PROPOSAL 114 - 5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area. Establish a management plan for herring spawning aggregates that have been below threshold, as follows:

5 AAC 27.190 *Herring Management Plan for Southeast Alaska Area*. For the management of herring fisheries in the Southeast Alaska Area, the department

(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 estimate spawning biomass when that biomass is above the minimum threshold level;

(5) may identify and consider sources of mortality in setting harvest guideline;

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

(7) shall allow spawning biomass to exceed minimum biomass thresholds for five (5) consecutive years before fishing can occur.

What is the issue you would like the board to address and why? Currently, the *Southeast Alaska Sac Roe Herring Fishery Management Plan* harvests Pacific herring stocks exceeding minimum biomass thresholds determined by Alaska Department of Fish and Game. These thresholds are a measure of biomass available, but care needs to be taken when harvesting stocks that have not recently met the threshold limit in place for that stock. Stocks that have been depressed, but recently show a spike in biomass, could be at risk of overharvest or be unsustainable if conservative measures, such as meeting thresholds for five consecutive years, are not put in place. Current thresholds do not allow for stocks to rebuild to pre-fishery biomasses and are managed under a shifted baseline.

PROPOSED BY: Sitka Tribe of Alaska (EF-C14-173)

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PROPOSAL 115 - 5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area. Establish a management plan for herring spawning aggregates that have been below threshold, as follows:

5 AAC 27.190 Herring Management Plan for Southeast Alaska Area. For the management of herring fisheries in the Southeast Alaska Area, the department:

(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 as an exploitation rate between 10 percent and 20 percent of the estimate spawning biomass when that biomass is above the minimum threshold level;

(5) may identify and consider sources of mortality in setting harvest guideline;

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

(7) shall allow spawning biomass to exceed minimum biomass thresholds for five (5) consecutive years before a fishery can occur.

What is the issue you would like the board to address and why? Currently, the Southeast Alaska Sac Roe Herring Fishery Management Plan harvests Pacific herring stocks exceeding minimum biomass thresholds determined by Alaska Department of Fish and Game. These thresholds are a measure of biomass available, but care needs to be taken when harvesting stocks that have not recently met the threshold limit in place for the stock. Stocks that have been depressed, but recently spike in biomass, could be at risk of overharvest or be unsustainable if conservation measures, such as meeting thresholds for five consecutive years, are not in place. Current thresholds do not allow for stocks to rebuild to pre-fishery biomasses.

PROPOSED BY: Organized Village of Kasaan (HQ-F14-037)

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PROPOSAL 116 - 5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area. Require a commercial herring fishery to occur when herring biomass is above minimum threshold, as follows:

That the wording of the section be changed to read "except as provided elsewhere, shall allow a harvest of herring at an exploitation rate of between 10 percent and 20 percent of the estimated spawning biomass when that biomass is above the minimum threshold level."

What is the issue you would like the board to address and why? The section reads "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." I would like to change the wording "may allow a harvest" to "shall allow a Harvest."

If the minimum threshold is met, there should be a fishery. The science is there to protect the stock and threshold levels are set so harvest will not be detrimental to the stock. The department needs to adhere to their science and not use arbitrary "feelings" if a fishery is opened or not.

PROPOSED BY: Larry Demmert (EF-C14-028)

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PROPOSAL 117 - 5 AAC 01.716. Customary and traditional subsistence uses of fish stocks and amount necessary for subsistence uses. Lower the amounts reasonably necessary for subsistence for Sitka Sound herring, 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 on 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; unfortunately a local group prevented the harvest. In 2012 through 2014, the program was re-instituted continuing precise weights and measures of herring eggs on branches.

During the study period from 2009 to 2014, 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 steady declined. Our observations confirm low participation. What SHCA has found is that a harvest of 30,000 to 40,000 pounds of eggs 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 100,000 pounds and it is likely much lower than 100,000 pounds.

The current ANS are not real harvest numbers based on good data. 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. 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, would require 300 4" diameter hemlock trees and five or six forty foot boats with good hydraulics to harvest it in the 10 day spawn period when the eggs would be of high quality.

PROPOSED BY: Southeast Herring Conservation Alliance (EF-C14-111)

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PROPOSAL 118 - 5 AAC 27.195. Sitka Sound commercial sac roe herring fishery. Modify distribution of commercial harvest under the Sitka Sound herring management plan to provide additional subsistence harvest opportunity, as follows:

(2) distribute the commercial harvest **over space and time**[by fishing time and area]**by allowing fifty (50) percent of the guideline harvest level (GHL) to harvested then allowing twenty five (25) percent of the anticipated nautical miles of spawn to occur prior to harvest the remaining GHL**[if the department determines that it is necessary] to

ensure that subsistence users have a reasonable opportunity to harvest the amount of herring spawn necessary for subsistence uses specified in 5 AAC 01.716(b).

What is the issue you would like the board to address and why? Issue: At the 2012 preseason stakeholder meeting, the Sitka Sound commercial herring fishery manager was asked, "considering that subsistence needs were only met twice in the last seven years, how do you plan on changing the way you manage the fishery over space and time to ensure a more reasonable opportunity exists for subsistence needs to be met?" He replied that he was not going to change the way he managed the fishery and that he felt there were other variables (outside of the fishery) that affected the subsistence harvest. Although there may be variables outside the manager's control that affect the subsistence harvest, those variables need to be taken into account when managing the one variable he can control, the commercial sac roe fishery. This proposal will force the distribution of the fishery over time to ensure a more reasonable opportunity exist for subsistence needs to be met.

What would happen if nothing is done? The fisheries manager's refusal to change the way the fishery is managed over space and time will continue to result in a high frequency of needs not being met.

Other solutions considered: Administrative action is the only remedy at this time.

PROPOSED BY: Jeff Feldpausch (EF-C14-186)
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<u>PROPOSAL 119</u> - 5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area. Remove the area locally known as the "core area" from the closed waters of District 13 in Sitka Sound, 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.

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 and should be repealed. Established in 2012, the Core Area with major islands Middle, Kasiana, and Crow has had good quality spawn deposition since the 1970's and is well documented in Alaska Department of Fish and Game data. Herring eggs oHQ-F14-061n branch harvest has not been well documented by weights and measures during the same period. However, in 2009 and 2010, Southeast Herring Conservation Alliance (SHCA) conducted a herring eggs on branch harvest program with a strict protocol for weights, measures, and mapping; these were years when the Core Area was open. No data is available for 2011; unfortunately a local group prevented the harvest. In 2012 through 2014, years when the Core Area was closed as per 27.150 (a)(7), the program was re-instituted continuing precise weights and measures of herring eggs on branches.

During this period from 2009 to 2014, 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. 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. All eggs are provided to the community for free.

PROPOSED BY: Southeast Herring Conservation Alliance (EF-C14-108)
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PROPOSAL 120 - 5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area. Remove the area locally known as the "core area" from the closed waters of District 13 in Sitka Sound, 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.

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 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 1970's and is well documented in ADF&G data. Herring eggs on branch harvest has not been well documented by weights and measures during the same period. However, in 2009 and 2010 SHCA conducted a herring eggs on branch harvest program with a strict protocols for weights, measures, and mapping; these were years when the Core Area was open. No data is available for 2011, unfortunately a local group prevented the harvest. In 2012 through 2014, years when the Core Area was closed as per **27.150 (a)(7),** the program was re-instituted continuing precise weights and measures of herring eggs on branches.

During this period from 2009 to 2014, 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. 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. All eggs are provided to the community for free.

PROPOSED BY: Southeast Herring Conservation Alliance (EF-C14-109)
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PROPOSAL 121 - 5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area. Expand commercial herring fishery closed waters of District 13 in Sitka Sound, as follows:

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, 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 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? In the last 13 years, subsistence needs (amount necessary for subsistence) have been met six times, with needs only being met twice in the last seven years (2007–2013). The harvest of herring by the sac roe fishery in or adjacent to the core subsistence herring egg harvest area disrupts pre-spawn and spawning herring and has a negative impact on the quantity and quality of the subsistence harvest. In 2012 the Board of Fisheries 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; unfortunately the ANS was not met in either of those years. Closure of the full area requested will increase the opportunity for the ANS to be met.

PROPOSED BY: Sitka Tribe of Alaska (EF-C14-179)

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<u>PROPOSAL 122</u> - 5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area. Lower the spawning biomass threshold for Sitka Sound sac roe herring fishery from 25,000 to 20,000 tons, as follows:

Unless the department believes there is a sound biological reason to have the threshold at 25,000 tons, the spawning biomass threshold should be rolled back to 20,000 tons.

What is the issue you would like the board to address and why? The spawning biomass threshold for harvest 27.160 (g) in the Sitka Sound Sac Roe Herring Fishery is currently 25,000 tons. The threshold was raised five years ago from 20,000 to the current value, but not based on scientific or stock assessment reasoning. The department did not propose the change at the time and was neutral on the 25,000 ton threshold. It was pushed through on a split vote.

PROPOSED BY: Southeast Herring Conservation Alliance (EF-C14-127)

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PROPOSAL 123 - 5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area. Assign equal quota shares in the Sitka Sound commercial sac roe herring fishery, as follows:

For the G01A herring fishery, the quota shall be divided equally amongst participating permit holders, with not more than three permits per vessel.

What is the issue you would like the board to address and why? Make the G01A herring fishery equal split. Due to the lack of ability of Alaska Department of Fish and Game (department) to manage the G01A herring fishery, i.e.; have not caught even half the quota in the last two years due to the biomass not separating until spawning, making it impossible to catch the quota, the quota shall be divided equally amongst participating permit holders, with not more than three permits per vessel. This will allow for fishers to make sets on the biomass under department supervision without catching too much of the fish at one time or going over the quota.

PROPOSED BY: Larry Demmert (EF-C14-024)

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PROPOSAL 124 - 5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area. Allow purse seine permit holders to vote on equal quota shares in the Sitka Sound commercial sac roe herring fishery, as follows:

Permit holders in the G01A herring fishery shall be able to vote before the start of the fishery or during the fishery, for equal split, and a super majority, 70%, shall qualify the fishery for equal split.

What is the issue you would like the board to address and why? In the G01A herring fishery the only way for an equal split is if all the permit holders agree. This is unacceptable and causes great loss of income. The department cannot manage the fishery effectively when the herring biomass is so large and the last few years the herring have not separated out very much and have almost immediately hit the beach spawning. I am suggesting that it should be a super majority instead of 100% of permit holders voting to agree to an equal split fishery. In 2012, seiners only caught 1/3 of what the legal quota was (the department erroneously and in my opinion illegally reduced the quota in 2013 without any scientific basis) and caught less than half the quota in 2012. This loss of the fishery cost over $7 million to the fishermen, $140,000 per permit and $1.4 million to the tenders and unknown millions to the processors in 2013 (based on 10,000 tons not caught) and over $8 million to the fishermen, $160,000 per permit and $3 million to tenders in 2012 (based on 15,000 tons not caught). This is unacceptable.

To let a few permit holders cause this much economic loss and hardship to hundreds of crew and processing workers, not to forget all the infrastructure jobs that are affected.

PROPOSED BY: Larry Demmert (EF-C14-026)

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PROPOSAL 125 - 5 AAC 27.160. Quotas and guideline harvest levels for Southeastern Alaska Area. Reduce the harvest rate and establish a maximum guideline harvest level for the Sitka Sound commercial sac roe herring fishery, as follows:

5 AAC 27.160

(g) The guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B shall be established by the department **at** [AND WILL BE] a 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:

HARVEST RATE PERCENTAGE = 2 + 8 [SPAWNING BIOMASS (IN TONS)] /20,000)]

The guideline harvest level shall not exceed 10,000 tons. 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. A proposed 10 percent GHL with a 10,000 ton cap would maximize the value of the resource to the sac roe fishery, other commercial, sport, and subsistence fisheries (salmon, ground fish, etc.), and the ecosystem. These proposed amendments would increase subsistence herring egg harvest opportunities under the same premise that the state's hatchery program operates under that, putting/leaving (in the case of herring) more fish in the water increases harvest opportunities.

PROPOSED BY: Sitka Tribe of Alaska (EF-C14-176)

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PROPOSAL 126 - 5 AAC 27.XXX. New Section. Establish a commercial open pound herring spawn on kelp fishery in Sitka Sound, as follows:

The change in regulation language would allow herring seine permit holders in Sitka to use open platforms to harvest herring roe on kelp. Many ideas were given to the department and board during previous board meetings.

What is the issue you would like the board to address and why? In 1998 and 1999 an experimental open pound herring roe on kelp fishery was conducted in Sitka Sound. This project identified open pounds as a viable alternative to the sac roe fishery and produced published studies, data, and video which demonstrate the positive results of this alternative harvest method. The proposal for open pounding in Sitka Sound was first presented to the Board of Fisheries in 1996. Nineteen years is a long time ago and the environment surrounding the sac roe fishery has changed. Perhaps it is time for the board to consider this concept again. Open pound herring roe

on kelp as an alternative harvest method promotes conservation and would increase the value of the herring fishery in Sitka Sound.

PROPOSED BY: Darrell Kapp (EF-C14-091)
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PROPOSAL 127 - 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 kelp allocations in the commercial herring spawn on kelp fishery to no more than 1,000 blades per permit holder, as follows:

The kelp allocation in any area in southeast Alaska shall not exceed 1,000 blades per permit holder, whether single or multiple permit pens.

What is the issue you would like the board to address and why? In all southeast spawn on kelp fisheries, the kelp allocation for a permit holder shall not exceed 1,000 blades, whether it is a multiple or single pen. The kelp market is a finite market of around 1,000 tons of product per year. In years of large abundance the market crashes, resulting in very low prices, i.e. $2.00 per lb. This has happened several times, each time taking several years to recover. Also I believe that the large kelp allocations in Hoonah Sound had a direct impact in the collapse of the stock, due to too many fish in the pens, over fishing.

PROPOSED BY: Larry Demmert (EF-C14-025)
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PROPOSAL 128 - 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. Modify herring spawn on kelp pound configurations, as follows:

5 AAC 27.185(cc) Two closed pounds as specified in 5 AAC 27.130(c) may be combined into one single closed pound structure and operated by multiple permit holders. The combined pound may have a maximum surface area of 800 square feet with a maximum depth level of 30 feet. The middle web cannot be removed, it can be weighed down. The kelp allocations per permit holder and other provisions specified in this section also apply to the combined pounds; however permit holders may transfer additional herring into the combined single closed pound structure after the two closed pounds are connected and combined into a single structure. A Commercial Fisheries Entry Commission (CFEC) permit holder who intends to operate a combined pound must register with the Alaska Department of Fish and Game before placing the pound in the water. This pound structure may not be connected to any other pound structure.

What is the issue you would like the board to address and why? In 5 AAC 27.185(cc) delete the words (only when kelp is at the maximum allocation) and add a sentence saying (the web in the middle cannot be removed, it can be weighed down with a weight.) We have been doing this for the last two years and it works well. The fish just slowly move back and forth over the middle web which is held down about one foot with a weight.

PROPOSED BY: Mike Svenson (HQ-F14-004)

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PROPOSAL 129 - **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 permit holders to retain herring in a closed pound for seven days, as follows:

Herring shall be released from the pounds by noon on the seventh day.

What is the issue you would like the board to address and why? I would like to change the release day of herring in the pound fishery to noon, 12:00 p.m., on the seventh day. The release time of midnight on the sixth day causes undue hardship plus it makes the actual time of fish in the pens to less than six days. It makes it more difficult for harvest and gives the chance of sea lions to enter pens and ruin product. We are small businessmen and a family fishery, and to maximize the product we have to stay at the pens until midnight and then guard them until daylight when it is safer to harvest.

PROPOSED BY: Larry Demmert (EF-C14-092)

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