

# Proposal to List Coho (Silver) Salmon under the California Endangered Species Act

Department of Fish and Game Fact Sheet  
October 26, 2001

## 1) BACKGROUND

### Receipt of Petition and Designation as a "Candidate Species"

On July 28, 2000, a **petition** to list coho salmon under the California Endangered Species Act was received by the California Fish and Game Commission (Commission). As required by State law, the Commission forwarded the petition to the Department of Fish and Game (Department) to review and recommend whether the petition contained sufficient information to warrant acceptance and consideration by the Commission. On February 2, 2001, the Department presented its findings that the petition did provide suitable information and recommended that the Commission accept the petition for consideration. At their meeting on April 5, 2001, the Commission accepted the petition for consideration and the species officially became a "**candidate species**" when a notice of this action was published in the California Regulatory Notice Register on April 27, 2001.

### "2084" Take Regulations

Since candidate species are protected against "**take**,"<sup>1</sup> the Commission also adopted an emergency order to allow **incidental take** during the candidacy period to occur for specific activities, pursuant to Section 2084 of the Fish and Game Code ("2084 Take Regulations). This action was taken to allow authorized activities to continue (such as water diversion, timber harvest, salmon research and monitoring, commercial and sport fishing, etc.) during the one-year candidacy period. The Commission adopted these **2084 Take Regulations** with the finding that they would "not cause jeopardy to the continued existence of the species."

The **2084 Take Regulations** are only in effect during the candidacy period, which will end when the Commission makes the decision on whether or not to list coho salmon. This will likely occur in May or June 2002, when the Commission is scheduled to make its final listing decision.

The Department has written an **environmental document** (equivalent to an Environmental Impact Report) to assess and disclose the environmental effects of the **2084 Take Regulations**. Note that this is not an EIR to assess the effects of various activities on

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<sup>1</sup> As defined in the Fish and Game Code, " 'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill"

coho salmon, but is an assessment of how the *2084 Take Regulations themselves* affect the environment, including coho salmon.

**Three important points to remember regarding the 2084 Take Regulations: 1) they are already in place as emergency measures, 2) They only apply to “candidate species”, and 3) If extended by the Commission, they will end when the candidacy period ends (May or June, 2002).** If the Commission votes to list coho, then take will be prohibited unless authorized through permits issued pursuant to Fish and Game Code Section 2081 or otherwise authorized under the California Endangered Species Act (“CESA”).

Because the Commission adopted the **2084 Take Regulations** as an Emergency Order, they went into effect immediately on April 26, 2001. The Commission extended these emergency regulations for a second 120-day period in August. The Commission expects to consider again adopting the **2084 Take Regulations** as emergency regulations in early December, and to consider adopting non-emergency regulations for the remainder of the candidacy period at its meeting in early February 2002. The Commission anticipates filing a formal rulemaking package for the non-emergency regulation with the Office of Administrative Law in November.

**Future opportunities to provide input on the Take Regulations:** The draft Environmental Document was made available for public review in early October. There will be a 45 day public review period within which the Department will take comments. In addition, the Department scheduled two public meetings to hear oral comments on the draft Environmental Document. The locations and dates of these meetings are:

**The Wharfinger Bldg.  
#1 Marina Way, Eureka  
6:30 to 9:30 pm  
October 22, 2001**

**DeMeo Room at the Steele Lane  
Community Center  
415 Steele Lane, Santa Rosa  
1:30 p.m. to 5:30 p.m  
October 30, 2001**

**In addition to the two public meetings conducted by the Department, the Commission has scheduled a public hearing to receive testimony on the Environmental Document on November 1 at its scheduled 10 a.m. meeting at the City of Redding City Hall, 777 Cypress Avenue, Redding.**

The Department plans to present a final document to the Commission at its February meeting (February 8 and 9, 2002). At this meeting, the Commission expects to take one of the following actions:

- a) Adopt the existing provisions of the 2084 Take Regulations as the final regulation for the remainder of the candidacy period.
- b) Adopt final take regulations or reauthorize an emergency regulation containing different terms than those contained in the current 2084 Take Regulations.

- c) Let the emergency 2084 Take Regulations expire with no action. The effect of this action would be to eliminate program-wide take authorization for coho salmon north of San Francisco during the remainder of the candidacy period.

### **Status Review and Listing Recommendation**

By law, once a listing petition is accepted by the Commission, the Department must undertake a status review of the species and present a **Status Review Report** to the Commission. The report must be based upon the best scientific information available to the Department and will include a **recommendation** on whether or not the Commission should list coho salmon. The report will also include a preliminary identification of the habitat that may be essential to the continued existence of the species and recommend management activities and other recommendations for recovery of the species. The Department must present the **Status Review Report** and **recommendation** to the Commission “within 12 months of the date of publication of the notice of acceptance of [the] petition for consideration by the Commission.”

This notice of acceptance of the petition was published by the Commission on April 27, 2001, so the Department must present its report and recommendation to the Commission by April 27, 2002. When the Commission receives the **Status Review Report** from the Department (at its regularly scheduled Commission meeting), it then becomes available for public review and comment.

State law requires that at its **next** scheduled meeting (the “Finding Hearing”) after the Commission receives the Department’s Status Review Report, the Commission will consider whether to list, and if so, at what level. Commission meetings are typically monthly, so the public will have approximately 30 days to review the Department’s **Status Review Report** and **recommendation** and to provide written comments to the Commission. The Commission will also take oral public testimony at the Finding Hearing before voting on whether or not to list.

## **2) PUBLIC NOTIFICATION AND INPUT**

### **Petition**

When the petition was received by the Commission, the Commission provided public notice of the petition and invited the public to submit information that would assist the Department in its initial evaluation of the petition. The Commission took public testimony at its April 5, 2000, hearing before voting to accept the petition.

### **2084 Take Regulations**

A public meeting to gather input on what issues the Department should address in the Environmental Document was held in Santa Rosa on June 28, 2001. Also, the Department accepted written comments on this subject until the end of July 2001.

## **Status Review and Listing Recommendation**

Pursuant to the Fish and Game Code, the Commission and Department are directed to undertake efforts to notify the public that a status review of a candidate species has begun, and to solicit information that may be useful in determining the status of the candidate species. The following efforts were made to notify the public and solicit information:

- The Commission published a notice in the California Regulatory Notice Register that it had received the petition to list coho salmon, and another notice that it had accepted the petition for consideration.
- The Commission notified interested parties (those who had notified the Commission that they were interested in receiving information) of its actions regarding acceptance of the petition.
- The Department published a legal notice in four California newspapers (San Jose, Santa Rosa, Eureka, and Yreka) that the Department was undertaking a status review and was soliciting information. In addition, the Department distributed a press release, with the notice attached, to many other California newspapers. Also, the notice was mailed to approximately 3,000 interested parties and all affected State and Federal legislative representatives. The deadline to provide information was September 15, 2001, however, the Department will continue to accept information during development of the status review.
- On September 24, the Department sent a letter to approximately 500 private consultants and researchers that have Department-issued Scientific Collecting Permits that allow for research and monitoring on California fish and wildlife. This letter asked them to submit any information and data that may assist the Department in its status review of coho salmon.

### **Future opportunities to provide input on the Status Review and Recommendation:**

As stated above, the Department will continue to accept information during development of the Status Review Report. However, to be useful to the Department, it should be submitted as soon as possible. Biological and historical Information regarding coho salmon should be sent to:

**California Department of Fish and Game  
1807 13<sup>th</sup> Street, Suite 104  
Sacramento, California 95814  
Attn: Coho Status Review**

The Department will review all comments and information submitted and use this information to develop its recommendation to the Commission. A list of all persons who provided written comments and information will be listed in an appendix to the Status Review Report.

When the Commission receives the Department's Status Review Report, the Report will be made available to the public and there will be an approximately 30 day period to review the report and provide comments to the Commission. The Commission will also allow the public to provide testimony at the Commission meeting before it votes on whether to list the species. These meetings will occur in early May or June 2002 at a meeting place yet to be determined. Comments on the Department's Status Review Report or the proposed listing of coho salmon should be directed to the Commission at the address below.

### **3) CONTACT LIST**

Persons interested in receiving by mail future public notices relating to the petition to list coho salmon under CESA may write or call the Commission with a request that they be added to the mailing list of interested parties. Such requests and any comments should be addressed to:

**California Fish and Game Commission  
1416 Ninth Street, Thirteenth Floor  
Sacramento, California 95814**

**Telephone: (916) 653-4889**

Information relating to the petition and the 2084 Take Regulation is available from the following sources:

**Meeting Schedule website:**      [http://www.dfg.ca.gov/fg\\_comm/2001mtgs.html](http://www.dfg.ca.gov/fg_comm/2001mtgs.html)

**Regulatory Notice Register:**      [http://www.osp.dgs.ca.gov/default.asp?mp=../Publications/crrn/crrn\\_toc.asp](http://www.osp.dgs.ca.gov/default.asp?mp=../Publications/crrn/crrn_toc.asp)

#### **California Department of Fish and Game:**

**Public Hearings:**      Santa Rosa - John Emig (707) 944-5567  
   Eureka - Gary Stacey (530) 225-2364

**Status Review:**      Dennis McEwan (916) 327-8850

**DFG websites:**      <http://www.dfg.ca.gov/dfghome.html>  
   <http://www.dfg.ca.gov/nafwb/index.html>