

00148

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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 II

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9

DECEMBER 10, 2003

10

8:30 o'clock a.m.

11

PUBLIC MEETING

00149

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

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3 (Anchorage, Alaska - 12/10/2003)

4

5 CHAIRMAN DEMIENTIEFF: We'll call the
6 meeting to order. I know our agenda says that we are
7 taking up Bristol Bay at 8:30. We don't have the reps
8 from Bristol Bay here so we're going to actually move on
9 to Cook Inlet so if we can get our Staff arranged for
10 that. It's a pretty sensitive proposal that we have for
11 Bristol Bay and we do need those RAC people to be here
12 but they're, of course, otherwise involved. I know
13 they're in town, I've seen them, but they're involved
14 with the Board of Fish meeting and what not, too, so
15 we'll just try and accommodate them the best way that we
16 can.

17

18 Just let me know when you're ready to go
19 with Cook Inlet. Sorry for the change but we do need --
20 are you ready?

21

22 MS. PETRIVELLI: Yes, Mr. Chairman.

23

24 CHAIRMAN DEMIENTIEFF: I'm sorry, before
25 we get started, I just want to note and thank Martin
26 Moore who was actually working on testimony for Yukon-
27 Kuskokwim issues yesterday at the time we were
28 deliberating the Yukon-Kuskokwim. You know, sometimes
29 our schedule doesn't -- we go at different paces, but he
30 has a written transcript of his testimony and for the
31 record I would like to thank Martin for his diligence and
32 we will enter his testimony into the record.

33

34 So I just wanted to let you know, Martin,
35 thank you very for your hard work.

36

37 MR. MOORE: Thank you, Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Okay.

40

41 MR. MOORE: I'll disseminate copies to
42 all of your members.

43

44 CHAIRMAN DEMIENTIEFF: Right.

45

46 MR. MOORE: If somebody wants to read it,
47 I got 25 copies.

48

49 CHAIRMAN DEMIENTIEFF: Thank you. Ralph.

50

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1 MR. LOHSE: Mr. Chair, with the Chair's
2 permission, could I address the Board for just a second?

3
4 CHAIRMAN DEMIENTIEFF: Go ahead.

5
6 MR. LOHSE: I'd like to, first of all,
7 thank you guys for taking on those hard issues yesterday
8 and not deferring them and doing like Gerald said, at
9 least make a decision one way or the other. And I'd like
10 to thank you and I think Gerald would probably thank you
11 for that, too.

12
13 And second of all, I'd like to apologize
14 for getting quite so emotional when we dealt with the
15 issue of the illegal gear and trying to make other people
16 have to match illegal gear by making the illegal gear
17 legal. I know that you all recognize the allocative
18 measures of all of the decisions that you make, but, as
19 somebody who actually makes a living from natural
20 resources, I'd like to reiterate that every time that you
21 decide to give somebody more time, more gear or more area
22 or something like that, you do take a way something from
23 somebody else, especially on something like the Yukon-
24 Kuskokwim where you have people up stream. And any time
25 that you increase somebody's efficiency, somebody's going
26 to make use of it.

27
28 The Tuckers pointed out yesterday that on
29 the Yukon fish also means gas and snowmachines and all of
30 the rest of the things. We all live in the same kind of
31 world today. I don't know about the rest of you but most
32 of us never have quite enough and so maybe we stay up at
33 night and sand wooden spoons, maybe we work for Fish and
34 Wildlife Service and we work for Home Depot on the
35 weekends or something like that, and the same thing goes
36 true for subsistence fishermen especially now that we
37 have the ability to sell fish. It's like Mr. Huntington
38 was pointing out, by giving them that kind of
39 opportunity, they have access to people in Galena who
40 have finances.

41
42 My first Yukon king this winter, I hate
43 to tell you where I ate it, I ate it at a friend's house
44 in McCarthy. He bought it in Fairbanks for 1.25 a pound
45 this summer, caught above the Tanana River mouth.

46
47 We have people in Cordova that we know
48 that are retired or that have businesses, that because
49 you can now sell subsistence caught halibut got their
50 subsistence halibut permits this summer.

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1 You have to throw that into the matrix
2 every time you do anything allocative. Like Mr.
3 Huntington said, maybe subsistence users can only eat so
4 much and fill their smokehouse so much but if there's
5 other people available with cash to buy it, there is a
6 market for it.

7
8 And so take those things into
9 consideration like you have and make those hard decisions
10 like Gerald asks you to do because each decision affects
11 somebody up stream.

12
13 And I thank you for that, and I thank you
14 for the decisions you made yesterday.

15
16 CHAIRMAN DEMIENTIEFF: Well, I totally
17 disagree with you. I don't think at all you were
18 emotional about it and I think what we're counting on in
19 making our decisions is getting the best information
20 possible and sometimes, you know, sometimes people's
21 comments are heartfelt but we appreciate that and take
22 that along with, you know, with everything else that goes
23 on.

24
25 Personally, my skin is about thick, you
26 know, and I do welcome those kind of comments because you
27 know you're getting the people who are contributing and I
28 don't care who they're representing, if they're the
29 Council, if they're Board members, Staff, State, you
30 know, public testimony, we just need to have that. And
31 at times that's what it takes to help us get the
32 information we need.

33
34 In case you hadn't noticed, I have my
35 adjournment cap on and I'm going to keep this moving on
36 to fair consideration of everything and if we're here
37 tomorrow all day so be it, but, you know, I am going to
38 try to keep things moving to the best of my ability.

39
40 Cook Inlet, please.

41
42 MS. PETRIVELLI: Mr. Chairman. My name
43 is Pat Petrivelli, and I'm the anthropologist for the
44 Cook Inlet -- or the Southcentral region, and I'll be
45 presenting the Staff analysis for Fish Proposal 04-18 and
46 the analysis begins on Page 185.

47
48 Proposal 04-18 was submitted by the
49 Cooper Landing Fish and Game Advisory Committee. They're
50 requesting that customary trade for subsistence harvested

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1 fish, their parts or their eggs taken from the Kenai
2 Peninsula be prohibited. The area affected by this
3 proposal includes the Federal public waters on the Kenai
4 Peninsula, Federal jurisdiction includes all navigable
5 and non-navigable waters within the exterior boundaries
6 and inland waters adjacent to the exterior boundaries of
7 the Kenai National Wildlife Refuge and the Chugach
8 National Forest.

9

10 The current Federal fisheries regulations
11 provides a positive customary and traditional use
12 determination for rural residents of the Cook Inlet area
13 for all fish except salmon, dolly varden, trout, char,
14 grayling and burbot. There are no determinations for
15 salmon -- or there are no determination for these
16 species. In 2001 the Board deferred making
17 determinations for these species until more information
18 is available from an ongoing OSM Fisheries Resource
19 Monitoring Program Study and a review draft of this study
20 will be submitted to this office at the end of December
21 2003.

22

23 Grayling and burbot may not be taken for
24 subsistence purposes, therefore, all rural residents are
25 eligible for the remaining species, salmon, dolly varden,
26 trout and char.

27

28 Title VIII of ANILCA specifically
29 identifies customary trade as a legitimate subsistence
30 use clarifying regulations on Page 189 and 190 were
31 adopted in January 2003. These regulations, while
32 allowing the exchange of subsistence harvested fish for
33 cash place some restrictions on the exchange between
34 rural residents and others and prohibit the sale to any
35 individual, business or fisheries organization required
36 to be licensed as a fisheries business.

37

38 The proposed regulations on Page 190
39 would prohibit any customary trade of fish on the Kenai
40 Peninsula by extending the prohibition to transactions
41 between rural residents that are contained in Sections in
42 11 and -- in rural residents and others, provisions
43 allowed for in Section C12 of the regulations.

44

45 From 1952 through 2000 subsistence
46 fisheries have been prohibited in the freshwater streams
47 of the Kenai Peninsula. The first subsistence fishing
48 season allowed under Federal regulations occurred in
49 2002. Current Federal Subsistence fishing on the Kenai
50 Peninsula occurs within provisions that parallel

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1 sportfishing regulations. A subsistence fishing permit
2 is required to harvest salmon, dolly varden, trout and
3 char for subsistence purposes. This reestablishment of
4 subsistence fishing on the Kenai Peninsula has raised
5 concerns among other users of the resources. The
6 proponent cited potential for abuse as a major concern
7 when submitting this proposal.

8

9 Under Federal regulations, while the
10 exchange of subsistence harvested fish for cash is
11 allowed, if fish are processed, State health regulations
12 require that the processing meets government food health
13 standards. The customary trade regulations do not exempt
14 those involved from complying with regulations for the
15 processing of foods. It would be rare, but technically
16 possible for a subsistence user to meet the government
17 food health standards and hold the necessary processing
18 permits and yet not be a licensed fishery business. As
19 noted license fishery businesses are prohibited in
20 customary trade.

21

22 In the 2002 season, two Federal
23 Subsistence permits were issued and 36 salmon were
24 harvested. This figure represents significantly less
25 than one percent of the fish harvested on the Kenai
26 Peninsula.

27

28 This proposal would prohibit the activity
29 of customary trade without evidence of the need of a
30 prohibition. The proponent just expressed concern about
31 the potential or abuse. As a practical matter, Federal
32 customary trade regulations essentially apply only to the
33 exchange of fresh fish. Admittedly Federal public waters
34 do occur in the midst of an area of high density use by
35 non-subsistence fishers, however, sufficient information
36 does not exist which would support the proponent's claim
37 relating to the difficulty in enforcing and the potential
38 for abuse.

39

40 These claims are not supported by current
41 regulations which parallels sportfish harvests. This
42 situation allows enforcement officials the ability to
43 readily determine whether or not subsistence users are
44 within the allowable limits substantially curtailing the
45 potential for abuse. Enforcement officials would also be
46 aided by the harvest record keeping requirements for
47 Federal permits in the Federal subsistence fishery.

48

49 That concludes my analysis.

50

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1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Written public comments.

3
4 MR. MIKE: Thank you, Mr. Chair. Donald
5 Mike, Regional Council coordinator. There were two
6 written public comments.

7
8 One's from Kenaitze Indian Tribe opposing
9 the proposal. The Kenaitze people today still practice
10 their subsistence lifestyle as much as possible living on
11 fish and game harvest on the Kenai Peninsula. Customary
12 trade has been practiced by the Kenaitze Indian Tribe
13 since time and immemorial. In 1981, the Alaska Board of
14 Fisheries adopted the premise that subsistence uses,
15 customary and traditional uses of wild and renewal
16 resources continue to exist in Cook Inlet and noted
17 specifically that this includes a use pattern in which
18 the effort and catch are distributed on a community and
19 family basis, including trade, barter, and sharing and
20 gift-giving.

21
22 In the Federal Register the National
23 Marine Fisheries Service acknowledges that subsistence
24 halibut may be used in customary trade because customary
25 trade is customary and traditional use of halibut.

26
27 The Cooper Landing Fish and Game Advisory
28 committee is in support of the proposal. The Cooper
29 Landing is at the center of the most accessible and
30 productive Federal waters within the Kenai Wildlife
31 Refuge, the Chugach National Forest and upper Kenai River
32 water shed. Also it is the only road community in the
33 Kenai River water shed. Customary trade will have a very
34 direct impact on the community. Our desire is to stop
35 unnecessary trade which has not been customary for more
36 than 50 years before it starts. Section AA03 does not
37 require that all subsistence uses be provided, Section
38 .802 provides for non-wasteful subsistence uses. The
39 sale of subsistence fish to tourists might be considered
40 a wasteful use.

41
42 That concludes the written public
43 comments, Mr. Chair. Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Thank you, very
46 much. We have no request for public testimony at this
47 time. Regional Council recommendation, Ralph.

48
49 MR. LOHSE: Our Regional Council was
50 opposed to this proposal. And I'd just like to read you

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1 a couple of comments on it that we had at the Council to
2 put it in perspective why we were opposed to it.

3

4 We heard a lot of testimony about abuse
5 on the Kenai, most of it related to the sportfishermen or
6 to out-of-state fishermen loading up with fish taking
7 them out of the state, all activities which were
8 currently illegal under State law. And using those as a
9 jumping point, it was then applied to subsistence
10 fisheries.

11

12 Our comment was, basically show us some
13 abuses in the subsistence fisheries and we'll be very
14 happy to direct laws to them.

15

16 My comment was, I guess, that after 10
17 years I'm tired of trying to figure out what someone
18 might do wrong in the future and I'd rather do -- deal
19 with what people are currently doing.

20

21 We have a tendency in our culture to
22 penalize people who are doing what's legal. And that's
23 because of the abuses that other people are doing. And
24 it's easier to make a law that applies to people who want
25 to abide by the law than it is to make a law that applies
26 to people who are currently involved in illegal
27 activities, because people involved in illegal activities
28 won't abide by the law anyway. So why should we make a
29 law against the subsistence at this point in time when
30 there's no documentation that any subsistence fishermen
31 has even sold a fish. When at the same time we have lots
32 of documentation that sportfishermen and people from out
33 of state have been taking the resource and using it for
34 sale; let's use our authority to go after them first.

35

36 And that was basically the whole feeling
37 of the Council. Like Mr. Churchill said, this is way too
38 broad minded -- not broad minded, broad-scoped. It
39 covers people who aren't doing anything wrong. And so
40 from that standpoint we were opposed to this proposal.

41

42 CHAIRMAN DEMIENTIEFF: Thank you, very
43 much. Staff Committee.

44

45 MR. GERHARD: Yes, for the record my name
46 is Bob Gerhard.

47

48 The Staff Committee concurs with the
49 Southcentral Regional Advisory Council recommendation to
50 reject the proposal.

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1 There's no legal basis for a blanket
2 prohibition of the sale of subsistence harvested fish due
3 to the proponent's concern about the potential for abuse.
4 Permit record keeping requirements for the Federal
5 Subsistence fishery provides law enforcement with
6 sufficient documentation potential abuses.

7

8 Thank you.

9

10 CHAIRMAN DEMIENTIEFF: Thank you.
11 Department comments.

12

13 MS. SEE: Thank you, Mr. Chair. Good
14 morning. My name's Marianne See.

15

16 The Department recommends that the Board
17 defer this proposal, and I'll explain more about the
18 specific reason for that in a minute.

19

20 We do continue to have the same concerns
21 about customary trade of fish in general that were raised
22 during the last regulatory meeting cycle and in the
23 request for reconsideration to the Federal Subsistence
24 Board.

25

26 In general we do not believe that the
27 administrative record supports the implied finding that
28 the levels of customary trade allowed under current
29 regulations are customary or traditional. While
30 maintaining and preserving these objections, we also
31 offer specific comments about this proposal.

32

33 We previously noted that Federal
34 regulatory provisions should account for documented
35 characteristics of regional customary trade practices,
36 and we really are emphasizing the documentation, knowing
37 what is customary and traditional. As stated in the
38 Federal Staff analysis, subsistence fishing in these
39 waters was closed between 1952 until 2002. The analysis
40 provides no information about customary trade practices
41 prior to the closure for these stocks. Absent any
42 information about the history of customary trade we
43 believe that regulations allowing such practices need to
44 be carefully crafted.

45

46 Although the analysis correctly points
47 out the very low harvest of fish currently occurring
48 under the Federal Subsistence regulations, this could
49 rapidly change if regulations are changed to liberalize
50 especially in an area like this on the road system,

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1 anyway, thank you very much. Regional Council comments.
2 Yes, sir, John.

3

4 MR. LITTLEFIELD: Mr. Chair. Not
5 commenting on the proposal, obviously we would support
6 Cook Inlet on that.

7

8 But I'd like to refer your attention to
9 the bottom of Page 191. And it's the last three
10 sentences on there where they talk about how we deal with
11 fish in Southeast. And I just wanted to bring this to
12 the attention of the Board, headed, frozen, dried,
13 salted, smoked, canned, et cetera, that's normally what
14 we do to our fish. In Southeast, we rarely would deal
15 with a fish that was unprocessed except for eulachon. So
16 if you read the regulations, the only thing we could
17 trade would be a bucket of eulachon.

18

19 I just wanted to bring your attention to
20 that, that that is still a burning issue in Southeast.
21 That statement on the bottom of Page 191 and part of the
22 next page. That's something that I would hope that the
23 Federal Subsistence Board would clarify for Southeast at
24 this meeting, is, what that really means, customary trade
25 and whether we can do it or whether we can't.

26

27 Thank you.

28

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

31

32 Grace.

33

34 MS. CROSS: Thank you. I was just going
35 to relate an experience that I had this summer since we
36 hardly have any fish up north where I'm from we're
37 getting a little accustomed to trading for fish for other
38 things that we have in abundance.

39

40 I came here in Anchorage, last, I think
41 June or July and I was talking to an individual that my
42 daughter knew and say, gee, I wish I could go to Kenai
43 and fish so I could have some fish to bring back. She
44 said I know of somebody who could sell you Kenai fish and
45 it turned out she drove me to a place in Anchorage and I
46 bought fish that was -- I started talking to this guy
47 because I was curious, are they selling subsistence
48 caught fish, no, sports caught fish. So it's not -- I
49 agree with Ralph, sometimes, you know, you're not solving
50 the problem at all by looking at a small group of people,

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1 you have to look at the large picture, and regardless of
2 how much the large picture has in terms of money, you
3 have to act upon that.

4

5 And believe me I'm not making this up and
6 I was really, and I said I can't believe this happened to
7 me, but I did buy fish from a sports person and I don't
8 know how -- he went and opened his freezer and I was
9 like, whoa, that's a lot of fish, I had my pick of fish.
10 And I didn't want -- you know, I had hesitations about
11 buying and I said, well, there's fish here, but what am I
12 going to do, call somebody and see if anything happens,
13 heck no. I probably got tempted in calling somebody but
14 what's going to happen, I haven't seen anybody, a sports
15 fisherman cited for any violation of that kind so what
16 difference did it make at that time.

17

18 But anyway, maybe I'm making myself look
19 bad but this is the truth.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Any other Regional
24 Council comment.

25

26 (No comments)

27

28 CHAIRMAN DEMIENTIEFF: Board discussion.

29

30 MR. EDWARDS: Mr. Chairman.

31

32 CHAIRMAN DEMIENTIEFF: Gary.

33

34 MR. EDWARDS: I have a question for Pat.
35 Pat, correct me if I'm wrong but currently for
36 subsistence take on the Kenai has to be consistent with
37 sportfish regulations, is that not correct, which would
38 mean that these 36 salmon that were caught would have
39 been caught under current and existing sportfish, both
40 methods of takes as well as limits?

41

42 MS. PETRIVELLI: Yes. Yes. For the take
43 of fish, the user has to follow whatever it says in the
44 State sportfishing regulations.

45

46 MR. EDWARDS: Right. So I mean, I guess,
47 one could argue that these, as well as being subsistence
48 caught and identified under a subsistence permit, they
49 were also really sportfish caught under sportfish
50 regulation?

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1 MS. PETRIVELLI: The subsistence users
2 don't have to obtain a State fishing license.

3
4 MR. EDWARDS: Right.

5
6 MS. PETRIVELLI: They get a Federal
7 subsistence permit.

8
9 MR. EDWARDS: So that would be the only
10 difference other than would be the licensing?

11
12 MS. PETRIVELLI: Yes.

13
14 MR. EDWARDS: Okay. Then I have one
15 question for Ralph. Given that there's not a lot of
16 communities down on the Kenai that have been determined
17 as rural, how does the Council handle when one of those,
18 Cooper Landing, is supportive of this, how do you take in
19 their views in reaching your -- given that you're
20 representing them as well as you're representing
21 Ninilchik and the other communities? How do you weigh
22 that in coming to the conclusion to oppose the
23 recommendation?

24
25 MR. LOHSE: Well, I guess what I'd say is
26 we consider their views just like we consider anybody
27 else's views, but we're trying to apply them to what we
28 interpret ANILCA to say. And from that standpoint what
29 they presented.

30
31 I mean the fact that somebody asks for
32 something, just like we've had things that you've
33 rejected today, the fact that somebody asks for
34 something, whether they're a subsistence users or whether
35 they're classes of rural residents or not doesn't not
36 necessarily mean that it's in the best interest of the
37 community at large.

38
39 And in this case here, as a Council, we
40 looked at this and like Bob Churchill said, this is too
41 broad-scoped, like I felt, it was applying to a problem
42 that wasn't there. It's a problem that's not documented.
43 It's a problem that hasn't existed. And the problems
44 that were used for examples were from another whole part
45 of the community that wasn't involved in subsistence. So
46 we felt that at that point in time, like we told them and
47 I'll quote what we said, if you have a problem bring us a
48 problem, but don't bring us a potential problem. But if
49 you have a problem, bring us a problem and then we'll
50 work on it, and that was our feeling at this point in

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1 time.

2

3 It's awful hard to address a problem when
4 it's not there.

5

6 Thank you.

7

8 CHAIRMAN DEMIENTIEFF: Other discussion.

9

10 (No comments)

11

12 CHAIRMAN DEMIENTIEFF: Board action.

13

14 MR. EDWARDS: Ready for a motion?

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MR. EDWARDS: Mr. Chairman, I move that
19 we reject the proposal consistent with the recommendation
20 of the Southcentral Regional Advisory Council. As was
21 pointed out, there doesn't seem to be any legal basis for
22 this, and particularly given that these fish were taken
23 under sportfish regulations and there's really no need at
24 this point to provide this kind of a blanket regulation.

25

26 MR. TONY: Second.

27

28 CHAIRMAN DEMIENTIEFF: Discussion on the
29 motion.

30

31 MR. TONY: Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Yes.

34

35 MR. TONY: Yeah, I'd like to speak in
36 favor of the motion. I haven't heard anything that would
37 be a compelling justification to not reject it.

38

39 CHAIRMAN DEMIENTIEFF: I, also intend to
40 vote for the motion. And I want to, again, commend the
41 Regional Council for doing the diligence and bringing us
42 a recommendation. Somebody disagrees, was that a shout I
43 heard -- but, you know, it -- again, it's just another
44 example of us counting on our people that we have to go
45 out and do that work and to bring us the best
46 recommendation possible. So just would want to commend
47 the Council. But I do intend to vote for it.

48

49 Is there other discussion.

50

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1 MS. GOTTLIEB: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MS. GOTTLIEB: Since this is a provision
6 that is provided for in ANILCA, I, likewise, would see no
7 reason to prohibit customary trade. And likewise, I
8 think we would have faith in the Council to provide a
9 regional recommendation if they did see a real problem.

10

11 Thank you.

12

13 CHAIRMAN DEMIENTIEFF: Other discussion.

14

15 (No comments)

16

17 CHAIRMAN DEMIENTIEFF: Hearing none. All
18 those in favor of the motion, please signify by saying
19 aye.

20

21 IN UNISON: Aye.

22

23 CHAIRMAN DEMIENTIEFF: Those opposed,

24 same sign.

25

26 (No opposing votes)

27

28 CHAIRMAN DEMIENTIEFF: Motion carries.
29 Okay. I still don't see the parties that we're looking
30 for so we'll go ahead and move into Southeastern. And,
31 again, as we do this let's be advised that at least with
32 regard to Bristol Bay, we will adjust the agenda, we may
33 stop to do that. The other Southcentral one is not that
34 time sensitive so if we see the Bristol Bay people show
35 up then we will stop the Southeastern consideration and
36 take that up.

37

38 Okay, so with that we'll begin with FP04-
39 28. Analysis.

40

41 MR. SCHROEDER: Mr. Chairman, just to
42 clarify, our Staff analysis for Proposal 28 and 29, we
43 analyzed those proposals together and we will be taking
44 up Proposal 29 at 1:00 p.m. today. We could proceed with
45 28 and have Board action on 28 at this time or we could
46 hold until 1:00 o'clock, at the pleasure of the Chair.

47

48 CHAIRMAN DEMIENTIEFF: Yeah, 29 and 40
49 were requested time specific to 1:00 o'clock so we will
50 accommodate that, that's our intention.

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1 MR. LITTLEFIELD: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MR. LITTLEFIELD: Mr. Chair, I concur
6 with Dr. Schroeder's comments, and my comments are
7 addressing 28 and 29 together because that's the way the
8 Staff analysis was presented to us at the Southeast
9 Council. So some of my comments overlap in 28 and 29,
10 and I think it would be appropriate to include 28, 29 and
11 40 in the 1:00 o'clock discussion.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. We'll
14 adhere to that and we'll go with 32 then.

15

16 MR. CASIPIT: Thank you, Mr. Chairman.
17 Members of the Board. For the record my name is Cal
18 Casipit. I'm the subsistence fisheries biologist for the
19 Forest Service based in Juneau. I'll be presenting FP04-
20 32. If you will notice your executive summary for 32
21 starts on Page 325 of your book. I'll be briefly going
22 over 32. Now, the Staff analysis that appears, actually
23 combines 31 and 32 together, but I'll only be discussing
24 the specifics of Proposal 32.

25

26 Proposal 32 was submitted by Jim Beard of
27 Thorne Bay and he requests that monthly permitting and
28 reporting of harvest be required for the Federal
29 subsistence steelhead fishery on Prince of Wales Island.
30 The proponent of 32 believes that the existing Federal
31 subsistence fishery for steelhead on Prince of Wales
32 Island should require more frequent reporting for in-
33 season management to ensure that island-wide harvest cap
34 is not exceeded and that small stocks are not
35 overharvested.

36

37 The proposed Federal regulation appears
38 on Page 330 of your book for FP04-32. I would note that
39 this, and I'm making this orally, but I would note that
40 the last sentence of the bolded paragraph, the first
41 paragraph thee of the proposed regulation I'll read it:

42

43 Failure to comply with the terms of
44 returning your permit will make you
45 ineligible to receive a future permit for
46 any Federal subsistence fishery.

47

48 I wanted to note that legal counsel has
49 told me that this is a violation of an individual's right
50 to due process and that no matter what the action of the

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1 Board, that particular sentence would not be included in
2 any kind of regulation.

3

4 The extent of Federal public lands and
5 waters or Federally-managed waters of the Tongass
6 National Forest, excluding marine waters on Prince of
7 Wales Island, you'll see a map on Page 331 of Prince of
8 Wales.

9

10 I think the Board is pretty familiar with
11 the regulatory history of steelhead on Prince of Wales
12 Island. This has come before the Board on many
13 occasions, since the beginning of our implementation of
14 the fisheries -- of this Federal Subsistence Fisheries
15 Program, so I'll dispense with any of that and I think
16 I'll just talk about the existing subsistence -- the
17 subsistence harvest that occurred in the only fisheries
18 so far, the spring 2003 fishery.

19

20 Like I said, the only fishery under this
21 regulation to occur to this date is the spring 2003
22 Federal Subsistence season. In that season 76 permits
23 were issued to Federally-qualified users. At this point
24 74 permits have been returned resulting in a total
25 reported harvest of 26 steelhead from the Prince of Wales
26 Island systems. All of the reported harvest came from
27 the three largest producing road accessible systems, the
28 Thorne River, the Klawock River and Staney Creek. No
29 harvest was reported from small road accessible or small
30 non-road accessible systems.

31

32 We do have a concern for discrepancy
33 between the recent 2003 permit harvest report of 26 and
34 the Subsistence Division's community harvest surveys of
35 estimate of approximately 600 from Federal waters that
36 came from the household surveys in the 1990s. We're
37 unsure of this discrepancy but an existing FIS study 01-
38 105 would hopefully shed a little more light on the two
39 estimates.

40

41 A little on the effect of the proposal.
42 Monthly permitting would be one of the things required by
43 32. That the proposal implies the need for additional
44 reporting of harvest to the Federal in-season manager so
45 that he can efficiently control harvest to stay under the
46 island-wide harvest cap and ensure small streams are
47 protected. The harvest levels reported from the spring
48 2003 fishery do not support this need. Few steelhead
49 were harvested representing only a small proportion of
50 the harvest cap. In addition all of the reported harvest

00165

1 came from the three largest road accessible steelhead
2 producing systems on Prince of Wales Island.

3

4 With that I'll be happy to answer any
5 questions.

6

7 CHAIRMAN DEMIENTIEFF: Thank you, very
8 much. Written public comments.

9

10 MR. SCHROEDER: Mr. Chairman, we've
11 received no written public comments for this proposal.

12

13 CHAIRMAN DEMIENTIEFF: We have no
14 requests for additional public testimony at this time.
15 Regional Council recommendation.

16

17 MR. LITTLEFIELD: Thank you, Mr. Chair.
18 The Regional Advisory Council opposed both Proposals 31
19 and 32, which were very similar. We saw this as an undue
20 restriction being put on subsistence users, given that
21 the very small harvest of 26 fish when we had a 600 fish
22 cap was basically insignificant. And the land manager
23 has the authority now to close that season if he sees
24 anything going wrong with it and we're sure that
25 information -- we felt sure that information would get to
26 him if there was a high take.

27

28 So for those reasons we opposed the
29 proposals, both of them.

30

31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Department comments.

33

34 MS. SEE: Thank you, Mr. Chairman. My
35 name is Marianne See. We should note also that we had
36 looked at the two proposals, 31 and 32 together because
37 they'd contained provisions looking at reporting and how
38 that would potentially be different than it is currently
39 with this newer activity for steelhead fishing.

40

41 These streams are primarily, or many of
42 them are systems that have small runs of fish so the
43 Department maintains a concern about that. We feel that
44 monthly harvest reporting is a good idea. We think it's
45 necessary to adequately monitor steelhead harvest and
46 ensure that harvests are not excessive on an individual
47 stream basis. And that's important to distinguish.
48 We're talking about the individual streams which may have
49 very low populations of fish.

50

00166

1 We do recommend that permits be issued
2 and made valid for one month to facilitate harvest
3 reporting. Considering the harvest level reported for
4 2003 and the low numbers of permits issued for State
5 subsistence fisheries in the Situk and Ahrnklin Rivers,
6 we do not think a weekly reporting requirement is
7 necessary, which is why we were able to join with others
8 on the consent agenda item for 31, which was a more
9 stringent reporting.

10

11 The adoption of this proposal would
12 provide a means to standardize harvest reporting
13 requirements between the State and the Federal steelhead
14 fisheries. We would support such provisions for all
15 Federal steelhead fisheries by either regulatory or
16 permit provisions. If a monthly permit and harvest
17 reporting requirement is implemented in steelhead --
18 Federal steelhead fisheries, the State permit provisions
19 would be correspondingly modified as well.

20

21 Thank you.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. I just
24 note that I inadvertently passed over the Staff Committee
25 recommendation, but I'll invite, of course, the Regional
26 Council and the State, both, will be a part of the Board
27 discussion if there's additional comments after hearing
28 the Staff Committee recommendation.

29

30 MR. KESSLER: Good morning. Mr. Chair.
31 Board members. Regional Advisory Council Chairs. ADF&G
32 representatives. And others. I'm Steve Kessler with the
33 Forest Service and a member of the Inter-Agency Staff
34 Committee. I've replaced long time member Ken Thompson,
35 who recently retired.

36

37 The Inter-Agency Staff Committee
38 recommends rejecting Proposal FP04-32 as recommended by
39 the Southeast Alaska Subsistence Regional Advisory
40 Council. This proposal would require monthly reporting
41 and monthly permitting for Prince of Wales Island
42 steelhead subsistence fisheries.

43

44 Following is our justification for this
45 recommendation.

46

47 The 2003 season is the first year that
48 Federally-qualified subsistence users have been able to
49 legally harvest fish under Federal permits. So far we've
50 experienced only the spring 2003 fishery and in that

00167

1 fishery, 76 Federal permits were issued, resulting in a
2 reported harvest of 26 fish. Inter-Agency Staff
3 Committee does not believe that regulatory changes are
4 needed at this time. Regulatory changes are not needed
5 for conservation purposes. Participation in steelhead
6 harvest in the permitted fishery have been low and more
7 burdensome harvest reporting is not needed.

8

9 The current regulations allow the Federal
10 in-season manager to establish permit requirements
11 calling for more frequent reporting as needed for
12 conservation purposes. The Inter-Agency Staff Committee
13 believes that this authority is appropriately left with
14 that in-season manager and that these reporting
15 requirements should not be in regulation.

16

17 Mr. Chair.

18

19 CHAIRMAN DEMIENTIEFF: Thank you. Are
20 there any other comments, other Regional Council members.

21

22 (No comments)

23

24 CHAIRMAN DEMIENTIEFF: If not, we'll
25 advance this to Board discussion.

26

27 MS. GOTTLIEB: Mr. Chair.

28

29 CHAIRMAN DEMIENTIEFF: Yes.

30

31 MS. GOTTLIEB: I recall quite a bit of
32 discussion on steelhead last year and I really wanted to
33 commend both the Forest Service and Fish and Game for
34 providing that in-season monitoring and communication
35 that did take place this past year.

36

37 My thoughts on this proposal is that it
38 would be an undue burden on subsistence users.

39

40 CHAIRMAN DEMIENTIEFF: Yes.

41

42 MR. BSCHOR: Mr. Chair. Also in that
43 discussion and deliberation last year we agreed to give
44 us a two year trial. I believe we ought to continue to
45 do that.

46

47 I, too, feel that there's not any
48 particular conservation purpose at this point relative to
49 subsistence noting the figures that we've seen already as
50 far as our monitoring that would require moving forward

00168

1 with this proposal.

2

3 Thank you.

4

5 CHAIRMAN DEMIENTIEFF: Thank you. Gary,
6 you had comment.

7

8 MR. EDWARDS: Mr. Chairman, I have a
9 couple questions. I guess one for the Forest Service.
10 How often, given there's not very many permit holders,
11 are there frequent contacts made with those individuals,
12 even though the reportings only at the end of the season?

13

14 MR. CASIPIT: Thank you, Mr. Edwards.
15 Chair. Members of the Board. Jeff Reeves is actually
16 the representative of the local in-season manager and I
17 was in contact with him throughout the season. He was
18 calling every permit holder every -- on a two week basis.
19 And he was contacting anywhere between 75 to 85 percent
20 of the permit holders every other week asking them where
21 they were harvesting, how many fish they caught. So he
22 was tracking pretty closely throughout the whole spring
23 season about existing harvest, where the locations of the
24 harvest was happening and that sort of thing.

25

26 If Jeff cares to elaborate he can come
27 forward and speak.

28

29 MR. REEVES: Thank you, Mr. Chairman.
30 For the record, my name is Jeff Reeves. As Cal did
31 mention I was contacting permit holders throughout the
32 course of the fishery about every two weeks. The general
33 trend that I found when I'd contacted these folks, they
34 were very open with me and usually on average about two-
35 thirds to three-quarters hadn't even fished. Why, I
36 don't know. A lot of them said time constraints.

37

38 It was time that I wished I could have
39 been out on the systems, but for being the first year of
40 the fishery I thought it was more relevant that I sit
41 behind my desk and contact. It was basically the best
42 way to do it was to contact them in the afternoon, and
43 those I couldn't do I could at least try the next day.

44

45 I did a lot of, also a lot of on site
46 visits. As permits were issued, the permittee was handed
47 a sheet and it just asked, you know, where might you fish
48 and based on the responses of those, I tried to hit all
49 those systems at least once, twice during the peak of the
50 run and I -- myself, I never even bumped into a

00169

1 subsistence user. Our law enforcement did, I think on
2 six occasions out of, was it, 35 individual contacts. So
3 that's pretty much it.

4

5 If you want some brief statistics on
6 these permit holders, over the total fishery, 76 percent
7 of the permits never even fished. We had 18 permits that
8 did fish, of those, six fished but never harvested, so
9 roughly eight percent, and 12 permits reported success.

10

11 So if you have any further questions.

12

13 MR. TONY: Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Paul.

16

17 MR. TONY: What percentage of the total
18 harvest did those 26 fish that were taken by subsistence
19 users, Federal subsistence users represent?

20

21 MR. REEVES: Mr. Chairman. Mr. Tony. On
22 the 12 successful permits, if this answers your question,
23 it roughly averaged about two fish per permit, but we did
24 have two of the 12 permits that actually harvested their
25 complete limit of five fish. So we had 26 fish, 10 of
26 which were harvested by two permit holders and the fish
27 basically, just about half of them came out of the
28 Klawock River. Ten came out of the Thorne River. And
29 one permit holder harvested two out of Staney Creek. If
30 that answers your question.

31

32 MR. TONY: What I was trying to get at, I
33 was curious about what the sport take was and what
34 percentage the subsistence take was of the total.

35

36 MR. REEVES: For the sport harvest, I
37 don't have any numbers, that's derived from the statewide
38 harvest survey. When compared to the most recent
39 sportfish harvest numbers that I have, which was back in
40 the year 2000, that harvest was 12, that was estimated by
41 the statewide harvest survey. So if that's
42 representative, then we had just over twice the amount
43 harvested under subsistence.

44

45 MR. TONY: Are the State numbers derived
46 on a monthly reporting basis or a weekly reporting basis,
47 the State sport numbers?

48

49 MR. REEVES: The State numbers are
50 derived from their statewide harvest survey which is a --

00170

1 it's a large booklet that's sent out towards the
2 wintertime to, I believe, randomly selected license
3 holders, and folks basically have to record where they
4 fished in their household and what they caught and what
5 they released over -- they have to basically try to
6 remember that over a course of a year and then you mail
7 that back in.

8

9 MR. TONY: So the State does not have any
10 mandatory reporting requirement for sport fishermen, they
11 just want to impose it on subsistence fishermen?

12

13 MR. REEVES: That's probably a question
14 more for ADF&G.

15

16 (Laughter)

17

18 CHAIRMAN DEMIENTIEFF: Would the State
19 like to respond.

20

21 MS. SEE: Yes, this is Marianne See. Our
22 main information comes from the statewide harvest survey
23 as he indicated, and the numbers have been reported as
24 very low in those surveys.

25

26 Thank you.

27

28 MR. EDWARDS: Mr. Chairman.

29

30 CHAIRMAN DEMIENTIEFF: Yes.

31

32 MR. EDWARDS: I guess I'd like to ask the
33 State, I mean I concur with your analysis that we have to
34 be very careful with harvest of steelhead, be it
35 sportfish or be it subsistence, given the numbers. But
36 it always -- I'm still concerned why the State seems
37 reluctant to look at what the by-catch is occurring on
38 steelhead. No data has been gathered since 1990. I
39 notice in looking at previous records in 1986, over
40 11,000 steelhead were taken in the by-catch, and it seems
41 to me if we could address the by-catch issue it would
42 benefit not only subsistence users but sportfishing users
43 as well.

44

45 CHAIRMAN DEMIENTIEFF: Response.

46

47 MS. SEE: Even though it's not related
48 directly to this proposal, we could certainly comment
49 about that. There are some data on this although it has
50 not been recently collected. And this is obviously a

00171

1 separate area to pursue but, one, which there is
2 interest.

3

4 Rod, do you have additional comments you
5 want to offer.

6

7 MR. CAMPBELL: Yes. Mr. Chairman, for
8 the record Rod Campbell, Division of Commercial
9 Fisheries. Yes, Mr. Edwards, as you probably realize we
10 did have some regulation changes a few years ago,
11 commercial fisheries did prohibit the sale of steelhead
12 caught in the seine fisheries. Felt that that has
13 certainly reduced any incidental catches of steelhead,
14 and you're right we do not require that on the commercial
15 fishery ticket, they're not recorded. But felt that
16 those Board of Fish regulatory changes have gone a long
17 ways in reducing that catch.

18

19 MR. EDWARDS: But even though you can't
20 sell them, isn't there a significant amount of mortality
21 as a result of by-catch?

22

23 MR. CAMPBELL: Mr. Chairman. Mr.
24 Edwards. I don't have any studies or numbers on that
25 that I could present.

26

27 MR. EDWARDS: What would you, in your
28 personal view, what would you assume, that there is or
29 isn't?

30

31 MR. CAMPBELL: Mr. Chairman. Mr.
32 Edwards. I don't have enough time in with the State to
33 go out on a limb to give my personal view on the
34 steelhead fishery in Southeast so I will defer that
35 question.

36

37 MR. EDWARDS: I appreciate your concern.

38

39 MR. BISSON: Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Go ahead.

42

43 MR. BISSON: I have a question for ADF&G.
44 You expressed a concern for monitoring the take of
45 steelhead on the small river systems. Is there any
46 concern about the take that occurred this year on the
47 three rivers where there was reported take or are you
48 concerned about other rivers where there was no take?

49

50 MS. SEE: Through the Chair. That's

00172

1 certainly a reasonable question.

2

3 (Loud Buzzing noise)

4

5 MS. SEE: Okay, Mr. Chair, that's quite
6 the buzzer you have.

7

8 (Laughter)

9

10 MR. BISSON: We thought you pushed it.

11

12 MS. SEE: Now, I'm trying to remember
13 what the question was.

14

15 (Laughter)

16

17 MR. BISSON: The question was are you
18 concerned about the take that did occur on the three
19 rivers where there was reported take?

20

21 MS. SEE: Yes, and as I started to say
22 this is a new provision that based on the harvest
23 information that we've seen, we are not concerned to
24 date. I think what we've -- and what I said in our
25 comments, too, was that by either regulatory permit
26 provisions, we do want to see some kind of monitoring as
27 users are in these small streams because they're small
28 and the populations are small. And we want to assess --
29 and want to cooperatively with the Federal program assess
30 the usage in those streams. We don't have a lot of data
31 for these areas.

32

33 Thank you.

34

35 MR. BISSON: The question I have for the
36 Forest Service is I'm assuming that you kept records of
37 all the contacts that you made on your bi-weekly calls,
38 you know, what stream they fished or didn't fish and how
39 many fish they caught. Have you provided that data to
40 ADF&G?

41

42 MR. REEVES: Mr. Chairman, Mr. Bisson.
43 Yeah, as I contacted folks I did try to keep record as
44 they reported fish. And at the end of the season we did
45 have a summary of permit data, that's processed out of
46 Petersburg. I don't know if a direct copy of that did
47 get passed on to them, but what I do have in front of me
48 though, for Prince of Wales systems, there was seven
49 systems that were reported to be fished and out of -- in
50 the early part of the fishery when we implemented a size

00173

1 restriction and a lower bag limit on 21 of the road side
2 systems, only one of those systems wound up being
3 reported as being fished with no harvest.

4

5 MR. BISSON: Mr. Chairman, I guess for
6 the record, you know, last year we had a very
7 significant, fairly emotional discussion about this issue
8 and I recall, as Mr. Bschor does, is we said we'd try
9 this for a couple of years and see where we stand.

10

11 I think that, you know, given that the
12 Forest Service, and I'm assuming they'll continue this
13 year making bi-weekly phone calls, perhaps what we could
14 do is provide that information more timely to Game and
15 Fish as a way of getting the data. But I am going to
16 vote to oppose this particular recommendation.

17

18 CHAIRMAN DEMIENTIEFF: Is that in a form
19 of a motion.

20

21 MR. BISSON: It could be, if you're
22 looking for a motion.

23

24 MR. BSCHOR: I'm prepared to make a
25 motion.

26

27 CHAIRMAN DEMIENTIEFF: Okay, that's fine.

28

29 MR. BSCHOR: Do you want me to do so now?

30

31 CHAIRMAN DEMIENTIEFF: Go.

32

33 MR. BSCHOR: I move to reject Proposal
34 FP04-32, as in line as recommended by the Southeast
35 Alaska Subsistence Regional Advisory Council.

36

37 CHAIRMAN DEMIENTIEFF: Is there a second
38 to that motion.

39

40 MR. BISSON: I second it.

41

42 CHAIRMAN DEMIENTIEFF: Discussion.

43

44 MR. BSCHOR: And I would like to say the
45 reason I'm suggesting this is we have not seen a
46 conservation reason to go along with the proposal and
47 we've not -- the proposal would also be burdensome to the
48 subsistence users. And I also want to, for the record,
49 say that we really need to know what's happening with
50 these sports fisheries and commercial fisheries relative

00174

1 to steelhead before we can have some reasonable
2 discussions in the future.

3

4 Thank you.

5

6 CHAIRMAN DEMIENTIEFF: Yes, I, too,
7 intend to support the motion. We did diligence, I mean
8 we labored very long and hard over making the decision
9 and my observation is so far so good. I see no reason
10 for us to take this up.

11

12 Did you have comment, go ahead.

13

14 MR. TONY: Thank you, Mr. Chairman.
15 Yeah, I agree with the maker of the motion. It seems
16 disingenuous to require monthly reporting in this arena
17 when you do not have monitoring of the commercial and the
18 sport fishery. You can't really say with a straight face
19 that you're really concerned about the overall numbers
20 unless you monitor all areas of the harvest.

21

22 CHAIRMAN DEMIENTIEFF: Any further
23 discussion.

24

25 MS. GOTTLIEB: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 MS. GOTTLIEB: Again, I guess, now I'd
30 like to thank Jeff personally for doing the diligence on
31 the ground. We set up this system last year but you and
32 others are truly the ones who have to implement it. So
33 thank you for your hard work.

34

35 CHAIRMAN DEMIENTIEFF: Any further
36 discussion.

37

38 (No comments)

39

40 CHAIRMAN DEMIENTIEFF: Hearing none. All
41 those in favor of the motion, please signify by saying
42 aye.

43

44 IN UNISON: Aye.

45

46 CHAIRMAN DEMIENTIEFF: Those opposed,
47 same sign.

48

49 (No opposing votes)

50

00175

1 CHAIRMAN DEMIENTIEFF: Motion carries.
2 Just for people's comfort levels, they were working on
3 the security system upstairs and it obviously works.

4
5 Proposal 33.

6
7 MR. REEVES: Thank you, Mr. Chairman.
8 Again, for the record my name is Jeff Reeves. I'm the
9 subsistence fisheries biologist for Prince of Wales
10 Island and Ketchikan areas.

11
12 Proposal 33 submitted by Council member
13 Mike Douville of Craig requests the addition of Kosciusko
14 Island to the language of the current regulation for the
15 Prince of Wales Island subsistence steelhead fishery.

16
17 The proponent -- oh, I'm sorry, excuse me
18 here. The executive summary can be found on Page 337 and
19 the analysis begins on 341. I kind of jumped the gun
20 there, sorry.

21
22 The proponent is concerned that the
23 current regulation does not allow subsistence harvest of
24 steelhead on Kosciusko and that it's restrictive to the
25 residents of Edna Bay as they must first fly or boat to
26 Prince of Wales Island in order to legally harvest a
27 steelhead under Federal regulation. A map of Kosciusko
28 Island can be found on Page 343 in your notebook.

29
30 Kosciusko Island is located along the
31 northwest side of Prince of Wales Island. The steelhead
32 are known to be present in four systems on Kosciusko,
33 with only spring run fish being documented. Actual
34 population numbers are unknown for these drainages. A
35 total of 49 people reside in the 19 households of Edna
36 Bay. Of the 76 permits issued during the 2003 spring
37 subsistence steelhead season two permits were issued to
38 residents of Edna Bay. Of the 26 reported steelhead
39 harvested during the spring fishery, no steelhead were
40 reported from Kosciusko waters or reported harvested by
41 Edna Bay residents.

42
43 Household harvest surveys in 1998 showed
44 no steelhead harvest but did show a small harvest of
45 cutthroat and rainbow trout from Trout Creek by residents
46 of Edna Bay. It is unknown if any of those rainbow trout
47 were steelhead.

48
49 Sport harvest is unknown from Kosciusko
50 Island. With the small number of responses to the

00176

1 statewide harvest survey. Along with the remoteness of
2 Kosciusko, the assumption can be made that sport harvest
3 is minimal.

4

5 Cabin use surveys have resulted in one
6 response for Shipley Lake. This survey estimated a catch
7 of two and the harvest of one steelhead from Shipley
8 Creek.

9

10 The proposal would provide additional
11 subsistence harvest opportunity on four steelhead systems
12 on Kosciusko Island resulting in some harvest of
13 steelhead. Harvest levels of steelhead on Kosciusko
14 drainages should not increase dramatically due to the
15 small population of Edna Bay along with the remoteness of
16 Kosciusko Island to the other Prince of Wales
17 communities.

18

19 I'm open to answer any questions now.

20

21 CHAIRMAN DEMIENTIEFF: Thank you.

22 Written public comments.

23

24 MR. SCHROEDER: Mr. Chairman, we have no
25 public comments for this proposal.

26

27 CHAIRMAN DEMIENTIEFF: We have no request
28 for additional public testimony at this time. Regional
29 Advisory Council recommendation.

30

31 MR. BOYD: Staff Committee.

32

33 CHAIRMAN DEMIENTIEFF: No, Regional
34 Advisory Council recommendation and then Staff Committee.

35

36 MR. LITTLEFIELD: Okay, thank you, Mr.
37 Chair. The Regional Advisory Council supports this
38 proposal. It's fairly insignificant. It does provide
39 some additional opportunity for the residents of the
40 area. There is a very small take there but it does
41 provide that opportunity. And it is also included under
42 the guideline harvest level that is existing. So, in
43 effect, you know, if they were to take more fish there it
44 would make less -- you know, as we don't go over that
45 guideline harvest level of 600 fish it just shouldn't
46 matter to anybody where they come from.

47

48 So we did support the proposal.

49

50 CHAIRMAN DEMIENTIEFF: Thank you, very

00177

1 much. Staff Committee.

2

3 MR. KESSLER: Thank you, Mr. Chair. I'm
4 Steve Kessler with the Forest Service.

5

6 The Inter-Agency Staff Committee
7 recommends adopting the proposal as recommended by the
8 Southeast Alaska Subsistence Regional Advisory Council.
9 This regulation, if adopted, would add the words, and
10 Kosciusko Island into the current language of the
11 regulations for steelhead harvest on Prince of Wales
12 Island as shown on Page 338 of the Board book.

13

14 The following is our justification.
15 Kosciusko Island is immediately adjacent to Prince of
16 Wales Island and likely connected at lower tides. As a
17 matter of fact, I'd like to call your attention, if you
18 might have seen the map that was previous on the screens,
19 and maybe they could put it back up again, you'll see
20 that Prince of Wales and Kosciusko are just -- in that
21 map right there on the screen -- Kosciusko Island is the
22 island that's sort of midway in the map on the left side
23 surrounded in blue on that, and so it's very, very close
24 and almost connected to Prince of Wales.

25

26 There are a number of steelhead streams
27 on Kosciusko Island which, according to Prince of Wales
28 Island area residents are occasionally utilized by local
29 subsistence fishers. Implementation of this proposal
30 would allow these residents to fish under Federal
31 steelhead regulations. Harvest levels of steelhead
32 should not be very large due to the small population of
33 people on Kosciusko and the remoteness of Kosciusko
34 Island to other Prince of Wales communities.

35

36 Any steelhead harvested from these
37 systems would be included in the harvest cap for the
38 Prince of Wales subsistence fishery and the system can be
39 subject to in-season management actions by the local in-
40 season manager in consultation with ADF&G should the need
41 arise.

42

43 Thank you, Mr. Chair.

44

45 CHAIRMAN DEMIENTIEFF: Thank you.
46 Department.

47

48 MR. VINCENT-LANG: Thank you, Mr. Chair.
49 My name's Doug Vincent-Lang for the record. The
50 Department does not support this proposal. We have a

00178

1 couple of different concerns.

2

3

4 First, given the lack of stock status
5 information and the slim potential for future stock
6 assessment projects on the island, the high degree of
7 uncertainty would be associated, in our opinion, with any
8 management decision applied to these fisheries.
9 Steelhead have been observed or reported in only four
10 island streams, all of which are small systems with
11 spawning population at a likely number, fewer than 100
12 fish each.

12

13

14 Given that the number of streams, stream
15 size and spawning populations they support are all small.
16 We are concerned that there is a limited capacity to
17 support a continued and sustained harvest.

17

18

19 It appears the proposal could
20 substantially increase harvest potential for a number of
21 Federally eligible users, thus, we consider that this
22 proposal puts these four small stocks at significant risk
23 of over exploitation.

23

24

25 Second, steelhead on the island have not
26 been found to be customarily and traditionally taken for
27 steelhead based on surveys on permit returns.

27

28

29 Finally, the adoption of this proposal
30 would cause further divergence without a sound management
31 basis between State and Federal subsistence fisheries.

31

32

33 We'd also like to add that we have heard
34 that one of the reasons to substantiate this -- or make
35 this recommendation come forward is that these fish will
36 be covered under the GHL. Well, the GHL is 600 fish. If
37 all 600 fish were to come out of these small streams, I
38 can guarantee you that that would raise a conservation
39 issue. The GHL does put a limit on the amount of fish
40 that will be taken from Prince of Wales Island streams,
41 however, in our opinion it still does not offer adequate
42 protection to these small stocks given that there is no
43 upper cap or size limit on these upper stock fish.

43

44

45 Thank you.

45

46

47 CHAIRMAN DEMIENTIEFF: Other Regional
48 Council comments. Gerald.

48

49

50 MR. NICHOLIA: Thank you, Mr. Chair. It
seems like steelhead is a big sport fishery thing and

00179

1 like I said last year for Dan O'Hara, subsistence people
2 only take two or three percent out of a hundred percent.
3 And what is not counted here, is we're trying to restrict
4 subsistence people while you let sport people go full-
5 throttle. And you State people have to control that
6 because they're taking more than 97, 98 percent and we're
7 just restricting the little people?

8

9 CHAIRMAN DEMIENTIEFF: Yes. Ralph, I
10 think -- I'm not sure who was first, go ahead, Ralph,
11 then John.

12

13 MR. LOHSE: If there are steelhead on, I
14 don't know how to pronounce that island, Kosciusko Island
15 or whatever you said, if there are steelhead on there and
16 there are people living on there, the only reason there's
17 steelhead on there is because the people that are living
18 on there haven't taken them all.

19

20 I am willing to bet that the people that
21 are living on there have, if there are steelhead there,
22 have eaten steelhead in the past and probably continue to
23 eat it at this point in time. We don't know any numbers
24 for how many steelhead are there, we have no stream
25 surveys, we have no nothing. This would be one way to
26 get an idea of what the take of steelhead on that island
27 is. If you have a subsistence permit and from what we've
28 heard from the people from the Forest Service we've had
29 very good reporting, very good cooperation by the
30 subsistence users.

31

32 And, again, it's another -- it's another
33 case, in my way of looking at of saying, what if, what
34 if, what if, what if, you know. I know steelhead are a
35 very precious fish. Everybody thinks that they're
36 extremely important, but they're only there because the
37 people that are living there haven't taken them all and I
38 don't think that you're going to -- I don't think you're
39 going to stop isolated rural residents from taking an
40 occasional fish by not -- and, again, I don't like to
41 make something -- say somebody's doing something illegal
42 but by not making it legal, it's going to happen, so why
43 not get a record of it. Why not find out what's going
44 on.

45

46 I mean basically what we've seen out of
47 this thing here is, you put a cap of 600 on because
48 that's what the survey showed but when you get right down
49 to actual facts, what do people actually use we come up
50 with 26.

00180

1 How many are actually going to be used on
2 Kosciusko Island? One way to find out is to allow a
3 permit there. And I don't know, I don't see where -- if
4 it's an isolated stream and you don't have any
5 sportfishing pressure it's not something that attracts
6 somebody, it's that small, nobody's going to go in there
7 and take them all and if they do this is a good way to
8 find it out and close it.

9

10 Thank you.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. Before
13 we -- I'm sorry, go ahead, Doug.

14

15 MR. VINCENT-LANG: Thank you, Mr. Chair.
16 I'd like to respond to a couple of those different
17 comments that I heard.

18

19 First.....

20

21 CHAIRMAN DEMIENTIEFF: If you don't -- I
22 will give you ample opportunity.

23

24 MR. VINCENT-LANG: Okay.

25

26 CHAIRMAN DEMIENTIEFF: But I did get a
27 late request for public testimony and I'd just like to
28 allow that, you know, in case there's some things that
29 you wish to respond to.

30

31 MR. VINCENT-LANG: Thank you.

32

33 CHAIRMAN DEMIENTIEFF: But I'll make sure
34 I get right back to you, Doug. Okay, Lisa Lang, I think
35 that's it. Go ahead.

36

37 MS. LANG: Good morning. My name is Lisa
38 Lang and I'm from the village of Hydaburg on Prince of
39 Wales Island. And I just wanted to note for the record
40 that there was no written public comment on this proposal
41 and the gentleman made a remark from the State point of
42 view that it was taken from a survey.

43

44 And I would like to offer a point of view
45 living in the village and being from Hydaburg, I never
46 had the opportunity to see that survey or have any
47 experience with that survey and I can tell you, from
48 personal experience, that it is an isolated village and
49 we don't have a lot of tourism, we don't have the big war
50 with sports fishermen and I would like to support this

00181

1 proposal as a village person and telling you firsthand,
2 that this is a way for us to try and use the system by
3 making a count for us.

4

5 These gentlemen here are advocating on
6 behalf of my island to say, let's figure out a way to
7 make this work. If we don't do this we're going to get
8 it taken from us anyway. So we're asking how can we step
9 up to the plate, do the job and I think I need to hear a
10 little bigger voice from the village. It upsets me,
11 personally, and I'm only speaking for myself. My son is
12 a fisherman, my family are fishermen, I come from fishing
13 people and I think that it needs to be a little bit more
14 noted in your record about what the people it affects,
15 who it affects and who it doesn't affect. And this is a
16 way to do it. I think it's an awesome way to do it.

17

18 I don't like to put people down and so I
19 know the gentleman that referred to -- I don't even know
20 his name, I apologize, but he speaks to a survey and he
21 speaks to his view of the world through a survey. My
22 view is firsthand living there. I'm very, very
23 passionate about this and I don't know the best way to
24 make this system work for our people in the village.

25

26 So please take my comments to heart.
27 That's what I'm asking you to do and support this
28 proposal.

29

30 Thank you.

31

32 CHAIRMAN DEMIENTIEFF: Thank you, very
33 much. Doug.

34

35 MR. VINCENT-LANG: Thank you, Mr. Chair.
36 Let me make it clear, the State does not want to
37 unnecessarily restrict subsistence users from taking the
38 fish they so badly need and have traditionally taken,
39 rather, all we're saying is that these stocks are small
40 and there's a significant risk of over exploiting these
41 stocks.

42

43 To say that sport is unregulated is
44 simply not true. There is a 36-inch minimum size limit
45 and an annual limit. That 36-inch minimum size limit
46 goes a long ways in our minds towards providing for a
47 sustainable fishery. If, in fact, the Board were to
48 adopt the 36-inch size limit, many of our concerns would
49 disappear with respect to these stocks.

50

00182

1 We think that the current regulations on
2 the island of which people may be taking fish and we're
3 assuming that they're taking them legally is sustainable
4 as it is a 36-inch size limit and that's why that 36-inch
5 size limit was put in place on those stocks. So, if in
6 fact over time -- you got to remember, 10/15 years ago,
7 these stocks were severely decimated and the 36-inch size
8 limit was a way to rebuild those stocks.

9
10 Finally, I guess, occasionally, I do
11 believe that the surveys that we have may not be
12 completely comprehensive, however, they are the best
13 available information that you as a Board have in front
14 of you. As a matter of fact, it's kind of interesting
15 that the recent survey conducted by the Fish and Wildlife
16 Service showed 26 fish taken where, in fact, the surveys
17 that the Department conducted in the past where you based
18 your GHF on was much higher than that. So I'm not sure
19 what the true number is. But, again, 600 fish, it's kind
20 of a Catch-22. We heard last year that the 600 fish were
21 to protect stocks and we needed to provide opportunity on
22 small stocks and large stocks but the information that's
23 available to the Board from the survey that was conducted
24 last year clearly shows that most of the fish is being
25 taken from large streams.

26
27 So, again, I guess given that, and that's
28 where the information is suggesting it goes, why not
29 protect small stocks with some additional measure of
30 protection, either on a stream by stream quota that
31 doesn't allow over exploitation of those stocks or some
32 kind of minimum size limit.

33
34 Again, in summary, we're not opposed to
35 providing opportunity for subsistence users on steelhead,
36 we're simply concerned that those opportunities are built
37 in a regulatory manner that allows those opportunities to
38 be sustained over time for the subsistence user.

39
40 Thank you.

41
42 MR. NICHOLIA: Mr. Chair.

43
44 CHAIRMAN DEMIENTIEFF: Gerald.

45
46 MR. NICHOLIA: Thank you. I know you're
47 not opposed Doug, I know the State more or less wants to
48 control, control the resource and the users, but look at
49 the Yukon. You guys been having that -- you've been
50 having control for the last 50 years on the Yukon River

00183

1 and your information is coming from the book and surveys
2 that you look at. That lady's information is coming from
3 the heart and your information is not the best
4 information that's sitting here.

5

6 Thank you.

7

8 CHAIRMAN DEMIENTIEFF: Yes. John.

9

10 MR. LITTLEFIELD: Thank you, Mr. Chair.
11 Again, we're talking about 36-inch fish that we debated
12 thoroughly last year that just don't exist in any numbers
13 that anybody can catch. So what we're doing here is
14 providing an opportunity for those people on a limited
15 system. And I think we should be quite clear that Mr.
16 Reeves said that he checks with these people all the time
17 in the previous motion, he's going to keep track of,
18 you're going to get some numbers from there.

19

20 And as Ralph alluded to, probably are
21 some fish coming out of there now, I wouldn't be
22 surprised. It would be better for us to know those
23 numbers. And the land manager has the ability to close
24 these areas and has, I think if you could explain maybe
25 on restrictions that are in place on small streams now
26 what's been done. I mean it's not a blind eye or deaf
27 ear that the land manager has turned to the ADF&G. If
28 they have concerns, the land manager will address them.
29 And I feel confident that they've been doing that.

30

31 So if maybe Mr. Reeves could comment on
32 some of the steps that he's taken to make sure that the
33 smaller streams are protected.

34

35 CHAIRMAN DEMIENTIEFF: Are you prepared
36 to respond to that?

37

38 MR. REEVES: Yes, Mr. Chairman. With
39 Prince of Wales Island going into this fishery, probably
40 the largest issue that would affect, in a sense the small
41 streams, is the extensive road system throughout the
42 northern two-thirds of Prince of Wales Island.

43

44 Depending what the weather does for the
45 outlying remote locations, it's hard to say whether
46 people could get there on a consistent basis. But with
47 vehicles and an improvement in the road, particularly the
48 main line between most of the communities that parallel
49 many systems, we elected, from a standpoint that our
50 major concern going into the first fishery was the road

00184

1 access to some of these small systems, which then
2 resulted in 21 systems having a 36-inch minimum size
3 limit and two fish annual limit placed on it. And to get
4 into that, too, all those locations where the roads
5 butted up to fishing holes, they were -- on those 21
6 systems, signs were hung, letters were sent, so folks
7 knew about it.

8

9 CHAIRMAN DEMIENTIEFF: Okay. With that,
10 I guess we'll advance to Board discussion.

11

12 MR. EDWARDS: Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Gary.

15

16 MR. EDWARDS: I'd like to ask the State a
17 question. In recognizing, I'm sure the 36-inch size
18 limit does help with harvest but my understanding is you
19 still have a catch and release down there which I think
20 we can assume that there is some level of mortality
21 associated with that, and I guess I would ask you
22 intuitively, would you think that that level of mortality
23 would maybe even exceed the 26 fish that were reported
24 being taken by subsistence anglers?

25

26 MR. VINCENT-LANG: Not on the small
27 streams, no. That's where we did not -- where we failed
28 to reach consensus with the Forest Service is on adequate
29 measures of protection in the small streams.

30

31 We agreed on where the road accessible
32 streams should be protected, but we disagreed on non-road
33 accessible streams. And in those areas the effort is
34 lower, but, again, under a Federal subsistence permit
35 it's not limited. You could easily -- on a stream that
36 supports 50 steelhead, especially fall run stocks, you
37 know, you could easily take the exploitable biomass from
38 that stream in one single outing at that stream.

39

40 No, I don't think the catch and release
41 is on the small streams. I think most of the
42 sportfishery is occurring on those large streams which
43 can support it.

44

45 CHAIRMAN DEMIENTIEFF: Additional Board
46 discussion.

47

48 MS. GOTTLIEB: Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry,

00185

1 Cal, might have follow up to that.

2

3

MR. CASIPIT: Thank you, Mr. Chair.
4 Members of the Board. I would like to read from a letter
5 that was sent from Mr. Bschor to Mr. Kevin Duffey, the
6 Commissioner of Alaska Department of Fish and Game back
7 in April of 2003 where we discussed the issue of
8 consensus or non -- or not coming to consensus on these
9 small non-roaded accessible systems if -- I'll ask the
10 Board to be a little liberal with me as I read this into
11 the record.

12

13

I also note that Federal and State Staff
14 did not reach consensus as to whether further protection
15 was warranted during 2003 for non-road accessible
16 systems, systems for which there are little or no
17 harvest stock assessment data. These issues were
18 discussed again during the February 25th meeting,
19 although it does not appear that any additional
20 information was provided. It is my assessment that
21 meaningful consultation did occur and those consultations
22 include legitimate disagreement over assessment of risk
23 in the face of uncertainty. I would also note that the
24 purpose of the March 11th meeting was to coordinate
25 Federal and State management for the 2003 fisheries and
26 that the subsistence fishery for steelhead on Prince of
27 Wales Island was already under way at that time.

28

29

I guess that short -- it's a three page
30 letter and I didn't want to read the whole thing into the
31 record, that particular paragraph does discuss the
32 several meetings we had with Fish and Game before the
33 season and during the season to address concerns about
34 small systems. As Jeff stated we did protect the road
35 accessible systems by a 36-inch minimum size limit, two
36 fish annual limit and the prohibition of spears.
37 However, we disagreed over management of the non-road
38 accessible systems. I can safely say as Federal Staff we
39 probably felt that the risk of a whole bunch of people
40 showing up to these non-roaded accessible systems at this
41 time of the year was very unlikely and that we probably
42 wouldn't have a whole lot of harvest from any small
43 system, and in fact that's what happened. All the
44 harvest came from the three largest systems on the
45 island, road accessible systems on the island.

46

47

CHAIRMAN DEMIENTIEFF: Other discussion.

48

49

MR. TONY: Mr. Chairman.

50

00186

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. TONY: I had a question for the State
4 on whether the small streams are closed to all
5 sportfishing and also if they -- you had mentioned in
6 your comments that that fishery was decimated, I think to
7 use your own words, and what was the cause of that
8 decimation of the fishery?

9

10 MR. VINCENT-LANG: Well, probably at the
11 time we didn't regulate it as much as we should have and
12 there were probably a variety of different reasons that
13 we really probably don't comprehensively understand
14 anymore. But since then we've adopted a regulatory
15 package that's conservative in nature that has allowed
16 the stocks to rebuild and sustain, in all practical
17 purposes, on these small streams a catch and release
18 fishery.

19

20 Is the sportfishery closed, no. I have
21 asked the Southeast Staff to consider closing the
22 directed fishery on these stocks, directed sportfishery
23 on these stocks, and that will probably be decided next
24 time the Southeast Board meeting comes open which is, I
25 think a year and a half from now. This all kind of
26 converged at last year's Federal Subsistence Board
27 meeting at which time the proposal deadline was already
28 past for that cycle. So we are considering with the
29 actions that this Board took being more conservative in
30 the recreational fishery and actually closing the
31 directed harvest of those stocks.

32

33 I think catch and release mortality with
34 the way we have that fishery regulated, unbaited, single-
35 hook, artificial lure is very low. So that does not
36 raise a conservation issue in my mind. But, yes, there
37 is some degree of mortality associated with it, but,
38 again, I think it's very small and I think most of the
39 sportfishery occurs in the larger stocks.

40

41 MR. TONY: So do you have any hard
42 evidence that it was Federal Subsistence Board users who
43 decimated that fishery?

44

45 MR. VINCENT-LANG: I don't think we
46 clearly understand what happened with that fishery back
47 15 years ago. I think there was probably some degree of
48 by-catch that was associated with it in commercial
49 fisheries, I think there was some degree of over harvest
50 by sportfishermen, and probably some accounted degree of

00187

1 harvest by other and local users that was unreported at
2 the time. But since that time we've basically learned
3 more about steelhead, we learned what's sustainable and
4 we learned that these stocks are very vulnerable to over
5 exploitation and over harvest, and once over harvested
6 take many, many years to recover.

7

8 MR. BSCHOR: Mr. Chairman, I have a couple
9 comments. First of all I appreciate the sensitivity of
10 this issue and the past and present ability for all of us
11 to work together to find some solutions. And as I hear
12 what's being said today, it seems to me we don't know
13 much about the fishery unless we get out there and find
14 out about it. And the more I hear the discussion, the
15 more I'm coming around to the point that we need to at
16 least have some authorized ability to have some use out
17 there.

18

19 Now, once again we have ability to issue
20 a permit or not on specific streams even if it comes down
21 to it, if that's the big concern. Until we start finding
22 out whether there's even a demand to fish those streams
23 we don't know anything. So that's kind of where I am on
24 the issue.

25

26 I am prepared to provide a motion if
27 we're ready for that.

28

29 CHAIRMAN DEMIENTIEFF: Go ahead.

30

31 MR. BSCHOR: I move that we adopt the
32 proposal recommended by the Southeast Alaska Regional
33 Advisory Council.

34

35 MR. TONY: Second.

36

37 CHAIRMAN DEMIENTIEFF: It's been moved
38 and seconded. Discussion.

39

40 Judy.

41

42 MS. GOTTLIEB: Mr. Chair. A couple of
43 comments. First of all I wanted to commend the RAC for
44 being willing to share. Sometimes we see either when
45 there's limited resources and often when there's not
46 limited resources groups not wanting to share in the
47 resources. So I think that was a positive showing.

48

49 And I want to thank Lisa for testifying.
50 I imagine the RAC might be offering you some applications

00188

1 to apply for future openings that there might be because
2 we certainly welcome your enthusiasm and passion.

3

4 I guess my comment, as well, on the
5 proposal, that if passed, I hope we might once again ask
6 the Forest Service and in-season manager to do a little
7 bit of an educational program at Edna Bay as to what the
8 permit requirements are and how they go about it and
9 expectations on reporting and that will help us to gather
10 the needed information.

11

12 Thank you.

13

14 MR. EDWARDS: Mr. Chairman, I guess I
15 concur that we ought to be concerned with these streams
16 regardless who the user might be, be it sportfishermen or
17 be it subsistence users. Certainly they are fragile and
18 they certainly could be over harvested.

19

20 This really is unfortunate that we don't
21 have more data in which to try to make, you know, some of
22 these tougher decisions. But it doesn't look, at least,
23 to date, based upon what has occurred in one area and
24 based upon that data that certainly 600 fish are probably
25 not going to be harvested, some number is and I think I
26 would agree with Ralph, regardless of what we do here
27 today or not do, some fish are going to be harvested, my
28 guess is that the Forest Service doesn't have a lot of
29 enforcement people out there looking at that and
30 certainly the way the State's going with their
31 enforcement program, you're probably going to have even
32 less capability to do that. So that will occur
33 regardless.

34

35 So I think there is some level of risk.
36 I don't think the data supports that that risk is very
37 high.

38

39 And I guess the one question, maybe,
40 Denny, you could clarify, is that, under these
41 regulations if your data or your following up on phone
42 calls would show that there is harvest coming from a
43 particular stream you do have the authority to close it
44 immediately?

45

46 MR. BSCHOR: Yes, that's correct. That's
47 according to our past actions and our agreements.

48

49 MR. EDWARDS: Well, you know, that being
50 the case and the Forest Service certainly seems to be

00189

1 doing a lot of diligence as, I think, Judy pointed out,
2 in trying to keep track of these, I do think there are
3 ample safeguards in place that would allow us to take
4 those kinds of immediate action. And I guess I would
5 hope that the State would continue to try to monitor,
6 too, and maybe there is or there isn't any sportfishing
7 occurring on some of these very smaller streams, but if
8 there is we need to certainly know that and I think you
9 would like to know that, too, and that information needs
10 to be shared. So all those can be weighed into any
11 decisions to take some specific action.

12

13 CHAIRMAN DEMIENTIEFF: Further discussion
14 on the motion.

15

16 (No comments)

17

18 CHAIRMAN DEMIENTIEFF: Hearing none. All
19 those in favor of the motion, please signify by saying
20 aye.

21

22 IN UNISON: Aye.

23

24 CHAIRMAN DEMIENTIEFF: Those opposed,
25 same sign.

26

27 (No opposing votes)

28

29 CHAIRMAN DEMIENTIEFF: Motion carries.
30 35, 36, 37, I think we'll try to work our way through
31 these last Southeast -- or this last Southeast group of
32 proposals that are together before, and then we'll take a
33 short break after that because the other ones are time
34 specific at 1:00 o'clock.

35

36 Go ahead.

37

38 MR. REEVES: Thank you, Mr. Chairman.
39 Proposals 35, 36 and 37 were combined into one analysis.
40 The executive summary can be found on Page 357 and the
41 analysis beginning on Page 363.

42

43 Proposal 35 was submitted by Gary Souza
44 of Ketchikan requesting a 36-inch minimum size limit and
45 a two fish annual harvest limit placed on all fall
46 steelhead systems for the Federal subsistence steelhead
47 fishery on Prince of Wales Island.

48

49 Proposal 36 also submitted by Mr. Souza
50 requests that a 36-inch minimum size limit and a two fish

00190

1 annual harvest limit be placed on steelhead systems with
2 estimated populations of less than 100 adults or no
3 estimate at all for the Prince of Wales steelhead
4 fishery.

5
6 Both proposals would also prohibit the
7 use of the spear.

8
9 Proposal 37 submitted by William Welton
10 of Thorne Bay requests that a 36-inch minimum size limit
11 and a two fish annual harvest limit be placed on the
12 entire Prince of Wales Island steelhead fishery. His
13 proposal indicated no restriction to gear types.

14
15 The proponents of these proposals were
16 concerned that the existing Federal subsistence
17 regulation may be too much for steelhead populations to
18 handle. The proponents also felt that the Federal
19 Subsistence Board decision from last year was based more
20 on emotion rather than biology. They all request a
21 change back to a minimum size restriction of 36-inches
22 along with the two fish annual harvest limit.

23
24 Based on further clarification from the
25 proponent of FP04-35, the size limit and bag limit
26 reduction and spear prohibition on the fall steelhead
27 systems would also apply during the spring fishery.

28
29 Lastly, both proponents felt that
30 steelhead had not been an important subsistence resource
31 since other salmon are available in larger numbers to
32 fulfill subsistence user needs.

33
34 On Prince of Wales Island steelhead are
35 present in 74 drainages. Peak numbers of steelhead are
36 present in April and May and are represented by two
37 stocks of steelhead, the fall run and spring run. Spring
38 stocks are dominate on the island and fall run steelhead
39 have only been documented in 13 drainages.

40
41 Available information for Prince of Wales
42 steelhead is limited. Since 1994, both ADF&G and the US
43 Forest Service have initiated index snorkel surveys for
44 some of the Prince of Wales systems. How well these
45 counts indicate trends is unknown as very little data has
46 been collected to relate these peak counts to the actual
47 escapement. Actual population numbers are unknown. The
48 tentative escapements for some Prince of Wales systems
49 were estimated in the 1980s. No predictive models have
50 been developed to determine the harvestable surplus. The

00191

1 Karluk model has suggested that harvest could range
2 between 9.8 and 28.9 percent. Prince of Wales potential
3 sustainable exploitation is most likely near the lower
4 end of this model at approximately 10 percent.

5

6 The length data for Prince of Wales
7 Island is also lacking. Table 2 on Page 370 shows that
8 from a sample of 1,031 Karta River steelhead, only six-
9 tenths of a percent were larger than 36-inches. Since
10 these lengths were derived from only one system, the
11 actual length composition for Prince of Wales Island may
12 not be fully representative.

13

14 The household subsistence harvest surveys
15 had estimated harvest by Prince of Wales communities at
16 roughly 600 steelhead each year, mostly taken by rod and
17 reel. As mentioned earlier, during the course of the
18 spring season 76 permits were issued to island residents,
19 which resulted in the reported harvest of 26 steelhead.

20

21 Federal permits issued and harvest by
22 communities can be found in Table 3 on Page 372. Any
23 fall steelhead harvest will not be known until completion
24 of this winter fishery which began on December 1st.

25

26 Liberal sport regulations up until 1991
27 resulted in large sport harvest of steelhead on Prince of
28 Wales Island. Harvest numbers can be found on Table 4
29 which is on Page 374. Sport harvest peaked in 1987 at
30 1,950 steelhead. Since 1994 estimated sport harvest have
31 ranged from a low of zero to a high of 114.

32

33 The limited number of mortality studies
34 have suggested a two to three percent of catch and
35 release mortality. Managers to be conservative will
36 commonly assume five percent. Bait mortalities tend to
37 be three to nine times higher than that of artificial
38 lures.

39

40 The commercial fishing by-catch can also
41 be found on Table 4 has ranged from 533 to 11,540 prior
42 to the 1994 regulation changes with the majority of the
43 by-catch occurring in the gillnet fisheries. Since 1997
44 fewer than 50 reported landings have occurred yearly in
45 the trawl fishery. There is uncertainty with these
46 recent estimates as net caught steelhead are not
47 documented.

48

49 All of these proposals will restrict
50 subsistence harvest of steelhead Prince of Wales Island

00192

1 and reverse the Federal Subsistence Board decision
2 established in the current regulation.

3

4 Reimplementation of a minimum size
5 restriction could increase catch and release mortality
6 beyond current levels, does not meet the needs of
7 subsistence users as indicated through community harvest
8 surveys, RAC testimony, et cetera.

9

10 Household harvest surveys indicate a
11 harvest level of seven steelhead per household for
12 households that reported using steelhead. And the 600
13 fish total for Prince of Wales Island. The Board's
14 action in 2002 was designed to accommodate the harvest as
15 documented. An annual household harvest limit of two
16 fish is unnecessary to remain under the 600 fish
17 historical harvest level, does not meet subsistence users
18 documented use of seven steelhead per households
19 reporting the use of steelhead and would be an
20 unnecessary restriction to subsistence users.

21

22 Thank you.

23

24 CHAIRMAN DEMIENTIEFF: Written public
25 comments.

26

27 MR. SCHROEDER: Mr. Chairman, we have no
28 written public comments for these proposals.

29

30 CHAIRMAN DEMIENTIEFF: We have no request
31 for additional public testimony at this time. Regional
32 Council recommendation.

33

34 MR. LITTLEFIELD: Mr. Chair. We opposed
35 all three of these proposals. And basically for the
36 reasons given before, it's a new program, we see no
37 conservation concerns at the present time, the land
38 manager's doing a good job keeping track of what's going
39 on. This is detrimental to the subsistence users.

40

41 And so for those reasons we opposed it.
42 All three of them.

43

44 CHAIRMAN DEMIENTIEFF: Thank you, sir.
45 Staff Committee.

46

47 MR. KESSLER: Thank you, Mr. Chair. I'm
48 Steve Kessler with the Forest Service. The Inter-Agency
49 Staff Committee recommends rejecting the proposals, 35,
50 36 and 37 as recommended by the Southeast Subsistence

00193

1 Regional Advisory Council.

2

3

4 The following is the justification for
5 that. The 2003 season is the first year that Federally-
6 qualified subsistence users have been able to legally
7 harvest fish under Federal permits. So far we've only
8 experienced the spring 2003 fishery in which 76 Federal
9 permits were issued and the harvest of 26 steelhead from
10 the three largest system, the Thorne River, the Klawock
11 River, the Staney Creek, and that harvest was well below
12 10 percent annual exploitation rate. The overall harvest
13 cap established by regulation for Prince of Wales Island
14 and is considered sustainable 600 fish with up to 100 of
15 those fish harvested during the winter season.

15

16

17 The concern over fall run stocks was
18 addressed between State and Federal Staff prior to
19 previous action by the Board to provide harvest
20 opportunities while protecting fall steelhead from
21 excessive harvest, an annual harvest cap of 100 fish was
22 placed on the winter season fishery with the winter
23 harvest being included in the cap for both seasons.

23

24

25 Perhaps the largest issue facing the
26 steelhead fishery on Prince of Wales is the potential for
27 large numbers of Federally-qualified fishers to have easy
28 road access to small systems. We discussed that earlier.
29 The issue was addressed with ADF&G by implementing the
30 two fish annual limit and 36-inch minimum size limit and
31 prohibiting the use of spears on the 21 road side
32 drainages during the spring season fishery.

32

33

34 Direction was given by the Board that
35 after two years to report back to both the Council and
36 the Board so any modifications, permit requirements,
37 season, bag limits, harvest caps or other regulations
38 concerning the fisheries could be addressed. We
39 recommend that the Board hold to the two year period
40 giving sufficient time to assess the affect of the
41 Federal Subsistence regulations.

41

42

43 So based on current participation and
44 harvest of the fishery, there is no immediate
45 conservation concern and all three proposals are
46 recommended for rejection.

46

47

48 CHAIRMAN DEMIENTIEFF: Thank you.

49

50

51

MR. VINCENT-LANG: Thank you, Mr. Chair.

00194

1 Board members. As you can probably guess, the Department
2 supports these three proposals in concept.

3

4 Our primary concern with the steelhead
5 fishery in Prince of Wales Island is the risk to small
6 stocks in fall run steelhead created by the 2003 Federal
7 regulations. The Federal Subsistence Board action in
8 December 2002 expanded harvest opportunity for steelhead
9 on Prince of Wales Island and provided the authority to
10 protect specific systems via permit conditions to the
11 Federal fishery manager in consultation with Fish and
12 Game.

13

14 Permit conditions that resulted in 2003,
15 in our opinion, adequately protected the 21 road
16 accessible small stocks, however, the 2003 regulations
17 and permit conditions which we did not agree with, did
18 not protect small run stocks and we believe could
19 potentially lead to over harvest of some small stocks
20 accessible by roads, fall run stocks that support less
21 than 100 fish and small stocks accessible by trail or
22 boat but not by road.

23

24 As such, we support, in concept the
25 additional protection offered by Proposals 35, 36 and 37.
26 These proposals provide an opinion the needed protection
27 for small stocks and fall run steelhead. The Department
28 recommends that the small streams listed in our written
29 comments be afforded the same protection as the streams
30 listed on the 2003 permits. This would afford protection
31 to a total of 47 of the 66 freshwater streams known to
32 support steelhead on Prince of Wales Island.

33

34 We would also not, based on the 2003
35 information, unnecessarily restrict subsistence users
36 since not any fish are being harvested from those
37 streams.

38

39 Additional subsistence harvest
40 opportunity provided by the Federal Subsistence Board in
41 2002 would continue to be provided on 19 systems, nine of
42 which are accessible by road while protecting stocks
43 generally thought to average 100 adults or less.

44

45 We continue to support a two fish annual
46 limit coupled with a 36-inch size limit as a means to
47 afford the additional protection in these streams. We
48 also would consider having stream by stream limits which
49 we discussed last year in front of the Board.

50

00195

1 We also recommend that additional
2 protection be afforded the remaining fall run systems
3 listed and identified in Appendix A and B by adopting the
4 regulations proposed in FP-35 for the fall fishery.

5
6 If you choose to either adopt Proposals
7 35 and 36 we would be neutral on 37, however, if you
8 don't choose to move forward on 35 and 36, then we would
9 be supportive of offering the kinds of protections
10 offered in 37.

11
12 Finally, we note that the FIS projects
13 that the Board approved yesterday in their deliberations
14 did not include any kind of assessment on fall run
15 steelhead on Prince of Wales Island or in Southeast
16 Alaska. Given the sensitivity of this fishery and the
17 conservation nature and issues that we have raised to the
18 Board we strongly ask that you consider funding some
19 steelhead stock assessment program on Prince of Wales
20 Island during the next cycle.

21
22 Thank you.

23
24 CHAIRMAN DEMIENTIEFF: Thank you.
25 Gerald.

26
27 MR. NICHOLIA: Thank you, Mr. Chair. It
28 seems like you guys want control of every little stream
29 and every -- all the users. It seems like the little
30 guy's getting picked on here. You know, they're
31 stationary, they're controlled, you can control them,
32 they're next to the resource. But what's uncontrollable,
33 what you guys can't control, is this bay here, and all
34 these planes and all these boats come out of here, you
35 guys can't control that, you don't know where they go
36 from here. And all these -- you're putting restrictions
37 on the little guy, why not put the restrictions on the
38 big guy who you can control, man, why pick on the little
39 guy when you're letting the big guy go.

40
41 CHAIRMAN DEMIENTIEFF: Any other Regional
42 -- oh, go ahead, Doug, you want to respond.

43
44 MR. VINCENT-LANG: Again, I feel I need
45 to respond to that, Gerald. Again, the sportfishery is
46 not unregulated. And we're not, again, trying to
47 unnecessarily restrict subsistence uses on this island.
48 As a matter of fact, if you offered some level of
49 protection onto the stocks we think that you could
50 provide for subsistence harvest opportunities as well as

00196

1 conserving these stocks for future generations.

2

3 To us the issue is not one of totally
4 eliminating uses by subsistence it's rather allowing, or
5 assuring that those uses are sustained over time.

6

7 And as I said earlier we are looking at
8 putting a proposal together to actually close the
9 directed harvest of steelhead on these small run stocks
10 for the next Board cycle on Prince of Wales Island for
11 the sportfishery.

12

13 But, again, I think the question is is
14 not unnecessarily picking on the small guy, all we're
15 looking at is sustaining a fishery that provides for a
16 variety of uses on that island, including the subsistence
17 uses.

18

19 CHAIRMAN DEMIENTIEFF: Yes.

20

21 MR. NICHOLIA: You know, both the Federal
22 Board and the Board of Fish are mandated to some kind of
23 subsistence escapement, subsistence, and every other word
24 I hear you say is sport, so to me like you're putting
25 sport over subsistence uses, and I can't stand for that.

26

27 CHAIRMAN DEMIENTIEFF: Any other Regional
28 Council comment.

29

30 (No comments)

31

32 CHAIRMAN DEMIENTIEFF: If not, we'll
33 advance to Board discussion.

34

35 MR. EDWARDS: Mr. Chairman.

36

37 CHAIRMAN DEMIENTIEFF: Gary.

38

39 MR. EDWARDS: I have one question for
40 Doug. You know, I certainly agree that there needs to be
41 some studies down there and I guess it was unfortunate
42 that there wasn't any -- did the State propose any
43 studies under the Monitoring Program that could have been
44 funded down there?

45

46 MR. VINCENT-LANG: We discussed it and I
47 think given the reality of our previous three proposals
48 coming forward on that, we didn't think it was worthwhile
49 submitting one this time. We thought it would probably
50 be more appropriate for the Federal managers to try to

00197

1 forward it on and see if there was success was there.

2

3 We will submit one again next one.

4

5 MR. EDWARDS: So you've submitted them in
6 the past and they've not been accepted?

7

8 MR. VINCENT-LANG: That's true.

9

10 MR. EDWARDS: Okay.

11

12 CHAIRMAN DEMIENTIEFF: Other Board
13 discussion.

14

15 (No comments)

16

17 CHAIRMAN DEMIENTIEFF: If none, is there
18 anybody prepared to offer a motion.

19

20 MR. BSCHOR: I am. But before I do I
21 just want to say a couple of things. I, too, am concerned
22 that our level of knowledge of what's really happening
23 there so I think you'll find us cooperative as far as
24 trying to figure out together, you know, what the total
25 situation is rather than just zeroing in on the
26 subsistence side of this.

27

28 Also I do want to mention that it's my
29 understanding that we've increased our law enforcement
30 efforts down there, at least, during this last period.
31 Is there anything you guys want to say about that,
32 anything that would help the Board out relative to that?

33

34 MR. CASIPIT: If Marty Meyers is in the
35 audience, I'd invite him to come up and share the mike
36 with me. But it's my understanding -- oh, he is here,
37 thanks.

38

39 MR. MEYERS: Good morning, Chair and
40 Board. My name is Marty Meyers and I'm the Assistant
41 Special Agent in charge of the Forest Service Law
42 Enforcement Program.

43

44 And this steelhead situation on Prince of
45 Wales is very important to us and our folks have
46 concentrated their efforts on not only seeing what the
47 overall activity is between sport and subsistence fishing
48 but also helping to monitor the activity and educate the
49 folks in the field. We had three to four officers during
50 the season, the peak season this steelhead fishery, and

00199

1 is there a second.

2

3 MR. TONY: Second.

4

5 CHAIRMAN DEMIENTIEFF: Discussion.

6

7 MR. TONY: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. TONY: It seems that Staff has been

12 very diligent in reviewing this proposal and I would

13 support the motion.

14

15 CHAIRMAN DEMIENTIEFF: Any other

16 discussion.

17

18 MR. BISSON: Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MR. BISSON: I guess what I would like to

23 express is like ADF&G a concern about the small systems

24 and I would encourage them to come back with a proposal

25 to fund some studies, some monitoring work so we can get

26 more biological data in hand to help make these

27 decisions. I think we're all kind of struggling a bit

28 because we really don't know what the correct information

29 is about the numbers of fish that are in the individual

30 streams. And it seems to me that a 36-inch limit, when

31 there are very few 36-inch fish is something that would

32 be difficult to accept for the subsistence users.

33

34 CHAIRMAN DEMIENTIEFF: Yes. I would

35 certainly agree and encourage the State, I think, that,

36 you know, while we can't pre-decide something in terms of

37 where we're going to go with our resources, just

38 certainly the amount of time that the Board has taken on

39 this, you know, and I think there's a concern. So like I

40 said, we can't pre-decide, but I'm sure there's

41 significant interest, anyway, in being able to get the

42 data.

43

44 Other discussion.

45

46 (No comments)

47

48 CHAIRMAN DEMIENTIEFF: Hearing none. All

49 those in favor of the motion, please signify by saying

50 aye.

00200

1 IN UNISON: Aye.

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 (No opposing votes)

7

8 CHAIRMAN DEMIENTIEFF: Motion carries.

9 Okay, so now we're going to break, but before we do I
10 just want to go over. We've been informed by Bristol Bay
11 that they're tied up with the Board of Fish meeting and
12 are not going to come over. However, we've had very good
13 exchanges with the Regional Council and we just were on
14 the phone -- or actually went over there and met with
15 them personally. I sent a Staffer over there and they're
16 very comfortable with us going ahead with us. We will
17 take up our normal agenda right after the break, which
18 will be Bristol Bay and then Proposal 21 and then like I
19 said, the Southeast ones.

20

21 I checked with Gary, who wanted to move
22 the Staff Committee discussion to -- if we get done with
23 the other ones, move it to the morning session, and then
24 we'll just try to adjust and leave the plate ready for
25 the 28, 29 and 40 at 1:00 o'clock.

26

27 It just looks like to me like we are
28 going to get done probably mid-afternoon, my guess at
29 this time, just so we all know where we're going with the
30 meeting, and you can adjust your -- don't trust my word
31 on it, though, because we never know what's going to
32 happen, we've been known to get hung up.

33

34 So let's go ahead and take a brief break,
35 and it's going to be brief.

36

37 (Off record)

38

39 (On record)

40

41 CHAIRMAN DEMIENTIEFF: I'll call the
42 meeting back to order. We're moving forward now with
43 Bristol Bay Proposal 04-16. Analysis.

44

45 MR. BUKLIS: Thank you, Mr. Chairman. My
46 name is Larry Buklis. I'm a fishery biologist with the
47 Office of Subsistence Management. The Staff analysis can
48 be found on Page 171 in your Board book for Proposal 04-
49 16. I'll highlight some key points from the analysis.

50

00201

1 This proposal for the Bristol Bay area
2 was submitted by the Bristol Bay Council. It requests
3 regional modifications to the customary trade
4 regulations. The proposed regulation changes are
5 intended to allow enforcement personnel to better monitor
6 customary trade for potential abuses. Household dollar
7 limits would be imposed on the amounts of salmon that may
8 be exchanged. A \$400 limit on exchanges with those who
9 are not rural residents, and a \$500 limit on exchanges
10 with rural residents. When conducting customary trade of
11 salmon with persons other than rural residents, the
12 transaction would need to be recorded on the subsistence
13 fishing permit form.

14
15 Under Federal regulations, exchange of
16 subsistence caught fish for cash is allowed. However,
17 these regulations do not exempt a person from complying
18 with State health regulations on the processing of foods.
19 Records are not available on the amounts of salmon
20 exchanged in customary trade in Bristol Bay, the amounts
21 of cash involved, or the extent of processing. However,
22 a study has been proposed to the Fisheries Resource
23 Monitoring Program that would gather such information
24 about customary trade practices in Bristol Bay, and I
25 note that that project was approved yesterday.

26
27 In reviewing this regulatory proposal, we
28 note the following.

29
30 The proposed language using the phrase
31 barter is not needed since barter does not involve cash
32 exchanges. Proposed language dealing with fish not
33 entering commerce is also not needed since that concern
34 is addressed already in the existing regulations. The
35 remainder of the proposed changes deal with dollar value
36 limits and a recording requirement.

37
38 The requirement to use the subsistence
39 fishing permit to record exchanges of salmon with those
40 other than rural residents is expected to create the need
41 for a Federal harvest permit since the State does not
42 allow customary trade of salmon. Up to this point in
43 time subsistence salmon fishing permits have been issued
44 under a unified system in Bristol Bay. And I would note
45 that that system is well established now and has a very
46 high rate of reporting.

47
48 Only fish harvested in Federal
49 jurisdiction may be exchanged. In the Bristol Bay area
50 we estimate that less than 20 percent of the subsistence

00202

1 salmon harvest is being taken in Federal jurisdiction.
2 The dollar value limits are intended to prevent exchanges
3 which could be perceived as an abuse of the opportunity.
4 Establishing dollar limits and a reporting requirement
5 implies additional control. However, it is likely that
6 only a small portion of the overall customary trade
7 practice in Bristol Bay complies with existing customary
8 trade and health regulations. This is because only fish
9 harvested in Federal jurisdiction may be involved. Users
10 are not exempted from food processing regulations, few to
11 no subsistence users hold the required health permits and
12 fresh fish are any fish into transport and subject to
13 rapid spoilage as compared to process products.

14

15 State and Federal programs provide
16 parallel opportunities for subsistence salmon fishing in
17 Bristol Bay except that the Federal program is limited to
18 areas of Federal jurisdiction and it allows for customary
19 trade.

20

21 State fishing permits are valid
22 throughout the area and, although, customary trade is not
23 allowed by State regulation, this is not being actively
24 enforced for small scale exchanges. Given this, there is
25 some question as to whether users will participate in the
26 Federal recording system, limit customary trade to
27 specified dollar amounts and only trade salmon in Federal
28 jurisdiction. Obtaining health permits for processing
29 fish is another related issue.

30

31 There could easily be further confusion
32 among users as to what is expected of them with
33 implementation of the proposed new regulation. If
34 adopted, an outreach effort is advised to inform the
35 public.

36

37 Mr. Chairman, that concludes my overview.

38

39 CHAIRMAN DEMIENTIEFF: Thank you.

40 Written public comments.

41

42 MR. EDENSHAW: Thank you, Mr. Chair and
43 Board members. There was one written public comment and
44 that was received from the Aniakchak National Park
45 Service, the SRC.

46

47 The SRC supports establishing limits of
48 the total cash value of subsistence caught fish to
49 discourage the development of commercial enterprises
50 under the guise of customary trade or barter.

00203

1 That concludes the written public
2 comments, Mr. Chair.

3
4 CHAIRMAN DEMIENTIEFF: Thank you. We
5 have no additional request for public testimony at this
6 time. Regional Council recommendation.

7
8 (No comments)

9
10 CHAIRMAN DEMIENTIEFF: Maybe, Cliff, if I
11 could just ask you to read it into the record, do you
12 have it in front of you?

13
14 MR. EDENSHAW: Yes, I do, Mr. Chair.

15
16 CHAIRMAN DEMIENTIEFF: Okay.

17
18 MR. EDENSHAW: The Bristol Bay Council's
19 recommendation is support with modification. The Bristol
20 Bay Council voted 6-0 with one absent to support the
21 proposal with modification for FP04-16.

22
23 The modification includes:

24
25 1. Deleting the references to barter as
26 related to proposed limits on cash
27 exchanges;

28
29 2. Deleting the proposed clause
30 regarding fish not entering commerce;

31
32 3. Clarifying the intent of the
33 recording requirement; and

34
35 4. Emphasizing limitation to Federal
36 jurisdiction.

37
38 The Council notes that this action
39 provides accountability to customary trade practices.
40 The Council's recommendation would legally allow for the
41 customary trade of salmon by rural residents up to a
42 certain dollar amount.

43
44 Reporting requirements would help prevent
45 future abuses of selling subsistence caught salmon under
46 customary trade.

47
48 And under Sections 27(c), No. 11 and No.
49 12, in the bold, you can see the Council's initial
50 proposal was:

00204

1 11. In the Bristol Bay fisheries
2 management area, the total cash value per
3 household of salmon taken within Federal
4 jurisdiction in the Bristol Bay and
5 exchanged in customary trade to rural
6 residents may not exceed \$500 annually.
7

8 12. In the Bristol Bay fisheries
9 management area, this is between rural
10 residents and others, the total cash
11 value per household of salmon taken
12 within Federal jurisdiction in the
13 Bristol Bay area and exchanged in
14 customary trade between rural residents
15 and individuals, other than rural
16 residents may not exceed \$400 annually.
17 These customary trade sales must be
18 recorded on the customary trade a record
19 keeping form included on the back of the
20 subsistence fishing permit.
21

22 And, Mr. Chair, that concluded the
23 Council's recommendations.
24

25 CHAIRMAN DEMIENTIEFF: Thank you. Staff
26 Committee. I'm sorry, John.
27

28 MR. LITTLEFIELD: Thank you, Mr. Chair.
29 I had a question for Staff, and as we know the customary
30 trade regulations, whether they're between residents or
31 non-residents -- or rural residents, all have the
32 wording, legally taken under the regulations in this
33 part, in other words, that was the protection that you
34 couldn't take fish illegal. And I'm wondering -- I'm not
35 that familiar with the Bristol Bay regulations, I'm
36 wondering how many fish can you legally take under the
37 regulations in this part? In other words, in Southeast,
38 I know we can take 20 cohos that we could sell and we
39 could sell 10 dolly vardens and stuff. So could you just
40 give me that as information?
41

42 CHAIRMAN DEMIENTIEFF: I think we'll go
43 ahead, if it's okay with you, John, we're going to
44 complete the process and you can have -- you will have
45 the opportunity and we'll get back to that question so
46 Staff can prepare it. But we do need to get the reports
47 out so everybody has all the information out, so we will
48 get -- Staff has advised we'll get an answer for that
49 once we complete this process.
50

00205

1 Let me see, Staff Committee.

2

3 MR. CHEN: Thank you, Mr. Chair. Members
4 of the Council and the Board. My name is Glenn Chen.
5 I'm with the Bureau of Indian Affairs and I'm a member of
6 the Inter-Agency Staff Committee. Our recommendation can
7 be found on Page 173 of your Board book.

8

9 Our recommendation is to adopt the
10 proposal as modified by the Bristol Bay Council. The
11 language that Cliff read would be part of the recommended
12 adoption here. I won't go through that, but it's
13 summarized on Page 173.

14

15 Our justification is as follows:

16

17 The Staff Committee recognizes the
18 Council's concerns regarding potential abuses of the new
19 customary trade regulations. We support their desire to
20 place a dollar limit on such sales and to also include a
21 reporting requirement for transactions that occur between
22 rural and non-rural residents.

23

24 There are some administrative
25 considerations, though, regarding the implementation of
26 the recording requirement for this proposed regulation.
27 And the Staff Committee developed a couple of options for
28 the Board to consider with regards to implementing this
29 recording requirement.

30

31 Option A is as follows: Option A would
32 require the use of a Federal form to record these
33 customary trade sales to non-rural residents. And under
34 this option, customary trade sales of subsistence caught
35 fish to non-rural residents will be reported on a
36 separate Federal record keeping form. And the users
37 would then also continue to report their subsistence
38 harvest on the State issued reporting forms as is the
39 current practice.

40

41 Option B is as follows: Option B would
42 require the use of a single Federal form to report both
43 Federal subsistence harvest and customary trade sales to
44 non-rural residents. Under this option, users would be
45 required to report both their Federal subsistence harvest
46 and customary trade sales to non-rural residents on the
47 same Federal permit or record keeping form. And then
48 under this option users would no longer record their --
49 use a State form to report their Federal subsistence
50 harvest.

00206

1 Consideration of these options, there's
2 some factors here. Option A would allow Federal users
3 again to continue reporting their subsistence harvest on
4 the State forms. It also would require that users obtain
5 a separate Federal record keeping form and to report
6 their customary trade sales to non-rural residents on
7 this separate form. This option would help to ensure
8 that there is continuity in subsistence harvest data set
9 currently available from the State permit reports so that
10 an accurate assessment of harvest by Bristol Bay users
11 can be obtained.

12

13 Option B would enable users to record
14 both their Federal Subsistence Board harvest and non-
15 rural residents customary trade sales on a new Federal
16 form. If this option is implemented, there's a
17 possibility that a discontinuity in the State's long-term
18 subsistence harvest data set would occur as Federal users
19 would no longer report their harvest on the State issued
20 forms. Confusion about Federal waters in the Bristol Bay
21 region would add to the complications of a separate
22 Federal reporting system.

23

24 Both of these options would require that
25 users obtain a separate permit and/or record keeping form
26 and we would suggest that to make these more available to
27 the users in the region and maybe helpful with increased
28 network of organizations that would be able to issue
29 these forms, places such as Native organizations, village
30 governments, city offices, or other designated facilities
31 might be a way to increase the availability of these
32 forms and would be a particular benefit to users who live
33 in the more remote portions of the Bristol Bay region.

34

35 That concludes my presentation.

36

37 CHAIRMAN DEMIENTIEFF: Thank you.
38 Department comments.

39

40 MS. SEE: Thank you, Mr. Chairman. This
41 is Marianne See with Fish and Game.

42

43 On this proposal, the Department
44 recommends that the Board defer this and I will read into
45 the record the paragraph that I've read before here about
46 our general concerns but then I'll proceed to specific
47 ones, so if you'll bear with me for a minute I just want
48 to put this on the record.

49

50 We continue to have the same concerns

00207

1 with customary trade that we've raised in the last
2 regulatory meeting cycle and in the request for
3 reconsideration to the Federal Subsistence Board.

4

5 In general we do not believe that the
6 administrative record supports the implied finding that
7 the levels of customary trade allowed under the current
8 regulations are customary or traditional. While
9 maintaining and preserving these objections, the
10 Department also offers the following comments.

11

12 There are three main issues about this
13 specific proposal. The proposal recommends an approach
14 for the Bristol Bay area to define the limits of
15 customary trade with a dollar amount, and although that
16 concept has merit, at this time there are no records that
17 address the extent of cash sales associated with
18 customary trade in this area. A study proposed to
19 Fisheries Resource Monitoring Program for this next year
20 would be gathering information about this practice and
21 could provide useful information for future regulatory
22 provisions.

23

24 The Federal record form needed for this
25 proposed approach also raises a key concern. The
26 existing harvest data collection system is very
27 effective, extremely effective and it could easily be
28 compromised by the complication and possible confusion
29 with a second record keeping system. Because the State
30 currently does not have a customary trade provision in
31 this area, this geographic area, the separate Federal
32 form would be necessary under the proposed Federal
33 customary trade rules in this proposal.

34

35 As the Federal analysis notes, a number
36 of substantive questions for users would also need to be
37 addressed prior to putting such a system in place.

38

39 At this time we don't recommend passing
40 this proposal because of the potential problems it will
41 create for subsistence users. This proposed form that
42 would be needed adds a record keeping burden for
43 subsistence fishers that is at present unnecessary. Even
44 if the form is specifically designed to collect data on
45 customary trade, it is highly likely that it will be
46 confused with the present subsistence permit issued by
47 Fish and Game.

48

49 We are very concerned that this is going
50 to lead either to a loss of harvest data or a creation of

00208

1 duplicate records. We feel that subsistence users are
2 poorly served when new rules would result in a diminished
3 quality of subsistence harvest data.

4

5 In sum we conclude that the proposal
6 would serve users more effectively if concerns and
7 provisions could be more fully addressed before the next
8 regulatory cycle. If relevant information about the
9 extent of customary trade in this area becomes available
10 the Department would reassess this proposal.

11

12 With specific reference to the options
13 that were presented in the Staff Committee
14 recommendation, neither one of them meet the concerns
15 that we've raised at this time. We feel this issue needs
16 additional time to work it out.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Thank you, very
21 much. Now, okay, we had a question raised from Mr.
22 Littlefield, are you prepared to respond to that now,
23 Larry?

24

25 MR. BUKLIS: Yes, Mr. Chairman, thank
26 you. The question was regarding fish legally taken in
27 this part of the regulations. And by that we mean fish
28 taken by Federally-qualified users in Federal
29 jurisdiction with the designated methods and means and
30 harvest limits. In this case the methods and means would
31 be gillnet, and in the case of the Togiak River, spear is
32 allowed for subsistence take of salmon. And there aren't
33 harvest limits by the State or Federal systems in the
34 Bristol Bay area. There is a subsistence harvest fishing
35 permit form required, but there aren't harvest limits in
36 place.

37

38 CHAIRMAN DEMIENTIEFF: Any other Regional
39 Council, go ahead, John, follow up.

40

41 MR. LITTLEFIELD: Yes, follow up on that.
42 The reason I'd asked that is because I don't know if the
43 OSM or whoever is doing a good job of defining what the
44 existing customary trade regulations are. I know in
45 Southeast, legally taken under the regulations in this
46 part is very confining, and there's no way you could make
47 \$500 off the amount of fish that you could take in
48 Southeast legally. So I'm just wondering if that is not
49 made clear to all the regions, that they know what
50 they're talking about when the regulations say legally

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1 taken under this part. If they were to look at that and
2 say well there's no way possible you could even make a
3 couple hundred dollars with the amount of fish we have
4 legally taken, and, so therefore why do we need a \$400 or
5 \$500 limit.

6
7 I'm just saying it as information. I
8 don't want to speak to this proposal at all. This is
9 strictly in the Bristol Bay RAC. It was a matter of
10 information for me. I can't understand what legally
11 taken is unless I see a list that says these are the
12 amount that you can legally take, therefore, these are
13 what you can sell. Not the ones that you can catch
14 sportfishing, or, you know, we're getting the blame for
15 State fish and sport caught fish that are being sold and
16 they're saying that the subsistence regulations are
17 enabling this because you can do it for cash. Well, my
18 response is that legally taken that if you can only take
19 10 fish you can't sell more than 10 fish in a year. So
20 that was my request, was, just for information, not to
21 oppose this or anything.

22
23 CHAIRMAN DEMIENTIEFF: Any other Regional
24 Council comment. Gerald.

25
26 MR. NICHOLIA: Yeah, thank you. I spoke
27 with Dan O'Hara a little bit last night and I think, to
28 his proposal, why they put 500 and \$400, is they wanted
29 to have some opportunity for the subsistence users but
30 they wanted to limit, like commercial enterprise or
31 whatever, they wanted to limit that.

32
33 CHAIRMAN DEMIENTIEFF: Thank you. Other
34 Regional Council comment.

35
36 (No comments)

37
38 CHAIRMAN DEMIENTIEFF: We'll advance to
39 Board discussion.

40
41 MR. EDWARDS: Mr. Chairman, I have
42 several questions. Before I do I'd like to ask Steve
43 Oberhoster (ph) from our law enforcement division to come
44 forward and discuss this proposal from a law enforcement
45 standpoint.

46
47 Steve, specifically would you discuss any
48 problems that you see with enforcing these regulations as
49 recommended by the Council.

50

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1 MR. OBERHOSTER: Good morning, Mr. Chair.
2 Members of the Board. My name is Steve Oberhoster, I'm
3 the assistant special agent in charge for the US Fish and
4 Wildlife Service in Alaska.

5
6 I've read through the proposal and I
7 believe that it could be enforced if a few additions or
8 modifications were made to it. And the specific
9 enforcement problem would be that we cannot charge or
10 write tickets to households. What we would need to make
11 this work and to support it through enforcement would be
12 to have a record keeping requirement that's linked to an
13 individual, the seller, and to have some time limit for
14 creating that record, and immediately recording it would
15 be best for us. The language we could work with whoever,
16 the Staff, to come up with language, but what we would
17 need and, once, again, would be to have an immediate
18 record keeping requirement and to have that requirement
19 to be linked to an individual and not to a household.
20 The household limits could remain in place but an
21 individual would have to be responsible.

22
23 CHAIRMAN DEMIENTIEFF: Follow up.

24
25 MR. EDWARDS: Well, yeah, I just want to
26 thank you, Steve, for saying that. And, you know, I'm
27 operating under the assumption that the Council by
28 recommending this that their intention was to have it to
29 be able to be enforced, and so I don't know whether at
30 this time, I don't think we necessarily have to tweak it,
31 but I'm assuming that there could be some follow up among
32 Staff to get whatever the correct language is.

33
34 So my other questions are for others so
35 thank you, Steve, unless anybody else has a question of
36 him.

37
38 (No comments)

39
40 MR. EDWARDS: Mr. Chairman, I had several
41 questions that I wanted to address to the Council and
42 it's unfortunate they're not here but maybe either Larry
43 or Cliff might be able to do that.

44
45 One of my questions was, is where did the
46 particular amounts come from, the 500 and the 400. I
47 know the 400 seems to be very similar to what the Fishery
48 Management Council allowed for halibut but I'm just
49 curious as to what was the genesis of those two numbers?
50 Was that due to some kind of an evaluation of a

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1 historical use or what, and then why are the numbers
2 different? And I have several other follow up questions.

3

4 MR. BUKLIS: Mr. Chairman, thank you. My
5 understanding from the Council meeting is that the intent
6 of the dollar limits is to protect subsistence uses and
7 to avoid abuse of the opportunity. As you said the \$400
8 limit was taken from the example of the North Pacific
9 Fishery Management Council, and the \$400 limit they
10 applied to customary trade of halibut. Robin Samuelsen,
11 vice chair of the Bristol Bay Council had worked on that
12 issue and was familiar with that information.

13

14 The \$500 limit, which was put in place by
15 the Council in their proposal was intended to allow
16 additional opportunity for sales among rural residents.

17

18 I think in both cases, the information --
19 the proposal isn't tied to a sound information base as we
20 have noted and the State has commented. I think the
21 Council would view it as a starting point. They're aware
22 that regulations are reviewed annually and I think they
23 felt that it was important to put a limit in place. They
24 viewed this as a reasonable starting point subject to
25 revision in the future.

26

27 MR. EDWARDS: Okay, thank you. Then my
28 next question is, when they use the term household, did
29 they mean that and understand that to mean if you had six
30 people in your household, a husband and wife and four
31 children, that not each one of those could sell 400, but
32 in fact within the six of them, individually, their
33 collective total could not exceed 400, whereas if one of
34 the son's lived next door then that individual could do
35 -- I just wanted to make sure that they understood that
36 by using the term, household, it becomes more
37 restrictive?

38

39 MR. BUKLIS: Mr. Chairman. Mr. Edwards.
40 This Council was very involved in the task force process
41 on the customary trade issue and I think they are very
42 alert to the details of this issue. And I think they are
43 fully aware that they mean the household of people, in
44 total, subjected to these limits, not per person.

45

46 MR. EDWARDS: And then one last question
47 is, given that this is going to be significantly
48 different from all the other regions and it's going to
49 affect people throughout this particular region, do you
50 feel that the Council did a good outreach in kind of

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1 surveying their constituency to, and feel comfortable
2 that this has kind of regional support?

3

4 MR. EDENSHAW: Thank you, Mr. Chair and
5 Board members. When the Bristol Bay Council addressed
6 customary trade, when the Board adopted the initial
7 customary trade regulations we had Staff people come out
8 and provide the presentations and we have Peter Abraham
9 who is a Council member from Togiak where the majority of
10 the Federal lands are in the Bristol Bay region, at
11 least, from his comments at that meeting, agreed with the
12 Council's recommendation in terms of initiating dollar
13 amounts.

14

15 The meeting where the proposal came
16 about, they had numerous testimony, there was individuals
17 from Naknek and King Salmon who also attended the
18 meeting, and certainly they put forth some dollar limits
19 themselves but in the end they pretty much agreed with --
20 went along with what the Council had proposed.

21

22 And just to add some initial comments to
23 Larry's questions that you had, the first one you had,
24 when the Council put down dollar limits, they provided
25 some past case examples that were brought before the
26 State of Alaska and Mr. Samuelson's initial comments on
27 record were that excessive hadn't been defined legally so
28 they wanted to use the 400 and \$500 as a starting point,
29 and they recognized that the Board could come back and
30 another proposal could be submitted if others felt that
31 the dollar limits should be increased.

32

33 So the short answer is, yes, that there
34 was widespread -- information spread to the other
35 residents in the region in terms of the proposal to put
36 in place dollar amounts for customary trade.

37

38 MR. EDWARDS: Thank you for that. And I
39 just have one last question for the State. You know, I
40 understand the philosophical difference on the whole
41 customary trade issue. But given that this particular
42 Council has come forward with a very, almost, very
43 restrictive approach to that and given that this dollar
44 amount is similar, exactly the same as for the halibut,
45 does the State have the same view on the subsistence sale
46 of halibut and were they opposed to that also, at the
47 \$400 limit?

48

49 MS. SEE: Through the Chair, that's a
50 fair question, and I don't have the information for you

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1 on the basis of any discussion we may have had about the
2 halibut determination so I can't address it now. I can
3 certainly provide information at another time about that.

4

5 MR. EDWARDS: Thank you. I have no
6 further questions, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: John.

9

10 MR. LITTLEFIELD: Mr. Chair, just a point
11 of information. I'm looking at the halibut subsistence
12 management web page sheet and I'd like to read in here
13 that it says the Council initiated new analysis for 2004
14 and number 3 said, they're considering revising the \$400
15 customary trade limit to either \$100 or no cash trade.
16 So if you're using that as your example, that may go to
17 zero next year. Just a point of information.

18

19 MS. GOTTLIEB: Mr. Chair.

20

21 CHAIRMAN DEMIENTIEFF: Let me just -- let
22 me try to respond to that. I think as those things
23 change, you know, the Council, I'm sure will take a look
24 at those if, in fact, that does change, so the affected
25 Council will have ample opportunity to look at that.

26

27 Go ahead.

28

29 MS. GOTTLIEB: Thank you. I guess I
30 wanted to ask Cliff or those who perhaps attended the
31 last Bristol Bay RAC meeting or maybe Staff Committee,
32 Bristol Bay RAC, for a couple of years now has wanted
33 these limits and I know they were pretty unhappy with
34 this Board in January because we didn't go with their
35 regional preference on this limit. But the details of
36 the permits are really going to be the heart of how this
37 would come about. So I was wondering if you had
38 discussions at any of the meetings or with the RAC at the
39 Staff Committee meeting on what their preference was for
40 how to actually record this and how the statistics would
41 be used.

42

43 MR. EDENSHAW: Thank you, Ms. Gottlieb,
44 and Larry can probably add some additional comments.
45 But, yes, the answer to your question is we did speak
46 with Dan O'Hara and Robin Samuelson, both the Chair and
47 vice chair, not at the same time, but on different phone
48 calls and Larry has also spoken with Dan yesterday, he
49 conveyed to me.

50

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1 But one comment from Dan was that just as
2 Marianne See has said, the State has an excellent
3 recording system for their subsistence fisheries and
4 Dan's comment was that, at least, the residents out there
5 know who's catching the fish because the majority of --
6 there's much more salmon caught in State waters versus
7 Federal. Dan said he favored, whether it's on a separate
8 recording requirement for customary trade or else for on
9 Federal waters, you know, if they're going to have a
10 permit and a reporting requirement on there for customary
11 trade, he and the Council support some type of recording
12 requirement so they were pretty much open to suggestions
13 from the Staff Committee. At the time I faxed them both
14 copies of their recommendation and their options, and
15 Larry and I we explained those to them but they were
16 pretty much open as long as some kind of recording
17 requirement is implemented.

18

19 CHAIRMAN DEMIENTIEFF: Further
20 discussion.

21

22 MR. EDWARDS: Mr. Chairman, I had one
23 other question I forgot to ask.

24

25 CHAIRMAN DEMIENTIEFF: Go ahead, Gary.

26

27 MR. EDWARDS: The fact that reporting is
28 not required from rural to rural, I'm assuming the
29 Council recognizes that that will probably make that very
30 difficult to enforce, the \$500 limit without having any
31 records and I guess, Steve, you can correct me if I'm
32 wrong, but I think that would be difficult for our folks
33 to be able to enforce that limit without any basis on
34 which to try to base that on.

35

36 MR. OBERHOSTER: No, I don't think any
37 correction's needed, that's how I would see it.

38

39 MR. BISSON: Mr. Chairman, has the
40 reporting form been drafted yet? Does anybody know what
41 this thing looks like?

42

43 CHAIRMAN DEMIENTIEFF: Larry.

44

45 MR. BUKLIS: Mr. Chairman, no, we have
46 not drafted a proposed reporting form. The proposal, as
47 submitted, indicates reporting on the back of the
48 subsistence fishing form. We have not developed a draft
49 form that would either go on the back of a subsistence
50 fishing form or stand-alone, in either case, we haven't

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1 drafted a form, no.

2

3 MR. BISSON: The State does have a
4 reporting -- has a permit with a reporting requirement
5 but it wouldn't require the reporting of the dollars; is
6 that what we're talking about here? I mean the concern
7 is to collect information about how many dollars people
8 are selling their fish for?

9

10 MR. BUKLIS: Mr. Chairman. Yes, Mr.
11 Bisson. The State currently manages a subsistence
12 fishing harvest permit system on which is recorded the
13 household and the gear used and the fish caught and
14 that's a very effective system.

15

16 The proposal would require the recording
17 on the back of such a form or on an independent form, a
18 recording of customary trade exchanges with those who are
19 not rural residents.

20

21 MR. BISSON: And you raised your hand, go
22 ahead.

23

24 MS. SEE: Yes, through the Chair, as we
25 know because the State doesn't have a customary trade
26 provision in this geographic area it can't be on the back
27 of the State form it has to be a separate form.

28

29 MR. BISSON: And you would oppose
30 creation of a separate form?

31

32 MS. SEE: We're not opposed to creation
33 of a separate form but we think it's premature to set
34 this in motion before all the issues are worked out about
35 this because we don't want to jeopardize the data
36 collection that's very effective. It's one of the best
37 data collection systems in the state for getting this
38 kind of information. The users are very used to it,
39 they're very highly cooperative and we don't want to
40 damage that system before we work the bugs out.

41

42 CHAIRMAN DEMIENTIEFF: Go ahead.

43

44 MR. EDWARDS: Are you ready for a motion?

45

46 CHAIRMAN DEMIENTIEFF: Yeah.

47

48 MR. EDWARDS: Mr. Chairman, I propose
49 that -- or I move that we adopt the proposal as modified
50 by the Bristol Bay Regional Advisory Council, I guess

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1 with the understanding or maybe the caveat that a
2 separate form, I guess, different from what they envision
3 would have to be developed by OSM and that would be used
4 as the basis for gathering the data and that there is
5 some flexibility for Staff to work with our law
6 enforcement folks, and I'm sure probably double back to
7 the Council with tweaking the language, whatever we feel
8 is necessary, in fact, so that we could actually enforce
9 the regulations that we're going to put into place.

10

11 CHAIRMAN DEMIENTIEFF: Thank you.
12 There's a motion, is there a second.

13

14 MR. BISSON: I second it.

15

16 CHAIRMAN DEMIENTIEFF: Okay. All right,
17 sorry, Gary, to take a little bit getting to you but I
18 was rereading it. It does say recorded on a customary
19 trade record keeping form. And I know it says, included
20 on the back of the subsistence fishing report, but, you
21 know, that may be -- I don't know what that means but it
22 means.....

23

24 MR. EDWARDS: Yeah, I understand that I
25 just wanted to make it clear that we were.....

26

27 CHAIRMAN DEMIENTIEFF: Right.

28

29 MR. EDWARDS:that what would come
30 out of this would be a separate form.

31

32 CHAIRMAN DEMIENTIEFF: A stand-alone
33 form.

34

35 MR. EDWARDS: Right.

36

37 CHAIRMAN DEMIENTIEFF: Right.

38

39 MR. EDWARDS: Right.

40

41 CHAIRMAN DEMIENTIEFF: Okay.

42

43 MS. GOTTLIEB: Mr. Chair.

44

45 CHAIRMAN DEMIENTIEFF: Yes.

46

47 MS. GOTTLIEB: Could we also commit that
48 these forms, as returned then can be copied and shared
49 with the Department of Fish and Game so that everyone's
50 database is enhanced or however we would share that

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1 information.

2

3

CHAIRMAN DEMIENTIEFF: Go ahead, Larry.

4

5

MR. BUKLIS: Mr. Chairman, this might help clarify. I think the section of the regulation, the proposed regulation you're referring to is on Page 175 and it's Item 12(i), and if you deleted the last several words in bold from that subsection it would be come clearer.

10

11

12

So the last sentence would read:

13

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16

17

These customary trade sales must be recorded on the customary trade record keeping form.

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And that would give us the flexibility to develop an independent form. And what Ms. Gottlieb was referring to was the sharing of information, the State would thereby maintain the independent unified harvest reporting system and we would share information with the State and others about customary trade data as appropriate.

26

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MR. BOYD: I'm not sure if that was

seconded.

CHAIRMAN DEMIENTIEFF: We did get that

seconded?

MR. BISSON: (Nods affirmatively)

CHAIRMAN DEMIENTIEFF: Yeah, it was.

MR. BISSON: Yeah, we did.

CHAIRMAN DEMIENTIEFF: Okay.

40

41

42

43

44

45

46

47

48

49

50

50

MR. BISSON: I think that his suggestion is excellent and I guess we need to figure out how we amend the motion since it wasn't part of the original motion.

CHAIRMAN DEMIENTIEFF: Okay.

47

48

49

50

50

MR. BISSON: Perhaps I might ask Mr. Edwards if he's willing to make a friendly amendment to his motion.

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1 MR. EDWARDS: I mean I'm certainly
2 willing to do that. I thought what I had originally said
3 is that I move that we support as modified, you know,
4 with the understanding that we would have a stand-alone
5 form, which I think this language would do as well as
6 with the understanding that we would tweak the language.
7 So maybe an amendment really isn't required.

8
9 CHAIRMAN DEMIENTIEFF: It doesn't appear
10 to me either. Marianne, I'm sorry, you were trying to
11 get my attention.

12
13 MS. SEE: Thank you, Mr. Chair. I just
14 wanted to note that we do operate under an information
15 management and sharing protocol between the State and the
16 Federal organizations here. And in the spirit of that,
17 we would appreciate some language that speaks to a
18 cooperative development of this record keeping form with
19 the State because we are extremely concerned that it be
20 done in a manner that does not damage the current data
21 collection system and is distinct and clear for the
22 users. So we would appreciate that language.

23
24 Thank you.

25
26 CHAIRMAN DEMIENTIEFF: I really don't
27 know that it would require an amendment to the motion.
28 But I think if we just make it -- I certainly support all
29 the information we could gather and I think if we, as a
30 Board, just kind of instruct that this is going to be
31 part of the process it will happen. I don't see --
32 Marianne, I don't see a need for this to go in a form of
33 an amending motion or anything.

34
35 Go ahead, Tom.

36
37 MR. BOYD: So that I understand what's
38 being suggested. As I understand that Ms. Gottlieb's
39 concern is whether or not -- not whether or not, but that
40 we require that this form be reported back to us for
41 record keeping purposes; is that correct?

42
43 MS. GOTTLIEB: Mr. Chair. I mean my
44 intent is, for whatever data comes out of these forms, I
45 mean we're asking people to fill out these forms for a
46 variety of a reasons, but most importantly for data
47 collection information on the fisheries and on the
48 amounts of customary trade so the extent that after
49 protecting people's privacy information, that data can be
50 shared amongst agencies and organizations, Bristol Bay

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1 Native Association may be interested as well, others. I
2 believe we should be open in how we develop the forms and
3 open in how we share the appropriate data.

4

5 CHAIRMAN DEMIENTIEFF: Tom.

6

7 MR. BOYD: I'd ask Staff if there was
8 their understanding from the Council as to the
9 requirement of the form, whether it was for purposes of
10 data record keeping or for purposes of enforcement; if
11 you understand what my question is or both?

12

13 MR. EDENSHAW: Tom, my perception is from
14 the Council meetings, their request for a recording
15 permit is for law enforcement, for potential abuses.

16

17 CHAIRMAN DEMIENTIEFF: Go ahead.

18

19 MR. BOYD: Mr. Chair. The reason I bring
20 this up is not in -- in previous discussions on customary
21 trade, this idea of a record keeping form has been
22 discussed in both veins, both as an enforcement tool and
23 sort of as a way to gather information about customary
24 trade. And there was actually fairly strong feelings on
25 both sides of that discussion as I recall.

26

27 And I think if the Board wants to go into
28 this I think they need to understand that there may be
29 those that object to the idea of sharing that kind of
30 information, and having them required to record it and
31 keep it personally for enforcement purposes, in other
32 words, if they're asked to provide it by an enforcement
33 officer to ensure that they're staying within the limits
34 is one thing, but asking them to turn that information in
35 is quite another thing. And I'm not sure what -- that's
36 why I asked the question, I wanted to be sure what the
37 Council's intent was in providing for a form.

38

39 So just go in with your eyes open that
40 I'm not exactly sure how the Council would feel about the
41 idea of a record keeping form for purposes of gathering
42 information.

43

44 CHAIRMAN DEMIENTIEFF: Well, my
45 understanding of the motion as was made and seconded is
46 to go with the Regional Council modifications. I would
47 think that we would have ample opportunity at the spring
48 Bristol Bay RAC meeting to go back to the RAC with that
49 particular question. And if we're going to go with their
50 recommendation as modified, get an intent from them and

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1 whatever their intent is, I'm sure we could live with and
2 still have time to get that out and ready for the 2004
3 fishing season.

4

5 So I guess that would be my
6 recommendation on how we would handle that.

7

8 Let me just get my little statements in,
9 too. You know, despite the RAC not being here, in our
10 past experience with the Bristol Bay RAC, I mean I do
11 intend to support the motion. You know, I do know that
12 they were actively engaged in the whole process. And
13 like I noted before, this is a conflict of meeting
14 interest right now that prevent them from being here.
15 And I do know, you know, that they have done diligence
16 and it has been a major concern because of the
17 diversified interests in the area. And, you know, it is
18 conservation minded. And so I do know that this Council
19 does that because of that diversification so I do fully
20 intend to support the motion.

21

22 Judy, you had something.

23

24 MS. GOTTLIEB: Thank you, Mr. Chair. I
25 guess I would try to add for clarification, after our
26 decision today I would assume that OSM would work with
27 all the affected managers and the RAC as soon as possible
28 to start follow up on this, on the reporting.

29

30 MR. BISSON: Mr. Chairman, I assume that
31 also, when you say and the managers, my assumption is
32 that ADF&G will be asked to participate in the process of
33 designing the form so that it doesn't conflict with --
34 and they have an opportunity to express their concerns
35 about what the form looks like.

36

37 CHAIRMAN DEMIENTIEFF: Gary.

38

39 MR. EDWARDS: Mr. Chairman, our current
40 regulations allows this Board to recognize these regional
41 differences and define customary trade, you know,
42 differently for separate regions and certainly in this
43 case, you know, I think that the Bristol Bay Council has
44 come forward with a request to do that. Certainly from
45 all appearances have done a good job of making sure that
46 this is supported throughout their region and as our
47 regulations allow us to do, I'm planning on voting in
48 favor of this motion.

49

50 CHAIRMAN DEMIENTIEFF: Any other

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1 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 (No opposing votes)

15

16 CHAIRMAN DEMIENTIEFF: Motion carries.
17 With that, we're going to move into Prince William Sound.

18

19 MR. TONY: Mr. Chairman.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. TONY: I'd like to request that
24 Proposal 04-19 and 04-20 be pulled from the consent
25 agenda and added in with 21.

26

27 CHAIRMAN DEMIENTIEFF: So noted. We will
28 begin numerically. And I'll note also for the record
29 that we did have a request from Gloria Stickwan to
30 testify to make that request but since it's already been
31 pulled -- if that's all right with you, Gloria, we'll
32 just move on and start considering these proposals.

33

34 MS. STICKWAN: (Nods affirmatively)

35

36 CHAIRMAN DEMIENTIEFF: Okay. She
37 indicates that it is fine and does have a request to
38 testify on 19, 20 and 21 as they come up. So we will
39 begin with Proposal FP04-19.

40

41 MS. PETRIVELLI: Mr. Chairman, my name is
42 Pat Petrivelli and I'm the anthropologist for the
43 Southcentral region and I'll be presenting the Staff
44 analysis for FP04-19 and the Staff analysis begins on
45 Page 202.

46

47 This proposal was submitted by the Paxson
48 Fish and Game Advisory Committee and it requests a
49 customary and traditional use determination for salmon in
50 the upper Copper River districts for residents of the

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1 Paxson area.

2

3

4 Paxson is located in the Prince William
5 Sound management area so it's already included in the
6 Glennallen subdistrict so it has a positive customary and
7 traditional use determination for salmon but it is not
8 included in the Chitina subdistrict. The Federal waters
9 of the Copper River includes all waters within the
10 exterior boundaries of the Wrangell-St. Elias National
11 Park and Preserve and the Chugach National Forest and the
12 waters adjacent to these exterior boundaries. And this
13 analysis will just focus strictly on the Chitina
14 subdistrict.

14

15

16 And on October 1, 1999, when Federal
17 Subsistence Management began regulations were adopted
18 from relevant sections of the State Fisheries
19 Regulations. At that time the Upper Copper River
20 district, the State recognized that Glennallen
21 subdistrict is a subsistence fishery and classified
22 Chitina as a personal use. And there's been a number of
23 changes to the C&T determinations for Chitina since then.
24 The most recent action last year at the December Board
25 meeting, the Board rejected proposals to add residents of
26 Lake Louise and Delta Junction and that was mainly
27 because the proposal got expanded to look at all users of
28 the Glennallen and Chitina subdistrict and so it was felt
29 that it was too broad and there was a lack of substantial
30 evidence for such broad additions.

30

31

32 So since then Paxson submitted its
33 recommendation just to address the residents of the
34 Paxson area. The data used in the analysis for use by
35 Paxson residents included two ADF&G Division of
36 Subsistence household surveys from the Copper River Basin
37 area, and these studies were done in 1982 and 1987. In
38 1982 the household surveys included an area that included
39 both Paxson and Sourdough households, and then in 1987
40 those areas were separated into two distinct areas. The
41 community characteristics throughout the analysis, the
42 use information by Paxson were compared with other uses
43 that have C&T, and then I guess the -- oh, the other data
44 sources for Copper Basin were the C&T customary and
45 traditional use sheets prepared by the State and then in
46 1996, Simeone and Fall comprehensive study of the upper
47 Copper River and then two 1983 reports by Holly Reckord
48 for the Park Service.

48

49

50 Many of these sources describe Copper
51 Basin -- or use by residents of the Copper Basin as a

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1 whole and so since the studies included Paxson residents
2 -- or Paxson/Sourdough residents, the information were
3 included in each of the factors and where distinct
4 information for Paxson residents was available, that data
5 was used. And the main information where there is
6 distinct Paxson data is available by the household
7 surveys.

8

9 The table -- there's two tables on Page
10 209 and 210 and the household survey information is in
11 Table 2 and then the permit data is on Page 210.

12

13 The household surveys show that Paxson,
14 there is an estimated household use, that 64 percent of
15 the households in Paxson use salmon, 1,730 pounds of
16 salmon is estimated at a community level and a 45 pounds
17 on a per capita basis. This level of use reflects levels
18 by other communities with a positive customary and
19 traditional use determination. Of course the communities
20 that are closer to the Copper River have a higher level
21 and those that are farther away have a lower and Paxson
22 use levels are right in the middle.

23

24 The data available from permits shows the
25 same level of use. Their level of use with permits
26 issued is right in the middle also. Residents of Paxson
27 have been issued an average of three permits a year for
28 the years that we have data available.

29

30 And that's the only -- the permit data is
31 the -- the main sources show that actual use of the
32 Chitina district, the other mapping data that was done
33 shows that they did salmon harvesting in the Gulkana
34 River and also the studies showed that residents of
35 Paxson traveled to the Copper River to fish with
36 fishwheels mainly in the Tazlina and Copper Center area,
37 but the permit data does show that they have regularly
38 obtained at least one permit a year where data is
39 available so the Paxson residents have gotten one
40 residents -- and that fits in with the data -- permit
41 data for other residents that have a positive customary
42 and traditional use.

43

44 The data relating to the other factors
45 just show the general overall use of salmon, very much
46 similar to -- well, because they were included with the
47 Copper River Basin so their use of the -- is similar --
48 it is noted that -- oh, the methods and means and even
49 the use patterns, Holly Reckord did notice that in
50 subsistence uses of the study of the region that in the

00224

1 development of the use patterns by non-Natives in the
2 late 19th century and early 20th century, the new
3 settlers first learned about local uses from Natives and
4 then a lot of their use patterns were developed in
5 conjunction and follow similar patterns.

6
7 No -- but -- and then the diversity of
8 uses in factor eight, Paxson residents have a per capita
9 annual harvest of 289 pounds, and the range for those
10 communities that have a positive customary and
11 traditional use go, the range goes from 95 to 342,
12 they're -- the main number of resources used is -- has
13 been estimated as 10 and that follows within the range of
14 six to 16.6, main number of diversity of resources used.

15
16 As to the effect of this proposal, if no
17 -- the -- let's see, I know I changed it, excuse me,
18 there are currently C&T use determinations for salmon in
19 the Chitina subdistrict for 25 communities and areas.
20 Adoption of this proposal would recognize the residents
21 of the Paxson area who have a history of fishing in both
22 the Glennallen and Chitina subdistrict. Under Federal
23 subsistence fishing regulations fishwheels may be used in
24 both the Chitina and Glennallen subdistricts and Federal
25 regulations allow more flexibility to subsistence users
26 in the Chitina subdistrict, so Paxson residents would
27 gain that greater flexibility in the Chitina subdistrict
28 if they're granted a positive customary and traditional
29 use.

30
31 And that concludes my analysis.

32
33 CHAIRMAN DEMIENTIEFF: Thank you.
34 Written public comments.

35
36 MR. MIKE: Thank you, Mr. Chair. Donald
37 Mike, Regional Council coordinator. There were four
38 written public comments received, three opposing the
39 proposal and one in support of the proposal.

40
41 The Ahtna, Inc., opposes the proposal --
42 does not support Proposal 19 to include Paxson in the
43 customary and traditional use determination for salmon in
44 the Chitina and Glennallen subdistricts until a customary
45 and traditional use salmon study is done for that
46 community. The community of Paxson did not have a level
47 of harvest of salmon in 2001. ADF&G data shows that one
48 dipnet was issued and that the permit holder did not
49 report any harvest. ADF&G records show that Paxson
50 community harvest is only 61 sockeye salmon and seven

00225

1 chinook salmon using fishwheels in 2001.

2

3

4 The Cordova District Fishermen United is
5 in support of Proposal 19. The Cordova District
6 Fishermen United supports traditionally dependent users
7 of Alaska's fisheries resources having access to
8 subsistence. The residents of Paxson that live on and
9 use the salmon of the Copper River merit a positive
10 finding.

10

11

12 The Chitina Native Corporation opposed
13 the proposal. Paxson residents have an ample opportunity
14 to harvest salmon through the State fisheries that are
15 currently provided. The description of the community is
16 different from that of traditional C&T users of the
17 Copper River and we feel Paxson residents are better
18 described as personal use fishermen of the Chitina
19 subdistrict dipnet fishery.

19

20

21 The Wrangell-St. Elias Subsistence
22 Resource Commission opposes the proposal. The residents
23 of Paxson already have ample opportunity to harvest
24 salmon in the Copper River.

24

25

26 That concludes the written public
27 comments, Mr. Chair. Thank you.

27

28

29 CHAIRMAN DEMIENTIEFF: Thank you. We
30 have one additional request for public testimony at this
31 time, Gloria Stickwan.

31

32

33 MS. STICKWAN: My name is Gloria Stickwan
34 and I'm here to testify on Proposal 19, 20 and 21. At a
35 meeting on November 25th, the Ahtna people of the eight
36 villages met and discussed these proposals and they were
37 opposed to Proposal 19. They said that they did agree
38 with having Paxson community having C&T for the Chitina
39 subdistrict and they didn't approve of it when it was
40 approved for the Glennallen subdistrict. They don't
41 believe that they have C&T the same as the Ahtna people,
42 that there are differences in the C&T use by the Ahtna
43 people and the Paxson.

43

44

45 And if there is every shortage of salmon
46 in the Copper River, these people in the community of
47 Paxson would have C&T and they think only the Ahtna
48 people should have C&T use in times of shortages. Right
49 now they're able to use it but if there's ever a shortage
50 it would be open to all 25 communities and they object to
51 that.

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1 CHAIRMAN DEMIENTIEFF: Thank you. Any
2 questions.

3
4 MR. TONY: Mr. Chairman.

5
6 CHAIRMAN DEMIENTIEFF: Yes.

7
8 MR. TONY: Had this meeting occurred
9 earlier, a region wide meeting where people were aware of
10 these proposals, would you have then taken another step
11 and taken that information to the Regional Advisory
12 Council for input into their process?

13
14 MS. STICKWAN: Yes, we would have. Our
15 subsistence committee has been inactive for the past year
16 and a half. But they formed a committee that's going to
17 be start -- people will start coming to these meetings
18 again.

19
20 They've asked me to be here and two other
21 people, but they're not here.

22
23 CHAIRMAN DEMIENTIEFF: Any other
24 questions.

25
26 (No comments)

27
28 CHAIRMAN DEMIENTIEFF: Regional Council
29 recommendation.

30
31 MR. LOHSE: The Regional Council was in
32 favor of -- or supported the addition of Paxson into the
33 C&T.

34
35 If you wish me to wait and give reasons
36 later, I can do that or if you want me to do it now I can
37 do that.

38
39 CHAIRMAN DEMIENTIEFF: Yeah, with your
40 recommendation, yeah, you can.

41
42 MR. LOHSE: Okay. The recommendation of
43 the Regional Council was to support the proposal to
44 include Paxson.

45
46 And with that I'll just make a little
47 comment to start off with, that I definitely agree with
48 Gloria, that the Paxson people don't have the same C&T as
49 the Ahtna people in the Copper River Valley. But from
50 all of our studies and from everything we looked at they

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1 definitely were right in the middle of all of the other
2 folks who also have C&T on the Copper River. And that's
3 what we came up with when we were going through it.

4

5 I'm just going back through some of the
6 testimony that was there, and the arguments that we had
7 against it. Now, at that point in time we had never
8 heard that there was a shortage of salmon on the Copper
9 River, and that's the first that I've heard of that.

10

11 But we were looking at it and remembering
12 that C&T isn't based on the resource, it's not based on
13 access, and it's not based on opportunity. And those
14 were the arguments that were presented to us, that Paxson
15 had other opportunities. But it's based on whether the
16 community does meet the criteria and does use the
17 resource. And from all of those standpoints, from the
18 information that we were given, Paxson was right in the
19 middle. Paxson had a mean as far as the users were
20 concerned, as far as the use patterns, and all of the
21 rest of it.

22

23 So we voted in favor of recommending
24 Paxson for C&T in these districts.

25

26 And if there's any other questions I'll
27 be happy to answer or give you comments on it.

28

29 CHAIRMAN DEMIENTIEFF: Okay. Questions,
30 if there are questions you're going to participate in the
31 deliberations so we'll take them up then. Staff
32 Committee.

33

34 MR. GERHARD: Yes, thank you. This is
35 Bob Gerhard with the National Park Service.

36

37 The Staff Committee concurred with the
38 Southcentral Council's recommendation to adopt the
39 proposal. The regulation would be changed to add
40 Paxson/Sourdough, you can see that on Page 199 of your
41 Board book.

42

43 The justification for this recommendation
44 is that data from the ADF&G Subsistence Division
45 household surveys, community studies and permit data show
46 that the salmon -- show that salmon is a resource used by
47 residents of the Paxson/Sourdough area in the Chitina
48 subdistrict at levels comparable to those communities
49 with a positive customary and traditional use
50 determination.

00228

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4 Department.

5

6 MS. SEE: Thank you, Mr. Chair. The

7 Department concurs with this proposal based on the

8 documentation.

9

10 The Federal Staff analysis that you just
11 heard does adequately provide the documentation of data
12 in support of the eight factors that are used to assess
13 the extent of customary and traditional uses. In the
14 summary that was provided, also indicated some of the key
15 references used and some of the trends. But the detail
16 in the analysis is quite thorough.

17

18 Care should be taken in drafting the
19 regulation to define Paxson to include the Sourdough area
20 because the supporting data include both communities
21 which stretch along the Richardson Highway. The finding
22 of customary and traditional use in roaded areas should
23 not exclude people who are living in between the named
24 communities.

25

26 Thank you.

27

28 CHAIRMAN DEMIENTIEFF: Any other Regional
29 Council comment.

30

31 (No comments)

32

33 CHAIRMAN DEMIENTIEFF: We'll move it to

34 Board discussion.

35

36 MR. TONY: Mr. Chairman.

37

38 CHAIRMAN DEMIENTIEFF: Yes.

39

40 MR. TONY: Yeah, I was just curious about
41 reading through the back up analysis on the data that
42 supports the proposed C&T determination, that included in
43 the data is a table that represents the community
44 characteristics, it's on Page 207 of my materials.

45

46 It indicates there that the 2000
47 population was 43 and that the percentage of Alaska
48 Natives was .0 percent, so it would appear, you know,
49 there are no Alaska Natives there, but throughout the C&T
50 determination as support for the finding, there are

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1 numerous discussions about the customary and traditional
2 uses of Native people specifically, you know, the
3 Ahtna/Athabascan people from that region. And I'm just
4 kind of perplexed by why you would cite Native
5 traditional uses in support of a community where there
6 were no Natives living as a justification for a C&T
7 determination.

8

9 I've got some other questions as well,
10 but I don't know if you want me to reel them all off or
11 go through them one by one.

12

13 CHAIRMAN DEMIENTIEFF: You want Staff
14 Committee to respond to that question?

15

16 MR. TONY: Yes, please.

17

18 CHAIRMAN DEMIENTIEFF: Or Pat.

19

20 MS. PETRIVELLI: Mr. Chairman. Mr. Tony.
21 The households or the studies that I have available to
22 me, with the information specific to Paxson, I indicated
23 were the household surveys and then some mapping and then
24 the permit data, and then other surveys that were done,
25 they were generalized and then they described hunting and
26 fishing activities for the Copper Basin area. And
27 generally they're based upon the most longstanding
28 patterns, all those descriptions. Paxson residents were
29 included in those studies. And then I noted that Holly
30 Reckord had described how many of the residents of the
31 area who are non-Native, when they move into that Copper
32 Basin area base their use patterns upon the longstanding
33 Ahtna traditions because they were the ones, as they
34 learned how to do things.

35

36 So that was the reason for including
37 whatever references there are for Ahtna hunting and
38 fishing patterns, was that residents, the non-Native
39 residents of the Copper Basin generally base their uses
40 -- they learned how to hunt and fish resources from the
41 Ahtna people.

42

43 So that's in the descriptions of
44 customary and traditional uses and that's how they
45 developed their use patterns.

46

47 MR. TONY: I guess that kind of raises a
48 question in my mind in the criteria number 6 on Page 211
49 where it talks about a pattern of use, which includes the
50 handing down of knowledge of fishing and hunting skills,

00230

1 values and lore from generation to generation.

2

3

4 Now, just on the plain face of those
5 words, what that implies to me is that, you know, people
6 are handing it down, well, generation to generation and
7 that it's not recent migrants getting it from peers, I
8 mean it doesn't say that, you know, on the face of it.
9 I'm just curious how, you know, the knowledge acquired
10 from their peers would support a basis for this finding.

10

11 MS. PETRIVELLI: Mr. Chairman. Mr. Tony.
12 I guess I may have been remiss, but part of the Paxson
13 community has been there since 1906 and those generations
14 that have resided in the area have passed on that
15 knowledge. But I was remiss in not including testimony
16 from John Chunnelmeyer (ph) who's the chairman of the
17 Paxson Advisory Committee and his father is residing
18 there. But he discussed the handing down of knowledge
19 within the generations of the Paxson community -- or
20 within the residents of the Paxson community.

21

22

23 And so there was evidence presented to
24 the Council by Mr. Chunnelmeyer that addressed some of
25 your concerns, and I just didn't update the analysis and
26 I apologize for that. But Mr. Chunnelmeyer presented
27 quite a bit of information specific to the residents of
28 Paxson which, I guess, on second thought should have been
29 included.

29

30

31 CHAIRMAN DEMIENTIEFF: I know this is
32 somewhat discomb -- I mean, consideration of these, but
33 we are committed to a 1:00 o'clock completing of
34 Southeast. So with all due respect, I think we're just
35 going to cut off discussion at this point because we are
36 time sensitive. We are scheduled for 1:00 o'clock
37 promptly, and so with that I'm just going to go ahead and
38 recess right now and I urge everybody to get back here on
39 time and then we will complete the Southcentral
40 Proposals, 19, 20 and 21 as soon as we're done with the
41 two Southeast proposals.

41

42

(Off record)

43

44

(On record)

45

46

47 CHAIRMAN DEMIENTIEFF: I'll call the
48 meeting to order. Okay. We do have Deputy Commissioner
49 David Bedford with us. We're going to start on Proposals
50 28 and 29, Mr. Bedford, in case we do get bogged down,
we're going to go ahead and allow your comments with

00231

1 regard to 40 before you go. But they are kind of all,
2 you know, related to each other so we'll just go ahead
3 and start with 28, is that okay with you?

4

5 MR. BEDFORD: (Nods affirmatively)

6

7 CHAIRMAN DEMIENTIEFF: And then if it
8 gets close, just signal me or let me know and we'll make
9 sure you get your comments in and they will be taken in
10 their full context. We have to probably allow a little
11 bit of time for some questions, you know, so it won't be
12 just like a straight testimony, we'd like it to be an
13 exchange. So you might just want to factor that into
14 whatever your schedule is.

15

16 So we will begin with Proposal 28. My
17 understanding is we have 28 and 29 are -- in terms of the
18 Staff analysis are tied together so there will be one
19 analysis although they will be considered separately. So
20 we'll open up with the Staff analysis it will be for both
21 Proposals 28 and 29, so go ahead Mr. Schroeder.

22

23 MR. SCHROEDER: Mr. Chairman, I'm Bob
24 Schroeder. I'm the regional anthropologist for Southeast
25 Alaska with USDA Forest Service and I also fill the role
26 as the coordinator for the Southeast Regional Advisory
27 Council.

28

29 Before you are Proposals FP04-28 and 29.
30 The executive summaries for these begin in your book on
31 Page 291. These two proposals request a positive
32 customary and traditional use determinations for salmon,
33 dolly varden, trout, smelt and eulachon for the
34 communities of Kake, Petersburg and Wrangell in District
35 6, 7 and 8. Kake has recognized subsistence use of these
36 species in areas closer to Kake and portions of District
37 9 and 10.

38

39 Proposal FP04-28 submitted by Dick Stokes
40 of Wrangell requests that a positive customary and
41 traditional use determination be made for these species
42 for Kake, Petersburg and Wrangell residents in waters
43 flowing into Districts 6 and 7.

44

45 Proposal FP04-29 submitted by Council
46 members Dick Stokes of Wrangell and Dr. Dolly Garza of
47 Ketchikan request a positive customary and traditional
48 use determination be made for these species for Kake,
49 Petersburg residents in waters flowing into District 8,
50 including the Stikine River and its delta.

00232

1 A map on Page 300 shows the delineation
2 of these fishing districts.

3
4 To date there have been no community
5 specific customary and traditional use determinations for
6 these fishing districts by the Federal Subsistence Board.
7 At the present time all rural residents of Southeast
8 Alaska and Yakutat areas are eligible for subsistence
9 fishing for dolly varden, trout, smelt and eulachon in
10 these districts. All rural residents of Alaska are
11 eligible to subsistence fish for salmon in these
12 districts.

13
14 The Staff analysis provides background
15 covering the state of Alaska C&T determinations for these
16 districts. And if there are questions we can provide
17 detail on actions by the State Board of Fisheries.

18
19 So in this analysis we'll be looking at
20 District 6, 7, and 8 and focusing on the use by residents
21 of Kake, Petersburg and Wrangell. The small community of
22 Meyers Chuck is the only other rural community that is
23 proximate to these districts and this possible customary
24 and traditional use needs to be considered as well.

25
26 Table 1 on Page 302 provides population
27 data for these communities. Petersburg is the largest
28 community of those under consideration with a population
29 of about 3,200 people. Wrangell has a population of
30 about 2,300 people. In the analysis there's detail on
31 the background of these communities. It suffices to say
32 that they've been in place for quite awhile and have
33 strong subsistence orientations.

34
35 Most of the land area draining into
36 District 6, 7, and 8 is managed by USDA Forest Service as
37 part of the Tongass National Forest. Federal management
38 of subsistence applies only to Forest Service lands and
39 waters. Almost all of the marine waters in these
40 districts are under State of Alaska jurisdiction for
41 subsistence management purposes.

42
43 A look through the eight factors related
44 to customary and traditional uses. The first factor
45 talks about a long-term consistent pattern of use
46 excluding interruptions beyond the control of the
47 community or area. We're in good shape for information
48 for this area, we have in-depth ethnographic studies,
49 including subsistence harvest surveys for Kake,
50 Petersburg and Wrangell. These were conducted in the

00233

1 mid-80s by the Division of Subsistence under contract
2 with USDA Forest Service. These studies provide a
3 thorough description of subsistence use patterns for each
4 of these communities.

5
6 The key studies document the strong
7 subsistence involvement of residents of these three
8 places in subsistence. More recent information has been
9 summarized by the Department of Fish and Game in a report
10 prepared in 2002, specifically aimed at compiling
11 information for making customary and traditional use
12 determinations.

13
14 Meyers Chuck is presently a very small
15 place as the population table on Page 302 listed Meyers
16 Chuck as having a population of 21. There was a
17 household survey done to examine subsistence harvest
18 patterns in Meyers Chuck in 1988 and the community had a
19 strong subsistence orientation at that time.

20
21 The second factor we look at in
22 considering customary and traditional use determinations
23 has to do with pattern of use, recurring and specific
24 seasons for many years. I've presented two seasonal
25 round charts, one for Kake and one for Wrangell on Pages
26 306 and 307. These show typical seasonal round harvest
27 patterns for Southeast Alaska for communities that do a
28 lot of subsistence harvesting.

29
30 Our third factor talks about methods and
31 means. We're finding that these -- the methods and means
32 for catching fish are fairly consistent throughout
33 Southeast Alaska. We don't have anything special to note
34 for this area or these communities.

35
36 The fourth factor looks at the harvest
37 and use of fish and wildlife near or reasonably
38 accessible for the community or area. I found that we
39 had really excellent map data for this area. I looked at
40 four sets of maps, some of which are reproduced on Pages
41 309 through 315 and summarized in a table on Page 316.

42
43 The four sets of data include maps
44 prepared as part of the ethnographic studies I talked
45 about that were conducted in Petersburg and Wrangell in
46 the 1980s and those studies did map out where people went
47 for their hunting and fishing and they did separate out
48 salmon and other fish. The second set consists of
49 historic work done in 1947 under taken by Walter
50 Goldschmidt and Theodore Haas to document traditional

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1 territories of Native groups. These provide excellent
2 maps for Wrangell and Kake. The third set of maps is a
3 series of intensity of use maps developed by the Division
4 of Subsistence. These were done in 1992 and cover data
5 from the 1988 Tongass Resource Use Cooperative Survey.
6 In this study, map biographies were collected from about
7 1,450 people in Southeast Alaska. These map biographies
8 were overlaid and these showed intensity of use. Salmon
9 and other fish were separate categories in this study.
10 And the final set of maps are sensitivity to --
11 subsistence sensitivity to disturbance maps that were
12 developed by the Division of Subsistence in 1996 as part
13 of an effort to look at the effects of the proposed
14 Tongass Land Management Plan Revision.

15

16 These maps are discussed at some extent
17 in the analysis. I'll present summary comments.

18

19 These four sources of map data document
20 the subsistence use of District 6, 7, and 8 including the
21 Stikine River drainage by the communities of Meyers
22 Chuck, Petersburg and Wrangell. So these are very strong
23 sources showing use of these areas -- these fishing
24 districts by these three communities.

25

26 In looking at the traditional Native
27 territories we find that these maps document the -- that
28 the Wrangell-Tlingit and the Tlingit-Kwaans presently
29 living in Petersburg use portions of this area. The
30 community studies in Petersburg and Wrangell confirm use
31 of these three districts.

32

33 Looking at the third source of -- excuse
34 me, looking at the intensity of use maps and the
35 subsistence sensitivity maps, these show a high intensity
36 of use, high intensity and major use of District 7 and 8
37 and a lesser use of District 6, again, by Petersburg,
38 Wrangell and Meyers Chuck. If we take these maps
39 together and consider what each of them show, these
40 document a long-term consistent of pattern of use of
41 these three districts by residents of Meyers Chuck,
42 Petersburg and Wrangell. These same four data sources
43 show that Kake's subsistence use is concentrated
44 primarily in Districts 9 and 10. None of the data
45 sources provide documentation of Kake's use of District 7
46 and 8. The intensity of use map data and the sensitivity
47 to disturbance data show limited use of District 6 by
48 Kake. Taken together, these map data do not support
49 recognition of Kake's long-term consistent use of
50 District 6, 7, and 8. The analysis was open to hearing

00236

1 use determinations would limit subsistence use of these
2 species to residents of the four communities we've
3 considered. Residents of other communities in Southeast
4 Alaska and elsewhere in the state of Alaska would no
5 longer be able to fish under Federal subsistence
6 regulations in these districts were these to pass.

7

8 Mr. Chairman, that concludes my brief
9 summary of the Staff analysis and I'd be open for
10 questions at this time.

11

12 CHAIRMAN DEMIENTIEFF: Thank you. We
13 will now -- we are debating, of course, Proposal 28, but
14 that was our analysis for 28 and 29. I don't believe we
15 have Regional Council -- I mean any written public
16 comments with regard to this issue. Well, it lists on
17 here that there's none on the record, I'll just note that
18 for the record.

19

20 We have no additional request for public
21 testimony at this time. Regional Council recommendation.

22

23 MR. LITTLEFIELD: Thank you, Mr. Chair.
24 We do have a Regional Council in this and so, again, my
25 comments are similar to Staff, they will address 28 and
26 29 together.

27

28 I'm sure that everyone on the Board
29 recognizes that we've been struggling with this issue
30 since at least 2000 on Proposal FP01-27, and then it was
31 brought up again by the Southeast wide coho Proposal 35.
32 The regulatory fight to get the TransBoundary Panel and
33 the Pacific Salmon Commission to recognize the
34 subsistence fishery on the Stikine River is mainly been
35 championed by SERAC Council persons Dick Stokes from
36 Wrangell and Dr. Dolly Garza from Ketchikan, and we
37 appreciate the offer of Andy McGregor, that he made at
38 Craig, for those two Council persons to attend the
39 meeting on 12/18 and we look forward to their
40 participation in that.

41

42 Also at the Craig meeting under
43 discussion of Proposals 28 and 29, Federal Staff as was
44 mentioned earlier presented us with the white paper,
45 intensity of use maps, Goldschmidt and Haas maps and
46 reports and sensitivity to disturbance maps, which, if
47 you looked at your book they basically will -- you'll
48 have more information than you need to make this
49 decision, and they support the subsistence use in
50 District 6, 7, and 8 including the Stikine River by the

00237

1 communities of Petersburg, Wrangell and Meyers Chuck.
2 The community of Kake subsistence use in District 7, and
3 8 was not fully supported and the Federal Staff
4 recommendation was to support the communities of
5 Petersburg, Wrangell, and further to add Meyers Chuck.
6 They did not have enough information to support Kake, but
7 left that up to SERAC to consider when we did our
8 deliberations.

9

10 The ADF&G recommendation is to support
11 both proposals, 28 and 29 as amended by the Council.

12

13 We had no testimony from any other
14 agencies or tribal organizations. We had no written
15 testimony and no oral testimony.

16

17 Under discussion of Proposal 28
18 concerning the waters of District 6 and 7, the SERAC, by
19 amendment added the community of Meyers Chuck as an
20 eligible community. They've been there for quite a
21 while, they're obviously in a rural area and it could
22 back up all of the C&T criteria for them so they were
23 added.

24

25 Kake was included in the original
26 proposal as one of the proponents had them included and
27 several Council member spoke during the meeting in favor
28 of their continued inclusion noting that they had
29 historical use of the northern end of Prince of Wales
30 Island for hand-trolling and others, and for myself I
31 noted that the Kaathadi, which is a Tlingit Tribe had
32 several areas within that area and those people are
33 predominately living in Kake right now, so we included
34 Kake.

35

36 All of the species listed in the original
37 Proposal 28 were included in our final recommendation.

38

39 Proposal 29 was similar except it was
40 only for the waters flowing into District 8.

41

42 Under discussion of Proposal 29, by
43 amendment, SERAC deleted the communities of Petersburg,
44 Kake and Meyers Chuck and they also deleted all of the
45 listed species except salmon. The testimony of Council
46 persons describing past regulatory roadblocks to develop
47 the subsistence fishery on the Stikine carried the day
48 with the Council. We supported the amended proposal, but
49 because it was determined to be tailored to address the
50 concerns of the TransBoundary Panel and the Pacific

00238

1 Salmon Commission. It was our understanding that the
2 Commission had concerns about an unregulated, unlimited
3 rural residency subsistence fishery where everyone in the
4 state could participate.

5
6 Proposal 29 and Proposal 40, which we'll
7 talk about in a little bit, which sets the guideline
8 levels were the proponents efforts to address all of
9 those concerns, and they limited eligible users to the
10 community of Wrangell and they applied very conservative
11 guideline harvest limits. And the hope -- and they went
12 into this with their eyes wide open was to make this
13 palatable to the Pacific Salmon Commission.

14
15 The Pacific Salmon Commission and
16 TransBoundary Panel are also in the process of developing
17 an abundance-based fishery, and that will have some
18 allocative implications. SERAC specifically wants the
19 subsistence users to be in the allocation process right
20 now. We want to be a partner at the table so that we are
21 not left out in the future and hopefully that's going to
22 happen.

23
24 Also during discussion, SERAC discussed
25 whether to include Petersburg and other communities. It
26 was noted that no one from any other community asked to
27 be included in the proposal at this time. SERAC
28 specifically noted that Petersburg could apply next year
29 for inclusion as an eligible community for a positive C&T
30 and this, of course, applies to any community that feels
31 it deserves inclusion.

32
33 The recommendation we adopted had one
34 purpose and that was to gain a foothold in the
35 discussions and possible implementation of the
36 subsistence fishery in the Stikine River. That position
37 is still the official position of the SERAC.

38
39 I note that our position is supported by
40 both the Federal and State Staff as they stand right now.

41
42 The Inter-Agency Staff Committee as
43 written right now also supports that recommended action.

44
45 Subsequent to the Council meeting, I've
46 received at least six copies of letters or fax messages
47 and maybe you have as well and two personal phone calls
48 expressing desires from Petersburg Indian Association as
49 well as some residents of Petersburg and some of the
50 islands, they actually are in some areas outside of

00239

1 Petersburg that wanted to be included in the eligible
2 communities of C&T for this year.

3

4 Personally, I would support those
5 communities inclusions, but not now. And the reason is,
6 we had a purpose when we did this, if SERAC has received
7 those letters at their meeting it's possible, and I only
8 say possible that we may have come up with a different
9 conclusion, but our conclusion was specifically to tailor
10 this to meet the demands of the Commission.

11

12 And I can only tell you what we did and
13 that's why we did it and we did not include Petersburg
14 and I want that known and as far as I'm concerned I can
15 only support what SERAC, the actions they took, and we
16 knew why we left Petersburg out and I'm hoping that you
17 would continue to do that. I know you're going to hear
18 some other stuff and I'll talk about those later.

19

20 So thank you, Mr. Chair.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Staff
23 Committee.

24

25 MR. KESSLER: Good afternoon. I'm Steve
26 Kessler with the Forest Service. First, Mr. Chair, I
27 want to be clear whether I should just address 28 first
28 and then 29 or.....

29

30 CHAIRMAN DEMIENTIEFF: We have to
31 consider them separate so just do 28 and.....

32

33 MR. KESSLER: Okay. So I'll just do 28
34 and then we'll do 29.

35

36 CHAIRMAN DEMIENTIEFF: Yeah, okay.

37

38 MR. KESSLER: Okay, thank you. The
39 Inter-Agency Staff Committee recommends adopting this
40 proposal as recommended by the Southeast Alaska
41 Subsistence Regional Advisory Council. The following is
42 our justification for this recommendation, again, this is
43 for Proposal 28.

44

45 Studies of subsistence use in Meyers
46 Chuck, Petersburg and Wrangell have documented a high
47 level of participation in subsistence harvest and use
48 activities and have recorded substantial overall per
49 capita harvest levels. Examination of map data provided
50 by ADF&G, Division of Subsistence documents the regular

00240

1 subsistence use of these districts by these three
2 communities.

3

4 The eight analysis criteria provide a
5 guide for making customary and traditional determination
6 and these were reviewed. Based on available information,
7 these three communities recommended for a positive
8 customary and traditional determination for fishing
9 District 6 and 7.

10

11 Similar to Meyers Chuck, Petersburg and
12 Wrangell, there's also a high level of participation in
13 subsistence harvest and use activities in the community
14 of Kake, however, there is some ambiguity surrounding
15 Kake's historical use of fishing District 6 and 7.
16 However, the Southeast Regional Advisory Council members
17 provided information based on their personal knowledge
18 and experience associated with the community of Kake at
19 their fall meeting in Craig. Based on their information
20 we agree with the Regional Advisory Council that Kake
21 should also be included for positive customary and
22 traditional determination for these fishing districts.

23

24 Thank you, Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.

27 Department comments.

28

29 MS. SEE: Thank you, Mr. Chair. My name
30 is Marianne See.

31

32 This proposal has undergone some
33 discussion as to which communities should be included or
34 not and we've worked with the Council and others in
35 addressing those issues. We concur with the proposal for
36 Petersburg and Wrangell and we are neutral on the idea of
37 having Kake in this at this time and we also have looked
38 at the additional discussion about Meyers Chuck in which
39 we feel there are some data that would justify inclusion.

40

41 There are substantial sources of
42 information from the area studies as noted regarding the
43 customary and traditional uses of fish and we note that
44 with respect to Kake we feel that the surveys from the
45 past 20 years show fairly clearly that Kake residents are
46 using areas closer to their community, Districts 9 and
47 10, rather than areas of Districts 6 and 7 that were
48 addressed in the proposal. So that is why we are not
49 able to offer full support for including Kake at this
50 point based on the data that we were using.

00241

1 And at this point if you have questions
2 about this, there may also be aspects of this that we
3 bring up under 29, but that, as it stands now, we would
4 align with Petersburg and Wrangell very conclusively and
5 would be willing to accept inclusion of Meyers Chuck, but
6 we really feel there are not data to include Kake at this
7 time.

8
9 Thank you.

10
11 CHAIRMAN DEMIENTIEFF: Thank you, very
12 much. Additional Regional Council comment.

13
14 (No comments)

15
16 CHAIRMAN DEMIENTIEFF: If not then we'll
17 move into Board discussion. Go ahead.

18
19 MR. BSCHOR: I have a question for
20 Marianne, did you say that you would include Meyers Chuck
21 possibly.

22
23 MS. SEE: Through the Chair, we would not
24 object to the inclusion of Meyers Chuck. We feel there
25 is information about Meyers Chuck clearly showing
26 subsistence patterns. Where the use occurs is somewhat
27 in question because their data aren't that conclusive
28 about all the use itself. But we have mapped it as
29 occurring in the region covered by the proposal, so, even
30 though the data are less conclusive than for the other
31 communities we certainly feel that we would not object to
32 the inclusion at this time.

33
34 CHAIRMAN DEMIENTIEFF: Other discussion.

35
36 MR. BSCHOR: I have a couple of more
37 things I'd like to say. First of all, thanks to David
38 Bedford for taking time out of your other meeting to be
39 here with us today and for your agency's past work with
40 us on all three of these proposals.

41
42 Also, the -- I think everyone should know
43 that we received, I believe, at latest count, 10 letters
44 from various individuals and community members, including
45 one from the Petersburg Indian Association on this
46 determination of which areas should be included. Nine of
47 which were in support of a broader area because there
48 were people living outside of specific towns that are
49 still within that area that we need to deal with in some
50 way.

00242

1 One of which was just against any
2 subsistence use.

3
4 So I just want everybody to know that
5 that information's available also.

6
7 I also want to say that, and I think most
8 everyone will agree who's been working on this that
9 there's substantial evidence that the subsistence use has
10 occurred or that we've had that history. Both of these,
11 as we talk about the other one also, we don't feel that
12 it violates any principles of fish and wildlife
13 conservation and that it does satisfy a subsistence need
14 that has been long -- long in coming, I guess I should
15 say.

16
17 So we think it fits within our parameters
18 of providing subsistence use.

19
20 CHAIRMAN DEMIENTIEFF: Additional Board
21 discussion.

22
23 MR. TONY: Just a question about, is this
24 a modified proposal, modified by the RAC?

25
26 CHAIRMAN DEMIENTIEFF: That's correct.
27 Yes.

28
29 MR. LITTLEFIELD: The proposal we've been
30 discussing is by amendment we added Meyers Chuck. Kake
31 was in the original language. It was al -- the
32 proponents included them in the original language, we
33 took at least several comments from Council members who
34 spoke in support of Kake so we just left it in there, but
35 we did add one amendment and that was to add Meyers
36 Chuck.

37
38 CHAIRMAN DEMIENTIEFF: Additional
39 discussion.

40
41 MS. GOTTLIEB: Mr. Chair.

42
43 CHAIRMAN DEMIENTIEFF: Yes.

44
45 MS. GOTTLIEB: Well, again, I want to
46 thank the RAC for being pretty deliberate as well as very
47 responsive to the questions that have been asked in the
48 discussions on the Stikine and I think this has been a
49 good cooperative effort towards attaining those goals
50 which we've all been working towards.

00243

1 So thank you for doing that as well as
2 for providing the background information regarding Kake.
3 Some of the Board members stopped there a few years ago
4 when we were traveling in Southeast and heard a good deal
5 of information from residents of that community.

6
7 CHAIRMAN DEMIENTIEFF: Anybody else.

8
9 MR. BSCHOR: We are going to need to deal
10 with maybe some more discussion on expansion of the area
11 but a way of dealing with those -- wording wise of
12 dealing with those areas that aren't necessarily included
13 in the towns of Petersburg, Kake, Wrangell and Meyers
14 Chuck.

15
16 I would be prepared to propose a motion,
17 initially, to approve -- to support with modification of
18 Meyers Chuck, so that's the Southeast Council's
19 recommendation but I would like to follow that with an
20 amendment if I get a second.

21
22 CHAIRMAN DEMIENTIEFF: Is there a second
23 to the motion to adopt the Southeast Regional Council
24 recommendation as modified?

25
26 MR. BISSON: I second it.

27
28 CHAIRMAN DEMIENTIEFF: Okay. I know
29 you've already stated that you want to modify and I'm
30 just interested if the RAC, John, had the opportunity to
31 consider.

32
33 MR. LITTLEFIELD: I just got a copy of
34 it.

35
36 CHAIRMAN DEMIENTIEFF: You just now got a
37 copy of it.

38
39 MR. BSCHOR: I'd like some discussion, I
40 believe, first and then I'll see where we are on it.
41 Because as we are right now we have a motion before us
42 that, you know, if there's really negative reaction to
43 this we could vote on the current motion.

44
45 MR. TONY: Mr. Chairman.

46
47 CHAIRMAN DEMIENTIEFF: Yes.

48
49 MR. TONY: Can I ask what the effect of
50 the amendment would be?

00244

1 MR. BSCHOR: What I'm looking at is just
2 striking the words of -- under determination, which
3 includes the residents of Petersburg, Kake and Wrangell
4 and Meyers Chuck and add some new language to that.

5
6 CHAIRMAN DEMIENTIEFF: Yes.

7
8 MR. LITTLEFIELD: Thank you, Mr.
9 Chairman. I believe in process you would you would be
10 offering this substitute language. In other words you
11 would like to substitute the language that's on this
12 handout that we just got for what's on the table right
13 now?

14
15 MR. BSCHOR: Yes, at this point we need
16 to -- do you want me to just read that language and then
17 we can discuss it; would that be appropriate?

18
19 I make a motion to substitute the
20 following language for the determination part:

21
22 Residents of drainages flowing into
23 Fishing District 6, north of the latitude
24 of Point Alexander on Mitkof Island,
25 residents of drainages flowing into
26 Fishing District 7 and 8, including the
27 communities of Petersburg, Wrangell and
28 residents of the communities of Meyers
29 Chuck and Kake.

30
31 MR. BISSON: Do we have any idea how many
32 residents we're talking about?

33
34 CHAIRMAN DEMIENTIEFF: That's a motion to
35 -- in the nature of a substitute, is there a second to
36 that motion.

37
38 MS. GOTTLIEB: I'll second it.

39
40 CHAIRMAN DEMIENTIEFF: Bob, you have
41 additional information for us or who?

42
43 MR. SCHROEDER: Mr. Chairman, the number
44 of people who would be covered by this would be the
45 people who are listed in the demography table that I
46 presented in the Staff analysis, with some small number
47 of people who live close to but outside these named
48 communities.

49
50 I think Bob Larson could give us an idea

00245

1 of how many folks we're talking about there.

2

3 CHAIRMAN DEMIENTIEFF: Go ahead, Bob.

4

5 MR. LARSON: Mr. Chairman, Bob Larson,
6 Forest Service.

7

8 And outside of the named communities
9 which you have population estimates for, there's
10 approximately 40 people near Wrangell just outside the,
11 you know, the corporate boundaries of the residents, and
12 a few more than that in Petersburg, there's probably a
13 100 I suppose.

14

15 MR. EDWARDS: Maybe I could ask a
16 question.

17

18 CHAIRMAN DEMIENTIEFF: Gary.

19

20 MR. EDWARDS: So I think if I understand,
21 what it would do would actually expand to some additional
22 residents which could one argue that are actually more
23 rural than the ones that are currently being included?
24 Was that a fair assessment?

25

26 CHAIRMAN DEMIENTIEFF: Go ahead, Bob.

27

28 MR. SCHROEDER: Mr. Chairman. Mr.
29 Edwards. I think that's basically a pretty good
30 characterization.

31

32 As you know, in Southeast, Alaska, while
33 most people live in the named places, we do have a number
34 of people who are living on homesteads or Native claims
35 or other areas who generally are living very much a
36 subsistence lifestyle.

37

38 CHAIRMAN DEMIENTIEFF: Yeah, I do note
39 from, you know, personal experience when we did our
40 subsistence zone for Nenana in the State system years
41 back, we went outside the area for that very same reason.
42 Those were people that were heavily dependent upon
43 subsistence so it wasn't just Nenana proper, we did our
44 best to -- and it actually came out really well and there
45 were people that are included, that, you know, otherwise
46 would have been disenfranchised.

47

48 So it's a fair motion in my estimation.

49

50 Any other discussion on the substitute

00246

1 motion.

2

3

MR. LITTLEFIELD: Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: Yes.

6

7

MR. LITTLEFIELD: My comments are, of course, you know what the RAC did, but this substitute motion does include all of the named communities that we named and it includes the left outs, if you want to put it that way, the people who were left out. Other than that I see no substantive change to what's happened here.

13

14

Just it's picking up the loose ends.

15

16

17 discussion.

18

19

(No comments)

20

21

CHAIRMAN DEMIENTIEFF: Hearing none. All those in favor of the motion, please signify by saying aye.

23

24

25

IN UNISON: Aye.

26

27

28 same sign.

29

30

(No opposing votes)

31

32

CHAIRMAN DEMIENTIEFF: Motion carries. Proposal 28 as modified as been adopted. 29.

33

34

35

MR. TONY: Mr. Chairman.

36

37

CHAIRMAN DEMIENTIEFF: Yes.

38

39

MR. TONY: Is there a separate vote on the amendment required or.....

40

41

42

CHAIRMAN DEMIENTIEFF: The motion was in the nature of a substitute, yeah, so it substitutes the original motion so I don't believe it does. I don't see Tom hitting me or nobody else so it must be okay. No, it's in the nature of a substitute it just substitutes the previous motion.

43

44

Okay, we have had the analysis on 29. I see in the record there's no written public comment. I

45

46

47

48

49

50

00247

1 have no request for additional public testimony at this
2 time. I think Mr. Littlefield did his explanation for
3 the Regional Council recommendation, but you better get
4 the formal Regional Council recommendation for 29 on the
5 record for this proposal.

6

7 MR. SCHROEDER: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry.

10

11 MR. SCHROEDER: We do have some written
12 public comments for Proposal 29.

13

14 CHAIRMAN DEMIENTIEFF: Oh, I'm sorry, my
15 record says no, so, well, let's go through them. I'm
16 sorry.

17

18 MR. SCHROEDER: Mr. Chairman. We do have
19 written public comments and they did come in after the
20 publication of the Board book so that's why they're not
21 reflected there.

22

23 At last count we have 13 public comments
24 on Proposal 29. The overall breakdown is that 10
25 comments favor inclusion of Petersburg. One comment
26 suggests the inclusion of Petersburg and Kake. And one
27 comment suggests that Metlekatla be included, or if it's
28 not included that the Board take no action.

29

30 The general description of the comments
31 would be that the people who favor Petersburg being
32 included believe that it's unfair for Petersburg -- that
33 it's an unfair discrimination for Petersburg to be left
34 out, that both Petersburg and Wrangell qualify for
35 subsistence use on this great river as our history shows.

36

37 That restricting -- limiting the Stikine
38 River subsistence fishing to residents of Wrangell only
39 is very unfair, noting that Mitkof Island, which
40 Petersburg is on is closer to the Stikine than Wrangell,
41 and while fewer Petersburg residents use the Stikine
42 River than Wrangell residents, there's several residents
43 of Petersburg that spend as much time up the river as any
44 Wrangell residents do.

45

46 Let's see, this person personally went
47 into the Stikine 33 times this year and would hate to
48 think I would not qualify because I live on the wrong
49 side of the tracks so to speak.

50

00248

1 Excluding Petersburg from participating
2 in anything going on on the Stikine is a political
3 firebrand as well as seriously unfair.

4
5 My wife Mary and I believe that people
6 who live on the Stikine as well as residents as
7 Petersburg should have customary and traditional use for
8 salmon on the Stikine River and its delta.

9
10 A letter from the Petersburg Indian
11 Association along with conversations pointing to
12 Petersburg, the community of Petersburg and Petersburg's
13 Tlingits involvement with the Stikine River. They also
14 support the inclusion of Kake.

15
16 Letter from a Native elder of Petersburg
17 talking about subsistence use there, also supporting --
18 noting that Petersburg has always used this area.

19
20 Another Petersburg 's resident
21 maintaining that Petersburg has every bit as much history
22 of customary and traditional use of the resource on the
23 river as Wrangell. It's unfortunate that Petersburg does
24 not have a member on the Regional Advisory Council at the
25 October meeting in Craig to enforce these facts. I'll
26 note that we recently appointed a -- the Secretary of
27 Interior appointed a member from Petersburg. We're not
28 dealing with birds this session.

29
30 (Laughter)

31
32 CHAIRMAN DEMIENTIEFF: That's a direct
33 line from the Secretary hotline.

34
35 (Laughter)

36
37 CHAIRMAN DEMIENTIEFF: Go ahead.

38
39 MR. SCHROEDER: Another letter from a
40 Petersburg resident, residents from Petersburg, Stikine
41 River and Wrangell should be allowed to participate in
42 all Federal subsistence fisheries on the Stikine River.

43
44 Let me see if I have anything different.
45 Letter from Metlekatla, which speaks of how people from
46 Metlekatla who harvested eulachon several times on the
47 Stikine River. This river with its spring run with
48 eulachon was secondary only to the Unik River spring run
49 of eulachon for these fishermen and was considered an
50 emergency reserve. The proposal, as it reads now would

00249

1 eradicate this traditional and customary reserve.
2 Although it was not used repeatedly it was used as an
3 alternative choice held always in fishing preparations.

4

5 Another letter from Petersburg referring
6 to other times when State regulators have had one
7 subsistence qualification for Wrangell in Petersburg and
8 their dissatisfaction with that and saying that this
9 should not occur again.

10

11 And Mr. Chairman, that concludes my brief
12 summary of the written public comments.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Let's
15 see, Regional Council recommendation, did we get that.

16

17 MR. LITTLEFIELD: Thank you, Mr. Chair.
18 The Regional Council recommendation was to modify to the
19 species to include only salmon and the determination to
20 include only the residents of Petersburg.

21

22 CHAIRMAN DEMIENTIEFF: Thank you.

23

24 MR. LITTLEFIELD: Excuse me, Mr.
25 Chairman, only the residents of Wrangell.

26

27 (Laughter)

28

29 CHAIRMAN DEMIENTIEFF: Interesting day.

30

31 (Laughter)

32

33 CHAIRMAN DEMIENTIEFF: Staff Committee
34 recommendation.

35

36 MR. KESSLER: Thank you, Mr. Chair. I'm
37 Steve Kessler with the Forest Service. The Inter-Agency
38 Staff Committee recommends adopting this proposal for
39 salmon for the Stikine River as recommended by the
40 Southeast Alaska Subsistence Regional Advisory Council.

41

42 However, for the remainder of District 8,
43 that's Fishing District 8, the Staff Committee recommends
44 adopting the original proposal with modification to add
45 the community of Meyers Chuck.

46

47 So the regulation would read:

48

49 For District 8, the Stikine River and its
50 delta for salmon, the determination would

00250

1 be for residents of Wrangell;

2

3 For District 8, for waters flowing into
4 the remainder for salmon, the
5 determination would be for residents of
6 Wrangell, Petersburg, Meyers Chuck and
7 Kake.

8

9 Now, I'll describe the rationale for this
10 recommendation but I'm going to also let you know that
11 there is new information available since the Staff
12 Committee considered this proposal.

13

14 I won't repeat all of the information
15 found in the Staff analysis or all of the information
16 found on Pages 294 and 295 of your Board book with the
17 Staff Committee recommendation. Mostly I'll describe why
18 the Inter-Agency Staff Committee recommendation is
19 different than the Councils and elaborate on the new
20 information.

21

22 The Regional Advisory Council
23 recommendation concerning customary and traditional use
24 in District 8 covered only salmon and only the community
25 of Wrangell. The Inter-Agency Staff Committee was
26 concerned that other communities subsistence use of
27 portions of District 8 might be adversely affected if the
28 Regional Advisory Council's recommendation was accepted
29 and this is a concern in relation to Section .805(c) of
30 ANILCA.

31

32 Based on this the Staff Committee decided
33 to recommend making the different customary and
34 traditional use determinations for the Stikine River and
35 for the remainder of District 8 recognizing the Stikine
36 River is part of District 8.

37

38 In reviewing available data and the
39 transcript from the Regional Advisory meeting, the Staff
40 Committee found that residents of Wrangell had made the
41 greatest use of salmon in the Stikine River drainage.
42 Because of Wrangell's residents particularly strong
43 history of use of the Stikine River and their efforts to
44 reestablish the traditional salmon fishery, the Inter-
45 Agency Staff Committee recommends a customary and
46 traditional use determination for the Stikine River only
47 for Wrangell and only for the salmon species.

48

49 Companion Proposal 40 would establish
50 harvest regulations for salmon for the Stikine River

00251

1 subsistence fishery. The Inter-Agency Staff Committee
2 recommends that a positive customary and traditional use
3 determination also be made for the remainder of District
4 8 for salmon for the communities of Kake, Meyers Chuck,
5 Petersburg and Wrangell. This positive determination is
6 supported by the data presented in the Staff analysis,
7 perhaps in retrospect for the community of Kake.

8

9 Again, these recommendations are made in
10 consideration of Section .805(c) of ANILCA and
11 consideration for the subsistence uses of other rural
12 residents.

13

14 I would like the Board to know that
15 subsequent to the Inter-Agency Staff Committee and the
16 development of this recommendation new information became
17 available. This new information came in the form of
18 numerous letters that Bob just -- Mr. Schroeder just
19 reviewed, describing historical use for residents of
20 Petersburg and in the immediate vicinity of the Stikine
21 River but not within the geographic boundaries of the
22 city of Wrangell. Given this information, I would
23 anticipate that the Staff Committee recommendation I just
24 described may have been modified.

25

26 Thank you, Mr. Chair.

27

28 CHAIRMAN DEMIENTIEFF: Thank you.
29 Department comments.

30

31 MS. SEE: Thank you, Mr. Chair. Some of
32 that was new information for me so I'm digesting it a bit
33 just the way you put it.

34

35 But we have been, as I mentioned in the
36 previous proposal, looking at the different kinds of ways
37 that this could be approached, and the ways in which the
38 Regional Council and others were looking to craft a
39 finding that would include communities and represent the
40 uses as they are documented.

41

42 We note that the Board of Fisheries,
43 State Board of Fisheries met last January in Sitka and
44 made positive customary and traditional use findings for
45 herring, herring roe, eulachon, bottom fish, halibut,
46 salmon, dolly varden, char and steelhead trout in
47 District 7 and 8. These findings, the point about this I
48 want to make is that these findings were based on
49 Department from the communities of Wrangell and
50 Petersburg. So we felt that there was clearly a track

00252

1 record on the State's side of including Petersburg as
2 well as Wrangell.

3

4

5 As I noted before, however, the data on
6 Kake are less conclusive, especially for District 8. And
7 that both District 7 and District 8, as well, as District
8 6 were addressed in the Federal Staff comments on Page
9 317 with which we concurred, that the data did not appear
10 to substantiate the use by Kake from the data that were
11 available to the Department and assessed as part of the
12 Federal Staff analysis at least up to that point.

12

13

14 With regard to Meyers Chuck, District 8
15 is quite a ways from Meyers Chuck and we don't have data
16 substantiating the connection of the use in that area,
17 but we would be neutral over the inclusion of Meyers
18 Chuck in this particular matter.

18

19

20 I would be happy to answer questions if
21 you have them during discussion.

21

22

23 Thank you.

23

24

25 CHAIRMAN DEMIENTIEFF: Additional
26 Regional Council comment.

26

27

28 Yes, John.

28

29

30 MR. LITTLEFIELD: Mr. Chair, I'd just
31 like to note that the Council did acknowledge that
32 Petersburg was an eligible community and if you'll look
33 at the Goldschmidt and Haas report you could probably
34 make a case that on Page 315 that there was some
35 traditional use shared territory there, in other words
36 Petersburg was not a traditional village, but the people
37 who lived there, you know, inhabited Kake, and Wrangell
38 and others as well.

38

39

40 However, I'm still hanging my hat on what
41 we did. We did it with full knowledge of leaving
42 Petersburg's out, so I just want to make sure that you
43 knew we did consider those and we are not opposed to them
44 in the future.

44

45

46 CHAIRMAN DEMIENTIEFF: Thank you. Board
47 discussion.

47

48

49 MR. EDWARDS: Well, I guess I have a
50 question for Staff. I'm assuming that we look at this
51 data in order to try to determine, you know, what the

00253

1 past uses were that both our folks as well as the State
2 folks are sort of looking at the same data, I'm assuming,
3 and I guess I'm just trying to understand why we haven't
4 kind of come to the same conclusions as it applies to
5 Kake as far as is the data available or it not available?
6

7 MR. SCHROEDER: Mr. Chairman. Gary. I
8 think the State and Federal Staff agree completely on the
9 evaluation of the data for Kake. The new ingredient for
10 talking about Kake's use of these districts is possibly
11 came up at Regional Council deliberations, and through
12 information that doesn't exist in the written record.
13

14 CHAIRMAN DEMIENTIEFF: Other discussion.

15 Yes.
16

17
18 MR. KESSLER: Mr. Chair. Steve Kessler.
19 Just as far as the consideration of Kake by the Inter-
20 Agency Staff Committee, when we were discussing this
21 proposal our recommendation at the time and what I just
22 described was to include Kake and I said that in
23 retrospect we might not have done that and that is
24 because after review of the Regional Council transcripts,
25 that we determined really what the Regional Council was
26 talking about and the members who testified there, was
27 that they were talking about that Kake should have a
28 positive -- be positive for customary and traditional for
29 Districts 6 and 7 and not for 8. And so for 8, for Kake,
30 as Mr. Schroeder discussed, I think we were consistent
31 with what ADF&G recommends, but that's not where we were
32 when the Committee met.
33

34 MR. BSCHOR: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Yes.
37

38 MR. BSCHOR: I want to ask one clarifying
39 question of our Council Chair, Mr. Littlefield. Proposal
40 as the Council has recommended was waters flowing into
41 District 8, including Stikine River and its delta include
42 just the species of salmon and include just the residents
43 of Wrangell; is that correct or was it Wrangell and
44 Petersburg?
45

46 MR. LITTLEFIELD: I think I may have
47 missed some of that but it was salmon only and the
48 residents of Wrangell, not Petersburg.
49

50 MR. BSCHOR: Wrangell, okay. With that

00254

1 in mind I would propose a motion, and once again I will
2 ask if -- well, I'll propose an amendment if I get a
3 second on the motion.

4

5 I move to adopt to the Southeast
6 Council's recommendation.

7

8 CHAIRMAN DEMIENTIEFF: There's a motion,
9 is there a second.

10

11 MR. TONY: Second.

12

13 CHAIRMAN DEMIENTIEFF: Discussion on the
14 motion.

15

16 MR. BSCHOR: The only discussion that --
17 the only thing I would add is that we've heard that the
18 other species are important also and also I've -- I have
19 an amendment I'd like to propose to change from just
20 salmon to dolly varden, trout, smelt, and eulachon, how
21 do you pronounce -- yes, eulachon, and then I have some
22 proposed language for the determination area and that
23 would be -- can we have it on the screen.

24

25 CHAIRMAN DEMIENTIEFF: And everybody has
26 it in front of them. If you want to offer that motion in
27 the nature of a substitute like we did previously.

28

29 MR. BSCHOR: I do want to offer it in the
30 nature of a substitute motion, thanks for the correction.

31

32 CHAIRMAN DEMIENTIEFF: Is there a second
33 to that motion.

34

35 MR. EDWARDS: Second.

36

37 CHAIRMAN DEMIENTIEFF: It's been moved
38 and seconded. Discussion on the substitute motion.

39

40 (No comments)

41

42 CHAIRMAN DEMIENTIEFF: I guess, Mr.
43 Littlefield, if the Council did have a real problem with
44 this I imagine we'd be hearing from you pretty soon.
45 Okay.

46

47 MR. LITTLEFIELD: Do you want to hear
48 from me now?

49

50 CHAIRMAN DEMIENTIEFF: Go ahead.

00255

1 MR. LITTLEFIELD: Thank you, Mr. Chair.
2 Again, I would reiterate that we took this under
3 advisement. We knew full well what we were doing and it
4 was tailored to meet the objections of the TransBoundary
5 Panel and the Pacific Salmon Commission so I stand by our
6 original motion. However, we have to remember that the
7 State supported the action that we took, and now we're
8 talking about throwing something new into the mix. I
9 would want to get the State on record of what they think
10 of this substitute motion, because I think that's
11 critical to what we were trying to do.

12
13 We were trying to tailor this to meet the
14 TransBoundary concerns and if it doesn't do it anymore,
15 we've added too much, well, then I'm violently objecting.
16 I just can't support it at all.

17
18 MR. BSCHOR: I'm also interested in
19 hearing that.

20
21 CHAIRMAN DEMIENTIEFF: Okay.

22
23 MR. BEDFORD: It would be helpful to me
24 if you would repeat the motion, please?

25
26 MR. BSCHOR: The substitute language is
27 to add an addition.....

28
29 CHAIRMAN DEMIENTIEFF: I think he's got
30 the language in front of him.

31
32 MR. BSCHOR: Do you have it right there?

33
34 MR. BEDFORD: (Nods affirmatively)

35
36 CHAIRMAN DEMIENTIEFF: Yeah.

37
38 MR. BSCHOR: It's right there, yes, okay.

39
40 MR. BEDFORD: Yes, thank you. I guess
41 that my counsel on this would be that the Federal
42 Subsistence Board should establish the fishery that they
43 believe is the appropriate fishery. And that -- I mean
44 everything that I've seen so far, I mean if you're going
45 to expand the group of people who would have a customary
46 and traditional finding for this, if it's still the
47 fishery that you've described in the motion that you
48 have, I don't believe that that is going to be a really
49 dispositive fact in how we deal with this with Canada.

50

00256

1 CHAIRMAN DEMIENTIEFF: Any other
2 discussion.

3
4 (No comments)

5
6 CHAIRMAN DEMIENTIEFF: Hearing none are
7 we ready to vote on the motion, substitute motion.

8
9 MS. SEE: Mr. Chair.

10
11 CHAIRMAN DEMIENTIEFF: Yes.

12
13 MS. SEE: Yeah, if I might just add to
14 Deputy Commissioner Bedford's remarks. As I understand
15 it, which is written on the sheet.....

16
17 MR. BSCHOR: Yes.

18
19 MS. SEE: Okay. That this includes
20 portion of District 7 and 8 -- or sorry, District 7 and 8
21 and District 6 as noted, as specified in here with
22 communities of Meyers Chuck, Petersburg, and Wrangell and
23 persons living outside the named communities, it's a
24 broader description, but, in fact, the data, as we
25 understand them would be consistent with this broader
26 approach, there wouldn't be an inconsistency between what
27 we understand the data to represent at this point.

28
29 And given the way this is worded, Kake is
30 not included, which would address the point that we
31 raised earlier.

32
33 Thank you.

34
35 CHAIRMAN DEMIENTIEFF: So anyway, the
36 basic response, I think, did you get the you wanted,
37 John, the information you needed?

38
39 Yeah, go ahead.

40
41 MR. LITTLEFIELD: Mr. Chair. With that
42 understanding, personally I wouldn't have any problem
43 doing this with their assurances that this isn't going to
44 be a deal-breaker, that we're still going to proceed with
45 this.

46
47 CHAIRMAN DEMIENTIEFF: Thank you. Go
48 ahead, Steve.

49
50 MR. KESSLER: Yes, Mr. Chair. As we know

00257

1 Proposal 29 and Proposal 40 work together. Proposal 40,
2 when we get into it has a certain guideline harvest, that
3 guideline harvest was established -- was calculated
4 actually, not established, was calculated based on the
5 communities of Kake, Wrangell and Petersburg already, so
6 they were calculated on essentially the same population
7 or even maybe slightly less of this substitute proposal
8 at this point. So it shouldn't affect the calculations
9 of Proposal 40 when we get there.

10

11 CHAIRMAN DEMIENTIEFF: Thank you, very
12 much. Any other discussion on the substitute motion.

13

14 (No comments)

15

16 CHAIRMAN DEMIENTIEFF: Hearing none. All
17 those in favor of the substitute motion, please signify
18 by saying aye.

19

20 IN UNISON: Aye.

21

22 CHAIRMAN DEMIENTIEFF: Those opposed,
23 same sign.

24

25 (No opposing votes)

26

27 CHAIRMAN DEMIENTIEFF: Motion carries.
28 Proposal 40. Who's going to do the analysis.

29

30 MR. LARSON: Mr. Chairman, Proposal 40,
31 the executive summary is found on Page 399 of your blue
32 Board book. The Staff analysis that I'm going to present
33 is on 405. Again, my name is Bob Larson, I work for the
34 Forest Service, I'm the zone fisheries.....

35

36 CHAIRMAN DEMIENTIEFF: Bob, if I may just
37 interrupt you. Am I hearing that you're ready to go Mr.
38 Bedford?

39

40 MR. BEDFORD: I apologize for
41 interrupting the proceedings, Mr. Chairman, Members of
42 the Board.

43

44 CHAIRMAN DEMIENTIEFF: We'd set it up
45 earlier that we wanted to have the chance to have the
46 exchange so we'll just go ahead and pick that up when you
47 left, but it's important for your dialogue with the Board
48 so we're going to allow that.

49

50 MR. BEDFORD: If I could, I just had a

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1 few comments to make. I believe that the Staff will be
2 very able to handle most of the factors that you're going
3 to be looking at with this proposal, however, there's one
4 area where I may be able to provide a little bit of input
5 that would be useful.

6

7 Particularly that is, how we are going to
8 coordinate what it is now a three-layered discussion on
9 how to establish a subsistence fishery on the Stikine
10 River. I mean we have enough complexity with dual
11 management, however, in this particular instance we also
12 have the Pacific Salmon Treaty as being a part of the
13 discussion so we then have a three-level negotiation, as
14 it were.

15

16 I want to say first off that I recognize
17 that the Southeast Regional Advisory Council has been
18 working on this now for a few years, trying to get this
19 fishery established and I know that it's been very
20 frustrating to them.

21

22 First off when they discovered that there
23 was an impediment imposed by the Salmon Treaty to
24 progressing on this, and then discovering in their
25 efforts to try to work through that that there were some
26 concerns that were being raised by Canada that were then
27 forestalling progress on this.

28

29 With that said, I want to also say that I
30 really appreciate the work that's been done by the
31 Southeast Regional Advisory Council to try to be
32 responsive to the concerns that were raised by the
33 Canadians in the Salmon Treaty negotiations and I believe
34 that you guys have done a lot of very good work on the
35 proposal that you're advancing at this point.

36

37 Just as a general comment, with sort of a
38 global consideration in this, I would encourage you to
39 look at establishing the subsistence fishery authorizing
40 or requesting the kind of subsistence fishery that you
41 think really is the one that ought to be in place. And I
42 say that because, recall now that the concerns as raised
43 by the Canadians were, we're not sure what it is we're
44 buying. And so when I go in there I want to know what it
45 is that I'm -- pardon me, I mean this is perhaps a bit
46 crass, but I want to know what it is I'm selling, and I
47 know that it's been very frustrating to people to look at
48 a situation, in which you're talking about a longstanding
49 traditional fishery that within the context of the Salmon
50 Treaty discussion is a new fishery.

00259

1 Okay, but if we're going to go ahead and
2 negotiate this thing then it's going to be helpful to me
3 to go in there and say this is the fishery that we need
4 to establish in order to meet the kind of subsistence
5 requirements that we have.

6
7 And from everything that I've seen in the
8 proposal that I've developed here, I mean I just don't
9 see anything that's really dramatically problematic.
10 Now, that said, I mean where we are in the discussions
11 right now is we still have a number of steps that we have
12 to go through before we can actually -- that we can
13 realize this.

14
15 I mean we did, at the first step in the
16 negotiations for this year, we had the executive
17 committee meeting and that's where we lay out for the
18 agenda for the coming year's negotiations and in that
19 meeting I told the Canadians and the folks in the US
20 section that we intended to raise the subsistence fishery
21 on the Stikine as being one of the things that we were
22 going to be discussing in the negotiations this year. So
23 there's step number 1, it is now on the agenda.

24
25 Step number 2 is that we will, in the US
26 Section, of the TransBoundary River Panel, look at the
27 proposal that you guys are currently working on here and
28 the folks who advise me, I mean it's kind of a two-level
29 discussion within the US Section. That is, I serve as
30 the commissioner which is vaguely similar to the Federal
31 Subsistence Board role and then I have an advisory panel
32 that I work with on this. So it will go first to the
33 advisory panel, that meeting is going to occur the week
34 of the 15th of December, so very shortly, and so we'll
35 have an opportunity to look at it, the panel will have a
36 chance to look at it and discuss it and so on and then
37 we've invited some folks, both from the Office of
38 Subsistence Management and from the Southeast Regional
39 Advisory Council to come in and talk with us as well.

40
41 Now, at that point we'll try to develop
42 the strategies that we'll use to present this to Canada.
43 And then in January we'll have the first bilateral
44 meeting with Canada, that will be a meeting at the panel
45 level, the advisory panel level and there's a Canadian
46 advisory panel that will then meet with our folks, and
47 they'll start talking about this particular issue.

48
49 In general what the Commission does is
50 put these issues in the hands of the panels and then hope

00260

1 that the panels are able to drive this to some kind of a
2 consensus resolution. Now, in many cases that's not
3 possible. They may be able to make some progress, they
4 may be able to identify areas where there's agreement,
5 areas where there's disagreement, and then in the
6 February bi-lateral meeting then those sorts of issues
7 are moved up to the Commission level, and then it will be
8 in my hands and I can tell you that I will certainly
9 advance vigorously whatever the recommendations are that
10 we're going to be carrying forward at that time.

11

12 I would say that there are some
13 complexities still involved in this and it's very
14 difficult for me to predict how these negotiations are
15 going to play out as we go. And perhaps the greatest
16 point of difficulty on this is, is that, this proposal,
17 for a subsistence fishery is a part of a larger
18 discussion on how we set up abundance-based fishery
19 regimes in the transboundary rivers, and that larger
20 question is going to be one that will have a lot of
21 political context, and it's difficult, as I say at this
22 point to really predict how that's going to work out.

23

24 But by the same token, you know, we
25 certainly will advance as vigorously as we can.

26

27 If you have any questions I'd be happy to
28 answer them.

29

30 CHAIRMAN DEMIENTIEFF: Well, I don't have
31 a question so much as comment that I appreciate the
32 Council's -- the RAC's perseverance to work through
33 thorny issues and I appreciate all the help from our
34 Federal managers as well as the State in trying to get
35 something out there and try to jump through these
36 hurdles. It's just another example of people -- players
37 working together to try to come up with a resolve and I'm
38 really glad it gets us on track.

39

40 That's just a comment.

41

42 I don't know if there's any other
43 discussion from other Board members.

44

45 (No comments)

46

47 CHAIRMAN DEMIENTIEFF: If not, we really
48 appreciate you taking the time to get over here and we
49 know you have other pressing business going on right now
50 so we'll let you get on your way.

00261

1 Thank you.

2

3 MR. BSCHOR: Mr. Chairman, I want to
4 thank Mr. Bedford once again. And we're really looking
5 forward to being able to get something in place.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Mr. Littlefield.

10

11 MR. LITTLEFIELD: Thank you, Mr. Chair.
12 Mr. Bedford. Appreciate you sharing your time with us
13 today. We hope that this Proposal 40 and 29, that you
14 can speak affirmatively for them, they're very
15 conservative and they were meant and tailored
16 specifically on directions by you with the one exception
17 that we've added a few more people, but we haven't
18 conservative guideline harvest levels so we really
19 haven't changed that at all, we're still looking for
20 1,125 fish out of over hundreds of thousands of going up,
21 60,000 sockeye, a couple hundred thousand -- or 200,000,
22 60,000 chinooks, I mean we're talking big runs there with
23 very conservative take.

24

25 So hopefully you can feel comfortable
26 advancing our position.

27

28 Thank you.

29

30 MR. BEDFORD: Thank you, Mr. Littlefield.
31 And, again, thank you to the Subsistence Board. I
32 appreciate the opportunity to come in and talk with you
33 today.

34

35 CHAIRMAN DEMIENTIEFF: Okay. I believe
36 we're ready to continue on with the Staff analysis.

37

38 MR. LARSON: Mr. Chairman. My name is
39 Bob Larson. I'll be presenting the Staff analysis for
40 Proposal 04-40. I am the subsistence fisheries biologist
41 for the Wrangell-Petersburg area. I work for the Forest
42 Service. The executive summary for Proposal 04-40 begins
43 on Page 399 of your blue book. The Staff analysis begins
44 on Page 405. There are three issues involved in Proposal
45 40.

46

47 First, is that the proposal requests a
48 salmon subsistence fishery for the Stikine River. The
49 proposal species a fishery will be restricted to the main
50 stem of the Stikine River, the open season is defined to

00262

1 coincide with the peak of abundance of each species
2 within the river. The harvest limits are the same as
3 what would be anticipated by harvest of the residents of
4 Kake, Wrangell and Petersburg, and the gear is restricted
5 to that normally used by residents of local communities.

6
7 Unique in this proposal is the need for
8 this fishery to be coordinated with the Pacific Salmon
9 Commission in accordance with the Pacific Salmon Treaty.

10
11 For background in 2000, the Subsistence
12 Board deliberated a similar proposal to establish a
13 subsistence salmon fishery on the Stikine River. The
14 Board deferred proposal -- deferred action on FP01-27
15 pending additional coordination with the TransBoundary
16 River Panel and the Pacific Salmon Commission.

17
18 Existing Federal regulations close coho
19 fishing on the Stikine River. There are no specific
20 regulations that close other salmon fishing on the
21 Stikine River, however, the subsistence fishing permits
22 are not issued for the Stikine River so there has been no
23 harvest on the Stikine River under the subsistence salmon
24 fishing program.

25
26 As proposed, the regulation would provide
27 fishing seasons, methods and harvest limits for chinook,
28 salmon, sockeye salmon and coho salmon. The proposal
29 does not restrict pink or chum salmon fishing, however,
30 those species are not targeted and only small numbers are
31 anticipated to be taken as incidental harvest.

32
33 Mr. Stokes and Ms. Garza recommended
34 amending the original proposal to allow the chinook
35 season earlier in the season. This change from the
36 original proposal is now reflected in the recommended
37 language and the Staff recommendation.

38
39 The Stikine River is a large
40 transboundary river and it enters into the marine waters
41 near Wrangell and flows from Canada approximately 25
42 miles up stream from the river's mouth. All portions of
43 the US drainages are part of the Stikine/Leconti
44 Wilderness area. As a transboundary river, salmon
45 management on the Stikine is conducted in accordance with
46 provisions of the Pacific Salmon Treaty. The
47 TransBoundary River Panel is the group that approves the
48 annual joint management plan for the enhancement and
49 harvest of chinook, sockeyes and coho salmon populations.
50 The Pacific Salmon Commission deliberates regulations

00263

1 required to implement the treaty.

2

3 There is a sockeye harvest sharing plan
4 in place that abundance based management plans are in
5 development with a target date of May 1st, 2004. The
6 timelines for abundance based plans will likely be
7 extended due to extenuating technical issues.

8

9 The current Stikine River management plan
10 allows that the United States harvest 50 percent of the
11 total allowable catch of sockeyes. There's no new
12 directed chinook fisheries without Canadian agreement and
13 the United States fisheries will be managed to allow the
14 Canadian fisheries to harvest up to 4,000 cohos.

15

16 The Canadian section of the TransBoundary
17 Panel provided a formal response to Proposal 01-27, they
18 expect four major concerns.

19

20 The first is, that Canada does not
21 consent to a US subsistence fishery on Stikine chinook
22 salmon until such time as abundance based management
23 regimes have been developed and there's been a harvest
24 sharing agreement.

25

26 The second is, that no new Stikine River
27 coho fishery will be initiated before a appropriate
28 abundance based regime is developed a new harvest sharing
29 arrangement is negotiated.

30

31 The third is, Canada is not in favor of
32 subsistence fishery on sockeyes due to conservation and
33 management concerns. A new harvest sharing arrangement
34 would be required to accommodate the proposed fishery.
35 Canada would reconsider this proposal after stock
36 recovery has occurred and the US/Canada management
37 success has improved.

38

39 Finally, Canada has additional concerns
40 about harvest rates, timely in-season, catch monitoring
41 and sampling for stock identification.

42

43 The Forest Service and the Office of
44 Subsistence Management prepared a briefing paper
45 describing the potential scope of a Federal subsistence
46 fishery on the Stikine, and that includes residents of
47 Wrangell, Petersburg, and Kake. A subsistence fishery to
48 that proposed in Proposal 01-29 would likely result in
49 about 125 chinook salmon, 600 sockeyes and 400 coho
50 salmon.

1 Now, there's been some regulatory actions
2 that would be of interest to the Subsistence Board done
3 by the State of Alaska. The State of Alaska, Board of
4 Fisheries deliberated a similar proposal for a
5 subsistence fishery on the Stikine River last winter.
6 The Board of Fish voted unanimously against this proposal
7 but expressed support for a fishery when it was allowed
8 by the US/Canada Treaty Process. They also directed
9 their staff to negotiate appropriate agreements with
10 Canada that would allow Alaska subsistence fisheries on
11 the Stikine River be implemented.

12

13 The Board also found a positive customary
14 and traditional use for the Stikine River.

15

16 Due to the Board of Fish actions, the definition
17 of the State's personal use fishery was changed to a
18 subsistence fishery and despite a very strong sockeye
19 return on the Stikine River this summer, the fishery was
20 not opened because it could be interpreted by the
21 Canadians as a new fishery. However, if it would have
22 been a personal use fishery as last year it would have
23 been opened.

24

25 By way of biological background, the
26 Stikine River supports significant numbers of all salmon.
27 The average total return for sockeyes has been just less
28 than 200,000 sockeyes. There's not total return
29 estimates for cohos or chinook salmon however. We do
30 have escapement estimates. In 2001 escapement of the
31 chinook salmon was 66,000 fish. The spawning escapement
32 for cohos is 42,000 fish. In 2003, we had excellent
33 returns of all three of these species.

34

35 The Stikine River salmon are harvested in
36 marine sportfishing, commercial fishing, subsistence and
37 personal use fisheries and in fishing activities that
38 occur in the US and Canadian sections of the river.

39

40 There's not a total return estimate for
41 cohos or chinook salmon because it's been impossible to
42 identify the Stikine River component for chinooks and
43 cohos.

44

45 There is a Stikine River origin estimate
46 for sockeyes, however, and the State undergoes a
47 tremendous amount of effort in producing that. The catch
48 estimate for the '92-2001 time period is over 75,000
49 sockeyes.

50

00265

1 The effect of this proposal is to provide
2 a regulatory framework conducting a subsistence salmon
3 fishery on the Stikine River. The proposal addresses
4 concerns addressed by the TransBoundary River Panel and
5 builds upon the original proposal, 01-27. Additional
6 management measures that you see before you now narrow
7 the seasons to coincide with peak abundance of each
8 species. The fishing gear is restricted to those types
9 that are normally used by local residents, the fishery is
10 restricted to the main stem of the Stikine River.

11
12 Several modifications were made in
13 addition to the original proposal.

14
15 The additional provisions require -- or
16 modifications provide for in-season monitoring, reporting
17 of harvest, established guideline harvest levels to limit
18 the scope of the fishery and it clearly accounts for all
19 harvests.

20
21 Abundance based management plans as
22 called for in the annexes to the Pacific Salmon Treaty
23 are not yet available for chinook and coho salmon. The
24 lack of abundance based management harvest plans should
25 not be an issue with the TransBoundary River Panel due to
26 the small size of the proposed fishery. The proposed
27 subsistence fishery will harvest considerably less than
28 one percent of the total return and will not cause a
29 disruption of either existing US or Canadian fisheries
30 nor will it cause a conservation concern.

31
32 If this proposal is adopted, there's a
33 requirement for continued dialogue and continuation
34 between the Federal Subsistence Management Program and
35 the US/Canada Treaty Process. Communications with the
36 treaty regulatory bodies, meaning the TransBoundary River
37 Panel and the Pacific Salmon Commission may require
38 further modifications to the proposed regulatory language
39 prior to this fishery being implemented.

40
41 And that concludes my presentation.

42
43 Thank you.

44
45 CHAIRMAN DEMIENTIEFF: Thank you.
46 Written public comments, were there any?

47
48 MR. SCHROEDER: Mr. Chairman, we have no
49 written public comments on this proposal.

50

00266

1 CHAIRMAN DEMIENTIEFF: Okay. We have no
2 requests for additional public testimony. Regional
3 Council recommendation.

4

5 MR. LITTLEFIELD: Thank you, Mr. Chair.
6 The Regional Advisory Council recommendation is on Page
7 401, and that takes into account the modifications that
8 were suggested to tighten this up a little bit as well as
9 the reporting.

10

11 We supported that. And we support the
12 Federal Subsistence Board adopting this with the
13 implementation delayed until it can be coordinated with
14 the TransBoundary River Panel and Pacific Salmon
15 Commission.

16

17 Thank you.

18

19 CHAIRMAN DEMIENTIEFF: Other Regional
20 Council discussion. Oh, no, I'm sorry, Staff Committee.

21

22 MR. KESSLER: Mr. Chair. I'm Steve
23 Kessler with the Forest Service.

24

25 The Inter-Agency Staff Committee
26 recommends adopting the proposal with the modification as
27 recommended by the Southeast Alaska Subsistence Regional
28 Advisory Council.

29

30 This is an extremely important proposal
31 and the reestablishment of the Stikine subsistence
32 fishery is vital to the residents of the area. This
33 proposal compliments FP04-29, which provides the
34 customary and traditional determination for the Stikine
35 River area.

36

37 The way the regulation would read can be
38 found on Page 401 of your Board book and details the
39 species to be harvested, harvest methods, guideline
40 harvest levels, timing of the harvest, required
41 monitoring and permitting for the fishery. Harvest
42 limits are described as guideline harvest levels and in
43 total for the three salmon species would be approximately
44 1,125 fish.

45

46 Biological data show an average return
47 for the Stikine of 199,000 sockeye over 1991 to 2001.
48 Estimated chinook escapement of 66,500 for 2001.
49 Spawning escapement of 42,000 for 2001.

50

00267

1 Harvest guidelines for these fish are
2 believed to meet current subsistence needs for the area
3 of analysis which was Petersburg, Wrangell and Kake, and
4 are conservative and at a level that would have no
5 measurable effect on other users of these fish stocks or
6 on the overall conservation of these fish runs.

7
8 The Inter-Agency Staff Committee
9 recommends adoption of the proposed regulation but that
10 it be held in abeyance until the TransBoundary River
11 Panel and Pacific Salmon Commission concurrence occurs.

12
13 Thank you, Mr. Chair.

14
15 CHAIRMAN DEMIENTIEFF: Thank you.
16 Department comments.

17
18 MS. SEE: Thank you, Mr. Chair. In sort
19 of a postscript to Deputy Commissioner Bedford's remarks.

20
21 I note that the Department is not able to
22 support the proposal at this time but I think it's fairly
23 clear that that's really a protocol issue more than
24 anything. Because of our international obligations we
25 are not in a position to support establishing Federal
26 subsistence fisheries in the waters of the Stikine River
27 until such time the Canadian issues can be successfully
28 negotiated through the Pacific Salmon Commission process
29 as was noted by Deputy Commissioner Bedford.

30
31 I would ask, rather than having me read
32 all our existing comments which have been distributed to
33 you, if those would simply be incorporated into the
34 transcript by reference.

35
36 I will highlight two other points,
37 however, for purposes right now.

38
39 One is that the Department notes that the
40 proposal, as it currently is stated does incorporate
41 modifications related to season dates and fishing
42 locations by species that reflect State concerns with the
43 original Federal proposal and do address them. The
44 fishing dates and fishing locations in the current
45 proposal are appropriate for each species and we
46 appreciate those improvements.

47
48 I also want to note that, as was
49 mentioned in the Federal comments, it's an important
50 point, I think, to note that the guideline harvest levels

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1 that have been used throughout this proposal, do, in
2 fact, encompass the harvest estimates that would be
3 appropriate to the communities in areas that are now
4 specified in Proposal 29 as adopted, modified and adopted
5 by the Federal Subsistence Board here this afternoon.

6

7 Thank you.

8

9 CHAIRMAN DEMIENTIEFF: Thank you.

10 Additional Regional Council comment. Yes, John.

11

12 MR. LITTLEFIELD: Mr. Chair. Again, we'd
13 just like to note these are very conservative. When you
14 look at the size of the runs on the Stikine River and
15 compare these it's a very minute percentage, very
16 conservative and we believe that you can adopt this and
17 as soon as it's coordinated -- if it's adopted in two
18 months by the TransBoundary Panel then we could just go
19 with it, that's why we would recommend that you adopt it
20 at this time.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Board
23 discussion.

24

25 MR. EDWARDS: Mr. Chairman, just for my
26 own information, paragraph AF says, the way I read it,
27 does that mean if you catch a sockeye on September 1st
28 you can keep it but you have to report it and it goes
29 against the total? Is that what that means?

30

31 MR. LARSON: Yes, that's exactly what it
32 means.

33

34 MS. GOTTLIEB: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Yes.

37

38 MS. GOTTLIEB: This looks like a really
39 excellent example of cooperation that's taking place at
40 all levels and I hope this will give Commissioner Bedford
41 the information that he needs and ammunition he needs to
42 truly advance it and we're glad he's willing to take that
43 up.

44

45 CHAIRMAN DEMIENTIEFF: Additional
46 comment?

47

48 (No comments)

49

50 CHAIRMAN DEMIENTIEFF: Ready to go.

00269

1 (Council nods affirmatively)

2

3 CHAIRMAN DEMIENTIEFF: All those in favor
4 of the motion, please signify.....

5

6 MR. BSCHOR: We haven't given a motion
7 yet.

8

9 CHAIRMAN DEMIENTIEFF: Oh, Jesus, I'm
10 sorry, I think we're going to need a break after this.

11

12 MR. BSCHOR: I am prepared to give a
13 motion, Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Yeah, okay, let's
16 go.

17

18 MR. BSCHOR: I move that we adopt the
19 Southeast Regional Advisory Council's recommendations for
20 FP04-40 and the associated modifications as indicated on
21 Page 401. And realizing that the recommendation includes
22 delaying implementation pending coordination with the
23 TransBoundary River Panel and the Pacific Salmon
24 Commission.

25

26 CHAIRMAN DEMIENTIEFF: Okay, is there a
27 second.

28

29 MR. TONY: Second.

30

31 CHAIRMAN DEMIENTIEFF: Discussion on the
32 motion.

33

34 (No comments)

35

36 CHAIRMAN DEMIENTIEFF: Hearing none. All
37 those in favor of the motion, please signify by saying
38 aye.

39

40 IN UNISON: Aye.

41

42 CHAIRMAN DEMIENTIEFF: Those opposed,
43 same sign.

44

45 (No opposing votes)

46

47 CHAIRMAN DEMIENTIEFF: Yeah, I think I
48 see a few bobbing heads and mine is obviously wandering
49 in our post-lunch syndrome here, so I think we'll just
50 take a brief break.

00270

1 (Off record)

2

3 (On record)

4

5 CHAIRMAN DEMIENTIEFF: Okay, it looks
6 like we got everybody in the room. For the record, with
7 regard to Proposal 40, I didn't rule that the motion
8 carried, so we'll just get that in the record as we go,
9 the motion did carry, unanimously.

10

11 And now we'll go back and complete our
12 work on our non-consent agenda items including, I think,
13 as we left off on Proposal 19 we were at Board
14 discussion. I don't believe we had a motion on the table
15 yet either, so, when we ran out of time. So if there's
16 any more discussion on 19 I'd welcome it.

17

18 MS. GOTTLIEB: Mr. Chair.

19

20 CHAIRMAN DEMIENTIEFF: Yes.

21

22 MS. GOTTLIEB: Yes, if I could add a
23 little bit to the discussion. After hearing Gloria's
24 comments, Gloria, the way I understood that was that the
25 villages oppose this because of the belief that there's a
26 difference in the way people in Paxson and Sourdough use
27 the resources from the way Ahtna people use the
28 resources, and that your concern certainly was that if
29 there was a shortage, that everybody who had C&T would
30 still be eligible, if you will, for the subsistence
31 priority.

32

33 And luckily, not having a lot of
34 experience with .804, but looking at the Section .804 of
35 ANILCA, it does say that if we had to do some
36 limitations, the limitations would be based on certain
37 criteria, including the customary and direct dependence
38 upon the populations as the mainstay of livelihood which,
39 not presupposing any evaluation, but it would be my
40 belief, certainly Ahtna or Copper River Valley people
41 would probably have a much more direct dependence and
42 local residency is another criteria that would be used.

43

44 So I hope that that would alleviate some
45 of your concerns about this C&T determination which is
46 made for eligibility in general.

47

48 Thank you.

49

50 CHAIRMAN DEMIENTIEFF: Any other

00271

1 discussion. Go ahead.

2

3 MR. BISSON: Mr. Chairman, I'd like to
4 make a motion.

5

6 CHAIRMAN DEMIENTIEFF: Yes.

7

8 MR. BISSON: I guess I -- since both of
9 these came off the consent agenda at the same time I
10 would make a motion that we accept both the Regional
11 Council and Staff Committee recommendations to make a C&T
12 determination for Paxson/Sourdough.

13

14 CHAIRMAN DEMIENTIEFF: No, they're both
15 separate proposals now so we just have to take action on
16 each one, for Proposal 19.....

17

18 MR. BISSON: Okay.

19

20 CHAIRMAN DEMIENTIEFF:and then we'd
21 have to go through the process for 20.

22

23 MR. BISSON: Okay, then for Proposal
24 19.....

25

26 CHAIRMAN DEMIENTIEFF: Okay.

27

28 MR. BISSON:I make that motion.

29

30 CHAIRMAN DEMIENTIEFF: Okay, there's a
31 motion, is there a second.

32

33 MR. EDWARDS: Second.

34

35 CHAIRMAN DEMIENTIEFF: Discussion.

36

37 (No comments)

38

39 CHAIRMAN DEMIENTIEFF: Hearing none. All
40 those in favor signify by saying aye.

41

42 IN UNISON: Aye.

43

44 CHAIRMAN DEMIENTIEFF: Those opposed,
45 same sign.

46

47 MR. TONY: Aye.

48

49 CHAIRMAN DEMIENTIEFF: Motion carries.
50 Okay, Proposal 20, analysis, please.

00272

1 MS. PETRIVELLI: Mr. Chairman. My name
2 is Pat Petrivelli and I'll be doing the analysis for
3 Proposal; 20.

4
5 This proposal was also submitted by the
6 Paxson Fish and Game Advisory Committee and it requests a
7 customary and traditional use determination for
8 freshwater fish for residents of the Paxson area. The
9 original proposal, we interpreted it as being for the
10 Copper River drainage, up stream of Haley Creek, but
11 after further talking with the proponent it was for the
12 Gulkana Wild and Scenic River drainage only. And then
13 also the original proposed language on Page 219 of your
14 Board book has language that says Paxson and then
15 residents that live along the Richardson Highway between
16 Mile Post 190 and Mile Post 200. That information was
17 included by the proponent for informational purposes. It
18 wasn't meant to be separate. Because that's where they
19 consider the boundaries of Paxson itself because they
20 have a Paxson Community Association, they're not
21 incorporated in any way, but they have a non-profit
22 community association that they deal with the State. And
23 those are the mile post markers along the Richardson
24 Highway that they use as community boundaries. So -- but
25 that language is -- so the language would just be
26 Paxson/Sourdough.

27
28 Since we discussed the community
29 characteristics section and data sources were the same
30 for this proposal as was for Proposal 19, and then I'll
31 just review the areas that are different for Proposal 20.

32
33
34 And they deal with tables showing use and
35 on Page 224, there's a -- it shows the use from the
36 household surveys, the use of non-salmon fish or non --
37 yeah, that's what it is, I always say non-fish, but I
38 said it right that time, non-salmon fish.

39
40 And so for Paxson the data show that 78.6
41 percent of the households use non-salmon fish and they've
42 harvested 2,432 pounds at the community level and 63
43 pounds on a per capita basis. This per capita harvest
44 level is the highest level of freshwater fish for any of
45 the Copper River Basin communities. And then this higher
46 level of freshwater fish in Paxson was noted in the 1980
47 study write up and they highlighted the significance of
48 freshwater fish in this area as parallel to the
49 significance of salmon to the communities that live along
50 the Copper River so the levels of uses are comparable.

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1 So definitely the residents of Paxson and
2 Paxson/Sourdough area use freshwater fish and at very
3 high levels.

4
5 As to data relating to where they harvest
6 the fish, and that table is on Page 226, and the mapping
7 data shows that they harvest fish in the middle fork of
8 the Gulkana River, the west fork of the Gulkana River,
9 and then other Federal lands are the Tangle Lakes area
10 and upper Tangle Lakes, but they're not on the Copper
11 drainage. And then I've also showed where they harvest
12 other -- and the mapping there it shows for State lands,
13 but the mapping data does show that they have used the
14 Gulkana River to harvest freshwater fish.

15
16 The patterns of use were found to be
17 similar as the other Copper River communities in the two
18 patterns of harvesting close to the local area and then
19 also harvesting freshwater fish while hunting. But in
20 discussing this with the proponent because some of their
21 hunting areas did occur in the Wrangell-St. Elias Park,
22 the proponents said that they described that use as
23 incidental and occurred under State regulations so they
24 were perfectly happy with the C&T use for the Gulkana
25 River only.

26
27 So that concludes my analysis.

28
29 Thank you.

30
31 CHAIRMAN DEMIENTIEFF: Thank you.
32 Written public comments.

33
34 MR. MIKE: Thank you, Mr. Chair. Donald
35 Mike, Council coordinator. There were two written public
36 comments received, and both opposed the proposal.

37
38 The Ahtna, Inc., opposes the proposal and
39 do not support making a customary and traditional use
40 determination until such a study of freshwater fish is
41 done for the community of Paxson and those residents
42 between Mile Post 168 and Mile Post 200 along the
43 Richardson Highway.

44
45 The Chitina Native Corporation opposes
46 the proposal. Many residents of this area do not have a
47 traditional or cultural tie to the resource and
48 consideration and do not deserve a C&T classification.
49 Once the C&T determination is given it is very hard to
50 reverse. Please do not pass this proposal as it is an

00274

1 injustice to the subsistence users that do meet the C&T
2 determination criteria.

3

4 Thank you, Mr. Chair. That concludes
5 written public comments.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. We
8 have one request for additional public testimony at this
9 time, Gloria Stickwan.

10

11 MS. STICKWAN: The Ahtna people had a
12 meeting November 25th and they opposed adding Paxson to
13 the Gulkana Wild and Scenic River for freshwater fish.

14

15 And, again, the more people -- their
16 concern mainly is adding more communities to be able to
17 fish on the Copper River is their concern, and that's an
18 impacted area, we all know that the Copper Basin area is
19 impacted and that's a concern, you know, that more people
20 using the river, more people taking fish, that's why they
21 oppose this.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.
24 Regional Council recommendation.

25

26 MR. LOHSE: The Regional Council moved to
27 support Paxson, especially when they found out that the
28 request was only for the Gulkana River. Paxson and
29 Sourdough are the only two communities that are on the
30 Gulkana River except for right down at the mouth.

31

32 And we recognize that there's -- you
33 know, that there's some concern about it. I'd like to
34 read you a little something that we read at the meeting
35 that comes straight out of the Senate Report that goes
36 with ANILCA, and basically what it says is, and it's
37 talking about customary and traditional, and I think we
38 sometimes get customary and traditional mixed up with
39 shortage and opportunity, and customary and traditional
40 doesn't really apply in shortage and opportunity like
41 Judy said at that point in time we go into .804; but it
42 says:

43

44 Customary and traditional is intended to
45 place particular emphasis on the
46 protection and continuation of the taking
47 of fish, wildlife and other renewable
48 resources in areas of and by persons,
49 both Native and non-Native, resident in
50 areas of Alaska in which such uses have

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1 played a long established and important
2 role in the economy and culture of the
3 community, and in which such uses
4 incorporate beliefs and customs which
5 have been handed down by word of mouth or
6 example from generation to generation.
7

8 And as we've seen in the report that was
9 presented to us, and if we go back and look and we find
10 that the Tangle Lakes area had people as far back as we
11 can dig in our archeology have used it for the taking of
12 fish. So that area has been long established use of
13 fish, these people live right in that area, and they have
14 learned from the people that were there before and from
15 each generation that's been there now.
16

17 And so while that applies to customary
18 and traditional, it doesn't apply to times of shortage.
19

20 And so that's why we felt that we had to
21 give them customary and traditional in their own --
22 basically I'll say it, in their own backyard, right where
23 they're living.
24

25 CHAIRMAN DEMIENTIEFF: Thank you. Staff
26 Committee.
27

28 MR. GERHARD: Thank you. Mr. Chair. Bob
29 Gerhard with the National Park Service.
30

31 The Staff Committee recommendation is to
32 adopt to the proposal as modified by the proponent. This
33 is consistent with the recommendation of the Southcentral
34 Council. The proposed regulation would add Paxson and
35 Sourdough to a C&T finding for freshwater fish on the
36 Gulkana Wild and Scenic River.
37

38 Justification for this recommendation is
39 the data from the ADF&G Subsistence Division household
40 surveys, show that freshwater fish is a significant
41 resource for residents in the Paxson/Sourdough area. The
42 1982 and 1987 studies and 1984 mapping of resource use
43 areas show that Paxson/Sourdough residents used the
44 Federal public waters of the Gulkana Wild and Scenic
45 River.
46

47 That concludes Staff Committee
48 recommendation.
49

50 CHAIRMAN DEMIENTIEFF: Thank you.

00276

1 Department comments.

2

3 MS. SEE: Thank you, Mr. Chair. This is
4 Marianne See with the Department.

5

6 The Department concurs with this proposal
7 based on the documentation available. The Federal Staff
8 analysis adequately provides the documentation of data in
9 support of the eight factors used to access the extent of
10 customary and traditional uses. We note that the
11 modification does address the concern we had previously
12 raised about including the Sourdough area because the
13 data supported that and also that the communities along
14 the road -- or that those living outside communities
15 along the Richardson Highway be included in the language
16 because the findings should not -- along roaded areas
17 should not exclude people who are living in between those
18 named communities.

19

20 That concludes our comments.

21

22 CHAIRMAN DEMIENTIEFF: Thank you. Are
23 there any other Regional Council comments.

24

25 (No comments)

26

27 CHAIRMAN DEMIENTIEFF: If not, we'll
28 advance it to Board discussion. Any discussion on the
29 proposal. Go ahead.

30

31 MR. TONY: I guess, initially, you know,
32 my concern was a process concern. There's mention in the
33 written public comments opposing this that once a C&T
34 determination is made it's very, very difficult, almost
35 impossible to reverse and so knowing that there were
36 several substantial groups in the region that wanted
37 input in the process and also that there's going to be
38 some new members on the Regional Advisory Council, you
39 know, I struggled with whether there was a mechanism or
40 not to give the Regional Council more time, you know, to
41 revisit this, but I understand that there's not that
42 mechanism.

43

44 So I just wanted to note, you know, for
45 the record that that was one of my major concerns as well
46 as, you know, how dated some of the information was and
47 the lack of a complete administrative record here to
48 support the substantial evidence finding.

49

50 CHAIRMAN DEMIENTIEFF: Any other

00277

1 discussion.

2

3 MS. GOTTLIEB: Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MS. GOTTLIEB: Perhaps I could ask Larry
8 or others, I mean is there a conservation concern at this
9 point about some of these freshwater fish in the Gulkana
10 River?

11

12 MR. BUKLIS: Mr. Chairman. Larry Buklis.
13 I think in the past there has been an interest in
14 harvesting whitefish for subsistence use and I don't
15 think there's any conservation concerns with those
16 stocks. There are limited numbers of rainbow trout and
17 steelhead in the Copper River drainage, I'm not sure
18 about the Gulkana River stock specifically, but there are
19 concerns about conservative management with those fish.
20 But they wouldn't be a part of a freshwater fish permit
21 allowance.

22

23 So the stocks that would be targeted in a
24 requested fishery that would be permitted are not a
25 conservation concern.

26

27 CHAIRMAN DEMIENTIEFF: Further
28 discussion. Oh, go ahead, I'm sorry, Doug.

29

30 MR. VINCENT-LANG: Yeah, I think I might
31 just add a little bit to that, is that, right now the way
32 the system is built for resident fish is that there are
33 no limits set per se, it's set by the manager in
34 consultation with the Fish and Game manager recognizing
35 that the conservation issues associated with those
36 resident fish in the drainage.

37

38 And by far and away, many of the fish
39 that are in the Gulkana River, for instance, rainbow, are
40 probably the most northern stock of rainbow in the world
41 right now, so they're basically catch and release, off
42 limits to sportfishermen right now. So I think the way
43 you build conservation into this, is not into the C&T
44 discussion but rather into the permit analysis of it.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. Paul.

47

48 MR. TONY: I guess the one other thing,
49 you know, that I had hoped would be considered was just
50 the impact that adding, you know, a group is how it's

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1 going to impact the existing users and whether or not the
2 people in Paxson are already having their needs for
3 freshwater fish met. You know, I think Summit Lake,
4 Paxson Lake, Tangle Lakes are great sources of freshwater
5 fish and probably the reason that those numbers that are
6 reported here on their annual take or household use per
7 capita is so high to begin with.

8

9 So you're, you know, giving a C&T
10 determination to people that are already, you know,
11 getting the most freshwater fish in the region and
12 allowing them to come down and impact other subsistence
13 users who are not getting as much per capita and I guess
14 that's one reason that this, you know, gives me a little
15 heartburn.

16

17 MR. EDWARDS: But in response to that,
18 wouldn't you assume that if that fish were that available
19 right next to your residence, why would you travel
20 further distance to get additional fish?

21

22 CHAIRMAN DEMIENTIEFF: Go ahead, did you
23 want to respond to that, or follow up?

24

25 MR. BISSON: No, I was just going to
26 say.....

27

28 CHAIRMAN DEMIENTIEFF: Wait, go ahead,
29 Paul.

30

31 MR. TONY: Yeah, I've driven past the
32 Gulkana River to go fish up by Paxson, I know that.

33

34 CHAIRMAN DEMIENTIEFF: Go ahead.

35

36 MR. BISSON: I was just going to say this
37 doesn't take them further into the basin, I mean it's
38 basically acknowledging what they're doing on the Gulkana
39 River and Tangle Lakes.

40

41 CHAIRMAN DEMIENTIEFF: Ralph.

42

43 MR. LOHSE: I'd like to just, you know,
44 bring up one more factor from that Senate Report, because
45 I think it's very applicable, because we end up getting
46 into this discussion every time we deal with C&T and,
47 that's, you know, is the resource in trouble, is there
48 enough for everybody else and things like that. And
49 right in the report it says:

50

00279

1 The factors of local residency, economic
2 dependence and availability of
3 alternative resources have been included
4 in Section .804, rather than in a
5 definition of customary and traditional.
6

7 In other words, those factors don't apply
8 on customary and traditional, they apply on .804. And we
9 need to remember that when we get into these kind of
10 discussions because we inevitably get on to, well, could
11 they go someplace else, do they go someplace else, could
12 they use something else, and that's not the point. The
13 point is, do they use this, is this, you know, is this
14 something that they're using, do they qualify for that as
15 a C&T.

16
17 When it comes to .804, then if they have
18 alternate resources or they've had less use of it or they
19 don't have as much economic dependency or something like
20 that, then that applies, but it doesn't when we're
21 dealing with C&T.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. Any
24 more discussion.

25
26 (No comments)

27
28 CHAIRMAN DEMIENTIEFF: If not, is
29 somebody prepared to offer a motion.

30
31 MR. BISSON: Mr. Chairman.

32
33 CHAIRMAN DEMIENTIEFF: Yes.

34
35 MR. BISSON: I move that we adopt the
36 recommendation of the Regional Council to make a C&T
37 determination for Paxson/Sourdough.

38
39 CHAIRMAN DEMIENTIEFF: Is there a second.

40
41 MR. EDWARDS: Second.

42
43 CHAIRMAN DEMIENTIEFF: Discussion on the
44 motion.

45
46 (No comments)

47
48 CHAIRMAN DEMIENTIEFF: Hearing none. All
49 those in favor signify by saying aye.

50

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1 IN UNISON: Aye.

2

3 CHAIRMAN DEMIENTIEFF: Those opposed,
4 same sign.

5

6 MR. TONY: Aye.

7

8 CHAIRMAN DEMIENTIEFF: Okay. Number 21.

9

10 MR. BUKLIS: Mr. Chairman, the analysis
11 for Proposal 21 can be found on Page 235. This is Larry
12 Buklis with the Office of Subsistence Management. I'll
13 highlight some key points from the analysis.

14

15 Proposal FP04-21 was submitted by the
16 Subsistence Resource Commission for Wrangell-St. Elias
17 National Park. It requests a regulation change to allow
18 those taking a season harvest limit of a fish species
19 under Federal Subsistence regulations in the upper Copper
20 River to also take a harvest limit of that species under
21 sportfishing regulations.

22

23 There are no regulatory season harvest
24 limits for freshwater fish under Federal Subsistence
25 regulations in this area but there are for salmon.

26

27 The proposed regulation, therefore, is
28 most relevant to chinook salmon.

29

30 The proponent states that the current
31 Federal regulation is more restrictive than State
32 regulations for these waters. The Federal regulation is
33 said to be confusing and not well known leading to
34 unintentional violations. By allowing the accumulation
35 of subsistence and sport harvest limits in this area it
36 should be understood that those participating in the
37 subsistence or sport fishery would need to comply with
38 the requirements for that fishery. For example, chinook
39 harvest in the sportfishery requires holding a
40 sportfishing license and a chinook stamp.

41

42 Those fishing under State regulations in
43 the upper Copper River may take harvest limits in both
44 the State managed subsistence fishery and the State
45 managed sportfishery. The proposed Federal regulation
46 would parallel this opportunity for those who participate
47 in the Federal subsistence fishery.

48

49 The proposed regulation change should not
50 pose an adverse impact to the fish stocks since the

00281

1 sportfisheries are managed for sustained yield.

2

3 Mr. Chairman, that concludes my overview.

4

5 CHAIRMAN DEMIENTIEFF: Written public

6 comments.

7

8 MR. MIKE: Thank you, Mr. Chair. Donald

9 Mike, Council coordinator. There were four written

10 public comments received. Three in support of the

11 proposal and one in opposition.

12

13 The Ahtna, Inc., supports the proposal.

14 This will allow Federal subsistence users to fish under

15 the State of Alaska sportfishing regulations as well as

16 the Federal fishing regulations and an opportunity to

17 harvest more fish.

18

19 The Chitina Native Corporation supports

20 the proposal. This proposal would increase opportunity

21 for subsistence users to harvest available resources and

22 increase the methods they may use.

23

24 The Wrangell-St. Elias Subsistence

25 Resource Commission supports the proposal. This

26 Commission supports this proposal as written.

27

28 The Cordova District Fishermen United

29 opposes the proposal stating, while the harvest limits

30 discussed in the proposal are of a magnitude to be a

31 problem, we are gravely concerned about the precedent

32 that allowing accumulative harvests sets for both

33 fisheries and game in subsistence management. If

34 additional resources are necessary to meet the needs of

35 subsistence users, subsistence bag limits should be

36 adjusted to reflect those needs rather than implement

37 cumulative bag limits.

38

39 We have never heard of Federally-

40 qualified subsistence users in the Copper Basin that

41 their needs for salmon are not being met. If they are

42 not, this proposal is not the appropriate solution.

43

44 Thank you, Mr. Chair.

45

46 CHAIRMAN DEMIENTIEFF: Thank you. We

47 have one request for public testimony. Gloria Stickwan,

48 please.

49

50 MS. STICKWAN: We supported the proposal

00282

1 written by Wrangells to allow us to fish under sports
2 regulation as well as Federal regulations.

3

4 CHAIRMAN DEMIENTIEFF: Thank you.
5 Regional Council recommendation.

6

7 MR. LOHSE: The Regional Council like
8 Ahtna and Chitina and Wrangell-St. Elias Commission
9 support this proposal. We think it would give an
10 increased opportunity to subsistence users, and it would
11 line up the Federal with the more liberal State
12 regulations.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Good. I'll just
17 read the Eastern, and basically Eastern already has on
18 the record that they simply recommend that they're going
19 to defer to the home region, so we'll just get that on
20 the record anyway. Staff Committee.

21

22 MR. GERHARD: Yes, thank you, Mr. Chair.
23 Bob Gerhard with the National Park Service. The Staff
24 Committee recommendation can be found on page 233 of your
25 Board book. The Staff Committee recommends that this
26 proposal be adopted as recommended by the South Central
27 Alaska Subsistence Regional Advisory Council. The
28 regulatory language can be found on that page, and I
29 direct you to the very last bolded section which states
30 you may accumulate harvest limits authorized for the
31 Copper River Drainage upstream from Haley Creek with
32 harvest limits authorized under State of Alaska sport
33 fishing regulations.

34

35 The justification for this recommendation
36 is that this proposed regulation would benefit
37 subsistence users by exempting households fishing under
38 Federal regulations in the Copper River from the general
39 provisions that prohibit accumulating subsistence and
40 sport harvest limits. Those taking a harvest limit under
41 State subsistence regulations in the upper Copper River
42 are allowed to also take a harvest limit for the fish
43 species under sport fishing regulations. This regulation
44 change would parallel that opportunity. It is not
45 expected to result in a change in harvest patterns or
46 amounts, and should not pose an adverse impact to the
47 fish stocks.

48

49 And with your indulgence, I'd like to
50 give you just a little be more information of some events

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1 that took place after the Staff Committee meeting. At
2 the Staff Committee meeting, it wasn't quite clear in our
3 dialogue with the State as to what their concerns were,
4 and the Park Service agreed to have another meeting with
5 State representatives after the Staff Committee meeting.
6 We had that meeting, and fairly quickly came to a
7 consensus that this proposal had always been intended to
8 apply to salmon, and that with the insertion of the word
9 salmon in two places in the regulation I just read, so
10 that it would apply to salmon harvest limits as opposed
11 to fish limits, that that would alleviate those -- their
12 concerns. We discussed this with Chairman Lohse, and I'm
13 sure he'll -- he can report on that afterwards. And I've
14 talked with all Staff Committee members. While we didn't
15 change the Staff Committee recommendation, none of the
16 Staff Committee members expressed an objection to that
17 minor change. And that includes Staff Committee
18 recommendation.

19

20 CHAIRMAN DEMIENTIEFF: Department.

21

22 MR. VINCENT-LANG: Thank you, Mr. Chair.
23 I guess we weren't able to, for a variety of reasons,
24 express our concern about this proposal throughout the
25 whole process, but at the end we were able to reach a
26 consensus to it. Certainly we support what Bob just said
27 in terms of modifying the recommended language to limit
28 this to salmon. We think that this was initially focused
29 on salmon. The proposal was written towards allowing
30 accumulation of salmon harvest, as is allowed under State
31 rules, and we certainly support aligning that. We do
32 have some issues, however, with having it just be broad-
33 based to include resident fish species as there may be
34 some conservation issues associated with that. But in
35 terms of limiting this to salmon, we're fully supportive
36 of it.

37

38 CHAIRMAN DEMIENTIEFF: Thank you. Is
39 there any other Regional Council comment.

40

41 (No comments)

42

43 CHAIRMAN DEMIENTIEFF: If not, we'll go
44 to Board -- I'm sorry, what? Ralph, did you have
45 some.....

46

47 MR. LOHSE: As was pointed out, that most
48 of our discussion centered around salmon, and I don't
49 think there would be any problem. The only problem is
50 when I read back through the transcript that we had, what

00284

1 was recognized is if we went to fresh water fish in
2 general, we'd have to come up with some kind of a marking
3 program, like we have for salmon. And so that was
4 recognized as a problem. But I don't see where the
5 Council would have any problem at all limiting to just
6 the salmon when I read the discussion, because it all
7 related to salmon.

8

9 CHAIRMAN DEMIENTIEFF: Board discussion.

10

11 MS. GOTTLIEB: Mr. Chair. I appreciate
12 Ralph's comments there, because I think the point of
13 developing this proposal in the first place was that
14 subsistence users would not have any less opportunity
15 than sport users in this area, and that was the main
16 point, and yet as the discussions continued, it turned
17 out that there was a concern expressed for the
18 conservation of some of the resident species. And so
19 therefore I appreciate the recommendations that we've
20 heard here to take perhaps a more precautionary approach,
21 and focus on the chinook salmon, which was -- which is
22 where we started out with.

23

24 MR. LOHSE: Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Yes.

27

28 MR. LOHSE: I'll just read you one
29 comment by one member of our Board, and -- to show what
30 the feeling of the Council was. He says, I have a level
31 of empathy if we're talking about strictly chinook. I am
32 not confident this broad scope -- this broad scoped, I
33 can support this if it's on all fish. So there was some
34 concern among some of the Council members to begin with,
35 and that's why, like I said, I don't feel we'll have any
36 problem if we just apply it to salmon, because if there
37 is a concern, we can always bring it back to the Council
38 and extend it to other fresh water fish in a way that
39 covers them in a safe manner.

40

41 CHAIRMAN DEMIENTIEFF: Thank you. Any
42 other discussion.

43

44 MR. BSCHOR: Yes. First of all, I'm just
45 wondering, I think I'm correct in this assumption, that
46 this is -- would be the first place that we would have
47 accumulation relative to the Federal subsistence, is that
48 correct? And the first time we will, if we approve this?

49

50

00285

1 CHAIRMAN DEMIENTIEFF: Larry.

2

3 MR. BUKLIS: Mr. Chairman, that's
4 correct. Right now it's a general provision that you may
5 not accumulate harvest limits, and this would be an
6 exception in this case, yes.

7

8 MR. BSCHOR: And then could somebody help
9 me with the statement that it won't add to harvest
10 levels, because I'm not following that totally.

11

12 MR. VINCENT-LANG: We're guessing that
13 many of the people that are currently taking a sport
14 limit are probably local residents up there, and they'd
15 be sort fishing anyway, so I don't think it's going to
16 add significantly to it. And plus the fact it will be
17 accounted for.

18

19 CHAIRMAN DEMIENTIEFF: Paul -- oh, I'm
20 sorry.

21

22 MR. EDWARDS: So this -- still I'm trying
23 to understand this. So what it really means, sort of on
24 the ground, if you had a subsistence limit of 10 salmon
25 and a year or season, and sport limit of ten, if you live
26 in that area, you could actually have 20 fish, and you're
27 okay; is that right?

28

29 MR. VINCENT-LANG: That's what the
30 regulation will read as, yes.

31

32 CHAIRMAN DEMIENTIEFF: Paul.

33

34 MR. TONY: Thank you, Mr. Chairman.
35 Yeah, I think also what it means is that it would put
36 Federal subsistence users on an equal footing with State
37 personal use and subsistence fisher people who can catch
38 a limit under a personal use fishery, and then go on the
39 sport fish side and catch, you know, the limit over there
40 without being penalized.

41

42 CHAIRMAN DEMIENTIEFF: Any other
43 discussion.

44

45 MS. GOTTLIEB: Mr. Chair, I would like to
46 move to adopt Proposal 21 as recommended by the South
47 Central RAC, but I would offer one minor modification as
48 we've discussed today, and that modification would be
49 that this would apply only to salmon.

50

00286

1 MR. BISSON: I second that.

2

3 CHAIRMAN DEMIENTIEFF: The motion's been
4 made and seconded. Is there any discussion.

5

6 UNIDENTIFIED VOICE: Call for the
7 question.

8

9 CHAIRMAN DEMIENTIEFF: The question's
10 been.....

11

12 MR. BSCHOR: No, I get -- I have
13 something to.....

14

15 CHAIRMAN DEMIENTIEFF: Go ahead.

16

17 MR. BSCHOR:just to add just for
18 the record. I'm prepared to vote for this motion, but I
19 do want to just offer for a concern of the precedent-
20 setting nature of this, that for future deliberations,
21 that we realize this could be a precedent.

22

23 CHAIRMAN DEMIENTIEFF: Thank you. If
24 there's no other discussion.....

25

26 MS. GOTTLIEB: Well, Mr. Chairman.....

27

28 CHAIRMAN DEMIENTIEFF: Yes. Go ahead and
29 comment.

30

31 MS. GOTTLIEB: I appreciate -- I
32 appreciate your concern, Denny. I think we can point to
33 the Copper River and the Gulkana system as a place where
34 we have excellent coordination amongst the fisheries
35 managers from start to finish, between the Department,
36 between the several Federal agencies involved, and so my
37 expectation is that that close communication/coordination
38 will continue and -- on a daily or more frequent basis so
39 that everyone keep a very close eye on what's going on.

40

41 CHAIRMAN DEMIENTIEFF: Further
42 discussion.

43

44 (No comments)

45

46 CHAIRMAN DEMIENTIEFF: Hearing none, all
47 those in favor of the motion please signify by saying
48 aye.

49

50 IN UNISON: Aye.

00287

1 CHAIRMAN DEMIENTIEFF: Those opposed,
2 same sign.

3
4 (No opposing votes)

5
6 CHAIRMAN DEMIENTIEFF: Motion carries.
7 That completes our non-consent agenda items.

8
9 I'm going to have Tom review what's left
10 on the non-consent -- or on the consent agenda, and then
11 after that, I'll entertain a motion to adopt the consent
12 agenda items.

13
14 MR. BOYD: Mr. Chair, I'll read from the
15 handout, the agenda handout dated 12/8/03. The consent
16 agenda items remaining, and I'll just list the numbers,
17 Proposals FP-04-04, FP-04-08, FP-04-09, FP-04-10, FP-04-
18 11, FP-04-12, FP-04-15, FP-04-22, FP-04-23, 24, 25, 26
19 and 27, FP-04-31, FP-04-34, FP-04-38, FP-04-39.

20
21 Mr. Chair.

22
23 CHAIRMAN DEMIENTIEFF: Thank you. Is
24 there a motion. Judy.

25
26 MS. GOTTLIEB: I'll move for unanimous
27 consent.

28
29 MR. EDWARDS: Second.

30
31 CHAIRMAN DEMIENTIEFF: The motion's been
32 made and asked for unanimous consent. If there's -- is
33 there any objection?

34
35 (No objections)

36
37 CHAIRMAN DEMIENTIEFF: Without objection,
38 so ordered. That's complete that as well.

39
40 It moves us on to the Staff Committee
41 discussion. Okay. This is a discussion on the role of
42 the Staff Committee. I think, Peggy, go ahead.

43
44 MS. FOX: Thank you, Mr. Chair. So that
45 others may track with my talking points, I'd like to ask
46 those of you that might have it, to pull this blue paper
47 out of your grey packet, and those packets were available
48 to the public as well, but every person at the table here
49 should also have one. I will be referring to points in
50 that.

00288

1 Last May of 2003, during the Federal
2 Subsistence Board meeting, the Board Chair entertained a
3 discussion on the appropriate role of the Interagency
4 Staff Committee in the decision-making process. He
5 acknowledged Regional Advisory Council perceptions that
6 the Staff Committee may have undue influence on the
7 Board, the decision-making process, and the resulting
8 rulemaking. The Board Chair directed a review be
9 conducted of the Interagency Staff Committee's role in
10 the regulatory process, focused on when the Board is
11 considering Regional Council recommendations on the
12 taking of fish and wildlife in compliance with Section
13 805.

14
15 The Board offered a series of proposed
16 changes to the role of the Interagency Staff Committee
17 and to the decision-making procedures at Board meetings
18 for Council -- Regional Council consideration during the
19 recent fall meetings. Four of the five changes, those
20 are the ones that are numbered 1 through 4 in the
21 handout, develop -- were developed to institutionalize
22 more direct communication between the Interagency Staff
23 Committee and the Regional Councils. On the handout,
24 these are numbered 1 through 4.

25
26 Some of these measures have been taking
27 place over time on a limited basis. Adopting these
28 proposals would assure they become standard operating
29 procedures.

30
31 The desired effect of these four
32 procedural changes is to promote direct communication
33 between the Regional Councils and the Interagency Staff
34 Committee on proposals earlier in the decision-making
35 process. Regional Council comments received were
36 favorable to these changes.

37
38 The proposed changes in number 5 have to
39 do with Board meeting procedures. These changes brought
40 the greatest response and range of responses from the
41 Regional Councils.

42
43 First, let's look at the response to
44 5.A., the proposal to eliminate the Interagency Staff
45 Committee recommendation. The alternative to developing
46 an Interagency Staff Committee recommendation is for the
47 Interagency Staff Committee to provide Board members with
48 an analysis of the issues inherent in a proposal. This
49 analysis would be available to everyone in the Board book
50 prior to meetings and would not require an oral

00289

1 presentation at public meetings. The desired effect is
2 to facilitate direct communication between the Board and
3 the Council Chairs by eliminating a formal role for the
4 Staff Committee in the decision-making process.

5
6 Regional Council comments varied with
7 some strongly supporting eliminating the recommendation
8 to others seeing value added from hearing the Interagency
9 Staff Committee recommendation and rationale, especially
10 when it supported a Regional Council recommendation.
11 Likewise, the Staff Committee was divided on this
12 proposal, and presents two options for Board
13 consideration.

14
15 Option 1 is that there will be no formal
16 role for the Staff Committee at the Board meetings that
17 address regulatory proposals. The Interagency Staff
18 Committee would provide comments resulting from
19 discussions held with Council Chairs and the Department
20 of Fish and Game at the Interagency Staff Committee
21 meeting that precedes the Board meeting. The written
22 analysis of a proposal to change a fish or wildlife
23 regulation would be available to everyone in the Board
24 book prior to the public meeting.

25
26 The second option identified by the Staff
27 Committee was to continue with the status quo. That is,
28 that the Interagency Staff Committee currently develops
29 recommendations and presents them at Board meetings that
30 address regulatory proposals. The recommendations
31 reflect the conclusions reached by the Staff Committee in
32 discussions involving affected Council Chairs and the
33 Department of Fish and Game, often based on information
34 not available or considered at the Council meetings. The
35 recommendation is always available in the Board book.

36
37 A third option could be crafted by
38 combining the two above. The Interagency Staff Committee
39 could develop a written recommendation for the Board
40 book. However, the Interagency Staff Committee members
41 would no longer present it formally at the public
42 meeting. This would provide the Regional Councils and
43 the Board with the benefits of their analysis and
44 conclusions without appearing to compete with Regional
45 Council recommendations during deliberations.

46
47 The second proposed change under number
48 5, that is 5.B., is for the Board to begin deliberations
49 on a proposal, that is, at the time the Board is ready to
50 make a motion, by entertaining a motion based on a

00290

1 Regional Council recommendation. This proposal focuses
2 discussion on the Regional Council's recommendation,
3 emphasizes compliance with Section 805(c) of ANILCA, and
4 responds to several of the Regional Councils' concerns
5 when Interagency Staff Committee recommendations conflict
6 with Regional Council recommendations.

7

8 Regional Council comments received on
9 this proposed change to procedure were all very
10 favorable. The Interagency Staff Committee also supports
11 this change in procedure, and recommends the Board make
12 this a standard operating procedure for when the Board
13 considers regulatory proposals on the taking of fish and
14 wildlife. This could be implemented regardless of how
15 the Board decides to act on 5.A., the specific role of
16 the Interagency Staff Committee at public Board meetings.

17

18 In summary, the proposed changes received
19 a favorable response from the Regional Councils,
20 indicating they saw the changes as a step in the right
21 direction. Having the Board begin deliberations with a
22 motion based on a Regional Council recommendation
23 received the greatest positive response.

24

25 The Interagency Staff Committee
26 recommends adopting the changes proposed under 1, 2, 3,
27 4, and 5.B. With regard to 5.A., we offer these options
28 for the Board to consider that reflect the range of
29 Regional Council comments.

30

31 Thank you, Mr. Chair.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. Board
34 discussion.

35

36 MR. EDWARDS: Well, I'll jump in on this
37 if I could. I guess this is -- for me, this is kind of
38 somewhat of a dilemma, because I guess quite frankly I
39 can probably support any of the options, and I may even
40 offer a potential additional one.

41

42 In saying that, I don't think there's any
43 question of the value that our Staff Committee plays. I
44 know the State feels that it's a very important function,
45 particularly the meetings that they have prior to our
46 Board deliberations, and I know now that we've been
47 including the Council Chairs. I think that has really
48 been a good addition. And I think that discussion and
49 what comes out of that both in the conclusions and some
50 types -- times their modifications and all I think has

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1 served us well.

2

3 And -- but also I know from our two
4 people that represent the Fish and Wildlife Service on
5 the Board, the counsel that I get from them and the
6 involvement that I have with them on a one-to-one basis
7 is also extremely important for me as a Board member in
8 order to, you know, get prepared and come to this -- to
9 come to this meeting.

10

11 But I guess I would also have to say I've
12 always found the role of the Council -- or the Inter --
13 the Staff Committee at these meetings a little awkward
14 given that the Staff Committee is made up of the same
15 agencies that sit up on the Board. And one could argue
16 it's almost like the Board making recommendations to
17 itself and then turning around and acting upon those
18 recommendations.

19

20 Now, that's not necessarily bad, but it
21 just does seem a little awkward, because this Board, for
22 example, in my mind, is considerably different than the
23 Fish and Game Board let's say, or most game and fish
24 commissions, because those are usually made up of
25 individual entities, and the agency itself doesn't sit on
26 the commission or upon the board, but in our case
27 actually the agencies are the ones that sit on that. And
28 they also have the same individuals that are a member of
29 the Staff Committee. Or the same agencies represent the
30 Staff Committee.

31

32 So I guess in conclusion, I could support
33 that, and I guess I could even support something that
34 would go along the lines that the Interagency Staff
35 Committee would conduct discussions with the Council
36 Chairs, and ADF&G at the Interagency Staff Committee
37 meeting preceding the Board meeting, and then the
38 findings and conclusions from these discussions would be
39 conveyed to Board members by their respective Staff
40 Committee members, which would basically say that neither
41 would they present, orally present their conclusions and
42 findings at this meeting, or wouldn't even provide them
43 in writing, but would simply -- that discussion would
44 occur between that individual Staff Committee member and
45 their respective Board member.

46

47 But, again, saying that, I don't have any
48 problem with how we've been doing it, or I guess I can
49 also accept any of the other potential options. I think
50 it's more maybe a matter of what the Regional Advisory

00292

1 Councils think about it, quite frankly, than what I
2 personally think about it.

3

4 CHAIRMAN DEMIENTIEFF: Further
5 discussion.

6

7 MR. BISSON: Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Yes.

10

11 MR. BISSON: I for one favor moving away
12 from the status quo. Just as Gary has expressed, I think
13 the status quo for me has worked fine, but I think it's
14 more important to me to have some pre-work accomplished
15 and to have the Staff recommendations or the Staff
16 analysis along with the Regional Council recommendations
17 in advance is what really helps me. I'm not sure that
18 having a presentation here by the Staff contributes as
19 much to the process as the advance work.

20

21 So I would be inclined to try to move to
22 a different option than the status quo.

23

24 MR. LOHSE: Mr. Chair.

25

26 CHAIRMAN DEMIENTIEFF: Option A, is that
27 what it is?

28

29 MR. BISSON: Option 1, what is it?

30

31 CHAIRMAN DEMIENTIEFF: Option 1, yeah.

32 Okay. Got it.

33

34 MR. LOHSE: Mr. Chair.

35

36 CHAIRMAN DEMIENTIEFF: Who's that -- yes.

37

38 MR. LOHSE: Speaking as a Council Chair,
39 I like the work that you guys did on working on this. I
40 like the idea of starting the discussion with the Council
41 recommendation. But I would hate to see us lose the
42 expertise and the work that goes into the Staff
43 recommendations. I think it's very valuable. Like it
44 was brought out, a lot of times they have access to
45 information in between times that we didn't have.

46

47 I like the idea of them not making a
48 recommendation, but giving options. To present it as an
49 option instead of as -- instead of a recommendation, puts
50 a different sense of authority on it. And from that

00293

1 point of view, if you take the recommendations of the
2 Council as your starting point, options can be presented
3 to that, alternatives can be presented to that that we
4 can work with at the meeting right here to come up with
5 something that meets the needs of what we're trying to
6 accomplish, and yet at the same time not usurp authority.

7

8 But there are times that as a Council, I
9 -- we depend on some of the information that they dig up.
10 And we depend on the fact that they can write things in a
11 way that sometimes expresses what we want to say better
12 than we could.

13

14 Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Yeah, they play a
17 very valuable role I think. You know, what the big
18 problem was that we were hearing from our RACs is we go
19 back, you know, is it appeared that the Staff Committee
20 was having a bigger role than the RACs, you know, which
21 was basically, yeah, I think an optical illusion, you
22 know, because that wasn't the case, you know, we said
23 over and over. But I think this clarifies it actually,
24 and just makes it -- hopefully makes that whole issue go
25 away.

26

27 Yeah, John.

28

29 MR. LITTLEFIELD: Thank you, Mr. Chair.
30 Obviously our Council believes that proposals should come
31 from the bottom up, and they should come first to the
32 Regional Advisory Council and then to the Federal
33 Subsistence Board. The Interagency Staff Committee can
34 exist if they want to be, but they should only be, like
35 Ralph says, making options, they should not be inventing
36 stuff, which they've been doing in the past, coming out
37 with totally new information that we have no access to.

38

39 The Regional Advisory Council meeting
40 with the -- in the Interagency Staff Committee has a very
41 limited role to play, the Council Chairs. I can't just
42 go and say, oh, yeah, that's a good idea, and I'll buy
43 off on it. That's not my role. The Council's already
44 acted, and they told me which way to act. And the
45 guidelines of FACA prohibit me from changing that with
46 getting together with a couple officers and saying, yeah,
47 we'll change that. I don't have that authority. We
48 can't do that. Everything we do is out in public. And
49 that's the way the system was designed, and I still stand
50 behind I would like all of the information that's debated

00294

1 at this meeting to be presented to the Regional Advisory
2 Council, your staff give you what -- you know, go ahead
3 and give you the pointers of what you're supposed to do
4 with it, and there's another year. There's six months
5 down the road, here comes another meeting, a year down
6 the road, here comes another meeting on wild -- the same
7 wildlife. And that's normally how people -- if you miss
8 the -- if you miss the deadline, you bring it in -- up at
9 the next cycle. And I think that could work. But I've
10 seen way too much information come out of the Interagency
11 Staff Committee after the Reg -- it leaves the Regional
12 Advisory Council.

13

14 But this, the steps you're taking here,
15 they're positive. And I would say the status quo is
16 unacceptable.

17

18 Thank you.

19

20 CHAIRMAN DEMIENTIEFF: Well, that's --
21 you're speaking in favor of option 1 then, I mean, I'm
22 trying to understand.

23

24 MR. LITTLEFIELD: I would say, yes, Mr.
25 Chairman.

26

27 CHAIRMAN DEMIENTIEFF: Ralph.

28

29 MR. LOHSE: I guess when you come right
30 down to which option I would prefer, I would probably
31 prefer option 3, because I do recognize the value of the
32 Staff Committee's role.

33

34 Our only objection, like Tom (sic)
35 pointed out, our only objection to anything the Staff has
36 ever been done is for the Staff to bring forth proposals.
37 We don't think that that's a position that the Staff
38 should be in. We're a reactive Council. We react to
39 things that people bring to us. There are proactive
40 Councils. There are a lot of Councils that submit a lot
41 of proposals on their own as a Council, but with the wide
42 variety of people that we have in our area, we prefer to
43 have them bring proposals to us, and we will act on their
44 proposals, and we prefer not to have the Staff bring
45 proposals forward for us to act on. And that would have
46 been the only thing that I have had an objection to the
47 Staff since we started, and I've been here since the
48 beginning.

49

50 So I appreciate the Staff, and I like

00295

1 option 3.

2

3

MS. GOTTLIEB: Mr. Chair.

4

5

CHAIRMAN DEMIENTIEFF: Well, I just wanted one quick response, too, I think that, you know, John, the only thing I think would be missing from Staff Committee getting information to the RACs would be late developing biological information coming in. You know, studies that maybe were -- would be out of sequence with the RAC meeting. I mean, you know, that's the only thing I could see that would, you know, if we -- when we go with this that could possibly. Although we could do our best to try to get that information out, if it -- you know, prior to the Board meeting.

16

17

MR. LITTLEFIELD: Mr. Chair.

18

19

CHAIRMAN DEMIENTIEFF: Yes.

20

21

MR. LITTLEFIELD: Let me say that that applies to everyone. The State, the Staff, everybody. We want that information at the Regional Advisory Council. It's our duty to review these and to make recommendations. See, that's our duty by ANILCA. And to do that, we need all the information. We need all the information you've got, all the information the State has. They may not have -- we can go round and round in this circle that I don't have this here, I'm waiting for this, and it's endless. You know, you're waiting for the next part to come up. And come, I just say, bring that up in the next cycle. I mean, you've been here a long time already, and it's -- and just bring it up at the next cycle. That's what ever -- that's what the other boards do. That's what they tell us if we miss it, miss the deadline.

37

38

CHAIRMAN DEMIENTIEFF: Any more discussion or motion or.....

40

41

MS. GOTTLIEB: Mr. Chair.

42

43

CHAIRMAN DEMIENTIEFF: Yes.

44

45

MS. GOTTLIEB: Well, first of all I want to thank everybody who worked on this effort. This effort, this synopsis came about as a result of the conclusion I believe of our last meeting where we heard some voices of the Regional Advisory Council Chairs saying the Staff Committee seemed to wield too much

50

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1 power, and I think this meeting, the last couple days,
2 was a good example of some adjustments that have already
3 been made, because we heard those concerns. And I think
4 we focused much more in this meeting on the motions and
5 of the recommendations of the Regional Advisory Councils,
6 and not so much on the Staff Committee.

7
8 With respect to the Staff Committee, in
9 my opinion, they truly support the Board, and they truly
10 support the Regional Advisory Councils. They're good
11 people who will continue to provide that advice and
12 counsel, and so to me it seems a bit unproductive not to
13 read their -- whether we call it maybe option or what
14 we've called recommendation, because it's going to exist,
15 and I think it is useful to us, because I'm a believer of
16 more minds put together, that we may come up with
17 different solutions that we hadn't seen before. And, in
18 fact, on example is Ralph making the suggestion just now
19 of an option 3.

20
21 So I would like to commit that the Park
22 Service Staff Committee members will get to more of the
23 RAC meetings to hear first hand and participate with you
24 during your discussions, and maybe then continue to have
25 that sense of what's going on in your area, and continue
26 our education of what the issues are.

27
28 CHAIRMAN DEMIENTIEFF: Let's see, I
29 think, Doug, you had a -- or Marianne -- I'm not sure
30 who.

31
32 MS. SEE: Thank you, Mr. Chair. We
33 recognize that primarily this discussion is about Federal
34 program issues, but we'd like to offer some observations
35 in the spirit of effective coordination that may enhance
36 hopefully the discussion here.

37
38 We note that the recommended language in
39 this document appears to change the role of Staff, and
40 this has been something just discussed, from one in which
41 they would be making -- or they currently make
42 recommendations to one in which they're providing
43 comments. What we consider that this -- this looks like
44 a significant shift which would affect how recognized
45 scientific principles as required in ANILCA, and that's
46 the language in ANILCA, would be provided to assist in
47 the deliberative process for rulemaking. The Staff
48 analysis -- or Staff Committee analysis and
49 recommendations currently help form a basis for
50 addressing the recognized scientific principles required

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1 by ANILCA, and we feel that they complement the
2 additional information that comes forward from the
3 Regional Councils' public process, public -- additional
4 public testimony, public involvement, and Fish and Game
5 as well as others contributing to the process. We
6 question whether Federal Staff comments would fulfill
7 this function and requirement as effectively as do
8 recommendations. Thus, we consider that there are
9 provisions in Option 2 of the briefing document that are
10 really of merit, and we would support those.

11

12 We also note on the second point that we
13 appreciate some of these proposed changes reflect
14 Councils' needs to have the most current information at
15 their meetings. We share this goal and know that this is
16 inherently challenging, and frankly difficult due to the
17 seasonal timing of the Council meetings. And we've
18 certainly raised this point before, and it's a hard one
19 to get around. As an example, much of the current year's
20 fishery data is unavailable until after the September and
21 October Council meetings. It's simply not possible to
22 bring it to those meetings. Similarly, some of the key
23 data for wildlife are unavailable until after the winter
24 meetings of the Councils. Often it's available before
25 the Federal Board meeting, but after the Council
26 meetings, and that's really a problem.

27

28 We would welcome suggestions on ways to
29 ensure that the Councils can have timely access to the
30 best available information, but we need to recognize that
31 some of the key data categories will continue to be out
32 of sequence with the current Council meeting schedules.
33 And we regret that this is the case. We wish we could
34 change this, but on our end of it, with these schedules,
35 it's nearly impossible. We believe it's critical that
36 the deliberative process for developing subsistence
37 regulations be based on the best available information at
38 the time of the decisions, and we hear this from the
39 Councils and all involved with this process.

40

41 We appreciate the opportunity to offer
42 these comments, and would be glad to answer any questions
43 that you may have.

44

45 CHAIRMAN DEMIENTIEFF: Thank you. John.

46

47 MR. LITTLEFIELD: I think that's kind of
48 like Option 3 Ralph was talking about. I don't disagree
49 with anything that was said by the State. My
50 disagreement is the timing. I agree, all that

00298

1 information is critical. You need it all, but we need it
2 all. In other words, maybe the solution is to, like I
3 suggested in one of them, is eliminate that Staff
4 Committee meeting and move the times back where we meet,
5 you know, just a month ahead of you guys or something
6 like that, where everybody has the time to get that
7 information to us at the Regional Advisory Committee.
8 And then instead of meeting in October, we could have met
9 in November and then came right to you, and we would have
10 had the latest available information. We just -- I don't
11 disagree with any of those. We just want the information
12 at the Regional Advisory Council. However you can work
13 that out.

14

15 CHAIRMAN DEMIENTIEFF: Yeah, we'll take
16 that as we go, but it would be a simple Staff nightmare
17 to be preparing for this Board meeting, the volume of
18 work, and to also in that same month be going out to
19 Regional Council meetings. You know, it would be a
20 logistical and a Staff nightmare. Grace.

21

22 MS. CROSS: Well, thank you, Mr. Chair.
23 We didn't discuss this during our RAC meeting at any
24 length at all, and I missed the meeting during the Staff
25 Committee for personal reasons.

26

27 My feeling is that, this is my personal
28 view, I think, you know, it's good that the role of the
29 Staff Committee's being looked at, and I think from my
30 experience with -- from coming to the Federal Subsistence
31 Board meetings, sometimes Chairs from different regions,
32 including myself, at times we submit a proposal, by the
33 time it gets to the Board, it's changed a lot, and you
34 get the feeling that it's stacked up against you already.
35 What you discussed at the RAC meeting changed when it's
36 presented by the Staff Committee. The rest of your RAC
37 has no knowledge about it, and you're kind of sitting
38 here at the Chair making decisions which makes you at
39 times uncomfortable.

40

41 One of the things that we do in our
42 region, and I think the Staff Committee would surely
43 agree with me, is we get proposals, and sometimes the
44 proposals that are submitted to us, to the RAC by
45 individuals who are not quite familiar with writing
46 proposals, have problems with it, and we try go encourage
47 the Staff Committee identify those ahead of time so they
48 can work with the proposer, so it's something that the
49 RAC can address, that it's correct to the point where it
50 would not be sent off with a technicality. So I find the

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1 Staff Committee very responsive to that. I hope that
2 when you're talking about Staff Committee rules changing,
3 one of the things would be to -- I can't -- they're
4 always responsive, is to continue to encourage them to do
5 that, that if they see a problem with the proposal, that
6 they bring that up to the Council with a possible
7 solution before -- even before it goes into discussion
8 maybe. And make it so that we can address, because
9 there's a problem -- legally there's a problem or
10 something. But they have worked -- in my region, they
11 have -- the Staff Committee has worked, has -- with
12 individuals where we were able to address proposals that
13 we couldn't possibly have we had not asked, is this
14 correct.

15

16 But anyway, I guess in the long run is,
17 my personal feeling is that I kind of like Option 1, but
18 that's my personal opinion, and -- but they are -- I just
19 wanted to say that Staff Committee, the information they
20 provide our RAC is very helpful to us when we make the
21 decisions, and we do ask a lot of questions. But
22 sometimes like, you know, John said, a lot of times we
23 have to make decisions without the proper numbers,
24 because of the timing, and I don't know how in the world
25 that could be solved, and I'm glad I'm not in the
26 position to try to solve that. However, I just wanted to
27 present that as my personal view.

28

29 I do appreciate the Staff Committee. In
30 a way, I feel they do have too much role when it comes to
31 the Board meetings. It's kind of like -- in some ways it
32 -- and it's kind of hard for an individual to go up there
33 and talk to your boss, put it that way. Your
34 subordinate's sitting over here, talking to you and say,
35 this is what we're recommending. It kind of makes you
36 wonder as a RAC member how much influence did that boss
37 have in this decision, the Staff Committee
38 recommendation. Maybe that's something for you to think
39 about.

40

41 Thank you.

42

43 CHAIRMAN DEMIENTIEFF: Well, let me just
44 say this also, is that I think the package is a step
45 forward, you know, and like all of the -- our regulations
46 -- well, you know, this is not a regulation, but like all
47 of our -- like our regular regulatory regulations, they,
48 you know, can be brought back and tweaked, you know,
49 those kind of things, but overall the package I think is
50 moving in the right direction. John.

00300

1 MR. LITTLEFIELD: Mr. Chair, so that
2 there's no misconception, I would like to say that the
3 Staff Committee at this particular meeting, I thought
4 handled themselves very well, and I appreciated what came
5 out. This is -- you've been evolving a little bit
6 already, whether the option is there, and I -- and it was
7 noticeable to me. The proposals I didn't see were
8 rewritten totally, and that's my biggest fear there is,
9 like Grace said, we -- our hands are tied. We can't come
10 in here and bargain with the Staff Committee, we can't
11 bargain with you guys. Our hands are tied. And so
12 that's why we don't want to see chang -- too many
13 changes. But I do appreciate their work. They've been
14 doing a very good job at this meeting.

15

16 MR. BSCHOR: Mr. Chair.

17

18 CHAIRMAN DEMIENTIEFF: Yes.

19

20 MR. BSCHOR: None of us can do our job
21 without this Staff work, and there's a lot of work, and
22 it isn't a perfect world, and we all realize that, so the
23 timing issue's always going to be there to some extent.
24 I guess I can live with -- what I'm hearing, the only
25 change that I'm really hearing that's significant is
26 whether there's -- it's either the perception or the
27 reality that there's actual influence on the decision
28 outside of -- you know, after all the work with the
29 Councils, and I really appreciate that concern, because
30 that's not the intent, I'm sure. But the real changes
31 that -- whether they give a recommendation or not, and I
32 can live without a recommendation in this meeting, but I
33 certainly need the completed Staff work, the thorough
34 analysis, and that sort of thing, and then summarized for
35 this meeting so that I have time to read it, because I
36 have to admit, and maybe none of the rest of you have
37 this problem, but there's a lot of volume here, and I
38 can't get through it all in the time that I have. I've
39 got another job besides this, in fact many more aspects
40 to my job besides this, and we all have -- we're all
41 short of time, all of us. I'm not the only one in the
42 room in that kind of situation, so I'm very -- for those
43 who work for me, they can tell you that I expect very
44 high quality staff work, timely staff work, and done in a
45 way that's summarized there so that I can pick it up
46 quickly. And I want to compliment my staff in front of
47 everybody today, because they've done that. So that's
48 the expectation I have, a recommendation, per se, if
49 that's offensive, let's don't do that. As long as I have
50 the analysis in front of my and there's a summary of the

00301

1 pluses and minuses with alternatives that are available
2 to us. Just wanted to at least say those few things, and
3 compliment the staff that -- not just the Forest Service
4 staff, but the OSM staff, the -- and the other agency
5 staff that work to help us reach some decisions on some
6 very, very complex issues.

7

8 Thank you.

9

10 MR. EDWARDS: Mr. -- one thing I guess, I
11 don't know if I'm disagreeing with you or not, but I
12 wouldn't want to send the signal to anybody that the
13 input that at least I receive from our staff folks, which
14 I would also argue do an exceptional job, doesn't have
15 ultimately potentially some influence on my decision.
16 Now, I did today vote twice against what their
17 recommendation was, but it has influence just like we --
18 the influence that we get from the people in the public
19 who come up, that we get from the Council Chairs, and we
20 get from the State, so there is some influence there,
21 there's no question. The time that I spend with our
22 Staff representatives, you know, is very helpful to me to
23 get ready for this meeting, and I look to their opinions
24 and their views on things. I may or may not agree with
25 those, but I wouldn't want to send a message that somehow
26 there's no influence from that, because there certainly
27 is, as there's influence from everything you have around
28 you when you're trying to gather the right information in
29 order to make the right decision.

30

31 CHAIRMAN DEMIENTIEFF: John.

32

33 MR. LITTLEFIELD: Mr. Chair, I think that
34 was the definition of a substantial evidence. I think
35 that we do the same thing. We weigh everything. It's
36 not -- I'm not trying to put them down. I'm just trying
37 to get the process here that gives more deference to
38 Title VIII, but I certainly appreciate their input, and
39 they're pretty smart. They're easy -- they're good to
40 deal with, so.....

41

42 MR. BSCHOR: I forgot one item, too, and
43 I do want to support the efforts in this package to get
44 the Staff work done at the Council level to help at that
45 level, work through the issues, work through the
46 proposals. I think that's absolutely key to success of
47 effective decision-making when it gets to this Board.

48

49 MS. GOTTLIEB: Mr. Chair.

50

00302

1 CHAIRMAN DEMIENTIEFF: Judy.

2

3 MS. GOTTLIEB: Along those lines, I think
4 we often remember negative things that happen. If we
5 look at the consent agenda today and the number of
6 proposals on that consent agenda, that meant that the
7 Staff Committee as diverse as it is, the Councils, the
8 State, you all agreed. You all agreed at that gross
9 road, if you will, level, and I always think that's the
10 major accomplishment of this system. So I want to thank
11 you all for doing that, and I think that's a true value
12 added to our system.

13

14 CHAIRMAN DEMIENTIEFF: Grace.

15

16 MS. CROSS: Thank you. Staff Committee,
17 their analysis and the information they provide to the
18 RACs is invaluable. I don't think there's some -- there
19 are times that we would not have made a decision without
20 the analysis and the Staff information that's -- the
21 information that the Staff provide us.

22

23 I think part of the problem. in my
24 personal opinion I'm talking now again, is that maybe
25 part of the problem is that the Staff Committee that
26 works with Seward Penn, I can call them up and somebody
27 responds to me. I can refer them to somebody, they'll
28 help that individual. We had teleconferences that were
29 set up because we had these proposals that are so crazy
30 we needed to figure out what to do with them. So by the
31 time the RAC comes in, the person that is submitting the
32 proposal has it where it's workable for the RAC. There's
33 no decisions made, but that's the proposal that comes
34 out.

35

36 I -- so I never did find that a problem
37 with the Staff in terms of cooperating with the RAC, at
38 least with Seward Penn.

39

40 I think the problem comes in is when,
41 there are proposals that are submitted and they change so
42 drastically by the time that they are presented here and
43 there really wasn't any correspondence between the RAC
44 and the Staff before that happens. The recommendation
45 has changed so much from the original proposal that
46 you're essentially kind of surprised in some ways and
47 then I think there ought to be some more correspondence
48 with that.

49

50 Thank you.

00303

1 CHAIRMAN DEMIENTIEFF: I think we've
2 pretty much exhausted the points here. Paul.

3
4 MR. TONY: Yeah, Mr. Chairman. I'm
5 pretty new this whole process and this Board. But I
6 think I would agree with what Grace said and I didn't
7 really see any examples of that today, but I could
8 imagine, you know, where the Regional Advisory Council
9 recommendation and the Staff Committee recommendation
10 differed and that the -- maybe the original proposal was
11 slightly amended but it had the substantive change, you
12 know, kind of puts the Advisory Council Chairs, I think,
13 in a difficult position, because it's now something
14 different than, you know, was discussed and went through
15 the process that they're empowered to speak on when they
16 come here as the Chair of that committee.

17
18 And so that maybe is the only -- but I do
19 agree with everybody else's comments that the analysis
20 and the Staff work is excellent and that it is invaluable
21 to the process.

22
23 MR. BSCHOR: Mr. Chair.

24
25 CHAIRMAN DEMIENTIEFF: Yes.

26
27 MR. BSCHOR: One last point and just to
28 show how good my Staff is, they are willing to tell the
29 emperor he has no clothes on.

30
31 The point is there has to be some Staff
32 Committee recommendation at some point or else we would
33 not have a consent agenda. So, you know, if -- I was a
34 little strong on what I said as far as the
35 recommendation. What I was saying is to speak out on a
36 recommendation for those non-consent deals. Now, I don't
37 know how we handle that but I just wanted to make sure I
38 made that point.

39
40 Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Judy.

43
44 MS. GOTTLIEB: Mr. Chair. If I could
45 offer a suggestion perhaps.

46
47 I think the question of proposals
48 changing due to Staff analysis, we have heard that and we
49 have really made great strides in not letting that happen
50 as maybe it did before. With the issue of changes post-

00304

1 RAC meeting I think we have some agreement that Staff
2 Committee and the Board has made some adjustments since
3 the last Board meeting to be attentive to that but we're
4 not all the way yet.

5
6 I guess I might suggest maybe we can keep
7 this option paper a little bit longer, take into account
8 the comments we did here today because as always the
9 discussion's been valuable. And see if we might be able
10 to develop some consensus view point based on these
11 discussions.

12
13 CHAIRMAN DEMIENTIEFF: So your
14 recommending that we just take a little longer before we
15 actually take an action.

16
17 MS. GOTTLIEB: Right.

18
19 MR. BOYD: If I could summarize a little
20 bit.

21
22 CHAIRMAN DEMIENTIEFF: Go ahead.

23
24 MR. BOYD: I heard -- just trying to go
25 along with what Judy said. I heard a couple of key
26 issues come out.

27
28 I think one was the perception of undue
29 influence by the Staff Committee.

30
31 And the second one was the one that Mr.
32 Littlefield raised about the -- and others have raised
33 about the changing, sort of ground, that they're facing
34 when they come to the meeting and some of the proposals
35 have shifted, because of either new information or --
36 well, generally because of new information so those are
37 the two key problems that I've heard.

38
39 I think we've worked real hard on the
40 undue influence part of it or the perception part of it
41 in a number of ways and I hope that's -- we're along --
42 well along towards satisfying that concern.

43
44 The other one's a bit harder and I don't
45 -- I mean, Mitch kind of alluded to it, is in scheduling
46 these things it's and the State's brought some
47 information to the table. In scheduling these meeting
48 and how we structure the process, often times we're faced
49 with some proposals that just aren't well done yet,
50 aren't completely done yet even at the Council level. I

00305

1 understand that frustration that the Council's face. I
2 don't know how we're going to fix that, but that's the
3 challenge before us. And I guess I would hope that we
4 could get a little more time to look at that one. I'm
5 not going to say that it's easy to fix or it can be
6 fixed. I'll just say we can take a hard look at it.

7

8 CHAIRMAN DEMIENTIEFF: Ralph.

9

10 MR. LOHSE: Well, I think Tom hit the
11 nail on the head how we fix that. We put them off until
12 -- if a proposal's not ready to be addressed, if we don't
13 have all the information we put that off until the next
14 round so that it can be taken to the RAC and be
15 completed.

16

17 I'd just like to comment on what Gary
18 said before. I hope that you all are like Gary that way,
19 and you're willing to tell your Staff or the RAC or the
20 Fish and Game or somebody making testimony out there that
21 you disagree with them. And that you're willing to take
22 all the information that you get and you're willing to
23 make the best decision that you can with the information
24 that's presented to you. I don't expect you to agree
25 with us all the time. I don't expect you to agree with
26 Fish and Game. I don't expect you to agree with everybody
27 that testifies. But I do expect you to try to take the
28 information that's presented to you and use it to come up
29 with the best decision that you can come up with.

30

31 CHAIRMAN DEMIENTIEFF: Okay. Is that the
32 concurrence of the Board, that we go ahead and postpone a
33 decision pending a little bit more work.

34

35 (Board nods affirmatively)

36

37 CHAIRMAN DEMIENTIEFF: Okay. If there's
38 no disagreement with that, we'll move on to Regional
39 Council discussion items. I note that we only have four
40 of the 10 RAC chairs here so -- but there is one thing
41 you guys can know, and we will make the effort to get it
42 out to the other -- to get it out to the Regional Council
43 meetings, I don't know exactly how we do that so I'll
44 leave that to Tom.

45

46 I was hoping more of the RAC Chairs would
47 be here. The Board met last week and we decided that we
48 missed our RAC Board meetings. RAC Chair Board meetings.
49 We have several issues, we went over them. Having them
50 before the regulatory meeting sends the wrong message to

00306

1 people who are on the outside, who aren't a RAC Chair.
2 So we're going to have those meetings at the conclusion
3 of the regulatory meeting. We are going to have them in
4 public, we don't really have anything to hide anyway, you
5 know. That gives also wrong impressions, the way we were
6 doing it before in executive session, you know, prior to
7 the regulatory, it just kind of made it look like we were
8 making wheels and deals behind closed doors, which wasn't
9 the case and we all knew that.

10

11 The other thing that we are going to
12 submit, we want agenda items submitted for review prior
13 to the meeting, and we'll set the timeframe out for that.
14 And basically that would be for legal counsel review so
15 that we're not inadvertently scheduling items that are
16 matters of litigation so that's -- we'll set a deadline
17 ahead of that and we'll have that out in time for the
18 RACs to take a look at that. But we realized, we talked
19 over many items and Board members and RACs, you know, can
20 nominate agenda items for that. We'll just have to
21 screen them and go through them, because it's a definite
22 function and we miss it. So we'll get more to you on
23 that and we'll get it out in time for your RAC review.

24

25 You guys have any other concerns. Yes
26 John.

27

28 MR. LITTLEFIELD: Mr. Chair, is today
29 the last day?

30

31 CHAIRMAN DEMIENTIEFF: Yes.

32

33 MR. LITTLEFIELD: Okay. Well, I have a
34 few concerns then, I guess I better bring them up. I'm
35 really disappointed, I thought we were going to have a
36 full Council Chairs here, but I'll just go ahead and
37 speak for our Council and say some of the things that
38 we've had problems with.

39

40 Of course one of them you heard this
41 afternoon, was Stikine, and let me tell you it hasn't
42 gone away. We didn't really -- if you listen to what was
43 said we really didn't get anything for sure but we think
44 it's much better than what it was. In other words I'm
45 certainly happy with what the Commissioner -- Deputy
46 Commissioner said and we expect good results out of that
47 meeting that's coming up. It's still a burning issue for
48 the Southeast Regional Council, is to get what they
49 believe is a thousands of years old fishery that predates
50 Canada and the United States recognized, there's nothing

00307

1 new about it and they'll tell you that, and over and over
2 they've told you it's not a new fishery.

3

4 The other thing is U2 deer. You're going
5 to see 16 wildlife proposals next time we meet that have
6 to do with deer in Units 1 through 5. Fourteen of those
7 proposals specifically deal with U2 deer. And when we
8 talked last year we were going to have some progress
9 reports monthly, we were going to have a report from a
10 contractor for the Forest Service of whether we could be
11 like Rodney King and all get along, and I'd like to know
12 where we are on that. U2 is not going away. We need to
13 get the data that we've asked for.

14

15 We've asked specifically to get the State
16 to require more mandatory reporting because our reports
17 have been, according to Mr. Brainard, he usually does
18 those, I believe, have been very good, we've had good
19 reports, in the 90s and 100 percentile return. We need
20 to get a good handle on deer, because it's not going to
21 go away we can see that there's 16 proposals. So all the
22 information that we can gather on U2 deer would be very
23 good. So with that in mind we may or may not be
24 submitting something to the Fish and Game on agenda
25 change request to try and gather more information.

26

27 Gathering more information, that's
28 another one I got problem with. We have -- at the Craig
29 meeting came up with, I believe, two resolutions and
30 three or four letters. Well, I haven't been able to sign
31 a single one of them and send them out. That's because
32 there's a moratorium on correspondence from the Regional
33 Council Chairs. We've got to be able to do our job. The
34 Regional Advisory Councils are here because if you read
35 FACA to -- in their independent judgement, make
36 recommendations to the Federal Board, the Secretary. And
37 I emphasize the word independent. We can't have people
38 who are not the Federal Board, in other words, if you
39 read our charter, the charter says we report to the
40 Federal -- to the Chair, Mitch and that's completely
41 within bounds. If Mitch says I don't want you writing
42 any letters and here's the rational for why it isn't
43 done, then we won't write any more letters. But we don't
44 have that, we have some Staff people who have told us we
45 can't write any more letters. And so I want you guys to
46 address this and I think the Board needs to address it.

47

48 I've got information gathering stuff on
49 customary trade which I'll bring up here in a minute.

50

00308

1 We want to make a statement to the North
2 Pacific Management Council. We made an oral statement
3 for those two items and Mr. Probasco carried those the
4 next day to a North Pacific Fisheries Management Council
5 meeting. They're on the transcripts, I mean you can't
6 hide the transcripts, what we said. But when we tried to
7 follow up -- follow that up with a letter explaining what
8 we said, we can't do it and I think those issues need to
9 be solved. We've been doing this, at least, as far I
10 know, since I've been on here, and my understanding is
11 this has always gone on. We're not going to write
12 letters hopefully that would -- that would make the
13 Secretary -- make me not the Chair tomorrow or maybe not
14 sit on the Council.

15

16 I don't think we're going to do that. We
17 have to be able to gather information though, that's part
18 of our job. And one of the things that we talked about
19 was the meetings, getting participation by others to
20 attend. If we'd have had 12 letters from Petersburg,
21 most likely we would have done that a little bit
22 different, most likely. We had none and so I would like
23 to see at least the Regional Chair have the ability to
24 write letters to -- we're going to meet next time in
25 Sitka. We should be talking to the Sitka Tribe, we
26 should be talking to the Alaska Native Brotherhood, we
27 should be talking to the Sitka Fish and Game Advisory
28 Committee, and I should be writing them a letter saying
29 we want you to gather up all your people, come to us with
30 problems.

31

32 Now, that's our job, and if I can't write
33 a letter to anybody or comment on anything, I don't think
34 we can fulfill that job correctly.

35

36 That's my own personal perception. But I
37 can tell you right now we're on a moratorium I'd like you
38 to resolve that.

39

40 Two of those issues, since Craig have
41 become moot, because what they took a resolution and
42 action on is gone. In other words, it wouldn't make any
43 difference if you said go ahead and sign them, it's moot.
44 We can't wait around for months and months to get these
45 done, I either have to have that authority within
46 reasonable bounds. In other words we're not asking you
47 to write goofy letters to the President and whatever
48 something like that. We're just not going to do that and
49 no one ever has. It's been past practice and hopefully
50 if it's not broke you don't need to fix it, that's

00309

1 personally what it is.

2

3 Some other perceptions. I talked about
4 customary trade we wanted to write a letter to Mitch
5 asking for a definitive definition of customary trade.
6 If you'll remember at the last Board meeting I complained
7 about that little brochure that was laying on the table
8 outside when I came in. That had in one column is it
9 legal for me to sell fish, and it said yes and if you
10 looked at the next column it said no. Then it had a
11 bunch of gobultry-gook [sic] about different State
12 regulations in there that have nothing to do with the
13 Federal program. Can we do customary trade or not, that
14 was our question to Mitch and the Board and we want that
15 answered.

16

17 The other letter we were going to send
18 was to the State of Alaska on the very same issue. On
19 customary trade and say we don't like this statement that
20 says we're going to let you get away with a little of
21 breaking the law, but we're not -- we're only going to go
22 after the big guys. I think that's wrong and I think we
23 need to settle that. It was talked about a little
24 earlier on breaking the law, Ralph brought that up on 35
25 mesh, these people break the laws. The law is there and
26 meant to be enforced and right now we've got the State
27 saying well we're not going to bust you unless you take
28 too much.

29

30 I don't want to go with that, in other
31 words if it's customary and traditional we want to do it;
32 that's what the law says.

33

34 The Council was also concerned about the
35 non-voting Federal Subsistence Board member and they took
36 a position on that. I haven't heard it discussed. We
37 support the record of decision that says the State
38 liaison, which is one, not three, the State liaison,
39 which is one, is on the same par as the Regional Council
40 Chairs. In other words if you look at that in the record
41 of decision it says that we will serve as liaisons to the
42 Board as well as a liaison from the State. I think the
43 State has got the good deal here we've had -- in the two
44 meetings I've had there was two before, and I think
45 that's great, we want that, but if we have on single
46 liaison, what we want is that one single liaison to be
47 the voice which is channeled through everything to us.

48

49 We're struggling with this U2 deer and
50 every person that gets up and testifies from a Department

00310

1 has a different story for us on where the deer are hiding
2 in the bushes and all this other stuff. We want that to
3 be funnelled through that liaison and hopefully we would
4 get one voice speaking from the State. So that might be
5 a good thing, it might be a good thing for all of us.

6
7 I guess I'm going on and on and on here.
8 I expected to do this Friday so I had some other
9 things, probably, that I did not bring with me. I guess
10 that's where I'm coming from and we'll leave it there. If
11 you have any questions I'll answer them.

12
13 CHAIRMAN DEMIENTIEFF: Any other Regional
14 Council comment.

15
16 MS. CROSS: I do. Thank you very much.
17 I'm really surprised we're already done, and alarmed
18 because there's so many fish proposals that the Board
19 addressed and there's so many concerns about the number
20 of fish there is out there. Maybe that's one reason we
21 have so many fishes in the consent agenda. That alarms
22 me.

23
24 But what I wanted to talk to you about is
25 that I'm very disappointed with -- we had made a --
26 Seward Penn had made a request to the Board about
27 increasing our RAC size from 10 to 13 because we felt
28 that our villages were not adequately represented. We
29 had a letter from the Board that said it would be
30 addressed at '04. Unfortunately when I look at our
31 charter it was already a done deal so I guess we will
32 renew that next year. But I still wanted to bring that
33 out, that letter, a request will still be coming to the
34 Board requesting that our RAC be increased to 13.

35
36 Right now, currently, one of the regions
37 that we have -- there's two villages from within one of
38 our game units that do not have anybody representing
39 them. So next closest game unit is trying to work with
40 them so we can get some kind of representation. I
41 realize that, you know, we do call and we do work with
42 the IRA Councils and try to get representation from them
43 but it would really be nice if -- you know, if our RAC
44 number increased then we wouldn't have so many worries
45 about that.

46
47 But anyway I wanted to tell you that I am
48 disappointed in that and I think the RAC will be very
49 disappointed also, that although we were told this was
50 going to happen, at least, would be considered, it didn't

00311

1 happen but I know that perhaps it wasn't within your
2 control either. I would like to ask the Board to please
3 make sure that any request, maybe we're the only one that
4 made the request to go from 10 to 13. That those be
5 taken into consideration next year and not have another
6 delay because any delay means less representation from my
7 communities up there.

8

9 I also wanted to thank the Federal Staff
10 for helping us so much this year. We had a number of --
11 we have numerous game problems especially pertaining to
12 moose. The Federal Staff has been very helpful
13 throughout the year and have worked with us and we do
14 like having -- not going in front of the Board to ask for
15 special actions also, it really speed up the process. I
16 think that was a really good step and I thank the Board
17 for moving in that direction because it was one less
18 meeting for me.

19

20 I find that working directly with the
21 Federal Staff you can accomplish a lot more also in that
22 respect.

23

24 So, well, thank you for the meeting and I
25 hope my concerns about why this meeting is short is kind
26 of unfounded but I don't think so. Thanks, bye.

27

28 CHAIRMAN DEMIENTIEFF: Yeah, the consent
29 agenda is real hard, I mean, you know, so many things on
30 there that it makes it difficult for us to schedule the
31 meetings. So we try to over schedule and if we get done
32 soon then -- to allow us extra time. Sometimes we do we
33 have been known to, John's already notified us that we
34 are going to have an extra day in the spring meeting just
35 to deal with Unit 2 deer.

36

37 (Laughter)

38

39 CHAIRMAN DEMIENTIEFF: So, you know, I
40 mean sometimes we do get hung up, but we do allow
41 ourselves extra time in case that does happen. So that's
42 why when we say we're going to meet this long it doesn't
43 always work out like that.

44

45 Any other comment.

46

47 MR. LITTLEFIELD: Mr. Chair, follow up.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

00312

1 MR. LITTLEFIELD: On a positive note I
2 forgot to mention this earlier. Doug McBride is he here,
3 there's Doug in the back. Earlier we discussed -- we
4 talked about six and a half million bucks, I think, that
5 you guys are just kind of like sure, no problem. Well,
6 there was a reason for that and because it was well
7 thought out and the Technical Review Committee in
8 Southeast responded to the information that we gave them
9 in Anchorage about two years ago -- two, three years ago
10 we told them what our priorities were. Our priorities
11 were salmon, specifically sockeye and TEK projects, and
12 high capacity for partnering.

13

14 I forgot to mention this, is when he
15 presented those proposals that you voted on and accepted
16 for Southeast Alaska, every one of them, I believe there
17 was nine of them. Every single one of them had either a
18 tribe or some other entity as a co-investigator, and
19 that's because, I think, that Doug and his help has made
20 this possible. And they've told those people if you want
21 to get a project you're going to be -- you're going to
22 have to get yourself a partner. I really want to commend
23 him for that and we appreciate that in the Regional
24 Council. I think it's quite a feather in his cap that
25 every one of those projects were partnered as much as
26 they were.

27

28 Because that's where I think that money
29 should go.

30

31 Thanks, Doug.

32

33 MR. BOYD: Mr. Chair. If I might just
34 address one of Mr. Littlefield's concerns regarding the
35 matter of Council correspondence.

36

37 John and I did have a discussion about
38 that -- a meeting about that, was it about three weeks
39 ago or so, and when this came to my attention there were
40 a number of issues that I think the Council wanted to
41 correspond on that at least in my view fell outside the
42 purview of both the Council and the Federal Subsistence
43 Program. And that's not to say that no one had any ill
44 intentions or any of that sort of thing.

45

46 The Councils have a lot of issues that
47 come to them from the public that are of concern to the
48 people in the region. They need to -- they're looking
49 for a way to resolve those issues or at least bring them
50 to the appropriate entity's attention. But there were

00313

1 several of those issues that I -- as it can to my
2 attention, I felt were problematic, from the stand point
3 of understanding the appropriate role and relationship of
4 the Council within the context of the program and with
5 the Board.

6
7 When I first became aware of them
8 contacted the solicitor's office, we had a discussion and
9 without saying a whole lot, I became concerned that we
10 needed a fuller discussion about how Council
11 correspondence should be handled. And to that end I've
12 asked Staff to work on a protocol or a set of guidelines
13 that we do intend to bring before the Federal Subsistence
14 Board to address those concerns. We certainly want to be
15 able to accommodate the concerns from the Council, but at
16 the same time respect the authorities, roles and
17 responsibilities in the relationships of the Council to
18 the Board.

19
20 That's really all I'm after and I don't
21 want to belabor this issue except to say that if you do
22 have a letter that you want to write to the Board I think
23 that's totally appropriate and you should to bring your
24 information to the Board. If there are other issues --
25 and I think we've tried to address some of the other
26 issues through other means that you've raised to us. I
27 know that a couple of those issues, the time lapsed on
28 them and they became moot.

29
30 But I think for the future what we want
31 to do is develop a set of guidelines that all the
32 Councils can abide by that will keep everything
33 appropriate within the context of the law and the role
34 and relationships of the Councils and the Board.

35
36 MR. BROWER: Mr. Chairman.

37
38 CHAIRMAN DEMIENTIEFF: Yes.

39
40 MR. BROWER: Yes, thank you. I'd just
41 like to thank the Board for giving me the opportunity to
42 participate in these meetings. It's a ongoing learning
43 process for me. I know I didn't have much to say all the
44 time I've been here. It's just we don't have very much
45 fisheries issues on the North Slope. Doesn't say that we
46 don't have any problems, but it's just that we don't have
47 the issues to bring out to the Federal Subsistence Board.

48
49 And I just wanted to take this time to
50 thank you for giving me the opportunity to be here.

00314

1 Thank you.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Are we
4 ready to move on. Grace.

5

6 MS. CROSS: Harry, you can be grateful
7 that the bowhead whale is not classified a fish.

8

9 (Laughter)

10

11 MR. BROWER: Thank you, Grace.

12

13 CHAIRMAN DEMIENTIEFF: Okay. We're going
14 to move on. We got one more little matter that we need
15 to take care of. Oh, I'm sorry, Ralph.

16

17 MR. LOHSE: All I was going to say was
18 there's a book that says even a fool is considered wise
19 when he keeps his mouth shut. I think I've blown that
20 this meeting, so with that, I'll just thank you for the
21 meeting and I will not bring up any concerns at this
22 point in time.

23

24 CHAIRMAN DEMIENTIEFF: We got a couple
25 more little resolutions that the Board has signed and Tom
26 is going to go over them.

27

28 MR. BOYD: I'm going to read two
29 resolutions and the occasion and the individuals that
30 they're about are both in the room so I think they will
31 be honored.

32

33 This is a resolution of the Federal
34 Subsistence Board honoring Ms. Helga Christine Ekon on
35 the occasion of her retirement.

36

37 Whereas, Ms. Helga Christine Ekon has
38 honorably and capably served the Federal
39 Subsistence Program for the past 10
40 years, from 1993 to the present. First
41 as Regional Advisory Council coordinator
42 for the Bristol Bay and Southcentral
43 Regional Advisory Councils and
44 subsequently as the Inter-Agency
45 Coordinator, policy analyst in the Fish
46 and Wildlife Service Office of
47 Subsistence Management;

48

49 Whereas, Helga's support to the Regional
50 Advisory Councils has set the high

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standards in customer service for organizing and coordinating numerous Council meetings in rural Alaska, ensuring her assigned Councils were well informed and organized and that their accommodations were so arranged that they could affectively perform their roles;

Whereas; Helga's diligent service to the Federal Subsistence Board and the Inter-Agency Staff Committee over the last four years has caused her to be known as a master at managing a dynamic agenda covering hundreds of issues, proposals and briefings;

Whereas, Helga provided remarkable support to the attorneys of the Department of the Interiors Regional Solicitors Office and the Department of Justice in overseeing the development of the administrative record and other supporting materials in preparation for the defense of the U.S.'s position in three major legal challenges to the program;

Whereas, Helga's staunch support and advocacy for the purposes and principles of the laws guiding the program and her strong sense of ethics and morality has engendered an atmosphere of fairness and justice during many internal deliberations on difficult and contentions issues;

Whereas, Helga's good nature, positive attitude and caring demeanor has endeared her to her colleagues in the Office of Subsistence Management, the five participating Federal Agencies, The Alaska Department of Fish and Game, the Federal Subsistence Board and the Regional Advisory Councils whom she has served; and

Whereas, Helga is officially retiring from Federal service after December 31, 2003;

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Be it resolved that the Federal Subsistence Board praises and commends Ms. Helga Ekon to the fullest in achieving the highest standards of excellence in public service;

Be it further resolved on this date December 10, 2003 that the Federal Subsistence Board wishes Ms. Ekon a long and blessed retirement as she begins a new phase in her life as a respected elder and sharer of wisdom.

(Applause)

And one more.

Resolution of the Federal Subsistence Board honoring Ms. Peggy J. Fox on the occasion of her retirement. It's a little while longer but this is a good occasion to do it.

Whereas, Ms. Peggy J. Fox has honorably and capably served the Federal Subsistence Board for 11 years, from 1991 to '94 as Division Chief for Inter-Agency Coordination Policy and Planning in the Fish and Wildlife Service, Office of Subsistence Management; from 1995 to '96 as the Bureau of Land Management Staff Committee Representative; and from 1996 to the present as the Deputy Assistant Regional Director in the Fish and Wildlife Service;

Whereas, Peggy's strong leadership as Chair of the Inter-Agency Staff Committee has enabled coordination and consistency in program implementation across the five participating Federal Agencies. Incisive analyses and recommendations to support the decision-making role of the Federal Subsistence Board. And collegial problem solving and resolution of many difficult issues facing the program;

Whereas, Peggy's organizational vision and ability to manage a multitude of detail has enabled the Office of

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Subsistence Management, and hence the program to make remarkable progress since 1999 in both designing and implementing a strategy to take on the new and momentous role of managing Subsistence fisheries following with the Katie John decision;

Whereas, Peggy's unwavering commitment to excellence, inspirational leadership and unparalleled managerial abilities has brought about improved production and efficiencies in business practices and processes resulting in significant improvement in the quality of Staff work and customer services provided by the Office of Subsistence Management;

Whereas, Peggy's compassion, ability to listen and relate to people and sense of humor has endeared her to her colleagues in the Office of Subsistence Management, the Five participating Federal Agencies, the Alaska Department of Fish and Game, and the Federal Subsistence Board and the Regional Advisory Councils; and

Whereas, Peggy is officially retiring from Federal service after January 30th, 2004;

Be it resolved that the Federal Subsistence Board praises and commends Ms. Peggy Fox to the fullest in achieving the highest standards of excellence in public service;

Be it further resolved on this date December 10, 2003 that the Federal Subsistence Board wishes Ms. Fox a long and blessed retirement as she begins this new phase in her life.

(Applause)

MR. BOYD: You still have a little time left.

(Laughter)

CHAIRMAN DEMIENTIEFF: I told you I was

00318

1 worried about the program yesterday and Tom's ability to
2 keep the program moving without those two. An indication
3 of that is it took him all weekend long to write those
4 two letters without their help, I mean resolutions.
5 Okay, thank you all for putting with my cold -- every
6 time -- go ahead.

7

8 MR. LITTLEFIELD: Mr. Chair. I was
9 informed this afternoon that Mr. Bill Thomas, a long time
10 Regional Chair was in the hospital in Ketchikan with
11 pneumonia and was doing very badly so I just wanted to
12 hope that you would keep him in your thoughts and prayers
13 if you wish, but he's in the hospital.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you. I
18 forgot what I was going to say, oh, I just wanted to
19 thank everybody in closing for all their hard work and
20 making this, I think, a very successful meeting and I
21 feel good.

22

23 I mean to tell you there are meetings
24 that I come out of that are so pressure packed, I just
25 come out literally shaking from.....

26

27 MR. LITTLEFIELD: U2 deer.

28

29 CHAIRMAN DEMIENTIEFF: Yeah, that would
30 be one of them. You know when we get -- Tom and them
31 always say I never show it when I'm conducting a meeting
32 but we all release stress in different ways and that's
33 mine. I don't release until the meeting is over, so if
34 you see me rattling around if we're having a -- when
35 we're done with a tough meeting that's just my stress
36 coming out but I'm not going to have that problem this
37 time because I think it's been a real good meeting .

38

39 I thank everybody, wish everybody a Merry
40 Christmas and lets all go.

41

42 (END OF PROCEEDINGS)

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C E R T I F I C A T E

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

I, 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 149 through 318 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken electronically by Nathan Hile on the 10th 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 18th day of December 2003.

Joseph P. Kolasinski
Notary Public in and for Alaska
My Commission Expires: 4/17/04 _