

EXHIBIT 1

DECLARATIONS

DECLARATIONS

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

WILD FISH CONSERVANCY,)	
)	
Plaintiff-Appellee/Cross-Appellant,)	
)	
v.)	Appeal Nos. 23-35322, 23-
)	35323, 23-35324, 23-35354
JENNIFER QUAN, in her official capacity)	
as the Regional Administrator for the)	D.C. No. 2:20-cv-00417-RAJ-
National Marine Fisheries Service, et al.,)	MLP
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Defendants-Appellants/Cross-)	
Appellees,)	
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and)	
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STATE OF ALASKA and ALASKA)	
TROLLERS ASSOCIATION,)	
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Intervenor-Defendants-)	
Appellants/Cross-Appellees.)	
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Declaration of Clinton Cook Sr.

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DECLARATION OF CLINTON COOK SR.

Clinton Cook Sr., acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Clinton Cook Sr. I am the elected President of the Craig Tribal Association (“the Tribe”), and I also serve as the Fifth Vice President of the Central Council of Tlingit & Haida Indian Tribes of Alaska (“Tlingit & Haida”).

2. I make this declaration based on my personal knowledge, including information known to me in my role as President of the Tribe.

3. Craig Tribal Association is a federally and state recognized tribe with about five hundred tribal citizens. Of those five hundred, approximately twenty people directly participate in the salmon troll fishery. And many more people live in a household that has a permit and therefore depend on the permit for their economic stability as well.

4. Our Tribe has a six-member Tribal Council that is our governing body. Three of those six Tribal Council members will be directly impacted by the closure of the troll fishery, either because they themselves hold a permit or because their spouse does.

5. Since the District Court issued its order closing the troll fishery, Tribal citizens and other members of our community have come to talk with me about their

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fears about how this will harm them and their families. For many fishermen, up to seventy percent of their annual income comes from troll fishing. People here are scared of what this order will do to their ability to support their families.

6. Some individuals have told me that based on the closure this summer alone, they fear they may need to move away in order to earn enough income. I fear that if the closure lasts longer, many more might have to leave. Our community is small and even a few families leaving would harm us. As people leave the community, I expect that our Tribal citizenship would also decrease.

7. The impacts of the fishery closure will be felt far beyond those individuals who actually hold the permits and their immediate families and households. When the fishermen leave town to go out troll fishing on their boats, they stop to buy ice for their coolers, they stock up on groceries for while they are gone, they go to the fuel dock to purchase fuel, and they buy licenses and fishing gear from the local sporting goods store. When the fishermen return to the community, they sell some of their fish to local small businesses, who then smoke the fish and sell it. The loss of the troll fishery will also mean the loss of these many exchanges that help drive our local economy and support local businesses.

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8. The troll fishery also supports other industries that our Tribal citizens work in, like the shipping industry. If the fishery closure goes into effect, then some of these Tribal citizens may lose their jobs.

9. The City of Craig taxes many of these purchases. The decrease in taxable spending will lower the taxes the City takes in, and I worry that will in turn reduce the services that the City provides. The City provides crucial services to our Tribal citizens who live in Craig, including police and fire service.

10. Troll fishing is also an important subsistence activity for our people. Even those of us who do not have commercial permits engage in troll fishing if we can, to help feed our families. For many of our people, troll fishing is knowledge that they learned from their grandparents and parents and now seek to pass down to their children and grandchildren.

11. Our ancestors have been the stewards of our lands and waters for generations. We have cared for the ocean and the animals that live in it. We respect the killer whale; in fact, one of our clans has the killer whale as its crest. For the many generations that our ancestors used our traditional troll fishing methods, the killer whales were not harmed by this activity. Shutting the fishery down now does not address the actual problems facing the killer whales. It only harms our Tribe and many other similar small communities.

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12. Salmon is central to our Tribe's culture. In mid-June, our Tribe held a high-school graduation ceremony to celebrate our Tribal graduates and we served fresh king salmon to the graduates and their families. Similarly, our Tribal Council is currently establishing a food sovereignty program that will purchase commercial fish, including salmon, and provide it to Tribal citizens for traditional uses such as smoking and canning. No matter what the future brings, salmon and trolling have always been a part of our culture and I know that will never change.

13. The District Court's order has frightened our Tribe and our people. We are frustrated and angry that this decision was made without considering the impact on our Tribal communities and without consulting us.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.



Clinton Cook Sr.

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DECLARATION OF MICHAEL DOUVILLE

Michael Douville, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Michael Douville. I was born in Ketchikan, Alaska, and grew up in Craig, Alaska. I am Tlingit, a tribal citizen, and an elected tribal council member of the Craig Tribal Association, a federally and state recognized tribe. For the past 25 years, I have served as a member of the Federal Regional Advisory Council, which advises the Federal Subsistence Board. I also sit on the Craig Advisory Committee, which advises the Alaska Department of Fish and Game on their regulations and policies. I make this declaration based on my personal knowledge from my experience as troll fisherman.

2. I started troll fishing with my stepfather when I was eleven years old. I purchased my first power troller boat in 1970, and I am still a troller today. Trolling has enabled me to provide for my family for decades. I taught my son, Raymond Douville, how to troll, and he now owns and operates his own boat. It has been one of the biggest joys of my life to troll for Chinook salmon, and I am happy to share this sustainable food with my family and community.

3. Many young people in our community learn vital life skills on troll boats. Trolling requires a strong work ethic and discipline to be successful. A closure

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of the Chinook fishery would directly impact Alaska Natives; if you have been a fisherman your entire life, you are not qualified for other jobs, and you do not have access to other jobs. The economies of our communities depend entirely on these fisheries. This is all we have ever done—building fish traps and trolling with bone hooks from canoes, and harvesting the salmon when they return each year. Most Native people have been fishermen from before anyone can remember. The traditions go back to before commercialization, before state management, and before the federal government even existed. You did not fish where you did not have permission—families and clans had their own salmon streams. All the salmon streams and all the outside islands had fish traps that were owned by families, and those rock formations are still here to this day. They are a constant reminder that the sustainable harvest of these salmon is in line with our traditional and customary practices and is an expression of our sovereignty. Telling us we cannot fish is another attack on our Indigenous rights and way of life.

4. It is unfair that our people are going to lose substantial income as a result of this lawsuit. Scientifically sound evidence supports that there are many factors that are impacting the decline of the Southern Resident killer whales, like pollution, boat traffic, and a decline in salmon in Puget Sound, just to name a few.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.


Michael Douville

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Declaration of Raymond Douville

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DECLARATION OF RAYMOND DOUVILLE

Raymond Douville, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Raymond Douville. I grew up in Craig, Alaska, and I am a tribal citizen of the Craig Tribal Association. I make this declaration based on my personal knowledge from my experience as a troll fisherman.

2. I grew up troll fishing with my dad, Michael Douville, on his boat. It was on my dad's boat that I learned the necessary skills to be a troll fisherman. We fished for a few species of salmon, but it was fishing for Chinook salmon that made our fishing seasons worth the time and effort. The Chinook openers were short, but the money we made during the Chinook openers was a large portion of our annual income.

3. When I turned twenty-one, I used all the money I had made fishing with my dad, plus a loan from the State of Alaska, and I bought my own troll boat. That was seventeen years ago. Since then, with a lot of hard work and time on the water, I have been able to expand into other fisheries. However, my career as a fisherman started with the Chinook troll fishery, and my fishing operation today is still heavily dependent on the short Chinook openers.

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4. Trolling is one of the best industries for our young people to get involved with because it has relatively low costs to enter and you do not need a large operation to be successful. In addition to needing a boat, before the threatened closure of the Chinook troll fishery by this lawsuit, a power troller permit was worth about \$40,000 on the open market and a hand troller permit was between \$20,000 and \$30,000. Compared to a purse seine permit, worth approximately \$200,000 to \$255,000, or a gillnet permit, worth about \$65,000 to \$90,000, a trolling permit is a lower buy-in cost for a new fisherman. Trolling allows younger tribal fishermen who are just entering the industry, like I did at 21, to support their families and remain in their Southeast Alaska communities.

5. When I was younger, many Native people in Southeast Alaska were fishermen, and in the smaller villages, fishing was the main occupation. Today, outside economic pressures have forced many people to leave their communities to seek work, and there are fewer native people participating in the troll fishery than when I was a kid. I have been successful as a fisherman because of what I learned from my dad on his troll boat. If the court allows the Chinook fishery closure to proceed, I fear that young Tlingit & Haida people today will not have the same opportunities that I had to learn about fishing. Without the Chinook fishery, we lose

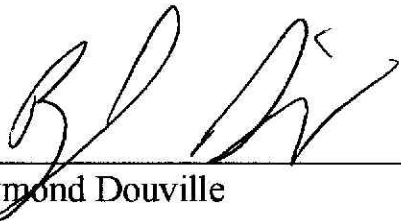
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the opportunity to bring new tribal citizens into the troll fishery and to pass on the skills they will need to be successful.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.



Raymond Douville

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DECLARATION OF JAMES DYBDAHL

James Dybdahl, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is James Dybdahl. I am Tlingit and a tribal citizen of Central Council Tlingit & Haida Indian Tribes of Alaska. I was born and raised in Hoonah, Alaska, and my clan is Taakw.aaneidí. I have personal knowledge of the matters discussed herein.

2. I started fishing at the age of ten with my mom, who is also Tlingit and grew up in Klawock. My mom loved to be on the water—whether picking seaweed, collecting gumboots, or fishing for salmon. My mom and I fished together for almost five years on our family’s fourteen-foot skiff. When I was fifteen, my mom and dad sat me down and let me know that I was ready to fish by myself. That’s how I became a troller. From then on, I spent my summers fishing for Chinook and used my income to pay for school-related expenses. This was our way of life, and I never thought about it being any other way.

3. I was eventually able to purchase a bigger boat and got a power troll permit. I’ve now spent fifty-eight years of my life fishing for Chinook and have been a commercial troller for thirty-five years. In that time, I’ve fished from the Canadian border in the south to up past Yakutat in the north, and all four of my

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children have fished with me at one point or another during their lives. Being a troller is who I am.

4. About twenty-three years ago, I cultivated a special market in the Juneau area where I sell my Chinook directly to individuals in the community with a Catcher-Seller Permit, rather than selling my catch to processors. I now have a base of about 400 customers who rely on me for their salmon. Many of my customers have been Native elders who are no longer able to fish for themselves. These community members appreciate that I take care of and respect the salmon I catch. They also love my stories that come with every fish and knowing the place names of where their salmon was caught.

5. My customer base has supported me through thick and thin. During the pandemic, in particular, the Juneau community really showed up to help small businesses like mine survive. We came up with creative schemes, such as curbside delivery of salmon, to make sure the community was safe and continued to be nourished both physically and emotionally. Chinook is so sacred to everyone.

6. Not being able to fish for Chinook will be devastating to my business. About 60-70% of my income comes from the Chinook troll fishery. The July 1 season opener alone accounts for tens of thousands of dollars in gross sales.

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7. There is no way I can target any other species of fish and make up that loss of income. I can try to catch coho salmon, but they are smaller, not as plentiful early in the fishing season, and have a lower value. With rising costs for both fuel and bait, and an anticipated increase in competition from other former Chinook trollers, it may not be worthwhile at all. I could also lease a halibut quota, but that requires changing my boat over to target halibut, and the owner of that quota will get an automatic 40% of whatever revenue I make. That in turn reduces the wages I'm able to pay my crew, and I may ultimately end up making less than my crew in order to keep them employed. I don't see enough revenue coming back to commit to an entirely new fishery. I may not be able to troll at all.

8. The likelihood of the fishery closing also affects my long-term financial prospects. I had hoped to retire in 5-10 years and planned to sell my boat and my permit in order to fund my retirement. But without Chinook, my boat and permit are basically worthless. For example, I recently tried to sell my old boat, which was surveyed last year as having a value of \$250,000 to \$260,000 (although, realistically, it could probably only be sold for about \$140,000). I had two potential buyers interested, but when news broke about the closure of the fishery they backed out. Right now, I don't think I could find any buyer willing to pay more than \$70,000 for the boat. I am now stuck with two boats and the moorage and upkeep costs for both

Declaration of James Dybdahl

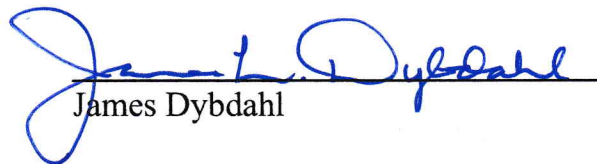
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(almost \$10,000 per boat per year), which is a constant drain on my bank account. Similarly, my permit was valued at close to \$40,000, but currently Chinook permits are sitting on the market at less than \$25,000 with no takers. The value of both hand and power trolling permits has fallen significantly because of this litigation and the threatened fishery closure.

9. The closure of the fishery will not only affect fishermen like me. I generally employ four to five people—two crew members, a bookkeeper, and on-the-ground support in Juneau to help with sales. Each of these people will also lose income if the Chinook troll fishery is closed. Fuel companies, grocery stores, cold storage companies, processors, and tender crews will all lose income. The closure of the fishery might be the death knell of traditional small fishing boats like mine in Hoonah.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.


James Dybdahl

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Declaration of James Erickson

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DECLARATION OF JAMES ERICKSON

James Erickson, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is James Erickson. I am Tlingit and a tribal citizen of the Hoonah Indian Association. I am Teikweidee, of the Eagle moiety and Brown Bear clan. I grew up and continue to live in Hoonah, Alaska. I hold a power troller fishing permit. I submit this declaration based on my experience as a troll fisherman.

2. I first started fishing as a child with a rod-and-reel. I fell in love with fishing for Chinook in the waters around Hoonah. I loved the thrill of catching a big Chinook in places special to us, such as Icy Straits, Idaho Inlet, and Glacier Bay. In 1973, I bought my first power troller, a thirty-four-foot double ender wood boat named the Delores. I learned how to troll from some of Hoonah's master fishermen, Kenny Schoonover, Howard Gray, Gerald "Jerry" Gray Sr., Adam Greenwald, Bill Metz, and Floyd Peterson, all of them Alaska Native fishermen. They passed their knowledge and expertise down to me, which I have in turn taught to my son, Jay Erickson, and to others who were interested.

3. Hoonah is proud of its fishing heritage. It is one of the largest native villages in Southeast Alaska. We are fundamentally connected to a way of life on the water, and we have been since before western contact and the monetary system

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we have today. The food of the ocean, such as Chinook, nourishes us both physically and culturally. Since time immemorial, Tlingits have been tied to the salt water and the coastal areas for our food, clothing, and trade goods. Tlingit people today continue to make their living from the sea because it is how our elders taught us. Our waters and their bounty are the reason for our existence.

4. The troll fishery is a limited entry fishery, meaning that there are only a set number of trolling permits available. If a fisherman wanted to become a troller today, they must buy an existing permit, the State of Alaska does not issue new ones. This management approach has worked. Limited entry ensures there is never a huge fishery fleet depleting the fishing stock. Additionally, troll fishermen must pay a three percent salmon enhancement tax when they sell their fish. The tax revenue is put towards salmon enhancement projects, such as hatcheries, to ensure there is enough salmon for everyone, not just trollers, but subsistence, sport, and commercial fishermen alike. Troll fishermen are invested in the sustainability of the Chinook population.

5. During my fifty plus years as a fisherman, I have observed killer whales many times. I have fished with killer whale pods in the same area. The decline of the Southern Resident killer whales is a complex problem. Scientific studies have shown there could be many causes, such as pollution, inbreeding, boat traffic, dams

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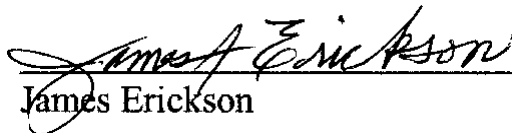
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dams blocking salmon spawning rivers, and an overpopulation of sea lions, just to name a few.

When local friends, family, or fellow fishermen get together, everyone always has a good story about catching their first Chinook. We all have memories of the times we spent fishing in and around Hoonah. It hurts to think that a court almost two thousand miles away could take away our ability to fish for Chinook. It is life changing really. It will put my livelihood in jeopardy, and it will stop my family and my community from partaking in an important part of our culture.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.


James Erickson

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DECLARATION OF PAUL MARKS II

Paul Marks II, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Paul Marks II. I am Tlingit and a tribal citizen of Central Council Tlingit & Haida Indian Tribes of Alaska. I was born in Anchorage, Alaska, and raised in Anchorage, Juneau, and Kake, Alaska. I now live in Juneau. I make this declaration based on my personal knowledge.

2. I started fishing when I was three or four years old at Chilkoot Lake, near Haines, Alaska, and have loved fishing ever since. I trolled for the first time when I was eight and grew up subsistence hand trolling with my family. It's my life.

3. I've been a commercial troll fisherman for seven or eight years now. I started off as a hand troller on an eighteen-foot skiff, and I now own a forty-two-foot double-ender and power troll with my dad and my brother.

4. My grandfather was also a power troller, and I was named after him and carry his Tlingit name—Keet Yaanayi. Fishing is my connection to him. I never got to meet my grandfather, as he passed away before I was born. But his clan crest is the porpoise, and whenever I go fishing, a pod of porpoises always follows. I feel like that's my grandfather checking in on me and guiding me as I fish.

Declaration of Paul Marks II

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5. The July 1 opener is by far the most important part of the king salmon troll fishery season—that's what every troller looks forward to and what we rely on for the bulk of our income. Right now, I would normally be getting my boat ready for the season and would then head to Sitka next week to plan out where to fish. But if the king salmon fishery doesn't open, it won't be commercially viable for me to fish this year. I'll be forced to try to find other, less lucrative work, which will dramatically affect my ability to support my family.

6. I know that closure of the troll fishery will affect all of Southeast Alaska, as well. All of the small, remote communities that fishermen visit have specialized businesses that cater to trollers—if we're not visiting those communities and spending money on groceries, boat maintenance, fuel, and other expenses, what are those businesses going to do?

7. Fishing is not only my livelihood but my connection to my family and my culture. I'm happiest when I'm on the water, and I handle each individual fish with care and respect. The Tlingit are fishing people. Our ancestors fished on oceangoing boats up to seventy feet in length. They were fearless. They knew fish were out there and they discovered the Fairweather Grounds and the best places to fish. Salmon has always been our lifeline, the resource we are most dependent on. It's in our blood.

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8. Closure of the troll fishery is so detrimental to our people, as it also affects our subsistence rights and our ability to harvest food for winter. When I fish, it's not just to make money, but a way for me to provide salmon to feed my family. I also harvest fish that I bring to our potlatches.

9. I listened to an interview by a representative of the Wild Fish Conservancy who claimed to represent Indigenous interests. The Wild Fish Conservancy does not represent me or my community. They do not speak for me or my people. They do not know my people's land and territory; they do not know how we have interacted with and actively stewarded our lands and seas for thousands of years. We do, and we have done it well.

10. There are so many factors affecting the Southern Resident killer whale population—inbreeding, damming of rivers, high toxicity levels, traffic, noise pollution—it's not fair that traditional fishers in Southeast Alaska are paying the price.

11. As a fisherman, I'm a conservationist. Fishermen know what we need to survive, and we want to leave something for the future. I want to leave a sustainable, healthy fishery for my four-year-old daughter. She loves fishing and has been on a boat since she was a baby. This year, she told me, "I can't to catch a king salmon, daddy, it's my dream." I hope that dream can remain a reality.

Declaration of Paul Marks II

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 15 day of June, 2023.



Paul Marks II

Declaration of Paul Marks II

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

WILD FISH CONSERVANCY,)	
)	
Plaintiff-Appellee/Cross-Appellant,)	
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v.)	Appeal Nos. 23-35322, 23-
)	35323, 23-35324, 23-35354
JENNIFER QUAN, in her official capacity)	
as the Regional Administrator for the)	D.C. No. 2:20-cv-00417-RAJ-
National Marine Fisheries Service, et al.,)	MLP
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Defendants-Appellants/Cross-)	
Appellees,)	
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and)	
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STATE OF ALASKA and ALASKA)	
TROLLERS ASSOCIATION,)	
)	
Intervenor-Defendants-)	
Appellants/Cross-Appellees.)	
)	

Declaration of Richard *Chalyee Éesh* Peterson

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DECLARATION OF RICHARD *CHALYEE ÉESH* PETERSON

Richard *Chalyee Éesh* Peterson, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is *Chalyee Éesh*, or Richard Peterson. I am the elected President of the Central Council of the Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida). I am Lingít of the Kaagwaantaan, Eagle's Nest House. My clan lineage is from Sitka, and I grew up in Kasaan, Alaska.

2. I make this declaration based on my personal knowledge, including information known to me in my role as President of Tlingit & Haida, a federally and state recognized tribe representing over 35,000 tribal citizens. Tlingit & Haida's ancestral lands and waters encompass Southeast Alaska and extend into the Yukon and British Columbia in Canada. Tlingit & Haida recognized communities in Southeast Alaska include Angoon, Craig, Haines, Hoonah, Hydaburg, Juneau, Kake, Kasaan, Ketchikan, Klawock, Klukwan, Metlakatla, Pelican, Petersburg, Saxman, Sitka, Wrangell, and Yakutat.¹

3. Our tribal citizens have lived in Southeast Alaska since time immemorial and continue to live here today. We arrived as the glaciers retreated,

¹ Exhibit A attached to this declaration is a map showing Tlingit & Haida's recognized communities.

and we never left. The historic tribal area for the Lingít (Tlingit) is the Lingít Aaní, which stretches nearly 500 miles along the Pacific coast from north of Yakutat to south of Saxman and Prince of Wales Island, and inland to Atlin, Tagish, and Carcross in the Yukon and British Columbia. The historic tribal area for the Haida is Haida Gwai'i, also known in English as the Queen Charlotte Islands, and includes the southern portion of Prince of Wales Island in Alaska.

4. Our people are people of the ocean. We have depended on the waters of the Lingít Aaní and Haida Gwai'i to provide us with food for thousands and thousands of years and continue to do so today. Our villages are in isolated locations on the coast of the Pacific and the shores of the Southeast Alaska archipelago. Few villages have road access; fishing and harvesting from the ocean and beaches is a major food source.

5. Troll-caught salmon is a culturally important food source and an economically critical fishery for our tribal citizens. For untold numbers of generations, our people have ventured out to troll for salmon, including Chinook salmon (king salmon). There are salmon present in our waters all year long, not just during the summer salmon runs. Each generation has taught the next generations how, where, and when to troll for salmon. Historically this was done by hook-and-

Declaration of Richard *Chalyee Éesh* Peterson

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line in cedar canoes. Today we use small fishing boats, but the techniques and knowledge used are based on our traditional practices.

6. Troll fishing is a resilient, responsible, and sustainable fishery that supports our Tribal citizens not only economically, but in their health and spirit. When troll fisherman have a permit to sell from the docks, they provide both affordable access to the foods that continue our traditions and a healthy food source for our communities. The trollers can be one of the only means for families who cannot afford a boat to access the foods that nourish our spirit. While salmon are a well-documented source of healthy food, much healthier than the red meat available for purchase in a grocery store, it's as important that they help maintain our connections with our lands and waters.

7. Troll fishing keeps our culture and traditions alive and gives young people an opportunity to make a living and support their families. In some cases, four generations of one family have supported their household and their communities through a hook-and-line fishery, as did their ancestors before them. Closing of the troll fishery for even one season can cause irreparable breaks in this intergenerational knowledge. Our young people will lose out on critical learning opportunities or may move out of region entirely if the troll fishery is no longer a viable source of income to support their families.

Declaration of Richard *Chalyee Éesh* Peterson

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8. Responsible stewardship of our waters is vital to the Tlingit & Haida way of life. Our troll fishers continue our traditional practices by harvesting Chinook salmon sustainably and responsibly. In addition to their cultural role, these fishermen play a crucial economic role in their communities. There are nearly 600 commercial power and hand troll permits held by tribal citizens. They live and work throughout the Lingít Aaní and Haida Gwai'i.² These permit holders provide food, employment, and income for many people beyond themselves in our communities. They employ deckhands. The fish go to processors who benefit economically from their share of the work. Families pay individuals to clean and sometimes to smoke their fish. The negative economic impacts are far reaching.

9. If a stay is not granted, the closure of the summer and winter Chinook salmon troll fishery will have a devastating cultural and economic impact and inflict irreversible harm on our Tlingit & Haida tribal citizens and our communities. We rely on this fishery for our livelihoods and our cultural wellbeing.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

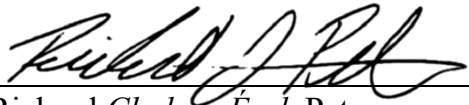
² Exhibit B attached to this declaration is a chart of the number of troll permits held in each community throughout Southeast Alaska.

Declaration of Richard *Chalyee Éesh* Peterson

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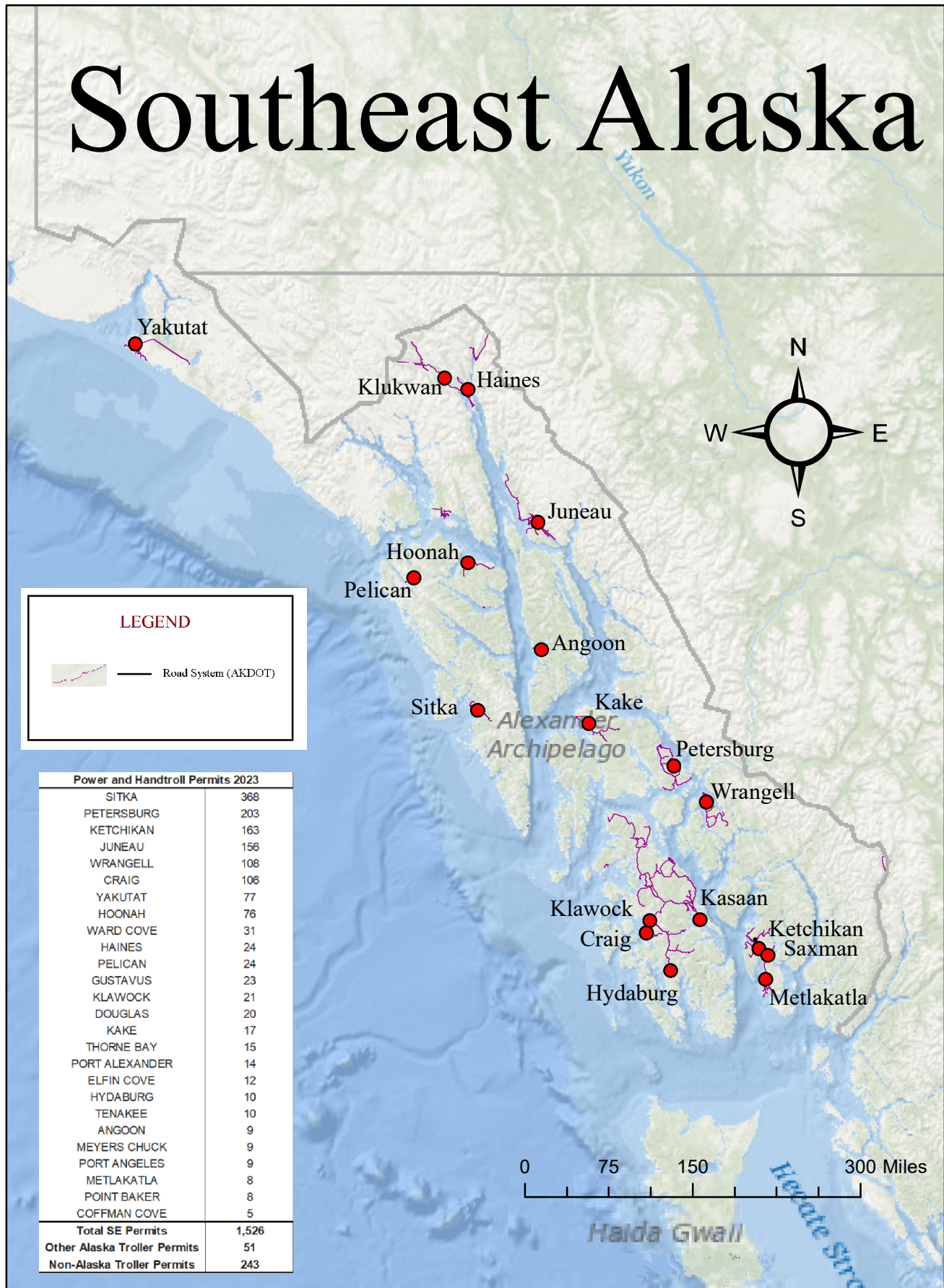
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DATED this 14 day of June, 2023.


Richard *Chalyee Eesh* Peterson

Declaration of Richard *Chalyee Eesh* Peterson

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Southeast Alaska Community	Hand Troll Permits 2023¹	Power Troll Permits 2023²	Population 2022³	Percent Alaska Native⁴	Median household income in the past 12 months⁵ (in 2021 inflation-adjusted dollars)
Angoon	6	3	340	89%	\$ 44,167
Craig	36	70	992	35%	\$ 61,875
Coffman Cove	2	3	201	10%	NA
Edna Bay	3	1	42	0%	\$ 38,500
Elfin Cove CDP	2	9	38	4%	\$ 194,063
Gustavus	12	11	657	11%	\$ 76,500
Haines CDP	5	19	2,575	19%	\$ 64,430
Hollis CDP			139	11%	\$ 52,450
Hoonah	51	25	917	62%	\$ 64,432
Hydaburg	6	4	347	88%	\$ 45,938
Hyder CDP	1		46	2%	NA
Juneau	105	70	32,202	21%	\$ 90,126
Kake	10	7	530	86%	\$ 64,000
Kasaan	1	1	49	30%	\$ 75,417
Ketchikan	111	86	7,998	28%	\$ 68,125
Klawock	14	7	694	63%	\$ 53,750
Metlakatla CDP	6	2	1,444	88%	\$ 58,229
Pelican	8	16	83	31%	NA
Petersburg CDP	139	64	3,001	15%	\$ 73,289
Point Baker CDP	5	3	10	17%	NA
Port Alexander	7	7	57	5%	\$ 45,625
Saxman			356	82%	\$ 46,250
Sitka	102	269	8,350	24%	\$ 82,083
Skagway CDP	1		1,146	6%	\$ 83,125
Tenakee Springs	2	8	126	5%	\$ 45,865
Thorne Bay	8	7	449	11%	\$ 49,583
Whale Pass			84	8%	\$ 46,500
Wrangell	68	50	2,084	31%	\$ 54,891
Yakutat CDP	49	28	673	53%	\$ 72,083

¹ Data from the State of Alaska Commercial Fisheries Entry Commission, <https://www.cfec.state.ak.us/plook/#downloads> (Accessed June 14, 2023)

² Data from the State of Alaska Commercial Fisheries Entry Commission, <https://www.cfec.state.ak.us/plook/#downloads> (Accessed June 14, 2023)

³ Data from the Alaska Department of Labor and Workforce Development, Alaska Population Projections, <https://live.laborstats.alaska.gov/pop/projections.html> (Accessed June 14, 2023)

⁴ Data from the U.S. Census Bureau, <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html> (Accessed June 14, 2023)

⁵ Data from the U.S. Census Bureau American Community Survey data, <https://www.census.gov/programs-surveys/acs/data.html> (Accessed June 14, 2023)

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**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

WILD FISH CONSERVANCY,)	
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Plaintiff-Appellee/Cross-Appellant,)	
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v.)	Appeal Nos. 23-35322, 23-
)	35323, 23-35324, 23-35354
JENNIFER QUAN, in her official capacity)	
as the Regional Administrator for the)	D.C. No. 2:20-cv-00417-RAJ-
National Marine Fisheries Service, et al.,)	MLP
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STATE OF ALASKA and ALASKA)	
TROLLERS ASSOCIATION,)	
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Intervenor-Defendants-)	
Appellants/Cross-Appellees.)	
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Declaration of Frederick Phillips

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DECLARATION OF FREDERICK PHILLIPS

Frederick Phillips, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Fredrick Phillips. I am Aleut, Inupiat, and Haida, a citizen of the Sitka Tribe of Alaska, and I am a third-generation troll fisherman. I have participated in the Chinook troll fishery in some capacity for all my life. I make this declaration based on my personal knowledge from my experience as both a troll fisherman and now as the captain of a fish tender boat.
2. My family recently sold our troll boat to fully dedicate our time to our fish-tender business based out of Sitka, Alaska. We own and operate a fish tender boat named the F/V Shari Ann. We employ five employees year-round and a few seasonal employees during the fishing season.
3. Tender boats buy fresh caught fish from trollers during openers, immediately put them on ice, and then sell those fish to local fish processing plants in Southeast Alaska. Troll caught Chinooks are high quality fish. This is because trollers catch Chinook salmon on a line, not in a net, so the meat of a troll caught fish is pristine. Buyers are willing to pay top-dollar for this amazing fish. Pound for pound, Chinook salmon are the most valuable fish caught in Alaska.

Declaration of Frederick Phillips

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4. Fish buyers, such as our family business, rely on the money generated from Chinook salmon to stay in business. While we do buy other types of fish, Chinook salmon make up half of our annual revenue. We are not unique; many fish buyers rely on Chinook salmon to keep their operations afloat. If the Chinook fishery is closed, we will likely have to shut down our business due to the lost revenue. A closure will have a devastating impact on my family and our employees.

5. In addition to its economic importance, the commercial trolling fishery plays an important part in tribal member access to Chinook salmon. For those tribal members who cannot fish, trollers provide this important food to our people. Tribal elders especially depend on the trollers to have access to healthy, traditional foods, like Chinook, year-round. I grew up eating troll-caught Chinook, my three children grew up eating troll-caught Chinook, and now with this threatened closure, I fear that my grandchildren will not be able to eat this important cultural food. A closure would mean that my family would lose access to one of our main food sources. We supplement our diet with Chinook we catch while we are out fishing. If we cannot troll, we would have to depend on other fishing methods to get fish for ourselves, which often mean higher costs. Our people have responsibly managed and sustained ourselves off Chinook salmon for thousands of years. A closure of the Chinook troll

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fishery would be a loss of an important part of our identity and purpose as indigenous fishermen.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.


Frederick Phillips

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STATE OF ALASKA and ALASKA)	
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Intervenor-Defendants-)	
Appellants/Cross-Appellees.)	
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Declaration of William Ware

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DECLARATION OF WILLIAM WARE

William Ware, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is William Ware. I am Tlingit and a tribal citizen of Central Council Tlingit & Haida Indian Tribes of Alaska. I live in Petersburg, Alaska. I have personal knowledge of the matters discussed herein.

2. I hold a hand troller permit for the Chinook salmon troll fishery in Alaska. I grew up in Southeast Alaska and spent my childhood summers trolling with my grandparents, who are also Tlingit. This early introduction gave me a lifelong passion for fishing for Chinook. I raised my four sons on the water in Southeast Alaska and taught them how to fish according to our Tlingit way of life. Two of my sons now make their living on the water, continuing our Tlingit way of life.

3. Life in rural Alaska is not luxurious, but it is beautiful. The cost of living is high (for example, a gallon of milk in Petersburg costs more than \$8), and trolling is one of the few jobs available that pays well. Trolling has allowed my family and I to continue to live in our traditional homelands, rather than move to a larger, more urban community, and to practice our traditional way of life. Tlingit

Declaration of William Ware

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people have harvested Chinook salmon for thousands of years. Prior to contact with westerners, Tlingit people fished and traded up and down the coast and the troll fishery is an evolution of that practice today.

4. The seasonal nature of the troll fishery means that even missing one season opener can result in the loss of a substantial portion of our income for the year. If the Chinook troll fishery is closed for the summer and winter seasons, I estimate that I will lose approximately 50-75% of my annual fishing income. The closure of the Chinook troll fishery could end the fishing careers of tribal citizens like myself. Without the Chinook troll fishery, I fear that our already small community will decline as people are forced to move away to find work. In small communities such as Petersburg, off the road system, there are not other industries to pivot to that can support a family.

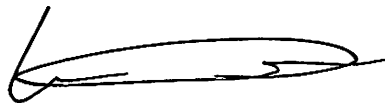
5. There is no guarantee that closing the Chinook troll fishery will help the Southern Resident killer whales, but it is certain to cause irreparable harm to our tribal troll fishermen, their families, and our tribal communities.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.

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William Ware

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WILD FISH CONSERVANCY,)

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Plaintiff-Appellee/Cross-Appellant,)

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v.)

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JENNIFER QUAN, in her official capacity)
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National Marine Fisheries Service, et al.,)

) D.C. No.
) 2:20-cv-00417-RAJ-MLP2:20-c
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STATE OF ALASKA and ALASKA)
TROLLERS ASSOCIATION,)

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Intervenor-Defendants-Appellants/)
Cross-Appellees.)

Declaration of Julie Yates

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DECLARATION OF JULIE YATES

Julie Yates, acting in accordance with 28 U.S.C. § 1746, does hereby declare as follows:

1. My name is Julie Yates. I am a tribal citizen of the Craig Tribal Association, from Craig, Alaska, where I still live and raise my own family. My family is Haida and from the Yahkw'Laanaas (Double Fin Killer Whale) Clan. I have personal knowledge of the matters discussed herein.

2. The Troll fishery is a way of life for our family. I am a second-generation commercial troller fisherman and I have been fishing in Southeast Alaska with my family for over forty years. I come from a large Alaska Native family. My father, George Yates, is one of the oldest of his seventeen siblings. He learned to fish at an early age to help support his family. He would give most of his earnings at the end of fishing season to his mother, my grandmother, to supplement the family income. My aunts and uncles have told me that they would have gone hungry as kids if my dad hadn't fished to support them.

3. I spent my childhood on the back deck of my father's power troller. During those years, I learned a deep respect for the ocean, the value of hard work, the traditional indigenous knowledge about our local waters, and how to properly

Declaration of Julie Yates

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care for each fish we caught. I learned that each fish must be treated with great care and respect. This is the ethos of troll fishermen. I am who I am today because of my childhood fishing on our family boat. I have continued to troll fish throughout my adult life and now fish with my husband Chad Fulton, and my thirty-year-old son, Bear Yates. Bear started fishing with his grandpa when he was nine years old, and it has been his dream to follow his grandpa's legacy. For the past five years, he has lived out that dream fishing on his grandpa's boat with my husband and I.

4. Trolling is the backbone of small Southeast Alaska communities. The closure of the Chinook troll fishery will deprive our family of an important part of our traditions and cultural practices. I am now passing down the skills and knowledge of troll fishing to the next generation. My two sons have grown up fishing as I did. A break in the fishery means we cannot pass down these important cultural practices to the next generation. Many of our younger tribal citizens learn not only the technical skills of troll fishing, but also the cultural importance Chinook salmon play in our culture when working on a troll boat. I am blessed that I was able to learn our ways and pass these skills and values onto my children and I hope the closure of the Chinook troll fishery will not deprive the next generation of these important lessons.

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5. The closure of the troll fishery will also result in my family losing approximately half of its annual income. Many of us are already stretched thin with the high cost of fuel and grocery prices in rural Alaska (for example, milk is almost \$6 a gallon here). This lawsuit and the threatened closure of the king fishery is causing insurmountable stress and taking a mental toll on trollers and their families. Many trollers incur debt during this time of year to prepare for the fishing season. Fishermen have expenses like boat repair and maintenance, vessel insurance, purchase equipment, and hire deckhands. We count on the Chinook salmon summer opener to recoup those expenses before we can even start to make a profit. If we are not able to do these pre-season preparations, that could affect the safety and well-being of our crew and our fishing boats. Tribal fishermen who cannot afford to incur these debts without a Chinook season opener may have to sell out or move away to support themselves and their families.

6. Native people have faced so many challenges during our lifetime. We continue to have to fight for our way of life. This lawsuit is based on an Endangered Species Act technicality, and it is causing harm to one of the most well managed sustainable fisheries, a fishery that promotes the conservation of Chinook salmon. Haida trollers are passionate fishermen who care about our way of life. We care about the Chinook we catch, and we care about our relatives the killer whales.

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The Southern Resident killer whales are a product of their immediate environment, which is inundated with pollution, dams, boat traffic, marine sonar traffic, inbreeding in their population, and more.

7. I fear the far-reaching effects a Chinook fishery closure will have—it will affect not only me and my sons but our entire community. If the closure is allowed to happen, we will not only lose a large portion of our income, but we will also be deprived of an important part of our Haida culture as well. I implore the court to consider this lawsuit's impact on small boat trollers, such as me and my family.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

DATED this 14th day of June, 2023.


Julie Yates

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