



Wild Fish Conservancy
N O R T H W E S T



To save endangered orcas, halt Southeast Alaska's Chinook salmon fishery

Environmentalists ask court to block the summer
fishing season until NOAA proves the harvest wouldn't
starve endangered Southern Resident killer whales

For immediate release

April 16, 2020 — An environmental organization asked a federal judge today to halt a fishery in Southeast Alaska that harvests salmon vital to the survival of endangered Southern Resident killer whales. Wild Fish Conservancy filed suit against the National Oceanic and Atmospheric Administration (NOAA) in March, charging that the federal government violated the Endangered Species Act by failing to protect Southern Resident killer whales and wild Chinook in its analysis of the fishery. Today's filing asks the court to halt the fishing season scheduled to begin on July 1 until NOAA's assessment is corrected, and it can be shown that the fishery would not push the surviving 72 Southern Resident killer whales further toward extinction.

"Fewer than 3% of the Chinook caught off the coast of Southeast Alaska are actually from Alaskan rivers. The other 97% would return to their home rivers and to fishing communities of British Columbia, Washington, and Oregon, giving endangered Southern Resident killer whales opportunities to feed, and wild populations to rebuild," explains Kurt Beardslee, executive director of Wild Fish Conservancy. "NOAA admits the fishery threatens the survival of endangered Southern Resident killer whales and that further measures would be necessary to mitigate this harm. To date, this hypothetical mitigation has not been implemented, yet the agency continues to allow the fishery to move forward in clear violation of the Endangered Species Act and at the expense of recovering wild Chinook and starving killer whales."

The filing by Wild Fish Conservancy includes statements from scientists Dr. Deborah Giles and Dr. Robert Lacy. Giles is the science and research director for the nonprofit Wild Orca and resident scientist and lecturer at the University of Washington's Friday Harbor Labs. She has studied Southern Resident killer whales in Puget Sound for many years, conducting research showing that lack of adequate prey—Chinook salmon in particular—has driven the decline of the orcas' population, especially harming their ability to become and remain pregnant.

"To date, fisheries management decisions have not been made with the recovery of the Southern Resident killer whales in mind," Giles explains in her declaration to the court.

Lacy is a conservation scientist emeritus with the Chicago Zoological Society and faculty member at the University of Chicago. In 2015, he conducted an assessment of the health of Southern Resident killer whale populations on behalf of Canada's National Energy Board, and updated that analysis based on the most current data.

"I now estimate a 59% probability that the population will drop below 30 animals sometime in the next 100 years, becoming functionally extinct," Lacy writes. That is up from an estimate of 9% in Lacy's 2015 analysis. From his analysis, he concludes: "Full closure of the Southeast Alaska Chinook fishery, especially if combined with other mitigation measures, could result in enough prey to sustain a growing population of Southern Resident Killer Whales."

In NOAA's most recent scientific analysis of the fishery, the agency allowed it to proceed despite concluding, "Under the existing management and recovery regimes over the last decade, salmon availability has not been sufficient to support [Southern Resident killer whale] population growth." NOAA proposes a series of measures which they claim would mitigate this harm. These measures remain hypothetical and have not received funding or their own environmental review.

"I would expect a delay of at least 5 to 10 years," Lacy explains in his declaration, "to account for allocation of funds, construction of any new facilities, increased programs of production, and then return of hatchery raised Chinook as mature adults."

"In the interim," Giles observes in her declaration, "the Southern Resident Killer Whale population may decline to a point where recovery is impossible due to the limited number of whales capable of reproduction. Moreover, the vagueness of the proposed mitigation measures makes it impossible to assess what, if any, positive impact they would have on the abundance of Chinook available to the [Southern Resident killer whales]."

By contrast, assessing the effects of measures offered by NOAA to mitigate the harm caused by the Southeast Alaska fishery, Lacy finds, "delays in implementation of these theoretical mitigation measures have a very real and lasting impact on the Southern Resident population. Notably, it also shows that the proposed measure – even if implemented immediately – is not enough to stop the decline of Southern Residents."

Wild Fish Conservancy sent NOAA a 60 day notice letter in January, requesting that they correct their assessment of the fishery, acknowledge the proposed mitigation is insufficient, and implement a plan that will address the needs of threatened and endangered killer whales and salmon, and filed a lawsuit challenging

NOAA's actions as a violation of the Endangered Species Act on March 18. Wild Fish Conservancy's motion requesting a preliminary injunction cites the "irreparable harm" that would result from allowing commercial Chinook fishing to commence in Southeast Alaskan waters on July 1.

"Alaskan fishermen are not to blame here; the fault lies with fisheries managers and NOAA for approving unsustainable harvest plans for decades," said Beardslee. "Putting this fishery on hold is in the best interests of salmon, killer whales, fishermen and coastal communities from Alaska to Oregon. The whales need those fish to prevent their extinction. Allowing the remaining Chinook to return to their home rivers down the coast will ultimately benefit Chinook recovery and coastal fishing communities as well. Change is always difficult and this is no exception, but in the long run preventing this over harvest will be beneficial to everyone."

Wild Fish Conservancy is a conservation ecology organization dedicated to conservation, protection, and restoration of wild fish ecosystems in the Pacific Northwest.

Wild Fish Conservancy is represented in this matter by Kampmeier & Knutsen, PLLC, of Portland, Oregon and Seattle, Washington and by Corr Cronin, LLP of Seattle, Washington.

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For more information contact: <http://wildfishconservancy.org/>

[A copy of this press release is available at.](#)

[The declaration of Dr. Deborah Giles.](#)

[The declaration of Dr. Robert Lacy.](#)

[Prior coverage of this litigation.](#)

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