

Overview: NOAA’s Positive Finding for the Wild Fish Conservancy’s Petition to List Gulf of Alaska Chinook Salmon Under the Endangered Species Act

Introduction

On May 23, 2024, the National Oceanic and Atmospheric Administration (NOAA) and its National Marine Fisheries Service (NMFS) announced their positive finding following a 90-day review regarding a petition to list the Gulf of Alaska (GOA) Chinook salmon as threatened or endangered under the Endangered Species Act (ESA).¹ The petition, submitted by the Wild Fish Conservancy (WFC) in January of 2024, requests the identification and listing of evolutionarily significant units (ESUs) of Chinook salmon in southern Alaska and the concurrent designation of critical habitat.² This briefing document outlines the agency's initial findings, the legal framework guiding the process, and the next steps, including soliciting public comments and conducting a comprehensive status review.

Legal and Regulatory Framework

The ESA mandates a systematic process for evaluating petitions to list species as threatened or endangered. According to Section 4(b)(3)(A) of the ESA, within 90 days of receiving a petition, the Secretary of Commerce must determine if the petition presents substantial information indicating that the requested action may be warranted. A positive finding leads to a comprehensive status review, culminating in a determination within 12 months of the petition's receipt. As Nat Herz writes, this *“rigorous scientific review is expected to take at least nine months.”*

¹ 90-day review is not a hard requirement, but a guideline for the Secretary.

² Under the ESA, a species may include a subspecies that interbreeds when mature. NMFS uses the concept of ESU to define a population that is reproductively isolated from other populations and represents an important component of the evolution of the species.

Petition Summary

The petition by the WFC contends that the Gulf of Alaska (GOA) Chinook salmon populations are experiencing significant declines and are subject to various threats across the five ESA listing factors:

1. **Habitat Destruction:** The petition highlights threats such as clear-cut logging, erosion, stream temperature increases, chemical runoff, and barriers to fish passage.
2. **Overutilization:** It argues that commercial and recreational overfishing has contributed to population declines, evidenced by missed escapement goals.
3. **Disease and Predation:** The petition claims diseases from hatcheries and increased predation by orcas and humpback whales are significant threats.
4. **Inadequacy of Regulatory Mechanisms:** It asserts that existing federal and state regulations are insufficient to protect GOA Chinook salmon.
5. **Other Factors:** Competition from hatchery-produced pink salmon and the impacts of climate change on ocean productivity and habitat conditions are also a threat to GOA Chinook. *(WFC's mission is to eliminate mixed-stock fisheries)*

NMFS's Evaluation

NMFS's initial evaluation of the petition considered available data, including information from their files. **The agency identified several issues within the petition, such as outdated escapement data and generalized threats without specific examples. However, the petition's evidence of missed escapement goals and decreasing size and age at maturity suggests that the requested action may be warranted.** Given the low threshold for a 90-day finding and the potential existence of multiple ESUs within the petitioned area, NMFS has decided to initiate a status review.

Next Steps: Status Review and Public Participation

The status review will comprehensively assess the best available scientific and commercial information to determine whether any GOA Chinook salmon ESU warrants listing under the ESA. **NMFS is opening a 60-day public comment period to gather additional information. Stakeholders, including government agencies, Alaska Native organizations, scientists, industry representatives, and the public, are invited to submit data on the species' abundance, productivity, distribution, genetic diversity, habitat conditions, regulatory mechanisms, commercial and non-commercial harvest, and other relevant factors.**

Conclusion

This 90-day finding represents the first step in a thorough review process to determine the appropriate conservation status of the GOA Chinook salmon.

NMFS's positive finding does not prejudge the outcome but ensures that a detailed examination of the species' status and threats will be conducted. Public participation will play a crucial role in informing this review, guiding NMFS's decision on whether to list the species under the ESA.