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**From:** Vincent-Lang, Douglas S (DFG)  
**Sent:** Monday, November 30, 2020 8:12 AM AKST  
**To:** Stevens, Ben A (GOV)  
**CC:** Moller, John (GOV)  
**Subject:** op ed piece on NPFMC action in Cook Inlet  
**Attachments:** CI salmon FMP op ed final.docx

Chief

The NPFMC will be taking final action regarding management of federal waters in Cook Inlet. The commercial drift gillnet fishermen (UCIDA) filed suit and convinced a federal court to order the Council to take action. The Council has developed a range of alternatives for consideration at its December meeting ranging from state management under strict federal oversight, to direct federal management of federal waters, to closing all federal waters in Cook Inlet to commercial salmon fishing.

UCIDA and others are lobbying hard to establish a process that would allow annual review of state management of Cook Inlet fisheries to ensure it is compliant with federal laws. They want federal oversight if that is what it takes to keep these waters open (some even go so far in their comments as wanting federal oversight into state waters). In so doing it would open our management to federal and outsider influence annually. Their position is supported by several legislators (Micciche and Vance) but not by others.

John and I feel that opening our management to federal and outsider influence is the wrong choice, especially that it could potentially create a domino effect that would spread to other salmon fisheries across Alaska. It would shift the allocation fight into federal bodies which will lead to calls for sport and personal use representation on the Council and take time away for state issues of priority at the Council.

We have prepared an op ed piece to justify our position. We would like to get this out this week as the Council will debate this on Monday.

Doug

SOA002787

## State Right to Manage

There are few topics in our great State that spark more passion than salmon. The latest is a decision the North Pacific Fishery Management Council (Council) is making in December regarding who gets management oversight for commercial salmon fisheries in the federal waters of Cook Inlet. In the eyes of the State the question is how much federal and outsider influence is the state willing to accept to keep a portion of federal waters in Cook Inlet open to commercial drift gillnet fishing?

This issue started when a commercial fish organization filed a lawsuit in federal court seeking more federal oversight of these waters. The lawsuit was opposed by the state as an intervener in the case. A federal court ordered the Council to amend the existing Fishery Management Plan (FMP) in federal waters of Cook Inlet in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and all other applicable federal laws, of which there are many. To that end, the Council has developed a range of 4 alternatives for consideration at its December meeting ranging from state management under strict federal oversight to closing all federal waters in Cook Inlet to commercial salmon fishing.

Federal waters are defined as 3-200 miles offshore. The area of federal waters under consideration is primarily fished by one user group, a commercial drift gillnet fishery. This fishery intercepts a mixture of fish stocks entering Cook Inlet bound for the Kenai, Kasilof, Susitna and many smaller rivers. Federal waters outside of Cook Inlet (e.g., Shelikof Strait) are already closed to salmon fishing under the existing FMP because of concerns over intercept fishing of mixed stocks.

This commercial drift gillnet fishery is currently managed by the Alaska Department of Fish and Game under complex management plans developed with oversight of the Alaska Board of Fisheries. Management can be complex and controversial due to the mixed stocks that annually return to Cook Inlet and the competing desires of users for these fish.

To retain state management authority of salmon fishing in federal waters of Cook Inlet the National Marine Fisheries Service (NMFS) has told the Council that it must oversee the state's management of federal water fisheries to ensure it is in compliance with federal standards. This would occur by establishing a new Salmon Plan Team that would annually review state management to ensure it is compliant with the Council's direction and federal standards. In so doing, it would open management of an Alaskan salmon fishery to federal and outsider oversight.

Implicit in this process is that the Council would be required to take actions to bring state management in federal waters in line with federal standards. This has the potential to significantly impact fisheries in state waters because the fisheries under review are first-in-line mixed stock fisheries. It could also potentially result in allocation shifts to already fully allocated fisheries in Cook Inlet or worse yet, impact the current management plans designed to protect weak stocks. Finally, it could shift allocation battles to the Council process usurping the authority of the State and Board of Fisheries and create even more complexity for both managers and users navigating dual state and federal regulatory processes.

Even more concerning however is the domino effect this could trigger in other fisheries occurring in federal waters off Alaska's coastline. Of specific concern is the potential for this process to be applied to federal waters in Prince William Sound, off the Alaska Peninsula, and off Southeast Alaska. It could also

result in the opening of other federal waters creating new intercept fisheries targeting Alaska's currently fully allocated salmon resource.

It is for these reasons we cannot support the establishment of a process that requires annual federal and Council review and oversight of our fisheries and their management. Instead, we would prefer to close federal waters in Cook Inlet to commercial salmon fishing rather than allowing federal encroachment into the management of Alaska's salmon fisheries. While we do not like closing waters to commercial harvest, we see it as the only option in this case to preserving state management of the mixed stock fisheries in Cook Inlet and to ensuring against federal incursion into this and other state-managed salmon fisheries.

Salmon will swim through these newly closed waters bound for nearby rivers and will be available to all state managed fisheries in the region including the commercial gillnet fishery. If the Council decides to close the federal waters of Cook Inlet, the Alaska Board of Fisheries will likely review how the closure would impact existing management plans of the various fisheries in Cook Inlet. This would likely include adjustments to the Cook Inlet Drift Gillnet Fishery Management Plan.

The best solution to this issue remains amending the MSA to ensure the state right to manage our salmon fisheries is preserved. We will continue to work with our Congressional delegation towards this end.

Management of salmon fisheries was one of the primary drivers that resulted in statehood. Alaskans were unhappy with federal and outsider management and wanted more local control of Alaska's fisheries, particularly its salmon fisheries. Alaskans have a proud history of successful management of its salmon since being granted management authority at statehood. We set the world standard. We must continue to protect our right to manage our salmon fisheries.