

1. *Clarifying who can nominate and vote in elections. I think during our AC meeting it was stated that only Kodiak-area residents could nominate or vote on AC membership. However, 5 AAC 96.060 Uniform rules of operation, subparagraph (g) Election Procedures, states that committee members can nominate and vote in the election. Since we can no longer require residency in KIB for Kodiak Advisory Committee membership this means people who live outside of our area and sit on the AC would be allowed to make nominations and to vote during the elections. Please confirm this is accurate.*

This is correct. You must be either a member of the AC, or a resident of the area served by the Kodiak AC to both make nominations and vote in election meetings.

5 AAC 96.060 (g) (2) states: “... Any committee member or resident of the area served by the committee as defined in 5AAC 96901(10) may submit a nomination. ...”

5 AAC 96.060 (g) (5) states: “Each committee member, and each voting age resident of the area served by the committee as defined in 5AAC 96901(10) who attends the election, may vote on a nomination for membership. ...”

The only instance in which someone who resides outside of the area served by the AC would be able to make a nomination or cast a vote during an election meeting is if they already hold a seat on the AC.

2. *Please confirm whether nominees and seat-holders for community-designated seats are required to live in respective community? In regulation the Kodiak AC currently has community designated seats for Kodiak, Port Lions, Old Harbor, and Ouzinkie. Please confirm whether (1) nominees must live in the community, and (2) whether Alternates for the community designated seats must also live in the community. If community residence is not required, is there any requirement to at least live within the State of Alaska for community-designated seats?*

There is no regulation that explicitly states that you must be from the community in order to hold a community designated seat, only that the community is responsible for electing that seat. 5 AAC 96.060(e)(1) provides the relevant part:

[...] The members must be representative of fish and game user groups in the area served by the committee. To the extent practicable, at least three user groups must be represented on each committee, and membership must include representatives from each town or village located in the area that the committee represents. To ensure full representation of an area, the joint board

may assign a seat on the committee to represent a specific user group or specific community.

First, membership on the AC committee **must** include representatives from each town or community that the AC represents. However, while “must” implies its mandatory, this provision starts with “to the extent practicable”. Thus, it’s not really a “must”, but there is a strong preference for filling the AC with members of the communities.

Second, while this regulation expresses a strong preference for local representatives, assigning designated seats “to ensure full representation of an area” is merely permissible because the joint board “may” make these designations. In other words, if the joint board designates a community seat, then there *must* be an effort to fill it with someone from the respective community.

Thus, when answering whether (1) nominees for community-designated seats must live in the community, the answer is technically no, but these seats *should* be filled with members of the community “to the extent practicable”. The same standard applies to alternates.

Applying the guidance provided for regular elections it’s safe to say that you must be a resident of the designated community to nominate someone for the Community Designated seat and you must be a voting age member of the designated community to vote in that election, but you need not necessarily be a resident of the community to hold the seat.

3. Please confirm that the Kodiak community can have one Alternate for the community of Kodiak (this alternate is separate and distinct from the two undesignated Alternate seats established in our Bylaws. This Kodiak Alternate would likely to chosen by the seven (7) Kodiak-designated representatives on the AC (or by the Chair if those seven people were for some reason unable to choose the alternate). Also since this came up at the end of the meeting, can you also confirm that the Kodiak community is not treated differently (operates under different rules) from the other communities (Port Lions, Old Harbor, Ouzinkie) in our area?

This is correct. 5 AAC 96.060(g)(7)(B) “... Advisory committees with community-designated seats identified in 5 AAC 96.021(c) may appoint an alternate for each community represented, to be appointed by a majority of the elected members representing that community, the member who is the sole representative of the community, or by the chair when elected members representing the community are unable to appoint an alternate.”

A community designated alternate for a community with multiple designated seats operates under the same rules/regulations as a community designated alternate with only one regular designated seat.

4a. In your January 26, 2026 e-mail you quoted regulation that, "Nomination: "A committee may not reject a nomination for an undesignated seat if committee membership is less than the number of members authorized by the joint board." The Joint Board authorized 15 members for the Kodiak AC. The wording indicates the quoted regulation would apply only to the five (5) seats on the Kodiak AC that are not designated to a community, but please confirm that is correct.

This is correct in the sense that the cited regulation applies to undesignated seats but does not mean that by default the AC has the authority reject nominations for a [joint board] designated seat. The term "undesignated" refers to seats that the Joint Board has not designated in regulation to a specific community, therefore the 10 seats designated to the communities of Kodiak, Ouzinkie, Old Harbor, and Port Lions are not included in the cited regulation.

In the case where an AC has adopted bylaws that further designate one or more of the [joint board] undesignated seats to user group (for example, sport fishing or processor) ... can the AC reject a nomination for those seats if they feel someone doesn't meet whatever designation has been made via those bylaws? No, their bylaws can't override the joint board regulations.

5 AAC 96.910(7) defines "designated seat" to mean "any seat the joint board assigns, under 5 AAC 96.060, to represent a particular user group or a particular community." Thus, the regulatory restrictions for appointing someone to a designated seat only apply to designated seats as determined by the joint board. Where a bylaw establishes a designated seat (from an undesignated seat), the AC must abide by the rules for accepting a nomination for an undesignated seat, even if it frustrates the AC's bylaws.

4b. For seats not designated by community the Kodiak AC bylaws establish fishing-category designations for three seats: (1) "South End Setnet", (2) "Small Boat Crab/Herring/Salmon", and (3) "Transporter/Sportfish Charter." Does the quoted regulation require the AC to accept all nominees for these seats even if some nominees have no link to or are not endorsed by the fishing-category associated with that seat? Or, can the AC choose to only list the nominee(s) who have established they represent the fishing-category for that seat? For example, if an individual who is known to be salmon seiner (and

not a setnetter) was nominated for the South End Setnet seat is the AC required to list them on the ballot? Or does the AC have the ability to exclude them from the ballot, provided there is at least one other nominee who has experience or linkages with South End Setnet operations? I think the AC has generally treated the fishing-category seats as requiring involvement or endorsement from the gear-category associated with the seat, but based on your January 26th e-mail we seek clarification on whether we can continue to do so or not.

Also reference the answer to 4B. If there are no other nominees for a bylaws-designated seat, an AC cannot reject a nomination even if it does not fit their bylaws.

In the case where there are multiple nominees for a seat, including a nominee who fits the bylaws designation and someone who may not fit the bylaws designation, the AC can't exclude from the ballot the nominee(s) who the AC feels do not meet the bylaws designation e.g. a south end setnetter. Obviously, a south end setnetter will have a better chance for filling that bylaw-designated seat on the merits, but a nothing precludes someone who is not a south end setnetter from filling that vacancy if there are no additional nominees. Again, the AC must abide by the rules for accepting a nomination for an undesignated seat, even if it frustrates the AC's bylaws.

4c. In regard to the 10 community designated seats (for communities of Kodiak, Old Harbor, Uzinkie, Port Lions) the wording of the regulation says the AC itself could refuse to add a nominee's name to the ballot if they did not live in the community for a designated seat; please confirm that is correct. To clarify the question - this is not a matter of someone winning the election, this provision allows the AC to refuse to list someone on the ballot before the election even takes place? Also, if the answer to question (2) above required residency in the community is it correct that the AC would be REQUIRED to refuse to include a nominee on the ballot who didn't live in the community?

This is not in the regulations. As noted in the answer to question 1, while the regulation describes a preference—"the extent practicable"—it's not required to fill community designated seats with members of those communities, so no...the AC cannot refuse to allow someone on the ballot on those grounds as long as the nomination was made by either a AC member, or a member of the designated community.

5. This question is related to bylaws and could be answered later, while for the above questions we are looking for quick responses. In the bylaws, and in regulation, could we add another community designation of "Kodiak Island Borough" for our undesignated seats (other than the two undesignated Alternates), which would be in addition to the four

communities currently identified in regulation. Does the AC have the ability to define communities that make sense for our region, or are there requirements/guidelines listed somewhere or regulation. We understand that we would need to go through the Joint Board process to officially make this change, but it seems like documenting our intent in our bylaws would be a good first step toward the Joint Board process.

No. Per the email I forwarded from the department of law, the Kodiak AC does not have the authority to restrict residency requirements further than what is already in regulation.

The first step in the Joint Board Process is to write the proposal. The best way to convey the intent would be to thoroughly document all the discussion held on Jan 30th by the Kodiak AC on this topic in those meeting minutes to have available for the Joint Board.