



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

## Department of Fish and Game

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December 14, 2020

The Honorable Lisa Murkowski  
United States Senate  
522 Hart Senate Building  
Washington, DC 20510

The Honorable Dan Sullivan  
United States Senate  
7002 Hart Senate Building  
Washington, DC 20510

The Honorable Don Young  
United States Congress  
2111 Rayburn Building  
Washington, DC 20515

Dear Senator Murkowski, Senator Sullivan, and Congressman Young:

The North Pacific Fishery Management Council (Council) recently closed federal waters in Upper Cook Inlet to commercial salmon fishing. This controversial decision focused on the amount of federal intrusion the State was willing to accept to continue its management of these federal waters and the impacted state water fisheries.

This issue started when a commercial fish organization filed a lawsuit in federal court seeking more federal oversight of these waters. The lawsuit was opposed by the state as an intervener in the case. A federal court ordered the Council to amend the existing Fishery Management Plan (FMP) in federal waters of Cook Inlet in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and all other applicable federal laws, of which there are many.

Allowing federal oversight of mixed stock salmon fisheries has the real potential to significantly impact fisheries in state waters because the fisheries under review are first-in-line mixed stock fisheries. It could also potentially result in allocation shifts to already fully allocated fisheries in Cook Inlet or worse, impact the current management plans designed to protect weak or recovering stocks. Finally, it could shift allocation battles to the Council process usurping the authority of the State and Board of Fisheries and create even more complexity for both managers and users navigating dual, and possibly opposing, state and federal regulatory processes.

Even more concerning however is the domino effect this could trigger in other fisheries occurring in federal waters off Alaska's coastline. Of specific concern is the potential for this process to be applied to federal waters in Prince William Sound, off the Alaska Peninsula, and off Southeast Alaska. It could also result in the opening of other federal waters creating new intercept fisheries, operating with its own set of rules, targeting Alaska's currently fully allocated salmon resource.

It is for these reasons the State could not support the establishment of a process that requires annual federal and Council review and oversight of our salmon fisheries and their management. While the State does not like closing waters to commercial harvest, we saw it as the only option of the three available choices to preserving state management of the mixed stock fisheries in Cook Inlet and to ensuring against federal incursion into this and other state-managed salmon fisheries.

The Department continues to believe the best way to address this issue is amend the MSA to allow the State to continue to manage the Cook Inlet salmon fishery and other Alaska salmon fisheries in federal waters without federal fishery management plans. There is a consistent history of successful management of these fisheries by the State of Alaska. There are no federal management plans in place, nor is there the apparatus to develop them without re-assigning federal resources.

The simplest and easiest way to fix this would be to amend the Magnuson-Stevens Fishery Management and Conservation Act in the following manner:

16 U.S.C. § 1852(h)(1) is amended to read:

Each Council shall, in accordance with the provisions of this chapter—

- (1) for each fishery under its authority that requires **federal** conservation and management, prepare and submit to the Secretary (A) a fishery management plan, and (B) amendments to each such plan that are necessary from time to time (and promptly whenever changes in conservation and management measures in another fishery substantially affect the fishery for which such plan was developed);

While this is one solution we have identified, we are open to other options to preserving the state right to manage our salmon fisheries.

We stand ready to assist you in your efforts to resolve this issue. Thank you.

Respectfully



Doug Vincent-Lang  
Commissioner

Cc: John Moller, Policy Advisor, Governor's Office, State of Alaska  
Kip Knudsen, Director State/Federal Relations, Governor's Office, State of Alaska