

Council Motion
C4 -- Cook Inlet Salmon FMP amendment –
June 9, 2020

The Council requests that staff move forward with development of the analysis for initial review at the October 2020 Council meeting with the following purpose and need statement and alternatives (unchanged from the discussion paper). The analysis should consider SSC comments in the initial review draft, as applicable. This action is consistent with NMFS's intent to have the FMP amendment implemented for the 2022 upper Cook Inlet salmon fishing season.

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.

At this time, the Council anticipates it will be able to take final action by December 2020. This schedule should provide the Council with sufficient time to develop its preferred alternative for the FMP amendment and allow NMFS to complete Secretarial review of the FMP amendment by the start of the 2022 fishing season.

The Council is not moving the Cook Inlet Salmon Committee's (Committee's) recommended alternative forward for analysis, but staff will include it in the section on alternatives considered but not analyzed further. The Council has been clear on its intent to manage the commercial salmon fishery in the EEZ, and not in State waters outside its jurisdiction. The Council requests staff evaluate the recommended management measures that may be applicable to the Council's alternatives, and analyze the implications of incorporating these recommendations in the current suite of alternatives.