

1 FEDERAL SUBSISTENCE BOARD
2
3 PUBLIC REGULATORY MEETING
4

5
6 VOLUME III
7

8 EGAN CENTER
9 ANCHORAGE, ALASKA

10
11 January 24, 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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1 P R O C E E D I N G S

2
3 (Anchorage, Alaska - 1/24/2013)

4
5 (On record)

6
7 CHAIRMAN TOWARAK: Good morning. I'd like to
8 reconvene our Federal Subsistence Board meeting.
9 Yesterday we had completed, I think, the Yukon proposals.
10 Scheduled next was Chignik, but we've got a little timing
11 situation this morning that I'd like to make sure that --
12 I'd like to bring this in front of the Board. Pete has
13 a teleconference going on at the moment and he would like
14 to be here for the Chignik proposal, so if there's no
15 objections we're going to put Chignik on hold.

16
17 We were supposed to start with Chignik
18 this morning -- or, no, FP13-13, yeah, which is Chignik.
19 We're going to put that on hold and skip over to the
20 Kodiak proposals. There's only one Kodiak proposal and
21 then we have one Cook Inlet proposal. We'll stay on that
22 schedule until Pete gets back and when he gets back after
23 completing whatever proposal we're on, we'll jump back
24 and take care of Chignik while Mr. Probasco is with us.

25
26 Are there any objections to that change
27 in the schedule?

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: Not hearing any.
32 Okay. Then we will proceed with Proposal -- oh, I'm
33 sorry, we need to go back and -- every morning we start
34 with the public comment period on non-agenda items. We
35 only have, I think, one person that is signed up for it.
36 We'll open the floor then for public comment.

37
38 MS. O'REILLY-DOYLE: Thank you, Mr.
39 Chair. We have one individual that has signed a request
40 form for public testimony this morning and that would be
41 Larry Sinyon. I apologize if I'm mispronouncing your
42 name, Larry, but I'm not seeing the spelling well. Thank
43 you.

44
45 MR. SINYON: Morning. This is Larry
46 Sinyon. I'm the president for Cheesh'na Tribal Council
47 in Chistochina. It's up on the Tok cutoff. Mine is
48 short. We have an MOU with the Park Service, the
49 Wrangell-St. Elias National Park and we have a
50 subsistence -- well, it's a local hunt for moose. It's

1 only moose from August 24th to 28th. Two years ago it
2 was really wet in the area, all through the Copper River
3 Valley, and they kept the trails closed. With that done,
4 they kept it closed until about the first of September,
5 so there was no four-wheelers in there, reducing the
6 hunting season. Reducing the hunters to almost zero.
7 When they did open it, there was no -- no one had time to
8 get out there. So I think if you could work something
9 like that out with the State, it would open up a little
10 more subsistence -- you know, clear up some subsistence
11 issues. That's one thing.

12
13 What Wilson was saying day before
14 yesterday about trails, the (In Native language), it's
15 like a religious word. There's another word that goes
16 with it and it's (In Native language). The closest I can
17 come to making that English is extinction. These trails
18 Wilson was talking about, almost all the road system in
19 Alaska and probably United States is covered -- those
20 trails are covered by roads nowadays. All the rivers,
21 the rivers were the main food source where the animals
22 are.

23
24 I don't know how else to put it, but
25 that's the way it is. I just wanted to bring up that
26 working with the Park Service, the Feds could do the same
27 thing with the State if the State would listen. That's
28 all I have. Thank you.

29
30 CHAIRMAN TOWARAK: Thank you. Perhaps we
31 could refer this issue to the Park Service and ask you to
32 get together with the Park people and possibly work on a
33 proposal for one of our future meetings.

34
35 MR. LORD: Mr. Sinyon, there's a process
36 that you may or may not be aware of called a special
37 action request in the program. If there's a problem such
38 as the trails being closed due to weather that prevents
39 you from engaging in a hunt when it's scheduled, you can
40 call up the Office of Subsistence Management, explain the
41 problem and tell that you want to submit a special action
42 request to extend the season because you weren't able to
43 hunt, you or anybody from Chistochina. So there is a
44 mechanism in place to account for situations like that.
45 All you have to do is call them and start that process
46 going.

47
48 MR. SINYON: Actually that wasn't the
49 problem. That was the thing that solved the problem of
50 hunting pressure, is the point I was trying to make.

1 MR. LORD: I'm sorry, I misunderstood.
2
3 MR. SINYON: Any more questions.
4
5 (No comments)
6
7 CHAIRMAN TOWARAK: Thank you very much
8 for your comments.
9
10 MR. SINYON: Thank you.
11
12 CHAIRMAN TOWARAK: Could I get the Staff
13 next to that microphone to turn it off. Thank you.
14 Next.
15
16 (No comments)
17
18 CHAIRMAN TOWARAK: Okay, that concludes
19 the public comments for non-agenda items. We will then
20 revert back to our proposal process and start with the
21 Chignik proposal -- I mean Kodiak. 13-14, Page 255 in
22 your books.
23
24 (Pause)
25
26 CHAIRMAN TOWARAK: We have one more
27 process to go through. We're being corrected, that we
28 have to open the floor for non-consensus topics and we do
29 have someone interested in speaking to that effect.
30
31 MS. O'REILLY-DOYLE: We have Ronald
32 Leighton on the line. Ronald, the floor is yours.
33
34 MR. LEIGHTON: I'm here today to talk on
35 the consensus Proposals FP13-17 and FP13-22. I'm not
36 here to speak on behalf of the Organized Village of
37 Kasaan because this came too fast and we didn't run this
38 before the council. I know everybody's consensus down
39 there. I would like to request that these two agenda
40 items be removed from the consensus agenda and put on the
41 regular agenda to be discussed. My reasons for that is
42 that the no limit -- the no daily limit for any fish
43 should be eliminated and a need should be brought forward
44 for our total amounts of consumption of any given fish
45 species, whether it be sockeye, halibut or other
46 rockfish.
47
48 The reason for that is, for example, for
49 me to travel to a sockeye stream it would be too cost
50 prohibitive for me to go up every day to get my 10

1 sockeye. I feel that it's very important that you guys
2 understand this. Say, for instance, I need 100 sockeye
3 per year and you guys need to figure out how much sockeye
4 I'm taking. Well, it's easy. You put down 100 sockeye
5 on the permit. When the sockeye are there, I could get
6 my 100 sockeye. I don't have to come back each time to
7 get it. A lot of times when I come back to get my other
8 10 I can't make it because of weather or when I do get
9 there there's no sockeye. They had already went
10 upstream. They come in spurts. So when they're there we
11 should be able to get them. It would make it cost
12 effective for us to do it that way.

13

14 Another thing here, I think FP13-17
15 speaks a lot toward it. The people that process their
16 fish at site when they're staying there, they get their
17 daily amount as they get it and in between spurts they
18 process their fish by either drying it, smoking it and
19 drying it, drying it, whatever, but this will allow that
20 to happen. I don't know exactly why there is heartburn
21 over these two proposals. I think they make perfect
22 sense. It will allow us to get the fish while they're in
23 place.

24

25 Another thing that you've got to realize
26 too is that we depend on fish, a lot of different fish
27 species and if we can't get one fish species, such as
28 maybe halibut, maybe we don't get our amount of halibut,
29 then we have to go to different fish to fill in that gap
30 we lack in the halibut. Maybe have to add to our salmon.
31 So I would recommend that you bring this back, reconsider
32 it and take a look, a very close look at it. It's your
33 jobs to sit down and figure out ways of not limiting us
34 in our abilities. You have to figure out ways to make
35 the effort -- our effort easier to obtain our customary
36 and traditional levels no matter what species it is.

37

38 This is what I wanted to talk on. I
39 think it's very important that you concentrate on not
40 limiting us, not daily limits, not this and that, but
41 that you look at it very close and open up our abilities
42 to gather. When I go up there and I have to release a
43 lot of fish, take my 10, it's upsetting to me. When I go
44 back and they're not there, it's also very upsetting to
45 me and I feel a lot of times a failure to my family
46 because I can't get our customary and traditional use
47 levels and this is why I feel that you should consider
48 this. I'm finished.

49

50 CHAIRMAN TOWARAK: Thank you. Are there

1 any questions of Mr. Leighton.

2

3 (No comments)

4

5 CHAIRMAN TOWARAK: Mr. Leighton is
6 requesting removing a proposal from the consensus item to
7 the non-consensus item. Are there any Board members that
8 would wish to carry out his request.

9

10 MR. OWEN: A question, Mr. Chairman. Mr.
11 Leighton explained his rationale behind moving Proposal
12 22, but I don't recall his rationale for No. 17.

13

14 CHAIRMAN TOWARAK: Mr. Leighton, did you
15 hear the question? Would you review your request on
16 removing 17 and the rationale behind asking for moving it
17 over.

18

19 MR. LEIGHTON: Okay. On No. 17, it's my
20 understanding on that one -- the reason why that came
21 forward is that there's more traditional subsistence
22 needs there. If you are processing fish at site and you
23 only have a daily bag limit of fish, it really makes it
24 illegal for us to sit down there and say spend four or
25 five days there processing our fish, smoking it up,
26 drying it or jarring it up. The markings of our fish, I
27 don't know -- I think at first that was mentioned in
28 this, but why is it that subsistence-caught fish are the
29 only ones that have to be marked. I know the intent
30 originally was to keep us subsistence users from selling
31 it to canneries and stuff and that was their way of
32 identifying that the fish were subsistence caught, but I
33 don't think that's an issue here anymore.

34

35 It's tough enough -- tough enough times
36 now that the people either barter/trade for other
37 products. I just feel that you guys are going to have to
38 look at this and let people talk on this a little bit and
39 air it for a while. There's no -- in other parts of the
40 state there's no limit on the amount of fish that
41 subsistence users do or take and I don't know why that is
42 down here in Southeast Alaska that you put limits on it
43 and stuff, regulate us more strictly. I mean we have the
44 same needs as other people in the rest of the state.

45

46 I'm finished.

47

48 MS. O'REILLY-DOYLE: Mr, Leighton, if you
49 could standby for a moment, we're discussing your
50 request.

1 MR. LEIGHTON: Okay.
2
3 (Pause)
4
5 MR. LEIGHTON: I can't hear the
6 discussion.
7
8 (Laughter)
9
10 CHAIRMAN TOWARAK: Okay. We had a couple
11 of questions internally as to what process we need to
12 use. At this point, your request is to take Proposal 17
13 and 22 off the consensus list and insert it into the non-
14 consensus agenda. The floor is open for any Board
15 members to make that request.
16
17 (No comments)
18
19 CHAIRMAN TOWARAK: Mr. Adams, have you
20 got any thoughts on this?
21
22 MR. ADAMS: I don't. Sorry. I'm done.
23
24 CHAIRMAN TOWARAK: Mr. Leighton, we don't
25 have anyone that wants to make the request, so with no
26 action from the Board to take it off of the consensus and
27 move it into the non-consensus agenda fails.
28
29 MR. LEIGHTON: Thank you for allowing me
30 the opportunity. I tried anyway.
31
32 CHAIRMAN TOWARAK: Thank you for your
33 request. I believe that takes care of all the requests
34 we had for the comment period on consensus agenda items.
35 We will then resume our proposal process of Proposal 13-
36 17.
37
38 MS. O'REILLY-DOYLE: 13-14.
39
40 CHAIRMAN TOWARAK: I mean 13 and 14.
41
42 MS. O'REILLY-DOYLE: 13-14.
43
44 CHAIRMAN TOWARAK: 13-14. I'll get it
45 yet. Okay. We had earlier explained that we're going to
46 bypass 13-13, which is a Chignik proposal until Mr.
47 Probasco is back to our meeting. We will start off with
48 Kodiak's Proposal 13-14 to revise pot size limitations.
49 It's on Page 270.
50

1 We will start the process with an
2 analysis by the Staff, please.

3
4 MS. LARSON-BLAIR: Good morning,
5 Chairman, Board members and Council representatives. My
6 name is Kay Larson-Blair and I'm a fisheries biologist
7 with the Office of Subsistence Management. I will be
8 presenting Proposal FP 13-14, which was submitted by the
9 Alaska Department of Fish and Game. This proposal can be
10 found on Pages 255-269 of the Board book.

11
12 The proposal requests modification to the
13 Federal subsistence king and tanner crab fisheries
14 regulations for the Kodiak area. The proponent requests
15 establishing definitions for king and tanner crab pots,
16 modifying gear marking requirements, and clarifying crab
17 pot limits per vessel.

18
19 A map depicting Federal public waters can
20 be found on Page 260 of the Board book. Residents of the
21 Kodiak area have a customary and traditional use
22 determination for the harvest of tanner crab in the
23 Kodiak area. Residents of the Kodiak Island Borough,
24 except for those residents of the Kodiak Coast Guard Base
25 have customary and traditional use determination for king
26 crab in the Kodiak area, except for the Semidi Island,
27 the North Mainland, and the South Mainland sections.

28
29 Federal public waters contain only about
30 2 percent of the available crab habitat in the Kodiak
31 area. In 2007, the crab population was estimated at 186
32 million, which was an all-time high since the trawl
33 survey was implemented. The tanner crab population in
34 the Kodiak District decreased in 2010 and was estimated
35 at 76.3 million crabs, which is still considered healthy.

36
37 Subsistence harvest survey information
38 for tanner crab can be found on Table 3 on Page 264 of
39 the Board book. Tanner crab harvests are relatively
40 small in the Kodiak area and have fluctuated over the
41 years. Additional information on regulatory and
42 biological history on tanner crab can be found in the
43 Board book on Pages 255 through 264.

44
45 Since 1982 the king crab population has
46 decreased and since then it has remained at historically
47 low numbers. Relatively few king crabs are captured in
48 the State trawl survey each year, therefore it is not
49 possible to accurately determine trends in the population
50 since small differences in catches result in large

1 differences in population
2 estimates. However, these surveys do show that the red
3 king crab stock in the Kodiak area has remained at very
4 low abundance levels.

5
6 An ADF&G subsistence permit is required
7 to participate in the Federal subsistence king crab
8 fishery. Data on subsistence harvest is in Table 2 on
9 Page 263 of the Board book. Reported king crab harvest
10 in the Kodiak area has been very small since the collapse
11 of the stock in the 1980s. Harvest among the communities
12 appears to be decreasing. Between 1996 and 2011 the
13 annual king crab harvest has dropped to approximately 100
14 crabs or less.

15
16 The tanner crab population is healthy and
17 the harvest is relatively small compared to the
18 population, while the king crab population is depressed.
19 The size of the subsistence harvest is small relative to
20 the resource. This proposal would also unnecessarily
21 restrict subsistence harvest users.

22
23 OSM's conclusion is to oppose Proposal
24 FP13-14. There is a well-documented conservation
25 concern for king crab in the Kodiak area, which includes
26 Federal public waters in Womens Bay, Gibson Cove, and
27 nearshore waters around the Karluk River mouth and
28 Afognak Island. The Kodiak Area king crab stock remains
29 at very low abundance levels. Marine waters under
30 Federal jurisdiction in Womens Bay is a known nursery
31 area for the larger Chiniak Bay complex and is easy to
32 access from the Kodiak road system. However, Federal
33 public waters only contain 2 percent of the available
34 crab habitat for the Kodiak area and the subsistence
35 harvest in those waters is relatively small.

36
37 If this proposal were adopted, it could
38 limit harvest opportunities for Federally qualified
39 subsistence users to harvest king crab and tanner crab.
40 Maintaining the current tanner and king crab regulations
41 in the Kodiak area would provide for subsistence harvest
42 of crab with minimal impacts to the crab stock.

43
44 Thank you, Mr. Chair. That concludes my
45 presentation.

46
47 CHAIRMAN TOWARAK: Thank you. Are there
48 any questions of the Staff regarding 13-14.

49
50 (No comments)

1 CHAIRMAN TOWARAK: Thank you. We will
2 continue then on the summary of public comments form the
3 Regional coordinator.

4
5 MR. JENNINGS: Thank you, Mr. Chair. My
6 name is Tom Jennings. I serve as the coordinator for the
7 Kodiak/Aleutians Council. We received no written public
8 comments for this proposal. Thank you.

9
10 CHAIRMAN TOWARAK: Thank you. We will
11 open the floor for public testimony. Do we have anyone.

12
13 MS. O'REILLY-DOYLE: Mr. Chair. We have
14 no request for public testimony on this issue.

15
16 CHAIRMAN TOWARAK: Thank you. We will
17 then go to the Regional Council recommendations. Mr.
18 Simeonoff.

19
20 MR. SIMEONOFF: Thank you, Mr. Chairman.
21 I talked with several people in the Kodiak area along
22 with my village. When I tried to explain the rationale
23 for a proposal like this, they immediately saw the
24 hindrance of a proposal like this to their ability to
25 harvest king crab. I think what they saw the most was
26 each person in the village who wishes to harvest king
27 crab would have to obtain their own boat, obtain their
28 own crab pots and go out and harvest one king crab and
29 five tanner crab and it just didn't make sense to them to
30 have to spend that much money on the equipment to harvest
31 a small amount of crab. As it is now, some of the
32 villagers that have boats and have crab pots can take
33 their boat, their crab pots and several people from the
34 village to help them harvest that king and tanner crab.

35
36 The discussions at the Kodiak/Aleutians
37 Council meeting, the Board adamantly opposed this
38 proposal. Any proposed changes would be detrimental to
39 and cause hardship to subsistence users. They strongly
40 supported the existing regulations. Thank you.

41
42 CHAIRMAN TOWARAK: Thank you. Are there
43 any questions of the chair on this proposal.

44
45 (No comments)

46
47 CHAIRMAN TOWARAK: Thank you. We'll
48 proceed with the Alaska Department of Fish and Game.

49
50 MS. YUHAS: Thank you, Mr. Chairman.

1 Jennifer Yuhas, Alaska Department of Fish and Game. We
2 hope through our presentation here to bring the Board
3 some new information which has occurred with some of the
4 other proposals during this meeting and to clarify some
5 of the misconceptions we were not able to correct at the
6 RAC meeting. Mr. Drew Crawford, our State fisheries
7 issues liaison, and Mr. Wayne Donaldson will be covering
8 this topic for you. We also have a presentation
9 scheduled regarding the conservation concern from our
10 counterparts at NOAA. With that, I will turn things over
11 to Mr. Drew Crawford.

12
13 MR. CRAWFORD: Thank you, Mr. Chair. I
14 will be summarizing the Department's comments that are in
15 your Board book on Pages 268 to 269. Joining me this
16 morning is Wayne Donaldson. He's the Alaska Department
17 of Fish and Game regional crab biologist in Kodiak who
18 can help with any additional questions you may have about
19 this proposal.

20
21 Proposal FP 13-14 was submitted by the
22 Alaska Department of Fish and Game to align the size and
23 marking requirements for king and tanner crab subsistence
24 pots in the Kodiak area for State and Federal
25 regulations. Adoption of this proposal will eliminate
26 the discrepancies between State and Federal regulations,
27 which may leave subsistence users vulnerable to
28 unintended violation citations.

29
30 It would also require Federal subsistence
31 users to add the word king crab or tanner crab on their
32 pot buoys. It will eliminate confusion for subsistence
33 users who participate in both the State and Federal
34 subsistence fisheries. This proposal could also assist
35 with rebuilding the red king crab stocks over time,
36 eventually leading to additional harvest surpluses for
37 other user groups.

38
39 Conservation concerns for the red king
40 crab stock prompted the Alaska Board of Fish and Game to
41 adopt several changes to the Kodiak Island area
42 subsistence crab fishing regulations at their March 2011
43 meeting. They adopted the same crab pot definitions for
44 the Kodiak king and tanner crab State subsistence fishery
45 as those specified in the commercial king and tanner crab
46 fishery regulations.

47
48 The Board of Fish specified definitions
49 of king and tanner crab pots, including, one, a maximum
50 crab pot dimension. Note that's a maximum. Pots can be

1 no more than this size. Two, they established tunnel-eye
2 opening perimeters which differentiate king from tanner
3 crab pots. Restricting the tunnel-eye opening to less
4 than 5 inches in tanner crab pots excludes legal king
5 crabs from entering a tanner crab pot. Excluding king
6 crab from tanner crab pots will assist conservation
7 efforts by reducing handling mortality and illegal king
8 crab harvest caught in tanner crab pots.

9
10 Adoption of this proposal will assist
11 enforcement personnel to differentiate between
12 subsistence users and those operating illegally
13 configured or incorrectly marked gear. So the Department
14 supports this proposal.

15
16 However, at this time, the Department
17 would like to share some new crab research results with
18 the Board, the OSM Staff and the Regional Advisory
19 Council Chairs. This research on ghost fishing by
20 derelict crab pots in the Womens Bay in the Kodiak crab
21 management area was conducted by Chris Long and his
22 associates in the National Marine Fisheries Service
23 shellfish assessment program in Kodiak.

24
25 Since Chris was unable to attend this
26 meeting today, OSM's Tom Kron will operate the PowerPoint
27 projector for this presentation and Chris will talk to us
28 -- talk us through the presentation via teleconference.
29 Are you there, Chris?

30
31 MS. O'REILLY-DOYLE: He's on the line,
32 but he's registered as William, so I'm letting the
33 operator know.

34
35 MR. CRAWFORD: You can go ahead with your
36 presentation, Chris.

37
38 MR. LONG: Oh, good. Can you hear me?

39
40 MR. CRAWFORD: Yes.

41
42 MR. LONG: Can you hear me?

43
44 MS. YUHAS: We can hear you.

45
46 MR. LONG: Oh, okay. Thank you. Sorry.
47 I was trying to figure out exactly how to turn this thing
48 on. All right. Well, thank you. Thank you, Mr.
49 Chairman and thank you for having me here today. I'm
50 going to be talking about a set of research that we've

1 done in Kodiak over the last -- well, since 1991, it's a
2 long-term project, and just talking about the effects of
3 ghost fishing on king crabs that we've seen in Womens
4 Bay.

5
6 As you're probably aware, ghost fishing
7 can be defined as simply the ability of lost or derelict
8 fishing gear to continue to capture and kill animals
9 after a fisherman has lost control of it.

10
11 Just to situate us, again, you're
12 probably all very familiar with this, but our study site
13 is in Kodiak. Here you can see -- oh, sorry. I should
14 be on slide three by now. I forget that I'm not
15 controlling it. I live in Kodiak here and specifically
16 we've done this research in Womens Bay, which is part of
17 the Federal subsistence waters in the Kodiak area.
18 Womens Bay is a very productive area. There's a strong
19 history of both commercial and subsistence fishing in
20 this area in part because it's easy access from the road
21 system. It's a nursery habitat for both king and tanner
22 crabs. While we've had a very large decline in the king
23 crab population in Kodiak over time, there has been a
24 persistent population of king crab in this bay even
25 during this particular low time in the population cycle.

26
27 The study was really not originally
28 designed to get at ghost fishing. The design of the
29 study was simply to study crab behavior and habitat use.
30 We did this by using acoustic pings on the left-hand side.
31 We should be on slide 4 right now. The white bar is an
32 acoustic ping and this is a -- it's got a battery inside
33 a little emitter that puts out a high frequency sound
34 wave. This we epoxy to the back of crab. This doesn't
35 seem to affect their behavior or anything. You throw
36 them back down in the water and they behave just like
37 crab usually do. This allows us to locate them from the
38 surface and by diving using hydrophones.

39
40 So we re-release them back into the wild
41 and we can follow the crab and locate them and we can
42 make notes on where they are, what they're doing, what
43 their behaviors are, whether they're associated with any
44 particular habitat feature or with other crab. This
45 study is a very long-term study. It was between '91 and
46 2008 and we followed nearly 200 crab for this study over
47 that time period.

48
49 So one of the things -- like I say, every
50 time we dive on these crab we make a note of the -- what

1 they're associated with and this is a total of over 600
2 different dive observations over the 17-year time period.
3 What you can see from this is that the majority of the
4 time the crab are associated with mud or somewhat
5 unstructured bottoms over here about 73 percent of the
6 time. There is a strong -- at least in Womens Bay they
7 really like dock pilings, any sort of structure sticking
8 up out of the water.

9
10 One of the things that caught our eye as
11 we started to accumulate this data was the fact that crab
12 pots marked 10 percent of the observations that we have
13 of these red king crab. These crab are actually in crab
14 pots underneath the water. In particular, these are
15 mostly derelict crab pots, not ones that are being
16 actively fished.

17
18 So, you know, when we look at the data
19 and we look at the crabs that we've followed over the
20 years, 12 of those 192 crabs actually died in derelict
21 crab pots and another 20 pegged crabs were trapped in
22 pots, but the divers released them and disabled the pots
23 when they found them in there. We feel that most of
24 those 20 pegged crabs probably would not have been able
25 to get out of the crab pots. They were just too big to
26 successfully navigate those tunnels again. In addition
27 to this, one other pegged crab died in a gillnet, so
28 there are other types of fishing gear down in Womens Bay
29 that can be causing issues, but the majority, at least
30 from a crab perspective, seems to be the crab pots that
31 are down there.

32
33 So of the crab pots we observed, we saw
34 143 different derelict crab pots in Womens Bay. About
35 half of those were dungeness, then another 30 percent
36 approximately were commercial types. These are either
37 conical or the big 6 for king crab. They might be
38 subsistence or they might be commercial. It's impossible
39 to tell under the water, but they are the sizes for
40 commercial fishing. Another 14 percent were homemade.
41 This is usually welded rebar covered in some sort of a
42 mesh. Then another 8 percent are either really flimsy
43 store-bought ones and 3 percent that we couldn't really
44 tell.

45
46 One of the most important observations we
47 made was that of these 143 pots, 62 percent of them were
48 intact. In particular, 62 percent did not have the
49 required biodegradable twine that's required on these
50 pots in order for them to open up after a relatively

1 short amount of time to prevent the ghost fishing that
2 we've been seeing down here.

3
4 So, from this data we can actually do a
5 -- we can actually predict the overall effect of ghost
6 fishing on the population as a whole because we know how
7 many crabs we pegged and we know how long each of those
8 tags were out there and we know the final fate of each of
9 those pegs, we can tell if a crab died or if it molted by
10 the fact that if it molted there's a whole carapace down
11 there versus if it died it's either degrading crab or, in
12 the case of predation, it's a very chewed up carapace.

13
14 By taking this information though of the
15 number of tags and the time each of them were out there,
16 we can actually calculate a mortality rate using both the
17 number of deaths and the time to death and then we can
18 use this rate to predict the effect on the population of
19 a whole. This is entirely independent of the size of the
20 population. We're simply assuming that each pegged crab
21 is representative -- is a representative number of that
22 population.

23
24 We went ahead and calculated two
25 estimates for this mortality rate from ghost fishing. We
26 did a lower one in which we only counted crabs that died
27 in pots as ghost fishing mortality and then we did an
28 upper estimate where we assumed that all the crabs that
29 were caught in crab pots but were released by divers
30 would have died. So this gives sort of a minimum
31 estimate and then an upper estimate. The true value lies
32 somewhere between those. Our feeling is that it's
33 probably close to the upper estimate just from the
34 general observations we made of these crabs and from a
35 few other points from other studies that have been done
36 on these things.

37
38 However, the overall conclusion we came
39 to is that ghost fishing is having a tremendous impact on
40 this population in Womens Bay that we're seeing 16 to 37
41 percent of red king crab in Womens Bay being killed by
42 crab pots every year. This is -- the size that we're
43 talking about here is small juveniles we can't track with
44 these. This is about 16 mm crab's carapace length and
45 up, so that's a substantial portion of the red king crab
46 population. The 16 percent is the lower estimate, so
47 that's only assuming the crabs that were killed in pots
48 would have died and the 36 percent is assuming that all
49 the crabs that were trapped in pots would have died.

50

1 While we've been out there we also make
2 observations on both the pots and we see a lot of what
3 happens in Womens Bay. There's a lot of sources of pot
4 loss in Womens Bay. Vessel traffic is one. The pot
5 lines can get tangled and cut by props. People often
6 will leave these pots out there for a very, very long
7 duration of time and just abandon them out there and
8 eventually the floats sink. Pots may not be rigged
9 properly. People sometimes cut each other's buoys. Also
10 we have strong ice effects in Womens Bay. I have a
11 couple of slides just to talk about that.

12
13 So on this slide, we're on slide 11 now,
14 the picture on the left shows a crap pot buoy and you can
15 see that there's a thin sheet of ice that forms in Womens
16 Bay during cold and calm days in the winter. That buoy
17 can get encased by ice. The picture on the right shows
18 the bay that's covered by a relatively thick sheet of
19 ice. This picture was taken last winter.

20
21 This ice, you know, tidal action and
22 winds eventually break up this ice and flush it out of
23 the bay, but if those pots -- buoys are imbedded in the
24 ice, they can get dragged quite a distance away from
25 where they originally sat and they can also get dragged
26 into areas where they're outside the depth of the line
27 and the buoys get sunk under the water. If somebody's
28 pot gets moved a fair distance, it's unlikely they'll
29 find it again even if it's in shallow enough water to see
30 the buoy.

31
32 This ice is actually very, very powerful.
33 That ice sheet on the left -- on the right-hand side,
34 sorry, that you see there actually picked up a Coast
35 Guard buoy and dragged it a mile and a half away from
36 where it originally was. This thing has a 10,000 pound
37 anchor on the bottom of it. So this ice is more than
38 capable of moving these crab pots around. In fact,
39 again, observations that we made, right where that
40 picture was taken there were about 20 crab pot buoys
41 before the ice set in and the day after, when the ice had
42 moved out, there weren't any buoys. So all of those 20
43 pots were probably lost in this ice event.

44
45 In addition, the ice -- when you get a
46 thin sheet of ice on top of the bay and tidal currents
47 move it in and out, you can see on slide 12 here that
48 upper left picture shows that thin sheet of ice abrading
49 the pot buoy and abrading the line. Right below you can
50 see what happens to that buoy over time. If the buoy is

1 left out long enough or if the pot is left off long
2 enough, you get growth of apathetic (ph) organisms on the
3 line. That's the picture on the right here. That's
4 eventually going to sink that buoy down to the bottom and
5 the pot is going to become derelict.

6
7 The overall conclusions from this work,
8 ghost fishing by -- especially by derelict crab pots is
9 a major source of mortality for red king crabs in Womens
10 Bay. Just to give you a sense of what that means, if you
11 start off with 16 mm female crab and assume she has to
12 molt at least three times before she hits maturity, she
13 has somewhere between a 41 and 75 percent chance of being
14 killed by ghost fishing before she reproduces for the
15 first time. That's a pretty major number right there.
16 I at least feel that there is -- this data indicates that
17 measures to reduce ghost fishing are very strongly
18 warranted in this system.

19
20 The last slide 14 is just thanks to the
21 people who helped out with making maps and helped out
22 with diving on this project over the many years of it and
23 I'd be happy to take any questions.

24
25 CHAIRMAN TOWARAK: Thank you. Do you
26 have anything further to add.

27
28 MR. LONG: No, no. This is really just
29 -- this work is surprising. I mean when I first was
30 running the numbers on the king crab in Womens Bay my jaw
31 dropped open because it's such an astoundingly high
32 source of mortality for this population here. I thought
33 it was very important to get the data out to the
34 Subsistence Board and anyone else who might be able to
35 make changes in the system to reduce either the rate of
36 loss of these pots or, you know, hopefully get people to
37 comply a little bit better with the regulations. I want
38 to come up with better ways of getting these pots to open
39 up under the water when they get lost.

40
41 CHAIRMAN TOWARAK: Thank you, Mr. Long.
42 I was directing that question to your Staff here in the
43 meeting.

44
45 MR. LONG: Oh, I'm sorry.

46
47 CHAIRMAN TOWARAK: Not a problem.

48
49 MR. CRAWFORD: Thank you very much for
50 your presentation, Chris. The Department feels that due

1 to the well-documented conservation concern for king crab
2 in the Kodiak area and new information that this proposal
3 still has merit. After reviewing the September 25th
4 Kodiak/Aleutian RAC transcripts, our regional crab
5 biologist from Kodiak identified several misconceptions
6 about this proposal. There was confusion among the RAC
7 that this proposal would prohibit smaller pots.

8
9 Our comment is the dimensions specified
10 in the king and tanner crab pot dimensions are maximum
11 sizes. That is the pots may be no more than the
12 dimensions indicated. So these pot dimensions were
13 selected to be inclusive, meaning that they were -- that
14 all existing subsistence crab pots currently in use in
15 the Kodiak area would fall within this maximum size
16 range. There was also concern that perhaps the conical
17 shape Japanese long-line pots would be not allowed under
18 this definition. That's not so. These would be legal
19 gear.

20
21 Another concern was that if this proposal
22 was adopted, it would limit harvest opportunities for
23 Federally-qualified subsistence users to harvest king and
24 tanner crabs. The annual limit of three crabs per
25 household remains with a limit of one pot per person.
26 This proposal would also limit one pot per vessel if
27 multiple households fished from one vessel in Federal
28 waters. In Federal waters of Womens Bay, there is a
29 well-documented ghost fishing issue and associated
30 mortality of red king crab. A subsistence crab pot is
31 capable of holding multiple household possession limits
32 of crab if they are available.

33
34 Another concern was in order to comply
35 with regulations that some Federally-qualified users
36 would be forced to modify existing crab pots or purchase
37 new ones. If this proposal was adopted, pots would need
38 to conform to the regulation. However, it is highly
39 unlikely that existing pots could not be modified to meet
40 the regulation.

41
42 So we believe that the Womens Bay is a
43 pretty important area for crab and maintaining the
44 current regulations does not provide a means to enforce
45 existing crab pot limits and does not act to deter
46 illegal or ghost fishing, which is a demonstrated problem
47 in the Kodiak area.

48
49 Any questions.
50

1 CHAIRMAN TOWARAK: Mr. Simeonoff.

2

3 MR. SIMEONOFF: Thank you, Mr. Chairman.
4 I would still adamantly oppose that regulation. It still
5 states that one crab pot per boat. It seems like you're
6 having a problem in Womens Bay. It's not a problem that
7 is experienced in other villages around Kodiak Island.
8 There's nobody out in the village that would leave a crab
9 pot out long enough to allow that kind of growth on the
10 line.

11

12 If you have so many people fishing in
13 Womens Bay, can we come back to the RAC with a specific
14 proposal that addresses Womens Bay. To have a proposal
15 that affects the whole Kodiak Island with a problem in
16 such a small area, it doesn't make sense to penalize the
17 whole population when you're having a problem in such a
18 small area.

19

20 It's understood that Kodiak has a very
21 large population and maybe there's some people that --
22 like in the summertime out in the village there's some
23 people that come in from out of state that drop crab pots
24 and, when questioned, they say, oh, we're subsistence
25 fishing and they'll take more than their subsistence
26 limit and they'll fish all summer long. If you're
27 allowed one crab per year and you're taking 40 home, you
28 know, enforcement is not there during that time, but they
29 are there when subsistence activity is taking place.
30 Then again, if we're having a problem in Womens Bay, why
31 don't we come back to the RAC with a specific proposal
32 for that area. Thank you.

33

34 MR. CRAWFORD: We can do that, Mr. Chair.
35 Wayne Donaldson, our local biologist, has already
36 contacted some of the local -- one of your local Council
37 members in Kodiak and has requested permission to come to
38 your RAC meeting in Kodiak in March to talk with you guys
39 about this and also give this presentation to your whole
40 RAC.

41

42 The Department, at this time, we're not
43 wedded to all parts of this proposal. We do feel that it
44 would be advantageous to require marking of the
45 subsistence pots with the buoy, such as this is a king
46 crab pot, this is a tanner crab pot, so on the surface
47 somebody who encountered those would know what's supposed
48 to be below.

49

50 The other part of the proposal which

1 would be advantageous is the definition so that the pot
2 below the buoy would match the criteria needed for that
3 particular species. As far as the one pot requirement --
4 one king crab pot per vessel requirement, we could be
5 willing to let that one go.

6
7 MS. O'NEILL: Mr. Chairman, I have a
8 question.

9
10 CHAIRMAN TOWARAK: Go ahead.

11
12 MS. O'NEILL: Have you considered
13 possibly -- you were talking about additional limitations
14 of just restricting this to regulation requiring a crab
15 release mechanism to prevent ghost fishing mortality. It
16 seems you've included a lot in this particular
17 recommendation.

18
19 MR. DONALDSON: Mr. Chair. Ms. O'Neill.
20 There's already a State regulation that requires all crab
21 pots to have a biodegradable escape mechanism built in to
22 the side wall so that when the pot is lost that there's
23 an opening created for crab to escape. What we're seeing
24 in some pots, as Chris alluded to in his presentation, is
25 that not all fishermen are doing that and when the pots
26 are lost, they're not -- they don't have this mechanism
27 to open up and that's what's part of the problem.

28
29 MR. OWEN: Mr. Chair.

30
31 CHAIRMAN TOWARAK: Go ahead.

32
33 MR. OWEN: Through the Chair. A question
34 to the Fish and Game. Then are you saying that the
35 problem is actually a failure to enforce existing
36 regulations and, if that's so, is there really a need for
37 an additional regulation in this case?

38
39 MR. DONALDSON: Mr. Chairman. Mr. Owen.
40 Certainly that's part of the problem, that these pots,
41 when they're lost, they don't have the current regulation
42 enforcement, but the other issue is that there are
43 current pot limits. One king crab pot per person for
44 king crab and five tanner crab pots when fishing tanner
45 crab. The problem is that there is no definition of what
46 those pots are in regulation, so it's almost impossible
47 to enforce a king crab pot limit of one if you don't know
48 what the pot looks like. So the Department put this
49 proposal forward to define what a king crab pot is with
50 dimensions and define what a tanner crab pot is with

1 dimensions. That would help the protection department
2 enforce the pot limits, which would then, we believe, cut
3 down on the ghost fishing.

4

5 MR. OWEN: Follow up, Mr. Chair.

6

7 CHAIRMAN TOWARAK: Go ahead.

8

9 MR. OWEN: Please educate me. Is it the
10 case that all crab parts, regardless of what kinds of
11 crab pots they are, and I guess that would include a lot
12 of dungeness, don't they all require biodegradable
13 release mechanisms?

14

15 MR. DONALDSON: Mr. Chair. Mr. Owen.

16 That's correct.

17

18 MR. OWEN: Thank you. Thank you, Mr.

19 Chair.

20

21 CHAIRMAN TOWARAK: Any further questions.

22

23

24 (No comments)

25

26 CHAIRMAN TOWARAK: I've got a question to
27 Mr. Simeonoff. Based on what you heard from the State's
28 presentation, do you think there's enough information to
29 either withdraw this proposal or do any other action than
30 we would plan on doing today?

31

32 MR. SIMEONOFF: I think removing the
33 proposal would be a good thing. From what I've heard in
34 the presentation that Chris did, it sounds like the
35 problems they're having is in Womens Bay, not in the
36 outlying villages. I would agree with removing the
37 proposal. If there's a problem with Womens Bay, I would
38 suggest that they come back to the RAC with a proposal
39 that's specific to where the problem is occurring.

40

41 CHAIRMAN TOWARAK: Go ahead.

42

43 MR. HASKETT: I think that's good to know
44 what the RAC wants. It's a State proposal though that
45 we're considering. I think when we get to the point --
46 I'll be putting a motion in front of the Board that I
47 think will address what you're looking for hopefully.

48

49 CHAIRMAN TOWARAK: Does the State trust

50 us to proceed?

1 (Laughter)

2

3 MS. YUHAS: That's a hard question. Mr.
4 Chairman, may I take the Bert Adams' out on that one.

5

6 (Laughter)

7

8 MS. YUHAS: I have a couple of points for
9 you, Mr. Chairman. One is that the background on this
10 when it was originally brought to the Board of Fish, it
11 was proposed just for the summer months with recognition
12 that others were contributing to this problem as well.
13 The Board of Fisheries decided to make it year around,
14 but it was originally proposed for the summer months when
15 there are other people fishing besides simply the
16 subsistence users, so that's information this Board would
17 probably like to know.

18

19 There's been discussion about whether or
20 not the proposal should be withdrawn. The Department
21 intended to let you know that, as Drew stated -- Mr.
22 Crawford stated that we're not married to all portions of
23 this proposal. However, there's a documented
24 conservation concern. Ghost fishing in Womens Bay is
25 more than a campfire story and 16-37 percent of a nursery
26 fishery mortality is quite a bit, so we would not
27 recommend overriding RACs. We want to work with the RAC.
28 We want to come back to the RAC, but the Section .815 is
29 the one place where you can make a decision based on
30 conservation concerns.

31

32 As far as the mechanics of the process,
33 we can take away proposals and introduce new proposals
34 and wait two years or we can continue discussions with
35 the RAC on the bulk of the proposal and nothing prevents
36 this Board from amending the proposal with or without the
37 proposer to limit it to an area, limit it to a season,
38 but there are merits to wanting the escapement of these
39 nursery crab in a specific area for longevity of the
40 subsistence fishery.

41

42 CHAIRMAN TOWARAK: The Staff would like
43 to make a comment.

44

45 MS. O'REILLY-DOYLE: I just wanted to
46 make sure the record showed that within a Federal
47 subsistence regulation under general provisions for
48 taking of shellfish, we do have escape mechanisms already
49 lined out in the regulations and just the openings must
50 be laced and sewn and secured together by a single length

1 of untreated, 100 percent cotton twine. So we do have
2 that addressed in the Federal regulations right now that
3 they have that escape mechanism.

4
5 CHAIRMAN TOWARAK: Did you have a
6 comment.

7
8 MS. YUHAS: If the Board chose to defer
9 the proposal, that would allow time to work with the RAC
10 on the same proposal as you've done with others rather
11 than reintroducing proposals.

12
13 CHAIRMAN TOWARAK: Okay. Then we will
14 proceed with our process. We're on item number 6, the
15 Interagency Staff Committee comments.

16
17 MR. KESSLER: Good morning, Mr. Chairman.
18 Steve Kessler with the Interagency Staff Committee. This
19 is the standard comment. I will read it and then, for
20 the other proposals today we can just refer to when we're
21 using the standard comment.

22
23 The Interagency Staff Committee found the
24 staff analysis to be a thorough and accurate evaluation
25 of the proposal and that it provides sufficient basis for
26 the Regional Council recommendations and Federal
27 Subsistence Board action on the proposal. Thank you.

28
29 CHAIRMAN TOWARAK: Thank you. Board
30 discussion with Council Chairs and the State liaison. Is
31 there any need for additional exchange.

32
33 (No comments)

34
35 CHAIRMAN TOWARAK: Not seeing any, then
36 we will go on to item 8, which is Federal Subsistence
37 Board action. Mr. Haskett.

38
39 MR. HASKETT: Okay. I thought this was
40 a simple one. We don't get any simple ones, I guess. So
41 my plan is to make a motion to defer Proposal 13-14 and
42 I'll provide my rationale why I plan to do that if I get
43 a second.

44
45 MR. OWEN: Second.

46
47 CHAIRMAN TOWARAK: You heard the motion
48 and the second. Any further discussion, rationale.

49
50 MR. HASKETT: Actually, before I seen the

1 presentation I was actually going to make a different
2 motion, but I think it was a very good presentation. I
3 mean I appreciate the additional information. I think
4 that the RAC pointed out that the Federal waters here are
5 small. You know, it's a small area over the overall area
6 we're talking about. Hearing the concern about the
7 specific area where most of the data was presented and
8 they haven't had a chance to see this. So about only 2
9 percent of available crab habitat in the Kodiak area and
10 the Federal subsistence harvest of crabs has been low to
11 date. I mean I don't think that's changed. That's still
12 true, although we have this whole kind of ghost take
13 thing here to consider as well.

14

15 I was very convinced when you talked
16 about how costly and significant burden it is to the
17 Federal subsistence users. I think that's still true
18 unless there is a major conservation concern that we need
19 to establish. I think the RAC rightly pointed out that
20 they're concerned that this is new information they
21 hadn't heard yet and hadn't been able to consider and was
22 not able to make that part of their recommendation before
23 they came before this Board. Again, making the point
24 that this seems to be in Womens Bay specifically, not
25 necessarily the entire area. Again, I think there's
26 discussion that needs to take place there.

27

28 There is, as has been pointed out, a
29 Federal requirement for escape mechanisms, which is on
30 Page 80 of the general provisions for taking shellfish in
31 our subsistence requirements, so that's also part of
32 this. There does appear to be a legitimate conservation
33 concern, but, again, this is a bunch of new information
34 we're seeing here for the first time, the RAC is seeing
35 for the first time. I heard the RAC state that they'd
36 like to have the ability to hear this information and I
37 heard the State say that they'd be willing to defer this
38 to be able to do that.

39

40 So, having said all that, I think my
41 intent is to go ahead and vote to defer the motion.

42

43 CHAIRMAN TOWARAK: Any further discussion
44 or questions. Go ahead, Mr. Cribley.

45

46 MR. CRIBLEY: To the Chair, just a
47 question. If we do defer so that Fish and Game can
48 further coordinate with the RAC and that the RAC can
49 reconsider their position on this and maybe come back to
50 us with a different position on it, does that mean we

1 have to go through another regulatory cycle before action
2 can be taken or can something happen before then on a
3 deferment like this? I guess timing is the question.

4

5 CHAIRMAN TOWARAK: It's explained to me
6 that we could -- why don't you explain it.

7

8 MR. LORD: Whenever the Board makes a
9 decision, of course, it has to be on the record, so we
10 could defer it no longer than two years, but potentially
11 take it up next year during the wildlife meeting so that
12 we have a decision on the record. At any meeting that's
13 on the record.

14

15 CHAIRMAN TOWARAK: Go ahead, Mr. Haskett.

16

17 MR. HASKETT: I think normally that
18 wouldn't be something -- normally it would be kind of in
19 the cycle, but I think this is a fairly unusual one and
20 I think if we were able to get that presentation and
21 there's new information that gets presented, we should
22 take it up at the next meeting regardless of which
23 meeting it is, so that would be something we could do.

24

25 CHAIRMAN TOWARAK: Ms. Masica.

26

27 MS. MASICA: Just a procedural question.
28 It seems to me if these further conversations that occur
29 result in a proposal that looks different than what is
30 before us today, which the State expressed some
31 willingness to consider, does deferring let a revised
32 proposal come before us or do we have a procedural knot
33 that we're in in terms of it would be a different
34 proposal that we would be looking at down the road?

35

36 MR. LORD: That depends on how different
37 it is. If it's within the confines of the proposal such
38 that the public has been given notice about what the
39 Board is considering doing, then we're fine. If it's
40 something that sort of goes outside that, if it's
41 something new such that we have not given enough adequate
42 notice so that people could comment on it, then we would
43 have to start over.

44

45 CHAIRMAN TOWARAK: Mr. Haskett.

46

47 MR. HASKETT: So just additional
48 clarification. It seems to me that just based upon the
49 conversation that we've had here today we've opened it up
50 fairly specifically on what we're going to talk about, so

1 as long as it's within those parameters I think anything
2 there is legit and should be okay, right?

3

4 MR. LORD: That's correct.

5

6 MS. O'NEILL: Mr. Chairman.

7

8 CHAIRMAN TOWARAK: Go ahead.

9

10 MS. O'NEILL: Could we have a better
11 description of those specific areas then. I have some
12 concerns that the purpose of the recommendation does not
13 necessarily parallel the problem, which has been
14 described as ghost fishing. So I wouldn't want to be
15 caught in this between land of taking up something that
16 was beyond the scope of what we're thinking we'll be
17 discussing in the future.

18

19 MR. HASKETT: So could we take a five-
20 minute break -- is it legitimate to meet with -- is it
21 okay to meet with both the RAC and the State and just
22 throw something together? Is that okay?

23

24 MR. LORD: What do you mean throw
25 something together?

26

27 MR. HASKETT: In terms of my motion to
28 make it specific to what -- to make sure there's no
29 questions about what it is we're actually proposing.

30

31 MR. LORD: Sure. No problem with that.

32

33 MR. HASKETT: Just to better define the
34 motion so that people don't have questions.

35

36 CHAIRMAN TOWARAK: We'll take a five
37 minute break to define a ghost regulation.

38

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

40

41 (Off record)

42

43 (On record)

44

45 CHAIRMAN TOWARAK: I'm going to call the
46 meeting back to order and I'm going to give the floor to
47 Mr. Haskett.

48

49 MR. HASKETT: Thank you, Mr. Chair. So
50 let me try this one more time. I'm going to try and be

1 a little more specific and line this out and then we'll
2 just see what the Board thinks.

3
4 Again, my intention, which has already
5 been seconded, is to go ahead and do a motion to defer.
6 My justification is that previously, before seeing this
7 presentation, my intent was to oppose and the reason for
8 opposition has not changed on much of this. The Federal
9 waters represent only about 2 percent of available crab
10 habitat in the Kodiak area and Federal subsistence
11 harvest of crabs is low. I mean that's still true. It
12 is costly. It is a significant amount of things that
13 we're asking folks to do there for their subsistence use.
14 Again, when that harvest is fairly low, again none of
15 that has changed.

16
17 However, after seeing this presentation,
18 I see there is a problem with ghost fishing and I heard
19 both the RAC and the State say that they would like the
20 opportunity to be able to have this presented and have a
21 discussion before it comes back to the Board. My
22 understanding is that if I oppose this, we have to wait
23 two years before we can take this up again and I don't
24 think that's a good idea.

25
26 If we vote to defer, we can actually at
27 the next available time after that discussion takes place
28 take it up as a Board and come to some decision on this,
29 which I think is better than waiting two years. My
30 concerns are specific to the ghost fishing and how that's
31 addressed and how it relates to our regulations between
32 the State and the Feds and that's what I think needs to
33 be addressed and that's what we're asking to have occur
34 between the State and the RAC and then brought back to
35 us.

36
37 Again, my proposal is to defer this
38 motion.

39
40 CHAIRMAN TOWARAK: Are there any
41 questions. Go ahead, Ms. Masica.

42
43 MS. MASICA: I not so much have a
44 question, but I guess I just want to be clear. I think
45 that conversation does need to happen. I'm a little bit
46 concerned that there are -- the solution is targeted at
47 subsistence users and the problem might be much broader
48 than subsistence users, but those conversations can
49 hopefully address where is the appropriate potential
50 revisions that were talked about earlier.

1 There are other aspects of the proposal
2 and if those still cause concern for opposition, do those
3 get addressed at all in the further discussions or just
4 the ghost fishing? I'm just looking for some clarity
5 there.

6
7 CHAIRMAN TOWARAK: Go ahead, Mr. Haskett.

8
9 MR. HASKETT: So my intent -- that's why
10 I made it clear that there were other parts of the
11 proposal that I was currently opposed to, but I think
12 that will be the discussion. I don't think this
13 predisposes what the RAC will come back with. They may
14 still come with the same position. They may come with a
15 different position. It doesn't predispose what our
16 decision would be based upon what we hear. Right now I
17 haven't changed my mind and that will still be part of
18 the conversation.

19
20 MS. MASICA: Okay. Thank you.

21
22 CHAIRMAN TOWARAK: Any other questions.

23
24 (No comments)

25
26 CHAIRMAN TOWARAK: The floor is open for
27 call of the question.

28
29 MR. CRIBLEY: Call for question.

30
31 CHAIRMAN TOWARAK: The question has been
32 called for. Roll call, please.

33
34 MS. O'REILLY-DOYLE: The motion on the
35 floor is to defer the Proposal 13-14. Roll call vote.
36 Mr. Towarak.

37
38 CHAIRMAN TOWARAK: Yes.

39
40 MS. O'REILLY-DOYLE: Ms. O'Neill.

41
42 MS. O'NEILL: Yes.

43
44 MS. O'REILLY-DOYLE: Mr. Cribley.

45
46 MR. CRIBLEY: Yes.

47
48 MS. O'REILLY-DOYLE: Ms. Masica.

49
50 MS. MASICA: Yes.

1 MS. O'REILLY-DOYLE: Mr. Haskett.
2
3 MR. HASKETT: Yes.
4
5 MS. O'REILLY-DOYLE: Mr. Owen.
6
7 MR. OWEN: Yes.
8
9 MS. O'REILLY-DOYLE: Mr. Brower.
10
11 MR. C. BROWER: I vote no. My rationale
12 would be it would be detrimental to the satisfaction of
13 subsistence needs. Thank you.
14
15 MS. O'REILLY-DOYLE: Mr. Christian.
16
17 MR. CHRISTIANSON: I vote no for the same
18 reason.
19
20 MS. O'REILLY-DOYLE: We have 6 yes and 2
21 no. The motion carries.
22
23 CHAIRMAN TOWARAK: Thank you. Mr.
24 Probasco is back and we had agreed to defer consideration
25 of FP13-13 on Chignik. With Mr. Probasco back we will go
26 back to that proposal.
27
28 We are ready then to address Proposal 13-
29 13. I'll ask the Staff for an analysis.
30
31 MS. HYER: Good morning, Mr. Chairman and
32 Board members. I'm presenting Proposal FP13-13 and my
33 name is Karen Hyer for the record and I'm with OSM. If
34 you turn to Page 232, you'll see the executive summary.
35 The analysis starts on 236 and then on Page 237 there's
36 a graph of the total chinook salmon return that I'll be
37 referring to later and an area map on Page 240.
38
39 This proposal was submitted by Mr.
40 Boskofsky on behalf of the Chignik Lake Traditional
41 Council with the intent to provide additional harvest
42 opportunity for Federally qualified subsistence users.
43 The proponent requests the area of the Chignik River
44 upstream of the Alaska Department of Fish and Game weir
45 be open to all gear types, including gillnets, for the
46 harvest of salmon. To prevent overharvest or harassment
47 of chinook salmon in this portion of the Chignik River
48 the area has been closed to subsistence harvest under
49 both State and Federal regulations from July 1 to August
50 31st. The returning chinook salmon hold in the closed

1 section of the river above the weir until spawning, where
2 they are susceptible to harvest. They are known to spawn
3 in approximately 80 percent of the 1.8 river miles that
4 extend from the outlet of Chignik Lake downstream to the
5 weir.

6
7 While subsistence users may not harvest
8 fish above the weir, State sport fishing regulations
9 allow for sport fishing harvest throughout the Chignik
10 Area, including this section of the Chignik River
11 upstream of the weir. This allows harvest of chinook
12 salmon under State sport fishing regulations in a portion
13 of the Chignik River that is closed to Federally
14 qualified subsistence users beginning in July.

15
16 A small run of chinook salmon returned to
17 the Chignik River and that small run has been
18 experiencing a declining trend recently. In 2012, to
19 conserve Chignik River chinook salmon, the sport fishers
20 were restricted on July 12. Sport fishing of chinook
21 salmon greater than 20 inches was limited to catch and
22 release. The closer remained in place until August 9th
23 when the sport fishery was closed by regulation.

24
25 In 2012 again, the Chignik River chinook
26 salmon's passage was estimated at 1,449 fish above the
27 weir. This exceeded the lower end of the biological
28 escapement goal by 149 fish. This estimate of escapement
29 was below both the five-year and the 10-year average
30 escapement estimates. Allowing subsistence users to
31 deploy gillnets during a time and in a place of peak
32 chinook salmon spawning activity could result in the
33 overharvest of chinook salmon.

34
35 The proponent also requests that gillnets
36 be allowed in Black Lake to harvest spawned-out sockeye
37 salmon. Currently Federally qualified subsistence users
38 may harvest salmon with seines, rod and reel, snagging,
39 spear, bow and arrow or hand capture in Black Lake and
40 its tributaries. The use of these gear types allows the
41 user to target salmon while protecting resident species.

42
43 OSM's conclusion is adopt this proposal
44 with modification to allow selective harvest of salmon
45 with rod and reel in the area above Chignik Weir and keep
46 Black Lake closed to gillnets. Adoption of a
47 modification to FP13-13 would open an area to Federally
48 qualified subsistence users that is currently open to
49 those harvesting under State sport fishing regulation.
50 It would put into Federal regulation existing fishing

1 practices of local residents while providing for a
2 Federal subsistence priority. Because the potential
3 exists that the use of gillnets in Black Lake and its
4 tributaries could result in overharvest of resident
5 species, gillnets should remain restricted to Chignik
6 River, Chignik Lake and in open waters of Clark River and
7 Home Creek.

8

9 That ends my presentation.

10

11 CHAIRMAN TOWARAK: Thank you. Are there
12 any questions to the Staff.

13

14 (No comments)

15

16 CHAIRMAN TOWARAK: Thank you for your
17 presentation. We will move on then to summary of public
18 comments from the regional coordinator.

19

20 MR. MIKE: Thank you, Mr. Chair. My name
21 is Donald Mike, Regional Council coordinator. Mr. Chair,
22 there were no written public comments received on this
23 proposal. Thank you.

24

25 CHAIRMAN TOWARAK: Thank you. We'll open
26 the floor to public comment.

27

28 MR. PROBASCO: Thank you, Mr. Chair. We
29 do have on individual, Alvin Boskofsky. Alvin.

30

31 MR. BOSKOFSKY: Mr. Chair, members of the
32 Board. This proposal is for subsistence. We are not
33 allowed to subsistence kings in the river at the time
34 that they come in. We take a minimum amount where I
35 don't see it's going to affect any harvest for kings. We
36 use maybe five, 10 at the most for smoking, salting,
37 canning or freezing.

38

39 Requesting for the chinook to use gillnet
40 that -- the Bristol Bay mesh limit where the chinook does
41 not gill. You round them, pull them in, take what you
42 need, let the rest go. We're not looking to stake the
43 gillnet. We just want equal rights to subsistence fish
44 in that river. Issues come up about interfering with the
45 sport industry. Somebody from overseas could come in to
46 Chignik with rod and reel and take our chinook that we
47 subsistence on, take it out of the area, and that's being
48 done by the guides.

49

50 So our subsistence is being fought by the

1 guiding industry. It's been also taken by the commercial
2 fisheries. What we take is so small of an amount
3 shouldn't hurt the escapement goals of that river. We
4 abide by what Fish and Game lets the users use out of the
5 river. If there is a bad year and they're not making
6 their escapement goals, we hold back. We look at what
7 they're doing and we abide by what their regulations are
8 for shutting down the sports fishery or the subsistence
9 fishery. It's pretty sad that subsistence can't use the
10 river when you don't own a commercial permit to take
11 these fish from your net and take them home, which a lot
12 of guides do.

13

14 The majority of the fish that I think are
15 counted on according to their records is taken by the
16 commercial industry. There is people that take 40, 50
17 kings and they'll freeze them and smoke them in the fall
18 time. We don't do that. We just use five to ten.
19 There's probably about maybe six to seven families at the
20 most that will take it and smoke it and it's not every
21 year everybody takes it.

22

23 Net size on the Yukon was instituted
24 where subsistence can use 4, 4.5-inch mesh to fish for
25 kings. Not everybody has a seine. Most of the people in
26 Chignik use gillnets that they get from Bristol Bay.
27 Like I say, we release what we don't need. We take just
28 what we're going to use and distribute to our elders.
29 Our rights as subsistence fishermen are being held back
30 because it's just a sporting industry that's allowed to
31 fish from July 1 to August 31st. We want to get the fish
32 when they're still bright, not when they're -- after
33 August 9th and they're all spawned out. You can't smoke
34 a spawned-out king salmon.

35

36 It's just basically our rights as
37 subsistence fishermen should be equal with what the
38 sporting industry is doing. If they can take it, we
39 should be allowed to. I can't think of anything else,
40 but thank you for listening.

41

42 CHAIRMAN TOWARAK: Thank you, Mr.
43 Boskofsky. Do we have any questions of Mr. Boskofsky
44 from the Board.

45

(No comments)

47

48 CHAIRMAN TOWARAK: Thank you. I think
49 you've made it fairly clear to the full Board. Are there
50 further public testimonies.

1 MR. PROBASCO: No, Mr. Chair. That's all
2 I had signed up.

3
4 CHAIRMAN TOWARAK: Thank you. We will
5 then move on to the Regional Council recommendation. Ms.
6 Chythlook.

7
8 MS. CHYTHLOOK: Good morning. Molly
9 Chythlook. I'm the RAC Chair for Bristol Bay RAC. Alvin
10 did a good overview of what we've been discussing
11 regarding this issue. It's been discussed over and over
12 again. Finally Alvin has come up with this proposal.
13 The discussion has been the Chignik users of this
14 resource and Alvin stated it pretty clear that there's
15 only six or seven families that use this resource and
16 it's mainly elders. I'm not sure what's going to happen
17 when those six or seven families are gone. I'm hoping
18 that there's other extended families from these six or
19 seven users that will continue the use.

20
21 Thanks for Alvin's overview of what the
22 Regional Council has been discussing. The Council
23 recommendation is in support of Proposal 13-13 with
24 modification to allow the harvest of salmon starting on
25 June 30 from a point 300 feet upstream of the ADF&G weir
26 on the Chignik River. The harvest of chinook salmon
27 would be prohibited after August 9. Thank you.

28
29 CHAIRMAN TOWARAK: Thank you, Ms.
30 Chythlook. Any questions of the Regional Chair.

31
32 (No comments)

33
34 CHAIRMAN TOWARAK: Thank you, Molly. We
35 will continue on to the Department of Fish and Game
36 comments.

37
38 MR. CRAWFORD: Thank you, Mr. Chair. My
39 name is Drew Crawford. I'm with the Alaska Department of
40 Fish and Game Federal Subsistence Liaison Team. You will
41 find the Department's comments on this proposal on Pages
42 250 to 254 in your Board book. Joining me this morning
43 is Todd Anderson. He's the Alaska Department of Fish and
44 Game area commercial fish biologist and Don Tracy. He's
45 the Alaska Department of Fish and Game sport fish
46 biologist for the Chignik area. They're also here to
47 answer your questions.

48
49 Proposal FP13-13 would provide additional
50 opportunities for Federal subsistence users to harvest

1 salmon by eliminating the subsistence fishery closure in
2 Chignik River from a point 300 feet upstream of the ADF&G
3 weir to Chignik lake between July 1st and August 31st.
4 Expanded legal gear types for Federal subsistence fishing
5 in Black Lake or tributaries of Black and Chignik lakes
6 and Chignik River would also include gillnets.

7
8 The July 1 through August 31 subsistence
9 fishery closure was established by the Alaska Board of
10 Fisheries in Chignik River to prevent inadvertent harvest
11 of spawning king salmon. Reopening the Chignik River to
12 subsistence fishing with gillnets will have immediate
13 impacts on the chinook salmon population that spawns in
14 the 1.8 river miles between the Chignik River weir and
15 the outlet of Chignik Lake.

16
17 Increased harvests of Chignik River
18 chinook salmon by Federally qualified subsistence users
19 resulting from adoption of this proposal may affect
20 management strategies for local sport and commercial
21 fisheries. The current management strategy for Chignik
22 River chinook salmon sport fishery is as follows: Guide
23 angler log books and the Alaska statewide harvest survey
24 provide catch reports for the in-river Chignik River
25 sport fishery, which has historically totaled less than
26 300 chinook salmon per year. The Chignik River chinook
27 salmon sport fishery is currently managed based on a pre-
28 season assumption that up to 300 chinook salmon will be
29 harvested annually by anglers above the Chignik River
30 weir.

31
32 Therefore, the in-season minimal
33 projected total weir count of chinook salmon for the
34 above weir sport fishery to proceed without restrictions
35 equals the current escapement goal of 1,300 chinook
36 salmon plus the projected annual sport fish harvest of
37 300 chinook salmon for a total of 1,600 chinook salmon.
38 The final post-season escapement estimate of Chignik
39 River chinook salmon equals the total weir count minus
40 the actual upriver sport harvest.

41
42 Therefore, if Proposal FP13-13 is
43 adopted, Federal managers of this fishery will need to
44 account for the above weir chinook salmon subsistence
45 harvest with gillnets to avoid overharvest of the run.
46 This should include a reasonable pre-season estimate of
47 the expected above weir gillnet harvest of subsistence
48 chinook salmon to manage the subsistence fishery and
49 sharing this information annually with the State
50 fisheries managers so they can incorporate this into the

1 in-season management objective for the sport and
2 commercial harvest.

3
4 The lack of a reporting requirement in
5 this proposal is a major concern. Recent chinook salmon
6 escapement estimates have shown a downward trend and the
7 2012 escapement was the lowest on record. If the Federal
8 Subsistence Board approves this proposal but does not
9 require a Federal permit, increases in undocumented in-
10 tributary exploitation would not be detected due to a
11 lack of a Federal reporting requirement. Significant
12 increases of unreported harvest in Chignik River
13 watershed may lead to conservation issues that would not
14 be detected in a timely manner and may require severe
15 fishery restrictions when detected.

16
17 The Department recommends against
18 adopting gillnets as a legal gear type for Federal
19 subsistence fishing in Chignik River. The ability to
20 control the catch with gillnet gear in the relatively
21 deep-flowing waters of Chignik River is a concern. Area
22 Staff state that sport fishing gear is a highly effective
23 gear type for this area because it's selective and you
24 can control the number of fish that you catch.

25
26 However, a note here. Unfortunately
27 sport fishing gear is not listed as a legal subsistence
28 gear type under State regulations. Therefore, Federally
29 qualified subsistence users would risk citation for using
30 this gear type without a sport fishing license while on
31 State or private land.

32
33 Finally, the Department believes that
34 existing State regulations provide reasonable
35 opportunities to harvest chinook salmon using gillnets.
36 This can be done in all waters of Chignik Lagoon, in
37 Chignik River up to 100 yards below the Chignik River
38 weir and in the outlet waters of Chignik Lake.
39 Therefore, the Department opposes Proposal FP13-13.

40
41 Any questions.

42
43 CHAIRMAN TOWARAK: Thank you for your
44 testimony. Are there any questions of the State from the
45 Board.

46
47 MS. O'NEILL: Mr. Chair.

48
49 CHAIRMAN TOWARAK: Go ahead.

50

1 MS. O'NEILL: What is the range of -- the
2 estimate range that you have used for subsistence fishing
3 if this recommendation is approved by the Board? Thirty,
4 fifty, what's the number that you think -- that you
5 calculate in your formula for this?
6

7 MR. ANDERSON: Currently, as Alvin
8 stated, he assumes a low number of individuals from the
9 Chignik Lake area would be fishing there. I think
10 there's an unknown number of individuals that may fish
11 from other communities further down river. What we use
12 for the subsistence harvest in-river to account for the
13 escapement goals, we have the count above the weir and we
14 use the sport fish harvest against that. The average
15 harvest in the Chignik region has ranged from as high as
16 250 fish to as low as 40 in an average year in the past
17 20 years. The sport harvest is directly used towards the
18 escapement goal because those fish have been counted at
19 the weir and are being counted in the end season
20 escapement goal and that's 300.
21

22 MS. O'NEILL: May I?
23

24 CHAIRMAN TOWARAK: Go ahead.
25

26 MS. O'NEILL: I think I need some more
27 clarification. The statements that were being made
28 suggested to me that you had developed some probable
29 estimates of the number of fish that would be caught in
30 this area for subsistence purposes having a significant
31 impact on your count. So you don't have a number that
32 you've used as an estimate that would be caught? Do you
33 have a formula, a probability number for subsistence?
34

35 MR. TRACY: Mr. Chair. We don't have a
36 number that we -- an in-season estimate of the upriver
37 subsistence harvest. Again, my name is Don Tracy. We
38 don't because there is very little harvesting in that
39 area. The primary harvest upriver at this time is the
40 sport harvest, so we account for that with an in-season
41 estimate of 300 fish, which is based on historical
42 records from guided angler log books and then from our
43 statewide harvest survey. I think one of the points that
44 Mr. Crawford was trying to make was that if the drainage
45 above the Fish and Game weir, the Chignik River, above
46 that point were open to subsistence harvesting, we would
47 need to develop that estimate or expectation of harvest
48 so that we could continue to manage the fishery in a
49 sustainable manner.
50

1 So we don't have a number for that
2 purpose, but we would need to develop one if there were
3 to be additional harvesting up above the weir or in
4 addition to the sport fishery and that's one of the
5 reasons why Mr. Crawford mentioned the reporting being a
6 concern. We would need some information, some type of
7 reporting requirement so that we would be able to develop
8 that expectation of harvest.

9
10 MS. O'NEILL: Thank you.

11
12 CHAIRMAN TOWARAK: Any further questions
13 of the State. Go ahead, Ms. Chythlook.

14
15 MS. CHYTHLOOK: Thank you, Mr. Chair.
16 According to Alvin's statements here and also at our
17 Bristol Bay RAC, this is a traditional harvest area for
18 limited people. I just heard a statement that there
19 might be other people coming from other communities. I
20 don't know if Alvin would know if there are other people
21 coming from other communities to harvest, but according
22 to Alvin's statements that he's been making, there's been
23 about six to seven families that harvest in this area.
24 At the five to ten kings average, that would be about 70.
25 If I'm understanding right, sport fishery harvest is
26 about 1,600, is that correct? Could you answer that for
27 me, please.

28
29 MR. CRAWFORD: Yes. Through the Chair.
30 Ms. Chythlook, the sport fish historical harvest is 300
31 chinook.

32
33 MS. CHYTHLOOK: Mr. Chair.

34
35 CHAIRMAN TOWARAK: Go ahead.

36
37 MS. CHYTHLOOK: Thank you. That's 300
38 chinook per season?

39
40 MR. CRAWFORD: Yes, ma'am.

41
42 MS. CHYTHLOOK: Versus 70. As stated by
43 Alvin time and time again, 70 is the -- and this is if a
44 family has harvested 10, but he also stated that it's
45 between 5 and 10. With the sport fishery's ability to
46 fish, it's been known that sport fishery has been fishing
47 longer months, but I'd probably estimate like 10 months
48 out of the season. So I think what needs to happen is to
49 have a better -- from the State, to have a better
50 knowledge of subsistence harvest. I know that there's

1 been subsistence surveys happening in that area to
2 document harvest of fish and the 250 that was just stated
3 of fish, I don't know if that's all species of fish or
4 was that chinook.

5
6 MR. ANDERSON: Todd Anderson, through the
7 Chair. Those harvests are for king salmon only that I
8 stated earlier, the 40 to 250, was only chinook salmon.

9
10 CHAIRMAN TOWARAK: Go ahead, Ms.
11 Chythlook.

12
13 MS. CHYTHLOOK: Thank you, Mr. Chair.
14 And that's for subsistence harvest?

15
16 MR. ANDERSON: Through the Chair. Those
17 are subsistence harvest and I don't have the location of
18 those harvests, but they can be anywhere from the Chignik
19 Lagoon all the way up in the Chignik Lake.

20
21 MS. CHYTHLOOK: Okay. So the 250 fish is
22 not from the area that we're talking about right now.

23
24 CHAIRMAN TOWARAK: Go ahead.

25
26 MR. HEPLER: Mr. Chairman. Just to be
27 clear, we understand the tension lies when residents are
28 sitting here watching sport fishermen out fishing in
29 front of your house. Our conversation with you this
30 morning is not about whether it's right or wrong for
31 sport fishing to be happening if subsistence is closed or
32 open. That's a call of this Board. It's not ours.

33
34 The main thing we're concerned about and
35 we can account for the numbers, as Staff has said. We
36 just need to build those into our formula. It's more the
37 gear type. I mean when you start drifting gillnets in
38 that type of an area and that type of water, we're
39 concerned about what that means and it's a little bit
40 unknown for us. There's others around the table,
41 including Mr. Probasco, that's had some time there and he
42 understands it, I think.

43
44 So I hope you don't take Staff comments
45 any other way other than that. We need to account for
46 the numbers. We can do that. We need to build it in so
47 we can do accurate run forecast as Staff has said. But
48 a discussion about sport fishery versus subsistence,
49 that's not what we do. That's a call that the Board
50 makes and we don't want to get crossways with you on

1 that. The main thing is the gear type is what's on the
2 discussion. I think that's also reflected in the OSM
3 Staff comments too, so I think we're consistent that way.
4 Mr. Chairman.

5

6 CHAIRMAN TOWARAK: Thank you. Further
7 questions. Go ahead, Ms. O'Neill.

8

9 MS. O'NEILL: Do you believe that the
10 concerns that you have could be addressed through having
11 a quota as opposed to restricting the type of gear that's
12 used?

13

14 MR. TRACY: Mr. Chair. The current
15 regulations for Federal subsistence users in Chignik area
16 allow a harvest up to 250 salmon per year. Having some
17 kind of a limit on the number of fish taken out of
18 Chignik River would help offset the need for perhaps more
19 expanded reporting because that would provide some better
20 level of predictability on the number of fish that would
21 be harvested.

22

23 CHAIRMAN TOWARAK: Go ahead, Mr. Brower.

24

25 MR. C. BROWER: Thank you, Mr. Chair.
26 Just looking through the justification, it seems like
27 there's -- to prevent overharvest and harassment of these
28 fish in this area is closed to subsistence hunters from
29 July to August 31, but at the same time you allow sport
30 fishing to go happen right in the closure for
31 subsistence, is that right?

32

33 MR. TRACY: Through the Chair. That is
34 correct. The Chignik River is open from through August
35 9th to sport fishing from 300 feet above the Department
36 of Fish and Game weir and that area -- those same waters
37 are closed to subsistence fishing until August 31st
38 during that time.

39

40 MR. C. BROWER: Mr. Chair. Just one
41 more. And merely what the RAC and the people within this
42 area are asking to open it from June 30 to August -- and
43 close it August 9, is that right? Just a small fracture
44 of a window frame right here and I was just curious the
45 difference between those two, sport fishing and
46 subsistence hunting. Thank you. And I don't think it's
47 fair. I'm just looking through. Thank you.

48

49 CHAIRMAN TOWARAK: Any further questions.
50 If I could remind those up on the table -- there was a

1 request in our first day of meeting to speak as close to
2 the mic as possible when you're addressing a question so
3 that everyone could hear your response. Any further
4 discussion.

5

6

(No comments)

7

8

CHAIRMAN TOWARAK: Are we ready for --
9 number 6, Interagency Staff Committee comments.

10

11

MS. O'REILLY-DOYLE: Mr. Chair. My name
12 is Cathy O'Reilly-Doyle and I'm the chair of the
13 Interagency Staff Committee. I will read in the comments
14 from the committee that are found on Page 249 of your
15 Board book.

16

17

The Interagency Staff Committee found the
18 staff analysis to be a thorough and accurate reflection
19 of the proposal and that it provides sufficient basis for
20 the Regional Council recommendation and Federal
21 Subsistence Board action on the proposal. The ISC
22 discussed an alternative due to the conservation concerns
23 of using gillnets in the spawning chinook spawning area
24 upstream of the Chignik River weir. An alternate to the
25 recommendation in the OSM conclusion could be to double
26 the harvest limit for
27 chinook salmon with rod and reel to four per day, four in
28 possession and no annual harvest limit. Thank you.

29

30

CHAIRMAN TOWARAK: Thank you. Are there
31 any questions.

32

33

MS. O'NEILL: Mr. Chair.

34

35

CHAIRMAN TOWARAK: Go ahead, Ms. O'Neill.

36

37

MS. O'NEILL: I thought I heard earlier
38 that subsistence could not use a rod and reel. Did I
39 misunderstand that?

40

41

MR. PROBASCO: The State.

42

43

MS. O'NEILL: The State. Okay. Thank
44 you.

45

46

CHAIRMAN TOWARAK: Further questions. Go
47 ahead, Mr. Christianson.

48

49

MR. CHRISTIANSON: Through the Chair. So
50 the land they would be fishing on in that stretch of the

1 river is actually State land? No, it's Federal land?

2

3 MR. LORD: There are parts of it that are
4 State owned lands and private lands, but the waters,
5 because they are within the exterior boundaries of the
6 Refuge are Federally managed waters.

7

8 CHAIRMAN TOWARAK: Further discussion,
9 questions.

10

11 (No comments)

12

13 CHAIRMAN TOWARAK: Not hearing any. Then
14 we will proceed to Board discussion with Council Chairs
15 and State liaison. Are there any further discussions. Go
16 ahead, Mr. Probasco.

17

18 MR. PROBASCO: Thank you, Mr. Chair. I
19 appreciate you changing the agenda schedule. I do bring
20 a lot of experience here to the Chignik area. I used to
21 be the Chignik area management biologist for the State
22 and actually lived on the river. I think Mr. Boskofsky,
23 Alvin, presented some concepts that I think is valid to
24 explore, but unfortunately they're not expressed in the
25 proposal. Mr. Boskofsky spoke about using mesh size as
26 a means because the way people from the lake, Chignik
27 lake fish, they use Bristol Bay sized gillnets to harvest
28 sockeye salmon. This proposal does not speak
29 specifically to mesh size restriction.

30

31 The concern is, and it was laid out very
32 well in the analysis is that this river is very small.
33 The chinook salmon move into the river and actually the
34 entire population holds in one general area. So you
35 conceivably have, depending upon the size of the run,
36 anywhere from a couple thousand to 3,500 chinook salmon
37 holding in this one area. Drop in a gillnet on this type
38 of schooling behavior and being able to control the
39 harvest is very difficult.

40

41 What Mr. Boskofsky spoke to was using a
42 gillnet as a seine. Looking at what he stated was 4-inch
43 to 4.5-inch mesh, taking what they need and releasing
44 those. This proposal does not address that. The concern
45 raised by Staff and the Interagency Staff Committee is
46 looking and focusing on gillnets and dropping that
47 gillnet on top of a very susceptible population makes
48 them very vulnerable to overharvest.

49

50 So to address an oversight on our program

1 in that we have a very significant portion of the river
2 that was closed to Federally qualified users, this
3 proposal allows for the fishery, liberalizes the take and
4 still allows a means of take that doesn't address
5 conservation concerns. In other words, allow for rod and
6 reel, liberalize the harvest, remove the annual harvest
7 limit, which currently the sport fisher have, they're
8 allowed five fish annually, and provide for that.
9 Exploring what Mr. Boskofsky would like to do would take
10 a separate proposal. Mr. Chair.

11
12 CHAIRMAN TOWARAK: Does that clarify
13 anything.

14
15 UNIDENTIFIED VOICE: It did for me.

16
17 CHAIRMAN TOWARAK: Okay. Any further
18 questions or discussion on item number 6.

19
20 MR. REAKOFF: Mr. Chairman. I don't want
21 to muddy the waters, but the area that the fish school
22 in, how deep is that? Can these Bristol Bay drift --
23 Bristol Bay 29.5 mesh gear actually reach those fish, the
24 majority of those? That would be my primary question in
25 regards to that.

26
27 CHAIRMAN TOWARAK: Go ahead.

28
29 MR. ANDERSON: I didn't catch your name.

30
31 MR. REAKOFF: My name is Jack Reakoff,
32 Western Interior Chair.

33
34 MR. ANDERSON: This is Todd Anderson, Mr.
35 Reakoff, through the Chair. Depending on water levels,
36 some of the holding areas, my estimate just from being
37 there and from some of the Didson work where we've had a
38 sonar unit in the area, anywhere from seven feet at the
39 average, I would say, seven feet to eleven feet. With
40 that said, yes, they may be holding in some of the deeper
41 stretches, but they do -- they'll move out to shallower
42 areas certainly by the end of July, early August.

43
44 MR. REAKOFF: Thank you.

45
46 CHAIRMAN TOWARAK: Any further
47 discussions between the Council Chairs and the State
48 liaisons. Ms. Chythlook.

49
50 MS. CHYTHLOOK: Thank you, Mr. Chair.

1 Just for record and the traditional and ecological
2 knowledge regarding our fishing processes in Bristol Bay,
3 I got it from other public testimonies from other regions
4 too, is there was a statement of overharvesting or
5 harassment. I remember when we were working with the
6 Togiak people regarding harassment. The term for sports
7 fishing in our region is people that play with fish.

8
9 You know, as far as harassment of
10 fishing, we have an understanding and a traditional
11 knowledge and culture that we don't play with fish. We
12 harvest the fish for our consumption. We treat the fish
13 that we harvest with respect. When people in our region
14 observe sports fishery harvesting especially kings. You
15 know, the kings are 20 to 50 pound fish and when you
16 catch those and let those toss and flop in the water for
17 30 minutes and then release a fish that's injured, that's
18 really not our traditional way of treating not only fish
19 but other resources.

20
21 So I just wanted to bring this up because
22 it was stated that subsistence fishermen might be
23 harassing fish and I don't know how -- when we treat our
24 resources with respect how we, the subsistence fishermen,
25 would harass fish except that maybe trample on spawning
26 grounds when we're trying to make an attempt to harvest.
27 But, you know, when other fishermen are wading into the
28 rivers and streams, they're also walking on spawning
29 areas. I consider that harassing. So I just wanted to
30 make that statement and put it into the record. Thank
31 you.

32
33 CHAIRMAN TOWARAK: Thank you. Any
34 further questions or discussion between the Chairs and
35 the Staff -- the State rather.

36
37 (No comments)

38
39 CHAIRMAN TOWARAK: If not, then we will
40 continue on to Item No. 8 Federal Subsistence Board
41 action. Mr. Haskett.

42
43 MR. HASKETT: I plan to make a motion to
44 adopt Proposal 13-13, but with modifications to allow rod
45 and reel only in the Chignik River above the weir without
46 any harvest limits and require a Federal registration
47 permit. I'll provide my justification if I get a second
48 to the motion.

49
50 MR. OWEN: Second.

1 CHAIRMAN TOWARAK: There was a second on
2 the motion. Further discussion or rationale.

3
4 MR. HASKETT: So, again, it seems to have
5 been -- most of these issues since yesterday. This is
6 one where there's been fairly compelling testimony, I
7 think, from all sides. I think there clearly is a
8 conservation concern. There's also clearly a concern
9 where we need to make sure that we're supporting
10 subsistence use, at least as much as we are the
11 recreational use in the area.

12
13 So my proposal is based upon the
14 regulation as it reads, very close, very similar to the
15 regulations that reads on Pages 245-46 in our book,
16 except that it would not impose a harvest limit for
17 chinook salmon. It would also allow gillnets in Black
18 Lake and tributaries of Black and Chignik Lakes.
19 Limiting gear to rod and reel only in the Chignik River
20 does not seem necessary to me. If we were to allow
21 gillnets in the area of the Chignik River above the weir
22 though, it does cause major conservation concerns. I did
23 hear, Molly, the concerns about it's not the traditional
24 way of subsistence use. We're not proposing this because
25 we think it's a better way, we just think it's more
26 efficient in terms of making sure that we control the
27 numbers to cover that conservation use.

28
29 This is a spawning area where chinook
30 salmon hold for weeks prior to spawning. The current
31 harvest limit is 250 salmon. Even though most of the
32 harvest is for sockeye salmon, the harvest of chinook
33 salmon is fairly unlimited in the areas of Chignik River
34 downstream at the weir. We've all seen the general trend
35 of chinook salmon decline statewide, including the
36 Chignik River, as shown on the graph on Page 237 in the
37 book. However, again, it does not seem right that
38 allowing sport fishing in this area while subsistence
39 fishing for chinook is closed.

40
41 What I'm trying to come to is a balance,
42 providing more opportunity for people to get their fish
43 while using a gear type that we believe will not cause
44 conservation concerns into the future. I think that Mr.
45 Probasco did a very good description of the conservation
46 concerns in the area that we need to be paying attention
47 to.

48
49 The use of rod and reel only is the only
50 part of my motion that differs from that of the Bristol

1 Bay Regional Council, but it does appear to me that
2 allowing gillnets in the Chignik River chinook salmon
3 spawning area is contrary to recognized principals of
4 fisheries management since it's likely to cause
5 conservation problems in a time when we can least afford
6 it.

7
8 Again, the other part of the proposal is
9 to allow gillnets in Black Lake and the tributaries of
10 Black and Chignik Lakes. We already allow gillnets in
11 two of the tributaries, Chignik Lake and both the Clark
12 River and Home Creek, so it should not be much different
13 to allow gillnets in the few remaining tributaries. It's
14 my understanding it's very difficult to travel to Black
15 Lake in the summertime, so use in this area again is very
16 minimal.

17
18 We realize this is a deviation from the
19 State regulations and, as the State pointed out, this
20 will require a Federal registration permit, so this will
21 be part of the process too. This will be needed to
22 monitor the harvest for these regulatory changes. We
23 don't have any Staff in the area, but Staff does travel
24 there in the springtime and we'll make sure they issue
25 permits at that time.

26
27 CHAIRMAN TOWARAK: Thank you. Are there
28 any other discussion. Mr. Cribley.

29
30 MR. CRIBLEY: Through the Chair. I guess
31 I do have a question or points of clarification. When
32 you say there's no limits or there would not be any
33 limits on the subsistence harvest, is that just above the
34 weir or for all subsistence harvesting in this system or
35 how do you define that?

36
37 MR. HASKETT: So there is still that 250
38 limit overall for the entire area. At one point we were
39 talking about having some limits, but I think it was
40 pointed out by the proponent on this the use is very
41 small. We don't expect a lot of fish to be taken. So
42 it's for the entire area, but there's a cap that they
43 can't go over.

44
45 MR. CRIBLEY: I thought the limit that
46 Fish and Game was talking about was the take above the
47 weir and then at least I thought I understood that the
48 cap was 300 fish above the weir by sport fishing, is what
49 they had said, without having a negative impact. This
50 additional subsistence harvest could potentially affect

1 that, but we don't know because we don't have any data.
2 That's what I'm trying to clarify because the limits seem
3 to be above the weir or the concern. If we're talking
4 about no limits anywhere, how does that affect things?

5
6 MR. HASKETT: So, again, people are
7 reminding me what we're doing here. So we've removed the
8 limit again based upon not having a huge concern because
9 we don't expect there to be a lot of harvest based upon
10 actual subsistence use, but there's still that 250 cap.

11
12 MR. CRIBLEY: I understand that, but I
13 guess the question is is the cap for just above the weir
14 and is your no harvest limit or a lack of harvest above
15 the weir or for the entire area?

16
17 MR. HASKETT: The entire area.

18
19 CHAIRMAN TOWARAK: Mr. Probasco.

20
21 MR. PROBASCO: Mr. Chair. Mr. Cribley.
22 I think we need to step back a little bit and first look
23 at the proposal. The proposal actually addressed a
24 limit. If I may, Mr. Haskett.

25
26 MR. HASKETT: Please.

27
28 MR. PROBASCO: Mr. Haskett's motion
29 removes that portion of the proposal addressing a limit
30 with rod and reel. Keeping in mind that the current
31 limit on salmon for subsistence, both State and Federal,
32 is 250. So, if this motion were to pass, you would be
33 allowing rod and reel above the weir, which is currently
34 not allowed and you would not be under -- the Federal
35 subsistence users would not be under the restrictive
36 possession limits and daily bag limits. They'd be
37 allowed to harvest what they would need above the weir
38 using rod and reel still having the 250 fish cap.
39 Catching 250 fish above the weir with rod and reel would
40 probably be pretty darn difficult. Mr. Chair.

41
42 CHAIRMAN TOWARAK: Ms. Masica.

43
44 MS. MASICA: So could you maybe tell us
45 actually what you're talking about. If I understood what
46 you said on Page 246, subsection C, if I understood your
47 motion, rather than without a limit it would read --
48 without a permit, it would read with a permit and then it
49 would end there. All the rest of that section would be
50 removed?

1 MR. HASKETT: Yes. So it says you may
2 take salmon in Chignik River with rod and reel from a
3 point 300 feet upstream of the ADF&G weir to Chignik Lake
4 from January 1st through August 9th with a permit. But
5 also there's the other areas that we talked about where
6 you could still use gillnets as well, so in addition to
7 that.

8
9 CHAIRMAN TOWARAK: I've got a question to
10 our Council. With our proposal as it is and we're not
11 following 100 percent of what the Regional Advisory
12 Council is recommending, does this cover our reason to
13 reject the Council's full recommendation?

14
15 MR. LORD: Mr. Chair. Ken Lord. I heard
16 Mr. Haskett speak to conservation concerns as the reason
17 for modifying what the Council recommended, so that is a
18 valid reason to do so.

19
20 CHAIRMAN TOWARAK: I'm going to ask the
21 Regional Council Chair if you feel that we are doing it,
22 are following the process properly and making changes on
23 what you folks approved.

24
25 MS. CHYTHLOOK: I think so. I know that
26 the State mentioned that without the permit system from
27 -- if I'm understanding this right from the Feds, they'd
28 have a harder time developing a number for subsistence
29 harvest. I don't think with this addition of having a
30 permit system put in place -- you know, I don't have any
31 problem with it right now. Thank you.

32
33 CHAIRMAN TOWARAK: Any further -- Mr.
34 Haskett.

35
36 MR. HASKETT: I just think I need to make
37 it clear that without the amendment then I would be in a
38 position where the conservation concerns we have would
39 force me to oppose the motion. So we've come up with
40 something based upon conservation concerns to try and
41 strike a medium where we allow for the subsistence use
42 but not cause major conservation concerns. That was the
43 intent of the motion.

44
45 CHAIRMAN TOWARAK: Any further discussion
46 or questions. Ms. Masica.

47
48 MS. MASICA: Can you help me understand
49 how it is that what you've proposed you think is more
50 responsive to the conservation concerns than what was the

1 OSM recommendation slightly modified by the ISC
2 recommendation in terms of leaving the limits in there,
3 but ISC had said perhaps raise those. I realize the
4 permit was a different element.

5
6 CHAIRMAN TOWARAK: Go ahead, Mr. Haskett.

7
8 MR. HASKETT: So when we talked about
9 this with Staff, my Staff, trying to identify a way
10 forward, one of the options we looked at was identifying
11 daily limits. I think Pete did a better job of
12 describing that than I was able to do before. Based upon
13 the testimony I've heard and everything, there's no
14 expectation there's going to be this great take on any
15 given day, so it's not a concern we have, so I tried to
16 make this as less cumbersome to the Native subsistence
17 users as we could. I just don't think there's a
18 conservation concern because I don't think they're going
19 to take that many fish on any given day.

20
21 CHAIRMAN TOWARAK: Further discussion.
22 Molly, have you got a comment? We'll allow it in this
23 case.

24
25 MS. CHYTHLOOK: Are there discussions
26 just within the Board right now?

27
28 CHAIRMAN TOWARAK: Yes. We were under
29 Board deliberation.

30
31 MS. CHYTHLOOK: Okay. I'll hold my
32 question.

33
34 CHAIRMAN TOWARAK: Molly, I'm going to
35 allow you to ask your question and at the same time offer
36 additional questions by the State if they feel they need
37 it.

38
39 MS. CHYTHLOOK: I guess I feel
40 comfortable with this permit system from the Federal to
41 be put in place. I know that -- I had another question
42 that I was going to ask, but I don't want to muddy the
43 water right now, so I think I'll just let the Board know
44 I feel comfortable with the present motion. Thank you.

45
46 CHAIRMAN TOWARAK: Thank you. Any
47 reaction to the State.

48
49 MS. YUHAS: I believe they're conferring
50 Mr. Chairman, on the new information.

1 MR. HEPLER: Mr. Chairman. We certainly
2 appreciate the efforts from Mr. Haskett. The only
3 question we had, of course, was about the daily limits,
4 but Mr. Haskett thinks these will be sustainable due to
5 the small participation. We just have to see what those
6 are. I think getting a permit in place is highly
7 critical and we certainly appreciate that because that
8 number is necessary, as Staff said, to build a run again.
9 So we think this is a good compromise. Mr. Chairman.

10

11 CHAIRMAN TOWARAK: Thank you. Mr.
12 Haskett.

13

14 MR. HASKETT: So, and then, of course,
15 part of the permit process is that we're going to watch
16 this and see if suddenly -- if we're wrong, then we would
17 come up with something different in terms of watching the
18 numbers. I also want to point out I see that my fellow
19 members of the Board seem to have a number of questions
20 on this, but we are in a situation where we rarely get to
21 where I'm hearing from both the RAC and the State that we
22 have a compromise that's been presented that seems to
23 work for both. So, for whatever that's worth, I would
24 hope the Board members would pay some attention to that.

25

26 CHAIRMAN TOWARAK: Any final questions.

27

28 (No comments)

29

30 CHAIRMAN TOWARAK: The floor is open
31 for.....

32

33 MR. CHRISTIANSON: Question.

34

35 CHAIRMAN TOWARAK: The question has been
36 called for by Mr. Christianson. Roll call vote, please.

37

38 MR. PROBASCO: Thank you, Mr. Chair.
39 Final action on FP13-13, adopt with modification to allow
40 salmon rod and reel fishing only in Chignik River above
41 the ADF&G weir with no daily harvest or possession limit.
42 A Federal permit is required. You may take salmon by
43 gillnet in Black Lake or any tributary to Black or
44 Chignik Lakes. You may take salmon in the waters of
45 Clark River and Home Creek from their confluence with
46 Chignik Lake upstream one mile.

47

48 Mr. Owen.

49

50 MR. OWEN: Yes.

1 MR. PROBASCO: Mr. Brower.
2
3 MR. C. BROWER: Yes.
4
5 MR. PROBASCO: Mr. Haskett.
6
7 MR. HASKETT: Yes.
8
9 MR. PROBASCO: Ms. Masica.
10
11 MS. MASICA: Yes.
12
13 MR. PROBASCO: Ms. O'Neill.
14
15 MS. O'NEILL: Yes.
16
17 MR. PROBASCO: Mr. Christianson.
18
19 MR. CHRISTIANSON: Yes.
20
21 MR. PROBASCO: Mr. Cribley.
22
23 MR. CRIBLEY: Yes.
24
25 MR. PROBASCO: Mr. Towarak.
26
27 CHAIRMAN TOWARAK: Yes.
28
29 MR. PROBASCO: Motion carries 8-0.
30
31 CHAIRMAN TOWARAK: Thank you. We will
32 continue on then with.....
33
34 MR. ADAMS: Mr. Chairman, please.
35
36 CHAIRMAN TOWARAK: Mr. Adams, go ahead.
37
38 MR. ADAMS: I would beg your indulgence,
39 Mr. Chairman. I've made arrangements to go home this
40 afternoon, so I would ask to be excused at this time. I
41 would like to maybe make a comment or two, if I might,
42 Mr. Chairman, before I leave.
43
44 CHAIRMAN TOWARAK: Okay. I assume we
45 have covered all of the Southeast proposals.
46
47
48 MR. ADAMS: Yes. That's why I'm running
49 away.
50

1 CHAIRMAN TOWARAK: That's fine. You've
2 done your job.
3
4 MR. ADAMS: I've done my job. Thank you.
5
6 CHAIRMAN TOWARAK: Final comments.
7
8 MR. ADAMS: I really want to say I
9 appreciated working with and seeing Pete in action and I
10 do wish you good luck and success in your new job. I'm
11 also appreciative of the two additions to the Council --
12 or to the Board. I could see where they are very
13 productive and a great asset to the process here, so I
14 really appreciate that. I would ask the other RAC Chairs
15 their indulgence for allowing me to go. You sat through
16 mine for a day and a half or so.
17
18 You know, I made mention last year that
19 I don't like to leave this time of the year home because
20 of my wife's condition, so the less that I am away from
21 home, the better I feel. She's doing fine. She has her
22 children to take care of her, but it doesn't prevent me
23 from worrying about her while I'm gone. So I just want
24 to let you know that.
25
26 If I might, too, Mr. Chairman, I want to
27 not so much promote myself, but to promote an idea that
28 is contained in the book that I have been passing
29 information about. The premise of that writing is
30 Kadashan speaks about the laws of nature and nature's
31 god. If you remember, last year I read a couple of
32 sentences out of it, but I just wanted to share with you
33 what a natural law is.
34
35 I have learned that it is the Creator's
36 order of things, that it is right reason and right reason
37 is any law that is in agreement with nature and that
38 translates to true law. True law, as I have found out,
39 is wisdom. In our communities, in our culture, there are
40 certain people in the village who are known as wisdom
41 keepers and we look to them for help and guidance in
42 preparing and conducting our lives. That kind of is
43 missing now in our culture and then we have to seek
44 different ways to find ways in how we can better take
45 care of ourselves.
46
47 However, when wisdom is applied to
48 government or the work that we're doing right now, it is
49 justice. We have listened to many of the testimonies
50 that have taken place over in that area there today and

1 all they were asking is for justice in regards to
2 subsistence issues, that they will be able to have the
3 freedom to do what it is that they need to take care of
4 their families and their communities and themselves.

5
6 So I just wanted to share that with you
7 and let you know that I really appreciate being among you
8 people. We have some new Board members on as well as the
9 new, what do you call them, at-large members.

10
11 I want to thank you for the opportunity
12 of being here and participating in this process and wish
13 you good luck for the rest of the meeting. Now I need to
14 go and pack and get ready to catch an airplane.

15
16 Gunalcheesh and thank you very much.

17
18 CHAIRMAN TOWARAK: Thank you, Mr. Adams,
19 for taking the time to be here under your circumstances.
20 I respect that.

21
22 MR. ADAMS: It is my pleasure. Thank
23 you.

24
25 CHAIRMAN TOWARAK: We will then continue
26 on the deliberations of proposals. We're moving next to
27 the Cook Inlet Region. Mr. Probasco.

28
29 MR. PROBASCO: Mr. Chair. Just real
30 quick to clarify. Mr. Haskett's motion which he read did
31 contain the dates, it's just that Staff did not capture
32 it. So, officially on the record the dates are January
33 1 through August 9. So just to clarify that. Thank you.

34
35 CHAIRMAN TOWARAK: Thank you. We've been
36 just notified that Rosemary is on the line and will
37 represent the North Slope RAC. So, whenever there's a
38 discussion with the Regional Advisory Council she'll be
39 given a chance to participate in our deliberations.

40
41 We will move then to the Cook Inlet
42 Region, Proposal 13-15 is first and the only Cook Inlet
43 issue. Could we have the Staff analysis, please.

44
45 MS. HYER: Mr. Chairman, Board members.
46 The executive summary for Fisheries Proposal 13-15 is on
47 Page 270 and the analysis begins on Page 271. An area
48 map is located on 275.

49
50 This proposal was submitted by Mr.

1 Williams on behalf of Ninilchik Traditional Council. It
2 requests that the expiration date for the Kasilof
3 community fishwheel be removed from
4 regulation.

5
6 In 2008, the Federal Subsistence Board
7 adopted a proposal allowing a temporary community
8 fishwheel from July 1st through August 24th in the
9 Kasilof River. The temporary regulation expired December
10 31st, 2011. In 2012, the Ninilchik Traditional Council
11 requested a special action to allow for continued
12 operation of the community fishwheel in the Kasilof River
13 beginning July 1 and continuing through August 29th.
14 During this time the community fishwheel was operated for
15 a total of 12 days from July 5th continuing through
16 August 3rd. The fishwheel fished six to ten hours each
17 time it was launched. To date, the temporary fishwheel
18 has harvested no fish.

19
20 The Ninilchik Traditional Council has
21 continued to implement the fishwheel in an attempt to
22 locate a desirable fish site. Since a fish wheel fishery
23 has not been fully implemented on the Kasilof River, the
24 possible effects of the fishery are not fully understood.
25 It is possible that the fish wheel fishery could provide
26 an effective means of harvesting salmon while conserving
27 healthy fish populations by keeping harvests within
28 sustainable levels and avoiding excessive mortality of
29 non-targeted species. The fish wheel could increase
30 Federal subsistence harvest opportunities for residents
31 of Ninilchik and should continue to be allowed as a gear
32 type in regulation.

33
34 OSM's conclusion is to support this
35 proposal. That ends my presentation.

36
37 CHAIRMAN TOWARAK: Thank you very much.
38 Are there any questions of the staff.

39
40 (No comments)

41
42 CHAIRMAN TOWARAK: Thank you. Then we
43 will continue on -- we'll wait until Mr. Probasco gets
44 back. We might have some new blue cards here. Do we
45 have a summary of public comments by the regional
46 coordinator.

47
48 MR. MIKE: Thank you, Mr. Chair. Donald
49 Mike, Regional Council coordinator. Mr. Chair, there
50 were no written public comments received on the proposal.

1 Thank you.

2

3 CHAIRMAN TOWARAK: Thank you. We will
4 then open the floor to public testimony. Mr. Probasco.

5

6 MR. PROBASCO: Thank you, Mr. Chair. I
7 have three individuals that would like to speak and the
8 first one is Mr. Ivan Encelewski.

9

10 MR. ENCELEWSKI: Thank you, Mr. Chairman,
11 members of the Board. My name is Ivan Encelewski. I'm
12 the executive director for the Ninilchik Traditional
13 Council. I'm also a Federally qualified subsistence user
14 from Ninilchik. I'm here today to speak in favor of
15 Proposal FP13-15 to make our community fishwheel
16 permanent. I'm going to try not to belabor the issue.
17 I know this has been through some long and arduous
18 process. Just a quick history on this.

19

20 Ninilchik had submitted a proposal for
21 kind of a beach seine and net in the Kenai and Kasilof
22 Rivers in the mid 2000's. It's kind of interesting to
23 hear the testimony from the proposal before because it's
24 a little bit like deja vu. As a result of that, the
25 Southcentral Regional Advisory Council submitted the
26 proposal for the fishwheel. It actually wasn't submitted
27 through the Ninilchik Traditional Council.

28

29 I participated at the RAC, the Regional
30 Advisory Council meeting here a few months ago and I
31 provided a lengthy testimony. Darrel Williams will be
32 giving a presentation on our fishwheel proposal and some
33 of the things that we've done. So I kind of want to
34 refer back to that to look at our Regional Advisory
35 Council testimony.

36

37 We made a concerted effort to implement
38 this fishwheel. I want to say that it is an opportunity
39 for us, but there has been some logistical issues and
40 Darrel will kind of point some of those out. You know,
41 it seems kind of like -- you know, you think of a
42 fishwheel and it has a lot of uses around the state.
43 There's some unique issues that we always face in
44 Ninilchik and especially in the Kasilof River.

45

46 As you may know from the maps, the access
47 point to the Federal waters is through kind of a dirt
48 road that goes to the headwaters by Tustumena Lake. It's
49 a slow moving waters up in the headwaters, so you
50 actually can't place the wheel. You have to go down

1 maybe up to a mile down river to actually place the
2 wheel, so there's no access points directly to it. I
3 spent some time up in Chitina looking at some of their
4 wheels. As you guys know, you can actually back up to
5 the river, unload it, set it, place it. I've seen old
6 engine blocks used as anchors up there. We could never
7 get away with something like that on the Kenai Peninsula.
8

9 So we started with a larger fishwheel and
10 we had some problems mobilizing it. In the early spring
11 and summertime, the fish -- the Kasilof River is very
12 shallow. Once you get to about a mile down we had a
13 little bit of problems with utilizing a boat. So we
14 actually mobilized into a smaller fishwheel, kind of
15 moved it around. Darrel participated. There's some
16 other issues with the escapement on the Kenai. It's a
17 smaller river. The minimum escapement goal is around
18 160,000. There's a couple hundred thousand fish that
19 escape there, but if you know from the personal use
20 dipnet fishery, you can actually personally use dipnet
21 fishery in the mouth of the Kasilof for days in times
22 where there's not high escapements going through the
23 river and not catch any fish. It can be hit and miss.
24 That can happen on the Kenai as well.
25

26 We had asked to continue this. This has
27 been a temporary. We're seeking to move it permanent.
28 I think some of the concerns that were presented at the
29 time when the Board adopted this proposal have been kind
30 of alated. That is potential conflict with user groups
31 on the Kasilof River. We've had no issues when we placed
32 the wheel. We've had good cooperation with U.S. Fish and
33 Wildlife, Doug Palmer there. In the placement of the
34 wheel, been very helpful. The community harvest permit,
35 I know that's raised as an issue of how that's to be
36 implemented. It's an arduous process. You have to get
37 the Refuge permit and you have to get the operational
38 plan, but we've had no issues with conflicts with
39 community or users, so we think the process works.
40

41 It's created no conservation concerns.
42 While the use is low, we anticipate that there is the
43 potential to get some fish out of it. We're still
44 working through the process and we believe that if this
45 is permanent, we've already had to implement a special
46 action request to be able to fish it this last year
47 because of the sunset clause. We would ask that this be
48 permanent so that we don't have to continue to come back
49 before this Board and readdress this issue. I think
50 those temporary concerns that were raised have been

1 addressed, so we want to continue to see this through.

2

3 I just want to provide also some
4 testimony real quickly on some of the comments through
5 the State. I know this is opposed by the State, but
6 there's some concern there. The State has comments
7 regarding the opportunity is provided already and I think
8 this is a concern that we have. Whether it's
9 educational, personal use or recreational sport fishing,
10 it's not an opportunity for preference under ANILCA. So
11 to say in their comments that there was already ample
12 opportunities or other opportunities kind of flies in the
13 face with actually what ANILCA says, so that's not, in
14 our minds, a valid argument to say that because we can
15 sport fish with everyone else, because we can put an
16 educational fishery with everyone else, because we can
17 personally use fish with everyone else, that that somehow
18 gives us our Federally mandated rural preference.

19

20 You know, there's issues raised over
21 catch and release. There's a catch and release process
22 through sport fishing, through other wheels that are
23 operated. The State operates a net program in the Kenai
24 every day. So the wheel is fish friendly. It's designed
25 and required to be. So we think that the issue with any
26 conservation concerns over catch and release or mortality
27 rates is not really an issue.

28

29 I know there were concerns raised with
30 the jurisdictional issues. If you look at the Federal
31 waters, it's the first couple miles from Tustumena down.
32 So basically any State waters or fishwheels there was
33 mentioned that there would be a 500-yard distance between
34 fishwheels. I don't think the State is going to put a
35 fishwheel in the Federal waters. They're slower-moving
36 waters, they're upstream, there's very little access up
37 there. Because the Federal waters are actually upstream
38 of the State waters, we wouldn't anticipate any issues
39 with placement of the wheel in conflict with any other
40 State wheel or jurisdictional issues. We work with the
41 U.S. Fish and Wildlife on the placement of the wheel down
42 to the dot, you know, as far as where we're going to be
43 at in the river and we'll continue to do so.

44

45 We've eliminated the distance between
46 Hong Kong bend and Silver Salmon Rapids where it kind of
47 comes in out of Federal waters and the State and the back
48 end of Federal waters. So most of our wheel proposal
49 would be Silver Salmon Rapids north or upstream. So we
50 kind of feel that that's, you know, also not an issue for

1 potential with conflict.

2

3 As you know, we've had harvest limits,
4 we've had in-season management through the Fish and
5 Wildlife manager and that's actually been implemented
6 this last year with the king salmon shortage. It's fish
7 friendly, there's a live box. We just believe that
8 there's no conservation issues that can -- you know,
9 valid arguments for conservation issues continue.

10

11 Part of our issue with subsistence is
12 access. Once again, as you guys know, the Federal lands
13 and waters tend to be further away from our area, so
14 we're continuing to refine the process and we believe
15 that not having to come back before the Federal
16 Subsistence Board continually for this proposal and
17 opportunity would be a great benefit for the Federally
18 qualified subsistence users. We think there's an
19 opportunity. We don't know. We agree wholeheartedly
20 with the Staff analysis that while it hasn't been a large
21 harvest or harvest opportunity at this point, there is
22 the potential and we would like to seek this through.

23

24 Would that, I would like to -- if you
25 have any questions, I'll be happy to answer them. Darrel
26 Williams will give you a presentation with actually a
27 PowerPoint to kind of show you guys what we've done and
28 give you an example of kind of the things we're talking
29 about.

30

31 CHAIRMAN TOWARAK: Thank you. Are there
32 any questions from the Board.

33

34 (No comments)

35

36 CHAIRMAN TOWARAK: Thank you for your
37 comments.

38

39 MR. ENCELEWSKI: Thank you, Mr. Chairman.

40

41

42 CHAIRMAN TOWARAK: Do we have further
43 testimony.

44

45 MR. PROBASCO: Yes, Mr. Chair. I think,
46 as Ivan suggested, take this in sequence. So Mr. Darrell
47 Williams.

48

49 MR. WILLIAMS: Good afternoon, everyone.
50 My name is Darrel Williams. I'm with Ninilchik

1 Traditional Council. I'm also a rural user. Today I was
2 asked to bring our PowerPoint presentation that we did at
3 the Southcentral Regional Advisory Council to help
4 everybody get some information to understand the issues
5 with the fishwheel in the upper Kasilof River.

6

7 I think Ivan did real good about a little
8 bit of history with the fishwheel. This has been long
9 term in developing and implementing this process. Could
10 we start the PowerPoint, please.

11

12 A little bit about the overview. We
13 started this process back in 2005. There are some
14 comments that I want to make in this, but in the interest
15 of time I'll make them now. One of the things that we
16 had real challenges on in our fisheries in the Kenai
17 Peninsula was the issue of conservation concern. You
18 know, it's really interesting I think in this particular
19 arena that conservation concern is sometimes approached
20 too cautiously. It's not clearly demonstrated. A lot of
21 times really has very little to no foundation. The
22 example is in this fishwheel. In the three years that
23 we've been fishing it, we have been able to harvest zero
24 fish, which is profound. As far as a meaningful
25 preference in methods and means of gear type, we do have
26 some issues. It's certainly not for lack of effort, but
27 I think there's something that needs to be considered and
28 I've heard this quite a few times during the last few
29 days of this meeting about the concerns of different
30 issues and different fisheries.

31

32 The PowerPoint has started here and I'll
33 start narrating that. This is the original fishwheel
34 that we built, if I recall, in the 2010 fishery. For
35 scale, that's Jack Kvasnikoff in the background walking
36 by it to give you an idea of the actual size of the
37 wheel. It was our first attempt to be able to engage in
38 this activity. It was interesting because we found that
39 we had problems. For one, the upper river, the Kasilof
40 River is not that deep, so needless to say the wheel was
41 very large for the actual fishery.

42

43 The other problem we had was actually
44 moving the wheel, getting it from where it's at, sitting
45 right there, to the river and being able to launch it.
46 Then there were other issues about moving the wheel
47 within the river to be able to move it to different spots
48 to be able to try it and see how it fishes.

49

50 Slide, please. So, with that, we started

1 -- there's a picture of us sitting there scratching our
2 heads, brainstorming, a little bit of community
3 involvement trying to figure out how to make this
4 fishwheel work. Some of the goals we had in mind in this
5 fishwheel was to be able to make something that was
6 portable, it was mobile, it would fish deep enough and
7 would be able to catch some fish.

8
9 We built the wheel and we had the U.S.
10 Fish and Wildlife folks come and inspect it and approve
11 it. That was prototype development there. There were
12 still some issues to work out, but I think it's a good
13 representative photograph to show that there's community
14 interest and people involved in trying to make this work.

15
16 Slide, please. So, our final product
17 ended up being a fishwheel that we could break down into
18 three pieces, we could mobilize it in the back of a
19 pickup truck. There it is actually going down the road.
20 And be able to launch it at the river easily and be able
21 to move it within the river easily. It requires a little
22 bit of extra taking apart and putting back together, but
23 that's not a real big deal. It's about a 20-minute
24 process.

25
26 Some of our other concerns too were by
27 leaving a wheel in the actual water if the wheel was lost
28 or damaged or incidental catch or something silly like
29 that, we didn't want those kind of problems, so being
30 able to make a wheel like this solved those problems for
31 us so we could be responsible in our fishery.

32
33 Slide, please. Here's a photo of us
34 putting the wheel together. This is the upper boat
35 launch in the Kasilof River. Here we're mounting the
36 basket. That gives you an idea of the size of our wheel,
37 the kind of materials that we used. You can see there in
38 the background the yellow rope, there's our live bait
39 well that we actually have. It's a mesh basket that
40 stays in the water. That's what the upper boat launch
41 looks like.

42
43 Slide, please. Again, mounting the
44 wheel, an idea of what the fishwheel looks like. Slide,
45 please. This is almost complete. It's kind of a
46 representative photograph of the signage requirements
47 that we have. We also put up -- there's another sign
48 that goes on there that has the actual user name and
49 their permit number as required by the regulatory
50 stipulations.

1 Slide, please. There it is put together,
2 getting ready to launch. This is what it looks like when
3 we're mobilizing it up and down the river to be able to
4 negotiate the waterway.

5
6 Slide, please. This is an interesting
7 photograph. This is the fishwheel being towed behind the
8 boat. If you notice, the rope is slack. We actually had
9 taken it up there. We were just kind of checking out the
10 upper river. The velocity of the water is that slow,
11 that it won't even pull the rope tight while it's sitting
12 in the water behind the boat. It simply makes it to
13 where we just can't fish in the upper river. There's not
14 enough current. It's a much different kind of water than
15 I think was anticipated when we actually developed this
16 fishery.

17
18 Slide, please. There's a picture about
19 a mile down from the boat launch where the water actually
20 starts to pick up. The wheel is actually set there and
21 it's actually going around and around. That's a
22 representative photo of what it looks like when it's in
23 the water and running. That's actually probably 30 feet
24 off the bank. That's more towards the middle channel.
25 We weren't actually fishing the wheel. This was a trial
26 run when we were putting it together trying to make sure
27 everything is going to work correctly.

28
29 Slide, please. Here's photos when we
30 actually started fishing. So we would mobilize the wheel
31 to different sites, we would set the wheel up and fish
32 the wheel. Here's a photo of the buoy in the front,
33 which was another one of the requirements. A safety
34 thing for the river so nobody runs into the line holding
35 the wheel.

36
37 Slide, please. This is setting up the
38 wheel. We implemented fences on the side of the wheel to
39 go to the bank to try to collect fish that may be between
40 the wheel and the bank and channel them into the actual
41 wheel while it's fishing. You can see the fence behind
42 the -- that's Daniel on the fishwheel. So if I refer to
43 him as Daniel, you'll know who I'm talking about. Behind
44 him you can see actually the arm of the fence that
45 extends over to the bank.

46
47 Slide, please. Here's another picture of
48 the fences as we were putting them on. One of the things
49 we learned during this process, we talked to the people
50 who had fished fishwheels in other fisheries across the

1 state and we found out that there is a lot more to a
2 fishwheel than having it go round and round in the water.
3 There are things such as buoyancy issues, how buoyant the
4 wheel is, how fast it turns, how you make adjustments to
5 the shape of the basket and so on. So it was an ongoing
6 process.

7
8 The other interesting part that we found
9 out is that in a year of a fishery in the particular
10 species that we're targeting our actual fishing days are
11 very slim. The escapement -- we watch the escapement
12 numbers. The escapement comes through the river, we put
13 the wheel in place and we try to catch fish while the
14 fish are there. That's probably a week, maybe two weeks
15 of actual fishing time a year.

16
17 So the interesting part is in a new gear
18 type that was given to us, it may be in its fourth year
19 of development, but realistically we probably actually
20 have four or five weeks of actual fishing time, actually
21 trying to catch a fish with it. You can put the wheel in
22 the water. If there's no fish there, it's pretty hard to
23 tell if you're going to catch fish or not.

24
25 Slide, please. Here's another site where
26 we set up the wheel and the same thing. You can see us
27 setting it up. You can see the sign in the back behind
28 Daniel there of our user name and information and it's on
29 the wrong side because we just moved the wheel. He
30 hadn't got it yet.

31
32 Slide, please. Here's a sample of where
33 you can see how we were staking and some of the places we
34 actually had to stake the fences down. We tried fences
35 on one side, we tried eight foot, we tried 16-foot
36 fences, we tried fences on both sides of the wheel trying
37 to channel fish to the wheel to harvest them.

38
39 Slide, please. Here is another view of
40 the same site where you can see one of the ways we set
41 the fences trying to catch the fish.

42
43 Slide, please. This is an interesting
44 slide. I like to include this to try to help people
45 understand that the morphology of the river is very
46 different in the upper river than the lower river. In
47 the foreground you see a dark line going across the
48 photograph. That's a sand bar and the water there is
49 probably 12 inches deep. The depth current, where we're
50 able to actually place the wheel. And it's also

1 interesting because we found that in earlier in the year
2 the sand bars are laid out in a certain fashion and as
3 the water rises and more velocity, those sand bars move.
4 So what may be a good fishing place one day may not be
5 the next.

6
7 Slide, please. As an example of
8 location, speed, buoyancy, this is actually a video. I
9 don't know if we can play it or not. Can we see if we
10 can play that, please. There we go. Just to give you an
11 idea of -- here's Daniel setting up the wheel. The wheel
12 is moving and to give you an idea of some of the speeds
13 that we use when we're trying to fish the wheel. The way
14 we build the wheel is we could add additional or take off
15 paddles to increase and decrease resistance to be able to
16 control the speed of the wheel.

17
18 In our placements, generally what we
19 would do is we would -- the wheel is adjustable
20 vertically and we would actually lower the wheel down
21 until we were scraping gravel on the bottom, so we knew
22 we were all the way down as far as we could go and
23 actually fish it. It's interesting there's a drift boat
24 in the background too just for fun. So there actually is
25 other traffic on that water too.

26
27 Slide, please. This is also a video. If
28 you could hit play on it. This is another example of
29 playing with it for speeds, different -- this is a
30 different location, being able to try to get the
31 fishwheel to fish. This has actually been modified since
32 the last picture. We had talked with Tricia Waggoner,
33 who was on the Southcentral Regional Advisory Council.
34 They had fished some fishwheels and gave us some
35 suggestions.

36
37 I really appreciate this part right here
38 in this video where you can see Daniel walking out to set
39 the actual live fish holder. That gives you an idea of
40 the velocity of the water, the depth of the water and
41 that's basically the environment we're fishing in. When
42 a guy can walk across there in chest waders, it's not
43 real fast. I think it's a representative sample.

44
45 Slide, please. This is a picture of the
46 State's wheel that's located next to the Kasilof River
47 bridge, right next to the highway. We thought we should
48 have something to compare it to. We actually went and
49 talked to the operator and we were trying to get ideas on
50 how successful they had been using their wheel and any

1 kind of information that would help us be more
2 successful. As you can see, this was very, very
3 different than what we.....

4
5 Slide, please. In sheer terms of size,
6 impact, and everything else, that's a lot more wheel than
7 what we have. We had very specific guidelines from the
8 Federal Subsistence Board on what they expected. I
9 believe our stuff is very friends. Our special use
10 permit that we have to get from the Refuge we're not
11 allowed to do work on the bank proper, so we're
12 restricted to being able to set up a wheel like this. I
13 think there was some confusion when the fishwheel was
14 offered as a gear type and I think this is more of what
15 people had in mind. But the same thing, there are other
16 management groups that we have to contend with and there
17 are rules that we have to follows.

18
19 Slide, please. Now that's what we want
20 to catch. We want to be able to catch some fish. Those
21 are just some fun photos of dressing some fish up. The
22 bad part is we had to buy those fish. So, with that
23 said, you know, I do think that there's probably a
24 possibility of making the fishwheel work. We put a lot
25 of time and effort into it, but, you know, as a sample of
26 the time and effort, you know, a real value of it, it's
27 only been a few weeks of actually being able to fish the
28 wheel while the fish were there. I think that this
29 particular gear type needs time to mature and different
30 methods need to be used and we need more time to evaluate
31 it to be able to try to make it work.

32
33 You know, after Ivan gave his testimony
34 and I think there's one more, I think I'll stop right
35 there. Just about everything has been covered. I do
36 have concerns about the idea and terminology of
37 conservation concern. The conservation concerns that
38 were identified in this I think were actually
39 unreasonable. We had long discussions at this Board
40 about what the conservation concerns should be. I truly
41 believe that a conservation concern needs to be
42 demonstrated. It needs to be documented or it needs to
43 be -- you know, there needs to be some foundation for the
44 concern. You know, as a user trying to catch fish with
45 this particular gear type it's very frustrating because
46 there's a conservation concern and there's zero harvest.
47 It makes it tough. It makes it hard to understand that.

48
49 I hope that the Board will consider
50 making this a permanent gear type for the Ninilchik

1 fishery. There were some concerns that this particular
2 proposal would allow this gear type on other fisheries
3 and that is not how the proposal was worded and it's not
4 the language in the proposal, so I hope you guys can --
5 I hope this information helps you guys understand the
6 actual dynamics of that part of the river are different
7 than the other parts of the river.

8
9 There's a lot of thought, you know -- and
10 in comparison to like the first run of reds in the Kenai
11 River. People understand that because a lot of people
12 fish it. The first run of reds in the Kenai River, if
13 you fish the lower river, good luck. You can't catch
14 fish. I think part of it is that these fish come up and
15 they hit that slack water and they think they're in the
16 lake and they're ready to go where they're going to go,
17 whichever tributary it happens to be and it wasn't
18 something that we expected when we first started doing
19 this fishery. We expected the typical red behavior of
20 eight to ten feet off the bank, swimming in the channel
21 and that's where you're going to catch them. We found
22 out that's just not completely the case.

23
24 Mr. Chairman, I hope that helps. Is
25 there any questions? I'd be happy to entertain them.

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

29
30 (No comments)

31
32 CHAIRMAN TOWARAK: Thank you, Mr.
33 Williams. The slide show was very informative. Any
34 other public testimony.

35
36 MR. PROBASCO: Yes, Mr. Chair. Our last
37 person is Mary Ann Mills. Mary Ann.

38
39 MS. MILLS: Thank you. My name is Mary
40 Ann Mills. I am vice chair for the Kenaitze Indian Tribe
41 and also a member of the Southcentral RAC. The Kenaitze
42 Indian Tribe supports Ninilchik subsistence fishwheel as
43 well as the Southcentral RAC and believe their plan is
44 sound.

45
46 We believe that subsistence takes
47 precedence over all other fishing and that's why we have
48 this Board here, is to protect our people's rights to
49 fish in the rural areas. Ninilchik has complied with all
50 of the provisions in the regulations. Their fish box

1 allows most incidental caught fish to be released
2 unharmed. Their plan of operation is sound. We just
3 believe that the basis for the State to object to this
4 subsistence endeavor is unfounded. You know, the State
5 also has it's own fishwheel on the Kasilof and also
6 Ninilchik has caught zero fish to date, so we can't see
7 where there would be -- why the State would have a
8 problem with their subsistence endeavors.

9
10 I think before the Ninilchik fishwheel is
11 considered being closed that all other fisheries on the
12 Kenai should be looked at and if there is that great of
13 a concern, those fisheries should be the first ones to be
14 closed. With that, thank you very much.

15
16 CHAIRMAN TOWARAK: Thank you, Mrs. Mills.
17 With no further public testimony, we will move on then to
18 our Regional Council recommendations. Donald.

19
20 MR. MIKE: Thank you, Mr. Chair. Again,
21 I'd like to apologize to the Federal Subsistence Board
22 for our Chair, Ralph Lohse, not being able to attend this
23 meeting. He had some medical issues and therefore
24 couldn't travel. You'll find the
25 Southcentral Alaska Subsistence Regional Advisory
26 Council's recommendation on Page 281 of your book. The
27 Council's recommendation is to support the proposal.

28
29 There are no conservation concerns
30 associated with this proposal. The temporary fish wheel
31 has shown to be a benefit to subsistence users. The
32 community has shown a strong motivation and support for
33 making the wheel more successful and efficient. It has
34 the potential to have less impact on fish than the use of
35 rod and reel.

36
37 Thank you, Mr. Chair. That concludes the
38 recommendations of Southcentral.

39 CHAIRMAN TOWARAK: Are there any
40 questions from the Board.

41
42 (No comments)

43
44 CHAIRMAN TOWARAK: Not seeing any. Thank
45 you, Mr. Mike. Department of Fish and Game comments.

46
47 MS. YUHAS: Thank you, Mr. Chairman.
48 Jennifer Yuhas, State Liaison Team. This whole process
49 has been very interesting to follow over the last several
50 years and watching it develop. You know that the State

1 is opposed. We were opposed to the original and we are
2 requesting that the 500 yards from the State fishwheel be
3 put in as an actual mandate. While the testifiers say
4 they didn't think it would happen, we do have parts of
5 the river where our lands are adjacent and there's
6 nothing that actually prevents it in here even though he
7 says they don't expect it would happen.

8
9 As you know, the State fishwheel is a
10 management tool and it's for research so that we can
11 conduct in-season management and have the right
12 information for our decisions. The general conservation
13 concern, although this has not been effective and it's
14 been interesting to watch it progress, the end goal is
15 that it be effective. So while there is zero harvest
16 right now, the general conservation concern revolves
17 around the introduction of a new gear type.

18
19 So that's been our consistent comment
20 through the temporary and action through the fishery
21 special action and we would like to see you approve that
22 just for three years again if you're going to approve it
23 so you can follow this and watch it develop because it is
24 a non-traditional and new fishery.

25
26 CHAIRMAN TOWARAK: Thank you. Are there
27 any questions from the Board.

28
29 (No comments)

30
31 CHAIRMAN TOWARAK: Thank you for your
32 comments. We will proceed then to Interagency Staff
33 Committee comments.

34
35 MS. O'REILLY-DOYLE: Mr. Chair. The
36 Interagency Staff Committee provides its standard
37 comment.

38
39 CHAIRMAN TOWARAK: Thank you. Number 7,
40 Board discussion with Council Chairs and State liaison.
41 Any further discussion.

42
43 (No comments)

44
45 CHAIRMAN TOWARAK: Not seeing any. Then
46 we're ready for number 8, Federal Subsistence Board
47 action. Mr. Haskett.

48
49 MR. HASKETT: So my motion is to adopt
50 Proposal 13-15, which is consistent with the

1 recommendation of Southcentral Regional Advisory Council
2 and I'll explain my justification if I get a second.

3

4 MR. C. BROWER: Second.

5

6 CHAIRMAN TOWARAK: The motion has been
7 seconded. Rationale, please.

8

9 MR. HASKETT: So, as we've heard, this
10 fishwheel fishery was set up as a temporary regulation
11 since it was a new gear type for the area. Our in-season
12 managers worked closely with the users in Ninilchik over
13 the past four or five years to try and make this work.
14 This regulation expired in December of 2011. Our in-
15 season manager allowed it in 2012 by special action.
16 Ninilchik has operated the wheel for three years. So far
17 there's been a harvest of zero fish although we do
18 recognize the intent is to actually harvest fish at some
19 point. It is new for them as they learn how to fish it.
20 Seasons and harvest limits are in place. I think there
21 are protections for steelhead, rainbow trout in place
22 that will be monitored and it will be controlling here.

23

24 So we'd like to see the residents of
25 Ninilchik be able to get the fish they want through the
26 use of this fishwheel and I hope they'll be successful in
27 making that happen. Getting this regulation back in
28 place is a necessary step to allowing the fishwheel
29 fishery to remain in place, so I intend to vote in favor
30 of the motion.

31

32 CHAIRMAN TOWARAK: Thank you. Further
33 discussion.

34

35 (No comments)

36

37 CHAIRMAN TOWARAK: The floor is open for
38 calling the question.

39

40 MR. CHRISTIANSON: Question.

41

42 CHAIRMAN TOWARAK: The question has been
43 called for. Roll call, please.

44

45 MR. PROBASCO: Thank you, Mr. Chair.
46 Final action on FP 13-15 to adopt the proposal as
47 recommended by the Southcentral Regional Advisory
48 Council.

49

50 Mr. Brower.

1 MR. C. BROWER: Yes.
2
3 MR. PROBASCO: Mr. Haskett.
4
5 MR. HASKETT: Yes.
6
7 MR. PROBASCO: Ms. Swanton.
8
9 MS. SWANTON: Yes.
10
11 MR. PROBASCO: Ms. O'Neill.
12
13 MS. O'NEILL: Yes.
14
15 MR. PROBASCO: Mr. Christianson.
16
17 MR. CHRISTIANSON: Yes.
18
19 MR. PROBASCO: Mr. Sharp.
20
21 MR. SHARP: Yes.
22
23 MR. PROBASCO: Mr. Towarak.
24
25 CHAIRMAN TOWARAK: Yes.
26
27 MR. PROBASCO: And Mr. Owen.
28
29 MR. OWEN: Yes.
30
31 MR. PROBASCO: Motion carries 8-0.
32
33 CHAIRMAN TOWARAK: This concludes our
34 non-consensus agenda items. We had acted on our
35 consensus agenda topics. Oh, I guess we haven't acted on
36 them. We did pull FP09-05 and that was taken care of
37 during the consensus process. So we do have four
38 proposals that are categorized into the consensus agenda
39 proposals and I will entertain a motion from the Board to
40 pass all -- I'm sorry, Mr. Probasco has something for us
41 to consider.
42
43 MR. PROBASCO: Yes, Mr. Chair. We did
44 have an individual that just wanted to -- did not have
45 the opportunity to come forward due to his scheduling,
46 but he wanted to comment on his support for the consensus
47 agenda Proposal FP13-02. It's Aaron Kozevnikoff. He
48 spoke yesterday and I'll just summarize real quickly.
49
50 He talks about the struggles between

1 fishermen on the Yukon, Upper River, Middle River and
2 Lower River, and he feels that having this regulation
3 will go a good ways towards keeping subsistence harvested
4 fish out of the commercial fishery and I will submit his
5 full written comments to the record and if people request
6 a copy, I will provide that as well. Mr. Chair.

7

8 CHAIRMAN TOWARAK: Thank you. Are there
9 any questions on that public support.

10

(No comments)

11

12 CHAIRMAN TOWARAK: If not, then the floor
13 is open for action
14 on the consensus agenda proposals.

15

16 MR. OWEN: Thank you, Mr. Chair. I move
17 to adopt the consensus agenda with recommendations shown
18 on Page 3 of the Board book with the exception of the
19 Makhnati proposal FP09-05, which was moved to the non-
20 consensus agenda.

21

22 MR. CHRISTIANSON: Second.

23

24 CHAIRMAN TOWARAK: Motion by Mr. Owen,
25 second by Mr. Christianson. Any discussion on the
26 motion.

27

(No comments)

28

29 CHAIRMAN TOWARAK: Call for the question.
30 Mr. Haskett.

31

32 MR. HASKETT: Question.

33

34 CHAIRMAN TOWARAK: The question has been
35 called. Roll call, please.

36

37 MR. PROBASCO: Thank you, Mr. Chair.
38 I'll reference my earlier comments at the beginning of
39 the meeting that addresses the Board's procedures in
40 dealing with consensus agenda proposals.

41

42 Mr. Haskett.

43

44 MR. HASKETT: Yes.

45

46 MR. PROBASCO: Ms. Swanton.

47

48 MS. SWANTON: Yes.

49

1 MR. PROBASCO: Ms. O'Neill.
2
3 MS. O'NEILL: Yes.
4
5 MR. PROBASCO: Mr. Christianson.
6
7 MR. CHRISTIANSON: Yes.
8
9 MR. PROBASCO: Mr. Sharp.
10
11 MR. SHARP: Yes.
12
13 MR. PROBASCO: Mr. Towarak.
14
15 CHAIRMAN TOWARAK: Yes.
16
17 MR. PROBASCO: Mr. Owen.
18
19 MR. OWEN: Yes.
20
21 MR. PROBASCO: And Mr. Brower.
22
23 MR. C. BROWER: Yes.
24
25 MR. PROBASCO: Motion carries 8-0.
26
27 CHAIRMAN TOWARAK: Thank you. In the
28 future, I hope we reverse the roles of the non-consensus
29 versus the consensus. That concludes the deliberations
30 on proposals. The next item on the agenda is the
31 schedule of the next Federal Subsistence Board meeting.
32 Mr. Probasco.
33
34 MR. PROBASCO: Thank you, Mr. Chair. We
35 would like to schedule a work session prior to whatever
36 date you select the end of April or early May for your
37 public meeting. We will announce the work session
38 through a news release so the public is aware and they
39 can attend. Since this addresses the MOU, Mr. Chair, I'd
40 recommend that we get the State's comments on potential
41 dates because they still have work in progress as far as
42 getting comments. Maybe Ms. Yuhas has some information
43 to share.
44
45 MS. YUHAS: Thank you, Mr. Chair.
46 Jennifer Yuhas, State Liaison Team. I expect that the
47 ACs -- I've requested that the ACs have their comments to
48 me within the month of February so that I can bring them
49 to the Staff Working Group sometime in March. The Staff
50 Working Group is traveling between the RAC meetings, but

1 we're hoping that the possible signatories meeting could
2 happen sometime around the second week of May, allowing
3 for the Board of Game and Board of Fish to have concluded
4 their spring business since both of those chairs are also
5 signatories.

6

7 CHAIRMAN TOWARAK: Thank you. We look
8 forward to coming up with a workable date so that we
9 could address that issue. Mr. Probasco.

10

11 MR. PROBASCOS: Mr. Chair. The take-home
12 message from what Ms. Yuhas provided, I recommend that
13 the Board holds their work session in preparation for the
14 signatories meeting in May or late April or the latter
15 part of March for discussion.

16

17 CHAIRMAN TOWARAK: Are there any comments
18 on the possible work session date.

19

20 MR. PROBASCOS: The latter part of March
21 is what I'd recommend.

22

23 MS. MASICA: Latter part of March. I was
24 confused if it was late April, early May or late March.
25 I was unclear what you were talking about.

26

27 MR. PROBASCOS: I'm looking at Jennifer.
28 They're getting confused. The Board will need to meet to
29 discuss the draft of the information provided by both the
30 Councils and the State and then once we complete our
31 draft, then that would be shared with the State and
32 hopefully sometime late April, early May the two groups
33 will get together, have their discussion and finalize the
34 MOU.

35

36 MS. MASICA: My only comment about that
37 last week in March is with sort of the funding situation.
38 I would avoid trying to do it that last week because if
39 were in suddenly a fire drill mode, you might have a lot
40 of distracted regional directors who are having to deal
41 with shutdown type stuff. So if you could avoid that
42 last week.

43

44 MR. PROBASCOS: Maybe early April.

45

46 CHAIRMAN TOWARAK: Go ahead.

47

48 MS. YUHAS: Mr. Chair. Maybe I wasn't
49 clear when I was running through the State schedule, but
50 if you intend to have your work session, I would expect

1 you would like to have the materials that the Staff
2 Working Group had already met to discuss after the State
3 had consolidated the comments we expect to receive in the
4 middle of the RAC travel cycle, so I would expect that
5 the Staff Working Group would meet in late March, early
6 April with the Board holding a work session following
7 that so they would have their full information.

8
9 MS. MASICA: Which translates, it sounds
10 like to me, to a Board meeting not till late April or
11 early May and then the signatories sometime after that.

12
13 MR. PROBASCO: Mr. Chair.

14
15 MS. MASICA: Pete's going to punt the
16 problem to his successor.

17
18 (Laughter)

19
20 MR. PROBASCO: I just want to remind, at
21 the State's request, that we have postponed action on
22 this. I think the work group, if we hold the schedule
23 where the State's Advisory Committee's information is
24 completed by the end of February -- I recognize that we
25 have the Regional Advisory Council, but if we're going to
26 get the signatories together at the Federal public
27 meeting, we would have to do our work well in advance of
28 the latter part of April, early May.

29
30 So it's up to the Board. I hear Ms.
31 Masica's concern as far as the budget, so let's throw the
32 end of March out and look at early April.

33
34 MS. MASICA: If that's the work group,
35 that's not my concern. I was concerned more about for
36 the Board members.

37
38 MR. PROBASCO: I'm speaking specifically
39 to the Board members work session. If we make the
40 decision that we will hold our public meeting in May,
41 then we might be able to address the State's
42 recommendation maybe going to the latter part of April
43 with our work session and then hold our -- the whole goal
44 is to try to minimize the number of Board meetings we
45 have, recognizing all of your schedules. We still have
46 to have our spring meeting as well, so I'm trying to
47 combine as much as I can.

48
49 I think there's still some confusion.
50 The Board will have to have their work session prior to

1 the public meeting, so we need to have a Board work
2 session so they can discussion on the Federal side the
3 recommendations provided by the Councils and any
4 recommendations from the State so that they can
5 collectively make the recommendations to any potential
6 changes which could be shared with the State and then it
7 would be the public meeting where we would, on record,
8 discuss those changes and finalize the MOU changes.

9

10 CHAIRMAN TOWARAK: Mr. Haskett.

11

12 MR. HASKETT: Well, I have no good dates.
13 I agree with Sue though. The last week of March isn't
14 great. I think the first week of April is not great
15 either if it happens, but we can't base everything on
16 that, so the first week of April actually works for me if
17 we could do it then.

18

19 CHAIRMAN TOWARAK: So we could
20 tentatively say the first of April would work with
21 everyone in general.

22

23 MS. MASICA: Sometime during that week.
24 I would ask not on Wednesday.

25

26 CHAIRMAN TOWARAK: If there's any
27 conflicts, if you could convey that to our Staff and work
28 out a specific date that would work out for everyone.

29

30 MR. PROBASCO: April 4th or 5th for the
31 work session. April 4th or 5th we will do the Federal
32 Board's work session on the MOU.

33

34 CHAIRMAN TOWARAK: That concludes that.
35 The next thing would be the public meeting shortly
36 thereafter.

37

38 MR. PROBASCO: The public meeting -- let
39 me back up on the work session. Thank you, Chuck. He
40 just reminded me that the Board, in addition to the MOU,
41 will address the regulatory cycle as well, which could
42 affect the January 2014 meeting date. So now we're
43 looking at when we would like to have our public meeting,
44 which is customary to have either the end of April or
45 May. This would also be an opportunity for the Chairs
46 since they come to that meeting as well.

47

48 CHAIRMAN TOWARAK: Are there any
49 preferences on either the end of April or first of May.

50

1 MS. MASICA: Mr. Chairman. I know I have
2 conflicts, but I think somebody's always going to have a
3 conflict, so my advice is figure out what works best and
4 then recognize that's why we have to send alternates
5 occasionally. Each of us has D.C. directorate type
6 meetings and they're not all at the same time. So if
7 it's good for one of us, it's going to be bad for the
8 other.

9

10 CHAIRMAN TOWARAK: Mr. Probasco.

11

12 MR. PROBASCO: Keep in mind what we would
13 like to do is just maybe look at a week or two block
14 there so that Kelly and Jennifer can go back to the
15 Commissioner's Office, find out their schedule and go
16 through the email trading back and forth to finalize
17 that, but I'd like to try to narrow it down to a week or
18 a block of two weeks when you'd like to have that focused
19 on.

20

21 CHAIRMAN TOWARAK: Mr. Haskett.

22

23 MR. HASKETT: How about the last two
24 weeks in May as a block? Is that too late?

25

26 CHAIRMAN TOWARAK: Are there any
27 objections to the last two weeks in May. Ms. Yuhas.

28

29 MS. YUHAS: No, we forwarded the.....

30

31 CHAIRMAN TOWARAK: Okay. We will set
32 that as a goal and to have the details worked out by the
33 Staff, minus Mr. Probasco.

34

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

36

37 CHAIRMAN TOWARAK: Okay. That concludes
38 the schedule for the next two meetings. Go ahead.

39

40 MR. PROBASCO: Thank you, Mr. Chair. We
41 do have -- I have one more order of business. Jeannie
42 Boyle would like to quickly address the Board as far as
43 the students.

44

45 MS. BOYLE: Good morning, Mr. Chairman
46 and Board members. I just wanted to come forward and
47 thank the Board members for the opportunity that the UAF
48 students have had to observe the meeting and to learn
49 what actually happens at these subsistence Board
50 meetings. It's been a great opportunity for myself and

1 the other students that have attended. You don't learn
2 these kind of things in the classes that we take. It's
3 only by coming and observing that you actually see how
4 the rules are made and what effect the policies have on
5 all the people of Alaska. Thank you.

6

7 CHAIRMAN TOWARAK: Thank you very much
8 for being here. Part of our process is to educate the
9 public on what we do and we hope that your students will
10 help us do that by learning -- by knowing a lot more
11 about how we try to conduct business and the process that
12 we use to do it in fulfilling our responsibilities to our
13 public. Thank you for being here.

14

15 Is there any other business. I do have
16 an announcement to make on the art contest. We do have
17 a winner. The grand prize for the student's art contest
18 goes to Diane Murff (ph) of Petersburg. Please take a
19 look at it. It's one of the most colorful signs I've
20 ever seen. It's going to be a challenge to the publisher
21 to print it.

22

23 (Laughter)

24

25 Honorable mention also goes to Eileen
26 Fernandez of Sitka, Amanda Norbert of Koliganek and
27 Gracie Kerrick (ph) of Golovin. So congratulations to
28 those students. We appreciate their participation in
29 designing next year's book.

30

31 Any other business from the rest of the
32 Board. Mr. Adams, I thought we had left you.

33

34 MR. ADAMS: I'm back. I managed to go
35 and get myself all packed and checked out, so I thought
36 I'd drop over here and see how you guys were doing.

37

38 You know, that first day when the Tlingit
39 and Haida Dancers came here they mainly focused on what
40 they call the Dry Bay area, clans in that area. We call
41 it Gunaaxoo. It means Dry Bay. In the Alsek River,
42 Alsaik (ph) is the real way to say it, there is a very
43 special treat that comes in every year and that is what
44 we call the Gunaaxoo t'a or the Dry Bay king. I failed
45 to bring this with me this morning, but I have two jars
46 here of Gunaaxoo Ta that I wanted to give to Pete and of
47 course to your Chairman.

48

49 (Applause)

50

1 CHAIRMAN TOWARAK: For your information,
2 my wife and I spend a lot of time in June, July and
3 August working on fish like this. We'll really enjoy
4 this.

5
6 MR. ADAMS: Mr. Chairman. Those were
7 specially made by my son and his daughter, so something
8 that we had taught them.

9
10 CHAIRMAN TOWARAK: Thank you very much.
11 If we ever get a chance to have a meeting in Unalakleet,
12 you'd taste some of that.

13
14 Well, this concludes our meeting. Is
15 there a motion. Oh, one more quick announcement for
16 those of you in the -- I'd like to mention that there are
17 lots of Council applications. Our Council process is
18 still open, so I'd encourage those of you that are going
19 out to grab a few of those from the Staff out in the
20 front and take them with you and encourage your fellow
21 subsistence users to join our process.

22
23 Molly, did you have a comment.

24
25 MS. CHYTHLOOK: Yeah, I've got a comment.
26 The other day when Crystal Leonetti invited the Board to
27 travel to fish camps, I've invited Geoff to come to our
28 fish camp and that's going to -- I hope he doesn't back
29 off. It's going to happen in August, but we can take
30 another person if any of you are interested. My only
31 requirement is you need to bring your snagging, your
32 spear or bow and arrow.....

33
34 MR. HASKETT: Right.

35
36 MS. CHYTHLOOK:and if you don't do
37 that, you'll be capturing your fish by hand.

38
39 (Laughter)

40
41 MS. CHYTHLOOK: If another person is
42 interested in coming to our fish camp, our fish camp is
43 located in Wood-Tikchik State Park. It's a two-hour
44 skiff ride from Aleknagik. Aleknagik has five chains of
45 lakes and our camp is on Second Lake and it's a pristine
46 location. It's really beautiful. Weather permitting it
47 will be beautiful and we'll either travel by cover skiff
48 or open skiff. Cover skiff is used if there's enough
49 water. Even though it's jet operated, if the water is
50 low in Aguliak, then we're not able to use our cover

1 skiff, so we use open skiff. Those of you that are
2 coming make sure that you bring warm clothing. I can be
3 reached by email. I want to invite any of you to come to
4 our fish camp because I think it will be -- we'll make it
5 educational for you. Thank you.

6

7 CHAIRMAN TOWARAK: Thank you. We have,
8 I think, Rosemary on the phone if we still have her. I'd
9 like to give her an opportunity to provide any closing
10 comments if she does.

11

12 MS. AHTUANGARUAK: Hi, this is Rosemary.
13 Can you hear me?

14

15 CHAIRMAN TOWARAK: Yes.

16

17 MS. AHTUANGARUAK: I want to really thank
18 the Board in the process that went forward. It was
19 really good on the parts that I was able to listen to, to
20 hear how the Board responded to some of the concerns that
21 related to the proposals that we were dealing with. This
22 has been a growing process over the last couple years
23 coming back into participating with this and it's really
24 important that we show that we're working with the tribes
25 on these concerns, not just moving a process forward.
26 Especially today's discussion, it was done in a good way
27 and I appreciate that.

28

29 I want to thank Pete for all of your work
30 in this process. This has been very important and
31 working through this process with so many variables it's
32 very difficult and we really appreciate your leadership
33 in this process.

34

35 I want to thank everyone for the addition
36 of the two new members. It does make a difference in the
37 way that these discussions are going. It is showing that
38 they're important in this process and are effective.

39

40 I know we didn't have proposals on our
41 side, but working through this process is so important.
42 We have so many concerns that are occurring throughout
43 our state that we need to make our process more effective
44 and not working through this process instead of having
45 bad outcomes. So I have hopes that the process is going
46 to be cognizant of the concerns that are out there and
47 working through and protecting our traditional and
48 cultural activities into the future.

49

50 Thank you, everyone.

1 CHAIRMAN TOWARAK: Thank you, Rosemary.
2 Mr. Cleveland, you had a comment.

3
4 MR. CLEVELAND: Thank you, Mr. Chair.
5 It's been a learning experience for me. This is the
6 first time with the Federal Subsistence Board. To my
7 region, the Ambler Mining District, there's fish in our
8 area, caribou abundance and I wonder if there's a
9 disaster, it's going to wipe us out for sure. For the
10 Board to look at it very carefully how it's going to
11 happen or how if that road goes in to Ambler Mining
12 District, there goes our subsistence. It's gone.

13
14 For another thing, during fire season you
15 guys see all these planes dropping all this retardant.
16 God knows what's in the retardant. We checked our river
17 after fire season and there was cyanide in our river
18 after they dropped the retardant.

19
20 I'm the vice chair for the Western Arctic
21 Caribou Herd Working Group and I would like you guys to
22 hear about it because the caribou they eat off the land
23 and we live off the land and we don't know what the
24 animals are eating out there.

25
26 That's all I have to say. I've got a
27 long list of do's and don'ts. Thank you.

28
29 CHAIRMAN TOWARAK: Thank you, Mr.
30 Cleveland. We hope you'll be with us for a long time.

31
32 MR. SIMEONOFF: Thank you, Mr. Chairman.
33 I just wanted to thank the Board for allowing our healthy
34 dialogue and all the activities for the places and people
35 that we represent. I did want to reiterate my feelings
36 about my way of life. My way of life should never be
37 considered less than the sport or trophy activity. I
38 appreciate the fact that the Federal Subsistence Board is
39 always acting in favor of that perception from the
40 people. I do look forward to a healthy dialogue from our
41 friends at Fish and Game when we have our meeting in
42 March down in Kodiak. I will let it go at that and thank
43 you again for all the good work that you do.

44
45 CHAIRMAN TOWARAK: Thank you. If that
46 concludes -- Mr. Probasco.

47
48 MR. PROBASCO: May I have the last word.

49
50 CHAIRMAN TOWARAK: Last word. You're the

1 next to the last word.

2

3 MR. PROBASCO: Oh, okay. Well, thank
4 you, Tim. Thank you Rosemary and Bert and others for the
5 kind words. I think, Mitch, you said it very well why
6 this program is so important and why the mission that we
7 have before us has to be maintained.

8

9 I look at my few years on this program.
10 I started in 2000 and I look back at it and I'm glad I
11 was here. I'm glad I was part of the process, but the
12 key to the process as I look out at the Regional Advisory
13 Council Chairs and their committees and I think -- I
14 don't think anymore. I realize the importance of the
15 changes that the Secretaries implemented by bringing Tony
16 and Charlie to the process. We bring that unique Alaska
17 knowledge to the Board that helps a very knowledgeable
18 Board deal with the more at-home type issues.

19

20 I will miss the process, but I won't be
21 far. Thank you for yesterday. Tim, I wish you the best.

22

23 CHAIRMAN TOWARAK: Thank you, Pete. In
24 closing, I'd like to -- I think we all know how much Mr.
25 Probasco has affected this program and has brought it, I
26 think, to this point and has made some pretty big
27 adjustments during his tenure. Subsistence, I think
28 everyone knows the importance of it to especially rural
29 Alaska, but I think the State reflects it real good by
30 having it be recognized as a statewide issue also.

31

32 We have our differences in how it should
33 be managed, but I think my personal feeling and my
34 personal desire is to have one management system for the
35 whole state and I will always work for that. I think it
36 would work out best for everyone involved for all of us
37 to be working with the State. There's times when we have
38 regulations as it is now where we don't know if we have
39 our right foot in the Federal ground or left foot in the
40 State ground. It's very uncomfortable for many of our
41 people and I think a long-term solution is everyone to
42 work towards one common management system that benefits
43 everyone in the state of Alaska equally. I know there's
44 barriers, but I think those are workable.

45

46 My desire is to wish Pete well in his new
47 efforts. When we consider birds, we hope he'll fly in
48 and join us and we'll wave with all of our fingers. Best
49 of luck to you, Pete.

50

1 If there aren't any other comments, I'll
2 entertain a motion to adjourn.

3

4 MR. PROBASCO: So moved.

5

6 MR. CHRISTIANSON: Second.

7

8 CHAIRMAN TOWARAK: Moved by Pete and
9 seconded by Mr. Christianson. Any objections.

10

11 (Laughter)

12

13 CHAIRMAN TOWARAK: Motion passes. We are
14 adjourned.

15

16 (Off record)

17

18 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, Salena A. Hile, Notary Public in and for the state of Alaska and reporter of Computer Matrix Court Reporters, LLC, do hereby certify:

THAT the foregoing pages numbered 261 through 341 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD MEETING, VOLUME III taken electronically by our firm on the 24th 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 4th day of February 2013.

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