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FEDERAL SUBSISTENCE BOARD

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EGAN CONVENTION CENTER

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ANCHORAGE, ALASKA

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VOLUME I

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DECEMBER 9, 2003

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8:30 o'clock a.m.

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PUBLIC MEETING

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P R O C E E D I N G S

(Anchorage, Alaska - 12/9/2003)

CHAIRMAN DEMIENTIEFF: We'll call the meeting to order. There's a couple of things that are different here, and one of them I want to highlight as we go into it.

Is we had the opportunity for Regional Council Chairs to give their opening comments, we had originally scheduled it for earlier in the agenda and since then we had a work session last week and decided that it was better to reschedule it for after the regulatory meeting. So we moved that back down in the agenda. And the idea of that particular move is that we would have the opportunity to have a discussion about framing our dialogue between the Regional Council Chairs and the Board, you know, in the past we've had meetings between the Board and the Regional Council Chairs basically in executive session prior to the Board meeting, and that caused some problems with Councils. But in essence we've been missing the dialogue. And in effort to recapture that, we're going to do it after the regulatory meeting, after we're done making the regulations and we're going to talk about how we're going to do that.

So as we approach this meeting then I want Regional Council Chairs to be thinking about things that they may want to, and we're going to pre-screen any future dialogues we have to make sure that we're kosher with Councils as far as the issues that we're going to be discussing.

So anyway it will come up after the regulatory meeting and so we just should be thinking about that.

Okay. Well, I guess we should have started with introductions. My name is Mitch Demientieff, I'm the Chair of the Federal Board. Maybe we'll just go around and introduce ourselves.

MS. GOTTLIEB: Good morning. I'm Judy Gottlieb with the National Park Service.

MR. DITTON: Good morning. My name's Peter Ditton, I'm with the Bureau of Land Management.

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1 MR. TONY: Paul Tony with the Bureau of
2 Indian Affairs.

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

6
7 MR. BSCHOR: Denny Bschor, USDA Forest
8 Service.

9
10 MR. EDWARDS: Gary Edwards, US Fish and
11 Wildlife Service.

12
13 MR. BOYD: Tom Boyd with Fish and
14 Wildlife Service, Office of Subsistence Management.

15
16 CHAIRMAN DEMIENTIEFF: Harry, if we could
17 go around.

18
19 MR. BROWER: Good morning. My name is
20 Harry Brower, North Slope Regional Advisory Council.

21
22 MR. NICHOLIA: Gerald Nicholia, Eastern
23 Interior.

24
25 MR. CROSS: Grace Cross, Seward Penn.
26

27 MR. REAKOFF: Jack Reakoff representing
28 Western Interior.

29
30 MS. SEE: Marianne See, Fish and Game,
31 Subsistence Division.

32
33 MR. CAMPBELL: Rod Campbell, Alaska
34 Department of Fish and Game, Division of Commercial
35 Fisheries.

36
37 MR. WILDE: Harry Wilde, Yukon-Kuskokwim
38 Delta Chair.

39
40 MR. HOLMES: Pat Holmes from the
41 Kodiak/Aleutian RAC. And from folks out our way Merry
42 Christmas to everyone, even St. Nick, as a consumptive
43 user.

44
45 MR. LOHSE: Ralph Lohse, Southcentral
46 Chair.

47
48 MR. LITTLEFIELD: Good morning. John
49 Littlefield, Southeast Chair.

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1 CHAIRMAN DEMIENTIEFF: Okay. Corrections
2 and additions to the agenda. Gary.

3
4 MR. EDWARDS: Mr. Chairman, if it would
5 be possible, I'd recommend that we move Item No. 5, the
6 role of the Staff Committee after and before what's now
7 Item No. 9. I think given the nature of that discussion
8 and the potential outcome, it seems to me to be wise that
9 we would have it after we go through our proposals, as
10 opposed to before.

11
12 CHAIRMAN DEMIENTIEFF: Okay. Any other
13 changes.

14
15 (No comments)

16
17 CHAIRMAN DEMIENTIEFF: Okay. If there
18 are no other changes, we'll accommodate that request.
19 And we have one request for testimony on non-agenda
20 items, Nick Tucker.

21
22 MR. TUCKER: Thank you, Mr. Chairman.
23 How many minutes do I have here, three, five?

24
25 I feel comfortable that I'm able to talk
26 to someone that's familiar with, we grew up in villages,
27 and that make me feel that I can say what I can say for
28 my people at home.

29
30 You and I grew up, for me I grew up
31 without knowledge of English and I didn't know even White
32 man existed or even whether races existed. But I tell
33 you one thing one that scared the daylights out of me was
34 when I first saw a jet flying over my village, I thought
35 the sky was cracking and I was trembling like it was the
36 end of the world. And those experiences, and with no
37 offense to anyone that we're living together now as
38 people of the world. When I first saw my black person I
39 didn't know what I saw. And other experiences, I didn't
40 know a word of English and those type -- and the only way
41 that I survived, I was told that I -- the only thing that
42 made me survive was fish broth. There was no milk and a
43 lot of hunger in the villages, and those type of things
44 that we're standing here before you for.

45
46 And those circumstances haven't changed.
47 And it's still in the hearts of our people, it's in the
48 spirit of our people, and it's in the aches and pains of
49 our people that I'm trying to address before you.

50

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1 Mr. Chairman, you also hit the target
2 when you mentioned dialogue, and that should be before
3 you and between us as well as the people up and down the
4 river. And I don't think -- it scares me to make
5 proposals, if I were to make a proposal to another
6 district that I don't know too well about. You know as
7 well as I do each region in the state is so diverse that
8 even we, as Natives, don't know exactly how my fellow
9 brothers in the Interior live or in the North. So what
10 it is for me to destroy their culture when I value mine.
11 When I want to save my own way of beliefs and rituals and
12 things that make my spirit in my children grow.

13

14 So we need to be very careful as we look
15 at each proposal now or in the future, that behind those
16 proposals you have tears and pain and healing, and areas
17 that need healing. Each proposal should affect us and
18 respect each region like mine that we had a hard time
19 drawing up. And my people at home that are elders, that
20 can't do anything, and those that are disabled. Those
21 are for whom you are working for. And I don't think we
22 should be fighting for any of these but have a dialogue
23 with them and work them over. It's no good for me to
24 destroy my neighbors food and clothing and everything
25 that they want to get and I don't want them to do that
26 for me. It's too important.

27

28 And one of the things that I would like
29 to recognize, is that, I don't think that any of us
30 Natives, throughout the United States, you'd ever be a
31 second class citizen, we are sovereign citizens and we
32 should be considered because we contribute to our country
33 by tear and fear as former military people and those of
34 us that risk our lives for that, and we were glad to do
35 it. And at the same time, there are those of us that in
36 the villages do in a simpler way doing the same things
37 that we are doing and doing as great as anyone else can.

38

39 Please consider each proposal important
40 to each region and how it affects us. All we ask is that
41 you consider, deliberate and don't be taken up by
42 misrepresentations, half-truths, which I do not even
43 myself want to present. That's going to destroy me and
44 that's going to destroy my neighbor and I want you to be
45 -- the only thing that we're asking for is be just and be
46 fair with us.

47

48 Thank you, Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Thank you, very

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1 much, Nick. Appreciate your comments.

2

3

4 Before we get into the draft predator
5 management, we do have a request with regard to the
6 predator management policy and we got a person who wished
7 to testify with regard to that, the predator management
8 policy and we will go ahead and accommodate that request.
9 We might just flip-flop the agenda item six and seven in
10 order to make sure that we give people the opportunity to
11 testify. And so however long it takes us to get set up
12 here, if we could just move into the Draft Fisheries
13 Resource Monitoring Plan. Steve Klein, I think is going
14 to present that. It was unplanned, but we just got
15 notified of the request to accommodate some people who
16 wish to testify to the predator plan. So we'll just
17 allow a couple extra minutes here.

17

18 MR. KLEIN: Thank you. Mr. Chair.

19 Members of the Board.

20

21

22 For this agenda topic, our action item is
23 for the Board to approve our 2004 Fisheries Resource
24 Monitoring Plan. And for this we'll be using the yellow
25 book. And in your folders there also is a consent agenda
26 that lists projects, it's a blue hand out that lists the
27 projects where we had concurrence among the Technical
28 Review Committee, the Regional Advisory Councils and the
29 Staff Committee on the recommendations for those
30 projects.

30

31

32 So this morning I want to do a review of
33 the steps we've gone through for the 2004 plan, and then
34 we'll use the process that we began using last year where
35 we have a consent agenda, Board members are free to take
36 projects off that consent agenda for additional
37 discussion, and then we do have two non-consent agenda
38 items where the Technical Review Committee recommendation
39 differed from the Regional Advisory Council
40 recommendations. And also for ichthyophonus in the Yukon
41 River there was a resolution passed at the Tri-Council
42 meeting and we wanted to bring to your attention the
43 steps we're taking to address that resolution in terms of
44 the monitoring program. And then for those non-consent
45 agenda items, as well as the ichthyophonus resolution, we
46 wanted to get comments from the public, the Regional
47 Council Chairs, the Staff Committee will have a
48 recommendation and Rod Simmons has volunteered to do the
49 Staff Committee recommendation. There will be an
50 opportunity for ADF&G to be heard, and then the Board
51 needs to discuss and approve those non-consent or deal

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1 with the non-consent projects, and, then finally the
2 consent agenda.

3

4 So I would like to summarize the process
5 that is bringing us here this morning, and I'll be fairly
6 brief.

7

8 We followed the same process where, in
9 November, of 2002, in this case we did a call for
10 proposals where we identified the issues and information
11 needs that were important to the Councils and we sent
12 that out to researchers throughout the state and asked
13 for them to submit proposals for the Monitoring Plan for
14 2004. We had announced that approximately \$6 million
15 would be available for projects in 2004 because many of
16 the projects, particularly in 2001 have wrapped up and
17 they're seeking continuation in 2004.

18

19 There is still very strong interest in
20 the program. We received 140 proposals in response to
21 that call for information and that was about double the
22 amount of funding available. So the researchers out
23 there would like to do about twice as much as what we
24 have and then it was the task of the Technical Review
25 Committee and the Fisheries Information Services
26 Division, my Staff, to sort through those 140 proposals
27 and find out which of those were strategic focused on the
28 highest priorities and subsistence needs.

29

30 The criteria we used were the same that
31 we've used throughout the process. We use at the
32 strategic priority of the project, does it have a strong
33 Federal nexus and is it focused on important subsistence
34 resources. We look at the scientific merit, we look at
35 the methods and try to ensure that the methods will
36 accomplish the study objectives. We look at the past
37 performance of the investigators and the cooperators to
38 evaluate how well they'll conduct the study. And then we
39 also look at partnerships and capacity building, which
40 has been a cornerstone of the program since its
41 inception. So those are the four criteria that we use
42 both in the Fisheries Information Services Staff and the
43 Technical Review Committee to sort through the myriad of
44 proposals that we receive.

45

46 After the Staff went through the
47 proposals and the Technical Review Committee met, we
48 moved 86 proposals forward where we asked for them to
49 develop investigation plans, which provide much more
50 detail on the objectives, the methods and allows the

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1 Staff and TRC to truly evaluate the potential success of
2 the project.

3

4 We received 81 investigation plans back
5 from researchers, and those are the projects we have
6 before you today.

7

8 The Technical Review Committee reviewed
9 those 81 projects using the same four criteria they used
10 for the 140 proposals earlier. And they recommended that
11 65 of those projects be in the 2004 Monitoring Plan.
12 After the Technical Review Committee completed that
13 review, then we went out to the Regional Advisory
14 Councils, we had Staff at all the Council meetings and
15 the Councils generally supported all of the
16 recommendations before them. They recommended that those
17 move forward. There were two projects, one for Tazimina
18 River rainbow trout in Bristol Bay and a second one for
19 Afognak Lake sockeye salmon where the Technical Review
20 Committee and the Councils differed on the recommendation
21 and we'll cover those as non-consent agenda items, and
22 those are in your yellow book under Pages III and IV.
23 And then I also mentioned that at the Tri-Council meeting
24 there was a resolution on ichthyophonus where they passed
25 a resolution asking for the Monitoring Program to fund
26 additional research for ichthyophonus and Cliff
27 Schleusner will be covering that later in the agenda.

28

29 So before we get into the consent agenda,
30 and there are 64 projects where we have consent across
31 the Technical Review Committee, the Councils and the
32 Staff Committee. I suspect most of those projects will
33 move forward and we won't discuss them any further. But
34 I wanted to highlight four examples where the projects on
35 this blue sheet, the 64 projects currently on the consent
36 agenda are addressing the regulatory management needs
37 important to subsistence users as well as the Board and
38 State and Federal managers.

39

40 First, and I'll just use four examples.
41 First, is customary trade. And earlier this year the
42 Board adopted customary trade regulations and in many
43 cases we don't have very detailed information on amounts
44 and uses for customary trade. In the 2004 Monitoring
45 Plan here before you today we have three projects that
46 are addressing customary trade that will document
47 customary trade in the Yukon River, the Seward Peninsula
48 and the Bristol Bay region. So here's an example where
49 the Board has passed regulations and the Monitoring
50 Program is following suit by we're attracting studies

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1 that address those regulatory issues and we have three
2 customary trade projects that I think will meet some
3 important needs in the Yukon, Seward Peninsula and
4 Bristol Bay.

5
6 A second example is Bristol Bay rainbow
7 trout. Where earlier the Board adopted subsistence
8 harvest regulations for rainbow trout, and today we have
9 two projects that Staff Committee is recommending
10 addressing rainbow trout to meet those regulatory issues.
11 And that includes the Ungalikthluk, Negukthlik and the
12 Tazimina Rivers. So that's a second example of how this
13 program is addressing those regulatory issues.

14
15 Thirdly, in Southeast Alaska, and the
16 projects are listed here but we have six stock, status
17 and trends and two harvest monitoring traditional
18 ecological knowledge projects there. Those are all
19 addressing management and regulatory issues in Southeast
20 Alaska, including many closures on those systems. So
21 with the 2004 Monitoring Plan, we have stock, status and
22 trend studies that are looking at 10 sockeye salmon
23 stocks, plus two TEK projects that will provide valuable
24 information to the managers there, including a database
25 of TEK. So in Southeast Alaska I think, again, we're
26 focused on those regulatory management issues that are
27 important to the Board and subsistence users.

28
29 And then finally the Yukon and Kuskokwim
30 Rivers here, and I think you can talk to any of the State
31 or Federal managers on the value of the Monitoring
32 Program in terms of meeting critical information needs so
33 that they can manage those fisheries there. In the
34 Kuskokwim region, particularly, the monitoring program is
35 funding about 50 percent of the projects in the
36 Kuskokwim. We have tributary escapement projects and
37 this is just for the 2004 Monitoring Program, we got
38 escapement projects on four tributaries where we're
39 funding or co-funding projects to estimate abundance of
40 salmon in the main stem Kuskokwim as well as the Goodnews
41 and Kanektok Rivers. In terms of subsistence harvest
42 data collection, there's three major studies that are
43 recommended on the consent agenda. There's a genetic
44 study looking at coho salmon as well as a TEK study in
45 the Kuskokwim.

46
47 So in 2004, again, I think we have a
48 variety of projects that are focused on the subsistence
49 issues in those regions and they're contributing greatly
50 to the regulatory management issues out there.

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1 So those are four examples where we're
2 trying to address the regulatory management needs for
3 this program. I have two other points I wanted to make
4 and then we'll get into the consent agenda. First is
5 partnerships and capacity-building, that is the
6 cornerstone of this program. In 2003, we know what
7 occurred there so I'm using 2003 instead of 2004, but in
8 2003 we had over 80 different entities conducting
9 projects for the Monitoring Program, including over 50
10 Alaska Native and tribal organizations. And with the
11 Partners for Fisheries Monitoring Program, where we're
12 funding seven fish biologists and anthropologists out in
13 Alaska Native organizations, they were involved in 27 of
14 the projects. So I think in terms of partnerships and
15 capacity-building, this program is exceeding my
16 expectations, it's doing some great things out there in
17 the villages and in rural Alaska.

18
19 My final point is in developing this plan
20 that's before you today, the FIS Staff, they deal with a
21 variety of entities and organizations, and this is to
22 avoid duplication, it's to coordinate our efforts, it's
23 to conduct strategic planning and leverage funds. And as
24 an example, in Southeast Alaska, Doug McBride, he works
25 with the Southeast Sustainable Salmon Fund who's also
26 interested in funding priority research in Southeast
27 Alaska. And Doug has worked with that organization to
28 leverage \$300,000 in additional funds so that we can fund
29 two more projects than we otherwise would be doing with
30 the Monitoring Program.

31
32 And then in the Yukon River, there's some
33 significant planning efforts going on with the AYK
34 Sustainable Salmon Initiative. Cliff Schleusner, two
35 people to the right of me, and Polly Wheeler, they're
36 working with the National Research Council, the Yukon
37 River Panel, the Bering Sea Fishermen's Association,
38 AVCP, Tanana Chiefs Conference, Kawerak and the list goes
39 on and on where they're trying to strategically plan
40 highest priorities for this program and those other
41 programs and to maximize the number of projects where
42 we're getting information to the managers. And I think
43 they're doing an excellent job and the coordination with
44 all those entities is paying big dividends.

45
46 So that concludes what I wanted to
47 address for the 2004 plan in terms of the process and how
48 the plan is addressing the regulatory management issues.
49 I think the next step is to look at the consent agenda.
50 Again, there's 64 projects on that consent agenda where

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1 we had concurrence among the Councils, the TRC and the
2 Staff Committee. And it would be at the Board's
3 pleasure whether to adopt that agenda in full or if there
4 were projects that we need to discuss in more detail, we
5 could pull that off the consent agenda and address them
6 after the non-consent items.

7

8 Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Thank you, very
11 much, Steve. I know we, at least have one request and
12 we'll go ahead and give Mr. -- our other Steve here a
13 chance to prepare for that. I know we have at least one
14 other request. I don't know about others. Go ahead,
15 Gary.

16

17 MR. EDWARDS: Mr. Chairman, I request
18 that we remove Proposal 04-251 from the consent agenda.
19 Given the nature of that proposal I feel that it warrants
20 additional discussion.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Are
23 there any other requests?

24

25 (No comments)

26

27 CHAIRMAN DEMIENTIEFF: Okay, Steve, are
28 you ready to continue with the consent agenda items?

29

30 MR. KLEIN: Okay. So on the non-consent
31 you have the -- I propose we take them up in this order.
32 First would be Afognak Lake, which is on Page III of your
33 book. Secondly, Project 04-415, which is Tazimina River
34 rainbow trout, which is on IV of your book. And then
35 Gary, you wanted Project 04-251, which is the traditional
36 ecological knowledge camp in Fort Yukon.

37

38 Okay, first I'll ask Steve Fried to
39 address the Afognak Lake sockeye salmon assessment, and
40 this is on Page III of your yellow books, and I'll turn
41 it over to Dr. Fried.

42

43 MR. FRIED: Thank you. Good morning. I
44 guess we'll take up study 04-412 which is within the
45 Bristol Bay/Kodiak study region, and it's the project on
46 Afognak Lake sockeye salmon assessment. And it's on the
47 non-consent list because there's some differences in the
48 recommendations between the Technical Review Committee
49 and the Council.

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1 Basically there's no disagreement
2 between, there wasn't any disagreement between the
3 Committee and the Council as to the importance of this
4 resource and the problems the system is experiencing.
5 Afognak Lake is the number 1 priority on the issues and
6 information needs for this region, and the reason for
7 this is not only because it supports the second largest
8 salmon subsistence fishery on the Kodiak Archipelago, but
9 also because in the last three or four years the
10 population has been declining and, in fact, the last two
11 years subsistence fishing has been closed as well as
12 other fisheries. So there's no doubt that we've got a
13 problem with an important system in the area.

14
15 The difference in the recommendation
16 really lies in what portions of the study should be
17 funded.

18
19 The investigation plan basically has five
20 objectives. The Technical Review Committee recommended
21 that only objective number 2, which would estimate the
22 number, age and size of sockeye salmon smolt immigrating
23 from the system in 2004 and 2006 be funded. And, in
24 fact, this is a continuation of work that was done in
25 2003 where there was a feasibility study on that system,
26 and an initial estimate, mark recapture estimate of smolt
27 was made and shown that this technique can, in fact,
28 provide estimates of the number of smolt the system
29 produces and also the age composition.

30
31 The difference here is that the Council
32 would like to see the entire study funded, all the
33 objectives and not just the smolt portion of the study.

34
35 As far as, you know, a little background
36 goes, the first objective, the investigators were asking
37 for was to consolidate historical information and perform
38 analysis and write a report summarizing production of
39 Afognak Lake. The Technical Review Committee didn't
40 think that this was something that should be covered
41 under the Monitoring Plan, they thought the investigators
42 should be doing this work and so they asked them not to
43 include it in the investigation plan at the proposal
44 stage.

45
46 Objective No. 2, as I mentioned, was
47 smolt. Objective No. 3 covered limnology work in the
48 Afognak Lake and this would look at various factors,
49 light, the plankton communities and basically looking at,
50 bottom line, would be the forage base for sockeye salmon

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1 juveniles rearing in the lake. The TRC recommended this
2 not be funded until some of the past data that's been
3 collected was looked at to show that there seemed to be a
4 relationship between sockeye production and, you know,
5 some of these factors before we spent more money on
6 continuing limnology work in the lake.

7

8 Objective No. 4 was to look at available
9 spawning habitat in the lake, going out and measuring
10 some of the spawning habitat in the creeks and trying to
11 get an idea of what the lake shore spawning habitat was.
12 The TRC, again, didn't recommend funding for this. They
13 really weren't sure, you know, this would add or clarify
14 the issue. They already thought that the system was
15 already viewed as rearing limited, not spawning limited,
16 and that's why it had been fertilized for a period ending
17 in 2000. So they also didn't recommend this one for
18 funding.

19

20 And the fifth objective was actually just
21 to take all the available information that was going to
22 be collected, including smolt and limnology and the
23 spawning habitat and calculate potential adult production
24 when the rest of the objectives were completed.

25

26 So, I don't think that, you know, there's
27 no disagreement that if, like as I said, that Afognak is
28 an important issue and that some work needs to be done.
29 The Department's already evaluating the spawning
30 escapement, they run a weir on the system, they already
31 monitor the catches and collect age composition data.
32 The TRC thought that the smolt information would help to
33 figure out whether or not the mortality was occurring in
34 fresh and saltwater, and the investigators would like to
35 have the other objectives funded because they would just
36 like to get some more detail in case it's a freshwater
37 problem, you know, what's causing it.

38

39 So I guess I'll end on that and if
40 there's any questions I'd be happy to answer them.

41

42 CHAIRMAN DEMIENTIEFF: Any questions.

43

44 (No comments)

45

46 CHAIRMAN DEMIENTIEFF: I apologize, 'Tis
47 the season, I guess in more ways than one and I've
48 apparently come down with a little bit of a cold. Dan,
49 you had a question?

50

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1 MR. BSCHOR: Yeah, I was just curious,
2 the difference between the two options, is that
3 approximately \$30,000 something like that, is that close?

4
5 MR. FRIED: Yes, that's pretty close.
6 That would include -- Option A includes objectives two to
7 five, it doesn't include objective one and that would be
8 a \$30,000 difference between that and just doing
9 objective two, which would be smolt. And it would be an
10 additional 10 or \$12,000 for objective one, which would
11 bring it up to about \$50,000 plus difference -- excuse
12 me, 40.

13
14 CHAIRMAN DEMIENTIEFF: Yes.

15
16 MR. DITTON: Could you talk a little bit
17 about the data that was collected that hasn't been
18 analyzed and who can talk about why that was not
19 analyzed?

20
21 MR. FRIED: As far as data collected,
22 like I said, there is a time series of adult spawning
23 escapement numbers and catches and age composition for
24 that. I'm not sure how far back that goes, I'm assuming,
25 you know, back through the '80s or sometime, or even
26 before. As far as limnological data, there's
27 limnological data that's been collected since about 1987
28 and it's actually been collected through 2003. A lot of
29 that was done in conjunction with lake fertilization.
30 There was a three year period when they collected
31 limnology data prior to the fertilization project to
32 determine, you know, whether or not it should be
33 fertilized and what sort of fertilizer to do. It
34 continued from 1990 through 2000 while the lake was being
35 fertilized. And fertilization ceased in 2000 and so
36 there's been three more years where limnology data has
37 been collected.

38
39 Evidently there hasn't really been a lot
40 of published analysis on limnology information. I'm not
41 sure how much information has been done on just typical
42 spawn recruit analysis, just using the adult returns and
43 the spawning populations that produced them.

44
45 So, you know, it was a question that the
46 TRC had, was the fact that there's a long time period of
47 limnology data and they would have liked to have seen
48 something to show that, you know, it would be valuable to
49 keep collecting that instead of just doing it again.

50

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1 Something to look at is the population
2 has been declining, and as I mentioned before it actually
3 has been closed even to subsistence fishing in the last
4 couple of years. And the abundance has been, you know,
5 way down. So I mean there's a lot of concern about this
6 system.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MR. TONY: I didn't hear you say why the
11 data was not analyzed and who could speak to why it was
12 not.

13

14 MR. FRIED: Well, I mean when I get back
15 to the investigators, I mean the Department of Fish and
16 Game has been undergoing some pretty severe, you know,
17 budget cuts in the last several years and so they really
18 have been under-staffed and haven't been able to do, you
19 know, all the things they would like to do. I think the
20 last time this system's really been looked at for
21 spawning escapement goals has been, I mean, the early
22 1990s, so -- but there was some, you know, discussion
23 with the TRC, was, whether or not some of this should be
24 done by the Department, whether we should fund it. It's
25 not that it's not important to do it was more of a
26 question of who should be doing it, who should be taking
27 responsibility.

28

29 CHAIRMAN DEMIENTIEFF: Any other
30 questions.

31

32 (No comments)

33

34 CHAIRMAN DEMIENTIEFF: Okay, Cliff, do
35 you want to -- are you done, Steve?

36

37 MR. FRIED: Yes.

38

39 MR. KLEIN: Actually, Mr. Chair, I guess
40 I would recommend that we also hear from any public
41 comment, I doubt if there is any, but the Council Chair
42 and the Department and then that the Board rule on each
43 of these projects individually. I think if we have the
44 discussions of all three projects and then try to recall
45 where that discussion was, I'll probably get confused and
46 perhaps one of the Board members would, too, so it might
47 be most strategic to deal with each of these non-consent
48 agenda items, of which there are three, individually, all
49 the way through Board decision and then move to the next
50 one.

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1 So if that was the pleasure of the Board,
2 the next step would be to hear from the Council Chair,
3 and I know Pat Holmes is here and I suspect he would want
4 to speak to it, and then also hear from the Department
5 and the Staff Committee which Rod could give.

6

7 Mr. Chair.

8

9 CHAIRMAN DEMIENTIEFF: Yes, I'll just
10 note for the record that we do not have any requests for
11 public testimony with regard to these items at this time,
12 so we will go ahead and move on into Council Chair
13 comments.

14

15 MR. WILDE: Mr. Chairman, this talking
16 about monitoring fisheries, we have been going after or
17 talking to person who's taking care of monitoring fishery
18 person. We tried to recognize monitoring project now has
19 been for how many years at Mountain Village, it's a
20 driftnet monitoring fishery, and it has been taken care
21 of by tribal there, but who's the people that's taking
22 care of it here that's here in Anchorage? I just can't
23 understanding why the Bering Sea Fishermen Association
24 taking care of Mountain Village while those people are
25 capable to taking care of that monitoring area.

26

27 CHAIRMAN DEMIENTIEFF: Harry, I don't
28 mean to interrupt you. You will have opportunity to
29 discuss your specific item, but right now we're looking
30 for comment with regard to 04-412, in particular, so if
31 you have comment with regard to that, that's fine, other
32 than that I think we'll -- you will have ample
33 opportunity to discuss your issue. So if there's any
34 comment, I should have been more specific, do we have
35 comment with regard to 04-412 from Regional Councils, and
36 I'd appreciate that at this time.

37

38 MR. HOLMES: Thank you, Mr. Chairman. My
39 name is Pat Holmes, I'm on the local Kodiak/Aleutian
40 Regional Advisory Committee and this is my second tour of
41 duty on that. And I also am on the local Fish and Game
42 Advisory Committee and have been serving on the
43 subsistence seat for the last six years. And as a side
44 note I was a fisheries biologist for 25 years and have
45 lived and worked in the region for over 40 years.

46

47 I think there's been some
48 miscommunications here. Our RAC would like to see Option
49 A and the entire package funded. And what we're talking
50 about is \$34,000, although that seems to change with

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1 time.

2

3

At our previous two meetings I've made basically these similar comments and I'd like to run over them again.

6

7

What we're looking at is a proposal that has different pages in it for goals to be accomplished. And what folks want to do because we've had three years now where the subsistence fishery has been restricted, this system is very important to many villages in the Kodiak Archipelago as well as folks in town. And so when you close one system then it puts pressure on the smaller systems and changes the whole dynamics of subsistence in our communities.

16

17

We would like to see each page of the story looked at. And there are some misconceptions to date. There seems to be the reluctance from the Technical Review Committee and they're all good scientists, to fund analysis of old data, and I must thank Steve for acknowledging the change in available funding because we've gone through a period, most of this manipulation on the lake was done by the -- all of it, really, by the Fisheries Rehabilitation and Enhancement Division. And when budget cuts came, first the limnology lab was closed, which was the group that was supposed to have done the analysis. I don't think the local scientists deny that it should have been done in the past, but the point is is that it needs to be done and that there are no funds to do that. I talked to the local staff yesterday and basically they're looking at laying off permanent personnel next year, and they nearly squeaked through this year. And so they plain and simply don't have the money to do it, they want to do it.

36

37

The question of not funding limnology, from my chats with certain members of the Review Committee, and I got the feeling that, you know, a lot of places limnology doesn't give you the answers that you need or want. In our region it's worked quite well. I'm familiar with Fraser Lake and other systems in our region where they started with a feasibility study on smolt, the little buggers were coming out so small that technically they shouldn't have been alive. That provided the opportunity to go back and evaluate the whole thing at Fraser and find out that the escapement goals were way too high. But in doing that they looked at each page. They looked at limnology, they looked at escapement data, age composition, the whole shebang and put it together to

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1 tell the whole story.

2

3

4 I think our RAC is very thankful to OSM
5 for doing the emergency funding for the smolt work and we
6 had a presentation that our RAC members asked the
7 Department to give at our last meeting, which was very
8 satisfying to know that ones that are coming out now are
9 fairly healthy and in fair numbers, so that gives us hope
10 for the future. But we want to know what was wrong in
11 the past and we want to know what's wrong now.

11

12

13 Another point in defense of limnology
14 studies is that local scientists recently received, a few
15 weeks ago, allocades from the State Board of Fish for
16 their research in limnology and their smolt work at
17 Chignik Lake, and they found that there had been, much to
18 their surprise, radical change in the composition of the
19 little zooplanktors, the little macroscopic critters that
20 eat the plankton that the salmon feed on and it had
21 changed. And so they now had little critters that the
22 baby salmon couldn't eat or didn't like their flavor, and
23 I'm sure all of you have kids and if you go to McDonalds
24 and they change the menu you have heck to pay on getting
25 the kids fed if they don't have the particular item that
26 they've always preferred. And so they changed the entire
27 management system and back down to the very lowest
28 escapement goals at Chignik, and so this is a very
29 important thing to do.

29

30

31 It not only gives you analyzed old
32 information but it gives you a comparison point to the
33 present.

33

34

35 I do have a rough, this is all raw data
36 that Ms. Nelson put together for Mr. Fried and the TRC
37 and it's just a really quick rough plot of adult
38 escapements and zooplankton and I'll just pass that up to
39 the Board Chair, and, you know, that's very preliminary
40 and what can you do from that? You can look at it and
41 say, gee, the two lines go down, the critters have
42 dropped in the lake and, you know, so the escapement, but
43 what causes that really needs to have additional work.

43

44

45 And part of this, and I agree with Mr.
46 Fried and the TRC is an accountability thing, who should
47 have done it? It is, in fact, a regulatory policy, the
48 last three years that analysis of lakes and a review of
49 their escapement goals should be done on a regular basis.
50 But there's a line six in that regulation that says where
51 practical. And up until recently, as far as the

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1 commercial fishery goes, Afognak is considered not a
2 major system, the local staff, yes, most of the catch
3 goes to the commercial fishery, but the local staff
4 always manages for subsistence first and tries to make
5 sure that folks can maximize their opportunity before
6 they have an opening and they're also very sensitive on
7 the commercial openings, keeping those boats separated
8 from the subsistence users.

9

10 Excuse me if I lose my train of thought.
11 I didn't get to my hotel last night because of normal
12 weather and plane problems until about 2:00 o'clock, so
13 if I stop and bang my head on the table I'm just trying
14 to get my thoughts refocused.

15

16 I think I've touched on the fact that the
17 salmon research program has seen significant budget cuts,
18 and it's a Catch-22 situation. For the last 10 years
19 that funding gap's been filled by the local commercial
20 fishermen who subsidize the work in the lakes and several
21 of the weirs and fish passes on Kodiak, but with the
22 decline in value of salmon their contribution to the
23 research program has declined. The only pot of money
24 left to look at Afognak is the money that you folks have.

25

26 At our last meeting it was presented to
27 the Board that there was over \$140,000 that was not
28 allocated, and so our committee asked to have Option A
29 funded because it's a very small amount of money.

30

31 So what we come down to is not a question
32 of science, but a philosophical question. What should
33 have been done? Well, it should have been analyzed, but
34 how it can be done and it needs a little bit of money and
35 there's a small amount of money and there's quite a bit
36 leftover and it's a question of philosophy and protocols,
37 but it comes down to a social economic decision of which
38 you folks have to make all the time, and that's how to
39 allocate funds. And the funds are available and our
40 Council would really like to see every page of the story
41 developed so that people in our community can understand
42 what's wrong, and maybe this escapement goal has been too
43 high. And if the community decides that they want to
44 fertilize to enhance things, that's a whole separate
45 question, but they want to know what happened.

46

47 And so at that point I will rest and
48 leave open for questions.

49

50 Thank you, Mr. Chair.

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1 CHAIRMAN DEMIENTIEFF: Thank you. Does
2 the State have comments with regard to this issue? Let
3 me just advise you, we do have a couple of other members
4 of the Kodiak/Aleutians Council on their way here, and
5 they're in town here so if we exhaust all the comments,
6 we will stand down for just a couple of minutes to wait
7 for them to give them opportunity to discuss the issue.
8 But if we could go ahead with State comments, I'd
9 appreciate it.

10

11 MS. SEE: Thank you, Mr. Chair. My name
12 is Marianne See. And I just have a few comments to
13 offer. I want to compliment Chairman Holmes on his many
14 points that he raised. They're some of the things that I
15 think are important about this proposal.

16

17 Certainly the factors contributing to the
18 sockeye run failure of '01 and '02 and the closure in '02
19 are of great concern to the community and to the managers
20 that are involved in this fishery. And we do agree that
21 there's been a significant change in the capacity of Fish
22 and Game to be able to fund the kind of work that would
23 be appropriate to do to its full degree to really explore
24 this problem. That's just a fact. It's just the way
25 circumstances are at this point in time.

26

27 We also note that the concerns of the
28 Technical Review Committee are valid. There are
29 scientific questions about the extent of which certain
30 kinds of information would be continue to be helpful to
31 gather, and I think there's some legitimate disagreement,
32 frankly, about the merit of collecting different kinds of
33 information at this point.

34

35 I would note that in talking to the local
36 managers, the community is apparently very involved in
37 this project and Chairman Holmes indicated that as well,
38 which I don't think is very well reflected in the authors
39 information that they presented or certainly not in the
40 summary in the book. And that there's a lot of local
41 concern, as Chairman Holmes stated, with really getting
42 enough information on this side of the run failures to
43 fully explore whether there was some causative or
44 influencing factors in some of the physical data and
45 other biological data that could be obtained. And so
46 recognizing that these data do need to be analyzed,
47 there's a larger, kind of constituency interested in
48 making sure that all the information that would be
49 relevant would be obtained to do a reasonable analysis.

50

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1 So we would just ask you to consider
2 those different points as you look at this. The
3 Department has had a very fair consideration of this
4 proposal and we've had scientists within our organization
5 on both sides of this one, frankly, so we offer our
6 concerns to you to weigh as you look at this.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. As we
11 get ready to -- I jumped ahead over the Staff Committee
12 recommendation, and if there are additional comments that
13 either the RAC Chair or the State would like to make
14 after hearing the Staff Committee recommendation then
15 we'll go ahead and deal with that at that time. So
16 Staff Committee recommendation.

17

18 MR. SIMMONS: Thank you, Mr. Chair.
19 Members of the Board. Regional Advisory Council Chairs.
20 My name's Rod Simmons, I'm with Fish and Wildlife Service
21 and I'm a member of the Inter-Agency Staff Committee.

22

23 The Staff Committee supported Option B,
24 which was the recommendation of the TRC, which is the
25 smolt assessment work but did not support the other
26 objectives based upon the uncertainty level on the
27 predictive capability of limnological data, as well as
28 questions surrounding the agency's responsibilities to
29 analyze existing data. Basically the same comments
30 you've heard from other testimony.

31

32 Mr. Chair, thanks.

33

34 CHAIRMAN DEMIENTIEFF: Thank you.
35 Additional RAC comments. Go ahead, Gerald.

36

37 MR. NICHOLIA: Yeah, thank you, Mr.
38 Chair. You know there's a lot of projects out there,
39 especially on the Yukon River that they gather good
40 information and it's there and I know it's there and they
41 should be analyzed. They should be forced, if they're
42 going to do something for OSM, they should be forced to
43 provide a report card, just like Paul Tony was asking,
44 where is the final product. I'd like to see that in the
45 future.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Thank you.

50

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1 MR. LOHSE: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MR. LOHSE: I'd like to speak in support
6 of the RAC's position on this proposal.

7

8 Here we have a system that's in obvious
9 trouble. Something that's a possibility that we all face
10 in whatever area that we're at and we have data that's
11 already been collected that might possibly, we don't know
12 for sure, shed some light as to why it is in trouble but
13 that data hasn't been looked at.

14

15 Smolt collection's nice and smolt, it
16 tells us what's happening today. It doesn't give us any
17 reasons as to why. It doesn't give us any ideas of what
18 might happen in the future. The data that they're asking
19 to be collected would correspond with data that's already
20 been collected. And if this kind of problems in this
21 system continue, it's possible that we'd come out with
22 some answers for it.

23

24 You know, the thing about science is, and
25 I've said it time and time again, little short projects
26 don't prove a thing, you've got to have some time behind
27 them. And it seems a shame to me to take projects that
28 have had -- or take data that has been collected and not
29 make use of it, but not also not to continue collecting
30 that data over a long enough time period that you can
31 actually get something valid out of it.

32

33 And so with that in mind, I'd really like
34 to stand in support as a RAC Chair with the RAC Chair
35 from Kodiak.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Thank you, Ralph.

40 Yes, Grace.

41

42 MS. CROSS: Hi, good morning. Coming
43 from the region where we have depleted fisheries, I'd
44 like to support Kodiak's proposal.

45

46 Part of our problem, I think, from early
47 80s is we had a lack of studies and lack of responses for
48 call for help and now we're to the point where our chum
49 salmon is in Tier II situation, the very first in the
50 state of Alaska, and we're struggling with other

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1 fisheries within our region. We're finally getting
2 response from different entities where we can do some
3 studies. I think the people that really know what's
4 going on when problems occur are people within -- that
5 utilize the resources. And I would strongly recommend
6 that people listen -- the people that make the decision
7 listen to what the individuals who have to use the
8 resources and like the gentleman said, we're not talking
9 about -- the amount of money they're requesting is not
10 that much. It's not much of a price to pay for something
11 that can escalate to the point where you're spending
12 millions like in our region.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. At
17 this time we are going to go ahead and go back to
18 testimony with regard to a couple of representatives of
19 the RAC and we'll call on Ivan Lukin at this time, if
20 you'd please come forward.

21

22 MR. LUKIN: Good morning. My name is
23 Ivan Lukin from Native Village of Port Lyons, how you
24 guys doing today?

25

26 I was born and raised in Afognak, born in
27 the year 1953, and for all the years that I could
28 remember being raised by people that depended on that
29 system over there, that river system, and moving from
30 Afognak to Port Lyons, relocating to Port Lyons, after
31 the tidal wave and earthquake in '64, we relocated and
32 our people continued to rely on that system. Eventually
33 there was fish planted in, silver salmon and red salmon
34 planted in to Settler's Cove which made it very, very
35 convenient for us but there's times that those returns
36 did not come back due to a number of different reasons I
37 would guess, but we still -- nevertheless, we still
38 continued to depend on Aleknek and we would like to
39 continue to depend on it.

40

41 I think that the point that I'm seeing
42 today is if that system has failed, personally, I feel
43 it's time that our people begin to look at taking over
44 those traditional waters and lands. I think our people
45 in the past took care of them properly. To some degree
46 they -- I was raised to take care of what we had, whether
47 it come from Mother Nature or wherever. But it's been --
48 that system's vital to us, to our people, and I would
49 hope, with your help that we continue to keep it, keep
50 the fish returning and if not so we're forced into

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1 looking at going back to the way things were, and our
2 people used what they -- they took what they could use
3 and, you know, we did not have scientists and doctors and
4 all of this stuff that's going on today, which is nice,
5 it's fine to be living in today's time and society but
6 nevertheless we're going to -- our people still use that
7 system and all of the systems throughout the state, the
8 Native people, and we would like to work with you people
9 to continue to keep these systems working for all of us.

10

11 Not to hold you up any further, I hope
12 you understand where we're coming from and I do
13 appreciate you taking the time to listen to me.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Ivan, I just need
18 to clarify for the record then, are you still on the
19 Regional Council, I know you were at one time or who are
20 you representing?

21

22 MR. LUKIN: I still am on the Kodiak
23 Regional Advisory Council.

24

25 CHAIRMAN DEMIENTIEFF: Okay, thank you.
26 Any questions.

27

28 MR. HOLMES: Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MR. HOLMES: Ivan, I'm kind of tuckered
33 out so my memory's not -- I'm going to turn off my
34 hearing aid here. Maybe you could refresh my memory,
35 didn't our RAC receive support from all of the local
36 tribal councils and ANCSA corporations in wanting to
37 pursue for full funding? I can't remember for sure but I
38 think so.

39

40 MR. LUKIN: Yes, I believe that's true,
41 Pat.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Any
44 other questions. Thank you, very much, Ivan, for your
45 comment. Appreciate it. John Reft, I guess, I believe
46 this is.

47

48 MR. REFT: Yeah, my name's John Reft
49 representing Ashunag Tribal Council in Kodiak, vice
50 chair. Like Ivan, I've grown up in the fishing industry

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1 on Kodiak Island. I fished all my life, ran boats. When
2 you got a river system that just deteriorates, you know,
3 from good production year after year after year, and then
4 all of a sudden, bam, it's cut off, and the first thing
5 you think of is your local residents, what their
6 necessity is and if they're deprived of the subsistence
7 catch from that river system, you can't believe how
8 detrimental it is for their winter, you know, to live, to
9 eat. Not only the commercial but your people smoke, they
10 salt, different ways of preserving the salmon for their
11 winter supply of food.

12

13 But to lose that system, it's really hard
14 on them. And one of the things that I mentioned at the
15 last meeting in Kodiak, and I don't know if Pat
16 remembers, that they have put the dolly varden in a
17 sportfish category and to me that was one of the greatest
18 mistakes that was ever made for all the rivers on Kodiak
19 Island, to protect it for sportfishing. But they are
20 such predators, you can't imagine what they do in the
21 fall when they lay the eggs. But we've checked them in
22 the spring when they come out and feed on the salmon fry.

23

24 Like we took, for one instance, one dolly
25 varden, we cut it open and the amount of fry that we
26 could count was 90 salmon fry in one dolly varden, about
27 that size, and they may eat, you know, periodically, in
28 spurts, then they quit, rest up a while and then they go
29 back. But they're so detrimental to our salmon
30 escapements in all our systems that you wouldn't believe
31 the dollys. And I can remember when I was a kid growing
32 up that at one time they had a five cent bounty on the
33 tail of a dolly varden and our salmon returns were
34 fantastic. I don't know what happened to push them into
35 creating a vicious predator into a sportfish, but I
36 think, you know, that's one of our major problems on the
37 island is the dolly varden.

38

39 But that system, like all other systems,
40 it's the location where you're at. That river supplies a
41 lot of people around that Marmont Bay to Kodiak itself.
42 I mean Kodiak is actually the seventh village, there's
43 six on the island. And there are like 1,400 members in
44 our tribal council that need and depend on this return.
45 And if somehow they could concentrate and build that up,
46 you'd be taking care of a lot of people for subsistence
47 in that area.

48

49 I mean Karluk used to be one of the
50 greatest systems in the world for red salmon return and

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1 that deteriorated for years and last year it came back
2 for the first time and I don't know, 50 years, but they
3 worked on that system, dumping feed to the fish, you
4 know, airplanes, whatever, in the different areas, and I
5 think these systems, in each one of them deserve a lot of
6 attention to take care of a lot of people.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: I'm curious. I
11 was wondering, one of the things I've noticed in the
12 Tanana River, which is the river, you know, I live on, in
13 recent years, we've got really dramatically increased
14 seagulls in our river, and I mean they're right on the
15 smolt as they're outward migrating in the spring and I
16 mean they're taking huge amounts, it's just something
17 that's just developed in the last couple of years, and us
18 locals are, you know, kind of keeping an eye on that and
19 trying to figure out how we can try to work within --
20 ours is under the State regulatory system, but it's
21 something that has been increasing. And I'm wondering,
22 is that something that maybe you folks have noticed down --
23 I should have asked the same question to Ivan, too.
24 I'll give you a chance to respond, Ivan, if you've
25 noticed anything like that as well.

26

27 MR. REFT: Yeah, it's -- you hit it. I
28 mean they're just another predator, you know, just like
29 the dolly varden. But the pressure that these salmon
30 receive, the seagull is just like the dolly varden, they
31 get those eggs in the fall where they can dive down in
32 the river system and they really congregate in the
33 spring. You can tell where the fry are, where they're
34 coming out by the amount of seagulls. I mean they hit
35 them, hit them hard.

36

37 But one other thing there that really
38 bothers me on surveillance tactics of the Fish and Game
39 is the sea otter population. Now, in '93 had an
40 agreement with the Fish and Wildlife Service out in the
41 Buskin area to go out and hunt the sea otter because we
42 had a market for the hide and we thought, well, this is a
43 great thing because we're getting overrun by sea otter, I
44 mean they were everywhere, and our shellfish was
45 declining so bad that we thought, well, we got a market
46 we can go out and hunt them and keep the population down
47 so that we can still have shellfish to eat. And we went
48 out on a trip and I think we had 80-some sea otter there
49 and we came in to mark and tag them and I told the boys,
50 I says, you know, working with the State and Federal

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1 agencies, there are no guarantees so I said let's take
2 what we have, go in and make sure that it's still
3 legitimate and we're not hunting them for nothing. And
4 we got in there and they checked out all the hides,
5 measurements, tagged them and then they said, well, we're
6 sorry we have bad news for you, what could be bad, you
7 know, and they said we can't issue you the foreign excise
8 permit, and I said well you guaranteed us that's why we
9 went out. I said, if we don't have the permit we can't
10 go hunt them and let them go to waste, otherwise we got
11 to quit hunting them and then they'll be overpopulated.
12 And in turn overpopulation leads to hunger. They're all
13 fighting for that shellfish. And the hunger goes down to
14 disease. And then your population goes right down really
15 bad and then you're in trouble.

16

17 But they wouldn't understand that. And
18 now they keep threatening us they're going to close it,
19 close it, close it and it shouldn't be. If they'd have
20 been able to keep their word and not be afraid of
21 Greenpeace and these other agencies, we could have
22 controlled the sea otter industry there, you know.

23

24 And I think if I'm not mistaken, Pat, the
25 sea otter was the only mammal that was under control by
26 the Natives, and it was thriving.

27

28 But if we can't work together with State
29 and Feds and we see a problem then we're in trouble, and
30 we're in trouble with that now I think in Bristol Bay
31 area according to what I've heard, and if it's there then
32 it will come down on the rest of us. And Southeastern, I
33 talked with the Franklin brothers there who are working
34 with -- and they're under the same problem, you know,
35 pressure to close down on it because they were getting
36 sick and dying and the populace going down.

37

38 But I don't know what the real answer is
39 but going back to Afognak, I think that we really need to
40 concentrate on bringing that system back to a healthy
41 return for the people. I mean I'm not even -- I've
42 commercial fished, I ran a boat all my life but I'm not
43 even commercially talking in terms of commercial, this is
44 just for main stay, to eat, to survive.

45

46 Thank you.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Any
49 other questions or comments.

50

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1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: If not, I believe
4 we're ready for Board discussion at this time. Is there
5 any discussion by Board members.

6

7 MR. EDWARDS: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Gary.

10

11 MR. EDWARDS: Mr. Chairman, I haven't
12 heard anybody throughout this discussion who has not, you
13 know, agreed that this particular stock is extremely
14 important and that we do need to get whatever information
15 that we do in order to try to find the answers to help us
16 restore it, better manage it or whatever is needed.

17

18 I guess what troubles me is that it seems
19 to be what is being questioned with some of these
20 objectives is that would they actually provide the kind
21 of information that really is needed?

22

23 I recognize it's not a lot of money, but
24 we shouldn't be judging our projects based upon how much
25 or how little they cost, but we ought to be basing them
26 upon whether the projects provide the kind of information
27 that we need in order to make good decisions and ensure
28 subsistence needs are being met. So I guess I'd maybe go
29 back and ask Mr. Fried, on the limnology, you kind of
30 make a very strong statement there that we don't -- we
31 think it's of questionable technical value and maybe you
32 could elaborate a little more on that. And I guess my
33 other question is, I guess my understanding that, in
34 general, we're not -- the Technical Committee was not
35 necessarily so opposed to the objectives but felt that
36 they should be done as a routine part of the smolt study,
37 and then I guess what I heard from the State was, is
38 that, while they would agree with that but because of
39 funding shortages they were not able to do so.

40

41 So I guess I'd like maybe the State to
42 respond to that part of the question and then maybe you
43 could talk a little bit more of why you feel the
44 limnology is of questionable technical value.

45

46 CHAIRMAN DEMIENTIEFF: Steve.

47

48 MR. FRIED: Well, if I can clarify, it
49 was objective one for the historical analysis that there
50 was disagreement as to whose responsibility it was.

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1 Limnology, that wasn't really part of the discussion. It
2 was just the fact that, you know, in some systems that
3 that sort of information might help better explain
4 sockeye salmon productivity and in others maybe it
5 doesn't. And given the fact that there was existing
6 data, the TRC would have liked to have seen something to
7 show that for this particular system that there was some
8 value in continuing to collect the limnological data.

9

10 Something to keep in mind, I think Pat
11 had a figure that he passed around, these poor returns
12 we're getting are basically coming off of years when
13 fertilization was still going on. So the juveniles that
14 produced these poor returns as adults were rearing in the
15 lake when they were still fertilizing. The little
16 information we've got for the next three years, 2001,
17 2002, 2003, it looks like the plankton biomass in the
18 lake is down and so I'm not sure what that means, are
19 things going to get worse or, you know, because we've
20 already had some poor runs, does that mean it's not a
21 freshwater problem, it's a salt -- I mean it's just the
22 fact that we don't understand that system well enough.

23

24 So I don't think, you know, it's always a
25 fact that everybody likes to have more information. And
26 I guess the TRC just wanted to make sure that in the case
27 of limnology that it was good to spend more money to
28 collect that further information.

29

30 But as far as responsibility, I don't
31 think limnology would be looked at as a department
32 responsibility under any kind of regulatory
33 responsibility. That would be above and beyond what they
34 do.

35

36 Thank you.

37

38 MR. EDWARDS: Well, maybe I could ask my
39 question once again. So do you or do you not see value
40 in doing the limnology work that's being suggested here
41 or recommended?

42

43 MR. FRIED: I guess I'd have to say
44 maybe. I haven't seen enough information to tell me one
45 way or the other.

46

47 MS. GOTTLIEB: Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Judy.

50

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1 MS. GOTTLIEB: I hear quite strongly that
2 this is a really important study and a really important
3 system, and I think we all understand and will be
4 prepared to support that concept but it certainly sounds
5 like there are scientific differences between what is
6 important to accomplish on this particular project. And
7 as Marianne pointed out, there are really a lot of
8 legitimate differences, perhaps amongst the scientists.
9 I wonder if there's any way to agree to mediator or a
10 facilitator to try to, at least, find, perhaps four out
11 of five or five out of five common objectives for the
12 study to go ahead, or at least on the basis of
13 understanding the ones that everybody does agree upon, to
14 go forward with those, maybe in a phased fashion.

15
16 But I guess I wanted to ask the idea of
17 some sort of mediator.

18
19 MR. EDWARDS: Mr. Chairman, I might add
20 that Judy's question, from some of the things I heard, I
21 guess maybe a better question is, are these the wrong
22 objectives and are there really other objectives that
23 really need to be addressed in order to -- in addition to
24 objective two in order to get to the issue here?

25
26 MR. FRIED: This is a real,
27 unfortunately, that's the issue. I mean everybody agrees
28 that the smolt study is useful because basically, you
29 know, smolt production integrates everything that happens
30 in freshwater and so if you have a good smolt estimate
31 you know what your adult returns are and you do, because
32 the Department has a weir and it monitors the catches,
33 then at least you could get the separating out whether or
34 not problems are either freshwater -- occurring in
35 freshwater or occurring in saltwater. The reason you'd
36 want limnology work would be if there is a freshwater
37 problem then maybe you could identify exactly what it is
38 that's causing the problem. I mean is it the fact that,
39 you know, it's rearing limited, you don't have enough
40 food, is it spawning ground limited, where you're putting
41 too many spawners in and, you know, they're not being
42 very successful in spawning. And you know, evidently at
43 some point for this system in the past somebody made a
44 decision that it was rearing limited because they
45 fertilized it for 11 years and on top of that they
46 stocked fry in it.

47
48 And so, you know, now they stopped, I
49 don't know if that's -- and the runs, even before they
50 stopped, like I said, are going down, so is this going to

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1 make it worse, better, I mean there's not an easy answer.

2

3 But smolt is something everybody agrees
4 upon. Even objective one, I think, everybody agrees that
5 that historical data analysis needs to be done, the
6 disagreement was, you know, who should do it, who should
7 pay for it. So, you know, and once that was done I think
8 it would be more clear as to whether or not, you know,
9 the money should be spent to do limnology work or some
10 other work and, you know, what to do with the system.

11

12 But generally in salmon, when you manage
13 salmon, the basics that you want are the escapement and
14 the catch, basically the total run by age so you can at
15 least sit down and look at each spawning population and
16 see what it produced and get an idea of what you might
17 expect. And so then as far as getting into the details
18 on what's going on, you know, is when you get into
19 limnology or ocean conditions and things like that.

20

21 I don't know if that helps.

22

23 MR. EDWARDS: Okay. With that said, and,
24 again, my understanding is that the State is in agreement
25 that objective one should be done but because of various
26 funding reductions and all really are unable to do that,
27 would one approach be to fund objective one and two?

28

29 MR. FRIED: I guess you've got a lot of
30 different ways you can approach this. You can fund the
31 entire package, you can fund different mixes of the
32 objectives. I guess the only thing to look at is that
33 objective A does not -- includes everything but objective
34 one, and objective B only includes smolts. I mean
35 there's at least those three different options you can
36 look at.

37

38 Just so nothing gets lost. So in other
39 words, by funding objective A would not fund the
40 historical analysis, you'd have to include one or like
41 you said, you can include one and smolt, it would depend
42 on what people wanted to do.

43

44 MR. KLEIN: Mr. Chair.

45

46 CHAIRMAN DEMIENTIEFF: Yes.

47

48 MR. KLEIN: Steve Klein here. We've been
49 working with the Department for a year now to try to get
50 that information analyzed, and I guess the proof is they

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1 haven't made that a high enough priority. I suspect they
2 don't have -- I've talked to the PI, they do not have the
3 resources to do that analysis, and it would be a valuable
4 analysis to do, to shed light on the other objectives.

5
6 So Marianne might want to comment but
7 based upon what's happened over the past year I'm pretty
8 convinced nothing's going to happen with that data
9 without additional funding.

10
11 CHAIRMAN DEMIENTIEFF: Marianne, do you
12 have additional comment.

13
14 MS. SEE: Thank you, Mr. Chair. Steve is
15 correct, without this kind of funding dedicated to this
16 particular effort, there would not be an ability for the
17 Department to address this right now with its other
18 management priorities. So funding is extremely limited
19 for this kind of work.

20
21 MR. EDWARDS: Mr. Chairman.

22
23 CHAIRMAN DEMIENTIEFF: Yes.

24
25 MR. EDWARDS: Mr. Chairman, I guess I
26 would rather fund the information that is needed in order
27 to decide if the other information or the other studies
28 should go forward as opposed to funding studies that
29 there seems to be some question whether they're needed or
30 not. And I don't know what that means, given that
31 neither one of the options include objective one, which
32 seems to me to be a more pivotal objective than the other
33 ones.

34
35 And, again, I don't even know what that
36 would require in order to do that. And if within the
37 funding, total funding that's here, if there's sufficient
38 enough to accomplish that or not, I guess, Mr. Klein
39 would have to tell us.

40
41 MR. KLEIN: I think I've heard three
42 different options here. One is to fund option one and
43 two. One is to fund option two only. And one is to fund
44 two through five. And one is, I think, Pat is speaking
45 to fund all five objectives. And there is sufficient
46 funding to address all four of those options.

47
48 CHAIRMAN DEMIENTIEFF: Further
49 discussion.

50

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1 MR. BOYD: I'd like to ask a question, if
2 I may.

3
4 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

5
6 MR. BOYD: If I could maybe put my Staff
7 on the spot a minute, what would you recommend, Steve?

8
9 MR. KLEIN: I think Gary had a great
10 idea. Let's look at the existing data, actually that is
11 a gold mine of information, we can take a look at that
12 and if there is merit to pursue objectives three through
13 five, that would be borne out by that analysis.

14
15 And if that analysis showed that analysis
16 showed that the limnological or production work was worth
17 while, we could work with the PI to amend that project to
18 look at that information as well.

19
20 There is value to intensively look at
21 particular systems there. I think the way the TRC was
22 going is we got escapement information, we got the smolt
23 out-migration, that's -- and we do have a harvest, those
24 are really the key ingredients to manage fisheries and
25 anything over and above that, there's some skepticism as
26 to the value, particularly as it comes to managing
27 subsistence fisheries.

28
29 But this stock, it is very depressed, it
30 provides, I don't know, it provided 8,000 salmon for
31 subsistence uses there, it's a very valuable stock, there
32 is value in trying to understand whether it's a spawning
33 or rearing limited and their complete proposal is
34 designed to do that.

35
36 MS. GOTTLIEB: Mr. Chair.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MS. GOTTLIEB: So if I could, for
41 clarification, Steve, are you suggesting perhaps starting
42 with objectives one and two and then leaving the
43 delineation of future objectives and funding open for
44 further completion based on those -- based on looking at
45 objectives one and two first?

46
47 MR. KLEIN: Yes.

48
49 MS. GOTTLIEB: And, Mr. Chair, could I
50 ask the Regional Council then to comment on that option

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1 or thought?

2

3

MR. HOLMES: Well, I thought -- excuse me, I have to disconnect my hearing and speak. The whole point is it's a Catch-22, as I pointed out. And TRC says, well, the data should be done and that's what the Department is simply doing. I wish the Department had some of their scientists here to defend and discuss the relative merits of limnology. And all I can say is, you know, from our position is what I said before, we want to see the whole book looked at and we probably spent more time here discussing in terms of value. If we added up the costs of every bureaucrat in this room during this discussion, that would have paid for the analysis.

15

16 So I think it's a philosophical question
17 here and a matter of protocol. And as far as the RAC's
18 concerned, we don't give a damn about protocol, we want
19 to see it done.

20

21 Thank you, ma'am.

22

23 CHAIRMAN DEMIENTIEFF: Any other Board
24 discussion.

25

26 MR. TONY: Just a question, Mr. Chairman.
27 What would the mechanism be if, you know, that
28 recommendation were adopted to trigger the advancement of
29 looking at the other three objectives? Would it be
30 coming back to this Board in another year with another
31 funding request or would it be something that would be
32 automatic if Staff recommended moving forward with the
33 other objectives.

34

35 CHAIRMAN DEMIENTIEFF: Steve.

36

37 MR. KLEIN: Mr. Chair. Mr. Tony. We
38 could do it either way. If the Board wants the
39 additional objectives funded if there's merit based upon
40 the analysis of existing data, you can task FIS to so
41 conduct or so fund the studies. So once that analysis
42 was done, if the Board says we want the complete study if
43 there's merit in looking at that limnological -- in
44 funding the limnological and production objectives we
45 could do that.

46

47 Alternatively, you could say let's do
48 that analysis and bring it back to the Board for future
49 discussion.

50

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1 CHAIRMAN DEMIENTIEFF: Gary.

2

3 MR. EDWARDS: Mr. Chairman, are you ready
4 for a motion?

5

6 CHAIRMAN DEMIENTIEFF: Yes, sir.

7

8 MR. EDWARDS: I move that we amend both
9 the Council's recommendation and the Staff Committee's
10 recommendation and fund objectives one and two, with the
11 understanding that based upon what that shows then we
12 will look to try to accommodate what the additional
13 objectives could be. They may or may not be the current
14 objectives. And depending upon the outcome of that,
15 assuming that it's within a reasonable dollar limit we
16 try to accommodate that. If not, if it's going to
17 require some more elaborate or additional studies, then
18 we'd bring that back to the Board with the idea that we
19 would look to funding that, given that we all agree that
20 this is a very important fishery and we need to try to
21 get to the bottom of what the problems are.

22

23 CHAIRMAN DEMIENTIEFF: Is there a second
24 to the motion?

25

26 MR. DITTON: I'll second that.

27

28 CHAIRMAN DEMIENTIEFF: Okay. Additional
29 discussion. Paul.

30

31 MR. TONY: So for clarification, you're
32 talking about funding objectives one and two and then
33 what about the other three objectives?

34

35 MR. EDWARDS: Well, I thought what I'd
36 heard, if, in fact, that shows that objectives three,
37 four and five need to be done, I think what Mr. Klein
38 says, is that, that can probably be accommodated. You
39 know, my concern is those might not be the right
40 objectives, and the next study might need to be predation
41 by dolly varden or something, I don't know, which might
42 be a much more extensive study and be outside of this
43 current funding level, and then I think that has to come
44 back. But with the understanding is that we're going to
45 try to fund the objectives in the future that need to be
46 funded, whatever they are.

47

48 CHAIRMAN DEMIENTIEFF: Go ahead, Paul,
49 you have follow up.

50

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1 MR. TONY: So as Mr. Klein stated then,
2 if FIS agreed -- or the Technical Review Committee agreed
3 that there was merit in moving ahead with the other three
4 objectives, they could, under this motion?

5
6 MR. EDWARDS: (Nods affirmatively)

7
8 MR. TONY: Okay, I would speak in favor
9 of it then.

10
11 CHAIRMAN DEMIENTIEFF: Thank you.
12 Additional discussion with regard to the motion.

13
14 MS. GOTTLIEB: Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Yes.

17
18 MS. GOTTLIEB: I guess, just to double-
19 check that, FIS would be clear on total funding amount
20 with this direction and also to maintain the involvement
21 of the Regional Advisory Council and others in helping to
22 scope future objectives.

23
24 CHAIRMAN DEMIENTIEFF: Steve.

25
26 MR. KLEIN: Mr. Chair. Ms. Gottlieb.
27 Yeah, I view we could fund up to 80 -- the full amount
28 for objectives one through five and in the out years as
29 well, given this motion, and we'll work with the
30 Department and the Councils to do all that we can for
31 that resource. And if there was a major change in scope,
32 Gary mentioned, looking at predator/prey relationships,
33 that would be a different matter.

34
35 CHAIRMAN DEMIENTIEFF: Any other
36 discussion with regard to the motion.

37
38 (No comments)

39
40 CHAIRMAN DEMIENTIEFF: If not, I guess
41 we'll go ahead and go to a vote.

42
43 All those in favor of the motion, please
44 signify by saying aye.

45
46 IN UNISON: Aye.

47
48 CHAIRMAN DEMIENTIEFF: Those opposed.

49
50 (No opposing votes)

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1 CHAIRMAN DEMIENTIEFF: Motion carries.
2 04-415.

3
4 MR. KLEIN: Mr. Chair. Again, I'll ask
5 Dr. Fried to speak to that, he's the biologist for the
6 Bristol Bay/Kodiak/Aleutians region. Dr. Fried.

7
8 MR. FRIED: Thank you. Hopefully, this
9 will be a little easier.

10
11 This study is in the Bristol Bay area.
12 It's titled stock assessment of rainbow trout in Tazimina
13 River, 04-415. And basically the Technical Review
14 Committee recommendation was to modify the investigation
15 plan and resubmit it in 2005. Basically this is a stock
16 and there's some -- a rainbow trout stock, there's some
17 information that it's been declining for a few years.
18 This is both anecdotal and also based on some
19 sportfishing survey information in which, catch effort
20 and catches and participation have gone down.

21
22 The TRC recommended that it be
23 resubmitted because they thought there were probably too
24 many modifications that needed to be done on the IP, and
25 that it might be best for the investigator to just take
26 their time and do it and resubmit it in the 2005 cycle.

27
28 The Bristol Bay Regional Advisory Council
29 felt that since this was a stock in decline, that they
30 really would rather not wait another year before a study
31 was done and so they supported actually seeing it
32 modified and seeing it go forward in 2004.

33
34 It so happened that the applicants were
35 at that Regional Advisory committee meeting and actually
36 they turned around and in a week or so they provided a
37 new investigation plan, and it actually met most of the
38 -- well, all the major questions that the TRC had with
39 this study.

40
41 The largest one was that the TRC
42 recommended only a one year study to do an assessment,
43 they didn't think that more than -- that the two
44 successive years or more were needed to do estimates of
45 rainbow trout populations, and that the money would be
46 better spent investigating other populations rather than
47 getting two back to back estimates and the investigators
48 agreed and they actually -- when they resubmitted the IP
49 it's now a one year study. There were some other things
50 that were recommended and basically they modified the IP

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1 to take those into consideration also.

2

3 So basically it wasn't a matter of
4 whether or not this issue was important and whether or
5 not the study was basically technically sound, it was
6 just a matter of whether or not it should go forward in
7 2004 or wait until 2005.

8

9 So I guess I'll leave it at that for now
10 and ask if there's any questions.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. We
13 have no additional request for public comment. Regional
14 Council Chair.

15

16 MR. HOLMES: Mr. Chairman. The Kodiak
17 Regional Advisory committee took no action on this one
18 and we would support the folks up in Bristol Bay for
19 whatever direction they wanted to go.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Any
22 other additional Regional Council comment. Staff
23 Committee.

24

25 MR. SIMMONS: Yes, thank you, Mr. Chair.
26 Rod Simmons, Fish and Wildlife Service. The Inter-Agency
27 Staff Committee recommendation is based upon the
28 information presented by FIS at a Staff Committee meeting
29 subsequent to the TRC meeting.

30

31 We believe the objectives associated with
32 this study can be accomplished with funding a one year
33 field study and that is our recommendation.

34

35 Mr. Chair.

36

37 CHAIRMAN DEMIENTIEFF: Thank you.
38 Department comments.

39

40 MS. SEE: Thank you, Mr. Chair. This is
41 Marianne See. We have wanted to see the concerns raised
42 by the Technical Review Committee addressed to the
43 satisfaction of showing that this study can go forward
44 credibly. So we still want that to happen. And we
45 understand that with the changes that have been made, and
46 correct me if I'm wrong, that there have been substantial
47 improvements in what's been submitted to be acceptable at
48 this point, and that may be -- I would request
49 clarification on whether that would be a one year study
50 as you presented or not?

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1 MR. FRIED: Yeah, actually what I should
2 have said is it was initially submitted as a three year
3 study. The first year was spending some money figuring
4 out where the spawning aggregates were and then there
5 would be two successive years of mark/recapture estimates
6 to get population estimates.

7
8 When the study came back, they got rid of
9 the third -- they did get rid of one year, the third --
10 the first year, because they thought that the river was
11 actually small enough and they could do enough
12 consultation with local people that they could find out
13 where they spawn, but they were still asking for two
14 years of spawning estimates. So I kind of misspoke when
15 I said that they came back with a one year study, they
16 came back with a two year study instead of a three year
17 study.

18
19 So I guess the only point of contention
20 is whether or not, you know, to just fund one year or
21 fund two years. And basically there really isn't a lot
22 of information that would support back to back estimates
23 of rainbow trout populations because they don't seem to
24 change that much from year to year. And you're probably
25 better off doing, assuming you can get a good estimate,
26 doing it one year and then maybe going back some years
27 down the road and doing another one, and spend other
28 money looking at other populations, you know.

29
30 So the TRC recommended just a one year
31 study to get a population estimate and the Staff
32 Committee was supporting that.

33
34 And as I understood it when we brought it
35 in front of the Council, they didn't have a problem with
36 supporting that recommendation, either, as far as just,
37 you know, at least a one year mark/recapture study.

38
39 MS. SEE: Mr. Chair. If I could just
40 respond to clarify, that we did support the modified
41 version to address the concerns of the TRC which is
42 evidently the one year study at this point.

43
44 Thank you.

45
46 CHAIRMAN DEMIENTIEFF: Thank you. Is
47 there any other discussion at this time.

48
49 (No comments)
50

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1 CHAIRMAN DEMIENTIEFF: Board discussion.

2

3 MR. EDWARDS: Mr. Chairman, if I may ask.

4

5 CHAIRMAN DEMIENTIEFF: Gary, go ahead.

6

7 MR. EDWARDS: What is the cost of now the
8 study that's being recommended by the TRC?

9

10 MR. FRIED: It's about \$111,000 for the
11 one year, for 2004.

12

13 CHAIRMAN DEMIENTIEFF: Additional Board
14 discussion.

15

16 MS. GOTTLIEB: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Judy.

19

20 MS. GOTTLIEB: May I recall last year's
21 discussion and the high importance of this data to the
22 Bristol Bay Regional Advisory Council as articulated by
23 Dan last year. So I would certainly support this one
24 year of funding, perhaps with the option as those results
25 come in of working with the Council and determining
26 whether additional years might be warranted based on
27 those results.

28

29 So I would so move.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.

32

33 MR. TONY: Second.

34

35 CHAIRMAN DEMIENTIEFF: It's been moved
36 and seconded. Discussion.

37

38 (No comments)

39

40 MR. TONY: Question.

41

42 CHAIRMAN DEMIENTIEFF: Question's been
43 called for.

44

45 All those in favor of the motion, please
46 signify by saying aye.

47

48 IN UNISON: Aye.

49

50 CHAIRMAN DEMIENTIEFF: Those opposed.

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1 (No opposing votes)

2

3 CHAIRMAN DEMIENTIEFF: Motion carries.

4 Okay, I believe we're at 251 now.

5

6 MR. KLEIN: Yes, Mr. Chair, I think I'll
7 ask Dr. Polly Wheeler, who's responsible for that project
8 to give us a summary of the project for the Board.

9

10 CHAIRMAN DEMIENTIEFF: Polly.

11

12 MS. WHEELER: Thank you, Mr. Chair. This
13 project, Project 04-251 is the TEK camp in Fort Yukon.
14 It's actually on Pages 117 to 120 in your yellow
15 Fisheries Information Services Book, there's a project
16 summary there. But I'll just give you a brief overview
17 of the project.

18

19 It's a cooperative project between Tanana
20 Chiefs Conference, Council of Athabascan Tribal
21 Governments, and Alaska Department of Fish and Game,
22 Division of Subsistence. The project, as proposed, is to
23 bring together elders and youth from the Yukon Flats
24 region as well as fisheries biologists and managers and
25 anthropologists in a fish camp setting in and around Fort
26 Yukon.

27

28 The goal is basically to bridge the gap
29 between Western Science and local science, or traditional
30 science. It's also to kind of expose all of the
31 participants to each other's cultures in an effort to try
32 and improve some communication. And they're going to
33 explore several different issues or a number of different
34 issues, both from a Western science perspective as well
35 as from a traditional knowledge perspective.

36

37 Some examples of issues that they're
38 going to be looking at are species identification and we
39 found that sometimes getting an understanding of how
40 locals view fish taxonomies is helpful from a management
41 perspective, to know that you're actually talking about
42 the fish or what fish you're talking about, what the
43 local name is, that's helpful. Looking at causes or
44 reasons for fish mortality. Looking at stream ecology.
45 And also looking at natural indicators for run timing and
46 fish abundance.

47

48 So these are just some of the issues that
49 they're going to be looking at, again, from a Western
50 science perspective as well as from a local knowledge

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1 perspective.

2

3

4 The project is a two year project.
5 They're asking for a little bit over a hundred thousand
6 dollars for both of the two years. They're hoping to
7 maybe get some -- well, they're hoping to, you know,
8 through this project get local people more involved in
9 fisheries management but also expose fisheries managers
10 to some of the understandings about what's going on in
11 the Yukon Flats.

11

12

13 The project is supported, the TRC
14 supported the project, the Staff Committee supported the
15 project, there's also letters of support -- or we've
16 received letters of support from Harold Buddy Brown,
17 president of Tanana Chiefs Conference, the regional non-
18 profit, we've also received a resolution in support of
19 the project from Native Village of Fort Yukon.

19

20 So that's a brief summary of the project,
21 and I'd be happy to answer any questions if there are
22 any.

22

23

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Mr. Chair.

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MR. EDWARDS: Mr. Chairman, I guess I'd
like to start by saying that I think this is an excellent
project. I think that it has very good objectives and I
think the goal is well stated in it. And in principle,
I'm totally in support of it.

I guess my concern is that I don't feel
that it meets the standard which we have set for our
monitoring projects, that while it being a good project,
the purposes of our Monitoring Program is to be able to
gather data, information that will lead to us to do a
better job of managing the fisheries on behalf of the
subsistence communities.

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1 And I recognize that capacity building is
2 certainly one of the things that we look for and
3 certainly we should look for, but, in my view that has
4 been in conjunction with ongoing projects that would lead
5 towards meeting our management -- getting this management
6 information that we need. And as the funding agency for
7 these monitoring projects, we have concerns that we need
8 to be funding projects that are consistent with what we
9 have told OMB, we've told Congress and all, that we
10 should be funding. And in my view, this particular
11 project, regardless of maybe how worthwhile it is does
12 not reach that standard.

13

14 And therefore, I don't feel that we
15 should be funding that. I think there are other
16 opportunities and ways to look to finding that money,
17 either through the individual agencies as opposed to
18 using this particular program, which is to focus on
19 gathering better management information to fulfill our
20 responsibilities.

21

22 CHAIRMAN DEMIENTIEFF: Thank you.
23 Gerald.

24

25 MR. NICHOLIA: Yeah, thank you, Mr.
26 Chair. You know, I have -- as the Chairman of the
27 Eastern Interior, I have a very serious problem of not
28 having any response from the Yukon Flats area, especially
29 Fort Yukon. And they more or less have no faith in you
30 guys anymore to put it to -- and this is -- in a way, I
31 look at it doesn't matter if it's a good protocol, it
32 doesn't matter, we got to start meeting them halfway.

33

34 And the way I look at this thing is
35 meeting them halfway. If we don't meet them in any way,
36 we're going to lose -- we're going to have a little, what
37 you say, a black card in your thing, because the Yukon
38 Flats is a Federally-controlled area, and you guys are
39 not really looking at the whole picture. What this could
40 do is educate them, their youth in meeting two worlds.
41 It's like I said, they could do a little harvest
42 monitoring and mortality of fish but you got to recognize
43 that as the Chairman for the Eastern Interior, I hardly
44 get any response, and if you turn this down, you're going
45 to have no -- no nothing there.

46

47 You maybe will have control of their
48 subsistence uses, but I say you ought to be very careful
49 because this is a very touchy area that I am dealing
50 with.

00044

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Additional

4 comment.

5

6 (No comments)

7

8 CHAIRMAN DEMIENTIEFF: If not, I believe

9 we're ready for a motion. Is there State comment,

10 Marianne, I'm sorry.

11

12 MS. SEE: Thank you, Mr. Chair. Yes,

13 Fish and Game does support this and notes that the TRC

14 supported this and we're quite surprised, actually, at

15 this juncture to see this concern raised from Fish and

16 Wildlife Service, and we really question why it would

17 come in this late in the process. But we do feel that

18 this proposal has great merit.

19

20 Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Thank you.

23 Appreciate the comment. Any other. Go ahead.

24

25 MR. BSCHOR: Mr. Chair. I'd like to add,

26 also, that we have a lot of information about the biology

27 we're dealing with, it's never enough. I don't think we

28 have a lot of information on how we get along with each

29 other. And I think this would go a long ways towards

30 helping that and helping the future.

31

32 So I feel pretty strongly that it's very

33 important work. I don't know whether technically,

34 according to our Board's objectives whether this is in

35 line or out of line, technically, but it makes sense to

36 me to do this sort of thing.

37

38 MR. EDWARDS: Mr. Chairman, if I may

39 respond.

40

41 CHAIRMAN DEMIENTIEFF: Gary.

42

43 MR. EDWARDS: If we go back and look at

44 the history of when we put this program together and the

45 documentation that we put together to justify the budgets

46 we have, and the things that we identified that, our

47 commitment to the Monitoring Program, in order to gather

48 the right information that we need, both social and

49 biological, both traditional and non-traditional, I think

50 it's very clear that it was not the intent at this time

00045

1 to fund these types of projects, regardless of how worthy
2 they are.

3

4 If we want to fund these kind of projects
5 then we ought to be looking for other sources to do this
6 and not do this with money that was not appropriated for
7 that purpose.

8

9 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

10

11 MR. TONY: Are you ready for a motion?

12

13 CHAIRMAN DEMIENTIEFF: Yes, sir.

14

15 MR. TONY: Yeah, I would move to adopt
16 the Staff recommendation.

17

18 CHAIRMAN DEMIENTIEFF: Is there a second
19 to the motion?

20

21 MR. DITTON: I'll second the motion.

22

23 CHAIRMAN DEMIENTIEFF: Discussion on the
24 motion.

25

26 MS. GOTTLIEB: Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MS. GOTTLIEB: I certainly hear Gary's
31 concern on funding. I also recall, certainly a strong
32 partnership component in what we're funding, as well as
33 capacity building. I think this program has evolved, and
34 we've been innovative and creative and I believe this
35 project would be consistent with not only our original
36 goals but certainly our current needs and outcomes.
37 We're not only growing fish or trying to count fish,
38 we're about educating, growing with our partners,
39 learning ourselves and growing future managers for this
40 program and participants.

41

42 So I'm prepared to support the motion.

43

44 CHAIRMAN DEMIENTIEFF: Thank you.

45 Myself, too, I also appreciate Gary's concerns very much.

46 I think it's a matter of US Fish and Wildlife basically
47 doing diligence to make sure that we are complying with
48 what we sought the money for. I think we've crossed that
49 threshold and I agree very much with what Judy had to
50 say, that if you take a look at the players that we are

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1 going to have involved in this and certainly it is, in my
2 mind, a management function; the more knowledge that we
3 share. Everybody's basically involved.

4

5 And I look toward this to be a forward
6 progression, anything we can do to increase dialogue and,
7 you know, basically ever issue that we've dealt with,
8 again, in years past, when we've had all the players
9 involved in projects like this or in decision-making, we
10 just seem to come away with better decisions. So I'll
11 just compliment everybody for their work, but I do intend
12 to support the motion.

13

14 Paul.

15

16 MR. TONY: Mr. Chairman, just for the
17 record. We're not, as a Board, contemplating doing
18 anything that would be illegal or in violation of any
19 law. I'm assuming since we have legal counsel present,
20 that they would advise us if we were.

21

22 I'd like to speak in favor of the motion.
23 I think that often times we have a bias towards -- or
24 against, I should say, traditional knowledge and I'm
25 aware of the situation where the agency for international
26 development went into a country and they assessed a
27 system of agriculture that had developed over thousands
28 of years and they advised the local residents that they
29 needed to have a modern, you know, system of agriculture,
30 which included putting in irrigation and piping and
31 tearing out the terracing that was there and, so the
32 locals, you know, adopted this recommendation and they
33 adopted the modern, "modern system of agriculture" and
34 the result was that crop production fell. And it forced
35 the scientists with the agency -- or the engineers with
36 the agency for international development to reevaluate,
37 you know, their thesis going in which was just because
38 something had been around for awhile that it was
39 primitive and less than modern engineering, and what they
40 found was that the system of terracing that had developed
41 over thousands of years was the best available technology
42 for that climate and ended up putting it back in and
43 studying that model and exporting it to other similar
44 climates.

45

46 So I think there's a lesson in that that
47 traditional knowledge is very valuable, and the
48 scientific answer alone is not always the best answer.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

00047

1 Further discussion on the motion.

2

3 (No comments)

4

5 CHAIRMAN DEMIENTIEFF: Hearing none, all
6 those in favor of the motion, please signify by saying
7 aye.

8

9 IN UNISON: Aye.

10

11 CHAIRMAN DEMIENTIEFF: Those opposed,
12 same sign.

13

14 MR. EDWARDS: No.

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.
17 Okay, before we get on into the consent agenda item we're
18 going to hear from Cliff with regard to the update on the
19 Yukon and then we'll move on with the consent agenda
20 items.

21

22 MR. SCHLEUSNER: Mr. Chairman. Federal
23 Subsistence Board members. This is just an informational
24 update. This is in reference to a resolution passed by
25 the three Yukon River Regional Advisory Councils, it's in
26 your information packet, Resolution 03-01.

27

28 The resolution reflects the local concern
29 that chinook salmon in the Yukon River are potentially
30 dying from ichthyophonous and the impacts that has to the
31 sustainability of the resource.

32

33 I just wanted to give the Board an
34 informational update on where we are in our response to
35 that. The Office of Subsistence Management has funded
36 three years of research specifically with Dr. Kocan and
37 we are currently working with him finalizing the report.
38 We're expecting that to be done at the end of this month.

39

40 The research that has been funded to date
41 is just beginning to answer some of the basic questions
42 about the infection rates and the dissemination of this
43 disease. Potential mortality rates and the impacts to
44 reproductive success have not been addressed to date by
45 any research. When the report is finalized we will pass
46 that out to the Board and the Regional Advisory Councils.

47

48 Clearly, the next step in research for
49 ichthyophonous is answering the question of mortality and
50 the potential impacts to reproductive success. To do

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1 this currently, researchers are working on an non-lethal
2 test to detect ichthyophonus early in the river so that
3 we can determine the ultimate fate of these diseased
4 fish. The Alaska Department of Game and Fish is working
5 with the ichthyophonus subcommittee of the JTC, and of
6 the Yukon River Joint Technical Committee, I'm sorry,
7 under a \$500,000 NOAA grant which is providing five years
8 of funding directed at an ichthyophonus research in
9 chinook salmon in the Yukon River.

10

11 The Office of Subsistence Management will
12 be coordinating with this subcommittee who will be
13 developing a strategic plan, guiding research and
14 directing research priorities in ichthyophonus in the
15 Yukon River.

16

17 We tried to get a briefing before the
18 Board prior to this meeting but were unable to due to the
19 fact that our report was not finalized and the
20 ichthyophonus subcommittee had not met. Actually the
21 researcher at Oregon State University will be presenting
22 tomorrow at the panel meeting, the results of that non-
23 lethal test for ichthyophonus.

24

25 So we'd like to prepare a briefing for
26 the Board later, or I guess early in the next fiscal
27 year, or the next year to present the results of Dr.
28 Kocan's research to the Federal Subsistence Board and ask
29 the State to participate through a member of that
30 subcommittee. At that time we would be prepared to fully
31 brief the Board on the results of the research to date.

32

33 Thank you.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Any
36 questions of comments from the Regional Council Chairs.
37 Gerald.

38

39 MR. NICHOLIA: Yeah, thank you, Mitch.
40 I'm on the TRM thing, too, we have a lot of concern,
41 especially in our area is that a lot of fish get counted
42 through that passage at Pilot Sonar Station saying that a
43 lot of fish are unaccounted for because they die before
44 they reach their native streams and stuff, that they make
45 a mortality allocation for it because there's a lot of
46 people that say that it starts at the mouth and by Tanana
47 it's pretty well developed, they say the ichthyophonus is
48 in the body of the fish, it's pretty well developed. By
49 the time it reaches the spawning streams, they don't show
50 up. That's why we put that second verse in there, have

00049

1 allocation within the management scheme up there so it
2 will have some kind of accountability.

3

4 And I really appreciate that it had to
5 take a resolution from three Councils to have this kind
6 of thing -- I mean to put this kind of thing in force and
7 to use good, ongoing information from a good reliable
8 investigator is one way to go at it, I'd say.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. And we
13 do have -- we try to have monthly work sessions, so we
14 would be inviting you, just a scheduling thing, to
15 schedule with Tom on when we might be able to work it
16 into our work session agenda. And those are issues that
17 are really not decision-making, but they're information
18 gathering kinds of things so we'll just make sure that
19 you get with Tom and it's a scheduling thing.

20

21 Jack.

22

23 MR. REAKOFF: My name's Jack Reakoff,
24 representing Western Interior Regional Council. Our
25 Council is very concerned with this infection rate of
26 this data that Dr. Kocan has been portraying.

27

28 And our concern is that this data will
29 have a gap in it. The State of Alaska is going to
30 develop a test, and our concern is that the data will not
31 come -- there will be a one or two year data gap and so
32 that's why we're concerned with continuance of this
33 funding for this Dr. Kocan's type work, and that this
34 disease is being ignored by Alaska Department of Fish and
35 Game. The summaries for the Yukon River fishery do not
36 include any discussion of the ichthyophonous problem at
37 all and so our Councils are concerned that the Board of
38 Fish and the Board of -- the Federal Subsistence Board
39 are aware of this problem and the concern to these
40 Councils and the users.

41

42 This is very concerning management
43 implications for future returning salmon runs that the
44 subsistence users rely on. And so I would encourage the
45 Board to continue funding for this Dr. Kocan's type
46 research until the non-lethal testing can be developed.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Thank you.

00050

1 Additional comment.

2

3 MR. WILDE: Mr. Chairman. Yukon-
4 Kuskokwim, they really concerned about this that's why we
5 have to try to work with up river people and try to do
6 something.

7

8 We had some people coming in from Seattle
9 to St. Mary's, they ask us what is the priority these to
10 work on, I think the first thing we do is we told them
11 that this should be the priority in the Yukon River.
12 It's very more like people that are really in the lower
13 Yukon River are concerned about up river too. There's
14 some fish, when you're hearing that they go so far up and
15 they start dying, it bothers, really, people down river.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.

18 Additional discussion or questions.

19

20 Judy, you have something.

21

22 MS. GOTTLIEB: Mr. Chair. A couple of
23 questions. Appreciate the comments and certainly the
24 resolution heightened everybody's concern. We appreciate
25 the work that's gone into it.

26

27 I wonder since this topic is so important
28 to so many people, whether once the report is completed
29 we could have the researcher or his team come up and
30 brief all of us directly, if that might be a possibility.

31

32 MR. SCHLEUSNER: Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Yes.

35

36 MR. SCHLEUSNER: Mr. Chair. Ms.
37 Gottlieb. That's actually one of the things that we've
38 looked into and Dr. Kocan has agreed to come up and talk
39 directly to the Board about his research.

40

41 MS. GOTTLIEB: I think that's be really
42 good. And I want to also ask, you mentioned the NOAA
43 allocation for funding, which sounds terrific, five years
44 of funding, and the coordination that OSM will be doing
45 with NOAA and if there's an interest on the part of any
46 of the Regional Advisory Councils or their liaisons, if
47 they would also be able to participate in some of those
48 discussions as it's appropriate.

49

50 CHAIRMAN DEMIENTIEFF: Okay, thank you.

00051

1 Cliff, did you have anything?

2

3

4 MR. SCHLEUSNER: I was just going to
5 respond to Ms. Gottlieb. Certainly we'll want to keep
6 the Regional Advisory Councils apprised of this and have
7 their involvement in any step of this process. I would
8 encourage it.

8

9

10 CHAIRMAN DEMIENTIEFF: Thank you. It's
11 not an action item, of course, so if there's not any more
12 questions we'll go ahead and move on to the consent
13 agenda.

13

14

(No comments)

15

16

17 CHAIRMAN DEMIENTIEFF: I guess I'm not
18 seeing any. So with that, before we get to the motion to
19 adopt the consent agenda, I've asked Tom to go ahead and
20 read off the numbers that are on the consent agenda so we
21 have them in the record and make sure everybody is on
22 board with this.

22

23

24 MR. BOYD: Mr. Chair. The projects on
25 the consent agenda and I'll just read the numbers, I
26 won't read the full names.

26

27

28 But for the Arctic/Kotzebue/Norton Sound
29 region; 04-101, 102, 103, 105, 109, 151, 153 and 157.

29

30

31 For the Yukon River; 04-206, 208, 209,
32 214, 217, 228, 231, 234, 253, 255, 256, 263, 265, 268 and
33 269.

33

34

35 For the Kuskokwim River; 04-301, 302,
36 304, 305, 306, 307, 308, 309, 310, 311, 312, 351, 353,
37 355, 359.

37

38

39 For Bristol Bay/Alaska Peninsula/Kodiak
40 Aleutians; 04-401, 402, 403, 411, 414, 454, 456, 457.

40

41

42 For the Cook Inlet/Gulf of Alaska; 04-
43 501, 502, 503, 505, 507, 553.

43

44

45 For Southeast; 04-604, 605, 606, 607.
46 608, 609, 651, 652.

46

47

48 And for Inter-Regional; 04-701, 703, and
49 751.

49

50

Mr. Chair.

00052

1 CHAIRMAN DEMIENTIEFF: Okay. Before I
2 entertain that motion for adoption of the consent agenda.

3
4 Harry, were you starting a discussion
5 early on about the test fishery in the Lower Yukon, I'm
6 sorry, we didn't get back to it, did you have additional
7 comment that you wished to make.

8
9 MR. WILDE: Yes, Mr. Chairman. The
10 reason I'm saying this because it's very important to the
11 people of Mountain Village. You notice that in Lower
12 Yukon, Mountain Village is the biggest population in the
13 Lower Yukon. And these people has been practicing and
14 tribals test fishing in their area and they only have to
15 do just a limited because there is some people that tell
16 them what to do from here in Anchorage. I think these
17 people, are tribals, they know already for long time.

18
19 And if you want to know where that fish
20 goes, it goes to the elders. Elders, they -- sometimes
21 they bring 20 fish just not even half hour for first
22 item, it goes to elders. We've been talking about it, I
23 think we would do better job if the people there in
24 tribals control that instead of from here in Anchorage.

25
26 Thank you, Mr. Chairman.

27
28 CHAIRMAN DEMIENTIEFF: Thank you. I
29 believe that completes our work. At this time I'll
30 entertain a motion to adopt the consent agenda items.

31
32 MR. DITTON: I'll make that motion.

33
34 CHAIRMAN DEMIENTIEFF: Is there a second.

35
36 MR. BSCHOR: Second.

37
38 CHAIRMAN DEMIENTIEFF: Okay.

39
40 MS. GOTTLIEB: Mr. Chair.

41
42 CHAIRMAN DEMIENTIEFF: Yes.

43
44 MS. GOTTLIEB: I just wanted to commend
45 everybody for working on this huge program. I think the
46 quality of the projects has really improved over the
47 years and that's been because of a lot of, not only
48 experience, but good communication.

49
50 I particularly wanted to thank the Native

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1 Village of Eyak who was kind enough and hospitable enough
2 to show the Board and Staff first-hand, this summer, some
3 of their projects and I think we were all extremely
4 impressed with them. So that was a really good example
5 for us to see, and we look forward to seeing other
6 examples in other regions.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Is
9 there any other discussion on the motion.

10

11 Hearing none, all those in favor of the
12 motion, please signify by saying aye.

13

14 IN UNISON: Aye.

15

16 CHAIRMAN DEMIENTIEFF: Those opposed,
17 same sign.

18

19 (No opposing votes)

20

21 CHAIRMAN DEMIENTIEFF: Motion carries. I
22 think at this time we'll go ahead and take a short break
23 before we come back with the predator control issue.

24

25 (Off record)

26

27 (On record)

28

29 CHAIRMAN DEMIENTIEFF: Okay, we're going
30 to start on the -- I didn't realize it was this close to
31 the lunch hour but we're going to try to -- we're going
32 to start on the predator issue. We were waiting on the
33 party that apparently didn't make it, maybe was having
34 plane troubles getting in or something, and that's why we
35 had kind of flip-flopped the issues. But we'll start,
36 maybe with the Draft Predator Management Policy, and
37 probably will not complete the issue until after lunch.

38

39 Now, with regard to the summary of
40 Regional Council comments, I think, Dan LaPlant, you're
41 on first.

42

43 MR. LAPLANT: Thank you, Mr. Chairman.
44 Members of the Board. For the record, my name is Dan
45 LaPlant, with the Office of Subsistence Management. And
46 my briefing for you here today is a summary of comments
47 from the Regional Councils on the Draft Predator
48 Management Policy. The Draft Policy that we'll be
49 discussing has been provided to you in this grey folder.
50 There's the policy there, the analysis document and

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1 summary of Regional Council comments. It's not in your
2 binder, it's in this separate folder.

3

4

5 As you may recall, the need for a Board
6 policy on predator management was discussed during a work
7 session of the Board back in August of 2002, and at that
8 time I presented the Board with some background
9 information on predator management, presented a report
10 that included some history on predator management that's
11 occurred in the state, a summary of Federal regulations
12 relating to predator management and then we talked about
13 some optional approaches to addressing the issue.

13

14

15 During that work session in 2002, Board
16 members identified additional background information that
17 they wanted to see in an analysis document and they also
18 identified a policy statement as being the preferred
19 approach to addressing the predator management issue.

19

20

21 So OSM Staff took those instructions
22 forward and worked on that assignment from the Board and
23 we had another Board work session in August of 2003,
24 August 5th. And at that time, I presented the Board with
25 a Staff analysis of predator management, which you have a
26 copy of today and a draft policy on predator management.

26

27

28 At that August 5th work session, Board
29 members expressed agreement with the Draft Policy and
30 your intent to adopt this policy following Council
31 reviews and consideration of any recommended
32 modifications to the document from the Councils. So,
33 again, that was back in August. So you've already been
34 presented with the analysis of the Predator Management
35 Policy and the Draft Policy that we discussed at that
36 time and so I wasn't planning on going into that document
37 in depth here today.

37

38

39 But since that meeting, all Regional
40 Councils have been briefed on the Predator Management
41 Policy, the Draft Policy. Those briefings were given by
42 Staff Committee members or myself and they took place
43 during the September and August -- excuse me, September
44 and October Regional Council meetings here this past
45 fall.

45

46

47 In the summary of Regional Council
48 comments paper that you have available here to you right
49 now, you can see that only one Regional Council provided
50 any formal response to the briefings, and that was the
Western Interior Council, and they passed a motion in

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1 support of the Draft Policy, and Chairman Sam stated that
2 he thought it was a step in the right direction.

3

4 In addition there was positive comments
5 made on the record by the Kodiak/Aleutians Council.

6

7 There were also three Regional Councils
8 that expressed dissatisfaction with the Draft Policy.
9 Those were the Bristol Bay Council, the Southcentral
10 Council, and the Eastern Interior Council. And again,
11 those comments are provided in more detail in that
12 document that you have.

13

14 But just some quotes here, the
15 Southcentral Council, well, basically stated that's what
16 they expected but it's not what they wanted. And other
17 Council members basically said that they recognized it as
18 being something that doesn't really change anything.
19 They said it just tells us that the Board won't do
20 anything with predator management and that's not what
21 they wanted.

22

23 Mr. Chairman, none of the Council
24 provided any recommended language changes to the Draft
25 Policy. The Draft Policy, again, that you have before
26 you today is the exact same one that was before you in
27 August and, again, no changes have been made.

28

29 Also in your packet there are materials,
30 two sets of written public comments that we've received
31 at OSM just yesterday. One of those written comments is
32 from the Defender's of Wildlife and they wrote in support
33 of the policy. And the other written comment is from the
34 Alaska Native Federation and their comments request that
35 the Board defer consideration at this time and take up
36 the issue during the upcoming wildlife cycle.

37

38 Mr. Chairman, that's a summary of
39 Regional Council comments on the briefings that you asked
40 us to provide to those Councils this fall.

41

42 Thank you, Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Thank you, very
45 much. We have no request for additional public comments
46 at this time. Staff Committee recommendation.

47

48 MS. FOX: Thank you, Mr. Chair, I'll
49 provide that. Peggy Fox, the Chair of the Staff
50 Committee.

00056

1 The Staff Committee recommends that the
2 Board adopt the Draft Policy. The new Board policy would
3 read:

4
5 That the Board will consider all Federal
6 proposals to regulate seasons and dates,
7 methods and means, harvest limits and
8 customary and traditional use
9 determinations for the subsistence take
10 of fish and wildlife.

11
12 The Board will ensure that the primary
13 effect of its decisions is to provide for
14 subsistence take and use of the subject
15 species.

16
17 The Board will also take into account
18 approved population objectives,
19 management plans, customary and
20 traditional uses and recognized
21 principles of fish and wildlife
22 management.

23
24 The Board will direct the Office of
25 Subsistence Management to return to the
26 proponents all Federal proposals that
27 specifically indicate that the reason for
28 the proposed regulation is to reduce the
29 predator population to benefit prey
30 populations; i.e., predator control.
31 Proposals returned to the proponents will
32 include an offer of technical assistance
33 from Office of Subsistence Management
34 Staff to promote understanding of the
35 Board's role of the management of
36 predators.

37
38 Proponents with predator control
39 objectives will be referred to the
40 appropriate Federal land manager or the
41 Alaska Board of Game to seek resolution
42 of their concerns.

43
44 However, the Board will monitor actions
45 taken by the agency to address such
46 concerns and will provide appropriate
47 support, where necessary, to ensure the
48 continuation of subsistence harvest
49 opportunities.

50

00058

1 Paul.

2

3

MR. TONY: I guess the question I have in the AFN request to defer this, there's an inference that there hasn't been adequate time for the information on this policy to trickle down to the grassroots level and to generate comments back. And I guess I wonder what would be the harm of deferring it just for a little while longer, whether there's any, you know, real critical need to adopt this policy at this time?

11

12

CHAIRMAN DEMIENTIEFF: Let me just back up, didn't we slow the process down once before to make sure we had adequate RAC review, you know, so that's -- maybe that was not made clear to AFN, that we did slow the process down. Certainly, within their membership, you know, because it's basically the same users that our RACs represent.

19

20

But, you know, as far as I'm personally concerned, I'm flexible in going either way.

22

23

But I just do want to point out on the record that we did slow the process down to make sure that every one of our RACs had the opportunity to review the policy in meeting. So we've kind of, as far as I'm concerned, we've done our obligations.

28

29

I don't know, I'd be curious, I guess, if there's any RACs that might have any comment with regard to the AFN request.

32

33

Gerald.

34

35

MR. NICHOLIA: Thank you, Mitch. I remember that when I had Craig Fleener on my Board is that we wanted you guys to implement predator control, especially in the Yukon Flats are where there's a low density of moose and a high density of bears and stuff, we were forcing them to -- we were trying to force them to implement a predator/prey deal up there to put it into action and that's when everything got in a little uproar and that's when they slowed it down and that was two years ago.

45

46

CHAIRMAN DEMIENTIEFF: Any other Regional Council comments.

48

49

(No comments)

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1 CHAIRMAN DEMIENTIEFF: Well, if we do go
2 ahead with the plan, or with the policy, I just -- if we
3 -- as we respond to the AFN letter, that we point out
4 that we did slow the process down to make sure that there
5 was adequate RAC review, because, you know, we did do
6 that. That's all I'm saying. I think we did diligence.
7 So if we decide to go ahead and implement the policy, you
8 know, I'm comfortable with that as well.

9
10 So is there any more discussion.

11
12 MR. LOHSE: Mr. Chair.

13
14 CHAIRMAN DEMIENTIEFF: Yes.

15
16 MR. LOHSE: I think that's what's come
17 out of this and I know that that's the feeling in
18 Southcentral, that there doesn't need to be any more
19 discussion or anything like that on it because obviously
20 nothing can be done. To the people out in the -- to the
21 people out in the Bush, basically, what this policy says
22 is that there is no policy or the policy is that we have
23 nothing to do with it. And that was, like, Gerald said,
24 that was what the people that were out in the Bush hoped
25 for, they hoped that there would be an active predator
26 management, predator control program put in place.

27
28 What this just basically does is tells
29 everybody out in the Bush that that's off limits and it's
30 hopeless so you might as well not have anything more to
31 do with the discussion.

32
33 Thank you.

34
35 CHAIRMAN DEMIENTIEFF: Any further
36 discussion.

37
38 MS. GOTTLIEB: Mr. Chair.

39
40 CHAIRMAN DEMIENTIEFF: Yes.

41
42 MS. GOTTLIEB: I guess to follow up on
43 Ralph's comment. I guess the briefings and the word has
44 truly gone out because from what I understand about the
45 wildlife proposals that have been submitted for our next
46 cycle is that they do not include any proposals that
47 could be considered predator control.

48
49 Thank you.

50

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1 CHAIRMAN DEMIENTIEFF: Further
2 discussion.

3
4 MR. EDWARDS: Mr. Chairman.

5
6 CHAIRMAN DEMIENTIEFF: Gary.

7
8 MR. EDWARDS: I'd just say that I think
9 Ralph's observations are very correct. But I guess it
10 hopefully wouldn't preclude folks still coming to the
11 individual agencies if they felt that something needed to
12 be done.

13
14 MR. LOHSE: Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Yes.

17
18 MR. LOHSE: In response to Gary, and it's
19 some of the same things that Gerald brought up before.
20 And that is, I guess, a certain feeling of helplessness
21 or hopelessness with the system that kind of prevails in
22 a lot of the thinking in the people in the Bush to where
23 instead of trying to use the system to accomplish what
24 they perceive as a necessary end, they've just kind of
25 given up on the system.

26
27 CHAIRMAN DEMIENTIEFF: Any further
28 discussion.

29
30 (No comments)

31
32 CHAIRMAN DEMIENTIEFF: Hearing none, is
33 there a motion.

34
35 (No comments)

36
37 CHAIRMAN DEMIENTIEFF: Well, if nobody's
38 prepared to make a motion there must be more discussion,
39 we've got to do one or the other.

40
41 Gerald.

42
43 MR. NICHOLIA: You know, a lot of people
44 depend on you guys' decisions that you make here. And as
45 Chair people we're trying to represent the people in our
46 region. And I know for a fact in my region, Fort Yukon
47 area is having a very tough time fish, for moose or for
48 whatever else they depend on and just like what this
49 says, in the YK region to the State, is that if you guys
50 don't back us up on anything, any one of these things

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1 you're going to loose our support and that's public
2 support for your system, and that's in your guys system,
3 subsistence system is the Yukon Flats is Federally-
4 controlled, subsistence-wise. And I'd like to see a more
5 tougher program, more something that will be effective
6 where if I was sitting in the Yukon Flats and I didn't
7 have fish on my table, if I didn't have moose meat on my
8 table, if there was no resident species fish that I could
9 depend on or rabbits or whatever, is that I'd really lose
10 faith in you guys, so I'd like to see more something that
11 -- more tools that you could use to provide adequate
12 subsistence opportunities for the Federally-qualified
13 users.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you.

18 Additional discussion.

19

20 Jack.

21

22 MR. REAKOFF: I have one question. Our
23 Council endorsed this policy, but I feel that a lot of
24 the Council members misperceived the intent of this
25 proposal.

26

27 They felt that they understood basically
28 what it was saying but they also felt that there would be
29 something done by the agencies and my question is, if a
30 Council identifies a problem in an area can the Councils
31 request predator control from an individual agency?

32

33 CHAIRMAN DEMIENTIEFF: Yes. From the
34 management agency, and that's basically each management
35 agency, you know, handles that in different ways but that
36 was what our basic finding was, is that, it was beyond
37 our scope as a Federal Board, but that option is still
38 open to approach the proper management agency and try to
39 get some work done that way.

40

41 But it's just basically as a Board, it's
42 beyond our authority and that's basically, you know, the
43 gist of the policy. But that option is certainly open, I
44 think Gary pointed that out early on. You know, that
45 this doesn't rule out anybody going to the agency, and
46 that's where it will be handled.

47

48 MR. REAKOFF: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

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1 MR. REAKOFF: So the Councils can address
2 this predator control issues unlike the Board can't --
3 will not accommodate any proposals, so that's what I'm
4 trying to clarify, is that, our Councils can address
5 these predator control issues and so you're indicating,
6 yes, and I'm happy to hear that.

7
8 CHAIRMAN DEMIENTIEFF: Okay. Grace,
9 before we go, I think Tom has some additional information
10 on Jack's comments.

11
12 MR. BOYD: Without getting too bogged
13 down here, but with regard to the Councils and their
14 roles and authorities and responsibilities, the role of
15 the Council and the relationship of the Council is to the
16 Board. And so if there are issues related to resource
17 use within a region or factors affecting subsistence use
18 in a region, that's something that is appropriate for the
19 Council to bring to the Board. Now, we've used in the
20 past the vehicle of the annual report to highlight these
21 issues. And during that process the Board, things that
22 are outside of the Board's purview then get referred to
23 the specific entity or agency that has the
24 responsibility.

25
26 So that's the process that I would
27 suggest that the Councils use on matters such as the one
28 you're discussing, Mr. Reakoff.

29
30 Thank you, Mr. Chair.

31
32 CHAIRMAN DEMIENTIEFF: Grace.

33
34 MS. CROSS: Seward Peninsula Regional
35 Advisory made no comment on it. This is my personal
36 view, it's a step in being in the Federal Subsistence
37 Program home, where it should be. It's one step in
38 bringing the decisions back to where they should be made.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you.
43 Discussion or a motion or where are we at?

44
45 MR. BSCHOR: Mr. Chairman, I think I
46 should say just a few words as controversial as predator
47 control can be, whether you're for it or against it,
48 there is a system in place to deal with that with
49 entities that are dealing with that. My concern is that
50 we -- well, first of all reading the briefing paper, it

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1 doesn't appear we have the authorities to do it anyway,
2 nor was it intended for us to do that.

3

4 On top of that, adding another agency
5 into the mix is not going to make predator control any
6 easier I don't think.

7

8 So I guess I'm coming down in favor of
9 accepting the Management Policy as presented, and I'd
10 like to move to do so.

11

12 CHAIRMAN DEMIENTIEFF: To adopt the
13 policy?

14

15 MR. BSCHOR: Yes.

16

17 CHAIRMAN DEMIENTIEFF: Okay. There is a
18 motion, is there a second.

19

20 MR. DITTON: I'll second it.

21

22 CHAIRMAN DEMIENTIEFF: Further discussion
23 on the motion.

24

25 Paul.

26

27 MR. TONY: Yeah, it just seems to me that
28 it's kind of redundant to say that, you know, you have a
29 predator management policy, I mean that implies that
30 you're going to manage predators, you know, just in the
31 literal sense of the words. And to say that you're going
32 to have a policy that you're -- you know a predator
33 management policy that says that you're not going to
34 manage predators.

35

36 MR. LOHSE: Mr. Chair.

37

38 CHAIRMAN DEMIENTIEFF: Yes.

39

40 MR. LOHSE: If I may, like was pointed
41 out, predator management's very controversial and whether
42 you're for it or whether you're against it doesn't really
43 enter in. What enters in is exactly what Paul is saying
44 right here, if you have a predator management policy that
45 you'll have nothing to do with predator management or
46 predator control, however you want to put it and that's
47 your policy, but the policy says that you will take a
48 look at every proposal and decide what the intention of
49 the person that put the proposal in. And if the person's
50 intention was for predator control, then that proposal

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1 will be referred back to the person and you'll help him,
2 you know, put it in a different way or put it into the
3 right agency.

4

5 But that means that somebody's going to
6 sit in judgment on the proposal and decide what the
7 intent of the proposer was instead of putting those
8 proposals in front of the Board, in front of the RACs to
9 be looked at for their merit. Somebody's going to sit
10 back and decide, now the intention of this proposal looks
11 to me like it wasn't for subsistence use, it was for
12 predator control, and this opens the door down in the
13 future for -- I'm not saying with the current Board or
14 with the current Staff, but it opens the door down in the
15 future for somebody who is going to be making an
16 evaluatory [sic] decisions as to a merit of a proposal
17 instead of bringing it before the Councils and the Board.
18 And I kind of find that unacceptable.

19

20 And that's the part of it that I have
21 objection to.

22

23 Thank you.

24

25 CHAIRMAN DEMIENTIEFF: Thank you.

26

27 MR. EDWARDS: Mr. Chairman.

28

29 CHAIRMAN DEMIENTIEFF: Yes.

30

31 MR. EDWARDS: Just in response to that, I
32 don't think there is anything that would prohibit a
33 Council from crafting a proposal that is strictly
34 predator control and bringing it to the Board and asking
35 the Board to forward it to the appropriate agency, which,
36 in my tenure, I don't recall that ever happening on any
37 of our lands.

38

39 MR. LOHSE: Mr. Chair.

40

41 CHAIRMAN DEMIENTIEFF: Yes.

42

43 MR. LOHSE: May I reply. I think you're
44 right on that, Gary, and I don't see any problem with
45 that either. What I'm more looking at is what Gerald's
46 been talking about, we're asking for proposals from
47 proponents out in amongst the public. We're not looking
48 at RAC generated proposals, we're not looking at Staff
49 generated proposals, we call for proposals. And those
50 proposals are going to come from individuals and villages

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1 and communities and things like that, Advisory
2 Committees, and what's going to happen now with this
3 policy is somebody someplace, and I'm not sure who, is
4 going to evaluate those proposals to start off with to
5 see whether they are predator control proposals, and if
6 they are then they will not be submitted, then they will
7 not be part of the proposal packet.

8

9 And that's the part that I find difficult
10 to believe -- I mean difficult to handle.

11

12 Because at the same time, like Gerald was
13 pointing out, we're having people feeling disenfranchised
14 out in the Bush. We're asking them to submit proposals
15 but proposals will come and we'll say, well, we think the
16 intent of this proposal is something other than what is
17 written and so we're not going to consider that proposal.
18 Now, that may not happen under current Staff, that may
19 not happen under current Board, but it's in writing, it's
20 a policy and we all know that politics change, we all
21 know that philosophy of government changes, philosophy of
22 administrations change, and it's totally possible that in
23 the future any kind of proposal that somebody doesn't
24 like will never see the light of day because it's a
25 predator control proposal, because it deals with a
26 predator, whether it's a take of a predator for human
27 consumption or for the skin or what, and so it's a
28 possibility that that could happen; and that's what I
29 object to in this case.

30

31 And with that I'll shut up.

32

33 CHAIRMAN DEMIENTIEFF: Yeah, let me just
34 -- Grace, go ahead.

35

36 MS. CROSS: Well, again, it's my personal
37 view. It seems to me that the proposals that come in
38 that already look like predator control has already -- I
39 mean I've been to the Federal Subsistence Board meeting,
40 I've been to enough RAC meetings where there are
41 proposals that come in and there's already a
42 recommendation not to support because they're related to
43 or perceived to be predator control, that already
44 happens.

45

46 I think that a step would be, in my mind,
47 is to -- personally, maybe I'm wrong, is kind of a way to
48 bring things back to where they came from and the people
49 from the region that are there -- because we're talking
50 about entities hopefully if something comes in -- just as

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1 an example, trying to control the number of bears in a
2 given XYZ village, hopefully it will go to the land
3 manager of that region and the decisions will be made in
4 the region area instead of trying to bring something up
5 that goes to an entity within the Federal Subsistence
6 Program and gets rejected and goes nowhere.

7

8 It seems to me the amount of years I've
9 been with the Regional Advisory Council where I'm from,
10 there are proposals that go to the Federal Subsistence
11 Board, somebody already decides that they're related to
12 predator control, there's no support to it, it comes to
13 the Board, they're rejected and we still have the same
14 problem out there and there's no solution.

15

16 That's my personal view.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Yes, John.

21

22 MR. LITTLEFIELD: Thank you, Mr. Chair.
23 I think at least at the minimum, the Federal Subsistence
24 Board should consider dropping B, paragraph B.

25

26 Paragraph A just states what you can do
27 already. So if you're going to get rid of B, which is
28 not showing the proper deference to the Regional Advisory
29 Councils, they're the ones that are supposed to receive
30 proposals, and I'm supporting what Ralph says here, these
31 are supposed to come to us, no one in Staff is supposed
32 to say this doesn't meet the Litmus test and we're going
33 to throw it out. So if you throw out B, you might as
34 well throw out A, because A just states the obvious.

35

36 A just states what you're doing. So I
37 would urge that you look at this carefully and see what
38 you're trying to do. B really upsets me as it does other
39 Council, in that, you're not letting proposals go through
40 the process. You have an opportunity to reject them
41 later if you so desire.

42

43 Thank you.

44

45 CHAIRMAN DEMIENTIEFF: Well, let me just
46 -- and I think this is important for the RACs to go back
47 a little bit into the history.

48

49 The fact of the matter is, is what is
50 termed predators are actually a subsistence resource.

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1 People depend on those resources for various subsistence
2 activities. And I seen, you know, that Bristol Bay
3 Regional Council, I'm sorry their representative is not
4 here, but they came in with a proposal to increase the
5 harvest of -- if memory serves me correctly, I believe it
6 was brown bear, wasn't it, I'm sure it was, and they came
7 in one year with a proposal but what they wanted was
8 enhanced opportunity to harvest brown bears for
9 subsistence purposes. But in the course of their
10 proposal they referred to it to predator control and the
11 proposal got to the Board and the Board rejected it.

12

13 But the very next year they proposed
14 exactly what they wanted, which was an enhanced
15 opportunity to harvest brown bear for subsistence
16 purposes, and the very same proposal that didn't have the
17 predator control part of it in there passed the Board,
18 the very same proposal.

19

20 So I think it's an understanding process
21 as far as the Councils, as well, as proposers as we work
22 on these that we understand what's out of our bailiwick,
23 but that doesn't stop us as a Board from harvesting or
24 providing additional harvesting opportunities for
25 subsistence resources. And like I said, they could be,
26 you know, what people call predators, but, you know,
27 that's a very important part of the picture.

28

29 Gary.

30

31 MR. EDWARDS: Mr. Chairman, a possible
32 solution might be, I mean because I would agree that
33 Section B basically says you're going to get it back and
34 then it goes on to say, we'll give you some technical
35 information and we'll refer the proponent to the
36 appropriate agency, but why couldn't we have more
37 proactive language which would indicate that the proposal
38 would be directed as opposed to being kicked back, would
39 be directed to the appropriate agency or something along
40 those lines.

41

42 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

43

44 MR. BOYD: Well, I guess from a technical
45 -- Mr. Chair.....

46

47 CHAIRMAN DEMIENTIEFF: Go ahead.

48

49 MR. BOYD:from a technical
50 standpoint, proposals coming in are directed to the --

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1 are being directed to the Board for consideration via the
2 call for proposals, which specifies that we're going to
3 act on them. And so our action -- we have to take some
4 action.

5

6 And I guess what we're saying in a
7 predetermined way in this case is that the action, if
8 it's clearly a predator control proposal, to be clear
9 about what we're doing and to return that -- to
10 essentially reject that proposal because we're not going
11 to take them up, but we do go on to say that proponents
12 with predator control objectives will be referred to the
13 appropriate Federal land managing manager or Alaska Board
14 of Game to seek resolution of their concerns.

15

16 I think it's more of just a positive or
17 an affirmative -- how do I say it, a definite step, a
18 specific action that we're taking to inform the proponent
19 that this is the action that we're taking.

20

21 Mr. Chair.

22

23 MR. EDWARDS: But in response to that, I
24 think to address Ralph's point, the way it's written now
25 it almost says, well, do not bother to apply as opposed
26 to say we encourage you to apply and if you do we're not
27 going to send it back, this is what we're going to do
28 with it.

29

30 I mean I agree that if you go on into the
31 thing and it does this is what we're going to do but it
32 basically leads off with just saying, you know, return to
33 sender.

34

35 So I think there might be ways to make it
36 more possibly proactive. I know that doesn't address
37 folks' concern because we're still basically saying, you
38 know, we're not the right entity to bring this to but it
39 seems to me, at least, we could ensure that it gets to
40 the right entity.

41

42 CHAIRMAN DEMIENTIEFF: Dan.

43

44 MR. LAPLANT: Yes, Mr. Chairman, maybe I
45 can try to put this in a little different perspective.

46

47 You know, the authority for the Federal
48 Subsistence Program is provided to the Board through
49 Secretaries of Agriculture and Interior, put predator
50 control in the same category as habitat management. And

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1 so that's the analysis flow is that it's an agency,
2 individual agency responsibility as habitat management is
3 an individual agency responsibility and each agency has a
4 separate set of policies and rule and regulations as to
5 what individual practices can be applied on those lands.

6

7 So that was the logic, I believe, that
8 the formers of the Environmental Impact Statement used
9 when that recommendation was made to the Secretary and
10 that decision was made.

11

12 Again, I'd kind of compare it to habitat
13 management.

14

15 CHAIRMAN DEMIENTIEFF: I'm wondering if
16 this is something that we may want individual Council
17 Chairs to extend an opportunity to work with Dan a little
18 bit more on the wording of the policy. Maybe take just a
19 slightly longer lunch to allow that to happen and give
20 people a chance to have lunch.

21

22 Does that seem like an appropriate way to
23 deal with this, Ralph?

24

25 MR. LOHSE: Well, Mr. Chair, if you
26 looked at Southcentral comments, we recognize that this
27 is probably the direction it's going to go, we recognize
28 that actually the control and everything is out of the
29 scope of the Board. It's not what we wanted. It's not
30 what we'd like to see. But we recognize it's exactly
31 what we expected.

32

33 The problem, I guess, that I have and
34 like I said before is the fact that we ask people for
35 proposals and then those proposals don't come in front of
36 the Council.

37

38 Now, even if they came in front of the
39 Council and they couldn't be implemented, at least the
40 Council which makes up representatives from the area has
41 a chance to comment on the validity of that proposal to
42 the point where if it does go to a different agency there
43 has been another level of comment on it. It's not just
44 the individual or the tribe or the community that's put
45 the thing in.

46

47 And like I said, I don't see any problem
48 under current Staff and Board at this point in time but I
49 just -- since this was a program that was set up to bring
50 the rural residents into having comment on fish and game

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1 management as it applies to their subsistence needs, I
2 just hate to put another layer of bureaucracy between
3 their proposals and their ability to be heard. And
4 that's where I find my difficulty in it. I don't know if
5 we could sit down and come up with any wording that would
6 be satisfactory for it because we're dealing with a
7 subject that probably has no answer. But at the same
8 time, what we can recognize is at this point in time, at
9 least, people who put proposals in have their chance for
10 their proposals to be heard and the merits looked at.
11 And if the merits aren't there, or if, as we've decided
12 in the past we can't do anything about this problem
13 because it's outside of the scope, they, as a rural
14 resident still have felt that their proposal has been put
15 forward, it has been heard and they're not going to have
16 that same feeling.

17

18 And I don't know how you can address that
19 and still stay within your boundaries. It hasn't been a
20 big problem. We haven't had that many proposals. And
21 like somebody said, the Council has not forwarded any
22 predator control proposals of their own because we
23 recognize the limitations. But the individual rural
24 resident, at least, has a forum through which they can
25 express their concerns or their dissatisfaction with the
26 way things are being handled, and that -- part of that
27 forum is going to be eliminated with this policy.

28

29 Thank you.

30

31 CHAIRMAN DEMIENTIEFF: I think maybe if I
32 can kind of respond to that Ralph, the more I think about
33 it and the concerns that are being raised, part of your
34 RACs job is to be aware of what the concerns are in the
35 region. And for the RAC, at least, not to get the
36 proposals as they are deemed to be outside of our policy,
37 and, you know, one of the things we may think about at
38 least is getting those rejected proposals, at least to
39 get them in your RAC packets during your meeting and that
40 may be something so that you're at least aware of what
41 the concerns are in the region that you're representing
42 and that may go a little bit of ways, at least, to
43 accommodate some of the concerns.

44

45 MR. LOHSE: By having them come to the
46 RAC meeting, at least the RAC, as representatives of
47 rural residents in the region, has a chance to add wider
48 comment and observations to those proposals whether or
49 not they can be acted on, whether or not -- and we'll, a
50 lot of times as a RAC, will recognize that they can't be

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1 acted on, but at least there's an opportunity to get that
2 comment in. That opportunity will be lost.

3

4 MS. GOTTLIEB: Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MS. GOTTLIEB: Along those lines, perhaps
9 if a proposal is returned to someone, this technical
10 advice that could be provided might include that, the
11 proponent would certainly have the option of attending
12 the RAC meeting and at the discretion of the RAC and the
13 Council, make whatever presentation, you also have,
14 hopefully the value added of multi-agency people being at
15 those meetings who could perhaps provide that direct
16 contact with the appropriate agency.

17

18 CHAIRMAN DEMIENTIEFF: John.

19

20 MR. LITTLEFIELD: Thank you, Mr. Chair.
21 I'm looking at a page and a half of policy here that I
22 think can be more simply stated by just stating the
23 obvious, that, the Federal Subsistence Board will not
24 approve any proposals who's sole purpose is predatory
25 control and leave that statement -- that's all you need.
26 And then that doesn't address -- we still get the
27 proposals, they're given to us, but everybody knows that
28 your policy is, if it's strictly predator control, it
29 won't go anywhere, and I think everybody understands
30 that.

31

32 But I still have this problem with not
33 letting people at the grassroots level have their say.
34 Everything should come from the bottom up and that's what
35 I'd like to see.

36

37 Thank you.

38

39 CHAIRMAN DEMIENTIEFF: Thank you. Pat, I
40 think you had your light on, go ahead.

41

42 MR. HOLMES: Mr. Chairman, I think there
43 was some confusion on the part of our RAC. We thought
44 that's what you were developing was a program, and I
45 won't repeat thing but I heartedly concur with my two
46 colleagues here and comments from other folks to this
47 point.

48

49 Thank you, Mr. Chair.

50

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1 CHAIRMAN DEMIENTIEFF: Gerald, I think
2 you had a comment.

3
4 MR. NICHOLIA: Yeah, I hate to say this
5 to you guys but if you don't do nothing really strong
6 you're going to disenfranchise the Fort Yukon region more
7 and more than it already is. It's very hard for me to
8 keep on trying to get them involved in this program and
9 stuff and everything and that's the grassroots level.
10 They're having a problem and it's on subsistence, it's
11 your controlled land and for me to go back to them and
12 say that, yeah, you could submit a proposal and you could
13 hear it but they can't do nothing. I'm not going to say
14 that to them. I'm going to leave that up to you guys to
15 tell them.

16
17 Thank you.

18
19 CHAIRMAN DEMIENTIEFF: Jack.

20
21 MR. REAKOFF: It's almost imperative that
22 these proposals do not be sent back to the proponent,
23 that they go through the RACs. That the RACs can review
24 them so that they're on the record because the last
25 sentence of the policy says that the Board is going to
26 track these to make sure that -- and so if they're sent
27 back and nobody knows what's going on then there's a flaw
28 in this policy.

29
30 And so those proposals have to come
31 before the RAC so that they're on the record and the RACs
32 can make a recommendation to the agencies about those
33 issues and then the Board can track them to monitor
34 actions that are taken by the Board of Game and the
35 appropriate agency. So sending the proposal back to the
36 proponent has a huge flaw in it, actually, negates what
37 this policy is saying.

38
39 CHAIRMAN DEMIENTIEFF: Well, the fact of
40 the matter is, is that we do not have any proposals for
41 the spring meeting. And, I, for one, am certainly
42 prepared to go back and to work on -- because I'm hearing
43 enough concerns, you know, about the proposal from the
44 RACs that I'm certainly willing to go back to the RACs to
45 get, you know, additional comment and try to make the
46 policy a little bit clearer because there is nothing
47 pending that we need to have done by the May meeting
48 anyway.

49
50 So if that is, you know, the case, I'm

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1 certainly willing to do that. I know Gary is working on
2 some language and that gives us all, you know, a chance
3 to rethink it. I mean that's why we keep it, in essence,
4 even though we don't have -- I mean we do have the one
5 letter from AFN, you know, that gives them additional
6 chances if they want to get with their members, but it
7 gives us the added opportunity because we don't want to
8 send conflicting concerns to members of our RACs to areas
9 that they represent. So we do want to be as clear as
10 possible.

11

12 So with that being said, you know, that
13 may be the way to -- I do know we do have a motion to
14 adopt, but certainly hearing the concerns, I would
15 certainly support a motion to defer this policy to the
16 May meeting and have another round with the RACs and try
17 to clear it up.

18

19 Yes, sir.

20

21 MR. TONY: Thank you, Mr. Chairman.
22 Maybe there's a way, if it was deferred for awhile, to
23 redraft it so you adopt the policy but just change the
24 procedure of not allowing the RACs the first chance to,
25 you know, let the proponent know that it's against the
26 policy and I think that's where the real heartburn is, if
27 you just rewrite it so that the procedure isn't to, you
28 know, have somebody -- to eliminate that level of review
29 before you reject the proposal.

30

31 And so I would move to defer until the
32 next meeting.

33

34 CHAIRMAN DEMIENTIEFF: Is there a second
35 to that motion.

36

37 MR. BSCHOR: Actually we have a motion on
38 the table. We have several things we could do, I could
39 withdraw my motion.

40

41 CHAIRMAN DEMIENTIEFF: Yeah.

42

43 MR. BSCHOR: And then he could make that
44 motion if that would.....

45

46 CHAIRMAN DEMIENTIEFF: Yeah, who seconded
47 that motion?

48

49 MR. DITTON: I did.

50

00074

1 CHAIRMAN DEMIENTIEFF: Okay, with that
2 then we will withdraw with the consent of the second, the
3 original motion to adopt, and now we'd be ready for --
4 well, actually we don't even need a motion, we'll just
5 announce that we're going back to the Regional Councils
6 and we're going to take another cut at this.

7
8 Tom was telling me that he certainly is
9 willing to commit the Staff time to -- because Dan's got
10 nothing to do anyway, see, so -- but he's willing to
11 commit the Staff time to go and take another cut at it to
12 try to make it more clear to the Councils.

13
14 So we will just, with the motion being
15 withdrawn, we don't really need to take an action we will
16 just schedule this for the May meeting and have another
17 cut at it.

18
19 So with that, we're going to adjourn,
20 it's what, a little after 12:00 now.....

21
22 MS. GOTTLIEB: It's 12:25.

23
24 CHAIRMAN DEMIENTIEFF: Well, it will
25 probably be 1:30 before we get back in all likelihood
26 because I do know there are several other big meetings
27 going on in town this week. So if we're a little bit
28 late that will be why but give everybody a chance to get
29 lunch.

30
31 Okay, thank you, recess until 1:30.

32
33 (Off record)

34
35 (On record)

36
37 CHAIRMAN DEMIENTIEFF: Okay, something I
38 meant to talk about early this morning. I am deeply
39 concerned about the future of our program and I think the
40 program has done a fine job, but two of the strengths of
41 that program we're going to lose within a month of each
42 other.

43
44 This is a personal presentation. We do
45 have some other stuff that's going to be done and there's
46 been some other things, but a lot of people think Tom
47 here is a super hero, but truth be known to all of us
48 that are familiar with this program, he's had two ladies
49 that have held him up and like I said we're going to lose
50 them both within a month of each other. And this

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1 presentation will just take a minute, I think we've got
2 some other things that are going, but I just wanted to
3 give a couple of little gifts personally because I'm
4 personally concerned about the future of the program, and
5 I'm personally concerned about Tom's future, because he's
6 going to need to get a couple of pins under him.

7

8 (Laughter)

9

10 CHAIRMAN DEMIENTIEFF: And the first one
11 is -- my wife did all this work, by the way, I just get
12 to present it, it's a beaded coin purse, and that's for
13 Peggy, because she's going to be retiring, what, the end
14 of January?

15

16 MS. FOX: Yes.

17

18 CHAIRMAN DEMIENTIEFF: And we won't have
19 a chance to do this, you know, I mean I won't have the
20 chance to do this in a public meeting. And you note that
21 the coin purse is kind of small because after she retires
22 she's going to have to watch her budget a little bit,
23 folks.

24

25 (Applause)

26

27 MS. FOX: That's very nice, thank you.

28

29 CHAIRMAN DEMIENTIEFF: Again, I'd point
30 out that the reason I'm exercising my duties as a Chair
31 to do this is because these are just personal gifts from
32 my wife and I. And Helga is the other one who's done an
33 outstanding job for the program, and I'm sure the Board
34 will thank her but this is personal thanks.

35

36 (Applause)

37

38 CHAIRMAN DEMIENTIEFF: And it's a scissor
39 holder with a pair of scissors because now that she's
40 retiring she's probably going to find a little bit of
41 time to do a little bit more sewing.

42

43 MS. EAKON: Absolutely. Thank you very
44 much.

45

46 CHAIRMAN DEMIENTIEFF: But hopefully
47 we'll be able to find somebody else to keep Tom moving
48 for the rest of the program and things will keep
49 continuing on to move.

50

00076

1 Okay, with that, we'll go ahead into the
2 Subpart C and D, proposals. First, the consent agenda
3 items are as follows.....

4

5 MR. BOYD: Before you do that.

6

7 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry.

8

9 MR. BOYD: They're different on -- you're
10 going to read them anyway, so this is non-consent right
11 here.

12

13 CHAIRMAN DEMIENTIEFF: Right. We're
14 going to go through those individually.

15

16 MR. BOYD: Okay.

17

18 CHAIRMAN DEMIENTIEFF: Right. These are
19 just the consent agenda items. So we'll just go through
20 them and make sure we've got them all:

21

22 FP04-04, 04-08, 04-09, 04-10, 04-11, 04-
23 12, that's in the Bristol Bay area; there's 04-15, Prince
24 William Sound area; 04-19, 04-20, 04-22 and in Southeast
25 04-23 through 27, 04-31, 04-34, 04-38, 04-39; is that the
26 extent of it?

27

28 MR. BOYD: If I may, Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Go ahead.

31

32 MR. BOYD: I also add that some of the
33 agenda materials that we -- that some of the members of
34 the audience have may not reflect the list that Mitch
35 read, what Mitch read is the correct list, just so
36 everyone's aware of that.

37

38 CHAIRMAN DEMIENTIEFF: Okay. Now, as we
39 noted before lunch there are a number of meetings, so
40 we'll ask to get message to the Staff as people sign up
41 to testify, people I've been hearing are getting pulled
42 to different meetings. If anybody needs to be
43 accommodated, if they have a conflicting meeting, we will
44 allow them to testify even if it's out of turn for
45 proposals that maybe are not in front of us at the time.
46 So just so we're -- people are aware of that, like I
47 said, because there are a number of meetings going on
48 around town.

49

50 So maybe Helga, you could get word to let

00077

1 the people know as they're signing up that they can
2 request for out of turn testimony.

3

4 Let me see, we have a briefing on
5 Proposal FP04-08.

6

7 Okay, Jerry, you're going to do that,
8 okay, go ahead.

9

10 MR. BERG: Thank you, Mr. Chairman.
11 Members of the Board. For the record my name is Jerry
12 Berg. I serve as a Staff fishery biologist for the Yukon
13 Northern area and the Seward Peninsula region on
14 regulatory fishery issues.

15

16 Proposal 8 is a consent agenda proposal,
17 however, it's being brought to your attention because
18 part of the recommended action is to also send a letter
19 from the Federal Subsistence Board to the Alaska Board of
20 Fisheries outlining the need to address this issue
21 together in a collaborative effort.

22

23 Proposal 8 was submitted by the Native
24 Village of Fort Yukon and requests that Federal public
25 waters of the Yukon River be closed to the commercial
26 harvest of chinook and chum salmon for six years to help
27 rebuild salmon stocks to provide more subsistence
28 opportunity for upper Yukon River subsistence users and
29 to allow a full chinook salmon life cycle to occur
30 without being subjected to commercial harvest.

31

32 This issue has surfaced partly in
33 response to frustrations from up river subsistence users
34 that their concerns for meeting subsistence needs are not
35 being addressed especially during years with lower salmon
36 returns.

37

38 Attached to this briefing paper is a
39 draft of the letter to the Alaska Board of Fisheries that
40 highlights the importance of the underlying concerns and
41 issues raised by this and other State and Federal
42 proposals. The letter asks that the Chairs of the three
43 Regional Councils along the Yukon River be given a seat
44 on Committee B at the Alaska Board of Fishery meeting
45 this January. This is the committee that will deal with
46 Yukon area salmon proposals, and that the Council
47 representatives be given the same time afforded State
48 Advisory Committee Chairs when testifying to the Board of
49 Fisheries. The letter also cites the conservative
50 management approach used these past few years as a good

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1 on the consent agenda so you might as well address them
2 all right now.

3

4 MR. TUCKER: First of all, I mean I'm
5 very happy that the regional advisors understand our
6 position as subsistence users. I'd like to thank each
7 one of the Chairs of the Regional Councils that see
8 exactly -- understand how we live and that this proposal
9 will begin or will have irreparable damage that will
10 occur to our culture if they are adopted, specifically
11 Proposal 8, 9, and 10. I also am happy that they do
12 understand, along with the Staff recommendation to reject
13 these proposals.

14

15 What we had in mind is that these
16 proposals were going to adversely disrupt our fisheries
17 and the destruction of our culture and all together
18 alienate our markets which support our subsistence way of
19 life.

20

21 And we can look back -- we don't see any
22 danger, immediate danger to the escapements and to any
23 subsistence way of life. If we can look back and read
24 through the Alaska Sustainable Salmon Fishery Policy,
25 first off it states in the aggregate, Alaska fisheries
26 are healthy and sustainable, and that's encouragement for
27 our people at home. And we can also see that each one of
28 you, the State and Federal agencies, with other fisher
29 groups, organizations in Canada has this conservation as
30 primary control as a goal. And this will give us,
31 working together, give us the ability to respond to some
32 of these problem areas that we are going through and
33 which we are meeting today with all the management
34 entities and the managers that we have on both Federal
35 and State side.

36

37 We were also alarmed at the 1998, 2000,
38 2001 and 2002 disasters, but let's look at the JTC
39 report, we can refer to that. They said in their 2002
40 report that they had two consecutive years of good
41 return, and the recent report by the Alaska Department of
42 Fish and Game also states that the 2003 report on the
43 Yukon area chinook and summer chums fishery also reports
44 that 2003 was one of the highest in returns and catch
45 rates and so forth. So both look good to the prospects
46 that we can expect to see in the next six years.

47

48 We don't have enough information and data
49 going back to centuries to show that these may not be
50 abnormal years. We can't say that they are.

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1 And we have other reports that tell us,
2 let's look at one of the reports, the 2002 -- 2000 report
3 from the Alaska Department of Fish and Game, the
4 management report, in part, one statement, it says, it is
5 recognized that aerial estimates are lower than that of actual
6 stream abundance due to weather and water turbidity,
7 timing of surveys with respect to peak spawning, aircraft
8 type, and survey altitudes, experience of both pilot and
9 observer. In addition the peak abundance measured by air
10 surveys is significantly lower than that of total
11 spawning abundance due to die off of early spawners and
12 arrival of fish after the survey.

13

14 What this tells me is that every single
15 year, ever since the process started, that no matter
16 which way you go about it, you go to the spawning ground
17 out of the entire several weeks, you go there in one day
18 and do the survey, you did not -- we did not count the
19 early spawners that came here so those are not -- so how
20 many are there? And also the ones that arrived after the
21 spawner, how much more are there?

22

23 So when we are told that we have a low
24 number of estimates in this particular -- in a particular
25 stream we have to be realistic and say, that, well,
26 that's not a real number, the real number is actually
27 higher than actually estimated. We have to look at that
28 in this real context.

29

30 And I have heard the references to that
31 we have to meet our obligations to the Canadian
32 government with the agreement, but the first section in
33 Chapter 8 it gives -- treaty recognizes the uniqueness of
34 the Yukon River and its salmon fisheries, which meet the
35 maintenance in both the country's -- a viable future on
36 the Yukon River. I think what I'm understanding clearly
37 here is that the agreement itself also recognizes that
38 they will not disrupt my fishers and their fisheries
39 because they both are so important to each one of us
40 here.

41

42 And so we'd like to keep this in mind
43 that although we have -- maybe one more report here, when
44 we look back the United States and Canada Yukon River
45 Technical Joint Committee has a statement for their 2002
46 technical report. It says the escapement abundance for
47 the Yukon River chinook salmon was assessed as average or
48 better for the second consecutive year in 2002.

49

50 So we cannot really see what the next six

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1 years will hold. So I think what we need to do is look
2 at each year as it comes and we have enough tools, both
3 on the Federal and State sides and with the user groups
4 and abundance of input that we can determine for that
5 year how the fish will be assessed and how will it be
6 responded to.

7

8 And I'd like to thank you for this
9 opportunity to speak with you. Thank you, very much.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. I
12 should have pointed out at the beginning that, of course,
13 the Staff Committee recommendation on the consent agenda
14 is to reject all, 8, 9 and 10, and unless you totally
15 disagree with the rejection of those then I'd kind of ask
16 you to keep your testimony limited unless you want to
17 make an argument for that to get off the consent agenda.
18 But I thank you very much.

19

20 Nick Turner, Jr., or Tucker, I'm sorry.

21

22 MR. TUCKER: Mr. Chairman, I'll be with
23 my son, this is the first time.

24

25 MR. TUCKER: Mr. Chairman, and Board, I
26 am Nick Tucker, Jr., from Emmonak. This is my first time
27 saying anything anywhere. I fish and hunt for my parents
28 and other people who need food in my village.

29

30 I understand people are trying to cut
31 down fishing to get our food. I also understand they are
32 trying to close our commercial fishing for six years. I
33 don't understand how everything works, but I know both of
34 these are going to hurt the people at home real bad.

35

36 The thing is how do you expect people to
37 have enough food when you take their fishing away? How
38 are you going to fish and hunt with hardly any gas and
39 motor oil? How are we going to get parts for our
40 snowmachine and motors to fish and hunt? How will we get
41 grub for going out moose hunting? We will not even have
42 a way of getting shells for bird hunting. If we can't
43 get these, how will my parents and the old people at home
44 eat? Many of us young people don't have any jobs, how
45 are we going to get a house and other things we really
46 need?

47

48 We keep hearing there is enough fish for
49 everyone, what's going on? All you experts get together
50 and help us young people out, taking our fishing time and

00082

1 hurting us don't make no sense.

2

3 Parents tell us not to fight, what are
4 you guys doing? Can you guys sit down and talk things
5 over? We learn from our parents and our older people how
6 to take care of everyone that needs help.

7

8 This is going to be taking away and don't
9 make no sense.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Again,
14 I point out that these are on the consent agenda for
15 rejection. So if you have a statement maybe that you
16 want us to adopt a proposal, then, you know, that's the
17 kind of testimony we'd be looking for because they are
18 going to be rejected if they remain on the consent
19 agenda.

20

21 Dorothy Tucker, please.

22

23 MR. TUCKER: Mr. Chairman, Dorothy Tucker
24 is my wife and she just went up to the hospital, and she
25 asked me to just give you her -- what she wrote to you.
26 It may not be exactly the way you want it but that's the
27 way she wanted it.

28

29 Hello, my name is Dorothy Tucker, mother
30 of 12 and a grandmother. I am from Emmonak. I learned
31 to take care of a family at 19 years old when I married
32 my husband. We women take care of our husbands -- what
33 our husbands bring home from hunting and fishing. This
34 food is much fresher than the packaged fish and the meat
35 we get by airplanes. There have been times when my
36 family had to go without hardly any food for days. Fresh
37 fish, birds and meat from our land and rivers saves our
38 lives. I can see men in our village get much of their
39 hunting and fishing stuff with commercial fishing money.
40 Our kids get their school and winter clothing with
41 fishing money.

42

43 You know that if you take our commercial
44 fishing away for six years we will have nothing, I know
45 for sure. Nothing to eat, no clothes for my kids, no
46 money to fix the motors and I know that God did not put
47 fish and animals for us to fight over.

48

49 Thank you.

50

00083

1 CHAIRMAN DEMIENTIEFF: Thank you. Billy
2 Charles and Norm Cohen on Proposals 9 and 10.

3
4 UNIDENTIFIED VOICE: (Speaking from
5 audience, away from microphone)

6
7 CHAIRMAN DEMIENTIEFF: That is on the
8 consent agenda to be rejected.

9
10 UNIDENTIFIED VOICE: (Speaking from
11 audience, away from microphone) on the consent agenda,
12 too?

13
14 CHAIRMAN DEMIENTIEFF: To be rejected,
15 yes, sir.

16
17 UNIDENTIFIED VOICE: Okay, that's fine,
18 we don't need to.

19
20 CHAIRMAN DEMIENTIEFF: Okay, thank you
21 very much. Okay, with that we will continue on with
22 Proposal FP04-02. Jerry, is that you -- okay, Jerry.

23
24 MR. BERG: Thank you, Mr. Chairman.
25 You'll find Proposal 04-02 in your blue covered book
26 starting on Page 15.

27
28 Proposal 2 was submitted by Mr. Richard
29 Burnham from Kaltag and requests that regional
30 modifications to the -- and requests regional
31 modifications to the customary trade regulations. His
32 proposal would prohibit the customary trade of salmon in
33 the Yukon River drainage any time a salmon stock is
34 determined by the Alaska Board of Fisheries to be a
35 management or biological stock of concern.

36
37 Mr. Burnham feels that his proposed
38 changes would provide protection for salmon, would
39 provide a reasonable opportunity for subsistence users
40 when there are conservation concerns and would limit the
41 sale of subsistence caught salmon.

42
43 Yukon River chinook, summer and fall chum
44 salmon were identified as stocks of concern by the Alaska
45 Board of Fisheries in September of 2000. These
46 determinations are being reviewed again this year as part
47 of the AYK Board of Fish cycle.

48
49 Adopting this proposal would
50 unnecessarily restrict subsistence users in the Yukon

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1 River drainage by not recognizing the subsistence
2 priority afforded under Title VIII of ANILCA. Although a
3 fish stock may be designated as a stock of concern,
4 commercial, subsistence and sport harvest may all occur
5 in any given year depending on that year's assessment of
6 run strength and projected escapement.

7
8 Under this proposal commercial, sport and
9 personal use fisheries could all remain open while a
10 specific subsistence use such as customary trade would be
11 restricted. Prohibiting customary trade when a stock is
12 designated as a stock of concern would ignore the
13 variations in run strength in any single year. During
14 any year salmon returns may be large enough to provide
15 for harvestable surpluses by multiple user groups while
16 the fish stock is still designated as a stock of concern.

17
18 In-season managers currently have the
19 authority to restrict subsistence uses during the season
20 in order to conserve stocks, when necessary.

21
22 Mr. Chair, that concludes my
23 presentation.

24
25 Thank you.

26
27 CHAIRMAN DEMIENTIEFF: Written public
28 comments. Vince.

29
30 MR. MATHEWS: Yes, Mr. Chairman. I'm
31 Vince Mathews, Regional Coordinator for Eastern Interior
32 and Western Interior.

33
34 There was one written public comment. It
35 was from the Tanana, Rampart, Manley Local Fish and Game
36 Advisory Committee. They oppose this proposal. The
37 committee expressed concern that the proposal is trying
38 to limit what they do with their subsistence fish.

39
40 Those are all the written comments that I
41 know of, Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Thank you. We
44 have no additional request for public testimony at this
45 time. Regional Council recommendations.

46
47 Gerald.

48
49 MR. NICHOLIA: Thank you, Mr. Chair. The
50 Western, the Eastern and the YK-Delta in Wasilla

00085

1 unanimously opposed this proposal. And that we believe
2 that the management -- at that time we believed that it
3 didn't -- it would adversely affect the subsistence user
4 trying to put -- trying to get a little gas money or
5 other provisions that they would need in a fish camp.
6 And I don't think this should add -- we didn't think that
7 it should lead to any more regulations that you already
8 put on us.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. Any
11 other Regional Council comment.

12

13 MR. WILDE: Mr. Chairman, Yukon-Kuskokwim
14 Delta Advisory Council unanimously oppose the proposal at
15 that three Council meeting.

16

17 Customary trade is important to the
18 people of each of the respected regions and many maybe
19 practice different in each region. This proposal would
20 impose more restrictions and additional hardship to the
21 subsistence user. Regulations shouldn't stop what has
22 been taking place for a long time in each region. The
23 customary trade should also be recognized by the State of
24 Alaska.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Any
27 other Regional Council comment.

28

29 MR. REAKOFF: Mr. Chairman.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MR. REAKOFF: Jack Reakoff representing
34 Western Interior. We discussed under customary trade
35 deliberations whether not allowing customary trade during
36 stocks of concern and our Council had decided previously
37 that customary trade was not a significant problem and
38 should not be eliminated so we eliminated that language
39 from our discussions to the Board.

40

41 The Western Interior is opposed to this
42 proposal because we still feel that customary trade is
43 not a significant problem at this time, and that the
44 subsistence users would have more of a hardship.

45

46 Thank you.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Any
49 more.

50

00086

1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: Staff Committee.

4

5 MR. SIMMONS: Thank you, Mr. Chair.

6 Board members. Council Chairs. To refer you to Page 17

7 of your Board book that has the Inter-agency Staff

8 Committee recommendation, which is to reject this

9 proposal consistent with the recommendations of the

10 Yukon-Kuskokwim Delta, Western Interior and Eastern

11 Interior Subsistence Regional Advisory Councils.

12

13 Restricting customary trade of
14 subsistence fish, while State commercial and sport

15 fisheries are in effect would not recognize a subsistence
16 priority afforded under Title VIII of ANILCA. It is

17 important to note that all subsistence uses are subject

18 to equal priority over non-subsistence uses. Congress

19 did not intend to distinguish between types of

20 subsistence uses when it established the subsistence

21 priority under ANILCA.

22

23 In more recent years, salmon returns to
24 the Yukon River have been of sufficient size to provide

25 for both subsistence and non-subsistence uses. If a

26 conservation concern does arise for a particular year,

27 partial or complete harvest closures first apply to non-

28 subsistence fishing would be a more effective course of

29 action.

30

31 Thank you, Mr. Chair,

32

33 CHAIRMAN DEMIENTIEFF: Thank you.

34 Department comments.

35

36 MS. SEE: Thank you, Mr. Chair. My name

37 is Marianne See. The Department recommends that the

38 Federal Subsistence Board defer this proposal.

39

40 We continue to have the same concerns
41 with customary trade of fish that were raised during the

42 last subsistence fisheries regulatory meeting, and in our

43 request for reconsideration to the Board. We generally

44 do not believe that the administrative record supports

45 the implied finding that the levels of customary trade

46 that are allowed under current regulations are customary

47 or traditional.

48

49 While maintaining and preserving these

50 objections, we also offer the following comments about

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1 this particular proposal.

2

3

4 We have previously noted that Federal
5 regulatory provisions should account for documented
6 characteristics of regional customary trade practices.
7 The analysis for this proposed regulation does not
8 provide sufficient evidence about customary trade
9 practices in the Yukon River drainage that would provide
10 a specific regulatory approach. Thus, we recommend that
11 such information be obtained before any regulatory
12 action. If relevant information becomes available we
13 would reassess this proposal.

13

14

15 The State currently does not have a
16 customary trade provision in the Yukon River drainage,
17 nor has the Alaska Board of Fisheries received any
18 requests for authorization of customary trade of fish in
19 this area.

19

20

Thank you.

21

22

23

CHAIRMAN DEMIENTIEFF: Thank you. Any
other Regional Council comment.

24

25

(No comments)

26

27

CHAIRMAN DEMIENTIEFF: Board discussion.

28

29

(No comments)

30

31

CHAIRMAN DEMIENTIEFF: Board action.

32

33

MR. EDWARDS: Mr. Chairman.

34

35

CHAIRMAN DEMIENTIEFF: Gary.

36

37

38

39

40

41

42

43

44

MR. EDWARDS: I move that we reject this
proposal as recommended by the three Councils. Clearly
customary trade is something that is provided for under
ANILCA and to try to separate this from other subsistence
uses while still allowing other uses to continue
certainly would seem to me is contrary to what ANILCA was
trying to say into Title VIII, and, therefore, I think we
should reject the proposal.

45

46

MR. DITTON: Second.

47

48

49

CHAIRMAN DEMIENTIEFF: It's been moved
and seconded.

50

00088

1 MS. GOTTLIEB: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MS. GOTTLIEB: I certainly agree with
6 comments made about our obligations and mandates under
7 ANILCA and also wanted to comment that this proposal
8 would not make any provision for variations in an annual
9 run strength. So, likewise, doesn't make sense to me.
10 So I will vote to oppose the proposal.

11

12 CHAIRMAN DEMIENTIEFF: Yes. I intend to
13 also, for the simple reason -- you know, while the State
14 would have us defer, I don't, you know, it's clear that
15 the rest of the world is lined up to reject the proposal
16 and I just as soon get it off of our books as opposed to
17 deferring it. And, again, noting the fact that the way
18 our regulatory cycle works, this can come up again, just
19 in the next regulatory cycle, just a year away. So
20 there's no -- I can see no reason to defer it and keep it
21 on our books when it can come up again with a simple act
22 of a pen to propose -- or to make the proposal come up
23 again, simple as that.

24

25 Any other discussion.

26

27 (No comments)

28

29 CHAIRMAN DEMIENTIEFF: Hearing none, all
30 those in favor of the motion, please signify by saying
31 aye.

32

33 IN UNISON: Aye.

34

35 CHAIRMAN DEMIENTIEFF: Those opposed,
36 same sign.

37

38 (No opposing votes)

39

40 CHAIRMAN DEMIENTIEFF: Proposal 04-02 has
41 been rejected.

42

43 04-03.

44

45 MR. BERG: Mr. Chairman, you can find the
46 Staff analysis for Proposal 04-03 starting on Page 27 in
47 your books.

48

49 Proposal 3 was submitted by the Yukon
50 River Drainage Fisheries Association and requests

00089

1 regional modifications to the customary trade
2 regulations. YRDFA feels that deleting reference to eggs
3 would fit the customary and traditional practices on the
4 Yukon River and would allow enforcement to prevent
5 abuses. The proponent also states that the proposed
6 changes would make it clear that the sections referring
7 to fisheries businesses do not apply to commercial
8 fisheries permit and crew license holders.

9

10 YRDFA supports fish eggs as part of
11 customary trade but recognizes the inflammatory nature of
12 subsistence caught roe sales and any wording of roe sales
13 in regulatory language. They support the sale of eggs as
14 a customary trade activity only if it does not become a
15 large business activity like in years past and believe
16 that customary trade of fish eggs can be authorized under
17 the regulatory wording, fish or their parts.

18

19 Adoption of this proposal would not
20 change the meaning of the current regulations but would
21 make it more vague and could lead to confusion. Removal
22 of the phrase or their eggs would lessen the inflammatory
23 and emotional response associated with salmon egg sales
24 in the Yukon River drainage, however, customary trade of
25 fish eggs would still be legal since fish eggs would be
26 included under the proposed language, fish or their
27 parts.

28

29 The proponents other request is to
30 clarify the individuals who hold commercial permits or
31 crew licenses may engage in customary trade of fish.
32 This is currently allowed in the statewide customary
33 trade regulations which state that customary trade is not
34 allowed by licensed fisheries businesses or Alaska
35 businesses as part of their business transactions.
36 Therefore, commercial permit and crew license holders can
37 participate in customary trade as long as it's done
38 outside of their business transactions. Commercial
39 limited entry permit holders are also not considered
40 fisheries businesses as defined under Alaska statutes.

41

42 So clarifying that a commercial permit or
43 a crew license holder can engage in customary trade
44 through a formal regulatory change is unnecessary,
45 however, the Office of Subsistence Management will add
46 this clarification to the statewide customary trade
47 regulations through an administrative action.

48

49 Mr. Chair, that concludes my
50 presentation.

00090

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Written public comments.

5

6 MR. MATHEWS: Yes, Mr. Chairman. The
7 Tanana, Rampart, Manley Local Fish and Game Advisory
8 Committee reviewed this proposal and they support the
9 proposal. The committee, while it's in favor to support
10 the original proposal as submitted by the Yukon River
11 Drainage Fishery Association on customary trade. The
12 committee discussed the intent of the proposal and the
13 changes of the proposal by the Office of Subsistence
14 Management Technical Review Staff when including it in
15 the regulatory proposal booklet.

16

17 Mr. Chairman, that's all the written
18 comments that I'm aware of.

19

20 CHAIRMAN DEMIENTIEFF: Regional Council
21 recommendations.

22

23 MR. NICHOLIA: Mr. Chair.

24

25 CHAIRMAN DEMIENTIEFF: Gerald.

26

27 MR. NICHOLIA: I don't know how many
28 times since customary trade came around that we tried,
29 for the Eastern Interior region, anyway, due to the
30 decline in chum salmon about the eggs, how derogatory and
31 stuff it is to us, because it created illegal sales in
32 our region.

33

34 We supported taking eggs out three or
35 four times and it was put back in for our region. So I'm
36 going to say this customary trade thing has got to be
37 region specific.

38

39 Okay, that's enough.

40

41 I'm going to say another thing for you
42 Board members, anything the State says, anything that's
43 going to happen on the January meeting, don't defer
44 anything, don't table anything that you can't do
45 yourselves. You have the authority, you have the means
46 to make your own decisions. Don't follow the coattails
47 of the State when you do these other proposals.

48

49 Thank you.

50

00091

1 CHAIRMAN DEMIENTIEFF: Thank you. Yeah,
2 I was busy reading material and all of a sudden I
3 realized that I overlooked public testimony so before we
4 hear the other Regional Council recommendations, we have
5 Jill Klein who asked to testify.

6
7 MS. KLEIN: Good afternoon, Mr. Chair.
8 Members of the Board. Regional Council members. My name
9 is Jill Klein. I'm executive director of the Yukon River
10 Drainage Fisheries Association also known as YRDFA.

11
12 YRDFA created this proposal in Kotlik at
13 our annual meeting in the spring of 2002 shortly after
14 the customary trade regulation had been created.
15 According to the document that we took action on we had
16 wanted to remove the specific word, eggs, due to the
17 inflammatory nature of the word for many people on the
18 Yukon River. We had thought that eggs would be covered
19 by the language of their parts.

20
21 In addition to this change, we did not
22 want crew member license or commercial permit holders to
23 be excluded from participating in customary trade.

24
25 Subsequently we learned that our original
26 proposal had not been published correctly in the Federal
27 Subsistence Proposal booklet. Discussions then took
28 place between YRDFA Staff and YRDFA Board members along
29 with the Federal Staff that were trying to understand the
30 intent of our proposal. We had asked for an errata sheet
31 that was eventually published with our original language.
32 We feel that after this experience and having the Federal
33 Staff working on the proposals, that we would like to ask
34 that they don't change the wording of public proposals in
35 an effort to interpret them.

36
37 YRDFA, has since read the Staff
38 recommendation which seems to have some contradictory
39 statements regarding the legibility to enforce the
40 trading or selling of eggs. One statement says that it
41 would lead to -- that it would be more vague and lead to
42 confusion, while another sentence does state that
43 enforcement wouldn't change.

44
45 Regarding the crew and commercial
46 permits, the Staff also explained that these permits
47 aren't considered Alaska businesses, and that it will be
48 handled administratively which we are still a bit unsure
49 as to what that means. Still unclear is if a local
50 fisherman who has a \$50 business license for any other

00092

1 reason, such as being a tour guide or buying commercial
2 dog food or running any other kind of business, if they
3 can engage in customary trade.

4

5 Due to the process that YRDFA has
6 encountered while working on our proposal and trying to
7 make changes to the customary trade regulation, we are
8 actually now going to oppose our proposal.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Is
13 there any questions.

14

15 MR. EDWARDS: I understood then you say
16 you're opposing your proposal?

17

18 MS. KLEIN: (Nods affirmatively)

19

20 CHAIRMAN DEMIENTIEFF: Okay. Any other
21 Regional Council comment.

22

23 MR. WILDE: Mr. Chairman.

24

25 CHAIRMAN DEMIENTIEFF: Yes, Harry.

26

27 MR. WILDE: Yukon-Kuskokwim Regional
28 Advisory Council oppose Proposal 3 by the vote of 6-5 to
29 support the Staff recommendation to oppose the Proposal
30 3, and expressed concern about the potential of abuse by
31 juvenile fishers. Passing of this proposal could result
32 in the wanton waste of salmon.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. Jack.

35

36 MR. REAKOFF: Mr. Chairman. Western
37 Interior Regional Council felt that this -- opposed this
38 proposal. They felt that this was not a problem in our
39 region at this time and we rejected this proposal.

40

41 CHAIRMAN DEMIENTIEFF: Thank you. Staff
42 Committee.

43

44 MR. SIMMONS: Thank you, Mr. Chair.
45 Board members. Council Chairs. I'll refer you to Page
46 29 of the Board book. The Inter-Agency Staff Committee
47 recommends rejecting this proposal as recommended by the
48 Yukon-Kuskokwim Delta and Western Interior Subsistence
49 Regional Advisory Councils.

50

00093

1 Removing reference to fish eggs from the
2 current customary trade regulations would not provide any
3 change to what is currently allowed. The Staff Committee
4 understands the sensitivities within certain Yukon
5 communities surrounding the sale of salmon eggs but
6 believes adding clarity to allowances under Federal
7 subsistence regulations, especially concerning customary
8 trade is an important regulatory standard to uphold.
9 Limiting wording to reference only fish parts makes the
10 intent of this provision somewhat vague.

11
12 It is the Inter-Agency Staff Committee's
13 understanding that the portion of this proposal
14 concerning limited entry permit holders does not require
15 Federal Subsistence Board action and can be accomplished
16 through an administration clarification. Commercial
17 limited entry permit holders are not defined as fisheries
18 businesses under State Statute and may engage in
19 customary trade under Federal regulations.

20
21 Thank you, Mr. Chair.

22
23 CHAIRMAN DEMIENTIEFF: Thank you.
24 Department comments.

25
26 MR. SEE: Thank you, Mr. Chair. Given
27 that the proponent does not support this, I'm not sure
28 what standing it has actually.

29
30 But our comments, as we understood that
31 the proposal was, in fact, supported by the proponent
32 were identical to those offered for the preceding
33 proposal, that we had recommended deferring -- that the
34 Board defer this for the same reasons.

35
36 Those are our comments, thank you.

37
38 CHAIRMAN DEMIENTIEFF: Thank you. Any
39 other Regional Council comment.

40
41 (No comments)

42
43 CHAIRMAN DEMIENTIEFF: We'll advance this
44 to Board discussion.

45
46 (No comments)

47
48 CHAIRMAN DEMIENTIEFF: If there's none
49 we're ready for an action.

50

00094

1 MS. GOTTLIEB: Excuse me.

2

3 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,
4 Judy, go ahead.

5

6 MS. GOTTLIEB: Mr. Chair. Well, I guess
7 I have a question on how that administrative
8 clarification would take place in terms of being more
9 explicit about what limited entry permit holders can and
10 can't do.

11

12 CHAIRMAN DEMIENTIEFF: Jerry.

13

14 MR. BERG: Yes, Mr. Chair. Ms. Gottlieb.
15 My understanding is that an administrative correction to
16 the regulations will be made that's very similar to the
17 proposed language submitted by YRDFA regarding the
18 commercial limited entry and crew license holders, that
19 that phrase, that they be excluded from that, just as a
20 clarification will be added to the regulations.

21

22 I don't know if that exact wording is
23 going to be used but something very similar.

24

25 CHAIRMAN DEMIENTIEFF: Any other
26 discussion.

27

28 (No comments)

29

30 CHAIRMAN DEMIENTIEFF: If not, we're
31 ready for an action.

32

33 MR. EDWARDS: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MR. EDWARDS: I move that we reject this
38 proposal as recommended by both the Western and the
39 Yukon-Delta Regional Advisory Council, and, now, also as
40 recommended by the proponent of the proposal. And I do
41 think that we do have to be careful any time in our law
42 enforcement language that we try to have as much clarity
43 as we can. And certainly I think one could argue that
44 parts would include eggs, but just as easy I think others
45 could argue that parts do not include eggs and,
46 therefore, I think we should reject the proposal.

47

48 CHAIRMAN DEMIENTIEFF: Is there a second
49 to the motion.

50

00095

1 MR. DITTON: Second.

2

3 CHAIRMAN DEMIENTIEFF: Discussion on the
4 motion.

5

6 (No comments)

7

8 CHAIRMAN DEMIENTIEFF: Hearing none, all
9 those in favor of the motion to reject Proposal FP04-3
10 please signify by saying aye.

11

12 IN UNISON: Aye.

13

14 CHAIRMAN DEMIENTIEFF: Those opposed,
15 same sign.

16

17 (No opposing votes)

18

19 CHAIRMAN DEMIENTIEFF: Motion carries.

20

21 MS. GOTTLIEB: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MS. GOTTLIEB: If I could, just two short
26 comments. We've heard a couple times, again, the
27 importance of how each Council might want to propose
28 specific customary trade regulations and I think this
29 goes along with that discussion, so I guess my comment
30 would be we look forward to those proposals.

31

32 And secondly, I think it's unfortunate
33 that YRDFA felt that this was not a productive discussion
34 or interaction as they were putting forward their
35 proposal and maybe we can work together for smoother
36 coordination next time.

37

38 Thank you.

39

40 CHAIRMAN DEMIENTIEFF: Thank you.

41 Proposal No. 5.

42

43 MR. BERG: Thank you, Mr. Chairman.

44 Proposal 5, the analysis starts on Page 55 in your book.

45 Proposal 5 was submitted by the Western Interior Regional
46 Council.

47

48 Their original request was to allow
49 subsistence fishermen to use drift gillnets in
50 Subdistricts 4B and 4C downstream of the Yuki River with

00096

1 basically the same net and date restrictions that are
2 currently allowed in Subdistrict 4A.

3

4

5 However, at the Western Interior
6 Council's meeting in Wasilla they modified their support
7 for the proposal to restrict subsistence drift gillnets
8 in 4B and 4C to not more than seven inch stretch mesh and
9 35 meshes in depth. This modification was made after the
10 other two Regional Councils had already taken action on
11 the original proposal during the Tri-Council meeting.

12

13 This issue has surfaced mainly from
14 concerns by residents of Koyukuk that have reported that
15 the area near their village is being overcrowded with
16 fishermen. Currently drift gillnetting is allowed to
17 harvest salmon for subsistence in the lower 500 miles of
18 the Yukon River from the mouth up stream to the
19 Subdistrict 4A boundary. You can see on the map, Map 2,
20 that the upper Subdistrict 4A boundary is just up stream
21 of the confluence with the Koyukuk River.

21

22

23 The Federal waters impacted by this
24 proposal are only within the northern unit of the Innoko
25 National Wildlife Refuge, and so this proposal, if
26 adopted, would expand the use of drift gillnets for
27 Federally-qualified subsistence users to an additional 16
28 miles further up stream to near the village of Galena.

28

29

30 There's a similar proposal that will be
31 addressed by the Alaska Board of Fisheries next month.
32 However, the State proposal will address waters from the
33 District 4A boundary up to the Yuki River, which is about
34 an additional 25 miles up stream of Galena.

34

35

36 The three communities primarily affected
37 by this proposal are Koyukuk, Galena and to a lesser
38 extent Ruby. As you might expect most residents of
39 Galena and Ruby use set gillnets and fishwheels near
40 their communities while some people do travel downstream
41 to fish with drift gillnets in Subdistrict 4A. Koyukuk
42 residents mostly fish close to their village where drift
43 gillnets are allowed, but as mentioned many feel the area
44 is becoming overcrowded with fishermen.

44

45

46 To add more constraints to this area, the
47 subsistence fishing schedule in Subdistrict 4A allows for
48 two 48-hour fishing periods per week. Only six hours of
49 which fall within the weekend. This is added to the
50 concerns of overcrowding of fishing areas near Koyukuk
especially on evenings and on Sundays, when the fishing

00097

1 schedule is open during normal working hours.

2

3

4 In December 1976, the Alaska Board of
5 Fisheries prohibited the use of drift gillnets for
6 subsistence uses in the upper Yukon area, which included
7 Subdistricts 4, 5 and 6 -- or Districts 4, 5 and 6. The
8 Alaska Board of Fisheries discussion at that time
9 indicated that the possible -- indicated that there could
10 be a possible increase in the use of drift gillnets which
11 would seriously impact both the conservation and
12 allocation of Yukon salmon stocks which were being
13 harvest at maximum levels by commercial and subsistence
14 users. District 4 was then subdivided in 1979, but drift
15 gillnets were not allowed back into use until 1982 and
16 then only for Subdistrict 4A.

16

17

18 Similar proposals have been brought
19 before the Alaska Board of Fisheries in most years in
20 which AYK proposals have come up since the 1980s
21 basically with similar requests to this one. In 1994,
22 the Alaska Board of Fisheries asked if drift gillnet gear
23 was needed in order to provide for adequate opportunity.
24 At that time it did not appear necessary and the Board of
25 Fisheries stated that the Department could allow increase
26 time for subsistence fishing with other gear types by
27 emergency order as an alternative if subsistence needs
28 were not being met.

28

29

30 Drift gillnets have been used in the
31 upper Yukon River, although the literature does not
32 indicate to what extent. Prior to motors being
33 available, drift gillnets were reported to have been
34 deployed out from a canoe or held between two canoes on
35 the main river by Koyukon people. There have also been
36 more recent accounts of drift gillnets used in the upper
37 river, but they suggest that drift gillnets were not
38 widely used. There have also been reports that drift
39 gillnets are not traditional gear in Subdistricts 4B and
40 4C.

40

41

42 During the 1950s, 60s and 70s drifting
43 gillnets from the side of a floating skiff became a
44 method used by some but it's not known to what extent in
45 the upper river. Drift gillnets have been regulated out
46 of use in up stream of Subdistrict 4A for the past 27
47 years.

47

48

49 The proposal, if adopted, would provide a
50 more efficient gear type to harvest salmon in a portion
of Subdistricts 4B and 4C. The prohibition to use drift

00098

1 gillnets for 27 years could be part of the reason why
2 many subsistence users in the proposed area do not
3 recognize it as a traditional method to harvest salmon.

4

5 The proposal area is a short span of
6 Yukon River within Federally managed waters and could
7 lead to a difference in regulations from that of the
8 State.

9

10 Currently, people who live in Galena must
11 travel to Subdistrict 4A to use drift gillnets, however,
12 the time and fuel cost involved with traveling to
13 Subdistrict 4A is a barrier for some. If this proposal
14 is adopted, people will be able to travel to drift net
15 sites nearer to their homes, require less time to get to
16 the site, less gasoline and less coordination with their
17 neighbors to use set gillnet sites.

18

19 There have been some concerns raised that
20 allowing this gear type to expand up river could lead to
21 increased harvest and/or increased harvest of larger
22 female salmon. However, it would also be possible to
23 limit all users by limiting the time allowed to fish for
24 salmon by area if needed as has been done through past
25 management actions.

26

27 Some people are also concerned that
28 subsistence uses are not being afforded this additional
29 opportunity while commercial fishing is allowed to
30 continue. Yet, others are concerned that if this method
31 is allowed in Subdistrict 4B and 4C that it will only be
32 a matter of time before other users further up river also
33 submit proposals to allow drift gillnetting for
34 subsistence uses in their area.

35

36 The proponent has recommended adding two
37 conservation measures after hearing concerns raised that
38 salmon harvest may increase and that more larger fish may
39 be taken in the middle part of the river channel.

40

41 The proponent has recommended that
42 subsistence drift gillnets be no more than seven inch
43 mesh, and no more than 35 meshes deep.

44

45 Currently, there are no limits on mesh
46 size or depth of subsistence drift gillnets in the Yukon
47 during king salmon fishing seasons.

48

49 If adopted, as modified, this would be
50 the most conservative regulation in place for subsistence

00099

1 use of drift gillnets on the Yukon River and would not
2 likely impact the larger fish many people believe travel
3 in the deeper channels of the river.

4

5 Mr. Chair, that concludes my
6 presentation.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Written public comments.

12

13 MR. MATHEWS: Yes, Mr. Chairman. This
14 proposal did bring in quite a few written public comments
15 so I'll be speaking from Page 59 and 60 from your
16 analysis.

17

18 Basically there was 14 written comments
19 submitted in support, they were from Galena residents.
20 Their main points were that they wanted reasonable access
21 to fish in their area. Safety concerns about the long
22 distances they have to travel to fish down in 4A. They
23 also echoed what was already mentioned about the cost of
24 gasoline and burden that traveling those distances have
25 on them.

26

27 There was on in support with
28 modification, I should say with reservation, excuse me,
29 and that was from Sidney Huntington. And in respect to
30 Sidney, I summarized it as best I could on Page 60. He's
31 not against drifting for king salmon for subsistence use
32 but drifting for salmon was not a historical method of
33 fishing on the Yukon River. Fish traps and dipnets were
34 the only means to catch king salmon until the
35 introduction of fish nets. The bigger and deeper nets
36 are catching larger kings while letting the smaller fish
37 pass. Drifting with shallower nets with eight inch or
38 less mesh size will help escapement of salmon but why
39 make a regulation unless they are enforced. Harvest at
40 the mouth of the Yukon River is closed to harvest
41 preventing people who historically made a major part of
42 their livelihood commercial fishing. Only now there has
43 been opened a new avenue selling king salmon with no
44 controls on this so-called subsistence harvest.

45

46 I interpreted that to be customary trade
47 and I confirmed that with him when I met with him
48 personally.

49

50 The abuse of the sale of fish could

00100

1 someday be a doom of the king salmon in the Yukon River.

2

3

4 Also during the Tri-Council meeting in
5 Wasilla, a representative of Ruby Local Fish and Game
6 Advisory Committee spoke on this proposal and he felt
7 that the proposal would not expand fishing pressure and
8 it would provide easier access as well as spreading out
9 the fishing pressure.

10

11 Mr. Chairman, if there's questions about
12 the written comments, we do have copies of them here.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Thank you. We
17 have one request for public testimony at this time.
18 Gilbert Huntington.

19

20 MR. HUNTINGTON: Thank you, Mr. Chair.
21 I'll take off my Yukon River Drainage Fisheries hat and
22 come as an individual here.

23

24 Sidney is my dad as some of you know. I
25 come to you today in opposition of this proposal. Having
26 said that I'm probably the only one from Galena that's in
27 opposition to it. Well, maybe not the only one but the
28 only one that's going to speak up against it.

29

30 I am for sure far better informed than
31 the average individual fishermen in Galena or that area.
32 I'm a member of the Yukon River Panel, I just came from
33 that meeting just now and we're discussing the fisheries
34 issues on the Yukon and rehabilitation and enhancement
35 issues as well as the management projects. Now, I've
36 been at this for quite a number of years, at least a
37 dozen years and it's been, you know, my perception anyway
38 of the fishing activity on the Yukon, especially that
39 area, being from Galena, growing up in that area, I've
40 seen what's happened over the years.

41

42 Now, yes, there is a lot of subsistence
43 activity using drift gillnets by people from Galena and
44 others down to the Koyukuk area where it's open for drift
45 gillnet. I've yet to see or hear complaints by
46 individuals that their subsistence needs have not been
47 met because of these other individuals from the Galena
48 area moving to fish down there. What I am afraid of,
49 expanding the drift gillnetting anywhere on the Yukon is
50 the increased catch, and I know it will happen. I've

00102

1 we're scrambling, trying to keep track of not only the
2 harvest of the Yukon, the chinooks and chums that are
3 bound for Canada, what we're trying to assure that we
4 have border passage to meet escapement needs and the
5 harvest needs in Canada. This is getting harder and
6 harder every year. Now, we have no choice over the long-
7 term, given the dynamics of the population, the
8 subsistence needs of everyone on the river, the harvest
9 that's going to happen in the future, subsistence
10 harvest, there is no choice but for that harvest to come
11 from the commercial fisheries, which is okay. But I
12 cannot see an increased subsistence harvest which is
13 actually a commercial harvest, an illegal commercial
14 harvest displacing a long established commercial harvest
15 elsewhere, legal commercial harvest. That is a very
16 dangerous -- much danger in my mind because I've seen it.
17

18 I see it year after year. Everyone turns
19 a blind eye to it but it's there. I'm not against people
20 making money, for making a living. But when you put the
21 resource in danger, that's when I'm against it. And I
22 think that this type of proposal and harvest activity
23 increases that danger, and so I'm against it.
24

25 Mr. Chair, thank you.

26
27 CHAIRMAN DEMIENTIEFF: Thank you, very
28 much. Any questions.

29
30 (No comments)

31
32 CHAIRMAN DEMIENTIEFF: Thank you,
33 Gilbert. Regional Advisory Council recommendations.

34
35 Gerald.

36
37 MR. NICHOLIA: Yeah, thank you, Mr.
38 Chair. At the Tri-Council meeting in Wasilla, this is
39 what I was trying to hit at. And I'm going to say
40 another thing here, too, that's going to -- I'm going to
41 put it right in your guys' pockets, if you guys defer
42 this proposal, if you defer it, in my view, in my view,
43 my personal view, you're just following the coattails of
44 the State.

45
46 Thank you.

47
48 CHAIRMAN DEMIENTIEFF: Any other Regional
49 Council recommendations.

50

00103

1 Harry.

2

3 MR. WILDE: Mr. Chairman. Yukon-
4 Kuskokwim Delta Regional Advisory Council recommendation,
5 Council opposed Proposal 5 by the vote of five, six
6 against, the motion to support the proposal. The salmon
7 stock are in rebuilding mode and this proposal may affect
8 the salmon stock composition. The Regional Council
9 recognized the importance of allowing local access to the
10 salmon fishing area, however, they are concerned about
11 the potential impact on the salmon stock of concern.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Jack.

14

15 MR. REAKOFF: Mr. Chairman. I'm
16 representing the Western Interior Regional Council. Some
17 of the comments made here, our Council was in
18 disagreement in -- our Council has received testimony
19 that the competitive fishing at the Koyukuk -- out in
20 front of Koyukuk Village on the district boundary is a
21 hardship for the people of Koyukuk and Nulato and the
22 people from up river are forced to go down there to
23 subsistence fish.

24

25 We've received testimony that there's
26 limited set net opportunity sites up river. Under the
27 windowed escapement passage strategy that the Department
28 of Fish and Game has implemented in the last -- since '01
29 has -- accommodates those escapement passages. The
30 subsistence users, these are rural subsistence users
31 trying to meet their subsistence needs. The question
32 about customary trade, that's a customary trade issue and
33 if there are people involved in customary trade of their
34 subsistence harvest, those have been addressed by the
35 Board, that's not the question here.

36

37 We bring into question the reasonable
38 opportunity provided for the subsistence users of Galena.

39

40 They are having to travel long distances
41 down river at great expense, high cost of fuel and we go
42 back to the eight criteria for subsistence and in those
43 eight criteria you see economy of time, effort and
44 expense and so we feel that these regulatory processes
45 that were put into place in 1976, there was no
46 subsistence law at that time. And so these were previous
47 non-subsistence times and subsistence wasn't really
48 looked at that closely.

49

50 So it's the position of the Western

00104

1 Interior Regional Council that adjusting -- it's a long
2 distance from Ruby up to Tanana, this is a long distance
3 away from them. These are people who live close to this
4 boundary area and we feel the expansion of this boundary
5 would accommodate subsistence needs and meet those
6 reasonable opportunities for economy of time, effort and
7 expense.

8

9 Thank you.

10

11 CHAIRMAN DEMIENTIEFF: Thank you. Staff
12 Committee.

13

14 MR. SIMMONS: Thank you, Mr. Chair.
15 Board members. Council Chairs. I'll refer you to Page
16 57 of your book. The Inter-Agency Staff Committee
17 recommends deferral on this proposal at this time to
18 allow the State Board of Fisheries an opportunity to
19 evaluate a similar State proposal at its January 2004
20 meeting.

21

22 The Staff Committee noted that the Yukon-
23 Kuskokwim Delta and Eastern Interior Subsistence Regional
24 Advisory Councils opposed the proposal, while the Western
25 Interior Regional Council was in favor of it. Given the
26 importance of this proposal, the Staff Committee
27 recommends that the Federal Board consider this proposal
28 prior to the 2004 fishing season at either its May 2004
29 meeting or in a special session after the Board of
30 Fisheries meets.

31

32 Allowing the State Board of Fisheries an
33 opportunity to evaluate and decide on expansion of
34 subsistence driftnetting in Yukon Subdistricts 4B and C
35 may afford a more holistic management approach for this
36 area. Current Yukon River subsistence harvest management
37 strategies are very complex, especially under the current
38 windowed fishing schedule.

39

40 Adding a more efficient gear type in the
41 form of driftnetting needs to be carefully considered to
42 ensure that the overall harvest management strategies
43 that strive to get a greater number of salmon to upper
44 river locations are not compromised.

45

46 The Staff Committee noted that the
47 Eastern Interior and Yukon-Kuskokwim Delta Regional
48 Advisory Councils believe that there are conservation
49 elements to consider with this proposal. Possible
50 increase in harvest associated with this gear type and

00105

1 the precedent it will likely establish for similar
2 requests up river. Additional harvest and use
3 information are likely to be presented at the State Board
4 of Fisheries meeting in January 2004 allowing our Federal
5 Board an opportunity to more fully evaluate any newer
6 information prior to taking action.

7

8 Thank you, Mr. Chair.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Department comments.

12

13 MS. SEE: Mr. Chair. This is Marianne
14 See with Department of Fish and Game. We do recommend
15 deferring this proposal pending action by the Alaska
16 Board of Fisheries.

17

18 There are three similar proposals Numbers
19 161, 162 and 163 which will be considered by that Board
20 during their January 2004 meeting. We do, however, have
21 some concerns that we want to note on the record at this
22 time.

23

24 We share many of the concerns expressed
25 by the YK-Delta and the Eastern Interior Regional
26 Councils. We firmly believe that this proposal is not
27 just a local issue but could potentially impact users
28 throughout the Yukon drainage, and we feel that that view
29 is also shared and reflected by the actions taken by the
30 different Councils on the Yukon. All three commented,
31 rather than deferring to the Council in the home region.
32 And as been previously noted the Yukon-Kuskokwim and the
33 Eastern Interior Councils both oppose this proposal.

34

35 We note that drift gillnet gear is mobile
36 and more efficient than the current allowable gear types.
37 This is really a concern. These gillnets can be fished
38 further offshore and that can increase the overall
39 harvest, but, especially it can increase the proportion
40 of the harvest of larger female chinook salmon which are
41 needed for spawning escapements up river.

42

43 There are a couple of impacts here that
44 we want to make particular note of. One is the potential
45 impact for escapement and stock composition. As has been
46 noted, the Yukon River's currently well within a process
47 to rebuild stocks of concern. And that's really an issue
48 that underscores all of this. In September 2000, for
49 example, the Board of Fish classified Yukon River chinook
50 and fall chum as yield concern and the summer chum as a

00106

1 management concern, which is more serious than a yield
2 concern.

3

4 All the upper river salmon stocks, upper
5 Yukon River salmon stocks are fully allocated as previous
6 speakers noted to both US/Canada Treaty obligations and
7 to current fishers and user groups.

8

9 We are concerned that an increase in the
10 gear efficiency could result in reduced fishing time
11 because the current fishing schedules are based on less
12 efficient gear types. There's a balance between these
13 two issues.

14

15 If this proposal's adopted, there could
16 be an incentive to see more proposals about this same
17 type of gear type up river, which is going to further
18 increase the harvest pressure, and this is an important
19 kind of, almost domino effect, potential that needs to be
20 considered.

21

22 We also note that this would create -- if
23 adopted, this would create a divergence between State and
24 Federal subsistence fishing regulations and we think that
25 would create confusion among the users.

26

27 We also note some additional points that
28 we've had in discussions from our Staff and the public
29 and we think that they also complicate the issue and they
30 need to be factored in. There are questions about the
31 extent and the degree to which drift gillnet gear is
32 traditional through this area. There are concerns about
33 the potential increase in sales of chinook salmon under
34 customary trade that could be occurring from this if, in
35 fact, you're catching fish faster; this could become an
36 incentive.

37

38 We also hear the concern that overall
39 harvest could increase in the area because it's easier
40 for people to participate. This could draw people into
41 the area.

42

43 These are all potential ramifications
44 that would need to be considered.

45

46 I would also note that my colleague Rod
47 Campbell is here from the Division of Commercial
48 Fisheries if you have comments that relate more
49 specifically to regulatory provisions on the State side.
50 Between the two of us we can address those questions, but

00107

1 we do recommend deferring.

2

3 Thank you.

4

5 MR. EDWARDS: Mr. Chairman, I have a
6 couple questions. I don't understand how you can speak
7 in so detailed in opposition to this proposal and then
8 say you want us to defer it.

9

10 MS. SEE: It's a procedural -- oh,
11 through the Chair.

12

13 CHAIRMAN DEMIENTIEFF: Go ahead.

14

15 MS. SEE: We feel that the Board of Fish
16 needs to weigh in on this and we have been looking at
17 this ourselves. We have these concerns. When we go
18 before the Board of Fish we will present our concerns as
19 well in the course of explaining the background to this
20 proposal. But we feel that this is an appropriate forum
21 in which -- that the Board of Fish is where this proposal
22 should go first.

23

24 Rod, do you have any further to add to
25 that.

26

27 MR. EDWARDS: Well, may I, I have another
28 question, maybe that you could address.

29

30 MS. SEE: Okay.

31

32 MR. EDWARDS: My understanding was that
33 4A wasn't always open for drift gillnetting and I don't
34 know when that occurred, but what was determined the
35 impact with regards to the catch once that it was there?
36 Because what we seem to be getting is kind of drift
37 gillnetting creep, so to speak.

38

39 MR. CAMPBELL: For the record my name is
40 Rod Campbell with the Fish and Game, Division of
41 Commercial Fisheries. Mr. Chairman, and Mr. Edwards.
42 Yes, it had not always been legal gear type in 4A.
43 They'd gone through some changes with the Board, it had
44 been presented, there may be some people here on the
45 Councils that have a little bit more of a history of that
46 than I do.

47

48 My understanding was even some
49 possibilities of some trade-offs because of no longer
50 having commercial fishery there that was allowed. There

00108

1 was a lot of chinook salmon that was taken during the
2 commercial fisheries that were used for subsistence
3 purposes and when that fishery was no longer allowed it
4 did have some affect on that.

5
6 I can't speak personally to that, that's
7 another one of the reasons that it was brought up here
8 that some of the information I requested from the Fish
9 and Game AYK Staff is not available yet and will be for
10 the Board of Fisheries and probably would be much better --
11 could answer those questions much better than I can now.

12
13 CHAIRMAN DEMIENTIEFF: Okay. I'm going
14 to call on our fisheries manager here in a minute. But
15 let me just -- our procedures for doing these proposals
16 is kind of -- there was a little bit of an error made
17 basically in the advertised version and that is that we --
18 you see, we have final Regional Advisory Council comment
19 and then right behind that we have a discussion with the
20 Councils, so it got kind of bumped out in the later
21 version. But, you know, it's just something I have to
22 call on because we do have discussions obviously with the
23 Department and the Councils.

24
25 So final Regional Council comments -- or
26 not so final.

27
28 (No comments)

29
30 CHAIRMAN DEMIENTIEFF: Okay, with that,
31 we'll go ahead and call on you -- did you have comment,
32 I'm sorry.

33
34 MR. REAKOFF: Mr. Chairman.

35
36 MS. GOTTLIEB: Jack had a comment.

37
38 MR. REAKOFF: Mitch.

39
40 CHAIRMAN DEMIENTIEFF: Oh.

41
42 MR. REAKOFF: I had a final comment.

43
44 CHAIRMAN DEMIENTIEFF: Jack.

45
46 MR. REAKOFF: I wanted to reiterate that
47 these are rural subsistence users that are trying to
48 attain a subsistence amount and it's not -- I call into
49 question the State's line of thought that these people
50 are going to go out and harvest a lot more fish than they

00109

1 normally would. They're already enduring a lot of
2 hardship to attain a subsistence amount.

3

4 I'm surprised that the Subsistence
5 Division, that they would state that these people would
6 exceed their normal amounts that they would -- when most
7 people's smokehouses are full, they're done fishing, and
8 that's a common subsistence regime is to obtain their
9 subsistence needs and then stop fishing. And so I call
10 into question whether these amounts are going to increase
11 significantly. Right now they're just spending a lot of
12 money to attain those subsistence amounts.

13

14 CHAIRMAN DEMIENTIEFF: Thank you.

15

16 Gerald.

17

18 MR. NICHOLIA: Yeah, thank you, Mr.
19 Chair. You heard earlier, and I know for a fact talking
20 with the YK people, is that, driftnetting is a highly
21 effective gear. It's more effective than fishwheels and
22 set nets and it does target the big females that we've
23 been trying to put on the spawning grounds for the last
24 three years.

25

26 I'd like to see you guys take action
27 besides deferring, show some backbone or something man.

28

29 CHAIRMAN DEMIENTIEFF: Russ, do you have
30 additional comment or information.

31

32 MR. HOLDER: Yes, Mr. Chairman. Board
33 members. Council representatives. My name is Russ
34 Holder, and I'm with Fish and Wildlife Service, and I'm
35 the delegated Federal fisheries manager for the Yukon
36 River drainage.

37

38 I am before you today in support of Staff
39 Committee recommendation to defer action on Proposal No.
40 5. I believe the justification provided with the Staff
41 Committee recommendation introduces the complex nature of
42 this proposal. But in addition to the allocation and
43 regulatory precedent setting issues identified managers
44 have biological concerns for potential shifts in harvest,
45 timing and/or size, and sex composition changes in the
46 harvest.

47

48 The basic tools managers have to provide
49 for escapement is to regulate fishing time, area and
50 gear. We understand the fishers desire to fish closer to

00110

1 home with a more efficient gear type than is presently
2 allowed. We understand the desire of fishers in
3 Subdistrict 4A to lessen the fishing congestion for
4 popular drift sites in that subdistrict. But providing a
5 Federal fishing opportunity for only the lower 16 miles
6 of Subdistrict 4B and 4C because those are the applicable
7 Federal waters would likely add significant regulatory
8 confusion to fishers in that area.

9

10 Refuge Staff have also identified
11 concerns for regulatory enforcement, especially at the
12 length, mesh size or depth of the gillnets allowed to be
13 used in 4B and 4C differed from those allowed in
14 Subdistrict 4A.

15

16 With the State Board of Fisheries tasked
17 with dealing with similar proposals this coming January
18 for Subdistricts 4B and 4C, we agree with the Staff
19 Committee assessment that additional information will
20 likely be provided in that process which should be
21 considered by the Federal Subsistence Board prior to
22 taking issue on this proposal.

23

24 Thank you, Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Thank you. Board
27 discussion.

28

29 MR. EDWARDS: Mr. Chairman, I guess going
30 into this proposal I guess I was somewhat declined to
31 defer on the issue and, whether I have backbone or not,
32 Gerald, I haven't heard anything really said that would
33 lead me to believe that this is a good proposal, even
34 including what the State provided in great detail. I
35 understand the State having concern with the matter of
36 procedures, but it would seem to me on this particular
37 issue, there would be -- since particular it appears that
38 the State itself is going to be recommending to the Board
39 in opposition to this, it would be to their benefit to
40 have the Board to weigh in this beforehand which might
41 give some added emphasis to this.

42

43 And also it seems to me that if, in fact,
44 it turns out to be wrong and there's information that
45 comes up at the Board meeting that would actually maybe
46 show that this is something that could be passed then we
47 could act upon after the Board meeting, but I think going
48 into it we should oppose it and I plan to vote that way.

49

50 CHAIRMAN DEMIENTIEFF: I think we take

00111

1 our responsibilities very seriously or have. Deferring
2 simply for the reason to allow the State Board of
3 Fisheries to consider their proposal is basically
4 deferring our job and I just don't like the way that is.
5 I think, you know, because of a scheduling thing. I'm
6 quite inclined to reach a decision on how this goes right
7 now. It's been brought before our forum and to consider
8 it after the State does theirs, I just don't see that's
9 us doing our job. So that's the one concern that I do
10 have.

11

12 I mean I do agree with how we have tried
13 to make things line up as best we can, but we still have
14 this proposal before us and so I just think it's in our
15 best interest to go ahead and make a decision.

16

17 Go ahead.

18

19 MR. TONY: Yeah, I just wanted to ask a
20 question of Mr. Holder. You had made a reference to mesh
21 types and I understand that -- is that in light of the
22 understanding that the proposal was modified to 35 mesh
23 depth, and would that still make it different than the
24 mesh used in 4A, is that what you were referring to?

25

26 MR. HOLDER: Mr. Chairman. Mr. Tony.
27 That's correct. If the proposal was modified either with
28 the length of the gillnet to be allowed in this area, the
29 length of net allowed in 4A is 150 feet and then the --
30 if the mesh size was limited to seven and a half inches,
31 as modified, there is not a mesh size restriction in 4A.

32

33 MR. TONY: So as modified then it would
34 be basically similar or identical to all the gear
35 requirements in the lower 500 miles of the river from the
36 existing point down river?

37

38 MR. HOLDER: There's also -- if it was --
39 there is not a depth and there is not a mesh size
40 restriction in 4A. If these modification provisions were
41 included in this proposal as some previous, I believe the
42 RACs had proposed, in order to address some of the
43 biological concerns that were raised, then this area
44 would be different. Right now these provisions or
45 differences are not being addressed by you is my
46 understanding, the modifications.

47

48 MR. TONY: Okay, maybe let me ask this a
49 different way because I don't -- maybe I'm just not
50 understanding your answer.

00112

1 What is the gear requirement from the
2 existing point that they're asking to move up river down
3 and how is the modified proposal, how would the gear be
4 different than the gear currently allowed in the lower
5 500 miles of the river is what I'm asking?

6
7 MR. HOLDER: There aren't gear
8 restrictions in the lower 500 miles. And there
9 potentially could be restrictions in this area if that
10 were the action that this Board chose to take.

11
12 MR. TONY: I guess I'm kind of confused
13 then about the concern over total escapement numbers, and
14 especially the concern over the efficiency of the type of
15 gear particularly as it would affect the larger female
16 king salmon.

17
18 MR. HOLDER: Mr. Chairman. Mr. Tony.
19 The modifications that the Western Interior was proposing
20 was attempting to address the biological concerns that
21 were being raised.

22
23 MR. TONY: Yeah, I'm just trying to
24 understand how if there's no gear restrictions on the
25 lower 500 miles and then the river, you know, apparently,
26 I don't think it dramatically changes in that 16 miles,
27 you know, how all of a sudden, you know, the larger
28 female king salmon, you know, how did they make it the
29 first 500 miles through areas where the gear was
30 unrestricted, see I don't -- that's what I'm not
31 understanding.

32
33 MR. HOLDER: Okay, I apologize.

34
35 MR. TONY: How would continuing this
36 restriction on those residents change that?

37
38 MR. HOLDER: There are concerns in the
39 lower portion of the river for the affect of the
40 efficiency of drift gillnets. The way it has been
41 addressed by the Board of Fisheries and which are being
42 implemented is the windows which basically provide
43 periods of time in which subsistence fishing is not
44 occurring allowing those fish to move up river basically
45 not being fished on. So the provisions that were -- the
46 modifications that were being, say, suggested here by the
47 Interior RAC were one way say of addressing the
48 biological concerns that, say, we have even throughout
49 the river of the efficiency of the drift gillnet and the
50 depth of the nets.

00113

1 CHAIRMAN DEMIENTIEFF: Any other
2 discussion.

3

4 MS. GOTTLIEB: Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MS. GOTTLIEB: One question for Russ and
9 then perhaps a couple for Marianne.

10

11 I guess my understanding is that some of
12 the concern is that the communities above the line now
13 have fished from shore, set net, and so the change to a
14 drift net, even perhaps with this mesh size and depth
15 restriction has the potential of impacting those fish
16 going to Canada versus the set net being closer to shore
17 and maybe catching more local fish; is that correct?

18

19 MR. HOLDER: Mr. Chairman. Ms. Gottlieb.
20 Yes. There are potential for shifts in the, say, fish
21 being targeted with the use of drift gillnets within,
22 say, you know, the areas that they are being fished
23 versus having the set net gear which is primarily
24 targeting, say, more local stocks whereas the drift
25 gillnet gear has the greater potential of fishing for
26 stocks that are bound for further up river destinations.

27

28 MR. TONY: Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: I think she had
31 follow up questions for Marianne, unless it's directly
32 related to this -- okay, go ahead.

33

34 MR. TONY: Yeah, but, I thought you said
35 you managed that concern by controlling the time and the
36 area of fishing, not the type of gear?

37

38 MR. HOLDER: I mean we are talking about
39 a change in gear being allowed to use in an area on the
40 river which will likely change the composition of those
41 fish being harvested.

42

43 MR. TONY: Yeah, I guess, you know, you
44 said there's 500 miles where it's allowed and you manage
45 the gear concerns on how that type of gear will impact
46 certain types of fish by managing and controlling the
47 time and the area of the fishing; isn't that what you
48 said?

49

50 MR. HOLDER: Mr. Chairman. Mr. Tony.

00114

1 There are differences in the time that are allowed in the
2 lower districts, 1, 2 and 3, two 36-hour periods per week
3 are provided for subsistence fishing. And in Subdistrict
4 4A, two 48-hour periods per week are allowed for
5 subsistence fishing. So there are -- and those time
6 periods, the windows were basically, in part, based on
7 the different efficiencies of the gear being used.

8

9 CHAIRMAN DEMIENTIEFF: Judy, you have
10 more questions.

11

12 MR. EDWARDS: Maybe the question you
13 might want to be asking is then why in this area couldn't
14 you go to a drift gillnet and some kind of a schedule
15 similar to the rest, is that kind of where you're going?

16

17 CHAIRMAN DEMIENTIEFF: Do you want to
18 respond to that?

19

20 MR. HOLDER: Mr. Chairman. Mr. Edwards.
21 Yes, that is a distinct possibility and I believe
22 fundamentally that's the point that I was trying to
23 convey is that managers, you know, the options that we
24 have are the gear, the area and the time, and with the
25 change in the gear, very likely there will be time
26 impacts, potentially, on the subsistence users for this
27 area.

28

29 MS. GOTTLIEB: Mr. Chair.

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MS. GOTTLIEB: Well, I guess as a follow
34 up to that then, I mean I think we all recognize that
35 there's some sort of equilibrium going on right now,
36 wherever it is, and this change might require, as Gilbert
37 and others have said, an adjustment somewhere else on the
38 river. Is there an opportunity perhaps before the Board
39 of Fisheries meeting for State and Federal managers to
40 talk about this?

41

42 MR. HOLDER: Mr. Chairman. Ms. Gottlieb.
43 There has been -- I have personally been trying to
44 coordinate a State/Federal post-season managers meeting
45 but unfortunately with the number of meetings that are
46 taking place this fall we have been unable to have that
47 come to pass. And so I would like to think we would be
48 able to have that coordinated but in a practical sense it
49 doesn't appear that we would be able to have that happen.

50

00115

1 MS. GOTTLIEB: Mr. Chair. Then if I
2 could ask the Department or Marianne, I'm sure predicting
3 the Board of Fisheries and their actions is more of a
4 challenge than predicting what this Board would do, but
5 do you have a sense or have there been discussions, and
6 I'm not even familiar with the precise nature of these
7 proposals, if they are identical, the proposals in front
8 of the Board of Fisheries if they're identical to the one
9 here in terms of location and communities, but if you
10 have any sense of how the Board may react to that, and
11 also what information is expected that could come out at
12 those meetings that we don't have right here.

13

14 Thank you.

15

16 MS. SEE: Through the Chair, I'll start
17 and then I'll ask Rod to add to my comments, but we never
18 predict what the Board of Fish is going to do, it is
19 simply not done. And there will be additional
20 information provided to them. There are very similar
21 proposals, as I mentioned, three of them regarding this.
22 And Rod, if you want to offer any more specifics that you
23 may know of, please do.

24

25 MR. CAMPBELL: Mr. Chair. As Marianne
26 said, we really can't speak to what the Board action can
27 do but I can speak to what my conversations with the
28 Department Staff, AYK Staff, and that was lined out in
29 our concerns. Again, as Mr. Edwards had mentioned, this
30 was procedural for us to request to go through the Board
31 because we don't know what their actions are.

32

33 But our Department Staff does not support
34 this proposal. When we come to the Board we will be
35 presenting the same information that you have here but we
36 will have additional information that has been requested
37 as far as catches to see what -- that was one of the
38 things that we had talked about here, what increase in
39 catch or catch composition, perhaps that changed when
40 drift gillnet gear was allowed in 4A. And we don't have
41 that information, I wish I did have it here and that was
42 one of the things I would have liked to have presented.

43

44 That's just a small example of some of
45 the other information that will be presented at the
46 Board. But again, we certainly can't speak for them.

47

48 CHAIRMAN DEMIENTIEFF: Thank you. Any
49 other discussion points.

50

00116

1 (No comments)

2

3 CHAIRMAN DEMIENTIEFF: I got one follow
4 up question. I'm going to ask Gilbert if you'd kind of
5 come forward again here. There was one statement that
6 was made and I just wanted your opinion on this, and that
7 is as I've been thinking about the issue. I do know that
8 certain really hot fishing sites on the Tanana River,
9 near my home, sometimes have, while the real harvest
10 level might appear to be really high, you know, there's
11 six large families in many cases fishing out of the one
12 wheel, just subsistence. And it kind of bugged me a
13 little bit in your testimony with regard to, you know,
14 200 fish coming up in a boat, are there -- or would you
15 know if there's a possibility of that happening, that
16 also? Because I hear you say that you're fishing for
17 your extended family and your dad and yourself, you know,
18 out of your hundred fish, and I just wonder if that might
19 be happening, you know, with regard to these people
20 coming up with 200 fish?

21

22 MR. HUNTINGTON: Yes, Mr. Chair. I
23 believe some of that would be happening. But I know for
24 a fact, if you're going to take care of 200 fish, cut
25 them and dry them and do a good job at it, that's going
26 to take care of a lot of people, lots of people. Now,
27 you know, with that hundred fish and most of the time I
28 don't catch a hundred fish in any given year, that takes
29 care of a lot of people. As a matter of fact, I think
30 you, yourself, Mr. Chairman, ate some of that fish when I
31 gave some to late Edmond Lord. And so it spreads out
32 quite a bit, so it's my feeling that this fish that's, in
33 my opinion, an overharvest goes into an illegal
34 commercial catch.

35

36 If I may, Mr. Chair, comment on something
37 else.

38

39 CHAIRMAN DEMIENTIEFF: Go ahead, please.

40

41 MR. HUNTINGTON: Now, expanding drift
42 gillnetting. There's been comments about what happened
43 before we had drift gillnetting in 4A and I was there, I
44 lived there, what happened was, remember I mentioned
45 Bishop Rock, traditional fishing area, one of the best
46 spots on the whole Yukon. Before drift gillnetting, that
47 camp was plumb full of people, 80 people or more, just
48 like a little village, everybody getting plenty of fish
49 to eat. Drift gillnetting started, all of a sudden
50 there's not enough, you know. These people are basically

00117

1 cut off.

2

3

4 What happens is, they have to go and go
5 driftnetting, you know. Now, you're looking to expand it
6 farther up river and it's the same thing that's going to
7 happen. I subsistence fish set net, sometimes with a
8 wheel. Now, if you try to change the timing. I don't
9 want to change. I don't want to drift gillnet because I
10 know it's wrong. Now, if you go for drift gillnetting
11 and you decrease the time, what's that going to happen to
12 us, the set gillnetter and the fishwheel operators? If
13 you go up river, what's going to happen to the Ruby
14 people. Right now at times one fishwheel, like the
15 Chairman says, can supply the whole community of Ruby.
16 But if you move that drift gillnetting up in the Galena
17 area it's going to take fish out of that fishwheel, take
18 it out of the Ruby people.

18

19

20 And that's my opinion. I may be wrong,
21 but I've seen it, I experienced it. I seen what happened
22 to my wife's family fish camp. Their fishing activity
23 was displaced and their needs had to be met by some other
24 means. And so I'm just really opposed to it.

24

25

Thank you.

26

27

CHAIRMAN DEMIENTIEFF: Thank you. I'm
28 sensing that some of the Board people are having a little
29 bit of a hard time to get our hands around this so I'm
30 going to maybe just have us call for a little of a break
31 before we go to the vote to make sure there's no other
32 follow up questions that come up.

33

34

I'll tell you this will never be an issue
35 in my community, driftnetting. I tried it once, and,
36 yeah, I got all the net back but it didn't quite look
37 like it did when I put it in, and, yeah, Gilbert's
38 divulging where I get all my fish from, but appreciate it
39 anyway.

40

41

(Off record)

42

43

(On record)

44

45

CHAIRMAN DEMIENTIEFF: Okay, I think
46 we've got everybody here. I just have another follow up
47 question for the State, you haven't seen this letter yet
48 but we do have a draft response going to the State. And
49 in that draft response we are going to ask if the State
50 will allow our Regional Council Chairs to participate in

00118

1 the State process, you know, how you guys go to committee
2 on issues. If you will allow the Regional Council Chairs
3 and could find that out.

4

5 MS. SEE: Mr. Chair. We'll certainly
6 await arrival of that letter and that will need to go
7 before the Board for their, the Board of Fish for their
8 determination.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: I'm sorry, I was
13 distracted here.

14

15 MS. SEE: Mr. Chair, I was saying that
16 this matter would need to go -- we will await your letter
17 and that would need to go before the Board and my
18 colleague, Doug Vincent-Lang, may have an additional
19 point to add.

20

21 MR. VINCENT-LANG: Committee assignments
22 are established at the time of the Board meeting. If you
23 send a letter to the Board Chairman, Mr. Dersham, I'm
24 sure he'll take that under advisement and I'm sure
25 there's a high probability that they would assign those
26 RAC members to the committees but we can't guarantee that
27 they'll be assigned because we're not the Board Chair.

28

29 CHAIRMAN DEMIENTIEFF: I mean it's clear
30 to me, see, the reason I'm asking this question is we
31 basically have, you know, 16 miles of jurisdiction,
32 that's it, and the rest of it is State, but we do have
33 our responsibility for those 16 miles. And, you know, we
34 also have the responsibility to do our job, and this
35 whole business of deferring until after.....

36

37 (Phone ringing)

38

39 CHAIRMAN DEMIENTIEFF:Nobody home.
40 That's the Fish Board Chair. You know, if our people,
41 our Regional Council people were involved in the process,
42 you know, I wouldn't mind, I could support deferring a
43 decision, you know, on this, while that process is worked
44 out. But, you know, we do have our responsibility to do
45 our job and I really don't want to send a message to our
46 Regional Councils that we're simply deferring to what the
47 State does. But if our Regional Council people are
48 involved in the process it sends a whole different
49 message.

50

00119

1 MS. SEE: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Go ahead.

4

5 MS. SEE: Mr. Chair, yeah, I wanted to
6 note that there is a subsistence committee. But also
7 there is a Board to Board relationship between the
8 Federal Subsistence Board and the Board of Fish. So as
9 Doug mentioned there's a strong consideration that the
10 Chairman of the Board would offer and apparently Pete has
11 additional information to add.

12

13 CHAIRMAN DEMIENTIEFF: Mr. Probasco.

14

15 MR. PROBASCO: Mr. Chair. There's no
16 signed protocol that states a State seat between the
17 Board of Fish and Council Chairs, however, all Chairmans
18 to date and all meetings to date, since we've been in
19 business with the Board of Fish has given the Regional
20 Council Chair or his representative the same leeway as
21 Advisory Committees, both in testimony and as serving on
22 the committee.

23

24 Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: So our Board
27 relationship, Board to Board relationship, we, as a
28 Board, could simply delegate our Regional Council Chairs
29 to that working group as our representatives?

30

31 MR. PROBASCO: Mr. Chair. Our Regional
32 Councils have, as in the past AYK meeting, has served as
33 their Council representatives representing their Council,
34 representing the actions they've taken at their Council
35 meetings during the committee process to the Board of
36 Fish.

37

38 CHAIRMAN DEMIENTIEFF: Well, it's clear
39 that we can or that we -- I think having said that that I
40 can actually support a deferral and have you, as our
41 liaison to the Board of Fish, that's correct, Pete, make
42 that request, make that request urgent on behalf of the
43 Board, that they consider this so that we can work it
44 out.

45

46 Pete.

47

48 MR. PROBASCO: Yes, Mr. Chair. And if
49 you recall, the letter that we drafted reflects that on
50 Proposal 8, and also addresses other issues for the

00120

1 Yukon-Kuskokwim drainages, so your concern is addressed
2 in that letter.

3

4 Mr. Chair.

5

6 CHAIRMAN DEMIENTIEFF: Yeah, I went over
7 the draft during the break. But, you know, I don't want
8 to send a message to our Councils that we're not doing
9 our job but -- go ahead, I'm sorry.

10

11 MR. DITTON: Very quickly, though, for
12 clarification, will that decision be reached prior to the
13 Board meeting?

14

15 MR. PROBASCO: Mr. Chair. Mr. Ditton.
16 The Board of Fisheries is meeting currently and they'll
17 be meeting through next week and I could take the
18 opportunity to discuss that with Chairman Dersham and
19 clarify that. But I'm still working under the assumption
20 to the meetings that we've had up to date, which includes
21 last month, our Council representatives have had the same
22 opportunity to serve on the committees as the State's
23 advisory committees. I have not seen anything that
24 reflects from the State or from the Board of Fish that
25 would change that.

26

27 Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: I guess maybe
30 Gerald, Jack, and Harry, do you think that you would be
31 able to find a Council person that would be able to go to
32 the Board of Fish to participate in the process?

33

34 Gerald.

35

36 MR. NICHOLIA: Mr. Chair. My Board's
37 spread pretty thin and I'll probably be representing the
38 TRM, and I don't believe you guys are doing the right
39 thing.

40

41 CHAIRMAN DEMIENTIEFF: Jack.

42

43 MR. REAKOFF: Mr. Chairman, I think that
44 our Council wanted to be represented and as far as I know
45 there was going to be a representative from the Western
46 Interior at the State Board of Fisheries meeting.

47

48 CHAIRMAN DEMIENTIEFF: Harry.

49

50 MR. WILDE: Yeah, Mr. Chairman, I think

00121

1 my co-Chair will go to that meeting because also we had a
2 proposal to present at that meeting at Fairbanks.

3

4 CHAIRMAN DEMIENTIEFF: Any other
5 discussion.

6

7 MR. EDWARDS: Mr. Chairman, I just have
8 one question and I don't know who can best answer it.
9 But I understand that one of the rationales for expanding
10 the drift gillnetting to area 4A was because of lack of
11 good sites for both set nets or fishwheels. Is that the
12 case for 4B and 4C, is there any lack of any good
13 locations for set nets or fishwheels?

14

15 Whoever can address that I'd appreciate
16 it.

17

18 CHAIRMAN DEMIENTIEFF: Russ or Rod.

19

20 MR. HOLDER: Mr. Chairman. Last season
21 going through that area I seen during the open fishing
22 time there were eddies that weren't being fished and
23 basically I have not heard complaints from individuals
24 that -- I mean there are sites that are being shared but
25 it's, say, hasn't been indicated that there has been,
26 say, insufficient locations for people to be able to meet
27 their needs.

28

29 CHAIRMAN DEMIENTIEFF: Jack.

30

31 MR. REAKOFF: We've had people at our
32 meetings state the contrary, that the good sites, the
33 places where you can harvest fish are limited and that
34 was one of the reasons that they have to resort to
35 subsistence drift gillnet fishing down below there. And
36 so there's been people telling us to the contrary.

37

38 CHAIRMAN DEMIENTIEFF: That's a good
39 point, Jack, that you bring out. That just because
40 there's an eddy doesn't make it a good fishing site,
41 that's just the way it is.

42

43 MS. GOTTLIEB: Mr. Chair.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MS. GOTTLIEB: Maybe Russ or the
48 Department, I mean is there data from the past when
49 gillnets were discontinued or -- I mean one of our
50 worries here is sort of a jump in the harvest because of

00122

1 the more efficient gillnet, do we have data relating to
2 that, either historically or more recently?

3

4 MR. HOLDER: Mr. Chairman. Ms. Gottlieb.
5 As Jerry indicated with 4A, there was a portion of that
6 that was open to drift gillnetting in 1982 and then I
7 believe in the mid-90s there was a change that was
8 associated with, say, expanding the use of drift gillnets
9 to the entire 4A district. As Rod Campbell indicated, I
10 believe Fish and Game is compiling that information in
11 response to the State proposals, and I don't have that
12 specific information at hand right now.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 MR. LITTLEFIELD: Thank you, Mr. Chair.
17 I was going to save some of these comments for Friday, I
18 guess, number 9, but as I told the State Board before, I
19 believe that all the information on a proposal should be
20 presented at the Regional Advisory committee, and what
21 you have here is you have two opposing and one supporting
22 but the Regional Advisory committee recommendations, and
23 that's all you need to act. You have the State coming
24 here saying they defer, they had the opportunity and Mr.
25 Edwards said, they talked quite awhile on asking for a
26 deferral but they gave an awful lot of information. They
27 had the ability to present something to you right now and
28 we're going to see this on some other proposals. I would
29 like you to act on Regional Advisory Council proposals,
30 that's what you're supposed to do.

31

32 The State should have presented their
33 information at the Regional Advisory Council, that's what
34 the protocol is. And so just because they don't have
35 anything to say, I agree, that you guys should make a
36 decision.

37

38 Thank you.

39

40 CHAIRMAN DEMIENTIEFF: How long has the
41 State had -- how long have you had these proposals?

42

43 MS. SEE: Mr. Chair, which proposals are
44 you referring to?

45

46 CHAIRMAN DEMIENTIEFF: For the
47 driftnetting.

48

49 MS. SEE: Rod.

50

00123

1 MR. CAMPBELL: Yes, Mr. Chair, this is
2 Rod Campbell. I believe April 10th is the cut off for
3 the deadline for the proposals to the Board. I believe
4 that's the annual date.

5
6 CHAIRMAN DEMIENTIEFF: Any other
7 discussion. Yes.

8
9 MR. VINCENT-LANG: The Department did not
10 prepare its comments. It was in the midst of a fishery
11 management over the summertime, we don't prepare those
12 comments at that point in time. We typically don't get
13 our comments together until the fall until the most
14 current year fishery information is available and we
15 believe that it's premature to make those comments
16 available until we have an opportunity to at least look
17 at the last years fishery information available to us so
18 that the best available information is being used in
19 which to make a recommendation to the Board. And we just
20 recently completed those recommendations. They weren't
21 available at the time of the RAC meeting but they are
22 available now and, again, the information that we
23 presented as part of this proposal analysis or the
24 recommendation we gave to you was based on the most
25 current information we had available.

26
27 Thank you.

28
29 CHAIRMAN DEMIENTIEFF: Thank you.
30 Gerald.

31
32 MR. NICHOLIA: Thank you. You know if
33 you take no action, that's going to send a clear message
34 to the people I represent and I'm going to lose their
35 support. even if you vote for it or vote against it,
36 deferring is no answer here. It's time for you guys to
37 take action as a Board, who you are, you have the
38 authority to do so in Federally controlled waters. And
39 right now as I'm sitting here you're losing my support
40 because I have some tough issues in my region and I want
41 you guys to have some kind of -- this looks like you're
42 pushing the problem away and not dealing with it and
43 having somebody else deal with it, just have somebody
44 else fix your problem. And if you're not going to listen
45 to the Eastern Interior recommendation or the YK or any
46 of them, why are we here?

47
48 CHAIRMAN DEMIENTIEFF: I think that's a
49 point well taken but, you know, on the other hand, on
50 thorny issues, and this is potentially a thorny issue,

00124

1 let's not kid ourselves. There is a serious conservation
2 issue and the fact is, is that drift fisheries on the
3 entire Yukon River target the salmon that are going the
4 farthest and we all know that. There are no restrictions
5 on the lower river and, you know, we've done that in
6 muskox and we're doing it in Unit 2 deer and other thorny
7 issues where we just basically put all the players at the
8 table, including the Federal biologists, State people,
9 the Regional Council, the Fish and Game Advisory
10 committees and the local residents and we have resolved
11 many thorny issues, and we're hoping to do that with
12 regard to Unit 2 deer, you know, as we get these issues.
13 And it has a potential long-range impact.

14

15 And, you know, I don't think it sends
16 that signal at all, you know, the way it was -- the
17 presentation was made to defer to see what the Board of
18 Game does, that sends that message. But for us all to go
19 to the mats and work out a long-term issue, you know, we
20 do that all the time and that sends, I think, every one
21 of those that we've done it in have resolved thorny
22 issues and I think it sends the right message actually in
23 involving all those affected people to resolve an issue.

24

25 MS. GOTTLIEB: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: So I kind of --
28 you know, I just want to take exception to Gerald's last
29 statement, because we've made that work in the past.

30

31 Go ahead, Judy.

32

33 MS. GOTTLIEB: And if I might add, it
34 would be this Board's intent and I believe everyone's
35 commitment that any decision we make will be done in time
36 for this year's fishing season. So if we take a little
37 bit more time we will not impact next year's fishing
38 season.

39

40 CHAIRMAN DEMIENTIEFF: I've been trying
41 to make sure that we're taking a look at all sides of
42 this. I think one of the strongest points for me is
43 Western Interior, which is the immediately affected area
44 that would be impacted by this, a 16 mile stretch of the
45 river, and they, you know, have basically recommended
46 that the other part of their discussions, in looking
47 through, and reading through the material is they're
48 saying, you know, make this go to the affected region,
49 which, in this case, is Western Interior. I know that
50 Eastern and Yukon-Kuskokwim have come out in opposition

00125

1 to that 16 mile stretch of river, but I think that -- and
2 Western is also saying -- am I correct in that, Jack,
3 that we go to the affected region?

4

5 MR. REAKOFF: We didn't discuss that per
6 se, but we feel that because this issue is dead center in
7 our region we would like to see that our Regional Council
8 be looked at. You know, we have the testimony of our
9 local users and the people who are affected the most.
10 The majority of our users are in favor of this proposal.

11

12 MR. EDWARDS: Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Yes.

15

16 MR. EDWARDS: You know, the further this
17 gets, you know, I guess, from my perspective, two out of
18 the three Councils are speaking in opposition and even
19 the Western is supporting it with modifications and those
20 modifications are as a result of concerns with
21 conservation. We've heard from our own biologists.
22 We've heard in detail from the State concerns about this.
23 We had an individual who's right in the middle that is a
24 subsistence user speak against it. And from my
25 perspective, I've heard enough that would lead me to
26 believe that that is the right way to go at this time.
27 Certainly, after the Board of Fish, if some other new
28 data and information comes forward, then we can certainly
29 revisit this just as we could revisit it if we defer it,
30 but I think based upon the information we heard that the
31 best way to go would be to reject it.

32

33 CHAIRMAN DEMIENTIEFF: I guess I'm
34 inclined to support the recommendation of the Western
35 Regional Council for that 16 mile stretch of river, which
36 I don't believe is going to have a conservation -- large
37 conservation impact on the resource.

38

39 Certainly the State has a chance to have
40 a very much larger impact, but I think the Western
41 Interior Council has done a good job in trying to be
42 sensitive to some of those concerns and so for that
43 reason I think I'm kind of more inclined to go with the
44 Western Interior Council recommendation.

45

46 But, I, too, you know, we need to make a
47 decision here.

48

49 Yes.

50

00126

1 *MR. DITTON: Mr. Chairman, I think at
2 this time I'm inclined to go along with Gary in that
3 we're lacking enough harvest data to say what those
4 impacts really would be.

5
6 CHAIRMAN DEMIENTIEFF: Are we prepared
7 for a motion then.

8
9 MS. GOTTLIEB: Gary made a motion to
10 reject.

11
12 CHAIRMAN DEMIENTIEFF: Oh, did you make a
13 motion -- no, he didn't -- I didn't hear no motion.

14
15 MR. EDWARDS: No, it was discussion.

16
17 CHAIRMAN DEMIENTIEFF: I'm trying to
18 advance it to a Board action, I think we've discussed
19 this.

20
21 MR. EDWARDS: Mr. Chairman, I move that
22 we reject the proposal to expand the drift gillnet
23 fishery area to include a portion of Subdistricts 4B and
24 4C.

25
26 As I said earlier, two out of the three
27 Councils are opposed to this. We've heard a lot of
28 information today which would lead one to believe that
29 there could be conservation concerns. By us taking this
30 action I do not think it precludes us from revisiting it
31 after the Board of Fish also has an opportunity to
32 deliberate on it. And at this point, I think given the
33 information we have, I move that we reject the motion.

34
35 CHAIRMAN DEMIENTIEFF: There is a motion
36 to reject the proposal, is there a second.

37
38 MR. DITTON: Second.

39
40 CHAIRMAN DEMIENTIEFF: Okay. Any other
41 discussion on the motion.

42
43 (No comments)

44
45 CHAIRMAN DEMIENTIEFF: Hearing none, all
46 those in favor of the motion.....

47
48 MS. GOTTLIEB: Mr. Chair, excuse me.

49
50 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,

00127

1 Judy.

2

3

MS. GOTTLIEB: I guess I would say for --
4 it's for conservation purposes that I would support the
5 motion. I still think there's a lot more coordination
6 and conversations that can and should take place between
7 State, Federal and subsistence users. I think if this
8 proposal came back to us, perhaps with some sort of time
9 adjustments or, you know, net adjustments that would be
10 consistent with other parts of the river, that might be
11 an easier way for all to accept.

12

13

Thank you.

14

15

MR. DITTON: Mr. Chairman.

16

17

CHAIRMAN DEMIENTIEFF: Yes.

18

19

MR. DITTON: I'd also recommend that we
20 do include this as part of the letter that goes to ADF&G
21 as well, with the recommendation that our technical
22 committee work with them.

23

24

CHAIRMAN DEMIENTIEFF: Any other
25 discussion.

26

27

MR. BSCHOR: Yes. I just want to say
28 that I support the motion also for the same reasons.
29 Every time we talk about this system we talk about how
30 stressed it is and I think it's time to really just go
31 slowly and recognizing that there are some needs there,
32 but I think it's the correct thing to do at this point.

33

34

With the caveat that as we find out more
35 we can always revisit it.

36

37

CHAIRMAN DEMIENTIEFF: Are we ready for a
38 vote.

39

40

(Board nods affirmatively)

41

42

CHAIRMAN DEMIENTIEFF: all those in favor
43 of the motion, please signify by saying aye.

44

45

IN UNISON: Aye.

46

47

CHAIRMAN DEMIENTIEFF: Those opposed,
48 same sign. Aye.

49

50

In doing so, and just the last parting

00128

1 shot, I want to extend my appreciation to Western
2 Interior for going the extra mile and I think you can
3 fairly report back to your Council that even though we
4 rejected the proposal, just by the pure amount of time
5 that we spent on the issue that I think it's far from
6 over. But you just have, as a Council, a little bit more
7 work to do. So I just want you, if you could convey that
8 message to your Council.

9

10 Go ahead.

11

12 MR. REAKOFF: Thank you, Mr. Chairman.
13 I'll convey the Board's decision. And I thank the Board
14 for their travail in this issue and we will look to re-
15 craft another proposal because this is still an issue in
16 this region, and I thank you for your deliberation.

17

18 CHAIRMAN DEMIENTIEFF: With that we'll go
19 to Proposal 6 and 7. Staff analysis.

20

21 MR. BERG: Thank you, Mr. Chairman.
22 Staff analysis for Proposal 6 and 7 starts on Page 73.
23 Fishery Proposals 6 and 7 are almost identical proposals
24 submitted by Craig Fleener and Davey James and so were
25 analyzed together.

26

27 Both proposals request that existing
28 regulations restricting gillnet mesh size in Birch Creek
29 be modified from an annual restriction to a seasonal
30 restriction. The proponent suggests that these changes
31 would increase the subsistence opportunity for harvesting
32 sheefish and other resident fish during part of the year
33 while protecting spawning salmon during the summer
34 months.

35

36 Currently the regulations restrict the
37 gillnet mesh size in Birch Creek to three inch throughout
38 the year. The proposals change the three inch
39 restrictions to only apply for the timeframe of June 15th
40 to either September 5th or September 15th. In other
41 words, it would allow the use of any gillnet mesh size
42 throughout the fall, winter and spring months.

43

44 The current regulation was put into place
45 in 2001 to allow subsistence fishing while also
46 protecting spawning chinook and chum salmon. Prior to
47 2001, Birch Creek had been closed to subsistence fishing
48 since the 1970s in order to protect fish stocks from a
49 potential influx of subsistence fishermen when access was
50 opened up through the Dalton and Steese Highways.

00129

1 Birch Creek has a number of resident fish
2 species in addition to chum and chinook salmon. The
3 target species for harvest if this proposal were adopted
4 would most likely be northern pike and sheefish. The
5 primary subsistence users in this area reside in Birch
6 Creek Village, in the lower Birch Creek area and the town
7 of Central in the upper Birch Creek area. Both have
8 small populations of approximately 200 people, combined.

9
10 Since 2000, BLM has monitored subsistence
11 activities in Birch Creek from June through September and
12 have found little subsistence fishing activity during
13 this timeframe. There is very little information on the
14 timing and/or run abundance of salmon in Birch Creek.

15
16 Adopting this proposal would result in
17 subsistence users benefiting from increased subsistence
18 opportunity during the fall, winter and springtime when
19 most salmon are not likely to be present. By adopting
20 this proposal spawning salmon can still be protected by
21 implementing the mesh size restriction during the
22 critical time period when most adult salmon are actually
23 present in Birch Creek. Keeping the gill mesh size
24 restriction in place through September 15th should ensure
25 that most salmon are protected.

26
27 The Alaska Board of Fisheries will also
28 be reviewing a proposal submitted by the Yukon Flats
29 Advisory Committee this coming January to increase the
30 mesh size regulation in Birch Creek.

31
32 Mr. Chair, that concludes my
33 presentation.

34
35 Thank you.

36
37 CHAIRMAN DEMIENTIEFF: Written public
38 comments.

39
40 MR. MATHEWS: Yes, Mr. Chairman, there
41 was one written public comment. It was from Tanana,
42 Rampart, Manley Local Fish and Game Advisory Committee.
43 And they basically supported the proposal and they didn't
44 give any discussion. But I believe Gerald is a member of
45 that committee if you need more information on why they
46 supported the proposal.

47
48 Thank you.

49
50 CHAIRMAN DEMIENTIEFF: Thank you. We

00130

1 have one request for public testimony at this time. Jill
2 Klein.

3

4 MS. KLEIN: My name is Jill Klein with
5 the Yukon River Drainage Fisheries Association. YRDFA
6 supports the concept of Proposal 6 and 7.

7

8 Both of these proposals would enable
9 local fishermen of Birch Creek and the Yukon Flats area
10 an opportunity to harvest whitefish with larger gear but
11 still give an opportunity for protecting spawning salmon
12 due to the provided dates.

13

14 There have been two dates proposed and we
15 would suggest through a combination of local knowledge
16 and Fish and Game and Fish and Wildlife, or others, such
17 as YRDFA that have done research to help set the dates to
18 protect salmon. Birch Creek has had mining damage and so
19 research should be compiled or carried out and documented
20 to see if the chinook and chum salmon have been observed
21 and how many, but the summer windows should allow them to
22 continue to escape.

23

24 CHAIRMAN DEMIENTIEFF: Thank you, very
25 much. Any questions.

26

27 (No comments)

28

29 CHAIRMAN DEMIENTIEFF: Thank you, Jill.
30 Regional Council recommendations.

31

32 Gerald.

33

34 MR. NICHOLIA: Thank you, Mr. Chair.
35 Both the Yukon-Kuskokwim and Western Interior deferred
36 this proposal to the home region and in order for the
37 people in Beaver and Steven's Village, we supported this
38 proposal because it will allow them to catch sheefish and
39 pike with the bigger mesh net when salmon are not present
40 in the stream.

41

42 Thank you.

43

44 CHAIRMAN DEMIENTIEFF: Any other Regional
45 Council recommendations.

46

47 MR. WILDE: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Yes, Harry.

50

00131

1 MR. WILDE: The Yukon-Kuskokwim Delta
2 Regional Advisory Council recommendation to defer this
3 proposal 6 and 7 to the home region.

4
5 CHAIRMAN DEMIENTIEFF: Thank you. Any
6 other recommendations.

7
8 (No comments)

9
10 CHAIRMAN DEMIENTIEFF: Staff Committee
11 recommendation.

12
13 MR. SIMMONS: Thank you, Mr. Chair.
14 Members of the Board. Council Chairs. I'll refer you to
15 Page 74 for the Staff Committee recommendation.

16
17 The Staff Committee recommends adopting
18 Proposal 6 as recommended by Eastern Interior Subsistence
19 Regional Advisory Council. The proposal would read:

20
21 In Birch Creek gillnet mesh size may not
22 exceed three inches stretch mesh measure
23 from June 15th to September 15th.

24
25 As did the Councils, the Inter-Agency
26 Staff Committee did not take action on Proposal 7.

27
28 A three inch mesh maximum gillnet
29 restriction in Birch Creek during the period when adult
30 chinook and chum salmon are present would protect
31 spawning salmon without restricting subsistence gear the
32 remaining nine months of the year when adult salmon are
33 not present. Most salmon spawning would be completed by
34 September 15th. Because of the low level of observed
35 subsistence fishing activity and the small village
36 populations present in this area, little, if any impact
37 to adult salmon in Birch Creek is anticipated.

38
39 Thank you, Mr. Chair.

40
41 CHAIRMAN DEMIENTIEFF: Thank you.
42 Department comments.

43
44 MS. SEE: Thank you, Mr. Chairman. My
45 name's Marianne See. The Department does recommend
46 deferring this proposal to action pending by the Alaska
47 Board of Fisheries because a similar State proposal will
48 be evaluated during the January 2004 meeting, and that's
49 Proposal No. 159.

50

00132

1 As a practical matter should this
2 proposal be adopted we do note that as previous speakers
3 have mentioned there's virtually no information on
4 harvest in Birch Creek and we recommend that you look at
5 a permit as a way of helping get fisheries information in
6 this stream which has been impacted by past mining
7 activities. State permits could be used along the road
8 system, and there is potential for substantial use along
9 the road access area.

10

11 We note, however, that villages may be
12 able to issue such permits and this may be a reasonable
13 way to get additional local involvement in getting this
14 information about the fish.

15

16 Thank you.

17

18 CHAIRMAN DEMIENTIEFF: Regional Council
19 discussion.

20

21 MR. NICHOLIA; Mr. Chair. Paul Williams
22 told me that -- he lives in Beaver, is that he would like
23 to be able to catch pike and sheefish in the spring and
24 in the fall when the salmon are not present in Birch
25 Creek, that was his statement to me.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. Board
30 discussion.

31

32 MR. EDWARDS: Mr. Chairman, I don't know
33 who I can address this to, but I'm a little unclear, what
34 is currently allowed in Birch Creek. Can anybody answer
35 that question?

36

37 MR. BERG: Yeah, Mr. Chair. Mr. Edwards.
38 Currently you're allowed to use gillnets with three inch
39 mesh year-round and this would lift that restriction so
40 you could use any size mesh outside of the June 15th to
41 September 15th window. You'd still be restricted to
42 three inch mesh during the summer months under this
43 proposed change. Currently it's just three inches year-
44 round.

45

46 MS. GOTTLIEB: Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: Yes.

49

50 MS. GOTTLIEB: I think this is a good

00133

1 proposal because it certainly does benefit subsistence
2 users. It's much more of a clear and small area than the
3 one we had just been talking about. And so I would
4 recommend that we support the recommendation of the
5 Regional Advisory Council and Staff Committee.

6

7 CHAIRMAN DEMIENTIEFF: I, too, I think
8 it's clearly obvious that the Eastern Interior has done
9 their homework in preparing and even going the extra mile
10 of researching with other affected users beyond just the
11 Council. And so for that reason I, too, am going to fall
12 on the side of supporting the Eastern Council
13 recommendation.

14

15 Any other discussion.

16

17 (No comments)

18

19 CHAIRMAN DEMIENTIEFF: Is there a motion.

20

21 MR. TONY: Yeah, I'd move to support the
22 Staff recommendation.

23

24 CHAIRMAN DEMIENTIEFF: The Regional
25 Council recommendation you mean?

26

27 MR. TONY: Yes.

28

29 CHAIRMAN DEMIENTIEFF: Okay. Is there a
30 second.

31

32 MR. DITTON: Yes.

33

34 CHAIRMAN DEMIENTIEFF: Okay.

35

36 MR. DITTON: I would add that the Bureau
37 of Land Management will talk further about some effective
38 ways to get some harvest data as well.

39

40 CHAIRMAN DEMIENTIEFF: Okay. Any further
41 discussion.

42

43 (No comments)

44

45 CHAIRMAN DEMIENTIEFF: If not, we'll go
46 ahead and vote on the issue.

47

48 All those in favor of the motion, please
49 signify by saying -- and now, let me note this that the
50 recommendation -- by accepting the recommendation, we're

00134

1 taking action on No. 6 and deferring No. 7, that is
2 Regional Council recommendation, so we get that on the
3 oral record.

4

5 MR. EDWARDS: Are we deferring 7 or are
6 we taking no action, because it's just changing dates.

7

8 CHAIRMAN DEMIENTIEFF: Oh, no action, I'm
9 sorry. It's no action. Okay.

10

11 All those in favor signify by saying.....

12

13 MR. EDWARDS: One quick question.

14

15 CHAIRMAN DEMIENTIEFF: Go ahead.

16

17 MR. EDWARDS: Did you say BLM had some
18 additional stuff to add or are you going to bring that up
19 later?

20

21 MR. DITTON: No, what we'll do, Gary, is
22 we will have some internal discussions and see what we
23 can do to improve some of the harvest information.

24

25 MR. EDWARDS: So following up on what the
26 State suggested, given that we're going to a new size for
27 the other nine months, so there's a commitment to do
28 that?

29

30 MR. DITTON: Yes, sir.

31

32 MR. EDWARDS: Okay.

33

34 CHAIRMAN DEMIENTIEFF: Any further
35 discussion.

36

37 (No comments)

38

39 CHAIRMAN DEMIENTIEFF: Hearing none. All
40 those in favor of the motion, please signify by saying
41 aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN DEMIENTIEFF: Those opposed,
46 same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: Motion carries.

00135

1 It's 20 to 5:00, we will recess for the day at 5:00
2 o'clock, if we do -- you know, we're close to getting a
3 decision going, and the last time we have -- well, we'll
4 work a couple minutes extra just to complete our work in
5 the YK region. With that the introduction of the -- or
6 presentation of the analysis, please.

7

8 MR. UBERUAGA: Thank you, Mr. Chair. My
9 name is Richard Uberuaga. I work for the Office of
10 Subsistence Management and I represent the Kuskokwim,
11 Northwest Arctic and Kodiak/Aleutian areas.

12

13 Fisheries Proposal FP-13 was submitted by
14 the Association of Village Council Presidents, and
15 requests that gillnets with mesh sizes greater than six
16 inches be allowed to exceed 35 meshes in depth for the
17 Chalista/AVCP region of the Kuskokwim area.

18

19 The proponent states that many families
20 along the Kuskokwim River only have gillnets with mesh
21 sizes greater than six inches and deeper than 35 meshes.
22 Larger diameter mesh sizes and deeper number of meshes
23 affect -- principally affect chinook salmon, larger
24 chinook salmon.

25

26 Existing regulations for the Kuskokwim
27 area are gillnets with six inches or smaller mesh may not
28 be more than 45 meshes deep, but gillnets with greater
29 than six inches mesh may not be more than 35 meshes in
30 depth. This State regulation has been in place since
31 1978 and the Federal regulations adopted these
32 regulations in October of 1999.

33

34 The proposed regulation would read:

35

36 The maximum depth of gillnets is 45
37 meshes in depth.

38

39 Again, adopting this proposal will allow
40 the use of these larger size deeper mesh nets, an
41 increase of over 10 meshes deep in depth, what's
42 currently legal.

43

44 In your text you'll find a written
45 description of the Federal public waters along with
46 customary and traditional use determinations for the
47 area.

48

49 Currently, some subsistence fishermen
50 along the Kuskokwim River are using the deeper mesh

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1 gillnets. The Yukon Delta Refuge manager estimates that
2 he's seen 30 to 40 of these deeper mesh nets in the last
3 three years and there is currently one vendor in the area
4 selling these deeper, illegal, if you will, meshes depth --
5 mesh depth. Law enforcement officers along the river,
6 of course, have encountered these illegal nets and to
7 them it appear that many of the fishermen were not aware
8 of this regulation. Probably because it's not been
9 actively enforced over the years and probably -- and
10 maybe because of different regulations on the Yukon,
11 subsistence mesh depth on the Yukon is unrestricted.

12

13 There's been a lot of concern expressed
14 by many parties that adopting this proposal targets
15 larger sized female chinook salmon swimming deeper in the
16 river and closer to the bottom, yet, there are no
17 conclusive studies or information to support this
18 contention.

19

20 The use of deeper nets with mesh sizes
21 larger than six inches could help subsistence fishermen
22 be more efficient when fishing for chinook salmon. That
23 means they're going to harvest their fish at a faster
24 rate. Are they going to take more fish, it's unlikely.
25 Subsistence fishermen are still subject to the
26 conservation measures in place of the window schedule
27 reducing efficiency.

28

29 Fishermen above Aniak are in State waters
30 and would be restricted to mesh depths of 35 meshes in
31 depth or less. This would likely create some up river,
32 down river dissention among subsistence users. Yet,
33 adopting this proposal does create a greater flexibility
34 for subsistence users in the lower river by allowing nets
35 to be used that are currently illegal.

36

37 As I said it's unlikely that overharvest
38 is going to occur since subsistence fishermen usually
39 take the amount they need to fish and stop at that point.

40

41 With the rejection of this proposal some
42 users would face law enforcement action. And I'll leave
43 the discussion at that, it would be illegal and there
44 would be some action taken.

45

46 One thing that I want to bring out is
47 that rejecting this proposal would not likely
48 significantly affect the ability of subsistence fishermen
49 to meet their needs, they would fish less efficiently as
50 they're currently doing and a little longer.

00137

1 Lastly, there is a proposal, a joint
2 proposal before the Board of Fisheries requesting this
3 same mesh depth.

4
5 That concludes my presentation.

6
7 Thank you, Mr. Chair and members of the
8 Board.

9
10 CHAIRMAN DEMIENTIEFF: Written public
11 comments.

12
13 MR. MATHEWS: Yes, Mr. Chairman. The
14 Kuskokwim Salmon Management Working Group took up this
15 proposal and they oppose it.

16
17 Thank you, Mr. Chair. That's all we
18 have.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. We
21 have no request for public testimony at this time.
22 Regional Council recommendations.

23
24 MR. WILDE: Mr. Chairman. Yukon-
25 Kuskokwim Delta Regional Advisory Council recommendation
26 support the proposal. The Proposal 13, when it's revisit
27 Proposal 13 was voted 10 to 1. The Regional Council
28 support the proposal because it would recognize the
29 current subsistence gear type used by the many residents
30 in the Kuskokwim area. This use of a deeper net can be
31 more efficient, subsistence fishing for coho salmon,
32 chinook salmon and would not be adversely impact the
33 overall health of the Kuskokwim area salmon run.

34
35 Note, underneath of this note it says,
36 Yukon-Kuskokwim Delta Regional Advisory Council deferred
37 the proposal during the joint meeting with the Western
38 Interior Regional Advisory Council to their region
39 specific meeting on October 16th.

40
41 CHAIRMAN DEMIENTIEFF: Thank you.
42 Western.

43
44 MR. REAKOFF: Mr. Chairman. Our Council
45 opposed this proposal. I find it interesting that the
46 OSM Staff states that this will not accommodate
47 additional harvest because the subsistence users obtain
48 their subsistence needs and this is not going to affect
49 their overall harvest, they stated exactly opposite on
50 our gillnet proposal that you just rejected. And so the

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1 bottom line is that I concur with the OSM Staff that the
2 subsistence users only obtain their subsistence harvest.

3

4 We had Council members that were opposed
5 to this proposal because they felt that the allowance of
6 basically an illegal gear type at this time when the
7 Kuskokwim is in a rebuilding mode is not warranted, and
8 our Council members from the Kuskokwim felt that this
9 proposal should be rejected.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Staff
14 Committee recommendation.

15

16 MR. BRELSFORD: Thank you, Mr. Chairman.
17 The Staff Committee recommends that the Board defer
18 action on this proposal at the present time with the
19 intention of revisiting the proposal following the Board
20 of Fisheries action on similar proposals that will be
21 deliberated by that Board in January 2004. Our
22 recommendation is that the Federal Board act definitively
23 prior to the commencement of the 2004 season.

24

25 The justification for this action is to
26 first recognize that management on the Kuskokwim River
27 for the subsistence fisheries has faced many significant
28 challenges in the last five years, including declines in
29 key stocks and the advent of dual management on State and
30 Federal waters. Subsistence users and State and Federal
31 managers have joined together in the efforts around a
32 subsistence fishing schedule and close coordination for
33 in-season management in order to rebuild those stocks,
34 protect spawning escapement and provide for the
35 subsistence fisheries. This is a carefully structured
36 approach that has generally provided for improved
37 escapement and stock recovery while meeting subsistence
38 needs in the distinct portions of the river.

39

40 The Regional Councils bring to us diverse
41 recommendations. The YK Council supports the proposal
42 emphasizing the value of greater flexibility in gear
43 types, while the Western Interior Council expresses
44 concern about the conservation impacts of these deeper
45 nets.

46

47 Faced with a conflicting Council
48 recommendation and pending action by the Alaska Board of
49 Fisheries the Staff Committee believes that the Federal
50 Board is better able to judge the benefits and

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1 consequences of the proposed change following State Board
2 of Fisheries action.

3

4 Finally, we draw to the Board's attention
5 to three key considerations. If the regulations are not
6 changed, the Yukon-Delta National Wildlife Refuge, the
7 Refuge manager has indicated that the Refuge will proceed
8 with an information and education approach to enforcement
9 over the next year. That is to say they will not ticket
10 people who have over deep nets but instead will provide
11 an opportunity to rehang those nets not a need to
12 repurchase new gear. That's the commitment of the
13 manager in terms of ongoing education and enforcement.

14

15 Secondly, we do think that having the
16 flexibility in choice of subsistence gear is a legitimate
17 concern, a legitimate request on the part of the Board
18 and we think that needs to be taken into account in
19 revising overall harvest management strategies on the
20 Kuskokwim River.

21

22 And finally related to this, restrictions
23 on the efficiency of subsistence fishing gear is not the
24 sole method of managing for escapement and allocation and
25 other managements that provide more flexibility while not
26 detracting from stock rebuilding should be explored by
27 the relevant managers.

28

29 Thank you.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Department comments.

33

34 MS. SEE: Thank you, Mr. Chair. The
35 Department does recommend that the Federal Subsistence
36 Board defer this to action pending by the Alaska Board of
37 Fisheries. As noted, a similar proposal will be
38 considered by the Board, that Board during their meeting
39 in January 2004. And we also appreciate the extent of
40 detail and the comments offered so far because these
41 certainly reflect the range of concerns that the
42 Department will be addressing before the Board of
43 Fisheries.

44

45 Thank you.

46

47 CHAIRMAN DEMIENTIEFF: Regional Council
48 comments. Ralph.

49

50 MR. LOHSE: Mr. Chair. One of the

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1 reasons we have Regional Council members is because we
2 bring a lot of experiences from different backgrounds
3 into play, and I'm just going to have to make a comment
4 on this. I probably should keep my mouth shut but I'm
5 not.

6
7 What we're dealing with right here is
8 we're dealing with a fact that some people have used
9 illegal gear and some people have chosen to use legal
10 gear. One of the arguments is that people are going to
11 have a higher cost because they're going to have to get
12 new gear. Well, if it remains the way it is, those that
13 have illegal gear can trim their nets and rehang them for
14 no cost. If you pass it to make it a 45 mesh depth
15 restriction, those who are currently fishing legal gear,
16 as a fisherman, and I'm speaking as a fisherman will be
17 forced into buying 45 mesh gear because you cannot be
18 competitive with shallower gear when you're fishing next
19 to people with deep gear.

20
21 So the ones who will bear the cost if
22 there's any increased cost will be those who have chosen
23 to be legal to this point in time.

24
25 When you talk about efficiency,
26 especially when you're dealing with king salmon an
27 increase in depth of gear does not go in a straight line.
28 If you increase the depth of the gear 25 percent, you
29 don't increase the efficiency 25 percent. I'd hate to
30 make a guess at what you do increase it by but it's
31 definitely more than 25 percent.

32
33 I think that at this point in time,
34 because the gear is illegal, I don't think you should
35 defer on this. I think that you should back those
36 fishermen who have been using legal gear. And then when
37 everybody is using the same gear, then somebody can put a
38 proposal in that puts them all on the same footing.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. Board
43 discussion.

44
45 MR. EDWARDS: Mr. Chairman, I always hate
46 to have the Council Chairs go because they always say
47 what I want to say much more elegantly than I could say
48 it. But I do have a couple questions that go along with
49 what Ralph raised.

50

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1 You mentioned that there were people who
2 have these larger nets. I mean is that a large number,
3 is that a small number, is that 10 people, is that a
4 hundred people, what is that?

5
6 MR. UBERUAGA: As I said it's about --
7 the Refuge manager's observed about 30 to 40 nets over
8 the past three to four years.

9
10 MR. EDWARDS: Out of how many nets?

11
12 MR. UBERUAGA: Well, I believe there's
13 1,800 -- probably 1,800 users in the lower river.

14
15 MR. EDWARDS: So a very, very small
16 number then?

17
18 MR. UBERUAGA: Yeah.

19
20 MR. EDWARDS: So I guess as Ralph makes
21 his point, it'd be much easier for those few people to
22 either tie up their nets or to rehang them as it would be
23 for the other 85 percent to go out and buy new nets.

24
25 My other question would be, what impact
26 would allowing these larger gear have on the current
27 established schedule?

28
29 MR. UBERUAGA: What impact would it have
30 on the existing window schedule?

31
32 MR. EDWARDS: Right.

33
34 MR. UBERUAGA: Well, I believe the fish
35 would be harvested a little faster than normal. I
36 believe it's four days on, three days off schedule in the
37 Kuskokwim. I believe the impacts may be positive, it may
38 be negative. I mean there's impacts on drying time for
39 users if people are out there harvesting fish faster,
40 they're spending less money on gasoline. I mean there's
41 just a tremendous number of pro's and con's with this
42 proposal. Increasing the depth of your mesh, if you get
43 it too deep you're not going to catch very many fish. A
44 lot of fishermen have testified that if that mesh -- the
45 bottom of that net is dragging the river that's going to
46 really reduce the efficiency. A lot of people say we're
47 not changing our mesh from what we're fishing now which
48 is 35 or less of the bigger gear.

49
50 I don't believe that a lot of people went

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1 out and got these mesh depth -- these nets illegally, I
2 just think they, by circumstance, ended up purchasing a
3 net that they thought might work well. In other words, I
4 don't think they were consciously going out trying to
5 break the law. There's just a lot of different.....

6
7 Back to your question of what effects
8 would it have on the schedule, it does increase the
9 efficiency.

10
11 MR. EDWARDS: All right.

12
13 MR. UBERUAGA: Subsistence needs are
14 being met. I think the bottom line is that they will be
15 met with the current legal gear but it just may be a
16 little protracted.

17
18 MR. EDWARDS: Then I guess my last
19 question to build on what Ralph said, it's my
20 understanding that a gillnet fishes about the lower third
21 of the net is where you catch the majority of fish so you
22 just assume as you lower that net that will go up
23 expediently.

24
25 MR. UBERUAGA: I've heard a lot of
26 testimony that would contradict that. And I've heard a
27 lot of testimony that would support that. So I'm
28 remaining neutral myself. And I have fished gillnets
29 drifting them in rivers, too, so I understand what
30 they're facing, but.....

31
32 MR. EDWARDS: Well, I know when I go out
33 with my hook and line I fish as low as I can get.

34
35 (Laughter)

36
37 CHAIRMAN DEMIENTIEFF: Pat.

38
39 MR. HOLMES: Mr. Chairman, I have to
40 agree solidly with Ralph here. And part of the big
41 question is if folks are fishing illegally why should the
42 majority have to come to the standard of those who are
43 fishing illegally. And my question to the Staff would be
44 is if you observed that many people fishing with illegal
45 gear, have you done any enforcement action to bring them
46 into line or, at least stop them and say, gee, you need
47 to cut your gear back to what the rest of the folks are
48 doing. It seems very unfair that you don't enforce the
49 Federal Subsistence Board regulations.

50

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1 MR. UBERUAGA: I won't address the
2 enforcement issue because I don't -- am not responsible
3 for enforcement and I don't know what's going on.

4
5 But I know that if this proposal is not
6 passed, after a certain period, a grace period, if you
7 will, it will be enforced. Statements have been made
8 that it will be enforced in the future.

9
10 Again, recognize that there is -- never
11 mind, I'm not going to mention the disparity, sorry.

12
13 MS. GOTTLIEB: Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Yes.

16
17 MS. GOTTLIEB: I have one more question
18 for Rich, perhaps. Would the deeper nets be targeting
19 the larger females as we were talking about in the Yukon?

20
21 MR. UBERUAGA: Again, you know, the
22 opinions of many are that, yes, it will, and then there
23 are opinions that, no, you're going to catch larger
24 female chinook throughout the water column in any case.

25
26 I guess to me the bottom line is you're
27 going to catch those fish regardless, whether you're
28 using a deeper mesh, they're being caught. It's not like
29 all of a sudden we're going to go out and catch large
30 female fish, they're being caught. And whether
31 proportion changes, I'm not going to guess. You know,
32 intuition tells you that you fish a deeper net you're
33 going to fish more efficiently therefore you're going to
34 catch more of the fish, the larger fish are going to be
35 near the bottom on the -- but there are no studies that
36 explicitly prove that, if you will.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MR. VINCENT-LANG: Mr. Chair, this is
41 Doug Vincent-Lang. It's the Department opinion that if
42 you have a deeper mesh gillnet you will increase the
43 number of big females taken.

44
45 CHAIRMAN DEMIENTIEFF: Pat.

46
47 MR. HOLMES: Mr. Chairman, I think that
48 that's absolutely true. One can look in the fisheries
49 literature for the Columbia River. There's been a number
50 of places where studies have been done on the catch rate

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1 size, species on depth of gear and there's been a lot of
2 decisions made at the Board of Fish based on size,
3 length, depths of gear, and the deeper you get the more
4 you're going to catch, and if you're really worried about
5 big females then everybody ought to tow the line and fish
6 with a shallower gear.

7

8 I know from having been a fisheries
9 manager that you can make assumptions that you can think
10 things in line but your first year when things change is
11 a big learning curve, and when you go oops with a lot of
12 people looking over your shoulder you can get into deep
13 trouble, and so a shallower net keeps people off your
14 back.

15

16 CHAIRMAN DEMIENTIEFF: Ralph.

17

18 MR. LOHSE: Mr. Chair. And, again, I
19 guess I'll speak from experience, and I definitely,
20 definitely go along with Pat and, that is, with shallower
21 gear you've got more room for error.

22

23 I'll use an example. When I started
24 fishing on the Copper River Flats everybody had 30 mesh
25 gear, that's what everybody used. That's, I won't say
26 how many years ago, but we'll just say it was over 30
27 years ago. Then somebody discovered 45 mesh gear and all
28 of a sudden they were catching twice as many kings as
29 everybody with 30 mesh gear. So you know what happened
30 the next year, we had guys out there with 60 mesh gear
31 and they were doing twice as good as the guys with the 45
32 mesh gear. The next thing you know we had guys with 90
33 mesh gear and they were really, really doing good and so
34 we had to go to the Board and request a gear restrictions
35 so that we didn't all have to go up to 120 mesh gear the
36 next year because we'd have had to to compete.

37

38 And the day that you tell me that putting
39 your net on the bottom doesn't catch you more king salmon
40 I'd like to fish behind you because it does. Any time
41 that you put your net on the bottom and get slack web in
42 there you hold bigger fish. And the big fish that we're
43 talking about are the big ones, that if your net is taut,
44 go through, if your net is slack, get tangled up.

45

46 And I'm not saying that there have been
47 studies that have proved it, but I know a whole fleet of
48 fishermen that if it was 75 mesh gear on the Copper River
49 Flats next summer would sell their 60 mesh gear this
50 winter and be hanging 75 mesh gear for next year because

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1 they wouldn't want to be non-competitive and they'd want
2 the increase in catch.

3

4 So from that standpoint I'm just going to
5 have to say that I think that you shouldn't penalize the
6 ones who have been illegal [sic], let everybody get legal
7 and then give them a chance to decide as a group if they
8 all want to go up to bigger, deeper nets.

9

10 MS. GOTTLIEB: Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Yes.

13

14 MS. GOTTLIEB: I guess given that the
15 Kuskokwim is, yet another river system that we are
16 concerned for conservation reasons and are working on
17 rebuilding, I would be prepared to move that we would
18 support the Western Interior and oppose this proposal.

19

20 I think we might also want to consider
21 adding on that, I certainly respect what the Refuge
22 manager has to say, he suggested a one year educational
23 program to let all users know what the regulation truly
24 is, and get that out for everyone to be aware of as well.

25

26 CHAIRMAN DEMIENTIEFF: Is there a second
27 to the motion.

28

29 MR. EDWARDS: Second.

30

31 CHAIRMAN DEMIENTIEFF: Discussion.

32

33 MS. GOTTLIEB: Mr. Chair, I guess I have
34 one more question, please.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MS. GOTTLIEB: And that would be
39 consistent with what we did on the past proposal, because
40 this is going in front of the Board of Fisheries, do we
41 want to add on to our existing letter, to have some input
42 to that proposal as well during that meeting?

43

44 CHAIRMAN DEMIENTIEFF: At least make sure
45 they have the information if we do go ahead with the
46 proposal.

47

48 Tom.

49

50 MR. BOYD: I mean we're making notes of

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1 Board actions so that we can carry those to the Board of
2 Fisheries. I think we wrote the letter with the concern
3 about Proposal 8 and 9. But I think, clearly, what we
4 want to do is have Pete state what the Board has done so
5 they have that information.

6

7 CHAIRMAN DEMIENTIEFF: Further
8 discussion.

9

10 (No comments)

11

12 CHAIRMAN DEMIENTIEFF: Hearing none. All
13 those in favor of the motion, please signify by saying
14 aye.

15

16 IN UNISON: Aye.

17

18 CHAIRMAN DEMIENTIEFF: Those opposed,
19 same sign.

20

21 (No opposing votes)

22

23 CHAIRMAN DEMIENTIEFF: Motion carries.

24 With that we will recess for the day. Please note in
25 your agenda, we do have a couple of, I think, three
26 different proposals that are time specific for tomorrow;
27 8:30 Bristol Bay and I think two of the Southeast
28 proposals are definitely going to be at 1:00 o'clock, we
29 have people coming for them.

30

31 (PROCEEDINGS TO BE CONTINUED)

1
2
3
4
5
6
7
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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 146 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 9th day of December 2003, beginning at the hour of 8:30 o'clock a.m. at the Egan Convention Center 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 17th day of December 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04 _