

WFC lawsuit Update

The BIG news is that the Chinook troll fishery is open!! Science and reason prevailed—at least for now! Read on for an update.

On June 21st, the UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT granted the State of Alaska's request to "stay" the district court's May 4, 2023 judgment—which translates to allowing trollers to go Chinook fishing in Southeast Alaska until the Ninth Circuit makes a decision on the merits of the case brought by the Wild Fish Conservancy.

The court found that the defendants "have established a sufficient likelihood of demonstrating on appeal that the certain and substantial impacts of the district court's vacatur on the Alaskan salmon fishing industry outweigh the speculative environmental threats posed by remanding without vacatur."

'Vacatur' is the legal term for vacating or negating the Endangered Species Act Incidental Take Statement (ITS) issued by NOAA to allow the Southeast Alaska troll Chinook fishery to open. The district court vacated the ITS and denied the requested stay of implementation; the Ninth Circuit has reversed the stay, allowing trollers to fish for kings while the court considers the arguments being developed by all parties to the lawsuit.

Additional briefs from plaintiffs, defendants, and friends of the court will be filed over the summer. The Ninth Circuit will reach a decision on the case sometime after that, but the court is not tied to a timeline.

Meanwhile, additional studies have been released further documenting that noise disturbance, inbreeding, and other Puget Sound-based impacts on the Southern Resident Killer Whales are the real threats to the recovery of these beleaguered orca. As is the case with salmon or just about any wild animal, without healthy habitat no species will survive, let alone thrive.

Nevertheless, the Wild Fish Conservancy continues to depict Southeast trollers and Washington hatcheries as villains, illustrating the attacks with pictures of the mother orca who carried her dead calf last year. Never mind that their claims are unsupported and bizarre, the WFC is doubling down to exploit an animal in peril for their own gains-- to fundraise and cast themselves as heroes. They are in it to win for themselves rather than do what is right for salmon or orca—that much is clear.

On the bright side--the coalition that rallied to support Southeast trollers is heartening. Tribes, communities, conservation organizations, fishing groups, Alaska's Congressional Delegation, and the Alaska State legislature—all passed resolutions or made public statements in support of the sustainable troll fishery and denouncing the lawsuit. With this momentum and the quick decision by the Ninth Circuit on the stay, trollers have reason for optimism and gratitude. Clearly there is more work ahead, but right now it is time to go fishing!