



C4 Cook Inlet Salmon October 2020 Council Meeting

Action Memo

Staff: Jim Armstrong
Presenter: Doug Duncan, NMFS AKRO
Action Required: Initial Review Draft EA/RIR – review; action as necessary

BACKGROUND

The Council is considering alternative approaches for amending the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska (FMP) so that it includes Federal waters of Cook Inlet and manages the commercial salmon fisheries that operate in those waters, as necessary. The attached initial review draft EA/RIR describes and analyzes the impacts of the alternative management approaches under consideration. The Council reviewed a preliminary draft of this EA/RIR at its June 2020 meeting, and also considered recommendations from the Cook Inlet Salmon Committee that would have expanded the scope of the FMP into State jurisdictional waters. Following its review, the Council passed the attached motion clarifying that the existing purpose and need statement and alternatives be maintained for staff development of analyses for October 2020 initial review and directed staff to consider SSC comments and the potential integration of some committee management measure recommendations, as applicable, in the revised draft. The Council expects to take final action on the Salmon FMP by December 2020, which will allow NMFS to complete Secretarial review of the FMP amendment and implementing regulations by December 2021 in order to have them effective for the 2022 fishing season.

The Cook Inlet salmon action was initiated in 2017 in response to a Ninth Circuit Court finding that the Salmon FMP was not in compliance with the Magnuson-Stevens Act (MSA) because it excluded three traditional salmon net fisheries that overlap with portions of federal jurisdictional waters. The Court ruling was brought about by litigation from the United Cook Inlet Drift Association (UCIDA) and Cook Inlet Fishermen's Fund (CIFF) who want federal management in Cook Inlet.

ALTERNATIVES

Two action alternatives for managing Cook Inlet EEZ commercial salmon fisheries are currently under consideration by the Council (Alternatives 2 and 3). Alternative 2 would assume federal management of the Cook Inlet EEZ and delegate certain management measures to the State, while under Alternative 3, all management of the EEZ would be done at the federal level. Stakeholders have indicated their support for Alternative 2 because it incorporates the State of Alaska's widespread salmon data collection and inseason management capabilities into the fulfillment of federal management obligations.

The Council reiterated its purpose and need and range of alternatives at the June 2020 meeting:

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.

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.