

## FOR REFERENCE ONLY – **FAILED MOTION**

This is the motion put forward at the Council meeting on C1 Cook Inlet Salmon, which failed for lack of a second.

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April 7, 2023

For its preferred alternative to amend the Salmon FMP to manage salmon fishing in the Federal waters of upper Cook Inlet, the Council recommends Alternative 3. This alternative would amend the Salmon FMP and Federal regulations to include the Cook Inlet EEZ in the FMP's fishery management unit and apply Federal management to the salmon fishery that occurs in the EEZ, including the following elements:

(Preferred Options are in **bold**.)

1. **Management Policy and Objectives** [Section 2.5.1. - page 106]
  - **Adopt a management policy and objectives for the Cook Inlet EEZ as described in Section 2.5.1 of the analysis.**
2. **Status Determination Criteria and Annual Catch Limits** [Section 2.5.2. - page 109]
  - **Establish status determination criteria, annual catch limits, and TAC setting according to the Tier system and approach described in Section 2.5.2 of the analysis.**
3. **Accountability Measures for Annual Catch Limits** [Section 2.5.3. - page 117]
  - **Establish accountability measures as described in Section 2.5.3 of the analysis.**
4. **Optimum Yield and Maximum Sustainable Yield** [Section 2.5.4. - page 118]
  - **Maximum Sustainable Yield**
    - Option 1: Define MSY in terms of “constant escapement” for the Cook Inlet EEZ.
    - **Option 2: Define MSY in terms of “constant escapement” for salmon stocks in Cook Inlet.**
      - Sub-Option (may be combined with Option 1 or 2): Aggregate MSY across species or stocks
  - **Optimum Yield**
    - Option 1: The OY range for the Cook Inlet EEZ salmon fishery could be the fishery's catch which, when combined with the catch from all other salmon fisheries in Cook Inlet, results in a post-harvest abundance within the escapement goal range for each applicable stock or stock complex.
    - Option 2: The OY range for the Cook Inlet EEZ salmon fishery could be the range of sum ACLs established for the Cook Inlet EEZ fishery across years. ACLs incorporate the OFL control rule established for each stock as well as the

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yield potentially available to EEZ over time based on historical fishing patterns in upper Cook Inlet.

- **Option 3: The OY range for the Cook Inlet EEZ salmon fishery is the range between the average of the three lowest years of total estimated EEZ salmon harvest and the three highest years of total estimated EEZ salmon harvest from 1999 to 2021.**

### 5. Process for Determining the Status of Stocks [Section 2.5.5. - page 122]

- **Option 1: The Council would establish a Salmon Plan Team to produce a SAFE Report.**
- Option 2: Do not establish a plan team. NMFS would prepare a SAFE Report.

### 6. Commercial Fishery Monitoring, Recordkeeping and Reporting [Section 2.5.6. - page 125]

- **Option 1: Require an FFP, an FPP, salmon buyer permit, eLandings use, a logbook, and VMS. Allow optional retention of non-salmon bycatch, all discarded or retained bycatch must be recorded in the logbook and reported at the time of landing.**
- Option 2: The Council could choose to recommend additional monitoring, recordkeeping, and reporting measures to obtain increased information from the fishery or improve the enforceability of fishery provisions.

### 7. Standardized Bycatch Reporting Methodology [Section 2.5.7. - page 127]

- **Establish Standardized Bycatch Reporting Methodology as described in Section 2.5.7 of the analysis.**

### 8. Recreational Fishery Management Measures [Section 2.5.8. - page 127]

- **Option 1. Delegate management of the recreational salmon fishery in the EEZ to the State of Alaska consistent with the management of the recreational salmon fishery in the East Area.**
- Option 2. Manage the recreational salmon fishery in the Cook Inlet EEZ with Federal regulations.
  - Suboption 1. Consistent with existing State of Alaska regulations for the saltwater recreational salmon fishery in Upper Cook Inlet.
    - For Chinook salmon:
      - From April 1 to August 31, 1 per day, 1 in possession of any size.
        - 5 fish annual limit of king salmon 20 inches or longer during this period.
      - From September 1 to March 31, 2 per day, 2 in possession of any size.
        - No annual limit during this period.
    - Other salmon: 6 per day, 6 in possession, only 3 per day, 3 in possession may be coho (silver) salmon.
  - Suboption 2. Define other Federal bag limits.

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- Suboption 3. Establish authority for NMFS to close the recreational fishery and/or prohibit retention of individual stocks or species and make inseason adjustments.

### 9. Commercial Fishing Periods [Section 2.5.9. - page 128]

- **Option 1. Establish Federal fishing periods concurrent with existing State of Alaska fishing periods set forth in regulations for the Central District drift gillnet fishery (5 AAC 21.320), such that salmon may be taken in the Cook Inlet EEZ only from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday.**
- Option 2. Establish independent Federal fishing periods and specify that the Cook Inlet EEZ salmon drift gillnet fishery could not be open concurrently with the adjacent State waters salmon drift gillnet fishery.
  - **Suboption A. May be combined with Option 1 or Option 2. Fix a commercial fishery closure date in Federal regulation of July 15. If the TAC is not reached or the fishery is not otherwise closed prior, the fishery would close automatically on the specified date.**

### 10. Management Area and Statistical Boundaries [Section 2.5.10. - page 129]

- **Establish Management Area and Statistical Area Boundaries as described in Section 2.5.10 of the analysis.**

### 11. Legal Commercial Fishing Gear [Section 2.5.11. - page 129]

- Authorize drift gillnet gear as legal gear for commercial salmon fishing in the Cook Inlet EEZ area and establish the following legal configuration and prohibitions as described in Section 2.5.11. of the analysis.
  - **Drift gillnet gear must be no longer than 200 fathoms in length, 45 meshes deep, and have a mesh size no greater than 6 inches. Drift gillnet gear must be marked at both ends with buoys marked with the vessel's name and FFP number. It is illegal to stake or otherwise fix a drift gillnet to the seafloor.**
- Potential options:
  - **The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink.**
  - **Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.**
  - **A vessel operator would be prohibited from operating gear in greater than the allowable configuration (length or mesh size).**

### 12. Prohibitions [Section 2.5.12. - page 130]

It is unlawful for any person to do any of the following:

- **Use a vessel named or required to be named on an FFP to catch and retain salmon in the Cook Inlet EEZ commercial salmon fishery if that vessel catches and retains salmon in adjacent State of Alaska waters on the same calendar day.**

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- **Have salmon/fish onboard that was caught in State waters while commercial fishing for salmon in the Cook Inlet EEZ. Must offload all salmon/fish prior to beginning a commercial salmon fishing trip in the Cook Inlet EEZ.**
- **Land salmon caught in state waters concurrently with salmon caught in the Cook Inlet EEZ.**
- **Land or transfer salmon from one vessel to another within the Cook Inlet EEZ.**
- **Recreational fish for salmon or have recreational, personal-use, or subsistence caught salmon onboard while commercial fishing for salmon in the Cook Inlet EEZ.**
- **Have onboard, retrieve, or deploy commercial fishing gear other than a drift gillnet legally configured for the Cook Inlet EEZ commercial salmon fishery.**
- **Set or allow any portion of drift gillnet gear to enter State waters.**
- **Deploy and/or operate more than one drift gillnet.**
- **Use aircraft to locate salmon or direct fishing.**

**13. Inseason Management [Section 2.5.13. - page 130]**

- **Establish authority for NMFS to close the commercial fishery and make inseason adjustments as described in Section 2.5.13. of the analysis.**

**14. Use of the Joint Protocol Committee [Section 2.5.14. - page 132]**

- **Establish coordination with the Alaska Board of Fisheries through the Joint Protocol Committee to minimize conflicts and management uncertainty as described in Section 2.5.14. of the analysis.**

**15. Limited Entry [Section 2.5.15. - page 132]**

- **Option 1: Open Access. This option would allow anyone to obtain a Federal Fisheries Permit and participate in the Cook Inlet EEZ drift gillnet fishery.**
- **Option 2: Open Access and Notification of Intent to Develop a Limited Entry Program. This option would allow anyone to obtain a Federal Fisheries Permit with the proper gear and species endorsements (to be developed) and participate in the Cook Inlet EEZ drift gillnet fishery; in addition, the Council would officially notify the public of its intent to establish a limited entry program for the Cook Inlet EEZ drift gillnet fishery.**

**16. Housekeeping and organizational changes to the Salmon FMP necessary to incorporate this alternative and organize the FMP.**

**17. Housekeeping and organizational changes to 50 CFR part 679 to add regulations for managing the salmon fishery in the Cook Inlet EEZ.**