

**Kodiak Fish & Game Advisory Committee
February 24th 2010-KNWRVC**

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BOARDS
ANCHORAGE

Oliver Holm Chairman

7:00pm

(Minutes represent a paraphrased summary of the KAC, department staff and public comments and are not a verbatim transcript of the meeting. Tapes of the meeting are available for review by contacting the committee secretary)

*Ath: Shannon
AC - BOF
SWmtg*

Call to order: 7:01pm at the KNWR Visitors Center

Roll call: A quorum was achieved with the following members present: Oliver Holm, Don Fox, Kip Thomet, Julie Kavanaugh, Ron Kavanaugh, Tuck Bonney, Paul Chervenak, Chris Berns(for Al Cratty), Pete Hannah, Harvey Goodell(for Alexis Kwachka), Andy Finke, Kip Thomet, Rolan Ruoss,

Excused absences: Kurt Waters and Lou Dochtermann.

ADF&G Staff. Matt Miller, James Jackson, Suzanne Schmidt, Jeff Wadle, Don Tracy, Joe Dinnocenzo, Geoff Spalinger, Wayne Donaldson, Matt Nemeth, Mark Strickert, Mark Witteveen and Steve Honold.

South Central Regional Coordinator: Sherry Wright came over from Anchorage to conduct the election.

Audience: 5.

Approve Agenda: Motion to adopt agenda passed unanimously.

Approve Minutes of previous meeting: Motion to approve minutes of our meeting of February 17th 2009 were approved unanimously.

Correspondence: None.

Chair Announcements: None.

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Old Business: None.

New Business:

- 1) Call for elections and nominations:** As all candidates were unopposed the slate of candidates were seated by unanimous consent. One new member was seated Andy Finke (Kodiak subsistence). Sherry Wright mentioned that several advisory committees have non-voting student members and that the KAC should consider having one. Committee members agreed that we should consider looking into the matter before our fall/winter meetings.
- 2) Election of committee officers:** Chairman Oliver Holm, vice-chair Paul Chervenak and secretary Don Fox were all unopposed and were elected by unanimous consent.

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- 3) **Report on the 2009 commercial salmon and herring seasons and preseason forecasts for 2010 were presented by department staff:** Jack Jackson gave the salmon report and Geoff Spalinger the herring report. Power point presentations and handouts were provided by staff and committee members questions were answered.
- 4) **Reports by Pat Holmes:** Reports on recent RAC activity, Buskin River weir funding and the EIS statement from the FAA fill proposals on the Buskin area runway extensions were given by Mr. Holmes.
- 5) **Ground fish proposals:** Wayne Donaldson led the committee through the proposals.

Proposal #167

5AAC 39.105. **Types of legal gear.** Modify definition of mechanical jigging machine as follows:

(d)(25) a mechanical jigging machine is a device that deploys a line with **lures or baited** hooks, and retrieves that line and **lures or** hooks with electrical, hydraulic or mechanically powered assistance; a mechanical jigging machine allows the line with **lures or** hooks to be fished only in the water column; a mechanical jigging machine must be attached to a vessel registered to fish with a mechanical jigging machine and may not be anchored or operated off the vessel.

Staff comments: This is a housekeeping proposal submitted by the department to clarify the statewide gear definition of mechanical jigging machine by specifying that lures or baited hooks are allowed.

Motion: Moved and 2nd to adopt proposal #167.

Committee comments: Agree and support staff comments and would like to reference them.

ACTION; MOTION TO ADOPT PASSES UNANIMOUSLY, 12-0.

Proposal #173

5AAC 28.086. **management plan for Parallel Ground fish Fisheries:** Amend this regulation to read:

- (a) Notwithstanding the provisions of this chapter, or management measures stated in a global emergency order issued by the commissioner at the beginning of a parallel ground fish fishery season, the commissioner may open and close by emergency order, fishing seasons during which area closures, gear restrictions, vessel size limits, reporting, monitoring, and enforcement requirements may be imposed as the commissioner determines reasonably necessary to correspond with federal fishery management measures.
- (b) For the purposes of this chapter, except as otherwise specified, "parallel ground fish fishery" means **a fishery** [THE PACIFIC COD, WALLEYE POLLOCK, AND ATKA MACKEREL FISHERIES] in state waters opened by commissioner,

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under emergency order authority, to correspond with the times, areas, and unless otherwise specified, the gear of a federal season in adjacent federal waters.

Staff comments: Support this department proposal and **Neutral** on the allocative aspects of the proposal. If adopted the commissioner would have the regulatory authority, for all species managed in a parallel ground fish fishery, to adopt fishing seasons, closed waters, allowable gear, vessel size limits, reporting, monitoring and enforcement requirements by emergency order to provide for compatible management measures with the federal fisheries in adjacent waters of the EEZ.

Motion: Moved and 2nd to adopt proposal #173.

Committee comments: Support giving the department authority to manage parallel fisheries and support staff comments.

ACTION: MOTION TO ADOPT PASSES, 11-1(R.Kavanaugh).

Minority opinion: Mr. Kavanaugh felt the proposal was to vague.

Proposal #174

5 AAC 28.050 **Lawful gear for ground fish.** Amend lawful gear for ground fish as follows:

Gillnet fishing will be allowed for Pacific cod in state waters again, modeled after the Norwegian fishery.

Staff comments: Department **opposed.** Sunken gillnet fisheries have been documented with significant by catch of non-targeted species as well as marine mammals and birds. The board would have to revise management plans that have allocation by gear type, the potential for gear conflict by tangling with pot and long line is high.

Motion: Moved and 2nd to adopt proposal #174.

Committee comments: Support staff comments. Several members of the advisory committee including our chairman Mr. Holm have personally witnessed high by catch in Marmot bay when gillnetting cod was legal.

ACTION: MOTION TO ADOPT FAILS UNANIMOUSLY, 0-12.

Wayne Donaldson voiced department concerns about the heavy subsistence harvest of King Crab in the Alitak District. He felt the take was too high a lower limit(ex. 3 per household per year) and maybe a limitation on pots and pot size. Should be made in the shape of a proposal for our winter meetings.

6) **Sport fish proposals:** Don Tracy led the committee through the proposals and answered our questions.

Proposal # 175

5 AAC. **New Section.** Establish bag limits for sablefish as follows:

For resident anglers: Sablefish may be taken from January 1n through December 31; daily bag limit of 2, 4 in possession, and no annual limits; For non-resident anglers:

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sablefish may be taken from January 1 through December 31: daily bag limit of 2, 4 in possession and an annual limit of 4 fish.

Staff comments: Department is **neutral** on the **allocative** aspects and takes **no position** on this proposal.

Motion: moved and 2nd to adopt proposal # 175.

Committee comments: There is a low effort for sablefish in the Kodiak area plus no commercial fishery in our local state waters. If the BOF passes this proposal it should not apply to Kodiak.

ACTION: MOTION TO ADOPT FAILS UNANIMOUSLY, 0-12.

Proposal #176

5 AAC 75.xxx. **New Section.** Increase bag limit for spiny dogfish as follows:
Make a more reasonable possession/bag limit of the spiny dogfish, such as 5 fish per day, with a combined annual limit of 10 per year.

Staff comments: The department is **neutral** on the proposal. Little effort on this species so a larger bag limit wouldn't jeopardize the stocks.

Motion: Moved and 2nd to adopt proposal #176.

Committee comments: Dogfish should not be limited like the larger sharks. KAC felt with the low effort a larger limit wouldn't jeopardize the stocks.

ACTION: MOTION TO ADOPT PASSES UNANIMOUSLY, 12-0.

Proposal # 178

5 AAC 75.003. **Emergency order authority.** Clarify emergency order authority as follows:

The commissioner may, by emergency order, change bag and possession limits and annual limits and alter methods and means in sport fisheries. These changes may not reduce the allocation of harvest among user groups. An emergency order may not supersede **provisions for increasing or decreasing** bag and possession limits in regulatory order authority to manage sport fishing opportunities in the following circumstances:

Staff comments: Housekeeping proposal by the department. This proposal would **clarify** the departments emergency order authority.

Motion: Moved and 2nd to adopt proposal # 178.

Committee comments: Support staff comments. The committee felt that the department should have emergency order authority to change bag limits and means and methods to conserve stocks and meet escapement goals.

ACTION: MOTION TO ADOPT PASSES UNANIMOUSLY, 12-0.

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Proposal # 185

5 AAC 75.028 . **Use of underwater spear(repeal and readopt).** Clarify definition of underwater spear as follows:

In salt water

, a spear or spear gun may be used to take fish, subject to applicable seasons and bag limits, by a person who is completely submerged; the use of a shaft tipped with explosive charge, commonly known as a bang stick or powder head is prohibited in fresh and salt water.

5 AAC 75.995. Definitional.

(xx) "spear" means a shaft with a sharp point or fork-like implement attached to one end, used to thrust through the water to impale or retrieve fish, and which is operated by hand, a spear also includes a Hawaiiin sling or pole spear which is a shaft propelled by a single loop of elastic material and is not equipped with mechanical release or trigger.

(xx) "spear" means a device designed to propel a spear through the water by means of elastic bands, compressed gas, or other mechanical propulsion to take fish: and is equipped with a mechanical release or trigger.

Staff comments: Place holder proposal. Housekeeping proposal which would clarify the definition of an underwater spear requested by the Board of Fisheries. New language clearly describes what may or may not be used because of current confusion on what can or can't be used.

Motion: Moved and 2nd to adopt proposal # 185.

Committee comments: Support and would like to reference staff comments.

ACTION: MOTION TO ADOPT PASSES UNANIMOUSLY, 12-0.

Proposal #187

5 AAC 75.038. **Authorization for methods and means disability exemptions.** Allow use of bait by disabled anglers as follows:

Statewide: a use of bait provision for all species of salmon with proof of handicap/disability (on person).

Staff comments: Department **opposes** this proposal. Existing regulations provide a reasonable and enforceable avenue for persons with a disability to seek exemptions to existing regulations which prohibit the person from meaningful access to the program, service, or benefit.

Motion: Moved and 2nd to adopt proposal # 187.

Committee comment: Support department comments that it was already addressed in current regulation.

ACTION; MOTION TO ADOPT FAILS UNANIMOUSLY, 0-12.

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Proposal # 188

5 AAC 75.067. **Limitations for halibut**; 5 AAC 75.995(20). **Definitions** and 5 AAC 75.070(b) **Possession of sport caught halibut**. Modify sport fishing regulations for halibut as follows:

Modify 5 AAC 75.067. **Notwithstanding any other provisions in 5 AAC 47-5 AAC 75, a (A)** persons may not take or possess halibut for sport or guided sport purposes in a manner inconsistent with the regulations of the International Pacific Halibut Commission or the National Marine fisheries Service. Modify 5 AAC 75.995(20): “possession limit” means the maximum number of unpreserved fish, **except halibut** a person may have in his/her possession.

Repeal 5 AAC 75.070(b). [UNTIL BROUGHT TO SHORE AND OFFLOADED , NO PERSON MAY FILLET, MUTILATE, OR OTHERWISE DISFIGURE A HALIBUT IN ANY MANNER THAT PREVENTS THE DETERMINATION OF THE NUMBER OF FISH CAUGHT OR POSSESSED].

Staff comments: Housekeeping proposal. The state cannot have regulations for halibut that don't mirror existing federal regulations.

Motion: Moved and 2nd to adopt proposal # 188.

Committee comments: Agree with the staff comments that the state regulations have to mirror the federal regulations.

ACTION: MOTION TO ADOPT PASSES UNANIMOUSLY, 12-0.

Proposal # 189

5 AAC 75.075. **Sport fishing services and sport fishing guide services; license requirements; regulation of activities**. Require a client- guide agreement for each client on a sport fishing charter trip as follows:

Require a client-guide agreement between the fishing party and the licensed fishing guide performing the service.

Staff comments: Department **opposes** this proposal. Board regulations must be consistent with applicable statutes AS 44.62020.030 doesn't allow the BOF to legally adopt proposal #189.

Committee comments: Support staff comments.

ACTION: MOTION TO ADOPT FAILS UNANIMOUSLY, 0-12.

Proposal # 190

5 AAC 75.003. **Emergency order authority**. Allow crew members to retain fish when clients are onboard as follows:

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Charter crew members are unguided anglers and therefore their catch is not recorded under guided anglers. The number of lines in the water cannot exceed the number of paying clients on board.

Staff comments: Department **opposes** this proposal. Restrictions on the retention of fish by sport fishing guides and sport fishing guide crewmembers has been a flexible and effective tool for managing fisheries with GHs or allocations.

Motion: Moved and 2nd to adopt proposal # 190.

Committee comments: Support staff comments. KAC felt that since the guided sport fleet in some areas consistently exceed their GHs and allocations this proposal should not be adopted. Part of the proposers justification was that commercial fisherman and crew members can retain or sell their catch for personal use is **bogus** the catch on all commercial boats belong to the vessel.

ACTION: MOTION TO ADOPT FAILS UNANIMOUSLY, 0-12.

- 7) **Letter of support for KAC member Don Fox's bid for a seat on the state board of game:** Committee members voted unanimously to have a letter of support from the advisory committee for Mr. Fox's candidacy. Mr. Ruoss will write the letter.
- 8) **KAC member to attend the BOF meeting:** The committee voted unanimously to send Don Fox to represent the KAC at the March 16-20 board of fish meeting in Anchorage.

Adjourned---10:02pm

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