plan -*
>
> *i. Description of such site-specific management actions as may be necessary to achieve the plan's goal for the conservation and survival of the species;*
>
> *ii. Objective, measurable criteria which, when met, would result in the determination that the species be removed from the list; and*
>
> *iii. Estimates of the time required and the cost to carry out those measures needed to achieve the plan's goal and the intermediate steps toward that goal.*

Case law has underscored the requirement that actions must be site-specific and that criteria must link to the factors that led to the species decline. The 1994 Interagency Policy on Information Standards directs NMFS to "verify and assure the quality of the science used to establish official positions, decisions and actions" (59 FR 24271). Furthermore, the Data Quality Act of 2002 requires NMFS to use the best available information and process all information sources and analyses through a formal system of review (69 FR 49718).

Section 4(f) additionally provides guidance for agencies to "procure services of appropriate public and private agencies and institutions, and other qualified persons" and appoint recovery teams. Section 4 (f)(3) outlines that agencies "shall report every two years to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives on the status of efforts to develop and implement recovery plans for all species listed…and on the status of all species for which such plans have been developed." NMFS' recovery planning process is additionally guided by the Interim Endangered and Threatened Species Recovery Planning Guidance (NMFS 2006a).

RECOVERING SALMONIDS UNDER THE FEDERAL ESA

There are 27 populations of salmon and steelhead across the Pacific Northwest designated as threatened with extinction or in danger of extinction under the ESA. A recent NMFS status review (Good *et al.* 2005) determined that, while significant efforts to improve habitats are underway and improvements in the abundance of several populations were observed, all populations continue to warrant ESA protections.

NMFS Southwest Region recovery planning for these salmon and steelhead is organized into Recovery Domains. Each Domain includes: (1) one or more populations of salmon and steelhead; (2) a recovery coordinator responsible for facilitating development of the recovery plan; and (3) a Technical Recovery Team (TRT) led by the NMFS Science Center. While each recovery plan will meet ESA requirements, the process of recovery plan development across the Pacific Northwest varies based on the unique circumstances of the Domain such as species life history, local planning efforts, public interest and coordination, and data availability.

California's Recovery Domains

Of the 27 salmon and steelhead populations listed under the ESA, ten are entirely within, or partly occur in, California. These 10 populations are organized into four Recovery Domains (Figure 7): (1) Southern Oregon/Northern California Coast; (2) North-Central California Coast; (3) California Central Valley; (4) South-Central/Southern California Coast. Responsible NMFS offices for each Domain are located in: (1) Arcata; (2) Santa Rosa; (3) Sacramento; and (4) Long Beach, respectively.

The Southwest Fisheries Science Center (SWFSC) in Santa Cruz, California, chairs the TRT of each Domain. The TRTs are comprised of technical experts appointed as an official recovery team charged with identifying the historical population structure and developing biological viability criteria for each listed salmon ESU and steelhead Distinct Population Segment (DPS) in their respective domains. Plan development and finalization—including processes for public outreach, stakeholder input, and internal coordination– are the responsibility of the Protected Resources Division (PRD) of NMFS and of the recovery coordinator.

Goals of This Draft Recovery Plan

While the ultimate goals of a recovery plan are to provide a basis for delisting, it is also our intent to provide the public an opportunity to learn more about salmon and how they can contribute to salmon recovery in California. This draft is intended to foster discussions and information/data exchange regarding watershed conditions, status coho salmon, priority recovery actions that can be mutually beneficial in establishing restoration opportunities.

Overarching goals of the recovery plan are to:

- Provide information on the life history of CCC coho salmon related to their endangerment and recovery;
- Outline a transparent and adaptable strategy to achieve recovery;
- Identify highest priorities, and recovery actions targeting those priorities;
- Establish criteria to measure the achievement of recovery; and
- Provide a framework for outreach, funding, and collaboration for recovery.

Furthermore, it is the intent of the ESA that recovery plans guide Federal agencies in fulfilling their obligations under section 7(a)(1) of the ESA, which calls on all Federal agencies to "utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species…" In addition to outlining strictly proactive measures to achieve the species' recovery, the plans provide context and a framework for implementation of other provisions of the ESA with respect to a particular species, such as section 7(a)(2) consultations on Federal agency activities or development of section 10(a)(1)(B) Habitat Conservation Plans (HCPs).

Recovery: A Collaborative Effort

NMFS believes it is critically important to base ESA recovery plans for Pacific salmon on the many Federal, State, regional, local, and private conservation efforts already underway throughout the region. It is essential that those whose activities directly affect the listed species, and whose actions will be most affected by recovery requirements, support ESA recovery plans. NMFS will encourage locally-led collaborative efforts to finalize this and other recovery plans, involving local communities, State and Federal entities, and other stakeholders.

North Central California Coast Recovery Domain

The NCCC recovery domain is located along approximately 250 miles of California coast, extending from the Redwood Creek watershed in Humboldt County to the Aptos Creek watershed in Santa Cruz County. This domain encompasses approximately 8 million acres and includes the San Francisco Bay Estuary and its tributaries (except for the Sacramento-San Joaquin rivers), as well as Humboldt Bay and its tributaries. The geographic setting of the domain includes forested mountains, the adjacent Pacific Ocean, and the highly urbanized areas of San Francisco Bay and the north-south U.S. Highway 101 corridor (Figure 7). The NCCC Domain includes the following ESUs and DPSs: Central California Coast steelhead; Northern California steelhead; California Coastal Chinook and CCC coho salmon. This recovery plan was developed specifically for the CCC coho salmon ESU first due to its critical status, to be followed by a multispecies plan for the remaining populations in the Domain.

Figure 7: California's Four Salmon and Steelhead Recovery Domains (with overlapping Domain areas shown with cross-hatching).