

Substitute Language for proposal 301:

Submitted by ADF&G at the request of Bill Brown

**5 AAC 30.350. Closed Waters:**

5 AAC 30.350(a)(12) is amended to read:

(12) Upstream from ADF&G regulatory markers located one half of the distance between Duck Camp Island and the river terminus.

RC# 103 Ref: BOF Proposal #216 as amended 2-28-12

We propose that due to enforcement issues, proposal #216 as amended be rescinded and return to status quo of region wide annual limit for non-residents of 8 sablefish.

There may be some confusion as to the exact geographic area described in this proposal as adopted. Any clarification that would increase the area as described in this proposal will be subject to legal challenge. It was clarified by questions asked by legal counsel that this proposal did not include Lynn Canal or Icy Straits. . If this proposal is expanded to include the area and community of Haines up in Lynn Canal, why should they also be included as a "hot spot" area of concern? Any move to include these areas would be an increase of area coverage not covered by this proposal as adopted

Submitter: Richard Yamada, Alaska Charter Association

February 27, 2012

We the undersigned, submit this regulatory language as a compromise to address the issues that Proposal #253 has raised.

**5 AAC 47.041 Sport Fishing from commercially licensed vessels; charter vessel registration.**

- (a) A person may sport fish from a registered commercial salmon hand troll or power troll vessel.
- (b) Repealed 5/13/95
- (c) A person who sport fishes from a vessel licensed for commercial salmon fishing, other than a charter vessel when paying clients are on board, [IN WATERS CLOSED TO COMMERCIAL SALMON FISHING] shall, immediately upon bringing a salmon on board, mark the salmon by removing its dorsal (large back) fin.
- (d) Sport fishing from a commercially licensed vessel while commercially caught salmon are in possession is illegal in waters closed to commercial salmon fishing.
- (e) A commercially licensed vessel registered to fish commercially for shrimp, Dungeness crab, or Tanner crab may not be used to take that species for sport fishing purposes during the period starting 14 days before the opening and ending 14 days following the closure of an open commercial season for that species in the district, area, or areas for which the vessel is registered.

**(f) A person may not sport fish and commercial fish for salmon from the same vessel on the same day.**

**(g) A person may not possess unprocessed sport caught salmon on any commercial salmon vessel while engaged in commercial salmon fishing.**

*Lathy Haw*  
Southeast Alaska Fishermen's Alliance

*Stan Molen*  
SEAGO

*Steve Mowitt*  
ATA

*[Signature]*  
Submitted Proposal

*Ruchal Yamala*  
Alaska Charter Assoc.

**Substitute regulatory language for Sitka Sound herring fishery management plan.**

**5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.** (a) In managing the commercial sac roe herring fishery in section 13-B north of the latitude of Aspid Cape (Sitka Sound), the department shall:

- (1) manage the fishery consistent with the applicable provisions of [5 AAC 27.160(G) AND] 5 AAC 27.190;
- (2) distribute the commercial harvest by fishing time and area 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);

(b) In addition to the provisions of (a) of this section, the department shall consider the quality and quantity of herring spawn on branches, kelp, and seaweed, and herring sac roe when making management decisions regarding the subsistence herring spawn and commercial sac roe fisheries in Section 13-B north of the latitude of Aspid Cape. (Eff. 4/14/2002, Register 162)

**(c) The guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B shall be established by the department and will be a harvest rate 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**

**Commercial fisheries will not be conducted if the spawning biomass is less than 25,000 tons.**

**(d) The guideline harvest level established by item (c) shall be allocated as follows:**

- 1) 694 tons of herring for the Sitka subsistence herring fishery;**
- 2) 100 tons for the bait pound fishery;**
- 3) The remainder of the GHl after providing for subsistence and bait pound fisheries shall be allocated to the commercial sac roe fishery.**

(For the purposes of this section it is assumed that 1 ton of herring is required to produce 546 pounds of spawn-on-kelp. The ANS range of 136,000 to 227,000 pounds expressed in tons of herring is 249 to 415 tons of herring. The minimum subsistence harvest estimate of 71,936 pounds in 2008 was estimated to be equivalent to 132 tons of herring. The maximum subsistence harvest estimate of 379,148 pounds in 2004 is estimated to be equivalent to 694 tons of herring.)

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

(b) The herring harvest quota for bait pound operations is as follows:

(1) Scow Bay: 100 tons;

(2) [SECTION 13-B: 100 TONS;] **repealed**

[(G) THE GUIDELINE HARVEST LEVEL FOR THE HERRING SAC ROE FISHERY IN SECTIONS 13-A AND 13-B SHALL BE ESTABLISHED BY THE DEPARTMENT AND WILL BE A HARVEST RATE 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 FISHERY WILL NOT BE CONDUCTED IF THE SPAWNING BIOMASS IS LESS THAN 25,000 TONS.] **repealed**

**Substitute regulatory language for Sitka Sound herring fishery management plan.**

5 AAC 27.195 is amended to read:

**5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.** (a) In managing the commercial sac roe herring fishery in section 13-B north of the latitude of Aspid Cape (Sitka Sound), the department shall

(1) manage the fishery consistent with the applicable provisions **specified in** [OF 5 AAC 27.160(G) AND] 5 AAC 27.190;

(2) distribute the commercial harvest by fishing time and area 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);

(b) In addition to the provisions of (a) of this section, the department shall consider the quality and quantity of herring spawn on branches, kelp, and seaweed, and herring sac roe when making management decisions regarding the subsistence herring spawn and commercial sac roe fisheries in Section 13-B north of the latitude of Aspid Cape.

**(c) The department shall establish the guideline harvest level for the herring sac roe fishery in Sections 13-A and 13-B based on a harvest rate percentage that is not less than 12 percent and not more than 20 percent, which will be determined by using the following formula:**

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

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

**(d) The guideline harvest level as established in subsection (c) will be allocated as follows:**

**(1) 694 tons of herring for the Sitka subsistence herring fishery;**

**(2) 100 tons for the bait pound fishery; and**

**(3) the guideline harvest level remaining after providing for subsistence and**

**bait pound fisheries will be allocated to the commercial sac roe fishery.**

**Of note:** For the purposes of discussion it is assumed that one ton of herring is required to produce 546 pounds of spawn-on-kelp. The amount necessary for subsistence use has a range of 136,000 to 227,000 pounds of herring spawn, which when expressed in tons of herring is 249 to 415 tons of herring. The minimum subsistence harvest estimate of 71,936 pounds in 2008 was estimated to be equivalent to 132 tons of herring. The maximum subsistence harvest estimate of 379,148 pounds in 2004 is estimated to be equivalent to 694 tons of herring. )

5 AAC 27.160(b) is amended to read:

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

(b) The herring harvest quota for bait pound operations is as follows:

- (1) Scow Bay: 100 tons;
- (2) **repealed** [SECTION 13-B: 100 TONS];

5 AAC 27.160(g) is repealed:

(g) **Repealed** [THE GUIDELINE HARVEST LEVEL FOR THE HERRING SAC ROE FISHERY IN SECTIONS 13-A AND 13-B SHALL BE ESTABLISHED BY THE DEPARTMENT AND WILL BE A HARVEST RATE 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 FISHERY WILL NOT BE CONDUCTED IF THE SPAWNING BIOMASS IS LESS THAN 25,000 TONS].

Dear Chairman Johnstone and Board Members,

Re: Tender Concerns Regarding Equal Share Proposal

I would like to address the issue concerning loss of tender opportunities in the event of equal share adoption. Speaking for our company, Alaska General Seafoods, we do not expect to see a reduction in our tender needs if the proposal passes. We believe that tenders will always be needed in the herring fishery because we will not have the luxury of having an extended fishery that will allow the catcher vessels to tender all their own fish. By design of the fishery and the size of the quotas there will be a limited time to catch the fish, as there is now, which will require tenders to pack and hold fish. Tendering needs will always be directly tied to the size of the quota, with or without equal shares.

Sincerely,



Sandy Souter  
Alaska General Seafoods - Fleet Manager



**ATTN: BOF COMMENTS**  
**Boards Support Section**  
**Alaska Department of Fish and Game**  
**P.O. Box 115526**  
**Juneau, AK 99811-5526**

28 February 2012

Dear Board of Fish,

I encourage your support of the following proposals for improved management and long term sustainability of the Sitka Sound sac roe herring fishery:

**PROPOSAL 233 - 5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.**

**PROPOSAL 234 - 5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.**

**PROPOSAL 235 - 5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.**

**PROPOSAL 238 - 5 AAC 27.150. Waters closed to herring fishing in Southeastern Alaska Area.**

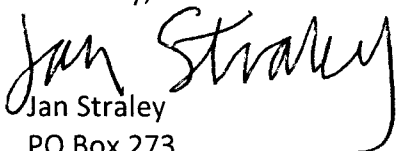
**PROPOSAL 239 - 5 AAC 01.716. Waters closed to herring fishing in Southeastern Alaska Area**

The primary rationale for recommending support of these proposals is for habitat protection and sustainability of marine life in Sitka Sound. The fishery occurs at a time when the entire marine system is spring bloom: phytoplankton, zooplankton, out migrants of salmon smolts and fry, spawning herring to name a few key species. Herring spawning and the resulting larval/fry stages of development are dependent on a healthy web of marine life at this time of year. A fuel and oil spill and the resulting contamination of inter- and sub-tidal habitat would destroy this ecological web.

To minimize habitat loss, proposals 233 to 235, specifically, would eliminate the aggressive rodeo style fishery which has resulted in vessels colliding and capsizing. While no documented fuel/oil spills have been recorded to date, this is inevitable as this fishery becomes more aggressive. The potential damage is enormous. Mitigation measures could be implemented and booms are available at the harbor in Sitka, however, it is unlikely there is sufficient response time to prevent 100% habitat damage. Alternately, Proposals 238 and 239 will protect the habitat along the Sitka road system out to the near shore islands in an area used intensely by local Sitkans. While this measure would not reduce the risk to the rest of Sitka Sound it would limit potential risk and loss of marine habitat in areas of high use by local Sitkans.

Please consider supporting these proposals.

Sincerely,



Jan Straley

PO Box 273

Sitka, AK 98835 907 747 5431

Proposal #325

Problem:

The timely and inexpensive data gathering of the wild versus hatchery composition of chums in the troll fishery by sub-area in Icy Straits and North Chatham.

ADF&G staff has advised the fishing industry that: "Concerns over impacts of the chum troll fishery on wild stocks in Icy Straits <sup>ADF&G</sup> <sup>ARS</sup> will be greatly alleviated if they have timely data at little cost." Noon discussion on 2/27/2011. <sup>THIS</sup>

Discussion:

DIPAC has <sup>AGREED</sup> advised industry <sup>WILL</sup> that DIPAC ~~can~~ read otoliths (almost all SE hatchery chum are otoliths marked) and provide information on wild versus hatchery chum stock composition to ADF&G within 36 hours of chum head receipt.

What DIPAC needs from ADF&G is <sup>WILL</sup> ~~someone~~ <sup>sub</sup> to take the heads, label them as to area of origin, and contact DIPAC for shipping.

Most of the Icy Straits/North Chatham Chums are anticipated to be processed in Hoonah and Juneau. Some are likely to be processed in Excursion Inlet, Petersburg, and Sitka.

Trollers are familiar with segregating salmon by sub-area as we commonly do this with Spring Chinook. Many trollers deliver daily or within 36 hours at most. Most Icy Strait chums are at the processors within two days of harvest.

Tenders servicing Icy Strait commonly have totes in which they <sup>WILL</sup> ~~could~~ save and segregate a sample of troll chums by sub-area.

If ADF&G samplers, ~~already~~ <sup>WILL</sup> in place for the Spring Troll Hatchery Chinook fishery, ~~could~~ <sup>WILL</sup> gather, label, and prep heads for DIPAC ~~then the~~ <sup>IS</sup> chum troll data needed ~~could~~ <sup>AND SHALL</sup> be available to ADF&G.


Solution proposed:

Troll industry (trollers, tenders, and processors) <sup>SHALL</sup> ~~agree to~~ segregate chums by sub-area for ADF&G samplers.

ADF&G samplers <sup>SHALL</sup> gather the heads, label by sub-area, prep, and contact DIPAC for shipping.

DIPAC <sup>WILL</sup> ~~agree to~~ read chum troll otoliths furnished by ADF&G and provide data in <sup>WILL</sup> ~~a~~ <sup>can agree and...</sup> timely fashion.

Spring Troll Hatchery Fishery managers <sup>SHALL</sup> analyze data and may utilize to minimize wild chum stock impacts and optimize hatchery chum troll harvest percentages.

DIPAC 

Chum Trollers 

11:30 AM 2/28/12

TO: AK BOF

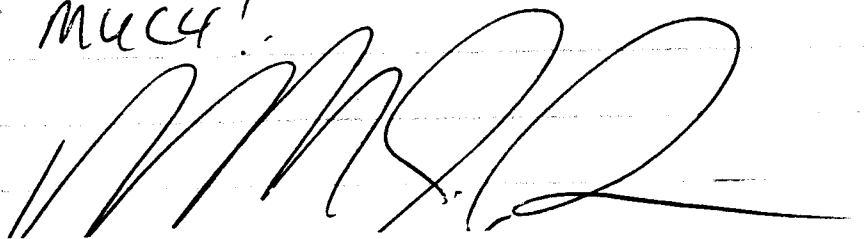
FROM: JAMIE ROSS, AK HER ASS. REP.

RE: PROPOSAL # 235

BASED ON THE ADFG'S  
COMMENTS AND IN THE  
ESSENCE OF TIME, WE  
WOULD LIKE TO  
WITH DRAW PROPOSAL  
# 235

THANK YOU VERY MUCH!

SINCERELY,



**Proposal 302 and 303**

February 28, 2012

As the author of proposals 302 and 303, I would like to remove my support. Because of the action taken on 301 these two proposals are not necessary to discuss.

Thank you☺

Dan Erhart

Tsiu River Coalition