



Gulf of Alaska Chinook Salmon: Endangered Species Act Status Review Key Points

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The National Marine Fisheries Service (NMFS) recently issued a positive 90-day finding on a petition to list Alaska Chinook salmon as a threatened or endangered species under the Endangered Species Act (ESA), which starts a formal status review under the ESA. The result of the status review will be a decision on whether to list any or all GOA Chinook stocks as threatened or endangered under the ESA.

The petition was submitted to NMFS by the Wild Fish Conservancy, a Washington state-based environmental group, and requested ESA listing and designation of critical habitat of any GOA Chinook subpopulations. The massive area under review includes Chinook that spawn in the rivers of Southeast Alaska, Prince William Sound, Cook Inlet, Kodiak, and the Alaska Peninsula. The positive finding indicates that NMFS believes the petition provides substantial information that an ESA listing for these Chinook stocks may be warranted.

NMFS acknowledges that the petition has “numerous factual errors, omissions, incomplete references, and unsupported assertions and conclusions within the petition,” which should have disqualified the petition from consideration under NMFS’s regulations. Despite that, NMFS proceeded and their rationale for making the positive 90-day finding was uncertainty about the cause of missed escapement goals in recent years and evidence of decreasing size and age of Chinook at maturity.

The in-depth ESA status review will synthesize the best available scientific and commercial information on GOA Chinook salmon. NMFS will first attempt to delineate any listable stock groups, termed evolutionarily significant units (ESUs). Then NMFS will determine if any ESU meets the ESA definition for being endangered (in danger of extinction) or threatened (likely to become endangered). The status review evaluation considers all potential threats to each ESU regardless of whether the threat is natural (e.g., disease, predation) or the result of human activities (e.g., overharvest, habitat destruction). Those threats are placed in the context of each ESU’s abundance, spatial distribution, productivity, and diversity.

What You Can Do – Submit Public Comments

NMFS is currently soliciting information on GOA Chinook abundance, distribution, and productivity; harvest; genetics; limiting factors and threats; and impacts of environmental variability. **The public comment period closes on July 23, 2024**, unless ADF&G’s extension request is granted. Electronic public comments can be submitted via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2024-0042 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments. The notice can be found at 89 Fed. Reg. 45815.

Key Points about the Status Review, GOA Chinook Stocks, and ADF&G Management

- The ESA is an inappropriate tool to address a downturn in Chinook productivity. ADF&G management is designed to protect the long-term productivity of salmon stocks when productivity is low. This is a **significant** action that Alaska opposes.
- Sustainable management is a bedrock concept enshrined in the State of Alaska Constitution. When Alaska assumed management authority of its salmon fisheries in 1960, one year after statehood, many of the state's salmon runs were depressed and its salmon fisheries were in desperate shape. Alaska's first Governor, William Egan, stated in 1960 that the newly created Department of Fish and Game "was handed the depleted remnant of what was once a rich and prolific fishery." Alaska rebuilt salmon runs from abundances that were far lower than they are today, which is a profound example of the resilience of these stocks and the sustainable management practices that have been praised around the world.
- Alaska prioritized spawning escapement as the central tenet of sustained-yield salmon fisheries management and decision making. Escapement goals are based on maximum sustained yield and are not a metric of abundance to maintain a viable population. Failing to meet escapement goals is not evidence that stocks are at risk of extinction. In contrast to that notion, the escapement goals paired with the painful restrictions in fisheries that are implemented when escapement is not met regularly are the results of robust and responsive fishery management that ensures long-term sustained yield. Alaska's salmon management was designed, and is carried out, to avoid the health of stocks ever being jeopardized again like they were under pre-statehood federal management.
- In response to a downturn in productivity and lower Chinook yield, the Board of Fisheries and ADF&G have reduced Chinook exploitation rates substantially in recent years. Additionally, several stocks have been designated as Stocks of Concern and associated action plans with proscriptive management measures have been developed and implemented. These actions have resulted in fishery closures, reduced fishing time and effort, and have impacted fisheries targeting other species that incidentally catch Chinook. Alaskans endure cultural and economic impacts during productivity downturns to ensure the long-term health and productivity of salmon stocks. Timely reductions in fishing pressure in response to downturns in productivity are indicators of Alaska's strong and responsive management approach to ensure the long-term health of subsistence, commercial, and recreational fisheries, rather than evidence of salmon stocks potentially going extinct.
- The downturn in Chinook productivity in Alaska has been largely attributed to changes in the marine environment (i.e., not freshwater habitat). Multidecadal shifts in salmon productivity are normal and have been documented prior to the current productivity downturn. Chinook populations are expected to rebound once ocean conditions become more favorable again.

- The State of Alaska has made substantial investments in salmon research to better understand the causes of recent declines, identify potential solutions, and consider how to better incorporate climatic variability into fishery management. The investments and research are actions to ensure the long-term health of Alaska salmon stocks.
- Freshwater habitat is relatively pristine for most major GOA Chinook-producing watersheds. This is contrary to assertions in the Wild Fish Conservancy's petition and in striking contrast to the considerable habitat degradation in the Pacific Northwest. Alaska's freshwater and marine habitats remain largely intact.
- As NMFS acknowledged, the Wild Fish Conservancy's petition did not present "a complete, balanced representation of the relevant facts, including information that may contradict claims in the petition," (50 C.F.R. § 424.14(d)(5)) as called for in the regulations for ESA listing petitions. NMFS never should have accepted the Wild Fish Conservancy's petition to list GOA Chinook salmon under the ESA as a "reasonable person" should not conclude that GOA Chinook salmon are at risk of going extinct now or in the foreseeable future.
- The use of long-term climate models to predict the status of Chinook stocks into the future requires a host of assumptions that may or may not be accurate. The assessment of whether to list GOA Chinook stocks should not be driven by model assumptions.

Implications of a GOA Chinook ESA listing

A threatened or endangered ESA-listing transfers the management of the listed units and their critical habitats from the State to the federal government. An ESA-listing, in essence, means that NMFS believes state management is insufficient to protect the stocks from going extinct.

ESA listing of Chinook salmon will significantly harm subsistence, commercial, and recreational fisheries, causing cultural and economic harm. The listing of an ESU will move management of that ESU from state control to federal control with restrictions that could span from fishery reductions to no-harvest at all. Any fishery with incidental catch of that Chinook ESU would also be impacted.

Listing means that "critical habitat" for Chinook salmon will be designated, which could encompass a broad swath of freshwater and marine areas. Along with ESA-required consultations and permits, this will add regulatory hurdles for any activities that may affect salmon. Development in watersheds designated as critical habitat would be greatly restricted and require considerable regulatory review.