



# Southeast Alaska Fishermen's Alliance

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January 19, 2018

Alaska Board of Fisheries

John Jensen, Chair

PO Box 115526

Juneau, AK 99801

RE: Southeast Groundfish, and Herring Proposals not previously commented on

Dear Board of Fish Members,

**Proposal # 122: SEAFA opposes** eliminating the state sablefish survey and relying on the federal survey. The Board of Fish does not have the authority to determine spending for the Dept of Fish and Game. The harvest rate used by the State is more conservative than the federal harvest rate as appropriate with long-living species. Even if this proposal passed, the state would use their more conservative harvest rate on the federal survey data.

**Proposal #121 & #122: Clarification**, both of these proposals are addressing changes to regulation (120 – clarifying the seasons that pots and longlines can be used) and (121 – penalizing permit holders who continue to use longline gear) based on the action taken by CFEC effective May 11 to allow C61C permit holders to fish either longline or pots. See CFEC memo on proposals which conflicts with the information provided in the Dept. of Law memo RC245.

**Proposal #95 & 96: SEAFA opposes** permanently repealing the commercial sac roe fisheries in 11A and 15B & 15C. The Dept. has shown that they are not going to open these fisheries at this times particularly without the funds to do a stock assessment but leaving the fishery on the books might provide an opportunity for the Dept. and industry to do collaborative data collection in the future.

**Proposal #98, 99 & 100: SEAFA opposes these proposals** to reduce the harvest rate for the Sitka Sac Roe fishery. We support management of our fishery resources based on the best science available. ADF&G has shown themselves to be responsible managers of this resource.

**Proposal # 109 & 110:** SEAFA has no position but many of our members participate in the roe on kelp/herring pound fishery and would like to provide the following information for consideration.

- A system similar to proposal 109 and 110 was tested in 2017, and fishermen found it to be a poor management tool. Groups have investments in gear together and it was hard to re-

organize for the optimum number of permits per pen as determined by the department. In some cases, this included kicking people out of a group in order to form groups of 6. Fishermen need more stability than this year-to-year practice.

- In the herring roe-on-kelp fishery, the management tool used to control the amount of herring harvested is 'Blade Allocation' determined by the number of permits fishing in a pen and the GHL. Pens with more permit holders are allocated more blades, the assumption being the more blades a pen holds, the more Herring will be taken to cover them with roe. Between one and four permits can fish in a pen. Limiting the amount of permits in a pen undermines the flexibility built into the 'Blade Allocation' table. Remember at the last Board of Fish cycle the Board significantly changed the Kelp allocation table. The effects of the change reduced the number of structures by about half, and was a benefit for the industry for market reasons.
- Proposals 109 and 110 seek to reduce the number of pens in the fishery and therefore number of participating permits. In proposal 109, fishermen that have previously participated in the fishery with between one and three permits in a pen, would be prohibited from the fishery, unless they reorganize to form four-permit groups. It is easy to imagine circumstances under which this would bar some permit holders from the fishery.
- The goal of these proposals is to reduce the number of permits fishing. CFEC set the optimum number at 164. Adopting proposals to limit participation without consideration of socio-economic factors that CFEC would consider if they performed an optimum-number study is concerning.
- In 2005 in the case Grunert V State of Alaska, the Supreme Court of Alaska found the Board's (Board of Fisheries) authorizing statute, AS 16.05.251(e), permits the board to allocate fishery resources "among personal use, sport, guided sport, and commercial fisheries," but not "between" the fisheries. The Limited Entry Act defines "fishery" as "the commercial taking of a specific fishery resource in a specific administrative area with a specific type of gear."<sup>1</sup> Limiting the take of Herring only to pens with a certain number of permit holders could be argued to be allocating Herring to only these pens, and away from pens with less permit holders. Or allocating within a gear group.

### **Proposal 111**

Construction of pens is expensive whether made of wood or aluminum and groups have large investments in them. This proposal could force participants to alter their pens if Proposal 110 also passed and the department managed the fishery down to the half pen. We are also concerned for the viability of herring in a smaller structure than the current regulations. In the Canadian fishery, pens are larger than the ones in Alaska. The more space and water flow through the pen, the healthier the fish will be.

### **Proposal 112**

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<sup>1</sup> Michael GRUNERT, Appellant, v. STATE of Alaska and Chignik Seiners Association, Inc., Appellees.



This proposal would close the spawn-on-kelp fishery until the department determined a mortality rate and conversion metric for spawn-on-kelp to herring harvested.

There is already a conservative mortality rate for herring used in this fishery for herring placed in closed pens. This is 75% mortality.<sup>2</sup> Fishermen know the actual rate is much lower, as the herring placed in pens are released after 7 days, but accept the high mortality assumption because it creates a conservative measure within the management of the fishery.

RC72 supporting this proposal cites a conversion rate of spawn-on-kelp product to herring of 12.5 to 1. There is no consideration for kelp variability in this conversion ratio. Depending on factors such as the amount of sun, or strong winds leading up to the fishery greatly varies the quality of kelp from year-to-year. In some years the majority of the kelp used in the fishery is about 2 feet in length. While in other years with more sun, or when the fisheries occur later in the season, the kelp has grown to 4 feet or longer. *Macrocystis* grows up to 2 feet per day and as long as 148 feet (Encyclopedia of Life).

The ratio of kelp to roe in spawn-on-kelp product doesn't only vary by the size of blades of kelp, but also by the amount of blades in a pen per the 'Blade Allocation' table. The more blades in a pen, the more surface area that roe is spread across, and the higher ratio of kelp to roe in the overall product, assuming a pen holds a standard amount of herring (20 tons)

***Managers are not using this 12.5 to 1 conversion rate cited in RC72 to estimate the herring used in the spawn-on-kelp fishery.*** They are using the assumption that a pen holds 20 tons of herring. This is supported by studies in Alaska and Canada when herring were pumped from pens. In one case in Alaska, the State seized a pen from an illegal fishing situation. They pumped the herring in the pen as an impromptu study and then harvested and sold the product.

Proposal 112 has some useful information that could be used as a measure of performance post season but not as a management tool.

Sincerely,

A handwritten signature in black ink that reads "Kathy Hansen" followed by a long horizontal line extending to the right.

Kathy Hansen  
Executive Director

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<sup>2</sup> Hebert, K. 2017. 2018 Report to the Alaska Board of Fisheries: Southeast Alaska–Yakutat herring fisheries. Alaska Department of Fish and Game, Fishery Management Report No. 17-58, Anchorage.