

1 FEDERAL SUBSISTENCE BOARD  
2  
3 PUBLIC REGULATORY MEETING  
4

5  
6 VOLUME II  
7

8 EGAN CENTER  
9 ANCHORAGE, ALASKA

10  
11 January 23, 2013  
12 8:30 o'clock a.m.  
13

14 MEMBERS PRESENT:

15  
16 Tim Towarak, Chairman  
17 Charles Brower  
18 Anthony Christianson  
19 Bud Cribley, Bureau of Land Management  
20 Geoff Haskett, U.S. Fish and Wildlife Service  
21 Sue Masica, National Park Service  
22 Eufrona O'Neill, Bureau of Indian Affairs  
23 Wayne Owen, U.S. Forest Service

24  
25  
26  
27 Bertrand Adams - Southeast RAC  
28 Harry Brower - North Slope RAC  
29 Molly Chythlook - Bristol Bay RAC  
30 Vern Cleveland - NWA RAC  
31 Andrew Firmin - Eastern Interior RAC  
32 Louis Green - Seward Peninsula RAC  
33 Jack Reakoff - Western Interior RAC  
34 Speridon Simeonoff - Kodiak/Aleutians RAC

35  
36  
37 Ken Lord, Solicitor's Office  
38  
39  
40  
41 Kelly Hepler, State of Alaska Representative  
42

43  
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P R O C E E D I N G S

(Anchorage, Alaska - 1/23/2013)

(On record)

CHAIRMAN TOWARAK: Good morning. I have a couple announcements to make. One is in regards to the lunch today. There are a few people that have not paid for their lunches yet and Helen Armstrong would like the payment as soon as possible. You could do it outside at the front desk.

We have the subsistence student art contest judge forms for Council members, so we'd like for you to fill those out as soon as possible over to my right. I think that's it. We will be breaking at 11:45 for our lunch to go down to Orso's. Orso's is two blocks, I think, down this way to west of here and we are in the upstairs portion of Orso's, so remind me to take a break at 11:45.

That reminds me -- in seeing Pete off, it reminds me of a story about Lyndon Baines Johnson. When he died as president, someone said that half of the people were at his funeral to mourn his death. The other half was there to make sure he was dead.

(Laughter)

CHAIRMAN TOWARAK: No inferences to Pete leaving. We're going to start today with our normal beginning agenda item and open the floor for public comment on non-agenda items for anyone that would like to address the Board on non-agenda items. Right after that we will get right into our proposals. We have a leftover item to complete on 13-18. The floor is open for anyone. Is there anyone that would like to address the Board.

Go ahead, Mr. Adams. Please come up.

MR. ADAMS: I'll yield to the person in the back.

CHAIRMAN TOWARAK: Okay. We'll go with you first and then Myron.

MS. MILLS: Thank you, Mr. Chair. My name is MaryAnn Mills and I'm vice chair for the Kenaitze Indian Tribe. I would like to address the rural/nonrural

1 determination process and go on record in support of  
2 Ninilchik's request for the approval of their net and  
3 approval of their fishwheel on the Kasilof River.

4

5 I was glad to see this Board's interest  
6 in honoring treaties yesterday, as in the Pacific Salmon  
7 Treaty, by working within the language contained in the  
8 treaty prior to the motion to defer. International  
9 treaties carry the same weight as the United States  
10 Constitution. The United States of America and nation  
11 states that join the United Nations acknowledged,  
12 accepted and obligated themselves to the international  
13 status of Alaska by placing it on the list of non-self-  
14 governing territories and is obligated to fulfill  
15 obligations granted to the original inhabitants, which  
16 has never been met or honored.

17

18 The imposition of domestic law and policy  
19 and the annexation of Alaska via Statehood, the Alaska  
20 Native Claims Settlement Act and ANILCA violate the maxim  
21 that you cannot use domestic law or its deficiencies to  
22 settle your international obligations.

23

24 The United States ratified the  
25 International Covenant on Civil and Political Rights.  
26 Article 1, Section 1 states all people for their own ends  
27 freely -- may, for their own ends, freely dispose of  
28 their natural wealth and resources without prejudice to  
29 any obligations arising out of international economic  
30 cooperation, based upon the principle of mutual benefit,  
31 and international law. Article 1, Section 2 states in  
32 no case may a people be deprived of its own means of  
33 subsistence.

34

35 The rural/nonrural violates international  
36 treaties previously accepted and ratified by the United  
37 States and nation states that protect our right to freely  
38 dispose of our natural wealth and resources without  
39 prejudice and also deprives us our right to our  
40 traditional foods.

41

42 Article 2 of the International Convention  
43 on the Prevention and Punishment of the Crime of Genocide  
44 and ratified by the United States in public law 100-606  
45 states in the present genocide convention genocide means  
46 any of the following acts committed with intent to  
47 destroy, in whole or in part, a national, ethnical,  
48 racial or religious group, as such:

49

50 (b) Causing serious bodily or mental harm

1 to members of the group; Deliberately inflicting on the  
2 group conditions of life calculated to bring about its  
3 physical destruction in whole or in part.

4  
5 The Federal Subsistence Board is now  
6 aware and now you can choose not to be complicit in this  
7 crime scene because basic sacred fundamental human rights  
8 are not negotiable.

9  
10 Thank you.

11  
12 CHAIRMAN TOWARAK: Thank you for your  
13 presentation.

14  
15 Were there any questions of anyone.

16  
17 (No comments)

18  
19 CHAIRMAN TOWARAK: Thank you. If not,  
20 Myron, Mr. Naneng, president of AVCP has the floor.

21  
22 MR. NANENG: Thank you, Mr. Chairman and  
23 members of the Federal Subsistence Board and Staff. I'd  
24 like to speak on a couple issues that are very important  
25 to our people in the Y-K Delta. Number one, as you all  
26 know, this past summer on the Kuskokwim River some of our  
27 people were cited for fishing for food while out in the  
28 Bering Sea the trawl fleet, without no regard or without  
29 any penalties, threw chinook salmon overboard and that's  
30 been allowed under Federal rules and State rules for  
31 quite a substantial amount of time, yet our people this  
32 past summer were slapped -- became criminals fishing for  
33 food for chinook salmon.

34  
35 One of the other issues that we're  
36 concerned about is that there are some people that come  
37 out to rural Alaska, both on the Yukon and Kuskokwim and  
38 export a large number of chinook salmon at the expense of  
39 people that live in villages. I read a report that there  
40 was some person from Fairbanks who exported 93 chinook  
41 salmon from the Kuskokwim River while many of our people  
42 on the Kuskokwim River who live in villages did not get  
43 none or even got a few, less than 20, to provide for food  
44 for themselves for the winter.

45  
46 I thought the Federal Subsistence Board  
47 was to work with rural Alaska to allow for subsistence  
48 purposes on our lands. I know we have issues with the  
49 return of chinook salmon, but there's got to be equity.  
50 If you can allow a corporate and large industry to throw

1 away chinook salmon out in the Bering Sea with regard to  
2 what's returning, why make criminals of people that may  
3 catch one or two on their nets and their nets are  
4 confiscated. Some of them have yet to get their nets  
5 returned to them to this date.

6  
7           The State of Alaska wrote a letter on  
8 December -- or August 12th saying we want to treat the  
9 cited fishermen fairly and equally and some of the  
10 fishermen had pleaded out because they needed their nets  
11 to be returned to them. As far as the State of Alaska  
12 and the court system seems to define equally is to make  
13 them all plead guilty or say that they're guilty for  
14 fishing for food. That's how I defined that letter that  
15 I got from the State of Alaska Department of Law, to  
16 treat them equally and make them all guilty.

17  
18           The other issue that I'd like to speak on  
19 is that many of our village corporation lands were  
20 selected for subsistence purposes. Like Hooper Bay Sea  
21 Lion Corporation, our village corporation has lands  
22 within the wildlife refuge and our elders back then at  
23 the time of the land selection selected those lands for  
24 subsistence purposes because there's no what a lot of  
25 people outside of our region call the minerals of value  
26 that they can extract from that area.

27  
28           But our lands, even though they are  
29 within the wildlife refuge, are subject to State rules  
30 and regulations and private lands. Sometimes we're being  
31 from a village and living out there and being a  
32 shareholder from that village corporation land -- from  
33 that village corporation and our lands being subject to  
34 State rules and regulations. I kind of wonder who's in  
35 charge and we're within the wildlife refuge.

36  
37           I think this body has brought up the  
38 issue before between the State and the Federal  
39 Subsistence Board about coming up with a Memorandum of  
40 Agreement or Understanding so the State can have  
41 management over our private lands. I think this Board  
42 should consider a Memorandum of Agreement between the  
43 Federal agencies and each of the village corporations  
44 that own lands. We have 44 million acres within the  
45 state of Alaska. If we are the third largest landowner  
46 within the state of Alaska, I think the Federal  
47 Subsistence Board should also come up with a Memorandum  
48 of Agreement or Understand because our villages selected  
49 those lands for specific purposes. It should be done.

50

1                   If you can come up with an agreement here  
2 at this level with the State of Alaska that does not own  
3 some of these lands, I think it's about time that the  
4 Federal Subsistence Board consider a Memorandum of  
5 Agreement with the Native corporations or those that own  
6 Native lands out in Alaska.

7  
8                   With that, thank you very much, Mr.  
9 Chairman. I'm open to any questions.

10  
11                   CHAIRMAN TOWARAK: Thank you, Mr. Naneng.  
12 Are there any questions of Mr. Naneng.

13  
14                   Go ahead, Mr. Reakoff.

15  
16                   MR. REAKOFF: Mr. Chairman. Myron brings  
17 up a very important part. When we had the Federal  
18 review, I talked about ANILCA Title VIII actually  
19 recognizes the subsistence aspects of the Native  
20 corporation lands and we requested that it be  
21 investigated as to whether those lands could be managed  
22 by the Federal subsistence management system. That was  
23 not pursued by the Department of Interior, but I still  
24 feel that Myron brings up a very important part.

25  
26                   In the Memorandum of Understanding,  
27 Native corporation lands are closed -- typically closed  
28 to hunting to non-shareholders in many areas of Alaska.  
29 The State Board of Game should understand that those  
30 lands are closed to the general public and are not open  
31 to the general hunt because they are private lands. Like  
32 if I go to Montana, I've got to get permission to go out  
33 and shoot some deer out in somebody's ranch land.

34  
35                   The Board of Game should understand that  
36 there should be more of a subsistence regulation that is  
37 similar to the Federal regulations, which would be more  
38 liberal on the Native corporation lands. I distinctly  
39 agree that this is a big problem in many areas right  
40 around the villages. The village lands are right next to  
41 the village and people have to go for more liberal  
42 regulations away, far away, from their own lands to  
43 actually go hunting in some cases.

44  
45                   So I do agree with Myron on that issue  
46 and I feel that is a point that should be brought up in  
47 the Memorandum of Understanding negotiations.

48  
49                   Thank you.

50

1                   CHAIRMAN TOWARAK: Thank you, Mr.  
2 Reakoff. My understanding of how it was set up is the  
3 State has jurisdiction over all private lands and village  
4 corporation lands are considered private lands. In my  
5 view, that's the barrier that prevents us from creating  
6 -- I don't think there's a problem with creating an MOU  
7 with village corporations. I'd like to take a look at  
8 that. I think that's a good idea, but there's still the  
9 question of State authority over village and corporation  
10 and private lands.

11  
12                   Mr. Naneng.

13  
14                   MR. NANENG: Mr. Chairman. Our village  
15 corporation owns lands within the National Wildlife  
16 Refuge. If you look at 22(g) of Alaska Native Claims  
17 Settlement Act, our village corporation cannot do  
18 anything on those lands unless it's compatible for the  
19 purposes of the wildlife refuge. So it's already stated  
20 in Federal law that there's got to be some type of an  
21 agreement between the village corporation and the Federal  
22 agencies who have lands with -- whose lands they manage  
23 within the wildlife refuge because it cannot be one-  
24 sided. Our village corporation cannot do anything within  
25 even our own village boundaries unless it's compatible  
26 with Fish and Wildlife purposes.

27  
28                   So that is one aspect of Alaska Native  
29 Claims Settlement Act that I think needs to be looked at  
30 because it's in Federal law. It's already in agreement,  
31 but the agreement is one-sided where the Native  
32 corporation has to be in compliance with the purposes of  
33 the wildlife refuge. So I see there's already a need for  
34 a Memorandum of Agreement because we have to agree and  
35 ask Fish and Wildlife Service whenever we have community  
36 projects that we're going to be working on to see if  
37 they're compatible with Fish and Wildlife purposes. So  
38 if it's -- and I'm sure it does not only apply to those  
39 Fish and Wildlife lands, but I'm sure it applies to all  
40 Federal lands within the state of Alaska.

41  
42                   Thank you, Mr. Chairman.

43  
44                   CHAIRMAN TOWARAK: Thank you, Mr. Naneng.  
45 Okay, Mr. Haskett, I'll give you the floor.

46  
47                   MR. HASKETT: Thank you, Mr. Chair. I  
48 obviously can't speak for the Board, but I'd be more than  
49 willing to pursue some discussions between you and  
50 whoever and kind of look at the 22(g) situation. I mean

1 there's some legal requirements there, so we're not going  
2 to get beyond those, but if we can better spell out how  
3 we work together and I'd love to do that. So, Myron,  
4 maybe we could peruse that together some.

5  
6 Thank you, Mr. Chair.

7  
8 CHAIRMAN TOWARAK: Thank you. Mr. Adams,  
9 you had a comment.

10  
11 MR. ADAMS: Yes, thank you, Mr. Chairman.  
12 I guess I should have gone first, but I thought maybe it  
13 would be gentleman-like to concede to the gentlewoman in  
14 the back. Anyhow, I just wanted to make a few comments,  
15 you know, that I think maybe we might have overlooked  
16 yesterday.

17  
18 First off, I want to welcome Mr. Brower  
19 and Mr. Christianson to represent the at large people of  
20 Alaska onto the Board. I think this is a great addition  
21 and we wish you well in your new calling. So gunalcheesh.

22  
23  
24 I also just wanted to make a comment  
25 about Mr. Lohse. I really miss him by my side. If he  
26 were here, I think we would have insisted that we be  
27 seated back into our regular places so we can cause  
28 trouble.

29  
30 (Laughter)

31  
32 No, that's fine. I like it here. I also  
33 wanted to extend my appreciation to Melinda Hernandez.  
34 You guys stole her from us from Southeast Alaska and you  
35 can see the work that she's doing here is indeed your win  
36 and our loss. I really appreciate, you know, the  
37 materials that she provided for us. This is the  
38 transcripts of our last SERAC meeting. If I need to, I  
39 can go to any part of that and pick out issues that might  
40 be pertinent to our meeting here. I want to extend my  
41 personal appreciation to her for the fine work she has  
42 done for us while she worked in Southeast and I know  
43 she's doing you well here.

44  
45 Another thing -- yei xaa yatee. She said  
46 thank you and I said you're welcome. Another thing, if  
47 you remember last year at one of our meetings I talked --  
48 just briefly, Mr. Chairman -- about a book that I was  
49 going to have published. Well, it is out now and I also  
50 read, you know, a portion of it that I thought was



1 pertinent to our meeting or our meetings not only now  
2 but in the future and it had to do with the natural laws.  
3 In the book it explains what that is a lot about. I  
4 don't want to take up too much time, you know, during  
5 these minutes that I have right now, but maybe somewhere  
6 down the line if it's appropriate and I can elaborate on  
7 that a little bit more.

8  
9 I have some cards here that I was  
10 distributing to people before the meeting started and  
11 I've got one for all the board members. By the time, you  
12 know, the day is over I should have these all  
13 distributed. Thank you, Mr. Chairman. I appreciate the  
14 opportunity to speak this morning. The things that I  
15 have said, you know, really does come from my heart.

16  
17 Welcome Tony and Charles for your new  
18 calling. Again, my thoughts and prayers are with Mr.  
19 Lohse, that his -- whatever it is he's experiencing is  
20 short-lived and that he can be back with us again.

21  
22 Thank you, Mr. Chairman.

23  
24 CHAIRMAN TOWARAK: Thank you, Mr. Adams.  
25 We appreciate your comments. We noticed that we've got  
26 two new Board chairs. We'd like to maybe have you  
27 introduce yourselves to the Board.

28  
29 MR. SIMEONOFF: I'm Speridon Simeonoff  
30 from the Native Village of Akhiok on Kodiak Island. The  
31 weather delay kept me from making it in yesterday, but I  
32 do appreciate being here. Mr. Chairman, if I could take  
33 this time to make comment on Mr. Myron's comments on  
34 subsistence.

35  
36 Before I start, I'd just like to let you  
37 bear in mind that subsistence is not our word. Our way  
38 of life, the way of the people, those are our words.  
39 Many times, even on Kodiak Island, we see that our  
40 enforcement arm of our way of life is concentrating on  
41 the wrong subsistence user. During the fall and winter  
42 we have enforcement people everywhere, but during this  
43 summer and when we have a lot of outside people in the  
44 area and we're practicing our way of life, the  
45 enforcement people are nowhere to be seen.

46  
47 I just wanted to state that my way of  
48 life should not be compromised in any way by people  
49 taking advantage of my way of life using up the resource  
50 that we have been managing for thousands and thousands of

1 years. We have never depleted a resource. When we have  
2 people from different areas come in and use the resource  
3 and the enforcement arm is nowhere in sight, people in my  
4 village are not going to step up and complain. They  
5 respect other peoples no matter where they're from to the  
6 right to practice a subsistence way of life. But when it  
7 comes to depleting a resource or taking a resource that  
8 is already depleted, the enforcement arm should be there  
9 when people from other regions, people from outside the  
10 state are there.

11

12 Thank you.

13

14 CHAIRMAN TOWARAK: Thank you, Mr.  
15 Simeonoff. Welcome back to our meetings.

16

17 Mr. Brower.

18

19 MR. H. BROWER: Thank you, Mr. Chair. My  
20 name is Harry Brower. I'm the North Slope Regional  
21 Advisory Council chair. I was at different meetings  
22 yesterday in regards to the Arctic Symposium that's being  
23 held at the Hotel Captain Cook. I'd like to welcome the  
24 two new members as well to the Federal Subsistence Board.  
25 I think it's a positive add-on to the Board in regards to  
26 representation from outside of the Federal agencies into  
27 the Federal Subsistence Board. Maybe I'll hold off on my  
28 comments and provide some other comments at the end if  
29 there's other people that need to be introduced to the  
30 Federal Subsistence Board.

31

32 Thank you.

33

34 CHAIRMAN TOWARAK: Thank you. Welcome to  
35 our meetings. Are there any other non-agenda topics that  
36 people are -- the floor -- yes.

37

38 MS. TEPP: Good morning, Mr. Chair.  
39 Thank you for this opportunity. This is my 16th year.  
40 I've been on the Kenaitze Council for 16 years. My name  
41 is Rose Tepp. I'm the tribal chair. Not much has  
42 changed. Not much. Very little. If you look at the eye  
43 of the needle, that's how much has changed. If you look  
44 at when they take the Natives, the Eskimos, the Aleuts  
45 and the Indians, take their nets and throw the book at  
46 them and you go down to Kenai where I live where  
47 thousands and thousands of boxes come out of the Kenai  
48 River from dipnetting.

49

50 I owned a shop down in Kenai and people

1 didn't know that I was listening, these tourists. We're  
2 going on the Kenai and we're dipnetting and taking them  
3 out. When I look at the citations, they don't throw them  
4 in jail. Is there a difference in my skin or something  
5 for the same thing? Now I'm not politically correct. I  
6 wasn't made that way. I wasn't born that way. To put  
7 everything out on the table, there's a lot of politics  
8 being played in this issue.

9  
10 I don't care if you turn your head, close  
11 your ears, whatever. You know, let's stop fluttering our  
12 eyelashes and get to the point. Sixteen years. A little  
13 tiny eye of the needle. That's how much has changed.  
14 I've come here, I've tried, I've plead, I've been in the  
15 newspaper. I'm outspoken and I really don't care what  
16 people think. It's what my people out there starving and  
17 yet you take those nets away.

18  
19 You know, you guys are put on here to  
20 make a difference, to read the laws. Every law that was  
21 passed since the United States came about, independence,  
22 all kinds of laws. Do we ever read them to find out the  
23 treaty laws? Not much. Too busy. We have family life.  
24 Sometimes, if you go back and read just a little bit it  
25 might open your fluttering eyelashes. Might open up your  
26 eyeballs a little bit.

27  
28 I'm not here with any kind of disrespect.  
29 I'm just saying what is there truthfully and honestly.  
30 Please make a difference in your choices. Look at what  
31 is and what isn't. We've been here for a long, long time  
32 and my people, Aleut, Eskimo, Indians, have not depleted  
33 the fish in any way, shape or form. It's these other  
34 user groups that we have to put aside and put up on the  
35 pedestal before my people. That's who depletes it.

36  
37 And another thing, Fish and Game, do they  
38 do a good job? I don't know. From what I see, not much.  
39 The management issue, everybody fighting like for a piece  
40 of the pie when everybody should get together and share.  
41 Not saying this is mine, you guys go away. That's not  
42 right. That's not the way to be human. Let's become  
43 human for a change. Let's become people of Alaska like  
44 we're supposed to be, like our elders taught us. Say  
45 what's in your heart. Don't let politics get in your  
46 way. Help one another. If you don't help yourselves and  
47 help us to get to where we want to be, it will be all  
48 gone, just like Washington, Oregon. By then you'll go,  
49 oh, what happened, I tried. No, no. You didn't try hard  
50 enough. We're going there.

1 Thank you. Any questions for me?

2

3 (No comments)

4

5 MS. TEPP: Thank you very much.

6

7 CHAIRMAN TOWARAK: Thank you. Go ahead.

8 Let's have both of you come up. Okay, you'll follow

9 next, sure.

10

11 Mr. Andrew.

12

13 MR. T. ANDREW: Thank you, Mr. Chair. My

14 name is Timothy Andrew. I'm both a subsistence and

15 commercial fisherman. I also hunt off the land, live off

16 the land as many of my fellow rural people do. Without

17 the resources of the land it would be an extremely hard

18 life for people out in the villages and for me and my

19 family as well. With paying over \$7 a gallon for

20 gasoline and the same for heating fuel and the high cost

21 of transportation, getting goods and supplies out to the

22 rural areas it's extremely expensive. I thank our

23 Creator for giving us the resources that we have out

24 there, otherwise many of our people would not be here.

25 Those are the very resources that many of you are in

26 charge of managing on Federal land.

27

28 I also work for AVCP as the director of

29 natural resources as well. We have gone before this body

30 many, many times, also before the North Pacific Fisheries

31 Management Council and the Alaska Board of Fisheries,

32 Alaska Board of Game, all the management agencies until

33 we're blue in the face trying to protect our way of life.

34

35 One area I'd like to concentrate on is

36 the effects of the trawl bycatch both in the Gulf of

37 Alaska and also within the Bering Sea. I know this is

38 something out of your reach, but you still have the

39 authority under the extraterritorial jurisdiction. One

40 thing that I see, the lack of the Federal agencies to

41 question some of the methodologies that the Council has

42 utilized to determine what salmon are going to be coming

43 back to our river systems. I see apathy, I see -- I

44 don't see the interest in questioning the adult

45 equivalent quotient.

46

47 According to that methodology, maybe one,

48 maybe less than one percent, maybe six percent of the

49 bycatch comes back to our river systems and that adult

50 equivalent quotient is based on parametric bootstrapping

1 and they utilize that methodology when a large portion of  
2 the data is not present. But yet, in the presentations  
3 that the Council made, the confidence and intervals are  
4 extremely tight. They're not way out there as it should  
5 be.

6  
7 I'm not a statistician. I'm not a  
8 biometrician. I'm not a mathematician in any way, but I  
9 do have a basic understanding of statistics. Whenever  
10 you have -- when you have a large portion of your data  
11 that is absent, that there is -- I mean the confidence  
12 levels are going to be way out there and I see that as  
13 absent.

14  
15 I know each and every one of you, the  
16 Federal managers, have people that can take a look at  
17 these things and objectively analyze some of these  
18 methodologies that are being used out there and fulfill  
19 your job to make sure that people in the state of Alaska  
20 have the adequate subsistence resources and have access  
21 to them. I plead with the Federal agencies to utilize  
22 your staff to fulfill your job in a more effective  
23 manner.

24  
25 Thank you, Mr. Chair.

26  
27 CHAIRMAN TOWARAK: Thank you. Are there  
28 any questions of Mr. Andrew.

29  
30 (No comments)

31  
32 CHAIRMAN TOWARAK: Thank you for your  
33 comments. Now the other Mr. Andrew.

34  
35 MR. J. ANDREW: Mr. Chairman and members  
36 of the Board and Staff and the Regional Chairs. My name  
37 is John W. Andrew from the Organized Village of Kwethluk.  
38 The issue I want to talk about today is the Kuskokwim  
39 fishery disaster of salmon. From my village where I come  
40 from we haven't been able to fish for salmon on our river  
41 because the Service and the Department to have our rivers  
42 closed to any salmon fishing, especially chinook.

43  
44 It's been very hard for the last five  
45 years, especially this past summer. The closure was  
46 extended too long. By the time they allowed us -- we had  
47 three days of fishing in June and we got caught in the  
48 rainy season. That wasn't favorable for drying. I had  
49 some of our friends and relatives tell me their fish was  
50 spoiled because it was raining too hard. All that time

1 my people were waiting all summer long for a chance to --  
2 for early salmon fishing, but we weren't allowed to. It  
3 even got to the point there was some protest fishing.  
4 You heard it in the news, which a lot of our tribal  
5 members got into trouble. There are a lot of issues.  
6 They tell us why the salmon are declining.

7  
8 I can remember as a young man way back in  
9 1950s when I used to fish with my late father we could go  
10 out and make one drift and fill a boat load that gave us  
11 enough fish to work on all day long probably for one  
12 month. But nowadays you can go out there and there would  
13 be a lot of boats and it would be doing three, four  
14 drifts just to get maybe 20, 30. On our worst day we get  
15 less than that.

16  
17 They point to other interests of  
18 fisheries down river from where we live on the Kwethluk.  
19 We live a little ways above Bethel. The three rivers  
20 right next to us, actually four rivers, close by from  
21 where I live, the Kwethluk, Kasigluk, Kisaralik and  
22 Tuluksak have not met their chinook salmon escapement for  
23 the last four or five years and it's getting worse.

24  
25 The working group and the Department  
26 allow fishing right below where we live a little after  
27 the closures are done and they fish below where we live  
28 on the main stem of the Kuskokwim and our concern is  
29 escapement of the salmon and subsistence use for our  
30 family. Early as December some of our relatives are  
31 saying they're out of dried salmon and it's very hard to  
32 take.

33  
34 The other red flag -- one of the other  
35 big red flag we got is the possibility of Donlin Creek  
36 mine opening way up the Kuskokwim. Anywhere you have --  
37 anywhere they've had small mining operations their rivers  
38 are always contaminated with mercury and arsenic and it  
39 shows in their studies too.

40  
41 Thank you, Mr. Chairman.

42  
43 CHAIRMAN TOWARAK: Thank you, Mr. Andrew.  
44 Are there any questions of Mr. Andrew.

45  
46 (No comments)

47  
48 CHAIRMAN TOWARAK: Thank you for your  
49 comments.  
50

1 MR. J. ANDREW: Quyana.

2

3 CHAIRMAN TOWARAK: Yes, come on up.

4

5 MR. WILLIAMS: Good morning. I think  
6 this is my first time I come to this Federal Subsistence  
7 Board. From John Andrew lives just below Akhiok,  
8 Kwethluk, I live just above him 17 miles up.

9

10 CHAIRMAN TOWARAK: Could you state your  
11 name for the record.

12

13 MR. WILLIAMS: Oh, Jackson Williams from  
14 Akhiok. I talked with you yesterday. This was imposed  
15 to my understanding last year, I think, from 6 inch to 4  
16 inch. Before I do that, you know, I'd like to talk about  
17 the experience we had this past summer. We, the people  
18 from Akhiok, elders, we had an organizational meeting  
19 because we got a long seven-day closure right at the  
20 fishing time. I mean where we usually eat chinook. I  
21 call it king salmon. That's our number one food. You  
22 know, people in my village, elders, we had a meeting.  
23 They tell us to have a meeting, our elders in Akhiok. We  
24 were really desperate and the people in my village,  
25 elders, even wrote to the highest ranking of the United  
26 States. They wrote to President Obama asking for his  
27 help. Because you knew when it comes to our food, I call  
28 king salmon our number one food.

29

30 You know, John mentioned, what he said,  
31 protest fish. I don't call it protest fish. I call it my  
32 fishing right. My dad taught me how to catch fish since  
33 I was a kid, since I can walk, and that was taken away  
34 from us this past summer. When I went to the working  
35 group to plead, like the lady we heard earlier plead,  
36 just give us a window of opportunity, just even, what,  
37 maybe six hours in one day. We try to have a little bit  
38 of opening window just so the people can eat their number  
39 one food. After Department had their own meeting, when  
40 they came out, they extended from seven to five more days  
41 of closure.

42

43 In Akhiok, our elders tell us to fish.  
44 That's our fishing right. I'm supposed to have a fishing  
45 right. What was really alarming when we fished after  
46 that, after when they opened it to only six inch, what  
47 was really alarming the Department of Fish and Game came  
48 up to each net and checked them to make sure it's six  
49 inch.

50

1                   When we were practicing our fishing  
2 rights, my two grandsons, nine years and seven year old  
3 boys, they asked me why are they doing this to us. Why.  
4 I didn't have an answer to that. I was thinking really  
5 hard. When my nine-year-old grandson told me, I was  
6 really heartbroken, really heartbroken, and I started  
7 thinking automatically at that moment if I'm gone, if  
8 this keeps going on, how are they going to live.

9  
10                   You know, what I heard too, that the  
11 Department want to check some of the smoke house. What  
12 is happening here? Are they going to start checking our  
13 fish too in the smoke house and if we caught a little bit  
14 more than what, 20 or 10, and give us a citation? You  
15 know, it's really, really bad. It's the worst case  
16 scenario I've ever gone through this past summer.

17  
18                   I'll say one thing. There's fish when  
19 the high water is really high, these 30-mesh, they'll  
20 never catch fish. The main thing I want to bring out and  
21 I don't know if the Federal got anything to do with this  
22 four inch, I'd like your help in doing maybe more study.  
23 By the way, I belong to a Lower Kuskokwim Advisory  
24 Committee, I'm in that. When we had this meeting this  
25 fall, one of the people mentioned this. They were  
26 imposed to use four inch, which some of them did. I  
27 don't have a four-inch net. But what was really alarming  
28 in Bethel below, the one that had a four inch, when I  
29 heard it, I was really alarmed. This person with a four  
30 inch was catching small king salmon unusually. That's  
31 really alarming for me. I think what they're imposing  
32 with four inch, I think it needs to be studied, looked  
33 into it.

34  
35                   I think there's more, you know, worse  
36 than good if they're catching small king salmon that are  
37 going out to the ocean to -- you know, they do that, you  
38 know. I don't know how many years they stay in our  
39 river. But revisit that, please. I think this four inch  
40 that was imposed in my river, Kuskokwim, need to be  
41 studied and re-looked into.

42  
43                   Thank you.

44  
45                   CHAIRMAN TOWARAK: Thank you. Are there  
46 any questions of Mr. Williams.

47  
48                   (No comments)

49  
50                   CHAIRMAN TOWARAK: For your information,



1 we will be addressing some Yukon and -- I don't know if  
2 there's any Kuskokwim proposals, but I think probably  
3 tomorrow we will be covering some of your regional  
4 issues. So I hope you folks will be here for that.

5

6 Thank you for your comments.

7

8 Any other non-agenda topics. I had  
9 Louis's hand first and then Mr. Adams and then we will  
10 hear from.....

11

12 MR. GREEN: My name is Louis Green. I'm  
13 chair for the Seward Peninsula RAC, just appointed here  
14 recently. I'd like to make a public comment on a  
15 situation that we have there in my area. It would be the  
16 western -- actually they call it the Northern Norton  
17 Sound area.

18

19 I've listened to a lot of things here in  
20 the last two weeks. This last week Board of Fish, this  
21 week this process and I'm hearing the same stories we  
22 were telling 20 years ago in the Nome area. We've lost  
23 our salmon runs there. We've been managed to the point  
24 where we are thought to prefer pink salmon over chum  
25 salmon or sockeye salmon. We have the furthest north  
26 sockeye runs in the world there. They're unhealthy  
27 stocks. We've lost our moose. We're reduced to a two-  
28 week window for hunting under registration hunt.

29

30 The caribou came in the late '90s and  
31 when the population expanded, they expanded their range  
32 into our area and when they did that, they basically went  
33 through the reindeer herds and when they departed, they  
34 took the reindeer with them. So, with that, we lost  
35 reindeer and the ability to even hunt caribou close by.

36

37 Just this year the Department of Fish and  
38 Game has put us back into a Tier II management for  
39 muskox. Keep in mind we're the only Tier II salmon  
40 fishery in the state. I served as the chair for a year  
41 back in '98-'99 when the Board of Fish wanted our  
42 citizens in Nome to put together a framework on how it  
43 was going to be managed. That was a very decisive issue  
44 for us even in our own community.

45

46 I hear Myron talking, you know, about  
47 fishing for food and being cited. I saw that on TV news.  
48 It was really disturbing. I don't know what the problem  
49 is and nobody seems to. This last genetic study comes  
50 out, WASIP, and it doesn't say anything for my area. To

1 tell the tale that there are fish caught in say the Area  
2 M fishery or any other fishery at this point.

3

4                   The one thing I hear here today again,  
5 we've got a pollock industry out there that is allowed to  
6 kill more fish and waste more fish than we're allowed to  
7 live off of and it's really hard to understand how that  
8 can be. These folks that are coming from Kusko there,  
9 listen to how they're speaking. The people from the  
10 Yukon. You know, we've been reduced and managed down to  
11 nothing where I'm at and I'm hearing it again on the  
12 bigger rivers and it's really a situation of dire straits  
13 for everybody in the state. The people that live out in  
14 the rural areas need these resources.

15

16                   I'm going to speak to what my Native  
17 corporation is doing, the Sitnasuak Native Corporation,  
18 the village corporation of Nome. We've taken upon  
19 ourselves to approach the state about operating a small  
20 hatchery that was an experimental hatchery in the '90s  
21 right there in Nome on the Nome River. We hope to do  
22 some work with that in the next couple years. We just  
23 have nowhere else to go anymore. Nobody has an answer  
24 for what our problem is and I see that coming for  
25 everybody else here that's testifying in these last two  
26 weeks.

27

28                   It's getting to the point where there's  
29 no answers, so we've taken it upon ourselves to look into  
30 expediting hatchery fish, which, if you look at the  
31 Copper River reds that everybody wants so bad when the  
32 first ones come out, those are hatchery fish too.  
33 Nothing wrong with them. They're a wild stock. So we've  
34 been put in a position where we have to look at hatchery  
35 production. We'd hope that the State would  
36 whole-heartedly get behind us on this because we're like  
37 the first people that have asked for this.

38

39                   There was a hatchery up in the Noatak  
40 outside of Kotzebue called the Sikusuilaq Hatchery. They  
41 produced chum salmon for 14 years there straight. Today  
42 those people have a successful chum run there on the  
43 Noatak and the Agi River, a very successful chum salmon  
44 fishery up there. I would look to say that our fishery  
45 in Norton Sound on the eastern side there, there was 120  
46 fishermen fishing and they caught 62,000 chum. Up there  
47 in Kotzebue they had 70 fishermen up there and they  
48 caught 250,000.

49

50                   So I think that people have to not wait

1 too long like we did to start trying to do something for  
2 ourselves. It's a tailspin if you wait too long. We may  
3 not be able to do anything with the hatchery on a  
4 recovery of our chum runs. So, with that, I'll give the  
5 floor to somebody else.

6

7

Thanks for listening.

8

9

CHAIRMAN TOWARAK: Thank you, Louis. I  
10 think you give a good perspective of the region and what  
11 happened there. I agree with you. I think it seems to  
12 be happening everywhere else. Mr. Adams had a comment  
13 and then we will take you after Mr. Adams.

14

15

MR. ADAMS: Thank you, Mr. Chairman. As  
16 I sat here and listened to every one of these people  
17 speak, I felt very moved by many of their comments, so I  
18 would kind of just like to share with you, Mr. Chairman,  
19 it's a parable, but I think it's going to help us  
20 understand a little bit more about the important work  
21 that we have before us. I would like to share that with  
22 you all if I might.

23

24

I was really inspired last night at the  
25 end of our day when the Tlingit and Haida Dancers came  
26 in. I really should have gone up there and danced with  
27 them and I need to apologize to them for that because  
28 they are my relatives and they come from the Dry Bay  
29 area, a place that we call Gunaaxoo Kwaan. The last  
30 dance they did, the exit dance, they explained came from  
31 the village of Gus'eix. The village of Gus'eix is a  
32 settlement that was established on the banks of the Akwe  
33 River, maybe about 13 or 14 miles separated from the  
34 Alsek River.

35

36

I could explain to you the story of  
37 Raven's creations, but he created that whole area for the  
38 Yakutat people to migrate to. The very first village he  
39 established was, of course, the village of Gus'eix. He  
40 founded it one day when he was flying in between the Akwe  
41 River to Dry Bay and he saw this thing bobbing up and  
42 down on the ocean. At that time there was nothing there,  
43 just the land and the rivers. There was no food nor any  
44 vegetation or anything there for the Tlingit people  
45 thrive off of, so he saw this thing bobbing over the  
46 waters in the ocean.

47

48

He flew out there and he realized that  
49 there was this large canoe or yaakw that we call a large  
50 boat. It had a hit on top of it or a house on top of it.

1 As he got closer, he saw that inside this yaakw were all  
2 of the fishes and the birds and the wildlife and  
3 everything that was needed to establish, you know, food  
4 resources in this place, so he flew to the mainland. He  
5 carved out a long staff and he even had the -- it was  
6 fashioned after the arms of an octopus and even had those  
7 suckers and everything on it.

8  
9 He was able to reach out there and snap  
10 onto that large canoe and began to pull that large canoe  
11 to the shore. As he did so, his footprints sunk into  
12 this hill and it's called y'us.eeti(ph) or Raven's  
13 footprints today. It's still there. Nothing grows  
14 there. But he managed to pull that large canoe up on the  
15 beach and then he let out all the animals and the birds  
16 and the fishes and all of the wildlife. From that time  
17 on that place began to be populated with all of these  
18 resources.

19  
20 Then he took that hit off the top of that  
21 yaakw and he placed it about halfway up on top of --  
22 halfway up the Akwe River. This was the very first  
23 tribal house that was established in that area.  
24 Eventually there were seven. But that tribal house is  
25 called Da-gana Hit because it means Far Out House because  
26 he pulled it in from far out on the ocean. So that was  
27 the very first settlement in the Dry Bay area and it was  
28 in the village of Gus'eix. The exit song that those  
29 dancers did yesterday came from the village of Gus'eix.

30  
31  
32 After the place was established and  
33 people began to be migrated there, he said this house is  
34 yours to live in. When that one gets too small, build  
35 another one. If that one gets too small, build another  
36 one and so forth. Then, after he did everything that he  
37 was supposed to have done, he told the people -- this is  
38 very important. He says I'm going to give you some rules  
39 or values that you need to follow.

40  
41 Number one is to have reverence for the  
42 creator at all times. You need to be thankful to the  
43 creator for providing you with these resources for you to  
44 thrive off of. Number two, he said you should have  
45 respect for everything. You should have respect for that  
46 glass of water that provides you with nourishment. You  
47 should have respect for the wood or materials that is  
48 made out of this table. You should respect the trees.  
49 You should respect the water. All of these things you  
50 need to show respect for. When you show respect for

1 these resources as well as the animals and as well as one  
2 another, then nature will provide you with all the things  
3 that you need to sustain your life.

4  
5                   So, number one, show reverence to your  
6 creator, show respect toward everything. Number three  
7 and four is that you should not waste or take more than  
8 what you need. Don't waste or take more than what you  
9 need. If you follow these rules or use these values,  
10 you'll have all that you need to sustain your life. Then  
11 the last one, folks, was that you should share. He  
12 emphasized, you know, that this Gunaaxoo area, Gunaaxoo  
13 Kwaan area, is rich in all of the resources that you need  
14 to sustain your lives. There is more there than what you  
15 need. When other people are in need of fish or wildlife  
16 or whatever, you can invite them in and share those  
17 resources with them.

18  
19                   One of the rules in those days is that a  
20 clan did not go into another area or another region  
21 without the permission of the other. This is in our  
22 culture. So always the leaders met and they negotiated  
23 how many fish are we going to take out, how many seals  
24 are we going to hunt, how many animals are we going to  
25 take, how many berries and so forth they were going to  
26 gather. It was always a negotiation between the leaders  
27 that they were going to follow those rules.

28  
29                   I leave you this parable for the very  
30 purpose that I think we are troubled with. You know, all  
31 of the things that are before us today hinges on those  
32 values or those laws that the Creator has established for  
33 us. As Native people, you know, in my area we are  
34 striving to bring those values back to us again through  
35 our language and through our dance. I really appreciated  
36 the Tlingit and Haida Dancers coming in last night and  
37 entertaining us. It just filled my spirit with a lot of  
38 hope and confidence for our people.

39  
40                   Gunalcheesh, Mr. Chairman, for allowing  
41 me to share this with you. I thought it was very  
42 important that I do so at this time.

43  
44                   Gunalcheesh.

45  
46                   CHAIRMAN TOWARAK: Thank you, Mr. Adams.

47  
48                   MR. PETER: Good morning, Mr. Chairman.  
49 My name is Phil Peter. I come from Kuskokwim. I want to  
50 share you a little bit. There were no caribous in

1 Kuskokwim. Those caribous are hiding someplace. One day  
2 my three uncles were talking about us relatives and my  
3 cousins. They were talking about caribou hunting at  
4 Kisaralik River. We go hunting all the way up to where  
5 there are two waterfalls and then we split. We see quite  
6 a few caribou herds, like maybe 50 herds. We shot only  
7 -- we shot only what we want to kill, then now these  
8 caribous are coming back to Kuskokwim. You could see  
9 them in the mouth of Kuskokwim and Goodnews, all the way  
10 to Aniak. In Kuskokwim right now those caribous are  
11 coming back. The herds are about over 100,000 strong.  
12 Then we had a problem declining moose in our area. Those  
13 moose are almost gone in the Kuskokwim and then they're  
14 coming back. They're over 800-plus moose now roving  
15 around in Kuskokwim.

16  
17 In my village, I come from Akiachak, I  
18 could go out there and see quite a few moose around my  
19 village. Some moose come into our village and walk  
20 around. Those land animals are coming back, but hardly  
21 any muskrats are coming. We don't hunt them no more  
22 because the elders said that we don't hunt them. They'll  
23 be gone. Those muskrats are gone now in our area.

24  
25 Right now the fish -- those fish are --  
26 I think those fishes are complicated to control because  
27 we couldn't see them. They're swimming in the bottom and  
28 I don't know how many -- I don't know how many they are.  
29 Through my understanding, those chinooks in 1984  
30 commercial fisheries eliminate mesh sizes to 5.5 to 6  
31 inches. I could make a deadly net. I've been -- I could  
32 make a deadly net to catch different kinds of fish using  
33 those -- beginning from small mesh sizes all the way  
34 through 8-1/4, 8-1/2. I learned it from my dad and my  
35 uncles, especially from my uncles.

36  
37 Those 4-inch, 4.5, those smaller nets, we  
38 call them humpy nets and also whitefish nets. Those nets  
39 are killing all the different kind of salmons. Not only  
40 chinooks, but all salmon, especially them small ones,  
41 which I really hate.

42  
43 You know, my dad teach me from beginning  
44 from young and first pulse we call it smelts coming in  
45 May and we start dipping and right after that the first  
46 pulse only kings. King salmon coming back in May and we  
47 start setting nets, only the big nets, like 8 inch for  
48 catching only kings. Then right around second pulse in  
49 June they still use the big net for setnet and also for  
50 drifting. That's why there used to be lots of chinooks

1 and lots of fish.

2

3 I think we need to start using bigger  
4 nets for the king salmon in June for subsistence use, not  
5 for commercial fishing. We've been using that 5.5 all  
6 the way through 6 inch since 1984 commercial fishing, but  
7 now the commercial fishing the way I say we don't make  
8 money no more for out of it. My average commercial  
9 fishing income is about -- close to \$2,000 for fishing  
10 beginning from July and August. What we sell are really  
11 cheap to the buyers, really cheap.

12

13 If you want to know, chum salmon are only  
14 25 cents a pound, those sockeye are only 75 cents a pound  
15 and also cohos average about 25 cents to 50 cents a  
16 pound, which where I come from don't help the economy in  
17 our community. Those fish prices are the same when the  
18 fish drop down ever since they -- it never increases to  
19 help us. It used to be -- those chinooks use to be \$3 a  
20 pound, sockeye \$2 a pounds, chums were \$1.75 a pound or  
21 cohos used to be \$2 a pound and now they're not helping  
22 us in our region.

23

24 We need to work together, especially  
25 those fish that are declining. We all know that Area M  
26 bycatch. We need to do more to research why the fish are  
27 declining. We need to research that. I don't want to  
28 see what we did last year. We need to work together,  
29 especially Department of Fish and Game to -- if we want  
30 to increase our fish the way they increased moose  
31 population and the caribou. Those caribous and moose are  
32 coming back in our community. That's good, but fishing  
33 in our Kuskokwim -- and I don't see one proposal on your  
34 agenda, Kuskokwim proposals, and I don't know why, but I  
35 see them over there at the State thing over there where  
36 we meet and all of those proposals fail. I don't know  
37 why they fail.

38

39 Thank you, Mr. Chairman.

40

41 CHAIRMAN TOWARAK: Thank you very much.  
42 Are there any questions.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: Thank you for your  
47 time Mr. Peter. Would someone turn that mike off. We  
48 have a lot of work to do here in the next day and a half,  
49 two days, I guess, and we're going to terminate the  
50 public process. We've got two online and I'd like to

1 perhaps ask if you could restrict yourselves to two to  
2 three minutes each.

3

4 MR. PROBASCO: Thank you, Mr. Chair.  
5 This is for the people online.

6

7 Mr. Tim Smith.

8

9 MR. SMITH: Can you hear me?

10

11 MR. PROBASCO: Go ahead.

12

13 MR. SMITH: I missed quite a bit of what  
14 was said this morning. We had technical difficulties  
15 with the teleconference. I did catch part of what Louis  
16 said and he did a pretty good job of summarizing the  
17 situation in Norton Sound.

18

19 I should introduce myself. My name is  
20 Tim Smith and I'm the vice chairman of the Seward  
21 Peninsula RAC. I'll try not to repeat what Louis has  
22 said, but one thing that he brought up that needs to be  
23 talked about again, I think, is that in 1998 Louis and I  
24 were on a working group appointed by the Alaska Board of  
25 Fisheries to look at Tier II for chum salmon in the  
26 Norton Sound. We spent a year meeting on that and  
27 talking about it and we ended up with the only Tier II  
28 fishery in the state of Alaska.

29

30 I've been to a bunch of meetings lately.  
31 We just got done with the Board of Fish meeting for AYK  
32 region and also North Pacific Fishery Management Council  
33 meetings. We're headed for Tier II on the Yukon and the  
34 Kuskokwim. The first step in Tier II is establishing the  
35 amount needed for customary and traditional uses and they  
36 did that at this Board of Fish meeting. There's a need  
37 for it. We should be at Tier II for king salmon on the  
38 Unalakleet River now. For some reason we're kind of  
39 ignoring the rules on that.

40

41 They told us we had to do Tier II for  
42 chum salmon in 1998. All the conditions are the same  
43 calling for Tier II on king salmon in quite a few places  
44 in Alaska. I could tell you from our experience that  
45 nobody is going to like Tier II. Tier II is one of the  
46 worst ideas that ever came along. It really goes against  
47 everything subsistence stands for, but it's coming. It  
48 has to be because salmon stocks just continue to go down.

49

50 Louis also said that -- and this has come



1 out of a lot of meetings we had. We had some excellent  
2 meetings on the science behind the situation with chinook  
3 salmon recently. One in Bethel that was online. Nobody  
4 knows what the problem is. That's the problem. We can't  
5 solve this without knowing what's wrong. We're probably  
6 not going to know what's wrong any time soon.

7  
8                   Research is good. We should do research,  
9 but we've already plucked the low hanging fruit. The  
10 obvious and the easy things that could be done with  
11 research have been done and they haven't yielded any  
12 results. What we're doing now, what's being proposed for  
13 research now is going to be really hard and even less --  
14 really expensive and even less likely to produce useable  
15 results. So, again, as Louis said, I think we're going  
16 to have to look at other alternatives.

17  
18                   We know that bycatch in the pollock trawl  
19 fisheries are a factor particularly for king salmon and  
20 probably to a lesser extent or an unknown extent really  
21 for chum salmon, but we can't do anything about bycatch.  
22 We're not making any headway in getting bycatch  
23 reductions for salmon stocks in the pollock trawl  
24 fisheries. One of the big reasons for that is the CDQ  
25 program. I haven't heard any mention of the CDQ program  
26 here at this meeting and you don't hear it very much.  
27 What people seem to be ignoring is that Western Alaskans  
28 now own a really large part of the industrial pollock  
29 trawl fleet. We're the ones that are killing the salmon  
30 in the high seas now. It's not some multi-national  
31 country industry coming in and pillaging our seas. We're  
32 doing it ourselves. So it's hard because of that. Our  
33 own people are working against us in trying to reduce  
34 salmon bycatch.

35  
36                   For the last 20 years I've been working  
37 on trying to get a hatchery program established in Norton  
38 Sound. I'm the president of the Nome Fisherman's  
39 Association and we operate the only hatchery on the coast  
40 of the Bering Sea. There's not even one on the Russian  
41 side. We had roadblocks all the way along. We're still  
42 not -- after 20 years of trying, we're still not in  
43 production and we're not going to be in production this  
44 summer too. We're still operating as an experimental  
45 phase.

46  
47                   That's one thing that hasn't come to the  
48 Bering Sea, but I think we really need to look at it. We  
49 tried everything else. I don't think that counting fish  
50 and restricting local fishermen is going to work. If it

1 was going to work, it would have worked a long time ago.  
2 Here in Norton Sound we're as closed down as you can get.  
3 I think we need to look at hatchery production. We need  
4 to get started. We need to actually solve this situation  
5 so that people can continue to fish.

6  
7 We're way beyond sustained yield in  
8 Norton Sound. We're at the point where some of our  
9 stocks is questionable whether they're going to survive.  
10 We have three king salmon stocks in northern Norton Sound  
11 that are for all practical purposes extinct. By any  
12 reasonable definition of an extinct stock they're gone  
13 and they can't be recovered and that's spreading and that  
14 really scares me.

15  
16 I don't know exactly what this Board can  
17 do, but we need help and I would appreciate anything that  
18 you can do. That concludes my testimony.

19  
20 Thank you.

21  
22 CHAIRMAN TOWARAK: Thank you, Mr. Smith,  
23 for not repeating everything Louis said.

24  
25 (Laughter)

26  
27 CHAIRMAN TOWARAK: We understand your  
28 challenge. Next.

29  
30 MR. PROBASCO: Thank you, Mr. Chair. The  
31 last person to testify will be Rosemary. Are you there,  
32 Rosemary?

33  
34 MS. AHTUANGARUAK: Yes. This is Rosemary.  
35 I appreciate you all working through this process. This  
36 has been very important. I wasn't able to get on  
37 yesterday. We were having some technical difficulties in  
38 this process. That brings me to a comment that I got  
39 yesterday as I was trying to listen to this. I was in  
40 the waiting room at the hospital when I had a call  
41 occurring and one of the people sitting in the waiting  
42 room says it's just another call. You're on silence,  
43 aren't you. They don't really want to hear from us.

44  
45 That's very concerning in this process.  
46 We have such serious issues and I know I want to hear in  
47 this process and the effectiveness of our ability to make  
48 decisions. We need to hear from the people that are  
49 being affected. It is so very important.

50

1 I know that we have put this call system  
2 together and it is better than not having a call system  
3 available, but we need to improve the response. We're  
4 put on hold for a long period of time. There's a lot of  
5 communication we're not able to listen to. If you get  
6 disconnected, you have to start the process over, you're  
7 stuck on hold again. That's delaying our effectiveness  
8 in being able to participate, so I know we can make some  
9 improvements in this area. But having this participation  
10 is so very important. Travel in our state is so  
11 astronomical. The commitments upon our people that are  
12 involved in this process have so many layers of demands  
13 for participation that we have to be creative in allowing  
14 our people to participate in the ways that we're able to  
15 participate.

16  
17 We have had a pretty good season in the  
18 arctic. I've heard good stories from hunters on  
19 furbearing animals. We are preparing for the messenger  
20 feast and we're hoping dance groups throughout the state  
21 come up and participate with us. We do this on seasons  
22 of good harvest and that's indicative of our process up  
23 here. But when we're hearing the stories that are coming  
24 throughout the state, it gives rankling of the hairs on  
25 our neck worrying about what's to come in the future.

26  
27 Because of our further north location,  
28 some of our interactions have been limited, but the  
29 extreme demands upon the changes upon our lands and water  
30 are giving us much reason for concern and diligence and  
31 the involvement of the people that are doing the hunting  
32 and fishing and trapping on our lands and waters and our  
33 subsistence lifestyle needs to be participating in an  
34 effective manner for us to be able to work effectively in  
35 our process.

36  
37 I want to thank everyone who worked with  
38 us on the Tribal Consultation Policy. As we continue to  
39 hear concerns in our Consultation Policy, participation  
40 has continued to be difficult to get the level of  
41 participation that tribes feel that they're able to be  
42 effectively involved in this process. I know some tribes  
43 have been very effective in their participation and it  
44 has shown in the way that we have been modifying our  
45 Consultation Policy, but people working with our tribes  
46 need to be involved and remain diligent on following our  
47 agendas and participating in our meetings so we can hear  
48 the concerns to be able to address what we're listening  
49 to and trying to help our people continue our traditional  
50 way of life.

1 Thank you everyone for giving us a chance  
2 to participate. Thank you for having it available for us  
3 to listen to and being involved.

4  
5 CHAIRMAN TOWARAK: Thank you, Rosemary.  
6 This then will terminate the open mic session, the  
7 comments on non-agenda items. I appreciate the Board's  
8 patience in going through this. I would like to  
9 emphasize that in many cases there's never really a forum  
10 for people to express their feelings as most of the  
11 people have done this morning. I think, in my mind,  
12 that's an important part of the process, to educate the  
13 system about what is really going on at ground zero. You  
14 heard from ground zero this morning on a lot of the  
15 issues that are over our heads, if you might call it  
16 that.

17  
18 I appreciate the Board's patience in  
19 going through this process. I don't see any need to  
20 discontinue it, but if there are going to be too many  
21 people that are going to take -- we've taken an hour and  
22 a half at least, almost two hours, in this process. It  
23 hinges us on the complete process that we need to go  
24 through if we do not put some type of controls on it. So  
25 I think in the future open discussions for non-agenda  
26 items I'd like to see us restrict people to at least  
27 maybe two minutes if there's ways that it could be done.  
28 I would do that with Board action. So if you could think  
29 about it before we adjourn, I'd like to maybe address  
30 this issue in the next couple of days.

31  
32 Let's take a 10-minute break and then I'm  
33 going to gather myself as to where we are with our  
34 proposal process.

35  
36 (Off record)

37  
38 (On record)

39  
40 CHAIRMAN TOWARAK: I'd like to reconvene,  
41 please. While we're getting back to our seats, I've got  
42 a real quick announcement. There have been two people  
43 that withdrew from the lunch today, so there are two  
44 extra tickets if you haven't -- if you would like a  
45 ticket, I think they still have the two tickets out front  
46 for lunch.

47  
48 MR. PROBASCO: Thank you, Mr. Chair. I  
49 have two announcements. The first one, as requested,  
50 there's a handout that's right in front of you. It just

1 gives the student bios of the students that were here  
2 yesterday. It's pretty interesting reading and covers a  
3 good part of Alaska as far as representation.

4  
5           The other issue is for -- primarily for  
6 the Council and the public. We appreciate the  
7 participation of our Chairs. As you know, annually we  
8 call for nominations. Our nominations for the 10  
9 Regional Advisory Councils are now open and it stays open  
10 until February 18th. One concern that we have if you  
11 compare this year's applications to what we've done in  
12 the past, we're quite concerned that we do not have a  
13 very large pool. In fact, with some of our Councils we  
14 have unfilled seats due to the lack of people that have  
15 not applied.

16  
17           So we'd encourage the Chairs in your  
18 communities, working with your Councils to get more  
19 nominations and we will work with you as far as getting  
20 people -- as far as contacting them, helping them fill  
21 out the paperwork, et cetera. If anybody in the public  
22 is interested in applying for their respective area on  
23 the Council, please come see me and I'll direct you to  
24 Staff and we'll get you signed up. Chairs, I'm looking  
25 for help.

26  
27           Thank you.

28  
29           CHAIRMAN TOWARAK: Mr. Reakoff.

30  
31           MR. REAKOFF: Mr. Chairman. I was made  
32 aware that the pool of applicants for nominations to our  
33 Council was lacking, so I've developed a Facebook page  
34 and I published that and there's a lot of people on  
35 Facebook in rural Alaska, so I got one response within  
36 about 10 minutes that was going to put an application in,  
37 so that's an avenue for people who do have Facebook pages  
38 to get the word out about the Federal Subsistence Board  
39 process and the need for RAC members.

40  
41           Thank you, Mr. Chair.

42  
43           CHAIRMAN TOWARAK: Ms. Chythlook, go  
44 ahead.

45  
46           MS. CHYTHLOOK: Thank you, Mr. Chair. I  
47 have helped our people to get elected to the RAC. You  
48 know, when you fill out that application you practically  
49 tell the life story of yourself. It gets kind of --  
50 well, it discourages some of the people. For instance,

1 I've been trying to get people from the Nushagak River  
2 villages because that's the area that is lacking in the  
3 Bristol Bay RAC membership, but that application format  
4 is so -- I guess it's just like any other agency thing.  
5 It's complicated.

6

7                   Like, for instance, I helped one  
8 subsistence hunter of all resources apply for the RAC and  
9 we had no reason -- we weren't told the reason why he was  
10 not chosen except he didn't have enough criteria. So I  
11 think what would be helpful would be, you know, what  
12 other criteria would people need if their life story was  
13 written down in applying, especially with the subsistence  
14 hunting and fishing experiences we documented on the  
15 form.

16

17                   I don't know who looks at these forms,  
18 but it would be helpful to get a letter stating where you  
19 failed on these forms so that we could correct those  
20 areas.

21

22                   Thank you.

23

24                   CHAIRMAN TOWARAK: Do we have a form  
25 specialist?

26

27                   MR. PROBASCO: Mr. Chair, we do. Molly  
28 is correct, the process can seem to be fairly cumbersome.  
29 That's why we offer assistance from our Staff to help.  
30 The process in reviewing applicants is a lengthy process  
31 and it involves with the completion of the Board making  
32 a recommendation to the Secretaries and it's the  
33 Secretaries who make the final appointments to the  
34 Councils. Councils like yours, Ms. Chythlook, that do  
35 have a lot of applicants where the seats are filled, it  
36 just boils down to a process where people are looked at  
37 as far as their leadership, their knowledge, et cetera  
38 and it's a rating process. In your case, that person I  
39 would bet was probably pretty close, but there might have  
40 been a person with just a little bit more experience. I  
41 don't know. I'd have to look at it specifically. We  
42 encourage everybody to apply. We also encourage, if  
43 Council members know of people that have applied, to  
44 provide letters of endorsement.

45

46                   CHAIRMAN TOWARAK: Go ahead.

47

48                   MS. CHYTHLOOK: I've got a follow-up  
49 question. So are these applications of the applicants  
50 processed by region or everybody is thrown in the pot and

1 they're assessed from the pot, from all the regions?

2

3 Thank you.

4

5 CHAIRMAN TOWARAK: Go ahead.

6

7 MR. PROBASCO: Thank you, Mr. Chair. Ms.  
8 Chythlook, no, they are done individually for each region  
9 that they come from. To serve on a Council, you have to  
10 be from that area.

11

12 CHAIRMAN TOWARAK: Thank you. That takes  
13 care of the announcements. I think when we adjourned we  
14 were two-thirds of the way completing -- what is it, 11-  
15 19. 13-19. I think Mr. Haskett has some wording you  
16 wanted to inject.

17

18 MR. HASKETT: Thank you, Mr. Chair. Just  
19 something for the Board to consider. As we went through  
20 the process yesterday, we voted and we decided to defer  
21 and we did that based upon jurisdictional concerns and  
22 legal issues. If you look at kind of the regular things  
23 we looked at in terms of when we reject a Council's  
24 recommendation, it's, one, not supported by substantial  
25 evidence; two, violates recognized principles of fish and  
26 wildlife conservation; or, three, would be detrimental to  
27 the satisfaction of subsistence needs. This was a little  
28 different. I think underlying all those, obviously if  
29 there's a legal issue or jurisdictional issue, that's  
30 another one. I mean just kind of covers everything.  
31 That's really what we based it on.

32

33 So I think it would be a good idea for  
34 this Board to consider sending a letter and I don't know  
35 if that goes to the -- I guess that would go to the --  
36 what's the name of the group here. It's the -- what's it  
37 called?

38

39 MR. PROBASCO: Thank you, Mr. Chair. Mr.  
40 Haskett, we would send the letter to the U.S. Panel, the  
41 Transboundary Panel.

42

43 MR. HASKETT: The Transboundary Panel.  
44 What I would suggest is it be -- the Board would charge  
45 someone in the subsistence group go ahead and write this  
46 for us for Tim's signature that essentially just explains  
47 our action and make it very respectful and deferential  
48 and just making sure they understand we do have a concern  
49 and that we did think it was important to consider this,  
50 but because of the jurisdictional issues, you know, we

1 want to work at them. I mean whatever the wording would  
2 end up being, but I think it would make a lot of sense  
3 for us to send something just making it clear how we'd  
4 like this to go in the future. So I'm throwing that out  
5 for maybe some discussion by the Board or I could make a  
6 motion too if people seemed amenable to that.

7

8 MR. PROBASCO: Thank you, Mr. Chair and  
9 Mr. Haskett. I don't think we need a motion. I just  
10 think if we get direction from the Board to draft that  
11 letter, I would work with the Forest Service Staff and we  
12 would develop a draft, which usually is the process, and  
13 then we'd ask Staff Committee to take a look at it and  
14 then we'd finalize it, send it to Tim and he would okay  
15 it for signature on behalf of the Board.

16

17 CHAIRMAN TOWARAK: Mr. Haskett.

18

19 MR. HASKETT: So then I think the easiest  
20 way to do that is just ask if anybody has any concerns  
21 with doing that. If no one does, we move forward. I'd  
22 also like to defer to the RAC and make sure they're okay  
23 with it.

24

25 CHAIRMAN TOWARAK: Are there any  
26 objections to that process?

27

28 MS. O'NEILL: Not an objection, just a  
29 question. Is there precedent for sending such a letter  
30 to outside bodies?

31

32 MR. PROBASCO: Mr. Chair. Ms. O'Neill.  
33 Yes, there is. We've sent letters to the North Pacific  
34 Fishery Management Council dealing with bycatch. As an  
35 example, State of Alaska, of course, numerous times, so  
36 it is common.

37

38 MS. O'NEILL: Thank you.

39

40 CHAIRMAN TOWARAK: So are there any  
41 objections to the process that Mr. Haskett has proposed  
42 in writing a letter?

43

44 (No objections)

45

46 CHAIRMAN TOWARAK: Not seeing any, then  
47 you have our pontification.

48

49 MR. HASKETT: Thank you for the  
50 pontification. I always appreciate good pontification.



1 (Laughter)

2

3 CHAIRMAN TOWARAK: That concludes the  
4 discussion on 13-19. The next proposal is FP11-18. I'd  
5 ask for lead analysis.

6

7 MR. REEVES: Thank you, Mr. Chairman. My  
8 name is Jeff Reeves. I'm with the U.S. Forest Service.  
9 I'll be presenting this analysis. The executive summary  
10 for this analysis is on Page 78. The actual written  
11 analysis is on Page 79 and there's a map on Page 81 that  
12 details out the area that the proposal encompasses.

13

14 Proposal FP11-18 was submitted by the  
15 Southeast Alaska Subsistence Regional Advisory Council.  
16 It asks that all waters draining into Sections 1C and 1D  
17 be closed to the harvest of eulachon to all users.

18

19 The eulachon population in those waters  
20 had been at critically low levels with no harvestable  
21 surplus being seen for a number of years. The area had  
22 been closed yearly to eulachon fishing by both State and  
23 Federal managers since 2006. The intent of the proposed  
24 regulation was to provide clear direction to the public  
25 that the area would be closed to the fishing of eulachon  
26 by all users.

27

28 Originally this proposal came before this  
29 Board in January 2011 and following public testimony this  
30 Board deferred action on the proposal and requested that  
31 before it was revisited again that any closures be  
32 continued through the special action process, that the  
33 need for those closures be discussed with affected tribes  
34 and that the Forest Service continue to monitor the  
35 eulachon stocks in the Unuk River.

36

37 In order to continue to provide for the  
38 conservation and recovery of Unuk River eulachon in 2012,  
39 a special action was implemented by the Federal in-season  
40 manager which closed the Federal waters draining into the  
41 entirety of District 1. This action was implemented to  
42 coincide with a closure issued by the Alaska Department  
43 of Fish and Game in the same area. Up until 2012, these  
44 closures had only affected Sections 1C and 1D. However,  
45 after an unexpected return of eulachon into the Carroll  
46 Inlet area in 2011, State and Federal managers expanded  
47 the closure in 2012 to encompass the full fishing  
48 district.

49

50 There has been a long history of local

1 use of eulachon from the Unuk River. Before 1969 that  
2 use was poorly documented. From 1969 until present, Unuk  
3 River eulachon have been harvested under State managed  
4 commercial fishery provisions and State managed personal  
5 use and subsistence provisions. The commercial fishery  
6 was closed in 2001.

7  
8 Eulachon were first harvested under  
9 Federal subsistence regulations in 2001 since Federal  
10 customary trade regulations allowed for the sale of  
11 eulachon. The eulachon harvested in the Federal fishery  
12 were typically harvested by the same individuals that  
13 participated in the previous State-managed fishery. The  
14 majority of this harvest was taken with seine gear. The  
15 Federal fishery has been closed pre-season by the Federal  
16 in-season manager since 2006. On Page 84 in your  
17 materials is a table of harvest from both the State and  
18 Federally-managed fisheries for the Unuk River.

19  
20 In mentioned earlier that in 2011 the  
21 eulachon returned to Carroll Inlet area, but they also  
22 returned to the Unuk River and the Wilson/Blossom Rivers,  
23 and both the fresh waters of Carroll Creek and some  
24 marine waters within the upper end of Carroll Inlet.  
25 Although the State and Federal fisheries were closed  
26 pre-season on the Unuk, which is Sections 1C and 1D, in  
27 2011, there was harvest that did occur on the  
28 Wilson/Blossom Rivers and from Carroll Inlet.

29  
30 Because of a lack of a permit requirement  
31 under both State and Federal regulations, the actual  
32 harvest on those stocks is unknown. The majority of the  
33 Carroll Inlet harvest occurred in marine waters and is  
34 estimated to be about a minimum of 5,000 pounds based on  
35 observed harvest. There was no documented harvest in  
36 2012 because of the State and Federal pre-season closure.

37  
38  
39 Rather than implementing a closure in  
40 regulation, the intent of this proposal could be  
41 addressed yearly via special action by the delegated  
42 in-season manager. Yearly closures, as needed, would not  
43 require Board action to resume subsistence fishing  
44 opportunity should eulachon populations improve in the  
45 area.

46  
47 Although current regulations require a  
48 Federal subsistence fishing permit to take eulachon only  
49 from Sections 1C and 1D, expansion of the permit  
50 requirement could be taken to require the permit -- a

1 requirement of a permit for the entirety of District 1.  
2 Expansion of the permit requirement would provide for  
3 additional conservation as eulachon do not necessarily  
4 home to a particular stream. Genetic analysis of the  
5 Carroll Inlet fish showed they were genetically identical  
6 to those returning to the Unuk River.

7  
8                   If adopted, the proposal would prohibit  
9 the harvest of eulachon from any freshwater draining into  
10 Sections 1C and 1D. Should eulachon returns improve  
11 enough to allow for subsistence fishing opportunity, a  
12 special action request or a formal regulatory proposal to  
13 open the fishery would need to be submitted to this  
14 Board. In accordance with the Board policy on closures,  
15 the closure would have to be reviewed every three years  
16 thereafter while the closure is in regulation.

17  
18                   Due to the overlapping jurisdictions of  
19 fishing areas, any management action must be coordinated  
20 with the State managers to be completely effective.  
21 Closing this area to all users could facilitate the  
22 development of future regulations necessary to reopen the  
23 area if stocks do recover; however, action on this  
24 proposal would not affect State actions in adjacent  
25 marine and intertidal waters not under Federal  
26 jurisdiction.

27  
28                   The OSM conclusion is to support Proposal  
29 FP11-18 with a modification to not implement the closure  
30 in Federal regulation, but to expand the Federal  
31 subsistence fishing permit requirement from Sections 1C  
32 and 1D to include the  
33 entirety of District 1.

34  
35                   Although closing this area would provide  
36 clear direction that there will be no eulachon fishery  
37 allowed within Federal jurisdiction, local tribal  
38 governments and Federally qualified subsistence users  
39 have expressed a preference for yearly in-season action  
40 as needed by the delegated Federal manager rather than  
41 implementing a closure by regulation. If Board action  
42 closed the area by regulation, action to re-open the area  
43 would have to occur through a special action request or  
44 through the regulatory proposal process to allow for  
45 resumption  
46 of subsistence fishing opportunity should populations  
47 rebound to a level with a harvestable surplus.

48  
49                   Since 2011, eulachon have been returning  
50 to drainages within the District 1 area where fishing

1 permits are not required under State or Federal  
2 Regulations. Expanding this permit requirement to the  
3 entirety of District 1 will provide for accountability  
4 for eulachon harvests and could be used to design permit  
5 stipulations for eulachon conservation should subsistence  
6 fishing effort resume.

7

8 Thank you.

9

10 CHAIRMAN TOWARAK: Are there any  
11 questions on the Staff's analysis.

12

13 (No comments)

14

15 CHAIRMAN TOWARAK: Thank you for your  
16 presentation. We'll go on to number 2, the summary of  
17 public comments from the Regional Council coordinator.

18

19 MR. LARSON: Thank you, Mr. Chair. My  
20 name is Robert Larson. I work for the Forest Service.  
21 I serve as the Southeast Council's coordinator. There  
22 was one written public comment and that was in opposition  
23 to the proposal as written, but it was in support of the  
24 solution that was recommended by the Southeast Council.

25

26 Thank you.

27

28 CHAIRMAN TOWARAK: Go ahead, Pete.

29

30 MR. PROBASCO: Thank you, Mr. Chair. I  
31 have two individuals that would like to speak to this  
32 proposal and first would be Mr. Tom Lang, Sr.

33

34 MR. LANG: First I'd like to thank you  
35 for opening with public statements. It should be a  
36 standard issue on all your meetings, especially the way  
37 things are going nowadays. I also appreciated the  
38 dancers yesterday. It brought to mind that the Southeast  
39 Alaska people living in Anchorage, one of the songs they  
40 sang were in my language, Tsimshian. It was a Tsimshian  
41 song. I think it was their third dance.

42

43 What it brought to mind was that all us  
44 Natives in Alaska have something in common from one end  
45 of Alaska to the other, whether we live on an island or  
46 on the ocean or inland. Everything is tied to the  
47 rivers. Everything. All the fish that are in the ocean  
48 all go to the rivers, so we're tied to the rivers. We're  
49 tied together. It brought tears to my eyes hearing these  
50 gentlemen coming before a bunch of strangers to beg to do

1 what their fathers and their grandfathers and their  
2 parents did for generations to eat. Begging you for  
3 food, king salmon. We're here begging you for eulachons.  
4 Why? Why is this happening?

5  
6                   It has to be said and you have to listen.  
7 That's why your Board was created, to protect these  
8 people. Not to do what this guy over here does. He  
9 doesn't know anything about eulachons. They've only been  
10 trying to study them for the last 10 years and they don't  
11 even know what's going on. We've been living with the  
12 eulachons for 10 centuries. Thousands of years. We know  
13 how to do it. You should let us run that fishery.

14  
15                   I'm going to address FP11-18, 13-20 and  
16 13-21. Any one of those things when I'm done here -- any  
17 one of those issues are guaranteed to stop us from  
18 fishing eulachons. Any one of those issues and they're  
19 brought up by different areas, so I'm going to try to  
20 cover it all right in one so I don't have to come up  
21 every time you bring it up.

22  
23                   You already know my stance on eulachon.  
24 Eulachons are the base of the Tsimshian tribe. It's been  
25 our gold standard for centuries. We trade up and down  
26 the coast with it. It was brought out by the little  
27 dancers that they know what their grandparents are  
28 teaching them that we traded up and down the coast. So  
29 we live off the rivers. We have some guy over here  
30 telling you that we're overfishing it. The very first  
31 time we came up here, the Fish and Game reported that the  
32 Indians were eating all the eulachons. They were  
33 overfishing them, so we've got to stop them. It turned  
34 out they didn't.

35  
36                   One of the printed issues I presented and  
37 you're all going to get copies of it. I only have one  
38 chart. I left the chart there. This chart involves all  
39 the mining proposals on the British Columbia side from  
40 Juneau down to the British Columbia border entailing the  
41 Taku River in Juneau, the Stikine River in the middle of  
42 Southeastern in the Wrangell/Petersburg area, the Unuk  
43 River in the Ketchikan area, our area, and the Nass and  
44 the Skeena on the British Columbia side.

45  
46                   Very serious mining proposals are coming  
47 up. Part of the printed issues I've given you came from  
48 an outfit in Canada called Rivers Without Borders. It's  
49 an outfit that is monitoring all mines that deal with  
50 rivers that go across the border into America and Alaska.

1 They're the ones that gave us this information, not the  
2 Fish and Game, not the Forest Service, not the Park  
3 Service, not the Bureau of Land Management. They're all  
4 fighting over who controls the rivers and all they want  
5 to do is shut it down. They don't want to keep it pure.  
6

7                   This mining issue, we're only worried  
8 about our own Unuk River in our area. Now it's covering  
9 everything else, all the other rivers, the whole  
10 Southeast Alaska and maybe Bristol Bay too with the  
11 Pebble Mine, affects all the fisheries. So it looks like  
12 we'll all have something in common and it's more than  
13 just me fighting for the Unuk. It's all the rivers and  
14 that is covered in here.  
15

16                   When we asked the Forest Service and when  
17 we asked the State Department of Fish and Game how are  
18 you going to help us, they said, oh, we can't do  
19 anything, it's on the BC side. This thing will show you  
20 that there is a law and it's called Boundary Waters  
21 Treaty. It was adopted in 1909 and several issues are --  
22 for instance, in here we have a Montana deal showing how  
23 the governor, their Montana legislature, all the Natives,  
24 all the corporations got together and stopped the mine,  
25 a coal mine, on the Canadian side because it was  
26 polluting their river and the headwaters of their lake  
27 and it's in here.  
28

29                   So when they tell you that they can't do  
30 anything, they're wrong. The thing is they don't want to  
31 do anything. All they want to do is manage. They don't  
32 seem to want to help us. They don't want to keep the  
33 rivers clean and we want the -- you want to kill a river,  
34 put a mine on it. It turns out there was a mine right at  
35 the head of the Unuk River. We didn't know about this  
36 until we got this information. There was a mine there  
37 for 10 years. For 10 years the guy says that they were  
38 studying it. The 10 years that the eulachon deal went  
39 down on their chart was the 10 years that they were  
40 mining up there, just dumping all the stuff in there, in  
41 the river, and they stopped mining, but they didn't clean  
42 it up. It still drained -- all that stuff they left  
43 there is still draining into the rivers, but the rivers  
44 will clean up and the fish will come back because not  
45 only did the eulachons disappear, king salmon, silver  
46 salmon, dog salmon and pink salmon. All the salmon were  
47 gone from the river now too. We don't fish the salmon up  
48 there. That's so far inside. The only thing we took out  
49 of the there was eulachons when there was eulachons and  
50 we took them only when there was lots.

1                   Closing an area is not managing it. The  
2 way the Tsimshians managed it for centuries was that when  
3 there's a lot of fish, excess fish, they took a lot of  
4 eulachons. They took more than they needed for trading  
5 purposes to make oil and everything else. When there's  
6 only so much fish, not too much, they took enough to eat.  
7 When there was very little fish, they didn't take any at  
8 all. They lived with clams. They lived off the beaches.  
9 They were eating clams and cockles and crabs and halibut.  
10 That's how you manage an area. Shutting it down is not  
11 management. Shutting it down is a desperate issue that  
12 men don't know what they're doing. They're trying to  
13 learn in 10 years what we've been doing for 10 centuries.

14  
15                   So we're absolutely opposed to any one of  
16 these three proposals because any one of them just affect  
17 us. The only ones it really affects are my tribe. Our  
18 councilman here, Louie, he made a presentation to you  
19 earlier. I guess he let you know about the guy that  
20 proposed one bucket of fish for each person. It just  
21 can't work that way because the river is so far away and  
22 it's up in the glacier area.

23  
24                   What we've been doing for centuries,  
25 we're sending the major boats out there to service and he  
26 doesn't only service Metlakatla, he services Ketchikan,  
27 Saxman, Hydaburg, Craig, Klawock, Kasaan, all the little  
28 villages down there that can't get in there or don't get  
29 in there. That's who they serve. One boat has to go get  
30 all the eulachons for all these people. Just saying that  
31 we have a right for a five-gallon bucket, it sounds like  
32 you can just walk down the street and you'll dip it out,  
33 but it's not that way.

34  
35                   That's not management. That came from a  
36 white man that owns a cabin up there. They don't allow  
37 Indians to have cabins up there, but they sold it to a  
38 white man so he could guide hunters or something up  
39 there. But he's telling us how to eat fish. I mean some  
40 of these people never even saw a eulachon or tasted a  
41 eulachon before and here they are telling us you're going  
42 to stop fishing.

43  
44                   My tribe, I'm representing a tribe, and  
45 my council sent me up here to be absolutely adamant about  
46 just leaving us alone. In fact, the next time we come  
47 we're going to bring proposals. We come up here to fight  
48 all the time. We're not consulting. We're having a  
49 confrontation. We have to fight for our right to eat.  
50 Like this other gentleman, fight for king salmon to eat.

1 If he took a king salmon out of the river, they'd put him  
2 in jail. If they closed this thing down and we went to  
3 get some eulachons anyway, they'd put us in jail just  
4 because we want to eat. What the hell is that going on.  
5 It's insanity. I don't see why any of this -- why we  
6 have to be here just to beg to you just so we could have  
7 something to eat.

8  
9 The mining thing is going to be number  
10 one on mine now. We're trying to organize. We were  
11 organizing with the British Columbia side and all the  
12 villages from Haines, Juneau, all the ones on the  
13 mainland that deal with the rivers. We're trying to  
14 organize because a lot of people didn't know or we didn't  
15 know about these mining things. Like I said, if you want  
16 to kill a river, put a mine on it. Or, in Columbia  
17 River, put an atomic power plant on it so that those  
18 Natives up there, they call them their beautiful fish  
19 now. When they sun dry them, put them out on the racks  
20 to sun dry them, when the sun goes down their fish glow  
21 in the dark, they're beautiful. They're radiated. Those  
22 people, their cancer went out of control. When they  
23 complained to the government, the government just told  
24 them don't eat your beautiful fish. What the hell.

25  
26 So up and down the coast, everyone that  
27 lives on a river has the same problem, but the reason I  
28 want you guys to learn about the mining thing is because  
29 it's coming. Everyone you talk to lives on a river is  
30 going to be affected by a mine. In the future, you're  
31 going to have to deal with it. Like I say, if you start  
32 now you'll know what you're talking about instead of  
33 getting surprised by -- like the Columbia River people  
34 did. Now they're trying to clean it up after they killed  
35 it. We've got to get ahead of the game. We can't let  
36 them mine, then kill a river and then try to fix it  
37 afterwards. So I want you guys to really take this  
38 seriously, the mining issue.

39  
40 I guess -- yeah, that's about all I'd  
41 have to say because you already know what we feel and how  
42 I feel about the eulachon thing. Our recommendation is  
43 just forget all this stuff. I don't even know why it  
44 reaches this table. If you had consulted with us, it  
45 wouldn't have.

46  
47 Thank you.

48  
49 CHAIRMAN TOWARAK: Thank you. Are there  
50 any questions for Mr. Lang.



1 (No comments)

2

3 CHAIRMAN TOWARAK: Thank you for your  
4 testimony.

5

6 MR. LANG: Yeah, thank you.

7

8 MR. PROBASCO: Mr. Chair. Our next  
9 person is Mr. Louie Wagner.

10

11 MR. WAGNER: Thank you, Mr. Chair, the  
12 Board. My name is Louie Wagner. I'm from Metlakatla.  
13 I serve on our city council. We get voted in. There's  
14 12 of us on the council and every year the people have a  
15 chance to vote in six new people, so there's always  
16 people on there from the year before. So there's --  
17 what's the word I'm -- I don't have it right now. To  
18 keep the consistency of what's going on through the  
19 community for us. That's our process. I have pictures  
20 here. I know some of you have seen them. If anyone  
21 would like to see them, they're welcome to. They're from  
22 1960 up into 1990 of our years of commitment to the Unuk  
23 River.

24

25 I'd like to kind of give a little bit of  
26 a history of why we're here today and this has been a  
27 long, exhausting battle trying to fight for our fish. I  
28 spoke before at the meetings how all of our villages have  
29 the same problem and it all falls back on the State's  
30 hands of not allowing subsistence and that's when the  
31 Federal Subsistence Board was formed to help us with our  
32 subsistence way of life.

33

34 This battle with the eulachons started  
35 around the mid '90s, I believe. It was right around  
36 after the Alaska Department of Fish and Game wiped the  
37 herring out down at Kashakes in our area south of  
38 Ketchikan about 15 miles. Kept fishing it, overfishing  
39 it. I tendered there and nighttime the sound boats would  
40 pull out the smaller nets and they could keep catching  
41 the smaller fish and pretty soon eventually the fishery  
42 was gone. I seen this firsthand as a tender man and as  
43 a fisherman since nine years old. I'm going to turn 65  
44 here next month.

45

46 Once the herring was gone in the '90s  
47 there and then the Fish and Game got interested in the  
48 eulachons and what we were doing. We were just  
49 consistent year after year. Some years we missed because  
50 of weather, too much ice in the river. So there's times

1 when we didn't get any eulachons at all. We've never  
2 gotten rich off of it and we never will. It's like God  
3 put us here to provide for the people in our area and  
4 it's very hard work. It's cold. There's no safe boat  
5 harbor there. We are open to whatever weather comes up  
6 and it can blow very hard and get very rough up there.

7  
8                   There's times when we barely get back to  
9 the boat and I expect to see the boat blowing out of the  
10 channel, which it's happened to my brother on the  
11 satellite here, the pictures on the boat. Had to chase  
12 it down in the skiff and when he got there, the tank was  
13 empty. It just was a miracle he made it to the boat and  
14 they were able to get out of there and get in a safe  
15 harbor.

16  
17                   I go back to the problem of when this --  
18 why we're here today with the Department of Fish and  
19 Game. They wanted to make a limited entry out of our  
20 fishery. The petroglyph marks that river as ours and I  
21 believe it's a sacred site now. It's what the Forest  
22 Service has been working on with John Autry and that's  
23 been going very well. So we had to go through that  
24 process of the State wanting to make a limited entry out  
25 of it, commercializing it. When things weren't going so  
26 well then, they just shut her down and we had to get  
27 signatures. We got help and we got signatures from  
28 Saxman, Ketchikan, Craig, Klawock, Hydaburg, Metlakatla.  
29 We wound up with like 1,500 signatures and we have it all  
30 at home yet today. We've been working nonstop on this  
31 year after year. So many of those people have passed  
32 away since.

33  
34                   When we get to 2001, our late Mr. Bill  
35 Thomas was here with us, he's really missed, he brought  
36 a lot of common sense to the table. He was very helpful.  
37 He always fell back on Title VIII of ANILCA. The Board  
38 allowed us to do our customary trade and go up and fish  
39 the eulachons and when we brought them home, we got into  
40 Ketchikan with the eulachons. That must have been around  
41 9:00, 10:00 o'clock in the evening. It was dark out. We  
42 pulled into Rise Slope downtown there by the Tongass  
43 Building and the people were all lined up on the dock  
44 already. We called in from Clover Pass and let the  
45 people know we were there. When I was pulling in, the  
46 ladies hollered is that you, Louie. I says yeah. You  
47 got eulachons. Yeah. They started singing in Tlingit.  
48 That was the most beautiful song I ever heard. All of  
49 them were singing. So we got tied up and then we all  
50 waited until all the ladies finished singing and then

1 they started getting their eulachons. It was a moment  
2 I'll never forget. Everybody was so happy. That's what  
3 it's about. It's the people's fish. It's not my fish.  
4 We're just the servants.

5  
6 I'll get to the proposals, but I have a  
7 huge concern on the Forest Service having to share --  
8 going back to the State and having to share the  
9 regulations if we get the fish or not and they're going  
10 to limit us again. We're going right back to where we  
11 started before 2001. That was not brought up in our  
12 meeting in Metlakatla. I thought it went very well, but  
13 that was left out on that part, of sharing what the  
14 Alaska Department of Fish and Game -- if we're even going  
15 to get the fish or not. If this goes through, we could  
16 still be just shut down year after year.

17  
18 Last year my son and I we went up right  
19 after the meeting in Juneau there with you folks and ran  
20 up the river and got there in time to get pictures and  
21 document what we could of the eulachons and we're going  
22 to go up again this year and hopefully get there at the  
23 peak or before the peak starts and document again. I  
24 offered Jeffrey DeFreest and John or or Jeffrey here,  
25 John or any one of them, invited them to go up with us  
26 because it is a long -- and the weather is very  
27 unpredictable that time of year. If they would like to  
28 come along when we go up.

29  
30 When we go, we don't know until the last  
31 minute because you watch the weather and the tides and  
32 you have to kind of figure it out when to go and be up  
33 there because there's nobody living up there to give you  
34 a call and say, hey, they're in, come on up. We have to  
35 go on our own and sometimes we go way too early or we're  
36 too late. We do the best we can and go up and monitor.  
37 Like I say, if the ice is in there, then the ice is not  
38 going to come out until the peak of the tides. You leave  
39 and then they go up a little earlier before all the ice  
40 comes out and you come back and they're gone. So it's a  
41 hit and miss situation.

42  
43 I had to voice my concern on the sharing  
44 with the Alaska Department of Fish and Game again. I  
45 feel it should stay within the Forest Service hands here.  
46 They have a complete staff that can handle this and any  
47 information I get I will certainly work with the  
48 Ketchikan Ranger District and stay in touch with Jeffrey  
49 DeFreest there and his staff. So whatever we get we'll  
50 give it to them as soon as we can get it printed out off

1 the cameras or whatever there.

2

3 Like I say, it's been a long, exhausting  
4 road and I'm not getting any younger. Metlakatla -- I  
5 don't think I need to read off our letters opposing. You  
6 have all the letters, correct. I'll just save some time.  
7 We oppose the original Proposal FP11-18, but support the  
8 OSM conclusion to modify the regulation to require a  
9 permit in all of District 1, but I wish it would be  
10 reconsidered again. We should only have to be dealing  
11 with the Forest Service here. Everything you heard here  
12 the last couple of days is the problems conflicting with  
13 the Alaska Department of Fish and Game. We fall right  
14 back into the same deal there.

15

16 Metlakatla Indian Community supports  
17 Southeast Regional Council recommendations and the OSM on  
18 Proposals FP13-20 and FP13-21. I'll let it go at that  
19 since all our letters are in there. I don't feel I need  
20 to read them. I think that concludes what I had to say  
21 there.

22

23 Thank you.

24

25 CHAIRMAN TOWARAK: Thank you, Mr. Wagner.  
26 Are there any questions. Mr. Haskett.

27

28 MR. HASKETT: I remember the first time  
29 we met a couple years ago when this came up and you all  
30 were here and I think did a very good job talking about  
31 your concerns, that you hadn't really been talked to  
32 enough and wanted to have a chance to work with the  
33 Forest Service. The biggest concern I remember was not  
34 closing it down altogether.

35

36 MR. WAGNER: Uh-huh.

37

38 MR. HASKETT: So what's coming now from  
39 the RAC as I understand it is still not a process to  
40 close it. It's to go through a permit process, which I'm  
41 thinking that's okay with you, but I'm not sure.

42

43 MR. WAGNER: Yes. Yes, it is. Just the  
44 concern I have is if the State of Alaska tells the Forest  
45 Service, no, let's keep it shut down even though say I've  
46 gone up year after year and documented a good run and I  
47 won't come to them and ask them to open it until maybe  
48 the second year of a strong run and they look at it and  
49 say, yeah, sure, that's good, that's two strong years,  
50 but that's what we're willing to do and certainly agree

1 to.

2

3

CHAIRMAN TOWARAK: Go ahead.

4

5

MR. HASKETT: Thank you, Mr. Chair.

6

7

8

9

10

11

12

Thank you.

13

14

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If I may add a little bit to the story there, he's no longer with us, but Clyde Cowan on the Megan, trawler Megan, he's passed away now, may he rest in peace, but he was trawling over on Prince of Wales a couple years ago by Moira Sound and he caught a nice king salmon and when he cleaned it there were 20 eulachon in it and I don't know if anyone here knows about that, but he called us up and met and let us know because he knows

1 we're the ones that go and get them for the people. That  
2 was really interesting, that just all of a sudden they  
3 started showing up again. For those areas that are not  
4 traditional to the run, if there's enough there, we  
5 should be allowed to go in and get them.

6  
7 I was one of the boats that went to  
8 Carroll Inlet and fished them. When they come in, you  
9 don't have much time. I mean they could come in for one  
10 to three days or a week and if you wait and go through  
11 all the process, well, they're gone. We went up and  
12 there was a lot of fish there. My son and I, we made one  
13 set and we used my 18-foot jet boat, that's an aluminum  
14 Aldrich boat, and we filled the skiff in one set. We  
15 didn't even dent what was there and we didn't bother them  
16 in the river. They were by the hydro and there's a  
17 little pool in there where it was just full and there was  
18 a couple other people from Ketchikan dipping there. My  
19 brother was also there and he got like a tote. While I  
20 was waiting before I fished, the State troopers they  
21 charged right up and asked me what I was doing there.  
22 They said, what, are you going to fish for steelhead or  
23 something. I says, no. I said the eulachons are here,  
24 as you could see. I'm going to get some eulachons with  
25 my family. They talked a little bit and then they left.  
26 A few minutes later the Forest Service enforcement pulled  
27 alongside. Well, that was a little bit later because I  
28 just got alongside the boat with the fish, the eulachons,  
29 and they asked me about the same questions and they asked  
30 how much I had. They said you've got about this much and  
31 I said yeah, but after I put them in the totes, then I  
32 knew what I had. I had I think like 2,500 pounds or so  
33 and that was just one set. I have a little beach seine  
34 that we use all by hand. So, between that and what my  
35 brother had, 4,000 pounds and I'm not sure what the guy  
36 in Ketchikan -- he was there like three, four days  
37 dipping them. I imagine he got at least 1,500 pounds, I  
38 figured. It's not hard to figure out what was taken. I  
39 didn't see anyone else while I was there come up.

40  
41 CHAIRMAN TOWARAK: Any further questions.

42  
43 MR. CHRISTIANSON: I guess that was just  
44 my concern. As I look at it, you know, there is a short  
45 window of opportunity and you're either there or you're  
46 not and how that timeline is going to play out as to in-  
47 season manager is watching the stocks  
48 and how they're going to afford that opportunity to  
49 subsistence. I just wanted some clarification on it  
50 because I know it's a really quick window for eulachon.

1 Us in Hydaburg really miss that stock getting caught and  
2 delivered because it was an important staple for our  
3 community. So thank you for your efforts to continue to  
4 try to provide that opportunity.

5

6 (No comments)

7

8 CHAIRMAN TOWARAK: No further questions.  
9 Thank you very much for your testimony.

10

11 MR. WAGNER: Thank you. I'd like to  
12 thank the Board and the RAC and OSM for all their hard  
13 work in getting us this far here. If anyone would like  
14 to ever come to Metlakatla, they're sure welcome to and  
15 meet us. We'd make sure that we brought you around to  
16 the council chambers and everything that is there. We  
17 don't get too many visitors in Metlakatla even though  
18 we're just 15 miles from Ketchikan.

19

20 With that, thank you again.

21

22 CHAIRMAN TOWARAK: Thank you very much.  
23 I've been to Metlakatla myself, so I appreciate that.

24

25 MR. PROBASCO: That's it.

26

27 CHAIRMAN TOWARAK: There are no other  
28 public testimonies, so we will move on to the Regional  
29 Council recommendation.

30

31 Mr. Adams.

32

33 MR. ADAMS: Thank you, Mr. Chairman. The  
34 Southeast Alaska Subsistence Regional Advisory Council's  
35 recommendation is to support as modified and the OSM  
36 conclusion to require a Federal subsistence fishing  
37 permit for all of District 1. The justification is  
38 closing the fishery in regulation is unnecessary because  
39 any actions required for conservation can and have been  
40 done by the Federal in-season manager in cooperation with  
41 State managers.

42

43 The OSM Conclusion to require a permit is  
44 an excellent method of documenting harvest from some of  
45 the many streams where eulachon have appeared in recent  
46 years. Not closing the area in regulation will  
47 facilitate opening the area when markets rebound. There  
48 was compelling public testimony from residents of  
49 Metlakatla opposing the closure and supporting the permit  
50 requirement.

1 Mr. Chairman, that is the Southeast's  
2 position on this particular issue.

3  
4 Thank you.

5  
6 CHAIRMAN TOWARAK: Thank you. Are there  
7 any questions of the chair.

8  
9 (No comments)

10  
11 CHAIRMAN TOWARAK: Thank you. Then we  
12 will hear from the Department of Fish and Game.

13  
14 MS. YUHAS: Thank you, Mr. Chairman.  
15 Jennifer Yuhas, State liaison to the Board. This is one  
16 of those proposals that we seem to be in agreement with  
17 the managers and the Staff analysis on the overarching  
18 principal that we want to conserve the resource so that  
19 it can return so the users can have it. It seems to be  
20 the mechanics and the academics that we're fairly split  
21 on.

22  
23 The Department has some proposed language  
24 on Page 90 for you to look at. We differ with -- the  
25 original proposal here, the title is somewhat deceptive.  
26 It says to close the fishery. Well, you can see on Page  
27 84 that it's been closed for up to 11 years here in some  
28 instances. The modification that we think is a bit  
29 unintentionally deceptive because to issue a permit and  
30 not be able to utilize the permit, the permit doesn't  
31 have very much value.

32  
33 The Department is proposing a different  
34 language change that rather than having the permit that  
35 there would be no Federal season. This is so that we  
36 could respond to the short windows of opportunity that  
37 Member Christianson was mentioning because our mechanics  
38 of opening the season would be easier on the users. We  
39 could react more quickly so they could take advantage of  
40 this. So we didn't support the modification. We  
41 proposed our own modification.

42  
43 That reads .27(i)(13), all drainages of  
44 fishing sections 1C and 1D would read no Federal season  
45 for eulachon. That's not because we want to compete with  
46 who gets to say they have the open season, it's because  
47 we can open ours quicker.

48  
49 CHAIRMAN TOWARAK: Thank you. Are there  
50 any questions of the State. Go ahead.



1 MR. OWEN: Thank you, Mr. Chairman. Ms.  
2 Yuhas. Have you vetted that suggestion through the  
3 Indian communities in Metlakatla and Ketchikan and do you  
4 have any input from them on that?

5  
6 MS. YUHAS: Through the Chair. The State  
7 has not directly received input. The suggestion has been  
8 brought at public forums and I believe the Board has the  
9 written comment from Metlakatla.

10  
11 MR. OWEN: Thank you, Ms. Yuhas.

12  
13 CHAIRMAN TOWARAK: Further questions.

14  
15 (No comments)

16  
17 CHAIRMAN TOWARAK: Thank you for your  
18 presentation. Item number 6, Interagency Staff Committee  
19 comments.

20  
21 MS. O'REILLY-DOYLE: Mr. Chair. The  
22 Interagency Staff Committee provides a standard comment.

23  
24 CHAIRMAN TOWARAK: Thank you. Board  
25 discussion with Council Chairs and State liaison. Any  
26 further discussion needed.

27  
28 (No comments)

29  
30 CHAIRMAN TOWARAK: If not, then we will  
31 go on to the Board action, item number 8. The floor is  
32 open for deliberation.

33  
34 MR. OWEN: Motion.

35  
36 CHAIRMAN TOWARAK: Motion is available.

37  
38 MR. OWEN: Mr. Chairman. I move to adopt  
39 Proposal FP11-18 with the modification recommended by the  
40 Southeast Alaska Subsistence RAC, which is to not close  
41 Section 1C and 1D to the harvest of eulachon, but to  
42 require subsistence fishing permits for eulachon, if you  
43 will, in all of District 1. After a second, I will  
44 provide a rationale.

45  
46 MR. HASKETT: Second.

47  
48 CHAIRMAN TOWARAK: The motion has been  
49 moved and seconded. The floor is open for discussion.

50

1 MR. OWEN: Thank you, Mr. Chairman. My  
2 rationale is similar to that of the Southeast Alaska RAC  
3 presented on Page 88 of our Board book. In addition, I'd  
4 like to add that given the eulachons are returning to the  
5 area, by not closing fishing in regulation managers may  
6 more quickly, more nimbly take advantage of increases in  
7 returns and quickly provide for resumed subsistence  
8 harvest even though we do not anticipate a full opening  
9 for at least a few years. This modification serves both  
10 the interest of conservation and the tribe and it's  
11 consistent with the rural priority provisions of Title  
12 VIII of ANILCA.

13  
14 Furthermore, I would like to recognize  
15 the Metlakatla Indian community, the Ketchikan Indian  
16 community and the Ketchikan/Misty Fjord Ranger District  
17 of the U.S. Forest Service, Alaska Region, for working  
18 together through this issue. Relationships have been  
19 strengthened and we look forward to working with the  
20 Metlakatla Indian community, the Ketchikan Indian  
21 community and we appreciate the continued cooperation of  
22 Alaska Department of Fish and Game to monitor returns and  
23 implement appropriate conservation measures when fishing  
24 resumes.

25  
26 Thank you, Mr. Chair.

27  
28 CHAIRMAN TOWARAK: Any further  
29 discussion.

30  
31 MR. CHRISTIANSON: (Nods)

32  
33 CHAIRMAN TOWARAK: Is there a call for  
34 the question. The question has been called for by Mr.  
35 Adams.

36  
37 MR. ADAMS: I didn't call for the  
38 question. I would like to make a comment, Mr. Chairman,  
39 if it's okay. I see here where the Federal in-season  
40 manager in cooperation with the State managers will have  
41 the authority to go ahead and open and close these areas.  
42 I would like to see maybe somebody from the Board make an  
43 amendment to include tribal governments because, you  
44 know, these are issues that are directly affected by the  
45 people themselves and if the leaders of the tribes can be  
46 included in the discussion, I think it would be very  
47 helpful.

48  
49 So thank you.  
50

1 CHAIRMAN TOWARAK: Mr. Probasco.

2

3 MR. PROBASCO: Thank you, Mr. Chair, and  
4 thank you, Mr. Adams. If we look at our Federal  
5 Subsistence Board Tribal Consultation Policy, when it  
6 deals with special actions, which Mr. Reeves would use to  
7 open that fishery, we speak specifically, if time allows,  
8 to consult with the tribes prior to implementing that  
9 special action.

10

11 MR. ADAMS: Thank you very much. I just  
12 want to make sure that the tribes are not excluded, you  
13 know, from the process. I think that's important.

14

15 CHAIRMAN TOWARAK: Further. Go ahead.

16

17 MR. OWEN: Thank you, Mr. Chair. I'd  
18 like to take a moment to point out in this particular  
19 instance, this is an excellent example of a situation  
20 where continuous communication amongst the people  
21 involved are critically important. This is a fishery  
22 that will have short windows, that have a lot of people  
23 that are interested in it and to the extent that the  
24 Forest Service -- and, Jeff, I'll ask you to carry that  
25 to your ranger to make sure the lines are always open so  
26 that we don't end up in a situation where we do something  
27 without talking to the effected users or our partners in  
28 the Fish and Game Department.

29

30 Thank you.

31

32 CHAIRMAN TOWARAK: Excellent comments and  
33 I support that. I've heard the discussions ever since  
34 I've been on is that the key to success I think is good  
35 communication, like someone pointed out to me earlier and  
36 I concur with your conclusions. Mr. Adams.

37

38 MR. ADAMS: Thank you, Mr. Chairman.  
39 Just one more comment. You know, when I was on the  
40 tribal government in Yakutat serving as their chairman,  
41 there were issues, you know, that came up. We were  
42 required -- emergency orders or special actions either by  
43 the State or the Federal. As the president of the tribal  
44 organization, they had the courtesy -- even before  
45 consultation came before us now, they had the courtesy to  
46 invite me over to participate in their discussions and I  
47 thought that was really good and that's why I'm saying  
48 that it would be a good thing to follow through with this  
49 kind of situation as well. I think they need to be there  
50 in the meetings, you know. The decision will be made, of

1 course, by the managers, but at least, you know, the  
2 tribal leaders will be there to give their input and I  
3 think it's a great way to bridge the gaps.

4  
5 Thank you.

6  
7 CHAIRMAN TOWARAK: Thank you, Mr. Adams.  
8 Further discussion.

9  
10 (No comments)

11  
12 CHAIRMAN TOWARAK: Is there a call for  
13 the question.

14  
15 MR. HASKETT: Call for the question.

16  
17 CHAIRMAN TOWARAK: The question has been  
18 called for. Roll call, please.

19  
20 MR. PROBASCO: Thank you, Mr. Chair.  
21 Final action on FP11-18 to adopt the proposal with  
22 modification as recommended by the Southeast Regional  
23 Advisory Council.

24  
25 Mr. Owen.

26  
27 MR. OWEN: Yes.

28  
29 MR. PROBASCO: Mr. Brower.

30  
31 MR. C. BROWER: Yes.

32  
33 MR. PROBASCO: Mr. Haskett.

34  
35 MR. HASKETT: Yes.

36  
37 MR. PROBASCO: Ms. Masica.

38  
39 MS. MASICA: Yes.

40  
41 MR. PROBASCO: Ms. O'Neill.

42  
43 MS. O'NEILL: Yes.

44  
45 MR. PROBASCO: Mr. Christianson.

46  
47 MR. CHRISTIANSON: Yes.

48  
49 MR. PROBASCO: Mr. Cribley.

50

1 MR. CRIBLEY: Yes.  
2  
3 MR. PROBASCO: And Mr. Towarak.  
4  
5 CHAIRMAN TOWARAK: Yes.  
6  
7 MR. PROBASCO: Motion carries 8-0.  
8  
9 CHAIRMAN TOWARAK: In looking at the  
10 time, there was an earlier request by the Staff to be on  
11 our way to lunch at quarter to 12:00. It's almost 20 to  
12 12:00 right now. Rather than getting started on a new  
13 proposal, let's take a lunch break until 1:15.  
14  
15 (Off record)  
16  
17 (On record)  
18  
19 CHAIRMAN TOWARAK: I will call the  
20 meeting back to session. We appreciate everybody's  
21 patience. We had an extended stay with the lunch. We  
22 had for pizza, a future departure from our organization  
23 here, so we appreciate your patience in waiting for us.  
24  
25 We had concluded 18 just prior to leaving  
26 and we are currently on FP13-20. I'd like to ask the  
27 Staff for an analysis.  
28  
29 MR. REEVES: Thank you, Mr. Chairman.  
30 Jeff Reeves with the U.S. Forest Service. The executive  
31 summary for this proposal is on Page 92 of your  
32 materials. The analysis is on 93. If you need reference  
33 back to that map that was in the previous analysis,  
34 that's on Page 81.  
35  
36 Proposal FP13-20 was submitted by Stephen  
37 Huffine and it requests limiting the legal gear types  
38 within the Federal subsistence eulachon fishery in the  
39 freshwater drainages of Burroughs Bay. He wanted to  
40 limit it to dip net, hoop net, and cast net. The waters  
41 that he references include the Unuk River, the Eulachon  
42 River, the Klahini River, and Grant Creek.  
43  
44 The proponent believes that previous  
45 commercial and subsistence fishing effort in this area  
46 caused the collapse of the eulachon returns and that his  
47 proposed changes are there to allow for a conservative  
48 subsistence fishery to resume once the stocks get back to  
49 a level of fishing.  
50

1                   Through the process we discovered that  
2 the hoop net is not currently listed as a legal fishing  
3 gear in Federal regulations, so the proponent was  
4 contacted and clarified that he meant a ring net, which  
5 is a round framed net that is either left on the bottom  
6 and pulled either horizontally or vertically through the  
7 water column. Although it's a legal gear under State  
8 regulation, ring nets are currently listed as a legal  
9 gear type for finfish under the Federal regulation. So  
10 that gear would require a formal proposal submission to  
11 be considered.

12  
13                   The above mentioned drainages flow into  
14 Section 1D of District 1. Although he's only seeking a  
15 definition of legal fishing gear within those drainages,  
16 as mentioned in the previous analysis, there are other  
17 areas in the district that can have returns of eulachon.

18  
19                   This proposal could easily be addressed  
20 through terms and conditions of the fishing permit by the  
21 delegated in-season manager. The proposal will limit the  
22 allowable gear if passed in the Federal waters, but we  
23 mentioned in the previous analysis there's multiple  
24 jurisdictions in the area. So this would only apply to  
25 the Federal waters and would not affect State waters.

26  
27                   The OSM preliminary conclusion is to  
28 oppose the proposal as there's no need to define  
29 allowable gear type in regulation for the Burroughs Bay  
30 area. Applicable gear types, except hoop net or ring  
31 net, could be listed as a term of the permit by the  
32 Federal in-season manager to provide for conservation  
33 should fishing resume.

34  
35                   Thank you.

36  
37                   CHAIRMAN TOWARAK: Are there any  
38 questions of the Staff from the Board.

39  
40                   (No comments)

41  
42                   CHAIRMAN TOWARAK: Not hearing any.  
43 Thank you for your presentation. We'll get summary of  
44 public comments from the regional coordinator.

45  
46                   MR. LARSON: Thank you, Mr. Chairman. In  
47 your Board book there are three public comments. I think  
48 they could be summarized to say that the use of --  
49 restricting the use of gear to only these three gear  
50 types and not including seines does not allow for the

1 continuation of subsistence uses. There is one public  
2 comment from Mr. Jeff Moran, who is the director of the  
3 fish and wildlife from the Metlakatla Indian Community  
4 that is not printed in your Board book, but it's been  
5 provided separately, I believe. Again, the same comments  
6 are true that only a seine provides the fish necessary  
7 for a continuation of their traditional fishing  
8 practices.

9

10 Thank you.

11

12 CHAIRMAN TOWARAK: Thank you. Are there  
13 any questions of the coordinator.

14

15 (No comments)

16

17 CHAIRMAN TOWARAK: Thank you for that  
18 summary. We'll open the floor to public testimony.

19

20 MR. PROBASCO: Mr. Chair. I believe Mr.  
21 Lang would like to speak. Is that correct?

22

23 MR. LANG: Thank you for recognizing me.  
24 I just wanted to reiterate in one of my opening  
25 statements the last time I was here was the three issues  
26 involving eulachon we're adamantly opposed to. I just  
27 wanted to reiterate that and get that on the record.  
28 That's all I have to say.

29

30 Thank you.

31

32 CHAIRMAN TOWARAK: Thank you. Are there  
33 any questions of Mr. Lang.

34

35 (No comments)

36

37 CHAIRMAN TOWARAK: Thank you for your  
38 brevity.

39

40 MR. PROBASCO: Mr. Chair. I talked to  
41 Mr. Louie Wagner before we came back and Mr. Wagner said  
42 he would like to reference his previous comments on FP11-  
43 18, which are applicable to both 13-20 and 13-21.

44

45 CHAIRMAN TOWARAK: Okay. For the Board,  
46 the written comments are on Page 100 and 101. That  
47 concludes the public testimony portion of this process.  
48 We will move on then to the Regional Council's  
49 recommendations.

50

1 Mr. Adams.

2

3 MR. ADAMS: Thank you, Mr. Chairman. The  
4 Southeast Alaska Subsistence Regional Advisory Council  
5 recommendation for this proposal is to oppose it. The  
6 justification reads thus: Restricting the gear as  
7 suggested would result in methods that are too  
8 inefficient for practical purposes. Reducing the harvest  
9 limit as suggested would prevent sharing of this  
10 important resource; a culturally significant aspect of a  
11 subsistence fishery. It is expected that Federal  
12 managers would communicate and cooperate with potential  
13 fishers prior to opening the fishery to provide for a  
14 conservative fishery.

15

16 That's the extent of our comments on this  
17 proposal, Mr. Chairman. Thank you.

18

19 CHAIRMAN TOWARAK: Are there any  
20 questions of the chair.

21

22 (No comments)

23

24 CHAIRMAN TOWARAK: Thank you, Mr. Adams.  
25 We will move along then to the Alaska Department of Fish  
26 and Game.

27

28 MS. YUHAS: Thank you, Mr. Chairman.  
29 Jennifer Yuhas, State liaison team. The Department  
30 supports this proposal, citing conservation concerns on  
31 Page 98.

32

33 CHAIRMAN TOWARAK: Thank you. Are there  
34 any questions of the State.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: Thank you for your  
39 testimony. We will move on then to Interagency Staff  
40 Committee comments.

41

42 MS. O'REILLY-DOYLE: The Interagency  
43 Staff Committee provides its standard comment.

44

45 CHAIRMAN TOWARAK: Thank you. Board  
46 discussion with Council chairs and State liaison.

47

48 (No comments)

49

50 CHAIRMAN TOWARAK: Not seeing any. I



1 will open the floor for Federal Subsistence Board action.

2

3 MR. OWEN: Motion.

4

5 CHAIRMAN TOWARAK: Motion available.

6

7 MR. OWEN: Thank you, Mr. Chairman. I  
8 move to adopt Proposal FP13-20. After a second I will  
9 provide my rationale for why I will be voting against my  
10 motion and voting consistent with the recommendation of  
11 the Southeast RAC.

12

13 MR. CHRISTIANSON: Second.

14

15 CHAIRMAN TOWARAK: The motion has been  
16 seconded. We will open for further discussion.

17

18 MR. OWEN: Thank you, Mr. Chairman. My  
19 rationale is similar to that expressed by Southeast  
20 Regional Advisory Council, which you can find on Page 97  
21 and 96 of the Board book. I'd also like to make a couple  
22 additional points.

23

24 Limiting harvest to the proposed gear  
25 would be inconsistent with providing Federal priority  
26 when sufficient eulachon return to spawn. Subsistence  
27 harvesting is about culture and tradition and the economy  
28 of harvesting and this proposal would severely reduce the  
29 efficiency of the eulachon harvest when it is permitted  
30 by stock conditions.

31

32 Since we have already adopted FP11-18 as  
33 modified, there will be a permit required for harvesting  
34 eulachon in all of District 1 and that permit will give  
35 the in-season manager the tools necessary to monitor  
36 harvest and write stipulations in which reduced harvest  
37 methods, if necessary, can be applied if conservation  
38 actions are needed.

39

40 Thank you.

41

42 CHAIRMAN TOWARAK: Further discussion.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: Is there a call for  
47 the question.

48

49 MR. C. BROWER: Question.

50

1 CHAIRMAN TOWARAK: The question has been  
2 called for. Roll call, please.  
3  
4 MR. PROBASCO: Mr. Chair. Final action  
5 on FP13-20, which is to adopt the proposal to support the  
6 Southeast Regional Advisory. You'd want to vote no. Mr.  
7 Brower.  
8  
9 MR. C. BROWER: No.  
10  
11 MR. PROBASCO: Mr. Haskett.  
12  
13 MR. HASKETT: No.  
14  
15 MR. PROBASCO: Ms. Masica.  
16  
17 MS. MASICA: No.  
18  
19 MR. PROBASCO: Ms. O'Neill.  
20  
21 MS. O'NEILL: No.  
22  
23 MR. PROBASCO: Mr. Christianson.  
24  
25 MR. CHRISTIANSON: No.  
26  
27 MR. PROBASCO: Mr. Cribley.  
28  
29 MR. CRIBLEY: No.  
30  
31 MR. PROBASCO: Mr. Towarak.  
32  
33 CHAIRMAN TOWARAK: No.  
34  
35 MR. PROBASCO: Mr. Owen.  
36  
37 MR. OWEN: No.  
38  
39 MR. PROBASCO: Motion fails 0-8.  
40  
41 CHAIRMAN TOWARAK: The next proposal is  
42 FP13-21. Staff analysis, please.  
43  
44 MR. REEVES: Thank you, Mr. Chairman.  
45 Again, Jeff Reeves, U.S. Forest Service. You're going to  
46 find this one is fairly similar to the past, so I'm going  
47 to quickly summarize. The executive summary is on Page  
48 102. The analysis is on Page 103.  
49  
50 This proposal was submitted by the same

1 proponent, Stephen Huffine. He's requesting an annual  
2 harvest limit of 5 gallons of eulachon, which is  
3 approximately 35 pounds be allowed per person from those  
4 same drainages that were specified in the last proposal.  
5 His rationale is the same. He believes this will set in  
6 place a conservative subsistence fishery should stocks be  
7 healthy enough to resume to support a fishery harvest.

8  
9                   Again, this proposal could easily be  
10 addressed through terms and conditions of the permit as  
11 delegated by the in-season manager and the proposal will  
12 institute a harvest limit, so it would reduce the number  
13 of eulachon that a Federally qualified subsistence user  
14 could take. By that, it's also going to affect the  
15 ability of some qualified users that practice cultural  
16 activities, such as grease or oil production, as you need  
17 a larger number of eulachon to produce a substantial  
18 quantity of grease.

19  
20                   Again, the regulation would not apply to  
21 actions under State jurisdiction and State waters. So  
22 the OSM preliminary conclusion is to oppose the proposal  
23 as there's no need again to define the individual harvest  
24 limits as the Federal in-season manager can do that again  
25 through the terms and conditions of the permit.

26  
27                   Thank you.

28  
29                   CHAIRMAN TOWARAK: Are there any  
30 questions regarding the analysis.

31  
32                   (No comments)

33  
34                   CHAIRMAN TOWARAK: Not hearing any.  
35 We'll go to summary of public comments by the regional  
36 coordinator.

37  
38                   MR. LARSON: Yes, Mr. Chair, There's  
39 four public comments and they're all in opposition.  
40 These are the same public comments that I referenced for  
41 the previous proposal. Again, the common thread running  
42 through them all is that this action would not allow the  
43 continuation of subsistence uses.

44  
45                   Thank you.

46  
47                   CHAIRMAN TOWARAK: Thank you. Are there  
48 any questions from the Board.

49  
50                   (No comments)

1 CHAIRMAN TOWARAK: Not hearing any, we  
2 will then continue to open the floor for public  
3 testimony.

4  
5 MR. PROBASCO: Mr. Chair. Both Mr.  
6 Wagner and Mr. Lang would like to reference their  
7 previous oral testimony on the previous two proposals  
8 that affect Proposal 21.

9  
10 CHAIRMAN TOWARAK: Are there any  
11 questions on the Board regarding their testimony.

12  
13 (No comments)

14  
15 CHAIRMAN TOWARAK: I assume those were  
16 the only public comments.

17  
18 MR. PROBASCO: That's correct, Mr. Chair.

19  
20 CHAIRMAN TOWARAK: Thank you. We will  
21 then move on to Regional Council recommendations.

22  
23 Mr. Adams.

24  
25 MR. ADAMS: Thank you, Mr. Chair. The  
26 Southeast Alaska Subsistence Regional Advisory Council  
27 recommendation is to oppose this proposal. The  
28 justification is that adopting this proposal would be an  
29 unnecessary restriction on subsistence uses of eulachon.  
30 The in-season manager has the ability to set harvest  
31 limits as required for conservation. Any future fishery  
32 will be managed conservatively through appropriate  
33 conditions on the subsistence fishing permit. These  
34 conditions will be established through consultation with  
35 users and State managers. Adopting the proposal would  
36 restrict the harvest to such an extent that the customary  
37 trade of eulachon or the production of eulachon grease  
38 would be prevented. There would be a significant  
39 increase in cost of participation by subsistence users.

40  
41 Thank you, Mr. Chairman.

42  
43 CHAIRMAN TOWARAK: Any questions from the  
44 Board of the chair?

45  
46 (No comments)

47  
48 CHAIRMAN TOWARAK: Not hearing any. We  
49 will hear from the Alaska Department of Fish and Game.

50

1 MS. YUHAS: The State has no comments on  
2 this proposal, Mr. Chairman.

3  
4 CHAIRMAN TOWARAK: Thank you. Any  
5 questions of the State.

6  
7 (No comments)

8  
9 CHAIRMAN TOWARAK: Not hearing any. Then  
10 we will hear from the Interagency Staff Committee.

11  
12 MS. O'REILLY-DOYLE: Mr. Chair. The  
13 Interagency Staff Committee has the standard comment.

14  
15 CHAIRMAN TOWARAK: Thank you. We will  
16 continue on to the Board discussion with Council chairs  
17 and the State liaison.

18  
19 (No comments)

20  
21 CHAIRMAN TOWARAK: Not hearing any, we  
22 will then finalize action on FP13-21.

23  
24 MR. OWEN: Motion, Mr. Chairman.

25  
26 CHAIRMAN TOWARAK: The floor is open for  
27 a motion.

28  
29 MR. OWEN: Thank you, Mr. Chairman. I  
30 move to adopt Proposal FP13-21. If I get a second, I  
31 will provide a rationale why I will be voting against my  
32 motion and in a way consistent with the recommendation of  
33 the Southeast RAC.

34  
35 MR. C. BROWER: Second.

36  
37 CHAIRMAN TOWARAK: There's a second by  
38 Charlie Brower. Any discussion. Please continue.

39  
40 MR. OWEN: Thank you, Mr. Chairman. My  
41 rationale is similar to that provided by the Southeast  
42 RAC on Page 107 and 105 of the Board book. In addition,  
43 I'd like to state that limiting harvest to the proposed  
44 quantity would be inconsistent with providing Federal  
45 priority when there are sufficient eulachon return for  
46 spawn. This proposal would not allow for efficient  
47 eulachon harvesting. Since we've adopted FP11-18  
48 previously today as modified, there will be a permit  
49 required for all harvesting throughout District 1. The  
50 permit will give the in-season manager a tool to monitor

1 harvest and write stipulations to reduce harvest  
2 quantities as required for conservation needs.

3

4 Thank you, Mr. Chairman.

5

6 CHAIRMAN TOWARAK: Thank you, Mr. Owen.  
7 Any further discussion.

8

9 (No comments)

10

11 MR. CRIBLEY: Call for question.

12

13 CHAIRMAN TOWARAK: The question has been  
14 called for. Roll call, please.

15

16 MR. PROBASCO: Thank you, Mr. Chair.  
17 Final action on Proposal FP13-21 to adopt the proposal.  
18 If you support the Southeast Regional Advisory Council's  
19 recommendation, you would vote no.

20

21 MR. PROBASCO: Mr. Haskett.

22

23 MR. HASKETT: No.

24

25 MR. PROBASCO: Ms. Masica.

26

27 MS. MASICA: No.

28

29 MR. PROBASCO: Ms. O'Neill.

30

31 MS. O'NEILL: No.

32

33 MR. PROBASCO: Mr. Christianson.

34

35 MR. CHRISTIANSON: No.

36

37 MR. PROBASCO: Mr. Cribley.

38

39 MR. CRIBLEY: No.

40

41 MR. PROBASCO: Mr. Towarak.

42

43 CHAIRMAN TOWARAK: No.

44

45 MR. PROBASCO: Mr. Owen.

46

47 MR. OWEN: No.

48

49 MR. PROBASCO: Mr. Brower.

50

1 MR. C. BROWER: No.

2

3 MR. PROBASCO: Motion fails 0-8.

4

5 CHAIRMAN TOWARAK: Thank you. As  
6 introduced this morning when we were setting up our  
7 agenda, we agreed to take care of FP09-05. It's on Page  
8 310 in the Board's book. Could we have the analysis by  
9 the lead author, please.

10

11 MR. SUMINSKI: Good afternoon. My name  
12 is Terry Suminski with the U.S. Forest Service. I'm the  
13 subsistence program leader for the Tongass National  
14 Forest. You'll find the executive summary for Proposal  
15 FP09-05 on Page 310 with the analysis beginning on Page  
16 311 of your books.

17

18 Proposal FP09-05 was submitted by the  
19 Sitka Tribe of Alaska. It seeks to close the Federal  
20 public waters in the Makhnati Island area near Sitka to  
21 the harvest of herring and herring spawn except for  
22 subsistence harvests by Federally qualified subsistence  
23 users. This proposal was deferred for a period not to  
24 exceed two years by this Board in January 2009 and for  
25 another period of two years again in January of 2011.

26

27 The proponent believes a closure of these  
28 waters is necessary to ensure the continuation of  
29 subsistence uses by Federally qualified subsistence users  
30 and to provide a meaningful preference for qualified  
31 subsistence users of herring. The proponent states that  
32 subsistence users were unable to harvest the amount of  
33 herring spawn necessary for subsistence uses in 2005 ,  
34 2007, 2008, 2011, and 2012.

35

36 Under existing Federal regulations, all  
37 rural residents of Alaska are eligible to harvest herring  
38 and herring spawn from Federal public waters in southeast  
39 Alaska. There are no closed seasons, harvest limits or  
40 closed areas in regulation.

41

42 The Federal subsistence program has  
43 jurisdiction over approximately 800 acres of marine  
44 waters near Makhnati Island near Sitka.

45

46 This Board rejected a similar proposal in  
47 the 2008 regulatory cycle. That was Proposal FP08-18.  
48 The Board's rationale for rejection was that there was  
49 not substantial evidence of a conservation concern or a  
50 need for a closure to ensure the continuance of

1 subsistence uses.

2

3

4 In January of 2009, the Federal  
5 Subsistence Board deferred this proposal until the next  
6 fisheries cycle to allow pending research to be completed  
7 and peer reviewed and also to wait until the Alaska Board  
8 of Fisheries ruled on a variety of proposals that could  
9 make changes to the Sitka Sound herring fisheries.

9

10

11 In January of 2011, the Board deferred  
12 this proposal again for the following reasons: The Sitka  
13 Tribe of Alaska was conducting a study commissioned by  
14 the Bureau of Indian Affairs of current herring  
15 management in Sitka Sound. However, this study has not  
16 been peer reviewed for publication and is not ready for  
17 review by this Board at this time. The Sitka Tribe of  
18 Alaska wanted results of project 08-651 to be available  
19 to the Council and Board. The study has been completed.  
20 It showed that although an important area for subsistence  
21 herring egg harvest relatively small amounts are  
22 harvested in Federal public waters. The Sitka Tribe of  
23 Alaska also formed a Herring Planning Research Priority  
24 Group and the work of that group is not ready for review  
25 by this Board at this time.

25

26

27 On February 28th, 2012, the Alaska Board  
28 of Fisheries took action to define a subsistence only or  
29 non commercial sac roe zone in Sitka Sound. You can find  
30 a map of this on Figure 1 on Page 191 in your book.  
31 There's actually a better map on Page 332.

31

32

33 This proposal would close the Federal  
34 public waters in the Makhnati Island area near Sitka to  
35 all uses of herring and herring spawn except for  
36 subsistence harvest by Federally qualified users. All  
37 rural residents of Alaska would be eligible to harvest  
38 herring and herring spawn for subsistence purposes, but  
39 there would be no State subsistence, sport or commercial  
40 harvest in Federal public waters.

40

41

42 The OSM preliminary conclusion is to  
43 oppose this proposal. This proposal is similar to the  
44 proposal considered by the Board at its December 2007  
45 meeting. At that time the Board determined there was no  
46 conservation concern in this area for herring and that  
47 closing Federal public waters to non-Federally qualified  
48 users would not benefit subsistence users. The biomass in  
49 Sitka Sound has been trending higher since 1971, and the  
50 greatest estimated biomass occurred in 2011.

50



1                   No commercial harvest has occurred in  
2 Federal public waters from 2007 through 2010 or in 2012.  
3 Most of the commercial harvest has been taken well away  
4 from Federal public waters and traditional subsistence  
5 harvest areas, and there have been no restrictions on  
6 subsistence uses.

7  
8                   In years when subsistence harvests were  
9 not adequate it is unlikely that a closure to other users  
10 in the Makhnati Federal Public waters would have made a  
11 difference.

12  
13                   Recent actions by the Alaska Board of  
14 Fisheries have created a non-commercial sac roe fishing  
15 zone that protects subsistence uses in the more  
16 productive portions of the Makhnati Federal Public  
17 waters.

18  
19                   Adoption of this proposal would result in  
20 further area closures to non-Federally qualified users,  
21 which do not appear to be needed for either conservation  
22 purposes or to protect Federally qualified uses.

23  
24                   Thank you.

25  
26                   CHAIRMAN TOWARAK: Thank you. Are there  
27 any questions of the Staff.

28  
29                   (No comments)

30  
31                   CHAIRMAN TOWARAK: Thank you for that  
32 presentation. We will get a summary of the public  
33 comments from the regional Council coordinator.

34  
35                   MR. LARSON: Thank you, Mr. Chair. In  
36 your Board book, there are four written public comments.  
37 These are from commercial fishery trade group interests.  
38 They have a similar theme, is that this action would be  
39 unnecessary for the continuation of subsistence uses and  
40 there's not a conservation concern.

41  
42                   I feel it may be appropriate to reference  
43 previous public comments. There's been many public  
44 comments the first time the Board heard this proposal.  
45 The Regional Council has heard considerable public  
46 testimony, so this is not, of course, the only written  
47 public comments. It's the only written public comments  
48 for this proposal at this time.

49  
50                   Thank you.

1 CHAIRMAN TOWARAK: Any questions  
2 regarding public comments.

3  
4 (No comments)

5  
6 CHAIRMAN TOWARAK: If not, then we will  
7 thank you for that summary. Open the floor to public  
8 testimony.

9  
10 MR. PROBASCO: Thank you, Mr. Chair. We  
11 have two people that signed up for this proposal to  
12 testify. The first person is Harvey Kitka.

13  
14 MR. KITKA: Good afternoon, Mr. Chair and  
15 Federal Board and the Staff. Thank you for letting me  
16 testify to this. I know the Sitka Tribe has put in for  
17 this proposal. The reason we put in for it was  
18 originally to have a place that we could subsist. Over  
19 the years it has changed a little bit. The last three or  
20 four years we've talked about this within our tribal  
21 council and within our committees. We've come to the  
22 conclusion that it's not really so much for subsistence  
23 now as -- well, it is still strong as subsistence, but  
24 more for conservation now.

25  
26 I realize the State and the Federal Staff  
27 here said that there was no conservation concerns, but if  
28 you'd take a look at what happened this last year, it  
29 didn't only happen in Sitka, Alaska. This happened all  
30 the way from Canada, from Washington, all the way up to  
31 Alaska. It might even happen further up north. I'm not  
32 too sure. But when the commercial fishermen cannot catch  
33 half their quota of the biomass that they said is out  
34 there and them not knowing exactly what's out there and  
35 telling us that the biomass is bigger than ever, but when  
36 they take and set their gillnets out there and they don't  
37 know, the fish that they're getting is not really what  
38 they say it is.

39  
40 We've told them for years in Sitka Sound  
41 there is not only herring that are in part of that  
42 biomass. You've got a fish called silver hake that is  
43 out there in the juvenile state. You've also got shrimp  
44 that are out there in that same time and they're all  
45 coming together. This is one of the reasons we said one  
46 day the fisheries are getting close to collapsing. The  
47 age of the herring that they're going to catch, the  
48 percentage of what they're going to catch is almost all  
49 older fish. The younger fish just don't even show up on  
50 their scale of what they're going to catch. The

1 percentage is dropping and it's been dropping for a lot  
2 of years.

3  
4 This has triggered to the point where we  
5 figure we might have a total collapse here pretty soon.  
6 If we have total collapse, there's going to be a lot of  
7 creatures that survive on this fish out there that are  
8 not going to be able to survive. I know it's a big diet  
9 for the whales. When the Canadians started losing their  
10 fishery, the herring fishing started disappearing, the  
11 whales left that area and you can guess where they're at  
12 now. They're in Prince William Sound and in the Sound  
13 area. The only reason they're there is because there is  
14 some more fish there.

15  
16 If you'd look at what we considered our  
17 spawning area and what is left now, according to our  
18 records some of our elders from as far back as 1925, our  
19 little island on the southern tip is called Cape Ommaney  
20 and if you went from there to where they talked about,  
21 which is up in Lisianski Strait, which is up on the next  
22 island, the whole area within a two-week period would  
23 turn white from herring spawn. Now that all that is left  
24 is a few little islands in Sitka Sound and they tell us  
25 that this is not a conservation concern. You've got to  
26 be kidding. This is one of the biggest conservation  
27 concerns there is.

28  
29 When predation gets to the point where  
30 the stock can't recover, you're going to be in big  
31 trouble. For this reason, that's one of the reasons we  
32 put in for this area to be closed. We wanted an area  
33 where the herring are not to be disturbed during their  
34 spawning cycle. There's got to be at least a small place  
35 saved for them and for all the creatures that live off of  
36 them.

37  
38 I probably have a lot more to talk about,  
39 but I think I'll stop there and let you guys ask  
40 questions if you want.

41  
42 CHAIRMAN TOWARAK: Are there questions  
43 from the Board to Mr. Kitka.

44  
45 MR. CRIBLEY: Yeah, through the Chair to  
46 Mr. -- what is your last name?

47  
48 MR. KITKA: Kitka.

49  
50 MR. CRIBLEY: Kitka?

1 MR. KITKA: Yes. Kind of like Sitka.

2

3 MR. CRIBLEY: Oh, okay. Well, I didn't  
4 want to say that. I figure I'm in enough trouble as it  
5 is. If we were to do what you're recommending, this  
6 area, these Federal waters, though it's a very small area  
7 within this entire region, would still be open to  
8 subsistence harvest, wouldn't it? So it's not like it  
9 would be precluded from -- it wouldn't be a refuge in  
10 entirety. It still could be harvested if the herring  
11 were there and subsistence users wanted to go in there,  
12 is that correct?

13

14 MR. KITKA: Yes, sir, that's correct.

15

16 MR. CRIBLEY: Do you feel -- my  
17 understanding is also that the Alaska Fish and Game  
18 Department has put into place a fairly large area to the  
19 north of there that also includes some of the other  
20 Federal waters exclusively for subsistence use. Do you  
21 feel that that has identified and is meeting the needs of  
22 subsistence use in that area and how that relates to this  
23 small area just to the south of that designated closed  
24 area to only subsistence use?

25

26 MR. KITKA: Thank you for the question.  
27 I realize that they had closed an area. It wasn't as big  
28 an area that we had asked for. It didn't cover a lot of  
29 the subsistence areas that we do subsist in. A big  
30 portion of that area that is closed now is basically not  
31 suitable for subsistence. The sandy bottom makes it  
32 detrimental to our subsistence style of harvest. I don't  
33 think there's anybody around that likes to eat sand or  
34 rocks. That is very unhealthy.

35

36 This area would extend that closure just  
37 around another small part of the island. Years passed.  
38 This was the area where the herring first started to  
39 spawn and over the years they've got kind of pushed away  
40 from this area. More by the test settings that are done  
41 by the commercial fishermen. Sometimes they'll test set  
42 around the area until the herring decide they're going to  
43 go spawn someplace else. They kind of change the pattern  
44 of how they spawn and now it's kind of almost the last  
45 place where they end up spawning.

46

47 This area we do harvest different types  
48 of eggs within that area. Not so much the branches that  
49 we put in water in other places, but we got the two  
50 different types of kelp that we harvest the eggs on.

1 This is not only by the Native community. This is done  
2 by pretty much all of Sitka area itself. We are a rural  
3 community and most everybody has adapted to eating a lot  
4 of the stuff that we eat. We tried very hard to tell  
5 them it's not good, but they didn't listen to us.

6

7 (Laughter)

8

9 MR. CRIBLEY: Thank you.

10

11 CHAIRMAN TOWARAK: Any further questions.

12

13 MR. KITKA: Mr. Chair.

14

15 CHAIRMAN TOWARAK: Go ahead, Mr. Kitka.

16

17 MR. KITKA: Can I saw one more thing. I  
18 realize I'm looking at the Southeast RAC, which I'm a  
19 member of but not representing at this point. At the  
20 time that this meeting was taking place, I was not  
21 allowed -- well, I was allowed, but I couldn't attend the  
22 meetings and I couldn't voice my opinions to the rest of  
23 the RAC. I have a feeling that some of the other RAC  
24 members would have voted the other way and supported our  
25 position. Being as that I had other duties that I had to  
26 take care of, I really feel bad that I didn't get to be  
27 a part of it. I'd like to say thank you.

28

29 CHAIRMAN TOWARAK: Any further questions  
30 or comments.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Thank you, Mr. Kitka.

35

36 MR. PROBASCO: Mr. Chair. The last  
37 person we had signed up for this -- and excuse me, Steve,  
38 pronouncing your last name, Steve Reifenstuhl.

39

40 MR. REIFENSTUHL: Thank you. Close  
41 enough. Thank you for allowing me to testify here before  
42 you today. My name is Steve Reifenstuhl. I'm  
43 representing two groups today, United Fishermen of Alaska  
44 and the Southeast Herring Conservation Alliance.

45

46 I guess first I'd like to talk about  
47 process a little bit. I was attending -- the only reason  
48 I'm in Anchorage was attending the Marine Science  
49 Symposium. I'm on the North Pacific Research Board, but  
50 I came in here to listen to the Kootznoowoo summary and

1 then realized -- or saw the Board decide to bring this  
2 proposal back on for consideration after it's been voted  
3 down by this Board and by the Southeast RAC. As Mr.  
4 Suminski summarized, you've been hearing about it for  
5 four years.

6  
7 First of all, of course, these groups are  
8 opposed to this proposal. The four letters that are in  
9 the proposal packet that you have I've checked with the  
10 other two besides the groups I'm representing. They stand  
11 by those letters. I was at the September RAC meeting  
12 when this was voted down again and I testified at that  
13 meeting.

14  
15 The Alaska Board of Fish arrived at a  
16 compromise that you've heard a little bit about on the  
17 core area where there is no longer any commercial fishing  
18 allowed. That encompasses about 25 square kilometers.  
19 It also encompasses roughly 80 percent of the Makhnati  
20 Island area in question in this particular proposal.  
21 That area also represents about 80 percent, the new core  
22 area that the Board of Fish adopted represents about 80  
23 percent of what the Sitka Tribe of Alaska proposed as a  
24 Board of Fish proposal. So most of the area in that  
25 compromise to establish a core area was given. So it's  
26 a very large area and most of the subsistence herring  
27 harvest occurs in that area. Very little of it occurs up  
28 by the marine docks that was not included in the  
29 proposal.

30  
31 I have personally been in charge of  
32 harvesting subsistence herring eggs in 2009, 2010 and  
33 2012. All those eggs, 30,000 pounds in two years and  
34 20,000 pounds of eggs in one year were all harvested from  
35 that core area that was adopted by the Board of Fish.  
36 Many more thousands of pounds would have been harvested  
37 last year in 2012, but most of the lines have been cut,  
38 so we were only able to get 20,000 pounds. These eggs  
39 were brought to the dock in Sitka and distributed to  
40 anybody that wanted them.

41  
42 The proposal to add on this small area to  
43 the south of Makhnati is rarely utilized for subsistence.  
44 It's also not that often that there's a herring fishery  
45 there, but it would not help local subsistence users  
46 because it's rarely used at all. The other problem I see  
47 with it is that it would disqualify people from Juneau  
48 and Ketchikan. If Sitka doesn't succeed in maintaining  
49 its rural designation, we're above the population, us  
50 Sitkans wouldn't be allowed to harvest in that Federally

1 qualified area. So I see that as a pretty big problem.

2

3                   One thing I will agree with Mr. Kitka is  
4 when I tried herring eggs for the first time they are  
5 delicious and, of course, they're excellent protein.  
6 Many people in Sitka have adopted the custom of eating  
7 herring eggs. But I think it's important to point out  
8 the Sitka herring fishery is composed of many Alaska  
9 Natives. The Sitka herring fishery in particular,  
10 counting the permit holders, 19 percent of the permit  
11 holders are Alaska Native, and crew is 30 percent of the  
12 participation. Restricting or reducing the fishery is  
13 going to harm Alaska Natives as well as the community of  
14 Sitka and people that come from all around the state that  
15 fish there.

16

17                   I would note that 70 percent of the  
18 herring permits are owned by Alaskans. You've heard of  
19 many of the names, I'm sure, that participate in the  
20 fishery, the Demerts, the Carls, Lynch, the Woods, Leroy  
21 Johns and the Skeeks. These people still participate.

22

23                   So I guess the last thing I would like to  
24 mention is that what happened in 2012 was a downturn in  
25 the biomass, but any natural population that is managed  
26 or not managed has ups and downs. We would be unique if  
27 there was a biological population that just continued to  
28 grow. The only example of that are all the people  
29 sitting around this table, the humans. Eventually we'll  
30 probably plateau.

31

32                   So, to see one year of a downturn is not  
33 a trend. It may be a trend that it's going to continue  
34 down, but right now it was one year and it was still  
35 90,000 tons. The biomass would be 20 -- I'm sorry, the  
36 guideline harvest would be 20 percent of that or 18,000  
37 tons, but the Department of Fish and Game decided to be  
38 more conservative and precautionary and their quota that  
39 they've established is roughly 11,500 tons for this 2013  
40 year.

41

42                   The trend, if you look at the trend,  
43 which is in your packet, for 40 years it has been  
44 increasing rather steadily. The 1970s it was 5,000 tons.  
45 Last year the estimate was 135,000 tons. That missed the  
46 mark a bit, but nevertheless the trend is pretty evident  
47 and that is in your packet. There's a graph with that.

48

49                   There's a couple comments made and I just  
50 want to clarify. Canada decided to not harvest their 20

1 percent quota last year. The fish were there, but they  
2 decided not to harvest them. Togiak, the biggest biomass  
3 in Alaska, did not harvest their full quota last year,  
4 but they could have. In Sitka, the problem was the fish  
5 arrived on scene and they spawned very rapidly and moved  
6 out and the opportunity wasn't there. It was also many  
7 people weren't able to get their branches out in time  
8 because the spawn occurred in about four days and it came  
9 on very fast and many people missed. If we wouldn't have  
10 gotten 20,000 pounds we harvested plus the 10,000 pounds  
11 that John Carl provided, Sitka would have really been  
12 hurting.

13

14                   Again, last year there was 55 miles of  
15 spawn, which is very similar to the 40-year average.  
16 Another unusual thing occurred last year is that some of  
17 the herring went all the way up the Slocum. You heard  
18 Mr. Kitka mention there used to be herring from Cape  
19 Ommaney to Lisianski. Well, some of these fish last year  
20 went all the way up to Lisianski and came -- or very  
21 close to Lisianski and spawn in Slocum Arm. That hasn't  
22 been seen in many years.

23

24                   There's probably a good reason why there  
25 aren't as many herring around as there were 200 years ago  
26 and a big part of that is the whale harvest, so you  
27 killed one of the main predators and herring were able to  
28 spawn anywhere and not have many predators taking a big  
29 chunk of them out. Now we're sort of opposite of that.  
30 The whale population is increasing about 7 percent per  
31 year and they're taking more herring. I think Mr. Kitka  
32 or someone else mentioned that Prince William Sound is  
33 thought to be held down by whale predation.

34

35                   I think with that I will conclude.

36

37                   Thank you very much.

38

39                   CHAIRMAN TOWARAK: Thank you. Are there  
40 any questions of Mr.....

41

42                   MR. REIFENSTUHL: Reifenstuhl or Steve.

43

44                   CHAIRMAN TOWARAK: Mr. Reifenstuhl. Go  
45 ahead, Mr. Christianson.

46

47                   MR. CHRISTIANSON: I was looking at the  
48 maps and you mentioned that one way or the other it  
49 really wouldn't impact the commercial fishery. Your  
50 concern is more for the subsistence users that would



1 probably be excluded if there was a conservation issue.

2

3 MR. REIFENSTUHL: Well, I don't think  
4 there is a conservation issue and that's why we shouldn't  
5 take more area away from commercial fishing. The concern  
6 about the Federally-qualified users is something I've  
7 heard it talked about before. I'm sure you're aware. If  
8 you decide to allow only Federally qualified users, then  
9 you're excluding people from Juneau and Ketchikan. Sitka  
10 is up to see if we're going to maintain our status.  
11 Whether we will or not, I don't know, but it could  
12 exclude Sitka from those areas. I only raise it as I  
13 think it should be a concern to be aware of.

14

15 MR. CHRISTIANSON: But that wouldn't  
16 impact the commercial fishery at all if they did get that  
17 little addition south of what the State had put down as  
18 a.....

19

20 MR. REIFENSTUHL: Yes. On certain years  
21 it could impact the commercial fishery.

22

23 CHAIRMAN TOWARAK: Any further questions.

24

25 (No comments)

26

27 CHAIRMAN TOWARAK: Thank you for your  
28 testimony.

29

30 MR. REIFENSTUHL: Thank you.

31

32 CHAIRMAN TOWARAK: Are there other  
33 public?

34

35 MR. PROBASCO: That's all I had, Mr.  
36 Chair.

37

38 CHAIRMAN TOWARAK: Thank you. Then we  
39 will go on to number 4 on the process of getting Regional  
40 Council recommendations.

41

42 Mr. Adams.

43

44 MR. ADAMS: Thank you again, Mr. Chairman.  
45 The Southeast Alaska Subsistence Regional Advisory  
46 Council's recommendation is to oppose this proposal.

47

48 The justification for that would be that  
49 the majority of the Council agreed there was no  
50 conservation concern for the Sitka Sound herring stock.

1 The stock has shown an increasing population trend for  
2 many years and even with the erroneous high forecast in  
3 2012, the stock is at a high abundance level. The recent  
4 decision by the State Board of Fish to close a  
5 significant portion of Sitka Sound, including most of the  
6 Federal public waters, to commercial fishing was an  
7 important factor in the decision to not support the  
8 proposal.

9  
10 The decision by the State Board of Fish  
11 was a consensus, arrived at through a public process with  
12 all the stakeholders participating. The Council should  
13 honor that process. Several council members noted that  
14 herring eggs are typically harvested by residents of many  
15 communities and shared widely throughout the State.  
16 Residents of urban communities, specifically Juneau and  
17 Ketchikan, have a long history of use of this resource  
18 and this proposal would unnecessarily prevent harvesting  
19 in this area by residents of urban communities. This is  
20 the Southeast Regional Advisory Council's position on  
21 this issue, Mr. Chairman.

22  
23 Thank you.

24  
25 CHAIRMAN TOWARAK: Thank you, Mr. Adams.  
26 Are there any questions of the Regional chair.

27  
28 (No comments)

29  
30 CHAIRMAN TOWARAK: Not hearing any, then  
31 we will continue to the Alaska Department of Fish and  
32 Game commends.

33  
34 MS. YUHAS: Thank you, Mr. Chairman.  
35 Jennifer Yuhas, State liaison team. The Department also  
36 opposes this proposal as unnecessary. The State already  
37 provides closure for commercial uses, but allows for  
38 State subsistence uses and under Section .815 of ANILCA  
39 this Board is mandated only to exclude other users when  
40 there is a conservation concern and not do so  
41 unnecessarily. That's why you have that as a section,  
42 impacts to other users. So we find it unnecessary and  
43 likely in violation of Section .815.

44  
45 CHAIRMAN TOWARAK: Thank you. Are there  
46 any questions of the State.

47  
48 (No comments)

49  
50 CHAIRMAN TOWARAK: Not hearing any, then

1 we will continue with the Interagency Staff Committee  
2 comments.

3

4 MS. O'REILLY-DOYLE: Mr. Chair. The  
5 Interagency Staff Committee provides a standard comment.

6

7 CHAIRMAN TOWARAK: Thank you. Number 7,  
8 Board discussion with Council chairs and State liaison.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: I want to ask for  
13 about a five-minute recess. I'd like to have a short  
14 discussion with the Regional chairs. I just wanted to  
15 ask a private question. Is there any objection to that.

16

17 (No comments)

18

19 CHAIRMAN TOWARAK: We'll take a five-  
20 minute break. We'll be back here -- it's 3:06. We'll be  
21 back by 3:10.

22

23 (Off record)

24

25 (On record)

26

27 CHAIRMAN TOWARAK: I will call our  
28 meeting back to session. We were on item number 8,  
29 Federal Subsistence Board action. The floor is open to  
30 the Board for action.

31

32 MR. OWEN: Motion.

33

34 CHAIRMAN TOWARAK: Let me take a couple  
35 minutes to give the public an explanation of my time out.  
36 There was a process at the Regional Advisory Council  
37 level in the deliberations of this proposal where some  
38 key members of that Regional Advisory Council were not  
39 present at the meeting. Had those two been there,  
40 according to an explanation given to us by the Regional  
41 Council Chair, it's possible that the vote might have  
42 been different, but based on our legal advice, that is  
43 not -- we cannot take that into consideration in our  
44 deliberations.

45

46 Personally, since I have been on this  
47 Board, since I've been the Chairman, I have used the  
48 mandate from the Secretary of the Interior to vote  
49 according to how the Regional Advisory Council members  
50 vote. I personally feel obligated to that and I've

1 explained that to the Board members, so we're going to  
2 let the process go through. Even if we don't pass this  
3 proposal, there is still the option of bringing it up as  
4 another proposal next year. I want to explain that to  
5 the Regional Advisory Council members that are here that  
6 that's an option.

7  
8 We elected not to defer it again. It's  
9 been deferred for four years. We elected not to defer it  
10 and to go with the recommendations of the Regional  
11 Advisory Council. So I hope that clarifies to you the  
12 short break we took. I just wanted to make the public  
13 record clear on what we did during that short break. We  
14 didn't make any decision during the break. We're  
15 reconvening right here and getting back in order and  
16 doing step number 8, which is Federal Subsistence Board  
17 action. The floor is open for action.

18  
19 MR. OWEN: Motion.

20  
21 CHAIRMAN TOWARAK: Motion is available.

22  
23 MR. OWEN: Mr. Chairman, thank you. I  
24 move to adopt Proposal FP09-05. Given a second, I will  
25 provide a rationale for why I will be voting against the  
26 motion.

27  
28 MR. CRIBLEY: Second.

29  
30 CHAIRMAN TOWARAK: You heard the motion  
31 and the second. Additional discussion.

32  
33 MR. OWEN: Thank you, Mr. Chairman. My  
34 rationale is the same as the Southeast Regional Advisory  
35 Council's and can be found on Pages 329 and 327 of the  
36 Board book. This is the third time that this proposal  
37 has been before the Board. Since the last time we  
38 addressed this the State Board of Fisheries has taken  
39 significant action to reduce conflicts between the purse  
40 seine sac roe fishery and subsistence harvesting,  
41 including closing a large area important to subsistence  
42 harvesting to commercial fishing. This area closed  
43 includes the north side of the Federal waters.

44  
45 I believe that in this instance we should  
46 respect the regulatory action taken by the State  
47 consistent with Section .815(3) of ANILCA and we should  
48 also recognize that in this particular case a Federal  
49 closure would have essentially no additional advantage  
50 for subsistence users.

1 Thank you, Mr. Chair.  
2  
3 CHAIRMAN TOWARAK: Thank you. The floor  
4 is open for any questions or discussion.  
5  
6 (No comments)  
7  
8 CHAIRMAN TOWARAK: The floor is open to  
9 call for the question.  
10  
11 MR. CRIBLEY: Call for question.  
12  
13 CHAIRMAN TOWARAK: The question has been  
14 called. Roll call, please.  
15  
16 MR. PROBASCO: Thank you, Mr. Chair.  
17 Final action on FP09-05 to adopt the proposal to support  
18 the Southeast Regional Advisory Council's recommendation.  
19 A no vote would be appropriate.  
20  
21 Ms. Masica.  
22  
23 MS. MASICA: No.  
24  
25 MR. PROBASCO: Ms. O'Neill.  
26  
27 O'NEILL: With due respect to the  
28 Southeast Regional Council and the other Board members,  
29 I vote yes. I believe it is a benefit to the subsistence  
30 users.  
31  
32 MR. PROBASCO: Mr. Christianson.  
33  
34 MR. CHRISTIANSON: No.  
35  
36 MR. PROBASCO: Mr. Cribley.  
37  
38 MR. CRIBLEY: No.  
39  
40 MR. PROBASCO: Mr. Towarak.  
41  
42 CHAIRMAN TOWARAK: No.  
43  
44 MR. PROBASCO: Mr. Owen.  
45  
46 MR. OWEN: No.  
47  
48 MR. PROBASCO: Mr. Brower.  
49  
50 MR. C. BROWER: No.

1 MR. PROBASCO: Mr. Haskett.

2

3 MR. HASKETT: No.

4

5 MR. PROBASCO: Motion fails 1-7.

6

7 CHAIRMAN TOWARAK: Thank you. We will  
8 continue then with the next proposal, which is -- we're  
9 switching to the YK Delta Region with Proposal FP13-01,  
10 starting on Page 110 of the packet. For your  
11 information, there are maps on Page 107 through 109.  
12 FP13-01. The first step is analysis by the Staff.

13

14 MR. RIVARD: Thank you, Mr. Chair. Good  
15 afternoon to you, the Board members and Council  
16 representatives. My name is Don Rivard. I'm a fish  
17 biologist with the U.S. Fish and Wildlife Service, Office  
18 of Subsistence Management. The analysis for FP13-01  
19 starts on Page 111 in your Board book.

20

21 Proposal FP13-01, submitted by the  
22 Koyukuk National Wildlife Refuge, requests the removal of  
23 the Federal subsistence permit requirement for the  
24 Chinook salmon drift gillnet fishery for Yukon River  
25 Subdistricts 4B and 4C.

26

27 The Federal drift gillnet fishery in 4B  
28 and 4C has been in place since 2005. The majority of  
29 Federally-qualified subsistence users utilizing this  
30 fishery are residents of Galena and Ruby. In the first  
31 seven years of this fishery an average of 24 permits have  
32 been issued per year with an average of five permits  
33 actually fished. A total of 215 chinook salmon have been  
34 harvested in those first seven years, an average of 31  
35 fish per year. You can see this broken out on Page 116,  
36 Table 1.

37

38 Fred Bue, the in-season fisheries manager  
39 for the Yukon, just handed me the 2012 results. In 2012,  
40 seven permits were issued, two were actually fished and  
41 seven chinook salmon were harvested, so it's an even  
42 smaller number than the last seven years average.

43

44 If adopted, this proposal would eliminate  
45 the requirement for a Federal fishing permit for the  
46 subsistence drift gillnet fishery in Subdistricts 4B and  
47 4C. Removing this permit requirement most likely will  
48 not increase the amount of interest in drift gillnet  
49 fishing in those two subdistricts. Removal of the permit  
50 requirement will simplify fishing for Federally qualified

1 subsistence users and would align with other remote,  
2 non-road accessible, State and Federal managed  
3 subsistence fisheries along the Yukon River that do not  
4 require a subsistence permit.

5  
6 Mr. Chair, the OSM conclusion is to  
7 support Proposal FP13-01 as there is no need to continue  
8 impose a permit requirement on Federally qualified  
9 subsistence users to fish for chinook salmon in the  
10 mainstem Yukon River in Subdistricts 4B and 4C when  
11 utilizing a drift gillnet. If the permit requirement is  
12 removed, harvest monitoring information will still be  
13 captured in the annual household harvest surveys and/or  
14 catch calendars utilized to monitor harvest.

15  
16 Thank you, Mr. Chair.

17  
18 CHAIRMAN TOWARAK: Thank you. Are there  
19 any questions of the Staff.

20  
21 (No comments)

22  
23 CHAIRMAN TOWARAK: Thank you for that  
24 analysis. We'll move on then to the summary of public  
25 comments from the regional coordinator.

26  
27 MR. JOHNSON: Thank you, Mr. Chair,  
28 members of the Board and Council representatives. My  
29 name is Carl Johnson. I'm the Council coordination  
30 division chief for the Office of Subsistence Management.  
31 You'll note that in the executive summary it indicates  
32 there's one public comment in support and also references  
33 a Tanana Chiefs Conference memo. That full memo can be  
34 found on Page 187 of your book. That memo has two parts.  
35 One is a table summarizing TCC's position on each of the  
36 Yukon proposals and there you'll see 13-01 it strongly  
37 supports this proposal, but you'll also see another  
38 portion of the memo that references village feedback  
39 results. There it also states that the Ruby tribal  
40 administrator also made a statement to TCC that they're  
41 also in support of this proposal.

42  
43 Thank you, Mr. Chair.

44  
45 CHAIRMAN TOWARAK: Thank you. The next  
46 item on the agenda is public comment. Are there any  
47 public requests.

48  
49 MR. PROBASCO: Yes, Mr. Chair. We have  
50 a few here. The first person up is Mr. John Lamont.

1 MR. LAMONT: Mr. Chairman, Board members,  
2 Staff, guests. My name is John Lamont. I'm a  
3 traditional commercial fisherman for chinook salmon on  
4 the mouth of the Yukon River. I fully do not support  
5 this proposal. The fishery, as you know, is not a  
6 traditional fishery up there in 4B and 4C. It just  
7 opened a few years ago and there's very limited effort.  
8 Therefore, I feel it shouldn't be with the issues we have  
9 in trying to deliver more and more chinook to the  
10 Canadian border.

11  
12 So that's my comments, Mr. Chairman.

13  
14 Thank you. Any questions.

15  
16 CHAIRMAN TOWARAK: Are there any  
17 questions of Mr. Lamont from the Board.

18  
19 (No comments)

20  
21 CHAIRMAN TOWARAK: Thank you for your  
22 testimony. Next.

23  
24 MR. PROBASCO: Next, Mr. Chair, is Mr.  
25 John Sky Starkey.

26  
27 MR. STARKEY: Thank you, Mr. Chair. I'm  
28 sitting in for AVCP and Tim Andrew. AVCP's position on  
29 13-01 is support the proposal.

30  
31 Thank you.

32  
33 CHAIRMAN TOWARAK: Are there any  
34 questions of Mr. Starkey.

35  
36 (No comments)

37  
38 MR. STARKEY: Thank you.

39  
40 CHAIRMAN TOWARAK: Thank you for your  
41 brevity. Next.

42  
43 MR. PROBASCO: Mr. John Andrew.

44  
45 (No response)

46  
47 MR. PROBASCO: Mr. Aaron Kozevnikoff.

48  
49 MR. KOZEVNIKOFF: I only want to speak on  
50 13-06 through 11-08.



1 MR. PROBASCO: Okay. You had all the  
2 issues. And I see Mr. Naneng is not in the audience.  
3 That's it for this proposal, Mr. Chair.

4  
5 CHAIRMAN TOWARAK: Thank you. We will  
6 continue on to the Regional Council recommendations. I  
7 notice that Mr. Wilde is not in attendance of our meeting  
8 today. He had a family emergency.

9  
10 Mr. Reakoff.

11  
12 MR. REAKOFF: Mr. Chairman. 4B and 4C is  
13 in the Western Interior region and this proposal  
14 directly.....

15  
16 CHAIRMAN TOWARAK: I'm sorry.

17  
18 MR. REAKOFF: .....affects the Western  
19 Interior. I was approached by the U.S. Fish and  
20 Wildlife, Koyukuk/Nowitna Staff in regards to my thoughts  
21 on that permit system. I encouraged the Refuge Staff to  
22 submit this proposal.

23  
24 When the proposal was submitted by the  
25 Western Interior Regional Council, the Council's position  
26 was the subsistence users that would be utilizing 4B and  
27 4C for drift gillnet are the same users that have to run  
28 all the way down to 4A to drift gillnet fish from Galena  
29 and also from Ruby. This saves people a lot of gas  
30 money. It gave opportunity to try drift gillnet fishing.  
31 They're trying to meet their subsistence needs. They're  
32 rural subsistence users who have a customary and  
33 traditional use of chinook salmon on the Yukon River.

34  
35 When the proposal was deliberated by the  
36 Federal Subsistence Board, there was concern that there  
37 would be overfishing, there was projections of thousands  
38 of fish to be caught. The Western Interior's position  
39 was that that was highly unlikely because it's the same  
40 users meeting the same subsistence needs. The permit  
41 system shows there's very low catch. There's not a lot  
42 of good sites for drift gillnet fishing, so the people  
43 there are trying to utilize the permit, but we've had a  
44 lot of restrictions. They still fish the windows.  
45 They're still dictated by regulation when they can fish.  
46 It's not an open fishery.

47  
48 The Western Interior's position is that  
49 the concerns regarding overfishing have been invalid.  
50 This permit system is very burdensome for the local

1 users and at this point it's shown that the subsistence  
2 users who participate in the fishery don't need this  
3 additional burden and the refuge system does not need to  
4 spend additional funds to administer this permit system,  
5 so the Council voted in support of the proposal.

6

7 Thank you, Mr. Chair.

8

9 CHAIRMAN TOWARAK: Thank you, Mr.  
10 Reakoff. I was looking at the step-by-step report on my  
11 directory and the Yukon-Kuskokwim Delta Regional Advisory  
12 Council was listed first. For the information of  
13 everyone on the Board, that Council is also supporting  
14 the proposal.

15

16 Mr. Nick, have you got additional  
17 information.

18

19 MR. A. NICK: Thank you, Mr. Chair. My  
20 name is Alex Nick. I'm Council coordinator for the Y-K  
21 and Seward Peninsula. Lester Wilde would like to express  
22 his apology for not attending your meeting because his  
23 brother's wife, Harry Wilde's wife, passed away and the  
24 funeral is scheduled for tomorrow. I'm going to be  
25 sitting here for Mr. Wilde to provide Council  
26 recommendation, Mr. Chair.

27

28 For FP13-01, Council recommendation is to  
29 support the proposal. The rationale for supporting the  
30 proposal is the Council was in agreement with OSM s  
31 conclusion.

32

33 Mr. Chair.

34

35 CHAIRMAN TOWARAK: Thank you, Mr. Nick.  
36 Eastern Interior Alaska Regional Advisory Council is also  
37 listed and they reported that there's no action. Andrew.

38

39 MR. FIRMIN: I think we were on more of  
40 a time crunch at the time, so we just kind of deferred it  
41 to the Western Interior rather than going through the  
42 whole motions of going over it all. We respect the  
43 Western Interior's decision.

44

45 CHAIRMAN TOWARAK: Are there any  
46 questions of the Board, of any of the three Regional  
47 Chairs. I'm sorry, go ahead, Mr. Johnson.

48

49 MR. JOHNSON: Thank you, Mr. Chair. I  
50 was just passed an additional written public comment.

1 The Middle Yukon AC met on January 8th and discussed  
2 Proposal FP13-01 and they voted unanimously to support  
3 the proposal.

4

5 Thank you, Mr. Chair.

6

7 CHAIRMAN TOWARAK: Thank you. Any  
8 additional information or any questions.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Not hearing any, then  
13 we will hear from the Alaska Department of Fish and Game.

14

15 MS. YUHAS: Thank you, Mr. Chairman.  
16 Jennifer Yuhas, State Liaison Team. On Page 110, your  
17 table is actually inaccurate. When you read the  
18 Department's conditional support, we're recommending  
19 elimination of the fishery and we did submit a follow-up  
20 on Page 123 that actually says opposed. We believe that  
21 as long as the fishery is in place that the reporting  
22 should occur. The conservation concerns for king salmon  
23 on the Yukon are very highly publicized. While it's  
24 limited participation in this fishery, we believe that it  
25 should be reported as long as it's in use or that the  
26 non-traditional fishery with these nets should be  
27 eliminated.

28

29 CHAIRMAN TOWARAK: Thank you. Are there  
30 any questions of the State. Go ahead.

31

32 MR. HASKETT: So the main concern from  
33 the State on this one is to make sure that it gets  
34 reported, the number of fish that are actually taken?

35

36 MS. YUHAS: Through the Chair. The  
37 question was if that's the main concern and I think our  
38 main concerns were brought up a couple years ago when the  
39 first proposal came. Our main concern was for ghost  
40 fishing in the non-traditional fishery. But for today's  
41 question on the proposal should there be reporting, the  
42 State believes as long as the fishery exists there should  
43 be reporting.

44

45 CHAIRMAN TOWARAK: Further questions.

46

47 (No comments)

48

49 CHAIRMAN TOWARAK: Thank you for your  
50 input. We will move on then to the Interagency Staff

1 Committee comments.

2

3 MS. O'REILLY-DOYLE: Mr. Chair. It's  
4 been brought to my attention that people in the audience  
5 are not familiar with what the standard comment is, so,  
6 with your concurrence, I will read that back into the  
7 record so that they're familiar with it. We're also  
8 posting that on the board now so that that will come up  
9 when we provide a standard comment.

10

11 Do I have your concurrence?

12

13 CHAIRMAN TOWARAK: Okay.

14

15 MS. O'REILLY-DOYLE: The Interagency  
16 Staff Committee found the staff analysis to be a thorough  
17 and accurate evaluation of  
18 the proposal and that it provides sufficient basis for  
19 the Regional Council recommendations and Federal  
20 Subsistence Board action on the proposal.

21

22 Thank you.

23

24 CHAIRMAN TOWARAK: Thank you. So, from  
25 here on, you're going to make the shortened statement,  
26 but this statement will be printed on the wall for the  
27 record.

28

29 MS. O'REILLY-DOYLE: Yes. Thank you.

30

31 CHAIRMAN TOWARAK: Thank you. Item 7,  
32 Board discussion with Council Chairs and State liaison.  
33 Further discussion.

34

35 Mr. Reakoff.

36

37 MR. REAKOFF: I wanted to clarify on the  
38 State's position that the data will be captured in the  
39 house-to-house survey and the subsistence users that are  
40 taking these fish under this permit currently are the  
41 same subsistence users that will be captured in the  
42 house-to-house survey that the State administers and it's  
43 the same fish swimming up the same river that they have  
44 C&T for. So that data will be collected and on their use  
45 of that resource. I wanted to clarify that.

46

47 CHAIRMAN TOWARAK: Thank you for that  
48 clarification. Any other discussion.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Not hearing any, then  
2 we're ready for item number 8, Federal Subsistence Board  
3 action.

4  
5 Mr. Haskett.

6  
7 MR. HASKETT: Thank you, Mr. Chair. I'm  
8 prepared to make a motion to adopt Proposal 13-01 as  
9 recommended by the Western Interior and Yukon-Kuskokwim  
10 Regional Advisory Councils and I'll provide my  
11 justification if I get a second.

12  
13 MR. CHRISTIANSON: Second.

14  
15 CHAIRMAN TOWARAK: The motion has been  
16 seconded. Additional information.

17  
18 MR. HASKETT: So I want to point out that  
19 we do recognize that the State does not allow this type  
20 of gear in this area along the river and that's actually  
21 the reason why we originally required this permit, to  
22 monitor the fishery and collect harvest information,  
23 which was established in 2005. However, as has been  
24 pointed out here, very few people actually participate in  
25 this fishery. As a result, harvest has been very low.  
26 About 31 chinook salmon per year. I just heard this  
27 afternoon for the first time that in 2012 there were  
28 seven permits issued and only two actually fished, so the  
29 use is very, very small.

30  
31 As Jack Reakoff pointed out, it also  
32 appears that the harvest information can still be  
33 collected through the catch calendars and the household  
34 survey, so I think we can get the information that we're  
35 looking for. So this permit is a duplication in effort  
36 and actually an unnecessary burden to our subsistence  
37 users.

38  
39 I'd like to say in addition to, it's  
40 always a good thing for me when the Refuge Staff is in  
41 agreement with the RACs and work together to come up with  
42 a proposal, so I think that unless something changes  
43 drastically, and if it does we could always revisit the  
44 issue in the future, but for now my intent is to go ahead  
45 and vote in favor of the motion to eliminate the permit.

46  
47 CHAIRMAN TOWARAK: Any other discussion  
48 on the motion.

49  
50 MR. CRIBLEY: Question.

1 CHAIRMAN TOWARAK: The question has been  
2 called for. Roll call, please.

3

4 MR. PROBASCO: Thank you, Mr. Chair.  
5 Final action on FP13-01 to support the proposal as  
6 recommended by the Y-K and Western Interior Regional  
7 Advisory Councils. Ms. O'Neill.

8

9 O'NEILL: Yes.

10

11 MR. PROBASCO: Mr. Christianson.

12

13 MR. CHRISTIANSON: Yes.

14

15 MR. PROBASCO: Mr. Cribley.

16

17 MR. CRIBLEY: Yes.

18

19 MR. PROBASCO: Mr. Towarak.

20

21 CHAIRMAN TOWARAK: Yes.

22

23 MR. PROBASCO: Mr. Owen.

24

25 MR. OWEN: Yes.

26

27 MR. PROBASCO: Mr. Brower.

28

29 MR. C. BROWER: Yes.

30

31 MR. PROBASCO: Mr. Haskett.

32

33 MR. HASKETT: Yes.

34

35 MR. PROBASCO: Ms. Masica.

36

37 MS. MASICA: Yes.

38

39 MR. PROBASCO: Motion carries 8-0.

40

41 CHAIRMAN TOWARAK: Thank you. We will  
42 move on to the next proposal, which is FP13-03. Staff  
43 analysis, please.

44

45 MS. LARSON-BLAIR: Hi. I'd like to  
46 introduce myself the way I was traditionally taught. My  
47 name is Kay Larson-Blair and I'm from Dillingham, Alaska.  
48 I'm Yup'ik. My grandparents are Shep and Kay Larson from  
49 Dillingham and Julie and Jasper Blair from Anchorage and  
50 my parents are Billie and Jasper of Dillingham.

1 Good afternoon, Chairman, Board members  
2 and Council representatives. I'm a fisheries biologist  
3 with the Office of Subsistence Management and I'll be  
4 presenting Proposal FP13-03, which was submitted by the  
5 Grayling, Anvik, Shageluk and Holy Cross Fish and Game  
6 Advisory Committee. This proposal can be found on Pages  
7 124-141 in your Board book.

8  
9 The proposal requests that a daily  
10 harvest limit be established at three northern pike taken  
11 in all  
12 waters of the Yukon River, from Holy Cross downstream to  
13 and including Paimiut Slough and only one pike may be  
14 over 30 inches.

15  
16 Currently there are no Federal  
17 subsistence limits on the harvest of northern pike in  
18 this section of the Yukon River and residents of the  
19 Yukon northern area have a customary and traditional use  
20 determination for all freshwater fish other than salmon.

21  
22 On Page 126 of the Board book is a map of  
23 the area depicting Federal public waters that are under  
24 consideration in this proposal. This area includes a  
25 small section of the Yukon River in the area of Paimiut  
26 Slough where a popular winter subsistence fishery is  
27 located. These are the only Federal public waters within  
28 the proposal area. Within the past two decades there  
29 have been studies conducted on northern pike in this area  
30 to collect both biological and harvest information.

31  
32 The studies concluded that the northern  
33 pike population is healthy and that there is a large  
34 amount of abundant and intact spawning, rearing and  
35 overwintering habitat for northern pike that is largely  
36 unaltered and in pristine condition. Two household  
37 harvest surveys were conducted in Grayling, Anvik,  
38 Shageluk and Holy Cross in 1990 and 2002. You can refer  
39 to Table 1 on Page 133 of the Board book.

40  
41 The number of northern pike harvested by  
42 residents of Grayling, Anvik and Shageluk increased  
43 slightly between these two time periods. In 1990, the  
44 harvest from those three communities ranged from 314 to  
45 835 fish. In 2002, the harvest ranged from 610 to 1,028  
46 fish. The reported number of northern pike harvested  
47 from Holy Cross decreased from 605 to 281 fish between  
48 2002 and 1990.

49  
50 You can refer to Table 2 on Page 135 of

1 the Board book for information on the sports catch and  
2 harvest of northern pike from the Innoko drainage. The  
3 sports fishery for northern pike in this area is  
4 primarily catch and release with an annual average  
5 harvest from 2000 to 2008 of 49 northern pike per year.

6  
7 There was also a companion proposal  
8 submitted to the Alaska Board of Fisheries and it was not  
9 adopted. Currently there are no State harvest or size  
10 limits for northern pike in this section of the Yukon  
11 River. Qualified Federal subsistence users may still  
12 harvest northern pike under State of Alaska regulations.

13  
14 OSM conclusion is to oppose Proposal  
15 FP13-03. If FP13-03 were adopted, this would hold  
16 subsistence users to the same harvest limits and  
17 restrictions as sport fishers in the Innoko drainage  
18 under State of Alaska regulations. The proposed daily  
19 harvest limit would likely adversely affect traditional  
20 winter harvest patterns and possibly make travel to  
21 traditional winter harvest sites economically unfeasible  
22 for subsistence users. Although the proposed regulation  
23 would decrease fishing pressure on larger northern pike  
24 within this area, there is no documented conservation  
25 concern to warrant the proposed harvest limits on  
26 Federally qualified subsistence users.

27  
28 That concludes my presentation, Mr.  
29 Chair. Thank you.

30  
31 CHAIRMAN TOWARAK: Thank you. Are there  
32 any questions of the regional coordinator.

33  
34 (No comments)

35  
36 MR. A. NICK: Are you asking for the  
37 Council.....

38  
39 CHAIRMAN TOWARAK: I was asking Mr.  
40 Reakoff if he had a point to make.

41  
42 MR. REAKOFF: Mr. Chairman. The Western  
43 Interior Regional Council supported the proposal. We had  
44 testimony at our Holy Cross meeting that they were --  
45 it's not the local people that live close to the resource  
46 which would be reflected in the 2002 harvest information.  
47 It's influx of people traveling to that area from down  
48 river that are actually the concern. They feel that  
49 there were sled loads of fish being taken and there's an  
50 increasing harvest of fish, so the GASH or Grayling,



1 Anvik, Shageluk and Holy Cross Advisory Committee  
2 submitted this proposal to the Board of Fish and the  
3 Federal Subsistence Board.

4  
5 The Western Interior adopted the proposal  
6 or supported the proposal with the understanding that if  
7 the Board of Fish didn't vote for the regulation change,  
8 then it's a mute subject and at this time, since the  
9 Board of Fish didn't support the proposal, personally I  
10 would oppose the proposal now because it's not in the  
11 best interest of subsistence users because Federal  
12 regulations then would be more restrictive, but I can't  
13 back up.

14  
15 The Regional Council supported the  
16 proposal with the understanding that the Board of Fish  
17 would be the deciding factor in this equation, so I  
18 wanted the Federal Board to be aware of how we were  
19 deliberating this proposal.

20  
21 Thank you, Mr. Chair.

22  
23 CHAIRMAN TOWARAK: I'm trying to  
24 rationalize that discussion and I'm going to ask Pete to  
25 make his point.

26  
27 MR. PROBASCO: I think, Mr. Chair, we  
28 just jumped a little ahead here. I think once we get  
29 through all the comments and we specifically get to the  
30 additional comments from the Interagency Staff Committee,  
31 I think it will all put it in perspective because there  
32 was information that was presented to the RACs that  
33 wasn't quite -- it wasn't available because the Board of  
34 Fish had not acted yet.

35  
36 So I think why don't we wait until we get  
37 through all the public comments, the Regional Advisory  
38 comments, the Fish and Game comments, the Staff Committee  
39 and I think that will bring it all into perspective based  
40 on what Mr. Reakoff said.

41 Mr. Chair.

42  
43 CHAIRMAN TOWARAK: Thank you. We were on  
44 number 2, summary of public comments from the Regional  
45 Council coordinator.

46  
47 MR. JOHNSON: Thank you, Mr. Chair. Carl  
48 Johnson again for the record. Refer you back to the June  
49 15, 2012 TCC memo on Page 187 of your book. It indicates  
50 two statements in support, one from TCC and also one from

1 the Holy Cross Tribe. Thank you, Mr. Chair.

2

3 MR. PROBASCO: Mr. Chair. We only have  
4 one person signed up for public testimony and that's Mr.  
5 John Sky Starkey on this proposal.

6

7 MR. STARKEY: Thank you, Mr. Chairman.  
8 John Sky Starkey on behalf of Tim Andrew and AVCP. For  
9 the same reason as Jack Reakoff mentioned, AVCP opposes  
10 it because it would be more restrictive than State  
11 regulations.

12

13 Thank you, Mr. Chair.

14

15 CHAIRMAN TOWARAK: Thank you for that  
16 information. Any questions of Mr. Starkey.

17

18 (No comments)

19

20 CHAIRMAN TOWARAK: Thank you for your  
21 comments. Further public testimony.

22

23 MR. PROBASCO: No, Mr. Chair.

24

25 CHAIRMAN TOWARAK: Not hearing any, then  
26 we will go on to the Regional Council recommendations.

27

28 MR. REAKOFF: Mr. Chair. I gave our  
29 position. We can give the other Councils their chance.

30

31 CHAIRMAN TOWARAK: Mr. Nick, do you have  
32 a position for the Lower Yukon.

33

34 MR. A. NICK: Yes, Mr. Chair. Y-K  
35 Council opposed the proposal and the justification is  
36 when subsistence users travel a long distance to harvest  
37 what they need for their food supply, it is not  
38 considered sport fishing. Subsistence fishers want to  
39 harvest as many as they could and sometimes they return  
40 on a same day. Subsistence users travel a long distance  
41 to harvest what they need and at times remain in the area  
42 for 5, 6, or even up to 10 days. To travel a long  
43 distance costs subsistence users a lot of money in  
44 consideration of costs for gasoline, supplies and food.  
45 Mr. Chair.

46

47 CHAIRMAN TOWARAK: Thank you. Are there  
48 any questions of Mr. Nick.

49

50 (No comments)

1 CHAIRMAN TOWARAK: Do we have other  
2 Regional Chairs. Mr. Firmin.

3  
4 MR. FIRMIN: Thank you. The Eastern  
5 Interior Regional Council supported this, but I think we  
6 were backing the Western Interior's proposal or their  
7 support for the proposal and we actually had a lot of  
8 discussion. We had a mixed vote. It wasn't a unanimous  
9 vote. We thought that even revising or trying to make  
10 amends to their motion, but we left it as is because it  
11 wasn't really our area to do that, to maybe something to  
12 mirror like the Minto Flats area, but we did support it  
13 with I believe a 7 for and 2 opposed and one absent vote.

14  
15 After speaking with Mr. Reakoff, without  
16 the Board of Fish's -- they didn't pass the proposal on  
17 the State side, so personally I feel this would be  
18 detrimental to the subsistence users on Federal land  
19 because it would only affect a small portion of the area  
20 that the proposal originally was supposed to affect.

21  
22 Thank you.

23  
24 CHAIRMAN TOWARAK: Thank you. Are there  
25 any questions of the Regional Councils.

26  
27 Oh, Mr. Green.

28  
29 MR. GREEN: Mister quiet guy. The Seward  
30 Peninsula recommendation was to oppose also. We have two  
31 villages in southern Norton Sound, Stebbins and St.  
32 Michael's, that are in the vicinity of these areas. The  
33 other one was the fact that we thought that setting  
34 limits on subsistence users was the thing not to do.  
35 Creating more restrictions would be detrimental, as Mr.  
36 Andrew Firmin says. I'll leave it at that.

37  
38 CHAIRMAN TOWARAK: Thank you. Any  
39 questions of any of the Regional Councils.

40  
41 (No comments)

42  
43 CHAIRMAN TOWARAK: Not hearing any. Then  
44 we will go to the Department of Fish and Game.

45  
46 MR. CRAWFORD: Mr. Chair. Drew Crawford,  
47 the Alaska Department of Fish and Game. I'm with the  
48 Federal Subsistence Liaison Team. You'll find the State  
49 comments on Pages 139 to 141 in your Board book.

50

1                   The State's recommendation on Proposal  
2 FP13-03 originally was to defer pending actions by the  
3 Board of Fisheries on parallel proposals and the Board  
4 recently acted on these two proposals. There was a  
5 Proposal 97, which would reduce northern pike bag and  
6 possession limits for sport fishermen on the Yukon River  
7 from Holy Cross to Paimiut Slough and also Proposal 98,  
8 which suggested we reduce northern pike bag and  
9 possession limits for subsistence fishermen on the Yukon  
10 River by the same amount between Holy Cross and Paimiut  
11 Slough.

12  
13                   Currently there are no conservation  
14 concerns for northern pike in the water of the Yukon  
15 River from Holy Cross down stream to and including  
16 Paimiut Slough. Therefore, the Board unanimously opposed  
17 Proposals 97 and 98. Now the Department is opposed to  
18 Proposal FP13-03.

19  
20                   CHAIRMAN TOWARAK: Thank you. Are there  
21 any questions of the State.

22  
23                   (No comments)

24  
25                   CHAIRMAN TOWARAK: Thank you for your  
26 comments. We will move on to the Interagency Staff  
27 Committee.

28  
29                   MS. O'REILLY-DOYLE: Mr. Chair. The  
30 Interagency Staff Committee has specific comments on  
31 FP13-03, which I will read into the record. Those  
32 comments are found on Page 138 of your Board book.

33  
34                   The Interagency Staff Committee found  
35 that the Staff analysis could be enhanced with additional  
36 information that is important for discussion and Federal  
37 Subsistence Board action on the proposal. The  
38 Interagency Staff Committee also noted that it appears  
39 that the following information was not brought  
40 forward for discussion at the Federal Regional Advisory  
41 Council meetings.

42  
43                   The majority of pike fishing in the GASH  
44 region occurs on State managed waters. The Federal  
45 public waters where pike fishing occurs is in a portion  
46 of the Paimiut Slough area, which is a small portion of  
47 the overall area used by residents of Holy Cross and  
48 subsistence users who travel from the Kuskokwim area.

49  
50                   The Alaska Board of Fisheries will be

1 addressing a parallel proposal the week prior to the  
2 Federal Subsistence Board meeting. If the Board of Fish  
3 does not adopt their proposal, then adoption of this  
4 Federal subsistence proposal would have little or no  
5 effect since State regulations also apply to Federal  
6 public waters and subsistence users could simply fish  
7 under State regulations.

8  
9 The gear type was not specified in the  
10 proposal and limiting harvest to three pike with only one  
11 over 30 inches would not be possible for those using  
12 gillnets under the ice. This would be detrimental to  
13 those Federally qualified users who use gillnets to  
14 harvest pike or whitefish because they  
15 would likely quickly exceed the harvest limits, thus  
16 making gillnet fishing problematic.

17  
18 Although recommendations were made by the  
19 Seward Peninsula and Eastern Interior Regional Councils,  
20 these would likely have no effect on residents from their  
21 region since it is unlikely that they would travel to  
22 this area to fish for pike.

23  
24 Frozen fish are considered no longer in  
25 possession, thus a possession limit may not serve the  
26 intended purpose.

27  
28 Thank you.

29  
30 CHAIRMAN TOWARAK: Thank you. Are there  
31 any question of the ISC.

32  
33 (No comments)

34  
35 CHAIRMAN TOWARAK: Thank you for that  
36 presentation. The floor will be turned over to the Board  
37 for discussion with the Council Chairs and State liaison.

38  
39 (No comments)

40  
41 CHAIRMAN TOWARAK: I think we've had  
42 ample opportunity. We will then move on to item 8,  
43 Federal Subsistence Board action.

44  
45 MR. HASKETT: Thank you, Mr. Chair. I  
46 plan to make a motion to adopt Proposal 13-03 and I'll  
47 provide my rationale why I plan to vote against the  
48 proposal as recommended by the Yukon-Kuskokwim Delta and  
49 Seward Peninsula Regional Advisory Councils if I get a  
50 second.

1 MR. OWEN: Second.

2

3 CHAIRMAN TOWARAK: The motion has been  
4 seconded. Additional information.

5

6 MR. HASKETT: So I try -- like everyone  
7 on the Board, I try to support the Councils whenever  
8 possible, especially, unless there's some conservation  
9 concerns, which there really aren't here, but this  
10 proposal seemed complicated at first because there were  
11 four Councils involved and they were split, so we're in  
12 the position of supporting two of the Councils and going  
13 against two of the Councils.

14

15 I understand some of the users believe or  
16 did believe that there were conservation concerns for  
17 pike in the area and maybe we need to look into that more  
18 with some possible studies in the future, but for now at  
19 least the Yukon Delta Refuge lands involved here  
20 represent a really small portion of the area that's  
21 involved here. It's mostly State lands in the area. The  
22 proposed area is a fair distance away from the GASH  
23 communities.

24

25 If we adopted this, it would actually  
26 reduce subsistence harvest limits below the sport fish  
27 harvest limits, which I don't think anyone really  
28 intended to do. The State subsistence harvest limits are  
29 also unlimited, so if we did adopt the three fish harvest  
30 limit, it would have no real effect on Federal lands  
31 since the State regulations also apply on the Refuge and  
32 people could continue to fish under State regulations.

33

34 As we heard today, the Board of Fisheries  
35 actually opposed this proposal last week too, which again  
36 kind of makes this even simpler to me. It appears to me  
37 that adopting this proposal would be detrimental to  
38 subsistence users, especially those who choose to use a  
39 gillnet, since harvesting three pike with one over 30  
40 inches would be very difficult with a gillnet.

41

42 So, as we've heard -- I think there's --  
43 it was also very helpful to hear, even though we can't  
44 rely on that because it wasn't a vote, but it was helpful  
45 to me to hear that the two RACs that were in favor, if  
46 they had additional information, may or may not have gone  
47 in a different direction, but certainly I liked hearing  
48 that.

49

50 So, for all these reasons above I plan to

1 vote against the motion.  
2  
3 CHAIRMAN TOWARAK: Any questions.  
4  
5 (No comments)  
6  
7 MR. CRIBLEY: Call for question.  
8  
9 CHAIRMAN TOWARAK: The question is being  
10 called for. Roll call, please.  
11  
12 MR. PROBASCO: Thank you, Mr. Chair.  
13 Final action FP13-03, motion to adopt.  
14  
15 Mr. Christianson.  
16  
17 MR. CHRISTIANSON: No.  
18  
19 MR. PROBASCO: Mr. Cribley.  
20  
21 MR. CRIBLEY: No.  
22  
23 MR. PROBASCO: Mr. Towarak.  
24  
25 CHAIRMAN TOWARAK: No.  
26  
27 MR. PROBASCO: Mr. Owen.  
28  
29 MR. OWEN: No.  
30  
31 MR. PROBASCO: Mr. Brower.  
32  
33 MR. C. BROWER: No.  
34  
35 MR. PROBASCO: Mr. Haskett.  
36  
37 MR. HASKETT: No.  
38  
39 MR. PROBASCO: Ms. Masica.  
40  
41 MS. MASICA: No.  
42  
43 MR. PROBASCO: And Ms. O'Neill.  
44  
45 MS. O'NEILL: No.  
46  
47 MR. PROBASCO: Motion fails 0-8.  
48  
49 CHAIRMAN TOWARAK: Thank you. We will  
50 then continue on to FP13-06/07/08. Is the Staff analysis

1 going to be combination of the three, is that the intent?

2

3

4

MR. PROBASCO: Yes.

5

6

7

CHAIRMAN TOWARAK: So we will consider all three, FP13-06, 07, and 08.

8

9

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DR. JENKINS: Good afternoon, Mr. Chair. Representatives of the Regional Advisory Councils. My name is David Jenkins. You have in front of you this afternoon seven regulatory proposals on customary trade. Six from this regulatory cycle and one that the Board deferred from the last fisheries regulatory cycle.

So we'll first take up FP13-06, 07 and 08.

06 was submitted by the Western Interior Alaska Subsistence Regional Advisory Council.

13-07 by the Eastern Interior RAC.

And, 13-08 by the Yukon-Kuskokwim Delta Subsistence Regional Advisory Council.

Now, each of these address customary trade regulations for Yukon River drainage chinook salmon. They're all a little different but they have a key element in common and so I'm going to talk about their differences and also this key element that's in common.

FP13-06 seeks to limit customary trade of Yukon River chinook salmon to those with a current customary and traditional use determination for Yukon River chinook salmon. 13-07 seeks the same limitation but only in times of shortage, when there's no Yukon River chinook salmon commercial fishery and restrictions on subsistence fishing are in place. And, finally, 13-08 also seeks to limit customary trade of Yukon River chinook salmon to those with a current customary and traditional use determination, and to assure that any individual who purchases chinook salmon under customary trade uses it only for personal or family consumption.

These three proposals respond to recommendations made by a subcommittee composed of members from the Western Interior, the Eastern Interior



1 and the YK-Delta Regional Advisory Council, and that  
2 subcommittee was the subcommittee that this Board  
3 recommended talk about issues of customary trade when it  
4 deferred the proposal, FP11-08.

5  
6 The shared element of all of these  
7 proposals is to limit customary trade of Yukon River  
8 chinook salmon to those with a current customary and  
9 traditional use determination for Yukon River chinook  
10 salmon.

11  
12 If you see on Page 146 of your Board  
13 book, the existing Federal regulations, there are two  
14 Federal regulations there, 27(c)(11) refers to  
15 transactions between rural residents and 27(c)(12) refers  
16 to transactions between rural residents and others. And  
17 I'll refer to these existing Federal regulations towards  
18 the end of my presentation here.

19  
20 There's a long history of customary  
21 trade, which you can read in your books, I won't go  
22 through the history, but I want to raise two points.

23  
24 The first is that customary trade is  
25 recognized in ANILCA as a subsistence use, and the second  
26 point is that, as I mentioned before, in January 2011,  
27 the Board reviewed three proposals which attempted to  
28 establish regulations of customary trade in the Yukon  
29 River drainage and it elected to allow the Regional  
30 Advisory Councils to initiate a Tri-Regional Advisory  
31 Council customary trade subcommittee to discuss this  
32 issue and attempt to come up with a river-wide solution.  
33 And I want to briefly talk about that subcommittee and  
34 what it did because the proposals that you have in front  
35 of you responded to that Tri-RAC Council's  
36 recommendations.

37  
38 So after -- and I should point out that  
39 the Tri-RAC subcommittee worked quite hard, worked over  
40 two, two day meetings to develop these recommendations,  
41 and these were later presented to the Regional Advisory  
42 Councils for their review. These are the two  
43 recommendations that came from this Tri-RAC subcommittee.

44  
45 The first one was customary trade of  
46 Yukon River chinook salmon may only occur between  
47 Federally-qualified rural residents with a current  
48 customary and traditional use determination for Yukon  
49 River chinook salmon and the second was to -- and this  
50 was the less preferred one, they preferred the first one,

1 the second was, to preclude customary trade of Yukon  
2 River chinook salmon between rural residents and others  
3 to establish a \$750 limit per calendar year and to  
4 require a customary trade recordkeeping form. So the  
5 current proposals in front of you responded to the Tri-  
6 RAC's recommendation, the subcommittee's recommendations.  
7 And they all came out of the 2012 Regional Advisory  
8 Council meeting cycle.

9  
10 All right. So here are the proposals,  
11 limit customary trade only to those with a current  
12 customary and traditional use determination with the  
13 small modifications that I mentioned at the beginning.  
14 They all seek to limit customary trade under 27(c)(11),  
15 which refers to customary trade between rural residents,  
16 but these proposals also limit customary trade of Yukon  
17 River chinook salmon to those with -- between rural  
18 residents and others, that is, 27(c)(12), so if the Board  
19 chooses to adopt the regulation, keep in mind that the  
20 regulation needs to appear under both 27(c)(11), and  
21 27(c)(12). It might not be as explicit in your books but  
22 it would need to appear under both of those regulations.

23  
24 Now, what are the effects of the  
25 proposals.

26  
27 The Western Interior Council proposal,  
28 that is 13-06 simply seeks to limit customary trade of  
29 Yukon River chinook salmon to those with a current  
30 customary and traditional use determination, and it  
31 contains no other provisions. It's quite simple.

32  
33 The YK-Delta proposal and the Eastern  
34 Interior Council proposals have additional elements. The  
35 Eastern Interior Council proposal 13-07 would prohibit  
36 customary trade of Yukon River chinook salmon "only in  
37 times of shortage when there is no chinook salmon  
38 commercial fishery and restrictions on subsistence  
39 fishing are in place." Now, this particular proposal,  
40 which talks about restrictions on subsistence fishing  
41 being in place, the Staff thought was problematic because  
42 there are already restrictions in place, there are  
43 restrictions in terms of gear type, there's restrictions  
44 in terms of timing and windows and so on, and so they  
45 would really have to specify what further restrictions  
46 would be in place, so we thought this was a problematic  
47 proposal and not as clean as the Western Interior's  
48 proposal.

49  
50 And, finally, the YK proposal does not

1 identify salmon species in the proposal, but we assumed  
2 that it referred to Yukon River chinook salmon.

3  
4 Now, if adopted, the proposals would all  
5 limit customary trade of Yukon River chinook salmon to  
6 those with a current customary and traditional use  
7 determination for that fish.

8  
9 The cash from customary trades of Yukon  
10 River salmon with those outside of the Yukon River  
11 drainage would be eliminated. This may have the  
12 unintended consequence of limiting some subsistence  
13 activities, which require, depend upon cash generated  
14 from customary trade of chinook salmon, such as the  
15 purchase of gasoline to fuel ATVs and boats and so on.  
16 It also may shift customary trade as exchange for cash to  
17 barter or it may increase customary trade within the  
18 Yukon River drainage or both. Both things may happen if  
19 these proposals are adopted.

20  
21 Now, let me point out that the  
22 number of Yukon River chinook salmon harvested by  
23 Federally-qualified users on Federal lands using  
24 customary trade is unknown. We don't know the levels.  
25 It's really impossible to measure any biological impacts  
26 that restrictions on customary trade of chinook salmon  
27 may have. It's also impossible to quantify based on the  
28 information that we have the numbers of chinook salmon  
29 that enter into customary trade.

30  
31 Nonetheless, despite these questions the  
32 OSM's preliminary conclusion is to support with  
33 modification, Proposal FP13-06, and the modification  
34 would read -- would add the phrase; for Yukon River  
35 chinook salmon. So it would read then, in this way:

36  
37 Customary trade of Yukon River  
38 chinook salmon may only occur  
39 between Federally-qualified  
40 rural residents with a current  
41 customary and traditional use  
42 determination for Yukon River  
43 chinook salmon

44  
45 And the OSM conclusion is then to bring  
46 the other two proposals in line with this Western  
47 Interior proposal so they would all read the same, and  
48 modify them so they would all read the same. And the  
49 modified regulation then would appear under 27(c)(11) and  
50 27(c)(12) as I pointed out earlier.

1                   Now, the justification is this. The  
2 shared element is to limit customary trade of Yukon River  
3 chinook salmon to those with a current customary and  
4 traditional use determination. Much of the discussion  
5 from the Regional Advisory Councils was set in the  
6 context of declining chinook runs. The idea was that a  
7 limitation to customary trade was perceived as an  
8 additional tool to help improve those declining runs.  
9 And, although, there is little quantifiable information  
10 on the numbers of chinook salmon that enter customary  
11 trade it seems prudent, given the current Yukon River  
12 chinook salmon declines to follow the recommendations of  
13 the three Regional Advisory Councils in this matter.

14  
15                   Limiting customary trade of Yukon River  
16 chinook salmon only to those with a current customary and  
17 traditional use determination for that fish will keep  
18 such trade within the drainage, it would allow  
19 subsistence users to continue to receive cash in exchange  
20 for subsistence caught chinook, which more likely than  
21 not will continue to be used to support subsistence  
22 activities.

23  
24                   So, Mr. Chair, with that I will end my  
25 presentation.

26  
27                   Thank you.

28  
29                   CHAIRMAN TOWARAK: Thank you. Are there  
30 questions.

31  
32                   (No comments)

33  
34                   CHAIRMAN TOWARAK: Thank you for your  
35 presentation.

36  
37                   We'll get a summary of public comments  
38 from the Regional Council coordinator.

39  
40                   Mr. Johnson.

41  
42                   MR. JOHNSON: Thank you, Mr. Chair. Carl  
43 Johnson for the record.

44  
45                   The summary of comments -- first I'll  
46 refer you back, again, to the June 15, 2012 TCC memo,  
47 which refers now for the remaining customary trade  
48 proposals to a second document that could be found at  
49 Page 190 of your book, and that is a memo jointly  
50 submitted by Doyon Limited and the Tanana Chiefs

1 Conference. And I will summarize for you the highlights  
2 of that 15 page memo.

3

4                   Pages 193 through 198 discuss the  
5 importance of customary trade and the way of life on the  
6 Yukon River and it's cultural and spiritual significance  
7 for that region. Through Page 200 highlights the  
8 differences in customary trade practices between the  
9 Lower and Upper Yukon River communities. Doyon and TCC  
10 both oppose all of the customary trade proposals, and  
11 starting with 13-06, 7, and 8. There are three general  
12 reasons that apply to all the customary trade proposals.

13

14                   First, TCC and Doyon, believe there is  
15 insufficient data showing the levels of chinook salmon  
16 harvest connected with customary trade as well as the  
17 amount of cash that is exchanged through customary trade.

18

19                   Two. These proposals would preclude  
20 customary trade with others in a manner that conflicts  
21 with traditional trade, networks and practices along the  
22 Yukon River.

23

24                   And, third, these proposals fail to  
25 recognize the differences in customary trade practices  
26 between the Upper and Lower Yukon River communities.

27

28                   There is an additional reason for  
29 opposition but I'll reserve that for the proposal that it  
30 applies to.

31

32                   Thank you, Mr. Chair.

33

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

36

37                   (No comments)

38

39                   CHAIRMAN TOWARAK: If not, then we'll  
40 open the floor for public testimony.

41

42                   MR. PROBASCO: Okay, Mr. Chair, bear with  
43 me a little bit here. Mr. Sky Starkey, as you know, AVCP  
44 is dealing with a couple meetings, Jon has been called  
45 away and he will forego testimony. He hopes to be back,  
46 but he will forego testimony at this time.

47

48                   Aaron Kozevnikoff, I believe he's here  
49 and he would like to speak to all three proposals that  
50 pertain to customary trade. Aaron.

1 MR. KOZEVNIKOFF: Afternoon, Chairman.  
2 Members of the Board.

3  
4 Bear with me here. Okay, first off my  
5 name is Aaron Kozevnikoff, Sr., of Tanana, Alaska. I'm  
6 the son of the late Wilfred Charles Kozevnikoff and  
7 Eileen Kozevnikoff.

8  
9 First off, I'd like to commend you folks  
10 on the hard job you have to do on deciding with what is  
11 best for our fisheries. I am totally aware of the  
12 current issues in the fishing industry today on the Yukon  
13 River concerning our chinook salmon so I know how hard  
14 the decisions are that you have to make for all of us,  
15 for this I have the utmost respect for all of you.

16  
17 Due to the seriousness of the message I  
18 have to deliver today, if I offend anybody in the room by  
19 the way I'm speaking I apologize, but this issue here is  
20 very serious to me, it's affecting my way of life.

21  
22 So seeing's as how I was born into a two  
23 parent family with both parents being limited entry  
24 permit holders I was raised fishing. I would now like to  
25 address the Board, not only as a representative of the  
26 Yukon/Rampart/Manley Advisory Committee, but also as an  
27 Alaska Native whose way of life is currently being  
28 threatened on a daily basis due to current circumstances  
29 brought on by prior administrative actions and poor  
30 regulation implementation on our fisheries. The current  
31 issues of concern to be customary trade and also the  
32 serious state of our chinook salmon depletion.

33  
34 To explain to you my concerns I need to  
35 give you some history of what I, myself, have witnessed  
36 and seen with my own eyes. So with your permission I'll  
37 continue.

38  
39 When I was a young man of about 11 years  
40 of age in 1976 I used to listen to my uncle, Lester  
41 Erhart, talk about the fishing issues along with my  
42 father. Back then issues weren't as critical as they  
43 currently are. I was taught as a young man by my parents  
44 to always work with the fishing authorities on all issues  
45 that way we'll maybe have a good fishery for years. This  
46 was brought on due to my dad being a reader and a studier  
47 of the Colombia River fisheries and he always told me  
48 that what happened to the Colombia River fisheries was  
49 going to happen to our Yukon River. Anyway this included  
50 accurate fish calendars with accurate actual catches

1 being posted to be turned into Fish and Game to assist  
2 them in their numbers. Somewhere in there limited entry  
3 permits were issued. I remember this because I was 14  
4 years old when I got my denial letter for a limited entry  
5 permit. Both of my parents got them. I'd been fishing  
6 with my parents since I was five years of age. I was  
7 denied, yet White guys that came into my country within  
8 five years before that time and fished only two or three  
9 years, they were granted their limited entry permits, so  
10 that started my first little issues with Fish and Game.

11  
12                   Anyway, with the limited entry permits  
13 being issued, fishing took on a new definition in our  
14 area. I was then taught when the fish run you stay  
15 awake, you got all winter to rest. Within a few years I  
16 remember Fish and Game started to enforce closures due to  
17 pressure from the fishermen, that was Fish and Game's  
18 reasoning.

19  
20                   Next arguments I remember hearing from  
21 our elders, our elders were saying those down river  
22 fishermen are catching all the fish. Down river elders  
23 were saying those upriver fishermen are catching all the  
24 fish. This ploy was used by Fish and Game around the  
25 '80s just to take attention away from them.

26  
27                   Next all I started hearing was, we'll cut  
28 the middle river fishermen, they're slaughtering us at  
29 the Rapids, that's Y5. Y6 fishermen were saying, those  
30 Units 1 and 2, they get more openings and commercial  
31 fishing than all of us.

32  
33                   This went on all through the '80s. But  
34 by late '80s fishing was really getting bad. Fishermen  
35 up and down the river were finally coming to see that  
36 they weren't the only entities putting pressure on the  
37 Yukon River chinook salmon run.

38  
39                   '90s came into play. Better regulation  
40 and management of the fisheries starts to take place.  
41 Test nets, fishwheels, sonars put in to count the fish,  
42 start to be used to judge runs and help predict our set  
43 of basis, or predict whether Canadian escapement is being  
44 met to comply with treaties set.

45  
46                   Anyway I left the village in 1990,  
47 fishing was there. It wasn't great but it was there.  
48 During these years pulse protection came into view.  
49 Federal regulation implementation and management started  
50 taking place, but it was almost too late. I moved back

1 to the village 2006, fishing was still there, but only a  
2 mere shadow of what I vividly remember. I started back  
3 doing what I know and live, fishing. Around this time an  
4 incident takes place in our area regarding our  
5 subsistence fishing calendar numbers, they fell into the  
6 wrong hands, numbers showed up later during fishing  
7 meetings, they were used against Y5 fishermen by Units 1  
8 and 2, fishermen and their lobbyists. That issue there  
9 made Y5 fishermen lose faith in working with Fish and  
10 Game on any further fishing issues. Trust was lost.  
11 Things progressively got worse for us. This leads us to  
12 being here.

13

14 I normally don't represent our area at  
15 these meetings. So when no one could make it from our  
16 area I was chosen to come down here. I went and I talked  
17 to my good friend, Charlie Campbell, to try to get a few  
18 pointers and my uncle, Lester Erhart. Charlie Campbell  
19 told me this, he says, Aaron, you don't need no notes,  
20 this is your way of life, you've lived this, they're  
21 affecting you, speak from your heart. So on my way down  
22 here -- I flew down Alaska Airlines, you know, in their  
23 airlines magazine on Page 128 there is an ad, smoked  
24 Yukon River Kita products being blatantly advertised. On  
25 the bottom it says website sales only. I'm coming to a  
26 meeting fighting for customary trade, do you know what  
27 this does to a man's mindset when he's fished an area  
28 where it has been cut for the past 32 years. I come from  
29 a people who have always tried to do what's best for the  
30 fishery, including taking cuts for over 30 years.

31

32 FP13-06, FP13-10, it doesn't take a  
33 rocket scientist to see this, that all these proposals  
34 are brought by entities which have Kwik-Pak affiliations.  
35 Therefore -- oh, man, where am I -- therefore, these  
36 customary trade issues shouldn't be looked at at all. I  
37 say close all commercial fishing, river-wide, allow only  
38 subsistence. FP13-11 define significant commercial  
39 enterprise. This involves putting a \$750 limit on  
40 customary trade. In my area, due to the price of gas,  
41 when I was a young man there was anywhere from 25 to 28  
42 fish camps between Tanana and Rampart, now there is  
43 currently only eight, of those eight only four of them  
44 harvest chinook and silver salmon. They stay there  
45 seasonally, four out of eight because they're the only  
46 ones who can afford the gas. \$750 that wouldn't even pay  
47 for the first six days of subsistence fishing gas. This  
48 proposal is an insult to my way of life and to fishermen  
49 in my area.

50



1 FP11-08 prohibit customary trade. This  
2 deals with a time of need issue. Ladies and gentlemen,  
3 I've personally been aware of our salmon fisheries being  
4 headed for disaster since the early '80s. A sight-  
5 impaired person, just by listening to us, could tell you  
6 the same thing common sense should tell you, there should  
7 be no commercial fishing allowed river-wide or I will  
8 live to see our salmon run treated exactly what our prior  
9 American government did to my outside cousin's buffalo,  
10 they're almost extinct. We know that outcome. We have  
11 a chance to change and save our fishing industry, yet, my  
12 heart is heavy. My future lies in your hands.

13

14 If the day comes I can't fish for our  
15 king salmon I'll be forced to either violate laws and  
16 regulations to get my fish, thereby making my natural way  
17 of life illegal, risking my freedom for what I should be  
18 allowed to do naturally. I hope I'm not forced to change  
19 everything my parents taught me. This would really be  
20 bad.

21

22 Thank you very much.

23

24 Any questions.

25

26 (No comments)

27

28 CHAIRMAN TOWARAK: Thank you, Mr.  
29 Kozevnikoff. Are there any questions from the Board  
30 regarding his testimony.

31

32 (No comments)

33

34 CHAIRMAN TOWARAK: Thank you, very much.

35

36 MR. KOZEVNIKOFF: Have a good day folks.

37

38 MR. PROBASCO: Next, Mr. Chair, is John  
39 Lamont. John Lamont.

40

41 MR. LAMONT: Mr. Chairman. Members of  
42 the Board. Staff. Audience.

43

44 My name's John Lamont. I'm a Lower Yukon  
45 River fisherman. Have been since 1965 when I started  
46 purchasing a vessel license, a fishing license, and a  
47 gear license. And when we became a limited entry fishery  
48 I did receive my -- unlike Mr. Kozevnikoff, I did receive  
49 my limited entry permit. I've been a commercial  
50 fisherman ever since 1965 with the exception of four

1 years I served our U.S. Military and was honorably  
2 discharged.

3  
4 My comment on customary trade, you know,  
5 over the years as I said earlier, I am a traditional  
6 commercial fisherman. That's all my family has known.  
7 All the years from 1914 on. And when my commercial --  
8 our commercial fishery was eliminated, basically  
9 eliminated, our chinook fishery in District Y1, lower end  
10 of Lamont Slough or also known as Big Eddy, I didn't know  
11 where to turn. My eldest brother, late eldest brother,  
12 who passed away, said, John, you better go on and get a  
13 degree and do something else. I said, no, this is my  
14 tradition; this is my life; this commercial fishing. And  
15 then over the years, you know, with all the times we've  
16 been cut down from commercial fishing five days a week,  
17 you know, 72 hour and a 48 period, no sleep three days,  
18 no sleep two days, from June 1 to June 30th, I did this  
19 and other fishermen on the Lower River did this for a  
20 reason. We did it to maintain our subsistence lifestyle.  
21 We charged with the canneries all winter long for our  
22 utensils needed to maintain our livelihood. Summer came,  
23 we had one month to either make it or break it and pay  
24 off all our credit. That was our way of life. Not just  
25 our family, many families on the lower river. That was  
26 the way we lived.

27  
28 And the reason I'm bringing this history  
29 up is a lot people don't understand, without the  
30 commercial fishery there was no subsistence lifestyle, or  
31 it was very limited. Our elders were even confused in  
32 the '70s, in the '80s, in the '90s, they said, well, John  
33 -- you know, when I served on city councils, John, we  
34 have to support subsistence, I said subsistence is  
35 protected under Federal law, and that's what this Board  
36 is here doing, protecting the resource that is all our  
37 resource, not my resource, not your resource, even with  
38 the land and the waters, there should be no reason the  
39 State of Alaska, the U.S. Federal Government, Department  
40 of Fisheries and Oceans and the Canadian Government, this  
41 -- who owns this resource, we all do as people, as users,  
42 and then we put regulations into place to confuse people  
43 more. I just heard Mr. Kozevnikoff talk about the -- you  
44 know, and I really appreciate those comments, I'm  
45 starting to feel like a loner here, not only at State  
46 Board meetings, but this is my second meeting with the  
47 Federal Subsistence Board over the years, but it's so  
48 important that everyone understands. The Departments  
49 understand, the Board members understand, the users  
50 understand, the people of Alaska understand what a

1 subsistence resource is and how we use it.

2

3                   When we start talking about chinook on  
4 the Yukon River that just -- I mean my dad and my uncles  
5 and all my family are turning over in their grave  
6 realizing that there is no more chinook -- traditional  
7 chinook salmon commercial fishery on the mouth of the  
8 Yukon.

9

10                   You know it's amazing that all of a  
11 sudden in the '80s customary trade became a big issue  
12 because of a few people abusing it. You know I can say  
13 I oppose all three, 13-06, 07 and 08, but there's no use  
14 to oppose them or support them. I mean if I was going to  
15 support something I support the customary trade amongst  
16 our people with food for food or food for product, but as  
17 soon as you add in -- say I carve a little birch bark --  
18 or I mean a cottonwood chip boat and I start selling them  
19 for \$5, that's a commerce. That becomes commerce. I  
20 take a king salmon, a 20 pound king salmon, I dry it and  
21 I get five pounds of dried strips out of it and I trade  
22 it with people in the Anchorage area at the AFN  
23 Conference for \$20 a pound, that's commerce. And then  
24 when you talk about customary trade, historically, my  
25 family did trade fish product for money before there was  
26 a commercial fishery on the Yukon. 20,000 chum salmon in  
27 bundles of 20 dried and packed with the U.S. Mail  
28 carrier. You may not believe it but my dad was a U.S.  
29 Mail carrier with dog team and he won the 1913 Ruby  
30 Derby. You know, there's a lot of history in our family  
31 on the Yukon.

32

33                   When I start hearing our own people,  
34 they're well educated, they have doctorates of the  
35 tundra, of the river. They may not have a formal  
36 education but they're experts in what they do; experts in  
37 the weather, experts in the land, and experts in the  
38 resource and they can tell me, they can tell you when the  
39 cycle is up or when the cycle is down, you know, and,  
40 yet, we bring issues like this, like customary trade,  
41 significant commercial value to a product that we don't  
42 have regulations for and then two different agencies, oh,  
43 you can do it in this area but you can't do it in that  
44 area, it confuses our people. Because historically we've  
45 known this resource is our resource. It's not a resource  
46 that we personally own but we share it.

47

48                   And so I may sound like a loner here  
49 about opposing a lot of these proposals that have been  
50 submitted. I know I did not do my homework and serve on

1 the RACs in our area, which I should have, but my  
2 interest was with the US/Canada and with our commercial  
3 fishery, I didn't know these issues were -- until a  
4 couple days ago, and when I found out I said I'd better  
5 show up and so I had to stay up all night these last few  
6 days reading through a lot of this material so I could  
7 somewhat give an educated testimony regarding customary  
8 trade or value -- significant commercial value to product  
9 or what's been happening on the Yukon.

10

11 But our chinook salmon, not only within  
12 the U.S., but with Canada, the issues that we have. It  
13 was brought up yesterday in the open -- and this is all  
14 related to 06, 07 and 08, or 07/08 -- yeah, 06, 07 and  
15 08, was brought up about the mesh size, about the  
16 environment, about the mining industry, about the  
17 nutrients in the ocean, there's so many factors involved  
18 in why there's a decline of chinook salmon or decline of  
19 salmon overall. There was a testimony yesterday about  
20 Norton Sound, using four inch mesh net killing chums, and  
21 that's -- and even on the Yukon, the six inch mesh net  
22 killing kings, and, you know, when a big fish hits a  
23 small webbing and they drown, and a small fish hit next  
24 wouldn't that big fish falls down, and that's not  
25 accounted for. The Department has no data on how many  
26 fish are lost whether it's Yukon River chinook or Norton  
27 Sound chum salmon, or sockeye, you know, and so there's  
28 a lot of issues, and a lot of factors involved in this  
29 whole issue with customary trade, with spawning ground  
30 escapements, with bycatch out in the ocean and it just  
31 stirs us up as people, and we're, in our own right, we  
32 want to be able to maintain what we've been doing over  
33 the years.

34

35 And I really appreciate you giving me the  
36 time to come and speak. I mean I had nothing prepared  
37 but speak from what I know, the history on the Yukon  
38 River, so I do oppose, for the record, all -- in fact,  
39 instead of coming back up I submitted my name for  
40 basically all the Yukon proposals, I do oppose those  
41 proposals, because I have other issues that I want to  
42 deal with and I don't want to, you know, continue to  
43 repeat myself like the InterAgency does, you know, with  
44 their statement.

45

(Laughter)

46

47

48 MR. LAMONT: But, anyway, it's so  
49 important, and I do feel like a loner but I appreciate  
50 you taking this time to let me speak and listen to what

1 I have to say.

2

3 Thank you, Mr. Chairman and Board, and if  
4 there's any questions I'd be more than happy to answer  
5 those.

6

7 CHAIRMAN TOWARAK: Thank you, Mr. Lamont.  
8 Any questions from the Board.

9

10 (No comments)

11

12 CHAIRMAN TOWARAK: Thank you for your  
13 comments.

14

15 Additional.

16

17 MR. PROBASCO: That's it, Mr. Chair.

18

19 CHAIRMAN TOWARAK: That closes our public  
20 testimony portion. We will ask the Regional Council's  
21 recommendations.

22

23 Mr. Reakoff.

24

25 MR. REAKOFF: Mr. Chairman. Western  
26 Interior Regional Advisory Council deferred Proposals 7  
27 and 8. We took up our proposal and supported the  
28 proposal, FP13-06.

29

30 The Council emphasized the conservation  
31 concern about the chinook salmon populations on the Yukon  
32 River drainage and felt it was important to take measures  
33 in order to take steps to restore the health of the  
34 populations.

35

36 The Council recognizes the need to be  
37 able to restore a more relaxed regulatory structure in  
38 the future, which would be customary trade outside of the  
39 customary and traditional uses determinations for Yukon  
40 River chinook salmon. That would be to non-rural users  
41 in the future. If and when the runs return to more  
42 healthy levels. The proposal can be submitted to relax  
43 the regulations in the future.

44

45 We discussed this issue widely.

46

47 Some of the public comments revolved  
48 around the sale of Kita by Kwik-Pak Fisheries, which is  
49 chum salmon, that's not chinook salmon from the Yukon  
50 River and those are not subsistence caught fish that's

1 being sold commercially at a website. Customary trade is  
2 a very important part of use of the customary and  
3 traditional uses of people on the Yukon River fish --  
4 certain fishers catch fish and they sell small portions  
5 of their catch for gas money, it's also how the fish is  
6 disseminated to elders in other parts of the Yukon River  
7 drainage, like on the Koyukuk. When we discussed this  
8 proposal, it constrains it to the -- customary trade to  
9 the users that have customary and traditional use of the  
10 Yukon River chinook salmon. One of our members, Ray  
11 Collins, from McGrath, says it was very traditional for  
12 those salmon to be traded into the Upper Kuskokwim where  
13 their fish are real skinny in the Upper Kuskokwim and  
14 they actually traded for Yukon River, but he was willing  
15 to go along with the proposal because of the chinook  
16 salmon decline.

17

18 I wanted the Board to be aware of our  
19 deliberation process and what we've wrestled with with  
20 this proposal, but we do support customary trade by the  
21 primary users on the Yukon River.

22

23 Thank you, Mr. Chairman.

24

25 CHAIRMAN TOWARAK: Thank you, Mr.

26 Reakoff.

27

28 MR. PROBASCO: YK-Delta Council.

29

30 CHAIRMAN TOWARAK: Let's go to the YK-

31 Delta Council.

32

33 MR. A. NICK: Mr. Chair. YK-Delta  
34 Council supported Proposal FP-06, 07 and 08 as modified  
35 in the OSM analysis.

36

37 And their justification for supporting  
38 the proposals was the Council was in agreement with OSM's  
39 conclusion on Page 77 of Council's workbook. During  
40 their deliberation, you know, they had some questions  
41 about some salmon, because if I remember -- if I remember  
42 correctly one of their questions was whether it's for all  
43 salmon or for chinooks only.

44

45 Mr. Chair.

46

47 CHAIRMAN TOWARAK: Thank you.

48

49 MR. PROBASCO: Eastern.

50

1 CHAIRMAN TOWARAK: Western.

2

3 MR. PROBASCO: Eastern.

4

5 CHAIRMAN TOWARAK: Oh, Eastern Interior.

6

7 MR. FIRMIN: Thank you, Mr. Chair.

8

9 The Eastern Interior Regional Council, we  
10 didn't -- we took no action on 13-06, basically on that  
11 proposal because we felt that it was more permanent, you  
12 know, in nature. And we took no action on 13-08 due to  
13 basic, just wording, as Dr. Jenkins pointed out, it just  
14 specified salmon and Mr. Nick just clarified. And we  
15 also felt that 13-07 had the best wording and that would  
16 take care of all three of them as they're similar in  
17 nature, and that we just felt that this is only chinook  
18 salmon and it's only -- it's -- it may only occur in  
19 river between, you know, Federally-qualified rural  
20 residents when there's a lack of chinook salmon in the  
21 river. If there's no fish in the river why should you  
22 even bother to sell them.

23

24 And I know this was a hard pressed and  
25 long arduous process, I think over a couple of years that  
26 I was involved in it, but we supported our own proposal,  
27 and we were split on it also. We had six in support,  
28 three opposed and one absent. I believe our one absent  
29 member probably would have opposed also. We did support  
30 it, however.

31

32 And I just want to point out that this  
33 would only be in times of a chinook conservation concern  
34 and trade restrictions could be lifted again when the  
35 escapement improved. So this would only be -- if there's  
36 no chinook salmon commercial fishing and there's  
37 restrictions on subsistence fishing then this is only --  
38 the Proposal 13-07 only restricts it to keep the fish in  
39 the river, so only like rural residents that have C&T  
40 determinations on the Yukon would have basically access  
41 to buy fish, to buy chinook salmon, and that was where  
42 the Eastern Interior RAC stood.

43

44 If I may add something on a personal  
45 note, I should have put it on the last -- Item 3 there.  
46 I kind of spent a lot of time and effort on this, so did  
47 a lot of other Staff and folks, and some of the points  
48 that came out during our Tri-RAC meetings, that some  
49 people were being honest, and actually we had different  
50 three RACs in the room and we all got along with it --

1 with a lot of these proposals that's in the book, that  
2 are separate from these individual three here, but there  
3 were some people that during -- even during times when  
4 there was no commercial fishing, there was no -- for  
5 chinook salmon and there was, you know, subsistence was  
6 restricted, I went on Facebook and found where one person  
7 was selling cases of jarred salmon for \$350 to \$400 to a  
8 case and she specifically wrote right on Facebook, I only  
9 have 40 cases for sale. I mean you do the math, that's  
10 15, \$16,000 and that's -- that, to me, is not customary  
11 trade. I mean it could be if you're selling it for 10  
12 families, but I don't know the exact details of how that  
13 is, but if that's occurring in one place I'm sure it's  
14 occurring in more places. And this proposal would just  
15 specifically address people that would keep that under --  
16 keep it to a limit anyway. So it would keep it in river  
17 and not keep it statewide. Because, personally, the  
18 Yukon River can't feed the people that are living on it  
19 now so there's no sense in letting it try to feed the  
20 rest of the world.

21

22 Thank you.

23

24 MR. PROBASCO: Mr. Green.

25

26 CHAIRMAN TOWARAK: To who?

27

28 MR. PROBASCO: Mr. Green, Seward  
29 Peninsula.

30

31 CHAIRMAN TOWARAK: Does the Seward  
32 Peninsula have a position?

33

34 MR. GREEN: Well, I'm hearing things  
35 about not enough to go around and I can understand that  
36 and, you know, we considered that and we understand that  
37 in times of shortage you just can't feed the rest of the  
38 world, as it was put by Andrew over there. But the other  
39 thought was that customary trade of the Yukon chinook  
40 salmon has taken place for generations for a long, long  
41 time.

42

43 In my area we don't have chinook salmon  
44 so if there is a surplus or something then there is  
45 trade. It's going to happen. It has happened. It will  
46 probably continue to happen. And the thought was that it  
47 would turn good ordinary people into criminals if it was  
48 eliminated. You're reducing it to the constraints to the  
49 river system, and another thought was that the people  
50 that live in the river have the access to it and if they



1 do have extra they wouldn't be able to send it over the  
2 hill, so to speak.

3

4 So, anyway, we opposed 06, 07 and 08.

5

6 If anybody has any questions I'd be  
7 willing to answer them.

8

9 CHAIRMAN TOWARAK: I think that covers  
10 all of the regions. Is there -- Alaska.....

11

12 MR. PROBASCO: Mr. Chair. Some of the  
13 difficulties managing the teleconference, and it's  
14 usually the practice of the Board to allow one person  
15 representing the Council to speak. On line we have Mr.  
16 Tim Smith that would like to speak on behalf of the  
17 Seward Penn, but I think we heard from Mr. Green already,  
18 so, Tim, unless the Chair would like to give you that  
19 opportunity, normally we only have the Chair speak to the  
20 proposals.

21

22 Mr. Chair.

23

24 CHAIRMAN TOWARAK: In the interest of  
25 time I think we need to restrict it to those Chairs that  
26 are present,

27

28 Did you have a question Mr. Firmin.

29

30 MR. FIRMIN: Thank you. I just wanted to  
31 point out one more thing. The Proposal 13-07 that the  
32 Eastern Interior Council supported was -- has nothing to  
33 do with barter, so there's no reason that Mr. Green  
34 couldn't call the gas station and buy me fuel and I could  
35 send him some strips. That doesn't have anything to do  
36 with the proposal that's on the table, also. I just  
37 wanted to make that clear for everybody.

38

39 Thank you.

40

41 CHAIRMAN TOWARAK: Any questions from the  
42 Board of any of the Chairs.

43

44 (No comments)

45

46 CHAIRMAN TOWARAK: Not hearing any then  
47 we will continue on with Number 5, the Alaska Department  
48 of Fish and Game.

49

50 MS. YUHAS: Thank you, Mr. Chairman.

1 Jennifer Yuhas, State Federal Subsistence Liaison Team.

2

3                   This has been a much discussed issue in  
4 the few years I've participated in the Board. The  
5 Department has participated in Board meetings, RAC  
6 meetings, working group meetings where we've discussed  
7 who may trade, how they may trade, how much they may  
8 trade and many of these proposals have been deferred or  
9 taken no action because we've not achieved a full  
10 consensus of agreement.

11

12                   I've been asked whether these groups of  
13 proposals here limit customary trade or do they allow for  
14 customary trade and I've tried to clarify for the folks  
15 outside the system who've been asking what's going on  
16 with these, that they actually seek to define customary  
17 trade.

18

19                   This process allows for customary trade  
20 but we haven't been able to come to agreement on what  
21 that looks like.

22

23                   The Department's official position has  
24 remained the same over the last two years. We support  
25 refining the definition of customary trade and  
26 significant commercial enterprise. Law enforcement and  
27 the courts are in agreement that until we have a  
28 definition that this problem will not be settled. And  
29 the way the proposal title has been written, it's written  
30 to look like it's simply a limitation. Really we should  
31 call it what it is, it's a definition of customary trade.

32

33                   The Alaska Board of Fisheries met last  
34 week and they unanimously declined to have a limit of  
35 \$500 in the Kuskokwim River area. They unanimously  
36 increased the limit in the Norton Sound area from \$200 to  
37 \$500 for the sale of finfish.

38

39                   Simply would like to see a definition in  
40 this arena so that we can all work from there.

41

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

44

(No comments)

45

46                   CHAIRMAN TOWARAK: Thank you for those  
47 comments. We will then continue on to the InterAgency  
48 Staff Committee comments.

49

50

1 MS. O'REILLY-DOYLE: Mr. Chair. The  
2 InterAgency Staff Committee provides the standard  
3 comment, which is on the board.

4  
5 CHAIRMAN TOWARAK: Thank you. Board  
6 discussion with the Council Chairs and State liaison.

7  
8 (No comments)

9  
10 CHAIRMAN TOWARAK: It doesn't look like  
11 there are any so we will go directly into the Federal  
12 Subsistence Board action.

13  
14 (Pause)

15  
16 CHAIRMAN TOWARAK: Mr. Haskett.

17  
18 MR. HASKETT: So this was about as  
19 complicated a discussion as I think we've had in my  
20 entire time on the Board just in terms of the differences  
21 and -- I mean there are differences in the three  
22 proposals we're considering here and there's obviously  
23 some similarities as well.

24  
25 I'm going to make a motion to adopt  
26 Proposal 13-06 with modifications as written on Pages 153  
27 and 154 in our Board book.

28  
29 My proposal also will also be to take no  
30 action on 7 and 8.

31  
32 I think this motion is consistent with  
33 the recommendations of the Yukon Kuskokwim Regional  
34 Council, and I think it appears to be consistent with the  
35 intent of the two other Regional Council's  
36 recommendations. I'll provide more justification if I  
37 get a second to the motion. And if we get through this,  
38 where we successfully pass the motion that I'm going to  
39 make, then I'm going to have another motion I'd like to  
40 make that affects the proposals that immediately follow  
41 this. So don't worry about that yet but that'll come  
42 later.

43  
44 CHAIRMAN TOWARAK: Okay, just to clarify  
45 it in my mind, we are only -- your motion only affects  
46 13-06, which includes the modification or -- on Page 153,  
47 I assume it's that exact bottom, and italicized portion  
48 on the next page.

49  
50 MR. HASKETT: Yes.

1 MR. PROBASCO: Mr. Chair. Mr. Haskett's  
2 motion.....  
3  
4 CHAIRMAN TOWARAK: Yes.  
5  
6 MR. PROBASCO: .....also included that  
7 based on his motion for 13-06, as modified, he also  
8 contained within his motion no action on 13-07 and 13-08,  
9 but we still need a second.  
10  
11 MR. OWEN: Second.  
12  
13 CHAIRMAN TOWARAK: I'm sorry, there's a  
14 second on the motion. Is that clear to the Board members  
15 voting on the motion, on what the motion is?  
16  
17 MS. O'NEILL: I have a question.  
18  
19 CHAIRMAN TOWARAK: Sure.  
20  
21 MS. O'NEILL: On Page 153 and 154, it  
22 lists 27(c)(11), on Page 154, as I understand it, the  
23 language that would be included in the vote FP13-06, I  
24 had heard earlier that this would also be included under  
25 (xii); is that correct, the same language would be  
26 included in the 27(c)(12)?  
27  
28 CHAIRMAN TOWARAK: To the maker of the  
29 motion, I assume that's correct?  
30  
31 MR. HASKETT: Yes. Unless -- I believe  
32 that's what David Jenkins explained.  
33  
34 DR. JENKINS: (Nods affirmatively)  
35  
36 MR. HASKETT: Yes.  
37  
38 MS. O'NEILL: Thank you.  
39  
40 CHAIRMAN TOWARAK: Any further questions.  
41  
42 MR. HASKETT: Question.  
43  
44 CHAIRMAN TOWARAK: Go ahead Mr. Haskett.  
45  
46 MR. HASKETT: Okay. So I want to first  
47 clarify that the modification to my motion on Proposal 6  
48 clarifies that customary trade will be limited to  
49 Federally-qualified users with C&T for chinook salmon.  
50 As it was written it limited sales to those who had C&T

1 but didn't specify for what salmon species. So to make  
2 that clear.

3  
4 I also want to point out that, as a  
5 number of people have said, I heard it from a number of  
6 the RACs that this has been a very difficult,  
7 controversial, contentious issue over the last couple of  
8 years, especially when you look at that we're doing this  
9 for an area as large as the Yukon, that in different  
10 parts of the river people are affected different ways and  
11 there's -- it's just very, very difficult, and I want to  
12 recognize that. And I think we need to recognize -- this  
13 Board needs to recognize the work done by the  
14 subcommittee and all the Councils who did put so much  
15 time and effort into this, and, again, I heard that from  
16 each of the RACs that talked about this, how difficult it  
17 was. And what they came to what, at least, appears to be  
18 close to a unanimous recommendation -- to as close to a  
19 unanimous recommendation as we're going to see on this  
20 issue in the near future, again, specific to 13-06.

21  
22 My motion's consistent with the Tri-RAC  
23 subcommittee's preferred alternative and it brings  
24 forward the consistency between the Council  
25 recommendations. I'm not sure it's a perfect solution  
26 because I haven't heard complete agreement anywhere on  
27 this but I believe it's a way forward and I'd like to  
28 support the collective work of the many subsistence users  
29 who've been brought before us and it's reflected in this  
30 motion. I think it's a step forward in addressing  
31 customary trade of chinook salmon on the Yukon and we can  
32 always later on reassess how it's working in the future  
33 but, again, for now I intend to vote in favor of the  
34 motion.

35  
36 CHAIRMAN TOWARAK: Any further discussion  
37 by the Board.

38  
39 MR. OWEN: Question.

40  
41 CHAIRMAN TOWARAK: Go ahead.

42  
43 MR. OWEN: So just for my clarification,  
44 Mr. Chairman, the vote to not take action on 7 and 8, is  
45 that equivalent to a deferral or a vote against?

46  
47 MR. PROBASCO: Mr. Chair. Mr. Owen.  
48 Taking no action results in the proposal going away, it's  
49 not deferred.

50

1 MR. OWEN: Thank you.  
2  
3 CHAIRMAN TOWARAK: Mr. Haskett.  
4  
5 MR. HASKETT: And my intent is for those  
6 two to go away but recognizing that if we pass 06 then we  
7 have the ability to look and see how this works over the  
8 next year or so and it could always be brought forward  
9 again, dependent upon what we find if we go forward with  
10 06.  
11  
12 CHAIRMAN TOWARAK: Any further  
13 discussion.  
14  
15 (No comments)  
16  
17 CHAIRMAN TOWARAK: Is there a call for  
18 the question.  
19  
20 MR. CHRISTIANSON: Question.  
21  
22 CHAIRMAN TOWARAK: Question's been called  
23 for by Mr. Christianson. Roll call, please.  
24  
25 MR. PROBASCO: Thank you, Mr. Chair.  
26 Final action on Proposal FP06, 07 and 08, and it's as  
27 written before you on the screen and Proposal FP13-06 is  
28 the main body with modification and results in taking no  
29 action on 07 and 08. The clarification is found on Page  
30 153 and 154.  
31  
32 Mr. Cribley.  
33  
34 MR. CRIBLEY: Yes.  
35  
36 MR. PROBASCO: Mr. Towarak.  
37  
38 CHAIRMAN TOWARAK: Yes.  
39  
40 MR. PROBASCO: Mr. Owen.  
41  
42 MR. OWEN: Yes.  
43  
44 MR. PROBASCO: Mr. Brower.  
45  
46 MR. C. BROWER: Yes.  
47  
48 MR. PROBASCO: Mr. Haskett.  
49  
50 MR. HASKETT: Yes.

1 MR. PROBASCO: Ms. Masica.  
2  
3 MS. MASICA: Yes.  
4  
5 MR. PROBASCO: Ms. O'Neill.  
6  
7 MS. O'NEILL: Yes.  
8  
9 MR. PROBASCO: And, Mr. Christianson.  
10  
11 MR. CHRISTIANSON: Yes.  
12  
13 MR. PROBASCO: Motion carries, 8/0.  
14  
15 CHAIRMAN TOWARAK: Thank you. I think --  
16 I want to make it clear to the Board, I guess we could do  
17 this after Mr. Haskett has the floor.  
18  
19 MR. HASKETT: Mr. Chair. I was going to  
20 make a second motion that I talked about previously that  
21 will affect the following proposals so maybe I should  
22 wait until you do what you're just about to do.  
23  
24 CHAIRMAN TOWARAK: Okay. What I wanted  
25 to do was, if we could have that proposal in front of us  
26 on the screen.  
27  
28 MR. PROBASCO: The one we just did?  
29  
30 CHAIRMAN TOWARAK: The one we just did.  
31 I'd like to make sure that each of the Regional Councils  
32 affected understand what we did today and perhaps Mr.  
33 Probasco would want to finalize our understanding of what  
34 we did -- or what this regulation does.  
35  
36 MR. PROBASCO: Mr. Chair. I wouldn't  
37 want to take up a lot of time but Dr. Jenkins' analysis  
38 and the work that all the committee members from the Tri-  
39 RACs did, 13-06, to the best of the language that's  
40 before us captures the majority of the intent of the Tri-  
41 Council's working on this and essentially what it does is  
42 it focuses strictly on Yukon River chinook salmon, not  
43 other salmon species, and only affects those rural  
44 residents with customary and traditional use for Yukon  
45 River chinook salmon. So it goes to describing when  
46 customary trade, which is not barter, which is exchange  
47 for cash, and when it deals with Yukon River chinook  
48 salmon, how that will be accomplished on the Yukon River.  
49  
50 CHAIRMAN TOWARAK: Are there any

1 questions of that.

2

3 (No comments)

4

5 CHAIRMAN TOWARAK: If not then we will  
6 continue with Mr. Haskett.

7

8 MR. HASKETT: Okay, so bear with me. So,  
9 Mr. Chair, I'd like to make another motion as a way to  
10 deal with the rest of the customary trade proposals all  
11 at one time, if you and the rest of my fellow Board  
12 members are willing.

13

14 As I stated before, all the discussions  
15 on this have been very complicated, difficult, you know,  
16 people working together and doing the best that they can  
17 so that what we just -- what we just did was done to get  
18 on the one proposal we were the closest on and give us  
19 some time to see how that works. So I've reviewed the  
20 material in our books for Proposals 13-9, 13-10, 13-11,  
21 and 11-08, and while it appeared to me that the Councils  
22 and the Tri-RAC committee all seemed to agree on the  
23 action we just took for customary trade on Proposal 6,  
24 they were split on all the rest of these proposals, there  
25 was not any kind of consensus, there wasn't agreement, we  
26 just weren't there, so I'd suggest that we see how these  
27 customary trade regulations we just voted on work before  
28 making any more changes on these other proposals, so with  
29 that I plan to make a motion to take no action on  
30 Proposals 13-08, 13-10, 13-11, and 11-08 due to the  
31 motion we just took on Proposal 13-06.

32

33 And I'll give more justification if I get  
34 a second.

35

36 MR. CHRISTIANSON: I second that.

37

38 CHAIRMAN TOWARAK: The motion has been  
39 seconded. Additional information.

40

41 MR. HASKETT: Okay. So I outlined my  
42 thinking behind taking no action on these proposals in  
43 the remarks that I just made.

44

45 Like I said, we've reviewed the materials  
46 in our book for these proposals and it appears to me the  
47 Councils and the Tri-RAC committee all seem to agree on  
48 the action, mostly, on what we just did for Proposal 6,  
49 but there was no agreement, no consensus on these other  
50 proposals. So if the Councils that did not support the



1 proposals would have limited their recommendations to  
2 only their geographic region on the river then I think  
3 that may be something to consider in the future. But  
4 until we get more widespread agreement all along the  
5 river from all of the Councils, or a recommendation from  
6 a particular Council that only addresses their particular  
7 region along the river I'm not prepared to support any of  
8 these proposals at this time. I just don't think we're  
9 going to come to agreement. So I think we should see how  
10 these new customary trade regulations work before making  
11 any more changes to the customary trade regulations on  
12 the Yukon River and my intent will be to vote in favor of  
13 what I just outlined.

14

15 CHAIRMAN TOWARAK: Any questions.

16

17 Mr. Owen.

18

19 MR. OWEN: I wonder if it wouldn't be  
20 appropriate for there to be an opportunity for the public  
21 to comment on the proposal in front of us.

22

23 CHAIRMAN TOWARAK: Go ahead, Mr.  
24 Probasco.

25

26 MR. PROBASCO: Thank you, Mr. Chair.  
27 Mr. Owen, your comments may be appropriate, keep in my  
28 mind we do have a motion before us and we would have to  
29 take action on that before moving further.

30

31 Mr. Chair.

32

33 CHAIRMAN TOWARAK: Any further  
34 discussion.

35

36 (No comments)

37

38 CHAIRMAN TOWARAK: Is there a call for  
39 the question.

40

41 MR. OWEN: Question.

42

43 CHAIRMAN TOWARAK: Question has been  
44 called for, roll call, please.

45

46 MR. PROBASCO: Mr. Chair. The motion  
47 before us is to take no action on Proposals FP13-09, 10,  
48 11 and FP11-08.

49

50 Mr. Towarak.

1 CHAIRMAN TOWARAK: Yes.  
2  
3 MR. PROBASCO: Mr. Owen.  
4  
5 MR. OWEN: Yes.  
6  
7 MR. PROBASCO: Mr. Brower.  
8  
9 MR. C. BROWER: Yes.  
10  
11 MR. PROBASCO: Mr. Haskett.  
12  
13 MR. HASKETT: Yes.  
14  
15 MR. PROBASCO: Ms. Masica.  
16  
17 MS. MASICA: Yes.  
18  
19 MR. PROBASCO: Ms. O'Neill.  
20  
21 MS. O'NEILL: Yes.  
22  
23 MR. PROBASCO: Mr. Christianson.  
24  
25 MR. CHRISTIANSON: Yes.  
26  
27 MR. PROBASCO: And, Mr. Cribley.  
28  
29 MR. CRIBLEY: Yes.  
30  
31 MR. PROBASCO: Motion carries, 8/0.  
32  
33 CHAIRMAN TOWARAK: Go ahead.  
34  
35 MR. LORD: Mr. Chair, thank you. I just  
36 -- because there was no language for subparagraph (xii)  
37 up on the screen or in the write up, I'd just -- in the  
38 modified regulation on Pages 153 and 154, I just -- I'm  
39 sorry?  
40  
41 MS. O'NEILL: The No. 12 was on the  
42 screen.  
43  
44 MR. LORD: The No. 12 was on the screen  
45 but I just wanted to confirm on the record that it is the  
46 Board's intent that there will be no customary trade  
47 between Federally-qualified residents and others of Yukon  
48 River chinook salmon. And if that's a correct statement  
49 I just wanted it to be on the record.  
50

1 Thank you.

2

3 CHAIRMAN TOWARAK: Go ahead, Pete.

4

5 MR. PROBASCO: Mr. Chair. I appreciate  
6 Mr. Lord's clarification and I believe the discussion and  
7 the intent of the motion was to capture that. I think  
8 the Board needs to affirm that.

9

10 CHAIRMAN TOWARAK: Is that the  
11 understanding of the Board and what we did, are there any  
12 objections to it

13

14 (No objections)

15

16 CHAIRMAN TOWARAK: Not seeing any, it's  
17 unanimously agreed upon.

18

19 It's 5:00 o'clock right now. I assume  
20 that we will reconvene tomorrow morning at 8:30 and that  
21 we will break -- recess this portion of the meeting until  
22 8:30 tomorrow morning.

23

24 (Off record)

25

26 (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 137 through 260 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME II taken electronically by our firm on the 23rd day of January 2013, 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 5th day of February 2013.

\_\_\_\_\_  
Salena A. Hile  
Notary Public, State of Alaska  
My Commission Expires: 09/16/14