

JEFFERY H. WOOD  
Acting Assistant Attorney General  
SETH M. BARSKY, Section Chief  
COBY HOWELL, Senior Trial Attorney  
U.S. Department of Justice  
Environment & Natural Resources Division  
c/o U.S. Attorney's Office  
1000 SW Third Avenue  
Portland, OR 97204-2902  
(503) 727-1023 / (503) 727-1117 (fx)  
Coby.howell@usdoj.gov

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED COOK INLET DRIFT  
ASSOCIATION, AND COOK INLET  
FISHERMEN'S FUND,

Plaintiffs,

vs.

NATIONAL MARINE FISHERIES  
SERVICE ET AL.,

Defendants.

Case. No. 3:13-cv-00104-TMB

**STATUS REPORT**

In accordance with the Court's judgment, Federal Defendants provide the following status report. *See Exhibit A.*

DATED: October 26, 2017.

Respectfully Submitted:

JEFFERY H. WOOD  
Acting Assistant Attorney General  
SETH M. BARSKY, Section Chief

/s/ Coby Howell  
COBY HOWELL, Senior Trial Attorney  
U.S. Department of Justice

Environment & Natural Resources Division  
c/o U.S. Attorney's Office  
1000 SW Third Avenue  
Portland, OR 97204-2902  
(503) 727-1023 / (503) 727-1117 (fx)  
[Coby.howell@usdoj.gov](mailto:Coby.howell@usdoj.gov)

OF COUNSEL:  
LAUREN SMOKER  
NOAA Office of General Counsel  
Juneau, Alaska

*Attorneys for Federal Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was today served via the Court's CM/ECF system on all counsel of record.

/s/ Coby Howell  
COBY HOWELL



B4 UCIDA Status Report  
December 2017  
**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**

National Marine Fisheries Service  
P.O. Box 21668  
Juneau, Alaska 99802-1668

October 24, 2017

MEMORANDUM FOR: The Record

FROM: James W. Balsiger, Ph.D.  
Administrator, Alaska Region

SUBJECT: Status Report on the Development of a Salmon FMP Amendment  
to Address Cook Inlet

By order dated August 3, 2017, the United States District Court for the District of Alaska required the National Marine Fisheries Service ("NMFS") to file a report on a tri-annual basis that describes the status of the agency's development of a Salmon Fishery Management Plan ("FMP") amendment to address Cook Inlet. This memorandum serves as the first status report.

After the Ninth Circuit's decision in *United Cook Inlet Drift Association et al v. NMFS* became final, NMFS, with contributions from staff of the Alaska Department of Fish and Game ("ADF&G") and the North Pacific Fishery Management Council ("Council"), prepared a discussion paper to assist the Council in developing alternatives for FMP management of the historical area within the Cook Inlet exclusive economic zone ("EEZ") and options to address the Magnuson-Stevens Fishery Conservation and Management Act's ("Magnuson-Stevens Act's") requirements for management of fisheries under an FMP. NMFS made this discussion paper available to the public in March 2017 and it was considered by the Council at the Council's April 2017 meeting.<sup>1</sup> After receiving public testimony on the discussion paper, the Council adopted a preliminary purpose and need for amending the Salmon FMP, identified three preliminary alternatives for consideration, and directed staff to develop a range of options to address the conservation and management measures required by the Magnuson-Stevens Act in light of the preliminary alternatives.

NMFS, ADF&G, and Council staff then prepared an expanded discussion paper that included a preliminary set of options to address some of the conservation and management measures required by the Magnuson-Stevens Act. This expanded discussion paper was provided to the public in September 2017, and considered by the Council at the Council's October 2017 meeting. The Council also held a public outreach meeting on October 5, 2017, to receive public input on the issues to be considered by a salmon workgroup committee, the appropriate composition of such a committee, how often such a committee should meet, and when and how the committee would provide its recommendations to the Council. After receiving public testimony on the

---

<sup>1</sup> The Council regularly meets five times a year: October, December, February, April, and June. The October, December, and April meetings are held in Anchorage, Alaska; the February meeting is held in Seattle, Washington, or Portland, Oregon; the June meeting is held at a location in Alaska other than Anchorage, such as Sitka or Kodiak.



expanded discussion paper and a summary of comments provided at the outreach meeting, the Council decided to focus the action on including the Cook Inlet EEZ in the Salmon FMP, with Council action to include the other two historical areas following the incorporation of the Cook Inlet EEZ. The Council also directed staff to continue work on developing options for measures required by the Magnuson-Stevens Act, and stated its intent to form a Salmon Committee after receiving proposals from the public concerning the scope of the committee's work.

In its October Newsletter, dated October 17, 2017, the Council issued a call for proposals, asking the public to identify those conservation and management measures that should be considered by the Salmon Committee in order to assist the Council in developing suitable options for the Salmon FMP amendment. In order to provide the public with adequate time to develop proposals, the Council has asked that proposals be submitted by February 1, 2018.

At this time, the Council has indicated that it will consider the Salmon FMP amendment again at its April 2018 meeting. The Council determined that its upcoming meeting in December 2017 was not appropriate because sufficient time must be provided to the public to prepare and submit proposals concerning the Salmon Committee and to NMFS, ADF&G and Council staff to further develop options addressing the required provisions of the Magnuson-Stevens Act. Additionally, the Council received public testimony at its October 2017 meeting asking that the Council consider the Salmon FMP amendment at its meetings held in Anchorage, Alaska, so that interested stakeholders may incur lower costs to attend the meetings. Because the Council's February 2018 meeting will be held in Seattle, Washington, the Council selected its April 2018 meeting to consider the Salmon FMP amendment as it is the first meeting of the year that is held in Anchorage.

NMFS' next status report is due to the court in February 2018.