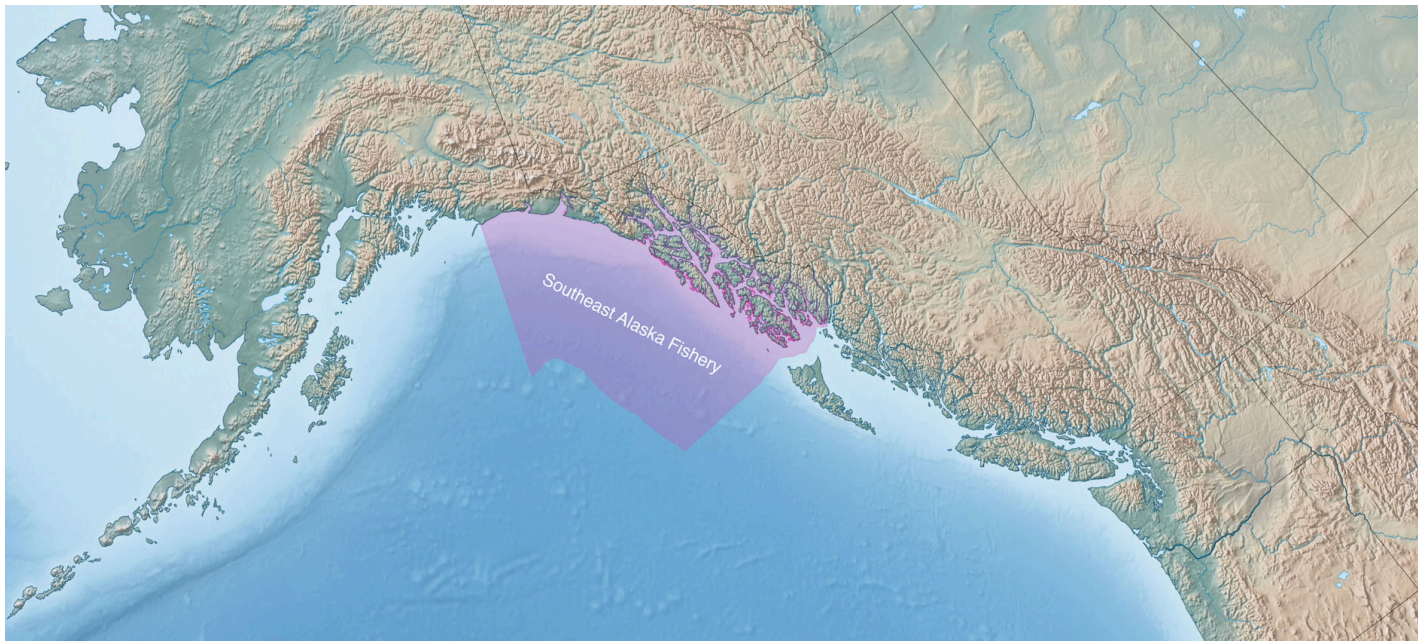


Wild Fish Conservancy  
N O R T H W E S T



## NOAA sued for harming Southern Resident killer whales

Lawsuit seeks to prevent overharvest of wild Chinook in Southeast Alaska, protecting prey of the endangered orcas

For immediate release

**March 18, 2020** — A lawsuit filed today in Seattle’s federal courthouse alleges the National Oceanic and Atmospheric Administration (NOAA) is in violation of the Endangered Species Act for failing to protect Southern Resident killer whales and wild Chinook. The lawsuit alleges the federal agency’s authorization of the Southeast Alaska Chinook troll fishery contributes to the extinction of the endangered population of killer whales found in Puget Sound and much of the US Pacific Coast and of wild Chinook, a conclusion NOAA acknowledges in their own analysis of the fishery.

“Most people don't realize that fewer than 3% of the Chinook caught in the ocean off Southeast Alaska are from Alaska. Over 97% of these Chinook are from British Columbia, Washington and Oregon rivers, eventually serving as the critical prey for Southern Resident killer whales as the salmon migrate south into the whales traditional forage areas,” explains Kurt Beardslee, executive director of Wild Fish Conservancy, the plaintiff who filed suit. “It is reckless and irresponsible for NOAA to approve this harvest, these salmon don't belong to Alaska, they belong to Southern resident killer whales, indigenous peoples, and fishing communities down the coast.”

There are only 72 Southern Resident killer whales, down alarmingly from nearly 100 twenty five years ago. Southern Resident killer whales are listed as endangered by the US and Canadian governments. Reduced prey availability, specifically large Chinook, has been identified by killer whale experts and NOAA’s analysis as the primary cause of their decline. Many populations of Chinook in Oregon, Washington, and British Columbia currently being harvested in the Southeast Alaska troll fishery are also listed as threatened or endangered.

NOAA's most recent review of the fishery, the analysis challenged in this lawsuit, concluded, "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." Even though this fishery contributes to that problem, NOAA approved continued harvest by citing speculative and unproven plans to mitigate the harm.

"In short, NOAA's promised mitigation is legally deficient and scientifically untenable," explains Dr. Nick Gayeski, Senior Fisheries Scientist for Wild Fish Conservancy. "The proposed mitigation measures violate recommendations by independent scientific panels and NOAA's own scientists, advice designed to protect threatened wild salmon. These programs will likely put threatened Chinook at greater risk of extinction, and NOAA offers no evidence that the programs would ever benefit Southern Resident killer whales. If there were any benefits from these programs, they would not materialize for years, during which time more orcas will die of starvation. Yet again, killer whales and Chinook are being asked to prove that taking fish out of the sea does them harm, rather than requiring fisheries to demonstrate that they cause no harm to these irreplaceable parts of our natural world."

To make the mitigation possible, Washington state suspended rules meant to reduce the harm hatchery-raised salmon do to wild populations; NOAA did not include assessment of the harm federally-listed wild Chinook would suffer because of these changes and increases in hatchery releases.

Wild Fish Conservancy sent NOAA a warning letter 60 days ago, 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. During those 60 days, Alaska announced plans to harvest 201,100 Chinook off the coast of Southeast Alaska, a member of L-pod was reported missing and presumed dead, and NOAA has not issued a revised assessment of the fishery's risks. WFC's lawsuit asks a federal judge to invalidate the assessment and NOAA's approval of the fishery.

"NOAA has failed fishermen, salmon, and orcas for decades," emphasized Beardslee. "Alaskan fishers who follow the rules are not to blame here, the fault lies with fisheries managers and NOAA for approving unsustainable harvest plans," said Beardslee. "The entire world is watching as Southern Resident killer whales literally starve to death. NOAA has made it clear they are unwilling to stray from the same failed strategies that created this problem. With this lawsuit, we're taking the urgent action necessary to hold federal fishery managers accountable for following the law and the science."

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.

###

[More information on the 60-day notice, sent January 9.](#)

[NOAA's Biological Opinion, quoted above.](#)

[Copies of the complaint and related documents.](#)

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

Kurt Beardslee, Wild Fish Conservancy Executive Director, 425-287-7205 / [kurt@wildfishconservancy.org](mailto:kurt@wildfishconservancy.org)

Josh Rosenau, WFC Director of Communications, 425-405-5536 / [josh@wildfishconservancy.org](mailto:josh@wildfishconservancy.org)

Brian A. Knutsen, Kampmeier & Knutsen, PLLC, 503-841-6515 / [brian@kampmeierknutsen.com](mailto:brian@kampmeierknutsen.com)