



Alaska Trollers Association

130 Seward #205
Juneau, AK 99801
(907) 586-9400
alaskatrollers@gmail.com

5/19/20

Common (and some not so common) Questions and Answers about the Wild Fish Conservancy's Law Suit and ATA

Q: What is the Alaska Trollers Association (ATA)?

A: ATA is a democratic organization that speaks for the Troll Industry. It is completely funded by fees and donations from the nearly 400 (and growing) dues paying members. ATA is listed as a non-profit corporation with Alaska's Department of Commerce, Community, and Economic Development (DCCED). At 92 years old ATA is the oldest fisheries organization on the North American West Coast.

Q: Who does ATA represent?

A: ATA is the recognized representative of the more than 1,000 active power troll and 400 hand troll permit holders that fish in Southeast Alaska (SEAK). ATA also represents the troll interests of SEAK communities where 83% of active trollers live. ATA's office is in Juneau. In Sitka ATA speaks for the 400 local family business that commercial troll and another 200 plus business that sell fish in Sitka. As many as 400 troll permits have winter trolled in Sitka Sound.

Q: What are trollers?

A: Trollers are small boats ranging in size mostly from 15' skiffs to 58' freezer boats. Trollers mainly target Chinook and Coho salmon but also harvest chum and pink salmon. Trolling, catching one fish at a time, is an artisan fishery done with hook and line. Trollers are easily recognized by their long trolling poles and make up most of the classic fishing fleet that so appeals to SEAK visitors.

Q: What's happening?

A: A Puget Sound based environmental group, the Wild Fish Conservancy (WFC), is suing the National Marine Fishery Service (NMFS) over NMFS's Biological Opinion (BI-OP). A BI-OP is required to allow the harvest of some of the Chinook salmon that are managed under the international agreement between Canada and the U.S. This agreement is called the Pacific Salmon Treaty (PST).

Q: What is the Issue?

A: The WFC claims that SEAK have no legitimate claim to 97% of the Chinook guaranteed to SEAK under the PST. The WFC claims these Chinook belong to British Columbia (B.C.) and the Pacific Northwest U.S. The WFC also claim that these Chinook are vital prey for a small Pod of

Southern Resident Killer Whales (SRKW). Biologists named this Pod the “L Pod”.

The WFC maintains that only large mature Chinook (only wild Chinook, not hatchery) are the primary prey of SRKW. The WFC insists that the “L Pod” is dying from starvation. ATA, NMFS, and the science disputes this.

SEAK harvest rights are protected by an international Treaty Agreement and by a tradition of thousands of years of historic use. Lower 48 origin Chinook (the % of which is much lower than the WFC claimed 97%) in SEAK spend more of their lives in Alaskan waters than in lower 48 waters. They mature and grow by preying on Alaska's feed stocks (like herring and needle fish) which live in Alaska's pristine habitat. Unlike Puget Sound SEAK waters have no **polychlorinated biphenyl (PCB)**, no fish farms, and (so far) little critical habitat loss. While the “L Pod” population has slightly declined in recent years other SRKW populations, such as the Vancouver Island Population and the Southern Alaska Population, have doubled and tripled in size.

Q: Does the SE Chinook fishery actually have a substantial effect on endangered Chinook stocks?

A: The stocks of primary concern are Puget Sound Chinook. These stocks are listed as Threatened under the Endangered Species Act. According to the NMFS it is rare that Puget Sound Chinook venture north of B.C.'s Haida Gwaii (formerly The Queen Charlotte Islands) let alone get caught in SEAK.

Appendix B6 of the latest ADF&G Genetic report; (<https://www.adfg.alaska.gov/FedAidPDFs/FDS18-01.pdf>) indicates that only ~3/10th of 1% of the troll kings caught in July of 2016 were from Puget Sound.

From Appendix D1;

Look at The Pacific Salmon Commission's Chinook Technical Committee's latest report (which is accessible at <https://www.psc.org/publications/technical-reports/technical-committee-reports/chinook/>. See the link to report *TCChinook (19)-2 V2.*)

The entire SE all-gear catch historically accounts for only 3/10 of 1% of the Puget Sound return.

Q: Why does ATA disagree with WFC?

A: WFC says that Southern Resident Killer Whales (SRKW) are starving and the SEAK Chinook harvest is, "Taking Chinook out of the mouths of starving baby killer whales". The science contradicts this saying that SRKW are suffering from the highest concentration of PCBs of any mammal on earth. PCB contamination severely impacts birth rates and calf survival. The “L Pod” and their Puget Sound Chinook prey have been decimated by habitat loss, industrial pollution, fish farms, and all the accoutrements of the fastest growing megalopolis in the U.S.

At the same time that the "L Pod" of SRKW were declining in population other SRKW populations have doubled and tripled. Some marine biologists say that, "These other SRKW may have, in fact, reached carrying capacity".

The science demonstrates that the “L Pod” as Apex Predators are suffering from the highest **polychlorinated biphenyl (PCB)** contamination of any marine mammal on earth. The WFC

insist that SRKW eat as many as 380 contaminated Chinook/day. The FDA recommends that humans eat no more than 1lb of Puget Sound's contaminated Chinook/month. PCBs are stored in fat. This PCB contamination impacts the L Pod's survival as a nursing Orca's milk contains 40% fat.

Q: What is this suit about?

A: The WFC has sued National Marine Fisheries Service (NMFS) alleging that there was insufficient analysis to show that endangered king stocks and SRKW wouldn't be harmed by the king salmon harvest levels allowed under the 2019 treaty.

Q: Will the law suit just affect trollers?

A: All SE Chinook fishermen would see reductions in allowable catch if the quota is reduced. Trollers, charter fishermen, resident sport fishermen, seiners and gillnetters will all be affected.

Q: How soon could SEAK be affected:

A: The WFC has asked for an injunction that would go into effect just before the July 1 troll opener.

Q: What is the injunction asking for?

The WFC injunction seeks to close federal waters to Chinook fishing on July 1 onward.

Q: What are Federal Waters?

A: Federal waters are all water more than three (3) miles off shore.

Q: When will a decision be made on the injunction?

A: Anywhere between now and July 1. We are waiting for the Seattle judge to make her decision.

Q: Will the injunction only effect the troll fishery if it is successful?

A: Maybe (Yes), the injunction only focuses on the federal water troll fishery. However, the main lawsuit asks for a review of NMFS's paperwork. A rewritten report could reduce Alaska's all-gear quota. That is a much larger threat to us and a threat to all Chinook fishermen in SEAK. ATA's Attorney is not sure how the injunction will effect sport fishing. Again this is for the Judge to decide. By July 1st most of the sport Chinook harvest will have already occurred.

Q: How does this affect SEAK/Sitka?

A: The Treaty sets the Chinook quota for all SE Chinook fishermen. If the court decides that the SE catch jeopardizes endangered species the quota could be further reduced.

Q: How does this directly affect the City & Borough of Sitka's financial picture?

A: A reduction in the allowable catch of Chinook would reduce the amount of the Fish Box tax from the charter catch and the Raw Fish tax collected from the troll catch (and other commercial fisheries).

Q: How does this economically affect the community of Sitka?

A: In addition to the lodges, charter guides and commercial fishermen that are directly affected, a

reduction in Chinook catch would also reduce demand for fish processing workers & gear sales. Reduced fishing effort would mean fewer purchases of food, fuel, bait, transient moorage etc. Furthermore, NSRAA which receives 3% of the value of all commercial kings caught in Northern SE (not just Sitka) would see a reduction in revenue.

Q: What has ATA done in response?

A: ATA has hired Thane Tienson of Portland Oregon who's a Partner with Landye, Bennett, and Blumstein. This statement is from Mr. Tienson's resume; "For the past 30 years, I have been actively involved in representing the interests of the commercial and recreational fishing industries and environmental and conservation groups and local governments in advocacy and litigation over fisheries, environmental and water quality issues in Oregon, Washington, and Alaska, and public access to navigable rivers and lakes." We have enjoined the lawsuit as the only Alaskan entity represented in court to make sure that SE Alaskans have a seat at the table rather than rely on the Federal Government for our sole representation. ATA filed all relevant paperwork by the May 11th deadline in Seattle's Federal Court.

Q: Why does ATA not believe NMFS will represent our interests in this?

A: ATA believes Alaskan interests are more knowledgeably represented by Alaskan fishermen than by a Federal agency. ATA realizes that SEAK would be better represented by the Alaska Region of NMFS than by Pacific North West region (Seattle based) NMFS. Unfortunately, WFC is disputing the SEAK Chinook Quota permitted by the Pacific North West region of NMFS in Seattle's Federal Court. The Puget Sound area has been flooded for over a year with PR about SRKWs. Often this PR incorrectly paints chinook harvest in SEAK as the cause of the L Pod's issues.

Q: Why isn't the State supporting ATA's position?

A: Good question. It's unclear. Why isn't the State supporting the Alaska Marine Highway system?

Q: What is ATA's ask?

A: We need funds to pursue Alaska's defense in this matter because the State is doing nothing.

Q: Why should The CBS support ATA's Legal Fund in fighting the WFC's suit?

A: This suit not only threatens the troll industry it puts SEAK aquaculture and the region's economy in jeopardy. Why should and how can commercial fishermen pay for production they're not allowed to harvest? In terms of king salmon alone, Trollers contribute more money to all of SEAK's aquaculture Chinook production than any other gear group. Most of the productive Chinook grounds in the Sitka area are outside of three miles. If trollers can't fish off-shore then NSRAA and SSRAA will have less critical funding to produce King. Also doing so makes no business sense. Other Alaskan gear groups are also threatened by this suit.

CONCLUSION

ATA's intervention in the WFC suit is the only response by any Alaskan entity to this very real but ridiculous threat. The suit threatens the economic base of Sitka and all of SEAK.

Links to articles that are pertinent for anyone interested:

[Race is on to rid UK waters of PCBs after toxic pollutants found in killer whale](#)

[Resident orcas' appetite likely reason for decline of big Chinook salmon](#)

[New theory rethinks spread of PCBs and other toxics in Puget Sound](#)

[Harvest managers setting this year's salmon seasons struggle to find ways to help orcas | Puget Sound Institute](#)

[Impossible Choices: The Complicated Task of Saving Both Orca and Salmon](#)

[Are the orcas starving? Scientists say it's not that simple | Puget Sound Institute](#)

[NOAA Fisheries Analysis Shows West Coast Fisheries Take Small Proportion Of Available Chinook For Southern Resident Killer Whales - Columbia Basin Bulletin](#)

[Welcome to the Wild Fish Conservancy Northwest Homepage — Wild Fish Conservancy](#)

[To save endangered orcas, halt Southeast Alaska's Chinook salmon fishery — Wild Fish Conservancy](#)