

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4
5 VOLUME I
6
7 COAST INTERNATIONAL INN
8 ANCHORAGE, ALASKA
9
10 JANUARY 12, 2010
11 8:30 o'clock a.m.
12
13 MEMBERS PRESENT:
14
15 Mike Fleagle, Chairman
16 Geoff Haskett, U.S. Fish and Wildlife Service
17 Tom Lonnie, Bureau of Land Management
18 Sue Masica, National Park Service
19 Wini Kessler, U.S. Forest Service
20 Kristin K'eit, Bureau of Indian Affairs
21
22 Bertrand Adams - Southeast RAC
23 Ralph Lohse - Southcentral RAC
24 Mitch Simeonoff - Kodiak/Aleutians RAC
25 Nanci Lyon - Bristol Bay RAC
26 Lester Wilde - Yukon-Kuskokwim Delta RAC
27 Sue Entsminger - Eastern Interior RAC
28
29 Denby Lloyd, State of Alaska Representative
30
31 Keith Goltz, Solicitor's Office
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P R O C E E D I N G S

(Anchorage, Alaska - 1/12/2010)

(On record)

CHAIRMAN FLEAGLE: Good morning. I'd like to call the Federal Subsistence Board meeting to order. And welcome to everybody that braved the windstorm to get here, I guess it's blowing pretty good up in the Valley, I've been hearing on the news, even here, not blowing so much on the south side of town. But it's good to be with everybody again. Some important matters to be discussed today, and I hope everybody had a good holiday season and the new year is starting out well.

Before we get started with introductions, I'd like to just introduce Kim Elton and Pat Pourchot from the Department of Interior are with us this morning; good to see you guys. And, with that, we're going to start with the Board, on my left, please.

MR. LONNIE: Tom Lonnie. I'm the State Director with the BLM here in Alaska.

MS. K'EIT: Kristin K'eit. I'm Division Director for Environmental and Cultural Resources and standing in for our Deputy Regional Director.

MS. MASICA: I'm Sue Masica. Regional Director, National Park Service.

MR. GOLTZ: Keith Goltz, Solicitor's Office.

CHAIRMAN FLEAGLE: I'm Mike Fleagle, Chairman.

MR. PROBASCO: Good morning. I'm Pete Probasco, Office of Subsistence Management.

MR. HASKETT: Geoff Haskett, U.S. Fish and Wildlife Service Regional Director.

DR. KESSLER: Wini Kessler, Forest Service.

1 COMMISSIONER LLOYD: Denby Lloyd,
2 Commissioner of the Alaska Department of Fish and Game.
3
4 CHAIRMAN FLEAGLE: Great. And we have
5 some RAC representatives with us, and I'd like to go
6 ahead and start over here on the left, please.
7
8 MR. WILDE: Lester Wilde, Hooper Bay,
9 Lower Yukon RAC.
10
11 MS. ENSTMINGER: Sue Enstminger,
12 Eastern Interior RAC.
13
14 MR. ADAMS: Good morning. Bert Adams,
15 Southeast Regional Advisory Council.
16
17 MR. LOHSE: Ralph Lohse, Southcentral
18 Regional Advisory Council Chair.
19
20 MR. SIMEONOFF: Mitch Simeonoff,
21 Kodiak/Aleutians Advisory Council Chair.
22
23 MS. LYON: Nanci Lyon, Bristol Bay.
24
25 CHAIRMAN FLEAGLE: Great. Good
26 morning, welcome everybody.
27
28 Pete, we're going to start off with the
29 agenda, corrections, additions to the agenda. Do you
30 have anything that you'd like to add on.
31
32 MR. PROBASCO: Mr. Chair. I think what
33 I have I'll do an information sharing particularly
34 pertaining to the time certain meeting on Thursday with
35 the RAC Chairs.
36
37 CHAIRMAN FLEAGLE: Okay, thank you.
38 Any other Board members.
39
40 DR. KESSLER: Mr. Chair. I have an
41 information item.
42
43 CHAIRMAN FLEAGLE: Okay, thank you.
44 All right, so we have the agenda as presented before
45 us. And without any objection we'll go ahead and move
46 forward to the next item, information sharing. We've
47 got Pete Probasco first, go ahead, Pete, please.
48
49 MR. PROBASCO: Thank you, Mr. Chair.
50 Let me hit the first item for the public, as

1 everybody's aware, we're going through a Secretary
2 directed subsistence review of our program, and as a
3 result of that Mr. Pourchot had met with the RAC Chairs
4 earlier, I believe it was early December, and agreed to
5 have one more opportunity and thought this would be a
6 great time to take advantage of your travels here to
7 this meeting, and so there's a time certain meeting
8 with the RAC Chairs and Mr. Pourchot on Thursday
9 morning starting at 9:00, and right now it's scheduled
10 9:00 through noon, I believe, and that's for the Chairs
11 to interact with the review. Board members you're
12 welcome to attend but the meeting's meant for the
13 Secretary's review of the program.

14
15 CHAIRMAN FLEAGLE: Do you have a
16 location for that Pete, is it going to still be here?

17
18 MR. PROBASCO: It's going to be right
19 in this room.

20
21 CHAIRMAN FLEAGLE: Okay, thank you.

22
23 MR. PROBASCO: A couple of.....

24
25 CHAIRMAN FLEAGLE: And -- oh, go ahead,
26 I'm sorry.

27
28 MR. PROBASCO: Well, maybe there's some
29 questions on that.

30
31 (No comments)

32
33 MR. PROBASCO: Okay. A couple other
34 items. Just a reminder, the Board of Fish will be
35 meeting on Yukon and Kuskokwim and other fishery
36 issues, that's going to be January 26th through the
37 31st in Fairbanks. Some of us are traveling for that
38 meeting, and both the Board of Fish and the
39 Commissioner's office have extended an invite to Board
40 members to attend that meeting.

41
42 In addition the Bering Sea Chinook
43 Bycatch EIS is out and comments to the EIS is due by
44 the 16th of February. My Staff is taking previous
45 letters that we have addressed to the North Pacific
46 Management Council and we are developing a letter for
47 Mike's signature, which will be reviewed by -- we'll
48 run it through the Staff Committee, but it's to comment
49 on the EIS, same theme that we've had all along and
50 have it in by February 16th. So that's in the hopper.

1 Nominations. They have just recently
2 closed for Regional Advisory Council seats, vacant
3 seats, or seats that are going to become vacant, the
4 number of applications that we've received, we wished
5 we would have received more. We have found contacts by
6 our coordinators that there are some people that just
7 forgot, and because we need more applicants we're going
8 to extend the process to the 16th of February, to allow
9 opportunity for those people that forgot the date to
10 submit their application as well as do some outreach in
11 those Councils that we didn't get enough applicants for
12 the vacant seats. So that's an FYI.

13

14 And, finally, one of our long-tenured
15 Board members, Denny Bschor has retired, and as the
16 custom with our program we have cards on the side and
17 we all want to recognize Denny for his contributions
18 here so RAC Chairs and Board members, Staff Committee,
19 et cetera, please take the opportunity today to sign
20 the cards there for Denny and I'll be going around and
21 passing a little envelope so we can also get him a
22 little gift in appreciation.

23

24 CHAIRMAN FLEAGLE: Great.

25

26 MR. PROBASCO: So, Mr. Chair, that's
27 all I have.

28

29 CHAIRMAN FLEAGLE: Okay, thanks, Pete.
30 Before I go to Dr. Kessler for your items, on the Board
31 of Fisheries meeting in January later this month in
32 Fairbanks, I was just wondering if somebody from the
33 State has a sense as to when the topics of the Yukon
34 River gillnet issues are going to be coming up. I know
35 that was what we were having an interest in overlap
36 with this meeting, and given the length of the meeting,
37 is it going to be toward the beginning of the meeting
38 or do you have any idea Commissioner?

39

40 COMMISSIONER LLOYD: Well, Mr.
41 Chairman, the format of the Board of Fish meeting is
42 generally to have all the Staff reports right off the
43 bat, the first day, and so to garner the information
44 from the Staff on the various studies that are being
45 presented, people would want to be there the first day
46 of the Board meeting. Subsequent to that then there's
47 committee work, generally, that the Board -- well, I'm
48 sorry, public testimony first, and then committee work,
49 where the Board actually stands down formally and
50 divides into smaller groups and interacts directly with

1 the public. I would suspect that after the first day
2 of Staff reports there's going to be at least a couple
3 of days of public testimony that Board members may or
4 may not want to be there for, not so much that you're
5 not interested in the public testimony but the
6 testimony's going to be on a wide variety of issues,
7 not just focused on the gillnet issue. It's hard to
8 anticipate given we don't know how many people are
9 going to testify and then how many committees the Board
10 is going to deal with. Generally when they break into
11 committees they spend a half day with each committee.
12 So if you wanted to be present during the Board of Fish
13 deliberations on the issue, that is hard to anticipate
14 and I would suspect that it would be towards the last
15 few days of the meeting, but I don't know that I can be
16 more specific than that. But the information, the
17 Staff reports are going to be on the first day. If
18 they lapse over, they'll be the first day and a half
19 kind of thing.

20

21 CHAIRMAN FLEAGLE: Okay, well, I
22 appreciate that. Thanks.

23

24 That's all the questions I have on the
25 information items that Pete shared. Anybody else,
26 questions.

27

28 (No comments)

29

30 CHAIRMAN FLEAGLE: Dr. Kessler.

31

32 DR. KESSLER: Thank you, Mr. Chair. My
33 item relates to the announcement that Pete made, that
34 Denny Bschor, our Regional Forester had retired,
35 effective January 3rd. Just to let you know that we
36 don't have another Regional Forester identified at this
37 point. It could happen very soon or it might take a
38 little longer, we're just unclear. So for now I will
39 be representing the Department of Agriculture and
40 serving in the Board seat until such time as we have a
41 clearer picture of the future.

42

43 Thank you.

44

45 CHAIRMAN FLEAGLE: Great. Well,
46 welcome back. Thank you. Other items, information
47 exchange.

48

49 Pete.

50

1 MR. PROBASCO: Mr. Chair. I have one
2 final item, on a personal note, I'm going to have to
3 excuse myself early today. I have a funeral to attend
4 and Polly will fill in for me while I excuse myself.

5
6 Thank you.

7
8 CHAIRMAN FLEAGLE: Thanks for that
9 head's up, Pete. Sorry to hear about the issue that
10 you're attending to.

11
12 Other comments.

13
14 (No comments)

15
16 CHAIRMAN FLEAGLE: All right. Well,
17 that concludes information sharing. What we have up
18 next and we thought that this would be an opportune
19 time to get an update on where the program review for
20 the subsistence review that's being done by the
21 Department of Interior and for that we have Mr. Pat
22 Pourchot, Special Assistant for Alaska Affairs. I'd
23 like to have you come forward, Pat, please.

24
25 MR. POURCHOT: Mr. Chairman. Board
26 members. Rac members. Thank you very much for the
27 opportunity to provide a very brief update of the
28 Secretary's review of the Federal Subsistence Program.

29
30 I think the last time I appeared before
31 the Board it was very shortly after the Secretary's
32 announcement and I think I was struggling to remember
33 the new website that had just gone up that day
34 containing materials and information on the review.
35 That seems like a long time ago now and we are deep
36 into the review.

37
38 I wanted to start, though, Mr.
39 Chairman, by thanking you and members of the Board and
40 the RAC membership and the State and others that have
41 provided such good help and support and valuable
42 comment into this process.

43
44 We have met with just lots and lots of
45 folks in many locations around the state since I last
46 reported to the Board, including most if not -- many if
47 not most of you in this room, and we've really been
48 appreciative of those efforts and of that input, it has
49 been very valuable. And the agencies have provided and
50 their staffs have provided valuable information. OSM,

1 Pete and Polly, and others and the State have taken
2 considerable effort to provide comments to that
3 process, as has a lot of subsistence user groups around
4 the state. And our outreach effort is largely done
5 now, we concluded our travels and most of our
6 solicitation of input prior to the holidays and we did
7 experience some of the things that many subsistence
8 users around the state do all the time in our travels,
9 we were shut out of some locations we had hoped to
10 visit, because of aircraft problems and weather and we
11 were shut into other areas for the same reasons, but we
12 did get out to many of the regions, not all the regions
13 represented by subsistence RACs around the state. We
14 did get to the Kotzebue area, to the Yukon-Delta area,
15 Ft. Yukon, Fairbanks, a number of meetings, of course,
16 in Anchorage, and we were able to meet with visiting
17 groups of people from rural Alaska while they were
18 meeting for various things in Anchorage. We also did a
19 tour through Southeast and had a lot of cooperation and
20 input from the Forest Service in those meetings also.

21

22 We have received lots and lots of
23 comments and we are now deep into the process of
24 reviewing those comments and trying to categorize them
25 in similar topics and putting comments together and
26 trying to kind of sift through and sort and categorize
27 the variety of comments, and then starting in on the
28 analysis of those comments, and the recommendations of,
29 you know, obviously -- most -- a lot of people raised a
30 problem and then suggested a solution for it or
31 suggested some sort of action and we're trying to
32 categorize those actions and then analyze and look at
33 the pro's and con's of taking various kinds of actions.
34 Obviously this is leading to a decision document, an
35 internal decision-making document for the Secretary. I
36 think we're weeks away from that point and what we
37 envision in the process is after we finish this initial
38 categorization and analysis of various comments and
39 suggested options, making another informal round with
40 members of the Board, obviously touching base with
41 constituency groups and giving informal feedback on,
42 you know, possible actions and asking questions about
43 the practicalities or how would this work or what did
44 you mean by this and we see some of this back and forth
45 over the next several weeks.

46

47 And, again, as you said, Mr. Chair, we
48 are meeting this Thursday morning again with the RAC
49 Chairs or the Chair's representative here to follow on
50 with a very productive meeting, I thought, that we had

1 back in early December with the RAC -- largely RAC
2 Chairs or their designees, recognizing, I think, that,
3 as you may have indicated this is -- or Pete, that this
4 is not an official RAC meeting, these are Chairs
5 speaking for themselves, but hopefully based on their
6 experience and their communications with other RAC
7 members in their regions.

8
9 Mr. Chair, that would conclude my
10 initial remarks. I'd be happy to entertain any
11 questions that you might have.

12
13 CHAIRMAN FLEAGLE: Okay, thank you for
14 that synopsis.

15
16 Questions.

17
18 (No comments)

19
20 CHAIRMAN FLEAGLE: It looks like you
21 did it, thank you, Pat.

22
23 MR. POURCHOT: Thank you very much.

24
25 CHAIRMAN FLEAGLE: Appreciate you
26 sharing.

27
28 MR. POURCHOT: Thank you.

29
30 CHAIRMAN FLEAGLE: With that, we move
31 forward to the Board discussion of Council topics with
32 Regional Advisory Council Chairs or their designees.
33 And, as before, I'd like to just go ahead and open this
34 up to whoever has an interest to speak first, raise
35 your hand and I'll recognize in order and then we'll
36 have an opportunity for interchange on items that are
37 raised. So good morning, RAC Representatives and
38 Chairpersons, welcome. Anybody like to start out.

39
40 Mr. Ralph Lohse.

41
42 MR. LOHSE: Mike, somebody has to start
43 out and we don't really have a lot that we want to
44 bring forward at this point in time as a Council. The
45 main thing, we're dealing with the Draft Fisheries
46 Resource Monitoring Plan, and one of the things my
47 Council wanted me to stress was the fact that we feel
48 in our Southcentral District that this is a pretty
49 important program. And I don't know what it takes, I
50 know the funding has been cut and things like this, I

1 don't know what it takes to stress the fact that the
2 information that has been gathered has been, I'll say,
3 very helpful in the Copper River area for one. It's
4 been a program that's been supported, it's done good
5 partnership, it's helped other people get interested in
6 working in this kind of stuff from some of the villages
7 and places like that.

8

9 We would just like to express our
10 support and our support for continued or increased
11 funding or whatever or continued funding at a level to
12 maintain this program. Especially, I guess, it's
13 really applicable in Southcentral simply because you
14 have so many -- we have so many -- well, I'll just say
15 that almost all resources are fully allocated and we
16 need to know what's going on with the resources. And
17 if you don't have information you have to make
18 decisions without information and I think a lot of the
19 information that's been gathered so far has been -- a
20 lot of it's been very applicable and a lot of it we
21 don't know how it's going to be applied, but it gives
22 us, you know, a long-term basis that we can look at
23 changes in the future.

24

25 So with that I'll pretty much let it
26 go.

27

28 CHAIRMAN FLEAGLE: Well, thank you.
29 Appreciate the show of support for the Program, I think
30 that we all share that.

31

32 Board members, anybody like to respond
33 or enter into discussion on that topic.

34

35 (No comments)

36

37 CHAIRMAN FLEAGLE: Any other Council
38 Chairs.

39

40 Bert.

41

42 MR. ADAMS: Thank you, Mr. Chairman. I
43 don't like to, you know, sound like I'm a broken record
44 or something but many of you have been on the Board,
45 you know, for some time have heard me speak over and
46 over about these issues that I'm going to address.

47

48 One of the big concerns that I have,
49 you know, is the State being out of compliance with
50 ANILCA. My understanding of the way governments work,

1 you know, there is a place for all of the government
2 from local to regional to state and even federal. And
3 if one of those entities is missing from the program
4 then, you know, it causes a lot of problems and we
5 have, indeed, you know, experienced a lot of problems
6 with the fact that the State is out of compliance. And
7 I really feel, you know, that in order for things to
8 get back in their proper order again that that needs to
9 happen. And, you know, I'm not sure or even confident
10 that it will happen soon, from my discussions with
11 State people and Federal people and other people, it's
12 just that there's no confidence that will ever happen.

13
14 Anyhow, I think that that's the missing
15 link, you know, in this subsistence issue, is the State
16 being out of compliance.

17
18 ANILCA does say, you know, that the
19 State will manage subsistence issues in the state of
20 Alaska, and because of the fact that they are out of
21 compliance, you know, causes serious problems with
22 subsistence in rural areas, particularly. So my
23 challenge, you know, is let's all get our act to order
24 and see if we can solve this, and once we do then I
25 think everything will start falling into place again.

26
27 Another issue that I have brought out
28 before was the fact that RACs are not able to do RFRs.
29 And I think you know that that, you know, should be
30 brought back into the operations manual again. And,
31 you know, the excuse the Board has given us is that we
32 are an advisory to the Board and I accept that fact,
33 but so is the State, the State is an advisory to the
34 Board and they aren't able to vote, you know, on any of
35 the issues that are brought up before you, although
36 they do have a lot of input and can provide a lot of,
37 you know, information and maybe even through their
38 discussion, you know, cause a vote to go one way or
39 another. And the fact that they are able to do RFRs,
40 you know, I think, you know, it's kind of prejudicial
41 to RACs, in the fact that we are an advisory council
42 but we aren't able to do request for reconsideration.
43 So, you know, I think that also needs to be seriously
44 looked at, and I'm hoping that it can be put back in
45 the RACs operations manual again.

46
47 I also think, you know, I was happy
48 that we were able to get a letter announcing the fact
49 that there is a threshold, you know, for a population
50 to determine whether a community is rural or not. And

1 I really feel, you know, that Saxman and Ketchikan have
2 been, you know, unduly, you know, treated in this
3 matter. Several years ago when the Board made the
4 decision to combine Saxman with Ketchikan, which
5 brought their population threshold, you know, quite
6 high, that was the reason why it was determined non-
7 rural, I -- you know, I've read a lot of history and,
8 you know, documents about both communities. Many, many
9 years ago Saxman was considered non-rural, it had all
10 of the characteristics of being a non-rural community
11 and could take it and combine it with a larger
12 community, you know, I think was very unfair to the
13 subsistence users in that area.

14
15 So I'm going to really encourage, you
16 know, that the two communities be separated, and as a
17 result, you know, Saxman will then get their rural
18 determination.

19
20 And then I think we also need to look
21 at Ketchikan, with the letter that came out with the
22 new threshold, it's possible that they might, you know,
23 be also eligible to receive non-rural status. But, you
24 know, I know it's going to be pretty close, but I think
25 it's worth looking at. I do believe that there are a
26 lot of people living in Ketchikan that makes the
27 community, you know, characteristic of a subsistence
28 community and I think that seriously needs to be
29 considered as well.

30
31 I also feel, Mr. Chairman, that the
32 Makhnati Island closure issue that the Council has
33 recommended, you know, needs to be relooked at. I know
34 that will take place, I think, next fall, during the
35 fisheries, we will be having our meeting in Sitka. And
36 the reason why I say this, Mr. Chairman, and members of
37 the Board, is our RAC spent days in Sitka taking
38 testimony from the users in Sitka, and I think, you
39 know, we gave them plenty of opportunity for their
40 voices to be heard, a day and a half, or maybe even two
41 days was spent on that particular issue, and then we
42 went ahead and we did the necessary process, you know,
43 to recommend that Makhnati Island be closed to
44 commercial herring fisheries. So I would like to see
45 that, you know, happen.

46
47 You do have the authority to do it.
48 Makhnati Island is on Federal lands, and for the life
49 of me I can't really, you know, understand, you know,
50 why the Board has decided not to close it down. I've

1 seen pictures of the herring fishery when it was done
2 last year, and there was the sets being made all around
3 the island and you can't convince me that it's not
4 affecting, you know, the subsistence harvest of herring
5 spawn in that area. So I feel strongly about that.

6

7 I can't think of anything else right
8 now, Mr. Chairman, but I'll probably, you know, bring
9 some other issues up as we go along. So thank you for
10 listening to our concerns.

11

12 CHAIRMAN FLEAGLE: Thanks for the
13 warning -- I mean head's up there, Bert.

14

15 (Laughter)

16

17 CHAIRMAN FLEAGLE: Appreciate you
18 sharing. And I don't view you as a broken record at
19 all, I think that it's important to keep your issues
20 alive and I appreciate your willingness to do that.
21 Those are all issues that the Board will probably be
22 involved with again and again into the future so here
23 we go, thanks.

24

25 Comments.

26

27 (No comments)

28

29 CHAIRMAN FLEAGLE: Other RAC Chairs or
30 representatives.

31

32 Lester.

33

34 MR. WILDE: Thank you, Mr. Chairman.
35 There's going to be a number of proposals that are
36 going to be brought forth that are going to be
37 affecting our people on the Lower Yukon a lot, and
38 those proposals are causing a lot of turmoil and a lot
39 of mental anguish among our people on the Lower Yukon
40 because the tools that we use right now were purchased
41 by the processors that were out to -- that were down
42 there processing the salmon that was caught on the
43 lower river. And right now without the processors
44 being there if in the event that the proposals pass
45 we're going to have to go and put up -- get the needed
46 revenue to be able to purchase our tools for acquiring
47 the subsistence salmon needs that we need during the
48 summertime.

49

50 I hope that in the event that these do

1 come forward, that the Board remembers that the tools
2 that are going to be needed to comply with some of the
3 proposals that are being brought forward, that you
4 remember that those processors that were there to be
5 able to let -- were advancing the fishermen their
6 equipment are no longer there. So if in the event that
7 the change of equipment does go through there's going
8 to be a lot of people down there that are not going to
9 be able to comply to the rules.

10

11 Thank you, Mr. Chairman.

12

13 CHAIRMAN FLEAGLE: Thank you, Lester.
14 And this is an issue that's going to be coming up at
15 the Fisheries meeting that we postponed until April to
16 wait to see what the State does on this issue. I know
17 that we've had this before the Board before, and just
18 encourage your folks to testify and be involved in the
19 process, Lester, and I appreciate you bringing that up.

20

21 Okay, other comments on that issue.

22

23 (No comments)

24

25 CHAIRMAN FLEAGLE: Okay, we'll get to
26 this.

27

28 MR. ADAMS: Mr. Chairman.

29

30 CHAIRMAN FLEAGLE: Go ahead, Bert.

31

32 MR. ADAMS: Yeah, thank you, just a
33 couple other issues, you know, came up while I was
34 listening to, you know, the others speak.

35

36 I'd just like to recognize my
37 coordinator for the dedication and hard work that he
38 puts on our behalf. And, you know, I think we see them
39 all around us, you know, as Chairmen, you know, working
40 on our behalf, but they do viably work for us and it
41 helps me to prepare myself for meetings such as this
42 and without them it would be very difficult, you know,
43 to address those issues that we are confronted with
44 during these times.

45

46 All of us are volunteers, we don't get
47 paid, you know, we emphasize that quite a bit, you
48 know, for our time, other than the fact that, you know,
49 our transportation, lodging, and little bit of per diem
50 is available and that is helpful but to put any other

1 extra time into the work that needs to be done, you
2 know, is solely lied upon the shoulders of those
3 coordinators, and so I'd just like to let them know
4 that I, for one, appreciate ours and I'm sure that the
5 rest of us do as well.

6
7 The other issue that I'd like to bring
8 up as well is the sea otter problems that are occurring
9 in Southeast Alaska. They are spreading all over the
10 area. And as you know they multiply themselves, you
11 know, year-round, they don't have a season for that and
12 so the population increase in sea otter has been just,
13 you know, phenomenal in Southeast Alaska. I know in
14 our area, in Yakutat, our elders used to talk about how
15 they would keep the sea otters way out on the
16 Fairweather Bench, okay. I've heard stories that when
17 they went out to hunt the sea otter they were so far
18 out that you could barely see the tops of the
19 mountains, that's how far out they kept them, because
20 they knew if they let them come into the mainland or
21 where their subsistence foods are, that the competition
22 is going to be very tough. And then when the Russians
23 came and they practically made them extinct in our
24 area, I think it was in the late-1960s when some of
25 those critters were transplanted from the Aleutians
26 down into our area and where did they put them, they
27 put them on the islands and the mainland, and so ever
28 since then we have seen a growing population that has
29 made it possible for them to compete with our own
30 subsistence food. We don't see any crab in our area
31 anymore. The commercial crab fishery has been closed
32 down for almost a decade. We see the disappearance of
33 the sea urchins and, you know, the clams and the
34 cockles, all of those, you know, shellfish that we
35 really cherish and nourish our own selves with and so
36 the sea otters are a real big problem. And I know that
37 we're going to have someone come, I can't remember his
38 name now, to our next meeting and possibly give a
39 report, but I hope that for region wide we'll be able
40 to see some kind of a management program develop so
41 that they can be balanced, you know. We don't want to
42 see them completely extinct like had happened before,
43 but if we can keep it balanced so that they don't
44 compete too much with our way of life then I think
45 we'll be okay.

46
47 And then there's the salmon bycatch
48 that has been really big, you know, and I think that
49 needs to be addressed as well. I felt for Kuskokwim
50 and the Yukon River people last summer when they had to

1 close it down, even to subsistence. And I know that
2 there were some people who -- and they probably have,
3 you know, went and fished anyway, but I think that
4 really needs to be addressed and hopefully we'll be
5 able to find some answers and put some caps on how
6 those resources are caught out on the high seas so that
7 they don't be detrimental, you know, to -- I always
8 think this way, those salmon, they come into our
9 rivers, okay, and the habitat is provided for them and
10 they do their little business and then they go out into
11 the sea and what we're doing is we're providing a
12 resource for people that are way out on the high seas,
13 you know, and they're catching those, sometimes they're
14 just little buggers, not fully grown, and I think, you
15 know, something needs to be done to address that.

16
17 So, thank you, again, Mr. Chairman, for
18 allowing me to speak.

19
20 CHAIRMAN FLEAGLE: You bet, thank you,
21 Bert. And as Pete suggested, we will be commenting on
22 the EIS, we did take a pretty strong position on that
23 bycatch issue and try to maintain that level of fish
24 available into the rivers and we share those concerns.

25
26 Thanks.

27
28 Ralph.

29
30 MR. LOHSE: Mr. Chair. I think we
31 should let Bert speak first all of the time because he
32 jogs the memory of the rest of us and I'd like to speak
33 to two issues, anyhow and probably even the third one
34 that Bert just talked about.

35
36 I guess basically what I'd like to do
37 is I'd like to give him my support. If you want to see
38 the effect of sea otters go to Orca Inlet. You take a
39 boat ride to Orca Inlet and see 3,000 sea otters in
40 about an hour and a half drive and see what's left on
41 the bottom out there and I feel for the people in
42 Southeastern as the sea otters move down there. It's
43 been a long time since we've had a crab cat -- not even
44 a crab commercial season, but a crab catch in Orca
45 Inlet. When I first got there 40 years ago they took
46 over a million pounds of crab a year out of Orca Inlet.
47 If you wanted crab to eat you went as far as the
48 entrance of the harbor, you threw your pot out there
49 and one pot would catch more crab than you could feed a
50 family, you know, have a big party for the weekend.

1 Today, we haven't had a full size crab in Orca Inlet
2 for 25 years probably, but we have 3,000 sea otters or
3 more. And something does need to be done to put it
4 into perspective.

5
6 And as far as the help for the Council
7 that comes from Donald and our other people like that,
8 we wouldn't operate without them. That's just all
9 there is to it.

10
11 And I can understand the bycatch issue,
12 if you've done any listening to what's going on down in
13 the Lower 48 and some of the international interception
14 that's taking place on the high seas and you see the
15 effect in the Yukon-Delta, what happens on the high
16 seas really should be -- you know, really should be our
17 concern because like Bert says, what we're dealing with
18 is we're dealing with fish that return to the land and
19 return to the people that live in that area. And it's
20 happened to other parts of the world and we better just
21 stay on top of it or we're in trouble.

22
23 CHAIRMAN FLEAGLE: Thank you, Ralph.
24 I'm going to break the discussion for just a moment to
25 make an announcement that our next several agenda items
26 have public testimony, either that's the main portion
27 of the agenda item or it's a piece of the agenda item,
28 6, 7 and 8, and if anybody wants to testify on non-
29 agenda items or agenda items, you need to fill out one
30 of the public testimony cards that are available outside
31 the room at the front desk and turn those in and they
32 will be handed up here to the front, and when we do
33 begin testimony you'll be called in the order that we
34 receive those cards or -- I think that's how we've done
35 it. But anyway in order to testify please fill out a
36 card. I just want to give the heads up because that's
37 going to be the next agenda item is public testimony
38 after we complete this discussion.

39
40 Thank you.

41
42 Sue.

43
44 MS. ENTSMINGER: Thank you, Mr. Chair.
45 I want to thank Bert for being the broken record. I
46 think that it's real important that we talk about
47 issues like compliance. In our region it's both State
48 and Federal land and in a lot of places it's
49 checkerboarded and it's just really hard for the user.
50 You pull out the map and you look at it and you can see

1 all this white and then you can see all this Federal
2 and it's really difficult to know the difference of
3 these two different seasons, of these two different
4 complex issues with the State and Federal and it would
5 be much easier if it was all in one. And I think that
6 -- I bring that out, too, to say -- I guess I speak
7 more from somebody that is pretty basic. You look at
8 your regulations and you try to make sense of them and
9 it's tough, it's tough. And we joke, we go, well, we
10 need a surveyor, a land surveyor out there and we need
11 an attorney to determine what our seasons and bag
12 limits are in our area. And I feel like -- you know,
13 I'm not pointing fingers or anything like that, but I
14 feel like the State and Federal, there should be ways
15 that you can get together and find some common ground
16 and make this easier for you to do this management
17 here. I mean I guess as a lay person, I see all kinds
18 of things that could be done and we're volunteers and,
19 you know, it's real hard to get that word out to you
20 guys all the time how we see things could be done.

21

22 And I want to go into our RAC, the
23 coordinator. We have a RAC coordinator who just left
24 his position and he's greatly missed. I have a list
25 here and everything in yellow is undone work from our
26 last meeting. All of this is undone work that needs
27 done and there's many issues that mean a lot to us.
28 One is something that was brought up a couple years
29 already I think to this meeting, about what this Board
30 could do with working on predator control or predator
31 problems, where there's predator pits. In the Yukon
32 Flats they're always crying in our region about the
33 problems up north, there should be things that we could
34 do there and it's on Federal land and they're saying,
35 no, you can't do anything there. And I believe it was
36 Greg Roczicka who had brought that forth here and we
37 discussed it and we requested at our meeting to have a
38 letter written on a follow up, a letter that was
39 written December '06, and that letter is not written
40 that we requested at our last meeting, it hasn't even
41 been written to the Secretary of Interior yet. So I
42 just commend Vince for the work that he did for us in
43 the past, our coordinator, he was excellent, and he is
44 so missed, it's just incredibly -- and I wish you had a
45 way to get somebody on line quicker to help us with all
46 these things, because as volunteers we can't sit there
47 and write the letters, we -- and if our meeting -- and
48 at our meeting we've done -- requested that these
49 letters be written and they're not done, then you feel
50 like your work for all this volunteer work is pretty

1 worthless if it doesn't get done, so it's really
2 critical that it gets done.

3

4 And then I wanted to share -- like in
5 our area the river system and the road system, they're
6 very different. And I just want to give you a head's
7 up Lester, I appreciate the concerns that the Lower
8 Yukon has, and there's got to be a way for the Lower
9 Yukon and the Upper Yukon to work together because I
10 passionately feel for the people in the Upper Yukon, as
11 you guys do in the Lower Yukon. I mean I actually
12 worked on the Lower Yukon several years ago, I had a
13 boat and I was down there tendering and I met a lot of
14 those people and I understand their ties to the land
15 and the resource and that, but when I'm listening to
16 the people up river you have a sentiment, too, you feel
17 for them, you know, there's got to be a way that we can
18 pull things together a little better here instead of
19 having it seem like war between people, it's pretty
20 sad.

21

22 And those are the kinds of concerns I
23 have.

24

25 I wish that we could figure those out,
26 that we're not coming to meetings and feeling like
27 we're picking on each other. I don't know how else to
28 say it.

29

30 Thank you, Mr. Chair.

31

32 CHAIRMAN FLEAGLE: Appreciate the
33 comment, Sue.

34

35 When we speak about coordination
36 between the State and Federal agencies, and, Bert, I
37 appreciate you bringing up the issue about, you know,
38 the State and the Federal systems not being in
39 agreement, i.e., the State is not in compliance with
40 ANILCA, that's something that we, as a Board, recognize
41 and have made some effort to try to coordinate as much
42 as we can where the systems do overlap and I think that
43 has led to the creation of the Memorandum of
44 Understanding that we have with the State; it has
45 improved communications both at the policy level and at
46 the ground level. But that comes with a criticism too.
47 So it's a real balance that we find ourselves walking
48 as we try to strive to do the best job we can with the
49 guidelines that we have and to coordinate where we can
50 for the benefit of subsistence users throughout the

1 state. Unfortunately we do have some issues that arise
2 out of that effort as well. Like you say one hand and
3 the other hand don't always agree, but it's best if we
4 can figure out the places that we do agree and work
5 together to solve our common problems, like you're
6 talking about, the Upper and the Lower Yukon; that's a
7 touch decision, a lot of those before us.

8

9 But I appreciate those comments.
10 Appreciate the opportunity to have them aired.

11

12 Thank you.

13

14 Other RAC Chairs. We have Nanci.

15

16 MS. LYON: Thank you, Mr. Chairman.
17 Yeah, and at the risk of sounding like a broken record
18 I was asked to bring concerns also and some of them
19 actually mirror the concerns that you have already
20 spoken of so sometimes I think, though, that we can't
21 say it too often, and to let you know that a lot of
22 different areas in the state are struggling with the
23 same issues.

24

25 We are still suffering from low moose
26 and caribou populations all up and down our Peninsula,
27 and some predator control is being implemented in parts
28 of our areas, but not all of them, and all of our
29 people are being affected by this. It is an issue that
30 is very near and dear to every single one of our
31 populations, and I think that it needs to be looked at
32 very hard and considered and maybe some thresholds need
33 to be established when these things should be opened up
34 and considered more seriously. I think that we are
35 definitely candidates for that out there.

36

37 Another one of our issues that you've
38 already heard about is the bycatch issue. We are
39 directly related to that. You can literally take out
40 numbers from both the bycatch and from our return and
41 recruitment efforts for our chinook in all of our areas
42 and the numbers totally coordinate, almost percentage
43 to percentage. This is a very serious issue and it's
44 one that must be watched, and it's one that must be
45 kept on top of. Our subsistence nets were very bare of
46 chinook these last couple of years, and I suspect it
47 will only get worse unless something is done to turn
48 around the high seas bycatch efforts, so I was strongly
49 asked that, you know, that'd definitely kept on top of.
50 And, Pete, I certainly appreciate the efforts of Fish

1 and Wildlife Service and urge very strong language and
2 what not on the issues that can be taken up.

3

4 And, lastly, once again we had an issue
5 that actually angered me very much out there this fall.
6 We had elders that were arrested for catching red fish.
7 And they were working under State regs and the Federal
8 regs were not the same as the State regs and I just
9 think that that is atrocious. I just don't think that
10 that should happen, but, once again, it was one of
11 those issues that had not been coordinated between the
12 two agencies. Thank goodness both sides of law
13 enforcement came to their senses and they weren't
14 prosecuted, but their red fish were taken from them.
15 And it's a fishery that is used by some, it's not used
16 by everybody and those who enjoy it, I feel should be
17 allowed to enjoy it. But my point is, once, again, I
18 mean sometimes these things can lead to arrests of
19 people who have been doing this forever and it's not
20 right, and we need to at the very least, in the near
21 future, take a look at regulations much closer in areas
22 -- and I'm not sure who should do that, but somebody
23 needs to take a look and really be able to pinpoint
24 areas where regulations are not in agreement with each
25 other, so that people can be aware of it, if nothing
26 else, and be urged to check both sets of regulations.
27 I mean it's just ludicrous that elders in villages are
28 being arrested for doing something that they've always
29 done.

30

31 So once, again, I would bring that
32 concern for my RAC to the table as well.

33

34 Thank you.

35

36 CHAIRMAN FLEAGLE: Thank you. And I
37 hadn't heard it from the Bristol Bay perspective
38 before, about the bycatch issue, of course, we've been
39 pretty strong on the Yukon, Lower Yukon, and, you know,
40 there's been some estimates as to what percentage of
41 the bycatch would go into the Lower Yukon, and I don't
42 think that it's ever been showed to us in percentage
43 consistently over the years to see if they correlate
44 and that's an interesting correlation that you make.
45 So the years that you have a higher bycatch you have
46 fewer chinook in the rivers and.....

47

48 MS. LYON: Absolutely.

49

50 CHAIRMAN FLEAGLE:that's

1 interesting. Thank you.

2

3 Other comments.

4

5 (No comments)

6

7 CHAIRMAN FLEAGLE: Mitch.

8

9 (No comments)

10

11 CHAIRMAN FLEAGLE: No, okay. Other
12 Council comments, jump in on anything that anybody else
13 has said or create a new one.

14

15 Bert.

16

17 MR. ADAMS: Thank you. You'll probably
18 want me to go home pretty soon.

19

20 (Laughter)

21

22 MR. ADAMS: Anyhow, you know, the young
23 lady brought up a real important issue and it's related
24 to the State's being out of compliance and subsistence
25 users out there in the field have to deal with dual
26 management and, you know, it's difficult and it's
27 happened in my area during the moose hunting season,
28 which law am I -- which regulation am I going to
29 follow, and, you know, if I am violating one of them
30 and I get caught. And so there was a period of time
31 when people in Yakutat just hesitated to go out and
32 hunt moose because they were afraid they were going to
33 get picked up for something. Then there's another --
34 and I'll give you an example. There's a wilderness
35 area out there at the end of the road, Highway 10 Road,
36 across from the Dangerous River, and, you know, the law
37 says that you cannot use, you know, fourwheelers or
38 ATVs in wilderness areas, that has been on the books
39 forever, but over the many years, you know, people were
40 going in there and they were using their fourwheelers
41 and snowmobiles to do their hunting and then one year,
42 about three or four years ago when the Forest Service,
43 you know, put a sign up there that no fourwheelers
44 allowed, and that really upset the hunters because over
45 the years -- well, when did this law get made, you
46 know, and I had to explain to them well it's always
47 been on the books, but how come, you know, we're
48 allowed to do it, you know, before and not allowed to
49 do it now, so that's a real good example, you know, I
50 think of some of the things that the real honest to

1 goodness subsistence users are dealing with when they
2 have to deal with dual management.

3

4 Thank you.

5

6 CHAIRMAN FLEAGLE: Thank you, Bert.
7 Appreciate those comments, again.

8

9 Other comments for the RAC discussion.
10 And Board members, feel free to weigh in on anything
11 you've heard or return comments if you'd like.

12

13 Geoff.

14

15 MR. HASKETT: Well, there's been a lot
16 of comments. I'm going to go back, I think, to Mr.
17 Adams' first comments on sea otters because actually
18 you wrote us a letter, I think, on December 9th with a
19 lot of the same specific questions and issues and I
20 will let you know that, you know, we understand the
21 concerns and I'm about to sign a letter in the next day
22 or two back to you talking about how we're working on
23 some of those issues and we're working with a group
24 called ANSOCC, which is the Alaska Native Sea Otter
25 Comanagement Committee, and I know that Doug Burn, who
26 is my person that does all our sea otter work is coming
27 out to the meeting in Ketchikan to meet with you all
28 soon, and we recognize that there's a huge management
29 problem out there and we're trying to work on a
30 management plan to go ahead and address the issue.

31

32 So we hear what you're saying and we
33 plan on working with you, and I appreciate your
34 comments.

35

36 MR. ADAMS: Thank you.

37

38 CHAIRMAN FLEAGLE: Go ahead, Bert.

39

40 MR. ADAMS: Yeah, I was aware of, you
41 know, your awareness of it and, you know, we're just
42 kind of looking forward to -- what was his name again I
43 couldn't remember it, that will be.....

44

45 MR. HASKETT: Doug Burn.

46

47 MR. ADAMS: Right, Doug Burn. I'm
48 really looking forward to having him come down there
49 and share what he has for us. I understand there won't
50 be no real management plan, you know, in place yet or

1 may be suggested, but I'm sure that we'll be able to
2 provide them with a lot of information or input on
3 that, so thanks.

4
5 The sea otters are even reaching the
6 Ketchikan area now, you know, and so they're having a
7 real big impact, you know, all over Southeast Alaska.
8 I know there never used to be any down in that area.
9 Lots of sea otters, you know, I'd say, and Polly might
10 remember when Sitka was making -- doing a sea otter
11 management plan, I guess it was a decade or so ago and
12 at that time there was no sea otters in Ketchikan, and
13 many of the Ketchikan people would come up and hunt in
14 the Sitka area and so Sitka was trying to deal with
15 that, you know, how do we keep track of it and
16 everything, and so they developed a plan where if
17 somebody from another region came in, they would have
18 to go through the tribal office and get a, you know, I
19 guess it was a ticket or a permit of some sort, do
20 their hunting and then return it, you know, to the
21 tribe so they could have an idea of how many were taken
22 out of there. But I think, you know, that a region
23 wide management plan is really in order to handle the
24 sea otters so that they can be hunting and keep the
25 balance there, but the way it is right now it's just
26 not working.

27
28 CHAIRMAN FLEAGLE: Okay, appreciate
29 your update on that Geoff. Other Board members.

30
31 (No comments)

32
33 CHAIRMAN FLEAGLE: Okay, we have
34 Commissioner Lloyd, go ahead.

35
36 COMMISSIONER LLOYD: Well, thanks, Mr.
37 Chairman. The same topic came up, maybe a year or a
38 little over a year ago with regard to the sea otters.
39 And as I recall there was a commitment made by this
40 Board to characterize the issue and draft a letter to
41 the Fish and Wildlife Service. I'm wondering if that
42 letter has since gone out. We haven't seen it. But it
43 was an interesting discussion, more than just
44 Southeast, of course, and Mr. Lohse has brought up the
45 issue with regard to Prince William Sound. And if I
46 remember correctly, again, over a year ago there was a
47 similar concern expressed by some other RACs, perhaps
48 it was the Kodiak/Aleutian Island RAC. But anyway I'm
49 wondering if that letter was ever drafted, and
50 forwarded on behalf of the Federal Board.

1 CHAIRMAN FLEAGLE: Thanks,
2 Commissioner. We'll do a little research and see if we
3 can remember that. I don't recall signing one but that
4 doesn't mean that we haven't talked about it; thanks
5 for bringing it up.

6
7 Pete, you had comment.

8
9 MR. PROBASCO: Yes, Mr. Chair. Not on
10 the sea otter issue, but, I first wanted to thank the
11 Chairs in recognizing the coordinators. They're a key
12 to providing the opportunities in the administrative
13 steps that are very cumbersome because of a Federal
14 bureaucracy in getting your input which is very valued.
15 Vince Mathews, indeed, was a very good coordinator. He
16 had an opportunity for his career and take a new job,
17 which he's still in Fairbanks and still working with
18 the Refuge system. He left us in mid-December and,
19 Sue, we're doing the best we can within a Federal
20 system to get that filled, and we're working on it. In
21 the interim we're -- I apologize, but we're trying to
22 handle that work load with the few coordinators that we
23 have left that we can tackle that.

24
25 Thank you, Mr. Chair.

26
27 CHAIRMAN FLEAGLE: Thank you, Pete.

28
29 Bert.

30
31 MR. ADAMS: In regards to the
32 coordinator. I think we talked about this, you know,
33 maybe a couple of meetings ago, about, you know,
34 filling the empty seat of a coordinator and for some
35 reason or another this particular issue, you know, was
36 prolonged and prolonged and I think we talked about,
37 you know, challenging the Board, you know, or whoever
38 makes the appointments, you know, to act on those
39 things as soon as possible even if it means putting an
40 active coordinator in there until a permanent one is
41 in. Because the work that has to be done, if there's
42 no coordinator, is going to get left out. And she
43 showed you, you know, Sue showed you, you know, the
44 list that has not been done so far.

45
46 And then on the sea otter issue, as I
47 mentioned earlier, you know, the sea otters in Yakutat
48 were transplanted from the Aleutians, okay, now, I
49 understand that the sea otters, you know, are suffering
50 in the Aleutians so I'm just wondering if we can return

1 the favor and transplant some of those up there again.

2

3 (Laughter)

4

5 CHAIRMAN FLEAGLE: Thanks for the
6 suggestion.

7

8 (Laughter)

9

10 CHAIRMAN FLEAGLE: I want to remind
11 folks again if you want to be considered for testimony
12 for non-agenda items or agenda items, you need to
13 submit a testimony card and those are on the front desk
14 out the hall. This is an opportunity, I understand,
15 for non-agenda items, if somebody wants to discuss the
16 subsistence review would be an opportunity to do that,
17 and I think that we already have a couple of sign ups
18 for that, but I want to put that out to the public that
19 are here.

20

21 Do we have any further discussion with
22 the Council Chairs, Board members.

23

24 (No comments)

25

26 CHAIRMAN FLEAGLE: Any other Council
27 reps.

28

29 (No comments)

30

31 CHAIRMAN FLEAGLE: All right, well,
32 great discussion, great topics. Look forward to seeing
33 how those continue to play out into the future of our
34 roles here in the program. And before we go into the
35 public comment period for non-agenda items, once,
36 again, if you want to testify please fill out a
37 testimony card and we'll take testimony from you on any
38 topic that's not on the agenda. And while we're doing
39 that we're going to step down for 10 minutes.

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN FLEAGLE: Attention. Can
46 everybody hear me in the back. We're trying to call
47 back to order.

48

49 (Laughter)

50

1 CHAIRMAN FLEAGLE: Okay, if you guys
2 want to keep partying, please take it outside.

3
4 (Pause)

5
6 CHAIRMAN FLEAGLE: I found that at
7 these meetings that a lot of socialization goes on
8 during the break so when you call a 10 minute break it
9 means 20 or 30, so that's why we call 10 minute breaks
10 as opposed to 20 or 30; but it's a good time to reunite
11 and talk about common issues and share things.

12
13 So as we move on our next agenda item
14 is public comment period on non-agenda items. And
15 before we go there I was asked during the break about
16 my role as Chair and I just wanted to share that, yes,
17 it was announced in October that the Secretary was
18 seeking applications for Chairman, they have not
19 completed that process. I have not been replaced so I
20 am still the Chairman but I'm not the new Chairman, so
21 I hope that clarifies everything to everyone. I'm
22 still the old Chairman.

23
24 (Laughter)

25
26 CHAIRMAN FLEAGLE: So with that we're
27 going to go ahead -- oh, Pete, go ahead.

28
29 MR. PROBASCO: Board members, just,
30 Nanci, your question on the red fish issue, and maybe
31 you weren't aware of it but just recently the Board
32 sent a letter to the Bristol Bay RAC agreeing with the
33 RAC to form that subcommittee. So at least that shows
34 that the Board takes it very seriously and we're going
35 to be working towards, hopefully, a solution.

36
37 CHAIRMAN FLEAGLE: Go ahead, Nanci.

38
39 MS. LYON: Yes, and that being said,
40 Pete, I would like to express my appreciation for the
41 Board taking it very seriously as well as the Park
42 Service. The Park Service has responded in a very
43 positive note and I'm hopeful that the issue is going
44 to be resolved satisfactorily to the residents as well
45 as the agencies. My point was more so that these
46 serious things can take place and they don't need to.
47 And it's unintended consequences for individuals that
48 probably don't deserve them.

49
50 Thank you.

1 CHAIRMAN FLEAGLE: Appreciate that. Go
2 ahead, Bert.

3
4 MR. ADAMS: In regards to, Mr.
5 Chairman, trying to get, you know, your group back
6 together again to get the meeting started, had this
7 problem at our Wrangell-St.Elias Subsistence Resource
8 Commission meeting several times and after about three
9 times of trying to get everyone -- they were
10 socializing, just like they were here, I asked is there
11 any enforcement officers in the room and, you know, I
12 had two National Park Service enforcement officers and
13 I says if you guys don't get your seats in the next
14 couple of seconds I'm going to have them come over and
15 escort you to your seat, so, that worked.

16
17 (Laughter)

18
19 CHAIRMAN FLEAGLE: All right, Bert, I'm
20 going to have you do that.

21
22 (Laughter)

23
24 CHAIRMAN FLEAGLE: All right, moving on
25 to public testimony on non-agenda items. Pete, do we
26 have people wishing to testify.

27
28 MR. PROBASCO: Mr. Chair, we do. We
29 have two so far for Agenda Item No. 6 and, of course,
30 these are issues that are not on the agenda and they
31 could span a wide variety of issues that the Board may
32 or has taken up in the past or will be in the near
33 future. So our first person from AVCP is Myron Naneng.

34
35 CHAIRMAN FLEAGLE: Once again, and
36 while he's making his way up, I just want to announce,
37 if you want to testify during this time on non-agenda
38 specific items, please fill out a testimony card out in
39 the hallway.

40
41 Thank you.

42
43 Welcome, Myron.

44
45 MR. NANENG: Thank you, Old Chairman.

46
47 (Laughter)

48
49 MR. NANENG: And I'd like to thank the
50 Federal Subsistence Board and members -- Chairmans of

1 the RACs. And my name is Myron Naneng. I'm the
2 president of the Association of Village Council
3 Presidents representing 56 villages on the Yukon-
4 Kuskokwim Delta and we're right smack in the middle of
5 the Yukon-Kuskokwim Delta Wildlife Refuge, which
6 encompasses pretty much the -- as large as the state of
7 Oregon.

8

9 I had the urge to say this morning
10 jokingly to other people, I said, you know, it's kind
11 of funny testifying to many people who are grocery
12 shoppers, especially for those people out in the
13 villages who have to live a life of survival. When
14 rules and regulations are made far and removed directly
15 from their places and when the seasons provide them
16 with the foods that they have to survive on.

17

18 And one of the things is that AVCP welcomes the
19 subsistence management review. Why? We've seen a lot
20 of things within our lifetimes that have changed. Many
21 restrictions being placed on our people. I'm involved
22 with waterfowl management. I've been involved with the
23 Yukon-Canada Treaty negotiations in the past. The
24 first time I made a comment, before we go into giving
25 food, or some of the resources away to another country,
26 before we come up with an agreement to have salmon go
27 up to their country let's try and fix the issues that
28 we have within our state. A week later I got a letter
29 from Chuck Meacham who was with the Deputy Commissioner
30 of Fish and Game, he said thank you but your services
31 are no longer needed. You know, that's the way it
32 seems to be with our people out in our villages. The
33 comments that need to be heard are not being heard by
34 both the State and Federal management systems at this
35 time.

36

37 And one of the other big issues that we
38 see, any Native person on the Federal Subsistence Board
39 other than the Chairman, no we don't. Yet the State
40 has a seat on the Federal Subsistence Board that
41 influences what rules and regulations are, influences
42 the discussions of how to manage fisheries and other
43 resources that our people live off of. We have the
44 Regional Advisory Councils. But how much influence do
45 they really have to the system that's in place.

46

47 You know we just had an issue this
48 summer where our people on the Lower Yukon were either
49 restricted, closed and cited for fishing for food.
50 Where does the management of fisheries start at, at the

1 mouth of the river, to its spawning grounds, or
2 throughout the whole migratory route of the salmon that
3 return to spawn on those grounds that everybody's
4 concerned about for perpetuation of that resource. If
5 you take a look at the fisheries that are occurring
6 within the state of Alaska, you see what is very
7 evident at the Lower Yukon and the Yukon River, severe
8 restrictions. Compete closures up in Norton Sound for
9 subsistence and that's been happening since the 1980s.
10 It's nothing new. It's been happening and it's
11 completely closed now for people that have had to
12 survive off that salmon for centuries. Are we going to
13 get to that situation on the Yukon River. We've had
14 crashes of salmon stocks, but they've been able to be
15 rebuilt because our people in those river systems have
16 had to bear the burden of conservation. This past
17 summer we had not only the chinook salmon that was
18 closed for subsistence, it was also the fall chum,
19 there was no commercial fisheries. Yet, if you take a
20 look at the other parts of the state and the execution
21 of their commercial fishing practices, they seem to be
22 unlimited, or they are unlimited in what they catch.
23 We've had two areas of the state where people were
24 cited for subsistence fishing, Southeast Alaska, Yukon
25 River. They may be far from each other but the
26 situations are very similar. Then we hear a month ago
27 that salmon caught in Southeast were donated by the
28 commercial fishing groups, yet, the state of Alaska's
29 pursuing these people for catching 174 salmon, about
30 that number. Our people on the Lower Yukon in Marshall
31 were pursued because they caught 100 king salmon, about
32 that number. Yet we have fisheries that are occurring
33 out in the Bering Sea that according to one young man
34 that observed that during a trawl, while they're
35 waiting to unload the trawl catch that they have, that
36 they catch over thousands of king salmon, yet, they
37 can't keep them. they have to throw them overboard.

38

39 Now where's the justice in all of this?

40

41 Who is being limited with the food
42 source that they're trying to get to put on the table
43 during the wintertime?

44

45 It's the Federal subsistence management
46 -- or are the Federal subsistence managers going to
47 hold tribal consultation with the villages, each and
48 every one of them?

49

50 President Obama, on November 5th said,

1 we are going to have tribal consultation.

2

3 Are there plans being made right now
4 by the law enforcement people, without consulting with
5 the villages?

6

7 You know with the waterfowl migratory
8 bird issues we have consultation with the law
9 enforcement people of how they're going to be enforcing
10 migratory bird laws. I'm the Chairman of the Waterfowl
11 Conservation Committee from AVCP region; they consult
12 with us of how they plan on implementing law
13 enforcement. But do we have it for salmon, the very
14 basic food source that many of our people have need and
15 use in our villages.

16

17 As far as we know we haven't seen or
18 heard anything.

19

20 Do the Federal managers plan on doing
21 that?

22

23 And are we anticipating more closures
24 this coming summer for subsistence fishing, not just
25 for the chinook salmon but for the other species that
26 might be traveling to spawn in the river systems. You
27 know, that's a question that many of our people have in
28 the village, they don't want to see a repeat of what
29 happened last summer. And I'm sure that the law
30 enforcement or the managers don't want to see another
31 protest fisheries. However, our backs are up against
32 the wall, meaning that our people that need the food,
33 their backs are up against the wall. They don't go to
34 the store to buy food with high protein; not what the
35 salmon provides for them.

36

37 I was told by one of the public
38 assistance people that the only thing that the elders
39 will ask for if there's any assistance that will be
40 provided to them would be flour, sugar, tea, coffee,
41 maybe salt and pepper. What does that mean, that means
42 that the rest of the food that they're getting is off
43 the land or off the rivers or off the seas. That's
44 where they're getting it, not from the stores, because
45 the stores don't provide the protein and the food that
46 our people and elders can survive on.

47

48 And one of the other things, too, that
49 is happening is that with the restrictions that have
50 been placed not very many members of our community and

1 their families are able to work together during the
2 summer time to put food away. Fish camps are being
3 lost. Fish camps are not being rebuilt if it's
4 destroyed by a flood. You know they try yet they're
5 being told you're not going to be able to fish for
6 food, so for many of the family members in the villages
7 why put the effort, and that takes away the cultural
8 aspect of working together as a family to put food away
9 for the winter. The kids are also learning how to take
10 fish off the nets, they're learning how to cut the
11 fish, yet with the closures they're not able to do
12 that, and then when our people make a concerted effort
13 to help an elder who may not be able to get any food
14 for the winter, guess who comes swooping down; law
15 enforcement, and they issue them citations.

16
17 So I think that the Federal Subsistence
18 Board is going to have to take a look at not only what
19 is going to be limited and restricted in the river
20 system but how it is being affected by the other
21 practices, other commercial uses that are happening out
22 in the sea, along the coast, in other parts of the
23 state, and not just focus on that river and say you are
24 the people that are causing the decline. You know, one
25 of the things is that I thought -- I went to college up
26 at the University of Fairbanks and they were talking
27 about logic and I'm sure that many of you might have
28 taken that course, or tried to be logical about many of
29 the things that go around you, going around you, but
30 there never seems to be any logic of impacts by other
31 fisheries because this group gets a lot more money,
32 they pay a lot more money to taxes, to the Federal
33 government or the State, yet, the people who are trying
34 to gather food, are trying to save money and pay for
35 just their survival, and they don't have an economy if
36 you take away that ability to harvest food.

37
38 So, in essence, in closing I'd like to
39 say I hope that cultural and economic genocide is not
40 being forced upon our people by this system.

41
42 I implore you to really think about
43 that because it's really impacting our people.
44 Cultural and economic genocide is occurring.

45
46 And when you deliberate regarding the
47 salmon fisheries or even the subsistence management
48 review, involve the people that are directly impacted.
49 You know it's good to have meetings here in Anchorage
50 when you don't have an audience of Native people to

1 tell you what you should think about while you're
2 deliberating and only a few of us show up, how much
3 impact does it have. When you're having State
4 management -- resource management issues meetings and
5 having them in urban centers or in hubs far removed
6 from the area that you're considering that will impact
7 your region and nobody shows up for that meeting, how
8 much impact does it have? You know there's 20,000 plus
9 people in our villages, in the Yukon-Kuskokwim Delta,
10 last month the Board of Game said you only need 200
11 moose for amounts needed for subsistence in Unit 18.
12 Yet, maybe they're going to allow more for people that
13 fly into the region because they pay a lot of money to
14 the outfitters, the transporters and maybe even State
15 licenses. Now where's the fairness in all of that?
16 And I think that the Federal Subsistence Board really
17 has to think about that. And one of the Board of Game
18 members says by giving 200 moose for amounts needed for
19 subsistence I was being overly generous, for 20,000
20 plus people you were overly generous, you know.

21

22 But I just want to point those out so
23 that you can consider and think about some of these
24 issues as you're deliberating on them and ultimately I
25 think that the people that have to be involved are not
26 here but they're living out there in the villages,
27 trying to heat up their homes, trying -- wondering what
28 their next meal is going to be and we've had to deal
29 with those at AVCP. Young people that did not have any
30 food for awhile because they couldn't afford it,
31 because they didn't put away the salmon that they
32 needed for the winter. You know those are issues that
33 we're dealing with, and I thought it's 2010, we live in
34 the United States of America.

35

36 So with that I'd just like to make
37 those comments and I hope that in your deliberations
38 and in the work that you do consult with the people
39 that are going to be directly impacted; that's where it
40 needs to happen.

41

42 With that I'd like to thank you, Mr.
43 Chairman, for the opportunity to testify.

44

45 CHAIRMAN FLEAGLE: Thank you, Myron.
46 As always you're a great statesman for your region's
47 issues and I appreciate the comments.

48

49 MR. NANENG: Okay, thanks.

50

1 CHAIRMAN FLEAGLE: Thank you. Pete.
2
3 MR. PROBASCO: Thank you, Mr. Chair.
4 Our other public testimony on Agenda Item 6 is from
5 Bethel, Greg Roczicka. Greg.
6
7 CHAIRMAN FLEAGLE: Welcome Greg.
8
9 MR. ROCZICKA: I'll say good morning.
10 Quyana, Mr. Chairman.
11
12 (In Yup'ik)
13
14 I wanted to say that one more time
15 since there's a lot of new faces up here. I gave you
16 my Yup'ik name, (In Yup'ik), which means a match, as it
17 strikes. Another definition of that has been someone
18 who spits very accurately.
19
20 (Laughter)
21
22 MR. ROCZICKA: I'd warn you about that.
23
24 (Laughter)
25
26 MR. ROCZICKA: But, anyway, for the
27 record, Greg Roczicka. I work as the natural Resource
28 Director for O'rutsararmuit Native Council. I also
29 serve on the RAC and various other resource management
30 groups involving fisheries, Kuskokwim Salmon Management
31 Working Group, also with the State system, as an
32 alternate on the Advisory Committee for the region, and
33 as most of you know I've been involved in resource
34 issues on the front lines for several years.
35
36 What I wanted to put back on record
37 here and I know it's been addressed a bit under your
38 RAC comments is, again, the Resolution 09-11 that came
39 down through AFN and I think that number's very
40 appropriate; this issue that we have regarding predator
41 management. And actually the whole issue of the
42 Federal system managing their populations to provide
43 for subsistence harvest needs and actually a failure of
44 reluctance from the whole Federal system or a stated
45 inability by some to even address it.
46
47 And I did have a chance to meet with
48 Mr. Haskett briefly, we'd hoped for a much longer one
49 but our travel schedules seemed to conflict quite a
50 bit. But one of the things that he brought out at our

1 brief meeting is that they're running into what was
2 called conflicting legislation. And what I'm seeing
3 here is it's not -- you do not have conflicting
4 legislation, what you have is conflicting
5 interpretation. And the only thing I can reach for on
6 this is essentially getting bad advice and a problem
7 with, again, the Federal system, in that you have folks
8 that are career employees within the various agencies
9 under Department of Interior who do not want to rock
10 the boat. They do not have any common base of
11 perception for Alaska, they've been trained in Lower 48
12 standard,s in what I call the Miami or the Everglades
13 or the East/West Coast urban mentality of -- I don't
14 want to say, extreme is the wrong word, but just the
15 whole preservation attitude, essentially what you have
16 with the Park Service, and that is not what ANILCA was
17 created and crafted to do; it's to protect our -- or
18 Title VIII of ANILCA, certainly to protect subsistence
19 in Alaska.

20

21 So I guess one of the things I would
22 ask here if there is some perceived conflicting
23 legislation let's get that on the table, tell us what
24 we need to do to fix that and we can pursue it along
25 those other levels. However, again, I do not see that
26 these predator management programs should be so
27 difficult, I know it's been done within this state on
28 things such as the Chishana Caribou Herd and others,
29 where an environmental assessment was totally adequate,
30 you don't have to go through the National Environmental
31 Impact Study required under NEPA, at that level, an
32 environmental assessment will serve, and it has served
33 in the past.

34

35 At this point with the Federal Board
36 and perhaps it's something that may be considered under
37 this new Federal review that I just mentioned a little
38 earlier about perhaps the seats that are on this Board
39 should not be the Federal agencies, but when -- when we
40 ask for affirmative action from the Board, the folks up
41 here voting are -- if it's something that's going
42 against what's considered to be a policy of any one of
43 your individual entities under the Department of
44 Interior, folks are not going to vote for such things
45 as predator management because they say that's policy
46 or I don't have the authority to do that so as a Board
47 you're kind of tying your hands in acting and pushing
48 for any kind of change or positive resolution for the
49 issue. So I see a failure there and maybe that might
50 be something to be considered in the future, that you

1 would look at an election from each of the 10 regions
2 perhaps or call it the RAC Chairs, I'm throwing that
3 out, I'm starting to think out of the box here, unless
4 we see something, this Board being able to assert to
5 its member agencies, member organizations, that they
6 need to take action to manage not only the human
7 harvest aspect but you need to manage the populations.
8 To do otherwise is almost a hypocrisy, if you will, and
9 saying, yeah, we're going to open a hunt for you but
10 we're not going to do a dang thing to make sure that
11 there's anything there to catch or anything or any kind
12 of sufficient amounts and it almost gets to the point,
13 regarding this matter, where the State is doing more
14 than you are, or the Feds are, and that absolutely
15 needs to be addressed. This system is not going to
16 work until -- unless and until you guys face up to
17 that.

18

19 I was really appreciative actually to
20 hear Bert from Southeast mention about the sea otters
21 because that resolution, as it was written, doesn't
22 speak specifically only to our moose and wolves and
23 caribou, it brings in the broader aspect that there
24 needs to be something done and built into the
25 management system through this, and I would say this
26 Board would be the appropriate body to do that, to
27 start to push for that a little more. I mean, what, we
28 had this discussion, what, for four hours back in May
29 of 2008 when we started it out and got a lot of
30 encouraging words but everything remains still talk at
31 this time and no resolutions. We'd like to see that
32 put forward.

33

34 And maybe just to close on this whole
35 point, is that, I would ask from this Board that they
36 step forward at this meeting and request each one of
37 your member agencies, by your May meeting, to come back
38 to you with a response and a plan of what progress they
39 have made to address that resolution within the Park
40 Service, the Forest Service, BLM, Fish and Wildlife and
41 BIA -- BIA can't do anything but sit there and waive at
42 you I guess.....

43

44 (Laughter)

45

46 MR. ROCZICKA:when it comes to
47 that. But let's start getting moving; let's start
48 putting some timelines on the table, and do something
49 than just talk about it.

50

1 And as ever we always stand ready to
2 try to help you with your interpretations if you're
3 having difficulty.

4
5 (Laughter)

6
7 CHAIRMAN FLEAGLE: Appreciate the
8 offer, Greg.

9
10 (Laughter)

11
12 MR. ROCZICKA: Yeah.

13
14 CHAIRMAN FLEAGLE: Thanks again for
15 your testimony, always good to see you and hear from
16 you and thanks for your service.

17
18 Pete, do we have any other testimony
19 for Item No. 6?

20
21 MR. PROBASCO: Mr. Chair. We don't
22 have any additional people for Agenda Item No. 6.

23
24 CHAIRMAN FLEAGLE: Okay, thank you.
25 Ralph, go ahead.

26
27 MR. LOHSE; Yeah, I think Myron brought
28 something out that I don't know if anybody else sat
29 down and did some numbers with what he told us, but I
30 think it does show what the difference in mentality and
31 the fact that, you know, we do get a little bit
32 disconnected at times. For somebody to comment that
33 200 moose is being overly generous, basically somebody
34 was saying that, and I'll be generous, eight pounds of
35 meat per person that's in the area is overly generous.
36 And that's what we need to put into our thinking, is
37 the fact that we're dealing with individual people, and
38 if eight pounds of moose is overly generous for the
39 amount needed for subsistence they better have a Costco
40 real close.

41
42 CHAIRMAN FLEAGLE: Thank you, Ralph.
43 Before we go on to the next order of business, which is
44 public comment period on proposed rule to rewrite the
45 regulation concerning special action requests, there's
46 just a couple of topics that were raised in the
47 previous testimonies that I wanted to address real
48 briefly.

49
50 One, I know that there's some

1 misconception about the State's seat on this Board, and
2 I'd like to just point out that the State, by
3 regulation, the same regulation that establishes this
4 Board as being comprised of members of the agencies
5 that have land authority in Alaska, also grants the
6 State a liaison position to this Board. And that
7 position had not been filled for many years until the
8 State requested to the Federal Board, I think this was
9 back in 2004/2005-ish, somewhere back in there,
10 requesting that a -- the letter went out from Governor
11 Murkowski, that will put the timeline on it, requesting
12 that the Board does recognize a State non-voting member
13 at this Board level. That went all the way back to
14 Washington, the Interior Department at the time,
15 Secretary Norton, allowed for the State to assume their
16 role as specified in regulation as liaison to the
17 Board; and there's some guidelines with that position.
18 That liaison to the Board acts similarly as the
19 liaisons that are represented by the RAC Chairs.
20 They're allowed to participate in discussion,
21 deliberation and once a motion has been placed on the
22 table, all outside deliberation, outside of the Board
23 stops, unless there's invitation from the Board and
24 we've been consistent in applying that.

25

26 I just want to point out that it's just
27 a matter of semantics, I think, where the Board sits.
28 It's still just a liaison position, and I don't
29 personally, as the Chairman of the Board, view the
30 Commissioner sitting there as having any more influence
31 on this process than Ralph or Bert sitting over there.
32 So just to clarify that issue.

33

34 The other one is on the high seas
35 bycatch.

36

37 We have been consistently asked to do
38 something about this and we have a real difficult role
39 in trying to comply with that.

40

41 Number 1, the high seas fisheries is
42 regulated out of an entirely different Federal
43 department of commerce that we don't have any part of.
44 So there's a protocol that we had -- when we first
45 brought this issue before our Board, we struggled with
46 what is the protocol for reaching across Federal
47 government levels and trying to influence that process
48 and we determined that our best approach would be to
49 work through the public process, public testimony,
50 public letter writing. We are doing everything we can

1 to influence that reduction of bycatch in the high seas
2 recognizing that we're not part of that regulatory
3 process. We're simply another testifier or, as I might
4 add, you know, somebody that wants them to change their
5 mind and we're doing the best we can there. If there's
6 anything we can do to improve our efforts to reduce
7 that bycatch issue we'd be more than happy to do that,
8 I'm sure.

9
10 One other issue is, again, just the --
11 and Greg brought this up, I know this is an issue
12 that's floating around rural areas right now, is the
13 composition of the Board being made up of agency
14 directors. We don't get to choose that. We're working
15 as a product of the regulation that establishes the
16 Board, again. So until there's a change that takes
17 place at a higher level we are what you have. And I
18 just wanted to say that it's not something that we can
19 change. I mean I hear the concern but it's not
20 something we have any affect over. So we're here to do
21 the best we can with what we've got.

22
23 I appreciate the comments but I just
24 wanted to just make a couple of clarifications there.

25
26 Pete. Item No. 7, public comment
27 period on the proposed rule to rewrite the regulation
28 concerning special action requests.

29
30 MR. PROBASCO: Thank you, Mr. Chair.
31 And we have two people signed up at this time for that,
32 and the first person is Mr. Ricky Gease.

33
34 CHAIRMAN FLEAGLE: Welcome Ricky.
35 Would you grab that name tag off that and just put it
36 face down in front of you.

37
38 MR. GEASE: Okay.

39
40 CHAIRMAN FLEAGLE: Thank you.

41
42 MR. GEASE: Hi, good morning. My name
43 is Ricky Gease. I'm the executive director of Kenai
44 River Sportfishing Association. I also was recently
45 reappointed to the Southcentral RAC, hey, Ralph, which
46 I served on in a past year, and also a member of the
47 Kenai River Special Management Area or Habitat
48 Committee, and other committees in terms of fisheries
49 conservation.

50

1 Before I get into my comments on
2 Section 10 of the proposed regulations, I just had a
3 few comments I thought I would share. One on the sea
4 otters. There's been a lot of conversations today with
5 sea otters, and I think sea otters as a keystone
6 species in the ocean affects the ecosystem of the ocean
7 and it's not if there are 10 otters or 100 otters or
8 1,000 otters, it's if otters are present they affect
9 the composition of the underwater ecosystem, and that
10 just is a reality and we have to work through that.
11 And when otters are not present we have abundant crabs
12 and sea urchins and other shellfish and when they're
13 present we have the absence of that and you have
14 usually healthier growths of seaweed, which benefit
15 fish populations. So the predator management, that
16 viewpoint has to be looked at at sea otters also, and
17 it's difficult when you run up into Federal regulations
18 that say thou shall not kill the sea otter. You can't
19 really do effective predator management unless you can
20 kill sea otters and manage them as a predator of
21 shellfish. So just in that context, and if we sit back
22 and do nothing and don't view it as a predator
23 management issue our crab populations and our sea
24 urchin populations and shellfish populations are going
25 to crash and it's going to affect subsistence users and
26 it's going to affect very important commercial fishery
27 across the state which allow people to remain in the
28 rural communities and costal communities, so this is a
29 very serious issue that this Board needs to show some
30 leadership, proactive leadership. But you need to
31 understand the context of what the sea otter does in
32 the marine ecosystem clearly.

33
34 I just want to echo the concerns on
35 bycatch of salmon, they affect Cook Inlet also where we
36 are in Southcentral Alaska. About a third of the king
37 salmon that are harvested as bycatch in the Bering Sea
38 Fishery are destined for the Southcentral, a majority
39 probably to the Cook Inlet region. Last year all of
40 our king salmon fisheries had problems making their
41 minimum escapements and we had restrictions on
42 sportfishing in many areas of Southcentral Alaska.

43
44 It was interesting that as Board
45 members, as this Board -- I'll say one final thing and
46 it's going to lead into my comments on Section 10, the
47 Board of Fisheries and the Board of Game, in essence,
48 deal with the non-subsistence uses of fish and game in
49 Alaska. And they also deal with the State subsistence
50 policies also, but the majority of their time is

1 working on the non-subsistence uses of fish and
2 wildlife. And they heard some comments of this Board
3 not being proactive in getting out into the communities
4 and I think the Board of Fisheries and the Board of
5 Game do a better job of having their meetings in the
6 regional communities across this state. And I think if
7 you look at a model that's something that you could
8 consider. You're looking at a two year model between
9 fisheries, alternating models, then you might want to
10 consider having more meetings elsewhere in the state.

11
12 Dual management, we've heard comments
13 that when you have, for your subsistence users, there's
14 confusion when you have differences in regulations
15 between the Federal regulations and the State
16 regulations. I just participated in a hunt with a
17 friend of mine who lives in Glennallen for caribou and
18 it's difficult to figure out, well, are we on our
19 Federal permit, or are we on our State permit, where
20 can we hunt if on this permit versus this other permit,
21 sometimes maps aren't in the area and it's difficult to
22 proceed. So my comments on Section 10, which I think
23 are an expansion of Federal authority in the
24 regulations of methods, means and time and area for
25 non-subsistence uses on Federal land, which I don't
26 think is legal and the intent of ANILCA; if dual
27 management systems aren't working great for subsistence
28 users, why would we think that an expansion of Federal
29 authority into regulation of non-subsistence uses on
30 Federal land is going to work any better? And that's
31 basically how I read Section 10 of the proposed
32 regulations of special action.

33
34 You're going in and allowing the
35 Federal Subsistence Board, if you adopt these
36 regulations, to have, whether it's you or whether you
37 defer the authority to the regional managers or the
38 Refuge managers or whoever, the fishery manager, the
39 game manager of a Refuge system, if you allow them to,
40 instead of just open or close based on a need of
41 conservation and you step into the process of saying,
42 okay, on the Kenai River, for early run king salmon,
43 the State regulates based on an escapement goal, and
44 you're going to give authority to Doug Palmer in the
45 Kenai Fishery Office to, instead of say, we're going to
46 either open or close this fishery based on a
47 conservation reason, but we're also going to give him
48 the authority to do various step-down measures, well,
49 the Board of Fisheries has spent decades dealing with
50 how to effectively use step-down measures. Do we start

1 the season with single hook, no bait, do we go bait and
2 then step-down to single hook or use treble hooks; I
3 mean we've had many, many meetings going over this
4 issue. So what you're asking your managers -- or what
5 you're asking authority to do is to grant your managers
6 the authority to either basically veer off the path of
7 the step-down plans and the management plans that we
8 have for our fisheries for non-subsistence uses; and I
9 think that's a big, big mistake. I think that's an
10 overreach, and I think the State has comments that are
11 pertinent and on target about that effect on it. And I
12 just want to bring some of these up because, you know,
13 sometimes unintended consequences we won't know until
14 later.

15

16 So if you start getting into the realm
17 of whether it's you're giving authority to Doug Palmer
18 or you're asking the authority yourself for non-
19 subsistence uses in methods and means so you don't have
20 to close a fishery and you think that's going to
21 benefit us somehow, well, what's going to happen in my
22 mind is that you're going to bring out all the non-
23 subsistence users to the Federal Subsistence Board and
24 you're going to need to rename the Board, it's going to
25 be the Federal Subsistence and Non-Subsistence Board.
26 And as Mike knows, as a former member of the Board of
27 Game, there are ten-fold, 100-fold proposals that go
28 through the management of the non-subsistence uses of
29 fish and game in this state. Somebody made the comment
30 that the OSM is taxed right now because they have 155
31 game proposals to sift through. In just one region of
32 the state, upper Cook Inlet, on some years, on the tri-
33 annual cycle that we do, and this is every three years
34 where people get to put in proposals they deal with
35 over 500 proposals. I mean you have to ask yourself,
36 are you prepared, as a Board, to step into the
37 regulations of non-subsistence uses for methods and
38 means. And it may be you say, okay, we're not going to
39 just, on and off switch, we want to get into this realm
40 and play in this realm; there's an avalanche that can
41 come down on this Board just in terms of proposals from
42 non-subsistence users. If Doug Palmer starts saying,
43 well, okay, instead of going to -- starting off with
44 bait, I'm going to require, if the State says we can go
45 with bait, I'm going to -- you know, instead of closing
46 the early run king fishery on Federal property, I'm
47 going to go to single hook, no bait. So then we're in
48 the middle of the Kenai River, we go out for a day of
49 fishing, we start off with single hook, no bait, then
50 we can go to bait, that's going to be confusing to

1 people. And if it's, you know, confusing to all the
2 subsistence users in the state for dual management,
3 think of the nightmare that it's going to have -- that
4 your ears are going to be ringing with, all the
5 complaints from non-subsistence users because you're
6 asking yourself to do dual management in these areas.

7
8 Now, I may be mistaken and from the
9 comments that I read from the State they may be
10 mistaken, but I don't think they're not -- I don't
11 think they are mistaken. I think you're asking to give
12 yourselves the authority to go into management and
13 defer -- give the authorization for emergency orders
14 that go beyond just closures based on conservation.

15
16 I think if you do that you're going to
17 get non-subsistence users questioning the composition
18 of the RACs, and that's going to be a big issue for you
19 because you're entering into the management of it and
20 once you enter into that management, you're going to
21 have non-subsistence users saying, well, why aren't we
22 there; if you're going to do methods and means on the
23 fishery that I do, why ain't I represented there. And
24 those are big things that you're dealing with in that
25 Section 10.

26
27 So I would say don't monkey with what
28 the regulation is in terms of what your authority is to
29 close non-subsistence game and fish on Federal lands
30 based on conservation and just keep at that. There's
31 enough problems right now and enough issues for this
32 Board to deal with for the next decade. You're still
33 growing, it's going to become a permanent system, I
34 think the people in the State realize that; make that
35 focus on subsistence. I don't agree with this reach
36 into the non-subsistence methods and means and I think
37 you're asking for a lot of problems if you open up that
38 can of worms.

39
40 Thank you.

41
42 CHAIRMAN FLEAGLE: Thank you, Ricky.
43 Appreciate those comments.

44
45 I should have read this before we began
46 calling testimony for Item 7 but I'm going to go ahead
47 and read it now; better late than never. I don't think
48 it's going to affect Ricky's testimony.

49
50 To lead into Item 7 public comment

1 period on proposed rule to revise regulation concerning
2 special action requests:

3

4 This Board directed OSM and the
5 Solicitor's Office to draft proposed revisions to the
6 section of the regulations that address special
7 actions. And the purpose of that revision, in our
8 minds, was to clarify the Board's process of accepting
9 and addressing special action requests; to bring
10 clarity to the role of the Regional Advisory Councils
11 with respect to special action requests and to
12 accommodate the new biennial regulatory cycle and to
13 update public notice requirements and bring them in
14 line with new information, technology in the digital
15 age.

16

17 Advance notice to the public of the
18 proposed revisions to the special action regulation was
19 provided at each of the fall 2009 RAC meetings and
20 published in the Federal Register. The proposed rule
21 to amend the special action regulation was published on
22 October 14, 2009 and the public comment period has been
23 open as of that date. As stated in the Federal
24 Register proposed rule, the public comment period
25 remains open through today, January 12th, 2010, and
26 we're providing this opportunity for anyone interested
27 to comment on the proposed revision.

28

29 So that was the lead in that was meant
30 to go prior to Ricky's, but I appreciate the comments
31 and we're looking for more. So if you have a comment
32 specific to this, please fill out a card, we do have
33 some cards and we're going to continue testimony, but
34 feel free to submit another card if you'd like.

35

36 Pete.

37

38 MR. PROBASCO: Thank you, Mr. Chair.
39 The next person to testify on this issue is Rod Arno.
40 Rod.

41

42 CHAIRMAN FLEAGLE: Welcome Rod.

43

44 (Pause)

45

46 CHAIRMAN FLEAGLE: We seem to be having
47 rolling blackouts. We had a couple of mics up here
48 experiencing the same problem.

49

50 (Pause)

1 DR. WHEELER: Mine is working, why
2 don't you sit here; this one's working.
3
4 MR. ARNO: Mr. Chairman, I've got one
5 that's working here.
6
7 CHAIRMAN FLEAGLE: Yeah, but none of
8 ours work now.
9
10 (Laughter)
11
12 MR. ARNO: It's getting better.
13
14 (Laughter)
15
16 CHAIRMAN FLEAGLE: No comment.
17
18 (Laughter)
19
20 CHAIRMAN FLEAGLE: Welcome Rod, go
21 ahead.
22
23 MR. ARNO: Thank you, Mr. Chairman and
24 Board members for the opportunity to give public
25 comment. My name is Rod Arno, I'm the executive
26 director of the Alaska Outdoor Council, which is a
27 statewide organization of 46 different clubs that
28 participate in activities on public lands and hunt and
29 fish and trap. And the Outdoor Council is one of the
30 few organizations right now in State court advocating
31 for a subsistence fishery, so some of the comments that
32 I've seen about the Outdoor Council being anti-
33 subsistence aren't actually true, the Outdoor Council
34 is pro-subsistence, they're just pro-subsistence for
35 all Alaskans regardless of where you live.
36
37 First off, I think that this is the
38 most deceptive proposed rule in the Federal Register
39 that I've read in over a decade and a half of reading
40 these, where clearly what the Chairman just said was
41 the intent of this proposal, you know, it says nothing
42 about the expansion of authority over non-subsistence
43 methods and means.
44
45 In fact the primary purpose it says,
46 is, improving the clarity with respect
47 to the Board's process of accepting and
48 addressing special action requests; the
49 Outdoor Council has no problem with
50 that.

1 Updating public notice requirements to
2 bring them into line with the practices
3 of digital age; the Outdoor Council has
4 no problem with that.

5
6 Bringing clarity to the role of the
7 Regional Councils with respect to
8 special action requests; again, no
9 problem.

10
11 Accommodation to the biennial
12 regulatory cycle; no problem.

13
14 But what we do see in here that we, you
15 know, had not seen before is in Section 10, non-
16 subsistence uses, to modify the requirements regarding
17 the taking of fish and game on public lands for non-
18 subsistence uses is clearly an expansion of authority
19 that would have regulations, methods, means, seasons,
20 bag limits, you know, being debated before this Board
21 and as was pointed out by the last speaker, that's
22 clearly something that we don't feel was the intent of
23 ANILCA. It was clearly to manage for subsistence use.
24 And clearly in ANILCA 13 and 14(a), it says nothing in
25 this Act is intended to enlarge or diminish the
26 responsibility or authority of the State of managing
27 fish and game on public lands, and that's that non-
28 subsistence use that the State still manages. If the
29 Federal Subsistence Board feels that there isn't an
30 opportunity for any use other than subsistence use then
31 ANILCA gives the authority for closures to those lands;
32 and that's the appropriate one.

33
34 So the Outdoor Council would, you know,
35 like to see, if this is adopted, that the provisions
36 that would allow the Board then to make determinations
37 on methods and means for non-subsistence users not be
38 included.

39
40 Another important point that I think is
41 important to bring up when you talk about emergency
42 orders is the fact that there's nothing in ANILCA that
43 diminishes the State's authority for conservation of
44 the resource. And as, you know, as much as the angst
45 is over, you know, is this a conservation need or not,
46 that it is important, and the State in ANILCA remains
47 responsible for the conservation of fish and wildlife
48 resources and that deference should be given to the
49 State on emergency closures.

50

1 And so those two points, you know, we
2 would clearly like to see; first, that the non-
3 subsistence methods and means be taken out and that the
4 State be given deference for conservation concerns.

5
6 You know it's a struggle, no doubt,
7 that the Outdoor Council represents Alaskans that are
8 urban, rural, on the RACs, on advisory committees,
9 Alaska Native, non-Alaska Native, but our all purpose
10 is for conservation and use of that resource. Clearly
11 we're a minority, I mean we're a minority without, you
12 know, too much special interest other than our interest
13 is in our membership's ability to continue to harvest
14 the wild food source. And, you know, through that,
15 that in North America, the conservation has -- you know
16 is the best in the world because of individuals that do
17 want to participate in a wild food harvest and that's
18 important. And this Board, when it makes
19 determinations for subsistence use, it affects our
20 ability, for our membership, to gather a wild food
21 harvest, and so that's, you know, why we participate in
22 it.

23
24 So that's my comments on that.

25
26 On my comment card I also asked to give
27 some comments about the Department of Interior's
28 review. And the Outdoor Council is highly supportive
29 of the Department of Interior reviewing the State
30 subsistence law and the implementation of that law.
31 Our concern is, is that, at the pace that it's being
32 done that it does not give the public adequate time to
33 participate in this process. And here, again, where
34 every decision that this Board makes affects the
35 ability of our membership, other Alaskans to access 60
36 percent of the state to hunt and fish that we want an
37 opportunity, you know, to give our input and we would
38 also like an opportunity to see our suggestions and
39 champion our suggestions, you know, before the RACs and
40 before the Board, not just turn in our comments to the
41 solicitor for the Department of Interior and then let
42 them analyze them and then come back with a solution.
43 You know the State's not going to go away, the State is
44 going to continue and is bound to continue to advocate
45 for its responsibility to manage and allocate fish and
46 game in the state of Alaska. Our Constitution is
47 unlike any in the world that I'm aware of where we have
48 a common use clause that says all Alaskans have that
49 opportunity to gather food source and we want to -- you
50 know, we're not anti-subsistence we just want to

1 participate too. So, you know, we're fearful of the
2 way this review came up and we don't see that we're
3 going to have an opportunity to engage in public
4 conversation with the RAC members that, you know, I
5 think would be beneficial.

6

7 So anything that the Board can do to
8 encourage the Department of Interior, and the Secretary
9 of Interior to reach out to the rest of Alaskans on
10 this review, we'd appreciate it.

11

12 Thank you for your time.

13

14 CHAIRMAN FLEAGLE: Thank you, Rod.
15 Appreciate the comments.

16

17 Pete.

18

19 MR. PROBASCO: Mr. Chair. That's all
20 the people that I have at this time.

21

22 CHAIRMAN FLEAGLE: Okay. All right,
23 well, Commissioner Lloyd, go ahead, please.

24

25 COMMISSIONER LLOYD: Well, thanks, Mr.
26 Chairman. It's not clear from the agenda when you
27 might want to hear the state of Alaska's comments but
28 we are prepared to offer some for you.

29

30 CHAIRMAN FLEAGLE: Well, we have three
31 opportunities, one, being the non-agenda items that
32 were just completed, and the proposed rule; do you want
33 to speak to the proposed rule?

34

35 COMMISSIONER LLOYD: Yes.

36

37 CHAIRMAN FLEAGLE: Okay, we'll take you
38 now.

39

40 COMMISSIONER LLOYD: Thank you, Mr.
41 Chairman. Then I'd ask that Ms. Cunning be allowed to
42 briefly summarize our comments and, of course, we'll be
43 submitting written comments as a follow up for the
44 record.

45

46 CHAIRMAN FLEAGLE: Okay, Tina.

47

48 MS. CUNNING: Thank you, Mr. Chairman.

49

50 The state of Alaska supports the intent

1 of the proposed rulemaking by the Federal Subsistence
2 Program to clarify the process for implementing special
3 actions that adjust Federal subsistence regulations
4 outside of the normal regulatory cycle.

5
6 To assist this goal, we suggest two
7 major issues also be addressed and corrected in the
8 rulemaking before it's finalized.

9
10 One of these is changes that we request
11 to clarify the State's role,
12 particularly in Federal determinations
13 that affect the State's
14 responsibilities for management and
15 conservation of fish and wildlife when
16 implementing special actions as
17 recognized in ANILCA.

18
19 Secondly, we request additional changes
20 to eliminate serious jurisdictional
21 issues raised by the proposed
22 rulemaking. Specifically the State
23 opposes the Federal assertion of
24 authority to regulate the taking of
25 fish and wildlife for non-subsistence
26 uses that greatly exceed Congress'
27 authorizations in ANILCA and
28 impermissibly infringe on sovereign
29 State authority to manage fish and
30 wildlife in Alaska.

31
32 The first of those requested changes is
33 a couple of suggestions or requests regarding
34 consultation with the State.

35
36 First, under emergency special actions,
37 the current section .1(d) -- 19(d), regulation for
38 emergency actions states:

39
40 "prior to implementing an emergency
41 action the Board shall conduct with the
42 State."

43
44 The proposed regulation for emergency
45 action under section .19(a), it's been reorganized,
46 omits the requirement to consult with the State
47 altogether.

48
49 We request that that language regarding
50 consultation with the State be reinstated and we also

1 ask that language that provides guidance to Federal
2 administrators for what consult entails be added.

3
4 We've had emergency special actions
5 implemented by the Federal Program with as little
6 contact as a phone call to a local biologist or an
7 email notice to a subsistence specialist with no
8 genuine consultation.

9
10 Under the temporary special action
11 regs, the current Section .19(e) for temporary actions
12 requires consultation with the State, but it also
13 provides no guidance to Federal regulators about the
14 State role in making determinations involving the
15 State's conservation and regulated use of fish and
16 wildlife. The Federal Board and it's delegated
17 officials should engage in substantive consultation
18 with and respect for the State's role in making such
19 determinations due to the State's responsibilities for
20 conservation of fish and wildlife and as the manager of
21 fish and wildlife that provides subsistence and other
22 uses of fish and wildlife.

23
24 To date such a role has not been
25 provided to the State and wide ranging types of
26 contacts have been used to claim consultation
27 transpired, therefore, we request that reference to
28 substantive consultation be added to the proposed
29 regulations for temporary special actions in Section
30 .19(b). Because we request that reference to
31 substantive consultation with the State be added in
32 both emergency and temporary special actions in 19(a)
33 and 19(b), as an alternative we suggest adding a
34 separate paragraph under 19 that provides appropriate
35 respect for the State's role in implementing both
36 emergency and temporary special actions, rather than
37 adding it individually in each of those two sections.

38
39 We also observe that the consultation
40 with the State in 19 needs to be separated from the
41 consultation with the RACs. We request that the
42 proposed rule be modified to address the consultation
43 separately because Congress has specifically exempted
44 the State from the limitations on the consultation
45 imposed by the Federal Advisory Committee Act in
46 recognition of State agencies authorities for
47 management of fish and wildlife that overlay Federal
48 land management authorities. As such, it is
49 inappropriate to address required consultation with the
50 State and the Councils in the same paragraph under

1 19(b)(1).

2

3 The second issue that we address in our
4 comments is that the proposed regulations in Sections
5 .10 and .19 insert new language which authorizes the
6 Federal Subsistence Board to regulate:

7

8 "the requirements for take" by non-
9 subsistence users.

10

11 This would include regulating methods
12 and means, time and harvest restrictions and access for
13 all users that are fishing, hunting or trapping on
14 Federal public lands and waters.

15

16 The State urges the Federal Program not
17 to adopt proposed changes that would exceed the
18 authorities provided to the Federal agencies in ANILCA
19 Title VIII and would expand the authorities delegated
20 by the Secretaries of Interior and Agriculture to the
21 Federal Subsistence Board to regulate take of fish and
22 wildlife by non-subsistence users.

23

24 While ANILCA may authorize the
25 Secretaries to delegate their authority to restrict
26 take by non-Federal users through actions to close or
27 open all or a portion of public land, it does not
28 authorize Federal regulation of how take itself is
29 conducted.

30

31 Such expanded authorities to regulate
32 the State subsistence, personal, recreational and
33 commercial harvest not only exceeds ANILCA's authority
34 it would constitute a preemption of sovereign State
35 authority to regulate game within its boundaries.

36

37 Specifically under Section .10, the
38 current Federal regulation involving take talks about
39 the closure of public lands to non-subsistence taking
40 and the restricting or eliminating taking of fish and
41 wildlife on public lands. This authority to close or
42 restrict taking of fish and wildlife for non-
43 subsistence uses is specific to closing or restricting
44 an area of Federal public lands. This is clear from
45 the reference in the current regulations to Title VIII
46 of ANILCA and the limited statutory authority conferred
47 in ANILCA Sections .815 and .816. Neither ANILCA nor
48 the current regulations authorize the Federal Board to
49 effectively supersede the State regulations involving
50 methods and means, bag limits, access, gear types, et

1 cetera, governing the take of fish and wildlife and to
2 preempt the State sovereign fish and wildlife
3 management authorities.

4
5 The language that is being proposed to
6 be inserted under Section .10(d)(4)(vi) to regulate
7 non-subsistence take says:

8
9 "or otherwise modify the requirements
10 regarding the taking of fish and
11 wildlife on public lands."

12
13 To avoid this violation and be
14 consistent with ANILCA the State requests the entire
15 quoted paragraph be replaced with language that is
16 similar to the existing regulation which says:

17
18 close, open or limit areas of public
19 lands for the take of fish and wildlife
20 for non-subsistence uses.

21
22 Under Section .19, the proposed new
23 paragraph A for emergency special actions to:

24
25 "restrict the requirements for take for
26 non-subsistence uses."

27
28 Would similarly dramatically expand the
29 Federal Subsistence Board's authority beyond closing or
30 restricting use of Federal public lands.

31
32 The new paragraph B for temporary
33 closures similarly would restrict take for non-
34 subsistence uses, superseding the State's regulations
35 for take by non-Federally-qualified users. This
36 includes our subsistence users as well as the non-
37 subsistence users.

38
39 In conclusion, while we support the
40 clarification of the regulations for special actions,
41 the proposed rule violates ANILCA, exceeds the
42 Secretaries delegated authority and effectively
43 preempts State fish and wildlife management authority
44 without clear Congressional intent.

45
46 We urge you not to go there.

47
48 CHAIRMAN FLEAGLE: Thank you, Tina,
49 appreciate the comments. We do have comments from the
50 Department -- I mean the Solicitor's Office and also

1 some process oriented discussion from OSM, but at this
2 time I'm going to just call for a brief break and then
3 we'll come back to having the comments from up here.

4

5 Let's step down for 10 minutes.

6

7 (Off record)

8

9 (On record)

10

11 CHAIRMAN FLEAGLE: Did I pound the
12 hammer harder or did the bell help.

13

14 (Laughter)

15

16 CHAIRMAN FLEAGLE: It looks like we got
17 a pretty good response there.

18

19 We're still short a couple of seats
20 here.

21

22 (Pause)

23

24 CHAIRMAN FLEAGLE: All right, we're
25 going to go ahead and resume, and call back to order.
26 We have a gentleman that testified on issues under Item
27 6 that wanted to testify under Item 7 that we missed
28 and so I'd like to call Greg Roczicka back up to
29 complete testimony.

30

31 Welcome back, Greg.

32

33 MR. ROCZICKA: Yeah, Quyana, Mr.
34 Chairman. I didn't realize that maybe I needed to turn
35 in two cards instead of one and put the different
36 agenda items under there.

37

38 CHAIRMAN FLEAGLE: No, we just missed
39 it, and you're not the only one we missed it on.

40

41 MR. ROCZICKA: Okay, thanks. Yeah, I
42 did have a couple of specific comments regarding this
43 special action revision that's being proposed. We
44 discussed it a bit at our Regional Council meeting and,
45 of course, it hadn't been put out for formal review at
46 that time, more of an informational.

47

48 But one of the things that jumped out
49 first off is under the emergency special action, it
50 kind of came as a flag, is that, you give all the

1 criteria for identifying an emergency situation, and
2 whether the Board may immediately open or close
3 regarding subsistence but then the final sentence in
4 that Section A, under .19, you give almost a very broad
5 consideration to reopening for non-subsistence uses,
6 just saying:

7
8 if new information or changed
9 conditions warrant

10
11 And I'd like to see that -- we believe
12 that should be also included for the subsistence. If
13 we have changed conditions or new information which, of
14 course, is going to be part of a special action or
15 should be, anyway, under the criteria that we be
16 allowed to present that as well.

17
18 The other under actually the temporary
19 special action, and here is an opportunity for you guys
20 to maybe get out in front a little bit under this
21 current Federal review of the program that was brought
22 forward by the RAC Chairs at their meeting back in
23 early December, the issue that was laid on the table is
24 we really would like to see return this system to that
25 due deference clause that was put into place where the
26 Advisory Council recommendation should be followed if
27 it doesn't conflict with any of the three criteria;
28 that it's not against accepted management practice,
29 conservation measures, it's not detrimental to
30 subsistence. And you do have a place to do that right
31 here under where it has temporary special actions,
32 where it says:

33
34 The Board may make such temporary
35 changes only after it determines the
36 proposed temporary change will not
37 interfere with conservation, healthy
38 fish and wildlife populations, will not
39 be detrimental to long-term subsistence
40 use and not an unnecessary restriction
41 on subsistence uses.

42
43 And I would put forward to you here
44 that you should say that within that sentence that the
45 Board will defer to the Regional Advisory Council to
46 make such temporary changes if it determines that the
47 proposed temporary change will not interfere, et
48 cetera, through the criteria. And that was really
49 brought forward to us actually in a special action that
50 occurred last summer where we requested a boundary

1 change on the reopening of the moratorium on the
2 Kuskokwim side of Unit 18 and we wanted to provide that
3 additional opportunity for people to go on the Johnson
4 River, that people would be able to hunt under Federal
5 regulations. What we ended up with was a total Federal
6 closure of that area and we only had a State hunt in
7 GMU 18. And that moratorium -- and the proposal that
8 came forward through a special action, I've still yet
9 to determine why it was actually rejected, that it
10 somehow didn't fit into your criteria but you had the
11 Regional Councils, you had the local villages all with
12 it, you had the Fish and Wildlife Service with it, the
13 Refuge Staff were behind it, the State Staff were
14 behind it, everybody was behind it and you guys, you
15 know, it got set aside without any consultation; so I
16 do appreciate that you have in here that increased
17 consultation with the Regional Councils. But here's a
18 place for you to actually enact that reinstatement of
19 the deference to the Regional Councils that was there
20 in, I believe, full intent when the Councils were
21 created and enactment of Title VIII and Federal
22 takeover.

23

24 And the other place -- actually it
25 brings up a concern, I know you guys -- you came up
26 with the phrase time sensitive circumstances, to be
27 able to perhaps more accommodate special actions when
28 they come through, if they're not detrimental to all
29 those criteria that were mentioned, however, we get
30 into what is going to be your definition of a time
31 sensitive circumstance because I've watched in the past
32 where different boards will say it's not a time
33 sensitive circumstance if those animals are going to be
34 there next year or later on down in the cycle, well,
35 what have you done; you've foregone harvestable surplus
36 or subsistence opportunity people can take during that
37 current season. I don't know, it's just another one of
38 those deals how did you get there from here by saying
39 that we're not going to open it because there's still
40 going to be -- those animals will still be there next
41 year, well, it's time sensitive, in that, yeah, you
42 could take another 20 or 30 animals this year and you
43 could take those same additional animals the next year
44 so you have actually limited subsistence opportunity by
45 doing that.

46

47 But those were the main points I wanted
48 to bring out, and especially here's a chance for you to
49 start getting out ahead and reinstating that deference
50 to the RACs that's an extremely important issue that

1 was brought forward.

2

3 CHAIRMAN FLEAGLE: Thank you, Greg.

4 Appreciate the comments.

5

6 I'm going to turn to Keith Goltz for
7 some discussion on the topic.

8

9 Keith.

10

11 MR. GOLTZ: Once again this morning's
12 testimony has confirmed how valuable public input can
13 be. I want to assure everybody that we do listen to it
14 and we do try to respond.

15

16 In this particular case I want to
17 assure everybody, Ricky, and the State and whoever else
18 has a concern that there was no intent to expand
19 Federal jurisdiction. The present regulation says:

20

21 That the Board may restrict, close or
22 reopen the taking of fish and wildlife
23 for non-subsistence uses.

24

25 We did not intend to go beyond that.
26 If our language does we're going to look at it very
27 closely and our final -- this is only preliminary, our
28 final regulation may, in fact, look different.

29

30 CHAIRMAN FLEAGLE: Thank you, Keith.

31 Polly procedure.

32

33 DR. WHEELER: Thank you, Mr. Chair. In
34 terms of process, as you had mentioned earlier the
35 public comment period on the proposed rule closes today
36 or is through today, it has been ongoing since October.
37 At a subsequent Board meeting in 2010 there's going to
38 be -- OSM Staff will provide a full summary of comments
39 received thus far and also provide the Board with a
40 detailed discussion of the proposed changes just to
41 bring everybody up to where we are at and that, again,
42 will happen later in 2010. At that time when this does
43 occur, the Board will provide further direction to the
44 Office of Subsistence Management. If a Draft Final
45 Rule is developed it will be reviewed as was true of
46 the proposed rule by the Solicitor's Office, the
47 InterAgency Staff Committee and the Special Assistant
48 to the Secretary on Alaska Affairs. Once that review
49 is complete the final draft rule would be sent forward
50 to Washington for Secretarial review and approval and

1 eventual publication in the Federal Register.

2

3 So we're at a fairly early stage in the
4 process now, but just to remind Board members you'll be
5 seeing this again both with a detailed summary of all
6 the public comments received thus far, and I would add
7 that we haven't received a lot of public comments thus
8 far, in fact, today we've received more than we have
9 since the proposed rule opened in October. So we will
10 provide you with a detailed summary and also a detailed
11 discussion of the implications of the proposed changes.

12

13 Mr. Chair.

14

15 CHAIRMAN FLEAGLE: Thank you, Dr.
16 Wheeler. Appreciate that update. That concludes
17 Agenda Item No. 7.

18

19 We're moving on, I know we're fastly
20 approaching the lunch hour but I think we can probably
21 get at least a couple of tickmarks out of the Agenda
22 Item 8 out of the way before we break, and Agenda Item
23 8 is Board action on the Draft 2010 Draft Fisheries
24 Resource Monitoring Plan.

25

26 And following extensive review by an
27 InterAgency Technical Review Committee, the public and
28 Regional Advisory Councils, a New Draft Fisheries
29 Resource Monitoring Plan is put into place every two
30 years and we have before us the Draft 2010 Draft
31 Fisheries Resource Monitoring Plan, that once finalized
32 and approved, will contain a suite of funded fisheries
33 projects to be initiated this field season. And this
34 will be covered by Larry Buklis, Chief of the Fisheries
35 Division and Helen Armstrong, Chief of the Anthropology
36 Division of the Office of Subsistence Management.

37

38 So let's go ahead and kick off with the
39 Staff report and see where we get.

40

41 Larry, welcome.

42

43 MR. BUKLIS: Thank you, Mr. Chairman.
44 We will be referencing your Board meeting book entitled
45 Draft 2010 Draft Fisheries Resource Monitoring Plan, so
46 much of our presentation will reference materials in
47 that booklet.

48

49 I'll give you a brief highlight of how
50 we're going to approach the plan.

1 First, Helen will lead off with an
2 overview of the information needs process that we
3 gathered and the request for proposals.

4
5 Secondly, I will follow with a review
6 of the project proposals and investigation plans and
7 the process we use to review those materials that were
8 received in response to the request for proposals.

9
10 And then, together, Helen and I will
11 review briefly region by region the study plan we have
12 referencing some summary tables in the meeting book.

13
14 And then I will conclude with an
15 informational item on an out of cycle request we've
16 received, Mr. Chairman, which isn't a part of your work
17 today but I want you to be aware of that.

18
19 Before we begin I'll maybe make a brief
20 statement about the task at hand for you today.

21
22 First, this plan is under budget, we
23 are within the budget and any funds not needed for year
24 one of the proposed plan we can use to fund subsequent
25 years in the plan and that frees up funds in a future
26 year for a larger call for proposals. So as you work
27 through the consensus agenda and the non-consensus
28 item, realize that funds not committed to year one can
29 be used to forward-fund and then the 2012 call can be
30 that much larger.

31
32 Secondly, I would comment as an aside,
33 that many of the projects continue fairly routine,
34 basic, stock and harvest information collection, but
35 this is consistent with the program's purpose, which is
36 to collect information needed for management of Federal
37 subsistence fisheries.

38
39 And, finally, we are looking for Board
40 action today so we can finalize the plan and move ahead
41 with the agreements and contracts.

42
43 Thank you, Mr. Chairman. I'll turn now
44 to Helen.

45
46 CHAIRMAN FLEAGLE: Thank you, Larry.
47 Welcome, Helen.

48
49 MS. H. ARMSTRONG: Thank you, Mr.
50 Chair, members of the Board, Council Chairs. My name

1 is Helen Armstrong.

2

3 And the overview that I'm going to be
4 talking about, it starts in your book on Page 1. The
5 Fisheries Resource Monitoring Plan that you're going to
6 be reviewing today was developed through the 2010
7 request for proposals. The RFP, request for proposals,
8 focused on priority information needs developed either
9 by strategic planning efforts in Southeast,
10 Southcentral, this is excluding Cook Inlet, and
11 Southwest Alaska or by expert opinion that we've gotten
12 from the Councils, the Technical Review Committee,
13 Federal and State managers and Office of Subsistence
14 Management Staff, in the northern region and Cook Inlet
15 area since we don't have strategic plans for those
16 areas.

17

18 We considered including whitefish but
19 didn't because the strategic planning process hadn't
20 been completed.

21

22 The request for proposals, the
23 information needs were reviewed by the Technical Review
24 Committee, the Regional Advisory Councils and the
25 InterAgency Staff Committee. All of the investigators
26 were asked to consider examining or discussing climate
27 change effects as part of their project. This was
28 something new that we specifically put into our
29 information needs. We specifically requested proposals
30 that would focus on effects of climate change on
31 subsistence fishery resources and uses and that would
32 describe management implications. The principal
33 investigators for the long-term stock, status and trend
34 projects were also encouraged to participate in
35 standardized air and water temperature monitoring
36 program.

37

38 We used four factors to evaluate study
39 proposals:

40

41 Strategic priority;

42

43 Technical scientific merit;

44

45 Investigator ability and resources;

46

47 Partnership and capacity building.

48

49 The recommendations that you'll be
50 considering here on funding the projects were provided

1 by the Technical Review Committee, the Councils and the
2 InterAgency Staff Committee.

3

4 Thank you.

5

6 MR. BUKLIS: I will now cover, briefly,
7 the review process we engaged in on the proposals,
8 investigation plans we received.

9

10 First, the timeline.

11

12 In February OSM Staff and Forest
13 Service Staff reviewed the proposals and in March this
14 was followed up by a review by the Technical Review
15 Committee. And as I think you know, the Technical
16 Review Committee is an InterAgency committee that
17 provides scientific review of proposals and
18 investigation plans and makes recommendations. They
19 don't have authority to approve.

20

21 We received a total of 62 proposals in
22 response to our call.

23

24 In June our Staff and Forest Service
25 Staff, again, reviewed the investigation plans. It's a
26 two-stage process, investigation plans are a more
27 detailed plan based upon the direction from OSM,
28 following up on Technical Review Committee
29 recommendations on the initial proposals.

30

31 In July the TRC followed with a review
32 of those investigation plans, and I'll get into the
33 numbers on those in a moment.

34

35 In the period of August through October
36 the Regional Advisory Councils had an opportunity to
37 review the investigation plans that were advanced and
38 make recommendations.

39

40 And, then, finally in November the
41 InterAgency Staff Committee reviewed the work of the
42 Technical Review Committee and the Councils and made
43 their recommendation.

44

45 The overall budget available for the
46 plan is \$6.54 million, this is consistent with prior
47 years. The number of investigation plans submitted and
48 the year one cost of those plans is 44 plans at \$5.66
49 million. So as you can see it's about \$1 million below
50 the amount of funding we have available.

1 The Technical Review Committee
2 recommended number of investigation plans and costs is
3 41 projects; 44 received, 41 recommended for funding;
4 and that total cost is \$5.49 million. This is all in
5 your initial pages of your meeting book.
6

7 The consensus, in summary, in the
8 review stages, the Technical Review Committee, your
9 Regional Advisory Councils and the InterAgency Staff
10 Committee is in agreement on all the yes' and no's for
11 particular plans, project plans with one exception and
12 one point to note on another project; the exception is
13 Project 10, and the 10 refers to the operational first
14 year, 2010, so 10-209, it's the Yukon-Delta Bering
15 Cisco Mixed Stock Analysis. It's a consensus by all
16 parties except Eastern Interior Regional Advisory
17 Council, and we'll get into that in a moment. And then
18 the point to note is we do have consensus in terms of a
19 no, do not fund, for Project 10-651 down in Southeast;
20 it's the Sitka Sound Community Based Herring Research
21 Plan, however, one party in the consensus process, the
22 Southeast Regional Advisory Council encourages further
23 development and submission in 2011 of an out of cycle
24 funding request. And I think when you get to that
25 point in your agenda you will hear from the Chairman.
26 And we'll get into those issues more in the region by
27 region review.
28

29 Mr. Chairman. That concludes the
30 overview of the process we engaged, and now Helen and I
31 can go through region by region if you'd like, and in
32 doing that we'll reference Tables 3 through 8 on Pages
33 8 through 13 in your meeting book. We'll just go
34 briefly table by table so you have a sense of the six
35 study regions. There is six study regions and we
36 recognize there's 10 Regional Councils. Some of the
37 study regions encompass more than a single Regional
38 Council region.
39

40 There's the Northern Study Region, the
41 Yukon River Region, Kuskokwim River Region, Southwest,
42 Southcentral and Southeast Alaska Regions. We'll start
43 with Table 3 on Page 8 for the Northern Alaska Region.
44

45 I'll begin and each of these tables
46 begins with a set of a projects we call stock, status
47 and trends, sort of typical biological assessment,
48 stock abundance, distribution, migratory behavior and
49 sampling for genetics and age, sex, size are typical
50 stock, status and trends type projects.

1 For the Northern Region, Mr. Chairman,
2 we have three investigation plans, all are a consensus
3 yes to fund. I would comment that you'll see in the
4 column for the North Slope Council an N/A for these
5 projects. The North Slope Council took no action on
6 proposals for projects outside of their Regional
7 Council region, and that's the purpose there of that
8 notation. And the three -- as I said the three stock,
9 status and trends projects are all to fund. And I
10 would comment on one in particular, the Unalakleet
11 River chinook salmon assessment, that is a project that
12 would implement a weir on the Unalakleet River to
13 assess chinook salmon. I think you heard concerns from
14 the Council about status of Norton Sound salmon. And
15 there was some competing proposals early in the process
16 on this, one for sonar, one for a weir, and through the
17 course of the process we had a coming together and a
18 bridging of interests on this study and there is a
19 unified approach now with the weir project.

20

21 MS. H. ARMSTRONG: Thank you, Larry.
22 Mr. Chair. There are two projects that are harvest
23 monitoring, traditional ecological and knowledge
24 projects for the Northern Region and those also had
25 consensus in funding from all of the entities that
26 reviewed it.

27

28 MR. BUKLIS: On Table 4 we move to the
29 Yukon Region. There are seven stock, status and trends
30 projects. For five there is a consensus, yes, fund.
31 For one, there is a consensus, no, that's Project 10-
32 201 Yukon River chinook salmon age, sex, length data;
33 and finally there's one project, as I mentioned in the
34 opening comments, for which there is a non-consensus;
35 it's a fund across the board except for Eastern
36 Interior Council. I'll just make a couple of short
37 comments on the consensus no, not to fund. There's
38 more detail on Project 10-201 on Page 55 of your book.
39 I'm not taking you there, but just for your reference
40 for the record, on Page 55 is an executive summary of
41 that project as there are for other projects, and in a
42 word, it was found that the design is a poor sampling
43 design at this point and there was some uncertainty
44 over the fate of the genetic samples and there wasn't a
45 demonstrated effective coordination in the plan, and so
46 there's a consensus to not fund it. And on the 10-209
47 Yukon Delta Bering Cisco, Page 49 of the book has an
48 executive summary on that; and when we get to your
49 agenda on non-consensus items we'll take you to a
50 summary page that gets into the different positions on

1 that project. In a word, the design of that project is
2 to collect baseline standards in the mixed stock --
3 baseline standards in the Yukon, Kuskokwim and Susitna
4 River drainages and this data would be used to analyze
5 mixed stock samples from the Yukon Delta commercial
6 fishery and there is some question about the
7 composition of those catches and while the Yukon River
8 resource may very well be able to support the
9 conservative catch limits, there's some question about
10 Kuskokwim stocks in that area and some interest in
11 stock composition information.

12
13 I think those are the main points on
14 the Yukon stock status and trends.

15
16 MS. H. ARMSTRONG: Thank you, Larry.
17 There's only one harvest monitoring and traditional
18 ecological knowledge project for the Yukon and that one
19 is for Yukon climate change and there was consensus by
20 all parties on this project as well.

21
22 MR. BUKLIS: Table 5 on Page 10
23 addresses Kuskokwim Region. There were six stock,
24 status and trends projects, all are a consensus yes, to
25 fund, and several of these are typical salmon weir
26 escapement projects that have been longstanding and are
27 a significant part of the management system, and there
28 is a project to look at distribution and timing of
29 sheefish in the Kuskokwim.

30
31 MS. H. ARMSTRONG: There are three
32 harvest monitoring and traditional ecological projects
33 for the Kuskokwim and as with the stock, status and
34 trends, these three are long-term projects that have
35 been ongoing for many years and have significant
36 participation with funding from ADF&G. These were all
37 consent agenda and all supported by all entities.

38
39 MR. BUKLIS: As we move on to the next
40 region, I'll mention for the Kuskokwim, it might have
41 come up earlier, but there is a planning process
42 underway for whitefish research in the Yukon-Kuskokwim
43 area and that should come to conclusion in 2010, and we
44 are looking to that plan to guide future funding for
45 the Monitoring Plan. There is a lot of interest in
46 whitefish information to better manage that resource,
47 we recognize that and we're looking to that strategic
48 planning process that involves the public, the
49 Councils, and Federal and State Staff to better guide
50 future funding for whitefish studies.

1 Table 6 on Page 11 addresses Southwest
2 Alaska, that includes Bristol Bay, Kodiak/Aleutians.
3 There are four stock, status and trends projects, all
4 are a consensus yes, to fund. And as we noted
5 similarly for the North Slope Region, you'll notice the
6 notation for no action taken by the Bristol Bay Council
7 on proposals outside of its region, and for
8 Kodiak/Aleutians, although it wasn't for lack of
9 trying, no quorum was reached sufficiently to address
10 these proposals in a FACA sanctioned meeting, but as
11 noted in the footnote, the Kodiak/Aleutians Council
12 has, in the past, supported projects of this kind in
13 their region, but officially we have no action because
14 of lack of a quorum to have a meeting.

15
16 MS. H. ARMSTRONG: There's one harvest
17 monitoring and traditional ecological and knowledge
18 project in the Southwest Alaska Region. This is for
19 Lake Clark whitefish subsistence harvest and uses, and
20 this was consensus, not to fund. The National Park --
21 the Lake Clark National Park and Preserve indicated
22 that Park Staff were not involved in the initial
23 planning and the research and the Staff weren't able to
24 participate in the research because of the lack of
25 available time so there was consensus not to fund this
26 at this time.

27
28 MR. BUKLIS: Two more regions to
29 address. Table 7 on Page 12, Southcentral Alaska.
30 There is three stock, status and trends projects, all
31 three are consensus yes, and all three are ongoing
32 projects.

33
34 MS. H. ARMSTRONG: There's one harvest
35 monitoring and traditional ecological knowledge project
36 for the Southcentral Region; that's a Copper River
37 subsistence salmon harvest validation project and there
38 is consensus to fund by all entities.

39
40 Thank you.

41
42 MR. BUKLIS: Finally Southeast Region,
43 Table 8 on Page 13. There are 12 stock, status and
44 trends projects, all are a consensus yes, to fund. 11
45 are sockeye salmon projects that are ongoing and
46 there's one eulachon study in the Yakutat area which is
47 new, which would collect qualitative information by
48 aerial survey on distribution and timing and very
49 qualitative relative abundance, presence, absence
50 relative abundance of eulachon. It's an important

1 resource that there are concerns over at this time.

2

3 I would note, Mr. Chairman, we haven't
4 made a major point of it but there is sort of a funding
5 formula as a guide for allocating the funds across
6 regions and study types that can guide the process.
7 It's more significant to look to that when we have a
8 more fully subscribed and competitive situation for
9 funding. In this case with the total number of
10 proposals and their cost in year one below the amount
11 of money that's available for funding, we haven't made
12 an emphasis of this, but for Southeast I would point
13 out that the Board guideline you'd see in that first
14 row below totals is \$1.125 million; and the sum of the
15 funded year one, if the yes consensuses were endorsed
16 by the Board, would be a little over \$1.5 million. And
17 the way this works, just briefly, is the Forest Service
18 funding, the Department of Agriculture funding
19 typically is allocated to Southeast to the amount of
20 the guideline and the remainder of funds they have
21 available would contribute to Southcentral, where there
22 are also Forest lands. But in this case, because the
23 funds available for elsewhere in the state are more
24 than is needed for the projects that have advanced to
25 this point, the sum of the yes' shown for Southeast
26 could be supported above that guideline amount because
27 DOI funds elsewhere in the state can pick up the cost
28 of that amount over the guideline. So it is a
29 guideline, it's not a cap or a limit and given the
30 budget circumstance elsewhere and the available funds,
31 we can cover -- Department of Agriculture can cover the
32 nearly \$1.6 million for Southeast and have a lesser
33 amount available for Southcentral. And Southcentral
34 and the other four regions can be fully funded through
35 DOI funds.

36

37 MS. H. ARMSTRONG: And last, for
38 Southeast, and for the projects is the Project 10-651,
39 and this is Sitka Sound herring, there was consensus
40 not to fund it. There's more information about this
41 project on Page 145. There is a footnote that the
42 Southeast Council recommends that the investigator
43 coordinate with the State to submit an out of cycle
44 request in 2011.

45

46 MR. BUKLIS: Mr. Chairman. That
47 concludes our overview of the call for proposals, the
48 review process we engaged in over the spring and
49 summer, going to the Councils and the Staff Committee
50 more recently and then the step by step, region by

1 region overview of the resulting plan.

2

3 That concludes our overview of the 2010
4 plan.

5

6 I said I would make a note for your
7 information about an out of cycle request and that is
8 the we are reviewing an out of cycle request from the
9 Fish and Wildlife Service, Anchorage Field Office, for
10 the Southwest Region, specifically it's for the McLees
11 Lake sockeye salmon weir project on Unalaska Island.
12 The Board has fund -- the Monitoring Plan, with the
13 Board's actions over the years, has supported that work
14 from 2001 through 2009, and at a point in the process
15 it was thought that that would wrap up the work. In
16 2008, and then unexpectedly as well in 2009 the returns
17 were quite low and actually very slow to develop and in
18 the end they were low, and there is an interest in
19 maintaining the assessments for conservation there.
20 There were subsistence restrictions taken and so events
21 have sort of overpassed the planning process for that
22 project and so the Fish and Wildlife Service has turned
23 in an out of cycle request to have funding for 2010 and
24 2011 to cover the gap before the normal 2012 call. So
25 we're handling that administratively, consistent with
26 our protocols. We wanted the Board to know that that
27 -- the Board and the Councils to know that that's on
28 its own track separately. And any funding that might
29 be dedicated to that project, if it's a go, can come
30 out of the forward-funding flexibility we have, it
31 would not affect the Monitoring Plan that's before you
32 for 2010.

33

34 Thank you, Mr. Chairman.

35

36 CHAIRMAN FLEAGLE: Thank you, Larry and
37 Helen for a very well done synopsis of the program,
38 appreciate that.

39

40 And I'm going to go ahead and call the
41 lunch break. We'll come back to the summary of written
42 comments and public comments after the lunch break.
43 But before we do that, if anybody wants to testify,
44 submit comments, public comments on this and haven't
45 already filled out a card, please go ahead and fill out
46 a card and submit it and we'll be hearing those after
47 we return from the lunch break.

48

49 It's noon now so let's plan on meeting
50 back at 1:15.

1 Thank you.

2

3 (Off record)

4

5 (On record)

6

7 CHAIRMAN FLEAGLE: All right, the
8 Federal Subsistence Board is back on record after a
9 lunch break and several of us ventured out into that
10 cold wind.

11

12 (Laughter)

13

14 CHAIRMAN FLEAGLE: So I got a notice
15 during the break that the Commissioner had to depart on
16 other business and Tina's going to be sitting in for
17 the State for the remainder of the meeting.

18

19 Any other comments -- or I mean
20 announcements.

21

22 (No comments)

23

24 CHAIRMAN FLEAGLE: None. We'll go
25 ahead then and pick up where we left off and we're
26 going to go to a summary of written public comments,
27 and, Larry, do you have that.

28

29 MR. BUKLIS: Yes, Mr. Chairman, thank
30 you.

31

32 We have not received any written
33 comments on the overall Draft Monitoring Plan, however,
34 earlier in the process, as I described earlier we had
35 the review of proposals and investigation plans by a
36 number of bodies along the process. We did receive 14
37 letters on proposals or investigation plans under
38 review from persons not directly associated with the
39 projects. 13 of those letters were in support of five
40 different projects and one letter was in opposition to
41 a project.

42

43 Letters of support were for the
44 Unalakleet River weir project, three letters. The
45 local knowledge of non-salmon fish in the Bering
46 Straits Region, Project 151, five letters. Yukon-Delta
47 Bering Cisco stock assessment Project 209, two letters.
48 Afognak Lake sockeye assessment, one letter, that's
49 Project 401. And finally Redoubt sockeye salmon
50 assessment in Southeast, Project 611, two letters.

1 The letter in opposition was concerning
2 Project 10-651, Sitka Sound herring.

3
4 Mr. Chairman, that concludes a summary
5 of the written comments.

6
7 CHAIRMAN FLEAGLE: Thank you, Larry,
8 appreciate that.

9
10 And we now turn to public testimony.
11 Polly, do we have anybody that's signed up.

12
13 DR. WHEELER: No, Mr. Chair, we haven't
14 had any requests for public testimony on this agenda
15 item.

16
17 CHAIRMAN FLEAGLE: Okay, thank you.
18 And now we turn to the state of Alaska for State
19 comments.

20
21 Tina.

22
23 MS. CUNNING: We have no comments on
24 the proposals themselves, however, we would like to
25 comment that the TRC process this time was particularly
26 productive and positive; and it's very nice to see all
27 the Federal and State Staff and others working so well
28 together to come to those conclusions.

29
30 Thank you.

31
32 CHAIRMAN FLEAGLE: I appreciate that
33 comment, thank you.

34
35 InterAgency Staff Committee
36 recommendations.

37
38 Polly.

39
40 DR. WHEELER: Thank you, Mr. Chair. As
41 noted in the course of the Staff report from Larry and
42 Helen, the InterAgency Staff Committee recommends
43 funding the 41 projects recommended by the Technical
44 Review Committee for funding as shown in Tables 3
45 through 8 on Pages 8 to 13 in the 2010 Draft Fisheries
46 Resource Monitoring Plan booklet.

47
48 The three projects not recommended for
49 funding by the InterAgency Staff Committee consistent
50 with the Technical Review Committee are Project 10-201,

1 the Yukon chinook ASL project; Project 10-450 Lake
2 Clark whitefish; and Project 10-651, the Sitka Sound
3 herring.

4

5 Mr. Chair.

6

7 CHAIRMAN FLEAGLE: Thank you. And we
8 now have Regional Advisory Councils comments.

9

10 DR. WHEELER: Yes.

11

12 CHAIRMAN FLEAGLE: Go ahead, Polly.

13

14 DR. WHEELER: Mr. Chair. At the fall
15 2009 Regional Advisory Council meetings, all of the
16 projects were presented to each of the respective
17 Regional Advisory Councils, there was a thorough review
18 and discussion of each of the projects by region. All
19 the Council's recommendations, if they made them, and
20 Larry had pointed out a couple of the exceptions to
21 that, namely the North Slope Regional Advisory Council
22 and the Kodiak/Aleutians Regional Advisory Council, so
23 all the Council's recommendations, if they made them,
24 are listed in Tables 3 through 8, but as you know
25 Council representatives can always provide additional
26 comment or context to the Council recommendation at
27 this meeting.

28

29 Mr. Chair.

30

31 CHAIRMAN FLEAGLE: Okay, thank you.
32 And the next item is Board deliberation, and we've
33 identified a process.....

34

35 DR. WHEELER: The Regional Advisory
36 Councils.

37

38 CHAIRMAN FLEAGLE: Oh, any -- I thought
39 you meant during the discussion.

40

41 (Laughter)

42

43 CHAIRMAN FLEAGLE: Regional Advisory
44 Council recommendations. Does anybody from the
45 Councils wish to address further your comments.

46

47 Sue.

48

49 MS. ENTSMINGER: Yeah, thank you, Mr.

50 Chair.

1 If you look on Page 5 you'll see our
2 comments regarding 10-209. And I just want to make a
3 statement where there is a -- the people in the Eastern
4 Interior that's on my RAC have some real strong
5 convictions about the Yukon fishery and I don't know
6 how to say this, but for me, I don't live on the river
7 but, you know, I'm the Chair of the organization and I
8 can sense and feel their concerns and I think at this
9 time I'd just like to bring out, even though it's a
10 little different than this issue, I just want to say
11 that here's a place where I think the Federal system
12 could try to figure out a way to bring people together
13 to work on these issues so it doesn't look so, you
14 know, like a war, whatever it looks like to a lot of
15 people. It isn't. I think there's just issues that
16 need to be, where people come together and talk about
17 them more.

18

19 CHAIRMAN FLEAGLE: Thank you, Sue.

20

21 Nanci.

22

23 MS. LYON: Yeah, I would just like to
24 add a comment that wasn't included, which I don't know
25 that it was important that it was or wasn't included,
26 but at our fall advisory committee meeting, also,
27 concerning the Lake Clark whitefish study, we noted as
28 a committee that we -- we acknowledged all the work
29 that had been done and that we were wishing that it
30 could be completed and finished because we do not have
31 any kind of results from it and that we would like that
32 done as soon as we can get all the agencies on board
33 with that. So I just wanted to make sure that that was
34 noted as well since I didn't see it in the reports.

35

36 Thank you, Mr. Chair.

37

38 CHAIRMAN FLEAGLE: Okay, thank you for
39 the comments.

40

41 Other comments.

42

43 (No comments)

44

45 CHAIRMAN FLEAGLE: Thank you. All
46 right, well, let's go ahead and move into the Board
47 deliberation. Polly, do you want to address what you
48 see as an efficient process for this.

49

50 DR. WHEELER: Sure. Thank you, Mr.

1 Chair.

2

3 As covered by Larry and Helen in their
4 report, there's only one non-consensus project, and
5 that is Project 10-209, Yukon-Delta Bering Cisco mixed
6 stock analysis. A summary of the various entities
7 recommendations on that project can be, as Sue
8 Entsminger just pointed out, found on Page 5, and that
9 includes the Technical Review Committee recommendation,
10 a summary of the Eastern Interior Regional Advisory
11 Council recommendation, the Yukon-Kuskokwim Delta and
12 the Western Interior Regional Advisory Council
13 recommendations. As noted by Larry, all parties with
14 the exception of the Eastern Interior RAC supported the
15 funding of that project.

16

17 For the remaining 43 projects there is
18 consensus to fund 40 projects, and not fund three
19 projects.

20

21 The three projects that there was
22 agreement not to fund are, again, 10-201 Yukon chinook
23 ASL; 10-450 the Lake Clark whitefish; and 10-651 the
24 Sitka Sound herring. So, again, the non-consensus item
25 is Project 10-209 and then there's consensus on the
26 remaining 43.

27

28 Mr. Chair.

29

30 CHAIRMAN FLEAGLE: All right. And the
31 consensus items are going to be really easy to vote on,
32 I mean I think that we will, as per past practice, just
33 move them as a block and either confirm or maybe pull
34 out individual ones, if necessary, but I think what we
35 should do is probably start out with the non-consensus
36 items which, as we pointed out earlier, was just the
37 one, the 10-209, and for procedural issues, can I get a
38 motion to put 10-209 on the table and we'll work from
39 there.

40

41 Geoff.

42

43 MR. HASKETT: Thank you, Mr. Chair.
44 And do you want the rationale for the motion as well?

45

46 CHAIRMAN FLEAGLE: Let's get a motion
47 and a second.....

48

49 MR. HASKETT: Okay.

50

1 CHAIRMAN FLEAGLE:and then I'll
2 turn back to you.
3
4 MR. HASKETT: Okay. My motion is to
5 fund Project 10-209, the Yukon-Delta Bering Cisco mixed
6 stock analysis; and -- well, that's the motion, to go
7 ahead and fund the Project 10-209.
8
9 CHAIRMAN FLEAGLE: Okay, we do have a
10 motion to approve 10-209. Is there a second.
11
12 DR. KESSLER: I'll second.
13
14 CHAIRMAN FLEAGLE: Okay, we do have a
15 second.
16
17 DR. KESSLER: It's not working but I'll
18 second it.
19
20 CHAIRMAN FLEAGLE: We do have a second
21 from the Forest Service.
22
23 Okay, go ahead with your rationale,
24 Geoff, please.
25
26 MR. HASKETT: So actually I appreciated
27 your comments and I went back and read the description
28 of why there's not consensus on this and what it says
29 is the Council did not support funding this project
30 because of expressed concerns that the project would
31 only benefit commercial fishing interests and projects
32 like this should be funded by the commercial industry.
33 I didn't read that as a war, I mean it seems like a
34 disagreement, and I'd like to talk to you more about
35 that later, but I think that's okay to have
36 disagreements like that.
37
38 My motion to fund, I believe, is
39 supported by recommendations from the Yukon-Kuskokwim
40 Delta and the Western Interior Councils, as well as the
41 Technical Review Committee and the InterAgency Staff
42 Committee. The rationale being that the project will
43 provide additional information about the Bering Cisco
44 stocks that are important to subsistence users as well
45 as commercial interests all along the Yukon River.
46 There's growing concerns regarding expanding commercial
47 fisheries on a largely unstudied species; again, I
48 think we need this information to look at that kind of
49 thing; the potential for negative impacts on fish
50 stocks and subsistence fisheries provides compelling

1 justification for the recommended funding.

2

3 There's a clear Federal subsistence
4 linkage and the study design is a good one.

5

6 This obviously will also provide
7 information to help with management of the commercial
8 fisheries, but also at the same time clearly helps
9 protect subsistence users.

10

11 CHAIRMAN FLEAGLE: Thanks, Geoff.
12 Discussion Board members.

13

14 Dr. Kessler.

15

16 DR. KESSLER: Thank you, Mr. Chair.

17 Yeah, in looking at the Eastern Interior RAC's
18 comments, again, it seems to me that the issue is more
19 who they feel would more appropriately fund the study,
20 and I certainly think that that's a very good point
21 they make about maybe, you know, where the funding
22 should come from, but nonetheless this fishery, it's
23 small now but it's potentially expanding and the fact
24 is that we know very little about the genetic structure
25 and the stock origins of these populations; and these
26 populations are used for both subsistence and
27 commercial uses.

28

29 Those factors, the need for this
30 information in order to manage the stock, which needs
31 to be done, weighs heavily with me, as well as the fact
32 that this investigation plan appears to be solid. It
33 really lays out objectives that reflect the information
34 needs and it's well written and the investigators have
35 a solid track record of delivering.

36

37 So from that standpoint, I'm going to
38 support this proposal.

39

40 CHAIRMAN FLEAGLE: Kristin.

41

42 MS. K'EIT: Thank you, Mr. Chair.

43 Bureau of Indian Affairs will also support this
44 proposal. We have discussed it in our office and
45 understand the concern of the benefit for commercial
46 fishing interests but we also want to make sure we're
47 on the record showing that we want to support
48 information needed for subsistence management and not
49 miss an opportunity to gather information that could
50 help protect a resource that is traditionally being

1 used for subsistence.
2
3 Thank you, Mr. Chair.
4
5 CHAIRMAN FLEAGLE: Thank you. Other
6 discussion.
7
8 (No comments)
9
10 CHAIRMAN FLEAGLE: I, too, will support
11 the proposal, the request. I think that the
12 information that will be useable for the subsistence
13 fishery is worth investing in, I agree.
14
15 Are we ready for the question.
16
17 (Board nods affirmatively)
18
19 CHAIRMAN FLEAGLE: Polly, please poll
20 the Board.
21
22 DR. WHEELER: Mr. Haskett.
23
24 MR. HASKETT: I vote yes.
25
26 DR. WHEELER: Ms. K'eit.
27
28 MS. K'EIT: Yes.
29
30 DR. WHEELER: Dr. Kessler.
31
32 DR. KESSLER: Yes.
33
34 (Laughter)
35
36 CHAIRMAN FLEAGLE: Let the record
37 reflect those were all yes', the first three, go ahead.
38
39 Go ahead.
40
41 DR. WHEELER: Mr. Lonnie.
42
43 MR. LONNIE: Yes.
44
45 (Laughter)
46
47 DR. WHEELER: Ms. Masica.
48
49 MS. MASICA: Yes.
50

1 REPORTER: Turn your microphone off
2 after you talk, then the others will come on, it's one
3 at a time.
4
5 MS. K'EIT: Yeah, that's what it is.
6
7 DR. WHEELER: Oh, I was hogging it.
8
9 MS. K'EIT: It's one at a time talk,
10 how about that.
11
12 DR. WHEELER: I like it though.
13
14 (Laughter)
15
16 CHAIRMAN FLEAGLE: Now we've got it,
17 okay.
18
19 DR. WHEELER: And, Mr. Fleagle.
20
21 CHAIRMAN FLEAGLE: Yes.
22
23 DR. WHEELER: Six in favor, none
24 opposed.
25
26 CHAIRMAN FLEAGLE: Okay, thank you. So
27 we learned that one microphone at a time unless it's
28 the Chairman's microphone.....
29
30 DR. WHEELER: We learned.
31
32 CHAIRMAN FLEAGLE:then somebody
33 else can be on too, see.
34
35 (Laughter)
36
37 CHAIRMAN FLEAGLE: Okay, so we do have
38 affirmative action on 10-209.
39
40 We now move forward with the consensus
41 items, which are the remainder of the booklet.
42
43 And as we had summarized earlier, all
44 but three?
45
46 DR. WHEELER: Uh-huh. (Affirmative)
47
48 CHAIRMAN FLEAGLE: Were consensus to
49 pass, okay, do you want to go ahead and just present
50 that for the Board, read that in, please.

1 DR. WHEELER: Again, yes, there's 40 --
2 there's consensus to fund 40 projects and there's
3 consensus to not fund, I've got it, there's consensus
4 to not fund Project 10-201 the Yukon chinook ASL;
5 Project 10-450 Lake Clark whitefish; and 10-651 Sitka
6 Sound herring.

7
8 CHAIRMAN FLEAGLE: All right. So at
9 this time I would entertain a motion to accept the
10 consensus items as presented.

11
12 MR. HASKETT: Mr. Chair, I'll make that
13 motion to accept.

14
15 CHAIRMAN FLEAGLE: Is there a second.

16
17 MS. MASICA: Second.

18
19 CHAIRMAN FLEAGLE: Okay, we have it.
20 Discussion.

21
22 Dr. Kessler.

23
24 DR. KESSLER: Yes, thank you, Mr.
25 Chair.

26
27 Forest Service does support the mix of
28 the 40 proposals that have been suggested to go
29 forward. We think this is the right mix to get the
30 most important needs met and the best value for the
31 investment.

32
33 We do need to note, though, we're in a
34 difficult situation, budget wise, in that, we've
35 sustained a very heavy budget reduction for fiscal year
36 2010. However, we have taken steps to remedy this. We
37 have gotten some supplemental funds through another
38 budget. We have carried over money from the previous
39 year. We've done a lot of work that has helped us
40 close the gap, and so we're confident that we can
41 continue working with the other parties to close this
42 gap and support this full slate of proposals, but just
43 wanted to make note of our current budget difficulty.

44
45 Thank you.

46
47 CHAIRMAN FLEAGLE: Thank you. Other
48 discussion.

49
50 MS. K'EIT: Mr. Chair.

1 CHAIRMAN FLEAGLE: Go ahead, Kristin.
2
3 MS. K'EIT: Just a clarifying question.
4 So at this point if we have -- or we would like
5 discussion on any particular proposal, this would be
6 the time for that?
7
8 CHAIRMAN FLEAGLE: (Nods affirmatively)
9
10 MS. K'EIT: Okay. I would just like to
11 offer some comments, BIA will support the motion. We
12 do want to -- well, I do want to make some points about
13 the Proposal Project No. 10-450, the Lake Clark
14 whitefish study, and I've read the proposal and the
15 discussion from the TRC and justification. I
16 understand the justification for not funding it.
17
18 We would just like to recommend that
19 the project proponent consider addressing some of these
20 issues in the justification and we would be supportive
21 of an off-cycle proposal if they chose to do that.
22
23 The reason we would be supportive at
24 the Bureau is that this is a priority species in the
25 strategic plan for this region, this region's Council.
26 And also that the point made in the justification for
27 not funding about the different methods of data
28 collection, both the harvest calendar and the harvest
29 surveys, we notice that the same methodology is used in
30 another study in the Kuskokwim area, and it wasn't
31 clear whether the communities that would be required or
32 requested to participate in the study, it wasn't clear
33 whether or not they were consulted about if this
34 project would actually add to the study fatigue that
35 was referenced in the justification. So if that were
36 clarified, the rationale was better provided and
37 definitely the proponent works with the superintendent
38 of the Park Service and look at the available
39 resources, Staff resources there, you know, perhaps
40 they'll be able to be successful in another session.
41
42 Thank you, Mr. Chair.
43
44 CHAIRMAN FLEAGLE: Okay, thank you for
45 the comments.
46
47 Any other discussion.
48
49 MS. MASICA: Mr. Chair.
50

1 CHAIRMAN FLEAGLE: Sue.
2
3 MS. MASICA: Just in response to that.
4 I think the Park remains interested in pursuing this.
5 They were not in a position to support it going forward
6 at this particular point in time but do remain
7 interested in addressing those kinds of concerns and at
8 an appropriate time in the future working together to
9 get a proposal.
10
11 CHAIRMAN FLEAGLE: Great. So we look
12 forward to seeing this in the future then.
13
14 Further discussion.
15
16 (No comments)
17
18 CHAIRMAN FLEAGLE: Are we ready for the
19 question on the consensus agenda.
20
21 (Council nods affirmatively)
22
23 CHAIRMAN FLEAGLE: Polly, please poll
24 the Board.
25
26 DR. WHEELER: Ms. K'eit.
27
28 MS. K'EIT: Yes.
29
30 DR. WHEELER: Dr. Kessler.
31
32 DR. KESSLER: Yes.
33
34 DR. WHEELER: Mr. Lonnie.
35
36 MR. LONNIE: Yes.
37
38 DR. WHEELER: Ms. Masica.
39
40 MS. MASICA: Yes.
41
42 DR. WHEELER: Mr. Fleagle.
43
44 CHAIRMAN FLEAGLE: Yes.
45
46 DR. WHEELER: Mr. Haskett.
47
48 MR. HASKETT: Yes.
49
50 DR. WHEELER: The vote is six in favor,

1 Mr. Chair.

2

3 CHAIRMAN FLEAGLE: Thank you. That
4 took some pretty good coordination there.

5

6 (Laughter)

7

8 CHAIRMAN FLEAGLE: Only overlapped
9 once.

10

11 (Laughter)

12

13 CHAIRMAN FLEAGLE: All right, that
14 takes care of the Fisheries Resource Monitoring Plan.

15

16 I really appreciate the Staff's
17 presentation and discussions that went into this. It's
18 really interesting to see the amount of interest that
19 there is to continue to gather the data out there and
20 just the well thought out, well presented proposals and
21 appreciate you guys doing all the hard work to review
22 them and bring them forward, thank you.

23

24 So with that, then, we're going to move
25 on to the update on closures. And, again, I have some
26 notes.

27

28 The policy on closures to hunting,
29 trapping and fishing on Federal public lands and waters
30 in Alaska contains guidelines, guidance that closures
31 should be removed as soon as practicable when
32 conditions that originally justified the closure have
33 changed to such an extent that the closure is no longer
34 necessary.

35

36 To ensure closures do not remain in
37 effect longer than necessary, a review of closures once
38 every three years or one-third of closures annually is
39 requested.

40

41 Today we have Chuck Ardizzone, Chief of
42 the Wildlife Division to lead us in the update on the
43 2008/2009 reviews of wildlife closures.

44

45 Chuck, welcome.

46

47 MR. ARDIZZONE: Thank you, Mr. Chair.
48 Good afternoon, Federal Subsistence Board members and
49 Council Chairs. My name is Chuck Ardizzone. I am
50 Chief of the Wildlife Division for the Office of

1 Subsistence Management. I'm going to provide you with
2 an overview of the wildlife closure reviews that have
3 been done during this cycle.

4
5 I'll refer you to the closure on -- the
6 policy on closures to hunting, trapping and fishing on
7 Federal public lands and waters in Alaska that was
8 approved by the then Secretary of Interior Kempthorne
9 and signed by all Board members in August 1997. A copy
10 of the policy has been provided for you in your packet,
11 it should look like this.

12
13 The bulk of the closure policy is
14 directed at describing the decision-making process and
15 conditions for establishing or retaining a closure.
16 The last page of the policy describes a process for
17 closure reviews. As described in that section, the
18 Federal Board reviews existing closures once every
19 three years. The purpose of the reviews is to insure
20 Federal public lands and waters do not remain closed
21 beyond the time necessary to assure conservation of
22 healthy populations of fish and wildlife resources or
23 to provide a meaningful preference for qualified
24 subsistence users.

25
26 As directed through the closure policy,
27 during 2008/2009, the Office of Subsistence Management
28 Staff analyzed one-third of the existing wildlife
29 closures. Part of this analysis included a
30 recommendation of whether or not the closure should be
31 retained or lifted. OSM Staff recommended retaining
32 all closures, i.e., maintaining the status quo. For
33 all the reviews conducted, based on conservation --
34 excuse me -- recommended retaining all closures based
35 on conservation of healthy populations of wildlife or
36 to insure the continuation of subsistence uses by
37 Federally-qualified users. These analyses were
38 reviewed by the leadership and InterAgency Staff
39 Committee and subsequently included in the affected
40 Regional Advisory Council books. The wildlife closures
41 under review were then discussed with the affected
42 Council, which provided the recommendation as to
43 whether or not to retain or remove the closure.

44
45 In your packets you have a table that
46 provides a summary of those reviews and the
47 recommendations of the Councils. It should be this
48 table here, this little two-pager. As you can see the
49 affected Councils recommended retaining 10 of the 13
50 closures that were reviewed.

1 Based on local knowledge the Seward
2 Peninsula Regional Advisory Council submitted three
3 proposals to open areas closed to non-Federally-
4 qualified subsistence users. You will be reviewing the
5 analysis of opening these closures and voting on
6 whether to retain or lift them at your May 2010
7 wildlife meeting. Your action at that time will
8 constitute the only votes occurring as part of the
9 wildlife closure review process.

10
11 Since removal of a closure essentially
12 opens a season, it is an action that falls under
13 subpart D of our regulations, therefore, it must go
14 through the public process before the Board carries out
15 a vote. A closure may also be implemented, adjusted or
16 lifted based on a special action request.

17
18 As an aside, anyone including Councils,
19 the State or the public has the opportunity to submit a
20 proposal to remove an existing closure through the end
21 of a regular proposal acceptance period. The most
22 current one ended November 5th, 2009. Even though that
23 was the case, the only proposals we received to remove
24 closures were the three by the Seward Penn Council.

25
26 That concludes my briefing. If there
27 are any questions I can address them at this time.

28
29 Thank you.

30
31 CHAIRMAN FLEAGLE: Thank you, Chuck.
32 So just to get straight, I think it was pretty clear
33 what you said, that you're just giving an update to the
34 closures that we have in front of us on the table, and
35 the three that do have a recommendation from a Council
36 to open are being addressed in the May meeting, so we
37 don't have to take any action here. This is just an
38 update.

39
40 MR. ARDIZZONE: That's correct, Mr.
41 Chair.

42
43 CHAIRMAN FLEAGLE: Okay, thank you.
44 Discussion.

45
46 Sue, go ahead.

47
48 MS. ENTSMINGER: I have a question and
49 maybe I'm not -- it doesn't apply but under sheep, I
50 see you have Baird Mountains, is that the one for the

1 Arctic Village Sheep Management Area?

2

3 CHAIRMAN FLEAGLE: That's way over to
4 the west by Kotzebue?

5

6 MS. ENTSMINGER: Oh, 23. Is there a
7 reason why you didn't mention that one as a review or
8 does it not apply?

9

10 MR. ARDIZZONE: This is only a third of
11 what we have in place.

12

13 CHAIRMAN FLEAGLE: Okay. So the
14 process is you're doing a third annually as one of the
15 options?

16

17 MR. ARDIZZONE: Yes, Mr. Chair.
18 Actually I think we did about half this time, we'll
19 probably do the other half starting this fall.

20

21 CHAIRMAN FLEAGLE: Okay. Other
22 discussion.

23

24 (No comments)

25

26 CHAIRMAN FLEAGLE: All right, thank you
27 for the report.

28

29 MR. ARDIZZONE: Thank you.

30

31 CHAIRMAN FLEAGLE: Tina.

32

33 MS. CUNNING: Are you just giving a
34 report at this point and not taking any action; is that
35 correct?

36

37 CHAIRMAN FLEAGLE: (Nods affirmatively)

38

39 MS. CUNNING: So we'd like to just
40 provide some additional comments for consideration by
41 the Board; they're also non-action, but just for some
42 comments related to the closure report.

43

44 CHAIRMAN FLEAGLE: Sure, go ahead,
45 Tina.

46

47 MS. CUNNING: The policy that was
48 adopted in 2007, the closure policy, by the Federal
49 Board, it may be time that the Board and the
50 Secretaries take another look at that policy. As you

1 know there was a lot of lead up to the adoption of that
2 policy and a lot of concerns about how closures were
3 retained. By retaining closures beyond when they're
4 necessary for conservation or the other criteria that
5 are listed under ANILCA, it has a double-effect.

6
7 One, is that it necessitates someone to
8 submit a proposal to reopen through the regular cycle.

9
10 And what the State had requested in the
11 closure policy was that when closures are adopted by
12 the Federal Board, that the criteria, like the
13 population size, or the needs for reopening be adopted
14 at that time, so that when that threshold is reached,
15 when it's evaluated that it can be reopened without
16 having to wait for a three year review cycle; or
17 without having to wait for someone to be as, what's
18 been termed, like the State, be the bad guy, to have to
19 submit a request to have it reopened.

20
21 So that's something we'd like to ask
22 that you take a look at.

23
24 The justification that's included in
25 each of these closures that are being recommended
26 status quo for retaining do not take into account one
27 of the criteria that's in .815(3) of ANILCA and that is
28 that the restriction on the taking of fish and wildlife
29 for non-subsistence uses on the public lands should
30 only be -- that closure should only be retained if it's
31 necessary for conservation and the other purposes that
32 are listed.

33
34 Nowhere in the Federal Staff process is
35 there a consideration of whether the closure
36 unnecessarily restricts non-subsistence users or other
37 State subsistence users. For example, where there's a
38 quota and the quota is not being taken consistently
39 year after year, that quota, of course, protects
40 healthy populations but as long as that closure is
41 being taken into acco -- is being kept in place, there
42 is an impact on our other subsistence users or the non-
43 subsistence users. We suggest that the quota could be
44 reduced if it's not being taken by the Federally
45 eligible users, or that the closure could be eliminated
46 and reopened.

47
48 One of the things that we often times
49 hear is that if the closure is going to be eliminated
50 that somehow the State is going to have hordes of users

1 that are going to want to hunt there and we have a lot
2 of mechanisms, registration hunts and other ways in
3 which we can limit the number of people who are
4 eligible or can participate or would participate in
5 some of these hunt areas; and I think working together
6 through that in the policy, since it's not there but at
7 least through the Staff analysis, is something that we
8 should look into in the future to take into account.

9
10 The criteria that are currently
11 described in the justification for retaining each of
12 these closures, really when you look at it with a real
13 open mind, it would justify never reopening them. So
14 the key question in reopening is whether it
15 unnecessarily restricts the non-subsistence users, and
16 we need to somehow figure out how to work that into the
17 analysis process.

18
19 Thank you.

20
21 CHAIRMAN FLEAGLE: Okay, thank you for
22 those comments, Tina.

23
24 I was just looking at that last
25 paragraph that speaks to the process that we're using
26 now and it says that:

27
28 Except in some situations which may
29 require immediate action through the
30 special action process, closure review
31 analyses will be presented to Regional
32 Advisory Councils during the regulatory
33 process.

34
35 I understand what you're saying about
36 that process taking maybe longer than it needs to, but
37 instead of like maybe trying to reopen the whole policy
38 for discussion, have you considered using the special
39 action process? I don't think if you're putting in a
40 proposal to make an opening where you think that the --
41 or, you know, the State thinks that it shouldn't be in
42 place anymore necessarily would make you to be the bad
43 guy, if the conditions have corrected or something.
44 But I mean I guess I'm not debating, but isn't the
45 vehicle already here to do pretty much what you're
46 asking except to put it into regulation like you're
47 suggesting?

48
49 MS. CUNNING: That was our suggestion
50 all along, was that, as closures are adopted, that

1 criteria or some mechanism should be included so it
2 isn't waiting on a three year cycle.

3

4 There's one of the proposals, for
5 example, that has been in place only two years and so,
6 you know, the recommendation is to continue to go on,
7 well, why, there's not -- there's no mechanism here for
8 evaluating whether it's still needed; whether it is
9 having an unnecessary impact on the other users. There
10 are some proposal closures that are being retained
11 because people don't want the competition in the area.

12

13 So, you know, the closure is --
14 basically the way this justification is written, it's
15 going to sit there forever under the way the evaluation
16 process works now unless someone brings in a proposal.
17 And, you know, we shouldn't always have to be the one
18 that brings in the proposals, it should just be part of
19 the adoption of the original closure when it's first
20 evaluated; what is the population goal, or what is
21 happening that would trigger it to be reviewed for
22 reopening.

23

24 CHAIRMAN FLEAGLE: Thanks. I
25 understand where you're coming from. Appreciate the
26 comments.

27

28 Discussion, further.

29

30 (No comments)

31

32 CHAIRMAN FLEAGLE: Thank you. Okay,
33 down to other business.

34

35 Dr. Wheeler, do you have any other
36 business from the OSM to come before this Board today?

37

38 DR. WHEELER: I don't have any other
39 business. The one item that Pete had neglected to
40 mention this morning, though, is that in your packet
41 you'll find a schedule for the upcoming meetings for
42 the next year of the Federal Board.

43

44 The April 13th and 14th is when the
45 Federal Board deals with the deferred Yukon proposals
46 that Mr. Wilde had referred to earlier. In May, May 18
47 to 20 is the Federal Board wildlife proposal meeting.
48 We mentioned it before in passing, but I guess I just
49 want to put another teaser out there, currently the
50 meeting is scheduled for three days, May 18, 19, and 20

1 here in this lovely hotel, and there's 108 wildlife
2 proposals before us so we have been a little concerned
3 that that may not be enough time for the Federal Board
4 to deal with those proposals so we have gone ahead and
5 reserved this hotel for another day, which is May 21,
6 so the meeting could potentially be 18, 19, 20, 21, so
7 just put it out there to check your schedules and see
8 what your availability is because there's a big load
9 ahead of you.

10

Thank you.

12

CHAIRMAN FLEAGLE: Okay, thank you.

14

15 All right, anticipate possibly another
16 day on the May meeting schedule, thank you.

17

Other business from Board members.

19

(No comments)

21

22 CHAIRMAN FLEAGLE: Final comments from
23 Council representatives.

24

Bert.

26

27 MR. ADAMS: Thank you, Mr. Chairman.
28 I'm kind of glad that we're getting out of here early
29 because I feel a bug coming on and it would be nice to
30 be cuddled up in my bed right now.

31

32 MR. HASKETT: I think it's the
33 building.

34

MR. ADAMS: Pardon?

36

37 MR. HASKETT: I think it's the
38 building, I've been reacting to the whole.....

39

40 MR. ADAMS: Oh, is that right, yeah, I
41 got a sore throat and, yeah, I just feel kind of lousy.

42

43 Anyhow, I'd just like to, you know,
44 make my comments, you know, recognizing Mitch
45 Demientieff, you know, we all know he passed away, you
46 know, several weeks ago, but I think it would be, you
47 know, well to have on record, you know, that we do
48 appreciate the work that he had done, you know, while
49 he was serving as the Chair. And I was really
50 impressed with this guy, it was up, I think, in

1 Fairbanks, for an AFN meeting several years ago and I
2 don't ever remember, you know, meeting him or shaking
3 hands with him or, you know, I didn't know that he knew
4 me or the other way around but he was sitting in the
5 lobby there and so I went up to him and I says, well,
6 hey, Mitch, you know, my name is Bert Adams and he
7 says, I know you, you know, so I was impressed. I
8 think, you know, he probably made it a point, you know,
9 to know all of the people on the RACs and their Chairs
10 and so forth and so I really appreciated that.

11
12 Anyhow, I think, you know, for the
13 record he should be recognized, you know, as one who
14 served real well in this position.

15
16 And we don't know what's going to
17 happen to you as well, you know, Mike.

18
19 (Laughter)

20
21 MR. ADAMS: But I wish you well, you
22 know, in whatever that you do in the future, I think
23 you have sat there honorably and have represented the
24 issues real well. So, again, I'd just like to say, you
25 know, that anyone in that position there really needs
26 to be recognized and appreciated.

27
28 So with that, you know, I just want to
29 just say that I appreciate all of the people who, you
30 know, work in the RACs, as I mentioned earlier we're
31 all volunteers, you know, and a lot of time is put into
32 the efforts of bringing the subsistence issues before
33 the Board. And I really wanted to say that I
34 appreciate, you know, all of the work that you do.

35
36 I also appreciate and even though we
37 might be at odds with one another is the State, you
38 know, they're -- I know their hands are tied, I know
39 some of the reasons why they're not in compliance with
40 ANILCA, but I hope that somewhere down the line, you
41 know, those issues will be solved and that we'd all be
42 working together, you know, to do the work that would
43 be in the best interest of the subsistence users out
44 there.

45
46 So just thank you to everyone, and I
47 hope we all have a safe trip home.

48
49 Gunalcheesh.

50

1 CHAIRMAN FLEAGLE: Thank you, Bert. I
2 appreciate the mention of former Chair Mitch
3 Demientieff. That was raised part way into the
4 meeting, if we were going to make some kind of formal,
5 you know, recognition and it was kind of an awkward
6 moment and we elected, you know, up here to not do it
7 mid-meeting because it would look like it was maybe an
8 afterthought and wouldn't convey any respect. But I
9 really appreciate how you brought it forward and I do
10 agree that, you know, that the service that he provided
11 to the overall community, not just to this Board, but
12 from 18 years old being the president of TCC, to the
13 steps that he moved through in his life was really
14 commendable. I did attend the funeral in Nenana. Of
15 course, you know, Mitch and I grew up in neighboring
16 communities so for that.

17
18 And I also want to thank you for the
19 vote of confidence for me in this position. I really
20 have appreciated serving. And I'm not announcing that
21 I'm retiring or resigning.....

22
23 (Laughter)

24
25 CHAIRMAN FLEAGLE:but I think the
26 handwriting has been on the wall. So it's been kind of
27 the white elephant in the room, I guess, or pink
28 elephant or whatever it's called. But I just want to
29 -- I think I'll just use that comment as a segway to
30 just say how I've felt about being involved in this
31 process; it's been wonderful.

32
33 As everyone knows I served almost a
34 decade on the State Board of Game. I was appointed
35 twice each by two Governors, both of differing
36 administrations, one Republican, and one Democrat.
37 Over a course of some really contentious issues and we
38 made some real good progress while I was on the Board
39 of Game, you know, in advancing predator management,
40 for instance, and feel really happy to have been
41 involved with that process. The one drawback to the
42 State system is, because as you mentioned, the
43 Constitutional problem with rural preference, that
44 there was a lot of issues that I firmly felt that
45 should have some rural priority because I'm a rural
46 person at heart myself, only moving into the city here
47 five years ago or -- yeah, five years ago now, for job
48 reasons, have always felt that the people that live out
49 in the area should be able to harvest from the fish and
50 wildlife in the area; I have always felt that. And

1 when I was offered the consideration for this position
2 I jumped at it. I says, now, I can stand up and act
3 like I believe, you know, in being able to provide this
4 preference, and it's been an honor to serve here and to
5 work to see that subsistence issues are continually up
6 in the forefront and that we continue to do our best to
7 provide.

8

9 I know it's not perfect; I'll agree
10 with everybody that says that, you know, there's things
11 that could change for the benefit. We know that
12 there's strong leanings from one side all the way over
13 to the other side about how we can change and I take
14 that as somewhat of a good sign. If you got extreme
15 polar opposites wanting change, you're somewhere in the
16 middle and I've felt that about this process. But I
17 think that having said that we do have -- it is a
18 bureaucracy, it's a Federal program that was thrown
19 together to intended to last six months and here we are
20 20 years later and it's just continually being
21 redefined by court process, by court judgments, by
22 Secretarial directives and we find us where we're at
23 today. I think that any bureaucracy should be looked
24 at. It's just bureaucracies tend to have this growth
25 pattern that's unchecked and, you know, yeah, a review
26 is good, but let's have the review, let's make this a
27 better program.

28

29 But I will right now publicly say, I
30 don't think it's broken so let's go on forward and I
31 appreciate all the support.

32

33 Any other comments.

34

35 Bert.

36

37 MR. ADAMS: Mike, I don't think it's
38 broken either, we just need to keep improving and
39 improving, you know, and so, yeah, again, thank you.

40

41 CHAIRMAN FLEAGLE: Thank you, Bert.

42 Other Council comments.

43

44 (No comments)

45

46 CHAIRMAN FLEAGLE: Closing comments
47 from Board members.

48

49 (No comments)

50

1 CHAIRMAN FLEAGLE: Is there a motion
2 for -- oh, Ralph, go ahead.

3
4 MR. LOHSE: I was just going to say the
5 same thing Bert said, I don't think it's broken. I
6 came into this when it started, came into it with a
7 totally different attitude than I have today. I've
8 appreciated what I've learned from all the different
9 Council members and Council Chairs from all over the
10 state, and I don't think I'm the same person I was when
11 I started. I don't think I see things the same. And I
12 hope that nobody that sits on that Board after they've
13 listened to all the people see things the same as when
14 they started.

15
16 CHAIRMAN FLEAGLE: Sue.

17
18 MS. ENTSMINGER: In the essence of
19 being short, ditto, to both of them.

20
21 (Laughter)

22
23 MS. ENTSMINGER: And also I want to --
24 I knew Mitch a long time ago when he was a young man
25 and he was a lot of fun to be around, too, he had a
26 great sense of humor and he made -- when things were
27 contentious he could bring things together and make you
28 feel a little more comfortable and I thought that was a
29 pretty neat asset that he had. And I want to thank you
30 also, Mike, I mean I would hope that -- I hear what
31 you're saying, I think it's hard to say goodbye
32 sometimes and appreciate your work there as the Chair.

33
34 Thank you.

35
36 CHAIRMAN FLEAGLE: Thank you, Sue. Now
37 is there a motion to adjourn.

38
39 MS. K'EIT: So moved.

40
41 CHAIRMAN FLEAGLE: All right, there's a
42 motion. Is there a second.

43
44 DR. KESSLER: Second.

45
46 CHAIRMAN FLEAGLE: Got the second.

47
48 All right, we're adjourned.

49
50 Thank you, everyone.

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3

(Off record)

(END OF PROCEEDINGS)

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C E R T I F I C A T E

UNITED STATES OF AMERICA)
)ss.
STATE OF ALASKA)

I, Salena A. Hile, Notary Public in and for the State of Alaska and Owner of Computer Matrix, do hereby certify:

THAT the foregoing pages numbered 02 through 91 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, taken electronically under my direction on the 12th day of January 2010, beginning at the hour of 8:30 a.m. at the Coast International Inn, Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed under my direction;

THAT I am not an employee, attorney, or party interested in any way in this action.

DATED at Anchorage, Alaska, this 20th day of January 2010.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/10