

Alaska Responds to Endangered Species Act Petition Gulf of Alaska Chinook Salmon

— ADF&G Press Release

Doug Vincent-Lang, Commissioner

P.O. Box 115526

Juneau, Alaska 99811-5526

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CONTACT: Commissioner Doug Vincent-Lang, dfg.commissioner@alaska.gov

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May 23, 2024 (Juneau) — Today — The National Marine Fisheries Service (NMFS) 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). The petition, submitted by the Wild Fish Conservancy, a Washington state based environmental group, requests ESA listing of Chinook populations from all rivers that flow into the Gulf of Alaska. The positive finding indicates that NMFS believes that there is substantial information that an ESA listing for these Chinook stocks may be warranted.

"I am deeply disappointed in the decision by NMFS to issue a positive 90-day finding," said Alaska Department of Fish and Game (ADF&G) Commissioner Doug Vincent-Lang. "The petition was clearly drafted by people with little knowledge of Alaska and Alaska salmon stocks. It was rife with significant factual errors, omits important data that are widely available, and does not accurately describe the status of Chinook salmon in Alaska. It is mind boggling that NMFS could make a positive finding based on cherry-picked data to support a pre-determined viewpoint. I am concerned that this decision will encourage more frivolous petitions in the future."

The State is concerned that NMFS appears to be changing their standards based on a petitioner's ideology. NMFS bent over backwards to issue a positive 90-day finding on this flawed petition while conversely bending over backwards to issue a negative 90-day finding on a recent ringed seal petition from the State of Alaska and others that was well-prepared. Commissioner Vincent-Lang stated, "The Service needs to treat all petitions equitably in terms of the bar it uses to justify its decisions. Failure

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to treat petitions equitably raises questions of whether the decisions are arbitrary and capricious."

Populations of Chinook salmon across their range have been returning in lower numbers in recent years, which in Alaska has been largely attributed to changes in the marine environment. The State of Alaska has invested substantially in marine salmon research to better understand the causes of these declines and identify potential solutions.

"The ESA is the wrong tool to address a downturn in Chinook productivity, and this group is using it as a weapon to further their own interests" said Commissioner Vincent-Lang. "Simply failing to meet an escapement goal that is calculated to meet maximum sustained yield does not mean a stock is at risk of extinction. As the resource manager, ADF&G is both constitutionally obligated and committed to sustainable fisheries management. The State has taken aggressive management measures to conserve these stocks which have been proving successful."

The next step in the ESA process is for NMFS to convene a team of federal scientists to conduct a one-year status review using available scientific data. The outcome of that process will be for NMFS to make a finding of whether ESA listing is warranted for one or more salmon populations. If there is a finding to list one or more stocks as threatened or endangered, NMFS will publish a proposed rule in the federal register for public comment before making a final decision a year later.

The State of Alaska will work with the NMFS to the extent allowable to ensure they have the best available information to inform their review and to demonstrate that Alaska's wild Chinook salmon stocks are not at risk of extinction now or in the foreseeable future.

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