



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration

National Marine Fisheries Service

P.O. Box 21668

Juneau, Alaska 99802-1668

AGENDA C-9(a)

APRIL 1995

April 18, 1995

Richard B. Lauber, Chairman  
North Pacific Fishery  
Management Council  
P.O. Box 103136  
Anchorage, Alaska 99510

Dear Rick,

Under the provisions of the North Pacific Fishery Management Council's (Council) April 1990 Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska (Salmon FMP), the Council retains oversight of the Southeast Alaska (SEAK) chinook salmon fishery, but has conditionally deferred regulatory management of the fishery to the State of Alaska (State). This deferral acknowledges the State's extensive management program and the fact that the all-gear SEAK chinook fishery, both in State waters and in the Exclusive Economic Zone, is subject to the governance of the United States/Canada Pacific Salmon Treaty. The conditions of the Council's deferral to the State require that the State's annual regulatory management regime be in accord with the terms and provisions of the Pacific Salmon Treaty (PST), the Magnuson Act and other applicable law, and the objectives of the Council's Salmon FMP.

Customarily the Council annually reviews the provisions of the PST, including agreed annexes, and the State's proposed management regime. Based upon the review, the Council determines if the conditions of deferral to State regulatory management have been satisfied. In each case since the adoption of the Salmon FMP, the Council has found that the conditions have been met.

As in 1993 and 1994, the PST Commission has failed to date to successfully negotiate a new chinook annex to replace the old one which expired after the 1992 season. Without a 1995 PST chinook annex, no catch quota will be specified for the 1995 SEAK chinook fishery. Further, just as in 1993 and 1994, because there is not a PST chinook annex, a combined Endangered Species Act (ESA) Section 7 consultation has not been accomplished. The Council,



therefore, will need to assure that the management regime proposed by the State to fulfill the requirements of deferral under the provision of the Council's Salmon FMP continues to satisfy ESA requirements.

The Council should proceed with its annual review to determine whether or not the conditional deferral to the State should stand and, if not, what action (rule-making and/or plan amendments) the Council needs to take under the provisions of the salmon FMP to meet the requirements the Magnuson Act and other applicable law, including the ESA. Normally, the State of Alaska and the Alaska Region National Marine Fisheries Service (NMFS) would present to the Council, at the April meeting, the proposed management plan for the 1995 SEAK chinook fishery, including a quota ceiling and implementing regulations, along with an explanation of how the proposed management regime will satisfy the requirements of the PST, the ESA, the Magnuson Act and other applicable law. If this Council was satisfied that the proposed management regime would, in fact, satisfy the Council's oversight obligations the Council would memorialize that determination in a "Council Finding."

Unfortunately, the State/NMFS will not have the details of the proposed 1995 management regime or the associated biological assessment/biological opinion completed prior to the end of the April Council meeting.

Two primary issues are pertinent for 1995 that the Council needs to evaluate, which were not the subject of earlier findings approving deferral to the State. The first is whether or not the proposed harvest quota for 1995, if taken under the regulations that governed the 1994 fishery (which the Council found to satisfy the objectives of the Salmon FMP, Magnuson Act and other applicable law in 1993 and 1994), satisfy the Federal obligation under the PST in the absence of a chinook annex. The second prominent issue is whether the proposed quota and management regime satisfy the requirements of the ESA.

In the absence of having a specific proposed management regime to evaluate at this time, I recommend that the Council, as they did last year and in 1993, delegate to the Regional Director, Alaska Region, NMFS, the authority to review the SEAK chinook management plan proposed by the State of Alaska and to make determinations as to whether the proposed plan satisfies the conditions of deferral under the Council Salmon FMP. If the proposed management plan meets the requirements, the Regional Director

will certify to the Council, <sup>in</sup> writing, prior to start of the fishery that the requirements have been satisfied. If the Regional Director cannot make such a certification, he will notify the Council and propose to the Council what emergency rule-making is required to satisfy the Federal obligation under the PST, the objectives of the Salmon FMP, the Magnuson Act and other applicable law. ]


Sincerely,



Steven Pennoyer  
Director, Alaska Region

MEMORANDUM

TO: Council, SSC and AP Members

FROM: Clarence G. Pautzke  
Executive Director 

DATE: April 11, 1995

SUBJECT: Endangered Species Review

ESTIMATED TIME 1 Hour
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**ACTION REQUIRED**

- (a) Review biological assessment and opinion for Section 7 consultation for Snake River salmon.
- (b) NMFS status report on possibly listing Steller sea lions as endangered.

**BACKGROUND**

Item C-9(a) is a letter to ADF&G Commissioner Rue from Northwest Regional Director William Stelle requesting assistance in providing a biological assessment of ocean salmon fisheries and their impact on Snake River fall chinook listed under the Endangered Species Act. According to the letter, the contribution from ADF&G is to be reviewed by the Council. NMFS will brief the Council on actions that need to be taken to complete this review. Item C-9(a) also has excerpts from our April 1994 meeting minutes when we last addressed the salmon issue, as well as a letter from last August concerning the consultation process. Item C-9(b) is an article by Chuck Meacham and John Clark giving their perspectives on Pacific salmon management.

The second topic under this agenda item is a status report from NMFS on the possibility of listing Stellers as endangered. We last took this up in December when we had a news report that the recovery team had concluded that the eastern stocks were in good shape, but the stocks west of Prince William Sound remain in poor shape and may need further protection.

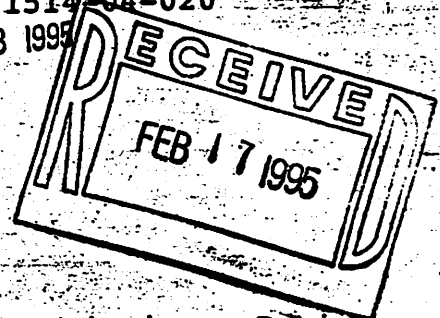


UNITED STATES DEPARTMENT  
 National Oceanic and Atmospher  
 NATIONAL MARINE FISHERIES SERVICE  
 Northwest Region  
 National Marine Fisheries Service  
 7600 Sand Point Way N.E.  
 Seattle, Washington 98115

AGENDA C-9(a)  
 APRIL 1995

F/NW02:1514-04-020

FEB 13 1995



Frank Rue  
 Acting Commissioner  
 Alaska Department of Fish and Game  
 P.O. Box 25526  
 Juneau AK 99802

Dear Mr. Rue:

On January 3, 1995 I received a letter from Commissioner Rosier inquiring about the Section 7 consultation process for Snake River salmon listed under the Endangered Species Act (ESA). I am addressing my response to you as the Acting Commissioner of the Alaska Department of Fish and Game.

It is our intention to cover proposed ocean and fall season in-river salmon fisheries in a single biological opinion by May 1, 1995 as was done in 1993. We would therefore appreciate your assistance in providing a biological assessment through the North Pacific Fishery Management Council (PFMC) no later than April 1, 1995 recognizing that it may be necessary to clarify subsequently specific elements of the Alaska proposal following the Pacific Fishery Management Council meetings that will be held in early April or as new information related to Canadian fisheries becomes available.

In reviewing proposed actions, the National Marine Fisheries Service (NMFS) will consider all pertinent information. However, NMFS intends to apply the ESA's jeopardy standard in accordance with guidelines developed in the IDFG v. NMFS remand proceedings and to seek further guidance with consultations from the proposed Snake River Salmon Recovery Plan. A draft of the Jeopardy Standard guidelines was attached as Appendix I to the January 25, 1995 draft Biological Opinion entitled Reinitiation of Consultation on 1994-1998 Operation of the Federal Columbia River Power System and Juvenile Transportation Program in 1994-1998 and is enclosed for your convenience. The draft Recovery Plan will be available for review by early March, although the essential harvest related elements of the draft recovery plan were described to the Alaska delegation at the January Pacific Salmon Commission (PSC) meeting.

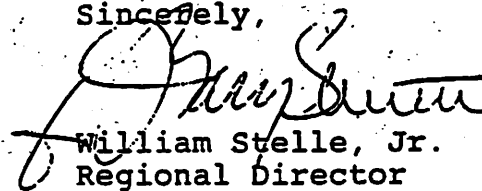
In recent years, the question of how ocean fisheries will be aggregated depended on whether there was agreement on chinook management in the PSC forum. In the absence of an agreement, Alaskan and PFMC ocean fisheries were treated as separate proposed actions. In 1995, NMFS intends to consider ocean



fisheries in the aggregate. The form of the analysis of proposed actions will depend on whether a PSC agreement is achieved in 1995 that is consistent with the PSC's stated objective to rebuild natural chinook stocks by 1998 or alternatively, ocean fisheries are subject to specific exploitation rate reduction objectives for Snake River fall chinook. In either case, as will be laid out in the recovery plan, NMFS' objective is to achieve substantial reductions in impacts to listed Snake River fall chinook.

During the 1994 consultation, Alaska incorporated into the assessment of impacts an in-season mechanism for adjusting the estimated abundance of chinook salmon available to the fishery. Because the adjustment procedures were developed rather late in the consultation process, there was insufficient time for external review except for that provided by NMFS during the consultation. NMFS is generally supportive of efforts to improve management. We therefore request that you ask the Chair of the U.S. Section of the Chinook Technical Committee to review the update procedure, with the assistance of members of the Committee or others with the appropriate expertise if you intend to again propose an in-season adjustment of the fishery abundance estimate in 1995 that would affect the estimated impact to listed fall chinook salmon. Results of the review should be incorporated or referenced in the biological assessment.

Sincerely,



William Stelle, Jr.  
Regional Director

Enclosure

cc: (w/encl.):

US PSC Commissioners.  
Chm., US Sect. of PSC CTC  
Richard B. Lauber, NPFMC  
Frank Warren, PFMC  
Bill Fox, F/PR  
CRITFC Parties

**MINUTES  
NPFMC MEETING  
APRIL 1994**

**Wally Pereyra moved to give the Regional Director the discretion to proceed with the permit if he finds it appropriate. The motion was seconded by Oscar Dyson and carried, 8 to 2, with Behnken and Hegge opposed; Mr. Samuelsen was not present for the vote.**

**Coastal Villages Corporation**

**Steve Pennoyer moved approval of the Coastal Villages Corporation experimental permit. The motion was seconded and carried with Mace objecting. Mr. Samuelsen was not present for the vote.**

The Council received a letter indicating concern that persons donating bycatch species under these permits may be eligible for tax breaks. The Council asked NMFS to look into the tax implications of donating bycaught species and report back to the Council in June.

**C-6 Pacific Pelagics FMP**

This agenda item was deferred, possibly to the September/October meeting.

**D. FISHERY MANAGEMENT PLANS**

**D-1 Salmon Management**

Gavin Frost of the Office of the Solicitor, U.S. Dept. of Interior, and Cheri Jacobus of the State of Alaska's Attorney General's Office briefed the Council on two recent major legal decisions on salmon concerning subsistence fisheries and NMFS' five-year plan to revive Snake River salmon. Both decisions will more than likely be appealed, so it may be some time before the Council will know what effects they may have on management of the offshore fisheries.

Annually, at the April meeting, the State and NMFS provide for Council review and approval a proposed management plan for the 1994 Southeast Alaska chinook fishery. However, the proposed management regime and associated biological assessment and opinion were not completed in time for the meeting. Steve Pennoyer requested the Council delegate authority to the Regional Director to determine whether the State's plan, when finalized, will satisfy the objectives of the Salmon FMP, Magnuson Act and other applicable law and the Federal obligation under the Pacific Salmon Treaty in the absence of a chinook annex, and the requirements of the Endangered Species Act.

**Steve Pennoyer moved that the Council authorize the Regional Director, NMFS, to review the State of Alaska's proposed 1994 Southeast Alaska chinook management regime and to make findings in its behalf. The Regional Director shall determine whether the State's proposed 1994 chinook management regime satisfies the Council's requirements for continued deferral under the provisions of the Salmon Fishery Management Plan. Verification that these conditions have been met should be certified by the Regional Director in a letter to the Council prior to the start of the fishery. If the Regional Director is unable to make such certification he shall notify the Council and propose emergency rules to satisfy federal obligations under the Pacific Salmon Treaty, the objectives of the Salmon FMP, the Magnuson Act and other applicable law. The motion was seconded and carried without objection. (Mr. Samuelsen was not present for the vote)**

Linda Behnken was concerned that the public hasn't had a chance to comment yet and expressed the hope that there would be some effort to get input from Southeast Alaska fishermen. Carl Rosier said they would be conferring with the States of Washington and Oregon and with the Southeast Alaska fleet.

**D-2 Crab Management**

The Council received written reports from the Board of Fish/Council Consultation Group meeting and on recent activities of the Board of Fish. The Council did not take up this agenda item because of a lack of time.

**D-3 Groundfish Management**

**(a) Pribilof Island Trawl Closures**

A revised analysis for Amendment 21a was released for public review in December 1993. The analysis examines eleven alternatives to eliminate bottom trawl activities in to provide protection for blue king crab and Korean hair crab stocks. Dave Ackley, ADF&G, provided a review of each of the following alternatives for the Council.

- Alternative 1: Status quo - no area closures adjacent to the Pribilof Islands.
- Alternative 2: Close IPHC Area 4C to bottom trawling.
- Alternative 3: Close IPHC Area 4C to all trawling.
- Alternative 4: Close waters within a 25-mile zone around the islands to bottom trawling.
- Alternative 5: Close waters within a 25-mile zone around the islands to all trawling.
- Alternative 6: Close waters within IPHC Area 4C west of 169° W to bottom trawling.
- Alternative 7: Close waters within IPHC Area 4C west of 169° W to all trawling.
- Alternative 8: Close an area defined by crab habitat.
- Alternative 9: Close an area defined by crab habitat when cap of 1% of estimate blue king crab abundance is reached.
- Alternative 10: Close an area defined by crab habitat when cap of 20,000 king crab is reached.
- Alternative 11: Close an area defined by crab habitat when a cap is reached. Maintain a subarea permanently closed to trawling.

**Report of the Scientific and Statistical Committee**

The SSC noted that Alternative 8 would give the maximum chance for rebuilding the blue king crab stock. Flatfish trawlers would have to relocate to make up catch otherwise taken in the protected area, but the SSC does not expect foregone catch as a result of this relocation.

**Report of the Advisory Panel**

The AP recommended the Council adopt Alternative 8, and to apply it to all trawling.

**COUNCIL DISCUSSION/ACTION**

Carl Rosier moved to approve the AP's recommendation to adopt Alternative 8, applicable to all trawling. The motion was seconded by Linda Behnken.

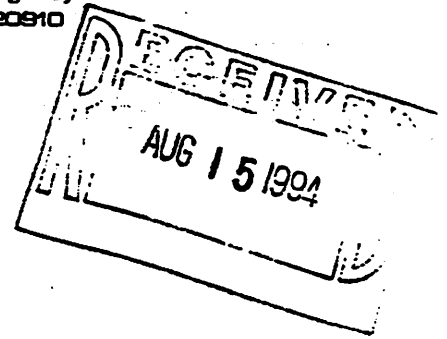


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UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL MARINE FISHERIES SERVICE  
1335 East-West Highway  
Silver Spring, MD 20910  
THE DIRECTOR

AUG 5 1994



Mr. Richard B. Lauber  
Chairman  
North Pacific Fisheries Management Council  
605 West Fourth Avenue  
Anchorage, Alaska 99510

Dear Mr. Lauber:

This letter is to notify you that the National Marine Fisheries Service (NMFS) is reinitiating consultation under section 7 of the Endangered Species Act on the 1993/1994 and 1994/1995 Winter Season Regulations Under the Fishery Management Plan for Salmon Fisheries off the Coast of Alaska. Regulations governing section 7 consultation (50 CFR § 402.16) require that consultation be reinitiated if: (i) the amount or extent of taking specified in the incidental take statement is exceeded; (ii) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (iii) the action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion; or (iv) a new species is listed or critical habitat designated that may be affected by the identified action.

Several events have occurred that trigger reinitiation of consultation. These events include the fact that the biological opinion signed June 27, 1994, did not consider the effects of the sport fishery, which NMFS estimates takes 10 listed Snake River fall chinook salmon, bringing the total expected take of Snake River fall chinook salmon to 68. Also, during recent weeks, NMFS and the U.S. v Oregon Technical Advisory Committee staff have completed a review a Snake River fall chinook adult replacement. The analysis revealed that naturally spawning Snake River fall chinook salmon have failed to replace themselves in 8 or 9 of the last 10 years. NMFS has determined that these two events meet criteria (i) and (ii) of the reinitiation clause of our section 7 regulations.

Because of the updated information revealing a greater effect of the action than previously considered and the critically low returns this year as well as poor prospects for the return in 1995, NMFS requests that the State of Alaska enter into discussions with NMFS' Northwest and Alaska Regions and the North Pacific Fishery Management Council to discuss additional protections for these fish. We believe there are at least two areas where additional conservation measures can be taken in Alaskan fisheries and would appreciate your considering any other areas that might provide the needed protections in the Southeast Alaska commercial and sport harvest. These are the transfer of a portion of the remaining 1994 chinook ceiling to the

THE ASSISTANT ADMINISTRATOR  
FOR FISHERIES



"coho/chinook non-retention" fishery and the use of barbless hooks. We are prepared to send representatives from our Northwest and Alaska Regions to meet with you early next week to discuss these measures.

Until discussions of these actions can be completed, I request that the use of any remaining chinook ceiling to reopen the "chinook non-retention" fishery be held off.

I appreciate your continued commitment to our efforts to protect listed salmon.

Sincerely,



Rolland A. Schmitt  
Assistant Administrator  
for Fisheries

cc: Mr. Carl Rosier

## Pacific Salmon Management — The View from Alaska<sup>1</sup>

Charles P. Meacham and John H. Clark

### SALMON MANAGEMENT ALASKA STYLE

The view from Alaska on Pacific salmon management is found in our constitution. Alaska's constitution is unique among those of the 50 states in that it has an article solely devoted to the management and utilization of natural resources. We do not believe that any of our sister states have placed this level of priority on management of natural resources. Article VIII, Section 4 states: "Fish, forests, wildlife, grasslands, and all other replenishable resources belonging to the State shall be utilized, developed, and maintained on the sustained yield principle, subject to preferences among beneficial uses."

With Statehood, the Alaska Department of Fish and Game was formed. Alaska Statute Sec. 16.05.020 states: "The Commissioner shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state." Mandates of the Alaska Department of Fish and Game through Alaska Statute Sec. 16.05.092 include: "through rehabilitation, enhancement, and development programs do all things necessary to insure perpetual and increasing production and use of the food resources of state waters and continental shelf areas."

While the Alaska Department of Fish and Game was formed with a strong conservation mandate to manage salmon fisheries for sustained yield, the Alaska Board of Fisheries, on the other hand, was given the responsibility for allocating that yield of salmon to users. The clear separation of primary conservation authority from allocation authority is one of the strengths of the Alaskan fishery management system.

The state of Alaska does not have a preservation mandate for Pacific salmon; instead, we clearly have utilization, conservation, and development mandates.

In Alaska the term *conservation* implies controlled utilization of a resource to prevent its over-utilization, destruction, or neglect. The term *development* implies management of a resource to make it available for use. In Alaska, we are constitutionally mandated to manage salmon for sustained yield.

As a result of our mandates and the application of our governmental authorities, stocks of salmon spawning in Alaska are generally healthy and fisheries dependent upon these stocks have been sustained, statewide harvests ranging from about 100 to 200 million salmon per year over the past 15 years. Currently, the harvest in Alaska represents about 80% of the total North American harvest of salmon, harvests from Canada representing about 15% and harvests from Pacific Northwest states representing about 5%.

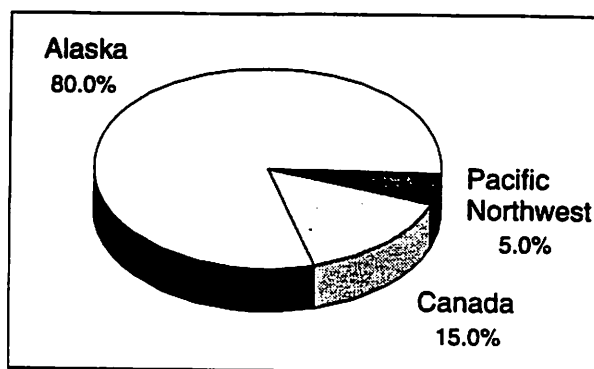


FIGURE 1. North Pacific salmon harvest percentages by region.

Alaska did not always have healthy salmon stocks. Prior to statehood, the federal government was responsible for salmon management in Alaska. Overfishing was a major factor in the declines of the Alaska salmon fishery that occurred between 1940 and the time of statehood, 1959. The federal government failed to pro-

**Authors:** CHARLES P. MEACHAM is deputy commissioner and JOHN H. CLARK is lead fishery biologist for Endangered Species Act issues for the Alaska Department of Fish and Game, Division of Commercial Fisheries Management and Development, P.O. Box 25526, Juneau, AK 99802-5526.

<sup>1</sup> A speech presented to the Western Association of Fish and Wildlife Agencies in May 1994 by Charles P. Meacham.

vide sound management practices needed to sustain Alaskan salmon fisheries.

Further, the federal government failed to provide the financial resources needed to manage and research salmon stocks and fisheries such that fishing could be properly regulated and depressed stocks could be rehabilitated. Salmon stocks and the fishing industry were in such bad shape that President Eisenhower declared Alaska a federal disaster area in 1953. This action was unique in that this disaster was attributed to an act of man rather than an act of nature.

At the time of statehood in 1959, statewide harvests totaled only about 25 million salmon, the lowest annual harvest since 1900 and a level equivalent to less than 20% of current sustainable production. To rebuild salmon runs from the dismal stock conditions inherited at statehood to the healthy levels experienced today, it took almost 20 years of salmon management by the state of Alaska under sound management principles with gradually increasing funding for research and management.

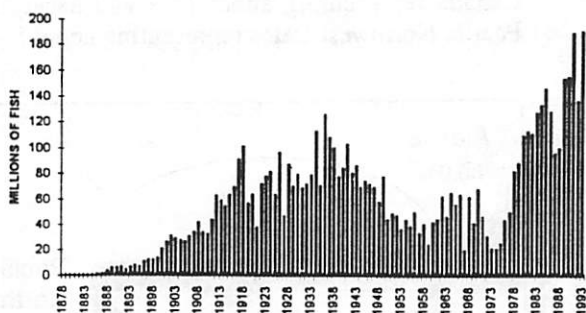


FIGURE 2. Alaska commercial salmon catches, 1878-1993.

Federal management was characteristically passive regulation under a central and remote authority. State of Alaska management has been intensive regulation implemented by local area biologists with a clear legal mandate and delegated authority. Delegated emergency order authority provides for immediate conservation by area biologists. Salmon managers open and close fisheries on a daily basis to ensure that adequate spawning escapements are annually achieved.

When run failures occur, managers close fisheries to provide for predetermined escapement needs and hence ensure long-term sustainable yields. When run strength is strong, managers liberalize harvest regulations to utilize surpluses. Alaska's focused emphasis on inseason management by local biologists with delegated regulatory authority to ensure sustained yields is a key ingredient to successful salmon management.

In the early 1970s Alaska experienced a series of exceedingly cold winters that depressed salmon production statewide. Shortly thereafter, Alaska implemented a major hatchery program. Strict policies were developed and implemented to provide guidance for hatchery practices in the areas of fish pathology and genetics, as well as in the area of hatchery fish marking. Strict harvest-management policies and practices were implemented to provide wild stocks with protection from potentially excessive harvest rates that could be inflicted upon hatchery stocks.

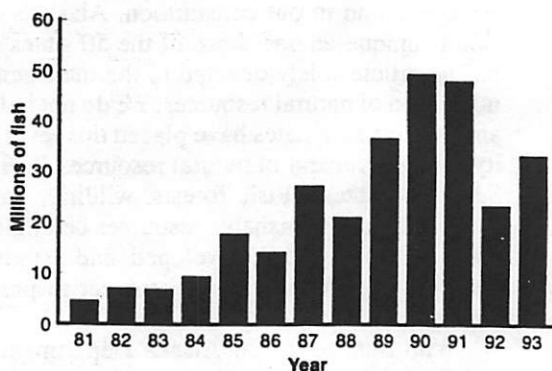


FIGURE 3. Total return of enhanced salmon.

Over the past 20 years, the private sector has been encouraged to construct and operate production-level salmon hatcheries. These facilities are regulated under the same strict hatchery policies and guidelines. In 1993 about 30 million hatchery-produced salmon were harvested in Alaska, of which more than 24 million, or almost 13% of the statewide salmon harvest, were taken in traditional fisheries.

The Alaskan salmon management program is described by W. F. Royce, a prominent Washington fishery scientist, as: "a model fishery management program that is produced, supported, and accepted politically by those that are managed."

In Alaska we have not been willing to forego the benefits provided by sustainable salmon management for other activities such as hydropower development. For example, although the option of constructing and operating large-scale, hydropower facilities on both the Susitna River and the Yukon River was closely examined, neither was built. The native salmon resources of these Alaskan drainages with their dependent fisheries was a major reason that Alaska choose the no-dam option. By way of comparison, the Yukon River is 1,980 miles long while the Columbia River is 1,243 miles long.

## PACIFIC NORTHWEST SALMON FAILURE

	<b>Columbia River</b>	<b>Yukon River</b>
Length	1,243 miles	1980 miles
Flow	260,000 CFS	220,000 CFS

Alaskan people and government have always taken the approach of working toward long-term conservation of the salmon renewable resource. In 1981 the state of Alaska independently implemented a 15-year chinook salmon rebuilding program for the Southeast Alaska and transboundary chinook salmon stocks. The southern states and Canada joined our chinook salmon conservation efforts 3 years later by implementing a 15-year coastwide chinook salmon rebuilding effort through the auspices of the Pacific Salmon Treaty. The state of Alaska was and continues to be a leader in this large-scale chinook salmon conservation effort.

Based on data provided by the Pacific Salmon Commission, 85% of the Southeast Alaska harvest of chinook salmon come from hatchery stocks or wild stocks rebuilt or rebuilding, 9% from stocks categorized as indeterminate, and only 6% from stocks not rebuilding.

In summary, the view from Alaska on salmon management is that salmon resources should not be preserved, but instead they should be conserved and developed. To Alaskans, conservation and development means that salmon resources should be used to benefit people, and salmon fisheries should be managed to prevent over-utilization, destruction, or neglect. To Alaskans, this means sustained yield management.

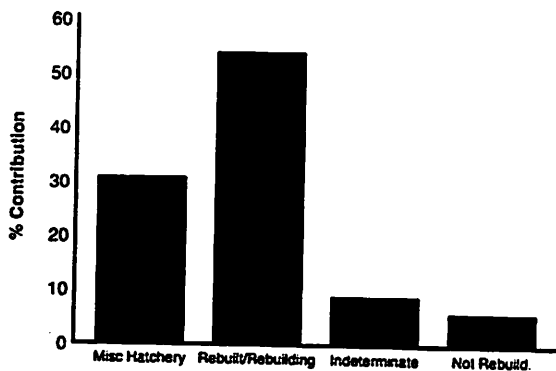


FIGURE 4. Proportions of far-north chinook salmon stocks contributing to Southeast Alaska ceiling catch.

The American Fisheries Society published a report in 1991 that identified 214 stocks of salmon in the Pacific Northwest that were at risk of extinction or of special concern. The report documented 106 additional stocks that were already extinct.

From Alaska's perspective, the demise of these salmon resources represents a tragic loss of cultural as well as economic values to both present and future generations. Recovery of salmon resources in the Pacific Northwest is important so that these valuable renewable resources can support healthy fisheries in the Pacific Northwest and continue to contribute to the historic fisheries in Southeast Alaska, as they have over the past 100 years.

Salmon stocks in the Pacific Northwest are at present severely impacted by drought conditions and *El Niño*, events beyond the control of man. However, these events have repeatedly occurred in the past without destroying salmon runs, and ocean conditions will return to normal at some point.

Setting drought and *El Niño* conditions aside, it seems clear that arresting the decline of salmon resources in the Pacific Northwest is not possible with continued habitat degradation, status quo operation of hydro-systems, or through a program that basically consists of limited fisheries management measures that fail to achieve escapement needs. In this regard, we applaud the Pacific Fisheries Management Council for finally adopting conservation-based management restrictions in offshore waters at their April 1994 meeting.

Meaningful conservation measures also need to be taken by individual states. It is cause for serious concern when biologists within state agencies feel compelled to step outside agency constraints to live up to their professional responsibilities. Such appears to be the case with a March 11, 1994, petition, filed by PRO-Salmon, to list nine salmon stocks in Washington state as threatened or endangered under the Endangered Species Act (ESA). PRO-Salmon consists of "professional fishery workers, primarily salmon biologists and technicians, within the Washington Department of Fisheries." According to the petition, "PRO-Salmon was formed as an advocacy group to be able to 'speak out' on fishery resource issues from a strictly biological point of view outside the constraints of their official duties within the Washington Department of Fisheries."

True recovery of these depressed salmon stocks will only take place when the Pacific Northwest places a higher priority on overcoming spawning escapement shortfalls brought about through neglect or by politically driven, overly exploitative fisheries management practices; hydropower development; and other habitat-degrading activities that appear so common to this area.

### APPLICATION OF THE ENDANGERED SPECIES ACT

In 1991 the National Marine Fisheries Service listed Snake River sockeye salmon as endangered and in 1992 listed Snake River spring/summer and fall chinook salmon as threatened under the ESA.

Snake River sockeye and spring/summer chinook salmon are not present in Alaska fisheries. A low presence of Snake River fall chinook salmon is inferred from recovery of tagged fish from a nearby hatchery.

In determining reasonable and prudent measures necessary or appropriate to minimize human impacts on Snake River fall chinook salmon, the NMFS has failed, to date, to focus recovery efforts on those factors causing the decline.

Through biological opinions, NMFS has concluded that hydropower operations in the Snake and Columbia Rivers do not jeopardize the continued existence of Snake River fall chinook salmon. It is astounding to Alaskans that this conclusion was reached despite the NMFS finding that these hydropower fa-

cilities are associated with killing between 81% and 93% of the juvenile and 41% of the adult Snake River fall chinook salmon. There is no rational connection between the NMFS finding of severe salmon mortality due to operation of the hydropower system and their conclusion of "no jeopardy" from hydro-systems.

United States and Canadian fisheries account for about 5% of human-induced mortalities to Snake River fall chinook salmon. The Southeast Alaska fishery accounts for approximately 5% of the total 5% fishery harvest mortality, or in other words, the fishery in Alaska only accounts for about one-quarter of 1% (0.0025) of the total human-induced mortality to Snake River fall chinook salmon.

The concentration of Snake River fall chinook salmon in the Southeast Alaska fishery is estimated to be about 1 per 5,000. Thus, if reductions in chinook salmon catch quotas are required to reduce impacts on Snake River fall chinook salmon, for every one Snake River fall chinook salmon that is "saved" through fishery restrictions, Alaskan fishermen forego the harvest of 5,000 other chinook salmon, as well as other species that are harvested concurrently.

In 1993 Snake River fall chinook salmon that were passed through Alaskan fisheries were subsequently subject to fisheries in Canada, Pacific Northwest marine waters, and inriver Columbia River fisheries, as well as subject to hydropower-induced mortality as they attempted to migrate upstream to spawning beds. Thus, for each fish saved in Alaska, only about one-quarter of a fish was expected to ultimately reach the spawning grounds.

To date NMFS has refused to consider fishery conservation efforts from the perspective of equivalent numbers of chinook salmon on the spawning grounds. Thus, in none of the various biological opinions has NMFS evaluated the efficacy and benefits to the spawning grounds when evaluating various potential conservation efforts.

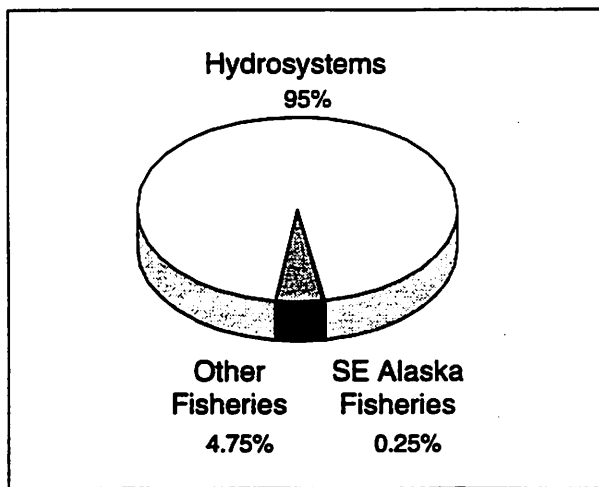


FIGURE 5. Estimated human-induced adult-equivalent mortalities of wild Snake River fall chinook salmon.

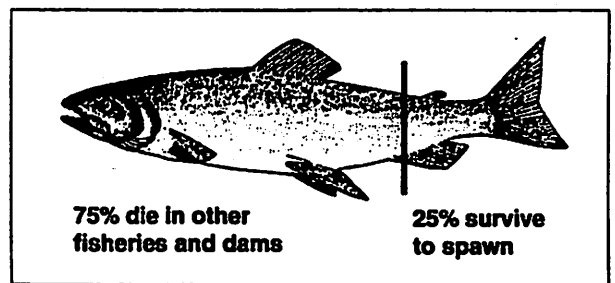


FIGURE 6. Fate of Snake River chinook salmon "saved" from Alaska fishery.

The view from Alaska is that what really counts in rebuilding Snake River fall chinook salmon is increased numbers of adult salmon returning to spawning beds in the Snake River.

NMFS arbitrarily selected 1986–1990 to use as a base period on which to apply fishery harvest minimization measures. The selection of these years captured the period of highest overall exploitation rates of Snake River fall chinook salmon documented in recent years for some fisheries.

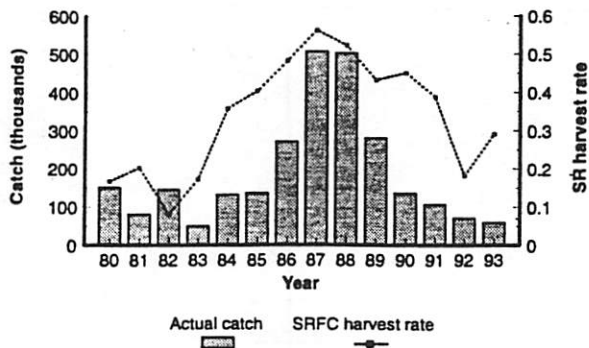


FIGURE 7. Total chinook salmon catch and Snake River fall chinook salmon harvest rate for Columbia inriver fisheries.

Harvest rates in southern fisheries were high during the 1986–1990 period because of near-term record levels of abundance of other healthy Columbia River stocks and associated heavy fishing that was accommodated through management under “pass-through” provisions (rather than quotas) of the Pacific Salmon Treaty for Pacific Northwest fisheries. Increased fishing effort in these fisheries resulted in accumulative catches of about 1.4 million chinook salmon above previous recent averages.

As a direct consequence of this heavy fishing effort and large harvests, weaker Snake River fall chinook salmon suffered the highest exploitation rate ever documented. The uniform adoption of this base period favors continuation of higher levels of take for fisheries which most directly and measurably impact Snake River fall chinook salmon.

During this same period, Alaska fisheries were managed under a “ceiling” (quota) approach that severely restricted catch levels of the very abundant and healthy Columbia River stocks. In fact, this abundance of healthy stocks greatly diluted the concentration of Snake River fall chinook salmon in Alaskan fisheries. With ceilinged fisheries, Alaska fishermen effected

some of their lowest-ever exploitation rates on listed fish.

Because NMFS has adopted a biologically unsound approach, the Southeast Alaska fishery has been required to operate at levels of take that fall below previously low harvest levels, levels that essentially demonstrated no measurable benefit to listed fish. Other

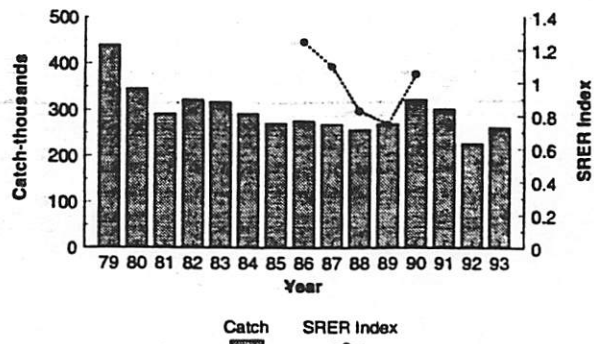


FIGURE 8. Southeast Alaska total chinook salmon catch and Snake River fall chinook salmon exploitation rate index.

fisheries have been allowed to continue their activities at levels substantially above their historical lows. And the primary cause of the stocks decline, hydropower operations, has not been required to take adequate corrective action.

The view from Alaska is that states should be a full partner in ESA rule-makings that directly affect them. And we believe that is exactly what Congress intended when the ESA was passed.

The view from Alaska is that what counts in recovery is greatly increased numbers of fall chinook salmon on the Snake River spawning grounds, not tokenism fisheries management efforts and providing a relatively “free-ride” to hydropower operations, such as occurred in 1993. Instead, salmon recovery measures:

1. should be proportional to factors causing decline; and
2. require significant improvements in hydro-system passage.

The view from Alaska is that the approach NMFS has taken to date on ESA rule-makings with regard to Snake River fall chinook salmon and other listed stocks will fail to ever result in full recovery to levels capable of sustaining maximum sustained yields.