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**Via Certified Mail — Return Receipt Requested (And Email Where Indicated)**

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**Re: Petition to Develop or Amend Fishery Management Plan(s) and Promulgate Regulations for Alaska Salmon Fisheries and Notice of Intent to Sue for Statutory Violations Related to the Mismanagement of Alaska Fisheries**

Dear Honorable Civil Servants,

This letter is issued on behalf of Wild Fish Conservancy over concerns related to impacts to wild salmonids from commercial salmon fisheries occurring in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L), and from both commercial and sport salmon fisheries occurring in the Kodiak Management Area. While

groundfish fisheries occurring in this region of Alaska are subject to Endangered Species Act (“ESA”) oversight and are required to limit and report take of threatened and endangered Chinook salmon from the Pacific Northwest, these Alaska commercial and sport salmon fisheries lack any ESA oversight. This is despite recent data showing that the majority of Chinook salmon harvested in these Alaska salmon fisheries are non-Alaska fish, many of which are ESA-listed Chinook salmon. This letter also identifies concerns related to the harvest of depleted Chinook and chum salmon populations from western Alaska.

With this letter, Wild Fish Conservancy petitions the North Pacific Fishery Management Council (the “Council”), the National Marine Fisheries Service and Eugenio Piñero Soler in his official capacity as the Assistant Administrator for the National Marine Fisheries Service (collectively, “NMFS”), and the Department of Commerce and Howard Lutnick in his official capacity as the Secretary for Commerce (collectively, “Commerce”) to prepare new or amended fishery management plans under the Magnuson-Stevens Fishery Conservation and Management Act for commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and for sport salmon fisheries occurring in federal waters within the Kodiak Management Area. This letter provides notice of Wild Fish Conservancy’s intent to sue NMFS and Commerce if they decline to prepare such new or amended plans.

This letter provides 60-days’ notice of Wild Fish Conservancy’s intent to sue Doug Vincent-Lang, in his official capacity as Commissioner of the Alaska Department of Fish and Game, Ben Mulligan, in his official capacity as Deputy Commissioner of the Alaska Department of Fish and Game, Rachel Baker, in her official capacity as Deputy Commissioner of the Alaska Department of Fish and Game, Acting Director Forrest Bowers, in his official capacity as Acting Director of the Division of Commercial Fisheries for the Alaska Department of Fish & Game, and Director Israel Payton, in his official capacity Director of the Division of Sport Fisheries for the Alaska Department of Fish & Game (collectively, the “Alaska Officials”) for authorizing, managing, and implementing commercial salmon fisheries occurring in waters in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and commercial and sport salmon fisheries occurring in waters in the Kodiak Management Area that “take” ESA-listed Chinook salmon from the Pacific Northwest in violation of section 9 of the ESA.

This letter further provides 60 days’ notice of Wild Fish Conservancy’s intent to sue NMFS and Commerce for authorizing and enabling commercial salmon fisheries in federal waters within the Alaska Peninsula Management Area (Area M) and sport salmon fisheries in federal waters within the Kodiak Management Area in violation of sections 7 and 9 of the ESA. Finally, this letter provides notice of Wild Fish Conservancy’s intent to sue NMFS for failing to supplement a 2012 National Environment Policy Act (“NEPA”) evaluation in response to, inter alia, recent data showing that salmon fisheries in Alaska catch significantly more non-Alaskan Chinook salmon, including ESA-listed salmon from the Pacific Northwest, than previously found.

Wild Fish Conservancy is available during the notice period to discuss effective remedies and resolution of the issues identified herein. If you are interested in such efforts, please contact Wild Fish Conservancy’s attorneys identified below in section X of this letter.

## **I. Legal Framework.**

### **A. The Magnuson-Stevens Act.**

The Magnuson-Stevens Fishery Conservation and Management Act (“Magnuson-Stevens Act”) was enacted to “conserve and manage the fishery resources found off the coasts of the United States.” 16 U.S.C. § 1801(b)(1). The statute establishes exclusive federal management over fisheries within the Exclusive Economic Zone of the United States. *Id.* § 1811(a). The Exclusive Economic Zone, referred to as “federal waters,” generally consists of those waters from three nautical miles from the coastline to 200 nautical miles from the coastline. *See id.* § 1802(11); Presidential Proclamation 5030, 48 Fed. Reg. 10,605 (Mar. 14, 1983).

The Magnuson-Stevens Act assigns implementation responsibilities to the Secretary of Commerce, who has generally delegated responsibilities to NMFS. *See, e.g.*, 16 U.S.C. §§ 1854, 1855(d); U.S. Dep’t of Commerce, *Department Organization Order* 10-15, § 3.01(aa) (Dec. 12, 2011);<sup>1</sup> U.S. Dep’t of Commerce, *NOAA Organizational Handbook Transmittal No. 61*, Part II(C)(26).<sup>2</sup> The statute also provides for Regional Fishery Management Councils. 16 U.S.C. § 1852(a)(1).

The Regional Fishery Management Councils are to prepare fishery management plans and amendments to such plans for each fishery under their respective jurisdiction “that requires conservation and management” and submit the plans to NMFS. *Id.* § 1852(h)(1). The fishery management plans must contain, inter alia, management measures necessary to prevent overfishing and that are consistent with other applicable laws. *Id.* § 1853(a)(1). NMFS must review all fishery management plans, including amendments thereto, to determine whether they are consistent with the Magnuson-Stevens Act “and any other applicable law.” *Id.* § 1854(a)(1)(A). The fishery management plans are to be approved, disapproved, or partially approved by NMFS. *Id.* § 1854(a)(3). The Regional Fishery Management Councils are also to submit proposed regulations to NMFS designed to implement the fishery management plans, which NMFS will promulgate if it deems them to be consistent with the plans and other applicable laws. *Id.* §§ 1853(c), 1854(b).

The Magnuson-Stevens Act assigns primary responsibility in carrying out and implementing fishery management plans to NMFS. *See id.* § 1855(d). Thus, NMFS is responsible for developing fishery management plans where a fishery requires conservation and management but the responsible Regional Fishery Management Councils fails to develop the required plan. *Id.* § 1854(c)(1)(A). NMFS is thereafter required to propose and promulgate regulations to implement the fishery management plan. *Id.* § 1854(c)(6)–(7).

The Magnuson-Stevens Act provides that a state may regulate a fishing vessel outside the boundaries of the state—i.e., in the Economic Exclusive Zone—where a fishery management plan delegates such authority to the state and the state’s fishing laws and regulations are consistent with the fishery management plan. *Id.* § 1856(a)(3)(B). If NMFS determines that the

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<sup>1</sup> Available at [http://www.osec.doc.gov/opog/dmp/doos/doo10\\_15.html](http://www.osec.doc.gov/opog/dmp/doos/doo10_15.html).

<sup>2</sup> Available at [http://www.corporateservices.noaa.gov/ames/delegations\\_of\\_authority/](http://www.corporateservices.noaa.gov/ames/delegations_of_authority/).

state's laws or regulations do not comply with the fishery management plan, NMFS shall provide the state notice and an opportunity to correct the deficiency. *Id.* If the inconsistency is not corrected, the delegation of authority to the state "shall not apply until [NMFS] and the appropriate Council find that the State has corrected the inconsistencies." *Id.*

## **B. The Endangered Species Act.**

When the ESA was passed in 1973 it "represented the most comprehensive legislation for the preservation of endangered species ever enacted by any nation." *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 180 (1978). The purpose of the statute is to conserve threatened and endangered species and to protect the ecosystems upon which those species depend. 16 U.S.C. § 1531(b).

The ESA assigns implementation responsibilities to the Secretaries for the U.S. Department of Commerce and the U.S. Department of the Interior, who have delegated duties to NMFS and the U.S. Fish and Wildlife Service ("FWS"), respectively. *See* 50 C.F.R. § 402.01(b). NMFS generally has ESA authority for marine and anadromous species, while FWS has jurisdiction over terrestrial and freshwater species. *See id.* §§ 17.11, 223.102, 224.101.

Section 4 of the ESA prescribes mechanisms by which NMFS and FWS list species as endangered or threatened and designate "critical habitat" for such species. 16 U.S.C. §§ 1532(16), 1533(a). Species is defined to include "any distinct population segment of any vertebrate species that interbreeds when mature." 50 C.F.R. § 424.02. Section 9 of the ESA makes it unlawful to "take" ESA-listed species. *See* 16 U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. § 223.203(a). "Take" is defined broadly to include harass, harm, wound, kill, trap, or capture a protected species. 16 U.S.C. § 1532(19).

Section 7 of the ESA imposes a substantive obligation on federal agencies to "insure that any action authorized, funded, or carried out by such agency . . . is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat" that has been designated as critical for such species. 16 U.S.C. § 1536(a)(2) (emphasis added); *Pyramid Lake Paiute Tribe of Indians v. U.S. Dep't of the Navy*, 898 F.2d 1410, 1414 (9th Cir. 1990). Such jeopardy results where an action "reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species." 50 C.F.R. § 402.02. Destruction or adverse modification of critical habitat occurs where there is a "direct or indirect alteration that appreciably diminishes the value of critical habitat" for both the survival and recovery of a listed species. *Id.*

In fulfilling the substantive mandates of section 7 of the ESA, federal agencies planning to fund or undertake an action (the "action agency") that "may affect" ESA-listed species or their critical habitat are required to consult with NMFS and/or FWS (the "consulting agency") regarding the effects of the proposed action. *See id.* § 402.14(a). Actions that are likely to adversely affect a listed species or its critical habitat require formal consultation, which concludes with the consulting agency's issuance of a biological opinion ("BiOp") determining whether the action is likely to jeopardize ESA-protected species or result in adverse modification of critical habitat. *See id.* § 402.14(a), (b), (h)(1).

If the consulting agency concludes the action will not jeopardize listed species or adversely modify their critical habitat, the consulting agency will include with the BiOp an incidental take statement (“ITS”). 16 U.S.C. § 1536(b)(4); 50 C.F.R. § 402.14(i)(1). An ITS must specify the impact of the action by setting a numeric limit on take (or an appropriate surrogate if a numeric cap is impractical to establish), identify “reasonable and prudent measures” that will minimize impacts to protected species, and outline “terms and conditions” to implement these measures. 50 C.F.R. § 402.14(i)(1). The ITS must also include monitoring and reporting requirements for the take resulting from the action. *See id.* § 402.14(i)(4); *Wild Fish Conservancy v. Salazar*, 628 F.3d 513, 531–32 (9th Cir. 2010). Take of ESA-listed species in compliance with a valid ITS is not prohibited under section 9 of the ESA. 16 U.S.C. § 1536(o)(2); 50 C.F.R. § 402.14(i)(6).

### C. The National Environmental Policy Act.

The purposes of NEPA are, inter alia, to declare a national policy that will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man, and to enrich the understanding of the ecological systems and natural resources important to the Nation. 42 U.S.C. § 4321.

To accomplish these purposes, NEPA requires federal agencies to prepare a “detailed statement” regarding all “major Federal actions significantly affecting the quality of the human environment.” *Id.* § 4332(2)(C). The “detailed statement,” commonly known as an environmental impact statement (“EIS”), must describe the environmental impact of the proposed action, any adverse environmental effects which cannot be avoided should the proposal be implemented, alternatives to the proposed action, the relationship between local short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, and any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. *Id.*

The EIS ensures that the agency considers detailed information on environmental impacts when reaching decisions and that the information will be made available to the larger audience that may also play a role in the decision-making process. *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 349 (1989).

If a proposed action is neither one that normally requires an EIS nor one that normally does not require an EIS, the agency must prepare an environmental assessment (“EA”) to determine whether an EIS is required. If the agency determines through the EA process that an EIS is not required for the proposed action, then the agency is required to issue a finding of no significant impact (“FONSI”).

Agencies are to consider certain factors when determining whether a particular proposed action requires preparation of an EIS, including, inter alia, whether the action may adversely affect an endangered or threatened species listed under the ESA or its critical habitat.

Agencies must supplement a prior EIS or EA if there are substantial changes in the proposed action that are relevant to environmental concerns or significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. *Idaho Sporting Congress v. Thomas*, 137 F.3d 1146, 1152 (9th Cir. 1998), *overruled on other grounds*, *Lands Council v. McNair*, 537 F.3d 981, 997 (9th Cir. 2008). “As a rule of thumb . . . , if the EIS concerns an ongoing problem, EISs that are more than 5 years old should be carefully reexamined to determine if the criteria in [the NEPA regulations on supplementation] compel preparation of an EIS supplement.” Council on Env’t Quality, Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations, 46 Fed. Reg. 18,026, 18,035 (Mar. 23, 1981).

## **II. Factual Background.**

### **A. Threatened and Endangered Pacific Northwest Salmonids.**

Salmonid populations throughout the Pacific Northwest are depleted and declining, with numerous evolutionarily significant units (“ESUs”) identified as threatened or endangered under the ESA.

The Puget Sound Chinook salmon ESU is listed as a threatened species. 64 Fed. Reg. 14,308 (Mar. 24, 1999); 70 Fed. Reg. 37,160 (June 28, 2005); *see also* 79 Fed. Reg. 20,802 (Apr. 14, 2014) (revision to listing); 50 C.F.R. § 223.102. NMFS has applied the ESA section 9 take prohibition to this species. 50 C.F.R. §§ 223.102, 223.203(a).

The Lower Columbia River Chinook salmon ESU was listed as a threatened species in 1999. 64 Fed. Reg. 14,308 (Mar. 24, 1999); *see also* 70 Fed. Reg. 37,160 (June 28, 2005); 79 Fed. Reg. 20,802 (Apr. 14, 2014); 50 C.F.R. § 223.102(e). Critical habitat has been designated for this species. 50 C.F.R. § 226.212; *see also* 70 Fed. Reg. 52,630 (Sept. 2, 2005).

The Upper Columbia River spring-run Chinook salmon ESU was listed as an endangered species under the ESA in 1999. 64 Fed. Reg. 14,308 (Mar. 24, 1999); *see also* 70 Fed. Reg. 37,160 (June 28, 2005); 79 Fed. Reg. 20,802 (Apr. 14, 2014); 50 C.F.R. § 224.101(h). Critical habitat has been designated for this species. 50 C.F.R. § 226.212; *see also* 70 Fed. Reg. 52,630 (Sept. 2, 2005).

The Upper Willamette River Chinook salmon ESU was listed as a threatened species in 1999. 64 Fed. Reg. 14,308 (Mar. 24, 1999); *see also* 70 Fed. 37,160 (June 28, 2005); 79 Fed. Reg. 20,802 (Apr. 14, 2014); 50 C.F.R. § 223.102(e). Critical habitat has been designated for this species. 50 C.F.R. § 226.212; *see also* 70 Fed. Reg. 52,630 (Sept. 2, 2005).

The Snake River spring/summer-run Chinook salmon ESU was listed as a threatened species in 1992. 57 Fed. Reg. 34,639 (Apr. 22, 1992); *see also* 70 Fed. Reg. 37,160 (June 28, 2005); 79 Fed. Reg. 20,802 (Apr. 14, 2014). Critical habitat has been designated for this species. 64 Fed. Reg. 57,399 (Oct. 25, 1999).

The Snake River fall-run Chinook salmon ESU was listed as a threatened species in 1992. 57 Fed. Reg. 14,653 (Apr. 22, 1992); *see also* 70 Fed. Reg. 37,160 (June 28, 2005); 79 Fed. Reg. 20,802 (Apr. 14, 2014). Critical habitat has been designated for this species. 58 Fed. Reg. 68,543 (Dec. 28, 1993).

**B. The Alaska Commercial and Sport Salmon Fisheries of Concern.<sup>3</sup>**

**1. The Alaska Peninsula Management Area (Area M) Salmon Fisheries.**

The Alaska Peninsula Management Area, commonly referred to as Area M, includes those waters on the south side of the Alaska Peninsula west of the Chignik Management Area; the waters on the north side of the Alaska Peninsula west of Bristol Bay; and waters of the Aleutian Islands west of Unimak Island and east of the Atka-Amlia Management Area. The Alaska Administrative Code defines this area as follows:

The Alaska Peninsula Area includes the waters of Alaska on the north side of the Alaska Peninsula, southwest of a line from Cape Menshikof (57° 28.34' N. lat., 157° 55.84' W. long.) to Cape Newenham (58° 39.00' N. lat., 162° W. long.) and east of the longitude of Cape Sarichef Light (164° 55.70' W. long.) and on the south side of the Alaska Peninsula, from a line extending from Scotch Cap through the easternmost tip of Ugamak Island to a line extending 135° southeast from Kupreanof Point (55° 33.98' N. lat., 159° 35.88' W. long.).

ALASKA ADMIN. CODE tit. 5, § 09.100.

The area spans both coasts of the Peninsula and is divided into six districts: the Northern and Northwestern Districts on the Bering Sea side (Cinder River, Port Heiden, Ilnik, Three Hills, Bear River, Port Moller, Nelson Lagoon, and related sections; and Izembek-Moffet Bay, Bechevin Bay, Swanson Lagoon, Urilia Bay, and Dublin Bay sections, respectively), and the Unimak, Southwestern, South Central, and Southeastern Districts on the Pacific side. This area includes both inland State waters and federal waters within the Economic Exclusive Zone.

The general commercial salmon fishery season for this management area runs from June 1 through October 31, with specific opening and closing dates varying by district. Set gillnet

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<sup>3</sup> The descriptions of Alaska salmon fisheries provided in this section are based on information currently available to Wild Fish Conservancy. Wild Fish Conservancy's allegations and notices in this letter apply to all commercial salmon fisheries occurring in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and to all commercial and salt water sport salmon fisheries occurring in the Kodiak Management Area, regardless of the descriptions of the fisheries provided in this section. However, for purposes of this letter, the Alaska Peninsula Management Area (Area M) does not include salmon gillnet test fisheries occurring in Bristol Bay, Alaska, and Wild Fish Conservancy does not allege any violations related to those salmon gillnet test fisheries.

fisheries occur area-wide, drift gillnet fisheries occur in the Unimak District and in portions of the Southwestern District, and purse seine fisheries occur in the Shumagin Islands and South Central/Southeastern Districts. The commercial salmon fisheries occur both in inshore State waters and in federal waters within the Economic Exclusive Zone but are managed exclusively by the Alaska Officials.

## **2. The Chignik Management Area (Area L) Salmon Fishery.**

The Chignik Management Area, or Area L, is located on the south side of the Alaska Peninsula, approximately 250 miles southwest of Kodiak. The Alaska Administrative Code defines this area as follows:

The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula bounded by a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long., (the longitude of the southern entrance to Imuya Bay) then due south, and a line extending 135° southeast from Kupreanof Point at 55° 33.98' N. lat., 159° 35.88' W. long.

ALASKA ADMIN. CODE tit. 5, § 15.100.

This area is divided into five districts: the Eastern District (Agripina, Chiginagak, Nakalilok-Yantarni, and Big River Sections); the Chignik Bay District (Chignik Bay and Jack Bay Sections, covering Chignik Bay and Lagoon); the Central District (all waters, excluding those of the Chignik Bay District, between the latitude of a point southwest of Jack Point and the latitude of the southernmost regulatory marker near the mouth of Aniakchak Lagoon); the Western District (the Castle Cape Section and its Inner Castle Cape, Outer Castle Cape, Chankliut Island, and Devil's Bay Subsections, plus the Dorner Bay and Mitrofanina Sections); and the Perryville District (Perryville Section, with Inner and Outer Perryville Subsections).

A purse seine commercial salmon fishery occurs in this area. There are no fixed dates for this commercial salmon fishery and the season is instead set by orders. The fishery occurs in inshore State waters and is managed by the Alaska Officials.

## **3. The Kodiak Management Area Salmon Fisheries.**

The Kodiak Management Area is located in the western Gulf of Alaska south of the latitude of Cape Douglas and east of Imuya Bay near Wide Bay on the Alaska Peninsula. The Alaska Administrative Code defines this area as follows:

The Kodiak Area includes all waters of Alaska south of a line extending from Cape Douglas (58° 51.10' N. lat.,) west of 150° W. long., north of 55° 30.00' N. lat., and north and east of a line extending 135° southeast for three miles from a point near Kilokak Rocks at 57° 10.34' N. lat., 156° 20.22' W. long. (the longitude of the southern entrance of Imuya Bay), then due south.

ALASKA ADMIN. CODE tit. 5, § 15.100.

This area is divided into seven districts: Afognak, Northwest Kodiak, Southwest Kodiak, Alitak, Eastside Kodiak, Northeast Kodiak, and the Mainland District (on the Alaska Peninsula side, near Cape Igvak).

The commercial salmon fishery season for this area is June 1 through October 31, with fishery periods set by orders. Purse seine and beach seine commercial salmon fisheries occur in the Afognak and Southwest Kodiak Districts and in most of the Northwest Kodiak District. A set gillnet commercial fishery occurs in the Central Section of the Northwest Kodiak District. A mix of seine-only and gillnet-only commercial fisheries occur within the Alitak District. The commercial salmon fisheries in this area occur in inshore State waters and are managed by the Alaska Officials.

Unless otherwise limited by emergency order, the sport salmon fishery in salt water in the Kodiak Management Area allows for year-round harvest of Chinook salmon without any annual limit and without any harvest record. ALASKA ADMIN. CODE tit. 5, § 64.022(a)(1). That fishery occurs both in inshore State waters and in federal waters but is managed exclusively by the Alaska Officials.

**C. These Fisheries Take Significant Non-Alaska Salmon, including ESA-Listed West-Coast Salmonids.**

Available data indicate that the salmon fisheries identified above harvest significant numbers of Chinook salmon, the majority of which are non-Alaskan fish from the Northwest United States and British Columbia, Canada. The data further show that many of the Chinook salmon harvested in these salmon fisheries are part of the ESA-listed Chinook salmon ESUs identified above in section II.A of this letter.

The commercial salmon fisheries in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and the commercial and sport salmon fisheries in the Kodiak Management Area harvest significant numbers of Chinook salmon. Available data indicate that, from 2015 through 2024, the commercial salmon fisheries in these three areas harvested a combined average of around 34,000 Chinook salmon annually. The Alaska Peninsula Management Area (Area M) accounted for the majority of those fish; an average of 18,830 Chinook salmon were harvested annually during that period by commercial salmon fisheries in the South Alaska Peninsula area (i.e., the southern portion of the Alaska Peninsula, Area M, Management Area). An average of 6,412 Chinook salmon were harvested from 2015 through 2024 in the commercial salmon fishery in the Chignik Area. State of Alaska data for 2025 indicate that the commercial salmon fisheries in the Kodiak Management Area harvested 1,398 Chinook salmon that year and the sport salmon fisheries in that area harvested 6,266 Chinook salmon that year.

The data show that the majority of Chinook salmon harvested in salmon fisheries within these three management areas are non-Alaskan fish. For example, a recent study sampled 5,507 Chinook salmon harvested in 2024–2025 in commercial salmon fisheries occurring within the

South Alaska Peninsula (i.e., the southern portion of the Alaska Peninsula, Area M, Management Area) and the Chignik Management Area. Dann, T. H., et al. 2026, Preliminary genetic stock composition of Chinook salmon harvested in commercial salmon fisheries of the South Alaska Peninsula and Chignik, 2024–2025, Alaska Department of Fish & Game RIR No. 5J26-02, Anchorage. The study found that approximately 87 percent (86.4 percent in 2024, 88.4 percent in 2025) of the Chinook salmon harvested by commercial salmon fisheries in the South Alaska Peninsula area were non-Alaskan fish. *Id.* For the commercial seine salmon fishery occurring in the Chignik Management Area, 85.5 percent of the Chinook salmon harvested were non-Alaskan. *Id.* A study by the Alaska Department of Fish and Game of the commercial salmon fisheries occurring in the Kodiak Management Area from 2014 to 2016 found that 86 percent to 90 percent of the Chinook salmon harvested were non-Alaska fish. Shedd, K.R., et al., Genetic Stock Composition of the Commercial & Sport Harvest of Chinook Salmon in Westward Region, 2014–2016, Alaska Department of Fish & Game, Fisheries Manuscript Series No. 16-11, Anchorage (2016).

Further, available data indicate that many of the non-Alaskan Chinook salmon harvested in commercial salmon fisheries occurring within the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and in commercial and sport fisheries occurring within the Kodiak Management Area are part of the ESA-listed Chinook salmon ESUs identified above in section II.A of this letter. While there is no requirement to monitor and report take of ESA-listed salmonids for these salmon fisheries, NMFS has issued BiOps and ITSs for groundfish fisheries occurring in the Bering Sea and Aleutian Islands that require monitoring and reporting of take of ESA-listed Chinook salmon identified through recovery of coded wire tags. NMFS has looked to data generated by that monitoring and reporting when estimating impacts to Chinook salmon from the Alaska Peninsula commercial salmon net fisheries. That data of bycatch of Chinook salmon by the groundfish fisheries in the Bering Sea and Aleutian Islands show that fish from the six ESA-listed Chinook salmon ESUs identified above (Lower Columbia River, Puget Sound, Snake River fall run, Snake River spring/summer run, Upper Columbia River spring run, and Upper Willamette River) are present in these areas and impacted by fisheries. Lawrence, C. 2026, 2025 Coded-wire tagged Chinook salmon recoveries in the Gulf of Alaska and Bering Sea-Aleutian Islands, NMFS Alaska Region/AFSC.

Take of ESA-listed Chinook salmon by these Alaskan salmon fisheries is further confirmed by coded wire tag recovery data. *See* Shedd, K.R., et al. (2016), Appendices B11, F1, G1 (copies of which are attached hereto as Appendix A). Analysis of coded wire tag recovery data suggests that the commercial salmon fisheries occurring within the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and commercial and sport fisheries occurring within the Kodiak Management Area take significant numbers of ESA-listed Chinook salmon. For example, Wild Fish Conservancy estimated the number of just Upper Willamette River Chinook salmon, protected as a threatened species under the ESA, harvested in 2014 using coded wire tag recovery data. *See* App. B. That analysis estimated that around 544 ESA-listed Upper Willamette River Chinook salmon were harvested by the fisheries in 2014: 367 in commercial salmon fisheries in the Kodiak Management Area; 69 in commercial salmon fisheries in the Chignik Management Area (Area L); 36 in commercial salmon fisheries in the southern portion of the Alaska Peninsula Management Area (Area M); and 72 in sport salmon fisheries in the Kodiak Management Area. *Id.* Those numbers reflect harvests of Upper

Willamette River Chinook salmon only and do not include Chinook salmon harvested in the Alaska salmon fisheries from the other five ESA-listed ESUs identified above in section II.A of this letter.

**III. Petition to Develop or Amend Fishery Management Plan and Issue Regulations for Commercial Salmon Fisheries in the Alaska Peninsula Management Area (Area M) and for Sport Salmon Fisheries in the Kodiak Management Area.**

Wild Fish Conservancy hereby petitions the Council, NMFS and Commerce to develop one or more fishery management plans, or to amend an existing fishery management plan, for commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and for sport salmon fisheries occurring in federal waters within the Kodiak Management Area as required under the Magnuson-Stevens Act. *See* 16 U.S.C. §§ 1852(h)(1), 1854(c)(1). The new or amended plan(s) should contain appropriate measures, including those necessary and appropriate for the conservation and management of the fisheries, to prevent overfishing and rebuild overfished stocks, and to protect, restore, and promote the long-term health and stability of the fisheries. *See id.* §§ 1853(a)(1), 1854(c)(1). Wild Fish Conservancy further petitions the Council, NMFS, and Commerce to develop regulations necessary and appropriate to implement the new or amended fishery management plan(s). *See id.* § 1854(c)(6)–(7). These actions are necessary because the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area “require[] conservation and management.” *See id.* § 1852(h)(1).

The first fishery management plan for salmon fisheries in federal waters near Alaska (“Salmon FMP”) under the Magnuson-Stevens Act was prepared in 1979. The Salmon FMP divided the federal waters near Alaska into a West Area and an East Area with the boundary at Cape Suckling. The Salmon FMP authorized sport salmon fishing in both areas. The Salmon FMP authorized commercial troll fishing in the East Area but prohibited commercial net fishing within the East Area. The Salmon FMP prohibited all commercial salmon fishing in the West Area except for three commercial net fisheries—the Prince William Sound Area, the Cook Inlet Area, and the Alaska Peninsula Area. The Salmon FMP did not prescribe management measures for those three commercial net fisheries and allowed the State of Alaska to continue to manage them.

The Salmon FMP has been amended numerous times since its initial promulgation. According to the Salmon FMP, Amendment 12 in 2012 “comprehensively revise[d] the FMP to facilitate State of Alaska salmon management in accordance with the Magnuson-Stevens Act, the Pacific Salmon Treaty, and other applicable federal law.” Among the changes, Amendment 12 explicitly excluded the three commercial salmon net fishery areas—the Prince William Sound Area, the Cook Inlet Area, and the Alaska Peninsula Area—and the salmon sport fisheries within the West Area (including the salmon sport fisheries in the Kodiak Management Area) from the Salmon FMP. NMFS prepared an EA in 2012 for Amendment 12 (“Amendment 12 EA”). In support of the decision to exclude the salmon fisheries from the Salmon FMS, the Amendment 12 EA found that the vast majority of Chinook salmon harvested in the fisheries were Alaskan fish, explaining:

While the exact amounts of non-Alaska salmon caught in the fisheries in the three traditional net areas are unknown, the percent of non-Alaska salmon caught is believed to be very small. In Prince William Sound, where genetic work is ongoing, typically less than [sic] 5% of the Chinook salmon harvest is from the broad reporting group that includes Southeast Alaska, British Columbia, Washington, and Oregon. Section 5.3 provides more information on non-Alaska salmon caught in EEZ salmon fisheries.

Amendment 12 EA, p. 31.

Amendment 12 was challenged by two groups of commercial fishermen who argued, inter alia, that the State of Alaska was failing to properly manage salmon escapement in Cook Inlet, leading to a precipitous decline in the commercial catch of sockeye salmon. *United Cook Inlet Drift Ass'n v. Nat'l Marine Fisheries Serv.*, 837 F.3d 1055, 1060–61 (9th Cir. 2016). The Ninth Circuit held that NMFS violated the Magnuson-Stevens Act through Amendment 12 by excluding the Cook Inlet Area commercial net fisheries from the Salmon FMP. *Id.* at 1063–65. “The Magnuson-Stevens Act unambiguously requires a Council to create an FMP for each fishery under its authority that requires conservation and management.” *Id.* at 1065.

Amendment 14, promulgated in 2021 in response to that decision, redefined the West Area subject to the Salmon FMP to include the commercial net fisheries occurring within the federal waters of Cook Inlet. Following a successful challenge to that amendment, Amendment 16 was promulgated in 2024 to, inter alia, specify federal management measures for salmon fisheries within the Cook Inlet Area. NMFS has not adopted a fishery management plan for commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) or for sport salmon fisheries occurring in federal waters within the Kodiak Management Area.

As discussed above in section II.C of this letter, recent data show, contrary to the 2012 findings in the Amendment 12 EA, that today a much higher percentage of Chinook salmon harvested in the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and in sport salmon fisheries occurring in federal waters within the Kodiak Management Area are non-Alaskan Chinook salmon. Specifically, data for salmon harvests in 2024 and 2025 show that approximately 87 percent (86.4 percent in 2024, 88.4 percent in 2025) of the Chinook salmon harvested in commercial salmon fisheries in the South Alaska Peninsula (i.e., the southern portion of Area M) were non-Alaskan. Dann, T. H., et al. 2026. State of Alaska data for 2014 indicate that 83.2 percent of the Chinook salmon harvested that year in the sport salmon fishery were not from Alaska but were instead from the west coast of the United States and British Columbia, Canada.

Also as discussed above in section II.C of this letter, available information indicates that many of the non-Alaskan Chinook salmon harvested in the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and in the sport salmon fisheries occurring in federal waters within the Kodiak Management Area are part of the ESA-listed Chinook salmon ESUs identified in section II.A of this letter.

Recent data also show that the Alaska Peninsula Management Area (Area M) salmon fishery contributes to a conservation and environmental justice crisis in western Alaska. Specifically, data show that the fishery harvests depleted populations of western Alaskan Chinook and chum salmon (e.g., Yukon and Kuskokwim populations). *See* Dann, T. H., et al. 2026; *see also* Dann, T. H., et al. 2025, Genetic stock composition of chum salmon harvested in commercial salmon fisheries of the South Alaska Peninsula, 2022–2024, Alaska Department of Fish & Game, Fishery Data Series No. 25-63, Anchorage. These fish declines cause food insecurity for Alaska Native villages. *See* DeMaster et al. 2025, Food security crisis in the Yukon River Basin: where have the salmon gone and what can be done? Arctic, Antarctic, and Alpine Research, 57:1, 2510793, DOI: 10.1080/15230430.2025.2510793. However, instead of equitably sharing the conservation duty to protect these fish populations, the Alaska Officials have severely curtailed or prohibited subsistence fisheries while allowing commercial bycatch to go unabated. *See* Letter from Jack Reakoff, Chair, Western Interior Alaska Subsistence Regional Advisory Council, to Anthony Christianson, Chair, Federal Subsistence Board (Feb. 26, 2026) (on file with author).

The Magnuson-Stevens Act requires that the Council, NMFS, and Commerce develop or amend fishery management plans for commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and for sport salmon fisheries occurring in federal waters within the Kodiak Management Area because those fisheries now require conservation and management. Also, to ensure that Alaska Natives no longer bear the entire responsibility of conserving depleted western Alaskan Chinook and chum salmon, NMFS must develop fishery management plans that comply with National Standard 8 (Communities). 50 C.F.R. § 600.345.

**IV. Notice of Intent to Sue NMFS and Commerce for Failing to Develop or Amend Fishery Management Plans and Issue Regulations for Commercial Salmon Fisheries in the Alaska Peninsula Management Area (Area M) and for Sport Salmon Fisheries in the Kodiak Management Area.**

Wild Fish Conservancy hereby provides notice of its intent to sue NMFS and Commerce for failing to develop new or amended fishery management plans for the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and for the sport salmon fisheries occurring in federal waters within the Kodiak Management Area. *See* 16 U.S.C. §§ 1852(h)(1), 1854(c)(1). Wild Fish Conservancy further provides notice of its intent to sue NMFS and Commerce for failing to develop regulations necessary and appropriate to implement the new or amended fishery management plans for those fisheries. NMFS’s and Commerce’s failure to take these actions violates the Magnuson-Stevens Act because, as discussed above in section III of this letter, the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area “require[] conservation and management.” *See id.* § 1852(h)(1).

**V. Notice of Intent to Sue Alaska Officials for Violations of Section 9 of the ESA for Authorizing Salmon Fisheries that Unlawfully Take ESA-Listed Salmonids.**

Wild Fish Conservancy hereby provides sixty days' notice of its intent to sue the Alaska Officials for violating section 9 of the ESA, 16 U.S.C. § 1538. This notice is provided under section 11(g) of the ESA, 16 U.S.C. § 1540(g).

The Alaska Officials authorize, oversee, permit/license, implement, and otherwise manage the commercial salmon fisheries occurring in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and the commercial and sport salmon fisheries occurring in the Kodiak Management Area. Those fisheries, as authorized and managed by the Alaska Officials, capture, collect, harm, kill, and otherwise "take" ESA-listed Lower Columbia River, Puget Sound, Snake River fall-run, Snake River spring/summer-run, Upper Columbia River spring-run, and Upper Willamette River Chinook salmon as described above in section II.C of this letter. The Alaska Officials are violating section 9 of the ESA by authorizing, overseeing, permitting/licensing, implementing, and otherwise managing the commercial salmon fisheries in the Alaska Peninsula Management Area (Area M) and the Chignik Management Area (Area L) and the commercial and sport salmon fisheries occurring in the Kodiak Management Area. *See* 16 U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. § 223.203(a).

**VI. Notice of Intent to Sue Commerce and NMFS for Violating Section 9 of the ESA by Enabling Fisheries that Unlawfully Take ESA-Listed Salmonids.**

Wild Fish Conservancy hereby provides sixty days' notice of its intent to sue NMFS and Commerce for violating section 9 of the ESA, 16 U.S.C. § 1538, by authorizing and/or enabling the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area. This notice is provided under section 11(g) of the ESA, 16 U.S.C. § 1540(g).

The Magnuson-Stevens Act established exclusive federal management over fisheries within the Exclusive Economic Zone. *See* 16 U.S.C. § 1811(a). The statute assigned implementation responsibilities to Commerce, who has generally delegated such responsibilities to NMFS. *See id.* § 1855(d). NMFS is responsible for developing fishery management plans for fisheries that require conservation and management where the responsible Council fails to develop the required plan and NMFS is also responsible for developing regulations to implement its fishery management plans. *Id.* § 1854(c)(1)(A), (c)(6)–(7).

As discussed above in section III of this letter, the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Act (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area require conservation and management. Further, as discussed above in section II.C of this letter, the fisheries capture, collect, harm, kill, and otherwise "take" ESA-listed Lower Columbia River, Puget Sound, Snake River fall-run, Snake River spring/summer-run, Upper Columbia River spring-run, and Upper Willamette River Chinook salmon. However, NMFS has failed to develop a fishery management plan for these fisheries, failed to promulgate regulations to implement

such a plan, and otherwise failed to appropriately restrict and manage those fisheries under the Magnuson-Stevens Act, and is instead continuing to defer management responsibilities to the Alaska Officials. NMFS is thereby authorizing and enabling those fisheries occurring in federal waters and the resultant take of ESA-listed salmonids in violation of section 9 of the ESA. *See* 16 U.S.C. § 1538(a)(1)(B), (G); 50 C.F.R. § 223.203(a).

**VII. Notice of Intent to Sue Commerce and NMFS for Violating Section 7 of the ESA by Enabling Fisheries That Affect ESA-Listed Salmonids Without ESA Consultation.**

Wild Fish Conservancy hereby provides sixty days' notice of its intent to sue NMFS and Commerce for violating section 7 of the ESA, 16 U.S.C. § 1536, by authorizing and enabling the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Area (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area without consulting on impacts to ESA-listed salmonids and without ensuring such ESA-listed salmonids will not be jeopardized. This notice is provided under section 11(g) of the ESA, 16 U.S.C. § 1540(g).

As discussed above in section II.C of this letter, the commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and the sport salmon fisheries occurring in federal waters within the Kodiak Management Area may affect, and even take, ESA-listed Lower Columbia River, Puget Sound, Snake River fall-run, Snake River spring/summer-run, Upper Columbia River spring-run, and Upper Willamette River Chinook salmon. As discussed above in section III of this letter, the Magnuson-Stevens Act assigns management responsibilities over such fisheries to Commerce and NMFS, but they have failed to develop a fishery management plan for these fisheries, failed to promulgate regulations to implement such a plan, and otherwise failed to appropriately restrict and manage those fisheries, and are instead continuing to defer management responsibilities to the Alaska Officials. Commerce and NMFS are thereby authorizing and enabling those fisheries.

Commerce and NMFS are in violation of section 7 of the ESA by failing to consult on impacts to ESA-listed salmonids from the commercial salmon fisheries occurring in federal waters within the Alaska Management Area (Area M) and from the sport salmon fisheries occurring in federal waters within the Kodiak Management Area. *See* 16 U.S.C. § 1536(a)(2) (federal agencies must consult on actions "authorized" by such agencies). By failing to consult, Commerce and NMFS are further violating section 7 of the ESA by failing to ensure that those fisheries are not likely to jeopardize ESA-listed salmonids. *See id.*

**VIII. Notice of Intent to Sue for Violating NEPA by Failing to Supplement the Amendment 12 EA to Consider New Information on the Impact of Fisheries.**

Wild Fish Conservancy hereby provides notice of its intent to sue NMFS for violating NEPA by failing to supplement the Amendment 12 EA. NMFS is required to prepare a supplement for the Amendment 12 EA because there have been substantial changes in the fisheries that are relevant to environmental concerns and because there are significant new circumstances and new information relevant to environmental issues bearing on the fisheries and their impacts. *See, e.g.,* NOAA, Policy and Procedures for Compliance with the National

For example, new information indicates that certain fisheries have a significantly greater impact on non-Alaskan Chinook salmon, including ESA-listed salmonids. As discussed above, the Amendment 12 EA issued in 2012 found that several commercial salmon fisheries, including those in the federal waters within the Alaska Peninsula Management Area (Area M) harvest a “very small” amount of non-Alaska salmon. Amendment 12 EA, p. 31. However, recent data show that the vast majority of Chinook salmon harvested in the southern portion of the Alaska Peninsula Management Area (the southern portion of Area M)—around 87%—are non-Alaska fish. Dann, T. H., et al. 2026. Further, as discussed above in section II.C of this letter, a portion of those non-Alaskan Chinook salmon harvested are ESA-listed salmonids. A NEPA supplement to the Amendment 12 EA is therefore required.

As another example, new information indicates that Yukon and Kuskokwim Chinook and chum salmon have experienced historic lows since NMFS issued the Amendment 12 EA. The Amendment 12 EA found that Yukon and Kuskokwim salmon stocks are harvested in the South Unimak and Shumagin Island June fisheries, but it did not analyze the effects of that harvest on those stocks. Since 2012, the State of Alaska has reported that the “Yukon River has seen an unprecedented decline in salmon returns for all species since 2020.” Jallen D. M., Yukon River Salmon Stock Status and Fishery Overview: A Report to the Alaska Board of Fisheries, November 2025, Alaska Department of Fish & Game Special Publication No. 25-15, Anchorage, p. 1. The State of Alaska has also reported that, in 2021 and 2022, Kuskokwim chum salmon returns were the lowest and second lowest on record. Decker, S.K. 2025, Kuskokwim River salmon stock status and Kuskokwim Area fisheries, 2025: A report to the Alaska Board of Fisheries, November 2025, Alaska Department of Fish & Game, Special Publication No. 25-13, Anchorage, p. 8. A NEPA supplement to the Amendment 12 EA is therefore required.

**IX. Party Giving Notice of Intent to Sue.**

The full name, address, and telephone number of the party giving notice is:

Wild Fish Conservancy  
15629 Main Street N.E.  
Duvall, Washington 98019  
Tel: (425) 788-1167

**X. Attorneys Representing Wild Fish Conservancy.**

The attorneys representing Wild Fish Conservancy in this matter are:

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**XI. Conclusion.**

This letter petitions the Council, NMFS, and Commerce to prepare new or amended fishery management plans for commercial salmon fisheries occurring in federal waters within the Alaska Peninsula Management Area (Area M) and for sport salmon fisheries occurring in federal waters within the Kodiak Management Area, and this letter provides notice of Wild Fish Conservancy's intent to sue NMFS and Commerce for violations of the Magnuson-Stevens Act if they refuse to prepare such new or amended fishery management plans. This letter further provides 60 days' notice of Wild Fish Conservancy's intent to sue NMFS, Commerce, and the Alaska Officials for violations of the ESA related to their authorization and management of several Alaska salmon fisheries. Finally, this letter notifies NMFS of Wild Fish Conservancy's intent to sue for failure to supplement the Amendment 12 EA as required under NEPA. Unless the ongoing and imminent violations described herein are corrected within sixty days, Wild Fish Conservancy intends to file suit. Wild Fish Conservancy is available during the notice period and beyond to discuss effective remedies and resolution of the issues identified herein.

Very truly yours,

KAMPMEIER & KNUTSEN, PLLC

By:   
\_\_\_\_\_  
Brian A. Knutsen

## CERTIFICATE OF SERVICE

I, Emma Bruden, declare under penalty of perjury of the laws of the United States that I am counsel for Wild Fish Conservancy and that on October 28, 2026, I caused copies of the foregoing Petition to Develop or Amend Fishery Management Plan(s) and Promulgate Regulations for Alaska Salmon Fisheries and Notice of Intent to Sue for Statutory Violations Related to the Mismanagement of Alaska Fisheries to be served on the following by depositing it with the U.S. Postal Service, postage prepaid, via certified mail, return receipt requested:

North Pacific Fishery Management Council  
1007 West 3rd Avenue, Suite 400  
L92 Building, 4th Floor  
Anchorage, Alaska 99501

Secretary Howard Lutnick  
United States Department of Commerce  
1401 Constitution Ave., N.W.  
Washington, D.C. 20230  
Email: thesec@doc.gov

Assistant Administrator Eugenio Piñeiro Soler  
National Marine Fisheries Service  
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Commissioner Doug Vincent-Lang  
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EXECUTED this 28th day of October, 2026 in Portland, Oregon.

By: Emma Bruden  
Emma Bruden

# APPENDIX A

# **Genetic Stock Composition of the Commercial and Sport Harvest of Chinook Salmon in Westward Region, 2014–2016**

by

**Kyle R. Shedd**

**M. Birch Foster**

**Michelle Wattum**

**Tyler Polum**

**Mark Witteveen**

**Michelle Stratton**

**Tyler H. Dann**

**Heather A. Hoyt**

and

**Christopher Habicht**

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December 2016

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Alaska Department of Fish and Game

Divisions of Sport Fish and Commercial Fisheries



Appendix B11.—Chinook salmon coded wire tag recoveries from the commercial fishery in the Chignik and South Peninsula areas, 2014.

| State/Province-Country                     |       |
|--------------------------------------------|-------|
| Specific Location                          |       |
| British Columbia-Canada                    | 17    |
| H-Deep Creek/ Skeena Hatchery              | 1     |
| H-Robertson Creek Hatchery                 | 8     |
| H-Snootli Creek Hatchery                   | 6     |
| H-Toboggan Creek Hatchery                  | 1     |
| H-Tofino Hatchery                          | 1     |
| Washington-USA                             | 9     |
| (W) Hanford Reach Stock                    | 1     |
| (W) Lewis R -Nf 27.0168                    | 1     |
| Chelan Falls Hatchery                      | 1     |
| Hoko Falls Hatchery                        | 1     |
| Little White Salmon National Fish Hatchery | 1     |
| Quinault Lake Hatchery                     | 1     |
| Salmon River Hatchery                      | 2     |
| Wells Hatchery                             | 1     |
| Oregon-USA                                 | 5     |
| Marion Forks Hatch                         | 3     |
| Mckenzie Hatchery                          | 2     |
| Total CWT                                  | 31    |
| Total Chinook salmon inspected             | 1,749 |
| % CWT                                      | 1.8   |

| State/Province-Country    |      | Year |      |                          | State/Province |      | Year                      |      |      |      |
|---------------------------|------|------|------|--------------------------|----------------|------|---------------------------|------|------|------|
| Specific Location         | 2014 | 2015 | 2016 | 2014                     | 2015           | 2016 | Specific Location         | 2014 | 2015 | 2016 |
| Alaska-USA                | 11   | 6    | 21   | 93                       | 89             | 82   | Washington-USA            | 0    | 1    | 1    |
| (W) Stikine R 108-40      | 1    | 0    | 0    | (W) Hanford Reach Stock  | 0              | 1    | (W) Lewis R -Nf27.0168    | 0    | 1    | 0    |
| (W) Taku R 111-32         | 1    | 0    | 0    | (W) Bear Springs 1 (20)  | 1              | 0    | Carlton Acclimation Pond  | 4    | 5    | 2    |
| (W) Unuk R 101-75         | 0    | 0    | 1    | Chelan Falls Hatchery    | 13             | 14   | Chief Joseph Hatchery     | 0    | 1    | 3    |
| Crystal Lake              | 3    | 2    | 4    | Cle Elum Hatchery        | 1              | 0    | Cowlitz Salmon Hatchery   | 0    | 0    | 1    |
| Little Port Walter        | 2    | 1    | 8    | Dryden Pond              | 9              | 13   | Entiat Nfh                | 6    | 7    | 1    |
| Macaulay                  | 0    | 0    | 3    | Fallert Cr Hatchery      | 1              | 0    | Forks Creek Hatchery      | 0    | 1    | 6    |
| Medveje                   | 1    | 0    | 1    | Gobar Pond (27)          | 1              | 1    | Hoko Falls Hatchery       | 1    | 2    | 3    |
| Port Saint Nicholas       | 0    | 0    | 1    | Hokala Falls Hatchery    | 2              | 0    | Klickitat Hatchery (Ykfp) | 1    | 1    | 5    |
| Whitman Lake              | 3    | 3    | 1    | Lewis River Hatchery     | 0              | 0    | Lonesome Cr Hatchery      | 0    | 1    | 2    |
| William Jack Hernandez    | 0    | 0    | 2    | Ltl White Salmon Nfh     | 2              | 2    | Lyons Ferry Hatchery      | 2    | 0    | 0    |
| British Columbia-Canada   | 36   | 44   | 85   | Makah Nfh On Tsoo-Yess R | 3              | 3    | Priest Rapids Hatchery    | 7    | 4    | 4    |
| H-Alberni Inlet Seapen    | 0    | 0    | 2    | Quinault Lk Hatchery     | 10             | 5    | Ringold Springs Hatchery  | 0    | 1    | 0    |
| H-Bedwell Est Seapen      | 0    | 0    | 11   | Salmon R Fish Cultur     | 6              | 5    | Similkameen Hatchery      | 15   | 14   | 4    |
| H-Deep Creek/ Skna H      | 10   | 3    | 2    | Wells Hatchery           | 8              | 7    |                           |      |      |      |
| H-Discovery Passage Seape | 0    | 1    | 0    |                          |                |      |                           |      |      |      |
| H-Omega Pacific H         | 2    | 0    | 0    |                          |                |      |                           |      |      |      |
| H-Phillips River H        | 1    | 0    | 1    |                          |                |      |                           |      |      |      |
| H-Port Renfrew Seapen     | 0    | 0    | 3    |                          |                |      |                           |      |      |      |
| H-Puntledge River H       | 0    | 0    | 2    |                          |                |      |                           |      |      |      |
| H-Quinsam River H         | 0    | 1    | 1    |                          |                |      |                           |      |      |      |
| H-Robertson Creek H       | 9    | 29   | 49   |                          |                |      |                           |      |      |      |
| H-Shuswap River, Middle,  | 1    | 1    | 3    |                          |                |      |                           |      |      |      |
| H-Snootli Creek H         | 11   | 7    | 11   |                          |                |      |                           |      |      |      |
| H-Spius Creek H           | 1    | 0    | 0    |                          |                |      |                           |      |      |      |
| H-Wannock Estuary Seapen  | 1    | 2    | 0    |                          |                |      |                           |      |      |      |

Appendix G1.–Chinook salmon coded wire tag recoveries from the sport fishery in the Kodiak area, 2014-2016.

| State/Province                    | Specific Location        | 2014 | 2015 | 2016 |
|-----------------------------------|--------------------------|------|------|------|
| AK                                |                          | 0    | 1    | 4    |
|                                   | Little Port Walter       | 0    | 0    | 2    |
|                                   | Medvedjie                | 0    | 0    | 1    |
|                                   | Whitman Lake             | 0    | 1    | 1    |
| BC                                |                          | 8    | 5    | 15   |
|                                   | Robertson Creek          | 1    | 1    | 7    |
|                                   | Snootli Creek            | 2    | 2    | 6    |
|                                   | Shuswap River            | 0    | 0    | 1    |
|                                   | Deep Creek               | 5    | 1    | 1    |
|                                   | Discovery Passage        | 0    | 1    | 0    |
| WA                                |                          | 11   | 8    | 18   |
|                                   | Chelan Falls             | 0    | 1    | 5    |
|                                   | Salmon R. Fish Culture   | 4    | 2    | 3    |
|                                   | Lonesome Creek           | 0    | 0    | 2    |
|                                   | Quinault Lake            | 2    | 1    | 0    |
|                                   | Wells Hatchery           | 1    | 2    | 2    |
|                                   | Simikameen Hatchery      | 1    | 0    | 2    |
|                                   | Hoko Falls               | 0    | 0    | 1    |
|                                   | Fallert Creek            | 0    | 0    | 1    |
|                                   | Entiat Hatchery          | 0    | 0    | 1    |
|                                   | Dryden Pond              | 1    | 1    | 1    |
|                                   | Carlton Acclimation Pond | 1    | 0    | 0    |
|                                   | Lyons Ferry              | 1    | 0    | 0    |
|                                   | Priest Rapids            | 0    | 1    | 0    |
| OR                                |                          | 4    | 3    | 2    |
|                                   | Marion Forks             | 2    | 0    | 0    |
|                                   | McKenzie Hatchery        | 1    | 1    | 0    |
|                                   | Trask Hatchery           | 1    | 0    | 0    |
|                                   | Clackamas                | 0    | 1    | 0    |
|                                   | Elk River                | 0    | 1    | 0    |
|                                   | South Santiam            | 0    | 0    | 2    |
| Total Number of CWT recoveries    |                          | 23   | 17   | 39   |
| Total number adipose clipped fish |                          | 56   | 59   | 84   |
| Percent adipose clips with CWT    |                          | 41.1 | 28.8 | 46.4 |
| Total number of samples collected |                          | 398  | 278  | 450  |
| Percent of CWT from samples       |                          | 5.8  | 6.1  | 8.7  |

# APPENDIX B

# Harvest of Threatened Upper Willamette River Spring Chinook in Westward Alaska Sport and Commercial Salmon Fisheries, 2014

## Summary

We estimate that sport and commercial salmon fisheries in Alaska's Westward Region harvested 544 Upper Willamette River (UWR) spring Chinook salmon in 2014 (95% interval 353–768), counting only the catches that the Alaska Department of Fish and Game (ADF&G) sampled for coded-wire tags. These fish belong to the Upper Willamette River Chinook evolutionarily significant unit (ESU), which has been listed as threatened under the Endangered Species Act (ESA) since 1999. Commercial fisheries took 472 of the 544 fish (Kodiak 367, Chignik 69 and South Alaska Peninsula 36), and the Kodiak marine sport fishery took 72.

The sampled catches were the Kodiak commercial fisheries from June 1 to August 5, the Chignik fishery from July 1 to August 5, the South Peninsula fishery in June and in its Southeastern and South Central districts in July, and the fish kept in the Kodiak marine sport fishery. If the sampled rates also applied to the other 5,193 Chinook in the 2014 Kodiak, Chignik and South Peninsula commercial harvests, the total would increase by about 129 fish. If released sport fish carried the same UWR share as kept fish, encounters in the sampled catches would increase to about 576.

The estimate is based on 41 UWR tags. Applying the ESU factor of 1.22 that the National Marine Fisheries Service (NMFS) uses for Alaska groundfish bycatch, we attribute about 98 of the 544 fish to the ESU's wild (natural-origin) component.

Westward salmon fisheries also produced 41 UWR tag recoveries in 2014, compared with 5 that NMFS reports from Gulf of Alaska groundfish bycatch for that run year.

## 1. Background

NMFS listed the Upper Willamette River Chinook ESU as threatened on March 24, 1999 (64 FR 14308, as cited on NOAA's [species page](#)). The current listing ([50 C.F.R. § 223.102\(e\)](#), from 70 FR 37160 in 2005) covers naturally spawned spring-run Chinook from the Clackamas River and from the Willamette River above Willamette Falls, along with six hatchery programs: McKenzie River, Willamette, Clackamas, North Santiam River, South Santiam River and Molalla River. In its [2024 five-year review](#), NMFS concluded that the ESU remains at moderate risk of extinction.

The five-year review states that UWR spring Chinook are taken in ocean fisheries "primarily in Canada and Alaska." RMIS records every 2014 Westward Chinook recovery as coming from a fishery that is not mark-selective, so the Westward fisheries keep wild fish along with hatchery fish.

ADF&G reported most Westward tag recoveries to RMIS without an expansion. Of the 41 UWR recoveries in 2014, 39 carry an estimated number of zero or a blank, and the RMIS estimates for all 41 sum to 4.5 tagged fish. NMFS's annual report on ESA-listed coded-wire tags in Alaska covers groundfish fisheries and research surveys, so it does not account for listed fish taken in state-managed salmon fisheries.

## 2. Methods

We applied the two-phase coded-wire-tag estimator of Bernard and Clark (1996, eq. 2) to ADF&G's 2014 genetic sampling of Westward catches (Shedd et al. 2016, FMS 16-11) and expanded each tag to its release group and to the ESU following the method NMFS uses for Alaska groundfish bycatch (NMFS 2026, Appendix 1).

$$\hat{R} = c \sum_i E_i \sum_j m_{ij} \backslash, b_j, \quad E_i = \frac{N_i}{p_i a_i} \cdot \frac{t_i}{t'_i}$$

First, we estimated the number of adipose-clipped Chinook in each area-period stratum ( $N \times p$ ) by multiplying the stratum's harvest by the clip rate in the FMS 16-11 sample. ADF&G inspected 70% of the early-period (June 1–July 5) and 36% of the late-period (July 6–August 5) Kodiak commercial harvest, 9% of the July harvest in the South Peninsula's Southeastern and South Central districts, 11% of the Chignik harvest and 5% of the Kodiak sport harvest.

Second, we divided the estimated number of clipped fish by the number of heads the ADF&G tag lab processed and multiplied by the ratio of tags detected to tags decoded. Every tag detected in 2014 was decoded, so that ratio is 1. The result,  $E$ , is the number of tagged fish that each decoded tag represents: 1.3 and 2.5 in the two Kodiak commercial periods, 9.9 at Chignik, 9.8 in the July South Peninsula stratum and 19.5 in the sport fishery.

Third, because only clipped fish could be detected, we multiplied each decoded UWR tag by its release group's ratio of fish released to fish clipped and tagged ( $b$ ). NMFS's Appendix 1 divides by fish "marked"; reading that term as all tagged fish lowers the 2014 total by 0.2%. Among the UWR groups recovered in 2014,  $b$  ranged from 1.0 for fully tagged groups to 10.3 for South Santiam group 090463.

Finally, we multiplied by NMFS's ESU factor of 1.22 ( $c$ ), which adds wild fish on the basis of an 81.7% hatchery share of 2005–2010 UWR adult returns (NMFS 2026, Appendix Table 1).

RMIS codes 39 of the 41 UWR heads as voluntary recoveries (sample types 3 and 5); the other 2 are in-sample heads from Kodiak set gillnets. We treated all 41 as heads from the FMS 16-11 samples. The number of heads processed was 1.04 to 1.10 times the number of clipped fish counted in the Kodiak samples, and 1.00 and 1.13 times in the Chignik and South Peninsula strata that held UWR tags.

Sport harvest comes from ADF&G's Statewide Harvest Survey for Kodiak marine waters, which estimates that 8,049 Chinook were kept and 11,648 caught in 2014 (FMR 19-04, Table 7). We added released fish by scaling the sport estimate by the ratio of catch to harvest. The 95% intervals come from a 20,000-replicate parametric bootstrap of the clip samples, the heads and the tag mix, with an assumed 15% coefficient of variation on sport harvest. They reflect sampling error only, and lower limits of 2 or 3 are the number of tags observed rather than percentiles. The workbook `Westward_CWT_ESA_expansion_2014.xlsx` shows each step for every 2014 tag.

The same calculations are available as an interactive spreadsheet, the [UWR 2014 Expansion Workbook](#), which shows the formula behind each calculated cell and recalculates the point estimates when an input is changed. Its bootstrap intervals are fixed values from the main analysis.

### 3. Estimated harvest of UWR Chinook by fishery, 2014

The Kodiak commercial fishery accounts for two-thirds of the 2014 total (367 of 544), and its July 6–August 5 period alone accounts for 304.

| Fishery (sampled periods)                                                               | Chinook harvest | Fish inspected | UWR tags | Fish per tag (E)    | UWR fish (95% interval) |
|-----------------------------------------------------------------------------------------|-----------------|----------------|----------|---------------------|-------------------------|
| Kodiak commercial (June 1–August 5)                                                     | 6,867           | 3,048          | 33       | 1.3 early, 2.5 late | 367 (228–525)           |
| Chignik commercial (July 1–August 5)                                                    | 5,923           | 635            | 2        | 9.9                 | 69 (2–209)              |
| South Peninsula commercial (June; July in the Southeastern and South Central districts) | 6,525           | 1,111          | 3        | 9.8 in July         | 36 (3–81)               |
| Kodiak marine sport, fish kept (year)                                                   | 8,049           | 398            | 3        | 19.5                | 72 (3–169)              |
| All sampled fisheries                                                                   | 27,364          | 5,192          | 41       |                     | 544 (353–768)           |

The last column gives the estimated number of UWR ESU fish with a 95% bootstrap interval for sampling error; lower limits are set no lower than the number of tags observed. The two June South Peninsula strata held 14 heads and no UWR tags, so they add nothing to the estimate. Counting released sport fish at the kept-fish UWR share (11,648 caught compared with 8,049 kept) gives 104 sport encounters and about 576 for all sampled fisheries, with no hooking mortality applied.

The same 2014 samples held 6 Lower Columbia River Chinook tags and 5 Snake River fall-run Chinook tags, which expand to about 39 and 40 ESU fish (workbook, Summary).

### 4. Comparison with NMFS's accounting of groundfish bycatch

Westward salmon fisheries produced 41 UWR tag recoveries in 2014, about eight times the 5 that NMFS reports from Gulf of Alaska groundfish bycatch for run year 2014. Under NMFS's mark-expansion rule, the 41 Westward tags represent about 150 fish.

| Fishery                                        | Year          | UWR tags observed | Mark-expanded fish |
|------------------------------------------------|---------------|-------------------|--------------------|
| Westward salmon fisheries (this analysis)      | 2014          | 41                | 150                |
| Gulf of Alaska groundfish bycatch              | Run year 2014 | 5                 | 18.8               |
| Bering Sea–Aleutian Islands groundfish bycatch | Run year 2014 | 1                 | 1.0                |

The groundfish rows come from NMFS (2026), Table 13F, which excludes augmented sampling in the rockfish trawl fishery and salmon excluder testing. NMFS's mark expansion multiplies each tag by its release group's ratio of fish released to fish marked; it does not expand for unsampled catch or add wild fish. The Westward figure is 150 under either reading of "marked," while our full estimate of 544 adds the sampling expansion and the ESU factor. Because both tag counts depend on how much of each catch was sampled, the table compares tag recoveries rather than total mortality.

## 5. Uncertainty and data needs

Most of the known biases would make the 2014 estimate too low. The three issues below have the largest effect on it.

| Issue                                                                      | Effect on the 2014 estimate                                                                                                                                                                                                                                                                                                                                                                                              | Data or analysis needed                                                       |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Catch outside the sampled strata                                           | About 129 more UWR fish if the sampled rates held for the other 5,193 Chinook in the 2014 Kodiak, Chignik and South Peninsula commercial harvests. Other Westward catches are not estimated: North Peninsula commercial (855 Chinook in FMS 16-11's 2014 sampling periods), Alaska Peninsula–Aleutian Islands marine sport (107 Chinook kept), ADF&G's South Peninsula test fishery (74 Chinook) and subsistence catches | Catch-sample records and any tag sampling for those periods and fisheries     |
| Few tags outside Kodiak commercial (2 Chignik, 3 South Peninsula, 3 sport) | Wide intervals: Chignik 2–209, South Peninsula 3–81, sport 3–169                                                                                                                                                                                                                                                                                                                                                         | More head and tag recoveries from those fisheries                             |
| Stratification and expansion choices                                       | Alternatives give 2014 totals of 542 to 621. Kodiak strata by district give 621 (14% higher) and a direct catch-to-sample expansion gives 587 (8% higher), so the primary estimate of 544 is near the low end                                                                                                                                                                                                            | District-level head records and records linking each head to its catch sample |

## References

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- NOAA Fisheries. [Upper Willamette River Chinook salmon](#) species page.
- NMFS. 2024. [Five-year review: Upper Willamette River Chinook salmon and steelhead](#). Harvest section, p. 32.
- [50 C.F.R. § 223.102\(e\)](#), threatened species table (Upper Willamette River Chinook ESU).
- Analysis files: Westward\_CWT\_ESA\_expansion\_2014.xlsx (this memo's workbook) and its interactive version, the [UWR 2014 Expansion Workbook](#); the 2014–2016 workbook and code bundle; and the downloaded-data package Westward\_UWR\_downloaded\_data\_2026-10-18.zip.