

Proposal 82 KSMP Meeting 03-20-22 .mp3

*Black texted is transcribed from audio through AI

**Red text has been polished verbatim to audio

Link to ADF&G Audio Record.

<https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2021-2022/se/index.html?mediaBasePath=/Meeting%2003-20-22%20%28Mar-20-22%205-06-23%20PM%29#>

1:10:20 Madam Chair Märit Carlson Van Dort: Proposal number 82.

1:10:27 Patrick Fowler ADF&G: Madam chair. Proposal 82 5AC 47.055 Southeast Alaska King Salmon Management Plan. This proposal would continue the work the board began in 2019 to align the King Salmon Management Plan with provisions of the Pacific Salmon Treaty and provide direction to the Department regarding the use of in-season management, providing a priority to resident anglers, and management measures when wild stock conservation measures are no longer required. Previously, the sport fishery has been directed to manage for an average allocation across years, often under harvesting the sport allocation during high abundance years and exceeding the sport allocation in low abundance years. Since 2019, the sport fishery has been managed in season, given the payback provision of the Pacific Salmon Treaty. The department is neutral on the allocative aspects of this proposal, and the department supports modification of the management plan, which will bring the management of the sport fishery into alignment with the updated framework of the Southeast Alaska all gear catch limit and resulting sport allocation resulting from the changes adopted from the Pacific Salmon Treaty that was renewed in 2019. Modifying the objective of the Southeast Alaska King Salmon Management Plan to manage the sport fishery for an in-season harvest limit, as opposed to an average allocation, will likely require the use of in-season changes to bag possession and annual limits, as well as the use of non-retention periods. Madam chair.

1:11:48 Madam Chair Märit Carlson Van Dort:

Thank you. I'd like to make a motion to substitute language found in RC 178 for proposal 82.

Unknown:

Second, I ask unanimous consent.

1:11:59 Madam Chair Märit Carlson Van Dort:

Hearing. No objection. We have the language in RC 178 before us. Ms. McKenzie, would you like to speak to RC 178?

1:12:09 Mckenzie Mitchell:

Absolutely. Thank you, Madam Chair. This was a cooperative effort between the Alaska Trollers Association, Southeast Alaska Guides Organization, and Territorial Sportsmen Incorporated, to, I guess, develop a King salmon management plan that allows for a resident priority, as well as an 80/20 allocation managed at an average between the troll and sport fishery.

1:12:37 Madam Chair Märit Carlson Van Dort:

With the staff like to walk us through staff comments on, on RC 178, please.

1:12:43 Patrick Fowler ADF&G:

Absolutely. Madam chair, and I believe I admitted my name at the beginning of this. Patrick Fowler, Petersburg Wrangell Area Management Division for the Petersburg Wrangell area management, biologist for the Division of Sport Fish. RC 178 would accomplish a number of changes, both in Chapter 29.060 and the chapter addressing Sportfish management of the King Salmon. Management plan in chapter 47.055.

So to summarize, the allocation has not been changed, but under the current regulations of 80% troll and 20% sport, after the commercial net fisheries have deducted off of the top the addition that you see on the page one of RC 178 in paragraph six. If the projected annual Southeast Alaska all gear harvest is below the annual harvest ceiling, any remaining allocation from those gear groups listed in one through five of this subsection may be allocated to the troll fishery, beginning at a season date determined by the Department and established by emergency order. So essentially, Madam Chair, any remaining allocation, would, could be allocated to the troll fishery.

It's moving on to chapter 47.055, which directs the management of the sport fishery.

Within this plan, we've seen a number of changes to management provisions for both resident and nonresident anglers. To summarize in each of the management tiers. Again, allocation stayed the same. To go tier by tier in tier seven, which is also paragraph C in the King Salmon Management Plan. The resident bag and possession limit is maintained at three fish. The non-resident limits they have in prior plans. The bag limit was two fish in May and one any other time of the year. This has been changed, reducing opportunity to just be one all year round. And then the annual limit goes on a sliding scale where it begins at three from January 1st to June 30th, and then goes down to two beginning July 1st through July 15th, and finally 1 through July 16th through December 31st.

So this is a reduction in the non resident annual limit which in the prior version of the plan was five.

Interior D, which is also aligned with Pacific Salmon Treaty Tier six. The resident bag limit stays the same at three. The essentially the same plan for the non resonant fisheries implemented, where the bag and possession limit is one, but the annual limit decreases over time with that three fish annual limit January 1st through June 30th two fish from July 1st through July 15th, and finally one fish from July 16th through December 31st.

In tier E, which is also tier five. The resident bag limit stays the same at two fish. And again, that same sliding scale repeats for non residents where the non resident bag limit is one fish. The annual limit is three fish. January 1st through June 30th three fish, July 1st through July 15th two fish. Finally one fish July 16th through December 31st. In tier F, which is also tier four the resident bag limit has been increased from the existing one fish bag and possession limit that's gone up to two fish. Nonresidents the bag limit has maintained at one. And then again we see the reducing annual limit for non residents. And I would point out that the change in tier F for non resident annual limits in the existing King salmon management plan it looks is very close. But rather than going two fish annual limit from July 1st to July 7th that's one week longer. So under this new version of the plan it would be July 1st to July 15th.

Moving down to tier G. The resident bag limits maintained at one. Non resident bag limit is maintained at one. And again we see this sliding scale of non resident annual limits which is January 1st through June 30th. The non resident annual limit is three. Then from July 1st through July 7th the non resident annual limit is two July 8th through the end of the year December 31st. The non resident annual limit is one.

And moving down to tier H, which is tier two. The resident limits maintained at one. The non resident bag limit is maintained at one annual limit from June 1st through June 30th is three. But that is reduced as of July 1st. The non resident annual limit goes to one. And that not that one fish annual limit carries from July 1st through the end of the year, December 31st.

So in addition to those changes. RC 178 also includes on the very last page two provisions. The first being paragraph L, the department shall manage the residence sportfishery so that there are no closures for residents unless determined by the Commissioner. That additional harvest reduction to the resident bag limits is necessary to comply with the Pacific Salmon Treaty. So the intent here is the Department would never close the resident fishery for an allocated purpose.

Finally, subsection M is the provisions of this section will not apply after March 31st, 2025, with the intent that these provisions would carry us through the next board cycle. Madam chair, but would sunset at that time.

Let me check my notes to make sure I've touched all the important points there.

1:19:11 Patrick Fowler ADF&G So, one other point I want to make, bring to the board's attention, just to clarify. So this would manage the sport fishery with, with no in-season management. So these bag and possession limits that I've announced would be maintained throughout the season, even if the department projects that the allocation of the sport fishery would be exceeded, or if there would be remaining allocation on the table that would be transferred to the troll fishery

Mr. Commissioner.

1:19:43 Commissioner Doug Vincent-Lang:

So getting to that last point, it's my understanding, correct me if I'm wrong, that the bag and possession limits that you came up with for the sport fishery are largely designed around a 20/80 split. So, to keep it within the 20% allocation for the sport fishery. That was your best estimate as the manager, that that's what it would take. Now we could go over and under and there's, there's ways to deal with that, but that was designed to, to keep it at 20% is my understanding.

1:21:23 Patrick Fowler ADF&G

Yes, sir. Mr. Commissioner. So, the one major change is that the individual tiers we expect to exceed allocation in the lower tiers and fall short of allocation in the upper tiers. And you are correct that over time, the department projects, if history were to repeat itself, that this would result in roughly 80/20 allocation. So, so any given year the sport fishery could exceed its allocation or fall under the allocation. But over time, yes, the intent is to stay with that 80/20. And that's what these management provisions are. The department agrees with the concept that this will maintain that roughly 80/20 allocation.

1:20:58 Commissioner Doug Vincent-Lang:

And then for, for management purposes under my EO authority I'm not to take action to correct an overage or an underage in the sport fishery, as you said, but that that would be paid back at, through the amount of time I EO open, EO open for the troll fishery to stay underneath the annual allocation by the, the treaty allocation.

1:21:23 Patrick Fowler ADF&G

That is correct. I think the intent of this collaboration between the, the user groups here is that the troll fishery would act as the buffer that if the sport fishery was to overharvest its allocation that the

troll fishery, the late summer troll fishery, would be reduced to absorb that, so the Alaska all gear catch limit would not be exceeded.

1:21:50 Commissioner Doug Vincent-Lang:

And then finally, I think it's the intent, the way I read this is that if there are fish left on the table through all the different user groups that I have the ability to emergency order, open up the troll fishery during the months of August and September to soak up some of that if I so wish.

Patrick Fowler ADF&G

Yes sir. That is Correct.

Commissioner Doug Vincent-Lang:

And that's, that's the desire to any of those additional fish that would be left over would go to the troll industry.

Patrick Fowler ADF&G

Correct.

Commissioner Doug Vincent-Lang:

Thank you.

1:22:17 Madam Chair Märit Carlson Van Dort

One, one question I have along those lines is that that section, when I had it L just for clarity that the that that resident sport priority is maintained across all tiers irrespective of that that is the closure that will happen last and that will only happen for grave conservation concerns, treaty requirements or subsistence issues. Is that is that correct?

Patrick Fowler ADF&G

That is correct, Madam Chair.

Board discussion.

1:22:49 Israel Payton

looks good.

1:22:57 John wood.

I just want to thank Member Mitchell for moving this through as she did. But I'm going to assume that those three signatures on there means they agree to everything that's in this. And if not, throw a tomato or something to get my attention right now.

Other board discussion.

1:23:21 Gerad Godfrey.

I specifically just want to thank the stakeholders for taking the time last night and into today and putting in good faith effort to come to a reasonable compromise. I know this was very complicated, very difficult to navigate, especially for me not participating in the fishery in any capacity. So I really appreciate the effort and the stick to Itiveness to get there.

I know it's a difficult lift and I really appreciate the time and contribution everybody did in good faith. It makes our life a lot easier. I was happy to sit here in silence, rather than deliberating a bunch of proposals that a lot of people weren't going to like the votes on, most likely. Thank you.

1:24:11 Mr. Israel Payton.

Thank you. Since this is, you know, has some allocative aspects in it, I'll go over some allocated for criteria. I believe this is consistent in one the history of each personal use sport, guided sport, commercial fishery. It applies there and maintains some consistent history to the number of residents and nonresidents who have participated in each fishery in the past, and the number of residents and nonresidents who can be reasonably be expected to participate in the fishery in the future. I think the consistent bag limits kind of addressed that. Number three, the importance of each fishery for providing residents the opportunity to obtain fish for personal and family consumption. You know, the resident kind of priority language in there speaks directly to three. Number five, the importance of each fishery to the economy of the state. We heard in the committee the whole work how important each fishery, commercial and sport bring different economic value and drivers to different communities. **But overall, they are both equally important to the state and the community.** Number six the importance of each fishery to the economy and region and local area which the fishery is located, that ties into that and the importance of each fishery in providing recreational opportunities and residents and nonresidents. So I believe all those are incorporated into this proposal, and I'll be in support of this proposal.

Thank you. Additional board discussion. Mr. Commissioner.

1:25:43 Commissioner Doug Vincent-Lang

Yeah, I'd just like to invite Danny to the table and Everson, just to get her opinion as to whether this is in compliance with the salmon treaty. So to get it on the record.

Thank you. Go ahead Danny.

1:25:55 Dani Evenson Alaska Treaty Coordinator

Thank you, Commissioner. And thank you, Madam Chair. For the record, Danny Evanson, Alaska Treaty Coordinator. I spoke to five general obligations that Alaska has over the under the Pacific Salmon Treaty. Four of them are applicable here in the first is to manage to meet six Southeast Alaska and tbr trans boundary river escapement goals. The department believes they have the flexibility to do so and the authority to do so. The second is to manage to not exceed our preseason catch limit to the best of our ability. This RC also contains the flexibility to do so. We believe that's consistent with the Pacific Salmon Treaty. The third one is to not exceed an incidental mortality limit of 59,400. We believe that the changes are going to be more or less negligible for incidental mortality. On the low end, we'll see a slight increase on the upper end of the tiers. We'll see a slight decrease. Neither of those give us cause for concern that we would exceed the incidental mortality limit, and we'll be keeping a close eye on it. The fourth provision is. Contains a commitment to discuss any significant management changes that will affect. A fishing regime's stock composition or age composition, or incidental mortality. We believe that the bulk of this, the 80/20 split, is consistent with what we already have now and doesn't require any further discussion within the Commission. However, that transfer of the troll allocation in August and September does require an extra treaty step for the Commissioner to notify the US section of the Pacific Salmon Commission and potentially Canada, as well of any changes that will be making there, and that will bring us in line with the treaty. So no concerns. Thank you.

1:28:20 Madam Märít Carlson Van Dort

Thanks, Danny. Questions? I will just actually also address the sustainable salmon fisheries policy. I think that's important in this respect. And how the following factors been considered in formulating the management plan environmental change or habitat loss or degradation? I believe so because it still maintains the conservation approach with respect to managing these escapement goals and stocks of concern. Does it address data uncertainty? I believe so. Limited funding for research and

management. I think that in this instance, there's more funding and for data and research than, you know, especially under the auspices of the treaty requirements than in other fisheries that I've seen. Existing harvest patterns have definitely been taken into consideration. New fisheries and expanding fisheries has also been taken into consideration with respect to the non resident sport guided sport sector. Our escapements within ranges necessary to conserve and sustain potential salmon production ecosystem functioning. Yes. Have effective management systems been established and applied to regulate human activities that affect salmon? Yes. In the face of uncertainty. Our stocks, fisheries, artificial propagation and essential habitats managed conservatively. And I believe so. And I think that this this proposal or this language takes a precautionary approach as required under the under the policy, are the principles and criteria for sustainable salmon fisheries using the best information being applied? Yes. Is the management plan based on the principles and criteria contained in the Sustainable Salmon policy? Yes. Do any new fisheries or expanding fisheries stock yield concerns, stock management concerns or stock conservation concerns exist? Yes. But I think that this again, going back to a conservative approach, and we're not making any changes to the conservative management practices that the board, I'm sorry that the department employs with respect to those, has the board collaborated with the department in the development of an action plan for any new or expanding fisheries or stocks of concern? Yes. And lastly, our needed actions to regulate human activities that affect salmon and salmon's habitat outside the authority of the board or the department. And the answer to that, I think, is yes, given the provisions of the treaty. And that's, you know, that that's driving a lot of the changes that were required. That's reflected in the language. So with that, **I am in support and will also like to echo my thanks to the hard work of the stakeholders and also board members who helped to to hammer out this proposal.**

Any other board discussion.

Mr. Payton.

1:30:54 Mr. Israel Peyton.

Approval of this proposal is not expected to result in additional costs for private person to participate in the fishery or the department to implement the fishery. And I'll call the question.

1:31:06 The question has been called errors and omissions.

Absolutely not.

Director Rutz

appreciate that input. Mr. Petersen.

No. Madam. Chair.

Captain. Frenzel. No.

Madam chair.

1:31:19 Mr. Haidt, please call the roll.

Yes, madam. Chair. Final action on proposal 82. Substitute language found in RC 178. Mr. Godfrey. Yes, Mr. Carlson. Van Dort. Yes, Mr. Payton? Yes, Mr. Wood. Yes, Miss Mitchell? Yes. Proposal 82. Carries 5 to 0, Madam Chair.

1:31:40 Commissioner Doug Vincent-Lang

I too want to echo my thanks to members of the public and the board for working through this this issue and in finding ways to compromise. I also want to acknowledge the efforts of staff to get this into regulatory language on the fly. That's no easy task, but I want to thank the efforts of staff to get there. So thank you all.

Mr. Peyton.

1:32:02 Israel Peyton.

Yeah. I'd like to further thank Charlene Hunter. She's not in the room, but she's done a lot of work, and she is missed here by me anywhere. Anyway, she's a she's a fun person, and I enjoy her company and wish she was here, but she's doing a lot of work on the back end. And yeah, a lot of people don't realize that. But shout out to her.

1:32:02 Madam Chair Märit Carlson Van Dort

Agreed. Thank you, Mr. Peyton. Thank you. Charlene.

NOT EDITED YET (Morning of Nov 3)

All right, so I think there's another important provision that sort of dovetails with this. And that is in proposal number 80. So let's take up proposal number 80 at this time, please.

1:32:39 Troy Thynes ADFG Madam chair, for the record, Troy, Tina's management coordinator for Division of Commercial Fisheries in Southeast, proposal 85 AC 29.060 allocation of King salmon in the south southeastern Alaska Yakutat area. Madam chair.

1:32:59 McKenzie Mitchell I'd like to make a motion to substitute language found in RC 179 for proposal 82nd.

And ask unanimous consent.

Hearing no objection, the substitute language found in RC 179 is before us for proposal 80. Staff comments.

1:33:19 Patrick Fowler ADF&G Madam chair RC 179 makes two additions to five RC 29.060. The allocation of King salmon in the Southeast Alaska Yakutat area.

Paragraph six that you see on page one of RC 179 is actually identical to the language that the board just adopted in RC 178, which addresses, if any remaining allocation. Will be transferred to the troll fishery beginning at a season date determined by the department and established by emergency order.

The second provision that's added by RC 179 is in paragraph E, which states if the Southeast Alaska all year annual harvest exceeds the annual harvest ceiling established by the Pacific Salmon Commission in the year following any overage, the Department shall manage the commercial and sport king salmon fisheries in the Southeast Alaska Yakutat area. According to B of this section, based on the revised annual harvest ceiling established by the Pacific Salmon Commission. Madam chair, just to explain that this addresses the payback provision within the Pacific Salmon Treaty, that if the Alaska all year catch limit were to be exceeded, the department would subtract that overage

from off the top, which would be applied to all fisheries respective to their allocation. In paragraph B of 29.060. Madam chair.

Thank you Patrick. Board discussion.

1:34:59 Mckenzie Mitchell Thank you, Madam Chair.

I guess for the department and kind of conversations with regards to this, this language and the history of how of catch and harvest for these different user groups is essentially it kind of comes back to the troll fleet. And if you could just elaborate on that.

1:35:26 Grant Hagerman ADF&G Through the chair. Oh. Excuse me. Grant Hagerman, Southeast Alaska trail manager. Through the chair, Ms.. Mitchell. So. I guess if you could clarify that question one more time.

1:35:45 Commissioner Doug Vincent-Lang Okay. So let's let's kind of answer that with what happened last year. So last year we had about 5000 fish that were unallocated at the end of the year that were unused from the from the overall catch quota. Last year we gave we gave 4000 of those to the troll fishery and 1000 of those to the sport fishery. Under this direction, we would give all of those fish if as long as we didn't have any other treaty obligations to the troll fishery, that's the change in direction.

Any more questions? Additional. Mr. wood, did I answer that right?

You just went.

1:36:23 Grant Hagerman Through the chairman's Mitchell. So are you referring to the. Not how the overage was allocated, but the overage was paid back.

Madam Chair Märit Carlson Van Dort I guess if you could just speak to historically, which user group kind of goes over and under and, and how the overages would be accounted for as written in RC 179.

I would refer you to RC two RC two. Table 80-3, and that does have a listing of the from 1999 through 2021. The overages and underage under charges for for each year group.

So generally. I'm looking over that time period that the purse seine fishery from 99 through 2021. The purse seine fishery averaging about 1200 fish under the drift gillnet, about 2000. Set gillnet about 100. Troll over by 7000 and sportfish under by about 900. So that's that's just a historic how those gear groups have ended.

Thank you. I got that table in front of me, too.

Mr. Wood.

1:37:50 John Wood Madam chair, I guess a question to Mr. Mitchell. The same three signatures that we see on 178 also agreed to 179. Yes.

1:38:01 McKenzie Mitchell No, this was not something that was discussed and agreed upon during the conversations that took place regarding 178.

Okay. Thank you.

1:38:17 Madam Chair Märit Carlson Van Dort This is a requirement of the treaty. So I mean the language needs to be inserted, Mr.. Commissioner. And then Mr. Payton.

1:37:23 Commissioner Doug Vincent-Lang Yeah, there's a treaty obligation to pay back fish the next year. So what I read this is reading is that if there are fish left on the table at the end of the year because of an underage, I am being directed by the board to allocate them to the troll fishery. Number one, that's the first part of the language. And then number two in the language is that if there is an overage for some reason in the season, which we're going to try not to have, it comes back to how we do the fishery. So let's say the let's say the quota that next year is 200,000. We're over by 10,000. We have 190,000 fish left. We would then go back to section B, take 4.3% of 190, give that to the purse seine fishery, 2.9%. Give that to the driftnet fishery. Take 1000 off king salmon and give that to the set gillnet fishery, and then do an 8020 split so it would be taken off the top.

Mr. Peyton.

1:39:21 Israel Payton Thank you. So it seems like it's pretty much the exact same language that I had in RC 139. And if I remember right in the committee of the whole, everyone hated that. So, yeah, I'm wondering about Member Wood's concern. To me, it's the only realistic way to do it, and I'm for it and for ease of management. I think it's a good thing, but I would like to acknowledge that in committee of the whole, what I heard was no one wanted it, but I'm. I'm for it.

Ms.. Mitchell.

1:39:52 Mckenzie Mitchell Yeah. Thank you. And I guess to better clarify that is this was a conversation that came up and there was complications in in each approach of trying to do it in time constraints, to be able to add this language in as into RC 178. So it was just better for the board to approach this issue and take it on. And. And there. There's a lot of complications with trying to do it individual, even though there was public input that supported that idea. This this was also generally understood that it would be less complicated and easier as well.

Mr. Wood.

1:40:39 John Wood So I want to make it clear it is not part of the agreed upon resolution. It's something totally independent. And I agree with Mr. Payton's statement that I have concerns about it, and it does run contrary to the language. And I don't understand why. The change of position. I'll be a no vote.

1:41:02 Madam Chair Märit Carlson Van Dort And I think the intent was to sort of what I heard was to bifurcate, I think was the word that I heard often used, applied to this issue during committee of the whole. The two, the two pieces. And so I think that's why we have this in two separate arcs, so to speak. But I think that this is the cleanest and simplest way to manage this. And I think that, you know, we we bifurcated it so that folks could focus on the allocative issues and, and how those were going to apply to each of the gear sectors. And I think that this is something that is an obligation that the state needs to, to meet to the treaty. And so for that reason, if for no other reason, I'm going to be supportive of it. Miss Mitchell.

1:41:47 McKenzie Mitchell I just want to say thank you. You you explained that very well.

1:41:57 If this proposal were to pass, it's not expected to add additional costs to the private person to participate in the fishery, and I don't think it would be any extra cost for the department to do the math on it the next year or implement it. So I'll call the question.

The question has been called Arizona missions Director Bong.

No, madam chair.

Mr. Peterson.

No. Madam chair.

Mister.

Captain Frenzel. No. Madam chair. Mister hate.

Thank you, Madam chair. Final action on proposal 80 subs with language found in RC1 79. Miss Carlson van Dort. Yes, Mister Godfrey. Yes, miss. Mitchell? Yes, Mister wood? No. Mister Payton. Yes.

Proposal 80 carries 4 to 1, madam chair.