

## **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27.150 (a)(7) locally referred to as the Core Area is not necessary for successful herring egg gathering, and should be rescinded.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)  
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**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)

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### **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 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 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)

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