

## Discussion Points on ACR 11 and ACR 13

### ARC 13

Why ACR 13 needs to be supported to add the phrase “sport fishery” back into 5 AAC 47.055 (b)(2).

#### Fishery conservation

- Eliminating the phrase “*sport fishery*” from “*sport fishery harvest ceiling*” allows for uninterrupted out of state sports fishing which, in turn, eliminates inseason management.
- In season management is a corner stone of Alaska fish management. Eliminating the phrase “*sport fishing*” contradicts Alaska fishery policy 5AAC 39.222 and ignores the PST. Elimination of this phrase also contradicts 5AAC 29.060 (b) (5) which directs a harvest ceiling for all treaty gear groups including sports.
- PST agreement directs the US to use in-season indicators to manage all fisheries.
- **All parties that signed RC 178 agreed to eliminate the phrase “PROVIDE STABILITY TO THE SPORTS FISHERY BY ELIMINATING REGULATORY CHANGES, EXCEPT THOSE FOR CONSERVATION PURPOSES”** from 5aac 47.055 (b)(5). The intent was to appropriate in-season management.
- SEAGO and the department agreed to in-season management which was also discussed in BOF by using electronic monitoring.

#### Correct an Error

- This critical language omission if unintentional needs correcting. If it’s intentional then it’s unlawful as it by-passed all board process.
- Allowing out-of-state residents to exceed their allocation has serious consequences.
  - i. 75% of all SEAK sport harvest is by non Alaskans. 85% of Commercial Trollers are Alaska residents. Therefore non Residents have priority access over Alaska residents for king salmon.
  - ii. The error contradicts 5AAC 29.060 which states that sports have a harvest ceiling of 20%
  - iii. The error contradicts 5AAC 47.055 (c)(d)(e)(f)(g) and(h) of the SEAK Sports King Salmon Management Plan. The plan clearly lays out harvest limits introduced by SEAGO and TSI and accepted by BOF in January 2019.
  - iv. This new introduced language in 2019 was important because the new treaty (2018) requires a hard cap with no payback. This makes it impossible to manage with an average.

### **Correct an unforeseen effect**

- An unforeseen effect occurred due to a significant modification in the Treaty (Feb 2023) which was after the agreement was signed at the March 2022 Anchorage meeting. The agreement needs to be updated to account for the new 17 tier system as opposed to the former 7 tiers.
- The 17 tiers need to be calculated for harvest limits of 20% for each tier as stated in 5AAC 29.060 (b) (5) “The annual harvest (as laid out in the table found in ADFG comments for ACR 12) of the annual harvest ceiling for each fishery is as follows: (5) sport fishery; *“20 percent, after the net allocations...are deducted from the annual harvest ceiling”*
- The new Treaty formula predicting the quota for the 17 tiers is still in an early stage in predicting and is not necessary accurate.
- In 2023 the actual CPUE was high for both Sports and Troll. More fish were around than predicted. Quota was caught too fast because bag limits were too liberal for Commercial Sports to be open all season. Especially as there are no limits for participation.
- The error ignores harvest limits for Non-resident Commercial sports. This sector went 20,000 over their harvest limit of 37,200 (53.76%). In effect a reallocation to non-residence.

### **Responses to Staff comments for ACR 13**

- It is questionable if the language was changed immediately (as claimed by ADFG) after the meeting. Due to a confusing email from SEAGO, ATA was in communication with ADFG for 2 months after BOF pointing out that the agreement RC178 included the phrase “sports fishery harvest limit’. At no time was ATA informed by ADF&G that these words had been removed.
- Removing these 2 important words (sport fishery) changed the whole intent of the agreement and was not inline with the BOF archived record of RC 178. changing this critical language after the Board meeting may be illegal. Leaving in “sport fishery harvest ceiling” was not an oversight! The phrase is the heart of RC 178. Sport Fishery Harvest limit/ceiling is referred to throughout the Management Plan. Verbal record to the contrary by ADFG staff has no weight without public comment and approval by the BOF. The only BOF approved position on this matter was RC 178.
- Without these 2 critical words there is confusion and contradictions throughout 5AAC 47.055 and 5AAC 29.060
- Contrary to ADFG statements claiming inseason changes are not made to keep sport fisheries within allocation until 2022 sports fishing had always been manged inseason.

- i. Due to the expanding Commercial sports industry and the shrinking quota in 2017 and 2019 non residents were closed part of the season.
  - ii. In 2008 Non residence were limited in-season to 48 inches or bigger for most of the summer. In effect very few Kings were retained during this semi-closure period.
  - iii. In 2020 (Covid year) annual limits for non residents were increased from 3 fish at the beginning of the year with 5 increases ending at 9 fish per non resident starting on Jul 29.  
*Mother nature and Fishing is unpredictable that's why it is called fishing, not catching.*
- In the 2022 negotiations Averaging was discussed but no definition was agreed upon so at the request of SEAGO the concept of averaging was dropped.
  - To manage to an average definitions are needed, a management plan is needed as well when averages are not achieved (under or over). Managing to an average was not the intent of the agreement.
  - Nowhere in the agreement other than (b)(1) which was introduced in year 2000 is there support or mention of managing non resident sports to an average. Bag limits verses harvest depends on the amount of anglers fishing which are not limited and appear to be growing.

## ARC 11

### Problems with ARC 11. It's purpose is unclear.

- ATA agrees that 5AAC 47.055 no longer aligns with the PST (7 tiers is now 17 tiers)
- ATA agrees that modifications (new 17 tier model imposed from treaty) occurred after the old management plan (based on 7 tiers) was amended in March 2022.
- ATA is confused about the phrase "...implement sports fish management actions based on the Alaska all-gear catch limit..."
  - i. ATA does not accept that sports have carte blanche access to all of the SE Alaska king quota.
  - ii. ATA agrees that non residents must be managed to their 20 % harvest ceiling as prescribed in 5AAC 29.060.

### Responses to Staff comments on ACR 11

- ATA agrees that the SEAK king salmon mangament plan for sports under **5AAC 47.055** (Sport Fish King Salmon Management Plan) directs the department to establish bag, possession, and annual limits and **other management** measures for the king salmon sports fishery.
  - But contrary to ADFG sport division claims, the Sport Fish Management Plan also **lays out fixed harvest limit for the sport harvest of Chinook of 20% for each tier** which is specifically defined. The Management Plan states that the Commissioner **may** by emergency order implement bag and annual limits. This allows flexibility for in-season management.
- **5AAC 29.060** also refers to the sport fishery harvest ceiling under (b) "*...The annual harvest allocation of the annual harvest ceiling for each fishery is as follows:*"
  - (b)(5) "*sport fishery: 20 percent, after the net fishery allocations in (1)-(3) of this subsection are subtracted from the harvest ceiling.*"
- ATA agrees that the current language of the Sport Management Plan referring to the now outdated "winter troll CPUE" and "King Salmon abundance index" needs to be updated to reflect the new PSC mandated 17 tier quota.

### ATA does not agree with all the "fundamentals" outlined in staff comments.

- The actual history is contrary to ADFG's incorrect claim that in the sport fishery "*inseason changes are not made*". Inseason changes were made in 2008, 2017, 2018, 2020 to the sport fishery. Prior to 2023 non-residents have always been managed in-season. A no in-season management regime in 2023 violated Alaska policy, law, the PST and the RC178 agreement. All four require in-season management
- **In 2023 Non resident sports harvested over 30% of the Troll/sport allocation** instead of the 20% specified in 5AAC 47.055 and 5AAC 29.060. This over harvest came out of the troll quota. **To get back to an 80/20 average sport will need something like a 1% reduction in their 20% for the next 10 years or 10% next year.**

- Hoping sport harvest will average out over years is wishful thinking. With no limits to Charter growth and smaller quotas in the future successful averaging is not likely.
- Due to a dysfunctional treaty unfavorable to Alaska, sports underages may not always be caught by trollers. In 2022 the former treaty model significantly over predicted abundance and neither sports or troll caught their allocation. Because underages cannot be transferred to the following year they are lost.
- Although SEAGO's President and Vice-president both had a seat at the treaty table as members of the Northern Panel they agreed to the hard cap and pay back clause which makes averaging impossible today. Now SEAGO insists that they alone shouldn't be held to the Treaty constraints SEAGO helped designed.
- How ADFG and sport harvesters decide to catch sport kings is up to them. Keep in mind that year to year it is not known how many clients Charters will have. We assume more effort requires smaller bag limits particularly on small quotas. Trollers also have commitments to "clients" (customers) and need to know in advance how many fish they will have for the year.
- At the last BOF meeting ATA stated that they just want their 80% every year. Not more. Not less. We encourage other gear groups to manage to their harvest limits as we do. For the sake of optimizing the SEAK all gear Treaty allocation Trollers are willing to help other SEAK gear groups catch their quota but not at the expense of future Troll allocation.
- ATA is not comfortable in being responsible for overages Trollers did not cause. Unfortunately, without discussion, that was foisted on them. This was not part of the agreement.
- ATA agrees that RC 178 (the agreement) sunsets in March 2025, not before. Thus harvest caps are still in place for non-resident sports fish for at least another year. With the Treaty's imposed hard caps and the pay-back clause **harvest limits must remain until the treaty cap is removed.**

Submitted by **Matthew Donohoe**  
**Alaska trollers Association**