

**RECORD OF DECISION**  
**for the**  
**Environmental Impact Statement for the**  
**Issuance of an Incidental Take Statement**  
**under the Endangered Species Act**  
**for Salmon Fisheries in Southeast Alaska**  
**Subject to the Pacific Salmon Treaty and Funding to the State of Alaska to**  
**Implement the Pacific Salmon Treaty**

**Date:** November 21, 2024

**Lead Agency:** National Oceanic and Atmospheric Administration (NOAA)  
National Marine Fisheries Service (NMFS)

**Responsible Official:** Jonathan M. Kurland  
Regional Administrator  
Alaska Region

Jennifer Quan  
Regional Administrator  
West Coast Region

**Information contact:** Gretchen Harrington  
NMFS Alaska Region  
P.O. Box 21668  
Juneau, AK 99802  
907-586-7228

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### I. Introduction

This document comprises the National Oceanic and Atmospheric Administration (NOAA) National Marine Fisheries Service’s (NMFS) Record of Decision (ROD), as required by the National Environmental Policy Act (NEPA). This ROD documents the decision by NMFS to select Alternative 2, the preferred alternative in the Final Environmental Impact Statement (EIS) for the issuance of an incidental take statement (ITS) under the Endangered Species Act (ESA) for salmon fisheries in Southeast Alaska (SEAK) subject to the Pacific Salmon Treaty (PST) and funding to the State of Alaska to implement the PST (NMFS 2024a).

This ROD is designed to: (1) state NMFS’s decision and present the rationale for that decision; (2) identify the alternatives considered in the Final EIS in reaching the decision; and (3) state whether all practicable means to avoid or minimize environmental harm from implementation of the selected alternative have been adopted, and if not, why they were not.

### II. Environmental Impact Statement and Biological Opinion

NMFS published a Notice of Intent for this EIS in the **Federal Register** on October 4, 2023 (88 FR 68572). On October 30, 2023, NMFS conducted formal Tribal Consultation with the Central Council of Tlingit and Haida Indian Tribes of Alaska. NMFS released the Draft EIS and solicited public comment on the Draft EIS during a 45-day public comment period from January 26, 2024 to March 11, 2024 (89 FR 5210, January 26, 2024). NMFS received 519 letters of comment. Following review of public comments on the Draft EIS, the Final EIS was made available to the public through publication of a Notice of Availability in the **Federal Register** on October 4, 2024 (89 FR 80899). NMFS signed a Biological Opinion (BiOp), which included an ITS, on September 25, 2024 (NMFS 2024b). These documents are available on the NMFS Alaska Region webpage at <https://www.fisheries.noaa.gov/resource/document/environmental-impact-statement-issuance-incidental-take-statement-under>.

The EIS provides decision-makers and the public with an evaluation of the environmental, social, and economic effects of alternatives to the issuance of an ITS for the expected incidental take of species listed under the ESA by participants in SEAK salmon fisheries as well as alternatives to the disbursement of funds to the State of Alaska to implement the PST.

The EIS directly responds to a US District Court order in *Wild Fish Conservancy v. Quan*, a lawsuit that challenged a 2019 NMFS BiOp on the Federal actions related to the SEAK salmon fisheries. The court found that NMFS must comply with NEPA for the issuance of the ITS that accompanied the 2019 BiOp.



The court also determined that NMFS's 2019 BiOp was deficient. In response, NMFS issued a new 2024 BiOp and ITS for the same Federal actions related to the SEAK salmon fisheries: (1) NMFS's delegation of management authority over commercial troll and sport salmon fisheries in the exclusive economic zone (EEZ) in SEAK to the State of Alaska under the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska (Salmon FMP) and (2) Federal funding through grants to the State of Alaska for the State's management and monitoring of commercial and sport salmon fisheries and transboundary river enhancement necessary to implement the PST.

The 2024 BiOp analyzed the effects of the two Federal actions related to the SEAK salmon fisheries. NMFS expects that, with the issuance of the ITS to exempt take incidental to the SEAK salmon fisheries and the disbursement of Federal funds to the State of Alaska to manage and monitor the SEAK salmon fisheries, the SEAK salmon fisheries will continue to be prosecuted. The ITS issued with that BiOp exempts incidental take of threatened or endangered ESA-listed species by participants in Southeast Alaska salmon fisheries that are subject to the PST. The new 2024 ITS is based on the analysis in the 2024 BiOp, and concludes that the amount or extent of incidental take, coupled with other effects of the actions, is not likely to jeopardize the continued existence of listed species, specifically four ESA-listed salmon evolutionary significant units (ESUs) (lower Columbia river (LCR) Chinook, upper Willamette river (UWR) Chinook, Snake River Fall Run Chinook, and Puget Sound Chinook salmon); Southern resident killer whales (SRKW), Mexico distinct population segment (DPS) of humpback whales, and the Western DPS of Steller sea lions. The ITS specifies, among other requirements: the impact (the amount or extent) of incidental taking on the ESA-listed species; reasonable and prudent measures considered necessary or appropriate to minimize the impact of such take; and terms and conditions (including reporting requirements) that implement the specified measures. The ITS exempts incidental take that is reasonably certain to occur and provides fishery participants with protection from liability for such incidental takes, should they occur in compliance with the terms and conditions of the ITS.

The EIS therefore evaluated the effects of SEAK salmon fishing up to the catch limits negotiated under the 2019 PST Agreement on various resource components that include ESA-listed and non-listed marine mammals, ESA-listed and non-listed salmon, non-salmon fish, marine birds, habitat, and the ecosystem and climate change. The EIS also examines economic, community, and Tribal impacts. In the absence of the ITS and Federal funding to the State, NMFS assumes that the SEAK salmon fisheries would not be prosecuted, and so the EIS also evaluated the effects if the SEAK salmon fisheries subject to the 2019 PST Agreement were not prosecuted.

Finally, the EIS was developed with input from two cooperating agencies: the State of Alaska and the Central Council of Tlingit and Haida Indian Tribes of Alaska.

### **III. Alternatives Considered**

The suite of alternatives considered include the following:

*Alternative 1: Status Quo, no action.*

Alternative 1 is the status quo; no change to the 2019 BiOp. This alternative would maintain the 2019 BiOp and Incidental Take Statement (ITS, NMFS 2019). Under the ITS, the SEAK salmon fisheries subject to the 2019 PST Agreement would continue to be prosecuted under the 2019 PST Agreement and existing fishery management measures. This alternative, however, would not respond to the court's orders, because the court identified flaws with the 2019 BiOp and remanded to NMFS to address those flaws.

Under this alternative, the Council's and NMFS's 1990 decision to delegate management of the authorized salmon fisheries in the SEAK EEZ to the State of Alaska would remain unchanged, and

NMFS would continue to fund grants to the State of Alaska to monitor and manage salmon fisheries in State and Federal waters to meet the obligations of the PST.

*Alternative 2: NMFS would issue a new ITS with a new 2024 Biological Opinion; NMFS would disburse funding to the State of Alaska to implement the 2019 PST Agreement (**Preferred Alternative and an Environmentally Preferred Alternative**).*

Under Alternative 2, NMFS issues a new 2024 BiOp to respond to the court's finding that the 2019 BiOp did not comply with the ESA. This 2024 BiOp provides an ITS, consistent with the requirements of 16 U.S.C. § 1536, that specifies the level of take that NMFS determined is reasonably certain to occur for each ESA-listed species considered in the BiOp and that will not result in jeopardy to the species. Consistent with the analysis in the 2024 BiOp and the EIS, the SEAK salmon fisheries subject to the 2019 PST Agreement would continue to be prosecuted under the 2019 PST Agreement consistent with any reasonable and prudent measures and terms and conditions included in the 2024 BiOp /ITS.

Under this Alternative, the EIS also evaluates the Federal agency actions considered in the 2024 BiOp. NMFS analyzes in the EIS, as a second proposed action and component of this alternative, the effects from NMFS's proposed future funding to the State of Alaska Department of Fish and Game (ADF&G) for initiatives likely to remain in place for the duration of the PST. This is a proposed action in the EIS because NMFS retains discretion to disburse these funds in the future. NMFS also analyzed the effects from delegation of management of the authorized salmon fisheries in the EEZ to the State, primarily continued commercial troll and sport fishing in Federal waters consistent with the 2019 PST Agreement. This aspect of the effects analysis (i.e. delegation of management) is presented for analytical purposes only, as there is no proposed action to maintain, amend, or rescind delegation of management of the Federal fisheries to the State consistent with NMFS's authority under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. § 1856(a)(3)(B)).

*Alternative 3: NMFS would not issue an ITS; NMFS would not disburse funding to the State of Alaska to implement the 2019 PST Agreement. (**An Environmentally Preferred Alternative**).*

Under Alternative 3, NMFS would not develop a new BiOp and any incidental taking of ESA-listed species by the SEAK salmon fisheries would not be exempt from the ESA's prohibition of such take. The EIS therefore assumes that the SEAK salmon fisheries under the 2019 PST Agreement would not be prosecuted in the absence of an ITS. To be clear, the EIS assumes, due to the potential for all salmon fisheries in SEAK to take ESA-listed species, that all salmon fisheries in SEAK—troll, purse seine, drift gillnet, set gillnet, sport, and personal use—would not be prosecuted in the absence of an ITS. NMFS also would not fund grants to the State of Alaska to monitor and manage salmon fisheries in State and Federal waters, and therefore NMFS and the State could fail to meet the obligations of the PST. Because the grants facilitate management of the SEAK salmon fisheries in compliance with the 2019 PST Agreement, the EIS also assumes that the SEAK salmon fisheries subject to the 2019 PST Agreement would not be prosecuted if funding were discontinued.

*Note on the Federal Actions Related to the SEAK Salmon Fisheries Included in the EIS*

Because of the nexus between the court's orders on the ESA and NEPA deficiencies and in light of NMFS's discretionary disbursement of funds to the State, the EIS evaluates the effects of the Federal agency actions subject to ESA consultation that were originally evaluated in the 2019 BiOp and ITS and more recently, after remand, in the 2024 BiOp and ITS. NMFS included Federal funding to the State of Alaska as a proposed action in the EIS because NMFS retains discretion to disburse grants to the State of Alaska in the future to monitor and manage salmon fisheries in State and Federal waters related to meeting the obligations of the PST.

NMFS evaluates in the EIS the effects of NMFS's delegation of management authority over salmon fisheries in the SEAK EEZ to the State of Alaska under the Salmon FMP. Delegation, however, was not considered a proposed action in the EIS. The decision to delegate to the State management of the

authorized fisheries in the SEAK EEZ was made in 1990 and reaffirmed and evaluated under NEPA in several actions, mostly recently in 2012 (Amendment 12 to the Salmon FMP). The environmental assessment/regulatory impact review for Amendment 12 evaluated the impacts of the delegation and the operation of the commercial troll and sport fisheries in the SEAK EEZ on Alaska salmon stocks, ESA-listed salmon, marine mammals, seabirds, and essential fish habitat, as well as cumulative effects and economic effects (NMFS 2012). In light of the 2024 BiOp on the Federal actions related to the SEAK salmon fisheries (which includes delegation) and the proposed action evaluated in this EIS per the court’s orders (issuance of the ITS tied to the 2024 BiOp), the EIS accounts for the effects of fishing in Federal waters, whether under delegated management to the State or sole Federal management. If NMFS discontinued delegation of management to the State, NMFS assumes that similar effects would result if NMFS solely managed the fisheries in Federal waters. The sport fishery harvests a very small amount of salmon in Federal waters, and Federal management of the EEZ likely would not affect catch or harvest in that fishery. NMFS expects the same for the troll fishery, particularly because the fisheries would remain subject to the harvest limits under the PST. If Federal management were too onerous or if Federal waters were closed, the commercial troll fleet has the ability to catch all of its PST allocation in state waters, and so could readily shift effort to state waters. More details are found in Sections 2.1 and 5.2 and Response to Comment 14 in the Final EIS.

#### IV. Comparison of Alternatives for Decision-making

Alt.	ITS Coverage for SEAK Salmon Fisheries	Comparative Features	Impacts
Alt 1	Yes	<ul style="list-style-type: none"> <li>• ESA takes exempted for all SEAK salmon fisheries subject to the 2019 PST Agreement up to the limit of the ITS in the 2019 BiOp.</li> <li>• Fishery participants would not be subject to enforcement action for ESA incidental takes up to the ITS limit and in compliance with the terms and conditions of the ITS. ADF&amp;G would be expected to open the salmon fisheries per agency standards and processes.</li> <li>• NMFS would continue to fund grants to the State of Alaska to monitor and manage salmon fisheries to meet the obligations of the PST through 2028.</li> <li>• As a component of this Alternative (but not a proposed action), the EIS accounts for effects of delegation of management of the authorized salmon fisheries in the EEZ to the State (delegation would remain in place).</li> </ul>	<ul style="list-style-type: none"> <li>• Incidental take of listed Chinook, southern resident killer whale (SRKW) (through prey reductions), humpback whales, and Steller sea lions could occur in SEAK salmon fisheries up to limit specified in 2019 ITS.</li> <li>• Interactions with non-ESA listed species (i.e. marine mammals, marine birds, unlisted salmon, and other fish species) could occur, but not at levels that would have population-level impacts.</li> <li>• The State’s spawning escapement goals for SEAK-origin salmon are generally expected to be achieved (Munro 2023; Munro and Brenner 2022).</li> <li>• Minimal climate and greenhouse gas impacts and negligible habitat impacts from SEAK salmon fisheries.</li> <li>• Economic opportunities would be preserved for individuals and entities engaged in salmon fisheries (including, but not limited to, permit holders, vessel owners, charter operators, processors, and suppliers, as well as sport and personal use fishers).</li> <li>• SEAK communities would continue to thrive in tandem with SEAK salmon fisheries, and 10,000 years of Alaska Native salmon stewardship, culture, and connection to salmon (including for subsistence and food security) would be maintained as would economic opportunities for Alaska Native Tribal citizens who participate in the salmon fisheries.</li> </ul>
Alt 2 (Preferred)	Yes	<ul style="list-style-type: none"> <li>• ESA takes exempted for all SEAK salmon fisheries subject to the 2019 PST Agreement up to the limit of the ITS in the 2024 BiOp.</li> </ul>	<ul style="list-style-type: none"> <li>• Incidental take of listed Chinook, SRKW (through prey reductions), humpback whales, and Steller sea lions could occur in SEAK salmon fisheries up to limit specified in the 2024 ITS, which concludes take</li> </ul>

Alt.	ITS Coverage for SEAK Salmon Fisheries	Comparative Features	Impacts
		<ul style="list-style-type: none"> <li>● Fishery participants would not be subject to enforcement action for ESA incidental takes up to the ITS limit and in compliance with the terms and conditions of the ITS. ADF&amp;G would be expected to open the salmon fisheries per agency standards and processes.</li> <li>● NMFS would fund grants to the State of Alaska to monitor and manage salmon fisheries to meet the obligations of the PST through 2028.</li> <li>● As a component of this Alternative (but not a proposed action), the EIS accounts for effects of delegation of management of the authorized salmon fisheries in the EEZ to the State (delegation would remain in place).</li> </ul>	<p>would not jeopardize the continued existence of these listed species.</p> <ul style="list-style-type: none"> <li>● Interactions with non-ESA listed species (i.e. marine mammals, marine birds, unlisted salmon, and other fish species) could occur, but not at levels that would have population level impacts.</li> <li>● The State’s spawning escapement goals for SEAK-origin salmon are generally expected to be achieved.</li> <li>● Minimal climate and greenhouse gas impacts and negligible habitat impacts from SEAK salmon fisheries.</li> <li>● Economic opportunities would be preserved for individuals and entities engaged in salmon fisheries (including, but not limited to, permit holders, vessel owners, charter operators, processors, and suppliers, as well as sport and personal use fishers).</li> <li>● SEAK communities would continue to thrive in tandem with SEAK salmon fisheries, and 10,000 years of Alaska Native salmon stewardship, culture, and connection to salmon (including for subsistence and food security) would be maintained as would economic opportunities for Alaska Native Tribal citizens who participate in the salmon fisheries.</li> </ul>
Alt 3	No	<ul style="list-style-type: none"> <li>● No ESA takes exempted in SEAK salmon fisheries. Fishery participants in salmon fisheries would be liable for ESA takes.</li> <li>● The Federal fisheries would be closed in the absence of an ITS and for this analysis we assume ADF&amp;G would also not open any SEAK salmon fisheries in state waters due to that liability.</li> <li>● NMFS would not fund grants to the State of Alaska to monitor and manage salmon fisheries.</li> <li>● Because the EIS assumes no salmon fishing would occur in the absence of an ITS and Federal funding, the EIS analyzes effects if no fishing occurred in Federal or state waters, such as if NMFS superseded delegation of the troll and sport fisheries in the EEZ to the State and closed those EEZ fisheries under the Salmon FMP.</li> </ul>	<ul style="list-style-type: none"> <li>● No take of listed Chinook, SRKW, humpback whales, and Steller sea lions would occur from SEAK salmon fisheries.</li> <li>● SRKWs would continue to be impacted by inbreeding depression, pollution and disturbances from vessels and sound in the SRKW range, and other limiting factors.</li> <li>● Interactions with non-ESA listed species (i.e. marine mammals, marine birds, unlisted salmon, and other fish species) would not occur, but reduction in interactions are not likely to have any population effects.</li> <li>● No climate, greenhouse gas, or habitat impacts from SEAK salmon fisheries, but reduction in impacts likely nominal.</li> <li>● Severe deleterious impacts to SEAK salmon stocks due to crowding of salmon in streams and death due to low oxygen, resulting in significant impacts to the ecosystem.</li> <li>● NMFS and the State would fail to meet the obligations of the PST through 2028.</li> <li>● Catastrophic effects would be felt economically, culturally, and by communities and Tribes with a closure of SEAK salmon fisheries.</li> <li>● Loss of \$119 million in harvest revenue from all salmon fisheries.</li> <li>● Loss of \$602.8 million in processing revenue.</li> <li>● Removal of economic pillar for many rural SEAK communities, where there are often no other economic opportunities to pivot to.</li> <li>● Cessation of 10,000 years of Tribal fishing and cultural practices surrounding fishing, leading to loss of economic opportunities for Tribal members,</li> </ul>

Alt.	ITS Coverage for SEAK Salmon Fisheries	Comparative Features	Impacts
			increased food insecurity, and severing of stewardship, culture, and connection to salmon.

*Alternatives Considered and Eliminated from Further Study*

NMFS considered additional alternatives and eliminated them from further study. In the development of the alternatives, NMFS considered whether to analyze other permutations of Alternatives 1 and 2 as separate alternatives. These included:

1. NMFS would not issue a new BiOp and ITS, and NMFS would not continue to fund grants to the State (Alternative 3);
2. NMFS would not issue a new BiOp and ITS, and NMFS would continue to fund grants to the State;
3. NMFS would issue a new BiOp and ITS, and NMFS would not continue to fund grants to the State; and
4. NMFS would issue a new BiOp and ITS, and NMFS would continue to fund grants to the State (Alternative 2).

NMFS did not analyze these other permutations as separate alternatives. Under the second permutation where NMFS would not issue a new BiOp and ITS but would continue to fund grants to the State, NMFS assumes that ADF&G would not open the SEAK salmon fisheries in the absence of a new BiOp and ITS since fishery participants in the salmon fisheries would be liable for ESA incidental takes; the effects from this permutation are therefore encompassed and analyzed under Alternative 3. Under the third permutation NMFS would issue a new BiOp and ITS but would not continue to fund grants to the State of Alaska. While fishery participants would have an exemption for incidental take and therefore ADF&G may open the SEAK salmon fisheries, it is not certain that ADF&G can manage and monitor the fisheries consistent with the obligations under the 2019 PST Agreement in the absence of Federal funding. The SEAK salmon fisheries may remain closed; if ADF&G did not open the SEAK salmon fisheries, effects would be commensurate with those analyzed under Alternative 3. If ADF&G did open the SEAK salmon fisheries, NMFS assumes similar effects from the operation of the fisheries as analyzed under Alternatives 1 and 2, although likely reduced since the lack of funding would increase uncertainty in stock assessment and fishery management that would lead to more conservative management and reduced fishing opportunities for SEAK salmon fishing.

Additionally, scoping comments and comments on the Draft EIS also recommended five additional alternatives that NMFS considered but did not analyze further because they are outside the scope for this action and, in the case of the prey increase program, are analyzed elsewhere<sup>1</sup>.

1. *Analyze the Prey Increase Program.*
2. *Analyze measures that restrict the SEAK salmon fisheries below the 2019 PST Agreement Chinook salmon catch limits and evaluate the ways to minimize or mitigate economic harms from fisheries closure, such as determining a fishery disaster.*

<sup>1</sup> <https://www.fisheries.noaa.gov/action/prey-increase-program-southern-resident-killer-whales>

3. *Engage with Canada's Department of Fisheries and Oceans and renegotiate the PST to significantly reduce harvest levels of Chinook in the SEAK PST AABM fisheries, PFMC's North of Falcon fisheries, British Columbia's AABM Chinook fisheries (North-Central, NBC; and West Coast Vancouver Island, WCVI), as well as near-terminal sport fisheries.*
4. *Transition all Alaska PST fisheries that encounter Chinook salmon to a limiting stock framework, consistent with how PFMC fisheries are managed, to bring consistency to, and better coordination with, fisheries occurring in marine waters off the coast of Washington, Oregon, and California.*
5. *Evaluate requiring highly selective fishing gears in terminal/near-terminal fisheries such as reef nets, pound nets, and weirs (fish traps) that are capable of releasing non-target Chinook and other taxa with negligible or no harm.*

NMFS explains in Section 2.4 of the Final EIS why these alternatives were not considered further and responds to the specific comments on the Draft EIS in Section 8 of the Final EIS. However, NMFS notes here that the alternatives analyzed in the EIS were developed to meet the purpose and need, and the purpose and need was developed directly in response to the district court's findings and orders (see Section 2.1 of the Final EIS). The court found that the 2019 BiOp was deficient under the ESA and that NMFS must complete a NEPA analysis for the issuance of an ITS for the operation of the SEAK fisheries subject to the PST Agreement. Because of the district court's orders finding deficiencies with the 2019 BiOp and remanding to the agency to address those deficiencies, NMFS knew it would have to engage in section 7 consultation and issue a new BiOp and ITS to respond to the court's orders. On remand, NMFS as the action agency for the Federal actions related to the SEAK salmon fisheries engaged in ESA section 7 consultation as required by the ESA, and NMFS as the consulting agency developed a new BiOp and ITS (the 2024 BiOp/ITS) consistent with the ESA and implementing regulations. NMFS also developed and issued the EIS to evaluate the proposed issuance of the new ITS as ordered by the court. More details can be found in Sections 2.1, 8.2.1, and 8.2.3 of the Final EIS.

NMFS has not included alternatives to restrict the SEAK salmon fisheries, analyze a range of take limits, reduce the percentage of allowable take, or otherwise institute "harvest reforms" or other changes like gear changes. Under the ESA, the issuance of the ITS follows an ESA section 7 consultation, and there are essentially two outcomes from an ESA section 7 consultation. First, if NMFS concludes the agency action is not likely to jeopardize the continued existence of listed species, NMFS issues a BiOp and ITS for take that is reasonably certain to occur incidental to the agency action (16 U.S.C. § 1536(b)(3), (4)). Second, however, if NMFS concludes the agency action is likely to jeopardize the continued existence of listed species, NMFS must offer Reasonable and Prudent Alternatives (RPAs) and specify the incidental take that will occur if NMFS concludes that the action as modified by the RPAs is not likely to jeopardize the continued existence of listed species (16 U.S.C. § 1536(b)(3), (4)). Under either outcome, NMFS evaluates the agency action before it (or the action as modified by RPAs) and issues an ITS for the take reasonably certain to occur incidental to that agency action (50 CFR 402.14(g)(7)), and NMFS as the consulting agency does not have discretion to withhold the ITS or otherwise change the take exempted from what is reasonably certain to occur. Here, NMFS concludes in the 2024 BiOp that the Federal actions related to the SEAK salmon fisheries are not likely to jeopardize the continued existence of any threatened or endangered species and NMFS includes an ITS exempting take of ESA-listed species that is reasonably certain to occur incidental to those fisheries. Based on the analysis in that BiOp/ITS that fishing at the catch limits under the 2019 PST Agreement is not likely to jeopardize the continued existence of listed species, the EIS analyzes the impacts of fishing in SEAK up to the catch limits negotiated under the 2019 PST Agreement, and the second outcome, development of an RPA or RPAs, was not required under the ESA. In addition, because the ESA directs that NMFS "shall provide" an ITS if NMFS concludes that the agency action, and the taking of ESA-listed species incidental to the agency action, will not violate the ESA, NMFS has not included alternatives to restrict the SEAK salmon fisheries, analyze a range of take limits, reduce the percentage of allowable take, or otherwise institute



“harvest reforms” or other changes like gear changes (16 U.S.C. § 1536(b)(4)).

## **V. Environmentally Preferable Alternative**

The Council on Environmental Quality regulations require that the ROD specify the alternative or alternatives which are considered to be environmentally preferable (40 CFR 1505.2)<sup>2</sup>. Such an alternative has been interpreted to be the alternative that will promote the national environmental policy as expressed in section 101 of NEPA. Ordinarily, this means the alternative that causes the least damage to the physical and biological environment, or that protects, preserves, or enhances historic, cultural, Tribal, and natural resources, or that addresses disproportionate and adverse effects on communities with environmental justice concerns.

For this action, the NMFS Alaska Region considers two of the three alternatives as the environmentally preferable alternatives; Alternative 2, which protects, preserves, or enhances historic, cultural, and Tribal resources, and addresses disproportionate and adverse effects on communities with environmental justice concerns, and Alternative 3, which demonstrates the least damage to the physical and biological resource components listed and evaluated in Section 5 of the Final EIS.

The EIS analysis demonstrates that Alternative 2 is the environmentally preferable alternative when considering that which protects, preserves, or enhances historic, cultural, and Tribal resources, or that addresses disproportionate and adverse effects on communities with environmental justice concerns. Compared to the other alternatives, the environmental benefits of this alternative would occur because Tribal communities of SEAK would continue more than 10,000 years of salmon stewardship and cultural connections to salmon. Community resilience would be maintained as key economic opportunities for rural communities, as well as the cultural significance of, and access to salmon would be preserved. In addition, subsistence harvest, a crucial activity in reducing the high cost of living in Alaska and bolstering food security for SEAK residents, would be maintained. Intergenerational relationships and teaching would continue, and the health and well-being of Tribal youth in SEAK rural communities would continue to be bolstered by access to cultural salmon opportunities. Therefore, when considering potential damage to historic, cultural, and Tribal resources, or adverse effects on communities with environmental justice concerns, Alternative 2 is considered the least impactful.

In addition, the EIS analysis demonstrates that Alternative 3 is the environmentally preferable alternative when considering physical and biological resource components. Compared to the other alternatives, the environmental benefits of this alternative would occur because it would result in greatly reduced salmon fishing in SEAK since any salmon fishery that has the potential to take ESA-listed salmon likely would not be prosecuted in the absence of an ITS. This would mean reduced impacts to and interactions with ESA-listed salmon and West Coast origin non-ESA listed salmon, marine mammals, marine birds, fish other than salmon, habitat, and the ecosystem, although some of the reduced impacts are slight given the negligible to minimal impacts of salmon fishing on certain resource components. However, as explained in the EIS, the cessation of salmon fishing in SEAK would have immediate, deleterious, and severe impacts to SEAK origin non-ESA listed salmon stocks due to crowding of salmon in streams and death due to low oxygen, resulting in significant impacts to the ecosystem. On the whole, when considering potential damage to physical and biological resource components, Alternative 3 is the least impactful to many of the physical and biological resource components analyzed in the EIS.

## **VI. Rationale for Selection of the Preferred Alternative**

NMFS’s decision to select Alternative 2 was reached after a comprehensive review of the relevant

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<sup>2</sup> All cites to CEQ regulations are from the regulations in effect as of July 1, 2023, <https://www.govinfo.gov/content/pkg/CFR-2023-title40-vol37/pdf/CFR-2023-title40-vol37.pdf>.

environmental, economic, and social consequences of the alternatives, and considering the public comments on the Draft EIS and NOI. NMFS has taken into account the ESA, the PST, other applicable statutory and policy considerations, and public comments in selecting Alternative 2 as the alternative that best enables NMFS to issue an ITS, while meeting statutory, regulatory, and national policy requirements, goals, and objectives, and the court orders. NMFS believes that issuing the ITS as described under Alternative 2 will: (1) specify the limit of incidental take of ESA-listed species in the SEAK salmon fisheries and prescribe the reasonable and prudent measures and terms and conditions to monitor and mitigate the amount and extent of that incidental take; (2) best ensure continued access to salmon resources by traditional user groups, including participants in commercial, sport, and subsistence fisheries; (3) avoid economic hardship for SEAK communities, including rural and Tribal communities; (4) provide continuity for the traditional cultural importance of salmon to SEAK communities and Alaska Natives; and (5) provide for continued subsistence practices and food security for Alaska Native citizens and Tribes. In addition, the disbursement of Federal funding to the State of Alaska to monitor and manage the SEAK salmon fisheries that are subject to the PST is critical for implementing and monitoring science-based salmon fishery management under the PST. Federal funding is used to, inter alia, prepare the fishery and stock assessments required to implement the international obligations of the PST and to gather and analyze the vast amount of data routinely needed to effectuate the fishing regimes under the PST.

NMFS considered the potential impacts of Alternative 2 on ESA-listed species, the SEAK salmon commercial and sport fisheries, communities that engage in salmon fishing, and salmon subsistence users. In particular, when compared to the other alternatives, Alternative 2 best balances the interests of the salmon user groups in SEAK with the needs of ESA-listed species, in particular listed Chinook ESUs and the SRKW, by issuing an ITS as required under the ESA when a “no jeopardy” determination is made in a BiOp. The Final EIS contains a detailed analysis of effects on ESA-listed species in Section 5. NMFS concludes that the issuance of the ITS under Alternative 2 is consistent with and best balances the ESA and PST provisions.

NMFS acknowledges that Alternative 2 would also impact non-ESA-listed salmon and marine mammals, other fish species, marine birds, habitat, greenhouse gas emissions, and climate change. NMFS considered impacts under Alternative 3, but NMFS selected Alternative 2 as a measure that would have less economic, community, and cultural impacts to the SEAK salmon commercial fisheries and participants, while balancing the need to limit take of listed species through the issuance of an ITS to meet the Purpose and Need statement of the Final EIS. NMFS concludes that the issuance of an ITS is necessary and consistent with the ESA, given the no jeopardy determination of the 2024 BiOp signed on September 25, 2024 and will not jeopardize the conservation and recovery of the ESA-listed Chinook ESUs, SRKW, humpback whale Mexico DPS, and the Steller sea lion Western DPS in both the short and long terms.

NMFS further recognizes that salmon is a highly valued fish species that supports SEAK directed commercial and sport fisheries, as well as subsistence use. Commercial fisheries include commercial troll, drift and set gillnet, and purse seine. Sport fisheries include charter operations and private sport fishing. Overall, salmon accounted for approximately 60% to 70% of SEAK’s seafood production value. Using data from the most recent comprehensive economic study produced by ASMI in 2020, the SEAK salmon fisheries produced \$303 million in output, \$165 million in labor income for SEAK, and 7,910 in jobs for the region. Breaking it down, commercial fishing contributed to 4,410 jobs, followed by processing, which contributed to 2,730 jobs, and lastly, management contributed to 770 jobs for salmon-related fisheries.

Of the commercial salmon fisheries, the troll fishery receives a significant portion of the PST harvest limit of Chinook and catches approximately sixty-seven percent of the Chinook in SEAK (ten-year average). The fleet is composed of small, family-owned fishing boats that use hook-and-lines to individually catch every salmon, which results in a high-quality product that receives a premium price.

The troll fishery has landings in more SEAK communities than the other salmon fisheries, and the economic impacts are large for those small communities, providing earning potential in an area with otherwise limited opportunities. An estimated eighty-five percent of the SEAK troll fleet permits are local to SEAK. Since SEAK's troll fishery has the highest level of local ownership of any major Alaska fishery, its ongoing survival is critical to all of SEAK's communities.

Many Tribal citizens who reside throughout SEAK participate in SEAK salmon fisheries, especially in the smaller communities, contributing to the regions' annual multi-million-dollar salmon industry. Salmon are also harvested by Indigenous peoples in both personal use and subsistence fisheries that provide food security for families and are highly valued in traditional and customary activities for communities throughout SEAK, British Columbia, and the Pacific Northwest as a whole. The social and cultural importance of salmon and salmon fishing as a traditional activity for Alaska Native Tribes throughout Alaska is well-documented. Lingít and Xaadas peoples have called SEAK home since time immemorial, and salmon has been the foundation of culture the entirety of that time. Tribal citizens of the Central Council of Tlingit & Haida Indian Tribes of Alaska have fished the waters of SEAK for more than 10,000 years, and continue to do so, including as commercial fisherman. Nearly 120 permit holders are Alaska Native Tribal citizens of the Tlingit & Haida Indian Tribes of Alaska, and nine holders are Alaska Native Tribal citizens of the Metlakatla Indian Community Annette Islands Reserve. The participation of Tribal citizens throughout commercial, sport, personal use, and subsistence salmon fisheries are therefore vitally important for the social, cultural, and economic resiliency of Alaska Native Tribes and SEAK coastal communities.

The EIS notes that the cultural significance of salmon for fishermen and their associated communities can exceed the economic value of the fishery in some communities. And, the availability of salmon contributes significantly to the year-round food supply in rural SEAK communities. Sport fisheries, personal use fisheries, and subsistence fisheries provide a dependable food source for residents across Southeast Alaska's 33 communities. Protein sourced from salmon fisheries is central to many SEAK households, providing a nutritionally dense and local food at a low cost as compared to other sources of protein in small rural communities where grocery prices are often inflated due to remoteness.

Overall, positive social and environmental justice impacts on dependent salmon fishing communities would be expected as a result of Alternative 2. The economic, social, and cultural benefits to Alaska communities that may result from Alternative 2, the issuance of the ITS and funding to the State, is discussed in Section 6 of the Final EIS.

Alternative 1 is not NMFS's preferred alternative because this alternative would not respond to the court's orders, because the court identified flaws with the 2019 BiOp. As noted in Section II of this ROD, the district court determined the prey increase program lacked specificity and deadlines or otherwise enforceable obligations and was not subject to agency control or reasonably certain to occur. The court therefore found NMFS erred by relying on the program to mitigate the effects of the fisheries. The district court also concluded that NMFS failed to evaluate the effects of the prey increase program on ESA-listed Chinook salmon. Ultimately, the court found that NMFS's jeopardy determinations for SRKWs and ESA-listed Chinook salmon were flawed and the court remanded to NMFS to address the ESA deficiencies identified by the court.

Alternative 3 is not NMFS's preferred alternative because it does not fulfill NMFS's roles under the ESA, and it does not respond to the district court's order and remand that NMFS address the ESA and NEPA deficiencies identified by the court. Under the ESA, NMFS, as the action agency for the Federal actions related to the SEAK salmon fisheries, is required to fulfill its obligations under section 7 of the ESA to consult to ensure that those actions are not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat (16 U.S.C. § 1536(a)(2)). And, under the ESA, NMFS as the consulting agency is obligated at the conclusion of formal consultation to (1) prepare a BiOp detailing how the agency action affects listed

species and their designated critical habitat (16 U.S.C. § 1536(b)(3)); and (2) issue an ITS for take that is reasonably certain to occur incidental to the action (16 U.S.C. § 1536(b)(4)) if NMFS concludes, among other things, that the agency action and any incidental take is not likely to jeopardize the continued existence of any listed species (16 U.S.C. § 1536(b)(4); 50 CFR 402.14(g)(7)). In addition, Alternative 3 is not NMFS's preferred alternative because, as explained in the EIS, U.S. obligations under the PST are fundamentally a Federal commitment, and Federal funding to the State is essential for the State to fulfill those commitments and to implement and monitor science-based salmon fishery management under the PST.

In the 2024 BiOp/ITS, NMFS concludes that the Federal actions related to the SEAK salmon fisheries, with fishing occurring under the 2019 PST Agreement and taking into account the funding program to increase prey availability for SRKW to mitigate the effects of the PST fisheries generally, are not likely to jeopardize the continued existence of ESA-listed species. NMFS analyzed the prey increase program in a separate programmatic environmental impact statement (PIP PEIS) (NMFS 2024c) that evaluates alternative uses of funding to address impacts, and increase prey availability for, SRKW. In the EIS for the proposed ITS and funding to the State of Alaska, NMFS notes that if NMFS does not implement the preferred alternative from the PIP PEIS and instead implements a different alternative to the prey increase program, NMFS would have to reevaluate its analysis in the SEAK EIS (and SEAK BiOp/ITS). As reflected in the Record of Decision for the PIP EIS, NMFS has adopted the preferred alternative to implement the prey increase program<sup>3</sup>. Therefore, in documenting the decision in this ROD by NMFS to select Alternative 2, we note that NMFS has selected the hatchery prey increase program in the ROD for that EIS and that it is not necessary for NMFS to reevaluate its analysis in the SEAK EIS and SEAK BiOp/ITS.

## **VII. Mitigation Measures and Monitoring**

The basis of Alternative 2 is the issuance of the ITS through the 2024 BiOp. Overall, Alternative 2 does not impede the conservation and recovery of ESA-listed species, thus acting as a mitigation measure controlling for take of ESA-listed species. In issuing the ITS, NMFS determined the level of take reasonably certain to occur incidental to the prosecution of the SEAK salmon fisheries. NMFS documented the amount/extent of that take in the ITS, which results in limits on the amount/extent of take exempted. The ITS also provides reasonable and prudent measures that are necessary or appropriate to minimize the impacts of that take and sets forth the terms and conditions that implement those reasonable and prudent measures (16 U.S.C. § 1536(b)(4)). Any take that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA if that action is performed in compliance with the terms and conditions of the ITS and within the limits proscribed by the ITS (16 U.S.C. § 1536(o)(2)). Through the issuance of the ITS, NMFS has therefore included all the measures necessary or appropriate to avoid or minimize environmental harm from the alternative selected, and no further measures are needed to implement Alternative 2 consistent with the requirements of the ESA and NEPA.

Under Alternative 2, NMFS prepared a BiOp analyzing the effects of the Federal actions related to the SEAK salmon fisheries and issued an ITS for the take that is reasonably certain to occur incidental to the SEAK salmon fisheries. NMFS has determined that incidental take of ESA-listed Chinook salmon, SRKW, Mexico DPS of humpback whales, and Western DPS of Steller sea lions is reasonably certain to occur.

The incidental take of ESA-listed Chinook salmon from four ESA-listed ESUs (LCR Chinook, UWR Chinook, Snake River Fall Run Chinook, and Puget Sound Chinook salmon) in the SEAK fisheries would vary from year to year depending on the stock abundances, annual variation in migratory patterns, and fishery management measures used to set and implement fishing levels consistent with the 2019 PST

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<sup>3</sup> <https://www.fisheries.noaa.gov/action/prey-increase-program-southern-resident-killer-whales>

Agreement. Take varies across the various life-history components and populations of affected ESA-listed Chinook salmon ESUs. NMFS assumes that total catch and mortality levels will either be within the level set annually through the PST process and consistent with the limits described in Chapter 3 of the 2019 PST Agreement, or, in the case of an exceedance, that responses will be implemented as described in Chapter 3 of the 2019 PST Agreement. The fisheries are managed for limits on Chinook catch and total mortality based on pre-season and in-season abundances, and the catch is sampled to determine stock composition of hatchery fish. These sampling efforts provide post-season measures of total Chinook salmon catch, total mortality, and stock composition that can be used as surrogates for the incidental take of ESA-listed Chinook salmon because they can be monitored directly and readily assessed for compliance, and the information can be used by NMFS to determine the magnitude of take of the four ESA-listed Chinook ESUs affected. Based on this, NMFS will use two surrogates in the 2024 ITS for the extent of take of ESA-listed Chinook salmon ESUs. First, the incidental take of ESA-listed Chinook salmon in SEAK fisheries will be limited on an annual basis by the provisions of Chapter 3, Annex IV of the 2019 PST Agreement that define the limits of catch and total mortality or exploitation rate for each fishery (see Table 4-2, Table 4-3, and Table 4-4 in Section 4 of the Final EIS). Total catch and mortality levels are directly related to the amount of take of each of the listed Chinook ESUs because that take is generally proportional to the overall catch or mortality of Chinook in the SEAK fishery. If the Chinook salmon total catch or total mortality limits described in Chapter 3 are exceeded and responses are not implemented as described in Chapter 3 of the 2019 PST Agreement in a given year when necessary, this would exceed the extent of take analyzed in the BiOp for the four threatened ESUs affected by the SEAK salmon fisheries. Second, estimates of the stock composition of the catch will be assessed annually, using indicator stocks that represent management units in the four listed ESUs, and these estimates are informative as to the proportion of the catch and total mortality relevant to each listed ESU. This provides another way to monitor take relevant to each listed ESU since limits under the 2019 PST Agreement are not stock-specific (see Table 4-2, Table 4-3, and Table 4-4 in Section 4 of the Final EIS).

The harvest of salmon that may occur under the proposed action is likely to result in some level of harm constituting take to SRKW by reducing prey availability. NMFS will use two measures of the extent of incidental take of SRKW. The first surrogate is the expected level of Chinook salmon catch in SEAK fisheries compared with the catch ceiling, which we can quantify and monitor and is described by the provisions of Chapter 3, Annex IV of the 2019 PST Agreement that define annual catch or total mortality limits on Chinook salmon (including ESA-listed and non-ESA-listed Chinook salmon). If the Chinook salmon total catch or total mortality limits described in Chapter 3 are exceeded and responses are not implemented as described in Chapter 3 of the 2019 PST Agreement in a given year when necessary, this would exceed the extent of take analyzed in the BiOp. NMFS will monitor the percent reduction of Chinook salmon prey attributed to the SEAK salmon fisheries as a surrogate for incidental take of SRKW. This “prey reduction” value would include only the amount of Chinook salmon catch expected to overlap in time and space with SRKW (i.e., available prey after natural and fisheries mortality). NMFS can quantify and monitor this value, and it directly relates to the extent of effects on prey availability. NMFS expects the extent of take for SRKW in future years to vary, but be within the range of prey reductions analyzed that would have occurred during the most recent decade (2009 to 2018) had the 2019 PST Agreement been in effect. Therefore, NMFS will also use percent reductions in Chinook salmon abundance attributable to the SEAK salmon fisheries as another measure of expected take. Over the most recent decade of Chinook salmon abundances, percent reductions due to SEAK salmon fisheries are estimated to range from 0.01-6.7% in coastal areas (depending on spatial region), and 0.7-1.9% in inland waters. If the percent reduction in abundance in any one year exceeds the maximum of the range of percent reduction in abundance estimated for that region from 2009 to 2018, this will constitute an exceedance of take.

NMFS determined that the incidental take of Mexico DPS humpback whales and Western DPS of Steller sea lions is reasonably certain to occur as a result of interactions with SEAK salmon fisheries. NMFS calculated the expected number of humpback whale and Steller sea lion interactions with SEAK salmon

fishery gear and the portion of those takes expected to be from the ESA-listed DPS to determine the number of incidental take reasonably certain to occur for the Mexico DPS of humpback whales and the Western DPS of Steller sea lions. NMFS can describe an amount of take that is expected to occur, based on stranding data, self-reports, and observer data that contributes to the monitoring of ESA-listed humpback whale and Steller sea lion interactions in the SEAK salmon fisheries; however, NMFS acknowledges that these data are limited. Fishery observers are not required for most of these fisheries, and much of the existing data regarding interactions is opportunistic. Further, ESA-listed and non-listed humpbacks and Steller sea lions co-occur across SEAK and are not readily distinguishable. NMFS is generally not able to identify their DPS of origin. In the absence of precise DPS identification for each take, NMFS employs the best available science to allocate those takes relative to the proportion of occurrence of listed versus non-listed humpback whales and Steller sea lions in SEAK. Furthermore, NMFS notes that the recovery of these DPSs continues despite past rates of take that are essentially identical to what we expect to occur in the future.

### ***Reasonable and Prudent Measures***

“Reasonable and prudent measures” are measures that are necessary or appropriate to minimize the impact of the amount or extent of incidental take (50 CFR 402.02).

When issuing an ITS, NMFS includes a set of reasonable and prudent measures that would be necessary or appropriate to minimize the impacts to listed species from the SEAK salmon fisheries.

The 2024 BiOp includes the following reasonable and prudent measures:

1. NMFS will ensure management objectives established preseason for the SEAK salmon fisheries are consistent with the terms of the 2019 PST Agreement.
2. NMFS will ensure inseason management actions taken during the course of the State of Alaska’s implementation of the fisheries will be consistent with the 2019 PST Agreement.
3. NMFS will ensure catch limits and other measures used to manage fisheries will be monitored adequately to ensure compliance with management objectives.
4. NMFS will ensure the fisheries will be sampled for stock composition and other biological information.
5. NMFS will work to improve monitoring of fishery interactions with ESA-listed marine mammals.
6. NMFS will monitor and review, annually, the estimated percent reductions of SRKW Chinook salmon prey by SEAK salmon fisheries using the best available measures.

### ***Terms and Conditions***

The terms and conditions implement the reasonable and prudent measures. Reasonable and prudent measures, along with the terms and conditions that implement them, cannot alter the basic design, location, scope, duration, or timing of the action, and may involve only minor changes (50 CFR 402.14(i)). Associated with the issuance of the terms and conditions, the action agency has a continuing duty to monitor the impacts of incidental take and must report the progress of the action and its impact on the species as specified in the ITS (50 CFR 402.14). If the entity to whom a term and condition is directed does not comply with the terms and conditions, protective coverage for the proposed action would likely lapse. The 2024 BiOp/ITS include terms and conditions to implement each of the six reasonable and prudent measures. A point of contact is also identified to ensure reports and notifications required by the BiOp/ITS are annually submitted and available for public dissemination upon request. Given the agency actions analyzed in the BiOp/ITS are being proposed by NMFS, under this scenario that would require NMFS to comply with them in order to implement the associated RPMs (50 CFR 402.14(i)).

### ***Conservation Recommendations***

Section 7(a)(1) of the ESA directs Federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. These “conservation recommendations” are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or critical habitat or regarding the development of information (50 CFR 402.02).

NMFS developed and included in the 2024 BiOp/ITS the following conservation recommendations:

1. NMFS should work with researchers, states, and Tribal fishery managers on tools to evaluate the effectiveness of harvest management and other potential mitigation measures (habitat restoration and hatchery production and operations) to contribute to the prey base of SRKWs. To that end, NMFS should work on tools to better understand fisheries impacts on SRKWs, including an evaluation of the ability to predict post-season percent reductions due to SEAK salmon fisheries from pre-season model runs.
2. NMFS should continue to develop a methodology or metrics to help assess the performance of Chinook salmon hatchery programs to increase prey availability for SRKW, and should also continue to evaluate the relationship between prey abundance, high-risk conditions, and SRKW population demographics and health.
3. In cooperation with ADF&G and other knowledgeable entities, NMFS should develop more specific estimates of eastern and western DPS Steller sea lion mixing rates in specific areas of SEAK salmon fisheries, with priority on high effort and interaction areas.
4. For humpback whales and Steller sea lions entangled in gear in SEAK and the adjacent portion of the EEZ, NMFS should establish enhanced protocols for data collection (photography and/or biological sampling with genetic analysis) to improve the chances of determining whether the animal is from an ESA-listed DPS.
5. NMFS should continue to work with the state, Tribes, and other partners to collect additional information and evaluate management options for pinniped predation on salmonids.

### **VIII. Conclusion**

Through the EIS and the documentation in this ROD, NMFS considered the purpose and need for the proposed actions, the reasonable range of alternatives set forth in the EIS, and the extent to which the impacts of the actions could be mitigated. NMFS’s decision to select Alternative 2 was reached after a comprehensive review of the relevant environmental, economic, and social consequences of the alternatives and considering the comments received during the EIS scoping and review periods. NMFS has taken into account the ESA, the PST, other applicable statutory and policy considerations, and public comments. NMFS selected Alternative 2 as the alternative that best enables NMFS to balance the effects of Alternative 2 and the public interest, while also meeting statutory, regulatory, and national policy requirements, goals, and objectives, and the court orders, through (1) the issuance of an ITS that specifies the limit of incidental take of ESA-listed species in the SEAK salmon fisheries and prescribes the reasonable and prudent measures and terms and conditions to monitor and mitigate the amount and extent of that incidental take and (2) the disbursement of Federal funding to the State of Alaska to monitor and manage the SEAK salmon fisheries that is critical for implementing science-based salmon fishery management under the PST. Alternative 2 also addresses economic, social, cultural, community, Tribal, and environmental justice impacts through continued salmon fishing across SEAK communities.

Considering the information in the EIS for the Issuance of an Incidental Take Statement under the Endangered Species Act for Salmon Fisheries in Southeast Alaska Subject to the Pacific Salmon Treaty and Funding to the State of Alaska to Implement the Pacific Salmon Treaty, and other relevant material

available in the record, we certify that NMFS has considered all the alternatives, information, analyses, and objections submitted by the States, Tribal, and local governments and other public commenters for NMFS's consideration in the development of the EIS.



Jennifer Quan  
Regional Administrator  
West Coast Region



Jonathan M. Kurland  
Regional Administrator  
Alaska Region

Date: November 21, 2024



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