



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Northwest Regional Office

911 Northeast 11th Avenue

Portland, Oregon 97232

In Reply Refer To:
Regional Director's Office

Mr. Barry Thom
Regional Administrator
National Marine Fisheries Service, West Coast Region
1201 Northeast Lloyd Boulevard, Suite 100
Portland, Oregon 97232

Re: Bureau of Indian Affairs' Request for Consultation under Section 7 of the
Endangered Species Act on the 2021-2022 Puget Sound Chinook Harvest Plan

Dear Mr. Thom:

In a letter to the National Marine Fisheries Service (NMFS) dated April 23, 2021, the Puget Sound Treaty Tribes and the Washington Department of Fish and Wildlife (WDFW) (as fishery co-managers) formally notified NMFS that they have reached agreement on a 2021-2022 Puget Sound Chinook Harvest Plan (2021-2022 Plan or Plan). At the request of the Treaty Tribes that are parties to *United States v. Washington*, the BIA is initiating consultation on the Plan under Section 7(a)(2) of the Endangered Species Act (ESA) with NMFS. Enclosed is the April 23 letter. The letter's summary and its 16 enclosures are the basis for the 2021-2022 Plan. In addition, we have enclosed the 2021-2022 Co-Managers' List of Agreed Fisheries (May 1, 2021 – May 14, 2022) (LOAF) and the Final FRAM dated April 16, 2021.

The provisions of the 2021-2022 Plan were developed pursuant to *United States v. Washington* and other related cases. The BIA is initiating consultation on behalf of the Treaty Tribes on the basis of the United States' status as plaintiff in *United States v. Washington* and its role as a party to the Tribes' treaties, which gives the BIA the authority to assist with the development of the 2021-2022 Plan. BIA receives funding annually to support the implementation of Federal court decisions, including *United States v. Washington*. Further, and consistent with the annual funding received from Congress, the BIA's action is also consistent with the federal government's trust responsibilities and various Secretarial Orders.¹ The BIA is also the lead Federal agency for compliance with the National Environmental Policy Act (NEPA) and other applicable laws, regulations and guidelines. Accordingly, we will be sending a copy of the draft Environmental Assessment (EA) for the 2021-2022 Puget Sound Salmon and Steelhead Fisheries Plan in the next few days.

¹ See Secretarial Order 3206, American Indian Tribal Rights, Federal Trust Responsibilities, and the Endangered Species Act (June 5, 1997), Secretarial Order 3335, Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries (August 20, 2014).

Please contact Rudy Peone, Acting Deputy Regional Director – Trust Services, with questions or comments related to this request. You may contact him at Rudy.Peone@bia.gov.

Sincerely,


Bryan K. Mercier, Regional Director

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Bryan Mercier
Northwest Regional Director

Enclosures (3)