

***Discussion Paper on the FMP for  
the Salmon Fisheries in the US  
EEZ off the Coast of Alaska***

North Pacific Fishery Management Council  
December 2010



# Joint Protocol Committee Meeting

- October 2010 – presentation; briefing paper
  - Council staff update
  - Background
  - Options under consideration – *at that time*
  - Additional considerations
- Briefing paper and FMP (1990) available online:  
[www.fakr.noaa.gov/npfmc/fmp/salmon](http://www.fakr.noaa.gov/npfmc/fmp/salmon)

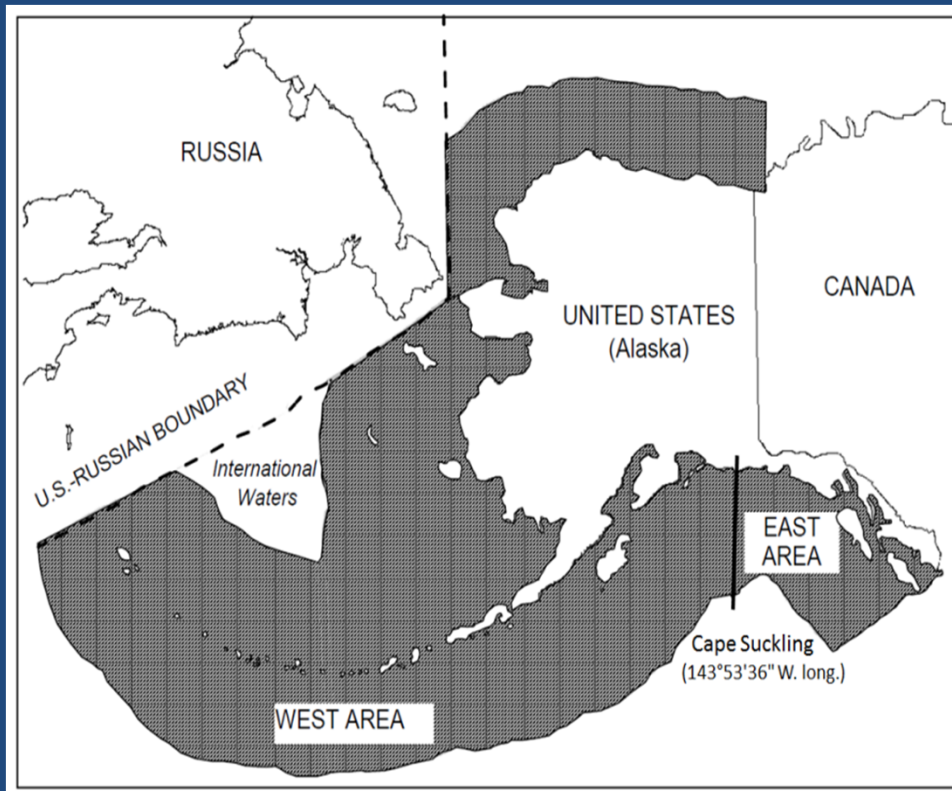
# Participating Agencies

- Council Staff
- NMFS
- NOAA GC
- ADF&G
  - Attachment, *State Salmon Fisheries Management Program*
- Alaska Dept. of Law

# Amendments to the Salmon FMP

Amendment	Date	Function, generally
Original FMP, Amds. 1 & 2	1979 – 1981	<ul style="list-style-type: none"> <li>Establishes Council and NMFS authority over salmon fisheries in Federal waters, 3-200 nmi seaward</li> <li>Exclusion of waters west of 175°E. long. from FMP</li> </ul>
3	1990	<ul style="list-style-type: none"> <li>Extends jurisdiction to waters west of 175°E. long.</li> <li>Deferred State regulation of sport &amp; commercial fisheries</li> <li>Expressly maintains Federal participation, oversight, and final authority over commercial salmon fisheries</li> </ul>
4	---	Defines OFL, as required at 50 C.F.R. §602
5	1998	Superseded by Amendments 7 & 8
6	2002	Implements MSY control rule, F, MFMT and MSST for salmon caught in SEAK commercial troll fishery
7 & 8	2006	EFH and HAPC – Identifies, describes, authorizes, etc.
9	2008	Boundaries of Aleutian Islands Habitat Conservation Area
10	---	N/A – under Secretarial review

# Current Scope of the FMP



The East and West Areas, divided at Cape Suckling, 143°W. long.

*“All waters of the EEZ off the coast of Alaska and the salmon fisheries that occur there.” (FMP, 1990)*

All 5 species of Pacific salmon:

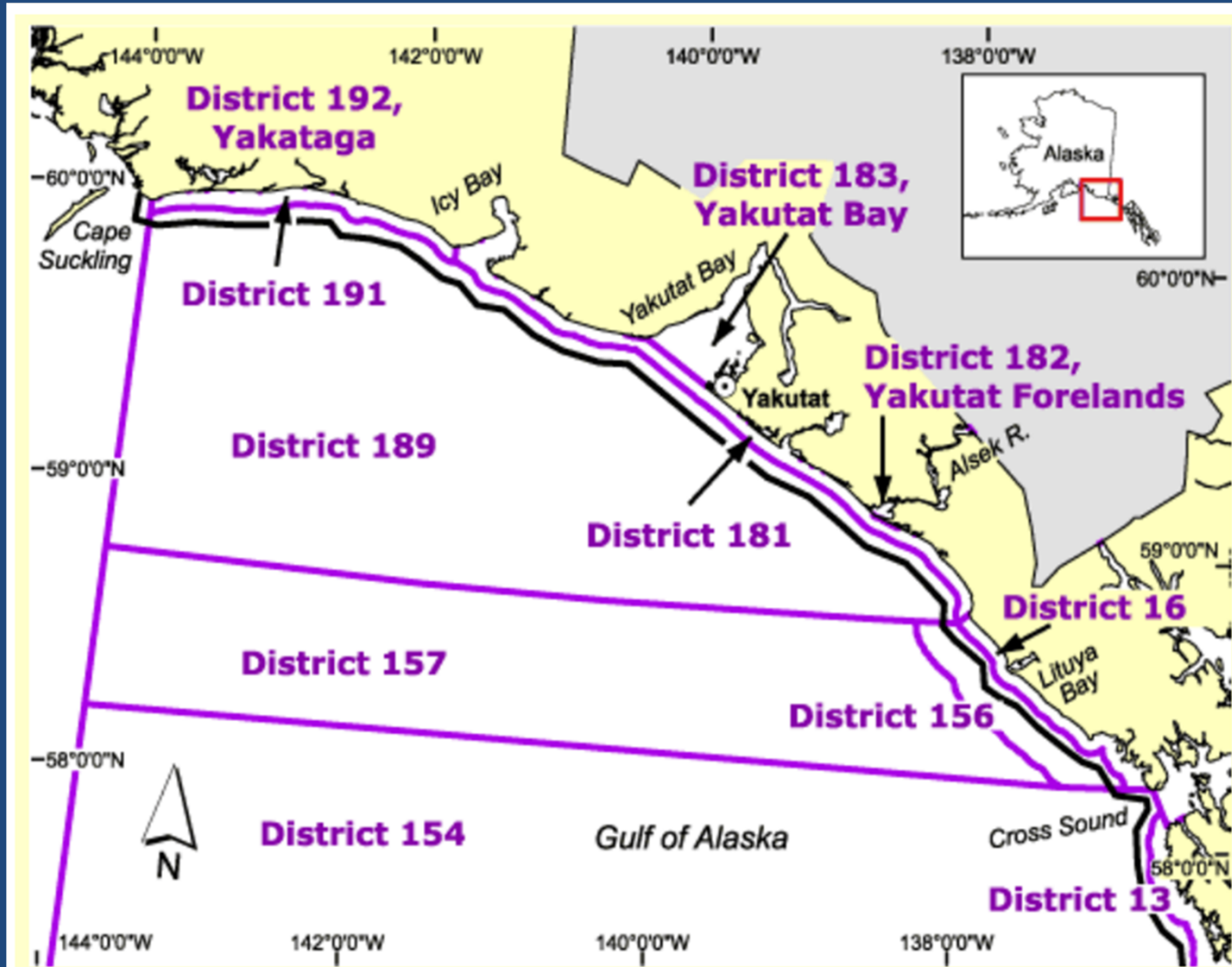
1. Chinook (*Oncorhynchus tshawytscha*)
2. Coho (*O. kisutch*)
3. Pink (*O. gorbuscha*)
4. Sockeye (*O. nerka*)
5. Chum (*O. keta*)

# Southeast (SEAK) Alaska Fishery

- Directed commercial salmon fishing
  - Troll fishery; net gear prohibited
  - Chinook, coho; pink, chum, and sockeye incidentally
- FMP defers management to the State
  - FMP sets forth the Council's management goals and objectives in the East Area
  - Accordingly, focus is on the SEAK troll fishery

# Southeast Salmon Fishery

Combined 3 mile state and statistical area lines, SEAK area



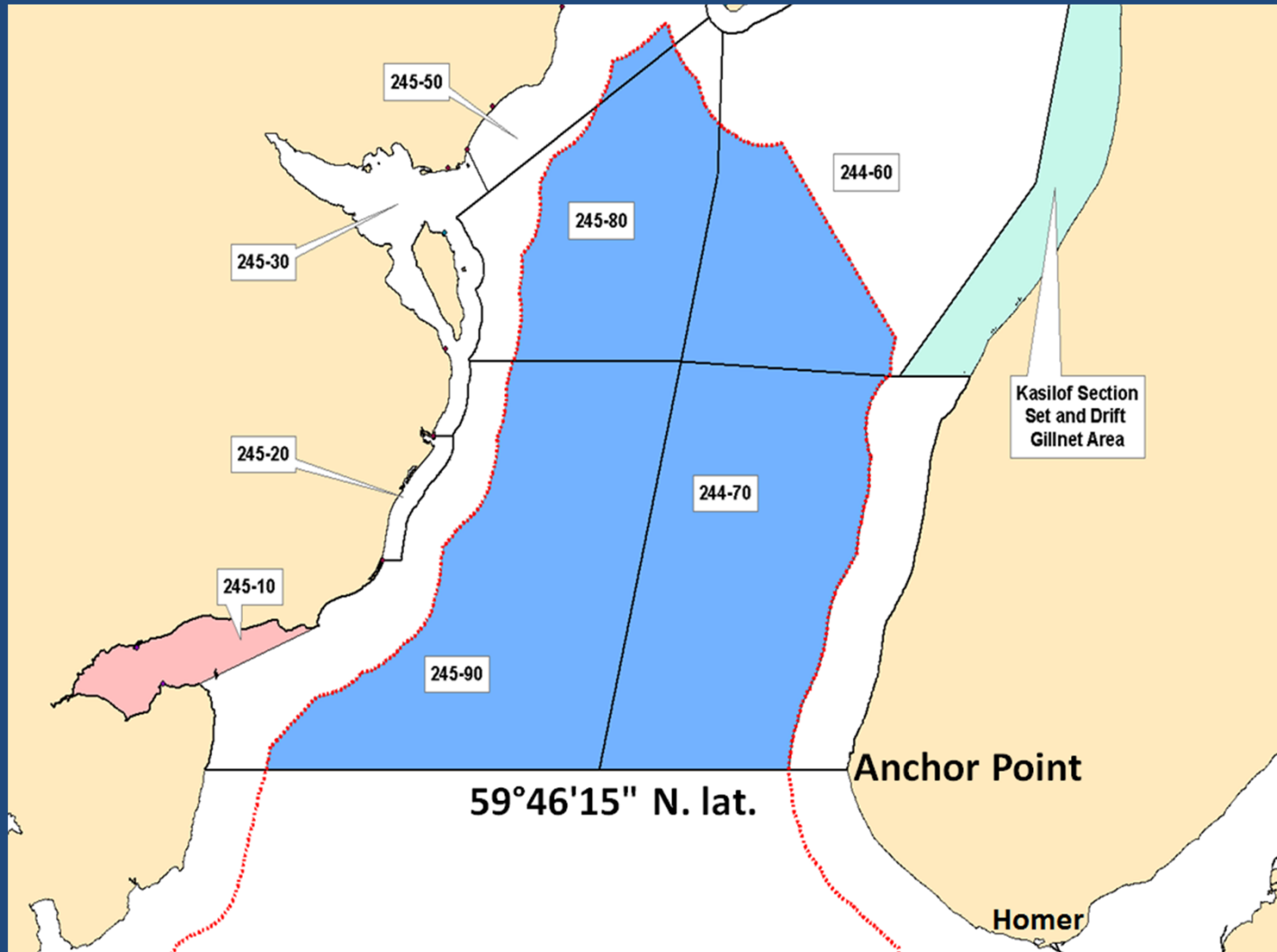
# West Area Fisheries

- FMP generally prohibits commercial salmon fishing in the West Area, except in 3 historical fisheries:
  1. **Cook Inlet** (Upper)
  2. **Prince William Sound** (Copper River)
  3. **Alaska Peninsula** (Southern Peninsula, Area M)
- Are directed commercial net fishing areas
- Conservatively State managed
  - No historical record of overfishing
  - Not been deemed to require federal conservation and management



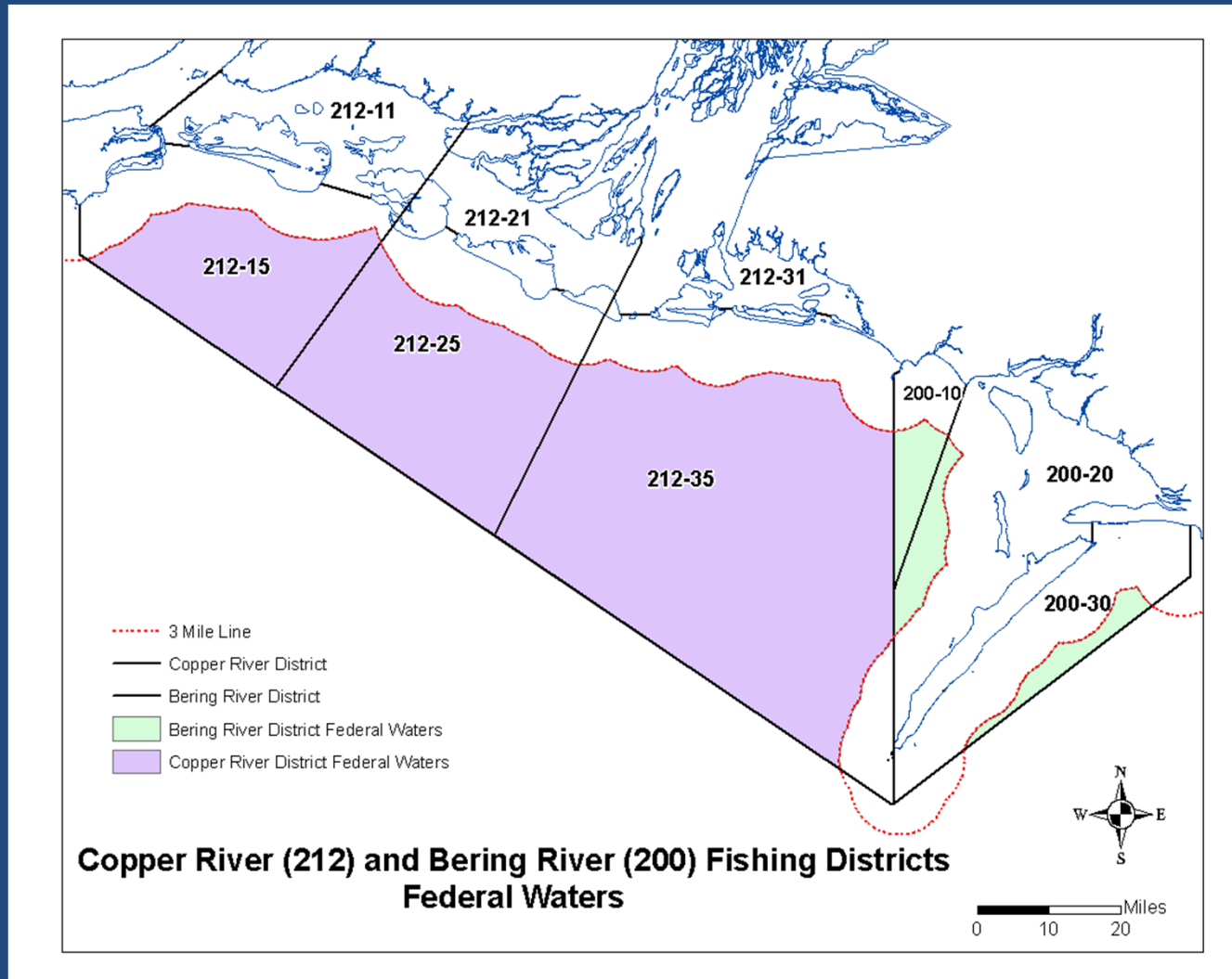
# Cook Inlet (Upper)

Combined 3 mile state and statistical area lines, Cook Inlet Area



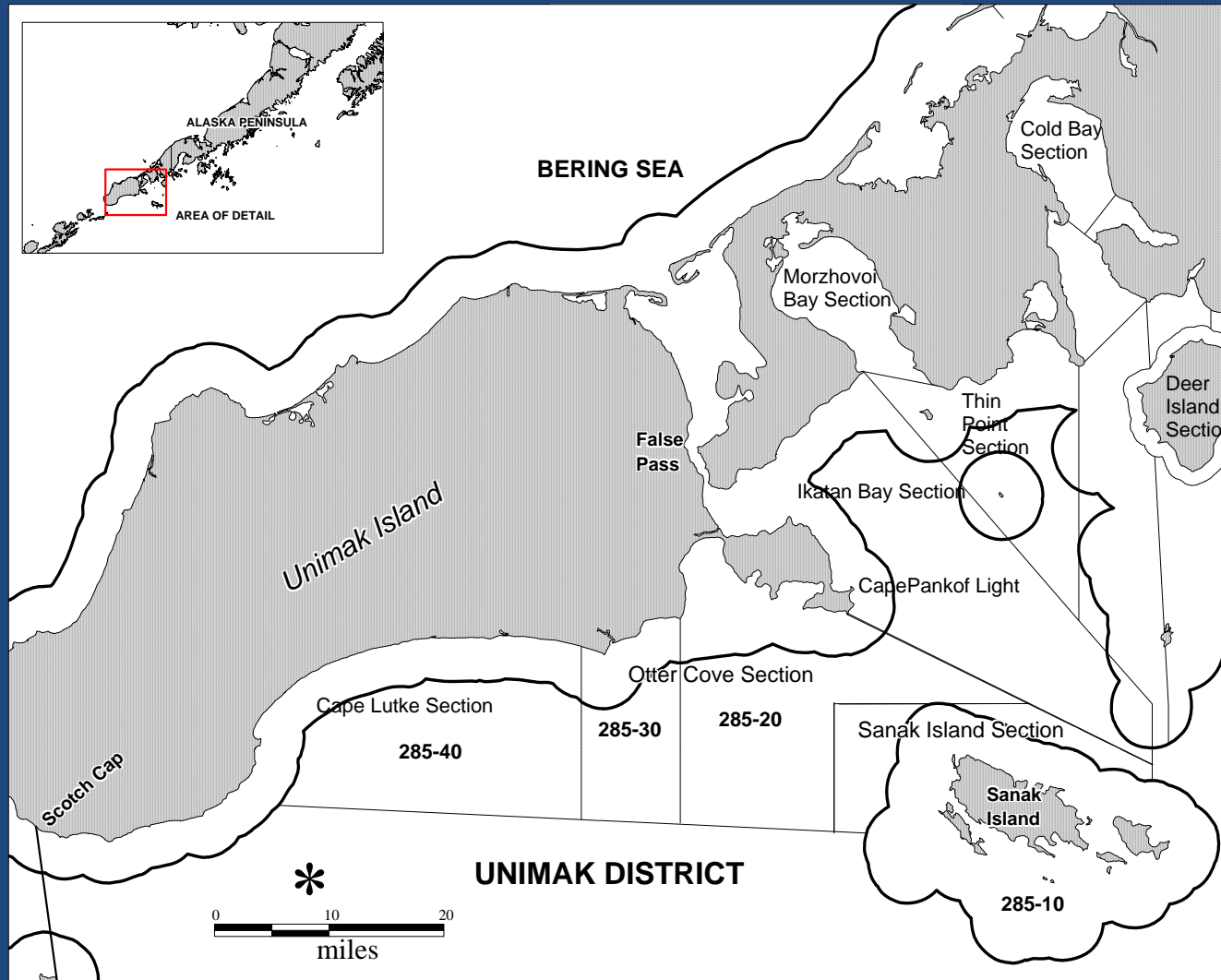
# Prince William Sound (Copper River)

Combined 3 mile state and statistical area lines, Copper River area



# Alaska Peninsula (Southern Pen., Area M)

Combined 3 mile state and statistical area lines, Southern Pen. area



# Management of 3 Net Fisheries

- FMP is vague on its function in these 3 fisheries
  - Are broadly included in fishery management unit
  - Does not explicitly defer management to State
  - Management left to State under “other Federal law”
- *Thus, the FMP refrains from extending the general prohibition on commercial fishing in the West Area to these fisheries where State management is authorized under “other Federal law.”*

# Repeal of “Other Federal Law”

- **1954 North Pacific Fisheries Act**
  - Implemented “The International Convention for the High Seas Fisheries of the North Pacific Ocean”
  - Repealed by 1992 Stocks Act
- **1992 North Pacific Anadromous Stocks Act**
  - Implemented “The Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean”
  - Did not address State management in 3 net areas
- *Therefore, the FMP’s reference to “other Federal law” may no longer be fully effective.*

# Options for Scope of FMP

- and further considerations

## **1. Maintain the FMP's existing scope**

– Update the FMP

## **2. Repeal the FMP entirely**

– Risk of unregulated fishing activity in the EEZ

# Repealing the Salmon FMP

- Is continued Federal oversight needed for the conservation and management of Alaska salmon?
  - Need to make that determination
- Risk of economically attractive opportunities for unregulated fishing in the EEZ
  - Unregistered F/V capable of avoiding State contact
  - C/P or other processing platform supporting C/Vs
  - Recourse likely Federal rulemaking to close EEZ

# Options for Scope of FMP

- and further considerations

## **3. Maintain the FMP in East Area EEZ only**

- Risk of unregulated fishing in the West Area EEZ
- Update the FMP

## **4. Exclude the 3 net fisheries in West Area EEZ**

- Modify the FMP management unit
- Update the FMP



# Additional Possibilities

- **Amend MSA §306(a)(3)(C)**
  - Federal legislation to authorize State regulation of fishing activity in the EEZ
  - Applicable if FMP repealed in whole or in part
- **State Salmon Management**
  - The State’s program could serve as an “alternative approach” to satisfy ACL/AM requirements
  - Would still need to make other updates to the FMP

# State Salmon Management

- As an “alternative approach” to satisfy the ACL/AM requirements for Alaska salmon
  - Council may propose; must document its rationale and consistency with MSA and NS guidelines
- Flexibility within NS 1, CFR §600.310(h)(3)
  - Stocks with unusual life history characteristics
  - E.g., Pacific salmon, where the spawning potential for a stock is spread over a multi-year period
- Attachment, *Response to Council Request, State Salmon Fisheries Management Program*

# Additional Possibilities

- **International fishery agreement exemption**
  - Stocks managed under an international agreement can be exempt from ACL/AM requirements
  - CFR §600.310(h)(2)(ii)
  - The Pacific Salmon Treaty and Southeast Chinook
  - Other salmon stocks not covered
  - Updates to the FMP
- **Regulatory clarification**
  - NMFS' clarification that Alaska salmon fisheries will not be subject to ACL/AM requirements
  - Updates to the FMP

# Additional Possibilities

- **Update the FMP**

- To meet requirements of MSA §303(a) and National Standard guidelines, i.e., ACL/AMs
- Specific measures for Council consideration would be developed once staff is provided direction on:
  - Preferred scope and role of FMP (East, West, 3 net)
  - Deferred mgmt. of SEAK troll and sport fisheries
  - General closure in West Area EEZ

# Presentation Before the Council

- Purpose
  - To provide background for further discussion
- Council Action
  - Review discussion paper and provide direction
- *AP Motion*