

Regulatory Alignment (2 proposals)

PROPOSAL 197

5 AAC 21.200. Fishing districts, subdistricts, and sections; and 5 AAC 21.330. Gear.

Provide waypoint locations for landmark names and modify waypoint locations in Chinitna Bay, as follows:

5 AAC 21.200 is amended to read:

...

(b) Central District:

...

(6) Chinitna Bay Subdistrict: all waters in Chinitna Bay west of a line from Spring Point **at 59° 52.70' N. lat.; 152° 48.45' W. long.** to Sea Otter Point **at 59° 50.04' N. lat.; 153° 01.25' W. long.**

5 AAC 21.330 is amended to read:

...

(b) Set gillnets may be used only in the following locations:

...

(3) Central District: set gillnets may be used only in the following locations:

...

(vii) along the north side of Chinitna Bay from **59° 53.18' N. lat., 153° W. long.**, [59° 53.17' N. LAT., 153° W. LONG.] to **59° 51.64' N. lat.; 153° 08.35' W. long.** [59° 51.52' N. LAT., 153° 08.17' W. LONG.] and only within 2,500 feet of the mean high tide mark;

(c) Drift gillnets may be used only in the Central District, except that in the Chinitna Bay Subdistrict drift gillnets may be used only east of a line from the crane on the south shore at **59° 49.91' N. lat.; 153° 05.47' W. long.** [59° 50.07' N. LAT., 153° 05.10' W. LONG.], to the ADF&G regulatory marker on Glacier Spit at **59° 51.67' N. lat., 153° 07.92' W. long.** [59° 51.72' N. LAT., 153° 07.84' W. LONG.]

What is the issue you would like the board to address and why? This proposal seeks to reduce regulatory confusion by including waypoint locations for landmark names and to correct erroneous waypoint locations in Chinitna Bay.

5 AAC 21.200(b)(6) describes Chinitna Bay as all waters west of a line from Spring Point to Sea Otter Point; however, there are no waypoints listed for either of these landmarks, which can lead to confusion.

Set gillnetting is open only on the north side of Chinitna Bay between two waypoints listed in 5 AAC 21.330(b)(3)(vii). However, one of these waypoints is approximately 900 feet offshore. Furthermore, 5 AAC 21.220(c) states that drift gillnets may be used only east of a line from the crane on the south shore defined by a waypoint that is more than 150 feet offshore and more than 1,600 feet from where remnants of the crane are currently located.

PROPOSAL 198

5 AAC 21.330. Gear; and 5 AAC 21.350. Closed waters.

Amend waypoint descriptions and provide coordinates for landmark names, as follows:

5 AAC 21.330 and 5 AAC 21.350 are amended to read:

5 AAC 21.330. Gear.

...

(b) set gillnets may be used only in the following locations:

(2) Northern District: set gillnets may be used only in the following areas:

(A) those waters along the north and west coast from Point MacKenzie **61° 14.29' N. lat., 149° 59.20' W. long.** [61° 14.33' N. LAT., 149° 59.17' W. LONG] to the southern boundary of the district on the west shore at 60° 46.39' N. lat., except for closed waters listed in 5 AAC 21.350;

(B) waters along the west coast of Fire Island from North Point **61° 10.33' N lat., 150° 09.58' W long.** to West Point **61° 07.56' N. lat., 150° 16.93' W. long;**

5 AAC 21.350. Closed waters.

...

(c) Northern District

(2) Turnagain Arm and Knik Arm: east of a line from Pt. Possession **61° 02.28' N. lat, 150° 23.48' W. long** [61° 02.35' N. LAT, 150° 23.64' W. LONG], to the site of [THE OLD] West Point light **61° 07.56' N. lat., 150° 16.93' W. long** on Fire Island, along the eastern shore of Fire Island **to a point offshore located at 61° 14.14' N. lat., 149° 59.07' W. long.** to North Point **61° 10.33' N lat., 150° 09.58' W long.,** to **Point MacKenzie 61° 14.29' N. lat., 149° 59.20' W. long.** [61° 14.64' N. LAT., 149° 59.55' W. LONG.]

What is the issue you would like the board to address and why? There are at least five issues this proposal seeks to remedy.

The first issue to be resolved is to address the differing waypoint coordinates listed for Point MacKenzie in 5 AAC 21.330 and 5 AAC 21.350. Shore fishery lease locations are often based on current department regulatory language. Depending upon which coordinates are used, either two or seven current shore fishery lease set gillnet sites are out of compliance with current regulations. Even if the coordinates in 5 AAC 21.330 are used as the location for Point MacKenzie, there are two shore fishery lease set gillnet sites out of compliance. The two shore fishery lease sites affected by these differing waypoints were first obtained in 1965 and in 1986. This proposal seeks to establish one waypoint location for Point MacKenzie in both 5 AAC 21.330 and 5 AAC 21.350. The new waypoint for Point MacKenzie was chosen from the United States Geological Survey Geographic Names Information System (GNIS) database as follows: 61° 14.29' N. lat., 149° 59.20' W. long.

Second, in order to bring all existing shore fishery lease sites into compliance with the 5 AAC 21.350 description for both Turnagain and Knik arms, a new offshore waypoint has been proposed

linking Point MacKenzie to North Point on Fire Island. While this new waypoint slightly expands waters open to commercial fishing, it is very likely no additional set gillnets will be fished here due to the very strong tides in this area and due to existing shore fishery lease sites. The new offshore waypoint will be 61° 14.14' N. lat., 149° 59.07' W. long.

Third, “North Point” on Fire Island is referenced in both 5 AAC 21.330 and 5 AAC 21.350 regulations, but no coordinates are provided in either. It is recommended that all references to “North Point” on Fire Island in 5 AAC 21 be updated to include 61° 10.33’ N. lat., 150° 09.58’ W. long. as the location of “North Point” on Fire Island.

The fourth issue addressed by this proposal is the differing landmark names listed for the same locations on the south end of Fire Island that are referenced in 5 AAC 21.330 and 5 AAC 21.350. Descriptions in 5 AAC 21.330 use the name “West Point,” while descriptions in 5 AAC 21.350 use the name “Old West Point Light.” In order to bring existing shore fishery lease sites into compliance with these regulations, this proposal suggests using the waypoint location for “West Point Light,” as listed in the GNIS database, for all references to “West Point,” or “West Point Light.” This waypoint would be 61° 07.56' N. lat., 150° 16.93' W. long.

Finally, in 5 AAC 21.350, the waypoint listed for Point Possession is currently offshore by more than 300 feet. This proposal suggests an updated waypoint location that is onshore, eliminating confusion for where this boundary intersects with the beach. The suggested coordinates for “Point Possession” were determined using the GNIS database, and are 61° 02.28' N. lat., 150° 22.48' W. long.

This proposal will allow the board to align current set gillnet shore fishery lease sites with 5 AAC 21.330 and 5 AAC 21.350 as well as provide waypoint descriptions for landmark names that are now confusing for both fishermen and the Department of Public Safety.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F19-176)
