CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Meeting Agenda

City and Borough Assembly

Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Mosher,
Vice Deputy Mayor Crystal Duncan,
Thor Christianson, Chris Ystad,
Timothy Pike, JJ Carlson

Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson

Tuesday, January 24, 2023 **6:00 PM** **Assembly Chambers**

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

V. CORRESPONDENCE/AGENDA CHANGES

23-012 Reminders, Calendars and General Correspondence

Attachments: Reminders and Calendars
Library Department Report
Electric Department Quarterly Report Jan 2023
SFD Quarterly Report

VI. CEREMONIAL MATTERS

None.

VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

23-007 Special Reports: 1) Sitka Tribal Chairman Lawrence Widmark, and 2) Sitka Bear Task Force Report, Member Alix Snelling

Attachments: 01 Special Report

VIII. PERSONS TO BE HEARD

Public participation on any item off the agenda. All public testimony is not to exceed 3 minutes for any individual, unless the mayor imposes other time constraints at the beginning of the agenda item.

IX. CONSENT AGENDA

All matters under Item IX Consent Agenda are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A 23-008 Approve the January 10 Assembly meeting minutes

Attachments: 01 CONSENT
02 Minutes motion
03 Minutes January 10

B RES 23-03 Authorizing an application to the Department of Homeland Security and Emergency Management (DHS&EM)

Attachments: 01 Motion Res 2023-03
02 Memo and Res 2023-03

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

C 23-009 Appoint Annette Evans to an unexpired term on the Health Needs and Human Services Commission

Attachments: 01 Motion
02 Evans HNHS application

XI. UNFINISHED BUSINESS:

None.

XII. NEW BUSINESS:

D RES 23-04 Submitting City and Borough of Sitka FY 2024 State Legislative Priorities to State of Alaska and 2023 Legislature

Attachments: 01 Motion
02 Memo and Res 2023-04
03 FY2024 Legislative Priorities Final

E RES 23-01 Increasing Cruise Ship Tender and Security Fees

Attachments: 01 Motion
02 Memo Res 2023-01 and Draft Minutes

F RES 23-02 Supporting the Southeast Alaska Troll Fishery

Attachments: 01 Motion
02 Res 2023-02
03 Ltr to Sitka Assembly
04 Intro to trolling-2
05 ALFA.ATA White Paper. Orca, Chinook and Troll Fishery
06 11.29.22 ALFA.ATA
07 ADFG on the WFC lawsuit-2
08 ChinookMapCritical_2

G ORD 23-01 Making supplemental appropriations for fiscal year 2023 (Alaska Trollers Association Legal Defense $25,000 - 1st reading)

Attachments: 01 Motion
02 Memo
03 Ord 2023-01 Alaska Trollers Assoc Legal Fees
04 ATA.ALFA Orca White Paper Handout-1
05 ATA Attorney's update
06 Alaska Trollers - Objections to Report_Recommendation(1)
07 Articles

H ORD 23-02 Making supplemental appropriations for fiscal year 2023 (Parks and Recreation Expenses $92,615 - 1st reading)

Attachments: 01 Motion
02 Memo Parks and Rec Ord 2023-02

XIII. PERSONS TO BE HEARD:

Public participation on any item on or off the agenda. Not to exceed 3 minutes for any individual.

XIV. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

XV. EXECUTIVE SESSION

I 23-011 1) Legal/Financial Matter: 2022 Crescent Harbor Dock Fire
2) Financial Matter: Sales Tax Debt Settlement

Attachments: Motion Executive Session

XVI. ADJOURNMENT

Note: Detailed information on these agenda items can be found on the City website at https://sitka.legistar.com/Calendar.aspx or by contacting the Municipal Clerk's Office at City Hall, 100 Lincoln Street or 747-1811. A hard copy of the Assembly packet is available at the Sitka Public Library. Regular and Special Assembly meetings are livestreamed through the City's website and YouTube channel, and aired live on KCAW FM 104.7. To receive Assembly agenda notifications, sign up with GovDelivery on the City website.

Sara Peterson, MMC, Municipal Clerk
Publish: January 20

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	23-012	**Version:**	1	**Name:**	
Type:	Item			**Status:**	AGENDA READY
File created:	1/18/2023			**In control:**	City and Borough Assembly
On agenda:	1/24/2023			**Final action:**	
Title:	Reminders, Calendars and General Correspondence				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Reminders and Calendars Library Department Report Electric Department Quarterly Report Jan 2023 SFD Quarterly Report				

Date	Ver.	Action By	Action	Result

REMINDERS

DATE	EVENT	TIME
Tuesday, January 24	Regular Meeting	6:00 PM
Thursday, February 2	**Special Budget Meeting General Fund**	**6:00 PM**
Monday, February 13	Govt. to Govt. Mtg. Tribal Headquarters 204 Signaka Way	6:00 PM
Tuesday, February 14	**Regular Meeting**	**6:00 PM**

January 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1 Jan	2	3	4	5	6	7
	Observed Holiday	6:00pm Sustainability Commission-Liaison Mosher	6:00pm Library Commission-Liaison Duncan 6:00pm School Board - Liaison Mosher 7:00pm Planning Commission-Liaison Christianson			
8	9	10	11	12	13	14
		12:00pm Parks and Recreation Committee-Liaison Duncan 6:00pm Regular Assembly Mtg	5:00pm Tree and Landscape Committee-Liaison Carlson 6:00pm Historic Preservation Commission-Carlson 6:00pm Port & Harbors Commission-Liaison Ystad	12:00pm LEPC-Liaison Mosher		
15	16	17	18	19	20	21
	Observed Holiday	12:00pm Parks and Recreation Committee-Liaison Duncan	12:00pm Health Needs and Human Services Commission-Liaison Duncan 7:00pm Planning Commission - Liaison Christianson	6:00pm Budget Work Session with School Board		
22	23	24	25	26	27	28
		6:00pm Regular Assembly Mtg	5:30pm Police and Fire Commission-Liaison Pike			
29	30	31	1 Feb	2	3	4
			6:00pm Library Commission-Liaison Duncan 6:00pm School Board - Liaison Mosher	6:00pm Special Budget Meeting: General Fund		

February 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
29 Jan	30	31	1 Feb	2	3	4
			6:00pm Library Commission-Liaison Duncan 6:00pm School Board - Liaison Mosher 7:00pm Planning Commission-Liaison Christianson	6:00pm Special Budget Meeting: General Fund		
5	6	7	8	9	10	11
Eisenbeisz	Eisenbeisz	Eisenbeisz 6:00pm Sustainability Commission-Liaison Mosher	Eisenbeisz 5:00pm Tree and Landscape Committee-Liaison Carlson 6:00pm Historic Preservation Commission-Carlson 6:00pm Port & Harbors Commission-Liaison Ystad	Eisenbeisz 12:00pm LEPC-Liaison Mosher	Eisenbeisz	
12	13	14	15	16	17	18
	6:00pm Tentative - Govt to Govt Dinner Meeting at STA Tribal Headquarters 204 Siginaka Way	12:00pm Parks and Recreation Committee-Liaison Duncan 6:00pm Regular Assembly Mtg	12:00pm Health Needs and Human Services Commission-Liaison Duncan 7:00pm Planning Commission - Liaison Christianson			
19	20	21	22	23	24	25
	Observed Holiday		5:30pm Police and Fire Commission-Liaison Pike	6:00pm Special Budget Meeting: Enterprise Funds		
26	27	28	1 Mar	2	3	4
		6:00pm Regular Assembly Mtg	6:00pm Library Commission-Liaison Duncan 6:00pm School Board - Liaison Mosher	6:00pm Special Budget Meeting: Review Draft GF Budget		

SITKA PUBLIC LIBRARY ASSEMBLY UPDATE

WORK COMPLETE THROUGH DECEMBER 2022

Library Zoning Project (DESIGN PHASE)

General	Schedule	Budget
Space planning for different zones usage inside the library	FY23	Library Capital Project

Project Status Updates:

- Designed floor plan
- Ordered shelving units from Borroughs Corporation, Kalamazoo, MI
- Scheduled and planned installation with CBS maintenance crew and contractor Pat Hughes
- Moved 2 existing shelving units to new location and removed 1 unit
- Waiting for delivery of 3 new shelving units

Future Milestones: Use the new floor plan to create different zones in the library

- Create a collaborative zone
- Programming zone
- Quiet seating zones
- Business Center/Media Zone

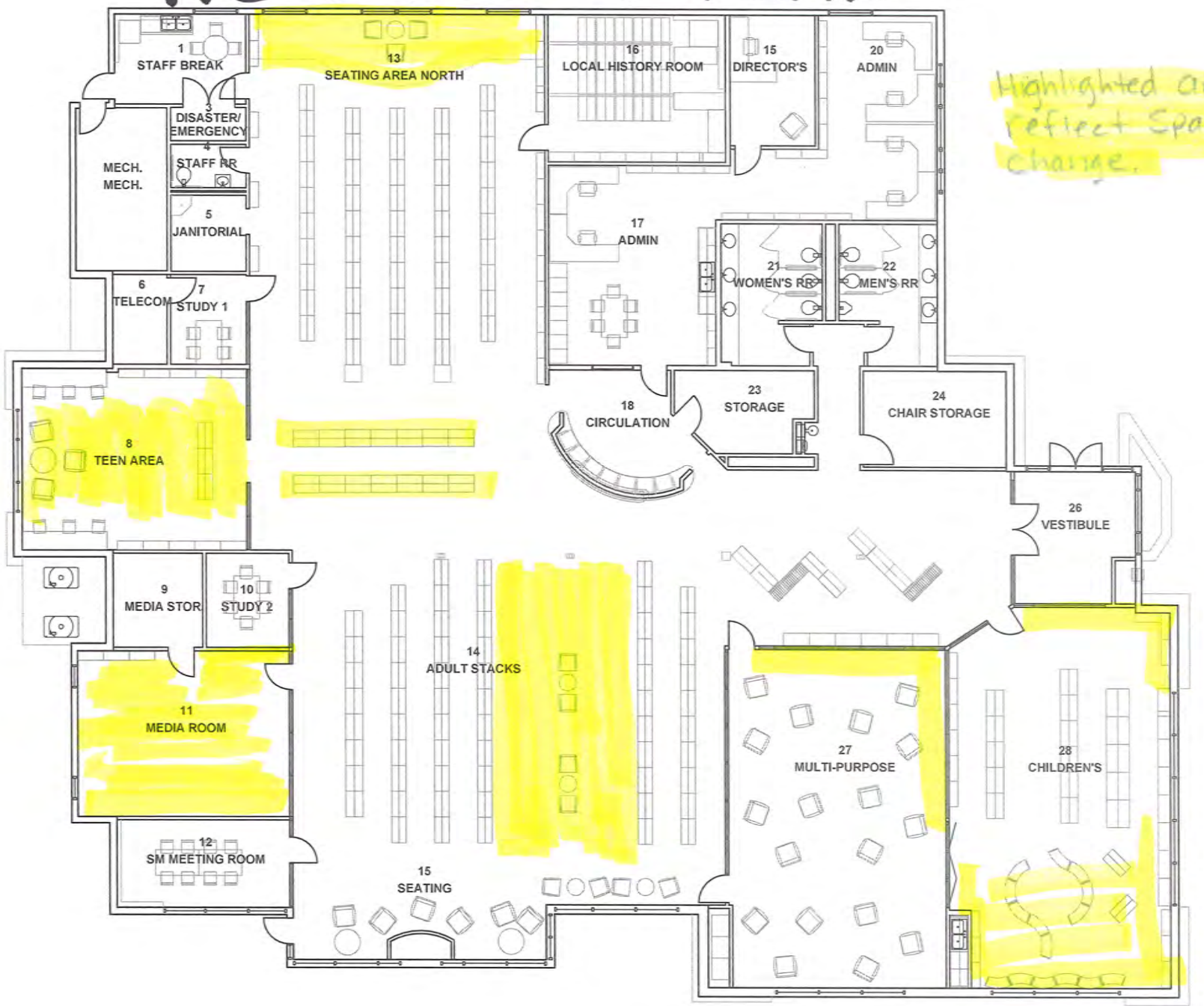
Estimated Total Project Cost: $35,000

Authorized Budget:

- General Fund Library Shelving Upgrade $35,000

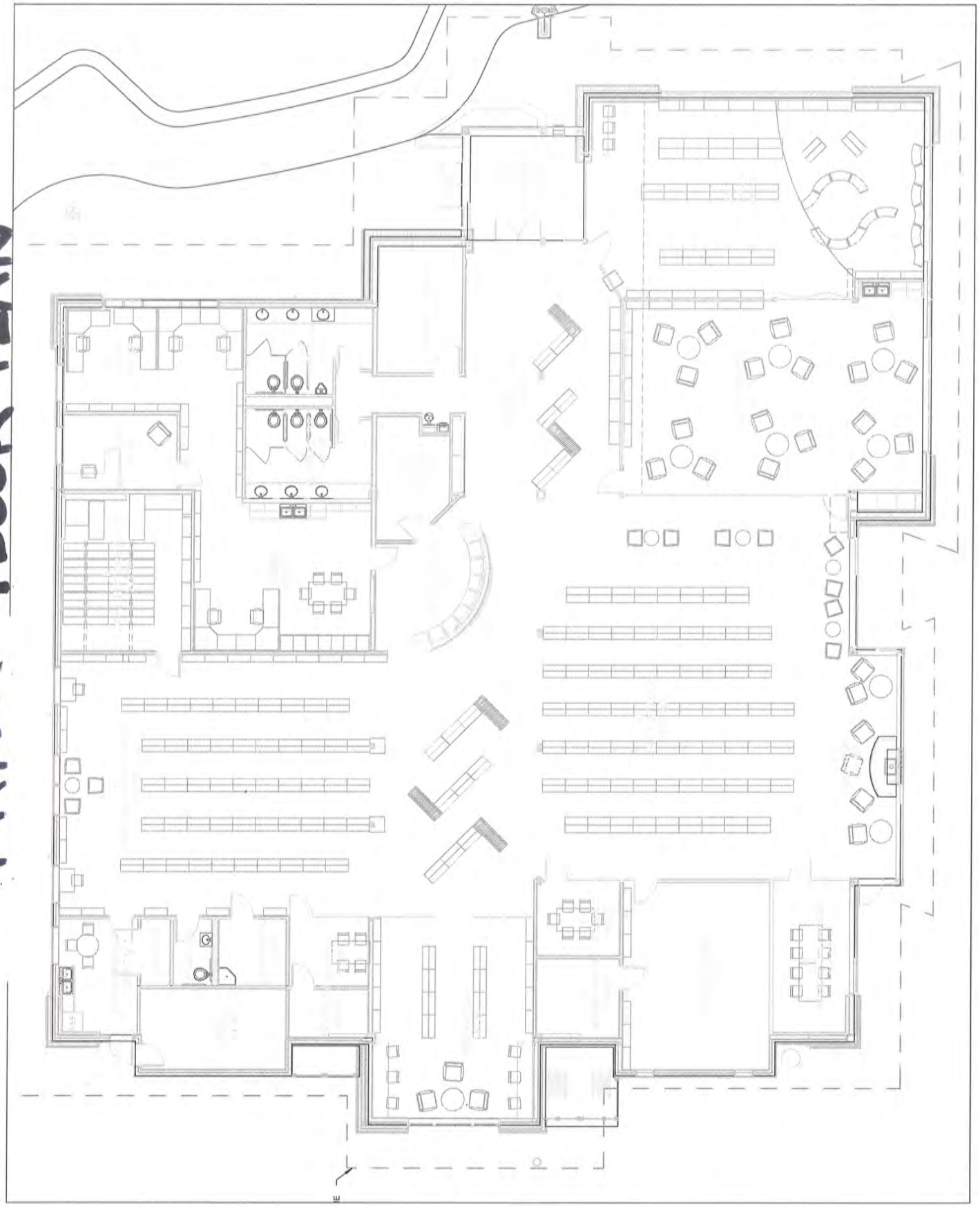
The goal of this project is to create a library space that offers zones for different space usage within the library. What people do in the library depends on the time of day, day of the week, season, and age group. Providing zones within the library creates spaces that offer multiple uses to occur within the building at the same time.

NEW FLOOR PLAN

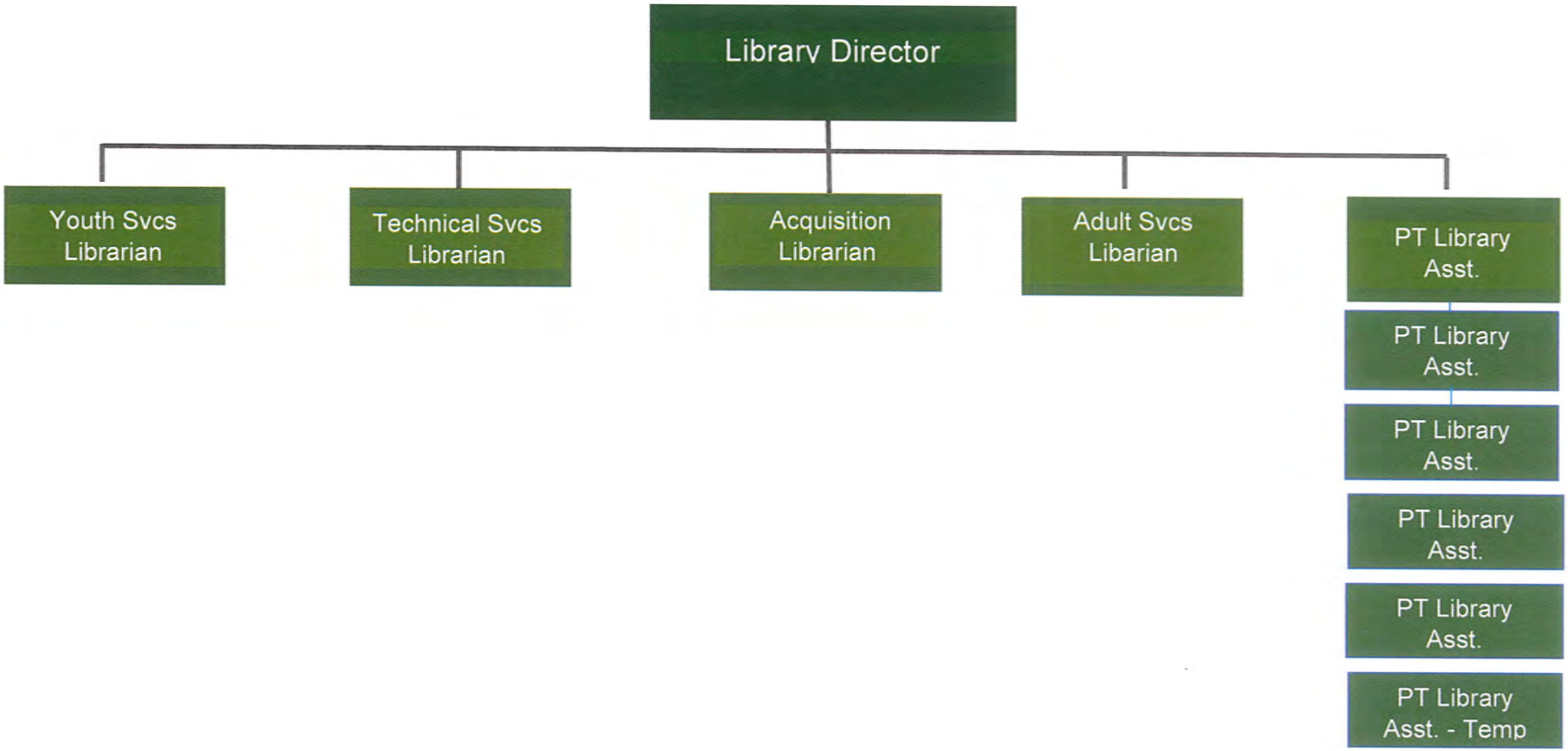


Highlighted areas reflect Space Use change.

PRIOR FLOOR PLAN



City and Borough of Sitka – Library Department



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

Electric Department Quarterly Report
January 2023

DEPARTMENT OVERVIEW:

Ongoing Projects & Contracts

Blue Lake Head Gate inspection: This is a regulatory requirement and supports Goal 4.2 of the Strategic Plan.

Electric Department personnel in conjunction with Fire Department personnel completed a mandatory FERC inspection in December. The inspection required the use of the fire departments ROV. Inspection went well with no significant findings, satisfying our regulatory requirement.

Blue Lake tunnel dewatering: This is a regulatory requirement and supports Goal 4.2 of the Strategic Plan.

The Department is working with CBS staff members and consultants to plan and prepare for penstock work which will take place during the FERC required 2024 penstock dewatering and inspection. Work to be performed includes inspection of the tunnel, approximately 20 yards of rock removal in the rock traps, and other valve and penstock repairs.

Green Lake phase 2 & 3: This supports Goal 4.2 of the Strategic Plan.

Green Lake project is progressing with its Scope and Scheduling. The bid documents are in the review process and are expected to be ready prior to funds becoming available.

Cost of Service and Rate Study: This supports Goal 4.1 of the Strategic Plan and is a task item assigned by the Administrator.

The rate study contract has been awarded and is in progress. Rate and financial information are being delivered to the selected professional service contractor. Expected completion date for this contract is in the spring of 2023.

Master Plan Development: This supports Goal 4.1 of the Strategic Plan and is a task item assigned by the Administrator.

Electric Department is currently working with HDR consultants to develop a formal scope of work for a long-term Master plan. The intent of this Master plan will be to satisfy the physical & fiscal planning needs of the CBS internally, as well as a staging tool for potential grant funding.

Regulatory Compliance:
Department completed its mandatory year-end regulatory compliance reporting to FERC, the DEC and EIA in December.

Wind Telemetry Collection: This supports Goal 4, 3.1 & 3.2 of the Strategic Plan

In September two wind telemetry stations were installed in conjunction with the ETIPP grant and FY 2022 capital plans that were previously established. This data will help guide the fiscal planning of the department in the next 5 years. A strong wind model would likely lead to additional wind investigations, if there were support from the community and assembly. Normally wind data is collected for 3 years to establish firm data for investment.

RECRUITMENT:

We are actively seeking recruitment for 4 open positions and are working expand our area of recruitment as qualified job applications have been low. Nationwide, there is a shortage of skilled and professional labor relating to the electrical industry.

GENERATION:

Additional customers continue to be added to the system, lending to higher expected power sales in future years. The 2022 Calendar Year power sales finished higher than last year, even with slightly warmer year end temperatures compared to last year. Interruptible power sales accounted for $748K in 2022.

CALENDAR YEAR	TOTAL POWER SALES	BILLED AMOUNT
2020	108.5 GWH	$16.7M
2021	113.0 GWH	$18.5M
2022	115.7 GWH	$19.5M

TRANSMISSION AND DISTRIBUTION:

BUDGET:

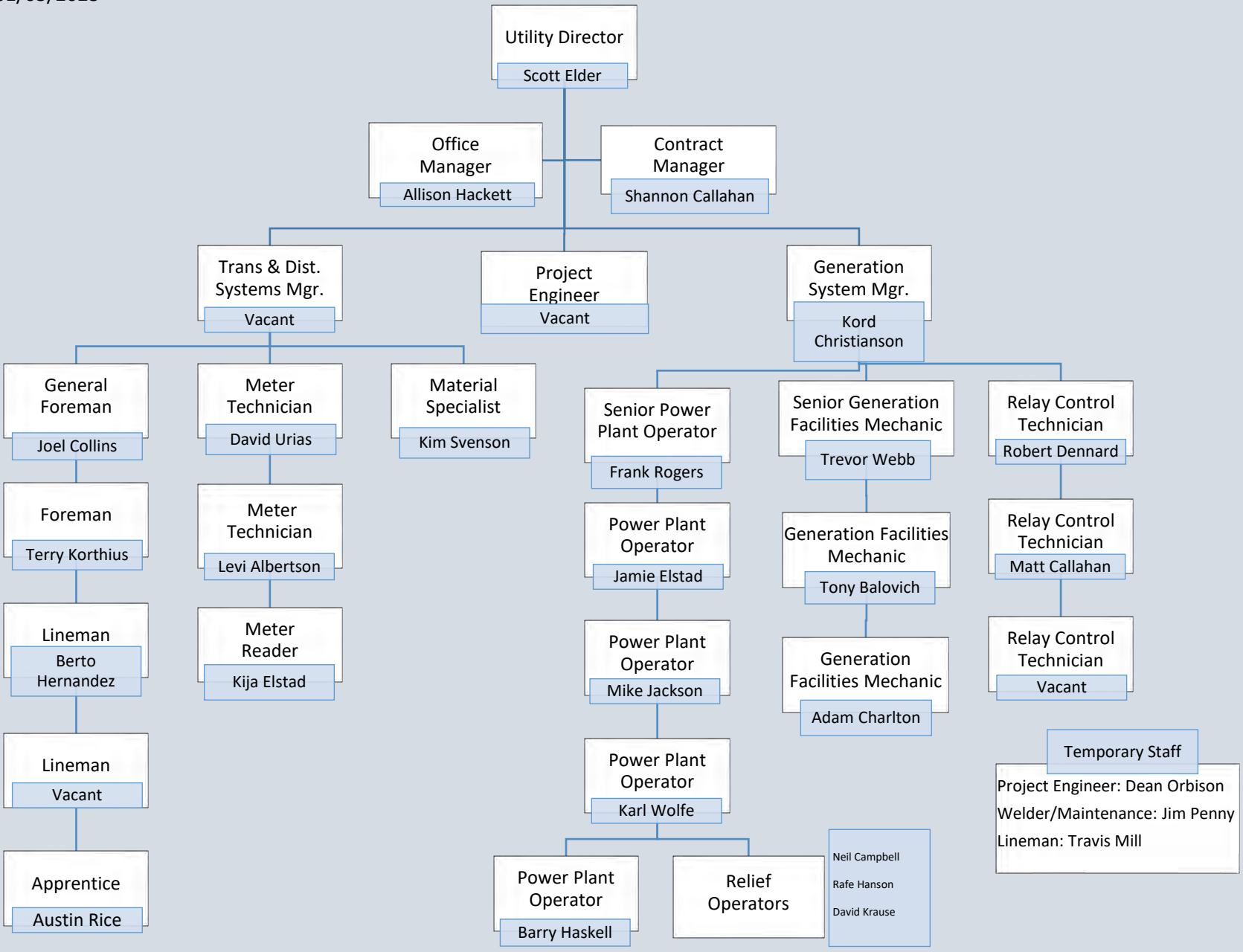
At approximately 55% into the fiscal year, the Jan 17th, 2023, Department budget execution is at 52% for the year and labor at 45%. Large, annual costs such as insurance are included in the year-to-date execution. In general, the account is healthy with some areas of higher execution over previous years. Material costs and availability continue to cause concern for the long-term capital plan. Fiscal Year 2022 showed a “cash” generation of just over $3M.

FY2022	
Operating Revenues	20,138,151.00

Operating expense (less depreciation)	8,077,005.00
Income from operations	12,061,146.00
FY22 debt payments	(6,772,206.00)
Capital outlay	(1,464,246.00)
Investment loss (unrealized)	(616,680.00)
Transfers in	66,798.00
Net improvement to bottom line	3,274,812.00

ELECTRIC DEPARTMENT ORGANIZATION CHART

City & Borough of Sitka
Updated 01/05/2023



Expense Budget Performance Report

Fiscal Year to Date 01/17/23

Include Rollup Account and Rollup to Account

Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **601 - Administration**										
	EXPENSE									
5110										
5110.001	Regular Salaries/Wages		298,813.68	.00	298,813.68	.00	.00	125,806.36	173,007.32	42
5110.002	Holidays		.00	.00	.00	.00	.00	2,568.44	(2,568.44)	+++
5110.003	Sick Leave		.00	.00	.00	.00	.00	8,011.65	(8,011.65)	+++
5110.004	Overtime		200,000.00	.00	200,000.00	.00	.00	1,749.20	198,250.80	1
5110.010	Temp Wages		175,000.00	.00	175,000.00	.00	.00	36,137.26	138,862.74	21
		5110 - Totals	$673,813.68	$0.00	$673,813.68	$0.00	$0.00	$174,272.91	$499,540.77	26%
5120										
5120.001	Annual Leave		6,548.00	.00	6,548.00	.00	.00	7,868.44	(1,320.44)	120
5120.002	SBS		34,438.84	.00	34,438.84	.00	.00	10,030.58	24,408.26	29
5120.003	Medicare		9,869.48	.00	9,869.48	.00	.00	2,643.22	7,226.26	27
5120.004	PERS		109,739.12	.00	109,739.12	.00	.00	31,757.78	77,981.34	29
5120.005	Health Insurance		71,961.12	.00	71,961.12	.00	.00	30,533.40	41,427.72	42
5120.006	Life Insurance		16.08	.00	16.08	.00	.00	18.18	(2.10)	113
5120.007	Workmen's Compensation		10,272.24	.00	10,272.24	.00	.00	788.08	9,484.16	8
5120.011	PERS on Behalf		90,658.00	.00	90,658.00	.00	.00	.00	90,658.00	0
		5120 - Totals	$333,502.88	$0.00	$333,502.88	$0.00	$0.00	$83,639.68	$249,863.20	25%
5201										
5201.000	Training and Travel		33,500.00	.00	33,500.00	2,085.00	.00	5,725.78	27,774.22	17
		5201 - Totals	$33,500.00	$0.00	$33,500.00	$2,085.00	$0.00	$5,725.78	$27,774.22	17%
5202										
5202.000	Uniforms		2,200.00	.00	2,200.00	.00	.00	1,355.59	844.41	62
		5202 - Totals	$2,200.00	$0.00	$2,200.00	$0.00	$0.00	$1,355.59	$844.41	62%
5203										
5203.001	Utilities		22,000.00	.00	22,000.00	52.04	.00	11,654.71	10,345.29	53
5203.005	Heating Fuel		12,000.00	.00	12,000.00	2,825.37	.00	7,113.30	4,886.70	59
		5203 - Totals	$34,000.00	$0.00	$34,000.00	$2,877.41	$0.00	$18,768.01	$15,231.99	55%
5204										
5204.000	Telephone		19,000.00	.00	19,000.00	.00	.00	9,021.56	9,978.44	47
5204.001	Cell Phone Stipend		600.00	.00	600.00	.00	.00	150.00	450.00	25
		5204 - Totals	$19,600.00	$0.00	$19,600.00	$0.00	$0.00	$9,171.56	$10,428.44	47%
5205										
5205.000	Insurance		184,000.00	.00	184,000.00	15,233.27	.00	106,632.89	77,367.11	58
		5205 - Totals	$184,000.00	$0.00	$184,000.00	$15,233.27	$0.00	$106,632.89	$77,367.11	58%
5206										
5206.000	Supplies		11,000.00	.00	11,000.00	263.10	.00	4,618.30	6,381.70	42
		5206 - Totals	$11,000.00	$0.00	$11,000.00	$263.10	$0.00	$4,618.30	$6,381.70	42%

Expense Budget Performance Report

Fiscal Year to Date 01/17/23

Include Rollup Account and Rollup to Account

Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **601 - Administration**										
	EXPENSE									
5207										
5207.000	Repairs & Maintenance		2,000.00	.00	2,000.00	.00	.00	84.83	1,915.17	4
		5207 - Totals	$2,000.00	$0.00	$2,000.00	$0.00	$0.00	$84.83	$1,915.17	4%
5208										
5208.000	Bldg Repair & Maint		18,788.00	.00	18,788.00	.00	.00	9,394.02	9,393.98	50
		5208 - Totals	$18,788.00	$0.00	$18,788.00	$0.00	$0.00	$9,394.02	$9,393.98	50%
5211										
5211.000	Data Processing Fees		187,094.00	.00	187,094.00	.00	.00	93,547.02	93,546.98	50
		5211 - Totals	$187,094.00	$0.00	$187,094.00	$0.00	$0.00	$93,547.02	$93,546.98	50%
5212										
5212.000	Contracted/Purchased Serv		155,000.00	.00	155,000.00	.00	7,796.73	38,843.41	108,359.86	30
		5212 - Totals	$155,000.00	$0.00	$155,000.00	$0.00	$7,796.73	$38,843.41	$108,359.86	30%
5214										
5214.000	Interdepartment Services		1,002,440.00	.00	1,002,440.00	.00	.00	501,767.37	500,672.63	50
		5214 - Totals	$1,002,440.00	$0.00	$1,002,440.00	$0.00	$0.00	$501,767.37	$500,672.63	50%
5222										
5222.000	Postage		6,500.00	.00	6,500.00	575.45	2,812.50	4,244.78	(557.28)	109
		5222 - Totals	$6,500.00	$0.00	$6,500.00	$575.45	$2,812.50	$4,244.78	($557.28)	109%
5223										
5223.000	Tools & Small Equipment		5,500.00	.00	5,500.00	.00	.00	3,297.11	2,202.89	60
		5223 - Totals	$5,500.00	$0.00	$5,500.00	$0.00	$0.00	$3,297.11	$2,202.89	60%
5224										
5224.000	Dues & Publications		45,000.00	.00	45,000.00	6,405.69	.00	8,093.24	36,906.76	18
		5224 - Totals	$45,000.00	$0.00	$45,000.00	$6,405.69	$0.00	$8,093.24	$36,906.76	18%
5226										
5226.000	Advertising		5,000.00	.00	5,000.00	.00	.00	420.86	4,579.14	8
		5226 - Totals	$5,000.00	$0.00	$5,000.00	$0.00	$0.00	$420.86	$4,579.14	8%
5230										
5230.000	Bad Debts		120,000.00	.00	120,000.00	.00	.00	15,997.62	104,002.38	13
		5230 - Totals	$120,000.00	$0.00	$120,000.00	$0.00	$0.00	$15,997.62	$104,002.38	13%
5231										
5231.000	Credit Card Expense		160,000.00	.00	160,000.00	19,809.95	.00	113,463.08	46,536.92	71
		5231 - Totals	$160,000.00	$0.00	$160,000.00	$19,809.95	$0.00	$113,463.08	$46,536.92	71%
5290										
5290.000	Other Expenses		2,000.00	.00	2,000.00	504.42	.00	3,329.25	(1,329.25)	166
		5290 - Totals	$2,000.00	$0.00	$2,000.00	$504.42	$0.00	$3,329.25	($1,329.25)	166%

Expense Budget Performance Report

Fiscal Year to Date 01/17/23

Include Rollup Account and Rollup to Account

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Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **601 - Administration**										
	EXPENSE									
5291										
5291.000	Utility Subsidization		198,200.00	.00	198,200.00	3,061.17	.00	101,435.77	96,764.23	51
		5291 - Totals	$198,200.00	$0.00	$198,200.00	$3,061.17	$0.00	$101,435.77	$96,764.23	51%
		EXPENSE TOTALS	$3,199,138.56	$0.00	$3,199,138.56	$50,815.46	$10,609.23	$1,298,103.08	$1,890,426.25	41%
	Department **601 - Administration** Totals		($3,199,138.56)	$0.00	($3,199,138.56)	($50,815.46)	($10,609.23)	($1,298,103.08)	($1,890,426.25)	41%
Department **602 - Stores**										
	EXPENSE									
5110										
5110.001	Regular Salaries/Wages		106,259.62	.00	106,259.62	.00	.00	43,455.28	62,804.34	41
5110.002	Holidays		.00	.00	.00	.00	.00	1,922.80	(1,922.80)	+++
5110.004	Overtime		.00	.00	.00	.00	.00	5,312.01	(5,312.01)	+++
		5110 - Totals	$106,259.62	$0.00	$106,259.62	$0.00	$0.00	$50,690.09	$55,569.53	48%
5120										
5120.001	Annual Leave		3,955.00	.00	3,955.00	.00	.00	3,076.48	878.52	78
5120.002	SBS		6,755.63	.00	6,755.63	.00	.00	3,295.91	3,459.72	49
5120.003	Medicare		1,597.99	.00	1,597.99	.00	.00	779.62	818.37	49
5120.004	PERS		23,377.05	.00	23,377.05	.00	.00	11,828.63	11,548.42	51
5120.005	Health Insurance		25,125.84	.00	25,125.84	.00	.00	12,724.82	12,401.02	51
5120.006	Life Insurance		14.16	.00	14.16	.00	.00	7.08	7.08	50
5120.007	Workmen's Compensation		2,656.50	.00	2,656.50	.00	.00	1,344.16	1,312.34	51
5120.009	IBEW Benefits		.00	.00	.00	.00	.00	1,615.50	(1,615.50)	+++
		5120 - Totals	$63,482.17	$0.00	$63,482.17	$0.00	$0.00	$34,672.20	$28,809.97	55%
5201										
5201.000	Training and Travel		2,000.00	.00	2,000.00	.00	.00	.00	2,000.00	0
		5201 - Totals	$2,000.00	$0.00	$2,000.00	$0.00	$0.00	$0.00	$2,000.00	0%
5202										
5202.000	Uniforms		350.00	.00	350.00	.00	.00	.00	350.00	0
		5202 - Totals	$350.00	$0.00	$350.00	$0.00	$0.00	$0.00	$350.00	0%
5206										
5206.000	Supplies		20,000.00	.00	20,000.00	106.90	3,212.62	7,339.61	9,447.77	53
		5206 - Totals	$20,000.00	$0.00	$20,000.00	$106.90	$3,212.62	$7,339.61	$9,447.77	53%
5207										
5207.000	Repairs & Maintenance		1,000.00	.00	1,000.00	.00	.00	.00	1,000.00	0
		5207 - Totals	$1,000.00	$0.00	$1,000.00	$0.00	$0.00	$0.00	$1,000.00	0%
5223										

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Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **602 - Stores**										
	EXPENSE									
5223										
5223.000	Tools & Small Equipment		9,000.00	.00	9,000.00	360.18	1,310.28	3,373.73	4,315.99	52
		5223 - Totals	$9,000.00	$0.00	$9,000.00	$360.18	$1,310.28	$3,373.73	$4,315.99	52%
5224										
5224.000	Dues & Publications		500.00	.00	500.00	.00	.00	.00	500.00	0
		5224 - Totals	$500.00	$0.00	$500.00	$0.00	$0.00	$0.00	$500.00	0%
		EXPENSE TOTALS	$202,591.79	$0.00	$202,591.79	$467.08	$4,522.90	$96,075.63	$101,993.26	50%
		Department **602 - Stores** Totals	($202,591.79)	$0.00	($202,591.79)	($467.08)	($4,522.90)	($96,075.63)	($101,993.26)	50%
Department **603 - Operations & Maintenance**										
Sub-Department **850 - Green Lake**										
	EXPENSE									
5110										
5110.001	Regular Salaries/Wages		346,175.02	.00	346,175.02	.00	.00	73,295.79	272,879.23	21
5110.002	Holidays		.00	.00	.00	.00	.00	8,506.50	(8,506.50)	+++
5110.003	Sick Leave		.00	.00	.00	.00	.00	7,328.99	(7,328.99)	+++
5110.004	Overtime		.00	.00	.00	.00	.00	5,124.96	(5,124.96)	+++
		5110 - Totals	$346,175.02	$0.00	$346,175.02	$0.00	$0.00	$94,256.24	$251,918.78	27%
5120										
5120.001	Annual Leave		10,040.00	.00	10,040.00	.00	.00	27,102.61	(17,062.61)	270
5120.002	SBS		21,835.05	.00	21,835.05	.00	.00	7,462.70	14,372.35	34
5120.003	Medicare		5,164.93	.00	5,164.93	.00	.00	1,765.24	3,399.69	34
5120.004	PERS		76,157.11	.00	76,157.11	.00	.00	21,811.99	54,345.12	29
5120.005	Health Insurance		62,798.16	.00	62,798.16	.00	.00	22,364.15	40,434.01	36
5120.006	Life Insurance		14.16	.00	14.16	.00	.00	8.69	5.47	61
5120.007	Workmen's Compensation		6,156.74	.00	6,156.74	.00	.00	2,485.08	3,671.66	40
5120.009	IBEW Benefits		.00	.00	.00	.00	.00	2,712.98	(2,712.98)	+++
		5120 - Totals	$182,166.15	$0.00	$182,166.15	$0.00	$0.00	$85,713.44	$96,452.71	47%
5201										
5201.000	Training and Travel		3,000.00	.00	3,000.00	.00	.00	.00	3,000.00	0
		5201 - Totals	$3,000.00	$0.00	$3,000.00	$0.00	$0.00	$0.00	$3,000.00	0%
5205										
5205.000	Insurance		399,700.00	.00	399,700.00	39,734.60	.00	278,142.20	121,557.80	70
		5205 - Totals	$399,700.00	$0.00	$399,700.00	$39,734.60	$0.00	$278,142.20	$121,557.80	70%
5206										
5206.000	Supplies		12,000.00	.00	12,000.00	.00	1,696.22	5,974.77	4,329.01	64
		5206 - Totals	$12,000.00	$0.00	$12,000.00	$0.00	$1,696.22	$5,974.77	$4,329.01	64%

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Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **603 - Operations & Maintenance**									
Sub-Department **850 - Green Lake**									
EXPENSE									
5207									
5207.000	Repairs & Maintenance	25,000.00	.00	25,000.00	401.89	.00	5,935.85	19,064.15	24
	5207 - Totals	$25,000.00	$0.00	$25,000.00	$401.89	$0.00	$5,935.85	$19,064.15	24%
5212									
5212.000	Contracted/Purchased Serv	230,000.00	.00	230,000.00	.00	17,178.14	38,401.86	174,420.00	24
	5212 - Totals	$230,000.00	$0.00	$230,000.00	$0.00	$17,178.14	$38,401.86	$174,420.00	24%
5223									
5223.000	Tools & Small Equipment	14,000.00	.00	14,000.00	.00	.00	294.76	13,705.24	2
	5223 - Totals	$14,000.00	$0.00	$14,000.00	$0.00	$0.00	$294.76	$13,705.24	2%
5227									
5227.002	Rent-Equipment	7,000.00	.00	7,000.00	.00	.00	988.17	6,011.83	14
	5227 - Totals	$7,000.00	$0.00	$7,000.00	$0.00	$0.00	$988.17	$6,011.83	14%
5290									
5290.000	Other Expenses	35,000.00	.00	35,000.00	.00	.00	27,203.29	7,796.71	78
	5290 - Totals	$35,000.00	$0.00	$35,000.00	$0.00	$0.00	$27,203.29	$7,796.71	78%
	EXPENSE TOTALS	$1,254,041.17	$0.00	$1,254,041.17	$40,136.49	$18,874.36	$536,910.58	$698,256.23	44%
	Sub-Department **850 - Green Lake** Totals	($1,254,041.17)	$0.00	($1,254,041.17)	($40,136.49)	($18,874.36)	($536,910.58)	($698,256.23)	44%
Sub-Department **851 - Blue Lake**									
EXPENSE									
5110									
5110.001	Regular Salaries/Wages	813,381.31	.00	813,381.31	.00	.00	335,701.15	477,680.16	41
5110.002	Holidays	.00	.00	.00	.00	.00	19,453.09	(19,453.09)	+++
5110.003	Sick Leave	.00	.00	.00	.00	.00	16,963.46	(16,963.46)	+++
5110.004	Overtime	.00	.00	.00	.00	.00	21,072.44	(21,072.44)	+++
5110.010	Temp Wages	.00	.00	.00	.00	.00	41,073.15	(41,073.15)	+++
	5110 - Totals	$813,381.31	$0.00	$813,381.31	$0.00	$0.00	$434,263.29	$379,118.02	53%
5120									
5120.001	Annual Leave	29,191.00	.00	29,191.00	.00	.00	35,031.02	(5,840.02)	120
5120.002	SBS	51,682.07	.00	51,682.07	.00	.00	28,674.49	23,007.58	55
5120.003	Medicare	12,225.04	.00	12,225.04	.00	.00	6,782.70	5,442.34	55
5120.004	PERS	178,943.01	.00	178,943.01	.00	.00	93,297.56	85,645.45	52
5120.005	Health Insurance	161,588.40	.00	161,588.40	.00	.00	95,185.58	66,402.82	59
5120.006	Life Insurance	90.12	.00	90.12	.00	.00	47.54	42.58	53
5120.007	Workmen's Compensation	17,311.80	.00	17,311.80	.00	.00	10,248.03	7,063.77	59
5120.009	IBEW Benefits	.00	.00	.00	.00	.00	11,367.19	(11,367.19)	+++

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Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **603 - Operations & Maintenance**										
Sub-Department **851 - Blue Lake**										
	EXPENSE									
5120										
5120.011	PERS on Behalf		90,658.00	.00	90,658.00	.00	.00	.00	90,658.00	0
		5120 - Totals	$541,689.44	$0.00	$541,689.44	$0.00	$0.00	$280,634.11	$261,055.33	52%
5201										
5201.000	Training and Travel		4,000.00	.00	4,000.00	.00	.00	.00	4,000.00	0
		5201 - Totals	$4,000.00	$0.00	$4,000.00	$0.00	$0.00	$0.00	$4,000.00	0%
5202										
5202.000	Uniforms		5,000.00	.00	5,000.00	.00	158.40	993.48	3,848.12	23
		5202 - Totals	$5,000.00	$0.00	$5,000.00	$0.00	$158.40	$993.48	$3,848.12	23%
5203										
5203.001	Utilities		33,000.00	.00	33,000.00	.00	.00	1,697.40	31,302.60	5
5203.005	Heating Fuel		600.00	.00	600.00	.00	.00	.00	600.00	0
		5203 - Totals	$33,600.00	$0.00	$33,600.00	$0.00	$0.00	$1,697.40	$31,902.60	5%
5204										
5204.000	Telephone		800.00	.00	800.00	.00	.00	301.46	498.54	38
		5204 - Totals	$800.00	$0.00	$800.00	$0.00	$0.00	$301.46	$498.54	38%
5205										
5205.000	Insurance		452,970.00	.00	452,970.00	43,698.55	.00	305,889.85	147,080.15	68
		5205 - Totals	$452,970.00	$0.00	$452,970.00	$43,698.55	$0.00	$305,889.85	$147,080.15	68%
5206										
5206.000	Supplies		30,000.00	.00	30,000.00	529.78	.00	7,518.88	22,481.12	25
		5206 - Totals	$30,000.00	$0.00	$30,000.00	$529.78	$0.00	$7,518.88	$22,481.12	25%
5207										
5207.000	Repairs & Maintenance		25,500.00	.00	25,500.00	1,800.62	3,796.67	5,698.52	16,004.81	37
		5207 - Totals	$25,500.00	$0.00	$25,500.00	$1,800.62	$3,796.67	$5,698.52	$16,004.81	37%
5212										
5212.000	Contracted/Purchased Serv		355,500.00	.00	355,500.00	2,500.00	7,500.00	12,767.00	335,233.00	6
		5212 - Totals	$355,500.00	$0.00	$355,500.00	$2,500.00	$7,500.00	$12,767.00	$335,233.00	6%
5221										
5221.000	Transportation/Vehicles		540.00	.00	540.00	.00	.00	.00	540.00	0
		5221 - Totals	$540.00	$0.00	$540.00	$0.00	$0.00	$0.00	$540.00	0%
5223										
5223.000	Tools & Small Equipment		14,000.00	.00	14,000.00	.00	.00	562.09	13,437.91	4
		5223 - Totals	$14,000.00	$0.00	$14,000.00	$0.00	$0.00	$562.09	$13,437.91	4%

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Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **600 - Operations**										
Department **603 - Operations & Maintenance**										
Sub-Department **851 - Blue Lake**										
	EXPENSE									
5224										
5224.000	Dues & Publications		500.00	.00	500.00	.00	.00	.00	500.00	0
		5224 - Totals	$500.00	$0.00	$500.00	$0.00	$0.00	$0.00	$500.00	0%
5290										
5290.000	Other Expenses		125,000.00	.00	125,000.00	.00	.00	29,231.34	95,768.66	23
		5290 - Totals	$125,000.00	$0.00	$125,000.00	$0.00	$0.00	$29,231.34	$95,768.66	23%
		EXPENSE TOTALS	$2,402,480.75	$0.00	$2,402,480.75	$48,528.95	$11,455.07	$1,079,557.42	$1,311,468.26	45%
	Sub-Department **851 - Blue Lake** Totals		($2,402,480.75)	$0.00	($2,402,480.75)	($48,528.95)	($11,455.07)	($1,079,557.42)	($1,311,468.26)	45%
Sub-Department **852 - Diesel Plant**										
	EXPENSE									
5110										
5110.001	Regular Salaries/Wages		233,184.18	.00	233,184.18	.00	.00	72,178.34	161,005.84	31
5110.002	Holidays		.00	.00	.00	.00	.00	5,481.57	(5,481.57)	+++
5110.003	Sick Leave		.00	.00	.00	.00	.00	6,908.28	(6,908.28)	+++
5110.004	Overtime		.00	.00	.00	.00	.00	2,629.46	(2,629.46)	+++
		5110 - Totals	$233,184.18	$0.00	$233,184.18	$0.00	$0.00	$87,197.65	$145,986.53	37%
5120										
5120.001	Annual Leave		7,820.00	.00	7,820.00	.00	.00	8,610.32	(790.32)	110
5120.002	SBS		14,773.12	.00	14,773.12	.00	.00	5,959.67	8,813.45	40
5120.003	Medicare		3,494.52	.00	3,494.52	.00	.00	1,409.67	2,084.85	40
5120.004	PERS		51,300.46	.00	51,300.46	.00	.00	21,388.84	29,911.62	42
5120.005	Health Insurance		49,389.36	.00	49,389.36	.00	.00	19,698.97	29,690.39	40
5120.006	Life Insurance		16.08	.00	16.08	.00	.00	7.30	8.78	45
5120.007	Workmen's Compensation		5,829.52	.00	5,829.52	.00	.00	2,429.57	3,399.95	42
5120.009	IBEW Benefits		.00	.00	.00	.00	.00	2,676.73	(2,676.73)	+++
		5120 - Totals	$132,623.06	$0.00	$132,623.06	$0.00	$0.00	$62,181.07	$70,441.99	47%
5201										
5201.000	Training and Travel		3,000.00	.00	3,000.00	.00	.00	1,976.22	1,023.78	66
		5201 - Totals	$3,000.00	$0.00	$3,000.00	$0.00	$0.00	$1,976.22	$1,023.78	66%
5203										
5203.001	Utilities		5,000.00	.00	5,000.00	.00	.00	2,970.07	2,029.93	59
5203.005	Heating Fuel		220,000.00	.00	220,000.00	.00	.00	.00	220,000.00	0
		5203 - Totals	$225,000.00	$0.00	$225,000.00	$0.00	$0.00	$2,970.07	$222,029.93	1%
5206										
5206.000	Supplies		33,400.00	.00	33,400.00	223.95	.00	4,378.83	29,021.17	13

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Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **603 - Operations & Maintenance**									
Sub-Department **852 - Diesel Plant**									
EXPENSE									
	5206 - Totals	$33,400.00	$0.00	$33,400.00	$223.95	$0.00	$4,378.83	$29,021.17	13%
5207									
5207.000	Repairs & Maintenance	129,000.00	.00	129,000.00	8.49	1,030.56	8,557.25	119,412.19	7
	5207 - Totals	$129,000.00	$0.00	$129,000.00	$8.49	$1,030.56	$8,557.25	$119,412.19	7%
5212									
5212.000	Contracted/Purchased Serv	155,000.00	.00	155,000.00	.00	1,217.50	6,356.50	147,426.00	5
	5212 - Totals	$155,000.00	$0.00	$155,000.00	$0.00	$1,217.50	$6,356.50	$147,426.00	5%
5221									
5221.000	Transportation/Vehicles	.00	.00	.00	.00	.00	41.64	(41.64)	+++
	5221 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$41.64	($41.64)	+++
5223									
5223.000	Tools & Small Equipment	15,000.00	.00	15,000.00	.00	.00	102.91	14,897.09	1
	5223 - Totals	$15,000.00	$0.00	$15,000.00	$0.00	$0.00	$102.91	$14,897.09	1%
5290									
5290.000	Other Expenses	13,200.00	.00	13,200.00	.00	.00	5,805.93	7,394.07	44
	5290 - Totals	$13,200.00	$0.00	$13,200.00	$0.00	$0.00	$5,805.93	$7,394.07	44%
	EXPENSE TOTALS	$939,407.24	$0.00	$939,407.24	$232.44	$2,248.06	$179,568.07	$757,591.11	19%
	Sub-Department **852 - Diesel Plant** Totals	($939,407.24)	$0.00	($939,407.24)	($232.44)	($2,248.06)	($179,568.07)	($757,591.11)	19%
Sub-Department **853 - Switchyard**									
EXPENSE									
5110									
5110.001	Regular Salaries/Wages	.00	.00	.00	.00	.00	6,654.48	(6,654.48)	+++
5110.004	Overtime	.00	.00	.00	.00	.00	79.50	(79.50)	+++
	5110 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$6,733.98	($6,733.98)	+++
5120									
5120.002	SBS	.00	.00	.00	.00	.00	412.79	(412.79)	+++
5120.003	Medicare	.00	.00	.00	.00	.00	97.64	(97.64)	+++
5120.004	PERS	.00	.00	.00	.00	.00	1,481.47	(1,481.47)	+++
5120.005	Health Insurance	.00	.00	.00	.00	.00	780.93	(780.93)	+++
5120.006	Life Insurance	.00	.00	.00	.00	.00	.42	(.42)	+++
5120.007	Workmen's Compensation	.00	.00	.00	.00	.00	168.35	(168.35)	+++
5120.009	IBEW Benefits	.00	.00	.00	.00	.00	184.02	(184.02)	+++
	5120 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$3,125.62	($3,125.62)	+++
5206									
5206.000	Supplies	6,500.00	.00	6,500.00	.00	.00	1,411.13	5,088.87	22

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Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **603 - Operations & Maintenance**									
Sub-Department **853 - Switchyard**									
EXPENSE									
	5206 - Totals	$6,500.00	$0.00	$6,500.00	$0.00	$0.00	$1,411.13	$5,088.87	22%
5207									
5207.000	Repairs & Maintenance	11,000.00	.00	11,000.00	3,466.58	.00	3,466.58	7,533.42	32
	5207 - Totals	$11,000.00	$0.00	$11,000.00	$3,466.58	$0.00	$3,466.58	$7,533.42	32%
5212									
5212.000	Contracted/Purchased Serv	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0
	5212 - Totals	$5,000.00	$0.00	$5,000.00	$0.00	$0.00	$0.00	$5,000.00	0%
5223									
5223.000	Tools & Small Equipment	500.00	.00	500.00	.00	.00	.00	500.00	0
	5223 - Totals	$500.00	$0.00	$500.00	$0.00	$0.00	$0.00	$500.00	0%
	EXPENSE TOTALS	$23,000.00	$0.00	$23,000.00	$3,466.58	$0.00	$14,737.31	$8,262.69	64%
	Sub-Department **853 - Switchyard** Totals	($23,000.00)	$0.00	($23,000.00)	($3,466.58)	$0.00	($14,737.31)	($8,262.69)	64%
	Department **603 - Operations & Maintenance** Totals	($4,618,929.16)	$0.00	($4,618,929.16)	($92,364.46)	($32,577.49)	($1,810,773.38)	($2,775,578.29)	40%
Department **604 - Transmission**									
Sub-Department **860 - Line Maintenance**									
EXPENSE									
5206									
5206.000	Supplies	9,000.00	.00	9,000.00	.00	.00	1,392.20	7,607.80	15
	5206 - Totals	$9,000.00	$0.00	$9,000.00	$0.00	$0.00	$1,392.20	$7,607.80	15%
5207									
5207.000	Repairs & Maintenance	30,000.00	.00	30,000.00	.00	10,008.00	14,596.33	5,395.67	82
	5207 - Totals	$30,000.00	$0.00	$30,000.00	$0.00	$10,008.00	$14,596.33	$5,395.67	82%
5212									
5212.000	Contracted/Purchased Serv	160,000.00	.00	160,000.00	9,945.00	67,148.51	94,272.89	(1,421.40)	101
	5212 - Totals	$160,000.00	$0.00	$160,000.00	$9,945.00	$67,148.51	$94,272.89	($1,421.40)	101%
5223									
5223.000	Tools & Small Equipment	4,500.00	.00	4,500.00	.00	.00	283.84	4,216.16	6
	5223 - Totals	$4,500.00	$0.00	$4,500.00	$0.00	$0.00	$283.84	$4,216.16	6%
	EXPENSE TOTALS	$203,500.00	$0.00	$203,500.00	$9,945.00	$77,156.51	$110,545.26	$15,798.23	92%
	Sub-Department **860 - Line Maintenance** Totals	($203,500.00)	$0.00	($203,500.00)	($9,945.00)	($77,156.51)	($110,545.26)	($15,798.23)	92%
Sub-Department **861 - Substation Maintenance**									
EXPENSE									
5110									
5110.004	Overtime	.00	.00	.00	.00	.00	1,802.00	(1,802.00)	+++
	5110 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$1,802.00	($1,802.00)	+++

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Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **604 - Transmission**									
Sub-Department **861 - Substation Maintenance**									
	EXPENSE								
5120									
5120.002	SBS	.00	.00	.00	.00	.00	110.47	(110.47)	+++
5120.003	Medicare	.00	.00	.00	.00	.00	26.12	(26.12)	+++
5120.004	PERS	.00	.00	.00	.00	.00	396.44	(396.44)	+++
5120.005	Health Insurance	.00	.00	.00	.00	.00	757.54	(757.54)	+++
5120.006	Life Insurance	.00	.00	.00	.00	.00	.25	(.25)	+++
5120.007	Workmen's Compensation	.00	.00	.00	.00	.00	45.04	(45.04)	+++
5120.009	IBEW Benefits	.00	.00	.00	.00	.00	53.05	(53.05)	+++
	5120 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$1,388.91	($1,388.91)	+++
5206									
5206.000	Supplies	2,000.00	.00	2,000.00	.00	.00	153.14	1,846.86	8
	5206 - Totals	$2,000.00	$0.00	$2,000.00	$0.00	$0.00	$153.14	$1,846.86	8%
5207									
5207.000	Repairs & Maintenance	6,000.00	.00	6,000.00	11.99	.00	325.94	5,674.06	5
	5207 - Totals	$6,000.00	$0.00	$6,000.00	$11.99	$0.00	$325.94	$5,674.06	5%
5212									
5212.000	Contracted/Purchased Serv	10,000.00	.00	10,000.00	.00	.00	.00	10,000.00	0
	5212 - Totals	$10,000.00	$0.00	$10,000.00	$0.00	$0.00	$0.00	$10,000.00	0%
	EXPENSE TOTALS	$18,000.00	$0.00	$18,000.00	$11.99	$0.00	$3,669.99	$14,330.01	20%
Sub-Department **861 - Substation Maintenance** Totals		($18,000.00)	$0.00	($18,000.00)	($11.99)	$0.00	($3,669.99)	($14,330.01)	20%
Department **604 - Transmission** Totals		($221,500.00)	$0.00	($221,500.00)	($9,956.99)	($77,156.51)	($114,215.25)	($30,128.24)	86%
Department **605 - Distribution**									
	EXPENSE								
5110									
5110.001	Regular Salaries/Wages	895,911.94	.00	895,911.94	.00	.00	215,858.83	680,053.11	24
5110.002	Holidays	.00	.00	.00	.00	.00	9,724.24	(9,724.24)	+++
5110.003	Sick Leave	.00	.00	.00	.00	.00	4,928.24	(4,928.24)	+++
5110.004	Overtime	.00	.00	.00	.00	.00	161,404.94	(161,404.94)	+++
5110.010	Temp Wages	.00	.00	.00	.00	.00	45,782.42	(45,782.42)	+++
	5110 - Totals	$895,911.94	$0.00	$895,911.94	$0.00	$0.00	$437,698.67	$458,213.27	49%
5120									
5120.001	Annual Leave	27,920.00	.00	27,920.00	.00	.00	7,346.39	20,573.61	26
5120.002	SBS	55,781.92	.00	55,781.92	.00	.00	16,952.02	38,829.90	30
5120.003	Medicare	13,399.91	.00	13,399.91	.00	.00	6,455.31	6,944.60	48
5120.004	PERS	172,420.00	.00	172,420.00	.00	.00	73,910.47	98,509.53	43

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Fund	**200 - Electric Fund**									
Division	**600 - Operations**									
Department	**605 - Distribution**									
	EXPENSE									
5120										
5120.005	Health Insurance		205,028.64	.00	205,028.64	.00	.00	42,222.42	162,806.22	21
5120.006	Life Insurance		42.48	.00	42.48	.00	.00	20.86	21.62	49
5120.007	Workmen's Compensation		17,155.34	.00	17,155.34	.00	.00	11,126.95	6,028.39	65
5120.008	Unemployment		.00	.00	.00	.00	.00	308.88	(308.88)	+++
5120.009	IBEW Benefits		52.00	.00	52.00	.00	.00	51,127.60	(51,075.60)	98322
		5120 - Totals	$491,800.29	$0.00	$491,800.29	$0.00	$0.00	$209,470.90	$282,329.39	43%
5201										
5201.000	Training and Travel		5,000.00	.00	5,000.00	.00	.00	3,593.59	1,406.41	72
		5201 - Totals	$5,000.00	$0.00	$5,000.00	$0.00	$0.00	$3,593.59	$1,406.41	72%
5202										
5202.000	Uniforms		23,500.00	.00	23,500.00	(106.90)	966.49	3,242.00	19,291.51	18
		5202 - Totals	$23,500.00	$0.00	$23,500.00	($106.90)	$966.49	$3,242.00	$19,291.51	18%
5204										
5204.001	Cell Phone Stipend		600.00	.00	600.00	.00	.00	150.00	450.00	25
		5204 - Totals	$600.00	$0.00	$600.00	$0.00	$0.00	$150.00	$450.00	25%
5206										
5206.000	Supplies		80,000.00	.00	80,000.00	.00	5,700.00	16,012.32	58,287.68	27
		5206 - Totals	$80,000.00	$0.00	$80,000.00	$0.00	$5,700.00	$16,012.32	$58,287.68	27%
5207										
5207.000	Repairs & Maintenance		50,000.00	.00	50,000.00	394.00	5,621.00	47,817.27	(3,438.27)	107
		5207 - Totals	$50,000.00	$0.00	$50,000.00	$394.00	$5,621.00	$47,817.27	($3,438.27)	107%
5212										
5212.000	Contracted/Purchased Serv		240,000.00	.00	240,000.00	9,945.00	51,290.00	104,831.96	83,878.04	65
		5212 - Totals	$240,000.00	$0.00	$240,000.00	$9,945.00	$51,290.00	$104,831.96	$83,878.04	65%
5221										
5221.000	Transportation/Vehicles		257,566.00	.00	257,566.00	.00	.00	123,284.32	134,281.68	48
		5221 - Totals	$257,566.00	$0.00	$257,566.00	$0.00	$0.00	$123,284.32	$134,281.68	48%
5223										
5223.000	Tools & Small Equipment		18,000.00	.00	18,000.00	455.63	5,141.84	47,017.12	(34,158.96)	290
		5223 - Totals	$18,000.00	$0.00	$18,000.00	$455.63	$5,141.84	$47,017.12	($34,158.96)	290%
5224										
5224.000	Dues & Publications		1,400.00	.00	1,400.00	.00	.00	.00	1,400.00	0
		5224 - Totals	$1,400.00	$0.00	$1,400.00	$0.00	$0.00	$0.00	$1,400.00	0%
5227										
5227.002	Rent-Equipment		.00	.00	.00	333.30	.00	333.30	(333.30)	+++

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Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **605 - Distribution**									
EXPENSE									
	5227 - Totals	$0.00	$0.00	$0.00	$333.30	$0.00	$333.30	($333.30)	+++
5290									
5290.000	Other Expenses	.00	.00	.00	.00	.00	1,141.64	(1,141.64)	+++
	5290 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$1,141.64	($1,141.64)	+++
	EXPENSE TOTALS	$2,063,778.23	$0.00	$2,063,778.23	$11,021.03	$68,719.33	$994,593.09	$1,000,465.81	52%
Department **605 - Distribution** Totals		($2,063,778.23)	$0.00	($2,063,778.23)	($11,021.03)	($68,719.33)	($994,593.09)	($1,000,465.81)	52%
Department **606 - Metering**									
EXPENSE									
5110									
5110.001	Regular Salaries/Wages	299,848.20	.00	299,848.20	.00	.00	107,635.05	192,213.15	36
5110.002	Holidays	.00	.00	.00	.00	.00	9,338.60	(9,338.60)	+++
5110.003	Sick Leave	.00	.00	.00	.00	.00	5,270.98	(5,270.98)	+++
5110.004	Overtime	.00	.00	.00	.00	.00	2,291.59	(2,291.59)	+++
	5110 - Totals	$299,848.20	$0.00	$299,848.20	$0.00	$0.00	$124,536.22	$175,311.98	42%
5120									
5120.001	Annual Leave	11,270.00	.00	11,270.00	.00	.00	23,197.60	(11,927.60)	206
5120.002	SBS	19,129.03	.00	19,129.03	.00	.00	9,083.63	10,045.40	47
5120.003	Medicare	4,524.84	.00	4,524.84	.00	.00	2,148.66	2,376.18	47
5120.004	PERS	65,966.38	.00	65,966.38	.00	.00	31,568.65	34,397.73	48
5120.005	Health Insurance	85,369.92	.00	85,369.92	.00	.00	36,436.10	48,933.82	43
5120.006	Life Insurance	42.48	.00	42.48	.00	.00	21.24	21.24	50
5120.007	Workmen's Compensation	7,518.73	.00	7,518.73	.00	.00	3,598.69	3,920.04	48
5120.009	IBEW Benefits	.00	.00	.00	.00	.00	4,550.96	(4,550.96)	+++
	5120 - Totals	$193,821.38	$0.00	$193,821.38	$0.00	$0.00	$110,605.53	$83,215.85	57%
5201									
5201.000	Training and Travel	3,000.00	.00	3,000.00	.00	.00	1,877.09	1,122.91	63
	5201 - Totals	$3,000.00	$0.00	$3,000.00	$0.00	$0.00	$1,877.09	$1,122.91	63%
5202									
5202.000	Uniforms	1,050.00	.00	1,050.00	.00	.00	.00	1,050.00	0
	5202 - Totals	$1,050.00	$0.00	$1,050.00	$0.00	$0.00	$0.00	$1,050.00	0%
5204									
5204.001	Cell Phone Stipend	1,800.00	.00	1,800.00	.00	.00	450.00	1,350.00	25
	5204 - Totals	$1,800.00	$0.00	$1,800.00	$0.00	$0.00	$450.00	$1,350.00	25%
5206									
5206.000	Supplies	25,000.00	.00	25,000.00	.00	.00	319.75	24,680.25	1
	5206 - Totals	$25,000.00	$0.00	$25,000.00	$0.00	$0.00	$319.75	$24,680.25	1%

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Fund **200 - Electric Fund**									
Division **600 - Operations**									
Department **606 - Metering**									
	EXPENSE								
5207									
5207.000	Repairs & Maintenance	17,000.00	.00	17,000.00	.00	.00	.00	17,000.00	0
	5207 - Totals	$17,000.00	$0.00	$17,000.00	$0.00	$0.00	$0.00	$17,000.00	0%
5212									
5212.000	Contracted/Purchased Serv	10,000.00	.00	10,000.00	845.66	.00	7,573.96	2,426.04	76
	5212 - Totals	$10,000.00	$0.00	$10,000.00	$845.66	$0.00	$7,573.96	$2,426.04	76%
5223									
5223.000	Tools & Small Equipment	2,000.00	.00	2,000.00	.00	17,565.00	.00	(15,565.00)	878
	5223 - Totals	$2,000.00	$0.00	$2,000.00	$0.00	$17,565.00	$0.00	($15,565.00)	878%
5224									
5224.000	Dues & Publications	500.00	.00	500.00	.00	.00	.00	500.00	0
	5224 - Totals	$500.00	$0.00	$500.00	$0.00	$0.00	$0.00	$500.00	0%
	EXPENSE TOTALS	$554,019.58	$0.00	$554,019.58	$845.66	$17,565.00	$245,362.55	$291,092.03	47%
	Department **606 - Metering** Totals	($554,019.58)	$0.00	($554,019.58)	($845.66)	($17,565.00)	($245,362.55)	($291,092.03)	47%
Department **635 - Jobbing Expenses**									
	EXPENSE								
5110									
5110.001	Regular Salaries/Wages	.00	.00	.00	.00	.00	265.00	(265.00)	+++
	5110 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$265.00	($265.00)	+++
5120									
5120.002	SBS	.00	.00	.00	.00	.00	16.24	(16.24)	+++
5120.003	Medicare	.00	.00	.00	.00	.00	3.86	(3.86)	+++
5120.004	PERS	.00	.00	.00	.00	.00	58.30	(58.30)	+++
5120.007	Workmen's Compensation	.00	.00	.00	.00	.00	6.61	(6.61)	+++
5120.009	IBEW Benefits	.00	.00	.00	.00	.00	9.91	(9.91)	+++
	5120 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$94.92	($94.92)	+++
5206									
5206.000	Supplies	130,000.00	.00	130,000.00	.00	.00	4,822.91	125,177.09	4
	5206 - Totals	$130,000.00	$0.00	$130,000.00	$0.00	$0.00	$4,822.91	$125,177.09	4%
	EXPENSE TOTALS	$130,000.00	$0.00	$130,000.00	$0.00	$0.00	$5,182.83	$124,817.17	4%
	Department **635 - Jobbing Expenses** Totals	($130,000.00)	$0.00	($130,000.00)	$0.00	$0.00	($5,182.83)	($124,817.17)	4%
	Division **600 - Operations** Totals	($10,989,957.32)	$0.00	($10,989,957.32)	($165,470.68)	($211,150.46)	($4,564,305.81)	($6,214,501.05)	43%
Division **640 - Depreciation/Amortization**									
	EXPENSE								
6101									
6101.000	Amortization	.00	.00	.00	.00	.00	118,959.12	(118,959.12)	+++

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Fund **200 - Electric Fund**									
Division **640 - Depreciation/Amortization**									
	EXPENSE								
	6101 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$118,959.12	($118,959.12)	+++
6201									
6201.000	Depreciation-Land Improve	15,150.00	.00	15,150.00	.00	.00	7,574.88	7,575.12	50
	6201 - Totals	$15,150.00	$0.00	$15,150.00	$0.00	$0.00	$7,574.88	$7,575.12	50%
6202									
6202.000	Depreciation-Plants	7,727,766.00	.00	7,727,766.00	.00	.00	3,986,931.42	3,740,834.58	52
	6202 - Totals	$7,727,766.00	$0.00	$7,727,766.00	$0.00	$0.00	$3,986,931.42	$3,740,834.58	52%
6205									
6205.000	Depreciation-Buildings	50,440.00	.00	50,440.00	.00	.00	25,219.56	25,220.44	50
	6205 - Totals	$50,440.00	$0.00	$50,440.00	$0.00	$0.00	$25,219.56	$25,220.44	50%
6206									
6206.000	Depreciation-Machinery	66,683.00	.00	66,683.00	.00	.00	33,341.52	33,341.48	50
	6206 - Totals	$66,683.00	$0.00	$66,683.00	$0.00	$0.00	$33,341.52	$33,341.48	50%
6208									
6208.000	Deprec-Furniture/Fixtures	7,940.00	.00	7,940.00	.00	.00	3,969.96	3,970.04	50
	6208 - Totals	$7,940.00	$0.00	$7,940.00	$0.00	$0.00	$3,969.96	$3,970.04	50%
6209									
6209.000	Deprec-Heat Conversions	35,273.00	.00	35,273.00	.00	.00	17,636.34	17,636.66	50
	6209 - Totals	$35,273.00	$0.00	$35,273.00	$0.00	$0.00	$17,636.34	$17,636.66	50%
	EXPENSE TOTALS	$7,903,252.00	$0.00	$7,903,252.00	$0.00	$0.00	$4,193,632.80	$3,709,619.20	53%
	Division **640 - Depreciation/Amortization** Totals	($7,903,252.00)	$0.00	($7,903,252.00)	$0.00	$0.00	($4,193,632.80)	($3,709,619.20)	53%
Division **650 - Debt Payments**									
	EXPENSE								
5295									
5295.000	Interest Expense	3,472,262.00	.00	3,472,262.00	29,323.57	.00	29,411.84	3,442,850.16	1
	5295 - Totals	$3,472,262.00	$0.00	$3,472,262.00	$29,323.57	$0.00	$29,411.84	$3,442,850.16	1%
7301									
7301.000	Note Principal Payments	109,015.00	.00	109,015.00	109,015.00	.00	109,015.00	.00	100
	7301 - Totals	$109,015.00	$0.00	$109,015.00	$109,015.00	$0.00	$109,015.00	$0.00	100%
7302									
7302.000	Bond Principal Payments	3,145,000.00	.00	3,145,000.00	.00	.00	3,145,000.00	.00	100
	7302 - Totals	$3,145,000.00	$0.00	$3,145,000.00	$0.00	$0.00	$3,145,000.00	$0.00	100%
	EXPENSE TOTALS	$6,726,277.00	$0.00	$6,726,277.00	$138,338.57	$0.00	$3,283,426.84	$3,442,850.16	49%
	Division **650 - Debt Payments** Totals	($6,726,277.00)	$0.00	($6,726,277.00)	($138,338.57)	$0.00	($3,283,426.84)	($3,442,850.16)	49%

Expense Budget Performance Report

Fiscal Year to Date 01/17/23

Include Rollup Account and Rollup to Account

Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **200 - Electric Fund**										
Division **670 - Fixed Assets**										
	EXPENSE									
7106										
7106.000	Fixed Assets-Machinery		50,000.00	.00	50,000.00	.00	.00	8,275.00	41,725.00	17
		7106 - Totals	$50,000.00	$0.00	$50,000.00	$0.00	$0.00	$8,275.00	$41,725.00	17%
		EXPENSE TOTALS	$50,000.00	$0.00	$50,000.00	$0.00	$0.00	$8,275.00	$41,725.00	17%
		Division **670 - Fixed Assets** Totals	($50,000.00)	$0.00	($50,000.00)	$0.00	$0.00	($8,275.00)	($41,725.00)	17%
Division **680 - Transfers Between Funds**										
	EXPENSE									
7200										
7200.000	Interfund Transfers Out		3,543,630.00	.00	3,543,630.00	.00	.00	.00	3,543,630.00	0
		7200 - Totals	$3,543,630.00	$0.00	$3,543,630.00	$0.00	$0.00	$0.00	$3,543,630.00	0%
		EXPENSE TOTALS	$3,543,630.00	$0.00	$3,543,630.00	$0.00	$0.00	$0.00	$3,543,630.00	0%
		Division **680 - Transfers Between Funds** Totals	($3,543,630.00)	$0.00	($3,543,630.00)	$0.00	$0.00	$0.00	($3,543,630.00)	0%
		Fund **200 - Electric Fund** Totals	$29,213,116.32	$0.00	$29,213,116.32	$303,809.25	$211,150.46	$12,049,640.45	$16,952,325.41	
Fund **710 - Capital Projects-Electric**										
Division **600 - Operations**										
Department **630 - Operations**										
	EXPENSE									
5206										
5206.000	Supplies		.00	.00	.00	4,237.19	138,159.13	76,862.98	(215,022.11)	+++
		5206 - Totals	$0.00	$0.00	$0.00	$4,237.19	$138,159.13	$76,862.98	($215,022.11)	+++
5207										
5207.000	Repairs & Maintenance		.00	.00	.00	.00	.00	72.90	(72.90)	+++
		5207 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$72.90	($72.90)	+++
5212										
5212.000	Contracted/Purchased Serv		3,514,000.00	.00	3,514,000.00	.00	369,375.21	409,261.20	2,735,363.59	22
		5212 - Totals	$3,514,000.00	$0.00	$3,514,000.00	$0.00	$369,375.21	$409,261.20	$2,735,363.59	22%
5214										
5214.000	Interdepartment Services		.00	.00	.00	.00	.00	4,689.44	(4,689.44)	+++
		5214 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$4,689.44	($4,689.44)	+++
5223										
5223.000	Tools & Small Equipment		.00	.00	.00	.00	.00	4,116.59	(4,116.59)	+++
		5223 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$4,116.59	($4,116.59)	+++
5290										
5290.000	Other Expenses		.00	.00	.00	.00	.00	193.21	(193.21)	+++
		5290 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$193.21	($193.21)	+++
		EXPENSE TOTALS	$3,514,000.00	$0.00	$3,514,000.00	$4,237.19	$507,534.34	$495,196.32	$2,511,269.34	29%
		Department **630 - Operations** Totals	($3,514,000.00)	$0.00	($3,514,000.00)	($4,237.19)	($507,534.34)	($495,196.32)	($2,511,269.34)	29%

Expense Budget Performance Report

Fiscal Year to Date 01/17/23

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd
Fund **710 - Capital Projects-Electric**									
Division **600 - Operations**									
Department **680 - Transfer to Other Funds**									
	EXPENSE								
7200									
7200.000	Interfund Transfers Out	.00	.00	.00	.00	.00	43.12	(43.12)	+++
	7200 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$43.12	($43.12)	+++
	EXPENSE TOTALS	$0.00	$0.00	$0.00	$0.00	$0.00	$43.12	($43.12)	+++
	Department **680 - Transfer to Other Funds** Totals	$0.00	$0.00	$0.00	$0.00	$0.00	($43.12)	$43.12	+++
	Division **600 - Operations** Totals	($3,514,000.00)	$0.00	($3,514,000.00)	($4,237.19)	($507,534.34)	($495,239.44)	($2,511,226.22)	29%
	Fund **710 - Capital Projects-Electric** Totals	$3,514,000.00	$0.00	$3,514,000.00	$4,237.19	$507,534.34	$495,239.44	$2,511,226.22	
	Grand Totals	$32,727,116.32	$0.00	$32,727,116.32	$308,046.44	$718,684.80	$12,544,879.89	$19,463,551.63	

SITKA FIRE DEPARTMENT QUARTERLY ASSEMBLY REPORT

Thru: John Leach, Administrator

From: Craig Warren, Fire Chief

To: CBS Assembly Members

Date: January 17, 2023

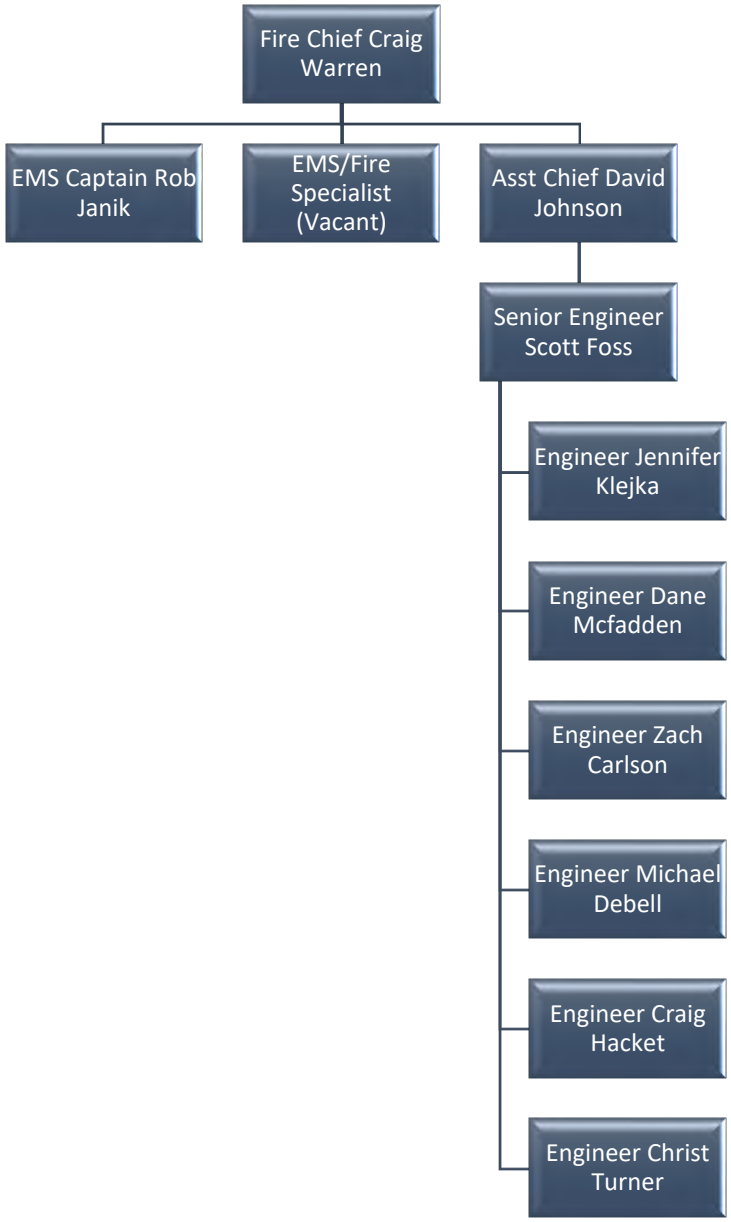
There are number of projects happening in the fire department, most of which are not out of the ordinary. Most of these are routine in nature and yearly occurrences, but worthy of discussion.

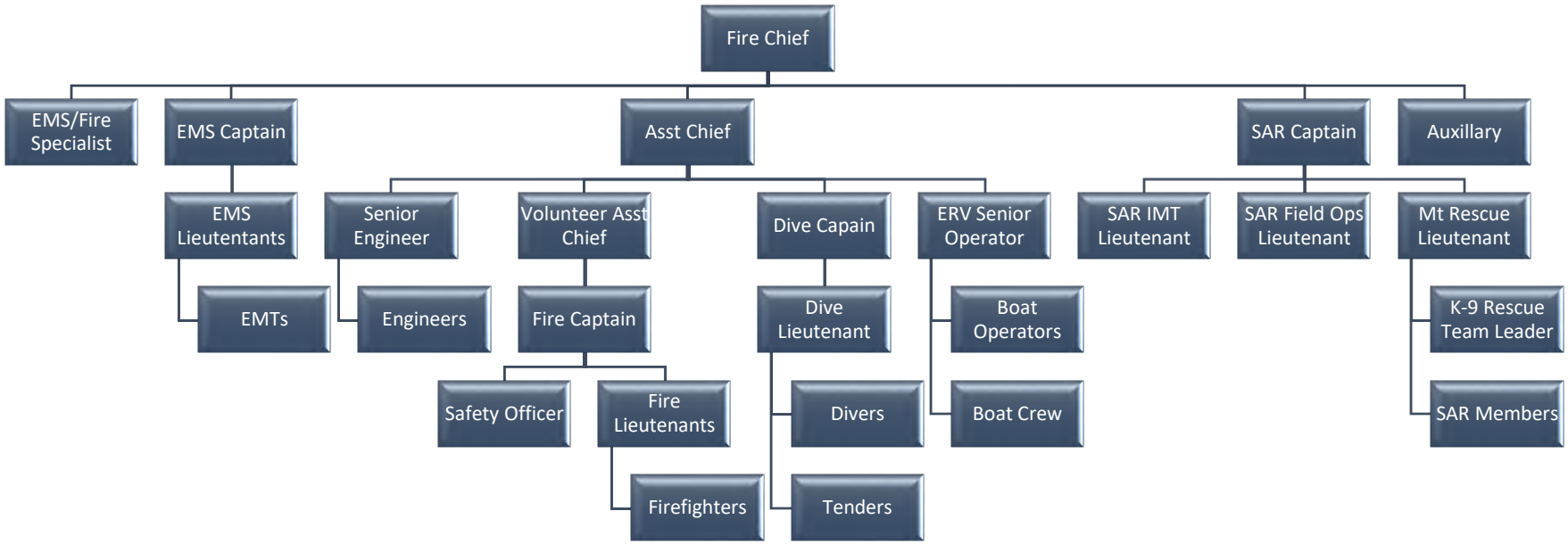
- Annual EMT 1 Class starts January 21, currently there are 12 students registered. This class is very important to keeping the ambulances staffed for both routine and emergent calls.
- The Assistant Chief is taking the last class in March to finish his Fire Marshal certification. This will help to take some burden off the Building Official.
- There will be and Arson Investigator Conference in Sitka in April. This class will bring fire personnel from around the state here to continue their certification and credentials. We are hoping to get several of our members in both the basic and advance tracks.
- There are 2 new employees in training to become Fire Engineers. This is the position that staffs the FD 24 hours a day and responds to calls for service with the ambulance or fire engine.
- In a concerted effort with the PD and IT, there is a new communications site being built at the Mud Bay Repeater site. This site will help emergency communications throughout the current road system, and will also provide coverage to the new Katlian Bay Road. This is provided through a non-matching grant from Homeland Security.

Attached for your reference is an organizational chart of paid positions, and a second showing the organization of the entire department with the volunteers included.

Also attached is the current budget through January 18, 2023. You will see that the entire fire department budget (Fire, EMS, SAR) is currently 47% expended.

Thank you for your time and attention to this matter.


Fire Chief Craig Warren
EMS Captain Rob Janik
EMS/Fire Specialist (Vacant)
Asst Chief David Johnson
Senior Engineer Scott Foss
Engineer Jennifer Klejka
Engineer Dane Mcfadden
Engineer Zach Carlson
Engineer Michael Debell
Engineer Craig Hacket
Engineer Christ Turner


Fire Chief
EMS/Fire Specialist
EMS Captain
Asst Chief
SAR Captain
Auxillary
EMS Lieutentants
Senior Engineer
Volunteer Asst Chief
Dive Capain
ERV Senior Operator
SAR IMT Lieutenant
SAR Field Ops Lieutenant
Mt Rescue Lieutenant
EMTs
Engineers
Fire Captain
Dive Lieutenant
Boat Operators
K-9 Rescue Team Leader
Safety Officer
Fire Lieutenants
Divers
Boat Crew
SAR Members
Firefighters
Tenders

Budget Performance Report

Fiscal Year to Date 01/18/23

Include Rollup Account and Rollup to Account

Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
EXPENSE											
Department	**022 - Fire Protection**										
5110											
5110.001	Regular Salaries/Wages		720,414.72	.00	720,414.72	.00	.00	271,774.60	448,640.12	38	511,539.49
5110.002	Holidays		.00	.00	.00	.00	.00	25,510.16	(25,510.16)	+++	29,986.08
5110.003	Sick Leave		.00	.00	.00	.00	.00	14,093.86	(14,093.86)	+++	25,009.18
5110.004	Overtime		95,066.00	.00	95,066.00	.00	.00	57,875.16	37,190.84	61	101,435.86
5110.010	Temp Wages		99,960.00	.00	99,960.00	1,600.00	.00	25,680.00	74,280.00	26	42,684.00
		5110 - Totals	$915,440.72	$0.00	$915,440.72	$1,600.00	$0.00	$394,933.78	$520,506.94	43%	$710,654.61
5120											
5120.001	Annual Leave		26,015.00	.00	26,015.00	.00	.00	38,881.34	(12,866.34)	149	52,192.14
5120.002	SBS		57,711.19	.00	57,711.19	122.02	.00	27,463.31	30,247.88	48	47,483.79
5120.003	Medicare		13,651.11	.00	13,651.11	28.90	.00	6,496.22	7,154.89	48	11,232.05
5120.004	PERS		179,406.02	.00	179,406.02	.00	.00	84,877.37	94,528.65	47	151,169.01
5120.005	Health Insurance		218,437.44	.00	218,437.44	.00	.00	103,628.08	114,809.36	47	163,017.66
5120.006	Life Insurance		102.96	.00	102.96	.00	.00	52.53	50.43	51	102.13
5120.007	Workmen's Compensation		41,835.56	.00	41,835.56	85.80	.00	19,756.22	22,079.34	47	33,063.84
5120.011	PERS on Behalf		52,996.00	.00	52,996.00	.00	.00	.00	52,996.00	0	56,776.00
		5120 - Totals	$590,155.28	$0.00	$590,155.28	$236.72	$0.00	$281,155.07	$309,000.21	48%	$515,036.62
5201											
5201.000	Training and Travel		44,500.00	.00	44,500.00	.00	.00	30,255.68	14,244.32	68	27,423.91
		5201 - Totals	$44,500.00	$0.00	$44,500.00	$0.00	$0.00	$30,255.68	$14,244.32	68%	$27,423.91
5202											
5202.000	Uniforms		3,500.00	.00	3,500.00	.00	.00	830.81	2,669.19	24	3,252.39
		5202 - Totals	$3,500.00	$0.00	$3,500.00	$0.00	$0.00	$830.81	$2,669.19	24%	$3,252.39
5203											
5203.001	Utilities		40,000.00	.00	40,000.00	4,026.17	.00	25,837.18	14,162.82	65	38,088.66
5203.005	Heating Fuel		15,000.00	.00	15,000.00	.00	.00	12,128.53	2,871.47	81	28,199.04
		5203 - Totals	$55,000.00	$0.00	$55,000.00	$4,026.17	$0.00	$37,965.71	$17,034.29	69%	$66,287.70
5204											
5204.001	Cell Phone Stipend		600.00	.00	600.00	.00	.00	300.00	300.00	50	300.00
		5204 - Totals	$600.00	$0.00	$600.00	$0.00	$0.00	$300.00	$300.00	50%	$300.00
5205											
5205.000	Insurance		72,970.00	.00	72,970.00	.00	.00	78,218.64	(5,248.64)	107	75,319.26
		5205 - Totals	$72,970.00	$0.00	$72,970.00	$0.00	$0.00	$78,218.64	($5,248.64)	107%	$75,319.26
5206											
5206.000	Supplies		26,000.00	3,289.00	29,289.00	.00	405.00	23,561.25	5,322.75	82	22,770.36
		5206 - Totals	$26,000.00	$3,289.00	$29,289.00	$0.00	$405.00	$23,561.25	$5,322.75	82%	$22,770.36
5207											
5207.000	Repairs & Maintenance		10,500.00	.00	10,500.00	.00	.00	427.03	10,072.97	4	4,037.95
		5207 - Totals	$10,500.00	$0.00	$10,500.00	$0.00	$0.00	$427.03	$10,072.97	4%	$4,037.95

Budget Performance Report

Fiscal Year to Date 01/18/23

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
EXPENSE										
Department **022 - Fire Protection**										
5208										
5208.000	Bldg Repair & Maint	38,447.00	.00	38,447.00	.00	.00	19,223.16	19,223.84	50	24,240.96
	5208 - Totals	$38,447.00	$0.00	$38,447.00	$0.00	$0.00	$19,223.16	$19,223.84	50%	$24,240.96
5211										
5211.000	Data Processing Fees	135,500.00	.00	135,500.00	.00	.00	67,750.02	67,749.98	50	96,442.92
	5211 - Totals	$135,500.00	$0.00	$135,500.00	$0.00	$0.00	$67,750.02	$67,749.98	50%	$96,442.92
5212										
5212.000	Contracted/Purchased Serv	46,750.00	.00	46,750.00	2,083.33	10,416.69	21,360.98	14,972.33	68	26,135.33
	5212 - Totals	$46,750.00	$0.00	$46,750.00	$2,083.33	$10,416.69	$21,360.98	$14,972.33	68%	$26,135.33
5221										
5221.000	Transportation/Vehicles	195,297.00	.00	195,297.00	.00	.00	92,355.25	102,941.75	47	200,162.64
	5221 - Totals	$195,297.00	$0.00	$195,297.00	$0.00	$0.00	$92,355.25	$102,941.75	47%	$200,162.64
5222										
5222.000	Postage	1,500.00	.00	1,500.00	.00	.00	438.09	1,061.91	29	299.44
	5222 - Totals	$1,500.00	$0.00	$1,500.00	$0.00	$0.00	$438.09	$1,061.91	29%	$299.44
5223										
5223.000	Tools & Small Equipment	54,400.00	9,966.57	64,366.57	.00	4,490.94	13,029.33	46,846.30	27	72,109.52
	5223 - Totals	$54,400.00	$9,966.57	$64,366.57	$0.00	$4,490.94	$13,029.33	$46,846.30	27%	$72,109.52
5224										
5224.000	Dues & Publications	4,000.00	.00	4,000.00	.00	.00	166.84	3,833.16	4	799.49
	5224 - Totals	$4,000.00	$0.00	$4,000.00	$0.00	$0.00	$166.84	$3,833.16	4%	$799.49
5226										
5226.000	Advertising	750.00	.00	750.00	.00	.00	.00	750.00	0	618.85
	5226 - Totals	$750.00	$0.00	$750.00	$0.00	$0.00	$0.00	$750.00	0%	$618.85
5290										
5290.000	Other Expenses	.00	.00	.00	390.00	.00	3,009.77	(3,009.77)	+++	10,074.59
	5290 - Totals	$0.00	$0.00	$0.00	$390.00	$0.00	$3,009.77	($3,009.77)	+++	$10,074.59
	Department **022 - Fire Protection** Totals	$2,195,310.00	$13,255.57	$2,208,565.57	$8,336.22	$15,312.63	$1,064,981.41	$1,128,271.53	49%	$1,855,966.54
Department **023 - Ambulance**										
5110										
5110.001	Regular Salaries/Wages	107,764.02	.00	107,764.02	.00	.00	35,897.97	71,866.05	33	54,745.95
5110.002	Holidays	.00	.00	.00	.00	.00	2,926.04	(2,926.04)	+++	3,321.60
5110.003	Sick Leave	.00	.00	.00	.00	.00	344.24	(344.24)	+++	19,244.52
5110.004	Overtime	20,000.00	.00	20,000.00	.00	.00	6,583.63	13,416.37	33	11,729.40
5110.010	Temp Wages	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	.00
	5110 - Totals	$132,764.02	$0.00	$132,764.02	$0.00	$0.00	$45,751.88	$87,012.14	34%	$89,041.47
5120										
5120.001	Annual Leave	5,699.00	.00	5,699.00	.00	.00	4,647.24	1,051.76	82	11,625.60
5120.002	SBS	8,487.67	.00	8,487.67	.00	.00	3,098.67	5,389.00	37	6,170.83

Budget Performance Report

Fiscal Year to Date 01/18/23

Include Rollup Account and Rollup to Account

Account	Account Description		Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
EXPENSE											
Department	**023 - Ambulance**										
5120											
5120.003	Medicare		2,007.72	.00	2,007.72	.00	.00	732.96	1,274.76	37	1,459.68
5120.004	PERS		28,108.10	.00	28,108.10	.00	.00	11,087.83	17,020.27	39	21,816.74
5120.005	Health Insurance		35,980.56	.00	35,980.56	.00	.00	18,230.27	17,750.29	51	32,988.52
5120.006	Life Insurance		14.16	.00	14.16	.00	.00	7.08	7.08	50	14.16
5120.007	Workmen's Compensation		6,327.86	.00	6,327.86	.00	.00	2,310.09	4,017.77	37	4,358.48
5120.011	PERS on Behalf		8,440.00	.00	8,440.00	.00	.00	.00	8,440.00	0	7,992.00
		5120 - Totals	$95,065.07	$0.00	$95,065.07	$0.00	$0.00	$40,114.14	$54,950.93	42%	$86,426.01
5201											
5201.000	Training and Travel		31,000.00	.00	31,000.00	.00	.00	5,273.03	25,726.97	17	16,213.91
		5201 - Totals	$31,000.00	$0.00	$31,000.00	$0.00	$0.00	$5,273.03	$25,726.97	17%	$16,213.91
5202											
5202.000	Uniforms		3,500.00	.00	3,500.00	.00	.00	708.16	2,791.84	20	997.92
		5202 - Totals	$3,500.00	$0.00	$3,500.00	$0.00	$0.00	$708.16	$2,791.84	20%	$997.92
5204											
5204.000	Telephone		1,600.00	.00	1,600.00	139.42	.00	834.58	765.42	52	1,702.26
5204.001	Cell Phone Stipend		300.00	.00	300.00	.00	.00	150.00	150.00	50	.00
		5204 - Totals	$1,900.00	$0.00	$1,900.00	$139.42	$0.00	$984.58	$915.42	52%	$1,702.26
5206											
5206.000	Supplies		39,500.00	18,716.31	58,216.31	.00	5,421.11	20,882.90	31,912.30	45	22,234.02
		5206 - Totals	$39,500.00	$18,716.31	$58,216.31	$0.00	$5,421.11	$20,882.90	$31,912.30	45%	$22,234.02
5207											
5207.000	Repairs & Maintenance		2,500.00	.00	2,500.00	.00	.00	.00	2,500.00	0	1,710.50
		5207 - Totals	$2,500.00	$0.00	$2,500.00	$0.00	$0.00	$0.00	$2,500.00	0%	$1,710.50
5212											
5212.000	Contracted/Purchased Serv		28,000.00	.00	28,000.00	.00	6,120.00	6,654.00	15,226.00	46	22,420.00
		5212 - Totals	$28,000.00	$0.00	$28,000.00	$0.00	$6,120.00	$6,654.00	$15,226.00	46%	$22,420.00
5221											
5221.000	Transportation/Vehicles		108,816.00	.00	108,816.00	.00	.00	57,872.64	50,943.36	53	81,743.29
		5221 - Totals	$108,816.00	$0.00	$108,816.00	$0.00	$0.00	$57,872.64	$50,943.36	53%	$81,743.29
5222											
5222.000	Postage		500.00	.00	500.00	.00	.00	141.45	358.55	28	25.70
		5222 - Totals	$500.00	$0.00	$500.00	$0.00	$0.00	$141.45	$358.55	28%	$25.70
5223											
5223.000	Tools & Small Equipment		14,300.00	.00	14,300.00	.00	.00	2,385.26	11,914.74	17	4,757.15
		5223 - Totals	$14,300.00	$0.00	$14,300.00	$0.00	$0.00	$2,385.26	$11,914.74	17%	$4,757.15
5224											
5224.000	Dues & Publications		150.00	.00	150.00	.00	.00	.00	150.00	0	.00
		5224 - Totals	$150.00	$0.00	$150.00	$0.00	$0.00	$0.00	$150.00	0%	$0.00

Budget Performance Report

Fiscal Year to Date 01/18/23

Include Rollup Account and Rollup to Account

Account	Account Description	Adopted Budget	Budget Amendments	Amended Budget	Current Month Transactions	YTD Encumbrances	YTD Transactions	Budget - YTD Transactions	% Used/ Rec'd	Prior Year Total
EXPENSE										
Department **023 - Ambulance**										
5290										
5290.000	Other Expenses	.00	.00	.00	.00	.00	.00	.00	+++	35.00
	5290 - Totals	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	+++	$35.00
	Department **023 - Ambulance** Totals	$457,995.09	$18,716.31	$476,711.40	$139.42	$11,541.11	$180,768.04	$284,402.25	40%	$327,307.23
Department **024 - Search and Rescue**										
5110										
5110.010	Temp Wages	5,000.00	.00	5,000.00	500.00	.00	3,000.00	2,000.00	60	6,150.00
	5110 - Totals	$5,000.00	$0.00	$5,000.00	$500.00	$0.00	$3,000.00	$2,000.00	60%	$6,150.00
5120										
5120.002	SBS	306.50	.00	306.50	30.66	.00	183.96	122.54	60	377.12
5120.003	Medicare	72.50	.00	72.50	7.26	.00	43.51	28.99	60	89.18
5120.007	Workmen's Compensation	228.50	.00	228.50	20.20	.00	129.18	99.32	57	265.68
	5120 - Totals	$607.50	$0.00	$607.50	$58.12	$0.00	$356.65	$250.85	59%	$731.98
5201										
5201.000	Training and Travel	16,000.00	.00	16,000.00	.00	.00	1,520.80	14,479.20	10	6,780.67
	5201 - Totals	$16,000.00	$0.00	$16,000.00	$0.00	$0.00	$1,520.80	$14,479.20	10%	$6,780.67
5204										
5204.000	Telephone	1,600.00	.00	1,600.00	23.24	.00	811.23	788.77	51	1,474.10
	5204 - Totals	$1,600.00	$0.00	$1,600.00	$23.24	$0.00	$811.23	$788.77	51%	$1,474.10
5206										
5206.000	Supplies	5,000.00	.00	5,000.00	.00	.00	.00	5,000.00	0	231.90
	5206 - Totals	$5,000.00	$0.00	$5,000.00	$0.00	$0.00	$0.00	$5,000.00	0%	$231.90
5207										
5207.000	Repairs & Maintenance	1,500.00	.00	1,500.00	.00	.00	.00	1,500.00	0	.00
	5207 - Totals	$1,500.00	$0.00	$1,500.00	$0.00	$0.00	$0.00	$1,500.00	0%	$0.00
5212										
5212.000	Contracted/Purchased Serv	2,100.00	.00	2,100.00	.00	1,530.00	3,030.00	(2,460.00)	217	5,260.00
	5212 - Totals	$2,100.00	$0.00	$2,100.00	$0.00	$1,530.00	$3,030.00	($2,460.00)	217%	$5,260.00
5221										
5221.000	Transportation/Vehicles	1,000.00	.00	1,000.00	.00	.00	.00	1,000.00	0	384.00
	5221 - Totals	$1,000.00	$0.00	$1,000.00	$0.00	$0.00	$0.00	$1,000.00	0%	$384.00
5223										
5223.000	Tools & Small Equipment	4,000.00	1,418.00	5,418.00	.00	.00	2,046.03	3,371.97	38	147.43
	5223 - Totals	$4,000.00	$1,418.00	$5,418.00	$0.00	$0.00	$2,046.03	$3,371.97	38%	$147.43
5224										
5224.000	Dues & Publications	1,200.00	.00	1,200.00	.00	.00	835.00	365.00	70	100.00
	5224 - Totals	$1,200.00	$0.00	$1,200.00	$0.00	$0.00	$835.00	$365.00	70%	$100.00
	Department **024 - Search and Rescue** Totals	$38,007.50	$1,418.00	$39,425.50	$581.36	$1,530.00	$11,599.71	$26,295.79	33%	$21,260.08
	EXPENSE TOTALS	$2,691,312.59	$33,389.88	$2,724,702.47	$9,057.00	$28,383.74	$1,257,349.16	$1,438,969.57	47%	$2,204,533.85

Budget Performance Report

Fiscal Year to Date 01/18/23

Include Rollup Account and Rollup to Account

Grand Totals									
REVENUE TOTALS	.00	.00	.00	.00	.00	.00	.00	+++	.00
EXPENSE TOTALS	2,691,312.59	33,389.88	2,724,702.47	9,057.00	28,383.74	1,257,349.16	1,438,969.57	47%	2,204,533.85
Grand Totals	($2,691,312.59)	($33,389.88)	($2,724,702.47)	($9,057.00)	($28,383.74)	($1,257,349.16)	($1,438,969.57)		($2,204,533.85)

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	23-007	Version: 1	Name:		
Type:	Item		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Special Reports: 1) Sitka Tribal Chairman Lawrence Widmark, and 2) Sitka Bear Task Force Report, Member Alix Snelling				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Special Report				

Date	Ver.	Action By	Action	Result

Special Reports

1. Sitka Bear Task Force Final Report

TO: Sitka City and Borough Assembly
THRU: SCB Clerk
RE: Report on Assembly's Request for Sitka Bear Task Force
Introduction:

On October 26, 2021 ADFG biologist Stephen Bethune brought concerns to the assembly's attention, along with the total of 14 bears euthanized in the community in 2021.
In a memo dated March 1, 2022 by Assembly Members Himschoot and Duncan A new task force should review previous suggestions, investigate efforts in other communities, and report back to the assembly in six months. Any recommendations that include an expense should come with funding opportunities such as grants, if possible. The new bear task force should include a representative from the Alaska Department of Fish and Game (ADFG), the Sitka Police Department, the Public Works Department, Alaska Waste Management, Sitka National Historical Park, the Sitka Tribe of Alaska, Baranof Island Housing Authority, the Sitka Conservation Society, the Fortress of the Bear, two at-large seats, and an assembly liaison.

Task Force Members include:
Robert Baty, Stephen Bethune (Non Voting), Lillian Feldpausch, Harry Greene, Michael Harmon, Trenton Hammock, Olivia Magni, Martha Moses, Bradley Shaffer, Andrew Thoms, Claire Turner, Alix Snelling

The problem bear issue was on the agenda at nine consecutive meetings: 4/21, 5/5, 6 /2, 7/7, 8/4, 9/1, 10/6, 11/3 and 1/10.

4/21/2022 Meeting
At the first meeting the Task Force duties were summarized as explained in the CBS memo dated 03/01/22; "A new task force should review previous suggestions investigate efforts in other communities, and report back to the assembly in six months." Meeting Guidelines Were discussed and an overview was provided of the meeting guidelines to include Robert's Rules of Order, and brief explanation of proper email use and information working groups. An Election of Officers (Select a Chair, Vice Chair) took place Martha Moses elected Lillian Feldpausch for Chair, and she accepted and Harry Greene volunteered as Vice Chair. Robert Baty suggested to meet no less than monthly. Bradley Shaffer proposed to meet in two weeks (May 5) and then start a monthly meeting. The group agreed the first Thursday of each month would suffice, except Claire Turner stated she may call in due to work commitments.

5/5/2022 Meeting
Lillian Feldpausch asked for goals and outcomes, invited informal working groups up to 4, avoid serial emails, and look at previous task force work. Robert Baty spoke to reduce negative bear interactions and avoid killing bears. Martha Moses mentioned Stephen Bethune's presentation, desired to address the bear population, and stressed education for subsistence harvesters to dispose of waste. Bradley Shaffer spoke to bears baited for filming. Robert Baty identified goals of education, funding sources for cans, and to make trash unavailable to bears. Olivia Magni recorded bear activity earlier in 2022. Robert Baty told of trash citations last year and was in support of bear-proof cans. Working groups were formed to focus on) bear-proof cans and 2) education and both groups will report at the next meeting. Duncan talked of prevention regarding education, community, collaboration, and funding. State law of dispatching bears was explained, and Martha Moses wondered of data on disease risk from skinning bears. Evening meetings were asked about to encourage public participation.
Results of can test indicated potential with the Kodiak can, and a trash can program should be the goal and to locate funding. Stephen Bethune said an electrified can was tested in the Indian River subdivision and addressed questions about safety of the can.

6/2/2022 Meeting
Andrew Thoms said 4H club cleaned bear caches and distributed bear safety information door hangers and summarized current outreach. Robert Baty relayed the education and prevention working group supported two viable options; 1) Bear proof cans, and 2) electric fences. Can costs were noted and education topics included Defense of Life and Property, schools, disease concerns, and trash disposal. Education outreach options considered

4th of July events, radio, flyers, and QR codes. Harry Greene distributed photos of a damaged bear-resistant wood container and new bear-resistant steel container. Andrew Thoms suggested to check historical bear task force files of cost/benefit can analysis. Bradley Shaffer told of can costs and of pushback from residents about keeping trash inside. Andrew Thoms wondered of how bear-resistant cans are working in Girdwood. Martha Moses voiced concern of apartments without access to sheds or garages, desired the bear population to be addressed in Sitka, and supported bear education. Olivia Magni spoke to a map to ID bears in real-time, a camera trap survey installed at the park, bear hair snares, fish runs at the park, and park plans to educate on bear safety and trash disposal. Andrew Thoms asked for historical bear tracking data from ADF&G, and Robert Baty expressed interest in tracking data.

7/7/2022 Meeting

Andrew Thoms summarized garbage storage issues and solutions the prior bear task force considered. Current efforts include PSA's, door hanger distribution, and residential education. Green said the Transfer Station offers a free account for residents having bear issues to dispose of garbage, which does not count toward their monthly disposal limit. Chair Lillian Feldpausch reminded to be aware of residents with limited transportation. Martha Moses shared concerns from the tribe of those with limited transportation, difficulty following the garbage policy, and wondered of a digital stream identification map. Olivia Magni reiterated house locations are disproportionally affected, e.g., near rivers or trail systems, and told of a stream catalogue available through Fish and Game. Chair Lillian Feldpausch supported a small working group of 3 members to combine garbage storage ideas in areas of high bear traffic. Alix Snelling spoke to the Transfer Station hours.

8/4/2022 Meeting

Robert Baty noted officers continued to respond to bear calls on Sawmill Creek Road. Last year the SPD made approximately 200 contacts regarding bears in trash, the first contact a warning and the second contact a ticket. Chair Lillian Feldpausch voiced interest in seeing a map of ticket locations. Andrew Thoms discussed a Facebook post of a bear killed. Robert Baty explained while brown bears are state-managed, police respond to public safety issues which involve bears when available. He reminded officers can't drop primary calls to respond to bears in garbage. Martha Moses noted an economic divide where trash cans are in areas without garages, or the resident doesn't have ability to transport trash. She reminded of a bear population issue, noted waste of bear meat and hide is against the culture of the tribe, and supported an extra garbage pickup day in high bear traffic areas. Robert Baty discussed although calls are lower this year than last year, its's cyclical and tracking annual data may not be a reliable indicator due to bears killed. Chair Lillian Feldpausch told of a bear in garbage and difficulty finding a solution with the current ordinance in place for those without a location to store cans or transport garbage. Andrew Thoms suggested Olivia Magni create and release a map showing citation locations. Robert Baty offered to ask her but cautioned using isolated data to solve the bear problem in Sitka. He noted Girdwood's use of shock pads around canisters. Harry Greene, Andrew Thoms, and Robert Baty discussed information distributed with warnings. Andrew Thoms told of Olivia Magni 's idea for a bear issues community survey. He offered to assist with coordinating social service groups to help residents who required help transporting garbage. Harry Greene reminded of the bear garbage account at the transfer station. Chair Lillian Feldpausch supported sharing information with those new to Sitka. Timeline and process of a survey to address bear issues was discussed. Chair Lillian Feldpausch asked each member to send 3 survey questions to her by August 23. A working group to assist with leading the survey was discussed.

9/1/2022 Meeting

Chair Lillian Feldpausch discussed options for a town hall meeting, and if a survey might be included at the meeting along with a presentation. Olivia Magni suggested to set an objective for the town hall meeting, or to recommend a town hall as an Assembly recommendation. Liaison Duncan spoke to the town hall process, and Harry Greene and Martha Moses were in support of community input but wondered of low attendance due to short notice. A discussion was had among the members, liaison, and city staff of holding a town hall, goals to include education, prevention, and protection, and logistics and timing. Members discussed the timing of the task force in summer being a challenge to participate due to busy schedules. Liaison Duncan spoke to hot button issues including the garbage fine, education of Defense of Life and Property, and Kodiak can recommendations. The challenge of

producing recommendations to the Assembly in a 6-month time frame was discussed, as well as completing a report to Assembly. Chair Lillian Feldpausch and Olivia Magni told of potential to not be available, if the task force extended, to represent BIHA and the park service. Liaison Duncan considered a transition to a committee. She suggested to work with Chair Lillian Feldpausch on a report with recommendations for the Assembly, or possibility for the topic of brown bears to be included under Police and Fire Commission.

10/6/2022 Meeting
Robert Baty reported on the bear stats. He stated there had been 71 bear complaints and out of those 10 were repeat offenders. He noted that bear contacts have been lower from last year and that the bears were not as active. Alix Snelling reported that she had been working on a packet of information on upgrading trash cans and hopes to have it completed for the next meeting. John Murray spoke about concerns with the Sitka Sound Science Center hatchery and the attraction to the bears. Zach Gianotti spoke about possible future grants for bear-proof trash cans. The Task Force members had discussions on setting a date and time for a community town hall in November. Deputy Clerk suggested that she would reach out to the Harrigan Centennial Hall staff members to see what room availability there was. Earnshaw said she would email the Task Force with options for the Task Force to decide as a group. Alix Snelling thought that a night evening meeting would be best attended. Robert Baty suggested to the Task Force work on recommendations for the Assembly report for a meeting in January.

11/3/2022 Meeting
Alix Snelling presented the quotes from the three Bear resistant trash can brands Harry Greene and Claire Turner discussed how the three brands held up in testing at Fortress of the Bear. Based on the results the recommendation of the Kodiak Cans will move forward. Andrew Thoms referred to the potential recommendations list presented by Alix Snelling. Martha Moses rejected the recommendation of collaboration with Sitka Police department to issue warnings or citations when new trash cans are requested du to bear damage. Alix Snelling presented a mockup tri-fold with City Ordnance 9.24, tips to clean and deter bears for cans, and location and hours for the transfer station. Stephen Bethune recommended adding the state ordnance 5 AAC 92.230 to the tri-fold. John Murray spoke about concerns with the Sitka Sound Science Center hatchery and the attraction to the bears. Task Force members discussed as a group whether or not to have a town hall meeting. After deliberations it was believed that a town hall would not be beneficial at this time.

12/8/2022 Meeting
Meeting could not be started as there was not a Quorum, Rescheduled to the next meeting date of 1/10/2023.

1/10/2023 Meeting
Final Report was approved with the addition of the results of the Bear Resistant Trash Can Testing at Fortress of the Bear on 23 APR 22.

Opinions and Conclusions of The Sitka Bear Task Force:

1. Bear Resistant Trash Cans
    - To potentially replace the current Trash 64 and 96 gallon cans with Bear Resistant cans. Alix Snelling put together price quotes for the three cans tested at Fortress of the Bear. It is the recommendation that the Kodiak while the more expensive will be better in the long term, it lasted 12 minuets in the testing and was able to be reused instead of needing to be replaced.

2. Citations given with Replacement Bear Damaged Trash Cans
    - Communication with SPD when a request for a new Can is made because of Bear damage

3. Bear Trash Account - Seasonally
    - Advertising the dates it is available along with the Transfer Centers hours using Social Media and Handouts.

4. Trifold for Community reminding of City and State Ordnances, Drop off Location & Hours for the Transfer Station, and Tips to keep Bears away from Cans.
    - Can be mailed out at beginning of the Season
    - Given with a citation
    - Given with a replacement Trash Can
    - Available as handouts
    - Included with first utility bill for new accounts

If The Sitka Bear Task Force can be of further assistance on this issue, please let us know.

What can you do to deter Bears from your Trash

Clean your trash containers frequently with ammonia or bleach solutions or use a heavy-duty pine-scented cleaner. Avoid using anything with a fruity or lemony scent to clean trash cans or anything else outside. You can use a heavy-duty air freshener designed to remove odors on the inside of the lid to help cut down odors. Double bagging trash or using special bags that eliminate or contain odors can help as well. Just remember never to leave plastic bags of trash outside of the container. Of course, don't mix ammonia and bleach; doing so produces dangerous fumes that can be deadly for both people and bears. You can reduce odors that attract bears by keeping smelly items out of the trash until pick up or you're ready to take it to the dump. Keep a bag or container in your freezer for any bits of food, meat, bones, fruit or anything else that's likely to give off odors. Then just throw out the bag the morning of pick up, or when you take your trash to the Transfer Station.

Transfer Station

Alaska Waste
205 Jarvis St
Sitka, AK 99835

Phone:
907-747-8644

Hours:
Monday – Saturday
8AM - 4PM

Materials Accepted:
Sitka Solid Waste

Sitka residents may drop off up to 200 pounds of waste for free at the transfer station per month.

Sitka Bear Task Force 2022

PLEASE DO YOUR PART TO KEEP BEARS WILD

Sitka Ordnances

15.06.010 Preparation of refuse.

All refuse shall be drained free from liquids before disposal. Garbage shall be wrapped in paper or similar materials. All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal. Toxic, volatile or other hazardous materials are prohibited. (Ord. 05-15 § 4(C) (part), 2005.)

9.24.050 Penalties.

A. Each person who owns and/or is in control of property that creates, maintains, or permits a bear attraction nuisance on the property shall be charged with a minor offense. The maximum penalty for violation of the provisions of this chapter is five hundred dollars.

In accordance with AS 29.25.070(a), citations for offenses in this chapter may be disposed of as provided in AS 12.25.175 through 12.25.230, without a court appearance, upon payment of the fine amounts stated herein plus the state surcharge required by AS 12.55.039 and 29.25.074. Fines must be paid to the city and borough of Sitka. The Alaska Rules of Minor Offense Procedure in the Alaska Rules of Court apply to all offenses referenced herein. Citations charging these offenses must meet the requirements of Rule 3 of the Alaska Rules of Minor Offense Procedure. For the first offense, the fine shall be fifty dollars. For the second offense, the fine shall be one hundred dollars. For

Sitka Ordnances

the third offense, the fine shall be two hundred dollars. For any subsequent offense after three, the offender must appear in court to answer for the charges. If a person charged with one of these offenses appears in court and is found guilty, the penalty imposed for the offense may not exceed the fine amount for that offense stated herein. These fines may not be judicially reduced. For purposes of this section, prior offenses must be within the previous five years.

B. Each and every day during any portion of which a violation or failure to comply is committed, permitted, or continued, shall be treated as a separate offense, and subject the offender to separate charges and a fine as provided in subsection A of this section.

(Ord. 17-10 § 4 (part), 2017: Ord. 12-41 § 4 (part), 2012; Ord. 08-09 § 4 (part), 2008.)

9.24.010 Definitions

c. Material, that would otherwise be considered a bear attraction nuisance, in a refuse container which is placed for collection no earlier than four a.m. on refuse collection day, with the material being either collected or removed from the container no later than eight p.m. that same day

State of Alaska

5 AAC 92.230 Feeding of game.

(a) Except as provided in (b) of this section or under the terms of a permit issued by the department, a person may not (1) negligently feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or negligently leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals; (2) intentionally feed a moose, deer, elk, sheep, bear, wolf, coyote, fox, wolverine, or deleterious exotic wildlife, or intentionally leave human food, animal food, mineral supplements, or garbage in a manner that attracts these animals. (b) The prohibitions described in (a) of this section do not apply to the use of bait for trapping furbearers or deleterious exotic wildlife, or hunting bears under 5 AAC 92.044, or hunting wolf, fox, or wolverine with bait as described in 5 AAC 92.210, and elsewhere under 5 AAC 84 - 5 AAC 92.

5 AAC 92.230(a)(1) Feeding game $300 Bail

Sitka Community Bear Awareness Day Report

On April 23rd 2022, Fortress of the Bear was honored to partner with the Alaska Department of Fish & Game and the National Park Service, to co-host a free bear awareness day for the Sitka community. The purpose of this community outreach event was to highlight and tackle the serious issue of bear-human conflict in our town, through educational demonstrations.

As an educational 501(c)3 non-profit bear sanctuary, this is a subject close to our hearts at Fortress of the Bear. Our resident bears proved to be a valuable resource during this event, by putting three bear resistant trash cans to the test in a public demonstration.

Three cans were loaded with beef, kibble, strawberries and peanut butter, to entice and motivate our adult brown bears into interacting with the cans. Here are the results.

Can 1: KODIAK
Bear (first test): Toby, approx. 700lb female
Can Breach: 13 minutes
Damage to can: No permanent damage to can, lock mechanism still intact and reusable.
Additional info: Toby did not damage or destroy the can to open in, but happened to flip it at just the right angle to release the magnet mechanism locking the lid, designed to work with our existing garbage pick up trucks. Likely that her access to the inside of the can was accidental!
Further testing:
Bear (second test): Nuka, approx. 500lb female
Can Breach: N/A, Nuka did not get into the can
Damage to can: None
Further testing: Kodiak can is still available for further testing or demos, if required.

Can 2: TOTER
Bear: Chaik, approx. 1000lb male
Can Breach: 7 minutes
Damage to can: Can was permanently damaged. Lock mechanism held, but side of can was caved in and lid pried up, allowing access to the contents of the can.
Further testing: Can too damaged for further testing.

Can 3: REHRIG
Bear: Lucky, approx. 1000lb male
Can Breach: 8 minutes
Damage to can: Can was permanently damaged. Sides dented, lock mechanism eventually bust, so lid fully opened. Unable to reclose.
Further testing: Can too damaged for further testing.

BEFORE & AFTER

1 **2** **3**

Conclusions
The Kodiak can withstood two different bear tests, and was the only can not permanently damaged and still fully functional after the testing. While the Toter and Rehrig put up a good fight, the Kodiak was clearly the most bear-resistant of all 3 cans tested. In a real world application, it is unlikely a wild bear would spend 10+ minutes trying to break into a can, particularly if they had grown accustomed to simple cans with no locking mechanisms, that open easily on impact to reveal trash inside. Sitka residents would still need to avoid putting trash in their cans until the morning of pickup, to reduce the sensory attractants, but bear-resistant cans would reduce the number of bears becoming habituated to and becoming reliant on human waste as a food resource.

Residential Poly Carts WITH automatic locking lids AND designed for fully-automated waste pick-up

Image	Company	Contact Info	Testing Status	Size	Model Number Part Number	Full Shipment Order	Price per container W/O shipping	Shipping	Estimated Cost per Container
	Kodiak Products	928-636-9298 Info@Kodiak-Products.com sjsherrill@hotmail.com http://www.kodiak-products.com/	IGBC Certified	95	KP95-HDLL	280	$314.79	$21.43	$336.22
			IGBC Certified	65	KP65-HDLL	368	$306.70	$16.30	$323.00
	Rehrig Pacific Company	Ashley DeWalt 509-429-0738 https://www.rehrigpacific.com/recycling-waste/bear-carts/	IGBC Certified	95	12919	340	$230.00	$56.25	$286.25
			IGBC Certified	65	NC-71019	480	$215.00	$56.25	$271.25
	Toter	Tommy Tatham wqinfo@wastequip.com (704) 504-7523 https://www.toter.com/products/municipalities-government/fully-automated-bear-resistant-cart	IGBC Certified	96	P/N 79B96	135	$225.00	$100.72	$325.72
			IGBC Certified	64	P/N 79B64	135	$205.00	$100.72	$305.72

Kodiak Requires a Full Shipment as a Minimum Order 280 / 368

Rehrig has No Minimum Order a full shipment is 340 / 480

Toter has No Minimum Order a full Shipment is 135 / 135

Kodiak & Rehrig Shipping Quote is to Seattle Only

Toter Shipping Quote is to Sitka

Northland Products Inc.

Estimate

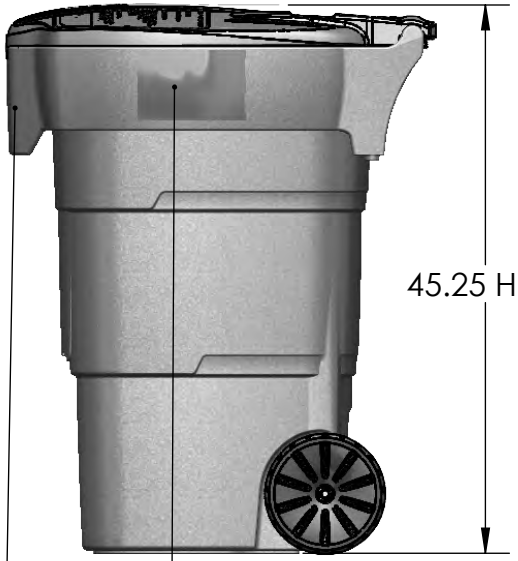
Date	Estimate No.
10/5/2022	NPI-2370

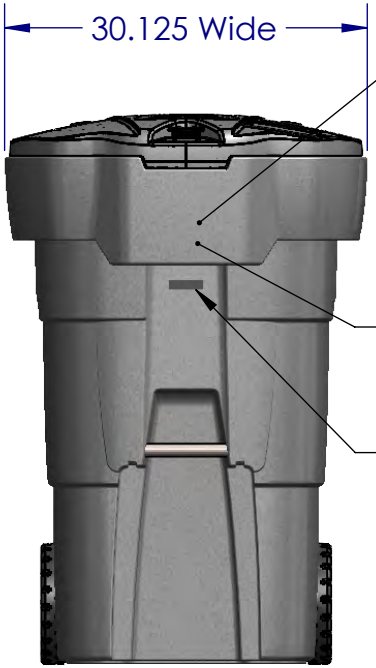
Northland Products Inc.
2608 Spitfire Lane
Prescott, AZ. 86301
Phone: 928-636-9298
Fax: 928-636-1070

Name / Address
Sitka Bear Task Force Alix Snelling 626-208-7594 alix.snelling@cityofsitka.org

Description	Qty	Cost	Project Total
KP95-HDLL 95 Gallon, Kodiak-Fully Automated Bear Resistant Container, with lever latch, plain black, partial assembly required.	280	$ 314.79	$ 88,141.20
Molded in Graphic- 9 Digit Barcode serial number (front center of container)	280	$ 1.25	$ 350.00
Molded in Graphic- Company Logo(Customer to supply PDF of artwork) (located on lid)-Optional (Additional 4 week lead time for first time orders) (Graphic orders have a minimum of 1000 graphics)	1000	$ 3.25	$ 3,250.00
Lid open instruction sticker (front center of container)	280	$ 1.25	$ 350.00
Freight/Shipping-Estimate (Business to business with no extra services) One truckload holds 280 containers-40 stacks, nested 7 per stack **Shipping estimate provided as of today's rates only and may vary at the time of shipment. Shipping rates are not guaranteed.**	1	$ 6,000.00	$ 6,000.00
Estimates valid for **7 days** Estimated Lead time: **Start Production March 2023** (Orders are processed as first come first serve, lead times may vary) Ship to: **Seattle,WA (Customer is responsible for shipping from dock to AK)**			
Thank you for your business!	**Subtotal**		$ 98,091.20
	Sales Tax (8.35%)		
	Total		$ 98,091.20

Fully automated bear resistant container. Tested with Grizzly bears. **Model no. KP95-HDLL**





6 x 9 area for custom graphic

Only one hand needed to open latch and lift the lid.

The upper section of the container is double walled as is the entire lid for superior strength.

Weight for the complete assembly is 56 pounds with both the container and lid being rotationally molded for long lasting durability.

The 2" x 10" wheels are rotationally molded and mounted to a 3/4" zinc chromate plated solid steel axle and will withstand 200 lbs. each.

95 gallon nesting ratio = 7

IGBC Certification number 5397

Northland Products Inc.

Estimate

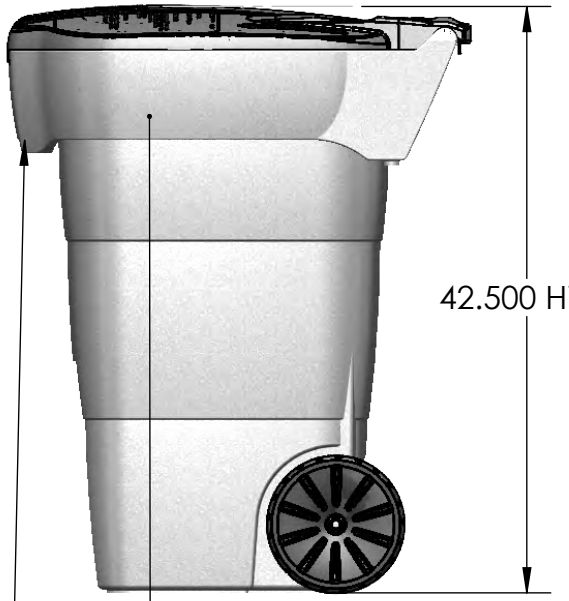
Date	Estimate No.
10/5/2022	NPI-2373

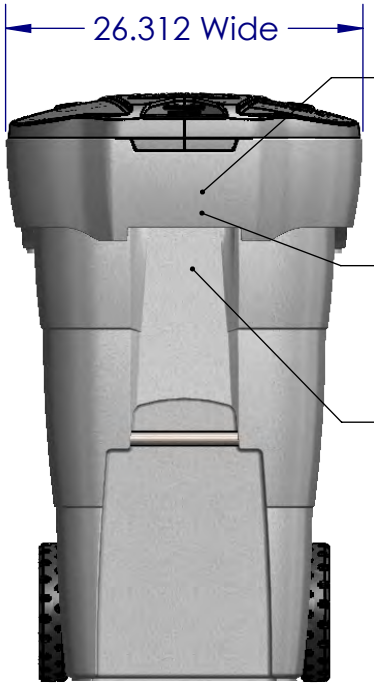
Northland Products Inc.
2608 Spitfire Lane
Prescott, AZ. 86301
Phone: 928-636-9298
Fax: 928-636-1070

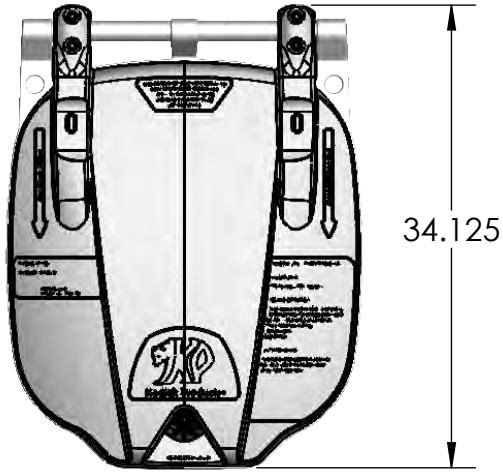
Name / Address
Sitka Bear Task Force Alix Snelling 626-208-7594 alix.snelling@cityofsitka.org

Description	Qty	Cost	Project Total
KP65-HDLL 65 Gallon, Kodiak-Fully Automated Bear Resistant Container, with lever latch, plain black, partial assembly required.	368	$ 306.70	$ 112,865.60
Molded in Graphic- 9 Digit barcode serial number (front center of container)	368	$ 1.25	$ 460.00
Molded in Graphic- Company Logo(Customer to supply PDF of artwork) (located on lid)-Optional (Additional 4 week lead time for first time orders) (Graphic orders have a minimum of 1000 graphics)	1000	$ 3.25	$ 3,250.00
Lid open instruction sticker (front center of container)	368	$ 1.25	$ 460.00
Freight/Shipping-Estimate (Business to business with no extra services) One truckload holds 368 containers-46 stacks, nested 8 per stack) **Shipping estimate provided as of today's rates only and may vary at the time of shipment. Shipping rates are not guaranteed.**	1	$ 6,000.00	$ 6,000.00
Estimates valid for 7 days Estimated Lead time: **Start Production Jan 2023** (Orders are processed as first come first serve, lead times may vary) Ship to: **Seattle,WA(Customer is responsible for shipping from dock to AK)**			
Thank you for your business!	**Subtotal**		$ 123,035.60
	Sales Tax (8.35%)		
	Total		$ 123,035.60

Fully automated bear resistant container. Tested with Grizzly bears. **Model no. KP65-HDLL**







IGBC Certification number
5396

The upper section of the container is double walled as is the entire lid for superior strength.

Weight for the complete assembly is 46 pounds with both the container and lid being rotationally molded for long lasting durability.

The 2" x 10" wheels are rotationally molded and mounted to a 3/4" zinc chromate plated solid steel axle and will withstand 200 lbs. each.

65 gallon nesting ratio = 8

Rehrig Pacific Company
SINCE 1913

Locations:

1000 Raco Court, Lawrenceville, GA 30046
625 West Mockingbird Lane, Dallas, TX 75247
1738 W. 20th St, Erie, PA 16502
7452 Presidents Dr, Orlando, FL 32809
8875 Commerce Dr, DeSoto, KS 66018
7800 100th St, Pleasant Prairie, WI 53158
4010 East 26th St, Los Angeles, CA 90058

Proposal

Proposal #: BC 100522 **October 5, 2022**

Bill-to:	Ship-to:
City of Sitka **100 Lincoln Street** **Sitka, AK 99835**	**City of Sitka** **100 Linclon Street** **Sitka, AK 99835**
Billing Contact:	Shipping Contact:
Alix Snelling **626-208-7594** aliz.snelling@cityofsitka.org	**Alix Snelling** **626-208-7594** alix.snelling@cityofsitka.org

ITEM DESCRIPTION				QUANTITY	Total Unit Price	EXTENDED PRICE
Rollout Cart Type:	95 Gallon Bear Cart - Garbage			1,600	$230.00	$ 368,000.00
Body Color Requested:	Black	**Lid Color Requested:**	Black			
Wheels / Casters:	10" Snap on with Intergrated Spacer					
Rollout Cart Type:	65 Gallon Bear Cart - Garbage			1,600	$215.00	$ 344,000.00
Body Color Requested:	Black	**Lid Color Requested:**	Black			
Wheels / Casters:	10" Snap on with Intergrated Spacer					

Is Product Taxable?	No	**Subtotal =**	**$ 712,000.00**
Is Freight taxable?	No	**Tax on Product =**	
Tax Rate:	EXEMPT	***Freight (subject to change)***	**180,000.00**
Terms:	Cash, Check, Credit Card (Visa or MC or AmEx) Up Front ***	**Tax on Freight =**	
		Total =	**$ 892,000.00**

ADDITIONAL INFORMATION:

Contract Options:	None
Ship From:	LA Facility
Leadtime:	TBD
Cart Warranty:	5 year unprorated warranty
Quote Valid:	30 Days
Taxes:	All applicable taxes shall be paid by the Buyer unless a proper exemption is provided and validated.

***** Credit Card transactions are subject to a 2% processing fee.**

PRESENTED BY:	**ACCEPTED BY:**
Rehrig Pacific Company Ashley DeWalt 10/5/2022	
Ashley DeWalt Date Northwest Territory Manager (509)-429-0738 adewalt@rehrig.com	Sign and Print Name Date Title:_____

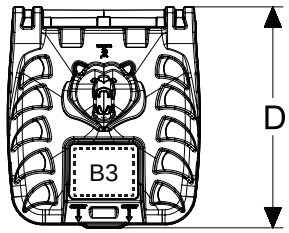
To initiate order, please call or send signed proposal via fax or email to Presented By representative.

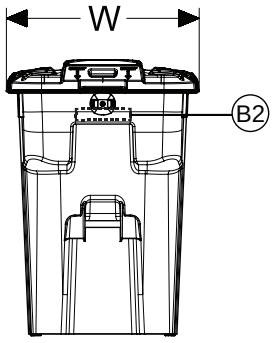
95 Gallon Fully-Automated Bear Resistant Roll Out Cart

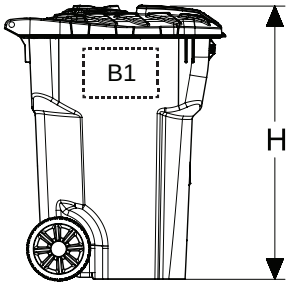
vision

Specifications	IN/LB	CM/KG
Capacity (Gallons/Liters)	95 Gal	360 L
Overall Depth (D)	34.5	87.6
Overall Width (W)	30.25	76.8
Overall Height (H)	42.75	108.5
Weight	45.0	20.4
53' Trailer Quantity	385	

Decoration Areas	WIDTH (IN)	HEIGHT (IN)
Side Brand - Hot Stamp (B1)	11.5	7.5
Barcode & Serial Number (B2)	9.75	1.25
Lid Brand - Hot Stamp or Label (B3)	10.0	8.5







ANSI CERTIFIED FOR TYPE B & G CONTAINERS

WILD SAFE BC British Columbia Conservation Foundation

Features & Benefits

- IGBC Certified bear resistant
- WildSafe BC Certified Bear Resistant
- ANSI Certified, with all standard components, to limit risk and liability for both the purchaser and end user; Improved cart stability vs. competing FA and SA options
- Full, Non-Prorated, 3-Year Warranty to protect your investment
- "Ready-To-Roll" Design - Lids, Locks, Catch Bars, and Body are fully assembled upon delivery; Assembly time for wheels and axles averages less than 10 seconds per container
- Textured body offers optimum gripping surface for fully-automated collection
- Safe and Strong - Robust design is lightweight making it easy and safe for humans to maneuver, yet extremely difficult for bears to compromise
- Limited exposed metal – mitigates potential end-user injuries, reduces container damage in-transit/in-field, and effectively prevents bears from accessing containers by limiting options for access via biting/clawing/bending/twisting
- Designed with all users in mind - ergonomic locking mechanism allows container to easily be opened by humans with one hand, but prevents bears from opening with claws, paws, and teeth
- Carts are shipped with lids already attached reducing assembly time
- One piece blow-molded wheels snap on (BMSO) with integrated spacers, taking seconds to assemble
- Barcodes and serial numbers are clearly visible when containers are stacked for ease in inventory management
- RFID Tag Enabled option provides innovative asset and participation tracking programs powered by Vision®

Corporate Headquarters
4010 East 26th St., Los Angeles, CA 90058
(800) 421-6244 • (323) 262-5145

Locations
Los Angeles, CA • Orlando, FL • Atlanta, GA • De Soto, KS
Erie, PA • Dallas, TX • Kenosha, WI • Quebec, Canada
Querétaro, Qro., Mexico

Web: www.rehrigpacific.com

Rehrig Pacific Company SINCE 1913

A FAMILY TRADITION OF GROWTH, SERVICE AND INNOVATION

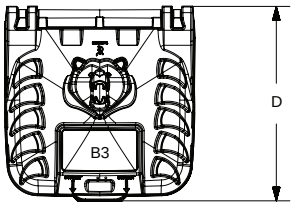
PSS-DES-806 95G Fully Automated Bear Resistant-272022

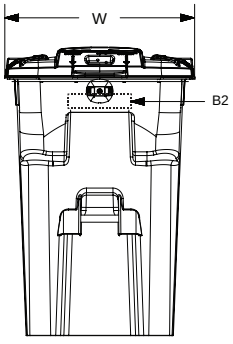
65 Gallon Fully-Automated Bear Resistant Roll Out Car

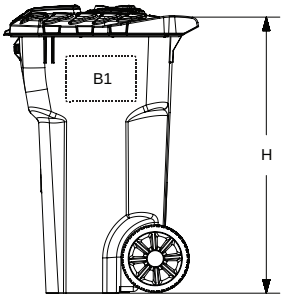
vision℠

Specifications	IN/LB	CM/KG
Capacity (Gallons/Liters)	65 Gal	246 L
Overall Depth (D)	28.72	72.94
Overall Width (W)	28.04	71.22
Overall Height (H)	42.60	108.20
Weight	38.25	17.34
53' Trailer Quantity	936	

Decoration Areas	WIDTH (IN)	HEIGHT (IN)
Side Brand - Hot Stamp (B1)	11.5	7.5
Barcode & Serial Number (B2)	9.75	1.25
Lid Brand - Hot Stamp or Label (B3)	10.25	6.0







CERTIFIED BEAR RESISTANT
Interagency GRIZZLY BEAR Committee
IGBC CERTIFICATION NUMBER 5151

ANSI
CERTIFIED FOR TYPE B & G CONTAINERS

Features & Benefits

- IGBC Certified Bear Resistant
- ANSI Certified, with all standard components, to limit risk and liability for both the purchaser and end user; Improved cart stability vs. competing FA and SA options
- "Ready to Roll" Design – lids, locks, catch bars, and body are fully assembled on delivery; One-piece blow molded snap on (BMSO) wheels with integrated spacers takes only seconds to attach for deployment
- Textured body offers optimum gripping surface for fully-automated collection
- Barcode & Serial Number imprinted to facilitate A&D distribution and manual inventory control and work order tracking; completely visible/scannable, even when carts are stacked
- External, enclosed catch bar allows for the cart to have a smooth inside without holes to mitigate leaking and seepage for high-liquid applications.
- Safe and Strong - Robust design is lightweight, making it easy and safe for humans to maneuver, yet extremely difficult for bears to compromise
- Limited exposed metal – mitigates potential end-user injuries, reduces container damage in-transit/in-field, and effectively prevents bears from accessing containers by limiting options for access via biting/clawing/bending/twisting
- Designed with all users in mind – ergonomic locking mechanism allows container to easily be opened by humans with one hand, but prevents bears from opening with claws, paws, and teeth
- Carts are shipped with lids already attached, reducing assembly time
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- RFID Tag Enabled option provides innovative asset and participation tracking programs powered by Vision®

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Querétaro, Qro., Mexico

Web: www.rehrigpacific.com

Rehrig Pacific Company SINCE 1913

A FAMILY TRADITION OF GROWTH, SERVICE AND INNOVATION

1661 Frontera Rd, Del Rio, TX, 78840
PHONE: 800-424-0422 FAX: 833-930-1124
WQ-10250812

Sell To:

Contact Name	Alix Snelling
Bill To Name	City of Sitka
Bill To	100 Lincoln St Sitka, AK 99835-7594 USA
Email	alix.snelling@cityofsitka.org
Phone	6262087594

Ship To Name	City of Sitka
Ship To	100 Lincoln St Sitka, AK 99835-7594 USA

Quote Information

Salesperson	Tina Rainwater
Salesperson Email	trainwater@wastequip.com

Created Date	10/13/2022
Expiration Date	10/27/2022
Quote Number	WQ-10250812 Please Reference Quote Number on all Purchase Orders

Product	Product Description	Selected Option	Quantity	Sales Price	Total Price
**Plastics - 79B64	Model 79B64 - Toter 64 Gallon EVR II Bear Tight Cart	---Body Color - Any Standard Color ---Lid Color - Any Standard Color ---Wheels - 10in Sunburst ---Toter Serial Number Hot Stamped on Front of Cart Body in White ---Fully Assembled Ready-to-Roll (Lids Down)	1,600.00	$205.00	$328,000.00
**Plastics - 79B96	Model 79B96 - Toter 96 Gallon EVR II Bear Tight Cart	---Body Color - Any Standard Color ---Lid Color - Any Standard Color ---Wheels - 10in Sunburst ---Toter Serial Number Hot Stamped on Front of Cart Body in White ---Fully Assembled Ready-to-Roll (Lids Down)	1,600.00	$225.00	$360,000.00

Payment Terms	Net 30 Days if credit has been established
Shipping Terms	FOB Origin

Subtotal	$688,000.00
Shipping	$322,296.00
Tax	$0.00
Grand Total	$1,010,296.00

Additional Information

Additional Terms	Our Quote is a good faith estimate, based on our understanding of your needs. Subject to our acceptance, your Order is an offer to purchase our Products and services in accordance with the Wastequip Terms & Conditions of Sale (“WQ T&C”) located at: https://www.wastequip.com/terms-conditions-of-sale, as of the date set forth in Section 1(b) of the WQ T&C, which are made a part of this Quote. These WQ T&Cs may be updated from time to time and are available by hard copy upon request.
Additional Information	Pricing is based on your anticipated Order prior to the expiration of this Quote, including product specifications, quantities and timing, accepted delivery within 45 days of Order acceptance by Toter. Any differences to your Order may result in different pricing, freight or other costs. Due to volatility in petrochemical, steel and related Product material markets, actual prices and freight, are subject to change. We reserve the right, by providing notice to you at any time before beginning Product manufacturing, to increase the price of the Product(s) to reflect any increase in the cost to us which is due to any factor beyond our control (such as, without limitation, any increase in the costs of labor, materials, or other costs of manufacture or supply). Unless otherwise stated, materials and container sizes indicated on sales literature, invoices, price lists, quotations and delivery tickets are nominal sizes and representations – actual volume, Products and materials

Toter®

Bear Resistant Cart

Toter Bear Resistant Carts are built to withstand the toughest bears! Our carts are constructed with our Advanced Rotational Molding™ process that creates an extremely durable trash can. We've armed them with a rugged rim to help prevent chewing, a double-walled lid, beefier handle and hinge and eliminated pry points, which makes them tough enough to withstand the strongest claws and jaws!

MODEL#	Size	Dimension(LxWxH)	Weight	Wheel Size	Color
79A64	64 gal.	32.3" x 25.2" x 45.5"	43.9 lbs.	10"	Black
79A96	96 gal.	36.3" x 30.2" x 45.5"	52.4 lbs.	10"	Black

- Improves routing and collection efficiencies due to compatibility with both fully-automated and semi-automated applications
- Safe and robust design is easy to maneuver, yet extremely difficult for bears to compromise.
- Strength is enhanced due to structural capabilities like Rugged Rim® and sealed stop bar journals
- Ready to roll design: lids, locks, stop bars, and body are fully assembled upon delivery
- Cost effective solution for communities seeking to bear proof their waste management program
- Interagency Grizzly Bear Committee's (IGBC) bear-resistant certification**

Rugged Rim Design

Recessed Auto Gravity Lock

Easy maneuverability

Rugged hinge

Increased raduis to help prevent chewing

Features:

- 5 year warranty
- Corrosion and chemical resistant
- Color options
- UV stable
- RFID
- Space for graphics

IGBC Certification Number 5416

**IGBC certification is applicable for the 64 gallon cart only.

PO Box 5338
841 Meacham Road
Statesville, NC 28677

704-872-8171
800-424-0422

sales@wastequip.com
www.buytoter.com
Toter is a Wastequip® brand

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	23-008	Version:	1	Name:	
Type:	Item			Status:	AGENDA READY
File created:	1/18/2023			In control:	City and Borough Assembly
On agenda:	1/24/2023			Final action:	
Title:	Approve the January 10 Assembly meeting minutes				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 CONSENT 02 Minutes motion 03 Minutes January 10				

Date	Ver.	Action By	Action	Result

CONSENT AGENDA

POSSIBLE MOTION

I MOVE TO APPROVE THE CONSENT AGENDA CONSISTING OF ITEMS A & B.

I wish to remove Item(s) _____

REMINDER – When making the motion to approve the consent agenda, please read the title of each item being voted on that is included in the consent vote.

Should this item be pulled from the Consent Agenda the following motion is suggested:

POSSIBLE MOTION

I MOVE TO approve the January 10 Assembly meeting minutes.

CITY AND BOROUGH OF SITKA

ASSEMBLY CHAMBERS
330 Harbor Drive
Sitka, AK
(907)747-1811

Minutes - Draft

City and Borough Assembly

Mayor Steven Eisenbeisz,
Deputy Mayor Kevin Mosher,
Vice Deputy Mayor Crystal Duncan,
Thor Christianson, Chris Ystad,
Timothy Pike, JJ Carlson

Municipal Administrator: John Leach
Municipal Attorney: Brian Hanson
Municipal Clerk: Sara Peterson

Tuesday, January 10, 2023 **6:00 PM** **Assembly Chambers**

REGULAR MEETING

I. CALL TO ORDER

II. FLAG SALUTE

III. RECITAL OF LANDS ACKNOWLEDGEMENT

IV. ROLL CALL

Present: 7 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, Pike, and Carlson

V. CORRESPONDENCE/AGENDA CHANGES

No agenda changes.

23-005 Reminders, Calendars, and General Correspondence

VI. CEREMONIAL MATTERS

None.

VII. SPECIAL REPORTS: Government to Government, Municipal Boards/Commissions/Committees, Municipal Departments, School District, Students and Guests (five minute time limit)

Sitka School District Superintendent Frank Hauser reported on the first semester.

VIII. PERSONS TO BE HEARD

Kim Elliott spoke to the proposed Sea Walk. Richard Wein commented on national

debt and market indexes. Sig Rutter spoke to tourism and permitting at Harrigan Centennial Hall. Carol Voisin commented on the need for tourism management.

IX. CONSENT AGENDA

A motion was made by Mosher that the Consent Agenda consisting of Item A be APPROVED. The motion PASSED by the following vote.

Yes: 7 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, Pike, and Carlson

A 23-002 Approve the December 27 Assembly meeting minutes

This item was APPROVED ON THE CONSENT AGENDA.

X. BOARD, COMMISSION, COMMITTEE APPOINTMENTS

None.

XI. UNFINISHED BUSINESS:

B ORD 22-31 Amending Title 6 “Business Licenses and Regulations” of the Sitka General Code by updating Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles” regarding the electric vehicle incentive

Richard Wein spoke to on the ordinance. Kim Elliott spoke in support.

A motion was made by Duncan that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 7 - Christianson, Mosher, Eisenbeisz, Duncan, Ystad, Pike, and Carlson

C ORD 22-32 Amending Title 6 “Business Licenses and Regulations” of the Sitka General Code by updating Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles” by increasing the permit fee for thirty or more passenger vehicles

Richard Wein spoke to the ordinance. Chris McGraw and Bruce Conine spoke in opposition. Kim Elliott voiced support.

The Assembly deliberated. Christianson, Pike, and Carlson offered support. Eisenbeisz challenged the Assembly to conduct an analysis to determine actual costs. Duncan believed there to be inequities across different vehicle sizes. Ystad noted buses were necessary for the cruise industry and reminded 2023 prices were set, and vendors would need to bear the expense of price changes. Mosher wished to revisit the matter after the 2023 season.

A motion was made by Christianson that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion FAILED by the following vote.

Yes: 3 - Christianson, Pike, and Carlson

No: 4 - Mosher, Eisenbeisz, Duncan, and Ystad

D ORD 22-33 Amending Title 6 “Business Licenses and Regulations” of the Sitka General Code by updating Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles” regarding term of permit

Richard Wein and Harry Lysons commented. Bruce Conine spoke in opposition. Neil McDermott and Andy Nye spoke in support.

Sponsors Christianson and Ystad explained the stability of a three-year permit and opportunities for new vendors starting out. Duncan liked the idea of a three-year permit, however, they had concerns with the process. Eisenbeisz preferred a one-year term to allow new businesses an opportunity to start. Mosher, while supportive, expressed concerns from a management perspective.

A motion was made by Duncan that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 5 - Christianson, Mosher, Ystad, Pike, and Carlson

No: 2 - Eisenbeisz, and Duncan

E ORD 22-34 Amending Title 6 “Business Licenses and Regulations” of the Sitka General Code by updating Chapter 6.19 “Regulation of Commercial Operators Selling Organized Excursions or Renting Equipment for Organized Excursions and Loading/Unloading Commercial Vehicles" by changing from sealed bid to open outcry auction

From the public, speaking in support of an open outcry auction were Richard Wein, Bruce Conine, Andy Nye, Neil McDermott, Jeren Sumauang, Don Kluting, and Harry Lysons.

A discussion of the Assembly ensued. Based on the passage of the three-year permit, Eisenbeisz believed an outcry auction was the best way to allocate vendor spaces. Duncan wondered about a possible intimidation factor with an outcry auction. Carlson suggested staff hold a pre-bid meeting to ensure bidders understood the rules and process.

A motion was made by Duncan that this Ordinance be APPROVED on SECOND AND FINAL READING. The motion PASSED by the following vote.

Yes: 6 - Christianson, Mosher, Eisenbeisz, Ystad, Pike, and Carlson

No: 1 - Duncan

XII. NEW BUSINESS:

F 23-001 Discussion / Direction / Decision on 2023 Tourism Management Operating Plan

Planning and Community Development Director Amy Ainslie reviewed the Planning Commission's recommendations for the 2023 tourism season. She relayed

supplemental appropriations would come forward once direction had been given by the Assembly.

Public comment was taken. Kim Elliott expressed to the need for increased wayfinding signage, safety improvements, and suggested capping the number of tourists. Richard Wein and Tyler Green suggested limiting the number of cruise ship visitors. Larry Edwards told the Sustainability Commission take on the task of advising the Assembly on appropriate number of cruise ship visitors. Hugh Bevan, Tammy Sumauang, and Alec Cunningham spoke about the need for traffic management and safety improvements. Shirley Robards spoke unfavorably of the 2022 tourism operating plan. Rachel Roy spoke in support of signage and beautification of the downtown area.

The Assembly discussed Lincoln Street closures, temporary restrooms, safety improvements, programs/initiatives, and future planning needs for the 2023 season. The consensus was to continue with the Lincoln Street closure. For temporary restrooms, consensus was to continue use and hardline if possible. Placement points were to remain flexible. Regarding safety improvements, the consensus was to move forward with traffic improvements at the Lake/Lincoln intersection, improve pedestrian crossing along Harbor Drive, and update/increase wayfinding signage. Concerning programs/initiatives, some members were ambivalent about the walk/bike incentives, while most supported moving forward with the bathroom grant program, food cart permit opportunities, and beautification measures for the downtown area.

G 23-003 Discussion / Direction / Decision on donating $25,000 to the Alaska Trollers Association legal defense fund

A motion was made by Christianson to EXTEND the meeting to 11:00 p.m. The motion PASSED by the following vote.

Yes: 7 - Mosher, Pike, Ystad, Christianson, Duncan, Eisenbeisz, and Carlson.

Ystad disclosed he had a power troll permit. Eisenbeisz ruled there was no conflict stating Ystad belonged to a class of people.

Alaska Trollers Association (ATA) board members Matt Donohoe, Jim Moore, Jeff Farvour, and Jackie Foss provided an overview of the lawsuit and stressed the importance of the fishery.

Those from the public speaking in support of the legal defense fund donation were Tyler Green, Kim Elliott, Richard Wein, Keegan Marrs, Linda Behnken, Eric Jordan, Woody Cyr, and John Murray.

Christianson, Mosher, and Ystad spoke in support. Pike, Mosher, and Eisenbeisz suggested starting with $25k. Carlson encouraged ATA members to rally the community for support. Administrator Leach proposed the idea of using the existing appropriation in the Fisheries Enhancement Fund for the donation. Duncan wondered about the process and if donating would set a precedent.

XIII. PERSONS TO BE HEARD:

Due to time constraints, there were no Persons to Be Heard.

XIV. REPORTS

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk, f. Other

Due to time constraints, there were no Reports.

XV. EXECUTIVE SESSION

Due to time constraints, there was no Executive Session. The item was rescheduled to 1/24/23.

H 23-004 Legal/Financial Matter: 2022 Crescent Harbor Dock Fire

XVI. ADJOURNMENT

A motion was made by Christianson to ADJOURN. Hearing no objections, the meeting ADJOURNED at 10:59 p.m.

ATTEST: _____
Sara Peterson, MMC
Municipal Clerk

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	RES 23-03	Version: 1	Name:		
Type:	Resolution		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Authorizing an application to the Department of Homeland Security and Emergency Management (DHS&EM)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion Res 2023-03 02 Memo and Res 2023-03				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTION

I MOVE TO approve Resolution 2023-03 on first and final reading authorizing an application to the Department of Homeland Security and Emergency Management (DHS&EM).

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Robert Baty, Police Chief and Craig Warren, Fire Chief

Date: January 12, 2023

Subject: **Approval of Grant Application to the Department of Homeland Security and Emergency Management (DHS&EM)**

Background and Analysis

The Sitka Police and Fire Department are applying for a non-matching Department of Homeland Security and Emergency Management Grant (DHS&EMG) in the amount of $627,820. This grant is used for helping fund our community's preparation for emergencies.

The part of the grant ($67,000) would replace the aging portable radios for the Police Department, allowing for the PD to maintain the current level of communication availability. ~70% of current radio inventory is reaching/has exceeded recommended lifespan, reaching End of Life, and replacement accessories are no longer being made for current inventory.

A large part of the grant ($410,820) would be used to replace outdated portable and mobile radios for the Fire Department, EMS and Search and Rescue. Current radio inventory is reaching/has exceeded recommended lifespan and replacement accessories are no longer being made for current inventory.

Last part of the grant ($150,000) would be used to replace and upgrade the current secure door access system for the Police Department. The current Kantech System is over 10 years old and runs on an operating system that is no longer supported, making it difficult to repair or buy supplies for. Previously applied to DHS&EM for this project but due to the steep increase in price of materials, project was not viable. Asking again but for more monies to cover the rising cost of materials.

The Police Department has annually applied for this grant from the Department of Homeland Security and Emergency Management since 2003. Items purchased with these grants greatly help improved the safety and security of Sitka and its residents. Some of

the equipment purchased includes the Emergency Response Vessel (ERV), the repowering of the ERV, replacing the floatation on the ERV, the tsunami warning system towers, Life Scan Fingerprint System, upgraded camera security for the PD, Harbors and City Hall, new radio consoles for the PD, new portable radios for the PD & FD, Active Shooter Training, Forward Looking Infrared Radiation System for the ERV, alarm package for the hilltop joint communication site (ALMR), emergency communications for the EOC and a Radio Repeater Install at Mud Bay.

Fiscal Note

As there is no match requirement for this grant program, should this grant application be approved, a supplemental capital appropriation in the amount $627,820 would be requested. Of note, all equipment purchased with funds from Homeland Security must be documented and agency approval must be obtained prior to sale/disposal.

Recommendation

Approve the accompanying resolution authorizing the Municipal Administrator to apply for this grant and execute it should it be awarded.

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2023-03

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA AUTHORIZING AN APPLICATION TO THE DEPARTMENT OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHS&EM)

WHEREAS, the City and Borough of Sitka Police and Fire Department seeks to obtain a grant in the amount of $627,820 to cover the cost of new portable radios for the PD, new portable and mobile radios for the FD, EMS and SAR, and replace/upgrade the current secure door access system in the PD; and

WHEREAS, the DHS&EM has a grant program available to cover the cost; and

WHEREAS, the grant will have no other costs associated with it.

NOW, THEREFORE, BE IT RESOLVED by the Assembly of the City and Borough of Sitka that the Administrator is authorized to apply for and execute the Department of Homeland Security and Emergency Management Grant.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 24th day of January, 2023.

_____
Steven Eisenbeisz, Mayor

ATTEST:

_____
Sara Peterson, MMC
Municipal Clerk

1st and final reading: 1/24/2023

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	23-009	Version: 1	Name:		
Type:	Item		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Appoint Annette Evans to an unexpired term on the Health Needs and Human Services Commission				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Evans HNHS application				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTION

I MOVE TO appoint Annette Evans to a unexpired term on the Health Needs and Human Services Commission.

Application for Appointment to Boards, Committees, and Commissions
City and Borough of Sitka

Board/Commission/Committee: Health Needs and Human Services

Name: Annette Evans Preferred Phone: [redacted]

Address: [redacted] Alternate Phone: —

Email Address: [redacted] Fax Number: —

Length of Residence in Sitka: 44 (left for 20) Registered to vote in Sitka? X Yes ___ No

Employer: Sitka School District and City of Sitka

Organizations you belong to or participate in:

See Resume

Explain your main reason for applying: I am actively working to improve living conditions in Sitka, primarily focusing on the childcare crisis. I would like to see the Health Needs and Human Services commission active again and feel I can extend support to our community as a commissioner.

What background, experience or credentials will you bring to the board, commission, or committee membership?

>See Resume

Please disclose any potential conflicts of interest that may arise from your appointment. These may include but are not limited to:

- A substantial financial interest of $1000 annually that could be influenced by your appointment.
- An immediate family member employed within the scope of this appointment.

None

Please attach a letter of interest, outline, or resume which includes your education, work, and volunteer experience that will enhance your membership.

→ *(To be considered, your application must be complete AND be accompanied by one of the above supporting documents.)*

Date: 1/17/2023 Signature: [signature]

Your complete application and resume should be returned to the Municipal Clerk's Office by noon on the Wednesday prior to an advertised Assembly meeting.

Please note: all information submitted will be made public and published online. Appointments are normally made during open session of an Assembly meeting, however, Assembly members may vote to discuss applicant(s) in closed executive session. In this case, do you wish to be present when your application is discussed? ___Yes ___ No

Return to:
Jess Earnshaw, Deputy Clerk/Records Specialist, 100 Lincoln Street
Fax: 907-747-7403 Email: clerk@cityofsitka.org

City of Sitka

Health Needs and Human Services

January 16, 2023

Dear City Assembly Members,

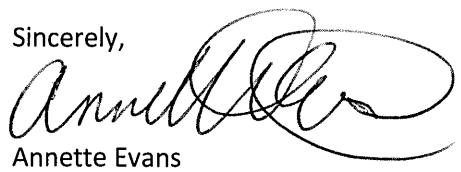
Thank you for your service and dedication to the City Assembly helping provide a livable place for all, including the creativity, cooperation, and commitment you give the development of our community projects and priorities. I would like to better serve my community by taking a seat on the Health Needs and Human Services Commission.

I was born and raised in Sitka. After attending college and living elsewhere for 25 years, I returned to Sitka, drawn back by the idea of a strong community both in support of my development as a citizen, and the desire to serve others in my community.

I have been an active community member primarily through youth activities, but I also have a strong interest in the outdoors and seeing others thrive. Currently I volunteer with the Child Care Coalition and am advocating for change in the local and state childcare systems through Sitka's Childcare Now task force. I enjoy attending Sitka Community Land Trust meetings and receiving Newsletters from Sitka Trail Works. As a single-income Parent, I work multiple jobs; my full-time job is with the Sitka School District as the Ventures Childcare Director, my part time job is as a Facility Attendant for Parks and Rec., and my side jobs are respite care for children and families within the foster care system and keeping books & clock for high school basketball games.

Although I am a busy person, I feel I can make this commitment to better serving my community as part of a city advisory body. Please consider me to be a commissioner for Sitka's Health Needs and Human Services.

Sincerely,



Annette Evans

[redacted]

[redacted]

Annette Evans

Passionate & dedicated to providing quality life, care and education for our community.

Skills

Tenacious

Patient

Adaptable

Caring and Empathetic

Energetic & Fun

Interpersonal Communication

Team Player

Eager to Learn

Education

Montana Infant - Toddler Caregiver Training Certification
Montana Early Childhood Project, April 2011
Bozeman, Montana

Montessori Teacher's Certification, ages 2.5 – 6 years
Caspari Montessori Institute, June 2004
Bozeman, Montana

BA English with Writing Concentration, Minor in Psychology
Western Washington University, June 2001
Bellingham, Washington

Associates of Arts, focus on Early Childhood Education
Whatcom Community College, June 1999
Bellingham, Washington

Professional Experience

Ventures Coordinator **Ages 5 – 12 years**
Sitka School District Sitka, Alaska April 2021 – Present

- Coordinate all activities to confirm to state laws and regulations and District guidelines
- Supervise all aspects of the program.
- Prepare and maintain records, reports and forms required for both staff and students.
- Conduct continuous review and evaluation of materials and equipment.
- Adhere to all district health and safety policies and support values of education.
- Maintain accurate control of Ventures Program budget; coordinate childcare grants.
- React to change productively and handle other tasks as assigned.

Facility Attendant, Temp./PT
Parks and Recreation Dept. City of Sitka October 2022—Present

- Responsible for opening and closing of facility for Parks and Recreation events/activities.
- Attention to youth & adults participating at facility.
- Answer public's questions, take money, record payments.
- Communicate with Parks & Rec. Director any questions/concerns, and share my input with program team to continue developing the newly reopened Parks and Recreation program.

Nurturing Nest
Independent Business Sitka, Alaska October 2022—Present

- Providing family support & educational services to Foster Care families & at-risk youth.
- A nurturing environment providing overnight & hourly care, family consulting, & tutoring.

[redacted]

Childcare Center Director **Infants – Age 10 years**
Hearts and Hands Montessori Belgrade, Montana September 2006 – Present

- Established & guided the program with a Vision; Enrollment Development; Managing & Overseeing employees; Coaching & Mentoring staff; Building and Supporting Community; Activist for Program; Business Administration; Provided Care as a Sub for all age groups.

Preschool Teacher **Ages 3 – 5 years**
Hearts and Hands Montessori Belgrade, Montana September 2006 – Present

- Provided guidance to students academically, physically, and socially through individual lessons and mentoring, small group and large group leadership and lesson presentation. Prepared the learning environment, collaborated with other teachers and cohesively as a large Center.

Primary Montessori Teacher **Ages 2.5 – 6 years**
Middle Creek Montessori Bozeman, Montana September 2003 – June 2006

- Completed 9 month internship for Montessori Teaching certification.
- Co-taught in a small classroom of up to 16 students/day, and then became Lead Teacher in a large classroom with up to 32 students/day.
- Collaborated with other teachers and mentored Montessori Interns.

Para Educator

Blatchley Middle School	Sitka, Alaska	September 2020 – April 2021
Special Needs Preschool	Sitka, Alaska	June 2003 – August 2003
Hellgate High School	Missoula, Montana	September 2002 – May 2003
Blatchley Middle School	Sitka, Alaska	June 2002 – August 2002

Coaching

Rugby, High School Co-ed	Missoula, Montana	Spring 2003
T-Ball, Co-ed	Three Forks, Montana	Spring 2018
Fast-Pitch Softball, U8 Girls	Three Forks, Montana	Spring 2019 & 2020
Basketball, 7th/8th Grade Girls	Sitka, Alaska	Fall 2020 & 2021

Other Community Involvement

Keeping Book & Running Clock for High School Basketball Games		Paid
Child Care Coalition	Active Member	Volunteer
Childcare Now Task Force	Active Member	Volunteer

Continued Education course titles and dates upon request.

Continued Education & Approved Training, 8-23 hours per year
Montana State Childcare Licensing Requirements, 2004 – 2020
Alaska School Employee annual required training, 2020—Present
Alaska State Childcare Licensing Requirements, 2021 – Present
Lifeguard & CPR/FA Certified, June 2022
ALICE Training, January 2023

Health Needs and Human Services Commission

NAME	CONTACT NUMBERS	TERM STARTS	EXPIRES	CATEGORY
TRISTAN GUEVIN 200 Seward Street	907-738-5415 tristan.guevin@gmail.com	3/23/21 2/9/22	1/8/22 2/9/25	**Vice Chair**
DOUG OSBORNE 222 Tongass Drive	907-966-8674 douglaso@searhc.org	1/27/15 10/24/17 11/10/20	10/14/17 10/24/20 11/10/23	
LAKOTA HARDEN 113 Metlakatla Street	907-747-3636 ext. 224 51-827-7689 lharden@scpsak.org	3/23/21 11/8/22	11/26/22 11/8/25	
CECILIA DUMOUCHEL *PO Box 6573*	*617-871-9842* *ckdumouchel@gmail.com*	*12/8/20*	*12/8/23*	*Resigned 7/26/22*
ELLIE LO RE *700 Etolin Street*	*301-518-0097* *elore@scpsak.org*	*1/26/22*	*8/24/24*	*Resigned 8/1/22*
ALBERT (ALEC) DUNCAN *2716 Halibut Point Road Space #21*	*907-738-0975* *albert.duncan@sitkatribe-nsn.gov*	*4/13/22*	*11/9/24*	*Resigned 8/31/22*
LEXI FISH HACKETT 228 Lakeview Drive	*907-738-5684* *fish.lexi@gmail.com*	*4/13/21*	*4/13/24*	*Resigned 2/18/22*
Jess Earnshaw Deputy Clerk	907-747-1826 jessica.earnshaw@cityofsitka.org			Secretary
Crystal Duncan PO Box 174	907-738-1910 assemblyduncan@cityofsitka.org			Assembly Liaison
Kevin Mosher 100 Lincoln Street	907-752-0467 assemblymosher@cityofsitka.org			Alternate Assembly Liaison

Established by Ordinance 2013-23
7 members, 3-year terms. A vacancy on the commission shall be filled by appointment by the Assembly for any remainder of an unexpired term.

Meeting schedule: 3rd Wednesday of the month; Noon at Harrigan Centennial Hall, 330 Harbor Drive – Meetings are to be held no less than four times per year.

Revised: December 16, 2022

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	RES 23-04	Version: 1	Name:		
Type:	Resolution		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Submitting City and Borough of Sitka FY 2024 State Legislative Priorities to State of Alaska and 2023 Legislature				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Memo and Res 2023-04 03 FY2024 Legislative Priorities Final				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTION

I MOVE TO approve Resolution 2023-04 on first and final reading submitting City and Borough of Sitka FY 2024 State Legislative Priorities to State of Alaska and 2023 Legislature.

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Melissa Henshaw, Public and Government Relations Director

Date: January 18, 2023

Subject: Fiscal Year 2024 CBS Legislative Priorities

Background

Enclosed are the draft Fiscal Year 2024 CBS Legislative Priorities for Assembly review. Many of these requests for state initiatives are from previous years and centered around community priorities. As in the past, the approach is streamlined as it is recommended to have a one-page handout to help keep information top of mind for state officials.

In addition, a full report and supporting documents will be submitted into the Alaska Division of Legislative Finance Capital Projects database (CAPSIS). The Legislative Priority initiatives and projects will be the primary focus of lobbying meetings between the Mayor, Municipal Administrator, the Public and Government Relations Director and various federal and state officials. In addition, will complement grant opportunities.

The following requests, in no particular order are:

- Funding to support Sitka's Working Waterfront: a project that consists of a new marine haul out phase 1 shortfall/phase 2 upland shipyard development and electrical rehabilitation for Eliason Harbor. Strategic Plan goal 4.
- Support and funding to expand housing and childcare access to sustain economic growth. Strategic Plan goal 1.
- Continued State support for the Sitka Seaplane Base. Strategic Plan goal 4.
- Funding for Green Lake hydro generation plant. Strategic Plan goal 1.3 and 4.
- Funding for the Sitka Rocky Gutierrez Airport Terminal Improvements Project. Strategic Plan goal 4.
- Financial assistance for a new multi-purpose building to house the Police Department and jail. Strategic Plan goal 4.
- Funding for utility infrastructure and deferred maintenance. Strategic Plan goal 1.3 and 4.

- Support for a right-sized and sustainable Alaska Marine Highway System. Strategic Plan goal 2.2.

The goal is to focus on projects and state initiatives that create long-term stability and gives direction as we develop future budgets and for grant funding.

Recommendation

Approve the resolution submitting City and Borough of Sitka FY2024 State Legislative Priorities to the State of Alaska and 2023 Legislature.

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2023-04

A RESOLUTION BY THE CITY AND BOROUGH OF SITKA SUBMITTING CITY AND BOROUGH OF SITKA FY2024 STATE LEGISLATIVE PRIORITIES TO STATE OF ALASKA AND 2023 LEGISLATURE

WHEREAS, the City and Borough of Sitka advocates cooperating and sharing resources with the State of Alaska to maximize public infrastructure and services for the citizens of Alaska in the most efficient, cost effective manner; and

WHEREAS, the attached City and Borough of Sitka FY2024 Legislative Requests will enable the municipality and State of Alaska to continue to cooperate to make our communities and State more sustainable; and

WHEREAS, City and Borough of Sitka continues to support cooperation between cities and State of Alaska to achieve our common goals.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, adopts the attached FY2024 City and Borough of Sitka State Legislative Priorities and urges the Alaska State Legislature to support them to the maximum extent possible.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, on this 24th day of January 2023.

_____
Steven Eisenbeisz, Mayor

ATTEST

_____
Sara Peterson, MMC
Municipal Clerk

1st and final reading: 1/24/23

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

Provide public services for Sitka that support a livable community for all

CBS

FY2024 Legislative Priorities

Funding to support Sitka's Working Waterfront

Sitka ranks 19th nationally and 7th statewide in total fishery landings and value. Sitka's aging and lack of critical infrastructure is threating the community and economy. The community voted in October 2022 to allocate $8.2 million of the city's Permanent Fund to begin development of a haul out. Initial cost estimates for phase 1 are $12 million leaving Sitka with a $4 million shortfall to have a basic operating haul out. Phase 2 consists of an upland shipyard development estimated to cost an additional $5 million. Federal and State assistance would reduce the city's cost to build the haul out which would alleviate the burden on the taxpayers.

Eliason Harbor designed by AKDOT/PF was constructed in the late 1990's. The electrical system requires substantial rehabilitation at an estimated cost of $6 million to replace main service equipment, main distribution panelboards and load centers on the floats, and main cables between these components and the new pedestals. In the past, the main feeder cable has failed multiple times that has required emergency response from harbor, electric, fire, and police department resources.

Support and funding to expand housing and childcare access to sustain economic growth

As Sitka experiences growth from the tourism sector, expansion of the Southeast Alaska Regional Health Consortium (SEARHC), and the pending arrival of a USCG Fast Response Cutter, it is evident that Sitka's workforce needs more access to housing and childcare to sustain this economic growth. Funding is requested to aid CBS efforts in completing a municipal land development feasibility study for increased access to housing for an estimated cost of $500,000 to $750,000. CBS also requests consideration of transferring state-owned lands in Indian River Valley to the municipality as this area presents a prime opportunity for housing development. Currently, there is only one childcare spot for every 3.5 children under the age of 5.5, and to meet our expanding workforce needs, Sitka would need to have one space available for every two children. CBS requests support and resources to work on childcare solutions that are critical for a healthy workforce in Sitka.

Funding for the Sitka Rocky Gutierrez Airport Terminal Improvements Project

Owned by the State and managed by CBS, Sitka's airport was designed in the 1980's to accommodate the operation of one plane at a time. Plane operation has since tripled, and passenger traffic has increased by more than 20,000 per year. The holding room is standing room only and is unable to accommodate passengers for a single plane. A total project cost of $33 million leaves a shortfall of $23.5 million for improvements. CBS contributed $4 million and has secured TSA funding of $5.5 million while the remaining funding is anticipated through the FAA.

Funding for Green Lake hydro generation plant

CBS is one of the few municipalities that is supplied with 100% renewable energy. Green Lake hydro generation plant is 40 years old and is in dire need of major rehabilitation. The Green Lake plant is the backbone of Sitka's electric service, providing half of Sitka's electrical demand. Phase 1 has been completed with CBS capital funds. Phase 2 and 3 have an estimated project cost of $11 million. The Green Lake project was passed over in December of 2022 during the funding of the Omnibus Appropriations bill for FY23. Funding for the project's Phase 2 and 3 have not been secured, which leaves the city vulnerable to returning to diesel generation for a portion of its energy needs.

CITY AND BOROUGH OF SITKA

CBS

Provide public services for Sitka that support a livable community for all

FY2024 Legislative Priorities

Continued State support for the Sitka Seaplane Base

Sitka's only seaplane facility has been operating at its current site for over 65 years and after some rehabilitation work completed in 2016, the facility still only had a life expectancy of 5 to 10 more years. Sitka has completed an extensive siting study and environmental documentation in support of a newly constructed facility sited on State land. CBS asks for continued support from the State for the necessary tidelands property conveyance consisting of 30-acres of submerged State tidelands. CBS anticipates receiving 93.75% of the $38 million project funding through the FAA Airport Improvement Program due to the significant safety and operational deficiency associated with the current base location and condition.

Funding for utility infrastructure and deferred maintenance

CBS requests funding for new and/or upgraded infrastructure to facilitate rapid economic growth. A substantial increase in visitors, coupled with SEARHC and USCG expansions, will strain our aging utilities and public use infrastructure (water, sewer, electrical, streets, drainage, schools, and parks). SEARHC and USCG expansions are estimated to bring a combined 500+ additional citizens to Sitka. Increased cruise ship traffic requires energy improvements to facilitate potential electrification of the cruise terminal dock and further expansion for shore excursion activities. On Japonski Island, there is exponential residential growth, buildings will be constructed on the SEARHC campus, airport upgrades and a new Sitka Seaplane base are in progress, and shore infrastructure improvements will be required at the USCG facility.

Financial assistance for a new multi-purpose building to house the Police Department and jail

The Sitka Police Department (SPD) and jail are currently housed within approximately 6,400 square feet of the City/State Building. The ~ 20,000 square foot building was constructed between 1974 and 1976 in partnership with the State. CBS owns a portion of the land the building is located on, and jointly owns the building with the State. The 45-year-old facility does not meet current needs and functions of the SPD. Estimated costs for a new police department and jail are $20 million to construct on one of two possible sites.

AK DOT/PF action on traffic and safety improvements on state routes in support of tourism growth

Cruise visitation to Sitka in 2022, and as projected for 2023, has more than doubled over pre-pandemic levels. CBS completed a traffic study in the summer of 2022 to identify critical safety and efficiency improvements needed considering this unprecedented growth. Needed action from AK DOT/PF include pedestrian crossing improvements, critical intersection improvements, and multimodal transportation planning.

Support for a right-sized and sustainable Alaska Marine Highway service

CBS requests AMHS provide adequate and consistent service to our residents and visitors. AMHS acts as Sitka's highway, providing core service critical to our economy. The drastic reduction of State ferry service to Sitka has caused massive economic and personal dislocations across the Southeast Alaska region.

CITY AND BOROUGH OF SITKA

Provide public services for Sitka that support a livable community for all CBS

Unfunded Mandates

Support for maintaining the 301(h) status and Water Quality Standards

CBS requests the State of Alaska to support maintaining the EPA's 301(h) status. Sitka is unable to meet Alaska Water Quality Standards with our current plant. CBS requests funds for the infrastructure needed to meet the requirements to alleviate the undue burden of increased utility rates to our citizens.

Support for the Municipal Harbor Matching Grant Program

CBS requests the State of Alaska to fund, and inflation adjust the Municipal Harbor Facility Grant Program in the FY2024 State Capital Budget to ensure enhanced safety and economic prosperity for coastal communities. Municipalities have committed significant match for projects of local importance.

Continued State reimbursement of school bond debt at 70% for existing bonds and consideration of new bonding opportunities

Sitka's schools were renovated using State bond funds with the expectation that the State would continue to live up to its obligation as a financial partner. Without agreed upon reimbursement, Sitka's sales tax, which funds the 30% share of school bond debt, is insufficient to cover debt service. Sitka's school buildings will again need substantial repairs in the future and a pool of funding will be necessary to maintain our school infrastructure.

Continued support for the State's Community Assistance Program

CBS requests the State of Alaska fully fund the Community Assistance Program to develop a long-term funding source on which municipalities can rely and to offset the costs of unfunded mandates such as State required property tax exemptions. Prolonged budget level uncertainties are causing severe difficulties for Sitka and other local governments.

Stable and predictable funding of school systems

Sitka supports its school system to the maximum allowed by State law. The CBS Assembly allocates all property tax revenue plus some of the sales tax to fund the school district. As school costs increase each year, and State funding remains stagnant, the burden increasingly falls on the CBS, especially in this current period of historically high inflation.

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	RES 23-01	Version: 1	Name:		
Type:	Resolution		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Increasing Cruise Ship Tender and Security Fees				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Memo Res 2023-01 and Draft Minutes				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTION

I MOVE TO approve Resolution 2023-01 on first and final reading increasing Cruise Ship Tender and Security Fees.

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Stan Eliason, Harbormaster

Date: January 9, 2023

Subject: Tender and security fee increases for 2023

Background

It's common for the cruise lines to inquire about fees for the upcoming season. The inquiry usually occurs during the wintertime, as they build their budgets. The Assembly approved resolution 2022-06 on March 8th, 2022, to increase daily tender fees by 6.8%. And, to increase the daily security fees by 8.3% through ordinance 2022-11, which was passed on May 24th, 2022.

Analysis

By setting the rates earlier in the year we will be able to capture those ships that arrive early. Otherwise, they would be charged the previous season's rate up until the new FY fees are imposed. This will also provide a firm number for their budgeting process and will also allow for an efficient billing process for office staff.

Fiscal Note

An increase of 8.3% in tender fees will generate an additional $2,944.00 before the fiscal year ends. Total tender fees for the 2023 season at $1,536.51 per day. $102,946.17

An increase of 8.3% in security fees will also generate an additional $1,179.75 before the fiscal year ends. Total security fees for the 2023 season at $615.77 per day. $41,256.59

Total projected revenue for the combined fees. $144,202.76 (subject to change due to cancellations or additional ships)

Recommendation

Approve the proposed tender and security fee increase of 8.3% to be effective immediately.

Encl: Res 2023-01
Port and Harbor Commission draft minutes from 1-11-2023

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2023-01

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA INCREASING CRUISE SHIP TENDER AND SECURITY FEES

WHEREAS, Sitka General Code Section 13.06.010 Moorage charges and fees, subsection (A) states, Moorage fees and charges shall be established by resolution and approved by the Assembly; and

WHEREAS, the Port and Harbors Commission voted on January 11,2023 to approve an increase in the tender fees for cruise ships to $1,536.51 per ship, per day.

WHEREAS, the Port and Harbors Commission voted on January 11,2023 to approve an increase in security fees to $615.77 per ship, per day.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka, Alaska, hereby approves the following permanent moorage charges and fees, effective as stated:

Tender and Security Fees (effective immediately):

$1,536.51 per ship, per day

$615.77 per ship, per day

PASSED, APPROVED AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 24th day of January, 2023.

_____
Steven Eisenbeisz, Mayor

ATTEST:

_____
Sara Peterson, MMC
Municipal Clerk

1st and final reading: 1/24/2023

Sponsor: Administrator

Sitka Port and Harbors Commission Minutes

Wednesday January 11, 2023, 6:00PM
Harrigan Centennial Hall

Port and Harbors Commission Members:

Andrew Callistini, Dave Gordon, Jorgen Eliason, Shauna Thornton,
Tyler Green, Michael Nurco, Tamy Stevenson
Chris Ystad (Assembly Liaison)

I. CALL TO ORDER

Chairman Thornton called the meeting to order at approximately 6:00pm.

II. ROLL CALL

Commissioners Present: Andrew Callistini, Tyler Green, Shauna Thornton, Tamy Stevenson, Mike Nurco.
Assembly Liaison: Chris Ystad.
Staff: Harbormaster Stan Eliason, Harbor Office Manager Alicia Soto.

III. CORRESPONDENCE

None.

IV. AGENDA CHANGES

None.

V. PERSONS TO BE HEARD

None.

VI. APPROVAL OF MINUTES

A. Approval of the December 14, 2022, meeting minutes.

M – Stevenson / S – Callistini motioned to approve the December 14, 2022, meeting minutes. Motion passed unanimously.

VII. REPORTS

Harbormaster – Harbormaster Eliason presented results of a comparison of harbor revenue sources between 2021 and 2022, and discussed how COVID may have impacted revenue totals. Eliason noted that RV lot and harbor shower revenues showed large increases, while the hoist revenue declined due to Sitka Salmon Shares no longer using the hoist to offload fish from vessels. Eliason was working on a plan with Cruise Line Agencies of Alaska (CLAA), to have CLAA provide security at the GPIP, to eliminate Harbor Staff from performing the duties.
City Staff – None.
Chair – None.
Assembly Liaison – Ystad reported that there would be a public GPIP meeting on 1/12/2023 which would include an opportunity for public comment regarding the vessel haul out project. An RFP for the vessel haul out project manager had been advertised. The Assembly recently passed a motion to support the Alaska Trollers Association in their lawsuit against the Wild Fish Conservancy regarding the southern resident killer whales, an ordinance would be presented to the Assembly for funding amount. A future resolution would be presented asking for City Support.
Other (s) – None.

VIII. UNFINISHED BUSINESS

B. None.

IX. NEW BUSINESS

C. Cruise ship tender/security fee increase.

Eliason explained to the commission that he was wanting to increase the cruise ship tender/security fees before the start of the cruise ship season in April 2023. By increasing the fees now, rather than July 1 when the new fiscal year begins, Eliason could present the rates to the cruise ships for budgeting purposes, as well as maximize revenue for the Harbor Fund. Eliason noted that he was proposing an 8.3 % rate increase to the cruise ship tender/security fees.

M - Stevenson / S – Nurco Motioned for the Port and Harbor Commission to support the recommend 8.3% rate increase to the cruise ship tender/security fees. Motion passed 5/0.

X. SET NEXT MEETING DATE AND AGENDA ITEMS

1. The next regular scheduled meeting would take place on February 8, 2023, at 6:00pm.
2. Harbor Parking Fees.
3. Dog waste on floats.
4. Flat rate dockage fee for cruise ships utilizing the Port Facility/seawall.

XI. ADJOURNMENT

Chairman Thornton adjourned the meeting at approximately 6:30pm.

Attest :Jeremiah Johnson, Deputy Harbormaster

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	RES 23-02	Version:	1	Name:	
Type:	Resolution			Status:	AGENDA READY
File created:	1/18/2023			In control:	City and Borough Assembly
On agenda:	1/24/2023			Final action:	
Title:	Supporting the Southeast Alaska Troll Fishery				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Res 2023-02 03 Ltr to Sitka Assembly 04 Intro to trolling-2 05 ALFA.ATA White Paper. Orca, Chinook and Troll Fishery 06 11.29.22 ALFA.ATA 07 ADFG on the WFC lawsuit-2 08 ChinookMapCritical_2				

Date	Ver.	Action By	Action	Result

Sponsors: Christianson / Ystad

POSSIBLE MOTION

I MOVE TO approve Resolution 2023-02 on first and final reading supporting the Southeast Alaska Troll Fishery.

Sponsors: Christianson / Ystad

CITY AND BOROUGH OF SITKA
RESOLUTION NO. 2023-02

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA SUPPORTING THE SOUTHEAST ALASKA TROLL FISHERY

WHEREAS, commercial fishing is a mainstay of Sitka's economy and the largest private sector employer in the state; and

WHEREAS, the Southeast Alaska troll fleet is the second largest fleet in Alaska and the largest fleet in Southeast Alaska; and

WHEREAS, approximately 30% of the troll fleet is based in Sitka; and

WHEREAS, 60% of the winter chinook troll fishery catch and approximately 40% of the total Southeast troll catch is landed in Sitka; and

WHEREAS, commercial salmon trolling is a year-round contributor to Sitka's economy and sustains year-round employment in the fishing, processing, and support sector industries; and

WHEREAS, including fishing, processing, and all related multiplier effects, the troll fleet has a total economic impact in Sitka of approximately $34 million annually, as measured in terms of total output; and

WHEREAS, the lawsuit filed by the Wild Fish Conservancy against the National Marine Fisheries Service (NMFS) threatens to close the Southeast troll fishery despite that closure providing no meaningful benefits to Southern Resident Killer Whales; and

WHEREAS, the community of Sitka will suffer severe economic hardship if the Southeast troll fishery is closed.

NOW, THEREFORE, BE IT RESOLVED that the Assembly of the City and Borough of Sitka urges in the strongest possible terms that:

1. NMFS prioritize preparation of the necessary documents and processes to support prosecution of the Southeast winter and summer troll fisheries; and
2. NMFS and Alaska Department of Fish and Game commit the necessary resources to effectively defend Alaska's fisheries and the Southeast troll fishery in particular all the way to the highest court in the land; and
3. All necessary and available state, federal or private resources be made available to support lawsuit defendants and intervenors; and
4. The State of Alaska work with Alaska's Congressional delegation to protect Alaska's fisheries from present and future misdirected or malicious lawsuits.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska on this 24th day of January, 2023.

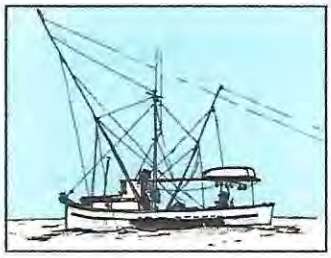
_____
Steven Eisenbeisz, Mayor

ATTEST:

_____
Sara Peterson, MMC
Municipal Clerk

1st and final reading: 1/24/2023

Sponsors: Christianson / Ystad



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Juneau, AK 99801
(907) 586-9400
alaskatrollers@gmail.com
www.aktrollers.org

Alaska Longline
FISHERMEN'S ASSOCIATION
PO Box 1229 Sitka AK 99835
alfafishak@gmail.com
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January 5, 2023

Dear Members of the Sitka City Assembly,

The Alaska Trollers Association (ATA) and Alaska Longline Fishermen's Association are contacting you now with the utmost urgency.

The Southeast Alaska troll fishery has been targeted in litigation by a Washington State NGO known as the Wild Fish Conservancy (WFC). The plaintiffs claim that the National Marine Fisheries Service (NMFS) did not sufficiently protect the Southern Resident Killer Whale (SRKW) population's food source, the Chinook, in their Biological Opinion (BiOP) for the Treaty fisheries. Their lawsuit targets the small boat Southeast troll fishery even though the science identifies industrial toxins, noise disruption, and habitat loss as the true threats to the SRKW population. In short, the lawsuit is a publicity and fundraising stunt, with no real agenda to help the whales.

The SRKW spend most of their lives in the heavily polluted and densely trafficked waters of Puget Sound. The SRKW carry one of the highest levels of industrial toxins of any marine mammal in the world. These marine toxins compromise the whales' health and ability to reproduce. The whales also suffer from vessel strikes in Puget Sound, noise disturbance, and relentless levels of whale watching. In fact, readily available data documents that the whales are not food limited, and their decline is not correlated with Chinook abundance or scarcity. Nevertheless, the WFC's lawsuit threatens to close our fishery, which operates under strict limits 1000 miles away from the whales' territory.

We recognize that the "science" put forth by the WFC is easily proven inaccurate, and we have worked hard to compile the evidence to support our position. We asked for an Evidentiary Hearing some months back, but that request was denied. Attached is a white paper co-authored by ATA and the Alaska Longline Fishermen's Association that summarizes research and data on threats to the SRKW. Also attached is a lawsuit update prepared by Dr. Dani Evanson of ADFG, and a visual description of our troll fleet. I hope you find this information helpful in understanding the illogical nature of this lawsuit.

A few weeks ago, the Magistrate Judge in the Ninth Circuit, recommended vacating the ESA Incidental Take Statement (ITS) for the upcoming winter and summer troll fisheries, which could shut down our fishery and may jeopardize Marine Stewardship Council certification for Alaska's salmon fisheries. Prior to that ruling, we was under the impression that lawsuit compliance

would demand revisions to the relevant Biological Opinion and a NEPA process to support the ITS; now with the ITS potentially in jeopardy, the ramifications of the lawsuit could be far more severe.

There is a troubling and transparent agenda here. The WFC is a recurring litigant. They fundraise around lawsuits and, under the Equal Access to Justice Act (EAJA), regularly collect legal fees. The WFC also receives federal funding, including Pacific Salmon Treaty mitigation money. In fact, in 2021 the WFC received $927,984 in federal funds—then sued NMFS to close our Alaska fishery and the Chinook hatchery production in the Puget Sound area. The fallacy of the lawsuit and WFC disingenuous agenda should be publicly repudiated.

NMFS Alaska region is writing a new BiOp to cover the Southeast Alaska fisheries and the region is working on the court ordered NEPA analysis for the ITS. The NMFS Pacific region is writing the BiOp to cover the hatcheries or prey enhancement program. The Alaska Department of Fish and Game has intervened in the lawsuit and is working hard to educate the judge and protect Alaska's fisheries.

While we recognize that the SRKW are in trouble, this lawsuit will do nothing to help the whales; in fact, it distracts from meaningful efforts to improve the whales' health and recovery. Other killer whale populations are increasing; SRKW populations are the exception. The whales are not food limited; they are suffering from environmental toxins, noise disruption, vessel strikes and other human population pressure in their home waters of Puget Sound.

We ask your assistance to keep our fleet fishing and to ensure the agencies working to defend our fishery are successful. We hope that you will consider issuing a resolution in support of our Alaska fishing families that calls out the fallacy of the WFC lawsuit. Your commitment to a positive outcome will underscore for both NMFS and ADFG the urgency of this work to defend our fishery, and the importance of completing the necessary BiOp and NEPA documents before the summer fishery is scheduled to start. We believe additional resources for research, analysis, and legal preparation are crucial, and ask for your ongoing investment in this essential work.

The communities of Southeast Alaska depend on the troll fishery and cannot withstand a year without fishing—nor should we have to. The troll fishery is a low volume/low impact hook and line fishery that sustainably supports Southeast Alaska families and rural communities. On behalf of our combined membership, we respectfully request that you work with our fleet and the parties involved to protect our fisheries and to secure a positive outcome to this lawsuit. Please let us know when you might be able to schedule a phone call to discuss this issue or if we can provide additional information.

Thank you for your relentless work on behalf of Alaska's fishermen and fishing communities. We look forward to hearing from you.

Respectfully,

Amy Daugherty
Executive Director, ATA

Linda Behnken
Executive Director, ALFA

Cc: Commissioner Vincent-Lange

Trolling: Alaska's quintessential low impact small boat fishery

The Southeast Alaska commercial troll fishery has been sustainably harvesting salmon for nearly 120 years. Trollers (not to be confused with *trawlers*) are hook and line fishermen operating small, often family-run, boats. They slowly pull four lines with bright lures (very similar to sport fishing) through the water for salmon to bite, resulting in little to no environmental impact. Trollers are the only commercial salmon fishermen who catch salmon one at a time, individually caring for each fish. Trolling is a low volume, high value fishery: every fish is handled with the utmost care, resulting in some of the highest-quality seafood products available in U.S. markets.

Southeast Alaska's salmon fisheries are managed under the bilateral Pacific Salmon Treaty, which governs shared harvest and conservation responsibilities between Alaska, British Columbia, and the lower 48. These shared responsibilities are necessitated due to the transboundary migration of salmon throughout their life cycle. Southeast Alaska's troll fishery Chinook harvest is a key component of the catch, and has been substantially reduced over time in an effort to relieve pressure on struggling stocks in the Lower 48 due to habitat loss (dams, water pollution, urbanization). Trollers are deeply invested in and dependent on the future survival and sustainability of Chinook salmon - their Chinook fishery's survival depends on it.

Commercial fishing is an economic pillar across Southeast Alaska. Specifically:

- The troll fleet is one of the largest in Alaska, with 85% of troll permit holders residing in Southeast Alaska.
- Southeast Alaska includes 35 remote communities, some with populations under 500 people and with limited economic opportunity. The troll fishery provides an entry level opportunity due to its affordability when compared to other fisheries in Alaska. As a result, there are troll permits housed in virtually every community in Southeast Alaska.
- The troll fishery provides more jobs for Alaskan residents than any other fishery and is especially important to those who live in smaller, remote communities; roughly one of every 40 people in Southeast Alaska works on a trolling boat.

- Trolling is essentially a year-round salmon fishery, providing fishermen with year-round revenue and high quality fresh fish to markets during months when fresh salmon is not typically available.
- The troll fishery, along with other salmon fisheries in Southeast Alaska, is sustainably managed under strict annual limits negotiated through the Pacific Salmon Treaty. In-season harvest is carefully managed by Alaska Department of Fish and Game, who has a long history of sustainable salmon management.
- Including fishing, processing, and all related multiplier effects, the troll fleet has a total economic impact in Southeast Alaska of approximately $85 million annually, as measured in terms of total output.
- Maintaining access to this fishery is critical for the well-being and continued diversification in Southeast Alaska's economy. The troll fishery is a lifeline for rural livelihoods across this region where hundreds of small-boat fishermen take great pride in the high quality product they provide to consumers across America.


Yakutat
Klukwan
Skagway
Haines
Gustavus
Elfin Cove
Pelican
Juneau
Hoonah
Tenakee Springs
Angoon
Hobart Bay
Sitka
Kake
Port Alexander
Kupreanof
Petersburg
Point Baker
Wrangell
Port Protection
Coffman Cove
Edna Bay
Whale Pass
Thorne Bay
Naukati Bay
Meyers Chuck
Klawock
Craig
Hyder
Hollis
Ketchikan
Hydaburg
Kasaan
Saxman
Metlakatla
Dixon Entrance
N
50
Miles
Source Data: National Geographic World Map

Alaska Longline FISHERMEN'S ASSOCIATION

ALASKA TROLLERS ASSOCIATION

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ATA: 130 Seward #205 Juneau, AK 99801 (907) 586-9400 alaskatrollers@gmail.com www.aktrollers.org

Executive Summary

The following report prepared by the **Alaska Longline Fishermen's Association** (ALFA) and **the Alaska Trollers Association** (ATA) addresses factors that affect the Southern Resident orca and responds to the campaign waged by the Wild Fish Conservancy, a Washington State organization, to link orca decline to the Southeast Alaska troll fishery. This report is based on extensive review of the research, data, and published literature.

Pollution, industrial toxins, urbanization, habitat loss and human-caused disturbance are the primary factors limiting the recovery of the Southern Resident orcas. Any one factor – acoustic disturbances from vessel traffic, the orca observing industry, chemical contaminants, or habitat harms specific to Chinook, chum and coho salmon – may in itself be a significant cause of nutritional stress, higher death rates or failed pregnancies. In short, Southern Resident orcas are threatened primarily because of their prolonged residence each year in Puget Sound and inland Southern British Columbia waters, all areas that are heavily used and contaminated by a growing human population.

ALFA and ATA are Southeast Alaska-based commercial fishing organizations that represent community-based, small commercial fishing businesses. Their members support science-based fisheries management and work to safeguard the health of the marine and freshwater environments that support salmon and other marine life. ALFA markets wild, sustainably caught Alaska seafood under the Alaskans Own label throughout Alaska and the U.S. to fund its Seafood Donation Program and Fishery Conservation Network. Alaskans Own is a leader in the sustainable seafood movement and has helped address food insecurity issues throughout Alaska and the Northwest, delivering more than 640,000 donated Alaska seafood meals in 2020-2021.

Chinook salmon produced by Southeast Alaska's troll fishery are the culinary world's salmon of choice, prized for their color, high oil content, firm texture, and succulent flesh. Trollers fish with hook and line gear on the open ocean and target individual adult salmon when they are "bright," or at their peak quality. Careful individual handling helps maintain this quality. No fish is treated with more care from the time it leaves the water until it arrives on a plate.

Troll fishery harvests are managed under the Pacific Salmon Treaty using annual catch limits based on the aggregate abundance of mixed, multiple Chinook stocks that feed in the Gulf of Alaska. Treaty harvest regimes are abundance-based and designed to be sustainable. Each year fishery managers develop annual abundance indices that respond to changes in stock productivity to meet biologically based escapement goals and exploitation rate objectives. Fishery managers have been successful at keeping catches below pre-season catch limits, consistent with Treaty obligations. Each year there is a post-season analysis of the fisheries and re-evaluation of harvest objectives. The Alaska troll fishery is one of the most carefully monitored fisheries in the world, with in season reporting and extensive dockside sampling. This management system ensures compliance with major seafood sustainability standards that require the harvest of sustainable fish stocks, minimal environmental impact on the marine ecosystem biodiversity, and an effective management system capable of responding quickly to environmental changes.

The Wild Fish Conservancy seeks to eliminate Southeast Alaska's troll fishery - a fleet of small fishing vessels operated by independent fishing families. Although there are many conservation groups concerned about orcas, the Wild Fish Conservancy acted alone to sue NMFS two years ago as part of its effort to eliminate the troll fishery. The court narrowly ruled NMFS needed to revise an incomplete plan to increase hatchery Chinook production that would provide additional prey for Southern Resident orcas.

The Wild Fish Conservancy is now misusing the court's decision in its campaign by targeting retailers, restaurants and seafood sustainability certifiers with misleading media materials that falsely fault a small and distant salmon fishery

for the decline of the Southern Resident orca population. Their theory is that Southeast Alaska troll fishery catches of Chinook salmon are the primary cause of downward population trends for the Southern Resident orcas. This theory ignores a massive body of literature detailing the role of habitat degradation and human pressure on orca population viability. The theory also ignores decades of harvest and stock composition data establishing that the troll fishery's impact on coastwide Chinook abundance is small and more importantly, its impact on stocks of importance to the Southern Resident orcas is low.

Southern Resident orcas move through the Salish Sea (Puget Sound and southern British Columbia inland marine waters) and outer Washington coast during May through October in pursuit of Chinook, coho, and chum salmon. After October they move to the outer coasts of Washington and southern Vancouver Island and forage for Chinook and groundfish such as ling cod, dover sole and halibut. By March and April, they frequent areas near the mouth of the Columbia River, which is the peak return time for Columbia River Spring Chinook.

There is a massive body of research investigating the decline of the Southern Resident orca. The causes are simple but multiple, with current research focused on habitat loss, vessel traffic and contaminants. Salmon abundance has varied considerably over the past 40 years, and it is either a non-factor or the least significant factor affecting long-term trends for Southern Resident orca population.

Vessel traffic impacts to Southern Resident orcas

The Salish Sea has become one of the busiest areas of marine traffic in the world, generating unprecedented levels of noise pollution. Vessels collide with orcas or draw them into propellers and are a significant and frequent cause of injury or death. The traffic increases have degraded habitat used by the orca for foraging, socializing and reproduction and are likely a major limiting factor for the population. The noise pollution is chronic in key foraging areas and makes it difficult for orcas to find and capture prey. Major increases in noise pollution occurred concurrently with ongoing and past periods of population decline. There are also clear correlations between the increasing intensity of orca observation and Southern Resident population declines. The number of commercial orca observing vessels alone that concentrate around foraging orcas has more than quintupled since the 1980s and disrupts orca foraging success. Researchers have identified each one of these factors – collisions, noise pollution and orca observers – as a potential primary cause of the population decline.

Contaminant cocktail impacts to Southern Resident orcas and Pacific Northwest salmon

Southern Resident orcas are among the world's most contaminated marine mammals. One of the main threats to Southern Resident orca survival - and salmon population recovery - is the high toxic contaminant burden borne by both species which forage in urban and industrial areas. Contaminated forage fish cycle toxic chemicals throughout the food web which bioaccumulate in salmon and orcas. Commonly consumed contaminant cocktails consist of PCBs (polychlorinated byphenyls), PBDEs (polybrominated diphenyl ethers), DDT (dichlorodiphenyltrichloroethane, an insecticide) and PAHs (polycyclic aromatic hydrocarbons - chemicals found in stormwater run-off from roadways). These contaminants – even if banned years ago - persist at high levels today in the Salish Sea marine environment.

Female orcas transfer contaminants to calves during pregnancy and while nursing. Exposure at this young age makes calves and juvenile orcas susceptible to severe consequences: disrupted growth and development, impaired future foraging capacity and lower chances of reproductive success. The contaminants increase the number of failed pregnancies and the post-birth calf mortality rates. All the major chemicals compromise orca immune systems and shorten life expectancies by increasing susceptibility to the infectious diseases that are large sources of marine mammal mortality. Southern Resident orcas mature differently, are less fertile, and produce fewer healthy surviving calves than Northern and Alaska Resident orcas – populations that avoid the Salish Sea and have much lower contaminant

concentrations. The contaminants have the same effects on salmon, particularly salmon species that spend the most time in the Salish Sea, particularly Chinook.

Marine mammal predation on salmon exceeds fishery impacts

Southern Resident orcas are the only orca population that preys on Chinook in the northeastern Pacific that is declining. Northern and Alaska Resident population levels have at least doubled since 1980. The Northern Resident population grew from 120 individual orcas in 1975 to over 300 orcas today, potentially consuming nearly a million more Chinook salmon each year than they did fifty years ago. Overall, the three resident populations *consume between 1.6 and 2.3 million Chinook each year, exceeding harvest in all marine, terminal, and freshwater fisheries.*

Degradation of Salish Sea habitat for Southern Resident orcas rather than salmon abundance is the main factor that distinguishes their population trends from those of their near northerly neighbors. Also, between 1970 and 2015, Chinook consumption by harbor seals and California and Steller sea lions increased over ninety percent and is another source that may limit the number of Chinook available to Southern Resident orcas during years of lower abundance. Pinnipeds eat twice as much Chinook salmon as the orcas and 6 times as much as harvested in commercial and recreational fisheries.

Southern Resident orcas may be sick or unable to forage in a degraded Salish Sea, but they are not starving for lack of Chinook salmon

Numerous studies of orca diet composition and other available evidence contradict the theory that occasional downward fluctuations in Chinook abundance causes the orcas to starve or suffer nutritional stress. There are healthy orcas within the Southern Resident population, and cases of nutritional stress in all northeastern Pacific orca populations that have access to abundant prey. Factors other than a lack of food, such as individual health issues or external disturbances from noise and vessels may be causing nutritional stress for some orcas. Some of them may simply be too sick to eat. The most common causes of death for recovered orcas are not starvation but rather disease, vessel strikes and accidental stranding. If the orcas are not eating enough Chinook during their Salish Sea summer the problem is more likely factors that limit accessibility to Chinook rather than Chinook abundance. Injuries caused by or interactions with vessels and chronic noise pollution impairs the ability to catch or consume prey - and disproportionately impacts pregnant or lactating females.

Fishery interactions with Chinook stocks important to Southern Resident orcas

While numerous habitat conditions have deteriorated for both Southern Resident orcas and their prey, Chinook, coho and chum salmon, ocean fisheries have borne substantial cuts to harvests of healthy Chinook stocks for decades to enable higher escapements of infrequently caught weaker stocks. Despite the cuts, there has been no meaningful improvement in Southern Resident orca population productivity, likely because of the failure to address other much more significant impacts. The Pacific Salmon Treaty has reduced Alaska troll fishery catch by over 30 percent since 1985; over the same time period the Southern Resident orca population fluctuated up and down but overall *grew* by two percent. The cuts to ocean fishery harvests *increased* Chinook terminal run sizes (numbers of fish returning to areas near their natal rivers) in the Salish Sea by over a third since the 1990s. Multiple analyses conclude that additional cuts to already low ocean fishery exploitation rates would be unlikely to help recover the Southern Resident orca population.

To the extent that a focus on fisheries would be meaningful to the orcas, that focus would need to be on fisheries that exclusively harvest stocks that occur in the orcas range off the Washington Coast in winter and inland Salish Sea in summer. In general, ocean fisheries have negligible impacts on these stocks. Alaska's troll fishery harvests stocks that may migrate for six to eight hundred miles from harvest locations in Alaska before reaching the Washington

coast or mouth of the Columbia River and nearly a thousand miles before reaching the Bonneville Dam. Any Chinook not harvested by the distant troll fishery still have to evade capture by other fisheries and marine mammals for hundreds of miles to provide any benefit to Southern Resident orca.

The largest proportion of Chinook harvested in the Alaska troll fishery are non-Puget Sound stocks migrating to or through the Washington or British Columbia coasts during summer when the Southern Resident orcas frequent the Salish Sea. Most Puget Sound Chinook spend their entire life in the Salish Sea and Coastal British Columbia, where 85 to 90 percent of the summer and fall run harvest occurs. Canadian and southern U.S. sport and commercial Chinook harvests vastly exceed the annual Alaska troll fishery catch of 400 to 700 Puget Sound Chinook. Canadian and Puget Sound harvest overlaps extensively with Southern Resident orca priority stocks. Most of the Canadian sport harvest – 154,000 Chinook – occurs off the West Coast of Vancouver Island and in the Salish Sea, where Puget Sound Chinook comprise between ten and seventeen percent of the catch. The 2021 Salish Sea Chinook harvest in Washington State was roughly 122,000 Chinook, including an estimated 48,000 Chinook in the sport fishery – two-thirds of them in Puget Sound.

During the winter, Southern Resident orcas target a broader range of Chinook stocks but Columbia Spring runs are the most important, comprising over half of the Chinook consumed by Southern Resident orca in winter and spring. These runs vary in abundance but overall returns are much higher than they were during the 1980s and 1990s. *Because most of the Columbia Spring runs have a non-coastal ocean distribution, marine fishery impacts on these stocks are negligible*. The biggest harvest impact on these stocks is sport fishing downstream from the Bonneville dam; however dams are the main limiting factor overall for Columbia Basin stocks. Immediate increases in spill levels at Snake and Columbia River dams and the removal of lower Snake River dams are essential for the recovery of Spring Chinook and therefore the orcas as well.

Columbia and Snake River summer and fall populations harvested in the Alaska troll fishery migrate past the Washington coast during the summer when the orcas are in the Salish Sea. These stocks have been resilient during the 21st century, with total annual runs exceeding a million Chinook. Long-term annual escapement rates have improved dramatically, vastly exceeding escapement goals. Five of the highest Snake River returns of the 21st century occurred over the past decade. Summer Chinook run sizes over the past decade are three to four times as high as during the 1980s and 1990s. The most abundant stock, Columbia River Brights, contributes to numerous fisheries. These healthy stocks are the far-north migrating stocks from the Columbia River that benefit from feeding in the Gulf of Alaska where they may be harvested in the Alaska troll fishery.

Southeast Alaska harvests of Columbia River salmon may range between 30,000 and 50,000 fish in any given year and are a small proportion of the harvest compared to other fisheries. Columbia River net and sport fisheries alone harvested nearly 220,000 Columbia River Chinook in 2021 – more than the troll fishery's total mixed stock harvest. Angler effort on the mainstem Columbia increased rapidly over the last thirty years. Typically, Columbia River sport harvests exceeded 100,000 Chinook over the past decade – with most of harvest coming from the thriving Columbia River Bright stocks.

Puget Salmon habitat

NMFS approved continued implementation of the Puget Sound fisheries in a 2021 BiOp, further raising questions about why the Wild Fish Conservancy would target a distant fishery that harvests a small fraction of the total harvest of Puget Sound Chinook. The 2021 BiOp, multiple scientific analyses, and government reports all point to other factors that harm Salish Sea salmon targeted by the orcas – in particular, deteriorating habitat conditions. The increasing human population undermines both Chinook and Southern Resident orca population recovery. Fishery managers recognize that continued destruction and degradation of habitat, not fisheries, is the primary problem limiting the viability of Puget Sound Chinook. Indeed, more Puget Sound Chinook - 2,500 - died in one event in the Nooksack River's

South Fork in 2021 than Southeast Alaska trollers harvest in three or four years. These events recur across many Puget Sound rivers and returning Chinook, coho, and chum salmon that are primary prey for the orcas.

Washington state's population tripled to over seven million people between 1950 and 2018 and over two-thirds of the still growing population live in 12 counties adjacent to Puget Sound. The length of time salmon spend rearing in freshwater or nearshore Salish Sea marine habitats significantly influences regional salmon stock productivity patterns. Habitat quality at early life stages is critical to salmon survival, and the lengthy freshwater rearing stage and delayed ocean entry are a disadvantage for wild Puget Sound salmon. Dams are prevalent throughout Puget Sound watersheds, blocking access to habitat in many of the largest rivers and degrading downstream spawning and rearing habitat. Barrier culverts block access to thousands of miles of spawning habitat and prevent juvenile salmon from migrating within a watershed to rearing or overwintering habitat or moving to find food or refuge from adverse environmental conditions.

Logging and timber road construction has had significant impacts on upstream habitats – particularly the loss of riparian forests that maintain water quality and regulate stream temperatures and flows. Downstream agricultural and urban development removed riparian vegetation and trees, leaving unshaded watersheds with higher stream temperatures. Urban and highway runoff, wastewater treatment, failing septic systems and agriculture or livestock impacts further degrade water quality. Various developments, water diversions and high contaminant concentrations and other intensive uses degraded or destroyed Puget Sound estuaries where juvenile Chinook salmon rear extensively and continue to threaten these highly productive but vulnerable ecosystems. The degradation or loss of these habitats reduces salmon survival rates and drastically diminishes salmon returns. In sum, at-risk Chinook populations will continue to decline until the condition of Puget Sound watershed improves.

Conclusion

The Alaska troll fishery is sustainably managed under the Pacific Salmon Treaty based on the abundance of far-north migrating Chinook salmon that spend most of their lives feeding in the Gulf of Alaska. None of the Puget Sound Chinook populations are far north migrating, making impacts from Southeast Alaska marine fisheries extremely low. While Canadian fisheries off of Vancouver Island and the Strait of Juan de Fuca and Washington and Oregon fisheries in or near Puget Sound and the Columbia River take far more Chinook than the Southeast troll fishery, the primary threats to Southern Resident orca are associated with human-caused pollution and disturbance.

Increases in pollution of various types from vessels, vehicles, industrialization and urbanization, residential, agricultural, and timber management sources are the primary factors limiting the recovery of the Southern Resident orcas. Any one factor – acoustic disturbances from vessel traffic, the orca observing industry, chemical contaminants, or habitat harms specific to naturally spawning Chinook, chum and coho salmon – may be a cause of significant nutritional stress, higher death rates or failed pregnancies, but more than likely a combination of these factors are driving Southern Resident orca population trends.

The Wild Fish Conservancy's theory that commercial fishing alone, particularly fishing occurring hundreds of miles away in Alaska, is causing orca mortality and impeding growth is not supported by the numerous recent scientific analyses that track salmon abundance and Southern Resident orca diet composition and/or evaluate actual primary causes of population decline. Cuts to ocean fisheries have been the primary means of improving Chinook escapements over the past three decades. The significant sacrifices of harvest opportunities on the most abundant stocks by ocean fishermen have increased the numbers of Chinook available to the orcas but the orca population has not recovered. As other habitat harms have continued and worsened, so too has the plight of Southern Resident orcas.

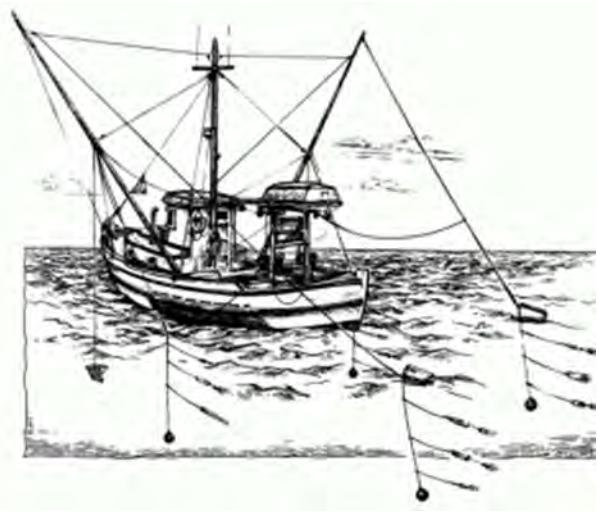
Southern Resident orca face significant and worsening threats to their survival from population pressure in the Puget Sound area. The Southeast Alaska troll fleet is of little consequence to the survival of this species. **Seafood consumers, retailers and restaurants should feel confident that the Alaska troll fishery is not depleting the prey of Southern Resident orcas nor contributing to their ongoing decline.**

Contents

1. Introduction

The troll fishery is a small boat fishery and one of the most important fisheries in Southeast Alaska, a region with more full-time fishery workers than any region in Alaska other than the Bering Sea.[1] In any given year, seven of the top

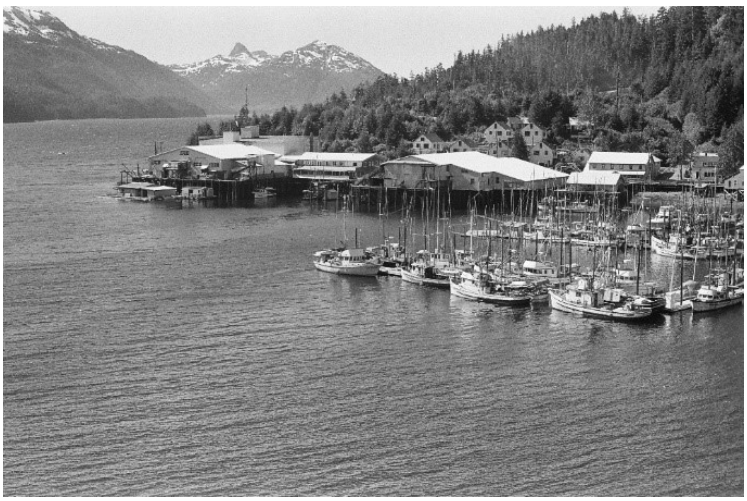
100 fishing ports by value in the entire country are likely to be Southeast Alaskan ports.[2] The top competitive strength is the high quality of Southeast Alaska seafood products, which include most of the Alaska harvest of high value Chinook salmon by the troll fleet.[3] Troll-caught Chinook are by far the highest valued salmon species harvested in Southeast Alaska and typically comprise 44 percent of troll harvest value.[4] In general troll fleet Chinook harvests averaged 199,000 fish per year over the past decade.[5]



Trolling is a unique, environmentally responsible fishery in large part because it is a low volume fishery in which fishers selectively target individual adult salmon with hook and line fishing gear. Fishing lines with lures are drawn through the water behind a moving boat. Fishers catch, clean and ice or freeze each fish.

Because of the special care and prompt processing, Southeast Alaska troll-caught Chinook are some of the highest quality seafood products in the world, harvested by fishers who are committed to quality, traceability and sustainability. Fishers respect the resource and adhere to science-based fisheries management. The low impact fishing gear is deployed from a fleet of individually owned and operated small fishing boats.

Southeast Alaska's troll fishery has the highest level of local ownership of any major Alaska fishery, making its survival critical to nearly all of Southeast Alaska's 33 communities. 85 percent of the fleet is local to Southeast Alaska.[6] Between 900 and 1,100 trollers actively fish each year and Alaska residents earn roughly eighty percent of the fleet's annual ex-vessel value, which typically ranges from $29 million to $52 million.[7]



The scenic Southeast Alaska fishing port of Pelican Alaska is one of many communities that depend on the troll fishery.

Many of the more remote communities, such as Edna Bay, Meyers Chuck, Point Baker, Port Protection, Port Alexander and Pelican, are historical fishing villages that rely almost exclusively on the troll fishery. Alaska Native villages such as Hoonah and Yakutat also depend on fishing and processing salmon caught in the troll fishery. The region's three largest communities – Juneau, Ketchikan and Sitka, and mid-sized communities of Haines, Petersburg and Wrangell – also rely on the troll fishery because of the large number of resident fishermen and contribution of the troll fishery to regional processing capacity and local economies.

Southeast Alaska resident harvests, as well as harvests by non-resident fishermen who function as locals during the extended troll season, significantly benefit local economies through higher local expenditures on fuel, groceries, vessel repair and maintenance sectors and gear suppliers, generating induced economic effects that include more indirect employment and wage income circulating in the economy.[8] Studies show that the value of high quality seafood such as salmon multiplies by a factor of four as harvested fish transit the economy from a hook to plates served to consumers in the Pacific Northwest and throughout the country.[9] A typical troll fishery value of $37 million per year generates $148 million annually in economic outputs when adding in restaurant sales, consumer

purchases, transportation jobs and other benefits accruing throughout the west coast of the U.S. and beyond.[10] The troll fleet is diverse, including hand trollers (who use hand-powered gurdies or fishing rods), power trollers who use hydraulic powered gurdies and sell iced fish to shore based processing plants and tenders, and 50 catcher-processors (freezer trollers which harvest fish and freeze them while at sea).[11]

Southeast Alaska's troll fleet is a diverse, small boat fishery.
Photo credit: F/V Patience.

1.1 The Pacific Salmon Treaty

Southeast Alaska troll fisheries are part of a larger, international Chinook fishery regime managed pursuant to the Pacific Salmon Treaty ("Treaty"), which assigns conservation obligations and harvest sharing for Chinook stocks that migrate through U.S. and Canadian waters[12] There are roughly thirty-four distinctly managed marine net, troll and sport and freshwater sport and net fisheries that harvest substantial numbers of Chinook off the coast of British Columbia, in Georgia Strait, the Strait of Juan de Fuca (both Canada and the U.S.), in south and north Puget Sound, the Washington coast, and in Oregon and Idaho.[13] In general, Canadian ocean fisheries in northern British Columbia and off of the West Coast of Vancouver Island catch twice as many Chinook as Alaska ocean fisheries.[14]

Annex IV to the Treaty governs Treaty Chinook fisheries management with the objective of providing healthy, productive Chinook populations that support sustainable fisheries, other social, economic and cultural benefits and ecosystem benefits for multiple species.[15] The U.S. and Canada share a comprehensive, coordinated program that uses science-based management to allow for sustainable, targeted harvests of natural and hatchery produced Chinook stocks based on abundance.[16] Scientific teams evaluate and report annually on harvests, exploitation rates, escapement objectives and productivity trends for all stocks.[17] They develop abundance indices each year, including the index used to set the Alaska fishery pre-season catch limit each year.[18]

Treaty management measures sustain or recover and protect different Chinook stocks and respond to changing environmental conditions identified through monitoring of stock abundances and changes in distribution or marine survival rates.[19] Many Chinook stocks managed pursuant to the Treaty are healthy and show long-term positive productivity trends.[20] The Treaty recognizes and provides for stocks that have conservation concerns caused by the long-term cumulative effects of chronic habitat degradation.[21] Fishery managers work to preserve Chinook biodiversity and conserve, protect and rebuild those stocks.[22]

NMFS is responsible for analyzing the impacts of ocean fisheries on at-risk species. After listing a number of Chinook populations under the Endangered Species Act during the 1990s, NMFS prepared a Biological Opinion, or "BiOp" focused on four Chinook populations (Evolutionarily Significant Units, or ESUs) most frequently harvested in the ocean fisheries managed under the Pacific Salmon Treaty.[23] The first BiOp concluded that the fisheries would not jeopardize the listed Chinook species.[24] In 2008 the agency prepared another BiOp evaluating changes to the fisheries under the proposed 2009 Treaty agreement.[25] The 2008 BiOp also considered effects to the Southern Resident orcas and concluded that the fisheries would not jeopardize the orcas or harm their critical habitat. [26] The 2009 Treaty agreement cut Southeast Alaska and some Canadian Chinook fisheries by 15 and 30 percent, respectively.[27] The most recent 2019 Treaty reduced Southeast Alaska's catch by another 7.5 percent and the West Coast of Vancouver Island fishery by another 12.5 percent.[28]

1.2 The Wild Fish Conservancy's lawsuit

NMFS prepared a new analysis of the Southeast Alaska salmon fisheries following adoption of the 2019-2028 Pacific Salmon Treaty Agreement and an associated conservation program. One component of that program would increase hatchery Chinook production, and thus Southern Resident orca prey availability, by four to five percent in their seasonal foraging areas.[29] The new BiOp evaluated the fisheries and a conservation program intended to benefit Puget Sound Chinook and Southern Resident orcas.[30] The BiOp concluded that Alaska salmon fisheries as managed under the Pacific Salmon Treaty would neither harm the orcas nor several at-risk Chinook stocks.[31]

A Washington State non-profit corporation, the Wild Fish Conservancy, sued NMFS, alleging that the analysis in the BiOp violated U.S. environmental laws. The Wild Fish Conservancy argued that NMFS failed to fully describe how it would fund and implement the conservation program and further that NMFS needed to analyze the impacts of additional hatchery releases on at-risk Chinook populations.[32] The court agreed, and ruled that NMFS would need to develop a more specific conservation plan with clear deadlines and prepare additional analysis under the National Environmental Policy Act (NEPA). [33]

The court held a hearing in October 2022 after briefing by all parties on the appropriate remedy for the case and has not yet issued a final decision regarding whether or not to vacate the BiOp. NMFS has requested that the court remand the BiOp and Incidental Take Statement to the agency to undertake further analysis without vacating any portion of those documents.[34] The court's ruling did not change NMFS' conclusions regarding the low impacts of the Southeast Alaska troll fishery. The agency's most recent filings in the case recognize that troll fishery impacts on Chinook stocks of importance to the Southern Resident orcas are small and will not jeopardize their survival or recovery.[35] Indeed, NMFS successfully implemented the prey increase program as anticipated in the BiOp, releasing more than 19 million juvenile Chinook in 2022.[36] NMFS staff in charge of orca recovery and Chinook enhancement have explained the vacating the BiOp will be harmful rather than beneficial to the orcas in large part because of the successful salmon enhancement program.[37]

1.3 Southern Resident orca population trends and range

There are ten orca populations in the northeastern Pacific Ocean: four resident populations, five transients and one offshore population.[38] These populations neither interact nor interbreed with one another.[39] They also have very different and specialized fisheries - residents are piscivorous (fish eaters); transients eat harbor seals and other marine mammals and offshore orcas mostly eat sharks.[40] Resident populations have known home ranges but travel considerable distances at times. [41] Southern Resident orcas are the southernmost of the northeastern Pacific piscivorous populations.[42]

The largest known Southern Resident population size was 96 orcas in 1967.[43] Between 1962 and 1974, demand from aquariums and marine parks incentivized the formation of orca capture companies in the Pacific Northwest that

took 68 orcas – mostly Southern Residents.[44] The population dropped to its lowest level, 67 orcas, by 1971.[45] The population then fluctuated.[46] Growth occurred at normal rates during the late 1980s and peaked at 98 orcas in 1995 before a 20 percent decline from 1996-2001.[47] The decline led to the listing of the species as endangered in both Canada and the U.S.[48] The causes of that decline are uncertain; most scientists attribute it to combination of factors, including the small size of the population, contaminants, vessel traffic disturbances and reduced access to prey.[49] By 2010 the population rebounded to 86 orcas.[50] Another decline then occurred after 2010 when the population dropped to 74 by 2018, the lowest level since the late 1980s.[51]

The U.S. and Canada designated critical habitat for Southern Resident orcas throughout the "Salish Sea" which contains the Strait of Juan de Fuca, Puget Sound and Georgia Strait. [52] Southern Resident orcas move through the Salish Sea and outer Washington coast seasonally in pursuit of prey and particularly to areas where salmon congregate in the late stages of making final migration to natal rivers.[53] Most of the Chinook they eat originate from the Columbia River and rivers flowing into the Salish Sea.[54] In the early spring, they commonly forage for Columbia and upper Fraser River spring run Chinook in western Juan de Fuca Strait and off the coasts of southern Vancouver Island and northern Washington state.[55] They spend most of May through October in the Straits of Georgia and Juan de Fuca, and Puget Sound.[56] By June, they occur mostly in the southern Salish Sea, targeting summer and fall Chinook runs migrating to rivers that flow into the Salish Sea.[57] They typically concentrate in specific areas, particularly the San Juan Islands.[58] In recent years they are spending more time at the western portion of their summer range near the southern end of Vancouver Island.[59] Beginning in September the Southern Resident orcas move throughout Puget Sound when returning coho and chum runs salmon comprise an increasing proportion of their diet - up to half their food.[60]

Winter distribution and diet differs from summer.[61] The proportion of Chinook salmon in their diet decreases in fall and winter.[62] Southern Resident orcas mostly eat chum when in Puget Sound between October and December but there is little available diet data for other areas.[63] After October the orcas leave the Salish Sea and move to the outer coasts of Washington, Oregon and southern Vancouver Island, sometimes moving as far south as central California.[64] During this time they eat groundfish such as ling cod, dover sole and halibut but considerable uncertainty remains regarding their winter diet because of insufficient data.[65] The mouth of the Columbia River and Westport are favorite fishing spots in March and April during the peak return time for Columbia River spring Chinook.[66]

Different salmon stocks may be more important in some years than others and the importance of specific stocks to Southern Resident orca diet changes over time.[67] The overall coast-wide Chinook abundance is more important than smaller aggregations or specific stocks.[68] In recent years, the Southern Resident orcas are spending less time in the Salish Sea, and consuming a more diverse range of Chinook stocks in other areas. [69]

1.4 Current threats to the Southern Resident Orca: pollution, people, traffic, marine mammals and Chinook habitat loss

The Southern Resident orca is one of the most intensively studied marine mammals, and the most studied resident orca population in the world.[70] Numerous studies identify multiple and interacting causes of downward population fluctuations including high contaminant concentrations increase disturbances from vessel traffic, noise pollution, and commercial and recreational whale watchers, the small population size, and the effects of traffic, noise pollution, and orca observers on orcas seeking to capture salmon.[71] Current research focuses on habitat loss, vessel traffic and contaminants.[72] Researchers have found it challenging to assess which threats are most significant.[73] Researcher M. Scott Taylor of the University of Calgary explains that:

> …no research has been able to quantify the impact of any one (or combination) of channels given the extreme difficulty of observing and then measuring potential causal effects on population that ranges over thousands of square miles of habitat and is, for the majority of the time, below the surface. Despite

literally tens of millions of dollars of research, the debate over what to do with or for, the Southern Resident is going nowhere fast.[74]

Salmon abundance has varied considerably since 1980 and does not explain the long-term decline in the Southern Resident orca population.[75] Southern Resident and Northern resident orca populations grew at similar rates of nearly three percent from 1974-1987. [76] During the mid-1990s, Northern Resident and Southern Resident orca populations declined by seven and eighteen percent, respectively, coinciding with low Chinook abundance throughout the Pacific coast.[77] But the Southern Resident population continued to shrink even with extended, positive periods of higher Chinook abundance after 2000. [78] Meanwhile, the Northern Resident orca population again increased after 2000, casting considerable doubt on the theory that Chinook abundance is a sole or even primary driver of the Southern Resident orca population decline.[79]

Numerous factors have degraded Southern Resident orca foraging habitat in the Salish Sea and the various habitats used by Chinook salmon for spawning, foraging and rearing.[80] Since 1970 there has been a dramatic increase in human population, development and industrialization.[81] These changes have impacted the Southern Resident orcas in various ways that have reduced their population productivity while the Northern Resident orcas have thrived by avoiding the Salish Sea.

The Salish Sea has become one of the busiest areas of marine traffic in the world.[82] The traffic generated unprecedented levels of acoustic disturbances for the Southern Resident orcas.[83] Noise pollution is prevalent, intense and long lasting and interferes with both orca communication and foraging which rely on the production of sounds and ability to detect echoes.[84] The noise pollution likely has a significant impact on population productivity and may have been a significant factor in the population decline during the mid-1990s by reducing foraging efficiency, particularly for pregnant females during the summer. [85] The commercial orca observing fleet in the Salish Sea increased from 20 boats in the 1980s to 100 by 2017.[86] Other vessels normally used for other charter or recreational purposes also concentrate around the orcas in key foraging areas.[87] Orca observers have likely caused significant disturbance to orca foraging, reducing the accessibility of Chinook salmon.

Industrial and urban development of Puget Sound and southern British Columbia exposed Southern Resident orcas to multiple contaminants that enter the marine environment through various pathways, notably PCBs (polychlorinated byphenyls used as lubricants in electrical transformers), PBDEs (polybrominated diphenyl ethers used as flame retardants) and DDT (dichlorodiphenyltrichloroethane once used in agriculture as an insecticide).[88] These contaminants persist at high levels today in the Salish Sea marine environment and enter the aquatic food web and bioaccumulate up the food chain, becoming very concentrated in long-lived apex predators such as the orcas.[89] As a result, Southern resident orcas are among the world's most contaminated marine mammals, particularly with high concentrations of PCBs, DDTs, PBDEs that routinely exceed toxicity thresholds for marine mammals.[90]

Population growth and industrial development have degraded spawning and rearing habitat for the orcas preferred prey, salmon, throughout Puget Sound and southern British Columbia. [91] Various land uses – whether for urbanization, logging, farming or other developments, have significantly degraded habitat conditions throughout regional watersheds, wetlands and estuaries.[92] Impacts include reduced watershed connectivity, quality, complexity and function, loss of riparian areas, disturbances to stream substrates, impaired fish passage conditions and losses of genetic diversity. [93] Developments near floodplains and shorelines converted salmon habitat to residential and industrial areas and added contaminants to aquatic ecosystems through run-off from roads.[94] Dams and flood control infrastructure have cut off significant portions of the rivers that once provided habitat for Chinook and other salmon; new projects may continue to increase these impacts.[95] There is a smaller amount of functioning nearshore and estuarine habitat for salmon rearing and migration after decades of dredging and filling estuarine areas, altering marine shorelines, causing a loss of habitat features critical for salmon, particularly juveniles. [96] These impacts have reduced ecosystem resilience, increasing salmon susceptibility to habitat disturbances such as floods, landslides and droughts.[97]

The habitat loss continues to reduce carrying capacity for spawning salmon in Puget Sound rivers, causing ongoing declines in Chinook abundance.[98] While there have been efforts to improve habitat, regulate whale watchers and other measures, the increasing human population undermines both Chinook and Southern Resident orca population recovery.[99] The Southern Resident orca population continues to fluctuate at lower levels even though cuts to ocean fisheries such as those imposed through the Pacific Salmon Treaty process have increased the abundance of Chinook returning to terminal areas (near their freshwater streams) by over a third.[100] The inability to improve conditions for the Southern Resident orcas through changes to ocean fishery management is why fishery managers from both Canada and the U.S. emphasize actions to reduce disturbances to the orcas rather than broad scale coast-wide reductions in fisheries.[101]

Non-anthropogenic factors also affect the distribution and accessibility of Chinook. Marine mammal predation on Chinook, particularly by pinnipeds in the Salish Sea and Columbia River, vastly exceeds commercial fishery harvests. The Northern Resident population grew from 120 orcas in individuals in 1975 to over 300 orcas today and is still steadily growing, potentially consuming nearly a million more Chinook salmon each year than they did fifty years ago. [102] Over the same time period the harbor seal population increased 700 percent in Georgia Strait and Puget Sound, accompanied by significant growth in the coastal sea lion population. [103] Pinnipeds consume twice as many Chinook salmon as orcas and six times as many as harvested by all coastwide and freshwater fisheries. [104]

2. Salish Sea Traffic and Toxins

2.1 Salish Sea Vessel Traffic impacts to orcas: noise pollution and orca watching

Vessel traffic is likely to increase in the Salish Sea which is already one of the busiest seaways in the Pacific.[105] Existing high levels of vessel traffic degrade Southern Resident orca habitat through their presence, activity and chronic noise pollution.[106] The role of rising vessel traffic impacts on the decline of the Southern Resident orca is now a primary hypothesis explaining the failure of the Southern Resident orca population to recover.[107] It is likely that the traffic has had significantly influenced recent declines by increasing collision risks by reducing or eliminating foraging success through noise pollution and other disturbances.[108]

The west side of San Juan Island in Haro Strait is the orca's most important summer foraging habitat.[109] Today, nineteen large ships transit adjacent to or in orca critical habitat in Haro Strait near San Juan Island each day, or nearly one large ship nearly every hour all year.[110] The globalization of the economy significantly increased the volume and variety of vessels transiting the Salish Sea to or from ports outside North America beginning in the late 1990s.[111] Most of the vessels driving the increase are container ships which generate the loudest sounds.[112] Between 1998 and 2019 the number of large vessel trips increased by 46 percent, for a total of 175,000 more trips.[113] Vessels travel 1.8 million miles in orca critical habitat each year, an increase of half a million miles a year compared to the late 20th century.[114] The massive underwater noise generated by these traffic increases is chronic and has degraded habitat used for foraging, socializing and reproduction, and is likely a major limiting factor for the population.[115]

The orcas are also a "principal target species" for a rapidly growing marine mammal watching industry.[116] San Juan Island is one of the most popular recreational boating and orca watching destinations in the U.S. and Canada.[117] Orcas react to obstruction or disturbances from vessels by swimming faster and further, changing travel direction or diving differently.[118] These impacts, along with acoustic disturbances, affect communication, reduce foraging time by at least several hours a day and increase energy expenditures.[119] The impacts of noise pollution are so large that some researchers believe it would require unprecedented abundances of salmon to offset the energetic costs incurred by orcas.

2.1.1 Noise Pollution impacts

The first study to fully examine the relationship between acoustic disturbances to the Southern Resident orcas identified noise pollution as a likely factor in the 20 percent population decline between 1996 and 2001.[120] Ongoing research emphasizes the impacts of underwater noise pollution because it impairs foraging and communication.[121] Significant and long lasting vessel noise spreads through propeller cavitation and engines.[122] Large commercial vessels, ferries, tugboats and container ships and smaller recreational vessels emit noises throughout the Salish Sea via propeller cavitation and engines.[123] Additional sources of underwater noise include military sonar, seismic surveys and marine construction.[124] Both high and low frequencies are impactful.[125] Widely used low frequency depth sounders and sonars also interfere with the orcas' ability to navigate and capture prey.[126] High frequencies generated by large ship propellers are unavoidable due the overlap between Southern Resident orca foraging areas and shipping lanes.[127]

Hearing is critical for orcas because sound travels much farther underwater than light.[128] The noise pollution occurs at the same frequencies used by orcas for both communication and echolocation.[129] Echolocation is the act of producing sound and using the resulting echo to perceive surroundings and is the primary means used by orcas for navigation and to locate salmon or other prey.[130] Orcas also rely on quieter acoustic habitat to communicate through calls, clicks and whistles.[131] Noise pollution impairs echolocation and can temporarily or permanently damage hearing sensitivity.[132]

Smaller whale watching vessels (<65') and recreational vessels also produce intermittent noise that makes it more difficult for orcas to find and capture fish.[133] They spend less time foraging in the presence of these vessels, reducing amount of prey captured.[134] Other recreational vessels also are increasing noise pollution levels.[135] This noise is difficult to mitigate because high speeds increase the intensity of the noise but slower speeds keep the noise around for longer periods of time.[136]

There are numerous documented responsive behavioral changes such as altering swimming paths, diving rates and surface activity, increasing travel time and increasing calling amplitude.[137] The additional energy expenditures and lost foraging opportunities are most troubling in years when Salish Sea Chinook salmon stocks are at lower abundances and/or during spring and summer months when pregnancies begin.[138] The increased traffic likely has a significant impact on population productivity, lower birth rates and increasing mortality rates.[139]

2.1.2 Orca observing in critical habitat

The number of tour boats focused on observing the Southern Resident orcas increased rapidly during the mid-1990s.[140] The number of hours per day and number of days per year also increased.[141] By 2001, orca observers were operating from April through October: six months per year, and 12 hours per day.[142] The substantial increase in commercial orca watching vessels correlates with the rapid population decline during the late 1990s.[143] Because of this correlation, some researchers have identified a need to reduce the fleet to pre 1990s levels.[144]

By 2015, the orca watching fleet had quintupled in size relative to the 1980s, to nearly 100 vessels accompanied by another approximately 150 multi-purpose charter vessels.[145] There has also been a massive increase in the numbers of kayakers in these areas.[146] Other recreational and research vessels, cruise ships, fishing vessels and freight ships pass by throughout the day, causing a cumulative effect.[147]

An average of 15 to 22 vessels and sometimes over fifty vessels concentrate within a half mile of the orcas during the day in their most important foraging habitat.[148] Violations of regulations and guidelines are chronic – over four incidents per hour.[149] Vessels approach within 200 yards or park in the orca's pathways.[150] Private boaters in particular are frequent violators.[151] The number of incidents or violations, particularly intrusions of foraging areas or impediments to movements, rose from 398 in 1998 to 2,621 in 2012.[152] Efforts to reduce impacts have occurred but the disturbances continue.[153]

Orca observers impact the orca's ability to capture prey.[154] Multiple studies show feeding disruptions when vessels are around and other energy costs associated with vessel avoidance.[155] The orcas spend more time swimming than resting, increasing energy expenditures by thirteen percent.[156] Noise pollution alone produced by orca observing vessels can reduce the accessibility to salmon by as much as 80 percent, adding to the impacts of noise from other traffic off San Juan Island.[157] Even the presence of kayakers can reduce foraging time by 20 percent, reducing prey intake and increasing energy expenditures.[158]

The concentration of orca observing vessels and their noise may be displacing the Southern Resident orcas.[159] The obstruction of accessibility to prey and energy expenditure costs may be affecting population growth and increasing mortality.[160] *There is a clear correlation between the intensity of orca observation and changes in Southern Resident population size, leading researchers focused on impacts from orca observers to suspect that disturbances from these vessels, particularly their impacts on prey accessibility, may be the most important factor in the population's decline*.[161]

2.1.3 Vessel collisions

Vessel strikes are likely one of the multiple mechanisms contributing to the population decline - collisions occur occasionally, causing injury or death.[162] The extent of vessel strikes is unknown as very few deceased killer whales are found and necropsied.[163] Any Southern Resident orca killed by a vessel strike is a significant loss because of the small population size.[164] A 2020 analysis of vessel strikes explained that:

> Historically, vessel strike has not been considered an important anthropogenic cause of morbidity or mortality in killer whales; however, based on findings from this pathology review and other observations of vessel strike, this risk factor may be an underappreciated but important threat to the population status of endangered killer whales in the eastern Pacific.[165]

Vessel strikes are a particular threat for Southern Resident orcas because of the their proximity to population centers and shipping lanes.[166] The amount of vessel traffic in the Salish Sea increases the risk of vessel strikes or orcas being drawn into ship propellers.[167] Recent studies of stranded orcas throughout the northeastern Pacific are identifying vessel strikes as a significant and frequently occurring cause of death.[168] Between 1995 and 2005 in British Columbia there were five non-fatal and two fatal strikes.[169] Two of the non-fatal strikes caused serious injury and one of the injured orcas died a year later.[170] A recent study of stranded orcas throughout the northeastern Pacific identified six suffering traumatic injuries likely caused by vessel strikes, including two Southern Resident orcas.[171] Recreational vessels speeding toward or away from the orcas also increase risks of vessel strikes.[172]

Because of the various risks – reduced accessibility to salmon, collisions, disturbances and increased energetic costs, researchers are identifying a need to minimize the impacts of vessel traffic.[173] It is the one threat to Southern Resident orcas that further regulation can mitigate expeditiously.[174] Regulators could reduce the number of orca observing vessels, increase spatial and temporal closures, and, as recommended by Washington State's Southern Resident Orca Task Force, prohibit orca viewing for three to five years.[175] For larger vessels there may be a need to alter shipping lanes further away from critical habitat, more carefully control vessel traffic to avoid long periods of overlap, change ship designs and reduce speeds below thirteen knots.[176] Indeed, there were observations of increased orca foraging following efforts in British Columbia during the summer of 2019 to slow down vessel traffic.[177]

2.1.4 Oil Spill risks

Washington State is a shipping and refining hub and major oil spills occur at times.[178] The Southern Resident orca population is highly vulnerable to a major oil spill because their primary foraging areas overlap with international shipping lanes that have the highest oil spill risks in the Salish Sea.[179] Although improved prevention measures have reduced the number of spills, large oil spill risks remain.[180] Additional growth in container ship traffic as well as tanker

traffic from increased oil and natural gas production in interior North America and coastal British Columbia are likely to increase major oil spill risks. [181]

Marine mammals can handle some pollution from oil spills but intense or persistent exposure is severely toxic.[182] Orcas do not avoid oil spills and can intake oil or vapors at the surface or while feeding.[183] The Exxon Valdez spill caused an unprecedented loss of up to 20 orcas suspected to have inhaled too many petroleum vapors. [184] As with other pollutants, oil spills also can be destructive to prey populations. [185] A major oil spill in key Southern Resident orca foraging areas could cover between roughly one to three-fourths their critical habitat and a catastrophic spill of two to four million gallons would be fatal to between nine and 36 orcas.[186]

2.2 Salish Sea toxic pollution

One of the main threats to Southern Resident orca survival - and salmon population recovery - is the high toxic contaminant burden borne by both species.[187] Southern Resident orcas forage in some of the most urbanized and industrialized areas on the Pacific west coast, including Puget Sound, a toxic contaminant "hot spot."[188] Contaminated forage fish cycle toxic chemicals throughout the food web which bioaccumulate in salmon and orcas.[189] Orcas and multiple salmon species, particulary wild Chinook, species constantly consume contaminant cocktails comprised of PCBs, PBDEs, DDT, PAHs (polycyclic aromatic hydrocarbons found in stormwater run-off from roadways) and other pesticides, herbicides, trace metals, and contaminants of emerging concern. [190]

The contaminants enter the marine environment through the atmosphere, run-off, spills and direct discharge.[191] PCBs are entering the marine environment more than forty years after being banned in the U.S. and levels have remained high in orcas since the 1990s.[192] In parts of Puget Sound PCB levels in the food web are as high as they were twenty years ago.[193] DDT continues to enter the marine environment through terrestrial run off and persists in aquatic sediments throughout the Columbia River Basin and central California even though banned over forty years ago.[194] Many consumer products contain PBDEs: furniture, mattresses, hard plastics such as television casings and computers, gym mats and car seats.[195] They concentrate in residential dust and end up in Puget Sound through wastewater discharge.[196] Although the use of PBDEs stopped in North America in 2005, the chemical is so prevalent in homes and offices that it will continue to enter the marine food web at potentially increasing levels for years.[197]

PCBs and PBDEs are the top two contaminants detected in sediments throughout the Salish Sea.[198] The highest concentrations are near large urban areas, harbors, municipal wastewater treatment plants, landfills and industrial areas such as ship building and repair facilities, pulp and paper mills and paper recycling plants.[199] PCBs and PBDEs commonly occur in the orcas' designated critical habitat at levels that exceed regulatory thresholds for marine mammals.[200]

The most significant source of Southern Resident orca exposure to contaminants is their prey.[201] The orcas frequently feed on fall run Chinook and coho from rivers originating in Puget Sound and other industrialized portions of the Salish Sea.[202] These particular runs spend extended time rearing in a marine environment where they accumulate high concentrations of PCBs and PBDEs via contaminated forage fish such as herring and sand lance.[203] Maturing Chinook from Puget Sound have 3 to 5 times higher PCB levels than Chinook from other portions of the Pacific Coast.[204]

As stated above, Southern resident orcas are among the world's most contaminated marine mammals with concentrations of PCBs, DDTs and PBDEs routinely exceeding toxicity thresholds for marine mammals.[205] They have some of the highest PCB concentrations of any marine mammal on the planet, and higher PBDE concentrations than all northeastern Pacific orca populations and worldwide whale populations. [206] Both contaminants bioaccumulate, meaning their concentration in orcas increases over time as they continually consume toxic prey. [207]

The contaminants accumulate in orca's fatty tissues – *i.e.* their blubber.[208] Female orcas transfer contaminants to calves during pregnancy.[209] Calves then absorb even more contaminants during nursing when the contaminants break down and end up in milk. [210] As a result, there are lower contaminant concentrations found in lactating mothers, but higher concentrations in calves.[211] Concentrations in calves can be four to ten times as high than their mothers,

particularly the first-born calf.[212] Juveniles have higher PBDE concentrations than adults which can exceed tolerable effects thresholds for marine mammals by 200 to 350 percent. [213] In general males also have higher concentrations than females.[214] For all orcas, nutritional stress caused, for example, by noise pollution and orca observer vessels, worsens the effects because when orcas draw on blubber reserves for energy, there is a release of stored contaminants into the full body, impairing immune systems. [215]

The exposure to high contaminant concentrations at critical developmental stages and limited capacity to eliminate them makes calves and juvenile orcas particularly vulnerable.[216] Calves assimilate contaminants during early development stages when the effects to hormones such as endocrine disruption can have severe consequences by disrupting growth and development.[217] Impaired development can include cognitive development and memory, potentially affecting future foraging capacity.[218] Impacts can include delayed sexual maturity and reduced chances of future reproductive success.[219] Contaminants also may increase the likelihood of mortality prior to or shortly after birth.[220] During the 2015 "baby boom" of nine documented births in 13 months, only five calves survived.[221]

The contaminant concentrations cause chronic health effects.[222] Exposure to multiple contaminants is synergistic, multiplying the health risks.[223] PCBs can cause cancer and skeletal abnormalities.[224] PCBs and DDTs cause reproductive impairment. [225] All three chemicals interfere with the immune system and hormones – whether through endocrine disruption or thyroid effects.[226] Sublethal and lethal effects include premature or delayed physical or sexual maturity, reduced fertility, failed pregnancies and calf mortality. [227] Their compromised immune systems shorten their life expectancy by increasing susceptibility to infectious diseases that are large sources of chronic illnesses, or mortality in marine mammals, causing as many as a third of marine mammal deaths.[228]

Southern Resident orcas mature differently, are less fertile and produce fewer healthy surviving calves than Northern and Alaska Resident orcas.[229] Scientists have not identified a clear cause for the disparity. [230] However, both Northern and Alaska Resident orcas have lower concentrations of contaminants that affect reproductive success. [231] Male Southern Resident orcas have PCB concentrations four times as high as male Northern Resident orcas.[232] Current concentrations create twice the risk of population decline for Southern Resident compared to unexposed populations.[233] PCB exposures alone can be a factor in a population collapse even independently of other factors such as impacts of noise pollution and vessels on prey accessibility. [234] Some researchers project that only orca populations in less contaminated waters in Antarctica and the Arctic are likely to sustain growth, while others foraging in contaminated waters are at high risk of population collapse.[235]

These same contaminants - and other pollutants - are also major contributors to Chinook population declines.[236] Some Chinook are residents that spend their entire marine life in the Salish Sea instead of feeding offshore.[237] Contaminant exposure reduces growth and survival rates and increases susceptibility to disease.[238] A third of juvenile Chinook sampled from urbanized estuaries in Puget Sound and migrating near urban areas in the Columbia River Basin have PCB concentrations above adverse-effects thresholds. [239] These juvenile salmon are nearly twice as likely to die as salmon from uncontaminated estuaries. [240] High PBDE concentrations associated with urban river systems similarly increase juvenile Chinook susceptibility to disease and alter growth and development. [241]

Urban stormwater runoff is another major source of pollution that degrades water quality with toxic effects to fish that range from reproductive impairment to death.[242] Polycyclic aromatic hydrocarbons (PAHs) come from petroleum products that enter the aquatic environment directly though oil spills or indirectly from stormwater runoff.[243] PAHs are not as harmful to orcas as PBDEs, DDTs and PCBs but are toxic to Chinook salmon, slowing growth and increasing susceptibility to disease. [244] Juvenile Chinook ingest PAHs primarily through consumption of forage fish such as herring in urban estuaries in Puget Sound and Columbia River. [245]

Researchers have been studying "urban runoff mortality syndrome" for two decades because of severe impacts to coho salmon.[246] Coho returning to urban watersheds in the Pacific Northwest frequently die within four hours of exposure to stormwater run-off.[247] Mortality rates range from half to over 90 percent of an entire run.[248] The

susceptibility is even higher during storm events with cumulative mortality rates of 92 percent to 100 percent.[249] These high rates of pre-spawning mortality occur throughout Puget Sound. [250]

Road run-off contaminants cause the die-offs, which usually occur during the fall following rain events in urban areas with high road densities.[251] While vehicles also leak other contaminants, chemical concentrations from tire wear particles (TWPs) are the most prevalent. [252] Nearly all motor vehicle tires contain a chemical called 6PPD (N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine) that protects them against degradation and cracking.[253] As treads deteriorate over time, small rubber particles interact with oxidants, converting 6PPD to 6PPD-quinone which is the primary cause of urban runoff mortality phenomenon. [254] 6PPD-quinone concentrations, even at short-term exposures, are chronically lethal to adult and juvenile coho and also kill Chinook at lower rates, with unknown sublethal effects.[255]

There are many factors causing coho populations to decline, including loss and degradation of physical spawning and rearing habitat.[256] The high mortality rates are a significant immediate and long-term threat, particularly in lowland areas like the Puget Sound and Columbia River basins where road density and motor vehicle traffic density are highest.[257] Because of the high mortality rates in watersheds with heavily trafficked roadways, chemical habitat degradation may extinguish wild local coho populations within decades.[258] Chinook are also vulnerable to urban runoff mortality syndrome. [259] While cohos are the most susceptible salmon species, Chinook cumulative mortality rates can reach thirteen percent.[260] Chinook have a longer survival time after 6PPD quinone exposure, dying one or two days later.[261] Sublethal impacts to Chinook are unknown but potentially significant. [262]

There is a need to reduce contaminant inputs to Southern Resident orcas, their prey and forage fish. [263] Regulations phasing out some chemicals and reducing wastewater contaminant load of others have not prevented the ongoing transport of contaminants to the aquatic food web.[264] Existing regulations allow for continued discharges of high concentration of toxic chemicals from both stormwater and wastewater in industrial and high traffic areas.[265] There are projected increases in pollution from new government and private sources and current contaminated sites.[266] The continued failure to remove PBDEs from wastewater treatment plants through additional filtering is a significant concern. [267] Additional clean-up of sources beyond current slow and underfunded efforts will be necessary.[268]

3. Increases in predation

Southern Resident orcas are the southernmost orca population that preys on Chinook in the northeastern Pacific.[269] It is the only northeastern Pacific orca population showing a declining trend. [270] The growth of other resident orca and pinniped populations has had increasing impacts on coastal Chinook abundance.[271] Combined orca and pinniped Chinook consumption has nearly tripled since the mid-1970s.[272] The overall abundance of resident orcas has continuously increased since the 1970s. [273] Northern and Alaska Resident populations levels have at least doubled over the last 40 years, growing to a total resident population of 2,300 orcas in the Northeast Pacific.[274] The Northern Resident population grew from 120 to more than 250 orcas between 1975 and 2011.[275] Current population estimates range from 302 to 330 orcas and the population is still steadily growing. [276]

During the 20th century, both Northern and Southern resident populations responded in similar ways to fluctuations in Chinook abundance. [277] Population growth and declines occurred during the same time periods.[278] However, declines in the Southern Resident population were disproportionately higher, particularly during the late 1990s and early 2000s.[279] Over time, Southern Resident orcas have produced fewer offspring, had shorter life expectancies and higher mortality rates.[280] Nearly two decades have passed since Canada and U.S. began protecting them as a species at risk but the population has not recovered, instead declining to 73 orcas in 2021 – the smallest population since 1984.[281]

Southern Resident orcas compete for food and space with the two other resident populations, which may be limiting population recovery.[282] In particular, they overlap with Northern Residents and compete for prey, even if at some times they forage in different areas during summer months.[283] Recent research shows both populations currently

overlap at times during the summer at Swiftsure Bank, where Chinook bound for river systems that drain into the Salish Sea congregate at the southern tip of Vancouver Island.[284] This area may be a primary summer foraging location for Southern Resident orcas when outside of the Salish Sea.[285] In other words, both populations forage at the same time and in the same place for the same prey originating from the same rivers.[286]

Overall, the three resident orca populations consume between 1.6 and 2.3 million Chinook each year, exceeding human harvest in all marine, terminal and freshwater fisheries.[287] Large increases in consumption by the growing Northern Resident population has had a much more significant influence on coastal Chinook abundance than human fisheries, particularly at lower abundance levels when orca predation may reduce Chinook marine survival rates to between thirty and forty percent.[288] Recent research estimates that Southern Resident orcas consume between 190,000 and 260,000 Chinook each year, mostly between April and October.[289]

The Northern and Southern resident orca population trends began to diverge around the end of the 20th century. The Northern resident population declined between 1998 and 2001 and since has grown 2.9 percent each year since 2001.[290] The Southern Resident orca population's most recent peak was 99 orcas in 1995 and the population size has since declined one percent annually.[291] The different population trends for Northern Resident and Southern Resident orcas undermine the theory that there is a direct causal relationship between salmon abundance and Southern Resident orca population productivity.[292] When prey availability limits a predator population, either a larger amount of prey or a lower number of predators will enable the predator population to grow because of increased per capita prey consumption.[293] The different population responses to fluctuations in Chinook abundance indicate that other factors are driving Southern Resident orca population trends.[294]

In particular, habitat degradation in the Salish Sea may have exacerbated the impacts of competition for prey between a large growing population and a small diminishing population.[295] Between 1970 and 2015, Chinook consumption by harbor seals and California and Steller sea lions increased over ninety percent and is likely limiting the number of Chinook available to Southern Resident orcas during years of lower abundance.[296] The effect of pinniped predation on Chinook populations is severe. [297] Pinnipeds eat twice as much Chinook salmon as the orcas and 6 times as much as harvested in commercial and recreational fisheries.[298] Since the 1960s, the Georgia Strait seal population increased from 2,000 to 40,000 seals. [299] There was a similar, 700 percent increase in the Puget Sound seal population.[300] They congregate in areas such as the Hood Canal Bridge, which impedes salmon movements, and feast on Chinook and chum.[301] The harbor seals consume as many as 1,000 Chinook each day (as well other orca prey species such as coho and chum) and likely have a significant influence on Chinook populations.[302] A major recommendation of Washington State's Southern Resident Orca Task Force was to reduce harbor seals predation.[303]

Sea lion populations have also increased significantly. [304] The number of sea lions occupying areas between Southeast Alaska and Mexico has increased from 80,000 during the 1970s to 260,000 today.[305] Significant predation occurs in 145 river miles before the Bonneville Dam.[306] The predation is one of the top three factors affecting Chinook stocks of particular importance to the orcas such as Upper Columbia River spring Chinook. [307] Between 2010 and 2015, sources other than harvest caused the loss of an estimated 20 to 44 percent of spring Chinook originating above Bonneville - the 2015 estimated loss of 44 percent amounted to 224,000 spring Chinook. [308]

4. Marine Fishery Impacts and Southern Resident orca health

Despite the known impacts from predation, pollution, habitat loss and vessel traffic, mainstream news media frequently report that "a pod of orcas is starving to death" or "Orcas of the Pacific Northwest are Starving and Disappearing."[309] While some years of higher Chinook abundance have correlated with higher orca population productivity, the correlations occurred only during two time periods at a coarse, coast-wide scale and are not necessarily causative.[310] The Columbia River in particular has had record Chinook returns over the past decade while the Southern Resident orca population declined.[311] Broad correlations from the previous century that predated the large increase in

vessel traffic, growth of the orca observing industry and increasing contaminant concentrations simply do not inform relationships between Chinook fisheries and orca population trends in the way the Wild Fish Conservancy suggests in its media materials.[312] Ongoing data collection and analysis has weakened the strength of these correlative relationships.[313]

Lower numbers of Chinook may provide an overly simplified explanation for orcas observed in poor body condition and reduced productivity but there is very little evidence supporting the theory that occasional downward fluctuations in Chinook abundance are causing the orcas to starve or are even a main factor affecting the population.[314] Wildlife biologist Brad Hanson of NOAA's Northwest Fisheries Science Center started studying the Southern Resident orca declines 15 years ago.[315] In 2019, he explained that "I think there has been an effort to simplify the problem and so the default answer is the animals are starving. That's something in general people can easily wrap their heads around."[316]

4.1 Southern Resident Chinook consumption and causes of nutritional stress

Nutritional stress occurs when a species does not obtain adequate energy and nutrients and when chronic can reduce individual body sizes and lower reproductive or survival rates in a population.[317] In 2011-2012, U.S. and Canadian fishery managers convened a scientific review panel and conducted a series of workshops to assess whether salmon fisheries were affecting Southern Resident orca population productivity.[318] The panel questioned the theory that fisheries impact Southern Resident orca population trends because of other, more significant factors: industrial hazards, increased vessel traffic and rising predation by other marine mammals.[319]

Orcas from any population may show a poor body condition or experience nutritional stress for reasons other than reduced prey availability.[320] There were few observations of malnourished Southern Resident orcas during the 1990s population decline, suggesting external disturbances, contaminants or disease were responsible for observations of some orcas in poor body condition.[321] *Between 2005 and 2011 the only dead Southern Resident orca recovered died from a vessel strike.*[322] *There is no evidence since that time showing starvation as a cause of death*.[323] A recent study of stranded orcas throughout their range identified a number of orcas in poor body condition but only a few that were thin or emaciated.[324] Causes of death varied and included disease, blunt force trauma, and accidental stranding.[325]

Scientists continue to question the theory that Chinook abundance drives Southern Resident orca population trends.[326] University of Washingon fisheries scientist Ray Hilborn, who chaired the 2012 expert panel, identifies the small population size as the primary problem.[327] There is still a lack of data supporting the theory that low Chinook abundance is the main cause of the poor physical condition of some individual orcas.[328] Two recent studies, both published in 2021 focused on the orca's diet and again found a shortage of evidence linking prey depletion with nutritional stress.[329] The good physical condition of many Southern Resident orcas and absence of population-wide impacts suggests that factors other than a lack of food, such as individualized health issues, are causing nutritional stress in some Southern Resident orcas.[330] Cases of nutritional stress and poor body condition occur throughout the multiple healthy orca populations inhabiting the northeastern Pacific that have plentiful available prey, including in Alaska and Hawaii.[331]

Contaminants can cause higher rates of disease among Southern Resident orcas, making them too sick to eat.[332] High mortality rates also occurred during years of higher Chinook abundance, driven by factors unrelated to nutritional stress such as trauma or infection.[333] Other underlying health conditions can cause a loss of appetite or inability to absorb nutrients.[334] Wildlife biologist Hanson has observed this phenomenon when attempting to administer medicine contained in a Chinook salmon to a female orca that had no interest in eating.[335] For these reasons, while scientists identify cases of nutritional stress, starvation is not a direct cause of highly publicized orca deaths.[336]

Because of the combination of other factors that reduce foraging success one problem for Southern Resident orcas may be the accessibility, rather than abundance, of Chinook.[337] Even when fish are abundant, the orcas need to be able to forage for them.[338] Injuries caused by or interactions with commercial vessel traffic or whale watchers impairs

the ability to catch or consume prey and disproportionately impacts pregnant or lactating females.[339] Chinook densities have been relatively high in Southern Resident orca foraging areas in Juan de Fuca Strait during summer and four to six times as high as in Johnstone Strait, the key inland foraging area for Northern Resident orcas.[340] The high prey density suggests that there is not a prey limitation during summer months but rather greater difficulty accessing prey because of chronic interference caused by intensive vessel presence and noise.[341] Reduced accessibility due to traffic is likely more consequential than previously considered because interference with foraging affects orca energy intake and expenditures, growth, survival and reproduction.[342]

4.2 Fishery interactions with Chinook stocks important to Southern Resident orcas

As explained in the preceding discussion, numerous habitat conditions have deteriorated for both Southern Resident orcas and their prey, Chinook, coho and chum salmon. The only major mitigation action taken occurring over the time period of the orcas' decline is substantial cuts to ocean harvest of healthy Chinook stocks to enable higher escapements of weaker stocks. Those sacrifices have not resulted in salmon or orca recovery because of ongoing failures to address more serious threats to salmon and orca populations associated with habitat loss, pollution and other human-driven population pressures.

By the 2000s, average annual coastal Chinook abundance from British Columbia to California had declined modestly relative to the 1980s.[343] However, major cuts to ocean fishery harvests *increased* Chinook terminal run sizes (numbers of fish returning to rivers) and the number of Chinook available to Southern Resident orcas by over a third.[344] Terminal run sizes of Salish Sea stocks originating in Canada increased between 38 percent and 100 percent and remained the same in Puget Sound.[345]

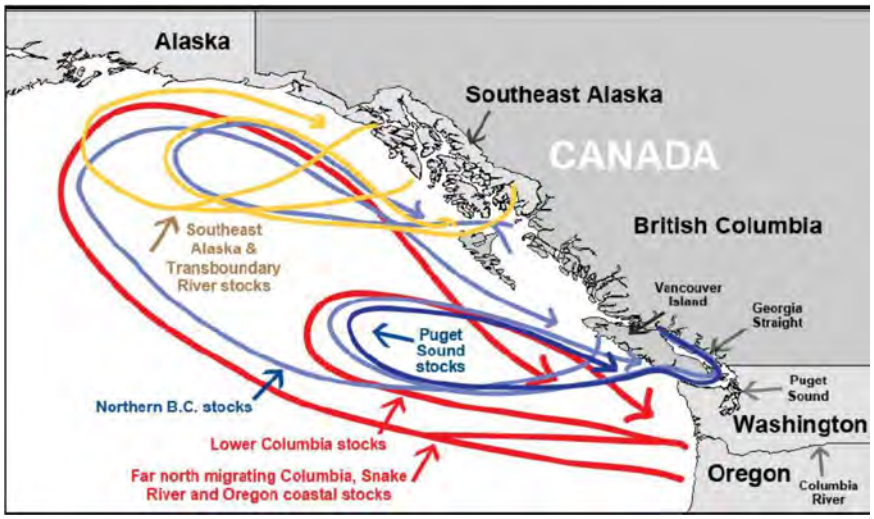
Because of lower ocean harvests, NMFS' 2012 expert review panel questioned whether additional reductions to Chinook harvest would meaningfully impact Southern Resident orcas.[346] It was more likely that larger spatial scale changes in Chinook abundance had much greater influence over orca populations than any one fishery.[347] In particular, increased terminal run sizes suggested factors other than Salish Sea summer Chinook abundance were driving orca population trends.[348] The panel recognized studies correlating Chinook abundance and orca population trends but cautioned against theories that confuse correlation with cause.[349]

A subsequent analysis in 2013 reiterated that additional cuts to already low ocean fishery exploitation rates would be unlikely to help recover the Southern Resident orca population, particularly in light of increases in terminal run sizes of stocks targeted by the orcas.[350] There could be short-term increases in prey availability that were unlikely to generate any detectible difference for the orcas.[351] Ocean fisheries have negligible impacts on most of Salish Sea resident and spring stocks, and stocks that were ocean migrators – those stocks harvested in the ocean fisheries - had tripled in terminal run sizes.[352]

NMFS' 2012 expert review panel identified several criteria for evaluating ocean fishery impacts, including: (1) foregone ocean fishery catch must be available to orcas rather than feed other predators and (2) fisheries would need to exclusively harvest from stocks targeted by orcas rather than from aggregate mixed-stocks.[353] Alaska's troll fishery harvests mixed Chinook stocks that may migrate for six to eight hundred miles from harvest locations in Alaska before reaching the Washington coast and mouth of the Columbia River and nearly a thousand miles before reaching the

Bonneville Dam.[354] Any Chinook not harvested in Southeast Alaska are highly susceptible to harvest by Canadians, sport fishermen, and other predators during this migration.

Chinook stocks or groups of stocks harvested in ocean fisheries, particularly in Alaska, are not the same stocks or groups of stocks targeted by Southern Resident orcas.[355] The top four priority stocks for these orcas are north and south Puget Sound fall stocks followed by fall stocks from Lower Columbia River and the Strait of Georgia. These stocks are not far-north migrators and appear rarely in the Alaska troll fishery. The effect of ocean fisheries in general on stocks targeted by orcas off the Washington Coast in winter and inland Salish Sea in summer is minimal.[356] Alaska troll harvests are extremely low in relation to the specific stocks targeted by Southern Resident orcas in inland waters from May to September and in coastal waters from October to May.[357]



Priority stocks for the Southern Resident orca such as Puget Sound and Lower Columbia stocks typically do not migrate through Southeast Alaska. Graphic: NMFS. 2018. Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Act Fishery Conservation and Management Act Essential Fish Habitat Response. Consultation on the Delegation of Management Authority for Specific Salmon Fisheries to the State of Alaska. NMFS Consultation Number: WCR-2018-10660.

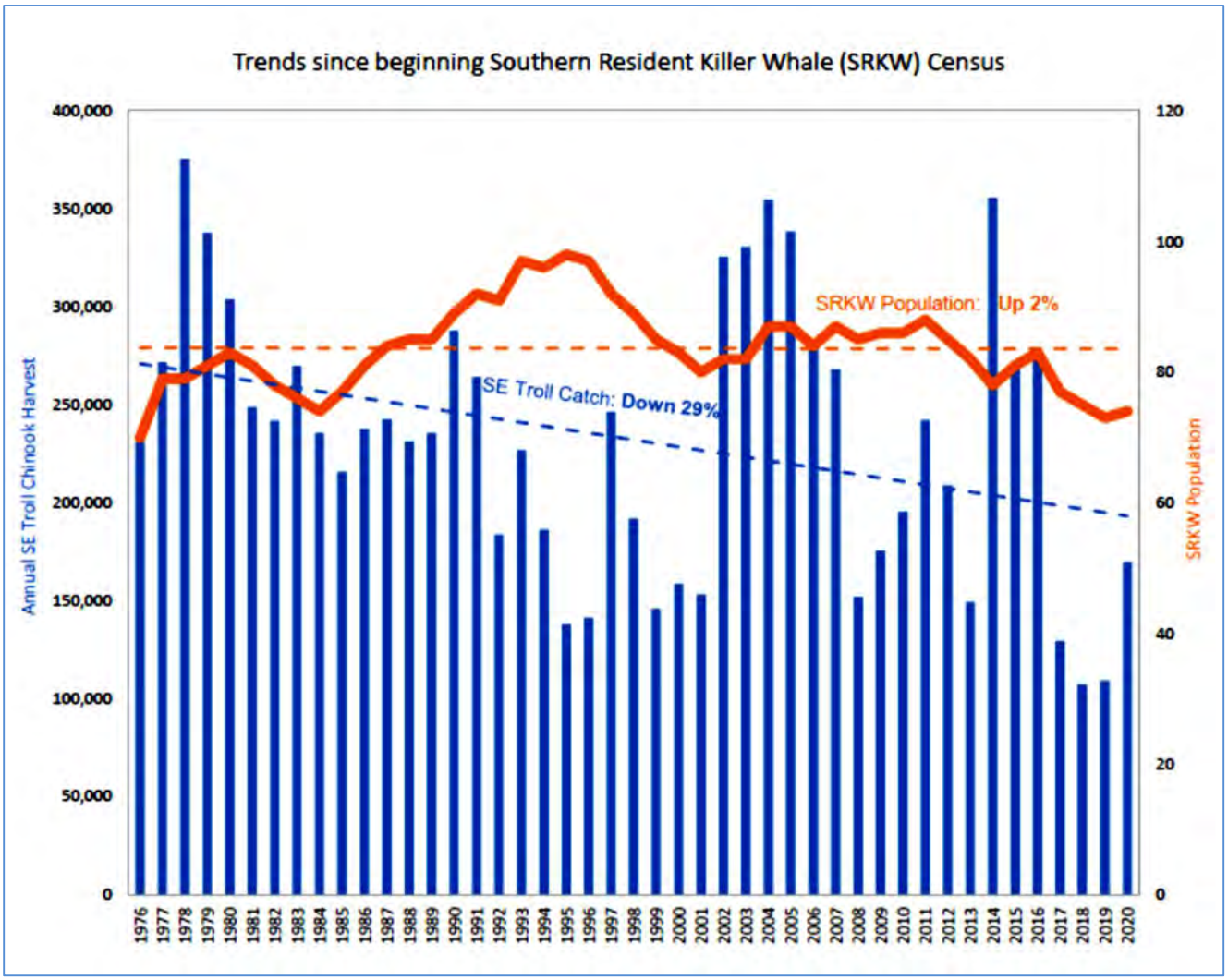
The Pacific Salmon Commission and the Alaska Department of Fish and Game maintain an extensive time series of stock composition data from the Alaska troll fishery and outer coast fisheries in British Columbia. The fisheries are managed based on the overall abundance of multiple stocks. The largest proportion of Chinook harvested in the Alaska troll fishery are stocks that migrate to or past the Washington or British Columbia coasts during the summer, when the Southern Resident orcas are most likely to be in the Salish Sea.[358] Columbia River Bright and West Coast Vancouver Island stocks typically are the most abundant stocks feeding in Southeast Alaska waters, along with stocks from Southeast Alaska, northern and southern British Columbia and the Oregon and Washington coasts that make up the bulk of the Southeast Alaska troll catch.[359]

Despite the low impact on winter coastal and summer Salish Sea stocks, the Wild Fish Conservancy claims that closing the Alaska troll fishery would increase the amount of Chinook available to Southern Resident orcas by nearly five percent - as many as 314,000 to 553,000 fish out of a total coastal Chinook abundance ranging between 6.5 to 11.5 million in any given year – two to three times as much as annually harvested.[360] To clarify, betewen 2017 and 2021, the Southeast Alaska troll fishery annually harvested between 108,000 and 170,00 Chinook. The Wild Fish Conservancy offers no justification for their wildly inflated numbers.

More importantly, the Wild Fish Conservancy ignored stock composition data showing that the Alaska troll fishery catches negligible proportions of the stocks ranked highest on the priority list for the orcas.[361] There is no harvest of most Puget Sound stocks; the few Puget Sound fish caught in the troll fishery comprise roughly 0.39 percent of the total harvest, meaning that in recent years trollers harvested at most, 400 to 700 Puget Sound Chinook salmon..[362] In the highly unlikely absence of any other fishing pressure or predation, closing the Alaska troll fishery would only increase Chinook availability by slightly more than a half percent in areas occupied by the Southern Resident orcas in coastal areas from October to April and Salish Sea areas from May through September.[363]

The Pacific Salmon Treaty reduced the Alaska troll fishery catch by over 30 percent over time while the Southern Resident orca population fluctuated up and down and actually grew by two percent since 1976. *There is no correlation*

between reducing the amount of Chinook harvested in the Alaska troll fishery and Southern Resident orca population trends.[364]



The Southeast Alaska troll Chinook harvest has declined by 29 percent since the first Southern Resident orca census, while the orca population grew over the same time period. Graphic: Alaska Trollers Association.

4.2.1 Human harvest of Puget Sound stocks: mostly sportfishing and Canadian commercial/sport

Chinook abundance trends in Puget Sound have been highly variable since 1970.[365] A typical range of Salish Sea summer Chinook abundance is .8 million to 1.0 million.[366] Between May and September, Southern Resident orcas feed on Puget Sound and British Columbia Chinook returning to rivers that drain into the Salish Sea.[367] The two top priority stocks for the orcas are the north and south Puget Sound fall run Chinook salmon.[368]

The Wild Fish Conservancy claims that Southeast Alaska troll harvests of these Chinook are a primary source of orca prey depletion.[369] There are 22 populations in five regions further subdivided into 14 stocks/ management units.[370] Half the harvest of seven of these stocks, or management units occurs primarily in Canadian waters.[371] A few populations in north and central Puget Sound support most of the overall abundance while the southern and westernmost stocks are at low levels.[372]

The stocks have distinct migration patterns, creating considerable variation in harvest locations.[373] Most Puget Sound ocean-migrating Chinook spend their entire life in Salish Sea and Coastal British Columbia, where 85 to 90 percent of summer and fall run harvest occurs.[374] None of the Puget Sound populations are far north migrating, making impacts from Southeast Alaska marine fisheries extremely low, especially when compared to other fisheries, whether individually or cumulatively.[375] The Alaska troll fishery has nearly no impacts to nine Chinook stocks - exploitation rates range between 0.1 percent and 0.3 percent and the troll percentage of marine harvest ranges from 0.1 to 1.6 percent.[376] From 1985 to 2019, Puget Sound Chinook comprised 0.39 percent of the Alaska catch.[377]

As shown below, higher exploitation rates in the Puget Sound and Canadian fisheries account for seven to ten times the impact on the two stocks that infrequently appear in Southeast Alaska waters, and at least several hundred times the impact on most stocks. Canadian fisheries take the highest proportions of the marine harvest of northern Puget Sound and Strait of Juan de Fuca stocks – between 45 and 75 percent.[378] Puget Sound marine fisheries are responsible for most of the remaining harvest, taking between 50 and 75 percent of central and southern Puget Sound stocks.[379] Exploitation by Puget Sound fisheries, particularly sport fisheries, put the most direct pressure on these stocks and, to the extent that these Chinook are accessible to orcas, sport fisheries have the greatest effect on prey availability by exclusively harvesting Puget Sound stocks (Table 1).[380]

Table 1: Regional Fishery Exploitation Rates for Puget Sound Chinook under the 2019 Pacific Salmon Treaty[381]

ESU	SEAK Troll	Canada	PFMC	Puget Sound	Marine Area
Elwha River	1.0%	7.6%	0.9%	1.6%	11.4%
Dungeness River	1.0%	7.4%	.9%	2.0%	11.5%
Mid-Hood Canal	0.3%	9.6%	6.2%	4.5%	20.7%
Skokomish River	0.3%	9.5%	6.1%	31.5%	47.6%
Nooksack River	2.8%	25.9%	2.9%	4.7%	37.2%
Skagit River Spring	0.3%	9.0%	0.8%	11.1%	21.2%
Skagit River Summer/Fall	5.4%	16.0%	1.2%	18.3%	42.6%
Stillaguamish River	1.3%	11.1%	1.6%	4.1%	18.6%
Snohomish River	0.3%	10.0%	1.7%	4.6%	16.6%
Lake Washington	0.1%	11.2%	4.9%	9.4%	25.6%
Green River	0.1%	11.2%	4.9%	27.3%	43.5%
White RIver	0.3%	7.2%	1.7%	10.6%	19.7%
Puyallup River	0.1%	11.2%	4.9%	32.7%	49.0%
Nisqually River	0.1%	7.8%	6.5%	32.6%	46.9%

Mixed stock ocean fisheries have borne the bulk of the burden of reducing Chinook harvests on healthy stocks for decades in order to contribute to escapements of small numbers of weaker stocks with no meaningful improvement in Southern Resident orca population productivity. Meanwhile, marine sport fishery effort in British Columbia and Puget Sound on the same stocks targeted by the orcas is increasing, with harvests typically exceeding 35,000 Chinook each

year.[382] Freshwater sport fishing effort on Puget Sound Chinook has increased since the 1980s, and harvests over the past decade have ranged from ten to twenty-five thousand Chinook each year. [383] Puget Sound marine and freshwater net fisheries harvested another twenty to sixty thousand Puget Sound Chinook in any given year over the past two decades.[384]

Washington State sport fisheries harvest mostly coho and Chinook, two of the main species eaten by orcas during summer and early fall months.[385] In 2020, Puget Sound marine sport fishers took nearly twenty thousand Chinook mostly during July and September.[386] Freshwater fishers that same year took over eleven thousand Chinook from Puget Sound rivers mostly between August and October – the summer and fall runs that are primary stocks for Southern Resident orcas. [387] Sport fishers took nearly one hundred thousand coho from Puget Sound in 2020 – nearly all of them during August and September when they would otherwise be or become accessible prey for orcas.[388]

The Wild Fish Conservancy's proposal to eliminate Alaska troll fishery is likely to have the perverse effect of increasing the take of Puget Sound Chinook, particularly by Canadian sport and troll fisheries.[389] Under the Pacific Salmon Treaty, most Canadian fisheries may harvest any portion of a domestic stock that is surplus to escapement needs.[390] In the absence of an Alaska troll fishery, this harvestable surplus is likely to occur because a variable but significant portion of Southeast Alaska catch originates in Canada, particularly West Coast of Vancouver Island stocks. [391] Increased fishing effort in Canada aimed at harvesting surplus West Coast of Vancouver Island stocks would significantly increase overall harvest of Puget Sound stocks which comprise 14.5 percent of the Canadian catch.[392] *Indeed, some estimates indicate that for every Puget Sound Chinook saved by closing Alaska's troll fishery, Canadian fisheries could harvest twenty Puget Sound Chinook*.[393]

4.2.2 Puget Sound habitat

The Wild Fish Conservancy did not file a lawsuit against NMFS for approving continued implementation of Puget Sound fisheries in 2021, raising questions about why the Conservancy is targeting a distant fishery that harvests a small fraction of the total harvest of Puget Sound Chinook. The 2021 BiOp, multiple scientific analyses and government reports all point to other factors that harm the salmon populations targeted by the orcas – in particular, deteriorating habitat conditions.

Rapid population growth in Puget Sound alone is a significant threat to Southern Resident orcas because significant changes will be necessary to protect and restore salmon habitat.[394] Washington state's population tripled from 2.4 million in 1950 to 7.4 million in 2018.[395] Over two-thirds of the population lives in 12 counties adjacent to Puget Sound.[396] The projected population in by 2030 in those counties is 5.7 million people.[397] According to the 2021 BiOp evaluating Puget Sound fishery impacts, the additional population growth and urbanization will worsen already degraded salmon habitat.[398] The 2021 BiOp recognized that habitat, not fisheries, is the primary problem and explained that ***"the continued destruction and modification of habitat is the principal factor limiting the viability of Puget Sound Chinook … into the foreseeable future."*** [399]

Overall, ocean fishery exploitation rates for Salish Sea salmon stocks declined so much since the 1990s that it should be obvious that other factors limit the salmon and the orcas' recovery.[400] For example, it is becoming increasingly apparent that the length of time spent rearing in freshwater or nearshore Salish Sea marine habitats significantly influences salmon stock productivity patterns.[401] Abundance, survival rates and productivity for stocks that rear briefly in freshwater and then quickly exit the Salish Sea and its rivers, including pink, chum and hatchery Chinook, are generally stable or increasing.[402]

In contrast, naturally spawning Chinook, coho and sockeye that rear for extended periods of time in freshwater are decreasing in abundance and have lower survival rates.[403] Ocean climate conditions and fishery impacts do not explain this phenomenon - there have been significant harvest cuts and periods of favorable climate patterns.[404] Habitat quality at early life stages is critical to salmon survival, and the lengthy freshwater rearing stage and delayed ocean entry

are a disadvantage for wild Chinook and coho stocks.[405] The impacts are most obvious in central and south Puget Sound due to the largest human population growth and most intensive freshwater and nearshore marine habitat degradation.[406]

The quality of all Puget Sound watersheds need to improve from current conditions in order to recover at-risk Chinook populations.[407] Stillaguamish stocks continue to decline because of poor freshwater habitat conditions.[408] Efforts to restore Nooksack stocks have been thwarted by long-term failures to protect and restore severely degraded riparian habitat that have left them susceptible to large die-offs during late summer high temperature and low flow events.[409] The ongoing development of Hood Canal has reduced water quality to the point of causing significant fish kills.[410] Dams built for hydropower, irrigation and flood control are prevalent throughout Puget Sound watersheds, blocking access to habitat in many of the largest Chinook producing systems.[411] The dams also changed flow patterns, increased temperatures, stranded juveniles and reduced downstream spawning and rearing habitat.[412]

Barrier culverts are prevalent throughout Puget Sound. Culverts are the most common method used by road builders to cross streams.[413] They cost less than bridges but it is difficult to maintain fish passage with constantly changing stream and debris flows.[414] Culverts eventually become blocked and impede or become complete barriers to fish movements.[415] There are over 10,000 culverts on anadromous salmon streams in Washington and Oregon.[416] Between half and sixty percent of these culverts are barriers to salmon migration, blocking literally thousands of miles of fish habitat.[417] Culverts also can become barriers by creating high velocity stream flows.[418] Floods magnify this impact.[419] Overflow that bypasses barrier culverts also increases sedimentation and stream temperatures.[420]

The impacts of barrier culverts are much more extensive than the obvious problem of eliminating adult salmon spawning habitat because they eliminate habitat connectivity.[421] Juvenile salmon move within a watershed to rearing or overwintering habitat or explore other habitats at times in pursuit of food.[422] They also move to seek refuge from adverse environmental conditions such as floods or debris flows from landslides.[423] Barrier culverts block those movements, cumulatively reducing population productivity by impairing foraging opportunities that slow growth and development and by blocking access to refugia.[424] When less habitat is accessible to salmon for spawning and rearing and other life cycle needs, there can be a significant loss of population productivity, to the point of local extirpations.[425]

Logging and timber road construction has had significant impacts on upstream habitats in Puget Sound – particularly the loss of riparian forests that maintain water quality, regulate stream temperatures and contribute in multiple other ways to salmon rearing and spawning habitat.[426] Some studies found stream temperatures to be up to 7 to 11°F warmer in logged areas in Western Washington.[427] The warmer temperatures alter fish behavior and the timing of life cycle events and can cause population declines or even collapses.[428] Timber roads, particularly widespread unpaved roads in upper stream reaches cause ongoing, chronic sediment delivery that goes downstream and degrades salmon spawning and rearing habitat.[429] Sedimentation of stream beds is a principal cause of declining salmon populations throughout their range.[430] Salmon abundance in forested watersheds with high road densities typically declines by over fifty percent.[431]

Downstream, agricultural and urban development also removed riparian vegetation and trees, leaving unshaded watersheds with higher stream temperatures.[432] Water diversions in the lower stream reaches are a major habitat problem and eliminated many smaller channels, causing significant loss of juvenile salmon rearing and refuge habitat.[433] The massive loss of wetlands has disrupted natural hydrological processes that maintain water quality for salmon.[434] Urban and highway runoff, wastewater treatment, failing septic systems and agriculture or livestock impacts further degrade water quality throughout Puget Sound.[435]

The degradation and loss of freshwater and estuary habitat at river mouths has weakened salmon populations throughout the region.[436] Various developments, water diversions and high contaminant concentrations and other intensive uses have heavily degraded or destroyed Pacific Northwest estuaries and continue to threaten these highly productive but vulnerable ecosystems.[437] By the mid-1990s there was a loss of 70 percent of estuarine habitat in Puget

Sound – the second largest estuary in the U.S. - and 50 percent or more in Salish Sea estuarine habitat in British Columbia.[438] The numerous rivers that flow into Puget Sound form many local estuaries that are adjacent to major shipping ports, industrial sites and waste treatment plants.[439]

Salmon production often corresponds to productive estuaries and estuarine vegetation such as seagrasses.[440] The degradation of these estuarine habitats reduceses prey densities and salmon survival rates and drastically diminishes salmon returns.[441] Salmon pass through estuaries twice, during outmigration as smolts and then when returning to spawn as they transition between freshwater and the marine environment.[442] Chinook in particular rear extensively in estuaries as juveniles.[443] Multiple studies of juvenile salmon show that their initial growth and survival depend on the capacity of these systems to produce forage and protection from predators.[444] Coastal wetlands that contribute to the productivity of Pacific west coast and Puget Sound estuaries are disappearing rapidly.[445]

Contaminants from industrial waste, stormwater, chemical spills, and run-off significantly degrade estuaries and the combined contaminant cocktails reduce juvenile Chinook survival.[446] Legacy contaminants such as PCBs and DDTs remain at elevated levels in sediment and fish.[447] Estuarine concentrations of other contaminants such as PAHs, PBDEs, pharmaceuticals, personal care products are increasing.[448] These contaminants accumulate quickly in juvenile Chinook because of they consume large amounts of prey in estuaries in order to grow rapidly before migrating to the ocean.[449]

Juvenile Chinook that rear in uncontaminated estuaries are nearly twice as likely to survive to adulthood than juvenile Chinook transiting contaminated estuaries.[450] Wild juvenile ocean-type Chinook spend twice as much time in estuaries than hatchery Chinook or other salmon species causing more dramatic impairment and large changes in population abundance.[451] The toxic exposure over longer periods of time impairs growth, alters behavior, increases susceptibility to disease and results in higher mortality rates.[452]

4.2.3 Impacts to Coastal Chinook abundance

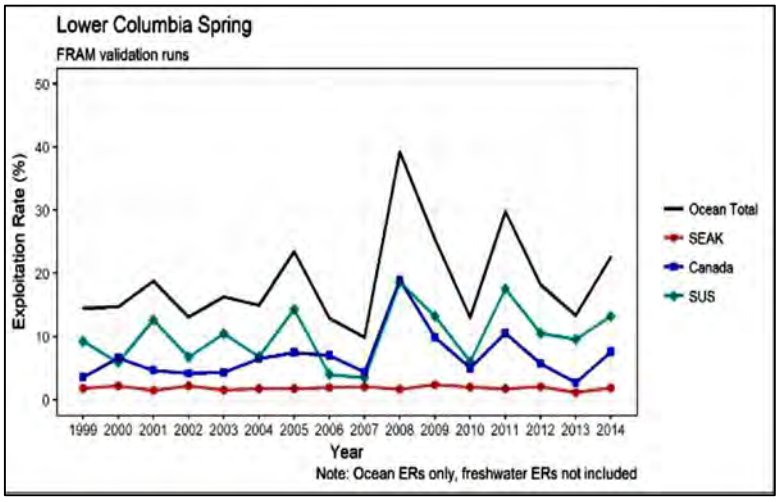
The Wild Fish Conservancy alleges that the Southeast Alaska troll fishery is a primary source of prey depletion for lower Columbia River and Snake River Chinook, contributing to orca starvation. The estimated impact of the Southeast Alaska troll fisheries on Southern Resident orca prey availability under the Pacific Salmon Treaty is very small – less than half a percent.[453] Other ocean salmon fisheries that overlap spatially with the range of the Southern Resident orcas also cause minimal or no prey reduction during October to April time period regardless of year or region.[454] Typically Chinook abundance during these months when Southern Resident orcas feed on coastal stocks is 2.7 million to 4.7 million.[455] The small amount of coastal Chinook abundance that may increase through further cuts to the Alaska troll fishery would be negligible because Alaska fishers catch Chinook returning to coastal river systems between July and October when the Southern Resident orcas occupy the Salish Sea.[456] Harvests of Columbia River Chinook consist mostly of summer and fall Chinook stocks, particularly Columbia Brights and some Columbia River Summer stocks.[457]

Despite the 1990s decline, Columbia River Chinook runs have proven to be resilient, with total annual runs exceeding a million Chinook.[458] The most abundant stock, Columbia River Brights, supports numerous fisheries, including ocean harvests by southern U.S., Canadian and Alaska troll and sport fisheries and by several Columbia River sport and gillnet fisheries.[459] Columbia River bright stocks are generally healthy and meeting or exceeding escapement goals.[460] On average, over 700,000 fall Chinook have returned each year over the past decade with Columbia River Brights comprising up to two-thirds of the return.[461] There were three 3 straight years of total returns of over a million fall Chinook from 2013-2015.[462] Snake River fall returns have also improved considerably over the past decade, including five of the highest returns of the 21st century from 2011 through 2015.[463] Summer Chinook returns have also steadily increased, with run sizes over the past decade three to four times as high as the 1980s and 1990s.[464]

Columbia River summer and Upriver bright fall stocks are the most important of the Columbia River stocks harvested in the Alaska troll fishery.[465] Overall, Southeast Alaska harvests of Columbia River salmon are lower than other fisheries. In particular, there has been a massive increase in angler effort on the mainstem Columbia River, nearly

tripling to over 118,000 angler trips since the 1980s.[466] Columbia River sport harvests were at the highest levels since 1980 over the past decade, exceeding well over 100,000 Chinook each year between 2010 and 2017, and peaking at over 150,000 Chinook in 2015.[467] Columbia River net fisheries have typically harvested between one to two hundred thousand Chinook over the past decade with a peak of nearly four hundred thousand Chinook.[468] Columbia River brights comprise most of the in-river sport and net harvests.[469] These stocks have significantly exceeded escapement goals since 2009 and would actually support higher harvests.[470]

During the winter Southern Resident orcas target a broader range of Chinook stocks than during the summer in the Salish Sea, including some of the abundant Columbia River Brights.[471] Columbia Spring runs, however, are probably the most important stocks for Southern Resident orcas during this time of year, comprising over half of the Chinook consumed by the orcas in winter and spring.[472] Spring Chinook historically were the most available stocks during winter and early spring months, returning in large numbers of bigger, fatter fish.[473] Spring Chinook migrate early, entering the river between February and June and spawn during August through October.[474] Southern Resident orcas frequently gather at the mouth of the Columbia River in pursuit of these fish.[475]



Graphic: NMFS. 2018 BiOp

The Columbia River Basin alone has 22 major and 353 minor dams.[476] The greatest reductions from historical population levels occurred for Columbia River Spring Chinook most important to the Southern Resident orcas.[477] The declines have been the most severe because these fish typically spawned in areas that are now upstream from impassable dams.[478] Impacts to Spring Chinook were widespread, most notably in the Columbia River but affecting all spring runs.[479] Dams, failed culverts, logging, mining and urbanization have severely degraded the cold, clear tributary streams used by spring Chinook, leaving few Pacific Northwest watersheds in good enough condition to support Spring Chinook.[480] These Chinook stocks are highly vulnerable to habitat degradation in the Columbia Basin because they spend up to a year in freshwater before entering the marine environment.[481] There has been considerable recent variability in abundance, with record high and record low returns occurring during the 21st century driven by increases or decreases in hatchery returns.[482] **Because most Columbia River Spring runs have a non-coastal ocean distribution, marine fishery impacts on spring Chinook stocks are negligible and lower in the Alaska troll fishery than in any other marine fishery.[483]**

NMFS recently evaluated Southeast Alaska fishery impacts on three specific Chinook populations from the Lower Columbia River, Willamette River, and Snake River. The effects of ocean harvest on all of these stocks were declining by the late 1990s.[484] Most Lower Columbia River Chinook stocks are not far-north migrating and rarely encountered in Alaska troll fisheries.[485] The few Lower Columbia stocks that are far north migrators are a small proportion of Alaska troll fishery catch which is a very small proportion of total run size.[486] Southern U.S. fisheries and Canadian fisheries harvest over a half and over a third of the Lower Columbia River stock, respectively.[487]

Harvest has not been a limiting factor for either the Upper Willamette River or Snake River fall-run since the early 1990s.[488] Other factors are currently impeding recovery.[489] The overall marine exploitation rate for Upper Willamette River Chinook is exceptionally low so that ocean fishery harvest is not a primary or limiting factor for the stock.[490] These stocks comprise a small portion of Southeast Alaska fishery harvests.[491] Freshwater sport and commercial fisheries in the lower mainstem Columbia River, mainstem Willamette River and Willamette tributaries take

a higher proportion of the Willamette Chinook than ocean fisheries.[492] As with other analyzed Chinook stocks, Alaska troll harvest is a very small fraction of the Snake fall harvest - harvests from in-river fisheries and other marine fisheries in Canada and the U.S. all have exploitation rates ten to twenty times as high.[493] There have been harvest cuts throughout the range of Snake River salmon and the population is improving significantly.[494] Spawner abundance is increasing with average escapements over four times as high in the 2010s as in the early 2000s.[495]

Because dams are the main limiting factor for Columbia Basin stocks, orca researchers recommend immediate increases in spill levels at Snake and Columbia River dams and the removal of lower Snake River dams.[496] They believe that improving habitat conditions in the Columbia Basin are essential for the recovery and likely the survival of Southern Resident orca populations.[497] The current recovery plan for Lower Columbia River Chinook focuses on fixing problems with tributary and estuary habitat and dams.[498] Tributary dams that block over 400 miles of habitat are a primary limiting factor for Willamette River Chinook.[499] The dams also reduce flows and increase downstream temperatures.[500] The cumulative impacts of agriculture, urbanization, logging and other developments have eliminated or degraded spawning and rearing habitat, ruined riparian areas, impaired water quality and increased water temperatures.[501] Introduced species have increased predation and competition.[502] Dams, predation, degraded estuary and mainstem and tributary habitat continue to impede recovery for Snake River fall Chinook.[503]

5. Conclusion

Pollution, industrial toxins, urbanization, habitat loss and human-caused disturbance are the primary factors limiting the recovery of the Southern Resident orcas. Any one factor – acoustic disturbances from vessel traffic, the orca observing industry, chemical contaminants or habitat harms specific to naturally spawning Chinook, chum and coho salmon – may in itself be a significant cause of nutritional stress, higher death rates or failed pregnancies. More than likely a combination of factors are driving Southern Resident orca population trends.

The Alaska troll fishery is managed under the Pacific Salmon Treaty based on the abundance of Alaskan resident and far-north migrating Chinook salmon that spend most of their lives feeding in the Gulf of Alaska. Very few of the fall Chinook from Puget Sound, Lower Columbia River or the Strait of Georgia the stocks that are most critical to SRKWs migrate to Alaska and thus are not susceptible to being caught by Alaskan trollers. Less than half of one percent of to the Alaska troll catch is from the top priority Puget Sound fall stocks. Far more Puget Sound Chinook are taken in Puget Sound and British Columbia sport fisheries or during the Chinook's migration by other predators than in the distant Alaska troll fishery. The readily available stock composition data renders bizarre the Wild Fish Conservancy's marketing campaign against Alaska's small boat fishing families.

To restate, the Wild Fish Conservancy's theory that commercial fishing is a primary cause of Southern Resident orca population trends is contradicted by the numerous recent scientific analyses that track salmon abundance and Southern Resident orca diet composition. Indeed, cuts to ocean fisheries have been the primary means of improving Chinook escapements over the past three decades, and these harvest sacrifices by ocean fishermen have failed to recover the orcas because other habitat harms have continued and worsened. Sadly, the decline of the Southern Resident orcas is likely to continue until habitat damage, pollution and other human-related pressure on the orca is reduced. The Wild Fish Conservancy might look to their own sport fishing and orca observing constituency if saving the orcas is the true objective of their action.

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Alaska Longline FISHERMEN'S ASSOCIATION

ALASKA TROLLERS ASSOCIATION

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A 2022 report prepared by the **Alaska Longline Fishermen's Association** (ALFA) and **the Alaska Trollers Association** (ATA) responds to the campaign waged by the Wild Fish Conservancy, a Washington State corporation, to blame the Southern Resident orca's population decline on the Southeast Alaska troll fishery - a fleet of small hook and line fishing vessels operated by independent families 1000 miles away from the whales' habitat. The report reviews the substantial amount of research detailing the influence of habitat degradation and human pressure on orca population viability and the decades of data establishing that the marine fishery impacts on salmon stocks of importance to the Southern Resident orcas are low – and the impacts of Alaska's fisheries are minimal.

- **Pollution, industrial toxins, urbanization, habitat loss and human-caused disturbance are the primary factors limiting the recovery of the Southern Resident orcas:** Any one factor – acoustic disturbances from vessel traffic, the orca observing industry, chemical contaminants, or habitat harms specific to Chinook, chum and coho salmon – may be a significant cause of nutritional stress, higher death rates or failed pregnancies. Research documents that Southern Resident orcas are threatened primarily because of their prolonged residence each year in Puget Sound and inland Southern British Columbia waters, all areas that are heavily used and contaminated by a growing human population.
- **Vessel traffic may be a primary cause of Southern Resident orca population declines:** The Salish Sea has become one of the busiest areas of marine traffic in the world. Vessel strikes are a common cause of marine mammal injury or death. Noise pollution from vessel traffic is chronic in key foraging areas and makes it difficult for orcas to find and capture prey. The number of commercial orca observing vessels that concentrate around foraging orcas has more than quintupled since the 1980s and disrupts orca foraging success. Major increases in noise pollution and the increasing intensity of orca observation correlate strongly with Southern Resident population declines.
- **Southern Resident orcas are among the world's most contaminated marine mammals:** One of the main threats to Southern Resident orca survival - and salmon population recovery - is the high toxic contaminant burden borne by both species which forage in urban and industrial areas. Numerous toxic contaminants – even if banned years ago - persist at high levels today in the Salish Sea marine environment. Female orcas transfer contaminants to calves during pregnancy and while nursing. Calves and juvenile orcas are susceptible to severe health consequences that include shorter life expectancies and lower chances of reproductive success. The contaminants increase the number of failed pregnancies and the post-birth calf mortality rates. The contaminants have the same effects on salmon, particularly salmon species that spend the most time in the Salish Sea, including Chinook.
- **Chinook-eating orcas outside the Salish Sea are thriving:** Southern Resident orcas are the only orca population that preys on Chinook in the northeastern Pacific that is declining. Northern and Alaska Resident orca population levels have at least doubled since 1980. The Northern Resident population grew from 120 individual orcas in 1975 to over 300 orcas today, potentially consuming nearly a million more Chinook salmon each year than they did fifty years ago. Overall, the three resident populations *consume between 1.6 and 2.3 million Chinook each year, exceeding harvest in all marine, terminal, and freshwater fisheries.* There are healthy orcas within the Southern Resident population, and cases of nutritional stress in all northeastern Pacific orca populations that have access to abundant prey. Factors other than a lack of food, such as individual health issues or external disturbances from noise and vessels, are more likely causes of nutritional stress for some orcas.
- **Fishery managers have increased the amount of Chinook available to the Southern Resident orcas**: Ocean fisheries have borne substantial harvest reductions of healthy Chinook stocks for decades to enable higher escapements of infrequently caught weaker stocks. Despite the reductions, there has been no meaningful improvement in Southern Resident orca population productivity because of the failure to address other much more significant impacts. Chinook

terminal run sizes (numbers of fish returning to areas near their natal rivers) in the Salish Sea are over a third larger than they were during the 1990s. Multiple analyses conclude that additional reductions to already low ocean fishery exploitation rates would be unlikely to help recover the Southern Resident orca population.

- **Impacts to stocks of importance to the Southern Resident orcas are minimal in marine fisheries:** Southern Resident orcas mostly forage on Chinook stocks off the Washington Coast in winter and inland Salish Sea in summer. In general, ocean fisheries have very low impacts on these stocks and the distant Alaska troll fishery has the smallest impact. Many Puget Sound Chinook spend their entire lives in the Salish Sea and very few migrate as far north as Alaska. Sport fishermen in British Columbia and Puget Sound catch 70,000 Puget Sound Chinook in any given year – more than 100 times as many harvested in the Southeast Alaska troll fishery.
- **Columbia and Snake River summer and fall populations harvested in the Alaska troll fishery have been resilient:** In general returns over the past decade are much higher than they were from 1980s through the 2000s. During the 21st century, total annual runs have exceeded a million Chinook and long-term annual escapement rates have improved dramatically, vastly exceeding escapement goals. As with other stocks, Southeast Alaska harvests of Columbia River salmon are a small proportion of the harvest compared to other fisheries. Columbia River net and sport fisheries alone harvested nearly 220,000 Columbia River Chinook in 2021 – more than the troll fishery's total mixed stock harvest.
- **Puget Sound habitat degradation is preventing salmon and orca recovery**: Multiple scientific analyses, and government reports all point to other factors that harm Salish Sea salmon targeted by the orcas – in particular, deteriorating habitat conditions. Fishery managers recognize that continued destruction and degradation of habitat, not fisheries, is the primary problem limiting the viability of Puget Sound Chinook. Dams and barrier culverts found throughout Puget Sound watersheds block access to habitat and degrade downstream spawning and rearing habitat. Agricultural, industrial, and urban development have heavily altered or destroyed riparian habitats and estuaries that provide salmon habitat and maintain water quality for fish.
- **Conclusion – population, pollution and other disturbances are harming the orcas, not fisheries**: While Canadian fisheries and Washington and Oregon fisheries harvest far more Chinook than the Southeast troll fishery, the primary threats to Southern Resident orca are human-caused pollution and disturbance. Increases in pollution of various types from vessels, vehicles, industrialization and urbanization, residential and agricultural sources are limiting the recovery of the Southern Resident orcas and causing nutritional stress, higher death rates or failed pregnancies. The Wild Fish Conservancy's theory that fishing occurring hundreds of miles away in Alaska is causing orca mortality is not supported by data or research. Cuts to ocean fisheries have been the primary means of improving Chinook escapements over the past three decades and have increased the numbers of Chinook available to the orcas but the orca population has not recovered. As other habitat harms have continued and worsened, so too has the plight of Southern Resident orcas. Southern Resident orca face significant and worsening threats to their survival from population pressure in the Puget Sound area. The decline is disheartening but requires dedicated efforts to improve Salish Sea habitat conditions.
- **Troll fishery harvests are abundance-based and managed for sustainability:** The Pacific Salmon Treaty ensures the sustainability of marine fisheries by managing the fisheries based on the aggregate abundance of mixed, multiple Chinook stocks and enables the harvest of healthy stocks while protecting weaker stocks suffering from chronic habitat degradation.
- **Chinook harvested in Alaska are the highest quality seafood:** Chinook salmon provided by Southeast Alaska's troll fishery is the culinary world's salmon of choice, prized for their color, high oil content, firm texture, and succulent flesh. Trollers fish with hook and line gear on the open ocean and target individual adult salmon when they are "bright," or at their peak quality. Careful individual handling helps maintain this quality.
- **Seafood consumers, retailers and restaurants should feel confident that the Alaska troll fishery is not depleting the prey of Southern Resident orcas nor contributing to their ongoing decline.**

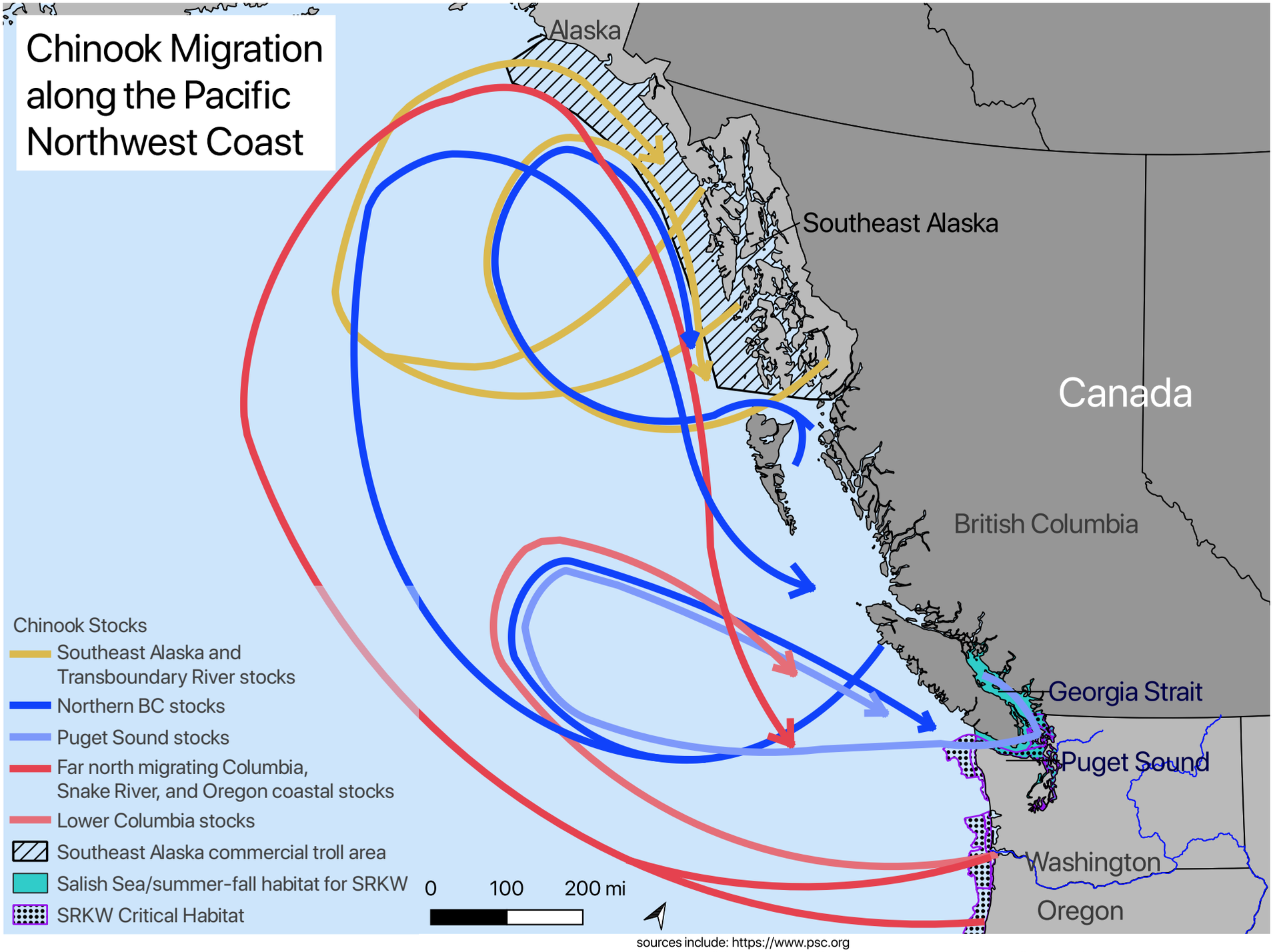
Authored and provided by Dani Everson, ADFG on 12/15/22

The lawsuit brought by the Wild Fish Conservancy is a challenge to the Biological Opinion (BiOp), the document that provides Endangered Species Act coverage to all of Southeast Alaska's salmon fisheries. The judge issued an order granting the Plaintiff Wild Fish Conservancy's motion for summary judgment. Key Points from the Judge's order on summary judgment included: (1) NMFS's actions require certain mitigation; (2) NMFS failed to create a binding mitigation measure that described "in detail the action agency's plan to offset the environmental damage caused by the project" for the prey increase program; (3) NMFS's failure to make a jeopardy determination on the prey increase program for ESA-listed Chinook salmon violated its obligations under the ESA; and (4) NMFS violated NEPA requirements in issuing the Incidental Take Statement.

The lawsuit is currently in the "remedy" phase. The Plaintiff has argued for vacatur of the incidental take statement that provides ESA coverage for the winter and summer troll fisheries while NMFS fixes its flawed BiOp and for the permanent termination of the prey increase program for Southern Resident Killer Whales required in the Biological Opinion. The Defendants (the Department of Justice, the Department of Commerce and NOAA) and the Defendant Intervenors (Alaska Trollers Association and the State of Alaska) argued against vacatur, allowing ESA coverage to continue, while NMFS works on revising the BiOp.

On Tuesday, U.S. Magistrate Judge Michelle Peterson issued a report and recommendation (R&R) and proposed order. The magistrate recommends (1) the Biological Opinion be remanded to NMFS to remedy ESA and NEPA violations, (2) vacating the portions of the BiOp that authorize "take" of Southern Resident Killer Whales and Chinook salmon resulting from commercial harvests of Chinook during the winter and summer troll fisheries, and (3) leaving the Southern Resident Killer Whale hatchery prey production program in place.

The next step is an opportunity for all parties to file objections and respond to the other parties filed objections. After the objection process, what happens next is in the hands of the Article III Judge. This litigation is still active and the State of Alaska will continue to defend its fisheries vigorously.



sources include: https://www.psc.org
https://www.fisheries.noaa.gov/feature-story/west-coast-salmon-fishing-and-southern-residents-part-2
NMFS ESA SRKW critical habitat from NMFS, West Coast Region

CITY AND BOROUGH OF SITKA

Legislation Details

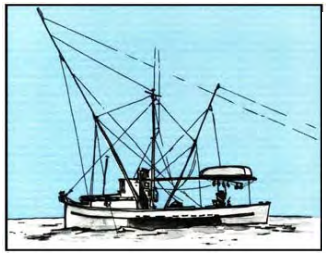
File #:	ORD 23-01	Version: 1	Name:		
Type:	Ordinance		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Making supplemental appropriations for fiscal year 2023 (Alaska Trollers Association Legal Defense $25,000 - 1st reading)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Memo 03 Ord 2023-01 Alaska Trollers Assoc Legal Fees 04 ATA.ALFA Orca White Paper Handout-1 05 ATA Attorney's update 06 Alaska Trollers - Objections to Report Recommendation(1) 07 Articles				

Date	Ver.	Action By	Action	Result

Sponsors : Christianson / Mosher

POSSIBLE MOTION

I MOVE TO approve Ordinance 2023-01 on first reading making supplemental appropriations for fiscal year 2023 (Alaska Trollers Association Legal Defense).



Alaska Trollers Association
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Juneau, AK 99801
(907) 586-9400
alaskatrollers@gmail.com

1/4/23

To: City of Sitka Assembly Members and Sitka City Manager John Leach

Dear Assembly Members,

As you know the Historic Southeast Alaska Chinook Fishery, the hub of which is the City of Sitka, is under a threat of elimination by a law suit brought by a radical Puget Sound environmental organization called the Wild Fish Conservancy. WFC has sued the National Marine Fisheries Service over a claimed failure to account for the effect of the SEAK Chinook Harvest on Southern Resident Killer Whales. In a 12/13/22 Recommendation the magistrate hearing the case (and who lives on Puget Sound) recommended the elimination of the Incidental Take permit that allows SEAK fishers to harvest any King Salmon.

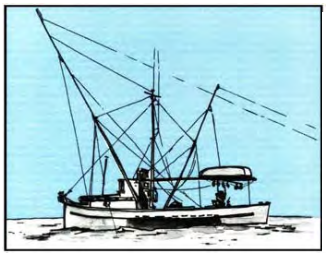
The Alaska Trollers Association, of which I am the President, has been fighting this legal battle since 2020. WFC states that the SRKW are starving from lack of king salmon which they claim is 80% of these whale's diet. This claim is absurd in every aspect. The decade of 2010 to 2020 had the biggest king salmon return on the Columbia River since the dams were built. 2022 had a huge return of Puget Sound Chinook. The science easily debunks WFC claims but the Magistrate wouldn't allow an Evidentiary Hearing at which the facts could be demonstrated.

Since 2020 ATA has spent over 96 thousand dollars ($5,000 donated by the City of Sitka) defending Alaskans' historic harvest rights. This fight will continue. To help with that ATA is asking for a contribution from Sitka of $25,000. I know this is a significant ask but the simple truth is that without the financial support of SEAK communities our region will lose it's historic Troll fishery and other supporting Industries.

Thank you for your support and Consideration

Matthew Donohoe

President ATA



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1/3/23

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

Q: What's new in the Wild Fish Conservancy's (WFC) Law Suit?
A: On December 14, 2022 Magistrate Peterson recommended to presiding Judge Jones of the Seattle Federal Court to Vacate the Incidental Take Statement (ITS) included in NMFS's Biological Opinion. The ITS allows SEAK fisheries to incidentally harvest some Puget Sound Chinook. Magistrate Peterson is tasked with doing a Report and Recommendation (R&R) to Judge Jones the presiding Judge. ATA, The State of Alaska, and NMFS have until 1/10/23 to respond to the R&R. Sometime after that (we don't know when) Judge Jones will make his ruling on the issue

Q: What action is Magistrate Peterson Recommending?
Closure of the Winter Troll Season.
Closure of the Summer Chinook Troll Season

Q: Will this also close other SEAK fisheries?
A: We don't yet know. Magistrate Peterson only mentions closing the Commercial Troll Chinook fishery but she recommends vacating the ITS that allows any SEAK fishery to harvest Chinook.

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, and around 600 permits deliver troll caught fish in the summer to Sitka.

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: Magistrate Peterson in her Recommendation that the current winter fishery be closed.

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

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). Possible elimination of the Troll industry

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 is ATA's ask?
A: $25,000 to defeat the WFC suit.

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.

Sponsors: Christianson/Mosher

C I T Y A N D B O R O U G H O F S I T K A

ORDINANCE NO. 2023-01
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2023
(Alaska Trollers Association Legal Defense)

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make a supplemental Operation appropriation for FY2023.

4. **ENACTMENT.** In accordance with Section 11.10 (a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2022 and ending June 30, 2023.

FISCAL YEAR 2023 EXPENDITURE BUDGETS
GENERAL FUND
Other Expenditures – Donations: Increase appropriations in Donations $25,000 for the Alaska Trollers Association legal defense.

EXPLANATION
The Alaska Trollers Association has requested emergency funding for their legal defense fund in the amount of $25,000. Funding will come from General Fund working capital.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of February 2023.

_____
Steven Eisenbeisz, Mayor

ATTEST:

_____
Sara Peterson, MMC
Municipal Clerk

1st reading: 1/24/2023
2nd and final reading: 2/14/2023

Sponsor: Administrator

Alaska Longline FISHERMEN'S ASSOCIATION

ALASKA TROLLERS ASSOCIATION

ALFA: Post Office Box 1229 / Sitka, Alaska 99835 907.747.3400 alfafishak@gmail.com www.alfafish.org
ATA: 130 Seward #205 Juneau, AK 99801 (907) 586-9400 alaskatrollers@gmail.com www.aktrollers.org

A 2022 report prepared by the **Alaska Longline Fishermen's Association** (ALFA) and **the Alaska Trollers Association** (ATA) responds to the campaign waged by the Wild Fish Conservancy, a Washington State corporation, to blame the Southern Resident orca's population decline on the Southeast Alaska troll fishery - a fleet of small fishing vessels operated by independent fishing families 1000 miles away from the whales' habitat. The report reviews the substantial amount of research detailing the influence of habitat degradation and human pressure on orca population viability and the decades of data establishing that the marine fishery impacts on salmon stocks of importance to the Southern Resident orcas are low – and lowest in Alaska.

- **Pollution, industrial toxins, urbanization, habitat loss and human-caused disturbance are the primary factors limiting the recovery of the Southern Resident orcas:** Any one factor – acoustic disturbances from vessel traffic, the orca observing industry, chemical contaminants, or habitat harms specific to Chinook, chum and coho salmon – may be a significant cause of nutritional stress, higher death rates or failed pregnancies. In short, Southern Resident orcas are threatened primarily because of their prolonged residence each year in Puget Sound and inland Southern British Columbia waters, all areas that are heavily used and contaminated by a growing human population.
- **Vessel traffic alone may be a primary cause of Southern Resident orca population declines:** The Salish Sea has become one of the busiest areas of marine traffic in the world. Vessel strikes are a common cause of injury or death. Noise pollution from vessel traffic is chronic in key foraging areas and makes it difficult for orcas to find and capture prey. The number of commercial orca observing vessels alone that concentrate around foraging orcas has more than quintupled since the 1980s and disrupts orca foraging success. Major increases in noise pollution and the increasing intensity of orca observation correlate strongly with Southern Resident population declines.
- **Southern Resident orcas are among the world's most contaminated marine mammals:** One of the main threats to Southern Resident orca survival - and salmon population recovery - is the high toxic contaminant burden borne by both species which forage in urban and industrial areas. Numerous toxic contaminants – even if banned years ago - persist at high levels today in the Salish Sea marine environment. Female orcas transfer contaminants to calves during pregnancy and while nursing. Calves and juvenile orcas are susceptible to severe health consequences that include shorter life expectancies and lower chances of reproductive success. The contaminants increase the number of failed pregnancies and the post-birth calf mortality rates. The contaminants have the same effects on salmon, particularly salmon species that spend the most time in the Salish Sea, particularly Chinook.
- **Chinook-eating orcas outside the Salish Sea are thriving:** Southern Resident orcas are the only orca population that preys on Chinook in the northeastern Pacific that is declining. Northern and Alaska Resident orca population levels have at least doubled since 1980. The Northern Resident population grew from 120 individual orcas in 1975 to over 300 orcas today, potentially consuming nearly a million more Chinook salmon each year than they did fifty years ago. Overall, the three resident populations *consume between 1.6 and 2.3 million Chinook each year, exceeding harvest in all marine, terminal, and freshwater fisheries.* There are healthy orcas within the Southern Resident population, and cases of nutritional stress in all northeastern Pacific orca populations that have access to abundant prey. Factors other than a lack of food, such as individual health issues or external disturbances from noise and vessels are more likely causes of nutritional stress for some orcas.
- **Fishery managers have increased the amount of Chinook available to the Southern Resident orcas**: Ocean fisheries have borne substantial cuts to harvests of healthy Chinook stocks for decades to enable higher escapements of infrequently caught weaker stocks. Despite the cuts, there has been no meaningful improvement in Southern Resident orca population productivity because of the failure to address other much more significant impacts. Chinook terminal

run sizes (numbers of fish returning to areas near their natal rivers) in the Salish Sea are over a third larger than they were during the 1990s. Multiple analyses conclude that additional cuts to already low ocean fishery exploitation rates would be unlikely to help recover the Southern Resident orca population.

- **Impacts to stocks of importance to the Southern Resident orcas are minimal in ocean fisheries:** Southern Resident orcas mostly forage on Chinook stocks off the Washington Coast in winter and inland Salish Sea in summer. In general, ocean fisheries have very low impacts on these stocks and the distant Alaska troll fishery has the smallest impact. Many Puget Sound Chinook spend their entire lives in the Salish Sea and very few migrate as far north as Alaska. Sport fishermen in British Columbia and Puget Sound catch 70,000 Puget Sound Chinook in any given year – more than 100 to 200 times as many harvested in the Southeast Alaska troll fishery.
- **Columbia and Snake River summer and fall populations harvested in the Alaska troll fishery have been resilient:** In general returns over the past decade are much higher than they were from the 1980s through the 2000s. During the 21st century, total annual runs have exceeded a million Chinook and long-term annual escapement rates have improved dramatically, vastly exceeding escapement goals. As with other stocks, Southeast Alaska harvests of Columbia River salmon are a small proportion of the harvest compared to other fisheries. Columbia River net and sport fisheries alone harvested nearly 220,000 Columbia River Chinook in 2021 – more than the troll fishery's total mixed stock harvest.
- **Puget Sound habitat degradation is preventing salmon and orca recovery**: Multiple scientific analyses, and government reports all point to other factors that harm Salish Sea salmon targeted by the orcas – in particular, deteriorating habitat conditions. Fishery managers recognize that continued destruction and degradation of habitat, not fisheries, is the primary problem limiting the viability of Puget Sound Chinook. Dams and barrier culverts found throughout Puget Sound watersheds block access to habitat and degrade downstream spawning and rearing habitat. Agricultural, industrial, and urban development have heavily altered or destroyed riparian habitats and estuaries that provide salmon habitat and maintain water quality for fish.
- **Conclusion: population, pollution and other disturbances are harming the orcas, not fisheries**: While Canadian fisheries and Washington and Oregon fisheries harvest far more Chinook than the Southeast troll fishery, the primary threats to Southern Resident orca are human-caused pollution and disturbances. Increases in pollution of various types from vessels, vehicles, industrialization and urbanization, residential and agricultural sources are limiting the recovery of the Southern Resident orcas and causing nutritional stress, higher death rates or failed pregnancies. The Wild Fish Conservancy's theory that fishing occurring hundreds of miles away in Alaska is causing orca mortality is not supported by data or research. Cuts to ocean fisheries have been the primary means of improving Chinook escapements over the past three decades and have increased the numbers of Chinook available to the orcas but the orca population has not recovered. As other habitat harms have continued and worsened, so too has the plight of Southern Resident orcas. Southern Resident orca face significant and worsening threats to their survival from population pressure in the Puget Sound area. The decline is disheartening but requires dedicated efforts to improve Salish Sea habitat conditions.
- **Troll fishery harvests are abundance-based and managed for sustainability:** The Pacific Salmon Treaty ensures the sustainability of marine fisheries by managing the fisheries based on the aggregate abundance of mixed, multiple Chinook stocks and enables the harvest of healthy stocks while protecting weaker stocks suffering from chronic habitat degradation.
- **Chinook harvested in Alaska are the highest quality seafood:** Chinook salmon provided by Southeast Alaska's troll fishery is the culinary world's salmon of choice, prized for their color, high oil content, firm texture, and succulent flesh. Trollers fish with hook and line gear on the open ocean and target individual adult salmon when they are "bright," or at their peak quality. Careful individual handling helps maintain this quality.
- **Seafood consumers, retailers and restaurants should feel confident that the Alaska troll fishery is not depleting the prey of Southern Resident orcas nor contributing to their ongoing decline.**

Alaska Trollers Association:

Wild Fish Conservancy v. Thom, et al., USDC Western District of Washington Case No. 2:20-cv-00417

January 3, 2023 Update and Funding Request

Background legal summary provided by ATA attorney Douglas Steding of Northwest Resource Law

"On March 18, 2020, the Wild Fish Conservancy ("WFC"), a Seattle-based anti-hatchery organization, filed a complaint against the National Marine Fisheries Service ("NMFS") seeking to invalidate the 2019 Biological Opinion that governed the delegation of management authority for Southeast Alaska fisheries from the Federal Government to the State of Alaska. WFC sought to halt the production of Chinook salmon by Columbia River (Washington) hatcheries that were intended to increase prey availability to the Southern Resident Killer Whales. WFC also sought to invalidate the Incidental Take Statement ("ITS") that covered the Southeast Alaska ("SEAK") troll fishery.

The Alaska Trollers Association intervened in the lawsuit to protect its members' interests in the SEAK troll fishery. With limited funds, the Trollers participated in summary judgment briefing on the merits of WFC's claims in 2021.

In September 2021, Magistrate Judge Michelle Peterson issued a Report and Recommendation finding that the analysis governing the Columbia River (Washington) prey increase program was flawed under federal law, and that the ITS governing the SEAK troll fishery was therefor also legally deficient. Judge Richard Jones adopted Magistrate Peterson's Report and Recommendation on August 8, 2022.

Since the adoption of that Report and Recommendation, the parties engaged in briefing on what the remedy for NMFS's violations should be. Judge Peterson issued a second Report and Recommendation on December 13, 2022. That Report and Recommendation would invalidate the ITS for the SEAK troll fishery with respect to the winter and summer fisheries, putting those seasons in jeopardy."

Without the ITS, the Endangered Species Act is violated, and fishing is prohibited.

ATA has covered over $96,000 in legal fees to date, and we are not done fighting WFC. Next steps include:

- Preparing and filing objections to Judge Peterson's December 13, 2022 Report and Recommendation. The ATA and our lawyers are working on these objections now; they are due on January 10, 2023.
- Coordinating with the State of Alaska, NMFS, and Alaska's federal delegation to ensure that the troll fishery is not closed as a result of WFC's litigation.
- Working on getting the word out regarding WFC's actions against the selective, sustainable troll fishery and developing broader public support for keeping that fishery open.

ATA has been working on a very limited budget. Our law firm has done the work at significantly discounted rates and has often written off fees when the ATA does not have the money to pay these fees. WFC is a sophisticated, well-funded litigant, using hired experts, the deep pockets of its donors, and its law firm in its attempt to shut down the troll fishery. We are requesting funding for our legal defense to help even that playing field. Legal fees are anticipated to exceed an additional $100,000 and ATA is actively engaged in raising funds. Please help us keep our boats on the water.

HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILD FISH CONSERVANCY, Plaintiff, v. SCOTT RUMSEY, *et al.*, Defendants. And ALASKA TROLLERS ASSOCIATION, and STATE OF ALASKA, Defendant-Intervenors.	Case No. 2:20-cv-00417-RAJ-MLP DEFENDANT-INTERVENOR ALASKA TROLLERS ASSOCIATION'S OBJECTIONS TO REPORT AND RECOMMENDATION Noting Date: January 27, 2023

I. INTRODUCTION

The trollers of Southeast Alaska, represented in this matter by the Alaska Trollers Association ("ATA"), are great stewards of the environment. They catch salmon one at a time, cherishing the benefits that the wild fish have provided to their families and communities for generations. The Wild Fish Conservancy ("WFC")—a Seattle-based organization determined to eliminate hatcheries and the sustainable harvest of salmon, with no ties to the communities of Southeast Alaska—has exploited flaws in environmental analyses performed by the federal government in a quest to decimate that generational way of life of thousands of Alaskans. To

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WFC, the thousands of Alaskans that have sustainably fished for generations are nothing more than sacrificial lambs for hypothetical and attenuated benefits to the Southern Resident Killer Whale ("SRKW") population. The remedy proposed by the December 13, 2022 Report and Recommendation, Dkt. No. 144 ("Report and Recommendation"), will devastate many comminutes across Alaska. Pursuant to the ATA's following objections, the illogical and inequitable Report and Recommendation must not be adopted, and the Court should adopt a remedy that maintains the incidental take protections of the 2019 Southeast Alaska Biological Opinion ("2019 BiOp").

This dispute arises out of the National Marine Fisheries Service's ("NMFS") update of environmental analyses related to fishing in Southeast Alaska. The fishing regime is complex; over the decades, there has been a careful balance maintained that allows thousands of Alaskans to continue their generational way of life under the terms of the international Pacific Salmon Treaty between the United States and Canada. NFMS incorporated reduced harvest limits from the latest version of the Pacific Salmon Treaty in the 2019 BiOp. *See, e.g.*, AR47202-03. The 2019 BiOp concluded, in relevant part, that allowing the Southeast Alaska fisheries to continue to harvest Chinook salmon would not jeopardize the continued existence of the SRKW population or listed salmon species. AR47508. The 2019 BiOp examined historical data and recognized that some Chinook caught by trollers in Southeast Alaska could impact the prey availability of the SRKW population, creating a tenuous connection between the Southeast Alaska fisheries and the SRKW. However, with such great focus on the SRKW population in recent years, the 2019 BiOp also included programs that have been specifically designed to increase prey for the SRKW population at the times and places most crucial for the SRKWs. The 2019 BiOp concluded that allowing the trollers of Southeast Alaska to continue to fish at a decreased level would not jeopardize the SRKW population in light of NMFS's prey increase program. AR 47508.

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During the merits portion of this case, the Court agreed with WFC's arguments that NMFS violated the Endangered Species Act ("ESA") and the National Environmental Policy Act.[1] Namely, the Court found that NMFS failed to sufficiently explain its prey increase program to demonstrate that benefits from that program would occur with necessary certainty to inform whether the Southeast Alaska fisheries would jeopardize the SRKW population.

Now, at the remedy stage, the Report and Recommendation concludes that in the years following the issuance of the 2019 BiOp, the prey increase program has been implemented with such certainty that the program must continue. With that understanding, the Report and Recommendation illogically concludes that the appropriate remedy for NMFS's errors is to uphold the prey increase program yet revoke incidental take protection under the ESA afforded to the Southeast Alaska fisheries through the 2019 BiOp.

The Report and Recommendation is not fully informed on the impacts of its proposed decision because it erroneously refused to consider multiple declarations submitted by the ATA. Contrary to the Report and Recommendation's conclusions, if the prey increase program is maintained, allowing Southeast Alaska fisheries to continue to harvest with incidental take protection will have mitigated impacts that will be far outweighed by the effective closure of the troll fisheries and the resulting catastrophic economic impacts to the communities of Southeast Alaska. Missing the spring and summer seasons will preclude many trollers from maintaining their way of life.

The extraordinary nature of this remedy cannot be overstated. Fisheries along the coasts of Oregon, Washington, and Canada continue to harvest salmon that provide prey for SRKWs. Yet, the Report and Recommendation proposes reaching up to Alaska and removing the least consequential aspect of the 2019 BiOp to the SRKWs—the authorization for Southeast Alaska

[1] The Court adopted Magistrate Peterson's September 27, 2021 Report and Recommendation on the merits, Dkt. No. 111, in its entirety. Order Adopting Report and Recommendation, Dkt. No. 122. Accordingly, the ATA refers to Dkt. No. 111 for the Court's holding on the merits.

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fisheries. Respectfully, the ATA fails to see the logic or the equity in the Report and Recommendation's decision to punish the trollers for the faults of the federal government. As the trollers' way of life hangs in the balance, the ATA humbly requests that the Court decline to adopt the Report and Recommendation and craft a remedy that maintains the incidental take protections of the 2019 BiOp.

II. FACTUAL BACKGROUND

A. The 2019 Biological Opinion.

In the 2019 BiOp, NMFS evaluated the current states of listed species, the environmental baseline, the effects of the proposed actions, effects of related actions, and cumulative effects to determine whether the actions authorized by the 2019 BiOp would jeopardize any listed species. AR 47508. The 2019 BiOp resulted in an Incidental Take Statement ("ITS") that authorized Southeast Alaska fisheries to harvest up to the limits of the 2019 Pacific Salmon Treaty limits while incidentally taking some listed species. AR47517-19. The 2019 BiOp also authorized a "conservation program for critical Puget Sound stocks and SRKW." AR47201. One of three elements of that program was a prey increase program designed "to provide immediate and meaningful increase in prey availability for SRKWs." AR47202.

The BiOp explains that any reduction in prey available to the SRKWs in their costal range from the Southeast Alaska fisheries "would likely occur rarely and during a time period when the whales are more often observed in inland waters" and "would be spread across a larger portion of the geographic range of Southern Residents." AR47445. In stark contrast, the prey increase program was designed to direct additional prey to "the times and areas most important to the SRKWs." AR47203. That program helps offset Chinook harvests from Canada and all U.S. salmon fisheries, not just the Southeast Alaska fisheries. AR47508.

The 2019 BiOp provided that the actions covered by the 2019 BiOp—including reductions in Southeast Alaska fisheries harvest levels and the prey increase program—are "intended to improve the overall conditions for the whales' reductions in harvest levels for the

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whales' Chinook salmon prey, increase prey abundance available to the whales, and reduce impacts to the whales' survival and reproduction." AR47508. NMFS concluded that the proposed actions at issue "are not likely to appreciably reduce the likelihood of both survival and recovery of Southern Resident killer whales or destroy or adversely modify their designated critical habitat." AR47508.

B. Merits Ruling.

The Court made several findings in its ruling on the merits that are relevant to the ATA's objections. The Court highlighted that NMFS's finding of no jeopardy regarding the Southeast Alaska fisheries "relie[d] upon the benefits of the prey increase program." Dkt. No. 111 at 32. While acknowledging the entire conservation program, the Court explained that "the central point at issue is the third component of NMFS's conservation plan—the prey increase program—as it relates to the adverse impact on SRKW." *Id.* at 28. The Court held that the program was not sufficiently specific or binding to support the no jeopardy finding. *Id.* at 32. As a result, the Court ruled that NMFS violated its substantive obligation to ensure no jeopardy to the SRKW under Section 7 of the ESA. *Id.* at 33-34. The Court also held that NMFS failed to consider the prey increase program when reaching a no jeopardy conclusion for listed salmon species. *Id.* at 32-33.

C. Remedy Report and Recommendation.

The Report and Recommendation's description of and underlying reasoning for the proposed remedy form the bases for the ATA's objections.

First, during oral argument, Magistrate Peterson "agree[d]" that the relief requested by WFC was "not narrow, moderate or reasonable" but was "radical." 11/01/2022 Hearing Transcript at 54:13-16. The Report and Recommendation, however, makes multiple references to the "narrow" or "partial" nature of the vacatur requested by WFC. *See, e.g.*, Dkt. No. 144 at 9 fn. 6, 24, 30 fn. 17.

Second, in response to WFC's request to strike multiple declarations submitted by

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Federal Defendants and both Defendant-Intervenors, the Report and Recommendation concludes that it is improper to consider the opinions of ATA members Paul Olsen and Tad Fujioka because it is not evident that those individuals are sufficiently qualified in economics or data analysis, respectively. Dkt. No. 144 at 22-23. During oral argument, Magistrate Peterson expressed surprise that no sur-reply was filed in response to WFC's request to strike the declarations. 11/01/2022 Hearing Transcript at 4:14-18. The ATA was prepared to address the issue at oral argument and both Defendant-Intervenors requested an evidentiary hearing to resolve any remaining issues. *Id.* at 9:12, 51:22-23. Those requests were denied by a minute entry. *See* Dkt. No. 141.

Third, the Report and Recommendation makes multiple important findings related to the prey increase program. The Report and Recommendation explains that "[t]he prey increase program—though previously uncertain and indefinite in the 2019 SEAK BiOp—has also now been funded and begun providing prey the past three years." Dkt. No. 144 at 31. Further recognizing the certainty of the prey increase program, the Report and Recommendation finds that vacating the program "would ultimately put the SRKW at further risk of extinction." *Id.* at 33. Although not analyzed at all in the 2019 BiOp, the Report and Recommendation reasons that any impacts of the program on the wild Chinook population can be mitigated. *Id.* at 35. And, according to the Report and Recommendation, vacating the prey increase program is unwarranted because NMFS is now better suited to offer better reasoning for the program if it were to be remanded. *Id.* at 36-37.

Lastly, the Report and Recommendation concludes that the ITS should be vacated, reasoning that the economic consequences "do not overcome the seriousness of NMFS's violations" and "the harm posed to the SRKW by leaving the ITS in place." *Id.* at 30. The Report and Recommendation does not address the 2019 BiOp's analysis that the prey increase program would mitigate the impacts of the Southeast Alaska fisheries. The Report and Recommendation is also silent on whether NMFS would reach the same decision on the ITS given that the prey

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increase program will continue.

III. OBJECTIONS[2]

1. The Report and Recommendation improperly concludes that the opinions of Paul Olson and Tad Fujioka could not be considered.
2. The Report and Recommendation illogically and inequitably concludes that the ITS should be vacated when the prey increase program will continue.

IV. STANDARD OF REVIEW

If parties object to a magistrate judge's recommendations, the Article III judge "must review de novo the portions of the recommendations to which the parties object." *Klamath Siskiyou Wildlands Ctr. v. U.S. Bureau of Land Mgmt.*, 589 F.3d 1027, 1032 (9th Cir. 2009).

V. ARGUMENT

A. The Report and Recommendation's Conclusion that the Declarations of Paul Olson and Tad Fujioka Could Not Be Considered Is Inconsistent with the Standard of FRE 702.

Federal Rule of Evidence 702 governs expert testimony. It "should be applied with a liberal thrust favoring admission." *Wendell v. GlaxoSmithKline LLC*, 858 F.3d 1227, 1232 (9th Cir. 2017) (internal quotation marks omitted). Outside of the jury trial context, "there is less danger that a trial court will be unduly impressed by the expert's testimony or opinion in a bench trial." *F.T.C. v. BurnLounge, Inc.*, 753 F.3d 878, 888 (9th Cir. 2014) (internal quotation marks omitted). "Rule 702 generally is construed liberally," particularly because expert testimony can be "based on some 'other specialized knowledge.'" *United States v. Hankey*, 203 F.3d 1160, 1168 (9th Cir. 2000) (quoting FRE 702(a)). FRE 702 "does not forbid admission of [an opinion] where the weight of the conclusions [is] subject to challenge." *City of Pomona v. SQM N. Am. Corp.*, 750 F.3d 1036, 1047 (9th Cir. 2014) (internal quotation marks omitted). The Report and Recommendation acknowledges that "only a minimal foundation of knowledge, skill, and

[2] To preserve for appeal the arguments that WFC lacked standing at both the merits and remedy stage of this proceeding—Dkt. No. 128 at 5-7; Dkt. No. 98 at 1-7—the ATA objects to the Court's conclusion that WFC has standing for the requested remedy. *See* Dkt. No. 144 at 13 n. 7.

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experience is required" under FRE 702. Dkt. No. 144 at 17 (internal quotation marks omitted).

Here, considering the lack of a jury and the specialized knowledge of Paul Olson and Tad Fujioka, the Report and Recommendation erred in granting WFC's request to strike both declarations. In the very least, the ATA's request for an evidentiary hearing should have been granted.

The Report and Recommendation incorrectly concludes that "minimal foundation" is lacking to support Paul Olson's statement that he has "extensive familiarity with natural resources economics, including economic impact analyses." Dkt. No. 144 at 22; Dkt. No. 131 at ¶ 11. Mr. Olson explained that his work involves "the valuation of ecosystem services in Southeast Alaska," including reviewing and collecting socio-economic data on an annual basis to help publish an annual report with the Alaska Sustainable Fisheries Trust. Dkt. No. 131 at ¶ 11. That experience, in part, was the basis for Mr. Olson's prior declarations in this matter, in which Mr. Olson opined on the annual economic output of Chinook salmon and the value of commercial fishing in general. *See* Dkt. No. 23 at ¶¶ 13, 18-19; Dkt. No. 39 at ¶¶ 13, 18-19. As the Report and Recommendation recognizes with respect to the declarants of the Federal Defendants, it is telling that WFC never previously sought to strike Mr. Olson's declarations based on his qualifications. *See* Dkt. No. 144 at 18 n. 9.

Similarly, the Report and Recommendation incorrectly concludes that Mr. Fujioka's declaration failed to establish sufficient foundation to consider his opinions on the impacts of closing fisheries or WFC's proffered opinions. *Id.* at 23. Mr. Fujioka has a degree in Engineering and Applied Sciences from the California Institute of Technology and, as a member and prior chairman of the Sitka Fish & Game Advisory Committee, has provided advice to the Alaska Board of Fisheries on management and allocation of fishery resources. Dkt. No. 129 at ¶ 11. That experience has provided Mr. Fujioka with specialized knowledge of the workings of the Pacific Salmon Treaty—workings that he explained in detail in his declaration. *Id.* at ¶¶ 19-22. That specialized knowledge allowed Mr. Fujioka to use mathematics to identify crucial issues with the

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simplistic approach of the opinions proffered by WFC. *Id.* at ¶ 27. In the very least, Mr. Fujioka's opinions were informative on how the declarations submitted by WFC were misleading.

In light of the flexible standard and the specialized knowledge demonstrated by Mr. Olson and Mr. Fujioka, disqualifying both the Olson and Fujioka declarations without an evidentiary hearing was improper. At a minimum, the Report and Recommendation should have considered both declarations and adjusted the weight that each declaration was given based on an assessment of the credibility of Mr. Olson and Mr. Fujioka as experts.

B. The Report and Recommendation's Decision to Vacate the ITS But Not the Prey Increase Program Is Contradicted by the Reasoning of the Merits Ruling and Inequitably Punishes the ATA for NMFS's Illegal Conduct.

The Court's holdings on the merits undercut the reasoning of the Report and Recommendation. Although the "central point" or identified flaw with NMFS's ITS was the uncertainty of the prey increase program—Dkt. No. 111 at 28, 33—the Report and Recommendation concludes that the program should continue. Roughly four months after the Court issued its order adopting the Report and Recommendation on the merits, the Report and Recommendation no longer questions whether the prey increase program is "reasonably certain to occur." *Id.* at 31 (internal quotation marks omitted). Now, the Report and Recommendation acknowledges that the program "has been fully funded for the past three years" and that "a certain and definite increase in prey is available to the SRKW from the prey increase program." Dkt. No. 144 at 11, 31.

That change in position is not properly accounted for in the Report and Recommendation's proposal to vacate the ITS. Although the Report and Recommendation resolves the "central point at issue" by finding that the benefits of the prey increase program are certain to occur, it inexplicably reasons that the "risk of environmental harm to the SRKW from leaving the ITS in place… counsels in favor of vacatur of the ITS." *Id.* at 34.

That reasoning leaves the recommended remedy untethered to the analyses that have been

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conducted. In the 2019 BiOp, NMFS conducted a jeopardy analysis that evaluated whether the ITS would "reduce appreciably the likelihood of both survival and recovery of a listed species." 50 C.F.R. § 402.02; *see also Nat'l Wildlife Fed'n v. Nat'l Marine Fisheries Serv.*, 524 F.3d 917, 931 (9th Cir. 2008) (concluding that "the jeopardy regulation requires NMFS to consider both recovery and survival impacts" of a decision). Based on the reduced harvest levels for Southeast Alaska fisheries and the prey increase program, NMFS concluded that the ITS would not "appreciably reduce the likelihood of both survival and recovery of Southern Resident killer whales or destroy or adversely modify their designated critical habitat." AR47508. Beyond the uncertainty of the prey increase program, the Court did not find fault in that analysis in its ruling on the merits.

The Report and Recommendation ignores that jeopardy (and recovery) analysis, but handwaves the requirement to determine whether proceeding with the prey increase program would jeopardize listed salmon species, concluding that available mitigation would "limit any potential negative impacts" and NMFS could offer better reasoning in support of the program on remand. Dkt. No. 144 at 35-37. The Report and Recommendation makes no findings on why the prey increase program does not mitigate the impacts of the ITS or why NMFS would not reach the same conclusion on remand. Because the Report and Recommendation fails to explain why the mitigation provided by the prey increase program is insufficient, it effectively applies a more stringent no jeopardy standard to listed SRKWs than listed salmon species. Such a conclusion is unsupported by available analyses, unsupported by its decision on the merits, and inconsistent with the ESA.

C. The Report and Recommendation Crafts an Inequitable Remedy.

The remedy proposed by the Report and Recommendation is also drastically inequitable. Although Magistrate Peterson agreed that the remedy requested by WFC was not narrow but "radical" during oral argument,[3] the Report and Recommendation adopts WFC's characterization

[3] 11/01/2022 Hearing Transcript at 54:10-16.

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of a less cumbersome "partial" vacatur. Dkt. No. 144 at 13. This remedy will close the troll fishery for 10 months of the year, effectively closing the entire fishery because trolling may no longer be economically viable if limited to two months each year. Dkt. No. 128 at 11:5-9; Dkt. No. 131 at ¶ 44.

The Report and Recommendation concludes that the economic consequences here "do not overcome the seriousness of NMFS's violations" or "the harm posed to the SRKW by leaving the ITS in place." Dkt. No. 144 at 30. Given that the error identified by the Court—the reliance on uncertain mitigation—has become a nonissue with the Report and Recommendation's recognition of the certainty of the prey increase program, the Report and Recommendation's conclusion of the balance between economic consequences and environmental harm is wrong.

The economic impacts cannot be overstated. Vacating the ITS will have catastrophic economic impacts that far outweigh any impacts to the SRKW that will be mitigated by the prey increase program. The economic impacts of this remedy cannot be reduced to mere numbers that may seem insignificant to an area like Seattle. They will be damning to an entire way of life in Alaska that has existed for generations. To fully understand the generational impacts of this decision, the ATA implores the Court to review the declaration of Eric Jordan in its entirety. Dkt. No. 130. As Mr. Jordan articulated, this remedy does nothing more than cause more suffering; it lacks the particularity that will serve the listed species and the trollers of Southeast Alaska. *See id.* at ¶¶ 8-12.

The impacts will be felt beyond the level of individual families and traditions. As explained by City of Pelican Mayor Patricia Phillips, her entire city will struggle mightily without the influx of economic activity that the troller fishing seasons bring to her community. Dkt. No. 132 at ¶ 4. The State of Alaska also demonstrated that the impacts will be "far-reaching" and impact the "social and economic fabric of coastal communities in Southeast Alaska." Dkt. No. 134.

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Respectfully, although the Report and Recommendation claims that it "does not take such economic consequences lightly," the proposed remedy does exactly that. The suggested remedy will mitigate any impacts to the SRKW from the trollers in Southeast Alaska, yet the Report and Recommendation still *chooses* to devastate an entire region of Alaska and a way of life that has persisted for generations. There is nothing equitable about this *choice* that mitigates impacts to the SRKWs, gives the Federal Defendants a pass for its faulty analysis, and punishes the ATA and communities of Southeast Alaska.

VI. CONCLUSION

The Report and Recommendation proposes that the Court use its discretion to adopt the "equitable" remedy described therein. However, the proposed remedy punishes the trollers of Southeast Alaska for the mistakes made by NMFS. Any impacts of allowing the ITS to continue to authorize the trollers to fish will be mitigated by the prey increase program. The economic consequences of the proposed remedy, however, will be dire to Southeast Alaska. Given the Report and Recommendation's reasoning regarding the prey increase program, the Court should also elect to decline to vacate the ITS and continue to allow the trollers in Southeast Alaska to fish.

DATED this _____ day of January, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Western District of Washington using the CM/ECF system. Participants who are registered with CM/ECF will be served by the CM/ECF system.

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I declare under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

DATED this _____ day of January, 2023, in Seattle, Washington.

/s/ Eliza Hinkes
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4829-5255-8303, v. 1

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For declining orcas, food is fate

Posted 08/12/2018 by Bob Friel

Recent images of a mother orca appearing to grieve for her dead calf have brought worldwide attention to the plight of Puget Sound's endangered Southern Resident orcas. As orca numbers decline, we look at how the effects of toxic chemicals on the whales are magnified even as the residents slowly starve from a general lack of Chinook salmon, their chief source of food.

J16 surfacing near Saturna Island, August 2012. Photo: Miles Ritter (CC BY-NC-ND 2.0) https://www.flickr.com/photos/mrmritter/7730710932

There's a classic Harry Hershfield cartoon that shows an elderly lady complaining about a restaurant's food: "It's terrible!" she says. "Every mouthful is positively poison! And they give you such small portions!"

It's a funny commentary on the human condition, but that 1927 cartoon, stripped of its irony, is now a tragically literal representation of the situation facing our endangered Southern Resident Killer Whales.

The whales evolved to take advantage of the Salish Sea's and Eastern Pacific Coast's salmon cycle. With all kinds of fish and other prey to choose from, over time this orca ecotype zeroed in on the most plentiful species of large, fatty fish around — an energy-rich, super-sized silver sausage that gathered in huge, predictable, easy to find schools: The Chinook salmon.

King salmon populations themselves evolved to stagger spawning runs throughout the year as their own adaptation to ensure survival, and the orcas of J, K and L Pods learned to time their movements to catch up with the Chinook as they returned to breed in various natal streams from California to British Columbia.

SSEC 2018

Salish Sea Currents

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ARTICLE TYPE:

Magazine

AUTHOR:

Bob Friel

POSTED IN EOPS:

08/12/2018

TAGS:

Species and food webs, Killer whales, Salish Sea Currents magazine, Species of concern

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SSEC18: Are Southern Resident killer whales on a path to extinction?

Southern Residents could fatten up on the massive schools of kings at the mouth of the Columbia, and then move north into the Salish Sea, which back in the days before we disrupted the ecosystem was like an overstocked farm pond teeming with Chinook pouring in from the open Pacific to hundreds of spawning streams, especially those connected to the Fraser River.

The Chinook of the pre-industrial Columbia and Fraser watersheds were a reliable, plentiful, healthful, year-round moveable feast for the fish-eating killer whales (and, at the same time, generously fed large populations of seals and sea lions as well as the first humans to settle the region).

A fraction of the population

Today, the Chinook are none of those things. Many wild runs have gone extinct while others are endangered, down to fractions of historic population size. Even the individual fish are smaller, on average, so that the orca must expend more energy to catch the same number of calories.

Hershfield's cartoon critic calling the restaurant's food "poison" was hyperbole. For today's Southern Residents, however, the Chinook served up in their home waters are also, indeed, toxic.

The fish the orcas evolved to depend on for at least 80% of their diet are so contaminated with our persistent organic pollutants (POPs) like PCBs, PBDEs and DDTs, and so liberally seasoned with lead and mercury, that the Washington Department of Health guidelines suggest adult humans eat no more than eight ounces per week of Chinook even when they're caught in what are considered the cleanest waters on the U.S.-side of the Salish Sea.

For "blackmouth" Chinook that live their whole lives inside the Salish Sea instead of feeding out in the open Pacific for years like other kings, the health guidelines limit adults to half that amount.

> *Adult orcas eat more than 300 pounds of contaminated fish every day just to stay alive.*

As for adult orcas? They eat more than 300 pounds of contaminated fish every day just to stay alive, with a pregnant female needing as much as an extra 100 pounds when she's feeding for two. And orcas don't have the luxury of trimming out some of the most toxic parts of the fish like we do.

"These are urbanized animals," says Dr. Jessica Lundin, speaking of the toxicants found in Southern Resident Killer Whales. Lundin was part of a University of Washington team that studied toxic chemicals in SRKWs using methods pioneered by Dr. Sam Wasser, director of UW's Center for Conservation Biology and the founder of Conservation Canines. Conservation Canines is a unique program that sends specially trained dogs around the world to find other animals' scat to measure human impacts on wildlife and help save a variety of endangered species, from elephants to right whales.

Related Species

Killer Whale (Orcinus orca)

Killer Whale - Northeast Pacific Southern Resident Population (Orcinus orca pop. 5)

During their monitoring of the Southern Residents, the team's lead dog Tucker enabled the group to collect 266 samples from 54 different whales. “And every single sample was collected non-invasively,” says Lundin. “We’re really proud of that.”

Previously, scientists got most of their extensive health information on Southern Resident Killer Whales through dart biopsies on live animals or necropsies of dead ones. Wasser’s lab, however, has developed such sophisticated testing methods that each killer whale dropping sniffed out by Tucker and scooped from the water is dripping with data.

Tucker, the famous whale-scat-tracking dog. Photo: Ingrid Taylar (CC BY 2.0) https://www.flickr.com/photos/taylar/6133792386

“The tests we can now do on fecal samples,” says Wasser, “are similar to what your doctor does during your annual physical — it’s like running a health panel from a blood test.”

By cross-referencing their samples with the 42 years of population data collected by the Center for Whale Research’s Orca Survey, the scientists aren’t just observing general trends in the SRKWs, they’re getting timely health reports on individual whales whose entire family connections and histories are well documented.

“This kind of detailed contextual information is unprecedented for a study of wild killer whales,” says Lundin.

Stress from lack of food

As covered elsewhere, [read our previous coverage in *Salish Sea Currents*: Killer whale miscarriages linked to low food supply] the team’s measurements of the Southern Residents’ glucocortoid levels and thyroid and other hormones shows disturbing evidence of stress from lack of food and a high number of miscarriages (an especially bad data point in a population of just 75 animals — a 30-year low — that hasn’t added a live calf in three years).

They also measured the amount of toxic chemicals, including POPs, that flowed through the whales' systems.

"Though all three pods are 'Southern Residents'," says Ken Balcomb, founder of the Center for Whale Research, "they have somewhat different feeding strategies." L pod, he explains, spends more time along the coast as far south as California, picking up especially high amounts of agricultural chemicals, while J pod, which historically spends the most time inside the Salish Sea, is burdened with the most industrial pollutants. "It's a sad testimony to the whale's situation," he says, "that toxicologists can distinguish the pods just by their contaminant signatures." [For more information about resident orca contaminant signatures, please see page 18 of the 2016 Salish Sea Toxics Monitoring Review: A Selection of Research.]

And here's where the cartoon irony meeting orca reality reaches an unhappy absurdity.

"It was terrible! Every mouthful was positively poison — and what small portions they give you of it." Harry Hershfield comic on page 22 of Bronx ballads (1927). Source:

https://archive.org/details/bronxballads00simo

“These POPs are lipophilic, stored in the fat,” says Lundin. “And that’s where mammals keep their emergency energy reserves.”

Under no condition is it good for orcas (or us) to have POPs stored in our adipose tissue since that’s time-released trouble with potential bad effects over the years. But when an animal doesn’t have enough food available to eat and needs to draw on its fat reserves just to keep going, all those harmful chemicals stored in its fat flood into the bloodstream at much higher levels.

So even though biomagnification of toxics through the food web into salmon means that the SRKW’s diet causes them to already be among the most contaminated animals on the planet, the orcas of J, K and L pod desperately need bigger portions of those “poison” meals.

To test this counterintuitive “eat more toxic fish to stay healthier” theory, the researchers looked at the number of fish returning to the Fraser River.

Lundin reports, “We found that, indeed, when Chinook abundance was lowest, the level of toxics in the Southern Resident Killer Whales was highest.”

Previous studies have related high orca mortality and decreased calf production to low prey availability. This new data suggests that not only are the whales calorie-starved, but that the hungrier they get, the more toxics they have circulating and threatening their immune, endocrine and reproductive systems.

“The compounding effects of these stresses — lack of prey and increased metabolization of toxics — happening concurrently,” says Lundin, “may be further perpetuating the effects of increased mortality and decreased calf production.”

More evidence is in the observation of Transient (Biggs) killer whales, which prey on marine mammals that accumulate much higher levels of contaminants than salmon. Even though these whales have more toxics in their fat than SRKWs, their populations are doing fine and having plenty of calves because they have plenty to eat.

For Puget Sound's resident orcas, the problem of high calf mortality has come into dramatic focus over the last two weeks. News outlets from around the world have been showing images of a mother orca, J35, carrying her calf that died shortly after it was born on July 24. J35 carried the dead calf for at least 17 days and 1000 miles before releasing it. Meanwhile, another young J-pod orca, J50, is in very bad shape, thin and potentially suffering from infections. NOAA scientists have been undertaking desperate measures to attempt to save the three-year-old female including possibly administering antibiotics and attempting to feed her live Chinook.

These events have contributed to stepped up efforts from the state's orca task force which met last week to discuss solutions to the crisis. In the end, scientists say, it may all come down to one thing: For Puget Sound's rapidly disappearing resident orca population, food is fate.

About the Author:

Bob Friel is an award-winning author and photographer who has traveled to more than 50 countries to capture stories, photos and TV for Outside, Sunset, Smithsonian Air & Space, NBC, CBS, BBC, MTV, Discovery Channel, Disney/Hyperion, and many other top magazines, television networks and publishers. His acclaimed nonfiction book The Barefoot Bandit: The True Tale of Colton Harris-Moore, New American Outlaw has been adapted for an upcoming feature film by Academy Award-winning director Robert Zemeckis.

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KILLER WHALE CATASTROPHE

CATEGORIES // Whale & Dolphin General News

Photo credit: Elfyn Pugh

Major new research shows that half of the world's orca populations are likely to be wiped out by PCBs

Although they were banned in the 1980's PCBs (polychlorinated biphenyls – a persistent organic chemical) are still causing an astonishing level of toxic pollution in our seas. It is estimated that around 14 million tonnes of PCB containing materials, including sealants, paints and electrical materials have still not been disposed of safely under the Stockholm Convention. As a predator at the top of the food chain, killer whales are especially vulnerable to pollution from the toxic chemical as it accumulates up the food chain. The toxins are stored in their blubber layer and travel around their body causing reduced immune function, damaging reproductive organs and leading to cancer. Female killer whales will even offload the toxins into their new born through the rich fatty milk she produces using her fat stores.

Populations are particularly threated in industrialised areas such as Brazil, the Strait of Gibraltar and around the UK. The last remaining resident pod of killer whales in the UK is most at risk and haven't bred in over 25 years. In 2016 the death of a female, known as Lulu, from the pod showed the highest level of the toxin ever recorded in an animal.

This new research, published in the journal Science, was the largest analysis yet and examined PCB contaminations in 351 killer whales. Scientists used this research along with previous data on how PCBs can affect calf survival and immune systems to model the state of populations in the future. They concluded that 'populations of Japan, Brazil, Northeast Pacific, Strait of Gibraltar and the UK are all tending toward complete collapse'.

ORCA Head of Science and Conservation said 'These new figures show the devastation invisible chemical pollution is having on orcas. At the top of the food chain PCBs build up in their organs slashing the whales' ability to survive and reproduce. With a shocking 50% of orcas set to be wiped out by PCBs alone, our abysmal failures to control chemical pollution ending up in our oceans has caused a killer whale catastrophe on an epic scale. It is essential that requirements to dispose safely of PCBs under the Stockholm Convention are made legally-binding at the next meeting in May 2019 to help stop this scandal.'

In 2004 The Stockholm Convention was put in place and is a global framework for the use of PCBs, however it lacked controls to prevent future PCB pollution.

Currently there is nothing in place to ensure all remaining PCBs are disposed of safely by the target date of 2028, resulting in remaining stocks slowly leaking into and contaminating our water sources.

A group of wildlife charities, including ORCA and co-ordinated by Wildlife and Countryside Link are calling for all countries attending the Stockholm Convention in May 2019 to commit to legally binding targets and establishing an operational compliance and enforcement mechanism. The NGO's are urging the UK Government to lead the way by including binding targets on PCBs in the upcoming Environment Act.

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ENVIRONMENT

Washington launches program to cut underwater noise in Puget Sound

Quiet Sound plans to work with the Northwest shipping industry to make it easier for marine creatures to navigate, find food and communicate.

by Ashley Braun / December 17, 2021 / Updated at noon on Dec. 17

An orca surfaces as a Seattle ferry passes through Elliott Bay. Washington State's new Quiet Sound program is working to cut noise pollution, including that of large ships, in orca habitats like the Salish Sea. (Courtesy of NOAA Northwest Fisheries Science Center)

In many places around the world, the start of the coronavirus pandemic dampened the usual cacophony of human noise in marine waters. From cargo ships and ferries to cruise ships and recreational boats, vessel traffic dropped. The ocean became quieter, and marine life responded, their clicks, whistles, and calls suddenly traveling farther.

Rachel Aronson wants to keep up that slowdown in noise pollution from large commercial vessels in Washington waters, where the beloved, and endangered, southern resident orcas have long been struggling to hear and be heard.

"For whales, it was probably a nice sound vacation, and we can build on that into a system that is sustainable for both humans and for whales," she said.

To protect endangered orcas in Washington state waters, a new collaborative program called Quiet Sound is preparing to launch several voluntary initiatives in the new year that are aimed at cutting underwater noise from large ships. Aronson directs Quiet Sound via the nonprofit Washington Maritime Blue, and she said the

new measures range from piloting a potential seasonal slowdown zone for commercial vessels to using app-based technology to notify ship operators of nearby orca sightings in real time.

Rachel Aronson, program director of Quiet Sound, an initiative that aims to reduce the amount of ship noise pollution on local Southern Resident orcas, poses for a photograph at Fisherman's Terminal in Seattle, Washington, Monday, Dec. 13, 2021. The initiative is sponsored by Washington Maritime Blue. (Lindsey Wasson for Crosscut)

Today, Quiet Sound is just starting to come into focus. Its organizers thus far have concentrated on finding funding, hashing out the program's direction and basic operations, and adding partners among government agencies, tribes, the maritime industry, and nonprofits. Now with more than $800,000 in funding for the next couple years, including from the state Legislature, the program hopes to turn down the volume on cargo ships, ferries, tugboats, fish processors and oil tankers in greater Puget Sound.

Next: Podcast | Protecting orcas and their songs from noxious noise

Quiet Sound's origins can be traced to the Southern Resident Orca Task Force, formed in 2018 by Washington Gov. Jay Inslee. The next year, the task force released final recommendations for reversing the decline of these struggling marine mammals, and included some recommendations focused on reducing vessel noise.

Vessels, both their presence and the underwater noise they generate, are among the top threats to the recovery of the southern resident orcas who frequent Puget Sound in the summer and fall each year. These echolocating marine mammals rely on sound to navigate, find food and communicate in a relatively dark seascape.

As more ships speed through the growing region's waters, however, the added noise drowns out the orcas' calls, increases their stress levels and limits their ability to seek out their preferred prey, endangered chinook salmon. Even the mere presence of vessels within 400 yards can disrupt the southern residents, especially females, as they hunt for scarce fish, research led by the National Oceanic and Atmospheric Administration shows.

Like an underwater sprinter, adult orcas burn a lot of energy chasing chinook salmon, one fish at a time, and with less food to go around, adults struggle to catch enough to feed themselves, much less find the energy to reproduce and feed their hungry calves. A noisier ocean makes all of this more challenging.

Next: Skagit dams in crosshairs of renewed push to save salmon, orcas

That's where Quiet Sound hopes to make a difference in the wake of the orca task force's 2019 recommendations.

According to Jon Sloan, interim director of the Port of Seattle's maritime environment and sustainability program, the port first had to take those recommendations and help rally a planning team that includes state, local and federal agencies, the Makah Tribe, the shipping industry and nonprofits like Maritime Blue. And then there was the fundraising. The ports of Seattle and Tacoma and their joint venture ponied up $100,000 of seed money in their 2021 budgets to get Quiet Sound started.

With those pieces finally coming together, Quiet Sound is eager to start having an impact on noise levels in Puget Sound. Aronson pointed out that slowing down large ships by just a moderate amount translates to even greater reductions in the underwater noise generated by ship propellers and engines, while having only a minimal impact on vessel travel times.

An orca surfaces near a sailboat and a larger ship in Haro Strait near the San Juans. The Quiet Sound program will help protect orca populations with measures such as voluntary ship slowdowns and having ships avoid key orca feeding areas when whales are present. (Courtesy of Fred Felleman)

Quiet Sound is modeled on the similarly coalition-focused Enhancing Cetacean Habitat and Observation program, which Canada's biggest port, the Port of Vancouver, started in 2014 to bring together diverse groups to cut noise pollution from large vessels coming into the bustling international port. While its early efforts concentrated on answering basic research questions about, for instance, vessel noise sources and levels, in recent years ECHO has been testing real-world measures to reduce noise impacts from large vessels traveling to and from the port, targeting times and places the southern residents are mostly likely to overlap with ship traffic, according to ECHO program manager Orla Robinson.

One measure suggests that ships slow down in specified zones in Haro Strait and Boundary Pass, which border the San Juan Islands, from June to roughly October, when the orcas tend to follow salmon into this region. Another ECHO initiative asks tugboats to shift their paths away from a critical orca feeding area along the southern coast of Vancouver Island in the Strait of Juan de Fuca, a measure that led to a 60% to 80% drop in sound intensity in 2020.

Next: Salmon, orca, and the soul of Seattle

Although ECHO is a voluntary program, participation from the shipping industry remains extremely high, around 80% to 90% for ships going into and out of the Port of Vancouver. And Robinson said the program also can point to measurable drops in vessel noise, thanks to a network of underwater microphones, or hydrophones. Independent research funded by the ECHO program suggests that such efforts to quiet the waters of places like Haro Strait could pay off, increasing the likelihood that the southern residents will return to hunt there.

ECHO's results in British Columbia show promise that the Quiet Sound program could also help address existing vessel traffic noise in Washington waters, said Lovel Pratt, marine protection and policy director at nonprofit Friends of the San Juans.

"Hopefully, the Quiet Sound program will have similar success in terms of participation from the shippers and documented reductions in noise," she said. Pratt added, however, that such programs aren't perfect solutions, given the major projected increases in ship traffic in the Salish Sea, in part due to proposals to build or expand fossil fuel projects and shipping terminals.

Aronson, who has been in the job only a few months, is also encouraged by the early successes of ECHO, as well as the Canadian program's support for Quiet Sound's own burgeoning efforts.

While the new program is still trying to bring additional partners on board, Quiet Sound plans to make its public debut in January. That's also when the organization's leaders are set to begin convening working groups to pursue a pilot slowdown area in Washington waters, among other initiatives.

"The dream is: know where the whales are concentrating their activity and where that overlaps with high ship activity; [and then] put the slowdown recommendation into place [when] seasonally appropriate," said Aronson.

Next: Fixing septic systems is key to protecting Puget Sound shellfish

Quiet Sound also plans to tap into ECHO's WhaleReport Alert System, a two-way platform run by the Canadian conservation nonprofit Ocean Wise to flag real-time orca sightings for mariners and port personnel.

The idea is that ships can then curb their speeds, post an additional whale spotter or move away from marine mammals in the area if it's safe to do so. On top of reducing noise pollution, such measures could also lead to fewer ships striking whales. Washington State Ferries, a major source of underwater noise, have already started using the WhaleReport Alert System after a ship collided with and killed an orca in 2016.

However, the alert system has several limitations, which Quiet Sound acknowledges. For example, it currently can receive whale sighting observations only through the Whale Report app and makes them available only to a private group of users. This setup leaves out an existing array of robust sources that report where orcas have been in Washington waters — data currently available to the public, who are often the ones generating it.

In addition, the alert system has relatively little data on whale sightings south of the Canadian border, something that Aronson and Quiet Sound hope to remedy in the days ahead.

"We'd like to work with some of our friends out there who have good whale data and help them connect their whale data to the WhaleReport Alert System," said Aronson.

Two orcas are visible as the MV Wenatchee ferry crosses between Seattle and Bainbridge Island. (Courtesy of NOAA Northwest Fisheries Science Center)

Critics say Quiet Sound has plenty of potential allies in the Pacific Northwest's long-established whale observation community, but maintains that the program's early rollout has already managed to alienate some of them.

Quiet Sound will have to overcome certain tensions within the passionate community of people who have long been working on many of these issues in Washington, according to Fred Felleman, a whale biologist and environmental consultant with expertise in commercial shipping safety. Felleman also happens to be the Port of Seattle's commission president and a board member of Maritime Blue, but is not speaking in either capacity here.

Next: Why Salish Sea researchers are targeting superbugs in marine mammals

"While I'm very supportive of the program's goals, I do have some serious concerns about its current implementation," Felleman wrote via email.

As a close observer not permitted to participate directly in rolling out Quiet Sound, Felleman said his concerns began as the not-yet-formed organization was assembling its early partners and developing its direction.

In Felleman's personal opinion, early planners have neglected the well-established orca-sighting and scientific communities — the type of people with "experience on the water with the whales." That includes the whale-watching industry, which has its own industry-specific reporting app for sightings, and groups like the nonprofit Orca Network, which has been running a community science network of whale observers in Washington on a shoestring budget for 20 years.

"That's the part I just think is an unforced error. And it creates alienation amongst the very folks that should be your closest friend," said Felleman.

Susan Berta, co-founder and executive director of Orca Network, confirmed via email that her group feels left in the dark when it comes to Quiet Sound and its goals, though she saw promise for working together under the right conditions. Berta worries that the program's focus on the WhaleReport Alert System and its own app

in particular could potentially undermine the region's existing whale reporting infrastructure, like that supported by her own scrappy nonprofit.

For years, Orca Network has been compiling the public's whale sightings in Puget Sound via a hotline, email, and social media (and is supporting the imminent local expansion of a U.S.-based app). That data is, in turn, used by researchers and natural resource managers, said Berta, and the group does all of this with very little financial support. For instance, the nonprofit receives $15,000 a year from the federal government to turn its orca observations into an annual report.

If the public started funneling its local orca sightings instead to WhaleReport Alert System via the Whale Report app, Berta fears such competition might divert their members away from Orca Network and "result in loss of data for us, researchers and state and federal agencies who rely on it."

"We have been asking and hoping for some support of the local [Washington]-based networks who have worked hard to build up our whale sightings and hydrophone networks over the last two decades," she wrote of Quiet Sound, "but so far there are meetings and more meetings, then silence with no communication while they continue communicating with, working with, and funding Canadian efforts, which is disheartening for us."

Next: WA fish researchers use tiny sensors and other tech to save salmon

Aronson is aware of such concerns and hopes Quiet Sound can find an acceptable way to link other sources of data like Orca Network's into the WhaleReport Alert System and connect real-time whale sightings directly to mariners, who right now don't have easy access to them as they steer ships through Washington waters.

"One challenge is just finding the space that we can move things forward without re-creating the work that someone else has already done," she said.

And while she acknowledges that Quiet Sound may have been a "black box" so far, Aronson is excited to open up the organization with many more opportunities for public engagement and outreach starting in January.

That sentiment is shared by the Port of Seattle's Sloan, who also points to January when Quiet Sound will start reaching out to organizations the group has "unofficially slated" to participate in working groups that would kick off the program's various initiatives. He said, "I know there's some anxiety out there. 'Well, how come we haven't been invited into Quiet Sound yet?' Well, the working groups haven't been formed yet. So that's when that will happen."

CORRECTION: This story has been corrected from an earlier version to show that an orca died after colliding with a ship not a ferry.

TOPICS: orcas, pacific northwest, technology, washington state, wildlife

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	ORD 23-02	Version: 1	Name:		
Type:	Ordinance		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	Making supplemental appropriations for fiscal year 2023 (Parks and Recreation Expenses $92,615 - 1st reading)				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	01 Motion 02 Memo Parks and Rec Ord 2023-02				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTION

I MOVE TO approve Ordinance 2023-02 on first reading making supplemental appropriations for fiscal year 2023 (Parks and Recreation Expenses $92,615).

CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

Thru: John Leach, Municipal Administrator

From: Barb Morse, Temp Parks & Recreation Coordinator

Date: January 17, 2023

Subject: Parks & Recreation Supplemental Appropriation Proposal

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Background

On behalf of Parks and Recreation/Community Recreation, I would like to request the support of the Sitka Parks and Recreation Committee for our proposed FY2023 supplemental appropriation. In order to get the program off the ground, the FY2023 budget was passed including only personnel, knowing that details on expenses would be difficult to determine until the program was further developed.

Analysis

The current budget funds two staff positions but does not include any allocation for customary expenses for items such as supplies, equipment, contract services (such as referees and instructors), or temporary wages, office set up etc. The total request for the supplemental appropriation is $92,615, which will cover expenses through the end of FY2023. Note that user fees/revenues will offset expenses and were not budgeted in the FY2023 revenue budget. To date, from mid-October, when the program first started collecting user fees, revenue of $21,000 has been collected and we conservatively estimate that at least $40,000 will be collected by the end of the fiscal year. Primary sources of revenue are City League sports fees, class registration, facility rental, open gym fees, and summer program fees. While individual programs such as classes or city league will be cash flow positive the regular staff and overhead costs are not factored in, and the overall budget will run at a deficit. Please note that if revenues were lower than projected the corresponding expense would be lower so the cashflow projection would remain essentially the same (for example, if City League revenues were lower than anticipated contact services to pay referees would also be lower). The supplemental appropriation requested consists of the following anticipated expenditures to be budgeted under Public Works, Recreation subdepartment.

Line item	Description	Amount
Temporary wages	Added funding for temp workers	$14,000
Telephone		$320
Contracted/purchased services	Online platform for classes/ facility rentals, payments to referees, instructors etc	$38,495
Supplies	Sports and program supplies, office setup and supplies	$37,400
Travel and Training	Professional training	$2,400

These proposed funds will provide programs that are aligned with the goals of the CBS strategic plan.

- By offering high quality Recreation programs to enhance the quality of life for the residents of Sitka.
- Maximize the use of resources and assets of the City and Borough, and work with partners to leverage additional resources. This includes working with the Community Recreation Initiative Team on the startup of (Friends of Parks and Recreation nonprofit).

Fiscal Note

The FY2023 budget was passed with personnel costs of $209,000, with this supplemental appropriation of $92,615, total FY2023 appropriations for the program will be $301,615.
The bottom-line impact to the FY2023 General Fund budget of the of the supplemental appropriation will be about a $52,615 reduction in surplus/increase to deficit after estimating unbudgeted revenue of $40,000 related to the program. For FY2023 this expense is budgeted under Public Works, Recreation.

Recommendation

In order to ensure the success of the Community recreation program, staff recommends the approval of the 2023 supplemental appropriation in the amount of $92,615. In addition, when the Parks and Recreation Committee met January 17th the committee voted unanimously to support the supplemental appropriation request.

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2023-02
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA MAKING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2023
(Parks and Recreation Expenses)

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

1. **CLASSIFICATION.** This ordinance is not of a permanent nature and is not intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.

2. **SEVERABILITY.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and application thereof to any person and circumstances shall not be affected thereby.

3. **PURPOSE.** The purpose of this ordinance is to make a supplemental Operation appropriation for FY2023.

4. **ENACTMENT.** In accordance with Section 11.10 (a) of the Charter of the City and Borough of Sitka, Alaska, the Assembly hereby makes the following supplemental appropriation for the budget period beginning July 1, 2022 and ending June 30, 2023.
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FISCAL YEAR 2023 EXPENDITURE BUDGETS
GENERAL FUND
Recreation – Operations: Increase appropriations in the amount of $92,615 for temporary wages, contracted/purchased services, supplies and other expenses associated with the recreation subdepartment.

EXPLANATION
Now that the Parks and Recreation program is operating, the need for additional expenditures beyond the originally budgeted personnel budgets has been identified.

5. EFFECTIVE DATE. This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of February 2023.

ATTEST: **Steven Eisenbeisz, Mayor**

Sara Peterson, MMC
Municipal Clerk

1st reading: 1/24/2023
2nd and final reading: 2/14/2023

Sponsor: Administrator

CITY AND BOROUGH OF SITKA

Legislation Details

File #:	23-011	Version: 1	Name:		
Type:	Item		Status:	AGENDA READY	
File created:	1/18/2023		In control:	City and Borough Assembly	
On agenda:	1/24/2023		Final action:		
Title:	1) Legal/Financial Matter: 2022 Crescent Harbor Dock Fire 2) Financial Matter: Sales Tax Debt Settlement				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Motion Executive Session				

Date	Ver.	Action By	Action	Result

POSSIBLE MOTIONS

Step 1:

I MOVE to go into executive session* to be advised by the Municipal Attorney regarding the juvenile delinquency proceedings involving the fire damage to Crescent Harbor dock which may have legal and financial impacts for the City and Borough of Sitka.

Step 2:

I MOVE to reconvene as the Assembly in regular session.

Step 3:

I MOVE to go into executive session* to discuss settling a sales tax debt, the immediate knowledge of which would adversely affect the finances of the municipality and invite in Finance Director, Melissa Haley.

Step 4:

I MOVE to reconvene as the Assembly in regular session.

*Sitka General Code 2.04.020 Meetings

D. All meetings shall be open to the public except that the following may be discussed in closed executive session:

1. Matters, the immediate knowledge of which would adversely affect the finances of the municipality;
2. Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
3. Matters which by law, municipal Charter or ordinances are required to be confidential;
4. Communications with the municipal attorney or other legal advisors concerning legal matters affecting the municipality or legal consequences of past, present or future municipal actions.