



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

July 8, 2024

Chief Gary Harrison, Chairman
Chickaloon Village Traditional Council
PO Box 1105
Chickaloon, AK 99674

Dear Chief Harrison:

The National Marine Fisheries Service (NMFS) has received your request to begin government-to-government consultation to develop a tribal salmon fishery in the Cook Inlet Exclusive Economic Zone (EEZ) Area as part of the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska (Salmon FMP). We remain committed to working with Cook Inlet tribes and tribal organizations to explore options for a tribal salmon fishery in the Cook Inlet EEZ Area that would comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable Federal law.

We reviewed the Cook Inlet EEZ tribal salmon fishery proposal from your Tribe, as well as closely related proposals from other Cook Inlet tribes. We propose the following next steps.

Developing any Federal fishery management proposal is a complex and iterative process, and especially so for an entirely new fishery. Because of this, we propose that this consultation should consist of a series of meetings that include all interested Tribes. We understand that some Tribes have requested written-only consultations. We are happy to honor these requests, however, we feel that a series of meetings would allow for productive, flexible dialogue that would advance development of a Cook Inlet EEZ tribal salmon fishery proposal more quickly. Further, because we have received similar requests from seven Tribes, joint meetings would be the most efficient means of compiling input on separate tribal fishery proposals, reconciling any differences between the proposals, and ensuring all interested parties are heard.

If this is acceptable, for an initial consultation meeting, we propose a joint discussion of the tribal salmon fishery proposals. We would like the opportunity to ask clarifying questions, and provide input on NMFS's obligations under the MSA and other applicable Federal law for any fishery management regime.



An initial list of key topics and questions for discussion is enclosed with this letter; feedback on these topics and questions will help us to better understand the Tribes' requests and how a tribal salmon fishery could be developed and implemented consistent with the MSA and other applicable Federal law. Consulting Tribes are invited to suggest other topics that would help us better understand your desired elements and details for a tribal salmon fishery. We expect that several subsequent meetings would also be valuable to fully develop a tribal fishery proposal. Once NMFS and the Tribes have clarified the proposal and identified associated measures that would be needed to ensure it complies with the MSA, we can work with the Tribes to present the proposal to the North Pacific Fishery Management Council. Under the MSA, the Council is tasked with recommending amendments to the Salmon FMP to NMFS for approval and implementation. A tribal salmon fishery proposal would thus need to be considered by the Council, along with an analysis of environmental, social, and economic impacts, review by the Council's Scientific and Statistical Committee, and opportunities for public comment in compliance with applicable Federal law.

Please let us know how you would like to proceed. To facilitate coordination, we ask that you have a designated representative or point of contact reach out to Doug Duncan, Fisheries Management Specialist, at doug.duncan@noaa.gov or (907) 586-7425. We look forward to continued discussions with you.

Sincerely,



Jonathan M. Kurland
Regional Administrator

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1. Who would be eligible to participate in the TSF and how many people might participate?

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Bernadine Atchison, Tribal Council Chair
Kenaitze Indian Tribe
P.O. Box 988
Kenai, AK 99611

Dear Ms. Atchison:

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Alfred Tellman, President
Knik Tribe
PO Box 871565
Wasilla, AK 99687

Dear Mr. Tellman:

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Aaron Leggett, President
Native Village of Eklutna
26339 Eklutna Village Rd.
Chugiak, AK 99567

Dear Mr. Leggett:

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Ivan Z. Encelewski, Executive Director
Ninilchik Traditional Council
PO Box 39070
Ninilchik, AK 99639

Dear Mr. Encelewski:

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Eric Morrison, Executive Director
Salamatof Tribe
PO Box 1425
Kenai, AK 99611 12

Dear Mr. Morrison:

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Eligibility criteria may be necessary to define who can participate, similar to the halibut Community Harvest Permit and the Subsistence Halibut Registration Certificate (SHARC). If Tribes issue permits to participate in the tribal fishery, what are potential options for eligibility criteria and the permitting process?

2. What would be the role of each tribe in management of the TSF?

In addition to issuing permits to participate in the tribal fishery, what other tribal management or co-management elements are requested? Are the Tribes considering forming a Cook Inlet Inter-Tribal Fish Commission to coordinate management decisions between Tribes?

3. How would the TSF prevent overfishing?

No daily limits were requested, which would be consistent with the Cook Inlet EEZ commercial fishery. However, NMFS must be able to close any tribal fishery to prevent overfishing. Under the MSA and implementing regulations, NMFS must implement harvest limits to ensure overfishing does not occur each year. The Salmon FMP has a mechanism for specifying annual catch limits through annual harvest specifications. Tribal salmon fishery harvests in the Cook Inlet EEZ Area would be subject to the annual harvest specifications. If NMFS allocated a percentage of the Cook Inlet EEZ Area salmon harvest limits to a tribal salmon fishery, would the Tribes like to subdivide the harvest limit among eligible Tribes or would the Tribes collectively harvest the TSF allocation?

4. When would the TSF occur?

When would tribes like the fishery to occur and during what periods? Using the same fishing season and fishing days as the commercial fishery would be simplest to manage.

5. How would NMFS learn how many fish are caught each day the fishery is open?

NMFS must regularly receive information about the amount and species of salmon caught in the Cook Inlet EEZ Area by commercial, recreational, and tribal fisheries so we can manage the total harvest to avoid exceeding allowable catch limits. Could tribal landings be reported through our electronic reporting, called eLandings, like the commercial fishery?

6. What would happen to the fish once they are caught?

Requests included that salmon harvested in the tribal fishery could be provided to tribal members with reimbursement for associated costs. Under these proposals, do Tribes intend to commercially sell any salmon harvested in the tribal fishery?

7. What gear would be used in the TSF?

Requests included that any tribally permitted vessel could participate. What gear types would Tribes want to be authorized to use in the TSF? Currently, drift gillnet gear is authorized (up to 200 fathoms, 6 inch mesh, no deeper than 45 meshes) for commercial fishing and handline, rod and reel, or hook and line gear are authorized for recreational fishing in the Cook Inlet EEZ.



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

July 8, 2024

Crystal Collier, President/CEO
Seldovia Village Tribe
PO Drawer L
Seldovia, AK 99663

Dear Ms. Collier:

The National Marine Fisheries Service (NMFS) has received your request to begin government-to-government consultation to develop a tribal salmon fishery in the Cook Inlet Exclusive Economic Zone (EEZ) Area as part of the Fishery Management Plan for the Salmon Fisheries in the EEZ off Alaska (Salmon FMP). We remain committed to working with Cook Inlet tribes and tribal organizations to explore options for a tribal salmon fishery in the Cook Inlet EEZ Area that would comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA) and other applicable Federal law.

We reviewed the Cook Inlet EEZ tribal salmon fishery proposal from your Tribe, as well as closely related proposals from other Cook Inlet tribes. We propose the following next steps.

Developing any Federal fishery management proposal is a complex and iterative process, and especially so for an entirely new fishery. Because of this, we propose that this consultation should consist of a series of meetings that include all interested Tribes. We understand that some Tribes have requested written-only consultations. We are happy to honor these requests, however, we feel that a series of meetings would allow for productive, flexible dialogue that would advance development of a Cook Inlet EEZ tribal salmon fishery proposal more quickly. Further, because we have received similar requests from seven Tribes, joint meetings would be the most efficient means of compiling input on separate tribal fishery proposals, reconciling any differences between the proposals, and ensuring all interested parties are heard.

If this is acceptable, for an initial consultation meeting, we propose a joint discussion of the tribal salmon fishery proposals. We would like the opportunity to ask clarifying questions, and provide input on NMFS's obligations under the MSA and other applicable Federal law for any fishery management regime.



An initial list of key topics and questions for discussion is enclosed with this letter; feedback on these topics and questions will help us to better understand the Tribes' requests and how a tribal salmon fishery could be developed and implemented consistent with the MSA and other applicable Federal law. Consulting Tribes are invited to suggest other topics that would help us better understand your desired elements and details for a tribal salmon fishery. We expect that several subsequent meetings would also be valuable to fully develop a tribal fishery proposal. Once NMFS and the Tribes have clarified the proposal and identified associated measures that would be needed to ensure it complies with the MSA, we can work with the Tribes to present the proposal to the North Pacific Fishery Management Council. Under the MSA, the Council is tasked with recommending amendments to the Salmon FMP to NMFS for approval and implementation. A tribal salmon fishery proposal would thus need to be considered by the Council, along with an analysis of environmental, social, and economic impacts, review by the Council's Scientific and Statistical Committee, and opportunities for public comment in compliance with applicable Federal law.

Please let us know how you would like to proceed. To facilitate coordination, we ask that you have a designated representative or point of contact reach out to Doug Duncan, Fisheries Management Specialist, at doug.duncan@noaa.gov or (907) 586-7425. We look forward to continued discussions with you.

Sincerely,



Jonathan M. Kurland
Regional Administrator

Enclosure

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