

International & National Policies Impacting State Fisheries Management



Alaska Board of Fisheries
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Marine Fisheries Management

1. Magnuson-Stevens Fishery Conservation & Management Act
2. Pacific Salmon Treaty
3. Endangered Species Act
4. State of Alaska regulations & policies
5. BOF approved management plans

Magnuson-Stevens Act

- Principal law governing marine fisheries in the U.S.
- Applicable to all fisheries in the EEZ (3-200 NM)
- Requires management to be consistent with several provisions, including 10 national standards
- Alaska has delegated management authority for some fisheries (i.e., SEAK salmon, BSAI crab)

MSA- State Jurisdiction

Section 306 (3): A State may regulate a fishing vessel outside the boundaries of the State in the following circumstances:

(A) The fishing vessel is registered under the law of that State, and

(i) there is no FMP or other applicable Federal fishing regulations for the fishery in which the vessel is operating; or

(ii) the State's laws and regulations are consistent with the FMP and applicable Federal fishing regulations for the fishery in which the vessel is operating.

(B) The FMP for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such FMP...

MSA National Standard 4: Allocations

*Conservation and management **measures shall not discriminate between residents of different states.** If it becomes necessary to allocate or assign fishing privileges among various United States fishermen, such allocation shall be (a) fair and equitable to all such fishermen; (b) reasonably calculated to promote conservation; and (c) carried out in such manner that no particular individual, corporation, or other entity acquires an excessive share of such privilege.*

Pacific Salmon Treaty

PACIFIC SALMON COMMISSION

Treaty Between the Government of Canada and the
Government of the United States of America Concerning
Pacific Salmon

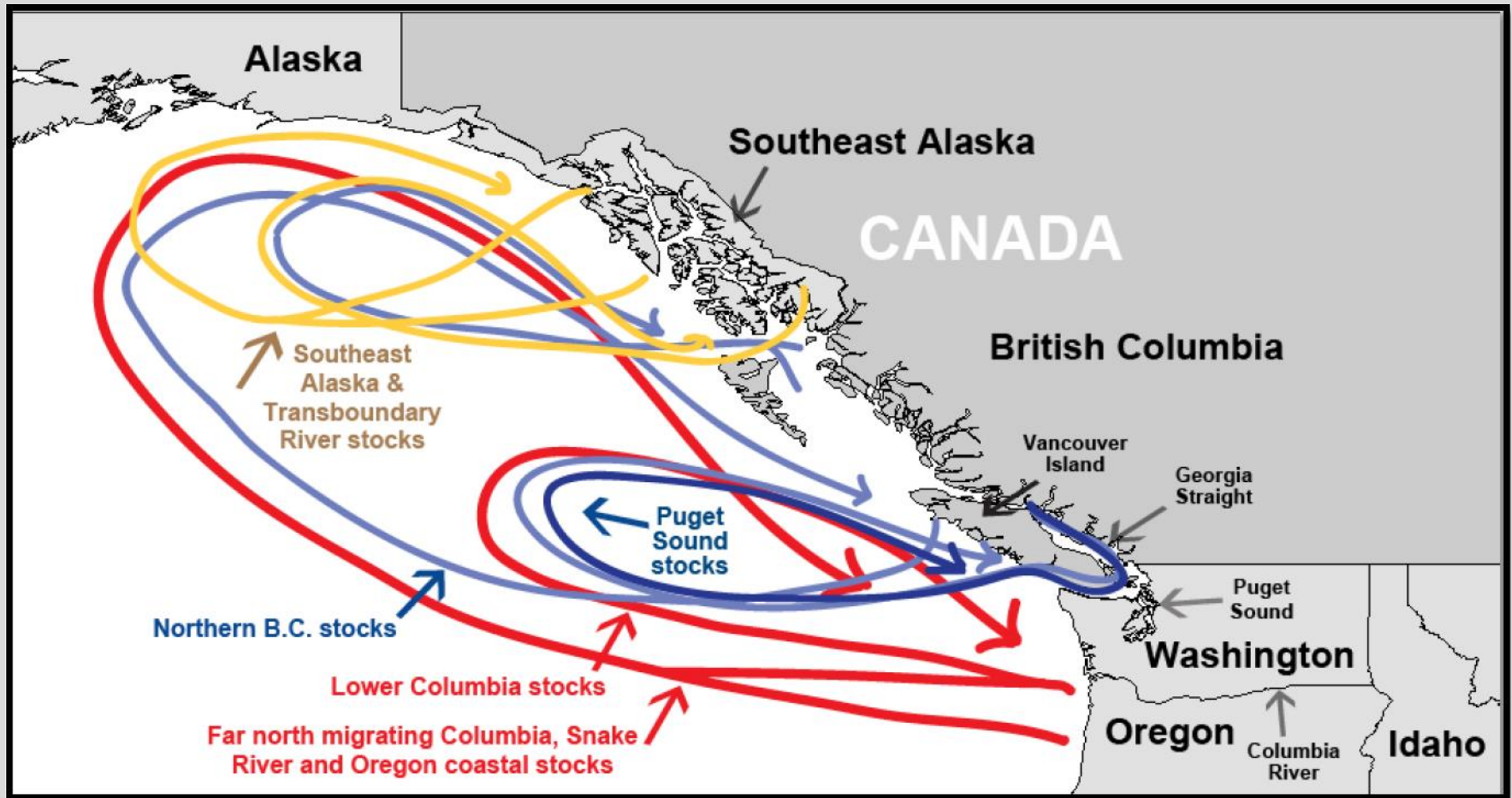


*Prepared by the
Pacific Salmon Commission
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U.S. and Canada entered into the Pacific Salmon Treaty in 1985 to **conserve** and **allocate** salmon harvests of inter-jurisdictional fish.

Chinook Migratory Patterns



PST General Obligations

1. Manage to achieve bilaterally-agreed to escapement goals for Chinook, coho, and sockeye stocks.
2. Manage consistent with catch sharing arrangements.
3. Conduct fishery and stock assessments.
4. Bilateral coordination & cooperation.



PST Chinook Obligations

1. Manage to preseason catch limit.
2. Manage to achieve escapement goals for 6 SEAK and TBR stocks.
3. Manage incidental mortality to not exceed 59,400.
4. Commitment to discuss significant management changes that may alter the stock or age composition or incidental mortality of the catch.



Endangered Species Act (ESA)

- **Aim:** to conserve species listed as endangered or threatened and their habitat.
- Endangered species: in danger of extinction throughout all or a significant portion of its range.
- Threatened species: is likely to become an endangered species within the foreseeable future.
- No ESA-listed fish species in Alaska!



ESA: Southeast Alaska Salmon

- ESA-listed species of salmon & marine mammals occur in SEAK which requires permits for incidental take.
- Biological Opinion (BiOp) is the document that provides ESA coverage when there is a federal nexus.
- The BiOp covers all SEAK gear types.
- Without ESA coverage, few SEAK salmon fisheries could be prosecuted by the State.
- Wild Fish Conservancy v. Quan et al. litigation led to new BiOps.



2024 SEAK BiOp

- BiOp provides coverage for incidental take of ESA-listed fish and marine mammals:
 - Puget Sound Chinook salmon
 - Lower Columbia Chinook salmon
 - Upper Willamette Chinook salmon
 - Snake River Fall Chinook salmon
 - Southern Resident killer whale (critical habitat)
 - Mexico Humpback whales
 - Western Steller sea lions

2024 BiOp Terms & Conditions

- Manage consistent with Treaty obligations.
- Hard cap limits on exploitation rates of ESA-listed Chinook.
- Limits on % reductions of Southern Resident killer whale prey.
- Catch monitoring for “stock composition and other biological information at levels of monitoring and sampling effort that are comparable to those used in recent years.”

ESA Listing Process

