

MY TURN | David Richey

Southeast trollers aren't 'starving' orcas

If war is how unworldly Americans learn geography, then getting sued by eco-terrorists is apparently how unsuspecting trollers learn Latin.

"Vacatur." That's Wild Fish Conservancy-speak for, "We're fixin' to steal your kings!"

Using the scientifically unportable premise that Southeast trollers are "starving" southern resident killer whales by depriving them of Chinook forage, the Wild Fish Conservancy sued seeking "vacatur," meaning the immediate coerced closure of the Chinook fishery for SE trollers, summer and winter. A final decision rests in the hands of Judge Richard A. Jones in Seattle's U.S. District Court.

The WFC lawsuit is a contagion of extremist judicial activism that must be stopped. Before it destroys SE trolling — and before this dangerous legal precedent spreads like a cancer to other fisheries.

How to tell the WFC legal fix is in?

SE trollers catch vanishingly small numbers of the Chinook stocks that SR killer whales depend upon in their homewaters. Whereas: Marine fishers in Puget

Sound and the Salish Sea — where SRKWs spend the vast majority of the year — catch hundreds of times more of these same Chinook. You know, the very Chinook forage that the WFC pretends to care about?

But the WFC's position is not just hypocritical. It's scientifically wrong.

Chinook abundance is not the problem — for anyone; in fact, Chinook abundance is higher today than it was in the early 1980s. The Chinook fishery is managed coastwide since 1985 by the Pacific Salmon Treaty to provide sustainable Chinook harvests for all members, but also for marine predators — like killer whales.

Chinook harvest? Also not the problem; that's what the PST was established to assess and address. The PST determined that all Chinook fisheries (commercial, sport, tribal) are justified and sustainable; SE trollers have seen reduced harvest share over the years — specifically so Chinook stocks could be rebuilt. Every troller I know is a strong advocate for the conservation of the Chinook resource. If science, not feelings, is your guide, no one should have their Chinook

fisheries altered. Especially not SE trollers.

But somehow, the WFC reckons it knows better than fisheries scientists.

Southern resident killer whales are not "starving" for lack of Chinook forage; they are unduly stressed in their homewaters. Consider: All other orca populations in the North Pacific are thriving. In fact, the northern resident killer whales have nearly tripled in numbers over the last 40 years.

So what's different with SRKWs? The gravest challenges for SRKWs are peculiar to the WFC's Puget Sound homewaters. Things like:

In the 1970s, frenzied orca captures deprived Puget Sound of more than 40 SRKWs — suffering death in captivity or killed in capture; more than 20 SRKWs also were abducted from family pods in the Salish Sea. Would SRKW populations be faring much better if 60-plus southern resident orcas hadn't been stolen from their families for the amusement of tourists? Undoubtedly.

Or how about the witches' brew of toxins (DDT, PCBs) endemic to Puget Sound that cause miscarriage and birth defects in SRKWs? Or a whale-watching (harassment) industry that has quintupled in size since the 1980s? (Talk about orcas being loved to death.) Or how about the underwater acoustic torture from overwhelming vessel traffic in Puget Sound that interferes with orcas' echolocation — used to prey and communicate

— displacing orcas and keeping SRKWs ever on the move? Vessel strikes? (At least four SRKWs killed in the last 20 years.)

And the burgeoning sea lion and seal populations? Pinnipeds are at record-high numbers across most ranges, including Puget Sound. Consider: Orcas consume significantly more Chinook annually than all PST jurisdictions combined (orcas eat an estimated 2.5 million Chinook per year in a 2019 study). But: Pinnipeds eat significantly more Chinook than orcas. So if the WFC is serious about blaming the largest predator of Chinook forage in their Puget Sound homewaters, by a lot, they best get a certified letter out to Mr. Whiskers ASAP.

Habitat destruction, the damn dams, I could go on, point being:

None of the pitfalls of runaway urbanization in Puget Sound are SE trollers' fault. Does the WFC own a mirror? Physician, heal thyself.

SE trollers are being scapegoated. Our livelihoods are being threatened based upon a scientifically demonstrable falsehood: We are being blamed for "starving" SRKWs when SE trollers are the least-impactful element affecting SRKWs' Chinook forage in Puget Sound.

In real terms: Of the Chinook that SRKWs depend upon most in Puget Sound, SE trollers harvest, annually, enough to feed SRKWs for — perhaps a day? Maybe two. SE trollers are emphatically not the

problem here. Everyone wants the SRKWs to thrive. I do. The issue is complex. But the WFC seeks to address it in a way that is hypocritical, unjust — and tellingly cruel.

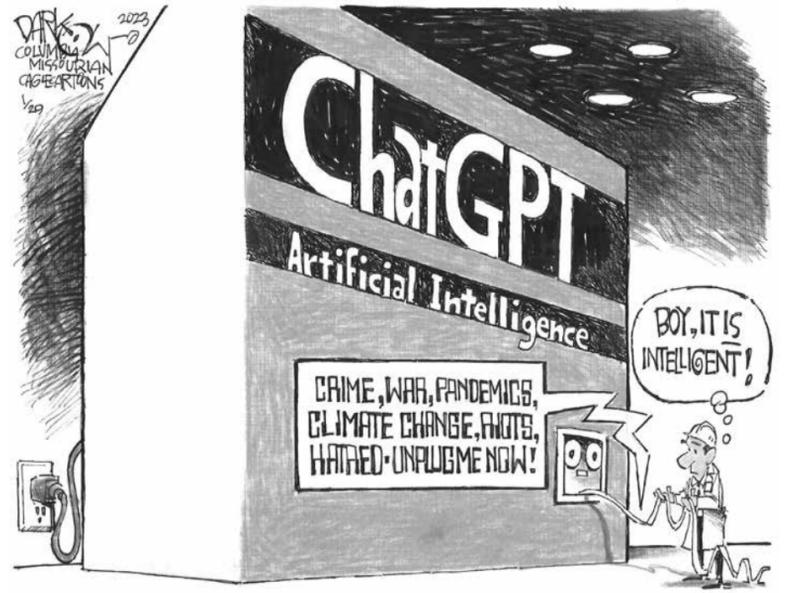
So fight this infuriating WFC lawsuit we must. Thankfully, SE communities are galvanizing to confront the threat we face.

Commercial trollers are the second-largest fishing fleet in Alaska, and the Chinook harvest accounted for 44% of SE trollers' income last year, with an ex-vessel value north of \$12 million. The overall economic impact of trollers having our Chinook fishery stolen (including multiplier effects) is pegged at \$85 million for SE coastwide. Despite their expressed "sympathy," fairly sure WFC isn't good for \$85 million, nor do we have a spare \$85 million hiding in our couch cushions here in SE Alaska, so I'd like to say:

Now is an excellent opportunity for Alaska Gov. Mike Dunleavy and Department of Fish and Game Commissioner Doug Vincent-Lang to show in word and deed that \$85 million in lost revenue for SE Alaska is unacceptable and will be fought for with every resource available. We need you. Now is the time to show your true colors with vigorous support and focused action.

We're all in this boat together, whether we like it or not.

• *David Richey is a Seafood Producers Cooperative Board Member and a commercial troller based in Sitka since 2008.*



OUTSIDE OPINION

Here's how the new Congress can promote good governance and boost public confidence

BY TIM ROEMER AND ZACH WAMP

A string of historic bipartisan victories during the last Congress — including an update of the Electoral Count Act and transformational investments in infrastructure, semiconductor manufacturing, veterans protections and new energy transitions — demonstrate that Congress really can work in a bipartisan and productive manner for the American people. With a new Republican majority in the House of Representatives, insider experts predict Congress will grind to a halt. We hope the bipartisan successes of the last two years can instead be a road map for additional cooperation and improvement.

The flip in control from Democrats to Republicans in the House not only marks the beginning of a new chapter that will heavily influence the remainder of President Joe Biden's four-year term; it also presents the new Republican majority in the House with key opportunities to strengthen and reform Congress itself.

We don't rule out more big bipartisan ideas, such as modest immigration reform, fresh investment in our cybersecurity and election protection, and greater unity on policies with China. But we recommend essential and timely action that our representatives should take during the next several weeks that will further modernize the legislative branch, increase the public's faith that members of Congress are held to the highest ethical standards and bring greater transparency to the lawmaking process. These are all goals that many Republicans and Democrats articulated in various promises on the campaign trail.

First, we strongly urge the House to create a permanent subcommittee within the House Committee on House Administration to continue the important work of the bipartisan House Select Committee on the Modernization of Congress to make our legislative branch a more effective, efficient and transparent institution.

Article I of our Constitution calls for a strong, functioning and representative legislative branch, and over the last four years, the Select Committee on the Modernization of Congress — under the leadership of Chairman Rep. Derek Kilmer, D-Wash., and Vice Chairman William Timmons, R-S.C., and previously Tom Graves, R-Ga. — has advanced a total of 202 bipartisan recommendations. Of those, around 130 have been fully or partially implemented.

The result is an improved Congress that's working better for constituents seeking help in district offices and citizens searching for more information about pending legislation. That's a huge bipartisan success story.

More specifically, these accomplishments include a new system that allows the public to easily track how amendments change legislation and the impact of proposed legislation to current law, the establishment of bipartisan committee staff briefings and agenda-setting retreats to encourage better policymaking and collaboration among members, improved new member orientation, and more opportunities for constituents to better communicate with their elected representatives.

Second, Congress must reinforce and not hinder the Office of Congressional Ethics, or OCE. This independent and nonpartisan ethics watchdog was created in 2008 to restore public confidence in the House by holding members of Congress accountable for ethics violations. Yet the new rules package passed by the House on Jan. 9 seriously undercuts OCE's authority and undermines its ability to fulfill its mandate.

The changes will result in a number of key vacancies and require the OCE to hire its staff for the 118th Congress within 30 days of the adoption of the rule, a random requirement and highly restrictive to attract new staff — and the clock is already ticking. This unprecedented move will likely result in a hamstrung ethics office that is potentially understaffed and unable to conduct investigations in order to safeguard against corruption in the House.

These efforts to hobble the OCE will only reduce trust and transparency in the House. Both parties have campaigned on these similar themes of "clean the swamp" and "reform Congress and hold members accountable." Let's see their campaign promises enacted into bipartisan law. Our country has been watching and wondering what will happen to newly elected Rep. George Santos, R-N.Y., who has apparently lied about his work experience, education background and even his mother's presence on 9/11, by fabricating virtually every aspect of his resume. His high-profile case, possibly including campaign finance violations, will certainly be reviewed by OCE. This Santos affair is an embarrassing episode and erodes confidence in our democratic process, and it's why we need a strong OCE to rid corruption from the halls of Congress.

Third, the House should adopt a more open system for representatives to offer amendments to legislation that has advanced to the full floor. We both advocated for this change while serving in Congress, with mixed results.

Republican and Democratic leadership has resisted calls for more open rules in recent years to avoid politically difficult votes, but this is one important way that members are able to effectively represent their constituents and have a voice in our legislative process.

Such a move will allow all members — particularly newly elected representatives who may not wield as much power as their longer-serving committee chairs or leadership colleagues — to fully participate in "the people's House" and encourage a healthy and lively debate on a host of issues. Power to write legislation has gravitated to the speaker's office when the substantive work of Congress is its expertise on committees and its talented membership.

Benjamin Franklin said, "Laws without morals are in vain." By passing bipartisan laws and enforcing strong ethics, our elected leaders can once again demonstrate that they are working for the people and promoting the common good.

• *Zach Wamp is a former Republican congressman from Tennessee. Tim Roemer is a former Democratic congressman from Indiana and the U.S. ambassador to India. They are co-chairs of Issue One's ReFormers Caucus.*

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