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FEDERAL SUBSISTENCE BOARD  
PUBLIC REGULATORY MEETING

VOLUME I

EGAN CONVENTION CENTER  
ANCHORAGE, ALASKA

JANUARY 11, 2005  
8:30 o'clock a.m.

- MEMBERS PRESENT:  
Mitch Demientieff, Chair  
Judy Gottlieb, National Park Service  
Paul Tony, Bureau of Indian Affairs  
Denny Bschor, U.S. Forest Service  
George Oviatt, Bureau of Land Management  
Gary Edwards, U.S. Fish and Wildlife Service  
Keith Goltz, Solicitor

Recorded and transcribed by:  
Computer Matrix Court Reporters, LLC  
3522 West 27th Avenue  
Anchorage, AK 99517  
907-243-0668  
jpk@gci.net

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

2  
3 (Anchorage, Alaska - 1/11/2005)

4  
5 (On record)

6  
7 CHAIRMAN DEMIENTIEFF: We'll go ahead and  
8 call the meeting to order. My name is Mitch Demientieff,  
9 Chairman of the Board. We're just going to go around the  
10 table and have everybody give their introductions. I  
11 want to wish everybody a Happy New Year as we're  
12 starting. We, like everybody being a family man, I enjoy  
13 spending time with the kids and the grandkids during the  
14 course of the holidays, but I look forward to going back  
15 and going back to work as soon as the New Year is over,  
16 much as I love them, I like to get away from them once in  
17 awhile.

18  
19 (Laughter)

20  
21 But I appreciate the fact that  
22 everybody's taking the time to be here. If I do seem a  
23 little bit off, you know, and Tom usually helps me on  
24 this but I got my book at home in the mail and so I  
25 pulled it out of the box and I was studying it and I  
26 lifted the thing up and it wasn't bound, so the whole  
27 thing just kind of fell out and so I had a heck of a time  
28 to try to put it all together. I went through everything  
29 but it wasn't necessarily in the same order that it was  
30 intended to be in. So funny little things happen, I  
31 guess, and you might as well start your New Year's out  
32 with a bang, I guess.

33  
34 So that's my little story and welcome  
35 everybody, again, and I'm happy to be here. And we'll  
36 just go around and do introductions.

37  
38 MS. GOTTLIEB: Good morning. I'm Judy  
39 Gottlieb with the National Park Service.

40  
41 MR. TONY: Paul Tony with the Bureau of  
42 Indian Affairs.

43  
44 MS. BSCHOR: I'm Denny Bschor with the  
45 U.S. Forest Service.

46  
47 MR. GOLTZ: Keith Goltz, Solicitor's  
48 Office.

49  
50 MS. GREGORY: Mary Gregory, Yukon-

1 Kuskokwim RAC member.  
2  
3 MR. REAKOFF: I'm Jack Reakoff from  
4 Wiseman. I'll be representing the Western Interior  
5 Regional Council.  
6  
7 MR. STONEY: Raymond Stoney from  
8 Northwest Arctic RAC. Happy New Year, Mitch.  
9  
10 MS. CROSS: Grace Cross from Seward Penn,  
11 and Happy New Year from Seward Penn.  
12  
13 MR. FRIED: Steve Fried, Fish and  
14 Wildlife Service, Office of Subsistence Management.  
15  
16 MR. CANNON: Richard Cannon, Office of  
17 Subsistence Management.  
18  
19 MR. KLEIN: Steve Klein, Office of  
20 Subsistence Management.  
21  
22 MR. BERGSTROM: Dan Bergstrom, Office of  
23 the Department of Fish and Game. I'm with Commercial  
24 Fisheries Division.  
25  
26 MS. SEE: Marianne See with Fish and  
27 Game, Subsistence Division.  
28  
29 MR. BOYLE: Larry Boyle with the  
30 Department of Fish and Game, Sportfish Division.  
31  
32 MR. MECUM: Good morning. My name's Doug  
33 Mecum. I'm the director of Commercial Fisheries for the  
34 Alaska Department of Fish and Game. And as you know,  
35 recently our Commissioner resigned, Kevin Duffy, took  
36 another position. And normally David Bedford who's our  
37 Deputy Commissioner would be sitting here but he's in the  
38 middle of U.S./Canada Treaty Negotiations. But it's a  
39 pleasure to be here today.  
40  
41 MR. LITTLEFIELD: Good morning. John  
42 Littlefield, Southeast Regional Chair. Good morning and  
43 Happy New Year.  
44  
45 MR. LOHSE: Good morning. Ralph Lohse,  
46 Southcentral Regional Chair.  
47  
48 MR. NICHOLIA: Good morning. Gerald  
49 Nicholia for the Eastern Interior. Happy New Year's  
50 everybody.

1 MR. OVIATT: George Oviatt from the  
2 Bureau of Land Management.

3  
4 MR. EDWARDS: Gary Edwards, U.S. Fish and  
5 Wildlife Service.

6  
7 MR. BOYD: Tom Boyd, Fish and Wildlife  
8 Service, Office of Subsistence Management.

9  
10 CHAIRMAN DEMIENTIEFF: Corrections or  
11 additions to the agenda.

12  
13 (No comments)

14  
15 CHAIRMAN DEMIENTIEFF: Okay, with that  
16 we'll go ahead and go to -- if there are no corrections  
17 or additions to the agenda we'll go ahead and go to  
18 public comment period on non-agenda items.

19  
20 (No comments)

21  
22 CHAIRMAN DEMIENTIEFF: I have no requests  
23 at this time for public comment on non-agenda items, so  
24 we'll move on to public comment period on consent agenda  
25 items.

26  
27 (No comments)

28  
29 CHAIRMAN DEMIENTIEFF: I have no requests  
30 at this time with regard to that agenda item and the  
31 prior to items, this one and the non-agenda item, we will  
32 give opportunity at the beginning of each day as things  
33 come up for public comment. So that opportunity, the  
34 window will still be there and so we'll go ahead and deal  
35 with those as the requests come in.

36  
37 Public comment period on marine  
38 jurisdiction proposed rule -- okay, with that we're going  
39 to -- we will back up for a moment and go through the  
40 consent agenda items.

41  
42 We are going to go back and Tom will  
43 review the consent agenda items for the regular fisheries  
44 regulatory proposals, and then I will entertain a motion  
45 once Tom has reviewed those consent agenda items and I  
46 will entertain a motion for us to get them up for  
47 consideration. We will not vote on them, as we have in  
48 the past, on the motion, until the end of the meeting,  
49 and that gives ample opportunity for Board members, if  
50 they so choose, to request that an item be pulled off of

1 the consent agenda, as we get comments on them, as people  
2 present their points of view. But we are going to go  
3 through them and we will get a motion on the table and it  
4 will be voted on at the conclusion of our regulatory  
5 meeting, so people will have a chance to comment on those  
6 issues. We don't intend to take a vote on them until the  
7 end of the meeting, the regulatory meeting.

8

9 So with that, Tom, go ahead.

10

11 MR. BOYD: Mr. Chair, I will refer the  
12 Board to Page III just behind the agenda, the meeting  
13 agenda, and on that page there is the list of consent  
14 agenda items. And just very quickly these are the  
15 proposals for which there is an unanimous agreement among  
16 Federal Subsistence Regional Advisory Councils, Federal  
17 Interagency Staff Committee, and the Alaska Department of  
18 Fish and Game concerning recommendations for Board  
19 action. And I'll quickly read these.

20

21 They are Proposals FP05-16, 05-18, 05-22,  
22 05-24, 05-26, 05-11, 05-12, 05-14, 05-15, 05-10, 05-09,  
23 05-07 and 05-08.

24

25 These are the consent agenda items, Mr.  
26 Chair.

27

28 CHAIRMAN DEMIENTIEFF: Thank you. With  
29 that the Chair will entertain a motion to adopt the  
30 consent agenda items.

31

32 MR. TONY: I move to adopt the consent  
33 agenda items.

34

35 CHAIRMAN DEMIENTIEFF: Thank you. Is  
36 there a second.

37

38 MR. EDWARDS: Second.

39

40 CHAIRMAN DEMIENTIEFF: Okay, it's been  
41 moved and seconded. Again, at the beginning of each day  
42 you'll have the opportunity to comment on them and Board  
43 members, at any time, can request items off of the  
44 consent agenda as we hear testimony. So that's where  
45 we're at and we will vote on that at the end of the  
46 meeting.

47

48 MS. GOTTLIEB: Mr. Chair.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

1 MS. GOTTLIEB: I thought if I could, I'd  
2 just like to take a minute to recognize what I think is a  
3 milestone for you, which might be the beginning of about  
4 the 10th year of you serving as Chair of this Board. It  
5 was about five years ago we had a session that brought in  
6 most of the Regional Advisory Council Chairs and we were  
7 talking about fisheries. I think it was Grace Cross from  
8 Seward Penn who said to you, you've just got 10 fish RACs  
9 added to your agenda, shall we say.

10

11 So while I was up in Grace's region this  
12 summer I saw something that kind of was an example of a  
13 fish rack and I thought I would present that to you in  
14 gratitude for all the service you do for all of us, and,  
15 thank you.

16

17 (Applause)

18

19 MS. GOTTLIEB: This is from Teller, and  
20 it's a satellite dish which is also serving as a fish  
21 rack.

22

23 (Laughter)

24

25 CHAIRMAN DEMIENTIEFF: Yeah, fish racks  
26 have certainly changed through the years.

27

28 (Laughter)

29

30 CHAIRMAN DEMIENTIEFF: I appreciate your  
31 comments, Judy, but let me say this and that is, is that,  
32 I've always been a team player and while I recognize that  
33 maybe I might have the most difficult job during this  
34 regulatory process that we go through, I've always  
35 heavily relied on the people that we have had as a team  
36 because you just don't get all the ideas on the table  
37 without people working. And so I do appreciate your  
38 comments, but I also want to just kind of thank everybody  
39 for being able to participate in the process because all  
40 of together, really, is what makes this thing work. So  
41 thank you very much.

42

43 Okay, Fisheries Resource Monitoring Plan.  
44 Who's going to lead this, Steve, who just ran away.

45

46 Steve.

47

48 MR. KLEIN: Good morning. We have the  
49 Fisheries Resource Monitoring Plan up first, and in your  
50 Board Books that's summarized in Pages -- the first 168

1 pages of your book. We're going to try to cover it in a  
2 shorter time period.

3

4 First, I would like to do an overview of  
5 the 2005 Monitoring Plan and how we got to where we are  
6 at today. And within that Monitoring Plan we have two  
7 non-consent agenda items that we need Board action on,  
8 and then we'll need the Board to take action on the full  
9 consent agenda.

10

11 For the 2005 Monitoring Plan, actually  
12 this process began 15 months ago, way back in November of  
13 2003, and we went through the same seven step process  
14 that we've used since the program was launched, and those  
15 steps are described on that slide. And basically we're  
16 implementing what the Board told us to do and that was to  
17 use a technical body, the TRC and the FIS Staff to build  
18 the best science plan possible, take it out to the  
19 Councils and get their review and then bring it to the  
20 Board for final review.

21

22 So the first step in the process in what  
23 began in November 2003 was the request for proposals. As  
24 you recall we have over \$7 million available for the  
25 Monitoring Program. Five million of that is already  
26 committed by the Board to projects you previously  
27 approved last year and back in 2003. In fact, in 2005,  
28 there'll be 57 projects operating that you've previously  
29 approved in the first five million, and then we have a  
30 quarter million dedicated to the Partner's Program, and  
31 the balance is two million, which is what we have  
32 available for projects in 2005.

33

34 As a result of the request for proposals,  
35 we received 59 proposals, and we got the Technical Review  
36 Committee to review those using the four ranking criteria  
37 that the Board has given us, and those are strategic  
38 priority, scientific merit, past performance, and  
39 partnerships and capacity building. The TRC reviewed  
40 those 59 proposals, they totaled almost five million  
41 which was way above our funding target. After the TRC  
42 review of the proposals we recommended that 37 of those  
43 be advanced to where they prepare a more detailed  
44 investigation plan where we can more thoroughly look at  
45 the methods, the objectives and deliverables, and we  
46 moved 37 of those forward and those totaled 3.1 million,  
47 and that represented about 150 percent of the funding.

48

49 So the next step was we received the  
50 investigation plans, the TRC convened again. Thirty-one

1 of the investigation plans came in in June of 2004,  
2 again, the TRC used those same four criteria to review  
3 those. And of those 31, the TRC recommended that 24 of  
4 those projects be funded and those totaled almost \$2  
5 million, and that's what formed the Draft 2005 Monitoring  
6 Plan.

7  
8                   So then we went to the fifth step, which  
9 is to review -- have the Councils review those at their  
10 fall 2004 meetings, we did that this past fall, and then  
11 the Staff Committee and Alaska Department of Fish and  
12 Game met in November to look at those investigation plans  
13 and we got their review as well.

14  
15                   Similar to regulatory proposals we form a  
16 consent agenda for the Monitoring Plan, and for the  
17 Monitoring Plan a consent item would be one where the  
18 TRC, the Technical Review Committee, the Regional  
19 Councils and the Staff Committee all recommended that the  
20 project be funded. And for 2005, of the 31 studies that  
21 we received, 29 of those we had unanimous agreement  
22 between the TRC, the Councils and the Staff Committee,  
23 and 22 of those we agreed to fund and seven of those we  
24 agreed not to fund and two of those we had disagreement  
25 on. But 29 out of 31, I think that's indicative of the  
26 program. To me it shows some outstanding Staff work by  
27 Staff and FIS Division, the Technical Review Committee,  
28 they once again did a stellar job and they're  
29 volunteering weeks of their time to commit to that and I  
30 would like to acknowledge the TRC members because of that  
31 time commitment and really that's the foundation of  
32 making a sound science plan.

33  
34                   And this year on the TRC we had Dr. Glenn  
35 Chen from BIA. We had Dennis Tole and Taylor Brelsford  
36 from BLM. Jeff Bromegen from the Fish and Wildlife  
37 Service. Dave Nelson from the Park Service. Cal Casipit  
38 from the Forest Service. Then from the State we had  
39 three representatives, one from each division, we had  
40 Gene Sandone, Dave Benard and Jim Fall. And then we also  
41 had two partner positions, Ericka McCall Valentine from  
42 Native Village of Eyak, and John Chythlook from Bristol  
43 Bay Native Association. So that was our TRC this year  
44 and they helped us deliver, I think, a very sound plan  
45 for you today.

46  
47                   And then a third reason I think we have  
48 agreement is we have a lot of support from the Councils  
49 for the Monitoring Program, and they were very supportive  
50 of the projects that we're recommending to be funding in



1 their areas.

2

3

4 So for the consent agenda we got 22  
5 projects. I kind of wanted to briefly cover what we have  
6 on the consent agenda, and if you had any questions on  
7 those, of course, we can address those, with Staff  
8 available to discuss those in detail, I wanted to go over  
9 them kind of briefly before we got to the non-consent  
10 items where we definitely need Board action.

11

12 So in the northern region we have a study  
13 on the Unalakleet River to estimate abundance of coho  
14 salmon.

15

16 In the Yukon region there's five studies  
17 we're recommending. One is a genetic stock  
18 identification of coho salmon; another one on the Anvik  
19 River to estimate summer chum abundance in that important  
20 stream; a mark/recapture project in the Tanana River; on  
21 Henshaw Creek by Tanana Chiefs Conference and the Fish  
22 and Wildlife Service to estimate abundance of chum and  
23 chinook in Henshaw Creek; and then in-season harvest  
24 assessment throughout the Yukon by Yukon River Drainage  
25 Fisheries Association.

26

27 Then on the Kuskokwim, which is where  
28 we're at here, there's six projects on the consent agenda  
29 that we're recommending you to fund today. One is  
30 whitefish pit tags to see if we can track whitefish  
31 moving up and down the Kuskokwim River; abundance of  
32 chinook salmon, this is the big telemetry project to  
33 estimate in-river abundance of chinook in the Kuskokwim;  
34 two weirs on the George and Takotna Rivers; a genetic  
35 stock identification study of chinook salmon. Then on  
36 Nunivak Island, a TEK study where they're looking at  
37 Pacific cod, sockeye salmon and Arctic grayling harvest;  
38 and then the post-season harvest surveys on the Kuskokwim  
39 that estimates harvest of chinook, chum, sockeye and  
40 coho, and then in addition non-salmon species in Bethel  
41 and Aniak.

42

43 In the Southwest region there's three  
44 projects proposed. One is sockeye salmon escapements in  
45 the Lake Clark, aerial surveys near Perryville and  
46 Chignik; and then harvest assessment and traditional  
47 ecological knowledge study of non-salmon in Togiak,  
48 Manokotak and Twin Hills.

49

50 Then in the Southcentral region we have  
two telemetry projects proposed. One looking at sockeye

1 salmon in the Copper River and then another one on  
2 steelhead. And then finally for Southcentral a study  
3 looking at changes in subsistence harvest on the Copper  
4 River.

5  
6 Then for Southeast Alaska we have two  
7 sockeye salmon projects, one at Kook Lake, one at Klawock  
8 Lake; and then a steelhead study on Prince of Wales  
9 that's addressing some of -- it will provide some  
10 valuable information for the Board for some of the  
11 regulatory proposals.

12  
13 And then finally we have the inter-  
14 regional region and there we have one study we're  
15 recommending to look at genetic species markers for  
16 whitefish to help us delineate whitefish species,  
17 particularly for juveniles.

18  
19 So that's the 22 projects that are on the  
20 consent agenda. And then what we need Board action on is  
21 the two non-consent items. One is on the Kuskokwim for  
22 in-season subsistence salmon harvest assessment; and the  
23 second one is on Lake Clark for a whitefish assessment.

24  
25 Similar to the regulatory proposals, what  
26 I'd like to do is have Staff present the Staff analysis,  
27 and then we'll have the Staff Committee's recommendation  
28 by Carl Jack, then take comments from Alaska Department  
29 of Fish and Game and then the Board would discuss it with  
30 the Council Chairs and the State liaison and then we  
31 would need Board action on both the two non-consent items  
32 as well as the consent agenda.

33  
34 CHAIRMAN DEMIENTIEFF: Who's going to do  
35 the Staff analysis?

36  
37 MR. KLEIN: The first project on the  
38 Kuskokwim, Rich Cannon will do the Staff analysis, and  
39 I'll turn it over to -- unless there's questions, turn it  
40 over to Rich to begin addressing that item.

41  
42 CHAIRMAN DEMIENTIEFF: Go ahead.

43  
44 MR. CANNON: Thank you, Mr. Chairman.  
45 Board members. My name is Richard Cannon. I am the OSM  
46 fisheries biologist who works with the Kuskokwim  
47 Fisheries Monitoring Program.

48  
49 The first item on your non-consent agenda  
50 is found on Page 5, it deals with Project 05-306,

1 Kuskokwim in-season salmon harvest data collection. It's  
2 a continuation project. The Alaska Department of Fish  
3 and Game and Orutsararmiut Native Council, ONC, propose  
4 continuation of this project which combines in-season  
5 harvest monitoring and age, sex, length data collection  
6 for the Kuskokwim River salmon subsistence fisheries.  
7 This project was initiated in 2000, was funded for three  
8 years, additional three years in 2001 and then for one  
9 additional year in 2004. Department of Fish and Game  
10 biologists and social scientists have worked closely with  
11 tribal groups to standardize in-season reporting of  
12 subsistence harvest. Department Staff have trained the  
13 tribal organizational personnel who collect, compile and  
14 report the harvest data from 40 to over 50 fish camps on  
15 a weekly basis. The ONC Staff also worked with local  
16 subsistence fishers who collect the age, sex, length  
17 data. State and Federal fisheries managers and the co-  
18 management Kuskokwim River Cooperative Fisheries  
19 Management Working Group have strongly voiced their  
20 support for continuing the age, sex, length data  
21 collection as well as the in-season monitoring activities  
22 included in this project.

23

24                   The in-season subsistence harvest data is  
25 used by managers to assess the reliability of test  
26 fishery catch indices which are the primary data used to  
27 manage the subsistence fishery in-season. In addition,  
28 fisheries managers have told us that the routine input  
29 provided by a large number of subsistence users helps  
30 them determine if their actions are working to provide  
31 subsistence harvest while ensuring conservation.

32

33                   The Technical Review Committee and  
34 Councils agree on funding the age, sex, length component  
35 of this proposal pending revision of the investigation  
36 plan which we have received. There has also been  
37 agreement that the ONC has done a terrific job of  
38 conducting the field work and reporting back the data.  
39 However, the Technical Review Committee and the YK-Delta  
40 Council disagree on the merits of the harvest monitoring  
41 component of the proposal. After considerable discussion  
42 of the merits of this component, all 11 members of the  
43 Technical Review Committee achieved agreement on the  
44 recommendation not to recommend funding for the harvest  
45 monitoring component.

46

47                   The Technical Review Committee wants the  
48 investigators to fully address three questions in a  
49 revised proposal for 2006. For two years the Technical  
50 Review Committee has requested that investigators

1 address:

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16 The Technical Review Committee has asked  
17 that these questions be addressed before being considered  
18 for subsequent years funding.

19

20

21 While the Western Interior Council  
22 supported the Technical Review Committee recommendations,  
23 the Yukon-Kuskokwim Delta Regional Council supported  
24 funding the full proposal to continue both in-season  
25 harvest monitoring and age, sex, length data collection  
26 in the Bethel area subsistence fishery. YK-Delta Council  
27 members were given a resolution which is provided to you  
28 on Page 6 prepared by the Kuskokwim Salmon Management  
29 Working Group requesting that the in-season harvest  
30 monitoring component of this project be funded. Several  
31 Council members spoke in favor of continuing the in-  
32 season harvest monitoring because of its importance to  
33 in-season subsistence management decision-making. The  
34 Council supported the motion to full the project.

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That concludes my analysis and I guess  
we'll take questions at this point, or I'm not sure how  
you want to proceed.

CHAIRMAN DEMIENTIEFF: Yeah, at any time  
I think during Board discussion if there are points that  
need to come out you'll be available for us.

Staff Committee recommendation, Carl.

MR. JACK: Thank you, Mr. Chairman. For  
the record my name is Carl Jack here to report on the  
Staff Committee recommendation.

The Staff Committee recommendation. The  
Staff Committee concurs with the FIS Staff analysis and  
supports the Technical Review Committee recommendation

1 to:

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12 The TRC further recommends that ONC and  
13 ADF&G develop a revised proposal for 2006 which addresses  
14 these questions.

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1. Fund the age, sex, length  
sampling component at the cost of  
approximately 45,000 annually

2. To not fund the in-season harvest  
monitoring component pending  
resolution of remaining issues.

The TRC further recommends that ONC and  
ADF&G develop a revised proposal for 2006 which addresses  
these questions.

Thank you, Mr. Chairman.

CHAIRMAN DEMIENTIEFF: Thank you, Carl.

I thank all of you for your hard work as far as that  
goes. Carl and I were talking this morning, early, about  
this particular proposal and the fact that he had to give  
the Staff Committee recommendation, I mean so in doing so  
he's losing his passport back to the YK-Delta. But those  
are the sacrifices we make.

Department comments.

MR. BERGSTROM: The Department does want  
to say that we appreciate the support from FIS for  
projects in this package as well as the previous years.  
We have one specific comment towards this issue before  
you.

Based on the input provided by the YK-  
Delta Regional Advisory Council, the Kuskokwim River  
Salmon Management Working Group and the fishery managers,  
the Department supports that in-season subsistence salmon  
harvest monitoring from late May to mid-July, and we did  
say that during the TRC meeting.

This time period encompasses the chinook  
salmon run which is extremely important to Kuskokwim  
River fishers. There appears to have been some questions  
regarding how this project is used. First, basically the  
fishing success reported by subsistence fishers is cross-  
checked with the Department's test fishing project. The  
in-season subsistence catch information has been used in  
combination with other information to support in-season  
management decisions such as relaxing the subsistence  
salmon fishing schedule.

1                   Secondly, the project provides an avenue  
2 for local user input into the determination of salmon run  
3 abundance and corresponding management strategies.  
4

5                   Obviously the TRC ran into the difficulty  
6 that all funding sources do where you have lots of  
7 projects and trying to determine which ones will be  
8 funded and it's a very difficulty situation for all those  
9 types of groups have to go through. But we do note that  
10 strong support for this project from the YK-Delta RAC and  
11 the Kuskokwim Salmon Management Working Group. The  
12 Department is aware that the funding portion of the in-  
13 season subsistence salmon monitoring project, however,  
14 this year would effect funding for another important FIS  
15 project in the Kuskokwim River drainage. It is  
16 unfortunate that there is not more funding availability  
17 for management research projects which provide very  
18 important information to all the user groups.  
19

20                   Thanks.

21  
22                   CHAIRMAN DEMIENTIEFF: Thank you. Board  
23 discussion. Council Chairs. Board members.  
24

25                   MR. EDWARDS: Mr. Chairman.

26  
27                   CHAIRMAN DEMIENTIEFF: Yes.  
28

29                   MR. EDWARDS: I might ask Mr. Klein, you  
30 know, it does seem that thee three questions that the FIS  
31 has or the group has proposed in-season are valid  
32 questions and I think we heard maybe partially a response  
33 to at least one of them. But I'm trying to understand --  
34 it's my understanding that this request for this  
35 additional information has been made over several years  
36 and we haven't gotten at least a response or a response  
37 that the group has felt is adequate. Can you give any  
38 rationale for that?  
39

40                   CHAIRMAN DEMIENTIEFF: Steve.

41  
42                   MR. KLEIN: Well, I think part of the  
43 reason is we've continued to fund it over those two  
44 years.  
45

46                   This is a strong project. We would like  
47 to see it again, but, again, we would like to see those  
48 three questions answered. And for the harvest monitoring  
49 component we're looking at 40K a year and the proposal  
50 before you, I mean, over three years, we're looking at

1 120,000, and I would like to say, pass the red face test  
2 and say this is a good expenditure of the Board's and  
3 OSM's dollars, and I don't think we're there right now.  
4 And I think once those questions are evaluated, we can  
5 get there.

6  
7 CHAIRMAN DEMIENTIEFF: Greg, is this one  
8 of the things you wanted to comment on, sir?

9  
10 MR. ROCZICKA: That's the only thing I  
11 wanted to comment on.

12  
13 CHAIRMAN DEMIENTIEFF: Okay.

14  
15 MR. ROCZICKA: You rather caught me by  
16 surprise there, I was following your agenda and I didn't  
17 realize you guys were going into deliberations already, I  
18 saw several proposals ahead and suddenly we found  
19 ourselves -- before you got to deliberation I was going  
20 to say what happened to Item 2 on your procedure.

21  
22 For the record my name is Greg Roczicka.  
23 I work with the Natural Resource Department of  
24 Orutsararmiut ONC, Native Council. I also sit as a  
25 member of the Regional Subsistence Council as well,  
26 Advisory Committee.

27  
28 I don't know how much I can add. I mean  
29 I think the arguments have been laid out fairly well on  
30 the table, through the Staff, with their presentation and  
31 what we have here is just a direct disagreement with the  
32 Technical Review Committee. The questions that are laid  
33 out there, we believe, and the manager on the ground that  
34 deal with the fishery over these years feel that they  
35 have answered those questions and unfortunately the  
36 Technical Review Committee doesn't feel that they're  
37 adequate. As far as they're laid out here, whether or  
38 not it should continue, I think that question is -- the  
39 answer to that is, it's right in front of everybody, it  
40 does think it should continue. But the question is how  
41 long. And I guess the way we see it is that it should be  
42 incorporated as an annual program, part of the management  
43 structure and we have used it as such in the working  
44 group and it has developed into that point. You have a  
45 -- oh, how do you say it, it's rather a rare case where  
46 many -- we all have the goal that we want to incorporate  
47 the traditional knowledge of people and having this  
48 contemporary real-time feedback from people into the  
49 fisheries. It's been searched for for years how to do  
50 that, rather than have to come forward with what's so-

1 called anecdotal information, that's a real frustration  
2 that people have who -- out in the fish camps and those  
3 are concerned with the management structure.

4  
5                   Number 3, again, we have answered those  
6 questions over and over again and by the success that we  
7 have demonstrated with this, I just -- by not fully  
8 funding the project it kind of sends a message back to  
9 people that your input is not important enough. And  
10 that's, as you're all well aware, is a major sticking  
11 point between the Native people and subsistence and the  
12 people who operate fish camps and wonder about  
13 management.

14  
15                   I would put one correction on your  
16 review, it says Kuskokwim is one of the largest  
17 subsistence fisheries in the state, I'd like for the  
18 record to clarify that it is the largest subsistence  
19 fishery in the state. It surpasses the Yukon. You're  
20 looking at 22 percent approximately of total subsistence  
21 harvest statewide if you want to look at a numbers game.  
22 For chinook it's closer to 50 percent of your total  
23 subsistence harvest. And I just think that incorporating  
24 this -- keeping the in-season surveys and the feedback  
25 that we get from the people, and we're not just dealing  
26 with only Bethel, we have about a 40 mile stretch of  
27 river, it includes Napaskiak, Napakiak, people that come  
28 up from down river and those that come down from up  
29 river. It runs from approximately Kweth to Napakiak  
30 Slough. And -- I lost my train of thought.

31  
32                   Just -- oh, what I wanted to mention is,  
33 what you also have as a result of this and what we've  
34 used when questions would come up in the working group,  
35 observations that people have, the flexibility that you  
36 have here as well to go back and ask these direct  
37 questions to people that we can bring back to the working  
38 group is something that you're not going to find through  
39 the ability of the Department, with all due respect to  
40 them, as far as being able to call around and ask a few  
41 people, you don't get the objective and as large of level  
42 of feedback and input from people.

43  
44                   So I don't know if there's any other  
45 questions that you guys might have that I can try to  
46 answer.

47  
48                   CHAIRMAN DEMIENTIEFF: Are there any  
49 questions.

50



1 MR. TONY: Yes.

2

3 CHAIRMAN DEMIENTIEFF: Paul.

4

5 MR. TONY: Yeah, you say that their  
6 questions have been answered, can you go into a little  
7 more detail on how they were answered or I mean a little  
8 bit more than that they were answered?

9

10 MR. ROCZICKA: Well, they're asking if it  
11 should continue, that is your number 1 question, and Mr.  
12 Cannon stated in there everybody thinks it's a very  
13 worthwhile project, they perceive the success of it and  
14 what we have here is just a consideration of stretching  
15 the dollars around, it's not whether it should continue.  
16 And the area managers to see the worth of getting the  
17 feedback that they do.

18

19 Number 2, projected end point. And,  
20 again, we feel that it's something that should be  
21 incorporated into the annual seasonal management program.

22

23 And number 3 is, again, it's how it's  
24 incorporated. It gives you the broader, a much greater  
25 number of people's observations rather than calling  
26 around to just a few people and putting that into lifting  
27 subsistence schedules. And if we should, by chance, ever  
28 come back to a commercial fishery which we'd like to see,  
29 we incorporate it in there as well, and into openings --  
30 commercial openings, which actually we have in the -- for  
31 later on in the season with the coho run.

32

33 CHAIRMAN DEMIENTIEFF: Gary.

34

35 MR. EDWARDS: Mr. Chairman. Mr. Klein,  
36 just kind of refresh my memory. Was it the overall  
37 intent of our Monitoring Program to fund programs  
38 indefinitely and do we have examples of where we are  
39 doing that? I guess I was more under the impression that  
40 we were going to use this pot of money to address issues  
41 and not to be part of the permanent management, the  
42 permanent monitoring fish stocks. Am I off base there?

43

44 Because at least what I'm hearing is that  
45 if the answers to these three questions are made and they  
46 are accepted and sufficient, then we're looking at this  
47 would be a permanent funded thing for ever more. And my  
48 question is, was that really the intent of the whole  
49 Monitoring Program?

50

1 MR. KLEIN: I think part of the intent is  
2 for projects to provide valuable information for  
3 management and those could be funded in perpetuity.

4  
5 For this specific project I guess I  
6 should provide a little more background. One of the  
7 studies that we funded -- that you funded was a harvest  
8 assessment work group and one of the findings out of  
9 that, and this was a study where we had subsistence  
10 harvest assessment experts, we had tribal groups, we had  
11 AITC working together to look at harvest assessment  
12 programs and make recommendations on where we should fund  
13 in-season, post-season harvest monitoring projects. And  
14 one of the concerns that came out of that study is where  
15 you're going to do in-season harvest monitoring, first of  
16 all that should be a rare circumstance, and where you do  
17 do it it should be very deliberate and have specific  
18 objectives to ensure that we don't have surveyor burnout.  
19 And one thing you can do is you can burn people out by  
20 surveying them for fish, for moose, for different  
21 species, in-season and post-season and that was one of  
22 the key findings of that study that we funded.

23  
24 So here we do have an in-season harvest  
25 assessment program and what we're hearing from people on  
26 the river is, yes, this is one of those rare instances  
27 where we want to continue, at least in the lower river.  
28 Actually upper river, Aniak and McGrath, I think they did  
29 have some burnout from the people that were being from  
30 households and fishermen that were being interviewed,  
31 down river, I don't think we've had that but for this  
32 type of project where you're going to monitor harvest in-  
33 season and be continually surveying fishermen in  
34 households and fish camps, we wanted these questions  
35 answered and some of the questions are should we do it  
36 for like chinook salmon, or all species? Should we do  
37 it in the lower river or middle river and up river? I  
38 think Fish and Game and ONC probably have some -- they do  
39 have some ideas on that but for the investigation plan  
40 which is really what the TRC had to deal with it's not  
41 fully described. We're not sure where they're going with  
42 this and that's why we're not recommending that this be  
43 funded.

44  
45 Another project we're funding is the  
46 post-season surveys, and if we were to jeopardize that I  
47 think that would be a big mistake. So before we proceed  
48 with the in-season monitoring project, and this is the  
49 fifth year for the study, we want to make sure we're  
50 doing sound science and getting maximum information that

1 we can and here we're looking at \$40,000 a year.

2

3 Mr. Chair.

4

5 CHAIRMAN DEMIENTIEFF: Thank you.

6

7 MR. OVIATT: Mr. Klein, are there any  
8 plans to work with the proponent to develop a fully  
9 successful proposal for next year?

10

11 MR. KLEIN: Yes, we will be perfectly  
12 willing to work with the proponent. And that's the  
13 recommendation of the Technical Review Committee, is to  
14 work with ADF&G and ONC to develop the framework for an  
15 in-season harvest assessment program. And for 2006 I  
16 think we can do that.

17

18 MR. OVIATT: So you actually have a plan  
19 to develop that?

20

21 MR. KLEIN: We would have Polly Wheeler  
22 who is the anthropologist for that region work with Fish  
23 and Game, their anthropologist and ONC to craft a  
24 proposal and actually we can still submit proposals for  
25 2006, and they would continue to work on the  
26 investigation plan.

27

28 I think when a proposal is so crafted  
29 with FIS input and ADF&G, and ONC I think it would fare  
30 very well in the process.

31

32 CHAIRMAN DEMIENTIEFF: Thank you.  
33 Further discussion. Greg, you had something else, go  
34 ahead.

35

36 MR. ROCZICKA: Yeah. If I could offer  
37 just a little bit more. Actually you're asking if we  
38 answered these questions, we have asked the same question  
39 back, what more do you want to see? I mean what  
40 specifically are you looking for, of the Staff, and we  
41 made this approach, you know, what do we need to do to  
42 make it pass such an extreme level scrutiny that's being  
43 asked here, and we haven't got answers back to our  
44 question either in that regard.

45

46 I mean we'd like to hear some specifics,  
47 what would you like to see us do? What do you need us to  
48 do, we can work, we're flexible. This project has that  
49 capability. And rather than toss it out the window, I  
50 would rather see that we need to work together to put in

1 there whatever abstract desire that seems to be lacking  
2 to incorporate it in. I've said many times that I feel  
3 that we're underutilized, that we can do a lot more with  
4 this program than we're currently doing. Looking at  
5 having my guys collect the fin clips for GSI analysis, so  
6 we got that project going forward, that could be  
7 incorporated in quite easy. And that's just one I toss  
8 out right for the moment.

9  
10 So we're looking for the answer here,  
11 too, but to toss five years of establishing a very good  
12 program out the window, I don't -- by cutting it back as  
13 being proposed here by the recommendation, I don't see as  
14 a good move.

15  
16 MR. EDWARDS: Well, Mr. Chairman, you  
17 know, and Steve, correct me if I'm wrong here but I kind  
18 of get the sense that when the TRC looked at all the  
19 priorities it had out there and the value that projects  
20 added to helping us better decisions when it comes to  
21 management, that this particular project doesn't seem to  
22 rise to that same level, I mean is that unfair to say  
23 that?

24  
25 MR. KLEIN: Mr. Chair. Gary, I think the  
26 main reason it was ranked low is based upon the technical  
27 merit. And if these issues were resolved I think it  
28 would be much -- it would not be below the line, it would  
29 be much higher on the list. And Greg your comment that  
30 sending the wrong signal, that causes -- this was a very  
31 hard decision for us to recommend because this is --  
32 anybody that knows me, you know, I'm all for capacity  
33 building and working with local fishermen to get their  
34 input and information into management, but when we looked  
35 at the investigation plan at the TRC meeting, it really  
36 didn't have the sound science that I feel comfortable or  
37 the other 11 members of the TRC felt comfortable in  
38 recommending to the Board. Can this be worked out, yes,  
39 I think in 2006 we should -- we need to sit down and work  
40 this out with Fish and Game and ONC and develop something  
41 that I think would rise very high in the ranking for the  
42 Kuskokwim region.

43  
44 Mr. Chair.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you.

47  
48 MR. TONY: Mr. Chair.

49  
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. TONY: Yeah, Mr. Klein. I'm curious.  
2 So for the prior five years that were funded, the  
3 proposals had technical merit but this year's proposal  
4 lacks that merit or how does that work in terms of the  
5 justification for funding the three years from 2001 and  
6 then 2004?

7  
8 MR. KLEIN: Mr. Chair. Mr. Tony, this  
9 project, it's evolved every year. For some years and for  
10 some regions, really, the information was not that  
11 valuable for some years in some regions, particularly in  
12 the Bethel region it's proved extremely valuable. But it  
13 was three projects in three different areas and each year  
14 it has gotten better. And, really, what we're asking now  
15 is, all right, we've got four years behind us, where are  
16 we going to take this project? How long are we going to  
17 continue to fund it? Where are we going to fund it? How  
18 many households? And those are the questions we would  
19 like to work with ADF&G and ONC to resolve and put  
20 together a scientifically sound proposal.

21  
22 So it's evolved over the years. And I  
23 think it can evolve into a scientifically sound harvest  
24 monitoring project.

25  
26 Mr. Chair.

27  
28 CHAIRMAN DEMIENTIEFF: Thank you.

29  
30 MS. GOTTLIEB: Mr. Chair.

31  
32 CHAIRMAN DEMIENTIEFF: Judy.

33  
34 MS. GOTTLIEB: Greg, and.....

35  
36 CHAIRMAN DEMIENTIEFF: Okay, wait a  
37 minute, Judy, if you could just wait a minute, Paul has a  
38 follow up question, let's go ahead and.....

39  
40 MS. GOTTLIEB: Yes.

41  
42 MR. TONY: Yeah, I'm just trying to  
43 clarify. So this proposal that we're talking about is  
44 the in-season portion of it is 40,000, is that what we're  
45 talking about, and am I understanding the packet  
46 correctly, that there's something like 1,900 million plus  
47 available or I guess it's 2.1 million -- so there's  
48 174,000 that's not being obligated that could be out of  
49 this total amount of monies?

50

1 MR. KLEIN: Mr. Chair. Mr. Tony,  
2 actually the way the budget has evolved some of the  
3 projects in 2005 have increased in cost and -- well,  
4 actually we don't even know -- I see Mr. Boyd grimacing,  
5 but actually we don't even know where our budget is  
6 completely at.

7  
8 But in terms of the projects that have  
9 increased since July, the funding is fully allocated. So  
10 if we were to move forward with an additional 40,000 for  
11 this project, I would recommend that we would need to cut  
12 40,000 off and then the next highest priority in the  
13 Kuskokwim was that whitefish pit tagging study which was  
14 the lowest priority that we are recommending in the  
15 Kuskokwim region. So if you did want to fund this  
16 component and I know I'm not allowed to overspend, so we  
17 would need to take the next lowest priority off and I  
18 would recommend the whitefish pit tagging project. If  
19 you go to Page 75, all of the Kuskokwim region projects  
20 are ranked there in order of priority.

21  
22 And the next -- the project with the  
23 lowest priority that we have the funding to actually fund  
24 is the whitefish pit tagging project and it says 95,000  
25 with 40,000 in parenthesis. What the TRC recommended was  
26 a feasibility study at that \$40,000 level.

27  
28 Mr. Chair.

29  
30 CHAIRMAN DEMIENTIEFF: Thank you.  
31 Further discussion. Judy.

32  
33 MR. TONY: Mr. Chair.

34  
35 CHAIRMAN DEMIENTIEFF: Follow up, again,  
36 okay, go ahead.

37  
38 MR. TONY: So the cost of the in-season  
39 portion is 40,000 a year, is that what I'm hearing?

40  
41 MR. KLEIN: Yes.

42  
43 CHAIRMAN DEMIENTIEFF: Okay, Judy.

44  
45 MS. GOTTLIEB: Thank you, Mr. Chair.  
46 Greg, and Steve, I mean this Board certainly does value  
47 observations, local data, local knowledge. And I think  
48 from the information collected and I think it sounded  
49 like Dan agreed also it has been very useful, so I don't  
50 think it would be lost if we do have to take a break to

1 kind of regroup, maybe provide some relief to people who  
2 feel they've been asked too many times about what's going  
3 on and solidify a study plan to have this continue for  
4 next year.

5  
6 So just a comment.

7  
8 MR. ROCZICKA: If I could, Mr. Chairman.

9  
10 CHAIRMAN DEMIENTIEFF: Further  
11 discussion.

12  
13 MR. EDWARDS: Mr. Chairman, would you  
14 like a motion?

15  
16 CHAIRMAN DEMIENTIEFF: I believe we've  
17 pretty well answered all the questions. Go ahead.

18  
19 MR. EDWARDS: Mr. Chairman, I move that  
20 we accept the recommendation of the TRC as well as the  
21 Staff Committee and just fund the -- how do you refer to  
22 it, Steve, as the -- only the one portion of this study  
23 and not fund the in-season management portion of it.

24  
25 CHAIRMAN DEMIENTIEFF: Thank you.  
26 There's a motion, is there a second?

27  
28 MR. TONY: Mr. Chair. I just wondered, I  
29 thought we were in the habit of stating motions regarding  
30 our position on the Council recommendations.

31  
32 CHAIRMAN DEMIENTIEFF: I was just going  
33 to raise that point.

34  
35 MR. EDWARDS: Well, the Western Interior  
36 did support the TRC recommendation.

37  
38 CHAIRMAN DEMIENTIEFF: Yeah, I think we  
39 kind of went back to that, using the Regional Council  
40 recommendation as a motion as opposed to Staff. As much  
41 as value the Staff Committee work and the TRC in this  
42 particular case, but that's kind of what we went back to,  
43 is utilizing the recommendation -- a Regional Council  
44 recommendation.

45  
46 MR. EDWARDS: With that said, Mr.  
47 Chairman, I move that we support the Western Interior  
48 Council's recommendation, which was to support the  
49 recommendation of the TRC on the funding portions of this  
50 particular project.

1 CHAIRMAN DEMIENTIEFF: We have a motion,  
2 is there a second.

3  
4 MS. GOTTLIEB: I'll second.  
5

6 CHAIRMAN DEMIENTIEFF: Let me -- as far  
7 as my work on this particular issue, I guess I somewhat  
8 reluctantly intend to support the motion. But the fact  
9 of the matter that we are looking at having the  
10 Department, Staff and ONC work together is the one saving  
11 grace for me for next year. And I think I get a sense of  
12 commitment from everybody, certainly heard it from ONC,  
13 certainly heard it from our Staff. Will there be a  
14 willingness on the part of the State, I guess, to go  
15 ahead and participate in the work that needs to be done  
16 to add that component in?

17  
18 MR. BERGSTROM: Yes, Mr. Chairman, that's  
19 -- I'm writing notes right now to do that.  
20

21 CHAIRMAN DEMIENTIEFF: Yeah, so we will  
22 have all the players at the table. I do think, you know,  
23 the reluctant support is in recognizing the fact, and I  
24 was glad that Paul asked the questions of Staff, if we  
25 are fully allocated, we do have to prioritize, and I like  
26 the fact that that work has been done and will continue  
27 to be done to try to get that back in there. If we don't  
28 have the resources, it's pretty tough to -- pretty tough  
29 to -- and I did ask Tom if he wanted to take a cut in  
30 wages this year to fund that component but he was  
31 reluctant to do that as well.

32  
33 (Laughter)  
34

35 CHAIRMAN DEMIENTIEFF: But anyway, so  
36 that's kind of where we're at as far as this goes. And I  
37 think we're doing the best we can and if we have that  
38 level of cooperation then I, you know, I at least intend  
39 to support the motion and get that back on the table and  
40 get the work done that we need to get that component  
41 added in.

42  
43 Paul.  
44

45 MR. TONY: Mr. Chairman, I speak not in  
46 favor, but against the motion just because it seems like  
47 even the Staff comments indicate that this is valuable  
48 information that's being collected and that all that's  
49 needed is maybe some work to make sure that the future  
50 direction of the program is satisfactory to both Staff



1 and the Board and I think that that can be worked on in  
2 the future as the intent was stated. But I don't see any  
3 reason not to go ahead and support the continuation of  
4 this for the coming year.

5  
6 CHAIRMAN DEMIENTIEFF: Thank you.

7  
8 MR. EDWARDS: Mr. Chairman.

9  
10 CHAIRMAN DEMIENTIEFF: Gary.

11  
12 MR. EDWARDS: Mr. Chairman, as you  
13 pointed out, any time you have more needs than you have  
14 money, tough decisions have to be made. And I think  
15 that's what we have asked the TRC to do, you know, each  
16 time these projects come in and we have many, many good  
17 projects, you know, they have to weigh each one of these  
18 and make some very tough decisions on where to set  
19 priorities. And I think we need to rely upon these folks  
20 to do that. I think it's interesting to note, even  
21 though this was kind of a State project also, the State  
22 has three people on the Technical Review Committee that  
23 also recommended not to approve this project. And I  
24 think the TRC is making tough decisions and, you know, I  
25 am for one, applaud the work that they have done, and  
26 think that we should continue to support, you know, the  
27 wise advice that they give us.

28  
29 CHAIRMAN DEMIENTIEFF: Thank you.  
30 Further.

31  
32 MR. BSCHOR: Mr. Chair, I just have a  
33 question about the intent of the motion. Supporting the  
34 Council's position means full funding of all parts of the  
35 project; is that correct, was that your intent?

36  
37 CHAIRMAN DEMIENTIEFF: No, it's the  
38 recommendation of the Western Interior Council.

39  
40 MR. BSCHOR: Okay.

41  
42 CHAIRMAN DEMIENTIEFF: Not the.....

43  
44 MR. BSCHOR: So just the \$45,000 ASL  
45 portion of it.

46  
47 CHAIRMAN DEMIENTIEFF: Yes.

48  
49 MR. BSCHOR: Okay, that helps me. The  
50 other comment is that realizing the concerns in this

1 system and the need for information, I'm very much in  
2 favor of making sure we have the best information that we  
3 can get in deliberation over these issues because they're  
4 very serious.

5  
6 Also that the question about inferring  
7 that there'll be a long-term forever type project I'm not  
8 in favor of, so if that's inferred here, I want to make  
9 it known on the record that I think we need to  
10 continually really monitor all these projects and not  
11 really say that anything is going to be forever. So I  
12 just wanted to make that clarification.

13  
14 CHAIRMAN DEMIENTIEFF: Thank you.  
15 Further discussion.

16  
17 (No comments)

18  
19 CHAIRMAN DEMIENTIEFF: Are we ready to  
20 vote.

21  
22 (No comments)

23  
24 CHAIRMAN DEMIENTIEFF: Apparently we are.  
25 All those in favor of the motion please signify by saying  
26 aye.

27  
28 IN UNISON: Aye.

29  
30 CHAIRMAN DEMIENTIEFF: Those opposed.

31  
32 MR. TONY: Aye.

33  
34 CHAIRMAN DEMIENTIEFF: Motion carries.  
35 Steve are you -- okay.

36  
37 MR. KLEIN: Mr. Chair, we have one other  
38 non-consent agenda item and then we'll have the consent  
39 agenda.

40  
41 For the non-consent agenda item in Lake  
42 Clark, Dr. Steve Fried will be doing the Staff analysis  
43 for that.

44  
45 Mr. Chair.

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

49  
50 MR. FRIED: Thank you. Good morning, Mr.

1 Chair. I'm going to do the Staff analysis for the second  
2 non-consent item, and this concerns Project 05-403,  
3 distribution seasonal movement and life history of  
4 humpback whitefish in the Lake Clark watershed. In the  
5 Council books, the non-consent agenda item information is  
6 on Page 7. There's also more information on this  
7 particular project on Page 115, there's an executive  
8 summary.

9  
10                   Essentially what this project would do  
11 would -- it would collect basic life history information  
12 on humpback whitefish in Lake Clark. And this would  
13 include things like the age and size, age and maturity  
14 fecundity and anadromy and this would be done by the  
15 investigators sampling whitefish within Lake Clark and  
16 also sampling subsistence harvest of whitefish in Lake  
17 Clark.

18  
19                   The second objective would be to  
20 determine the seasonal migration patterns and habitat use  
21 of these whitefish populations and this would be done  
22 through a radio telemetry study. The study was submitted  
23 in response to reports by local residents that harvest of  
24 humpback whitefish were declining and also the size of  
25 the fish in these harvests were declining. The project  
26 was submitted by USGS, National Park Service and Bristol  
27 Bay Native Association. It was supported and received  
28 letters of support from the Nondalton Tribal Council,  
29 Kijik Corporation and the Lake Clark National Park  
30 Subsistence Resource Commission, and the participating  
31 agencies would match about half of the cost of conducting  
32 this work.

33  
34                   The Bristol Bay Regional Advisory Council  
35 did not support the TRC recommendation to fund this work.  
36 They were concerned that this work, in their opinion, was  
37 of lower priority than the need to obtain more  
38 information on Lake Clark sockeye salmon, specifically  
39 smolt information for Lake Clark sockeye salmon smolt.  
40 Unfortunately there was no 2005 proposal that had been  
41 submitted for Lake Clark sockeye salmon smolt.

42  
43                   We do realize the importance of Lake  
44 Clark sockeye salmon of Federal subsistence users. We  
45 share the Councils concerns about the declining runs.  
46 The Monitoring Program has been responsive to this issue.  
47 It's funded several projects that collect information on  
48 spine distribution and stock structure in Lake Clark,  
49 we've been monitoring the spawning escapement through a  
50 tower in Newhalen River, in fact, the continuation of

1 this project is part of the consent agenda for 2005. And  
2 we also have an ongoing study that's looking at adult run  
3 timing for the Lake Clark component.

4  
5 Since no 2005 proposal was submitted for  
6 smolt, FIS Staff worked with Alaska Department of Fish  
7 and Game to modify an ongoing project on Lake Clark, the  
8 run timing project on Lake Clark adults to allow us to  
9 conduct a pilot study on smolt. And this study would  
10 make use of genetic mixed stock analysis that would allow  
11 us to examine the timing and abundance of Lake Clark  
12 smolt at the Kvichak River smolt enumeration site.

13  
14 Also Alaska Department of Fish and Game  
15 is very interested in developing a 2006 project proposal  
16 to continue smolt work probably over the next three years  
17 to look at using genetic mix stock analysis at their  
18 Kvichak River smolt site. And this approach to getting  
19 information on Lake Clark smolt was actually recommended  
20 by the Technical Review Committee when they reviewed an  
21 earlier smolt proposal.

22  
23 So in summary we would support the  
24 Technical Review Committee recommendation to fund the  
25 whitefish project in Lake Clark and also as I've  
26 indicated we've modified an existing project to begin  
27 collecting smolt information for Lake Clark sockeye and  
28 we're looking forward to receiving a more detailed  
29 proposal to do this probably for two or three years for  
30 2006. So if there's any further questions I'd take them  
31 now.

32  
33 CHAIRMAN DEMIENTIEFF: Thank you.  
34 Department comments -- or no Staff Committee, I'm sorry.

35  
36 MR. JACK: Thank you, Mr. Chairman. For  
37 the Staff Committee, the Staff Committee concurs with the  
38 FIS Staff analysis and supports the Technical Review  
39 Committee recommendation to fund this Lake Clark  
40 whitefish project.

41  
42 The Staff Committee is also pleased that  
43 FIS Staff was able to work with ADF&G to modify an  
44 existing Lake Clark sockeye salmon run timing project to  
45 include analysis of Lake Clark sockeye salmon smolt  
46 information.

47  
48 Thank you, Mr. Chairman.

49  
50 CHAIRMAN DEMIENTIEFF: Thank you.

1 Department comments.

2

3 MS. SEE: Mr. Chairman, we have no  
4 comments. Thank you.

5

6 CHAIRMAN DEMIENTIEFF: Thank you. Board  
7 discussion. Judy.

8

9 MS. GOTTLIEB: Thank you, Mr. Chair. I'm  
10 sorry Dan isn't here, and I had meant to talk to him  
11 about this before the meeting, but my understanding is  
12 that while the Regional Advisory Council identified or  
13 felt that there was a stronger need to study Lake Clark  
14 sockeye salmon smolt, with no proposal in that doesn't  
15 really give us an alternative. What we've been seeing  
16 from the data on the Newhalen River is that there's been  
17 an approximate 81 percent decline in the amount of salmon  
18 getting up to Lake Clark and that's making the whitefish  
19 more and more important. Figures show that whitefish can  
20 contribute up to 20 percent of people's subsistence diet.  
21 So we really do have a need to learn more about the  
22 species that people are really dependent on.

23

24 CHAIRMAN DEMIENTIEFF: Thank you. Paul,  
25 you had a comment.

26

27 MR. TONY: A question. It mentions in  
28 the booklet here, it references the investigators but it  
29 doesn't say who they are.

30

31 MR. FRIED: For the whitefish study?

32

33 MR. TONY: Yes.

34

35 MR. FRIED: It's USGS and the  
36 investigator would be Julie Meka and Carol Ann Woody, and  
37 then they would also have some support from National Park  
38 Service. And I think this is primarily financial  
39 support, whether they would provide funding for the  
40 radiotags and some other things, and also the Bristol Bay  
41 Native Association which would provide probably some  
42 seasonal assistance and probably coordination with local  
43 communities and things like that.

44

45 MR. TONY: And the annual cost is roughly  
46 68,\$70,000 a year, something like that?

47

48 MR. FRIED: Yeah, the first year is  
49 \$70,000, I think it then increases to \$100,000 for the  
50 second year and then for the third year it's down to

1 about \$60,000. I think the second year is more expensive  
2 because there's going to be some more logistics involved  
3 to do the radio tracking, that's for capturing and  
4 tagging the fish and then following their movements.

5  
6 CHAIRMAN DEMIENTIEFF: Other discussion.

7  
8 MS. GOTTLIEB: Mr. Chair.

9  
10 CHAIRMAN DEMIENTIEFF: Judy.

11  
12 MS. GOTTLIEB: I guess one other comment  
13 would be, I mean whitefish has not been as studied  
14 because it hasn't been used for recreational or  
15 commercial purposes and there's way more available  
16 sources of funding for salmon studies than for whitefish  
17 and so I would endorse us approving this study.

18  
19 MR. TONY: Mr. Chairman.

20  
21 CHAIRMAN DEMIENTIEFF: Paul.

22  
23 MR. TONY: I just need to comment on the  
24 fact that we just voted down funding a project that was  
25 less than this by saying that there's not enough money  
26 and then we turn around and the very next item on the  
27 agenda, and the project that we voted down was supported  
28 by the Regional Advisory Council, that is in the area,  
29 that the primary study is being conducted, we voted that  
30 down in favor of something -- but, you know, by saying  
31 there's not enough money in favor of something that is  
32 not supported by an Advisory Council, that the money is  
33 going to Federal agencies and I just think that  
34 fundamentally there's something wrong with this.

35  
36 CHAIRMAN DEMIENTIEFF: Other discussion.  
37 I think I'm going to have to agree with you, Paul, if the  
38 Regional Council recommendation is not to fund. I'm  
39 wondering -- what I'm wondering is if there's room to  
40 downsize this study based on the Regional Council  
41 recommendation and expedite the process that we had just  
42 asked for in the previous proposal, to maybe come back  
43 and make that money available for that once we get the  
44 Staff work done with the Department and with ONC. Given  
45 the priority given to us by Bristol Bay Regional Advisory  
46 Council, and that may be something that we could choose  
47 to explore. I agree, and I do know that our people at  
48 home and people all over, I do know are dependent on  
49 these fish there's no doubt about that, but I'm just  
50 raising the question, is there the opportunity to

1 downsize and is there some interest in doing so?

2

3 MR. EDWARDS: Mr. Chairman, again, it's  
4 unfortunate that Dan's not here, but at least the way I  
5 read this is that the Council was not saying not so much  
6 that they opposed this project, but from a priority  
7 standpoint that they felt that the sockeye study would be  
8 more important. Well, when you don't have a study it's  
9 pretty hard to fund one. And my guess is if you ask them  
10 if they had a choice of losing some funding for the  
11 whitefish and having it go to somewhere else, my sense is  
12 that they would probably support the whitefish given the  
13 fact that there isn't a sockeye. I mean I can't speak  
14 for Dan, but I'm assuming that if I certainly was from  
15 that Council that's where I would be going.

16

17 MS. GOTTLIEB: Mr. Chair.

18

19 CHAIRMAN DEMIENTIEFF: Yes.

20

21 MS. GOTTLIEB: Did I hear Steve, one of  
22 you say that some of those concerns were going to try to  
23 be addressed, the salmon concerns were going to try to be  
24 addressed through Fish and Game or maybe I heard  
25 something else there?

26

27 MR. KLEIN: For the smolt work, they will  
28 be putting in a proposal for 2006 to propose smolt  
29 research.

30

31 MR. EDWARDS: But I think to answer  
32 Judy's question, didn't you also say that some existing  
33 projects are going to be modified that would also help  
34 address the issue that the Council raised?

35

36 MR. KLEIN: Yes. We did contact Alaska  
37 Department of Fish and Game and actually they had some  
38 archive samples so there wouldn't be any collection  
39 costs and typically with your genetic studies it's the  
40 collection costs that really drive the costs. So for  
41 about \$10,000 the State Genetics Lab will be looking at  
42 those samples and to see if they can differentiate the  
43 sockeye stocks, which they felt fairly comfortable they  
44 could differentiate those and then that would support  
45 their more detailed research proposal for 2006.

46

47 MR. BSCHOR: I certainly can't argue with  
48 the point that Mr. Tony just made. However, looking at  
49 the projects it's been my past experience when we were  
50 dealing with other partners, other dollars involved,

1 which in this one it says that half the costs are funded  
2 by other partners, my question would be what kind of  
3 long-term arrangement is there with the partners and  
4 would that money be lost in the process if we didn't fund  
5 this?

6  
7 MR. FRIED: Well, it wouldn't be  
8 available for anything else. I mean that money is  
9 provided to support this project and this project does  
10 have an end point, it's not going to go on indefinitely.  
11 This is, you know, specifically done to get a three year  
12 study.

13  
14 MR. BSCHOR: That was going to be my next  
15 question, what is the end point again, it's probably in  
16 here, and I missed it?

17  
18 MR. FRIED: Yeah, it's a three year  
19 study. And after the three years they would summarize  
20 the information and, you know, a good point is there is  
21 no information on whitefish in Lake Clark, none, so I  
22 mean that's some of the interest by the TRC and also by  
23 our Staff is here's a declining resource, we know nothing  
24 about it so we probably should get some information on  
25 it.

26  
27 CHAIRMAN DEMIENTIEFF: Other discussion.

28  
29 MR. TONY: Mr. Chairman.

30  
31 CHAIRMAN DEMIENTIEFF: Paul.

32  
33 MR. TONY: Could I ask who the partners  
34 are and how much money is -- what is this 234,000, that  
35 is just what we're funding, so the partners are funding  
36 another 234,000 is that what you're saying or maybe I  
37 missed that?

38  
39 MR. FRIED: Yeah, the match varies over  
40 the years. USGS for example would be matching in 2005  
41 about \$21,000 and 2006 \$121,000 and 2007 \$17,000. Park  
42 Service it's about -- it's over \$20,000 over each of  
43 those three years, so that's basically the matches, so,  
44 you know, if you add up the numbers it's about over a  
45 \$40,000 match the first year, it's about \$150,000 the  
46 second year and about 30,000 or 40,000 for the third  
47 year. It's about a 50 percent match.

48  
49 CHAIRMAN DEMIENTIEFF: Any other.....

50



1 MR. TONY: I guess just a comment, Mr.  
2 Chair.

3  
4 CHAIRMAN DEMIENTIEFF: Go ahead.

5  
6 MR. TONY: That's what strikes me as odd  
7 about this whole thing, you know, the Federal agencies  
8 have a process, you know, a budget process where they  
9 make requests, I mean that's my understanding, I've been  
10 -- I haven't been working for the Federal government very  
11 long but my understanding is, you know, there's a request  
12 that goes up for appropriations and it just seems odd to  
13 me that an agency would be able to ace out a local  
14 organization, you know, by matching money that they're  
15 getting through the Federal budget process to get other  
16 Federal money that we're allocating through this process.  
17 I mean it just seems like a very strange thing to me.

18  
19 CHAIRMAN DEMIENTIEFF: Further  
20 discussion.

21  
22 MR. TONY: I mean I guess what I'm saying  
23 without, you know, what I'm inferring is that there --  
24 I'm assuming that this request could be made through the  
25 agency process, to Congress, and then if Congress found  
26 that there was merit in funding the agency to do this  
27 study they could fund them. Am I not correct in that?

28  
29 MR. EDWARDS: Well, Mr. Chairman, I mean  
30 USGS doesn't submit their budget to Congress based on a  
31 project by project basis, they have X amount of dollars  
32 and then they make decisions with it just like the rest  
33 of us do. But I mean I just don't think that they would  
34 go forward with Congress and ask for a specific funding  
35 for a whitefish project on Lake Clark, I mean that's not  
36 how it works.

37  
38 CHAIRMAN DEMIENTIEFF: Go ahead, Tom.

39  
40 MR. BOYD: The US Geological Survey  
41 Branch of, BRD, they're a service support, a science  
42 support, if you will, agency, and they do receive funds  
43 from other agencies to conduct research and in this case  
44 monitoring in support of the other agencies mission. So  
45 it's perfectly appropriate for them to do so, it's what  
46 they were designed to do actually.

47  
48 MR. TONY: And you were saying the USGS,  
49 is that what you were -- I didn't hear what you said the  
50 first part?

1 MR. BOYD: The USGS Biological Resources  
2 Division.

3  
4 CHAIRMAN DEMIENTIEFF: Steve.

5  
6 MR. FRIED: I don't know if this will  
7 help clear things up a little bit, but some of the  
8 matching is Staff time, it's existing equipment that  
9 we're able to use at the other agency will use for this  
10 project, it would be aircraft time. Some of the agencies  
11 have aircraft and we can use the aircraft to, you know,  
12 track fish or vessel or boats that they have to track  
13 fish instead of having to go out and by one or charter  
14 things, so I mean there's various things that come, it's  
15 not just necessary dollars.

16  
17 And I guess the other thing I could point  
18 out is the Bristol Bay Native Association has some roll  
19 in this project also where they would provide some  
20 professional help, you know, with the sampling, with the  
21 tracking, with things like that, and it does have support  
22 from the residents of that drainage and also, you know,  
23 various Native and local associations in that drainage.  
24 And Carol Ann Woody at USGS has an excellent track record  
25 with working with people in the local communities and  
26 she's done quite a bit up there so if she's involved in  
27 the study I feel pretty comfortable that at least that  
28 part of the work is going to be pretty good.

29  
30 CHAIRMAN DEMIENTIEFF: Well, I was hoping  
31 that we could get done with this agenda item prior to  
32 taking a break but I think I need a few minutes to digest  
33 the information that we've gotten so far and so I'm just  
34 going to go ahead and call a short break right now.

35  
36 (Off record)

37  
38 (On record)

39  
40 CHAIRMAN DEMIENTIEFF: I'll go ahead and  
41 call the meeting back to order.

42  
43 (Pause)

44  
45 CHAIRMAN DEMIENTIEFF: Is there further  
46 discussion on the issue, Project No. 05-403.

47  
48 MR. TONY: Mr. Chairman.

49  
50 CHAIRMAN DEMIENTIEFF: Yes.

1 MR. TONY: Yeah, I just want to make a  
2 comment and part of -- I probably have a bias, you know,  
3 I mean I'm a subsistence user, grew up in rural Alaska  
4 and I've just seen instances where it seems like local  
5 knowledge is discounted or ignored and not respected.

6  
7 I'll give you an example, back when it  
8 used to be legal to hunt belugas in Cook Inlet, I used to  
9 hunt belugas, and when the decline began, I remember  
10 seeing, I don't remember if it was Marine Mammal, but it  
11 was one of the Federal agencies showing up at the docks  
12 down there in a big expensive Boston Whaler with twin 200  
13 horse engines, 230 horse engines and then they ran around  
14 out there with biologists and researchers trying to tag a  
15 beluga, and all the Native hunters kind of looked at this  
16 with amusement and they spent the better part of the  
17 summer trying to do that without any success, and then  
18 they finally turned around and I think they hired a  
19 Native guy to tag a beluga for them you know. And I  
20 guess that's the kind of lack of respect that we see  
21 firsthand when we're out there on the ground and on the  
22 water.

23  
24 And I've seen other examples as well and  
25 I think there's probably a notion that science is  
26 superior to traditional knowledge in all respects,  
27 there's sort of a view or a bias that that's true, and I  
28 think I talked about this example before where the agency  
29 for international development had gone into a country  
30 with engineers and told the local people that their  
31 system terracing that had existed for thousands of years  
32 was primitive, that it was inferior, and that it needed  
33 to be replaced with modern agriculture systems so they  
34 convinced the local people to let them tear out the  
35 terracing, put in piping and modern irrigation systems  
36 funded by probably the U.S. taxpayers and after spending  
37 all this money they found out that crop production fell  
38 by 30 percent and it forced them to reevaluate this idea  
39 that that system that had been around for a long time was  
40 inferior and what they ended up finding out was that that  
41 system of agriculture was the best available technology  
42 for that climate and they ended up putting the terracing  
43 back in and studying that model and exporting it to other  
44 regions.

45  
46 But I think this story is meant to  
47 illustrate, you know, kind of the view that discounts  
48 traditional knowledge. And that just because something's  
49 been around a long time doesn't mean it's not the best  
50 thing around.

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Further discussion.

3  
4 MS. GOTTLIEB: Mr. Chair.

5  
6 CHAIRMAN DEMIENTIEFF: Judy.

7  
8 MS. GOTTLIEB: If I could, and I really  
9 appreciate your concern, Paul, this study is based on the  
10 local knowledge and observations and the real concerns  
11 people have that they are seeing and experiencing  
12 declines in whitefish, as well as having very clearly  
13 seen declines of salmon. And so as a result of what the  
14 tribal council and the village corporation as well as our  
15 Subsistence Resource Commission, what we've heard from  
16 them prompted government managers and Bristol Bay Native  
17 Association to put together this proposal on a species  
18 that hasn't been studied and on one that people have to  
19 increasingly rely on because of the decline in salmon.  
20 So part of this study is to make use of that local  
21 knowledge and get some information for all of to make  
22 better decisions. And if salmon runs continue to stay  
23 low, people will be even more dependent on whitefish and  
24 all the more reason for us to learn more about it as  
25 users and managers.

26  
27 CHAIRMAN DEMIENTIEFF: Thank you.  
28 Further discussion.

29  
30 MS. GREGORY: Mr. Chair.

31  
32 CHAIRMAN DEMIENTIEFF: Yes.

33  
34 MS. GREGORY: I'd like to speak. I'm  
35 from the YK RAC and I went around talking to people, I  
36 talked to Mr. Fried about this study and I get really  
37 emotional because most people, the Yup'ik people and  
38 different people living in the Kuskokwim, YK-Delta, and  
39 when people -- when we have this program that ONC and the  
40 fish people are studying or having the in-season studies  
41 going on and when you finally get the local people to  
42 help you, you're going to shun them again. I'd like for  
43 you to go back to the proposal from the ONC, the other  
44 one, we supported that, really supported that because  
45 when you finally get people to work with you you don't  
46 disregard them. And you're supposed to represent me as a  
47 subsistence Federal Board. And there's 22,000 people in  
48 YK-Delta and there's only 700 people in this study you're  
49 about to take action on. Hear us out.

50

1                   And I don't see nobody from Bristol Bay  
2 area or some RAC people being here to support it in  
3 person. I think when you come to support in person that  
4 tells you a lot of support from that group. I'd like you  
5 to not take this one right now and research it before you  
6 take it up. I came here to represent my people and  
7 there's 22,000 of them who are thinking that I can to a  
8 better job for them. I don't let other people represent  
9 me, I represent my people and myself.

10

11                   And there's a lot of humpback whitefish  
12 in the YK-Delta, they whitefish we're eating right now,  
13 they're not declining. The only whitefish that were  
14 declining were the other kind, that people use it for  
15 their main -- main food during the wintertime.

16

17                   Hear me out. I'm 100 percent subsistence  
18 user, I only take (In Native) when I'm in town. We've  
19 been eating whitefish all winter long and they're all  
20 humpbacks, we got only one little whitefish, the other  
21 kind every now and then but I think you need to treat  
22 people with as much fairly as you can.

23

24                   Thank you, sir.

25

26                   CHAIRMAN DEMIENTIEFF: Thank you.

27 Further discussion.

28

29                   MS. CROSS: Mr. Chair.

30

31                   CHAIRMAN DEMIENTIEFF: Where's that  
32 coming from?

33

34                   MS. CROSS: Over here.

35

36                   CHAIRMAN DEMIENTIEFF: Go ahead, Grace.

37

38                   MS. CROSS: I was going to make a  
39 recommendation. It's unclear what the RAC is saying in  
40 this, they don't say they support this, they don't say  
41 they don't support it. Maybe this should be tabled until  
42 this is clarified further until a little bit later. It  
43 doesn't take but a phone call to call maybe Dan O'Hara or  
44 somebody else and find out what do they mean by this  
45 project is a lower priority. Do they mean that they do  
46 not support this project or they do? I think we're all  
47 kind of assuming that they don't support this, and some  
48 people are basing their argument that they're not in  
49 support of this but to me it's unclear. And some people  
50 are assuming they're supporting it.

1                   It would make sense for me to have that  
2 clarified before you choose to vote on it. I don't think  
3 -- like I said it doesn't take much to make a phone call.  
4 It would be a more informed -- to me it would make sense  
5 to be a little more informed about that before making a  
6 decision. I mean it kind of seems like you're opening  
7 yourself to criticism from the RAC.

8  
9                   CHAIRMAN DEMIENTIEFF: Yeah, I can  
10 respond to that. We are rigged up to have Dan O'Hara  
11 participate but he must be busy doing something because  
12 we -- but we were rigged up specifically to include him  
13 in on the discussion. But like I said he's just busy,  
14 has other irons in the fire and needed to spend time with  
15 those.

16  
17                   And as far as the point of sockeye, there  
18 was no study request so we can't deal with that  
19 particular issue. We never had a proposal to begin with  
20 for that sockeye study that the RAC was more supportive  
21 of. There was no proposal.

22  
23                   Other discussion.

24  
25                   (No comments)

26  
27                   CHAIRMAN DEMIENTIEFF: I guess we're  
28 ready for a motion then.

29  
30                   (Pause)

31  
32                   CHAIRMAN DEMIENTIEFF: We didn't have a  
33 motion yet, did we?

34  
35                   MS. GOTTLIEB: No, not yet.

36  
37                   CHAIRMAN DEMIENTIEFF: If there's no  
38 other discussion.

39  
40                   MS. GOTTLIEB: Mr. Chair, as we  
41 discussed, we'll start with the Regional Advisory  
42 Council's motion or recommendation which, in this case,  
43 was not to fund this particular study.

44  
45                   CHAIRMAN DEMIENTIEFF: Is that a motion.

46  
47                   MS. GOTTLIEB: Well, I'll move that we  
48 discuss the Regional Advisory Council's recommendation to  
49 not fund this proposal.

50

1 CHAIRMAN DEMIENTIEFF: Is there a second  
2 to that motion.

3  
4 MR. TONY: Second.

5  
6 CHAIRMAN DEMIENTIEFF: Okay. I think the  
7 dependence of people on that particular resource and I  
8 know it's subsistence users all over the state that have  
9 them depend on them very heavily, and I think from the  
10 report it's 20 percent of their fish utilization that we  
11 have no knowledge of other than it's declining.

12  
13 I do not support the Regional Council  
14 recommendation in this particular case because I know the  
15 dependence of those people on that particular resource.  
16 And the fact that other -- the users and Bristol Bay  
17 Native Association worked to put together this particular  
18 proposal gives me a strong indication that even though  
19 the RAC doesn't support it there is local requests for  
20 the need. I think in the case of the Bristol Bay RAC,  
21 and I don't mean no disrespect to them or anything like  
22 that but if there was a sockeye request in there I would  
23 tend to look at that a lot more strongly, but it was too  
24 late to get that particular study request in there.

25  
26 So I can't support the Bristol Bay RAC  
27 and their recommendation not to fund because we do have  
28 people that are dependent on that resource, heavily  
29 dependent on that resource. The old formula that we use  
30 is 50 percent game, 50 percent fish, and 20 percent of  
31 their dependency in that area is whitefish, that's a  
32 strong, strong number. And we don't have the  
33 information, all we know is we're losing the population  
34 and we do need to try to find out how. So I agree with  
35 that part of it.

36  
37 With regard to your comments, Mary, I  
38 don't know, I mean the difference is for the in-season  
39 management in the previous proposal we discussed is not  
40 40,000 it's only 28,000, and so I'd just like to raise  
41 the question as we discuss this, what would 28,000 do to  
42 the whitefish study proposal and I'm not sure who is best  
43 equipped to answer that.

44  
45 (Pause)

46  
47 CHAIRMAN DEMIENTIEFF: Nobody. I know  
48 it's kind of a curve but I'm just looking at what the  
49 difference is, \$28,000 less in this particular study  
50 would be? Would it heavily impact?

1 MR. KLEIN: Well, I think we could say  
2 the worst case scenario would be that the study would be  
3 delayed one year.

4  
5 CHAIRMAN DEMIENTIEFF: Delayed?  
6

7 MR. KLEIN: Yes.  
8

9 CHAIRMAN DEMIENTIEFF: That's worst case  
10 with \$28,000 less.  
11

12 MR. KLEIN: Well, you know, they do have  
13 quite a bit of matching funds in there. I mean for that  
14 study you either do it right or I think it would be best  
15 to wait and start it next year. I think if you reduce  
16 the budget 40 percent the likely outcome would be that  
17 you would defer until next year.  
18

19 CHAIRMAN DEMIENTIEFF: Thank you, that  
20 answers my question. Gary, you have something.  
21

22 MR. EDWARDS: Yeah, Mr. Chairman. I  
23 guess my concern would be is that if we wanted to fund  
24 the other project, why would we particular necessarily  
25 target this one to reduce the funding to. My guess is  
26 there might be others that are even lower priority than  
27 this. So I think it becomes a slippery slope when you  
28 just automatically pick one project and say, okay, we're  
29 going to reduce it in order to fund this without looking  
30 at all the projects together.  
31

32 MR. KLEIN: Mr. Chair.  
33

34 CHAIRMAN DEMIENTIEFF: Yes.  
35

36 MR. KLEIN: Gary's right. If you look at  
37 the Kuskokwim region, the next lowest priority we're  
38 recommending to fund is the whitefish pit tagging study  
39 and if that was the pleasure of the Board that study  
40 could be deferred a year if you wanted to proceed with  
41 the in-season monitoring in 2005.  
42

43 MR. REAKOFF: Mr. Chairman.  
44

45 CHAIRMAN DEMIENTIEFF: Yes.  
46

47 MR. REAKOFF: Western Interior was in  
48 favor of that pit tag study, we have the same problem, we  
49 have declining whitefish in the Aniak Lake area and we're  
50 very concerned about those whitefish because they're also



1 a significant portion of our subsistence harvest. And so  
2 the Western Interior would not be in favor of elimination  
3 of that study because that issue has been floating to the  
4 surface in that middle Kuskokwim area for several years  
5 now. And so our Council wouldn't agree with that.

6  
7 CHAIRMAN DEMIENTIEFF: Further  
8 discussion.

9  
10 MS. GOTTLIEB: Mr. Chair.

11  
12 CHAIRMAN DEMIENTIEFF: Yes.

13  
14 MS. GOTTLIEB: I'd like to make a motion  
15 to amend my previous motion which will be to support  
16 approving this project.

17  
18 CHAIRMAN DEMIENTIEFF: There is an  
19 amending motion on the table, is there a second to the  
20 motion.

21  
22 MR. OVIATT: Second.

23  
24 CHAIRMAN DEMIENTIEFF: Yes, again, I  
25 point out what I brought up earlier in terms of I intend  
26 to support the amendment because of where the -- or the  
27 importance of that resource. And there is a lot of local  
28 support for that, so when I do vote to support the  
29 amendment then I intend to vote for it and that's the  
30 reason why, just because of the large participation in  
31 the project and the local support for it.

32  
33 (Pause)

34  
35 CHAIRMAN DEMIENTIEFF: Any other  
36 discussion on the amendment.

37  
38 MR. BSCHOR: Mr. Chair, I want to comment  
39 on the amendment. I believe also that that local support  
40 is extremely important as I commented earlier about  
41 having other partners on board and what bailing out a  
42 project does to that whole group of folks, including the  
43 communities, I think it extremely important.

44  
45 I also would not jump to the conclusion  
46 that the Council did not approve of this project, we  
47 don't know since we haven't been able to contact the  
48 Chair, but they said that the total cost was too much,  
49 that doesn't say no. So I know we won't be able to  
50 clarify that today but I'm going on the assumption that

1 they weren't against the project, they might have been  
2 concerned from what it says in the write up about how  
3 much it was going to cost. There might be some ability  
4 to even go along with the project. So I'm going to go on  
5 that assumption relative to my vote.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you. Any  
8 further discussion on the amendment.

9  
10 (No comments)

11  
12 CHAIRMAN DEMIENTIEFF: Hearing none, all  
13 those in favor of the amendment, please signify by saying  
14 aye.

15  
16 IN UNISON: Aye.

17  
18 CHAIRMAN DEMIENTIEFF: Those opposed,  
19 same sign.

20  
21 (No opposing votes)

22  
23 CHAIRMAN DEMIENTIEFF: Motion carries.  
24 We now have the motion on Project 05-403 as amended  
25 before us. Is there further discussion on the amended  
26 motion.

27  
28 (No comments)

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

33  
34 IN UNISON: Aye.

35  
36 CHAIRMAN DEMIENTIEFF: Those opposed,  
37 same sign.

38  
39 (No opposing votes)

40  
41 CHAIRMAN DEMIENTIEFF: Motion carries as  
42 amended.

43  
44 We now have the consent agenda items  
45 before us with regard to the fisheries proposals. The  
46 Chair at this time would entertain a motion to adopt the  
47 consent agenda items with regard to the studies for 2005.

48  
49 (Pause)

50

1 MR. KLEIN: Mr. Chair.  
2  
3 CHAIRMAN DEMIENTIEFF: Yes.  
4  
5 MR. KLEIN: The consent is on Page 3 of  
6 your books.  
7  
8 CHAIRMAN DEMIENTIEFF: Thank you.  
9  
10 MR. EDWARDS: Mr. Chairman, I move that  
11 we approve the 2005 Fisheries Resource Monitoring Studies  
12 that are identified on the consent agenda.  
13  
14 CHAIRMAN DEMIENTIEFF: There's a motion  
15 is there a second.  
16  
17 MR. BSCHOR: Second.  
18  
19 CHAIRMAN DEMIENTIEFF: Discussion.  
20  
21 (No comments)  
22  
23 CHAIRMAN DEMIENTIEFF: Hearing none, all  
24 those in favor signify by saying aye.  
25  
26 IN UNISON: Aye.  
27  
28 CHAIRMAN DEMIENTIEFF: Those opposed.  
29  
30 (No opposing votes)  
31  
32 CHAIRMAN DEMIENTIEFF: Motion carries.  
33 And Gary, I think your point is well taken that as we  
34 review these, and once Department and ONC and our Staff  
35 can get together we can look to see if the possibility  
36 exists for the 28,000 but you're absolutely correct in  
37 jeopardizing one particular project. So if there is that  
38 kind of money available then I'm entirely open to coming  
39 back prior to the study in one of our work sessions to  
40 see if we can't find it.  
41  
42 That is the deal with us Steve, if you  
43 can, if there's any possible way that you can see as  
44 you're working through this then bring it to my attention  
45 and we'll go ahead and schedule a reconsideration of the  
46 previous proposal and the \$28,000 shortfall. But, yeah,  
47 not at the jeopardy of another project.  
48  
49 So with that we'll move on.  
50

1 MS. GOTTLIEB: Mr. Chair.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MS. GOTTLIEB: I was just wondering, with  
6 Steve and other Staff here, if I could ask two, I hope,  
7 just pretty quick questions because we're going to be  
8 dealing with issues on the Yukon River, and that will be  
9 very important. If I could get just a little bit of an  
10 update on the Yukon River on the age, sex and length  
11 study that's been done on the chinook and also if we know  
12 anything more on Ichthyoponus since our public session  
13 last year on that. I think that will help us as we go  
14 through our deliberations.

15

16 CHAIRMAN DEMIENTIEFF: Who's going to  
17 respond to that, Steve, are you?

18

19 MR. KLEIN: No, I've got Cliff Schleusner  
20 here to respond to that. I wanted to back up just for  
21 one moment and follow up on your comment, though, Mitch,  
22 Mary, I heard your message loud and clear and Greg, I  
23 think you presented very compelling arguments and maybe  
24 we overestimated what could happen by not doing the  
25 project for a year so I will commit that we'll go back  
26 and take a hard look at that and we'll look at potential  
27 funding so that instead of having a lapse in 2005 we  
28 could continue it in some shape or form.

29

30 And then on to Judy's question, Cliff,  
31 can address both of those issues.

32

33 Cliff.

34

35 CHAIRMAN DEMIENTIEFF: Go ahead.

36

37 MR. SCHLEUSNER: Mr. Chairman. Ms.  
38 Gottlieb. My name is Cliff Schleusner. I'm the  
39 fisheries biologist assigned to the Yukon region for the  
40 Fisheries Resource Monitoring Program.

41

42 To answer your question first on the ASL  
43 study, Karen Hyer and I are working on that report. We  
44 finally received the data from the Alaska Department of  
45 Fish and Game in July of this year and she's been doing  
46 the analysis since that time. We did, however, receive a  
47 new data set that included some Canadian data from the  
48 '80s and we received that last week and actually we were  
49 in the office this weekend trying to run that data. Our  
50 intent is to have that report by the Council meetings and

1 have it presented at the three Council meetings on the  
2 Yukon.

3

4 CHAIRMAN DEMIENTIEFF: Thank you.

5

6 MR. SCHLEUSNER: And as a far as an  
7 update on Ichthyophonus, the Office of Subsistence  
8 Management, as you know, has supported Ichthyophonus  
9 research on Yukon River chinook salmon from 1999 to 2002.  
10 That data was presented to you by Dr. Cosan, the  
11 principle investigator, during the January work session.  
12 Also in 2003, the Alaska Department of Fish and Game  
13 received a grant to continue research on Ichthyophonus  
14 from the Pacific Salmon Recovery Fund. And since that  
15 time, 2003, the research focused on the development of a  
16 non-lethal test for Ichthyophonus. Oregon State  
17 University was contracted and developed a non-lethal test  
18 using palmaris chain reaction or PCR, and muscle punch  
19 biopsies. In 2004 the research focused on continuing the  
20 monitoring at Emmonak and Tanana River to get the rate of  
21 disease coming into the Yukon. They also looked at the  
22 Tanana River and specifically the Chena and Salcha on the  
23 spawning grounds to address the question of whether  
24 diseased fish were successfully spawning.

25

26 They have not compiled this data, it's  
27 being analyzed and has not been written up into a report  
28 yet. They have shared some preliminary data.

29

30 On the Chena River, for example, from the  
31 carcass surveys, there were 31 infected fish sampled. Of  
32 those 45 percent of the females were spawned out,  
33 providing some anecdotal evidence that Ichthyophonus  
34 infected fish are actually spawning. The State also, in  
35 conjunction with this, conducted a pilot study looking at  
36 the use of telemetry and the non-lethal test to track  
37 fish to their spawning grounds to ascertain the fate of  
38 these fish and the results of that, again, are currently  
39 being analyzed. But 109 fish were tagged this past  
40 summer at the mouth of the Tanana.

41

42 In 2005, the State has shared with me the  
43 intent to continue the monitoring, the rate of disease  
44 coming into the Yukon at Emmonak and also to continue the  
45 work on the spawning grounds to get a better idea of how  
46 this is affecting the reproduction.

47

48 Since this field season in October, YRDFA  
49 actually hosted a meeting, which was an Ichthyophonus  
50 scoping and planning meeting in which they invited

1 subsistence fishermen, commercial fishermen, researchers  
2 and the agency staff to get together to try and  
3 coordinate research and funding, kind of a long-term  
4 vision for Ichthyophonus research, and the results of  
5 that was the group developed kind of a gap analysis and a  
6 prioritized list of research needs. The top three  
7 research needs identified were prespawning mortality,  
8 maintenance of monitoring program and the quantification  
9 of undocumented harvest.

10

11 YRDFA is currently soliciting proposals  
12 for salmon research in the Yukon River, and the YRDFA  
13 Board of Directors has identified Ichthyophonus as a  
14 priority project area for the '05 and '06 cycle. And I  
15 know there's Staff from Commfish and YRDFA present here  
16 today if there's further questions.

17

18 CHAIRMAN DEMIENTIEFF: Thank you.  
19 Further discussion.

20

21 (No comments)

22

23 CHAIRMAN DEMIENTIEFF: If not we're going  
24 to move on. We do have one bit of backing up, earlier we  
25 took care of the motion on the consent agenda items for  
26 Subpart C and D proposals, and I apologize, I hadn't even  
27 looked at the agenda and we kind of jumped ahead of  
28 ourselves on that motion but we left a little bit of  
29 incompleteness. It was one of the things in my packet that  
30 I couldn't find, the agenda, I was so busy trying to put  
31 the proposals together but we do have a little bit of  
32 unfinished business. So with regard to the supplemental  
33 material, so I'm going to go back to those issues and  
34 have Tom clear it up.

35

36 MR. BOYD: Mr. Chair, I'll read into the  
37 record the supplemental material that's contained in your  
38 navy packets. These are additional materials that were  
39 not available at the time we prepared the Board books.  
40 The index for that is the first page in your folder, and  
41 very quickly I'll read those into the record.

42

43 No. 1 is the Alaska Department of Fish  
44 and Game final comments on the 2005 and 2006 Federal  
45 Subsistence Proposals, they cover all of the proposals.

46

47 No. 2 is the regulatory history and  
48 stock, status and trout in Southeast Alaska by the Alaska  
49 Department of Fish and Game, and they refer to Proposals  
50 28, 29, and 30.

1                   No. 3 is the supplemental materials for  
2 Proposal 05-25.

3  
4                   No. 4 is a comment letter we obtained  
5 from Rain Country Flyfishers which comment on Proposals  
6 28 and 30.

7  
8                   No. 5 is a general reference for all  
9 Southeast proposals. It's the customary and traditional  
10 use determinations for Southeast Alaska for the 2004/2005  
11 regulatory year.

12  
13                   No. 6 is a correction item for Proposal  
14 05-17, the replacement pages for Pages 191 through 196.

15  
16                   Similarly Item No. 7 is replacement pages  
17 for Proposal 05-30 and they're Pages 299 to 302.

18  
19                   And similarly replacement pages for  
20 Proposal 05-03 and they're Pages 425 to 426.

21  
22                   Mr. Chair.

23  
24                   CHAIRMAN DEMIENTIEFF: Okay, thank you  
25 very much. Since this information is brand new to us, I  
26 know I'm going to take the time to review it probably  
27 this evening. So I don't know that we need further  
28 discussion without us further understanding the  
29 supplemental material. Thank you, Tom, for pointing that  
30 out.

31  
32                   Now, we'll go back to agenda Item No. 7,  
33 and then having already completed our work on 8 then  
34 we'll be back on track as far as our agenda goes.

35  
36                   MR. BOYD: Okay.

37  
38                   CHAIRMAN DEMIENTIEFF: Okay. So Item No.  
39 7 Partners Program and Capacity Building, who's going to  
40 do that, Tom.

41  
42                   MR. BOYD: Mr. Chair, Beth Spangler is  
43 coming forward, and before she comes let me just say a  
44 couple words about this.

45  
46                   I think one of the important aspects of  
47 the Federal Subsistence Program, and particularly the  
48 monitoring part of that program is the utilization of  
49 partnerships with local, rural and Native organizations.  
50 It's one of the several criteria that we use in selecting

1 projects, but it's also a primary reason for our Partners  
2 for Fisheries Monitoring aspect of this program. In that  
3 part of the program we set aside funds each year that  
4 enables Native and rural organizations to hire  
5 professionals, fishery biologists and anthropologists to  
6 participate in the Fisheries Monitoring Program.

7  
8                   And I'm not going to say much more  
9 because I know that Beth is going to say a lot more, but  
10 it's my privilege to present Beth Spangler to you, who is  
11 our coordinator for the Partners Program and who I think  
12 has brought this program a long way and much further and  
13 faster than we've even anticipated. So with that I'll  
14 let Beth bring you up to date on what we're doing in our  
15 Partners for Fisheries Monitoring Program.

16  
17                   CHAIRMAN DEMIENTIEFF: Beth.

18  
19                   MR. SPANGLER: Good morning, Mr. Chair,  
20 and members of the Board. This morning I was just going  
21 to provide a brief overview of the program and some of  
22 the accomplishments that we've had during the last few  
23 years.

24  
25                   The Partners for Fisheries Monitoring  
26 Program is administered through the Office of Subsistence  
27 Management and it has been initiated since the fall of  
28 2001. The goal of the program is to build the capability  
29 and expertise of Alaska Native and rural organizations to  
30 participate in subsistence fisheries management and  
31 research on Federal lands. We strive to accomplish our  
32 goal by hiring fisheries biologists and social scientists  
33 that live and work in the communities that they serve.

34  
35                   Since its inception the Partners Program  
36 has initiated two calls for proposals, the first was in  
37 the spring of 2002 and the second was in the fall of  
38 2003. This resulted in eight different partnerships we  
39 have with Alaska Native organizations.

40  
41                   Currently our partners include three  
42 fisheries biologists that are in the Yukon region, one  
43 with the Association of Village Council Presidents, the  
44 Tanana Chiefs Conference and the Council of Athabaskan  
45 Tribal Governments. We have two in the Kuskokwim region  
46 that are both fisheries biologists, one with the  
47 Association of Village Council [sic] and one with the  
48 Kuskokwim Native Association. We also have one fisheries  
49 biologist and one social scientist representing Bristol  
50 Bay and the Alaska Peninsula and that's with the Bristol



1 Bay Native Association, and we have one social scientist  
2 representing Southcentral Alaska and she's with the  
3 Native Village of Eyak.

4  
5                   The fisheries biologists and social  
6 scientists all work on three primary objectives that are  
7 administered through cooperative agreements with the U.S.  
8 Fish and Wildlife Service and they include participating  
9 in the Partners for Fisheries Monitoring Program  
10 providing community outreach and education and mentoring  
11 college interns.

12  
13                   The partners fisheries biologists and  
14 social scientists carry out the program objectives  
15 basically while incorporating key issues that face  
16 subsistence users on Federal lands.

17  
18                   The first objective participating in the  
19 Fisheries Resource Monitoring Program can address key  
20 issues facing subsistence users in their local regions,  
21 and obviously the studies can either be stock, status and  
22 trends, harvest monitoring or traditional ecological  
23 knowledge. And during the first year they participated  
24 in about 28 or in 28 studies through the Fisheries  
25 Resource Monitoring Program, and during the last year  
26 they participated in 27.

27  
28                   The partners assisted with project  
29 operations, technical support and coordination with  
30 project activities. And a large benefit of having  
31 partners out on these projects is that it provides  
32 additional assistance at no additional cost to the  
33 investigators. The partners have also been working to  
34 establish relationships to build future proposals that  
35 hopefully we'll see in the next few years.

36  
37                   Partners strengthen their work with the  
38 Fisheries Resource Monitoring Program by incorporating  
39 various organizations and groups from their communities  
40 into the project. This included 78 different  
41 organizations in the last two years, and they range  
42 anything from Native councils and organizations to the  
43 Alaska Department of Fish and Game, the five Federal  
44 agencies, different academic groups, and environmental  
45 groups. Partners work with the organizations on the  
46 Fisheries Resource Monitoring Program through proposals  
47 and projects, helping to identify issues and information  
48 needs, contracting opportunities, especially in their  
49 local areas and building community support.

50

1                                 With the second objective to provide  
2 community outreach and education, there are many  
3 different ways that the partners could reach out with  
4 community outreach. They have been going to public  
5 meetings, workshops and professional conferences, such as  
6 the American Fisheries Society, the Alaska  
7 Anthropological Association, the Alaska Native Health  
8 Boards Tribal Conference, Biannual Regional Advisory  
9 Council meetings, the BIA Providers Conference and the  
10 Alaska Forum on the Environment.

11  
12                                 As far as helping to promote education in  
13 their local areas they have been visiting schools  
14 throughout the state developing science camps and  
15 supporting work programs. In the classrooms they go in  
16 and talk to the children about fisheries biologists and  
17 this basically helps connects the kids to the resources.  
18 Different science camps that they have conducted have  
19 been done in Bethel, Goodnews Bay, Cordova, Kalskag, and  
20 Tuluksak, and this upcoming year we'll be in Fort Yukon.  
21 Kids can spend the day sampling fish, understanding about  
22 habitats and learning from their elders. The older  
23 children also have the opportunity to learn about careers  
24 in biology. And these science camps have ranged anywhere  
25 from one day to about one week in duration.

26  
27                                 We also have a few examples of different  
28 work programs that the partners have been involved with  
29 over the last few years. At the Kuskokwim Native  
30 Association students have the opportunity to spend one  
31 week out at different fisheries projects such as a weir  
32 and get real life experience to get the opportunity to  
33 know what it would be like to really be a fisheries  
34 biologist. Those that return a second year get the  
35 opportunity to spend two weeks out at a work site, and  
36 they do receive a stipend for their time out at the site.

37  
38                                 At the Tanana Chiefs Conference kids have  
39 had the opportunity to participate in the Youth  
40 Opportunity Program. During the last two years either  
41 one or two children or students from eight different  
42 communities along the Yukon River have been able to be  
43 paired with a subsistence fisherman where they collect  
44 age, sex and length sample data, Ichthyophonous and heart  
45 tissue samples. And they do receive money for each of  
46 the samples that they collect. These students were in  
47 Galena, Nulato, Kaltag, Holy Cross, Minto, Northway,  
48 Venetie, Ruby, Allakaket and Huslia. Additionally at  
49 Tanana Chiefs Conference they've also been participating  
50 in the Americorp Program.

1                   Our last objective, mentoring college  
2 interns is a real special component of the program  
3 because we really see it as the future of fisheries  
4 biology and social science in years to come. Each of our  
5 partners biologist and social scientists get the  
6 opportunity to mentor at least one student throughout the  
7 summer. During the past two summers, student interns  
8 were hired from the communities of Aniak, Chuathbaluk,  
9 Cordova, Bethel, Dillingham, South Naknek and Fort Yukon.  
10 Last year we also were able to implement a pilot program  
11 with the Marine Advisory Program and the University of  
12 Alaska to provide college credits for two of our student  
13 interns. And we're working currently on developing a  
14 curriculum so that all students will have that  
15 opportunity starting in the summer of 2005.

16  
17                   Additionally, this past summer we also  
18 partnered with the National Science Foundation to support  
19 a grant through the Tribal Colleges and Universities  
20 Program. This grant is titled Mending the Net, Helping  
21 Alaska Natives Achieve in Science, Physics, Mathematics  
22 and Engineering. We were able to hire four additional  
23 students for the summer through Bristol Bay Native  
24 Association through this program. And the students once  
25 again got to go out to fishery sites, weirs,  
26 anthropological studies in their region and get real  
27 experience. We will continue this program also in the  
28 summer of 2005, being able to hire an additional four  
29 students. This past year these students were from  
30 Ketchikan, New Stuyahok, and two were from Nondalton.

31  
32                   In closing, I'd just like to say we're  
33 really excited about the Partners for Fisheries  
34 Monitoring Program, and we feel it's showed really great  
35 success in the last two years and we expect this to  
36 continue with greater participation in the Fisheries  
37 Resource Monitoring Program in the future, hopefully  
38 developing stronger partnerships as well as development  
39 of new ones. And also the continuation of community  
40 outreach and education in which can be expanded in  
41 numerous different ways, and of course the continuation  
42 and the building of being able to mentor more students in  
43 rural areas.

44  
45                   Thank you.

46  
47                   CHAIRMAN DEMIENTIEFF: Thank you. Any  
48 questions or comments.

49  
50                   (No comments)

1 CHAIRMAN DEMIENTIEFF: Thank you, very  
2 much. I guess you satisfied everybody's curiosity.  
3 We're about to proceed into the proposals, I think we may  
4 just want to break a little bit early for lunch and come  
5 back a little bit early before we start in on those.

6  
7 I do want to mention one thing, though,  
8 and that is we do have a request to have an executive  
9 session with regard to recent litigation. In my  
10 discussions with Keith this morning, he's finding out  
11 information right up through last night so we're not  
12 going to deal with that. First of all, I'm uncomfortable  
13 unless we absolutely have to go into executive session at  
14 a public meeting because people are making efforts to get  
15 here. So I will just say this, as soon as Keith is able  
16 to work it out we will have a work session, a Board work  
17 session. Since it is litigation we have to discuss that  
18 privately so we'll do that on another date, and we'll be  
19 working with the Board to arrange that. And also, because  
20 this thing is so new and so fast moving that we need to  
21 give our legal team the opportunity so that when we get a  
22 briefing we'll get a thorough one.

23  
24 So with that it's about 11:30 right now,  
25 so maybe we'll try to get going about a quarter to 1:00  
26 and this might actually help us out in terms of getting  
27 to restaurants and getting food to eat, beat the noon  
28 rush, so it works out very good. And then we'll come  
29 back with Southeast proposals, I believe, yes, No. 17  
30 will be the first item up at about a quarter to 1:00.

31  
32 Thank you.

33  
34 (Off record)

35  
36 (On record)

37  
38 CHAIRMAN DEMIENTIEFF: Okay, it looks  
39 like we're all here, we'll go ahead and call the meeting  
40 to order.

41  
42 I just want you to know on this lunch  
43 break we got our first official complaint about the  
44 process here, and Chairman Littlefield from Southeast has  
45 officially registered his complaint of why we always  
46 start out with Southeast proposals first. Well, we know  
47 the real reason is of course because they're Region No.  
48 1, so why not just start out with No. 1. But if you want  
49 us to renumber you to like No. 10, we could do that John,  
50 just however you want to handle that.

1 MR. LITTLEFIELD: I've been called No. 10  
2 but not since 1968.

3  
4 (Laughter)

5  
6 CHAIRMAN DEMIENTIEFF: Okay, a different  
7 kind of 10. But anyway, we are going into the Southeast  
8 proposals over Chairman Littlefield's strong objection,  
9 and we will begin to deal with that first. Analysis,  
10 who's going to do that, Cal, okay, no, Robert.

11  
12 DR. SCHROEDER: Mr. Chairman, we'll begin  
13 with Proposal FP05-17. The write up for this proposal  
14 begins on Page 189 of your proposal book. I'd also alert  
15 the Board that your supplemental information No. 6  
16 provides replacement pages for Pages 191 to 196. The  
17 main changes there are simply to make the Regional  
18 Council proposed language a little clearer for  
19 discussion.

20  
21 Proposal FP05-17 was submitted by Ms.  
22 Wanda Culp of Hoonah and it would change regulations  
23 governing ceremonial harvest of fish in fishing  
24 subdistricts 14-B and 14-C. Ms. Culp would wish to  
25 reduce the regulatory burden placed on persons who wish  
26 to take fish for traditional ceremonial purposes. Under  
27 her proposed change the appropriate fisheries manager  
28 would be informed that an attempt to take fish for a  
29 ceremony was going to take place, the manager would not  
30 have the authority to limit or direct the take for  
31 conservation purposes and no reporting would be required.

32  
33 We did clarify this proposal with the  
34 proponent. She believed that government regulations  
35 should not interfere in any way with the taking of fish  
36 for traditional funeral ceremonies and the taking fish  
37 for this purpose was protected under the American Indian  
38 Religious Freedom Act. The existing Federal regulation  
39 is reprinted on Page 197. The proposed language is on  
40 Page 198. It would change parts i, ii and iii, and say  
41 that in Subdistricts 14-B, 14-C, the manager would only  
42 be informed that there is going to be an attempt for fish  
43 for ceremony, that the provision talking about fisheries  
44 conservation et cetera would not apply, and that there  
45 would be no harvest report.

46  
47 This regulation, if adopted, would apply  
48 to all Federal public waters in Subdistricts 14-B and 14-  
49 C. And we'll note that Glacier Bay National Park is  
50 within Subdistricts 14-B and that subsistence uses are

1 not permitted there. Also that Federal jurisdiction does  
2 not extend into marine waters and is limited to waters  
3 above mean high tide.

4  
5 Residents of Hoonah and Chichagof Island  
6 Drainages on the east shore of Port Frederick have  
7 recognized customary and traditional use of salmon, Dolly  
8 Varden, trout, smelt and hooligan in Subdistricts 14-B  
9 and C. The ceremonial harvest regulation was passed in  
10 the Board's 2003 fisheries regulatory cycle. Prior to  
11 passage of that regulation, a special action request  
12 would have been required to provide fish harvest of this  
13 type. The Board passed a statewide regulation at that  
14 time.

15  
16 In general the Board concurred with the  
17 provisions that the Southeast Regional Advisory Council  
18 recommended concerning ceremonial fish harvesting,  
19 although the Council at the time that proposal was  
20 discussed was against having a reporting requirement, the  
21 Council reasoning was that there were a limited number of  
22 memorial events and ceremonies, Koo.eex, held in  
23 Southeast Alaska averaging 20 to 25 a year, that  
24 ceremonies were well publicized and listed on the Central  
25 Council website, salmon were the species taken and that  
26 harvest of salmon under this regulation were very small  
27 compared to the commercial and sportharvest of these same  
28 species. The Council also believed that harvest were  
29 inherently self-limiting and recommended voluntary  
30 reporting.

31  
32 Background on ceremonial use of fish in  
33 Southeast Alaska, very briefly, traditional funerary and  
34 mortuary practices in Southeast Alaska typically include  
35 three occasions where subsistence foods may be served to  
36 guests. Bereavement, shortly after a death has taken  
37 place, a 40 day Koo.eex, and a pay off Koo.eex generally  
38 held in September or October a year or more after a  
39 death. Fish are very important, both for feeding guests  
40 as gifts to attendees, particularly attendees from the  
41 opposing clans.

42  
43 Almost all the salmon taken for  
44 subsistence uses in Southeast Alaska are taken in marine  
45 waters. Because marine waters are generally not under  
46 Federal jurisdiction harvest take place under state of  
47 Alaska regulations. There are no locations with  
48 Subdistricts 14-B and C where large quantities of salmon  
49 have traditionally been taken in waters under Federal  
50 jurisdiction. No Federal permits for ceremonial harvests

1 of fish have been issued under the current regulations in  
2 these or other subdistricts in Southeast.

3  
4 The ceremonial needs for salmon for  
5 Hoonah residents are met through subsistence net  
6 fisheries for sockeye salmon at Haaktaheen (ph), Neva,  
7 Excursion and other rivers, and through rod and reel  
8 harvest of chinook, chum and silver salmon. Salmon are  
9 also removed from commercial net and troll harvest for  
10 ceremonial uses. Halibut also figure in importantly and  
11 they're clearly regulated by international treaty and are  
12 not subject to Board regulation.

13  
14 The effects of this proposal would limit  
15 the information provided to a fisheries manager before an  
16 attempt to take fish for a ceremony would take place, and  
17 the new regulation would eliminate the applicability of  
18 regulatory paragraphs concerning conservation and  
19 reporting of ceremonial harvest in these two  
20 subdistricts. In practice Staff felt the proposal would  
21 have negligible effects on subsistence users and other  
22 uses of fisheries resources in 14-B and C, noting that no  
23 Federal permits have been issued for ceremonial harvests  
24 in these districts and that given that Federal  
25 jurisdiction is limited to freshwaters, we don't  
26 anticipate permits being issued in the future.

27  
28 Mr. Chairman, that concludes our  
29 presentation.

30  
31 CHAIRMAN DEMIENTIEFF: Thank you, very  
32 much. Written public comments.

33  
34 DR. SCHROEDER: Mr. Chairman, we have no  
35 written public comments on this proposal.

36  
37 CHAIRMAN DEMIENTIEFF: We have no request  
38 for public testimony at this time. Regional Council  
39 recommendation.

40  
41 MR. LITTLEFIELD: Thank you, Mr. Chair.  
42 The Regional Advisory Council supported the modified  
43 language 10-0. Before we could get to that vote it took  
44 four hours of discussion, so hopefully it won't take you  
45 guys quite that long. But this brought up quite a few  
46 things that were different like the Religious Freedom  
47 Act, we had to get some input from our lawyers on that  
48 but anyway, in our justification for this we do not  
49 believe there is any conservation concern at all because  
50 as Dr. Schroeder mentioned and as we talked about

1 previously in 2003, the number of Koo.eex is limited,  
2 quite limited, and there should be no conservation  
3 concern. If you have two million in coho's returning to  
4 Southeast and you harvest a few hundred or 500 or a  
5 thousand for a Koo.eex, that's not a conservation concern  
6 in any way. It does recognize some religious practices  
7 of the people of Hoonah. It is beneficial for the  
8 subsistence users, and it has no effect on other users.

9  
10 And for those reasons we supported it 10-  
11 0, the modified language, Mr. Chair.

12  
13 CHAIRMAN DEMIENTIEFF: Thank you, very  
14 much. Staff Committee.

15  
16 MR. KESSLER: Good afternoon, Mr. Chair,  
17 Members of the Board. I'm Steve Kessler with the USDA  
18 Forest Service and a member of the Interagency Staff  
19 Committee. I will be presenting the recommendations of  
20 the Interagency Staff Committee for all the proposals for  
21 Southeast Alaska. The recommendations of the Committee  
22 for FP05-17 starts on Page 193.

23  
24 The Interagency Staff Committee members  
25 did not reach consensus on this proposal. We have two  
26 different options for you to consider.

27  
28 Option A is to support the proposal with  
29 modification, the same as the recommendation of the  
30 Southeast Regional Advisory Council. Changes to the  
31 regulatory language are shown on Pages 193 and 194 of  
32 your book. The justification for this option is as  
33 follows:

34  
35 The Southeast Regional Advisory Council's  
36 recommendation retains the existing requirement to inform  
37 the Federal manager that there'll be an attempt to take  
38 fish for a ceremony. This should significantly reduce  
39 the potential for conflicts with law enforcement officers  
40 when such activities are being conducted. The  
41 elimination of the post-harvest reporting requirement is  
42 necessary to address important cultural sensitivity  
43 concerns associated with these traditional practices.  
44 Even without such reporting adequate information on the  
45 species, their amounts and locations of harvest would  
46 still be available to the managers through the initial  
47 contact by the harvester and/or the tribal organization.  
48 Those holding this view do not find justification in  
49 rejecting the Council's recommendation based on the  
50 criteria outlined in ANILCA Title VIII, Section .805(c).



1 The Council recommendation does not present a  
2 conservation concern as the typically targeted species  
3 are abundant and the number harvested for the ceremonies  
4 are low. Additionally, the measures that currently exist  
5 in regulations to address potential concerns about  
6 overharvest of specific localized fish populations are  
7 retained. The Council's recommendation is not  
8 detrimental to subsistence users but instead more  
9 adequately provides for an important subsistence related  
10 activity and is supported by evidence provided to them  
11 via oral testimony at the fall 2004 Council meeting.

12  
13 Now, Option B, is also to support the  
14 proposal for this option is different than the  
15 recommendation of the Southeast Regional Advisory  
16 Council. The only modification to the current regulation  
17 would be to allow an oral report in place of a written  
18 report. The modified proposed regulation would add one  
19 phrase as shown on Page 195 of your book.

20  
21 The justification for this option is as  
22 follows: The existing regulation appears to be working  
23 well, including providing explicit authorization to take  
24 fish for traditional or religious ceremonies that are  
25 part of funerary or mortuary cycles including the  
26 memorial potlatches. And at the same time the regulation  
27 provides information needed for conservation of fish  
28 resources. There's no substantial evidence that the  
29 regulation is not working as anticipated on a Southeast  
30 wide basis. The proposed wording by both the proponent  
31 and the Southeast Regional Advisory Council does not  
32 provide sufficient information for the manager to assure  
33 conservation of the resource or allow for the  
34 unobstructed implementation of the take. Those holding  
35 this view would find justification modifying the  
36 Council's recommendation based on the criteria outlined  
37 in ANILCA, Title VIII, Section .805(c).

38  
39 The modification to subsection i, which  
40 is the little i, proposed by the Council would require  
41 only informing a Federal fisheries manager that there  
42 will be an attempt to take fish for a ceremony. The  
43 revised regulation would not be specific in time or  
44 place. The informing could occur at the beginning of the  
45 regulatory year and be no more specific than "I plan to  
46 take fish in Southeast Alaska for a ceremony." The  
47 manager would have no basis to evaluate whether the  
48 taking violates recognized principles of fisheries  
49 conservation as required in the proposed regulatory  
50 subsection 2, and further required by ANILCA Title VIII,

1 Section .802 and .815. Since the take under Federal  
2 regulation must occur in inland waters there is some  
3 potential for overfishing of specific stocks. Regulatory  
4 Subsection 2 also states "only if necessary for  
5 conservation purposes the Federal fisheries manager will  
6 establish the number, species, and places of taking."  
7 Since Subsection 1 does not require specific  
8 identification of the proposed number, species and places  
9 of harvest, it would be internally inconsistent with the  
10 requirements of Subsection 2. Again, this is all in the  
11 language that's proposed by the Council.

12  
13 If the presence of this language in  
14 Subsection 2 in effect implies or requires this  
15 information be providing in Subsection 1, then the  
16 existing regulatory language does that and it does not  
17 need modification. Regulations must not be vague or  
18 inconsistent otherwise they are unenforceable.

19  
20 Implementation of the Council's  
21 recommendation would also not allow the manager to have a  
22 reasonable level of comfort, the persons taking the fish  
23 would not be harassed by others or unnecessarily  
24 contacted by law enforcement officials. Particularly  
25 during ceremonial times of harvest those taking fish  
26 should not be burdened by administrative concerns. If  
27 the manager and law enforcement are not aware of the  
28 location and time of the harvest there is substantially  
29 greater likelihood that those taking the fish will be  
30 stopped, questioned and potentially cited. No permit is  
31 required by those taking fish, therefore, there will be  
32 no record of whether the harvest is legal.

33  
34 In the long-run, this could be more  
35 detrimental to the satisfaction of subsistence needs and  
36 the affecting of religious ceremonies than what is  
37 currently required.

38  
39 This group of Interagency Staff Committee  
40 members does suggest that the reporting requirement after  
41 a harvest occurs could be modified to only require an  
42 oral report of the harvest that occurred. The manager  
43 would then document the harvest negating the need for the  
44 user to spend time writing a report. This suggestion is  
45 represented in the modification to Subsection 3 as shown  
46 on Page 195. Except that I would suggest that you would  
47 use the word oral rather than verbal if you select this  
48 option.

49  
50 And that's the conclusion of the

1 Interagency Staff Committee comments on this proposal,  
2 Mr. Chairman.

3

4 CHAIRMAN DEMIENTIEFF: Thank you, very  
5 much. Department comments.

6

7 MS. SEE: Thank you, Mr. Chair. The  
8 Federal Staff analysis for this proposal provides current  
9 and accurate information. We note that the development  
10 of the Option A and B is fairly recent and we note that  
11 many of the concerns that we have regarding fisheries  
12 managers needing that opportunity to coordinate with  
13 requesters, many of those points are raised fairly well  
14 in that Option B discussion. We want to see that the  
15 harvest and the subsequent reporting will help support  
16 sustainable salmon resources and that information would  
17 be information of interest to the Department as well as  
18 to the Federal managers.

19

20 Therefore, our recommendation at this  
21 time is that we do not support the original proposal,  
22 however, we feel that Option B, as noted would, in fact,  
23 address most of our concerns that we feel that the verbal  
24 or oral reporting would satisfy the concern that there be  
25 an opportunity to find out what, in fact, was harvested.

26

27 Thank you.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. With  
30 that we'll advance to Board discussion, Regional Council  
31 Chairs, anybody have anything here.

32

33 MR. EDWARDS: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MR. EDWARDS: And maybe this is for the  
38 Staff Committee. Under the justification for Option A,  
39 in the last sentence of the first paragraph it says, even  
40 without such reporting adequate information on the  
41 species, their amounts and locations of harvest would  
42 still be available to the manager through the initial  
43 contact by the harvester and/or the tribal organization.

44

45 Now, I thought all they had to do was  
46 just call in and say under the proposal that they were  
47 going to be harvesting and didn't have to provide any of  
48 this information, and so I'm a little unclear if that  
49 statement is true or not.

50

1 MR. KESSLER: If you take a look at  
2 Options A and B, you'll see that Option B does not really  
3 agree with that and that in the discussion for Option B  
4 is that all that would be required is sometime during the  
5 regulatory year it would need to be said, I plan to take  
6 fish in Southeast for a ceremony. That's all really that  
7 regulation would require.

8  
9 Those supporting Option A think that more  
10 than that would be provided. And that there would be  
11 information provided on species, their amounts and  
12 location of harvest. The way that I read the regulation,  
13 I don't see that as necessarily being true. The  
14 regulation doesn't require that.

15  
16 MR. EDWARDS: So I guess you're  
17 suggesting that that sentence may not be true or  
18 accurate, I should say?

19  
20 MR. KESSLER: Well, I think that  
21 generally if a request for ceremonial harvest occurs or a  
22 notification, which is all that it would be, I think that  
23 generally it would occur associated with when this  
24 ceremonial harvest would occur, and therefore some of  
25 that information may be provided but it certainly does  
26 not have to be provided under the language that's  
27 proposed by the Regional Council.

28  
29 MR. EDWARDS: So that's a yes?

30  
31 (No response)

32  
33 CHAIRMAN DEMIENTIEFF: Anybody else.

34  
35 MR. BSCHOR: Mr. Chair, in line with our  
36 process of supporting the Regional Advisory Council's  
37 recommendation initially, I'd be prepared to move to do  
38 that but I would be, assuming that we get a second, I  
39 would be following that proposing an amendment.

40  
41 CHAIRMAN DEMIENTIEFF: Thank you.

42  
43 MR. BSCHOR: So I move to adopt the  
44 proposal as modified by the Southeast Regional Advisory  
45 Council.

46  
47 CHAIRMAN DEMIENTIEFF: Is there a second  
48 to that motion.

49  
50 MS. GOTTLIEB: I'll second.

1 CHAIRMAN DEMIENTIEFF: Okay. Go ahead,  
2 I'm sorry, Denny.

3  
4 MR. BSCHOR: I was going to add some  
5 comments. I think the question of a conservation issue  
6 is not really the importance here. I think the question  
7 of whether there is enough information -- well, first of  
8 all, I want to say I respect the need to have the  
9 ceremonial use that the least hassle possible is what we  
10 ought to be shooting for. We don't want to  
11 bureaucratically be in the way of that sort of exercise  
12 and also that on the other hand if there isn't any  
13 information it's very difficult for the manager and  
14 appropriate folks who are monitoring this type of use or  
15 other uses who might come across someone without the  
16 information would not be able to -- would possibly unduly  
17 contact folks and negate their experience of exercising  
18 the koo.eex.

19  
20 So I think in that respect it's important  
21 that we at least have some sort of, as Steve just  
22 mentioned, some way of knowing at least a verbal report  
23 of what is happening, and without time or place the  
24 potential of interfering unduly would be heightened, I  
25 believe. So those are some concerns I have.

26  
27 CHAIRMAN DEMIENTIEFF: Thank you.  
28 Further discussion.

29  
30 MR. EDWARDS: Mr. Chairman, for my own  
31 information, if we would approve this as recommended by  
32 the Council, then this would be different from how we do  
33 it throughout the rest of the state, would it not, for  
34 other types of ceremonial purposes when it comes to  
35 either game of fish, and, therefore it seems to me that  
36 if you were supportive of this you'd almost want to be  
37 supportive of it for statewide as opposed to just for one  
38 reason; would that be the case?

39  
40 CHAIRMAN DEMIENTIEFF: I think that's a  
41 fair question. But we have to keep in mind that for  
42 these ceremonial events, the different cultures have ways  
43 to deal with it. For example, say in the taking of moose  
44 for potlatches, we are not allowed in most of the  
45 Interior to say we're going to go and try to do something  
46 like that. You'll hear people talk about, well, I'm  
47 going out camping, going for a boat ride, going for a  
48 snowmachine ride, but we don't talk about what we're  
49 going to go do, and I see this is carefully worded, John,  
50 as far as going to attempt, and I don't know if that's an

1 issue in your region or not. But I know I've been very  
2 strong in the past in working within the State system  
3 about not violating the way that we were taught to do  
4 things. And so that's a real interesting point with me  
5 anyway. John, I don't know -- I know this is carefully  
6 worded but I don't know what the cultures are there and  
7 sometimes, Gary, the response is we do have to tailor to  
8 people's customary and traditional way of operating and I  
9 don't know if this is a case of a region specific issue  
10 or not.

11  
12 I think generally speaking, though, from  
13 my perspective through the years we have worked with the  
14 various proposals and have done, I think, a pretty good  
15 job in terms of meeting with the people and meeting their  
16 needs. But that is a question I do have and, you know,  
17 some of these things need to -- one size doesn't  
18 necessarily always fit all, it doesn't work for everybody  
19 else. I mean I've heard different people from different  
20 parts of the state say, well, we're going hunting for  
21 seals today or, you know, we're -- and those are things  
22 that maybe some of our younger people haven't learned  
23 yet, but those are things we would never say at home,  
24 those people that know, and that's just the way it is.  
25 So some of these things we do have to tailor a little  
26 bit. But generally speaking, statewide, I do know that  
27 we have worked very hard to help with the opportunity to  
28 keep this important tradition going

29  
30 John, I don't know, that's kind of  
31 lengthy, but I just had the one question.

32  
33 MR. LITTLEFIELD: Okay, thank you, Mr.  
34 Chair. This original proposal as presented by Wanda Culp  
35 only talked about Subdistrict 14, which is in the Hoonah  
36 area. The traditions for Southeast for the Tlingit-Haida  
37 basically apply everywhere in Southeast and that's why it  
38 was expanded to include all of the Southeast area. And  
39 Southeast doesn't mind leading the way or being the only  
40 one or being different. We felt this was appropriate for  
41 us because of our respect for the resources.

42  
43 We're talking about Koo.eex here,  
44 ceremonies. Those are, not a ceremony to have a -- oh,  
45 what do you call it, the 5th of May celebration, Cinco de  
46 Mayo, or something like that, this is a celebration  
47 that's religious and spiritual in context, which means  
48 those people are not going to go out there and wantonly  
49 waste fish. They're going to be gathering fish for a  
50 ceremony, a pay off party, to pay the other clan back for

1 their duties. And if they need 50 fish or 100 fish  
2 that's what they're going to take. But it's real easy --  
3 it was real easy in our estimation to extrapolate that by  
4 looking at the number of Koo.eex as you said, as Mr.  
5 Bschor said it isn't a conservation issue at all. And  
6 the reporting, as you can just make an assumption if  
7 there were 25 fish taken per koo.eex then you'd be real  
8 close.

9  
10 And the other thing is we were struck by  
11 the fact that you want all these numbers from us, you're  
12 all worried about these thousand fish that we take when  
13 the sportfish, they take six a day and who knows how many  
14 fishermen are out there every day all day and day out  
15 through the whole summer and you're not worried about  
16 their numbers, you're not telling them to count how many  
17 fish they took, you just make an estimation. And you can  
18 do this for this proposal, too. These numbers are --  
19 there's nothing here that's going to break the bank, so I  
20 hope that answers your question, Mr. Chair.

21  
22 CHAIRMAN DEMIENTIEFF: Thank you. Judy,  
23 did you have something.

24  
25 MS. GOTTLIEB: Yes, thank you. I was  
26 there as John led the four hour or so discussion last  
27 fall and it was a very in-depth, shall we say, and  
28 explored lots of sides of the issues.

29  
30 I guess we had developed this statewide  
31 regulation in an attempt to simplify and not have  
32 everybody need to ask us each time that there was a  
33 ceremony for which they needed fish or wildlife out of  
34 regular seasons, and so I appreciate some of the  
35 refinements that were made here that will hopefully make  
36 it still simpler, I guess, to accomplish what needs to be  
37 done. But in terms of the data, I guess it could work  
38 both ways and we'll be looking at some proposals later on  
39 that will talk about reporting as well, and I guess maybe  
40 there's two different philosophies on it, that by keeping  
41 track of the records then one can not only demonstrate a  
42 use but also demonstrate that there is not a conservation  
43 risk by the taking or could be looked at as we've stated  
44 here, too.

45  
46 CHAIRMAN DEMIENTIEFF: Thank you. Any  
47 other discussion. Denny.

48  
49 MR. BSCHOR: Yes, Mr. Chair. I believe  
50 that another thing we might want to look at is to look at

1 the current regulation and maybe look at a modification  
2 of that yet relative to the idea of having an oral versus  
3 a written report.

4  
5 I would like to move to make an amendment  
6 to the motion that we maintain the current regulation  
7 with the allowance of an oral report rather than a  
8 written report.

9  
10 CHAIRMAN DEMIENTIEFF: Thank you. Is  
11 there a second to that amendment.

12  
13 MR. OVIATT: I'll second.

14  
15 CHAIRMAN DEMIENTIEFF: It's been moved  
16 and seconded. Discussion on the amendment.

17  
18 MR. EDWARDS: Mr. Chairman, under that  
19 amendment what would be the initial requirement to --  
20 this is reporting after the fact, but what would be  
21 required prior to the take?

22  
23 MR. BSCHOR: Steve, do you want to  
24 respond to that.

25  
26 MR. KESSLER: Mr. Edwards, the  
27 requirement would be as shown on the bottom of Page 194.  
28 Prior to attempting to take fish the person or designee  
29 or tribal government organizing the ceremony contacts the  
30 appropriate Federal fisheries manager to provide the  
31 nature of the ceremony, number of fish to be taken and  
32 where it will occur. So that there would still be a  
33 requirement to provide some information about the nature  
34 of that ceremonial harvest and what was planned.

35  
36 MR. EDWARDS: And that's pretty  
37 consistent with our language, let's say for a moose for a  
38 potlatch, it would be required to be the same.

39  
40 CHAIRMAN DEMIENTIEFF: Yeah, and there's  
41 a time that you have to report the harvest, it's not  
42 something that needs to be done. I mean I know how these  
43 things work and, you know, when the thing's over,  
44 whatever ceremony you're having the people who are doing  
45 such things, about the last thing they want to do when  
46 it's over is report because quite frankly the effort that  
47 they have put into the event and people really don't get  
48 too concerned about doing that, so in my mind that has to  
49 have a consideration as well.

50



1 Anybody else.

2

3 MR. BSCHOR: And the purpose of my  
4 amendment is to not require a written report afterwards,  
5 but an oral report.

6

7 CHAIRMAN DEMIENTIEFF: Any more  
8 discussion on the amendment.

9

10 MR. LITTLEFIELD: Mr. Chair.

11

12 CHAIRMAN DEMIENTIEFF: Yes, John.

13

14 MR. LITTLEFIELD: Just a point of  
15 clarification, it seems to me that you put the proposal  
16 on the table and got a second for the Regional Advisory  
17 Council's recommendation and then the amendment was to  
18 just strike verbal; am I reading that correctly? In  
19 other words, you're not going for Option B, you're going  
20 for Option A with only the verbal report added.

21

22 CHAIRMAN DEMIENTIEFF: If the amendment  
23 passes.

24

25 MR. BSCHOR: I said the current  
26 regulation, which I believe is Option A -- B.

27

28 CHAIRMAN DEMIENTIEFF: Yes.

29

30 MR. LITTLEFIELD: That was the reason for  
31 my question, Mr. Chair, what you have on the floor right  
32 now is you have the Regional Advisory Council  
33 recommendation, not Option A or Option B, you have the  
34 Regional Council's recommendation which just happens to  
35 be Option A. So you'd probably have to dispose with that  
36 and I would say, once again we would support that, the  
37 Regional Advisory Council, and if you can disprove that,  
38 you know, by our not substantial evidence or conservation  
39 issue or beneficial to the subsistence users, then I  
40 would suggest that you vote no and default back to the  
41 existing regulations. And we run this through the  
42 process. The process is to come to us first. In other  
43 words, I kind of -- whenever I see things come out of the  
44 Interagency Staff Committee, I don't like it because  
45 that's not where the process starts, the process starts  
46 with Wanda Culp who made the request to the Regional  
47 Advisory Council. And when talking with Wanda Culp and  
48 getting information from the Interagency Staff Committee  
49 at that meeting as well as Staff, we decided that this  
50 proposal that we give you is the best proposal that fit

1 the need and we went through -- we vetted this, we went  
2 through the conservation concerns and the substantial  
3 evidence, and if you don't like it, I would suggest that  
4 you vote it down but I don't like substituting  
5 Interagency Staff Committee recommendations for anything  
6 that the Council has done.

7  
8                   Anyway, that's my soapbox for now. I  
9 would suggest that you take action on the -- if you want  
10 to call it Option A, because that's the Regional Advisory  
11 Council, and I again ask your support for it.

12  
13                   CHAIRMAN DEMIENTIEFF: Thank you. So in  
14 the amendment, maybe I'm missing something here, but the  
15 amendment is simply to add the oral report to Option A,  
16 am I incorrect in that?

17  
18                   MR. BSCHOR: Yeah, you're incorrect.  
19 What we would have to do, I think, right now to get back  
20 to Option A is to probably rescind the amendment,  
21 wouldn't we, or something like that. Because what I said  
22 was the amendment was to maintain the current regulation  
23 with the allowance of an oral report instead of written,  
24 so that's really Option B.

25  
26                   MR. TONY: Mr. Chairman.

27  
28                   CHAIRMAN DEMIENTIEFF: Yes.

29  
30                   MR. TONY: Yeah, this is kind of  
31 confusing. Is there any way that we can address this so  
32 that we get a written copy of what it will look like in  
33 front of us before we vote because this is very, very  
34 confusing?

35  
36                   CHAIRMAN DEMIENTIEFF: Go ahead.

37  
38                   MR. EDWARDS: Mr. Chairman, just one  
39 thing I want to, I guess, clarify from Mr. Littlefield.  
40 What I thought I heard you say is that what you would  
41 prefer as opposed to us modifying this, either vote it up  
42 or down?

43  
44                   MR. LITTLEFIELD: Mr. Edwards, through  
45 the Chair. What I'm saying is there's a process in  
46 ANILCA that you're the Secretary up there, we're  
47 addressing you as the Secretary now, not land managers,  
48 and it says what the Secretary can reject our proposals  
49 for. It doesn't say you can make options and flop around  
50 and do whatever you like, like that, it says, the

1 proposal that we've given to you that went through the  
2 vetting process can be rejected for three specific  
3 reasons. And if you can find merit in those three  
4 reasons then you should reject it, if you can't you  
5 should support it, not substitute something else for it,  
6 that's what I'm saying. This should stand on its own  
7 merits, we don't need to add verbal or go to Option B,  
8 Option 1 should stand on its own because that was the  
9 Regional Advisory Council, if it meets those criteria,  
10 which we believe it does then support it. And if you can  
11 refute that, then you can vote no.

12

13 CHAIRMAN DEMIENTIEFF: Those are the  
14 rules of engagement. Go ahead.

15

16 MR. BSCHOR: I don't know what the proper  
17 language is but I tend to agree with Mr. Littlefield and  
18 I don't want to circumvent that. So if my amendment is  
19 in the way at this point and time, do I rescind or what's  
20 my option?

21

22 CHAIRMAN DEMIENTIEFF: You can with the  
23 consent of the second withdraw, and that brings us back to  
24 the Regional Council recommendation.

25

26 MR. BSCHOR: I think I need to do that.  
27 I'll put that in the record I withdraw.

28

29 MR. OVIATT: My consent.

30

31 CHAIRMAN DEMIENTIEFF: The second concurs  
32 so the amendment is off the table. We are dealing with  
33 the Regional Council recommendation at this point.

34

35 Discussion on the original motion.

36

37 (No comments)

38

39 CHAIRMAN DEMIENTIEFF: As far as my  
40 feelings are, I think I've heard most of my questions  
41 answered. I intend to support the original motion as  
42 made. And particularly when we listen to one of our very  
43 responsible Regional Councils, and the work that they put  
44 in on this particular issue. I feel that they have done  
45 diligence. Also understanding the take of fish and  
46 wildlife resources for ceremonial purposes. People don't  
47 use that opportunity to help themselves even in the event  
48 of maybe somebody got -- went out in different directions  
49 for example, and I keep referring to what I'm most  
50 knowledgeable about, and that is, you know, potlatches at

1 home. That resource, if there, is in the even that  
2 hunters go in two directions and both harvest that  
3 resource doesn't go to anybody personally, it goes to  
4 stores or for processing for utilization the next time it  
5 becomes necessary. And I know this goes across the Board  
6 statewide. So I feel they have done their job and have  
7 taken the conservation issue head on and are recommending  
8 to us that there is not a conservation issue.

9

10 So I intend to support the motion for  
11 that particular reason.

12

13 Anybody else.

14

15 MR. EDWARDS: Mr. Chairman.

16

17 CHAIRMAN DEMIENTIEFF: Gary.

18

19 MR. EDWARDS: As Judy said earlier, I  
20 think this Board fully recognizes the importance and  
21 value of providing subsistence fish and wildlife for the  
22 various ceremonies and the customs around the state and I  
23 also think that the Board has tried to expedite that  
24 process wherever we can and to make it as less intrusive  
25 as we can and certainly respect the various customs  
26 throughout the state. And with that said it seems to me  
27 that if we're going to try to address this, maybe we  
28 should be addressing it in the broader context and relook  
29 at the whole issue as to how we -- what we require in the  
30 way of reporting up front and then reporting afterwards  
31 as opposed to more or less, from my perspective, kind of  
32 piecemealing approach here.

33

34 CHAIRMAN DEMIENTIEFF: Thank you, Gary.

35 Anybody else. Doug.

36

37 MR. MECUM: Thank you, Mr. Chairman. I  
38 guess I have quite a bit of experience dealing with this  
39 particular issue in Southeast Alaska, of course doing it  
40 under the State regs. In fact, in the Hoonah area, in  
41 particularly, we routinely provide what we call community  
42 harvest permits to harvest large numbers of salmon. And  
43 I kind of liked where Mr. Bschor was going on this  
44 because as I was a little taken aback by his withdrawal,  
45 that's not what he was saying was that this would, in  
46 fact, be a benefit to subsistence users in that this  
47 notification is made to the Federal fisheries manager.  
48 They have that authority and approval in their hand when  
49 they're contacted, let's say, by an enforcement officer.  
50 I know I would if I was them, I would want to have that

1 protection.

2

3 So I guess in a way I thought he was in  
4 keeping with those criteria, that this was in fact  
5 beneficial for subsistence users.

6

7 That's just something that occurred to me  
8 in the discussion.

9

10 Thank you.

11

12 MR. BSCHOR: Yeah, and I wanted to  
13 acknowledge that that's exactly what I was trying to say  
14 and I am still concerned about that with the current  
15 proposal.

16

17 CHAIRMAN DEMIENTIEFF: John.

18

19 MR. LITTLEFIELD: Thank you, Mr. Chair.  
20 I agree. Mr. Bschor's amendment was, it was improperly  
21 placed. That's why I asked for the clarification of it.  
22 But I agree that if you voted this down and then did  
23 Option B, that would be beneficial to the subsistence  
24 users just to have that verbal report. That, in itself,  
25 would be beneficial, but that's not what the Council did.  
26 And I said, we spent four hours on this, Ms. Gottlieb was  
27 there as well as Mr. Boyd and Ms. Wilkinson, they know we  
28 had to -- I had to use my gavel after we got back because  
29 we would have been there for two weeks with that  
30 schedule, if it went four hours per proposal. So we did  
31 spend a lot of time on this, it's not an easy one and to  
32 Mr. Bschor, I would say thank you that would be  
33 beneficial if that's what -- if that's what you guys  
34 chose to do.

35

36 But like I say, I'd like you to address  
37 the Regional Council's recommendation, up or down, and  
38 then you can do -- you can make -- I would suggest the  
39 process, if you wanted to go that way. The process-wise  
40 would be to offer a motion to substitute Option B for  
41 Option A, which would accomplish exactly what Mr. Bschor  
42 was trying to do but it was just you can't make an  
43 amendment on Option B that came from A, and that was what  
44 I was questioning.

45

46 Mr. Chair.

47

48 CHAIRMAN DEMIENTIEFF: I was just going  
49 to explain that the proper procedure would have been just  
50 what Chairman Littlefield stated, to offer Option B in

1 the nature of a substitute and that if we're going to go  
2 that way.

3

4 Go ahead, Paul.

5

6 MR. TONY: Okay, now, I'm confused again  
7 here. Because in the supplemental materials that I got  
8 beginning on Page 191 there's a proposal, it says, you  
9 know, the Southeast Regional Advisory Council supports  
10 with modification then there's regulatory language there.  
11 And then when I go to Page 193 I get the beginning of the  
12 Interagency Staff Committee split, which was two options  
13 and there's an Option A and an Option B, so I really have  
14 three things we're talking about here and I don't see in  
15 the one that's on the front page here, I don't see any  
16 reporting requirement that would be eased by an oral  
17 report. If you put an oral report in you're creating a  
18 requirement which would make it, which be more onerous to  
19 subsistence users in Southeast and Yakutat in my  
20 understanding.

21

22 So maybe I need some clarification.

23

24 CHAIRMAN DEMIENTIEFF: Go ahead.

25

26 MR. KESSLER: Mr. Chairman. Mr. Tony.  
27 The language on Page 191 and the language of Option A are  
28 identical. So you can look at either one of them, it's  
29 okay. The reporting requirement in the Regional  
30 Council's position and Option A is in little iii, that's  
31 iii, where it says except in Southeast Alaska and  
32 Yakutat, each person who takes fish under this section  
33 must as soon as practical and not more than 15 days, et  
34 cetera, make this report. That's not required for  
35 Southeast Alaska and Yakutat under the Council's proposal  
36 or Option A.

37

38 Does that help?

39

40 MR. TONY: Okay, so what we're really  
41 talking about doing is modifying this to ease the  
42 statewide reporting requirement to just an oral  
43 requirement instead of a written report? Is that what  
44 I'm understanding then?

45

46 MR. EDWARDS: Only for the Southeast. It  
47 would still be in effect for the rest of the state, and I  
48 guess that was the point that I was trying to get at and  
49 maybe consistency isn't needed here. It seems to me that  
50 the most important thing would be the notification up

1 front and I guess from my standpoint, whether you report  
2 what you did afterwards may or may not even be relevant.  
3 You're assuming that if you authorize it up front it's  
4 going to be taken and that the total number taken  
5 statewide is probably insignificant anyway, but the  
6 notification up front seems to me to provide the  
7 coverage, if you want to use that term, or notification  
8 that would be helpful when people would be out there and  
9 that's why I guess I was suggesting that maybe we need to  
10 look at the whole process, how we're handling this  
11 statewide, both the notification up front and the  
12 reporting afterwards, and maybe based upon this we might  
13 want to modify that approach.

14

MS. GOTTLIEB: Mr. Chair.

15

16

CHAIRMAN DEMIENTIEFF: Yes.

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CHAIRMAN DEMIENTIEFF: Further discussion  
on the motion.

MR. BSCHOR: Yeah, process-wise. So if  
we vote against this motion then do we have a chance to  
look at Option B, as I proposed the language, or do I  
have to move for a substitute motion; what's the process?

I believe Mr. Littlefield and I are in  
agreement, it's just a matter of how we get there  
process-wise there.

CHAIRMAN DEMIENTIEFF: Yeah, you would,  
right now, need to offer an amendment in the nature of a  
substitute, which would then be where I think you are  
going.

1 MR. BSCHOR: I propose to make an  
2 amendment for a substitute; is that correct?

3  
4 CHAIRMAN DEMIENTIEFF: To offer Option  
5 B.....

6  
7 MR. BSCHOR: To offer the language in  
8 Option B with the slight modification for allowing for  
9 oral report instead of written report.

10  
11 CHAIRMAN DEMIENTIEFF: Thank you. Is  
12 there a second to a motion.

13  
14 (Pause)

15  
16 MR. EDWARDS: I second it. I'm trying to  
17 figure out exactly what I'm seconding but we actually  
18 haven't voted down the first amendment, we just modified  
19 it?

20  
21 CHAIRMAN DEMIENTIEFF: We offering Option  
22 B under the motion in the nature of a substitute.

23  
24 MR. EDWARDS: I second it.

25  
26 CHAIRMAN DEMIENTIEFF: So if that's taken  
27 up and then we'll vote on the issue. I mean we do  
28 resolve the issue. I mean I don't hear any argument  
29 about the necessity for this, you know, I mean that's not  
30 even an issue. I don't think anybody cares about this.  
31 We get this amendment in the nature of a substitute and  
32 then we vote on the issue after that. So that's  
33 basically procedurally how we do this.

34  
35 John.

36  
37 MR. LITTLEFIELD: Thank you, Mr. Chair.  
38 Just for the record, I would like to make sure that my  
39 Regional Advisory Council knows that I'm not agreeing  
40 with Option B, okay, I'm just saying a process of how you  
41 would do it. And I agree that your process is correct.  
42 What you would do is move and second to substitute Option  
43 B language for the Option A or for the Regional Advisory  
44 Council recommendation, and then you could vote that up  
45 or down. But if you vote down our proposal for the  
46 reasons that you're supposed to, you can't bring this  
47 back up again because you voted it down at this meeting,  
48 you can't bring it up again. The substitute language is  
49 the only option that you can go with.

50



1 CHAIRMAN DEMIENTIEFF: These people from  
2 Southeast are real good parliamentarians. But I'm just  
3 trying to keep the process straight, anyway, as far as  
4 where, I think the Board is going, just to make sure that  
5 we get there.

6  
7 But if the amendment in the nature of a  
8 substitute fails, then we still have the main motion in  
9 front of us.

10  
11 Paul.

12  
13 MR. TONY: Yes, Mr. Chairman. So the  
14 effect then of the amendment would be to add an oral  
15 reporting requirement for Southeast is basically the  
16 effect of the amendment?

17  
18 MS. GOTTLIEB: Mr. Chair.

19  
20 CHAIRMAN DEMIENTIEFF: I think we had a  
21 question here that we need to -- we need to get that  
22 answered. I don't know who's going to take a stab at  
23 that.

24  
25 MR. KESSLER: Mr. Chair.

26  
27 CHAIRMAN DEMIENTIEFF: Yes.

28  
29 MR. KESSLER: If Mr. Tony would ask the  
30 question again I think I can answer it.

31  
32 MR. TONY: Well, on my reading of the  
33 small paragraph three, it's C 21 (iii), as it reads on  
34 the -- the one that the Regional Council supported, was  
35 that except in Southeast Alaska and Yakutat, okay, at the  
36 beginning of that, means that there's basically no  
37 reporting requirement because it's excepting those areas  
38 from that requirement that's spelled out in the rest of  
39 that subparagraph. And the effect of the amendment then  
40 would be to add that requirement to Southeast and Yakutat  
41 but only in the form of a oral report.

42  
43 MR. KESSLER: Mr. Chair. Mr. Tony. I  
44 think that when we discussed it that way it maybe  
45 confuses us a little bit. What we have before us is the  
46 substitute which is Option B. Option B is the existing  
47 language as it now stands in Federal regulation which the  
48 change that in Southeast Alaska an oral report could be  
49 substituted for a written report. But otherwise, that  
50 Option B is precisely what's in regulation now, and I

1 think that's what's being debated among the Board right  
2 now.

3

4 MR. TONY: And so the effect of the  
5 amendment again is to add an oral reporting requirement  
6 for Southeast and Yakutat, that's the difference between  
7 what we're voting on and what the Regional Council  
8 supported?

9

10 MR. KESSLER: The Regional Council, what  
11 they supported is shown on Page 193 or 194, or actually  
12 better yet, on Page 191, it's the same thing. They had  
13 numerous changes to the existing regulations. As far as  
14 the reporting following the take then the Southeast  
15 Council recommended that no reporting was necessary. So  
16 what's before you now is that reporting would be required  
17 as is in current regulation, however, with the option for  
18 an oral report rather than just a written report.

19

20 MR. TONY: Yeah, that's what I was  
21 saying, right, or asking?

22

23 CHAIRMAN DEMIENTIEFF: I guess in terms  
24 of the three criteria and the question that John had  
25 raised for us going against the Regional Council  
26 recommendation and looking at it, I can't find anything  
27 that would put us out of compliance if we went with  
28 Option B. I keep these things right in front of me and  
29 these are things that we get looked at all the time and  
30 it's just part of our routine process. It's part of our  
31 normal process.

32

33 John.

34

35 MR. LITTLEFIELD: Mr. Chair, again, a  
36 matter of process. I believe, I was having a couple  
37 sidebars here, I guess they call it. You made a motion  
38 to substitute and got a second and then you went straight  
39 to discussion as if you had done it. In other words, the  
40 process that I see is if you want to do this you need to  
41 vote on this, whether to accept substitute language now  
42 and then debate it because there is no substitute  
43 language on the table at this time, there is no Option B.  
44 All you've got is an attempt to get there, you haven't  
45 got there yet.

46

47 So process-wise, I think you need to take  
48 a vote on whether you want to take the substitute, and  
49 then if that fails, in other words, your vote would  
50 probably -- you say you would probably be against it

1 because you're going to default to Option A would be if  
2 it fails then you're back to the Regional Advisory  
3 Council, that's the process here. And if you guys want  
4 to go that way then you're now in the substitute  
5 language.

6  
7 So, Mr. Chair.

8  
9 CHAIRMAN DEMIENTIEFF: Right. It is just  
10 a motion to amend in the nature of offering substitute  
11 language, that's where we're at exactly. But I was  
12 speaking directly to that issue when I was talking about  
13 evaluating the three criteria. So I was speaking exactly  
14 to that, I could see nothing in there that would put us  
15 out of compliance in the amendment to get there, but  
16 we're still going back to the main motion after -- if  
17 this is successful or not, either way.

18  
19 Are we all on the same page now?

20  
21 (Board nods affirmatively)

22  
23 CHAIRMAN DEMIENTIEFF: Okay. Are we  
24 ready for the question on the amendment.

25  
26 (No comments)

27  
28 CHAIRMAN DEMIENTIEFF: Unless somebody  
29 else has anything on the amendment I'm prepared to vote  
30 at this time.

31  
32 MR. EDWARDS: All right, Mr. Chairman.

33  
34 CHAIRMAN DEMIENTIEFF: Go ahead.

35  
36 MR. EDWARDS: I'm going to vote no on  
37 this and I guess for several reasons. One, it seems to  
38 me that we haven't addressed what the proponent wanted or  
39 the Council wanted. All we simply have done, which both  
40 of them suggested or what they were requesting is that  
41 the notification up front had to be very minor and that  
42 there would be no reporting after the fact. But now all  
43 we've done is still require the reporting up front or  
44 notification up front and then a verbal response at the  
45 end which isn't really what they asked for and then in my  
46 view all we're going to end up with is having something  
47 that is disconnected from how we address the rest of the  
48 regions and that doesn't seem to make a lot of sense to  
49 me, so, I'm going to vote no on the proposal.

50

1 CHAIRMAN DEMIENTIEFF: Any further  
2 discussion on the amendment.

3  
4 MR. BSCHOR: I just want to say if we  
5 vote this amendment down it would, once again, I think --  
6 my personal view is that not requiring at least some  
7 notification, that sort of thing, would potentially go  
8 against the future of this particular subsistence use and  
9 I'm still concerned about that. I'm going to vote yes.

10  
11 CHAIRMAN DEMIENTIEFF: Thank you.  
12 Anybody else.

13  
14 MS. GOTTLIEB: Mr. Chair.

15  
16 CHAIRMAN DEMIENTIEFF: Yes.

17  
18 MS. GOTTLIEB: The wording from the  
19 Regional Advisory Council about prior notification, I  
20 mean it's true we didn't really discuss that and it seems  
21 like that wording is similar to the existing rule but  
22 made specific by the Council. And so I hate to risk even  
23 yet another amendment but looking at that wording as to  
24 how Southeast Alaska and Yakutat would, prior to any  
25 taking inform the managers seems like good wording to me.

26  
27 CHAIRMAN DEMIENTIEFF: Any further  
28 discussion on the amendment.

29  
30 Paul.

31  
32 MR. TONY: Yeah, Mr. Chairman. I'm going  
33 to also vote against the amendment because I think that  
34 it does basically go directly against the intent of the  
35 original proposal of the Regional Council.

36  
37 CHAIRMAN DEMIENTIEFF: Further  
38 discussion.

39  
40 MR. EDWARDS: Mr. Chairman.

41  
42 CHAIRMAN DEMIENTIEFF: Go ahead.

43  
44 MR. EDWARDS: Mr. Chairman. I just want  
45 to say when I'm voting no I mean I'm not opposed to the  
46 reporting up front, in fact, I think we should report up  
47 front. But I think what we have done here has  
48 accomplished really nothing. It hasn't accomplished what  
49 the Council has requested us to do and at the same time  
50 it's just made us out of synch with how we address this

1 issue across the rest of the state and that just doesn't  
2 seem to me to be a prudent approach.

3  
4 I guess my preference would be, quite  
5 frankly, would be to vote the original motion down -- or  
6 proposal down from the Council and be done with it as  
7 opposed to trying to sit here and fix it which I don't  
8 think we're doing a very good job of personally, but,  
9 anyway.

10  
11 CHAIRMAN DEMIENTIEFF: Any more  
12 discussion on the amendment.

13  
14 MS. GOTTLIEB: Are you going to restate  
15 what we're voting on?

16  
17 CHAIRMAN DEMIENTIEFF: We're voting on  
18 the amendment to offer Option B in the nature of a  
19 substitute, that's the amendment right now. With that,  
20 it appears that we have kind of a divided body and I'm  
21 going to ask Tom to help us with a roll call vote so we  
22 get an exact countdown.

23  
24 MR. BSCHOR: Aye.

25  
26 MR. BOYD: Mr. Tony.

27  
28 MR. TONY: No.

29  
30 MR. BOYD: Ms. Gottlieb.

31  
32 MS. GOTTLIEB: Aye.

33  
34 MR. BOYD: Mr. Edwards.

35  
36 MR. EDWARDS: No.

37  
38 MR. BOYD: Mr. Oviatt.

39  
40 MR. OVIATT: Aye.

41  
42 MR. BOYD: Mr. Chair.

43  
44 CHAIRMAN DEMIENTIEFF: No.

45  
46 MR. BOYD: Three, three.

47  
48 CHAIRMAN DEMIENTIEFF: The motion dies --  
49 amending motion, we now have the original motion in front  
50 of us.

1 Any more discussion on the original  
2 motion.

3  
4 (No comments)  
5

6  
7 CHAIRMAN DEMIENTIEFF: Again, I intend to  
8 support that for the reason that what I see is that the  
9 Regional Council has done their job. They put the time  
10 and the effort into getting this proposal up for our  
11 consideration and that's the reason I intend to vote for  
12 the Regional Council recommendation, which is Option A.

13  
14 MR. EDWARDS: Mr. Chairman, for the  
15 reasons that I previously stated I'm going to vote  
16 against the motion. I do think that the reporting or  
17 notification up front is an important factor and it's  
18 consistent with how we approach this across the state and  
19 we should maintain that approach.

20  
21 CHAIRMAN DEMIENTIEFF: Further  
22 discussion. We better go to another roll call vote here  
23 Tom.

24  
25 MR. BSCHOR: No.

26  
27 MR. BOYD: Mr. Tony.

28  
29 MR. TONY: Yes.

30  
31 MR. BOYD: Ms. Gottlieb.

32  
33 MS. GOTTLIEB: No.

34  
35 MR. BOYD: Mr. Edwards.

36  
37 MR. EDWARDS: No.

38  
39 MR. BOYD: Mr. Oviatt.

40  
41 MR. OVIATT: No.

42  
43 MR. BOYD: Mr. Chair.

44  
45 CHAIRMAN DEMIENTIEFF: Yes.

46  
47 MR. BOYD: Four, two. Yes, four. two the  
48 motion fails. We move on to No. 19.

49  
50 MR. CASIPIT: Thank you. Mr. Chair. My

1 name is Calvin Casipit. I'm the subsistence Staff  
2 biologist for the USDA Forest Service in Juneau. I'll be  
3 presenting Proposal FP05-19, your Staff analysis starts  
4 on Page 205 of your book.  
5

6 I just wanted to preface, basically all  
7 my presentations today, Proposal 19 -- actually all the  
8 proposals except for, let me get this right, 28. 29 and  
9 30 and 25 as well, was submitted by the Southeast  
10 Regional Advisory Council, this effort began almost two  
11 years ago when the Council identified some concerns with  
12 the Southeast Alaska subsistence fisheries regulations  
13 under Chairman Littlefield's direction. A subcommittee  
14 was put together to work with Federal Staff to come up  
15 with these proposals to try to clean up the Southeast  
16 Alaska subsistence fisheries regulations for the Federal  
17 program. Anyway, that was my preface for all these  
18 similarly grouped proposals, and so I'll start from  
19 there.  
20

21 Proposal FP05-19 was submitted by the  
22 Southeast Regional Advisory Council. It simplifies the  
23 statewide list of legal gear to be more reflective of  
24 gear use in subsistence salmon fisheries in the  
25 Southeastern Alaska area.  
26

27 The existing Federal regulations are  
28 shown on Page 2A of your book. Basically, again, this  
29 proposed regulation would reduce the statewide list of  
30 allowable gear to those gear types that are used in the  
31 freshwaters of the Southeastern Alaska area. The use of  
32 a gaff would be added and the following text on the top  
33 of Page 209 would be inserted into the Southeast Alaska  
34 area section.  
35

36 The effect of this proposal would be to,  
37 again, list the allowable gear in Southeast Alaska, and  
38 that list of gear recognizes existing fishing practices  
39 in the salmon fisheries in the Southeastern Alaska area.  
40 This proposal would provide Federally-qualified  
41 subsistence users with a clear concise direction on  
42 allowable gear for subsistence salmon fishing. This  
43 proposed regulation would not result in increased harvest  
44 of salmon or change harvest patterns, it only identifies  
45 existing practices of harvest. There is no conservation  
46 concerns with adopting this proposal.  
47

48 And that concludes my introduction and be  
49 happy to answer any questions.  
50

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

3  
4 DR. SCHROEDER: Mr. Chairman, we received  
5 no written public comments for this proposal.

6  
7 CHAIRMAN DEMIENTIEFF: Thank you. We  
8 have no request for additional public testimony.  
9 Regional Council recommendation.

10  
11 MR. LITTLEFIELD: Okay, thank you, Mr.  
12 Chair. I believe I heard Mr. Casipit misstate something  
13 there and maybe he could correct that. On Page 208 is  
14 not restricted to salmon, that's subsistence, all  
15 subsistence fishing includes herring, groundfish and  
16 others, so that's why the Council took the action that it  
17 did, to restrict to salmon and steelhead because they  
18 were all covered. In other words, somebody might ask why  
19 did we add steelhead in there, but this 208 was for all  
20 subsistence fisheries, so we felt that we had the ability  
21 to restrict that to salmon and steelhead.

22  
23 And in our discussions, you know, like we  
24 know the types of gear that are used for salmon and  
25 steelhead and fyke nets or whatever they are, I don't  
26 even know what they are, they're not used for salmon and  
27 steelhead that I know of and no one else could come up  
28 with them either, and we don't trawl for any of our  
29 salmon or steelhead down there so we felt that we were  
30 identifying all the gear that is customarily and  
31 traditionally used in the subsistence fisheries for  
32 salmon and steelhead and that's why we supported this  
33 proposal, and the vote was 9/1 in favor.

34  
35 Mr. Chair.

36  
37 CHAIRMAN DEMIENTIEFF: Thank you. Staff  
38 Committee.

39  
40 MR. KESSLER: Mr. Chairman. Steve Kessler  
41 again with the USDA Forest Service.

42  
43 The recommendation of the Staff Committee  
44 is on Page 206. The recommendation is to support the  
45 proposal with modification consistent with the  
46 recommendation of the Southeast Regional Advisory  
47 Council. And the language is there on Page 206.

48  
49 Regulation would modify the statewide  
50 regulation by reducing the gear types available for



1 salmon and steelhead fishing in Southeastern Alaska. The  
2 gear restriction recognizes subsistence fishing practices  
3 in the Southeastern Alaska area and would provide  
4 Federally-qualified users clear concise direction on  
5 allowable gear types. The proposed regulation would not  
6 increase the harvest of subsistence fish so therefore  
7 there is no conservation concern.

8

9 Mr. Chairman.

10

11 CHAIRMAN DEMIENTIEFF: Thank you very  
12 much. Department comments.

13

14 MS. SEE: Thank you, Mr. Chair. The  
15 comment -- I meant to mention this earlier. The comment  
16 package for the State's comments, this particular set of  
17 comments appears on Page 9 and I'll just highlight some  
18 of those points. The entire comment package is, in fact,  
19 on the record by its submittal to the Office of  
20 Subsistence Management.

21

22 The current list of allowable gear types  
23 for Federal subsistence fishing is closely similar to the  
24 State's list. Local fisheries managers currently  
25 maintain flexibility to specify gear types in different  
26 water sheds. This proposal then essentially represents a  
27 divergence from the approach that's been taken with the  
28 State, and that is really kind of at the heart of our  
29 concern about this proposal. By deleting gear types from  
30 the State-wide list then there's a divergent list that's  
31 not the same as the State's list. We think that's really  
32 unnecessary at this point in time because managers  
33 continue to have flexibility to specify gear type by  
34 areas and species.

35

36 We think that creates some complexity for  
37 users having to look at two different sets of lists that  
38 are not the same, and that that in general we try to  
39 avoid between the programs, is divergence in the  
40 regulations unless there's a good reason for it. One of  
41 the implications of that is that when we try to have  
42 things like joint permits it's further complicated, the  
43 more specific differences that are developed between the  
44 two programs.

45

46 We recognize that the proposal does  
47 highlight the subsistence harvest under Federal  
48 regulations are in freshwaters where some gear types are  
49 not practical but so saying it seems inconsistent that  
50 the proposed language in this proposal would include

1 gillnets which are not further defined. And in most of  
2 the waters under Federal regulations, gillnets are  
3 actually impractical to use, whereas in marine waters  
4 under State regulations drift gillnets account for more  
5 than 80 percent of the subsistence harvest in terminal  
6 areas, while set gillnets generally are not allowed.

7  
8 It appears that because this proposal  
9 includes fewer gear types than in the State list, that it  
10 would limit the options for Federally-qualified users.  
11 The one additional gear type on the proposed Federal  
12 list, and this is a difference in programs, it does exist  
13 at this point in time, is that, the Federal provisions  
14 include rod and reel.

15  
16 So in summary, the proposal offers  
17 substantially divergent and generally more restrictive  
18 provisions in Federal regulations compared with State  
19 subsistence regulations. We think that increases the  
20 burden on the public to assess differences between the  
21 State and Federal lists for subsistence fishing gear  
22 types. So our conclusion -- or our recommendation is  
23 that we do not support the proposal at this time.

24  
25 Thank you.

26  
27 CHAIRMAN DEMIENTIEFF: Thank you. Board  
28 discussion.

29  
30 MR. EDWARDS: Mr. Chairman, I guess I'd  
31 just like to ask the State maybe to elaborate how do you  
32 think that it might actually limit options of the  
33 subsistence user? I mean what we heard from the Chairman  
34 is that the methods that they laid out are the methods  
35 that are used in freshwater, but there seems to be a view  
36 that in fact they will be limiting. What other methods  
37 would there be that should be included in this from the  
38 State's perspective?

39  
40 MS. SEE: Through the Chair. We don't  
41 dispute the information provided by the Council about the  
42 gear types that are customarily and traditionally used,  
43 we noted that it appears to -- if someone were to compare  
44 the list it would appear that the Federal list, if it's  
45 so modified, would be more restrictive than the State, in  
46 practice that may not be the case.

47  
48 CHAIRMAN DEMIENTIEFF: Yes.

49  
50 MS. GOTTLIEB: Mr. Chair.

1 CHAIRMAN DEMIENTIEFF: Yes.  
2  
3 MS. GOTTLIEB: It seemed to me that the  
4 Council was doing real diligence in being self-regulating  
5 in kind of removing language that they felt was not  
6 appropriate but I would also assume that if there were  
7 changes in the future the Council would bring up other  
8 type of gear type that could be added back to the  
9 regulation. So I thought it was a good idea to be  
10 consistent with their traditional practices.  
11  
12 CHAIRMAN DEMIENTIEFF: Further  
13 discussion.  
14  
15 (No comments)  
16  
17 CHAIRMAN DEMIENTIEFF: Is somebody  
18 prepared to offer a motion?  
19  
20 MR. BSCHOR: I'm prepared to offer a  
21 motion to adopt the proposal as modified by the Southeast  
22 Regional Advisory Council.  
23  
24 CHAIRMAN DEMIENTIEFF: Is there a second.  
25  
26 MR. TONY: Second.  
27  
28 CHAIRMAN DEMIENTIEFF: It's been moved  
29 and seconded. Discussion.  
30  
31 (No comments)  
32  
33 CHAIRMAN DEMIENTIEFF: Hearing none, all  
34 those in favor of the motion signify by saying aye.  
35  
36 IN UNISON: Aye.  
37  
38 CHAIRMAN DEMIENTIEFF: Those opposed.  
39  
40 (No opposing votes)  
41  
42 CHAIRMAN DEMIENTIEFF: Motion carries.  
43  
44 MR. CASIPIT: Thank you, Mr. Chair.  
45 We'll be moving on to FP05-28. It's taken out of  
46 numerical order simply to highlight the issue of  
47 steelhead before we get into some of the other proposals  
48 behind it that kind of tier to it. Your Staff analysis  
49 begins on Page 210 of your Board book.  
50

1                    Proposal FP05-28 was submitted by Mr.  
2 John Littlefield of Sitka. It would establish a  
3 subsistence season and harvest limit for steelhead in the  
4 Southeastern Alaska management area except for Prince of  
5 Wales Island where there is already an existing Federal  
6 subsistence fishery for that species.

7  
8                    This proposal was submitted out of  
9 concern that rural residents of Southeast Alaska are  
10 being denied the opportunity to harvest steelhead for  
11 subsistence purposes except on Prince of Wales Island and  
12 can no longer use steelhead as a source of fresh fish  
13 during months when other salmon are unavailable. The  
14 proponent is concerned that the existing Federal  
15 subsistence regulation is too restricted to Federally-  
16 qualified subsistence users. The existing Federal  
17 regulations are the same as the current State  
18 sportfishing regulations which provide minimum harvest  
19 potential.

20  
21                    Through the Staff analysis you can see  
22 the regulatory history beginning on Page 215. It talks  
23 about Federal regulatory history as well and I won't  
24 repeat any of that unless you have some questions after  
25 my introduction.

26  
27                    For biological background, Table 1 in  
28 your book that's shown on Page 218, Table 1 displays the  
29 percentage breakout by length of steelhead sampled from  
30 the Karta River, this is where we found that there's the  
31 most amount of samples from that watershed. You'll  
32 notice that 36 inch and larger is only about six tenths  
33 of a percent of the population.

34  
35                    For harvest histories and subsistence  
36 harvest, Table 2, that appears on Page 218 as well,  
37 displays the results of household use surveys for  
38 steelhead for various communities in Southeast excluding  
39 Prince of Wales Island. I've put Yakutat on that list  
40 even though this proposal wouldn't cover Yakutat.  
41 Yakutat is included on that table to give you an idea of  
42 comparison. Basically there has been a subsistence  
43 steelhead fishery in the Yakutat area for several years,  
44 and I just thought that would be good information for you  
45 to have as comparison.

46  
47                    For other harvest, sport and commercial  
48 harvest, I'll refer you to Table 3 on Page 219. That  
49 displays the existing sport harvest and catch for the  
50 species as well as the commercial harvest up until nearly

1 when the requirement for keeping track of that was  
2 eliminated. I also wanted to point out that the data in  
3 the sport catch columns for 1993 to 2002 exclude the  
4 Yakutat information. For years before that the Yakutat  
5 information is included. So to be more specific to  
6 Southeast outside of Yakutat, you should probably pay  
7 more attention to the 1993 and beyond figures as far as  
8 existing sportharvest.

9  
10 The effect of this proposal would be to  
11 legalize the harvest of steelhead for the Southeastern  
12 Alaska. It would have no effect on the existing Federal  
13 subsistence steelhead on Prince of Wales Island. A year-  
14 round season could potentially expose fall run stocks to  
15 overharvest and fall run steelhead stocks are generally  
16 smaller and not as widely dispersed as spring run stocks.  
17 Federal in-season managers still have the ability to  
18 adjust regulations and close specific streams as needed  
19 for conservation and to ensure the Federal subsistence  
20 priority.

21  
22 With that, I'd be happy to answer any  
23 questions.

24  
25 CHAIRMAN DEMIENTIEFF: Thank you.  
26 Summary of written public comments.

27  
28 DR. SCHROEDER: Mr. Chairman, we have no  
29 written public comments for this proposal.

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

34  
35 MR. LITTLEFIELD: Thank you, Mr. Chair.  
36 The reason my name is on this is we simply ran out of  
37 time at the previous meeting to have this as a Southeast  
38 Regional Advisory Council proposal so I took it upon  
39 myself to write these. I had several people in Southeast  
40 who wanted these changed because they were being cited  
41 for overlimits and they were also saying their needs were  
42 not being met because they couldn't catch a 36 inch fish,  
43 and I know that from personal testimony.

44  
45 So anyway, you should all be well aware  
46 of all the discussions that's gone on in the past years  
47 over steelhead. We've had a proposal every year on  
48 steelhead particularly on Prince of Wales, and the data  
49 is similar.

50

1                   We did agree with the language that was  
2 fleshed out by the Staff. And that was one of the reason  
3 I just submitted this as a placeholder with the intent  
4 that Staff and ADF&G would come in with their comments.  
5 And we agree with what Staff has proposed, with the  
6 exception that the dates that they originally suggested,  
7 which I believe was March 1st -- yes, March 1st. And we  
8 had testimony at the meeting from the people in the  
9 southern part of Southeast that said that they like to go  
10 out in January but it's really nasty weather and we  
11 agreed that anybody who wanted to go at that time to get  
12 two steelhead was more than welcome to it. So that was  
13 one of our recommendations that we changed. And this was  
14 supported unanimously 8/0. And we've heard a lot of  
15 information on this before, there's no conservation  
16 concerns as far as we could see in the fishery. It  
17 further recognizes an existing long-term subsistence  
18 practice. The substantial evidence is strongly there,  
19 lots of data that supports the actions that we took.  
20 This is a benefit to subsistence users, and we don't see  
21 the effect to other users that you may hear about, the  
22 sportfishermen, but if there is any, the subsistence  
23 users are the priority and the preference users of this  
24 resource.

25  
26                   So with that, that's all I have, Mr.  
27 Chair.

28  
29                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
30 Committee recommendation.

31  
32                   DR. SCHROEDER: Mr. Chair, I was unaware  
33 at the time I said there were no written public comments,  
34 it was brought to my attention that we did receive a  
35 letter on December 20th from Rain Country Flyfishers, a  
36 group in Juneau. Rain Country Flyfishers offer comments  
37 on Proposals 28 and 30. The Rain Country Flyfishers wish  
38 the Juneau road system be exempt from Proposals FP05-28  
39 and FP05-30. And they state a number of reasons why they  
40 believe this is the case.

41  
42                   These mainly have to do with the case of  
43 rebounding of fish stocks in systems accessible to the  
44 Juneau road system as well as potential pressure on these  
45 stocks.

46  
47                   Thank you.

48  
49                   CHAIRMAN DEMIENTIEFF: Thank you. Staff  
50 Committee.

1 MR. KESSLER: Mr. Chairman and Board  
2 members. The Interagency Staff Committee recommendation  
3 is on Page 213. The Staff Committee recommends that you  
4 support the proposal with modification consistent with  
5 the recommendation of the Southeast Regional Advisory  
6 Council.

7  
8 The justification for the recommendation  
9 is as follows:

10  
11 Documented household harvest surveys  
12 indicate that steelhead are being harvested in many areas  
13 of Southeastern Alaska despite the very restrictive State  
14 sportfishing regulations. Allowing subsistence steelhead  
15 harvest through Southeast Alaska provide a legal  
16 subsistence fishery opportunities to all Federally-  
17 qualified users in the region.

18  
19 The proposed regulatory language is  
20 generally consistent with those for Prince of Wales  
21 Island. However, the harvest limits are less liberal  
22 than those on Prince of Wales, which should reduce  
23 potential conservation concerns. A total of seven fish  
24 annually per household may be retained by subsistence  
25 users on Prince of Wales Island while only two fish could  
26 be harvested, that's for each household, elsewhere in  
27 Southeast Alaska. While there is concern about very  
28 small populations of steelhead in some stream systems,  
29 this low annual harvest limit and the likelihood that  
30 subsistence users would focus their efforts in streams  
31 with the higher numbers of fish would reduce potential  
32 conservation issues.

33  
34 If this proposal is adopted, harvesting  
35 steelhead would require a Federal permit and that would  
36 provide data on harvest locations. Such information  
37 would enable the manager to identify which streams may  
38 need to be monitored more closely to evaluate the effects  
39 of this fishery. If conservation concerns arise the  
40 manager has the authority to limit harvest and provide  
41 special protection to those systems.

42  
43 I'd also like to point out to the Board  
44 that as worded, this recommendation allows the use of  
45 handline for taking steelhead and use of handline will be  
46 considered further for salmon and steelhead in Proposal  
47 FP05-20, which follows this proposal.

48  
49 Thank you, Mr. Chair.  
50

1 CHAIRMAN DEMIENTIEFF: Thank you.  
2 Department comments.

3  
4 MR. BOYLE: Yeah, the Department comments  
5 are on our packet on Page 17 for this proposal. The  
6 creation of a regionwide subsistence fishery for  
7 steelhead rather than continuing fisheries based on  
8 specific community customarily and traditional findings  
9 represents a step backwards in the application of the  
10 ANILCA subsistence priority.

11  
12 ANILCA does not authorize fishing that is  
13 not customary and traditional. The harvest and usage  
14 data available to the Board does not support a finding  
15 that subsistence uses by all rural Southeast Alaska  
16 residents for all steelhead stocks in Southeast Alaska is  
17 customary and traditional. While the Board's initial  
18 regionwide findings for stock and populations may have  
19 been understandable as a way of not precluding some  
20 customary and traditional uses, now, that community  
21 specific findings have been adopted, there's no legal or  
22 factual justification for a regionwide subsistence  
23 fishery in this case.

24  
25 The Department supports providing  
26 subsistence harvest opportunity for steelhead where the  
27 uses are part of a traditional and customary pattern and  
28 where stocks can support the harvest. Proposals focusing  
29 on specific areas and drainages where there is a question  
30 regarding harvest opportunity would be more properly  
31 addressed with specific stock and subsistence harvest  
32 assessment concerns. This would help provide a basis for  
33 a project request for cooperative research and local  
34 involvement in the areas of concerns. The resulting  
35 information would then be directly useful in crafting  
36 regulatory provisions that address customary and  
37 traditional use patterns, conservation concerns and other  
38 uses where harvestable surplus is sufficient.

39  
40 The Department has several concerns with  
41 this proposal. These include conservation concerns for  
42 small spring and fall steelhead stocks. Lack of current  
43 data to evaluate the impacts on the stocks if this  
44 proposal is adopted. And the broad geographic scale of  
45 the proposal. Most steelhead stocks in the region are  
46 small with 205 of the 271 known systems to have an  
47 estimated annual escapements of 100 or fewer adults. So  
48 this raises conservation concerns with a stock which  
49 would be susceptible declines with overharvest.

50



1                   Following an extensive literature review,  
2 consultation with researchers from West Coast states and  
3 British Columbia and an extensive public review process,  
4 the Alaska Board of Fisheries substantially restricted  
5 the harvest of Southeast sportfishery to rebuild the  
6 steelhead stocks in Southeast. Prior to the 1994  
7 regulatory restrictions, sportfishing harvest regulations  
8 were associated with the declines in the steelhead  
9 populations. The regional harvest potential that would  
10 be created for steelhead under the proposed regulations  
11 is a concern because we know from the recent past that  
12 overharvesting can occur.

13  
14                   Now, all this information about the  
15 State's regulatory history on these Southeast steelhead  
16 conservation regulations are in that packet that Mr. Boyd  
17 had mentioned earlier, of the regulatory history and  
18 stock, status of trout in Southeast Alaska.

19  
20                   We note the modified proposal would have  
21 a season starting date of January 1, which would expose  
22 fall stocks to harvest. Fall steelhead stocks are more  
23 susceptible to overharvest than spring stocks because the  
24 fish hold in the freshwater longer, maybe six to eight  
25 months. Also fall stocks occur in only a handful of  
26 streams in Southeast Alaska and they are known to have  
27 fewer number of spawners in spring steelhead stocks, as  
28 Mr. Casipit noted.

29  
30                   This proposal's effect on small steelhead  
31 stocks is especially important because few stocks  
32 numbering more than 200 fish are known to occur in  
33 Southeast outside of Prince of Wales. The lack of data  
34 for steelhead harvest and stocks outside of that area is  
35 a concern. In addition to the current Prince of Wales  
36 steelhead fishery there's new information from the  
37 respondent survey that was conducted by the Department of  
38 Fish and Game Subsistence Division, it calls into the  
39 question of validity of using the Federal subsistence  
40 steelhead permits to assess what the subsistence harvest  
41 is on Prince of Wales. The study concluded that the  
42 actual harvest of steelhead is greater than the number  
43 reported on the permits and this suggests that the new  
44 regulations that the Board adopted may not be providing  
45 the benefit of improved harvest reporting that was  
46 originally intended. This heightens our concerns for  
47 both the existing Prince of Wales subsistence steelhead  
48 fishery and for the expansive scope of this proposal. It  
49 would be problematic to assess and manage harvest of a  
50 regionwide steelhead subsistence fishery without first

1 addressing these harvest assessment issues that have come  
2 to light in Prince of Wales Island.

3  
4 Federal and State Staff both previously  
5 voiced concerns for fall stocks, small spring steelhead  
6 stocks and did not support fishing regimes that  
7 substantially liberalized opportunity without having  
8 better harvest information and stock assessment data.  
9 The analysis fails to explain what new information now  
10 exists that suggests these stocks can support  
11 substantially liberalized opportunity on a regionwide  
12 basis.

13  
14 We remain concerned that this proposal  
15 does not assure that small stocks and fall stocks will be  
16 protected from overharvest, and we have some additional  
17 comments from the Department of Law.

18  
19 Thank you, Mr. Chair.

20  
21 CHAIRMAN DEMIENTIEFF: Go ahead. Who's  
22 going to do that?

23  
24 MR. NELSON: Thank you, Mr. Chairman. My  
25 name is Lance Nelson. I'm an assistant attorney general  
26 with the Attorney General's Office here in Anchorage.

27  
28 My comments address more than -- well,  
29 they don't focus on the specific provisions of this  
30 proposal, rather, they address statements and some sort  
31 of what would be premises about this proposal, Proposal  
32 28, Proposal 29 and Proposal 30, statements that imply  
33 that all non-subsistence uses must be eliminated before  
34 imposing any kind of restriction on subsistence uses.  
35 That's an issue that's come up a lot of times before the  
36 Board of Fisheries and the Board of Game.

37  
38 And the answer to that question really  
39 depends on the specific factual circumstances  
40 particularly when the stocks involve cover a large  
41 geographic area or are spread among a number of streams.

42  
43 ANILCA does not require and we basically  
44 have the same kind of statutory requirement under the  
45 State subsistence requirement as you do under ANILCA for  
46 a preference priority for subsistence. ANILCA does not  
47 require that all non-subsistence uses be eliminated  
48 before subsistence uses are restricted in any way.  
49 ANILCA requires that customary and traditional  
50 subsistence uses be given a meaningful preference. The

1 Federal Subsistence Board certainly has the authority to  
2 identify customary and traditional subsistence uses of  
3 fish and wildlife by rural Alaska residents on Federal  
4 public lands, and open seasons and set bag limits that  
5 provide for those uses. As long as qualified subsistence  
6 users have a meaningful opportunity to harvest at  
7 customary levels then other uses for commercial and  
8 recreational uses are clearly authorized and arguably  
9 even mandated by ANILCA as explained in the Ninilchik  
10 Traditional Council Decision in the Ninth Circuit.

11  
12 That authority is clearly reflected in  
13 the many Federal subsistence hunting and fishing  
14 regulations throughout the state that set seasons and bag  
15 limits on stocks and populations that are also being  
16 harvested for sport, personal use, and commercial uses.

17  
18 Closures of some particular areas to  
19 steelhead subsistence harvest do not necessarily require  
20 closure of non-subsistence uses.

21  
22 The Federal Subsistence Board must  
23 examine the data and if it finds that even with the  
24 closures of particular streams to subsistence fishing the  
25 residents with customary and traditional use of stocks  
26 still have a meaningful opportunity to harvest their  
27 expected subsistence needs and non-subsistence uses may  
28 still occur under ANILCA, otherwise closures of those  
29 non-subsistence uses would be arbitrary and capricious in  
30 that they would be imposed without furthering any of  
31 ANILCA's pro-subsistence legislative purposes and would  
32 arguably be inhibiting one or more of its other purposes.

33  
34 On the other hand, if the Federal  
35 Subsistence Board finds that stream closures will mean  
36 that subsistence users will not have a meaningful  
37 opportunity to harvest expected subsistence needs, then  
38 other non-subsistence uses must be restricted until a  
39 meaningful opportunity is assured.

40  
41 In this case, the best available data  
42 indicates that streams may be closed to Federal  
43 subsistence fishing without any significant impact on  
44 Federally-qualified subsistence user harvest and the  
45 ability to meet expected subsistence needs. Closures are  
46 not expected to result in any subsistence users not  
47 having a meaningful opportunity to meet their subsistence  
48 needs. This kind of measure would certainly be  
49 consistent with conservation goals of ANILCA as explained  
50 in the Ninilchik Decision. The best available

1 information also indicates that continued catch and  
2 release fishing in some areas will generally not have any  
3 significant impact on either expected subsistence uses or  
4 the conservation of the stocks involved.

5  
6 Thank you, Mr. Chairman.

7  
8 MS. SEE: Mr. Chair, we also note that we  
9 have Staff here from the Southeast Sportfisheries Offices  
10 who are quite expert in these steelhead issues and  
11 they're certainly available to help answer any questions  
12 you may have.

13  
14 Thank you.

15  
16 CHAIRMAN DEMIENTIEFF: I'm sure if  
17 questions do up we'll let you and your team, you can  
18 designate who we need to have talk.

19  
20 At this time I think we're needing a  
21 break, so we'll go ahead and take a break.

22  
23 (Off record)

24  
25 (On record)

26  
27 CHAIRMAN DEMIENTIEFF: Okay, we're going  
28 to go ahead and call back to order. As we begin  
29 deliberations, and on the first proposal we considered, I  
30 just want to point out that we did not respond to the  
31 three criteria that we have to respond to in order to  
32 reject a Regional Council recommendation.

33  
34 And while I personally did diligence and  
35 I didn't see a reason personally, that's not good enough,  
36 we have to keep ourselves in line to build that record on  
37 why we're going to go against a Regional Council  
38 recommendation. So I encourage all of us to get the  
39 three criteria in front of us and take a careful close  
40 look at them formally on the record, we have to do that,  
41 that's the law.

42  
43 Then also I know that there are a lot of  
44 people who traveled extensively yesterday and I could  
45 tell by this morning, the nodding heads, and I know  
46 personally I was up early this morning after traveling  
47 in, we're going to go to 4:00 o'clock today, period,  
48 that's it, and we'll pick it up in the morning on  
49 schedule. So those of you who live here and got your  
50 normal rest, you get a little bit of a bonus anyway, and

1 those of us and I know I'm not the only one in this room  
2 that needs the rest, we will get off at 4:00 o'clock, and  
3 if anybody has a problem with that, they'll have to  
4 answer to the gavel and the gavel is not in a good mood.

5  
6 Okay, so with that, let's go ahead and  
7 begin the discussion on Proposal 28, we've advanced to  
8 Board discussion at this point. Anybody have anything.

9  
10 Gary.

11  
12 MR. EDWARDS: Yeah, Mr. Chairman, I have  
13 several questions. I'll ask a few of them and then let  
14 somebody else ask some questions. But these are, first  
15 of all, to Staff.

16  
17 On Page 220 where we talk about the  
18 effects of the proposal, it's sort of at least implies  
19 that a year-round season could potentially expose fall  
20 run stocks to overharvest. And in reading that it could  
21 imply that there could be a conservation concern with  
22 these fall run stocks; could you elaborate a little more  
23 on how much we think that impact might be and if, in  
24 fact, it could be a conservation issue?

25  
26 MR. CASIPIT: Through the Chair. Mr.  
27 Edwards. The reason that's in there is because of that,  
28 we were concerned as Staff with the year-round season,  
29 especially in terms of the fall stocks.

30  
31 MR. EDWARDS: Okay. But what's being  
32 proposed is not a year-round season, right?

33  
34 MR. CASIPIT: Correct. The Council has  
35 proposed January to the end of May season.

36  
37 MR. EDWARDS: And we think that would  
38 provide sufficient protection to fall run fish?

39  
40 MR. CASIPIT: Well, with a January 1  
41 start date you would be harvesting some fall fish,  
42 however, as Mr. Littlefield alluded to, quite frankly  
43 there's just not a whole lot of people out there fishing  
44 for steelhead in January, it is just nasty weather,  
45 you're breaking ice. I don't think there's going to be a  
46 whole lot of people taking advantage of a January 1 start  
47 date.

48  
49 MR. EDWARDS: Then my second question is  
50 that if you look at the proposed regulation, the last

1 sentence, both which the Council is recommending is that  
2 the permit conditions and systems to receive special  
3 protection will be determined by the local Federal  
4 fishery manager in consultation with ADF&G. Could you  
5 elaborate on how you see that process working? Have we  
6 already started that process to look at it, and it's my  
7 understanding there's some 271 steelhead streams  
8 throughout that area, have we started looking at those  
9 271 and starting to draw some conclusions and how will  
10 this consultation process with the State take place and  
11 how do you see all this thing playing out?

12

13 MR. CASIPIT: Thank you, Mr. Edwards,  
14 through the Chair. Very similar to what we've done for  
15 Prince of Wales Island. Unfortunately Jeff isn't here,  
16 but, you know, before each season he gets together with  
17 the State and the affected Council people and talks about  
18 which streams will be restricted by permits and which  
19 ones will be open under the regulation and that's done  
20 kind of as a consultation process before the season  
21 begins. So I expect that if the Board did approve this  
22 regulation, that we would begin -- or our local managers  
23 would begin the consultation process as soon as possible  
24 after the regulation is approved.

25

26 MR. EDWARDS: On Prince of Wales, has  
27 that resulted in folks coming to the conclusions that  
28 some streams need to be closed?

29

30 MR. CASIPIT: Correct. Approximately 21  
31 road accessible streams were closed by permit condition  
32 last year in the spring fishery.

33

34 MR. EDWARDS: Mr. Chairman, I have some  
35 other questions but I'll wait for another turn.

36

37 CHAIRMAN DEMIENTIEFF: Anybody else have  
38 anything. Yes, Doug.

39

40 MR. MECUM: Yes, thank you, Mr. Chair.  
41 One of the things that was said earlier peaked my  
42 interest and that was that the permitting system on the  
43 Prince of Wales Island had some problems, sounded like  
44 some under counting or biased to the subsistence permit  
45 system. I was just wondering if someone could quantify  
46 for me the nature and extent of the problem and why it  
47 was occurring?

48

49 CHAIRMAN DEMIENTIEFF: Cal.

50

1 MR. CASIPIT: Thank you, Mr. Mecum,  
2 Through the Chair. The blanket statement of the permit  
3 system not working on Prince of Wales Island, I think --  
4 I don't think that's a fair statement. I think for the  
5 most part the permit system is working for most of the  
6 communities on Prince of Wales Island. There may be a  
7 couple communities where folks believe flat out that they  
8 don't need to get permits, they never did, they never  
9 will and they aren't going to get permits, no matter  
10 what. And no matter what we do, neither rescinding the  
11 regulation or putting another regulation -- that isn't  
12 going to change. The harvest is going to still continue  
13 from these communities because these communities have  
14 been harvesting for many, many years, they'll continue to  
15 harvest, and they flat out don't agree that they should  
16 have to get permits. And I don't know what we can do  
17 about that, they don't get State permits, they don't get  
18 Federal permits.

19  
20 CHAIRMAN DEMIENTIEFF: Follow up.

21  
22 MR. MECUM: Yes, I do, thank you, Mr.  
23 Chair. The second part of my question was, could you  
24 quantify to me the nature or the extent of the problem,  
25 is there any way to evaluate what the extent of that  
26 under-reporting or permit non-compliance is resulting in?

27  
28 CHAIRMAN DEMIENTIEFF: Cal.

29  
30 MR. CASIPIT: Well, Mike Turek is doing  
31 some work through an FIS project that we funded him for.  
32 I know he's still got some work to do on that and get a  
33 final report out, but hopefully that will point us in the  
34 right direction and give us more information. And  
35 unfortunately Jeff Reeves isn't here today to answer that  
36 question specifically but I think it's on the order of,  
37 you know, 200, 300 fish that probably aren't being  
38 reported. I don't know, that's my guess.

39  
40 CHAIRMAN DEMIENTIEFF: I think also,  
41 Doug, if I might follow up a little bit with that. It's  
42 been my somewhat more than casual observation, I've said  
43 it, I know many times in this forum as well as in the  
44 State Board forum, if the people don't buy into the  
45 regulations it's just not going to -- you know, you don't  
46 get a whole lot of participation in terms of complying  
47 with that. And sometimes it's our job, at least, our job  
48 as I look at it right now as a regulator, that's why we  
49 always try to do diligence to make sure that the local  
50 people are in that process because that's where you get

1 the full compliance, and when the locals are in then life  
2 is good.

3

4 MR. MECUM: Mr. Chair, if I could. I  
5 understand that, and I agree with you completely. I  
6 guess where I was kind of heading towards this, I'm sure  
7 other people have questions, there are some practical  
8 implementation problems, for whatever the reason, with  
9 respect to the Prince of Wales steelhead fishery, and if  
10 you think about steelhead in Southeast, the rest of  
11 Southeast Alaska where you're talking about orders of  
12 magnitude more streams, and also all Federally-qualified  
13 users being able to participate in those fisheries as  
14 opposed to just Prince of Wales Island residents  
15 participating in the subsistence fishery on Prince of  
16 Wales Island, those implementation problems are going to  
17 be magnified and I was just trying to get some idea of  
18 the extent of the problem.

19

20 Thank you.

21

22 CHAIRMAN DEMIENTIEFF: Let me say this,  
23 too, Doug, we have really done well in the last few  
24 years, and I'm talking about the State as well as the  
25 Feds in working with the locals, and we have solved some  
26 real thorny issues. But you know, that's just one of  
27 them, and I think Cal put it just straight out and it  
28 just may be an area where we need to do some of that  
29 work. But we've been really successful in the last few  
30 years, but it's been a cooperative deal between the State  
31 and our program with the locals.

32

33 Okay, anybody else.

34

35 Okay, go ahead, Paul.

36

37 MR. TONY: Mr. Chairman. Just a comment,  
38 I heard the gentleman from the State use the word  
39 reasonable opportunity, and I'd just like to comment that  
40 right now the regulations for steelhead, that steelhead  
41 must be 36 inches long in order to be retained and my  
42 understanding is that that represents about less than one  
43 percent of the Southeast steelhead, and I'm talking about  
44 outside if Prince of Wales Island. And I was just  
45 thinking, you know, less than one percent, if all the  
46 yuppie lawyers that shop at Sagaya's market had less than  
47 one percent chance of getting food when they went there,  
48 you know, they probably wouldn't consider that a  
49 reasonable opportunity.

50



1 CHAIRMAN DEMIENTIEFF: Spoken like a true  
2 yuppie lawyer.

3  
4 (Laughter)

5  
6 CHAIRMAN DEMIENTIEFF: Anybody else.

7  
8 Gary.

9  
10 MR. EDWARDS: Mr. Chairman, in following  
11 along to what Mr. Mecum said, it's my understanding that  
12 based upon traditional use, the Prince of Wales steelhead  
13 fishery, is only available for residents of Prince of  
14 Wales. But what we are proposing here would be then for  
15 all the other 200 and some streams, they would be open to  
16 any rural resident in Southeast. And I guess it kind of  
17 brings me to in reading this letter from the Rain Country  
18 Fly Fishers, and first when I read it I was trying to  
19 say, well, why are they concerned, you know, because  
20 they're in Juneau and they're concerned about the streams  
21 around those, but I guess why they would be concerned is  
22 this action would allow somebody from Sitka or whatever  
23 visiting relatives in Juneau, while they're there to go  
24 out and subsistence fish those streams; would that be  
25 correct, or would we, through the permitting process  
26 actually close those streams in the Juneau area so they  
27 wouldn't be susceptible to that increased pressure?

28  
29 CHAIRMAN DEMIENTIEFF: Cal.

30  
31 MR. CASIPIT: Thank you, Mr. Chair. Mr.  
32 Edwards. I guess I would be -- either way. I mean the  
33 Board could prohibit -- or not allow the increased  
34 opportunity in the Juneau road system or we could do it  
35 through permit stipulation, either way works.

36  
37 The other issue that you made of all  
38 rural residents being able to fish in Southeast outside  
39 of Prince of Wales, that isn't -- we do have specific  
40 C&Ts around communities like Sitka, Hoonah, Kake, we've  
41 got specific ones around Petersburg and Wrangell now  
42 after your actions you took last year, so there are areas  
43 of specific C&Ts for specific communities and that's  
44 displayed in your -- unfortunately Appendix A didn't make  
45 it into the book but it is in your supplemental materials  
46 that's in your blue folder. And I think it's called  
47 Appendix A or something like that. And that displays the  
48 existing C&Ts for Southeast -- oh, man, I should have  
49 brought that map that Larson made. But anyway, but the  
50 descriptions there are there.

1 MR. EDWARDS: Okay, so my understanding  
2 then there are around many of these villages, towns, and  
3 all that, there would be restrictions, but for example,  
4 an area such as Juneau, unless otherwise closed through  
5 the permitting process would be open to any rural  
6 resident throughout the Southeast including Prince of  
7 Wales?

8  
9 DR. SCHROEDER: Through the Chair. Mr.  
10 Edwards. As you know, from other proposal discussions,  
11 Southeast has a patchwork of customary and traditional  
12 use determinations which cover most of the map of  
13 Southeast, and so in those areas, specific communities  
14 have customary and traditional use of trout in the areas  
15 where customary and traditional use determinations have  
16 been made.

17  
18 There are other parts of Southeast where  
19 those haven't been made, and so the Juneau roaded area  
20 and some portions of waterways along Steven's Passage,  
21 for example, would be examples where there are no C&Ts on  
22 the books, so those would be potentially open to all  
23 rural residents.

24  
25 Some of these areas are real close, as  
26 the written public comment notes, the Juneau road system  
27 would be areas that would be really easily accessible.  
28 Other areas with no C&T determinations on the books would  
29 be really remote and seldom visited at all.

30  
31 So I think we have that range of  
32 territory that we'd be talking about.

33  
34 CHAIRMAN DEMIENTIEFF: Thank you. John.

35  
36 MR. LITTLEFIELD: Thank you, Mr. Chair.  
37 I guess I have to go into my -- I was reminded I should  
38 go into my preposterous speech, but I do want to say a  
39 couple things about it. If anybody thinks I'm going to  
40 go to Juneau for one steelhead a day, you know, under the  
41 guise of subsistence fishing or anybody else from Hoonah  
42 or any place else, that is preposterous. We're not going  
43 to do that. Subsistence is an economy of scale and  
44 money, and you want to do it in your own backyard, that's  
45 what it's all about.

46  
47 So that's kind of a sky is falling  
48 defense that we're all going to come over and evade  
49 Juneau and take their fish, that's not going to happen.  
50

1 UNIDENTIFIED VOICE: Better not.

2

3 MR. LITTLEFIELD: Better not, okay.

4 Okay, when we're talking about -- earlier, reasonable  
5 opportunity came up, I want to address that too. Federal  
6 subsistence doesn't talk about that, it talks about  
7 meaningful priority and preference. And what this  
8 proposal does is actually establishes that because the 36  
9 inch that's on the books right now is not at all  
10 meaningful, it's preposterous, again, I should say.

11

12 Another comment on the State, was that we  
13 not look at this as a regionwide basis. Now, in our  
14 book, if you look at our book we talk about 331 streams,  
15 they're talking about 271, I believe that's the Yakutat  
16 difference. But whatever. To expect us to submit 271  
17 proposals on a stream basis and have you guys debate them  
18 doesn't make any sense. What this is is a regionwide  
19 proposal with a possession limit of one and an annual  
20 limit of two on all the streams area-wide. And as Mr.  
21 Edwards said, the last sentence in here is one of the key  
22 parts of this, and it says the permit conditions and  
23 systems to receive special protection will be determined  
24 by the local Federal fisheries manager in consultation  
25 with ADF&G. And I might add in there, they will also  
26 consult with the Council member who is nearest to that  
27 stream or system as well as consult with me, and we are  
28 not going to stand in the way of any conservation  
29 concerns if they're documented to us that there are  
30 conservation concerns, every one of us will be right on  
31 board, we will agree, close those streams, it's the right  
32 thing to do. The protection is there.

33

34 But I think it's a little disingenuous to  
35 say that we need to do the 331 streams stream by stream,  
36 that just can't happen. If there's a problem let the  
37 Federal manager know about it, they'll get a hold of us  
38 and if it makes sense, nobody's going to stand in their  
39 way. We had two fall fisheries this year, one at Waite  
40 Creek (ph) and Dog Salmon Creek on Prince of Wales Island  
41 which were proposed for closure and during our  
42 discussion, Mr. Douville from Prince of Wales Island as  
43 well as myself were involved with several State people  
44 and several Federal people, and during the discussions we  
45 talked about the catch and release mortality. The State  
46 was unwilling to close their catch and release fishery  
47 before we -- in other words our stand was if you're going  
48 to impose a restriction on the people of Prince of Wales  
49 Island in these streams on the subsistence use and  
50 priority, it is impossible to leave a known mortality in

1 a catch and release fishery there on the books, because  
2 we know we're killing fish at the same time we're telling  
3 the subsistence user that they can't take a fish home to  
4 eat. So during the discussion of those two streams, we  
5 basically -- Mr. Douville and I both said that we would  
6 not recommend approval of anything, any closures to those  
7 streams and we're going to hold to this on the summer  
8 stocks as well unless the State first closes the catch  
9 and release fishery which is a known mortality.

10

11 And perhaps that's where this Department  
12 of Law came into this because that is not a meaningful  
13 preference when you're allowing other people to kill fish  
14 and you're restricting subsistence users.

15

16 So I just wanted to talk about those and,  
17 again, remind you that this proposal provides true  
18 meaningful preference for the residents of Southeast  
19 Alaska to catch a fish and take it home to eat, we're not  
20 talking 10 fish, we're talking one a day, and I'm not  
21 going to Juneau to catch that one fish.

22

23 Thank you, Mr. Chair.

24

25 MR. EDWARDS: Mr. Chair.

26

27 CHAIRMAN DEMIENTIEFF: Yes.

28

29 MR. EDWARDS: Mr. Littlefield, that does  
30 seem to me that this, as proposed, this proposal would  
31 actually do what you just said, it would allow streams to  
32 be closed to subsistence use while still remain open for  
33 sportfishing under the catch and release 36 inch size  
34 limit, right?

35

36 MR. LITTLEFIELD: If you'll look at the  
37 last sentence, it says, the permit conditions -- I don't  
38 want to read it again, but what it says is that they're  
39 going to consult with the ADF&G and the land manager and  
40 the Council Chair and the member -- it doesn't say that,  
41 but we have this in under sections where they're going to  
42 get a hold of the Council Chair, we made that very clear  
43 at the meeting, that we expect to be notified, and we're  
44 not going to buy off on it as long as there's a catch and  
45 release fishery. So the answer is no, we're not going to  
46 agree to it. We don't think that a five percent mortality  
47 and when you add up the tens of thousands of fish that  
48 are taken and take that five percent mortality and you  
49 won't let a person take one home to eat, that's not a  
50 priority or preference. So in our opinion the answer is

1 no, there cannot be a catch and release fishery when  
2 you're applying subsistence restrictions on the rural  
3 residents.

4

5 MR. EDWARDS: Philosophically, I guess I  
6 don't disagree with you. I don't think that that's what  
7 this says, and won't necessarily accomplish that.

8

9 MR. LITTLEFIELD: Mr. Edwards, through  
10 the Chair. The land manager in Southeast Alaska is the  
11 United States Forest Service, and I believe we have a  
12 good rapport with them and we're kept well informed. So  
13 far I've been able to trust them and they've worked with  
14 us and they're the ones that have to apply these  
15 restrictions. So unless they decide not to go along with  
16 the Council Chair and the Council member in the area  
17 says, that hasn't happened yet, so I'm going to say is  
18 how it's going to work is we're going to close those  
19 fisheries before we agree to it.

20

21 MS. GOTTLIEB: Mr. Chair.

22

23 CHAIRMAN DEMIENTIEFF: Yes.

24

25 MS. GOTTLIEB: Well, I'm glad to hear  
26 that we've clarified that the RAC or the most local  
27 member of the RAC would be involved in any of these  
28 decisions because it's not spelled out in writing but I  
29 know that really was the intent. And I really think that  
30 the Board and the land managing agencies and the RACs and  
31 the State have come a really long way since our initial  
32 discussions on steelhead issues in Southeast Alaska, and  
33 I think we have a pretty good, proven, now, track record  
34 of working together, and I believe that this short season  
35 and small take would not have any conservation concerns.  
36 And I do believe that working together, streams of  
37 concerns would be identified and properly taken care of.

38

39 CHAIRMAN DEMIENTIEFF: Further  
40 discussion.

41

42 Gary.

43

44 MR. EDWARDS: Well, Mr. Chairman, I guess  
45 where I'm trying to wrap my mind around this, I mean I  
46 think everybody concurs and certainly in my discussions  
47 with the State that the current regulations do not  
48 provide a meaningful preference. I don't think -- it  
49 seems to me that that's not up for debate, so that's  
50 something that needs to be addressed.

1 I think there's also a view that not all  
2 of these 271 streams should probably be fished, either by  
3 subsistence users or by sportfishermen. I mean my  
4 personal view is that probably a bunch of them need to be  
5 closed. There's probably a bunch of them that nobody  
6 really gets to and ever fishes and so maybe they're not  
7 the issue. I'm just trying to understand, and that's why  
8 I asked the Forest Service earlier how they saw this  
9 process playing out because I'm not sure, if you're  
10 suggesting that the Forest Service, if they felt that  
11 they needed to close a stream to subsistence users that  
12 they would arbitrarily then close it to all use or would  
13 there be an expectation that the State then would have to  
14 follow suit through their regulatory process. I'm just  
15 trying to understand how this is all actually going to  
16 work on the ground.

17  
18 And I guess the last thing is I guess I'm  
19 not totally convinced that there aren't people in the  
20 Southeast who are visiting relatives in Juneau who would  
21 like to fish are going to take advantage of the  
22 opportunity. I guess I would but maybe they're more  
23 scrupulous than I.

24  
25 MR. LITTLEFIELD: You were looking at me,  
26 maybe I'd like to hand this off to Mr. Ustasiewski and  
27 get his opinion, he's the lawyer on this, and maybe he  
28 could counter the State's lawyer or agree with him or  
29 whatever he wants to do. I'm not a lawyer. But when I  
30 look at ANILCA, and it says there's a clear priority and  
31 preference, I interpret that to mean that priority and  
32 preference cannot exist when you have a closure to  
33 subsistence users and you're allowing sportfishermen or  
34 commercial fishermen to be there. I can't interpret  
35 ANILCA that way, and perhaps Mr. Goltz or Mr. Ustasiewski  
36 could answer this and put it in legal terms.

37  
38 MR. GOLTZ: The legal term is meaningful  
39 preference, and I agree with Lance that that's going to  
40 depend on the individual context.

41  
42 CHAIRMAN DEMIENTIEFF: Any other  
43 questions, comments.

44  
45 Yes, Doug.

46  
47 MR. MECUM: Thank you, Mr. Chair. I was  
48 wondering if I could direct a question to the Forest  
49 Service. I guess I'm a little bit uncomfortable with --  
50 let me back up, I agree on the question of meaningful

1 preference not being provided in some context, and that's  
2 the intent of the proposal. Where I'm having difficulty  
3 with is, again, like Gary, getting my hands around how  
4 we're actually going to implement this. And if we're  
5 going to go -- the Forest Service is going to come to us  
6 and consult with us and then their decisions can somehow  
7 be vetoed by, you know, one person, even if it is the  
8 Regional Council Chair, I'm not sure that that's really a  
9 meaningful consultation process.

10

11                   It seems like the entire Regional Council  
12 ought to be involved, in looking at the kind of steelhead  
13 trout management plan that the Forest Service and the  
14 Department -- or Fish and Game are coming up with.

15

16                   That would just be my kind of approach to  
17 it. So what is the Forest Service's plan for doing this  
18 consultation, is my question?

19

20                   MR. CASIPIT: Mr. Chair. Mr. Mecum. The  
21 way I see this working out is the way it's worked out in  
22 the past for Prince of Wales Island, again, before the  
23 season starts, the local manager sits down with the  
24 State, with the Council members, and through a  
25 collaborative process decides which streams are going to  
26 get additional protection and which ones are going to  
27 fall under this regulation.

28

29                   To say that one group is going to have a  
30 veto over the other or what have you, that's just not the  
31 way it's happened.

32

33                   The way it has happened is that folks get  
34 together and they agree or disagree and a decision is  
35 made but, you know, the decision is accepted by all the  
36 participants, I think. I mean I haven't heard where  
37 there's been a great disagreement over closures or not  
38 doing a closure or what have you. I haven't seen it  
39 happen yet.

40

41                   MR. BSCHOR: I think I'd like to make a  
42 comment, Mr. Chair, on that point, and maybe I ought to  
43 defer to my attorney here. But it seems to me that the  
44 delegated authority to the in-season manager is where it  
45 stops. The in-season manager needs to consult as much as  
46 possible to make the best decision, but I don't think  
47 that the in-season manager can defer to someone else  
48 outside the Forest Service to make a decision for he or  
49 she.

50

1 CHAIRMAN DEMIENTIEFF: Keith.

2

3 MR. GOLTZ: Yeah, I'd like to second  
4 that. This is a Federal system. The decisions are made  
5 by Federal managers. The Federal manager can consult  
6 with the State without restriction, it can consult with  
7 other experts, but that Federal decision is not vetoed by  
8 anyone else, it has to be fully Federal otherwise we run  
9 into FACA concerns.

10

11 CHAIRMAN DEMIENTIEFF: I'm not sure who  
12 had their hand up first, John or Doug -- Doug, okay, go  
13 ahead.

14

15 MR. MECUM: Thank you. I just had a  
16 follow up. That's certainly more comfortable, you know,  
17 having that information in front of us.

18

19 I guess just one question then, are there  
20 streams on Prince of Wales Island that are closed to  
21 subsistence fishing through this consultative process  
22 that the Federal land manger makes the final decision on?  
23 Are there streams that are closed to subsistence fishing  
24 but that are open to catch and release sportfishing?

25

26 CHAIRMAN DEMIENTIEFF: Cal.

27

28 MR. CASIPIT: Last spring 21 streams were  
29 restricted in that only two fish greater than 36 inches  
30 could be kept by subsistence users, which is exactly the  
31 same as the sportfish regulation.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. John.

34

35 MR. LITTLEFIELD: I want to concur with  
36 everybody else.

37

38 (Laughter)

39

40 MR. LITTLEFIELD: I'm giving  
41 recommendations to the Federal land manager as well as  
42 the Council member because I know what my Council said in  
43 September and they were adamant about it, that they want  
44 to be consulted. And as a matter of fact, we demanded  
45 that, that we be consulted, it doesn't mean you have to  
46 take our directions, we're just going to tell that land  
47 manager exactly what we think is correct in the best  
48 interest of the subsistence users. And so we're not  
49 directing to do anything. On Prince of Wales Island,  
50 Greg Killinger calls the shots. We tell him what we



1 think, the State tells him what they think, he reads  
2 ANILCA and his own regs, and the Forest Service, and  
3 makes his decisions, not me, or anybody else. I want to  
4 make that clear, I second, third and fourth whatever's  
5 going on, so that's clear to everybody.

6  
7 And I want to read .802 again, so that  
8 everybody understands what we're talking about here. I  
9 didn't dream up this priority and preference.

10  
11 It says, quote:

12  
13 The non-wasteful subsistence uses of fish  
14 and wildlife and other renewable  
15 resources shall be the priority  
16 consumptive use of all such resources on  
17 the public lands of Alaska.

18  
19 When it is necessary to restrict the  
20 taking to assure the continued viability  
21 of a fish or wildlife population or the  
22 continuation of subsistence uses of such  
23 population, the taking of such population  
24 for non-wasteful subsistence uses shall  
25 be given preference on the public lands  
26 over other consumptive uses.

27  
28 Now, you can call that personal use,  
29 sport use, commercial, anything you want, subsistence  
30 cannot be curtailed and be a priority. I mean to me it's  
31 a clear reading of Title VIII, and Mr. Goltz is busy  
32 having his sidebar right now but I think that's clear.  
33 And I don't know if that was clear with his answer, but  
34 that's the way I read Title VIII and I think it's clear  
35 in its reading, that it is priority over all other  
36 consumptive users.

37  
38 Mr. Chair.

39  
40 CHAIRMAN DEMIENTIEFF: Thank you. I was  
41 talking with legal Counsel about a point to see if this  
42 process would cause FACA problems, and maybe just for the  
43 record that we just might have Counsel, either one or  
44 both, you know, discuss that, that we did discuss it  
45 because it just came to be a concern to me. If you don't  
46 mind Keith or Jim.

47  
48 MR. GOLTZ: FACA is a concern, I think we  
49 probably can work through this though if it's clear that  
50 the managers should work with either Jim or I on this.

1 CHAIRMAN DEMIENTIEFF: Ralph.  
2  
3 MR. LOHSE: Mr. Chair. I'd just like to  
4 say something in agreement with what John was saying  
5 before, and if I'm wrong in what I say I hope John will  
6 correct me.  
7  
8 He's saying that he's consulting with the  
9 Forest Service management, and that if the Forest  
10 Management decides to leave a stream open that still has  
11 another fishery on it, the Council members weren't going  
12 to agree to it, they have the right not to agree to it,  
13 they can't stop him from what the decision he wants to  
14 make, but they have the right not to buy off on it, not  
15 to agree with it.  
16  
17 That's just a statement. That's just a  
18 statement of what they think. That's not making  
19 regulation. And I think that's what you meant, wasn't it  
20 John, that basically if they do something like that you  
21 can't agree to it on principle.  
22  
23 MR. LITTLEFIELD: We won't agree to it.  
24  
25 MR. LOHSE: And won't agree to it on  
26 principle.  
27  
28 CHAIRMAN DEMIENTIEFF: Okay. Further  
29 discussion.  
30  
31 MS. GOTTLIEB: Mr. Chair.  
32  
33 CHAIRMAN DEMIENTIEFF: Yes.  
34  
35 MS. GOTTLIEB: Having said or heard all  
36 of this, it certainly sounds like Forest Service and  
37 State and other managers and the Council have worked  
38 really hard to arrive at consensus for as many different  
39 streams or issues as possible. And so good vigorous  
40 discussion is great but it sounds like you've been very  
41 successful for the most part in pleasing as many people  
42 as possible.  
43  
44 CHAIRMAN DEMIENTIEFF: Further  
45 discussion.  
46  
47 MR. EDWARDS: Mr. Chairman.  
48  
49 CHAIRMAN DEMIENTIEFF: Gary.  
50

1 MR. EDWARDS: I'm just sort of trying to  
2 understand here when you explain to me that you do have  
3 some areas that are only available for local residents to  
4 fish Prince Williams -- I mean you named a few others --  
5 now, this proposal then still maintains that in place; is  
6 that correct, does it need to specifically say that or  
7 does it imply that or what?

8  
9 DR. SCHROEDER: Through the Chair. Mr.  
10 Edwards. Where we have a sustained customary and  
11 traditional use determinations for steelhead trout, only  
12 those communities with that recognized use can harvest  
13 steelhead trout in those areas. So those C&T  
14 determinations aren't -- would not be affected in any way  
15 by your Board action on this proposal.

16  
17 MR. EDWARDS: And so for those C&T folks,  
18 that would remove the restriction of the 36 inch and  
19 allow them to take the one fish a day plus two for the  
20 season?

21  
22 DR. SCHROEDER: That's my understanding,  
23 Mr. Edwards. Just maybe to have a concrete example about  
24 this -- around this would be, earlier we talked about  
25 Hoonah's recognized customary and traditional use in  
26 Subdistricts 14-B and 14-C, I believe that Hoonah has  
27 customary and traditional use of trout in those  
28 subdistricts. If action on this proposal as written  
29 would recognize Hoonah's use of steelhead trout in those  
30 areas. Someone from Sitka could not subsistence fish for  
31 steelhead trout in that customary and traditional use  
32 area of Hoonah.

33  
34 CHAIRMAN DEMIENTIEFF: Further  
35 discussion.

36  
37 (No comments)

38  
39 CHAIRMAN DEMIENTIEFF: Are we ready for a  
40 motion or is somebody prepared to offer one?

41  
42 MR. BSCHOR: I'm prepared to offer a  
43 motion to accept the proposal with modification  
44 consistent with the recommendation of the Southeast  
45 Regional Advisory Council.

46  
47 CHAIRMAN DEMIENTIEFF: There is a motion,  
48 is there a second.

49  
50 MR. TONY: Second.

1 CHAIRMAN DEMIENTIEFF: It's been moved  
2 and seconded, is there any discussion on the motion.

3  
4 (No comments)

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

9  
10 IN UNISON: Aye.

11  
12 CHAIRMAN DEMIENTIEFF: Those opposed,  
13 same sign.

14  
15 (No opposing votes)

16  
17 CHAIRMAN DEMIENTIEFF: Motion carries.  
18 No. 20.

19  
20 MR. CASIPIT: Thank you, Mr. Chair. The  
21 Staff analysis for Proposal FP05-20 begins on Page 222 of  
22 your Board book.

23  
24 Proposal FP05-20 was submitted by Mr.  
25 Michael See of Hoonah. He is requesting the use of a  
26 handline to take salmon in the Southeastern Alaska area.  
27 The proponent states that subsistence fishers have  
28 traditionally used a single handheld line attached to one  
29 treble hook to harvest salmon from streams. Recognizing  
30 the use of a handline would allow a traditional,  
31 convenient and inexpensive and target specific method for  
32 harvesting salmon. The proponent was contacted to  
33 clarify his proposal. He purposely did not include the  
34 use of a rod and reel in his proposal. He believes  
35 snagging with a rod and reel is not as selective as  
36 snagging with a handline. He stated that traditionally  
37 snagging fish with a treble hook and handline has been  
38 done to identify and harvest individual fish such as  
39 targeting female chum salmon when eggs are desired.

40  
41 I just wanted to point out a couple  
42 things in the analysis for you. There's a section in  
43 there that says customary and traditional use of  
44 handlines, we've summarized preliminary reports from Mr.  
45 Michael Turek of the Alaska Department of Fish and Game  
46 Subsistence Division regarding his research on harvest  
47 methods for steelhead on Prince of Wales. This was a  
48 Fisheries Information Services funded Project 01-105. He  
49 found evidence of handline use for taking salmon even  
50 though the specific issue he was looking at was

1 steelhead.

2

3 The effect of this proposal would make  
4 handlines that are more suited for -- basically handlines  
5 are more suited for use in some streams than others. It  
6 could result in increased harvest of coho, however, the  
7 harvest of coho under Federal subsistence regulations  
8 have been very low and a moderate increase in coho  
9 harvest would not create a conservation concern. And  
10 coho salmon stocks in Southeastern Alaska area are  
11 considered healthy.

12

13 I also wanted to point out that handlines  
14 are not listed as gear types on State subsistence and  
15 personal use permits for Southeastern Alaska area,  
16 however, handlines are currently a legal gear type under  
17 the Federal subsistence regulations except for where  
18 specifically excluded.

19

20 So that ends my introduction, I'd be  
21 happy to answer any questions.

22

23 CHAIRMAN DEMIENTIEFF: Thank you.  
24 Written public comments.

25

26 DR. SCHROEDER: Mr. Chairman, we had no  
27 written public comments on this proposal.

28

29 CHAIRMAN DEMIENTIEFF: Thank you. We do  
30 not have any request for additional public testimony at  
31 this time. Regional Council recommendation.

32

33 MR. LITTLEFIELD: Thank you, Mr. Chair.  
34 The Regional Advisory Council supported this  
35 recommendation 8/2.

36

37 And at the meeting we were lucky that we  
38 had a concurrent tribal meeting going on that ended on  
39 the day that we started. It ended at noon on the day we  
40 started. So many of those members, as a matter of fact  
41 they were from Hoonah, Hydaburg, Kake, Kasaan, Ketchikan,  
42 Klawock and Sitka. So those members that were there all  
43 testified in favor of this and those that are old enough  
44 can remember that we used to do this all the time, it was  
45 a real selective method and it was very common and it's  
46 effective.

47

48 That's one of the things you can do with  
49 this. If you want to get one specific salmon, you can  
50 get it with a snagger where you may not be able to get it

1 with a sockeye fly, just throwing it in the water and  
2 jerking, you can actually use these snaggers with a  
3 little bit more accuracy.

4  
5 As far as conservation concerns, we  
6 didn't see any conservation concerns with this proposal.  
7 The Council believes this recommendation is supported by  
8 substantial information from the Staff report, knowledge  
9 of the Council members and also the extensive testimony,  
10 the recent FIS study as well as some information provided  
11 by the State, Mr. Turek. This proposal will be a benefit  
12 to the subsistence users and have no effect on  
13 subsistence users. So for those reasons we did support  
14 it and we urge your adoption.

15  
16 Mr. Chair.

17  
18 CHAIRMAN DEMIENTIEFF: Thank you, very  
19 much. Department comments.

20  
21 MS. SEE: Mr. Chair, we note that our  
22 comments are on Page 9 of the package of State comments.  
23 Under State permits for subsistence fishing the handline  
24 and gear type is not specified but can be added on a case  
25 by case basis. This proposal requests a specific type of  
26 handline with one treble hook which is known to be  
27 traditionally used for selective form of fishing in fresh  
28 water.

29  
30 The Federal Staff analysis for this  
31 proposal accurately states that the Federal and State  
32 regulations are not identical at this time nor would this  
33 proposal align them. We also concur with the analysis  
34 statement that it's not necessary at this point to  
35 address this gear type in the Stikine River.

36  
37 The proposal does not appear to propose a  
38 potential conservation concern for salmon as noted in the  
39 Federal Staff analysis does not address the affect of  
40 this proposal on steelhead, the species that was added  
41 during the Southeast Regional Advisory Council meeting.  
42 And we just are concerned about the fact that this came  
43 in pretty late in the process so our concern really is  
44 one more of process and how this all gets adequate  
45 vetting in the whole development of regulatory  
46 provisions. We feel that these kinds of analysis should  
47 be fully considered as part of the public process prior  
48 to regulatory action. So we recommend that the proposal  
49 revision which added steelhead be deferred until the next  
50 regulatory cycle.

1                   Our recommendation at this point is that  
2 we're neutral on the original proposal for salmon and we  
3 recommend deferring action at this time for the steelhead  
4 portion that was added.

5  
6                   Thank you.

7  
8  
9                   CHAIRMAN DEMIENTIEFF: Thank you. Board  
10 discussion.

11  
12                   MR. KESSLER: The Inter-Agency Staff  
13 recommendation is on Page 225, and the Staff Committee  
14 recommends that you support the proposal with  
15 modification consistent with the recommendation of the  
16 Southeast Regional Advisory Council.

17  
18                   Justification is on Page 225 also. The  
19 only point I'm going to make is actually on Page 226, is  
20 that, the original proposal was just to allow the  
21 snagging of salmon. The Southeast Regional Advisory  
22 Council added steelhead to the species allowed for  
23 snagging since it has been a traditional method of taking  
24 fish, the Inter-Agency Staff Committee agrees with the  
25 Council, that the inclusion of steelhead in this  
26 regulation is covered by the public notice for this  
27 meeting, since the proposal in combination with FP05-19  
28 addresses all methods and means for subsistence fishing  
29 in Southeastern Alaska.

30  
31                   The Inter-Agency Staff Committee also  
32 agrees with the Southeast Regional Advisory Council that  
33 snagging is a traditional harvest method for steelhead.

34  
35                   That concludes my comment, Mr. Chair.

36  
37                   CHAIRMAN DEMIENTIEFF: Thank you. Board  
38 discussion.

39  
40                   MR. EDWARDS: Mr. Chairman.

41  
42                   CHAIRMAN DEMIENTIEFF: Gary.

43  
44                   MR. EDWARDS: I guess I'd just like to  
45 ask Staff, based upon what we just passed on Proposal 28,  
46 what do we see in the increasing in efficiency and catch  
47 that might occur by allowing this method?

48  
49                   MR. CASIPIT: Based on testimony we've  
50 heard and how this handline works, it would be no more

1 efficient than the already allowed gear types like  
2 spears, gaffs, and rod and reel. It's not any more  
3 efficient than any of those methods.

4  
5 CHAIRMAN DEMIENTIEFF: Further  
6 discussion.

7  
8 MR. LITTLEFIELD: Mr. Chair.

9  
10 CHAIRMAN DEMIENTIEFF: Yes.

11  
12 MR. LITTLEFIELD: Perhaps I could follow  
13 up on that a little bit. The efficiency is not really  
14 what we're talking about here, we're talking about need.  
15 And that hasn't changed at all, if you still need -- you  
16 know, if a community still needs 25 steelhead or salmon,  
17 they're going to get them, and this just allows you to  
18 use a long-term traditional method. So the efficiency, I  
19 don't think is really the key, is the need is going to  
20 remain the same, so therefore the take should be the same  
21 in my estimation.

22  
23 Mr. Chair.

24  
25 CHAIRMAN DEMIENTIEFF: So it just  
26 provides additional opportunity basically.

27  
28 MR. LITTLEFIELD: (Nods affirmatively)

29  
30 CHAIRMAN DEMIENTIEFF: Thank you.  
31 Further discussion.

32  
33 (No comments)

34  
35 CHAIRMAN DEMIENTIEFF: If not, is  
36 somebody prepared to offer a motion.

37  
38 MR. BSCHOR: I'll move to adopt the  
39 proposal as modified by the Southeast Regional Advisory  
40 Council.

41  
42 CHAIRMAN DEMIENTIEFF: We have a motion,  
43 is there a second.

44  
45 MR. TONY: Second.

46  
47 CHAIRMAN DEMIENTIEFF: Discussion on the  
48 motion.

49  
50 MS. GOTTLIEB: Mr. Chair.



1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: I believe that the public  
4 discussion was covered through Proposal 19 and there was  
5 a great deal of discussion and evidence of using this  
6 means. And I think this would be in support of  
7 subsistence uses and subsistence users.

8

9 CHAIRMAN DEMIENTIEFF: Thank you.  
10 Further discussion.

11

12 (No comments)

13

14 CHAIRMAN DEMIENTIEFF: Hearing none, all  
15 those in favor of the motion, please signify by saying  
16 aye.

17

18 IN UNISON: Aye.

19

20 CHAIRMAN DEMIENTIEFF: Those opposed,  
21 same sign.

22

23 (No opposing votes)

24

25 CHAIRMAN DEMIENTIEFF: Motion carries.  
26 It's 3:53 right now, and I promised we were going to  
27 break by 4:00 o'clock, and you can tell that your  
28 distinguished chairman is pretty tired when I'm losing  
29 track of the speaking procedure so we're just going to go  
30 ahead and break for the day. We'll begin at 8:30 in the  
31 morning.

32

33 So thank you very much for your work  
34 today.

35

36 (PROCEEDINGS TO BE CONTINUED)

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C E R T I F I C A T E

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

I, Joseph P. Kolasinski, Notary Public in and for the State of Alaska and reporter for Computer Matrix Court Reporters, do hereby certify:

THAT the foregoing pages numbered 2 through 113 contain a full, true and correct Transcript of the FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME I taken electronically by Nathan Hile on the 11th day of January 2005, 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 29th day of January 2005.

\_\_\_\_\_  
Joseph P. Kolasinski  
Notary Public in and for Alaska  
My Commission Expires: 03/12/08 \_