

BY-LAWS OF THE
KUSKOKWIM RIVER SALMON MANAGEMENT WORKING GROUP

PURPOSE

To provide local fishers and other users with an avenue for direct involvement in the management of their fishery. The goal is for all parties to work together to reach a consensus on management of the fishery. Final emergency order authority continues to rest with the Alaska Department of Fish and Game.

RULES OF CONDUCT

Meetings will be conducted by Robert's Rules of Order. The sequence of meetings is as follows:

- I. Call to order (by chair)
- II. Roll Call (by chair)
- III. Invocation
- IV. Meeting Minutes
- V. Approval of Agenda: *Optional*
- VI. People to be heard
- VII. Continuing Business
 1. Subsistence Reports/Traditional Native Fisheries Knowledge
 - a. Lower River:
 - b. ONC Inseason Subsistence:
 - c. Middle River Subsistence:
 - d. Upper River:
 - e. Headwaters:
 2. Overview of Kuskokwim River Salmon Run Assessment Projects
 - a. Test Fish (Bethel and Aniak)
 - b. Weir/Mark-Recapture/Aerial Surveys/Other:
 3. Commercial Catch Report:
 4. Processor Report:
 5. Sport Fish Report:
 6. Intercept Fishery Report: *Optional*
 7. Weather Forecast:
 8. Recommendation:
- VIII. Old Business
- IX. New Business
- X. Meeting Action Announcement
- XI. Date, Time, and Place of next meeting
- XII. Adjournment

(This sequence may be changed at the discretion of the Group)

People to Be Heard and Continuing Business reports may not exceed 3 minutes in length, excluding questions and answers.

Under the 'People to be heard' agenda item the public would be provided an opportunity to discuss only topics or items which are **not** already listed as specific agenda items. A member of the public may also ask the Group to place an issue on the agenda.

Unlike other institutions or committees, the Working Group operates on a consensus basis. When discussing fisheries management issues, a simple majority vote of the members is not sufficient to pass a motion. For the purposes of the Group all fisheries management related motions must pass by a consensus of the members present at the meeting. If 7 (seven) or fewer of the members are present, then consensus is defined as a situation wherein either all voting members vote "yea" or all voting members vote "yea" except for one "nay" vote. If 8 (eight) or more of the members are present, then consensus is defined as a situation wherein either all voting members vote "yea" or all voting members vote "yea" except for two "nay" votes.

The Alaska Department of Fish and Game does not have voting status on motions concerning the setting of commercial openings.

When voting on motions not related to fisheries management or seat elections, a consensus vote is not required.

ARTICLE I, OFFICE

The principal office of the Kuskokwim River Salmon Management Working Group (Working Group) shall be located in the City of Bethel, Alaska 99559.

The current address of the principal office is, P.O. Box 1467, Bethel, Alaska 99559. The physical address is 570 4th Avenue.

ARTICLE II, MEMBERS

Section 1. Members: The Kuskokwim River Salmon Management Working Group shall have 14 member organizations or constituencies. These members represent: Elders (Upriver, Downriver) (2), Subsistence Fishermen (Lower River, Middle River, Upriver, and Headwaters) (4), Processors (1), Commercial Fishermen (1), Sport Fishers (1), Member at Large (1), Federal Subsistence Regional Advisory Committees (Yukon-Kuskokwim Delta, Western Interior) (2), Kuskokwim River Inter-Tribal Fish Commission (1) and the Department of Fish and Game (1). Each member of the Working Group will designate a representative and an alternate or alternates in the event the representative is unable to attend a meeting. In the case where more than one person is nominated to represent a member organization or constituency, the Working Group will appoint one of the nominees to represent the member organization or constituency.

Section 2. Annual Meeting:

An annual meeting of the Kuskokwim River Salmon Management Working Group may be held in Bethel or Anchorage during the month of March to coincide with the Kuskokwim Salmon Interagency Meeting. The purpose of the meeting will be to conduct any

unfinished administrative functions that the Working Group needs to complete for the following year.

Section 3. Special Meetings:

Special meetings of the Kuskokwim River Salmon Management Working Group may be called by the Co-Chairs.

Section 4. Notice of Meetings:

The Department of Fish and Game will be responsible for informing the Kuskokwim River Salmon Management Working Group members of the time, place and date of any meetings. Notification of meetings to the Working Group will be not less than 48 hours (when possible) or more than 45 days in advance.

Section 5. Quorum:

In order for a meeting of the Working Group to be held and for actions taken at a meeting to be legitimate, it is necessary for there to be a quorum at a meeting, that is at least 7 of the 14 member constituencies must be represented.

For Fisheries management meetings, there must be 7 members plus the department representative.

For executive sessions, the quorum may be 7 members including the department representative; however, this meeting cannot entertain motions regarding fishery decisions.

If a quorum of the full committee is not present, business may be conducted in executive session. The executive committee is composed of at least 5 representatives: one Co-Chair, any two representatives of the following member groups; Member at Large, Processors, Commercial Fisherman, Kuskokwim River Inter-Tribal Fish Commission and any two representatives of the following member groups; Lower, Middle, Upriver and Headwaters Subsistence, Federal RAC, Sport Fisher.

ARTICLE III. REPRESENTATIVES

Section 1. Working Group:

The Kuskokwim River Salmon Management Working Group shall be comprised of 14 representatives from the areas described in Article II, Section 1.

Section 2. General Powers:

The Kuskokwim River Salmon Management Working Group shall make recommendations to the Department of Fish and Game for the purposes of managing the salmon fisheries on the Kuskokwim River after subsistence and commercial catch, test fishery, weir, tower and sonar reports and other information are provided to the group.

Section 3. Voting Membership:

Each Working Group member shall be entitled to one vote. One alternate designated by the member shall be entitled to one vote in the absence of that member. Members may abstain from voting on any motion. The Department of Fish and Game may vote on motions unrelated to fisheries management decisions only.

Working Group members must hear all the Continuing Business reports to vote on a motion to set commercial openings.

Section 4. Resignation:

Any member or representative may resign by submitting a letter of resignation to a Co-Chair of the Working Group. The resignation must give the Working Group at least 4 weeks notification so that a new member or representative may be appointed.

Section 5. Vacancies:

A vacancy on the Kuskokwim River Salmon Management Working Group because of death, resignation, removal, disqualification, forfeiture or otherwise, may be filled by the Working Group from nominations by member groups for the remainder of the term.

Section 6. Forfeit, participation or removal:

- A. FORFEIT. The Working Group will give written notification, by certified mail, to any member organization, their representative and alternate whose seat has not been represented for 2 consecutive meetings that their membership in the Working Group will be forfeited if the seat is not represented by the following meeting. Whereas, a member's failure to be represented at a meeting is excused by the Working Group, as appropriate, such failure shall not be considered an absence within this section.
- B. PARTICIPATION. No representative will be allowed to participate in a Working Group meeting who is deemed to be under the influence of alcohol and/or drugs.
- C. REMOVAL. A representative may be removed from their seat on the Working Group for cause and must be provided the opportunity appeal this removal at a subsequent meeting of the Working Group. A representative may be removed for cause for any reason allowed, including but not limited to, conviction of a felony, gross misconduct, violation of their trust to the Working Group as a representative, or harassment of any kind to the other representatives of the Working Group.

ARTICLE IV. OFFICERS OF THE WORKING GROUP

Section 1. Officers:

The Kuskokwim River Salmon Management Working Group shall elect Co-Chairs for the purpose of conducting meetings. The Co-Chairs will be elected annually at the first meeting occurring after March 1st. The Working Group shall elect or appoint other

officers as deemed necessary. An officer of the Working Group may not hold more than one position. The Co-Chairs must be official representatives of the Working Group.

Section 2. Terms of Office:

Each representative of the Working Group shall be elected or appointed. A representative shall hold their position until their successor has been duly elected or appointed and has been qualified

Section 3. Co-Chair:

A Co-Chair of the Kuskokwim River Salmon Management Working Group shall preside at all meetings of the Working Group. If a pre-designated co-chair is not present, those present may elect a temporary chair to preside for that meeting.

Section 4. Other Committees:

The Co-Chairs shall have the authority to appoint representatives to serve on committees as deemed necessary. Any representative appointed to a committee may be removed in the best interest of the Kuskokwim River Salmon Management Working Group.

ARTICLE V. DEFINITIONS

- 1. Member.** The member organizations or constituencies of the Working Group as listed in Article II, Section 1.
- 2. Alternate.** An individual designated to act in the place of a member or representative unable to attend a meeting.
- 3. Representative.** Person designated by a Working Group member organization or constituency to represent that member organization or constituency at Working Group meetings.
- 4. District W-1.** The Lower Kuskokwim River consists of the Kuskokwim River from a line between Apokak Slough and Popokamiut, upstream to a line between ADF&G regulatory markers located about eight miles above the Tuluksak River.
- 5. District W-2.** The middle Kuskokwim River consists of the Kuskokwim River from ADF&G regulatory markers located at the upstream entrance to the second slough on the west bank downstream from Kalskag to the regulatory markers at Chuathbaluk.
- 6. Elder.** Any respected Elder that resides within the Kuskokwim Area.
- 7. Headwaters Subsistence.** Representatives that are active subsistence users in the Kuskokwim River drainage from McGrath upstream to the headwaters of the Kuskokwim River.

- 8. Upriver Subsistence.** Representatives that are active subsistence users in the Kuskokwim River drainage above Chuathbaluk and below McGrath.
- 9. Middle River Subsistence.** Representatives that are active subsistence users in the Kuskokwim River drainage from Lower Kalskag to Chuathbaluk within District W-2.
- 10. Lower River Subsistence.** Representatives that are active subsistence users in the Kuskokwim River drainage from Eek to Tuluksak within District W-1. Appendix A1.– Page 7 of 8.
- 11. Processor.** Representatives that own or operate commercial salmon buying and/or processing businesses within District W-1 and W-2.
- 12. Member at Large.** Representatives that are Area residents selected by the Working Group for their knowledge of, appreciation for, and experience with Kuskokwim River fisheries.
- 13. Federal Regional Advisory Council.** Representatives that are current members of the Yukon-Kuskokwim Delta and Western Interior Advisory Councils and reside in the Kuskokwim Area.
- 14. Commercial Fishermen.** Kuskokwim commercial fishing permit holder or crew member, supported by commercial fishing permit holders who fish primarily within Districts W-1 and W-2.
- 15. Sport Fisher.** Representatives that actively participate in sports fishing within the Kuskokwim River drainage.
- 16. Kuskokwim River Inter-Tribal Fish Commission.** Representatives who are current members of the Kuskokwim River Inter-Tribal Fish Commission and reside in the Kuskokwim Area.
- 17. Alaska Department of Fish and Game.** Representatives that are presently employed with ADF&G in Bethel. This position is an associate member and may only vote on decisions not directly related to fisheries management. Final emergency order authority continues to rest with the ADF&G.

ARTICLE VI. AMENDMENT TO BY-LAWS

These by-laws may be altered, amended or repealed and new by-laws may be adopted by consensus of the Kuskokwim River Salmon Management Working Group representatives present at any regular or special meeting, if at least thirty (30) days written notice is given by certified mail, phone call, or intention to alter, amend or appeal or to adopt new by-laws at such meeting.