**Big River Sockeye Salmon Management Plan (2 proposals)**

**PROPOSAL 208**

Modify description of waters open to fishing, as follows:

5 AAC 21.368 (b) Big River Sockeye Salmon Management...
The regulation can be made more clear without excluding one long-established fishing location that is fished primarily by one fisherman in this way:

"Salmon may be taken in the waters of the Kustatan Subdistrict along the mainland shore from the terminus of the Kustutan River, southwest to the southern boundary of the subdistrict, and in the Kalgin Island Subdistrict from a point on the SW of Kalgin Island (Lat. Long. fix point), and outward from there perpendicularly, and northward along the west side of Kalgin Island, then continuing along Kalgin Island's NE coast line until (60°29.00 N lat. and 151°50.50 W. long), and outward from there perpendicularly, from the near beach."

I did not include the fix point for the SW because I understand that the errors and omissions department is looking at that fix point, however, when the errors and omissions department looked at the fix point in question here, they did not conclude error.

The effect of this proposal is to leave open waters for this fishery the same as they have been practiced and enforced for 15 years, while removing the tension of unclear language.

**What is the issue you would like the board to address and why?** I am given to understand that the Department intends to clarify the wording of this provision by changing the long-established (Lat. Long.) fix points for this district. The Department's proposed change would have the effect of excluding one fisherman who is currently fishing in open waters. This fisherman lives in an area of Kalgin Island that is not open for the early fishery, and he would have no other place to fish on Kalgin Island in the early season. It is possible to clarify the language of the regulation without changing district boundaries as they have been practiced and enforced for 15 years.

Laches: Is a concept of law of equity, wherein a party needs to bring their cause of action in a reasonable amount of time, before others come to rely on the status quo. In this case the fix point on the NE of Kalgin Island has been in regulation for 15 years, and fishermen have come to rely on the regulation as stated. Now ADFG might be asserting that the fix point was an error. Well, that is a matter that they should have brought up 14 years ago and the remedy that the Department is suggesting now hurts people who reasonably relied on fix points as stated in regulation.

ADFG's proposal on this matter is not a conservation necessity, instead it is put forward as a regulation clarification, however, the regulation can be clarified can be clarified in a way that does not exclude one location that is fished primarily by one fisherman in the early season.

**PROPOSED BY:** David Chessik

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PROPOSAL 209

Amend the waypoint location for Light Point on Kalgin Island, as follows:

5 AAC 21.368 is amended to read:

…

(b) Salmon may be taken in waters of the Kustatan Subdistrict along the mainland shore from the
terminus of the Kustatan River, southwest to the southern boundary of the subdistrict, and in the
Kalgin Island Subdistrict along the western shore from Light Point at 60° 28.96' N; 151° 50.10'
W long [60° 29.00' N. LAT., 151° 50.50' W. LONG.] to the Kalgin Island Light on the southern
end of Kalgin Island at 60° 20.80' N. lat., 152° 05.09' W. long.

What is the issue you would like the board to address and why?
This proposal seeks to amend the waypoint location of Light Point on Kalgin Island for boundary
clarification and remove confusion associated with old regulatory waypoints. For example, the
location for “Light Point” that is referenced in this regulation puts the waypoint up in the trees
hundreds of feet from any beach. This appears to be an error when old waypoint datums were
converted to new standards. The department recommends changing Light Point to a location just
east of the waypoint listed in the United States Coast Guard Light List.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-174)