



## Alaska Trollers Association

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## Alaska Longline

FISHERMEN'S ASSOCIATION

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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