

PROPOSAL 94

5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses.

Reduce the amount of herring spawn reasonably necessary for subsistence in Sitka Sound, as follows:

The amounts reasonably necessary for subsistence (ANS) should be based on good data which is available. Lower the ANS to 60,000 to 120,000 pounds or recommend a program for further study to corroborate Southeast Herring Conservation Alliance (SHCA) harvest numbers.

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

The ANS for Section 13-A and 13-B is based on anecdotal information. There is better information upon which to base the ANS.

Herring eggs on branch harvest has not been well documented by weights and measures during the period from 1970 to 2008. However, in 2009 and 2010, SHCA conducted a herring eggs on branch harvest program with a strict protocols for weights, measures, and mapping. No data are available for 2011. In 2012 through 2017, the program was continued utilizing the same methodology for weighing, measuring, and mapping herring eggs on branches.

During the study period from 2009 to 2017, it is evident that variation in the herring egg branch harvest is not due to the sac roe fishery, but rather timing of spawn, spawn duration, weather, and participation effort. According to the Alaska Department of Fish and Game Subsistence Division, participation in herring egg branch harvest has declined over time. SHCA observations confirm low participation. The SHCA egg harvest program has demonstrated that a harvest of 30,000 to 40,000 pounds saturates the gifting of eggs in Sitka. Additional eggs are certainly harvested by individuals, whom we have also monitored, but there is insufficient effort to harvest more than 50,000 pounds.

SHCA's work provides a basis for the ANS numbers in regulation. The ANS was established decades ago based on anecdotal estimates, yet when SHCA had some of the same harvesters who helped establish those numbers on the subsistence harvest boat, the estimated weights compared to certified scale weights repeatedly demonstrated a factor of 1 to 3.5. For example, the 2009 data show estimated weights were 3 to 4 times higher than the true certified weights. SHCA harvesters found certified scale weights of 3,000 pounds of herring eggs were consistently judged to be 9,000 to 12,000 lbs., an over-estimate of 6 to 9,000 lbs.

The current ANS numbers for herring eggs are not founded on good information. If the current ANS 136,000–237,000 were not being used as a tool to shut down the sac roe herring fishery it would be immaterial, however, the ANS has been artificially inflated for that very reason. The fact is, it is possible to harvest this amount of eggs, although 186,000 pounds, the mid-point of the ANS, based on SHCA's work it would require 300 four inch+ diameter hemlock tree sets, and five or six forty-foot boats with hydraulics to harvest the eggs in the 10 day spawn period.

PROPOSED BY: Southeast Herring Conservation Alliance

(EF-F17-083)

PROPOSAL 95

5 AAC 27.110. Fishing seasons for Southeastern Alaska Area.

Repeal the commercial sac roe herring fishery in Sections 15-B and 15-C, as follows:

(b)(1)(F):

I would like to see the current language of 5 AAC 27.110 (b) (1) (F) repealed and thus close herring fishing in sections 15-B and 15-C

What is the issue you would like the board to address and why? I would like to delete fishing district 15 – B and 15-C from the areas open for herring sac roe fishing.

In the 1960's through 1982 there was a herring fishery in this area. The stocks were over fished or decreased for some other reason. The herring stocks in this area have not been commercially fished in the last 35 years and the stocks have not recovered.

In the years since the last commercial fishery there have been numerous changes in the area. The whale populations have increased and a very viable tourist industry has developed. There has been a large increase in the sport fishing effort, both sport and charter. Sightseeing, bird and animal watching, photograph and many other activities have developed around the herring stocks.

It is my belief that the herring stocks are fully utilized at this time by other animals, birds and fish, and by the people who enjoy watching and or utilizing them. The herring are very susceptible to damage from the commercial fishery as seen in them not recovering in the last 35 years. Thus I believe this commercial fishery should be eliminated.

PROPOSED BY: Rollin Young

(EF-F17-056)

PROPOSAL 96

5 AAC 27.110. Fishing seasons for Southeastern Alaska Area.

Repeal the commercial sac roe herring fishery in Section 11-A, as follows:

(b)(1)(C)

I would like the current wording to be deleted and be replaced with the word "Repealed" with the date of the repeal.

What is the issue you would like the board to address and why? I would like to delete fishing district 11-A from the open area for herring sac roe fishing.

In the 1960's through 1982 there was a herring fishery in this area. The stocks were over fished or decreased for some other reason. The herring stocks in this area have not been commercially fished in the last 35 years and the stocks have not recovered.

In the years since the last commercial fishery there have been numerous changes in the area. The whale populations have increased and a very viable tourist industry has developed. There has been a large increase in the sport fishing effort, both sport and charter. Sightseeing, bird and animal watching, photograph and many other activities have developed around the herring stocks.

It is my belief that the herring stocks are fully utilized at this time by other animals, birds and fish. They are very susceptible to damage from the commercial fishery as seen in them not recovering in the last 35 years. Thus I believe the commercial fishery should be eliminated.

PROPOSED BY: Rollin Young (EF-F17-052)

PROPOSAL 97

5 AAC 27.110. Fishing seasons for Southeastern Alaska Area.

Open the Southeastern Alaska Area winter commercial food and bait herring fishery on December 1, as follows:

the herring bait fishery shall open on December 1st of every year.

What is the issue you would like the board to address and why? Return the bait fisheries to a December 1st opening date as is traditional, the earlier opening causes more fish to be sifted through and killed by this wanton waste fisheries which the department turns a blind eye to, sets are made and fish are shallower up which kills them then they are let go if they don't like the size or if it too big a set they pump what they can and let the rest go, which is wanton waste.

PROPOSED BY: Larry Demmert (EF-F17-075)

PROPOSAL 98

5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area.

Reduce harvest rate for commercial herring fisheries in the Southeastern Alaska Area, as follows:

We propose the following language changes be made to the *Herring Management Plan*: These changes allow for a more conservative approach to the commercial sac roe fishery while also providing for a sustainable commercial fishery.

5 AAC 27.190 Herring Management Plan Statistical Area A

- (1) shall identify stocks of herring on a spawning area basis;
- (2) shall establish minimum spawning biomass thresholds below which fishing will not be allowed;
- (3) shall assess the abundance of mature herring for each stock before allowing fishing to occur;
- (4) except as provided elsewhere, may allow a harvest of herring at an exploitation rate between ~~10 percent and 20 percent~~ 0 and 10 percent of the estimated spawning biomass when that biomass is above the minimum threshold level;
- (5) ~~may~~ must identify and consider sources of mortality in setting harvest guidelines or deduct an ecosystem allocation of at least 25% from the commercial fishery allocation;

(6) by emergency order, may modify fishing periods to minimize incidental mortalities during commercial fisheries.

What is the issue you would like the board to address and why? We would like the Board to consider the rapidly changing ecosystem of the Eastern Gulf of Alaska and Sitka Sound and take management actions to help provide for a robust herring population and sustainable commercial fishery by lowering the harvest rate of the sac roe fishery in Sitka Sound either through a reduced sliding scale (0-10%) and/or through an ecosystem set aside taken off the commercial fishery quota.

Herring are an especially important species that needs the utmost consideration from the board of fish because of its cultural and subsistence significance, the importance of the commercial herring fishery and the importance of herring as a prey species for most all other commercial fish species, for its role as prey for important sport fish, and for its ecosystem role. It is clear that there are changes taking place in the Gulf of Alaska with ocean conditions that we have not seen before and the arrival of new species to the SE Alaska coast. At this time, with those changes, it is imperative that we take a more conservative approach to management to ensure the continuation of commercial, sport, and subsistence fishing stocks and for the maximum resilience of the ocean ecosystem.

Sitka Sound is the site of one of the largest remaining sac roe herring fishery on the west coast. According to Hebert (2016) “After a period of building since about the late 1990s, herring spawning biomass in Southeast Alaska is now in a period of decline, which has become apparent over the past few years. The total combined spawning biomass estimated in 2015 for all of Southeast Alaska is at a level similar to that of the late 1990s”. Although the Sitka Sound herring stock appears to be stable or increasing in recent years, spawn deposition has decreased (miles of spawn) for Sitka Sound (Hebert 2016). In 2017 spawn deposition along the road system is very light with only 1 or two layers of eggs. Sitka Sound has been experiencing rapid changes due to changing climate: this includes increased ocean acidification (OA), warming temperatures, the intrusion of new species (ie market squid), and a changing predator field with increasing populations of humpbacks whales spending more residence time in Sitka Sound, particularly in the winter and early spring. Implications of the 2-year residency of market squid are unknown but they likely consume larval herring, co-occurring in squid spawning habitats. The current fishery management plan was implemented in 1994, well before our current climate conditions and although a 20% maximum harvest rate was the norm at the time, other commercial fisheries for herring on the west coast are currently using a 10% maximum harvest rate. Other fisheries managed by ADFG have very conservative harvest rates because they are potentially vulnerable. This includes sablefish in Chatham, lingcod in SE Alaska, and rockfish in SE Alaska. These precedents would support a more conservative approach towards the herring resource which is a species that supports most of the other commercial species in the region as its base food source. There is local concern that, in part, due to rapid changes in the environment, the Sitka Sound herring resource is vulnerable and given its irreplaceable role as the key prey species supporting healthy salmon, halibut, and rockfish fisheries and its integral role in our marine ecosystem as a forage for whales, pinnipeds, and seabirds it is imperative that any fishery removals be cautiously approached.

Current management states that management:

- (1) shall identify stocks of herring on a spawning area basis;
- (2) shall establish minimum spawning biomass thresholds below which fishing will not be allowed;
- (3) shall assess the abundance of mature herring for each stock before allowing fishing to occur;
- (4) except as provided elsewhere, may allow a harvest of herring at an exploitation rate between 10 percent and 20 percent of the estimated spawning biomass when that biomass is above the minimum threshold level;
- (5) may identify and consider sources of mortality in setting harvest guidelines;**
- (6) by emergency order, may modify fishing periods to minimize incidental mortalities during commercial fisheries.

It puts an unfair burden on ADFG to be able to seasonally adjust commercial fishery quotas as allowed by number (5) above as there is little precedent for that. However, this is an important management tool in a rapidly changing ecosystem. In 2017, it was clear that humpbacks were present in large numbers as the larger bodies of herring arrived into the Sound. This increased residency and feeding capacity (and increasing population size of humpbacks) is not factored into a fishery model natural mortality estimate but has a large impact on the resource. Estimates of whale consumption of herring can exceed 10,000 tons – similar in magnitude the Sitka Sound commercial fishery. Further, the herring larvae are likely to be prey for market squid, a new predator to our ecosystem and the impacts of that are also unknown. Finally, Ocean Acidification and warming conditions in the gulf of Alaska have been shown to negatively impact Atlantic herring, with Ocean Acidification impacting adult herrings ability to successfully forage. Shelton et al (2014) and Levin (2016) have published recent work for informing ecosystem-based fishery management of forage fish. One approach is to develop a set aside for the ecosystem (“1/3 for the birds”) which would allow this to be taken off the top. Another approach would be to lower the exploitation rate to a place that is more conservative given the fact that the current model cannot account for changes in ocean conditions, increased predation, or the potential regime changes that we may be seeing in the Sitka Sound/Gulf of Alaska.

PROPOSED BY: Andrew Thoms

(HQ-F17-026)

PROPOSAL 99

5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area.

Reduce maximum harvest rate used to establish the commercial sac roe herring fishery guideline harvest level in Sections 13-A and 13-B from 20% of the spawning biomass to 10% of the spawning biomass, as follows:

(g) The guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B **will** [SHALL] be established [BY THE DEPARTMENT AND WILL BE] **using a maximum** harvest rate **of 10 percent of the spawning biomass.** [PERCENTAGE THAT IS NOT LESS THAN 12 PERCENT, NOT MORE THAN 20 PERCENT, AND WITHIN THAT RANGE SHALL BE DETERMINED BY THE FOLLOWING FORMULA:

$$\text{HARVEST RATE PERCENTAGE} = 2 + 8 \text{ [SPAWNING BIOMASS (IN TONS)] / 20,000}$$

The fishery will not be conducted if the spawning biomass is less than 25,000 tons.

What is the issue you would like the board to address and why? The current guideline harvest level (GHL) for the Sitka Sound sac roe fishery is exceeding market demand and is one of the variables affecting subsistence herring egg harvester’s ability to meet their needs or the amount necessary for subsistence.

ADF&G data suggest that the Sitka Sound herring biomass was on an upward trend starting 1995 and peaked in 2009. This reported increase in biomass combined with the Board approved maximum harvest rate of 20% has significantly increased the annual GHLs. The length, duration, and intensity of the fishery have increased substantially in an attempt to harvest these excessive GHLs. The Sitka Tribe of Alaska firmly believes that this increased fishing effort is disrupting the spawning patterns of herring in the Sound and is causing a high frequency of subsistence herring egg harvester needs not being met.

WHAT WOULD HAPPEN IF NOTHING IS DONE? There will continue to be a high frequency of subsistence herring egg harvester’s needs not being met.

OTHER SOLUTIONS CONSIDERED Closing the fishery.

PROPOSED BY: Sitka Tribe of Alaska (HQ-F17-070)

PROPOSAL 100

5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area.

Amend formula used to calculate guideline harvest levels for the commercial herring sac roe fishery in Sections 11-A, 15-B, and 15-C, as follows:

I would like to have the following wording included in 5 AAC 27.160 –

The guideline harvest level for the herring sac roe fishery in Section 11-A, 15-B and 15-C shall be established by the department and will be a harvest rate percentage that is not less than 5 percent, not more than 10 percent, and within that range shall be determined by the following formula:

$$\text{Harvest Rate Percentage} = 2 + 8 (\text{Spawning Biomass (in tons)} / 20,000)$$

The fishery will not be conducted if the spawning biomass is less than 20,000 tons.

After ten consecutive years of conducting a successful fishery without harming the stocks, the harvest rate percentage can be increased to not less than 10 percent, not more than 20 percent, and within that range shall be determined by the following formula:

$$\text{Harvest Rate Percentage} = 2 + 8 (\text{Spawning Biomass (in tons)} / 20,000)$$

What is the issue you would like the board to address and why? The herring stocks in the Juneau area, 11-A, 15-B and 15-C, have not recovered since the last commercial fishery 35 years ago. I do not believe this fish stock can withstand a commercial fishery and have submitted a proposal to close this fishery.

Should the Board not agree with closing the fishery I would like to see the Board adopt a cautious approach to the fishery. The solution I propose is to adapted a regulation similar to the Sitka management regulation, which seems to be successful. It is my intent that if there is a fishery in the future that the harvest rate would be half of what the Sitka fishery allows for the first ten year. After that it could increase if the stocks are still doing good. I do not want to see this stock fail again.

PROPOSED BY: Rollin Young (EF-F17-073)

PROPOSAL 101

5 AAC 27.185. Management plan for herring spawn on kelp fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Reduce bait fishery harvest limit in the Section 3-B commercial herring spawn on kelp fishery, as follows:

the 3b bait share of the GHIL shall be 30%.

What is the issue you would like the board to address and why? Reduce the herring bait fishery portion of the GHIL to 30%. This fishery is a wanton waste fishery which for some reason the department turns a blind eye to and this needs to stop.

PROPOSED BY: Larry Demmert (EF-F17-074)

PROPOSAL 102

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Reduce herring bait fishery harvest limit and increase spawn on kelp herring fishery harvest limit in Section 3-B, as follows:

(h) In Section 3-B, the harvest limit for the bait fisheries is 30 percent of the guideline harvest level for the Craig/Klawock herring stock, and the harvest limit for the spawn-on-kelp pound fishery is 70 percent of that harvest guidelines level. Any portion of the harvest limit not taken by the bait fisheries during a calendar year may be taken by the pound fishery during that year.

What is the issue you would like the board to address and why? We are respectfully requesting that the herring allocation between the bait fishery and the herring pound fishery, and that the bait fishery be reduced to 30% and the herring pound fishery be at 70%. There is over 200 permits for the herring pound fishery in Southern southeast Alaska, with approximately 120 utilized in the 2017 season. The herring spawn pound fishery has a 1 to 1.5 million dollar impact between the communities of Southeast Alaska, whereas the herring bait fishery had 3 boats that fished and has had little to no impact on the communities in Southeast Alaska. Based upon the 2016-2018 statewide Herring Fishing Regulations, the Southeastern Herring Pound fisheries is regulated to ensure that the herring biomass is not damaged, as we are a catch and release fishery, as well as a healthy herring stock is maintained. Which was documented again this year with over 25 miles of spawn in the Craig/Klawock area. Whereas with the bait fishery (5 AAC 27.179. 1,2,3,4,(b) 1,2,3,4) page 11 in the handbook, there are minimal regulations, controlling or securing the welfare of future herring stock, with a 100% mortality rate, there is no observation done by Fish and Game during this fishery.

PROPOSED BY: Archie and Roseann Demmert

(HQ-F17-027)

PROPOSAL 103

5 AAC 27.185. Management plan for herring spawn on kelp in pounds in Sections 3-B, 12-A, and 13-C and District 7.

Reduce the Section 3-B winter bait herring fishery harvest limit and increase the Section 3-B spawn on kelp herring fishery harvest limit, as follows:

(h) In Section 3-B, the harvest limit for the bait fisheries is 35 (60) percent of the guideline harvest level for the Craig/Klawock herring stock, and the harvest limit for the spawn-on- kelp pound fishery is 65(40) percent of that guideline harvest level. Any portion of the harvest limit not taken by the bait fishery during a calendar year may be taken by the pound fishery during that year.

What is the issue you would like the board to address and why? I would like to change the allocation of guideline harvest limit for the bait fisheries, which is currently set at 60 percent of the GHl for the Craig/Klawock herring stock, and the GHl for the spawn-on- kelp pound fishery, which is currently set at 40 percent of that guideline harvest level for the Craig/Klawock herring stock.

The S.O.K. Fishery provides greater economic value for its average of 135 participants, than the bait herrings average of 3 participants. Average exvessel value for the 5 year period 2009-2013 (2013-2016 are confidential) was 1.6 million dollars. Average exvessel value for the bait fishery is undetermined due to confidentiality, but according to the last 5 years harvest data, average harvest was 2340 tons annually. Furthermore, in the SOK fishery the herring are released when

the fishery is over, providing a chance for the herring to return the following year. While in the bait fishery, 100% mortality is expected.

In years of low GHL, 2017 for an example, SOK participants suffer a 50% reduction in blade allocation when our GHL falls below 400 tons.

PROPOSED BY: Lance Watkins (HQ-F17-051)

PROPOSAL 104

5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area.

Repeal closed waters in the District 13 commercial herring fishery, as follows:

5 AAC 27.150 (a) would end at (6). (7) District 13, in the waters north and west of the Eliason Harbor...etc would be deleted from regulation as a closed area.

5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area Herring may not be taken in:

~~(7) District 13, in the waters north and west of the Eliason Harbor breakwater and Makhnati Island Causeway from the westernmost tip of Makhnati Island to the easternmost point on Bieli Rock to the southernmost tip of Gagarin Island to a point on the eastern shore of Crow Island at 57_06.43' N. lat., 135_28.27' W. long. to a point on the western shore of Middle Island at 57_06.41' N. lat., 135_28.11' W. long. to a point on the southeastern shore of Middle Island at 57_05.56' N. lat., 135_26.23' W. long. to the green navigation marker northeast of Kasiana Island, to the Baranof Island shore at 57_05.26' N. lat., 135_22.95' W. long.~~

What is the issue you would like the board to address and why? The closed waters described in 27.150 (a)(7) locally referred to as the Core Area is not necessary for successful herring egg gathering, and should be rescinded. Established in 2012, the Core Area with major islands Middle, Kasiana, and Crow has had good quality spawn deposition since the 1970s and is well documented in ADF&G historical data, spawn maps and spawn assessment surveys. However, the harvest of herring eggs on branches has not been well documented by certified weights and measures during the same period. In 2009, 2010, 2012-2017 SHCA conducted a 'herring eggs on branch' harvest program with methodologies for weights, measures, and mapping of harvest areas; these were years when the Core Area was open (2009-2010) and closed (2012-2017) to commercial herring harvest. No data is available for 2011 due to a local group opposing the boat operator of the herring egg on branch program. In 2012 through 2017, years when the Core Area was closed as per 27.150 (a) (7), the herring eggs on branch program was conducted with identical methodologies as the 2009 to 2010 period to determine weights and measures of subsistence harvested eggs. These data are supplied to ADF&G Subsistence Division annually.

During the years 2009 to 2017, it is evident that variation in the herring egg branch harvest is not due to the sac roe fishery, but rather the timing of the spawn, spawn duration, weather, and, participation effort. One important factor is the overall biomass, which, according to department

stock assessment, has been on an increasing trend since the mid-1970's. Subsistence Division data also corroborates these factors and trends.

Nevertheless, SHCA has always obtained sufficient eggs to satisfy all comers to the local dock for distribution. In fact, we often return unused eggs to the ocean. The sac roe fishery has been prosecuted in the Core Area during the study period, and frequently adjacent to the Core Area with no ill effect on our herring egg on branch harvest program. The proponents of the Core Area closure stated it needed to be closed in order to obtain herring eggs on branches; yet in the years before the closure, SHCA was able to harvest 70,000 lbs from the core area shortly after the fishery was prosecuted.

SHCA's herring egg harvest has established accurate information on weights harvested and local demand for the product.. Lacking accurate information, the ANS was established decades ago based on anecdotal estimates. When SHCA had some of the same harvesters who helped establish those numbers on the SHCA subsistence harvest boat, the estimated weights compared to certified scale weights repeatedly demonstrated an error factor of 1 to 3.5. For example, the 2009 data show estimated weights were 3 to 4 times higher than the true certified weights. SHCA harvesters found certified scale weights of 3,000 pounds of herring eggs were consistently judged to be 9,000 to 12,000 lbs., an over-estimate of 6 to 9,000 lbs.

It is evident that successful harvest of herring eggs requires sustained effort, a large volume of trees/branches, and significant human power or horse power to collect the branches with egg deposition. All SHCA eggs are provided to the community of Sitka over a period of 5 to 7 days.

PROPOSED BY: Southeast Herring Conservation Alliance (EF-F17-082)

PROPOSAL 105

5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area.

Expand closed waters in the District 13 commercial herring fishery, as follows:

(7) District 13, in the waters NORTH AND WEST OF THE ELIASON HARBOR BREAKWATER AND MAKHNATI ISLAND CAUSEWAY FROM THE WESTERNMOST TIP OF MAKHNATI ISLAND TO THE EASTERNMOST POINT ON BIELI ROCK TO THE SOUTHERNMOST TIP OF GAGARIN ISLAND TO A POINT ON THE EASTERN SHORE OF CROW ISLAND AT 57Ø 06.43' N. LAT., 135Ø 28.27' W. LONG. TO A POINT ON THE WESTERN SHORE OF MIDDLE ISLAND AT 57Ø 06.41' N. LAT., 135Ø 28.11' W. LONG. TO A POINT ON THE SOUTHEASTERN SHORE OF MIDDLE ISLAND AT 57Ø 05.56' N .LAT., 135Ø 26.23' W. LONG. TO THE GREEN NAVIGATION MARKER NORTHEAST OF KASIANA ISLAND, TO THE BARANOF ISLAND SHORE AT 57Ø 05.26' N. LAT., 135Ø 22.95' W. LONG. **NAKWASINA SOUND FROM DOG POINT TO KRUGLOI POINT AND FROM ALLEN POINT TO THE BARANOF ISLAND SHORE AT 57° 25' 20.66", KATLIAN BAY FROM MOSQUITO COVE TO LISIANSKI POINT, ALEUTKINA BAY FROM THE NORTHWEST TIP OF SILVER POINT AT 57° 00'47.016" N. LAT., 135° 18' 4.9674" W. LONG. TO THE NORTHWEST TIP OF LUCE ISLAND AT 57° 00'42.318" N. LAT., 135° 19' 27.0762" W. LONG. TO THE WESTERNMOST POINT ON ERROR**

ISLAND AT 57° 00' 32.8566" N. LAT., 135° 19' 30.3558" W. LONG. TO THE NORTHEAST ENTRANCE TO DEEP INLET AT 56° 59' 34.8858" N. LAT., 135° 18' 41.3928" W. LONG.

What is the issue you would like the board to address and why? Exclude commercial sac roe herring fishing within a defined core spawning and subsistence area within Sitka Sound, to allow for a more reasonable opportunity for subsistence needs to be met.

In the last 15 years, subsistence needs (amount necessary for subsistence) have been met 8 times, with needs only being met three in the last 7 years (2010-2016). The harvest of herring by the sac roe fishery in or adjacent to the core subsistence herring egg harvest area disrupts prespaw and spawning herring and has a negative impact on the quantity and quality of the subsistence harvest. In 2012 the Board modified a similar proposal and approved a closure area approximately half the size of what was requested. The closure of this approved area was adhered to in 2012 and 2013, and although the ANS was not met in either of those years the closure of these waters protected the harvest that did occur. Closure of additional areas requested will increase the opportunity for the ANS to be met.

WHAT WOULD HAPPEN IF NOTHING IS DONE? The commercial herring sac-roe fishery will continue to disturb prespawning and spawning herring in this area, thus negatively affecting the subsistence fishery.

OTHER SOLUTIONS CONSIDERED MOA between Sitka Tribe of Alaska and ADF&G was not able to remedy negative impacts to traditional subsistence herring roe harvesting.

PROPOSED BY: Sitka Tribe of Alaska (HQ-F17-071)

PROPOSAL 106

5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area.

Expand closed waters in the District 13 commercial herring fishery, as follows:

(7) District 13, in the waters **encompassed by a line extending from the western most tip of Makhnati Island, to the northern most tip Aleutski Island, to the Baranof Island shore at the O'Connell Bridge, north along the Baranof Island shoreline, to Harbor Point, to the northern most point of Big Gavanski Island, from the western most point of Big Gavanski Island, to northwestern tip of Crow Island, to Bieli Rocks, and ending at western most tip of Makhnati Island.** [NORTH AND WEST OF THE ELIASON HARBOR BREAKWATER AND MAKHNATI ISLAND CAUSEWAY FROM THE WESTERNMOST TIP OF MAKHNATI ISLAND TO THE EASTERNMOST POINT ON BIELI ROCK TO THE SOUTHERNMOST TIP OF GAGARIN ISLAND TO A POINT ON THE EASTERN SHORE OF CROW ISLAND AT 57Ø 06.43' N. LAT., 135Ø 28.27' W. LONG. TO A POINT ON THE WESTERN SHORE OF MIDDLE ISLAND AT 57Ø 06.41' N. LAT., 135Ø 28.11' W. LONG. TO A POINT ON THE SOUTHEASTERN SHORE OF MIDDLE ISLAND AT 57Ø 05.56' N .LAT., 135Ø 26.23' W. LONG. TO THE GREEN NAVIGATION MARKER NORTHEAST OF KASIANA ISLAND, TO THE BARANOF ISLAND SHORE AT 57Ø 05.26' N. LAT., 135Ø 22.95' W. LONG.]

What is the issue you would like the board to address and why? Exclude commercial sac roe herring fishing within a defined core spawning and subsistence area within Sitka Sound, to allow for a more reasonable opportunity for subsistence needs to be met.

In the last 15 years, subsistence needs (amount necessary for subsistence) have been met 8 times, with needs only being met three in the last 7 years (2010-2016). The harvest of herring by the sac roe fishery in or adjacent to the core subsistence herring egg harvest area disrupts prespawn and spawning herring and has a negative impact on the quantity and quality of the subsistence harvest. In 2012 the Board modified a similar proposal and approved a closure area approximately half the size of what was requested. The closure of this approved area was adhered to in 2012 and 2013, and although the ANS was not met in either of those years the closure of these waters protected the harvest that did occur. Closure of the full area requested will increase the opportunity for the ANS to be met.

WHAT WOULD HAPPEN IF NOTHING IS DONE? The commercial herring sac-roe fishery will continue to disturb prespawning and spawning herring in this area, thus negatively affecting the subsistence fishery.

OTHER SOLUTIONS CONSIDERED Closure of the fishery or a significant reduction in the harvest rate.

PROPOSED BY: Sitka Tribe of Alaska (HQ-F17-072)

PROPOSAL 107

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Establish a herring spawn on kelp commercial fishery in Sections 13-A and 13-B, as follows:

In the district 13A and 13B Sitka Sac Roe fishery, if there is a minimum of 1500 tons left unharvested, they could be allocated to the existing Northern Roe on Kelp Fishery. It would be a minimum of a 2 person per pound fishery.

What is the issue you would like the board to address and why? There is times when the Sitka Sac Roe fishery will leave thousands of tons unharvested because they are “garbage fish” i.e. too small. These could be used by the northern roe on kelp fishery. This fishery could only happen if 1500 tons minimum were left unharvested. This would be all the roe on kelp fishery needs. There would be no guarantee of a fishery, just a possible opportunity. Reasoning behind this number is there are 110 permit holders, 2 permit holders per pound, and each pound can hold 20 tons of herring which would be 1100 total tons of herring needed, but 1500 tons would be a safe amount to open a fishery.

PROPOSED BY: Mike Svenson (HQ-F17-055)

PROPOSAL 108

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C and District 7.

Expand the open area for the spawn on kelp herring pound fishery in Section 3-B, as follows:

The Sse spawn on kelp boundary shall expand to include waters of San Christoval channel and the gulf of Esquibel south of a line from the northern most tip of St Phillips island to Point Garcia permanently.

What is the issue you would like the board to address and why? To expand the southern southeast spawn on kelp boundary to include waters of San Christoval channel and the gulf of Esquibel south of a line from the northern most tip of St Phillips island to Point Garcia permanently.

PROPOSED BY: Larry Demmert

(EF-F17-023)

PROPOSAL 109

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Allow no more than four Commercial Fisheries Entry Commission limited entry permit holders to operate in a single pound structure in the Southeastern Alaska Area herring spawn on kelp fishery, as follows:

Stick to the Regulations in place. If the GHIL does not permit a "regular" fishery, with 24/7 fishing hours from the time it opens and the normal allocated kelp blade numbers, then do not have a fishery at all.

What is the issue you would like the board to address and why? I would like to propose that there be no more than four Roe-On-Kelp permits in one pound structure to be a requirement, It could remain an option, but not a requirement, regardless of the GHIL in order to have a fishery like there was in spring of 2017 in the Southern Southeast Alaska area. It is a logistical nightmare for the fisherman and law enforcement. We had too much time invested and could not fish. The fish went by the traditional pounding grounds at night or too deep of water and were uncatchable until they were 5 miles north west and spawning in an area where no pound structures were staged to properly execute a fishery. By the time there was enough spawn to lift the restrictions, it was all over. wasted money and resources.

PROPOSED BY: Houston Vaughan

(EF-F17-024)

PROPOSAL 110

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Allow the department to close fishing to some herring pound types to manage the fishery within the allowable guideline harvest level, as follows:

5 AAC 27.185(b) is amended to read:

(b) In Sections 3-B, 12-A, and 13-C, and District 7, a herring spawn-on-kelp CFEC permit holder may jointly operate an open pound with one or more other herring spawn-on-kelp CFEC permit holders and a closed pound with one or more other herring spawn-on-kelp CFEC permit holders. A permit holder operating an open pound may use fronds or individual kelp blades in the open pound, but may not use both during a fishing season.

(xx) The department may close fishing for some pound types listed in 5 AAC 27.185 (c) and 5 AAC 27.185 (dd)(2) if necessary to avoid exceeding the guideline harvest level.

What is the issue you would like the board to address and why? At the 2015 Southeast and Yakutat Finfish board meeting, the kelp allocation table was modified to give incentives for permit holders to join into multi-permit, combined pounds. In addition, there was no kelp allocation and thus no fishery, when the guideline harvest level (GHL) was less than 250 tons. This was initially effective as the number of structures decreased from 76 in 2015 to 46 in 2016.

The modification to the kelp allocation tables did not provide the incentives needed for the unexpected drop in GHL that occurred in the 2017 season. In order to remain within the GHL of 349 tons, the department determined that no more than 20 herring pounds could be allowed. This number of pounds was determined using the GHL of 349 tons and assumptions of 20 tons of herring per pound and 125 permits participating in the fishery. The department closed the fishery to herring pounds with fewer than six permit holders by invoking 5 AAC 27.185 (q) which allows the department to restrict the transfer of herring into pounds, effectively limiting the fishery to 20 pound structures.

The department is asking that language be added to the regulation to make clear that the department may close any of the pound types to fishermen in order to achieve the appropriate number of pound structures and thus manage the fishery within the GHL.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F17-109)

PROPOSAL 111

5 AAC 27.130. Lawful gear for Southeastern Alaska Area.

Define and allow closed half pound structures in the Southeastern Alaska Area herring spawn on kelp fishery, as follows:

Give the department the resources to allow pounds with half the surface square footage as those defined in 5 AAC 27.130 (e)(l)(C).

Draft Regulatory Language:

5 AAC 27.130(e)(l)(C)(vi) **If the commissioner determines that " half pounds" will contribute to the conservation of a resource or management of the fishery, the commissioner may, by**

emergency order, allow pounds as defined in 5 AAC 27.130 (e)(1)(C) with half of the surface square footage and a minimum of half of the required permit holders to be used.

What is the issue you would like the board to address and why? In 2016, the number of pound structures Craig/Klawock herring pound fishery was 46. The 2017 Guideline Harvest Level (GHL) for the Craig/Klawock herring pound fishery was 349 tons. The department estimates that 20 tons of herring are used per pound structure, which only allows for 17.5 pounds on the grounds to remain within the 2017 GHL, and the department is only allowing a minimum of six permit holders to per closed pound.

By only allowing six permit holders per closed pounds this forces permit holders to work with permit holders that are not part of the original group and are not necessarily on the same page regarding management of the pound.

PROPOSED BY: Mike Svenson (HQ-F17-009)

PROPOSAL 112

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, and 13-C, and District 7.

Use a conversion factor applied to final product weight to determine harvest in the Southeastern Alaska Area herring spawn on kelp fishery, as follows:

- (C) Guideline Harvest Range for Herring (Tons)
- (D) Guideline Harvest Range for Herring (Tons)

A harvest of 0,273 tons of spawn-on-kelp per ton of herring shall be allowed in the open pound fishery for spawn-on-kelp. The closed pound fishery should be shut down until the dead loss of herring and a harvest metric based on weight can be determined.

What is the issue you would like the board to address and why? The Alaska Department of Fish and Game did a study in Sitka and determined a percentage of harvest, based on weight, that represents the extraction from the herring biomass when harvesting spawn-on-kelp using the open pound method. This study was based upon the open pound experimental fishery conducted in 1998 & 1999. The regulations should now use weight, in the open pound fishery, as the determining factor for herring spawn on kelp harvest, not the number of kelp blades.

PROPOSED BY: Darrell Kapp (EF-F17-080)
