

MATANUSKA-SUSITNA BOROUGH

350 E Dahlia Ave., Palmer, Alaska 99645

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Ex officio: Jim Sykes

FISH AND WILDLIFE COMMISSION

MEETING Handout – TABLE OF CONTENTS

Regular Meeting

09/28/2023

Pg.---Item:

- 1 = Correspondence with D. Duncan, NFMS
- 3 = Background on Failed Motion on CI Salmon, 4/7/23
- 7 = Draft EA for A/16 to Salmon FMP in EEZ (in part)
- 29 = Draft FWC Comments for NFMS 5/18/23 Hearing

Physical Location of Meeting: LLCR, DSJ Bldg, 350 E. Dahlia Ave., Palmer.

Remote Participation: See attached agenda.

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From: [Doug Duncan - NOAA Federal](#)
To: [Jim Sykes](#)
Cc: [Theodore Eischeid](#); [Kendra Zamzow](#); [Pete and Eileen Probasco](#); [Richard Brenner - NOAA Federal](#)
Subject: [Re: Request for Info 2024 Federal Cook Inlet FMP](#)
Date: Tuesday, September 26, 2023 8:55:54 AM

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

Hello Mr. Sykes and members of the Matanuska Susitna Borough Fish and Wildlife Commission,

Thank you for reaching out about the proposed action to federally manage salmon fishing in the Cook Inlet exclusive economic zone. The National Marine Fisheries Service (NMFS) is currently developing a Fishery Management Plan (FMP) amendment and proposed rule based on public input received in association with public meetings noticed in the Federal Register including the May 18, 2023 public hearing on the topic, as well as the December 2022 and April 2023 North Pacific Fishery Management Council meetings.

There is not currently an open public comment period on this action. Once NMFS completes development, the proposed rule and notice of FMP amendment availability will be published in the Federal Register, which is expected this fall. These documents will comprehensively describe the proposed action and rationale. Once published in the Federal Register, NMFS will be seeking public comments for 60 days and would welcome your input. All comments received during the comment period will be considered by NMFS prior to making a decision on this proposed action and developing a final rule. NMFS would provide written responses to all relevant public comments received as part of any final rule by May 2024.

NMFS will send an email notification to all stakeholders that have expressed interest in this proposed action once the proposed rule and notice of availability have been published in the Federal Register. I can make sure everyone on this email is included in the distribution.

For currently available reference material, I would recommend reviewing the March 2023 Environmental Assessment/Regulatory Impact Review for Proposed Amendment 16 to the Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska ([link](#)). This provides the most comprehensive description of the topic currently published.

This is all of the information that I am able to provide at this time.

Regards,
Doug

On Wed, Sep 20, 2023 at 1:29 PM Jim Sykes <lzmtsykes@gmail.com> wrote:

Mr. Doug Duncan, Fishery Management Specialist,

National Marine Fisheries Service, Juneau, AK

Mr. Duncan,

This message is a request for information about the 2024 Federal Fishery Management Plan for Cook Inlet, which I understand you are writing. When we had a chance to talk at the

April NPFMC meeting, it was helpful to me and now there is continuing interest among all members of the Matanuska Susitna Borough Fish and Wildlife Commission.

Can you please provide a copy of the new 2024 Cook Inlet Federal Fish Management plan and help us understand what opportunities there are for input to the FMP, the timetable, and what is the process in finalizing it?

Each Commissioner may have their own questions from their own knowledge bases. I'm sure there is interest about how the federal FMP will work to assist and improve existing escapement, conservation and restoration to northern Cook Inlet streams, in-season management practices such as timing and frequency of Federal commercial fishing periods, closures, and yields, along with how the current State conservation corridor would work under the federal plan.

If you can provide a briefing to the Mat-Su Borough Fish and Wildlife Commission it would be welcome. Our next meeting is scheduled for 4pm Thursday, September 28, 2023 in the Matanuska Susitna Borough Lower Level Conference Room. You are also welcome in person, by computer or phone.

Please email materials and any information you have regarding the Federal 2024 Cook Inlet FMP to our staff assistant Ted Eischeid (copied in this communication) and myself.

Thank you.

Jim Sykes, Chair 907-354-6962

Federal Fisheries Subcommittee

Matanuska Susitna Borough Fish and Wildlife Commission

cc: Ted Eischeid, MSB Planning Department

Kendra Zamzow, MSB F&W Federal Fisheries Subcommittee Member

Pete Probasco, MSB F&W Federal Fisheries Subcommittee Member

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Doug Duncan

Fisheries Management Specialist, Alaska Regional Office

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Background: Fishery Management Plan for the Salmon Fisheries in the EEZ Off Alaska**FOR REFERENCE ONLY – FAILED MOTION**

This is the motion put forward at the Council meeting on C1 Cook Inlet Salmon, which failed for lack of a second.

April 7, 2023

For its preferred alternative to amend the Salmon FMP to manage salmon fishing in the Federal waters of upper Cook Inlet, the Council recommends Alternative 3. This alternative would amend the Salmon FMP and Federal regulations to include the Cook Inlet EEZ in the FMP's fishery management unit and apply Federal management to the salmon fishery that occurs in the EEZ, including the following elements:

(Preferred Options are in **bold**.)

1. Management Policy and Objectives [Section 2.5.1. - page 106]

- **Adopt a management policy and objectives for the Cook Inlet EEZ as described in Section 2.5.1 of the analysis.**

2. Status Determination Criteria and Annual Catch Limits [Section 2.5.2. - page 109]

- **Establish status determination criteria, annual catch limits, and TAC setting according to the Tier system and approach described in Section 2.5.2 of the analysis.**

3. Accountability Measures for Annual Catch Limits [Section 2.5.3. - page 117]

- **Establish accountability measures as described in Section 2.5.3 of the analysis.**

4. Optimum Yield and Maximum Sustainable Yield [Section 2.5.4. - page 118]

- **Maximum Sustainable Yield**
 - Option 1: Define MSY in terms of “constant escapement” for the Cook Inlet EEZ.
 - **Option 2: Define MSY in terms of “constant escapement” for salmon stocks in Cook Inlet.**
 - Sub-Option (may be combined with Option 1 or 2): Aggregate MSY across species or stocks
- **Optimum Yield**
 - Option 1: The OY range for the Cook Inlet EEZ salmon fishery could be the fishery's catch which, when combined with the catch from all other salmon fisheries in Cook Inlet, results in a post-harvest abundance within the escapement goal range for each applicable stock or stock complex.
 - Option 2: The OY range for the Cook Inlet EEZ salmon fishery could be the range of sum ACLs established for the Cook Inlet EEZ fishery across years. ACLs incorporate the OFL control rule established for each stock as well as the

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yield potentially available to EEZ over time based on historical fishing patterns in upper Cook Inlet.

- **Option 3: The OY range for the Cook Inlet EEZ salmon fishery is the range between the average of the three lowest years of total estimated EEZ salmon harvest and the three highest years of total estimated EEZ salmon harvest from 1999 to 2021.**

5. Process for Determining the Status of Stocks [Section 2.5.5. - page 122]

- **Option 1: The Council would establish a Salmon Plan Team to produce a SAFE Report.**
- Option 2: Do not establish a plan team. NMFS would prepare a SAFE Report.

6. Commercial Fishery Monitoring, Recordkeeping and Reporting [Section 2.5.6. - page 125]

- **Option 1: Require an FFP, an FPP, salmon buyer permit, eLandings use, a logbook, and VMS. Allow optional retention of non-salmon bycatch, all discarded or retained bycatch must be recorded in the logbook and reported at the time of landing.**
- Option 2: The Council could choose to recommend additional monitoring, recordkeeping, and reporting measures to obtain increased information from the fishery or improve the enforceability of fishery provisions.

7. Standardized Bycatch Reporting Methodology [Section 2.5.7. - page 127]

- **Establish Standardized Bycatch Reporting Methodology as described in Section 2.5.7 of the analysis.**

8. Recreational Fishery Management Measures [Section 2.5.8. - page 127]

- **Option 1. Delegate management of the recreational salmon fishery in the EEZ to the State of Alaska consistent with the management of the recreational salmon fishery in the East Area.**
- Option 2. Manage the recreational salmon fishery in the Cook Inlet EEZ with Federal regulations.
 - Suboption 1. Consistent with existing State of Alaska regulations for the saltwater recreational salmon fishery in Upper Cook Inlet.
 - For Chinook salmon:
 - From April 1 to August 31, 1 per day, 1 in possession of any size.
 - 5 fish annual limit of king salmon 20 inches or longer during this period.
 - From September 1 to March 31, 2 per day, 2 in possession of any size.
 - No annual limit during this period.
 - Other salmon: 6 per day, 6 in possession, only 3 per day, 3 in possession may be coho (silver) salmon.
 - Suboption 2. Define other Federal bag limits.

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- Suboption 3. Establish authority for NMFS to close the recreational fishery and/or prohibit retention of individual stocks or species and make inseason adjustments.

9. Commercial Fishing Periods [Section 2.5.9. - page 128]

- **Option 1. Establish Federal fishing periods concurrent with existing State of Alaska fishing periods set forth in regulations for the Central District drift gillnet fishery (5 AAC 21.320), such that salmon may be taken in the Cook Inlet EEZ only from 7:00 a.m. Monday until 7:00 p.m. Monday and from 7:00 a.m. Thursday until 7:00 p.m. Thursday.**
- **Option 2. Establish independent Federal fishing periods and specify that the Cook Inlet EEZ salmon drift gillnet fishery could not be open concurrently with the adjacent State waters salmon drift gillnet fishery.**
 - **Suboption A. May be combined with Option 1 or Option 2. Fix a commercial fishery closure date in Federal regulation of July 15. If the TAC is not reached or the fishery is not otherwise closed prior, the fishery would close automatically on the specified date.**

10. Management Area and Statistical Boundaries [Section 2.5.10. - page 129]

- **Establish Management Area and Statistical Area Boundaries as described in Section 2.5.10 of the analysis.**

11. Legal Commercial Fishing Gear [Section 2.5.11. - page 129]

- **Authorize drift gillnet gear as legal gear for commercial salmon fishing in the Cook Inlet EEZ area and establish the following legal configuration and prohibitions as described in Section 2.5.11. of the analysis.**
 - **Drift gillnet gear must be no longer than 200 fathoms in length, 45 meshes deep, and have a mesh size no greater than 6 inches. Drift gillnet gear must be marked at both ends with buoys marked with the vessel's name and FFP number. It is illegal to stake or otherwise fix a drift gillnet to the seafloor.**
- **Potential options:**
 - **The float line and floats of gillnets must be floating on the surface of the water while the net is fishing, unless natural conditions cause the net to temporarily sink.**
 - **Salmon fishing nets must be measured, either wet or dry, by determining the maximum or minimum distance between the first and last hanging of the net when the net is fully extended with traction applied at one end only.**
 - **A vessel operator would be prohibited from operating gear in greater than the allowable configuration (length or mesh size).**

12. Prohibitions [Section 2.5.12. - page 130]

It is unlawful for any person to do any of the following:

- **Use a vessel named or required to be named on an FFP to catch and retain salmon in the Cook Inlet EEZ commercial salmon fishery if that vessel catches and retains salmon in adjacent State of Alaska waters on the same calendar day.**

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- Have salmon/fish onboard that was caught in State waters while commercial fishing for salmon in the Cook Inlet EEZ. Must offload all salmon/fish prior to beginning a commercial salmon fishing trip in the Cook Inlet EEZ.
- Land salmon caught in state waters concurrently with salmon caught in the Cook Inlet EEZ.
- Land or transfer salmon from one vessel to another within the Cook Inlet EEZ.
- Recreational fish for salmon or have recreational, personal-use, or subsistence caught salmon onboard while commercial fishing for salmon in the Cook Inlet EEZ.
- Have onboard, retrieve, or deploy commercial fishing gear other than a drift gillnet legally configured for the Cook Inlet EEZ commercial salmon fishery.
- Set or allow any portion of drift gillnet gear to enter State waters.
- Deploy and/or operate more than one drift gillnet.
- Use aircraft to locate salmon or direct fishing.

13. Inseason Management [Section 2.5.13. - page 130]

- Establish authority for NMFS to close the commercial fishery and make inseason adjustments as described in Section 2.5.13. of the analysis.

14. Use of the Joint Protocol Committee [Section 2.5.14. - page 132]

- Establish coordination with the Alaska Board of Fisheries through the Joint Protocol Committee to minimize conflicts and management uncertainty as described in Section 2.5.14. of the analysis.

15. Limited Entry [Section 2.5.15. - page 132]

- **Option 1: Open Access.** This option would allow anyone to obtain a Federal Fisheries Permit and participate in the Cook Inlet EEZ drift gillnet fishery.
- **Option 2: Open Access and Notification of Intent to Develop a Limited Entry Program.** This option would allow anyone to obtain a Federal Fisheries Permit with the proper gear and species endorsements (to be developed) and participate in the Cook Inlet EEZ drift gillnet fishery; in addition, the Council would officially notify the public of its intent to establish a limited entry program for the Cook Inlet EEZ drift gillnet fishery.

16. Housekeeping and organizational changes to the Salmon FMP necessary to incorporate this alternative and organize the FMP.**17. Housekeeping and organizational changes to 50 CFR part 679 to add regulations for managing the salmon fishery in the Cook Inlet EEZ.**

NOTE: This is the first 21 pages of the 523 page original document.

DRAFT FOR FINAL ACTION

**Environmental Assessment/Regulatory Impact Review
for Proposed Amendment 16
to the Fishery Management Plan for the Salmon Fisheries in the
EEZ Off Alaska**

March 2023

For further information contact: Doug Duncan, National Marine Fisheries Service
P.O. Box 21668, Juneau, AK 99802-1668
(907) 586-7221

Nicole Watson, North Pacific Fishery Management Council
1007 W 3rd Avenue, Suite 400, Anchorage, AK 99501
(907) 271-2809

Abstract: This Environmental Assessment/Regulatory Impact Review analyzes proposed management measures to address management of salmon fishing in the Cook Inlet EEZ. The *Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska* (FMP) manages the salmon fisheries in the United States Exclusive Economic Zone (EEZ; 3 nautical miles to 200 nautical miles offshore) off Alaska. The North Pacific Fishery Management Council developed this FMP under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). In 2012, the Council comprehensively revised the FMP to comply with the recent Magnuson-Stevens Act requirements, such as annual catch limits and accountability measures, and to more clearly reflect the Council's policy with regard to State of Alaska management authority for commercial and sport salmon fisheries in the EEZ. A portion of this was challenged, and in response to a 2016 United States Court of Appeals Ninth Circuit ruling, the Council took final action in December 2020 to amend the FMP to manage the commercial salmon fishery that occurs in the EEZ waters of Cook Inlet that had been removed from Federal management with the 2012 revisions to the FMP. This action, Amendment 14 to the Salmon FMP, implemented Federal management of the EEZ waters of Cook Inlet and closed them to commercial salmon fishing. NMFS implemented Amendment 14 (86 FR 60568, November 3, 2021), but on June 21, 2022, the U.S. District Court for the District of Alaska vacated the implementing regulations for Amendment 14. The Council is now considering new management measures to comply with Magnuson-Stevens Act requirements for the Cook Inlet salmon fishery in the EEZ, such as status determination criteria, annual catch limits, and accountability measures in response to both the 2016 Ninth Circuit ruling and the 2022 summary judgment opinion of the Alaska District Court in *UCIDA et al. v. NMFS*.

List of Acronyms and Abbreviations

Acronym or Abbreviation	Meaning
1954 Act	North Pacific Fisheries Act of 1954
1992 Stocks Act	North Pacific Anadromous Stocks Act of 1992
AAC	Alaska Administrative Code
ABC	acceptable biological catch
ACL	annual catch limit
ADEC	Alaska Department of Environmental Conservation
ADF&G	Alaska Department of Fish and Game
ADOR	Alaska Department of Revenue
AFSC	Alaska Fisheries Science Center
AIS	Automated Information System
AKFIN	Alaska Fisheries Information Network
AKRO	NMFS Alaska Regional Office
AM	accountability measure
AMMOP	Alaska Marine Mammal Observer Program
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
APA	Administrative Procedure Act
AS	Alaska Statute
BEG	biological escapement goal
BiOp	biological opinion
BLS	U.S. Bureau of Labor Statistics
BOF	Alaska Board of Fisheries
BSAI	Bering Sea and Aleutian Islands
CFEC	Commercial Fisheries Entry Commission
CFR	Code of Federal Regulations
COAR	Commercial Operator Annual Reports
Convention	International Convention for the High Seas Fisheries of the North Pacific Ocean between Canada, Japan, and the United States
Council	North Pacific Fishery Management Council
CPUE	catch per unit effort
CWT	coded-wire tag
DCCED	Department of Commerce, Community, and Economic Development
DNR	Alaska Department of Natural Resources
DPS	distinct population segment
E.O.	Executive Order
EA	Environmental Assessment
EDPS	Eastern Distinct Population Segment
EEZ	Exclusive Economic Zone
EFH	essential fish habitat
EIS	Environmental Impact Statement
ESA	Endangered Species Act
FFP	Federal Fisheries Permit

Acronym or Abbreviation	Meaning
FMA	Fisheries Management Area
FMP	fishery management plan
FMU	fishery management unit
FONSI	Finding of No Significant Impact
FR	Federal Register
Ft	foot or feet
GOA	Gulf of Alaska
GSI	genetic stock identification
IRFA	initial regulatory flexibility analysis
LOA	length overall
M	meters
MFMT	maximum fishing mortality threshold
MSA	Magnuson-Stevens Fishery Conservation and Management Act
MSC	Marine Stewardship Council
MMPA	Marine Mammal Protection Act
MSST	minimum stock size threshold
MSY	maximum sustainable yield
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
NOAA OLE	NOAA Office of Law Enforcement
NPFMC	North Pacific Fishery Management Council
NS	National Standard
OEG	optimal escapement goal
OFL	overfishing limit
OY	optimum yield
PBF	physical or biological feature
PBR	potential biological removal
PCFA	principal components factor analysis
PPI	Producer Price Index
RFA	Regulatory Flexibility Act
RIR	Regulatory Impact Review
SAFE	Stock Assessment and Fishery Evaluation
SBRM	Standardized Bycatch Reporting Methodologies
SDC	Status Determination Criteria
Secretary	Secretary of Commerce
SEG	sustainable escapement goal
SFHS	Alaska Sport Fishing Harvest Survey
SSC	Scientific and Statistical Committee
State	State of Alaska
TAC	total allowable catch
UCI	Upper Cook Inlet
UCIDA/CIFF	United Cook Inlet Drift Association and Cook Inlet Fishermen's Fund
U.S.	United States
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VMP	vessel monitoring plan
VMS	vessel monitoring system
WDPS	Western Distinct Population Segment

Executive Summary

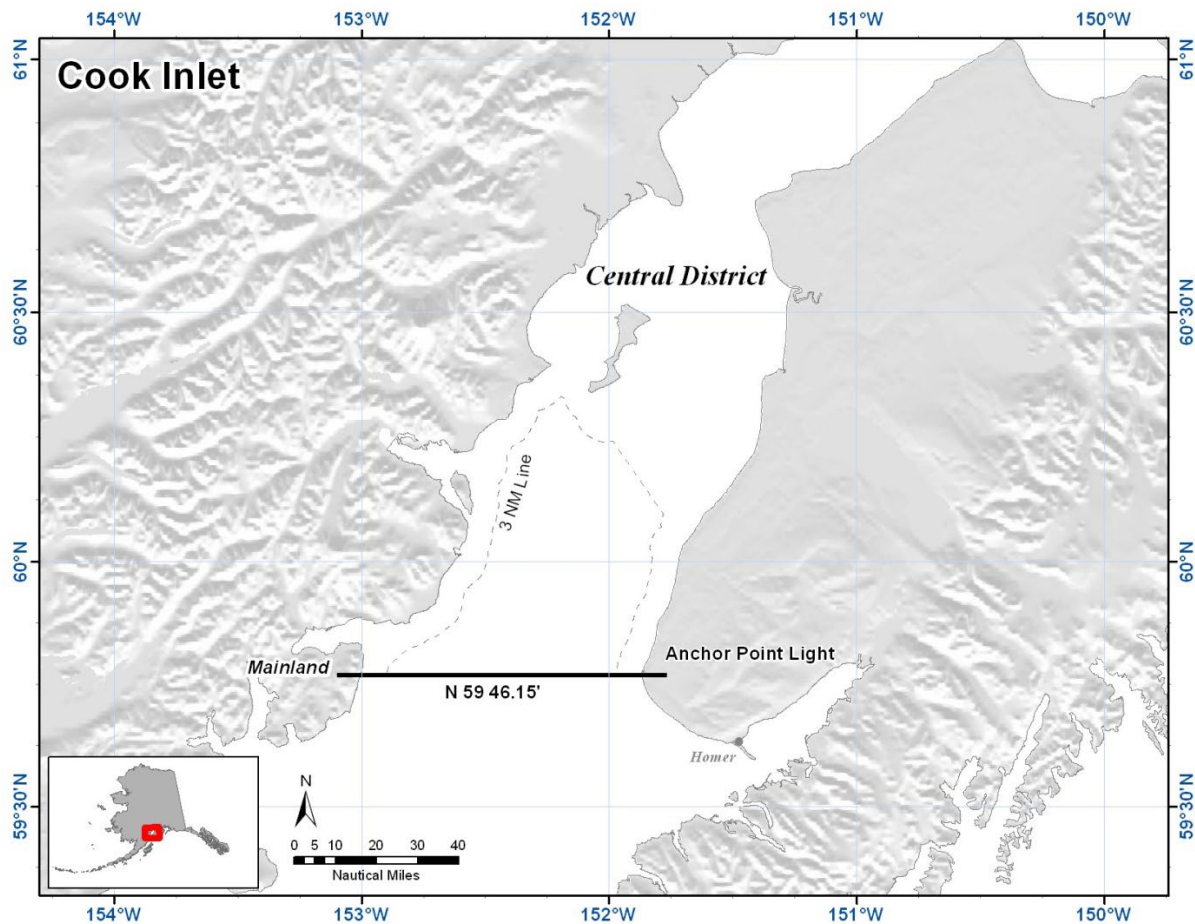
The North Pacific Fishery Management Council (Council) is considering an action that would amend the *Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska* (FMP) to manage the salmon fisheries that occur in Federal (EEZ) waters of Cook Inlet. The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act or MSA) directs the 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), which is 3 nautical miles to 200 nautical miles off the coast of Alaska. The Magnuson-Stevens Act requires that each fishery management plan be consistent with the ten national standards and contain specific conservation and management measures.

The FMP was approved in 1979 and comprehensively revised in 1990 (NPFMC 1990b) and in 2012 (NMFS 2012c). The FMP conserves and manages the Pacific salmon fisheries that occur in the EEZ off Alaska. The FMP establishes two management areas, the East Area and the West Area, with the border between the two areas at the longitude of Cape Suckling (Figure ES-1). The FMP manages commercial and sport salmon fisheries differently in each area. In the East Area, the FMP includes all EEZ waters, delegates management of the commercial troll salmon fishery and the sport salmon fishery to the State of Alaska (State) and prohibits commercial salmon fishing with net gear. In the West Area, the FMP includes most of the EEZ waters and prohibits commercial salmon fishing in the West Area. Three defined traditional net fishing areas—Cook Inlet, the Alaska Peninsula, and Prince William Sound—were removed from the West Area by Amendment 12 to the FMP and the State manages the salmon fisheries in these areas.

The 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 salmon life cycle. 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. Most salmon stocks are vulnerable to harvest by numerous commercial and sport fisheries in marine areas. Salmon from individual brood years can return as adults to spawn over a two to six-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. Salmon are also taken in rivers and streams during their spawning migration by subsistence, sport, commercial, and personal use fisheries.

The FMP's closure of the West Area also recognizes that the State is the authority best suited for managing Alaska salmon fisheries given the State's existing infrastructure, expertise, and authority to facilitate harvests closest to each salmon stock's natal streams (i.e. from inland waters out to 3 nautical miles from the coast).. The State manages Alaska salmon stocks throughout their range using a management approach that is specifically designed to address the 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 the East Area are managed under provisions of the Pacific Salmon Treaty, an international agreement with Canada that provides for an abundance-based management regime that takes into account the highly mixed stock nature of the harvest.

Figure ES-1 Map showing the upper Cook Inlet EEZ that would be addressed by the proposed action.



Prior to Amendment 12 to the FMP, no comprehensive consideration of management strategy or scope of coverage had occurred since 1990. State fisheries regulations and Federal and international laws affecting Alaska salmon had changed since 1990 and the Magnuson-Stevens Act (as amended since 1990) expanded the requirements for Federal fishery management plans. Additionally, the 1990 FMP was vague with respect to management authority for the three traditional net fishing areas that occur in the West Area. The Council determined that the FMP must be updated in order to comply with the current Magnuson-Stevens Act requirements and that the FMP should be amended to more clearly reflect the Council's policy with regard to the State of Alaska's continued management authority over commercial fisheries in the West Area, the Southeast Alaska commercial troll fishery, and the sport fishery.

With Amendment 12, the Council revised the FMP both to reflect its policy for managing salmon fisheries and to comply with Magnuson-Stevens Act. In developing Amendment 12, the Council considered (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 FMP that apply to the fisheries managed under the FMP. The Council recommended, and National Marine Fisheries Service (NMFS) implemented, Amendment 12 to the FMP in 2012. The FMP, as amended by Amendment 12 (2012 FMP), maintained the management structure in the East Area, and modified the West Area to specifically exclude three traditional net commercial salmon fishing areas and the sport fishery from the FMP, and updated the FMP.

Cook Inlet commercial salmon fishermen and seafood processors filed a lawsuit in Federal district court challenging Amendment 12 and its implementing regulations. The lawsuit focused on Amendment 12's removal of the Cook Inlet Area from the FMP. The Ninth Circuit determined that Magnuson-Stevens Act Section 302(h)(1) clearly and unambiguously requires a Council to prepare and submit FMPs for each fishery under its authority that requires conservation and management and that no other provision in the Magnuson-Stevens Act creates an exception to this statutory requirement, or supported NMFS's arguments that this requirement applies to fisheries that require *Federal* conservation and management. Because the Council and NMFS concluded that the Cook Inlet salmon fishery requires conservation and management by some entity, the Ninth Circuit found that the Cook Inlet portion of the EEZ salmon fishery must be included in the FMP given the statutory language of the Magnuson-Stevens Act. Under the Ninth Circuit's decision, it was determined that the Council and NMFS must amend the FMP to include Cook Inlet EEZ waters within its fishery management unit and apply federal management to commercial salmon fishing in those waters.

To be responsive to the Ninth Circuit's decision and apply Federal management to the Cook Inlet EEZ, the Council worked on developing management alternatives from 2017 to 2020, taking final action at its December 2020 meeting to recommend a preferred alternative. The Council's recommended management alternative was implemented by NMFS as Amendment 14, which incorporated the Cook Inlet EEZ into the Salmon FMP's West Area. This brought the Cook Inlet EEZ and the commercial salmon fisheries that occurred within it under Federal management by the Council and NMFS. Amendment 14 applied the prohibition on commercial salmon fishing that is currently established in the West Area to the newly added Cook Inlet EEZ Subarea.

Amendment 14 was challenged by Cook Inlet commercial salmon fishermen shortly after implementation. On June 21, 2022, the U.S. District Court for the District of Alaska vacated the implementing regulations for Amendment 14.¹ The Court found that the final rule was arbitrary and capricious, in part because NMFS failed to include management measures for the Cook Inlet EEZ recreational fishery in the FMP and because the Court determined the rule still implicitly deferred too much management authority to the State of Alaska.

As a result, there are currently no federal regulations governing salmon fishing in the Cook Inlet EEZ. Any vessel fishing for salmon in Cook Inlet is regulated by the State under the laws of the State of Alaska, as was the case before the implementation of Amendment 14. NMFS notified the State of Alaska of this via letter on June 22, 2022. For 2022, the State managed the Cook Inlet salmon fishery, including commercial salmon fishing in the Cook Inlet EEZ, with their longstanding pre-Amendment 14 management plan and authorities.

However, this management regime is temporary because the Ninth Circuit previously held that NMFS cannot continue to exclude the Cook Inlet EEZ from the FMP and defer management to the State of Alaska.

At its October 2022 meeting, the Council passed a motion to develop an analysis for a new amendment to the Salmon FMP for initial review at its December 2022 meeting. The Council is now considering new management measures that comply with Magnuson-Stevens Act requirements for the Cook Inlet salmon fishery in the EEZ, such as status determination criteria, annual catch limits, and accountability measures in response to both the 2016 Ninth Circuit ruling and the 2022 summary judgment opinion of the Alaska District Court in UCIDA et al. v. NMFS.

¹ Decision listed in its entirety in Appendix 10.

The Council's October 2022 motion created the following purpose and need statement for managing the salmon fishery in the Cook Inlet EEZ.

Purpose and Need

The Council intends to amend the Salmon FMP to manage salmon fishing in the Federal waters of upper Cook Inlet. Federal management must be consistent with the Magnuson-Stevens Act, including the required provisions for an FMP specified in section 303(a). This proposed action is necessary to bring the Salmon FMP into compliance with the Magnuson-Stevens Act consistent with the 2016 Ninth Circuit decision and the recent summary judgment opinion of the Alaska District Court in UCIDA et al. v. NMFS.

The Council's motion did not identify specific alternatives but requested that staff should update the previous final review draft considered by the Council in December 2020 to reflect recent events and identify possible variations on the alternatives analyzed in that document that meet the purpose and need.

Of particular note, the FMP amendment must now include management measures for the recreational fishery that also occurs in the Cook Inlet EEZ. The saltwater recreational fishery sector and the drift gillnet commercial fishery sector represent all salmon fishing that occurs in the Cook Inlet EEZ.

At its December 2022 meeting, the Council tasked staff with analyzing four alternatives in the public review draft for final action. It is noted that Alternative 1 (No Action) has not been modified because it is required under NEPA for analytical purposes. Alternative 4, which was the Council's recommended action in December 2020, has also not been modified because, as implemented, it was found contrary to law.

The alternatives are described in more detail below.

Alternatives

- Alternative 1:** No Action. No amendment to the Salmon FMP. This alternative would maintain the existing management regime, which excludes the Cook Inlet EEZ and the commercial salmon fishery within it from Federal management under the FMP. 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 of the fishery in the EEZ 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 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 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 of the fishery in the EEZ. Amend the Salmon FMP to include the Cook Inlet EEZ in the FMP's fishery management unit and apply Federal management to the salmon fishery that occurs in the EEZ.

Alternative 4: Federal management of the commercial fishery in the EEZ with the EEZ closed to commercial fishing. 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 by applying the existing West Area prohibition on commercial salmon fishing in the EEZ to the Cook Inlet EEZ.

Updates to this document since December 2022

Alternative 2 has been updated to add management measures for the recreational fishery as an authority delegated to the State of Alaska in Section 2.4.3 and use existing State recreational fishery recordkeeping and reporting measures to satisfy MSA requirements, as noted in Section 2.4.8.2. Additional options for MSY and OY have been proposed in Section 2.4.6. Consistent with the Council's December 2022 motion, an option to have the State develop fishing level recommendations in lieu of a Salmon Plan Team has been added to Section 2.4.7. Finally, there is also consideration of a multi-year harvest specification process in Section 2.4.7, which could not be fully developed but remains a longer-term management option.

Alternative 3 has been updated to add management measures for the recreational fishery that occurs in the Cook Inlet EEZ, including an option to delegate management of the recreational salmon fishery in the Cook Inlet EEZ to the State of Alaska in Section 2.5.8 while retaining direct Federal management of the commercial salmon fishery in the Cook Inlet EEZ. The management policy and objectives have also been updated to more closely reflect and balance the Council's approach to salmon management with the new Federal responsibilities under Alternative 3. Generally, the description of management measures has been refined and improved throughout Section 2.5 to describe the most practicable management regime that could be identified. Regarding specific management measures, an option for a date certain commercial fishery closure in July has been added to Section 2.5.9, a draft list of expected Federal regulatory prohibitions has been added to Section 2.5.12, and proposed legal drift gillnet gear configurations in Section 2.5.11. An option to not establish a Salmon Plan Team and where NMFS would prepare assessments for the fishery was added to Section 2.5.5. Finally, under Alternative 3, at this time NMFS does not feel that a multi-year harvest specification process is practicable for management of this fishery, but this could be developed as a long-term management option once sufficient expertise is developed (Section 2.5.5.1).

The descriptions of Alternatives 1 and 4 have not been substantively modified, consistent with the understanding that they are not viable alternatives.

Information on existing conditions in the fishery in Sections 3 and 4 have been updated to the extent possible with information that has become available since 2020. This includes updates to the State of Alaska escapement goals and escapement numbers (Section 3.1.1), and the retrospective analysis applying the proposed status determination criteria (Section 3.1.2). The analysis of impacts throughout Sections 3 and 4 have been expanded to include consideration of the saltwater recreational fishery and updated data and information.

Fishery Impact Statement

Section 303(a)(9) of the Magnuson-Stevens Act requires that a fishery impact statement be prepared for each FMP or FMP amendment. A fishery impact statement is required to assess, specify, and analyze the likely effects, if any, including the cumulative conservation, economic, and social impacts of the conservation and management measures on, and possible mitigation measures for, (a) participants in the fisheries and fishing communities affected by the plan amendment; (b) participants in the fisheries conducted in adjacent areas under the authority of another Council; and (c) the safety of human life at sea, including whether and to what extent such measures may affect the safety of participants in the fishery.

The EA/RIR prepared for this plan amendment will constitute the fishery impact statement. The likely effects of the alternatives are analyzed and described throughout the EA/RIR. The effects on participants in the fisheries and fishing communities are analyzed in the RIR chapter of the analysis (Section 4.7). The effects of the alternatives on safety of human life at sea are evaluated in Section 4.7.4, and above under NS 10, in Section 5.1.

Environmental Assessment

Chapter 3 considers impacts to the human environment under a range of alternative approaches for applying Federal management to commercial salmon fishing in the Cook Inlet EEZ. The EA provides the best available information on the status of the salmon stocks in Cook Inlet, and interactions between the EEZ and State water salmon fisheries and ESA-listed Pacific salmon, marine mammals, seabirds, and habitat. Including the Cook Inlet EEZ in the FMP would also require NMFS to conduct ESA § 7 consultations on salmon fishing activities in the EEZ, and potential impacts to listed species and marine mammals are also discussed in this chapter.

Alternative 1 would take no action and maintain the status quo. Under this alternative, State management is expected to continue within recently observed ranges. No significant environmental impacts are anticipated as a result. 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 would implement Federal management of salmon fishing in the Cook Inlet EEZ and delegate certain management measures to the State of Alaska. Available information indicates that State management of the Cook Inlet EEZ fisheries, including the addition of the recreational fishery, is within proposed Federal reference points, and that no significant changes to salmon removals are expected. No significant environmental impacts are anticipated as a result.

Alternative 3 would implement Federal management of salmon fishing in the Cook Inlet EEZ. Under Alternative 3, some reduction in EEZ harvest is anticipated as a result of increased management uncertainty and reduced federal management flexibility that necessitates more conservative management of the Cook Inlet EEZ. However, any decrease in Cook Inlet EEZ salmon removals would be expected to be offset by increased salmon removals in State water salmon fisheries. As a result, no significant environmental impacts are anticipated.

Alternative 4, which is also not considered viable, would institute Federal management of the Cook Inlet EEZ and prohibit commercial salmon fishing, which would result in all commercial salmon fishing in Cook Inlet occurring in State waters. It is expected that salmon harvests in the Cook Inlet EEZ would be reduced, however, harvests in the State waters of Cook Inlet by all salmon users would be expected to increase and offset some reductions in overall Cook Inlet salmon harvest as a result of the EEZ closure. This alternative is not expected to change salmon management in a way that would result in significant environmental impacts.

Regulatory Impact Review

Section 4 summarizes the existing socioeconomic conditions in UCI salmon fisheries and evaluates the potential socioeconomic impacts of potential changes to the federal regulations implementing the FMP. Regulations implementing the FMP are at § 679.1 Purpose and Scope, § 679.2 Definitions, § 679.3 Relation to other laws, § 679.4 Permits, and § 679.7 Prohibitions.

Alternative 1 would not amend the FMP and would maintain all existing conditions within the fishery.

Alternative 2 would implement Federal management of the Cook Inlet EEZ and delegate specific management measures to the State of Alaska. To implement Alternative 2, Federal regulations at § 679.2

Definitions would be revised to modify the definition of Salmon Management Area at § 679.2 to include the Cook Inlet EEZ. This action would also revise Figure 23 to part 679 consistent with the revised definition of the Salmon Management Area at § 679.2. Management measures not delegated to the State of Alaska would have to be added to Federal regulations at § 679.

Alternative 2 would be expected to maintain many existing conditions in the fishery. However, it would add additional Federal management costs to agencies and participants. This would result in increased costs of additional monitoring, recordkeeping, and reporting measures to small entities participating in the drift gillnet fishery. No additional monitoring, recordkeeping, or reporting measures are proposed for the small recreational fishery in the Cook Inlet EEZ. The additional Federal management measures and processes implemented under Alternative 2 are not likely to result in significant changes relative to current State management of Cook Inlet salmon stocks under the status quo.

Alternative 3 would implement Federal management of the Cook Inlet EEZ. To implement Alternative 3, Federal regulations at § 679.2 would be revised to modify the definition of Salmon Management Area at § 679.2 to include the Cook Inlet EEZ. This action would also revise Figure 23 to part 679 consistent with the revised definition of the Salmon Management Area at § 679.2. All management measures for the Cook Inlet EEZ would have to be added to Federal regulations at § 679.

Alternative 3 is expected to result in reductions in EEZ drift gillnet harvest, the potential for an unpredictable EEZ closure, and substantial additional costs to State and Federal management agencies, as well as fishery participants. For the commercial fishery, additional burden includes logbooks, a VMS requirement, eLandings reporting, and buyer permits for entities receiving deliveries of salmon from the Cook Inlet EEZ. No additional monitoring, recordkeeping, or reporting measures are proposed for the small recreational fishery in the Cook Inlet EEZ.

Under Alternative 3, harvests of Cook Inlet salmon stocks in the EEZ by the UCI drift gillnet fishery would likely be restricted, but at least some of that foregone harvest could be offset by increased drift gillnet harvests in State waters as both harvesters and managers adjust to EEZ restrictions. Given the extremely small harvest of the recreational salmon fishery in the Cook Inlet EEZ, combined with their ability to avoid or release weak stocks, it is unlikely recreational harvests would change significantly. In any case, it is likely that salmon surplus to escapement needs are expected to be harvested in State water salmon fisheries. Depending on the reduction in EEZ harvest in a given year, lower harvests by the UCI drift gillnet fleet may increase harvests of other user groups of Cook Inlet salmon, primarily Northern District and Upper Subdistrict set gillnet, Susitna and Matanuska river sport and personal use, and Kenai and Kasilof commercial set net, sport, and personal use fisheries. It is not possible to estimate the magnitude of the harvest benefits to these other user groups because of the complexities of Upper Cook Inlet mixed-stock fisheries and intertwined State management/allocation plans.

Alternative 4, which is not considered viable, would amend the FMP to extend the West Area to the EEZ waters of Cook Inlet, including prohibition on commercial salmon fishing. To implement this action, Federal regulations at § 679.2 Definitions would be revised to modify the definition of Salmon Management Area at § 679.2 to redefine the Cook Inlet Area as the Cook Inlet EEZ Subarea and incorporate it into the West Area. This action would also revise Figure 23 to part 679 consistent with the revised definition of the Salmon Management Area at § 679.2. As part of the West Area, the Cook Inlet EEZ Subarea would be subject to the prohibition on commercial fishing for salmon at § 679.7(h)(2).

The impacts of Alternative 4 on salmon harvests by individual UCI salmon drift gillnet vessels would be proportional to the extent they rely on the EEZ for target fishing. The entire active UCI salmon drift gillnet fleet likely fishes in the EEZ at some time during each fishing season, but over the season, vessels differ with respect to their level of economic dependency on fishing grounds in the EEZ. Those UCI

salmon drift gillnet vessels displaced by a permanent EEZ closure would have the options of ceasing to fish or relocating their commercial salmon fishing activities to State waters in Upper Cook Inlet, but a number of factors may potentially make it difficult for some vessels to offset the loss of EEZ harvests.

Lower harvests by the UCI drift gillnet fleet are likely to increase harvests of other user groups of Cook Inlet salmon, primarily Northern District and Upper Subdistrict set gillnet, Susitna and Matanuska river sport and personal use, and Kenai and Kasilof commercial set net, sport, and personal use fisheries. Reduced EEZ harvest may be offset by avoiding substantial increases in management complexity and cost associated with the other legally tenable alternatives. It is not possible to estimate the magnitude of the harvest benefits to these other user groups because of the complexities of Upper Cook Inlet mixed-stock fisheries and intertwined State management/allocation plans.

Decreases in the harvest by the UCI drift gillnet fleet under Alternative 4 would also have the potential to differentially affect communities, including those associated with the UCI drift gillnet fishery and those associated with other salmon user groups. It is anticipated, however, that community level distributive impacts would not substantially affect net benefits to the nation.

Under Alternative 4, no small entities would incur the costs of additional monitoring, recordkeeping, and reporting measures. Additionally, fishery management costs at or near existing levels for the State of Alaska would be maintained.

Table ES-1 Summary of Alternatives and their elements

	Alternative 1 No Action/Status Quo	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management/ Prohibit Commercial Fishing
Who can fish?	<ul style="list-style-type: none"> Persons holding limited entry permits issued by CFEC 	<ul style="list-style-type: none"> Commercial fishery <ul style="list-style-type: none"> Persons with CFEC permits allowed by the State, consistent with FMP criteria FFP endorsed for salmon FFP for groundfish retention Recreational fishery <ul style="list-style-type: none"> Persons holding a State of AK sport fishing license 	<ul style="list-style-type: none"> Commercial fishery <ul style="list-style-type: none"> Persons landing fish in AK must have applicable CFEC permits, consistent with FMP criteria FFP required Recreational fishery <ul style="list-style-type: none"> Anyone Persons landing fish in AK must be in compliance with State requirements including State recreational fishing license No Federal license 	<ul style="list-style-type: none"> Commercial salmon fishing prohibited in the EEZ
When can they fish?	<ul style="list-style-type: none"> Times allowed by ADF&G/BOF 	<ul style="list-style-type: none"> Times allowed by ADF&G, consistent with FMP criteria 	<ul style="list-style-type: none"> Times allowed by the FMP and Federal regulations <ul style="list-style-type: none"> Option 1: Mondays and Thursdays 7:00 am to 7:00 pm, closed before TAC is projected to be met Option 2: Define other Federal fishing days and times, closed before TAC is projected to be met Suboption 1: (May be combined with Option 1 or Option 2). Fix an EEZ commercial fishery closure date in July. If the TAC is not reached and the fishery closed prior to the scheduled closure date, the fishery would close automatically on the specified date. 	<ul style="list-style-type: none"> n/a
Where can they fish?	<ul style="list-style-type: none"> Areas allowed by ADF&G/BOF 	<ul style="list-style-type: none"> Areas allowed by ADF&G, consistent with FMP criteria 	<ul style="list-style-type: none"> All Federal waters of Upper Cook Inlet 	<ul style="list-style-type: none"> n/a

	Alternative 1 No Action/Status Quo	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management/ Prohibit Commercial Fishing
How much can the fishery catch?	<ul style="list-style-type: none"> Amount allowed by open times/areas, set by BOF 	<ul style="list-style-type: none"> Amount allowed by open times/areas or bag limits set by BOF, while allowing at least the lower bound of the escapement goal to be met and consistent with SDC for the EEZ 	<ul style="list-style-type: none"> Commercial fishery <ul style="list-style-type: none"> Up to TAC set by NMFS Recreational fishery <ul style="list-style-type: none"> Option 1: If delegated to the State of Alaska, up to bag limits established by the State, consistent with the MSA Option 2: Up to bag limits set by NMFS (sub-options for limits) 	<ul style="list-style-type: none"> Zero commercial salmon catch in the Cook Inlet EEZ
How are fish allocated between State and Federal waters?	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> As allowed by ADF&G/BOF, consistent with FMP criteria and the MSA 	<ul style="list-style-type: none"> Federal TAC would be set after accounting for uncertainty and all other projected removals in both State and Federal waters 	<ul style="list-style-type: none"> All commercial salmon harvests in Cook Inlet would occur in State waters
Can groundfish be retained by EEZ drift gillnet vessels	<ul style="list-style-type: none"> No 	<ul style="list-style-type: none"> Option 1: Yes, all catch must be retained and delivered for accounting. Halibut and non-retention groundfish must be released. Option 2: No, all discards must be recorded in logbook and reported at the time of landing 	<ul style="list-style-type: none"> Optional retention of groundfish 	<ul style="list-style-type: none"> n/a
Mixed commercial deliveries of EEZ and State waters harvests allowed?	<ul style="list-style-type: none"> Yes 	<ul style="list-style-type: none"> Yes, with accounting of State/EEZ harvest proportion through logbooks and reporting at the time of landing 	<ul style="list-style-type: none"> Commercial fishery <ul style="list-style-type: none"> No, fish caught in the EEZ and State waters may not be onboard together in the same day Recreational fishery <ul style="list-style-type: none"> Recreational bag and possession limits from both areas combined could not exceed State water limits or Federal recreational bag limits 	<ul style="list-style-type: none"> n/a
Legal commercial gear	<ul style="list-style-type: none"> Gillnet gear allowed by State regulations 	<ul style="list-style-type: none"> Gillnet gear allowed by State regulations, consistent with FMP criteria 	<ul style="list-style-type: none"> Gillnet gear allowed by Federal regulations 	<ul style="list-style-type: none"> n/a
How are commercial vessels monitored?	<ul style="list-style-type: none"> Enforcement patrols 	<ul style="list-style-type: none"> Enforcement patrols 	<ul style="list-style-type: none"> Enforcement patrols VMS (commercial only) 	<ul style="list-style-type: none"> n/a

	Alternative 1 No Action/Status Quo	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management/ Prohibit Commercial Fishing
What records do commercial vessels and processors have to complete?	<ul style="list-style-type: none"> Fish tickets 	<ul style="list-style-type: none"> Paper fish tickets or eLandings Logbook State requirements consistent with the FMP 	<ul style="list-style-type: none"> eLandings (processor or catcher/seller) Federal processor permit (processor) Federal salmon buyer permit (processor or catcher/seller) Logbook (vessel) 	<ul style="list-style-type: none"> n/a
How are marine mammal and seabird interactions monitored?	<ul style="list-style-type: none"> Self-reporting 	<ul style="list-style-type: none"> Self-reporting 	<ul style="list-style-type: none"> Self-reporting 	<ul style="list-style-type: none"> n/a
How are catch, bycatch and discards accounted for? (SBRM)	<ul style="list-style-type: none"> Fish tickets, only if landed 	<ul style="list-style-type: none"> Commercial Fishery <ul style="list-style-type: none"> Paper fish tickets or eLandings with separate State and EEZ reporting areas Logbook Recreational Fishery <ul style="list-style-type: none"> SWHS creel surveys Saltwater Guide Logbooks 	<ul style="list-style-type: none"> Commercial Fishery <ul style="list-style-type: none"> eLandings with EEZ reporting Logbook Recreational Fishery <ul style="list-style-type: none"> SWHS creel surveys Saltwater Guide Logbooks 	<ul style="list-style-type: none"> n/a
What happens if ACLs are exceeded (Accountability Measures)	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Postseason ACL - ACL reduction in future seasons 	<ul style="list-style-type: none"> Preseason ACL - NMFS inseason authority to close fishery Postseason ACL - Management review, future closures, or other management actions as needed 	<ul style="list-style-type: none"> The ACL for the Cook Inlet EEZ Subarea is zero and no additional accountability measures are required

	Alternative 1 No Action/Status Quo	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management/ Prohibit Commercial Fishing
Process for determining the status of stocks	<ul style="list-style-type: none"> State review of realized escapements relative to escapement goals stocks of concern system 	<ul style="list-style-type: none"> Option 1: SSC and Council process <ul style="list-style-type: none"> review of realized escapements relative to escapement goals review OFL/ABC similar to BSAI crab specs Option 2: Peer review/SSC/State/Council process <ul style="list-style-type: none"> Uses same reference points as Option 1 Annually reviewed by Peer review process Triennial SSC review of changes to State management targets on EEZ SDC 	<ul style="list-style-type: none"> SSC and Council process <ul style="list-style-type: none"> review of realized escapements relative to escapement goals preseason determination of OFL/ABC/TAC post-season evaluation of SDC Proposed and final harvest specifications in the <i>Federal Register</i> similar to groundfish harvest specifications A multi-year harvest specification process is allowed but not considered viable due to a lack of Federal expertise with salmon management Option 1: Establish a Salmon Plan Team to complete the assessments and make recommendations to the SSC and Council Option 2: Do not establish a plan team. NMFS would develop assessments for the SSC and Council 	<ul style="list-style-type: none"> n/a
How is overfished/overfishing determined?	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Status is based on comparison to quantities summed over one salmon generation time Overfishing = EEZ MFMT exceeded <ul style="list-style-type: none"> Catch/Run > Max Yield/Run Overfished = Escapements below ½ of goal over a generation 	<ul style="list-style-type: none"> Status is based on comparison to quantities summed over one salmon generation time Overfishing = EEZ MFMT exceeded <ul style="list-style-type: none"> Catch/Run > Max Yield/Run Overfished = Escapements below ½ of goal over a generation 	<ul style="list-style-type: none"> n/a

	Alternative 1 No Action/Status Quo	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management/ Prohibit Commercial Fishing
How is OY determined?	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> Option 1 <ul style="list-style-type: none"> OY = Range of sum fishery catches within escapement goals Option 2 <ul style="list-style-type: none"> OY = Range of sum EEZ fishery ACLs Option 3 Range between the 3 year average highest and lowest EEZ average catches 	<ul style="list-style-type: none"> Option 1 <ul style="list-style-type: none"> OY = Range of sum fishery catches within escapement goals Option 2 <ul style="list-style-type: none"> OY = Range of sum EEZ fishery ACLs Option 3 <ul style="list-style-type: none"> Range between the 3 year average highest and lowest EEZ average catches 	<ul style="list-style-type: none"> Range of sum fishery catches in Cook Inlet, which results in a post-harvest abundance within the escapement goal range for stocks with escapement goals, and below the historically sustainable average catch for stocks without escapement goals, except when management measures required to conserve weak stocks necessarily limit catch of healthy stocks.
How are MSA consistency issues resolved?	<ul style="list-style-type: none"> n/a for the West Area 	<ul style="list-style-type: none"> First to the State, then to NMFS 	<ul style="list-style-type: none"> n/a 	<ul style="list-style-type: none"> n/a

Table ES-2 Actions and events that would contribute on a continuing basis to the annual Federal management process for drift gillnet fishery in the Cook Inlet EEZ. Differential considerations under Alternatives 2, 3 and 4 are also provided.

Timing	Lead	Action	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management / Prohibit Commercial Fishing
Nov -Jan	ADF&G	Run forecast Advisory Announcements: -Run forecasts -Harvest projections -Methods	Include EEZ harvest considerations	Forecast total run and State/EEZ harvests, plan harvest specifications	n/a
Nov -Jan	ADF&G	Annual Management Reports: -Commercial salmon fishery -Price, average weight, and participation -Salmon enhancement -Stock status and outlook -Subsistence and personal use fisheries -Educational fisheries -Personal use salmon fishery -Season data -Historical data -Salmon outlook and forecast	Include EEZ harvest report	State report only covers fisheries operating in State waters.	n/a
Annually pending availability of State data (Jan. to Feb.)	Salmon Plan Team or Agency	SAFE or management report (Abbreviated) Recommend -OFL/ABC -Year Y-1 Postseason ACLs, Year Y Preseason ACLs -Accountability Measures, as needed Review, comments on -Run, harvest estimates from previous year -Current year fishery performance relative to EGs -Technical improvements	Plan team or State would develop SAFE or management report so that it provides comprehensive view of stocks including Federal fishery reference points and considerations	Plan team or NMFS would develop SAFE to provide information needed for management of EEZ fishery including Federal fishery reference points and considerations	n/a

Timing	Lead	Action	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management / Prohibit Commercial Fishing
Annually following Salmon Plan Team or State management meeting	SSC or Peer Review	Determine -Stock status -OFL/ABC -Year Y-1 Postseason ACLs, -Year Y Preseason ACLs -TAC, TAC buffer that will prevent ACL overage (Alt 3 only) Review/Recommend: -Accountability Measures, as needed -Run, harvest estimates from previous year -Current year fishery performance relative to EGs -Technical improvements	Opportunity for SSC to maintain productive technical / analytical dialog with the State in addition to ensuring review of Federal reference points for ACL overages, overfishing, and overfished determinations	Emphasis on management uncertainty, estimating State water harvest, appropriate buffers on preseason ACL and TAC for Federal waters	n/a
Annually following SSC or Peer Review meeting	Council	Approve: -OFL/ABC -Year Y-1 Postseason ACLs -Year Y Preseason ACLs -Accountability Measures, as needed -TAC, TAC buffer that will prevent ACL overage (Alt 3 only)	Initiating any appropriate Federal responses to ACL overages, overfishing, overfished	Initiating appropriate Federal responses to ACL overages, overfishing, overfished	n/a

Timing	Lead	Action	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management / Prohibit Commercial Fishing
*Every 3 years, in coordination with the State's Escapement Goal Review Cycle	Salmon Plan Team or Agency	SAFE (Comprehensive) Recommend: <ul style="list-style-type: none"> - Stock status - OFL/ABC - Year Y-1 Postseason ACLs, Year Y Preseason ACLs - Accountability Measures, as needed - TAC, TAC buffer that will prevent ACL overage (Alt 3 only) - Technical discussions with State * Tier changes * Revisions to management objectives, reference points * Discussions with State scientists on escapement goal analyses, models that relate mixed-stock impacts to stock-specific objectives and reference points 	State or SPT coordinates review of Federal reference points based on any new information from State EGR reviews	SPT or NMFS incorporate any new information from State EGR or other available information into assessments (reference points) and SDC.	n/a

Timing	Lead	Action	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management / Prohibit Commercial Fishing
*Every 3 years, ...	SSC	Determine - Stock status - OFL/ABC - Year Y-1 Postseason ACLs, -Year Y Preseason ACLs - TAC, TAC buffer that will prevent ACL overage (Alt 3 only) Recommend: - Accountability Measures, as needed - Run, harvest estimates from previous year - Comments on fishery performance relative to EGs - Technical discussions with State scientists * Tier changes * Revisions to management objectives, reference points * Discussions with State scientists on escapement goal analyses, models that relate mixed-stock impacts to stock- specific objectives and reference points	Opportunity for SSC review of Federal reference points and technical dialogue with State	Review of Federal reference points	n/a
*Every 3 years, ...	Council	Approve: -OFL/ABC -Year Y-1 Postseason ACLs -Year Y Preseason ACLs -Accountability Measures -TAC, TAC buffer that will prevent ACL overage (Alt 3 only) -Revisions to management objectives, reference points	Possible use of Joint Protocol Committee for overfished stocks	Federal review of Cook Inlet EEZ management and associated conditions in State waters	n/a

Timing	Lead	Action	Alternative 2 Federal Management/ Delegation to the State	Alternative 3 Federal Management/ No Delegation to the State	Alternative 4 Federal Management / Prohibit Commercial Fishing
Annually (effective by season opener in June)	NMFS	Rulemaking (Alt 3 only)- Proposed and final salmon harvest specifications in the Federal Register	Rulemaking not necessary except for FMP and federal regulatory amendments.	Proposed and final harvest specifications effective before fishery opens. Other FMP and regulatory adjustments made through FMP amendment and rulemaking.	n/a
Annually (Jun-Aug)	ADF&G	Inseason Management Monitor: runs and harvest Adjust: time/area access	Manages EEZ existing methodology, consistent with FMP criteria and MSA requirements	ADF&G communicates with NMFS about ongoing management of State waters	n/a
Annually (Jun-Aug)	NMFS	Inseason Management Monitor: catches Adjust: access - fishery closure	Data collection and reviewing any requests for consistency with MSA.	Monitoring catch and inseason EEZ closure to avoid exceed TAC	n/a

Table ES-3 State of Alaska escapement goal review cycle and relevance to action.

State of Alaska Multi-Year Escapement Goal Review Cycle			Considerations relative to future Council process
Year 1	ADF&G and the Board of Fisheries	<p>Jan-Feb - Publication of escapement goal report.</p> <p>Feb-Mar- Board of Fisheries (BOF) area mtg. Includes detailed escapement goal and stock of concern presentations. BOF makes regulatory changes as needed, adopts stocks of concern and develop action plans, adopt OEGs/in-river run goals.</p> <p>Apr - Directors' memo adopting the recommended escapement goal changes. Escapement goal changes implemented for that year's fishing season.</p>	Joint Protocol Committee meeting, other means of enhancing Council-BOF communication may be necessary
Year 2	ADF&G	<p>Oct-Nov- Formation and first meeting of interdivisional escapement goal review team (typically set assignments of which goals will be reviewed and analyses needed)</p> <p>Nov-Dec - Biologists and biometricians work on analyses, periodic escapement goal review team meetings to review ongoing analyses, etc.</p>	Potential for early input or review from the SPT on EGR preparation and/or analyses.
Year 3	ADF&G and the BOF	<p>Jan-Feb - Biologists and biometricians work on analyses, periodic escapement goal review team meetings to review ongoing analyses, etc.</p> <p>Mar - Escapement goal memo sent to CF and SF Directors and provided to BOF and public in time for public proposal submission for the BOF area meeting.</p> <p>Feb-Dec - Escapement goal report authors draft report and escapement goal review team meets as necessary.</p> <p>Sept - Stock of concern memo from ADF&G Directors submitted to BOF with recommendations for listing or delisting stocks.</p> <p>Oct - BOF work session - overview presentation of escapement goal and stock of concern recommendations from ADF&G.</p>	SPT and SSC review/comment on impacts of escapement goal changes and Stock of Concern designations to Federal reference points.

COMMENTS TO NFMS MAY 18, 2023 HEARING**by Matanuska-Susitna Borough Fish and Wildlife Commission**

The Matanuska Susitna Borough Fish and Wildlife Commission advises borough officials, state or federal agencies and other organizations with interests that may affect conservation of fish, wildlife, and habitat across an area the size of West Virginia. Northern district residents fish commercially, personal use dip net, sport fish, and four indigenous communities are important subsistence users—Tyonek, Knik, Eklutna and Chickaloon.

Conservation Corridor development

The Fisheries Management Plan will affect the ongoing restoration of in-river fisheries in the Mat-Su and adjoining areas. The Alaska Board of Fish voted unanimously in 2014 to establish a conservation corridor to assist escapement of salmon to northern natal streams. It requires the drift net fleet to fish closer to Kenai area shores during certain times to allow northern bound salmon to move to Upper Cook Inlet rivers. The Central District drift fishery drives Northern District fisheries.

In 2005, for example, before the Conservation Corridor was in place, the optimum escapement goal for sockeye on the Yentna River was set below what was considered scientifically sustainable, with the result that the Yentna escapement was by far the lowest ever, while the Central District harvested 5.3 million sockeye. This was an ongoing problem. Prior to the Conservation Corridor, sport fishing in the Susitna-Yentna river systems sank to their lowest in 35 years, with northern district sockeye and coho chronically failing to meet escapement goals while in the Central District there were emergency openings to catch more commercial sockeye during plentiful returns.

Managing mixed stocks

The fish in the Federal EEZ are mixed stocks, and need to be managed to benefit residents of the Kenai, Mat-Su, and Upper Cook Inlet. The mixed stock fishery needs to be managed on a daily or even hourly basis, to accommodate emergency openings and closures to meet escapement goals, including goals for northern bound salmon. Federal requirements for making changes tend to take days or weeks that are not practical for efficient management of these fully allocated fisheries. The federal government cannot simply look at the strength of Kenai rivers and rearing areas; Upper Cook Inlet

streams are significantly different in character and fish productivity than the Kenai, affecting the ability to rebuild stocks of concern and affects what can be sustainably harvested. Please see our submitted document “It Takes Fish to Make Fish 2020.”

Conservation Corridor success

The conservation corridor appears to be working. And it needs to continue in order to reach biological sustainability. The Fish Creek personal use dipnet fishery, near Knik, opened three years in a row where it had previously opened only occasionally. The personal use dip netting and follow-on sport fishing provided one of the best reasonable opportunities to catch fish in many years for the 110,000 people living in Mat-Su. This conservation measure is headed in a positive direction and needs to be kept going and enhanced where possible. If successful harvestable goals are met in Mat-Su river systems, they will benefit Mat-Su residents and contribute more fish to the marine environment.

Future management

The 2024 Upper Cook Inlet fin fish meeting will take place after 4 years. It's important that the federal and state governments collaborate to ensure biological goals that are required by both levels of government. The state already has a system in place for gathering timely data with in-river fish counters, weirs, a test fishery and a long-standing data collection system to inform openings and closures. It will be very difficult for the federal government to replicate these data support systems that are essential to good fisheries management. Data collection needs to be maintained and improved on; some of the best technology is still not being used in the Mat-Su.

The Matanuska Susitna Fish and Wildlife Commission stands ready to participate in the development of a federal Fisheries Management Plan that ensures conservation of the resources and reasonable opportunities for all fishing groups. We believe that a collaboration between federal and state agencies, local and regional governments, and Indigenous people will result in the best possible outcome.

Bullet point version

- **Intro**
 - who the FWC is, who they represent
- **Conservation Corridor development**
 - Establishment – when, by whom, what it requires
 - Why it was established -- Central District overfishing Upper Cook Inlet stocks, Mat-Su streams not reaching escapement
- **EEZ contains mixed stocks**
 - Need to manage for Central and Northern district stocks/Kenai and Mat-Su residents
 - Management requires acting on daily or hourly basis
 - Kenai and Upper Cook Inlet fish have different productivity which affects stock sustainability
- **Conservation Corridor success**
 - Fish Creek personal use fishery, sport fishing
 - Still trying to reach biological sustainability
 - Sustainable fisheries in Mat-Su streams benefit all Cook Inlet users
- **Future Management**
 - State has data collection systems that drive openings and emergency orders; feds don't
 - Feds and state both have biological goals to meet
 - Collaboration between fed, state, local, and Tribal governments