

HOUSE CONCURRENT RESOLUTION NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOSEPHSON

Introduced: 1/16/24

Referred: House Special Committee on Fisheries, Resources

A RESOLUTION

1 **Opposing the unintentional bycatch of orcas; and endorsing the mitigation and**
2 **prevention of orca bycatch in state fisheries.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** intricate ecological relationships exist within marine ecosystems and
5 orcas play a critical role in maintaining the balance of those ecosystems; and

6 **WHEREAS** scientific research indicates that orcas, as apex predators, influence prey
7 behavior, population dynamics, and the overall health of marine ecosystems; and

8 **WHEREAS** there are three distinct ecotypes of orcas in the water off the western
9 coast of the state, each identified by a distinct ecological role and cultural behavior, and each
10 contributing to the biodiversity and resilience of the state's marine environments; and

11 **WHEREAS** the western Alaska orca stocks are identified as the Eastern North Pacific
12 Alaska Resident stock, the Gulf of Alaska, Aleutian Islands, and Bering Sea Transient stock,
13 and the Eastern North Pacific Offshore stock; and

14 **WHEREAS** each of the orca stocks interacts differently with state fisheries,
15 depending on the area in which the stock is located and how the stock interacts with the
16 environment, and, accordingly, there is a different allowable bycatch number for each of the

1 orca stocks during the fishing season; and

2 **WHEREAS** 11 orcas were reported as entangled in fishing gear during the 2023
3 fishing season, a bycatch rate almost three times higher than any one year between 1991 and
4 2022; and

5 **WHEREAS** the National Oceanic and Atmospheric Administration (NOAA), the
6 preeminent scientific authority on life in the ocean, considers those reported entanglements as
7 a minimum estimate because not all entanglements are observed and not all witnessed
8 entanglements are reported; and

9 **WHEREAS** eight of the 11 orcas entangled in 2023 were females from the Eastern
10 North Pacific Alaska Resident stock; and

11 **WHEREAS** NOAA reported the orca bycatch rate by sex from 1991 through 2022 to
12 be 50 percent female and 50 percent male; and

13 **WHEREAS** female orcas are the leaders and culture bearers of orca pods, passing on
14 fishing techniques and traditions to offspring and relatives; and

15 **WHEREAS** orcas have been known to depredate fish from vessels for decades by
16 picking fish off trawlers' lines, but orcas are now engaging in a new depredation behavior of
17 lingering by boats and feeding in front of nets; and

18 **WHEREAS** a fisher is unlikely to know if an orca is entangled in the fisher's nets
19 because of the long soak time of longline and trawl nets, a period that is often longer than an
20 orca is able to survive without air; and

21 **WHEREAS** orcas experience asphyxiation and injury while entangled in gear or in
22 the process of being released from entanglement; and

23 **WHEREAS** some scientists consider the current bycatch limit of 19 orcas from the
24 Eastern North Pacific Resident stock to be based on a possibly outdated assessment and to be
25 too high because the limit may not protect a genetically distinct orca population; and

26 **WHEREAS**, of the 11 orcas reported as entangled in 2023, nine were brought up in
27 the gear of catcher-processor bottom-trawl vessels targeting flatfish in the Bering Sea and
28 Aleutian Island areas, six were killed, and one was seriously injured and has likely since died
29 from its injuries; and

30 **WHEREAS**, in a December 14, 2023, technical memorandum, NOAA called for
31 more research to develop deterrents and bycatch mitigation to reduce orca interactions with

1 fishers; and

2 **WHEREAS** the technical memorandum reviews several possible mitigation strategies
3 that may prevent or reduce orca interactions with vessels and gear used in state fisheries and
4 calls for more research; and

5 **WHEREAS** those mitigation strategies include fishing in open areas to reduce
6 interactions, checking fishing gear regularly, reducing gear soaking time, not fishing when
7 orcas are present, employing certain practices in the use of fishing gear, and adopting
8 techniques that include setting decoy sets or working with other vessels; and

9 **WHEREAS** commercial fishing vessels should be held to the same standard as the
10 cruise ships that ply the coast in southern and southeastern areas of the state and receive
11 severe criticism for striking a single whale;

12 **BE IT RESOLVED** that the Alaska State Legislature, acknowledging the scientific
13 consensus on the ecological importance of orcas and the vulnerability of orca populations to
14 bycatch, opposes the unintentional bycatch of orcas; and be it

15 **FURTHER RESOLVED** that the Alaska State Legislature endorses the adoption of
16 the strategies for mitigating or preventing orca interaction with vessels and fishing gear that
17 are reviewed in the NOAA technical memorandum dated December 14, 2023; and be it

18 **FURTHER RESOLVED** that the Alaska State Legislature urges all state fisheries to
19 adopt those mitigation strategies.