

SOUTHEAST HERRING CONSERVATION ALLIANCE



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Board of Fisheries Finfish Meeting
March 10 – 22, 2022
Anchorage, Alaska

Alaska Board of Fisheries
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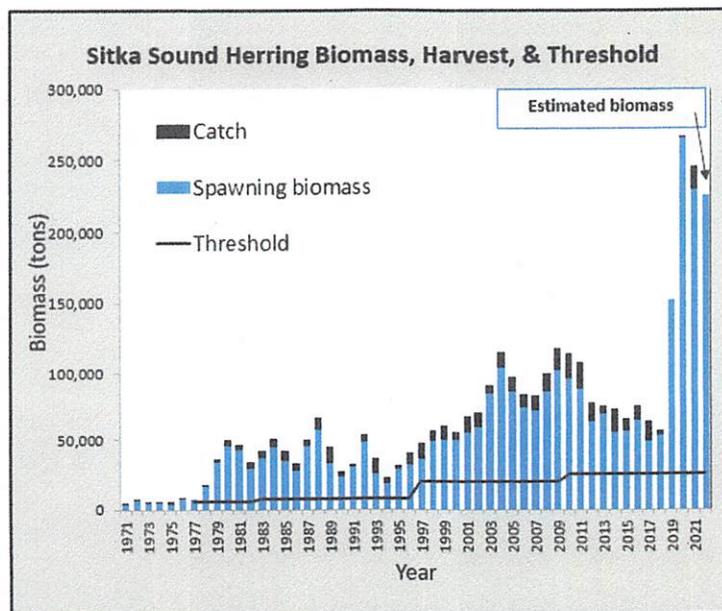
RE: Comments on herring proposals for Southeast Finfish Meeting, March 2022 – Opposition to Proposals 156, 157, & 158; Support for Proposal 159, 160, & 161

Dear Chair Carson-Van Dort and Board of Fish Members:

The Southeast Herring Conservation Alliance (SHCA) submits these additional comments on proposals at the Anchorage meeting concerning herring fisheries in southeast Alaska. SHCA is a 501 (c)(6) not for profit corporation which represents the interests of herring fishermen, processors, tender men, crew, and families associated with herring fisheries throughout southeast Alaska. SHCA looks forward to working with the board this year on proposals pertaining to our fishery.

Opposition to Proposals 156, 157, & 158

A general comment first: The three STA proposals are predicated on the argument that subsistence needs sometimes cannot be met and that the Sitka Sound herring stock is being harmed by current ADF&G fishery management. These accusations and arguments have been used for two decades, yet the herring stock has continued to proliferate significantly (see graph), showing a healthy biomass through the 90s to present, with current biomass about 9 times the minimum threshold to fish.



Additionally, ADF&G Subsistence Division clearly shows that individual participation in subsistence harvest has declined for decades. Because so much of the argument has been tied to the ANS and meeting subsistence needs, fishermen stepped in to help. From 2008 to 2017 SHCA funded and conducted work with the local community to gather and distribute herring eggs on branches. Unfortunately, STA made concerted efforts to subvert that program even though it was highly successful at delivering eggs to the community. After the 2017 season the program was discontinued. Nevertheless, SHCA gained valuable insight and knowledge about the required effort to harvest quality eggs in terms of personnel and working vessels. In addition, SHCA developed a methodology to weigh, measure and deliver herring eggs to the community of Sitka. This methodology was derived from some of the traditional high harvesters of the 90s and 2000s. A 2009 and 2010 report was presented at the Ketchikan BOF meeting in 2012 as PC#124

A comment on Chinook/herring predation: it has been anecdotally mentioned at the board in past meetings that herring are important to the diet of Chinook salmon as predator. However, it is not so simple. A recent study by Ms Iris Kemp *Evaluating potential for resource competition between juvenile salmon and Pacific herring* demonstrates that adult herring have a major impact on juvenile Chinook as a prey item. A quote from the abstract "Because herring were much more abundant than salmon species, the population-level consumption by herring exceeded consumption by salmon, sometimes by orders of magnitude. If shared prey items are a limiting resource, there is considerable potential for herring to negatively affect salmon growth, particularly for Chinook salmon."

Oppose Proposal 156, Modify harvest rate control rule for Sitka Sound sac roe herring fishery. – The STA proposal seeks to change harvest rate calculation, effectively reducing guideline harvest level (GHL) by about 25%.

This proposal and the two that follow are attempts to kill the fishery by multiple and successive small and large impediments, in other words a long-term strategy of death by a thousand cuts. The department response sums up the reason to deny this proposal "The Sitka Sound herring stock has been the largest and most stable stock in the region for decades. There is simply no biological or scientific reason to adopt this proposal.

Conservation and conservative management are built into the department's management plan – maximum harvest rate of 20%, harvest rates decreasing to 12% at lower biomass, no fishery at 25,000-ton threshold, 'Core Area' 10 square mile closure in 2012, and extensive biological sampling of the fishery, spawn density/deposition, and spawn mileage. The rationale for this proposal is without merit. The Alaska Constitution states Alaska's resources will be managed and utilized on a sustained yield principle. The Sitka Sound herring fishery is a prime example of the department doing just that. When Alaska took over fishery management from the Feds in 1960 the herring biomass in Sitka Sound was a disgrace, today it is the gold standard for a healthy and sustainable stock with commercial fishery benefits accruing to the State of Alaska, communities of SE Alaska, fishermen, and subsistence users.

Oppose Proposal 157, Modify harvest rate for Sitka Sound commercial sac roe herring fishery based on forecasted older age fish. – This is the STA proposal to calculate GHL on 5-year-old herring and older age cohorts, resulting in 15% reduction in GHL as currently in regulation.

This convoluted strategy to calculate biomass of 5-year-old and older herring is simply a means to reduce the commercial harvest, effectively a 15% reduction. Based on two decades of age structure data contained in the department's comments on this proposal, 5-year-old and older herring, on average, are not exploited over 20%. Most saliently, herring biomass has consistently grown over this period. The proposal is attempting to argue there is a problem when there is not a problem, unless record biomass in the past three years can be construed as a negative. Like Bristol Bay record sockeye productivity, we should be celebrating the remarkable health of these stocks and the management that has got us here.

Oppose Proposal 158, Incorporate forecasted age structure into Sitka Sound commercial sac roe herring fishery spawning biomass threshold. – This STA proposal seeks to change biomass calculation like proposal 157, but using February bait herring fishery data or a new February test fishery to estimate age structure for age 5-year-old and older herring. Viewed retrospectively this proposal would have closed the herring fishery unnecessarily at least six times since 1980.

This proposal speculates that there is a sustainability problem due to the proportion of five-year-old and older herring being harvested. The data show otherwise as outlined in the department's comments. The Sitka herring population spawns in a broad area from Salisbury Sound to Dorothy Narrows, a north/south distance of 50 miles, with no two years identical in geographical spawn distribution. Yet the 'core area' almost always gets herring spawn. SHCA has been successful at harvesting 30,000 pounds of herring eggs on branches annually (2008-2017) from the 'Core Area'.

The contention of this proposal is that the department's assessment model in use since 1994 is not working, potentially allowing for the overharvest of older fish. If true, we should have seen a decline in productivity and the herring population tending to move away from Sitka Sound as the proposal suggests. It is worth stating again that the Sitka Sound herring stock is consistently the largest in SE Alaska and second largest in the State of Alaska. The stock has proliferated since the 1970s with a distinct upward trend through the 1990s with a recent dramatic biomass increase. If the commercial fishery (which is predicated on the ASA model and the department's strict biological sampling program) were detrimental to the stock we should be seeing a decline in biomass. Even without the last three record years, Sitka's herring stock has been stable and healthy, a testament to sustainable management and good science.

As the Governor of Alaska said recently, the BOF should be about good science, not politics.

Support for Proposals 159, 160, & 161

Support Proposal 159, Repeal this regulation related to management of the commercial sac roe herring fishery in Sitka Sound. – This proposal would rescind regulation 5AAC 27.195 which ADF&G states: 'if repealed will not change the prosecution of the fishery or negatively affect subsistence harvest'.

This proposal can be viewed as a housekeeping matter. Regulation 5 AAC 27.195 was adopted by the BOF in 2002, although the language was modified from the original BOF language which then became the nexus for a lawsuit brought by STA against the BOF and the department in 2018. The gist of the ruling is that the court did not find ADF&G had failed to comply with the substance of the regulation, only that it had not provided an adequate explanation of its decision-making. Nevertheless, rescinding this regulation does not preclude the department's legal responsibility to provide ANS and reasonable subsistence opportunities. 5 AAC 27.160 (g) and 27.190 establish sufficient guidance. Adopting this proposal eliminates ambiguity.

Support Proposal 160, Reduce closed waters in the Sitka Sound commercial sac roe herring fishery. – This proposal if adopted would eliminate 6.5 square miles of closed waters to commercial herring fishing, established in 2018. The 'Core Subsistence' area of 10 square miles would remain closed.

The BOF closed 10 square miles to commercial herring fishing in 2012 and established a reasonable compromise and theoretically enhanced subsistence opportunity. The 2018 additional closure area was unnecessary and an over-reach. Since 2018 a portion of the herring population has spawned on Kruzof Island, far outside the closed waters or core area thought to be best for herring egg on branch harvest. However, in 2021, the core area received heavy herring spawn a demonstration that herring are unpredictable from one year to the next.

The 6.5 square miles of closed area in question has little impact on the success of herring eggs on branch but has historically been significant to commercial herring harvest.

Support Proposal 161, Require a subsistence fishing permit to harvest herring roe on branches in the Sitka Sound area.

The three STA proposals 156-158 above, and most of their proposals over more than two decades, reference an inability to harvest sufficient herring eggs on branches and/or lack of a reasonable opportunity. It is for this reason only that a permit system is being proposed. All user groups should want to have accurate harvest information, particularly if the unsubstantiated information is used to subvert another fishery.

Even a permit system is imperfect to fully document harvest, effort, and quality of eggs. However, it is a beginning to getting more transparent data on herring eggs on branch/kelp harvest and participation.

SHCA's work from 2008 – 2017 collecting and delivering eggs in Sitka, shows herring eggs on branches fulfillment can be and were met, and as important, reasonable opportunity is extant. In order to document the harvest of herring eggs, and what quantity (by weight) meets those needs, a new methodology is required with greater scientific and statistical rigor than the current household survey methodology. SHCA understands that subsistence harvest throughout most of the State of Alaska does not require "creel type censuses" to document harvest. However, Sitka Sound herring eggs and the sac roe fishery is a unique situation and demands a unique solution.

If the ANS were not being used as a reason to shut down or reduce harvest rates, or to expand the closed area, the ANS range would not be an issue.
Sincerely,



Steve Reifentuhl
Executive Director SHCA

REFERENCES & LITERATURE CITED

Kemp, Iris. Spatial-temporal patterns in distribution and feeding of juvenile salmon and herring in Puget Sound, WA., Masters Thesis, University of Washington 2014