

PROPOSAL 170 – 5 AAC 09.350. Closed waters. Redefine the boundaries of the Outer Port Heiden Section using GPS coordinates, as follows:

5 AAC 09.350. Closed waters. Salmon may not be taken in the following locations:

...

(3) Outer Port Heiden: waters of the outer Port Heiden Section

(A) **Seaward of a line of a line defined by the following GPS coordinates: N57 19.300 X W158 20.000, N57 16.400 X W158 26.500, N57 11.700 X W158 30.500, N57 03.200 X W158 40.500, N56 58.700 X W158 44.500, N56 56.500 X W158 47.200, N56 55.800 X W158 50.450** [BETWEEN THE THREE-MILE SEAWARD BOUNDARY LINE DESCRIBED IN 5 AAC 09.301, AND A LINE THAT IS ONE AND ONE-HALF MILES SHOREWARD OF THE THREE-MILE SEAWARD BOUNDARY-LINE];

Note: The line defined by the proposed coordinates roughly follows the 1 ½ mile limit on the most current NOAA chart. This was done in an attempt to maintain the current perceived legal fishing area. The number of points could easily be reduced by straightening the line which would slightly change the current fishing area.

What is the issue you would like the board to address and why? Current regulatory language in 5 AAC 09.350(3) is very difficult to effectively enforce under the best of circumstances and especially difficult with aircraft patrols. The difficulty in enforcing the current regulation is differences in how the 3 mile line is drawn on NOAA charts and how that compares with 5 AAC 39.975(13) “waters of Alaska”. This is a remote fishing district and aircraft are the most used method to patrol the area. Enforcement personnel must be able to determine if a violation is occurring and be able to take action to notify the operator. If a Trooper pilot must make passes over a vessel to determine the latitude and longitude it is fishing, and then later plot the location on a chart to determine if a violation exists, it is unlikely the trooper can address the violation in a timely manner.

Defining the Outer Point Heiden closed waters boundary with GPS coordinates would allow enforcement and fishermen to accurately determine if nets are fishing in legal waters. GPS coordinates are used to define all manner of fish and game boundaries throughout the state. GPS has been vetted extensively in the Alaska Court system and has been found to be extremely accurate. Even a very basic (cheap) GPS can accurately show a line between points and display a cross track distance from the line. GPS is practical, easy to use and defensible.

It is in the State’s best interest to clearly defined, enforceable commercial fishing boundaries in order to protect the resource and to ensure appropriate allocation and management of resources. Using GPS coordinates to define the Outer Port Heiden closed waters line is a far better means of attaining these goals than the current method.

PROPOSED BY: Alaska Department of Public Safety, Alaska Wildlife Troopers (EF-C15-103)
