

BOF TESTIMONY SE ALASKA FINFISH 2022, Eric Jordan

- 72 year SE Alaska sport, commercial, and subsistence fisherman.
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- Sitka AC nearly every year since 1976
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- Served 8 years on AP to NPFMC, and 9 months on BOF
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- Founder and elected Troll rep on NSRAA Board
-
- Representing myself

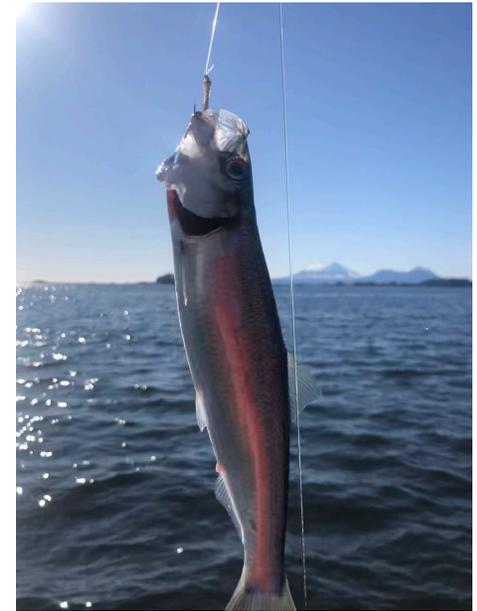


Intro: My perspective is reflected in Sitka F&G AC comments and votes. Also in the comments of groups I am a member of such as ALFA, ATA, and the Territorial Sportsmen. These additional personal comments reflect a lifetime of fisheries conservation and activism making proposals from the most minute details of legal gear, time, and areas, in everything from fly fishing for trout, to lingcod gear, to legal hooks in the troll fishery, to the broadest issues of international treaties and enforcement. It is also colored by a lifetime of work with and appreciation of fish and game staff from the samplers, to regional biologists and managers, to the Commissioners Office and Boards Support Staff. Conserving, sustaining, enhancing, and equitably sharing are a collaborative and team effort. Finally, my longtime friend and fishing partners, Tad Fujioka and John Murray have similar perspectives as I have and I support their comments.



Herring: I support the hours and hours of work the Sitka AC put in on these proposals. My father came to Alaska on a herring seiner in 1940. He became a fierce opponent of the herring reduction fisheries in the 50's. I have been involved in writing proposals, appointing subcommittees, and working on herring conservation in the Sitka area since 1976. While not my ideas, I wrote the AC proposal adopted by the BOF to set a minimum threshold in Sitka before the sac roe could commence in 1976. I also wrote the Sitka AC proposal to establish a herring subsistence sanctuary area near Sitka. My view is we have rebuilt the herring resource from an estimated spawning biomass in 1977 of less than 10,000 tons to over 200,000 tons in the Sitka area. I support going to a fixed share co-op fishery for the seiners and efforts to convert the fishery to an open pound roe on kelp fishery. Herring is an iconic fish in Sitka with a great deal of indigenous cultural and spiritual significance beyond fishery management sharing and economics. I urge the BOF to respect, honor, and consider that in your decision making.

Herring roe 2004. In the Sanctuary now. I jig herring in the sanctuary area for bait and roe:)





Salmon: Again, I worked for hours and hours with trollers, AC members, and resident sport interests on the salmon proposals. Basically, I think Tad Fujioka, Larry Edfelt, and the Sitka AC reflect my views. BOF members, we have a problem with the uncontrolled growth of two salmon harvest sectors, the guided, mostly non-resident sport fishery, and the bare boat rental (BBR). largely non-resident sport fishery. I was a handtroller in 1978 and elected to represent them to fight for continued access as that unlimited entry fishery exploded to the detriment of the limited power troll fishery. I know how tough it is to make the deals to control effort and accept limited entry. It is time to get a handle on the growth of the guided and BBR sport fishery before it does more damage to the resources, the resident sport fisheries, and the largely resident troll fisheries.

I was dismayed that the divisive 6 line proposals for trolling in chum fishing areas, and for coho region wide were ever introduced. They, as I predicted, have been divisive within the troll fleet and even in my own family. Lots of trollers do not have the gurdies or poles set up for 6 lines. It will cost many thousands to convert their operations. Trollers are already catching our share of coho. I have spent a lifetime minimizing my by-catch of king salmon, and changed my operation to target pinks and chums during king salmon non-retention periods to reduce king salmon by-catch. I helped pioneer the chum troll fishery which is most often conducted in tight bays and inlets in crowded conditions. I maneuver in tight quarters at slow speeds, with sometimes 50 fathoms of gear and over a hundred pieces of gear out on 4 lines. It is my experienced perspective that approving either of these proposals will be a big mistake. In the chum troll fishery it is likely to reduce trollers overall catch rate. I often run less gear than most chum trollers. I put the gear at the depth in the school where they are biting. Maneuverability and changing depths and location rapidly are key to top production. 6 lines are inequitable, will reduce fleet maneuverability in the chum troll fishery and are best suited to the offshore Fairweather grounds where they are permitted now. Thank you for reading my perspective.



Submitted By
Evan Jonjak
Submitted On
1/25/2022 8:57:35 AM
Affiliation
commercial troller



PC402
1 of 1

I am not in favor of Proposal 83.

It is not acceptable to take King Salmon away from commercial fishermen who are struggling to make a living, and give these fish to guided recreational fishermen instead. Commercial trollers have yielded too much quota already.

Submitted By
gail sterling
Submitted On
2/17/2022 4:19:17 PM
Affiliation



PC403
1 of 1

i oppose 83+88 and any other reallocation of our remaining 1/3 historical king catch. During PST negotiations all gear groups were represented and agreed. all need to comply. 85% trollers are SE residents. most lodge crews are not.

Sport fishing lodges enjoy continual growth on declining resource. they need a cap just like trolling permits. creel census is limited if done at all. nothing is counted at private lodges. how are the catch numbers gathered and by whom?

Trollers pay 3% of their gross to hatcheries for king production. lodges pay nothing but enjoy the same resource.

No reallocation. hold all gear groups to what they agreed to.

Submitted By
Grace Greenwald
Submitted On
2/18/2022 8:34:54 AM
Affiliation



PC404
1 of 1

I strongly SUPPORT proposals 156,157 and 158 submitted by the Sitka Tribe of Alaska. These proposals would lead to safer management of the fishery by promoting population resilience and respecting subsistence users and traditional and modern Tlingit knowledge.

I strongly OPPOSE proposals 159, 160, 161, 163, 164, and 165 submitted by the Sac Roe fishery. They lack scientific justification and will be devastating to our ecosystem in the long run.



HAINES BOROUGH, ALASKA

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February 9, 2022

Alaska Department of Fish and Game
Board of Fish

Board Members:

After recommendation from the Haines Commercial Fishing Advisory Board, and consideration by the Haines Borough Assembly, the Haines Borough would like to encourage support for proposal 124.

The 15,000 sockeye cap management regulation must continue past the impending expiration date. This cap ensures passage of Sockeye and other salmon back to the Lynn Canal and the rivers that produced them. Haines is home to over 60 commercial gillnetters and 600 subsistence permit holders. Without the passage of this cap extension, they would have to wait until escapement numbers were met later in the season.

Please support our local fishing industry by extending the 15,000 sockeye management cap and supporting proposal 124 to the 5AAC 33.366 Northern Southeast sein salmon fishery management plan.

Sincerely,

Douglas Olerud
Haines Borough Mayor

Submitted By
Henry Roller
Submitted On
2/13/2022 9:40:59 PM
Affiliation



PC406
1 of 1

I support more conservative Herring fishing regulations. We must protect our Herring populations, and do our best to preserve them for the future. Limiting fishing today means there will be more Herring in the future. As a keystone species, Herring are incredibly important for the ecosystem. Thriving Herring means thriving waters, lands, and communities. Please protect Alaska's Herring, and stop overfishing.

Submitted By
Jack Freysinger
Submitted On
1/24/2022 10:19:36 PM
Affiliation



PC407
1 of 1

I feel at sweet heart creek there is limited fishing grounds and the 25 fish limit on busy days keeps people cycling through and allows many household to fill their permits but when people show up with proxy tags for many households they can be held up in the best spots for the whole day or days in some cases I support getting rid of the proxy harvest at Sweet Heart



James R. Burton
F/V Cricket
PO Box 41
Cordova, Alaska 99574

February 22, 2021

Marit Carlson-Van-Dort, Chair
Alaska Board of Fisheries
PO Box 115826
Juneau, AK 99811-5526

RE: Public Comments for SE Herring Proposals

Dear Madam Chair and Board of Fisheries Members, I am a third generation Fisherman from Cordova, Alaska. I have fished for herring, salmon, crab and ground fish from Southeast Alaska to the Bering Sea for the majority of my life. I have been a sport and subsistence user for fish and game resources in Alaska for all of my life. I have served as a Fish and Wildlife Aide and an Alaska State Trooper in the Division of Fish and Wildlife Protection with duty stations in Kodiak, Fairbanks, Sitka and Anchorage. I served the community of Cordova, seated for two terms on Cordova City Council in addition to other various roles including the Harbor Commission and Health Services Board.

I am married and the father of four children. My oldest daughter has been fishing with me for 3 years as a full time crewman, and participates in the Sitka Sac Roe fishery. She is an up and coming 4th generation fisherman, recently purchasing her first permit. Commercial Fishing is critical to my family, not only as income, but a skill and tradition to be passed down. The idea that the commercial fishing industry would be willing to sacrifice the future of our fisheries for a fish ticket today couldn't be further from the truth. We are not only fishermen, but stewards of the resource with the goal to pass this industry down to the next generation. I have every intention to introduce the rest of my children to this life in hopes that they will some day have an opportunity to feed the world.

I urge you to reject Proposals 156,157,158 and offer the following personal comments - **Oppose.**

The Alaska Department of Fish and Game has managed the Sitka Herring Fishery perhaps better, and under more intense scrutiny than any fishery in the State of Alaska. The authors of these proposals simply seek to change the management of the G01A fishery until it ceases to exist. Many of you have seen these proposals or a similar variation for years. I ask you to reject or oppose all three proposals and to allow ADF&G to continue their current management practices. It has been my observation, both enforcing this fishery in my capacity as a Trooper and participating in subsistence / commercial aspects of the sac roe fishery - that there are more



herring now than there have been at any other time in my life. The Sitka Sound herring biomass is plentiful enough for all user groups.

Proposal 159 - Support -

Repeal this ambiguous regulation. This regulation has been on the books for twenty years without being revisited.

Proposal 160 - Support

This proposal in essence seeks to reverse a previous board decision to expand the core area closure. This closure has had little to no effect on subsistence participation in Sitka Sound, but it complicates management and makes harvest cumbersome. This proposal does not affect the initial "Core Area" designated and passed in 2012, rather, it repeals the expanded area adopted by the Board in 2018. There has been a failure to demonstrate that this expanded area has yielded any positive effect for subsistence users, however, it has hampered fishery management.

In my personal experience, commercial fishing has at times been a catalyst for spawning events. If anything, pushing the fishery further from town pushes the spawn further away. While stationed in Sitka (TDY 2004-5, stationed 2006-9) as an Alaska Wildlife Trooper, it was more common to have "road system" spawning events than it is today - with the expanded area closure. I think it's important to note that while I was stationed in Sitka, I actively participated in placing branches for roe in addition to cast net harvesting herring. Most of my fishing activity occurred in the core areas and was commensurate to commercial fishing activity.

Proposal 161 - Support

This proposal seeks to require a subsistence permit for harvesting herring roe. In today's age of cell phones and the internet, a person can obtain a sport permit in Sitka for shrimp with the clicks of a few buttons in the palm of their hand. A subsistence permit for PWS herring can be obtained by simply walking into Fish and Game. The idea that a subsistence permit requirement is a burden, as I've seen in some previously submitted comments, doesn't align with required practices in other regions and subsistence fisheries. Further, if ADF&G is being asked to manage and track harvest of subsistence herring roe, permit issuance and reporting helps in that objective. We should all agree that verifiable harvest data is not only good, but necessary.

Proposal 163 & 164. Support in part

As a soon-to-be G01A permit holder, and a past participant in this fishery it is generally against a fisherman's nature to agree in perpetuity to participate in an equal share fishery. However, in the sac roe fishery, and in light of today's market conditions I support these proposals. Operating expenses, insurance claims, damage to vessels and nets, the carbon footprint of the fishery, etc... can all be reduced.

The only potential disagreement I have is the 10% overage / underage clause in Proposal 164. I think this component would be better served if it were addressed during the meeting and could be



amended if necessary. I believe it was meant to mirror Federal IFQ fisheries, but I have thoughts on why that might not be the best applicable policy in this fishery. That being said, I will reserve further comment until I can speak to the authors and gain a better understanding.

I've noticed a string of other comments submitted prior to mine in opposition to these proposals. I'd like to offer an alternate view. Cooperative or equal share fishery openings can be arguably easier for ADF&G to manage and prosecute. ADF&G biologists can have additional tools in the tool bag so to speak, and rotate fishing areas from northern to southern Sitka Sound and everywhere in between. This tool allows movement of the fleet so that fishing effort is distributed evenly, alleviating concerns and potential conflict with subsistence harvesters once spawning starts.

Again, despite being against the general nature of fishermen, I do see these proposals as win/win between commercial and subsistence harvesters. It struck me as odd to read otherwise, but perhaps this perspective was not considered.

Proposal 165 and 166: **Neutral** - At this time, I'm reserving comments on both of these proposals until I can hear testimony and meet with other stakeholders / users to gain better insight.

Proposal 167: **Oppose**

G01A permit holders have always had access to and fished Salisbury Sound. This proposal is an attempt to move the Hoonah Sound pound fishery (L21A) further south into an already fully allocated fishery area (G01A).

Proposal 233: **Support**

I look at this proposal as regulatory housekeeping that eliminates what appears to be an unintentional overlap in administrative areas between G01A and L21A permit holders. In this case, the G01A area is an already fully allocated fishery to which L21A permit holders should not have been granted access.

Thank you for your time and dedication to this process.

Sincerely,

A handwritten signature in black ink, appearing to read "James R. Burton".

James R. Burton



Comments submitted by

James Moore

107 Kiksadi Court, Sitka, Alaska 99835

Representing himself

Madam Chair Marit Carson-Van Dort, and Members of the Alaska State Board of Fisheries,

Thank you for this opportunity to comment. I recognize that you have lots of material to consider so I will try to fill in some background that may be helpful for your decisions. Other trollers have stated our positions and have justified them with good arguments. My positions align with those presented by Alaska Trollers Association. Rather than restate those here, I will share a bit of history. You are considering proposals that will define management and sharing of a valuable renewable resource. Your decisions will affect the lives of thousands of Alaskans for generations to come, just as other's decisions decades ago have affected ours. I hope my reflections prove to be helpful. Thank you for taking on this awesome responsibility.

My name is James Moore. I have fished commercially in Alaska since 1970. Salmon trolling has provided my wife and I and our three children a good living. We are thankful to have been able to work together as a family producing a high value food product that contributes largely towards our state and local economies. Our two sons are also commercial fishermen and our daughter's sons are now my crewmembers (that's three generations!). I have served our industry in various fisheries related organizations including on the Interim board of directors for Chichigof-Baranof Aquaculture Association (later to become NSRAA). I was a founding board member for Sitka Fisherman's Coop which secured the property for Halibut Producers Coop (later to become Seafood Producers Coop), in Sitka. I also served on the Chum Trollers Association board. I am currently board member on the executive committees for both Northern Southeast Regional Aquaculture Association (NSRAA) and Armstrong Keta Inc. (AKI). I am past president of Alaska Trollers Association (ATA) and am presently serving on that board as well.

Time, Area, and Effort

To achieve success fishing depends on two conditions: You must be at the right **area**, at the right **time**. Those are determined by the presence of one essential ingredient- fish. The troll fishery in Alaska is a hook and line ocean fishery that is well over 100 years old. For most of those seasons, the most productive areas and times were determined by a broad base of experiential knowledge gained over decades and there were still new grounds to be discovered. When I began my fishing career in 1970 summer trolling season ran from April 15 through October 30. Nearly all waters in the Gulf of Alaska were open during summer, including west of Cape Suckling (closed in 1974). Winter season was limited



to “inside the surf line” (inside waters) and ran from November 1 through April 14. The most effective restriction on fishing effort for both summer and winter seasons was *the weather*. Most trollers began fishing in May and ended their season by the middle of September (Washington, and Canadian trollers would head south sooner to avoid the fall equinox) and very few trollers fished the winter months. But it was an option. There were *no restrictions on entry or on harvest* back then and if you caught a King Salmon it was yours. Our fishery had room to breathe- room to grow, or so we thought!

The 1970s’ and early 1980s’ was a period of seismic events that would change salmon trolling in Alaska forever. Noticeable coastwide declines in the “essential ingredient” (salmon), controversy over responsibility for conservation, and controversy over allocation between resource users (Alaska, Canada, Washington, Oregon, and First Nations) set in motion a 14-year process of negotiating the first Pacific Salmon Treaty.

- Significant legislation was enacted by congress including ESA, EPA, MMPA. *This provided some tools necessary to help protect depressed salmon stocks from careless destruction. Through these Acts limits could be placed on exploitation, and fisheries closed. These Acts, unfortunately, were eventually weaponized by radicals from the deep ecology movement to obstruct productive industry (Spotted Owl, Snail Darter, Southern Resident Killer Whale)*
- With the 1974 Boldt Decision, hundreds of Washington fishermen were put out of business as Federal courts directed management of fisheries to ensure the tribes took 50% of the harvest. *This was one of the most disruptive court decisions ever to come out of the federal courts. It resulted in controversy between the state and federal management authority, created the necessity to quantify the hundreds of salmon runs and to allocate harvest percentages to brand new users who were unprepared to participate in fisheries. Eventually, through the courts (Baldrige Stipulation 1985) the tribe’s 50% claim was extended to include Alaska. According to the stipulation the tribes agreed to forego that right upon the condition that there existed a “North-South” sharing agreement, a condition fulfilled by Alaska’s participation in Pacific Salmon Treaty.*
- After the Boldt decision there were battles over allocation amongst the 24 tribes and between treaty and non-treaty fishermen. *This upheaval caused more trollers to migrate to Alaska to be able to continue in their profession. But the unlimited increase in fishing effort could seriously impact distressed salmon stocks (we had them back then too), and lead to more conservative management, thus less viable industry.*
- *Because of the potential increase of fishing effort, Alaska went to limited entry to prevent overfishing and to maintain economically viable, professional fleets (1975).* The limited entry program itself *increased* fishing effort because many part time trollers sold their permits to displaced Washington professionals who, having spent tens of thousands of dollars on a permit,



had to fish hard to pay for it. And because there was no limited entry on hand trolling, that fishery began to grow exponentially (unregulated allocative growth). Increased fishing pressure led to more restrictive management. This was especially upsetting to those who paid for their right to fish. We began to see hand trollers fishing the Fairweather Ground with multiple lines. A moratorium was put on hand trolling in 1979, and eventually CFEC had to put a limit on hand trolling (1980).

- The number of lines trollers could fish was reduced for both power and hand troll gear (1980). Alaska is the only state that has a limit on the number of lines a troller can fish.
- Many state, federal, and tribal salmon hatcheries sprung up in Washington and Oregon to attempt to mitigate for the Boldt decision, dams, and precipitously declining salmon runs. Alaska's PNP hatchery program was created with the hope that more salmon, principally Chinook would boost the productivity of the troll industry (1976). Overall, the hatchery programs have been of great benefit, however the program has failed to perform as well as anticipated as far as providing increased Chinook harvests. A frustrating situation exists now in Alaska under stock of concern management which prevents effective commercial harvest of returning Alaska hatchery kings. Because they are of the same genetic makeup as the wild Alaskan stocks, they share the same migration patterns. In the spring fisheries when these salmon return to spawn, trollers are restricted from fishing on them until the wild and enhanced runs have separated out, typically near the hatchery terminal areas where the salmon bite less aggressively.
- The Magnuson-Stevens Act established the 200-mile limit and Regional Councils for management of federal fisheries. Before the 200-mile limit was established we would often see foreign trawlers and longliners even inside the 12-mile limit. Occasionally one would be caught, escorted to port and impounded till arrangements could be made, penalties paid etc. (I was placed as a guard on an impounded Korean longliner in Sitka one winter in the early 70s'. The pay was poor, but the sushi was good. It never occurred to me that I might be eating evidence!). The full effect of this interception, especially by trawlers was never realized until the 200-mile limit went into effect. There were dramatic increases in catch rates of all species of salmon and groundfish. The improving catch rate in the 80s' when combined with new harvest ceilings based on lower abundance years translated to ever longer closures for Chinook.
- The first Pacific Salmon Treaty was finally enacted in 1985. So begins a new epoch. A fixed harvest quota for Chinook was established at 25% less than the average combined commercial and recreational catch during base period years. There was no distinction within the recreational sector between resident and guided non-resident anglers. In 1984 there were fewer non-resident



anglers than resident and many of those were not clients of charter operators. This would not be the case for long.

Pacific Salmon Treaty.... or trying to survive inside the incredible shrinking box.

It was inevitable that some framework for international cooperation in salmon management would have to be developed to protect the resource. However, even *after* the ratification of the 1985 Treaty there was discord between the parties over equitable division of harvest leading to bickering, failed negotiations, and conservation-threatening harvest practices. *In 1999, Canada and the United States signed the Pacific Salmon Agreement which amends the 1985 Pacific Salmon Treaty.* In this agreement, the parties consented to temporarily set aside dispute over equitable distribution of harvest and to focus on an abundance-based harvesting regime that would foster conservation and restoration of depressed stocks. Fixed harvest ceilings were replaced by year-to-year adjustments based on abundance as predicted by a Technical Committee.

Since the ratification of the 1985 Pacific Salmon Treaty, Alaska's harvest share has been reduced substantially at every 10-year renegotiation. Some estimates claim that we are fishing at about 1/3 of our original rebuilding quota. This is rationalized as necessary for conservation and restoration (despite the cuts Alaska has taken, abundance has remained at about same level. Why?) To meet these treaty obligations trollers have reduced our harvest by surrendering *time* and *area*.

In 1991 the Alaska Troll Management Plan was developed which established Spring, Summer, and Winter troll fisheries. Spring fisheries were designed to allow fishermen to access returning hatchery kings they had paid to produce, while *minimizing catch of south-bound Chinook*. To achieve the later, trollers were prevented from fishing outside waters in May and June. The best area and the best time for Chinook trolling. Trolling was invented for ocean harvest of these fish. Not only is this prime time and area for "treaty fish" but also for mature wild Alaskan stocks and their genetically identical hatchery stocks (they travel together) which have been produced since the 70s' as mitigation for losses at Treaty. **It is not hard to understand how the commercial fleet completely "standing down" from the season's most productive salmon fishing created the optimal conditions for the exponential growth in recreational exploitation.** When the PST was ratified, there were nearly twice the resident anglers as there were non-resident. One overview of treaty states that, "Except for Alaska, recreational fishing represents a significant portion of the overall harvest." I read that as "the percentage of the Alaska's total harvest taken in recreational fisheries was insignificant."



Lessons we did not learn from history!

The troll industry has only barely survived management which often comes “too little-too late.” The longer a problem or condition is ignored, the more difficult and disruptive the solution. The cure can be worse than the disease. Consider the following examples:

- Example #1- The Boldt Decision. The decision was upheld in the Supreme Court, so it was legally correct, but the ripple effect (in this case tsunami effect) from that case had lasting consequences still felt today. Had the 1851 Treaty been honored and respected, and thus more reasonably interpreted in historical context, then there wouldn't have been the disruptive consequences to industry after over 100 years of gradual development.
- Example #2- The Boldt decision forced limited entry in Alaska. Perhaps it was inevitable, but as it began to look like access to fisheries might be limited more fishermen began to get vested in fisheries that were still accessible, like hand trolling (or Halibut or Black Cod!) Within about three years I believe there were nearly as many hand troll permits as power troll. And the only difference between the two fisheries was the way the lines were tended. A whole new user group was allowed to harvest a limited and dwindling resource. This was “unregulated allocative growth.” Finally, a moratorium was set in place in 1979, and in 1980 hand trolling went to restricted access. It took some time, but temporary permits were eventually retired, and the troll fishery stabilized.
- Example #3- Halibut and Sablefish. The threat of limited access to the longline fisheries caused a stampede into Halibut and Sablefish. The fisheries went from voluntary lay ups which reduced stress and extended the seasons, to shorter and shorter seasons as more fishermen participated. I remember the nightmarish derby fisheries sometimes 24 hours long in horrible weather. People were killed. 12 one year! Why did it take the Federal Government nearly ten years to address that one?

The application here is obvious. The guided recreational fishery has been allowed an extended period of unregulated allocative growth in the vacuum created by the troll industry's being required to “stand down,” especially in May and June, for conservation concerns. And because the troll management plan denies the troll fleet access to areas of “high Chinook abundance” after the July opening, we are prevented from fishing efficiently in some of the best areas, even for Cohos, except during a week or 10 days in July. (That period we used to call “*The July Slump*”). Because of SOC plans we have lost the best 45 days of the winter fishery, as well as some corridors where the best spring hatchery fisheries were conducted. Our industry which provides a high value food product has been denied the ability to be efficiently productive while another industry, like an invasive species, has been allowed to flourish in those most productive areas and times, despite SOC concerns. We are told their bag limits that ADFG would allow during conditions of low abundance are not enough to generate bookings. Well, times are tough for all of us, but I understand there are no problem with bookings this year. The 80/20 allocation



was generous. That's the limit. ***The problem is the ever expanding guided, and now also unguided recreational fisheries. Unchecked, they have run up against their limits to growth.***

Thanks for your consideration. See you in Anchorage.



Submitted By
Jeff turner
Submitted On
2/23/2022 4:07:39 PM
Affiliation
F/V Mirage

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P.O. Box 1491
Sitka, Alaska 99835

February 22, 2022

Alaska Board of Fisheries
c/o Board Support Section
Alaska Department of Fish and Game
Juneau, AK 98111

Re: Proposal 83 (and 82, 84, 86, 94, 143, 144, 146)

Dear Alaska Board of Fish Members,

I am writing the board today to request that you take action to stop the unlimited growth of the non-resident sport harvest and make this sector more accountable within their current allocation. Trollers are a viable Southeast Alaska Economic contributor and we do not wish to loan non-resident sport fishermen any amount of our chinook allocation.

Sincerely,

Jeff Turner



February 23, 2022

Marit Carlson Van Dort, Chairman
Alaska Board of Fisheries
1255 W. 8th Street
Juneau, AK 99811-5526

Re: Groundfish Proposals 226, 227, 228 & 230

Chair Carlson-Van Dort and Board Members,

My name is Jeff Wedekind, I came to Alaska in 1979 as a deckhand on a salmon tender and I never left. In 2005 I built a sport fishing lodge in Ketchikan, and we currently accommodate 30 anglers and operate nine rental boats and one charter boat with a CHP. Our fishing lodge provides two generations of my family's only source of income. We employ six seasonal employees and three full-time employees. We also hire numerous private contractors and spend a good deal of our revenue buying equipment and supplies from local merchants.

I would like to express my support for proposals 226, 227, 228 and 230 as follows:

226 Create bag and possession limits for slope rockfish – The ADFG comments say they are neutral to this proposal; however, they are concerned about regulatory complexity and anglers having to identify between species. Anglers must currently identify between species because of the Emergency Orders (EO) that have closed the Demersal Shelf Rockfish (DSR) sport fishery. Differing bag limits between rockfish species necessitates identification whether it's because of an EO or a new regulation. Perhaps a better way to deal with this is reopen the DSR sport fishery and combine it with the slope fish (like it was pre 2020 closure) and only allow one nonpelagic rockfish per day with no yelloweye retention and time of the year closures for nonresidents that keeps the sport allocation in check.

227 & 228 Bag and possession limits for Demersal Shelf Rockfish (DSR) - These proposals set the DSR limit to one fish per day, two in possession and prohibits retention of Yelloweye. I support these proposals as long as the finished product allows for DSR sport fishing opportunity at some level, whether it be resident only or a combination of resident and nonresident regulations that keeps harvest within the sport allocation. ADFG is opposed to any DSR sport fishing because of previous overages in the sport allocation and conservation concerns due to downward trending Yelloweye populations in outside waters and lack of data on DSR biomass in inside waters.

According to the December 2020 ADFG report "*Assessment of the Demersal Shelf Rockfish Stock Complex in the Southeast Outside Subdistrict*," DSR biomass is only surveyed in the outside waters of Southeast Alaska and the Fairweather grounds in the Eastern Gulf and they only count Yelloweye (See Figures 14.2 and 14.3). These are the same areas where the majority of the directed DSR and commercial groundfish and halibut bycatch has occurred in perpetuity: It is no wonder why the Yelloweye biomass is at dangerously low levels there.

Scientists are concerned about the 60% drop in Yelloweye biomass over the last decade in the Southeast outside subsector, it is unfortunate there was not the same level of concern when the combined directed DSR fishery and the commercial bycatch exceeded 3 million pounds of DSR in 1987 and averaged over 1 million pounds a year until 2005 (See Table 7). This massive overfishing of a slow



growing, slow to mature, territorial fish is what lead to the Yelloweye biomass reduction over the last 30 years and now the best stewards of the resource who catch the fewest fish per participant with the smallest bycatch can't even keep a Quillback while the commercial DSR bycatch continues to be sold in commerce at the rate of 260,000 pounds per year (Table 7).

There is something catastrophically wrong with this scenario and with rockfish management and allocation. Why is it that commercial groundfish and halibut fisherman can sell DSR rockfish bycatch at that level, but I cannot take my kids fishing to catch one single rockfish for dinner? My first saltwater catch was a rockfish, my kids first catch were rockfish, my sister's kids first catch was a rockfish and it's been going on for generations. Catching a rockfish is a child's right of passage in SE Alaska. It is a wonderful way to introduce kids to fishing because they are shallow, easy to hook, you can feel them bite, they give a little fight, and they taste delicious. Furthermore, I can hit just about any rockpile or rocky shoreline in Southeast and find rockfish everywhere. Taking this opportunity away from our families and children because of commercial fishing pressure executed at unsustainable levels for years on end in areas hundreds of miles away is a travesty of justice.

Pressure needs to be put on the ADF&G to do more research on DSR biomass in all areas because these are territorial fish that don't migrate. Just because commercial longliners depleted the Yelloweye on the west coast and the Fairweather grounds, it should not mean we can't take our kids fishing for Quillback and Coppers on the inside waters of SE Alaska. **At a minimum, the DSR sport and personal use fishery should be reopened to residents until the ADF&G can do more studies on all DSR including the inside waters.**

As a charter fisherman, once the DSR bag limit dropped to one per day, I rarely targeted nonpelagic rockfish except for Yelloweye – they are a popular fish – bright color, large body, good fighters, and excellent table fare. If Yelloweye are off the table but people are still allowed to catch Quillback, Coppers, Tigers, etc., I think you will see a drop in the sport catch. I doubt many guides will target DSR if Yelloweye are closed...unless they are really having a hard day. August closures for non-residents could also be used in both outside and inside subsectors if needed to reduce the sport catch.

230 DSR bag and possession limits for Resident anglers – I support this proposal and I support any regulation or change in Emergency Orders that allows resident anglers to keep at least one DSR per day.

I appreciate you taking the time to serve on this board, read these letters, listen to a lot of public testimony, and make tough decisions.

Sincerely,

A handwritten signature in black ink that reads "Jeff Wedekind".

Jeff Wedekind
President, Chinook Shores, Inc.
25 Potter Rd. – Ketchikan, AK

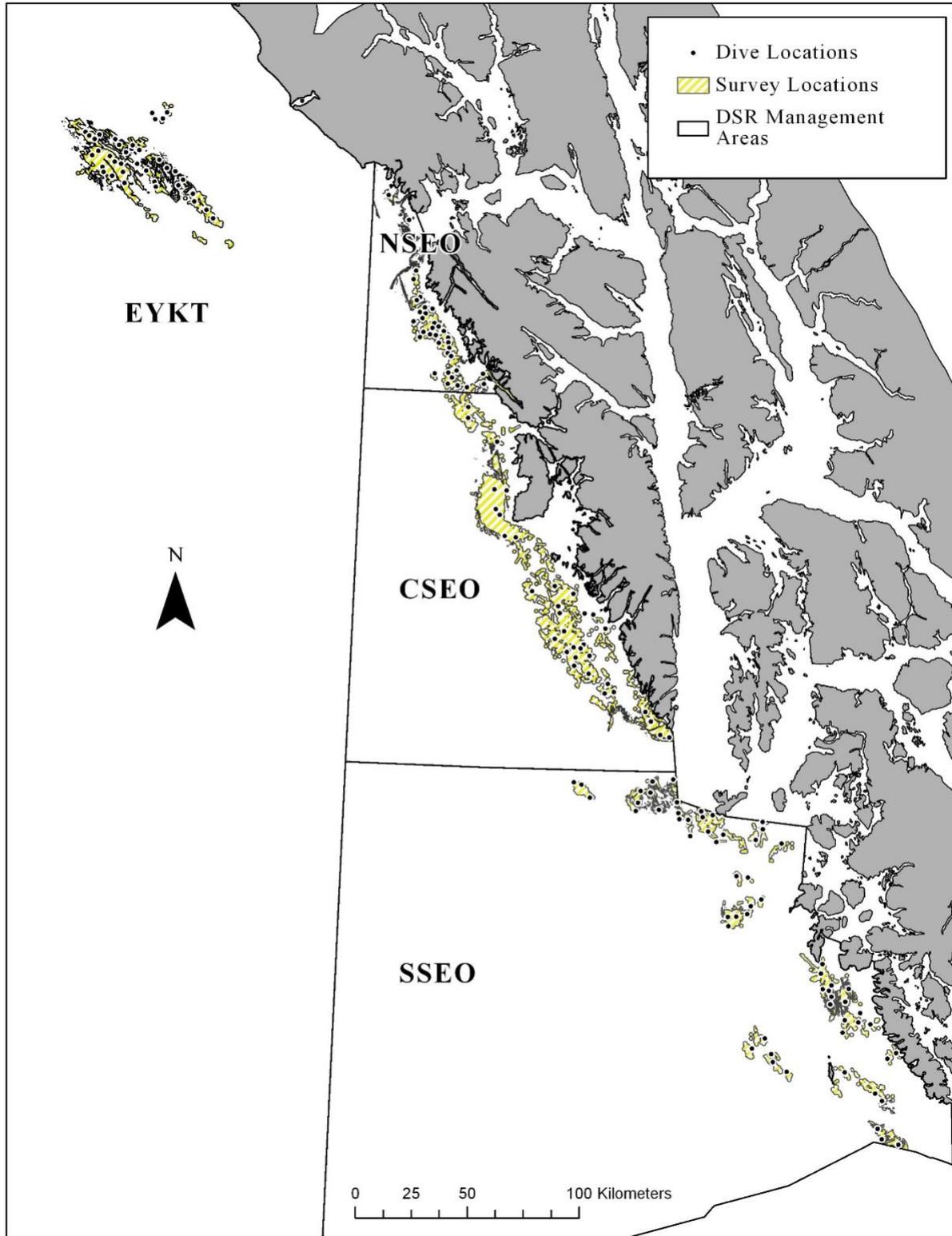


Figure 14.2. Remotely operated vehicle (ROV) transects conducted in Northern Southeast Outside (NSEO) and Central Southeast Outside (CSEO) in 2018, and East Yakutat (EYKT) in 2019. Southern Southeast Outside (SSEO) was surveyed in August 2020.

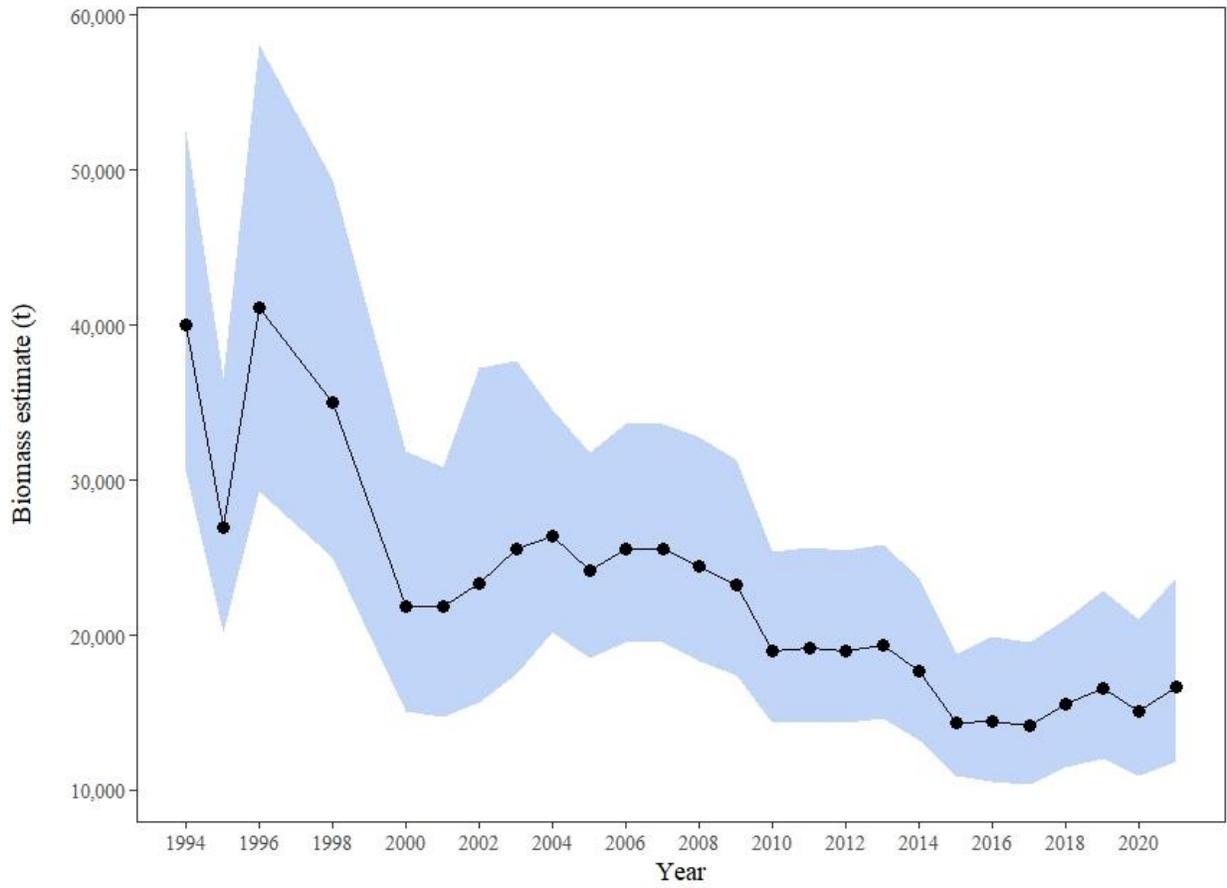


Figure 14.3. Yelloweye rockfish biomass estimate (t) (solid line) and 90% lower and upper confidence intervals (blue) for the Southeast Outside (SEO) Subdistrict, 1994–2021.



Table 7.—Reported harvest (round pounds), effort, and value for demersal shelf rockfish (DSR) taken in the directed commercial fishery and as bycatch in groundfish and halibut fisheries from 1987 to October 2020.

Year	Directed harvest	Directed value ^f	Directed permits	Total harvest	Total exvessel value ^f	Total permits
1987 ^{a,b}	2,745,762	\$1,427,763	—	3,300,563	\$1,650,282	646
1988 ^{a,b}	1,555,607	\$777,804	—	1,935,895	\$1,065,043	819
1989 ^{a,b}	997,388	\$498,694	—	1,400,966	\$768,302	833
1990 ^a	690,253	\$403,752	144	1,122,095	\$600,190	789
1991 ^c	1,147,267	\$734,251	136	1,484,328	\$777,496	862
1992 ^c	1,087,554	\$626,336	149	1,591,020	\$768,960	919
1993 ^c	976,368	\$657,066	122	1,563,811	\$834,344	834
1994 ^c	982,745	\$680,863	133	1,619,214	\$858,680	847
1995 ^c	398,401	\$442,783	66	747,872	\$781,092	811
1996 ^c	782,776	\$787,585	125	1,008,417	\$923,641	736
1997 ^d	651,346	\$828,122	105	913,492	\$973,727	718
1998 ^d	622,289	\$749,599	88	953,538	\$919,950	733
1999 ^d	593,638	\$727,855	83	969,777	\$1,019,155	851
2000 ^d	473,385	\$706,842	59	786,706	\$959,146	774
2001 ^d	457,980	\$673,231	55	860,958	\$971,431	774
2002 ^d	413,792	\$666,206	63	1,076,598	\$1,027,351	768
2003 ^d	336,572	\$494,761	60	800,892	\$935,865	819
2004 ^d	437,079	\$660,047	45	874,526	\$1,076,852	740
2005 ^d	108,088	\$184,611	17	639,522	\$599,880	748
2006 ^d	3,078	\$4,349	4	601,409	\$458,240	770
2007 ^d	5,426	\$6,529	4	574,748	\$409,647	765
2008 ^d	106,169	\$174,957	18	553,066	\$485,140	735
2009 ^d	181,023	\$217,977	22	580,655	\$462,275	672
2010 ^d	110,719	\$141,988	17	517,595	\$368,876	680
2011 ^d	96,088	\$154,042	15	360,113	\$311,649	618
2012 ^d	240,922	\$446,064	25	460,543	\$616,029	570
2013 ^d	318,612	\$514,795	22	565,943	\$682,664	571
2014 ^d	132,088	\$257,157	12	331,576	\$417,727	554
2015 ^d	103,132	\$217,223	10	325,442	\$397,088	560
2016 ^d	99,590	\$186,972	15	331,922	\$373,256	556
2017 ^d	83,387	\$161,364	10	355,041	\$544,532	564
2018 ^d	175,049	\$340,282	15	409,326	\$686,483	589
2019 ^d	145,551	\$275,602	17	412,055	\$662,188	585
2020 ^{d,e}	0	\$0	0	268,694	\$282,129	443

^a DSR assemblage includes bocaccio, canary, China, copper, quillback, redstripe, rosethorn, silvergray, tiger, yelloweye, and unspecified DSR.

^b The directed fishery permit, Y, was implemented in 1990 for all areas except EYKT, which was implemented in 1991. Prior to Y cards, trips with M card were considered DSR target if >40% harvest was DSR. The number of directed fishery permits could not be determined prior to the directed fishery permit card in 1990.

^c DSR assemblage includes canary, China, copper, quillback, redbanded, rosethorn, tiger, yelloweye, and unspecified DSR.

^d DSR assemblage includes canary, China, copper, quillback, rosethorn, tiger, yelloweye, and unspecified DSR.

^e The directed commercial DSR fishery was closed in all management areas in 2020.

^f Directed values and total exvessel values for 1987–2016 were calculated from fish ticket data and 2017–2019 were calculated from CFEC gross earnings data. The values for 2020 are preliminary numbers calculated from fish ticket data.



Submitted By
JIM WILD
Submitted On
2/17/2022 8:51:45 AM
Affiliation
self

Phone
9072392222
Email
jim.wild.ak@gmail.com
Address
PO Box 109
Elfin Cove, Alaska 99825

2/17/2022

Dear Board Members,

I have lived for the past 43 years in Elfin Cove, AK. During that time the commercial sport charter business has grown from the first one person one boat to six fishing lodges. These lodges are all owned and staffed by non-Alaskan residents. Combined they can host hundreds of clients at any one time. They have unrestricted access to king salmon fishing on the outer coast of Yakob Island during April through July as do the numerous charter boats based in Pelican and Gustavus. It is not uncommon to find 50 -100 charter boats on any one day fishing that area, This is during the time commercial trolling is closed for king salmon conservation and further reduced for any spring fisheries openings.

The monitoring of their catch is non-existent, as Covid has curtailed the ADFG creel monitoring programs. As observed by local residents, there are some boats returning daily with more than allowed bag limits and under-sized fish. It is well known which outfits cheat. The lodges that play by rules are tainted by the ones that don't.

The king salmon resource is being allowed to be over-fished by the sport commercial industry. There is virtually no return to state or local communities. With no state income tax on the out-of-state owners and workers, no enhancement tax on their catch, no local hire, in some cases no property tax, and the stress on local communities to provide seasonally more drinking water, electrical power and medical facilities; I am opposed to proposals 83 and 88 or any other to allocation of the king resource to the sport commercial industry.

sincerely,

Jim Wild



From: [Jo Boehme](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Public comment on Proposal 137
Date: Thursday, February 3, 2022 3:34:04 PM

[You don't often get email from joboehme175@gmail.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern:

This is my public comment on ADFG Board of Fisheries proposal 137 about prohibiting personal use proxy permits at Sweetheart Creek.

I am a senior with a disability which prevents me from getting to Sweetheart Creek. 2021 was the first year I was eligible to have another Alaska angler proxy fish for me. My diet and overall health this winter benefit from having the sockeye salmon I obtained via my personal use proxy permit.

I oppose limiting proxy permits at Sweetheart Creek; here is my reasoning.

- Allowing proxy fishing contributes to full utilization of the planned hatchery fishery resource.

- There is a valid argument on the grounds of discrimination and fairness against this proposal; if licensed anglers with a disability or elders cannot physically access the creek to fish are prohibited from proxy fishing, they are being unfairly discriminated against. Allowing proxy fishing mitigates this discrimination.

- The proposal's author suggested, " they could simply have people who would normally fish proxies for them return to the creek to harvest another limit." Making another trip, usually from Juneau harbors, is wasteful in time, fuel and money. For example, Auke Bay to Sweetheart Creek is approximately 100 miles round trip. It's not "simple" to plan a return trip to the creek another day, especially when factoring in marine weather, personal schedules and high fuel costs.

- If the limit of 25 was set arbitrarily using the justification of "fairness", I suggest the Board of Fisheries revisit the bag limit at Sweetheart Creek and include strong consideration of fairness to, and discrimination against elders and the disabled. Thank you.

Respectfully submitted,

Jo Boehme
joboehme175@gmail.com



Submitted By
Joel Kawahara
Submitted On
2/19/2022 11:37:59 AM
Affiliation
troller

Phone
2064067026
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joelkaw@earthlink.net
Address
3652 Lindsay Hill Road
Quilcene, Washington 98376

To: ADFG BOARD OF FISHERIES

Re: Board of Fisheries meeting for Southeast Alaska, proposal 83 and related proposals

I strongly oppose proposal 83. I believe the only way to keep the recreational and commercial fisheries businesses together is to have allocations that do not change until both groups request changes and can agree to changes. This is not the situation with Proposal 83 or any other reallocation proposal. I strongly urge the Board of Fisheries to decline Proposal 83.

I have been salmon trolling since 1972. My fishing has taken me to all four west coast states. I currently hold limited entry permits for Oregon, Washington and Alaska. I am a former board member of the Alaska Trollers Association, former board member of the Washington Trollers Association and current board vice president of the Coastal Trollers Association.

I have attended most of the Southeast Alaska ADFG Board of Fisheries Meetings between 1993 when chinook were first allocated between the net gears, trollers and sports, up to 2018. I attended the 1994 Board of Fisheries meeting where the current Southeast Alaska Troll Chinook Management Plan was first approved. I was also present when the current 20/80 allocation of chinook was approved by the Board of Fisheries.

The Board of Fisheries approved the 20/80 allocation based on the argument that the recreational sector was increasing, but would not increase forever due to limitations such as harbor space. The sport allocation increase from 18%, the recent historic catch by the sport sector to 20% was to provide for modest growth and stability for the charter vessel operators. The Board of Fisheries at that time had the sense that the allocation would be a long term feature of the chinook management of Southeast Alaska.

It is no secret that Chinook Salmon stocks are in a period of low productivity since 2010. The trollers have repeatedly asked the Board of Fisheries and the Alaska Legislature to establish a limited entry program for charter vessels such as the states of Washington and Oregon have. The Limited Entry system for commercial fishing vessels in Alaska is based on conservation of the resource. The failure to establish a limited number of charter vessels has led to increasing number of charter vessels and greatly increased expectation on the Chinook Salmon resource.

The result is the charter industry has over capitalized and believes it can remain viable by getting more of the Chinook Salmon resource. The only way for the charter industry and troll industry to both remain viable is to limit (and reduce) the growth in the charter industry. This is my foremost reason to oppose reallocation of the Chinook Salmon to the charter sector.

The Board of Fisheries has the responsibility of fostering the economic framework of the fishing industry. This responsibility includes providing as much stability as the resource will allow. Economic stability is desirable in a commercial troll business as much as in a charter business. The proposed swap of Chinook Salmon allocation in low abundance years impairs the ability of trollers to obtain financing, reducing economic viability. Proposal 83 is much more damaging to the troll industry than just loaning a few thousand fish for a few years

to the charter industry. I oppose Proposal 83 and other reallocations for this reason.



PC414
2 of 2

I think it is worth while for everyone to examine how well the limited entry system that includes both charter and commercial salmon vessels works in Washington state. The original allocation of both coho and chinook between recreational and commercial sectors for ocean fisheries has not been challenged since it was established in the 1970s. The result is that the sport, charter and commercial fishing communities work together on fishing related issues. Most notably, the entire non-treaty salmon fishing community representing the outside coast has worked to become allies with the Treaty Indians on hatchery funding and habitat restoration. Hatcheries are publicly funded in the lower 48, as opposed to the Alaska Regional Aquaculture system.

Allowing for continual re-allocation of the Chinook Salmon resource means charter and troll operators are in constant competition. As human beings, the individuals are forced into their respective cliques with substantial animosity between the cliques. From a community standpoint, why would the Board of Fisheries be trying to force people to have to constantly fight their neighbors? I suggest the Board of Fisheries to be a firm parent to their warring constituents and say the allocation is final and irrevocable until both groups agree on another plan.

Joel Kawahara

3652 Lindsay Hill Road

Quilcene, WA, 98376

Submitted By
JohnBruce
Submitted On
2/23/2022 7:34:57 PM
Affiliation



PC415
1 of 1

I am writing in support of Proposition 167. As a L21A permit holder I feel it is time to find another area to persue a spawn on kelp fishery. I have been involved in the Sac Roe fishery as a tenderman on and off for over 25 years and I can not recall a time when there was a fishery north of Saint John the Baptist Bay. It is a northern sotheast SOK permit and I think BOF owes it to the L21A permit holders to attempt to find another area that we can fish. It seems to me that the Sac Roe permit holders can give up a little area to their SOK brothers and sisters and that would not put an undue burden on their profits. Thank you for this consideration.

Submitted By
John Murray
Submitted On
2/23/2022 11:33:15 AM
Affiliation



PC416
1 of 3

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Address
224 Observatory St.
Sitka, Alaska 99835

Marit Carlson-Van Dort, Chairman

Alaska Board of Fisheries

1255 W. 8th Street

Juneau, AK 99811-5526

I would like to further round out my written comments now that I've had time to ponder the Proposals and staff comments/reports.

I support Proposal 82 with modifications to protect resident harvest. I believe it is a workable Management Plan (almost.)

With conservative management such as the harvest plan for the 2022 sport season and up to date catch reporting, there should be enough Kings under most Tiers (except h & g) for all users.

The charter industry has made a conscious choice to have liberal bag limits early in the season, May/June. That comes at a cost on lower abundance seasons. When you add that with earlier starting dates and longer durations there in lies "the rub."

Please note Staff Comments on Proposal 82, page 7: WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED. This is the crux of the matter. I believe inseason management has to remain as a tool in the box if needed.

I also strongly believe "or annually manage to harvest 20% of the annual harvest ceiling" go hand in hand with upholding the allocation and inseason management.

Trollers don't expect the Sport Division to "stick it" when dealing with allocation adherence but coming close to the allocation is very important to other users.

Proposal 83 - Oppose

This is an unworkable revision of the management plan. Anyone who into this Proposal will see it just doesn't work.



As written the charters (not the resident anglers) would "borrow" Kings from the troll allocation. If you take the seasons since the 2018 Pacific Salmon Treaty renewal the charters would "borrow" in 2018 (g), 2019(g), 2020 (f), 2021 (f), and possibly 2022 (f.) Please see PC332 page 4 (Seago.)

That leaves only one avenue where they can get the Kings, the charters' so called "need:" A reallocation which is a route which I'd call against "forbearance."

You might ask why "forbearance" is important. I'll offer a few reasons:

- 1. Peace in the valley.**
- 2. The economic balance in our communities and villages.**
- 3. Living within ones' means.**
- 4. Not being greedy when you already have it pretty good.**

In conclusion, at the Board of Fish meeting in Sitka, 2018, where Stocks of Concern management took place, trollers took a big hit by losing up to 6 weeks of the winter King salmon fishery which now closes on March 15th. The trollers also lost the majority of their hatchery access Spring Fisheries.

The charter industry, particularly the Outside coast charters (where the majority of the sport King harvest comes from), please note p. 35 Sport Fisheries Overview No. 21-10: The Outside charters had no restrictions placed on them via SOC management. The Inside charters were restricted.

The mostly Resident troll fleet lost income and opportunity with SOC. Now we are being asked to give a little more at the door.

Proposal 144 and 277 Support

Gathering data as Proposal 144 does and aligning halibut for non-residents as Proposal 277 seeks to do will help guide future BOF, ADF&G, and other harvesters about the growing and unregulated rental vessels in SE waters.

Local depletion and pressure on already fully allocated species (King salmon, rockfish, and halibut) could be circumvented by support of these Proposals.

Please consider supporting electronic logbooks/electronic reporting as a progressive management tool.

Respectfully,

John Murray

F/V SeaBear, Sitka, AK



PC416
3 of 3



Submitted By
Josh Anderson
Submitted On
1/20/2022 11:08:37 AM
Affiliation
Fireweed Lodge

Phone
9077552930
Email
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Address
Po box 135
KLAWOOCK, Alaska 99925

Hello, My name is Josh Anderson. I was born and raised in SE Alaska at the Fireweed lodge, established by my father in 1989 as a sport fishing lodge. My wife and I have been managing the Fireweed since 2013 and are in the process of becoming the next generation of owners. This is the primary source of income for myself, my wife, and two children. June-August We run eleven 24 foot cabin cruisers and employ thirty Seasonal workers, including local guides, fish cutters, cooks, servers, housekeepers and laborers that depend on this income from our business.

Our family run business has brought a lot of much needed sales/bed tax revenue to our small coastal community. The income generated by our business goes directly back into our communities local airlines, ferries, groceries, barging, fuel, maintenance, tackle shop, and much more.

I have worked in this business most of my life and the past years have been extremely difficult to market king salmon sport fishing. We spend our off season working with people and their schedules to make an Alaskan King Salmon fishing adventure possible. With Limits on king salmon set in April or May, it is very difficult to book June and Early July slots. We also come across late cancellations due to the Spring release of King Limits. We have always been a lodge that promotes an experience over a meat hall, however our clients would like to know what kind of trip they are signing up for prior to their arrival.

I do not support proposal #82. I believe there will be a loss of opportunity for non resident fisherman in low abundance years. We would like to see more consistent regulations from year to year. This proposal is also hard on Alaskan residents in low abundance years, who depend on these king salmon for food.

I do support proposal #83. This ensures more workable regulations and less in season management. With high or low abundance years this proposal makes for more consistent regulations on king salmon for residents and non residents. It would be better to give up increased bag limits in high abundance years for more consistent limits throughout. The majority would be pleased with limits such as three annually in June, two annually in July, and one annually in August.

This industry needs stability. I hope the board can come to a decision that helps both the Alaska Residents and Non resident anglers.

Sincerely,

Josh Anderson
Fireweed Lodge



From: [Kevin Burchfield](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: BOF Proposals for March Meeting
Date: Sunday, February 20, 2022 1:55:50 PM

I am Capt. Kevin Burchfield, president of the Juneau Charter Boat Operators Association, we represent 12 local charter fishing operations in the Juneau area. I also own and operate Lost in Alaska Adventures...a small family operated charter service in Juneau.

Sport opportunity is important to feed residents and to keep the sport industry viable and contributing to our local economies and jobs.

Sport fishing brings huge amounts of revenue to Southeast on a relatively small amount of the state's fishery resources (great return on investment).

Poor low-abundance king limits in ADFG's Proposal 82 won't attract customers.

Allowing the sport fishery up to another 5% in low abundance tiers (h)-(f) would protect residents from closures and keep enough opportunity for non-residents to keep the sport industry viable

83- JCBOA supports if this does not include Hatchery Kings caught in the Terminal Harvest Area

84- Oppose...requires daily reporting as opposed to weekly as is currently required which places undue burden on the guided angler fishery...also appears to shift all of the conservation effort to the guided angler fishery...we believe all stakeholders must share the burden of conservation in times of low production.

85-Oppose... appears to shift all of the conservation effort to the guided angler fishery...we believe all stakeholders must share the burden of conservation in times of low production.

86-Oppose... appears to shift all of the conservation effort to the guided angler fishery...we believe all stakeholders must share the burden of conservation in times of low production.

87-Oppose...this would be devastating to the guided industry.

89-No comment

90-No comment

110-No comment

112-No comment



113-No comment

114-No comment

115-No comment

116-No comment

132-No comment

134-No comment

135-No comment

136-No comment

137-No comment

138-No comment

139-No comment

140-No comment

141-No comment

143-No comment

144-No comment

145-Oppose...we do not believe there is any scientific need for Coho, Chum, Pink, or Sockeye to be restricted at this time.

146-Oppose...we do not believe there is any scientific need for Coho, Chum, Pink, or Sockeye to be restricted at this time.

147-Oppose...we do not believe there is any scientific need for Coho, Chum, Pink, or Sockeye to be restricted at this time.

148-Oppose...we do not believe there is any scientific need for Coho, Chum, Pink, or Sockeye to be restricted at this time.

150-No comment

155-Oppose...this would not allow the use of multiple hook systems for ground fish such as halibut...it's simply too far reaching in scope...some situations require removal of the fish from the water to properly remove any gear that could be detrimental to the health of the fish to be released...encouraging proper release technics we do endorse.

171-No comment



172-No comment

173-No comment

185-Support as we believe squid have become a threat to the salmon fishery and this could help mitigate that threat.

186-Support as we believe squid have become a threat to the salmon fishery and this could help mitigate that threat.

225-Oppose...this would be devastating to the guided industry.

226-Support

227-Support

228-Support

In the Juneau area our clients are a mix of residents and non-residents accessing the resource for personal use and therefore, it is vital that we maintain a sustainable fishery with marketable limits. Without this we simply will not be viable.

Thank you for your time.

Best Fishes!

Capt. Kevin

Lost in Alaska Adventures, LLC

www.lostinalaskaadventures.com

907-321-1405

Follow us on Twitter @lostinalaska
"Like" us on Facebook

Submitted By
Kameron Perensovich
Submitted On
2/22/2022 10:57:11 PM
Affiliation



PC419
1 of 1

Spring and Fall in Sitka Alaska waters hold grand natural spectacles. The Pacific herring are spawning in the Spring and the various types of salmon species are making their way up stream in the summer and fall. The abundance of herring throughout Southeast Alaska is the basis for its biological diversity. To say the fishery managers at ADF&G have exploited the herring stocks would be an understatement. You don't need to look far to hear how abundant these fish were before the commercial fishery began in 1878. Look what has happened to the fisheries throughout Southeast Alaska since then.

There are many factors that can affect herring population numbers, and that aren't being properly accounted for. Habitat loss, water salinity and temperature to name a few. Annual average temperatures in the state of Alaska have consistently increased since the 1970's (1). How is that incorporated into future harvest calculations? And water salinity changes with the ice melt?

[quote] "Pacific herring populations on the North American coast are confined to regions providing protected spawning waters of reduced salinity (8-28 ppt **S**) at temperatures between about 5.0-5.5 °C and 8.8 or 9 °C," and that the size of these populations is related to the physical extent of the regions that provide these spawning requirements" (2) Haegele and Schweigert (1985) states "efforts should be made to maintain stock diversity because if the time of spawning is genetically influenced, then the reestablishment of lost stocks may be impossible" (3).

Japan exploited their herring fishery and now depend on us exploiting ours. Learn from Japan and your own agency's mistakes and start to preserve and conserve this crucial building block of a fish. With less sac roe permit holders and less demand for sac roe in Japan, there is no excuse for setting the quotas at a 20% harvest rate. There were two years in Sitka where there wasn't a herring fishery, and the world didn't end. You still got paid. Not fishing those two years was the best decision the herring fishery has made since it began. The fishery has not harvested the GHL in several years, and with two years not fished, is it any wonder that the forecast biomass was the largest recorded since 1979? And this year ADF&G predicts this year to be the largest forecast ever. This is what happens when an over-harvested species gets a chance to repopulate. There would not be a need for the Forage Fish Conservation Act of 2021 bill to be introduced if agencies did their job to conserve managed species.

Demand should influence sustainable harvest levels. The demand is low, and thus, harvest guidelines should follow. This wasteful fishery has the potential to turn itself around and gain public trust again. All it requires is harvesting less to conserve more.

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(2) Lassuy, D.R. **1989**. Species profiles: life histories and environmental requirements of coastal fishes and invertebrates (Pacific Northwest)—Pacific herring. **U.S.** Fish Wildl. Serv. Biol. Rep. **82(11.126)**. **U.S.** Army Corps of Engineers, TR-EL-82-4. **18 pp**

(3) Haegele, C.W., and **J.F.** Schweigert. 1985b. Distribution and characteristics of herring spawning grounds and description of spawning behavior. Can. J. Fish. Aquat. Sci. 42 (Suppl. **1**):**39-55**.

Submitted By
Karla Hart
Submitted On
2/22/2022 6:09:31 PM
Affiliation



PC420
1 of 1

I support herring conservation and strongly oppose any sac roe fisheries.

Allow herring live to spawn, again and again, strengthens the food web for most of the life in south coastal Alaska. There are salmon in the trees. There are herring in the salmon in the trees. And herring in the eagles, gulls, sea lion, seals, whales, ... and in the people, whether eating them directly, their roe spawned on kelp, hemlock branches, and shorelines, or within the salmon.

We can easily see the dollars scooped up by the big boats and few crew members in the dramatic sac roe fishery. It takes more work to see the dollars in people who commercial fish the fish that eat the herring, and then those who process and sell those larger fish in the region, and the commercial sport fishery, and the recreational sport fishery, plus those Alaskans who fish noncommercially for the food.

Alaska statehood was driven in part by the mismanagement and overfishing of our salmon. Remnants of those old, super effective, fish traps remain in place. They outlived their time. As Alaska commercial fisheries were rebuilt, there was a lot of emphasis on good management and creating distributed opportunities to harvest fish. I think we're at the point that the sac roe fishery needs to become an historical note and urge you to quickly phase it out.

Regards,

Karla Hart
Juneau resident for 59 years, remembering when the herring spawned thick on shores of Auke Bay

Submitted By
Ken Wilkinson
Submitted On
2/19/2022 2:19:08 PM
Affiliation



PC421
1 of 1

Dear Board of Fisheries Members: After the 2021 fishing season it is understandable to me, why the sport fleet wishes to obtain Chinook quota from the commercial fleet during future, low abundance years. However, they have overlooked the fact that we fished side by side with them through the challenges of 2021, as well as the many Chinook cutbacks of the last decade. It is a grievance to me, as well as the sport fish sector, that there are not more fish to be harvested at this time. My family is facing many of the same hardships as the sport sector, and cannot afford to lose any more of our financial resource. Propositions 83 and 88 will remove necessary income from the commercial fishermen of Southeast Alaska and its economy. Which, in turn, will make it even more of a struggle to endure the low salmon returns we are currently faced with. With this conclusion, I am strongly opposed to Propositions 83 and 88 because they would weaken an industry already battling many destitutions. Respectfully, Ken Wilkinson



Submitted By
Kenneth H. Gross
Submitted On
2/22/2022 12:44:48 PM
Affiliation
Charter Business Owner, Skagway

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famcaptken@gmail.com
Address
P.O. Box 873
Haines, Alaska 99827

HOW TO HELP SAVE THE KING SALMON IN SOUTHEAST?

USE BARBLESS HOOKS FOR FISHING!

Since it's now more important to help conserve our King Salmon populations for future generations, more and more anglers have made the decision to use barbless fishing hooks instead of barbed hooks. **Hooks without barbs are far better to use for Catch and Release fishing because they greatly reduce the chance of causing injury the fish.** Once a King starts bleeding from gill area, he's most likely a goner, especially if it's on under 28 inches. **A barbed Hook definitely cause much more bleeding.**

Sportfishermen are not the only group to Catch & Release the King Salmon. The Troll Fleet Catch & Release undersize Kings which are the most vulnerable to ripping out a Barb. We also need to consider how many are released when they're fishing for other species of Salmon. **All together this represents the mortality of thousands of King Salmon.**

You are looking for a way to make a real difference in the survival rates of our Kings you need to consider doing what British Columbia and some of the some other States have done by adding a barbless hook requirement to Sport / Charter Fishing and the Commercial Troll fishery.

I have been using barbless hooks in my charter business for 3 years prior to the king salmon closures and I am convinced I catch more fish with barbless hooks then with barbed.

Barbless hooks penetrate much easier and require far less force. A resistance is created by the barb on a barbed hook, which makes it more difficult for the hook point to penetrate.

A Barbed Hook increases the chances of losing fish and a bad hook set. Hooks without a barb don't create that resistance, so hooking the fish can be easier with barbless fishhooks.

Hooks without a barb tend to cause less injury to the fish because they can be removed more easily. In other words, since you don't have to push the barb through the mouth of the fish, there is less of a chance that you will further injure the fish before releasing it. You can return the fish to the water quicker since barbless hooks allow you to remove the hook faster. In most situations, you won't need to use pliers or a de-hooking device.



Submitted By
Kenneth H. Gross
Submitted On
2/22/2022 12:06:55 PM
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KING SALMON!

SUGGESATIONS FOR RECOVERY IN SOUTHEAST, ALASKA

This year **TRAWL FISHERY** will be allowed to throw 47,700 King Salmon overboard Dead! They are required to have an observer onboard but how can that person or person see and count the bycatch of sometimes over 50 Metric Tons of fish coming out of the Cod End in a short amount of time? You don't see many pictures of the fish being caught in the Cod End because pictures aren't allowed.

SUGGESTION,

1. Mandate onboard cameras everywhere the fish is processed on the ship, 24 hours a day with a backup system in case the other cameras fail. If cameras fail for any reason, they should not be allowed to bring in the net. Have a link so anyone anywhere can watch live.
2. Require the Ship to process all the bycatch that is commercially viable and pass it on to the people or communities that are affected from them intercepting their fish.
3. The third and best idea is to **SHUT THEM DOWN!** I'm sure you know it's not just King Salmon being thrown overboard dead. Some of the other bycatch numbers for some of the species this year include,

5.48 MILLION lbs. of HALIBUT thrown over DEAD! (UNBELIEVABLE)

6 MILLION lbs. of HERRING thrown over DEAD! The species we should be most worried about their Critical Mass.

7.8 MILLION lbs. of SNOW CRAB (Opilio) thrown over DEAD!

6.14 MILLION lbs. TANNER CRAB thrown over DEAD!

520,000 lbs. KING CRAB thrown over DEAD! Apparently, no king crab opening this year for the Commercial Golf Fishery.

Why are we letting this happen?



Submitted By
Kenneth H. Gross
Submitted On
2/23/2022 4:50:33 PM
Affiliation
Charter Business Owner, Skagway

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HELPING THE KING SALMON AND THE ECONOMY AT THE SAME TIME

My name is Ken Gross. I currently own a Charter business in Skagway and my home is in Haines. I moved to Haines in 1974. I was a Commercial Fisherman for about 25 years. In 1996 I started Charter Fishing while I was still doing some Commercial at the same time. I have been working on the water in some capacity since I moved here. I have included this information so the folks reading my recommendations will know I'm not prejudice against Commercial or Charter fishing. I'm just hoping this will help everyone.

Haines and Skagway have been Suffering economically for close to 5 years ever since the last Alaska Board of Fish meetings in 2017 when they decided on King Salmon for no retention only. The latest proposal is to continue in the status quo, meaning continue with Catch & Release only, again for another 3 years. This is what I've been told they're planning to recommend in the March meetings.

The economic impacts aren't just to the fishermen it includes all the other small business that benefit from folks wanting just a chance of keeping a King Salmon.

I just turned away a booking for 3 families in RV's who are planning to drive the Alcan and headed for Dawson this summer. They wanted to come down the Klondike highway to Skagway just for an opportunity to catch a King. They were hoping for a chance to have some fresh Salmon for dinner. I lost a 3-day booking and so did the Restaurants, Bars, Campsite rentals, Gift Shops, and other possible business because I had to tell them they no chance to keep one. It's the same scenario in Haines also but not anywhere else in Southeast after June 15th, just Haines and Skagway. Apparently the two small towns of Haines and Skagway have all the burden to save the Chilkat Kings on their shoulders even though the fish are intercepted on their way to Lynn Canal and Tayia Inlet.

THE ANSWER IS SIMPLE!

Turn King Salmon fishing into a Las Vegas change of keeping one. It's already catch and release, why not make the odds one being able to keep one much less. I haven't been able to acquire the information on what would be the best size limit to be able to keep a King. My guess would be 32 inches. I may catch 1 over that size in a whole summer. People would still book just for a chance to keep one just like trying to win in Vegas with no impact on the run.

RECOMMENDATIONS:

Barbless Hooks, for both Charter and Troll Fisheries.

Require **Rubber nets** for anyone fishing for King Salmon.

I believe it would be a great Idea anyone fishing for Kings to be required to watch a video on the safe handling and release of large and small Kings. As an example, when you take a boat into Glacier Bay National Park, you're required to watch a video before you can continue into the Park.

Not allowing the Kings to come onboard **BAD IDEA**. On Some boats the fisherman can't even reach to water and even when they can the fish will continue to thrash around with no drag at that point because someone will be holding the line to try to remove the hook. The hook can rip the lip off or pull enough to rip a gill and then the fish does not survive.

Net the fish with a rubber net, (no scale loss and the hook doesn't get caught in the rubber net) it's best to immediately slack the fishing line as soon as the fish is in the net. Grab the fish's tale and hold it tight. The fish will not move as long as you have ahold of its tail making it much easier to remove the hook especially if the hook is **Barbless** helping our goal of less mortality.

The Chilkat Kings finish their run later than most of the rest of Southeast, Alaska so instead of opening it up for retention of a 32-inch King on June 15th, start the retention on July 1st to make sure the spawners have gone up the river.

Thank you for reviewing my ideas.

Captain Ken Gross

NEVER MONDAY CHARTERS



PC422
4 of 4



From: [Kevin McNamee](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Proposal 82
Date: Wednesday, February 23, 2022 3:14:29 PM

[You don't often get email from kevin_mcnamee@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Fish,

My name is Kevin McNamee and I am an owner/operator of a charter business in Sitka. I have been in the industry since 1991.

My clients love fishing Alaska and support numerous local businesses while here. But the main reason people come to fish with us in June is because they have the opportunity to catch and take home some Wild Alaskan King Salmon.

I think it is very important to maintain consistent sport fishing opportunities for both resident and non-resident anglers. To provide food for local families and to ensure not only the continued return of non-resident anglers but also the assurance that their out of state dollars will continue to support our families, local businesses and community.

The charter industry needs continuity and stability to be able to properly market our out of state guests. It will be detrimental to my business, my employees, local businesses and the State of Alaska if the 1/day, 3/year limit is not maintained through the second half of June.

All user groups need to work together to protect and preserve the King Salmon. If it is necessary to shut down the sport King Salmon fishing in July and August in order to ensure this precious resource's numbers remain healthy, it would be an easier pill to swallow. But to do so in mid-June will do irreparable harm to businesses, communities and state revenue.

I ask you to please consider keeping the 1/day, 3/year limit the last 2 weeks of June.

Thank you for your time,

Kevin McNamee
IslandView Resort & Charters LLC

Kiley R. Burton
Po Box 6
Cordova Ak 99574



PC424
1 of 1

February 23, 2022
Marit Carlson-Van-Dort, Chair
Alaska Board of Fisheries
PO Box 115826
Juneau, AK 99811-5526

Dear Madam Chair and Board of Fisheries Members,

I am a fourth generation fisherwoman from Cordova, Alaska. I have fished PWS seine, Copper River gillnet, and Sitka herring. I have grown up fishing and bought into gillnetting at 16. I am a former Sitka Tribe member and am now the President of Native Village of Eyak Tribal Youth Council. I am Alaskan Native and utilize herring, both culturally for food and to fish. I actively participate in my culture and these fisheries are very important to me, and that they are managed sustainably and are open to future generations.

On proposals 156, 157, 158. **Strongly Oppose.**

The Alaska Department of Fish and Game has been on top of the Sitka Sac Roe for decades. These proposals result in the fishery no longer existing. I ask you to reject these three proposals, I have witnessed first hand fishing with the local tribes while they harvest too, with plenty for us all to utilize.

Thank you for taking the time to read my comments,

Kiley Burton



From: [Kurt Ferse](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Prop 82
Date: Wednesday, February 23, 2022 8:11:58 PM

As a guide based out of the Craig area on Prince of Wales Island for the last 17 years, I have built a life and a career fishing these waters in the summers. Myself and fellow guides who live or return to this area contribute *significantly* and *dependably* to the local and state economy.

I strongly support the modifications to Prop 82 by SEAGO. These small but significant modifications would provide operators and guides to the ability to dependably sustain leaner years of abundance. If Proposition 82 is allowed to go through as written, it would essentially shut down guiding opportunities for a month in the summer during years of low abundance, as I don't believe there are enough opportunities (with current rather stringent limits) for other species of fish to entice clients to book chartered trips in our area. I can't see how operators could survive this significant gap in the season, and personally I could not afford this financially, nor commit to employment for what would effectively become two shortened seasons in a summer. I would almost certainly be forced to look elsewhere for employment (very likely out of state), as would nearly all charter captains in the area.

I shudder to think of the impact of the likely closure of most of the charter operations in the area to the local people and economy. The current proposition as written is unnecessarily draconian in its recommended chartered limits in years of low abundance. Simply put, there are better ways to manage the resource during leaner years without threatening the careers of hundreds of guides, and the significant economic contributions they make to Alaska.

I ask that the modifications proposed for Prop 82 by SEAGO be accepted, and our way of life and those in Alaska who depend on it, be allowed to continue for years to come.

Regards,

Kurt Ferse, captain/guide for Shelter Cove Lodge - Craig, AK.



Submitted By
Laird Jones
Submitted On
1/26/2022 9:01:39 PM
Affiliation
Self

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9171 SKYWOOD LANE
Juneau, Alaska 99801

PROPOSAL 161

The Sitka Subsistence Herring (on branches and kelp) has a well-documented long-term use by many Southeast Alaska residents; and is the first fresh resource welcoming Spring. This fishery is unique in that participants have essentially one shot at getting their subsistence needs met. Any administrative delays can cause participants to miss or hamper their ability to obtain their subsistence needs.

In addition, as a participant, you are not positive where the herring will spawn, so you rely on the use of past experiences and consulting with other participants on the best place to set your branches. Generally, you have an idea how much harvest you and your family will need. You also have an idea of other family and Elders you will want to provide for. You set branches knowingly that some will be lost (taken by other participants or the lead line disconnects) and when you have enough harvest to meet your subsistence needs you stop harvesting.

In closing the proposed requirement of a permit or registration would not provide additional useful in season management information to ADFG.

For the above reasons – I oppose Proposal 161 and urge you to vote “no.”



Submitted By
Laird Jones
Submitted On
1/26/2022 8:11:14 PM
Affiliation
Self

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Juneau, Alaska 99801

Proposal 159

I oppose this proposal. This fishery has been a challenge and the regulations have been formulated to provide a balance between competing users. Any changes to these regulations needs to be carefully considered in the whole by all parties utilizing the Sitka herring.



December 29, 2021

Late Comments to the BOF

Proposal 226 – Support in Entirety

Establish bag and possession limits for slope rockfish

Proposal 227 – Support in Entirety

Similar to Proposal 226

Proposal 228 – Support in Part

- Do not support differential harvest limits for non-residents vs residents for all rockfish
- Support differential harvest limits for non-residents for Yelloweye that would still offer opportunity for non-resident to have access to the retention of Yelloweye at some level when abundance allows any retention at all.
- Support the call for rockfish studies from Inside areas that would provide better management tools. Currently data from Outside areas are being applied to Inside areas.

Comments:

Reference #1: *Special Publication No. 21-12 Overview of the Sport Fisheries for Groundfish and Shellfish in Southeast Alaska through 2020: A Report to the Alaska Board of Fisheries*

1. Currently there are no data or studies on any other species except Yelloweye (See P.4 under the heading **Stock Assessment**)
2. Yelloweye data are being applied to manage all other non-pelagic DSR species. (Also on P.4)
3. There are essentially little or no data on Inside rockfish as evidenced by the references in all of the Tables and Figures in the Report
4. It has been determined – correctly – that there is a problem with rockfish in Outside areas, particularly Yelloweye, and especially around Sitka.
5. The report does not identify a similar problem in Inside areas. The report assumes a problem existed in Inside areas based on interpolated Outside data.
6. A one-size-fits-all approach to rockfish management has been adopted that should not apply to the Inside fisheries. An explanation for this may be identified in **Reference #2**
7. At a minimum there should be a liberalization of catch limits in Inside areas for the most abundant rockfish sub-species: Quillback and Copper rockfish.
8. Yelloweye rockfish should remain in non-retention status until studies for Inside waters can provide data that would support a change.
9. More studies and data for the Inside areas need to be conducted ASAP to allow a more surgical approach to rockfish management based on the science.

Sportsman's Cove Lodge
Alaska's Friendly World-Class Sportfishing

Reservations Office
Box 8500
Ketchikan, AK 99901

Inquiries 1 800-962-7889
Business 907-247-7252
Facsimile 907-247-7255
info@alaskasbestlodge.com



Reference #2: Excerpt from the 2020 NOAA Publication

ASSESSMENT OF THE DEMERSAL SHELF ROCKFISH STOCK COMPLEX IN THE SOUTHEAST OUTSIDE SUBDISTRICT OF THE GULF OF ALASKA

Kellii Wood (kellii.wood@alaska.gov), Rhea Ehresmann, and Mike Jaenicke

“The Southeast region has met and will continue to meet to identify more accurate methods for stock assessment and management of these species. ADF&G has a continued interest in exploring an ASA model for this species complex; however, there has been a substantial changeover and loss of biometric support staff at ADF&G in 2020. More time will be needed for new biometric staff to gain an understanding of this fishery and evaluate alternative assessment frameworks. The authors will create and present a risk assessment for the full DSR assessment in 2021.”

In the meantime one of the key components of the Southeast tourism-based economy is left wanting for lack of an opportunity to harvest excellent table fare.

Respectfully submitted,

Larry McQuarrie

Larry “Mac” McQuarrie

Owner, Sportsman’s Cove Lodge

Serving the fishing tourist at the same location for 32 years

East POWI



From: [Lloyd Alakayak](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: I OPPOSE PROP 161
Date: Sunday, February 20, 2022 8:05:32 AM

[You don't often get email from lloydalakayak@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Why are you trying to make it harder for Alaska Natives to subsist on their natural foods????
Stop Proposition 161.

Sent from my iPhone



Submitted By
Mark Browning
Submitted On
2/22/2022 1:59:22 PM
Affiliation

Phone
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Email
Markbrowning2020@gmail.com
Address
205 Hemlock St
Hoonah, Alaska 99829

With certainty I say that protecting the herring of SouthEast AK is THE most important task this board is faced with in the next ten years. A simple examination of past spawning events both told through the stories of Native Peoples and what has been scientifically recorded and documented displays for us all the ineptitude of regulating the herring Fisheries by our forefathers. They did not know. Today, you know. You have no excuse but to exercise your vote to work to further protect the herring of our communities and the waters of the SouthEast. One in five spawning grounds have been altogether lost to overfishing and to climate change, and other small factors that effect the Herring. That is abysmal work of our fishing regulators. The change you need to make to this fisheries will once again establish these waters as the greatest fisheries in the world. All sea life predators depend on the herring. They make up the foundational role giving rise through their filter feeding to a biomass that is useable in the ocean.

Who is to blame for this? Undoubtadly it has been the fisherman of the early 20th century and the lack of regulators applying regulations that protect these fisheries. Without the glamour of large filets on dinner tables, these fish have for too long been disregarded. However, as our science catches up to our bellies and our consumption we realize the terrible mistake we have made inover fishing these magnificent creatures.

The absurd arguments are often made that:

- 1- The harvests last year (or the year before) were record numbers. They are Ok- let us fish them.
- 2- The harvest quotas will not cause a decrease in numbers any more- the fish are protected.

Both of these arguments are entirely too myopic to take seriously. Evidence can be directly seen that the baseline from which these harvesetable nubmers are gleaned are incorrect numbers. TO begin to restore Herring and give rise to their All Important Role as the base of the food chain, it needs to be recognized that keeping Herring populations at a small fraction of the traditional 100 or 1000 year numbers is awaiting tragedy. With warming seas, with out of balanced fisheries numbers, with out of balance microorganism numbers, it would not take much to push these little fish out of existence.

Vote NO on 159, 160,161, and 163-165

Vote YES on 156-158

Your duties require you to take seriously the longevity of Alaskan Fisheries for the next 10 years and the next 100 years and past. Without your quick and sincere action, your name will be recognized as a blight on the protection of our Alaskan Fisheries forward in the future. Take a stand today. Dismiss the concerns of the Sac Roe Industry. Fight for the people of Alaska and the fish that feed them!



Submitted By
Mark Severson
Submitted On
2/23/2022 4:32:00 PM
Affiliation
commercial fishing

Phone
9075180683
Email
fvodinfamilie@gmail.com
Address
Box 1502
Petersburg, Alaska 99833

Dear Board of Fish Members,

My name is Mark Severson, I am from Petersburg and my family is fourth generation commercial fishermen and we are proud of our hard work. We have sacrificed our bodies and finances to keep our operations sustainable. To have sport charter sector coming after commercial fishermen's pounds that were purchased or in the process of being purchased through huge risky loans is not well received. This plan did not hatch with your average charter fishermen. It was concocted by the richest of the lodge owners who have hired lawyers and lobbied to come up with ways to steal pounds from hard working people. It's the same powerful group that got Governor Dunleavy elected with the payback that he would be their champion for their agenda. Through his controversial appointments since being elected to office they are slowly succeeding. There is no comparison between a commercial fishermen's investment and a charter operator. The charter sector should have to purchase the rights to fish just as the commercial sector has.

It is obvious that the people who have worked hard for a very long time do not steal from other people. The charter "play fishermen" that are being handed something for nothing on the other hand seem more than happy to steal from their neighbors.

If the Board of Fish does not do what is fair and equitable it will further divide our small communities and cause more hatred among us.

Proposal #225 claims to be abundance based but includes only a mechanism for increasing the bag limit and eliminating the annual limit. Second, proposal 225 identifies a faulty baseline by suggesting an increase in limits when abundance is still below the GHLL levels observed when the equal share fishery was established and below levels when existing bag, possession and annual limits were initially set. Third, the dramatic increase in nonresident sablefish harvest suggest ample opportunity is afforded for nonresident harvest, hence there is no legitimate rationale for reallocating sablefish from Alaska's hard working commercial fishermen to nonresident charter clients (who are 97% nonresident). Finally this action will change bag limits for sablefish in state and federal waters but uses only the abundance of sablefish in state waters as the index. That is a stretch of science and management authority. We urge the Board to reject this proposal.

We also object to Proposal #83, another resource grab from the charter sector asking for more Chinook salmon from the hard working Alaska Trollers. They struggle to keep their business afloat every year. It is not fair that more could be taken from them when king salmon numbers are low and time and quotas have been limited.

BOF should direct ADF&G to manage all sectors to their allocations and to ensure all sectors share the responsibility of conserving fishery resources at low levels of abundance.

Sincerely,

Mark Severson

Petersburg, AK



From: [Mark Stopha](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Proposal 114
Date: Thursday, January 13, 2022 2:58:44 PM

[You don't often get email from mark_stopha@yahoo.com. Learn why this is important at <http://aka.ms/LearnAboutSenderIdentification>.]

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Fisheries:

These are amended comments in regard to the Southeast and Yakutat Shellfish and Finfish Meeting to be held March 10-22, 2022 in Anchorage. I just submitted these comments a few moments ago, and have added additional comments at the end.

I'm a 58 year old Alaska resident. I am a hand troll permit holder and fish out of Juneau and Craig.

I support proposal 114 to allow hand trolling with downriggers year round. The gear uses fewer hooks and is generally less efficient than hand troll gurdies, so it should not appreciably affect the hand troll harvest.

In addition, the number of hand troll permits fished and the hand troll harvest are at historic lows, and therefore this change to the hand troll gear regulation should not increase the hand troll fleet's portion of the overall troll harvest, and have no effect on the number of days winter, spring and summer fisheries are open to trolling.

With regard to enforcement, hand trollers could always use sport rods as legal gear. Therefore, there has always been an enforcement concern that someone fishing with fishing rods in an area closed to commercial fishing - whether they are using down riggers or not - could try to sell those fish under their hand troll license. Therefore, allowing use of down riggers does not add a new enforcement issue. It has always has been an issue since the same gear- a fishing rod - has always been a legal gear for both hand trollers and sport fishermen.

Thank you.

Mark Stopha, Juneau



From: [Mark Stopha](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Proposal 114
Date: Thursday, January 13, 2022 2:47:10 PM

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CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Board of Fisheries:

These comments are in regard to the Southeast and Yakutat Shellfish and Finfish Meeting to be held March 10-22, 2022 in Anchorage

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I support proposal 114 to allow hand trolling with downriggers year round. The gear uses fewer hooks and is generally less efficient than hand troll gurdies, so it should not appreciably affect the hand troll harvest.

In addition, the number of hand troll permits fished and the hand troll harvest are at historic lows, and therefore this change to the hand troll gear regulation should not increase the hand troll fleet's portion of the overall troll harvest, and have no effect on the number of days winter, spring and summer fisheries are open to trolling.

Thank you.

Mark Stopha, Juneau



Submitted By
Martin Remund
Submitted On
2/23/2022 3:24:56 PM
Affiliation
SE sablefish, halibut, longline, troller

Phone
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702 Main Street
PO Box 8147
Port Alexander , Alaska 99836

Dear Alaska Board of Fisheries members,

RE: Proposals 225 and 83 and 88

I urge the board to reject proposal 225. This proposal says to be abundance based but is only set up to raise the bag limit and would eliminate the annual limit. Proposal 225 identifies a faulty baseline by suggesting an increase in limits when abundance is still below the GHIL levels observed when the equal share fishery was established and below levels when existing bag, possession and annual limits were initially set. Also the dramatic increase in nonresident sablefish harvest suggests ample opportunity is afforded for nonresident harvest. The bag, possession and annual sablefish limits are more than generous, especially for the nonresident charter clients who comprise 97% of the charter clients. I see no reason for reallocating sablefish from Alaska's commercial fishermen to nonresident charter clients! Proposal 225 would change bag limits of sablefish in state and federal waters, using only the abundance of sablefish in state waters as an index. That is a stretch of science and management authority. Again I urge you to reject this proposal.

I also urge you to reject proposals 83 and 88. SEAK commercial trollers and longliners in general are tired of and frustrated with the unbridled growth and greed of the nonresident sport fishery! Every BOF cycle the charter sector asks for more allocation of halibut, sablefish, salmon, rockfish to come from the commercial sector! I'm asking this board to take strong action to stop the unlimited growth of the nonresident sport harvest and make this sub-sector more accountable within their current allocations of fish. Sincerely, Martin Remund, Port Alexander, AK. Commercial fisherman since 1975. Longlining with my family for halibut, outer coast sablefish, Chatham sablefish and salmon trolling.

Submitted By
Mathias Weibel
Submitted On
2/22/2022 1:41:50 PM
Affiliation
Commercial Salmon Troller



PC433
1 of 1

I am writing to state my opposition to the reduction of any commercial catch quotas in order to increase charter quotas. Commercial fishing feeds our nation with the highest quality protein on earth, and provides economic opportunity and the chance to take part in a storied profession for many fishermen. Feeding people is a fundamental pillar of our society, and commercial fishing is a part of Alaskan history. We all love to go fishing and have amazing experiences on the water and on public lands, but charter fishing cannot be allowed to take precedence over commercial harvests. Charter fishermen already have significant allowances, and should not be allocated more resources, some of which are under severe pressure, at the expense of commercial fishermen—especially small boat fishermen and artisanal, hook-and-line fisheries.

Thank you for taking the time to read my comment.



From: [matthew donoeh](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Proposal 82 and SEAGO's Proposal 83
Date: Wednesday, February 23, 2022 11:50:03 PM

To: Alaska Board of Fisheries and Staff
From: Matthew Donohoe

Honorable Board Members and Staff

I have waited for the last minute to comment about SEAGO's outrageous claim that SEAK Guided Sports and other out-of-state harvesters of the limited SEAK Chinook resource should be allocated more kings. This allocation would come from Alaska residents. I found it hard to believe that this important SEAK Board of Fisheries (BOF) meeting would occur in South Central. No other action demonstrates the regional colonial approach the BOF has recently taken toward the rest of Alaska.

Governor Dunleavy has stated, on many occasions, that Alaska's fish should be harvested primarily by Alaskans. In SEAK most of the guided sport clients are from out of state. Sport lodges are often owned by non Alaskans. 83% of commercial SEAK Trollers are Alaska residents. This percentage is the highest resident ratio of any Alaskan commercial fishery. Most of SEAK trollers cannot afford to fly the 1,000 miles North to spend a week in Anchorage defending their livelihoods. Meeting in South Central disenfranchises Southeast Alaskans. Testifying from a video link is not the same as personally explaining to BOF members why SEAGO's ludicrous proposals are without merit.

Reasons why SEAGO's demand of more Chinook is without merit.

1) Since 2018 when Stocks of Concern (SOC) were first declared Sports harvesters have not caught their low allocated quota. (All SE salmon fishers have been curtailed due to SOC). Commercial Trollers are the only harvesters that have been able to catch their much reduced allocation.

2) In 2019 the SEAGO President (an out-of-state resident) and a Northern Panel Treaty Sport Representative along with SEAGO's Vice President (also a Northern Panel Treaty representative) agreed to a 7.5% Chinook Allocation reduction. SEAGO's leadership on the Alaska Treaty Team also agreed to Pay Back language in the event Alaska went over their allocation. ATA did not agree to this one sided Treaty allocation and lobbied to replace the Treaty Troll Reps who did. The **Actual Harvest reduction** (different from the Allocation) for all users was 13.2%. In 2018 ATA had been asked for an increase in SEAK Treaty allocation to replace the unfair and ridiculous 15% 2008 Treaty reduction. ATA argued that in years of high



abundance surplus king salmon in Washington were often taken to land fills (t occurred in 2013, 2014, and 2015 and is a common occurrence in other years) instead of allowing more harvest in SEAK.

3) Part of the agreement included a payback penalty the following year for any harvest overages. Due to this penalty it is now impossible for all fisheries to average their allocated quota as they have in the past.

4) In the spring of 2021 (another low quota year) when AK Stocks of Concern (SOC) were returning and commercial Chinook harvest was mostly shutdown Sports division (by EO) set the Annual limit at 4 fish for out of state residents instead of the 3 kings prescribed by the BOF's Management Plan (5AAC 47.055). The harvest increase also was contrary to 5 AAC 39.222 and encouraged an expanding outside nonresident sport fishery during a time of SOC.

5) Because commercial Trollers have limited opportunity in the Spring sampling of spring king salmon harvest is now greatly reduced. Meanwhile the increased Spring outside water effort by the out of state charters are rarely sampled due to cost reductions. ADFG now has minimum data on the returning stocks in the Cross Sound and Icy Straights corridor. Elfin Cove, one of the largest charter harvest ports in the Chilkat and Taku River Corridors, who enjoyed a 4 Chinook out of state annual bag limit, had no creel samplers. There is little or no creel sampling in lower Chatham and Sumner Straights both corridors for the Stikine River.

6) While under SOC it appears that managing to the allocation cap although not liked is doable for all fisheries. No group has unintentionally gone over their Allocated quota. Trollers have been asked to harvest any remaining annual SEAK Chinook.

Matthew Donohoe
President ATA
907-747-6255
PO Box 3114, Sitka AK, 99835
Lot 10, Galankin Island, Sitka AK



From: [matthew.romaine](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Subject: Southeast meeting fin fish
Date: Monday, February 21, 2022 7:31:16 PM

To whom it may concern,

This email is intended to show my support of SEAGO's version of Proposition 82. As a Sportfishing Guide in area 2C since 2008 I know that King Salmon limits in July have a direct impact on Sportfishing's economic viability. Without having Nonresident, or even lower Resident limits, I know most clients simply won't travel to Southeast Alaska and take their recreational Sportfishing money elsewhere resulting in an end to most jobs, including mine, in the Lodge / Guiding industry.

Sincerely,

Matthew Romaine

Guide Shelter Cove Lodge, Prince of Wales Island

949-689-4729

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Submitted By
Max Peeler
Submitted On
2/22/2022 9:48:56 AM
Affiliation

Phone
9075180262
Email
Max_peeler@hotmail.com
Address
94 Pheasant Tail Ct
Kalispell , Montana 59901

Hello my names Max Peeler and I am leaving a comment in regard to proposal 171-174 about changing the Southeast Alaska Spot Prawn Shrimp fishery from fall to spring (mid May).

I thought having some insight and input of a buyer might be useful in this conversation. As far as the timing of the fishery mid May sounds like a perfect time for many reasons. The weather would be much nicer for boats going out to fish. Having no eggs to let the shrimp spawn will certainly help with shrimp stocks in the area. People do not prefer eggs on the shrimp. So as far as marketing, it will only help my regions popularity of these shrimp and price stay high.

I have Ben asked by multiple fishermen if that time of year will affect price and marketing. My response to each of them has ben "Hell no" it will only help the market for selling because the busiest shrimp selling months by far are the summer and December for the holidays.

I want this shrimp fishery to be sustainable for decades to come so we need to stop catching the shrimp with eggs and let them spawn and grow so in the spring we can haven't appropriate amounts for years to come. Everywhere I service in the North West Region would be very happy to have Fresh shrimp rolling into the summer months. This would only strengthen markets and Shrimp stocks going forward if this proposal were to pass.

Max Peeler

**MICHAEL A. D. STANLEY****ATTORNEY AT LAW**

P.O. BOX 020449, JUNEAU, ALASKA 99802

TELEPHONE: (907) 586-6077

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Date: February 22, 2022

To: Chip Treinen, President
Southeast Herring Conservation Alliance

From: Mike Stanley

Subj: Proposal 159 – 5 AAC 27.195

You have asked me to provide an analysis of Proposal 159 which was submitted by the Southeast Herring Conservation Alliance (SHCA) requesting the Alaska Board of Fisheries (Board) to repeal 5 AAC 27.195. Your request comes in the context of the lawsuit by the Sitka Tribe of Alaska (STA) against the State of Alaska and its agencies, the Alaska Department of Fish and Game (ADF&G) and the Board, Case No. 1SI-18-00212 CI. SHCA intervened in this lawsuit at the beginning and participated actively in all phases of the case.

The rationale stated in Proposal 159 is that 5 AAC 27.195 is outdated, ambiguous, and subject to misinterpretation, and fails to give clear guidance to ADF&G regarding what the Board expects in management of the herring fisheries in Sitka Sound. Court rulings in the lawsuit confirm that SHCA's reasoning in submitting this proposal is sound.

I. Summary of Litigation

STA filed its complaint against the State in December 2018 asserting three broad claims for relief regarding management of the commercial sac roe and herring subsistence fisheries in Sitka Sound. STA alleged that the Board and ADF&G had violated the subsistence priority statute, AS 16.05.258; had violated the Common Use and Sustained Yield Clauses found in Sections 3 and 4 of Article VIII of the Alaska Constitution; and had violated the Administrative Procedures Act and the hard look doctrine. With one exception, STA did not sustain any of their claims against the Board and ADF&G, and did not obtain any of the relief sought in their complaint. The only issue on which STA obtained any relief was a sub-claim under its first count relating to ADF&G's interpretation and implementation of 5 AAC 27.195. On that claim, the court found that ADF&G had not adequately documented its decision-making in implementing subsections (a)(2) and (b), and accordingly, granted summary judgment in favor of STA. The court did not rule that ADF&G had failed to comply with the substance of either of these provisions.



II. Rulings on 5 AAC 27.195.

The court issued two decisions concerning 5 AAC 27.195, one on March 31, 2020; the other on November 30, 2020 (though dated November 27). I will refer to these decisions as the March 31 Order and the November 30 Order, respectively.

A. March 31 Order

In its March 31 Order, the court began (at p. 1) by describing the issue of ADF&G’s interpretation and implementation of 5 AAC 27.195 as “narrow.” The court first analyzed STA’s argument that ADF&G had failed to properly implement 5 AAC 27.195(b). That provision, as codified, provides:

(b) In addition 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.

SHCA demonstrated, however, that this was not the language actually adopted by the Board in 2002. The Board instead addressed the issue of quality in subsection (3) of the proposed plan, which stated that ADF&G shall –

(3) recognize that quality and quantity of herring roe on branches and herring sac roe is an important consideration in the management of the subsistence and commercial herring sac roe fisheries.¹

Because of this difference between the two provisions, the court held (at p. 3) there was a “genuine issue of material fact as to whether subsection (b) reflects what the BOF originally adopted and is thus enforceable. Summary judgment is accordingly not appropriate as to subsection (b).”

The court then turned to STA’s claim concerning subsection (a) of 27.195. That provision reads:

(a) In managing the commercial sac roe herring fishery in Section 13-B north of the latitude 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).

¹ The language actually adopted by the Board for 5 AAC 27.195 was reflected in ADF&G’s 2002 Management Plan for the sac roe fishery, which was published in February 2002, approximately a month after the 2002 Board meeting. A copy of the cover page of that management plan, and the section quoting the new regulation, is attached to this memo. You should also note that the language of subsection (2) as adopted by the Board differs from the language that was codified at 5 AAC 27.195(a)(2). This difference is discussed in Part III.C. below.



The court observed (at p. 8) that ADF&G “believes it is lawfully implementing subsection (a), but whether ADF&G’s implementation can be objectively reviewed is another matter.” While the record (*e.g.*, ADF&G’s news releases), “provide some data to support its in-season determinations of whether to open the commercial fishery,” the “record as a whole, fails to clearly reflect – either explicitly or implicitly – the determinations, and reasoning underlying ADF&G’s determinations, that ADF&G is required to make before opening the commercial fishery under 5 AAC 27.195(a).” March 31 Order at 11 and 12. The court concluded that because of this failure to explain its decision-making, “ADF&G’s application of its mandates under 5 AAC 27.195(a) is arbitrary, unreasonable, and an abuse of discretion.” The court did not find that ADF&G had failed to comply with the substantive requirement to distribute the commercial harvest, only that ADF&G had “failed to adequately explain its determinations in the record.”

B. November 30 Order

In this decision, the court first reviewed the evidence concerning the question of what language the Board actually adopted in 2002. The court agreed with SHCA, concluding (at p. 5) that the evidence “confirms that the language of (3) is what was originally adopted by the BOF.” The court went on to state that subsection (3) and the language codified in subsection (b) had the same meaning, and there was thus no longer a genuine dispute that precluded summary judgment.

In evaluating the merits of STA’s claim, the court said (at p. 8) there were two questions: whether ADF&G was required to consider the quality of herring roe in making management decisions, and how ADF&G did so. On the “how” question, the court upheld ADF&G’s interpretation “that the regulation *does not* require ADF&G to conduct an in-season assessment of the quantity and quality before making a determination to open and distribute the commercial fishery in a certain way.” November 30 Order at 12 (emphasis in original). The court thus rejected STA’s position that subsection 195(b) requires ADF&G to assess the quality of herring spawn on branches in-season, prior to opening the commercial fishery. The court said (at p. 15-16) it was “undisputed” that ADF&G considered “the distribution and quality of herring roe *before* spawning occurs...,” but that this did not equate to “consideration of quality of ‘herring spawn on branches, kelp, and seaweed, and herring sac roe.’” (emphasis in original). As with its decision regarding 195(a)(2), the court did not find that ADF&G had failed to comply with the substance of the regulation, only that the agency had failed to adequately explain its decision-making: “If ADF&G does consider quality when making their decisions, its consideration is not clearly or adequately reflected in the record,” and therefore, “its implementation of 5 AAC 27.195(b) is unreasonable and an abuse of discretion.” November 30 Order at 18-19. The court held that ADF&G must demonstrate “in some meaningful way” how it considers the quality of herring spawn in managing the fishery. *Id.*

III. Issues Presented by Proposal 159

Proposal 159 seeks to repeal 5 AAC 27.195 on the grounds that this regulation is outdated, ambiguous, and subject to misinterpretation. I will discuss these rationales in turn, but first will address STA’s comment that “[i]f the Board repealed 5 AAC 27.195, the Board would



be in violation of its statutory obligation to provide a subsistence priority.” Public Comment (PC) 329 at p. 19.

A. 5 AAC 27.195 Is Not Required by the Subsistence Priority Statute.

As at prior Board meetings, the Department of Law (DOL) has provided guidance on application of the subsistence priority in considering proposals affecting subsistence fisheries. DOL Comments on Proposals (December 30, 2021). It is a six-step process. The first four steps are not at issue here – the Board has determined that herring are taken for subsistence; has established a formula for determining if a portion of the herring stock in Sitka Sound may be taken consistent with sustained yield (5 AAC 27.160(g)); and has defined the amount of herring reasonably necessary for subsistence (5 AAC 01.716(b)). Nor is step six in play. That element applies only if the harvestable surplus is not sufficient for subsistence and other consumptive uses, which is clearly not the case with the herring stock in Sitka Sound. The only step in the process relevant in this instance is five – the requirement to adopt regulations to provide a reasonable opportunity for subsistence. *See* AS 16.05.258(b)(1)(A).

The subsistence statute defines “reasonable opportunity” as an opportunity “that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking fish or game.” As DOL has consistently advised the Board, reasonable opportunity is not a guarantee of success. Nor does “reasonable opportunity” imply a requirement for a subsistence harvest of any particular quality. In *State of Alaska v. Morry*, 836 P.2d 358 (Alaska 1992), the state argued that the subsistence statute described a process for determining the quantity of fish and game that would provide a “reasonable opportunity,” and did not require the boards to “preserve a qualitative way of harvesting these resources.” *Id.* at 369. The court agreed with the state’s analysis. *Id.* at 370. The court made it clear, however, that although the boards were not mandated to, they could, in their discretion, take into consideration traditional and customary methods of harvest in prescribing regulations. *Id.*

The Board’s approach to regulating the subsistence herring fishery in Sitka Sound is completely hands off. There are no permit requirements, no reporting requirements, and no bag limits. Subsistence users can set branches and harvest herring roe wherever they want, whenever they want, and can take as much as they want. The subsistence fishery is unrestricted. The opportunity subsistence users have to harvest herring roe on branches in Sitka Sound is not only reasonable, it is unlimited. The question then devolves to whether the Board is required to consider restrictions on the commercial harvest of herring to accommodate a preference for subsistence uses. Under the statute and the stepwise process outlined by DOL, the answer is “no.” Regulations to reduce or eliminate other consumptive uses of herring are required only at step six, when the harvestable surplus is insufficient to provide for all consumptive uses. This does not mean that the Board lacks discretion to prescribe regulations for the commercial herring sac roe fishery that are intended to enhance subsistence opportunity; just that the Board is not required to do so by the subsistence statute.

Under this analysis, 5 AAC 27.195 is clearly not mandated by the subsistence priority prescribed in AS 16.05.258. Repeal of that regulation would not constitute a violation of the



statute. This conclusion is particularly compelling in light of restrictions the Board has placed on the commercial fishery subsequent to enactment of 5 AAC 27.195 in 2002.

B. 5 AAC 27.195 Is Unnecessary In Light of Subsequent Board Action.

STA describes 5 AAC 27.195 as the result of “a compromise among ADF&G, STA, and the commercial fishing industry.” PC 329 at 17. Despite this compromise, STA has continued to press the Board to further restrict the commercial sac roe fishery at every Board meeting since 2002. Their efforts have yielded two significant changes for management of the commercial fishery. In 2009, the Board revised 5 AAC 27.160(g), which prescribes the formula for setting the guideline harvest level (GHL) for the fishery. Among other things, the amendment increased the biomass threshold for allowing a commercial harvest from 20,000 tons to 25,000 tons. This 5,000 ton increase equates to 10,000,000 pounds of herring that is off limits to commercial users, and was specifically intended to provide a buffer for subsistence. The amount of herring spawn that the Board has determined is reasonably necessary for subsistence is 136,000 – 227,000 pounds. 5 AAC 01.716(b). Moreover, the harvest rate percentage specified in the GHL formula adopted in 2009 is only 12 – 20%. This means that 80 – 88 % of the harvestable surplus above the threshold is also available to subsistence users. ADF&G has indicated that the quality of herring roe on branches is in part a function of multiple depositions on spawn over the course of several days. At the current record biomass levels, there is clearly an abundance of herring available to provide for good quality roe.

The second significant restriction imposed on the commercial fishery is closure of the traditional subsistence harvest area around Middle, Crow and Kasiana Islands, also known as the core area. The Board adopted this closed area in 2012 and expanded it in 2018. The question posed is whether the requirement to distribute the commercial harvest specified in 5 AAC 27.195(a)(2) continues to serve any purpose in light of the closure of the core area to commercial fishing. The vehicle for adoption of 195(a)(2) was Proposal 500 (2002) that the Board took up after STA filed an agenda change request following the 2001 season. STA’s stated purpose in submitting this proposal was to protect the “traditional subsistence herring egg harvest areas of Middle, Crow and Kasiana islands,” which STA described as “a relatively pristine ecosystem and a mainstay for subsistence harvesters” and which was in “proximity to the community of Sitka and the relatively calm ‘inside’ Sitka Sound waters where these harvest areas are located.” Now that these waters are closed to commercial fishing, is the distribution requirement of (a)(2) still necessary? In the STA lawsuit, the question arose whether closure of the core area operated as an implicit repeal of the distribution requirement of (a)(2). This issue was not fully briefed by the parties and was not decided by the court, but it is a fair question for the Board to consider.

This is not to suggest that the current closed area is justified. SHCA Proposal 160 seeks to repeal the 2018 expansion of the core area closure, in order to strike a better balance between fishing opportunity for both commercial and subsistence users. Repeal of 5 AAC 27.195 would be appropriate for the reasons discussed in Proposal 159, even if the Board also adopted Proposal 160.



C. 5 AAC 27.195 Is Ambiguous and Subject to Misinterpretation.

There are two primary points of ambiguity regarding 5 AAC 27.195 that the Board should address in order to clarify its expectations for management of the commercial sac roe and subsistence herring fisheries in Sitka Sound. The most concerning, in my view, is subsection (b). As discussed above, the language of subsection (b) was not actually adopted by the Board. Rather, the Board in 2002 adopted subsection (3). The court held that the differences between the two were not material; the question is whether the Board agrees. In other words, does 5 AAC 27.195(b) as interpreted by the court accurately reflect what the Board intended? In its February 2002 management plan (see attachment), ADF&G described subsection (3) as a “statement of finding that the quality, not just the quantity, is important for both fisheries, and therefore may be factored into management decisions.” ADF&G staff presumably were involved in advising the work group that prepared the language of Section 195, and one would think that the characterization of subsection (3) as a finding was based on those discussions. The court did not accept ADF&G’s understanding of this provision, reasoning (at p. 10) that the “fact that a mere finding is not a regulation is persuasive in reaching the conclusion that the regulation is mandatory” and should be given effect.

In addition, although the court upheld ADF&G’s position that the language codified in subsection (b) does not require ADF&G to consider quality and quantity of herring spawn on branches prior to opening the commercial fishery, it nevertheless held that ADF&G should consider these factors in “some meaningful way.” The court – appropriately so – thus left it to the discretion of ADF&G to implement this interpretation. But that same deference to the agency’s judgment also opens the door to subsequent challenges to ADF&G’s management on the ground that its actions did not meaningfully consider the quality of herring spawn on branches. Repeal of 5 AAC 27.195(b) would remove this ambiguity.

The second point of ambiguity concerns subsection (a)(2). Although it was not raised in the court proceedings, there are also differences between the language actually adopted by the Board and the language that was codified. The language of (a)(2) as codified requires ADF&G to:

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).

The language of subsection (2) as adopted by the Board was different. ADF&G was directed to:

distribute the commercial harvest, if necessary, so that subsistence users have a reasonable opportunity to harvest the amount as specified in 5 AAC 01.716(b);

The codified version thus added the words “by fishing time and area,” “if the department determines,” and “to ensure.” These changes were evidently made by the Department of Law Regulations Attorney, whom the court said was responsible for the revised wording of subsection (b). The question is, did the addition of these terms alter the meaning intended by the Board? In particular, the court focused on the word “determine,” holding that ADF&G was required to make specific determinations regarding the existence of a reasonable opportunity for subsistence before opening the commercial fishery, and to adequately document its decision-making. Repeal of 5 AAC 27.195(a)(2) would eliminate these ambiguities.



IV. Conclusion

5 AAC 27.195 was adopted by the Board in 2002 as a compromise between representatives of the commercial and subsistence fisheries, a point on which STA and SHCA agree. The Board has not considered proposals to revise the regulation since then. Proposal 159 rests on two simple rationales.

The first is that this regulation is no longer necessary in light of subsequent Board action taken expressly to benefit the subsistence fishery. The Board's purpose in adopting the distribution requirement in subsection (a)(2) was to protect traditional subsistence fishing areas, a purpose the Board later decided to address by closing the area. The Board's intent that the quality of herring spawn on branches be considered in managing the fisheries, as reflected in subsection (b), was accommodated by increasing the biomass threshold by 5,000 tons, in effect establishing a set aside for the subsistence fishery that promotes a better harvest of roe on branches. These regulations cost the commercial fishery in terms of loss of access to fishing areas in which it had historically operated and foregone harvest opportunity.

Second, the ambiguities in the regulation, as codified and as interpreted in the STA lawsuit, render management of herring fisheries in Sitka Sound susceptible to ongoing dispute and judicial challenge. STA relied on Section 195 in an effort to force a fundamental change in how the sac roe fishery was managed, and are unlikely to back away from invoking the regulation toward that end, including through future litigation. Repealing Section 195 would remove the potential that courts will play a role in how the herring fisheries in Sitka Sound are managed going forward, leaving regulation of the fishery where it belongs – with the Board and ADF&G.



**SOUTHEAST ALASKA SAC ROE HERRING FISHERY
2002 MANAGEMENT PLAN**



**Prepared by
Southeast Alaska Region Staff**

Regional Information Report¹ 1J02-11

**Alaska Department of Fish and Game
Division of Commercial Fisheries
Juneau, Alaska**

February 2002

¹ The Regional Information Report Series was established in 1987 to provide an information access system for all unpublished divisional reports. These reports frequently serve diverse ad hoc informational purposes or archive basic uninterpreted data. To accommodate timely reporting of recently collected information, reports in this series undergo only limited internal review and may contain preliminary data; this information may be subsequently finalized and published in the formal literature. Consequently, these reports should not be cited without prior approval of the author or the Division of Commercial Fisheries.



INTRODUCTION

Southeast Alaska commercial herring fisheries occur during the winter when herring are harvested for use primarily as bait and also during the spring when herring are harvested for their roe. The roe harvest includes the traditional sac roe fisheries (set gillnet and purse seine) and, in recent years, spawn-on-kelp pound fisheries. This management plan provides an overview of the 2002 sac roe herring fisheries for Southeast Alaska including expected harvest levels and management strategy. A separate management plan for the spawn-on-kelp pound fisheries will be available at local department area offices.

Southeast Alaska roe herring are commercially harvested by purse seine and set gillnet gear types, both of which are included in the limited entry system. There are currently five sac roe herring fishing areas in Southeast Alaska consisting of two exclusive purse seine and three exclusive gillnet areas (Figure 1).

Approximately 12,654 tons of herring were harvested in commercial sac roe herring fisheries conducted in Southeast Alaska during 2001. A harvest of approximately 12,138 tons is anticipated for the 2002 season.

GENERAL MANAGEMENT OVERVIEW

Commercial herring fishing regulations are contained in the Commercial Herring Regulations Booklet. Copies of the 2001–2002 edition may be obtained at any Department of Fish and Game office. In addition, in January of 2002, the Alaska Board of Fisheries adopted new regulations pertaining to management of the Sitka Sound herring fishery. It was the board's intent that these regulations be in effect for the 2002 season. These new regulations are described in the following section of this plan. Department staff listed at the conclusion of this plan are also available to provide further details.

New Regulations for the Sitka Sound Fishery

During its January 7–14, 2002 meeting in Anchorage, the board adopted the following new regulation for management of the Sitka Sound sac roe herring fishery:

5 AAC 27.195. SITKA SOUND COMMERCIAL SAC ROE HERRING FISHERY MANAGEMENT PLAN. In managing the Sitka Sound commercial sac roe herring fishery the department shall:

- (1) manage the commercial herring sac roe fishery in Section 13-B consistent with the applicable provisions of 5 AAC 27.160(g), and 5 AAC 27.190;
- (2) distribute the commercial harvest, if necessary, so that subsistence users have a reasonable opportunity to harvest the amount as specified in 5 AAC 01.716; and



- (3) recognize that quality and quantity of herring roe on branches, kelp, seaweed, and herring sac roe is an important consideration in the management of the subsistence and commercial sac roe fisheries.

This new regulation creates a new regulatory management plan specific to the commercial fishery in Sitka Sound. The first statement (1) references the existing regulations. The second statement (2) requires that the department distribute the commercial harvest both geographically and temporally, if necessary, so that the subsistence fishery has a reasonable opportunity to harvest the amount of spawn, which the board has determined to be necessary for subsistence (108,000 lbs to 158,000 lbs). The third statement (3) is a statement of finding that the quality, not just the quantity is important for both fisheries, and therefore may be factored into management decisions. The "if necessary" clause in statement (2) emphasizes that management decisions must be made inseason by the department based on the department manager's best judgement concerning the inseason situation.

Vessel Check-In, Check-Out, and Reporting Procedure

Buyers or buyer's agents shall register all vessels employed in transporting and processing herring with the department prior to commencing with those activities and make daily reports of herring purchased from fishers as specified by a local representative of the department [5 AAC 27.162(a)]. The department requests that tenders and fishing vessels not previously registered through buyers or buyer's agents check-in and check-out of the fishing areas with department personnel located on the fishing grounds to facilitate timely and complete assessment of herring landings. Fish tickets must be provided to the CFEC permit holder at the time of delivery to the first buyer or buyer's agent [5 AAC 27.162(c)]. This means that there must be a separate fish ticket for each delivery to a tender before the tender leaves the fishing grounds to make a delivery. At the request of the CFEC permit holder, on-the-grounds weight and roe content shall both be recorded on the fish ticket. Operators who will transport fish out of Alaska prior to processing must submit a fish ticket before departing the state [5 AAC 39.130(c)]. Fully completed fish tickets with updated accurate and final weights and roe percentages must be submitted to the department within 10 days after the termination of buying operations, unless otherwise specified by the department [5 AAC 27.162(a)(3)].

Reporting Procedures for Floating Fish Processors

Operators of floating fish processing vessels are required to report in person, by radio, or telephone, to the local department representative in the management area of intended operation before processing begins [5 AAC 39.130 (g)]. The report must include the location and date of intended operation.

Submitted By
mike fox
Submitted On
1/21/2022 9:03:23 AM
Affiliation



PC438
1 of 3

Reference proposals 135,138,139,140,141.

I support these proposals because **SE Alaska Residents are not currently provided fair and reasonable opportunity for the taking of fishery resources by personal use.**

Objective – Honor the legislative intent and provide fair and reasonable opportunity for SE Alaska Residents to efficiently fulfill their personal use fish needs.

Solution – Provide personal use fishing with efficient gear types in between commercial openings and in areas closed to commercial fishing.

-
- Legislative intent clearly requires PU opportunities be provided.
 - BOF intent clearly supports providing opportunities to efficiently harvest fish for personal use.
 - PU fishing opportunity in the Juneau Area is extremely limited and not fair or reasonable.
 - In the Juneau Area there has consistently been un-harvested sockeye allocation and sockeye over escapement.
 - PU and Subsistence fisheries in between commercial fishing periods, and in areas closed to commercial fishing, are common in other areas of the state and would be appropriate in the Juneau Area also.

Authority and Legislative Intent:

The board has the authority and requirement to allow personal use fishing under AS 16.05.251.

AS 16.05.251(d) Regulations adopted under (a) of this section must provide a fair and reasonable opportunity for the taking of fishery resources by personal use, sport, and commercial fishermen.

The legislative history indicates that the definition and related provisions were intended to authorize the board to adopt regulations allocating fishery resources for purposes of personal use and to **require the board to provide a "fair and reasonable" opportunity for sport, commercial, and personal use fishing.** See, e.g., 1985 House J. 584-585, 920-921, 1230-1231 (transmittal letter and letters of intent).

B.O.F. Intent:

5 AAC 77.001 The intention of the personal use fishing category is to allow efficient harvesting of fish by residents who are precluded from participating in subsistence fisheries.

A personal use fishery may be allowed even if it negatively impacts an existing use when it is in the broad public interest. Certainly a personal use fishery in the Juneau Area is in the broad public interest.

*5 AAC 77.001 (b). It is the intent of the board that the taking of fish under 5 AAC [77](#) will be allowed when that taking does not jeopardize the sustained yield of a resource and either does not negatively impact an existing resource use, **or**, is in the broad public interest.*

Negatively impacting an existing resource use does not disallow a personal use fishery that is "in the broad public interest."

Submitted By
mike fox
Submitted On
1/25/2022 7:12:03 PM
Affiliation



PC438
2 of 3

This proposal states the issue is **“there are limited spots to successfully harvest fish”**.

A better solution is to **provide more harvest area** by allowing personal use fishing in the marine waters of Gilbert Bay.

Submitted By
michael fox
Submitted On
2/3/2022 8:41:04 PM
Affiliation



PC438
3 of 3

Comment in support of proposals 135,138,139, 140, 141.

- Data provided by ADF+G available for years 2001-2019 clearly shows the Taku River sockeye run **consistently ends with surplus available harvest.**

Increased personal use fishing opportunities could be allowed without exceeding available harvest.

- The catch averages **98.5% commercial and 1.5% personal use.**

It is grossly unfair, and unreasonable, to allocate sockeye catch at 98.5% commercial and 1.5% personal use. It is certainly "in the broad public interest" to provide residents increased opportunity for personal use sockeye fishing in the Juneau Area.

Submitted By
Myasia Step
Submitted On
2/17/2022 6:55:17 AM
Affiliation



PC439
1 of 1

Stop the over fishing of the hearing fish. What is happening is badi not only for the environment but for many native tribes that have utilized their mating season for decades.



North Pacific Fisheries Association, NPFA

P.O. Box 796 Homer, AK 99669 npfahomer@gmail.com



PC440
1 of 1

To: State of Alaska Board of Fisheries
RE: OPPOSITION to PROP 156-158
SUPPORT for PROP 160.

February 22, 2022

Dear Chair Carlson- Van Dort and Members of the Board of Fisheries,

The North Pacific Fisheries Association (NPFA) was founded in 1955 and represents over sixty Alaskan fishing operations. Many of these operations participate in the Southeast herring fishery and depend on it as part of their fishing season. NPFA members include Southeast Herring permit holders, vessel owners, tender vessel owners, harvesters, and tender deckhands. Some of our members have participated in the herring fishery for decades and we all support a sustainable fishery for the future. NPFA has a long history of supporting conservative, science-based fisheries management and has demonstrated this philosophy by engaging with the regulatory bodies from local to international.

NPFA is opposed to proposals 156, 157 and 158. These proposals bring reductions to the harvest rate without any scientific basis. Harvest rates are set upon review by the Alaska Department of Fish and Game (ADF&G) using the best available fisheries data and has been recently updated, improving their forecast modeling. ADF&G and Board of Fisheries review, in addition to current status of the stock, which is at record levels does not support the decrease in harvest as proposed and we ask that the Board of Fisheries take no action. **NPFA requests that the Board of Fisheries not adopt proposals 156, 157 & 158.**

NPFA supports proposal number 160 which is a conservative approach to reopening traditional commercial harvest areas in Sitka Sound. Subsistence harvesters have reasonable opportunity outside of these areas. We respect and support subsistence use of the resource and think this small expansion will support the commercial fishery, while providing ample opportunity without encroaching on areas where the vast majority of subsistence harvest is taking place anyway. When our members first began fishing in Sitka Sound in 1985, this area was open, and the biomass was much smaller. We are now dealing with a quota that has increased significantly from around 4,000 tons in the 1980's to 41,000 tons this year. This indicates good management, and abundant biomass for all user groups. **NPFA requests that the Board of Fisheries adopt proposal 160 and reduce closed waters in the Sitka Sound sac roe herring fishery.**

Thank you for your consideration and the opportunity to comment,

Malcolm Milne
NPFA President



February 18, 2022

Alaska Board of Fisheries
Marit Carlson-Van Dort, Chair
Via email: dfg.bof.comments@alaska.gov

RE: Oppose Proposals 156, 157, and 158 – Southeast BOF meeting

Chair Carlson-Van Dort and Board Members:

Thank you for the opportunity to comment on Proposals 156, 157, and 158 for the Alaska Board of Fisheries (Board) Southeast herring meeting. As stated, these proposals would reduce the harvest rate for the Sitka Sound sac roe herring fishery and incorporate an alternative forecasted age structure into the Sitka Sound commercial sac roe herring fishery spawning biomass threshold. PSPA opposes Proposals 156, 157, and 158.

PSPA is a nonprofit seafood trade association representing seafood processing businesses and their investment in coastal Alaska, including two shorebased processors in Southeast Alaska that participate in this fishery. In addition to shorebased processors, fishermen, tenders, pilots, support vessels, support businesses, transportation companies, local governments, and the State of Alaska (through fish taxes) benefit from the direct and indirect economic activity that commercial herring fisheries provide.

PSPA has commented on multiple proposals relevant to this fishery at past Board of Fish meetings and work sessions. Most of these proposals worked to modify the existing GHF formula used by ADFG. Other proposals worked to expand the closed water areas for the commercial sac roe herring fishery in Sitka Sound. The Board approved an increase to the closed water areas in consideration of subsistence interests at that time, and this is in addition to significant changes made to the fishery by ADFG, the Board, and the commercial herring fleet to meet similar concerns in the past several years. The closure was not insignificant, as it closed an additional 6.4 miles of fishable waters available to the commercial fishery.

The Sitka Sound sac roe herring fishery has generated almost \$100 million in total ex-vessel revenue over the past two decades and supports a fishery in which the vast majority of permit holders are Alaska residents. Unnecessarily limiting or closing this fishery would substantially impact fishermen (47 current permit holders) and processors reliant on the fishery. These businesses rely on science-based and sustainable fisheries management and are invested in the future of this fishery for generations to come.

ADFG has stated that current harvest rates for the herring population were designed to be conservative and sustainable based on comprehensive historical data while also continuously incorporating new data and information. These proposals would supplant that expertise and approach. Proposals 156 and 157

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206 281 1667

WASHINGTON DC

20 F Street NW
Floor 7
Washington, DC 20001
202 431 7220



request changes to the harvest rate calculation that would effectively reduce the guideline harvest level by 25% or 15%, respectively. Proposal 158 would change the biomass calculation to result in more conservative management and would have closed the fishery altogether in several years.

The Sitka Sound herring stock is consistently the largest in Southeast Alaska and second largest in the State of Alaska. The stock has been stable overall, with a distinct upward trend through the 1990s and a recent dramatic biomass increase. ADFG has been conservatively managing the fishery, explicitly buffering against uncertainty given the extremely large and partially mature 2016-year class. ADFG has conveyed that with the consistent estimates of this large year-class from both observation and modeling for the past three years, there is much less uncertainty for 2022. The 2022 forecast is the largest ever and about 9 times the minimum threshold to fish. Thus, the resulting 2022 guideline harvest level is the largest ever established for Sitka Sound.

In addition, variable annual biomass trends are not an indicator of poor management, a stock collapse, or need for a fishery closure. Fluctuations in biomass trends are accommodated for in the existing process to set harvest rates using the best available data. Alaska's commitment to sound science is clear through allowing these data and the expertise of fishery scientists and managers to drive decision-making and regulate fisheries appropriately and responsively. ADFG has consistently conveyed that the current harvest strategy is based on the best scientific information available to Alaska and contains conservation provisions to protect herring stocks and their role in the ecosystem. In addition, ADFG has made significant efforts to gather additional data, and the department has updated the model used to estimate and forecast herring biomass as new information becomes available. ADFG continuously re-evaluates the harvest strategy to ensure that herring are responsibly harvested and sustainably managed to remain available for future generations.

Absent a scientific basis for doing so, it is not reasonable to approve proposals that change the guideline harvest level and/or increase the commercial fishery threshold biomass. Importantly, we must recognize that ADFG manages the herring fisheries to be responsive to the concerns and needs of subsistence users both inside and outside of closed waters, and has not only the authority, but is directed to, distribute the commercial harvest by time and area as necessary to ensure a reasonable opportunity to harvest ANS for herring spawn. Please disapprove proposals 156, 157, and 158.

Thank you for consideration of our comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Barrows".

Chris Barrows
President
Pacific Seafood Processors Association



Submitted By
Patrick McCormick
Submitted On
2/1/2022 4:50:17 PM
Affiliation
Chugach View Outfitters

Phone
907 240 7285
Email
mccormick.patrick@gmail.com
Address
2700 W 31st
Anchorage, Alaska 99517

I strongly support proposal 238. It is imperative that if there is a harvestable surplus of sockeye salmon that they are harvested. Adding tools to the tool chest available to the excellent fisheries managers of the department is never a bad decision.

The department has a history of prosecuting sockeye set net fisheries in places where king salmon fisheries are imperiled such as the Situk River lagoon system.

To not come up with innovative solutions to allow for the prosecution of a fishery is a dereliction of duty of the board of fish.



From: [Paul Masters](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Cc: [Larry McQuarrie](#)
Subject: suggestion sent with typo corrections
Date: Monday, January 3, 2022 3:28:49 AM

To whom it may concern,

Good morning.

My little Grandson Steven is crying.

I own an Alaskan Southeast property in which you have devalued for him and my other Grandchildren. The point is not only that but also you have set up regulations for quillback rockfish that make no sense in our LOCAL SE ALASKAN water; you've done it without investigating our waters. You've completed a possibly lazy blanket approach to restrict our local SE Alaskan waters. It'd be plausible for you to make a change before a lawsuit is imposed with your department(s). Would you please note that anglers get simply riddled with bites from quillbacks and other now-restricted rock fish before you even come close to hitting the ocean floor all around the Saltery Cove?

Certainly, you'd like to be regarded as top-notch professionals, right? When my youngest Grandson Steven first catches his Alaska fish it will likely be a quillback rockfish that he cannot bring home as a 5-year-old-self-proclaimed true warrior. Instead, Steve will likely see an eagle dive and eat it after releasing. Even though this rock-fish consumption helps nature's circle and feeds the eagle, it does little to instill repeat fishing satisfaction in the heart and mind of my 5-year-old. I know that you'd like to imagine for a moment that the deep releases are working. Sometimes deep release works and often times they don't.

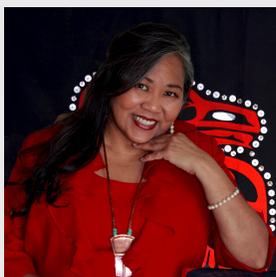
In California we have a ten a day bag limit with fish that you as the Alaska experts have restricted all together. I have fished for these non-pelagic species ever since December 18th 1981. We have a state with 39.5 million people and many anglers as myself. Alaska's nowhere near that number even with the tourists.

Please note that the rock fish are not by any means drying up with quotas in the Central Coast waters that we still fish and the bag limit works well.

Please allow at least a couple a day quill back limit. It will serve to improved fish populations because the overall incidental mortality rate will subside with by-catch by sports fisherman. Ultimately fewer quill back and other non-pelagic fish populations will sustain as they have in California.

Call for further questions please!

Paul Masters (805) 878-0796



Tkl' Un Yeik, yoo xat duwaasaakw, Yeil
naxatsitee L'eeneidi aya xat, Kaagwaantaan
Yadi, Yaxte Hit yax AAK'W KWAAN

PAULETTE M. MORENO

CONTACT

PHONE:
907 738-6608

SITKA, Alaska

EMAIL:
paulettemoreno@gmail.com

dfg.bof.comments@alaska.gov /

AK Dept. of Fish and Game Boards Support Section

P.O. Box 115526, Juneau, AK 99811-5526

Dear Board of Fish ,

My name is Paulette, and I am a member of Tlingit and Southern Tutchone Nation. I live in the ancestral homelands of the Clans of Shee Ka Kwaan. I am a women who has harvested our traditional food, herring eggs, for over a decade.

Critical decisions are in your line of view, As a Native Women Harvester, I join others to assert our sovereignty as a nation, and I expect your upmost attention on each proposal. Herring need true sustainability.

It is with the deepest respect for the wisdom of the Native elders and the voices that collectively state that the herring is in immediate danger of harm and harassment.

- EPA/MMPA, should have herring, protected
- Native Models of Conservation is Essential
- Fair Representation/ Fair Vote by BOF critical
- 5 year Sitka Sac Roe Herring Moritorium
- Traditional Alaska Native Clan, jurisdiction over resources, respected

I served as the Alaska Native Sisterhood Grand President (2018-2021). I am currently a ANS Executive Council Women. " Here is my testimony, and other respected public testimonies, regarding the herring proposals and why your vote will be closely watched and recorded by so many.

Here's a link to the Sitka AC comments submitted to Board of Fisheries (AC08) (I testified at all 3 Sitka AC)
[:https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2021-2022/se/AC08.pdf](https://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/pdfs/2021-2022/se/AC08.pdf)

They're also available on the meeting page here:
<https://www.adfg.alaska.gov/index.cfm?adfg=fisheriesboard.meetinginfo&date=03-10-2022&meeting=anchora>

Gunalcheesh, Sincerely, Paulette M. Moreno



Submitted By
Raymond May
Submitted On
2/23/2022 7:41:16 PM
Affiliation
SE Sac Roe herring Permitt holder

Raymond M May
F/V Resilient
Po Box 8985
Kodiak, Alaska 99615

February 23, 2022

Board of Fisheries
Southeast Board of Fish meeting

Comments

<https://www.adfg.alaska.gov/index.cfm?adfg=process.comments>

Sitka herring comments: support proposals 159, 160, 161, 165, and 233. Oppose proposals 156, 157, 158, and 167.

Dear Chair Carlson Van-Dort and Board of Fish members:

I was born and raised on Kodiak Island. I'm an Alaska Native fisherman that is enrolled in two tribes (Native Village of Port Lions & Native Village of Afognak), along with being a shareholder of three Native corporations (Afognak Native Corp., Leisnoi Inc., & Koniag Inc.). I've been a subsistence, sport, & commercial fisherman in Alaska for over 40 years. I seine for salmon in Kodiak, seine herring in Sitka, Kodiak and Togiak, and I also participate in other fisheries around the state. I've fished herring in Alaska since 1997 and started operating my own vessel 2009. I support the Alaska economy, I provide jobs for 4 crewmembers, and I always hire local first. As a subsistence harvester I provide food for my family and people who can't harvest on their own. I also sit on the Alaska Bycatch Task Force created by the Governor.

I would like to express my support for proposals 159, 160, 161, 165, and 233.

Proposal 159- Repeal this regulation related to management of the commercial sac roe herring fishery in Sitka Sound.

Removing this regulation would help with clarity in the lawsuit without changing the herring management or hurting subsistence opportunity.

Proposal 160- Reduce closed waters in the Sitka Sound commercial sac roe herring fishery. Please consider re-opening the expanded closed area from 2018. Opening this area would be a compromise for commercial and subsistence fishermen without hurting subsistence opportunities.

Proposal 161- Require a subsistence fishing permit to harvest herring roe on branches in the Sitka Sound area. I'm a sport and subsistence fish and game harvester and I'm used to filling out my harvest data so the ADF&G has the data they need to manage our fish and game resources. Why not in Sitka?

Proposal 165- Allow unharvested Sitka sac roe quota to be harvested for food and bait by herring sac roe purse seine permit holders. I would rather see bait caught in Alaska so fishermen don't have to import it from foreign countries.

Proposal 233- Remove districts 13-A and 13-B from Northern Southeast herring spawn on kelp pound fishery administrative area. This proposal sends this fishery in the wrong direction. I don't support herring pounders coming to Sitka when there is already herring pounding areas designated that sac roe fishermen can't access.

I would also like to express opposition to proposals 156, 157, 158, and 167.

Proposal 156- Modify harvest rate control rule for Sitka Sound sac roe herring fishery.

Proposal 157- Modify harvest rate for Sitka Sound commercial sac roe herring fishery based on forecasted age structure.

Proposal 158- Incorporate forecasted age structure into Sitka Sound commercial sac roe herring fishery spawning biomass threshold. None of these proposals have merit. The ADF&G has managed the Sitka herring fishery into the biggest biomass. They

should be allowed to continue to manage the fishery just as successfully as they already have. Listen to the science presented by the ADF&G.



Proposals 167- Redefine the boundaries of the Hoonah Sound spawn-on-kelp fishery (13-C) and the Sitka A/B). This proposal looks like it opens up the door for herring pounding in Sitka. I don't support herring pounders coming to Sitka when there is already herring pounding areas designated that sac roe fishermen can't access.

As a commercial fisherman I have a business plan to execute & pay for this permit I purchased 8 years ago. I do not see any biological reason to reduce harvest rate or strategy in the Sitka herring fishery. I repeatedly hear Alaska has the best managed fisheries in the world. I have only seen the ADF&G conservatively manage Sitka herring sac roe fishery as the overall biomass of herring around Sitka Sound has increased over the past 40 years. There is plenty of data already presented through the ADF&G staff presentations and reports.

Please look at science from our great state of Alaska and try not to let emotion muddy the waters on impactful important decisions on the commercial fishing industry.

Thank you for your service, time & consideration of my comments.

Sincerely,

Raymond May, owner F/V Resilient

Submitted By
Rich Ross
Submitted On
2/23/2022 12:39:26 PM
Affiliation



PC446
1 of 1

Members of the Board of Fisheries,

I am submitting this comment in **SUPPORT** of **Proposal 114** which would allow year-round use of downriggers by hand troll permit holders participating in the salmon troll fishery. I would like to thank the proposer for putting this proposal forward and the Board members for their consideration of this issue.

Hand-operated downriggers are an appropriate tool for use in the hand troll fishery and it is time to adopt them as allowable fishing gear. This proposal would allow hand trollers to control the depth that their fishing gear is operating; an important and basic component of successful fishing that is afforded to the other troll fishery participants using hand troll and power troll gurdies. The downrigger/rod and reel combination would provide an alternative for maintaining safe fishing operations under wind/sea conditions that otherwise prohibit smaller vessels from safely running heavy wire and cannonball weights used on gurdies. Also, smaller skiffs that have limited deck space may also benefit from the option of choosing to utilize downriggers.

Alaska Wildlife Troopers continue to have access to tools for enforcing compliance with commercial hand troll regulations: vessel display of letters HT, commercial fishing and crew license requirements, fish ticket reporting requirements and with sport fishing regulations: license requirements and immediate dorsal fin removal for sport caught salmon taken on a registered troller. In fact, **AWT has changed their position for this BOF meeting and are now NEUTRAL on the proposal.**

Participation in the commercial troll fishery is at an all-time low. Please support hand trollers and the troll fishery by adopting this uncontroversial proposal.



From: [Richard Yamada](#)
To: [DFG, BOF Comments \(DFG sponsored\)](#)
Cc: [Haight, Glenn E \(DFG\)](#)
Subject: Revision of Proposal #225 for Board Consideration
Date: Wednesday, February 23, 2022 8:58:00 AM
Attachments: [Proposal 225 Revised 2-23-22.pdf](#)

Dear Board Members,

I have attached a revision to my original proposal to address concerns brought up by staff and stakeholder comments through the AC process.

1. The concept of linking bag limits to abundance only makes sense if the recreational sector were given a GH (Guideline Harvest Level) or TAC (Total Allowable Catch). Bag limits are normally used to keep a sector within a given allocation. There currently is no target sablefish allocation for the recreational fishery nor do we see a need for any at this time as harvest has been significantly below levels established in other sport species. Sport harvest has been around 7% where other species like King Salmon, Rockfish, and Halibut have been between 15%-20%. Therefore this proposal has stricken any reference to a change in bag limits linked to an abundance trigger.
2. Staff has commented that this proposal may have unknown impacts in other subdistricts due to the lack of equivalent data that is available for the NSEI Subdistrict. Therefore this proposal has been revised to apply only to the NSEI Subdistrict.

Thank you for your consideration of these changes at your upcoming SE Alaska finish meeting.

Regards,

Richard Yamada
Alaska Charter Association



RC # _____

Revised PROPOSAL 225

5 AAC 47.020. General provisions for seasons and bag, possession, annual, and size limits for the salt waters of the Southeast Alaska Area.

Modify sablefish bag, possession, and nonresident annual limits based on sablefish abundance in NSEI and SSEI sections, as follows:

5 AAC 47.020 (17)(A) resident: ~~Set~~ bag limit of ~~four~~ **six** fish; possession limit of ~~four~~ **six** fish; no size limit; ~~no~~ annual limit [~~OF EIGHT FISH~~] **as a baseline. Increase baseline limits by one fish when ABC reaches 1M pounds and thereafter an additional one fish for every 100,000 pounds over 1M with a cap of six fish daily; possession limit of six fish; no size limit; no annual limit.**

5 AAC 47.020 (17)(B) nonresident: ~~Set~~ bag limit of ~~four~~ **six** fish; possession limit of ~~four~~ **six** fish; no size limit; annual limit of ~~eight~~ **twelve** fish. ; **as a baseline. Increase baseline limits by one fish when ABC reaches 1M pounds and thereafter an additional one fish for every 100,000 pounds over 1M with a cap of six fish daily; possession limit of six fish; no size limit ; annual limit of twelve fish.**

What is the issue you would like the board to address and why? Commercial sablefish ABC (Allowable Biological Catch) in the NSEI (Northern Southeast Inside) Subdistrict and SSEI (Southern Southeast Inside) Subdistrict have shown an increase in recent years, while resident and non-resident sport anglers bag limits have not changed since they were originally established in 2009. Recreational angler opportunity should be ~~linked to abundance~~ **increased** as done with the commercial sablefish AHO (Allowable Harvest Opportunity). ~~A cap in bag limits would ensure sport harvest would not exceed sport/commercial allocation percentages similar to that of other sport fish species.~~ **This would apply only to the NSEI Subdistrict.**

PROPOSED BY: Alaska Charter Association (HQ-F20-004)

**Proposal 225 was corrected 11/16/2020 to remove the eight fish resident annual limit.*



SUPPORT

Proposal 225 – Alaska Charter Association, Richard Yamada

Comment

ABC (Acceptable Biological Catch) and Commercial AHO (Annual Harvest Objective) for sablefish in the NSEI (Northern Southeast Inside) Subdistrict have been on the increase in recent years (Figure 1), mainly due to strong recruitment of the 2013 and 2014 year classes. The sportfishing industry is regulated by bag limits in **numbers** of fish whereas the commercial fishery is regulated by **weight**. Because strong recruitment events lead to more small fish in the population, as shown by decreases in mean size (Figure 2), there has been a steady decline in the percentage of harvest taken by the sport fishery compared to the commercial fishery (Figure 1).

The increase of sport bag limits from 4 daily to 6 daily for all recreational anglers, resident and non-residents and an annual limit of 12 for non-residents, currently 8, would help return the sport fishery back to levels when bag limits were first implemented and allow recreational anglers the opportunity to share the benefits of a healthy fishery.

This proposal would apply at this time only to bag and possession limits in the **NSEI Subdistrict** from which this data has been drawn.

Fig. 1 Commercial and Sport Sablefish Decrements for Northern Southeast Inside (NSEI) Subdistrict, 2015 – 2020.

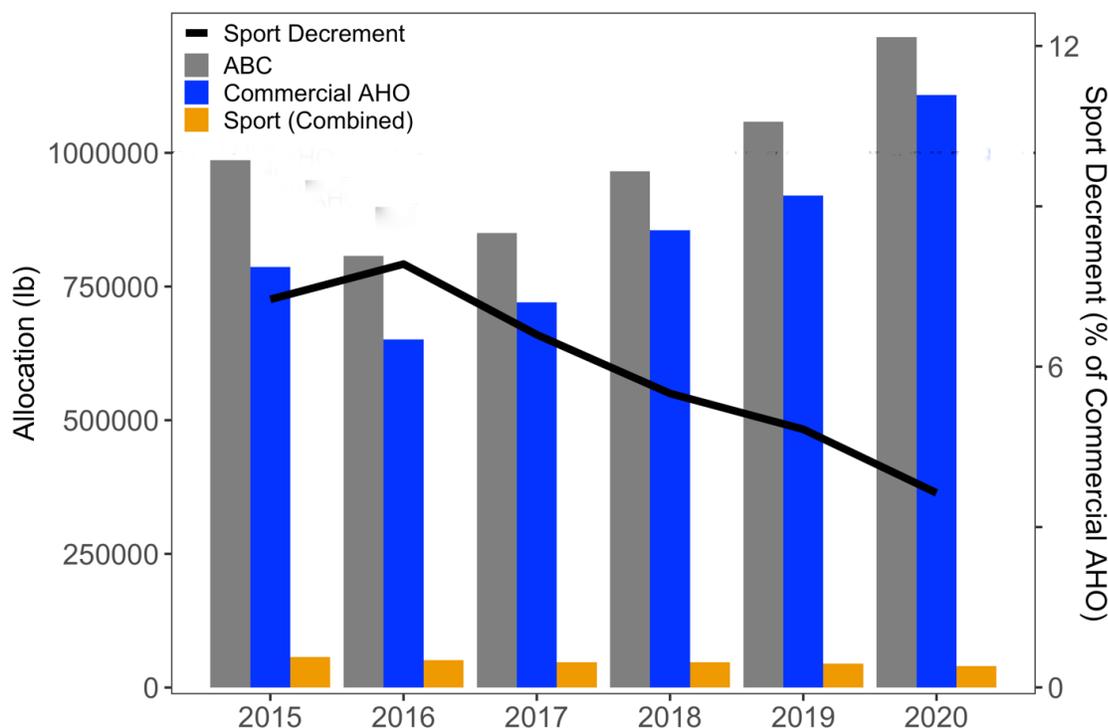
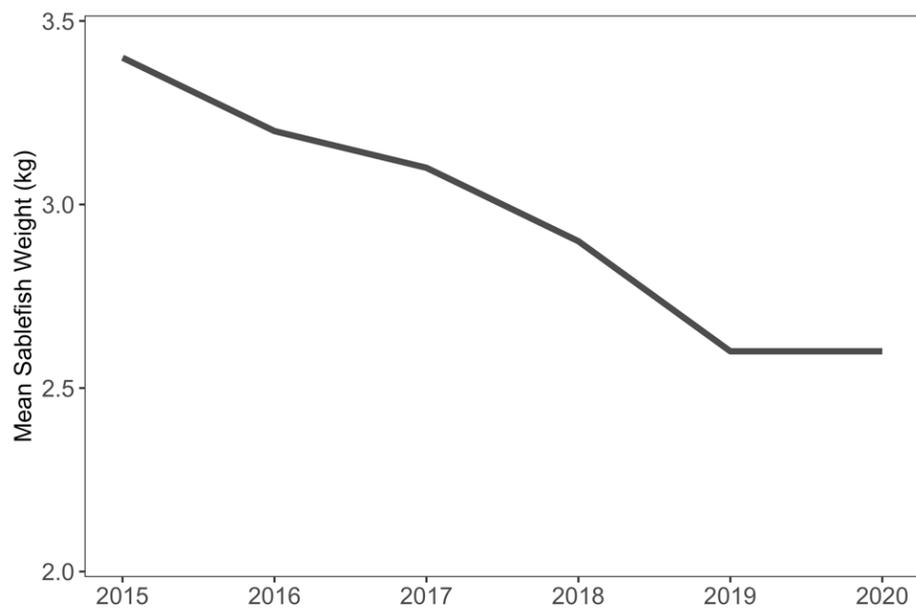


Figure 1. Acceptable biological catch (ABC; gray), commercial annual harvest objective (AHO; blue), and sport fishing decrements (combined guided and unguided; gold) are shown. The solid black line illustrates sportfishing decrements as a percentage of commercial AHO.



Figure 2. Mean Sablefish weight (kg) as estimated from the Northern Southeast Inside (NSEI) subdistrict longline survey (Alaska Department of Fish and Game, 2015 to 2020).



Submitted By
Rob Nelson
Submitted On
2/21/2022 8:17:35 PM
Affiliation



PC448
1 of 1

Madam Chair and members of the Board,

My name is Rob Nelson, I live in Kasilof Alaska. Im a born and raised lifelong Alaskan. Im addressing the Sitka Herring fishery proposals. I started coming to Sitka for the herring fisheries in 1986, crewing for my dad who had started fishing there in 1985. I began fishing herring in Sitka on my own in 1991. In my roughly 35 years of experience in this fishery Ive seen the Sitka herring population grow from a modest stock to the largest herring population in modern history. Really it could have been considered a nearly remnant stock in the 60's and 70's until it began recovering in the 80's. The Sitka herring stock has been at a very healthy level since. An increase in predation, particularly whales, drawn to the burgeoning population lend credence to this fact. Actually I would say this explosion of Humpback whales feeding on herring has impacted the spawning habits of those herring. As soon as the herring start staging in Sitka Sound, primarily between Beili Rocks and the Kruzof shore, they are relentlessly pursued 24-7 by Humpback whales. Herring used to be able to spread out and move to the inner sound as they slowly matured but more recently the trend is to mature in the deep. As a result the bulk of the spawn has been in the outer sound along the Kruzof shoreline instead of along the beaches of the inner sound where the subsistence harvest normally occurs.

What we are seeing here is an effective disinformation campaign, propoganda coming from multiple outlets. Unfortunately the same tactics we are seeing in our National politics. The propoganda message is that the stock is decimated, there are no herring out there, and yet Sitka Sound is full of whales feeding on herring. 50 to over 100 miles of spawn every year, which ADFG conducts dive surveys to actually get a count of the eggs deposited to determine the spawning biomass. REAL data, REAL science. If someone were to ask "So whats the real story here?" I would say to them "Start from ground zero, forget everything you've heard, start from scratch. The data, the actual science is readily available." The department does an excellent job taking care of this resource. The health of this stock is a testament to that. I oppose proposals 156,157 and 158.

Thank you for your consideration

Rob Nelson

Submitted By
Robert Bell
Submitted On
1/20/2022 7:08:46 AM
Affiliation



PC449
1 of 1

Please vote No on Proposals 83 and 88.
Trollers have been getting hammered in the reallocation of chinooks.

Submitted By
Robert Jahnke
Submitted On
1/14/2022 1:26:05 PM
Affiliation



PC450
1 of 2

Phone
9072478207
Email
bobkrisktn@kpunet.net
Address
PO Box 991
Ward Cove, Alaska 99928

I submitted a comment on proposal 148 and the print out that I got from com. fish were the wrong ones. My comment was on a herring bay issue and not the true one. The print out was of proposals from a couple years back. sorry, Bob



Submitted By
Robert Jahnke
Submitted On
2/16/2022 2:52:06 PM
Affiliation
Trapline Supplies

Phone
9072478207

Email
bobkrisktn@kpunet.net

Address
PO Box 991
Ward Cove, Alaska 99928

I've held a troll permit since 1972, and was an AC member back in the late '70s & early '80s and again now am on the KTN AC committee. The troller needs King Salmon given back to us from the commercial sport and non resident sport who flies in and uses rental boats. They have took kings off our table and out of our trollers fish holds. Give the troller more and the non resident sport less. Thank you, Robert Jahnke