

**Draft Management plan language for a herring spawn on kelp in open pound fishery in Sections 13-A and 13-B**

Chapter 27 is amended by adding a new Section to read:

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

(a) In Section 13-A south of the latitude of Point Kakul (Salisbury Sound) and in Section 13-B north of the latitude of Aspid Cape (Sitka Sound), a CFEC permit holder in the G01A fishery may choose to operate an open pound instead of purse seine gear during the current regulatory year under provisions of this section;

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

(c) A permit holder may operate up to four open pound structures;

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

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

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

(e) The maximum allowed harvest of spawn-on-kelp product is 100,000 pounds in aggregate. Any spawn-on-kelp product in excess of this limit shall remain in the water.

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

(1) before kelp is added to a pound, a permit holder must plainly and legibly mark the permit holder's first and last name and five-digit CFEC permit number in a conspicuous place on the pound; the sign must be vertical, and the markings must be clearly visible and above the surface of the water at all times; the letters and numbers used to identify a pound must be at least six inches high with lines at least one-half inch wide and must contrast with the background; if a pound is being operated as a multiple-permit pound, the first and last names and five-digit CFEC permit numbers of all permit holders operating the pound must be placed on a single sign; the

sign must be left on the pound structure the entire time any part of the pound or pound system is in the water;

(2) all floats and floating objects used in support of the fishery must be plainly and legibly marked with a CFEC permit number of a participating permit holder as specified in (1) of this subsection; all floats and floating objects must be permanently marked and clearly visible above the surface of the water at all times.

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

(h) On a line or structure used to suspend kelp, a permit holder shall affix a legible tag showing above the water surface that states the number of blades or fronds on that line or structure and that states the permit holder's first and last name. In a multi-permit pound, each permit holder must keep that permit holder's kelp on lines or structures separate from lines or structures that support kelp belonging to other permit holders.

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

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

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

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

(k) A permit holder shall completely remove all pounds and associated equipment from the waters in by 12:00 noon June 10 through March 1 of the following year;

(l) A CFEC permit holder operating a multiple-permit pound is subject to liability if the pound, at any time, contains more than the legal amount of kelp.

(m) Spawn-on-kelp blades or fronds belonging to a permit holder must be kept separate from spawn-on-kelp blades or fronds belonging to another permit holder until all spawn on kelp from a pound has been weighed and graded;

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

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

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

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

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

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