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September 19, 2011

North Pacific Fisheries Management Council
605 West 4th Ave., Suite 306,
Anchorage, AK 99501

Submitted via Fax ONLY: (907) 271-2817

RE: Comments on the North Pacific Fishery Management Council's *Initial Review Draft Environmental Assessment and Amendment 12: Revisions to the Salmon FMP in the EEZ off the Coast of Alaska*, NPFMC Agenda Item C-1

Members of the Council:

Introduction

The purpose of this document is to provide comments to the NPFMC's *Initial Review Draft for Amending the Salmon FMP in the West Area* [herein after Salmon FMP]. By way of background, I have participated in salmon fishing in Cook Inlet in both the EEZ area and state waters in one way or another since 1976. During that time I have seen our critical local salmon industry struggle with changing business and regulatory environments. Time and time again the commercial salmon industry has adapted and proven itself capable of competing in the national and global salmon market. It is with this perspective I respectfully submit the revisions to the Salmon FMP now under consideration are perhaps the most important event impacting the long term viability of the Cook Inlet salmon industry that I have seen in my career.

Focus of Comments

National Standard 7 provides seven factors that the Council should consider in deciding whether an FMP is necessary. [50 C.F.R. § 300.640]. I am confident that if objectively considered each factor weighs heavily in favor of developing an FMP in the "West Area" in general and, at a minimum, for the EEZ in Cook Inlet.

My comments are organized around the seven factors that were set forth on Page 17 of the Initial Review. Although the limited time available prevents detailed comments, I hope my initial thoughts will assist the Council as it moves forward with their critical decision.

"(i) The importance of the fishery to the Nation and to the regional economy." I think the Initial Review fails to objectively quantify the importance of a healthy salmon fishery in the EEZ in Cook Inlet to the Nation. When I first started salmon fishing in Cook Inlet nearly all the high value salmon went overseas, principally to Japan. Now, nearly all the salmon go to markets in the "Lower 48" – in many instances to high value fresh salmon markets. The Initial Review fails to note this transition and the increased importance of the Cook Inlet salmon fishery to U.S. citizens who value high quality and sustainable salmon as a reliable nutritional food source.

"(ii) The condition of the stock or stocks of fish and whether an FMP can improve or maintain that condition." I think the Initial Review fails to note the long term degradation of the commercial fishery in Cook Inlet and the influence of state management on this demise. By implementing a coordinated

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approach with a FMP and state management, commercial fisheries will have the benefit of the 10 national standards as envisioned by Congress in the MSA. Exclusive state management, absent application of the 10 national standards, has resulted in increased commercial salmon harvest restrictions, decrease in salmon processing capacity and a state management created institutionalized battle between various salmon users. I am confident a Salmon FMP will help mitigate state management created allocation and yield issues resulting in long term harvest opportunities for all salmon users in Cook Inlet.

“(iii) The extent to which the fishery could be or is already adequately managed by states, by state/Federal programs, by Federal regulations pursuant to FMPs or international commissions, or by industry self-regulation, consistent with the policies and standards of the Magnuson-Stevens Act.” The State of Alaska regularly states they have no interest in the 10 national standards or desire to ensure long term viability of the commercial salmon harvesters in Cook Inlet. This is demonstrated by Board of Fish meetings that are regularly convened out of the 3 year cycle that focus on reallocation based on political influence rather than scientific data. An objective assessment of state management and commercial restrictions in Cook Inlet demonstrates the state is indeed meeting their anti-commercial salmon harvester objectives. The Initial Review fails to objectively assess this reality and only “buys in” to the state view that all is well ... as commercial salmon fisheries in the Cook Inlet EEZ and state waters continue to be restricted per political reallocation objectives inconsistent with the 10 national standards.

“(iv) The need to resolve competing interests and conflicts among user groups and whether an FMP can further that resolution.” The Initial Review does not even attempt to evaluate “*competing interests and conflicts among user groups*” let alone examine what application of the 10 national standards could do to resolve state induced conflicts. If Optimum Yield was realized in the EEZ of Cook Inlet [something the state has admitted they will refuse to do] the result would be increased yields for all users. This would help a fishery facing unrestricted, intense and insatiable demands by recreational and guided sport fishing industries. Why no analysis of this in the Initial Review?

“(v) The economic condition of a fishery and whether an FMP can produce more efficient utilization.” Ironically, the proposed FMP closes all EEZ waters to commercial fishing south of a predetermined east – west line approximately at Anchor Point, just west of Homer Alaska. What the FMP and Initial Review fail to consider is it leaves open those waters closed to commercial fishing to unlimited and unregulated commercial salmon guides and sport fishers. Because the deferral to EEZ management is only for the area north of the line, the state will have no regulatory jurisdiction in the EEZ south of the line. There will be no regulatory body to impose time, method, means or bag limits in the EEZ for the commercial salmon guide or recreational salmon fishers. This is inherently inefficient and, if adopted as presented, creates a Salmon FMP that makes management matters worse for that portion of the EEZ that is open to commercial fishers. Why is there no analysis for when one commercial sector is excluded from the EEZ while another commercial sector [guided or charter] has unregulated access?

“(vi) The needs of a developing fishery, and whether an FMP can foster orderly growth.” The Initial Review fails to consider commercially valuable salmon stocks that the state has decided, based on their political management approach, are no longer available to commercial salmon fishers. For example, a well considered Salmon FMP should recognize chum and coho harvest opportunities for commercial salmon harvesters and not simply accept the state strategy of excluding those stocks from commercial harvesters and seafood consumers across the nation.

“(vii) The costs associated with an FMP, balanced against the benefits.” Application of a Salmon FMP and the 10 national standards in the EEZ of Cook Inlet would involve nominal costs in light of the substantial benefits. If salmon harvests in the EEZ of Cook Inlet are managed for Optimum Yield and the

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10 national standards it is hard to believe the economic benefits to the commercial fishing community, indeed all salmon users, in Cook Inlet would not far outweigh any agency costs. Those folks already go to work every day – we just need them to monitor state application of the Salmon FMP similar to the East area. This is the case when federal employees regularly attend Board of Fish meetings to protect the interest of federal subsistence users – those federal employees actually sit at the table with the Board during deliberations to protect the federal interest they are responsible for. Why not consider this option in the Initial Review and Salmon FMP?

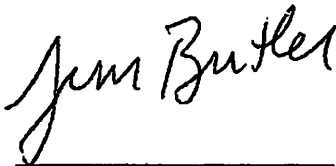
In my opinion all seven factors in National Standard 7 demonstrate that a Salmon FMP is necessary and appropriate for Cook Inlet. At a minimum, the NMFS and Council should take a “hard look” at the seven factors and not just accept what the state says about the ‘success’ of their management history. In its current form the Initial Review fails the “hard look” test.

From my perspective and firsthand experience in the state managed commercial salmon fishery in Cook Inlet, a hard, objective look at the state’s history will make clear that both the Council and NMFS are uniquely suited to ensure long term Optimum Yield of salmon stocks in Cook Inlet for years to come. Absent the Council and NMFS maintaining a role of oversight of state salmon management under an FMP, I am confident commercial fishing in Cook Inlet will be gone before my children can enter the fishery in the next few years.

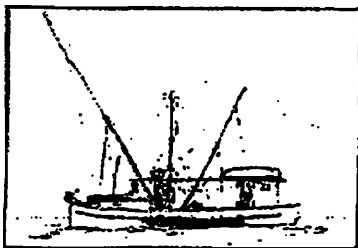
Finally, I urge the Council not to rush their adoption of amendments to the Salmon FMP in Alaska. The complexity of the salmon politics, fishery and industry has changed since the last substantive amendments in 1990. Failing to take time to adopt the *DRAFT* Initial Review and Salmon FMP amendment without the proper level of analysis, consideration of impacts on all users and evaluation of the implications of the change would, I am afraid, result in a management scenario that not only fails the commercial fishing industry but the long term viability of salmon runs in Cook Inlet.

Although I can’t make your meeting in Dutch Harbor I intend to make your Anchorage meeting in December to address the Council personally. Thank you in advance for consideration of my comments and concerns.

Respectfully submitted:



Jim Butler, President
Kenai Salmon Company, Inc.



Alaska Trollers Association

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September 18, 2011

Chairman Eric Olson
North Pacific Fishery Management Council
605 West 4th, Suite 306
Anchorage, AK 99501-2252

Dear Chairman Olson and Council Members:

The Alaska Trollers Association (ATA) represents hook and line salmon fishermen who fish in state and federal waters off Alaska. Since the late '70s, the troll fleet has been regulated by both the Board of Fisheries and North Pacific Fishery Management Council (Council), so is directly affected by the evolving terms of the *Fishery Management Plan for the Salmon Fisheries in the US EEZ off the Coast of Alaska (FMP)*.

ATA has been involved in the FMP since its inception and is familiar with the host of other international, national, and state laws that impact our fishery. ATA is concerned about the ramifications of new Magnuson Stevens Act (MSA) requirements to impose annual catch limits (ACL) and accountability measures (AM) for salmon, whose biology is uniquely different than the groundfish species typically managed by the Council. **ATA supports ongoing Council management deferral to the state.** ATA strongly supports state management, and believes it provides a reasonable and responsible 'alternative approach' to ACL's and AM's, as MSA allows.

I participated in the recent FMP workshop in Anchorage and have read the *Working Draft Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska*. At this time I am in the process of more carefully reviewing the *Initial Review Draft Environmental Assessment for Amendment 12 of the FMP* and will be consulting with ADFG on its anticipated impact on our fishery. Unfortunately, other members of our board and association are fishing and have had no opportunity to read and comment on these documents. **Therefore, ATA has not yet taken a position on the Council's Preliminary Preferred Alternative 3.** We believe other affected gear groups may be in the same position, so encourage the Council to consider modifications to its timeline for final action, if such a request is made at or following this meeting.

What ATA does support is the Council's stated intent to sustain its deferral of management authority of the troll fishery in the Eastern Gulf to the State of Alaska. ATA believes that Alaska's robust salmon program is most appropriate for the management of our fishery, as it provides the best set of tools, expertise, and oversight to achieve the goals of the national standards embodied in the MSA.

It is not clear to me whether or not our association will ultimately take a position on the other fisheries involved in the FMP. The Westward fisheries have a significantly different history with respect to the FMP and it is not clear to me that there is a uniform position amongst the groups affected. Again, **fishermen have had little to no opportunity to receive and review these documents, since they have only been available during the heart of the salmon fishery.** We will be working with other individuals and organizations prior to the Council's final action, to determine if ATA will comment on those areas. However, I will note that a number of issues were raised at the workshop that seem to bear additional analysis, so encourage you to work to ensure that the needs of fishermen in the Western Gulf are thoroughly vetted and carefully considered.

We look forward to working with the Council and agencies as this matter progresses. Please don't hesitate to contact me if ATA can be of assistance in any way.

Best regards,

Dale Kelley
Executive Director

PUBLIC TESTIMONY SIGN-UP SHEET

Agenda Item: C-1 Salmon FMP

	NAME (PLEASE PRINT)	TESTIFYING ON BEHALF OF:
1	Arni Thomson	Member - CFA
2	Becca Robbins Gasclair	YRPA
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NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person " to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.