

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

(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 public review by contacting the committee secretary)

Call to order: 6:00pm September 30th 2013 at the Fish & Game Building

Roll call: Quorum achieved with 12 members present. Oliver Holm, Paul Chervenak, Don Fox, Duncan Fields(for Rick Berns), Curt Waters, Julie Kavanaugh and Ron Kavanaugh(by teleconference), Patrick Odonnell(for Jason Bunch), Kip Thomet, Pete Hannah, Randy Swain(for Andre Finke), Tuck Bonney, and Herman Squartsoff.(13 in quorum with late arrival of Mr. Fields).

Unexcused absences: Rolan Ruoss and Lou Dochtermann.

Department Staff: Wayne Donaldson, Mark Stichert, Trent Hartill and Southwest Regional Co-ordinator Susan Jenkins-Bito by teleconference.

Approve agenda: Approved unanimously.

Approve minutes of our previous meeting of February 13th 2013: Approved unanimously.

Correspondence: None.

Chair Announcements: None.

Old Business: None.

New Business:

1) **Statewide Pacific cod proposals:**

2) **Report by Pat Holmes on subsistence:** Mr. Holmes gave a report on the subsistence meetings that had just concluded in Kodiak. He said that the comment deadline for comments on the rural determination process review which would affect Kodiak is October 17th 2013. After discussion the KAC voted to have Mr. Holmes and Chairman Chervenak write a letter to the federal board and the Joint Board on keeping Kodiak as a rural subsistence community.

Action: Motion to write a letter passes 13-0.

3) **Joint Board proposals:**

4) **KAC member to Joint Board and BOF:** Julie Kavanaugh was selected to represent the committee at the BOF meeting and Don Fox the Joint Board meeting.

5) **Dates for next KAC meetings:** December 16-17 & 18th were selected for the committee to discuss and take action on Kodiak finfish and trawl proposals.

Adjourn: 10:20pm

Statewide Pacific cod proposals

Proposal #1

Action: 0-12 to support

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

Description: Clarify the term “estimated total harvest”.

Staff comments: No change in regulation it's basically a house keeping proposal.

Committee comments: Agree with and support staff comments.

Proposal #2

Action: 1-11 to oppose

Description: Increase the annual Cook Inlet, Kodiak, and Chignik state-waters Pacific cod GHL levels based on the 10 year average parallel fisheries Pacific cod harvest.

Staff comments: Neutral on allocation. If a change is made in the GHL won't know where the Feds are going to take the quota from pot or jig gear.

Committee comments: Committee members agree with staff comments and AC members Mr and Ms Kavanaugh that the state has no way to deal with new entrants in the fishery the proposal is not supported as written and KAC members are unsure what the federal activity would be if proposal passes.

Minority opinion: Worried that fish would be taken away from Kodiak.

Proposal #3-4-5 (discussed and acted on together)

Action: 0-12 to oppose

Description: These three (3) proposals would increase the annual Chignik Area state-waters Pacific cod GHL of the Central Gulf of Alaska Pacific cod ABC.

Staff comments: Neutral on allocation. Quota increase would come out of the Federal TAC and go only to Chignik Area.

Committee comments: Would transfer fish from the Kodiak Area to Chignik adversely affecting the Kodiak fleet.

Proposal #6

Action: 0-12 to oppose

Description: Would open the Pacific cod state-waters season to long line gear in Cook Inlet on July 15th if the GHL has not been achieved and only open it to vessels registered for the Cook Inlet sablefish fishery.

Staff comments: Neutral on allocation. Typically 85% of the catch is pot gear and 15% jig gear. The jig gear quota is usually not caught.

Committee comments: Committee members were very concerned about halibut by catch if the long line fleet is allowed to fish the un-harvested quota.

Proposal # 7

Action; 12-0 to support

Description: Repeal regulatory language that waives the vessel delivery requirement between federal and state-waters Pacific cod season.

Staff comments: This proposal would correct errors in regulation and require a vessel to deliver its catch between state and federal/parallel Pacific cod seasons.

Committee comments: Agree with and support staff comments.

Proposal #8

Action: 0-12 to oppose

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

Description: The proposal would restrict Chignik Area state-waters Pacific cod fishery pot gear vessels that are greater than 50 feet in length to 50% of the total GHL for pot gear.

Staff comments: Neutral on allocation. Based on recent vessel participation in the fishery that capping harvest for vessels greater than 50 feet, would on average, restrict harvest for approximately 80% of the state-waters Pacific cod fleet. If adopted, some vessels may opt out of the Chignik Area fishery and participate in other Pacific cod fisheries.

Committee comments: Agree and support staff comments. Giving 50% of the quota to 20% of the fleet would cause economic hardship to the other 80% of the fleet especially affecting some Kodiak vessels with a long history of participation in the Chignik Area fishery. According to staff since 1997 vessels of over 50 feet have taken typically 84% of the total pot gear harvest.

Proposal #9

Action: 0-13 Opposed

Description: Would establish a daily Pacific cod trip limit of 20,000 lbs and a two day landing requirement not to exceed 40,000 lbs for the Chignik Area Pacific cod state-waters fishery.

Staff comments: A more restrictive fishery may result in less participation by larger vessels forcing them into areas that do not limit daily harvest such as Kodiak and the South Peninsula. It additionally reduces the likelihood of harvesting the fall Chignik Area quota.

Committee comments: Agree with staff comments. It would also result in higher operating costs for both tenders and fishing vessels. Tenders need a high volume of fish to economically justify tendering operations. Adoption would also add a layer of costs for enforcement and increased costs and work for the department.

Proposal # 10

Action: 0-13 to oppose

Description: Reduce the Chignik Area state-waters Pacific cod fishery pot limit from 60 to 30 pots.

Committee comments: Would like to reference our comment on the previous proposal #9. You need pots to catch fish.

Proposal #11

Action: 0-13 to oppose

Description: Would establish a 14 hr daily fishing period from 6:00am to 8:00pm in the Chignik Area state-waters Pacific cod fishery.

Staff comments: Reduction in daily fishing time may result in a proportional reduction in daily harvest and result in longer fishing seasons. If season was sufficiently protracted it could forego getting the Pacific cod harvest leaving left over

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

quota. Some vessels may opt out of participation in the Chignik Area and fish elsewhere.

Committee comments: Agree and support staff comments KAC members would also reference our comments on proposals #9 & # 10.

Proposal #12

Action: 0-13 to oppose

Description: Would establish a maximum pot size for the Chignik Area state-waters Pacific cod fishery.

Staff comments: Adoption may result in an additional cost for a private person to participate in this fishery. New ground pots built to the proposed specifications may cost upwards of a \$1000 per pot.

Committee comments: Agree with the staff comments on costs to the fisherman and would reference their comments.

Proposal #13

Action: 0-13 to oppose

Description: Would move Chignik Area state-waters Pacific cod rollover date to August 15th.

Committee comments: This date was a recent change. People who support the proposal are non-participants in the fall fishery. The participants in the fall fishery all oppose the proposal. The season would only be open two weeks then close for the federal b season which opens September 1st.

Proposal #14

Action: 11-2 to support

Description: Would remove the super-exclusive regulation designation for the Chignik Area state-waters Pacific cod jig fishery.

Staff comments: Does not specify whether to change to exclusive or nonexclusive. To work as proposer intended would have to be **nonexclusive**. Chignik is the only super-exclusive area for the Pacific cod jig fishery.

Audience comments: The proposer Arthur Schultz attended the meeting he indicated there is little effort especially in June. He felt adoption would allow boats passing through the area or fishing in an adjacent area to participate in an underutilized fishery.

Committee comments: KAC members agreed with the proposer that there was little effort in the area from the jig fleet and that adoption could create a summertime fishery which could be good for Chignik.

Minority opinion: KAC member Mr. Kavanaugh would be affected by the adoption of this proposal as his vessel is one of two that fish the fall rollover of quota.

Proposal # 15

Action: 0-13 to oppose

Description: Proposal would allow pot gear vessels less than or equal to 48 feet in length the opportunity to harvest state-waters Pacific cod allotted to jig gear.

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

Committee comments: Committee members agreed with member Mr. Holm that this proposal would create an exclusive fishery for vessels 48 feet and under and thus eliminate opportunity for jigging and also the opportunity for new entrants to enter the fishery.

Proposal #28

Action: 13-0 to take no action.

Description: Would close a portion of state waters (0-3 nautical miles) near Sanak and Caton Islands in the South Peninsula to ground fish vessels using non-pelagic gear.

Committee comments: After discussion members felt that this was a squabble between the two gear types and should be settled by the stake holders in the area.

Proposal # 34

Action: 0-13 to oppose

Description: Place a moratorium on new or expanded state-water Pacific cod fisheries in Area O.

Committee comments: Agreed with KAC member Mr. Fields that it should not be adopted because it would place restraints on a future BOF.

Proposals #35 & #36(acted on together) Action: 8-4 support as amended

Description: Proposals would establish a state-waters Pacific cod fishery in the Bering Sea portion of area O. The regulation would mirror the South Peninsula Pacific cod management plan.

Committee comments; KAC members felt that this fishery was missed in the 1st go around and the state was remiss when this area was not included in the state-waters Pacific cod fishery. The adoption of the proposal would spread the fleet out and reduce the effort in other areas.

Minority opinion: Would affect the endangered species act(sea lions) and also take fish away from a fully allocated fishery.

Amendment: The KAC supports the concept of a small boat Bering Sea state-waters Pacific cod pot fishery.

Joint Board proposals

Proposal # 9

Action: 0-12 to oppose

Description: The proposal would change the membership term dates for AC's from January 1 through December 31 to July 1 through June 30.

Staff comments: Would provide continuity of membership through the board cycle if proposal adopted.

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

Committee comments: Committee members prefer the current dates that are being used what we have in place works well for Kodiak. We usually hold our elections in January or February.

PROPOSALS #10-11-12-19-21 –are basically a result of the contentious elections held in the Mat-Su and Anchorage committees which could be eliminated through having designated seats such as we have in Kodiak. It would eliminate one user group from holding all committee seats. In the rural areas such as Kodiak our AC's don't have that problem.

Proposal #10

Action: 0-12 to oppose

Description: Requests a change in the election process so that each qualified voter could only vote for one nominee at AC elections.

Committee comments: No AC's in the state currently do this. KAC supports the ability for a committee member or the public to vote for all qualified candidates.

Proposal #11

Action: 0-12 to oppose

Description: Modify the nomination process for the Advisory committees as follows:

(H) Nomination. A committee member or resident of the area served by the committee who qualifies under this section may submit a nomination for committee membership to the committee orally or in writing, at any regular meeting, regardless of whether a quorum is present. The committee may set a time period during which it will accept nominations. If the committee establishes a time period, it shall give adequate public notice of the time before it accepts nominations. **Once nominations have been collected the members of the committee will interview the nominees to ensure they qualify for membership. Nominees must display knowledge of and experience with the fish and wildlife resources and their uses in the area, the Alaska Constitution, Alaska Statutes, Alaska administrative Code, and must have a reputation within the community consistent with the responsibilities of committee membership as described in © of this section. Once nominees have been interviewed the committee will vote on the eligible nominees. This may be accomplished by asking nominees to submit a curriculum vita which would be reviewed by the committee members to determine suitability for committee membership. Those nominees that are recommended for membership will go before the community and each nomination shall be voted on under (e) of this section at the next regular meeting after it selects nominations.**

Staff comments: State regulations currently in effect are: To qualify for membership on a committee a candidate must have a knowledge of and experience with fish and wildlife resources and their uses in the area, and have a reputation within the community consistent with the responsibilities of committee membership.

Committee comments: KAC members support the current regulations as out lined

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

by the staff. The AC is the public link to the Boards process so the public has to decide who represents them not the AC's.

Proposal #12

Action: 0-12 to oppose

Description: Proposal seeks to change the advisory committee process to an appointment process by the commissioner of F & G and provides for designated seats for different interest groups. Elections would be held for the purpose of providing nominations to the commissioner.

Committee comments: Committee members agree with member Fields that this proposal gives a completely different orientation of game management by the state by the people who adopted our constitution. It would be a top down model instead of a the bottom up one envisioned by the makers of our constitution . It could make the process a political one as the selection of state board members is now.

Proposal # 19

Action: 0-12 to oppose

Description: Proposal seeks to expand the list of qualifications for AC chair and vice chair. Would require both to have served two full terms or 4 years on a AC.

Committee comments: KAC feels that the committee members should be the ones to determine who is qualified or not. Its extremely hard to get someone to serve at times.

Proposal # 21

Action: 0-12 to oppose

Description: Would expand the list of qualifications for AC membership by including in the current regulations : new members should demonstrate a knowledge of the Alaska Constitution, Alaska Statutes, Administrative Code, and familiarity with Board of Fish and Game procedures.

Committee comments: Any additional requirement not currently in the regulations is not needed. Would be extremely hard on rural village representatives. During meetings there is staff and usually someone from enforcement to answer any questions. At state board meetings the department and board members have legal staff and enforcement to aid them.

Proposals #28 & 29(taken together)

Action: 12-0 to support

Description: Proposals would provide the option of allowing designated AC representatives to participate in board deliberations.

Committee comments: The KAC agrees it could be cumbersome and unwieldy for statewide issues deciding which AC's should sit in. **But for area specific meetings it would work quite well.** Its important for AC's to feel they have an impact on the process sitting in on deliberations would keep them engaged. At our AC meeting we had several former members who remembered when AC member did sit in. Our current chair Paul Chervenak has sat in on deliberations at BOG meetings by request

Kodiak Fish & Game Advisory Committee
September 30, 2013---Fish & Game Building
Paul Chervenak: Chairman

of staff (Dr.Larry van Daele). Ten minutes for the BOF and 15 for the BOG is not sufficient interaction with the board process.

Proposal #40

Action: 0-12 to oppose

Description: Create a Kodiak non-subsistence area.

Staff comments: The proposal provides no justification for classifying Kodiak as a non-subsistence area. It does not address any of the 12 factors listed above nor identify any changes to the area since the Joint Board established the current non-subsistence areas in 1992 that might warrant a new classification as a non-subsistence area.

Committee comments: KAC members agree with the staff comments. We feel that unless there is a drastic change in the factors listed such as a dramatic jump in population i.e 25,000 or so there should be no change in classification the primary criteria should be proximity to and use of the resource and our geographic remoteness, we live on an island accessible only by ferry or expensive airfare. Kodiak has a long history of subsistence use of fish and game and sharing of fish and game, there is a high level of use of fish and game on our island. There is an appropriate saying we use here and in the villages when the tide is out the table is set. All of our villages on Kodiak Island strongly oppose this proposal.

Letter to the Joint Board and the Federal subsistence board: The committee voted to have the chair and RAC representative Mr. Holmes write a letter to further explain our reasons for having Kodiak continue as a rural subsistence community.