

Doug Vincent-Lang
Commissioner



Department of
Fish and Game

www.ADFG.Alaska.Gov

Anchorage, Alaska

STATE OF ALASKA

PRESS RELEASE

For Immediate Release

State to Appeal Ruling that Unfairly Attacks Southeast Alaska Chinook Fisheries

May 03, 2023 (Juneau) – On May 2, Judge Jones issued an order adopting the magistrate’s Report and Recommendation in the Wild Fish Conservancy lawsuit. The Wild Fish Conservancy, a Washington State based nonprofit organization, challenged the National Marine Fisheries Service (NMFS) Biological Opinion for the Southeast Alaska salmon fishery – the document that gives Alaska Endangered Species Act (ESA) “incidental take” coverage and allows our Pacific Salmon Treaty salmon fisheries to operate. The plaintiff argued that the Southeast Alaska commercial troll fishery threatens the survival of several ESA-listed Chinook salmon stocks in Washington and Oregon and the endangered Southern Resident Killer Whales that prey on Chinook salmon.

The Wild Fish Conservancy disputed the provision of the Biological Opinion that required mitigation actions to support Chinook salmon hatchery production to increase prey for killer whales. This mitigation not only allows Alaska fisheries to continue in the face of ESA concerns, but also allows salmon fisheries in the lower 48 to proceed. This lawsuit does not attack fisheries that occur off the coasts of Washington and Oregon, despite the fact that those fisheries have significantly larger impacts on the ESA-listed species. “I find this ruling to be wholly unfair and disappointing”, said ADF&G Commissioner Vincent-Lang.

The Judge’s May 2nd order regarding remedy specifies that the fishery would have no authorization for take of ESA-listed species until the new Biological Opinion for ESA coverage and supporting NEPA documents are in place. It is now up to the NMFS to get these documents in place in time to support the July 1 traditional summer fishery opening. This puts the Southeast Alaska summer troll fishery on shaky ground.

While technically ADF&G could still open a fishery in State waters, doing so would have great risk to both the State and individual fishermen. Fishermen would be liable for any incidental take. Unlawful “take” of a listed species is a federal felony violation with severe penalties. In short, without incidental take authorization, the troll fishery simply cannot occur.

Governor Dunleavy stated, “We will defend opportunities for Alaskans and Alaskan families and that includes appealing any adverse decision that unjustly targets only our fisheries.” The State will file an appeal of this unfavorable ruling and request a stay of implementation. Vincent-Lang made clear that “Alaska will not tolerate the suspension of its fisheries while other west coast fisheries equally or more impactful to killer whales and dependent upon the same hatchery mitigation actions, but not the target of this lawsuit, are allowed to proceed. If this decision sticks, we will be looking at having all fisheries that affect these killer whales being treated equally under the law.”

###

Media Contact: Commissioner Doug Vincent-Lang 907-465-4719