

## **Petition for finding of emergency and scheduling hearing on the adverse biological impacts that will result from recent amendments to Prince William Sound Private Non-Profit Hatchery Management Plans that add an increment of 20 million pink salmon egg take to existing permitted capacity**

We, the undersigned organizations and individuals, strongly recommend the Alaska Board of Fisheries (BOF) make a finding of emergency and subsequently schedule a time certain to meet and exercise their statutory authority to limit the number of pink salmon eggs allowed to be taken and incubated by the Private Non-Profit (PNP) hatcheries in the Prince William Sound (PWS). Specifically, this petition asks the BOF to amend actions taken in Permit Alteration Requests made by the PWS Regional Planning Team and deny the increase in the number of pink salmon eggs taken in 2018 by 20 million.

In accordance with 5 AAC 96.625 Joint Board Petition Policy, it is the policy of the boards that a petition will be denied and not schedule for hearing unless the problem outlined in the petition justifies a finding of emergency. In accordance with state policy expressed in AS 44.62.270, emergencies will be held to a minimum and are rarely found to exist.

In this section, an emergency is an unforeseen, unexpected event that either threatens a fish or game resource, or an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome to the petitioners because the resource would be unavailable in the future.

Factors in support of finding of emergency:

1. Hatchery permits are required for the construction and/or operation of a private non-profit salmon hatchery in Alaska. Hatchery permits specify the species and number of salmon that can be incubated at the hatchery, as well as the number released, release sites, broodstock sources, and other conditions of operation.
2. BOF authority as it relates to hatcheries. AS Sec. 16.10.440 (b) The Board of Fisheries may, after the issuance of a permit by the commissioner, amend by regulation adopted in accordance with AS 44.62 (Administrative Procedure Act), the terms of the permit relating to the source and number of salmon eggs.
3. The Joint Protocol on Salmon Enhancement (#2002-FB-215) entered into by the Alaska Board of Fisheries and the Alaska Department of Fish and Game (ADFG) on June 28, 2002 establishes a framework design to inform the public and coordinate department and board interaction on certain aspects of salmon hatchery policy and regulation.
4. The State of Alaska law mandates that hatcheries shall operate without adversely affecting natural stocks of fish - 5 AAC 39.222. Policy for management of sustainable salmon fisheries. (c)

(1) (D) effects and interactions of introduced or enhanced salmon stocks on wild salmon stocks should be assessed; wild salmon stocks and fisheries on those stocks should be protected from adverse impacts from artificial propagation and enhancement efforts.

5. The total number of pink salmon eggs that were taken for rearing in PWS hatcheries in 2016 was 740 million. That same year, 643 million pink salmon fry of hatchery-origin were released into PWS.
6. PWS fishermen have the highest hatchery fish catches. In 2017, 45 million salmon returned to the five hatcheries in PWS, accounting for 87 percent of the total salmon harvest. Ninety-three percent of pink salmon were hatchery-origin, and 68 percent of chum salmon were hatchery-origin. In all, PWS hatchery harvest added up to 62 percent of the total with a dockside value of \$64 million.
7. Pink salmon that showed up in streams across Lower Cook Inlet in 2017 weren't all local stocks — in some streams, up to 70 percent were releases from PWS hatcheries. PWS hatchery-marked fish were present in every Lower Cook Inlet stream sampled. In Fritz Creek, 70 percent of the 96-fish sampled were from PWS hatcheries. In Beluga Slough, 56 percent of the 288-fish sampled were from PWS.
8. In addition to the straying issues of PWS hatchery-origin pink salmon observed in Lower Cook Inlet, recent scientific publications (building on past published reports and internal ADFG reviews) have provided cause for great concern over the biological impacts associated with continued release of very large numbers of hatchery salmon into the North Pacific Ocean, including the Bering Sea and the Gulf of Alaska.
  - a. "Numbers and Biomass of Natural- and Hatchery-Origin Pink Salmon, Chum Salmon, and Sockeye Salmon in the North Pacific Ocean, 1925-2015" Gregory T. Ruggerone and James R. Irvine 2018.
  - b. "Population Viability Improves Following Termination of Coho Salmon Hatchery Releases" Kim K. Jones, Trevan J. Cornwell, Daniel L. Bottom, Staci Stein, and Kara J. Anlauf-Dunn 2018.
  - c. "Transhemispheric Ecosystem Disservices of Pink Salmon in a Pacific Ocean Macrosystem" Alan M. Singer, Gus B van Vliet, Natalie Bool, Mike Crowley, Peter Fullagar, Mary-Anne Lea, Ross Monash, Cassandra Price, Caitlin Vertifan, and Eric J. Woehler 2018.
  - d. "Pink Salmon Induce a Trophic Cascade in Plankton Populations in Southern Bering Sea and Around the Aleutian Islands" Sonia Batten, Greg Ruggerone and Ivonne Ortiz 2018.
  - e. "Effects of Climate and Competition for Offshore Prey on Growth, Survival, and Reproduction Potential of Coho Salmon in Southeast Alaska" Leon D. Shaul and Harold J. Geiger 2016.
  - f. "Changes in Body Size of Canadian Pacific Salmon over Six Decades" Kyla M Jeffrey, Isabelle M. Cote, James R. Irvine, and John D. Reynolds 2016.

- g. “Changes in Size and Age of Chinook Salmon *Oncorhynchus tshawytscha* Returning to Alaska” Bert Lewis, W. Steward Grant, Richard E. Brenner, and Toshihide Hamazaki 2015.
- h. “Alaska Department of Fish and Game Internal Review of Prince William Sound Aquaculture Corporation” Bert Lewis, Jeremy Botz, Steve Moffitt, Glenn Hollowell, Dan Gray, Jeff Regnart, Sean Palmer, Craig Farrington, and Bruce White 2009.
- i. “Diet Overlap and Potential Feeding Competition Between Yukon River Chum Salmon and Hatchery Salmon in the Gulf of Alaska in Summer” Katherine W. Myers, Robert V. Walker, Nancy D. Davis, and Janet L Armstrong 2004.
- j. “Feeding Ecology of Pacific Salmon (*Oncorhynchus* spp.) in the Central North Pacific Ocean and Central Bering Sea, 1991-2000” Nancy Davis 2003.
- k. “Evaluating Alaska’s Ocean-Ranching Salmon Hatcheries: *Biologic and Management Issues*” Environment and Natural Resources Institute, UAA 2001.
- l. “Trophic Feedback and Carrying Capacity of Pacific Salmon (*Oncorhynchus* spp.) on the High Seas of the Gulf of Alaska” Kerim Y. Aydin 2000.

In response to arguments against denial of additional capacity of egg take and rearing of hatchery pink salmon:

1. *Regulatory action requested is not clear* – To be unequivocal, the regulatory action requested is that the BOF exercise its authority provided in AS 16.10.440(b) and through use of the Administrative Procedure Act amend the 2018 PAR to deny allowing for the taking of an additional 20 million pink salmon eggs by PWS PNP’s.
2. *BOF should look at this issue more broadly and not act on this specific request now* – The respective obligations of the BOF and ADFG to wild stock preservation and authorities under the law are unambiguous. In the face of compelling science-based evidence of ocean competition issues of wild and hatchery-origin salmon and documented straying of hatchery-origin PWS pink salmon into Lower Cook Inlet, the fact that the BOF and ADFG have until now neglected to follow through on the Joint Protocol signed in 2002 is not a justifiable pretext for the BOF to refuse to act to deny an incremental increase in PWS hatchery pink salmon production. The promise of a more comprehensive approach in the future does not excuse the respective responsibilities of the BOF and ADFG for due diligence today.
3. *The Regional Planning Team (RPT) process is a public process and it is unfortunate that the authors of this petition did not participate and make their concerns known* – The RPT is about as closed, opaque and esoteric as any process deemed “public” can be. Whereas the BOF process is open, transparent and accessible to the public, both in person and online, the RPT is the opposite. In fact, the Joint Protocol on Enhancement was entered into in part precisely because both the BOF and ADFG recognized the shortcomings of the RPT process.
4. *It is unfair at this point to deny the PNP as it has made an investment in the infrastructure necessary to accommodate the additional 20 million pink salmon eggs and rearing needs* – Here,

where one must weigh the risk to sustainability of the State's wild stocks of salmon against the private investment, the law is clear, wild stock integrity comes first.

Conclusion:

1. It is certainly unforeseen, unexpected and poses a threat to fishery resources that ADFG, the state agency charged with stewardship of the state's salmon resource, would agree to an amendment to the Annual Management Plans for Private Non-Profit Hatcheries in Prince William Sound, providing for a substantial increase in the taking of pink salmon eggs when up to 70 percent of all pink salmon sampled on spawning streams of Lower Cook Inlet in 2017 were of Prince William Sound hatchery origin.
2. It is certainly unforeseen, unexpected and poses a threat to fishery resources that the BOF and ADFG would continue to ignore the Joint Protocol on Salmon Enhancement (#2002-FB-125) entered into on June 28, 2002 and fail to hold public meetings designed to provide an opportunity for the board and the public to receive reports from ADFG on hatchery issues, including most recent scientific research and production trends.

The relief sought by this Emergency Petition is to have the Alaska Board of Fisheries deny an increase of 20 million pink salmon eggs taken by the PNP's in PWS, through amendment to the recent April 2018 Permit Alteration Request made by the PWS Regional Planning Team and approved by ADFG, by exercising its regulatory authority granted to them in AS Sec. 16.10.440 (b) and the Administrative Procedures Act.

Respectfully,



Alaska Outdoor Council



Alaska Sportfishing Association



Chitina Dipnetters Association



Fairbanks Fish and Game A/C



Kenai River Professional Guide Association



Kenai River Sportfishing Association



Southcentral Alaska Dipnetters Association



Tsiu River Coalition

Concerned Citizens for Lower Cook Inlet



John Allardice - LCI set netter



Sera Baxter – LCI set netter



Emily Chalup – LCI set netter



Eddie Grasser – LCI angler



Mako Hagerty – LCI water taxi



Nancy Hillstrand – LCI fish processor



Wesley Humbyrd – UCI drift gillnetter



Brad Langvardt – LCI set netter



Dave Lyon – LCI water taxi



Kristi McLean – LCI set netter



Rory Millar – LCI set netter