

NMFS Tribal Consultation
Chickaloon Village Traditional Council
Amendment to the Alaska Salmon Fishery Management Plan (FMP)
addressing the Cook Inlet EEZ
Friday, March 17, 2023
2:00 pm - 3:00 pm AKT

Attendees

- Chickaloon Village Traditional Council: Doug Wade (Treasurer/Elder) and Jessica Winnestaffer (Environmental Stewardship Director).
- NMFS: Jon Kurland (Regional Administrator), Gretchen Harrington (Sustainable Fisheries Division (SFD), Assistant Regional Administrator), Maggie Chan (SFD Fishery Management Specialist), Richard Brenner (SFD Ecosystem Branch Supervisor), and Amilee Wilson (Tribal Relations Coordinator).
- NOAA GC AK: Molly Watson (Deputy Section Chief) and Josh Fortenbery (Attorney-Advisor)
- NPFMC: Nicole Watson (Fishery Analyst)

Introduction

- Introductions and Welcome
- Land acknowledgement
- Virtual meeting logistics
- Tribal Consultation (Big C) note taking process: finalizing notes, posting to NOAA website, and a disclaimer for sharing of confidential/sensitive information
- Appendices
 - B - list of acronyms
 - C - Dialogue Agreement
 - All participants agreed

NMFS Cook Inlet EEZ Fishery Management Plan (FMP)

- NMFS provides a presentation on the Cook Inlet Salmon FMP

Chickaloon Village Traditional Council feedback

- Alternative 4 would've been our choice but we know that is no longer an option. Alternative 4 would have maintained the conservation corridor in Cook Inlet.
- Under Alternative 3, how would harvest limits be calculated?
- Our goal is to improve the runs in the upper Cook Inlet. Our creek is the farthest north creek that had all five species of salmon that we traditionally used in the summer. We want to work towards increasing salmon and have been working towards it for the past 50 years. Would federal management improve our salmon runs?
- For Otolith tagging that was done in this creek, what do we know about that fish? How do we know where they went? They used moist air incubation.
- Do you know the genetic makeup or source streams that would be caught in the EEZ? It seems likely that they would be heading upstream here.
- When is the deadline for submitting public comments and who do we send that to?

- CVTC is concerned about declining Cook Inlet salmon populations. The State has identified numerous “stocks of concern.”
- Some of the salmon that the tribe is dependent on, we don’t feel like the State is counting or managing them and they are in decline. We use our own biologist to get information.
- CVTC would like an Indigenous set-aside for salmon harvests that has priority over other uses. Personal use, educational fishery permits and a few (select) subsistence permits are how Tribal citizens harvest fish currently in Cook Inlet.
- Currently, we do not have any tribal citizens fishing in the EEZ. Other tribes have citizens that do though. They will hopefully talk to you at the Cook Inlet fishers meeting.
- Any management decisions federal agencies delegate to the state remove Tribal governments from government-to-government discussions about those proposals/decisions.
- Does that lawsuit direct how much has to be open to commercial fishing?
- The Biden Administration has required all federal agencies to work on co-stewardship and co-management plans with Tribal governments. How does this apply here?
- Under Alternative 2, Option 2 would set up a peer review process. Would Cook Inlet Tribes be invited to be peer reviewers?
- In what way could Tribes have actual authority and real input into decision-making in the federal waters of Cook Inlet?
- In the Chickaloon River, there was always an argument whether salmon went up into our upper watershed. I just found out you can test for stable isotopes to provide the answer. If we found out that there were salmon there 100 years ago, would we be able to get help with restoration or getting our salmon back here? The tribe wants to pursue this research.
- Thank you for setting up this tribal consultation and for your time today. This was a good discussion and we appreciate you answering our questions.

NMFS

- We propose to do both preseason estimates based on forecasted abundance and also do accounting after the season based on salmon harvest and escapement information.
- Maybe. It is difficult to predict because the fish that aren’t caught in the EEZ could also be caught in state waters before they return to freshwater.
- Previous tagging studies were done by the Alaska Department of Fish and Game (State). Information on these can be found at <https://mtalab.adfg.alaska.gov/OTO/reports.aspx>
- Currently there is no federal management in the Cook Inlet EEZ, we estimate it’s similar to the state’s central district and Cook Inlet. The state has a genetics program and they have accumulated genetic data but it’s generally not stream specific. The state generally attributes fishing in certain districts to certain areas or regions. Here is a link to the most recent report. It’s a fraction of what is harvested: <http://www.adfg.alaska.gov/FedAidPDFs/RIR.5J.2021.04.pdf> Note: This is just one year of report. If you look up reports from other years, you can look at year to year variation.
- Comment deadlines and instructions are available at the April 2023 Council eAgenda: <https://meetings.npfmc.org/Meeting/Details/2983>
- We want to talk more with tribes. We will be at the Cook Inlet Fisheries Meeting and will

be open to hearing those comments from other Tribes on March 30.

- For Alternative 2, there would be a lot of public process and consultations with NMFS that would still be possible. In the EEZ, the requirements for all participants would be the same. We don't have jurisdiction in state waters, but we expect that there will likely be more fish going through the EEZ because harvest will be less. For the protection of habitat, that is separate from this proposed FMP amendment, so the habitat protections would be unaffected.
- The lawsuit does not direct how much salmon the commercial drift gillnet fleet can harvest in the EEZ. If you look at Alternative 3 in the written analysis, it includes a lot of features that are precautionary that we believe would result in less harvest in the EEZ.
- The first step is establishing federal management, so that's what the Council is looking at. Once federal management is established, it would be something that we could explore more. All documents will be public and tribal members can review during the Council process.
- The Department of Commerce recently signed [Joint Secretarial Order No. 3403](#) on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. DOI and USDA had previously signed JSO 3403. The Order is designed to ensure the signatory agencies are managing Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes; that such management is consistent with the nation-to-nation relationship between the United States and federally recognized Indian Tribes; and that such management fulfills the United States' unique trust obligation to federally recognized Indian Tribes. The NOAA Office of General Counsel is currently undertaking this legal review of the NOAA authorities that could support co-stewardship/ co-management, but that legal review will not be complete until the end of this year (2023). At this point, NOAA cannot opine on options for co-stewardship/ co-management of federal salmon fisheries in Cook Inlet. One of the actions we have to undertake is a complete legal review of current land water and wildlife treaty responsibilities and other authorities to support co management. We have a year to do that review. It is something we are actively working on. We have not figured out exactly the public process, if any, for this legal review or if/when we are asking for consultations. We will provide updates on this as they are available.
- The proposed peer review process is not fully developed, if we decided to have that process, because of the tight timeline but all of that would be a public process.
- Reaching out and responding to our invitation for tribal consultation with us is one of the best ways to provide direct feedback during this process. Making sure you are involved in the Council process is the main way to make sure your voice is heard at the Council. We can provide assistance with connecting you to the appropriate Council staff.
- Habitat restoration and research is a separate action from this Cook Inlet Salmon FMP amendment. Yes, the federal government has funding available for habitat restoration projects.
- NMFS provided information about available grants through NOAA's Office of Restoration and offered to facilitate a meeting with this group. The NOAA website for [funding opportunities](#) has extensive information on them.

- We appreciate our discussion and your feedback. Thank you for your time today. NMFS will be putting together the draft summary of meeting notes, along with the appropriate links, and providing that to you for review and comments.

Meeting Adjourned: 3:11pm AKT

Appendix A: Acronyms

AKRO = Alaska Regional Office
ARA = Assistant Regional Administrator
CVTC = Chickaloon Village Traditional Council
EEZ = Exclusive Economic Zone
FHWA = Federal Highway Administration
FMP = Fishery Management Plan
GC AK = General Counsel Alaska Section
NMFS = National Marine Fisheries Service
NOAA = National Oceanic and Atmospheric Administration
NPFMC = North Pacific Fishery Management Council
PCSRF = Pacific Coast Salmon Recovery Fund
RA = Regional Administrator
SFD = Sustainable Fisheries Division

Appendix B: Dialogue Agreement



Our Agreements:

In Every Chair, a Leader

Speak to be Understood; Listen to Understand

Be Present; Be Engaged

Value Our Time Together

Safe Space for Meaningful Conversation

Challenges Solutions

Takest Thou Hats Off

Our Value of Humor Helps Us

We are Responsible for Our Experience

Take Care of Yourself; Take Care of Each Other

Questions?

Please see a host