Collaborative Management Strategy for the Gulf of Maine Atlantic Salmon Recovery Program

Version 2.0

For Pilot Implementation

Fall 2019 – 2020.

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BACKGROUND

The historically abundant sea-run Atlantic salmon resource in Maine Rivers has become imperiled through a variety of adverse circumstances, with a loss of valuable public benefits. The State of Maine, U.S. Fish and Wildlife Service (USFWS), NOAA's National Marine Fisheries Service (NMFS) and Tribes in Maine have a long history of working together for the conservation and recovery of Atlantic salmon. In the early 1990s, the three agencies worked together on a pre-listing recovery plan for the species and initiated the river-specific stocking program. The Gulf of Maine Distinct Population Segment (DPS) of Atlantic salmon was listed under the Endangered Species Act (ESA) in 2000. In 2009, the listing was expanded to include a broader geographic range within the State of Maine, and critical habitat was identified and designated. A Final Recovery Plan based on the 2009 listing determination was published in 2019.

PURPOSE

The purpose of the revised Governance Structure is to:

1. Ensure that recovery of the Gulf of Maine DPS as defined in the final listing rule is achieved in accordance with the Final Recovery Plan (2019);
2. Ensure transparency and accountability in decision making;
3. Ensure that decisions are guided by the best available science;
4. Help ensure that resources are made available to implement recovery actions and recovery activities as described in the Final Recovery Plan and SHRU (Salmon Habitat Recovery Unit) specific work-plans;
5. Serve as dispute resolution and continuity of operations throughout the operational year;
6. Ensure horizontal and vertical communication among the agencies and the various organization levels within the agencies; and
7. Assist federal agencies in delivering on trust responsibilities to federally recognized tribes.
8. Provide opportunity for stakeholder engagement and venue for providing input and recommendations.

UPDATES AND REVISIONS

This document is intended to provide direction and transparency in decision-making. The agencies and the Penobscot Indian Nation (PIN) recognize that this revised Governance Framework will require periodic evaluation, updating and modifications to ensure that it is functioning as it is intended. The implementation team, as described below, will annually evaluate the effectiveness of this strategy and make amendments as necessary to ensure its successful implementation. At this time, a one-year pilot of the revised governance process is being implemented and evaluated. At the end of 2020 a survey or other means will be used to evaluate the effectiveness of the new procedures and may make edits or changes necessary to address issues or deficiencies.

TRIBAL COORDINATION AND COLLABORATION

The Penobscot Indian Nation, along with the Services and Maine DMR, are co-participants in the management of Atlantic salmon. The PIN has, and will continue to have member participation on the Atlantic salmon Policy Board, and the Atlantic salmon Management Board (or analogous groups) as well as other teams and committees as the Tribe sees appropriate. The Services are committed to working with all Tribes in Maine in managing Atlantic salmon while finding ways to achieve the fisheries needs of the Tribes.

Both Federal agencies have policies and guidance that establishes meaningful procedures for the collaboration and coordination with tribal officials. Detailed information on these procedures can be found at: Department of Commerce Policies and U.S. Fish and Wildlife Service Policies .

GOVERNANCE STRUCTURE

The Atlantic Salmon Recovery Program governance structure entails three basic levels; policy; operational/management, and implementation. These will be referred to as the Policy Board, the Implementation Team, and SHRU Teams respectively. In addition, committees (ad hoc and standing) provide essential information to the SHRU teams and the implementation team to help them make well informed decisions and guide priorities (Figure 1).

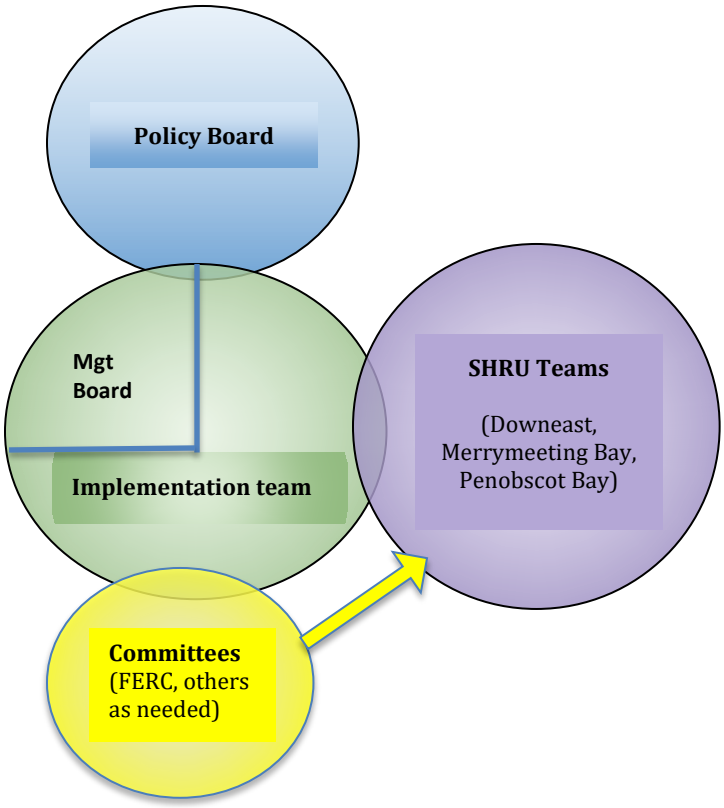


Figure 1. *Relationship among policy, management and implementation.* ***Policy Board*** *adjusts policy, rules and regulations to support recovery. They provide high-level support to the recovery process.* ***Implementation Team*** *directs staff and resources to focus on recovery actions. They use information from SHRU teams and Committees to establish new priorities, and they make policy recommendations to the Policy Board.* ***SHRU Teams*** *implement projects aimed at addressing recovery actions. They recommend new actions resulting from project completions and monitoring results.* ***Committees*** *conduct specific tasks geared towards providing essential information necessary for the Implementation Team to make informed decisions in respect to the direction of the program. They can also provide information to help guide SHRU teams in implementing recovery actions.*

Policy Oversight - Policy Board

The Policy Board will provide policy oversight on matters relative to the Atlantic salmon recovery and restoration programs in Maine and to serve as a forum for dispute resolution when the

management board cannot reach consensus. The Policy Board will consist of four members pursuant to the following composition:

One representative of the Maine Department of Marine Resources
One representative of the Fish and Wildlife Service
One representative of the NOAA Fisheries
One representative of Tribal governments in Maine.

Meeting Expectations: As requested by Policy Board members or the Management Board

Management Board and Implementation Team

Purpose and goals

The Implementation Team will provide a forum for communication and to evaluate progress towards achieving recovery priorities and goals. This includes evaluating activities necessary to implement the recovery actions in the Recovery Plan; formulating recovery priorities for Atlantic salmon; identifying and establishing the charge for standing committees and Ad Hoc committees; providing support and direction to SHRU Teams to ensure resources are committed in a transparent and defensible manner; and ensure the effective implementation of the Collaborative Management Strategy as it is described in this document. The implementation team also provides the forum for interagency discussion of agency actions that may affect other programs and activities. These discussions will help to inform the agency taking action and insure that all consequences of proposed programmatic changes are considered and informed by other agency positions.

Decision making

The four-member management board will exist within the construct of the implementation team, but will maintain autonomy in establishing agency position and program level decision making. Each Agency (The U.S. Fish and Wildlife Service, NOAA's National Marine Fisheries Service and the Maine Department of Marine Resources) and the Penobscot Nation will appoint one member to serve on the Management Board. All decisions will be made by consensus. Where consensus cannot be reached, issues will be elevated to the policy board. The management board members will also keep the policy board informed of hot topics and issues as well as provide a summary of management board and implementation team meetings.

Members

The Implementation Team will encompass the four member Management Board, and will also include a four member management board support team and the three SHRU team chairs. The implementation team also has the option to appoint a science advisor and an administrative coordinator. The implementation Team can request participation of any of the committee chairs to address issue specific matters.

- Each Management Board member can appoint one supporting member to provide technical and administrative support, and that can act on behalf of the Management Board member in his or her absence.
- The Management Board will appoint SHRU team chairs that will represent the interests of the SHRU teams bringing forward emerging issues, priorities and resource needs as well as stakeholder news, concerns and resource requests. SHRU team chairs must first receive approval from their agency's supervisor.
- The Management Board can choose to appoint one science advisor to the implementation team to provide scientific advice or recommendations as it pertains to project proposals or management board decisions.
- The Management Board can choose to appoint an administrative coordinator. The Management Board can establish the roles and responsibilities of the administrative coordinator as they see appropriate. Responsibilities of the administrative coordinator could include, setting the quarterly meeting dates and location, receiving and distributing proposals for review, preparing and distribution of the quarterly meeting agendas, preparation and distribution of the meeting minutes, planning and coordination of the annual meeting, and compiling of the annual report. Any appointment must be approved by the employee's supervisor.

Collectively, the primary purpose of the implementation team will be to ensure vertical and horizontal communications across SHRUs, across agencies, with the Tribe, and among leadership; to ensure that management decisions are informed by on-the-ground information and positions; and to provide transparency with stakeholders and ensure incorporation of stakeholder positions and feedback.

Meetings and communication of decisions:

The Management Board Chair will serve a two-year term. The Chair will rotate among the four members of the management board such that no agency or tribe will serve consecutive terms. The Chair will be responsible for setting the agenda, running the implementation team meetings, running the annual meeting, and act as the signatory on behalf of the implementation team.

The implementation team will meet in person (or by remote access in unavoidable circumstances) at least four times a year, and will hold additional calls or meetings on an "as needed" basis. Any program level decisions that rise up to the level of a substantial change in direction, or that deviates from the Recovery Plan or other currently active management plans will be made through consensus by the four member management board, and any final decision will be shared among all staff in the form of a memorandum. The Implementation Team will also identify issues that cross multiple SHRU teams and ensure appropriate communication and coordination. The Implementation Team will attempt to resolve any and all disagreements. Only if the management board members cannot reach resolution will issues be elevated to the Policy Board in a timely manner. When issues are elevated, position papers will be provided presenting the various views for consideration. The ultimate decision from the Policy Board will be communicated back through the Implementation Team to the appropriate SHRU Team in a timely

manner.

Implementation TeamCharge

The implementation team will:

- Serve as the forum on issues that affect the Atlantic salmon recovery program as a whole. This includes reviewing, commenting and providing direction (when appropriate) to the management board on project proposals, or changes within an agency or across agencies programs that will; likely effect survival and recovery of the species; encroaches on the authorities of another agency; or effects the ability of another agency to fulfill their duties and responsibilities. This could include changes in an agencies funding or and agencies' priorities. The management board will decide when and if there are decisions to be made, as well as decide when a decision rises above their own authorities and warrant elevation to the policy board.
- Maintain four face-to-face meetings as well as regularly scheduled calls as appropriate to stay in front of issues and ensure that decision-making is done in a timely and transparent manner.
- Host annual meeting of the Atlantic salmon recovery program in April (see appendix one for supporting detail)
- Identify appropriate committees and ad hoc committees and issue charges and deliverables
- Every two years, update the implementation teams Terms of Reference detailing shared priorities, goals and priority actions of the three agencies and Tribe.
- Review and comment on SHRU team 5 year work plans
- Identify and resolve issues of resource availability
    - People
    - Financial
    - Fish allocations for stocking, research, assessment
- Establish a means for cross cutting communication/coordination across SHRU's
- Evaluate progress towards implementing recovery priorities and goals.
- Provide the annual report to the Policy Board

The management board will:

- Establish agency position and program level decision making
- Set the charge for committees and ad hoc committees (Appendix 6)
- The management board should seek approval of the implementation teams' updated terms of reference by the Policy Board every 2 years.
- Approve SHRU team 5 year work plans

Deliverables:

The Implementation Team will deliver an annual state of the salmon report (see appendix 5).

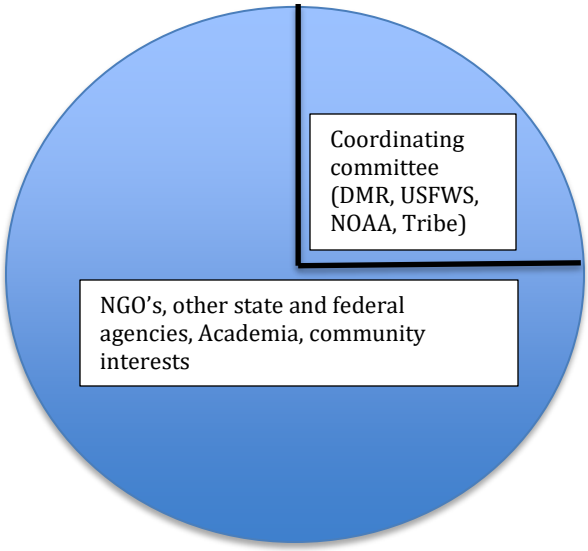
The Implementation Team will host one annual public meeting (See appendix 2).

Project Planning and Coordination - SHRU Teams:

SHRU Teams are responsible for the planning, coordination and tracking of recovery efforts in their SHRUs. This includes: stakeholder collaboration; project identification and prioritization; identifying key areas for conservation; coordinating project implementation; maintaining SHRU work plans; developing stocking recommendations; tracking recovery progress; and annual reporting.

Composition:

SHRU teams are represented by Maine DMR, USFWS and NMFS as well as other state and federal agencies, NGOs, Academia and community interests. The SHRU Teams will serve as a forum for planning proactive conservation and restoration efforts in each of the SHRUs as guided by the 2019 Recovery Plan. The SHRU teams will include a Coordinating Committee that constitutes at least one member, but no more than two members from each of the agencies: NMFS, USFWS and MDMR agency representatives and, where appropriate, a Tribal representative. The Coordinating Committee will serve as the administrative body of the SHRU team. To comply with FACA (Federal Advisory Committee Act), the Coordinating Committee will retain authority to review any recommended actions or activities that the SHRU Teams identify to determine which ones to include in the SHRU work plans. The Coordinating Committee shall describe how each particular activity that they include in their work plan addresses a recovery action in the Final Recovery Plan. Stakeholder input will be carefully considered in the development of SHRU work plans including selection and prioritization of specific activities. A SHRU Team chair will be appointed from the Coordinating Committee, by the management board and will serve as the primary point of contact between the management board and the SHRU Team.



The Chairperson will serve a 2-year term. The chairperson will be expected to represent their SHRU on the Implementation Team. The Chair will rotate among the three agencies such that no individual or agency will serve consecutive terms. The Chair will be responsible for assuring that agenda and minutes of all meetings are prepared and distributed to the attendees and to the Implementation Teams administrative coordinator in a timely manner.

The SHRU team Coordination Committee will also be responsible for developing and maintaining 5 year work plans that include annual stocking recommendations for their SHRU that are consistent with agreed upon program goals and priorities as established by the implementation team.

Charge

The SHRU teams will:

- Engage participants with a broad range of knowledge and expertise in SHRU level planning to advance coordination between agencies and among differing disciplines
- Provide a forum for coordinating proactive conservation efforts among state and federal agencies, NGO's, Academia, and community interests
- Identify emerging issues and priorities (report up to implementation team)
- Identify management alternatives or adaptive management needs
- Host an annual public meeting

The Coordinating Committee will:

- Establish and host regularly scheduled SHRU team meetings
- Engage with stakeholders
- Develop and maintain SHRU 5 year work plans and stocking plan (*See* Appendix 9)
- Write the annual report (*see* appendix 4)
- Engage with the U.S. Atlantic Salmon Assessment Committee to ensure that the SHRU Team's data needs are met

Annual recurring needs, such as annual stock assessments, annual stocking recommendations review, regulatory reviews, and FERC related issues will be incorporated into the SHRU teams as much as possible to facilitate cross-cutting coordination but likely will necessitate separate coordination as part of regular duties.

Deliverables:

Coordinating Committee:

- The SHRU coordinating committee chair will represent the SHRU at the Implementation Teams meetings.
- The SHRU Coordinating Committee will deliver an annual report to the Implementation Team (*see* appendix 4)
- The SHRU Coordinating Committee will deliver annual stocking recommendations to the implementation team by November of each calendar year
- The SHRU Coordinating Committee will develop and maintain 5 year SHRU work plans
- The SHRU Coordinating Committee will review project proposals relevant to their SHRU.

SHRU Teams:

- The SHRU teams will host 1 annual SHRU specific public meeting (See appendix 3)
- The SHRU teams will report at the annual meeting (See appendix 2)

Standing Committees and Ad Hoc Committees:

In general, committees conduct specific tasks geared towards providing essential information necessary for the Implementation Team or Policy board to make informed decisions in respect to the direction of the program. Committees perform a specific task set forth by the implementation team. The Tasks are guided by a written charge with a "terms-of-reference". Committees cannot act independently outside the charge that they have been given, however, if a committee originates an idea that it feels will benefit the program, it can bring that idea to the Implementation Team.

Standing Committees

Standing committees are considered permanent parts of the governance structure charged with performing specific functions that are essential to ensuring that the program is on track in

achieving its stated goals and objectives. Members of a standing committee can change accordingly and when applicable. However, the purpose of the committee and its functions and duties generally do not change. Standing committees will produce an annual report of their activities. This report will become a continuous record of the activities of the committees. In all cases, committee membership will be approved by supervisors. Committees may seek input from stakeholders and outside experts as appropriate.

FERC Committee:
(*See* Appendix 7)

Research/Assessment
The U.S. Assessment Committee serves as the appropriate entity for providing the data and assessment needs to the SHRU teams and the implementation Team. In addition to the U.S. Assessment Committee's Terms of Reference as described in the annual report, we ask the U.S. Assessment Committee to work with the SHRU teams to ensure that their core data needs are met (*see* Appendix 4).

Ad Hoc Committees

Ad hoc committees are short-term committees created to perform a specific task that address a specific problem, need, or challenge, and are dissolved when the task(s) and final report is completed. Ad hoc committees can be used to write management plans, conduct subject matter literature reviews, develop adaptive management proposals or develop white papers or reports that provide the Implementation Team or Policy Board with specific information they need to make informed decisions. The Management Board authorizes and sets the charge for ad hoc committees.

<u>Proposal Review:</u>

All project proposals that meet the criteria identified below shall be sent to the Management Board Chair, or the Implementation Teams' Administrative Coordinator if this position is in place. The Board Chair or Administrative Coordinator will distribute proposals to the appropriate SHRU team for review. If a proposal spans multiple SHRUs the administrative coordinator shall submit the proposal to the implementation team whereby the implementation team will coordinate the review.

Upon receipt, the SHRU Coordinating Committee can choose to review any proposals themselves, or they can seek expert review of the proposal from other staff members within the agencies. SHRU teams are instructed to provide constructive feedback to proposals under consideration and are not asked to "accept" or "reject" proposals. Feedback should be provided in the form of a memo and a copy of the memo shall be sent to the Implementation Teams administrative coordinator. If the SHRU team feels there are significant concerns regarding the proposed activity, a memo explaining those concerns should be sent to the implementation team so that

formal agency positions can be provided to proposal proponents. It is expected that agency staff will coordinate on their review and present a singular agency position; that is, any disagreement among agency staff should be resolved within their agency prior to submission of feedback on a proposal.

If a proposal asks the agencies to commit agency resources that is outside of scope of existing SHRU work plans or management plans the SHRU coordinating committee should first review the proposal to recommend whether or not agency resources should be committed to the project. The committee shall then elevate the proposal along with the committees' recommendations to the implementation team. The Implementation Team shall then decide whether or not agency resources are available to commit to the project, and, in the form of a memo, shall provide an answer back to the SHRU Team.

Types of proposals that require review:

- Proposals for projects outside of approved management plans that require the use of hatchery products or alters broodstock collections that effects the availability of hatchery resources.
- Projects that require the use of significant agency resources (staff time, equipment, or money) that would result in agencies needing to reprioritize existing projects

Proposals where a review is recommended:

- Any project proposal that may interact with ongoing studies, management actions or assessments.
- Any project where a request for funding will be made through any one of NOAA's, USFWS's, or DMR competitive grant programs.

This proposal review process is not designed to consider activities proposed by Maine DMR, NMFS, or U.S. FWS, as any such plans that would otherwise meet the definition of a proposal where review is required or recommended would be addressed through the Implementation Team and Management Board.

APPENDICES

Appendix 1. Calendar of routine events for the Atlantic salmon recovery program

	Implementation Team	SHRU Teams	Committees
January	January meeting to decide on fish allocations, approve study requests and prep for annual meeting		
March		Provide report to management board on progress towards recovery goals - (summary from assessment committee) - due March 30	
April	Hosts an annual meeting to report publicly on recovery goals and fish requests. Compile draft annual report	Provide verbal summary of annual report	Report on deliverables from all committees
September 1	Update on egg take projections from hatchery staff	Update on egg take projections from hatchery staff	
October/ November		SHRU teams host an annual meeting	
November		Make stocking request for next calendar year, include external fish requests for studies/research	
November		External fish requests submitted to relevant SHRU team by Nov 30.	

Appendix 2. Proposed agenda for annual public meeting hosted by Implementation Team

On an annual basis, the Implementation Team will host one annual meeting. The desired outcomes and a suggested agenda are provided below. This meeting would occur in April (see appendix 1).

Desired Outcomes: 1) Engagement with interested public and stakeholders; 2) Provide recent information to interested public related to progress toward attainment of recovery goals.

- Welcome and Introductions (Management Board)
- Recovery metrics for the Gulf of Maine DPS (Management Board Chair)
- Running list of calendar year actions and outstanding actions (Management Board Chair)
- SHRU team reports
    - Merrymeeting Bay
    - Penobscot
    - Downeast

  SHRU team reports should include:
    - Looking Backward
        - Summary of recent activities by the agencies
        - Summary of recent activities by the stakeholder groups
    - Looking Forward
        - Summary of future activities by the agencies
        - Summary of future activities by the stakeholder groups
- Reports from Ad Hoc Committees
- Other business

Appendix 3. Proposed agenda for annual SHRU team meetings

On an annual basis, the SHRU team will host one annual meeting within the SHRU. The desired outcomes and a suggested agenda are provided below. The timing of these meetings would be determined by the SHRU teams but would likely occur in the fall (see appendix 1).

- Desired Outcome: Engagement with interested public and stakeholders
- Suggested Agenda:
    - Welcome and Introduction by SHRU team
    - Looking Backward
        - Summary of recent activities by the agencies
        - Summary of recent activities by the stakeholder groups
    - Looking Forward
        - Summary of future activities by the agencies
        - Summary of future activities by the stakeholder groups

Appendix 4. Proposed SHRU Report template

The goal of the annual report is to summarize progress toward achieving recovery goals for each SHRU. Once each SHRU report is complete for the year, the Implementation Team can then incorporate compile them into the annual report for the GOM DPS.

Section 1 – Summary of last calendar year adult returns and redd counts (Abundance and population trends)

Figure 1. Graph of adult returns for the last 10 years (including calculation of mean replacement rate as required by the recovery criteria).

Narrative (500 words max) - Summary of adult returns for the last 10 years.

Table 1. Summary of adult returns for Merrymeeting Bay/Penobscot/Downeast

River	Adult returns	%naturally reared	% smolt stocked

Narrative (500 words max) – The purpose of this section is to describe the most recent return year highlighting any interesting events or unanticipated findings.

Section 2 – Spatial Distribution

Figure 2a. Map of currently accessible habitat

Figure 2b. Map of areas that were stocked last calendar year.

Table 1. Summary of salmon stocked by river last calendar year

River	Life stage	Number

Table 2. Summary of fish passage projects completed in the previous year.

River	Project name	Passage improvement type (fully accessible vs accessible vs partially accessible*)	Stream miles made accessible (according to RP criteria)	Lake/pond acres made accessible

* To be considered fully accessible, the habitat above the project must be consistent with the criteria in part 2f of the final recovery plan.

Section 3 – Diversity

- Graph of allelic diversity for the current year (and last 4 years) for each population.

Table 3. Life history attributes from adult returns from the previous year for rivers with available information*.

River	%1SW	%2SW	%3SW	%Repeat spawners	%Age 1 smolt	%Age 2 smolt	%Age 3+ smolt

*In 2019, the only rivers with this information would be the Penobscot, Kennebec, and Narraguagus.

Narrative (500 words max) – The purpose of this section is to describe the most recent information highlighting any interesting events or unanticipated findings.

Section 4 – Emerging issues and priorities

Narrative (500 words max) – The purpose of this section is for the SHRU team coordinating committee to describe any emerging issues and priorities specific to their SHRU.

Section 5 – Stakeholder input

Narrative (500 words max) – The purpose of this section is for local stakeholders to present relevant information they would like the management board, SHRU teams, and others to be

aware of. They may wish to describe any emerging issues and priorities specific to their SHRU or any threats and challenges unique to their SHRU.

Section 6 – Work plan for the next calendar year

This section highlights the annual work plan for the SHRU using the SHRU-specific work plan and the recovery plan as a guide. This section should identify which activities (from the SHRU-specific work plan) will be addressed in the next calendar year. A summary of actions to be added to the SHRU-specific work plan should be provided. Priority issues that are not planned to be addressed (due to staff or resource limitations) should also be highlighted, but not included in the table

Table 6a. Table of proposed actions for next calendar year (including a worked example from the Penobscot SHRU).

Watershed	Threat	Activity	Partners	Recovery Action	Summary of planned work for next year
EXAMPLE Blackman Stream	The culvert on route 178 impairs access of alewives to suitable spawning and nursery habitat	Repair of replace the culvert to ensure passage.	Maine DOT, US Fish and Wildlife, Maine DMR, Penobscot Nation, NOAA	C 4.0	This would include a short (100 words or less) summary of work to be conducted over the next calendar year.

Table 6b. Table of any new activities added to the SHRU-specific work plan by the SHRU team coordinating committee.

Watershed	Threat	Activity	Partners	Recovery Action

Section 7 - List of Reports and Publications resulting from Projects within SHRU

Follow the form of a reference list. Include the abstract for the paper or report.

Appendix 5. Suggested Template for the annual report by the management board

1. Recovery metrics summed for the DPS
2. Status of ongoing assignments (ad hoc committee assignments etc.)

Table 2: Status of assignments

Tasks	**Date Assigned**	**Status**	**Team (Team Lead)**	**Deliverables**
EXAMPLE Charge to the Stock Enhancement working group - Hobart Stream	3/10/2006	Ongoing	Carl Burger (FWS) and Tom King (FWS)	proposal to TAC with recommendations

3. SHRU Team Reports

Appendix 6. Suggested template for committee assignments

Statement of the problem:

Charge from the management board:

Deliverables:

Due date:

Team composition (including identification of chair):

Appendix 7: FERC Standing Committee

FERC STANDING COMMITTEE

Terms of Reference

The purpose of this document is to describe the role of a FERC Standing Committee under the 2019 – 2020 Collaborative Management Strategy for the Gulf of Maine Atlantic Salmon Recovery Program. This report is a work in progress and is intended to facilitate discussion; it should not be considered an official policy paper issued by NMFS.

1. Standing Committee Role

Pursuant to the 2019 – 2020 Collaborative Management Strategy for the Gulf of Maine Atlantic Salmon Recovery Program, the FERC Standing Committee will aim to identify and minimize impacts to Atlantic salmon at Federal Energy Regulatory Commission (FERC) licensed dams within the freshwater range of the Gulf of Maine Distinct Population Segment of Atlantic salmon.

Specifically, the FERC Committee will work to increase the distribution and abundance of Atlantic salmon through the following three mechanisms:

- Review and discuss research and monitoring studies at FERC hydro projects in the GOM DPS,
- Consider operational and/or structural changes that may improve Atlantic salmon survival, abundance, and distribution at FERC hydro projects.

2. Responsibilities

- Provide input and coordination concerning priorities for the use of hatchery origin and wild Atlantic salmon for research and monitoring purposes at FERC hydro projects.
- Review and provide technical input concerning the methods, results, data analysis, and conclusions of newly issued research and monitoring study reports concerning FERC hydro projects in the GOM DPS. At a minimum, the group will provide input to the following questions:
    - Was the study conducted using the best available methods available to address the goals of the study?
    - Was the study conducted using qualified researchers demonstrating expertise in the subject matter?
    - Was the analysis performed in a scientifically acceptable and robust manner?
    - Are the results of the study accurate and reasonable?

    - Are the conclusions and recommendations within the study report supported by the results of the study?
    - Were any applicable survival or efficiency standards met at the project?
- Guide the development of techniques and recommendations for future work to improve Atlantic salmon survival, abundance, and distribution at FERC hydro projects.
- Guide the development of opportunities to improve the survival, abundance, and distribution of Atlantic salmon at various FERC hydro projects based upon the results of research and monitoring.
- Provide a forum for discussion of progress towards the goal of reducing the effects of hydro dams on Atlantic salmon and designated critical habitat.

3. Ways of Working

- The FERC Standing Committee will meet once a month, as necessary. Meetings will typically be suspended during summer months.
- Newly issued research and monitoring study reports concerning FERC hydro projects in the GOM DPS will be provided within 2 weeks of receipt.
- The Committee will be expected to have thoroughly reviewed each report prior to the next scheduled meeting.
- Members of the group will be prepared to provide input (verbally) during meetings. Written comments on each study report will be submitted to the Chair within 30 days of receipt.
- The chair will distribute meeting summaries for review by all members of the Group.
- Members may be contacted by the chair for input as the need arises.
- The chair may request members of other organizations (e.g. University of Maine) or the public to speak at its meetings as seems appropriate and reasonable and may request feedback with regard to the recommendations it makes to group.

4. Membership

Membership of the group is open to those who have a lead role in promoting and supporting the recovery of Atlantic salmon including representatives from the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Maine Department of Maine Resources, Penobscot Indian Nation, and U.S. Geological Service. In addition, membership includes representatives from other organizations that have expertise in FERC hydro projects and research related to survival, abundance, and distribution of Atlantic salmon. Meetings will be open to students from the University of Maine Department of Wildlife, Fisheries, and Conservation Biology.

5. Support from NOAA

As available, NOAA staff members may be requested to support the work of the Committee. The

support team is likely to be drawn from people who have served on the Committee or who have specific expertise in a given research application (e.g., telemetry). The Chair may call on these staff members as needed; however, this does not guarantee staff availability given other commitments.

6. Deliverables

- The standing committee will provide an annual summary report to the Implementation Team detailing the following information:
    - Ongoing and upcoming relicensing activities by SHRU and a list of staff working on those activities,
    - Consultation status for all hydro dams by SHRU,
        - Identify dams where performance standards for survival and recovery have not been achieved.
    - A summary of the key findings of any previous year studies, and
    - A table of studies for the upcoming year and fish request needs.

Appendix 8: Agency Authorities

Overview of MDMR authorities, S. Ledwin:

- MDMR was established to regulate, conserve, and develop marine, estuarine, and diadromous fish resources; to conduct and sponsor scientific research; to promote and develop marine coastal industries; to advise and cooperate with state, local, and federal officials concerning activities in coastal waters; and to implement, administer, and enforce the laws and regulations necessary for these purposes
- MDMR is the lead state agency in the restoration and management of diadromous (anadromous and catadromous) species of fishes through Division of Sea-Run Fisheries and Habitat (DSRFH).
- DSRFH mission is to protect, conserve, restore, manage, and enhance diadromous populations their habitat in all waters of the State, secure a sustainable recreational fishery, and to conduct and coordinate projects involving research, planning, management, restoration and propagation of diadromous fishes.

Regulatory Roles

- §6022 The commissioner has the sole authority to introduce Atlantic salmon into the inland waters…limit or prohibit the taking of Atlantic salmon and may adopt rules establishing the time, place and manner of Atlantic salmon fishing in all waters of the State.
- §6022 Except for Atlantic salmon imported by the commissioner, it is unlawful to import for introduction, possess for purposes of introduction or introduce into coastal waters a live marine organism without a permit issued by the commissioner
- §6121 Commissioners of DMR and IFW can mandate fish passage to support substantial commercial or recreational fishery or protect/enhance rare or endangered fish

Divisions Roles

- Augusta, Bangor, and Jonesboro offices lead within respective SHRU's
- Major activities include making stocking decisions, adult stock assessments, juvenile rearing and habitat evaluation, smolt assessments, assessing connectivity, and habitat assessment and restoration
- New In-Lieu Fee grant program and marine rearing project roles

DMR/NOAA Mutual Interest Roles

Salmon Management

- Assessing smolt production
- Managing hatchery product distribution
- Adult broodstock collection
- Assessing natural production
- Assessing hatchery product in freshwater
- Habitat surveys

- Water temperature monitoring
- Redd counts

Research

- Ambient parr stocking and assessment
- Captive reared adult stocking and assessment
- Egg planting and assessment
- Adult pre-spawn translocation stocking and assessment
- Large woody debris additions and assessment

Overview of NOAA Fisheries/USFWS Authorities, J. Crocker, P. Lamothe

ESA Authorities

- Listing species under the ESA and designating critical habitat (section 4 of the ESA).
- Developing protective regulations for threatened species (section 4).
- Developing and implementing recovery plans for listed species (section 4).
- Monitoring and evaluating the status of listed species (section 4).
- Providing grants to states (section 6) and grants to tribes for species conservation.
- Consulting on federal actions that may affect a listed species or its designated critical habitat to minimize possible adverse effects (section 7).
- Entering bilateral and multilateral agreements with other nations to encourage conservation of listed species (section 8).
- Investigating violations of the ESA (section 9).
- Cooperating with non-federal partners to develop conservation plans, safe harbor agreements, and candidate conservation agreements with assurances for the long-term conservation of species (section 10).
- Issuing permits that authorize scientific research to learn more about listed species, or activities that enhance the propagation or survival of listed species (section 10).
- Designating experimental populations of listed species to further the conservation and recovery of those species (section 10).
- Issuing determinations regarding the pre-listed or antique status of ESA species parts (section 10).

Statement of Cooperation

- 2006 – The Service's entered into an agreement (Statement of Cooperation) to divide responsibilities for ESA implementation in respect to salmon to increase efficiency and effectiveness.
- 2009 – The statement of cooperation was updated to address workload allocation, cooperation, disagreement resolution, and elevation.

Listing

- Work cooperatively to develop the final determination to expand the GOM DPS.

Framework

- Work cooperatively with the USFWS, DMR, and PIN in developing the biologically based Atlantic salmon recovery framework

Recognition of Tribal Rights

- Work jointly with Tribes to identify and address issues of concern and seek and implement

opportunities for cooperative conservation

Recovery Planning

- Support the USFWS in developing a recovery plan for the expanded DPS.

Critical Habitat

- NMFS has sole authority in making a final determination of critical habitat for the expanded DPS

Section 10 Recovery Permitting

- USFWS will issue Section 10 recovery permits; NMFS will be allowed to review and comment on annual reports provided by permittees.

Section 10 HCP and ITP

- USFWS has lead in developing HCPs and issuing ITPs for all activities in freshwater except for dams

Consultation under Section 7

- NMFS has the lead for all activities in the estuary and marine waters.
- USFWS has the lead on all activities in freshwater except for dams

Dams

- NMFS has the lead in all ESA activities and actions for dams
- USFWS will maintain its section 18 authority under the FPA
- USFWS will continue to work toward enhancing fish passage at non-FERC dams through non-regulatory mechanisms.
- Agencies will coordinate on these activities.

Conservation Hatchery Program

- USFWS will maintain responsibilities for maintenance and operation of the conservation hatchery, including broodstock management, production, stocking and genetic management.

Assessment

- NMFS will continue to conduct Scientific assessment activities in the estuary and marine environment
- DMR will conduct scientific assessment activities in freshwater
- USFWS will continue to support monitoring and evaluation

International Science and Management

- NMFS will be responsible for international efforts to coordinate science, conduct stock assessment activities, and participate in international management activities.
- USFWS will continue to participate and support the U.S. delegation to NASCO

<u>SCIENCE CENTER</u>

Overview of NOAA Northeast Fisheries Science Center authorities, J.F. Kocik:

- The Northeast Fisheries Science Center is the research arm of NOAA Fisheries in the region. The Center plans, develops, and manages a multidisciplinary program of basic and applied research to: (1) better understand living marine resources of the Northeast Continental Shelf Ecosystem from the Gulf of Maine to Cape Hatteras, and the habitat quality essential for their existence and continued productivity; and (2) describe and provide to management, industry, and the public, options for the conservation and

utilization of living marine resources, and for the restoration and maintenance of marine environmental quality.

- NEFSC is the lead agency for estuary and marine assessments and life cycle modeling in support of Viable Salmon Populations in Maine. The Orono Field Station is the NEFSC Atlantic salmon research field station. Woods Hole team members lead ocean ecosystems and distant water fisheries assessments as well as an aging laboratory. Researchers there are working to recover wild populations of these and other fish that migrate between fresh and saltwater.
- Annual work plans are aligned with the NEFSC Strategic Science Plan for ecosystem-based science supporting stewardship of living marine resources under changing climatic conditions in support of North Atlantic Salmon Conservation Organization and ESA-related-needs.

Regulatory Roles

- Advisory to GARFO and USFWS Section 7 & 10 ESA roles.

Assessment and Research

- Atlantic Salmon Viable Salmonid Population Monitoring and Domestic and International Stock Assessment- assessment is integrated in domestic ESA and international ICES Working Group on North Atlantic Salmon (WGNAS) stock assessments. Assessments are designed to give a broad representation of Atlantic salmon geography from headwaters, within the GoM, to feeding grounds near West Greenland.
- Strategic evaluations of recovery actions to enhance sea-run fish habitat, production, connectivity, and coastal and marine survival of Atlantic salmon (Diadromous Fish in Coastal Ecosystems- focuses on researching ways to promote recovery and collaborate with GARFO and ENGOs. Goals here are focused on studies that provide information on the effectiveness of recovery actions and the current suitability of habitats
- NEFSC leads US in ICES WGNAS support of international efforts to coordinate science, conduct stock assessment activities, and support in international management activities.
- NEFSC provides science support to the U.S. delegation to NASCO

<u>Overview of PIN Authorities: Dan McCaw</u>

- Tribal members have sustenance fishing rights on the Penobscot River
- The Tribe also holds parcels of land in Trust with the Department of Interior and the State of Maine
- On those parcels of land, the Tribe has exclusive authority over all fish and wildlife species
- As a representative for the Tribes in Maine, Dan McCaw serves to ensure that the Federal agencies through their decisions are representing Tribal interests and upholding Tribal trust responsibilities as described in Executive Order 13175.
- The Tribe is in a position to hold State and Federal agencies accountable in using their authorities to restore Atlantic salmon to the point that, ultimately, Tribal members can consume them.

- If there are cultural resources identified as being relevant to a Tribal community the Bureau of Indian Affairs has to be consulted through the FERC process.
- The Penobscot Nation has voting members on both the management board and policy board to ensure that tribal interests are represented in decision making.
- The Tribes are not bound by the same rules and regulations that the Resource agencies are, and can be a conduit for larger scale changes and negotiations within the rivers of Maine.
- Tribes are a very large, “private” landowner who is willing and able to procure funding for restoration and connectivity projects on their “private” lands that benefit salmon, and for which they manage and have authority for fish and game management.

Appendix 9: DRAFT Guidance for SHRU 5-Year Work Plans

Each SHRU Team is to develop a 5-year work plan centered on conservation goals and priorities within the SHRU, and actions necessary to advance the SHRU towards delisting criteria identified in the final recovery plan. The two primary elements of the work plan include a stocking plan and a restoration plan. SHRU teams should refer to the final Recovery Plan, other management plans (e.g. broodstock management plan), and ensure plans are supported by agencies with jurisdictional authority (e.g. DMR stocking permits) and supported by available/anticipated hatchery resources (consult with USFWS hatcheries). The work plans are considering a rolling 5-year plan that allows for updates on an annual basis in light of new information and new opportunities.

Stocking Plan

SHRU stocking plans must detail strategies that speak to the conservation objectives of preventing extinction and advancing recovery:

Prevent extinction objective

Implement stocking programs necessary to maintain genetic diversity

Advance Recovery objective

Consider stocking opportunities directed towards increase abundance, distribution, and fitness with an emphasis towards:

- habitats that have been restored through improvements in fish passage or habitat restoration efforts, and
- Habitats where freshwater survival is expected to be high, and
- Habitats that are accessible, including habitats above dams where performance standards have been met or are likely to be met In the near future.
- Strategies that increase fitness of individuals and the population as measured by natural contributions of adults and ability to secure collections of broodstock that maximize wild exposure (e.g. smolt collections).

Template:

1. Stocking goal

Location (HUC 10)	Purpose (preserve locally adapted stock, further recovery, fish passage studies, adaptive management projects)	Performance Metrics (genetic metrics, density metrics, survival metrics)	Monitoring? (yes/No)	Comments

Narraguagus	Locally adapted stock	Genetics, parr densities	Yes	
Kennebec	Further recovery	Adult returns	Yes	

a. For each row entry above (HUC 10 watershed) provide a narrative description (250 words or less) describing the goals, objectives and desired outcomes for the request.

2. Stocking strategy Table

Year	HUC 12 watershed	Source population	Number (estimated)	Life Stage	comments

<u>SHRU work plans</u>

1. Update SHRU specific Strategies
    a. Identify priority areas or focus areas for habitat connectivity/restoration
    b. Identify restoration goals
    c. Identify any monitoring and evaluation of restoration actions

2. Review and update SHRU workplan tables to reflect SHRU priorities and goals.
    a. Include habitat restoration, connectivity and protection projects
    b. Include all known FERC relicensing schedules and timelines within the SHRU
    c. Include adaptive management projects (e.g. Narraguagus Restoration Project, East Branch Penobscot adult stocking project)