

?????? ?? To protect orcas, federal judge orders closure of iconic Southeast Alaska troll fishery

Description

A federal judge issued an order Tuesday voiding an environmental review that helped authorize the small-scale fishery, a \$30 million industry that employs hundreds of people in Southeast Alaska.

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A troller plies the waters of Sitka Sound earlier this year. (Max Graham)

By [Northern Journal](#) and Anchorage Daily News

A federal judge issued [an order](#) Tuesday that closes an iconic Southeast Alaska salmon fishery for at least the summer season — a decision that threatens hundreds of jobs and a \$30 million industry in response to a conservation group’s lawsuit.

[\[Read more: A lawsuit targets a Southeast Alaska salmon fishery to save 73 orcas. Critics say the Washington-based plaintiffs should look closer to home.\]](#)

The lawsuit, filed by the Washington state-based [Wild Fish Conservancy](#), seeks to protect endangered orcas off the coast of the Lower 48 and British Columbia — whales that feed on some of the same salmon harvested by Southeast Alaska troll fishermen.

Participants in the lawsuit said that if adopted, a [preliminary, 40-page recommendation](#) by a federal magistrate in December would have the effect of closing the chinook fishery, in which some 900 permit holders harvest roughly 200,000 salmon each year.

But the ruling wasn’t final until Tuesday, when a Seattle-based federal district judge, Richard Jones, issued a [two-page order](#) upholding the magistrate’s recommendation.

“I’m in a mild state of shock,” said Amy Daugherty, executive director of the Alaska Trollers Association, which intervened as a defendant in the lawsuit. “Of course, we are disappointed.”

Alaska Republican Gov. Mike Dunleavy’s administration, which also intervened in the lawsuit on the trollers’ behalf, issued a statement saying the Department of Law will ask for Jones’ ruling to be set aside while an appeal plays out. It said the department will “immediately” notify the Ninth Circuit Court of Appeals that an appeal is pending.

Jones’ ruling is “a radical step,” the statement quoted Attorney General Treg Taylor as saying.

“We’ll continue to pursue every available avenue in defense of Alaska’s fisheries,” Taylor said. “We understand the critical importance of this fishery to the affected fishermen and communities across Southeast.”

The order from Jones does not explicitly call for the closure of the summer chinook fishery. Instead, it vacates a key federal authorization that allowed the state of Alaska to open the fishery without violating the Endangered Species Act.

But Taylor’s statement said the ruling “has the practical effect” of canceling the chinook harvest, which can generate as much as 40% of trollers’ annual income. The summer troll fishery runs from July through September.

One key question is how Jones’ decision will affect trollers’ harvests of coho and chum salmon, which make up the rest of their catch. Tuesday’s order did not specifically address cohos and chums, but some fishermen feared it could have the effect of closing those harvests, too, because trollers could still accidentally hook chinook while fishing for the other species.

A spokesperson for the National Marine Fisheries Service, which is named as the primary defendant in the case, said the agency is still reviewing the order. An official from the Wild Fish Conservancy did not respond to a request for comment.

Trollers typically fish alone or with a single deckhand on their small boats, and most live in communities across Southeast Alaska. Their harvests also help sustain processing plants and processing jobs around the region.

Unlike net fishermen, trollers catch salmon one at a time, on individual hooks. Careful treatment and icing keeps fish fresh and allows troll-caught salmon to sell at a higher market price: Filets are shipped around the country and can fetch \$40 a pound at high-end grocery stores.

Numerous local governments and industry players throughout the region contributed to a legal fund defending the fishery against the lawsuit. And Alaska's entire Congressional delegation, Dunleavy's administration and the state Legislature all weighed in on the trollers' behalf — along with multiple Alaska-based conservation groups.

Critics of the lawsuit said that closing Alaska's troll fishery would have devastating economic effects without generating meaningful benefits for the 73 whales remaining in the "Southern Resident" orca population.

They say the orcas' decline is driven by other factors like industrial pollution, habitat destruction and ship traffic — particularly in Puget Sound, near Seattle, where the whales spend much of their time.

Juneau-based SalmonState, a conservation group that has fought to protect other salmon fisheries across Alaska from threats like industrial-scale mining and factory trawling, issued a statement Tuesday that called Southeast trollers the "poster child for sustainable fisheries" and blasted Wild Fish Conservancy for filing its lawsuit.

"As a wild salmon-focused environmental organization, SalmonState condemns the Wild Fish Conservancy's misguided, irresponsible litigation — which in all probability won't save a single endangered killer whale, but will ruin the livelihoods of thousands of Southeast Alaska's most committed, long-term conservationists and wild salmon allies," said SalmonState executive director Tim Bristol. "This is an abuse of the Endangered Species Act by out-of-touch, ideological, serial litigants."

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