



IN REPLY REFER TO:

## United States Department of the Interior

Office of Subsistence Management  
1011 East Tudor Road MS 121  
Anchorage, Alaska 99503-6199

OSM 19004.GP

MAR 06 2019

Mr. Reed Morisky, Chair  
Alaska Board of Fisheries  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chairman Morisky:

The Alaska Board of Fisheries will deliberate 16 proposals, among other issues, at its Statewide Finfish and Supplemental Issues meeting beginning March 8, 2019. The U.S. Fish and Wildlife Service, Office of Subsistence Management, reviewed the proposals the Board will be considering at this meeting.

The U.S. Fish and Wildlife Service, Office of Subsistence Management, working with other Federal agencies, has developed the enclosed preliminary recommendations for proposal 166 because it may have potential impacts on Federal subsistence users and fishery resources in this area.

We appreciate the opportunity to comment on these important regulatory matters and look forward to working with your Board and the Alaska Department of Fish and Game on these issues. Please contact George Pappas, State Subsistence Liaison, 907-786-3822, with any questions you may have concerning our comments.

Sincerely,

Thomas Doolittle  
Acting Assistant Regional Director

**cc: Federal Subsistence Board**

**Chris McKee, Acting Deputy Assistant Regional Director Office of Subsistence Management**

**Jennifer Hardin, PhD, Subsistence Policy Coordinator, Office of Subsistence Management**

**George Pappas, State Subsistence Liaison, Office of Subsistence Management**

**Katerina Wessels, Acting Council Coordination Division Chief,**

**Office of Subsistence Management**

**Gregory Risdahl, Fisheries Division Supervisor, Office of Subsistence Management**

**Robbin La Vine, Acting Anthropology Division Supervisor,**

**Office of Subsistence Management**

**Glenn Haight, Executive Director, Alaska Board of Fisheries**

**Mark Burch, Special Project Coordinator, Alaska Department of Fish and Game**

**Interagency Staff Committee**

**Administrative Record**

**Alaska Board of Fisheries  
March 8-11, 2019 Anchorage, Alaska  
Statewide Finfish and Supplemental Issues**

**Federal Comments**

The following comments address these proposals only as they affect Federally qualified subsistence users and resource conservation.

**PROPOSAL 166** seeks to require anglers fishing from a vessel to use a deep water release mechanism to release all species of rockfish at the depth it was hooked or at the depth of least 100 feet. The proponent defines “deep water release mechanism” as a device designed to return a rockfish to the depth of capture or a specified depth.

**Existing State Regulations:**

*5 AAC 15.75.020 Sport fishing gear*

New regulation proposed.

**Existing Federal Regulations Defining Applicable Marine Waters of Alaska Under Federal Subsistence Fisheries Management Authority:**

*50 CFR 100.3 Applicability and scope.*

*(a) The regulations in this part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public land in the State of Alaska. The regulations in this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. The regulations in this part do not supersede agency-specific regulations.*

*(b) The regulations contained in this part apply on all public lands, including all inland waters, both navigable and non-navigable, within and adjacent to the exterior boundaries of the following areas, and on the marine waters as identified in the following areas:*

*(1) Alaska Maritime National Wildlife Refuge, including the:*

*(i) Karluk Subunit: All of the submerged land and water of the Pacific Ocean (Sheliokof Strait) extending 3,000 feet from the shoreline between a point on the spit at the meander corner common to Sections 35 and 36 of Township 30 South, Range 33 West, and a point approximately 1<sup>1</sup>/<sub>4</sub> miles east of Rocky Point within Section 14 of Township 29 South, Range 31, West, Seward Meridian as described in Public Land Order 128, dated June 19, 1943;*

- (ii) *Womens Bay Subunit: Womens Bay, Gibson Cove, portions of St. Paul Harbor and Chiniak Bay: All of the submerged land and water as described in Public Land Order 1182, dated July 7, 1955 (U.S. Survey 21539);*
- (iii) *Afognak Island Subunit: All submerged lands and waters of the Pacific Ocean lying within 3 miles of the shoreline as described in Proclamation No. 39, dated December 24, 1892;*
- (iv) *Simeonof Subunit: All of the submerged land and water of Simeonof Island together with the adjacent waters of the Pacific Ocean extending 1 mile from the shoreline as described in Public Land Order 1749, dated October 30, 1958; and*
- (v) *Semidi Subunit: All of the submerged land and water of the Semidi Islands together with the adjacent waters of the Pacific Ocean lying between parallels 55°57'57"00-56°15'57"00 North Latitude and 156°30'00"-157°00'00" West Longitude as described in Executive Order 5858, dated June 17, 1932;*

(5) *Southeastern Alaska, including the:*

- (i) *Makhnati Island Area: Land and waters beginning at the southern point of Fruit Island, 57°02'35" north latitude, 135°21'07" west longitude as shown on United States Coast and Geodetic Survey Chart No. 8244, May 21, 1941; from the point of beginning, by metes and bounds; S 58° W, 2,500 feet, to the southern point of Nepovorotni Rocks; S 83° W, 5,600 feet, on a line passing through the southern point of a small island lying about 150 feet south of Makhnati Island; N 6° W, 4,200 feet, on a line passing through the western point of a small island lying about 150 feet west of Makhnati Island, to the northwestern point of Signal Island; N 24° E, 3,000 feet, to a point, 57°03'15" north latitude, 134°23'07" west longitude; East, 2,900 feet, to a point in course No. 45 in meanders of U.S. Survey No. 1496, on west side of Japonski Island; southeasterly, with the meanders of Japonski Island, U.S. Survey No. 1,496 to angle point No. 35, on the southwestern point of Japonski Island; S 60° E, 3,300 feet, along the boundary line of Naval reservation described in Executive Order No. 8216, July 25, 1939, to the point of beginning, and that part of Sitka Bay lying south of Japonski Island and west of the main channel, but not including Aleutski Island as revoked in Public Land Order 925, October 27, 1953, described by metes and bounds as follows: Beginning at the southeast point of Japonski Island at angle point No. 7 of the meanders of U.S. Survey No. 1496; thence east approximately 12.00 chains to the center of the main channel; thence S 45° E. along the main channel approximately 20.00 chains; thence S 45° W, approximately 9.00 chains to the southeastern point of Aleutski Island; thence S 79° W, approximately 40.00 chains to the southern point of Fruit Island; thence N 60° W, approximately 50.00 chains to the southwestern point of Japonski Island at angle point No. 35 of U.S. Survey No. 1496; thence easterly with the meanders of Japonski Island to the point of beginning including Charcoal, Harbor, Alice, Love, and Fruit islands and a number of smaller unnamed islands.*

*§100.25 Subsistence taking of fish, wildlife, and shellfish: general regulations*

*(a) Definitions. The following definitions apply to all regulations contained in this part:*

*Rockfish means all species of the genus Sebastes.*

**Is a similar issue being addressed by the Federal Subsistence Board?** No. Currently, there are no related fisheries proposals being addressed by the Federal Subsistence Board. The Federal Subsistence Board will meet to deliberate proposals to change Federal subsistence fishing regulations April 15-18, 2019.

**Impact to Federal subsistence users/fisheries:** Yes. The adoption of this proposal could result in an increase in survival of rockfish caught at depth but not retained by sport and subsistence users fishing in the Kodiak Island area waters Federal subsistence fisheries jurisdiction. Adoption of this proposal may assist with conservation of the rockfish resources by improving survival of rockfish caught at depth, reeled to the surface, and released back into the water at depth. If this proposal is adopted rockfish not selected for retention that are released at depth have a greater probability of survival than rockfish caught at depth but released on the surface. Increasing the survival rates of released rockfish may allow of subsistence uses over time and may assist with addressing or even reversing conservation issues such as localized population depletion within waters under Federal subsistence fisheries jurisdiction.

**Federal Position/Recommended Action:** The Office of Subsistence Management **supports** this proposal. Adoption of this proposal may assist with the conservation of the rockfish populations within waters under Federal subsistence management jurisdiction. Rockfish are long lived and reproductive maturity for some species takes more than two decades before the first spawning event. The Office of Subsistence Management supports best practices and methods proven to reduce the mortality of fish caught but released for various reasons such as wrong species, size, legality of retention, season, or condition of fish.

If this proposal is adopted, a similar proposal could be submitted to the Federal Subsistence Board for the Federal subsistence fisheries once the call for fisheries proposals opens the spring of 2020.