



NOAA
FISHERIES

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Petition to List Chinook Salmon in Alaska Under the Endangered Species Act

Some Frequently Asked Questions

On January 11, 2024, NOAA Fisheries received a petition from the Wild Fish Conservancy to delineate and list one or more evolutionarily significant units of Chinook salmon in southern Alaska—which the petition states “encompasses all Chinook populations that enter the marine environment of the Gulf of Alaska”—as threatened or endangered under the Endangered Species Act (ESA), and to designate critical habitat concurrently with the listing. The petition indicates that this “includes all populations on the southern side of the Aleutian Peninsula, Cook Inlet, and the coast of Alaska south of Cook Inlet to the southern end of the Alaska/British Columbia border.”

What does “endangered species” and “threatened species” mean?

The ESA defines an “endangered species” as any species which is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as any species which is likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

What is an “evolutionarily significant unit”?

Under the ESA, an evolutionarily significant unit (ESU) is a Pacific salmon population or group of populations that’s substantially reproductively isolated from other conspecific populations and that represents an important component of the evolutionary legacy of the species. NOAA Fisheries’ ESU Policy (56 FR 58612; November 20, 2021) defines the criteria for identifying a Pacific salmon population or group of populations as an ESU, which can be listed as an endangered species or a threatened species under the ESA.

What is a petition for listing, and how does the petition process work?

A petition for listing is a formal request by an interested party to list a species under the ESA. ESA-implementing regulations identify a number of minimum content requirements for such petitions. The ESA requires that within 90 days of receiving a petition (to the maximum extent practicable), NOAA Fisheries make a finding as to whether the petition presents substantial information indicating that the petitioned action *may* be warranted (a “90-day finding”).

What information does NOAA Fisheries consider in reaching its 90-day finding on a listing petition?

In formulating a 90-day finding, we consider the information presented in the petition and in the supporting materials submitted with the petition. We may also consult other information readily available in our files to provide context to the information the petition presents. At the 90-day finding stage, we do not conduct additional research or solicit new information from parties outside of the agency.

What are the potential outcomes of a 90-day finding on a listing petition?

If NOAA Fisheries finds that a petition does not present substantial information indicating that the petitioned action may be warranted, the petition review is concluded and a “negative 90-day finding” is published in the *Federal Register* (and no further action is required).

If, however, we find that the petition presents substantial information indicating that the petitioned action may be warranted, a “positive 90-day finding” is published in the *Federal Register*. If we make a positive 90-day finding, we will open a public comment period to solicit information pertaining to the petitioned species from any interested party.

If NOAA fisheries issues a positive 90-day finding, what are the next steps?

If we make a positive 90-day finding, we solicit public comments and information and begin an in-depth review of the species’ status. The status review process involves convening a team of federal scientists to collect and analyze the best available scientific and commercial information on the species, including its biology, ecology, abundance and population trends, and threats to the species, in order to evaluate the species’ current status and extinction risk. The status review team may also call on non-federal experts, such as Alaska Department of Fish and Game or Alaska Native organization biologists or resource managers, to provide additional information to the team. The team develops a status review report, which undergoes independent peer review, and peer reviewer comments are made publicly available.

Once the status review is complete we must publish a finding as to whether the petitioned action is warranted within 12 months of receipt of a petition. If, after completing the status review and considering ongoing conservation efforts, NOAA Fisheries determines that listing is not warranted, a negative 12-month finding will be published in the *Federal Register*. Alternatively, if NOAA Fisheries determines that a listing is warranted, we will publish a positive 12-month finding and proposed rule in the *Federal Register* and seek public comments on the proposed listing. We may also hold one or more public hearings.

Is the petition available to the public?

Yes, an electronic copy of the petition is available from the NOAA Fisheries website at <https://www.fisheries.noaa.gov/s3/2024-01/Petition-to-List-Alaskan-Chinook-Salmon-under-ESA-508-c.pdf>.

Where can I find more information about listing species under the ESA?

More information about the ESA, including the process of listing species under the ESA, is available on the NOAA Fisheries website at <https://www.fisheries.noaa.gov/topic/endangered-species-conservation>.