

Council Motion
Staff Tasking -- Cook Inlet Salmon FMP amendment –
December 10, 2019

The Council requests that staff move forward with development of the analysis for preliminary initial review at the April 2020 Council meeting with the following draft purpose and need statement and alternatives. This action is consistent with NMFS's intent to have the FMP amendment implemented by the 2022 fishing season.

Draft Purpose and Need

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.

Draft Alternatives

Alternative 1: No Action. No amendment to the Salmon FMP. This alternative would maintain status quo. Alternative 1 is not a viable alternative given the Ninth Circuit decision, however, NEPA requires that Federal agencies analyze a no action alternative.

Alternative 2: Federal management with specific management measures delegated to the State. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit in the West Area and establish a Federal management regime for these salmon fisheries that delegates specific management measures to the State of Alaska, to use existing State salmon management infrastructure, in compliance with the Magnuson-Stevens Act and Ninth Circuit ruling. Alternative 2 would identify the management measures that would be managed by the Council and NMFS, the management measures that would be delegated to the State to manage with Federal oversight, and the process for delegation and oversight of management.

Alternative 3: Federal management. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit in the West Area and apply Federal management to those portions of the fisheries that occur in the EEZ.

Furthermore, the Council requests that the Cook Inlet Salmon Committee (Committee) meet again before the April 2020 Council meeting to develop its recommendations for an FMP amendment for the Cook Inlet drift gillnet fishery in the EEZ adjacent to Cook Inlet. The Council also requests that the Committee provide its recommendations for consideration at the April 2020 Council meeting. It is expected that the Council could consider and incorporate the Committee's recommendation prior to initial review.

At this time, the Council anticipates it will be able to take final action by December 2020. This schedule should provide the Council with sufficient time to develop its preferred alternative for the FMP amendment and allow NMFS to complete Secretarial review of the FMP amendment by the start of the 2022 fishing season.