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November 27, 2020

North Pacific Fishery Management Council
1007 West Third, Ste 400
Anchorage, AK 99501

RE: Support for Agenda Item C2, Alternative 4

Dear Chairman Keneen and Council Members:

Kenai River Sportfishing Association (KRSA) is a nonpartisan, nonprofit fishery-conservation organization that works to ensure the long-term health and sustainability of fishery resources in the Kenai River, Cook Inlet and elsewhere in Alaska, through advocacy of sport and personal use fisheries and the promotion of science-based fishery management and conservation.

The challenges presented by Agenda Item C2 are complex, with many affected user groups and values. KRSA's preference is for salmon management in Alaska to be developed by the Alaska Board of Fisheries and implemented by the Alaska Department of Fish and Game.

KRSA has long strongly supported and participated in the State of Alaska board of Fisheries process. We believe this is the ideal forum for developing management strategies for Cook Inlet, and throughout Alaska. To wit, Amendment 12 to the 2012 Salmon Fishery Management Plan clearly recognized the State's superior ability to respond to in-season data by quickly and continually adjusting run-specific harvest measures.

Unfortunately, the 9th Circuit Court of Appeals (The Court) decision regarding Amendment 12 does not allow for state management without federal control in the waters of the Exclusive Economic Zone as currently recognized. The Court's decision, right or wrong, recognized that the waters under consideration in this matter required a Fishery Management Plan (FMP). As The Court noted, "the federal government cannot delegate management of the fishery to a State without a plan, because a Council is required to develop FMPs for fisheries within its jurisdiction requiring management and then to manage those fisheries "through" those plans." It is in the development of these plans and the federal government's inability to respond swiftly to in-season return and harvest data where KRSA's support of Alternative 4 rests.

As is KRSA's custom, we have examined the alternatives primarily with an eye towards sustainability, and then with support of in-season implementation and an efficient process. Accordingly, after careful consideration of the alternatives, KRSA has concluded that Alternative 4 best meets these criteria.



KRSA's consideration included the recent historic range of abundance and likely near-future ranges of abundance with particular focus on Kenai and Kasilof returns. There is a demonstrated inaccuracy in forecast methodologies – hence the importance of a swift and adaptive in-season management. Under a co-management scenario between the state and federal governments these inaccurate forecasts would be the basis for management decisions, making it impractical if not impossible for the NPFMC to generate sustainable and implementable plans. Further, the extremely limited time frame for coordination between the Alaska Department of Fish and Game and the NPFMC would not allow for efficient or effective hand-offs between management agencies.

KRSA does not agree with the overall intent of the lawsuits which have brought us to this point. A proposed amendment to the Magnuson-Stevens Fishery Conservation and Management Act offered in 1982 would have allowed the Secretary of Commerce to cede management of a domestic fishery to an adjacent state, and would have addressed this matter, but the proposal wasn't enacted. Amendment 12 recognized the state's superior ability to manage Cook Inlet but this was brought to court. The most efficient way to address the concerns of the plaintiffs, then, is to manage the Western Area of the EEZ consistently under the existing Salmon FMP, which is what Alternative 4 does.

KRSA's support for Alternative 4 is presented without animus for other user groups in Cook Inlet but is filtered through a lay-reading of The Court's opinion and the lenses of sustainability, implementation, and efficiency.

Sincerely,

Benjamin Mohr

Executive Director
Kenai River Sportfishing Association