



## North Pacific Fishery Management Council

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### Cook Inlet Salmon Committee REPORT

May 26, 2020  
Online Meeting

*Committee members:*

Karla Bush (Co-Chair)  
John Jensen (Co-Chair)  
Dan Anderson (Homer)  
Jeff Berger (Ninilchik)

Georgeanna Heaverley (Anchorage)  
Eric Huebsch (Kasilof)  
Dino Sutherland (Eagle River)

*Salmon FMP workgroup:*

James Armstrong (Council staff)  
Forrest Bowers (ADFG)  
Mike Downs (Wislow Research)  
Doug Duncan (NMFS)  
Diana Evans (Council staff)

Gretchen Harrington (NMFS)  
Marcus Hartley (Northern Economics)  
Andrew Munro (ADFG)  
Lauren Smoker (NOAA GC)

*Others in attendance:*

Matt Alward (Fisherman)  
Maria Davis (Council staff)  
Sherri Dressel (SSC)  
Shannon Gleason (Council staff)  
James Hasbrouck (ADFG)  
Wesley Humbyrd (UCIDA)  
Sarah LaBelle (Council staff)  
David Martin (UCIDA)

Joe Martishev (Fisherman)  
Roland Maw (UCIDA)  
Franz Mueter (SSC)  
Matt Oxford (Fisherman)  
Tom Taube (ADFG)  
Bill Templin (ADFG)  
Dyer Van Devere (UCIDA)  
Ernie Weiss (AEB)

## Introduction

The Cook Inlet Salmon Committee was created to involve salmon fishery stakeholders in the development of a Salmon FMP Amendment that would include the traditional net fishery in Cook Inlet in the FMP's fishery management unit. The Committee has met several times starting in December 2018 for the purpose of developing management measure recommendations to the Council. At the December 2019 meeting, the Council instructed the Cook Inlet Salmon Committee to meet prior to the April 2020 Council meeting to develop final recommendations on management measures.

The Committee held a two day meeting on February 25-26, 2020 in Anchorage, and was scheduled to hold its final meeting on March 30, 2020. Cancellation of the April 2020 Council meeting in response to the COVID-19 pandemic and made it necessary to reschedule the Committee meeting and provide it through an online venue.

Prior to the start of the meeting, Committee members reviewed the draft meeting agenda and submitted additional documents for discussion, which were posted to the meeting [eAgenda](#) along with connection information and other meeting materials. The meeting began shortly after 9:00 a.m. on Tuesday, May 26, 2020, and Committee Co-Chairs John Jensen and Karla Bush reviewed the agenda and confirmed the order of the meeting. Public comments were allowed throughout the meeting, at the discretion of the Co-Chairs.

## Alternative 2 – Expanded Scope

### Background

Two approaches for managing Cook Inlet salmon fisheries are currently under consideration by the Council (Alternatives 2 and 3), while “No action” (Alternative 1) is untenable but necessary for comparison from a NEPA standpoint. Under Alternative 2, necessary management measures would be delegated to the state, primarily, while under Alternative 3, all management would be done at the federal level. Driftnet fishery stakeholders have indicated their opposition to Alternative 3 because it would likely reduce harvest opportunities in the Cook Inlet EEZ due to the absence of a federal infrastructure for managing salmon fisheries in Alaska. Alternative 2, on the other hand, would incorporate the State of Alaska’s widespread salmon data collection and inseason management capabilities into the fulfillment of federal management obligations. The Cook Inlet Salmon Committee has consistently indicated its support for Council action to fulfill Alternative 2.

Staff on the Salmon FMP workgroup have characterized the limits of the federal Salmon FMP as affecting salmon fishery operations in EEZ waters, only. In contrast, some Committee members argue that the MSA provides the authority necessary to extend the reach of the federal FMP into management of State waters fisheries. At the February 2020 Committee meeting, in order to encourage full expression of the Committee’s desired outcomes, a recharacterization of Alternative 2 was suggested, referred to as “Alternative 2 – Expanded Scope.” The Committee’s development of that alternative was finalized at this meeting.

### Development/discussion at this meeting

Following the introductory portion of the agenda, Jim Armstrong led the Committee through the recommendations they had developed in February. He shared the final report from that meeting onscreen, and highlighted areas where their recommendations deviated from the existing Alternative 2. Additionally, Committee members had been provided with an editable version of Alternative 2, so that they could insert their recommended revisions into the appropriate sections. Jim had also reviewed Committee comments and recommendations in previous meeting reports and added draft edits to the document so that Committee members could refine those edits as representing their recommendations on screen during the meeting. As Jim led the Committee through each section of the document, suggestions for edits were provided by the Committee and the public.

## Recommendations

The description of Amendment 2 – Expanded Scope, *beginning below on page 4*, represents the Committee’s recommendations to the Council on the Committee’s preferred alternative and has been reviewed by the Committee.

Furthermore, the Committee recommends Alternative 2 – Expanded Scope *replace* the existing version of that alternative, and henceforth be referred to as Alternative 2, so the draft action continues to include three alternatives, overall.

## **Other Business**

After the finalization of the Committee's recommendations, Jim Armstrong reviewed the ongoing development of the analysis prepared by staff in support of the action. He explained that preliminary review of the analytical document will occur at the June 2020 Council meeting. He stated that the Committee's recommendations would be considered by the Council as part of preliminary review and that the Council could adopt the Committee's recommended alternative in whole or in part, as appropriate. The Committee did not provide comments on the draft EA/RIR that was posted to the Council agenda.

Jim addressed the topic of future Committee meetings by reminding Committee members that the Cook Inlet Salmon Committee is an ad hoc committee and that the Council will adjust its membership and duties in accordance with Council needs at any stage of the current action. The membership may be expanded to include other user groups that may be affected by the action. Because the Council is clarifying the alternatives for analysis at the June meeting, future Committee meetings would likely be to get stakeholder perspectives on the impacts of the alternatives, rather than recommendations on management measures.

Finally, the Committee and attendees reviewed documents that Committee members had provided for the meeting. These included a letter from the United Cook Inlet Drift Association (UCIDA) that is also posted as a written comment on the Council agenda under C4. Erik Huebsch spoke to the letter and stated that none of the state management measures, for any stock of salmon returning to Cook Inlet, meets the requirements of the MSA and the National Standards. Neither the ADF&G or the Alaska Board of Fisheries are setting escapement goals that meet the National Standard 1 requirement that the fishery be managed on the basis of MSY. Failure to achieve MSY can be a result of either underfishing or overfishing.

Dr. Roland Maw, spoke to the other three documents, one addressing drift gillnet costs, which could provide useful information on vessel capacity for the development of the RIR, one addressing perspectives on fishery modeling, and one on State revenues from salmon driftnetting.

The meeting adjourned at 5:27 pm.

### **2.4.2.1. Alternative 2 Expanded Scope<sup>1</sup>: Federal management with specific management measures delegated to the State.**

Under Alternative 2, the Council would amend the Salmon FMP to include Cook Inlet<sup>2</sup> in the FMP's fishery management unit in the West Area and establish a Federal management regime for the salmon fishery that delegates specific management measures to the State of Alaska, to use existing State salmon management infrastructure, in compliance with the MSA and Ninth Circuit ruling. Alternative 2 would identify the management measures that would be implemented 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. In addition to the management measures detailed in this section, section [Error! Reference source not found.<sup>2,6</sup>](#) provides a discussion of the monitoring, recordkeeping, and reporting requirements that may be applicable under Alternative 2.

#### **2.4.1-2.1.1. Management Policy and Objectives**

Although the Council may want to consider the development of a new management policy and objectives specifically applicable to Cook Inlet under this alternative, one option for Council consideration is to maintain the FMP's existing management policy and objectives and have them continue to apply to all areas managed by the FMP (the East Area and the West Area, which would include Cook Inlet). This approach would require some modifications to Management Objectives 1 and 2 as follows:

#### **Management Policy<sup>3</sup>**

The Council's salmon management policy is to facilitate State of Alaska salmon management in accordance with the Magnuson-Stevens Act, Pacific Salmon Treaty, and applicable federal law. This FMP represents the Council's contribution to a comprehensive management regime for the salmon fishery that will be achieved in concert with actions taken by the Pacific Salmon Commission and the State ~~of Alaska~~. This policy ensures the application of judicious and responsible fisheries management practices, based on sound scientific research and analysis, proactively rather than reactively, to ensure the sustainability of fishery resources and associated ecosystems for the benefit of future, as well as current generations.

Under this policy, all management measures will be based on the best scientific information available. This management policy recognizes the need to balance many competing uses of marine resources and different social and economic objectives for sustainable fishery management, including protection of the long-term health of the resource and the optimization of yield. [This policy uses and improves upon the Council's and State's existing open and transparent process of public involvement in decision making.](#)

#### **Management Objectives**

The Council has identified the following ~~six~~<sup>seven</sup> management objectives to carry out the management policy for this FMP. The Council, NMFS, and the State of Alaska will ~~consider~~<sup>apply</sup> the following objectives in developing ~~amendments to~~ this FMP and associated management measures. Because adaptive management requires regular ~~and periodic~~ review, the management objectives identified in this section will be reviewed ~~periodically~~<sup>annually</sup> by the Council. The Council, ~~NMFS, and the State of Alaska through its~~

<sup>1</sup> Committee recommendation: Replace text describing Alternative 2 in Preliminary Review doc posted to June 2020 Council meeting with this Alternative 2. The term "expanded scope" reflects Committee support for including all salmon fisheries that occur in Cook Inlet north of the Anchor Point line, including State waters fisheries, within the authority of the Federal FMP. In terms of habitat, the expanded scope is consistent with status quo EFH that extends to all waters inhabited by salmon that are caught by these fisheries.

<sup>2</sup> Each instance of "the Cook Inlet EEZ" or "in the EEZ" was replaced with text that is consistent with expanded scope

<sup>3</sup> Edits to FMP Policy and Objectives taken from Feb 26, 2020 CISC meeting

~~salmon committees~~, will also annually review, modify, eliminate, or ~~consider~~create new management measures, as appropriate, to best carry out the management objectives for this FMP.

#### Objective 1 - Prevent underfishing/overfishing and achieve optimum yield~~MSY/OY~~

Manage the commercial and sport salmon fisheries ~~in by delegation to the East Area~~State of Alaska, in ~~concert~~compliance with the Pacific Salmon Commission~~MSA~~ and ~~in accordance with the conservation and harvest sharing goals of the Pacific Salmon Treaty,~~ ~~to other applicable federal laws to further develop fisheries on stocks that are currently underutilized~~, prevent overfishing and obtain the number and distribution of spawning fish capable of producing the optimum yield on a sustained basis (wild and hatchery). Prevent overfishing and achieve optimum yield in the West Area by prohibiting the commercial harvest of salmon. Prohibiting commercial harvest enables the State of Alaska to manage salmon fisheries ~~to achieve escapement goals and maximize economic and social benefits from the fishery.~~ maximum sustainable yield.

#### Objective 2 - Manage salmon as a unit throughout their range

Manage ~~the commercial and recreational~~ salmon fisheries ~~in the EEZ in Cook Inlet in a manner that enables the State of Alaska to manage salmon stocks seamlessly of Alaska~~ throughout ~~their~~ the range—~~and life cycle of all salmon species. The range of salmon is described as the area of the EEZ offshore of Alaska and all State waters including the benthic, estuarine and freshwater habitats necessary to salmon for spawning, breeding, feeding, or growth to maturity.~~

In the East Area, this objective is achieved by delegating management ~~of the sport and commercial troll fishery~~ to the State ~~of Alaska, to manage consistent with state and through the FMP. This FMP integrates specific details for each State salmon management area in the East Area, so that salmon stocks can be managed as a unit and delegates authority to the State of Alaska to manage these areas and the fisheries that occur there in compliance with the MSA and other applicable~~ federal laws, including the Pacific Salmon Treaty—and ANILCA.

In the West Area, this objective is achieved by ~~prohibiting commercial fishing for salmon in the West Area so that the State of Alaska can manage Alaska closing most of the EEZ, except for the three traditional net fisheries and delegating management authority to the State through the FMP. This amendment to the FMP integrates specific details for the Upper Cook Inlet management area so that~~ salmon stocks ~~as a unit~~ can be managed as a unit and delegates authority to the State of Alaska to manage this area and the fishery that occurs there in compliance with the MSA and other applicable federal laws, including the Pacific Salmon Treaty and ANILCA.

#### Objective 3 - Minimize bycatch and bycatch mortality

To the extent practicable, manage salmon fisheries to minimize bycatch and minimize the mortality of unavoidable bycatch. Decrease, where possible, and account for the incidental mortalities of salmon hooked and released, consistent with allocation decisions and the objective of providing the greatest overall benefit to the people of the United States.

To minimize bycatch and mortality the following priorities and practices shall be followed:

- Use of commercial fishing gear that is appropriate for the target species.
- Prohibit all fishing activities in salmon spawning areas during spawning activities.
- Prohibit catch and release fishing for returning/spawning salmon in estuaries or freshwater.
- Prohibit snagging of naturally spawning salmon stocks in sport fisheries.

#### Objective 4 - Maximize economic and social benefits to the nation over time.

Economic benefits are broadly defined to include, but are not limited to~~z~~ profits, income, employment, benefits to consumers, and less tangible or less quantifiable benefits such as the economic stability of coastal communities, ~~recreational value, non-consumptive use value, and non-use value.~~ To ensure that economic

and social benefits derived for fisheries covered by this FMP are maximized over time, the following will be examined in the selection of management measures:

- ControlEfficiency of fishing effort ~~and salmon catches.~~
- Fair and equitable allocation of harvestable surplus of salmon.
- Economic impacts on coastal communities ~~and other identifiable dependent groups (e.g., subsistence users).~~
- Socio-economic impacts on rural Alaska subsistence users.

This examination will be accomplished by considering, to the extent that data allow, the impact of management measures on the ~~sizequantity and quality~~ of the catch during the current and future seasons and their associated prices, harvesting costs, processing costs, employment, the distribution of benefits among members of the harvesting, processing and consumer communities, management costs, and other factors affecting the ability to maximize the economic and social benefits as defined in this section. Other benefits are tied to economic stability and impacts of commercial fishing, as well as, ~~unguided and charter~~ recreational fishing ~~associated with coastal communities, and~~ subsistence fishing ~~supporting traditional social and cultural ‘communities,’ and passive use ‘communities’.~~

#### **Objective 5 - Protect wild stocks and ~~fully~~ utilize hatchery production**

Manage salmon fisheries to ensure ~~sustainability~~the maximum sustainable yield of naturally spawning stocks while providing access to hatchery production.

#### **Objective 6 - Promote safety**

Promote the safety of human life at sea in the development of fisheries management ~~measures.~~ Upon request, and from timeplans to ~~time~~the extent practicable, including the allowance of emergency temporal or spatial adjustments to the fishery. As appropriate, the Council, NMFS, ~~or~~and the State ~~of Alaska~~ may provide for temporary adjustments of fishing opportunity, after consultation with the U.S. Coast Guard and fishery participants, ~~for vessels that are otherwise excluded~~ because of weather or ocean conditions causing safety concerns while ensuring no adverse effect on conservation in other fisheries or discrimination among fishery participants.

#### **Objective 7 - Identify and Protect Salmon Habitat**

The Council will be guided by the principle that there should be no net loss of the productive capacity of marine, benthic, estuarine, and freshwater habitats that sustain commercial, subsistence and recreational salmon fisheries. With this policy, the Council will assume an aggressive role in the protection and enhancement of essential fish habitat (EFH).

Protecting, restoring, and enhancing the natural productivity of salmon habitat, especially the estuarine and freshwater areas, is an extremely difficult challenge that must be achieved if salmon fisheries are to remain healthy for future generations. Section 3(10) of the MSA defines EFH as those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.

Form a joint Federal and State salmon habitat working group to ensure that salmon EFH for fisheries covered by this FMP are protected. The habitat working groups responsibilities include:

- Continual monitoring for adverse effects to salmon EFH
- Develop an action plan to mitigate, restore and enhance salmon EFH
- Rapid response to identified threats to salmon EFH

The following interpretations have been made by NMFS to clarify this definition: waters include aquatic areas and their associated physical, chemical, and biological properties that are used by fish, and may include historical areas if appropriate; substrate includes sediment, hard bottom, structures underlying the waters, and associated biological communities; necessary means the habitat required to support a sustainable fishery and the managed species contribution to a healthy ecosystem; and spawning, breeding, feeding, or growth to maturity covers a species full life cycle.

#### **2.4.2-2.1.2. Procedures for FMP Implementation**

For Cook Inlet, Alternative 2 would delegate certain management functions to the State and specify the requirements associated with each delegated authority. The FMP would need to include transparent procedures governing the State's exercise of its delegated management authority of the ~~commercial~~ salmon fisheries in Cook Inlet. Under Alternative 2, the Council and NMFS would continue to directly manage the West Area outside of Cook Inlet under the FMP.

Under § 306(a)(3)(B) of the MSA, a State may regulate a fishing vessel outside the boundaries of the State when the FMP for the fishery in which the fishing vessel is operating delegates management of the fishery to a State and the State's laws and regulations are consistent with such fishery management plan. Since the FMP was in place on August 1, 1996 and the FMP did not explicitly delegate management of the commercial salmon fisheries in Cook Inlet to the State on that date, the Council would need to approve a delegation of management of Cook Inlet commercial salmon fishery to the State by a three-quarters majority vote of the voting members of the Council.

The proposed procedures to implement an FMP that delegates management of Cook Inlet ~~commercial~~ salmon fisheries to the State are based on the division of management roles and functions established in the Fishery Management Plan for the Scallop Fishery off Alaska and the Fishery Management Plan for Bering Sea/Aleutian Islands King and Tanner Crabs. Under Alternative 2, the FMP would be amended to include the following procedures that would apply to the management of the ~~commercial~~ salmon fishery fisheries in Cook Inlet.

#### **Procedures for FMP Implementation (Federal/State)**

A primary objective of the FMP under Alternative 2 is to facilitate State of Alaska management of the ~~commercial~~ salmon fisheries that occur in Cook Inlet in accordance with the MSA and other applicable Federal law. To achieve this objective, the FMP under Alternative 2 would delegate certain specified management measures to the State. To the extent practicable, NMFS will coordinate with ADF&G to develop management measures for the ~~commercial~~ salmon fisheries in Cook Inlet that are consistent with the FMP, the MSA, and other applicable Federal law.

The FMP would establish the following protocol which describes the roles of the Federal and State governments under a delegated management regime:

1. The Council will develop and amend the FMP to govern management of ~~commercial~~all salmon fisheries in Cook Inlet, prescribing objectives and any management measures found by the Council and NMFS to be necessary for effective management. Under the authority delegated to it by the FMP, the State will promulgate regulations that would be applicable to all vessels ~~commercially~~ fishing for salmon in Cook Inlet. State management measures must be consistent with the FMP, MSA, and other applicable Federal law.

The FMP contains two categories of management measures<sup>4</sup>:

**Category 1:** Federal management measures that are fixed in the FMP, implemented by Federal regulation, and require an FMP amendment to change.

- [Escapement Goals – The FMP establishes a Salmon Technical Team to set escapement goals under Federal law. Escapement goals allow the State to make inseason management decisions based on current data obtained from the fishery. The State may close seasons or areas to ensure that escapement goals are met. The Salmon Technical Team sets the escapement goals for Cook Inlet salmon stocks using the best scientific information available to sustain salmon resources for future generations.](#)

○ [Criteria](#)

- [Escapement goal ranges must meet federal standards for achieving MSY, specifically ranges should be bounded by escapement that corresponds to yield at or above 90% of MSY \(based on Amendment 12 language\).](#)

- [Legal Gear – Salmon in Cook Inlet are taken with a variety of gear types. The FMP would not authorize the State to change the types of legal net gear fishermen are permitted to use when harvesting salmon in Cook Inlet nor to modify gear specifications.](#)

○ [Rationale](#)

- [Federal regulations would list legal gear types, configurations, and specifications for some gear characteristics](#)
- [Reflects gear used by commercial, sport, personal use, subsistence under expanded scope](#)
- [Prevent established legal fishing gears/methods from being eliminated](#)

[Criteria for West Area OY in the Committee's preferred alternative are provided in section 2.4.6 below.](#)

**Category 2:** General management measures delegated to the State for implementation consistent with the FMP, MSA, and other applicable law. The “Other” measure under Category 2 permits the State to implement management measures not specifically identified under Category 2. However, the State’s implementation of “other” management measures not described in the FMP for Cook Inlet must be consistent with the FMP, the MSA, and other applicable Federal law.

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<sup>4</sup> The same type of management measure can occur in both categories to allow for State and Federal measures pertaining to the topic. For example, a Category 1 measure generally authorizing nets as legal gear, and a Category 2 measure precisely defining the allowable configuration of legal net gear.

Category 1 (Federal)	Category 2 (State)
<ul style="list-style-type: none"> <li>Status Determination Criteria (optimum yield, overfishing and overfished)</li> <li>Annual Catch Limits and Accountability Measures</li> <li>Essential Fish Habitat</li> <li>Standardized Bycatch Reporting</li> <li>Recordkeeping and Reporting</li> <li>Legal gear</li> <li><a href="#">Escapement Goals</a></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Escapement goals(Cat 1)</a></li> <li>Fishing Seasons</li> <li>Closed Waters</li> <li>Management Area, District, Subdistrict, Section, and Statistical Area Boundaries</li> <li><a href="#">Legal Gear(Cat 1)</a></li> <li>Inseason Management</li> <li>Limited Entry Permits</li> <li>Recordkeeping and Reporting</li> <li><a href="#">Vessel Size Limits(not addressed self-limiting)</a></li> <li>Other</li> </ul>

2. Representatives from the Council, NMFS, and NOAA General Counsel will coordinate with the State in the development of regulations for [commercial](#) salmon fisheries management in [Cook Inlet](#) for the purpose of assisting the State in determining the extent to which proposed management measures are consistent with the FMP, MSA, and other applicable Federal law. NMFS will review measures adopted by the State to determine if they are consistent with the FMP and the MSA and its national standards in accordance with FMP Chapter 9.
3. Under FMP Chapter 9, the Secretary will consider only those appeals asserting that a State law is inconsistent with the FMP, MSA, or other applicable Federal law. If necessary, NMFS will issue Federal regulations to supersede in [Cook Inlet](#) any State laws that are inconsistent with the FMP, the MSA, or other applicable Federal law.
4. ADF&G will provide the information on which to base State fishing regulations and will consult with NMFS (Alaska Region and AFSC), NOAA General Counsel, and other fishery management or research agencies to prevent duplication of effort and assure consistency with the FMP, MSA, and other applicable Federal law.
5. The FMP provides that the Commissioner of ADF&G, or his designee, may open or close seasons or areas by means of emergency orders (EO) authorized under State regulations. Interested persons may appeal these actions to the Secretary for a determination that the emergency orders are consistent with the FMP, MSA, and other applicable Federal law. If the Secretary determines that the State action is inconsistent with the above, the Secretary will issue a Federal regulation to supersede the State EO [in Cook Inlet](#) (see FMP Chapter 9).
6. The State will provide written explanations of the reasons for its decisions concerning management of the [commercial](#) salmon fisheries in [Cook Inlet](#). For EO, the current EO written justification provided by the State meets this requirement.
7. ADF&G will provide the Annual Management Report to the Council which discusses the status of the stocks and economic status of the fisheries, with NMFS and Salmon Plan Team input incorporated as appropriate. This report will be made available to the public and presented to the BOF and Council on an annual basis.
8. NOAA Office of Law Enforcement and the U.S. Coast Guard shall work in cooperation with the State to enforce regulations for the salmon fisheries [in the EEZ](#).

#### **2.4.3.2.1.3. Management Measures Delegated to the State of Alaska**

The option presented in the previous section identifies types of management measures that could be delegated to the State in Category 2. As with other FMPs that delegate management to the State, criteria

to guide the State for each type of management measure that is delegated would be needed. The following provides possible criteria for the Category 2 management measures identified above.

- **Escapement Goals** – The FMP authorizes the State to set escapement goals under State regulations and policies. Escapement goals allow the State to make inseason management decisions based on current data obtained from the fishery. The State may close seasons or areas to ensure that escapement goals are met. The State sets the escapement goals for Cook Inlet salmon stocks using the best scientific information available to sustain salmon resources for future generations.
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- **Fishing Seasons** – The State adopts fishing seasons for salmon based on run timing of specific salmon species and stocks and to meet economic and social objectives. The FMP authorizes the State to modify and adopt fishing seasons consistent with the FMP, the MSA, and other applicable Federal law.
  - Criteria
    - Achieve stability in openings and ensure efficiency in fishing operations to achieve MSY
    - Abundance-based management informed by historic management balancing practices to provide flexibility to harvest fish in excess of MSY-based escapement goals, under-utilized stocks, and that considers relative run strength for all stocks, and that achieves MSY.
- **Closed Waters** – The FMP recognizes the State's need to close certain waters to commercial salmon fishing for conservation purposes and authorizes the State to designate new closed water areas or expand or reduce existing State closed water areas to meet State subsistence requirements and to promote conservation and sustained yield management of a specific salmon species or stock.
  - Criteria
    - Achieve stability in areas open to fishing and ensure efficiency in fishing operations to achieve MSY
- **Inseason Management** – The State manages salmon fisheries in Cook Inlet to meet escapement goals and FMP Management Objectives. This is done primarily by adjusting the time and area of commercial salmon fishing periods to either increase or decrease harvest of specific salmon species and stocks based upon abundance. The State establishes the time and area of openings in regulation or by EO based upon abundance.
  - Criteria
    - Goal is to achieve a long term average harvest level between MSY and 90% of MSY
- **Management Area, District, Subdistrict, Section, and Statistical Area Boundaries** – The FMP authorizes the State to adjust management area, district, subdistrict, section, and statistical area boundaries to manage the salmon fisheries in Cook Inlet for sustained yield and to ensure accurate recordkeeping and reporting.

- o Criteria

- Consider revision of management boundaries to reflect historic and current data on salmon distribution and salmon harvest effort

- **Limited Entry Permits** – The Limited Entry Act was passed in 1973 to promote conservation and sustained yield management and improve health and stability of Alaska's ~~commercial~~ salmon fisheries by regulating the number of fishery participants. All ~~commercial~~ salmon fishing in Cook Inlet occurs under auspices of the Limited Entry Act.

The FMP authorizes the State to continue to issue and transfer limited entry permits and to modify the terms of limited entry consistent with the FMP, the MSA, and other applicable federal law. Any modifications by the State to the terms of limited entry in Cook Inlet and decisions on limited entry permits will be subject to Council and NMFS oversight and the process described in Chapter 9 of the FMP.

- **Recordkeeping and Reporting** – Recordkeeping and Reporting requirements for fishery participants are an important component in achieving Management Objectives described in the FMP. The FMP authorizes the State to establish recordkeeping and reporting requirements such as information required on fish tickets, methods of submitting fish tickets, and frequency of fish ticket submittal, as well as logbooks.

- o Criteria

- Develop alternative reporting mechanisms for timely reporting of harvest by all user groups
    - Examples: recreational, personal use electronic reporting

- **Other** – The State is delegated authority to implement management measures not specifically described in Categories 1 or 2. However, any State management measures that fall under "Other" must be consistent with the FMP, the MSA, and other applicable Federal laws, and may be implemented by the State only after consultation with the Council. Other management measures the State may implement are subject to the review and appeals procedures described in the FMP.
- As previously noted, the State government is not limited to only the management measures described in this FMP. However, implementation of other management measures not described in the FMP must be consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law, and may occur only after consultation with the Council. This management measure provides for an expanded scope of Federal review. Other management measures that the State may wish to implement are subject to the review and appeals procedures described in Chapters 9 and 10 of this FMP.

#### **2.4.5.2.1.4. Status Determination Criteria and Annual Catch Limits<sup>5</sup>**

No Committee recommendation - Council direction to the Committee indicated that the SSC would be consulted for development of this issue under Alternative 2

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<sup>5</sup> Committee recommendations not requested by the Council for these measures

#### **2.4.6.2.1.5. Accountability Measures<sup>6</sup>**

The National Standard 1 guidelines, at 50 CFR 600.310(g), define accountability measures as management controls to prevent ACLs, including sector-ACLs, from being exceeded, and to correct or mitigate overages of the ACL if they occur. Overages are when catch exceeds the ACL.

Under Tier 1 and Tier 2, ADF&G would use the postseason ACL, using all  $T$  years of realized runs to determine if the ACL was met or not. If the ACL was exceeded, the AMs would be an overage adjustments that reduces the ACLs in the next fishing year. Under Tier 3, ADF&G would close the EEZ portion of the fishery to prevent exceeding an ACL.

#### **2.4.7.2.1.6. Optimum Yield and Maximum Sustainable Yield<sup>7</sup>**

No Committee recommendation - Council direction to the Committee indicated that the SSC would be consulted for development of this issue under Alternative 2

#### **2.4.8.2.1.7. Annual Process for Determining the Status of the Stocks and reviewing escapement goals and State compliance**

Under Alternative 2, the Council will need to establish an annual process for determining the status of salmon stocks in Cook Inlet in order to ensure that a scientifically based approach is used for controlling catch to maintain stock abundance at the level necessary to produce MSY and prevent overfishing from occurring in the fishery.

##### **Salmon Plan Team**

Under Alternative 2, the Council would establish a Salmon Plan Team that would function similar to the Crab Plan Team and the Scallop Plan Team except that the Plan Team would also make recommendations on State waters fisheries. The Salmon Plan Team would produce a Stock Assessment and Fishery Evaluation (SAFE) Report and annually recommend OFL, ABC, ACL, and MSST as appropriate, using the Tier system in the Salmon FMP and the best available information. The SSC and Council would review the SAFE and set the OFL, ABC, ACL, and MSST, as appropriate.

##### **Salmon SAFE**

The annual SAFE report would provide the Council with a summary of the most recent biological condition of the salmon stocks and the social and economic condition of the fishing and processing industries. The SAFE report would summarize the best available scientific information concerning the past, present, and possible future condition of the salmon stocks and fisheries, along with ecosystem considerations/concerns. This would include recommendations of OFL, ABC, ACL, MSST. All recommendations must be designed to prevent overfishing while achieving optimum yield (National Standard 1). All recommendations would also be scientifically based (National Standard 2), drawing upon the Plan Team's expertise in the areas of regulatory management, natural and social science, mathematics, and statistics. Finally, uncertainty would be taken in account wherever possible (National Standard 6).

The Salmon SAFE report would be scientifically-based, citing data sources and interpretations, and would provide information to the Council for determining annual harvest specifications, documenting significant trends or changes in the stocks, marine ecosystem, and fisheries over time; and assessing the relative success of existing State and Federal fishery management programs. The review by the SSC would constitute the official, scientific review for purposes of the Information Quality Act. Upon review and

<sup>6</sup> Committee identified status quo AMs at Feb 26, 2020 meeting

<sup>7</sup> Committee recommendations not requested by the Council for these measures

acceptance by the SSC, the Salmon SAFE and any associated SSC comments would constitute the best scientific information available for purposes of the MSA.

The Salmon SAFE could be structured like other Council SAFEs such that stock assessments, economic analyses, and ecosystem considerations comprise the three major themes of the SAFE document. The stock assessment section of the SAFE could contain chapters for each salmon stock, and a summary or “intro” chapter prepared by the Salmon Plan Team. To the extent practicable, each chapter would include estimates of all annual harvest specifications (except TACs), all reference points needed to compute such estimates, and all information needed to make annual status determinations with respect to “overfishing” and “overfished.” In providing this information, the Salmon SAFE would use an official time series of historical catch for each salmon stock, which would be provided by the State of Alaska, including estimates of retained and discarded catch taken in the salmon fisheries; bycatch taken in other fisheries; state commercial, recreational, and subsistence fisheries; catches taken during scientific research; and catches taken during the prosecution of exempted fisheries.

The other two major SAFE sections would contain economic, social, community, essential fish habitat, and ecological information pertinent to the success of salmon management or the achievement of Salmon FMP objectives.

#### **Salmon Technical Team**

This group would set the State escapement goals, but it was not clearly established whether this would make escapement goal setting a Category 1 management measure. Composition of the team would include stakeholders from all Cook Inlet salmon fisheries, ADF&G, NMFS, Salmon Commission, Universities. The group would be modeled after the PFMC's salmon technical team. Additional functions would include review of inseason management actions and fishery performance relative to achieving MSY. The CISC also recommends that the group be involved in review of appeals.

Note that the MSA (Section 306(a)(3)(B)) establishes requirements and processes with regard to notice and opportunity for the State to address issues of noncompliance. The technical team would have to operate within those requirements and processes. Also note that the BSAI Crab FMP and Scallop FMP establish methods for appeals which have been successfully utilized, as compared to the Salmon FMP. Frustration with the State management system and the existing FMP reflects doubt on behalf of stakeholders as to the relief that could be provided by the appeals process currently described under Alternative 2. For that reason, stakeholders are recommending the Salmon Technical Team serve as a “third party” review body that would consider stakeholder perspectives relative to State escapement goal setting and inseason management decisions.

#### **2.4.9-2.1.8. Standardized Bycatch Reporting Methodology**

Under Alternative 2, eLandings and/or ADF&G fish tickets could serve as the SBRM for salmon fisheries in Cook Inlet. Harvesters would report any quantities of fish discarded at sea or retained for sale or personal use at the time of landing. There are already accommodations for this self-reporting in eLandings and fish tickets. This would be largely consistent with troll fisheries in the East Area where ADF&G fish tickets serve as the SBRM.

The SBRM would report information about the characteristics of bycatch in the fishery. Self-reporting would be feasible, in accordance with SBRM guidelines. The FMP would also need to identify the data uncertainty resulting from the method and identify how the data would be used.

Anecdotally, there is very little bycatch in [Cook Inlet](#) salmon drift gillnet fishery. However, there are almost no available data to confirm this. See Section [Error! Reference source not found.](#)<sup>4.5.2.4</sup> of the RIR for a discussion of non-salmon landings in the fishery. The amount of discard occurring at-sea is not reported. The Council may wish to determine if self-reported data on bycatch would be adequate. A logbook requirement or electronic monitoring could improve the quality of bycatch data reported if discard of groundfish at sea is allowed in the fishery. If full retention of groundfish is required, then compliance monitoring could be used, if required, to verify that no illegal discards are occurring.

An intermediate approach to collecting baseline bycatch for the fishery could be to require additional monitoring or recordkeeping with a sunset date. These temporary measures would provide the data to determine if there are significant bycatch concerns in the fishery, and could provide enough information to estimate fishery bycatch in the future. This approach could minimize associated cost and logistical burdens to fishery participants.

#### **2.4.10.2.1.9. Appeal Process for all salmon fisheries [in the EEZ](#)**

Under Alternative 2, the Council would need to make some revisions to the appeal process in Chapter 9 of the FMP. First, Chapter 9 would need to be modified to also apply to the salmon fisheries in [Cook Inlet](#). The following shows how Chapter 9 is proposed to be revised to include the commercial salmon fisheries in [Cook Inlet](#). Additional changes may also be needed to include references to the CFEC with the delegation of limited entry. All additional changes potentially needed to address the delegated management measures under Alternative 2 will be included for review in the next iteration of this analysis.

### **CHAPTER 9 FEDERAL REVIEW OF STATE MANAGEMENT MEASURES APPLICABLE [IN COOK INLET](#)**

Delegation of salmon fishery management authority to the State of Alaska requires the Council and NMFS to stay apprised of State management measures governing salmon fishing [in Cook Inlet](#) and, if necessary, to review those measures for consistency with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. Under this FMP, NMFS delegates salmon fishery management authority [in the EEZ](#) to the State of Alaska for the entirety of the fishery management unit in the East Area, and for the Cook Inlet fishery in the West Area. State management measures include measures adopted by the Pacific Salmon Commission and the Alaska Board of Fisheries as well as other State laws, regulations, and inseason actions. This chapter describes how the Council and NMFS fulfill this oversight role. Section 9.1 describes the ways in which the Council and NMFS monitor State management measures that regulate salmon fishing [in Cook Inlet](#). Section 9.2 describes the process by which NMFS will review State management measures governing salmon fisheries [in Cook Inlet](#) for consistency with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. Section 9.3 describes the process by which a member of the public can petition NMFS to review State management measures applicable [in Cook Inlet](#) for consistency with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. Finally, section 9.4 describes the process NMFS will follow if NMFS determines that State management measures [in Cook Inlet](#) are inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal laws.

#### **9.1 Council and NMFS Receipt of Information on State Management Measures**

The Council and NMFS receive information on, and stay apprised of, State management measures that regulate salmon fisheries [in Cook Inlet](#), the Council and NMFS will receive reports from the State of Alaska at regularly scheduled Council meetings regarding applicable State management measures that govern salmon fishing [in Cook Inlet](#). Additionally, representatives of

the Council, NMFS, and NOAA's Office of General Counsel have the opportunity to participate in the State's regulatory process the Board of Fisheries on proposed regulations applicable to EEZ salmon fisheries. These Federal representatives also can advise the Board, as needed or as requested by the Board, about the extent to which proposed measures for EEZ salmon fisheries are consistent with the FMP, the Magnuson-Stevens Act, and other applicable Federal law. None of these Federal representatives, however, will vote on any proposals submitted to the Board or the State. NMFS representatives are also members of a number of advisory panels and technical committees of the Pacific Salmon Commission.

The purpose of receiving this information is two-fold. First, it provides the Council and NMFS with opportunities to consider its salmon fishery management policies relative to the State of Alaska's exercise of its authority. Based on the information received, the Council can determine whether the FMP is functioning as intended from a fishery management policy perspective or whether changes to the fishery management policies contained in the FMP are warranted. Second, it provides the Council and NMFS with a means to ensure that the delegation of fishery management authority to the State is being carried out in a manner consistent with the policy and objectives established within the FMP.

## **9.2 NMFS Review of State Management Measures for Consistency with the FMP and Federal Laws**

If NMFS has concerns regarding the consistency of State management measures with the FMP, the Magnuson-Stevens Act, or other applicable Federal law, NMFS may initiate a consistency review of those management measures. NMFS may initiate this consistency review independently or at the request of the Council. During this review, NMFS will provide the Council and the State of Alaska with an opportunity to submit comments to NMFS that address the consistency of the management measures in question. Because NMFS's review is limited to whether the measures are consistent with the FMP, the Magnuson-Stevens Act and other applicable Federal law, NMFS will only consider comments that address consistency. NMFS may hold an informal hearing to gather additional information concerning the consistency of the measures under review if time permits and NMFS determines that such a hearing would be beneficial.

If NMFS determines after its review that the State management measures are consistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law, NMFS will issue a written statement to that effect, explaining the reasons for its conclusion and identifying the information NMFS used to support its finding. If NMFS determines after its review that the State management measures are inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law, NMFS will follow the process set forth in section 9.4.

NMFS's review under section 9.2 is limited to consistency of State management measures applicable in Cook Inlet with existing provisions of the FMP, the Magnuson-Stevens Act, or other applicable law. NMFS will not initiate a consistency review under section 9.2 resulting from a divergence of fishery management policy perspectives.

## **9.3 Public Request for NMFS to Review State Management Measures for Consistency with the FMP and Federal Laws**

Any member of the public may petition NMFS to conduct a consistency review of any State management measure that applies to salmon fishing in Cook Inlet if that person believes the management measure is inconsistent with the provisions of the FMP, the Magnuson-Stevens Act, or other applicable Federal law. Such a petition must be in writing and comply with the requirements and process described in this section. As with section 9.2, NMFS's review under

section 9.3 is limited to consistency of State management measures with existing provisions of the FMP, the Magnuson-Stevens Act, or other applicable law. ~~NMFS will not initiate a consistency review under section 9.3 from petitions that merely object to a State management measure or argue that an alternative measure would provide for better management of the salmon fishery. A person with these types of policy concerns should present them to the Board, the State, or the Council.~~

~~Although the FMP provides an administrative process by which a person may seek Federal review of State management measures for consistency with the FMP, the Magnuson Stevens Act, or other applicable Federal law, the existence of the Federal process does not preclude or limit that person's opportunity to seek judicial review of State management measures within the State of Alaska's judicial system as available under the provisions of the State's Administrative Procedure Act (Alaska Statute [AS] 44.62). Initiation of State judicial review of a challenge to a State management measure is not required before a person may petition NMFS to conduct a consistency review.~~

#### **What must a person do before submitting a petition to NMFS?**

~~Prior to submitting a petition requesting a consistency review, a person must exhaust available administrative regulatory procedures with the State of Alaska. NMFS will conclude that a person has exhausted available State administrative regulatory procedures if the person can demonstrate that he or she: (1) submitted one or more proposals for regulatory changes to the Board of Fisheries during a Call of Proposals consistent with 5 AAC 96.610 and (2) received an adverse decision from the Board on the proposal(s). There are circumstances that may require regulatory changes outside the regular process set forth in 5 AAC 96.610, or when the process set forth in 5 AAC 96.610 is unavailable due to the timing of the action requested. Under these circumstances, NMFS also will conclude that a person has exhausted State administrative regulatory procedures if the person can demonstrate that he or she: (1) could not have followed the regular Call of Proposals requirements at 5 AAC 96.610, (2) submitted an emergency petition to the Board or ADF&G consistent with 5 AAC 96.625 or submitted an agenda change request to the Board consistent with 5 AAC 39.999, and (3) received an adverse decision from the Board or ADF&G on the emergency petition or agenda change request.~~

~~The FMP requires exhaustion of available State administrative regulatory procedures before petitioning NMFS for a consistency review for several reasons. Under this FMP, the Council and NMFS have delegated regulation of the salmon fisheries in the EEZ to the State of Alaska in recognition of its expertise and the State is in the best position to consider challenges, and make changes, to its management measures. The Council and NMFS also recognize the importance of public participation during the development of fishery management measures and exhaustion of State administrative regulatory procedures encourages the public to actively participate in and try to effectuate fishery management change through the State process. Finally, by requiring a person to exhaust the State's administrative regulatory procedures before petitioning NMFS, the State is presented with an opportunity to hear the challenge and take corrective action if the State finds merit in the challenge before Federal resources are expended.~~

#### **What must be in a petition submitted to NMFS?**

A petition must: (1) identify the State management measures that the person believes are inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law; (2) identify the provisions in the FMP, the Magnuson-Stevens Act, or other applicable Federal law with which the person believes the State management measures are inconsistent; (3) explain how the State management measures are inconsistent with the identified provisions of the FMP or

Federal law; and (4) demonstrate that the person exhausted available State administrative regulatory procedures before submitting the petition to NMFS.

Petitions concerning the consistency of a State inseason action present some challenges for timely review given the short duration of inseason actions and the length of time it will take NMFS to review petitions. Although NMFS is unable to issue a decision on a petition challenging an inseason action before the inseason action expires, NMFS recognizes that there may be an aspect of inseason actions that is capable of repetition. Therefore, persons may submit petitions to NMFS that challenge the consistency of a recurring aspect of a State inseason action. In addition to the four requirements listed above, a petition challenging a State inseason action must identify and explain the inconsistent aspect of the inseason action that is capable of repetition.

A petition with all supporting documentation must be submitted to the Regional Administrator, NMFS Alaska Region (see <http://www.alaskafisheries.noaa.gov/contactinfo.htm> for addresses).

A person must submit a petition to NMFS no later than 30 days from (a) the last day of the Board of Fisheries meeting at which the measure in question was adopted by the Board, (b) the day a denial was issued on an emergency petition, or (c) the day a denial was issued on an agenda change request. Although NMFS will not initiate a consistency review under this section for petitions submitted after the 30-day deadline, NMFS may initiate a consistency review under section 9.2.

#### **What NMFS will do following receipt of a petition from the public?**

Upon receipt of a petition, NMFS will immediately commence a review of the petition to determine whether it contains the information required for a consistency review. If NMFS determines that the petition fails to meet all of the requirements, NMFS will return the petition to the petitioner with an explanation that identifies the deficiencies. If NMFS determines that the petition meets all of the requirements, NMFS will initiate a consistency review and notify the petitioner that such a review has been initiated. NMFS will immediately provide a copy of the petition to the Council and to the Commissioner of the ADF&G. During its consistency review, NMFS will provide the Council and the State of Alaska with an opportunity to submit comments to NMFS that address the consistency of the measures being challenged. Because NMFS's review is limited to whether the measures in question are consistent with the FMP, the Magnuson-Stevens Act and other applicable Federal law, NMFS will only consider comments that address consistency. NMFS may hold an informal hearing to gather additional information concerning the consistency of the measures under review if time permits and NMFS determines that such a hearing would be beneficial. NMFS will review a petition as quickly as possible but will take the time necessary to complete a thorough review of the consistency of the State management measure being challenged before issuing its decision.

If NMFS determines after its review that the State management measures are consistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law, NMFS will issue a written statement to that effect, explaining the reasons for its conclusion and identifying the information NMFS used to support its finding. If NMFS determines after its review that the State management measures are inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law, NMFS will follow the process set forth in section 9.4.

#### **9.4 NMFS Process Following a Determination that State Management Measures Are Inconsistent with the FMP or Federal Laws**

If NMFS determines that a State management measure is inconsistent with the FMP, the Magnuson-Stevens Act, or other applicable Federal law after conducting a consistency review under sections 9.2 or 9.3, NMFS will issue a written determination to that effect, explaining the reasons for its conclusion and identifying the information NMFS used to support its finding. NMFS will promptly notify the State of Alaska and the Council, and the petitioner if applicable, of its determination and provide the State with an opportunity to correct the inconsistencies identified in the notification. No specific amount of time is identified in this FMP in which corrective action must be taken because circumstances directly affecting what constitutes a reasonable opportunity for corrective action will likely vary. NMFS will evaluate the circumstances on a case-by-case basis to determine the amount of time that represents a reasonable opportunity for the State to take corrective action and will provide that information to the State in the notification of inconsistency.

While it is anticipated that the State of Alaska will expeditiously correct the inconsistencies identified by NMFS, it is possible that the State may disagree with NMFS's determination and choose not to correct the identified inconsistencies. If the State does not correct the inconsistencies identified by NMFS in the time provided, NMFS will need to assess whether the State's overall management scheme is unaffected by removal of the inconsistent measure or whether the inconsistent measure is an integral part of the overall management scheme and that the overall management scheme would fail if the inconsistent measure is removed. NMFS also will need to determine whether Federal regulations are required [in Cook Inlet](#) given the absence of the State management measure. Once this assessment is completed, NMFS will issue a notice announcing the extent to which the authority delegated to the State to implement fishery management measures has been withdrawn and whether NMFS intends to issue Federal regulations that would govern salmon fishing [in Cook Inlet](#).

Any delegation of fishery management authority that is withdrawn under this section of the FMP will not be restored to the State until the Council and NMFS determine that the State has corrected the inconsistencies.

##### **2.4.11.2.1.10. Legal Gear**

Under Alternative 2, commercial fishing with gillnet gear would have to be authorized for [Cook Inlet](#) in the West Area as a Category 1 management measure. Current Federal regulations at 50 CFR 679.7(h) prohibit commercial fishing for salmon [in the EEZ](#) using any gear except troll gear.

*Salmon fisheries.* (1) Engage in commercial fishing for salmon using any gear except troll gear, defined at §679.2, in the East Area of the Salmon Management Area, defined at §679.2 and Figure 23 to this part.

(2) Engage in commercial fishing for salmon in the West Area of the Salmon Management Area, defined at §679.2 and Figure 23 to this part.

In addition, there are general provisions specified at 50 CFR §600.725 that only authorize hook and line gear for salmon fisheries covered under the FMP. Gillnet gear would have to be authorized for salmon fisheries covered under an FMP.

Legal gear could also be a Category 2 management measure delegated to the state. This would allow the state to determine the exact specifications of gillnet gear that would be legal in the fishery, within any criteria specified in the FMP.

### **2.1.11. Habitat and Ecosystem Issues**

Discussion reflected dissatisfaction with current status of Northern pike in Cook Inlet drainage. No specific measures that could be put in place through the FMP were recommended. The Committee strongly urged that the Council aggressively pursue Northern pike eradication as well as other threats to salmon populations in Cook Inlet. Consideration of threats to essential fish habitat, such as habitat and water quality degradation due to urbanization issues and other factors, and subsequent reductions in salmon production, is strongly encouraged in the next EFH review.

## FMP SECTION

### 2. SALMON MANAGEMENT AREA<sup>8</sup>

The salmon management area consists of all of the EEZ off Alaska, and the salmon fisheries that occur there, except for three defined areas that are excluded from the management area. The EEZ extends from 3 miles to 200 miles offshore. The salmon management area is divided into the East Area and the West Area (Figure 1). The border between the two areas is at the longitude of Cape Suckling (143°53.6' west longitude).

Field Code Changed

The East Area is the area of the EEZ in the Gulf of Alaska east of the longitude of Cape Suckling.

The West Area is the area of the EEZ off Alaska west of the longitude of Cape Suckling, including the Gulf of Alaska, Bering Sea, Chukchi Sea, and Beaufort Sea. The West Area does not include the three areas excluded from the management area.

Areas Excluded from the Management Area are the three traditional net fishing areas in the EEZ off Alaska that have commercial fisheries managed by the State of Alaska: the Cook Inlet Area, Prince William Sound Area, and the Alaska Peninsula Area (Figure 1). These areas technically extend into the EEZ, but the salmon fisheries that occur there are managed by the State of Alaska. This FMP does not manage these areas or the salmon fisheries that occur there.

Figure 1. The FMP's salmon management area, showing the East Area and the West Area and the three areas excluded from the salmon management area (shaded).

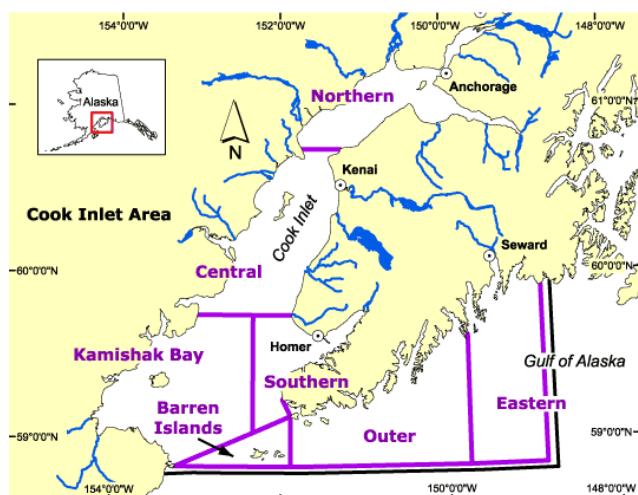


Figure 1. The FMP's salmon management West Area

<sup>8</sup> Description of the West Area from the [Mar 2019 CISC meeting](#)

The West Area is the area off the coast of Alaska west of the longitude of Cape Suckling, including the Gulf of Alaska, Bering Sea, Chukchi Sea, and the Beaufort Sea. The West Area also includes all State waters west of Cape Suckling and all benthic, estuarine and freshwater habitats necessary to salmon for spawning, breeding, feeding, or growth to maturity. This FMP applies the Magnuson-Stevens Act, policies, regulations and practices and directs management of these areas and the salmon fisheries that occur there in compliance with the MSA and the Pacific Salmon Treaty and other applicable federal law.

The FMP authorizes both commercial and sport fishing for salmon in the West Area, as well as subsistence fisheries. The FMP prohibits commercial salmon fishing in the EEZ portion of the West Area, except in the three traditional net fisheries in Cook Inlet, Prince William Sound and Alaska Peninsula. Many other net fisheries including set gillnet, drift gillnet, purse seining and beach seining for salmon are allowed in the West Area, in inland waters.

Under this FMP, the Council may delegate the management of the commercial and sport salmon fisheries in the West Area to the State of Alaska, pursuant to the Magnuson-Stevens Act (16 U.S.C.

1856(a)(3)(B)). Under the Magnuson-Stevens Act, the delegation of fishery management to the State means the State of Alaska may regulate salmon fishing in the West Area, including regulation of fishing vessels.

Closing the EEZ waters of the West Area (with the three area exceptions) to commercial salmon fishing facilitates the use of distinct and exclusive management areas, and inseason adaptive management of salmon stocks.

Measures currently used to manage the commercial and sport salmon fisheries in the West Area shall be reviewed annually by the Council and its salmon committees for compliance with the FMP's management objectives. In general, the fisheries are controlled by close monitoring of salmon escapement levels, prescribing limits on harvests, fishing periods and areas, types and amounts of fishing gear, commercial fishing effort and reporting requirements.

The FMP requires that commercial and sport salmon fishermen in the West Area report their fishing activities as required by the Council to ensure that escapement goals or other management objectives are met but not exceeded. There is an efficient system for monitoring and reporting salmon harvests during the commercial fishing season, and this system serves as the basis for inseason management of the commercial salmon fisheries. However, there is no system to collect consistent inseason harvest data on sport fisheries. The methodology of using anecdotal reporting in post season surveys is unreliable and not an effective management tool. The lack of real time harvest data on sport caught salmon will result in more conservative sport fishery management to avoid overfishing on certain targeted salmon stocks.