



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
650 Capitol Mall Suite 5-100
Sacramento, California 95814

April 11, 2018

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Scott Schuyler, Policy Representative
Upper Skagit Indian Tribe
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Jason Joseph, Natural Resources Director
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James B. Scott, Special Assistant
Director's Office, Washington
Department of Fish and Wildlife
1111 Washington Street SE
Olympia, WA 98501

Dear Ms. Loomis and Messers. Joseph, Schuyler, and Scott:

NOAA's National Marine Fisheries Service (NMFS) has evaluated the Skagit Resource Management Plan (Skagit RMP) developed by the Sauk-Suiattle Indian Tribe, the Swinomish Tribal Community, the Upper Skagit Tribe, the Skagit River System Cooperative, and the Washington Department of Fish and Wildlife, for the Skagit River steelhead under Limit 6 of the ESA 4(d) Rule (July 10, 2000; 65 FR 42422). The Skagit RMP addresses the effects of the proposed terminal area Treaty Indian and recreational steelhead fisheries on the ESA-listed Puget Sound steelhead Distinct Population Segment (DPS). After evaluation of the Skagit RMP, with respect to the criteria specified for Limit 6, NMFS has determined that the Skagit RMP adequately addresses all of the criteria and does not appreciably reduce the likelihood of survival and recovery of the Puget Sound Steelhead DPS.

NMFS recognizes, as you all certainly do, the important milestone that the development, approval and implementation of the Skagit RMP represents. We understand that there has been interest in the Co-managers developing an approach to balance the conservation needs of listed Puget Sound steelhead with the potential for harvest opportunity that a productive and abundant population, like Skagit River steelhead, represents. As with many of our fishery undertakings, implementing a new fishery, directed on an ESA-listed species, will come with scrutiny and interest. Understanding that there is interest in a recreational catch-and-release fishery for the remainder of the current season (through April 30, 2018), NMFS requests that the co-managers utilize this remaining timeframe as a pilot to help inform their needs for monitoring and enforcement for the future seasons. NMFS views this 5-year approved fishery time frame as a period to test and fine tune the Skagit RMP assumption and assess the overall success and



impact. With this in mind, NMFS expresses our desire that the Co-managers approach the implementation of the Skagit RMP cautiously and interact with NMFS' biological staff to address any issues, during this period, as they arise.

Pursuant to the 4(d) Rule, Limit 4, NMFS specifies implementation and reporting requirements consistent with the implementation of the Skagit RMP:

- (1) Annual fisheries targeting steelhead, conducted in the Skagit Terminal Area (TMA) shall be conducted, in place and in time, as described in the Skagit RMP and in a manner pursuant to *U.S. v Washington*.
- (2) An annual pre-season Skagit steelhead fishery plan shall be prepared and submitted by the Skagit Co-managers prior to the start of the annual fishery, but no later than December 15th, for NMFS' review.
- (3) Annual pre-season fishery planning shall use the best available information on effort and catch/encounter rates to design fisheries not to exceed the total impact rates on Skagit River steelhead, based on the pre-season forecasted run-size, as described in the Skagit RMP. These are:

Preseason Forecast for Natural-Origin Skagit River Steelhead	Allowable Impact Rate Terminal Run
$\leq 4,000$	4%
$4,001 \leq \text{Terminal Run} < 6,000$	10%
$6,001 \leq \text{Terminal Run} < 8,000$	20%
$\text{Terminal Run} \geq 8,001$	25%

- (4) In-season management of Skagit steelhead fisheries shall be used, including in-season closures, as necessary, to control impact limits to Skagit steelhead to meet, but not exceed, the pre-season objective for total impact rate.
- (5) All Skagit salmon and steelhead fisheries shall be monitored for steelhead catch/encounters and, to the extent feasible, steelhead will be sampled for collection of biological information.
- (6) All annual catch and encounter-related mortality shall be estimated, including illegal and unreported catch estimates, and used to assess the resulting total annual harvest rate (annual level of take) in post-season reporting.
- (7) Annual post-season reporting shall be annually submitted to NMFS by November 30th. The co-managers shall report on the prior season's results, including: total estimated impact (take level), including harvest or retained mortality and estimated encounter-related (released) mortality (recreational C&R fishery, non-retention commercial, and, any monitoring fisheries), with precision; draft estimated total spawning escapement; draft estimated total run-size for the prior year. Managers shall use results to improve

the management of Skagit River steelhead to ensure future management objectives are met.

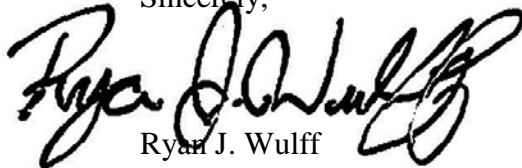
- (8) Assure that annual Skagit River steelhead fisheries adhere to any limits and requirements associated with impacts to other ESA-listed species, as applicable.

For a period of 5 years, running through April 30, 2022, the take prohibitions under section 9 of the ESA and the applicable 4(d) Rule will not apply to the fishery harvest activities specified in the Skagit RMP, provided that such fisheries are managed in accordance with that management plan and the implementation measures and reporting requirements outlined above. Your commitment to adequately monitor and enforce fishery compliance for both tribal and non-tribal fisheries is of the utmost importance when implementing the Skagit RMP, particularly in light of the high interest demonstrated by constituents for the steelhead recreational fishery.

NMFS may re-evaluate an RMP if (1) the amount of take is exceeded, or is expected to be exceeded; (2) new information reveals that the fishery is having effects on listed species at a level not previously considered or analyzed; (3) the fishery is conducted in a manner that has an effect on listed species that was not previously considered; or (4) NMFS lists a new species within the management area of the RMP.

Thank you for the time and effort you have invested in completing the Skagit RMP. We look forward to continued work with you and your staff in the future.

Sincerely,



Ryan J. Wulff
Assistant Regional Administrator
for Sustainable Fisheries

cc: Bishop NMFS
Dixon NMFS
Wilson NMFS