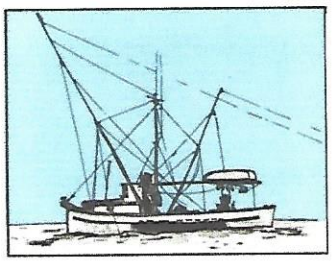

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September 5, 2024

Anne Marie Eich
Assistant Regional Administrator
Protected Resources Division
Alaska Region NMFS
Attn. Susan Meyer
P.O. Box 21668
Juneau, AK 99802

Re: Alaska Trollers Association's Comment on Petition to List Gulf of Alaska Chinook Salmon as Threatened or Endangered under the Endangered Species Act
NOAA-NMFS-2024-0042

Dear Administrator Eich:

I write to you on behalf of the Alaska Trollers Association. The Alaska Trollers Association provides the following information to the National Marine Fisheries Service ("NMFS") regarding Wild Fish Conservancy's ("WFC") January 11, 2024 petition to list Alaskan Chinook salmon as a threatened or endangered species and to designate critical habitat under the Endangered Species Act (the "Petition").

Having issued a positive 90-day finding on May 24, 2024, NMFS has commenced review of the status of Gulf of Alaska Chinook salmon to determine whether listing is required. To inform that determination, NMFS requested scientific and commercial data from any interested party. The listing of a species is based on "the best available scientific and commercial information regarding a species' status without reference to possible economic or other impacts of such determination." 50 C.F.R. § 424.11(b). The decision to designate critical habitat is similarly based on "the best scientific data available." 50 C.F.R. § 424.12(a). However, NMFS is required to take "into consideration the probable economic" impacts of designating critical habitat. 50 C.F.R. § 424.12(a).

The Alaska Trollers Association is well positioned to provide relevant scientific, commercial, and economic information to NMFS. Commercial trolling for salmon in Southeast Alaska ("SE

Alaska") has been a way of life and sustenance for small coastal communities for well over one hundred years. The Alaska Trollers Association is a Juneau-based nonprofit commercial trade organization that was first organized in 1925 and has approximately 450 members that derive their livelihoods from the SE Alaska troll fishery. The Alaska Trollers Association represents approximately two-thirds of the active SEAK troll fishery. Trolling is a unique commercial endeavor where trollers harvest one salmon at a time. The practice is a way of life passed down through generations in SE Alaska. Trollers are conservationists and strong advocates for the Chinook salmon because trollers' livelihoods are directly tied to the health of the species. Beyond the individual troller, trolling is the economic backbone of the coastal communities of SE Alaska.

The Alaska Trollers Association respectfully requests that NMFS consider the following in ultimately denying WFC's Petition.

Listing Determination

1. SE Alaska Chinook stocks are a single Evolutionary Significant Unit.

The mainland of SE Alaska where the Chinook systems are has only been de-glaciated for, at most, around 10,000 years. Compared to the six-million-year history of salmon species, no significant distinctions could have evolved between stocks of common ancestry in such a short period of time. Indeed, all of the Alaskan Chinook stocks are spring run fish and virtually all rear for a full year in freshwater before migrating to the ocean. For the purposes of ESA evaluation, all SE stocks, if not all Alaska stocks, should be considered a single evolutionary significant unit, just as all Puget Sound Chinook are part of a single evolutionary significant unit (even though Puget Sound stocks include a mix of spring, summer, and fall runs).

2. Table 1 fails to include the majority of SE Chinook returns.

The Petition goes into considerable detail describing several SE Chinook stocks, and Table 1 of the Petition lists some of these stocks. (Table 1 also includes several non-SE stocks in contradiction to the caption that accompanies Table 1.) However, multiple large hatchery returns are not included in Table 1. Collectively, the SE Alaska hatcheries have recently (2019-2022) produced over 57,000 king salmon annually per ADF&G's Alaska Salmon Fisheries Enhancement Annual Reports for the respective years.[1] That is to say that the Table 1 enumerates fewer than half of the adult Chinook that return to SE Alaska.

3. The SE Alaska Chinook population is >100x greater than enumerated in the Petition.

Not only did WFC fail to include hatchery Chinook in its discussion, but WFC also make escapement counts its sole numeric focus. This provides a highly distorted view of the population. In terms of the total population of Chinook salmon in Alaskan waters at any point in time, mature adults are a tiny minority. Fry and smolt make up the vast majority of the Chinook population in Alaskan waters. They outnumber their adult counterparts by a factor of 100 or more, meaning that the SE Alaska Chinook population at this point in time, rather than being a

[1] *See* Appendix J of the report for each respective year.

modest ~100,000 or so, is actually over ten million individuals in Alaskan waters[2] and an unknown number more in federal waters and the high seas. With such a robust number of Chinook, it is hard to even consider such a large population to be threatened or endangered. Furthermore, when one considers the overall population level, it is not even clear that there has been any significant decrease in SE Alaskan Chinook levels, an assertion at the heart of the Petition.

4. Reduced age-at-maturity is not a threat to viability.

A reduction in average age-at-maturity has been observed in many Chinook stocks from the Yukon to the Columbia River. While the Petition hypothesizes that younger fish might be less capable of propagating, ADF&G's smolt counts in the Taku, Stikine, Unuk, and Chilkat Rivers[3] do not reflect the decline that WFC's theory would indicate.

5. SE Alaska Chinook habitat remains intact.

While the Petition correctly asserts that healthy freshwater habitat is necessary for robust stocks of wild Chinook, and repeatedly mentions mining and logging as potential threats, virtually no logging has occurred in SE Alaska Chinook watersheds, and only a few mines have been constructed. The Petition also cites pesticide and herbicide use and road crossing as threats. These are not significant factors in SE Chinook watersheds either. Dams and pollution related to heavy industry are major concerns for Chinook in the Pacific Northwest, but neither are problems for Alaskan Chinook stocks.

6. ADFG "Management Concern" designation refers to harvestable yield, not population viability.

The Petition repeatedly points out that several Alaskan Chinook stocks have been designated as stocks of management concern. What is not conveyed is that this status indicates only a concern about the stocks' inability to support historic levels of harvest. This status is **not** an indication of concern for the continued sustainability of the stock. The latter situation would be identified as a stock of conservation concern. There are no salmon stocks in the state of Alaska with such status because there are no stocks in Alaska in such jeopardy.

7. SE Chinook stocks were at similar levels in the 1970s.

Wild salmon stocks are subject to natural cyclic variations. There are both short-term (~10 year) and longer-term cycles in Chinook populations. As the bar graphs of the Taku and Stikine escapements that are included in the Petition show, the recent low returns to the two largest SE Chinook rivers were mirrored in the 1970s. These runs were not threatened with expatriation then, nor are they now.

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[2] *See* "Egg takes and releases in Southeast" section of recent ADF&G Alaska Salmon Fisheries Enhancement Annual Report for hatchery Chinook smolt release figures, and ADF&G "Chinook Salmon Research Initiative" webpages for Taku, Stikine, Chilkat, and Unuk River smolt estimates.

[3] *See* ADF&G "Chinook Salmon Research Initiative" webpages for smolt estimates in these four systems.

8. The Chinook cycle is already trending upward.

The cyclic nature of Chinook populations continues. While Table 1 in the Petition ends with the year 2021, even with that limitation it is apparent that since 2016 the populations of wild SE Chinook have been trending upward. This pattern has continued with more recent escapement counts.

Designation of Critical Habitat

If, contrary to the best scientific and commercial data available, NMFS elects to grants the Petition in whole or in part, NMFS's designation of critical habitat must be informed by the associated economic impacts. 50 C.F.R. § 424.12(a). WFC, NMFS, the State of Alaska, and the Alaska Trollers Association recently litigated the SE Alaska troll fishery before the United States Court of Appeals, Ninth Circuit. The Ninth Circuit denied WFC's attempts to close the SE Alaska troll fishery and recognized the "significant economic consequences, as well as the downstream social and cultural harms to fishing villages and Alaska Natives" if the fishery were to close. *Wild Fish Conservancy v. Quan*, 23-35322, 2024 WL 3842101, at *2 (9th Cir. Aug. 16, 2024). The significance of the troll fishery and other fisheries that harvest SE Alaska Chinook to the communities and ways of life in SE Alaska must be properly accounted for in any critical habitat designation.

Very Truly Yours,

Amy Daugherty
Executive Director
Alaska Trollers Association