

Re: Request for Information: 2024 Research Priorities Triennial Review

Name: Ben Phillips, a commercial salmon troller in SE Alaska

These are my opinions based on my personal observations and research and I do not represent an organization, per se. I also give credit to the three trollers that helped brainstorm this idea on that stormy day back in 2020 on anchor. Also, thank you to all the good people at NOAA/NMFS, WDFW, USDFW and others who took the time to answer my questions and point me to the proper research.

I disagree with the current priorities for research. In my opinion, the top two priorities on my list both involve the Marine Mammal Protection Act(MMPA), specifically Stellar Sea lion diet/population growth and the Endangered Southern Resident Killer Whale.

Priority #1: What is the role pinniped predation has had in recent fishery collapses across Alaska?

There is strong correlation between the eastern population growth of Stellar Sea lions and the decline of Chinook ocean survival rates across Alaska. This is of particular concern because of what has been observed in British Columbia and the lower 48. Based on a large body of evidence, a significant source of Chinook decline in BC and the lower 48 is understood to be the unchecked growth of sea lion populations. Supporting this claim is the published works done by the Washington Academy of Sciences on pinniped predation on salmonoids. See: <https://washacad.org/wp-content/uploads/2022/11/Pinniped-Predation-on-Salmonids-in-the-Washington-Portions-of-the-Salish-Sea-and-Outer-Coast-1.pdf>

Further, in a 2021 lecture given by University of British Columbia Dr. Carl Walters, citing published work by Dr. Peter Olesiuk, Dr. Walters pointed out that the current BC pinniped population in 2021 had consumed 300,000 metric tones of prey, **a harvest greater than all sport take, commercial take and aqua culture production in BC during 2021**. Please, take a moment and let that fact sink in. See: lecture at this link: https://www.youtube.com/watch?v=4ZF_Onpi8M0

Priority #2: Southern Resident Killer Whale(SRKW) prey increase.

Simply put, I am embarrassed by the weak ESA mitigation plan for the SRKW prey increase that almost cost us Trollers in SE our season. So, a handful of us trollers came up with our own SRKW prey increase plan that we are not ashamed of and would like the council to consider researching the viability of this draft plan:

Mitigation plan For SRKW prey increase

- I. Create a wild salmon brood stock program, targeted at spawning wild chinook stocks of concern. Using a 20/80 plan, eggs would be collected from mature captured adults and manually fertilized from 50 individual wild chinook, from each unique endangered or threatened west coast stock of concern. In order to match the high side of natural wild fertilization rates observed in wild spawning Chinook salmon, twenty percent (20%) of

collected and fertilized eggs would be returned strategically above quality off-channel rearing zones in the river of origin. These eggs would be returned to the river of origin utilizing a “in-stream egg incubator” designed to provide protection until the fry life cycle stage, at which point the emerging fry would be subjected to positive natural selection pressures in the wild, just as other wild born chinook fry. The remaining eighty percent (80%) of eggs that, under natural circumstances would not have been fertilized and are now a bonus result of this process, would then be transported to a federal salmon hatchery currently operating below capacity (the Methow hatchery in Winthrop, WA, or the Entiat hatchery near Wenatchee, WA, for example). These fertilized eggs would then be raised to early smolt stage at which point the smolts would be transported again for strategic release back into the river system of origin to supplement the spawning production of the endangered wild chinook stock they originated from. This fusion of wild and hatchery production is designed to protect and aid in the speed of wild chinook recovery and at the same time help overcome the consequences of lost habitat on the capacity of a river to provide rearing for young salmon, and;

- II. Create a new salmon ecosystem community service program (SECSP) for the labor required to carry out the following: the aforementioned wild salmon brood stock program (including manual capture, manual spawning, installation of egg boxes, filling of egg boxes, placement of egg boxes, babysitting egg boxes, transport of eggs and smolts to/from participating hatcheries, and hand seeding wild hatchery raised smolts at the headwaters of a river system of the smolt’s origin), any NMFS approved habitat restoration project related to recovery of salmon on the west coast, and partner approved assistance rendered to NMFS partner predation agency officers. Require 40 hours of SECSP per year for any commercial user that intends to participate in ANY fishery that involves the take, incidental or not, of ESA endangered or threatened wild salmon as a business. For purposes of this program, a “commercial user” is defined as both operator and crew of both commercial fishing operations and sport charter operations. After 40 hours of SECSP has been completed and verified, NMFS will issue the commercial user a “Wild Salmon Endorsement”. This endorsement would be required each calendar year for a commercial user prior to participation in any fishery the following calendar year whereby wild salmon are “taken”

directly or indirectly. For purposes of this program the definition of “taken” includes capture, harassment, catch and release or any activity that may result in harm or disturbance of ESA listed salmon.

- III. Obtain a court order under the Clean Water Act that requires the States of Washington, Oregon, California, Idaho and Alaska to install hi-way runoff catchments capable of filtering out toxic 6PPD-Quinone tire dust along roads with runoff that exceeds safe levels for endangered wild salmon, and;
- IV. Recognize Beaver (*Castor canadensis*) as a critical species to endangered wild salmon habitat and recommend Beaver (*Castor canadensis*) and beaver dams be considered essential to ESA salmon recovery management plans along the west coast, in west coast rivers and tributaries, and;
- V. Recommend that “best available science” be relied on and recognize the need for lethal removal of a portion of the west coast pinniped population to recover endangered wild salmon and the SRKW, and;
- VI. Expand current lethal Columbia River pinniped intervention management under section 120 of the Marine Mammal Protection Act to include the entire pinniped population of the west coast. Expand NMFS Section 120 intervention management to include: Harbor seals (*Phoca vitulina*), California sea lions (*Zalophus californianus*), and Stellar sea lions (*Eumetopias jubatus*), and;
- VII. Create a partnership with west coast indigenous tribes and essentially appoint NW Treaty Tribes, First Nations and Alaska natives as pinniped managers and restore their vital role as pinniped predators. Officially recognize the traditional subsistence lifestyle of west coast indigenous people that included hunting pinnipeds as a critical and balanced part of a healthy salmon ecosystem that evolved over centuries. Bring back salmon ecosystem balance by giving back to the indigenous people of the west coast this traditional heritage role that they had for thousands of years before treaties, statehood, and the Marine Mammal Protection act. As partner managers, NW Treaty Tribes, First Nations and Alaska Natives would carry out Section 120 MMPA management, enforcement of management, hunting, harvesting, ceremonial use, disposal of deceased

pinnipeds and would have the final word in any decision-making process regarding the management of the west coast pinniped population. Legal lethal weapons shall be modern single shot rifles or by any traditional legacy method. Administratively adopt State of Alaska laws pertaining to subsistence use of pinnipeds and the sale and export of any part of the pinniped including the hide, etc as applicable for all west coast indigenous peoples, and;

VIII. Create a west coast “Predation Agency” in partnership with local NW Treaty Tribes, First Nations and Alaska natives. Grant this partnership law enforcement duties and task the partnership with salmon “predator control”. Their mission statement: “To protect and serve the welfare of Marine Mammals, to enforce the Marine Mammal Protection Act, to enforce the Clean Water Act and bring pollution violators to justice, to manage pinniped deprivation on the west coast by removing toxic, problem or overpopulated pinnipeds from the ecosystem by non-lethal and lethal intervention. Guiding doctrine for management decisions of the Predation Agency shall recognize that the pinniped population of the west coast consumes a given amount of prey per individual pinniped. Further, the Predation Agency recognizes sustainable pinniped prey as a set amount obtained by a collaboration of scientists, ‘best available science’, and with consideration to equal management of the west coast prey resource for all user groups including as a food source marine mammals and for human commercial and sport fishing activities. Agency shall refer to this set amount as the ‘total pinniped allowable catch’(TPAC). Anytime the TPAC is reached or predicted to be reached by the west coast pinniped population, the Predation Agency is hereby tasked to control the pinniped population to sustainable levels. The ultimate goal is to achieve robust west coast salmon returns, protect ESA salmon and allow for recovery and at the same time provide necessary “safe” prey for all Orcas, but specifically the ESA listed endangered SRKW”. They would be tasked with:

A. Investigating and enforcing violations of the Clean Water Act on the West Coast, including the rivers and tributaries that flow into it, with;

a. Special attention to enforcing compliance with the proposed NMFS requested CWA court order regarding hi-way runoff and the chemical

6PPD-Quinone associated with tire dust from wearing vehicle tires, and;

- B. Regarding Orcas and close interactions with boaters and shipping traffic: Enforcing both the 1,000 yard law and speed law with traffic on the navigable waters of Puget Sound and Salish Sea, and;
- C. The Protection of beavers, beaver dams and off-channel salmon rearing habitats in the rivers and tributaries of the west coast, and when;
 - a. It is necessary to relocate a problem beaver in Washington State, Predation Agency officers should coordinate with WDFW biologists and/or WDFW game wardens to conduct the problem beaver relocation in compliance with applicable Washington State laws, and;
 - b. All beaver relocation in any State with a population of West Coast wild salmon should be conducted in a substantially similar way to the Washington State model, and;
- D. Use of non-lethal pinniped deterrents as a first option in critical zones of the salmon ecosystem to protect smolts in rivers and estuarine areas, and protect returning adults in rivers and estuarine areas where wild salmon are particularly vulnerable, and;
- E. The Capture of individual pinnipeds along the west coast with the purpose of:
 - a. Administering an overall health exam of the captured pinniped and testing for pollution and toxin levels that may be present in the body and fat of the captured pinniped, and;
 - b. Tagging or marking the Pinniped uniquely for future tracking and section 120 compliance, and;
 - c. If it is determined by the Predation Agency Officer(s) that toxicity in the captured pinniped exceeds safe levels for Orca consumption presenting a risk/danger to health of the west coast Orca population,

the captured pinniped must be humanely euthanized to keep available prey safe for Orca consumption, and;

- d. The only legal “lethal” method for euthanizing of captured contaminated pinnipeds determined unsafe for Orca consumption would be overdose of sedative, in the same manner used for euthanizing pinnipeds in the Columbia River, and;
 - e. If toxicity levels in the individual captured pinniped is determined safe for Orca consumption, the decision to euthanize, release, or relocate (including captivity at a zoo, etc) of the captured pinniped is then left to the discretion of the Partner appointed indigenous manager(s), in accordance with the above mission statement of the Predation Agency, also;
- F. Predation Agency officers and SECSP volunteers would be expected to operate with a high degree of integrity, be willing and able to defend the the necessity of the work they are involved with to the general public, and be approved by NMFS partner indigenous managers. Notwithstanding above qualifications, all other qualifications for a Predation Agency officer and SECSP volunteers is left to the sole discretion of the indigenous managers.