Spring-run Chinook Salmon Reintroduction
Experimental Population Population Designation

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Overview

The San Joaquin River Restoration Program is a comprehensive long-term effort to restore flows and a self-sustaining Chinook salmon fishery while reducing or avoiding adverse water supply impacts.
San Joaquin River Settlement History

1988 Lawsuit filed by NRDC challenging Reclamation’s renewal of the long-term contracts with Friant Division contractors

2004 Federal Judge rules Reclamation violated Section 5937 of the CA Fish and Game Code

2005 Settlement negotiations reinitiated to avoid remedy phase

2006 Settlement reached, implementation begins

2009 Federal legislation enacted
Legal Consistency

• Federal legislation for SJRRP:
  – Spring-run reintroduced under the SJR Restoration Settlement Act shall be as 10(j) experimental population, and
  – Special 4(d) take exemptions required,
  – Provided that reintroduction can be permitted

• State law: new authority
  – CDFW may concur with NMFS SJR spring-run experimental population designation
Steps for Spring-run Chinook Salmon Reintroduction

- Collect source fish
- Make more* (indicated by a fish icon)
- Release them

*Indicates that something is being done to the collected fish.
ESA Steps for Spring-run Chinook Salmon Reintroduction

Collect source fish

Make more

Release them

Section 10(a)1(A) Permit
Species Enhancement

Collect listed fish for purposes beneficial to species

Hatchery & Genetic Management Plan (HGMP)

Methods to be used for propagating or increasing numbers of fish to be re-introduced

Section 10(j) Experimental Population Determination

Release of fish back into the system: where, how, and with what ESA protections.
Experimental Population 10(j)

- Delineated area
- Threatened status
- Section 9: prohibits “take”
- Section 4(d):
  - May exempt “take” prohibition
  - For conservation purposes
  - For Threatened species
  - Applies also to non-federal entities
ESA Section 10(j) Requirements

• Three key elements:
  • Will this further Conservation of the Species?
  • Means to identify the experimental population?
  • Is the population essential to the continued existence of the species in the wild?
Will This Further Conservation of the Species?

- Take only allowed through ESA section 10 and section 7 authorities.
- SJRRP channel and habitat improvements
- Collection of fish for founding stock will consider source population condition and San Joaquin River habitat condition.
- Conservation fish facility will minimize the number individuals taken from existing populations.
- Other State and Federal Laws in existence
  - Voluntary third party programs (e.g. diversion screens)
Essential to the Continued Existence of the Species in the Wild?

- Other spring-run populations exist currently
- Geographic location of proposed population will not interfere with current populations
- Nonessential experimental population (NEP)
The Proposed Rule Itself

- Geographic boundary
  - 10(j) rule location
    - San Joaquin River
    - All accessible waterways and tributaries until Merced River
    - Kings River
Take Exemptions in NEP

- Unintentional or incidental to otherwise lawful activities

[Further text and information from the document]

[Additional content from the document]

Service office (see FOR FURTHER INFORMATION CONTACT).

[Further text and information from the document]
Take Exemptions in NEP

Fishery management actions by other governmental entities to conserve the species (rescue, etc.)
– Scientific research or enhancement purpose with a permit
Prohibited Take

- Take of salmon by all activities that are illegal or not allowed under law

- Intentional direct take
  - No person shall possess, sell, deliver, carry, transport, ship, import, or export, by any means whatsoever
Take Exemption Outside NEP Area

- San Joaquin River and Tributaries:

- Any take by otherwise lawful activities related to diverting or receiving water pursuant to applicable State and Federal laws.
Take Exemption Outside NEP Area

- Any take at the CVP and SWP projects in the Delta that originate from reintroduction to the San Joaquin River
  - Annual memo
    - January 15th
    - Method for deducting from operational triggers
Management in the “Blue Area”

- Existing lawful activities will not change

- NMFS will work with State Fish and Wildlife on adjusted fishing regulations, as needed

- NMFS and the SJRRP Implementing agencies have responsibility to ensure successful reintroduction of the species

- Voluntary partnerships are encouraged
Management in “Pink Area”

- Reintroduction will not impose more than *de minimus* (*sic*):
  - water supply reductions
  - additional storage releases,
  - or bypass flows,

on persons or entities receiving or diverting water due to the reintroduction.
Alternatives Considered

• No Action

• Action: Reintroduce Spring-run Chinook salmon, with special regulations
  – Source Populations
    – 10(j) Experimental Population Area
    – 10(j) Experimental Population Duration
Preferred Alternative Choice

Source

Stock

Area

Duration
www.restoresjr.net

Quick Link to:
“NMFS Salmon Reintroduction Information”
Protect Existing Populations

- Take only allowed through ESA section 10(a)(1)(A) and section 7 authorities.

- Conservation fish facility will minimize the number of individuals taken from existing populations.

- Collection of fish for founding stock will consider source population condition and San Joaquin River habitat condition.