



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**

Alaska Region  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, Alaska 99501

IN REPLY REFER TO:

1.A.2 (AKRO-RNR)

Mr. Karl Johnstone, Chairman  
ATTN: Alaska Board of Fisheries Comments  
Alaska Department of Fish and Game  
P.O. Box 115526  
Juneau, Alaska 99811-5526

Dear Chairman Johnstone:

A few proposals before the Board of Fisheries (BOF) for the February 23 to March 3, 2015 meeting in Sitka may affect or have the potential to affect finfish resources in National Park System lands and waters in Southeast Alaska. The National Park Service (NPS) is the managing agency for Wrangell-Saint Elias National Park and Preserve, Glacier Bay National Park and Preserve, Klondike Gold Rush National Historical Park, and Sitka National Historical Park, which are all wholly or partly within the Southeast and Yakutat management areas. We share with you the desire to implement sound management strategies for the fishery resources in these management areas.

Attached are the NPS comments on proposals #89, #155, #161, #162, and #216, which may potentially affect finfish resources within the Yakutat and Dry Bay areas within Wrangell-Saint Elias National Park and Preserve and Glacier Bay National Park and Preserve. We would appreciate your review and consideration of our comments. If you have any questions about these comments, please contact Bud Rice, Management Biologist, (907) 644-3597.

Sincerely,

Debora Cooper  
Associate Regional Director

Enclosure

cc:

Sam Cotten, Acting Commissioner, ADF&G

Pat Pourchot, Special Assistant to the Secretary for Alaska

Tim Towarak, Chair, Federal Subsistence Board

Glen Haight, Executive Director, Board of Fish and Game

Jeff Regnart, Director, Commercial Fisheries Division, ADF&G

Charles Swanton, Director, Division of Sport Fish, ADF&G

Hazel Nelson, Director, Division of Subsistence, ADF&G

Rick Obernesser, Superintendent, Wrangell-Saint Elias National Park and Preserve

Philip Hooge, Superintendent, Glacier Bay National Park and Preserve

Guy Adema, Natural Resources Program Manager, NPS

Mary McBurney, Subsistence Program Manager, NPS

George Pappas, Fisheries Division Chief for the Office of Subsistence Management

Bud Rice, Management Biologist, NPS

Joel Hard, Deputy Regional Director, NPS

Bert Frost, Regional Director, NPS

**NATIONAL PARK SERVICE (NPS) COMMENTS ON  
ALASKA BOARD OF FISHERIES PROPOSALS  
for the  
SOUTHEAST ALASKA AND YAKUTAT MANAGEMENT AREAS**

**State of Alaska  
Board of Fisheries Meeting  
February 23 to March 3, 2015  
Sitka, Alaska**

**PROPOSAL 89 - 5 AAC 34.107. Description of golden king crab fishing areas within Registration Area A; and 5 AAC 34.115. Guideline harvest ranges for Registration Area A.**  
Create new commercial golden king crab fishery area in Cross Sound, as follows:  
Add 5 AAC 34.107(h) Cross Sound Area: all waters of Area A west of District 14 and north of the latitude of Imperial Pass.

Brown (golden) crab are found outside existing fishing areas. A new area west of the Icy Straits area would allow opportunity to harvest those crab and learn more about their abundance and distribution.

Existing State Regulation:

5 AAC 34.107 (b). Description of golden king crab fishing areas within Registration Area A. These regulations currently state that commercial golden king crab fishing is authorized in all waters of District 14 in Icy Straits. District 16 is not currently listed.

Existing Federal Regulations:

A new or expanded fishery is prohibited by 36 CFR Part 13.1130 (c). A golden king crab pot fishery has occurred in Glacier Bay National Park. However, the expansion of this fishery into the outer coast park waters within District 16 would, in the view of the park, constitute an expanded fishery.

Is a similar issue being address by the Federal Subsistence Board (FSB)? No.

Impact to NPS-qualified subsistence users/fisheries: None.

Federal Subsistence Board regulations generally do not apply on State marine waters, and no federally-authorized subsistence fishing is authorized in Glacier Bay National Park.

**NPS position/recommended action: The NPS requests that park waters in district 16 be excluded from this proposal if enacted.**

The NPS opposes this proposal for outer coast park waters because this would constitute an expansion of the fishery which is prohibited by 36 CFR Part 13.1130 (c). Allowing this fishery without modification would result in a conflict with established federal regulation and court cases regarding jurisdiction of the marine waters of Glacier Bay National Park.

**Proposal 155 – 5 AAC 47.030. Methods, means, and general provisions – Finfish.** This proposal would allow party fishing in Southeast Alaska saltwater fisheries as follows:

When two or more persons, who are licensed or otherwise authorized to sport fish in the salt waters of Southeast Alaska, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until combined limits of finfish are taken and possessed aboard the vessel. The reason for this proposal is to allow friends and families who are fishing from a boat to continue fishing until the combined limits for all persons on board has been reached. Children would be able to catch fish for their parents. Guests would be able to catch fish under the limits of other licensed persons on board. States of Washington and California have regulations allowing ocean boat limits.

**Existing State Regulation:**

5 AAC 47.030. Methods, means, and general provisions – Finfish. These regulations do not speak to this option directly, except they state in subsection (b) Sport fishing may be conducted only by the use of a single line per angler, and not more than six lines may be fished from a vessel. Therefore, it appears other anglers cannot fish for a licensed angler with additional lines.

**5 AAC 75.995. Definitions:**

(4) "bag limit" means the maximum legal take of fish per person per day, in the area in which the person is fishing, even though part or all of the fish are immediately preserved; a fish when landed and not immediately released becomes a part of the bag limit of the person originally hooking it;

**Existing Federal Regulations:**

In 50 CFR Part 300.65 NOAA marine halibut fishery limits are currently set for charter anglers at one halibut per angler not including Guided Angler Fish in Southeast Alaska (Area 2C, which includes Glacier Bay proper), and no fish between the length of 44 inches and 76 inches can be retained. In Area 3A, outside waters from Cape Spencer across Southcentral Alaska, no more than 2 halibut can be retained by each charter angler with one fish of any size and the second fish must be less than 29 inches in length. Unguided anglers in both Area 2C and 3A can retain up to 2 halibut of any size per day. If boat limits were authorized in state regulation but not in federal regulation, this regulatory inconsistency would likely cause confusion among anglers targeting federal and state managed fisheries.