

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME II
7

8
9 DENA'INA Civic & Convention Center
10 ANCHORAGE, ALASKA

11
12 January 22, 2015
13 8:30 o'clock a.m.
14

15 MEMBERS PRESENT:

- 16
17 Tim Towarak, Chairman
18 Charles Brower
19 Anthony Christianson
20 Bud Cribley, Bureau of Land Management
21 Geoff Haskett, U.S. Fish and Wildlife Service
22 Joel Hard, National Park Service
23 Keith Kahklen, Bureau of Indian Affairs
24 Beth Pendleton, U.S. Forest Service
25
26
27
28 Ken Lord, Solicitor's Office
29 Dawn Collinsworth, USDA Office of General Counsel

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38 Recorded and transcribed by:
39 Computer Matrix Court Reporters, LLC
40 135 Christensen Drive, Second Floor
41 Anchorage, AK 99501
42 907-243-0668; sahile@gci.net

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

2
3 (Anchorage, Alaska - 1/22/2015)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: I would like to call
8 the Federal Subsistence Board public meeting to order
9 this morning. As we historically have done, we start
10 every day opening the floor for any public comments on
11 non-agenda items. At this point, if there's anyone
12 that would like to address the Board on any non-agenda
13 items, please come forward and use one of the mics.
14 Please introduce yourself and go ahead.

15
16 MR. SHEPPARD: Thank you, Mr. Chair.
17 Good morning, Board members. My name is Stanislaus
18 Sheppard. I grew up born and raised on the Lower
19 Yukon. Come from Mountain Village. Dependant on
20 subsistence all my life. I don't know if this would be
21 a -- my concerns in talking with one of the Staff back
22 there this morning.

23
24 I sit on the Lower Yukon Advisory
25 Committee. Just recently the Lower Yukon Advisory
26 Committee was split into two. We have the mid Lower
27 Yukon, Mountain Village up to Russian Mission, and then
28 we have the coastal Lower Yukon Advisory Committee from
29 Kotlik over to Hooper Bay.

30
31 The reason being was, you know, the
32 Lower Yukon Advisory Committee has about 12 or 13
33 villages and, you know, with so much concerns about our
34 subsistence way of life being restricted in so many
35 ways. Going to the Board meetings, such as the Federal
36 Subsistence Board, the State Board of Fisheries, we're
37 allowed only like three minutes for individual, six
38 minutes for like advisory committee, and then we put in
39 -- so the Lower Yukon has two voices so we can testify
40 and testimony maybe for 12 minutes.

41
42 In any case, in talking with one of the
43 Staff back there, I brought up the issue of the people
44 in river, be it from the mouth of the river, Lower
45 Yukon, all the way up to Eagle. They're targeted every
46 year with new restrictions coming up, new ways of
47 finding ways to harvest our salmon, and hopefully
48 they're not directing for the chinook salmon that we're
49 obligated to give as escapement to Canadian side, the
50 headwaters. I brought up this once before, but I never

1 got no answer.

2

3

4 The advisory committees, the RACs, the
5 local tribal governments come up with proposals and
6 resolutions directing -- specifically looking at the
7 North Pacific Fisheries, asking them, please, please,
8 make cuts on your bycatch. The bycatch, since they
9 started after that, you know, 160,000 number of bycatch
10 they had, within five years the salmon returned,
11 dramatically went down.

12

13 If the Board here can find a way to
14 come up with a resolution or a proposal and you guys do
15 come up with it either way, combine it with the State
16 Board of Fisheries. Direct it to the North Pacific
17 Council. That would help them help us, everybody. You
18 know, maybe the Yukon in-river people from the coast up
19 to Eagle might not see anymore restrictions. Only the
20 ones that are standing now. Every year it seems like
21 they're being added. If they come up with a proposal
22 or resolution directed to the North Pacific Fisheries,
23 it would send a message, you know, not only these
24 people in the tribal governments or the local people
25 that come up to testify, it would send a strong message
26 I see.

27

28 In order to do that, your biologists
29 and scientists, you depend on them for information and,
30 you know, to make decisions, they should be able to
31 come up with a number and show you on paper a report of
32 how much actually they're catching out there. If you
33 come up with a proposal or resolution, I think it would
34 send a message to the people in-river that you guys are
35 really trying, on top of every time you're going to get
36 started you say we're for the people's subsistence,
37 that would really help your message being sent out to
38 the Natives that depend on subsistence.

39

40 Thank you.

41

42 CHAIRMAN TOWARAK: Thank you. For your
43 information, we did send a letter to the North Pacific
44 Fisheries Management Council from the Federal
45 Subsistence Board, I think it was two years ago, asking
46 them to reduce the amount of bycatch that they have.
47 That's about as much, I think, ability that we have as
48 a board to convey. It was the wishes of many people
49 that testified at one of our hearings and they
50 requested us to do that, so we responded and sent that
51 letter to the North Pacific Fisheries Management

1 Council.

2

3

4 My understanding is that they are
5 working on finding ways to reduce their bycatch. My
6 understanding is also that they have made a big
7 improvement on reducing the amount of chinook that is
8 being caught as bycatch. I think if you get together
9 with some of our Staff, I don't know who in the
10 building it would be, but if you grab one of the Staff
11 members, you could probably get more information on the
12 status of the bycatch with the North Pacific Fisheries
13 Management Council.

13

14

15 Mr. Cogswell probably would be the
16 right person. You can have a discussion with him about
17 the current situation.

17

18

19 MR. SHEPPARD: Thank you, Mr. Chair. I
20 can pass that on to the local and people in my area
21 down there and bring it up, give a report on that when
22 we do have our advisory committee meeting and our
23 working group meeting.

23

24

25 Thank you very much, Mr. Chair.

25

26

27 CHAIRMAN TOWARAK: Thank you for your
28 comments. Are there any other non-agenda items the
29 public would like to bring forth to the Board. Go
30 ahead, Mr. Smith.

30

31

32 MR. SMITH: I had a question for Mr.
33 Sheppard. I see he's stepped away.

33

34

35 CHAIRMAN TOWARAK: Go ahead, Mr. Smith.

35

36

37 MR. SMITH: Stan, you know, our RAC,
38 the Seward Peninsula RAC, has expressed the same
39 concerns you have. We've also petitioned the Federal
40 Subsistence Board for help with dealing with the
41 bycatch issue. Have you testified before the North
42 Pacific Fisheries Management Council on this issue?

42

43

44 MR. SHEPPARD: Mr. Chair. Yes, I
45 testified last month and again up there in Nome last
46 spring. They're going to be having their meeting again
47 this coming April and I think there's talk about
48 lowering the hardcap. I think if there's a way other
49 than just a letter of recommendation, more stronger
50 would be a proposal or resolution joint if that's
51 possible.

1 CHAIRMAN TOWARAK: Thank you. We will
2 continue looking for ways to do that.

3
4 MR. SHEPPARD: Thanks, Mr. Chair.

5
6 CHAIRMAN TOWARAK: Any further comments
7 anyone would like to make. If not, then we'll move on
8 to public comment period on consensus agenda items.

9
10 MR. CRIBLEY: Mr. Chair.

11
12 CHAIRMAN TOWARAK: Go ahead.

13
14 MR. CRIBLEY: Okay. Never mind. I
15 know the non-agenda items is for the public, but I was
16 wondering if I could bring up a couple points that I
17 failed to do when we opened the meeting yesterday when
18 we were doing information sharing. Hindsight and I
19 wish I had said that came to me last night. I'll try
20 to be very quick.

21
22 I want to make a shameless plus. The
23 North Slope Science Initiative, which is a working
24 group of agencies who provide information to Federal,
25 State and private entities on science and research for
26 the North Slope, has published their 2015 calendar and
27 the topic this year is subsistence. It has a lot of
28 really cool pictures of North Slope subsistence species
29 and activities. I guess we have a pile of them out on
30 the table outside. I would encourage you to please
31 take those and enjoy those. Very informative on
32 subsistence activities on the North Slope, which is a
33 very important topic that the North Slope Science
34 Initiative is always addressing in trying to identify
35 and meet the needs of. So that would be the first thing
36 I would like to talk about.

37
38 The other thing that occurred to me is
39 that the Bureau of Land Management right now is in the
40 process of developing land use plans. Our planning
41 effort for the Central Yukon and the Bering Straits --
42 well, we have two plans that we're initiating. The
43 Central Yukon Land Use Plan, which is the central part
44 of the state, including the Dalton Highway, Dalton
45 corridor. Then also the Bering Strait/Western Interior
46 Land Use Planning Area.

47
48 The information about these two land
49 use planning areas is on the BLM website if you're
50 looking for information as far as exactly what the

1 boundaries are for those land use plans. We've gone
2 through some initial scoping and we're going to be
3 doing some additional outreach with the public,
4 including consultation, but we're wanting to really
5 focus on subsistence and subsistence needs and managing
6 for subsistence species in those land use plans.

7
8 So I want to make the RACs and the
9 public aware that we are doing that and to strongly
10 encourage them to participate. We are listening and
11 trying to make our land use plans relevant to current
12 activities on BLM lands in those planning areas and
13 also looking at the future and trying to be strategic
14 on how we manage those lands and making sure that we
15 are considering conservation and protecting habitat for
16 subsistence species and activities for the future. So
17 that's a very important thing and just want to
18 encourage folks to participate in that.

19
20 The other thing that I wanted to bring
21 up is the Bureau of Land Management also just recently
22 made some adjustments in our district boundaries. We
23 have two districts in the state of Alaska. The
24 Fairbanks District and the Anchorage District. Up
25 until just a couple weeks ago the management of the
26 western coast of Alaska, basically that country from
27 Kotzebue south, was split between Fairbanks and
28 Anchorage.

29
30 What we have done is consolidated all
31 of the management responsibilities for the western
32 coast of Alaska in the Anchorage District and the
33 Anchorage Field Office to try to make coordination and
34 working with BLM a little bit more centralized and
35 simple.

36
37 So basically the country around
38 Kotzebue, all of the NANA corporation lands, the Seward
39 Pen, all of that country will be managed out of the
40 Anchorage Field Office out of Anchorage and our Nome
41 Field Station. Hopefully making things simpler for
42 folks so that they don't have to -- the folks in
43 Kotzebue have to figure out how to get to Fairbanks to
44 work with BLM and the people in Nome have to go down to
45 Anchorage like they did historically. Everybody will
46 be focused out of Anchorage, which we feel will be more
47 convenient and also more consistent.

48
49 Then also we have some leadership
50 changes occurring within the state. Our two district

1 managers, the one in Anchorage and the one in
2 Fairbanks, both of those folks are leaving and we're in
3 the process of recruiting new district managers for
4 both Fairbanks and Anchorage. Hopefully we'll have
5 somebody in place within a reasonable amount of time.
6 Usually it takes a long time, but hopefully we'll
7 shorten that up and make it happen quickly. So there's
8 some opportunities and some new faces to work with for
9 folks who work or do business with BLM in those two
10 areas.

11
12 One other thing I wanted to mention and
13 there's been a little bit in the news, not a lot here
14 in Alaska. BLM is in the process of authorizing the
15 first oil production in the National Petroleum Reserve
16 on the North Slope. This is a big issue for us. We've
17 been planning for 20 years for oil production in the
18 National Petroleum Reserve. We finally have an
19 application from Conoco and we're coming to the end of
20 that process to authorize that. The Corps of Engineers
21 has issued their 404 permit and BLM will be shortly
22 issuing its record of decision for that supplemental
23 environmental impact statement we've been working on
24 for that production facility.

25
26 This one is a very important
27 authorization for BLM from the standpoint it is the
28 first production and first authorization in the NPR-A,
29 but also because of the heavy dependence of subsistence
30 by the Native groups on the North Slope in the NPR-A
31 it's a very sensitive issue for us and how that
32 authorization is going to look, how it recognizes
33 impacts to subsistence and how we will mitigate those
34 impacts both short term and long term.

35
36 It's not going to be an easy decision
37 for us, but we're hoping to make a balanced decision to
38 allow that production to occur to let everybody in
39 Alaska benefit from that oil production, but also to
40 protect those subsistence species and also that
41 lifestyle particularly the folks who live in Nuiqsut
42 enjoy up in that country. So that final decision
43 should be coming out in the next couple weeks and
44 there's probably going to be a lot of dialogue on it
45 when it does come out.

46
47 And then the last thing. In reflection
48 on some of the comments that were made yesterday about
49 Bert Adams. I started the Board four years ago and
50 this January meeting was my first meeting that I came

1 into the Board. Never worked in Alaska before. Didn't
2 know what subsistence was about. Came to my first
3 Board meeting and somehow or another they manipulated
4 things in such a way that I was the -- somehow or
5 another I got to be chair of that Board meeting, which
6 was very entertaining for everybody who was
7 participating and watching. And it was, it was kind of
8 fun from my perspective. I was quite naive.

9
10 And the other thing is, is I realized
11 after working for about 35 years for the Federal
12 government I knew nothing about Robert's Rules of
13 Order. I found that everybody else in Alaska knows
14 everything about it and I knew nothing. And where Bert
15 rolls into this is he was sitting off to my right
16 during that meeting and he was very, very polite in
17 pointing out to me every time I would make a mistake
18 and then helping me out by instructing me on what the
19 proper procedure was from the standpoint of Robert's
20 Rules of Order, which obviously made a very big
21 impression on me from the standpoint of how helpful he
22 was and he was very polite about it and, in some ways,
23 I think quite humorous.

24
25 But the other thing is, in the time
26 that I've worked on the Board and he has participated
27 from the Southeast RAC as chairman, he has been a
28 teacher for me from the standpoint of as we go through
29 the meetings and discussions, talking about the
30 history, how we got to where we're at, putting things
31 into context and been very helpful to me just from the
32 knowledge that he has shared both in the meetings and
33 off the side conversations.

34
35 It's very disappointing that he is not
36 participating in this process any more. But I want to
37 give him credit for what he has done for me and shared
38 with me and really enjoyed that time and made working
39 with the RAC a never -- you were always surprised and
40 always looking forward to see what he had to say on
41 particular issues. It really added a lot of flavor to
42 the work we do here.

43
44 I just wanted to make -- that's one of
45 my aha moments and I wish I had said that after I
46 thought about it last night, but wanted to take my shot
47 this morning and give him credit where credit is due.

48
49 Thank you, Mr. Chairman.
50

1 CHAIRMAN TOWARAK: Thank you, Mr.
2 Cribley. Maybe I could suggest to Mr. Larson that
3 perhaps you might want to get a copy of the minutes of
4 the meeting and give those to Mr. Adams from us. Any
5 further comments on consensus agenda items.

6
7 OPERATOR: There is a comment over the
8 phone.

9
10 CHAIRMAN TOWARAK: Okay. Go ahead.
11 Please identify yourself and go ahead and proceed.

12
13 MS. CARTY: Good morning. Thank you,
14 Mr. Chairman. This is Courtenay Carty with the Bristol
15 Bay Native Association. Can you guys hear me all
16 right?

17
18 CHAIRMAN TOWARAK: Yes, we could.

19
20 MS. CARTY: Great. Thank you. I just
21 wanted to thank you guys for the opportunity to testify
22 telephonically and participate without being in the
23 room. That's always very much appreciated. And for
24 the time I had with the Board yesterday and the Staff.

25
26
27 I just wanted to follow up on a few
28 points made in this morning's testimony and I'll start
29 with some acknowledgments. First, our elder, the late
30 Alvin Kusma Boskofsky for all of his service for our
31 people here in Bristol Bay. And then to talk about
32 some employees who are moving on or have transferred
33 positions.

34
35 First, I'd really like to extend my
36 thanks to Palma Ingles for her work as a Partners
37 Program coordinator. When Palma first came on, I was
38 our Partners scientist at BBNA and I really did
39 struggle a lot in the very beginning working with her,
40 having someone who is a PhD anthropologist come in from
41 outside of Alaska and outside of subsistence and come
42 in and start working for us without fully understanding
43 not only the management process but the way that we
44 live our lives.

45
46 Over time Palma and I grew into a very
47 great and productive working relationship and I'm
48 really sad to see her being moved from the Partners
49 Program but thankful that she's still working with OSM
50 and hopefully we'll have a way to continue working

1 together. I'm very much looking forward to working
2 with Karen Hyer, who we've worked together with for a
3 long time.

4

5 In regards to the BLM comment, BLM
6 district manager for Anchorage and southern Alaska,
7 Karen Kelleher, her and I are currently -- I'm the
8 chair, she's the co-chair for the Western Alaska
9 Landscape Conservation Cooperative and we've worked
10 together for about a year and a half in the LCC world
11 and Karen does really great work for BLM and for the
12 rural residents of Alaska with a great focus on
13 subsistence, preservation of our way of life and our
14 ability to harvest our food.

15

16 So with the turnovers in Staff I really
17 hope that our Federal agencies are able to quickly, I
18 guess, advocate the new staff as they come in and that
19 we, as the people who work within the system, are able
20 to build healthy working relationships with the new
21 higher-ups so to speak and are going to continue making
22 progress as we have.

23

24 In regards to Mr. Sheppard's comments
25 on the bycatch issues for all of us and our resources,
26 I just wanted to highlight the fact that in the
27 priority information needs on the 2016 request for
28 funding under the multi-regional priority information
29 needs OSM has listed the effects of the Bering Sea and
30 Gulf of Alaska pollock fisheries on Federal chinook and
31 chum subsistence resources throughout Alaska as a top
32 priority for subsistence research to be done within our
33 areas.

34

35 Hopefully BBNA along with our partners
36 through the Western Alaska Salmon Coalition are going
37 to be able to be continuing research partnership that
38 we've already been working on, developing new chum
39 markers to even get to answer these questions and
40 extend that partnership with a new proposal for FRMP
41 this year to try to at least collect that genetic data
42 and analyze it and see whose fish are really being
43 caught.

44

45 I know it's not necessarily kosher to
46 put all our FRMP cards on the table, but the stakes are
47 high and we're all in and we're really looking to, I
48 guess, solidify our partnerships and garner your
49 support so that when these proposals come before you in
50 the next Board meeting you're able to act on them and

1 you're knowledgeable that the partnerships are there,
2 that they're scientifically sound and the research is
3 going to get done and benefit not only the subsistence
4 harvesters but also the agencies that manage our
5 resources.

6
7 And then also I'd encourage the Bureau
8 of Land Management in their land use plans to not only
9 make it aware to the RACs of their land use plan but to
10 get out into those RAC meetings this spring and present
11 those plans to the rural residents and members of the
12 public.

13
14 That's all I have this morning.

15
16 Thank you.

17
18 CHAIRMAN TOWARAK: Thank you for your
19 comments. If there are no further public comments on
20 consensus agenda items, we will pick up then where we
21 left off yesterday on our proposals. We were on the
22 Southeast Alaska area. I think we got done with
23 everything through FP13-19, which there was no action
24 on and we're ready to take on FP15-16. For the Board
25 members, it's on Page 206. We will have an analysis by
26 the Staff, I assume. Between the three of you up
27 there, right?

28
29 MR. REEVES: Good morning. Thank you,
30 Mr. Chairman. Board members and Council Chairs. For
31 the record, my name is Jeff Reeves. I'm a biologist
32 with the Forest Service. The Chairman was nice enough
33 to point out what page the proposal begins on.

34
35 Proposal FP15-16 was submitted by the
36 Southeast Alaska Subsistence Regional Advisory Council
37 and it requests that steelhead harvested in the Prince
38 of Wales and Kosciusko Islands subsistence steelhead
39 fisheries be immediately reported on the subsistence
40 fishing permit.

41
42 The proponent submitted the proposal in
43 response to concern brought forth from State and
44 Federal law enforcement. The general provisions in 36
45 CFR 242 and 50 CFR 100 require validation of harvest
46 tickets, tags, permits or other required documents
47 before removing your kill from the harvest site. Law
48 enforcement has
49 indicated they have had numerous contacts with active
50 fishers in possession of steelhead where the fish had

1 not yet been recorded on the subsistence fishing permit
2 and the fisher had not left the fishing site.

3
4 Both the proponent and law enforcement
5 believe that after contact some harvesters are not
6 recording these fish prior to leaving the site. Law
7 enforcement and the proponent believe that a change to
8 an immediate upon harvest recording
9 requirement should not cause any undue burden to
10 subsistence users as steelhead are harvested
11 individually, the harvest limits by the drainage are
12 low and that a similar requirement exists for steelhead
13 taken in the sport fishery.

14
15 The Staff recommendation is to support
16 the proposal with modification. The modification can
17 be found on Page 212 and this modification changes the
18 terminology of the regulatory language, changes taken
19 to harvest and it clarifies that the harvest recording
20 must occur immediately following the harvest of a
21 steelhead.

22
23 Since the definition of take includes
24 attempting to pursue, capture, kill, modifying this
25 proposed language is necessary. The intent of the
26 proponent was to require immediate record of steelhead
27 harvest rather than the act of engaging in subsistence
28 steelhead fishing.

29
30 Requiring immediate recording of
31 harvest on the Federal permit will provide for
32 accountability of steelhead harvest within both the
33 winter and spring fisheries and should ease law
34 enforcement's concern regarding the non-reporting.
35 Although current provisions require record of harvest
36 before leaving the site, changing to immediate
37 recording should not cause undue burden to subsistence
38 users. This modification of this language clarifies
39 any ambiguity about this requirement.

40
41 Thank you.

42
43 CHAIRMAN TOWARAK: Thank you. Are
44 there any questions of the Staff.

45
46 (No comments)

47
48 CHAIRMAN TOWARAK: If not, then we will
49 proceed to the next process. A summary of the public
50 comments from the Regional Council Coordinator, Mr.

1 Larson.

2

3 MR. LARSON: Mr. Chair. There are no
4 written public comments.

5

6 CHAIRMAN TOWARAK: Thank you. We will
7 open the floor to public testimony.

8

9 (No comments)

10

11 CHAIRMAN TOWARAK: It appears that we
12 do not have any requests for public testimony, so we
13 will move on to the Regional Council recommendations
14 from Mike.

15

16 MR. BANGS: Thank you, Mr. Chairman.
17 The Council originally presented this proposal and then
18 after further discussion at another meeting we were
19 questioned and gave questions to the user group and
20 some of the law enforcement and we found that there was
21 no evidence of concerns with conservation or -- it was
22 like a problem that wasn't there. So we changed our
23 mind and decided that the in-season manager could solve
24 the problem through the permit process and there was no
25 need to change the regulation and that's where the
26 Council left off.

27

28 Thank you.

29

30 CHAIRMAN TOWARAK: So your
31 recommendation to the Board is to oppose.....

32

33 MR. BANGS: Correct.

34

35 CHAIRMAN TOWARAK:FP15-16. Any
36 questions from the Board.

37

38 (No comments)

39

40 CHAIRMAN TOWARAK: Not hearing any.
41 Then we will move on to number 5, which is tribal,
42 Alaska Native corporation comments. We have a note
43 that there are no comments from the tribes in the
44 region regarding this proposal. We will move on then
45 to Department of Fish and Game.

46

47 MS. YUHAS: Thank you, Mr. Chairman.
48 Jennifer Yuhas, State of Alaska, for the record. The
49 Department supports the intent of the proposal, but it
50 doesn't matter to us whether it's done through

1 regulation or the permit.

2

3 CHAIRMAN TOWARAK: Thank you. Are
4 there any questions of the State.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: Not hearing any.
9 Then we'll have the Interagency Staff Committee
10 comments.

11

12 MR. ARDIZZONE: Mr. Chair. Chuck
13 Ardizzone. The Interagency Staff Committee found the
14 Staff analysis to be a thorough and accurate evaluation
15 of the proposal and that it provides a sufficient basis
16 for the Regional Advisory Council recommendation and
17 the Federal Subsistence Board action on the proposal.

18

19 Though this proposal was submitted by
20 the Southeast Alaska Subsistence Regional Advisory
21 Council, the Council does not support it. Instead, the
22 Council would prefer the in-season manager make the
23 decision on the need for this specific reporting
24 requirement, which would be included as a stipulation
25 on the harvest permit. The in-season manager for the
26 current season has already made this modification as in
27 the proposal on the permit.

28

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

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Thank you. We will
35 then open the floor for any Board discussion with the
36 Council chairs or the State liaison.

37

38 (No comments)

39

40 CHAIRMAN TOWARAK: Not seeing any
41 interest in that. We will then move to the final step
42 of our process here to have the Federal Subsistence
43 Board action. The floor is open.

44

45 MS. PENDLETON: Mr. Chair. I move to
46 adopt Proposal FP15-16 and after a second I'll provide
47 rationale for why I plan to vote against this proposal
48 and that's consistent with the recommendation of the
49 Southeast Alaska Subsistence Regional Advisory Council.

50

1 MR. HASKETT: Second.
2
3 CHAIRMAN TOWARAK: You heard the motion
4 and the second by Mr. Haskett. The floor is open for
5 discussion. Ms. Pendleton.
6
7 MS. PENDLETON: The Council supports
8 the requirement to have harvested steelhead immediately
9 recorded on the Federal subsistence fish permit. If
10 there was a potential conservation concern or
11 enforcement issue, and upon further discussion and as
12 we heard from Mr. Bangs, the Council has determined
13 that there was no conservation concern. Therefore, the
14 Council's recommendation is that the in-season manager
15 addresses any specific concerns through permit
16 conditions when a problem is identified. I see no
17 clear rationale to oppose the Council and will
18 therefore vote against this proposal as recommended by
19 the Council.
20
21 I would also like folks to know that
22 for the 2014-15 steelhead season that the managers have
23 added this reporting requirement to the permit.
24
25 Thank you.
26
27 CHAIRMAN TOWARAK: Thank you. Are
28 there any other comments or discussion on the proposal.
29
30 (No comments)
31
32 MR. CRIBLEY: Mr. Chairman. I call for
33 question.
34
35 CHAIRMAN TOWARAK: The question has
36 been called for. Let's do a roll call.
37
38 MR. PELTOLA: Mr. Chair. The motion on
39 the floor is to adopt FP15-16. A vote was accept it
40 and a vote was decline acceptance. Going down roll
41 call. Fish and Wildlife.
42
43 MR. HASKETT: No.
44
45 MR. PELTOLA: Forest Service.
46
47 MS. PENDLETON: No.
48
49 MR. PELTOLA: National Park Service.
50

1 MR. HARD: No.
2
3 MR. PELTOLA: Public member Brower.
4
5 MR. BROWER: No.
6
7 MR. PELTOLA: Public member
8 Christianson.
9
10 MR. CHRISTIANSON: No.
11
12 MR. PELTOLA: BIA.
13
14 MR. KAHKLEN: No.
15
16 MR. PELTOLA: BLM.
17
18 MR. CRIBLEY: No.
19
20 MR. PELTOLA: Mr. Chair.
21
22 CHAIRMAN TOWARAK: No.
23
24 MR. PELTOLA: The Board fails to adopt
25 FP15-16.
26
27 CHAIRMAN TOWARAK: Thank you. That
28 concludes FP15-16. We will then move on to FP15-17.
29 Perhaps we will have the Staff make the introduction,
30 but the Department of Fish and Game has a brief
31 presentation that we will make right after the Staff s
32 introduction of the proposal.
33
34 MR. KOLLER: Thank you, Mr. Chair.
35 Members of the Board and Council Chairs. My name is
36 Justin Koller. I'm a subsistence biologist for the
37 Forest Service in Sitka, Alaska and I'll read a brief
38 summary of FP15-17 for you.
39
40 This proposal was submitted by the
41 Sitka Tribe of Alaska. It seeks to close the Federal
42 public waters in the Makhnati Island area near Sitka to
43 the harvest of herring and herring spawn except for
44 sport and subsistence herring harvest and subsistence
45 harvest of herring spawn.
46
47 Title VIII of ANILCA provides that
48 lands and waters can be closed to non-subsistence uses
49 to provide for the subsistence priority. However,
50 Title VIII, associated regulations and case law do not

1 provide the ability for this program to regulate among
2 the non-subsistence uses. After this was explained to
3 the
4 proponent, a request was made to alter the original
5 proposal language. The revised proposal that was
6 analyzed seeks to close the Federal public waters in
7 the Makhnati Island area near Sitka to the harvest of
8 herring and herring spawn except by Federally qualified
9 subsistence users.

10
11 The proponent believes a closure of
12 these waters is necessary to provide a more reasonable
13 opportunity for harvest
14 by Federally qualified subsistence users to meet their
15 subsistence needs. The proponent states that for more
16 than half of the years since 2002 subsistence users
17 were unable to harvest the amounts necessary for
18 subsistence, a number set by the Alaska Board of
19 Fisheries.

20
21 The proponent also believes the Sitka
22 Sound herring stock is depleted and that the proposed
23 closure would help protect the stock. The proponent
24 also believes that traditional ecological knowledge and
25 local observation support that the commercial fishery
26 of herring has the following effects: Number one, it
27 displaces subsistence users from traditional harvesting
28 sites. Number two, it disrupts herring spawning,
29 leading to poor quality deposition of herring eggs at
30 traditional sites. Number three, it causes herring to
31 spawn away from subsistence sites. Number four, it may
32 seriously reduce the biomass of spawning herring upon
33 which subsistence users depend.

34
35 The OSM conclusion is to oppose FP15-
36 17. This proposal is similar to proposals considered
37 by the Board in 2007 and 2013. At both times the Board
38 determined there was no conservation concern in this
39 area for herring and that closing Federal public waters
40 to non-Federally qualified users would not benefit
41 subsistence users. The biomass in Sitka Sound has been
42 trending higher since 1971, and the greatest on record
43 occurred in 2009. Since then the annual biomass
44 returning to Sitka Sound has remained above 68,000 tons
45 or almost three times the 25,000 ton threshold required
46 to conduct a commercial fishery.

47
48 Federal public waters have not been
49 included in commercial openings from 2007 through 2010
50 or in 2012 and 2013. Most of the commercial harvest

1 has been taken well away from Federal public waters and
2 there has been no restrictions on subsistence uses at
3 this time. In years when subsistence harvests were not
4 adequate, it is unlikely that a closure to other users
5 in the Makhnati Federal public waters would have made a
6 difference in the amount of roe harvested for
7 subsistence use.

8
9 Furthermore, recent actions by the
10 Alaska Board of Fisheries have already closed the
11 northern portion of the Makhnati Federal
12 public waters to commercial sac roe herring fishing.

13
14 Adoption of this proposal would result
15 in further area
16 closures to non-Federally qualified subsistence users,
17 which do not appear to be needed for either
18 conservation purposes or to protect Federally qualified
19 subsistence uses.

20
21 Some new information became available
22 this fall after the Southeast Council meeting when
23 Alaska Department of Fish and Game released the
24 forecast herring biomass for Sitka Sound this year in
25 2015, which is 44,000 tons. That's, again, the
26 forecast herring biomass.

27
28 Sherri Dressel from Alaska Department
29 of Fish and Game has a presentation for you that will
30 cover the stock status and talk about the forecast for
31 2015.

32
33 That concludes my presentation.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Thank you. We will
38 have Fish and Game make your presentation and then
39 we'll open the floor to the Board for any questions.

40
41 MS. YUHAS: Thank you, Mr. Chairman.
42 Jennifer Yuhas, State of Alaska with the Federal
43 Subsistence Liaison Team. As stated, Sherri Dressel
44 will be giving a presentation. I just wanted to make
45 sure that folks know why we're doing this little bit
46 extra.

47
48 When we showed up at the Southeast
49 meeting for the RAC, we hadn't anticipated some of the
50 questions. We have to count on the idea that folks are

1 getting their Board books in enough time, which they
2 are lately, and they've had time to read that and alert
3 us if they wanted special presentations. We were
4 actually admonished at the Southeast meeting for not
5 bringing someone for a presentation when we couldn't
6 have anticipated those questions.

7
8 Many of the questions that we received
9 at the meeting probably would be asked by those of you
10 who are reading the proposal now. So the reason you're
11 giving the presentation prior to debate is so that
12 you'll have the answers to those already to make the
13 debate more concise.

14
15 So, with that, I'll turn things over to
16 Sherri Dressel to explain the mechanics and the harvest
17 data in preparation for discussion and then I will
18 relay the State's position.

19
20 Thank you.

21
22 MS. DRESSSEL: Thank you, Mr. Chair. So
23 the presentation -- I am Sherri Dressel. I'm the
24 statewide herring fishery scientist for the Alaska
25 Department of Fish and Game for the Commercial
26 Fisheries Division. I wanted to describe a little bit
27 the surveys that we do in Sitka Sound, how we come up
28 with estimating the population biomass and how we set
29 the commercial guideline harvest level. I want to give
30 a little context for the population trends that we're
31 seeing in Sitka.

32
33 So for a little bit of an overview,
34 what I want to cover, I will give a summary of the
35 herring surveys that we do and the different types of
36 data that we collect. We use an age structured
37 assessment model to incorporate all this information.
38 So I'll talk both about the data that we put into that
39 model and then the biomass estimates that we get from
40 it. Then finally I'll give a little bit of context for
41 the population trends that we're seeing in Sitka. I'll
42 compare that to other populations in Southeast Alaska
43 as well as a population in British Columbia.

44
45 So the current model that we're using
46 uses data from 1980 through 2014. There are five types
47 of data that we include annually, so we include
48 estimates for every year from 1980 through 2014. Those
49 are the age composition of the spawning population, the
50 age composition of the harvest, the weighted age for

1 herring in Sitka Sound, an index of abundance, which we
2 actually do by estimating egg abundance in Sitka sound
3 and I'll talk about that. Then finally we include a
4 time series of the removals, the harvest.

5
6 So there are two types of age, weight
7 and length samples that we take. The first one,
8 there's a picture on the right, and that is we sample
9 the age composition of the spawning population. We do
10 that with cast nets. The herring come in and spawn
11 over a series of weeks, so we spread out our samples
12 throughout Sitka Sound, so over space but also over
13 time, and we take samples throughout the spawning
14 period to get an accurate estimate of the age
15 composition of the spawning population.

16
17 The second type is we take samples of
18 the catch so that we can characterize what ages were
19 taken in the commercial harvest. So there are multiple
20 openings, so we take samples across boats within an
21 opening as well as across openings.

22
23 The other type of data that we collect
24 is we need an abundance index for the herring in Sitka
25 Sound. Since herring come into Sitka Sound over a
26 period of weeks, it's difficult to design a statistical
27 survey by surveying the fish for fear of double
28 counting the fish or missing fish. So instead we wait
29 until the spawn is complete and we do an index based on
30 the eggs that were laid during the spawn since the eggs
31 are static and in place.

32
33 So we start out with estimating the
34 number of eggs, which I'll describe in a minute. We
35 then know we've done studies on fecundity, we know how
36 many eggs per fish, we also know the age composition of
37 the population and the weight of each fish. So with
38 that information we can estimate the number of fish
39 that spawn the eggs that we see.

40
41 Since we also know the weighted age of
42 these fish we can estimate what the population biomass
43 was that spawned those eggs and that is our survey
44 assessment or our survey estimate of biomass in a
45 particular year.

46
47 In order to estimate the egg survey,
48 there are two stages to our surveys. The first one is
49 we measure the shoreline that there's been spawn, so
50 biologists do aerial surveys throughout the time of the

1 spawn, so they do daily surveys over a number of weeks.
2 They map out where the spawn is and you'll see in the
3 bottom picture on the right you can clearly see from
4 the air where the spawn is on the shoreline, so you can
5 map the shoreline that has spawn.

6

7 Then, after the spawn has been
8 complete, we compile all those maps and come up with
9 the shoreline that has been spawned on throughout the
10 year. So the red that you can see along the shoreline
11 is the spawn that was mapped over the 2014 spawning
12 season.

13

14 I have a striped area that you'll see
15 right around Sitka and that is the area that was closed
16 by Board of Fish regulation in 2012 to commercial
17 fishing. There's a black outline which shows the area
18 that is the proposed closed area that you're
19 considering in this proposal.

20

21 Once the spawn is mapped, we randomly
22 assign transects throughout these areas that have been
23 spawned and at each one of those transects we do a
24 scuba dive transect and observation for estimating
25 eggs. We do approximately 50 to 100 transects, scuba
26 transects per year in Sitka Sound. These blue dots,
27 which I'm hoping that you may be able to see, are the
28 locations of the transects throughout the spawn in
29 2014.

30

31 Once we put in the age composition and
32 the egg information into our model every year we're
33 able to estimate biomass over time. So this graph
34 shows -- the years on the bottom are 1971 and it goes
35 through 2014. Then each bar shows the biomass over
36 time. So the gray bars are the spawning biomass that
37 we've estimated through the model. The red is the
38 commercial harvest. The dotted line is the threshold
39 that was set by the Board of Fisheries. The threshold
40 was adopted in 1977 and has been increased three
41 different times by the Board of Fish both to protect
42 the stock and to provide for subsistence opportunity.
43 The current threshold is 25,000 tons.

44

45 Two things about this graph. The first
46 one you can see that the population since 1971 has been
47 increasing. It increased through 2009 and has been
48 decreasing since 2009. You can also see that the red
49 bars, the commercial harvest, is a small proportion of
50 the overall spawning biomass. The commercial harvest

1 level is set in regulation by the Board of Fisheries.

2

3 If the population is below threshold,
4 there's no harvest by the commercial fishery. If it's
5 above threshold, the harvest can range from 12-20
6 percent of that population. If it's right above
7 threshold, it can be 12 percent and then if it's over
8 45,000 tons, it can be up to 20 percent.

9

10 For context, this top graph is the
11 exact same one that you saw in the last slide, so
12 that's Sitka Sound biomass over time. On the bottom, I
13 wanted to give a little context and show other
14 population biomass throughout Southeast Alaska. The
15 Alaska Department of Fish and Game monitors 10 major
16 stocks in Southeast Alaska. What I've done is -- so
17 Sitka is the one on the top. The other nine stocks
18 have combined the biomass from those nine and I show
19 that on the bottom. So the spawning biomass in those
20 nine stocks is in gray and then the commercial catch
21 combined over those stocks is in blue. This is the
22 same -- these graphs start in 1980 and go through 2014.

23

24 The average exploitation rate in Sitka
25 Sound over this time period from 1980 to 2014 has been
26 15 percent of the population is taken per year. The
27 average exploitation rate of these other stocks is
28 lower and that is, on average, 10 percent of the
29 biomass of the other stocks are taken per year.
30 Regardless, with both exploitation rates, you see
31 approximately the same population patterns. You see
32 that it was constant in the '80s and early '90s. There
33 was an increase from the '90s up to 2009 and then
34 there's been a decrease since then.

35

36 The other thing that we get from the
37 age structured model is estimates of recruitment, which
38 are the estimates of the age 3 herring abundance, both
39 the mature and the immature fish. So this graph shows
40 abundance of age 3 fish from 1980 to 2014. You can see
41 that the recruitment was episodic in the '80s and early
42 '90s with some low estimates of recruitment and some
43 quite high estimates. Since the mid '90s it's been
44 more intermediate and more consistent. You will notice
45 that in 2011, '12 and '14 we've had low recruitment.
46 2013 we had decent recruitment. But those three years,
47 2011, '12 and '14, the low recruitment in those years
48 contribute to the population going down since 2009.
49 That's part of the reason.

50

1 So in 2014 I do want to mention that
2 the low recruitment that we saw in Sitka it was not
3 Sitka specific. We saw low recruitment in all of the
4 monitored stocks in Southeast in 2014 and we've seen
5 low recruitment in Prince William Sound. So, in stocks
6 that have been harvested and in ones that have not been
7 harvested, we've seen that same low recruitment and our
8 expectation is that that was likely climate-driven
9 since it was a regional effect.

10
11 The last slide is a comparison of two
12 areas. The top is Sitka Sound and it's the same graph
13 but it's shown a little bit differently. Instead of
14 the bars being the biomass, I'm showing the biomass
15 with a line. The commercial catch, instead of those
16 being little red bars, the commercial catch is the blue
17 bars that are below the line. So the top one is Sitka.
18 I've changed the time series going from 1950 through
19 2014. The bottom graph is the Strait of Georgia. So
20 I'm showing Sitka is the largest stock in Southeast
21 Alaska and the Strait of Georgia is the largest stock
22 in British Columbia, so I'm showing the two of those.

23
24 The scale of both of these graphs is
25 the same on the biomass, which is on the Y axis. I
26 started the trend in Sitka in 1971 both for catch and
27 for biomass because our surveys and our assessment that
28 are comparable to our current surveys began in 1971.
29 We don't have estimates of biomass for the Sitka stock
30 prior to 1971. The catch since 1971 has been a sac roe
31 fishery. Prior to 1971 it was the reduction fishery
32 where herring were reduced for oil.

33
34 Going back in the catch records, the
35 struggle is that prior to 1971 the reduction fishery
36 took fish from Southeast as a whole, so we don't have
37 catch records that are split up by stock, so we do not
38 have stock specific catch records for Sitka Sound,
39 which is why I'm not showing them here.

40
41 On the bottom, for Strait of Georgia,
42 they actually do have survey data that goes back to
43 1951, which is why they have biomass estimates back to
44 that time. They also have the reduction catch in the
45 '50s and '60s. So what you'll see for the Strait of
46 Georgia on the bottom is that there were definitely
47 higher catches in the reduction fishery. Some of the
48 bars actually matched the biomass and the reason for
49 that is the reduction fishery caught both immature and
50 mature fish and the line that I'm showing for biomass

1 is the mature population. So that line does not
2 represent the immature population, which some of the
3 catch was in that reduction fishery time.

4
5 You will see for the Strait of Georgia
6 that the biomass went down during the reduction
7 fisheries. So in the era of current management, when
8 both areas have used a threshold and a harvest rate
9 strategy where the harvest rate is capped at 20
10 percent, both of the areas have used that strategy
11 starting in the '70s and you'll see that the harvests
12 are much lower during that time and you'll also see
13 that both stocks have shown a general increase in
14 biomass over that time under current management.

15
16 You will see for Sitka that there is a
17 decrease from 2009 to present. That decrease is within
18 the range of fluctuations that you can see in these
19 populations because herring populations fluctuate
20 greatly.

21
22 I will say that, in closing, that the
23 Department is attentive to these changes in biomass and
24 we continue to follow the harvest rate strategy that
25 was set in regulation by the Board of Fisheries and
26 want to note that that harvest rate strategy was
27 developed accounting and being responsive to the
28 changes in fluctuations in these populations like we're
29 seeing now.

30
31 So thank you very much for giving me
32 the opportunity to present and I'd be glad to take any
33 stock assessment questions you might have.

34
35 CHAIRMAN TOWARAK: Thank you very much.
36 The floor is open for the Board if you have any
37 questions of either the Staff or the State of Alaska.

38
39 Go ahead, Tony.

40
41 MR. CHRISTIANSON: Just, I guess, a
42 question for the State. I know last year there was a
43 fishery in 2014 that did occur within the area that
44 they're describing to close. Was there any estimate on
45 how much was harvested in that area last year in 2014?

46
47 MS. DRESSEL: I will defer. I believe
48 that Dave Gordon, the Sitka Area Manager, is on the
49 phone line. If you can hear me, Dave, I'll let you
50 answer that management question.

1 MR. GORDON: This is Dave Gordon with
2 the Department of Fish and Game in Sitka. Am I being
3 heard?

4
5 CHAIRMAN TOWARAK: Yes, you're coming
6 across clearly.

7
8 MR. GORDON: Okay. The question was
9 that there was some harvest that occurred in the
10 proposed closure area south of the causeway last season
11 and, yes, there was an opening that there was some
12 harvest within that area and adjacent to that area.
13 During that opening a little over 4,000 tons were
14 harvested. How much of that fish actually came from
15 within the Federal waters area and how much came from
16 outside of the Federal waters area I really can't say,
17 though the fishery was -- the harvest was fairly
18 concentrated in that middle channel area, which is a
19 channel just to the south of the Makhnati Federal
20 waters and the airport there. I know there was
21 certainly some harvest that occurred within those
22 waters.

23
24 MR. CHRISTIANSON: Thank you.

25
26 CHAIRMAN TOWARAK: Any further
27 questions. Go ahead.

28
29 MS. PENDLETON: You mentioned that
30 there's been low recruitment in recent years and some
31 of that appears to be climate driven. Could you speak
32 to that just a bit more on what some of those
33 observations are relative to the changes and
34 expectations that those may continue.

35
36 MS. DRESSEL: Thank you. Through the
37 Chair. We take estimates, we take age composition
38 samples each year. The forecast that we do for
39 recruitment, recruitment is quite unknown and we don't
40 have estimates prior to the age of the fish coming into
41 the fishery. So our forecast for recruitment is
42 essentially an average over time.

43
44 The only forecast throughout the state
45 that we have during -- within the research that's been
46 done in Prince William Sound for the Exxon Valdez oil
47 spill. There were in 2000, so this next year, so in
48 2015. There were observations in 2012 of a great deal
49 of age zero herring, so that is the preliminary
50 prediction from the research that they've done in

1 Prince William Sound is they're expecting and hoping
2 that there will be recruitment next year.

3

4 We also saw a great deal of juvenile
5 fish just in salmon surveys, so incidental observations
6 in Southeast and in Kodiak in 2012. So there's hope
7 that there is a good recruit class coming in, but
8 that's not something that we've been able to measure
9 ahead of time or know whether or not there will be.

10

11 CHAIRMAN TOWARAK: Go ahead, Mr. Smith.

12

13 MR. SMITH: Do you calculate confidence
14 intervals around your biomass estimates?

15

16 MS. DRESSEL: Current we've got for the
17 egg estimates that we put into the model. We have
18 confidence intervals for those. I can actually even
19 show our -- what you're seeing on the screen right now,
20 those are our spawn deposition estimates of eggs and
21 those are the error bars around those, so we have the
22 error bars for that. We currently are not estimating
23 error bounds around our model estimates when you
24 combine the age composition data and come up with our
25 final biomass estimates. We don't currently have a
26 confidence interval around our forecast. So, for the
27 output of the model I don't have confidence intervals
28 that I can show you.

29

30 CHAIRMAN TOWARAK: If there are no
31 further questions, thank you very much for your
32 presentation from the State and also to the Staff. We
33 will then continue the discussion of the proposal. If
34 we could get a summary of the public comments from the
35 regional coordinator, Mr. Larson.

36

37 MR. LARSON: Thank you, Mr. Chair. If
38 you would look on Page 238 of your Council book, you'll
39 see that there are two written public comments. The
40 first -- and both of these are in opposition I would
41 say. The first is from the Petersburg Vessel Owners
42 Association. They're in opposition of 15-17. They
43 state we believe that recent spawning biomass and the
44 current commercial harvest regulations have allowed for
45 sufficient opportunity for subsistence harvest of
46 herring eggs. Brian Lynch, executive director.

47

48 The second written public comment we
49 have is from the Southeast Herring Conservation
50 Alliance. Chip Treinen is the president. He is also

1 in opposition. Two of his main points is that in March
2 2012 the State of Alaska Board of Fisheries closed an
3 area in Whiting Harbor and near Makhnati Island to
4 commercial fishing in recognition of subsistence users.
5 Half of the area requested in the Proposal 15-17 is now
6 closed due to that Board of Fish action.

7
8 The Sitka Sound herring stock remains
9 healthy and robust and there is no reason or benefit to
10 preclude the herring fishery from the Makhnati Island
11 beyond what is already closed. Subsistence needs are
12 being met.

13
14 That is a summary of written public
15 comments.

16
17 Thank you.

18
19 CHAIRMAN TOWARAK: Thank you, Mr.
20 Larson. Are there any questions about the public
21 testimony.

22
23 (No comments)

24
25 CHAIRMAN TOWARAK: If not, then we'll
26 open the floor for public testimony. Do we have any
27 requests? We have Jessica Gill from Sitka.

28
29 MS. GILL: Thank you, Mr. Chairman.
30 Today I'm speaking on behalf of Proposal 15-17 to close
31 the Federal waters of Makhnati Island. I'm here also
32 participating in the Board process as a student at UAS
33 Sitka in the fish tech program and as the Sitka Tribe
34 of Alaska's fisheries biologist. I'm here representing
35 my own views on the proposal, but I feel that a lot of
36 the views that I have are echoed in the tribal
37 community.

38
39 Research by the Office of Subsistence
40 Management, which was a very thorough overview of the
41 proposal showed that closing the roughly 800-acre
42 waters will not likely significantly increase the
43 subsistence roe harvest. However, it will also not --
44 closing the waters won't also affect the commercial
45 fishery. If the Federal Subsistence Board has the
46 opportunity to increase, albeit slightly or not
47 significantly the subsistence roe harvest, they should
48 try to do that.

49
50 Also, if the subsistence harvest is

1 unlikely to be significantly impacted by this requested
2 closure, then the unmodified proposal, which I'm sure
3 Michael will hit on later from the Southeast RAC,
4 should not significantly affect non-Federally qualified
5 subsistence users, which I know was a problem in the
6 past when this proposal came in front of the Board in
7 2007 and 2013.

8

9 I conduct the subsistence herring egg
10 harvester surveys with the Alaska Department of Fish
11 and Game, Division of Subsistence, and in the last few
12 years we haven't had anyone from Juneau or Ketchikan
13 reporting on the survey. So the chances of it
14 impacting non-Federally qualified subsistence users is
15 pretty slim.

16

17 Also I encourage the Board to look at
18 Code of Federal Regulations 50.679, which I believe is
19 in the Magnuson-Stevens Fisheries Conservation Act. In
20 Federal waters, forage fish fishing and herring fishing
21 is prohibited in directed fishing, so I believe that
22 that regulation applies to these waters. I might be
23 mistaken.

24

25 In conclusion, I implore the Federal
26 Subsistence Board to err on the side of subsistence and
27 to provide a small increase in harvest opportunity by
28 closing these Federal waters. Or, if the Board does
29 not find this proposal a reasonable solution to Sitka
30 Tribe's concerns, what would they suggest as a viable
31 option for sustainable subsistence roe harvest and meet
32 subsistence needs to maintain our cultural integrity?

33

34 Thank you.

35

36 CHAIRMAN TOWARAK: Thank you. Are
37 there any questions of the Board.

38

39 (No comments)

40

41 CHAIRMAN TOWARAK: Thank you for your
42 testimony.

43

44 MS. GILL: Thank you.

45

46 CHAIRMAN TOWARAK: We then have Steve
47 Reifenstuh, is it?

48

49 MR. REIFENSTUHL: Thank you very much,
50 Mr. Chairman and the Board. I appreciate the time

1 you've given here for public testimony. My name is
2 Steve Reifentstahl and I'd like to give you a little
3 background first. I'm on the North Pacific Research
4 Board Advisory Panel. I've also been appointed to the
5 North Pacific Anadromous Fish Commission and I have 40
6 years experience in Alaska as a salmon and herring
7 biologist.

8
9 I would direct your attention to the
10 comments on Page 239. They were summarized by Staff
11 here, but the comments are actually three pages and
12 very extensive. There's a lot of information. I'm not
13 going to try to recite all of that. I will try to hit
14 some of the main points.

15
16 I guess first I'd like to say that I'm
17 here representing all the fishermen that fish in the
18 Southeast herring fishery. I'm also representing the
19 five-member crews that are on all those boats. I'm
20 representing the tender men that transport those fish
21 to the processors. I'm representing the processors.
22 There's five or six large processors that take these
23 fish. And I'm also representing the communities that
24 benefit from this fishery. There's hundreds of people
25 that I'm representing here, both Alaska Native and non-
26 Native.

27
28 So I guess the other thing that was put
29 up on the board is also on Page 222, the map. So the
30 current area that was closed by the Board of Fish in
31 2012 is about six square miles and that's on Page 222.
32 As it was pointed out, it does include part of the
33 Makhnati area and this proposal would seek to close the
34 Makhnati area a little farther south, which you saw on
35 the map.

36
37 So I think it's already been pointed
38 out and I would like to reiterate that there's no
39 conservation concern here, there's no scientific basis
40 for closing this area. So we are certainly opposed to
41 this proposal and we have been in opposition to this
42 proposal or one very similar to it since 2007.

43
44 I guess I would like to try to shed a
45 little light on the ANS, the amount necessary for
46 subsistence, in the work that we have done. So, in
47 2009 we have a boat, a large fishing boat with
48 hydraulic gear and then had two of the subsistence
49 harvesters, local Sitka harvesters that have been doing
50 it for many, many years, actually 30 years, with some

1 of the local Alaska Native permit holders at the time.
2 They used to make estimates of what they pulled out of
3 the water.

4
5 So what we did at this time in 2009 was
6 to actually get a State certified scale and weigh and
7 measure all the herring that were harvested by that
8 particular boat and that crew as they came out of the
9 water. They were cut to a half-inch or less diameter
10 on the branch. It was mostly weighing the eggs. Then
11 they would make an estimate, these harvesters that had
12 been doing it for decades would make an estimate and
13 then we would measure next to that and then divulge
14 what the true measure was.

15
16 Consistently, the estimate from what
17 just was thought to be harvested was 2.5 to 3.5 times
18 what the actual weight measure was. The ANS is based
19 on the former information, not hard scientific weights
20 and measures. So that's an issue in itself.

21
22 In addition, we've been providing this
23 herring eggs on branches from 2009 to 2014 and it's
24 been about 30-40,000 pounds of herring eggs have been
25 delivered to the dock in Sitka and provided to the
26 community. After a week period people stop coming down
27 to the docks and that entire amount or most of that
28 amount is provided to the community. What is left --
29 and, generally, it can be, you know, a few hundred
30 pounds, 500, I think, is the least, to several thousand
31 pounds, that are returned to the water because they
32 have not been claimed.

33
34 So I think that that points out that
35 the needs are being met, that there's an effort by
36 fishermen and local people to provide herring and it
37 also provides a lot of hard information that the
38 Subsistence Division and the local tribe STA is able to
39 utilize in their survey methodology.

40
41 I'd like to get a drink of water if I
42 could. Thank you.

43
44 One of the big issues that was pointed
45 out in 1985 by anthropologists Gmelch and Gmelch is
46 that the subsistence participation in herring egg
47 harvest has been declining. So it was noticed and
48 published in 1985. More recently, the Subsistence
49 Division has a graph and data that shows the same
50 thing. It continues to decline.

1 Participation. It takes a huge amount
2 of effort to harvest these eggs. To get the 30-40,000
3 pounds annually, it takes roughly 80 to 100 hemlock
4 trees. That's a lot of cutting in the woods, transport
5 of that to the core area and then anchoring those and
6 then having the spawn and then picking them up. It's a
7 great deal of effort and it's costly for people to go
8 out with the cost of gas. Maybe not in today's price,
9 but generally gas is a big factor in people being able
10 to get out there. So that's probably a factor in why
11 there's less participation.

12
13 But the fact is there are plenty of
14 herring eggs for the taking and that's really not the
15 issue and closing this area will not help in any way
16 subsistence harvesters.

17
18 Thank you very much.

19
20 CHAIRMAN TOWARAK: Thank you. Are
21 there any questions. Go ahead, Tony.

22
23 MR. CHRISTIANSON: So just the opposite
24 -- Anthony Christianson here -- would closing the area
25 hurt the commercial harvest any? I mean it's a pretty
26 small area, so I don't see it really impacting.
27 Looking at the chart, it seems like a pretty small area
28 recommended to close, so I don't know if that would be
29 hurting the commercial fleet as well.

30
31 MR. REIFENSTUHL: Through the Chair.
32 Yes, I do. I think it's death by a thousand cuts.

33
34 MR. CHRISTIANSON: Whatever that means.

35
36 MR. REIFENSTUHL: Okay. That means
37 that in 2012 there was a huge area closed and which is
38 the primary area. That's where we set branches every
39 year and that area has been closed, six square miles.
40 So that was a huge gash if you will. And closing
41 another area. That won't be the end of it, so death by
42 a thousand cuts is simply a metaphor that continuing to
43 close small areas over and over and over and additions
44 to it eventually will get to where I believe the
45 proposers want to get, is to close the fishery down.
46 So the answer is yes.

47
48 CHAIRMAN TOWARAK: Any further
49 questions.

50

1 (No comments)

2

3 CHAIRMAN TOWARAK: Thank you very much
4 for your testimony.

5

6 MR. REIFENSTUHL: Thank you.

7

8 CHAIRMAN TOWARAK: Next on the list is
9 -- I don't have my glasses on. Geoff Feldpausch. Not
10 bad for a guy named Towarak.

11

12 MR. FELDPAUSCH: Mr. Chairman, Members
13 of the Board, RAC representatives. My name is Jeff
14 Feldpausch. I'm the Resource Protection Director for
15 the Sitka Tribe. My department is championed with
16 protecting cultural natural resources within the
17 traditional territory of the Sitka Tribe and protecting
18 the rights of it's tribal citizens to access those
19 resources.

20

21 On behalf of the Sitka Tribe and its
22 500-plus tribal citizens plus those who enjoy herring
23 eggs from the Sitka area, I'd like to thank you for the
24 opportunity today to provide comments on Proposal FP15-
25 17. My comments will address the concerns that Sitka
26 Tribe of Alaska has regarding the conservation of the
27 Sitka Sound herring stock and subsistence herring
28 harvesters ability to meet their needs.

29

30 Herring not only play a critical role
31 as a forage fish in the marine food web but they have
32 also been an integral part of the Native culture in
33 Southeast Alaska for over 10,000 years. This once
34 abundant ecological and cultural keystone species
35 thrived throughout the region. Over-exploitation by
36 the commercial fishing industry has eradicated herring
37 from significant portions of the region's waters.

38

39 The surviving herring stocks exist in a
40 depleted state and are being managed under a shifted
41 baseline. A shifted baseline is accepting current
42 population levels as the norm or healthy when in
43 reality they are well below historic levels and are
44 existing in a depleted state.

45

46 This year's projected biomass of 44,237
47 tons for the Sitka Sound herring stock is a 50 percent
48 reduction from the 2013 biomass estimate and a 70
49 percent reduction from the biomass observed in 2011.
50 This equates into a 100,000 tons or 200 million pound

1 decrease in biomass in just four years. I've looked
2 back through ADF&G's records and couldn't find this
3 precipitous of a decline in this short period of time
4 anywhere in their records.

5
6 A large portion of this recent decline
7 has been attributed to the significant decline in the
8 number of three-year-old herring that were recruited in
9 the 2014 fishery. The Sitka Tribe has repeatedly
10 expressed its concerns that an abrupt and precipitous
11 decline in the ocean survival of juvenile herring would
12 go unrealized for years and result in an over-
13 exploitation of the stock.

14
15 The reality is, a significant portion
16 of the current decline began almost four years ago and
17 we're just now incorporating it into the ASA model.
18 How many more years of declining juvenile survival are
19 out there? We don't know.

20
21 I think it was addressed just a little
22 bit by ADF&G, but there are several other sac roe
23 fisheries within Southeast. It appears right now Sitka
24 may be the only sac roe fishery taking place this year
25 in Southeast. Seymour Canal has been closed down.
26 That is a gillnet fishery. It is below threshold
27 level. Hobart Bay, Port Houghton has been closed down.
28 It is below threshold level. Kashakes, Cat Island
29 fishery is closed down. It's below threshold level.
30 West Behm Canal is closed down. It's below threshold
31 level. The only remaining one that I don't have any
32 information on is Lynn Canal fishery. Lynn Canal in
33 Auke Bay area.

34
35 Back in 1982, the last commercial
36 fishery occurred and I believe it was about 550 tons
37 were harvested. Since then this stock has been below
38 the threshold level. That's for 30 years the stock has
39 dropped down below that level and stayed there. Just
40 recently, in the last couple years, it's begun to nose
41 its way above that threshold level. So I'm not sure if
42 there will be a commercial fishery this year or not. I
43 haven't heard.

44
45 It's worth pointing out that the Auke
46 Bay area did have a viable subsistence harvest that
47 occurred, but when the herring went away so did the
48 subsistence harvest.

49
50 The Sitka Tribe has additional

1 conservation concerns regarding how the fishery is
2 managed. Ms. Dressel gave you an idea of how they come
3 up with the age -- utilize the age structural analysis
4 model to come up with their numbers. But the biomass
5 projection and guideline harvest levels are made public
6 in December. A test fishery is conducted about a month
7 prior to the beginning of the fishery. These samples
8 are used to adjust the weight at age. If herring come
9 in a little heavier, they can adjust the biomass and
10 readjust the GHL.

11
12 As these herring begin to move from the
13 outer coast and move up into the inner coast line area
14 a little more, the herring management biologist will do
15 surveys to make an estimate as to whether the biomass
16 threshold has been met. Once that assessment has been
17 made and it's been proven the biomass is there, the
18 fishery is free to take off. Once a fishery starts it
19 is an allowed effort to harvest the entire GHL.

20
21 As Ms. Dressel mentioned, they collect
22 data pre, during and post season on the fishery. This
23 data is analyzed in the off season to determine the
24 actual biomass that showed up that spring, to project
25 next year's biomass and to set the GHL. This sounds
26 pretty straightforward, but there is a risk associated
27 with the lack of in-season management conservation.

28
29 A perfect example of this, and it
30 wasn't brought out in the presentation, but referring
31 back to the 2012 fishery, the biomass projection, only
32 about 53 percent of the projected biomass actually
33 showed up. There was a 47 percent error in projecting
34 the actual biomass that would return in 2012.
35 Fortunately, the GHL wasn't reached or there wasn't an
36 overharvest. It wasn't due to management actions.

37
38 What occurred is the first fishery took
39 place. It takes about three days to process those fish
40 before they can have another fishery. In that time,
41 the first wave of herring came in, spawned, backed out
42 and mixed with unspawned herring and they were having a
43 difficult time finding quality herring that met the
44 needs of the industry. So there were no in-season
45 adjustments for biomass for the decline. It was
46 unnoticed. You can't tell. But we continue to shoot
47 to harvest at full GHL. The only thing that really
48 prevented that harvest from occurring or the full GHL
49 from being harvested was the slow pace of the fishery.
50

1 Just to recap the Tribe's conservation
2 concerns. One, we believe the stock is being managed
3 under a shifted baseline. Two, the unprecedented
4 decline that we've seen in the last four years in the
5 biomass. Three, the unknown ocean survival of juvenile
6 herring.

7
8 Just to point out, this year's three-
9 year-olds or last year's three-year-olds, excuse me,
10 were from brood year 2011. 2011 had the highest spawn
11 deposition ever recorded by ADF&G. So we saw more eggs
12 laid in 2011 than we've ever seen laid before, but yet
13 we still had extremely poor survival. And our last and
14 final concern was there is no in-season management for
15 conservation.

16
17 Moving on to subsistence. The National
18 Marine Fisheries Service and the State of Alaska have
19 set precedent in protecting herring and their
20 subsistence uses. The National Marine Fisheries
21 Service has listed herring as a prohibited species, as
22 Ms. Gill mentioned. Under this prohibited listing they
23 are not allowed to be retained as bycatch. Any herring
24 that are caught as bycatch need to be enumerated and
25 thrown overboard immediately. If that bycatch of
26 herring for that fishery exceeds 1 percent of the
27 projected biomass for herring in that area, that
28 fishery is closed down

29
30 In 2012, the Board of Fisheries
31 established an area closed to commercial fishing to
32 protect the core subsistence area. And you'll have to
33 excuse me, sometimes we refer to this area as a
34 subsistence zone rather than the area closed to
35 commercial fishing. So if I interchange those two,
36 that's what I'm talking about. This area became
37 effective in 2013. Originally we had asked for a much
38 larger area. I believe on Page 220 you can see the
39 area we asked for and I think the subsequent page it
40 shows the area that we actually received.

41
42 During the 2013 fishery or the
43 subsistence harvest, the ANS was not met, but I firmly
44 believe that the subsistence zone did protect what
45 harvest did occur. The first commercial opening
46 occurred on the southwest corner of this closed area.
47 Within a short time after the fishery was opened, those
48 herring that had schooled up out there ducked in
49 underneath that line into the subsistence zone and
50 within a couple hours began to spawn on the adjacent

1 islands.

2

3

4 One of those islands was Kasiana Island
5 and that year it recorded the highest harvest. The
6 rest of the area was pretty dismal, pretty thin spawn.
7 I firmly believe that if the fleet had been allowed to
8 chase those herring into that zone, those fish would
9 have scattered and broadcast spawn and decreased the
10 spawn deposition of the quality of spawn for the
11 harvest to where there may not have been a subsistence
12 harvest in 2013. So I believe the core area is
13 working. I don't know if it's been recorded, but I
14 think we heard from the Division of Subsistence that in
15 2014 the ANS was realized.

15

16

17 I think the map that best shows the
18 area -- and I think you have the comments from Alaska
19 Department of Fish and Game. They weren't in the
20 packet, but they came separate. Their last page gives
21 a pretty good description of the area. Shows the
22 relationship between the State closed area and the
23 proposed to request a Makhnati Federal waters. Just to
24 give you an idea the scale of the area we're talking
25 about, the whole management area starts from a latitude
26 at Point Kakul and extends all the way south to a
27 latitude off of Cape Aspen. We went ahead and measured
28 this and it turns out to be -- in a lineal measurement,
29 it turns out to be 52 miles of coastline. That doesn't
30 include ducking into bays and everything, but just a
31 linear measurement of the coastline.

31

32

33 Just for those of you who live in the
34 Anchorage area or know the Anchorage area, I just went
35 ahead and Googled the distance between Anchorage and
36 Palmer. That is 41.4 miles. You extend an extra 10
37 miles beyond Palmer from Anchorage and that will give
38 you the idea of the management area that we're talking
39 about.

39

40

41 Looking at that lineal measurement,
42 I've estimated that the Makhnati Federal waters make up
43 less than 2 percent of that entire lineal measurement.
44 If we look at -- I didn't take the time to calculate
45 out square area, but it would be a fraction of a
46 percent if you went with square area. Again, just
47 pointing out -- and I think it's been pointed out
48 before, we have the State closed areas. That
49 incorporates about half of Makhnati Federal waters.
50 There's a small portion that's just outside of that on
the southern end that would be part of the closed area.

1 The Makhnati Federal waters are
2 contiguous with what the State closed in the core
3 subsistence area. I can vouch that when spawn does
4 occur in the Makhnati Federal waters, I have seen
5 people subsistence harvesting in those waters.
6

7 The Sitka Tribe of Alaska works in
8 conjunction with the Alaska Department of Fish and
9 Game's Division of Subsistence to conduct annual
10 subsistence harvest surveys. We work together on the
11 methodology, we work together on conducting the
12 surveys. The Division of Subsistence actually does the
13 analysis and crunches the numbers and then publishes
14 the information and technical journals.
15

16 To give you an idea what we do in our
17 methodology and the numbers we come up with, the Sitka
18 Tribe harvests 4-5,000 pounds of herring eggs for its
19 Traditional Food Program and distribution to its tribal
20 citizens. We harvest these eggs, we bring them to the
21 dock. As they come off the boat, we get a gross weight
22 using a State scale, a scale provided by the State of
23 Alaska. We get a gross weight on the eggs coming off.
24 We take those eggs back to our office, we process those
25 eggs or break them down into smaller branches. We trim
26 off the big branches. We put them into wetlock boxes
27 and we get a weight on those wetlock boxes.
28

29 We use 50 and 25-pound wetlock boxes.
30 Once we've got a weight, we dump those eggs into a tote
31 for distribution and we go back and fill the wetlock
32 boxes again. So we are getting multiple, multiple
33 weights on 50 and 25-pound wetlock boxes to get an
34 average weight for these units or containers. We also
35 do gallon and quart size Ziploc baggies and we get an
36 average weight on those.
37

38 What this does is it helps us when we
39 go out to do our subsistence harvest surveys.
40 Sometimes folks will have shipped eggs out. Maybe on
41 Alaska Airlines they will have an exact poundage that
42 they can quote us. Sometimes they don't know what the
43 overall weight was they shipped out, so we'll ask them
44 how many wetlock boxes did you ship, how many Ziploc
45 baggies did you put up, and that allows the State to
46 extrapolate backwards to the gross harvest of what was
47 actually harvested. Subsistence harvesters are also
48 allowed to estimate those weights, whatever they feel
49 comfortable with. This is a voluntary subsistence
50 harvest I should add.

1 The results of those surveys show a
2 high frequency of subsistence needs not being met.
3 Some of this information can be found on Page 227 of
4 the meeting packet. An uninformed interpretation of
5 this data has led some to believe that a lack of
6 participation is the reason for the ANS not being met.
7 I'd like to point out a couple of things on here. The
8 numbers you see as far as the number of households
9 harvesting, this is successful harvesters. We actually
10 asked harvesters did you attempt to harvest and then
11 were you successful. In most cases, these numbers will
12 be slightly higher. There were people who attempted
13 but did not harvest, so these are just successful
14 harvesters that are showing up on here.

15
16 The other thing I'd like to point out.
17 If you look at 2009, as Mr. Reifenstuhel said, this is
18 when the industry came online. We had 91 harvesters
19 out there. The following year I think people got used
20 to having eggs delivered to the dock. Why go out and
21 spend your money when somebody will bring them to the
22 dock for you. The industry was also delivering eggs
23 throughout Southeast Alaska. So I think boats that
24 normally would come to Sitka to harvest eggs from the
25 outlying communities didn't show up that year because
26 they expected eggs to be delivered to them.

27
28 So I think the industry coming online -
29 - when you get a big harvester that comes out and, as
30 Mr. Reifenstuhel said, sets 80 to 100 sets, he's
31 actually -- the unit of effort is still there. We
32 believe that the number of sets is a better unit of
33 effort. What we've seen is we've seen fewer people
34 going out partially because the industry is getting
35 eggs.

36
37 The other thing is it is expensive to
38 go out and get those eggs, so you may have one boat
39 going out now with multiple families splitting the cost
40 of those harvests. You will have maybe one individual
41 now that's getting for multiple families, but they're
42 still setting more branches in the water to meet those
43 needs. So we've been working with the Division to try
44 to focus more on the number of sets as a much more
45 reliable and better measure of the unit of effort than
46 the number of boats that are actually out there
47 participating.

48
49 I should add that a lot of these eggs
50 get distributed throughout Alaska. The Division of

1 Subsistence, in their subsistence household use
2 surveys, have found these eggs as far west as Bethel,
3 as far north as Barrow, and within the communities in
4 between in Central Alaska, throughout Southeast and
5 obviously shipped down south for friends and relatives.

6

7 We firmly believe that the commercial
8 fishery does have an impact on the subsistence
9 resource. I don't see how you can say removing 20
10 percent of the spawning biomass before subsistence
11 users ever get an opportunity to get their harvest
12 doesn't affect the subsistence harvest.

13

14 Another thing I'd like to point out is
15 in the RAC comments or the comments that were submitted
16 to the RAC by the Southeast Herring Conservation
17 Alliance, they mentioned that they have -- from 2009 to
18 present their distribution or harvest of eggs has
19 ranged from 10,000 to 70,000 pounds. I argue they're
20 running into the same experiences that we're finding,
21 as the other subsistence harvesters are finding in
22 meeting their subsistence needs.

23

24 Just as an example, in 2012 the
25 industry hired a boat from Kake, a 58-foot seiner, to
26 come over to Sitka to -- or when he was over in Sitka
27 they hired him to be one of their subsistence
28 harvesters. It just so happened this gentleman is my
29 wife's cousin, so I know him fairly well. He went out
30 and was making deliveries to the dock. He was told to
31 get more, but said he couldn't. There were no more
32 eggs out there. He actually went home to his community
33 of Kake with a dry boat. He couldn't take any eggs
34 home with him. So I believe the industry is
35 experiencing the same thing the rest of us are
36 experiencing out there.

37

38 A couple points I'd like to make before
39 we close. The first one is on Page 223 in the packet.
40 Item number 2 is discussing the change in biomass
41 thresholds from 20-25,000 tons. It gives the
42 indication that the thresholds -- or the harvest rates
43 didn't change. For the most part, the harvest rates
44 stayed between -- the lower end got up to 12 percent.
45 It still cuts off at 20. What the statement doesn't
46 tell you is the equation of the harvest rates were
47 changed.

48

49 Before this the original slope of the
50 harvest line was fairly shallow, more like this. It

1 took a larger biomass to get to your 20 percent. In
2 the new -- when the thresholds were changed, the
3 equation was changed and now that line --I won't say it
4 stands on end, but it goes vertical fairly quickly so
5 that you get to your 20 percent harvest rate with a
6 much smaller biomass. I believe currently right now
7 when you reach 45,000 tons of biomass you're at your 20
8 percent harvest rate. So I just wanted to point that
9 out.

10

11 The other issue that I'd like to point
12 out -- and this is fairly significant. Southeast
13 Herring Conservation Alliance has three proposals that
14 will be heard at the Board of Fish in March. All three
15 of these proposals will have an impact on subsistence
16 harvest and I believe have an impact on the
17 conservation of the stock. The first proposal would
18 remove this commercial exclusion zone that you see in
19 here over the core area that was established in 2012.
20 The second proposal would reduce the ANS and cut the
21 ANS by more than half of its current level. I should
22 add that the ANS is achievable. We did it in 2014 and
23 we've done it in other years. Then the final proposal
24 that's being put forth -- and this is ironic since it's
25 coming from a conservation association -- is a decrease
26 in the conservation threshold from 25,000 tons down to
27 20,000 tons.

28

29 The final point I want to make and it
30 may not be totally germane to the conversation at hand,
31 but it does represent the Sitka Tribe in a bad light.
32 On Page 241, and this is by the Southeast Herring
33 Conservation Alliance, point 6, paragraph 1, midway
34 through that first paragraph, it says to be consistent
35 the proposer might want to consider that sea otters,
36 which Sitka Tribe of Alaska is proposing to kill at a
37 greater harvest rate than current management allows.
38 That statement is misleading, it's unfounded and, to a
39 certain degree, slanderous. I can verify -- I've
40 worked with the Sitka Tribe Sitka Marine Mammal
41 Commission and in no way, shape or form have they ever
42 said this, have they ever written it.

43

44 Sitka Tribe of Alaska in 1993 worked
45 with U.S. Fish and Wildlife biologists to establish
46 what in Southeast was the first Tribal Sea Otter
47 Management Plan in Southeast and maybe Alaska. That
48 management plan mirrors and complements Federal
49 regulations to a great degree and in no way, shape or
50 form does it say that the Sitka Tribe plans to harvest

1 rates outside those that are currently established by
2 the Federal government. A couple years ago the tribe
3 opposed Senator Stedman's bill to put a bounty on sea
4 otter. In no way, shape or form has the Sitka Tribe
5 ever proposed harvesting sea otter beyond what is in
6 guidelines.

7
8 The Sitka Sound stock is the last stock
9 in Southeast and possibly all of Alaska that can
10 provide a viable subsistence harvest. A collapse of
11 this stock would have an economic impact that can be
12 measured in dollars. Since herring are such an
13 integral part of the Native culture in Alaska, a loss
14 of this magnitude would be devastating, immeasurable
15 and irreplaceable to the Native culture.

16
17 The only thing this Board could do to
18 help the situation outside of recommending
19 extraterritorial jurisdiction is to approve this
20 proposal. Last year the Board made a commitment to
21 defer to the RACs on issues in their area and, just for
22 the record, the Southeast RAC was one vote shy of
23 unanimously supporting this proposal. I encourage the
24 Board to hold true to its commitment and approve
25 Proposal FP15-17.

26
27 And one final comment. I'm sure it's
28 in your minds, you want to know how can closing this
29 zone help conserve herring, how can it help the
30 subsistence harvest. I'd like to turn that question
31 around and ask you how can it hurt subsistence harvest
32 and how can it hurt the conservation of herring.

33
34 Thank you.

35
36 CHAIRMAN TOWARAK: Thank you very much.
37 I might let you know that we allowed or at least I
38 allowed you to use as much time as you feel is
39 necessary because of the importance I think of
40 representing a local tribe. Our challenge has been to
41 listen to tribes through consultations. So we
42 appreciate your comments. Are there any questions from
43 the Board of Jeff.

44
45 (No comments)

46
47 CHAIRMAN TOWARAK: Thank you very much.
48 We will be hearing from the Regional Advisory Board
49 next, but we have a couple more people to go through.
50 The next one on the list is Harvey Kitka.

1 MR. KITKA: Good morning, Mr. Chair.
2 Federal Board. My name is Harvey Kitka. I'm here
3 representing Sitka Tribe of Alaska. I wish I had been
4 signed up a little sooner so I could have introduced
5 Jeff as our staff representative for the tribe. I
6 wanted more to introduce him as our representative and
7 he had all the information that we wanted to present to
8 you today. I could add some more to it. I'm not too
9 sure what I'd have to say would have any more impact
10 than what our staff had brought forth.

11
12 Our staff has brought forth what has
13 come out of our Herring Committee in Sitka Tribe. I
14 chair the Herring Committee. The Herring Committee
15 worked long and hard and diligent on this topic. Over
16 the years we started with our first time trying to --
17 we started out trying to preserve an area for
18 subsistence when we were setting our branches before
19 there was any area or any regulations on it. We'd set
20 our branches sometimes where the herring were spawning
21 and the seiners would come in and wipe them out. So we
22 were constantly changing and trying to find spots where
23 we could harvest our eggs.

24
25 This was our first contact with a
26 commercial fishery and having to constantly monitor our
27 trees because of that. So we got them to move off of
28 our trees a ways, then gradually we got to the point
29 where we were able to come together and work on a plan
30 to get an area closed for subsistence and conservation.
31 We believe if the stock disappears not only will
32 subsistence suffer, but the commercial industry will
33 suffer and the community will suffer. For this reason,
34 this is why this was proposed.

35
36 Thank you.

37
38 CHAIRMAN TOWARAK: Thank you, Mr.
39 Kitka. Are there any questions for Mr. Kitka from the
40 Board.

41
42 (No comments)

43
44 CHAIRMAN TOWARAK: Thank you for your
45 brevity. Go ahead, Mike.

46
47 MR. BANGS: Thank you, Mr. Chairman. I
48 have a question for Mr. Kitka. On the maps here that's
49 already been closed by the State Board of Fish for
50 subsistence use, it includes a pretty sizeable portion

1 of the Federal waters and it includes Whiting Bay. Do
2 you know if Whiting Bay is utilized for subsistence?
3 Has it been used?

4
5 MR. KITKA: Yes. Through the Chair to
6 Mike. This area has been used more for our subsistence
7 as well as what we call hair kelp. There's spots in
8 there that we used to be able to get these types of
9 subsistence really close to town. Right now this area,
10 even though it's part of what the State closed, the
11 actual idea is it's closed more because of the toxins
12 that are there. They've got a growth that's happening
13 in Whiting Harbor and they closed the whole area to not
14 only subsistence, commercial, but even any private use.
15 They won't even let boats go anchor back in the bay.
16 So this area is closed.

17
18 Thank you, Mike, for the question.

19
20 CHAIRMAN TOWARAK: Further questions.
21 Go ahead, Tony.

22
23 MR. CHRISTIANSON: Just for
24 clarification, he stated that no activity gets to occur
25 within Whiting Harbor?

26
27 CHAIRMAN TOWARAK: Go ahead, Mike.

28
29 MR. BANGS: Thank you, Mr. Chairman.
30 The area -- Whiting Harbor is off limits for anyone
31 because of this invasive species that's in there and
32 it's a very large portion of the Federal waters that is
33 being proposed to be closed.

34
35 Thank you.

36
37 CHAIRMAN TOWARAK: Just out of
38 curiosity, is that a growing area or is it being
39 sustained?

40
41 MR. BANGS: It's an invasive species
42 that somehow got in there and they want to try to
43 eradicate it, so they keep it off limits to any
44 activity whatsoever. The Fish and Game is trying to
45 remove it from there. But it is a large portion of this
46 area which is -- as off limits as it is, regardless of
47 whether we close that or the State closed it. In
48 regards to subsistence, it can't be used.

49
50 Thank you.

1 CHAIRMAN TOWARAK: Go ahead, Jennifer.

2

3 MS. YUHAS: Thank you, Mr. Chairman.
4 Just to contribute to the particular discussion
5 happening right now, there's an invasive tunicate that
6 grows on the rocks there. It apparently got brought in
7 possibly by some gear that had been infected with it.
8 It's a well-known problem in many worldwide ports. I
9 hate saying things like this on the record, but it's
10 the thing they refer to colloquially as rock snot.
11 It's this brownish-yellow goo that grows on the rocks,
12 but it's actually alive and it grows very fast. Slower
13 in Alaska because the waters are colder.

14

15 The Department found it on one of the
16 interagency community -- they call it a bio-blitz where
17 all the citizens go out and look for things that might
18 be invasive and they found this and we had to implement
19 an eradication plan to try and get this stuff out of
20 there. The reason is, so that it doesn't spread to the
21 rest of Southeast, we don't want anything touching the
22 bottom there that can take this thing somewhere else.

23

24 Does that help clear up the closure?

25

26 CHAIRMAN TOWARAK: It does, but is that
27 the only place in Alaska where it occurs or is it.....

28

29 MS. YUHAS: So far, what we know of,
30 it's contained there and we want to keep it there and
31 get rid of it.

32

33 CHAIRMAN TOWARAK: Okay. Thank you.

34

35 Any further questions. Mr. Kitka.

36

37 MR. KITKA: Thank you, Mr. Chair. I
38 just wanted to comment on the invasive species and the
39 area adjacent to it. I grew up in the area. A long
40 time ago those were just islands that weren't connected
41 together. During the war they connected all those
42 islands together with armor rock. The tide flows
43 freely through those rocks back and forth. I know
44 they're going to have some tremendous problem trying to
45 stop it, but I believe eventually it's going to grow
46 through to both sides and they'll have to close off the
47 whole area not just to subsistence but that's to
48 everybody.

49

50 CHAIRMAN TOWARAK: Thank you. Any

1 further questions of Mr. Kitka.

2

3 (No comments)

4

5 CHAIRMAN TOWARAK: Thank you for your
6 presentation and your testimony. We will next move to
7 Sam Thomas from Craig.

8

9 MR. THOMAS: Thank you, Mr. Chairman.
10 Members of the Board, Regional Advisory Councils. My
11 name is Sam Thomas. I'm a tribal elected leader for
12 the Craig Tribal Association. I'm here to speak on
13 FP15-17. As an elected tribal leader, it is my
14 responsibility to look after the health, safety,
15 social, cultural, historical and economic well being of
16 our tribal members.

17

18 I'm here to speak in favor of
19 supporting the proposed Sitka Tribe proposal. Although
20 we do have fishermen from our region that go up and
21 fish Sitka Sound and do get economic well being from
22 it, it is one of our responsibilities as a tribal
23 leader to look after our traditional and customary way
24 of life. I feel that this proposal -- in relationship
25 to some of the testimony that happened earlier, I don't
26 feel that Title VIII of ANILCA has been fulfilled or is
27 being dampered. This proposal will be able to enhance
28 that ability for the Sitka Tribe to be able to do that
29 as well as others.

30

31 The numbers that they spoke to earlier
32 about the amount of catch that's been exported out of
33 Sitka to other parts of the region for other people to
34 use that is because the bio-catches in other parts of
35 Southeast Alaska doesn't allow for us to be able to
36 enjoy that Sitka roe. So I'm here on behalf of the
37 Craig Tribal Association to support the proposal.

38

39 Thank you.

40

41 CHAIRMAN TOWARAK: Thank you, Mr.
42 Thomas. Are there any questions of Mr. Thomas.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: I might let you know
47 that I'm from the Norton Sound and we do get some of
48 that Sitka herring roe from Sitka.

49

50 Ms. Chythlook, do you have a question?

1 MS. CHYTHLOOK: Yeah, I don't have a
2 question, but I just have a comment. My name is Molly
3 Chythlook. I'm a Bristol Bay RAC Chair. Just
4 listening to the gentlemen's comments and I want to
5 thank the Sitka Tribe and whoever have shared herring
6 eggs with me. In fact, I have a couple bags still in
7 my freezer and I keep those eggs just for special
8 occasions.

9
10 We used to be able to harvest our
11 subsistence herring eggs from Togiak, but we are no
12 longer able to do that because I guess before the fish
13 are able to get up to the rocks to spawn they're seined
14 out. So some of the Togiak Village folks that live in
15 that area are able to harvest eggs after the fleet
16 leaves and if they do have enough harvest, they're able
17 to share with the rest of us.

18
19 I do sympathize with what's going on
20 there and I just hope that your ability to harvest
21 those eggs will never diminish. Like the gentleman
22 mentioned, herring eggs are unique. There's nothing
23 like them. When you lose that subsistence resource,
24 there's nothing that will replace those resources, the
25 herring eggs.

26
27 So I just feel for you and I thank the
28 Sitka Tribe and whoever from your tribal people for
29 sharing your eggs with us. I know the eggs are shared
30 with us and then on over to Dillingham and the
31 surrounding areas. I feel for you and I hope that you
32 will never lose that resource.

33
34 Thank you, Mr. Chair.

35
36 MR. THOMAS: Thank you, Mr. Chairman.

37
38 CHAIRMAN TOWARAK: Thank you for your
39 comments. We have next Lee Wallace from Saxman.

40
41 MR. WALLACE: Thank you, Mr. Chair.
42 Board and RAC chairmen. First of all I want to thank
43 you for allowing Sitka for that presentation that they
44 did present to you. I think they did their homework
45 and I think what they presented to the Board was some
46 great information.

47
48 I'm in support of the proposal. As you
49 all heard, it's really the last remaining big harvest
50 area in Southeast Alaska, as was demonstrated in the

1 presentation. Their plea and their request in their
2 proposal is both subsistence and conservation. Really,
3 the big picture is conservation just because in the
4 Southeast region, as was noted, the biomass and the
5 presence of herring in whole Southeast Alaska has
6 declined.

7

8 When you look at the timeframe that was
9 presented by the State, I see 1950 was probably the
10 first date on the graph, but as Native people of
11 Southeast we've been there for generations and
12 generations and we hear stories and we know of the big
13 biomass that was present in all Southeast Alaska and
14 it's shrunk into these very small areas.

15

16 If the loss of the herring biomass in
17 that area has declined, it will be far reaching, but
18 that was noted. Commercially, subsistence users,
19 everybody. We are salmon people in Southeast and it's
20 a chain reaction that goes there and you have
21 decreasing herring, you're going to have decreasing
22 salmon because that's what they feed on.

23

24 I'll keep this short, but I strongly am
25 in support of this proposal that Sitka brought forth.

26

27 Thank you.

28

29 CHAIRMAN TOWARAK: Thank you, Mr.
30 Wallace. Are there any questions of Mr. Wallace.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Thank you for your
35 testimony. Do we have anyone online that would like to
36 make public comments.

37

38 OPERATOR: We have one person,
39 Courtenay Carty. You may ask your question.

40

41 MS. CARTY: Good morning. Thank you
42 again for the record. My name is Courtenay Carty with
43 the Bristol Bay Native Association in Dillingham. I'm
44 not here today to testify in support or opposition of
45 the proposal regarding Sitka herring, but only to
46 mirror some of the comments that was made by our
47 Regional Advisory Council Chairman, Ms. Molly
48 Chythlook.

49

50 Just to reiterate the statements made,

1 there has been a decrease in the harvest level of
2 herring for subsistence harvesters in the Togiak
3 district. I'll just briefly go over a few key points.
4 Why the Federal Board doesn't really hear much about
5 Togiak herring is because we're not harvesting in
6 Federal waters, therefore there's no jurisdiction
7 specifically for the Federal Subsistence Board to work
8 on this.

9
10 BBNA is a partner in research with the
11 Togiak Traditional Council and ADF&G Division of
12 Subsistence on a project that was essentially doing
13 exactly what Sitka was in terms of updating the
14 subsistence harvest rate data for that district and
15 that harvest. Togiak herring are shared extensively
16 throughout Bristol Bay as Ms. Chythlook has said and we
17 even have them on the menu for our RAC meeting potlucks
18 that BBNA hosts when we have our meetings in
19 Dillingham.

20
21 Part of the research that we're doing
22 is to inform the upcoming Alaska 2015 Board of Fish
23 meeting for Bristol Bay finfish where I'm sure there
24 will be many proposals on the agenda, although we're in
25 the proposal development stage right now. It's
26 important to note that there is no ANS, amount
27 necessary for subsistence, for herring specifically in
28 the Bristol Bay region or Togiak.

29
30 In fact, all of Bristol Bay salmon and
31 finfish are lumped together, so it's really hard for us
32 to be able to translate local harvest concerns that
33 we're seeing in populations, be it Togiak chinook,
34 Togiak herring, Port Heiden chinook, any of our
35 communities because we're all lumped together. So we
36 can't say whether or not we're meeting our ANS and
37 that's something that we may be working on in the
38 future with the Board of Fish.

39
40 So I just wanted to echo those
41 sentiments and that's all I have.

42
43 Thank you.

44
45 CHAIRMAN TOWARAK: Thank you very much.
46 I would like to put our focus back onto the proposal in
47 front of us, which focuses on the Sitka Tribe -- I mean
48 Sitka herring fishery. Any further questions or any
49 other comments.

50

1 I wanted to make one point. It came up
2 when I heard there's a real concern about subsistence
3 harvesting dropping in the Sitka area. We have just
4 the opposite problem in the Norton Sound. Our
5 commercial market for herring disappeared. We used to
6 harvest 5,000 tons of herring every spring and sell
7 them to the Japanese like everybody else did, but
8 because we're so far north they said they're not going
9 up north to get the herring anymore. Their market
10 disappeared. So I suggested to Albert Kookesh that if
11 he sends me a bunch of trees from Southeast, I'd be
12 glad to plant them in the Norton Sound and get you all
13 the herring eggs you want, but that invitation is
14 always open.

15
16 If there aren't any other public
17 testimony, then I'd like to hear from the Regional
18 Council, the Chair, Mike.

19
20 MR. BANGS: Thank you, Mr. Chairman.
21 We had -- obviously there's a lot to this proposal and
22 we discussed it at length and heard considerable
23 testimony. It was apparent that this area is a prime
24 area for spawning. It's adjacent to the area that's
25 already closed and it offers some areas where they can
26 harvest kelp. There's a lot of kelp and rocks in the
27 areas. A very small portion of it is actually fishable
28 by the commercial fleet.

29
30 We found that there's very little
31 impact to the commercial fishery by closing this area.
32 Although they have some history of using it, it's
33 generally not used that often by the commercial fleet.
34 We modified the proposal in order to not exclude
35 anyone, other users than Federally qualified, so that's
36 why we modified the proposal to just exclude the use of
37 seine gear in that area.

38
39 That's all I have. Do you have any
40 questions?

41
42 CHAIRMAN TOWARAK: Go ahead, Beth.

43
44 MS. PENDLETON: Yes. My question
45 through the Chair and this may be for legal counsel,
46 but any advice on the limitation of gear type. Is
47 there legal implications of that?

48
49 MR. LORD: Mr. Chair. The Board has
50 never been in the practice of telling the State how to

1 parse among its users or what it should do. Our
2 authority under Title VIII says that we can close to
3 non-subsistence uses. We've never really taken it any
4 farther than that. Probably the strongest statement I
5 can say is that if we were to go the next step the RAC
6 is suggesting and we had to defend that in front of a
7 judge, I'm not sure the court would rule in our favor.
8 The court could decide that we had exceeded our
9 authority.

10

11 CHAIRMAN TOWARAK: Go ahead, Mr.
12 Haskett.

13

14 MR. HASKETT: So this is for the RAC
15 Chair. I'm losing my voice, sorry. Is there anybody
16 from the Sitka Tribe on the RAC that was part of the
17 deliberations and discussion you had before you came to
18 your recommendation?

19

20 MR. BANGS: Through the Chair. Yes,
21 there was. Harvey Kitka serves on the RAC.

22

23 CHAIRMAN TOWARAK: Let's take a 20-
24 minute break. During the break I would like to get our
25 attorney together to have a short discussion amongst
26 the Board members before we proceed any further. So if
27 we could take about a 15-minute break. I think we need
28 to get our heads together before we do any further
29 discussions or actions. So I'm going to declare a 15-
30 minute break.

31

32 (Off record)

33

34 (On record)

35

36 CHAIRMAN TOWARAK: I'd like to
37 reconvene our Board meeting. I wanted to say thanks to
38 whoever brought the crackers with the salmon spread on
39 it. Thank you for the subsistence food. It will
40 sustain me for another hour.

41

42 We were under the public testimony or
43 we had just heard from the Regional Council. We will
44 proceed with the rest of the agenda. We'd like to hear
45 from the tribal/Native corporations if there are any.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Apparently there are
50 no tribal consultation requests at this point. So we

1 will continue on with the Department of Fish and Game.

2

3 MS. YUHAS: Thank you, Mr. Chairman.
4 Jennifer Yuhas with the Department. As you know, the
5 Department is opposed to this proposal. We believe
6 that it eliminates a management tool that is necessary
7 and it eliminates it unnecessarily. It eliminates the
8 flexibility that we are using.

9

10 I appreciated that the member from
11 Sitka Tribe needed to correct some misinformation that
12 someone else had stated to preserve the reputation of
13 his organization. I come to a lot of public meetings
14 and I don't take very much personally when things are
15 said, you know, sometimes directly to me at a meeting,
16 but our management staff and our staff right on the
17 ground work in these communities and they care very
18 much about the resources.

19

20 It's a little more difficult for them
21 to hear things like that there's no in-season
22 management for conservation when I need to point out
23 for the record that our manager closed the commercial
24 opportunity in this area in 2012 simply based on poor
25 quality of spawn and they did so in-season with no
26 closure to subsistence and they closed the entire
27 commercial fishery. So some of those things we just
28 need to state for the record.

29

30 We're open to questions and we have our
31 scientist, Ms. Dressel here, and then we also have Dave
32 Gordon, the manager, online if you have further
33 questions.

34

35 CHAIRMAN TOWARAK: Thank you. Are
36 there any questions from the Board.

37

38 Mr. Haskett.

39

40 MR. HASKETT: Thank you, Mr. Chair. So
41 I'm not sure you can even answer this question, but I
42 was thinking about this. So we have a proposal from
43 the RAC that was modified and we have an original
44 proposal. I know the State would be against the
45 original proposal, but I'm trying to kind of figure out
46 where that is in significance. Would the State have a
47 concern that one would be better than the other or one
48 would be worse than the other?

49

50 MS. YUHAS: The State would be opposed

1 to the passage of either for the reasons stated by
2 others that I won't bore you by reiterating, but also
3 just because it eliminates the flexibility of the
4 management tool and that we have used it, we intend to
5 use it and you've seen through the charts how this
6 fishery fluctuates and on a high year that opportunity
7 should be provided. It takes two years for this
8 program to adjust a regulation and we can act much
9 quicker in-season and we should have that flexibility.

10

11 CHAIRMAN TOWARAK: Any further
12 questions.

13

14 (No comments)

15

16 CHAIRMAN TOWARAK: Thank you for your
17 presentation. We will move on to the Interagency Staff
18 comments.

19

20 MR. PELTOLA: Mr. Chair. There's no
21 ISC comments other than the standard comments which
22 will be provided.

23

24 CHAIRMAN TOWARAK: Thank you. Is there
25 any further discussion that the Board would like to
26 have with the Council Chairs or the State liaison.

27

28 Go ahead.

29

30 MR. HARD: Thank you, Mr. Chair. I
31 wonder if Mr. Bangs could describe, if anything, in
32 more detail some of the user conflicts that we've heard
33 from Mr. Kitka and others if you've heard that at your
34 level.

35

36 MR. BANGS: There has been some
37 conflicts in the closed area that we heard testimony at
38 our last meeting. There was a school of fish that was
39 in the closed area and a commercial vessel came over
40 the fish and circled around and around trying to scare
41 them into the open area. We've heard of -- we had
42 testimony in regards to branches that were set in some
43 of the areas that were open to commercial fishing and
44 when the boats would come in and set their seines, it
45 would stir up silt and sand and contaminate the
46 branches.

47

48 Other than that, off the top of my
49 head, I can't think of any. Mr. Kitka could probably
50 elaborate on more conflicts, but that's what the

1 testimony was given to us that I recall as far as
2 conflicts.

3

4 Thank you.

5

6 MR. HARD: Thank you. Mr. Chairman.
7 I'm challenged like Mr. Cribley. Would that be
8 appropriate to have Mr. Kitka come back up and clarify.

9

10 CHAIRMAN TOWARAK: Sure. Mr. Kitka.

11

12 MR. KITKA: Mr. Chair. Harvey Kitka
13 here.

14

15 MR. HARD: Mr. Kitka, I wonder if you
16 would elaborate on some of the user conflicts that you
17 earlier described in a very brief way to give a better
18 assessment of what goes on in the closed area or the
19 proposed closed area.

20

21 MR. KITKA: Through the Chair. In our
22 early conflicts, in our early -- we didn't really have
23 conflicts to start with. Probably the first year they
24 had the opening they never used to open the commercial
25 side until the herring started to spawn, which was
26 good. It made a lot of sense to do it that way, but
27 then what happened is we'd set our branches where the
28 spawn was starting. A commercial fisherman would come
29 in and make sets right behind -- almost on top of our
30 subsistence sets and wipe out that whole stock of
31 herring that were going to spawn in that area.

32

33 As a result, we'd have to move our
34 trees because there was no herring left to spawn in
35 that spot. We'd have to wait until they'd start to
36 spawn in another area and then reset our trees.
37 This happened a few years in a row, so we formed the
38 Sitka Tribal Herring Committee and started trying to
39 make some regulations to move the commercial guys away.
40 We were successful in moving them. I think it was
41 somewhere like 300 feet away from our trees.

42

43 Since then the only other conflict we
44 have is that they have moved their seining to before
45 the herring even start to spawn. So now we have to
46 watch and see when they start to seine and wherever
47 they start to seine we know that's the spot that
48 they're going to start to spawn and it's going to be
49 quick. The herring are going to come in and spawn and
50 be gone in a couple days.

1 This is so far different than what it
2 used to do on a natural basis. Sitka Sound was very
3 unique in their herring spawn. We used to have a spawn
4 that lasted approximately 10 days to almost three weeks
5 long. That not only happened just in the north area of
6 Sitka Sound, but it happened completely around the
7 whole sound. Now we just have one little spot on the
8 north end that we're talking about trying to save.
9 We're hoping this small stock will be enough for --
10 kind of a brood stock for not only the subsistence but
11 the commercial guys as well. They need more than just
12 a small area to have basically what you'd call a
13 nursery.

14
15 But the conflicts that have caused our
16 concern from not only subsistence but now to
17 conservation. I don't know if I answered your
18 question.

19
20 MR. HARD: You did, sir. Thank you.
21 Thank you, Mr. Chair.

22
23 CHAIRMAN TOWARAK: Thank you, Mr.
24 Kitka. Go ahead.

25
26 MS. YUHAS: Thank you for the
27 opportunity, Mr. Chairman, since a new issue has arisen
28 and specifically just discussing the description of
29 some of the user conflicts. I always take the
30 opportunity to remind folks at these meetings and the
31 RACs that if they witness illegal activity that it
32 needs to be reported so that we can do something about
33 it.

34
35 I wouldn't think that this proposal can
36 actually fix already illegal behavior, such as trying
37 to push the herring from one area to another, but the
38 person who did that, if that was witnessed by someone
39 and reported, they should -- Mr. Hard is shaking his
40 head and he was a trooper for about 20 years. That's
41 molestation of the fish. The same as trying to push a
42 game from one area to another and that activity is
43 illegal aside from the proposal.

44
45 CHAIRMAN TOWARAK: Thank you. Are
46 there any other questions. Mr. Cribley.

47
48 MR. CRIBLEY: I guess the first
49 question is to Ms. Yuhas in regards to the closure.
50 The closure that the State put into place is still in

1 place, right, or has it been lifted?

2

3 MS. YUHAS: For the commercial fishery.

4

5 MR. CRIBLEY: Right, right. So it's
6 still closed, correct? Correct. Right.

7

8 MS. DRESSEL: Yes, the area was closed
9 in the 2012 Board of Fish and remains closed.

10

11 MR. CRIBLEY: Okay. Then I guess the
12 next question would be to the RAC Chair for the
13 Southeast RAC. I'm looking at the rationale of why the
14 Subsistence Board did not -- back in 2013 considered
15 this closure and did not put this closure in place
16 because they didn't feel there was a need for it. I
17 guess my question I have is what has changed in your
18 discussions at the RAC with the RAC, if something
19 significant or has something changed that you feel that
20 is now justified or the RAC or the Subsistence Board
21 should consider this closure that's different than when
22 we considered it back in 2013. Has circumstances
23 changed or what?

24

25 MR. BANGS: Through the Chair. We felt
26 that with the growing trend of the population on the
27 decline that there was consideration for a possible
28 conservation concern and that was one of the major
29 things that had changed with us. And we did receive a
30 lot more testimony at our last meeting, so it was
31 convincing enough to where the Council felt that this
32 was probably a good thing to do and looking at the size
33 of the area that we're adding to it. It's a real
34 important area for a protection for the spawning
35 biomass to help out the regrowth of the population.
36 It's not that big of an area, but it is a pretty key
37 component to being able to harvest close to town.
38 That's why we changed.

39

40 Thank you.

41

42 MR. CRIBLEY: A follow-up question. Is
43 it the feeling then of the Federal subsistence users in
44 that area that the area closed by the State is
45 inadequate and it's important to add this additional
46 area to it to provide adequate subsistence harvest
47 opportunities? As you say, it's a fairly small area.
48 I'm just kind of trying to see what has changed. It
49 seems that the State has taken a significant position
50 in protecting a fairly large area of State-controlled

1 waters and kind of the rationale of adding this
2 additional small Federal section into it. Just trying
3 to understand that.

4

5 MR. BANGS: Through the Chair. If you
6 look at the map that has the area that's closed
7 currently by the State, there isn't a lot of -- for the
8 amount of area there, there isn't a lot of shoreline.
9 There is a pretty good bit of shoreline right along the
10 mainland of Baranof, but there isn't a lot of rock
11 piles in places where they're able to spawn like there
12 is in that Makhnati Island area. So this was a prime
13 spot for spawning and it's a good place to put possible
14 subsistence uses to. So, with that in mind, we thought
15 that this would be a good addition to the closed area
16 just because it's adjacent to it and it is more of a
17 spawning area.

18

19 Thank you.

20

21 MS. YUHAS: Thank you, Mr. Chairman.
22 With relation to that, there is currently a proposal
23 that will come up in February for the Board of Fish to
24 expand that area, who closed the original area. And
25 then this body only has the ability to close to
26 non-Federally qualified, so it will affect other
27 subsistence users in the area if this body passes the
28 proposal rather than the Board of Fish, who can pass
29 the closure for other uses but leave it open to
30 subsistence. So you would be affecting other
31 subsistence users.

32

33 MR. CHRISTIANSON: Through the Chair.
34 Who would those be? Would that be the transient
35 subsisters that would fly in for the eggs? Is that who
36 it would be?

37

38 MS. YUHAS: That would be other
39 subsistence users as qualified by the State and I'm not
40 sure how Mr. Christianson -- I don't know if that was a
41 little bit tongue in cheek as far as transients.

42

43 MR. CHRISTIANSON: (Microphone off)
44 qualified user would be is.....

45

46 MS. YUHAS: Non-Federally qualified
47 users by definition are State subsistence users.

48

49 CHAIRMAN TOWARAK: Any further
50 questions.

1 (No comments)

2

3 CHAIRMAN TOWARAK: Not hearing any,
4 then we will continue. I think we are under Board
5 discussion with the Council Chairs and the State
6 liaison. I think that portion is over. We're read for
7 Board action, step 9. Go ahead, Ms. Pendleton.

8

9 MS. PENDLETON: Through the Chair. I
10 move to adopt Proposal FP15-17 as written on page 214
11 of our Board book and stated as the proposed
12 regulation. Following a second I'll provide a
13 rationale for why I plan to vote for my motion and for
14 this proposed regulation.

15

16 MR. BROWER: Second.

17

18 CHAIRMAN TOWARAK: You heard the motion
19 and the second. The floor is open for discussion. Ms.
20 Pendleton.

21

22 MS. PENDLETON: So first I just want to
23 state that I really appreciate all of the testimony
24 that has been given by the public, by the tribe, by the
25 Regional Council, as well as the Department of Fish and
26 Game and for the additional information that has been
27 provided today and helped me with my rationale and why
28 I plan to vote for the proposal as presented.

29

30 First of all, and I think foremost for
31 the Board, there are really, I think, two reasons that
32 we can justify in closing the Makhnati area to non-
33 Federally qualified users and the first of those has to
34 do with conservation concern. There has been a lot of
35 information provided through Staff analysis and all of
36 the folks that I just mentioned, including here at
37 today's meeting.

38

39 There does appear to be some
40 significant declines that are being noted throughout
41 Southeast Alaska, so that is a concern to me.
42 Furthermore, there appears to be some issues with low
43 recruitment and a lack of clarity, at least for me
44 anyways, that this may not continue to occur in some
45 areas. So I do believe there are some conservation
46 concerns and wanted to clarify that for the record.

47

48 Secondly, I believe that with this
49 closure it will also provide for continued cultural use
50 of the herring resource of key significance locally and

1 I think we've also heard the importance for this area
2 for spawning biomass and in close proximity for local
3 subsistence uses. And I think we've heard a lot of
4 testimony on the importance of this local area for
5 subsistence use.

6

7 And then finally I believe although
8 there will be impact that it will be fairly small to
9 the commercial fisheries in the area.

10

11 Thank you.

12

13 CHAIRMAN TOWARAK: Thank you. Are
14 there other comments or further discussion.

15

16 Go ahead, Ms. Pendleton.

17

18 MS. PENDLETON: Through the Chair.
19 There was one other piece that I also wanted to add in
20 there and that has to do with the modification that was
21 presented by the Southeast Council recommending a
22 slightly different approach. I find, while it's
23 compelling, I believe that there are some legal
24 concerns and implications with regard to an attempt to
25 allocate amongst non-subsistence uses by gear types.
26 So I just wanted to put that on the record as well.

27

28 Thank you.

29

30 CHAIRMAN TOWARAK: Further discussion.

31

32 (No comments)

33

34 MR. CHRISTIANSON: Question.

35

36 CHAIRMAN TOWARAK: The question has
37 been called for. Could we have a roll call, please.

38

39 MR. PELTOLA: The motion on the floor
40 is to adopt FP15-17 as presented. Going down the roll
41 call. Forest Service.

42

43 MS. PENDLETON: Yes.

44

45 MR. PELTOLA: BIA.

46

47 MR. KAHKLEN: Yes.

48

49 MR. PELTOLA: National Park Service.

50

1 MR. HARD: Yes.
2
3 MR. PELTOLA: BLM.
4
5 MR. CRIBLEY: Yes.
6
7 MR. PELTOLA: Public Member
8 Christianson.
9
10 MR. CHRISTIANSON: Yes.
11
12 MR. PELTOLA: Public Member Brower.
13
14 MR. BROWER: Yes.
15
16 MR. PELTOLA: Mr. Chair.
17
18 CHAIRMAN TOWARAK: Yes.
19
20 MR. PELTOLA: Fish and Wildlife
21 Service.
22
23 MR. HASKETT: Yes.
24
25 MR. PELTOLA: FP15-17 adopted
26 unanimously.
27
28 CHAIRMAN TOWARAK: Thank you. That
29 concludes the Southeast Alaska portion of the
30 proposals. I believe we have two more proposals for
31 the Cook Inlet area, but I understand there's a desire
32 for a little bit of time for communication. So what
33 I'd like to do if it's agreeable with the Board is to
34 recess right now for lunch and return at 1:30. I'd
35 like to announce that at 1:30 the King Island Dancers
36 from the Anchorage area are going to be performing for
37 the Board. For those who have not heard about it,
38 we've initiated this practice starting with the
39 previous Board meeting. So this year we're going to be
40 listening to the King Island Dancers. I would invite
41 people to come and listen to them.
42
43 The King Island Dancers historically
44 were the ones that retained Alaska Native dancing
45 throughout the years. In most other places, especially
46 on the main coast, a lot of Native dancing was
47 terminated by the churches, saying it was a heathen
48 activity. Low and behold, the King Islanders have
49 proven that it's a method of storytelling and it was a
50 good form of entertainment and a good way to move

1 around. I admire the King Islanders for maintaining
2 our culture and keeping it alive. They will be
3 performing this afternoon. They are good.

4
5 So if it's all right with everyone we
6 will take a lunch break until 1:30 and reconvene then.

7
8 Thank you.

9
10 (Off record)

11
12 (On record)

13
14 MR. LIND: Good afternoon everybody.
15 Welcome back. I am honored to present to you guys the
16 King Island Dancers.

17
18 (Intercom interruption)

19
20 MR. LIND: You have my attention. Do
21 you have my attention?

22
23 (Laughter)

24
25 MR. LIND: I'd like to turn this over
26 to Brenda. Please welcome the King Island Dancers.

27
28 (Applause)

29
30 MS. MAXWELL: Thank you, Orville. As
31 he mentioned, we're the King Island Singers and Dancers
32 of Anchorage. We all reside here. Originally our
33 people come from King Island, which is about 90 miles
34 northwest of Nome. It's in the Bering Sea. The island
35 is now abandoned. Back in the 1920s the BIA built a
36 school for all of the school children and they had
37 trouble recruiting teachers to the island because of
38 the harsh living conditions, so the government
39 condemned the school, saying there was a large boulder
40 on top of the village ready to come down and destroy
41 all the houses at any moment. That was 60 years ago
42 and that rock is still up there.

43
44 They relocated everybody back to the
45 mainland. When I was growing up, we used to go there
46 as children with the elders and their offspring, but
47 not too many people go there nowadays. Even though
48 nobody goes back we maintain the dancing that was
49 handed down to us from generation to generation.
50 Before getting started with the dancing, I'd like to

1 introduce everybody to you.

2

3 My name is Brenda Maxwell. I'm the
4 granddaughter of Paul Tialana (ph). Starting closest
5 to me is my Uncle Eugene, my cousin Christian, my first
6 cousin Jerry, our Aunt Sue, my mom Lillian, their first
7 cousin Gerty and my Aunt Esther. So you can see we are
8 all related one way or another. We do have quite a few
9 kids that dance with us, but we didn't let them skip
10 school. They're all getting their education. We have
11 quite a few other male dancers that are working right
12 now. So this is just a small handful of us here.

13

14 We'd like to welcome you and we'll also
15 get started with the welcome dance.

16

17 (Dancing)

18

19 (Applause)

20

21 CHAIRMAN TOWARAK: Thank you very much
22 to the King Island Dancers. If anybody wanted to learn
23 how to dance with them, I'm sure they've got dancing
24 lessons about 11:00 o'clock on the weekends.

25

26 We will reconvene our Federal
27 Subsistence Board meeting. We completed the Southeast
28 Alaska proposals. Our last region to complete for the
29 Cook Inlet area we have two proposals, 15-11 and 15-10.
30 We will go right into 15-11 first. For those of you on
31 the Board, you could find that on Page 117. We will
32 ask the Staff for an analysis of the proposal.

33

34 MS. HYER: Good afternoon, Mr.
35 Chairman. Board members and RAC members. For the
36 record, my name is Karen Hyer and I'm a fisheries
37 biologist with OSM. I have with me the in-season
38 manager and also the Refuge Manager from the Kenai and
39 they're very familiar with this proposal. It is a
40 little bit complicated, so I've asked them to sit up
41 here with me to answer some questions. I will let them
42 introduce themselves before I get going on the OSM
43 analysis.

44

45 MR. ANDERSON: Thank you, Karen. Mr.
46 Chairman, Board members, RAC chairmen. My name is Jeff
47 Anderson. I'm the field supervisor for the U.S. Fish
48 and Wildlife Service, Kenai Fish and Wildlife Field
49 Office. In that capacity, I'm also the in-season
50 manager for Federal subsistence fisheries in Cook

1 Inlet.

2

3 MR. LORANGER: Good afternoon. Thank
4 you, Mr. Chair. Members of the Board and RAC members.
5 My name is Andy Loranger. I'm the Refuge Manager of
6 the Kenai National Wildlife Refuge.

7

8 MS. HYER: Mr. Chairman and Board
9 members. Because of the nature of this proposal
10 there's been ongoing dialogue, so once I get done with
11 my presentation I think that Jeff and Andy can bring
12 you up to speed. They've had some conversations
13 Ninilchik and have had some other discussions, so
14 they'll have more information to add when I'm done.

15

16 I will start here with Proposal
17 FP15-11, which was submitted by Ninilchik Traditional
18 Council, and it requests a community set gillnet
19 fishery be established on the Kasilof River for salmon.
20 The proponent requests establishment of one community
21 set gillnet in the Kasilof River to add additional
22 subsistence opportunity for residents of Ninilchik.
23 The proponent proposes developing an operational plan
24 that would be approved by the Federal in-season fishery
25 manager in consultation with the Refuge Manager.

26

27 All salmon taken in the proposed
28 gillnet fishery would be included as part of the annual
29 household limit for Ninilchik. Currently Federal
30 subsistence users may harvest Kasilof River salmon with
31 a dipnet, rod and reel and fishwheel from the outlet of
32 Tustumena Lake to Silver Salmon Rapids. The household
33 limit is 10 chinook salmon per permit holder and each
34 additional household member is allowed two fish. The
35 total annual harvest limit of 500 chinook. The
36 household limit for sockeye is 25 per permit holder and
37 each additional household member may have five fish.
38 The total annual limit is 4,000 fish.

39

40 The proponent indicates efforts to
41 establish a meaningful Federal subsistence fishery on
42 the Kenai and Kasilof River has not been successful.
43 The proponent originally asked for a subsistence
44 gillnet fishery in the Kenai and Kasilof during the
45 2007 regulatory cycle. In 2008, to provide more
46 opportunity, a community fishwheel was established in
47 the Kasilof River. While the Ninilchik Traditional
48 Council has made a good faith effort to operate the
49 fishwheel under the current Federal subsistence
50 regulations, they have not been successful at

1 harvesting any salmon.

2

3

4 The State classifies most of the Cook
5 Inlet area, including the Kenai and Kasilof River
6 drainages, as non-subsistence and this began in 1992.
7 The only State subsistence fisheries in Cook Inlet
8 occur in areas that are not accessible from the road
9 system. The State has four personal use fisheries in
10 Cook Inlet; Kasilof River dip net, Kasilof River set
11 gillnet, Kenai River dip net, and Fish Creek dip net.
12 Unlike subsistence fisheries, personal use fisheries do
13 not have a priority over other existing uses.
14 Therefore, during times of resource shortage, the
15 educational fishery may be restricted.

15

16

17 Under Federal regulation only residents
18 of the community of Ninilchik have a positive customary
19 and traditional use determination for all fish in the
20 Kasilof River. They have been allowed to harvest fish
21 under Federal subsistence regulation since 2007. From
22 the inception of the Kasilof River Federal subsistence
23 fishery, sockeye salmon have comprised over 99 percent
24 of the total harvest. For the period of 2007 through
25 2013, the total harvest of sockeye has ranged from 1 to
26 108 fish. You can see on Table 1 on Page 129 the
27 harvest of sockeye.

27

28

29 Sockeye salmon are the most abundant
30 salmon species in the Kasilof River drainage and the
31 stocks continue to be healthy. In 2014, the Kasilof
32 River sockeye salmon escapement was estimated at
33 400,000, which exceeded the top end of the optimal
34 escapement goal.

34

35

36 While sockeye salmon stocks are doing
37 well, chinook salmon stocks in the Cook Inlet are
38 experiencing a decrease in abundance. Chinook salmon
39 are harvested during the mixed stock commercial fishery
40 in the Upper Cook Inlet and recent commercial chinook
41 salmon harvests are some of the lowest on record.

41

42

43 The Kasilof River supports both an
44 early and late run of chinook salmon and low escapement
45 since 2009 have resulted in restrictions to both the
46 sport and personal use fishery. In 2014, retention of
47 naturally-produced early-run chinook salmon was
48 prohibited in the sport fishery and only hatchery
49 chinook salmon were allowed to be harvested. The
50 personal use fishery was also restricted to protection
of salmon.

1 Beginning in July, sport fishing for
2 the late run chinook salmon in the Kasilof was
3 restricted to catch and release. In addition to
4 concerns over chinook salmon, the Kasilof River also
5 has a small population of steelhead trout that would be
6 subject to harvest from a gillnet. Given the chinook
7 salmon and steelhead trout conservation concerns, a
8 community gillnet would need to be fished in the
9 Kasilof River during a window in July when the sockeye
10 salmon harvest can be maximized while minimizing the
11 harvest of late run chinook salmon and steelhead trout.

12

13

14 OSM's recommendation is to support
15 Proposal 15-11 with modification. The operation plan
16 can address chinook salmon and steelhead trout
17 conservation, concerns with timing, quotas,
18 mesh size and depth restrictions. The OSM modification
19 removes the language addressing the release of
20 steelhead and rainbow trout after the annual total
21 harvest limit of 200 fish is exceeded.

22

23

24 The ability of these fish to survive
25 once captured in a gillnet is unknown. It is possible
26 that the majority of rainbow and steelhead trout
27 caught in a community gillnet would die even if they
28 were released. Therefore, releasing any fish exceeding
29 the 200 fish annual total harvest limit could be
30 problematic. Instead, OSM recommends to close the
31 fishery once 200 rainbow and steelhead trout are
32 harvested.

32

33

34 That ends my presentation and I will
35 turn it over to Jeff and Andy for more input.

35

36

37 MR. ANDERSON: Thank you, Karen. If it
38 please the Chair, I have some additional information to
39 include.

39

40

41

42

43 CHAIRMAN TOWARAK: Go ahead.
44 MR. ANDERSON: As Karen mentioned, we
45 have biological concerns for late run chinook salmon
46 and steelhead in the Kasilof River and we also have a
47 potential allocation issue among gear types that I'd
48 like to talk about briefly. Unfortunately, for this
49 proposal, most of the waters under Federal subsistence
50 fisheries management jurisdiction on the Kasilof River
51 are documented spawning grounds for late run chinook
52 salmon.

1 In contrast, the current methods that
2 are available with existing Federal subsistence
3 fisheries on the Kasilof River, which include the
4 community fishwheel, dipnets and rod and reel
5 fisheries, gillnets are not appropriate for selective
6 harvest of species or stocks. Using a gillnet on known
7 spawning grounds goes against the principals of
8 fisheries conservation.

9
10 There's been work to describe the
11 arrival timing and spawning distribution for late run
12 chinook salmon on the Kasilof River and that was
13 completed in 1987. This study identified spawning
14 locations within the Federal waters on the Kasilof
15 River downstream from the Tustumena Boat Launch and the
16 study also identified that these fish are moving
17 towards the spawning grounds in late July.
18 Unfortunately, this is the most recent information we
19 have available to us. There's been -- the Alaska
20 Department of Fish and Game completed some work in 2005
21 to 2008, but have not analyzed their data to the extent
22 to compare it to the previous study yet.

23
24 As Karen mentioned, there's also a
25 small steelhead population in the watershed that is of
26 concern and the Federal subsistence regulations to date
27 have always been conservative to protect this
28 population, which is likely to be less than 2,000 fish
29 in total.

30
31 My office has done some work with
32 steelhead in the Kasilof watershed from 2006 to 2009
33 and we identified the spawning distribution and
34 movement patterns of the species. As Karen mentioned,
35 steelhead enter the system in August and they spend the
36 winter in freshwater before spawning in the spring.
37 After spawning some fish die, but some fish survive and
38 migrate back to the ocean to repeat the process and
39 come back and spawn again. It's these spawned-out fish
40 that are moving through the Federal waters of the
41 Kasilof River up until the end of June.

42
43 Now to briefly discuss the potential
44 allocation issue. Currently qualified subsistence
45 users in Ninilchik are able to participate in dipnet
46 and rod and reel fisheries on the Kenai River and also
47 on the Kasilof River and they're also eligible to
48 participate in the community gillnet -- excuse me, the
49 community fishwheel fishery on the Kasilof River. All
50 fisheries for the community of Ninilchik are subject to

1 harvest limits for salmon species, which apply to both
2 rivers. Once the limit is reached for the total count
3 for each species, all fisheries for that species would
4 then need to close.

5
6 When fished effectively, gillnets can
7 harvest large numbers of fish in relatively short
8 periods of time compared to other approved methods. If
9 a community gillnet fishery is approved for the Kasilof
10 River, we expect that established harvest limits for
11 some species could realistically be achieved in a
12 relatively short timeframe.

13
14 Therefore, until more information
15 becomes available, we recommend a cautious approach for
16 this fishery and suggests initiating the fishery in an
17 experimental manner. Also to initiate the fishery so
18 that it is limited in time and area to conserve late
19 run chinook salmon and steelhead. We recommend
20 establishing the experimental community gillnet fishery
21 upstream of the Tustumena Boat Launch and limiting the
22 fishery dates to July 1st through July 31st. This will
23 provide an opportunity for Ninilchik residents to
24 harvest sockeye salmon, but will avoid fishing a
25 gillnet on a known chinook salmon spawning population
26 and will protect spawned out steelhead as they're
27 passing through the system.

28
29 Finally, since a gillnet can
30 effectively harvest large numbers of fish in relatively
31 short time periods, we recommend establishing harvest
32 limits for the experimental community gillnet as a
33 proportion of the existing limits to avoid
34 disenfranchising other subsistence users who may choose
35 to harvest fish in different locations and with
36 different methods.

37
38 That's all I have.

39
40 CHAIRMAN TOWARAK: Thank you. Is it
41 Dan -- or Andy. Go ahead.

42
43 MR. LORANGER: Thank you, Mr. Chair.
44 One point that -- and I actually asked Jeff to verify
45 this, that the Federal waters in the upper Kasilof
46 represent the spawning area for late run chinook. This
47 is the spawning area, so there are not other
48 tributaries or other areas that late run chinook are
49 spawning in.

50

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

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Thank you for that
7 analysis. We will move on then to the summary of
8 public comments from the Regional Council Coordinator.

9
10 MR. MIKE: Thank you, Mr. Chair. There
11 were no written public comments received for Proposal
12 FP15-11.

13
14 Thank you.

15
16 CHAIRMAN TOWARAK: Thank you, Donald.
17 The floor then is open for public testimony. Do we
18 have requests? I understand that we do have two people
19 that have requested public testimony, but they want to
20 do it under the tribal/Alaska Native corporation
21 comment section, so that will come after listening to
22 the Regional Council.

23
24 If there are no public comments that we
25 could hear, then we will move on to number four,
26 Regional Council recommendations. Mr. Lohse.

27
28 MR. LOHSE: Thank you, Mr. Chair. The
29 SouthCentral Alaska Regional Advisory Council supports
30 this proposal. Like we stated, we think that the
31 proposal, if enacted into regulation, would provide for
32 a meaningful subsistence preference. Chinook and
33 rainbow trout harvest will be limited. Conservation
34 concerns can be addressed and I would have to add will
35 be addressed through an operational plan.

36
37 The operational plan reviewed by the
38 in-season manager would require prior approval from the
39 land managing agency prior to any fishing, which is
40 another safeguard, and the proponent provides public
41 comments that stated that the gillnet is a customary
42 and traditional use method on the Kenai. As we've
43 talked about before, we recognize that there are going
44 to be some questions on the distribution and the amount
45 and things like that, but we, as a Council, felt that
46 these could be addressed through an operational plan
47 and the operational plan is going to have to be to be
48 fairly complicated.

49
50 Thank you.

1 CHAIRMAN TOWARAK: Thank you, Mr.
2 Lohse. Are there any questions from the Board of the
3 Regional Council? Go ahead, Mr. Haskett.

4
5 MR. HASKETT: So I guess my question is
6 -- I know that there's been lots of discussions between
7 our fisheries folks and the Refuge and I think the
8 concern -- they can correct me if I don't get this
9 quite right, but the operational plans you said would
10 be very complicated. So when you had that kind of
11 discussion, is it going to be too complicated to
12 actually have it work I think was our concern. So did
13 you kind of get to that or have any discussion about
14 that?

15
16 MR. LOHSE: We don't think it would be
17 too complicated to work. With some of the things that
18 have come out with the discussion as far as time is
19 concerned, timing, position and things like that, and
20 recognition of those problems, I think there's -- I
21 think there's a real opportunity to come up with an
22 operational plan that will work. I think the hardest
23 thing will be for finding an operator that's willing to
24 take on the making of the operational plan and the
25 distribution of the fish. I think that's going to be
26 harder than making the conservation concerns work.

27
28 CHAIRMAN TOWARAK: Go ahead.

29
30 MR. HASKETT: So just to follow up,
31 again, in your discussions, you got to the point where
32 there was some agreement on things that could work in
33 an operational plan.

34
35 MR. LOHSE: Yes.

36
37 MR. HASKETT: Thank you.

38
39 CHAIRMAN TOWARAK: Any further
40 questions?

41
42 (No comments)

43
44 CHAIRMAN TOWARAK: Thank you, Mr.
45 Lohse. Then we will go on to the tribal/Alaska Native
46 corporation comment period and we have two people that
47 have requested. Excuse me, I have a cold. Mr. Darrel
48 Williams from Ninilchik.

49
50 MR. LIND: Mr. Chairman. Orville Lind,

1 Native liaison. Just some information. Last fall when
2 we had tribal consultations we did have Mr. Encelewski
3 on Fisheries Proposal 15-11 and rather than me reading
4 to you what he says, he's here to make some comments.

5
6 CHAIRMAN TOWARAK: Okay. Mr.
7 Encelewski, you have the floor.

8
9 MR. I. ENCELEWSKI: Thank you, Mr.
10 Chairman. Members of the Board, members of the RAC.
11 For the record, my name is Ivan Encelewski and I'm the
12 executive director of the Ninilchik Traditional
13 Council, the proponent of this proposal. I'm also a
14 Federally qualified subsistence user from Ninilchik. I
15 won't go into all the specifics on the tribal
16 consultation. I did call in. That was months ago on
17 the tribal consultation. I think I was the one that
18 called in and I raised a couple of issues, but that
19 will be addressed in my testimony here today, so I
20 think it can be covered through that process.

21
22 First of all, I just want to thank the
23 Board for this process that allows the Alaska Native
24 and the tribal comments section. It's been a practice
25 at our Southcentral Regional Advisory Council for a
26 long time and I think it recognizes that special
27 government-to-government relationship that the tribes
28 have with the Federal government and I think it's
29 important to have this section and opportunity. So I
30 just want to thank all of you first and foremost for
31 that.

32
33 I'll try and keep my comments brief,
34 but I do need to go through a few things here.
35 Obviously this proposal was unanimously supported by
36 the Southcentral Regional Advisory Council. We believe
37 that deference to the RAC is due in this proposal. I
38 want to clarify in one of the comments that I made at
39 the tribal consultation was this is for one community
40 gillnet, so there was some discussion in the original
41 Staff analysis that used the word nets, plural, and I
42 think that gives the wrong idea and I want to make that
43 clear that this is just for one net for the community.
44 This isn't for a net for each member of the community.
45 It's one small net.

46
47 I've had good discussions with Andy and
48 Jeff and they've raised concerns obviously over the
49 spawning grounds, but I do want to say this, that while
50 this fishery may take place in the spawning grounds,

1 all of our subsistence activities already take place in
2 that spawning grounds. The rod and reel activity, the
3 dipnet activity, that's already being done in those
4 spawning grounds, so this is just simply one more
5 method and means to get those fish. So, therefore,
6 it's kind of misrepresentational to say that we can do
7 all these subsistence activities in this area, but we
8 can't do a meaningful activity.

9
10 And I want to touch on the issue of
11 conservation because that's obviously, you know, the
12 premise of what's coming up here today. I don't need
13 to belabor this issue, but I think the tribal people
14 are the biggest conservationists of all. Our people
15 are indigenous people, survived on the resource. You
16 know, they're spiritual and emotional and physical
17 well-being and without that resource we wouldn't have
18 our people and our culture.

19
20 So I believe we have a history at the
21 tribe of being very conservation oriented and we've
22 never submitted any proposal or anything -- in fact,
23 we've made proposals at times to reduce limits. Like
24 say, for example, for clamming and some of the State
25 regulations, we asked that that be reduced. They told
26 us no and eventually it became a conservation issue and
27 they finally did reduce that limit down. So we are
28 conservation-minded. We want to make that clear that
29 we're not here in a zealous nature just trying to get
30 fish at the degradation of the resource.

31
32 I do want to say that one of the things
33 that concerns us, you know, as far as this process is
34 that we've always felt -- you know, Ninilchik is --
35 obviously this is the Kenai and Kasilof River.
36 Unfortunately there's a bureaucratic and political
37 process that plays out here because it's a very high-
38 use area and, unfortunately -- you know, nets in the
39 Yukon, Kuskokwim, it's not even an option. I mean it's
40 just a given. But one small community net seems to
41 create this pandemonium in a place like the Kenai
42 Peninsula, which is unfortunate for the subsistence
43 user because we feel like we kind of get the short end
44 of the stick for that reason.

45
46 You know, when we look at subsistence
47 and under ANILCA, we're at the top of -- say it's a
48 triangle. We're the number one absolute priority and
49 every time that we've submitted a proposal we feel like
50 we're trying to push through the bottom of that

1 triangle. So you have allocation levels set. You
2 know, commercial fishermen, say we have a personal use
3 fishery that takes place in the middle of June to the
4 end of June, right before the mouth of the Kasilof
5 River. You have an ongoing commercial fishery that's
6 taking hundreds of thousands of fish out of the waters
7 of Cook Inlet destined for the Kenai River. You have
8 ongoing dipnet fisheries in the mouth and in portions
9 of the Kasilof River. You have subsistence fishing.
10 You have ongoing sport fishing going on all throughout
11 the summer.

12
13 When you really look at the resource
14 and the amount of fish, we're taking, what, 100 fish,
15 100 sockeye one year, one fish one other year. I mean
16 it's almost next to no harvest. So the allocation
17 level -- every time we want to push through a proposal
18 to say, you know, we need our number one priority, it's
19 like we're pushing up through that base of commercial
20 interests already being allocated, sport interest,
21 personal use interest and we're trying to push through
22 just to be at that priority.

23
24 We're not a priority if every time we
25 come with a proposal to have a meaningful preference,
26 it's like, well, the allocation level is set, it's a
27 conservation concern. What else has to be pushed
28 aside, whether it be a reduction in some of the fishing
29 time for sport or commercial interests, so that we can
30 actually be at the top of that triangle again. And
31 that's the problem.

32
33 When we come with this proposal, it's
34 like how do we fit them in. Well, we can't because the
35 allocation is set, so it's a conservation concern, so
36 no. When, in fact, saying no. They're the number one
37 absolute priority under ANILCA. This has been
38 established by the Ninth Circuit Court of Appeals, U.S.
39 Supreme Court, it's the law of the land and we are
40 supposed to be at the top of that triangle. But when
41 we go to push through to that allocation level, it's
42 like, no, conservation concern.

43
44 So that's an overall issue that was in
45 the tribal consultation comments that we feel like
46 we've not been properly -- our proposals over the years
47 haven't been properly given that due consideration of
48 the absolute priority preference is the subsistence
49 user.

50

1 I want to touch on a few things. We've
2 been at this for a long time and you've probably heard
3 me and others over the last 15 years talk about how
4 we've said there's not going to be conservation
5 concerns, not going to be conservation concerns. You
6 look at the C&T. We were told there would be
7 conservation concerns for C&T on the Kenai and Kasilof.
8 We were told that there would be conservation concerns
9 with resident species on the Kenai and Kasilof. We
10 were told there was conservation concerns with cow
11 moose hunting, late season bull moose hunting, brown
12 bear. Every time we've come up with this conservation.
13 Not once has it come to fruition. Not once.

14
15 So we believe that there's still --
16 this isn't just, you know, shooting fish in a barrel.
17 It's still going to be an opportunity. You're still
18 going to need a boat. There's still going to be
19 resources to run this proposal and to do these things.
20 A lot of logistics to work this out. It's not going to
21 be near as traumatic as we think that some of the
22 potential conservation concerns that people might have.
23 There's still going to be a lot of work to get this
24 done.

25
26 When we talk about conservation issues,
27 24-hour reporting. We have that kind of stuff in the
28 moose hunting, you know. The in-season management is
29 capable of making those decisions. There's issues that
30 can be put in the operational plan. You know, as an
31 example, the last two years the in-season managers made
32 special action to close down our subsistence fishery in
33 the Kasilof or in the Kenai, in the Upper Kenai, and
34 that was done during the middle of the season. So
35 those kind of actions can be taken through the in-
36 season management and through that process to protect
37 the resource. This isn't like there's not any in-
38 season management.

39
40 Anyway, I want to talk about, you know,
41 sometimes we feel like we're kind of getting the raw
42 end of the deal. If you look at the State of Alaska,
43 they have a net that they run in the Kenai each year,
44 every day in the summertime. So, you know, it's one of
45 those things that we feel like why isn't the
46 subsistence user who has the absolute priority why are
47 they not allowed to utilize this opportunity.

48
49 We have gear types. We talked about
50 gear type considerations, mesh size, those kind of

1 things that are conducive to conservation issues. You
2 know, we have a State of Alaska educational fishery
3 right in Ninilchik. Okay. So what do they put in that
4 proposal? They put in there that we must release kings
5 in a certain period of time. If the king salmon
6 escapement they have conservation concerns in the
7 Ninilchik area, they tell us we need to release kings
8 out of the net. For the past several years we've been
9 releasing kings and releasing kings.

10

11 Now if the State of Alaska can put that
12 in a permit request saying that that's a conservation
13 measure by taking a net and releasing kings, which we
14 do, then certainly it should be a conservation measure
15 that subsistence users can use as well.

16

17 You know, I mentioned the nature that
18 all around the state nets are used as a subsistence
19 resource. You look at the Kuskokwim where there's
20 conservation issues and they're still utilizing. Not
21 just one community. We're talking about one community
22 net. A small community net. So to say that, you know,
23 this is somehow some huge conservation concern, we just
24 don't believe that. You now, the hook and release
25 going on has a mortality rate. That fishery is held
26 all throughout this time period.

27

28 So we do support some of the issues
29 that we talked about. I want to touch -- we did talk
30 to Andy and we talked to Jeff about some of the
31 concerns. We certainly don't have a problem with an
32 allocation limit say for a specific fishery, like the
33 gillnet fishery. So other resources say -- or other
34 methods and means, like the rod and reel, they wouldn't
35 be excluded. Say all the capture wouldn't come from
36 one method and mean.

37

38 Anyway, I'll turn it over to some of
39 the others. I do want to say that, you know, one of
40 the arguments that comes up on some of the State
41 resources are saying, well, there's all these other
42 resources. Well, first, the State -- this is a non-
43 subsistence area as defined by the State, so there is
44 no State subsistence in our area. To say that there's
45 opportunities through commercial or seining, we're not
46 going to get \$100,000 seine permits or \$75,000 drift
47 permits or \$20,000 Cook Inlet setnet permits to fulfill
48 our subsistence needs.

49

50 So some of the stuff you'll hear today

1 is, well, there's all these other opportunities in the
2 State side. That's totally immaterial, you know.
3 ANILCA doesn't talk about what's available in the non-
4 subsistence State areas and what's available for that.
5 They'll talk about educational fisheries. Educational
6 fisheries by its very nature is not subsistence. It's
7 educational. It's not meant to harvest just fish and
8 take them home for your family, for your needs, for
9 your food needs. It's for to educate people. So
10 that's a moot point to say that we have an educational
11 fishery so therefore there's an opportunity.

12
13 The early and late run kings, they're
14 not even counted in the Kasilof, you know. So the
15 chinook issue, they're just continuing letting the
16 commercial fishermen and the other resources taking all
17 these harvests, but yet we're not allowed to.

18
19 When we talked to Jeff and Andy, we
20 didn't have so much of a concern on some of the areas
21 and stuff like that and we feel like a lot of that can
22 be worked out in the operational plan. The operational
23 plan can delineate those issues. Is it a tough,
24 arduous process? Yes. We do it with the fishwheel.
25 We did it with the fishwheel process. It's a multi,
26 10-page document, operational plan. Have we done it,
27 has it been approved? Yes. Have we got the insurance,
28 have we got the National Wildlife Refuge permit? Yes.
29 It can be done.

30
31 Nowhere in ANILCA does it say if
32 something sounds too complicated we don't get
33 subsistence, their absolute priority under the law.
34 That's not even germane to the subject as far as I'm
35 concerned. What's germane is getting the ANILCA
36 preference for the subsistence people and a meaningful
37 preference. No harvest equals non-meaningful
38 preference. We've testified that the fishwheel hasn't
39 worked for us. The extra hook, the extra dipnet in the
40 area, some of the issues, we're not going to go through
41 all that, but it's not been meaningful. That's why the
42 harvest level is next to zero.

43
44 So this would actually provide a
45 meaningful opportunity and we don't believe that it
46 would be at a conservation concern to the resource. If
47 there was an issue, it could be immediately addressed
48 through those restrictions in place through the in-
49 season management.

50

1 So I'll conclude my comments and turn
2 it over to anyone else that would like to talk. If I
3 can answer any questions, I'd be happy to.

4
5 CHAIRMAN TOWARAK: Thank you. Are
6 there any questions of Ivan.

7
8 Go ahead, Mr. Haskett.

9
10 MR. HASKETT: So, again, my question --
11 and I've been visiting with Andy and Jeff both to kind
12 of figure out the discussions that have taken place to
13 get us to here and I hear your discussion about
14 concerns about and disagreement that there's
15 conservation concerns, but I'm also hearing you say
16 that you recognize that there are some, but it could be
17 worked through an operational plan.

18
19 I'm not prepared to say where I'm going
20 to go with this yet, but it does seem to me that what
21 the conversations have done is tried to get to the
22 place where you can do what you've asked to do but with
23 some additional requirements or measures to trying to
24 get at the conservation concerns. Not say the
25 conservation concerns keep you from doing what you want
26 to do, but saying here's some extra things we'd like to
27 see you do.

28
29 So is that an accurate reflection of
30 the kind of discussion you've had from our folks?

31
32 MR. I. ENCELEWSKI: Through the Chair.
33 Yes, we have had an accurate -- or we have had
34 discussions with them and I'll kind of summarize that
35 discussion exactly as I told them at our meeting, some
36 of those points.

37
38 I think the three points that they had
39 brought up was the issue with having one being a limit.
40 Say an overall limit established for the actual
41 specific fishery. So, like I mentioned in the
42 testimony, not all 4,000 sockeye are taken with just
43 the gillnet. That seems prudent in the operational
44 plan that a lower limit would be set, that only so many
45 fish could be taken, and I think we support that.

46
47 We talked about the fishing area. They
48 had mentioned that in our discussions that the fishing
49 area be north of the -- not north, but above the boat
50 launch. We didn't have any major opposition to that.

1 And then the last issue was that they
2 would like to reduce it from June 15th to August 15th
3 down to just that July period. We expressed that -- I
4 didn't have so much of a problem with the early portion
5 of that being the June portion because the fish aren't
6 generally up there that time of year, but the later
7 portion we would like to include that.

8
9 I think where we left it off in that
10 discussion was they would like it in regulation to
11 protect the resource, and I don't want to speak for
12 them certainly, but our push-back was we would rather
13 have that in an operational plan as part of the
14 approval from the in-season manager. Because once you
15 put it in regulation, then it's a two-year process, you
16 know, to go back and say if it comes down and there's
17 only a few fish taken and there's hardly any kings or
18 there's no steelhead showing up in any of this, maybe
19 we can go and say, hey, you know, the in-season
20 management say, well, we can go to August 15th now or
21 maybe the king returns come back, the chinook salmon
22 comes back great and there's no issues there.

23
24 We can't do that if it's already
25 restricted in the law of what you guys approve. So we
26 felt from what I had told them during the thing is that
27 we don't want it in the regulation like that because it
28 could restrict it, but we would be open to working with
29 them on those issues in the operational plan.

30
31 MR. HASKETT: Just one more
32 clarification for me. So really I'm just trying to get
33 at the differences, the real differences, as opposed to
34 -- you know, we use conservation measures to shut you
35 down, that's my wording, which that's certainly not our
36 intent. It sounds like there's more agreement than
37 there's disagreement and what we need to do to make
38 this happen.

39
40 If I understood correctly, the two
41 major places where the disagreement is, is the
42 operational plan as opposed to the regulation and then
43 the time period where our discussion said July would be
44 better than going in through August. So those are
45 really the two major areas of disagreement at this
46 point. There's not a lot of other things that we're
47 disagreeing on, right?

48
49 MR. I. ENCELEWSKI: Through the Chair.
50 That's correct. I think that pretty much adequately

1 summarizes our discussion that we had last week. I
2 think our main issue was, like I say, the controlling
3 language that would further restrict, say things like I
4 say. And the area, we didn't have so much a push-back
5 on the area as far as being north.

6

7 CHAIRMAN TOWARAK: Any further
8 questions.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Who's going to be
13 next? Go ahead.

14

15 MR. G. ENCELEWSKI: Through the Chair,
16 Tim Towarak, and the members of the Federal Board. My
17 name is Richard Encelewski. It's actually Greg. I go
18 by Greg. I'm the president of the Ninilchik Tribal
19 Council, have been for many years, and represent the
20 people of the Ninilchik Tribe. I also serve on the
21 Southcentral RAC. I've been a member for over 12
22 years. I'm the vice chair of that RAC too.

23

24 I would like to just bring a few
25 points. I would like to clarify a few things. I think
26 Ivan -- as you know, of course, is my son and I think
27 he's done a very good job in covering these issues.
28 Just a couple points I want to make. As the RAC, you
29 know, we've had proposals come to us before and we've
30 spent a lot of time in public testimony and
31 deliberation on these issues and we've had unanimous
32 support for both this and the next one. I just want to
33 state that.

34

35 I also want to state that always this
36 conservation issue comes up. I was very disappointed.
37 I'm a little rougher around the edges that Andy and
38 Jeff come to us at the 11th hour with all these
39 concerns that should have been worked out earlier.
40 We're very conservation-minded. We work very hard to
41 make things work and I think we've probably bent a
42 little too far the other way.

43

44 There's a limit of the fish that we're
45 allowed to take, be it two to four thousand, whatever
46 it is. They could be distributed, they could be
47 controlled in that plan. Ivan stated very clearly, you
48 know, we have released kings in educational. If it
49 becomes a problem, the in-season managers have control
50 of this issue.

1 So I just wanted to say that, you know,
2 I truly believe that we have not got a real meaningful
3 preference to fish. We've tried the fishwheel. We're
4 not fishwheel people. We use nets. They use nets on
5 the Kenai for catching fish daily and counting them. I
6 could give you the name of the people that release them
7 daily and so on and so forth.

8
9 So what we want to take is not
10 devastating and, certainly, if it doesn't work, can be
11 adjusted. But if we're so limited that we can't make
12 it work, then we're really painted in a box. I think
13 we've worked very hard to go through this public
14 process to get by and to bend over backwards and to do
15 everything. You know, I'm born and raised -- I'm a
16 1948 model. I'm raised in that peninsula. Our
17 families have lived and been raised off of fish. It's
18 our soul food. To be denied a meaningful way to get
19 that and distribute it, it's almost shameful for as
20 much as others have been distributed around.

21
22 Thank you very much.

23
24 CHAIRMAN TOWARAK: Thank you. Any
25 questions of Greg.

26
27 (No comments)

28
29 CHAIRMAN TOWARAK: Thank you for your
30 comments. Mr. Williams, are you next.

31
32 MR. WILLIAMS: Mr. Chairman. Members
33 of the Board. Thank you. My name is Darrel Williams.
34 I'm from Ninilchik Traditional Council. I'm the
35 resource director. I'm the guy who's been operating
36 the fishwheel and working on these plans and doing a
37 lot of the paperwork and stuff and field work that's
38 been happening. That's a pretty tough act to follow.
39 I think everybody covered everything really, really
40 well. I definitely support the proposal.

41
42 One thing I'd like to add is that, you
43 know, through the planning and operations and being
44 able to make this workable model that we can review on
45 a regular basis that's not hard and fast regulation is
46 really an in-season management advantage for the in-
47 season managers as well as for the subsistence users.
48 If something is wrong, we can address it one way or the
49 other. With the meetings and stuff that's taken place,
50 I think it's really a good step in our direction that

1 people are talking and trying to work together and
2 trying to resolve some of these issues in a good way.

3

4 At the RAC meeting, we discussed in
5 depth about the -- any kind of conservation type
6 issues. The educational net is a really profound tool
7 for our community because it does teach people how to
8 fish and how to do it responsibly. You know, this goes
9 back to like the C&T discussion about how we obtain
10 fish, how fish are shared, how fish are processed, how
11 people take care of them, the importance of the
12 cultural aspect of it.

13

14 So I'd like the Board to support the
15 proposal. I just can't see taking anymore time because
16 I think everybody has addressed everything really well.

17

18 Thank you.

19

20 CHAIRMAN TOWARAK: Thank you. Are
21 there any questions of Mr. Williams.

22

23 (No comments)

24

25 CHAIRMAN TOWARAK: Thank you for your
26 comments. I think this concludes the public comment
27 period. We will then move on to the Department of Fish
28 and Game.

29

30 MS. YUHAS: Thank you, Mr. Chairman.
31 For the record again Jennifer Yuhas with the State of
32 Alaska. I have with me Mr. Matt Miller, who is one of
33 our fisheries managers and Robert Begich is also online
34 to answer questions after I've concluded.

35

36 This is a pretty lengthy proposal
37 process. You put out the call for proposals 10 months
38 ago and we've all been working off the set of
39 proposals. The Department's conservation concerns were
40 brought up as long as 10 months ago when we first
41 started discussing these proposal. So they aren't new
42 and those concerns weren't interjected at the 11th
43 hour, although it sounds like there have been some
44 discussions on some of the details.

45

46 The previous speaker referred to the
47 ANILCA mandate for providing for subsistence
48 opportunity. There's also some mandates in there to
49 consult with the State and we feel like we've been
50 excluded from some of those discussions quite honestly.

1 Conservation concerns on the Kenai and
2 the Kasilof are widely known and indisputable for
3 chinook salmon. The idea to want to provide additional
4 opportunity for the other species is something all of
5 us agree to, but this method is not selective. We
6 refer to the other methods because they're selective,
7 because you can release a chinook right away and you
8 just can't with this method.

9
10 We have a couple of questions for the
11 Refuge Manager. I did ask the questions at the break
12 because I heard the questions asked of other people.
13 We had agreed to put a few of those answers on the
14 record for the sake of the record. One of those is
15 does the Federal manager possess the ability to close
16 the gear type because that's related directly to the
17 letter giving them that deference. So we just want to
18 put on the record whether or not he's able to do that
19 and many of the Federal fisheries they can only open or
20 close, they can't distinguish the gear types.

21
22 So, through the Chair, I'd like to be
23 able to ask that question of the Refuge Manager right
24 now.

25
26 MR. LORANGER: Mr. Chair. I'll defer
27 to the in-season fisheries manager.

28
29 CHAIRMAN TOWARAK: Go ahead.

30
31 MR. ANDERSON: Through the Chair. Yes,
32 my scope of delegation actually includes -- I can read
33 it verbatim. It's the regulatory authority. Hereby
34 delegated is limited to authority to open or close
35 Federal subsistence fishing periods or areas provided
36 under codified regulations and/or close and reopen
37 Federal waters to non-subsistence fishing, to specify
38 methods and means, to specify permit requirements and
39 to set harvest and possession limits.

40
41 MS. YUHAS: Thank you, Mr. Chairman.
42 That does at least address the idea of whether or not
43 those nets could be turned on and off independent of
44 the fishery.

45
46 There are other parties that don't
47 appear to be included in the discussion. While
48 Ninilchik Traditional Council does possess C&T, there
49 are other users of the river with other educational
50 permits and that includes the Kenaitze. I don't see

1 anyone from Kenaitze involved in this discussion,
2 especially the last few days worth of discussions.

3
4 The mechanics of analyzing some of
5 these things didn't get the last 10 months to be
6 discussed with whether or not creating a new
7 opportunity would affect some of those educational
8 permits. We understand they are something different,
9 but there's a whole other party that can be affected by
10 this that doesn't appear to be at the table.

11
12 Another question is whether the
13 operational plan referred to in the proposal material
14 and by the speakers has actually been developed and/or
15 approved. The State is unaware of this. I was hoping
16 that we could get an answer.

17
18 CHAIRMAN TOWARAK: Go ahead.

19
20 MR. HASKETT: Through the Chair. The
21 answer to that is no, there has not been an operational
22 plan developed to date.

23
24 MS. YUHAS: Thank you, Mr. Chairman.
25 The State would like to point out the correlation
26 between other instances where the Board has voted
27 against proposals or deferred them simply because there
28 was not an operational plan in place. One of those is
29 Red Sheep Creek, a very well-known issue to the Board.
30 The justification Mr. Haskett used eventually to vote
31 against that proposal was that there wasn't a plan yet
32 developed for anyone to consider.

33
34 We do believe the conservation concerns
35 for the inability to selectively be able to release the
36 kings in this instance warrant being able to take a
37 look at the operational plan and in consult with the
38 State in accordance with some of the mandates,
39 including the EIS that created this Board. So, with
40 that, the State is still opposed to this proposal and I
41 would like to turn it over to our managers to answer
42 some of the details.

43
44 CHAIRMAN TOWARAK: Go ahead.

45
46 MR. MILLER: Thank you, Mr. Chair. For
47 the record, I'm Matt Miller. I'm the Alaska Department
48 of Fish and Game Sport Fish Regional Management
49 Coordinator for Cook Inlet. There are a few points I'd
50 like to address from some of the discussion that came

1 up. I hope you bear with me a little bit. Again, we
2 just found out there was some discussion and a change
3 in the position this morning, so we're kind of trying
4 to get this together here a little bit.

5
6 I do appreciate this morning when I
7 came in Mr. Anderson took some time to go over with me
8 what this proposal -- what the change of the opinion
9 would do -- the position would do. One point that he
10 mentioned earlier was the 2005-2008 study that the
11 Alaska Department of Fish and Game did on the Kasilof
12 with the kings. That has been published. At lunch I
13 just got a copy of it. I'm not trying to blindside
14 you. I just found out about this myself. So this
15 report is out. It was a telemetry project on the
16 Kasilof. Let me just read a little bit of this email.

17
18 The late run Kasilof chinook telemetry
19 project, the run timing is estimated for the lower
20 river downstream of the bridge approximately River Mile
21 4 to River Mile 5. The mid point of the run timing
22 range is August 2nd to August 8th. The quarter point
23 is as early as July 18th. So some of that earlier
24 information from the third year old study was
25 suggesting that a fishery up at the outlet of Tustumena
26 Lake would be pretty efficient at not targeting the
27 kings, but this more recent study suggesting that, like
28 again, the quarter point is as early as July 18th for
29 those spawning chinook up there. So the later end to
30 the season that that fishery was prosecuted, the more
31 likely a chance you'd have of harvesting king salmon in
32 that.

33
34 There was another point that was
35 brought up about the sport fishing activity on the
36 Kasilof. The Kasilof River is closed to chinook salmon
37 fishing above the Sterling Highway bridge at River Mile
38 8 beginning July 1st. So there isn't a sport fishery
39 going on at this time when this potential subsistence
40 fishery would be going on upriver.

41
42 The nets on the spawning ground, as was
43 mentioned by Mr. Anderson, is contrary to the best
44 management practices and against the Federal
45 management, my understanding of how that's typically
46 prosecuted and used. There is a significant difference
47 between having perhaps a hook and line fishery or a
48 dipnet fishery and the impact of having large nets
49 drifting through that were set in the spawning grounds.
50

1 In terms of the operational plan, my
2 review of the proposal proposes a rainbow and steelhead
3 trigger of 200 fish and once that's met the fishery
4 would be closed, recognizing that you can't release
5 rainbow and steelhead from a gillnet efficiently. So
6 we'd have the question about whether any operational
7 plan would have a trigger in there, a similar trigger
8 for king salmon and whether it would also address mesh
9 sizes and things like that if this is to be targeting
10 sockeye. So those are things we'd be asking to
11 consider if the operational plan goes through.

12
13 We think the educational fisheries and
14 the other opportunities that are provided are
15 significant. As was mentioned, there are three
16 educational permits that are issued to Ninilchik
17 entities. There's a hook and line fishery, there's the
18 subsistence dipnet fishery up by Moose Meadows, there's
19 a fishwheel. So there's plenty of opportunity to be
20 harvesting sockeye in the Kasilof River -- I'm sorry,
21 the dipnet fishery is on the Kenai, but in the Kenai
22 and Kasilof.

23
24 The State is generally opposed to
25 putting these gillnets and fishing them in fresh waters
26 because they are indiscriminate. The potential risk to
27 the chinook salmon to provide any additional
28 opportunity we don't think it's worth it. Everyone
29 knows, as was stated, and everyone recognizes that
30 chinook salmon throughout Southcentral and throughout
31 many parts of the state are in a period of low
32 productivity right now. We're starting to see rebound.
33 We're hoping it's going to look a little bit better
34 this year, but we're still trying to rebuild these
35 stocks. Chinook salmon are much too important to risk
36 on an experimental fishery at this point.

37
38 The last point was, my understanding
39 from the proposal was that this fishery was designed to
40 harvest sockeye salmon to give more subsistence
41 opportunity for sockeye, but most of the discussion
42 I've been hearing here are arguments all about the king
43 opportunity. So, for my clarification, I'm a little
44 confused about what that is.

45
46 Mr. Chair, thank you.

47
48 CHAIRMAN TOWARAK: Thank you. Does
49 that conclude your presentation?
50

1 MS. YUHAS: Thank you, Mr. Chairman. I
2 actually had a couple more points, but you looked like
3 maybe you wanted us to wrap it up, so we're trying to
4 be respectful and just cut ourselves short there.

5
6 Mr. Haskett brought up two points. One
7 was the operational plan and the other was the timing.
8 We see lots of debate that apparently occurred when we
9 weren't participating. I won't belabor that, regarding
10 dates. With regard to chinook conservation, I would
11 expect a trigger for removing the gear type would be
12 hopefully that kings weren't present unless there is
13 some confusion that the proposal was brought for
14 sockeye, but the intent is for chinook. That really is
15 still unclear.

16
17 That's all we have for now unless you
18 have questions.

19
20 CHAIRMAN TOWARAK: Mr. Haskett.

21
22 MR. HASKETT: So I guess two things.
23 Not so much a question as just a response. Then I may
24 ask for some clarification after I do that from either
25 Andy or Jeff on your final question there.

26
27 Jennifer, you stated that previous
28 discussions I argued pretty much reverse of the
29 discussion today. I think you might want to go back
30 and check the record or we might want to go back and
31 check the record because actually in the Red Sheep
32 Creek what we were talking about is a regional
33 conservation plan. It wasn't an operational plan,
34 which I don't believe is the same thing. So just
35 something for us to go back and check on the minutes.

36
37 Having said that, I'd like to give Jeff
38 or Andy a chance to respond to your final question you
39 just made.

40
41 MR. ANDERSON: Through the Chair. I
42 guess to clarify the question was it what the intent of
43 the proposal was for sockeye only? Was that the
44 question?

45
46 MS. YUHAS: For increased sockeye
47 harvest for meaningful opportunity.

48
49 MR. ANDERSON: I would probably defer
50 that question to the proponents, but my impression of

1 the proposal is that it's increased opportunity for all
2 species.

3

4 CHAIRMAN TOWARAK: Mr. Lohse.

5

6 MR. LOHSE: Thank you, Mr. Chair. With
7 that I'd like to, from a RAC standpoint, answer that
8 last question, but I have some questions that as a RAC
9 member I would like answered out of the report that we
10 just heard from the State ADF&G. If I may, after I
11 answer the last question, could I ask them some
12 questions?

13

14 CHAIRMAN TOWARAK: Yes.

15

16 MR. LOHSE: Okay. On the last
17 question, if you remember right or if you think right,
18 our question has always been on how to release the
19 kings or not catch kings. The intention of that net
20 was to catch reds. There was no question about that
21 and that's why there has been no discussion about
22 making a smaller quota on kings. There's been a
23 discussion about making a smaller quota for the
24 community gillnet on reds so that other people could
25 have an opportunity to take reds with other subsistence
26 gear. The intention of the proposal was not to catch
27 steelhead or rainbow salmon or Dollies or kings. Those
28 were all considered incidental. The big discussion has
29 been on how to release them or if they can be released
30 or if the gear is selective enough.

31

32 So from that standpoint, as a RAC
33 member, I'll say that the intention of the net from all
34 of our understanding was that it was for sockeye
35 salmon.

36

37 The other thing is we did have a
38 Kenaitze member on the RAC. That Kenaitze member did
39 vote in favor of this proposal.

40

41 I have a couple of biological questions
42 to ask. We heard that the quarter point of the king
43 run past Mile Point 4 to 5 is July 18th and then we
44 just heard that the Sterling River bridge is at Mile 8
45 to 9. I'm not sure what the boat landing that we're
46 talking about, what mile that is, but I'm just
47 interested from a biological standpoint of what is the
48 run timing. How long does it take for one of your king
49 salmon to go from Mile 4 to Mile 8 to the Tustumena
50 Boat Landing?

1 MR. MILLER: Mr. Lohse, through the
2 Chair. I'm not sure. If the 2005 to 2008 study goes
3 into that, I haven't actually had the chance to read
4 that yet. I was just sent that information at lunch.
5 So I just saw a copy of that report at lunch, so I just
6 saw a copy of that report at lunch in response to
7 questions this morning that there was a potential
8 change in position.

9
10 So I'm not sure what the run timing is.
11 That information is most likely in there. It was a
12 telemetry study to look at that. So I'd be glad to
13 forward the report on to you after we're finished here.
14 Mr. Chair.

15
16 MR. LOHSE: Thank you. Because the
17 only thing I can put it in context with is with the run
18 timing of kings on the Copper River or red salmon on
19 the Copper River and the amount of time it takes for
20 them to get from saltwater to the sonar counter or from
21 the sonar counter to Chitina. You may find that you
22 have enough run timing left there that the end of July
23 is not -- you're not going to have a quarter of the
24 kings on the spawning grounds at the end of July.

25
26 The other thing, I had a couple other
27 little quick notes that I added here. One of the
28 comments that's come up a number of times is that there
29 are other nets in the Kenai and the Kasilof, either
30 Fish and Game nets or educational nets. How many other
31 gillnets are there in the Kasilof River?

32
33 MR. MILLER: Mr. Lohse, through the
34 Chair. As far as I know right now in the Kasilof,
35 there are none in the freshwater. The educational
36 fisheries that occur take place in the marine waters
37 out front.

38
39 MR. LOHSE: Okay. That answers that
40 question. How about on the Kenai?

41
42 MR. MILLER: And I'll look to others to
43 correct me on that, but I believe that's correct.

44
45 MR. LOHSE: Okay. And on the Kenai?

46
47 MR. MILLER: On the Kenai there is a
48 Kenaitze educational permit. They do an outstanding
49 job with their program out there and the same thing.
50 They've got their camp right out on the beach and they

1 have an educational permit in the marine fisheries for
2 a gillnet.

3

4 The Department does have -- we have
5 used driftnets to do apportionment past the sonar. We
6 can use the sonar to determine the number of targets
7 that pass and then do a drift with the nets to do
8 apportionment of the age classes and the species for
9 that. That's a short net that's put in. I don't know
10 the length right offhand, but it's drifted, it's
11 watched and they can release the kings from that. So
12 we have a very low mortality that's associated with
13 that.

14

15 There was some information in one of
16 the reports that one of the sonars had, I believe,
17 another net, a gillnet out front, and we got an email
18 earlier saying that that's incorrect. The comm fish
19 one actually uses a fishwheel for their apportionment.

20

21 Mr. Chair.

22

23 MR. LOHSE: That was my question
24 because it wasn't very clear how many nets there were
25 or what kind of success had been as far as releasing
26 kings were concerned. And as far as the trigger for
27 the king salmon, that's something that hasn't been
28 discussed yet, but one of the comments you made was
29 large nets and I don't think anybody's expecting a
30 large driftnet or a large gillnet in there. In fact, I
31 don't remember if there was any size mentioned on it,
32 but, again, that would be part of the operational plan
33 as to the length of the gillnet. So I don't think we
34 can classify it as a large gillnet. We'd have to
35 decide what could be done in the plan.

36

37 Other than that, Mr. Chair, I don't
38 have any questions or comments. If there's any other
39 questions or comments for me, I'll answer them.

40

41 CHAIRMAN TOWARAK: Mr. Haskett.

42

43 MR. HASKETT: Actually you helped me
44 because while we were talking and some of the questions
45 about what species of fish we were talking about here,
46 I just verified and which I heard you say, is this is
47 to provide additional opportunity for residents in
48 Ninilchik to harvest sockeye salmon. Of course, in
49 addressing concerns of what happens to other species in
50 that process. So I think you cleared that up pretty

1 well and I appreciate that.

2

3 CHAIRMAN TOWARAK: Go ahead.

4

5 MS. YUHAS: Two quick responses, Mr.
6 Chairman. I do understand that there is a member of
7 Kenaitze on the RAC. That's my understanding and
8 forgive me. We do split the RAC meetings up because
9 you meet two a week in the same week in different parts
10 of the state. So my staff Drew was present at your
11 meeting, but the report that I got was that you hadn't
12 delved very deep into the possibility of jeopardizing
13 the Kenaitze educational permit as a possibility of
14 adopting this. Therefore, it appeared to me that there
15 was not a full discussion with Kenaitze about that
16 possibility for them to agree to that at that time or
17 any time after that.

18

19 With regards to Mr. Haskett's comment,
20 he is correct. There are two different types of plans
21 specifically, but the point the State was making was
22 simply that the adoption of a plan for implementation
23 had not been drafted in either case. I was aware there
24 are different plans.

25

26 CHAIRMAN TOWARAK: Any further
27 questions or comments for the State.

28

29 (No comments)

30

31 CHAIRMAN TOWARAK: If not, then we will
32 continue on with the Interagency Staff Committee
33 comments.

34

35 MR. ARDIZZONE: Mr. Chair. Chuck
36 Ardizzone. ISC comments focus on the analysis and the
37 OSM conclusion. Our comments include the standard
38 comment, which I won't repeat, plus this additional
39 comment.

40

41 The OSM conclusion is similar to the
42 Southcentral Alaska Subsistence Regional Advisory
43 Council's recommendation, but provides a recommendation
44 that gillnets would not be allowed once the
45 rainbow/steelhead limit is reached. The release of
46 rainbow/steelhead would not be viable with this gear
47 type as released fish would likely result in
48 mortalities.

49

50 As stated by the Council, other

1 conservation concerns with chinook salmon and
2 rainbow/steelhead trout could be addressed by the
3 operational plan that must be approved by the Federal
4 in-season manager and the manager of the Kenai National
5 Wildlife Refuge.

6

7 CHAIRMAN TOWARAK: Any questions.

8

9 (No comments)

10

11 CHAIRMAN TOWARAK: Thank you for those
12 comments. Then we will open the floor up again for any
13 final discussion with the Council Chairs and the State
14 liaison. Anything else further.

15

16 (No comments)

17

18 CHAIRMAN TOWARAK: If not, then we will
19 go to final board action. The floor is open for action
20 on FP15-11. Mr. Haskett.

21

22 MR. HASKETT: So this was clearly a
23 fairly complicated discussion, but I'm not sure the
24 issues are all that complicated. I plan to make a
25 motion to adopt Proposal 15-11 as recommended by the
26 Southcentral Regional Advisory Council. However, I
27 also plan to add an amendment to the proposal if I get
28 a second.

29

30 MR. BROWER: Second.

31

32 CHAIRMAN TOWARAK: You heard the motion
33 and the second. Go ahead with your discussion.

34

35 MR. HASKETT: So I want to point out
36 that the proposal I'm going to make actually adopts the
37 Southcentral RAC recommendation but with some
38 additional measures. The representative from Ninilchik
39 I think was very eloquent, but stated, or at least I
40 heard this, that we often in the work of stopping their
41 proposals by just stating huge conservation concerns.

42

43 I just want to make it clear that's not
44 what we're trying to do here. I believe we are, on
45 this one, somewhere between the tribe and the RAC and
46 the State, probably closer to what the tribe wants and
47 we're trying to get to a point where we can agree on
48 the conservation concerns to get you to be able to go
49 forward with what you want to do. So we're looking to
50 get to what the tribe has asked for, but again with

1 some additional measures.

2

3 So I move to amend the language to
4 restrict the location of the gillnet fishery to the
5 portion of the Kasilof River from the Federal
6 regulatory marker on the river below the outlet of
7 Tustumena Lake downstream to the Tustumena Lake Boat
8 Launch. And I apologize for my voice. I'm still
9 losing it.

10

11 Set the season to July 1st to 31st.

12

13 Make this a temporary, experimental
14 fishery that would expire five years from the approval
15 of the operational plan.

16

17 Clarify that the gillnets will be used
18 in compliance with Kenai National Wildlife regulations
19 and restrictions.

20

21 State that the operational plan may
22 include mesh size requirements and fishing location.

23

24 Add a provision to allocate a portion
25 of the total annual harvest limits to the gillnet
26 fishery and state that the gillnet fishery will be
27 closed once the allocated limit is reached.

28

29 Change reporting time requirement from
30 72 hours to 24 hours.

31

32 Clarify that salmon taken in the
33 gillnet fishery will be included in the annual
34 household limits for dipnet and rod and reel fishery as
35 stated in the proposal.

36

37 State that once a total annual harvest
38 limit for any salmon species is reached or retention
39 restrictions are enforced for rainbow/steelhead on the
40 river, the gillnet fishery will be closed once.

41

42 Add a requirement to marked fish to be
43 consistent with fish caught with other methods.

44

45 Can I go on to my justification?

46

47 CHAIRMAN TOWARAK: Yes.

48

49 MR. HASKETT: So the Southcentral
50 Council felt the conservation concerns would be

1 addressed by the operational plan, but there's some
2 concerns that the proposed regulatory language is not
3 sufficient.

4

5 The amended proposal that we've come up
6 with provides additional opportunity for residents of
7 Ninilchik to harvest sockeye salmon, and we clarified
8 that before that it's sockeye that we're talking about
9 here, with a traditional, more efficient method, but
10 would also limit the fishery and time and area to
11 reduce impacts of species or stocks of concern.

12

13 Again, I'm going to repeat that again.
14 I mean we have to address other species and stocks of
15 concern that could be affected. Gillnets are not a
16 selective gear type. I don't think anybody is going to
17 argue that. We should proceed with some caution
18 because of that, especially with the current status of
19 chinook salmon and the small steelhead population in
20 the system.

21

22 The time and area restrictions follow
23 recommendations of the Refuge manager and our Federal
24 in-season manager to reduce impacts on chinook salmon
25 and steelhead.

26

27 The idea behind setting an expiration
28 date gives the Board the ability to review the fishery
29 after five years where we can then determine where the
30 opportunity could be further expanded or restricted, so
31 we leave for the possibility of building on this.

32

33 There's some concern that total annual
34 harvest limits for some salmon species could be reached
35 with a gillnet. By allocating a portion of the total
36 annual harvest limit to the gillnet fishery those
37 residents of Ninilchik that choose to harvest their
38 salmon through the Federal dipnet, rod and reel fishery
39 will continue to have some harvest opportunity.

40

41 Also, once the harvest limit is reached
42 for one species, the gillnet fishery should be closed
43 because of the non-selective nature of the gear type if
44 we get to that point.

45

46 CHAIRMAN TOWARAK: I apologize. We
47 should have had a second to the proposed amendment. Is
48 there a second to the.....

49

50 MR. BROWER: Second.

1 CHAIRMAN TOWARAK:motion for --
2 it's been seconded. I don't need to redo it, do I, at
3 this point?

4
5 (Laughter)

6
7 MR. HASKETT: Do I need to repeat it?

8
9 CHAIRMAN TOWARAK: Unless there's a
10 request for him to repeat it, I don't think we need do.
11 It was long.

12
13 MR. HASKETT: And scratchy and horrible
14 sounding too.

15
16 CHAIRMAN TOWARAK: Any further
17 discussion on the proposed amendment.

18
19 (No comments)

20
21 CHAIRMAN TOWARAK: I'd like to ask the
22 proposers if they have any questions on it.

23
24 MR. ENCELEWSKI: We're good.

25
26 CHAIRMAN TOWARAK: It sounds like
27 they're okay with the proposed amendment. Any further
28 discussion. Mr. Lohse.

29
30 MR. LOHSE: I don't know if this is the
31 time to say it, but it's kind of interesting to me
32 because I've seen this so often. We talk about
33 conservation concerns, we talk about these complex
34 river systems with all kinds of fisheries taking place
35 on them, and then we talk about a subsistence fishery
36 and all of a sudden a 72-hour reporting isn't soon
37 enough. We've got to have 24-hour reporting and we
38 don't even know what the other fisheries have taken
39 until the end of the season.

40
41 I personally -- I would never hold this
42 up because somebody asked for 24-hour reporting, but I
43 just think it's kind of funny that -- or kind of out of
44 place that every -- because this has happened to us
45 time and time again. We've offered to make a proposal,
46 it has a limit to it, we put 72-hour reporting on it,
47 which is a lot faster than a lot of the State
48 reporting, and I can give you quite a few incidences of
49 that, and it comes up we need 24-hour reporting because
50 with our 2,000 or 4,000 fish limit the subsistence is

1 going to have a horrible impact. It's just, you know,
2 I guess after all these years, it's frustrating.

3

4 CHAIRMAN TOWARAK: Mr. Haskett.

5

6 MR. HASKETT: So my intent was not to
7 make it frustrating. My intent was to get us to the
8 point, which I think we're close to, where we have an
9 agreement. I guess I would like to defer either Andy
10 or Jeff to maybe explain why we believe the additional
11 time is warranted. Can we do that, Mr. Chair?

12

13 CHAIRMAN TOWARAK: Sure.

14

15 MR. ANDERSON: Through the Chair, Mr.
16 Lohse. As the in-season manager, I feel that this is a
17 new ball game with the gillnet and we're just really
18 not sure what to expect, so I think, you know, to
19 proceed cautiously I do believe a 24-hour reporting
20 period is warranted initially. It may turn out to be a
21 non-issue, but it may not.

22

23 CHAIRMAN TOWARAK: Go ahead.

24

25 MR. CHRISTIANSON: I kind of have to
26 agree with Mr. Lohse there, that it seems like kind of
27 another undue hardship placed on the subsistence user.
28 If the key species they're going after is sockeye and
29 there is no conservation concern for that specific
30 species, that means every single day they fish they've
31 got to basically report and that isn't -- subsistence
32 users continue to take the brunt of the regulatory
33 requirement placed on them.

34

35 I'm glad that we came up with a
36 compromise and hopefully we can pass this to support
37 the fishery, but again it seems like again like Ralph
38 is saying, it's another stipulation that seems to be
39 just added to the pile. So I'd just like to state that
40 on the record I feel for him. It seems similar to the
41 thing earlier about steelhead and reporting it
42 immediately. I mean it's just every time we do
43 something for subsistence uses it gets really critical.

44

45 CHAIRMAN TOWARAK: I think there's
46 still room on the table to make amendments to the
47 amendment.

48

49 MR. LORD: Mr. Chair. I was sort of
50 working under the assumption that the 24-hour reporting

1 requirement was put in place because of the nature of
2 this net being non-selective and the fact that it could
3 impact resident species, unlike the other fisheries.
4 Maybe I'm wrong about that, but that was my assumption.
5 Jeff, can you help me with that.

6
7 MR. ANDERSON: Sure. Through the
8 Chair.

9
10 CHAIRMAN TOWARAK: Go ahead.

11
12 MR. ANDERSON: The concern is we just
13 really don't know what the net is going to catch at
14 this time. It can, if fished effectively on a good
15 pulse of fish, it could catch a lot of fish in a very
16 short period of time and we would not want to exceed
17 any harvest limits or if we are having some impact on
18 resident species or other species that we're not
19 considering at this point in time, it would be a
20 management tool to respond sooner rather than later.

21
22 CHAIRMAN TOWARAK: Go ahead, Mr. Lohse.

23
24 MR. LOHSE: Can I ask one question, and
25 that's if the operator of the net has a 2,000 fish
26 quota, isn't he required to quit fishing when he gets
27 2,000 fish? And if he goes over 2,000 fish, he's in
28 violation. So consequently -- I mean if he's got a
29 quota and he's got a quota of 200 -- let's say 200
30 rainbows, Dollies, whatever you want to say, and he
31 goes over that, he's in violation. It's up to the
32 operator of the net, just like it's up to any operator
33 of any gillnet any place else, to abide by seasons, bag
34 limits and things like that.

35
36 I mean it would be no different than a
37 subsistence caribou hunt that has to be reported in
38 five days or a subsistence fishery on the Copper River
39 that's got to be reported by October 31st or any of the
40 rest of them. I mean you're required to stay within
41 your quota, within the limit that you've been given.

42
43 What kind of emergency can you have
44 other than the fact that you might end up getting a
45 ticket because you've just harvested too much.

46
47 CHAIRMAN TOWARAK: Mr. Haskett.

48
49 MR. HASKETT: So I'm going to propose
50 another amendment if I may if I get a second.

1 CHAIRMAN TOWARAK: The floor is open.
2
3 MR. HASKETT: So I'm going to go back
4 and confer with Andy and Jeff. The concern really does
5 have to do with this is something new and making sure
6 that we don't take too many of the wrong kind of fish.
7 But I think we all realize that we're pretty close on
8 this one and we'll be watching it and I understand the
9 argument you're making, so I'd like to change my
10 original amendment to not change the reporting time
11 from 72 hours to 24 hours and stay at 72 hours.
12
13 MR. CHRISTIANSON: Second.
14
15 CHAIRMAN TOWARAK: You heard the motion
16 and the second. Any discussion or questions.
17
18 (No comments)
19
20 CHAIRMAN TOWARAK: Is there a call for
21 the question.
22
23 MR. BROWER: Question.
24
25 CHAIRMAN TOWARAK: The question has
26 been called for. All those in favor of the motion say
27 aye.
28
29 IN UNISON: Aye.
30
31 CHAIRMAN TOWARAK: On the amendment.
32 I'm sorry. The second amendment.
33
34 (Laughter)
35
36 CHAIRMAN TOWARAK: All in favor of the
37 amendment say aye.
38
39 IN UNISON: Aye.
40
41 CHAIRMAN TOWARAK: Any opposed say nay.
42
43 (No opposing votes)
44
45 CHAIRMAN TOWARAK: The amendment
46 passes. So we're back to the original amendment with
47 the change from 24 to 72 hours, was it?
48
49 MR. HASKETT: So that's not in there
50 anymore.

1 CHAIRMAN TOWARAK: Oh, it's not in
2 there anymore.
3
4 MR. HASKETT: That's what we proposed
5 to do. We went back to the 72 hours originally
6 proposed.
7
8 CHAIRMAN TOWARAK: Okay. Is there
9 further discussion on the main amendment.
10
11 (No comments)
12
13 CHAIRMAN TOWARAK: Is there a call for
14 the question.
15
16 MR. HASKETT: Yes, please.
17
18 CHAIRMAN TOWARAK: The question has
19 been called for. Could we do it by a voice vote.
20 We'll try it first. All those in favor of the original
21 amended amendment say aye.
22
23 IN UNISON: Aye.
24
25 CHAIRMAN TOWARAK: Any opposed say nay.
26
27 (No opposing votes)
28
29 CHAIRMAN TOWARAK: The amendment
30 passes. Now we're back to the original motion to
31 approve.....
32
33 MR. HASKETT: The RAC's recommendation
34 with the amendment.
35
36 CHAIRMAN TOWARAK: FP15-11.
37
38 MR. BROWER: Question.
39
40 CHAIRMAN TOWARAK: The question has
41 been called for. Let's have a roll call, please.
42
43 MR. PELTOLA: The motion is to adopt
44 FP15-11 as recommended by the Southcentral RAC and as
45 amended. If you'd like, I could get a copy of the
46 amendments and read through them again, but does
47 everyone want to suffer through it?
48
49 (Laughter)
50

1 MR. PELTOLA: Okay. So is the choice
2 not to have it read or should I read it?
3
4 MR. HASKETT: Without.
5
6 MR. PELTOLA: Okay. I'll just go
7 through the roll call without. Is that okay, Mr.
8 Chair?
9
10 CHAIRMAN TOWARAK: Yes.
11
12 MR. PELTOLA: Okay. Starting with roll
13 call. Fish and Wildlife Service.
14
15 MR. HASKETT: Aye.
16
17 MR. PELTOLA: Public Member Brower.
18
19 MR. BROWER: Aye.
20
21 MR. PELTOLA: Public Member
22 Christianson.
23
24 MR. CHRISTIANSON: Yes.
25
26 MR. PELTOLA: BLM.
27
28 MR. CRIBLEY: Yes.
29
30 MR. PELTOLA: National Park Service.
31
32 MR. HARD: Yes.
33
34 MR. PELTOLA: BIA.
35
36 MR. KAHKLEN: Yes.
37
38 MR. PELTOLA: Forest Service.
39
40 MS. PENDLETON: Yes.
41
42 MR. PELTOLA: Mr. Chair.
43
44 CHAIRMAN TOWARAK: Yes.
45
46 MR. PELTOLA: FP15-11 is adopted
47 unanimously.
48
49 CHAIRMAN TOWARAK: Okay. We're going
50 to take a -- we'll call it a five-minute break and

1 expect to resume about 3:30. We'll take a 15-minute
2 break.

3

4 (Off record)

5

6 (On record)

7

8 CHAIRMAN TOWARAK: I'll call the
9 meeting back to order. We have one last proposal from
10 the Cook Inlet. It is FP15-10. For the Board members,
11 you can find that on Page 134. We have a quorum of the
12 Board up here. We have a couple of Board members
13 missing, but I think they will come back in any minute.
14 So we will proceed then with the analysis by the Staff.

15

16 MS. HYER: Mr. Chairman. Council
17 members. Proposal FP15-10 was submitted by Ninilchik
18 Traditional Council and it is very similar to the
19 Kasilof proposal where it requests a community
20 gillnet. They're asking for one gillnet and they're
21 going to submit an operational plan for this gillnet
22 the same as we talked about on the Kasilof and harvest
23 from this gillnet would be part of their annual
24 household limit.

25

26 Currently, Federal subsistence users
27 may harvest salmon with dipnets in the Kenai River at
28 Moose Range Meadows. They may also harvest salmon with
29 dipnets in the Kenai River at approximately River Mile
30 45.5 to 48. And they may harvest salmon in all Federal
31 public waters in the Kenai River drainage with rod and
32 reel.

33

34 All Pacific salmon species spawn within
35 the Kenai River drainage and the runs are harvested in
36 State commercial, sport, personal use, subsistence and
37 educational fisheries and in the Federal subsistence
38 fishery. The State management plans focus the
39 commercial fishery take on late run sockeye salmon
40 while early run sockeye salmon, early and late run
41 chinook salmon are primarily managed for the sport
42 fishery.

43

44 As in the Kasilof, the sockeye salmon
45 populations are healthy and it's the chinook salmon
46 populations that are of concern. The State has
47 restricted both the sport and personal use fisheries in
48 the Kenai River to protect returning chinook salmon.
49 Even with the closures in place the Kenai River is
50 facing low numbers of returning chinook salmon.

1 Both escapement goals for the early run
2 and the late run were met, but both numbers were very
3 low within those goals. Residents of the community of
4 Cooper Landing, Hope and Ninilchik all have customary
5 and traditional use determination for all fish in the
6 Kenai River and they all have been harvesting fish
7 under Federal regulations since 2007.

8
9 For the period of 2007 through 2013 the
10 total Federal subsistence harvest of sockeye salmon has
11 ranged from 712 to 1,608 with the majority of the
12 sockeye being harvested by residents of Cooper Landing.
13 If you turn to Page 147 in your book, you can see Table
14 1 in that outline, so it's been harvested under Federal
15 regulation.

16
17 Limiting the fishing opportunity to
18 residents of Ninilchik is problematic because Cooper
19 Landing and Hope have customary and traditional use
20 determination for all fish in the Kenai River. All
21 three communities have shown a history of participating
22 in the Federal subsistence fishery.

23
24 Currently, Federal subsistence
25 regulations must provide opportunity for all eligible
26 residents with C&T; therefore, if this proposal was
27 adopted, Hope and Cooper Landing could also participate
28 with community gillnets. In addition to concerns over
29 chinook salmon, the Kenai River also has a small
30 population of steelhead trout that would be subject to
31 harvest from gillnets.

32
33 Because of the overlapping migration
34 for the early run, late run chinook salmon and
35 steelhead trout, there is no time window where gillnets
36 could be deployed to miss both species. This is
37 different than the Kasilof. In addition, most of the
38 Federal waters where the gillnetting would occur are
39 the chinook salmon spawning grounds.

40
41 Allowing the proposed gillnet fishery
42 could result in a conservation concern for both chinook
43 salmon and steelhead. In addition, under Federal
44 regulations, size limits are imposed on
45 the harvest of rainbow/steelhead and Dolly
46 Varden/Arctic char harvested in the Kenai River and
47 daily and possession limits are small, one to two fish.
48 The non-selective nature of a gillnet fishery on the
49 harvest of resident species would make imposing any
50 size restrictions and conservative daily/possession

1 limits
2 difficult and could possibly result in an overharvest
3 of resident species.

4
5 Then again, allocating sockeye salmon
6 harvest, the most commonly harvested species, between
7 the dipnet, rod and reel and proposed community
8 gillnets could pose challenging. We had that same
9 discussion on the Kasilof. It would be difficult to
10 determine total gillnet annual harvest limits by
11 community while still ensuring maximum opportunity for
12 both dipnet and rod and reel.

13
14 Therefore, OSM's conclusion is to
15 oppose 15-10. I asked both Andy and Jeff to just stay
16 at the table in case you had any questions, but that
17 ends my conclusion -- excuse me, that ends my
18 presentation.

19
20 CHAIRMAN TOWARAK: Thank you very much.
21 Are there any questions.

22
23 Mr. Haskett.

24
25 MR. HASKETT: So, actually, I would
26 like to hear from Andy and Jeff on this one because
27 this is different from the last proposal in terms of --
28 I mean the spawning area and the amount of fish and
29 what it would do. So if you can just kind of expand on
30 our concerns with this one, I think that would be
31 helpful.

32
33 MR. LORANGER: Through the Chair. The
34 concern is relative to the presence of chinook salmon
35 and finding a timing window when perhaps this fishery
36 could be conducted and not have impact on early run
37 chinook spawning because they enter the river much
38 earlier than the sockeye. That window just isn't
39 present on the Kenai.

40
41 CHAIRMAN TOWARAK: Any further
42 questions from the Board. Go ahead.

43
44 MR. CHRISTIANSON: Exactly what is the
45 window for the chinook? I mean is there a peak time
46 and then it trails off?

47
48 MR. ANDERSON: Through the Chair.
49 Chinook salmon enter the Kenai River in two distinct
50 runs. The early run starts entering the river in mid

1 May and continues through the end of June. On July 1st
2 the management changes to the late run. Early run
3 chinook salmon in the Kenai River spawn primarily in
4 tributary streams and a component of the early run also
5 spawns on Federal waters up below Skilak Lake and they
6 are in the river there starting in early July and they
7 are throughout when they spawn. The late run spawn is
8 primarily in the mainstem Kenai River and are present
9 basically up in the Federal waters below Skilak Lake
10 starting from mid-July on.

11
12 CHAIRMAN TOWARAK: Further questions.

13
14 (No comments)

15
16 CHAIRMAN TOWARAK: Thank you. We will
17 ask for a summary of public comments from the Regional
18 Council Coordinator.

19
20 MR. MIKE: Thank you, Mr. Chair.
21 Donald Mike, Regional Council Coordinator. There were
22 no written public comments received for FP15-10.

23
24 Thank you.

25
26 CHAIRMAN TOWARAK: Thank you. We will
27 open the floor then for public testimony. Darrel
28 Williams, you wanted to make comments specifically on
29 FP15-10.

30
31 MR. WILLIAMS: Mr. Chairman, members of
32 the Board. I'd ask if my testimony can be deferred to
33 the tribal stuff because I don't want to do a
34 duplication of testimony. I think that's kind of tough
35 for everybody. Would that be okay?

36
37 CHAIRMAN TOWARAK: Sure. You want to
38 do it under tribal comments?

39
40 MR. WILLIAMS: Mr. Chairman. Yes,
41 please.

42
43 CHAIRMAN TOWARAK: Go ahead.

44
45 MR. WILLIAMS: The Proposal FP15-10 for
46 the Kenai River isn't that different than the proposal
47 that we have on the Kasilof River from our point of
48 view. I think some of the discussion we had earlier
49 about working with the in-season manager, developing a
50 plan and being able to make changes to that plan

1 accordingly based on what's going to happen is a really
2 reasonable way to address this fishery.

3
4 There have been a lot of comments about
5 this non-selective use of nets and mesh and gear size.
6 I think there's some misconception about how we want to
7 go about using nets in the river. I think some people
8 think we want to put a net in the river and leave it
9 there. It's kind of like the fishwheel. A lot of
10 people had concerns we were going to put a fishwheel in
11 the river and leave it there. We never did that. We'd
12 launch our wheel and take it out every day.

13
14 With a net in the river it would be
15 fished, out to be fished and removed. It wouldn't stay
16 in the river. I think that would actually alleviate a
17 lot of the issues with reporting requirements, how many
18 fish are being taken and when, defining the windows of
19 opportunity of what kind of fish are being harvested
20 and if there is or is not an impact on resident species
21 that we could work with the in-season manager to make
22 sure that we're doing good conservation.

23
24 This is a practice that's used in
25 educational fisheries that we do with the State of
26 Alaska. The mesh size, the net size, being able to
27 release fish back into the water when they're caught,
28 fish that we're not supposed to be keeping, whether
29 it's the actual season or the allocation of fish, and
30 we've been successful doing that for many, many years.

31
32 I think that it's a viable fishery. I
33 think that we could use the same kind of approach as on
34 the Kasilof River to be able to fish this fishery. If
35 our neighbors, for example Hope and Cooper Landing,
36 wanted to participate in the fishery, sure, why not.
37 If they'd like to submit their own proposals to be able
38 to put nets in, back to the plural nets thing, because
39 we're asking for one net. We're not asking for nets
40 for other communities. I think that's kind of a
41 misconception too when one net turns into three nets
42 with no proposals in place or no discussion about it.
43 So I think that would be a good start to be able to
44 look at this and see if it would be a successful
45 fishery or not.

46
47 Mr. Chairman, that's all I have.

48
49 Thank you.

50

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

3
4 (No comments)

5
6 CHAIRMAN TOWARAK: Not hearing any.
7 Thank you for your presentation. We just got done
8 allowing Mr. Williams to testify under the tribal
9 council process. Ivan, would you like to do the same?

10
11 You have the floor.

12
13 MR. I. ENCELEWSKI: Thank you, Mr.
14 Chairman. Members of the Board, members of the
15 Regional Advisory Council. Again, for the record, my
16 name is Ivan Encelewski, executive director for
17 Ninilchik Traditional Council. A Federally qualified
18 subsistence user from Ninilchik.

19
20 I'm not going to belabor this. I stand
21 by my testimony obviously on the same principals under
22 FP15-11. I do want to add a few more things or
23 reiterate a couple things, but I also want to just have
24 it made known that we stand by those comments in the
25 previous proposal because they are very similar
26 proposals.

27
28 I guess starting out, you know, I want
29 to thank the Board for considering the Kasilof
30 proposal. I know there was concerns raised obviously
31 with spawning grounds and such, but the proposal was
32 passed, so I think there's a precedence for gear net
33 type obviously now. The Board has approved a gear type
34 for gillnet in the Kasilof River and we don't see why
35 it would be any different even though some have raised
36 the same conservation concerns. Obviously, logically
37 thinking, we think that same process should allow for
38 the same net in the Kenai River system as well even in
39 relation to those conservation concerns.

40
41 You know, one of the things that has
42 been brought up is this Hope/Cooper Landing issue, you
43 know, because they also have a C&T on the Kenai, which
44 is not necessarily on the Kasilof. Certainly our
45 position has always been that, you know, a community
46 should ask for something if they want this. Those
47 communities have not indicated that. I know that this
48 has been postulated that this is going to lead into
49 kind of the proliferation of nets and we just don't see
50 it that way. We stand by our proposal as one singular

1 net for the community.

2

3 In an open case where there was, you
4 know, consideration for Hope and Cooper Landing, we
5 don't see why there couldn't be a community net for all
6 the communities. It wouldn't hurt our feelings if, you
7 know, someone from Hope or Cooper Landing wanted to run
8 a community net and go through all the rigmarole and
9 processes and whatnot. So we don't see that there's
10 any reason to deny our proposal based on this
11 postulation that there might be all these other net
12 systems out there.

13

14 Again we stress and want to point out
15 that the State does have a gillnet fishery that they do
16 as part of their monitoring project in this Kenai River
17 system, so we don't see how one community gillnet could
18 be any different than the State and we're not asking
19 for that, you know, this big, huge net that's going to
20 stay out there all the time. We would be satisfied
21 with a drift gillnet opportunity behind a boat. We
22 believe we could structure it through that process in
23 the same manner as the State does every day in their
24 system. So I think it's a concern once again that they
25 would be allowed to do it and obviously we can't as the
26 number one priority.

27

28 The Kenai River system is obviously a
29 bigger river system. It can handle more pressure we
30 believe. Unlike the Kasilof, there's not the issue
31 with the steelhead, so you're really talking about one
32 species and that's the chinook. So here's other
33 opportunities where net size, you know. You could go
34 down -- I know in the commercial fisheries when you
35 look at like the pink fishery you could go down to a
36 smaller mesh size where you're not targeting or where
37 there would be less harm to king salmon. Chinook I
38 should say. So there's different ideas with that same
39 thing.

40

41 There's been low usage by the Ninilchik
42 people obviously in the Kenai. We believe that this
43 would provide a meaningful preference again. You know,
44 I stand by the comments that, you know, we've always
45 had this issue with conservation concerns and kind of
46 the speculation and whatnot, but they've never come to
47 fruition and we believe the same would hold true here.

48

49 We also believe that the in-season
50 management and the quick reporting lend to addressing

1 issues of conservation. I again stress that my friend
2 here, Jeff Anderson, has closed the Kenai River system
3 to Federal subsistence fishing in the last couple years
4 through Federal special action in-season, so it
5 obviously can be done on very short-term notice. The
6 same thing can apply in this river system. You know,
7 if Jeff determines that there's an issue with chinook,
8 that same thing can hold true.

9

10 He consults with us when those closures
11 are necessary and we too have a vested interest in
12 conservation. But by not allowing it based on, you
13 know, potential postulation of concern with this
14 gillnet opportunity it takes away the resource as the
15 number one priority of the subsistence user and we
16 don't believe that that's fair or justified.

17

18 The RAC supported this proposal again
19 unanimously. We believe deference is due to the RAC.
20 The other thing is that the process -- you know, we
21 talk about experimental and stuff like that, but this
22 is not a two-year process to get these things in place
23 and we believe that on the Kasilof side with that net
24 proposal you're not going to see those conservation
25 concerns come to fruition.

26

27 So if we have to do this again, we're
28 talking about another long, arduous process. This
29 isn't a process that's been ongoing recently. This has
30 been ongoing for decades. Our original net proposal
31 was years and years ago. What we got out of it was a
32 fishwheel that wasn't meaningful for us. So this
33 process has been evolving and going a long ways. We
34 believe we've made small steps and inroads through this
35 process. Again, we just don't see that there's going
36 to be those huge concerns.

37

38 Kenaitze has been mentioned here in the
39 last proposal and just for the record I know that the
40 Kenaitze Tribe has supported us and testified at the
41 Federal Subsistence Board, some of you may remember, in
42 support of our C&T on this river system in the Kenai
43 and actually came to the meeting supporting Ninilchik's
44 request. So they have been on record in the past of
45 supporting us and I want to make that known. We have a
46 good relationship with them and we believe they would
47 support us in all our endeavors.

48

49 The issue with the operational plan, we
50 can't have an operational plan without approval of

1 methods and means, so it just doesn't work, you know.
2 It worked that same way with the fishwheel when we
3 adopted the fishwheel process or not we, when the Board
4 adopted that process, then we developed the plan in
5 conjunction with Jeff. Actually it was Doug at the
6 time. That's how the process works. I don't see how
7 we could get a plan approved before we even have
8 approval for that method and means.

9
10 I also want to know that on the -- you
11 know, when you just look at the sheer numbers, think
12 about this. We know that the escapement in the Kasilof
13 or the Kenai for sockeye salmon is -- you know, it's
14 been over-escaped in the years. It's in the one
15 million plus, 1.2 million, 1.3 sockeye. There's 4 or 5
16 million sockeye harvested in the Cook Inlet by
17 commercial fishing users. There's over half a million
18 sockeye harvested by personal use fishing in the dipnet
19 fishery in the mouth of the Kenai. We're talking about
20 4,000 sockeye and yet there's millions and millions of
21 fish being harvested in these other fisheries.

22
23 Here we are again asking for that tiny,
24 tiny tidbit and the issue is being raised once again,
25 conservation concerns. We're plowing up through the
26 base of that triangle. The fisheries have been
27 established. By the very nature of saying there's a
28 conservation concern and not looking at addressing
29 other fisheries, such as commercial and sport, you're
30 basically putting the subsistence user at the end of
31 the line. Because, once again, the allocation has been
32 set and here we are again trying to plow through that
33 bottom.

34
35 With that being said, I'm not going to
36 belabor it anymore. I think this is, once again, a
37 good proposal. I want to reiterate this is half the
38 species concerned as it was in the Kasilof. What
39 happens when the chinook return, you know, if they do
40 return. There was testimony earlier the escapement
41 early and late escapement goal was met. So if the
42 early and late escapement goal was met, then why is the
43 subsistence user being harbored with a conservation
44 concern.

45
46 You know, why is the number one
47 priority being postulated that we're going to create a
48 conservation concern. We do recognize the issue of the
49 kings or the chinook, but we also believe we have a
50 priority to that fishery and that we can do this in a

1 conservative and positive manner that's not going to
2 create that huge issue.

3

4 So, once again, I thank the members of
5 the Board and I'd be happy to answer any questions if
6 you have any.

7

8 CHAIRMAN TOWARAK: Any questions from
9 the Board.

10

11 (No comments)

12

13 CHAIRMAN TOWARAK: Would you like the
14 floor too? Go ahead.

15

16 MR. G. ENCELEWSKI: Through the Chair
17 and the Federal Board. Greg Encelewski. I'm a Federal
18 subsistence user. Also a Regional Advisory Council
19 member as I stated earlier. I just want to make a
20 brief statement. Ivan covered this so doggone thorough
21 that he didn't leave me much to talk about and I had my
22 points wrote down here that I wanted to make sure he
23 didn't miss. I just would like to reiterate a couple
24 things.

25

26 Number one, it's only one net and that
27 net can be adrift and it can be monitored all the time
28 with a boat. The State does do this and others do it.
29 So I don't want that fear to be that there's nets in
30 the plural and all that stuff.

31

32 The other one is Ivan mentioned the
33 Kenaitze Natives have supported us in this endeavor. I
34 heard earlier the State, and I hope I didn't hear it
35 right, but I heard something to the effect, the
36 testimony, that it may jeopardize the Kenaitze
37 educational net. I don't think that should even be
38 talked about.

39

40 Anyway, the other thing is, you know,
41 Ivan made a very good point here, you know. We go on
42 to all this conservation actually the early and late
43 run escapement goals were met.

44

45 The last I want to point out is, you
46 know, I fish commercially and I have all my life. I've
47 suffered greatly in restrictions and closures. So has
48 Ivan. He's a permit holder. What I'd like to point
49 out is that the amount of escapement in that Kenai is
50 in the millions, like Ivan said. When we're talking

1 about 4,000 fish and that portion being distributed
2 through all our uses and other areas, it's minuscule.
3 It's one percent of the whole or less. So I just
4 wanted to bring those out and share those. Also that
5 the Regional Advisory Council supported this 100
6 percent.

7

8 Thank you very much for your time.

9

10 CHAIRMAN TOWARAK: Thank you. If you
11 could remain there. Are there any questions from the
12 Board.

13

14 (No comments)

15

16 CHAIRMAN TOWARAK: Not hearing any
17 questions, thank you for your presentations. We will
18 move on then to the Department of Fish and Game
19 comments.

20

21 MS. YUHAS: Thank you, Mr. Chairman.
22 For the record, Jennifer Yuhas with the Alaska
23 Department of Fish and Game for the State. In the
24 interest of time and attention, the Department would
25 like to apply all of our previous comments from the
26 last proposal to this proposal with regards to our
27 conservation and sustainability concerns, the
28 mechanics, the precedent of introducing a new gear type
29 into freshwater and our consultation concerns.

30

31 Just to clarify a few things that were
32 brought up. With regards to Kenaitze, we have watched
33 the whole process and, in general, there has been
34 general support. The question came simply over the
35 displacement and it was heard right. The mechanics are
36 not fully vetted on this. Matt can speak a little bit
37 more to the mechanics of our availability of being
38 allowed to implement that educational permit. It's
39 bound to the regulatory and statutory process there.
40 So that was correct.

41

42 He can also speak to the specifics of
43 the Fish and Game data collection, which does not
44 actually constitute a fishery. We seem to be talking a
45 lot about allocation. That is a Board of Fish process
46 rather than what we're getting into here.

47

48 I had one question though. Mr.
49 Encelewski reported that both of the Encelewskis fished
50 commercially and I had a question just in regards to

1 the RAC seat if Mr. Encelewski wanted to answer. Does
2 he occupy the commercial representative seat on that
3 RAC or the subsistence seat?

4
5 We spoke to one of the apprehensive
6 applicants for a different RAC who was turned down
7 because they checked the wrong box. They were told by
8 Staff they may have been appointed if they had checked
9 the comm fish representative box, but when I asked him
10 where he lived, he did say he was a Federally qualified
11 subsistence user who participated in subsistence
12 fishery. So he was apprehensive to reapply to the RAC
13 because he felt he was turned down because he also had
14 a different job. So I was just curious which seat was
15 occupied on the RAC.

16
17 MR. LORD: Jennifer, Mr. Encelewski has
18 a subsistence seat on the RAC. Many of our RAC members
19 wear multiple hats though.

20
21 MR. G. ENCELEWSKI: If I may. Thank
22 you, Ken. Yeah, my seat is a subsistence seat. I'm a
23 subsistence user, qualified subsistence user. I believe
24 subsistence is priority. Just because I fish
25 commercially, I've always fought, also support, I'm on
26 the record, I'm also the president of Ninilchik Native
27 Association and we support subsistence number one.

28
29 Thank you.

30
31 MS. YUHAS: Thank you, Mr. Chairman.
32 That was not in any way meant to be any offense to Mr.
33 Encelewski, but an answer for the disgruntled and
34 apprehensive public member who wasn't sure he should
35 reapply since he was turned down for that. Being a
36 subsistence user he finds himself in a very similar
37 situation and I know that the Federal Board recently
38 put out some public releases trying to attract RAC
39 members because there was a low applicant. We've heard
40 some of those concerns at the State level.

41
42 That's why some people are afraid to
43 apply.

44
45 CHAIRMAN TOWARAK: Did you have other
46 comments.

47
48 MR. MILLER: Mr. Chair. Again, for the
49 record, Matt Miller, Regional Management Coordinator
50 for Sport Fish for Cook Inlet. I too will also just

1 refer to my comments on the Kasilof proposal. Obviously
2 on the Kenai everything is stepped up a little bit
3 more. It's a very popular river.

4
5 To clarify once again the sonar, the
6 netting program that we do down at the lower river
7 sonar site is a sampling project. It's not to be
8 confused with the fishery. The point of the sampling
9 project is to capture fish and then release them alive.
10 The objective of a fishery would be obviously to kill
11 them and eat them. So two entirely different things.
12 They shouldn't be compared in here.

13
14 There was also mention about the
15 steelhead not being an issue on the Kenai, but there
16 are concerns with resident species. Obviously we have
17 a lot of rainbow trout in sections spread all
18 throughout the Kenai that would be an issue with this
19 potentially.

20
21 Also to mention the other difference of
22 this with the Kasilof is just the wide use that's on
23 the Kenai. There are active, fully participatory sport
24 fisheries, sockeye fisheries, drift boats are in this
25 area. I believe we were talking about prosecuting this
26 fishery. So there are some things that make this
27 different from the Kasilof one and, again, just kind of
28 step it up a little bit.

29
30 Mr. Chair.

31
32 MS. YUHAS: A final comment, Mr.
33 Chairman, is that I fully identify with Mr.
34 Encelewski's correlation as to how plans get written
35 and just wanted to identify on the record that those
36 are the same comments I brought regards to the Red
37 Sheep Creek issue, that the State contested that
38 without the approval from the Board to open that area
39 that a plan would not be developed. So I was glad he
40 put that on the record.

41
42 Thank you.

43
44 CHAIRMAN TOWARAK: Thank you. Are
45 there any questions.

46
47 MR. CHRISTIANSON: I've got one.

48
49 CHAIRMAN TOWARAK: Go ahead, Mr.
50 Christianson.

1 MR. CHRISTIANSON: Mr. Christianson for
2 the record. Mr. Chairman. I had a question for the
3 State. There's a lot of talk that there's a huge
4 commercial fishery on this same stock. Most of it must
5 take place in the saltwater. Being a conservation
6 concern for the chinook, what measures do the
7 commercial fisheries take to stop the interception of
8 this conservation concern they have for the king salmon
9 fish?

10
11 I mean it seems there should be some
12 measures taken there as well if we're going to deny
13 subsistence users a priority or even a crack at the
14 fishery. What measures are taken in the commercial
15 fishery to help alleviate that chinook concern?

16
17 MR. MILLER: Mr. Christianson, through
18 the Chair. Yeah, that's a good question. As was
19 mentioned earlier, the Board of Fish is the one that
20 sets the regulations for the sport commercial fisheries
21 in Cook Inlet in those waters. There are two runs of
22 kings that come in. They're managed separately. The
23 early run of king salmon that comes in is a smaller
24 run, a few thousand fish, three, four or five, six
25 thousand fish have been coming in lately. That has
26 been shut down to sport fishing effort for the last
27 couple years and restricted in previous years before
28 that too.

29
30 There is no directed commercial fishery
31 on that early run of kings. So for the last couple of
32 years those fish have been coming in unhindered by nets
33 and hooks down in the lower river. As you'd mentioned,
34 the commercial fishery takes place out in the marine
35 waters, out front, in different fishing districts out
36 in Cook Inlet.

37
38 The personal use fishery has also been
39 restricted for king salmon. For that reason no
40 retention of king salmon has been allowed in that
41 earlier run. The second run that comes in the State
42 management switches over for that July 1. For king
43 salmon there's been restrictions. For example, last
44 year's sport fishery started out, I believe, closed on
45 that and then I think we opened to non-retention for a
46 little while and ended up closing it again.

47
48 There's been a lot of restrictions on
49 that because, as we mentioned before, king salmon
50 throughout Cook Inlet and certainly other parts of the

1 state are in a manner of low productivity right now and
2 we're still coming back from that.

3

4 The commercial fishery out front is
5 prosecuted primarily for sockeye salmon. Now they do
6 have some bycatch or they do also catch incidental
7 catch of king salmon in that, but the Board of Fish set
8 up a management plan at their Cook Inlet meeting last
9 year that ties in with the sport fish actions.

10

11 So, for example, when the sport fish
12 actions go to non-retention or to no bait, then there's
13 a reduction in the hours that takes place in the
14 commercial fishery. So that even though they're
15 targeting the sockeye it still reduces their time out
16 front.

17

18 Mr. Chair. Hopefully that answers your
19 question.

20

21 MR. CHRISTIANSON: Yeah, it kind of
22 does answer my question, but my point is that there
23 still is a large commercial fishery taking place at the
24 mouth of the river with a concerned stock and we're
25 talking about limiting the ability of subsistence users
26 to fish, albeit it's in the river and they are fishing
27 terminally, which means we usually have a bigger impact
28 to subsistence users on the stock because we're right
29 there in the river.

30

31 Again, I was just wondering what
32 measures are even taken in the saltwater. Like you
33 said, you reduced the hours and stuff, but I was
34 wondering if there's a mesh size difference or
35 something that helps try to not catch those kings
36 because we could probably use the same measures for the
37 subsistence user in the river if we go ahead and
38 support this proposal. I don't see why we wouldn't.

39

40 MR. MILLER: Mr. Christianson, through
41 the Chair. Yes, like I said, they do -- and I'm a
42 sport fish biologist, so I'm not the best one to talk
43 about the commercial fisheries management out there,
44 but, again, the commercial fishery is managed to target
45 those sockeye salmon. So when we get those years where
46 there's an abundance of harvestable surplus of the
47 sockeye coming in, as we've seen lately, and low
48 numbers of returns of those king salmon, then
49 restrictions are put on the commercial fishery.

50

1 It can be a reduction in the hours that
2 they're fishing. It can be a reduction in the depth of
3 gear. They just started using that one in some cases.
4 It can be fishing areas. A lot of times the managers
5 will open up fishing areas that are off the beach and
6 try and keep the fishermen in areas where they're more
7 likely to be targeting sockeye and not king salmon.
8 There's a number of things that the commercial managers
9 are doing to trying to steer the fleet towards the
10 sockeye salmon and away from the kings.

11
12 MS. YUHAS: I just wanted to add for
13 Mr. Christianson's benefit that when he's talking about
14 the different areas in the marine they're a little bit
15 more distinguished than once they're all in the same
16 river.

17
18 MR. CHRISTIANSON: Yeah, I got that.
19 I've fished pretty much most of my life. I know they
20 travel certain corridors and you can pretty much help
21 by placing people a certain way. And from testimony
22 I've heard the last couple years being a Board member,
23 not really knowing a lot about the rivers, the same
24 happens in the river. Certain fish travel in certain
25 areas in the river and people with traditional
26 knowledge have the ability to decipher whether they
27 should set in the middle or the side and I think we
28 even have some proposals or some language that talked
29 about that.

30
31 So looking at trying to find a way to
32 support this activity because by any means necessary we
33 should be helping the subsistence user meet their need.
34 This is just again what we call another tool in the box
35 that might help them meet that need. Seeing as there
36 is such a large fishery of every type on that, I don't
37 see why we should exclude another fishery type,
38 especially if it's a singular net for the purpose of
39 feeding people. Some measures can probably be put in
40 place that would make that achievable.

41
42 CHAIRMAN TOWARAK: Are there any other
43 questions. Go ahead, Gene.

44
45 MR. PELTOLA: Mr. Chair. Gene Peltola,
46 ARD OSM. I just want to respond to a comment made by
47 the Department earlier under deliberation under FP15
48 with regard to the Regional Advisory Council process.
49 OSM nor the Federal Subsistence Board nor the
50 individual members of the Board representing agencies

1 on the Board have any say in approving or vetting any
2 Regional Advisory Council applicant. That is done via
3 a vetting process in administration high up in D.C.
4 Nor is the policy of OSM to pass on to applicants why
5 they were or were not appointed. In addition to, here
6 recently we tried to inquire along such lines of why
7 someone was not appointed and we were not given a
8 response and we have never been given a response.

9

10 CHAIRMAN TOWARAK: Go ahead.

11

12 MS. YUHAS: Thank you. It was simply a
13 report from a public member. I know that when people
14 are displeased with the State, they come to the Federal
15 program and complain. Occasionally when people are
16 displeased with the Federal program, they complain to
17 the State. When we assisted in trying to get the word
18 out that there were vacancies for the applicants for
19 the RACs, this was simply a report of what was told to
20 us by someone in a different region than this
21 particular RAC and they reported that they were told
22 that they should have checked the other box. So if
23 there was a breach in protocol or if this person was
24 mis-relaying that, that was the report we got and we're
25 simply being faithful to pass that along.

26

27 CHAIRMAN TOWARAK: Go ahead.

28

29 MR. PELTOLA: One other thing. Just
30 because it was mentioned on the record I wanted to
31 address it. And also I felt -- it was under
32 deliberation for FP15-10, so it wasn't germane to the
33 discussion, so I wanted to address it.

34

35 CHAIRMAN TOWARAK: Further discussion.

36

37 (No comments)

38

39 CHAIRMAN TOWARAK: Not hearing any.

40 We'll move on to the Interagency Staff Committee

41 comments.

42

43 MR. ARDIZZONE: Mr. Chair. Staff
44 Committee comments for FP15-10 include the standard
45 comment plus this additional comment.

46

47 If the Board rejects the Council
48 recommendation, it could do so based on exceptions in
49 Section 805(c) of ANILCA. Allowing the use of gillnets
50 in the Kenai River could be viewed as a violation of

1 recognized principals of fish and wildlife conservation
2 as gillnets do not allow for species, stock and size
3 selective harvest.

4

5 Unlike the situation in the Kasilof,
6 there's no distinct time period when gillnets could be
7 used to address concerns of stocks for species that are
8 spawning, those that are less abundant or prone to
9 overharvest or those of critical size.

10

11 The proposed regulation states that
12 rainbow trout and Dolly Varden 18 inches or greater
13 must be released. However, any fish caught in a
14 gillnet would likely result in mortality. There are
15 conservation concerns with chinook salmon in the Kenai
16 River and early and late run chinook salmon are in the
17 Kenai River during the proposed season.

18

19 CHAIRMAN TOWARAK: Thank you. Are
20 there any questions for the Staff.

21

22 (No comments)

23

24 CHAIRMAN TOWARAK: Not hearing any.
25 Thank you. We will move on for final board discussion
26 with Council Chairs and the State liaison. Mr. Lohse,
27 you have a comment?

28

29 MR. LOHSE: I don't believe you called
30 for the RAC to make statements.

31

32 CHAIRMAN TOWARAK: Oh, I'm sorry. We
33 replaced the public comment with the tribal comments
34 and that's why I skipped that portion. I'll move to
35 the Chairs.

36

37 MR. LOHSE: I thought you were doing me
38 a favor and allowing me to listen to everybody so that
39 I could answer them. So thank you, Mr. Chair.

40

41 The Southcentral Alaska Subsistence
42 Regional Advisory Council supported this proposal
43 unanimously. We stated that the proposal, if enacted
44 into regulation, would provide for a meaningful
45 subsistence preference. Chinook and rainbow trout
46 harvest will be limited and conservation concerns can
47 be -- and I will say will be addressed through an
48 operational plan. The operational plan, with review by
49 the in-season manager, would require prior approval
50 with the land managing agency prior to any fishing.

1 The proponent provided public comments
2 and stated that the gillnet is a customary and
3 traditional use method and that was shown to us not
4 only by the people who live there, but if any of you
5 followed any of the archeology that's been done on the
6 Kenai River, you can see that that goes back a long
7 way.

8
9 That's the direct comments of the
10 Southcentral Alaska Subsistence Regional Advisory
11 Council. I'm not going to make any stronger comments
12 than that because I think it's perfectly adequate.

13
14 For those of you that have been around
15 a long time, I'll just make a couple observations. I
16 can't believe that we're dealing with an issue on the
17 Kenai River. We don't have 20 public testimonies out
18 there in opposition to this proposal. We don't have
19 any public testimonies in opposition to this proposal
20 other than the Alaska Department of Fish and Game.

21
22 Now one of the comments that's been
23 brought up is that there's all kinds of other uses on
24 the Kenai River. One of them is drift boats and
25 rafting and things like that. It's kind of interesting
26 because we've -- you know, one of the reasons we're on
27 the RAC is from our experiences. Cordova has opened up
28 -- in our Cordova area, we've opened up a subsistence
29 fishery for coho salmon that's right on the main stream
30 that all of our sport fishermen come from all over the
31 world to fish. And we have a moose hunt that takes
32 place alongside the road where all of our tourists go.

33
34
35 It's interesting how many of them think
36 it's an interesting Alaskan experience to watch what
37 other Alaskans get to do. I would be real surprised if
38 most of the people that were from out of the state that
39 were drifting down the river in a drift boat came
40 across a gillnet and a gillnet somebody was operating,
41 that they wouldn't be all interested in what was going
42 on rather than an objection. I may be wrong on that,
43 but with that observation I'll stand by my Council's
44 recommendation.

45
46 CHAIRMAN TOWARAK: You said it was a
47 unanimous vote?

48
49 MR. LOHSE: It was a unanimous vote.
50

1 CHAIRMAN TOWARAK: Thank you. That
2 tells me something. Mr. Christianson.

3
4 MR. CHRISTIANSON: Mr. Chair. A
5 question for Mr. Lohse. So it was unanimous. There
6 was a lot of discussion about the conservation concern
7 with chinook. I was just wondering how that discussion
8 went as far as how the proponent would help deal with
9 that low escapement of the chinook or the conservation
10 concern there if they were to be allowed to operate the
11 gillnet.

12
13 MR. LOHSE: If you'd give me a minute,
14 I've got my minutes right here in front of me and I
15 will look up the pertinent comments on that and get
16 back to you if I can be allowed a minute or two.

17
18 CHAIRMAN TOWARAK: Sure, go ahead.
19 We'll give you the time to do that. Mr. Haskett.

20
21 MR. HASKETT: So while he's doing that
22 would it appropriate -- I'd actually like to hear, if
23 we could, an explanation of the conservation concern
24 because we do have one and it keeps coming up. I think
25 we can get some specifics about that while he's looking
26 it up if that's okay with the Chair.

27
28 CHAIRMAN TOWARAK: Go ahead. You want
29 the Staff to.....

30
31 MR. HASKETT: So actually what I'm
32 looking for is -- my understanding is even if the
33 chinook population was high we'd still have a
34 conservation concern. So I'd like to hear a little bit
35 more about that. What the spawning concerns are, what
36 the conservation concern specifically is so that when
37 we talk about it, it's not just kind of we use this
38 conservation concern thing, but people have specifics
39 in their mind about what it is that we're talking
40 about. So either Andy or Jeff.

41
42 CHAIRMAN TOWARAK: While you're doing
43 that I would also like an explanation of the difference
44 between what the proponents are stating and what the
45 report says here on the effects of the proposal stating
46 that adopting this proposal as submitted does not
47 provide subsistence harvest opportunities for residents
48 of Cooper Landing and Hope. Where the proponents are
49 stating that they are only looking out for their own
50 community, that they don't have any jurisdiction -- or

1 their request is only for their community.

2

3 MR. HASKETT: If I could, Mr. Chair,
4 I'd actually like to answer that one myself.....

5

6 CHAIRMAN TOWARAK: Okay.

7

8 MR. HASKETT:after they do the
9 conservation concern question.

10

11 CHAIRMAN TOWARAK: Go ahead.

12

13 MR. ANDERSON: Through the Chair.
14 Again it's -- the gear type is part of the conservation
15 concern. In contrast to other methods that are
16 currently available with existing Federal subsistence
17 fisheries on the Kenai River, which are dipnets and rod
18 and reel, gillnets are not appropriate for selective
19 harvest of species or stocks.

20

21 Most of the waters under Federal
22 subsistence fisheries management jurisdiction on the
23 Kenai River are known spawning grounds for chinook
24 salmon, early run and late run. Using a gillnet on
25 known spawning grounds goes against the principals of
26 fisheries conservation. So it's the time and area of
27 when the gillnet is actually operated and fished.
28 There really is not a way to avoid fishing on top of
29 spawning chinook salmon. So that's the primary
30 conservation concern.

31

32 There's also the concern with resident
33 species. The large rainbow trout and Dolly Varden are
34 important Refuge -- unique components of the Kenai
35 National Wildlife Refuge as well. Federal subsistence
36 regulations default the State sport fishing regulations
37 for those species and it is one fish per day, under 18
38 inches for rainbow trout. So anything over 18 inches
39 would need to be released and a gillnet is not a
40 selective harvest tool to actually do that effectively.

41

42 CHAIRMAN TOWARAK: Does that answer
43 your question?

44

45 MR. CHRISTIANSON: Mr. Chair. It kind
46 of does answer my question, but it still doesn't take
47 away the fact that there's umpteen permits at the mouth
48 of the river doing the same thing. That's the point I
49 was trying to get at, is there is -- even though it's
50 in the river there's still this huge interception

1 happening at the front end of it, which I totally
2 support because I like commercial fishing, but at the
3 same time it's happening. We're talking about one net
4 here to feed some people. If there is a clear
5 conservation concern and we're worried about fish
6 swimming into nets, it seems like there's another place
7 to deal with that, not when we're trying to feed
8 people.

9

10 CHAIRMAN TOWARAK: Mr. Haskett.

11

12 MR. HASKETT: I'll go ahead and answer
13 the second question. I'm debating in my mind whether
14 I'm even going to mention, when I get to the point
15 where I do, my justification for the proposal about the
16 other two communities that we believe would in fact
17 follow through, which would give us more concerns, but
18 I think I'm probably going to just delete that and let
19 you know that we have enough concerns with any one of
20 those communities doing it. The conservation concern
21 would be there anyway, so it's probably not going to be
22 my justification when we get to that point.

23

24 CHAIRMAN TOWARAK: Go ahead, Jennifer.

25

26 MS. YUHAS: Very quickly, Mr. Chairman.

27 Thank you.

28

29 Before you end up making a motion and
30 get into the debate, with regard to the specific
31 proposal I did want to report and answer to Mr. Lohse
32 that two individuals had contacted the Department who
33 were opposed to the proposal. They were previous
34 testifiers who did not have confidence that their
35 testimony would be well received. They were encouraged
36 to come to the meeting and they refused to. As people
37 become disenfranchised with the Board of Fish and come
38 to this process and say they didn't hear us, that was
39 the feeling of the folks who didn't want to come to
40 this meeting. The idea was the State can handle it.

41

42 CHAIRMAN TOWARAK: Mr. Lohse, do you
43 have any comment.

44

45 MR. LOHSE: I don't have any answer to
46 that. I'd have to do some serious thinking about that.
47 Thank you for that. It's never been our intention to
48 not allow anybody to testify and give them all the time
49 that they needed. So if that's the case that they felt
50 like they weren't heard or if they felt like they

1 weren't listened to or they felt like they didn't get
2 what they wanted, that's a question.

3

4 CHAIRMAN TOWARAK: Mr. Lohse. Part of
5 the reason I asked the question on Cooper Landing and
6 Hope is I assume that your RAC considered that
7 situation and you heard the Ninilchik proposal was for
8 their own community and that they weren't doing
9 anything for the other communities.

10

11 MR. LOHSE: I have that discussion
12 right in front of me right now and there was, I'll say,
13 a little bit of disagreement on the RAC on that, but it
14 was recognized that it was Ninilchik asking for it.
15 Our RAC has had the policy or I'll say the tendency in
16 the past when somebody asks -- and we were mostly
17 dealing with C&T -- that when somebody asked for C&T
18 and there were other people in the area that didn't
19 ask, we waited for them to ask. We applied the same
20 criteria to this. That while they have C&T and the
21 option is there for them to submit a proposal and ask
22 for the same scenario, they hadn't done that. We were
23 responding to a proposal by Ninilchik for Ninilchik.

24

25 Our RAC is not -- I'll say we're not
26 proactive from the standpoint of trying to make
27 decisions for other people and make proposals for other
28 people. We wait for them to make their proposals. In
29 this case, I was just looking at that. There were a
30 couple people on the RAC who thought the other ones
31 would automatically be in, but then we discussed it
32 from the standpoint that it was Ninilchik asking for
33 the proposal, so we would deal with Ninilchik.

34

35 CHAIRMAN TOWARAK: Any further
36 discussion. Go ahead.

37

38 MR. SHARP: I guess -- since Karen Hyer
39 is here, I guess the Hope and Cooper Landing issue
40 still isn't settled in my mind as to how the Service
41 would approach a request from Cooper Landing or if they
42 were approached by two Cooper Landing gillnet requests
43 or so or an individual. I know it's the Council now,
44 but do we have a feeling as to how we would handle
45 additional requests or would we try to keep it at one
46 net and just add more people to it?

47

48 Thank you.

49

50 MS. HYER: Through the Chair. That

1 hasn't been discussed. The issue in the analysis was
2 we cannot exclude them. I know Ninilchik has said
3 they're only asking for one net for their community but
4 because Hope and Cooper Landing have C&T we cannot
5 exclude them from that, it's my understanding. But Ken
6 Lord may be able to address that a little bit better
7 than I can. But as far as an operational plan or if
8 two people from a community submit an operational plan,
9 we haven't discussed how we would deal with that.

10

11 CHAIRMAN TOWARAK: Mr. Lord.

12

13 MR. LORD: Mr. Chair. When some
14 communities are asking for C&T and others are not, I
15 think it's fair to use the Southcentral Council's
16 method of sort of waiting to see if they want it or
17 not, but when we are parsing among subsistence users
18 who are already qualified, Section 804 of ANILCA tells
19 us that we can't do that unless we do an 804 analysis,
20 so I tend to agree with Ms. Hyer that we really should
21 give this opportunity, at least on the regulatory side,
22 equally to all the Federally qualified subsistence
23 users.

24

25 Now they may not choose to submit an
26 operational plan or if there are multiple operational
27 plans, the Refuge might want to take that into account
28 in terms of the impact it might have on the resource,
29 but that's a later step.

30

31 CHAIRMAN TOWARAK: Any further
32 discussion. Mr. Walker.

33

34 MR. WALKER: Thank you, Mr. Chair.
35 Members of the Board. Robert Walker for the record,
36 Western Interior. Member Christianson really brought
37 up a point here to where when you really look at the
38 bigger picture here, it's just another tool in the
39 toolbox, which is right. I mean when you look at all
40 these issues that we have here for tribal members,
41 Council members here, and when they do fish and gather
42 and hunt and everything, if you can't use this tool,
43 there's always going to be another one in the box.

44

45 So I would have the Board really take a
46 look at this. I mean this tool in the toolbox really
47 means a lot. I think these people really deserve
48 something like this because if they have a fish net,
49 maybe they can use it this year, maybe they can't use
50 it next year, whatever, but it's going to be in the

1 toolbox.

2

3 It will always be there.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN TOWARAK: Thank you. Mr.

8 Lohse first and then you.

9

10 MR. LOHSE: Thank you, Mr. Walker. You

11 know, in answer to the question that was asked before,

12 I just was to the point in my minutes where we were

13 discussing exactly what he said. This was by Mr. Greg

14 Encelewski and it was part of our discussion and it

15 basically says, "I think that the conservation concerns

16 can certainly be worked out. I have no concern that it

17 wouldn't be managed in a very conservation-minded

18 manner and that it would definitely provide a better

19 preference and a meaningful preference for salmon,

20 especially the reds. The kings are going to be limited

21 anyway. The fisheries will be shut down if there's a

22 continued shortage and we certainly don't want to get

23 into the early-run kings or anything like that."

24

25 In other words, they recognize the fact

26 that if there's a real shortage, if there's damage

27 being done, this gear type will be shut down. There's

28 no question about it. But like Mr. Walker says, it

29 puts another tool in the toolbox that actually would

30 give a meaningful preference.

31

32 Currently, if I remember right, and the

33 Fish and Game could correct me if I'm wrong, I think

34 that the preference on the Kenai River for subsistence

35 fishing is rod and reel and they're allowed two fish or

36 something like that. But this is a preference. This

37 is something nobody else has. No other personal use

38 fisherman has, no sport fisherman has, no out-of-state

39 fisherman has. It's a preference for subsistence users

40 on the Kenai River.

41

42 It's still going to be managed from the

43 standpoint that if there are no fish or if there are

44 insufficient fish or if they're making impact on fish

45 they shouldn't make, it's going to be shut down. But

46 who knows, maybe 20 years from now it's in the toolbox

47 and all of a sudden we have kings coming back to the

48 point where they can take a few of their kings at the

49 same time they take the reds. It's a tool that's in

50 the toolbox. That's what our Council was after and,

1 like Mr. Walker said, I think that that's what we
2 intended. Just to be sure, I looked it up and we did
3 pass it unanimously.

4

5 CHAIRMAN TOWARAK: Any further
6 discussion. Go ahead, Mr. Christianson.

7

8 MR. CHRISTIANSON: Mr. Chair. I guess
9 my question was it seems like right now there's a fear
10 that because we pass this proposal for Ninilchik to
11 fish in the Kenai with a net that the other two tribes
12 would apply for the same. Did the other two tribes
13 apply for a fishwheel or any other thing?

14

15 Even if they did, my point is that
16 would be three little nets, 10 fathoms a piece. Tie
17 them all together, that's 30 fathoms of net in a
18 fishery to help meet the needs of subsistence users.
19 I'm just speaking from the standpoint of the
20 subsistence user and from the Regional Advisory Council
21 there about providing a meaningful opportunity for the
22 subsistence user to meet their needs.

23

24 I was looking at the numbers. They
25 don't catch very much fish in Ninilchik to eat. So I
26 don't think a rod and a reel and a dipnet is really
27 giving them the bulk of resource that they need to
28 fulfill their need. I would be totally in support of
29 this so they can do that. That's just where I'm coming
30 from.

31

32 CHAIRMAN TOWARAK: Thank you.

33

34 Mr. Haskett.

35

36 MR. HASKETT: I just want to point out
37 again. I think I said this before because we keep
38 going over this other two community concern. I'll
39 admit it's a concern. It's in the justification. But
40 when I get to the point of making a motion, I can
41 assure you that's not going to be part of my
42 justification. So we can keep talking about it, but
43 that's not going to be part of what I'll be depending
44 on.

45

46 CHAIRMAN TOWARAK: Personally, what I'm
47 battling with is I'm committed to giving deference to
48 the Regional Advisory Councils and I haven't heard
49 anything yet that's going to change my mind on doing
50 that.

1 Further discussion. Go ahead, Mr.
2 Lohse.

3
4 MR. LOHSE: One more comment, Mr.
5 Chair. I could really understand all the concern on
6 this if there was a 40,000 fish subsistence, but we're
7 talking 4,000 fish for all subsistence gear types on
8 the Kenai River. On a river that, like you said, the
9 sport fish, dipnet fish, all the rest of the them take
10 over a half a million fish. A million fish go up the
11 river, a million-plus fish go up the river, and we're
12 talking about a fishery that, if we put a quota on it,
13 it's probably going to be half of what the 4,000 was.

14
15 I just can't see where -- it really
16 doesn't make any difference what kind of gear type when
17 you have that small of a limit. In the time that they
18 get that small a limit, if there's a lot of reds like
19 everybody talks about, they're not going to be in the
20 water very long. If there's a problem with kings,
21 they're having reporting. They can be closed down.
22 And if they catch more than their quota, they're in
23 violation. Or if they catch their quota and quit, they
24 shut themselves down.

25
26 It's just like how do you measure an
27 impact of a couple thousand fish on a fishery that
28 catches a million to five million offshore, has an
29 escapement of over a million in the river and takes
30 over half a million with sport and personal use
31 fisheries. How do you even measure 2,000 fish or 4,000
32 fish.

33
34 CHAIRMAN TOWARAK: Any further
35 discussion.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: If not, then the
40 floor is open for Board action. Mr. Haskett.

41
42 MR. HASKETT: So I make a motion to
43 adopt the proposal and I'll provide my justification as
44 to why I intend to oppose this motion if I get a
45 second.

46
47 MS. PENDLETON: Second.

48
49 CHAIRMAN TOWARAK: You heard the motion
50 and the second. Continue with the discussion.

1 MR. HASKETT: We had a lot of
2 discussion about whether this is the same issue or
3 situation as what we had on the Kasilof River. We
4 don't believe it is. I'm not going to belabor that. I
5 think it is different than we considered in the last
6 proposal. There's no distinct time period when
7 gillnets could be used to address our concerns with
8 species of stocks that are spawning, less abundant, are
9 prone to overharvest or of critical size. Gillnets do
10 not allow for species, stock and size selective
11 management of controllable harvest.

12
13 There's been a lot of discussion about
14 -- because in the justification we talked about two
15 other communities that may also complicate this if they
16 go for it. I think that's a concern, but we're not
17 basing our concern on that. We're basing on any one of
18 the communities utilizing those methods. We think the
19 methods are biologically incorrect and a conservation
20 concern.

21
22 I want to also point out that we had
23 this same conservation a number of years ago and the
24 Board stated that the use of gillnets would be
25 inconsistent with existing principals of fish
26 conservation for the species and stocks. Our position
27 on the biology and the conservation really hasn't
28 changed.

29
30 The recommendation of the Southcentral
31 Regional Advisory Council we believe would be
32 detrimental to the satisfaction of subsistence needs
33 due to potential for overharvest of species and stocks
34 of concern, including chinook salmon, and we would have
35 that position even if the population was high for
36 chinook. We'd still oppose gillnets on the spawning
37 grounds here. So we believe it violates recognized
38 principals of fisheries conservation by allowing the
39 use of gillnets on chinook salmon spawning grounds.

40
41 CHAIRMAN TOWARAK: Not hearing a
42 second.

43
44 MR. SHARP: Second.

45
46 CHAIRMAN TOWARAK: There's a motion and
47 a second on the floor. Am I procedurally right? Any
48 further discussion on the motion.

49
50 (No discussion)

1 MR. CHRISTIANSON: Question.
2
3 CHAIRMAN TOWARAK: The question has
4 been called for. Please have a roll call vote.
5
6 MR. PELTOLA: Okay, Mr. Chair. The
7 motion on the floor is to adopt FP15-10. Proceed with
8 the roll call vote. Fish and Wildlife Service.
9
10 MR. HASKETT: Oppose.
11
12 MR. PELTOLA: Public Member Brower.
13
14 MR. BROWER: Aye.
15
16 MR. PELTOLA: Public Member
17 Christianson.
18
19 MR. CHRISTIANSON: Aye.
20
21 MR. PELTOLA: BLM.
22
23 MR. SHARP: Oppose.
24
25 MR. PELTOLA: National Park Service.
26
27 MR. HARD: Aye.
28
29 MR. PELTOLA: BIA.
30
31 MR. KAHKLEN: Yes.
32
33 MR. PELTOLA: Forest Service.
34
35 MS. PENDLETON: Oppose.
36
37 MR. PELTOLA: Mr. Chair.
38
39 CHAIRMAN TOWARAK: I vote yes.
40
41 MR. PELTOLA: FP15-10 has been adopted
42 with a vote of 5/3.
43
44 CHAIRMAN TOWARAK: Thank you. I think
45 that concludes the process of proposals. The next item
46 on the agenda is briefings to the Board. Oh, I'm
47 sorry. We have one more step to go through. We need
48 to adopt the consensus agenda.
49
50 MR. CHRISTIANSON: Mr. Chairman. I

1 make a motion that we adopt the consensus agenda as
2 presented by Staff.

3

4 MR. SHARP: Second.

5

6 CHAIRMAN TOWARAK: You heard the motion
7 and a second. Any objections to the motion.

8

9 (No objections)

10

11 CHAIRMAN TOWARAK: The motion passes
12 unanimously. Is it okay for us then to do the briefing
13 to the Board and come to an adjournment after that? Or
14 would you prefer to take a break now and come back in
15 the morning?

16

17 (Discussion)

18

19 CHAIRMAN TOWARAK: Okay. Our quick
20 analysis point out that if we spent an hour and a half,
21 we could probably do the briefings and be adjourned by
22 this evening, but that would bring us up toward 6:00
23 o'clock in the evening. Otherwise we could come back
24 at 8:30 in the morning and spend the morning taking
25 more time to review.

26

27 What's the wishes of the Board? Go
28 ahead.

29

30 MR. HASKETT: Well, I guess my only
31 concern is that we -- some of these we could get
32 through pretty quickly, but I hate the idea of people
33 just trying to spin through these too quickly. At
34 least one of them I think is going to take some
35 discussion. So I don't think we can get through them
36 all tonight anyway by 6:00 o'clock.

37

38 CHAIRMAN TOWARAK: So rather than
39 getting into it partially right now, I think we should
40 just adjourn the meeting and reconvene at 8:30 in the
41 morning.

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43 If there's no objections to that, then
44 we will recess the meeting until 8:30 tomorrow morning.

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46 (Off record)

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48 (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 reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 102 through 229 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING taken electronically by our firm on the 22nd day of January 2015, in Anchorage, Alaska;

THAT the transcript is a true and correct transcript requested to be transcribed and thereafter transcribed by under my direction and reduced to print to the best of our knowledge and ability;

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

DATED at Anchorage, Alaska, this 30th day of January 2015.

Salena A. Hile
Notary Public, State of Alaska
My Commission Expires: 09/16/18