

Executive Summary

The North Pacific Fishery Management Council (Council) is considering comprehensively revising and updating the *Fishery Management Plan for the Salmon Fisheries in the EEZ off the Coast of Alaska* (Salmon FMP). The Magnuson-Stevens Fishery Conservation and Management Act (MSA) directs each Regional Council to prepare a fishery management plan for each fishery under its authority that requires conservation and management. The fisheries under the authority of the Council are those fisheries that occur in the United States Exclusive Economic Zone (EEZ; 3 to 200 miles offshore). The MSA requires that each fishery management plan be consistent with the ten national standards and contain specific conservation and management measures.

The Salmon FMP was approved in 1979 and last comprehensively revised in 1990 (NPFMC 1990a). The Salmon FMP conserves and manages the Pacific salmon commercial and sport fisheries that occur in the EEZ off Alaska. The Salmon FMP establishes two management areas, the East Area and the West Area (Figure 2-1) and addresses commercial salmon fisheries differently in each area. In the East Area, the Salmon FMP delegates management of the commercial troll salmon fishery to the State of Alaska (State) and prohibits commercial salmon fishing with net gear. The Salmon FMP prohibits commercial salmon fishing in the West Area, except in three defined traditional net areas. The Salmon FMP delegates management of the sport fishery to the State in both areas.

With this proposed action, the Council is revising the Salmon FMP to reflect both its policy for managing salmon fisheries and to comply with MSA. The proposed action has two parts: (1) alternatives for defining the scope of the FMP and determining where federal conservation and management is required, and (2) options for the specific management provisions in the Salmon FMP that apply to the fisheries managed under the Salmon FMP. The alternatives and options under consideration address the MSA requirements.

The Salmon FMP's unique functions – closing the vast majority of the EEZ to salmon fishing and facilitating State management of the few salmon fisheries in the EEZ – reflect the unique life cycle of salmon. Salmon have a complex life cycle that involves a freshwater rearing period followed by a period of ocean feeding prior to their spawning migration back to freshwater. Salmon from individual brood years can return as adults to spawn over a 2 to 6 year period. As a result, a single year class can be vulnerable to fisheries for several years. Salmon migrate and feed over great distances during their marine life stage. While there is great diversity in the range and migratory habits among different species of salmon, there also is a remarkable consistency in the migratory habit within stock groups, which greatly facilitates stock-specific fishery planning. Most salmon stocks are vulnerable to harvest by numerous commercial and sport fisheries in marine areas. Many are also taken in rivers and streams during their spawning migration by subsistence, sport, commercial, and personal use fishermen.

The Salmon FMP's unique functions also recognize that the State is the appropriate authority for managing salmon given the State's existing infrastructure and expertise. The State manages the salmon stocks throughout their range using a management approach that is designed to specifically address the unique life cycle of salmon, the nonselective nature of fishing in a mixed stock fishery, and the fact that a given salmon stock is subject to multiple fisheries through its migration from marine to fresh waters. Additionally, Chinook salmon harvested in Southeast Alaska fisheries are managed under provisions of the Pacific Salmon Treaty, an international agreement with Canada which provides for an abundance-based management regime that takes into account the highly mixed stock nature of the harvest. Therefore, the Salmon FMP does not contain specific measures to manage the salmon fisheries in the EEZ.

The State's first priority for management is to meet spawning escapement goals in order to sustain salmon resources for future generations. The highest priority use is for subsistence under both state and federal law. Salmon surplus above escapement needs and subsistence uses are made available for other uses. Salmon throughout the entire State is a fully allocated resource; multi-use salmon fisheries (commercial, sport, subsistence, and personal use) compete for a finite resource. To this end, management plans adopted by the State work to minimize and maximize allocations of specific salmon stocks, depending upon the conservation need identified. As such, management plans incorporate conservation burden and allocation of harvest opportunity that affects all users of the resource. State management plan provisions such as net mesh size restrictions, weekly fishing periods, and size limits work to reduce the incidental catch of non-target salmon species in the salmon fishery so that stocks are able to achieve their established escapement goals.

The State uses an adaptive management process to achieve these priorities that starts with development of management strategies based on pre-season forecasts, then transitions into evaluation of run strength in season and adjusting management strategy implementation based on in-season performance of annual salmon runs. Pre-season forecasts and management strategies are developed based on guidelines and directives as outlined in state and federal management plans and regulations, and in cooperation with federal subsistence managers, fishermen, tribal council representatives, and other stakeholders within guidelines. While forecasts and pre-season management strategies are made each year, these are frequently revised based on in-season run assessments. Management decisions often need to be made before fish have reached the areas, districts, or communities affected. Managers use test fisheries, sonar projects, genetic stock identification and age-sex-length composition, and in-season harvest reports to assess and project salmon run timing and run strength in-season to inform management decisions.

Alternatives

The Council has identified the following alternatives for the Salmon FMP's fishery management unit. Chapter 2 discusses these alternatives, generally explains how the alternatives would function, and identifies and compares important aspects of each alternative.

- Alternative 1:** No action, no changes to the Salmon FMP.
- Alternative 2:** Maintain the existing geographic scope of the Salmon FMP and update the Salmon FMP.
- Alternative 3: Preliminary Preferred Alternative:** Modify the Salmon FMP to specifically exclude three traditional net commercial salmon fishing areas and the sport fishery in West Area EEZ from the Salmon FMP and update the Salmon FMP.
- Alternative 4:** Maintain the Salmon FMP in the East Area EEZ only and update the Salmon FMP.

Applicable to Alternatives 2-4: In areas where the Salmon FMP applies, management under any alternative would be deferred to the State of Alaska.

The primary factor in deciding between the alternatives is defining where and for which fisheries federal conservation and management is required. Not every fishery in the EEZ needs management through regulations implementing a fishery management plan. The MSA requires Regional Councils to prepare fishery management plans only for overfished fisheries and for other fisheries where regulation would serve some useful purpose and where the present or future benefits of regulation would justify the costs.

Options for FMP Provisions

Chapter 3 discusses the options developed to update the Salmon FMP to meet the MSA required provisions for an FMP, using existing state salmon management to the extent possible. Options were developed to address the MSA requirements that are not addressed in the current FMP – annual catch limits and accountability measures, methods to report bycatch and measures to minimize bycatch and the mortality of unavoidable bycatch, and a Fishery Impact Statement. Additionally, options were developed to revise existing FMP provisions – sport fishery management, management objectives, the salmon plan team, federal salmon limited entry permits, and the process for review and appeal of State management measures applicable under the FMP.

Fishery Impact Statement

The MSA requires that a fishery impact statement assess and analyze the likely effects, including the cumulative conservation, economic, and social impacts, of the conservation and management measures on fishery participants and fishing communities and the safety of human life at sea. Chapter 4 contains a fishery impact statement that provides fishery information for the salmon fisheries that occur in the current FMP's fishery management unit. In the East Area, the commercial troll fishery is the only commercial fishery that operates in the EEZ. In the West Area, the only commercial fisheries in the EEZ are the Cook Inlet drift gillnet, the Prince William Sound drift gillnet, and the South Alaska Peninsula

drift gillnet and purse seine fisheries. Limited sport fisheries occur in the EEZ in the East and West Areas. The fishery impact statement details the conservation and management measures that apply to the FMP salmon fisheries and economic and community impacts of the FMP salmon fisheries.

Environmental Assessment

Chapter 5 analyzes the direct, indirect, and cumulative impacts of the proposed action and the alternative management approaches on marine resources – Alaska salmon stocks, Pacific salmon stocks listed under the Endangered Species Act, marine mammals, seabirds, and essential fish habitat. Chapter 5 provides recent information on the interactions of the FMP salmon fisheries with these marine resources and analyzes whether the proposed action or its alternatives would have significant impacts on these marine resources.

The proposed action concerns the application of federal management in addition to the existing State management for the salmon fisheries that occur in the EEZ. None of the alternatives or options under consideration would change the State's management of the salmon fisheries. The proposed action does not substantially change salmon management under the FMP in a way that would change the prosecution of the fisheries. Therefore, the analysis concludes that Alternatives 1, 2, and 3 would have an insignificant impact on Alaska salmon stocks, Pacific salmon stocks listed under the Endangered Species Act, marine mammals, seabirds, and essential fish habitat. Alternative 4, which would remove the majority of EEZ waters from the FMP, could impact salmon abundance and other resources, such as marine mammals, if unregulated fishing occurred in EEZ waters. However, since it is not possible to estimate the potential for or extent of unregulated fishing, or the nature of the impacts of that fishing, the impacts of Alternative 4 are unknown.

Regulatory Impact Review

Chapter 6 evaluates the costs and benefits of potential changes to the federal regulations implementing the Salmon FMP. Regulations implementing the FMP are at § 679.2 Definitions, § 679.3 Relation to other laws, § 679.4 Permits, and § 679.7 Prohibitions. To implement the Council's revised FMP, NMFS will need to revise the federal regulations. Regulatory changes necessary to implement a revised FMP under Alternatives 2, 3, and 4 would include (1) updating the regulations on relation to other laws to reflect the FMP and current laws, (2) removing the salmon permit regulations at § 679.4(h) salmon permits, and (3) revising the prohibition in § 679.7(h) to reflect the removal of § 679.4(h). Alternatives 3 and 4 would also require changing the definition of the Salmon Management Area in § 679.2 Definitions to reflect the FMP's revised management area. In general, while the modification of these regulations will have no substantive impact on industry or the public, and will not create any costs. These changes would provide benefits from the streamlining of federal regulations and removal of obsolete federal regulations.

In addition, Alternative 2 may require new regulations to facilitate dual federal and state management of the salmon fisheries in the West Area. The requirement for dual federal and state management under

Alternative 2 may create additional administrative costs for federal and state agencies, and compliance costs for the public.



