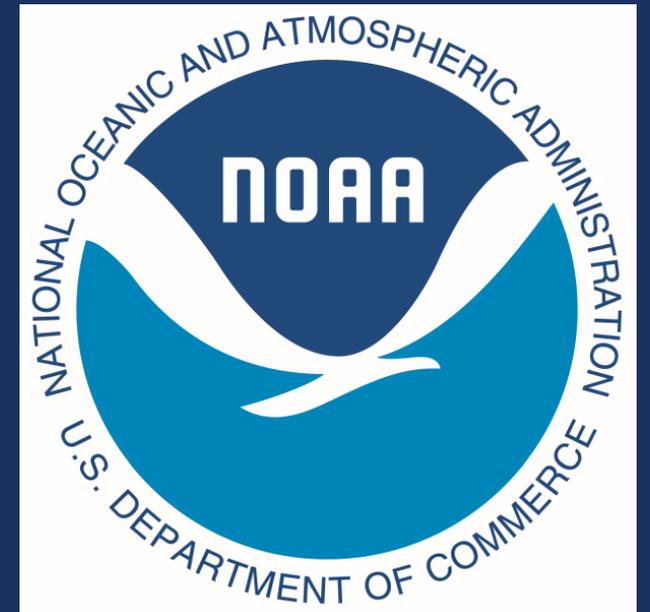


COOK INLET SALMON FMP AMENDMENT: JOINT PROTOCOL COMMITTEE

DOUG DUNCAN, NMFS AKRO – 11/5/2020

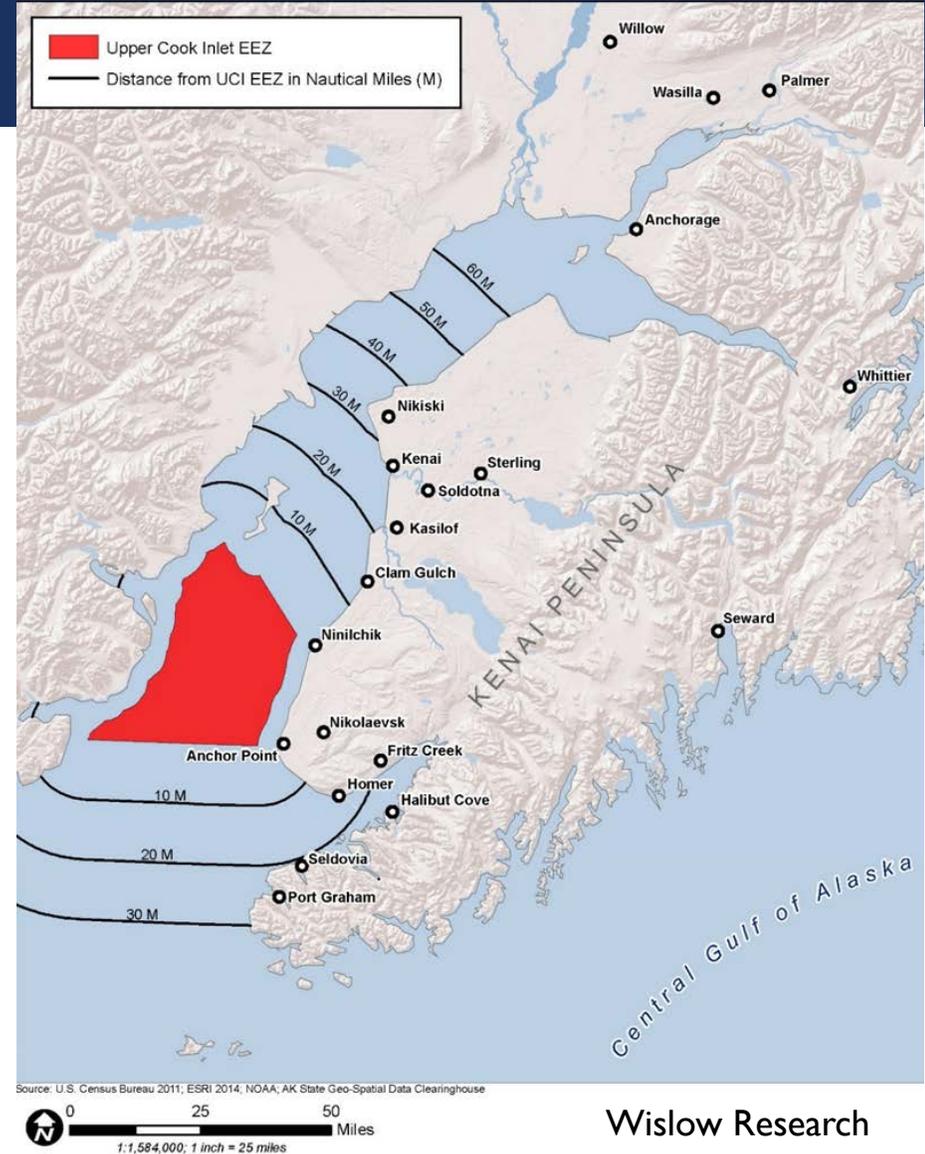


Patrick Dixon Fine Art Photography

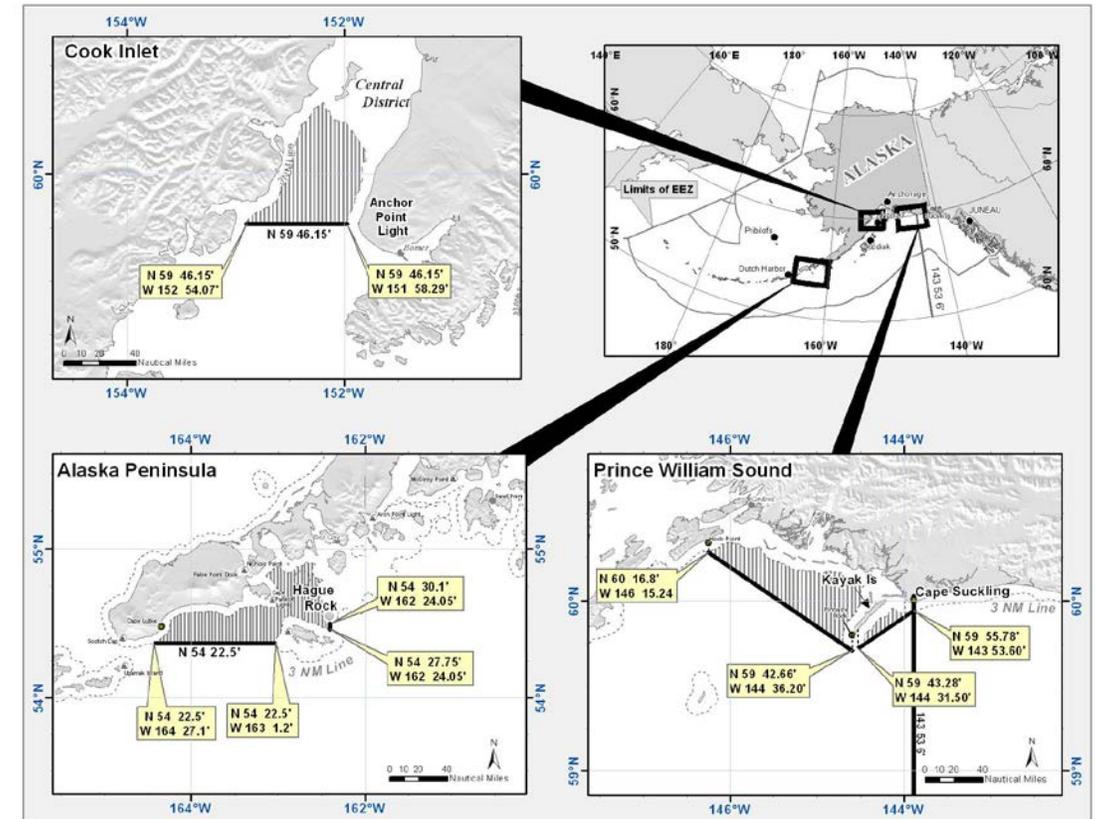
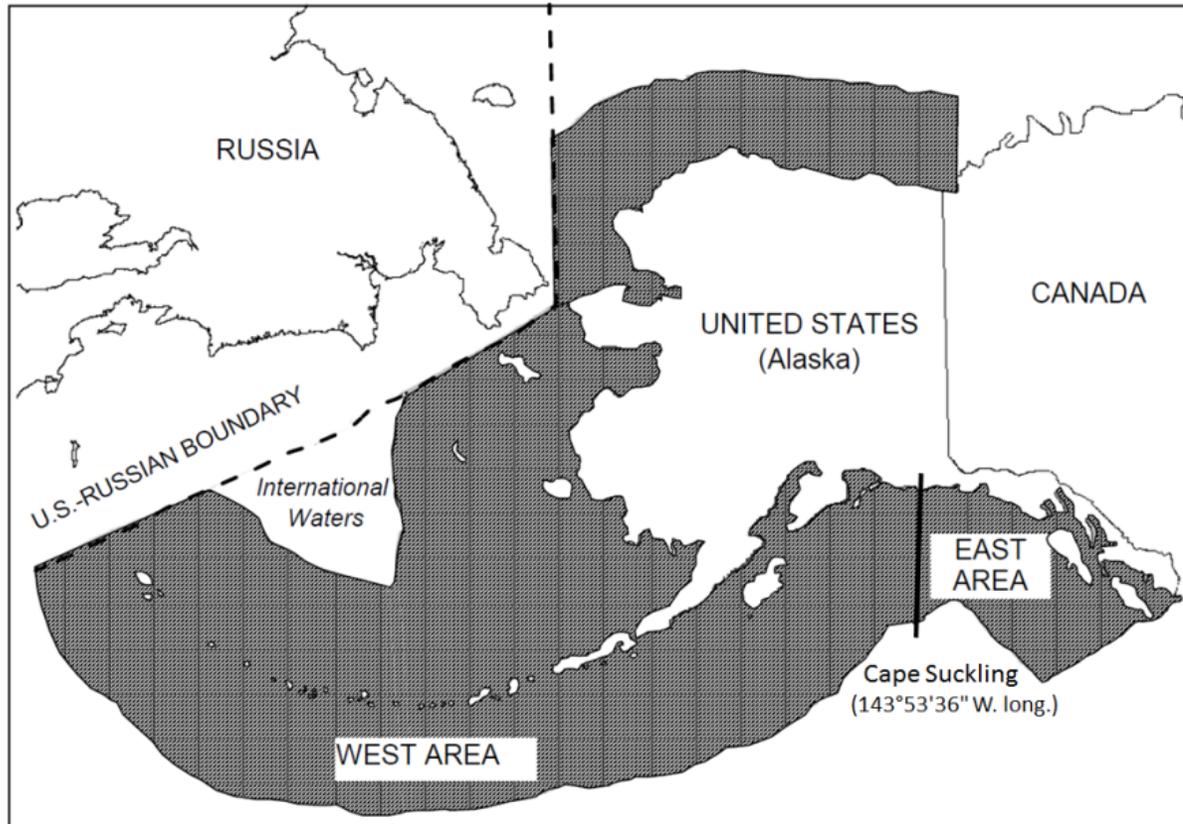


ACTION

- Amend the Salmon FMP and Federal regulations to include the upper Cook Inlet EEZ commercial drift gillnet salmon fishery



BACKGROUND (I.I, PG. 21)

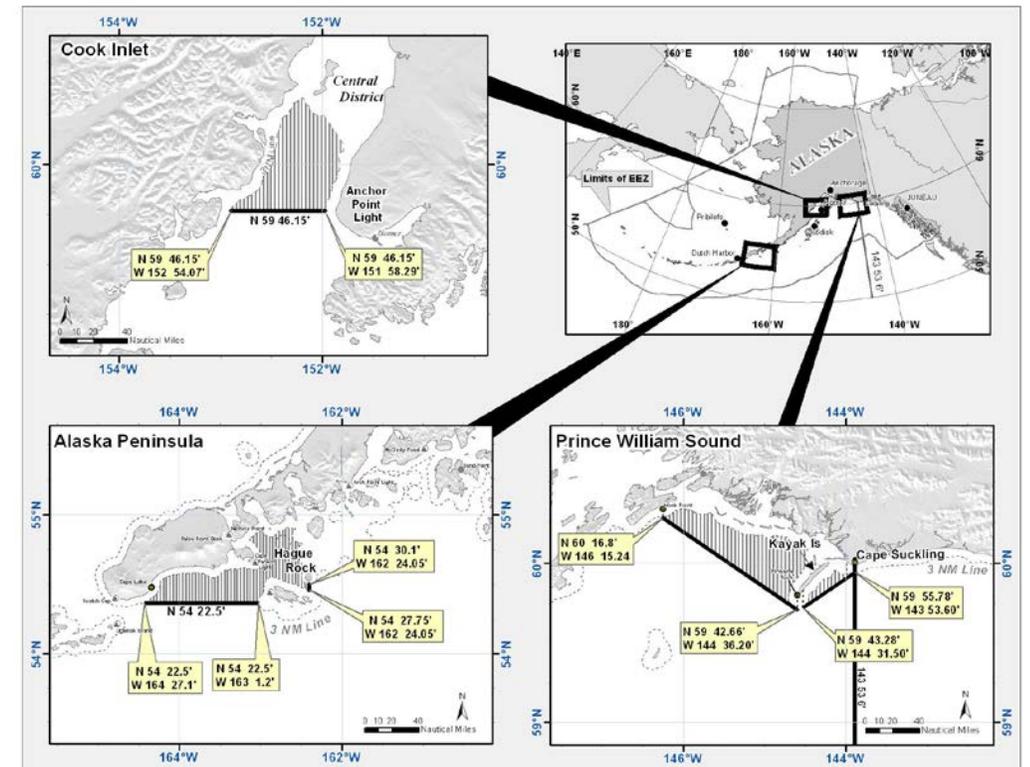


- Commercial salmon fishing in the EEZ is prohibited in the West Area
- Except 3 “traditional net fishing areas” excluded from the Salmon FMP



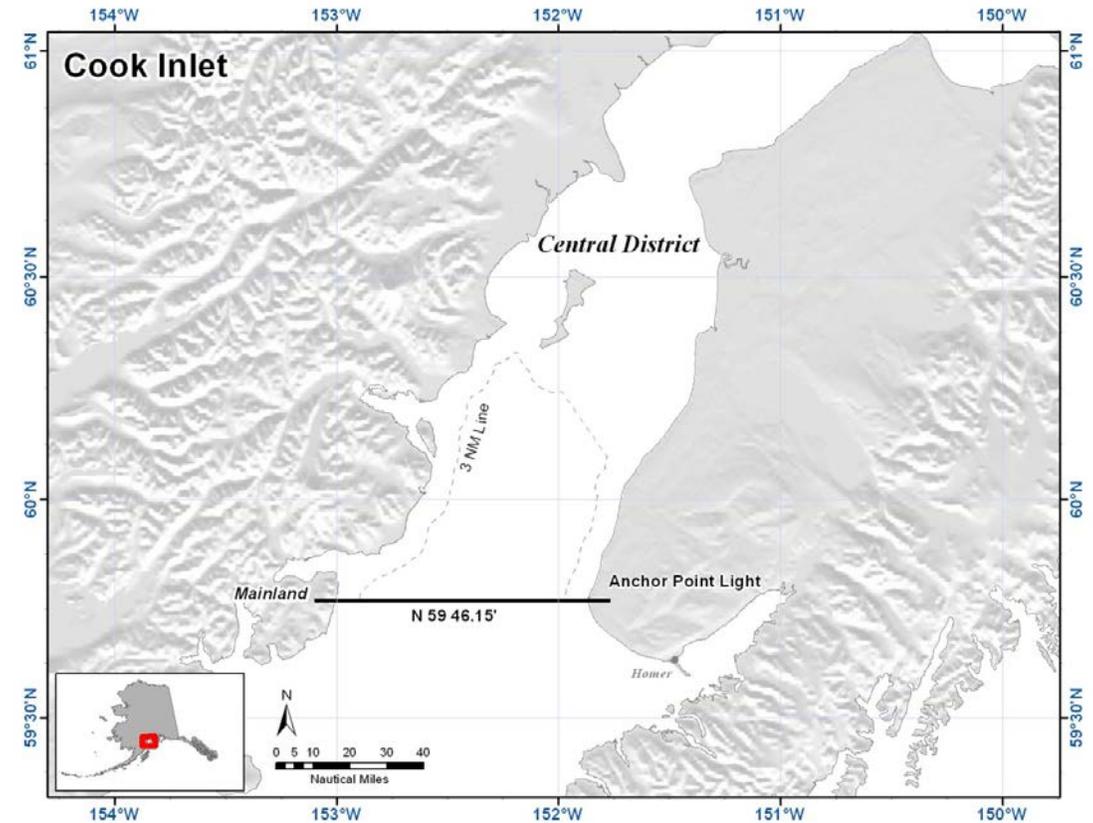
BACKGROUND (I.2, PG. 29)

- Dec 2012 Amendment 12
 - Updated FMP to comply with the MSA
 - Removed Cook Inlet, PWS, S.AK Pen.
- Jan 2013 UCIDA Lawsuit
- Sep 2016 9th Circuit rules in favor of Plaintiffs
- Apr 2017 Council initiates action
- Jan 2020 Court orders Council Final action by Dec 31, 2020



COUNCIL PROCESS TO DATE

- Discussion papers and stakeholder committee input 2017 to 2020
- Preliminary Review: June 2020
- Initial Review: October 2020



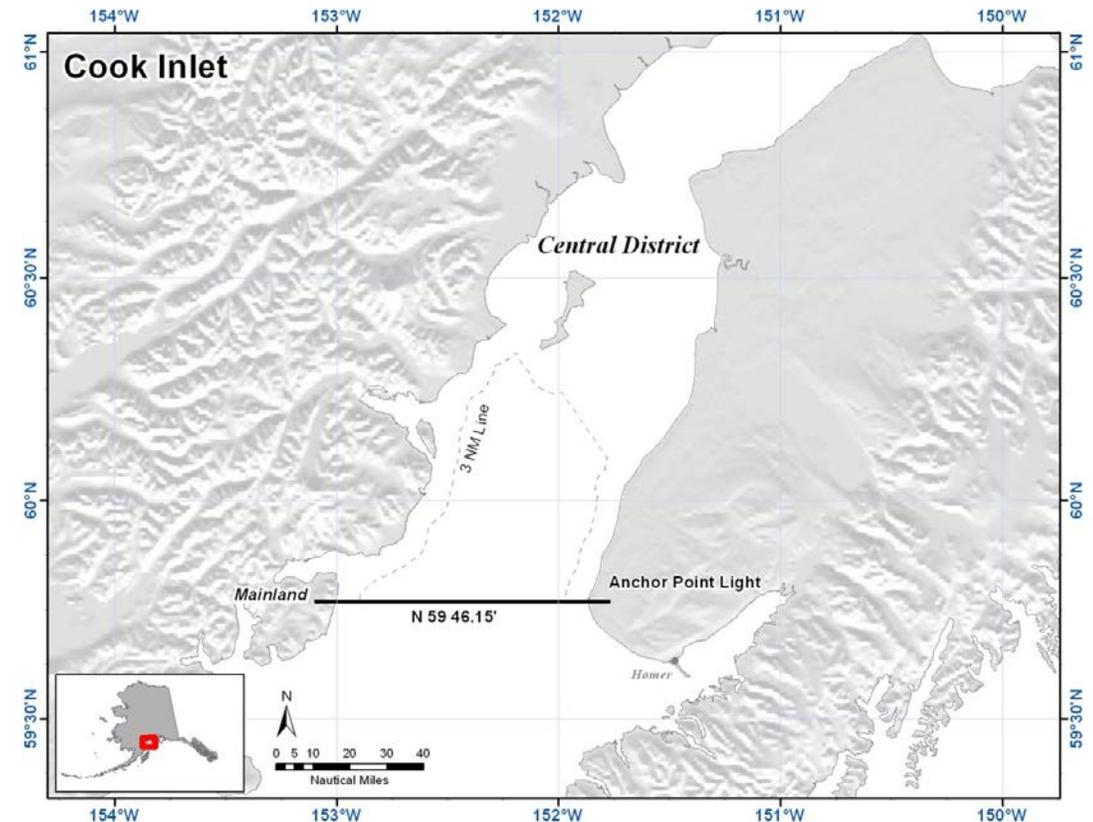
PURPOSE AND NEED (JUNE 2020 – 2.1, PG. 56)

*The Council intends to amend the Salmon FMP to **manage the traditional net fishing area that occurs in Federal waters of Cook Inlet**. Federal management in an FMP must meet the Magnuson-Stevens Act required provisions for an FMP in section 303(a) and related Magnuson-Stevens Act provisions. This proposed action is necessary to bring the Salmon FMP into compliance with the Magnuson-Stevens Act consistent with the recent Ninth Circuit ruling and the Judgement of the District Court in UCIDA et al., v. NMFS.*



ALTERNATIVES

- **Alternative 1: No Action.**
- **Alternative 2: Federal management of the EEZ with specific management measures delegated to the State.**
- **Alternative 3: Federal management of the EEZ without delegation.**
- **Alternative 4: Federal management of the EEZ, closed to commercial salmon fishing.**



ALTERNATIVE I – NO ACTION / STATUS QUO

- No changes to existing management of the fishery
- Not legally tenable given the 9th circuit decision



ALTERNATIVE 4 – FEDERAL MANAGEMENT (EEZ CLOSURE)

- Cook Inlet EEZ closed to commercial salmon fishing
- Would apply West Area prohibition on commercial fishing to Cook Inlet
- Commercial fishing would continue outside of the EEZ
- State management processes continue without Federal involvement



ALTERNATIVES 2 AND 3 – FEDERAL MANAGEMENT

- Alternative 2 – Management of the Cook Inlet EEZ delegated to the State
- Alternative 3 – Management of the Cook Inlet EEZ by the Council/NMFS
- Common Elements:
 - Council Salmon Plan Team (annual SAFE report)
 - Status Determination Criteria (SDC) annual Council process
 - Annual Catch Limits (ACL) annual Council process (apply only to EEZ)
 - Relies on State data, coordination, and cooperation



ALTERNATIVE 2 – FEDERAL MANAGEMENT (DELEGATED)

- Inseason management by ADF&G
- SDC and ACL evaluated post-season
- Escapement goals set by the State (historically consistent with SDCs)
- Federal oversight and review
- Applicable only to the EEZ
- Other measures delegated to the State: fishing seasons, closed waters, management areas, legal gear, recordkeeping and reporting.



ALTERNATIVE 3 – FEDERAL MANAGEMENT

- Inseason management by NMFS
- Annual EEZ harvest limit (TAC) set pre-season (EEZ closed when TAC reached)
- SDC and ACLs evaluated post-season
- EEZ harvest reduced if State harvests increase
- State would continue to set escapement goals



ALTERNATIVE 3 – FEDERAL MANAGEMENT CONT'D.

- Requires pre-season agreement and coordination with State
- EEZ could be closed in a given year if:
 - Conservation concern
 - Data not available from the State
 - No harvestable surplus for the EEZ after projected State removals
 - TAC(s) too small to support directed fishing
- Not open at the same time as adjacent State drift gillnet fishery



ADDITIONAL MANAGEMENT MEASURES

- **Alternative 2 (2.4.8, pg. 78)**
 - Federal Fisheries Permit (implementation of Fed. Management measures)
 - Federal logbook (catch by stat area, EEZ groundfish)
 - Fish tickets/eLandings reporting (catch accounting, data to Council/NMFS)
- **Alternative 3 (2.5.7, pg. 93)**
 - Federal Fisheries Permit
 - Federal logbook (catch by stat area, EEZ groundfish, VMS verification)
 - Vessel Monitoring System (compliance monitoring)
 - eLandings reporting (catch accounting, data to Council/NMFS)



ANNUAL PROCESS (Alts. 2 & 3)

(Specific steps not prescribed
in FMP)

Preseason

- **State**
 - Forecasts of salmon runs
 - Reg. restrictions, timing of openings in place
 - **Federal TAC, fishing periods known***
- **Federal**
 - Preseason ACL
 - Harvest Specs/TAC*



Postseason

- **State**
 - Annual management reports
 - Final run, harvest, escapements
 - Escapement goal review
- **Federal**
 - Postseason ACL (& SDC)
 - Accountability Measures
 - SAFE

Inseason (June to Sept.)

- **State**
 - Monitor escapement
 - Monitor harvest
 - Adjust times/areas of openings
 - **EEZ harvest factored in***
- **Federal**
 - Catch monitoring*
 - Federal closure*

*only under
Alt 3



ALTERNATIVE COMPARISON

	Alternative 1 Status Quo	Alternative 2 Delegated Mgmt.	Alternative 3 NMFS Mgmt.	Alternative 4 EEZ Closure
Annual Council Process?	No	Yes	Yes	No
Inseason Managers	ADFG	ADFG	NMFS	n/a
State/EEZ catch apportionment	BoF	BoF, within MSA & FMP criteria	Responsive to State management	n/a
CFEC Permit Req'd	Yes	Yes	Yes, if landing in SoA	n/a
Fishing across EEZ boundary?	Yes	Yes	No	No



ALTERNATIVES CONSIDERED BUT NOT MOVED FORWARD FOR ANALYSIS

- Cook Inlet Salmon Committee recommendations are addressed in detail in Section 2.6 (pg. 100)
- Generally recommended expanded Federal jurisdiction and involvement in Cook Inlet salmon management, including Federal management of all salmon fisheries in State and EEZ waters.



ENVIRONMENTAL ASSESSMENT (INITIAL REVIEW DRAFT)

- No significant impacts expected to the affected environment:
 - Alaska salmon stocks
 - ESA listed salmon stocks
 - Marine mammals
 - Seabirds
 - Habitat



IMPACTS OF ALTERNATIVE I (PAGE 265)

- Alternative I would not change State management of the UCI salmon drift gillnet fishery in either Federal or State waters
- Harvest levels will likely fluctuate from year to year due to the inherent annual variability in salmon runs (Figure 4-5)



IMPACTS OF ALTERNATIVE 2 (PAGE 265)

- Pre-season ACLs would be set for each salmon stock, evaluated post-season (EEZ only)
- If no post-season ACLs are exceeded and no overfishing is occurring then harvests are not expected to differ from Alternative 1
- If ACLs are exceeded or overfishing is occurring, the Council would request the State to take remedial measures
 - If measures are adequate, then no further federal action would be required. If not, the Council may take additional action in the EEZ.



IMPACTS OF ALTERNATIVE 3 (PAGE 266)

- Pre-season ACLs set for each salmon stock, evaluated post-season (EEZ only)
- TACs set for the drift gillnet fishery in the EEZ for each salmon species
- Forecast based TACs set conservatively to account for increased uncertainty
- EEZ closed when a TAC is reached.
- Possible annual EEZ closure
- Likely lower harvest levels for the EEZ UCI drift gillnet fleet on average



IMPACTS ALTERNATIVE 4

- Pending analysis.



TIMELINE FOR IMPLEMENTATION

- Council Final Action: December 2020
- Under the court order, NMFS has one year from Council final action to complete Secretarial review of the FMP amendment
- If NMFS approves the FMP amendment, a final rule implementing the amendment will be published by December 2021
- Any final rule issued by NMFS will be effective 30 days following publication, expected to be effective for the 2022 fishing season



QUESTIONS?

- **Workgroup staff available for questions** – Gretchen Harrington (NMFS), Marcus Hartley (Northern Economics), Jim Armstrong (Council Staff), Lauren Smoker (NOAA GC)



Thank you!



Radio Kenai

Doug Duncan
Doug.Duncan@noaa.gov

