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Subject: Testimony to Board of Fisheries, Southeast Herring, Against Proposal 161

***Please RC for Southeast Finfish**

Good day and thank you for the opportunity to speak. My name is Tom Thornton and I am here testifying on behalf of Sealaska Corporation. I am an environmental social scientist and have conducted research on subsistence fisheries since 1989. I have served on the Herring Working Group of the Ocean Modelling Forum (<http://oceanmodelingforum.org/working-groups/pacific-herring/>) with members of the ADFG, Sitka Tribe of Alaska, Sitka Herring Conservation Alliance, and representatives of the herring processing industry, and was the lead scientist of Herring Synthesis Study (NPRB #728: <http://herringsynthesis.research.pdx.edu/>) from the results of which numerous peer-reviewed joint-authored publications have been produced, including a recent book: *Herring and People of the North Pacific: Sustaining a Keystone Species* (U Washington Press 2020). On the basis of my professional work, I urge the BOF to reject Proposal 161 to ‘Require a subsistence fishing permit to harvest herring roe on branches in the Sitka Sound area’ for three reasons.

1. A permit system will not provide the information needed to ensure reasonable opportunity. Proposal 161 suggests that a permit or registration system can assist the department in managing the fishery and ensuring that subsistence harvesters have ‘reasonable opportunity’ to harvest herring eggs in Sitka Sound. ADFG, Division of Subsistence, already conducts an annual harvest survey in collaboration with the Sitka Tribe of Alaska, which assesses harvest and other important conditions and patterns of the fishery of relevance to management, including factors affecting reasonable opportunity. In its 2021 Subsistence Harvest Report, ADFG ¹ states that: a) “permits can underestimate the actual harvest”; and b) fish harvests recorded on individualized permits “decouple subsistence from the broader context in which the resource is harvested. For example, permits do not document household demographics, sharing practices, or qualitative assessments about the harvests [such as quality and quantity of spawn in use areas] that provide important explanatory context needed for sensitive allocation issues;” The proposed harvest permit system would divert resources and focus away from the relevant science and management needed to properly determine and insure reasonable opportunity for subsistence uses based on the real needs of the users.
2. A permit system is unnecessary and distracts from herring conservation. Generally, permits should only be imposed on user groups when their activity threatens conservation or equitable allocation of a resource. Under Indigenous customary and traditional self-management, subsistence harvests of herring eggs in Sika Sound have been inherently conservative, even enhancing of herring stocks. This is because the practice of introducing hemlock boughs to the intertidal area creates choice herring spawning habitat. Customary subsistence practices constitute a form of cultivation rather than an extractive harvest. Because the subsistence harvest is selective, significant spawn is allowed to hatch out rather than being collected. Moreover, some branches may be moved to other areas to create,

¹ L. Sill and M. Cunningham. 2021. The Subsistence Harvest of Pacific Herring Spawn in Sitka Sound, Alaska, 2021. ADFG, Division of Subsistence Technical Paper 486.

revitalize, or enhance spawning in other places.² Unlike commercial fishing, customary subsistence harvests of herring eggs on branches in Sitka Sound pose no threat to the conservation or equitable allocation of herring harvests. The subsistence harvest of eggs on branches represents on average less than 1% of the total herring harvest--the remaining 99+% being taken in the non-renewable sac roe kill fishery.

3. It is culturally inappropriate and burdensome to impose a permit system on this communal fishery. Distrust of Fish & Game management among subsistence users of herring eggs is high because the state has prioritized commercial interests over subsistence needs. Imposing a permit or registration requirement for subsistence users will likely exacerbate distrust and cynicism. ADFG subsistence studies and other research³ shows that herring eggs are harvested with communal support and for communal benefit. On average 87% of the harvest is distributed either through sharing, gifting, barter, or customary trade. This is exceptional distribution optimizes the flow of material, social, and cultural benefits to Sitka, to Southeast, and dozens of other communities that receive herring eggs within Alaska and beyond. Communities like Angoon, Hoonah, Kake, and Juneau regularly send boats with crews to harvest eggs on behalf of their communities. Through this system nearly everyone who wants a taste of herring eggs each spring can obtain some—that is unless Sitka Sound egg harvesters are unable to meet their needs as happens frequently under the current management regime. A permit system, even if carefully designed, will be burdensome on the high-provisioning harvesters who maintain this primary distribution system, and it will not capture the subsistence benefits and needs, met or unmet, through the wide secondary distribution of herring eggs on branches.

Thank you.

² TF Thornton and ML Moss 2020. *Herring and People of the North Pacific: Sustaining a Keystone Species*. Univ. of Washington Press.

³ T.F. Thornton. 2019. *The Distribution of Subsistence Herring Eggs from Sitka Sound, Alaska*. Sealaska Heritage Institute.