



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

Brad Thompson, State Supervisor
Washington Fish and Wildlife Office
U.S. Fish and Wildlife Service
510 Desmond Drive SE, Suite 102
Lacey, Washington 98503
Brad_thompson@fws.gov

Re: Endangered Species Act Section 7(a)(2) Biological Opinion, and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the Impacts of the Role of the BIA Under its Authority to Assist with the Development of the 2021-2022 Puget Sound Chinook Harvest Plan, the Role of the U.S. Fish and Wildlife Service in Activities Carried out under the Hood Canal Salmon Management Plan and in Funding the Washington Department of Fish and Wildlife under the Sport Fish Restoration Act in 2021-22, and the Role of the National Marine Fisheries Service in authorizing fisheries consistent with management by the Fraser Panel and Funding Provided to the Washington Department of Fish and Wildlife for Activities Related to Puget Sound Salmon Fishing in 2021-2022

Dear Mr. Thompson:

Enclosed is a biological opinion prepared by the National Marine Fisheries Service (NMFS) issued under the authority of section 7 of the Endangered Species Act of 1973 (ESA), as amended (ESA; 16 U.S.C. 1536). The consultations considered the USFWS' activities carried out under the Hood Canal Salmon Management Plan (*U.S. v. Washington*, Civil No. 9213, Ph. I (Proc. 83-8)) and in Funding the Washington Department of Fish and Wildlife under the Sport Fish Restoration Act in 2021-2022

NMFS also reviewed the likely effects of the proposed action on essential fish habitat (EFH), pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1855(b)), and concluded that the action would adversely affect the EFH of the Pacific Coast Groundfish Fishery Management Plan. Therefore, we have included conservation recommendations in this document.

The biological opinion evaluates the impacts of the proposed fisheries on the following ESA- listed species:

- Puget Sound Chinook Salmon Evolutionarily Significant Unit (ESU),
- Puget Sound Steelhead Distinct Population Segment (DPS),
- Southern Resident killer whale DPS, and



- two Puget Sound/Georgia Basin rockfish DPS's (yelloweye and bocaccio),
- two Humpback Whale DPS's (Mexico and Central America)

Other ESA-listed species occurring in the Action Area are either covered under existing, long-term ESA biological opinions or 4(d) determinations, or NMFS anticipates the proposed actions are not likely to affect the species. This biological opinion expires on May 14, 2022.


NMFS concluded in the biological opinion that the action, if conducted consistent with the terms of the Incidental Take Statement, is not likely to jeopardize the continued existence of the listed species that are subject of the opinion, or to destroy or to 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 your agency comply with the affirmative conservation responsibilities of section 7(a)(1) of the ESA. NMFS also concluded that the programs would adversely affect EFH for groundfish and provided several conservation recommendations that would avoid or minimize those adverse effects.

As prescribed by ESA section 7 regulations, consultation on the programs administered by the BIA 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) if you have any questions concerning this consultation, or if you require additional information.

Sincerely,



Barry A. Thom
Regional Administrator

Enclosure

cc: Susan Bishop, National Marine Fisheries Services
Christina Iverson, National Marine Fisheries Services