



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way NE
Seattle, Washington 98115

October 2, 2012

Washington State Department of Fish and Wildlife
Phil Anderson, Director
1111 Washington Street Southeast
Olympia, Washington 98501

Phil
Dear ~~Mr. Anderson,~~

Enclosed is Permit 16131 issued to the Washington State Department of Fish and Wildlife (WDFW) under the authority of Section 10(a)(1)(B) of the Endangered Species Act (ESA). Permit 16131 authorizes incidental take of several ESA-listed fish species by WDFW managing the State's recreational bottom fish fishery and commercial shrimp trawl fishery within Puget Sound.

NOAA's National Marine Fisheries Service (NMFS) has determined that if management activities are conducted as described in the Fishery Conservation Plan (FCP) and associated Incidental Take Permit (ITP) application, and in compliance with the terms and conditions of the Permit, the expected take will be appropriately minimized and mitigated for and will not appreciably reduce the likelihood of survival or recovery of the ESA-listed species covered in the FCP. The permit application meets all of the issuance criteria.

The authorization granted by this Permit is subject to full and complete compliance with, and implementation of, the FCP. The term of this Permit is for the duration of the FCP and expires October 2, 2017.

If you do not comply with the terms and conditions of the Permit, or if you cannot provide adequate funding for the FCP, the incidental take of covered species is not authorized. If you have any questions concerning the Permit, please contact Dan Tonnes at (206) 526-4643.

Sincerely,

William W. Stelle, Jr.
William W. Stelle, Jr.
Regional Administrator

Enclosure



NOAA's NATIONAL MARINE FISHERIES SERVICE
PERMIT FOR INCIDENTAL TAKE OF ENDANGERED/THREATENED SPECIES

Permit Number: 16131

Expiration Date: October 2, 2017

Permit Holder:

Washington State Department of Fish and Wildlife
600 Capitol Way N.
Olympia, WA 98501-1091

Principal Officer and Contact:

Phil Anderson, Director
600 Capitol Way N.
Olympia, WA 98501-1091

Phone: (360) 902-2200

Reporting Requirements:

An annual report described in the Fishery Conservation Plan on pages 61 to 66 shall be submitted to:

Rockfish Recovery Coordinator
National Marine Fisheries Service
Protected Resources Division
7600 Sand Point Way NE, Seattle, WA 98115

This report shall be submitted to NMFS no later than the end of March for every year this permit is in effect (beginning March 2013).

Authorization:

Washington State (the Permittee) is hereby authorized incidental take of several listed threatened and endangered species under NMFS' jurisdiction (see attached Table 2), associated with two authorized fisheries in Puget Sound, Washington State, as authorized by the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*), NOAA's National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 C.F.R. Parts 222.301-222.307), and the permit conditions. Take authorization will become effective for covered species without take prohibitions currently in place (Table 3), concurrent with the issuance of a rule prohibiting their take.

Abstract:

The WDFW manages fisheries in Puget Sound. On March 30, 2012, the NMFS Northwest Region's Protected Resources Division received from WDFW an application for an ESA incidental take permit for management of two fisheries that would take ESA-listed rockfish and other listed species in the Puget Sound. ESA-listed rockfish and Puget Sound Chinook salmon are incidentally caught in the commercial shrimp trawl fishery and the recreational bottom fish fishery authorized by the state. Eulachon and green sturgeon can be incidentally caught in the commercial shrimp trawl fishery.

The WDFW's FCP supports its application for an ITP under section 10(a)(1)(B) of the Endangered Species Act (ESA), (16 U.S.C. 1539). Detailed descriptions of the fisheries covered by the permit are provided on pages 10 to 32 of the FCP. Conservation measures are summarized in Table 1 of the FCP. The covered fisheries occur in the waters of Puget Sound eastward of the Victoria sill (Figure 2 of the FCP). This section 10(a)(1)(B) permit authorizes the incidental take of ESA-listed rockfish and PS Chinook salmon in the recreational bottom fish fishery, and ESA-listed rockfish, PS Chinook salmon, green sturgeon, and eulachon in the commercial shrimp trawl fishery, for a period of 5 years.

Incidental Take:

The recreational bottom fish fishery and commercial shrimp trawl fishery incidentally take listed species, and both fisheries will be conducted in areas covered by the FCP. The recreational bottom fish fishery occurs in Marine Catch Areas 7, 8-1, 8-2, 9, 10, 11, and 13 (Figure 3 of the FCP). The shrimp trawl fishery occurs in the San Juan and Strait of Juan de Fuca Basin of the Puget Sound in WDFW's Management and Catch Reporting Areas for commercial fisheries 23A, 23B, 25A, 20B, 21A, and 22A (Figure 4 of the FCP). This permit does not authorize the Permittee or any other person to take ESA-listed species in the territorial waters of another country without the consent of that country. The Permittee is responsible for securing consent from that country and complying with that country's appropriate laws.

In the ITP application, including the FCP, the WDFW states that listed species may be taken in the recreational catch areas and the commercial catch reporting areas listed above as a result of covered activities over the 5-year life of the permit, as provided in Table 1.

Table 1. Estimated lethal and non-lethal takes from covered activities.

Species	Recreational		Shrimp Trawl		Annual Takes		5-Year Takes	
	Non-lethal	Lethal	Non-lethal	Lethal	Non-lethal	Lethal	Non-lethal	Lethal
Bocaccio	26	12	0	5	26	17	130	85
Canary rockfish	81	47	0	10	81	57	405	285
Yelloweye rockfish	87	55	0	10	87	65	435	325
Chinook salmon	30	12	0	50	30	62	150	310
Green sturgeon	0	0	0	1	0	1	0	5
Eulachon	0	0	0	3,240	0	3,240	0	16,200

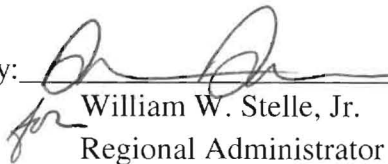
The incidental take of these species will be in the form of capture by shrimp trawl nets and/or recreational fishing gear, resulting in harm, and some will be killed.

Permit Conditions:

- 1) All sections of 50 CFR Part 222, NMFS' regulations governing ESA-listed species permits, are applicable to this permit. If these regulations are modified, this permit shall be modified to be in accordance with the regulations except as specifically otherwise provided for by law.
- 2) The authorization granted by this permit is subject to compliance with, and implementation of, the FCP (Conservation Plan for ESA Listed Species of Rockfish in Puget Sound), which is incorporated into this permit.
- 3) The FCP is approved by NMFS as part of this permit.
- 4) A copy of this permit, including the accompanying FCP, must be available to state personnel at applicable WDFW offices. All applicable provisions of this permit must be presented and clearly explained to all authorized state employees involved in the FCP implementation. Permittee shall ensure that all persons carrying out activities covered by the permit are made aware of its applicable requirements.
- 5) The Permittee shall refer to permit number 16131 in all correspondence and reports concerning permit activities. Any questions about this permit should be directed to the Rockfish Recovery Coordinator, National Marine Fisheries Service, Protected Resources Division, 7600 Sand Point Way NE, Seattle, WA 98115; telephone (206) 526-4643.

- 6) The Permittee, in implementing this permit, is accepting the terms and conditions of this permit, and will comply with the provisions of this permit, the applicable regulations, and the ESA.
- 7) The Permittee must manage covered fisheries authorized in this permit to limit the incidental take of covered ESA-listed fish to the levels provided in the FCP and ITP application.
- 8) The Permittee shall take measures to prevent the inadvertent, illegal take of covered ESA-listed fish by taking measures to educate anglers on subjects such as differentiating between ESA-listed fish from unlisted fish.
- 9) The Permittee shall maintain law enforcement patrols focused on times and areas where covered fisheries occur.
- 10) The WDFW shall maintain public information programs to provide protection and increase compliance with protective regulations (such as the 120-foot depth restriction for recreational anglers targeting bottom fish and other fish).
- 11) For a species listed as threatened with no current take prohibitions (yelloweye rockfish, canary rockfish, and eulachon), the permit will take effect upon the effective date of a rule under Section 4(d) of the ESA prohibiting take of the species.
- 12) Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, the Permittee shall, within three working days, notify NMFS' Protected Resources Division, Seattle, Washington (206-526-4643). Instructions for proper handling and disposition of such specimens will be issued by NMFS at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state.
- 13) The fee in 50 C.F.R. § 222.307(d)(5) to cover the cost of issuance of this permit has been waived.
- 14) This permit may be revoked by NMFS if the activities provided for by this permit are not carried out in accordance with the conditions of the permit, and the purposes and requirements of the ESA, or if NMFS otherwise determines that the findings made under section 10 of the ESA are no longer valid.

Issued by:


William W. Stelle, Jr.
Regional Administrator

Date: 10/2/2012

Table 2. Covered Species under NMFS' Jurisdiction.

ESA-Listed Species/Common Name	Scientific Name	Status
Puget Sound/Georgia Basin bocaccio	<i>Sebastes paucispinis</i>	Endangered
Puget Sound Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Threatened
Southern green sturgeon	<i>Acipenser medirostris</i>	Threatened

Table 3. Covered species under NMFS' jurisdiction, but not currently subject to take prohibitions.

ESA-Listed Species/Common Name	Scientific Name	Status
Puget Sound/Georgia Basin canary rockfish	<i>S. pinniger</i>	Threatened
Puget Sound/Georgia Basin yelloweye rockfish	<i>S. ruberrimus</i>	Threatened
Southern eulachon	<i>Thaleichthys pacificus</i>	Threatened

Take prohibitions are not in place for the species in Table 3. The permit will take effect upon the effective date of a rule under Section 4(d) of the ESA prohibiting take of the species.