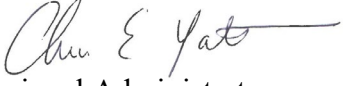




UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
West Coast Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

August 13, 2021

MEMORANDUM FOR: Ryan J. Wulff  
Assistant Regional Administrator  
Sustainable Fisheries Division

FROM: Chris Yates   
Assistant Regional Administrator  
Protected Resources Division

SUBJECT: Adoption of October 26, 2020 Conference Opinion on Humpback  
Whale Critical Habitat for the Continued Operation of the Pacific  
Coast Groundfish Fishery (WCR-2018-01378)

This responds to your July 20, 2021, letter requesting that the Protected Resources Division adopt as a biological opinion the October 26, 2020, conference opinion (WCRO-2018-01378) concerning effects on proposed critical habitat for the Central America distinct population segment (DPS) and the Mexico DPS of humpback whales (*Megaptera novaeangliae*) ([84 FR 54354](#); October 9, 2019). The conference opinion found that the continued implementation of the Pacific Coast Groundfish Fishery Management Plan was “not likely to adversely affect” critical habitat proposed for the Central America DPS and Mexico DPS of humpback whales. On April 21, 2021, we issued a final rule designating critical habitat for humpback whales and the rule became effective on May 21, 2021.

Your request stated that the identified action has not been modified in a way that will cause an effect on critical habitat that was not considered in the conference opinion and that there is no new information indicating that the identified action may affect critical habitat in a way or to an extent not previously considered.

In accordance with consultation regulations at 50 CFR 402.10(d), we reviewed your July 20, 2021, letter requesting adoption of the conference opinion for humpback whale critical habitat and the final designation rule for critical habitat. Based upon these reviews, we concluded that no significant new information was developed and no significant changes to the Federal action were made that would alter the opinion’s content or conclusions. Therefore, we adopt the conference opinion contained in WCRO-2018-01378 as a biological opinion.

Please contact Gary Rule by phone at (503) 230-5424 or via email at [gary.rule@noaa.gov](mailto:gary.rule@noaa.gov) if you have any questions concerning this memo.

cc: F/WCR –Markle, Kent, B. Hooper, Schumacher  
Administrative File: 151422WCR2018PR00213

