



Cook Inlet Salmon Committee REPORT

February 25-26, 2020
Anchorage

Committee members:

Dan Anderson (Homer)
Jeff Berger (Ninilchik)
Karla Bush (**Co-Chair**)
Georgeanna Heaverley (Anchorage)

Hannah Heimbuch (Homer)
Eric Huebsch (Kasilof)
John Jensen (**Co-Chair**)
Dino Sutherland (Eagle River)*

Salmon FMP workgroup:

Jim Armstrong (Council Staff)
Forrest Bowers (ADF&G)
Doug Duncan (NMFS)

Gretchen Harrington (NMFS)
Lauren Smoker (NOAA General Counsel)
Jordan Watson (NMFS)

Others in attendance:

Mike Downs (Wislow Consulting)
Verena Gill (NMFS)
Marcus Hartley (Northern Economics)
James Hasbrouck (ADF&G)

Bridget Mansfield (NMFS)*
David Martin (UCIDA/CIFF)
Roland Maw (UCIDA)
Jack Reutov (fisherman)

Background

The essential function of the Cook Inlet Salmon Committee is to develop management measure recommendations to be considered by the Council for amending the Salmon Fishery Management Plan (FMP). The Committee last met on September 30, 2019 and recommended further online collaborative work on the criteria used to establish the Category II management measures in the April 2019 discussion paper. To help facilitate this work, electronic collaborative tools were provided to the Committee in early November 2019. The action alternatives developed by staff in the discussion paper describe general management approaches, but especially for alternative 2, the Committee has been asked to recommend which FMP management measures would be carried out by the National Marine Fisheries Service (NMFS) or the State. Staff also requested Committee members to submit proposals for management measures to the February 2020 Committee meeting for discussion and consideration as Committee recommendations to the Council.

Additionally, given the District Court order for final Council action by their December 2020 meeting, the Cook Inlet Salmon Committee was informed that their recommendations should be completed in time to allow for adequate Council review and deliberation. Specifically, Committee meetings before the April 2020 Council meeting were the final opportunity for the Committee to communicate preferred management measures to the Council. After the April meeting, the Committee was expected to primarily provide commentary on impact analysis and other aspects of the analytical document. Given that the April

* participated via teleconference

Council meeting was cancelled, Committee recommendations will be considered by the Council at their June meeting.

Administrative Issues

The meeting began at 10:00 a.m. on Tuesday Feb 25, 2020, and Committee members and others in attendance introduced themselves. Connection information for attendance via teleconference/zoom was advertised on the [meeting eAgenda webpage](#), which also provided all meeting documents and presentations.

Co-Chairs Karla Bush and John Jensen chaired the meeting. Issues were addressed in order according to the posted meeting agenda, and public comment was accommodated by the Chairs throughout the Committee's discussion of agenda topics. I

Review of existing alternatives

In order to review the issues and provide context for the Committee member proposals, an overview of the current alternatives was presented by Council staff, emphasizing differences in the annual process for establishing harvest limits under alternatives 2 and 3. Both processes envision the establishment of a Salmon Plan Team that would prepare an annual Stock Assessment and Fishery Evaluation for reporting stock status updates and overfishing limit/acceptable biological catch (OFL/ABC) for the upcoming fishing year for SSC/Council approval. Alternative 2, which would delegate certain management responsibilities to the State, would accommodate the State's in-season processes for updating run size estimates and adjusting harvest constraints. Alternative 3, which would establish annual catch limits (ACLs) and manage harvest based on pre-season run size estimates only, would provide limited opportunity for in-season adjustment other than fishery closures when harvest limits have been achieved. Additionally, because alternative 3 would establish total allowable catch (TAC) through the lengthy federal rulemaking process, annual specifications for the salmon fishing season would need to occur very early in the calendar year which could be problematic if preseason forecasts are not yet available. Under alternative 2, the State could respond to SSC determination of OFL/ABC shortly after Council action, similarly to how Bering Sea / Aleutian Islands crab TACs are set each year.

Comments and discussion from the Committee addressed concern about operating under a specified TAC based on preseason data for tiers 1 and 2 as well as tier-3 criteria. One Committee member suggested that salmon catches should be managed to achieve specified harvest rates (catch/run) based on in-season run estimates, however, this was unclear for stocks without run size estimates. A Committee member stated that federal management under the Council's Salmon FMP must apply from the ocean through inshore waters and into salmon spawning habitat. An alternative to the tier-based approach for salmon ACLs was discussed, which is allowed under the Magnuson-Stevens Act (MSA) and specifically considered under alternative 2. However, the 3 tier system would still be used for the status determination criteria to determine if a stock is overfished or if overfishing is occurring.

Committee Member Proposals

This agenda item was intended to provide an opportunity for Committee members to share their proposals for specific management measures under alternative 2, with the expectation that the proposals could contribute to the development of Committee recommendations. Two Committee members provided proposals and two members provided statements on salmon management, which were posted to the meeting eAgenda. Development of recommendations was scheduled for the second day of the Committee meeting and is addressed later in this report. The following reflects discussion of the proposals and perspectives at the Committee meeting. Links to the specific proposals are indicated in the text.

1. Georgeanna Heaverley – [proposal](#) for collaborative federal and state data collection in support of salmon management, including availability of federal resources

Ms. Heaverley's proposal was well received - the Committee was supportive of establishing a mechanism for exploring federal funding opportunities in addition to those available from the State for improving the quality of the data used for managing Cook Inlet salmon. To be clear, the FMP cannot obligate federal funds – only congress can do that. The example of an externally-funded partner such as Pacific Northwest Crab Industry Advisory Committee under the BSAI crab FMP was suggested by staff. There was concern from the Committee that State funding that limits the number of stocks for which escapement goals exist, would not grow, and that it is more likely State funding for stock-specific data may diminish in the future.

2. Erik Huebsch – [proposal](#) for amending the FMP's management objectives ([redline version](#) added by staff to facilitate comparison with status quo objectives).

Mr. Huebsch provided the Committee with a rewritten version of the FMP's management objectives, and the Committee and staff discussed the features and implications of each change. The FMP includes six management objectives while the list provided by Mr. Huebsch included a seventh objective that addressed salmon habitat protection. In response to the proposal, staff asked Mr. Huebsch about some of the additions and deletions he made in editing the objectives. Briefly, the proposed edits to the objectives reflect themes consistently voiced by stakeholders at previous Committee meetings: preventing underfishing, managing for maximum sustainable yield, and extending federal management into State of Alaska jurisdictional waters.

Proposed deletions to objective 1 (prevent overfishing and achieve optimum yield) that removed reference to the Pacific Salmon Commission and Pacific Salmon Treaty were retracted after discussion, however additions to prevent underfishing were maintained by Mr. Huebsch. Management objective 2 (manage salmon as a unit throughout their range) edits in the proposal included reference to riverine and spawning habitat and added compliance with the Alaska National Interest Lands Conservation Act. Specific management measures included under objective 3 (minimize bycatch and bycatch mortality) consisted of prohibitions on certain in-river fishery activities. Following discussion, Mr. Huebsch retracted his deletion of processing costs as a factor to be considered under objective 4 (maximize economic and social benefits to the nation over time). No committee or staff comments were generated under objectives 5 (protect wild stocks and fully utilize hatchery production) and 6 (promote safety). The addition of objective 7 (identify and protect salmon habitat) included a specific recommendation for establishing a joint federal-state habitat working group and identified responsibilities. Staff pointed out that the Council and NMFS do not have the statutory authority to achieve objective 7 and have no authority to achieve a no net loss of habitat or have aggressive role in the protection and enhancement of essential fish habitat (EFH).

3. Dan Anderson – [perspectives](#) on salmon management challenges

Issues identified by Mr. Anderson included the need to manage salmon fisheries in all areas where they occur (mid-Pacific Ocean to the gravel), the potential for interference of Beluga whale feeding by the motorized personal use fishery in riverine and estuary waters, and recent losses to the driftnet fishery by the Alaska Board of Fisheries actions. This personal use issue was also brought up during the Beluga whale presentation agenda item.

4. Jeff Berger – [perspectives](#) on salmon management challenges

Concerns voiced by Mr. Berger included the need to manage according to the MSA to achieve MSY, which would necessitate federal action to ensure State managers comply with the MSA. There is a perception that State managers are prioritizing in-river fisheries and that over-escapement is reducing productivity and depriving fisheries of the harvests needed to maintain processor viability. Additionally, the in-river catch and release of king salmon on light gear was identified as a major threat to recovery of those stocks. Mr. Berger also spoke to the declines in the number of processors involved in Cook Inlet salmon harvest, stating that Ninilchik has become a ghost town.

Cook Inlet Beluga Whales

Section 7 Consultation Process

Bridget Mansfield provided a detailed presentation on the Endangered Species Act (ESA) Section 7 consultation process that occurs within NMFS when federal action is taken. The formal consultation process by the NMFS Protected Resources Division (PRD) is initiated by final action at the Council, therefore, the Sustainable Fisheries Division (SFD) provides guidance to the Council during the development of alternatives. Communication between SFD and PRD before final action serves to indicate whether an action is *not likely to adversely affect* (NLAA) a protected species. If NLAA is determined, then the action will likely initiate an informal consultation. If a formal consultation is triggered, then a biological opinion is initiated to determine whether the action may result in jeopardy, which could result in a need for reasonable and prudent measures (RPMs) to ensure no jeopardy is maintained. A jeopardy finding would require that reasonable and prudent alternatives (RPAs) be included in the action. The Council could be consulted to amend or withdraw the action, as needed, or NMFS could proceed with the RPMs and RPAs being included in the agency action.

An audience member asked when the public has the opportunity to comment on the consultation process, and was told by NMFS staff that it would be as part of the Council's NEPA process.

Overview of Beluga whales in Cook Inlet

Verena Gill spoke to the Committee about the habits and distribution of Beluga whales. Ms. Gill works in the Protected Resources Division in the NMFS Anchorage office and has participated in numerous aerial surveys of Cook Inlet in order to provide data for population estimates. She distributed printed informational documents to Committee members and the audience.

The Cook Inlet Beluga whale population is estimated to be about 279 animals and the largest decline occurred during a period of unregulated hunting in the 1990s. Beluga whales are distributed nearshore in Cook Inlet and remain in the inlet throughout the year. Forage species include herring on the west side and eulachon on the east side in the spring. Salmon species that are eaten by Belugas include Kenai sockeyes in the summer and coho salmon in late summer and fall, as well as potentially other seasonally available stocks and species.

A recent document that suggested that salmon may be a limiting forage source for Beluga whales, however, Ms. Gill stated that the conclusions had not been vetted by internal PRD review prior to publication and the conclusions are not necessarily supported by NMFS marine mammal specialists. A Committee member asked whether orcas may feed on Beluga whales, and Ms. Gill said that it is possible, but that a lot remains unclear about the natural processes affecting Beluga numbers.

There was discussion about the potential for negative impacts on Belugas by the motorized personal use fishery that occurs in the Kenai River in July and will occur in the Susitna. There was acknowledgement from Ms. Gill that the potential for this exists. Committee members asked about State compliance with the ESA, and NMFS staff explained that Section 10 of the ESA affects States.

Existing Conditions and Fishing Communities

In December 2019, Council staff established contracts with Northern Economics and Wislow Consulting to have them prepare the Regulatory Impact Review (RIR) portion of the analysis supporting Council action on Cook Inlet salmon. Marcus Hartley (NorEcon) and Dr. Mike Downs (Wislow) presented the Committee with preliminary background information on the Cook Inlet salmon fisheries and communities that will be further developed to provide context for the analysis of impacts in the RIR.

Northern Economics is providing document management and Mr. Hartley briefly familiarized the Committee with structure of the analytical document. He then reviewed work he had done in consultation with the Alaska Department of Fish and Game to estimate the proportion of salmon harvest in Cook Inlet coming from State vs federal waters since 1999. He showed that 1989 marked a distinct change in the

species composition of landings, with far less pink and coho salmon occurring afterward, No link was made between the Exxon Valdez oil spill which occurred in March of 1989, but that event is reflected in the figure since there was no salmon harvest in that year.

Marcus also pointed out that the proportion of harvest coming from the EEZ appeared to vary with a lower EEZ proportion occurring for permits that harvested the largest amount of salmon annually. He suggested a number of explanations for this, and the Committee noted that many fishery participants have two permits that they fish under. Accordingly, the emergence of pattern might reflect the tendency of some permit holders to use the same permit each time, or randomly select which permit they will use. Marcus also showed variation in sector-specific harvest (non-commercial, setnet, driftnet) for a range of years with varying total harvest. Starting in 2011, non-commercial harvest increased as a proportion even though total harvest declined afterward.

Dr. Mike Downs presented preliminary information he had gathered for the “fishing communities” section of the analysis. He acknowledged initial development of this section by Dr. Jordan Watson, and some of that work has been retained in the updated version. Mike scrolled through the draft document section and discussed the information provided in the figures and tables, as well as, work that is in development.

He noted that community engagement and dependence would be assessed quantitatively based on S03H permit ownership address. That information is needed to properly characterize community impacts for Council consideration under National Standard 8. There was Committee and audience concern about the timeframe Mike is using to characterize existing conditions, which begins in 2009. Mike pointed out that the purpose of the exercise is to describe conditions now, for reference, not ideal conditions or the entire range of historic conditions.

Mike identified the top ten communities associated with driftnet salmon harvest, lumping the remaining communities “other”, and showed time series of community-specific ex-vessel revenues over an expansive time frame extending into the mid-1970s. Three years (1987, 1988, 1992) stand out as the highest revenue years in the time series. with revenue at or above \$100 million, and landings in the recent period (since 2010) have declined from about \$30 million to less than \$10 million in 2018. Mike also shared current development of qualitative descriptions as well as tax revenues distributions among communities.

Day 2

Development of Committee Recommendations

Doug Duncan presented [an alternatives table](#) that he and others at the NMFS Alaska Regional Office prepared to simplify comparison of the Council’s existing preliminary range of alternatives. The table distills information that had been included in the April 2019 discussion paper used previously to identify for the Committee and Council all of the issues and considerations involved in amending the Salmon FMP. The table provides information by asking simple questions, such as “who can fish?”, “how much can they catch?” in the first column and provides brief responses tailored to each alternative (including no action) in the remaining columns.

Staff pointed out, during Doug’s presentation, that the recommendation of some Committee members to extend the scope of the FMP into state waters is not captured in the table under the Council’s alternative (alt 2). A new column, i.e., a new alternative, however, would accommodate their recommendation. The discussion of their position as requiring a new alternative greatly concerned some Committee members and members of the public. They stated that they were not in support of an “alternative 4” that had no history in previous discussion. The Committee called for a recess for private discussion.

Upon returning from recess, Committee members stated that they were willing to list their recommendations under a new alternative. That alternative was then referred to as “alternative 2 –

expanded scope”. Staff inserted a new column into the table by copying the contents of the existing alternative 2 column, and the Committee used the remainder of the meeting going down the new column on-screen and proposing specific language to be inserted at the intersection of each row under that alternative.

The edited table with the new “alternative 2 – expanded scope” column was posted in Excel file format to the [meeting agenda](#) and is provided below. The proposed edits will be further developed by the Committee at an upcoming meeting. Much of the language from the original alternative 2 was retained. The Committee also discussed that the alternative 2-expanded scope would require the Council and NMFS to manage many new fisheries, so there are a lot more management measures that would need to be developed that are not reflected in the table for the setnet fishery, sport salmon fishery, subsistence salmon fishery, and personal use salmon fishery. This may necessitate the representation of these additional user groups on the Committee to assist with the development of management measure recommendations for their respective fisheries. An additional “notes” column was added to capture discussion and commentary. One Committee member encouraged the Council to consider the measures and options recommended by the Committee under the new alternative for application under any alternative. Two new rows (“prevent underfishing/overescapement”, “ecosystem issues”) were inserted into the edited table that did not reflect issues identified by staff and are listed along with the methods envisioned for achieving them.

Public Comment - Proposal for Sector Allocation of Salmon

The Chairs allowed for extensive public comment throughout the Committee meeting, and after the Committee suspended discussion of the new alternative until the next meeting, Roland Maw, in the audience, presented a proposal to manage the salmon fisheries as stock complexes within three distinct time periods . The proposal was posted to the meeting agenda as an Excel spreadsheet and describes sector-specific proportions of total salmon harvest for management purposes. The Committee could consider this proposal as a recommendation under alternative 2 - expanded scope at its upcoming meeting.

The meeting was adjourned at approximately 5 pm

ISSUE	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EEZ ONLY</i>	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EXPANDED SCOPE</i>	NOTES
WHO CAN FISH?	◦ Persons with CFEC permits allowed by the State, consistent with FMP criteria, FFP required for groundfish retention	◦ Persons with CFEC permits allowed by the State, consistent with FMP criteria, FFP required for groundfish retention	◦ Maintain status quo for all users ◦ Amend groundfish FFP or create salmon FFP
WHEN CAN THEY FISH?	◦ Times allowed by ADF&G, consistent with FMP criteria	◦ Times allowed by ADF&G, consistent with FMP criteria	◦ Establish FMP criteria for delegated management measures that allow for more options in time, area management to achieve stability in openings and areas and encourage efficiency in fishing operations
WHERE CAN THEY FISH?	◦ EEZ areas allowed by ADF&G, consistent with FMP criteria	◦ EEZ areas allowed by ADF&G, consistent with FMP criteria	◦ Flexibility such as real-time abundance-based management that considers fluctuations in run timing and behavior that affects availability to fisheries to achieve MSY ◦ Highlight components of existing state policy that would achieve these goals
HOW MUCH CAN THE FISHERY CATCH?	◦ Up to preseason EEZ ACL or ABC set by NMFS, TAC set by state OR ◦ Up to escapement based ACL set by the state and reviewed by NMFS	◦ Up to preseason EEZ ACL or ABC set by NMFS, TAC set by state OR ◦ Up to escapement based ACL set by the state and reviewed by NMFS	Allow for alternative objectives for EG specification including maximizing yield, BEGs Consider defining ACLs as percentage of run size
HOW ARE FISH ALLOCATED BETWEEN STATE AND FEDERAL WATERS?	◦ As allowed by ADF&G/BOF, consistent with FMP criteria and the MSA	◦ As allowed by ADF&G/BOF, consistent with FMP criteria and the MSA	Not applicable - Expanded scope under this alternative does not require differentiation of harvest between federal and state waters
FULL SALMON RETENTION REQUIRED?	◦ Maybe	◦ Maybe	No current requirement under state regs, Existing allowance for personal consumption
FULL GROUND FISH RETENTION REQUIRED?	◦ Maybe, requiring retention would simplify accounting of bycatch	◦ Maybe, requiring retention would simplify accounting of bycatch	Establish options for 1) discretionary retention of some species for sale with an FFP. 2) no retention of groundfish 3) eLandings
MIXED DELIVERIES OF EEZ AND STATE WATERS HARVESTS ALLOWED?	◦ Maybe, allowing this may require better accounting of where fish are caught	Yes	Not applicable - Expanded scope under this alternative does not require differentiation of harvest between federal and state waters

ISSUE	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EEZ ONLY</i>	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EXPANDED SCOPE</i>	NOTES
LEGAL GEAR	<ul style="list-style-type: none"> ◦ Gillnet gear allowed by ADF&G, consistent with FMP criteria 	<ul style="list-style-type: none"> ◦ Not delegated ◦ Legal gear types in FMP 	<ul style="list-style-type: none"> ◦ FMP lists legal gear types and ranges for some gear characteristics ◦ Fed regs would define legal gear configurations, specific characteristics ◦ Reflects gear used by commercial, sport, personal use, subsistence under expanded scope
HOW ARE VESSELS MONITORED?	<ul style="list-style-type: none"> ◦ Enforcement patrols 	<ul style="list-style-type: none"> ◦ Enforcement patrols 	no change
WHAT RECORDS DO VESSELS HARVESTERS HAVE TO KEEP?	<ul style="list-style-type: none"> ◦ eLandings ◦ State requirements consistent with the FMP 	<ul style="list-style-type: none"> ◦ eLandings ◦ State requirements consistent with the FMP 	<ul style="list-style-type: none"> ◦ reflects status quo for commercial, description of recordkeeping for noncommercial fisheries ◦ develop alternative reporting mechanisms for timely reporting of harvest by all user groups
HOW IS CATCH AND BYCATCH ACCOUNTED FOR? (SBRM)	<ul style="list-style-type: none"> ◦ eLandings with state and EEZ reporting area(s) 	<ul style="list-style-type: none"> ◦ eLandings with state and EEZ reporting area(s) 	no change
WHAT HAPPENS IF ACLS ARE EXCEEDED (ACCOUNTABILITY MEASURES)	<ul style="list-style-type: none"> ◦ Inseason closure 	<ul style="list-style-type: none"> ◦ Tier system: Inseason closure AND/OR ACL reduction in future seasons ◦ Alt ACL approach: Inseason management 	<ul style="list-style-type: none"> ◦ Sector-specific AMs based on source of overage ◦ Address run-specific overages through in season management actions starting at river of origin, as needed ◦ Post-season review of all factors contributing to overage including harvest, management, environment
PREVENTION OF, OR RESPONSE TO, UNDERFISHING* *FOR EXAMPLE, EXCEEDING ESCAPEMENT		<ul style="list-style-type: none"> ◦ Manage based on CPUE ◦ Apply a fishing mortality rate that over the long term (e.g., one life cycle) will result in MSY, i.e., F_{MSY} ◦ Use surrogate models, as needed ◦ Expand deployment of in-stream sonar 	More fully utilize economics and national food source
HOW ARE THE STATUS OF STOCKS DETERMINED?	<ul style="list-style-type: none"> ◦ Salmon Plan Team review 	<ul style="list-style-type: none"> ◦ Salmon Plan Team review OR ◦ Expanded peer review process, with NMFS support 	Use MSA language, NS2 for establishing peer review process

ISSUE	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EEZ ONLY</i>	ALTERNATIVE 2 MANAGEMENT DELEGATED TO THE STATE <i>EXPANDED SCOPE</i>	NOTES
HOW ARE MSA COMPLIANCE ISSUES APPEALED?	<ul style="list-style-type: none"> ◦ First to the State, then to NMFS 	<ul style="list-style-type: none"> ◦ First to the State, then Appeal directly to NMFS 	
HOW IS OY DETERMINED?	<ul style="list-style-type: none"> ◦ Consistent with the FMP ◦ Achieving MSY escapement, as reduced by social, economic, and biological considerations 	<ul style="list-style-type: none"> ◦ Consistent with the FMP ◦ Achieving MSY escapement, as reduced by social, economic, and biological considerations 	In determining OY, recognize the unique life history of salmon species and the carrying capacity of spawning habitat
HOW IS OVERFISHED/OVERFISHING DETERMINED?	<ul style="list-style-type: none"> ◦ overfishing = MFMT exceeded ◦ overfished = below MSST ◦ OFL = maximum catch * T OR ◦ Inseason escapement goals 	<ul style="list-style-type: none"> ◦ overfishing = MFMT exceeded ◦ overfished = below MSST ◦ OFL = maximum catch * T OR ◦ Inseason escapement goals 	Consider ecosystem components in determining OFL
VESSEL SIZE LIMITS	<ul style="list-style-type: none"> ◦ Determined by ADF&G, consistent with FMP criteria 	<ul style="list-style-type: none"> ◦ Determined by ADF&G, consistent with FMP criteria 	Not currently an issue, self-limiting
ECOSYSTEM ISSUES		<p>Invasive species including but not limited to:</p> <ul style="list-style-type: none"> ◦ Northern Pike ◦ Elodea <p>Habitat and water quality degradation due to urbanization issues and other factors and subsequent reductions in salmon production</p>	