



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
1201 NE Lloyd Boulevard, Suite 1100  
PORTLAND, OREGON 97232

May 19, 2021

Via Electronic Mail

**Refer to NMFS No:** WCRO-2021-01008

Mr. Kelly Susewind, Director  
Washington Department of Fish and Wildlife  
600 Capitol Way North  
Olympia, Washington 98501  
Kelly.Susewind@dfw.wa.gov

Honorable Lorraine Loomis, Chair  
Northwest Indian Fisheries Commission  
6730 Martin Way East  
Olympia, Washington 98516  
lloomis@skagitcoop.org

Dear Director Susewind and Chair Loomis:

This letter transmits the biological opinion issued under section 7 of the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA) essential fish habitat (EFH) consultation prepared by NOAA's National Marine Fisheries Service (NMFS) on the Bureau of Indian Affairs, U.S. Fish and Wildlife Services', and National Marine Fisheries Service's actions relating to Puget Sound salmon and steelhead fisheries, including U.S. Fraser Panel fisheries, occurring from May 1, 2021, through May 14, 2022. This biological opinion evaluates the impacts of the fisheries on the Puget Sound Chinook Salmon Evolutionarily Significant Unit (ESU), the Puget Sound Steelhead Distinct Population Segment (DPS), the Southern Resident killer whale DPS, the two Puget Sound/Georgia Basin rockfish DPS's, and the two humpback whale DPSs listed under the ESA. Other ESA-listed species occurring in the action area are either covered under existing, long-term ESA opinions or 4(d) determinations, or NMFS anticipates the proposed actions are not likely to adversely affect the species. The biological opinion and EFH consultation expire May 14, 2022.

NMFS concluded in the biological opinion that the fisheries, if conducted consistent with the terms of the incidental take statement, are not likely to jeopardize the continued existence of the listed species that are subject of the opinion or to destroy or adversely modify critical habitat. The Incidental Take Statement includes non-discretionary terms and conditions that must be applied to the proposed fisheries to provide an exemption from the prohibited acts outlined in section 9 of the ESA. The biological opinion also includes discretionary conservation recommendations that are intended to help comply with the affirmative conservation responsibilities of section 7(a)(1) of the ESA.

NMFS also concluded that the fisheries would adversely affect EFH for groundfish managed under the MSA. Therefore, enclosed are several conservation recommendations provided under section 305(b)(4)(a) of the MSA that would avoid or minimize those adverse effects.



As prescribed by ESA section 7 regulations, consultation on the programs administered by the Bureau of Indian Affairs involving these Puget Sound salmon and steelhead fisheries must be re-initiated if:

- (1) the amount or extent of taking specified in the Incidental Take Statement is exceeded for any of the actions identified in the biological opinion;
- (2) new information reveals effects of these actions that may affect listed species or critical habitat in a manner or to an extent not previously considered;
- (3) any of the identified actions are subsequently modified in a manner that causes an effect to the listed species that was not considered in the biological opinion; or
- (4) a new species is listed or critical habitat designated that may be affected by the identified actions.

Please contact James Dixon, in our Sustainable Fisheries Division, (360.522.3673, [james.dixon@noaa.gov](mailto:james.dixon@noaa.gov)) know if you have any questions. I look forward to our continued collaboration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Barry A. Thom".

Barry A. Thom  
Regional Administrator

cc: Ron Warren, Washington Department of Fish and Wildlife  
Vincent (Kyle) Adicks, Washington Department of Fish and Wildlife  
Chad Herring, Washington Department of Fish and Wildlife  
Craig Bowhay, Northwest Indian Fish Commission  
Rob Jones, Northwest Indian Fish Commission  
Chris James, Northwest Indian Fish Commission