



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

RC13

Commercial Fisheries Entry Commission

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To: Glenn Haight, Executive Director  
Alaska Board of Fisheries  
Alaska Department of Fish & Game

Date: March 2, 2018

From: Fate Putman, Chairman  
Dale Kelley, Commissioner

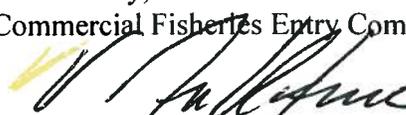
Subject: Comment on EF-F17-067 for the  
2017/2018 Statewide meeting

We are commenting on *EF-F17-067 Open pounds as alternative gear for the Sitka Sound sac roe herring purse seine fishery* to be addressed at the Board of Fisheries' Statewide meeting scheduled for March 6-9, 2018.

Please recall Proposal 126 for the 2014/2015 BOF Southeast Finfish meeting which sought to allow herring pounds as alternative gear for the Southeast sac roe herring purse seine fishery. At the request of the Board, CFEC proposed a regulatory change to exclude Sitka Sound from the CFEC Administrative Area for the Northern Southeast herring spawn-on-kelp pound fishery. CFEC received numerous written comments and public testimony opposed to the proposed regulatory change. CFEC's January 8, 2016 letter notified the Board of its determination, and stated in part as follows:

"Nothing in our research or the public comment we received on this latest proposal convinces us that a change is needed at this time in the administrative area definition for the fishery which has been in place since 1995. If however, the BOF decides to go forward with Proposal 126 or something like it, we would reconsider the matter and examine whether allowing the Southeast roe herring seine permit holders to participate as pound fishermen would be consistent with the Limited Entry Act. Without prejudging the issue, I must tell you that, based on the overwhelmingly negative public comment we received, proponents of such a change will have a significant burden of persuasion." [see page 2 of January 8, 2016 letter, attached]

Yours Truly,  
Commercial Fisheries Entry Commission

  
Fate Putman, Chairman  
Dale Kelley, Commissioner





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January 8, 2016

Tom Kluberton, Chair  
Alaska Board of Fisheries  
P.O. Box 115526  
Juneau, AK 99811-5526

Re: Board of Fisheries Action on Southeast and Yakutat Finfish Meeting Proposal 126

Dear Chairman Kluberton:

As I indicated we would in my letter to you of May 13, 2015, the Entry Commission developed and gave public notice of a regulatory proposal to exclude Sitka Sound from the administrative area for the Northern Southeast herring spawn-on-kelp pound fishery [20 AAC 05.230(a)(9)].

In addition to the usual public notice, CFEC sent an individual notice to all permit holders in that fishery, the Southern Southeast herring spawn-on-kelp pound fishery, and the Southeast roe herring seine fishery, inviting them to send written comments or appear at a public hearing on the proposal that was held at the Entry Commission offices in Juneau on November 6, 2015. The public comment period closed on November 13, 2015.

After due consideration, the Commission has decided to take no further action on the proposal, as we believe the record at this point does not support a change in the boundaries of the administrative area for the pound fishery.

When the Entry Commission considered a petition to limit the pound fisheries in Southeast Alaska in 1994, ADF&G Commissioner Carl Rosier sent us a memorandum regarding the Department's management and conservation concerns with the fisheries in the Hoonah Sound and Craig/Klawock areas. The Commissioner made clear the department's preference for either two large administrative areas (Northern and Southern) covering all of Southeast Alaska, or two

smaller administrative areas that would encompass Hoonah Sound and Craig/Klawock. The Entry Commission ultimately chose the first alternative and defined the Northern and Southern administrative areas as suggested in Commissioner Rosier's memorandum.

Nothing in our research or the public comment we received on this latest proposal convinces us that a change is needed at this time in the administrative area definition for the fishery that has been in place since 1995. If, however, the Board of Fisheries decides to go forward with Proposal 126 or something like it, we would reconsider the matter and examine whether allowing the Southeast roe herring seine permit holders to participate as pound fisherman would be consistent with the Limited Entry Act. Without prejudging the issue, I must tell you that, based on the overwhelmingly negative public comment we received, proponents of such a change will have a significant burden of persuasion.

I have copied this letter by email to Glenn Haight and attached copies of all public comment we received (letters and emails), as well as an unofficial transcript of the public hearing we held in Juneau on November 6, 2015. Virtually all of the public comment and testimony concerns Proposal 126 and, with the exception of those of its proponent Mr. Kapp, all comments were in opposition to the adoption of Proposal 126, mostly because of the potential negative economic effects on the existing pound fishery and its permit holders. It is also worth noting that not a single Southeast roe herring purse seine permit holder offered comment or testimony in favor of the proposal.

Please don't hesitate to contact me if you and have any questions regarding this matter.

Yours Truly,  
Commercial Fisheries Entry Commission



Bruce Twomley, Chairman  
Benjamin Brown, Commissioner

CC: Permit Holders (G01A, L21A, & L21C)  
Sitka Tribe of Alaska  
Southeast Alaska Seiners Association