

## ***HERRING (20 proposals)***

### ***Sitka Herring***

#### **PROPOSAL 171**

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

Modify spawning biomass threshold minimum and maximum harvest rates for the herring sac roe fishery in Sections 13-A and 13-B, as follows:

5 AAC 27.160(g) is amended to read:

(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 **10**[12] percent, not more than **15**[20] percent, and within that range shall be determined by the following formula:

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

$$\text{Harvest Rate} = (0.000002 * \text{Forecast}) + 0.048$$

The fishery will not be conducted if the spawning biomass is less than **26,000**[25,000] tons.

**What is the issue you would like the board to address and why?** The department completed an analysis to update the estimated unfished spawning biomass for Sitka Sound herring, upon which the threshold is based, using data through 2022. Based on recent research, and as a precaution recognizing that a harvest rate strategy evaluation has not been completed for Sitka Sound herring, the department proposes a threshold based on 30% of unfished spawning biomass (26,000 tons) and a sliding scale harvest rate of 10-15% (15% maximum at 51,000 tons).

**PROPOSED BY:** Alaska Department of Fish and Game

(HQ-F24-152)

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#### **PROPOSAL 172**

##### **5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area.**

Reduce upper end of sliding scale harvest rate for Southeast Alaska commercial herring fisheries from 20 to 15 percent, as follows:

5 AAC 27.190(4) is amended to read:

(4) except as provided elsewhere, may allow a harvest of herring at an exploitation rate between 10 percent and **15**[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?** Based on recent research, and as a precaution recognizing that harvest rate strategy evaluations have not been completed for Southeast Alaska herring stocks, the department recommends a sliding scale harvest rate of 10 to 15 percent (15 percent maximum).

**PROPOSED BY:** Alaska Department of Fish and Game

(HQ-F24-153)

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#### **PROPOSAL 173**

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

Eliminate provisions to establish a guideline harvest level for the Sitka Sound herring sac roe herring fishery under 27.160.

To accomplish this, we recommend revision of 5 AAC 27.160 as follows:

**Under the authority of 16.05.251(a)(2.6) and 16.05.258(b)(3) and consistent with 5 AAC 01.716 (a)(11)(D)(ii) herring aggregating nearshore in preparation for spawning and spawning herring should be considered fully-utilized for subsistence purposes.**

[.(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 =  $2 + 8 \text{ [SPAWNING BIOMASS (IN TONS)]} / 20,000$ )

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?** Sitka Sound is home to the largest spawning population of Pacific herring in Southeast Alaska and is a critical site for the subsistence harvest of herring roe on hemlock branches and kelp. Herring are also valuable to the Southeast Alaska marine ecosystem as a food source for salmon, halibut, whales, sea lions, birds, and other species; these dependent species are also economically important through direct exploitation or ecosystem benefits including eco-tourism. Successful herring spawning in Sitka is necessary to maintain the health of all fisheries in Sitka Sound and Southeast Alaska more broadly; successful and undisturbed herring spawning in Sitka is necessary to ensure a consistent (i.e. met every year) reasonable opportunity for subsistence of herring roe.

The commercial sac roe fishery in Sitka disrupts spawning patterns and interferes with traditional corridors affecting subsistence harvest. Lingít people have managed a herring/roe fishery in Sitka Sound since time immemorial. It is part of the Lingít way of life and is vital to our culture and traditions. The seine fishery interferes with this many-thousand-year-old subsistence fishery and way of life. A living subsistence fishery of ancient provenance and based on reciprocity and deep knowledge and respect for life must take priority over the perpetuation of sac roe fishing. This is also in alignment with the Department's mandate to prioritize subsistence needs.

Under the authority of 16.05.251(a)(2.6), pre-spawn and spawning herring should be designated as subsistence fish and utilized only for subsistence purposes. The traditional subsistence harvest of roe on hemlock branches and kelp, historically practiced in communities across Southeast Alaska, relies on minimal disturbance to pre-spawn and spawning herring. That condition cannot be met by a seine fishery targeting the oldest, most fecund roe-bearing herring in the days immediately preceding the subsistence harvest.

Alaska waters will be more alive with wild abundance for the benefit of all by leaving spawning aggregations undisturbed by commercial pressure.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of harvesters and elders and informed by prior conversation with many others.

This proposal was informed by the establishment of the Herring Revitalization Committee.

**PROPOSED BY:** Herring Protectors

(EF-F24-170)

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**PROPOSAL 174**

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

Establish a maximum guideline harvest level and minimum spawning biomass to conduct fisheries for the Sitka Sound sac roe herring fishery.

If the Sitka Sound sac roe fishery is to exist, it must be at a much lower intensity to reduce disturbance to spawning herring. 5AAC 27.160(G) should be revised as follows:

**(G) The maximum Guideline Harvest Level for the herring sac roe fishery in Sections 13-A and 13-B (combined) is 5,000 tons. In years where the spawning biomass is less than 100,000 tons, the guideline harvest level is 2,500 tons. The fishery will not be conducted if the spawning biomass is less than 50,000 tons.**

[(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 =  $2 + 8 \text{ [SPAWNING BIOMASS (IN TONS)]} / 20,000$

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?** Between 1979 and 1995, the average commercial harvest of herring during the sac roe seine fishery in Sitka Sound was 5,490 tons. In the years since, the average commercial harvest has been 11,560 tons. Economic value has declined over this same period as catch has increased.

The doubled average annual catch since that earlier stage of the fishery has involved a commensurate increase in fishing pressure and disruption to spawning herring with known consequences for subsistence harvest success and unquantified consequences for other species and the marine ecosystem.

The Board of Fisheries has received complaints from subsistence users in Sitka in each board cycle since 1997.

Biomass estimates for earlier years in the time series are deflated due to inadequate sampling capabilities. Recognizing that historical biomass exceeded estimates means that the GHL in previous decades was likely much lower than 12-20% of the actual biomass; thus, fishing at 12-20% of today's more accurate biomass estimates results in unprecedented and dangerous pressure on spawning populations.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of harvesters and elders and informed by prior conversation with many others.

**PROPOSED BY:** Herring Protectors

(EF-F24-173)

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## **PROPOSAL 175**

### **5 AAC 27.195. Sitka Sound commercial sac roe herring fishery.**

Establish a 15,000 ton harvest limit for the Sitka Sound sac roe fishery.

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;

ADD THE FOLLOWING LANGUAGE:

a) Sitka Herring Fishery will have a 15,000 ton harvest cap

**What is the issue you would like the board to address and why?** The Sitka commercial seine herring fishery is a "sacroe fishery" because of the historical focused on sac-roe markets. There is a great deal of controversy regarding the herring fishery because it targets a fish that is low on the food chain that feeds a large number of other commercially valuable fish species that are sought after in the Sitka Sound area-- especially king and coho salmon. The fishery is also controversial because it targets the fish when they are breeding and aborts the unlaidd eggmass inside female fish. All herring that are not females at full-term, or have "mature roe," (generally 10% to 15% of the fish are at full-term with mature roe with the rest being not adequate for the sac-roe product), are by-catch which could be up to 90% of the fish caught. These fish are either discarded, ground-up into fish meal, sold to pig farms, or sold to feed fish farm salmon.

This fishery has been tolerated in the community because of the lucrative Japanese market for Sac-Roe Kazunoko. The community could at least feel somewhat good about harvesting spawning herring because we were supplying a higher-end market of a product that had cultural significance in Japan. That market however has been in decline as population ages in Japan and traditions are changing. (It must be noted that herring eggs also have a tremendous cultural significance in Sitka for Alaska Natives and especially the Kiksadi Clan who have traditionally stewarded the Sitka Sound Herring. Only relatively recently has the Alaska ADFG begun to recognize the cultural significance of herring for Alaska Natives).

As markets for herring change, the community is re-evaluating the herring fishery. The Sitka Sound "biomass" is a remnant herring spawning population/area that once happened throughout all of Southeast Alaska. Now there are only a few places with robust herring spawn after impacts of widespread commercial harvesting and herring rendering operations pre-statehood. With an increased understanding of the uniqueness of the spawning population in Sitka Sound, and the need to conserve this species for the health of the rest of the Sitka Sound Marine ecosystem and fisheries-- and the need to bring herring populations back to their historic levels across Southeast Alaska-- the Sitka spawning herring harvest is being questioned by the community of Sitka and a reevaluation is needed.

The core questions that need to be considered are:

- a) Is this fish more valuable left in the ocean than harvested?
- b) If we are not harvesting the fish for a specialized market, should we harvest it at all?
- c) Is it okay to harvest herring in Sitka Sound to be ground up and used for pig feed, fish food for salmon farming operations, fish meal, rendered product, or protein slurry manufacture?
- d) As the Sitka Sound Herring population increases while the sac-roe market decreases, should the GHF still look to harvest 20% of the total population? Or would the reality be that the majority of those fish harvested (even beyond the 90% bycatch of non-full-term-females with mature eggs,

juvenile fish, and all males) will be destined for other markets that may include fish food for fish farms?

This proposal is written because the proposer believes that herring are indeed more valuable left in the ocean to feed populations of marine life and the fisheries higher up the food chain, and that the Sitka Sound population should be left to increase and hopefully spread to other parts of SE Alaska (Hoonah Sound, Peril Strait, South Baranof, West Chichagof, etc.), and that there should be no scenario where these fish that are low on the food chain should not be used as a base commodity to feed pigs or farmed fish.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** I have consulted many fishermen, AC members, experts in herring, fisheries specialists, culture bearers, Kiksadi leaders, and community members.

I know that there are many people who think that this cap is too high and should be lower and question if we should even have a herring fishery. This cap has only been exceeded three times in the history of the sacroe fishery since 1980. The Sitka AC and BOF can decide if it is too high and should be lowered to 10,000 tons or 5000 tons or make further recommendations on the fishery.

**PROPOSED BY:** Andrew Thoms (EF-F24-108)  
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#### **PROPOSAL 176**

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

Reduce the maximum harvest rate from 20 percent to 10 percent for the Sitka Sound herring sac roe fishery.

We recommend a harvest rate cap of 10%.

(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 10 [20] percent., AND WITHIN THAT RANGE SHALL BE DETERMINED BY THE FOLLOWING FORMULA:

$$\text{HARVEST RATE PERCENTAGE} = 2 + 8 [\text{SPAWNING BIOMASS (IN TONS)}] / 20,000]$$

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?** Herring are a forage fish and keystone species. Alaskan fisheries and tourism businesses rely directly on animals that feed heavily on herring. Pacific herring are critical for the north Pacific ecosystem. For example, gray whales recently experienced an Unusual Mortality Event linked to malnutrition and have been coming to Sitka Sound in increasing numbers in recent years, likely preying heavily on Sitka herring. Marine heat waves have seen disruptions in energy transfer from forage fishes in the Gulf of Alaska to upper trophic levels (von Biela et al. 2019; Arimitsu et al. 2021). Robust forage fish populations are critical to withstand climate change impacts and other ecosystem perturbations. Reducing the maximum allowable harvest rate on herring will help ensure forage fish populations are able to support ecosystem needs.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.**

**PROPOSED BY:** Sitka Tribe of Alaska

(HQ-F24-040)

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**PROPOSAL 177**

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

Reduce the minimum harvest rate to 10 percent and increase the threshold that allows for a fishery from 25,000 tons to 50,000 tons for the Sitka Sound herring sac roe fishery.

In 2021, Sitka Tribe of Alaska updated the methodology ADF&G used to develop the harvest control rule (Supplemental Comments to PC329 from 2022 Southeast and Yakutat Finfish and Shellfish meeting). The proposed harvest control rule below is based on the findings of that report. Please note that the 2021 analysis does not include data from 2021-2023; those data would likely make the average unfished biomass larger and the resultant harvest control rule would be even more conservative.

(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 **10** [12] percent, not more than 20 percent, and within that range shall be determined by the following formula:

$$\text{HARVEST RATE PERCENTAGE} = 2 + 8 [\text{SPAWNING BIOMASS (IN TONS)}] / 20,000]$$

**Harvest Rate Percentage = 8 + 2 [Spawning Biomass (in tons)] / 50,000**

The fishery will not be conducted if the spawning biomass is less than **50,000** [25,000] tons.

**What is the issue you would like the board to address and why?** The harvest control rule for the Sitka Sound sac roe herring fishery is based on an outdated analysis of the average unfished biomass (AUB; Carlisle 1998) and should be updated to better reflect nearly thirty years of additional data. Sitka Tribe of Alaska followed the methods of Carlisle (1998) with data through 2020 and found an updated AUB between 109,000 and 136,000 tons. STA suggests using the mid-point of this range (rounded to nearest 5,000 tons) for an updated AUB of 125,000 tons. STA also suggests a threshold of 40%, close to the 37% threshold ADF&G has stated they are using (ADF&G 2021) and equal to the threshold recommended to ensure ecosystem needs for forage fishes are met (Pikitch et al. 2012). Lastly, STA suggests reverting from the aggressive “2+8” harvest control rule used only in Sitka Sound to the more conservative “8+2” rule used by all other Southeast Alaska herring populations, including populations that have not been able to sustain commercial fisheries or subsistence harvests. Please see Sitka Tribe of Alaska’s Supplemental Comments to PC329 from the 2022 Southeast and Yakutat Finfish and Shellfish meeting for detailed methods and results on the update to the average unfished biomass.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.**

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**PROPOSAL 178**

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

Expand waters closed to commercial sac roe herring fishery to include the majority of waters herring having historically spawned in and the fishery has historically occurred.

To accomplish this, we recommend that section 27.150 be revised as follows:

**27.150:** Herring may not be taken in (7) District 13 (A), in the waters enclosed by a line extending from a point on the Baranof Island shore at the O'Connell Bridge at 57° 02.87' N. lat., 135° 20.33' W. long., to the northernmost point of Aleutski Island at 57° 02.74' N. lat., 135° 20.46' W. long., to the westernmost point of Makhnati Island at 57° 02.40' N. lat., 135° 23.48' W. long., to Bieli Rocks at 57° 05.42' N. lat., 135° 29.98' W. long., to the northwestern point of Crow Island at 57° 06.96' N. lat., 135° 28.57' W. long., to the westernmost point of Big Gavanski Island at 57° 08.11' N. lat., 135° 26.13' W. long., to the northernmost point of Big Gavanski Island at 57° 08.49' N. lat., 135° 25.21' W. long., to the Baranof Island shore at Harbor Point at 57° 07.59' N. lat., 135° 23.37' W. long. **(B) In the months of February, March, and April, North of the latitude of Goddard Hot Springs, Sitka Sound is designated a herring reserve area for spawning herring.**

**What is the issue you would like the board to address and why?** Under the authority of 16.05.251(a)(1), Sitka Sound should be considered a herring reserve area during the months of herring pre-spawning aggregation and spawning.

Sitka Sound is home to the largest spawning population of Pacific herring in Southeast Alaska and is a critical site for the subsistence harvest of herringroe on hemlock branches and kelp. Herring are also valuable to the Southeast Alaska marine ecosystem as a food source for salmon, halibut, whales, sea lions, birds, and other species; these dependent species are also economically important through direct exploitation or ecosystem benefits including eco-tourism. Successful herring spawning in Sitka is necessary to maintain the health of all fisheries in Sitka Sound and Southeast Alaska more broadly; successful and undisturbed herring spawning in Sitka is necessary to ensure a consistent (i.e. met every year) reasonable opportunity for subsistence of herring roe. Commercial herring fisheries that target aggregating pre-spawn and spawning herring exploit the population at their time of greatest population-scale vulnerability and may have broad-reaching and as of yet unquantified negative impacts on the Southeast Alaska marine ecosystem. Locally, commercial herring fisheries that coincide with herring spawning disrupt spawning patterns and interfere with traditional corridors affecting subsistence harvest. . Declaring Sitka Sound a herring reserve area during the months of herring aggregation and spawn will ensure successful undisturbed spawning to maintain healthy fisheries across the region and ensure reasonable opportunity for subsistence harvest.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of subsistence herring egg harvesters and community elders and were informed by prior conversations with many others.

This proposal was informed by the establishment of the Herring Revitalization Committee.

**PROPOSED BY:** Herring Protectors

(EF-F24-171)

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**PROPOSAL 179**

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

Expand waters closed the Sitka Sound herring sac roe fishery to include Promisla Bay.

Add to the conservation area. Point to point 57.09.511 135.29580 to 57.08.470 135.30.478

**What is the issue you would like the board to address and why?** Add Promisla Bay in Sitka Sound to the subsistence conservation zone. The bay has been a leading producer of herring spawn on branches and important to harvesters.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** Individual AC Members and fellow harvesters.

**PROPOSED BY:** Steve Johnson

(HQ-F24-051)

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**PROPOSAL 180**

**5 AAC 27.110. Fishing seasons for Southeastern Alaska Area districts.**

Correct latitude of Aspid Cape for the southern boundary of the Section 13-B purse seine sac roe herring fishery, as follows:

5 AAC 27.110(b)(1)(E) is amended to read:

(E) Section 13-B, north of the latitude of Aspid Cape (56° 41.14[75]' N. lat.), except for Whale and Necker Bays;

**What is the issue you would like the board to address and why?** The current description of Aspid Cape in this regulation is incorrect. This seeks to correct the description of Aspid Cape to the actual location.

**PROPOSED BY:** Alaska Department of Fish and Game

(HQ-F24-151)

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**PROPOSAL 181**

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

Establish provisions for conducting test setting in the Sitka Sound herring sac roe fishery.

The recommended solution is to limit the number of test sets and released sets and require the Department to keep a log of the number and size of released sets during commercial openings. In 2022, the Department used a “three strikes and you’re out” strategy to close the fishery on one occasion but appears to have subsequently moved away from that strategy.

Suggested limits for test fishing below are derived from long-term medians of available test set data (1995-2023) for the Sitka Sound sac roe herring fishery.

**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).

**(3) allow no more than three test sets per day.**

**(4) limit the number of test sets over the season to 29 sets or an estimated biomass of no more than 2,600 tons.**

**(5) test fishing must be conducted via jig sampling until the average mature roe content is at least 10%. If the average mature roe content falls below 10% during subsequent test samples collected via seine or during commercial openings, test fishing must revert to jig sampling until the average mature roe content reaches 10%.**

**(6) maintain a log of number, size, and location of released sets and allow no more than three released sets in one day during a commercial opening**

**What is the issue you would like the board to address and why?** The number and magnitude of test sets and released sets prior to Sitka Sound sac roe herring openings has increased in recent years. In 2022, there were 26 test sets totaling an estimated 1,275 tons (roughly 8% of the record-high harvest). In 2023, there were 51 test sets totaling an estimated 6,425 tons (roughly 59% of the harvest). In other words, in 2023, the fleet had to catch and release at least three herring for every five they kept. In 2000, the estimated volume captured and released during test sets exceeded the total harvest! **Currently, the Department does not keep data on sets released during commercial openers, so the values above are minimum estimates of the volume of herring handled and released.** The test sets and released sets can needlessly stress sensitive fish preparing to spawn and cause direct or indirect mortality. Released sets or “slips” can cause high (though variable) direct mortality rates and induce behaviors that are detrimental to the long-term health and well-being of small pelagic fishes (Anders et al. 2019). Unnecessary handling of herring should be minimized.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.**

**PROPOSED BY:** Sitka Tribe of Alaska

(HQ-F24-043)

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### **PROPOSAL 182**

#### **5 AAC 27.XXX. New section.**

Establish provisions for a herring sac roe purse seine permit holder participating in the Sitka Sound sac roe herring fishery to use open pound instead of purse seine fishing gear.

5 AAC 27.XXX. Management plan for herring spawn on kelp in open pound fishery in Sections 13-A and 13-B.

(a) In section 13-A south of the latitude of Point Kakul (Saulisbury Sound) and in Section 13-B north of the latitude of Aspid Cape (Sitka Sound), a CFEC permit holder in the G01A fishery may

choose to operate an open pound instead of purse seine gear during the current regulatory year under provisions of this section;

(b) Prior to the open season, permit holders who choose to participate in the spawn on kelp fishery must register with the department by March 1. Permit holders may only fish with one gear type in a given season.

(c) A permit holder may operate up to four open pound structures as specified in 5 AAC 27.130.

(1) only two pound structures per registered permit holder may be fished in the waters described in 5 AAC 27.150(7);

(2) open pound structures located in the waters described in 5 AAC 27.150(7) may only be allowed one line to shore.

(d) The annual GHL for the Sitka Sound commercial sac roe herring fishery shall be reduced by dividing the current years GHL by the number of CFEC permits eligible to participate in the G01A fishery, multiplying that total by the number of permit holders registered to fish open pound gear and then subtracting that total from the GHL. The maximum GHL reduction for each registered open pound is 200 tons per registered permit holder.

(e) The maximum allowed harvest of spawn on kelp product is 100,000 pounds in aggregate. Any spawn on kelp product in excess of this limit may be utilized toward another permit holders harvest until the raft of product is empty. Any additional excess spawn on kelp product shall remain in the water.

(f) Spawn on kelp pound structures and other equipment used in a spawn on kelp pound fishery must be marked as follows:

(1) before kelp is added to a pound, a permit holder must plainly and legibly mark the permit holder's first and last name and five digit CFEC permit number in a conspicuous place on the pound; the sign must be vertical, and the markings must be clearly visible and above the surface of the water at all times; the letters and numbers used to identify a pound must be at least six inches high with lines at least one-half inch wide and must contrast with the background; the sign must be left on the pound structure the entire time any part of the pound or pound system is in the water;

(g) A permit holder may place the permit holder's kelp in no more than four pounds. Before kelp is introduced into the spawn on kelp pound, a permit holder must store the kelp in a manner that prevents herring from spawning on the kelp.

(h) A permit holder must be physically present at the permit holder's pound fishing site during operation of the pound. For the purpose of this subsection, "operation of the pound" means:

(1) when an open pound is being moved; and

(2) when kelp product is being collected from the pound.

(i) A permit holder must be physically present when the permit holder's herring spawn on kelp product produced in the pound is being landed.

(j) A permit holder shall completely remove all pounds and associated equipment from the waters by 12 noon June 10 through March 1 of the following year;

(k) An open pound is considered to be fishing once kelp has been attached to the open pound structure and is considered to have stopped fishing once all of the spawn on kelp product has been removed from the open pound structure.

(l) Each permit holder is responsible for all operations of the pound and pound system.

5 AAC 27.130(c)-(d) are amended to read:

5 AAC 27.130. Lawful gear for Southeastern Alaska Area. (a) Herring may be taken during the open season by purse seines and gillnets.

.....

(c) Herring pounds for the taking of spawn on kelp in pounds may be operated only under terms of a permit issued by the commissioner and as provided in 5 AAC 27.185 **and 5 AAC 27.XXX.**

(d) A herring pound for the herring spawn on kelp pound fishery may be a closed pound or open pound and may be operated only as provided in 5 AAC 27.185 **and 5 AAC 27.XXX.**

**What is the issue you would like the board to address and why?** Herring roe product markets are still declining and have been for years. The Sitka sac roe seine fishery once had participation from all permit holders, many more tenders, spotter pilots, and other support skiffs because there was enough value in the fishery to justify the expense. There used to be some money in sac roe. Today, due to continued declining market conditions, there are fewer permit holders participating, far fewer tenders, and no spotter pilots or many additional support skiffs because the economies of the fishery are in such decline. The prices paid today are a far cry from what they were in the heyday...in fact, the price paid this year for the fish was less than 10% of the peak values seen in the mid 1990's. The product form coming from the fishery is only sac roe and the fishery would benefit by encouraging different uses, product forms, and harvest methods to be developed by existing permit holders who have invested in the fishery. I propose allowing existing G01A (Sitka sac roe seine) permit holders to choose between seining sac roe or using the alternative gear of open pounds to harvest roe on kelp. In past years this would have been a good thing for the permit holders who were unable to participate in the fishery due to continued constrained and devalued markets for sac roe. It also would be good for those who participated and wish to gain more value for their efforts beyond the traditional seine fishery. Additionally, there is no mortality associated with open pound roe on kelp fisheries so the value of the resource would be increased while removing less fish from the biomass.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** This proposal has been brought before the Board of Fisheries for quite some time now and the current state of herring markets should make it clear that it should be approved. Something needs to be done as status quo has not made any forward progress.

**PROPOSED BY:** Ryan Kapp

(EF-F24-049)

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### ***Herring Spawn on Kelp***

#### **PROPOSAL 183**

**5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, 13-C, and District 7.**

Add the Sitka Sound area in Sections 13-A and B as open area to northern spawn on kelp permit holders and limit pound type to open pounds.

**5 AAC 27.195 Sitka Sound commercial sac roe herring fishery, add a section (c) to include open pounding in the Sitka area for all Northern Southeast Herring Pond Permit holders.**

**What is the issue you would like the board to address and why?** 5 AAC 27.195 Sitka Sound commercial sac roe herring fishery. Northern Southeast Herring pounding has been closed since 2014, this has had a huge economic impact on all permit holders for the Northern Southeast Herring Pounding. Many bought into this fishery for over \$50,000, now the permit is worthless, you can't sell them or use them. This year the quota for Sitka Sac Roe was 80,000 ton, with only 12,000

ton taken. As Sitka is in the Northern Southeast Region, it would make sense to allow open ponding to the Northern Southeast Herring Ponding permit holders.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** Northern Southeast permit holders

**PROPOSED BY:** John Johanson (EF-F24-134)  
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**PROPOSAL 184**

**5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, 13-C, and District 7.**

Expand open area in Section 3-B for placement spawn on kelp pounds and to seining for taking of herring for pounds.

**5 AAC 27.185 (c) Section 3B open pound area. Extended to Miraballes and including Doyle Bay, expanding open area - Point Amargura to Point Providence.**

**What is the issue you would like the board to address and why?** Herring Ponding has been open in Southern Southeast Alaska for over twenty years, this past two years (2022 and 2023) a majority of the groups were NOT able to fill their pens, this has caused a major financial problem for many. The State did observe 20-30 miles of span, the herring just did not go to the areas that they historically have and that are open to commercial fishing.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** Several groups have expressed support over expanding fishable areas.

**PROPOSED BY:** Roseann Demmert and John Johanson (EF-F24-124)  
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**PROPOSAL 185**

**5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-B, 12-A, 13-C, and District 7..**

Expand open area in Section 3-B for spawn on kelp pounds and to seining for taking of herring for pounds, as follows:

Expand the area in the Craig/Klawock herring spawn on kelp fishery open to operation of pounds and taking of herring.

**What is the issue you would like the board to address and why?** The inability to access the large amount of fish in district 3B during the Craig, Klawock herring spawn on kelp fishery.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** Yes, local residents, permit holders, and Ketchikan Commercial Fisheries personnel.

**PROPOSED BY:** James Quigley (HQ-F24-052)  
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## **PROPOSAL 186**

### **5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-8, 12-A, and 13-C, and District 7.**

Expand open area in Section 3-B for spawn on kelp pounds and to seining for taking of herring for pounds.

A proposal to open an area south of town:

5 AAC 27.185. Management plan for herring spawn on kelp in pounds fisheries in Sections 3-8, 12-A, and 13-C, and District 7.

(f)

(1) in Section 3-B, in the waters of the Gulf of Esquibel, San Alberto Bay, Shinaku Inlet, and San Christoval Channel south of the latitude of the northernmost tip of St. Phillips Island at 55° 39.31' N. lat., 133° 25.12' W. long., east of a line from the northernmost tip of St. Phillips Island to the northernmost tip of Point Garcia at 55° 33.65' N. lat., 133° 26.47' W. long., and north of a line from Entrance Point to the southernmost tip of Clam Island **and from the southern most tip of Clam Island to southernmost tip of Parida Island at 55° 31.047' N. lat., 133° 14.4190' W. long., to Balandra Island at 55° 27.219' N. lat., 133° 13.149' to Port Bagial Island 55° 27.480' N. lat., 133° 08.5251' W. long., to Point Miraballes at 55° 25.856' N.lat., 133° 05.257' W. long., to Culebrina Island 55° 25.004' N. lat., 133° 04.824' W. long., to southern tip Doyle Bay 55° 24.4151.' N. lat., 133° 03.311' W. long., all waters of Trocadero Bay will be open Bucareli Bay and Ursua Channel will be open East of a line at Providence Point at 55°21.604' N. lat., 133° 16.18,2' W.long., to Amargura Point 55° 27.0U' N. rat., 133° 21.643' W. long.;** in Section 3-B, the following waters are closed to herring spawn-on-kelp pounds and to seining for taking herring for pounds:

**What is the issue you would like the board to address and why?** The issue is herring are spawning south of town, and our fishing area is north of town.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** Not in coordination. People were talking that this year is when the Board of Fish will be in southeast. Perfect timing for a proposal.

**PROPOSED BY:** Nik Nebl

(HQ-F24-134)

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## **PROPOSAL 187**

### **5 AAC 27.130. Lawful gear for Southeastern Alaska Area.**

Allow the use of large mesh webbing to surround spawn on kelp pound structure to protect structure and spawn on kelp product, as follows:

5 AAC 27.130 (e)(1)(E) **webbing of no less than 7 inches that allows the free movement of herring through the web may be used to surround pound structure for protecting the pound structure and spawn on kelp product.**

**What is the issue you would like the board to address and why?** After herring are introduced to a closed pound, sea lions can tear holes in the pound webbing releasing herring. In addition they may enter the pound chasing herring and destroying spawn on kelp product. We would like to be

able to surround the pound structure with a larger mesh net to provide additional protection to the pound structure, spawn on kelp product, and retain the herring in the pound until released. An additional net would also prevent sea lions having access inside the pound once the pound net is lowered to release herring

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** No

**PROPOSED BY:** Derek Thynes

(EF-F24-161)

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## ***All Commercial Herring***

### **PROPOSAL 188**

#### **5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area.**

Limit the number days and limit the number of hours in a day commercial herring activity may occur, require observers for commercial herring fishing, require reporting of bycatch in fishery announcements, and limit the overall commercial harvest of herring in Southeast Alaska to 15,000 tons.

27.190 would be revised with the following additions designed to avoid extreme pressure on herring stocks during commercial fishing activity:

For the management of herring fisheries in the Southeastern Alaska Area, the department:

1. **Shall manage commercial herring fisheries to reduce fishing pressure as follows:**

1. **Commercial herring fishing activity may not occur on a third consecutive day at any time or on more than 7 days in any 30-day period in any management area.**
2. **Herring fishing activity may not take place for more than 8 hours on any given day in any management area.**
3. **All herring fishing activity must be in line of sight of observers monitoring for excessive high-grading, responsible test-setting, or excessive disturbance, corralling, and manipulation of herring schools.**
4. **Total commercial catch of herring in Southeast Alaska shall not exceed 15,000 tons per year.**
5. **Bycatch from herring fisheries must be recorded and reported in fishery announcements.**

**What is the issue you would like the board to address and why?** Sustained sac roe seine fishing activity in localized areas causes depletion of aggregating pre-spawn herring in those areas and leads to reduced spawn in adjacent bays and shorelines. This impacts reasonable opportunity for subsistence and has possible long-lasting impacts on herring recruitment in specific areas of Sitka Sound, as herring are known to return to their natal grounds to spawn with high fidelity. Additionally, ADF&G vessel sounding activities on pre-spawning herring in pursuit of higher-value herring schools contribute to large scale-disturbance on spawning grounds from this fishery, including increased reporting of "false spawn" events in fishing-adjacent areas, wherein stressed males release milt in the absence of eggs and therefore fail to reproduce.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of harvesters and elders and informed by prior conversation with many others.

This proposal was informed by the establishment of the Herring Revitalization Committee.

**PROPOSED BY:** Herring Protectors

(EF-F24-175)

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**PROPOSAL 189**

**5 AAC 27.132. Seine specifications and perations for Southeastern Alaska Area.**

Reduce by half the length limit of purse seine net for commercial herring harvest.

To accomplish this, we recommend revising 5 AAC 27.132 as follows:

(a) A herring purse seine may not be more than 100 [200] fathoms in length.

**What is the issue you would like the board to address and why?** Too many herring are being set on during a season. Part of the problem is that the nets deployed by the commercial fishery are massive. A smaller net would allow for more precise fishing and less catch-and-release, and thus lower scale loss, disease, mortality, stress, etc.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of subsistence herring egg harvesters and community elders and were informed by prior conversations with many others

**PROPOSED BY:** Herring Protectors

(EF-F24-176)

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**PROPOSAL 190**

**5 AAC 27.190. Herring Management Plan for Southeastern Alaska Area.**

Provide for co-management of herring fisheries with tribal governments.

27.190 would be revised as follows:

For the management of herring fisheries in the Southeastern Alaska Area, the department:

1. Shall develop a consent-based co-management framework to allow for collaborative management efforts with appropriate local sovereign Tribal Government(s). This co-management framework would be applied to a) determine minimum spawning biomass thresholds below which fishing will not be allowed, b) determine circumstances in which fishing would be allowed, c) determine methodology for other population assessments, including of mortality and of considerations for opening and closing the fishery, and of apt determinants of local herring population health, d) other considerations as appropriate.
2. The appropriate Tribal Government may call for an emergency closure at any time if in-season indications make such closure necessary. Such calls will result in immediate closure lasting no less than 48 hours unless the call is rescinded.

[(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 ESTIMATED 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.]

**What is the issue you would like the board to address and why?** Management practices by the Alaska Department of Fish and Game in the sac roe era have resulted in herring population collapses in multiple areas, only some of which have begun to recover. These collapses were foretold by various individuals and entities who warned the Board of Fisheries of impending collapse in multiple instances. The warnings were not heeded.

Current GHGs are unreasonably high, recklessly exceeding the years of highest harvest of the harmful herring reduction fishery era. As one example, in recent years, unprecedentedly high-GHG fisheries have resulted in greater spatial and temporal pressure on herring in Sitka Sound than ever before.

ADF&G must evolve the management strategy to a consent-based co-management framework with appropriate local Tribal Government wherever commercial herring fishing is being considered.

**Did you develop your proposal in coordination with others, or with your local Fish and Game Advisory Committee? Explain.** We developed the proposal in consultation with a small group of subsistence herring egg harvesters and community elders and were informed by prior conversations with many others.

This proposal was informed by the establishment of the Herring Revitalization Committee.

**PROPOSED BY:** Herring Protectors

(EF-F24-169)

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