

ALASKA BOARD OF FISHERIES
Regulation Proposal Form 2023-2024
Proposals must be received Tuesday, April 11, 2023
PO BOX 115526, JUNEAU, ALASKA 99811-5526 or FAX (907) 465-6094 or online at:
<https://arcg.is/1LDOCO0>

BOARD OF FISHERIES REGULATIONS

☐ Subsistence ☐ Personal Use ☒ Sport ☐ Commercial

***Which meeting would you like to submit your proposal to?**

☒ Southeast and Yakutat Finfish and Shellfish ☐ Prince William Sound Finfish and Shellfish
☐ All Other Shellfish Statewide

Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.

1. Alaska Administrative Code Number: 5 AAC _47.055_____

***2. What is the issue you would like the board to address and why?**

This Proposal Restores the Original 2022 Stakeholder Agreement between Territorial Sportsmen Inc (TSI), Alaska Trollers Association (ATA), and Southeast Alaska Guides Organization (SEAGO), eliminates the Sunset Clause, and aligns with new requirements of the Pacific Salmon Treaty (PST).

5 AAC 47.055 (the SEAK King Salmon Sport Fishery Management Plan) was significantly altered by RC 063 which was passed at the Lower Cook Inlet BOF Meeting in Homer (11/30/23). **It removed limits on the SEAK Chinook non-resident annual sport harvest. It eliminated in-season management of the fishery. RC 063 also rewrote the difficultly negotiated and unanimously passed stakeholder Agreement (RC 178) adopted at the March 2022 Anchorage BOF meeting.**

RC 063 was submitted by BOF Member Carlson-Van Dort. It updated the SEAK management plan to align with recent PST modifications which changed the method Chinook availability was predicted from a CPUE (Catch Per Unit Effort) model to the Treaty's AI (Abundance Index) model. **Although correctly taking into account this PST modification language in RC 063 also caused significant problems.**

a) RC 063 creates a conservation issue by allowing non-resident sport anglers to fish with no in-season management. This is the consequence of eliminating the words "sport fishery" from the phrase "sport fishery harvest ceiling" in 5 AAC 47.055(b)(2). This elimination allows non-resident sport fishing to occur uninterrupted throughout a season, even if the sport fishery exceeds the 20% sport allocation set forth in 5 AAC 29.060(b)(1)-(5). Without in-season management it is possible for overages in the unlimited and growing non-resident sport sector to cause total harvest to exceed the entire SEAK Chinook allocation.

For example by late July of 2023 monitoring, although inadequate, informed the Department that the non-resident sport harvest would exceed allocation by at least 15,000 Chinook. Ir-regardless the Department took no action to slow or close the non-resident harvest. Instead, in an August 4th Press Release, the Department deducted the non-resident sport overage from the commercial troll allocation. Monitoring without corresponding action is not management.

b) In-season management is the cornerstone of Alaska's well-respected historic management practice. Its elimination is not only contrary to Alaska's Policy for the management of sustainable Salmon fisheries (5AAC 39.222), but RC 063 also ignores directives **laid out in the PST, which encourages parties to use "in-season indicators" (PST Chapter 3, paragraph 7(b), page 61.**

In 2022 it was SEAGO that requested that 'The Agreement (RC 178)' **eliminate the language; "PROVIDE STABILITY TO THE SPORTS FISHERY BY ELIMINATING INSEASON REGULATORY CHANGES, EXCEPT THOSE NECESSARY FOR CONSERVATION PURPOSES"** from 5AAC 47.055 (b) (5). The intent here was to return to in-season management which is a cornerstone of Alaska's sustainable fisheries policy.

c) Besides eliminating all practical ADF&G in-season management of non-resident sport Chinook harvest in SEAK **RC 063 is out of compliance with the PST.** In 2023 non-resident sport went 17,000 kings over their harvest ceiling. The harvest of these 17,000 Chinook was moved from late Summer to the Spring. The process of moving Chinook harvest from one time of year to another targets different runs and is called 'Shaping'. **Shaping is not allowed under the PST.**

d) At 3 kings/fisher the non-resident Annual Chinook sport bag limit is too liberal for May and June. May and June are when mature Alaskan Stocks of Concern (SOC) are running.

Except in very limited hatchery access areas only outside sport harvesters are fishing Chinook at this time. In 2023 non-resident sport anglers significantly exceeded their allocation. The new language encourages non-resident sport anglers to target Alaska stocks at the entrances of SOC corridors when and where the historic commercial fishery no longer has access. The majority of Alaska resident sport fishermen live on inside waters that are closed to Chinook retention in Spring. The spring sport harvest dominated by guided non-resident visitors negatively impacts SEAK residents.

e) With high availability of Treaty Chinook, no in-season management, and an artificially low SEAK king quota, non-resident sport anglers can go well over their allocation as they did in 2023.

After predictable non-resident overages, to keep Alaska within the Treaty allocation, the 2023 commercial troll harvest was reduced by over 10%. 85% of troll fishers are Alaskan residents (CFEC) while 75% of SEAK sport harvest is by non-residents (ADF&G Special Publication No. 21-10, pg 23). RC 063 effectively transferred an important Alaska resource away from Alaska residents to non-resident sport fishers. **This is a violation of the Alaska Constitution's resident preference (Article 8, Section 2).**

***3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)**

The solution is to adopt the below language which covers both the signed agreement and takes into account that the CPUE is no longer used as quota predictor.

5 AAC 47.055 is amended to read:

5 AAC 47.055. Southeast Alaska King Salmon Management Plan.

a) The commissioner shall establish, by emergency order, the king salmon sport fish bag and

possession limits and all other necessary management measures based on the allocation to the sport fishery as determined by 5 AAC 29.060. The bag and possession limits and other management measures established by the commissioner will remain in effect until March 31 of the following year.

b) The objectives of the management plan under this section are to

- (1) manage the sport fishery to attain an average harvest of 20 percent of the annual harvest ceiling specified by the Pacific Salmon Commission, after the subtraction of the commercial net allocation specified in 5 AAC 29.060 from the harvest ceiling;
- (2) allow uninterrupted sport fishing in salt waters for king salmon, while not exceeding the sport fishery harvest ceiling;
- (3) minimize regulatory restrictions on resident anglers; and
- (4) allow for the transfer of any projected unused balance in sport allocation to the troll fishery at a date determined by the department.

(c) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is greater than 69,014 the sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation. The commissioner may, by emergency order, implement the following management measures:

- (1) a resident bag limit of three king salmon, 28 inches or greater in length;
- (2) a nonresident bag limit of one king salmon, 28 inches or greater in length;
- (3) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;
- (4) from July 1 through July 15, a nonresident annual harvest limit of two king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through June 30 will apply towards the two fish annual harvest limit;
- (5) from July 16 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through July 15 will apply towards the one fish annual harvest limit;
- (6) from October 1 through March 31, a sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(d) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 55,421 and 69,014 fish the sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation. The commissioner may, by emergency order, implement the following management measures:

- (1) a resident bag limit of three king salmon, 28 inches or greater in length;
- (2) a nonresident bag limit of one king salmon, 28 inches or greater in length;
- (3) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;
- (4) from July 1 through July 15, a nonresident annual harvest limit of two king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through June 30 will apply towards the two fish annual harvest limit;
- (5) from July 16 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through July 15 will apply towards the one fish annual harvest limit;
- (6) from October 1 through March 31, a sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(e) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 42,685 and 55,420 fish the **sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation.** The commissioner may, by emergency order, implement the following management measures:

- (1) a resident bag limit of two king salmon, 28 inches or greater in length;
- (2) a nonresident bag limit of one king salmon, 28 inches or greater in length;
- (3) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;
- (4) from July 1 through July 15, a nonresident annual harvest limit of two king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through June 30 will apply towards the two fish annual harvest limit;
- (5) from July 16 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through July 15 will apply towards the one fish annual harvest limit;
- (6) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(f) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 34,303 and 42,684 fish the **sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation.** The commissioner may, by emergency order, implement the following management measures:

- (1) a resident bag limit of two king salmon, 28 inches or greater in length;

- (2) a nonresident bag limit of one king salmon, 28 inches or greater in length;
- (3) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;
- (4) from July 1 through July 15, a nonresident annual harvest limit of two king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through June 30 will apply towards the two fish annual harvest limit;
- (5) from July 16 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through July 15 will apply towards the one fish annual harvest limit;
- (6) from October 1 through March 31, a resident sport fish angler may use two rods when fishing for king salmon; a person using two rods under this paragraph may only retain salmon.

(g) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 22,328 and 34,302 fish the **sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation.** The commissioner may, by emergency order, implement the following management measures:

- (1) a bag limit of one king salmon, 28 inches or greater in length;
- (2) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;
- (3) from July 1 through July 7, a nonresident annual harvest limit of two king salmon, 28 inches or greater in length; any king salmon harvested by the nonresident from January 1 through June 30 will apply toward the two fish annual harvest limit;
- (4) from July 8 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through December 31 will apply towards the one fish annual harvest limit;
- (5) a resident bag limit of two king salmon, 28 inches or greater in length, will be established in areas where Member Carlson-Van DortRC063 conservation management measures have prohibited king salmon retention or closed fishing for king salmon for all anglers once they reopen.

(h) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is between 19,381 and 22,327 fish the **sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation.** The commissioner may, by emergency order, implement the following management measures:

- (1) a bag limit of one king salmon, 28 inches or greater in length;

(2) from January 1 through June 30, a nonresident annual harvest limit of three king salmon, 28 inches or greater in length;

(3) from July 1 through December 31, a nonresident annual harvest limit of one king salmon, 28 inches or greater in length; any king salmon harvested by a nonresident from January 1 through June 30 will apply towards the one fish annual harvest limit;

(4) a resident bag limit of two king salmon, 28 inches or greater in length, will be established in areas where conservation management measures have prohibited king salmon retention or closed fishing for king salmon for all anglers once they reopen.

(i) When the allocation of treaty king salmon to the sport fishery, as determined by 5 AAC 29.060, is less than 19,381 fish the **sport fishery harvest limit will be 20% of the year's treaty king salmon allocation remaining after subtraction of the net allocation.** The commissioner may, by emergency order, implement the provisions specified in (g) and (h) of this section.

(j) The commissioner may adopt regulations that establish reporting requirements necessary to obtain the information required to implement the management plan under this section.

(k) The commissioner may, by emergency order, establish that the nonresident harvest and annual limits for king salmon under this section do not apply in a hatchery terminal harvest area.

(l) A harvest record under 5 AAC 75.006 is required for nonresidents.

(m) The department shall manage the resident sport fishery so that there are no closures for residents, unless the commissioner determines that additional harvest reduction to the resident bag limits is necessary to comply with the Pacific Salmon Treaty.

[(n) THE PROVISIONS OF THIS SECTION DO NOT APPLY AFTER JULY 31, 2025.]

4. Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.

Yes with TSI as they were one of the other signers of the March 20 2022 agreement between TSI ATA and SEAGO, also known as RC 178

***Submitted By:** Alaska Trollers Association

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