

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME II
7

8 EGAN CONVENTION CENTER
9 ANCHORAGE, ALASKA

10
11 January 19, 2011
12 8:30 o'clock a.m.
13

14
15 MEMBERS PRESENT:
16

- 17 Tim Towarak, Chairman
18 Kristin K'eit, Bureau of Indian Affairs
19 Geoff Haskett, U.S. Fish and Wildlife Service
20 Beth Pendleton, U.S. Forest Service
21 Sue Masica, National Park Service
22 Mr. Cribley, Bureau of Land Management
23
24 Bertrand Adams - Southeast RAC
25 Rosemary Ahtuanguaruak - NS RAC
26 Peter Buck - Seward Peninsula RAC
27 Molly Chythlook - Bristol Bay RAC
28 Andrew Firmin - Eastern Interior RAC
29 Ralph Lohse - Southcentral RAC
30 Jack Reakoff - Western Interior RAC
31 Walter Sampson - NWA RAC
32 Mitch Simeonoff - Kodiak RAC
33 Lester Wilde - YK RAC
34
35
36 Charlie Swanton, State of Alaska Representative
37
38 Keith Goltz, Solicitor's Office
39

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1 P R O C E E D I N G S

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3 (Anchorage, Alaska - 1/19/2011)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: I'll call this meeting
8 back to order. we were in recess from yesterday
9 afternoon. We've got a little juggling of our agenda
10 this morning and I'm going to ask Pete to review it with
11 us before we get started.

12
13 MR. PROBASCO: Thank you, Mr. Chair, and
14 good morning. Board members. We heard a lot of
15 testimony yesterday and particularly to Proposals 4, 5,
16 6, 7. And prior to getting into proposals, Larry Buklis
17 will be giving us a brief summary on the consensus agenda
18 items, and that's just to introduce them and then we'll
19 have an opportunity for public to comment on those two
20 proposals on the consensus agenda item. Once that's
21 completed, and I don't have any public testimony for the
22 consensus agenda, once that's completed we'll go to the
23 proposals and my understanding, Mr. Chair, is, once we go
24 to the proposals we'll ask Geoff Haskett to speak and Mr.
25 Haskett will have a motion for the Board to consider, and
26 if that motion is accepted and passed then that would
27 deal with Proposals 4, 5, 6 and 7.

28
29 So, Mr. Chair, I would recommend we start
30 out with any comments from the Board members. I know Mr.
31 Charlie Swanton from the State has some opening remarks
32 and I'd turn the mic back over to you.

33
34 CHAIRMAN TOWARAK: Thank you, Pete. Any
35 comments from the Board or from the RAC Chairs.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: If not then we'll
40 yield the floor to the State.

41
42 MR. SWANTON: Thank you, Mr. Chairman.
43 Good morning, Members of the Federal Subsistence Board,
44 Rural Advisory Council Chairs and representatives.
45 Commissioner Campbell sends regrets of not being able to
46 attend but wanted me to convey that the State of Alaska
47 is poised and prepared to assist this regulatory body to
48 conduct its work, although we do not often agree on
49 certain issues and various approaches to resolving
50 renewable natural resource problems, we can say that the

1 State is committed to maintaining the long-term health of
2 our fish and game resources and most certainly preserving
3 the opportunity for those folks that rely so heavily upon
4 them for daily sustenance.

5
6 At the table to my right is Ms. Jennifer
7 Yuhas. Behind, off to my right, is Mr. George Pappas.
8 And we have today Trooper Burke Waldron, who will be
9 available to answer any particular questions related to
10 enforcement and the difficulties between the dual
11 management system in terms of enforcement, from an
12 enforcement perspective.

13
14 Those folks, primarily George and
15 Jennifer, will be presenting the State's comments on the
16 various proposals you will be addressing, and, please,
17 note, the unabbreviated comments are published and
18 available within your Board notebooks for the record, and
19 we request that the full written comments be incorporated
20 into the meeting transcripts.

21
22 Mr. Chairman.

23
24 CHAIRMAN TOWARAK: Thank you. We're
25 ready for Mr. Buklis.

26
27 MR. BUKLIS: Thank you, Mr. Chairman. My
28 name is Larry Buklis. I'm the Fisheries Division Chief
29 with the Office of Subsistence Management.

30
31 We originally received 19 proposals in
32 response to our call for fisheries regulation changes.
33 We also had two proposals deferred from the last
34 fisheries cycle, for a total of 21 proposals. Four
35 proposals of this total were withdrawn by the proponents,
36 upon their request, prior to action by the Regional
37 Advisory Councils, which is consistent with Board policy.
38 That leaves 17 proposals for Board action. And these are
39 further divided into consensus and non-consensus agenda
40 items.

41
42 As Pete noted there are two items on your
43 consensus agenda. That agenda is found on Page 3 of your
44 Board meeting book. They're both in the Yukon Northern
45 Management Area.

46
47 FP11-04 prohibit the use of fishwheels to
48 harvest salmon in Yukon River Districts 4 and 5. And the
49 consensus position is to oppose.

50

1 Secondly, FP11-06 restrict the depth of
2 gillnets. Again, the consensus position is to oppose.

3
4 And there may have been some confusion
5 yesterday but to make clear, the consensus agenda does
6 not mean agreement to adopt a proposal. It's consensus
7 on a position relative to a proposal, and that can be to
8 support or oppose.

9
10 Mr. Chair. As described on Page 3 of the
11 meeting book, consensus agenda items are those proposals
12 for which agreement exists among the affected Regional
13 Advisory Councils, the Federal InterAgency Staff
14 Committee and the Alaska Department of Fish and Game.
15 Once again concerning Board action, whether it is to
16 adopt, adopt with modification, oppose or defer, and in
17 this case both are a position of oppose.

18
19 Requests may be made at this meeting to
20 move a proposal off the consensus agenda, but the Board
21 retains authority for moving items off consensus. That
22 rests with the Board.

23
24 With that said, based on the agenda
25 before you and drawing upon our assessment of the
26 positions of the relevant parties as of December, there
27 are two proposals on consensus agenda and 15 on non-
28 consensus. The Board is scheduled to take action on the
29 consensus agenda after your deliberations and decisions
30 on all the other proposals, as is noted on your main
31 meeting agenda.

32
33 Thank you, Mr. Chair.

34
35 CHAIRMAN TOWARAK: Thank you, Mr. Buklis.
36 We now proceed with the.....

37
38 MR. PROBASCO: Mr. Chair. I have --
39 usually we open the floor at this time for public
40 comment. And this might be a good time to just remind
41 the public that if you would like to testify on any of
42 the proposals that the Board will be taking up, please go
43 to the desk up front as you entered and fill out a green
44 card. At this time I have no public signed up to testify
45 on those two proposals that Larry just introduced. So,
46 Mr. Chair, I think we move into the non-consensus agenda
47 items and I would recommend you turn the mic over to
48 Geoff, Mr. Haskett.

49
50 CHAIRMAN TOWARAK: Thank you, Pete. We

1 will then turn the floor over to Board Member Geoff.

2

3 MR. HASKETT: Thank you, Mr. Chair. So
4 this is going to be in regards to Proposals 4, 5, 6 and
5 7. After hearing the testimony yesterday from a member
6 of the Mountain Village Working Group and their request
7 to withdraw all four of their proposals, I'd like to make
8 a motion to that effect, if it's okay.

9

10 CHAIRMAN TOWARAK: The floor is open for
11 your action.

12

13 MR. HASKETT: So my motion would be to
14 accept the request from the Mountain Village Working
15 Group to withdraw Proposals 4, 5, 6 and 7. This motion
16 would also be consistent with the recommendations of all
17 four Regional Advisory Councils to oppose all proposals.
18 I will provide my justification if I get a second.

19

20 MS. K'EIT: Second.

21

22 CHAIRMAN TOWARAK: It's been seconded.
23 Proceed.

24

25 MR. HASKETT: Okay. As we heard
26 yesterday, the proponents no longer support the
27 proposals, and have requested this Board honor their
28 request that they be withdrawn. As stated in our policy
29 on withdrawal of regulatory proposals, the Board may
30 approve such requests. Since this request is consistent
31 with the recommendations with the Yukon Kuskokwim-Delta,
32 Western, Eastern Interior and Seward Peninsula Regional
33 Advisory Councils, I don't see any reason not to accept
34 the request for withdrawal since there appears to be no
35 support for them by the users along the Yukon River.

36

37 CHAIRMAN TOWARAK: I was distracted for
38 a second.

39

40 MR. HASKETT: Should I -- want me to do
41 it again?

42

43 CHAIRMAN TOWARAK: Yes, please.

44

45 MR. HASKETT: Okay. So the bottom line
46 is that this is within our policy to be able to withdraw
47 by the Board; the Board can approve requests when they're
48 made like that. This request is consistent with the
49 recommendations of all the Councils, the Yukon Kuskokwim-
50 Delta, the Western and Eastern Interior and Seward

1 Peninsula Regional Councils, so I don't see any reason
2 not to accept the proposal to withdraw since there
3 appears to be no support for this by the users along the
4 Yukon River anyway.

5
6 CHAIRMAN TOWARAK: I'm sorry the motion
7 was seconded by Board Member K'eit.

8
9 Any discussion, questions on the motion.

10
11 MS. PENDLETON: Mr. Chairman. I'd just
12 like to hear from the RACs that are involved with this
13 and just make sure that there isn't any issue or comment
14 or concern.

15
16 CHAIRMAN TOWARAK: Go ahead, Mr. Reakoff.

17
18 MR. REAKOFF: Mr. Chairman. As Western
19 Interior RAC Chair, I appreciated Mountain Village
20 Working Group withdrawing their proposals. And I feel
21 that it's within the purview of the Board to adopt the
22 motion as stated.

23
24 CHAIRMAN TOWARAK: Mr. Wilde, do you have
25 any comments.

26
27 MR. L. WILDE: Thank you, Mr. Chairman.
28 No, I don't have any real comments. But I appreciate the
29 fact that the proposals are going to be withdrawn because
30 we felt that they had no business in the proposal book in
31 the first place.

32
33 Mr. Chairman, thank you.

34
35 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
36 Any other comments. Mr. Sampson.

37
38 MR. SAMPSON: Thank you, Mr. Chairman.

39
40 I think we also need to understand that
41 if the proposers wish to look at proposals down the road
42 that's their right to look at doing that but I think as
43 a Regional Advisory Council I honor the request of the
44 withdraw of the proposals from the book.

45
46 Thank you.

47
48 CHAIRMAN TOWARAK: Thank you, Mr.
49 Sampson. Mr. Firmin, did you have your hand up.

50

1 MR. FIRMIN: Yes, thank you, Mr. Chair.
2 We also would just like to thank Mountain Village Working
3 Group for withdrawing their proposals and we honor that
4 request. And I think it also saved us a lot of hassle
5 and time in the longrun as well.

6
7 CHAIRMAN TOWARAK: Thank you. Any other
8 comments.

9
10 (No comments)

11
12 CHAIRMAN TOWARAK: Is the Board ready for
13 action on the motion.

14
15 MR. CRIBLEY: Mr. Chairman. Being the
16 new guy on the Board, I think I get a pass for at least
17 one dumb question. I'm new to this process and not
18 exactly sure of how things evolve here as far as dealing
19 with issues and stuff. I support the proposal that Geoff
20 has made as far as dropping these four proposals. I
21 think it's a good recommendation and I think prudent as
22 far as the time of everybody in the room. But the
23 question I have is it seems like the proposals themselves
24 are kind of an indication of a problem, kind of a
25 symptom, and it's not necessarily the right solution but
26 an indication that there's an issue within this entire
27 drainage and fisheries. And I'm curious of how -- what
28 -- does the Board or is it the Councils that take the
29 initiatives on looking at that larger problem and coming
30 up with; how do we deal with that issue and come up with
31 solutions for that?

32
33 It seems like it's good to drop this
34 proposal, but it seems like also we need to have -- be
35 working on some alternative solutions to this issue, and
36 does the Board make recommendations on that or do the
37 Councils, are they -- is it kind of the onus on them to
38 come up with those solutions or just how does that work;
39 maybe -- maybe that's my dumb question of the day?

40
41 CHAIRMAN TOWARAK: I appreciate that
42 question. I am almost as new as you are.....

43
44 (Laughter)

45
46 CHAIRMAN TOWARAK:so I could
47 probably give you a dumb answer.

48
49 (Laughter)

50

1 MR. CRIBLEY: Well, I doubt that.

2

3 (Laughter)

4

5 CHAIRMAN TOWARAK: But I will defer an
6 answer to your question to Pete, if I could.

7

8 MR. PROBASCO: Thank you, Mr. Chair, and
9 thank you Mr. Cribley. And I would say that's a very
10 good question you have.

11

12 I think you need to look at our history,
13 this Board and our Regional Advisory Councils, for many
14 years, have been dealing with the issues throughout the
15 state as they deal with fisheries, but particularly
16 Yukon, and particularly as it pertains to chinook. And
17 as recently as a little over a year ago, the Board passed
18 some regulations that deal with gear in the hopes of
19 passing and improving on the escapement, both into Canada
20 and US tributaries. That's still early, the results are
21 yet to be seen on that. Also in-season management, both
22 by the State side and the Federal side, we have
23 implemented what we call pulse timing as far as allowing
24 fish to move up river and try to protect that pulse as it
25 moves up river.

26

27 So it's an ongoing process. I don't
28 think there's one solution that's going to solve our
29 problem. I think we'll be continuing to deal with this
30 for the years to come but I think we're getting closer
31 for dealing with this. And, you know, management of
32 fisheries in Alaska is very dynamic and once you think
33 you have all the answers, next year you're proven wrong.
34 So we just need to be open and be ready to deal with
35 them.

36

37 Mr. Chair.

38

39 CHAIRMAN TOWARAK: Thank you. Does that
40 answer your question?

41

42 MR. CRIBLEY: (Nods affirmatively)

43

44 CHAIRMAN TOWARAK: Go ahead, Keith.

45

46 MR. GOLTZ: I'd like to add to that some
47 legal perspective.

48

49 What this program generally tries to
50 avoid is top down solutions. What we look for bottom up

1 solutions, and the engine for that is the Regional
2 Advisory Councils.

3

4 CHAIRMAN TOWARAK: Mr. Wilde.

5

6 MR. L. WILDE: If I may, Mr. Chairman.
7 You know we've spent a lot of years trying to get the
8 Upper Yukon and the Lower Yukon to work on one solution
9 and that was to increase the amount of chinook that we
10 have in the river and our fathers and our elders have
11 told us down through the years and ages that once we
12 start fighting for our resource that that resource
13 disappears and nobody will be getting any of those
14 resources. And that is absolutely true. If we can't
15 find a solution to the problem that we have on the river
16 together and where one area keeps taking whatever is left
17 then we're sure that we're not going to have anything
18 left.

19

20 Thank you, Mr. Chairman.

21

22 CHAIRMAN TOWARAK: Thank you. Any other
23 comments.

24

25 Board Member, K'eit.

26

27 MS. K'EIT: Mr. Chair. Yesterday, Mr.
28 Wilde brought up a suggestion of having the Councils on
29 the Yukon River meet and I believe it's within our
30 purview to recommend a subcommittee and give them some
31 direction. I'm not sure if this is the appropriate time
32 to have that conversation, but if it is maybe we should
33 go that direction.

34

35 Thank you, Mr. Chair.

36

37 CHAIRMAN TOWARAK: We currently have a
38 motion on the floor and we're discussing that motion and
39 I think we could make a -- my understanding, or my
40 suggestion is that we take note of your comments and
41 perhaps at the of our voting of these proposals, this
42 motion then we would discuss your solutions plus any
43 others that might come up.

44

45 Board Member Haskett.

46

47 MR. HASKETT: I think there's at least
48 two proposals coming up where there's going to be
49 recommendations that'll be kind of in line with this too,
50 to set up some subcommittees to look at customary trade

1 on the entire drainage, so I think we'll get the chance
2 to look at that question, at least, in part, later today
3 as well.

4
5 CHAIRMAN TOWARAK: Okay. So if you could
6 mentally make a note of that, between us Board Members --
7 we Board Members and the Staff, we will take it up as a
8 discussion item later in the day.

9
10 Getting back to the question on the
11 floor, are there any comments.

12
13 Mr. Adams.

14
15 MR. ADAMS: Thank you, Mr. Chairman. I'd
16 just kind of like to, if I might, Mr. Chair, elaborate a
17 little bit on what Mr. Wilde said earlier about when we
18 begin to fight over these resources, they will begin to
19 disappear.

20
21 This is a real principle in my Tlingit
22 culture. And most of you are all new Board members but
23 when I first got involved in this I told the story about
24 the creation, Raven, is our creator. And at the end of
25 the creation, after he put all of the animals and the
26 birds and the fishes in their proper places, and he made
27 the tribal houses, the first tribal house for them to
28 live in, then the migrations began, but he left them with
29 about 10 or 12 values, or principles that I always like
30 to share only four, you know.

31
32 And he told the people that you must have
33 respect and reverence for the Creator.

34
35 And then the second principle is to
36 respect everything. Respect one another, respect the
37 resources, respect, you know, anything from the resources
38 that you take from the land. And we believe, you know,
39 that there's life in everything. There's life in that
40 glass of water. There's life in the glass. There's life
41 in the wood. There's life in the trees and in the water.
42 And when you treat those resources with respect, then
43 nature will provide you with all of the things that you
44 need to sustain your lives. And when we begin to show
45 disrespect for those resources, as Mr. Wilde has said,
46 then those resources are going to start disappearing.
47 And then, you know, to bring them back, we're going to
48 have to go back to living with the laws of nature.

49
50 And so I just wanted to bring that out as

1 a matter of principle because we are all involved in the
2 management of these resources and if we don't do it in a
3 proper way then those things are going to disappear.

4
5 And one of the other principles that
6 Raven, you know, left us with is that we should share,
7 share our resources with one another.

8
9 And I just thought maybe since Mr. Wilde
10 brought that up it was really important, you know, if I
11 shared this with you at this point. Maybe sometime I'll
12 share the creation story with you and you'll get the
13 whole story behind that. But I just wanted to drop that
14 off, you know, as a matter of thought as you go through
15 your deliberations today.

16
17 Gunalcheesh.

18
19 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
20 Mr. Sampson -- oh, I'm sorry, Mr. Reakoff had his hand
21 earlier, and then we'll go to Mr. Sampson.

22
23 MR. REAKOFF: The Western Interior has a
24 conservation proposal before the Board. The Western
25 Interior has requested a working group. There is work
26 being done on this recognized issue, this conservation of
27 the chinook salmon on the Yukon River is not going to go
28 away, and this Council, Western Interior is committed to
29 addressing that issue. And so I just wanted to inform
30 the new Board members that the bottom up -- and I would
31 like to reach out to the communities, the tribal councils
32 with input and am very encouraged by the tribal council
33 input into looking to alleviate this issue.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Thank you, Mr.
38 Reakoff. Mr. Sampson.

39
40 MR. SAMPSON: Thank you, Mr. Chairman.
41 I guess to the new kid on the block there.

42
43 This is certainly an educational process
44 that you certainly will have to go through.

45
46 I remember the agency had asked for some
47 proposals from Regional Advisory Councils throughout the
48 state, any Regional Advisory Council or any individual
49 who feels that they need to address the need for the
50 resources so they submit the proposals based on what they

1 see that is needed to be addressed. And it is the
2 responsibility of the agency, through your biologists to
3 find out exactly what the population and health of that
4 resource is. Then based on what's been given to you,
5 based on the information, this is where you make your
6 decision through the process of deliberation to try to
7 get to a fine line of where you need to go; and that is
8 why the folks from the Yukon have withdrawn. They see
9 that they've created something that they didn't need to
10 create so therefore they withdrew their proposal, and I
11 certainly respect that.

12

13 And it's a process that takes sometimes
14 arguing on one proposal, for instance, if it's such that
15 there's no agreement between the two, then that's where
16 you get into the point of amending those proposals.

17

18 Thank you.

19

20 CHAIRMAN TOWARAK: Thank you, Mr.
21 Sampson. Mr. Adams.

22

23 MR. ADAMS: Every time somebody says
24 something it triggers another idea often so I just can't
25 keep my mouth shut.

26

27 (Laughter)

28

29 MR. ADAMS: But I appreciate what Mr.
30 Reakoff brought out a little earlier about working from
31 the bottom up. ANILCA was designed for that particular
32 purpose. And to go even further than the Regional
33 Advisory Councils, we need to reach out to the
34 individuals in the communities and to the tribal councils
35 or other organizations and then it works its way up, you
36 know, to here.

37

38 But I'd like to also just emphasize the
39 work that the Regional Advisory Councils do in order for
40 those proposals to come before you.

41

42 You know, when you talk about C&T
43 determinations, there are seven or eight factors that
44 needs to be put into the formula, we consider all of
45 those things, so there's a tremendous amount of work that
46 Regional Advisory Councils do for you people before it
47 gets to this point. And, then, of course, you know, you
48 have your own criteria or factors, you know, to determine
49 whether that proposal is a good one or not.

50

1 When we do a proposal, I know in our
2 Council, we really require that when a person is making
3 a motion to accept a proposal, that they give their
4 reasons why, and we use four criteria.

5
6 Is there enough data to support that
7 proposal.

8
9 Is it founded upon sound principles,
10 well, that's what that is too.

11
12 How does it affect subsistence users. We
13 even take into consideration, you know, the affect it
14 might have on non-subsistence users.

15
16 And so a proposal, you know, that comes
17 before us, we go through those four criteria and, you
18 know, if they all fit in together then we say, okay, this
19 is a good proposal and then it's brought up to your
20 level. And that's why, you know, I, myself, feel
21 somewhat let down when the Board, you know, does not
22 accept a proposal because you're supposed to give --
23 well, the handbook says that deference is given to
24 Councils, however, it's not necessarily so. And in a
25 couple instances, you know, we felt really bad that we
26 weren't able to get a couple of our proposals through and
27 they're still coming forth on the table again.

28
29 But I just thought I'd share that, you
30 know, with the newcomers because a lot of the groundwork
31 is done from the Regional Advisory Councils, but we
32 listen, and hopefully in the future we'll get more and
33 more tribes involved, you know, to the people that we are
34 representing.

35
36 Thank you, Mr. Chairman, I appreciate it.

37
38 CHAIRMAN TOWARAK: Thank you, Mr. Adams.
39 Any further comments. Go ahead, Mr. Firmin.

40
41 MR. FIRMIN: At the Eastern Interior
42 Council's meeting in October we had a motion that moved
43 that the Eastern Interior, Western Interior, and the YK-
44 Delta Councils meet together so that we could have a one
45 day meeting with all of us in the same room to try to
46 figure out something like this as well, to try to find
47 some common ground with the general attitude that we
48 normally have is what Mr. Cribley was saying earlier, was
49 what Mr. Wilde said himself yesterday in his opening
50 comment, we will never get along or be in agreement but

1 it's a good dream to have; and that's a dream that I have
2 too, but hopefully we'll be around to see it some day.

3
4 Thank you.

5
6 CHAIRMAN TOWARAK: Thank you. Further
7 comments.

8
9 (No comments)

10
11 CHAIRMAN TOWARAK: Not hearing any, we're
12 ready for the vote on the motion. I mean we're ready for
13 the final action and I'll ask Pete Probasco to call the
14 roll for the vote.

15
16 MR. PROBASCO: Thank you, Mr. Chair.
17 Final action on the motion presented by Board Member
18 Haskett to withdraw Proposals 4, 5, 6 and 7.

19
20 Mr. Haskett.

21
22 MR. HASKETT: Yes.

23
24 MR. PROBASCO: Ms. K'eit.

25
26 MS. K'EIT: Yes.

27
28 MR. PROBASCO: Mr. Cribley.

29
30 MR. CRIBLEY: Yes.

31
32 MR. PROBASCO: Ms. Cooper.

33
34 MS. COOPER: Yes.

35
36 MR. PROBASCO: Ms. Pendleton.

37
38 MR. PENDLETON: Yes.

39
40 MR. PROBASCO: And Mr. Towarak.

41
42 CHAIRMAN TOWARAK: Yes. Yes.

43
44 MR. PROBASCO: Mr. Chairman. Motion
45 carries, 6/0.

46
47 CHAIRMAN TOWARAK: Thank you, very much.
48 We're ready to proceed then with No. 8.

49
50 MR. PROBASCO: Mr. Chair. We have Donald

1 Mike, who is our Council coordinator, Helen Armstrong is
2 our Division Chief for Anthropology, and I believe Mr.
3 David Jenkins will do the analysis on Proposal 8.

4

5 Mr. Chair.

6

7 CHAIRMAN TOWARAK: The floor is yours Mr.
8 Jenkins.

9

10 MR. JENKINS: Thank you, Mr. Chair. My
11 name is David Jenkins. I'm an anthropologist with the
12 Office of Subsistence Management. You have in front of
13 you two, no three proposals to limit customary trade on
14 the Yukon River. I presented analysis of the three
15 proposals to the YK Regional Advisory Council and the
16 Eastern and Western Regional Advisory Councils and I
17 would like to start by thanking those Councils for their
18 careful discussions of customary trade, from which I
19 learned a great deal, so thank you.

20

21 I'd like to start with a brief regulatory
22 history of customary trade and then some of the recent
23 Board actions. And that history and those actions are
24 contained in the sections in your Board books on FP11-05
25 and even though we're on 08 now, if you want to refer to
26 the sections in 05 I will give you a brief history that's
27 contained in those sections.

28

29 So Title VIII of the 1980 Alaska National
30 Interest Lands Conservation Act, ANILCA, recognized
31 customary trade as a subsistence activity. Although
32 undefined in ANILCA, the term customary trade was later
33 defined in implementing regulations as exchange for cash
34 of fish and wildlife resources.

35

36 Now, it's worth emphasizing that
37 customary trade as defined by Federal regulation refers
38 to only subsistence caught fish or wildlife exchanged for
39 cash provided such exchanges do not constitute a
40 significant commercial enterprise. Any exchanges of
41 subsistence caught fish for cash that rise to the level
42 of significant commercial transactions are not customary
43 trades and are prohibited under current Federal
44 regulations. However, the term, significant commercial
45 enterprise, we've been talking about was not defined in
46 regulation and this posed a problem. No one knew when
47 customary trade ended and a significant commercial
48 enterprise began.

49

50 In 2004 and 2005, the Federal Subsistence

1 Board reviewed and adopted two regional proposals
2 defining upper limits for customary trade. In 2004, for
3 the Bristol Bay fishery management area, the Board
4 limited the cash value per household of salmon exchanged
5 in customary trade between rural residents to no more
6 than \$500 annually, and limited the cash value per
7 household of salmon exchanged in customary trade between
8 rural residents and others to no more than \$400 annually.
9 The Board also imposed a recording requirement for rural
10 to others customary trade but not for rural to rural
11 customary trade.

12
13 The next year, in 2005, for the Upper
14 Copper River District the Board limited the total number
15 of salmon per household exchanged in customary trade
16 between rural residents to no more than 50 percent of the
17 annual household harvest of salmon. The Board limited
18 the cash value per household of salmon exchanged in
19 customary trade between rural residents and others to no
20 more than \$500 annually. And when taken together
21 customary trade to rural residents and to others may not
22 exceed 50 percent of the annual household limit. The
23 Board additionally imposed a recording requirement for
24 both rural to rural trade and rural to others customary
25 trade. Such trades must be immediately recorded on a
26 customary trade recordkeeping form, and the
27 responsibility for which resides with the seller.

28
29 Now, since 2000 there have been a few
30 studies of customary trade funded by the Federal
31 Subsistence Board. These include a study published in
32 2007 which described sharing, barter and customary trade
33 in the Bristol Bay area. A study which describes
34 customary trade and barter in the Seward Penn area and a
35 study which describes customary trade of salmon in three
36 communities on the Yukon River, Alakanuk, Holy Cross and
37 Tanana.

38
39 Let me briefly mention that study, the
40 details of which you can find in FP11-05 discussion.

41
42 Now, the study was conducted by
43 researcher Moncrieff and local assistance. And fishers
44 interviewed in her study reported that they engaged in
45 customary trade only if they first harvested sufficient
46 fish for their own family's use and satisfied obligations
47 to share fish with a network of extended family and
48 friends. They did not subsistence fish primarily to sell
49 fresh or processed salmon. Cash raised through customary
50 trade appears to support other subsistence activities and

1 is used to pay for various household and other expenses.
2 Moncrieff didn't address commercial or market level
3 transactions in her report.

4
5 Now, two other studies of customary trade
6 reports results that are similar to Moncrieff and
7 although focused on different regions, in conjunction
8 with Moncrieff's study, indicates similar patterns of
9 customary trade. Let me mention a couple of the key
10 findings from those studies. Customary trade is common
11 but it's infrequent. Cash as exchanged under customary
12 trade are for relatively small sums of money with a few
13 exceptions and customary trade is not part of the market
14 economy, for example, prices for subsistence caught fish
15 and other resources are exchanged, exchanged under
16 customary trade are determined by tradition and not by
17 market forces.

18
19 So that's the background material for all
20 three of the proposals, and then we'll move to FP11-08.

21
22 This starts on Page 33 of your books.

23
24 This proposal submitted by the Yukon
25 Kuskokwim-Delta Subsistence Regional Advisory Council
26 requests that customary trade in the Yukon River
27 Fisheries Management Area be prohibited in any year when
28 chinook salmon runs are insufficient to fully satisfy
29 subsistence harvest needs and subsistence fisheries are
30 restricted. As submitted the prohibition would only
31 affect customary trade between rural residents.

32
33 The proponent of this proposal states
34 that prohibiting customary trade in years of poor chinook
35 salmon runs would have significant positive effects on
36 fish populations as well as on the lawful subsistence
37 fisher. The proponent also states that under current
38 regulations when chinook runs are low, subsistence users
39 are restricted but not subsistence uses. In the case of
40 customary trade the emphasis, the proponent argues,
41 should be reversed, and customary trade should be
42 restricted before subsistence users are restricted. And
43 the proponent is particularly concerned with reports,
44 numerous reports of Yukon River rural residents selling
45 large numbers of Yukon chinook salmon in the urban areas
46 of Alaska.

47
48 Now, what are the effects of the
49 proposal.

50

1 Note that the proposal seeks to limit
2 customary trade under 27(c)(11), which you can see in
3 your Board books, which refers to customary trade between
4 rural residents. The proponent, however, is also
5 concerned with customary trade between rural residents
6 and others which is governed under a different paragraph,
7 27(c)(12). If adopted as submitted, customary trade
8 between rural residents and others would not be affected.
9 As it stands, the current proposal doesn't target all of
10 the relevant regulations.

11
12 Note, also that if adopted the proposal
13 would prohibit all customary trade of any subsistence
14 caught fish between rural residents under the following
15 conditions:

16
17 If in any given year in the Yukon River
18 Fisheries Management Area, chinook salmon runs are
19 insufficient to fully satisfy subsistence harvest needs
20 and the fisheries are restricted.

21
22 If the proposal is adopted, then a
23 definition of when chinook salmon runs are insufficient
24 to fully satisfy subsistence harvest need would need to
25 be created. State subsistence regulation include amounts
26 needed for subsistence but Federal subsistence
27 regulations do not.

28
29 Now, if adopted the proposal would limit
30 the ability of Federally-qualified subsistence users to
31 engage in customary trade under the conditions specified
32 and presumably non-Federally-qualified subsistence users
33 as recipients of customary trade would also find their
34 engagement curtailed. The total number of fish exchanged
35 in customary trade is unknown, however, therefore, the
36 effect of this proposal on fish populations is not known.

37
38 Let me make one other point here. If
39 limitations based on conservation concerns are necessary
40 it may be appropriate to conduct an analysis under ANILCA
41 Section .804, which requires the Board to select amongst
42 subsistence users, not uses, based on the premise that
43 all subsistence uses equally qualify for the subsistence
44 preference. In other words, there are no unimportant
45 subsistence uses.

46
47 OSM's conclusion is to oppose this
48 proposal.

49
50 So why oppose?

1 Customary trade is recognized as a
2 subsistence use under ANILCA. As defined by Federal
3 Subsistence Management regulation customary trade refers
4 only to subsistence caught fish or wildlife exchanged for
5 cash provided such exchanges don't constitute a
6 significant commercial enterprise. Any exchanges that
7 rise to that level of significant commercial enterprise
8 are customary trades. Such commercial level of
9 transactions are prohibited under current regulations.

10
11 As I mentioned recent studies indicate
12 that customary trade constitutes a small but vital
13 component of a variety of local and cultural and economic
14 relations and these studies suggest that customary trade
15 is infrequent and transacted for relatively small sums of
16 money, which is often used to support other subsistence
17 activities.

18
19 The proposal does not explicitly target
20 customary trade of Federal Subsistence Board caught
21 chinook salmon. As it's written, as I mentioned, it
22 would preclude all customary trade of any subsistence
23 caught fish between rural residents. If supported the
24 regulatory language, it should be made explicit.

25
26 In order to align the proposal with the
27 apparent concern over the conduct of customary trade in
28 urban centers of Alaska, the Federal Subsistence Board
29 may choose to support this proposal with modification.
30 The modification being the addition of paragraph (c)(xi),
31 which as I mentioned, addresses customary trade between
32 rural residents and others. And finally customary trade
33 is included in the definition of subsistence, as I
34 mentioned before, if limitations based on conservation
35 concerns are necessary it may be appropriate to conduct
36 an analysis under ANILCA Section .804, in which the Board
37 selects amongst subsistence users and not uses.

38
39 Thank you.

40
41 CHAIRMAN TOWARAK: Thank you, Mr.
42 Jenkins. Any questions from the Board or from the -- Mr.
43 Sampson.

44
45 MR. SAMPSON: Thank you for your report.
46 One question regards to the dollar value. How did the
47 agency come out with a dollar value for the sale?

48
49 MR. JENKINS: The dollar values that I
50 reported from the Bristol Bay and the Upper Copper River

1 were suggested by the Regional Advisory Councils for each
2 of those areas.

3

4 MR. SAMPSON: Okay.

5

6 MR. JENKINS: So it wasn't the agency
7 that came up with those figures.

8

9 MR. SAMPSON: Okay, thanks.

10

11 CHAIRMAN TOWARAK: Any further questions.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you, Mr.
16 Jenkins. We will now listen -- hear the summary of
17 written public comments. Mr. Mike.

18

19 MR. MIKE: Thank you, Mr. Chair. Donald
20 Mike, regional council coordinator.

21

22 The Eastern and Western, Yukon Kuskokwim
23 and Seward Peninsula Councils considered the written
24 public comments at their fall 2010 meetings. With the
25 exception of the Ruby Advisory Committee comments, which
26 were received recently.

27

28 The comments received are accepted as the
29 programs administrative record for the Yukon Northern
30 Area Fisheries Proposals.

31

32 Two general comments were received from
33 Mr. Gerald Nicholai of Tanana Tribal Council and Mr. Doug
34 Carlberg. No particular proposals were addressed by Mr.
35 Nicholai and Mr. Carlberg. These comments, Mr. Chair,
36 are blanket comments for all the Yukon Northern Area
37 fisheries proposals. Comments from Mr. Nicholai can be
38 found on Page 321 of your Board book and comments from
39 Mr. Carlberg begin on Page 317 to 320 of the Federal
40 Subsistence Board Board meeting materials. These
41 comments should be considered in addition to the
42 individual proposals when deliberating on the proposals.

43

44 Mr. Chair. Summary statement read will
45 apply to the remaining Yukon Northern Area proposals.

46

47 Specific to Proposal 08 seven written
48 comments were received. Just to note, Mr. Chair, Ruby
49 Tribal Council comments, those comments received had
50 eight additional -- eight residents were signatory of

1 those comments, and the -- a letter signed by 37
2 residents of Galena, that's included as part of the seven
3 written comments will be summarized here today.

4
5 Written comments are on Pages 44, 45 and
6 331. Additional written comments from the Ruby Advisory
7 Committee can be found in your packet.

8
9 One comment supported the modified
10 proposal requiring reporting and regulating the sales of
11 subsistence harvested fish during all years.

12
13 The second comment to support the
14 proposal and stated that it does not make sense to allow
15 selling of salmon strips while other users are not
16 meeting their needs.

17
18 The Ruby Advisory Committee took no
19 action on this proposal stating that the issue needs to
20 be addressed with more discussion by a river wide working
21 group.

22
23 Four comments were received in opposition
24 to the proposal.

25
26 They stated the commercial fishing is
27 depleting the stock and users have to adapt, adjust or
28 improvise. Blaming others is not going to address the
29 conservation issue. The proposal is unreasonable. Some
30 villages have no access to salmon and will trade for game
31 meat for salmon.

32
33 One comment recommended that the proposal
34 should state, if in any given year that the number of
35 fish is insufficient to fully satisfy the subsistence
36 harvest, commercial fishing will not be allowed.

37
38 That concludes the written summary of
39 public comments, Mr. Chair.

40
41 Thank you.

42
43 CHAIRMAN TOWARAK: Thank you, Mr. Mike.
44 Any questions from the Board.

45
46 (No comments)

47
48 CHAIRMAN TOWARAK: Okay, next, is --
49 Pete.

50

1 MR. PROBASCO: Public comment or
2 testimony.

3
4 CHAIRMAN TOWARAK: Oh, okay.

5
6 MR. PROBASCO: Thank you, Mr. Chair. Now
7 is the opportunity for public testimony. And the first
8 person out of the chute is Mr. Tim Andrew from AVCP.

9
10 MR. ANDREW: Good morning, Mr. Chairman.
11 Members of the Board. Regional Advisory Council
12 representatives. Guests. My name is Timothy Andrew.
13 I'm the director of Natural Resources for AVCP.

14
15 As I had indicated yesterday that the
16 Yukon River situation is of real concern to us, primarily
17 for the people in our villages. It has been classified
18 as a stock of yield concern by the Alaska Board of
19 Fisheries. And we have been under extremely restrictive
20 regulations since, I believe, it was 1998 and the years
21 following. And it has been extremely hard for the people
22 on the lower part of the river to abide by the regulation
23 as you can see back in 2008 there was a protest fishery
24 that occurred there in Marshall. You know it certainly
25 shows that, you know, people do need the fish, and we
26 need to take some kind of a drastic action to try and
27 rebuild the stock to its historical levels.

28
29 It's -- and we have to take some kind of
30 a management action and customary trade unfortunately is
31 part of one of those that we have to take. Since the
32 inception of ANILCA, with its provisions as classifying
33 subsistence uses for rural residents it doesn't
34 specifically state Alaska Natives, but a lot of non-
35 customary and non-traditional people have started taking
36 advantage of the opportunity to participate in this
37 economic enterprise on the Yukon River. And we believe
38 that this opportunity to participate has a devastating
39 impact on our fishery resources and it's not only the
40 chinook salmon alone but perhaps other salmon as well.

41
42 We would support this proposal along with
43 a modification on process of how to go about achieving
44 adequate language to meet the needs of the residents of
45 the Yukon River and it's primarily for the tribal
46 membership, and I believe that the tribes must come up
47 with a solution because subsistence and the resources are
48 tribal issues. And we would also look forward to
49 participating in that form and arriving at language that
50 would be acceptable for the entire Yukon River.

1 Thank you, Mr. Chair.

2

3 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
4 Any questions from the Board.

5

6 Go ahead.

7

8 MS. CYTHLOOK: Thank you, Mr. Chair. Tim
9 Andrew. Tim, I know that the villages in your region are
10 pretty well in-depth with their traditional uses of the
11 resources. The customary trade as explained to us as
12 cash trade, I know from living a traditional lifestyle
13 that that is not the custom, that has never really been
14 a custom of cash trade for us. It always has been
15 trading with resource or just sharing and now that
16 there's been - it sounds like in one community there was
17 a study in 28 communities and I guess that kind of --
18 that study was used to come up with the customary trade
19 ruling, I guess, and Bristol Bay has come up with the
20 customary trade and how Bristol Bay came about with that
21 is there was a study, survey within different communities
22 and the findings was that there was minimal use of
23 customary trade, which is buying and selling of fish.
24 Because the communities are not -- well, the cash in
25 these villages aren't available, and so as tradition
26 there's always been just sharing and never really selling
27 and buying.

28

29 But as the new generation, we all know,
30 are coming up behind us and they're more apt to use that,
31 I guess, tradition, and so I guess I'd have to appreciate
32 the, you know, what's been developed for Bristol Bay and
33 that is \$500 limit annually per household and we're going
34 to have to live with that knowing that this is going to
35 limit a tradition that is -- right now is used in a
36 limited fashion. But not knowing the future of our
37 younger generation, you know, I have to appreciate what's
38 been in place.

39

40 And I guess my question, I guess, to you,
41 I know you have quite a lot of communities, 57, and
42 knowing some of those communities, and knowing that
43 they're traditionally -- they're traditional communities,
44 you know, what's your feeling about the -- I guess what's
45 kind of been mirrored, you know, as far as C&T placement,
46 I guess it's -- it's -- I guess a study was done to try
47 to identify the C&T, and this may -- this is probably not
48 the only mirror that will be used but I guess I just need
49 to know from your region what the thought has been
50 regarding this -- the C&T placement for one area of your

1 region?

2

3

Thank you, Mr. Chair.

4

5

MR. ANDREW: Mr. Chair, if I can respond. Thank you, Molly, for that characterization of customary trade in our region. And Molly is right, the customary trade for cash is extremely limited in our area. Most of the people utilize the chinook salmon primarily to give as gifts perhaps when we have guests that come into our villages for potlatches and other events as they occur in our villages. And it was primarily used for customary trade and barter, not necessarily for cash, like for example, some of the villages further up the river wouldn't have access to seal oil, or seal products, they'd trade with the coastal communities, salmon for other products that weren't available and, you know, vice versa as well.

19

20

And as far as the customary and traditional user, you know, people along the lowest part of the Yukon River from Russian Mission on down to the coastal communities are extremely customary and traditional users, and they maintain that mind set. And, you know, for people that have moved into the area or moved into the Yukon River, people from lord knows where they're from, regardless, that are not extreme customary and traditional users are taken advantage of this opportunity to make it an economic enterprise to support whatever their endeavors are.

31

32

33

CHAIRMAN TOWARAK: Thank you, Mr. Andrew. Any other questions.

34

35

36

MS. AHTUANGARUAK: Mr. Chairman.

37

38

39

40

41

42

43

44

45

46

47

48

49

50

MS. AHTUANGARUAK: I also have a lot of concern for this. I was born in Fairbanks and my dad had a junkyard. There was a lot of times where we traded with different people from different communities for traditional foods. There could be all sorts of different items that left the junkyard to various places throughout the state in response to needs. We might take years to get some of the subsistence foods to cover the cost of the items that we traded for. My aunt is renowned for some of her smoked fish. We have requests throughout the state every

1 summer for trade for that. Some people offer cash in
2 exchange for that. Most of the trading goes in relation
3 to other subsistence foods, but there's also cash that's
4 used. With the increased cost of fuel and getting
5 products to the Arctic it's never enough to cover the
6 cost of the need to go out and do the subsistence
7 harvest.

8

9 But I have concerns with the dollar value
10 put on that.

11

12 Some of our works to create unique items
13 from our harvesting, certain types of food preparations,
14 certain ways to take items from the food into special
15 items, special preparations are very important for our
16 continued usage and trading and working together. It
17 builds the ties that helps our communities survive in
18 what we're dealing with. It builds the opening channels
19 for communications when we have such tremendous issues
20 that we're facing when we have the link of sharing that's
21 so important.

22

23 When we're taking or harvesting, we might
24 take enough to use for special events. We've got Quiviq
25 coming up in Barrow and there's going to be a lot of
26 trading of foods to meet the demands of the hundreds of
27 people that are going to come into Barrow during this
28 event. They're very important throughout this process
29 but some people will give gas, parts for their
30 snowmachines, parts for the boat. Some of this stuff can
31 cost thousands of dollars to replace a clutch on a
32 snowmachine, \$3,000. One of my uncles harvested
33 whitefish and would build up enough to get a snowmachine.
34 Those kinds of things are very important he uses for his
35 hunting and fishing and whaling activities that are so
36 important to get the harvest to feed the whole village.

37

38 These are too important to put a cash
39 value on. The importance of sharing the education with
40 our next generations, teaching them of the areas that we
41 hunt and harvest in because in Nuiqsut, the land use
42 changes has tremendously affected these stories of the
43 lands around us because there's areas that have changed
44 and they're no longer conducive to subsistence activities
45 but the importance of sharing these stories from these
46 lands continue beyond the generations that do not harvest
47 from these areas in hopes that restoration may occur in
48 the future as generations have seen that they have not
49 occurred in our area.

50

1 It's too important to put a dollar value
2 on this. There's too much that goes into generations for
3 this process.

4
5 Thank you.

6
7 CHAIRMAN TOWARAK: Thank you, Mrs.
8 Ahtuanguaruak. Mr. Reakoff.

9
10 MR. REAKOFF: Mr. Chairman, thank you.
11 I wanted to ask Tim if the YK-Delta, AVCP recognizes that
12 there's a complete disparity between how fish are used
13 throughout the Yukon River drainage? I mean fuel prices
14 are different, the use of the fish is different, these
15 are regional differences. And I was wondering if AVCP
16 would, as the Western Interior has suggested, like to see
17 a village and tri-RAC working group, work together on
18 recognizing the regional differences in trying to set an
19 amount for what would be recognized as customary trade?

20
21 MR. ANDREW: Yeah, Mr. Chairman, if I
22 may. I believe this issue has been brought to the Alaska
23 Federation of Natives Board and they have assigned this
24 issue to the subsistence committee to work things out.
25 And as far as AVCP participating in the tri-RAC meeting
26 to address this issue, we'd be more than glad to sit down
27 and assist in whichever way we could possibly assist in
28 coming up with something that will work for the villages.
29 But as long as all of the villages on the Yukon River
30 understand that we have a conservation issue and that,
31 you know, all the users got to cut back in some way or
32 another, and we've done that with our commercial fishery
33 on the Lower Yukon. Some of the buyers down there are
34 not focusing their efforts on chinook salmon anymore,
35 they're targeting chums and coho, you know, that's an
36 incredible sacrifice in itself.

37
38 And we also have been regulated from an
39 unrestricted mesh now to 7.5 inch, which is coming up
40 this coming season. We have extremely restricted windows
41 for subsistence harvest. And, you know, this is one area
42 that really needs to be looked at seriously to try and
43 reduce the harvest to where we can achieve our
44 escapements into Canada and also into some of our
45 escapement projects further up the river.

46
47 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.

48
49 Are there any other questions.

50

1 MS. K'EIT: Mr. Chair.
2
3 CHAIRMAN TOWARAK: Go ahead, Ms. K'eit.
4
5 MS. K'EIT: Thank you, Mr. Chair. Mr.
6 Andrew, would you be able to talk to the question of what
7 would users or what have users had to do when their
8 subsistence fisheries have been closed or cut short?
9
10 Thank you.
11
12 MR. ANDREW: I believe it was in the
13 summer of 2008 we took a press team on a tour in select
14 communities of the Lower Yukon and some of you who might
15 have seen that coverage, but every smokehouse that we
16 went and interviewed and the people processing salmon, a
17 lot of the salmon was the summer chum salmon in place of
18 the chinook salmon. A lot of people expressed concern
19 because they didn't have enough chinook salmon. And our
20 drying season in the Lower Yukon is primarily during the
21 month of -- latter part of May to about mid-part of July,
22 but after that the weather turns to rain and it's really
23 not conducive to drying so we have that limited window
24 that we need to process salmon and the only two resources
25 that we have at that time are either the chinook salmon
26 or the summer chum salmon. The summer chum salmon does
27 not have near the fat quantity as the chinook salmon.
28 And, you know, with the absence of that important
29 resource, especially right now when it's like 20 below,
30 30 below chill factor is when people need that fat
31 content, it makes it extremely hard for people on the
32 Lower Yukon.
33
34 CHAIRMAN TOWARAK: Thank you. Any
35 further questions.
36
37 (No comments)
38
39 CHAIRMAN TOWARAK: If not, thank you, Mr.
40 Andrew for your comments.
41
42 MR. ANDREW: Thank you, Mr. Chair.
43
44 CHAIRMAN TOWARAK: We appreciate your
45 insight.
46
47 Before we go any further we're going to
48 take a 15 minute break. We've been going for almost an
49 hour and a half so we'll be back at five after 10.
50

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN TOWARAK: I'm going to call the
6 session back to order from the break. We're on the first
7 of 15 proposals, and I'm going to ask the people,
8 including those of us at the table here to make our
9 questions direct as possible in the interest of time, but
10 still feel free to take the time you need to make your
11 point.

12

13 We were on the Proposal 11-08, and on
14 public comments, and Pete do you have the next one.

15

16 MR. PROBASCO: Yes, Mr. Chair. We have
17 probably six or seven more people to testify on Proposal
18 08, and Mr. John Andrew, you're up on Proposal 08,
19 Organized Village of Kwethluk.

20

21 MR. ANDREW: Mr. Chairman. My name is
22 John Andrew. I'm from the Organized Village of
23 Kwethluk.

24

25 I was asked to comment on Federal Fishery
26 Proposal 11-08. 11-08 to prohibit customary trade of
27 salmon on the Yukon River Fishery Management Area in any
28 year chinook subsistence harvests are restricted.

29

30 Historically in the Native communities
31 all along the Yukon River, including the Kuskokwim, there
32 is no such thing as customary trade, historically, it was
33 never in our language, not even in our Native language,
34 only barter and trade. Barter, you know, only bartering
35 that's exchanging some goods so you have for what you
36 need, the other one is sharing.

37

38 That's one big issue where people always
39 get confused at.

40

41 Because my parents, my grandparents, my
42 forefathers they never knew the word, customary trade.

43

44 And there was another issue along with
45 that, that hurts our people, that's in subsistence
46 fishing, those are closures. Whenever you have a closure
47 it hurts the people, people that need the fish to live
48 on. The fish they harvest, especially the salmon, we
49 share it with all our relatives, in our immediate family,
50 our neighbors, and the community. In the last few years,

1 especially when you have closures on the Yukon side, I've
2 seen some of my own people share what they have from
3 their own resource and they share it with the people on
4 the Yukon River [sic]. And for in our -- my tribe, my
5 council asked me to oppose this proposal -- Fishery
6 Proposal No. 11-08. And I'm sorry I missed out yesterday
7 when I had a chance to testify, they asked me to oppose
8 any customary trade because of the way it is written and
9 after reading the Staff analysis, they recommend -- their
10 recommendation was to oppose it or ask the proposers to
11 withdraw their proposal.

12

13 Thank you, Mr. Chairman.

14

15 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.
16 Are there any questions of Mr. Andrew.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Thank you very much
21 for your testimony.

22

23 MR. ANDREW: Yeah, Qu yana.

24

25 CHAIRMAN TOWARAK: Pete.

26

27 MR. PROBASCO: Thank you, Mr. Chair. Our
28 next person is Peter J. Demoski.

29

30 MR. DEMOSKI: Good morning, Mr. Chairman.
31 Members of the Board. Mr. Probasco, I hope you do
32 understand that I'm not here to speak on any specific
33 proposal. I did inform you that I have some general
34 comments about fishing regulations, period.

35

36 MR. PROBASCO: Yes, Mr. Chair. Mr.
37 Demoski did speak to me but his issue is specifically to
38 the Yukon issues and I said this would be the appropriate
39 time.

40

41 CHAIRMAN TOWARAK: You have the floor
42 Mr.....

43

44 MR. DEMOSKI: Okay, thank you. As I said
45 yesterday I represent Nulato Tribal Council. Their views
46 are what I am here to present to you. They may not be my
47 personal views but I promise to present the community
48 views.

49

50 Their first preference is to leave

1 current rules and regulations as is.

2

3 Fish and Game has the responsibility to
4 estimate numbers of chinook salmon entering the Yukon
5 River and establish rules and regulations that will allow
6 fishermen along the river to harvest safe numbers of
7 salmon and still leave a predetermined number of salmon
8 to reach their spawning areas in Canada. It is these
9 offspring that will return to the ocean and five to six
10 years later return to the Yukon River completing the
11 cycle. Preservation of the chinook salmon is the
12 ultimate goal. The inability of fishermen along the
13 Yukon River to come to agreeable and sustainable harvest
14 quotas that will ensure perpetuation of the species does
15 more to endanger the survival of the species than
16 anything caused by nature.

17

18 This is just a repeat of yesterday and
19 they do stress to leave current rules and regulations as
20 they are for now.

21

22 Commercial fishing. District 4 and 5 has
23 not had commercial fishing for 16 years. The Lower Yukon
24 districts are the only districts that have substantial
25 commercial fishing and commercial fishing, like the
26 pollock industry, doesn't limit the catch to one species.
27 Thousands of chinook salmon caught as bycatch is
28 unavoidable. Subsistence fishing along the river is
29 generally closed during commercial openings. For
30 Districts 4 and 5 where there is no commercial fishing
31 both subsistence and commercial are therefore curtailed.
32 Districts 1, 2 and 3 can harvest chinook during both
33 subsistence and commercial openings. One could argue
34 that to be fair, open commercial fishing along the whole
35 river, why should a few districts be allowed to double
36 dip into a declining resource while the rest of the
37 districts cannot.

38

39 Set district quotas. Everyone can agree
40 that the closer the fishing districts are to the mouth
41 more salmon will be harvested than the districts 500
42 miles and further up the river. Fish and Game uses sonar
43 to estimate numbers of salmon entering the river. Fish
44 and Game determines subsistence fishing windows along
45 1,500 miles of river based on these estimates. This has
46 not worked to the satisfaction of fishermen 500 miles and
47 further up the river. Fishermen closer to the mouth will
48 always harvest more than fishermen further up the river.
49 An alternative is to set quotas of chinook salmon
50 harvested per district. This will allow districts

1 further up the river the opportunity to harvest their
2 subsistence needs.

3

4 District 4A covers the Yukon River from
5 Holy Cross on up to Galena. During subsistence openings
6 fishermen around Holy Cross are harvesting chinook salmon
7 a week before fishermen in Nulato, yet, the subsistence
8 window is the same. An alternative is to break up
9 District 4A into two districts, maybe 4A1, 4A2, a line of
10 determination which would constitute 4A1 and 4A2 needs to
11 be determined preferably by the RAC Councils.

12

13 Sonar. Whenever anyone recommends that
14 more sonar stations along the Yukon River are necessary
15 the response is that the State of Alaska does not have
16 the money. People in the community of Nulato suggest
17 that this is no longer a believable response. Alaska is
18 probably one of the richest states in the Union. And
19 there are too many tributaries along the Yukon River that
20 chinook salmon will access, thereby nullifying any
21 estimates to determine subsistence windows for any
22 district. They suggest establishing sonar stations
23 potentially at the mouth of the Anvik River, Nulato River
24 and Tanana River will greatly increase Fish and Game's
25 ability to determine sustainable harvest quotas.

26

27 The law in 2011 will be 7.5 inch mesh
28 nets along the whole Yukon River. We understand that
29 fishermen along Interior who cannot afford new fishing
30 nets will be assisted, either by the State or the non-
31 profit corporations from their areas. People in Nulato
32 generally use two to three nets because they may lose one
33 or more nets during the fishing season due to drift logs,
34 deterioration, et cetera. They're suggesting that one
35 net may not be enough to replace the three or four nets
36 that they may generally use already. Fishermen in the
37 Lower Yukon use nets up to 300 feet long. Fishermen in
38 District 4 are restricted to 150 feet. People in my
39 community do not understand why this disparity is not
40 addressed and everyone along the river is limited to the
41 same length, 150 feet.

42

43 I thank you for your tolerance in letting
44 me speak to you.

45

46 As I said yesterday this is my first time
47 at one of these meetings. I'm not sure about your
48 procedures. I know I'm not following protocol but I
49 thank you for letting me speak to you.

50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you, Mr.
4 Demoski. We appreciate your comments.

5

6 The next -- the next testifier.

7

8 MR. PROBASCO: Thank you, Mr. Chair. The
9 next testifier is Mr. Gene Sandone, Kwik'pak Fisheries.

10

11 MR. SANDONE: Good morning, Mr. Chair.
12 Members of the Board. RAC Chairs and Representatives.
13 First off I want to reference my previous testimony
14 regarding subsistence use priorities and also the lack of
15 a definition of a significant commercial enterprise. I
16 also want to point out that you've been given my
17 comments, my written comments from Kwik'pak Fisheries.
18 You should each have those. I think there's a lot of new
19 information that you haven't seen before in those
20 comments and also summaries of old information in that
21 report.

22

23 Regarding Proposal 08. We agree with
24 ADF&G comments that support a modified proposal that
25 requires reporting and regulate sales of subsistence
26 harvested fish during all years, not just those of low
27 salmon returns, and adopt a definition of significant
28 commercial enterprises and addresses education and
29 enforcement issues.

30

31 I want to note that the Yukon Kuskokwim-
32 Delta Regional Council recommendation was to support 08
33 with modifications to delete all proposed language and
34 replace it with the following:

35

36 Yukon River Fishery Management Area.
37 The total cash value per household of
38 salmon taken within Federal jurisdiction
39 in the Yukon River Fishery Management
40 Area and exchange in customary trade to
41 rural residents may not exceed \$750
42 annually.

43

44 And we fully support that proposal.

45

46 One alternative provided by Federal Staff
47 was for each RAC to suggest a customary trade limit for
48 their particular area.

49

50 Yukon River chinook salmon provided a lot

1 of fish prior to 1998. Commercial fisheries exceeded
2 100,000 fish every year. Subsistence fisheries were
3 basically unrestricted. Since 1998 commercial fisheries
4 have been dismal for chinook salmon. In some years it's
5 been zero. So there's been a production shift in the
6 chinook salmon that has caused conservation concerns.
7 Escapements into Canada, although very good prior to
8 2007, the escapements were not made in 2007, 2008 and
9 2010. I'm bringing this up because there's been concerns
10 for the escapement, concerns for the subsistence harvest
11 and just like it was difficult to get agreement on the
12 7.5 inch mesh -- maximum mesh size from an unrestricted
13 mesh size for chinook salmon, we did it. It was done.
14 It was the right thing to do. Customary trade is the
15 same thing. I'm not really concerned about customary
16 trade as defined by the Federal government, what I'm
17 concerned about is the abuses. And as I said before we
18 need a limit, a definition of significant commercial
19 enterprise.

20

21 That concludes my testimony, thank you.

22

23 CHAIRMAN TOWARAK: Thank you, Mr.

24 Sandone. Any questions of Mr. Sandone from the Board or
25 the RACs.

26

27 Mr. Reakoff.

28

29 MR. REAKOFF: Mr. Sandone. I was
30 wondering if yourself and Kwik'pak have thought about,
31 you know, you're setting a \$750 limitation but there's an
32 inflation question there, have you considered, like the
33 Western Interior Council suggested, poundage amounts or
34 numbers of fish amounts?

35

36 MR. SANDONE: That would be the best way
37 to go, Mr. Reakoff -- Mr. Chair. Mr. Reakoff. That'd be
38 the best way to go, I think, with poundage or numbers.
39 Probably poundage. And I think the original proposal
40 limited it to 200 pounds, but that would be the best way
41 to go. But it's going to be difficult to quantify, when
42 you're talking about strips or jar salmon, or something
43 like that, and that's -- we see that as a problem in
44 using numbers or pounds of fish. If that could be some
45 kind of correction factor for that, then we'd be in
46 support of that, then, yes.

47

48 CHAIRMAN TOWARAK: No further questions.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Thank you, Mr.
2 Sandone. Pete.

3
4 MR. PROBASCO: Thank you, Mr. Chair. The
5 next person to testify is Mr. James Roberts, Tanana
6 Tribal Council.

7
8 MR. ROBERTS: Thank you for this
9 opportunity to speak. I am from Tanana and the Tribal
10 Council has asked me to come down here and speak on
11 behalf of the Tanana Tribe.

12
13 We strictly oppose the customary trade
14 limitations due to the fact that we feel that if we keep
15 giving up rights, keep giving up rights then some day
16 they won't let us fish at all.

17
18 And then I do have concerns for some of
19 the elders in our area. They live on \$250 a month
20 longevity. Some of them don't have Social Security to
21 speak for, and \$250 a month isn't going to cover their
22 costs. And this is what they did all their life. And if
23 you take this away, what are they going to have, food
24 stamps?

25
26 But another thing that really concerns
27 us, is you guys are making decisions for us and \$750 is
28 a low, low limit. What's the level of poverty, I mean
29 the least we could do is that for these people.

30
31 And then these people that fish and they
32 sell a lot of fish, there's a number of people that help
33 them, it's not just one person. You're talking families,
34 extended families, you know, 20 to 30 people depend on
35 these, and these people have good spots that could
36 sustain this numbers of people.

37
38 And I feel that if we keep giving up our
39 rights we're not going to have no rights at all, and
40 that's all I have to say.

41
42 CHAIRMAN TOWARAK: Thank you, Mr.
43 Roberts. Any questions from the Board or the RACs.

44
45 (No comments)

46
47 CHAIRMAN TOWARAK: Thank you, very much
48 Mr. Roberts.

49
50 MR. ROBERTS: Thank you.

1 CHAIRMAN TOWARAK: Next.
2
3 MR. PROBASCO: Mr. Chair. The next
4 person is Stanley Ned.
5
6 MR. NED: Good morning. My name is
7 Stanley Ned. I'm from Allakaket, which is about 180
8 miles northwest of Fairbanks on the Koyukuk River up
9 there we do only subsistence, there's no commercial
10 enterprise there.
11
12 But my late father used to tell me, you
13 know, talking to some people is like a fart in a
14 blizzard, some people don't hear you.
15
16 (Laughter)
17
18 MR. NED: And it seems like we've been
19 doing that for years, and it's about time people start
20 listening to us.
21
22 I'm glad to see that the RAC Chairs are
23 involved in making these decisions.
24
25 But he also told me that if you're not
26 going to say anything nice, don't say anything at all,
27 you know, so I learned from that.
28
29 But my testimony is on customary trade,
30 which is really a controversial topic at this point in
31 time. My suggestion to the Board, before the Board makes
32 any kind of decision on this, is to form a working group
33 from all the RAC Chairs and also to consult with all the
34 villages on this issues before the decision is made to
35 put a dollar amount on customary trade. I think the lady
36 from North Slope made a good testimony saying, you know,
37 you can't really put a dollar amount on it.
38
39 That concludes my testimony.
40
41 Thank you, Mr. Chair.
42
43 CHAIRMAN TOWARAK: Thank you, Mr. Ned.
44 Any questions from the Board or the RACs.
45
46 (No comments)
47
48 CHAIRMAN TOWARAK: Thank you, Mr. Ned.
49
50 MR. PROBASCO: Mr. Chair. Our next

1 person is Andrew Firmin.

2

3 MR. FIRMIN: Thank you for letting me
4 change my hats here so often. My name is Andrew Firmin.
5 I'm here as a private citizen and also I have with me a
6 letter from Ft. Yukon Tribal and community members. And
7 I'd like to thank Mr. Demoski for his support of the
8 fishermen and I agree with his testimony and Mr.
9 Sandone's actually.

10

11 But from this letter here, I basically
12 sat at a potlatch over Christmas and just sat by the door
13 and left these proposals on the table and explained to
14 people what they might have meant to them and they
15 basically -- none of them want to be restricted in any
16 way.

17

18 The tribal members of Ft. Yukon have not
19 met their subsistence needs since I graduated from high
20 school, at least, not all of them. The only people that
21 maybe do are the ones that are out there, you know,
22 fishing 24/7, they're out there working hard for a month
23 straight.

24

25 And just a lot of that's basically
26 because these restrictions based on subsistence use, you
27 guys have the letter here in front of you, they would
28 like to see commercial entities restricted before even
29 considering anything restricted on subsistence users, as
30 their rights defined by ANILCA, and they need to be a
31 priority.

32

33 And some of the frustrations from them
34 are basically like last year on CNN there was a man from
35 Emmonak -- excuse me -- no matter how many times I sit up
36 here I still get nervous.

37

38 (Laughter)

39

40 MR. FIRMIN: But there was a man from
41 Emmonak on CNN saying he's starving, he's hungry, but
42 he's standing in front of a smoke cache that's just
43 overflowing, and I could see that's kind of taken out of
44 context because they need that commercial entity to take
45 care of their family to buy the other supplies they need.
46 And ADF&G has constantly been asking us to conserve,
47 conserve this, conserve that over the years, and this is
48 a jar of king salmon from Ft. Yukon, you can see how nice
49 and orange and oily it is, and this is what Fish and Game
50 wants me to feed my son. Well, this is what I was raised

1 on and this is summer chum prepared in the same way,
2 caught in the same wheel. This is actually a good
3 looking jar, I should have brought one that was a little
4 nastier looking.

5
6 (Laughter)

7
8 MR. FIRMIN: But those are the types of
9 conservation methods that we've been going through. And
10 a lot of that basically is because we haven't been
11 meeting our needs. We don't have full smoke caches. And
12 actually while I was at the potlatch getting these
13 signatures there wasn't hardly any fish. There wasn't
14 hardly any moose meat. And there was a lot of ham and
15 turkey, and that's just one of the things that, you know,
16 that people don't -- I would refrain from eating it there
17 just so the elders that are at the potlatch could have
18 their fair share. And these are for sale, by the way,
19 because I almost had to eat them at the security at the
20 airport coming down here so.....

21
22 (Laughter)

23
24 MR. FIRMIN: Thank you for your time.

25
26 (Laughter)

27
28 CHAIRMAN TOWARAK: Thank you, Mr. Firmin.
29 Any questions from the Board or the other RACs.

30
31 (No comments)

32
33 CHAIRMAN TOWARAK: Thank you. If you
34 need help disposing of your fish let me know at
35 lunchtime.

36
37 (Laughter)

38
39 CHAIRMAN TOWARAK: Pete.

40
41 MR. PROBASCO: Thank you, Mr. Chair. The
42 next person to testify is Mr. Gerald Nicholai, Tanana
43 Tribal Council.

44
45 MR. NICHOLAI: Thank you, Mr. Chair.
46 Board Members. RAC Chairs. Good to see some of the old
47 faces again. And this thing about customary trade, I
48 really respect the lady that spoke, you can't put no
49 limit on my lifestyle. It's just like me putting a limit
50 on you guys, going shopping at Safeway or something; you

1 can't put no limit on if I give my auntie one king salmon
2 and she gives me a Sno-Go, or a boat and a motor, you
3 can't put no limit on that.

4
5 It's just wrong, what you guys are doing.
6 You guys are going in the wrong direction with ADF&G, you
7 make the Eastern Interior RAC, Western Interior and the
8 YK fight; for what? You guys mismanage, you let them do
9 a chum fishery, you let them do a chum fishery,
10 commercial fishing and there went your Canadian border
11 escapement. Now that's just what they said in Tanana;
12 that's just oops management. You guys got to work
13 together.

14
15 You put these three RACs together and
16 work it out. Don't be butting heads. Don't be butting
17 heads with Fish and Game either. You guys sit down and
18 work it. This is my lifestyle, my people, my family, my
19 ancestors lifestyle you guys are messing with and that's
20 wrong. There's no limit on customary trade in my book.
21 What my dad, what James Roberts said, there's some people
22 that don't even get Social Security, 82 years old, still
23 out there, don't get food stamps or nothing, and is
24 raising her grandchildren on just living since she was a
25 kid, she's been selling king salmon strips, dry fish, and
26 everything; she don't get a paycheck like you guys.

27
28 What you guys are doing is wrong, you
29 guys got to work together more. That's just
30 disrespectful, micromanaging the user, when both managing
31 agencies are butting heads and making the RACs fight and
32 not doing the right thing for the user. It's just like
33 the user is working for the government when the
34 government is supposed to be working for the user. You
35 know you could ask me questions, you could tell me
36 anything you want, but you guys are going in the wrong
37 direction.

38
39 When I first started, 20 or 30 years ago
40 working with this program it had a good outlook, but all
41 I see you doing is just putting more restrictions on us.
42 I spent more money this last summer trying to catch fish
43 with all the restrictions and the drift and rain and
44 everything and I hardly even caught anything. And we
45 have to feel, not only my family, not only James' family,
46 we have to feed like about three or four families out of
47 one fishing group. What you guys are doing is wrong.
48 I'll say it right now.

49
50 But remember, me, Harry, Ron Sam, we

1 worked it out. You sit here and argue about your little
2 stuff and you're micromanaging, you guys got to work with
3 Fish and Game, everything, it's a big river, it's a big
4 system, there's a lot of people, a lot of issues, a lot
5 of everything, but you got to sit down together, not just
6 one Board and pit each other against each other. That
7 don't work, man, the only thing you're hurting is the
8 resource and the people who use it since time immemorial.
9 You can't change the system that I grew up. You could
10 try, but the only thing you're going to do is just make
11 outlaws out of us.

12
13 What you're doing is wrong. That's just
14 my comment.

15
16 Thank you.

17
18 CHAIRMAN TOWARAK: Thank you, Mr.
19 Nicholai. Any questions from the Board or the RAC
20 Chairs.

21
22 I might point out -- go ahead, Mr.
23 Firmin.

24
25 MR. FIRMIN: Mr. Nicholai. I kind of
26 agree with you there, I think -- over the past summer I
27 purchased a new 7.5 inch mesh net, 100 feet long and it
28 cost me \$450 landed, not including the buoys, the
29 cordage, and I'm a younger fisherman, I don't have a big
30 family spot close to town. I had to travel a ways to
31 find my own spot and hash out my own deal so I don't have
32 to, you know, deal with so much other people and people
33 trying to rob you or whatever, but I think I quit
34 counting at \$1,500 this summer and I didn't fill my one
35 freezer.

36
37 Thank you.

38
39 MR. NICHOLAI: Like I said, I respect
40 what that woman said right there, Rosemary, thank you for
41 your comments, man, you can't put no limit on customary
42 trade anywhere. All you're doing is just making.....

43
44 CHAIRMAN TOWARAK: Mr. Nicholai, I've got
45 a question for you. Are you stating that we shouldn't
46 put any limits on customary trade and allow as much as
47 fish as anybody wants throughout the whole river?

48
49 MR. NICHOLAI: No. No. Don't get me
50 wrong here. Don't get me wrong at all. What you should

1 be doing, instead of micromanaging the users is working
2 with the Alaska Department of Fish and Game because what
3 happened last summer, you let a chum fishery happen, or
4 ADF&G, let a chum fish happen, incidental bycatch of
5 chinook salmon, that was the border escapement. You made
6 a lot of Canadians mad, and how many years we tried to
7 work with those Canadians, we don't take any more than we
8 need. If my aunties children need school clothes,
9 whatever for their school, she's going to sell what she
10 needs. How you going to put a limit on that. I mean
11 how much fish they could catch in one season. Last
12 summer we tried like heck to catch fish in our district,
13 District 5, we had rain, so much drift and everything,
14 even when the open season was opened, so we were already
15 limited anyway. I mean it's a struggle. And to have you
16 guys say you're going to put more restrictions on us and
17 everything, like I said you're just going to make outlaws
18 out of us. I mean that's -- it's just like I said what
19 this program started out with, it had a good outlook, I
20 said, but it looks like you guys are just -- in my view,
21 from my experience, it looks like it's just going
22 backwards. It should be more working with ADF&G, more
23 working with the tri-Councils on the river, and all the
24 Fish and Game RACs and come up with better ideas than
25 micromanagement -- instead of micrommanaging the users.
26 You guys got to work together more, two agencies; it's
27 dual management, it should be a better working system
28 than what it is.

29
30 CHAIRMAN TOWARAK: Thank you, Mr. Ned
31 [sic]. And for your information our Staff are
32 recommending that we oppose this -- the proposal and we
33 have discussions going on between the three RACs on the
34 Yukon to get together and come up with a solution. Would
35 you support something like that?

36
37 MR. NICHOLAI: I'll make one more
38 suggestion here. It'll be, in my view, no matter how
39 hard it is, I know there's a lot of differences between
40 the three RACs, but if you could get them together and
41 sit them together and sit them down together and let them
42 discuss things, even include the Fish and Game Committees
43 or whatever, and listen to all their views, with the --
44 your Board sit down with the Fish and Game Board, too, I
45 mean just get all in one room and hash it out, and don't
46 be butting heads because all you're hurting is the users.
47 I mean my grandma, she expects a king salmon every year
48 and I didn't give her one this year, and that hurt her,
49 you know, and this micromanaging stuff don't work for us.
50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you, Mr.
4 Nicholai. Any other questions of the Board or RACs.

5

6 MR. REAKOFF: Mr. Chairman. I'd like to
7 ask Gerald one question.

8

9 CHAIRMAN TOWARAK: Mr. Reakoff.

10

11 MR. REAKOFF: Do you feel that customary
12 trade should not be limited within the region on the
13 Yukon River, how do you feel about large volumes of sales
14 to other areas, like to the urban areas and outside of
15 the region?

16

17 MR. NICHOLAI: Well, there's so many
18 views on customary trade. In my view it could be for
19 money, gas, or like I said for -- to give -- I gave my
20 auntie, like one king salmon a couple years ago, she gave
21 me a brand new Sno-Go, or she could have gave me \$5,000,
22 so you can't put no limit on it. It's traditional, it's
23 passed down from one to the other. How could you put a
24 limit on that, I mean it's already limited, you're only
25 allowed to catch so much and the time allowed and the
26 windows, the only way you're going to catch more if you
27 just fish outside those windows. But when the windows do
28 come, or whenever the pulse does come around, by the time
29 you open up the window the pulse is already going by
30 Tanana and all we get are the dead end of it.

31

32 I mean we're already limited anyway so
33 much and the customary trade, man, you're hurting more
34 people on the river than you could ever believe. What
35 you should be is -- what you guys should do is work
36 together with the Alaska Department of Fish and Game and
37 watch what you're doing in your commercial fisheries and
38 watch what you're doing, work with the North Fisheries
39 Council -- National Marine Fisheries Council and get them
40 to work with you so we could have more control over
41 whatever is happening out there because there's a lot of
42 take before it even gets to the Yukon River.

43

44 CHAIRMAN TOWARAK: Thank you, Mr.
45 Nicholai for your testimony.

46

47 Next.

48

49 MR. PROBASCO: Mr. Chair. This is our
50 last public testifier and it's Mr. Tim Smith, Nome

1 Fishermen's Association. Mr. Tim Smith.

2

3 MR. SMITH: Mr. Chairman. Members of the
4 Board. My name is Tim Smith and I'm the President of
5 Nome Fisheries Association. I'm also on the Seward
6 Peninsula Regional Advisory Council. I'm from Nome. My
7 wife and I have lived there for about 30 years. She's
8 originally from the same community that Tim Andrew is,
9 Marshall, and her family's all from the Lower Yukon. And
10 I'd like to talk a little bit about how this customary
11 trade affects us personally.

12

13 The Nome area is probably the most
14 restricted in salmon harvesting of any place in Alaska.
15 We've had the only Tier II fishery since 1999 in the
16 state and we have a hard time getting salmon there.
17 Things don't look like they're ever going to get better.
18 We like Yukon River dry fish. We don't really expect to
19 get king salmon strips anymore, they're a little too
20 scarce. And fall chums, and silvers also are very
21 scarce, but we like summer smoked and dried, dry fish,
22 chum salmon dry fish. And we buy it. And subsistence is
23 an economic activity. It's an important part of Alaska's
24 economy. I feel it's really unfair to expect people to
25 put all the labor and the time into producing dry fish
26 and just to share it with us. In the past, you know,
27 they did that. Now, it's a burden. It takes a lot of
28 money and it takes a lot more time with these restricted
29 fishing seasons, it takes a lot more time to produce the
30 fish. You don't get large numbers of fish all at one
31 time which would be the most efficient, you get a them a
32 little at a time over the season. And so it's a lot more
33 expensive for them to make dry fish and I feel it's only
34 fair for me to contribute something in return. And, you
35 know, we have -- you know I could get more of some
36 subsistence products than we really need. We can get
37 more meat or something, but they don't need that. What
38 they need is cash. The cost of living in rural Alaska is
39 going through the ceiling as everybody knows. And it
40 takes a lot of money to subsist. The cost of subsistence
41 is very high now. Outboard motors are \$25,000, it's
42 unbelievable. A net is \$2,500. It just takes a lot of
43 money to subsist.

44

45 And so I realize there's abuses. There
46 have been abuses. But let's not throw out the baby with
47 the bathwater, you know, there needs to be a way to
48 exchange cash for subsistence products.

49

50 I think that imposing too low of a limit

1 is throwing out the baby with the bathwater. There was
2 a time when \$750 might be a significant amount of money
3 but not anymore. You know look at the cost of
4 everything, everything's just gone so high. And cash is
5 really the best meaning of exchange, it's the most
6 efficient way to do it, say if you live close together
7 and you have something, maybe you could exchange
8 subsistence products, but for us cash is the only thing
9 that's going to work and we have the cash. You know my
10 wife and I both have incomes, we can afford to give back
11 to the people that produce the fish that we need.

12

13 And so it's an issue of fairness.

14

15 And so I think that, you know, I'm not
16 sure that I have the answer to this. But I think that a
17 cap of a few hundred dollars is completely unreasonable
18 and unfair.

19

20 But by far the most unfair thing is the
21 allowing virtually unlimited harvest as bycatch in the
22 pollock trawl fisheries. You know we're talking about
23 limiting a few people living in villages barely getting
24 by when we're really not limiting the industrial trawl
25 fishery. They're catching hundreds of thousands of
26 salmon, throwing them over the side and wasting them.
27 That's really -- I think it's wrong.

28

29 And I'd like to, you know, echo what Mr.
30 Nicholai said, I understand the jurisdictional problems
31 but managing piecemeal doesn't make any sense. The Board
32 of Fish, North Pacific Fisheries Management Council and
33 your Board all have a piece of this management but if you
34 don't manage the whole stocks, the entire salmon stocks,
35 it's not going to work. It just doesn't make sense to
36 manage them piecemeal. It has to be a -- you have to
37 look at the big picture. And imposing the subsistence --
38 or the conservation burden on people in Western Alaska,
39 in the villages, disproportionately as this, I think
40 would do, I think is very, very unfair. So I'd like to
41 see this Board work more with the Council and with the
42 Board of Fisheries to address the real problem and that
43 is not enough fish, there's just not enough fish
44 available for subsistence users now.

45

46 And that's my comments.

47

48 CHAIRMAN TOWARAK: Thank you, Mr. Smith.
49 Any questions from the Board or the RAC Chairs.

50

1 (No comments)

2

3 MR. SMITH: Thank you.

4

5 CHAIRMAN TOWARAK: Thank you. That
6 concludes the public testimony portion of our process.
7 Our next step is having the Regional Council
8 recommendations. And we will start with Mr. Wilde.

9

10 MR. L. WILDE: Thank you, Mr. Chairman.
11 Speaking for proposal you'll notice that in the proposal
12 itself it states prohibit customary trade of salmon in
13 the Yukon River fisheries Management Area in any year.
14 The key part of this, the meat of the whole proposal is
15 in any year chinook subsistence harvest are restricted.
16 And you'll know that we've been restricted a time or two
17 on the Yukon River for subsistence when the Department
18 felt that there was not going to be enough chinook salmon
19 going up into the spawning grounds.

20

21 And if I may, Mr. Chairman, ask, Mr. Bue,
22 has there been any commercial fishing at the time that
23 the subsistence harvests are restricted?

24

25 CHAIRMAN TOWARAK: Mr. Bue, if you could
26 get next to a speaker.

27

28 MR. BUE: Yeah, thank you, Mr. Chairman.
29 Could I ask, Lester, could you please repeat the
30 question.

31

32 MR. L. WILDE: The question I asked, has
33 there been any commercial fishing because there mention
34 by some of the people that testified of the Lower Yukon
35 fishing during the restrictions, has there been any
36 commercial fishing at the time that chinook salmon
37 harvest for subsistence has been restricted?

38

39 MR. BUE: Drainage wide historically
40 there has been times. Certainly we try to avoid it and
41 try to give a subsistence priority over fishing but, you
42 know, as most of you area aware an early in the season
43 assessment is difficult, management decisions are
44 difficult and so there may be some occasion there is some
45 allowance on commercial fishing. But for the most part
46 we try to not have commercial fishing when we think we
47 may have a subsistence restriction, in fact, we try to
48 avoid that if at all possible.

49

50 MR. L. WILDE: Thank you. And has there

1 been any commercial fishing at the time that the
2 restriction is in place?

3

4 MR. BUE: No. Not at the same time and
5 same place.

6

7 MR. L. WILDE: Thank you. That was the
8 information I wanted to make sure that was understood by
9 everybody before we get into this area.

10

11 And this only applies to the year when
12 there is a restriction on subsistence. If you're going
13 to -- as you heard in the testimony, Mr. Chairman,
14 families get together to go out to commercial fish. They
15 fish together to get the family needs. So the families,
16 restricting the families for subsistence is not the meat
17 of this because the families do go out and have an
18 opportunity to go out and get their subsistence needs.
19 Until such time that the chinook subsistence needs are
20 restriction, that's the only time that this commercial --
21 I mean that this proposal is -- that this was brought
22 forth, at the time that the harvest for commercial
23 subsistence -- I mean for subsistence is restricted,
24 that's when we would like to see the monetary, I mean the
25 customary trade restricted also because the families have
26 already gotten their subsistence needs or have -- are
27 working towards getting their subsistence needs.

28

29 And we felt that there is barter that
30 happens all the time. Barter is when we -- as the
31 definition in the book for barter is trading resource for
32 resource, and customary trade is sale of the resource for
33 monetary gain, or for monetary purposes.

34

35 And I'd like -- since this came from our
36 Council, and we totally believed since we've had
37 restrictions in the past for the needs of our people, we
38 wanted to make sure that our people got their food first
39 before any of our salmon that are being restricted, are
40 sold to anyone else. This doesn't affect the families
41 along the river, it affects the sale of the product that
42 is the resource at the time that it is being restricted
43 for subsistence.

44

45 Thank you, Mr. Chairman. And, thank
46 you, Mr. Bue.

47

48 CHAIRMAN TOWARAK: In the booklet that we
49 have Mr. Wilde it shows that the Yukon Kuskokwim-Delta
50 Regional Council recommendation is to support 11-08 with

1 modifications; is that still the case?

2

3 MR. L. WILDE: That's still the case, the
4 modifications, we felt that if in the event that there is
5 a shortage of subsistence needs in the area, that none of
6 the product should be sold. But that 700, what is the
7 modification, I was looking at the.....

8

9 CHAIRMAN TOWARAK: It's on Page 39.

10

11 MR. L. WILDE: I don't see the
12 modification here. Oh, here it is. With modification,
13 what exactly did that mean, does that mean that we have
14 changed our -- that the proposal is changed to what it is
15 written on the bottom? May I have an answer there, Mr.
16 Pete.

17

18 CHAIRMAN TOWARAK: Pete.

19

20 MR. PROBASCO: Thank you, Mr. Chair. Mr.
21 Wilde. Your modification is what's presented in bold.
22 The Council took action to replace language under
23 subsection (iii) and replaced with the following, and
24 that's that black bold language.

25

26 Mr. Chair.

27

28 MR. L. WILDE: Mr. Chairman, if I may.
29 When we first introduced this proposal it was -- we
30 wanted to make sure that it was at the time that there
31 was restrictions on subsistence, and that was the main
32 gist of our proposal.

33

34 There must have been some
35 misunderstanding on the modification but I think at times
36 we make mistakes but the meat of this -- the proposal, at
37 the time that we wanted it submitted, was just for
38 restrictions at the time that we are being restricted for
39 our subsistence purposes.

40

41 Mr. Chairman.

42

43 CHAIRMAN TOWARAK: Pete.

44

45 MR. PROBASCO: Thank you, Mr. Chair.
46 Thank you, Mr. Wilde, for the clarification. The Board
47 can note Mr. Wilde's clarification to the language that's
48 found on Page 39 and can proceed.

49

50 Thank you, Mr. Chair.

1 CHAIRMAN TOWARAK: I made a note then
2 that the YK-Delta RAC supports with the modification and
3 that modification should also include the wording that
4 would apply only -- this would apply only in time of
5 restrictions.

6
7 MR. L. WILDE: That's correct, Mr.
8 Chairman. And with only the time that the subsistence
9 restricted.

10
11 CHAIRMAN TOWARAK: Right. Any questions
12 from the Board.

13
14 MS. COOPER: Yes, Mr. Chair, if I may.

15
16 CHAIRMAN TOWARAK: Go ahead, Ms. Cooper.

17
18 MS. COOPER: For Mr. Wilde, through the
19 Chair. Just a clarifying question; if the RAC may be
20 open for an additional modification or if they have given
21 consideration, the way the proposal, 11-08 is currently
22 written, any time the chinook run did not fully satisfy
23 subsistence needs, or if the fishery is restricted, all
24 customary trade of any species would be prohibited in
25 that year. And that may not be the intent of the
26 proponent, I was just wanting to ask for clarification,
27 through the Chair.

28
29 CHAIRMAN TOWARAK: Mr. Wilde.

30
31 MR. L. WILDE: If I may, Mr. Chairman.
32 We are dealing with the species of concern, which is
33 mainly the chinook. We have -- although we are -- we do
34 utilize the summer chum salmon in our area, in the area
35 that I come from, Hooper Bay, we don't as much -- we
36 don't take king salmon, although we would like to get
37 some, we don't often have the opportunity to get king
38 salmon.

39
40 I think last year for our total village
41 of subsistence dependence, of 1,200 people, there was
42 something in the neighborhood of 200 to 300 chinook that
43 were taken. That's in Hooper Bay. And, I, myself, had
44 -- I was a little bit luckier than my friend Gerald, I
45 was able to get one king.

46
47 And we wanted to make sure that if in the
48 event that we're able we can get the resource built up to
49 -- it's going to be a long -- we'll probably never see it
50 in our lifetime, but we would like to have the pleasure

1 and the opportunity to be able to acquire some of the
2 chinook also out in our area. And that is a --
3 conservation means a lot to us out there because we
4 depend on our subsistence resources. There isn't any
5 other type of resource where you're able to get the
6 necessary funds to be able to go out and do other Native
7 -- other subsistence activities.

8
9 And as far as the commercial area in the
10 Lower Yukon, most of the resources, the monetary
11 resources that come into that area are in turn used for
12 expenses to go out and get other subsistence resources
13 that are available in that area.

14
15 Does that answer your question, Ma'am?

16
17 MS. COOPER: Mr. Wilde, through the
18 Chair. It does, in part. I'm just curious if there is
19 a restriction put on chinook, if the proposal, as written
20 is intended to then place restrictions on customary trade
21 of any species of fish or if it's just intended to put
22 restrictions on customary trade of the species in
23 question, chinook?

24
25 MR. L. WILDE: Ma'am, that was the -- it
26 states chinook, and that's the only species that we're
27 concerned with. Customary trade with other species can
28 be allowed. But the species of concern right now is the
29 chinook and that's what this proposal addresses.

30
31 MS. COOPER: Thank you, Mr. Chair.

32
33 MS. K'EIT: Mr. Chair.

34
35 CHAIRMAN TOWARAK: Go ahead, Ms. K'eit.

36
37 MS. K'EIT: So I think I maybe understand
38 what, you know, that it was maybe a cut and paste kind of
39 mistake, but if we were to go to Page 31 in our proposal
40 books, the proposed regulation at the bottom, the three
41 little I's in bold, I think I understand that it would
42 keep that portion up to the semicolon in the last
43 sentence, and then in place of the phrase customary trade
44 will be prohibited, we would be inserting the language
45 proposed by the YK RAC for modification. So we would be
46 adding that sentence to the original proposal in place.

47
48 And if you like I can read that as how I
49 would understand it would be.

50

1 CHAIRMAN TOWARAK: If you would, please.
2
3 MS. K'EIT: Okay. So it would be for
4 that subpart (iii):
5
6 If in any given year in the Yukon River
7 Fisheries Management Area chinook runs
8 are insufficient to fully satisfy
9 subsistence harvest needs and
10 subsistence fisheries are restricted,
11 Yukon River Area Fishery Management
12 Area, the total cash value per household
13 of chinook salmon taken within Federal
14 jurisdiction in the Yukon River Fishery
15 Management area and exchanged in
16 customary trade to rural residents may
17 not exceed \$750 annually.
18
19 Mr. Wilde, through the Chair, is that
20 what the intended modification was?
21
22 MR. L. WILDE: The first part of what you
23 read, is the meat of the whole proposal.
24
25 MS. K'EIT: Okay.
26
27 MR. L. WILDE: If in any given year that
28 we do have restrictions on subsistence we would like to
29 have the customary trade -- will be prohibited in those
30 years only.
31
32 MS. K'EIT: Okay.
33
34 MR. L. WILDE: And not necessarily in any
35 other year.
36
37 MS. K'EIT: Oh, okay.
38
39 CHAIRMAN TOWARAK: I've got one question
40 for you, Mr. Wilde. Somewhere, I think it's in one of
41 the Staff analysis or one of the discussions that we had
42 earlier, there was the possibility and perhaps Mr.
43 Reakoff might confirm this, of the desire of getting the
44 three RACs together to come up with a proposal, and to
45 put a decision off today on this particular proposal, to
46 be determined after the three RACs work out a solution.
47
48 MR. L. WILDE: Mr. Chairman. If you
49 lived in our area and you were out getting the
50 subsistence needs that require to sustaining your family

1 for the year, I think you would understand why this
2 proposal is needed. We need -- the monetary part of
3 that, we're able to -- we would like to sit with the rest
4 of the other three Councils to determine a value on
5 customary trade. That is what we would like to sit in
6 with the other three Councils with. But in the event
7 that there is a subsistence fishery restriction, we would
8 like to have customary trade restricted also.

9

10 Is that understood?

11

12 CHAIRMAN TOWARAK: Yes, that's clear in
13 my mind.

14

15 MR. L. WILDE: Thank you.

16

17 CHAIRMAN TOWARAK: I'd like to ask for
18 about a 10 minute break to kind of huddle with a couple
19 of people before we get to the other two RACs that are
20 involved in this decision so let's take a 10 minute
21 break.

22

23 While I'm -- before I do that I had
24 promised one of the Staff members I would do this.

25

26 Each of you on this table were given a
27 sheet of paper to review the artwork by the children and
28 make -- please fill out this form on which
29 recommendations you will make for the grand prize and
30 also the honorable mentions so -- and you have until noon
31 to do that so during the break, if you want, you could
32 take a look at the drawings.

33

34 Thank you.

35

36 10 minute break. Recess.

37

38 (Off record)

39

40 (On record)

41

42 CHAIRMAN TOWARAK: We're ready to
43 reconvene.

44

45 (Pause)

46

47 CHAIRMAN TOWARAK: We're at the portion
48 of our agenda where we are taking comments from our
49 Regional Advisory Chairs. We had just completed the --
50 I'm sorry, God, the comments on -- from Mr. Wilde and

1 we're only hearing from the RACs that are affected by the
2 proposal.

3

4 Pete, go ahead.

5

6 MR. PROBASCO: Thank you, Mr. Chair.

7 Thank you for the opportunity to say a few words.

8

9 Board members I think it's very important
10 to understand the questions and the possible confusion we
11 had when we were speaking with Chairman Wilde from the
12 YK-Delta. What's printed on Page 39 that is in the bold
13 black is true to the transcripts on what the Council
14 passed. Now, keep in mind this is a Council meeting and
15 it's a public sector. And what Mr. Wilde was speaking to
16 was the broad discussion and what he recollected as far
17 as the motion to be. That is, in part, inaccurate,
18 because this comes from the transcripts, however, it's
19 accurate on the discussion that the Council had.

20

21 Also keep in mind, Board members, that
22 when we ask Councils on their opinion, they can only
23 speak to what their Councils act on, they can project,
24 well, I think my Council would support that because they
25 actually have to work on the actions that their Council
26 took so we need to be careful on that as well.

27

28 Mr. Chair.

29

30 CHAIRMAN TOWARAK: Thank you for that
31 clarification. Next on the list of Council members
32 would be Jack Reakoff from the Interior RAC.

33

34 MR. REAKOFF: Thank you, Mr. Chair.
35 Western Interior Regional Advisory Council deliberated
36 this proposal at our meeting in McGrath. We opposed the
37 proposal and the reasons are that customary trade is
38 recognized as a long standing use in the Middle Yukon
39 area within the Western Interior Region.

40

41 We didn't agree with the dollar amounts
42 being used because of the inflation factor as one of the
43 reasons.

44

45 We did not feel that there was enough
46 investigation through asking the communities and going
47 throughout the various areas to find out what people felt
48 were the amounts that would be considered a significant
49 commercial enterprise.

50

1 The WI RAC recognizes this as a
2 legitimate use of chinook salmon. The abuses of
3 customary trade regarding large volumes of chinook salmon
4 as a significant commercial enterprise needs to be
5 addressed.

6
7 The WI RAC is in favor of defining a
8 significant commercial enterprise.

9
10 This request is to be accomplished by
11 having -- we are requesting that members of the YK-Delta,
12 Western Interior, Eastern Interior designate -- we
13 designated two members, but we could have at least two or
14 three members to meet from each Regional Council. The
15 request would follow the -- the meeting would actually
16 follow sending out a request to the communities, the
17 tribal councils with two questions.

18
19 The questions would be:

20
21 Is customary trade part of your
22 community use of chinook salmon?

23
24 And;

25
26 How much chinook salmon on average is
27 customarily traded, an approximate
28 amount, not exact amounts, but
29 approximate poundage per capita?

30
31 Like some commentor said there's large
32 families getting together and putting up a lot of fish
33 and they sell but if you put that per capita sale it
34 actually might not nearly look like as much as it would
35 off hand.

36
37 These questions would then be answered
38 within a timeframe, the three RACs would meet and
39 deliberate with real input from the communities what
40 customary trade is throughout the whole Yukon River
41 drainage and come to an agreement on what is an
42 appropriate amount to set the threshold for a significant
43 commercial enterprise. So that's why we submitted a
44 request.

45
46 We opposed the proposal, we submitted a
47 request for a working group and we feel that that would
48 work towards a solution that's agreeable for all of the
49 Regional Councils and the people of the Yukon River.

50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you, Mr.
4 Reakoff. Any questions from the Board or other RAC
5 Chairs.

6

7 MR. PROBASCO: Lester.

8

9 CHAIRMAN TOWARAK: Mr. Wilde.

10

11 MR. L. WILDE: Mr. Chairman. One thing
12 that was misunderstood at the time was with the word,
13 with modification; that was the problem that we had.

14

15 We, at the time, thought that the rest of
16 the -- where the area that was being addressed was going
17 to be included also in that proposal, but I see that it
18 was not and -- but we wanted the whole part in there
19 where it says; if any -- in any given year the Yukon
20 Fisheries Management Area, chinook runs are insufficient
21 to fully satisfy subsistence, that is when we wanted to
22 -- I just wanted to make this clear -- that that was the
23 only time that we would like to have customary trade also
24 be prohibited.

25

26 MR. REAKOFF: Mr. Chair, if I could. I
27 failed to point one part of the question would be, to the
28 communities, is how much fish is customarily traded or
29 sold within region, rural to rural, versus rural to urban
30 which is non-subsistence areas. That should be part of
31 the question to the communities.

32

33 Thank you.

34

35 CHAIRMAN TOWARAK: That's being noted.
36 Thank you, Mr. Reakoff. We will next go to Peter Buck
37 from Seward Peninsula.

38

39 MR. BUCK: Yes, I'm Peter Buck from the
40 Seward Peninsula RAC.

41

42 And the Council needed clarification on
43 chinook and other salmon possible restrictions and we
44 indicated, regardless of restrictions, people's wishes
45 are to taste salmon and are willing to buy fish from
46 other rural residents. And the Council indicated, as
47 before stated, the Native people who are less fortunate
48 subsistence fishing bought fish from other rural
49 residents and customary trade tradition was passed on to
50 this younger generation through elders and it has gone on

1 for -- since time immemorial.

2

3 Taking this Native tradition away would
4 cause unrest for some rural residents regardless of what
5 new laws require. And when one family's affected an
6 entire village can be affected by new laws on customary
7 trade, and the Council appears to be knowledgeable about
8 this -- the amount of fish and biological information and
9 traditional knowledge from fish biology.

10

11 The Council supports the idea to
12 establish a working group to deal with this issue because
13 the working group recommendation is good. And the
14 Council voted not to take any action on this.

15

16 Thank you.

17

18 CHAIRMAN TOWARAK: Thank you, Mr. Buck.
19 Any questions of the Board or other RACs. Mr. Lohse.

20

21 MR. LOHSE: I've been sitting here
22 listening to this and I was listening to Lester and I was
23 looking at the chart that came with the paper that you
24 were given and I just have a couple comments on this; I
25 don't have any suggestions or anything like that.

26

27 But what I heard Lester trying to say,
28 and maybe it always didn't come across clear, but he was
29 basically saying that in any given year in the Yukon
30 River Fisheries Management Area chinook, when the runs
31 are insufficient to fully satisfy the household needs of
32 subsistence users in that area, that the customary trade
33 of chinook salmon to others, not to rural residents, but
34 to others will be prohibited. And that seemed to me to
35 be the nut of what he was trying to say here, is that,
36 when there aren't sufficient chinook to meet the
37 subsistence needs of the households of people who live on
38 the river, then the sale of chinook salmon shouldn't be
39 allowed to people who are not rural residents, are not
40 subsistence users.

41

42 And actually when I sit down and I look
43 at the chart that as to -- I can understand why that
44 would come from him when I look at this chart that I'm
45 sitting looking at right here. Here's, this is a chart
46 that shows the take of subsistence salmon by household,
47 and I requested some information as to where it came
48 from, it comes from ADF&G data, and it shows Hooper Bay
49 down here taking this many salmon per household, you
50 know, and this is the middle and upper river right here,

1 this is the 40 fish mark right here, and I can understand
2 his concern, because they're not taking very many
3 subsistence salmon per household so what he's saying is
4 that if there aren't enough to meet the needs of the
5 households on the river, something needs to be done about
6 the sale of chinook salmon to people who are not rural
7 residents.

8

9 And I'm afraid I would probably support
10 him in that and I do see the need to get together as a
11 river and decide what is a significant commercial amount,
12 and possibly come up with some data on that and come up
13 with some decisions on that. But if there aren't enough
14 fish to meet the household needs of users on the river
15 then there aren't enough fish to sell to people who
16 aren't rural residents; at least from my standpoint, and
17 I would support Lester in that, but I'm not voting.

18

19 Thank you.

20

21 CHAIRMAN TOWARAK: Thank you, Mr. Lohse.
22 Any other comments. I think your comments kind of
23 clarified Mr. Wilde's position. I haven't seen him
24 object to any of the statements.

25

26 (Laughter)

27

28 CHAIRMAN TOWARAK: So I appreciate that.

29

30 MR. REAKOFF: Mr. Chairman.

31

32 CHAIRMAN TOWARAK: Mr. Reakoff.

33

34 MR. REAKOFF: I would like to clarify,
35 Ralph, that the proposal is actually customary trade to
36 rural residents. And so what we're saying is that this
37 is not to urban, this is to other rural residents, and
38 we're saying that that's a very important aspect of
39 customary trade.

40

41 Thank you.

42

43 MR. LOHSE: Thank you, Mr. Chair.

44 I.....

45

46 CHAIRMAN TOWARAK: Okay.

47

48 MR. LOHSE: Mr. Chair.

49

50 CHAIRMAN TOWARAK: Yes.

1 MR. LOHSE: Can I respond to Jack on
2 that.
3
4 CHAIRMAN TOWARAK: Yes. Sure, and you'll
5 be next.
6
7 MR. LOHSE: I understood that, too, Jack.
8 And I think that what they were trying to get across was
9 missed in the, you know, in what ended up getting
10 written.
11
12 What they were -- from discussing and
13 listening to him, what they're really concerned about is
14 large scale sales to urban residents, they're not worried
15 about the fact that other rural residents get some of
16 these fish.
17
18 CHAIRMAN TOWARAK: Thank you. Mrs.....
19
20 MR. L. WILDE: If I may, Mr. Chairman.
21
22 CHAIRMAN TOWARAK: Oh, she's first, and
23 then you'll be next, Mr. Wilde.
24
25 MR. L. WILDE: Thank you, Mr. Chairman.
26
27 MS. AHTUANGARUAK: These are all very
28 important discussions on this issue. But there are
29 individuals that will be made illegal through this
30 process.
31
32 Great Auntie Jo that goes to Bingo and
33 multiple families bring her the fish to sell, will she be
34 illegal because she's sold over \$750, and, yet, she's
35 helping to sell fish for six or eight families. What
36 about the process of the individual who understands the
37 value of these fish but recognizes the needs of their
38 subsistence are not being met and have to look for other
39 ways to try to meet subsistence needs, if they choose to
40 sell off this valued product that's so important to their
41 subsistence but is so necessary to continue to feed their
42 family because they aren't getting enough fish, is this
43 going to make them illegal because they're doing this.
44
45 These are big arching concerns that are
46 affecting many, many families and already we have many,
47 many families who have individuals who are illegal and
48 are in jail right now. This is not what this Board was
49 meant to do. We are not meant to make us illegal for
50 doing what we've done all of our lives and what our

1 generations have done all of our lives and is recognized
2 as being who and what we are. We're taking what's
3 important and the value from our individual families and
4 letting others decide what they can or cannot do. That's
5 not what we're here for.

6

7 Thank you.

8

9 CHAIRMAN TOWARAK: Thank you.

10

11 MR. L, WILDE: Mr. Chairman. I think the
12 problem that we have is the different areas have
13 different definitions of subsistence, and subsistence is
14 carried out differently in different areas, namely, and
15 that happens a lot on the Yukon River. We are a diverse
16 group of people and we all live a different way of life.
17 And subsistence to us on that Lower Yukon River means
18 feeding the family for food and sustaining ourselves.
19 That's subsistence to us. We don't have any other
20 definition for subsistence except to feed the family, to
21 make sure the family is fed and to make sure the family
22 is fed to the best of our ability with the resources that
23 are available. And if we're stepping on other people's
24 feet we apologize for that. But the thing that really
25 concerned us at the time, and the reason why I was the
26 one that gave the -- wanted to have this proposal put in
27 and the reason for that was to make sure that the species
28 of concern is protected.

29

30 We've heard from all the people and all
31 the users on the river that that is a very important
32 resource on the river for our families, to feed our
33 families. And if I happen to step on my brother's and
34 sister's feet up river, I apologize for that, but for us,
35 subsistence means feeding our families to making sure our
36 children are fed. And if we are restricted on feeding
37 our families we should also restrict those who feed
38 others.

39

40 Thank you, Mr. Chairman.

41

42 CHAIRMAN TOWARAK: Thank you, Mr. Wilde.
43 We have one more Chairman to listen to and that's Andrew
44 Firmin from the Eastern Peninsula -- no, the -- okay.

45

46 MR. FIRMIN: Thank you, Mr. Chair. This
47 is Andrew Firmin with the Eastern Interior RAC. We went
48 to great lengths at our meeting to go through this one
49 proposal, I think we spent a few hours on it.

50

1 The original proposal, as submitted, we
2 mainly had a lot of problems with the wording, because as
3 submitted it only affect rural residents originally. And
4 then the first revised one says customary trade would be
5 prohibited during chinook runs, and then on Page 39 it's
6 rewritten again to where it's not species specific, it's
7 only salmon and it's only customary trade.

8
9 And those are the biggest things, the
10 problems that we had with it because customary trade is
11 more than just one fish, it's more than just chinook
12 salmon. And there's many types of salmon. I mean I've
13 sold a set of moose antlers for \$750 before and that paid
14 for my two drums of gas to go moose hunting; that's
15 customary trade. I sold it to my neighbor to tact to his
16 cabin and that was our biggest problem that we had with
17 some of those.

18
19 And we went through, we tried to amend
20 some of the wording and a lot of it -- like some of it
21 says, fully satisfy subsistence harvest needs; well, Fort
22 Yukon hasn't met their subsistence harvest needs in years
23 so that would just make this permanent, and that's
24 another thing that we had problems with. And we did get
25 some good wording in there with a few other folks that
26 are here in the room that tried very hard and diligently
27 to get it going.

28
29 The wording we came up with that I kind
30 of like, was:

31
32 In any given year in the Yukon River
33 Fisheries Management Area, the normal
34 chinook salmon subsistence fishing
35 schedule is reduced in any portion
36 customary trade of chinook salmon will
37 be prohibited for the entire drainage
38 for that season.

39
40 That was the wording that we approved.
41 However, when we went to vote on the motion, as amended,
42 we split with six no, two yes, and one absent. And we
43 had a lot of concerns with a lot of this proposal and we
44 did defer -- we had a motion to request a subcommittee
45 including members of Eastern Interior, Western Interior
46 and the YK-Delta RACs to work on these issues. And we
47 have three Council members identified to represent the
48 Council on such a subcommittee.

49
50 As written, though, the non-species

1 customary trade practices within the -- excuse me -- as
2 written, the non-species specific proposal has the
3 potential to affect all customary and traditional
4 practices if the chinook run is poor. And it's just --
5 it's strange that -- we realize that there needs to be
6 conservation measures. There were just -- I mean I think
7 we sat in there for six hours and went over this one
8 proposal and we didn't come up with much, other than that
9 wording. But we weren't able to confirm on that.

10

11 Our biggest thing, though, is this will
12 negatively impact subsistence users that, you know, like
13 our elders that can't fish for themselves. As she stated
14 earlier, you know, what if somebody is helping other
15 families and we do see a need for conservation, however,
16 we weren't able to come to a specific conclusion.

17

18 And I'd also like to go back to what Mr.
19 Wilde question posed to Fred Bue about, has there been
20 commercial fishing while restrictions are in place and I
21 think the answer to that is, yes, there's Alaska
22 commercial fishing going on in the Bering Sea, Aleutian
23 Islands, Area M, Bristol Bay salmon fisheries that are
24 catching the same chinook salmon that we're fishing for.
25 And I know that may be a little off topic but those are
26 where we need to focus our energies at. And also the
27 other reason the answer to that question is yes is
28 because last summer, as you guys know, there was a
29 restriction on the chinook commercial fishery on the
30 river, however, there was an opening on the chum salmon
31 fishery and they had a bycatch of chinook salmon of close
32 to 10,000 salmon. And the border escapement goal last
33 year was missed by 10,000 chinook salmon. However, the
34 genetic analysis of that data shows that only two, maybe
35 3,000 of those salmon were Canadian bound stocks.

36

37 But the Council did oppose this proposal
38 but we would like to defer it to a working group and we
39 would like to do it in a compressed timeframe as we can't
40 wait for another cycle to go through and several years,
41 we need something to be done quicker than waiting for
42 another cycle.

43

44 Thank you.

45

46 CHAIRMAN TOWARAK: Thank you, Mr. Firmin.
47 Any questions from the Board.

48

49 (No comments)

50

1 CHAIRMAN TOWARAK: Thank you. That
2 concludes that portion of the Regional Advisory Council
3 recommendations.

4
5 In light of all of the discussions of
6 forming a tri-party negotiating committee with the three
7 RACs on the Yukon River, or is it four.

8
9 MR. PROBASCO: Three.

10
11 CHAIRMAN TOWARAK: Is it three?

12
13 MR. PROBASCO: Mr. Chair. There's four
14 Councils that weigh in on the Yukon, but Mr. Peter Buck
15 representing Seward Peninsula read the Seward Peninsula's
16 Council recommendation and they specifically identified
17 three affected Councils, excluding themselves.

18
19 CHAIRMAN TOWARAK: Okay. I would like to
20 give the floor to Board Member Haskett.

21
22 MR. PROBASCO: Wait, wait, you still need
23 to go through Fish and Game, InterAgency.....

24
25 CHAIRMAN TOWARAK: Okay. All right, Mr.
26 Haskett, we're going to wait until we hear from some of
27 the other people on the list of -- organizations. It's
28 noon.

29
30 (Laughter)

31
32 CHAIRMAN TOWARAK: Do you want to
33 continue or what?

34
35 MR. HASKETT: I'd like to work through
36 this proposal. Let's finish this one.

37
38 MR. PROBASCO: Mr. Chair. I would --
39 and, of course, it's up to you, but I would recommend
40 that at a minimum we get through the comments so that if
41 we do break for lunch, we come back, that the proposal's
42 before the Board or elect to grind through it and get
43 this proposal out of the way.

44
45 CHAIRMAN TOWARAK: What's the wishes of
46 the Board. To continue?

47
48 MR. HASKETT: I'd like to work through
49 this one to the end.

50

1 (Board nods affirmatively)
2
3 CHAIRMAN TOWARAK: Work this one right to
4 the end.
5
6 Is there any objections from the rest of
7 the Board on that?
8
9 (No objections)
10
11 CHAIRMAN TOWARAK: If not, then we will
12 continue.
13
14 We will next go to the Alaska Department
15 of -- no, the -- yes, the Alaska Department.....
16
17 MR. PROBASCO: Andrew has a
18 clarification.
19
20 CHAIRMAN TOWARAK: Mr. Firmin.
21
22 MR. FIRMIN: I just had one more comment
23 that we had a little bit of a discussion and a problem
24 on, that was some of the deals with these, like living --
25 I'm assuming this, I've never been that far down the
26 Yukon yet, but some of the places where the Pilot Station
27 Sonar, they would determine whether it's a poor run or
28 not, some of those people that live around Pilot Station,
29 given the way some of this is worded, that they would
30 already have their subsistence needs met and they could
31 possibly have already sold as much fish. I'm not saying
32 nobody does that, but that is one problem that we also
33 had with this, is that, somebody -- before we even get to
34 wet our nets in the water, that there is potential for
35 that type of abuse, but I've never heard or seen any of
36 it, but that was one position that was raised at our
37 meeting last time.
38
39 I just forgot to mention that earlier.
40
41 Thank you.
42
43 CHAIRMAN TOWARAK: Thank you. Okay,
44 so.....
45
46 MR. PROBASCO: Fish and Game.
47
48 CHAIRMAN TOWARAK: We will proceed then
49 with the Department of Fish and Game comments.
50

1 MR. SWANTON: Thank you, Mr. Chairman.
2 I'd defer to Jennifer Yuhas.

3
4 MS. YUHAS: Thank you, Mr. Chairman.
5 Members of the Board. RAC Chairs. And all the users who
6 have come to testify today. For Proposal No. 8, this
7 proposal was submitted to prohibit customary trade of
8 chinook salmon harvested in the Yukon River Fisheries
9 Management Area during years of insufficient chinook
10 salmon returns.

11
12 State regulation expressly prohibit sale
13 of subsistence harvested fish while Federal regulation
14 allow for cash sales.

15
16 Under current State regulations at 18 AAC
17 34.005, all fish processed for commerce must be processed
18 at a facility approved by Alaska Department of
19 Environmental Conservation.

20
21 Sale of subsistence harvested fish, both
22 processed and whole, is occurring in both urban and rural
23 communities in Alaska, contrary to existing state and
24 federal regulations. A US Fish and Wildlife Service law
25 enforcement officer provided information at the November
26 2010 Federal Subsistence Board meeting regarding a
27 federal investigation. Discrepancies in state and
28 federal regulations and state requirements regarding
29 processing of fish to protect health and safety of the
30 public may leave some people vulnerable to citation under
31 state and federal regulations. This is a significant
32 issue for state resources managers, law enforcement
33 agencies, and federal agencies that provide for the
34 subsistence priority on federal lands and those waters
35 where federal subsistence jurisdiction is claimed. In
36 considering this proposal and 09, the Federal Subsistence
37 Board has the opportunity to adopt enforceable customary
38 trade regulations for the Yukon region that are based on
39 history and patterns of this use for this region of the
40 state.

41
42 This proposal may reduce harvest of
43 chinook salmon for cash sale of Chinook salmon. It is
44 not possible, however, to accurately predict how this
45 proposal will affect changes in subsistence harvest
46 patterns because federal agencies lack information and
47 data regarding existing levels of harvest and actual
48 sales of subsistence harvested chinook salmon. Because
49 state and Federal regulations differ subsistence
50 fishermen are vulnerable to prosecution when selling

1 subsistence harvested salmon on lands and waters outside
2 the boundaries where federal subsistence jurisdiction is
3 claimed. Adoption of limitations on cash sale of
4 subsistence harvested salmon that define significant
5 commercial enterprise, specify fish weight or number
6 limits, clarify where subsistence harvested fish may be
7 sold under federal regulations, and establish the
8 reporting requirements for cash sales of subsistence
9 harvested salmon would clarify federal subsistence law,
10 facilitate enforcement against unlawful sales of
11 subsistence harvested salmon, and reduce the risk of
12 citation of law-abiding subsistence fishermen in the
13 Yukon River drainage.

14
15 The department supports subsistence
16 harvest and use of salmon consistent with the existing
17 state laws and regulations including customary trade of
18 this resource. However, 5 AAC 10-010 [sic] prohibits the
19 sale of subsistence caught fish, their parts, or their
20 eggs unless otherwise specified in state regulation.
21 Currently, there are only two exceptions listed in
22 Chapter 5 of state regulations: Norton Sound-Port
23 Clarence Area for salmon and Sitka Sound herring roe on
24 kelp in Southeast Alaska.

25
26 Conservation issues include that the
27 Yukon River Chinook salmon stock is currently classified
28 as a stock of yield concern. Since 2001, subsistence
29 fishing time in the Yukon Area has been limited by a
30 windows schedule, which was further restricted in 2008
31 and 2009 because of conservation concerns for chinook
32 salmon. Subsistence harvest levels for chinook salmon
33 have been within the amounts reasonably necessary for
34 subsistence, ANS ranges, since 2001, except for 2002,
35 2008, and 2009. A majority of the Yukon River drainage
36 escapement goals have been met or exceeded since 2000,
37 including the Chena and Salcha rivers, which are the
38 largest producers of chinook salmon in the United States
39 portion of the drainage. The escapement objective for
40 the Canadian mainstem was met every year from 2001
41 through 2006, with 2001, 2003, and 2005 being the three
42 highest spawning escapement estimates on record. The
43 escapement objective for the Canadian mainstem was not
44 met in 2007 or 2008.

45
46 While standing on state and private
47 lands, including state-owned submerged lands and
48 shorelands, persons must comply with state laws and
49 regulations and cannot sell subsistence harvested fish
50 with two exceptions as specified above. Federal

1 subsistence regulations, particularly customary trade
2 regulations, pertain only to fishing on and use of fish
3 harvested on federal public lands and those waters where
4 federal subsistence jurisdiction is claimed. Sale of
5 subsistence fish harvested on all lands and waters,
6 federal, state, or private, is limited by state
7 regulations except to the extent superseded by federal
8 law on federal lands. The State of Alaska maintains
9 jurisdiction of food safety and food processing
10 regulations, regardless of where fish are harvested.

11
12 The Alaska Department of Fish and Game
13 supports adoption of enforceable federal customary trade
14 regulations that specify limits on numbers of fish sold
15 and cash sales and establish reporting requirements.
16 However, restrictions or regulations that specify limits
17 and reporting requirements should be applied drainage-
18 wide.

19
20 Violation of existing federal customary
21 trade and state fish processing regulations is an
22 enforcement problem that has significant implications for
23 subsistence users and the public. More clarity and
24 education on state and federal regulations and an
25 enforceable definition on what constitutes a significant
26 commercial enterprise are needed.

27
28 With the permission of the Chair, Captain
29 Burke Waldron with the Alaska State Fish and Wildlife
30 Troopers is present and he has additive testimony
31 regarding enforcement issues.

32
33 CHAIRMAN TOWARAK: You have the floor.

34
35 CAPTAIN WALDRON: Thank you, Mr. Chair.
36 Board Members, and everyone else. For the record my name
37 is Captain Burke Waldron. I'm the operations commander
38 for the Department of Public Safety, Division of Alaska
39 Wildlife Troopers. I do have some comments that relate
40 to enforceability of not just this proposal, but several
41 proposals that are before you this week.

42
43 I think as most, if not all of you have
44 heard from some testimony from a US Fish and Wildlife law
45 enforcement officer, I believe it was last fall, there is
46 an ongoing investigation into some unlawful sale and
47 abuse of the customary trade of chinook -- specifically
48 chinook strips, I believe.

49
50 The dual management system that is

1 currently in effect creates a lot of difficulty and
2 struggles for enforcement, river-wide.

3
4 As we all know the fish are no different,
5 whether they're caught in State or Federal waters in
6 terms of their appearance or anything like that so it's
7 very difficult, if, in many cases, impossible, for us to
8 show where a fish was caught and then subsequently how
9 that fish can be used after that point in time so that
10 creates a difficult atmosphere for us to work in,
11 investigation-wise, and prosecutorially after the fact.
12 And the enforcement problems just go from there. Any
13 time there is a vagueness in a regulation it increases
14 the difficulty for us to enforce and, therefore, it opens
15 the door for abuse, and abuse is the problem. It's not
16 that we have issue with the sale, it's the abuse of the
17 regulations that are in effect that allow the sale.

18
19 With that being said, what tools would
20 best help us do our job that Ms. Yuhas has already spoken
21 to, to at least some extent, are river-wide, drainage-
22 wide, regulations that include specifying limits of sale,
23 hopefully, and also marking a fish would also be very
24 helpful for us so that we don't have intermingling of
25 commercial and subsistence caught fish.

26
27 I'm just reviewing some of my notes here.

28
29 The definition of significant commercial
30 enterprise is one of those vague terms I referred to
31 earlier that is problematic for us. What is significant
32 to one household may not be significant to another
33 household. What's significant to one region on the river
34 may not be significant to another region on the river.
35 And it creates, as I said, vagueness in the regulation
36 that is difficult and it creates disparity between people
37 and how people are treated in terms of law enforcement,
38 which is never good for community relations between law
39 enforcement and the community or often times between the
40 communities themselves.

41
42 Again, the law enforcement struggles we
43 have aren't related specifically to this proposal.
44 They're related to many of the proposals that you have
45 before you this coming week and I encourage any questions
46 to be directed towards myself, my agency or the US Fish
47 and Wildlife Service, as we're the two agencies that are
48 primarily tasked with the enforcement on the river and we
49 hope we can come to a resolution. Any further meetings
50 that would follow up from this meeting, some discussion's

1 been made of the tri-RAC meeting, I would also encourage
2 that at the appropriate time that we be included in those
3 meetings so we can also express our concerns and
4 potentially interact with the RACs themselves in terms of
5 possible proposals that might come out of those meetings
6 and enforcement struggles or difficulties or hopefully
7 helping create language that would reduce those
8 difficulties would certainly be appreciated as well.

9
10 Obviously I didn't have anything prepared
11 here today and my primarily role, I think, here, is to
12 answer any questions that either the Board or the RAC
13 Council members, or Council leaders would have, or
14 anybody else for that matter.

15
16 Thank you.

17
18 CHAIRMAN TOWARAK: Thank you, Mr. Waldron
19 [sic] and Ms. Yuhas.

20
21 MS. YUHAS: With the Chair's permission
22 I'll conclude with our recommendation.

23
24 CHAIRMAN TOWARAK: Sure.

25
26 MR. YUHAS: The Department supports with
27 modification. The department supports the modifications
28 recommended by Yukon Kuskokwim-Delta Regional Advisory
29 Council to establish a \$750 limit of sales between
30 federally qualified and others and to require a permit
31 and reporting of this customary trade between Federally-
32 qualified and others as a first step. The department
33 recommends that limits be established by numbers of
34 salmon.

35
36 The department also supports the proposed
37 joint meeting of the Regional Councils in the Yukon River
38 drainage and supports the Western and Eastern Interior
39 Councils' recommendation to form a subcommittee or a
40 workgroup to address all three proposals regarding
41 customary trade of salmon in the Yukon River drainage.

42
43 I do realize one has been withdrawn but
44 the remaining two.

45
46 We support the Eastern Interior Regional
47 Advisory Council request that the subcommittee and
48 workgroup meet in Fairbanks on March 1 and 2 in 2011 in
49 advance of the regularly scheduled winter Council
50 meeting. The department urges that this workgroup and

1 joint Regional Advisory Council meeting process,
2 including final action by the Federal Subsistence Board,
3 be completed prior to the 2011 salmon season.

4

5 Thank you. Mr. Chairman.

6

7

8

STATE OFFICIAL WRITTEN COMMENTS

9

10

11 Alaska Department of Fish and Game
12 Comments to the Federal Subsistence Board

13

14 Fisheries Proposal FP11-08: Prohibit
15 customary trade of Chinook salmon harvested in the Yukon
16 River Fisheries Management Area during years of
17 insufficient Chinook salmon returns.

18

19 Introduction: The Yukon-Delta Regional
20 Advisory Council submitted this proposal to prohibit
21 customary trade of Chinook salmon harvested in federal
22 subsistence fisheries on the Yukon River during years
23 when returns are insufficient to satisfy subsistence user
24 needs and subsistence fishing restrictions are
25 implemented. The intent was to curb sales of subsistence
26 harvested Chinook salmon made into strips while other
27 subsistence fisheries were closed due to insufficient
28 returns. State regulations expressly prohibit sale of
29 subsistence harvested fish while federal regulations
30 allow for cash sales. Under current state regulations at
31 18 AAC 34.005, all fish processed for commerce must be
32 processed at a facility approved by Alaska Department of
33 Environmental Conservation.

34

35 Sale of subsistence harvested fish, both
36 processed and whole, is occurring in both urban and rural
37 communities in Alaska, contrary to existing state and
38 federal regulations. A US Fish and Wildlife Service law
39 enforcement officer provided information at the November
40 2010 Federal Subsistence Board meeting regarding a
41 federal investigation. Discrepancies in state and
42 federal regulations and state requirements regarding
43 processing of fish to protect health and safety of the
44 public may leave some people vulnerable to citation under
45 state and federal regulations. This is a significant
46 issue for state resources managers, law enforcement
47 agencies, and federal agencies that provide for the
48 subsistence priority on federal lands and those waters
49 where federal subsistence jurisdiction is claimed. In
50 considering FP11-05, FP11-08, and FP11-09, the Federal

1 Subsistence Board has the opportunity to adopt
2 enforceable customary trade regulations for the Yukon
3 region that are based on the history and patterns of this
4 use for this region of the state.

5
6 Impact on Subsistence Users: This
7 proposal may reduce harvest of Chinook salmon for cash
8 sale of Chinook salmon. It is not possible, however, to
9 accurately predict how this proposal will affect changes
10 in subsistence harvest patterns because federal agencies
11 lack information and data regarding existing levels of
12 harvest and actual sales of subsistence harvested Chinook
13 salmon. Existing federal customary trade is limited to
14 whole fish, unless processed fish are produced in
15 compliance with Alaska Department of Environmental
16 Conservation food safety rules. Because state and
17 federal regulations differ, subsistence fishermen are
18 vulnerable to prosecution when selling subsistence
19 harvested salmon on lands and waters outside the
20 boundaries where federal subsistence jurisdiction is
21 claimed. Adoption of limitations on cash sale of
22 subsistence harvested salmon that define significant
23 commercial enterprise, specify fish weight or number
24 limits, clarify where subsistence harvested fish may be
25 sold under federal regulations, and establish reporting
26 requirements for cash sales of subsistence harvested
27 salmon would clarify federal subsistence law, facilitate
28 enforcement against unlawful sales of subsistence
29 harvested salmon, and reduce the risk of citation of law-
30 abiding subsistence fishermen in the Yukon River
31 drainage.

32
33 Opportunity Provided by State: The
34 department supports subsistence harvest and use of salmon
35 consistent with existing state laws and regulations
36 including customary trade of this resource. However, 5
37 AAC 01.010 prohibits sale of subsistence caught fish,
38 their parts, or their eggs unless otherwise specified in
39 state regulation. Currently, there are only two
40 exceptions listed in Chapter 5 of state regulations:
41 Norton Sound-Port Clarence Area for salmon and Sitka
42 Sound herring roe on kelp in Southeast Alaska.

43
44 Conservation Issues: The Yukon River
45 Chinook salmon stock is currently classified as a stock
46 of yield concern. Since 2001, subsistence fishing time
47 in the Yukon Area has been limited by a windows schedule,
48 which was further restricted in 2008 and 2009 because of
49 conservation concerns for Chinook salmon. Subsistence
50 harvest levels for Chinook salmon have been within the

1 amounts reasonably necessary for subsistence (ANS) ranges
2 since 2001, except for 2002, 2008, and 2009. A majority
3 of the Yukon River drainage escapement goals have been
4 met or exceeded since 2000, including the Chena and
5 Salcha rivers, which are the largest producers of Chinook
6 salmon in the United States portion of the drainage. The
7 escapement objective for the Canadian mainstem was met
8 every year from 2001 through 2006, with 2001, 2003, and
9 2005 being the three highest spawning escapement
10 estimates on record. The escapement objective for the
11 Canadian mainstem was not met in 2007 and 2008.
12 Exploitation rate on Canadian-origin stock by Alaskan
13 fishermen decreased from an average of about 55%
14 (1989 1998) to an average of about 44% from 2004 through
15 2008 (Howard et al. 2009). Although the subsistence
16 harvest continues to remain stable at nearly 50,000
17 Chinook salmon annually, commercial harvests have
18 decreased over 60%, from an average of 100,000 annually
19 (1989 1998) to the recent five-year average (2005 2009)
20 of nearly 23,000 fish. Considering all salmon species
21 together, the overall total subsistence salmon harvest in
22 the Yukon Area has declined by approximately 30% since
23 1990 (Fall et al. 2009:39). Specifically, fall chum
24 salmon harvests have fallen within ANS ranges only three
25 times since 2001 (Fall et al. 2009:43).
26

27 Jurisdiction Issues: While standing on
28 state and private lands (including state-owned submerged
29 lands and shorelands), persons must comply with state
30 laws and regulations and cannot sell subsistence
31 harvested fish, with two exceptions as specified above.
32 Federal subsistence regulations, particularly customary
33 trade regulations, pertain only to fishing on and use of
34 fish harvested on federal public lands and those waters
35 where federal subsistence jurisdiction is claimed. Sale
36 of subsistence fish harvested on all lands and waters
37 (federal, state, or private) is limited by state
38 regulations except to the extent superseded by federal
39 law on federal lands. The State of Alaska maintains
40 jurisdiction of food safety and food processing
41 regulations, regardless of where fish are harvested.
42

43 Other issues: The Alaska Department of
44 Fish and Game supports adoption of enforceable federal
45 customary trade regulations that specify limits on
46 numbers of fish sold and cash sales and establish
47 reporting requirements. However, restrictions or
48 regulations that specify limits and reporting
49 requirements should be applied drainage-wide.
50

1 Violation of existing federal customary
2 trade and state fish processing regulations is an
3 enforcement problem that has significant implications for
4 subsistence users and the public. More clarity and
5 education on state and federal regulations and an
6 enforceable definition on what constitutes a significant
7 commercial enterprise are needed.

8
9 Recommendation: Support with
10 modification. The department supports the modification
11 recommended by Yukon Kuskokwim Delta Regional Advisory
12 Council to establish a \$750 limit of sales between
13 federally qualified and others and to require a permit
14 and reporting of this customary trade between federally
15 qualified and others as a first step. The department
16 recommends that limits be established by numbers of
17 salmon.

18
19 The department also supports the proposed
20 joint meeting of the regional councils in the Yukon River
21 drainage and supports the Western and Eastern Interior
22 councils recommendation to form a subcommittee/workgroup
23 to address all three proposals regarding customary trade
24 of salmon in the Yukon River drainage. We support the
25 Eastern Interior Regional Advisory Council request that
26 the subcommittee/workgroup meet in Fairbanks on March 1
27 and 2, 2011, in advance of the regularly scheduled winter
28 council meeting. The department urges that this
29 workgroup and joint Regional Advisory Council meeting
30 process, including final action by the Federal
31 Subsistence Board, be completed prior to the 2011 salmon
32 season.

33
34 Cited References:

35
36 Fall, J.A., C. Brown, M.F. Turek, N.
37 Braem, J.J. Simon, W.E. Simeon, D.L. Holen, L. Naves, L.
38 Hutchinson-Scarborough, T. Lemons, V. Ciccone, T.M. Krieg,
39 and D. Koster. 2009. Alaska subsistence salmon
40 fisheries 2007 annual report. Alaska Department of Fish
41 and Game Division of Subsistence, Technical Paper No.
42 346, Anchorage. Howard K.G., S.J. Hayes, and D.F.
43 Evenson. 2009. Yukon River Chinook salmon stock status
44 and action plan 2010; a report to the Alaska Board of
45 Fisheries. Alaska Department of Fish and Game, Special
46 Publication No. 09-26, Anchorage.

47
48 CHAIRMAN TOWARAK: Thank you. Are there
49 any questions of the Board or other -- the other RAC
50 Chairs.

1 Mr. Firmin.

2

3 MR. FIRMIN: I just have a quick comment.

4 And I was going to say that if we had a multiple RAC
5 meeting I'd like to see yourself and maybe Fish and
6 Wildlife managers or enforcement present so when we do
7 come up with some type of wording that it's not for
8 nothing, that it is enforceable and, you know, so we do
9 have confirmation that we're not back to square one when
10 we're done with it.

11

12 Thank you.

13

14 CHAIRMAN TOWARAK: Thank you. Mr.

15 Reakoff, go ahead.

16

17 MR. REAKOFF: Western Interior Regional
18 Council meets March 1 and 2, that's a conflicting date.
19 I would like to see the solicitor's office in attendance
20 of that meeting to assure the proper language, and also
21 if a question is sent out to the communities that the
22 legalities are answered in that question.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN TOWARAK: Pete.

27

28 MR. PROBASCO: Mr. Chairman, if I may,
29 and slap me if I get out of bounds here.

30

31 But the point of order is that we need to
32 go through our process and get all our comments on the
33 table and then we get to the proposal and discuss various
34 options which you could take action on the proposal,
35 there's discussion of forming a subcommittee, et cetera,
36 but we need to get through our comments first before we
37 get to the discussions, where we're going now.

38

39 Thank you, Mr. Chair.

40

41 CHAIRMAN TOWARAK: Okay, if that's the
42 case we will wait until the end of our deliberation -- or
43 during the deliberations to discuss options. Are there
44 any questions of the State from anyone.

45

46 (No comments)

47

48 CHAIRMAN TOWARAK: If that's the case,
49 thank you very much for your input into this discussion
50 or deliberations.

1 The next item on our -- in the process is
2 the Board discussion with Council.....

3
4 MR. PROBASCO: Mr. Chair, excuse me,
5 InterAgency Staff.....

6
7 CHAIRMAN TOWARAK: Oh, I'm sorry,
8 InterAgency Staff Committee comments.

9
10 DR. WHEELER: Thank you, Mr. Chair. The
11 InterAgency Staff Committee comments can be found on the
12 bottom of Page 39, continuing over to Page 40 in your
13 books. I'll go through them fairly quickly.

14
15 The InterAgency Staff Committee found the
16 staff analysis to be a complete and accurate evaluation
17 of the proposal. Discussions at recent Regional Advisory
18 Council meetings clearly recognize both the importance of
19 customary trade to subsistence users along the Yukon
20 River, as well as the need for achieving river-wide
21 resolution to address this complex and controversial
22 issue.

23
24 Without further discussion by all three
25 Councils, the InterAgency Staff Committee feels that it
26 is premature to establish limits on customary trade by
27 defining what constitutes a significant commercial
28 enterprise and is supportive of the request from two of
29 the Regional Advisory Councils to have representatives of
30 all three Regional Advisory Councils meet to discuss and
31 develop possible solutions to this ongoing issue.

32
33 The InterAgency Staff Committee suggests
34 that the Federal Board could either oppose the proposal
35 or it could defer the proposal until a mutually agreed
36 upon solution is offered by the three Councils.

37
38 This proposal requests that customary
39 trade be prohibited only when the chinook salmon run is
40 not sufficient to meet subsistence needs and the harvest
41 is restricted, thus suggesting that if a conservation
42 concern exists, the Board could eliminate a specific
43 subsistence use.

44
45 Customary trade is a subsistence use
46 identified in ANILCA and eliminating that particular use
47 rather than prioritizing among Federally qualified
48 subsistence users to address a conservation concern would
49 represent a departure from both Board practice and
50 ANILCA.

1 Section .804 of ANILCA provides a
2 subsistence priority for the taking of fish and wildlife
3 on Federally administered lands and waters. Whenever it
4 is necessary to restrict the subsistence uses of
5 populations of fish and wildlife on these lands, in order
6 to protect the continued viability of fish and wildlife
7 populations, or to continue the use of these populations,
8 such a priority will be implemented through appropriate
9 limitations.

10
11 These limitations are based on the
12 application of three criteria, including customary and
13 direct dependence upon the populations as a mainstay of
14 livelihood, local residency or proximity to the resource,
15 and availability of alternative resources.

16
17 Mr. Chair, again that's Section .804 of
18 ANILCA. That concludes the InterAgency Staff Committee
19 comments. Mr. Chair.

20
21 CHAIRMAN TOWARAK: Thank you, Dr.
22 Wheeler. Are there any questions of the InterAgency
23 Staff from the Board or the RAC chairs. Mr. Sampson.

24
25 MR. SAMPSON: Thank you for the
26 information. In the event there is a problem in regards
27 to the source not being able to make it all the way up,
28 is there emergency closure processes in place and what
29 the timeframes are for such?

30
31 DR. WHEELER: Through the Chair. Mr.
32 Sampson. Under Federal regulations we have what we call
33 special actions, temporary special actions or emergency
34 special actions. So there are mechanisms available to
35 the Board through the delegated manager to enact closures
36 should it become necessary for conservation concerns.

37
38 Mr. Chair.

39
40 CHAIRMAN TOWARAK: Did you have a
41 comment.

42
43 MR. PROBASCO: Thank you, Mr. Chair. To
44 add to Dr. Wheeler's, if you're speaking specifically to
45 customary trade.....

46
47 MR. SAMPSON: Yes.

48
49 MR. PROBASCO:that authority we
50 don't have. Customary trade, as was described, is one of

1 the subsistence uses recognized by ANILCA and they're all
2 protected. So our in-season managers cannot limit
3 customary trade through their special action process,
4 only the Board can.

5

6 Thank you, Mr. Chair.

7

8 CHAIRMAN TOWARAK: Thank you. Are there
9 further questions? If not, thank you very much for your
10 analysis. The next item in the process is a Board
11 discussion with Council Chairs and State liaison. I
12 would like to make this as free as possible so that
13 rather than -- I will just recognize with the nod of my
14 head for anyone to make a statement at this point.

15

16 MR. GOLTZ: Are attorneys included in
17 that?

18

19 CHAIRMAN TOWARAK: Yes.

20

21 MR. GOLTZ: After listening to this
22 discussion, I'd like to issue a couple reminders and I'd
23 like them to go both to the Board and to the RACs. The
24 statute lists a whole series of things that are called
25 subsistence uses. Among those are domestic consumption,
26 food, and customary trade, exchange of wild resources for
27 money.

28

29 I believe the court is going to presume
30 that since there's no mechanism for weighing those that
31 they're all equal. Now I think we probably can overcome
32 that presumption, but we have to do it on the record. It
33 may seem obvious to us that food resources are the
34 highest in that priority, but we have to explain that.

35

36 I see Heather Kendall-Miller is in the
37 courtroom and I think -- or in the room.....

38

39 (Laughter)

40

41 MR. GOLTZ:and I think she'll agree
42 with me that the courts don't always get it and if we
43 have to explain it as attorneys we can only do it based
44 on the record. To fix that in your mind, my friend
45 Gerald and Beverly have expressed eloquently a point of
46 view on this issue and I think as we address this we have
47 to be sure to keep those speeches in mind and deal with
48 them somehow. Because where we are right now I believe
49 is that all of those uses are going to be treated equally
50 by the court.

1 The second thing I'd like to point out is
2 the language. As Jack points out, our language is very
3 important as we build the record. We have to be careful
4 that our concerns with tribal consultation don't cloud
5 our language and we have to remember that what we are
6 administering is a rural preference. I notice some of
7 the language shifting during our discussion. Our
8 statutory authority is limited to rural Alaska residents.
9 That's all I have.

10

11 CHAIRMAN TOWARAK: Thank you. Are there
12 any questions of our legal team. Pete, did you have a
13 comment?

14

15 MR. PROBASCO: I'll wait until after
16 questions and then I have one more thing to help our
17 newer Board members at this point in the meeting.

18

19 CHAIRMAN TOWARAK: Not hearing any
20 questions, thank you for your explanation, Keith.

21

22 MR. PROBASCO: Okay, Board members, just
23 a reminder. We're now at our point in the meeting where
24 we have our discussion with the Regional Advisory
25 Councils and the State liaison. That's an opportunity to
26 answer questions, raise concerns, et cetera. I want to
27 remind you once a motion is made the liaisons may be
28 invited to participate in Board deliberations or may be
29 recognized by the Chair when they want to ask questions,
30 provide additional information or clarification. In
31 other words, once a motion is made that is now the
32 Board's time to act on a proposal, but if there's further
33 clarification, it's either through a Board member's
34 request to the Chair or the Chair recognizing that.
35 Thank you, Mr. Chair.

36

37 CHAIRMAN TOWARAK: The floor is open for
38 discussions with the Council Chairs or the State liaison.
39 I pulled a muscle in my back and every once in a while it
40 makes me mispronounce my speech, but I apologize. The
41 floor is open for discussion.

42

43 MR. LOHSE: Mr. Chair.

44

45 CHAIRMAN TOWARAK: Go ahead.

46

47 MR. LOHSE: I'd like to apologize for my
48 comments before I realized I was out of turn. That was
49 time for the other Councils to speak and I should have
50 saved those comments until now. I'll stand by those

1 comments, but I'll apologize for making them when I did.

2

3 CHAIRMAN TOWARAK: That was a negligible
4 error in my book.

5

6 (Laughter)

7

8 CHAIRMAN TOWARAK: Your comments were
9 worth the discussions at the point. Any other
10 discussion. Any questions. Please feel free to -- Mr.
11 Sampson.

12

13 MR. SAMPSON: So we can make our comments
14 based on what we heard and what our thoughts are from
15 here?

16

17 CHAIRMAN TOWARAK: Yes.

18

19 MR. SAMPSON: Thank you, Mr. Chairman.
20 First of all, I want to thank the Federal Board for
21 involving us through a process of a good dialogue. This
22 is a good exchange of information between the Board, the
23 RAC, as well as the public. To me, the proposal that
24 will be discussed certainly it's coming clear that there
25 is certainly an issue here.

26

27 I think having heard what's been said and
28 what ought to occur, I would like to suggest that the
29 Board, when you come to take an action on the proposal,
30 that you either defer or table the proposal and ask the
31 proposers to convene with two or three other regional
32 Councils that would also be impacted by this very
33 proposal. Along with that the recommendation to making
34 sure there is clarity in regards to addressing the issues
35 that was explained by your solicitor in regards to what
36 those are and those be made clear to all the Regional
37 Advisory Councils.

38

39 Are you addressing just the customary
40 trade or other areas that is identified? I think along
41 with that you've got folks that are in the enforcement
42 division that also should participate to make sure that
43 they understand exactly what the Regional Advisory
44 Councils are trying to do.

45

46 As an outlet, which I call myself an
47 outlet because I sit as an Advisory Council to the
48 clientele within the region, then we're the mouthpiece.
49 If we should sit in that capacity, certainly I want to
50 hear from those communities that are impacted by those

1 proposals that will be acted on at the Federal level. So
2 based on that I would encourage the Board to either defer
3 or table the proposal with those provisions that I
4 explained.

5
6 Thank you.

7
8 CHAIRMAN TOWARAK: Thank you, Mr.
9 Sampson. Mr. Reakoff.

10
11 MR. REAKOFF: I've made most of my
12 comments out of turn. However, they may have been
13 conveyed. But I would prefer that the Board defer the
14 proposal. That keeps the proposal on the table. I would
15 like to see the working group formed and with
16 consultation with the tribal entities prior to the
17 working group.

18
19 Thank you.

20
21 CHAIRMAN TOWARAK: Mr. Wilde.

22
23 MR. L. WILDE: Mr. Chairman. I
24 apologize. I know the Board is aware of this, but you
25 are working on a proposal that requests that customary
26 trade be prohibited when the chinook salmon run is not
27 sufficient to meet the subsistence needs and when
28 subsistence harvest is restricted. That is the proposal,
29 Mr. Chairman. From what I've heard and what we practice
30 in our Council is that we work on the proposal itself.
31 The proposal is not mentioning any of the other concerns
32 that are being brought forth by the rest of the people.
33 The proposal is that we request that customary trade be
34 prohibited only when the chinook salmon run is not
35 sufficient for subsistence use.

36
37 That's my comment, Mr. Chairman.

38
39 CHAIRMAN TOWARAK: Mr. Sampson.

40
41 MR. SAMPSON: Thank you very much. Thank
42 you very much, Mr. Wilde. But we also need to understand
43 if there's issues in regards to that very proposal that
44 you're referring to, if the other Regional Councils have
45 some amendments they'd like to place at that point in
46 time, then that ought to be taken into consideration.

47
48 CHAIRMAN TOWARAK: Is that possible?

49
50 DR. WHEELER: Sure.

1 MR. L. WILDE: That proposal also states
2 the Yukon Management area. This proposal only is
3 directed towards the Yukon management area. As
4 instructed, I feel that is the proposal that the Board
5 should be concerned with at this time.

6
7 Thank you, Mr. Chairman.

8
9 MR. REAKOFF: Mr. Chair. I want to
10 clarify the Western Interior's position. We take
11 exception that during a time of subsistence restrictions
12 that customary trade is not a part of practice, but we
13 feel customary trade is applicable every year even when
14 there's subsistence restrictions. We disagree with the
15 amounts set. So those are the points that we feel that
16 the proposal is addressing when subsistence restrictions
17 are put in place that customary trade would be set at a
18 certain limit. We want a working group to designate what
19 those limitations are.

20
21 CHAIRMAN TOWARAK: Could I ask our
22 Council are we restricted on an assignment of this sort
23 to one specific issue or is it an open-ended process?

24
25 MR. GOLTZ: I think it's a matter for the
26 Board's discretion. What you're essentially doing is
27 delegating the question to a working committee and the
28 scope of that committee would depend on the breadth of
29 the delegation. Do you want to hand over the whole issue
30 or do you want to hand over a specific segment of that
31 issue? I think that's within the purview of the Board.
32 Could be done either way.

33
34 CHAIRMAN TOWARAK: Thank you. Mr.
35 Sampson.

36
37 MR. SAMPSON: One other issue I'd like to
38 get Mr. Wilde to clarify. When you say the Yukon, are
39 you talking right from the mouth all the way to the end
40 of the Yukon River?

41
42 CHAIRMAN TOWARAK: Mr. Wilde.

43
44 MR. L. WILDE: If I may, Mr. Chairman.
45 Yes, that's exactly what we're talking about.

46
47 CHAIRMAN TOWARAK: Mr. Firmin.

48
49 MR. FIRMIN: I pretty much said
50 everything I have to say and I would like to mirror

1 Jack's last comment there, that we would like to see this
2 go to a working group because the YK Delta RAC has
3 rewritten their own proposal three times here in this
4 book and we came up with our own wording. I believe the
5 Western Interior came up with something very similar.

6

7 Thank you.

8

9 CHAIRMAN TOWARAK: Any further
10 discussion.

11

12 MS. AHTUANGARUAK: I also oppose this
13 process going forward as it is. I agree that we should
14 have a working group discuss this further. I'm very
15 concerned on the precedence this may set on customary
16 trade issues. It is very important throughout our state
17 and it's not something we can take one region's
18 recommendations when it may affect other proposals.

19

20 CHAIRMAN TOWARAK: My understanding, and
21 correct me if I'm wrong, is that this proposal affects
22 only Yukon salmon and in some ways it's more specific to
23 chinook salmon. But the discussion, I assume will just
24 be on Yukon salmon. Go ahead.

25

26 MS. K'EIT: Mr. Chair, thank you. As a
27 Board member listening to the public comments, the
28 testimony and comments from our RACs and Fish and Game
29 and the analysis, a couple things keep coming back in my
30 mind. One of them is that at this point in time we have
31 a willingness of the three major RACs involved to meet
32 together to come to a consensus agreement that works best
33 for their regions and for the river and the resource. I
34 think my preference is that we definitely latch onto that
35 while it's here knowing that this has been a difficult
36 issue for decades.

37

38 Then the other thing is concerning this
39 question of customary trade versus subsistence gathering
40 for only food use of a single household. I share the
41 concern that Rosemary brought up, that this could set a
42 precedent for other similar customary trade issues around
43 the state. I'm thinking of a couple in particular.
44 Because -- and we've heard here today that oftentimes
45 customary trade is a necessity for subsistence users to
46 be able to go harvest other subsistence resources and so
47 I think it's very important that we keep that in mind as
48 well.

49

50 Thank you.

1 CHAIRMAN TOWARAK: Thank you. Any other
2 comments or questions. Even from attorneys.

3
4 MR. GOLTZ: Okay. I have one. As I was
5 advising people to be careful of their language, it
6 appears I wasn't careful of my own. Ken has pointed out
7 that there are certain restrictions under FACA. I called
8 it a working group. I should have called it a
9 subcommittee. It's a subcommittee of the RACs that we're
10 thinking about setting up. The scope of that committee
11 and their work is up to the Board, but they will report
12 back to the RACs, who will report to the Board.

13
14 CHAIRMAN TOWARAK: Is that clear?

15
16 MR. SAMPSON: That makes it a little bit
17 clearer. I think that's even much better than referring
18 it to the RAC itself.

19
20 CHAIRMAN TOWARAK: Mr. Adams.

21
22 MR. ADAMS: Thank you, Mr. Chairman. I'm
23 just curious. The subcommittee, is it going to comprise
24 of members from each of the three or four Regional
25 Councils or are you going to direct who's going to be on
26 the committee and so forth. I'm kind of curious how that
27 process will work.

28
29 CHAIRMAN TOWARAK: Pete.

30
31 MR. PROBASCO: Mr. Chair. We are getting
32 off a little bit, but Mr. Adams' question is fair.
33 Usually in the past -- and, Mr. Adams, your Council has
34 dealt with subcommittees before -- the Council identifies
35 their membership to that subcommittee and then also
36 requests other involvement, which is included advisory
37 committees, Fish and Game, enforcement from both sides,
38 et cetera.

39
40 I think it's also important to keep in
41 mind that we do have a proposal before us and the options
42 before the Board is they can table, they can defer, they
43 can support, they can oppose or amend, and then your
44 action after the proposal, you could then look at if
45 that's the Board's wishes, go down the path of
46 subcommittee. I think that keeps the record clear on how
47 we're dealing with this proposal and there's no
48 confusion.

49
50 Thank you, Mr. Chair.

1 CHAIRMAN TOWARAK: Board Member Haskett.
2
3 MR. HASKETT: So you need to help me here
4 a little bit because it seems to me we're now asking
5 questions that are getting to what the proposal itself
6 will be and if we're there, I'm prepared to make a
7 proposal that may tie this together, so I'm willing to
8 make a motion if people will let me do that.
9
10 CHAIRMAN TOWARAK: Are we ready for a
11 motion.
12
13 (No comments)
14
15 CHAIRMAN TOWARAK: Not hearing any
16 objections, then we will move to Item 8, our Federal
17 Subsistence Board deliberation and action.
18
19 MR. HASKETT: Okay. As you all know the
20 motion has to be made in an affirmative manner, so my
21 motion is to adopt the proposal, but my plan is to
22 provide justification as to why I plan to vote to defer
23 the motion, but offer an alternative that will be based
24 upon the original recommendation by the Western and
25 Eastern Interior Councils, but somewhat revised by the
26 discussion we've heard today. So if I get a second to
27 that, I can give the information what I'd like to
28 propose.
29
30 MS. COOPER: I second.
31
32 CHAIRMAN TOWARAK: The second is by Ms.
33 Cooper.
34
35 MR. HASKETT: Okay, so this has been a
36 pretty amazing morning. We spent all morning, a good part
37 of the early afternoon on this one proposal. As I
38 mentioned earlier, there's going to be two proposals.
39 One of two, this is the same kind of issue that's going
40 to be dealt with where we're looking at customary trade
41 on the Yukon River as a drainage, it's the entire system.
42 I think it's clear from the comments we heard today how
43 important this issue is to everyone and how important it
44 is to get it right in terms of how we move forward.
45
46 I'd like to just give a little
47 background. On Page 39 of the book it lays out where the
48 different Councils are. I'm not going to try to go over
49 what each one is, but there's a lot of common issues from
50 everything I've heard both from the public here and each

1 of the RACs. From the YK Delta, one of the things I
2 heard in common is that this is a riverwide issue and
3 it's up to the people to conserve the salmon and I think
4 what that has in common with both the Western and Eastern
5 proposals is that they all called for a recommendation to
6 establish a subcommittee to further address this
7 customary trade issue, so the issue is specific to
8 customary trade on the river itself.

9

10 We had one RAC that voted to take no
11 action, but also supported the idea of a working group.
12 I'm going to make that subcommittee as opposed to a
13 working group when I'm talking about it. That includes
14 representatives from all the three affected Regional
15 Advisory Councils.

16

17 So my actual recommendation is that we
18 need to address this through a subcommittee consisting of
19 members from the three affected Councils. I'm suggesting
20 that we support this subcommittee effort so they can sit
21 down together and come up with an entire drainage-wide
22 solution. The YK Delta Council did put a proposed
23 solution out there with a dollar limit. I'm not
24 proposing that, but I believe that's an area that can be
25 used as a starting point for discussions as part of what
26 this committee looks at.

27

28 I also heard when the State made
29 recommendations specific to including -- I'm not going to
30 require this, but we asked the group to do this to make
31 sure we get it right when it gets back to the Board to
32 include law enforcement from both the Fish and Wildlife
33 Service and Fish and Game and a representative from the
34 Solicitor's Office and leave that up to this group to
35 decide whether they want to do that, but I strongly
36 encourage that so that we get wording that actually will
37 be something we can utilize.

38

39 One other thing that was mentioned by a
40 number of different people, this needs to happen fairly
41 quickly and the subcommittee should actually do this work
42 -- I'm not going to do specific dates, but as soon as
43 possible so that the Federal Subsistence Board can
44 actually complete this prior to the 2011 salmon season.

45

46 I tried to keep that as simple as
47 possible, but the bottom line is putting a subcommittee
48 together with encouragement to utilize folks from both
49 law enforcement and the Solicitor's Office to make a
50 recommendation to this group for us to take further

1 action as to where we go from here. I hope I was
2 semi-clear on that

3

4 CHAIRMAN TOWARAK: Are there any
5 questions. Pete.

6

7 MR. PROBASCO: Mr. Chair. Mr. Haskett.
8 Since I get to keep the record, your motion was to adopt
9 the proposal, which was seconded by Deb Cooper. That's
10 an independent action. Then after that action, depending
11 upon what the Board does, your intent then is to have a
12 discussion of forming a subcommittee.

13

14 MR. HASKETT: Yes, but I laid out -- I'll
15 try and do it again if I have to, but I laid out the
16 justification for that second part.

17

18 MR. PROBASCO: Mr. Chair. I would like
19 to hold my comments on the subcommittee until after the
20 Board acts on Mr. Haskett's motion.

21

22 CHAIRMAN TOWARAK: Are there any
23 objections to that process from the Board.

24

25 (No comments)

26

27 CHAIRMAN TOWARAK: If not, then we are
28 ready for final action.

29

30 MR. PROBASCO: Mr. Chair. If I may,
31 you're requesting final action on the proposal by Mr.
32 Haskett to adopt. I think we need to have a little bit
33 more discussion by each Board member on their intent to
34 the motion. We've heard from Mr. Haskett. This is
35 important just to establish that record.

36

37 Mr. Chair.

38

39 CHAIRMAN TOWARAK: Mr. Haskett.

40

41 MR. HASKETT: I'm sorry. Just some
42 clarification because my folks are making sure that I
43 don't sound like nonsense what I'm saying here. So the
44 proposal is to be acted on first on whether we adopt or
45 not and I think I made it clear that my intent is to vote
46 against that and then the next recommendation from me,
47 assuming we get to that point, would be to defer along
48 with the recommendation for the subcommittee.

49

50 MR. PROBASCO: Thank you, Mr. Chair. Mr.

1 Haskett. If you take action, you wouldn't need to defer
2 the proposal. You would just take final action on that
3 proposal and then the Board could request the formation
4 of a subcommittee to address the issue. Thank you, Mr.
5 Chair.

6

7 CHAIRMAN TOWARAK: Is that clear? Go
8 ahead, Kristin.

9

10 MS. K'EIT: Thank you, Mr. Chair. I'm
11 trying to understand. Right now the way the motion is on
12 the floor that's been seconded is to adopt the proposal
13 on Page 31 and then we would be having - the Board
14 members would have to discuss whether or not we agree or
15 reject, accept or reject the motion to adopt the proposed
16 regulation change, and have a justification under .805(c)
17 of why if we don't accept.

18

19 CHAIRMAN TOWARAK: Mr. Haskett.

20

21 MR. HASKETT: So I think we need
22 clarification from our attorneys on what the difference
23 is between if we defer or we reject because I'm hearing
24 it makes a big difference and we're better off deferring,
25 so I'd like to hear from the attorneys on this.

26

27 MR. GOLTZ: Right. I think to get to
28 where you want to go you're going to need an amendment to
29 defer and then vote on that amendment.

30

31 CHAIRMAN TOWARAK: Mr. Haskett.

32

33 MR. HASKETT: Okay. I move to amend my
34 original motion to defer. My amendment is to defer.
35 Help me with the rest of this too.

36

37 MS. K'EIT: That's it.

38

39 MR. HASKETT: Is that good?

40

41 MS. K'EIT: Second.

42

43 CHAIRMAN TOWARAK: You've heard the
44 motion and the second. Is there any discussion on the
45 motion to amend the main motion.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Are we ready for
50 action on that motion.

1 MR. PROBASCO: Thank you, Mr. Chair. The
2 action at this point would be the amendment to defer this
3 proposal. Final action on the amendment. Ms. K'eit.
4
5 MS. K'EIT: Yes.
6
7 MR. PROBASCO: Mr. Cribley.
8
9 MR. CRIBLEY: Yes.
10
11 MR. PROBASCO: Ms. Cooper.
12
13 MS. COOPER: Yes.
14
15 MR. PROBASCO: Ms. Pendleton.
16
17 MS. PENDLETON: Yes.
18
19 MR. PROBASCO: Mr. Towarak.
20
21 CHAIRMAN TOWARAK: Yes.
22
23 MR. PROBASCO: And Mr. Haskett.
24
25 MR. HASKETT: Yes.
26
27 MR. PROBASCO: Mr. Chairman. The
28 amendment carries and now you have the motion before you
29 as amended to defer the proposal.
30
31 CHAIRMAN TOWARAK: Just to make sure that
32 we all understand the main motion has been amended,
33 please verbalize the main motion.
34
35 MR. PROBASCO: The main motion is to
36 defer action on Proposal FP11-08.
37
38 CHAIRMAN TOWARAK: Are there any
39 questions or discussion on that motion? Board Member
40 K'eit.
41
42 MS. K'EIT: I have a question. So to
43 follow Robert's Rules of Order, do we have to amend the
44 now existing motion to direct the subcommittee or do we
45 do that after we've voted on the deferral of the
46 proposal?
47
48 MR. GOLTZ: After.
49
50 CHAIRMAN TOWARAK: So is that clear with

1 everyone. Is there a call for the question.
2
3 MR. HASKETT: Call for the question.
4
5 CHAIRMAN TOWARAK: Final action, please.
6
7 MR. PROBASCO: Thank you, Mr. Chair.
8 Final action on Proposal FP11-08 as amended. Mr.
9 Cribley.
10
11 MR. CRIBLEY: I want to do this right
12 now. Is this where I'm supposed to build the record so
13 to speak or is this just an affirmative or negative.
14 Come on. Help me here.
15
16 MR. PROBASCO: Mr. Chair. Mr. Cribley.
17 The question was called, so this is final action and
18 we're asking for your vote. The opportunity to -- to
19 defer.
20
21 MR. CRIBLEY: Yes, I agree to defer.
22
23 MR. PROBASCO: Ms. Cooper.
24
25 MS. COOPER: Yes.
26
27 MR. PROBASCO: Ms. Pendleton.
28
29 MS. PENDLETON: Yes.
30
31 MR. PROBASCO: Mr. Towarak.
32
33 CHAIRMAN TOWARAK: Yes.
34
35 MR. PROBASCO: Mr. Haskett.
36
37 MR. HASKETT: Yes.
38
39 MR. PROBASCO: And Ms. K'eit.
40
41 MS. K'EIT: Yes.
42
43 CHAIRMAN TOWARAK: Mr. Chairman. The
44 amended motion FP11-08 carries 6/0.
45
46 CHAIRMAN TOWARAK: Thank you. The next
47 item on the agenda I think is.....
48
49 MR. PROBASCO: Whoa, we've got to talk
50 about subcommittees.

1 CHAIRMAN TOWARAK: Oh, okay. The second
2 part. I'm not anxious.

3
4 (Laughter)

5
6 CHAIRMAN TOWARAK: The floor is open for
7 discussion on the motion and the intent of the Board's
8 deliberation. Mr. Haskett.

9
10 MR. HASKETT: Can I ask one more question
11 about part of what I intended, including the motion to
12 make sure it's possible?

13
14 CHAIRMAN TOWARAK: Yes.

15
16 MR. HASKETT: So I had put some dates in
17 there when we needed to get this done by. I'd like to
18 hear from the folks that actually will be responsible for
19 making sure this happens. Whether or not those are
20 reasonable dates. If they're not, I need to know what
21 they would be.

22
23 MR. PROBASCO: Mr. Chair. I'll start and
24 then Dr. Wheeler can fill in the holes if I miss
25 something. Mr. Haskett, what you originally spoke to was
26 to ask the RACs to form a subcommittee and meet as soon
27 as possible and have it completed prior to the 2011
28 season.

29
30 That would be very difficult to do
31 because the Councils have to meet to appoint their
32 subcommittee members. Only one Council has identified
33 that. Also, any of the subcommittee work would then have
34 to come back to the RAC to address and act upon and then
35 report back to the Board. So to do this prior to the
36 2011 season and still encompass our winter meetings I
37 don't think is possible at this point. We could probably
38 have it in place and ready to go for the fall Council
39 meetings, which would put a regulation in effect for the
40 2012 season. Mr. Chair.

41
42 CHAIRMAN TOWARAK: Is that clear?

43
44 MR. HASKETT: Yes.

45
46 CHAIRMAN TOWARAK: Mr. Haskett.

47
48 MR. HASKETT: So should I try again on
49 the new proposal?

50

1 CHAIRMAN TOWARAK: Does it have to be in
2 the form of a motion?
3
4 MR. PROBASCO: Mr. Goltz, correct me, but
5 I think it would be wise to have it in the form of a
6 motion.
7
8 MR. GOLTZ: I think it would be wise to
9 be in the form of a motion, but you're not directing the
10 Councils to do anything. You're asking them.
11
12 MR. HASKETT: That's right.
13
14 CHAIRMAN TOWARAK: Mr. Haskett. You're
15 in the hot seat.
16
17 MR. HASKETT: Okay. My motion then is to
18 address this issue through a subcommittee. We'll request
19 the three affected RACs to be part of the subcommittee
20 and I suggest this effort for them to sit down to try and
21 come up with a drainage-wide solution and that they take
22 at least as one of the things that they talk about is the
23 dollar limit proposed by the YK Delta and that I'm not
24 putting timeframes into it but would request that we move
25 this forward as expeditiously as possible, recognizing
26 there is some urgency to it. And further I would request
27 the subcommittee to include advisors from both law
28 enforcement from Fish and Game and the Fish and Wildlife
29 Service and a representative from the Solicitor's Office
30 to help them in the final language that they will bring
31 back to this Board.
32
33 CHAIRMAN TOWARAK: Is that clear?
34
35 (Board nods affirmatively)
36
37 CHAIRMAN TOWARAK: Is there a second to
38 the motion.
39
40 MS. COOPER: I'll second that.
41
42 CHAIRMAN TOWARAK: The motion has been
43 made and seconded. Is there discussion, even including
44 attorneys.
45
46 MR. GOLTZ: Thank you. Is your motion
47 focused on just the proposal that's in front of us or are
48 you talking wider scope of discussion?
49
50 MR. HASKETT: I'm talking about what's in

1 front of us here. Not that there couldn't be additional
2 discussions if they choose to do that, but the request is
3 for the specific discussion we've had here.

4

5 MR. GOLTZ: The proposal in front of us
6 is very specific. Do you want the subcommittees to
7 address just that Proposal 08 or do you want them to take
8 a broader look at the problem?

9

10 MR. HASKETT: Thank you for helping me
11 get the language right. We would like a broader look at
12 the problem.

13

14 CHAIRMAN TOWARAK: In defining a broader
15 look, does that include all species? Board Member K'eit.

16

17 MS. K'EIT: Mr. Chair. If Mr. Haskett
18 and Ms. Cooper are in agreement, I can propose a friendly
19 amendment that the subcommittee would develop a
20 definition for significant commercial enterprise
21 regarding customary trade of Yukon River salmon including
22 cash sales between rural residents and cash sales between
23 rural and nonrural residents and the definition would
24 apply to harvest by Federally qualified users and it
25 would be -- that would be the end. It's just discussion.

26

27 CHAIRMAN TOWARAK: It's only a
28 suggestion. Other discussion. Yes, Ms. Cooper.

29

30 MS. COOPER: Yeah, Mr. Chair. I would
31 support that friendly amendment as long as it read
32 customary trade of Yukon River chinook rather than Yukon
33 River salmon.

34

35 CHAIRMAN TOWARAK: Any objections to
36 that?

37

38 (No comments)

39

40 CHAIRMAN TOWARAK: Not hearing any. Any
41 further discussion.

42

43 MS. K'EIT: Mr. Chair. I think we would
44 have -- would we have discussion after the amendment is
45 seconded?

46

47 CHAIRMAN TOWARAK: Yes.

48

49 MS. K'EIT: I mean not to make things
50 more complicated, but I would like to hear discussion

1 from the RAC chairs what their ideas would be concerning
2 Yukon River chinook versus Yukon River salmon. In other
3 words, I would prefer not to change my proposed
4 amendment.

5
6 CHAIRMAN TOWARAK: Quickly -- go ahead.

7
8 MR. PROBASCO: Procedural, Mr. Chairman.
9 Ms. K'eit, you've now asked for an amendment on the issue
10 and so we need a second for that amendment to go to
11 discussion.

12
13 CHAIRMAN TOWARAK: And you declared it as
14 a motion?

15
16 MS. K'EIT: I so move.

17
18 CHAIRMAN TOWARAK: The motion has been
19 made. Is there a second to the motion.

20
21 MR. PROBASCO: The amendment.

22
23 CHAIRMAN TOWARAK: The amendment.

24
25 MR. HASKETT: Second.

26
27 CHAIRMAN TOWARAK: The motion has been
28 seconded. Any discussion.

29
30 MS. COOPER: Yeah, Mr. Chair. On advice
31 from the Staff Committee, it occurs to us that once we
32 defer a proposal and ask that representatives from the
33 Western Interior, Eastern Interior and Yukon Kuskokwim
34 Delta RACs meet, they can bring forward whatever proposal
35 back to the Board as they see fit, so I'm starting to
36 wonder -- I mean certainly they can bring back what we've
37 requested of them, but I don't know that we need to get
38 too much into the details of exactly how it would read
39 because even without either of these motions any RAC can
40 bring forward a proposal that they've vetted.

41
42 CHAIRMAN TOWARAK: Pete, do you have some
43 comments.

44
45 MR. PROBASCO: Thank you, Mr. Chair. Ms.
46 Cooper, you are correct. I also think though it's
47 helpful that the Board, even though this is a request to
48 form a subcommittee, that at least the Board clarifies at
49 a minimum what they would like to have the subcommittee
50 to address and then go beyond that. Thank you,

1 Mr. Chair.

2

3 MS. K'EIT: So this would be a good time
4 for the RACs, especially the three main ones affected, to
5 give me any clarify on looking at the difference between
6 limitations or -- sorry, some definition on significant
7 commercial enterprise and would it be best to apply only
8 to chinook or is it more appropriate for all salmon and
9 then this, you know, maybe takes care of things for a
10 while. What do you think?

11

12 CHAIRMAN TOWARAK: If we could, we'd like
13 to restrict it to the three Councils that are affected or
14 we'll be in a discussion. Mr. Reakoff.

15

16 MR. REAKOFF: Through the Chair. To
17 answer the question, Kristin, I feel the chinook issue is
18 the most important one. At this time we haven't
19 identified any other problem with the sale of customary
20 trade of chum or other salmon, so to expedite this as
21 Board Member Haskett would like to have happen, we would
22 be best off addressing the chinook issue first. That
23 will put us into another regulatory cycle and we can
24 address addition. If those come forward with other
25 salmon species, those could be addressed in the future.
26 Thank you.

27

28 CHAIRMAN TOWARAK: Mr. Wilde.

29

30 MR. L. WILDE: I concur with Mr. Reakoff
31 that this subject be restricted to chinook because that's
32 a species of concern. One request I would like to have
33 in forming the committee is that those committee members
34 or subcommittee members be long time users of the product
35 or the resource and not members that are transient.

36

37 CHAIRMAN TOWARAK: You mean legal users?

38

39 MR. L. WILDE: If you get the gist of my
40 -- the meaning of what I'm saying, Mr. Chairman.

41

42 CHAIRMAN TOWARAK: I think we could leave
43 that to the discretion of the RACs. Mr. Firmin.

44

45 MR. FIRMIN: I think the Eastern Interior
46 we would like to keep it strictly with chinook. Also we
47 already did form a subcommittee with three members
48 identified and we also requested that we have our
49 respected RAC meetings, like say in Anchorage or
50 Fairbanks, in a hub place, so that the subcommittee could

1 meet right before our respected meetings and then as soon
2 as the subcommittee moves on, we go right into our RACs
3 and vote on our own.

4

5 But I was also under the impression like
6 Ms. Cooper was saying that if we were already voted to be
7 on a subcommittee that we are already the voices for our
8 RACs. That was why we wanted all the RACs to meet in the
9 same hotel so we can all go to our respected corners and
10 vote on them as soon as we're done. I just didn't see
11 that in the FSB book here. It doesn't have it down under
12 the Eastern Interior, but we do have subcommittee members
13 chosen already. It's in our minutes.

14

15 Thank you.

16

17 MR. REAKOFF: One clarification. The
18 Western Interior has designated users of the resource on
19 the Yukon as our subcommittee. I've called
20 teleconferences of my Council together before meetings,
21 so the YK Delta could call a teleconference and select
22 members for the subcommittee previous to their RAC
23 meeting. That's an opportunity.

24

25 CHAIRMAN TOWARAK: Does the Staff see any
26 problems with logistics?

27

28 MR. PROBASCO: Mr. Chair. Logistics are
29 always challenging with our program, but I think we can
30 work through it, particularly under the theme that Mr.
31 Firmin -- but keep in mind the Councils first have to
32 meet to select their membership. Some have, some
33 haven't.

34

35 Mr. Chair.

36

37 CHAIRMAN TOWARAK: Thank you. Mr. Wilde.

38

39 MR. L. WILDE: One more comment, Mr.
40 Chairman. We've accomplished what we wanted to do. We
41 wanted to bring this to the forefront. As you know and
42 as you see, this is going to cause -- it causes a lot of
43 controversy. It's going to take some time for us to
44 agree as Council members and as Tri-Council it's going to
45 make it worse, but we've always wanted to sit down and
46 make sure that we all come to an agreement on customary
47 trade. I want to thank you for taking this deliberation
48 and coming to the conclusion that you did, that we do
49 have the Tri-Council meeting and I'm glad the discussion
50 went as long as it did because you know as well as I do

1 that customary trade is not an easy matter to come up
2 with and answers to that customary trade.

3

4 Thank you very much, Mr. Chairman.

5

6 CHAIRMAN TOWARAK: Thank you. And I duly
7 noted that you stated that you wanted to sit down, you're
8 not going to be standing up and negotiating.

9

10 (laughter)

11

12 CHAIRMAN TOWARAK: Thank you. We have an
13 amendment on the floor, right?

14

15 MR. PROBASCO: That's correct, Mr. Chair.

16

17 CHAIRMAN TOWARAK: Is there any further
18 discussion on the amendment.

19

20 MS. K'EIT: I just need some
21 clarification on Robert's Rules. So we could do one of
22 two things. One, I can withdraw my amendment and then
23 either resubmit it or resubmit it with a change from
24 salmon to chinook or we could vote on the amendment and
25 let it get shot down and then resubmit it.

26

27 MR. PROBASCO: Mr. Chair. To help, I
28 think Ms. K'eit's amendment has some very good
29 clarifications in it that we need to retain. She could
30 ask with concurrence by the second to just change that
31 part that specifically says salmon and just focus it on
32 chinook and then we could vote on that amendment, capture
33 the clarifications and then vote on the final motion.

34

35 MS. K'EIT: Mr. Chair. What I would like
36 to do is amend my amendment to say -- not amend. No.

37

38 MR. PROBASCO: Ask your second, which is
39 Mr. Haskett, if he would.....

40

41 MS. K'EIT: Accept that change.

42

43 MR. PROBASCO: Yes.

44

45 MS. K'EIT: Mr. Haskett, would you accept
46 the change in my amendment from Yukon River salmon to
47 Yukon River chinook?

48

49 MR. HASKETT: I do. Seconded.

50

1 (Laughter)
2
3 MR. HASKETT: Or forever hold my peace.
4
5 CHAIRMAN TOWARAK: Okay. Now we have an
6 amended amendment. Is there any question on that
7 amendment, any discussion. The amendment will clearly
8 pinpoint Yukon chinook. Is there a call for the
9 question. The question has been called for. Final
10 action on the amendment.
11
12 MR. PROBASCO: Mr. Chair. On the
13 amendment first, Ms. Cooper.
14
15 MS. COOPER: Just to clarify, the
16 friendly amendment was already amended and that's what
17 we're voting on?
18
19 MR. PROBASCO: Correct.
20
21 MS. COOPER: Yes.
22
23 MR. PROBASCO: Ms. Pendleton.
24
25 MS. PENDLETON: Yes.
26
27 MR. PROBASCO: Mr. Towarak.
28
29 CHAIRMAN TOWARAK: Yes.
30
31 MR. PROBASCO: Mr. Haskett.
32
33 MR. HASKETT: Yes.
34
35 MR. PROBASCO: Ms. K'eit.
36
37 MS. K'EIT: Yes.
38
39 MR. PROBASCO: Mr. Cribley.
40
41 MR. CRIBLEY: Yes.
42
43 MR. PROBASCO: The main motion is before
44 you as amended.
45
46 CHAIRMAN TOWARAK: I think that concludes
47 action on.....
48
49 MR. PROBASCO: No, final action.
50

1 CHAIRMAN TOWARAK: Oh, final action. We
2 have the final motion on the floor. Any further
3 discussion.

4

5 MS. K'EIT: Question.

6

7 MR. PROBASCO: Thank you, Mr. Chair.
8 Final action on the motion as amended and we do have
9 transcripts that we can refer back to, but essentially it
10 asks for the formation of a subcommittee to the three
11 affected RACs, which are the YK, Eastern and Western that
12 are going to focus on a drainage-wide solution as it
13 pertains to customary trade and move their work forward
14 as soon as possible with the goal of having something
15 before the Councils at the fall 2011 meetings and then
16 there was clarification through the amendment to work
17 towards a definition for significant commercial
18 enterprise as it pertains to customary trade of chinook
19 salmon between rural to rural, rural to nonrural as it
20 pertains to harvest of Federally-qualified users.

21

22 CHAIRMAN TOWARAK: Mr. Haskett.

23

24 MR. HASKETT: I think the only thing you
25 missed was the original motion also asked for -- didn't
26 require, but asked for the subcommittee to involve the
27 State and the Feds, law enforcement folks and Solicitor's
28 Office before they come with their final recommendation.

29

30 MR. PROBASCO: Thank you, Mr. Haskett.
31 And I do have that in my notes. Thank you. Final action
32 on the motion before us to ask the Councils to form a
33 subcommittee. Ms. Pendleton.

34

35 MS. PENDLETON: Yes.

36

37 MR. PROBASCO: Mr. Towarak.

38

39 CHAIRMAN TOWARAK: Yes.

40

41 MR. PROBASCO: Mr. Haskett.

42

43 MR. HASKETT: Yes.

44

45 MR. PROBASCO: Ms. K'eit.

46

47 MS. K'EIT: Yes.

48

49 MR. PROBASCO: Mr. Cribley.

50

1 MR. CRIBLEY: Yes.
2
3 MR. PROBASCO: Ms. Cooper.
4
5 MS. COOPER: Yes.
6
7 MR. PROBASCO: Motion carries 6/0.
8
9 CHAIRMAN TOWARAK: I assume that
10 concludes our deliberation on 11-08 proposal.
11
12 MR. PROBASCO: That's correct, Mr. Chair.
13
14 CHAIRMAN TOWARAK: If that's the case,
15 then we will take a lunch break. It's 10 after 1:00,
16 1:15. Should we be back at 2:30? We will reconvene at
17 2:30 then.
18
19 (Off record)
20
21 (On record)
22
23 CHAIRMAN TOWARAK: Call the meeting back
24 to order. To begin this afternoon we had a request from
25 an individual to testify on a non-agenda item.
26
27 MR. PROBASCO: Thank you, Mr. Chair.
28 It's our normal practice to do that in the morning, but
29 this individual signed up after the start of the meeting,
30 so would Mr. Paul Beans please come forward. He'd like
31 to speak on Unit 18 moose hunting.
32
33 MR. BEANS: I'm Paul Beans. I'm from
34 Mountain Village. Thanks for the opportunity to speak on
35 Unit 18 sport hunting. I got this report from my
36 brother. I won't say his name. I'll go ahead and read
37 it. Me and my family were hunting moose inside of 30
38 Mile on September 20, 2010 at Horseshoe Lake around 30
39 Mile below Mountain Village. This is in Unit 18 hunting
40 area. While inside Horseshoe Lake hunting moose and
41 other game we saw a DeHavilland Beaver landing. We went
42 to go see it and there was two men inside the plane. The
43 plane was a charter, which we later found out he's
44 stationed in Bethel. The area is Federal land. We found
45 that out later too.
46
47 We knew there was a big bull moose in the
48 area. We think the plane had spotted a moose and landed
49 there to hunt it. So it becomes that we must compete
50 with sport hunters from another part of the state or

1 Lower 48. The Federal government must stop these sport
2 hunters from encroaching in our subsistence hunting area.

3
4 I told them this area is our hunting area
5 and we, the local people, have hunted this area for many
6 years. This area has been hunted by the residents of
7 Mountain Village, Emmonak, Alakanuk, Sheldon Point,
8 Kotlik, St. Mary's, Pilot Station and Marshall. So this
9 area has become a traditional hunting area for the Native
10 people that live along the Yukon River.

11
12 I told the two people that they were on
13 trespass status and do not belong in that part of the
14 country. They in turn said to my family that we are on
15 trespass in that hunting area. We the local people in
16 this area have voluntarily allowed a five-year moratorium
17 on moose hunting to rebuild the moose population. That's
18 the area below Mountain Village.

19
20 If sport hunting is allowed on Federal or
21 State land, they must not be allowed to use planes to
22 hunt or spotting game. They must use the same gear as we
23 do and hunt from our village and go up by boat only.
24 Sport hunters should not be allowed to camp anywhere in
25 Unit 18 area. We do not want our precious land to be
26 destroyed or littered with trash from outside sport
27 hunters.

28
29 So the request would be to prohibit sport
30 hunters in certain traditional areas, like below Mountain
31 Village or like around the village, not only Mountain
32 Village. Another thing would be to consult with tribe
33 before allowing outside hunters to enter. Thank you.

34
35 CHAIRMAN TOWARAK: Thank you for your
36 testimony. Do we have a response?

37
38 MR. PROBASCO: Thank you, Mr. Chair.
39 Also, as far as your testimony and your concerns, I
40 believe you're also aware that you can voice your
41 concerns to your Regional Advisory Council, but you can
42 also submit proposals dealing with your issues so that
43 the Federal Board can act upon them in the future, which
44 we're going to be working on through this winter Council
45 meetings.

46
47 MR. BEANS: Thank you.

48
49 MR. PROBASCO: And I can have a Staff
50 member sit down with you during a break and explain that

1 to you.

2

3 MR. BEANS: Thank you very much.

4

5 CHAIRMAN TOWARAK: Thank you, Mr. Beans.

6 Ready to return to proposal process. We did 11-08 this

7 morning. We're ready for 11-09.

8

9 MR. PROBASCO: Mr. Chair. If I may
10 suggest, I believe a Board member has informed me that
11 they would like to act accordingly. Based on the action
12 that the Board took on FP11-08, to defer that proposal
13 and request the formation of a subcommittee, the Board
14 does have the option at this time to take no action on
15 Proposal FP11-09. I believe Board Member Haskett is
16 ready to speak to that.

17

18 Mr. Chair.

19

20 CHAIRMAN TOWARAK: Mr. Haskett.

21

22 MR. HASKETT: So I'd like to make a
23 motion to take no action on Proposal 09 due to the action
24 we took on Proposal 08 earlier today. This will allow
25 the three Councils to address the customary trade issue
26 as we discussed earlier this morning. The two proposals
27 are very very similar and can be conducted the same way.

28

29 CHAIRMAN TOWARAK: Is there a second to
30 the motion.

31

32 MS. PENDLETON: I'll second it.

33

34 CHAIRMAN TOWARAK: It's been moved and
35 seconded that 11-09 be handled along with 11-08 and be
36 referred to the subcommittee. Any discussion. Go ahead.

37

38 MR. PROBASCO: Thank you, Mr. Chair. The
39 action on FP11-09 is to take no action because it's
40 discussing very similar issues as presented in FP11-08
41 and the Board's action by deferring will encompass any
42 future action in 11-09.

43

44 CHAIRMAN TOWARAK: Any question or
45 discussion by the Board or the RAC Chairs.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Not hearing any. Is
50 there a call for the question.

1 MR. HASKETT: I'll call for the question.
2
3 CHAIRMAN TOWARAK: The question has been
4 called for. Final action.
5
6 MR. PROBASCO: Thank you, Mr. Chair.
7 Final action to take no action in FP11-09. Mr. Towarak.
8
9 CHAIRMAN TOWARAK: Yes.
10
11 MR. PROBASCO: Mr. Haskett.
12
13 MR. HASKETT: Yes.
14
15 MR. PROBASCO: Ms. K'eit.
16
17 MS. K'EIT: Yes.
18
19 MR. PROBASCO: Mr. Cribley.
20
21 MR. CRIBLEY: Yes.
22
23 MR. PROBASCO: Ms. Masica.
24
25 MS. MASICA: Yes.
26
27 MR. PROBASCO: Ms. Pendleton.
28
29 MS. PENDLETON: Yes.
30
31 MR. PROBASCO: Motion carries 6/0.
32
33 CHAIRMAN TOWARAK: Thank you. We have a
34 full contingent of our Board with Sue coming in this
35 afternoon and we welcome you to our Board meeting. We
36 also have the Chair of the Kodiak Advisory Council, Mitch
37 Simeonoff, Sr. Welcome to the meeting.
38
39 We afforded the Chairs of the other RACs
40 to make a statement with regards to the proposals and I'm
41 asking if you have any comments.
42
43 MR. SIMEONOFF: Thank you, Mr. Chairman.
44 I don't have any comments at this time. I was out of the
45 loop for a little bit, so I'm just kind of playing catch-
46 up right now.
47
48 CHAIRMAN TOWARAK: Thank you. We will
49 then -- Sue, do you have any statements?
50

1 MS. MASICA: (Shakes head negatively)

2

3 CHAIRMAN TOWARAK: We will continue on
4 with our proposal review. We're going back to 11-01.

5

6 MR. PROBASCO: Yes, thank you, Mr. Chair.
7 We had a change in Staff that will take us through FP11-
8 01. We still have our coordinator Donald Mike. We have
9 Rich Cannon, fishery biologist, and our division chief,
10 Larry Buklis. Gentlemen.

11

12 CHAIRMAN TOWARAK: Proceed. You have the
13 floor.

14

15 MR. CANNON: Thank you, Mr. Chairman.
16 Good afternoon, Board Members. My name is Richard
17 Cannon. I am the Yukon River Office of Subsistence
18 Management fisheries biologist. I will be presenting the
19 analysis for Proposal 11-01. This analysis can be found
20 in your Board books on Pages 63 through 83.

21

22 Board members will note that the analysis
23 addresses a second proposal to reduce net depth. That
24 was Proposal 11-06, which was on your consent agenda and
25 which you've already dealt with.

26

27 Proposal 11-01 was submitted by the
28 Eastern Interior Alaska Subsistence Regional Advisory
29 Council. It requests that all gillnets, both subsistence
30 and commercial, with greater than 6-inch stretch mesh be
31 restricted to not more than 35 meshes in depth in Federal
32 public waters of the Yukon River drainage.

33

34 This proposal specifically addresses
35 regular change that the Eastern Interior Council felt
36 would enhance the quality of escapement for chinook
37 salmon. The proposal is based on the concern that the
38 average length and weight of returning adult chinook
39 salmon has been declining and because of the belief that
40 the existing allowable gillnets that are deeper than 35
41 meshes disproportionately harvest larger size female
42 chinook salmon over males.

43

44 This proposal would be applied to all
45 gillnet fisheries occurring in Federal public waters.
46 The analysis indicates that reducing depth of gillnets
47 would likely result in reducing fishing efficiency of
48 gear for commercial and subsistence fishermen. However,
49 there is no way to quantify reliably if a reduction of
50 net depth would be more effective in reducing harvest

1 numbers than reducing fishing time, which managers
2 routinely do in order to reduce harvest levels.

3
4 In addition, there are no quantifiable
5 data available to predict what effect reduction would
6 have on the harvest of the larger older aged female
7 chinook salmon available for us to look at. No new
8 information supporting decreasing size, selectivity of
9 gillnets by reducing net depth has been identified since
10 the Board last considered and rejected a similar
11 proposal.

12
13 Key information used in the analysis
14 summarized for you and published in studies were examined
15 and they examined the spatial distribution of migrating
16 salmon in specifically rivers. This research suggests
17 that migrating salmon generally swim near the river
18 bottom to avoid current. Larger fish swim farther
19 offshore in deeper water to avoid surface water drag.

20
21 Evidence for Yukon River chinook salmon
22 from a large archival tag project suggests that Yukon
23 River chinook swim along the bottom following submerged
24 river channels at depths ranging from less than a few
25 feet to over 90 feet. This information can be found on
26 Page 70 where it's discussed and is summarized in Figure
27 1 on Page 71.

28
29 In addition, test fishing with gillnets
30 at the Pilot Station sonar site did not show any
31 difference in size of fish between shallower inshore
32 catches and deeper offshore catches. Sonar traces show
33 that fish do disperse rapidly to avoid fishing activity
34 however. The Pilot Station data is summarized in Table
35 1 on Page 72. This is really the extent of the
36 information that we have at this time to look at this
37 question.

38
39 If adopted, this proposal would pose an
40 additional burden on affected users since they would have
41 to modify existing gillnets. In addition, adoption of the
42 proposal would expand the differences between Federal and
43 State subsistence regulations while increasing regulatory
44 complexity and enforcement concerns. Commercial and
45 subsistence users fishing in State-managed waters under
46 State regulations would still be permitted to use deeper
47 gillnets.

48
49 The OSM conclusion is to oppose the
50 proposal.

1 CHAIRMAN TOWARAK: Thank you. Are there
2 any questions from the Board or the RAC Chairs.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you for that
7 report. We will next go to the summary of written public
8 comments by the Regional Council coordinator.

9
10 MR. MIKE: Thank you, Mr. Chair. Donald
11 Mike, Regional Council coordinator. Nine written
12 comments were received and we received additional
13 comments from the Fort Yukon tribal and community members
14 and was signed by 85 individual tribal community members
15 opposing FP11-01. Written comments are on Pages 80 to 82
16 and 323. Additional written comments from the Ruby
17 Advisory Committee can be found in your packet.

18
19 Three commentators wrote in support of
20 FP11-01 stating that limiting the depth of nets is the
21 next logical step in the effort to take pressure off the
22 largest chinook salmon and to prevent fishermen from
23 targeting the next large group of kings. The proposal is
24 sensible because it is a conservation measure.

25
26 Six commentators wrote in opposition to
27 FP11-01 commenting that it is cost prohibitive to
28 purchase new gillnets and the new mesh size will affect
29 the catch for some subsistence fishers. Others commented
30 that it is more work and places additional hardship on
31 the subsistence fishermen. That concludes the written
32 summary of public comments, Mr. Chair. Thank you.

33
34 CHAIRMAN TOWARAK: Thank you, Mr. Mike.
35 Are there any questions.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: If not, we will
40 continue on with the open floor to public testimony.

41
42 MR. PROBASCO: Thank you, Mr. Chair. The
43 first person up to testify on Proposal FP11-01 is Mr.
44 Gene Sandone.

45
46 MR. SANDONE: Good afternoon, Mr.
47 Chairman. Board members, RAC representatives and Chairs.
48 My name is Gene Sandone. I'm representing Kwik'pak
49 Fisheries. Kwik'pak Fisheries recommendation is to agree
50 with the OSM conclusion and the State of Alaska's

1 recommendation to oppose the proposal. I want to note
2 that recent changes to the maximum mesh size throughout
3 the whole Yukon River went from unrestricted to 7.5 and
4 most people I believe with the unrestricted they use
5 somewhere between 8 and 8.5-inch webbing.

6
7 The reduction in the mesh size
8 effectively changed the depth of the net. In the Lower
9 Yukon, the mesh size for commercial is 45 meshes and in
10 the Upper Yukon it's 60 meshes. So going to 7.5-inch
11 mesh compared to an 8.5-inch mesh you'd lose about 12
12 percent of the depth in the Lower Yukon and about 20
13 percent of the depth in the Upper Yukon from the maximum.

14
15
16 If this proposal was to be enacted, it
17 would result in a further depth reduction. Take, for
18 example, the 8.5-inch mesh going to the 7.5 at 35 meshes.
19 It would reduce the depth of the net in Lower Yukon by 31
20 percent and nearly 50 percent in the Upper Yukon.

21
22 Before considering additional changes to
23 the efficiency of the gillnet gear, we should determine
24 the effect of the recent regulation that was passed both
25 by the Board of Fish and the Federal Subsistence Board
26 before going any further. I believe that this change to
27 7.5 inch maximum mesh size is going to save a lot of the
28 largest and oldest fish and allow them to escape to the
29 spawning grounds.

30
31 Just for your information, under Proposal
32 11-04, in the document that I provided you, there's a
33 real good graphic there about length frequency sampled in
34 different fisheries and test fisheries and the green line
35 on that is the Mountain Village test fishery which has
36 used 7.5-inch mesh last year and it varies considerable
37 from the setnets that were used in the Upper Yukon. The
38 catch anyway. Mr. Chair.

39
40 CHAIRMAN TOWARAK: Thank you, Mr.
41 Sandone. Are there any questions from the Board or the
42 RAC Chairs.

43
44 (No comments)

45
46 CHAIRMAN TOWARAK: Thank you, Mr.
47 Sandone.

48
49 MR. PROBASCO: Mr. Chair. The last
50 person signed up to testify is Mr. John Andrew. Mr. John

1 Andrew. Mr. Chair, apparently Mr. Andrew is not here, so
2 we will proceed.

3
4 CHAIRMAN TOWARAK: Are there other people
5 that signed up?

6
7 MR. PROBASCO: That's it for this
8 proposal. Mr. Chair.

9
10 CHAIRMAN TOWARAK: Thank you. We are
11 ready to continue to No. 4, Regional Council
12 recommendations.

13
14 MR. REAKOFF: Mr. Chair. Western
15 Interior Regional Advisory Council opposes the proposal
16 and has opposed the same similar type proposal.

17
18 MR. BUCK: Seward Peninsula talked about
19 this proposal and made a motion to pass it and it failed
20 zero to seven.

21
22 MR. FIRMIN: The Eastern Interior Council
23 submitted this proposal I believe in '07 or '06, I'm not
24 quite sure when, but it was -- the recommendation is to
25 defer this proposal until that date that the results of
26 a relevant National Marine Fisheries Service study is
27 completed in 2011 and presented to the Council for
28 further action. Thank you.

29
30 CHAIRMAN TOWARAK: Thank you, Mr. Firmin.
31 Mr. Wilde.

32
33 MR. L. WILDE: Mr. Chairman. The Lower
34 Yukon opposed this unanimously.

35
36 Thank you, Mr. Chairman.

37
38 CHAIRMAN TOWARAK: Thank you. We'll then
39 move on to Item No. 5, which is Department of Fish and
40 Game comments.

41
42 MR. PAPPAS: Thank you, Mr. Chair.
43 George Pappas, Department of Fish and Game. It's good to
44 see everybody. Especially good to see the RAC Chairs and
45 representatives.

46
47 Our written comments are found on Page
48 77. I'll be summarizing just the FP11-01 portion of
49 those comments.

50

1 Proposal FP11-01 was submitted to limit
2 all gillnets (State commercial, State subsistence, and
3 Federal subsistence fisheries gear types) with a
4 stretched mesh size greater than six inches to a maximum
5 of 35 meshes deep in the Yukon River where Federal
6 subsistence regulations apply.

7
8 If FP11-01 is adopted, harvest of chinook
9 and other salmon species in Federally-regulated
10 subsistence fisheries on the Yukon River could be
11 negatively impacted. These fishermen would potentially
12 need to fish longer hours to harvest the same number of
13 fish with less efficient nets. Modification of existing
14 nets or purchase of new nets might be necessary in order
15 to comply with gear type regulation that differ between
16 the Federal and State fisheries. If Federal regulations
17 regarding allowable gear types are not the same as State
18 regulations, it will create a conflicting patchwork of
19 waters under differing State and Federal regulations and
20 might be difficult for subsistence users to know the
21 boundaries of each.

22
23 The Yukon River chinook salmon stock is
24 currently classified as a stock of yield concern. The
25 Federal Subsistence Board does not have authority to
26 apply gear restrictions, such as gillnet mesh size and
27 depth regulations, to State-regulated commercial and
28 subsistence fisheries.

29
30 The Department opposes this proposal.

31
32 Thank you, Mr. Chair.

33
34 *****
35 STATE OFFICIAL WRITTEN COMMENTS
36 *****

37
38 Alaska Department of Fish and Game
39 Comments to the Federal Subsistence Board

40
41 Introduction: The Eastern Interior
42 Regional Advisory Council submitted proposal FP11-01 to
43 limit all gillnets (state commercial, state subsistence,
44 and federal subsistence fisheries gear) with a stretched
45 mesh size greater than six inches to a maximum of 35
46 meshes in depth in the Yukon River where federal
47 subsistence regulations apply. The Mountain Village
48 Working Group submitted proposal FP11-06 to limit
49 gillnets with a stretched mesh size of 7.5 inches to a
50 maximum depth of 20 meshes for federal subsistence

1 fishing in districts 4 and 5 of the Yukon River. The
2 proponents are concerned that deeper gillnets select for
3 older and larger Chinook salmon, which are believed to
4 migrate in deep water. Proposal FP11-06 was also
5 submitted to allow more salmon to escape to the spawning
6 grounds and did not differentiate between species or
7 sizes of salmon.

8
9 The Federal Subsistence Board previously
10 reviewed similar proposals to restrict gillnet depth in
11 the Yukon River fisheries (FP05-03, FP06-04, FP09-13) and
12 took no action or opposed those proposals. The Alaska
13 Board of Fisheries unanimously opposed a proposal to
14 restrict subsistence and commercial gillnets to 35 meshes
15 in depth in the Yukon Area during its meeting January
16 26 31, 2010, after thorough review in an open public
17 process that included numerous oral and written reports.
18 The Alaska Board of Fisheries adopted a maximum mesh size
19 of 7.5 inches for subsistence and commercial gillnets
20 effective in 2011 in the Yukon Area. The Federal
21 Subsistence Board took no action on deferred proposal
22 FP09-13 to limit mesh depth at the April 13 14, 2010,
23 meeting after adopting deferred proposal FP09-12, which
24 paralleled the Alaska Board restriction of a maximum mesh
25 size of 7.5 inches. The change in mesh size effectively
26 reduces the maximum depth of commercial gillnets in
27 districts 1 3 by approximately three feet compared to the
28 depth of an 8.5-inch mesh gillnet (commensurate with the
29 current gillnet commercial fishery). Most subsistence
30 fishermen will likely use their commercial gillnets for
31 commercial fishing.

32
33 Data from a recent radio-tagging project
34 on Yukon River Chinook salmon indicate that Chinook
35 salmon utilize the entire depth of the water column
36 during migration. (John Eiler, National Marine Fisheries
37 Service Auke Bay Laboratory, Juneau; personal comm.
38 2009). Even if net depth restrictions could alter
39 harvest in a specific location, fishermen could
40 compensate for a reduced net depth by fishing in
41 shallower locations, where a shallower net would not
42 impede harvest of larger and more valuable Chinook
43 salmon. There are insufficient data to demonstrate that
44 gillnet depth restrictions would effectively alter size
45 and age composition of the harvest.

46
47 Impact on Subsistence Users: If FP11-01
48 and FP11-06 are adopted, harvest of Chinook and other
49 salmon species in federally-regulated subsistence
50 fisheries on the Yukon River could be negatively

1 impacted. These fishermen would potentially need to fish
2 longer hours to harvest the same number of fish with less
3 efficient nets. Modification of existing nets or
4 purchase of new nets might be necessary in order to
5 comply with gear type restrictions that differ between
6 the federal and state fisheries. If federal regulations
7 regarding allowable gear types are not the same as state
8 regulations, it will create a conflicting patchwork of
9 waters under differing state and federal regulations and
10 might be difficult for subsistence users to know the
11 boundaries for each.

12

13 Conservation Issues: The Yukon River
14 Chinook salmon stock is currently classified as a stock
15 of yield concern. Since 2001, subsistence harvest levels
16 have reached the amounts reasonably necessary for
17 subsistence use within state regulations, except for
18 2002, 2008, and 2009. A majority of the Yukon River
19 drainage escapement goals have been met or exceeded since
20 2000, including the Chena and Salcha rivers, which are
21 the largest producers of Chinook salmon in the United
22 States portion of the drainage. The agreed-to escapement
23 objective for the Canadian mainstem was met every year
24 from 2001 through 2006, with 2001, 2003, and 2005 being
25 the three highest spawning escapement estimates on
26 record. However, the escapement objective for the
27 Canadian mainstem was not met in 2007 and 2008.
28 Exploitation rate on the Canadian-origin stock by Alaskan
29 fishermen has decreased from an average of about 55%
30 (1989 1998) to an average of about 44% from 2004 2008
31 (Howard et al. 2009). Although the subsistence harvest
32 remains stable at nearly 50,000 Chinook salmon annually,
33 commercial harvests have decreased over 60% from an
34 average of 100,000 annually (1989 1998) to the recent 5-
35 year average (2005 2009) of nearly 23,000 fish. It is
36 not possible to determine if size-selective harvests,
37 variations in environment, or a combination of factors
38 are causing a decrease in harvest of age-7 fish or
39 decreasing size trends of older fish (JTC SSS 2006).
40 Decreasing size of Chinook salmon has been anecdotally
41 noted across much of the state in recent years. However,
42 increasing the number of larger and older Chinook salmon
43 in spawning escapements through mesh size regulations
44 should provide better future production potential.

45

46 Opportunity Provided by State: Salmon
47 may be harvested under state regulations throughout the
48 majority of the Yukon River watershed, including a
49 liberal subsistence fishery. Gear types allowed are
50 gillnets, beach seines, hook and line attached to a rod

1 or pole, hand lines, and fish wheels. Although all gear
2 types are not used or allowed in all portions of the
3 Yukon River drainage, drift and set gillnets and fish
4 wheels harvest the majority of fish taken for subsistence
5 uses. Under state regulations, subsistence is the
6 priority consumptive use. Therefore, state subsistence
7 fishing opportunity is directly linked to abundance and
8 is not restricted unless run size is inadequate to meet
9 escapement needs. When the Yukon River Chinook salmon
10 run is below average, state subsistence fishing periods
11 may be conducted based on a schedule implemented
12 chronologically throughout the Alaska portion of the
13 drainage, which is consistent with migratory timing as
14 the salmon run progresses upstream. Federal regulations
15 under Special Actions to restrict federally-eligible
16 users have been rare and mirrored in-state, in-season
17 actions necessary to meet escapement goals, except where
18 state and federal regulations differ in subdistricts 4-B
19 and 4-C. Amounts reasonably necessary for subsistence
20 Chinook salmon (5AAC 01.236 (b)), as determined by the
21 Alaska Board of Fisheries, were met in the Yukon River
22 drainage for six of the last nine years.

23

24 Jurisdictional Issues: The Federal
25 Subsistence Board does not have authority to apply gear
26 restrictions, such as gillnet mesh size and depth
27 regulations, to state-regulated commercial and
28 subsistence fisheries.

29

30 A large percentage of the lands along the
31 Yukon River are state or private lands on which
32 subsistence users must use gear types consistent with
33 state regulations. Detailed maps are needed that depict
34 land ownership and specific boundaries of areas where
35 federal regulations are claimed to apply, so that
36 fishermen can know whether they are on state or private
37 lands (including state-owned submerged lands and
38 shorelands) where they must comply with state laws and
39 regulations.

40

41 Recommendation: Oppose proposals FP11-01
42 and FP11-06.

43

44 Cited References:

45

46 Howard, K. G., S. J. Hayes, and D. F.
47 Evenson. 2009. Yukon River Chinook salmon stock status
48 and action plan 2010; a report to the Alaska Board of
49 Fisheries. Alaska Department of Fish and Game, Special
50 Publication No. 09-26, Anchorage. JTC SSS (Joint

1 Technical Committee Salmon Size Committee of the Yukon
2 River US/Canada Panel). 2006. Potential causes of size
3 trends in Yukon River Chinook salmon populations. Alaska
4 Department of Fish and Game, Division of Commercial
5 Fisheries, Regional Information Report No. 3A06-07,
6 Anchorage.

7

8 CHAIRMAN TOWARAK: Thank you. Are there
9 any questions from the Board or the RAC Chairs.

10

(No comments)

12

13 CHAIRMAN TOWARAK: Not seeing any, thank
14 you for your comments. We next go to the InterAgency
15 Staff Committee comments.

16

17 DR. WHEELER: Thank you, Mr. Chair. The
18 InterAgency Staff Committee found the Staff analysis to
19 be a complete and accurate evaluation of the proposal and
20 the recommendations of all four Regional Advisory
21 Councils to be supported by substantial evidence
22 consistent with recognized principals of conservation and
23 appropriate allow for the continuation of subsistence
24 uses.

25

Mr. Chair.

27

28 CHAIRMAN TOWARAK: Any questions from the
29 Board or the Chairs of Councils.

30

(No comments)

32

33 CHAIRMAN TOWARAK: Not seeing any, thank
34 you. Board discussion with Council Chairs and the State
35 liaison. The floor is open for discussion.

36

37 MR. REAKOFF: Mr. Chair. Western
38 Interior is opposed to this proposal. The archival data
39 shows that these fish swim at various levels. The
40 windier the weather, the higher in the water column
41 they'll swim, so depth of net doesn't really affect. You
42 can catch very large fish on top of the water if it's
43 windy, so they move up and down the water column. So the
44 objective when we have these windowed openings is to
45 catch fish for subsistence. So making it hard to catch
46 fish, if it's calm weather, then people will be way less
47 effective catching fish.

48

49 Our opinion, my opinion in particular, is
50 the 7.5 inch regulation addresses a lot of the large

1 harvest of salmon, the larger salmon. We feel that this
2 proposal would put an unreasonable burden on subsistence
3 users and expense to achieve hypothesis that you would
4 save a lot of larger fish. So that would be our
5 position.

6

7 Thank you.

8

9 CHAIRMAN TOWARAK: Thank you, Mr.
10 Reakoff. Any further discussion.

11

12 (No comments)

13

14 CHAIRMAN TOWARAK: If not, are we ready
15 to do the final action on the proposal. Mr. Haskett.

16

17 MR. HASKETT: I'll make a motion to adopt
18 the proposal, but I'll provide justification why I plan
19 to vote in opposition consistent with the recommendations
20 of the YK Delta, Western Interior and Seward Peninsula
21 Regional Councils if I get a second to the motion.

22

23 MS. PENDLETON: I'll second that.

24

25 CHAIRMAN TOWARAK: The motion has been
26 seconded. Proceed.

27

28 MR. HASKETT: So the justification for
29 why I will oppose is that reducing the depth of gillnets
30 would reduce gear efficiency and it's not clear that it
31 would help with conservation of chinook salmon. Adopting
32 this proposal would also most likely be detrimental to
33 subsistence users by requiring people to fish harder to
34 meet their needs with unknown benefits.

35

36 Rejecting this proposal would be
37 consistent with the recommendations of the YK Delta,
38 Western Interior and Seward Peninsula Regional Councils.
39 All the Councils and the State opposed the recommendation
40 as well as the InterAgency Staff and OSM Staff. The
41 Eastern Interior Council recommended deferring the
42 proposal.

43

44 So I believe if new information becomes
45 available, if it does become available ever, it shows
46 that this action will be beneficial and a new proposal
47 could be submitted to re-adjust this issue at a later
48 time.

49

50 CHAIRMAN TOWARAK: Thank you. Any other

1 questions or comments.
2
3 (No comments)
4
5 CHAIRMAN TOWARAK: I'm not hearing any.
6 Is there a call for the question.
7
8 MS. K'EIT: Mr. Chair.
9
10 CHAIRMAN TOWARAK: Go ahead.
11
12 MS. K'EIT: I intend to vote against the
13 motion on the floor based on a lack of substantial
14 evidence. I think we have enough -- we don't have enough
15 information to justify this cause for change for the
16 users.
17
18 Thank you.
19
20 CHAIRMAN TOWARAK: Sue, have you got
21 comments.
22
23 MS. MASICA: Mr. Chair. I think Mr.
24 Haskett spelled out the concerns with the proposal as
25 submitted and I intend to oppose it.
26
27 CHAIRMAN TOWARAK: Beth.
28
29 MS. PENDLETON: Likewise, I intend to
30 oppose and I think that if new information does come
31 available, that certainly a new proposal could be
32 introduced subsequently.
33
34 CHAIRMAN TOWARAK: Mr. Cribley.
35
36 MR. CRIBLEY: I haven't heard any
37 discussion of support for this proposal either from a
38 scientific basis or any and with no support from the
39 Councils I intend to oppose it also.
40
41 CHAIRMAN TOWARAK: I agree with all the
42 comments. I, too, would oppose the proposal based on
43 especially the RACs recommendations. Is there a call for
44 the question.
45
46 MR. HASKETT: I call for the question.
47
48 MS. MASICA: Question.
49
50 CHAIRMAN TOWARAK: The question has been

1 called for. Final action, please.
2
3 MR. PROBASCO: Thank you, Mr. Chair.
4 Final action on FP11-01 motion to adopt. Mr. Haskett.
5
6 MR. HASKETT: No.
7
8 MR. PROBASCO: Ms. K'eit.
9
10 MS. K'EIT: No.
11
12 MR. PROBASCO: Mr. Cribley.
13
14 MR. CRIBLEY: No.
15
16 MR. PROBASCO: Ms. Masica.
17
18 MS. MASICA: No.
19
20 MR. PROBASCO: Ms. Pendleton.
21
22 MS. PENDLETON: No.
23
24 MR. PROBASCO: Mr. Towarak.
25
26 CHAIRMAN TOWARAK: No.
27
28 MR. PROBASCO: Motion fails 0/6.
29
30 CHAIRMAN TOWARAK: The next item on our
31 agenda is discussions on fish proposal 11-02, Yukon River
32 chinook salmon conservation plan. The analysis by the
33 lead author, please.
34
35 MR. CANNON: Thank you, Mr. Chairman.
36 The analysis for Proposal 11-02 begins on Page 84 of your
37 Board books. This proposal was submitted by Jack Reakoff
38 from Wiseman. It requests that Federal Public waters of
39 the Yukon River be closed to subsistence and commercial
40 fishing from the river mouth to the Canadian border
41 during the first pulse of chinook salmon or second if the
42 first is missed. These rolling closures would be
43 intended to conserve Canadian-bound chinook salmon and
44 would continue for at least 12 years or until such time
45 as this stock s abundance and escapement quality is
46 restored to a level that provides sustained yields to
47 support historic levels in commercial and subsistence
48 fisheries.
49
50 The proponent submitted this proposal to

1 address longstanding concerns expressed by Yukon River
2 fishers and Regional Advisory Councils regarding
3 diminished quality of escapement for Yukon River chinook
4 salmon that spawn in Canada.

5
6 In order for the State and Federal
7 programs to cooperatively address this issue, the
8 existing State chinook salmon management plan would have
9 to be revised to establish an optimum escapement
10 objective rather than a maximum sustained yield approach
11 currently in place. This issue is discussed on Page 87
12 under the existing State regulations subheading of the
13 analysis.

14
15 The biological background, which begins
16 on Page 92 of the analysis, updates the chinook salmon
17 stock status information recently provided the Federal
18 Board when it considered mesh size changes and
19 specifically addresses measures of quality of escapement
20 and managing for escapement goals in Alaska.

21
22 In addition, the analysis provides
23 information on the run timing of Canadian origin stocks
24 provided by a study of radio-tagged chinook salmon. This
25 information is summarized in Figure 7 on Page 98.
26 Discussion of this information is found on Page 97.
27 Although a high proportion of the Yukon River Canadian
28 origin stock group enters the river during the first
29 pulses, individual Canadian chinook stocks actually enter
30 the Yukon over a more protracted period of time.

31
32 Since the Council meeting, some new
33 information relevant to this proposal has become
34 available but does not change the OSM conclusion. An
35 addendum to the analysis has been included, found on
36 Pages 106 and 108, which provides stock timing and
37 composition data for the 2009 fishing season obtained
38 from genetic stock assessment sampling at Pilot Station.

39
40 Figure 1 of the addendum found on Page
41 107 illustrates changes in stock of composition through
42 four time intervals in 2009, the year when pulse
43 protection was thought to be very effective for
44 conserving Canadian stocks. This information further
45 demonstrates that stock, run timing and composition is
46 very complex. Canadian stocks are highly overlapped
47 through time with other stocks throughout the run
48 requiring considerable management flexibility to
49 effectively conserve stocks while allowing subsistence
50 fishing to occur.

1 The OSM conclusion to oppose the proposal
2 is based largely on the Canadian stock run timing
3 information that suggests that simply closing the fishery
4 during the first pulse may not be an effective means to
5 conserve all Canadian origin stocks. Rather reducing
6 exploitation over the run by reducing fishing time when
7 necessary may be a more effective conservation measure.
8

9 This could be accomplished during years
10 with poor runs by pulling period during scheduled windows
11 subsistence openings early in the run or until such time
12 that in-season assessment of the run determined that the
13 run was large enough to allow additional fishing
14 opportunity.
15

16 Individual stocks comprising the Middle
17 River, which is mainly an Alaska stock group, and Upper
18 River, which is the Canadian stock group, enter the river
19 in a very compressed time period with time being highly
20 overlapped. That's why it's so difficult.
21

22 Differences in timing among these stocks
23 really do not appear to offer a useful means to conserve
24 or target individual stocks or even between these two
25 stock groups in fisheries. However there may be
26 sufficient difference in migratory timing of the Lower
27 River stocks to allow managers to use these differences
28 to effectively target or conserve this particular stock
29 group.
30

31 The OSM conclusion is to oppose this
32 proposal.
33

34 Thank you, Mr. Chairman.
35

36 CHAIRMAN TOWARAK: Thank you. Are there
37 any questions on the Staff analysis.
38

39 (No comments)
40

41 CHAIRMAN TOWARAK: Not hearing any, we
42 will continue with the summary of public comments by the
43 Regional Council Coordinator.
44

45 MR. MIKE: Thank you, Mr. Chair. Donald
46 Mike, Regional Council Coordinator. Mr. Chair, nine
47 written comments were received. Written comments begin
48 on Page 118 to 119. Additional written comments also can
49 be found on Page 323. Additional written comments can be
50 found in your packet received from Ruby Advisory

1 Committee and from the Fort Yukon tribal community
2 members.

3

4 Two comments received in support of the
5 proposal. One commentor wrote in support of the proposal
6 stating that the windows have been effective, but is not
7 an effective tool when
8 the stock declines and increasing inefficiency by
9 fishermen to harvest salmon. The proposal would be solid
10 foundation for future Yukon River chinook stock to be
11 rebuilt.

12

13 The Ruby Advisory Committee supports the
14 proposal with an amendment to be in effect for one
15 complete life cycle to protect the larger chinook.

16

17 Seven comments opposed the proposal
18 saying that a full closure on the first or second pulse
19 may hurt fishing families. A partial pulse protection
20 during expected low returns is a good tool for managers
21 to use when the chinook salmon return is expected to be
22 low.

23

24 That concludes the written public
25 comments, Mr. Chair.

26

27 Thank you.

28

29 CHAIRMAN TOWARAK: Thank you. Are there
30 any questions.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Not hearing any, thank
35 you for that report. We will continue on and open the
36 floor to public testimony.

37

38 MR. PROBASCO: Thank you, Mr. Chair. The
39 first person up is Mr. John Andrew. Mr. John Andrew.

40

41 (No comments)

42

43 MR. PROBASCO: Mr. Andrew apparently is
44 not here. The next person signed up to comment on
45 Proposal 02 is Lynette Moreno Hinz.

46

47 MS. MORENO HINZ: My name is Lynette
48 Moreno Hinz and I am Alaska Native Tlingit and the
49 chairwoman for our fish and game committee. Well, I came
50 here today for my public comment, was that after hearing

1 some of the things that I just heard, 12 years is a long
2 time. Four years is a long time. Twelve months is a
3 long time. Four minutes is a long time. Twelve seconds
4 is a long time for people that need food, that need to be
5 able to have the food readily available for them.

6
7 With the mouth of the Yukon there is
8 three villages right there at the mouth and I understand
9 that the Yukon Kuskokwim fisheries that in the past it
10 has taken fish, all kinds of fish, from this river. What
11 my question is, are they held accountable? But also there
12 is other villages up and down that Yukon River and the
13 other rivers in Alaska, the Kuskokwim, everywhere,
14 Southeastern, everywhere, and so it looks to me like when
15 you take fish and overharvest it causes a great strain on
16 the fish runs, but people have to eat.

17
18 So when you vote, please consider they do
19 not go to the grocery stores. Even the children that did
20 the drawings right behind you, there's no grocery stores
21 with packages of fish in those drawings. So please
22 consider what you do and always consider the people and
23 the families first. Thank you very much.

24
25 CHAIRMAN TOWARAK: Thank you, Ms. Hinz.
26 Are there any questions of her testimony.

27
28 (No comments)

29
30 CHAIRMAN TOWARAK: Not hearing any, thank
31 you for your testimony.

32
33 MR. PROBASCO: Thank you, Mr. Chair.
34 Next person is Mr. Timothy Andrew.

35
36 MR. ANDREW: Thank you, Mr. Chairman.
37 Members of the Board, members of the Regional Advisory
38 Committee and guests. My name is Timothy Andrew. I'm
39 the director of natural resources for AVCP.

40
41 AVCP opposes this proposal, although
42 within this last year and the year before we had
43 supported this proposal as a management tool just as long
44 as the restriction from unrestricted gear did not go down
45 to 7.5 inch. Last year this body and also the Alaska
46 Board of Fisheries also adopted the 7.5 inch proposal, so
47 our support for this as a management tool has basically
48 gone out the door.

49
50 One thing I'd like to reference is the

1 statement that I made earlier, is that on the Lower Yukon
2 we have that limited window of opportunity to actually
3 dry fish due to the weather conditions we face during the
4 month of July. If we don't get that opportunity to dry
5 the fish within that limited amount of time, the rainy
6 season comes. This is really confirmed by the Nome
7 Weather Service office if you look at the data they have
8 online. Normally right about the middle part of July
9 inclement weather comes in, we get storms, we get a lot
10 of misty conditions and it's just not a good time to dry
11 fish. Without this opportunity, people would be
12 extremely disenfranchised on the lower part of the river.

13

14 Thank you, Mr. Chair.

15

16 CHAIRMAN TOWARAK: Thank you. Are there
17 any questions from the Board or the RAC Chairs.

18

19 (No comments)

20

21 CHAIRMAN TOWARAK: Not hearing any.

22 Thank you, Mr. Andrew.

23

24 MR. PROBASCO: Thank you, Mr. Chair. The
25 last person to testify is Mr. Gene Sandone.

26

27 MS. SANDONE: Good afternoon, Mr.
28 Chairman.. Members of the Board, RAC Chairs and
29 representatives. Again, I'll be taking my comments from
30 the document that was distributed earlier for a report to
31 the Board from Kwik'pak and I'm representing Kwik'pak.

32

33 My comments on Proposal 11-02 is to agree
34 with the OSM's conclusion and the State of Alaska
35 recommendation to oppose the proposal. Harvest, both
36 commercial and subsistence, should be commensurate with
37 run size. Subsisting fishing opportunity is directly
38 linked to abundance and not restricted unless run size is
39 inadequate to meet escapement needs.

40

41 In most years subsistence fishing
42 restrictions are not necessary to achieve escapement
43 goals. Additionally, the new maximum mesh size gillnet
44 at 7.5 inch may play an important role in allowing more
45 larger and older-age fish to escape the fisheries and be
46 allowed to spawn in greater numbers. However, some form
47 of pulse protection may be necessary in some years to
48 protect the Canadian component when the segment of the
49 run is poor.

50

1 During most recent AYK Board of Fish
2 meeting in January 2010, the Board of Fish adopted a
3 regulation that gives ADF&G managers emergency order
4 authority to sequentially close fisheries to allow pulses
5 of chinook salmon to migrate upstream with little or no
6 exploitation through all fisheries to their spawning
7 grounds. Shifting too much of the harvest onto Alaskan
8 stocks, however, can have detrimental consequences for
9 those stocks. Harvest should be spread out over the
10 entire chinook salmon run.

11
12 Since District 5, and District 5 is
13 located from Tanana to the Canadian border, it's a very
14 large district, and they harvest mostly those stocks
15 bound to Canada, the Upper River stock, and you can see
16 what each district harvests on the next page in Figure 1.
17 It also has the greatest demand for chinook salmon for a
18 fishing household and you can see the demand or the
19 average harvest per fishing household for all the
20 villages in Figure 2.

21
22 It may be prudent to reduce the harvest
23 of the first pulse of chinook salmon within the mainstem,
24 Districts 1, 2, and 3 and possibly 4. Those districts
25 harvest chinook salmon from all Yukon stocks. A slight
26 restriction in the first pulse, for example pulling one
27 period, may provide enough fish for Upper River
28 subsistence users and escapement into Canada. That may
29 be used when the Canadian component is poor or is low.

30
31 The complete closure of the first pulse
32 of chinook salmon for 12 or 4 years would unnecessarily
33 cause hardship to all subsistence fishermen within the
34 Alaska portion of the Yukon River drainage and in most
35 years is totally unwarranted.

36
37 A majority of the Yukon River drainage
38 escapement goals have been met or exceeded since 2000.
39 The escapement objective for the Canadian mainstem was
40 met in every year from 2001 to 2006. Additionally, a
41 record escapement was observed in 2003. Escapements
42 observed in 2005 and 2009 ranked third and fourth behind
43 the 1996 escapement. However, the escapement objective
44 for the Canadian mainstem was not met in 2007, 2008 and
45 last year.

46
47 Mr. Chair, that concludes my testimony.

48
49 CHAIRMAN TOWARAK: Thank you, Mr.
50 Sandone. Are there questions for Mr. Sandone from the

1 Board or the RAC Chairs.

2

3 (No comments)

4

5 CHAIRMAN TOWARAK: Not hearing any.

6 Thank you, Mr. Sandone. That concludes the public
7 comment period. We will then proceed on to the Regional
8 Council recommendations starting with Mr. Reakoff.

9

10 MR. REAKOFF: Mr. Chair. I'm the one who
11 started this ball rolling. This is based on the joint
12 Eastern and Western Interior Regional Advisory Council
13 resolutions that were formulated and submitted to the
14 Federal Subsistence Board with nearly as strong of
15 language coming from the YK Delta Regional Advisory
16 Council to protect the first pulse of chinook salmon. So
17 after those meetings I decided to submit this as a
18 proposal before the Federal Subsistence Board to get the
19 issue on the table of trying rebuild the Yukon River
20 chinook salmon. That's the objective of the proposal.

21

22 At that time we had concurrence of all
23 the RACs on the Yukon River. When we deliberated the
24 proposal, we took into account the displeasure of certain
25 communities within our region that didn't want to be that
26 strong. You see those in the written record. So the
27 Western Interior Council amended our proposal to weaken
28 the language, to not close the first pulse but to close
29 or predominately close and protect the first pulse not
30 for 12 years but for four years.

31

32 2009 there was a large contingent of
33 YRDFA people and the RACs involvement and it was decided
34 to protect the first pulse of chinook salmon and there
35 was a significant and I felt a very good return into
36 Canada. The main highlight of that was that because
37 those fish had not encountered gear, it was a very high
38 quality escapement. Numbers aren't everything. If the
39 fish have been around a lot of nets, all the bigger fish
40 have been taken out of it. So the fish that got into
41 Canada in '09 were nice, healthy fish. Everybody talked
42 about the nice quality of fish that met the spawning
43 grounds and I saw those on the Jim River near where I
44 live. That was the basis of this proposal.

45

46 Our Council did not have the addendum
47 work DeCovich and Howard have produced this winter
48 showing a more of a protracted. Our Councils worked off
49 of beta sets that showed that 70 percent of the first
50 pulse are Canadian-bound fish. That's where our Council

1 -- our Council was using the latest data. This data set
2 shows more of a protracted return.

3
4 The question is still there, does -- the
5 Federal Subsistence Board has to come up with some kind
6 of a directive. If this proposal does not fail, the
7 Federal Subsistence Board has to assure, give the Federal
8 in-season manager the authority to supersede State
9 management if it's looking like we're not going to meet
10 these obligations and the quality of escapements.

11 I feel that shortening the windows, doing
12 various management things that need to be done are
13 imperative to rebuild the chinook salmon on the Yukon
14 River. We're not looking at anything a lot different.
15 We're just going to have 7.5 inch gear. We're going to
16 have to shorten the windows down or something. The
17 objective is meet escapements and we're not doing that.

18
19 So that's the reason this proposal was
20 submitted. The Western Interior modified the proposal,
21 but it's up to the Board to make the hard decisions
22 That's what you get paid the big bucks for.

23
24 Thank you.

25
26 CHAIRMAN TOWARAK: Thank you, Mr.
27 Reakoff. Any questions of Mr. Reakoff from the Board.

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: Thank you. We'll jump
32 across to Mr. Wilde.

33
34 MR. L. WILDE: Thank you, Mr. Chairman.
35 Our Council opposed this proposal. The vote was nine
36 opposing, one abstention and two excused absence.

37
38 Thank you, Mr. Chairman.

39
40 CHAIRMAN TOWARAK: Thank you. Any
41 questions of Mr. Wilde.

42
43 (No comments)

44
45 CHAIRMAN TOWARAK: Not hearing any. Then
46 we will go to Mr. Buck from the Seward Peninsula.

47
48 MR. BUCK: Yes, the Seward Peninsula
49 discussed this proposal again and it was defeated zero to
50 seven again.

1 CHAIRMAN TOWARAK: Thank you. Any
2 questions for Mr. Buck.

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you. Then to
7 Mr. Firmin.

8
9 MR. FIRMIN: The Eastern Interior Council
10 opposed this proposal. The Council felt that this
11 proposal is too restrictive and they have concerns about
12 the manager's ability to effectively execute this
13 proposal. The Council also heard some anecdotal
14 observations that the first pulse consists primarily of
15 males, so the Council does not feel confident that
16 implementation of the proposal would enhance passage of
17 females.

18
19 There are also concerns that if this
20 proposal was passed it could put undue pressure on other
21 Yukon River stocks and there are additional concerns that
22 it would only apply to Federally managed sections of the
23 river and its overall effectiveness would be diluted
24 while negatively impacting Federal subsistence fishing
25 opportunities.

26
27 There's also concern that prescribed
28 closures could restrict options for in-season managers
29 who already have the tool of emergency closures when
30 warranted.

31
32 Thank you.

33
34 CHAIRMAN TOWARAK: Thank you, Mr. Firmin.
35 That concludes the Regional Council recommendations. We
36 will jump now to the Department of Fish and Game from
37 State of Alaska.

38
39 MR. PAPPAS: Thank you, Mr. Chair. Our
40 comments can be found on Page 115. I'll be summarizing
41 from them. Establish a new Yukon River Chinook salmon
42 fisheries management plan for all fisheries in order to
43 protect the first pulse of returning salmon.

44
45 If adopted, Federal subsistence users
46 would be required to forgo harvest of chinook salmon
47 during the first or second pulse of chinook salmon
48 returning to the Yukon River in waters claimed under
49 Federal jurisdiction through the year 2022 unless stock
50 status and conditions improve before that time. The

1 proponent anticipates Federal subsistence users who fish
2 in Federal-claimed waters will likely see a reduction in
3 harvest during enactment of this fisheries management
4 plan.

5
6 If Federal regulations differ from State
7 regulations, fishing for chinook salmon may be more
8 liberal in waters not claimed under Federal jurisdiction.
9 This
10 would increase the responsibility of subsistence users to
11 identify the applicability of differing subsistence laws
12 and regulations based on land ownership and claimed
13 Federal jurisdiction.

14
15 Federal regulations under Special Actions
16 to restrict Federally-eligible users have been rare and
17 mirrored the State in-season actions necessary to meet
18 escapement goals, except where State and Federal
19 regulations differ in subdistricts 4B and 4C.

20
21 The Yukon River chinook salmon stock is
22 currently classified as a stock of yield concern.

23
24 It is not possible to determine whether
25 size-selective harvests, variations in environment, or a
26 combination of factors are causing a decrease in harvest
27 of age seven fish or decreasing size trends of older
28 fish. Increasing the number of larger and older chinook
29 salmon in spawning escapements through mesh size
30 regulations should provide for better future production
31 potential. The Alaska Board of Fisheries and the Federal
32 Subsistence Board recently adopted a maximum mesh size of
33 7.5 inches for gillnets effective in 2011 in the Yukon
34 Area.

35
36 It is not necessary to prohibit harvest
37 of all chinook salmon during the first pulse by
38 regulation for a 12-year period if a harvestable surplus
39 is available. This proposal poses a hardship to
40 subsistence users and would likely increase exploitation
41 on stocks or other stock groupings. As part of preseason
42 planning with public involvement, this type of action can
43 be taken by managers through emergency order authority as
44 a conservation measure to meet escapement goals and Yukon
45 River Treaty commitments. However, managers and
46 fishermen need flexibility in order to adjust to this
47 management strategy. For example, given the variation in
48 stock specific run timing, it may be better biologically
49 to distribute subsistence closures over the first two
50 pulses rather than singling out the first pulse

1 throughout the river.

2

3 The Department opposes this proposal.

4

5 Thank you, Mr. Chair.

6

7

8

STATE OFFICIAL WRITTEN COMMENTS

9

10

11 Alaska Department of Fish and Game
12 Comments to the Federal Subsistence Board

13

14 Fisheries Proposal FP11-02: Establish a
15 new Yukon River Chinook salmon fisheries management plan
16 for all fisheries in order to protect the first pulse of
17 returning salmon.

18

19 Introduction: Jack Reakoff submitted
20 this proposal to establish a 12-year management plan to
21 prohibit harvest of Chinook salmon in sequentially
22 rolling statistical area closures during the first pulse
23 of returning salmon (or the second pulse if the first
24 pulse does not materialize) in waters claimed under
25 federal jurisdiction from the mouth of the Yukon River to
26 the Canadian border. The proponent indicates this first
27 pulse protection plan will provide greater protection of
28 the Chinook salmon stocks without negatively impacting
29 conservation of other stocks. The proposal requests the
30 pulse protection plan be implemented for at least 12
31 years or until such time that Chinook salmon stock
32 abundance and quality are restored to a level that
33 provides sustained yields from normal commercial and
34 subsistence fisheries. Note that approximately half of
35 Yukon River Chinook salmon spawn in Alaska and do not
36 migrate the full 1,900 miles of river.

37

38 Impact on Subsistence Users: If adopted,
39 federal subsistence users would be required to forgo
40 harvest of Chinook salmon during the first or second
41 pulse of Chinook salmon returning to the Yukon River in
42 waters claimed under federal jurisdiction through the
43 year 2022 unless stock status and conditions improve
44 before that time. The proponent anticipates federal
45 subsistence users who fish in federal-claimed waters will
46 likely see a reduction in harvest during enactment of
47 this fisheries management plan. If federal regulations
48 differ from state regulations, fishing for Chinook salmon
49 may be more liberal in waters not claimed under federal
50 jurisdiction. This would increase the responsibility of

1 subsistence users to identify the applicability of
2 differing subsistence laws and regulations based on land
3 ownership and claimed federal jurisdiction.

4

5 Opportunity Provided by State: Salmon
6 may be harvested under State of Alaska regulations
7 throughout the majority of the Yukon River watershed,
8 including in a liberal subsistence fishery. Gear types
9 allowed are gillnet, beach seine, hook and line attached
10 to a rod or pole, hand line, and fish wheel. Although
11 all gear types are not used or allowed in all portions of
12 the Yukon River drainage, drift and set gillnets and fish
13 wheels harvest the majority of fish taken for subsistence
14 uses. Under state regulations, subsistence is the
15 priority consumptive use. Therefore, state subsistence
16 fishing opportunity is directly linked to abundance and
17 is not restricted unless run size is inadequate to meet
18 escapement needs. When the Yukon River Chinook salmon
19 run is below average, the state subsistence fishing
20 periods may be conducted based on a schedule implemented
21 chronologically throughout the Alaska portion of the
22 drainage, which is consistent with migratory timing as
23 the salmon run progresses upstream. Federal regulations
24 under Special Actions to restrict federally-eligible
25 users have been rare and mirrored the state in-season
26 actions necessary to meet escapement goals, except where
27 state and federal regulations differ in subdistricts 4-B
28 and 4-C. Amounts reasonably necessary for subsistence
29 (ANS) for Chinook salmon (5AAC 01.236 (b)), as determined
30 by the Alaska Board of Fisheries, have been met in the
31 Yukon River drainage for six of the last nine years
32 (below ANS in 2002, 2008, and 2009).

33

34 Conservation Issues: The Yukon River
35 Chinook salmon stock is currently classified as a stock
36 of yield concern. Since 2001, subsistence fishing time
37 in the Yukon Area has been limited by a windows schedule,
38 which was further restricted in 2008 and 2009 because of
39 conservation concerns for Chinook salmon. Subsistence
40 harvest levels for Chinook salmon have been within the
41 amounts reasonably necessary for subsistence (ANS) ranges
42 since 2001, except for 2002, 2008, and 2009. A majority
43 of the Yukon River drainage escapement goals have been
44 met or exceeded since 2000, including the Chena and
45 Salcha rivers, which are the largest producers of Chinook
46 salmon in the United States portion of the drainage. The
47 escapement objective for the Canadian mainstem was met
48 every year from 2001 through 2006, with 2001, 2003, and
49 2005 being the three highest spawning escapement
50 estimates on record. The escapement objective for the

1 Canadian mainstem was not met in 2007 and 2008.
2 Exploitation rate on Canadian-origin stock by Alaskan
3 fishermen decreased from an average of about 55%
4 (1989 1998) to an average of about 44% from 2004 through
5 2008 (Howard et al. 2009). Although the subsistence
6 harvest continues to remain stable at nearly 50,000
7 Chinook salmon annually, commercial harvests have
8 decreased over 60%, from an average of 100,000 annually
9 (1989 1998) to the recent 5-year average (2005 2009) of
10 nearly 23,000 fish. Considering all salmon species
11 together, the overall total subsistence salmon harvest in
12 the Yukon Area has declined by approximately 30% since
13 1990 (Fall et al. 2009:39). Specifically, fall chum
14 salmon harvests have fallen within ANS ranges only three
15 times since 2001 (Fall et al. 2009:43).

16
17 It is not possible to determine whether
18 size-selective harvests, variations in environment, or a
19 combination of factors are causing a decrease in harvest
20 of age-7 fish or decreasing size trends of older fish
21 (JTC SSS 2006). Decreasing size of Chinook salmon has
22 been anecdotally noted across much of the state in recent
23 years. However, increasing the number of larger and
24 older Chinook salmon in spawning escapements through mesh
25 size regulations should provide for better future
26 production potential. The Alaska Board of Fisheries
27 adopted a maximum mesh size of 7.5 inches for subsistence
28 and commercial gillnets effective in 2011 in the Yukon
29 Area. The Federal Subsistence Board took no action on
30 deferred proposal FP09-13 to limit mesh depth at the
31 April 13 14, 2010, meeting after adopting deferred
32 proposal FP09-12 parallel to the Alaska Board restriction
33 to a maximum net mesh size restriction of 7.5 inches.

34
35 Jurisdiction Issues: While standing on
36 state and private lands (including state-owned submerged
37 lands and shorelands), persons must comply with state
38 laws and regulations regarding subsistence harvest.
39 Because a large percentage of the lands along and under
40 the Yukon River are not federal lands, federal
41 administrators need to provide detailed maps that depict
42 land ownership and specific boundaries of areas where
43 federal regulations are claimed to apply.

44
45 Other Issues: It is not necessary to
46 prohibit harvest of all Chinook salmon during the first
47 pulse by regulation for a 12-year period if a harvestable
48 surplus is available. A management strategy of fisheries
49 closures during the first pulse poses a hardship to
50 subsistence users and would likely increase exploitation

1 on other stocks or stock groupings. As part of preseason
2 planning with public involvement, this type of action can
3 be taken by managers through emergency order authority as
4 a conservation measure to meet escapement goals and Yukon
5 River Treaty commitments. However, managers and
6 fishermen need flexibility in order to adjust this
7 management strategy. For example, given the variation in
8 stock specific run timing, it may be better biologically
9 to distribute subsistence closures over the first two
10 pulses rather than singling out the first pulse
11 throughout the river.

12

13 Recommendation: Oppose.

14

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16

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33

34 CHAIRMAN TOWARAK: Thank you for your
35 comments. Any questions of the Board or the RAC Chairs.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Not hearing any.
40 Thank you. We will proceed then to the InterAgency Staff
41 Committee comments. Dr. Wheeler.

42

43 DR. WHEELER: Thank you, Mr. Chair. The
44 InterAgency Staff Committee appreciates the Western
45 Interior Regional Advisory Council's concern over Yukon
46 River chinook stocks, particularly those of Canadian
47 origin. However, this proposal only addresses Federal
48 public waters and if it were supported by the Federal
49 Subsistence Board, State waters could potentially remain
50 open to the harvest of Canadian-bound chinook salmon,

1 thus possibly reducing the intended benefits of the
2 closures.

3

4 A better approach might be to have State
5 and Federal managers continue to work with the users to
6 develop a unified approach to chinook salmon management.
7 Yukon salmon management meetings between the managers and
8 users are scheduled to occur this winter and into the
9 spring and will provide an opportunity to discuss
10 management options, including closures, to the first
11 pulse of chinook salmon during the 2011 season.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN TOWARAK: Thank you. Are there
16 any questions of the InterAgency Staff.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Thank you for your
21 input. Next on the agenda would be Board discussion with
22 Council Chairs and State liaison.

23

24 MR. HASKETT: So, if I could, would it be
25 possible to have Fred Bue come up and actually talk
26 briefly about authorities we already have in terms of how
27 we could do this on our own authorities?

28

29 CHAIRMAN TOWARAK: Yes. Is Mr. Bue
30 available?

31

32 MR. HASKETT: Thank you, Mr. Chair.

33

34 CHAIRMAN TOWARAK: Mr. Bue, do you
35 understand the request?

36

37 MR. BUE: For the record, Fred Bue, Fish
38 and Wildlife Service, Yukon River manager. It's a pretty
39 wide open question, I guess, and Polly can help me, I
40 hope, as we go through this. My basic authority is over
41 time and area and we try to coordinate as best we can
42 with the State of Alaska in managing these fisheries.
43 It's been brought up, many of the people talked about it,
44 is the disparity between State waters and Federal waters
45 that are within my jurisdiction of authority.

46

47 So, yes, I do have authority to do this
48 such action if you choose to direct me to do so by
49 advancing this proposal. Right now I do have the
50 authority to do it anyway over time and area and I can

1 protect the run as we go up the river. We have done in
2 the past in such a situation. I'm not sure if that gets
3 at your answer -- or question, but if you want to give us
4 direction, I think that's your ability.

5

6 CHAIRMAN TOWARAK: Mr. Haskett.

7

8 MR. HASKETT: Thank you, Fred. I wasn't
9 asking us to give you direction to do it. I just wanted
10 an explanation that you actually had the authority to
11 close the waters if we needed to and some explanation of
12 the coordination problems with the State if we chose to
13 do that.

14

15 CHAIRMAN TOWARAK: Go ahead, Mr. Bue.

16

17 MR. BUE: Yes, thank you. That helps.
18 Yes, as you know, management is year round. We work
19 directly with the State managers throughout the season.
20 We work with the public throughout the year. This fall
21 we've had our three RACs going to the communities,
22 communicating with them and talking about what management
23 options may work in their individual circumstances.
24 Every area has a different situation.

25

26 We had the Yukon River Panel meeting in
27 December and we discussed some needs. We see some needs
28 for conservation. It's a big deal as you can tell by the
29 discussions here. Next month we'll have a meeting at
30 Mountain Village. You know, there's other issues going
31 on there, but we're also going to meet with YRDFA there.
32 State and Federal managers meeting there with drainage-
33 wide fishermen, constituents, and then we'll have the
34 spring RAC meetings, three RAC meetings in communities,
35 regional hubs in the area. We'll also have a Yukon River
36 Panel meeting that's going to set some coordination with
37 our Canadian counterparts.

38

39 After that, we're going to take that
40 information that we received throughout this winter and
41 we have a meeting that's going to be facilitated by YRDFA
42 and we're going to bring people from throughout the
43 drainage together and again talk about how we're going to
44 manage this coming season.

45

46 One of the big options that we're looking
47 at is protecting a pulse of fish, a segment of the fish
48 run as it goes upriver, but that's not set in stone. We
49 still have a lot of public input to listen to, but it is
50 something that we've seen in the past. We've gotten a

1 lot of support from the public to do that. I anticipate
2 that we'll hear that again. We have heard it and I think
3 that's going to be one of the elements we're going to
4 look forward to or consider in our management this coming
5 season.

6

7 CHAIRMAN TOWARAK: Did that answer your
8 question?

9

10 MR. HASKETT: Yes, thank you.

11

12 CHAIRMAN TOWARAK: Thank you, Mr. Bue.
13 Any other discussion with either the Council Chairs or
14 the State liaison.

15

16 (No comments)

17

18 CHAIRMAN TOWARAK: Mr. Reakoff.

19

20 MR. REAKOFF: Mr. Chairman. One thing
21 that hasn't been discussed is the directed chum fishery
22 for the Yukon River. The bycatch this season of
23 approximately 9,800 chinook salmon in the directed chum
24 fishery was thought to have a 25 percent composition of
25 Canadian bound -- Canadian origin chinook.

26

27 The new graph is a double-edged sword
28 here. The DeCovich/Howard 2010 analysis showing more of
29 a protracted run, it wasn't just 25 percent, it was
30 actually more than that. So the reality is there was a
31 higher impact to the directed chum fishery, to the
32 Canadian bound chinook salmon.

33

34 This is something that has to be looked
35 at if we're barely making escapements. Moving those
36 directed chum fisheries even further back in the run
37 would have more benefit.

38

39 This proposal just gets this issue on the
40 table. The conservation issue on the table. I see that
41 the proposal is floundering, but I do feel that it's
42 within the purview of the Federal Subsistence Board to
43 give direction to the Federal managers and working
44 through the current MOU with the State, conveying that
45 conservation is very necessary. There are some real
46 issues here to try to achieve these escapement goals and
47 this is the opportunity for the Board to do that.

48

49 Thank you.

50

1 CHAIRMAN TOWARAK: Thank you, Mr.
2 Reakoff. Further discussion. Mr. Firmin.

3
4 MR. FIRMIN: Thank you, Mr. Chair. I
5 don't have our Eastern Interior meeting minutes in front
6 of us right here, the detailed ones, but I know that
7 there was some -- although the Council as a whole did
8 oppose this, there was some support and some discussion
9 on this and there was some options prescribed for this as
10 the Eastern Interior Council is for conservation
11 measures.

12
13 Thank you.

14
15 CHAIRMAN TOWARAK: Thank you. If there
16 aren't any other discussions -- Mr. Wilde, did you have
17 a comment.

18
19 MR. L. WILDE: Yes, Mr. Chairman. Our
20 Council voted on this with nine opposing, one abstaining
21 and two being absent.

22
23 Thank you, Mr. Chairman.

24
25 CHAIRMAN TOWARAK: Thank you. If there
26 aren't any other discussions with the Council Chairs or
27 the State liaison, we will proceed then to the Board
28 action. Mr. Haskett.

29
30 MR. HASKETT: So I would make the motion
31 to adopt the proposal, but I'll be providing
32 justification as to why I plan to vote in opposition to
33 the motion.

34
35 CHAIRMAN TOWARAK: Is there a second to
36 the motion.

37
38 MR. CRIBLEY: I second.

39
40 CHAIRMAN TOWARAK: The motion has been
41 moved and seconded. Discussion.

42
43 MR. HASKETT: So I think this is a
44 difficult discussion we're having and I guess I'd like to
45 thank Jack for submitting this proposal and keeping the
46 issue in front of us. I recognize it's an issue that is
47 not a popular one, but the reason it's difficult is that
48 I completely hear it when people say that shutting down
49 for even a minute of time -- I mean that was very
50 eloquent when that was presented in terms of the problems

1 it causes people right now, but the thing about
2 conservation is you need to be thinking about a
3 subsistence board meeting 20 or 30 years from now and
4 you've got to hope that any decisions we're making today
5 aren't ones that make an even worse situation, far worse
6 situation in the future for future subsistence users. So
7 I mean I think it's a very difficult issue to bring up
8 and I just really respect you for doing it and I think we
9 need to continue to talk about these kinds of things.

10

11 It appears that management action is
12 needed to help chinook salmon runs improve to meet our
13 obligations to Canada as part of the Yukon Treaty, but
14 again, just for conservation reasons for how we'll deal
15 with these kind of issues in the future. Having said
16 that, I don't think today is the day that we need to
17 determine here that this Board needs to make a decision
18 to close Federal waters to chinook harvest during the
19 first pulse for 12 years certainly, for four years or any
20 other period of time.

21

22 I do think we need to keep talking about
23 this and having these kind of discussions. I think we
24 need to recognize that both State and Federal managers
25 already have the authority to take action like this and
26 we're prepared to do it if we need to. There's clearly
27 some difficulty sometimes in coordination on that and
28 people don't always agree and it's a very tough decision
29 sometimes to get to. One of the reasons I wanted Fred to
30 be able to talk to the group is to make it clear that
31 authority is there and that's part of the reason why I'm
32 going to pose this at this point.

33

34 We're talking about meetings this winter
35 with managers and fishermen along the river and hopefully
36 some of these discussions will take place during those
37 meetings. It appears to me that protection of the first
38 pulse would be a good course of action, but I don't want
39 to decide those discussions here. I think we need to
40 make sure those discussions are ongoing.

41

42 A primary aspect of any action is that we
43 get as many people to agree on how we move forward as we
44 possible can, again recognizing that will be very
45 difficult on this one. We need public participation
46 supporting these actions to make them work, so I think
47 it's going to be helpful if the Board continues to review
48 this issue again during our meetings in the future.

49

50 Again, my intent is to oppose it, but I

1 do really want to thank Jack for keeping it in front of
2 us and I think we need to keep talking about it.

3

4 CHAIRMAN TOWARAK: Thank you.

5

6 Anybody else. Sue.

7

8 MS. MASICA: Mr. Chairman. I'll just
9 echo what Geoff said. It is a very difficult issue and
10 I think keeping our eyes on the conservation needs is
11 very important. I was persuaded by the argument that the
12 tools already exist. I think the challenge is do we use
13 the tools that we have and I think the dialogue that was
14 talked about and the need to keep the many users
15 discussing this is absolutely important.

16

17 If we need to use the tools, we shouldn't
18 be hesitant to use them at the appropriate time. If the
19 escapement goals are not being met, we need to keep our
20 eyes on that objective also. They have not been met in
21 the most recent years despite some of the history in the
22 earlier part of the preceding decade. The last couple of
23 years we have not been able to meet those goals.

24

25 I think not locking us in at this point
26 is the appropriate course of action and I too will oppose
27 the adoption of the proposal, but I think the
28 conversation will be an ongoing one.

29

30 CHAIRMAN TOWARAK: I was a little
31 curious, Mr. Wilde, on the reversal of the Yukon
32 Kuskokwim RAC originally supported it and the most recent
33 -- the latest indication shows that they did oppose it
34 with nine people voting for it and two against it, was
35 it?

36

37 MR. L. WILDE: That was nine people
38 opposing it and two that were excused absent with one
39 abstaining. The first proposal that was brought in, the
40 first time that we did support that in hopes that we
41 might be able to help conserve the salmon that were going
42 up, but with this second proposal that came in, after
43 hearing all the testimony and everything that was said
44 pertaining to this particular proposal, we opposed it.

45

46 Mr. Chairman.

47

48 CHAIRMAN TOWARAK: Thank you. I have the
49 same concern. It is somewhat of a confusing management
50 proposal. I too was persuaded that it's a possibility

1 that exists as it is right now and I feel that perhaps
2 with maybe a little refining this proposal in a
3 difference sense, and I'm not sure how that would be, it
4 would be something worth looking at again in the future.

5
6 Any other comments by Board members.
7 Kristin.

8
9 MS. K'EIT: Mr. Chair, thank you. To
10 document for the record that I will be opposing the
11 proposal, but not without a lot of angst over it just
12 because I think we're really being pulled in two very
13 important directions of meeting the needs of our
14 subsistence users and I think this would be detrimental
15 in one specific group of users, but then on the other
16 hand, knowing that if we're not taking steps to conserve
17 the resource to ensure that it's going to return in
18 future years, no one will have it eventually. This would
19 just be too detrimental for users to support.

20
21 Thank you.

22
23 CHAIRMAN TOWARAK: Thank you. Any other
24 deliberations. Mr. Cribley.

25
26 MR. CRIBLEY: I take the same position as
27 the other Board members as far as intending to vote to
28 oppose this proposal. I think Mr. Reakoff has done an
29 excellent job of keeping the issue in front of us and
30 bringing to a point the importance of some type of action
31 taking place as far as conserving the salmon fisheries in
32 this drainage and watershed.

33
34 I haven't heard compelling arguments in
35 the discussions here or in the analysis that what has
36 been proposed is the right tool to do that. Then also
37 not hearing the support from any of the other Councils or
38 any of the Councils for this proposal puts me in a
39 position that I can't support it, but I do recognize or
40 is becoming very apparent to me, being new to this
41 situation and this resource, that there is an
42 overwhelming problem here that needs to be dealt with.

43
44 There are opportunities in front of us
45 right now with the subcommittee that will be addressing
46 aspects of this and the opportunities for those Councils
47 to take it even farther based on the importance to those
48 Councils of these fisheries and it behooves them to
49 address this and hopefully they will address this issue
50 and come up with some recommendations that will help with

1 the conservation of the resource.

2

3 The other thing that concerns me is even
4 if we were to move forward with this, the subsistence
5 users are the ones carrying the burden of the
6 conservation initiative and this is more than just the
7 subsistence users that are impacting this fishery. It's
8 a bigger problem and it has to be done in a coordinated
9 manner, not only with subsistence users, but also with
10 the State. We can't do it all by ourselves.

11

12 So there's a lot of work in front of
13 everybody and we can have so much discussion on it, but
14 we can't just keep talking about it, we have to come to
15 conclusions and develop actions. The managers have tools
16 in their tool box so to speak to deal with this, but I
17 think it's something that maybe we need even more or
18 larger agreements in place to move forward with the
19 conservation of this resource.

20

21 CHAIRMAN TOWARAK: Thank you. Are we
22 ready to call for the question.

23

24 MR. HASKETT: Call for the question.

25

26 CHAIRMAN TOWARAK: The question has been
27 called for. Final action, please.

28

29 MR. PROBASCO: Thank you, Mr. Chair.
30 Final action on FP11-02. Ms. K'eit.

31

32 MS. K'EIT: No.

33

34 MR. PROBASCO: Mr. Cribley.

35

36 MR. CRIBLEY: No.

37

38 MR. PROBASCO: Ms. Masica.

39

40 MS. MASICA: No.

41

42 MR. PROBASCO: Ms. Pendleton.

43

44 MS. PENDLETON: No.

45

46 MR. PROBASCO: Mr. Towarak.

47

48 CHAIRMAN TOWARAK: No.

49

50 MR. PROBASCO: Mr. Haskett.

1 MR. HASKETT: No.
2
3 MR. PROBASCO: Motion fails 0/6.
4
5 CHAIRMAN TOWARAK: We took a different
6 turn here after the first proposal and it seems like it's
7 been a little intense here in the last round. I'd like
8 to take about a 15-minute break and we will reconvene.
9
10 (Off record)
11
12 (On record)
13
14 CHAIRMAN TOWARAK: Could we get back in
15 session and reconvene the meeting. What I'd like to do
16 is maybe take a look at the rest of the proposals and,
17 Dr. Wheeler, if you would walk us through that. There
18 are some we have taken care of and some that have been
19 withdrawn, so I'd like to make a note of what all we have
20 left to do. We've got as much time as we need tonight,
21 but we've also got all day tomorrow. If there's a
22 certain cut-off space that we could agree on, I'd like to
23 do that and not carry on too long today. Would you,
24 starting with 11-03.
25
26 DR. WHEELER: Certainly, Mr. Chair. You
27 just wrapped up with 11-02, so now you're on 11-03. This
28 morning the Board voted to withdraw 11-07 and 11-04. So
29 remaining on the agenda is 11-10, 11-11, 11-13, 11-16 and
30 17, which are analyzed together, 11-18 and then 09-05 and
31 09-15, both of which are deferred proposals from the
32 previous cycle. I would note that the proponent of 09-
33 05, which is Sitka Tribe of Alaska, has also asked for
34 further deferral of that proposal and the Southeast
35 Regional Advisory Council had concurred with that
36 deferral.
37
38 So, Mr. Chair, by my count, once you
39 finish -- assuming you finish with Proposal 11-03,
40 there's seven more analyses to take action on.
41
42 Mr. Chair.
43
44 CHAIRMAN TOWARAK: Okay. What I'd like
45 to do then is perhaps take care of 11-03 and then adjourn
46 for the evening and restart at 8:30 in the morning to
47 take care of the balance of the seven. Is that agreeable
48 to the Board and the RACs. Go ahead.
49
50 MR. PROBASCO: Mr. Chair. Ms. Chythlook,

1 did you have a conflict in the morning or is that still
2 there or what's the status on that?

3
4 MS. CHYTHLOOK: Yeah, I do have a
5 conflict between 9:00 and noon tomorrow morning, but I'll
6 be here afternoon. Thank you.

7
8 CHAIRMAN TOWARAK: Are there any
9 proposals do you see on the list that we might cover
10 between 9:00 and 2:00, I would say maybe 10, 11, 12, 13
11 or 16 or 17. Are any from your region?

12
13 MS. CHYTHLOOK: Mr. Chair. It's just
14 that Chignik Bay. I think it's 11-10.

15
16 MR. PROBASCO: Mr. Chair. You have two
17 options. You could start recognizing that Ms. Chythlook
18 will have to leave at 9:00, but you could start with 10,
19 get the Councils comments ahead of time and then proceed
20 or you could wait and make a time certain to take it at
21 2:00 o'clock. It would be something you two could work
22 out.

23
24 CHAIRMAN TOWARAK: Do you have a
25 preference?

26
27 MS. CHYTHLOOK: No, I don't. I guess I
28 can have a preference. Two o'clock would probably work
29 better tomorrow afternoon. I don't know -- there was a
30 couple guys who were going to testify, but 2:00 o'clock
31 would probably be better for me unless the guys are here.

32
33 CHAIRMAN TOWARAK: Is there anyone in the
34 public that would be disaffected by switching it to 2:00
35 o'clock in the afternoon?

36
37 MR. PROBASCO: Mr. Chair. We have some
38 of the Chignik Lake people and I'm looking at Johnny Lind
39 and he's got a thumbs up, saying 2:00 o'clock is okay.

40
41 CHAIRMAN TOWARAK: Okay. If there's no
42 objection, then we will switch the proposal 11-11 to 2:00
43 p.m. 11-10? Okay. That will be time certain, either
44 2:00 o'clock or when you get back. The rest we will stay
45 on schedule. Thank you for that review.

46
47 We will then proceed with 11-03 with a
48 Staff analysis, please.

49
50 MR. CANNON: Thank you, Mr. Chairman.

1 The analysis for Proposal 11-03 begins on Page 120 of
2 your Board books. It was submitted by Andrew Firmin from
3 Fort Yukon, requests that Federal public waters of Yukon
4 River Subdistrict 5D be further subdivided into three
5 subdistricts to provide managers additional flexibility
6 to more precisely regulate harvest while conserving the
7 chinook salmon run that spawns in the Upper Yukon River.
8

9 This proposal as submitted appears to
10 change existing State regulations. If the Board were to
11 adopt the proposal as Federal regulations and redefine
12 the subdistricts boundaries, State and Federal
13 regulations would not be aligned and could result in some
14 confusion for fishermen.
15

16 The intent of the proposal is to provide
17 managers enhanced capability to manage subsistence
18 fisheries in Subdistrict 5D, thereby conserving upriver
19 chinook salmon spawning stocks.
20

21 Map 2 found on Page 123 and Table 1 on
22 Page 127 provide a summary of the relevant information
23 associated with this proposal. This subdistrict is very
24 long, requiring over a week for migrating fish to travel
25 through it. Therefore, the intent of the proposal makes
26 a lot of sense and should be supported. However, other
27 options are already available to address the positive
28 intent of this proposal without placing State and Federal
29 regulations potentially in conflict.
30

31 In the short term, both State and Federal
32 managers could agree with the benefit of modifying
33 existing boundaries of subdistrict 5D. This has already
34 occurred. During the 2009 fishery season, managers used
35 emergency order and special action authority to divide
36 the subdistrict into an upper and lower subdistrict
37 during the management of the fall chum salmon fishery.
38 This could potentially be done for the chinook salmon
39 fishery as well.
40

41 A longer term option would be for the
42 proponent to submit the proposal to the Alaska Board of
43 Fisheries during its 2013 meeting cycle. If adopted as
44 State regulation, existing Federal regulations would
45 automatically adjust so that the State and Federal
46 regulations were consistent so that the State and Federal
47 regulations were consistent since the State boundaries
48 are by reference in Federal regulation.
49

50 For these reasons, the OSM conclusion is

1 to oppose this proposal.

2

3 Thank you, Mr. Chairman.

4

5 CHAIRMAN TOWARAK: Thank you. Any
6 questions from the Board or RAC Chairs.

7

8 (No comments)

9

10 CHAIRMAN TOWARAK: Thank you for that
11 analysis. Number two, summary of public comments by the
12 Regional Council coordinator, Mr. Mike.

13

14 MR. MIKE: Thank you, Mr. Chair. Donald
15 Mike, Regional Council coordinator. Three written
16 comments were received. Written comments are on Pages
17 136 and 324. Additional written comments from the Ruby
18 Advisory Committee can be found in your packet. The
19 Council of Athabaskan Tribal Government wrote in support
20 of FP11-03 citing that it will allow better fishing
21 schedules so village residents can meet their subsistence
22 needs in a fishing district that is too large to monitor
23 properly.

24

25 Kwik'pak Fisheries opposed the proposal,
26 supporting OSM's preliminary conclusion. The Ruby
27 Advisory Committee took no action. The advisory
28 committee commented that they do not have enough
29 knowledge of the issue. It is a housekeeping issue and
30 should be addressed by the affected users.

31

32 Thank you, Mr. Chair.

33

34 CHAIRMAN TOWARAK: Thank you. Are there
35 any questions.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: If not, then we will
40 open the floor to public testimony.

41

42 MR. PROBASCO: Thank you, Mr. Chair.
43 First person up is Mr. Gene Sandone.

44

45 MR. SANDONE: Good afternoon, Mr. Chair.
46 Members of the Board, RAC representatives and Chairs. We
47 agree with OSM's conclusion and State of Alaska
48 recommendation to oppose the proposal. This may be a
49 good idea, but should be submitted to the Alaska Board of
50 Fisheries first because of jurisdictional issues. The

1 length of Subdistrict 5D, the inefficiency of the fishing
2 gear, the relatively small catches per unit area and the
3 commercial allocation needs to be considered when
4 submitting a proposal to split Subdistrict 5D into more
5 manageable units.

6

7 That concludes my testimony.

8

9 Thank you.

10

11 CHAIRMAN TOWARAK: Thank you. Any
12 questions of Mr. Sandone.

13

14 (No comments)

15

16 CHAIRMAN TOWARAK: Thank you for your
17 comments.

18

19 MR. PROBASCO: Mr. Chair, the next person
20 is Mr. Timothy Andrew.

21

22 MR. ANDREW: Thank you, Mr. Chair.
23 Timothy Andrew with AVCP. Mine is going to also be brief
24 and short. This is an area that I really don't know too
25 much about. As one of these Staff analysis indicates,
26 this proposal would put the Federal regulation in
27 conflict with State regulation in defining boundaries and
28 we'd like to perhaps wait on this proposal to coordinate
29 with the State regulators as well.

30

31 Thank you, Mr. Chair.

32

33 CHAIRMAN TOWARAK: Thank you. Any
34 questions of Mr. Andrew.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: Not hearing any.
39 Thank you for your comments.

40

41 MR. PROBASCO: Mr. Chair. The last
42 person that we have signed up is Mr. John Andrew. Mr.
43 John Andrew.

44

45 (No comments)

46

47 MR. PROBASCO: I believe Mr. Andrew has
48 left. That concludes public testimony, Mr. Chair.

49

50 CHAIRMAN TOWARAK: Thank you. We will

1 now have Regional Council recommendations. Begin with
2 Mr. Wilde.

3

4 MR. L. WILDE: Thank you, Mr. Chairman.
5 Our council, the YK Delta, voted with nine opposing, one
6 abstention and two excused absent.

7

8 Thank you, Mr. Chairman.

9

10 CHAIRMAN TOWARAK: Thank you. The
11 Western Interior Regional Council.

12

13 MR. REAKOFF: Thank you, Mr. Chair. The
14 Western Interior deliberated the proposal for quite a
15 while and decided that it has lots of merits but we
16 decided to defer it to the region since we didn't know
17 enough about the various positions and whether there was
18 community input into where those were. So we decided to
19 defer it and we felt it had merit, but we didn't feel
20 that we could make an informed decision about it.

21

22 CHAIRMAN TOWARAK: Any questions.

23

24 (No comments)

25

26 CHAIRMAN TOWARAK: Thank you, Mr.
27 Reakoff. Seward Peninsula. Noted that you took no
28 action.

29

30 MR. BUCK: The Seward Peninsula took no
31 action on this because it was -- there was hardly
32 anything we can do about this outside of the region, so
33 no action was taken by Seward Peninsula.

34

35 CHAIRMAN TOWARAK: Thank you, Mr. Buck.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Eastern Interior
40 Regional Council.

41

42 MR. FIRMIN: Thank you, Mr. Chair. The
43 Eastern Interior Council supports this action. The
44 Council believes that this proposal would benefit
45 conservation by targeting closures as needed more
46 effectively than currently and benefits subsistence users
47 by allowing fishing when fish are available.

48

49 It aligns with traditionally recognized
50 regional boundaries, which will facilitate enforcement.

1 It is a positive stewardship measure that appears to
2 enjoy the support of affected subsistence users. Part of
3 this was in 2009 when they had the closures and they had
4 the windows to protect the first pulse of the chinook
5 salmon going up the river.

6
7 It's such a large district as you can see
8 from your book. There's a better map on Page 157 that
9 shows the entire state and the district and you could see
10 it's probably the largest district on the river. On Page
11 122 and 123 it shows the existing and proposed.

12
13 Along those areas, when they did close it
14 in 2009, they cut it in half and, in a sense, it allowed
15 some people to fish and some people to completely miss
16 the first pulse and some people were actually hitting the
17 first pulse and that was where this proposal came about
18 simply because of the length of the river and the time it
19 takes for the salmon to travel through the river. There
20 was people that were actually still fishing the first
21 pulse and other people that missed the first pulse and
22 part of the second pulse due to the window scheduling
23 that the State Fish and Game imposed on this to protect
24 the first pulse that year.

25
26 However it was noted before this was
27 submitted that this should go to the State first. I
28 decided to go ahead and put it in at the advice of others
29 just simply to get dialogue open and to get it on the
30 table so people could realize why this is needed.
31 Currently, right now, this area is all Federal Yukon
32 Flats National Wildlife Refuge and then it goes into the
33 Park Service with a few exceptions and areas around
34 Circle and Eagle. So basically these should be
35 considered Federal waters. As you know, the State laws
36 are enforced by Federal Park Service in the Yukon Charlie
37 National Preserve.

38
39 Upon saying that, I think that's
40 partially the reason why I also decided to submit it to
41 the Federal Board instead of waiting until 2013 to submit
42 it to the Board of Fisheries.

43
44 Thank you.

45
46 CHAIRMAN TOWARAK: Thank you. Are there
47 any questions of the Regional Council Chairs.

48
49 (No comments)
50

1 CHAIRMAN TOWARAK: Thank you. That
2 concludes the Regional Council recommendations. We'll
3 move on to the State Department of Fish and Game.

4
5 MR. PAPPAS: Thank you, Mr. Chair. Our
6 comments can be found on Page 133 and I'll be summarizing
7 from those comments. This proposal is submitted to
8 further subdivide Upper Yukon River Area Subdistrict 5D
9 into three new subdistricts for the purpose of improving
10 management efficiency of the Federal subsistence fishery.

11
12 The proponent indicates the size of
13 Subdistrict 5D is too large to effectively manage if
14 pulses of fish require protection. In 2008 and 2009,
15 Subdistrict 5D was divided into two sections when
16 subsistence fishing time was restricted in order to meet
17 escapement goals.

18
19 Adoption of this proposal has the
20 potential to more evenly distribute Federal subsistence
21 harvest within Subdistrict 5D during salmon runs that
22 require reduced exploitation for conservation purposes.

23
24 Under State regulations, subsistence is
25 the priority consumptive use. Therefore, State
26 subsistence fishing opportunity is directly linked to
27 abundance and is not restricted unless run size is
28 inadequate to meet escapement needs. When the Yukon
29 River chinook salmon run is below average, the State
30 subsistence fishing periods may be conducted based on a
31 schedule implemented chronologically throughout the
32 Alaska portion of the drainage, which is consistent with
33 migratory timing as the salmon run progresses upstream.

34
35 The regulatory schedule for Subdistrict
36 5D allows subsistence fishing seven days per week. If
37 the run is not large enough to meet escapement goals,
38 Alaska Department of Fish and Game will restrict fishing
39 time or close subsistence fishing.

40
41 The Federal Subsistence Board does not
42 have authority to establish regulatory boundaries for
43 State-regulated subsistence and commercial fisheries. If
44 the Federal Subsistence Board adopts fisheries
45 subdistrict boundaries that differ from existing
46 boundaries authorized by the Alaska Board of Fisheries,
47 subsistence users will be responsible for knowing where
48 the different Federal regulations apply in areas of
49 claimed Federal jurisdiction.

50

1 The Alaska Department of Fish and Game
2 and the Federally designated officials already have
3 delegated or regulatory authority to close and open
4 fisheries by area as necessary, such as requested by this
5 proposal. As long as the State managers and designated
6 Federal officials continue the current cooperative
7 consultation process for management, adoption of this
8 proposal is not necessary to manage salmon runs through
9 Subdistrict 5D. If State resource managers determine
10 that subdistricts are needed on a reoccurring basis, a
11 proposal to the Alaska Board of Fisheries to formalize
12 further subdivision of Subdistrict 5D could be developed
13 through the Fish and Game local advisory committee
14 process.

15
16 The Department does oppose this proposal
17 and Director Swanton has further comments.

18
19 *****
20 STATE OFFICIAL WRITTEN COMMENTS
21 *****

22
23 Alaska Department of Fish and Game
24 Comments to the Federal Subsistence Board

25
26 Fisheries Proposal FP11-03: Further
27 subdivide Upper Yukon River Area Subdistrict 5-D.

28
29 Introduction: Andrew Firmin submitted
30 this proposal to further subdivide Yukon River Area
31 fisheries Subdistrict 5-D into three new subdistricts, 5-
32 E, 5-F, and 5-G, for the purpose of improving management
33 efficiency of the federal subsistence fishery. The
34 proposal was also submitted as a proposal to the Alaska
35 Board of Fisheries. The intent of the proposal is to
36 give management a finer tool to more precisely regulate
37 harvest while protecting portions of the salmon runs.
38 The proponent indicates adoption of this proposal will
39 enhance fisheries managers abilities to manage a large
40 stretch of the Yukon River for the benefit of fish
41 populations as well as user groups during times when it
42 is necessary to reduce subsistence fishing time for
43 conservation purposes. The proponent indicates the size
44 of Subdistrict 5-D (approximately 400 miles in length) is
45 too large to effectively manage if pulses of fish require
46 protection. In 2008 and 2009, Subdistrict 5-D was
47 divided into two sections when subsistence fishing time
48 was restricted in order to meet escapement goals. This
49 proposal defines three new subdistricts as follows:
50

1 5AAC05.200 (e)(4)(i) Subdistrict 5E
2 consists of the Yukon River drainage
3 from ADF&G regulatory markers located
4 approximately two miles downstream from
5 Waldron Creek upstream to the Hadweenzic
6 River.

7
8 5AAC05.200 (e)(4)(ii) Subdistrict 5F
9 consists of the Yukon River drainage
10 from Hadweenzic River upstream to 22
11 Mile Slough.

12
13 5AAC05.200 (e)(4)(iii) Subdistrict 5G
14 consists of the Yukon River drainage
15 from 22 Mile Slough upstream to the
16 United States Canada border.

17
18 Impact on Subsistence Users: The
19 proposal would establish three new subdistricts in which
20 the federal subsistence fisheries could be sequentially
21 opened or closed for conservation purposes as pulses of
22 salmon migrate through this section of the Yukon River.
23 Federal subsistence users could benefit from sequential
24 closures due to increased opportunities to harvest fish
25 when salmon pulses are present. Federal subsistence
26 users within the proposed subdistricts could benefit from
27 more precise and succinct area closures. Adoption of
28 this proposal has the potential to more evenly distribute
29 federal subsistence harvest within Subdistrict 5-D during
30 salmon runs that require reduced exploitation for
31 conservation purposes.

32
33 Opportunity Provided by State: Salmon
34 may be harvested under state regulations throughout the
35 majority of the Yukon River watershed, including a
36 liberal subsistence fishery. Gear types allowed are
37 gillnet, beach seine, hook and line attached to a rod or
38 pole, hand line, and fish wheel. Although all gear types
39 are not used or allowed in all portions of the Yukon
40 River drainage, drift and set gillnets, and fish wheels
41 harvest the majority of fish taken for subsistence uses.
42 Under state regulations, subsistence is the priority
43 consumptive use. Therefore, state subsistence fishing
44 opportunity is directly linked to abundance and is not
45 restricted unless run size is inadequate to meet
46 escapement needs. When the Yukon River Chinook salmon
47 run is below average, the state subsistence fishing
48 periods may be conducted based on a schedule implemented
49 chronologically throughout the Alaska portion of the
50 drainage, which is consistent with migratory timing as

1 the salmon run progresses upstream. The regulatory
2 schedule for Subdistrict 5-D allows subsistence fishing
3 seven days per week. If the run is not large enough to
4 meet escapement goals, Alaska Department of Fish and Game
5 will restrict fishing time or close subsistence fishing.
6 Amounts reasonably necessary for subsistence for Chinook
7 salmon (5AAC 01.236 (b)), as determined by the Alaska
8 Board of Fisheries, have been met in the Yukon River
9 drainage for six of the last nine years.

10

11 Conservation Issues: The Yukon River
12 Chinook salmon stock is currently classified as a stock
13 of yield concern. Since 2001, subsistence fishing time
14 in the Yukon Area has been limited by a windows schedule
15 which was further restricted in 2008 and 2009 because of
16 conservation concerns for Chinook salmon. Subsistence
17 harvest levels for Chinook salmon have been within the
18 amounts reasonably necessary for subsistence (ANS) ranges
19 since 2001, except for 2002, 2008, and 2009. A majority
20 of the Yukon River drainage escapement goals have been
21 met or exceeded since 2000, including the Chena and
22 Salcha rivers, which are the largest producers of Chinook
23 salmon in the United States portion of the drainage. The
24 escapement objective for the Canadian mainstem was met
25 every year from 2001 through 2006, with 2001, 2003, and
26 2005 being the three highest spawning escapement
27 estimates on record. The escapement objective for the
28 Canadian mainstem was not met in 2007 and 2008.
29 Exploitation rate on Canadian-origin stock by Alaskan
30 fishermen decreased from an average of about 55%
31 (1989 1998) to an average of about 44% from 2004 through
32 2008 (Howard et al. 2009). Although the subsistence
33 harvest continues to remain stable at nearly 50,000
34 Chinook salmon annually, commercial harvests have
35 decreased over 60% from an average of 100,000 annually
36 (1989 1998) to the recent 5-year average (2005 2009) of
37 nearly 23,000 fish. Considering all salmon species
38 together, the overall total subsistence salmon harvest in
39 the Yukon Area has declined by approximately 30% since
40 1990 (Fall et al. 2009:39).

41

42 Jurisdiction Issues: The Federal
43 Subsistence Board does not have authority to establish
44 regulatory boundaries for state-regulated subsistence and
45 commercial fisheries. If the Federal Subsistence Board
46 adopts fisheries subdistrict boundaries that differ from
47 existing boundaries authorized by the Alaska Board of
48 Fisheries, subsistence users will be responsible for
49 knowing where the different federal regulations apply in
50 areas of claimed federal jurisdiction.

1 While standing on state and private lands
2 (including state-owned submerged lands and shorelands),
3 persons must comply with state laws and regulations
4 regarding subsistence harvest. Because a large
5 percentage of the lands along and under the Yukon River
6 are not federal lands, federal administrators need to
7 provide detailed maps that depict land ownership and
8 specific boundaries of areas where federal regulations
9 are claimed to apply.

10
11 Other Issues: The Alaska Department of
12 Fish and Game and the federally designated officials
13 already have delegated or regulatory authority to close
14 and open fisheries by area as necessary; i.e., open and
15 close fishing areas such as requested in this proposal.
16 As long as the state managers and designated federal
17 officials continue the current cooperative consultation
18 process for management, adoption of this proposal is not
19 necessary to manage salmon runs through Subdistrict 5-D.
20 If state resource managers determine that subdistricts
21 are needed on a re-occurring basis, a proposal to the
22 Alaska Board of Fisheries to formalize further
23 subdivision of Subdistrict 5-D could be developed through
24 the Fish and Game local advisory committee process.

25
26 Recommendation: Oppose.

27
28 Cited References:

29
30 Fall, J.A., C. Brown, M.F. Turek, N.
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34 fisheries 2007 annual report. Alaska Department of Fish
35 and Game Division of Subsistence, Technical Paper No.
36 346, Anchorage. Howard K.G., S.J. Hayes, and D.F.
37 Evenson. 2009. Yukon River Chinook salmon stock status
38 and action plan 2010; a report to the Alaska Board of
39 Fisheries. Alaska Department of Fish and Game, Special
40 Publication No. 09-26, Anchorage.

41
42 MR. SWANTON: Mr. Chairman. Harkening
43 back to the previous proposal when Fred Bue was sitting
44 up at the table and he catalogued the number of meetings
45 that he was going to be attending between now and likely
46 in May, I lost count, but I think it was well into double
47 digits. I was kind of looking at it from the perspective
48 I'm glad I'm not Fred.

49
50 Unfortunately, I realized also that State

1 Staff will be traveling with him and participating in a
2 number of those meetings and I just wanted to echo that
3 we have a very positive working relationship in terms of
4 how we move forward in terms of struggling with these
5 fisheries management issues and we will continue to do
6 the same in concert and do our utmost best.

7

8 Mr. Chairman.

9

10 CHAIRMAN TOWARAK: Thank you. Any
11 questions from the Board or the RAC Chairs.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you for your
16 comments. The next item is the InterAgency Staff
17 Committee comments. Dr. Wheeler.

18

19 DR. WHEELER: Thank you, Mr. Chair. The
20 InterAgency Staff Committee believes that the idea of
21 dividing public waters in the Yukon River District 5D
22 into three separate subdistricts has merit, but that such
23 a strategy would also benefit from increased discussion
24 between managers and affected subsistence users. State
25 and Federal managers already have the authority to do
26 what is being requested, but placing such additional
27 subdivisions into regulation could actually reduce
28 management flexibility for the Federal in-season manager.

29

30 In addition, adoption of this proposal
31 could lead to differing State and Federal subdistrict
32 boundaries potentially increasing regulatory complexity
33 and confusion. The Western Interior Regional Council's
34 recommendation to defer action on this proposal would
35 allow for more discussion of the issue. If the Federal
36 Board decides to defer action on this proposal, it may
37 also want to consider deferring until on or before the
38 next fishery cycle.

39

40 Mr. Chair.

41

42 CHAIRMAN TOWARAK: Thank you. Are there
43 any questions.

44

45 MR. FIRMIN: Ms. Wheeler, through the
46 Chair. When you said that it would take options away
47 from management, in what way would you see that
48 happening?

49

50 DR. WHEELER: Mr. Chair. I'm going to

1 defer to the Federal in-season manager, Mr. Bue. I think
2 it's probably more appropriate for the manager to speak
3 to management issues.

4

5 MR. BUE: Mr. Chairman. Fred Bue, Fish
6 and Wildlife Service. Mr. Firmin. Yeah, it could tie
7 our hands somewhat because if we're put into a stringent
8 guideline. At this time we don't see there's that great
9 -- we're not tied that much. Really, we still have
10 authority over time and area, like I said in the previous
11 proposal. We could treat all of 5D as one unit. We
12 could treat it as three individual units. We could
13 tailor it for whatever reason.

14

15 I guess by tying our hands, if there was
16 a lot of debris coming down say out of the Forty Mile or
17 something but yet there's clear water above it, we may
18 want to change how we target our openings and closures
19 depending on where the debris is entering the river and
20 we may want to do things slightly different.

21

22 I think under our authority we still have
23 the authority under time and area and so even though you
24 have these boundaries in place we still can set up other
25 boundaries depending on our needs that year and tailor or
26 management to whatever conditions we're working around.

27

28 Mr. Chairman.

29

30 MR. FIRMIN: Thank you.

31

32 CHAIRMAN TOWARAK: Any further questions.

33

34 (No comments)

35

36 CHAIRMAN TOWARAK: We are completed with
37 the InterAgency Staff Committee comments. We will move
38 to Board discussion with Council Chairs and State
39 liaison.

40

41 (No comments)

42

43 CHAIRMAN TOWARAK: I don't see any action
44 or any hands being raised to speak so there doesn't seem
45 to be any discussion that needs to take place here on
46 this item. We will then move to the Federal Subsistence
47 Board action.

48

49 MR. HASKETT: That would be me. So I'd
50 like to make a motion to defer Proposal 03 as recommended

1 by the Western Interior Council. This motion will be to
2 defer until no later than our next fisheries regulatory
3 cycle and I'll provide my justification if I get a second
4 to the motion.

5
6 CHAIRMAN TOWARAK: Hearing the motion, is
7 there a second.

8
9 MR. CRIBLEY: I second.

10
11 CHAIRMAN TOWARAK: The motion has been
12 moved and seconded. Let's hear your rationale.

13
14 MR. HASKETT: I'd like to make it clear
15 that I think subdividing probably does make sense. This
16 is not meant to defer because we don't think it's
17 something that we need to do. We need to go into more
18 management areas, but as Fred mentioned, as he just
19 covered, our in-season manager has the authority to do
20 this as needed within the in-season. I think we need to
21 get more public input before we decide just how far we
22 should subdivide. Whether we should go into thirds or
23 half, what the size of the parcel should end up being or
24 the area should end up being. Then I'd like to get the
25 issue back before the Board and also get the same
26 proposal submitted to the Alaska Board of Fisheries.

27
28 I think we talk a lot about all the
29 problems caused by when you have different rules in the
30 different management areas, so the intent would be to
31 have this as a coordinated action in the same year so
32 that the Board and the Board of Fisheries would both be
33 looking at this and hopefully end up in the same place.

34
35 Staff in Yukon Flats Refuge is willing to
36 coordinate meetings in the area to identify boundaries.
37 The locals could agree prior to bringing the issue back
38 before the Board. So until then I believe our managers
39 can work together to make appropriate action as needed.

40
41 So, bottom line, I think the proposal
42 makes sense to go ahead and subdivide. I think the
43 authority we need right now, we need public input, we
44 need to coordinate better with the State in terms of how
45 we make our proposals and bring it back before both of
46 our Boards by next year. Sorry, next cycle. Thank you,
47 Pete. I'm tired. I don't know about anybody else.

48
49 CHAIRMAN TOWARAK: Board Member K'eit, do
50 you have any comments.

1 MS. K'EIT: Mr. Chair. No, I have no
2 comments.
3
4 (Laughter)
5
6 CHAIRMAN TOWARAK: It's getting to be a
7 long day here. The motion on the floor then is to defer.
8 Do we have any Board members that would like to explain
9 their vote.
10
11 MR. HASKETT: Geoff is right.
12
13 (Laughter)
14
15 CHAIRMAN TOWARAK: It sounds like we
16 agree that Geoff is right.
17
18 (Laughter)
19
20 MR. HASKETT: On this one.
21
22 (Laughter)
23
24 CHAIRMAN TOWARAK: Pete.
25
26 MR. PROBASCO: Thank you, Mr. Chair. I
27 think Mr. Haskett's explanation and what he stated is the
28 Board's intent, which means that OSM will work with the
29 three Councils. We recognize this is a deferral proposal
30 to our next fisheries regulatory cycle. In combination
31 with that we need to work with the State. They're on a
32 three-year cycle for their regions and we'll see how they
33 mesh. Depending upon what we find out between the RACs as
34 well as the State, we may have to come back and report to
35 the Board for further direction because I don't have
36 everything in front of me now to see how they'll mesh,
37 but we understand the intent and we'll work towards that.
38
39 Board members.
40
41 CHAIRMAN TOWARAK: Thank you. Is there
42 a call for the question.
43
44 MS. MASICA: Call for question.
45
46 CHAIRMAN TOWARAK: The question has been
47 called for. Final action, please.
48
49 MR. PROBASCO: Final action FP11-03 to
50 defer. Ms. Masica.

1 MS. MASICA: Yes.
2
3 MR. PROBASCO: Ms. Pendleton.
4
5 MS. PENDLETON: Yes.
6
7 MR. PROBASCO: Mr. Towarak.
8
9 CHAIRMAN TOWARAK: Yes.
10
11 MR. PROBASCO: Mr. Haskett.
12
13 MR. HASKETT: Yes.
14
15 MR. PROBASCO: Ms. K'eit.
16
17 MS. K'EIT: Yes.
18
19 MR. PROBASCO: Mr. Cribley.
20
21 MR. CRIBLEY: Yes.
22
23 MR. PROBASCO: Motion to defer carries
24 6/0.
25
26 CHAIRMAN TOWARAK: Thank you. We have
27 come fairly close to the end of the day and we have seven
28 proposals remaining. We have this building all day
29 tomorrow, so I will ask for a recess until 8:30 in the
30 morning tomorrow. We will start with Fish Proposal 11-11.
31
32 MR. PROBASCO: Kodiak.
33
34 CHAIRMAN TOWARAK: For Kodiak.
35
36 (Off record)
37
38 (PROCEEDINGS TO BE CONTINUED)

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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 96 through 247 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically on the 19th day of January 2011, beginning at the hour of 8:30 a.m. at the Egan Convention Center, 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 4th day of February 2011.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 9/16/14