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9 FISH AND WILDLIFE SERVICE FEDERAL SUBSISTENCE BOARD

10 EGAN CONVENTION CENTER

11 ANCHORAGE, ALASKA

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VOLUME II

15

16 December 12, 2001

17 8:30 o'clock a.m.

18

PUBLIC MEETING

19

20 MEMBERS PRESENT:

21

22 Mitch Demientieff, Chairman

23 Gary Edwards, U.S. Fish and Wildlife Service

24 Niles Cesar, Bureau of Indian Affairs

25 Taylor Brelsford, Bureau of Land Management

26 Judy Gottlieb, National Park Service

27 Jim Caplan, U.S. Forest Service

28

29 Solicitor: Keith Goltz

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1 PROCEEDINGS

2

3 (On record)

4

5 CHAIRMAN DEMIENTIEFF: I call the
6 Subsistence Board to order. We are now going to move
7 into Southeast and, with that, who is going to give the
8 opening? Who is going to give the opening? I thought
9 somebody was going to brief.... (Pause) The first
10 proposal up is FP02-35. Is it Bob or Cal that's going to
11 give the analysis?

12

13 MR. CASIPIT: Thank you, Mr. Chairman.
14 My name is Calvin Casipit. I'm the Subsistence Staff
15 fisheries biologist for the Forest Service in Juneau,
16 Alaska. Before I start on FP02-35, I just wanted to make
17 sure the Board was aware that their action on 35 renders
18 moot the co-portions of 27, 28, 29, 30, 31, 32 and 33.
19 It also renders moot, in total, the proposals 02-24, 02-
20 26, 02-38 and 39. So that Board action on that one
21 proposal 35 will make our job a lot simpler later on, I
22 guess.

23

24 The staff analysis for 35 starts on your
25 page 6 behind tab E. Proposal 02-35 was submitted by
26 John Littlefield of Sitka, requests closing Federal
27 waters in Southeast Alaska to coho salmon fishing except
28 by Federally-qualified subsistence users. It also
29 establishes harvest limits, harvest methods and season
30 dates and requirements for Federal permits. This
31 proposed regulation would only apply to coho harvests in
32 fresh water above mean high tide as this is the extent of
33 Federal jurisdiction in Southeast Alaska. Any discussion
34 related to marine waters are excluded from this analysis
35 because of lack of Federal jurisdiction.

36

37 The proposal was submitted out of concern
38 that there's not enough opportunity for rural subsistence
39 users to harvest coho salmon under Federal subsistence
40 regulations. The proponent wants Federal subsistence
41 permits issued and harvest limits and methods applied
42 that recognizes the customary and traditional take of
43 coho salmon in Southeast Alaska.

44

45 Again, I just wanted to mention that the
46 extent of Federal public lands and waters, the proposal
47 here deals with basically Forest Service waters above
48 mean high tide within Southeast Alaska.

49

50 The Federal program does have a customary

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1 and traditional use determination for subsistence harvest
2 of all salmon species, including coho salmon in Southeast
3 Alaska, but up until now the Federal government has only
4 issued permits for coho salmon in sections 3A, 3B and 3C.
5 That was an action this Board took last December,
6 December of 2000, to create this coho fishery on the west
7 coast of Prince of Wales Island.

8

9 The State only issues subsistence permits
10 to take coho salmon in Salt Lake and Mitchell Bay near
11 Angoon. Subsistence users in other areas of Southeast
12 Alaska have had to purchase State sport fishing license
13 and comply with State sport fish limits of six coho
14 salmon per day to fish legally.

15

16 The closure part of the proposal causes
17 concern because it unnecessarily restricts non-Federally-
18 qualified subsistence users. Right now there are no
19 conservation concerns region wide for coho salmon in
20 Southeast Alaska. With that, I'll be happy to answer any
21 questions from the Board.

22

23 CHAIRMAN DEMIENTIEFF: Yeah, you'll be
24 there anyway. If there's other questions, we'll deal
25 with them. Summary of written public comments.

26

27 MR. SCHROEDER: Mr. Chairman, there's two
28 public comments, both in opposition. The first, from the
29 United Fishermen of Alaska, that is concerned that the
30 Board lacks jurisdiction in marine waters. Their other
31 point is that it unnecessarily restricts non-subsistence
32 users. The Southeast Alaska Fisherman's Alliance also
33 have some concerns. They're in opposition and mentioned
34 that the Board does not have jurisdiction in marine
35 waters. In addition, many subsistence fishermen are also
36 commercial fishermen, dependant upon the economics of the
37 commercial fishery. That would be damaged by the
38 complete prohibition against the harvest of coho salmon.
39 That's all.

40

41 CHAIRMAN DEMIENTIEFF: Thank you very
42 much. Department comments.

43

44 MR. VINCENT-LANG: Thank you, Mr. Chair.
45 Department is neutral with respect to coho salmon harvest
46 limits recommended by the Staff Committee in the
47 Southeast Regional Council for this group of proposals.
48 As in other areas of the State, we believe that long-term
49 regulations should be based on the amounts of each stock
50 determined to be necessary and reasonable for subsistence

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1 uses in the area. The Alaska Board of Fisheries will be
2 reviewing coho salmon subsistence fishing during the
3 2002-2003 regulatory cycle and will conduct such an
4 assessment as part of its review.

5
6 We support the Staff Committee
7 recommendation that a permit with harvest reporting
8 provisions be required for these coho salmon fisheries.
9 This harvest and effort information is necessary to
10 ensure conservation and responsible management of these
11 fisheries. We also support the recommendation regarding
12 marine jurisdictional issues. Marine water is identified
13 in this, and the other proposals in this group are now
14 subject to Federal jurisdiction.

15
16 Finally, we support the recommendation
17 not to close Federal waters to other uses in this
18 proposal and the other proposals in this group. Closing
19 coho salmon fishing to Federally-managed waters in
20 Southeast Alaska to non-Federally-qualified users would
21 unnecessarily restrict non-Federal fisheries because
22 there are no widespread conservation concerns for coho
23 salmon in Southeast Alaska and no indication that
24 subsistence opportunities have been or will be
25 restricted. These comments will refer to proposal 35 and
26 those other portions that Cal stated that this overall
27 coverage proposal covers. Thank you, Mr. Chair.

28
29 CHAIRMAN DEMIENTIEFF: Thank you. Public
30 testimony, we have one request. Cora Crome.

31
32 MS. CROME: Thank you, Mr. Chairman,
33 Members of the Board. My name is Cora Crome and I
34 represent Petersburg Vessel Owners Association. PVOA is
35 opposed to proposal 35 as it was written and submitted
36 because it would unnecessarily limit other users of the
37 resource when no conservation concern exists and also
38 because it attempts to extend Federal jurisdiction into
39 the marine waters of Southeast Alaska. Comments in the
40 inter-agency Staff Committee recommendations, staff
41 analysis and Alaska Department of Fish & Game comments
42 all agree that coho stocks are healthy and there is no
43 evidence subsistence harvest needs are not being met.
44 Therefore, restricting other users is not necessary.

45
46 ANILCA does not allow the restriction of
47 non-subsistence users unless it is necessary for the
48 conservation of healthy populations of fish and wildlife.
49 Restricting catches of coho salmon by other users would
50 have a large impact on commercial fisheries in the area

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1 and it should be noted that many subsistence users are
2 also commercial fishermen and they would lose a
3 significant part of their livelihood if this proposal was
4 adopted as written.

5
6 In addition, this proposal seeks to limit
7 harvest in all of Southeast Alaska. The Federal
8 Subsistence Board does not have jurisdiction over marine
9 waters and we would request that the Board consider this
10 proposal only on the Federal waters where you have
11 jurisdiction. The scope of Federal jurisdiction is
12 established by the secretary and cannot be modified or
13 changed by the Federal Subsistence Board.

14
15 The Regional Advisory Council in
16 Southeast recognized these concerns and modified this
17 proposal so that it doesn't restrict other users or
18 extend jurisdiction to marine waters. We appreciate this
19 consideration and support these modifications. We would
20 note that the daily bag limit would increase from six,
21 under existing State regulations, to 20, under the
22 proposed regulations. It should be noted that the effect
23 this will have on harvest is unknown and staff
24 recommended a well-designed permit system, which we would
25 support.

26
27 It stated in staff analysis that any
28 regulation which will increase removals of coho salmon
29 should be approached with caution. We hope the Board
30 will consider this and develop cautious regulations that
31 allow subsistence harvest while also protecting salmon
32 streams and just that you be sure that whatever
33 regulations are adopted will be enforceable. Thank you
34 for the opportunity to comment.

35
36 CHAIRMAN DEMIENTIEFF: Thank you. Is
37 there any questions for Cora? Thank you very much.
38 Regional Council recommendation.

39
40 MR. THOMAS: Council recommends the
41 support of modified proposal.

42
43 CHAIRMAN DEMIENTIEFF: Staff Committee.

44
45 MR. THOMPSON: Thanks, Mr. Chairman. The
46 Staff Committee recommends the Board adopt this proposal
47 with the modifications recommended by the Council;
48 however, we would urge that the last sentence in the
49 regulation, the proposed regulation, be stricken, which
50 reads the Federal in-season manager may modify the bag

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1 limits upwards or downwards as required. We believe that
2 allowing only Federally-qualified subsistence users to
3 harvest coho in this area would unnecessarily restrict
4 non-subsistence fisheries.

5
6 Coho stocks are healthy in this region.
7 There are no conservation concerns for coho in this area,
8 no evidence that subsistence harvest needs are not being
9 met. The daily annual harvest limits of 20 and 40 fish
10 reflect a reasonable compromise between the risk of over
11 fishing individual stocks and promotion of a safe and
12 efficient subsistence fishery.

13
14 Permit requirements are consistent with
15 existing Federal and State subsistence permits and are
16 needed to estimate harvest and manage for escapements.
17 Not having a closed season promotes distributing the
18 harvest among streams and throughout the run.
19 Maintaining this natural, temporal and spacial
20 distribution of escapements among the thousands of coho-
21 producing streams in the region is paramount for the
22 continued health of the resource.

23
24 The exception for sections 3A, 3B and 3C
25 is in recognition of last year's Federal Board decision
26 that created a Federal coho subsistence fishery in those
27 sections. The Southeast Regional Council recommended
28 continuing the coho fishery in 3A, 3B and 3C with no
29 annual limit for another year or two in order to collect
30 information on subsistence uses and needs in that area.
31 I believe that concludes our recommendation, Mr.
32 Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. With
35 that, we'll move the issue after Board deliberations. Is
36 there any discussion on the proposal?

37
38 MS. HILDEBRAND: Mr. Chairman.

39
40 CHAIRMAN DEMIENTIEFF: Yes. Ida, Ida.
41 This is Board and Regional Council only when we get to
42 this point. Go ahead, Gary.

43
44 MR. EDWARDS: I would certainly be
45 willing to yield.

46
47 CHAIRMAN DEMIENTIEFF: Go ahead.

48
49 MS. HILDEBRAND: Ida Hildebrand, BIA
50 Staff Committee member, for clarification to the Board.

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1 Under discussion of the Regional Council in Southeast,
2 the proponent was not requesting extension of Federal
3 jurisdiction into all marine waters, the proponent was
4 requesting Federal jurisdiction for all waters within the
5 Tongass to be considered Federal waters as Federal waters
6 are considered in all refuges and park lands. Thank you,
7 Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Thank you, Ida.
10 Gary.

11

12 MR. EDWARDS: Mr. Chairman, I guess I'd
13 like to ask the State maybe to respond to the Staff
14 Committee's recommendation as well as the Council's
15 recommendation, which is a modified of the proposal.

16

17 MR. VINCENT-LANG: Mr. Chair, Gary.
18 We're neutral with respect to the bag limits because we
19 haven't gone through an analysis yet, which we will do
20 next year, as to what amount is reasonably necessary.
21 We're very supportive of the permit requirements, we're
22 very supportive of the basic outline and structure of
23 this proposal, as requested by the inter-agency Staff
24 Committee and RAC.

25

26 CHAIRMAN DEMIENTIEFF: Bill.

27

28 MR. THOMAS: Thank you, Mr. Chairman.
29 There's some comments here that I've never heard at the
30 Council level. From the Council, this was a precaution
31 to make sure we didn't get into a conservation concern.
32 That being the case, I would like to have some idea at
33 what point does a fishery meet the standards of a
34 conservation concern? The reason for my question is
35 because that subsistence coho fishing isn't all over in
36 Southeast. There's a lot of cohos down there, but that
37 particular fishery isn't permitted.

38

39 There's a question to Staff Committee. I
40 heard a term used, I'm sorry to see start infiltrating
41 our language, the expression as needed. Who is going to
42 determine the needs of subsistence research for the
43 users? Thank you, Mr. Chairman.

44

45 MR. THOMPSON: Mr. Chairman, I'd defer to
46 our biologist Cal to -- there is some room for discussion
47 about what constitutes a conservation concern and there
48 are differing definitions. Do you want to comment on
49 that, Cal?

50

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1 MR. CASIPIT: Thank you, Mr. Thompson.
2 I'm not sure I do want to comment in light of the RFR we
3 have in front of us later on. You're right. The
4 standard of conservation concern is a pretty sticky one.
5 The State of Alaska has very tight definitions of what
6 constitutes conservation concerns, what constitutes
7 management concerns, what constitutes all these different
8 levels of a concern with a stock. The Federal government
9 doesn't have that same sort of really tight definitions
10 of what we consider a conservation concern.

11
12 You know, my personal opinion is that a
13 conservation concern, in my book, is where you have
14 escapements that are such that the continued beneficial
15 uses of that stock are put in jeopardy. I don't know how
16 that fits with the State's definitions, but that's my
17 personal definition. Again, when the escapements for a
18 stock are such that the long-term continued beneficial
19 uses of that stock are put in jeopardy.

20
21 CHAIRMAN DEMIENTIEFF: Do we have follow-
22 up?

23
24 MR. THOMAS: My follow-up is that I'm
25 glad this point was brought up because in the not too
26 distant past cohos were in serious trouble down there.
27 With the advent of hatcheries and different means of
28 enhancement, that changed that particular picture. It's
29 like any other fishery, it's vulnerable, but at what time
30 do we recognize the vulnerability. I hope this
31 discussion gets exchanged between agencies so that we can
32 have a flag to look for. Thank you, Mr. Chairman.

33
34 CHAIRMAN DEMIENTIEFF: Thank you. Any
35 other discussion? Jim.

36
37 MR. CAPLAN: Yes, sir, Mr. Chairman. I
38 would move to adopt Proposal 35 as modified and
39 recommended by the Staff Committee and I do so out of
40 respect for a long-standing traditional fishery for
41 subsistence users and the fact that there are reasonable
42 conservation measures built into the process as well as
43 monitoring through the permit. It strikes me that this
44 is a very timely proposal and sets in place some very
45 good regulation beneficial to subsistence users. Thank
46 you, Mr. Chairman.

47
48 CHAIRMAN DEMIENTIEFF: Is there a second
49 to that motion?

50

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1 MS. GOTTLIEB: Second.

2

3 CHAIRMAN DEMIENTIEFF: Discussion on the
4 motion.

5

6 MS. GOTTLIEB: Mr. Chairman. I certainly
7 agree with the Forest Service that this is a good time to
8 establish and open the fishery and we'll rely on the RAC
9 and the users to provide us with information and to have
10 feedback from them and others on conservation concerns
11 should they arise.

12

13 CHAIRMAN DEMIENTIEFF: Thank you. Bill,
14 I have a particular question about striking the last
15 sentence of the Regional Council recommendation, which
16 would give authority to the in-season managers to close
17 fisheries. I know what you're bound to as far as your
18 council, but I'm just curious what kind of discussion was
19 had with regard to that council background.

20

21 MR. THOMAS: If I remember right, the
22 discussion there was to utilize that provision in this
23 process of in-season management. That would give closer
24 attention to any system, such as this one here.

25

26 CHAIRMAN DEMIENTIEFF: Mr. Boyd, is that
27 going to be you that's going to respond to that because
28 it may already be ostracized?

29

30 MR. THOMPSON: Yes, Mr. Chairman, we did
31 have some discussion about this and I believe the reason
32 pivoted around the opportunity not only to increase the
33 bag limits but to decrease as is currently authorized in
34 our regulations and we felt we should limit it to just
35 the existing authorities to decrease.

36

37 MR. EDWARDS: Mr. Chairman. Correct me
38 if I'm wrong, Tom, but it's my understanding that the in-
39 season managers were not delegated the authority to
40 increase. They could decrease. So, to increase would
41 require Board action and not simply the action of an in-
42 season manager.

43

44 MR. BOYD: That's correct. The Board has
45 the authority to delegate certain actions to in-season
46 managers. Annually, they do so. You do so. I think you
47 characterized it correctly.

48

49 CHAIRMAN DEMIENTIEFF: Bill.

50

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1 MR. THOMAS: Thank you, Mr. Chairman.
2 Now we all know.

3
4 CHAIRMAN DEMIENTIEFF: Is there any
5 further discussion on the motion? All those in favor of
6 the motion, please signify by saying aye.

7
8 IN UNISON: Aye.

9
10 CHAIRMAN DEMIENTIEFF: Those opposed,
11 same sign.

12
13 (No opposing votes)

14
15 CHAIRMAN DEMIENTIEFF: Motion carries.
16 Okay. 24 is now moot, Cal?

17
18 MR. CASIPIT: Yes, Mr. Chairman. Both 24
19 and 26 now become moot.

20
21 CHAIRMAN DEMIENTIEFF: 38 and 39 also, is
22 that right?

23
24 MR. CASIPIT: Also 38 and 39, correct.

25
26 CHAIRMAN DEMIENTIEFF: And portions of
27 others. Again, for the record, which ones, Cal?

28
29 MR. CASIPIT: For 35, the action you took
30 on 35 renders moot 24, 26, 38 and 39 in its entirety. It
31 also renders moot the coho portions of 27, 28, 29, 30,
32 31, 32 and 33.

33
34 CHAIRMAN DEMIENTIEFF: With that, we'll
35 move on to FP02-27.

36
37 MR. CASIPIT: Thank you, Mr. Chairman.
38 For 02-27, I'll only be talking about the sockeye
39 portions of this proposal since the coho portions have
40 already been taken care of. Also, this sockeye portion
41 of 02-27 is very similar to the sockeye portion of 28,
42 30, 31, 32 and 33. So, much of what I'll be presenting
43 here in 27 in regards to sockeye portions also would be
44 exactly the same issues and presentation I'd make for 28,
45 29, 30, 31, 32 and 33.

46
47 Proposal 02-27 was submitted by the Sitka
48 Tribe of Alaska. It requests closing Politofski Lake
49 watershed and part of the small arm of Wale Bay and
50 marine waters to sockeye and coho salmon fishing except

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1 by Federally-qualified subsistence users for the
2 customary and traditional use determination and under the
3 terms of Federal subsistence fishing permit.

4

5 The proponent also requests changes to
6 the sockeye salmon harvest limits and establishment of a
7 subsistence coho salmon fishery. Again, the coho portion
8 of this proposal has been taken care of by your action on
9 FP02-35.

10

11 The extent of Federal public lands and
12 waters, again, the entire Politofski watershed is located
13 on Federal public lands entirely within the boundaries of
14 the Tongass National Forest. There's a portion of this
15 proposal that asks us to extend jurisdiction to marine
16 waters. Again, those waters are under jurisdiction of
17 the State of Alaska. As far as the sockeye regulatory
18 history, ADF&G Commercial Fisheries Division manages the
19 sockeye subsistence fishery at this location under their
20 State subsistence permits and harvest reporting has been
21 under their permit stipulations since '85.

22

23 We have quite limited estimates of
24 escapements for Politofski Lake. What we do have in
25 terms of personal use harvest data, sport harvest data
26 and commercial purse seine harvest for the Whale Bay area
27 are all detailed for you on a table on page 60 of your
28 book. You can see what information we do have on that
29 system. In general, the sockeye salmon stocks in this
30 system are considered healthy. That completes my
31 briefing.

32

33 CHAIRMAN DEMIENTIEFF: Summary of written
34 public comments.

35

36 MR. SCHROEDER: Mr. Chairman, there's
37 three public comments. All are in opposition to this
38 proposal. First, from the United Fishermen of Alaska.
39 Their concern is that the Board lacks jurisdiction in
40 marine waters. It's also an unnecessary restriction on
41 non-subsistence users. The Southeast Alaska Fisherman's
42 Alliance have similar concerns; lack of jurisdiction in
43 marine waters. Also, many subsistence fishermen are also
44 commercial fishermen dependant upon the economics of the
45 commercial industry that would be damaged by the complete
46 prohibition against the harvest of coho salmon. The
47 Southeast Alaska Seiners cite an unnecessary restriction
48 to non-subsistence harvest. They're also concerned that
49 closing the fishery would have significant adverse
50 consequences for the purse seine fishery.

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1 CHAIRMAN DEMIENTIEFF: Thank you.
2 Department comments.

3
4 MR. VINCENT-LANG: Thank you, Mr. Chair.
5 My comments will speak to the sockeye portions of
6 Proposal 27 as well as Proposals 28, 30 through 33. The
7 Department supports Staff Committee recommendation for
8 this group of proposals with respect to sockeye salmon
9 and to marine jurisdictional issues. We feel marine
10 water is identified in this proposal. Any other series
11 of proposals are not subject to Federal jurisdiction. We
12 support the Staff Committee recommendation not to close
13 Federally-managed waters to other uses. Closing sockeye
14 salmon fishing in Federally-managed waters in Southeast
15 Alaska to non-Federally qualified users would
16 unnecessarily restrict non-Federal fisheries because
17 there are no widespread conservation concerns for sockeye
18 salmon in Southeast Alaska and no indication that
19 subsistence opportunities have been or will be
20 restricted. Thank you, Mr. Chair.

21
22 CHAIRMAN DEMIENTIEFF: Thank you. At
23 this time, we'll move on to public testimony. David
24 Bedford.

25
26 MR. BEDFORD: Mr. Chairman, Members of
27 the Federal Subsistence Board, I appreciate the
28 opportunity to speak to you at this time. My name is
29 David Bedford. I'm the executive director of Southeast
30 Alaska Seiners. I also serve as the chair of the
31 Subsistence Committee for United Fishermen of Alaska.
32 I've been involved in the subsistence issue quite a bit.
33 I had the honor to serve on the Governor's Subsistence
34 Summit that met here in Anchorage. I also now sit on the
35 Subsistence Drafting Committee and am very involved in
36 the State's efforts to try to grapple with this issue and
37 resolve it.

38
39 I'm going to be commenting on this
40 proposal. I'm in sort of the same position that the
41 Staff was. The comments I'm going to be making in
42 particular on this proposal would also probably apply,
43 except for some factual specifics, to a number of the
44 other proposals that will come up.

45
46 There's also a little bit of a question
47 in my mind on kind of the procedural posture that we're
48 in on this particular proposal. The reason I bring that
49 up is because at the Regional Advisory Council, the
50 entire proposal was tabled, so the Council, itself, never

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1 really dealt with the sockeye part of this proposal.
2 They did deal, of course, with coho in a proposal you
3 folks have already dispensed with. So, in tabling this
4 proposal, it wasn't real clear to me what it was the
5 Regional Advisory Council was doing. My sense of the
6 conversation that took place within the Regional Advisory
7 Council was that they thought that there were some
8 elements of the proposal that they didn't really
9 particularly want to pursue.

10

11 Nonetheless, the proposal, as I
12 understand that you folks are considering, is the one
13 that's written in the regulation book or it was written
14 in the proposal book and so that's the one that I have to
15 speak to. Frankly, I speak rather critically of it.
16 Southeast Alaska Seiners opposes this particular proposal
17 that would eliminate non-subsistence fishing in the small
18 arm of Whale Bay. Understand that that's the part of it
19 that I speak to here. We certainly do not oppose the
20 notion of establishing a subsistence fishery on the
21 sockeye stocks in that area. Rather, I'm speaking to the
22 notion that this proposal would reach out in the marine
23 waters and close non-subsistence fisheries.

24

25 The proposal seeks to assert jurisdiction
26 in marine waters contrary to the Federal regulations that
27 implement Title 8 of ANILCA. Furthermore, Title 8 of
28 ANILCA precludes restriction of non-subsistence fisheries
29 except under rather limited circumstances. Those, in
30 particular, are situations in which you have a
31 conservation concern or situations in which you are
32 unable to provide for subsistence by virtue of a non-
33 subsistence use. In our view, neither of those apply in
34 this particular case.

35

36 As I say, to begin with, Federal
37 regulations preclude reaching into marine waters, but
38 even if you were going to consider taking some sort of
39 action in the marine waters, we don't believe it would be
40 appropriate to regulate the fisheries in the marine
41 waters under these circumstances. In this particular
42 instance, the same fishery operates in the small arm of
43 Whale Bay and takes approximately 27,000 pink salmon and
44 3,000 chum salmon annually. We also harvest
45 approximately 65 sockeye and 70 coho.

46

47 In looking at the potential, for example,
48 for regulating here on a conservation basis, there could
49 be no real effect to satisfy any sort of conservation
50 concern by closing that fishery down when the potential

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1 net savings would be 65 sockeye and 70 coho. The same
2 rationale applies in providing for subsistence. A
3 complete closure of the fishery in that area would not
4 transfer enough fish into a subsistence harvest to make
5 any difference.

6
7 In addition to that, we don't have any
8 information that I've seen that suggests that there is
9 any sort of conservation concern or that there is any
10 failure to provide for subsistence in that area. So,
11 that being the case, there's really no basis for any kind
12 of restriction of non-subsistence uses in the marine
13 waters. Thank you.

14
15 CHAIRMAN DEMIENTIEFF: Thank you. Any
16 questions? Thank you. Cora Crome.

17
18 MS. CROME: Thank you again, Mr.
19 Chairman, Members of the Board. My comments on this
20 proposal are somewhat similar to my comments on the last
21 one. Again, the proposal, as it was originally written
22 and submitted, would have the effect of extending Federal
23 jurisdiction into marine waters and restricting non-
24 subsistence users. I had a chance to read through some
25 of the staff analysis on this and I think that those make
26 it pretty clear that there is not a conservation concern
27 for either sockeye or coho stocks, both stocks are
28 healthy, and that the Federal Subsistence Board would not
29 have jurisdiction to extend into marine waters. So I
30 will keep that brief in the interest of time.

31
32 I would also just like to point out that
33 Whale Bay is a pretty important area for commercial
34 fishing and if you were to take an action that would
35 restrict commercial fishing in this area, it would have
36 severe economic effects on communities in the area and on
37 subsistence users who rely on commercial fishing for a
38 significant portion of their income. We don't see any
39 conservation concern or other concern that would make
40 this action necessary at this time. Thank you.

41
42 CHAIRMAN DEMIENTIEFF: Thank you. We
43 have no additional requests for public testimony at this
44 time. Regional Council.

45
46 MR. THOMAS: Thank you, Mr. Chairman. We
47 anticipated succumbing to opposition to our presence here
48 today. Whenever we have a single disagreement on our
49 council, we table the action to avoid hard feelings. We
50 tabled this because it did have points and issues that

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1 weren't, for one thing, totally understood my some
2 members of the Council. It wasn't adequately presented
3 by the sponsor of the proposal and it just didn't lead to
4 an opportunity to come up with a reasonable
5 recommendation, so we tabled it. Thank you,
6 Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Staff
9 Committee.

10

11 MR. THOMPSON: Mr. Chairman, the Staff
12 Committee recommends the Board reject the proposal. With
13 respect to the closure, modify the proposal for the coho
14 fishery and adopt a Federal permit requirement for coho.
15 We believe that allowing only Federally-qualified
16 subsistence users to harvest sockeye and coho in this
17 area would unnecessarily restrict non-subsistence
18 fisheries as has been testified here this morning. There
19 are no conservation concerns for coho or sockeye in the
20 area and no evidence that subsistence harvest
21 opportunities are not being met.

22

23 The established season has been refined
24 over the years to provide good subsistence fishing
25 opportunity for sockeye while balancing the need to
26 provide for escapement. Sockeye are extremely vulnerable
27 when in the troll areas that are highly desired by
28 subsistence users. Some respite from fishing pressure,
29 closed periods, for instance, is essential to ensure that
30 adequate numbers of fish occur throughout the length of
31 the run and are allowed to spawn. An open season that
32 encompasses the entire run timing would put escapement of
33 sockeye at risk. Decreasing the sockeye harvest limits
34 and establishing the annual harvest limit would meet
35 subsistence users' needs while supporting conservation of
36 the sockeye stock. However, a harvest reduction is not
37 necessary because the stock is healthy.

38

39 Additionally, very little fishing effort
40 occurs for sockeye in fresh water; therefore, the changes
41 would have negligible effect on users or the sockeye
42 stock and result in additional regulations. Our reasons
43 for the recommendation for coho are the same as those
44 stated in Proposal 35.

45

46 In addition, another element of this
47 proposal is uncertainty about the boundary between marine
48 and inland waters. This proposal involves waters that
49 are not under Federal jurisdiction. Specifically salt
50 water below mean high tide, which is under State

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1 jurisdiction; therefore, the salt water portion of this
2 proposal is outside of the scope of this analysis.

3

4 Staff Committee believes that the correct
5 delineation of Federal jurisdiction is shown on Map 1 in
6 your book for the analysis of the proposal and conforms
7 to the definition of fresh water of streams and rivers,
8 which, in Federal regulation, means the line at which
9 fresh water is separated from salt water at the mouth of
10 streams and rivers by a line drawn headland to headland
11 across the mouth of the waters that flow into the sea.
12 That concludes our recommendation, Mr. Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. Board
15 discussion.

16

17 MR. CAPLAN: Mr. Chairman, I'd ask that
18 the Staff Committee give us a delineation of exactly
19 what's in their proposal currently. There may be some
20 confusion that comes out of all the different things
21 you've heard. Would you restate that again for us?

22

23 MR. THOMPSON: Mr. Chairman. The
24 regulation that we would recommend would read you may
25 only harvest coho salmon in Southeast Alaska waters under
26 Federal jurisdiction under the terms of a Federal
27 subsistence fishing permit. There is no closed season.
28 The daily harvest limit is 20 coho per household and an
29 annual limit is 40 coho per household. Only dipnet,
30 spears, gaffs and rod and reel may be used. Bait may
31 only be used from September 15th through November 15th.
32 You may retain incidently caught trout and sockeye unless
33 taken by gaff or spear.

34

35 MR. CAPLAN: Thanks, Ken. Mr. Chairman,
36 I would point out that this proposal is very similar to
37 Proposal 35 and I would move to adopt Proposal 27 as
38 modified and recommended by the Staff Committee.

39

40 CHAIRMAN DEMIENTIEFF: Is there a second
41 to the motion?

42

43 MR. CESAR: I'll second it, Mr. Chairman.

44

45 CHAIRMAN DEMIENTIEFF: It's been moved
46 and seconded. Is there additional discussion?

47

48 MS. GOTTLIEB: Mr. Chairman.

49

50 CHAIRMAN DEMIENTIEFF: Yes.

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1 MS. GOTTLIEB: I thought at the start of
2 this discussion we were talking about sockeye. Now the
3 proposed regulation is reading coho. So what are we
4 suggesting on sockeye, please?

5
6 MR. THOMPSON: I'll need some staff help
7 on the actual season bags for sockeye.

8
9 MR. CASIPIT: I do have the existing
10 State permits for that area that shows the sockeye limits
11 and the seasons and all that, but, again, that sockeye
12 fishery occurs in State water under the State permit. I
13 would be happy to read what's under the State permit for
14 that area.

15
16 CHAIRMAN DEMIENTIEFF: My understanding
17 is we've adopted this very same language in Proposal 35.
18 So, does that make it in regulation? It would make it in
19 regulation, right? The coho part is moot. You may not
20 retain incidently caught trout and sockeye unless taken
21 by gaff or spear, would be the language that would be
22 added here.

23
24 MR. CAPLAN: I believe that's correct,
25 Mr. Chairman. That's why I said it was very similar to
26 35. It does cover that portion of sockeye with respect
27 to method of take.

28
29 CHAIRMAN DEMIENTIEFF: Yeah, that would
30 already be in regulation, the sockeye part.

31
32 MR. CAPLAN: Right.

33
34 MR. BRELSFORD: Mr. Chairman.

35
36 CHAIRMAN DEMIENTIEFF: Yes.

37
38 MR. BRELSFORD: To ensure that we're all
39 on the same page, I believe the action clause in the
40 proposal concerning sockeye was a request to close. The
41 Board's action in adopting the recommended course here is
42 to reject that closure and, as a consequence, there would
43 be no language inserted into the regulations recognizing
44 such a rejection. In effect, there will be no change in
45 regulatory language concerning sockeye. The action
46 before the Board rejecting the closure is actually
47 characterized in the first paragraph or in the first
48 bullet item on the overheads provided for the audience.

49
50 CHAIRMAN DEMIENTIEFF: That's what we're

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1 rejecting.

2

3 MR. BRELSFORD: Correct.

4

5 CHAIRMAN DEMIENTIEFF: The modified
6 proposed regulation would simply read you may not retain
7 incidently caught trout and sockeye unless taken by gaff
8 or spear. Yes, Bill.

9

10 MR. THOMAS: Thank you, Mr. Chairman.
11 Where did that last line come from? Is that a Staff
12 Committee.....

13

14 CHAIRMAN DEMIENTIEFF: Staff Committee.

15

16 MR. THOMAS: The reason for my question,
17 if you're able to keep fish caught by a spear or a gaff,
18 that's not a necessary provision. A subsistence
19 fisherman knows the difference between a trout and a coho
20 or a sockeye. When they're throwing a spear or using a
21 gaff, they know what they're throwing at. I'm not sure
22 of the reason for that. What is the rationale behind
23 that?

24

25 CHAIRMAN DEMIENTIEFF: Staff Committee.

26

27 MR. THOMPSON: Mr. Chairman, the reason
28 for that is if they do accidently take those other
29 species and they're dead, then you might as well keep
30 them, is basically the logic.

31

32 CHAIRMAN DEMIENTIEFF: Yes, Doug.

33

34 MR. VINCENT-LANG: I just want to make it
35 clear what my understanding is of where we are on this.
36 In the previous action, you dealt with coho salmon and
37 the portions of those proposals dealing with coho salmon.
38 Right now, my comments to this proposal deals
39 specifically only with the sockeye portion of this
40 proposal and only with the sockeye portions of those
41 other proposals that Cal listed. So my understanding is
42 the action that's being taken here only deals with the
43 sockeye portion because you've already dealt with the
44 coho portion in the previous action.

45

46 CHAIRMAN DEMIENTIEFF: Correct.
47 Appreciate you telling us our job. Cal.

48

49 MR. CASIPIT: Mr. Chairman, I also wanted
50 to point out that in the action you took on 35, there is

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1 that provision for you may not retain incidently caught
2 trout or sockeye salmon unless taken by gaff or spear.
3 That sentence is in 35 as well, in the recommendation for
4 35 and what the Board passed.

5
6 CHAIRMAN DEMIENTIEFF: Correct.

7
8 MR. CASIPIT: What we're really talking
9 about here in 27 is just the proponent's request to close
10 those areas to non-subsistence use of sockeye, non-
11 Federally-qualified users for sockeye and they also
12 requested some changes to the seasons and bag limits.
13 But, again, like I said, they're asking for changes to a
14 State-managed fishery and State jurisdiction. Like I
15 said, I'd be happy to tell you what the existing State
16 bags and seasons are, but I don't think it's applicable
17 here.

18
19 CHAIRMAN DEMIENTIEFF: Right. It's a
20 one-liner. It would be the first and probably the last
21 one-line regulation we ever adopt. Any further
22 discussion? Hearing none, all those in favor of the
23 motion please signify by saying aye.

24
25 IN UNISON: Aye.

26
27 CHAIRMAN DEMIENTIEFF: Those opposed same
28 sign.

29
30 (No opposing votes)

31
32 CHAIRMAN DEMIENTIEFF: Motion carries.

33
34 MR. CASIPIT: Mr. Chairman, the Board's
35 action on 27, is that the same action you guys are taking
36 for 28, 30, 31, 32 and 33? Is that what I'm
37 understanding? I'm just asking that question because it
38 depends on where I go next.

39
40 CHAIRMAN DEMIENTIEFF: Those are
41 similarly situated proposals, aren't they, Ken?

42
43 MR. THOMPSON: Yes.

44
45 CHAIRMAN DEMIENTIEFF: Which ones are
46 those now? Let's run over those again.

47
48 MR. CASIPIT: Okay, 27, 28, 30, 31, 32
49 and 33 are very much the same. They're asking for us to
50 close subsistence fisheries in marine waters and to

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1 modify sockeye limits in those marine waters, as well as
2 the coho portions, which we already took care of in 35.
3 Is the Board's action on 27 the same for 28, 30, 31, 32
4 and 33?

5
6 CHAIRMAN DEMIENTIEFF: Right. That
7 leaves us with 29.

8
9 MR. CASIPIT: 29 is different. I
10 recognize that 29 is different.

11
12 CHAIRMAN DEMIENTIEFF: That's where we're
13 going next.

14
15 MR. THOMPSON: Mr. Chairman, I wonder if
16 we could take a minute. I was alerted when I came in
17 this morning that the Forest Service personnel, some of
18 the managers, wanted to run something by me regarding 29.
19 I wonder if we could take some time to do that.

20
21 CHAIRMAN DEMIENTIEFF: We'll just stand
22 down. We're not going to take a break.

23
24 MR. THOMPSON: Thank you.

25
26 CHAIRMAN DEMIENTIEFF: (Pause) First of
27 all, I'll go on the record as saying that by actions
28 taken on Proposal 35 we have rendered moot -- because it
29 dealt with all of Southeast Alaska, we have rendered moot
30 Proposals 24, 26, 38 and 39; so, therefore, those
31 proposals will not be considered because they are
32 rendered moot. They deal with smaller portions of all of
33 Southeast Alaska as we dealt with in 35. Jim.

34
35 MR. CAPLAN: Thank you, Mr. Chairman. I
36 do want to apologize to the group and to the Board and to
37 the audience. I realize this is confusing. One reason
38 is, as the Chairman stated, we're dealing in some cases
39 with proposals that cover the whole of Southeast Alaska
40 and other cases of ones that have very specific
41 geographic reference. What we're been trying to do is,
42 if the sort of broad scale geographic proposal passes,
43 then that, as the Chairman said, renders moot the more
44 specific local geographic ones. A lot of numbers and a
45 lot of different paper here. Again, I do apologize for
46 some of the confusion.

47
48 At this point, I would, however, since
49 the last motion which passed did deal with a relatively
50 limited range, the discussion on sockeye, I would also

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1 like to make a motion that for all the additional
2 proposals that concern sockeye and the sockeye take in
3 marine waters, which are, as I recall, the Proposals 28,
4 30, 31, 32 and 33, that those also be rejected by the
5 Board wherein the proposal concerns marine waters and
6 those are not under the jurisdiction of the Federal
7 Subsistence Board. And so move that, Mr. Chairman.

8

9 CHAIRMAN DEMIENTIEFF: Is there a second
10 to the motion?

11

12 MS. GOTTLIEB: Second.

13

14 CHAIRMAN DEMIENTIEFF: Any discussion?
15 Hearing none, all those in favor signify by saying aye.

16

17 IN UNISON: Aye.

18

19 CHAIRMAN DEMIENTIEFF: Those opposed same
20 sign.

21

22 (No opposing votes)

23

24 CHAIRMAN DEMIENTIEFF: Motion carries.
25 Now we move on to Proposal 29.

26

27 MR. CASIPIT: Thank you, Mr. Chairman.
28 I'll call the Board's attention to the staff analysis on
29 page 92. Proposal FP02-29 was submitted by the Sitka
30 Tribe of Alaska. It requests closing the Redoubt Lake
31 watershed and part of Redoubt Bay to sockeye and coho
32 salmon fishing except by Federally-qualified subsistence
33 fishermen with a positive customary and traditional use
34 determination under the terms of Federal subsistence
35 fishing permit. The proponent also requests changes to
36 the sockeye salmon harvest limits and establishment of
37 the subsistence coho salmon fishery. Again, the Board
38 has taken care of the coho portion of this proposal by
39 its action on FP02-35.

40

41 This proposal asks to close the Redoubt
42 Lake watershed and part of Redoubt Bay, that's on Map 1
43 on page 93, to sockeye and coho salmon fishing except by
44 Federally-qualified subsistence fishermen with a positive
45 customary and traditional use determination under the
46 terms of Federal permit.

47

48 Let me talk about the line of Federal
49 jurisdiction, that map there on page 93. You can see the
50 words Federal jurisdiction and a little arrow drawn to a

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1 real small spot on the map. That's basically the outlet
2 of Redoubt Lake. The proposed closure boundary by Sitka
3 Tribe of Alaska, again, the arrow shows where the line
4 ought to be. You can see right below Redoubt Bay there's
5 kind of a hatched cross-line and that actually, if you
6 look at the latitude and longitude descriptions, that's
7 actually in the proposal from Sitka Tribe of Alaska.
8 That line gets moved back to approximately where that
9 arrow ends on page 93. Again, that proposed line is
10 within marine waters and outside the Federal
11 jurisdiction.

12

13 Again, Redoubt Lake watershed is located
14 on Federal public lands entirely within the boundaries of
15 the Tongass National Forest. The area of requested
16 closure includes areas of marine waters within Redoubt
17 Bay. Those marine waters are under the jurisdiction of
18 the State of Alaska.

19

20 I just wanted to mention that there have
21 been in-season closures of the sockeye subsistence
22 fishery in 2000 and 2001 due to low escapements. A
23 little background on the system. The Forest Service, in
24 cooperation with Fish & Game, has operated a weir on the
25 outlet of Redoubt Lake to estimate sockeye escapement
26 since 1981. There's also an ongoing sockeye
27 fertilization project in that lake. The escapement data,
28 the weir count data, personal subsistence harvest data,
29 State sport harvest data and commercial fisheries data is
30 all displayed on Table 1 on page 97. That second column
31 there shows the weir counts and you can see the very low
32 escapements that occurred in the years 2000 and 2001 down
33 at the bottom of those columns.

34

35 Again, in terms of the sockeye
36 fertilization projects, the Forest Service, in
37 cooperation with Fish & Game and Northern Southeast
38 Regional Aquaculture Association, has been fertilizing
39 Redoubt Lake since 1984. There was a lapse in
40 fertilization in 1996, 1997 and 1998. The weir has
41 operated since 1981 at that location. These low
42 escapement counts similar to pre-fertilization escapement
43 counts occurred in 2000 and 2001 and it's thought to be
44 that lower escapements are due to the lapse in
45 fertilization in '96, '97 and '98.

46

47 We talked about the total sport harvest
48 in marine and fresh waters in the Sitka area. For the
49 entire area around Sitka, sport harvests in both marine
50 and fresh water has increased from 600 to 2,450 sockeye

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1 here recently. That's also displayed in that table on
2 page 97. Again, the proponent is requesting that we
3 close portions of the bay, the Redoubt Bay, and the fresh
4 waters of Redoubt Lake to non-Federally-qualified
5 subsistence fishermen because of conservation concerns.
6 We cannot close the marine waters because marine waters
7 are beyond our jurisdiction. With that, I'll be happy to
8 answer any questions from the Board.

9

10 CHAIRMAN DEMIENTIEFF: Summary of written
11 public comments.

12

13 MR. SCHROEDER: Mr. Chairman, there's one
14 written comment that is in opposition by the Southeast
15 Alaska Seiners. They make two points. One, that there's
16 a lack of jurisdiction for marine waters. The other is
17 that it would have an effect on non-subsistence
18 fisheries.

19

20 CHAIRMAN DEMIENTIEFF: Thank you.
21 Department comments.

22

23 MR. VINCENT-LANG: Mr. Chair. Our
24 comments are fairly lengthy on this one. We have a lot
25 to say on this one. The Department strongly opposes the
26 closure of Federal waters to non-Federally qualified
27 users for harvest of sockeye salmon and opposes the
28 proposed changes to the fishery and Federal permit
29 requirements for sockeye salmon fishing in the Redoubt
30 Lake area.

31

32 First, we do not believe the Federal
33 Subsistence Board has jurisdiction over the marine waters
34 identified in this proposal. We support the majority of
35 Staff Committee recommendations and limit any actions to
36 fresh water only.

37

38 Second, closing waters under Federal
39 jurisdiction to non-Federally-qualified users would
40 unnecessarily restrict non-Federal fisheries because
41 existing monitoring programs and management authority we
42 feel are sufficient to conserve Redoubt salmon stocks.

43

44 In general, an abundance of Redoubt Lake
45 sockeye has been relatively high and exploitation has
46 been low. In 1984, the U.S. Forest Service, ADF&G and
47 NSRA joined in an effort to enhance sockeye production at
48 Redoubt Lake through fertilization and these efforts have
49 occurred every year except in 1997 and 1998. The weir,
50 operated in conjunction with the fertilization project,

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1 showed that escapement counts increased from an average
2 of 7,400 between 1982 and 1988 to 37,600 fish between
3 1989 and 1999 after the lake was exposed to
4 fertilization. Low escapement counts, similar to pre-
5 fertilization escapement counts, occurred during 2000 and
6 2001 and are thought to be due in part to the lapse of
7 fertilization. Similar to the increasing trend in
8 escapement estimates, subsistence harvest at Redoubt Lake
9 increased from an average of 150 between 1982 and 1988 to
10 3,200 fish in 1989 through 1999.

11

12 Sport harvest of sockeye salmon estimated
13 for the entire Sitka area, including Redoubt and other
14 stocks, increased from an average of 600 to 2,450 fish.
15 Recognizing that some Redoubt Lake sockeye salmon are
16 also harvested incidently in other marine fisheries,
17 potential exploitation on this stock we feel is
18 relatively low. While the 2000 and 2001 escapements were
19 low relative to the fertilization escapement levels, they
20 were very similar to pre-fertilization levels and do not
21 warrant a level of concern necessary to close the area to
22 non-Federal use by regulation, particularly in light of
23 the lapse of fertilization that occurred.

24

25 The definition of a healthy resource
26 relates to two separate time periods for the stock;
27 periods when there is no fertilization and periods when
28 there is fertilization. Whether there is fertilization
29 or no fertilization results in a different determination
30 of what the health and abundance of this resource will
31 be. Also, a determination of the amount necessary and
32 reasonable given the various levels of production in this
33 system should be made to decide a determination as to
34 whether or not sufficient opportunity is being provided
35 for.

36

37 The Department feels that the Federal
38 and State monitoring program and management authority are
39 sufficient to manage Federal and State fisheries during
40 the occasional years of low abundances observed during
41 2000 and 2001. During both years, the Department and the
42 Forest Service acted cooperatively and jointly to protect
43 Redoubt Lake salmon stocks by closing sport and
44 subsistence fisheries at the head of Redoubt Bay and in
45 Redoubt Lake. This action was taken early in July when
46 less than 15 percent of the past annual escapements have
47 been counted through the weir and effectively ensured low
48 exploitation by the sport and the subsistence fisheries
49 of Redoubt Bay and Redoubt Lake.

50

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1 In 2002, the Department will close the
2 sport fishery pre-season on the stocks using its
3 emergency order authority. We believe this action will be
4 sufficient to conserve stocks and provide subsistence
5 opportunities for both Federal and State qualified users.
6 We note that there is a real potential for increased
7 returns due to the resumption of fertilization on this
8 stock.

9

10 For these reasons, we believe that the
11 pre-season and in-season management coordination is a
12 better approach providing for needed escapement and
13 subsistence opportunities than the proposed regulatory
14 approach being proposed in this proposal. Thank you, Mr.
15 Chair.

16

17 CHAIRMAN DEMIENTIEFF: Thank you. Public
18 comment. Cora Crome.

19

20 MS. CROME: Thank you, Mr. Chairman,
21 Members of the Board. As with the similar proposals that
22 have been discussed this morning, we oppose this proposal
23 as written because it extends Federal jurisdiction into
24 the marine waters of Redoubt Bay. All the staff comments
25 and analysis that are presented confirm that the Federal
26 Subsistence Board doesn't have the authority to extend
27 jurisdiction to non-Federal waters and those waters where
28 you guys do have jurisdiction are clearly defined in
29 regulation. Therefore, we oppose the portion of this
30 proposal that would apply those restrictions to marine
31 waters and that's all I have on this one. Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Thank you. David
34 Bedford.

35

36 MR. BEDFORD: Mr. Chairman, Members of
37 the Board, my comments mirror those of the person who
38 spoke before me. Southeast Alaska Seiners opposes this
39 proposal because the proposal seeks to assert
40 jurisdiction in marine waters contrary to the existing
41 Federal regulations. Title 8 of ANILCA limits the
42 Federal subsistence program to Federal public lands. The
43 Federal regulations expressly exclude the marine waters
44 surrounding the Tongass National Forest from the
45 definition of Federal public lands. The waters of
46 Redoubt Bay are marine waters and are therefore excluded
47 from Federal subsistence management. Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Thank you.

50 Regional Council comment.

00172

1 MR. THOMAS: Thank you, Mr. Chairman.
2 I'm questioning some appropriateness. I have a couple
3 questions, but I don't know if that's appropriate now or
4 is it ever appropriate?

5
6 CHAIRMAN DEMIENTIEFF: You can get him
7 during deliberation. We just need your recommendation
8 now, sir.

9
10 MR. THOMAS: Okay. The recommendation,
11 initially, it just said support. It's still support, but
12 even the recommendation -- the support was modified and
13 that's only to reflect that top paragraph on page 89. If
14 you look on 89, where it says the Redoubt Lake watershed
15 is closed to sockeye salmon fishing except by
16 Federally-qualified subsistence fishermen with a positive
17 customary and traditional use determination, that's where
18 our support is confined to. The language following that
19 did not receive any testimony at our RAC meeting. The
20 bottom line, the provision of the regulation does not
21 apply, was a sunset clause that was inserted by staff, by
22 Staff Committee. So, with reference to the support from
23 the Regional Council, it's confined to that single
24 section in bold writing at the top of page 89. Thank
25 you, Mr. Chairman.

26
27 CHAIRMAN DEMIENTIEFF: Thank you. Staff
28 Committee.

29
30 MR. THOMPSON: Mr. Chairman, Staff
31 Committee recommends the Board support the regulation
32 change for one year, after which the Board would revisit
33 the proposal. However, the Staff Committee agreed that
34 the Board does not have the authority to extend
35 jurisdiction into marine waters. Some of our reasoning,
36 weir count data demonstrates a precipitous decline in
37 sockeye escapement at Redoubt Lake during the past two
38 years, which we believe is associated with the lapse in
39 the lake fertilization in the project.

40
41 Staff Committee noted that sport harvest
42 of sockeye estimated for the entire Sitka area and
43 including Redoubt and other stocks increased from an
44 average of 600 during the 1977-87 period to 2,450 fish
45 during the 1988-99 period. However, testimony at the
46 Southeast Regional Council public meeting of October of
47 this year suggests that local subsistence needs were not
48 being met.

49
50 Staff Committee recommends that the Board

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1 revisit this proposal after one year to look at the
2 escapement levels as a result of fertilization of the
3 lake and to look at the results of coordinated in-season
4 management efforts.

5
6 Due to the reference, perhaps
7 inappropriate reference, that we made to the Regional
8 Council recommendation, which Bill Thomas just clarified
9 for us, we do support the Council recommendation with
10 respect to closing Redoubt watershed to sockeye salmon
11 fishing except by Federally-qualified subsistence
12 fishermen with a positive customary and traditional use
13 determination. We also recommend the provisions of the
14 regulation do not apply after February 28th of 2003. I
15 believe that concludes my remarks, Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Thank you. Now we
18 move forward to Board discussion.

19
20 MR. CAPLAN: Mr. Chairman.

21
22 CHAIRMAN DEMIENTIEFF: Yes.

23
24 MR. CAPLAN: Thank you, sir. I'd just
25 point out once again that, in this case, the Staff is
26 stating clearly that it's not their belief nor is it the
27 belief of the board that we have jurisdiction in marine
28 waters and, therefore, they focused on the closure in the
29 appropriate area within Federally-reserved waters. In
30 addition, it's my observation that the Staff Committee
31 added to the work of the Regional Council some
32 conservation measures aimed at, first of all, ensuring
33 that the subsistence users would get adequate product for
34 their use and also that the fisheries would be protected.
35 So, therefore, Mr. Chairman, I would move to adopt
36 Proposal 29 as modified and recommended by the Staff
37 Committee. Thank you, sir.

38
39 CHAIRMAN DEMIENTIEFF: We have a motion.
40 Is there a second?

41
42 MR. EDWARDS: Mr. Chairman, were we going
43 to have some discussion prior to a motion?

44
45 CHAIRMAN DEMIENTIEFF: There's always
46 time to deliberate after. I mean he's already made the
47 motion. Is there a second?

48
49 MR. EDWARDS: Okay.

50

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1 CHAIRMAN DEMIENTIEFF: Second.

2 Discussion.

3

4 MR. EDWARDS: I have a couple questions
5 and I don't know who best can answer it, but on the table
6 on page 97, where it refers to permits of subsistence
7 user, I'm assuming that's individual permits and not
8 household permits, is that correct?

9

10 CHAIRMAN DEMIENTIEFF: Cal. Oh, hang on
11 a second.

12

13 MR. CASIPIT: Currently, the State permit
14 for Redoubt Bay is 10 sockeye per individual....

15

16 MR. EDWARDS: That wasn't my question.
17 On the table, it indicates the number of permits. My
18 question is, are those individual permits or are those
19 household permits. I'm just trying to understand what
20 the harvest level is on an individual basis of
21 subsistence users.

22

23 MR. CASIPIT: There are both individual
24 and household permits issued for that area, so I think
25 those are just permits issued.

26

27 MR. EDWARDS: I guess my question is,
28 sort of when I did the math, it looked like the harvest
29 per permit by subsistence users is very small, somewhere
30 between 8 to 10 in most cases. It's unclear then over on
31 the next part of the table, where we have the sport
32 harvest, what that represents as the number of anglers.
33 Do we have a handle on what that is?

34

35 MR. CASIPIT: I'm sorry. Can you ask
36 that question again?

37

38 MR. EDWARDS: Well, if you look at the
39 table, you can determine what the harvest is by permit
40 holder on subsistence users, which is very small. I
41 calculate somewhere between 8 and 10 fish per the whole
42 season, which seems to be not a whole lot, and way below
43 what the established bag limit is, both either on a daily
44 basis or a weekly basis, but it's unclear -- we have the
45 harvest by anglers in fresh water, but there's no number
46 there, so you can't compute or try to determine is that
47 four anglers taking 300 and some fish or is that 100
48 anglers taking three fish.

49

50 MR. VINCENT-LANG: I don't have that

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1 number with me, but I can guarantee you it's a small
2 number of anglers.

3

4 MR. EDWARDS: All right. Then my only
5 other question is that it would appear, based upon the
6 data, that when we have tried to do an in-season
7 management on this, we have closed the subsistence
8 fishery and the sport fishery simultaneously and I guess
9 my question is, it would not appear that we have been
10 given any deference to the subsistence user in those
11 cases.

12

13 MR. VINCENT-LANG: I concur and that's
14 why this year we are going to close pre-season the sport
15 fishery so that the state and federally-qualified
16 subsistence fisheries have deference, so that there will
17 be a pre-season closure to our sport fishery.

18

19 MR. EDWARDS: That, in turn, would mean
20 that subsistence users would be able to continue to fish?

21

22 MR. VINCENT-LANG: Until such time as we
23 determine based on in-season management that we are or
24 are not making the run. If fertilization kicks in and we
25 start seeing large levels of return, then we would
26 probably lift the EEO on their sport fishery as long as
27 there was enough fish to provide for escapement needs as
28 well as for federal and state qualified subsistence
29 fisheries that are occurring in the area.

30

31 MR. EDWARDS: Thank you.

32

33 CHAIRMAN DEMIENTIEFF: Bill, you had
34 something?

35

36 MR. THOMAS: Thank you, Mr. Chairman.
37 Yesterday we spent a lot of time talking on anatomical
38 layouts of fish and I thought the discussions were risque
39 at best. That being the case, I thought I would like to
40 continue that by asking the Department if they would
41 explain to me what is lake fertilization and how
42 significant is fertilization. I've heard it explained at
43 our RAC meeting, but I'm doing this for the benefit of
44 people that don't understand what fertilization is.
45 Besides that, it kind of turns me on.

46

47 MR. VINCENT-LANG: Lake fertilization,
48 what it basically does is we increase the nutrient levels
49 in the lake and what we're trying to do is increase the
50 growth of juvenile sockeye salmon in the lake. We don't

00176

1 believe that the lake, per se, is limited by the number
2 of spawners put into it, rather by the number of juvenile
3 fish that are migrating out of the lake. As we increase
4 the feed for those juvenile fish, we increase the numbers
5 that the lake can support as well as the health of those
6 fish as they migrate out.

7

8 What we saw at Redoubt Lake is a very
9 positive response to lake fertilization. When we
10 fertilize the lake, we see increased returns of adult
11 sockeye salmon. Likely, we believe, from the increased
12 smolt production from that lake by increasing the feed
13 available to those juvenile fish.

14

15 Now, when we shut off fertilization to
16 that lake, it was obvious that production went down and
17 went down very dramatically. So we believe now, when we
18 are restarting the fertilization up, that hopefully we'll
19 have a positive response. Now, there is one question out
20 there in that we're using a slightly different
21 application of fertilization to the lake. Where, in the
22 past, we used one kind, now we're using a different kind.
23 We're unsure as to what may happen with that. I think
24 most of the biologists are fairly confident that we're
25 going to see increased returns.

26

27 MR. THOMAS: In terms of that, when you
28 say different kinds of fertilization, what kind would
29 they be?

30

31 MR. VINCENT-LANG: Cal, do you want to
32 handle that one?

33

34 MR. CASIPIT: In the past, we've applied
35 liquid fertilizer to the surface of the lake. I think --
36 Terry, correct me if I'm wrong -- we're applying a solid
37 fertilizer now. It's kind of a slow release. The best
38 way to describe it is kind of like an Alka-Seltzer
39 tablet. You hang it in the lake and it kind of slowly
40 dissolves over time.

41

42 MR. THOMAS: I'm not sure I'm absorbing
43 very much of this. I'm really trying to lead you into a
44 layman's discussion, but I'm not having very much luck in
45 doing that.

46

47 MR. VINCENT-LANG: Bill, maybe an analogy
48 might help. For those of us who have lawns, your lawn in
49 Alaska is not going to grow very green, but if you put
50 some fertilizer in it that's high in nitrogen, all of a

00177

1 sudden that lawn starts growing like mad and turns real
2 green and it increases the growth of that lawn. We did a
3 very similar thing with lake fertilization. That lake
4 was not producing sockeye. We tried putting some
5 additional feed in that lake, just like we do fertilizer
6 to a lawn, and it started making it grow and it increased
7 production. Everybody benefitted from that; subsistence
8 users, sport users, commercial users and a variety of
9 people.

10

11 MR. THOMAS: So, if you'd leave the lake
12 to its own devices, there'd be a problem.

13

14 MR. VINCENT-LANG: It appears that when
15 we cut fertilization off that lake, the results are not
16 as high as when we fertilized it. You're right.

17

18 MR. THOMAS: I appreciate that. Thank
19 you.

20

21 CHAIRMAN DEMIENTIEFF: We have a couple
22 late-arriving members of the Sitka Tribe, representing
23 the Sitka Tribe. Since they're the authors of the
24 resolution, I'm going to allow them to come up and make
25 some brief comments. I'll just extend basically the
26 witness period. Gary Olsen and Jude Pate. Go ahead.

27

28 MR. OLSEN: Thank you, Mr. Chairman. We just
29 came in on the plane. Just got here. Thank you very
30 much for allowing us to speak. Coming in fairly cold, I
31 guess I wanted to talk a little bit about Redoubt Bay and
32 what it means to me.

33

34 First of all, my name is Gary Olsen, for the
35 record. I'm a councilman for the Sitka Tribe of Alaska
36 and I'm also president of the Alaska Native Brotherhood
37 in Sitka, Sitka Camp No. 1. We're probably representing
38 around 3,000 people that are enrolled with the Sitka
39 Tribe of Alaska. Many of them I've gone to Redoubt with
40 to fish.

41

42 I want to talk about the advantages and some of
43 the things I've done at Redoubt. I've been able to go
44 down to Redoubt catching sockeyes. It's the only place
45 near Sitka that's very close so you can catch some
46 sockeyes and you can dipnet them right out of the river.
47 The other place is Salmon Lake, but there's really not
48 very many fish there, so we really don't bother with
49 Salmon Lake as much as we do Redoubt.

50

00178

1 A couple times going down to Redoubt we've been
2 fogged in. Couldn't hardly see across the boat harbor.
3 We went down to Redoubt anyway because I knew we could
4 bounce from island to island getting there and you can't
5 do that some of the other places that are a little
6 further away. Glag Bay, for example, or Necker Bay, if
7 it's foggy, you're not going there, at least not in my
8 little boat. So, you know, the weather has a big impact
9 on availability of fish and being able to go out and
10 harvest them.

11
12 During that time, going down to Redoubt when it
13 was foggy, I actually had my daughter with me and that's
14 another factor. The last two years I've been forced
15 actually to go to Necker Bay and to Glag Bay, again,
16 which are further away and you have to go on the outside
17 waters to get there. Under those conditions, I won't
18 take my family. I'll take another adult male. I don't
19 want to say too much, but I won't take my daughter with
20 me and I won't take my wife with me to those others bays,
21 but I will take them to Redoubt.

22
23 CHAIRMAN DEMIENTIEFF: Gary, I'm sorry, but could
24 you keep your comments to the proposal. We understand
25 you use this bay.

26
27 MR. OLSEN: That was my comments. The
28 proposal was to, if I remember right, allow federal users
29 -- subsistence users using that area and I guess that was
30 the point I was trying to make. We subsistence fish and
31 there's not very many places we can go. So, when that
32 area is shut down, we're not able to -- it's not easily
33 available for us to go get sockeyes. I'm sorry about
34 moving away from the subject.

35
36 The last two years, I don't believe I was able to
37 harvest any sockeye from that area. We've been forced to
38 go to those other areas that I was talking about. I
39 don't know what else to say.

40
41 CHAIRMAN DEMIENTIEFF: So you believe
42 there is a definite biological concern there? Is that
43 what you're here to say? I mean is that what the
44 proposal was about?

45
46 MR. OLSEN: The proposal is about
47 allowing subsistence users to continue harvesting in that
48 area beyond sport fishing, being able to harvest these
49 areas. Generally, the subsistence users have smaller
50 craft, are not able to travel to those other areas that I

00179

1 was talking about. That's the point I was trying to
2 make. And that the subsistence users should be allowed
3 to harvest fish. We've talked around and we wanted to
4 make -- we don't want to harvest the last fish or the
5 last 20 fish that come to this bay. We want a level of
6 conservation, definitely. We agree with that. Beyond
7 that, once that threshold for conservation has been
8 reached, I think the subsistence user should be allowed
9 to fish in there. If you allow the subsistence user and
10 the sport user into the same area at the same time, that
11 just doubles the pressure on the fish and you end up
12 taking more fish that way. I believe, federally, the
13 subsistence user doesn't use all that much fish, but I
14 think they should be allowed to even if the stocks do get
15 down to a certain level.

16

17 CHAIRMAN DEMIENTIEFF: Any other
18 questions? Thank you very much.

19

20 MR. OLSEN: Thank you, Mr. Chairman.

21

22 CHAIRMAN DEMIENTIEFF: Jude Pate.

23

24 MR. PATE: Thank you, Mr. Chairman. My
25 name is Jude Pate. I'm an attorney for Sitka Tribe.
26 Thank you also for allowing us to testify. We urge you
27 to adopt Proposal 29 as proposed by Sitka Tribe. There
28 is a biological concern. There used to be a great run of
29 fish there. Herman Kitka provided that testimony to the
30 Regional Advisory Council. It's dropped off. Efforts to
31 seed or fertilize have been variable. In the last two
32 years, the fishery has been closed and opened to sports
33 and subsistence at the same time for a very brief period
34 of time. In the year 2000, there was only 35 fish taken
35 by subsistence users. Last year, probably a similar
36 number.

37

38 We believe that this is a straight violation of
39 ANILCA because it provides no meaningful priority for
40 subsistence. The Fish & Game says that they're able to
41 tell by the time 10 to 15 percent of the run comes in
42 what that run is going to look like. Well, then, they
43 should keep it open just for subsistence during that 10
44 to 15 percent time of the run. Then, if it looks like
45 there's enough fish for everybody or more people, then
46 add in sport. Or, if it looks like it's going to be a
47 bad year like it has the last two, then close it. That's
48 what I believe ANILCA requires.

49

50 I would emphasize what Mr. Olsen said about

00180

1 conservation. If the Fish & Game believes there needs to
2 be a higher threshold, set it higher, close the fishery,
3 but if you're going to open it for a short period of
4 time, give subsistence a priority and a meaningful
5 preference.

6
7 The most significant objection, and I believe it
8 was noted up there when I came in, is jurisdiction. I
9 believe that jurisdiction is not a problem. On the fresh
10 waters, you have jurisdiction. Apply that priority. The
11 problem is, when you apply that priority, it may create a
12 conflict with the state. That's easily remedied. You
13 have extra- territorial jurisdiction authority. You know
14 where those fish are coming to. They're going to head
15 for those federal waters. That's where they're going to
16 spawn and those federal subsistence users are waiting for
17 them. Right out in front of Redoubt Bay there's the
18 sports people. You know who's taking them and you know
19 that that's frustrating the federal purpose of ANILCA.
20 Bingo. That's extra-territorial jurisdiction. You can
21 do it. You should do it. ANILCA allows you to do it and
22 you have the authority to do it.

23
24 Mr. Chairman, I thank you again and I just ask
25 you to honor the promise of ANILCA and the trust
26 obligation of the tribe and to give us a meaningful
27 priority for sockeye harvest under Proposal 29.

28
29 CHAIRMAN DEMIENTIEFF: Any questions?
30 Gary.

31
32 MR. EDWARDS: Yeah, I have one question.
33 I guess I would like to ask -- maybe just before you came
34 in the state had indicated, which certainly was news to
35 me, that their approach this year would be to close --
36 and correct me if I'm wrong either Terry or Doug -- was
37 to close the season to sport fishing to begin the season
38 and then only open it by an action if there was
39 sufficient fish coming in, which, I guess, it would seem
40 to me then, would provide the subsistence preference up
41 front until such time it was determined that there was
42 adequate enough fish to open up the sport fishery. From
43 the data, which seems to be somewhat of a limited
44 fishery, I guess my question is would that then satisfy
45 the concerns that you just expressed?

46
47 MR. PATE: It would to some extent. The
48 main concern I'd have with that approach would be there's
49 no guarantee. That's the word of the State. That could
50 be changed with personnel, a governor, a director of Fish

00181

1 & Game. We want the federal obligation honored. If Fish
2 & Game is willing to do what you suggested, then they
3 should have no problem with Proposal 29 because it
4 doesn't ask for any more, it just asks for that federal
5 promise and that federal obligation to be honored.

6

7 MR. EDWARDS: I guess I'd like to respond
8 to that or maybe somebody could. I don't think that's
9 what our proposal would do. In fact, I think our
10 proposal would close it for the entire season to only
11 subsistence users, so it would not allow the condition
12 which you describe where the run did come back strong,
13 then to open it up to other users. Somebody correct me
14 if I'm right or wrong.

15

16 CHAIRMAN DEMIENTIEFF: Not without
17 another Board action. You're correct. Any other
18 questions? Thank you very much and I'm glad you guys got
19 here.

20

21 MR. PATE: Thank you, Mr. Chairman.

22

23 MS. GOTTLIEB: Mr. Chairman. I have a
24 question for the Department.

25

26 CHAIRMAN DEMIENTIEFF: Go ahead.

27

28 MS. GOTTLIEB: I believe you said you're
29 closing to sport fishing for this season but that you
30 would keep the subsistence opportunity open. I wondered,
31 if you know, if the existing permit holders would qualify
32 under the federal program.

33

34 MR. VINCENT-LANG: Some of them would,
35 but I don't know the exact proportion of them. I'm
36 sorry. I could get that to you if you wanted, but I'd
37 have to dig into those files to get it.

38

39 MS. GOTTLIEB: That's okay. I just
40 wanted to know.

41

42 MR. VINCENT-LANG: You've got to realize
43 that most of the fishing that occurs down there for
44 subsistence is occurring in the marine waters. I think
45 just because the opportunity to harvest fish is that much
46 better out in the marine waters, so I think most of the
47 subsistence fishing would still be occurring in marine
48 waters and the subsistence opportunity would be provided
49 for. A vast majority of those people, I think, would be
50 federally qualified as well as state qualified.

00182

1 CHAIRMAN DEMIENTIEFF: Dan.

2

3 MR. O'HARA: Doug, two things. One is no
4 one will get to use the resource until you get an
5 escapement, right?

6

7 MR. VINCENT-LANG: That's correct. But,
8 in this case, there's enough uncertainty in our mind as
9 to what the run is going to be that we feel that it's
10 necessary to close down the sport fishery pre-season but
11 leave the subsistence fishery open.

12

13 MR. O'HARA: That's good.

14

15 MR. VINCENT-LANG: That is a priority.
16 If, in the event we get to the 15 to 20 percent point in
17 the run, we determine there's not enough fish, no one
18 will be able to fish. But if we're above what's needed
19 for both subsistence and escapement, then we would
20 liberalize the recreational fishery.

21

22 MR. O'HARA: That's good. The other
23 question is, your fertilization thing. Have you thought
24 about disease and what might happen to all the fin fish
25 on the coastline if you breed something in there that's
26 not going to be good for the runs?

27

28 MR. VINCENT-LANG: In this case, we're
29 not changing the genetic make-up of that run, so I don't
30 think we're necessarily doing anything that could be
31 harmful to other stocks up and down the coast. Now,
32 there are some questions as to what increasing a stock
33 would do to other mixed stock fisheries, but, in this
34 case, I think we're fairly confident that we're not doing
35 any long-term damage to other health stocks by
36 fertilizing.

37

38 CHAIRMAN DEMIENTIEFF: Well, for purposes
39 of closure, at least for me, it's clear that it's the
40 Secretary of the Interior that has the authority to
41 extend extra-territorial jurisdiction. It's beyond the
42 scope of our Board. I don't think it's going to limit
43 any sport fisherman's opportunity. I like the plan the
44 State has. I'll vote for the proposal, but it's clearly,
45 I think, what the tribe would want, but it's clearly
46 beyond our jurisdiction. We just don't have that
47 authority unless the secretary delegates it to us and he
48 hasn't done that to date. Gary.

49

50 MR. EDWARDS: Mr. Chairman, given the

00183

1 time, might it be appropriate to take a break. I'd kind
2 of like to talk with the Board. I think the information
3 that the State brought up, I guess it's unfortunate it
4 wasn't brought up maybe earlier. I don't know whether
5 that would sort of change our view. But it just seems to
6 me that what is being provided for provides the priority
7 which we're trying to ensure. If folks don't feel that
8 way, then we don't need a break, I guess.

9

10 CHAIRMAN DEMIENTIEFF: This is the
11 purpose of discussion of a motion. We're talking. Talk.

12

13 MR. CAPLAN: Mr. Chairman, I appreciate
14 Gary's point. There is new information arriving. I also
15 appreciate having Jude and Gary coming up and visiting
16 with us. It's nice to see folks again from Southeast
17 attending these sessions. If I could take a moment, I'd
18 like to get us back to the motion and maybe clarify what
19 that motion is and maybe a couple other points to go with
20 it.

21

22 One is, as Bill Thomas pointed out early on, and
23 I think folks may have missed the point a little bit, the
24 actual proposal that came forward from the Southeast
25 Council concerns the first provision at the top of page
26 89, which states the Redoubt Lake watershed is closed to
27 sockeye salmon fishing except by federally-qualified
28 subsistence fishermen with a positive customary and
29 traditional use determination. In addition, the
30 provision at the bottom, which says the provisions of
31 this regulation do not apply after February 28th, 2003.
32 That's what the Council brought forward, as I understand
33 it, Bill, and most specifically the first provision that
34 requires closure.

35

36 What you see in the middle of the presentation
37 there did not come from the Council and is not a part,
38 actually, of the recommendation from the Staff Committee
39 and that is an unfortunate inclusion, at least a
40 confusion, so I wanted to straighten that out. First and
41 last provision there.

42

43 The second thing is that this is a conservative
44 measure by the Board, if adopted, intended to take care
45 of the subsistence user, as we are appointed to do. In
46 addition, should the fish runs prove to be abundant, the
47 Board might act through emergency action or special
48 action to open it to sport fishing down the road. So, in
49 one sense, we're closing it with the option to open
50 rather than leaving it open with the option to close and,

00184

1 therefore, taking care of our subsistence users. That's
2 the heart of this motion as made. Thank you, Mr.
3 Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Go ahead.

6

7 MR. CAPLAN: Thank you, Mr. Chairman.

8 Probably the best thing to do at this point is to
9 withdraw my motion because of the complexity of what was
10 presented and then resubmit a motion to adopt the
11 Regional Council recommendation. Thank you, Mr.
12 Chairman.

13

14 CHAIRMAN DEMIENTIEFF: Do you have the
15 consent of the second? Gary, that was you.

16

17 MR. EDWARDS: I guess I'm really confused
18 now what we're doing.

19

20 CHAIRMAN DEMIENTIEFF: What you'd be
21 doing -- he's withdrawing as the maker of the motion to
22 adopt the proposal. He needs the consent of the second
23 and that would get the proposal off the table. And then
24 he's going to follow that up with another motion.

25

26 MR. EDWARDS: I didn't second.

27

28 CHAIRMAN DEMIENTIEFF: Who was it? Judy?

29

30 MS. GOTTLIEB: I'll agree.

31

32 CHAIRMAN DEMIENTIEFF: Go ahead. Now
33 you've got a subsequent motion?

34

35 MR. CAPLAN: Thank you, Judy. Let me
36 remake the motion then and thank you for your tolerance.
37 I would move that the Redoubt Lake watershed be closed to
38 sockeye salmon fishing except by federally qualified
39 subsistence fishermen with a positive customary and
40 traditional use determination and I would add the
41 provision that the regulation would not apply after
42 February 28th, 2003, and I would add that provision with
43 an eye towards re-evaluating the situation in a year.
44 Thank you, Mr. Chairman.

45

46 CHAIRMAN DEMIENTIEFF: Is there a second
47 to the motion?

48

49 MR. CESAR: I'll second that.

50

00185

1 CHAIRMAN DEMIENTIEFF: Again, we'll note
2 for the record that that is consistent with the Regional
3 Council recommendation. Is there any further discussion?

4

5 MR. THOMAS: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. THOMAS: One correction there is the
10 bottom line. That wasn't forwarded by the Council to my
11 understanding. Only the portion on the top section was
12 forwarded by the Council. That's just a correction.
13 It's not an objection. It's a correction. Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Was your intent to
16 go with the Southeast Council recommendation?

17

18 MR. CAPLAN: Yes, Mr. Chairman.

19

20 CHAIRMAN DEMIENTIEFF: So, correctly
21 then, that would be stricken from the motion. You're
22 basically going with the Southeast Council
23 recommendation.

24

25 MR. CAPLAN: It was, Mr. Chairman. I
26 wanted to add the provision or give the option for the
27 Board to add the provision for determining this
28 regulation after one year and I'd like to hear the
29 comments of the Board with respect to that.

30

31 MR. CESAR: Mr. Chairman, I think the
32 Board always has the opportunity to go back and change
33 stuff. That's what our belief is. I don't think adding
34 a time line in there does much to it except to highlight
35 it, Jim.

36

37 CHAIRMAN DEMIENTIEFF: That's true. It's
38 a regulation. We're going to revisit -- you know, it
39 could be revisited every year.

40

41 MS. GOTTLIEB: Mr. Chairman.

42

43 CHAIRMAN DEMIENTIEFF: Yes.

44

45 MS. GOTTLIEB: Two thoughts. Jim's
46 earlier statement, our philosophy of closing this area to
47 non-federally-qualified subsistence users and opening it
48 if there would not be a conservation concern is
49 consistent with past actions of this Board, so I would
50 support that.

00186

1 Secondly, I guess I'd just like to make sure that
2 if we only include the first part consistent with the
3 Regional Advisory Council, that there are, in fact,
4 seasons and bag limits in place for the federal
5 subsistence fishery before we omit that. Thank you.
6 Bill is nodding his head yes.

7

8 MR. BRELSFORD: Mr. Chairman, I'd like to
9 ask that the comments, the technical clarifications by
10 Staff regarding these bag limits, be part of the Board
11 discussion on the record. I have exactly the same
12 concern. I'd like to know what the effect of removing
13 this portion of the motion would be and, therefore, what
14 would be the regulations in effect the upcoming season.
15 So, if we could have that information as part of the
16 public record, I would appreciate it.

17

18 MS. GOTTLIEB: Mr. Chairman, could we ask
19 Bill to address Taylor's question, please?

20

21 CHAIRMAN DEMIENTIEFF: Yes. Bill.

22

23 BILL: Yes, Mr. Chairman. Mr. Brelsford and
24 Ms. Gottlieb have a very valid concern here. By
25 eliminating the state permitting system and by having it
26 qualified to federal users only, it eliminates the aspect
27 of the state harvest limit and season, so it would be
28 necessary to place into federal regulation some
29 appropriate season and harvest limit, otherwise there is
30 none, and it would be unlimited. Now, whether or not
31 these dates and limits are correct or are appropriate in
32 the book, I don't know. That would be something that we
33 would have to be advised on. Thank you.

34

35 CHAIRMAN DEMIENTIEFF: Cal.

36

37 MR. CASIPIT: Thank you, Mr. Chairman.
38 The season bags methods and means that are listed on page
39 89 there in the middle between the two paragraphs that
40 Mr. Caplan was referring to is what was suggested by the
41 proponent, Sitka Tribe of Alaska. The existing bag limit
42 and season for sockeye in Redoubt Bay is 10 fish per
43 individual, 10 fish per household, June 1st through
44 August 15th. Allowable gear, according to the state
45 permit, is, unless otherwise specified, hand purse
46 seines, beach seines, drift gillnets, dipnets, gaffs and
47 spears are the types of subsistence gear allowed for
48 general use in the Sitka area. Drift gillnets may not
49 exceed 50 fathoms and there are no mass restrictions. In
50 Redoubt Bay, only dipnets, gaffs and spears may be used.

00187

1 So, in the instance of Redoubt Bay, I guess that would be
2 the only allowable gear. That's the only allowable gear
3 under the state permit. Dipnets, gaffs and spears.

4

5 CHAIRMAN DEMIENTIEFF: Okay. I think we
6 better take a break.

7

8 MR. CAPLAN: Mr. Chairman, may I ask very
9 quickly, sir, also for clarification. It was my
10 understanding in modifying my proposal that what came
11 forward from the Council would include the current season
12 and bag limits under the state system and apologize that
13 we missed the point that it was going to somehow exclude
14 that, but that was my understanding and, therefore, I
15 didn't make it a part of my motion. Perhaps we do need
16 to caucus a little bit on it, but I think that's where
17 we're at. Thank you, sir.

18

19 (Off record)

20

21 (On record)

22

23 CHAIRMAN DEMIENTIEFF: We'll call the
24 meeting back to order. Further discussion. Jim.

25

26 MR. CAPLAN: Thank you, Mr. Chairman. As
27 I was saying as we went on break, and I appreciate the
28 break, sir, it was my intention to take the
29 recommendation from the Southeast Subsistence Council,
30 which would be the closure recommendation, put a sunset
31 clause on that, which would mean February 28th, 2003 that
32 would be up. And it was with the understanding in making
33 that motion that there would be the need for a federal
34 permit because the state would no longer have
35 jurisdiction, but that we would follow the current state
36 methods and means and season. Therefore, Mr. Chairman, I
37 would like to make a proposal, for clarity on the record,
38 to amend my motion to exclude the need for a federal
39 permit and the recognition that this would be the same
40 bag method and means and season as currently exists for
41 that area under state regulations. Thank you, sir.

42

43 CHAIRMAN DEMIENTIEFF: We have a motion
44 to amend. Is there a second?

45

46 MS. GOTTLIEB: I'll second that.

47

48 CHAIRMAN DEMIENTIEFF: It's been moved
49 and seconded. Is there any other discussion on the
50 amendment? Bert.

00188

1 MR. GRIEST: I just had a question for
2 clarification. I'm wondering whether the Regional
3 Advisory Committee had a chance to comment on the limit,
4 whether it's long-term, short-term. What are they
5 looking at?

6
7 CHAIRMAN DEMIENTIEFF: He already went
8 over it two times. Go ahead.
9

10 MR. THOMAS: Okay. Generally, our limits
11 are identified by the strength of a system. So, if the
12 system shows to be very healthy with an abundance of
13 escapement and everything, then there's a desire to be
14 more liberal, but if they recognize that the run is
15 weaker, then they fish accordingly. If it will stand,
16 for instance, 15 fish a family, that's what they'll go
17 for, but that's the user instinct. Right now we're
18 regulated by regulation by state and federal. That's the
19 best I can give you. Thank you.

20
21 CHAIRMAN DEMIENTIEFF: Okay. Is there
22 any more discussion on the amendment? Hearing none, all
23 those in favor of the amendment please signify by saying
24 aye.

25
26 IN UNISON: Aye.

27
28 CHAIRMAN DEMIENTIEFF: Those opposed same
29 sign.

30
31 (No opposing votes)

32
33 CHAIRMAN DEMIENTIEFF: We now have the
34 main motion as amended before us. Is there any
35 discussion on the main motion as amended? Gary.

36
37 MR. EDWARDS: Mr. Chairman, I guess I
38 still have some concerns that we have mechanisms in place
39 with our in-season managers to open and close, which I
40 view as new information from the State as their plans to
41 start with a closure. It seems to me that the more
42 prudent way to go would be to then invest that authority
43 in those in-season managers to either continue to keep it
44 open or closed, if it would warrant it, to a broader use
45 down there and kind of consistent with what our charge
46 is. I guess, based upon that, I probably will plan to
47 vote no on the motion.

48
49 CHAIRMAN DEMIENTIEFF: Further
50 discussion. Hearing none, all those in favor of the

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1 motion, please signify by saying aye.

2

3 IN UNISON: Aye.

4

5 CHAIRMAN DEMIENTIEFF: Those opposed?

6

7 MR. EDWARDS: Aye.

8

9 CHAIRMAN DEMIENTIEFF: Motion carries.

10 Proposal 40.

11

12 MR. CASIPIT: Thank you, Mr. Chairman.

13 The staff analysis from which I'll be discussing begins
14 on page 196 of your book. Proposal FP-02-40 was
15 submitted by the Craig Community Association, the tribal
16 government for Craig. Requests changes to the federal
17 subsistence steelhead harvest limit on Prince of Wales
18 Island to one fish per week, 24 inches or larger per
19 individual and eliminates the prohibition against bait.
20 The existing federal regulation, the proposed federal
21 regulation is displayed there in the middle of the page
22 on page 196.

23

24 A little on the regulatory history. This current
25 federal subsistence fishery for steelhead on Prince of
26 Wales was created by this Board a year ago. Before then,
27 all steelhead harvest occurred under the State of
28 Alaska's sport fish regulations or incidentally caught and
29 commercial salmon fisheries. The current federal
30 subsistence steelhead fishery is two fish per year as an
31 annual limit, 36 inches or greater, using a dipnet or rod
32 and reel gear with no bait.

33

34 The biological background, we discussed what we
35 do know about Southeast steelhead stocks. There's about
36 300 identified steelhead populations in the area. Most
37 of those stocks contain less than 200 spawning adults.
38 There are major sport fisheries on the larger systems,
39 like the Naha, Carta, Thorn Rivers and Situk River near
40 Yakutat.

41

42 I wanted to call the Board's attention to Table 1
43 and Figure 1. They're on page 200 and 201. What I'm
44 about to present here basically summarizes all the
45 biological background and other issues that are in the
46 staff analysis.

47

48 If you take a look at Figure 1 and you look at
49 the 36-inch size class -- let me back up a bit here.
50 Figure 1 represents the reproductive potential of

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1 steelhead populations in Southeast Alaska based on a
2 sample of almost 10,000 steelheads sampled over the past
3 few years. If you take a look at that, you look at 36
4 there and you see the percentage in each of those size
5 classes, again, that's reproductive potential. That's
6 basically the number of eggs in the gravel, if you will,
7 after spawning.

8

9 So, basically, with a 36-inch minimum size limit,
10 about 13 percent of the steelhead population is exposed
11 to fishing pressure or harvest or the reproductive
12 potential is exposed to harvest with a 36-inch minimum
13 size limit. With a 24-inch minimum size limit, virtually
14 the entire population is exposed to harvest. So I just
15 wanted to bring the Board's attention to that.

16

17 The Table 1 is basically just the percentage of
18 the population in each of the size classes. Figure 1 is
19 actually reproductive potential. That's number of
20 individuals multiplied by the number of eggs those
21 individuals may carry.

22

23 The effect of this proposal would liberalize the
24 federal subsistence steelhead harvest limit on Prince of
25 Wales Island. Again, with a 24-inch minimum size limit,
26 virtually the entire steelhead population, reproductive
27 potential of the populations, are exposed to harvest.
28 With the existing regulation the way it is, only about 13
29 percent of the reproductive potential of the populations
30 are exposed to harvest. So, with that, I will be happy
31 to answer any questions.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.
34 Summary of written public comments.

35

36 MR. SCHROEDER: Mr. Chairman, we've
37 received no written public comments.

38

39 CHAIRMAN DEMIENTIEFF: Department
40 comments.

41

42 MR. VINCENT-LANG: Thank you, Mr. Chair.
43 The Department supports Staff Committee recommendation to
44 reject this proposal. We concur with the staff analysis
45 stating that available research indicates that steelhead
46 stocks can sustain only low harvest levels and are easily
47 susceptible to declines because of overharvest. Current
48 federal and state regulations are designed to limit
49 potential harvest to five percent of the steelhead
50 populations to assure for sustainable yield of the

00191

1 species.

2

3 In addition, the minimum size limit of 36 inches
4 protects 95 percent of the steelhead in Southeast Alaska,
5 including the Prince of Wales Island stocks, from
6 exposure to harvest, and a ban on the use of bait with
7 rod and reel minimizes hooking mortality to negligible
8 levels. Recent catch and stock assessment data indicate
9 that these regulations have been effective in reversing a
10 previous decline in steelhead abundance.

11

12 Liberalization of current regulations would
13 likely cause a general decline in Prince of Wales similar
14 to the decline we experienced in the 1980s and could
15 cause irreversible harm to individual stocks.

16

17 The proposed regulation is similar to formal
18 sport fishing regulations that likely contributed to the
19 decline in the 1980s. The proposed reduction in the
20 minimum size limit would expose 98 percent of the
21 steelhead to harvest and relaxing the annual harvest
22 limits would substantially increase harvest of steelhead
23 on Prince of Wales Island. Although the levels of
24 harvest would depend upon the amount of fishing effort,
25 the proposed changes would result in a harvest larger
26 than many stocks can support even under existing
27 eligibility and effort levels and even if non-federally-
28 managed fisheries are closed. Thank you, Mr. Chair.

29

30 CHAIRMAN DEMIENTIEFF: Thank you. We
31 have no request for public comment. Regional Council
32 recommendation.

33

34 MR. THOMAS: Thank you, Mr. Chairman.
35 The Southeast Regional Council recommends to support.
36 I'd like to address some of the comments I've heard.
37 First of all, you have to realize that this is referring
38 to federal subsistence permits. That's never occurred
39 before, so there's no history of that threat. The term
40 likely is likely to be exaggerated.

41 The comments and discussion at the meeting was
42 that the 36-inch provision was difficult to adhere to
43 when people are going out to get a fish to eat. Ask any
44 subsistence fisherman. They don't care if the fish is 16
45 inches long or 60 inches long. If it's going to put food
46 on the table, that's what they're going to gather. So,
47 trying to make it more palatable, they're asking for a
48 24-inch size.

49

50 This overharvest thing is not likely to occur on

00192

1 Prince of Wales Island. The preponderance of pressure
2 for steelhead is the sport fishery and most of them come
3 from my neck of the woods in Ketchikan. So, if I keep my
4 guys home and you let these guys fish for 24 inch, we'll
5 do real good. So the Council supports this proposal.
6 Thank you, Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Thank you. Staff
9 Committee.

10

11 MR. THOMPSON: Yes, Mr. Chairman. The
12 Staff Committee recommends the Board reject this
13 proposal. We believe that allowing the increased harvest
14 opportunities for steelhead on Prince of Wales Island as
15 requested by the proponent would cause conservation
16 concerns. The small coastal populations of steelhead
17 have very limited harvestable surplus and are easily over
18 fished. Any significant expansion of harvest opportunity
19 will likely require additional stock assessment
20 information, including a project which is currently
21 proposed to address this management issue.

22

23 The existing bait restriction should be kept to
24 minimize mortality, a steelhead less than 36 inches.
25 Allowing the more liberalized harvest limit of one fish
26 per week throughout the season would result in
27 unsustainable harvest of steelhead. Thank you, Mr.
28 Chair.

29

30 CHAIRMAN DEMIENTIEFF: Thank you. We'll
31 advance to Board deliberation.

32

33 MR. CAPLAN: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MR. CAPLAN: I had a question for Staff
38 based on some of my past involvement in fisheries. Is it
39 at least theoretically possible to include smaller fish?
40 In other words, create a slot to protect the breeding
41 populations and, therefore, have something like 36 inches
42 and greater and 28 inches and lesser slot limit for this
43 fishery. Would that be another way of approaching the
44 situation? In other words, an approach that would allow
45 for more take by subsistence users but relatively little
46 impact on the breeding population.

47

48 MR. CASIPIT: That could be a very good
49 way of approaching this; however, would have concerns
50 about eliminating the restriction on bait and changing

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1 the bag limit from two fish per year to something like a
2 fish per week. That would probably be going a little too
3 far. But if we were to maybe stay with an existing bag
4 limit of two fish a year and keeping the bait
5 restrictions, the approach that you were talking about,
6 Mr. Caplan, may be a pretty good way to go.

7

8 MR. CAPLAN: Thanks, Cal.

9

10 CHAIRMAN DEMIENTIEFF: Bill.

11

12 MR. THOMAS: Thank you, Mr. Chairman.
13 With all respect to Staff Committee, the information
14 you've got there is all hypothetical. It's speculation
15 that doesn't really have any support. We're talking
16 about a fishery that doesn't know seasons. Subsistence
17 doesn't know seasons. So, when somebody needs a
18 steelhead and they're available, they're going to go get
19 one. With all due respect to the process, Prince of
20 Wales has a very honorable history of managing and
21 respecting their resources and it's a very subsistence-
22 oriented game management unit. The Staff Committee
23 recommendation reflects no consistency with existing
24 conditions in that region. Thank you, Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Thank you.

27 Further discussion.

28

29 MR. CAPLAN: Mr. Chairman, thank you,
30 sir. I'd like to somewhat reluctantly move to reject
31 Proposal 40 as recommended by the Staff Committee. One
32 of my reasons is that I believe there is a conservation
33 concern here, particularly with the longevity of these
34 fish populations. Also that I don't think that the full
35 range of alternatives for changing the current system
36 have been looked at and I refer specifically to Mr.
37 Casipit's remarks about slot limits. Therefore, I move
38 this, as I say, somewhat reluctantly, with an eye towards
39 down the road receiving information back from the Council
40 staff and ADF&G about perhaps another approach that could
41 increase use by subsistence users with minimal impact on
42 the long-term quality of the fishery. Thank you, sir.

43

44 CHAIRMAN DEMIENTIEFF: There is a motion.

45 Is there a second?

46

47 MR. CESAR: I'll second it.

48

49 CHAIRMAN DEMIENTIEFF: Discussion on the

50 motion.

00194

1 MS. GOTTLIEB: Mr. Chairman.

2

3 CHAIRMAN DEMIENTIEFF: Yes.

4

5 MS. GOTTLIEB: I guess for future
6 information, yes, I would be interested in the results of
7 the studies that are being done there and maybe more
8 information on the use of this resource by sport fishing
9 interests.

10

11 CHAIRMAN DEMIENTIEFF: Yes.

12

13 MR. BRELSFORD: Thank you, Mr. Chairman.
14 I intend to support the motion with some of the same
15 reservations or hesitance expressed by our colleague from
16 the Forest Service. I think, as a general matter, we are
17 trying to provide for a continuation of subsistence uses
18 and, therefore, we would like to know something about the
19 timing, method, means, harvest levels that characterize a
20 traditional fishery.

21

22 I note in this instance that the proponent has
23 provided very, very little information. It's made plain
24 that the existing limitation is too restrictive and a
25 fairly broad expansion is proposed, but there's really no
26 description of how steelhead fishing has fit into the
27 subsistence harvest pattern, so I think that kind of
28 information would be very helpful for us. If that
29 information were available, then I think perhaps some
30 mid-range alternatives that would strengthen the
31 subsistence opportunity without going so far as to create
32 a conservation problem would be possible. So I think
33 this is one that, reluctantly, we'll have to send back to
34 the proponents and to the staff in the region. Thank
35 you.

36

37 MR. CESAR: Mr. Chairman.

38

39 CHAIRMAN DEMIENTIEFF: Yes.

40

41 MR. CESAR: I intend also to support the
42 motion for some of the same reasons. I just think
43 there's enough unanswered questions here that we really
44 need to have better information. I understand it was, in
45 fact, discussed at the Regional Advisory Council,
46 obviously in more depth than we're doing it here, but, in
47 my mind, it still leaves a gap. I think that we have no
48 real recourse except to send it back and ask them to do a
49 better job on it and come up with a better range of
50 alternatives for us to deal with.

00195

1 CHAIRMAN DEMIENTIEFF: Yes, Bill.

2

3 MR. THOMAS: This is our best shot, Mr.
4 Chairman.

5

6 CHAIRMAN DEMIENTIEFF: No further
7 discussion? Hearing none, all those in favor of the
8 motion please signify by saying aye.

9

10 IN UNISON: Aye.

11

12 CHAIRMAN DEMIENTIEFF: Those opposed same
13 sign.

14

15 (No opposing votes)

16

17 CHAIRMAN DEMIENTIEFF: Motion carries.
18 Proposal 42. Are they linked?

19

20 MR. CASIPIT: Yes, Mr. Chairman, 42 and
21 43 are much the same and we've analyzed them in the same
22 staff analysis.

23

24 CHAIRMAN DEMIENTIEFF: Okay.

25

26 MR. CASIPIT: Proposal FP-02-42 requests
27 that hooligan possession limits for subsistence fishermen
28 be set at 500 pounds of hooligan per week for the Unuk
29 River system. Proposal FP-02-43 is very similar and
30 specifies an annual limit of 1,000 pounds of hooligan for
31 the Unuk River. Proposal 02-42 was submitted by John A.
32 Harrington and Lawrence W. Carson of Ketchikan, and FP-
33 02-43 was submitted by Walt Northrup, Edward Burns, Earl
34 Mossberg, Earl Patrick and Sean Richardson, all of
35 Ketchikan.

36

37 A related proposal, Proposal FP-02-41, is
38 submitted by the USDA Forest Service. Requires a permit
39 for subsistence hooligan fishing in fishing Sections 1-C
40 and 1-D, the area of the Unuk River. That is on your
41 consent agenda and I wasn't intending on discussing it
42 here.

43

44 Currently, there are no harvest limits or
45 reporting requirements for subsistence hooligan fisheries
46 in the Unuk River in federal regulation. As I said,
47 Proposal FP-02-41 on your consent agenda, would require a
48 federal subsistence permit for all streams within
49 Sections 1-C and 1-D, which includes the Unuk River.

50

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1 The hooligan fishery on the Unuk River occurs in
2 federal jurisdiction within the boundaries of the Tongass
3 National Forest above the mean high tide line. In the
4 past, this fishery was managed by the State of Alaska as
5 a commercial fishery and had a total annual allowable
6 harvest cap of 25,000 pounds, which was divided equally
7 between all the participants in that fishery.

8

9 The commercial fishery for the Unuk River was
10 closed in 2001 due to low stock conditions the previous
11 year and it was unclear when and if the fish would return
12 in 2001. There is not a stock assessment program that we
13 have in place for the hooligan in the Unuk River, but we
14 intend to take some basic fishery data next year and we
15 took some basic stuff in 2000 as well.

16

17 The spawning return in 2001 was greater than what
18 Fish & Game and federal staff thought was going to occur
19 and we were assuming that it's at a more normal level.
20 It was at a more normal level in 2001. The 2001 season,
21 the fishing that did occur there, was conducted by
22 individuals that had participated in the commercial
23 fishery in the past, but they were also federally-
24 qualified subsistence users. So, when the state closed
25 the commercial fishery, those users basically switched
26 over to the federal regulations and was fishing for
27 hooligan in the Unuk River under federal regulations.

28

29 The effect of these two proposals would be to
30 reduce the total subsistence harvest by affecting the
31 scale and efficiency of the harvest necessary for
32 successful fishing and customary trade of these fish.
33 The harvest cap would also restrict the opportunities to
34 share hooligan harvested in the subsistence fishery. The
35 length of time that hooligan are in the rivers and are
36 able to harvest is not known, but what evidence we do
37 have indicates that a weekly harvest rate would also
38 restrict the harvest as well. At this time, we don't
39 know if additional subsistence fishermen will participate
40 next year in that hooligan fishery.

41

42 One of the other things I wanted to mention also,
43 and this was brought to my attention by Fred Clark, our
44 former council coordinator for the Southeast Region, he
45 was doing some basic research on hooligan fisheries and
46 found that individuals needed a huge amount of hooligan
47 to make the hooligan oil, the hooligan grease that's
48 important to many in Southeast Alaska and is traded
49 widely throughout the state and, indeed, other places.
50 What Fred was saying was that it takes 100 pounds of

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1 hooligan to make one gallon of hooligan oil. So, by
2 instituting a 500 or a 1,000 pound harvest limit would
3 severely restrict subsistence users' ability to make a
4 product that is very important to the cultural and
5 traditional use of rural people in Southeast.

6

7 Indeed, one of the other interesting tidbits of
8 information I found was that the state name of Oregon
9 comes from the trade name of hooligan. When people were
10 talking about coming across the Oregon Trail and meeting
11 indigenous peoples that say they were on the Oregon
12 Trail, it wasn't the Oregon Trail, it was the Hooligan
13 Trail and it was the trade route of this very valuable
14 resource throughout, not only Alaska, but the northwest
15 coast as well. So, the importance of hooligan to rural
16 people, to Native people, is very important and any
17 limitations on how much should be taken or individual
18 limits should really take into account the customary and
19 traditional use of that resource. You know, you need a
20 whole lot of hooligan to make a little bit of oil. With
21 that, I'll answer any questions.

22

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

25

26 MR. SCHROEDER: Mr. Chairman, there is a
27 public comment to support Proposal 42 by Nancy Hilstrand
28 in Homer and she's in favor of a rational annual harvest
29 limit. We also have a recommendation to support Proposal
30 43 from the United Fishermen of Alaska for very much the
31 same reason, to support an annual limit.

32

33 CHAIRMAN DEMIENTIEFF: Thank you.
34 Department.

35

36 MR. VINCENT-LANG: The Department does
37 not support the Staff Committee recommendation that
38 opposes any hooligan harvest limit for the Unuk River
39 area. It is important that the small stock of hooligan
40 be managed conservatively, but, without any harvest
41 limits, conservative management will be very difficult to
42 achieve.

43

44 The Department supports the concept of harvest
45 limits for the federally-qualified hooligan subsistence
46 fisheries in District 1. Although the specific amount of
47 the harvest limits should be determined based on stock
48 assessment work, very little stock assessment data is
49 available.

50

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1 The Department, in cooperation with the Forest
2 Service, submitted a hooligan stock assessment proposal
3 to the Office of Subsistence Management, but it was not
4 recommended for funding this year. Until such time as
5 new stock assessment data is available to indicate higher
6 harvests are sustainable, a conservative harvest policy
7 should be followed to protect this resource.

8

9 In 1997, the Alaska Board of Fisheries
10 established a 25,000 pound limit for the commercial
11 hooligan harvest for the Unuk, Klahini and Chickamin
12 Rivers combined. This was because of increasing
13 participation in the fishery and the need to cap the
14 fishery at a reasonable level. The 25,000 pound limit
15 represented the upper end of recent harvest levels.
16 Until more stock assessment data is available, the
17 Department supports adopting this as an upper limit for
18 the hooligan harvest in these rivers to protect this
19 resource. That's all I have.

20

21 CHAIRMAN DEMIENTIEFF: Thank you. Public
22 testimony. Now we can finally get Louie Wagner, Jr. up
23 here.

24

25 MR. WAGNER: Thank you, Mr. Chair, the
26 Council and Board. This has been a difficult road for me
27 for the past 10 years. My name is Louie Wagner. I'm a
28 member of the Metlakatla Indian community. I'm a new
29 council member for the tribe there. I'm just a
30 fisherman, not a lawyer, and I'll do the best I can here.

31

32

33 I'll start out with kind of our history of what
34 we've been doing on the Unuk River. I started with my
35 older brother, Bert May, fishing the hooligan on the Unuk
36 River in the early '60s with the same boat, Satellite.
37 My brother, Bert May, started fishing hooligan on the
38 Unuk River on his seine boat, the Pep, around the 1940s.
39 Since then, my son has been coming to the Unuk River with
40 me to fish the hooligan and, also, my brother, Walter
41 Wagner, brings his seine boat to the Unuk River to fish
42 the hooligans. We have traditionally, for generations,
43 fished the hooligans on the Unuk River for Natives and
44 non-Natives of Metlakatla, Ketchikan, Saxman, Hydaburg,
45 Klawock and Craig.

46

47 At one point, in between the 10 years, we had to
48 rush around to get signatures to get the fishery re-
49 opened. It was closed for no reason. There had been no
50 study at all on the river and all of a sudden Ketchikan

00199

1 Fish & Game office closed the fishery. With 1,800
2 signatures we received from Ketchikan, Metlakatla, Prince
3 of Wales area and the media on Ketchikan, we were able to
4 get the fishery open in time to fish the hooligans.
5

6 Also, there's a petroglyph at the mouth of the
7 Unuk River that marks it as ours. A long time ago each
8 clan would retain possession of its lands and resources.
9 Fishing rights were also inherited by descendants of the
10 individuals or passed on to the group. We harvest only
11 what we need. Now, with this large interest in the
12 hooligan fishery, when people submit proposals, they
13 should have proof of what they propose and be here to
14 back up their proposals because it has a major impact on
15 our lives in the lower Southeast. These people that
16 submitted the proposals, I thought they were my friends.
17 I know every one of them and they're non-Natives.
18

19 The Unuk River is a unique place. We call it
20 God's place. It is approximately 80 miles from
21 Metlakatla and not accessible to everyone unless you have
22 a seine boat or a good-sized boat that will carry enough
23 fuel to get you there. And you also have to have a good
24 idea when the hooligans will be there. No one lives on
25 the river to give you a telephone call and tell you when
26 to come up there and catch the hooligans. A few years
27 ago, one of the people who work in the Fish & Game office
28 in Ketchikan asked me how I knew when the hooligans came.
29 It takes years of experience and, even then, we've missed
30 a couple times because we held off a little too long.
31 You just have to have a good idea. In recent years, the
32 Department set a time period of when we can go up and
33 catch the hooligans and there's no telling when they're
34 going to come. You can't have a time frame on them. The
35 run is short. They don't hang around long.
36

37 With this one proposal here in 41, why is it only
38 in East Bean (ph) Canal and Burroughs Bay that you must
39 possess a subsistence fishing permit? The hooligans run
40 three to 10 days and should not be compared to the
41 salmon, trout or char permits, which those are around a
42 lot longer than the hooligan are.
43

44 There was an article done in the Alaskan
45 Southeast in June 2001. They did a story on their
46 harvest up there on the Chilkoot River near Haines. It
47 has a hooligan run that local Natives harvest the same as
48 I do and they don't have to defend their fishing rights
49 every spring when the hooligan come in to harvest for
50 their people. It's a good article. I have it with me if

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1 anyone would like to see it.

2

3 All we ask is to continue with what we have been
4 doing on the Unuk River. It has been our custom, our
5 tradition, our way of life and without harming the fish
6 run. In 2000, there was a few fish that came up there on
7 the river. There was several non-whites that came up to
8 fish the river because of the way the Department set it
9 up to divide up the fish that we have caught over the
10 years and they wanted to share that poundage with
11 everyone else interested in maybe getting a limited entry
12 permit and they were just back and forth, up and down the
13 river, the airplanes were coming in, landing, taking off
14 on the river, and you only have so much water on the
15 river and these hooligans have nowhere to go and you
16 start charging around amongst them.

17 It's not that big of a river. In some places, it's a lot
18 narrower than this room.

19

20 When no one is around, you could walk across
21 those fish at times. Like last year, we went up, I was
22 one of them that was up there fishing, my son and I
23 that's here with me, there was no one around. It was
24 like the old days when we would be there alone and the
25 fish came in really nice. There was no problem with
26 them.

27

28 The biggest problem that has come here is with
29 the possibility of limited entry permits and these non-
30 Natives and there's one of them in the proposal, on
31 Proposal 41, that was interested in trying to get a
32 permit. These people down there, it's just the way it's
33 been done all these years and it's been accepted, they
34 look for us. One year, I think the Daily News was down
35 there from Ketchikan, they were interviewing some of the
36 people in line to pick up their fish and they asked them
37 why they were there and they told the reporter that it
38 just isn't spring until we have our hooligans and that
39 was a neat little quote he put in the paper on it.
40 There's a lot more I could say, but it's probably slipped
41 my mind now. I think I covered pretty much what I
42 wanted. Thank you, Mr. Chair.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. Any
45 questions?

46

47 MS. GOTTLIEB: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Go ahead, Judy.

50

00201

1 MS. GOTTLIEB: Mr. Wagner, thanks for
2 coming up here. We know Metlakatla is pretty far from
3 the river and certainly Anchorage is a lot further, so I
4 appreciate your testimony.

5
6 MR. WAGNER: Thank you, Judy.

7
8 CHAIRMAN DEMIENTIEFF: Regional Council
9 recommendation.

10
11 MR. THOMAS: The Regional Council opposes
12 Proposal 42. I might point out that this proposal is put
13 forth by non-eligible users. There is mention made of
14 stock assessments. You heard Mr. Wagner testify on his
15 history of harvesting hooligan. It's done with very
16 little disturbance. In fact, stealth and quietness is the
17 key to a successful harvest. Anybody else that's been up
18 there with ambitions of harvesting hooligan will come up
19 there with their twin engine, 250-horse outboard motors
20 and go barreling right through them. They do that so
21 regular, that the fish never had a chance to school.
22 There was no way they could school with all that
23 disturbance.

24
25 I say all that because, typically, to get an
26 assessment of a stock, especially fish, is going to
27 require -- I don't know what technology is going to be
28 used, but I know it's going to be clumsy by standards of
29 being careful with a resource. Stock assessments occur
30 every time a subsistence user harvests hooligan. They
31 know what the strength of the run is as compared to the
32 history of their involvement. They respect the strength,
33 whether it's abundant in nature or whether it's got a
34 conservation threat, and they respond accordingly.

35
36 I'm excited in the fact that there's interest in
37 the stock assessment at this point. It's a fishery
38 that's been going on, I'll say, 3,326 years. That's as
39 far back as my memory will go. The stocks and the
40 fisheries and the respect for the fishery, a subsistence
41 user religiously identifies themselves with the resource
42 they're going after. They don't have annihilation in
43 mind, so I want to point that out.

44
45 Sometimes subsistence users and us people on the
46 Advisory Council at this forum are too conservative
47 sometimes to reflect what the discussions at the Regional
48 Advisory Council is and representing the people in our
49 region, but we oppose this proposal, Mr. Chairman. Thank
50 you.

00202

1 CHAIRMAN DEMIENTIEFF: Staff Committee.

2

3 MR. THOMPSON: Mr. Chairman, the Staff
4 Committee recommends rejecting this proposal as
5 recommended by the Council. I believe that available
6 stock size and basic life history information on the Unuk
7 hooligan is not adequate to determine an appropriate
8 total harvest rate. Although there is concern for the
9 long-term sustainability of the hooligan fisheries on the
10 Unuk, a closely-monitored subsistence fishery should
11 provide adequate protection of the population until a
12 stock and fishery assessment program is developed.

13

14 CHAIRMAN DEMIENTIEFF: Thank you. We now
15 advance to Federal Board deliberations. Is there
16 discussion?

17

18 MR. CAPLAN: Mr. Chairman, just a
19 question for Cal, Ken and for Chairman Thomas. We've
20 been talking specifically about Proposal 42. Do your
21 remarks and your opposition also extend to Proposal 43?

22

23 CHAIRMAN DEMIENTIEFF: They're linked.

24

25 MR. THOMAS: If they are linked, my
26 position is linked also.

27

28 MR. THOMPSON: Same for Staff Committee.

29

30 MR. CAPLAN: Thank you, sir. I just
31 wanted to clarify that. Folks specifically mentioned
32 Proposal 42, but didn't necessarily include 43. When I
33 make my motion, I'll probably cover both of them in the
34 interest of time. Thank you, sir.

35

36 MR. EDWARDS: Mr. Chairman, it's my
37 understanding, Cal, that there is a monitoring effort
38 going on or there are plans for one. Can you elaborate a
39 little bit on that?

40

41 MR. CASIPIT: I'm really not familiar
42 with the nuts and bolts, what's planned nuts and bolts
43 this spring for monitoring that fishery. I would ask
44 maybe if -- I know we have several staff from the
45 southern Southeast here that are more familiar with the
46 kind of monitoring that will go on there. If I can get
47 either Dave Johnson or Jeff Reyes up here to answer that
48 question, I'd appreciate it.

49

50 MR. JOHNSON: Mr. Chairman, Board. Yes,

00203

1 there is a monitoring plan that will be in place this
2 spring and that will consist of a ranger boat trip that
3 will go up the Unuk with fish biologists from the Forest
4 Service and also the State as well. Last year, because
5 the State did not have a commercial season, we did want
6 to know what was going on with the hooligan fishery there
7 in the Unuk River and, as a result of the State and
8 Forest Service cooperating on that monitoring effort, we
9 began that process last year and we plan to continue it
10 this year. Basically, right now, it only consists of
11 monitoring the presence or absence of the fish when they
12 return and also the amount of harvest to take place and
13 also the sale that occurred last year in Ketchikan.

14

15 CHAIRMAN DEMIENTIEFF: Further
16 discussion. Taylor.

17

18 MR. BRELSFORD: Mr. Chairman, this would
19 be a question for the Forest Service Staff that would be
20 overseeing this fishery in the upcoming spring. The
21 State has proposed a broad harvest guideline in the
22 amount of 25,000 pounds, I wonder if the Forest Service
23 has a working guideline of some sort or if you would
24 expect to come in under that amount, that is to say, can
25 we allay the potential conservation concerns that have
26 been raised by the State?

27

28 MR. JOHNSON: At this point we don't have
29 an actual number, Taylor. But I would point out that
30 prior to this last year when there was no State fishery,
31 that historically ADF&G has had a commercial fishery
32 there with the lack of data as well and so we would be
33 working cooperatively with them to set up a monitoring
34 effort to look at what the harvest would be. Also there
35 has been another study elsewhere in the region on
36 hooligan and we are looking at seeing if that proposal
37 that was put in place up here on the Chugach might be
38 also something that would be workable there in Southeast.

39

40 MR. BRELSFORD: If I may, Mr. Chairman, so
41 the result is that you would be consulting directly with
42 your ADF&G counterparts as the harvest occurs and if
43 there were any alarm bells you would have ADF&G's input
44 on that point and would be able to take appropriate
45 management measures?

46

47 MR. JOHNSON: Yes, and in fact that's what
48 occurred this year. ADF&G and the Forest Service and law
49 enforcement personnel, along with information that was
50 provided to Mr. Thomas later on was involved with

00204

1 monitoring that fishery. So, yes, that's the plan.

2

3 MR. BRELSFORD: Thank you.

4

5 MR. THOMAS: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Yes, Bill.

8

9 MR. THOMAS: Yeah, Dave, with regards to
10 monitoring and responding, do you have any idea on how a
11 threshold will be established and how that threshold will
12 be referred to?

13

14 MR. JOHNSON: Mr. Chairman, Bill, from
15 what little I know about hooligan, the little I know
16 about it tells me that a lot of people know very little
17 about hooligan. There's some information that indicates
18 they may spawn in different locations in alternate years.
19 There's not good information on what a "healthy
20 population" of hooligan would be in a given system, so at
21 this point our first concern is to know whether there's
22 presence or absence of the fish. As indicated, the State
23 had closed that fishery and as it turned out there was a
24 lot of fish as compared to other years when there was a
25 more productive fishery. So we would work closely with
26 the State, we would want to have a monitoring plan in
27 place that would achieve the goals of providing for a
28 healthy population of hooligan on the Unuk River.

29

30 MR. THOMAS: You know, I think you should
31 incorporate the harvesters in that plan because they got
32 the best information right now. And my concern about
33 this whole activity is the disturbance of traffic that
34 will be used in making these determinations. I'm hoping
35 that that approach will be carefully considered,
36 carefully designed to not interfere with the habits of
37 the hooligan run.

38

39 Thank you, Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Thank you.

42 Further discussion.

43

44 MR. JOHNSON: Just one other comment, Mr.
45 Chairman. This past year, also, I would defer to Mr.
46 Waggoner, but that is, in fact, what was done on the
47 hooligan -- or on the Unuk River. The Forest Service
48 biologists along with the State went up the Unuk River
49 and met with Mr. Waggoner and some other folks to
50 actually see what was going on and talk to the people

00205

1 that were actually doing the harvesting.

2

3 CHAIRMAN DEMIENTIEFF: Thank you.

4

5 MR. THOMAS: Mr. Chairman, one last
6 comment.

7

8 CHAIRMAN DEMIENTIEFF: Thank you.

9

10 MR. THOMAS: Some people that went up the
11 river didn't have a paddle.

12

13 (Laughter)

14

15 CHAIRMAN DEMIENTIEFF: Further
16 discussion.

17

18 MR. CAPLAN: Mr. Chairman, I'd like to a
19 motion.

20

21 CHAIRMAN DEMIENTIEFF: Yes.

22

23 MR. CAPLAN: And that motion is to reject
24 Proposal 42 and 43 as recommended by the Southeast
25 Regional Advisory Council.

26

27 CHAIRMAN DEMIENTIEFF: Is there a second?

28

29 MR. CESAR: I'll second that.

30

31 CHAIRMAN DEMIENTIEFF: Discussion.

32

33 MR. CESAR: Mr. Chairman.

34

35 CHAIRMAN DEMIENTIEFF: Yes.

36

37 MR. CESAR: I know that hooligan are, you
38 know, at least from my understanding of up around the
39 Haines area that they're a real finicky fish and there's
40 a lot of superstition about hooligan and they talk about
41 -- oldtimers talk about, well, someone threw a dog in the
42 river up in Klukwan and the hooligan didn't come in or
43 there's all these things, but, you know, when they do get
44 disturbed there are strange -- they exhibit strange
45 behavior and that may, in fact, be a problem, I don't
46 know but I am concerned about that. The only thing I
47 would question, Bill on or challenge Mr. Thomas and I
48 rarely do that, is I think up in the Haines/Klukwan area
49 we have about 4,000 years worth of history with hooligan
50 fishing.

00206

1 MR. THOMAS: But the only problem there
2 is you're guessing.

3
4 (Laughter)

5
6 CHAIRMAN DEMIENTIEFF: Okay. Is there
7 any more meaningful discussion on the motion?

8
9 (Laughter)

10
11 CHAIRMAN DEMIENTIEFF: Hearing no further
12 meaningful discussion on the motion, all those in favor
13 signify by saying aye.

14
15 IN UNISON: Aye.

16
17 CHAIRMAN DEMIENTIEFF: Those opposed,
18 same sign.

19
20 (No opposing votes)

21
22 CHAIRMAN DEMIENTIEFF: Motion carries.
23 The Chair at this time would entertain a motion to adopt
24 consent agenda items.

25
26 MR. CESAR: So moved Mr. Chairman.

27
28 CHAIRMAN DEMIENTIEFF: Is there a second?

29
30 MR. EDWARDS: Second.

31
32 CHAIRMAN DEMIENTIEFF: For the record,
33 although it's well documented, we're talking about FP02-
34 36, FP02-41, FP01-24, FP01-30, FP02-20, FP02-10, FP02-8
35 and FP02-9. All those in favor of the motion, please
36 signify by saying aye.

37
38 IN UNISON: Aye.

39
40 CHAIRMAN DEMIENTIEFF: Those opposed,
41 same sign.

42
43 (No opposing votes)

44
45 CHAIRMAN DEMIENTIEFF: The consent agenda
46 items have been adopted. Okay, we're going to move right
47 on here to RFR01-01.

48
49 MR. CASIPIT: Thank you, Mr. Chairman.
50 RFR01-01 was submitted by the Alaska Department of Fish

00207

1 and Game. It asks for the reversal of this Board's
2 December 2000 decision to close the freshwaters of Falls
3 Lake, Gut Bay and drainages to the Bay of Pillars to non-
4 Federally-qualified subsistence users for the harvest of
5 sockeye salmon. The Staff analysis includes a summary of
6 events leading up to this point and the Staff evaluation
7 of whether there's a conservation problem at any of these
8 three sites. Federally-qualified users for each of these
9 three systems are residents of Kake. The Staff analysis
10 appears on Page 231 behind Tab F.

11

12 The organized village of Kake and the
13 city of Kake submitted Proposal FP01-31 last year. That
14 proposal asked the Board to restrict the harvest of
15 sockeye in Falls Lake, Gut Bay and Bay of Pillars to
16 Federally-qualified subsistence users and increase
17 harvest limits. The Regional Council supported the
18 portion of the proposal to close the waters to non-
19 Federally-qualified users but not to increase the harvest
20 limits. There were two reasons for this decision where
21 allocation issues with non-subsistence users and the
22 Council's desire to be proactive and address possible but
23 undefined conservation problems at these locations.

24

25 The Interagency Staff Committee thought
26 the action was an unnecessary restriction to non-
27 Federally-qualified users and recommended rejecting the
28 Regional Council's recommendations for three reasons.
29 The freshwater, sport and subsistence fishery comprised a
30 very small proportion of the total harvest; there was a
31 general lack of information regarding total harvest of
32 sockeye salmon in these systems; and the sportfish
33 harvest reporting system did not provide detail required
34 to assign harvest by stream. The contribution by any of
35 these three systems to the total sockeye by-catch in the
36 commercial fishery cannot be estimated and subsistence
37 harvest estimates probably underreported actual
38 subsistence harvest by an unknown amount. When
39 necessary, additional changes or restrictions to the
40 sport and subsistence fisheries could be made by ADF&G
41 that would provide for escapement.

42

43 The Subsistence Board deliberated this
44 proposal on December 5th, 2000 and rejected the
45 Interagency Staff Committee recommendation. The Board
46 then adopted that portion of the proposal to close the
47 three systems to sockeye fishing by non-Federally-
48 qualified users, the reasoning was that it was a little
49 step that we can do to conserve stocks that are in
50 trouble while we're getting the information necessary.

00208

1 In April of 2001, the State of Alaska
2 submitted the request for reconsideration of the Board's
3 actions. There were two main reasons identified. Their
4 first principle claim was that the Board violated ANILCA
5 by enacting a closure that was not necessary. Principle
6 claim number 2 was that conservation concern identified
7 during Board deliberations and public testimony was not
8 supported by substantial evidence.

9
10 In 2001 sockeye fishing regulations for
11 these systems were for freshwaters of Falls Lake and Gut
12 Bay, ADF&G permit required with a July 20th closure and a
13 limit of 10 sockeye per household and possession,
14 residents of Kake only. The Bay of Pillars or Kutlaku
15 Lake had a possession limit of 15 sockeye per individual
16 and 25 per household with a July 21st closing date. In
17 saltwater, for Falls Lake, Gut Bay and Kutlaku Lake,
18 ADF&G permit required with the same season and harvest
19 limits for subsistence for all State residents. The
20 sportfishery had a general sockeye limit of six per day,
21 12 in possession although the limits were reduced for
22 Falls Lake and Gut Bay by emergency order to three per
23 day and six in possession each year since 1999.

24
25 In reviewing principle claim number 1,
26 that the closure violated ANILCA because it was
27 unnecessary we found that the Board can restrict non-
28 subsistence uses only when necessary for conservation of
29 healthy populations, to continue subsistence uses and for
30 reasons set forth in other regulations or laws. The
31 guidelines for what is necessary, healthy or continued
32 subsistence use are not strictly defined and the Board
33 was within their legal standards of ANILCA to interpret
34 available information to allow for the closure.

35
36 In reviewing principle claim number 2,
37 that the conservation concern was not adequately
38 identified, we found that it was necessary to discuss
39 each system separately and it's displayed in your
40 analysis there. There is a conservation concern at Falls
41 Lake because there is a question of sustainability of the
42 fisheries under current management practices. There is a
43 very small component of the total harvest that does occur
44 in freshwater. The question that needs to be discussed
45 is whether the closure of the freshwaters is warranted
46 given the small amount of harvest that may occur there.
47 A little additional information here, we operated a weir
48 on Falls Lake, a sockeye assessment program at Falls
49 Lake, it was a complete capture weir. We realized no
50 escapement through the weir until July -- until the 20th

00209

1 when the subsistence fishery closed.

2

3 There is a conservation concern at Gut
4 Bay because there is a question of sustainability of the
5 fishery. In addition there is a concern about poor
6 escapements based on information that we got this season.
7 Again, in Gut Bay we have a mark and recapture stock
8 assessment project there and apparently the stock
9 assessment crew went in there to attempt to capture
10 sockeye for a mark to later be recaptured to develop a
11 population estimate. The marking crew couldn't catch
12 enough fish to mark. The escapement was so low there was
13 so few fish that they couldn't even get enough to mark.

14

15 At this time there does not seem to be a
16 conservation problem at Kutlaku Lake because we don't see
17 an increase in harvest or we don't see very many
18 escapement problems there but then again we don't have
19 any monitoring program or assessment programs going in
20 there yet.

21

22 With that I will be happy to answer any
23 questions to provide more clarification on any of the
24 statements we made. I'll let Robert here give the
25 written public comment.

26

27 CHAIRMAN DEMIENTIEFF: Written public
28 comments, please.

29

30 MR. SCHROEDER: Mr. Chairman, I'm not
31 aware that there's any public comments.

32

33 CHAIRMAN DEMIENTIEFF: Department
34 comments.

35

36 MR. VINCENT-LANG: I'm going to separate
37 my comments into the three different drainages, Falls,
38 Gut Bay Lake and Kutlaku.

39

40 With regard to Fall Lake, the Department
41 agrees that there are issues and concerns with the
42 conservation of Falls Lake stocks but not to the degree
43 suggested by the Staff. Staff analysis, we feel,
44 oversimplifies the potential effect of generally
45 increasing harvest trends in marine mixed stock fisheries
46 on Falls Lake stocks with little knowledge of stock
47 composition and incorrectly interprets aerial survey data
48 as a reason to believe spawning abundance has declined.
49 The analysis downplays the important fact that the 2001
50 weir counts were well within the range of past weir

00210

1 counts, which indicates current levels of exploitations
2 of Fall Lake sockeye salmon stocks are sustainable.

3

4 We agree with the analysis that the
5 timing of the 2001 Fall Lake escapement was skewed in
6 proportion to the natural timing of the run and that
7 fisheries must be managed in the future to assure
8 escapement occurs in proportion to the natural
9 progression of the run. We also agree with the analysis,
10 that, while the Board enacted the only regulation
11 available to them at the time, the Board decision for
12 Falls Lake was not meaningful or necessary and that the
13 meaningful fishery restrictions must be implemented by
14 the State if the fish are to be conserved. To that end,
15 we believe the best approach is coordinated pre- or in-
16 season action by State and Federal agencies under
17 authorities granted them by regulations, not regulatory
18 action by the Federal Subsistence Board.

19

20 Next year we plan to involve users and
21 the management decisions for the 2002 fisheries at Falls
22 Lake with the objective of ensuring that the escapement
23 occurs proportionately throughout the run.

24

25 In terms of Gut Bay Lake, the Department
26 also agrees that the assessment of the issues for Gut Bay
27 but not -- I'm sorry. The Department also agrees with
28 the assessment of the issues for Gut Bay but not to the
29 degree suggested in the Staff analysis, for much the same
30 reasons I described for Falls Lake. However, we agree
31 with the Staff analysis that uncertainly with the data on
32 Gut Bay, sockeye has reached a point where further action
33 is necessary. However, we do not believe that the Board
34 action was necessary or meaningful for Gut Bay. If fish
35 are to be conserved the Department will need to implement
36 further management actions, again, we believe the best
37 approach is pre- or in-season action coordinated by State
38 and Federal agencies under the authorities granted them
39 by regulations, not regulatory action taken by the
40 Federal Subsistence Board.

41

42 Similar to Falls Lake, we plan to involve
43 users and management decisions for the 2002 fisheries
44 with the objective of insuring that escapement occurs and
45 that it occurs proportionately throughout the run.

46

47 Finally, in terms of Kutlaku Lake, the
48 Department agrees with the Staff Committee recommendation
49 and the analysis of the issues for Kutlaku Lake. There
50 is not a conservation concern requiring that the area be

00211

1 closed to non-Federally-qualified subsistence users. The
2 sportfishery harvest has no measurable impact on the
3 spawning escapement or subsistence fishing opportunities.
4 We believe the closure would unnecessarily restrict other
5 uses of this fishery.

6

7 Thank you, Mr. Chair. And thank you for
8 considering this request for the reconsideration.

9

10 CHAIRMAN DEMIENTIEFF: Thank you. We
11 have no requests for additional public testimony at this
12 time. Regional Council recommendation.

13

14 MR. THOMAS: The Regional Council affirms
15 the Board December 5, 2000 action for all three systems.

16

17 CHAIRMAN DEMIENTIEFF: Staff Committee.

18

19 MR. THOMPSON: Mr. Chairman, the Staff
20 Committee recommends that Falls Lake, that the board
21 affirm its decision. We believe there is sufficient
22 evidence to support a conservation concern at Falls Lake.
23 The Board enacted a regulation that was necessary despite
24 management jurisdiction, only in freshwater, there was
25 sufficient uncertainty regarding escapements to justify
26 this regulatory closure. The Board enacted the only
27 regulatory option available and was the only means by
28 which the Board could enact some conservation measure.

29

30 We believe the Department of Fish and
31 Game should implement further management actions to
32 insure fisheries sustainability including continued
33 monitoring of escapement through the weir and regulation
34 of marine patterns particularly the subsistence fishery
35 to insure the distribution of escapement throughout the
36 run.

37

38 At Gut Bay, the Staff Committee
39 recommends that the Board affirm its decision. Again,
40 rationale there is that there is sufficient evidence to
41 support a conservation concern by Federal definition.
42 The State of Alaska is bound by the terms and definitions
43 of sustainable salmon fisheries policy for the State of
44 Alaska. As defined in that policy an escapement goal
45 must be established to identify a conservation concern.
46 Although Federal Staff in the December 2000 deliberations
47 used the term conservation concern, they did not define
48 its use as narrowly as in the State's policy. There are
49 clearly issues and concerns with conservation and
50 sustainability of the harvest here. The data on Gut Bay,

00212

1 sockeye are highly uncertain and harvesting is
2 increasing.

3

4 Last December the Board enacted the
5 regulatory -- a regulation that was necessary here, we
6 believe, the lack of escapement data, again coupled with
7 the observation of the 2001 escapement may be so low at
8 Gut Bay Lake as to be undetectable by the on-site crews.
9 That raises serious questions of whether any further
10 directed fishing for Gut Bay sockeye is sustainable.
11 Despite management jurisdiction, only in freshwater,
12 there was sufficient uncertainty regarding escapements to
13 justify this regulatory closure. The Board enacted the
14 only regulation option available which would accomplish
15 some conservation measure.

16

17 At Kutlaku Lake or Pillar Bay drainage,
18 the Staff Committee did not reach a consensus for
19 recommendation here. The majority of the Staff Committee
20 members favored a recommendation to rescind the Board
21 action for Kutlaku Lake, however, the minority viewpoint
22 recommends affirming the Board decision consistent with
23 the recommendation of the Council.

24

25 The majority of the Staff Committee made
26 this recommendation believing that there is sufficient
27 evidence to support a conservation concern at Kutlaku
28 Lake. The minority [sic] viewpoint, however, would
29 recommend the Board rescind its decision. Testimony --
30 they believe the testimony from subsistence users in Kake
31 said that sport users are negatively impacting the
32 ability of Kake subsistence users to get the fish that
33 they need at all three locations due to competition from
34 sport users occupying the best locations to subsistence
35 fish. The minority members believe the Council is
36 correct and there are sustainability concerns for sockeye
37 at all three locations based on Western Science and
38 traditional ecological knowledge. The minority of the
39 Staff Committee agrees with the Council that such
40 testimony is substantial evidence.

41

42 Thank you, Mr. Chairman.

43

44 CHAIRMAN DEMIENTIEFF: Thank you. As we
45 begin our deliberations but before we get ready for a
46 motion I want to have a word to say about that. Well,
47 let me just start out by doing this, before we start --
48 before we have the vote on whether or not to accept the
49 request for reconsideration or deny it, I'm going to ask
50 for individual roll call vote on what we use as a

00213

1 vehicle. If we're going to use the Southeast Regional
2 Council recommendation as a vehicle, we'll take care of
3 it in one vote. If we're going to use the Staff
4 Committee recommendation as a vehicle then we're going to
5 do it in three votes. So as we get ready, you know,
6 before we get to the motion that's what's going to
7 happen.

8

9 Is there any deliberation right now or do
10 you just want to.....

11

12 MR. EDWARDS: Mr. Chair, I'd just like to
13 ask the State, do they have any plans on any of these
14 three systems to have closures prior to the season
15 opening or what is your -- on your sportfish or what are
16 you thinking about doing?

17

18 MR. VINCENT-LANG: Mr. Chair, Gary. We
19 are going to assure that there are adequate escapements
20 going up those rivers and we're going to assure that
21 those rivers are going to get escapement -- assure that
22 escapement occurs in proportion to how it has
23 historically occurred. So, yes, we're looking at how
24 we're going to do that right now. We just feel that the
25 best way -- the largest exploitation is occurring in
26 marine waters and I think the best way to assure that
27 those levels of escapement are being achieved as well as
28 the priority for Federal subsistence uses up in those
29 areas is not through Board action, rather it's through
30 cooperative management. And I think we need to assure
31 that that's happening and we will do the best we can to
32 assure that that will happen by working with the users
33 out there.

34

35 CHAIRMAN DEMIENTIEFF: Further
36 deliberations before we get to the motion. Well, define
37 the further debate by choosing our vehicle. Now, that
38 doesn't determine which way you're going to vote on the
39 request for reconsideration it just determines the
40 vehicle. Either Staff Committee or Regional Council.
41 We'll start, Niles, what do you want to use as a vehicle?

42

43 MR. CESAR: Mr. Chairman, I want to use
44 the Regional Advisory Council.

45

46 CHAIRMAN DEMIENTIEFF: Judy.

47

48 MS. GOTTLIEB: I think it would be good
49 to have a discussion on each area, please.

50

00214

1 CHAIRMAN DEMIENTIEFF: Pardon?

2

3 MS. GOTTLIEB: A discussion on each of
4 the three, recommendations that the Staff Committee made.

5

6 CHAIRMAN DEMIENTIEFF: Oh, you want to
7 further discuss?

8

9 MS. GOTTLIEB: Well, the vehicle I'd like
10 to use is the approach that the Staff Committee made.

11

12 CHAIRMAN DEMIENTIEFF: Okay, that's all I
13 want to know now.

14

15 MS. GOTTLIEB: Okay.

16

17 CHAIRMAN DEMIENTIEFF: Okay. Jim.

18

19 MR. CAPLAN: Yeah, I would follow what
20 the Staff Committee recommended in terms of vehicle.

21

22 CHAIRMAN DEMIENTIEFF: I want to use the
23 Regional Council.

24

25 MR. EDWARDS: I would like to use the
26 Staff Committee's recommendation.

27

28 CHAIRMAN DEMIENTIEFF: Taylor.

29

30 MR. BRELSFORD: I think we should proceed
31 through the Staff Committee recommendation point by
32 point.

33

34 CHAIRMAN DEMIENTIEFF: Okay. Then at
35 this time the Chair would entertain a motion for RFR01-
36 01(A).

37

38 MR. CAPLAN: Thank you, Mr. Chairman. I
39 would move to affirm the Board's December 5th, 2000
40 decision to close Falls Lake to non-subsistence users.

41

42 MR. CESAR: I would second that motion,
43 Mr. Chairman.

44

45 CHAIRMAN DEMIENTIEFF: Is there any
46 further discussion on that motion? Hearing none, all
47 those in favor signify by saying aye.

48

49 IN UNISON: Aye.

50

00215

1 CHAIRMAN DEMIENTIEFF: Those opposed,
2 same sign.

3
4 (No opposing votes)

5
6 CHAIRMAN DEMIENTIEFF: Motion carries.

7 The Chair would entertain a motion for RFR01-01(B) --
8 Part B.

9
10 MR. CAPLAN: Thank you, Mr. Chairman. I
11 would move to affirm the Board's December 5th, 2000
12 decision to close Gut Bay to non-subsistence users.
13 Thank you, sir.

14
15 CHAIRMAN DEMIENTIEFF: Is there a second
16 to that motion?

17
18 MS. GOTTLIEB: Second.

19
20 CHAIRMAN DEMIENTIEFF: Discussion.
21 Hearing none, all those in favor signify by saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN DEMIENTIEFF: Those opposed,
26 same sign.

27
28 (No opposing votes)

29
30 CHAIRMAN DEMIENTIEFF: Motion carries.
31 Okay, RFR01-01, Part C, is there a motion or do you want
32 discussion on this first or do we just want to go to the
33 motion? What's the pleasure?

34
35 MR. CAPLAN: Mr. Chairman, I'd make a
36 motion to rescind the Board's decision concerning Kutlaku
37 Lake that was made on December 5th, 2000 because there is
38 a lack of sufficient evidence of a conservation concern
39 to continue that closure. Thank you, sir.

40
41 CHAIRMAN DEMIENTIEFF: Is there a second
42 to that?

43
44 MR. EDWARDS: Second.

45
46 CHAIRMAN DEMIENTIEFF: Discussion on the
47 motion.

48
49 MS. GOTTLIEB: Mr. Chairman, could we
50 have one more summary, either from Staff or from the

00216

1 Department on possible use of that area and then maybe a
2 little more detail on how the Department plans to work
3 with the variety of users if we do rescind this?

4

5 MR. VINCENT-LANG: Well, first off, we
6 don't believe there's a conservation issue at Kutlaku
7 Lake, but we are going to assure that both escapement
8 needs are being met as well as those escapement needs
9 being met in terms of the proportion of the run. But
10 right now, that lake is providing sufficient escapements
11 as well as numbers of fish needed for Federally-qualified
12 users, in our opinion.

13

14 CHAIRMAN DEMIENTIEFF: Are we going to
15 shift heavy pressure from the two lakes that are closed,
16 are we going to shift a significant amount of non-
17 subsistence user pressure onto this lake? I mean would
18 you see that that's conceivable that that's going to
19 happen?

20

21 MR. VINCENT-LANG: I don't think so, no.
22 I think what you'll basically see is some windowing of
23 subsistence fishing opportunity into those other systems
24 and will be able to provide for the escapements into
25 there so, no, I don't really see that happening, Mr.
26 Chair.

27

28 CHAIRMAN DEMIENTIEFF: Yes, Cal.

29

30 MR. CASIPIT: Maybe Bill Thomas can add
31 to what I'm about to say but at the Regional Advisory
32 Council meeting in Yakutat in October, Mr. Mike Jackson
33 representing the organized village of Kake indicated to
34 us that he thought that shifting would occur because of
35 the conservation concerns at Falls and Gut Bay, he was
36 concerned that a lot of people in Kake would no longer go
37 to those places because those people in Kake are
38 concerned about the sustainability of the populations in
39 Falls and Gut and would probably shift their effort to
40 Kutlaku, but that was testimony provided by Mike -- Mr.
41 Mike Jackson at the Council meeting.

42

43 CHAIRMAN DEMIENTIEFF: Thank you. Bill,
44 go ahead.

45

46 MR. THOMAS: That's true, Mr. Chairman.
47 Like I keep saying, nobody does better assessment on this
48 than the subsistence users. If every user group had the
49 same approach to the resource as subsistence users, we
50 wouldn't be here. But Kake was very adamant and

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1 compassionate about trying to avoid this shift of
2 pressure from other areas to what's left. So that is a
3 concern.

4

5 MR. CESAR: Mr. Chairman.

6

7 CHAIRMAN DEMIENTIEFF: Yes.

8

9 MR. CESAR: I'm hearing both sides, you
10 know, folks saying that there is, in fact, a concern and
11 there will be shifting but also there may not be
12 shifting. To me, you know, somewhere in the middle is
13 probably true. In my estimation there will be some
14 shifting. And so I intend to vote against the motion to
15 rescind for that reason.

16

17 CHAIRMAN DEMIENTIEFF: I also intend to
18 vote against it because there will be shifting. Even by
19 the qualified subsistence users. If there's going to be
20 some limited time for qualified subsistence users to go
21 to the other lakes, to go to Part A and Part B, they're
22 going to go to Part C, too, and then there's going to be
23 heavy pressure on Part C. You have to manage an area.
24 You have to manage an area as a whole. There's a
25 population there that's going to harvest. And my
26 philosophy has always been to error on the side of
27 conservation and I'm deeply concerned that that shift
28 will happen and next year we'll be back here or even
29 sooner, be back here with the same thing.

30

31 MR. EDWARDS: Mr. Chairman, I think then
32 you'd have to ask the follow-up question, if some level
33 of shifting does occur, could the resource that is being
34 shifted to, could it support that and nobody has
35 addressed that. Plus the other issue is that we can
36 manage this through in-season management and if that does
37 become a problem we can take action accordingly.

38

39 MR. CAPLAN: Mr. Chairman, I also had a
40 concern, somewhat related to the credibility of our
41 closure process. We want to -- I think we want to make
42 sure that we use closures when we actually have a
43 conservation concern. In this case we don't have one
44 currently, we do have safeguards in place for monitoring
45 both through the subsistence users and through the
46 Department and the Forest Service, and that's really the
47 basis for my motion, is that, I want to make sure that
48 our closure processes stay rationale and supportable and
49 that's the reason for the rescission.

50

00218

1 Thank you, sir.

2

3 CHAIRMAN DEMIENTIEFF: Yeah.

4

5 MR. NICHOLIA: It's the nature of the
6 beast that's going to be shifting. Once you cut off one
7 area, they're all going to go over there. You're just
8 going to create a pressure on this C part when you close
9 those two areas, it's the nature of the beast, it's going
10 to happen. I could see it. What the State has done,
11 they let everything go and what you guys are trying to do
12 is put a bandage on it.

13

14 MS. CROSS: Mr. Chair.

15

16 CHAIRMAN DEMIENTIEFF: Yes.

17

18 MS. CROSS: Proposal 44 is a perfect
19 example of shifting.

20

21 CHAIRMAN DEMIENTIEFF: Further
22 discussion.

23

24 MS. GOTTLIEB: Mr. Chairman.

25

26 CHAIRMAN DEMIENTIEFF: Yes.

27

28 MS. GOTTLIEB: I mean, might we once
29 again ask that special attention be paid to this area so
30 that if there is adequate escapement and opportunity for
31 others to harvest here, then it be opened by our special
32 action and in-season manager in coordination with the
33 State.

34

35 CHAIRMAN DEMIENTIEFF: Yes, that could be
36 done. We did give opening as well as closing authority
37 to our managers if it looked like there was going to be
38 enough to sustain a harvest. We've already got that
39 mechanism in place to be able to handle that.

40

41 MR. BOYD: Mr. Chair, just a point of
42 clarification. As a general rule, if an area remains
43 open, the in-season manager has been delegated the
44 authority to open and close, however, the Board formally
45 closes and then it preempts the in-season manager, so
46 that's the clarification.

47

48 CHAIRMAN DEMIENTIEFF: So I gave you the
49 wrong information. That was what he first gave me but it
50 turns out, our man behind us corrected us all.

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1 MR. CESAR: Yes, Mr. Chairman, you know,
2 we understand that at the end of the table but it would
3 take an action by the Board to open it, which we
4 understand that also.

5
6 MR. BRELSFORD: Mr. Chairman.

7
8 CHAIRMAN DEMIENTIEFF: Taylor.
9

10 MR. BRELSFORD: I believe it's important
11 to insure that we're all focused on the same motion. The
12 affect of the Board's actions in the first two systems in
13 question was to close to non-Federally-qualified
14 subsistence users. That is to say that Federal
15 subsistence users continue to have access to those first
16 two systems. There may, indeed, be shifting of effort
17 but what the Board has done, what we've reaffirmed is to
18 sustain the opportunity for subsistence users in the
19 first two systems. With that being true, I think we
20 ought not to overestimate the redirection of effort into
21 this third system and in light of the lack of current
22 data documenting a conservation concern and the
23 safeguards in place I'm prepared to vote in favor of the
24 motion.

25
26 Thank you.

27
28 CHAIRMAN DEMIENTIEFF: Bill.
29

30 MR. THOMAS: Yeah, and with respect to
31 Taylor's comment I don't think overestimation is the case
32 here. Because there's a lot of activity and there's a
33 lot of pressure that will be moving.

34
35 Thank you, Mr. Chairman.

36
37 CHAIRMAN DEMIENTIEFF: Further
38 discussion.

39
40 MR. EDWARDS: Question.

41
42 CHAIRMAN DEMIENTIEFF: Question's been
43 called for. We'll go to a roll call vote. Taylor.

44
45 MR. BRELSFORD: I vote in favor of the
46 motion.

47
48 CHAIRMAN DEMIENTIEFF: Pardon?

49
50 MR. BRELSFORD: I vote in favor of the

00220

1 motion.

2

3 CHAIRMAN DEMIENTIEFF: Okay. Gary.

4

5 MR. EDWARDS: I vote in favor of the

6 motion.

7

8 CHAIRMAN DEMIENTIEFF: Okay. Jim.

9

10 MR. CAPLAN: Aye.

11

12 CHAIRMAN DEMIENTIEFF: Judy.

13

14 MS. GOTTLIEB: Oppose.

15

16 MR. CESAR: Oppose.

17

18 CHAIRMAN DEMIENTIEFF: And I'm opposed to
19 the motion. Motion fails, so the Board decision stands.

20

21 That completes that. We have -- it's
22 12:00 noon, we will start exactly at 1:00 o'clock. We
23 have two issues left. A couple of minor issues, I think
24 they are. Something about customary trade and something
25 about our fisheries projects for this next year.

26

27 (Off record)

28

29 (On record)

30

31 CHAIRMAN DEMIENTIEFF: We'll call the
32 Board meeting back to order. Our first item up for
33 business this afternoon is Customary Trade Task Force.
34 We'll have a briefing on the comments -- we'll have a
35 briefing first, Pete Probasco will provide the briefing.

36

37 MR. PROBASCO: Thank you, Mr. Chair. My
38 presentation as you presented before our lunch break was
39 to discuss the light topic of customary and trade. And
40 to address this issue we're going to break it out into
41 four parts. I'll do a briefing, which will be followed
42 by Ann Wilkinson who will give us the comments from the
43 various comments we've received. And then Carl Jack will
44 give us a summary from the tribal governments. Followed
45 by Tim Jennings with the Staff Committee presentation.

46

47 Mr. Chairman, my presentation will cover
48 five areas. Those areas are the history of why the issue
49 is before you. I'll briefly review the ANILCA
50 regulations and the current regulations primarily for the

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1 benefit of the audience. I'll also go over, briefly, the
2 goal of the Customary Trade Task Force and it's
3 membership. I'll discuss the process that you assigned
4 this task force and what we accomplished. And then the
5 discussion of the proposed regulatory language, and then
6 the time line that the Federal Subsistence Board has
7 placed on this issue.

8

9 I'd like you to focus your attention to
10 Tab H and to avoid confusion on how this is laid out, in
11 the beginning of the document you will see the exact
12 information that we provided to the Regional Councils,
13 the tribal governments, as well as the public. This
14 information went out and was reviewed by all those three
15 entities I just discussed along with the time table and
16 the charge that you gave the task force. Immediately
17 following that is a meeting of the Customary Trade Task
18 Force amended draft language. Part of your task -- or
19 assignment to this task force was to review comments
20 prior to this meeting received and we met on November 2nd
21 and amended the language that we had initially set forth
22 to the three entities and this language which is before
23 you entitled November 2nd, meeting of the Customary Trade
24 Task Force. This language did not go out to the Regional
25 Advisory Councils, the tribal governments or the public.
26 And the difference is, and as the comments reflect, is in
27 A12 where we introduce a permitting system.

28

29 For the benefit of the audience, I think
30 it's important that we briefly review the language -- or
31 the regulations and that identifies why the issue is
32 before us. In Section .803 under ANILCA, we see the
33 introduction of customary trade and throughout the
34 process when we discuss customary trade we immediately
35 found that there was confusion in the public sector when
36 we discuss customary trade. Under Federal regulations,
37 customary trade pertains only to cash sales. When we
38 were out in the public sector we found out when we talked
39 customary trade, they actually looked at the whole
40 package, customary trade meaning barter and all other
41 aspects of exchange of subsistence goods with an
42 individual. So it took us some time to work through that
43 process and get everybody to understand that when we
44 discuss customary trade we're talking about the cash
45 sales of subsistence harvested foods.

46

47 The issue that was before the task force
48 that you assigned us was to try to define customary
49 trade. And the purpose of defining customary trade as we
50 saw in the regulations is the drafters of the regulatory

00222

1 language failed to identify what they meant by
2 significant commercial enterprise and so that was the
3 main focus of the Customary Trade Task Force. And in
4 addition to that, we were looking at regulations that
5 were consistent with the definition of subsistence uses
6 under Section .803 of ANILCA, where we try to define the
7 limited exchange for cash and what constitutes a
8 significant commercial enterprise.

9

10 Our overlying theme is we were looking at
11 regulations that were fair and precludes abuses, all
12 qualified users needs are met and does not intrude or
13 prevent the trade or sale between communities and
14 villages.

15

16 Mr. Chair, at this time I'd like to
17 recognize the task force that was put together. And that
18 proved to be a very good move on the Federal Subsistence
19 Board part. Not only did it include agency staff but
20 more importantly it included representatives from each of
21 the respective Councils on this Customary Trade Task
22 Force. And we all, when we met we all had different
23 ideas what constituted customary trade, we had difference
24 of opinion and for you that attended the meetings you saw
25 the difficulties that we encountered. The task force met
26 on four different occasions and then subcommittees had
27 met numerous times throughout that process. And I can
28 say that the make up of that committee was the reason why
29 this committee was successful in providing you language
30 that may not be perfect, but at least gives the
31 opportunity for the Federal Subsistence Board to get
32 their arms around the issue of customary trade.

33

34 Mr. Chair, as I said we had four meetings
35 of the Customary Trade Task Force as a whole, in addition
36 we had some subcommittees that would do work and present
37 it to the Customary Trade Task Force on various elements,
38 various research, et cetera. And then in the fall we
39 took this language and went out to all the Regional
40 Advisory Councils. Mr. Carl Jack head up the tribal
41 government consultation process. And we mailed it to all
42 agencies and the public as well.

43

44 And then one other important thing that I
45 pointed out earlier in my presentation is that we did
46 meet on November 2nd, after the Regional Advisory Council
47 process and that language is somewhat different, what
48 they reviewed, and that's where the permitting
49 requirement was introduced.

50

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1 Mr. Chair, I'd like you to point your
2 attention to -- and what I will address is that language
3 that the task force adopted on their November 2nd meeting
4 and that is on Page 9 under Tab H. And I won't go into
5 detail with it but the important part and I think it
6 helps understand the regulation, is that, the task force
7 elected to break it out in three parts. We addressed the
8 transactions between rural residents to other rural
9 residents and the task force is recommending that there
10 be no limit established.

11
12 Under transactions between rural
13 residents and others, and others are defined as non-
14 Federally-qualified subsistence users and non-fishery
15 businesses. And here is where you see a recommendation
16 of a cap for salmon only of a thousand dollars per member
17 of household.

18
19 And then finally A13 is very similar to
20 the State regulations where we're recommending that a
21 business, as required under Alaska statute licensed to
22 conduct fishery business cannot conduct in the exchange
23 of subsistence harvested products.

24
25 Mr. Chair, I know the Board is very
26 familiar with the schedule of events that we have put
27 this issue on task, we're currently in the process right
28 now of developing a proposed rule. And for the public's
29 benefit, the purpose of a proposed rule is to try to
30 identify how the Federal Subsistence Board currently
31 views the issue, that proposed rule will again go out
32 through the process of review by the public, by the
33 Regional Advisory Councils, and the tribal governments;
34 it is not a final rule. It's just a proposed rule. And
35 if the Board elects to stay on this schedule, based on
36 what the earlier assignment, we would look at developing
37 a final rule in May.

38
39 So Mr. Chair, with that that would
40 conclude my presentation on the issue of customary trade
41 and I'd like to hand the mike over to Ann Wilkinson, with
42 your permission.

43
44 CHAIRMAN DEMIENTIEFF: Ann.

45
46 MS. WILKINSON: Thank you, Mr. Chairman.
47 I'll present to you first the Regional Council's
48 recommendations and then second, a summary of the written
49 comments received by the Customary Trade Task Force.
50

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1 The following Regional Council
2 recommendations were formed during their fall meetings.
3 The Southeast Council proposes the following regulatory
4 language, in paragraph 11, the exchange for cash of
5 subsistence harvested fish, their parts or eggs -- excuse
6 me. Customary Trade: The exchange for cash of
7 subsistence harvested fish, their parts or their eggs
8 legally taken under Federal subsistence management
9 regulations. This new language deletes, completely,
10 paragraphs 12 and 13.

11
12 The Southcentral Council voted to support
13 the draft language with the following modifications. In
14 paragraph 11, they would use the phrase Federally-
15 qualified subsistence users rather than rural residents.
16 They would also add the following, at least 50 percent of
17 all fish taken under subsistence regulations are kept for
18 the family's personal use. In paragraph 12, they would
19 again use the phrase, Federally-qualified subsistence
20 users rather than rural residents. They fully support
21 paragraph 13 as it is written. The Southcentral Council
22 acknowledges that subsistence gathering is first and
23 foremost about providing food for one's family and
24 community. However, customary trade is also a part of
25 this way of life. The Council considered that a cash
26 limit would require adjustments for inflation and
27 concluded that allowing the sale of a percentage of the
28 fish harvested would be more appropriate. The percentage
29 decided upon was considered enough to, at least, in part
30 defray costs of subsistence fishing while discouraging
31 anyone who may see this as a business opportunity. The
32 Council is concerned that someone may misunderstand the
33 term rural resident and therefore recommends the use of
34 Federally-qualified subsistence user. After discussing
35 the cash limit in paragraph 12, the Council decided to
36 approve the draft language including the \$1,000 cash
37 limit with the understanding that the regulation may be
38 changed, if necessary.

39
40 The Kodiak/Aleutians Council voted to
41 adopt the Customary Trade Task Force language with a
42 \$1,000 cap on salmon and with the following modification.
43 These regulations will expire in two years from the
44 effective date of the regulations unless extended,
45 superseded, modified or revoked. The Council expressed
46 concern that a high dollar amount will open to the door
47 to abuse. However, there are people in the villages that
48 barely make a living. There should be a dollar limit but
49 it should not be seen as a goal. They want to make sure
50 that there is no abuse and are concerned about

00225

1 enforcement. One member suggested the need for a
2 permitting system. They also considered that with the
3 price of fish right now, \$1,000 worth of fish could be a
4 lot of fish so limiting the number of fish exchanged
5 might be more appropriate. Members are concerned about
6 the commercial aspect this proposed regulation gives to
7 their subsistence way of life. They also urged everyone
8 to remember that only a small portion of all the fish
9 harvested is for subsistence.

10

11 The Bristol Bay Council recommends the
12 following amendments to paragraph 11 and 12. Cap the
13 cash exchange for salmon between rural residents at
14 \$1,000. Cap the cash exchange for salmon between rural
15 residents and others at \$400. The council concurs with
16 the draft regulatory language for paragraph 13.

17

18 At their fall meeting, the Yukon-
19 Kuskokwim Council supported paragraphs 11 and 13. But
20 they have many concerns about the impacts of paragraph
21 12. Since their meeting, the Council has decided to
22 reconsider the entire customary trade issue, including
23 the draft language at their winter meeting.

24

25 The Western Interior Council supports by
26 consensus the draft regulatory language with the
27 understanding that the \$1,000 can be adjusted as needed
28 for their region at their next public meeting and
29 annually throughout -- excuse me, through the regular
30 proposal process. The Council discussed how this
31 regulation may effect long-standing trade practices
32 across drainages, the need for some cash income to
33 support subsistence activities and whether there should
34 be legal constraints on trade in times of poor fish
35 returns. The Council concluded that the final
36 regulations must be simply and clearly written and shared
37 with all the villages.

38

39 The Seward Peninsula Council supports
40 paragraph 11 as drafted. They would remove the cash
41 limit for the Seward Peninsula region and would strike
42 the word barter from paragraphs 12 and 13. The Council
43 concluded that \$1,000 is not much money when one
44 considers the high cost of gasoline, motor oil, parts and
45 other things necessary for subsistence fishing as well as
46 the high cost of living in the region. This is
47 compounded by the very limited opportunity to get cash.
48 The Council, knowing their region should have the
49 discretion to decide whether a limit may be needed in the
50 future and if so, what that limit may be. The Council

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1 would like the Customary Trade Task Force to clarify
2 their reasons for restricting barter in paragraphs 12 and
3 13. The Council will then address this at their next
4 meeting.

5
6 The Northwest Council did not make any
7 recommendations because it wanted to wait to review
8 comments from the tribal governments during the tribal
9 consultation process. The Council discussed the proposed
10 regulations, concerns regarding monetary limits were
11 raised specifically regarding customary trade of trout
12 and sheefish.

13
14 The Eastern Interior Council does not
15 feel that they fully represent the residents of their
16 region until the new member appointments are announced.
17 They understand that they will have the opportunity to
18 make recommendations at their winter meeting when the
19 Council should have a complete membership.

20
21 The North Slope Council did not take
22 formal action on the draft regulatory language addressing
23 customary trade. Councilmembers are generally opposed to
24 establishing any regulations. They stated that if
25 regulations are adopted, they must clearly pertain to the
26 sale of fish only. They support language that would
27 prohibit cash sales to commercial businesses. However,
28 they want to maintain the ability of rural residents to
29 bring their fish to where it can be properly handled and
30 distributed to others like the general store. The
31 Council stressed the importance of hearing and
32 considering tribal government input on this issue.

33
34 And that concludes the Regional Council
35 recommendations and their justifications. The Customary
36 Trade Task Force received 17 written comments from the
37 following people. The Alaska Board of Fisheries, the
38 Alaska Department of Environmental Conservation, the
39 Alaska Department of Fish and Game, Commissioner's
40 Office, the Alaska Outdoor Council, the Egegik Tribal
41 Council, the Kenai Sportfishing Association, the
42 Petersburg Vessel's Owner's Association, Ms. Tammy
43 Schrader of Homer, the Sitka Tribe of Alaska, the
44 Southeast Alaska Fishermen's Alliance, Southeast Alaska
45 Seiners, Mr. Nicholas Tucker of Emmonak, the United Cook
46 Inlet Drift Association and the U.S. Fish and Wildlife
47 Service, Law Enforcement Division. Copies of these
48 letters are included in your book under Tab H and in your
49 supplemental folder for the ones that we received most
50 recently. When reviewing these, rather than do each one

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1 individually, I made a general summary.

2

3 The comments we received from the public,
4 government agencies and private organizations expressed
5 their concerns regarding the issue of customary trade in
6 general and regarding of the draft regulatory language in
7 particular. They also made recommendations for the
8 Board's consideration.

9

10 There is general recognition that
11 customary trade is integral to the subsistence way of
12 life. However, some commentors said that subsistence
13 should not include any cash transactions. Subsistence
14 should be treated as a whole and in its entirety. One
15 subsistence activity upholds the next.

16

17 Some commentors said that there is a need
18 to authorize existing practices without creating new uses
19 or expanding existing ones, while others stated that
20 there is little or no need to regulate this practice.
21 The rural economy is now a mix of cash and subsistence,
22 yet there are few employment opportunities for rural
23 residents. Much of the rural economy is barter and
24 customary trade.

25

26 Some commentors expressed concern that an
27 inappropriate cash limit would create a hardship for
28 subsistence people. Conservation of resources was also
29 addressed. There is concern that the sheer number of
30 Federally-qualified subsistence users will have an impact
31 on resources and that this proposed regulation will give
32 customary trade the same priority as the use of fish for
33 food. Any sale of salmon should be strictly regulated
34 and those regulations enforced to protect salmon stocks.
35 There is concern that the draft regulatory language is
36 overbroad. It does not recognize regional differences
37 and culture, economy and resources. Neither does it
38 address potential impacts on commercial fisheries. More
39 fish in the market effects the price. Also commercial
40 fishermen must pay fees whereas subsistence fishermen do
41 not. Concern was expressed that the level of cash sales
42 of subsistence salmon could approach or surpass that of
43 the commercial fishery in some areas.

44

45 The cash limit suggested in paragraph 12
46 is a major point of contention. Some commentors
47 expressed concern that setting a dollar amount would
48 attract the unscrupulous, others said it would invite
49 abuse by authorizing significant cash sales. Others
50 believed that setting a cash limit would protect the

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1 resource. But of those commenting on this topic, no one
2 said that there should not be a limit.

3

4 The commentors generally acknowledged
5 that without a permitting system or a requirement to keep
6 a record of transactions, the proposed regulation would
7 be unenforceable. Concern was expressed that improperly
8 processed fish present a health risk to the consumers.
9 Alaska has the highest botulism rate in the United States
10 and all cases in Alaska have been associated with
11 processing of traditional Native foods. Nearly one-
12 quarter of Alaska's botulism cases were from fish. There
13 is also concern that these proposed regulations may put
14 many subsistence fisheries in violation of Federal and
15 State food laws.

16

17 Many commentors expressed concern that
18 the Board's projected time line for finalizing this
19 proposed regulation is too brief. It does not provide
20 adequate time to determine necessary harvest amounts or
21 to correlate with State regulations nor does it allow
22 time to address all the issues the proposed regulation
23 raises.

24

25 Commentors provided the following
26 recommendations. Defer action until the issue raised by
27 the proposed regulation can be addressed. Set the cash
28 limit at \$400. Do not allow subsistence caught fish to
29 enter the commercial market. Require the record of
30 transaction as they occur and -- excuse me, including the
31 name and address of the seller and buyer, the origin,
32 species and amount by weight, number or value of fish
33 sold. Regular maintenance of a record and requiring that
34 the record be available to enforcement officers on
35 request. Limit proxy sale to be for household members
36 only. Work with the Alaska Department of Environmental
37 Conservation. Place limits on either the number or
38 pounds of fish traded for cash. Limit the sales of all
39 fish by setting a limit for individuals or households.
40 Regulate subsistence fisheries on a case by case basis,
41 and the State and Federal regulatory approach should be
42 as consistent as possible.

43

44 That concludes the summary of Regional
45 Council recommendations and written public comment.
46 Thank you, Mr. Chairman.

47

48 CHAIRMAN DEMIENTIEFF: Pete, do you have
49 a follow-up?

50

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1 MR. PROBASCO: No, Mr. Chairman, I was
2 just going to say Mr. Jack will do the tribal government
3 summary at this point. Mr. Chair.

4
5 MR. JACK: The tribal consultation with
6 229 tribes, Federally recognized tribes was initiated by
7 the Office of Subsistence Management on August 30, 2001
8 and concluded on October 30. The consultation was
9 conducted pursuant to the Department of Interior, Alaska
10 Policy on Government to Government Relations with the
11 Alaska Native Tribes. Three comments we received from
12 the tribal governments, Egegik Tribal Council, Sitka
13 Tribe of Alaska and Upokosiguuk Tribal Council. All of
14 the comments and recommendations did not depart from the
15 proposed regulatory language. For the record, the
16 comments are enclosed in the Board packet.

17
18 In addition to the comment period, the
19 OSM staff met with representatives of the Interior
20 villages, Huslia, Hughes, Alatna, Koyuk and
21 representatives from the Tanana Chief's Conference on
22 October 24 during the AFN Convention. A record of those
23 meetings are also enclosed in the Board book. On
24 November 14th, the OSM Staff, along with the Chairman and
25 members of the Northwest Arctic Subsistence Regional
26 Advisory Council, as a panel, explained the background
27 and discussed the proposed regulations with 11 member
28 tribes of the Maniliqq Tribal Association.

29
30 Mr. Chairman, that concludes my report.

31
32 CHAIRMAN DEMIENTIEFF: Pete.

33
34 MR. PROBASCO: Mr. Chair, before I turn
35 the mike over to Mr. Jennings, I did, in looking over my
36 presentation forget -- and I wanted to recognize the
37 committee members, with your permission, by name, they
38 put a lot of work into this process and in my opinion
39 they went above and beyond the call of duty. It was
40 through their hard work that we were successful. From
41 the Southeast Region we had a tag-team there with Dolly
42 Garza and Bill Thomas. They both would alternate duties.
43 From Southcentral we had Ralph Lohse. From
44 Kodiak/Aleutians we had Della Trumble. From Bristol Bay
45 we had Pete Abraham. From Yukon-Kuskokwim we had Robert
46 Nick. From Western Interior we had Ray Collins. From
47 Seward Penn we had Grace Cross. From Northwest Arctic we
48 had Bert Griest. From Eastern Interior we initially had
49 Chuck Miller and for personal reasons we had to step down
50 and Gerald Nicholia stepped in in his capacity. And from

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1 the North Slope, Region 10, we had Mike Paklatak. As far
2 as agency staff, Mr. Chair, we had Tim Jennings, we had
3 two anthropologists, Janet Cohen and George Sherrod. Two
4 enforcement personnel, Wally Sorroka and Marty Meyers.
5 We had fishery biologists from the AY-K area, Robert
6 Sundown and Fred Anderson. We had a fishery biologist
7 from Southeast, Don Martin. Our regional coordinator Ann
8 Wilkinson sat on the committee but she also took on the
9 duty of recording all our minutes and notes and did an
10 outstanding job, not only very accurately and timely.
11 From the Department of Fish and Game we had Robert Wolf
12 attend a meeting and Polly Wheeler. And also sitting in
13 on behalf of the tribal governments was Carl Jack. And
14 Ken Lord did his best to keep us out of trouble as our
15 solicitor.

16

17 Mr. Chair, that was your committee.

18

19 CHAIRMAN DEMIENTIEFF: Thank you very
20 much.

21

22 MR. BOYD: And I would add one name to
23 that and that's Pete Probasco who just presented the
24 report and chaired that very diverse committee with its
25 huge charge.

26

27 CHAIRMAN DEMIENTIEFF: I thank all of
28 them. Department of Fish and Game comments.

29

30 MR. HAYNES: Thank you, Mr. Chairman. We
31 appreciate the opportunity to offer comments today.
32 However, we're not going to speak to the specific
33 proposals on the table since we only received them last
34 night and this morning. So our comments are going to be
35 general, and we'll look at the specifics that you'll be
36 looking at today at a later time.

37

38 As you know, Mr. Chairman, State law
39 includes customary trade in the definition of subsistence
40 uses and the State Board of Fisheries and Game provide
41 for customary trade by acting on proposals from the
42 public. The State views customary trade as an ongoing
43 customary and traditional subsistence use. It is a use
44 that is considered to be included along with other
45 subsistence uses in State Board determinations of the
46 amount of a resource that is necessary for subsistence.

47

48 It's worth noting that very few customary
49 trade proposals have ever been introduced at the State
50 Board. In fact, there have been two over the years, in

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1 the early '90s a proposal to the Board of Fisheries to
2 allow customary trade of salmon roe on the Yukon River
3 was rejected, and then a proposal to allow customary
4 trade of herring roe on kelp in Southeast Alaska was
5 adopted by the Board of Fisheries. But given that few
6 proposals have ever been submitted to the Boards. From
7 one perspective one can conclude that there's been little
8 need for regulation of customary trade up until now.
9 From another perspective, there is the potential for
10 abuse of customary trade which could have multiple
11 ramifications.

12
13 Most would agree that without appropriate
14 regulation of customary trade, there is a potential for
15 subsistence harvest to be diverted to a quasi commercial
16 market for profit. A high profile incident involving the
17 egregious abuse of customary trade can severely undermine
18 public support for Title VIII ANILCA protections.

19
20 The State's legal framework for
21 regulating customary trade has been refined through
22 several revisions of the State subsistence law and in our
23 experience it has worked pretty well. The Department
24 recommends the Federal program take a similar approach to
25 regulating customary trade. It is particularly important
26 that customary trade issues be carefully evaluated and
27 addressed on a case by case basis. The reason is simply
28 that customary trade practices are as different across
29 Alaska as are the underlying culture and geography. One
30 size cannot possibly fit all. Attempting to develop a
31 blanket limit or statewide allowance ignores the
32 tremendous diversity of trade that occurs among Alaska's
33 Native cultures and other rural residents involving a
34 variety of species.

35
36 The Federal Customary Trade Task Force
37 has worked hard to be sensitive to the ongoing practices
38 in customary trade and to be sensitive to the need to
39 avoid the burden of new regulatory requirements overlaid
40 on this ongoing activity. We applaud this effort and
41 sensitivity. But it will be all for nothing if the Board
42 authorizes significant cash sales of salmon, for example,
43 under the guise of customary trade. Under the proposed
44 regulation we anticipate there will be significant cash
45 sales and increased subsistence harvest of salmon and
46 possibly other fish species. We believe this proposed
47 regulation is sure to pose future problems because it
48 makes no differentiation in priority between cash sales
49 and human consumption of subsistence resources. We do
50 believe problems can be avoided and ongoing patterns of

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1 customary trade as part of a pattern of customary and
2 traditional use can be protected. To reach these goals,
3 we offer the following recommendations.

4

5 First, in general, regulations should
6 accommodate customary trade as defined by region specific
7 customary and traditional practices, including amounts of
8 trade, species and specific foods traded and geographic
9 areas affected.

10

11 Second, levels of trade that would amount
12 to a significant commercial enterprise should be defined
13 on a case by case basis according to known patterns of
14 trade of a particular item. In order to protect
15 vulnerable salmon stocks, for example, a household cap on
16 either the number of pounds of fish traded, either on the
17 number or pounds of fish traded is necessary and
18 appropriate. The proposed cash value cap for household
19 members on sales of salmon to others may still result in
20 a larger income to a large household than the average
21 income provided by some commercial fisheries.

22

23 Third, the unit of measure to which
24 regulations apply should be the amount of harvested
25 resource, not the value. Amount of trade is a meaningful
26 measure that is more stable over time than is monetary
27 value. A focus on the amount of resource emphasizes the
28 management agency's interest in the resource rather than
29 its monetary value.

30

31 Fourth, a mechanism is needed to
32 determine the effect of the new regulations on use of the
33 resource. The Department and the Federal subsistence
34 program need to know if new customary trade regulations
35 would simply accommodate an ongoing practice or if they
36 would provide an incentive to increase subsistence
37 harvest. We suggest monitoring customary trade through
38 standard subsistence research methods. From experience
39 in other projects we are concerned about the reliability
40 of information gathered through a permit or nonstandard
41 recordkeeping system without some more rigorous
42 assessment provided for.

43

44 Fifth, given the importance of the
45 customary trade issue, every effort should be made to
46 achieve consistency among State and Federal regulatory
47 approaches. Regulations that legitimize customary trade
48 are important but there are many reasons to avoid
49 authorizing a new use or increased harvest. For example,
50 some salmon runs, such as the Kuskokwim River chinook

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1 salmon are suffering through a trend of low abundance and
2 management of some stocks is subject to treaty
3 conditions. Allowing increased harvest on stocks of
4 concern or any species with small populations may impact
5 both the sustainability of those fishery resources and
6 the well-being of rural residents who rely on those
7 resources for food.

8

9 In conclusion, while the Department
10 supports development and clarification of Federal
11 regulations addressing customary trade, a region or
12 subregion level of understanding of Alaska Native and
13 other rural customary trade practices should be the basis
14 upon which future regulatory proposals are drafted. We
15 recommend as a starting point a careful review of the
16 December 2000 report prepared by the Department for the
17 Office of Subsistence Management entitled sharing
18 distribution and exchange of wild resources, annotated
19 bibliography of recent sources. More time will be
20 required to conduct a thorough review at the local area
21 and species specific level and to develop these very
22 important regulations.

23

24 Thank you for the opportunity to present
25 these comments.

26

27 CHAIRMAN DEMIENTIEFF: Thank you, Terry.
28 We'll now move into public testimony. Our first
29 presenter will be Manny Soares. Manny, before we start,
30 we're going to allow about three, you know, maybe a
31 little bit over if you're trying to summarize, minutes.
32 Again, just because it's on the proposed rule and there
33 are many people that want to comment.

34

35 MR. SOARES: Thank you, Mr. Chairman.
36 I'm Manny Soares with the Department of Environmental
37 Conservation and as was stated earlier we have submitted
38 written comment so we just wanted to get on record some
39 points which are covered in our comments as well.

40

41 Basically, the proposed regulation as
42 written does pose problems to the Department of
43 Environmental Conservation as stated in our written
44 comments. The point I'd like to make, the current
45 proposal is vague. Several important terms are not
46 defined, including customary trade and traditional
47 methods for processing and significant commercial
48 enterprise which we believe will be confusing to
49 subsistence fishers.

50

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1 Second point, current proposal does not
2 comport to State law which requires the commercial
3 entities that sell food to the public obtain food from
4 sources approved by this Department and subsistence
5 fishers would not be an approved source.

6
7 Point three, the current proposal may
8 place subsistence fishers in violation of Federal laws
9 regarding processing of seafood and number 4, it unduly
10 threatens the health of those that would consume this
11 food. Alaska has the highest incidence of botulism in
12 the United States and all outbreaks have been associated
13 with traditional Native foods. We do remain willing to
14 work collaboratively with the Subsistence Board to find a
15 workable balance between these issues and the important
16 traditional trade of seafood plays to Alaska Native
17 culture.

18
19 Thank you, Mr. Chairman.

20
21 CHAIRMAN DEMIENTIEFF: Thank you. Philip
22 Titus.

23
24 MR. TITUS: I'm Philip Titus, I represent
25 Yukon River Drainage Fisheries Association and I'll read
26 a letter that's dated December 11th from -- and I passed
27 out some here for your guys.

28
29 Mr. Chairman, the Yukon River Drainage
30 Fisheries Association would like to comment on the draft
31 regulatory language regarding customary trade. While
32 YR DFA appreciates the effort and hard work of the
33 Customary Trade Task Force, this issue is one of great
34 importance to the local fishery users on the Yukon River
35 and needs to be further explored. After reviewing the
36 time line of the task force, YR DFA feels that this
37 process is moving too quickly. The fishery on the Yukon
38 River is complex and we recommend that further time be
39 allotted towards developing new regulatory language that
40 will more strongly prevent any abuses while continuing to
41 allow traditional customary trade.

42
43 We would also like to suggest that
44 previous studies continue to be reviewed and that
45 traditional research take place, such as talking with
46 elders which can help to substantiate the recommendation
47 on regulatory customary trade. Furthermore, the
48 Customary Trade Task Force should include more local
49 people from the regions that this regulation is going to
50 effect. Overall, we would like to request that this

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1 process be tabled until more information is received.

2

3 Thank you for your consideration. Jill
4 Kline, Executive Director Yukon River Drainage Fisheries
5 Association. Thank you.

6

7 CHAIRMAN DEMIENTIEFF: Thank you. Cora
8 Crome.

9

10 MS. CROME: Thank you, Mr. Chairman,
11 members of the Board. I really appreciate the
12 opportunity to comment here today but I regret to say we
13 can't support the recommendations of the Customary Trade
14 Task Force. We're really concerned about the proposed
15 language and we feel that it would allow abuses of
16 subsistence regulations. Beginning with the part of the
17 proposal that allows unlimited trade between rural
18 residents. I feel that the unlimited sale of trade of
19 customary and traditional subsistence fish to other rural
20 residents, I think this will really cause a lot of
21 expansion. I think in the past people have only taken
22 what they can eat or what their family can eat. But I
23 think this would encourage them to take a lot more and
24 sell that to friends or neighbors or anybody else. So I
25 think there's really a potential there for expansion of
26 harvest beyond what has been customary and traditional.

27

28 The thousand dollar limit on the sale of
29 subsistence caught salmon to others. We really feel that
30 that's inadequate to prevent abuses. I think the limit's
31 a little excessive when you consider that \$1,000 could be
32 sold by every family member including small children.
33 And families that harvested and sold under these
34 regulations could end up selling a significant amount of
35 fish, especially given the low value right now of many
36 salmon species. I think that this will expand
37 subsistence harvest and trade beyond what is customary
38 and traditional. It allows extremely high levels of sale
39 of subsistence caught fish and we feel that this will
40 increase subsistence harvest and put increased pressure
41 on the resource which will have negative effects on those
42 who harvest subsistence for food as well as anybody else
43 who uses the resource.

44

45 I've often heard the argument made that
46 subsistence is self-limiting and I would respectfully
47 submit that when people are allowed to profit from the
48 sale of subsistence caught fish, subsistence ceases to be
49 self-limiting.

50

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1 The third part of the regulation would
2 prevent the sale of subsistence to licensed fisheries
3 businesses. But we don't feel that this adequately
4 prevents the sale to other businesses such as restaurants
5 or general stores or businesses out of state. And we'd
6 like to see some language that would prevent subsistence
7 fish from entering commerce in any way or at any point.
8 The public comments that were received on this language
9 reveal widespread concern about abuses of the proposed
10 regulations. And I think it should be noted that there
11 are a lot of eligible subsistence users out there and not
12 every user is going to share the same values or the same
13 traditions. And if you enact a regulation that allows
14 for abuse, someone is going to take you up on that and
15 profit from subsistence caught fish. And we don't
16 believe that a regulation should be adopted that will
17 only work if no one exercises the privilege that they're
18 allowed under the regulation.

19
20 So we're ask the Board to consider those
21 public comments and the comments you received from the
22 Alaska Department of Fish and Game and also that you talk
23 with the people that will be enforcing this regulation
24 and see how they think it will work. We'd like to see a
25 permit requirement that will make sure that people do
26 stick to the limits that are set in the regulation.

27
28 So I'm going to conclude with that, Mr.
29 Chairman, so that I don't take too much of your time.
30 Thank you for the opportunity to comment.

31
32 CHAIRMAN DEMIENTIEFF: Thank you very
33 much. Allen Joseph.

34
35 MR. JOSEPH: I'm Allen Joseph. I'm
36 representing Association of Village Council Presidents.
37 We send seasons greetings to the Federal Subsistence
38 Board. The Association of Village Council Presidents
39 consisting of 56 villages in the YK-Delta supports the
40 joint recommendation on Section 12 of the draft
41 regulatory language on customary trade and subsistence
42 caught fish that has been made by the Yukon-Kuskokwim
43 Delta, Eastern Interior and Western Interior Regional
44 Advisory Councils. AVCP agrees with the three RACs that
45 the issue of whether and how to allow sales of
46 subsistence caught fish to non-rural residents is one
47 that must be worked out by the Regional Councils at a
48 regional level.

49
50 AVCP supports a regional dialogue within

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1 the YK-Delta on this important issue, one that will
2 involve RAC members, tribal governments, regional
3 organizations and the public and is prepared to do what
4 it can do to facilitate such a discussion among the
5 people in our region. AVCP believes that the Regional
6 Advisory Council meeting scheduled for Tuntutuliak in
7 early March would provide an ideal opportunity for
8 regional input on this most important issue of the sale
9 of subsistence caught fish to all sorts of people who do
10 not recognize subsistence users and who may have little,
11 if any, connection to the subsistence way of life.

12
13 AVCP also hopes that this regional
14 discussion will provide an opportunity to address all
15 aspects of the larger question of the sale of subsistence
16 caught fish, not just to outsiders but among rural
17 residents as well. Until this important regional
18 dialogue takes place, AVCP will not take a position on
19 issues surrounding cash sales of subsistence caught fish.
20 The people of our region must be given the opportunity to
21 decide what sales are or are not consistent with our
22 cultural values and our traditions of customary trade.

23
24 AVCP hopes that the Federal Subsistence
25 Board will be open to revisiting any customary trade
26 regulations, at least, at the regional level which may be
27 found inconsistent with the customs, traditions, values
28 of our region. AVCP is not alone in recognizing the need
29 for a reasonable determination of what is or is not
30 acceptable under customary trade. The briefing paper
31 prepared for the fall of 2000 Regional Advisory Council
32 recognizes that "customary trade practices vary
33 regionally and may require accommodating regional
34 differences in regulation." And Nick Trader of Emmonak
35 in his comments on this issue has specifically stressed
36 the cultural uniqueness of the Yup'ik people and the need
37 to respect regional differences in custom and tradition.

38
39 The recommendation of the three RACs as
40 to Section 12 of the draft regulatory language would
41 clearly further this recognition of the uniqueness of
42 regions and cultures in Alaska and the resulting need for
43 varying approaches to customary trade that take different
44 traditions into account.

45
46 The use of cash in customary trade is a
47 serious issue that requires meaningful regional dialogue.
48 We must be careful to preserve our traditional patterns
49 of customary trade but at the same time we must be
50 careful as well that we do not endanger our subsistence

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1 traditions by introducing an unwarranted degree of
2 commercialism into our subsistence. Those who have
3 wrongfully opposed our subsistence traditions and way of
4 life will no doubt be watching what happens with this
5 customary trade issue. You must.....

6

7 CHAIRMAN DEMIENTIEFF: Allen, if you
8 could please summarize, we can get your written comments
9 in.

10

11 MR. JOSEPH: Yeah, I'm almost done.

12

13 CHAIRMAN DEMIENTIEFF: Thank you.

14

15 MR. JOSEPH: We must not give ammunition
16 to these anti-subsistence advocates by allowing our
17 subsistence traditions to be misunderstood should our
18 right to engage in customary trade be abused by few. We
19 must also insure that we do not endanger our fishery
20 resources through overharvesting should customary trade
21 be abused, but first and foremost AVCP and the RACs must
22 hear from the people in our region as to what our
23 villages and tribes consider acceptable customary trade.

24

25 AVCP wishes to note that of the three
26 comments received from tribal governments on this
27 customary trade issue, not one is from our region. It is
28 for this reason and others that AVCP requests that the
29 Federal Subsistence Board follow the joint recommendation
30 of the three RACs as to Section 12 of the proposed
31 regulation and that the Board allow our RAC to return to
32 our region to engage in further regional dialogue on
33 these customary trade issues.

34

35 Thank you very much.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. We've
38 got a request from a person who's running on a tight
39 schedule so I'm going to move him ahead right now,
40 Gilbert Huntington.

41

42 MR. HUNTINGTON: Thank you, Mitch.
43 Forgive me but I'm unaware of your thing here, do I have
44 a time limit?

45

46 CHAIRMAN DEMIENTIEFF: Yeah, we're trying
47 to keep it within three minutes.

48

49 MR. HUNTINGTON: Okay.

50

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1 CHAIRMAN DEMIENTIEFF: We'll allow a
2 little bit of extra time if you're going to summarize.

3

4 MR. HUNTINGTON: Okay, thank you. First
5 off, I want to try to bring a little bit from what my
6 father said. I know you, Mitch, know him, Sidney
7 Huntington. His main point of contention with this issue
8 for the moment is the total -- in his mind, the total
9 lack of study in the key area that needs to be studied
10 and that's with the elders. In his view and I tend to
11 agree with him, is the fact that the people that really
12 know about this issue, especially on the Yukon, haven't
13 really been consulted and our viewpoint, to the extent
14 that it needs to be done for the potential impact that
15 this issue will affect us.

16

17 I really think that there needs to be a
18 study done, either by the Department or Fish and Wildlife
19 or whoever to these people. I mean I can say I know
20 something about customary trade and I really can't see
21 maybe one or two people along this table here that know
22 very much about it. I really seriously doubt that most
23 of us know, really, very much other than the last, you
24 know, maybe 30 years or something. Maybe that can be
25 considered customary and traditional but I don't know. I
26 think that for us on the Yukon, it's such a dangerous
27 time for us now, stocks have been low and, you know, I've
28 been working on this for a long time, for 10 years or
29 more on -- I've been on the Yukon/Canada Salmon
30 Negotiating Treaty, I'm presently on the Yukon panel for
31 restoration and enhancement, that's where I just came
32 from. I'm skipping part of that meeting. It's so
33 complex on the Yukon and there's such a vast amount of
34 user groups, conflicting user groups that I really think
35 this has got to be studied more than kind of getting, in
36 my mind and other people's mind, that the people that
37 really need to address this issue aren't at the table.
38 The people that fish and customary and traditional trade
39 on these fish are really not at the table and I think it
40 needs at least another year.

41

42 That's about all I have. I'd be happy to
43 answer any questions.

44

45 CHAIRMAN DEMIENTIEFF: Gilbert, I think
46 one thing you have to understand is what we're doing is
47 proposing a rule, it doesn't mean that that's going to be
48 the rule. But we're trying to get the process going and
49 the reason we had this task force to get a product out so
50 that we could start getting the wide range input and

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1 that's basically what we're looking to do here today. We
2 have a time frame that the Board has not, yet,
3 necessarily, agreed, you know, going to adhere to, but I
4 think we're targeting May but that doesn't mean things
5 are going to happen in May. And we're hearing a lot of
6 that. So, I mean this gets word out so people can have
7 something to react to. And that's basically what we're
8 trying to do right here. Because to this point it's just
9 been the product of a task force and now it's -- and the
10 Board's been working on it a little bit but this will get
11 a product out where people can start to give the
12 meaningful input that we're looking for. So that's kind
13 of where we're at right now, basically starting.

14

15 MR. HUNTINGTON: Okay, I'm sorry, but
16 that was not the way I read the time line for this issue.
17 I admit I don't understand the Federal way of doing
18 things. But I was to the understanding that this would
19 be inserted into the Federal Register, this next April or
20 something; is that correct?

21

22 CHAIRMAN DEMIENTIEFF: The product is the
23 property of the Board, though. If we're not done and if
24 we're hearing we're not done then we'll -- you know, we
25 will react to that, I mean it's the property of the
26 Board. That's why we're trying to get a product out on
27 the street and begin to get the reaction that we need to
28 build a rule that will work, so that's where we're at.
29 So there'll be plenty of other opportunities.

30

31 MR. HUNTINGTON: Good. A big relief for
32 me.

33

34 CHAIRMAN DEMIENTIEFF: Okay. Anybody
35 else. Thank you. Thanks for taking your time from your
36 other important meeting. David Bedford.

37

38 MR. BEDFORD: Mr. Chairman, members of
39 the Federal Subsistence Board, my name is David Bedford.
40 I've been through my bonafides and I'll save you from
41 going through that again. I want to start by saying that
42 I attended three meetings of the Customary Trade Task
43 Force and my hat is off to the people who were involved
44 in that process. These were some people who were
45 struggling with what I view as being a particularly
46 difficult issue and one that I think is very meritorious
47 as well. How do we go about -- we have a new regulatory
48 structure under Title VIII of ANILCA for dealing with
49 subsistence and particularly with subsistence fisheries.

50

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1 How do we go about setting up a
2 regulatory program that preserves and protects the
3 existing practices that we have on customary trade? And
4 I have to say that for me, I mean this is really a
5 conundrum because, I mean, I lived in rural Alaska for 17
6 years and I spent a lot of time in Sitka, in little
7 towns, Pt. Baker and Craig and places like that, you
8 know, and nobody ever offered to sell me any subsistence
9 caught fish. This was something that, at least, it was
10 never on the radar screen until over the past few months
11 when people are talking about it here. This is a
12 practice that has taken place for an awful long time
13 without the benefit of regulation. And so then the
14 Customary Trade Task Force was confronted with this
15 problem, how do we go about authorizing something that
16 has been a very informal thing that's been occurring
17 below the level of scrutiny of any kind of agency for
18 quite some time? How do we go about authorizing that?
19 And I think that the way that the task force approached
20 it was to sort of look at what are all of the various
21 practices that have taken place across the state and how
22 can we construct a tent that is big enough to encompass
23 all of those? And I think that's a very laudable effort.
24 But I think that it also carries with it a certain
25 problem and that is that in trying to inclusive, it may
26 include an awful lot of things besides those particularly
27 customary practices.

28
29 So if we start off with the first section
30 of the proposed regulation, and again I mean I have to
31 join some of the other folks who have spoken here, I
32 haven't had the draft alternatives that you folks are
33 looking at for very long and so I'm not really going to
34 try to speak directly to these things. But just in
35 general we have one notion in here which is the idea of
36 unlimited trade amongst rural residents. Well, there are
37 probably some cases where there are individual rural
38 residents who trade a lot to other rural residents. What
39 we have now is a regulation that says all rural residents
40 may trade in unlimited amounts with all other rural
41 residents. I think that's probably very different from
42 what actual practices have been. So we're authorizing
43 something in an effort, again, to try to predict what is
44 -- protect what is traditional, authorizing something
45 much more broad than that. And by introducing cash into
46 the equation I think what we're going to do is wind up
47 encouraging an awful lot of people to take part in this
48 who probably would not have under other circumstances.

49
50 This raises, for me, a number of

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1 concerns. Where I come from, where I work in Southeast
2 Alaska, we have, I don't know, something on the order of
3 3,000 cataloged anadromous streams. We have several-odd
4 thousand more fish stocks there, most of them are small.
5 You guys have seen the numbers, I mean Redoubt Bay, 2,000
6 fish escapement last year, a big year 60,000. We're now
7 authorizing under the second section of this for the
8 population of Sitka to harvest somewhere on the order of
9 100,000 fish, 100,000 sockeye for customary trade. Well,
10 the local stock is not big enough to sustain that kind of
11 harvest and all the local stocks in sum are not big
12 enough to be able to sustain that so, again, we have to
13 rely on people not taking advantage of the opportunity to
14 make money. And I think that that is a risky
15 proposition. I believe that this raises for concerns for
16 conservation. I think that once we introduce money into
17 this that we encourage people to go out and harvest and
18 that there are in many instances limited surpluses
19 available. I think it raises also a problem in being
20 able to assure the people are going to be able to harvest
21 subsistence uses for their customary and traditional uses
22 and I think that it also creates a possibility of
23 conflict over the resource with non-subsistence uses.
24 Then at the point that we begin to see an accelerated
25 demand for fish for subsistence harvest for customary
26 trade there will be an increasing effort to reach out
27 into non-subsistence areas and provide those fish back in
28 to the subsistence fisheries for, I believe, new
29 practices.

30

31 In any event, I do want to say that I do
32 strongly encourage the ongoing effort to try to develop
33 regulations to deal with. I think there are some elements
34 of what folks are looking at that are very encouraging.
35 I think that the idea of having some kind of a reporting
36 system so that we can begin, first off, to establish some
37 kind of a baseline right off the bat of what is the level
38 of this kind of use now so that we can begin to compare
39 over time what happens in the future and perhaps we'd
40 find out that all of my theories were -- that there was
41 nothing to it. But I think that the reporting of the
42 harvest and sale is a crucial element in the management
43 of this enterprise.

44

45 Secondly, I think that it's very prudent
46 to enact the kind of limitation that's been suggested by
47 the task force in terms of who might receive these
48 products and I agree that fisheries businesses ought not
49 to. I think that it might be prudent to look at making
50 those limitations even greater. I mean I have.....

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1 CHAIRMAN DEMIENTIEFF: You need to
2 summarize.

3
4 MR. BEDFORD: Yes. In any event, my
5 summary then is I want to thank you folks for the hard
6 work that you've done and I believe that there's more to
7 be done yet. Thank you.

8
9 CHAIRMAN DEMIENTIEFF: Thank you. John
10 Lamont.

11
12 MR. LAMONT: Mr. Chairman, members of the
13 Board, my name is John Lamont. I'm from the Lower Yukon
14 River. I grew up on my family's homestead located at the
15 Upper Mouth of Lamont Slough, on the south mouth of the
16 Yukon. I'm here to testify regarding customary trade in
17 Alaska definition of commerce and exchange of product for
18 money.

19
20 Public testimony last week at the North
21 Pacific Council meetings supported no sale or exchange of
22 subsistence halibut for money. The timeline that I
23 looked at for this Federal regulation, I think is too
24 quick. Our area can't have one person making decisions
25 for the whole region. You need to get out there with
26 information. You need to go to the villages and put it
27 on the public announcements. Go to KNOM and KICY. You
28 need to also -- if you were to approve this regulation,
29 you'd shift the harvest greatly, I think.

30
31 My traditional commercial fishery has
32 supported my traditional gathering of fish, game,
33 berries, greens, fuel, wood for many years and my
34 family's. I strongly oppose any exchange of a
35 subsistence resource for money. I strongly believe in
36 bartering which is the exchange of subsistence resource
37 for other subsistence resource, but not customary trade.
38 I'd like to know where or when customary trade became an
39 exchange for money in my Native land.

40
41 The North Council heard from young and
42 old alike. Every testimony in regards to exchanging
43 subsistence halibut for money was opposed to. In my
44 village no one exchanges food for money or my neighboring
45 villages also. This proposed regulatory language will
46 open up subsistence sales. If you don't put a stop to it
47 now you will be faced with many a difficult decisions in
48 the future and possibly litigation. If you take
49 subsistence caught salmon and exchange the roe for money,
50 dry the fish and exchange the dried fish to a dog musher

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1 for money, you're involved or we are or whoever does is
2 involved in a substantial commercial enterprise. When
3 did commercial trapping ever become non-commercial
4 enterprise? I agree that traditional commercial trapping
5 supports the customary gathering lifestyle, the same as
6 my family, neighbors, friends and myself have depended
7 upon a traditional commercial fishery. Without one we're
8 unable to sufficiently maintain a customary gathering way
9 of life.

10

11 If you open up customary trade, you will
12 further restrict our people from our indigenous way of
13 life. Please, don't adopt any regulation yet that allows
14 so-called customary trade.

15

16 I'm sorry I'm not an eloquent speaker but
17 I thank you for the time. Are there any questions?

18

19 CHAIRMAN DEMIENTIEFF: Thank you very
20 much. Delice Calcote.

21

22 MS. CALCOTE: Good afternoon. My name is
23 Delice Calcote. I work for Chickaloon Village.
24 Chickaloon Village is a part of the Cook Inlet Treaty
25 Tribes, they formed a treaty so many of the villages in
26 Cook Inlet -- formed a treaty in the early '80s so they
27 also authorized Cook Inlet Marine Mammal Council, which
28 I'm also another secretary too.

29

30 This issue of customary trade here in the
31 Cook Inlet is currently being collected, the information
32 from our elders and that's not a finished product but it
33 is a project in the making at this time. And the tribes
34 are also organizing an inter-tribal court, part of our
35 enforcement and part of our regulations that are already
36 -- several of the tribes have their own fishing and game
37 hunting ordinances that were established before the
38 tribes were Federally recognized in 1994 by the President
39 and Secretary of Interior. You know, there's lots of
40 international recognition of Alaska tribes through the
41 1945 UN Treaty Doctrine, Article IV, Section IV or
42 Article XII in the Constitution is the disclaimer clause
43 for Alaska Natives.

44

45 I'm sorry I don't have something written
46 up for you but we will be presenting -- we understand
47 that this process is ongoing and that we'll have another
48 opportunity to present something in writing. What I want
49 to say about the customary trade is that the tribes of
50 Cook Inlet or the village of Cook Inlet have been doing

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1 traditional trade. Tyenok is part of the old grease
2 trade, particularly villages would trade for the beluga
3 oils as far down as from -- or up north, the Arctic
4 Village people would come down to Tyenok and trade for
5 the beluga oil. And from Chickaloon area, we traded --
6 our fish is different from up there and other parts of
7 the state. So not only was our fish processed different,
8 but we traded for what's available there, the mountain
9 goat and other items that aren't available over there in
10 the Tyenok or in other villages. I'm from the Kodiak
11 area and I know that some of my relatives are in the Cook
12 Inlet area, we married into this area, I have lots of
13 cousins. Over in Kodiak and the Dillingham area but also
14 here in the Cook Inlet area. So when you try to restrict
15 us to a thousand dollars, you know, and trying to say
16 that we're going to be making a profit like that little
17 redhead claimed back there on a thousand dollars per
18 member, it's like a slap in the face, you know, for many
19 families that consist of two or three children and 5,000
20 if you could think of 5,000 and somebody could make a
21 profit on \$5,000 is -- I hope she feels ashamed.

22

23 We deal with many issues.....

24

25 CHAIRMAN DEMIENTIEFF: You're going to
26 have to summarize now.

27

28 MS. CALCOTE:on customary trade and
29 on our fishing and the tribes are still working on that.
30 We're working on a coastal zone plan. So I just want you
31 all to be on notice that something's being worked on and
32 it will be forthcoming.

33

34 Thank you very much.

35

36 CHAIRMAN DEMIENTIEFF: Thank you. Gabe
37 Sam.

38

39 MR. G. SAM: Thank you, Mr. Chair. I got
40 a juggling act going here, I just came from the Yukon
41 River Panel where Gilbert just came from and so now I'm
42 over here.

43

44 Mr. Chairman, RuralCAP -- I'm the
45 subsistence advocate for RuralCAP and that's 731 East 8th
46 Avenue, when I first heard about this customary trade, I
47 attended one of the meetings and I was strongly
48 advocating at the time, you know, for a customary trade
49 among the people in the Interior. I know what customary
50 trade was going on there. And I was also advocating for

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1 more tribal involvement of our tribal member villages to
2 go out there and hear what they had to say about
3 customary trade.

4

5 Since then, Mr. Chair, I've done kind of
6 a poll of the villages throughout the whole state, just
7 kind of randomly picked villages and there's a wide range
8 of differences on the terms of customary trade and so
9 therefore RuralCAP's position is to take this back to the
10 Regional Advisory Councils for more discussion and not
11 only Regional Advisory Councils but possibly villages for
12 their input and to really get firsthand of what's going
13 on out there. And, you know, we could not stress more
14 that there should be more tribal involvement on the task
15 force. I know that on the RACs there are the Native
16 people, but some of the Native people on the RACs are
17 also employees of U.S. Fish and Wildlife so how could
18 they, you know, represent the tribal councils. And
19 that's RuralCAP's position.

20

21 Just to touch on, you know, customary
22 trade from my own experience. When I lived in Huslia I
23 was also a trapper there and when we were going beaver
24 trapping and stuff, the beaver carcass, you know, we'd
25 sell to the elders. The elders wanted beaver meat and
26 so, you know, we'd give it to them but they'd just give
27 us like \$20 for gas and it was -- it benefitted not only
28 the trapper but also the people that subsisted off the
29 food. We didn't think of it as no -- as kind of like a
30 business thing, it was more or less a trade, you know,
31 true aspects of customary trade. And you know, now that
32 I live here in Anchorage, it's harder and harder to buy
33 strips from the Interior where I usually buy strips from
34 the Interior, and so you know, my four year old just
35 loves salmon strips and I spend a lot of money buying
36 strips and I think, you know, a lot of people that fish
37 in the Interior, that's their sole income, especially for
38 the older people. And that's all I'm going to say on
39 that matter.

40

41 Thank you, Mr. Chair.

42

43 CHAIRMAN DEMIENTIEFF: Thank you, Gabe.

44

45 MS. GOTTLIEB: Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Yes.

48

49 MS. GOTTLIEB: I wonder if I might ask

50 Gabe a question, please?

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1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MS. GOTTLIEB: Thank you. Gabe, once
4 again thanks to RuralCAP for having you come here and
5 speak to us. And since you did an informal poll, I was
6 planning on asking the members of the Customary Trade
7 Task Force but if you have a sense of this I'd appreciate
8 it, too, and that is whether people felt like the work
9 that has been done, even though it may not be totally in
10 consensus yet, is that an improvement from the current
11 rule or are people aware of the current rules?

12

13 MR. G. SAM: Well, Mr. Chairman, Ms.
14 Gottlieb, when I asked this issue I said that there was a
15 Customary Trade Task Force and they quickly wanted to
16 know, well, who's representing me, you know? I haven't
17 seen anything. So that's what I mean that I think, you
18 know, a lot of this information should go to the tribal
19 councils. I know that's a lot of tribal councils but
20 that's who should see this information. They make their
21 decisions at their tribal council meeting and they'll
22 submit whatever they feel that, you know -- that'd be the
23 truest form of information gathering that I could think
24 of. Because they'll take this information up at the
25 tribal council meeting and they'll discuss it and they'll
26 come up with their ideas of what they think is their
27 customary trade.

28

29 You know, each region is different.
30 You're going to come up with a wide range of customary
31 trade. You know, right now upon the Koyukuk River, there
32 may come a day when we're going to be trading belugas
33 from what I heard. You know, there's belugas going up
34 the Koyukuk River now so we're going to have a whole new
35 customary trade there. Maybe Carl might show me how to
36 hung belugas one day.

37

38 Thank you, Mr. Chair.

39

40 CHAIRMAN DEMIENTIEFF: Well, I know
41 you're busy with the other meeting but one of the things
42 that we did in the opening was advise that one of your
43 former predecessors sitting to my left here did the
44 initial round of tribal consultations, so that's been
45 done. Any other questions.

46

47 MR. THOMAS: Mr. Chairman.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

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1 MR. THOMAS: I just wanted to inform
2 also, you know, sitting up here I can tell who lives in
3 the bush and who lives in the jungle and so I'm telling
4 you that the representation on these Regional Advisory
5 Councils, a preponderance, or most of them are members of
6 tribal councils in different parts of the state.

7

8 Thank you, Mr. Chairman.

9

10 CHAIRMAN DEMIENTIEFF: Any other
11 questions. Thank you, Gabe.

12

13 MR. G. SAM: Thank you, Mr. Chairman.

14

15 CHAIRMAN DEMIENTIEFF: Gloria Stickwan.

16

17 MS. STICKWAN: Gloria Stickwan, Copper
18 River Native Association. We met with our villages in
19 the Copper River region and talked about customary trade.
20 We support the customary trade because we do trade fish
21 for monies in some of the villages, our elders do.
22 That's part of their income of how they make their
23 monies. Back in the 30s and 40s they did trade with
24 roadhouses as well to make their monies until it became
25 illegal.

26

27 We support a customary trade without
28 limits on income. But somehow this has got to be managed
29 or watched or monitored because there will be abuse. I
30 don't think it will come from the people in the rural
31 areas, but I think other people may take advantage of
32 this so somehow it's got to be monitored. We support the
33 definition that the task force came up with.

34

35 Thank you.

36

37 CHAIRMAN DEMIENTIEFF: Thank you. That
38 concludes our public testimony. It's got on our process
39 here, Regional Council comments, but you're certainly
40 going to be commenting during the deliberations so do you
41 just want to defer that maybe, I mean it's going to be
42 open for Regional Council during deliberations. Maybe
43 we'll just skip that and go right to the Staff Committee
44 recommendation if that's agreeable? No objection. Staff
45 Committee.

46

47 MR. JENNINGS: Yes, Mr. Chair. For the
48 record, my name is Tim Jennings and I will present the
49 Staff Committee recommendations regarding customary
50 trade. I would first like to mention the briefing paper

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1 that you have before you dated December 10, 2001 entitled
2 Customary Trade Options for Federal Subsistence Board
3 Consideration.

4

5 In this briefing paper, the Interagency
6 Staff Committee recommends proposed regulatory language
7 in Subpart A, which would correct an inadvertent error
8 that removed the allowance for barter of fish and
9 wildlife. Additionally, it would provide clarifying
10 language and would include changes to better accommodate
11 references to subpart D regulations.

12

13 The briefing paper also presents six
14 options for Board consideration of the proposed rule that
15 addresses customary trade in subpart D regulations.

16 These six options are summarized briefly as:

17

- 18 1. The task force recommendations
19 which include a permitting
20 requirement.
- 21 2. Replace the permitting
22 requirement with a recordkeeping.
- 23 3. Remove restrictions on barter for
24 transactions from rural residents
25 to others.
- 26 4. Add regional language as
27 recommended by the Regional
28 Advisory Councils.
- 29 5. Unlimited customary trade between
30 rural residents, prohibition for
31 fisheries businesses, and
32 maintain present regulations for
33 a rural resident to others.
- 34 6. Defer publication of proposed
35 rule.

36

37 These options are described in more
38 detail in the briefing paper.

39

40 The following is the Interagency Staff
41 Committee recommendation regarding customary trade and
42 for reference it is option five in the briefing paper.

43

44 The Staff Committee recommends that the
45 Board adopt with modification the recommendations of the
46

00250

1 task force and publish a proposed rule addressing
2 customary trade. The Staff Committee supports the task
3 force recommendations that customary trade of subsistence
4 harvested fish, their parts or their eggs between rural
5 residents be allowed with no limitation. The Staff
6 Committee also supports the recommendation to prohibit
7 customary trade or barter with fisheries businesses. The
8 Staff Committee recommends modifying the task force
9 recommendation regarding customary trade from rural
10 residents to others and suggests maintaining the present
11 regulations which would allow for additional time for
12 discussions and development of a draft language that
13 would be more acceptable to all concerned.

14

15 And the specific draft language for the
16 subpart D portion of a proposed rule is before you on
17 Page 1 of Staff Committee recommendation, and I won't
18 repeat it herein.

19

20 The justification for the Staff Committee
21 recommendation is that it is recognized that customary
22 trade between rural residents is a long established
23 traditional practice that allows many subsistence users a
24 means to exchange fish, their parts or their eggs for
25 cash. It also recognizes that proposing the prohibition
26 on the customary trade or barter of fish, their parts or
27 their eggs with fisheries businesses required to be
28 licensed under Alaska Statute would help insure that
29 unintended uses and the development of commercial
30 businesses and fisheries do not occur.

31

32 The Staff Committee recommends
33 maintaining the present regulations regarding customary
34 trade from rural residents to others. Although the task
35 force developed recommended draft language for this part
36 of a proposed rule, it is recognized that concerns have
37 been raised regarding a permitting requirement as a means
38 of tracking customary trade exchanges from a rural
39 resident to others. This permitting requirement was
40 proposed only recently and has not been reviewed by the
41 public, Regional Advisory Council or tribal governments,
42 thus maintaining the present regulations for customary
43 trade from a rural resident to others would allow more
44 time and opportunity to review this proposal and other
45 potential options for tracking exchanges would also
46 provide a more deliberative process, allow for
47 subsistence users directly affected by a proposed
48 regulation to have additional opportunity, to be involved
49 in the process and allow time to refine the draft
50 language so it is more acceptable to all concerned.

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1 Finally, the Staff Committee recommends
2 that if the Board decides to move forward with the
3 proposed rule at this time, that in the preamble of the
4 proposed rule we should provide the context and
5 background of customary trade including the work of the
6 Customary Trade Task Force, that we discuss various
7 options such as the permitting requirement, recordkeeping
8 and regional limitations that were considered during the
9 development of a proposed rule. Also indicate that the
10 Federal Subsistence Board will consider proposals to
11 modify or establish regional limits on customary trade
12 and barter for specific areas in fisheries and address
13 that Federal and State of Alaska laws and regulations
14 concerning food safety would not be changed or affected
15 by a customary trade regulation in any way.

16
17 Mr. Chair, this concludes the Staff
18 Committee recommendation.

19
20 CHAIRMAN DEMIENTIEFF: Thank you. At
21 this time we'll advance this to Board deliberations.
22 Does anybody want to go first? Bill.

23
24 MR. THOMAS: Excuse me, Mr. Chairman,
25 I've been confused and unconfused so many times. When
26 you say Board deliberations, is that restricted to the
27 Board members themselves or can we infiltrate once in
28 awhile?

29
30 CHAIRMAN DEMIENTIEFF: Business as usual,
31 Bill.

32
33 MR. THOMAS: Thank you, sir.

34
35 (Laughter)

36
37 MR. THOMAS: Thank you, Mr. Chairman.
38 You know, I'm fortunate to be involved in this process,
39 not only as a user but as a knowledgeable person and with
40 a lot of history, a lot of participation and a good
41 memory.

42
43 Much of what we heard today from people
44 that don't understand what's happening here, one of the
45 reasons they don't understand is because it's never
46 happened before. These type of determinations have never
47 been undertaken using members of any given or affected
48 communities. Well, we're doing that now.

49
50 And many of you, I could tell, have been

00252

1 used to testifying before the Federal government became
2 involved. I can tell that because your language never
3 changes. A lot of negative speculation results in
4 negative characterization like the words, may -- may
5 continue, would allow, would encourage is all negative
6 speculation at best. There's really no history to
7 support any of the speculation.

8

9 I have been trying to avoid saying this
10 part but I've had to say it for the last nine years. The
11 State has a history of not being sensitive to the
12 subsistence community. In fact, in the last seven or
13 eight years you've seen in newspapers where they were
14 even called hostile towards subsistence. That needs to
15 be addressed. We can't be walking around that all the
16 time. If it's in the water, you might as well wash with
17 it. Sure, we'll take more time. Like you said, this is
18 just a start of what we're doing.

19

20 And DEC said we should have safeguards in
21 place. If we have a DEC, I don't know how long that
22 organization's been in the State but those safeguards
23 should already be there. And with regards to language in
24 what we got so far, when it talks about commercial it
25 talks about avoiding commercial, not including any. Cash
26 sales, yes, has been not embraced by everybody here on
27 the task force and they all have their own reasons for
28 that. And you know, we just instituted a large unit of
29 law enforcement people, it's a pretty big department in
30 the state now, Federal law enforcement. If we write
31 these too clean we're not going to have a need for them
32 and if we're going to pay them I want them to be doing
33 something.

34

35 I also realized that what we're doing
36 here seems to be a threat to impose an invasive element
37 to existing regulations. That's probably so. It might
38 be merited, it might not be but it is a requirement of
39 Federal legislation, we're here because of Federal
40 legislation, we happen to be in a state that's in
41 conflict with Federal legislation. So on behalf of the
42 subsistence and users I felt like I needed to make you
43 aware of that.

44

45 Thank you, Mr. Chairman.

46

47 CHAIRMAN DEMIENTIEFF: Thank you.

48

49 MR. CAPLAN: Mr. Chairman.

50

00253

1 CHAIRMAN DEMIENTIEFF: Yes.

2

3 MR. CAPLAN: Thank you, sir, for the
4 opportunity to comment. I wanted to take us all back
5 just a little ways, a couple years ago, maybe even a
6 little more recently and point out that one of the
7 motivators to get the task force going and to do
8 something constructive with this issue of customary
9 trade, particularly, was the fact that our current
10 regulation as we understand it is not enforceable. And
11 when you have regulations that are not enforceable and
12 you really want to do something with those regulations,
13 what you elect to do is to get on with doing something
14 differently. And that's what the task force has put in
15 front of us. They're to be commended and the Council
16 Chairs are very much to be commended for all the work
17 that went into it. Our tribal partners who spent time
18 reviewing things to date are to be commended and we have
19 more review to go and more ideas to kick around. But I
20 guess my point would be we ought not lose sight of the
21 fact that what we're attempting to do is to put in place
22 a regulation that has the ability to be enforced because
23 that will benefit the subsistence users across the state
24 and that's our primary motivation and I think we ought to
25 keep our eye on that prize as we go through this.

26

27 I would also comment that at the moment
28 what I see in the proposal from the Staff Committee,
29 which Tim read us a little while ago, is pretty much the
30 status quo but stated in a better or more prettier way.
31 Again, not an enforceable regulation as I interpret what
32 he showed or what he discussed. And so I would urge the
33 Board and the Councilmembers as we keep discussing this
34 to try and put in front of the public something that also
35 meets the goal of enforceability, whether that's a permit
36 or some form of recordkeeping or something that the
37 public can chew on that issue as we go along.

38

39 Thank you, Mr. Chairman.

40

41 CHAIRMAN DEMIENTIEFF: Thank you.

42

43 MR. EDWARDS: Mr. Chairman.

44

45 CHAIRMAN DEMIENTIEFF: Gary.

46

47 MR. EDWARDS: I guess I'd like to echo a
48 couple of things that Jim said. First of all, again, I
49 have talked to the task force, I sat in on several of the
50 meetings and folks were dealing with a very difficult job

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1 and assignment and really stepped up, I thought, and did
2 just an excellent job. But both in our written testimony
3 we heard as well as the oral, you know, we heard an awful
4 lot about -- concerns about, you know, that this is going
5 to increase harvest and this is not going to be limited
6 and as Jim pointed out, because we are currently unable
7 to enforce our current regulations that limit customary
8 trade and therefore extension means that there isn't any
9 limit so now not only can a person sell a thousand
10 dollars worth, they could sell 5,000 or \$10,000 worth so
11 there is no limit.

12

13 So as Jim said, what the task force
14 struggled with is one and foremost, preserving the right
15 to carry out customary trade and then as well as trying
16 to close this loophole which currently allows unlimited
17 customary trade. And I think that's very important and
18 maybe we haven't done a very good job of conveying that
19 but in reality that's what we're dealing with.

20

21 MS. GOTTLIEB: Mr. Chairman.

22

23 CHAIRMAN DEMIENTIEFF: Gerald, I think
24 was up first and then you Judy.

25

26 MS. GOTTLIEB: Yes.

27

28 MR. NICHOLIA: Yeah, thank you, Mr.
29 Chairman. We have Carl Jack here and I have a lot of
30 people in my region that utilizes subsistence caught fish
31 to make ends meet and I think that he should go to each
32 tribal council in the Eastern Interior region along the
33 Yukon and be invited or sometimes, like in Tanana we have
34 community meetings, and I'm bringing this up to my
35 council and stuff, he should be invited to all the tribal
36 councils and all the meetings, know when their meetings
37 are happening to present this to the tribal councils and
38 get more input from the people and have it publicly
39 noticed and posted so that when he does come there the
40 people that's most affected will have a say in this and
41 then they'll know what's really going on. Because this
42 is going to affect their lifestyle, really.

43

44 Thank you.

45

46 CHAIRMAN DEMIENTIEFF: Judy.

47

48 MS. GOTTLIEB: Thank you, Mr. Chairman.
49 I believe what we heard from the Staff Committee does
50 clarify and kind of crisp up a couple of the sections

00255

1 and I assume that the task force agrees and feels that
2 that is an improvement to the existing regulations.

3

4 What I'm quite sure we heard here today is that
5 people want to look at the part 12 much more carefully
6 with more time. So I think we may have a very good
7 compromise to put out a proposed notice at this point in
8 time, come out with a very user friendly document or
9 briefing so that the information can be presented in a
10 way that everyone clearly understands and that people
11 have enough time to think about it and give us feedback
12 and talk amongst their organizations and let us know what
13 they think.

14

15 CHAIRMAN DEMIENTIEFF: Bert, I believe
16 was next.

17

18 MR. GRIEST: Thank you, Mr. Chairman.
19 I've been involved -- I was fortunate enough to be
20 involved in the task force. We also invited Carl Jack
21 and Pete Probasco, also Willie Goodwin and myself, we had
22 like about six, seven or eight people from each of our
23 villages gather in Kotzebue for an annual meeting and we
24 spent a couple hours just talking about customary trade
25 with them. And I've also been in contact with all our
26 tribal people and calling some people and talking to them
27 in my own language and getting comment.

28

29 I think the task force really did a lot
30 of work and I commend a lot of them that have spent a lot
31 of time on this issue trying to get grips on what kind of
32 regulation would best meet everybody.

33

34 As far as the caps go, we thought it was
35 kind of a little low for our area but we're willing to
36 compromise just so that we can get it on the table and
37 passed and recognized. But there was A11 and A13,
38 everybody pretty much agreed on the task force that there
39 was a general agreement on those. On A12 at the last
40 task force meeting, like it was presented earlier, there
41 was some new information that -- a new proposal that came
42 out regarding permits, that never got back to our
43 Regional Advisory Councils and I support the Staff
44 Committee's recommendation that this be brought back to
45 the RACs for a meeting.

46

47 Thank you.

48

49 CHAIRMAN DEMIENTIEFF: Della.

50

00256

1 MS. TRUMBLE: Thank you, Mr. Chair. I
2 think I speak from a number of levels here. You know,
3 first of all I am the Chair of the Kodiak/Aleutians. I
4 live in King Cove and I am also an administrator and a
5 member of the Ogdol (ph) Tribal Council of King Cove. I
6 am the president of the East Aleutian Tribes. And a part
7 of this task force, trying to define or work this issue
8 of -- definition of customary trade and I have to be
9 thankful to be a part of it because I got to learn, not
10 only what is utilized and done by a lot of different
11 regions and we do differ quite extensively, but I think
12 it also was a process and I feel in listening to some of
13 the testimony how negative it is. And the idea that
14 there isn't anything illegal or problems going on with
15 subsistence at this point, but yet there is, like sales
16 of smoked salmon, different fish does go on.

17
18 And how do you do that and legalize
19 something so people don't get in trouble but also take
20 into consideration that there are limitations and there
21 is a need for enforcement to regulate something. When we
22 say sometimes maybe we don't fix something that isn't
23 broken, yet some of our streams are broken, our rivers
24 are broken.

25
26 One of the things in regards to the
27 permitting system, our region did strongly support a
28 permitting system as a form of regulation and allowing
29 people to subsistence fish. The other part of this is
30 that we asked for a sunset clause that this regulation be
31 effective and expire in two years from the effective date
32 of the regulation unless extended, superseded, modified
33 or revoked. And Mitch did bring to my attention that
34 this will come every year so there's not a fear that this
35 is something that's going to be set in place and we're
36 not going to have to abide by it for the rest of -- for a
37 long time.

38
39 CHAIRMAN DEMIENTIEFF: Ronny.
40

41 MR. SAM: Thank you, Mr. Chairman. I
42 guess it was made clear to the Western Interior at our
43 breakout session that we did have time to work on this
44 issue especially 12A. And at the Western Interior region
45 level we have a standing order that our coordinator mails
46 out everything that has immediate impact to every
47 community, every tribal office within Region 6, Western
48 Interior.

49
50 We tried to pursue this issue through the

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1 tribal councils and that's why we had some of our
2 Interior villages meet with Mr. Carl Jack. Again, we do
3 fax out everything that's immediate and important. I
4 guess it's quite apparent that if we pursue this issue
5 through the tribal councils it may not be forthcoming or
6 not be timely. So I would again back up Gerald Nicholia
7 of the Eastern Interior and ask that Carl Jack, Pete
8 Probasco travel to our hub villages and hold hearings on
9 this issue, especially 12A.

10

11 Thank you, Mr. Chairman.

12

13 CHAIRMAN DEMIENTIEFF: Ralph.

14

15 MR. LOHSE: Mr. Chair, as was pointed out
16 by Gloria in Southcentral, we looked at this like the
17 Yukon did as something that we didn't want to make into
18 something that would attract people for the purpose of
19 doing it for financial gain but we recognize that some
20 financial trade has to take place in order to provide for
21 subsistence practices.

22

23 One of our suggestions was and, again,
24 this shows the differences in the regions, one of our
25 suggestions was that at least 50 percent of the fish that
26 were taken and traded had to be kept for the family that
27 was taking the fish because we looked at it from the
28 standpoint that subsistence was actually fish for the
29 family or community first and that you dealt with excess.
30 That's, to me, one of the reasons that I looked at
31 Section 12 and I think it has to go back to the different
32 Regional Councils because the different Regional Councils
33 all are dealing with -- they're dealing with different
34 attitudes, they're dealing with different attitudes,
35 they're dealing with different situations in the areas
36 that they're at and I don't think we're quite ready yet
37 to have a blanket for Unit 12 as much as I sometimes
38 think it would be nice and it would be handy.

39

40 The other thing I'd like to point out and
41 this is a question that I never did exactly get answered
42 and it kind of came out with the letter from the DEC, and
43 it's something that we all have to remember, is that this
44 only deals with a resource that's taken on Federal land
45 by Federally-qualified subsistence users. This does not
46 apply statewide, this is not a statewide blanket. And at
47 stake and still at question is whether this can be
48 traded, sold, bartered off of Federal land without being
49 in violation of State law? And that's something that's
50 going to have to be looked at in the future.

00258

1 So while we do even come up with a
2 definition, we haven't solved the whole issue but what
3 we're trying to do is we're trying to come up with a
4 handle is the way I look at it.

5
6 Thank you.

7
8 CHAIRMAN DEMIENTIEFF: I guess for me, I
9 heard, you know, strongly that lots of people, more
10 people want to be involved and the more I think about it,
11 the more I'm thinking of just passing the whole packet
12 out just to get the process moving. And I've also heard
13 the other message about taking more time. And I think if
14 we don't get a proposed rule out then all the things that
15 people are asking for come out meet with our elders, you
16 know, could be -- you know, other rural communities and
17 non-Native towns, you know, one thing is obvious is
18 you're not going to get one size fits all out of this,
19 but to take our time. But if we don't get a package out,
20 then we're not going to get the process going where
21 people can come and participate.

22
23 It's also, quite frankly, to me, even
24 though I've ordered for the timeline, I don't think
25 that's going to happen either. There's just so much more
26 work to be done.

27
28 So you know that's, I guess, what I would
29 probably have to support at this point, you know, and I'm
30 still willing to listen to other points of view but
31 that's kind of what I'm thinking.

32
33 Harry.

34
35 MR. WILDE: Yeah, Mr. Chairman, the
36 Advisory Council, Yukon-Kuskokwim Delta, we have really a
37 concern about what impact it's going to be, the language
38 of paragraph 12. Because right now our people, Native
39 people, our elders in Yukon-Kuskokwim, they don't know
40 nothing about this wording mostly on paragraph 12. And
41 it's going to be very important because it's going to
42 take time to let the people understand, you have to --
43 what they've been doing all these years and ever since
44 I've been sitting on Council Chair, over 10 years now,
45 that we've been trying to let the people understand in
46 English and the Yup'ik. The Yup'ik is a pretty hard
47 language for people to understand, right away, especially
48 our leaders, elders, we depend on our elders for just
49 about everything concerned of subsistence. We look at as
50 me, myself, I am elder. I look at the subsistence as

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1 life and death. Because when I was small, I even live on
2 my own -- own clothes, try to survive. That's why I'm
3 here. Or otherwise maybe I wouldn't be here.

4

5 This amount, it's very hard presented to
6 our elders, however, it has to be done. We need to put
7 this subsistence traded with -- fish, especially salmon
8 down in Lower Yukon. Lower Yukon people right now that
9 we try to work with upriver people because they also need
10 their own subsistence way of life.

11

12 So Mr. Chairman, members of Federal
13 Subsistence Board we would like to have this opportunity
14 to bring it back to our people. Thank you.

15

16 CHAIRMAN DEMIENTIEFF: Grace and then
17 Bert. I don't know who was first.

18

19 MS. CROSS: Thank you. This is something
20 that I -- our RAC didn't have a problem with part one or
21 part three of the proposed rule. It was part two that
22 gave us problems, mainly because they were talking about
23 dollar figures and the quantity of fish is very -- is
24 something that we wanted to see in our region, the amount
25 of fish that you sold because of the -- as you know, our
26 region is probably the most depressed in salmon, it's the
27 number that means more to us than the amount of money
28 that somebody receives in our region. And I think that
29 because of the vast difference within our state, I think
30 it's very important that at least subsection B is decided
31 among the regions where -- that the RACs of those regions
32 define what they want to have within their region in the
33 second part of the subsection.

34

35 Mainly for a number of reasons. One,
36 each region probably knows what abuses are going on and
37 in order to address those, each region -- it will give an
38 opportunity for each region to talk about it and address
39 them in a way that's meaningful to that region.

40

41 Like I said, a dollar figure to me
42 doesn't mean any difference in our region. First of all,
43 if a person's going to sell fish, each individual sells
44 fish for different amounts of money. Somebody might sell
45 fish for -- these are just for examples, somebody might
46 sell his fish for \$3 and somebody might sell fish for \$5.
47 But each individual is different and there's different
48 circumstances. So it doesn't make any sense to me and
49 the RAC to have a dollar figure within areas where
50 there's just too many unknowns. I think putting down the

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1 number of quantity, the amount that is sold is a better
2 way of keeping track as to what's going on versus putting
3 down -- you can put down the number of money you made but
4 how many fish did you sell? So that doesn't make any
5 sense to me. And how do you enforce that based on money?
6 The individual may have sold 100 fish for 1,000 where
7 somebody else might have sold 50 fish for 1,000, now,
8 who's in the wrong here, the person who sold 100 fish or
9 the person that sold 50 fish? There's no way for anybody
10 to keep track of what's going on if you use a dollar
11 figure.

12

13 Thank you.

14

15 CHAIRMAN DEMIENTIEFF: Thank you, Grace.

16 Bert.

17

18 MR. GRIEST: Very simply, Mr. Chairman,
19 you know, we got a member of each Regional Council
20 committee represented on the Customary Trade Task Force,
21 maybe after all this is sent back they could meet another
22 time, we could continue to utilize the Customary Trade
23 Task Force. We also got the State in there as a member,
24 there's anthropologists, biologists and all the RACs can
25 kind of get back together and finish deliberations on
26 this issue.

27

28 We were so close to coming to agreement.
29 Some people had different issues on A12, basically that
30 was the thing that we needed to work on. There were some
31 that had problems with permits, some had problems with a
32 cap and we were very close to coming to some agreement as
33 for recommendations for everybody to look at.

34

35 CHAIRMAN DEMIENTIEFF: I think that's the
36 kind of discussion that we need to go right now. It
37 seems like right now we're starting to debate what the
38 final rule should look like and we're far from doing
39 that. What we need to do is get something out that can
40 be reviewed and that's why I was suggesting that maybe we
41 just want to publish the whole packet and there may be a
42 great idea out there once we can get out and do the work.
43 That doesn't mean that anybody's going to buy into any of
44 these, that simply gets the process moving and that's
45 what I'm talking about.

46

47 I think that Jim and then Dan.

48

49 MR. CAPLAN: Well, thank you, Mr.
50 Chairman. Just a point I made the other day that Judy

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1 reminded me of a minute ago when we were just chatting
2 about this in our side bar session. And that is that,
3 you know, sometime this next spring our friends from
4 Metlakatla are going to get in their boat and they're
5 going to take a long passage and then they're going to go
6 up the Unuk River and they're going to pick up five or 10
7 tons, hopefully, of hooligan, bring them back to the
8 Ketchikan docks and sell them to people there basically
9 to cover their costs of acquiring those fish and they're
10 going to sell them to non-rural people living in
11 Ketchikan, Brother Thomas, perhaps, and that will be
12 without color of law. They will be doing it outside the
13 law.

14

15 It doesn't make them outlaws, don't get
16 me wrong, but it will be outside the law. They won't be
17 covered by a Federal regulation and they won't be covered
18 by a State one because there's no commercial fisheries on
19 the Unuk as I understand it. I think that the urgency
20 for me around this issue is to get our folks, our
21 subsistence users operating with the law and regulation
22 in an effective way that allows them to carry out their
23 customary and traditional trade and do so in a way that
24 adequately protects the resource and protects their right
25 to continue doing that.

26

27 So I feel some urgency around that. I
28 appreciate that people want to wait and they want to
29 delay and they want to get it right and I agree with that
30 but at the same time, I also don't want folks who are
31 well intended to be placed in jeopardy by the fact that
32 this is taking longer than we hoped it would.

33

34 Thank you, sir.

35

36 CHAIRMAN DEMIENTIEFF: Jim, I think the
37 opposite is true. Maybe Keith can address the legal
38 interpretation. I think the opposite is true, the only
39 thing is we don't have a limit on it as I understand it.

40

41 MR. GOLTZ: Right. In my view they'd be
42 well within the law. The problem of enforceability is
43 when we're at the margins and as I understand that
44 transaction in Ketchikan they're well within those
45 margins.

46

47 MS. CROSS: Mr. Chair.

48

49 CHAIRMAN DEMIENTIEFF: Yes.

50

00262

1 MS. CROSS: If you read the -- it's the
2 limitations of exchanges between its -- for salmon only,
3 salmon, their parts, their eggs, it doesn't address any
4 other kind of fish, just for salmon.

5
6 MR. BRELSFORD: Mr. Chairman.

7
8 CHAIRMAN DEMIENTIEFF: Yes.
9

10 MR. BRELSFORD: At the same time I do
11 share our colleagues sense of urgency about moving
12 forward to authorize -- to revise our current
13 authorization of customary trade. I think we've heard
14 testimony from several of the public organizations and
15 stakeholders that have looked very carefully with great
16 insight at the balancing act that is involved in changing
17 these regulations on customary trade. I think we've
18 heard extensive testimony over the years about the
19 continuing practice of small scale customary trade in
20 many parts of Alaska.

21
22 Only in 1999, merely 20 years after ANILCA was
23 passed was there a provision to generally authorize this
24 longstanding practice. Where we are now is to refine
25 that to ensure that there are no abuses. So again, much
26 of the testimony talked about preserving and protecting
27 this traditional practice, while at the same time
28 preventing abuses, it seems -- and then secondly, a great
29 deal of the testimony spoke about the value of regional
30 solutions and of returning to the regions for closer
31 consideration of regional practices and regionally
32 appropriate details on the methods of regulation.
33

34 So where I come out in the end is that
35 paragraph 11, which provides recognition in region
36 customary trade seems to square with part of this
37 balancing act that we've been asked to achieve. And
38 secondly, paragraph 13 that would erect a firm firewall
39 between customary trade and large scale commercial
40 channels, it seems to me that this is an enormous advance
41 in protecting against abuse compared to the current
42 language. So my sense of how to proceed with urgency is
43 to ensure the protection against abuses into large scale
44 commercial channels as we see in paragraph 13 and to move
45 back to the Regional Councils and to regional discussion
46 vehicles to think creatively and at greater depth about
47 the limitations that are on the table for paragraph 12.
48

49 So for those reasons I intend to support
50 the recommendation that's been offered by the Staff

00263

1 Committee. Thank you.

2

3 MR. BROWER: Mr. Chairman.

4

5 CHAIRMAN DEMIENTIEFF: Yes.

6

7 MR. BROWER: Yes, I'd like to make a
8 brief comment in regards to the Staff Committee's
9 recommendations and maybe bringing this back to the
10 Regional Councils for further deliberation. With the new
11 language that's been presented I think that would make it
12 very helpful for the rest of the Councilmembers to
13 further understand what's been happening in my region.

14

15 Thank you.

16

17 CHAIRMAN DEMIENTIEFF: Thank you. Mary,
18 you had something?

19

20 MS. GREGORY: Yeah, I support the new
21 version of the -- support from the Staff because we
22 didn't have no problem with 11 and 13. And if we're
23 going to go back and have our people who we represent
24 advise us more, more power to us.

25

26 CHAIRMAN DEMIENTIEFF: Dan, do you got
27 something?

28

29 MR. O'HARA: Yes, Mr. Chairman. There
30 are things that you can pass today that pretty much
31 everyone agrees on and what you can't, such as permitting
32 and dollar amount goes back out to the Councils, right?

33

34 CHAIRMAN DEMIENTIEFF: Well, we're not
35 setting regulation today, that's the whole thing about
36 it.

37

38 MR. O'HARA: No, but you can do some
39 things.

40

41 CHAIRMAN DEMIENTIEFF: What?

42

43 MR. O'HARA: You can do some things
44 that's already been passed on.

45

46 CHAIRMAN DEMIENTIEFF: No, anything --
47 we're putting out a proposed rule. And then it goes out
48 to all the villages, the tribal consultation, it goes out
49 for public participation, State participation, Regional
50 Council and then it goes through that whole process

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1 before it comes back to a decision point. And then the
2 Board would still have to vote and then if we come up
3 with something then then we can -- we would advance that.
4 See it's just the start of the process. What we need to
5 do is get something out there. And I think, you know,
6 actually my interest is to get something out there and
7 I'm not saying I'm married to any of these issues but,
8 you know, just to get something published.
9

10 For that reason, I would probably -- now,
11 that doesn't limit other ideas when it does come back to
12 a decision point. It merely gets something out there
13 that people can react to. So I guess, you know, with
14 that, I could go with the Staff Committee recommendation.
15 You know, I don't have no problem with that. That's just
16 the start of the process.

17

18 Gerald.

19

20 MR. NICHOLIA: Yeah, like around Tanana,
21 everybody knows everybody and pretty much we're trying to
22 conserve the stocks because we've got stocks of concern
23 and when somebody does something that's going to give us
24 a bad name we'll turn them in. And I think along the
25 three RACs, Western and YK and Eastern, I think that's
26 what generally is happening. Because we want to protect
27 the way of life that we're living. And if somebody's
28 doing something to give us a bad name we will turn them
29 in.

30

31 MR. THOMAS: Mr. Chairman.

32

33 CHAIRMAN DEMIENTIEFF: Bill.

34

35 MR. THOMAS: We have a similar approach
36 to it as the Eastern Interior or we use ours for crab
37 bait.

38

39 CHAIRMAN DEMIENTIEFF: Well, I think
40 we've discussed this about enough, what we're doing is
41 trying to debate the final rule and we're months and
42 months away from doing that. I'm looking for a motion
43 from one of the Board members to get something out so we
44 can get the process started with. Is there any Board
45 member bold enough to go there?

46

47 MR. EDWARDS: Mr. Chairman, I didn't want
48 to lead this motion but I'm going to because I'll still
49 get to discuss what I want to discuss on one issue.

50

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1 I agree with you, I guess I'm very
2 comfortable of either going with the recommendations that
3 came out of our task force or the Staff Committee's
4 recommendation. I think the Staff Committee has done a
5 good job in looking at the two areas that there seems to
6 be the most agreement on plus I think they've laid good
7 guidance that we're not going to forget what's in Section
8 12 and we'll discuss that. So, therefore, I will make
9 the motion that we accept the recommendation of the Staff
10 Committee which my understanding would be that the draft
11 rule that would go out would keep in tact Sections 12 and
12 13. That's not right? 11 and 13, excuse me.

13
14 CHAIRMAN DEMIENTIEFF: There's a motion,
15 is there a second?

16
17 MS. GOTTLIEB: Mr. Chairman, I'd like to
18 boldly second that motion.

19
20 CHAIRMAN DEMIENTIEFF: Wonderful. Again,
21 the idea is we're so far away from -- we're just
22 starting. We just need to get a reason to go out to
23 consult with people so that we can come back. And I
24 predict right now -- boldly predict it will take us a
25 week with just one item on the agenda to come up with a
26 final rule when we finally get there but it's going to be
27 a long time down the road.

28
29 MR. BOYD: Mr. Chair, I think just to add
30 to that to clarify again and I think Tim presented it
31 well, that we would also include in the language of the
32 preamble to the proposed rule the full range of options
33 that we've put before you today in keeping with what
34 you've said, in order for the public to be aware of this,
35 is they provide input and comment to us.

36
37 CHAIRMAN DEMIENTIEFF: So I forgot to
38 close that up with I intend to vote for the motion. But,
39 you know, that still doesn't dismiss when it gets back to
40 us, you know, there's still other inclusive things. The
41 Board will still have these things but we're not limited
42 to these things and that also needs to be stressed when
43 it goes out. If somebody has a better idea then we're
44 going to listen to it.

45
46 MR. EDWARDS: Mr. Chairman.

47
48 CHAIRMAN DEMIENTIEFF: Gary.

49
50 MR. EDWARDS: Mr. Chairman, two things.

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1 One, I wanted to make clear that my motion had to do with
2 the proposed rule. And secondly, although, I support 13
3 as written for the purposes of this motion, I do want to
4 point out I do have concerns that as written it simply
5 puts the onerous on the buyer of subsistence caught fish
6 and in any transaction it takes both a willing seller and
7 a willing buyer. And if the transaction is illegal it
8 seems to me that the responsibility should rest both with
9 buyer and with the seller and so I hope we take that in
10 consideration as we go forward in the weeks ahead to
11 deliberate on this.

12

13 CHAIRMAN DEMIENTIEFF: Everything is out.
14 Everything is going to go out, Gary, we're not going to
15 be limited to anything. When we actually come back and
16 debate a rule and vote on a rule, we're going to have
17 that plus all the public participation, you know, that's
18 going to go -- and the State participation that's going
19 to go in. Are we ready for a vote? I'm ready to vote.
20 I'm looking for Board members at this point. Are we
21 ready to vote?

22

23 MR. CAPLAN: Question.

24

25 CHAIRMAN DEMIENTIEFF: Question's been
26 called for, all those in favor signify by saying aye.

27

28 IN UNISON: Aye.

29

30 CHAIRMAN DEMIENTIEFF: Those opposed,
31 same sign.

32

33 (No opposing votes)

34

35 CHAIRMAN DEMIENTIEFF: Motion carries.
36 Okay, we have a product.

37

38 MR. THOMAS: Mr. Chairman, you've got a
39 mutiny in the making if you don't take a break.

40

41 CHAIRMAN DEMIENTIEFF: Reluctantly, we'll
42 take a two minute break.

43

44 (Off record)

45

46 (On record)

47

48 CHAIRMAN DEMIENTIEFF: The next item up
49 on the agenda is the Draft Fisheries Resource Monitoring
50 Plan. And Steve Klein will present for us.

00267

1 MR. KLEIN: Thank you, Mr. Chair. Yes,
2 the topic is for the 2002 Fisheries Resource Monitoring
3 Program. But first I wanted to address the 2003
4 Fisheries Resource Monitoring Plan and we're just
5 initiating that and with the permission of the Chair, I'd
6 like to first briefly cover 2003 and get permission from
7 the Board to proceed with that and -- with that call for
8 proposals and then go over the draft 2002 plan.

9

10 CHAIRMAN DEMIENTIEFF: Go.

11

12 MR. KLEIN: Okay. For 2003 the process
13 we normally follow would be a call for proposals in
14 November and we've been deferring that decision to get
15 Board approval for that call. In 2003, we're looking at
16 approximately 1.3 million dollars available for projects.
17 However, with projects initiated in FY-2000, some of
18 those projects are longterm projects in view of the TRC
19 and that they would need to continue in 2004. So
20 certainly some of those projects should continue and
21 actually the TRC took an estimate of that and that's
22 probably about 900,000 of continuation projects that
23 their funding concludes and they would need new funding
24 in 2003. So we're proposing that of that 1.3 million
25 that the first priority be to continue those longterm
26 projects and a lot of these are escapement projects like
27 weirs where we're gathering salmon escapement information
28 and clearly to -- it's very useful information to both
29 the in-season managers and the long term for escapement
30 goals.

31

32 But secondly, we would ask for new
33 projects, our best guess is maybe there might be 400,000
34 for new projects and we would invite new proposals that
35 were targeted towards strategic priorities and issues and
36 information needs identified by Councils.

37

38 There is one other issue we wanted to
39 bring to the Board's attention and that was we're also
40 recommending, given your decision on the Kenai Peninsula,
41 that we earmark some funding to gather harvest
42 information, traditional ecological knowledge from the
43 Kenai Peninsula to support subsistence regulations. And
44 we would like to start this this year, in 2002, and if we
45 initiated it in 2002, it would probably be a two year
46 study and Mr. Boyd there, I think has found some money to
47 get that project started. This would be by the Alaska
48 Department of Fish and Game and they're engaged to begin
49 collecting the harvest data on the Kenai Peninsula. But
50 in 2003 they would need additional funding and we're

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1 proposing that we -- we're recommending to the Board and
2 we're seeking your approval to set aside approximately
3 100,000 in 2003 so that the State could conclude that
4 work.

5
6 So that's the process we're proposing for
7 the 2003 call and we seek the Board's approval to proceed
8 in that fashion.

9
10 Thank you, Mr. Chair.

11
12 CHAIRMAN DEMIENTIEFF: Discussion on
13 that.

14
15 MS. GOTTLIEB: Mr. Chairman.

16
17 CHAIRMAN DEMIENTIEFF: Yes.

18
19 MS. GOTTLIEB: Well, I appreciate the way
20 Steve's presented the information today and I guess in
21 light of some of our discussions yesterday about the need
22 for more information on the Kenai Peninsula area and
23 customary and traditional uses, the suggestion would be
24 most helpful. I'm assuming the figures that you've come
25 up with are realistic figures on the costs of what a
26 typical study to gather this kind of information would be
27 and if there were other -- if studies were accomplished
28 with less money then it could be rolled over into other
29 studies in 2003?

30
31 MR. KLEIN: Mr. Chair, Ms. Gottlieb, yes,
32 that's correct, Judy. If there were left over funds in
33 2003, we would propose that that would be available for
34 the other monitoring program projects. And I was just
35 singling out that Kenai Peninsula separate from our
36 normal process because it's a high priority that we want
37 to proceed with in 2002. But we do want to roll as much
38 as the monitoring program process in terms of getting an
39 investigation plan, getting scientific review by the
40 technical review committee, utilize as much of that
41 process for that proposal -- or for the Kenai Peninsula
42 harvest and TEK project.

43
44 CHAIRMAN DEMIENTIEFF: Discussion.
45 Everybody's so quiet.

46
47 MR. BRELSFORD: Mr. Chairman.

48
49 CHAIRMAN DEMIENTIEFF: Yes.

50

00269

1 MR. BRELSFORD: I believe that during the
2 Board work session on Monday we had some lingering
3 concerns about the context of the Kenai study. Those
4 have now been laid to rest and I think we're prepared to
5 concur in the call for proposals that would set in motion
6 project selection for the 2003. So I would like to move
7 that the Board express its concurrence with the proposed
8 call for proposals for the year 2003.

9
10 CHAIRMAN DEMIENTIEFF: There's a motion.

11
12 MR. EDWARDS: Second.

13
14 MR. CAPLAN: Second.

15
16 CHAIRMAN DEMIENTIEFF: Discussion.

17
18 MR. CAPLAN: Call for the question.

19
20 CHAIRMAN DEMIENTIEFF: Question's been
21 called. All those in favor signify by saying aye.

22
23 IN UNISON: Aye.

24
25 CHAIRMAN DEMIENTIEFF: Those opposed,
26 same sign.

27
28 (No opposing votes)

29
30 CHAIRMAN DEMIENTIEFF: Motion carries.
31 Okay, now, we got the Draft Fisheries Resource Monitoring
32 Plan.

33
34 MR. KLEIN: Thank you, Mr. Chair, yes.
35 Now, I'll switch gears to the 2002 Draft Monitoring Plan
36 and again this is a draft recommendation for Board
37 consideration and approval. I have a brief power-point
38 presentation that I'd like to go over the process we used
39 for the 2002 draft plan. I'll quickly go through that
40 and then we'll discuss the individual projects
41 recommended by Staff Committee and the Councils and the
42 TRC by the six geographic regions and inter-regional.

43
44 So to summarize, the process for 2002,
45 it's a seven step process. It's a very deliberate
46 process that gets input from Councils as well as
47 scientific and technical peer review. It begins with the
48 request for proposals, then there's a technical review of
49 those proposals by the TRC, the Technical Review
50 Committee. Then we get investigation plans that more

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1 fully identify what the investigators plan to do and the
2 objective's they'll intend to accomplish as well as their
3 methods. The Technical Review Committee reviews those
4 investigation plans and then we get review from all of
5 the Councils for the projects within their geographic
6 area. And there's also a public input process there.
7 Once that's concluded there's a Staff Committee review
8 and then finally approval by the Board, which is where
9 we're at today.

10

11 And I just want to briefly summarize
12 those seven steps. The first step was a request for
13 preproposals. We sent out that request in November of
14 2000. And there's an issues and informations needs
15 document which consists of the priority issues of the
16 Councils have identified to us, that goes out with the
17 call. And we had a request that all proposals be
18 submitted by February of 2001.

19

20 As a result of that call for proposals we
21 received -- we received 160 proposals and they were
22 reviewed by the Technical Review Committee. There's four
23 criteria we use when we evaluate each proposal as well as
24 each investigation plan. Those ranking factors are
25 strategic priority, scientific merit, past performance
26 and expertise of the investigator, and the partnership
27 and capacity building elements within the proposal.
28 Those are the four ranking factors that the Technical
29 Review Committee utilizes. But we also utilize
30 priorities identified by the Councils, as well as
31 regulatory issues that are before the Board and Councils.

32

33 We also have a couple of criteria. One,
34 there is a regional allocation for each of the six
35 geographic areas. For example, Yukon River we're
36 directing 20 percent of the funding. And secondly, this
37 is an interdisciplinary program where we're not just
38 doing biological studies but also gathering harvest
39 information and traditional ecological knowledge. And
40 we're targeting two-thirds of the funding towards the
41 stock, status and trends, the biological studies and our
42 target is one-third for the harvest monitoring and
43 traditional ecological knowledge.

44

45 So we had those 160 preproposals, the
46 Technical Review Committee which is composed of all five
47 Federal agencies as well three representatives from the
48 State representing the commercial fish, sport fish and
49 subsistence divisions. They reviewed those 160 proposals
50 and we picked the best that met the ranking criteria and

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1 the needs identified by the Councils. We selected 57 of
2 those projects for advancement to preparation of an
3 investigation plan.

4

5 And those investigation plans came in
6 this summer in June. Again the Technical Review
7 Committee reviewed those and within the funding targets
8 that we had, we selected 31 of those for -- that was a
9 Technical Review Committee recommendation for funding.
10 so a little over half of the projects where we received
11 investigation plans we were able to recommend for
12 funding. So that initial 160, about 130 of them did not
13 receive funding -- or were not recommended for funding
14 and 31 were.

15

16 The next step is review by the Councils,
17 that's a very important steps. In 2000, remember we had
18 a meeting in Anchorage where we brought in all the
19 Councils. This year we were able to go out to the
20 Council meetings and present the draft recommendations
21 from the Technical Review Committee. We presented those
22 to the Councils and got input from the Councils and the
23 Technical Review Committee, I think they're pretty much
24 on target. When we presented them to the Councils, the
25 Councils supported 29 out of the 31 projects recommended
26 by the TRC. They also recommended four additional
27 projects which I'll cover when we get into the various
28 geographic areas.

29

30 So the next step was after we had
31 technical review and input from the Councils, we
32 presented it to the Staff Committee to form a draft
33 recommendation for your review and approval today. And
34 we presented to the Staff Committee in November. The
35 Staff Committee took the input from the TRC as well as
36 the Councils and came up with their recommendations.

37

38 So what we'll be presenting today is both
39 the Technical Review Committee, the Regional Council
40 recommendations and the Staff Committee recommendations.
41 The recommendations by the Staff Committee they helped
42 the monitoring program address the local fisheries issues
43 and information needs that are identified by the
44 Councils. The stock status and harvest data that it's
45 providing is valuable both to the in-season managers as
46 well as the long term management of our fishery
47 resources. We're a program that's employing traditional
48 ecological knowledge, I think probably unmatched by any
49 other entity out there. The information that we're
50 gathering is minimizing fishery conflicts and we're

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1 building the capacity of local and tribal groups.

2

3 So that brings us to today and next I
4 propose that we get into the recommendations before you.
5 You'll have input from the Technical Review Committee,
6 the Councils and the Staff Committee and we'll take
7 public comment and State comment and come up with a final
8 resource monitoring plan after your review and approval
9 and then we'll get to work developing cooperative
10 agreements to get those projects launched for this coming
11 summer.

12

13 So that concludes my summary of the
14 process and next I would propose that we get into the
15 actual tables where we summarize for each geographic
16 area, the projects recommended.

17

18 CHAIRMAN DEMIENTIEFF: Go ahead, Steve.

19

20 MR. KLEIN: Okay. This information can
21 be found at Tab I of your books. There's a text summary
22 of the process that was used in each of the geographic
23 areas. And following that text summary is a sequence of
24 16 tables and it's those 16 tables that I'd like to use
25 for our discussion here today. And those are also
26 available on the back counter in hard copy for the
27 audience.

28

29 So if you can turn to Table 1. Table 1
30 is a summary of the investigation plans that we received.
31 Again, we received 57 investigation plans. The Technical
32 Review Committee recommended 31 of those for funding.
33 The Councils recommended 34 and the Staff Committee 31.

34

35 Table 2 summarizes the information for
36 all regions by funding. And for FY-2002, our target was
37 2.1 million and the recommendations we're going to go
38 over from both the TRC, the Councils and the Staff
39 Committee, they pretty much fully utilize that 2.1
40 million dollars.

41

42 So I was going to cover the six
43 geographic areas and then the inter-regional area
44 starting from the north and moving counterclockwise to
45 Southeast and then into the regional area and that's the
46 way they're summarized in your book there. So Table 3
47 covers our northern geographic area which encompasses the
48 Arctic/Norton Sound and Kotzebue Sound. And first I'll
49 cover the stock status and trends and then the harvest
50 monitoring and TEK component.

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1 If there's questions at all throughout
2 this, I could entertain those as well as at the end.

3
4 We did have a lot of agreement in most of
5 the areas. In fact, three of the geographic areas there
6 was complete agreement from the Technical Review
7 Committee, the Councils and the Staff Committee and I'll
8 probably go over those areas a little more quickly than
9 areas where there was some disagreement among those three
10 entities.

11
12 In the Arctic/Kotzebue/Norton Sound,
13 that's one area where the Technical Review Committee
14 recommendations, the Council recommendations and the
15 Staff Committee recommendations all matched. And for the
16 stock status and trend study it was actually a pretty
17 easy decision for all three of those entities. There was
18 three projects where we requested investigation plans,
19 two of those were withdrawn, which just left one project
20 for the Pikmiktalik, which the TRC found to be
21 technically sound, the Council supported and the Staff
22 Committee is recommending for your approval today. So on
23 the stock status and trends for that northern area, there
24 was a target budget level of 161,000 and the
25 recommendations from the TRC, the Councils and the Staff
26 Committee is that we fund that one project on the
27 Pikmiktalik for about 20,000.

28
29 That still leaves a balance of 140,000
30 which if you'll turn to Table 4, Table 4 we have the
31 harvest monitoring and traditional ecological knowledge
32 projects for the northern geographic area. There are
33 target was 81,000. In your tables there, one of the
34 columns or one of the rows at the bottom is highlighted,
35 it's the target budget levels for 2002, both that row and
36 the rows below it will be very important for our
37 discussion today. For the harvest monitoring, TEK
38 portion there was 81,000, the TRC and the Regional
39 Councils and Staff Committee recommended spending
40 181,000, which is overtarget but when we look at what
41 happened in stock status and trends where there was
42 basically a surplus of 140,000, we thought it was
43 reasonable to have more projects in harvest monitoring
44 and TEK. And there was four projects where we had
45 investigation plans, the Technical Review Committee
46 recommended three of those. One being subsistence fish
47 harvest assessment on the North Slope, particularly at
48 Anaktuvuk Pass. A second one of looking at traditional
49 knowledge of whitefish in Kotzebue Sound. And a third
50 study of fish that we eat, documenting traditional

00274

1 knowledge in a book. That was recommended by the TRC as
2 well. And those three studies pretty much fully utilized
3 the remaining amount of funding.

4

5 There was a fourth study looking at
6 Arctic grayling in the Kukpuk River near Point Hope, that
7 was found to be technically sound, however, it was just a
8 lower priority than the other three studies and was not
9 recommended by the TRC. When we presented those to the
10 Councils, the Councils for the most part agreed with
11 those recommendations, particularly for the studies
12 within their geographic area and the Staff Committee
13 supported those recommendations, too. So on the harvest
14 monitoring, TEK side there was three projects that we
15 would like to conduct next summary and those for 181,000
16 in 2002.

17

18 That would conclude my summary for the
19 Arctic/Kotzebue/Norton Sound area. And if there were
20 questions for that geographic area we could -- I would be
21 happy to address those, if not, I will proceed to the
22 next geographic area which would be the Yukon River. Mr.
23 Chair.

24

25 CHAIRMAN DEMIENTIEFF: Can we go through
26 them -- do we just go through them and then you'd be
27 available to answer any questions when we get done?
28 We'll have a chance to.....

29

30 MR. KLEIN: Yes. I can continue going
31 through the remaining geographic areas there and take
32 questions at that time.

33

34 Okay, the next table I'd refer you to
35 would be Table 5 which is for the Yukon River. Table 5
36 will be stock status and trend, Table 6 will be the
37 harvest monitoring and traditional ecological knowledge
38 data type.

39

40 First Table 5, looking at the stock
41 status and trends, the Technical Review Committee
42 recommended three studies within the available funding.
43 One is to look at delayed mortality of tag-fall chum
44 salmon at Rampart. A second one was to look at run
45 timing, migratory patterns and harvest information of
46 chinook salmon. And this is a genetic study with YRDFA
47 and AVCP as well as the State, U.S. Fish and Wildlife
48 Service and Canada Department of Fish and Oceans. That
49 was a high priority recommended by the TRC. And finally
50 a small study for 14,000 looking at sex ratios of

00275

1 juvenile and chinook salmon in both the Kuskokwim and
2 Yukon Rivers.

3

4 The funding target for the Yukon stock
5 status and trends was 275,000. The Technical Review
6 Committee recommended those three studies, they totaled
7 251,000 which left a balance of approximately 20 to
8 25,000 in 2002. When we presented those to the Councils
9 they supported -- and this was at the tri-Council meeting
10 where we had the Yukon-Kuskokwim, Western Interior, and
11 Eastern Interior Councils all together for the tri-
12 meeting here in Anchorage. They supported the three
13 studies recommended by the Technical Review Committee.
14 They also recommended, in addition to those three studies
15 a fourth study, which was Pilot Station sonar technician
16 support. That wasn't recommended by the TRC, the TRC
17 felt that the technician would be provided by the
18 Association of Village Council Presidents. They would
19 provide the technician to work with ADF&G at Pilot
20 Station. And actually this would be the third year of
21 that study. The TRC, given the available funding felt
22 that all investigators, particularly in the Yukon and
23 Kuskokwim Rivers ought to be employing local technicians
24 wherever possible and people ought to be building that
25 into the project. And given the budget, those other
26 three projects were a higher priority.

27

28 The three Councils felt this should be a
29 priority and they recommended that that technician be
30 supported. When the Staff Committee reviewed that, which
31 is the final column you see there before the funding
32 numbers, the Staff Committee recommended that that be
33 funded for Yukon River stock status and trends and that's
34 the recommendation to you today.

35

36 On the harvest monitoring and traditional
37 ecological knowledge, there was a total of five studies
38 where recommendation plans -- or investigation plans were
39 prepared. There was a total of 138,000 available and
40 here the Technical Review Committee and the Regional
41 Councils and Staff Committee were in agreement on the
42 projects to fund and those were three projects.

43

44 One was harvest monitoring and TEK of
45 subsistence non-salmon fish in the Lower Yukon River.
46 This was a project by Tanana Chiefs Conference and ADF&G.
47 Secondly, an oral history tapes on the TEK of subsistence
48 harvests and fishes at Old John Lake. And the third
49 study recommended for studying by all three groups was
50 monitoring subsistence harvest of fishes from Old John

00276

1 Lake. So all three of those projects were recommended
2 and those were within the funding target that we had.
3 There was, when we presented our recommendations, the TRC
4 recommendations to the Council, there was considerable
5 support for the top project listed there, Yukon River
6 salmon TEK, a project by the Yukon River Drainage
7 Fisheries Association. And the Regional Councils, as you
8 see in footnote A would really like that funded if
9 additional funds could be found.

10

11 And that summarizes the TRC, Council and
12 Staff Committee recommendations for the Yukon River.

13

14 The next geographic area is the Kuskokwim
15 River. This is another of the areas where there was
16 unanimous support among the TRC, the Councils as well as
17 the Staff Committee. Within the Kuskokwim, there was
18 three projects submitted with an investigation plan. Two
19 of those were a high priority for the Technical Review
20 Committee.

21

22 One being Kuskokwim River chinook stock
23 assessment which is a main-stem tagging study to estimate
24 abundance of chinook as they come into the Kuskokwim
25 River. And that's largely funded by Alaska Department of
26 Fish and Game, but this gives them additional funding to
27 fully fund that project. The second priority was on the
28 Kisaralik River to estimate abundance and run time of
29 adult salmon returning to the Kisaralik which actually
30 compliments the first proposal, in that, all major
31 tributaries below where they're going to enumerate the
32 chinook in the main-stem, all lower river tributaries
33 would be surveyed and an abundance number would be
34 generated.

35

36 Those two studies totaled 280,000 which
37 pretty much fully utilized the budget available. There
38 was an additional study on coho and that was a genetics
39 study, however, there wasn't sufficient funding to fund
40 that and it was deemed a lower priority than the
41 Kisaralik or the main-stem tagging project.

42

43 So that was the recommendation by the TRC
44 and as I stated the Yukon-Kuskokwim Council and Western
45 Interior Council fully supported the Technical Review
46 Committee recommendations and the Staff Committee
47 followed suit.

48

49 Next would be the harvest monitoring and
50 TEK component for the Kuskokwim. And I'll refer you to

00277

1 Table 8 here. There were four projects that were
2 submitted for funding. One of those projects was
3 withdrawn. The three projects that were submitted were
4 all deemed technically sound and recommended by the
5 Technical Review Committee and within the budget
6 available, 138,000, we were able to fund those three
7 studies and stay under the budget there.

8

9 The three studies that are recommended is
10 Aniak subsistence fishery post-season harvest surveys.
11 And then two TEK projects, one looking at subsistence
12 salmon fishing patterns in the Lower Kuskokwim and a
13 second looking at TEK and harvest assessment of fish in
14 Tooksook Bay. So those there studies were all
15 technically sound, they stay under budget and those were
16 all recommended by the Technical Review Committee. And
17 when we presented to the two Councils for the Kuskokwim,
18 they were highly supportive and the Staff Committee went
19 along with those recommendations.

20

21 In Table 9 and 10 we have the
22 recommendations for Bristol Bay/Alaska Peninsula/Kodiak
23 and Aleutians. And in Table 9 we have the stock status
24 and trends projects summarized. There was \$142,000
25 available for this area in data type and the Technical
26 Review Committee recommended three projects that would
27 pretty much fully utilize that budget.

28

29 The three projects they recommended was a
30 salmon escapement and carrying capacity project on the
31 Kametalook River. A second one on the Clark River, a
32 tributary to the Chignik River to enumerate late run
33 stock in coho salmon. And finally a project on Kodiak
34 looking at season use of in-shore habitats by red king
35 crab. Those were the three projects recommended by the
36 Technical Review Committee. When we presented that to
37 the two Councils, in this case, the Bristol Bay, Alaska
38 Peninsula Council and the Kodiak/Aleutians Council -- in
39 the case of the Bristol Bay Council, they supported the
40 Kametalook and Chignik River studies and abstained from
41 the Kodiak red king crab study because it was out of
42 their area. The Kodiak/Aleutians abstained from projects
43 in Bristol Bay and did not recommend either of the two
44 projects within their area, including the red king crab
45 proposal recommended by the TRC. The Staff Committee,
46 when they looked at the input from both the TRC and the
47 Councils, they supported moving forward with two
48 projects, the Kametalook River salmon escapement study
49 and the Clark River sockeye and coho salmon escapement
50 and did not recommend funding the red king crab study on

00278

1 Kodiak.

2

3 And then for the harvest monitoring and
4 TEK component of the Bristol Bay/Alaska Peninsula/Kodiak-
5 Aleutians area there was one study recommended by the
6 Technical Review Committee and that was to conduct
7 subsistence fisheries harvest assessment and TEK on the
8 Lower Alaska Peninsula and Aleutians and within the
9 available budget that fully utilized the 71,000
10 available.

11

12 When the Bristol Bay, Alaska Peninsula
13 Council looked at these recommendations, they thought the
14 proposal on the Kvichak subsistence fisheries assessment
15 was a more important study and that's what they
16 recommended. The Kodiak/Aleutians instead of funding the
17 red king crab under stock status and trends, they
18 recommended that we fund the subsistence fish harvest
19 assessment and TEK on the Lower Alaska Peninsula and
20 Aleutians as recommended by the Technical Review
21 Committee, but also a similar study for the Kodiak area.
22 And so they recommended those two studies in lieu of the
23 Kodiak king crab study. When the Staff Committee
24 reviewed the TRC and Regional Council recommendations,
25 they selected the Kvichak River watershed subsistence
26 fish assessment and the similar project on the Lower
27 Alaska Peninsula and the Aleutians.

28

29 And those two studies totaled 122,000
30 which was over the budget target of 71,000 but within the
31 target for the entire geographic area given the light
32 funding on the stock status and trends side. And that
33 was a tough decision for the Staff Committee to make and
34 I was there when they made it and basically there was
35 strong interest in trying to fund the study in the Kodiak
36 region however it was just -- in the Staff Committee,
37 from their perspective, given the dismal salmon returns
38 in the Kvichak there were thoughts or concerns that
39 people might switch species to resident species and it
40 would be very strategic to start gathering some of that
41 harvest assessment information from the Kvichak and that
42 was deemed a higher priority.

43

44 So the Staff Committee recommends to you
45 today two projects for harvest monitoring and TEK in the
46 Bristol Bay/Alaska Peninsula/Kodiak-Aleutians region.

47

48 That's four of the six geographic
49 regions. The fifth geographic region is the Southcentral
50 region and actually these last two regions there was

00279

1 pretty much unanimous consent between the TRC, the
2 Councils and the Staff Committee so I'll go through those
3 rather quickly.

4

5 On the stock status and trends in
6 Southcentral, the budget target was 194,000 and there was
7 four projects submitted that advanced the investigation
8 plan stage. One was withdrawn. There were two coho or
9 sockeye salmon projects in Prince William Sound and one
10 project in the Copper River and based upon the priorities
11 Copper River chinook salmon would be a much higher
12 priority. And the study recommended here was by the
13 Native Village of Eyak and this builds upon a study they
14 initiated in 2001 with fishwheels to enumerate -- to try
15 and enumerate chinook salmon in the Lower Copper and this
16 study would compliment that by doing radio-tagging to get
17 migratory timing and looking at where the fish were
18 spawning and that was deemed a higher priority than
19 either of the Prince William Sound studies.

20

21 That was the recommendation by the
22 Technical Review Committee. When we presented that to
23 the Southcentral Council, they fully supported that
24 recommendation and the Staff Committee supported it as
25 well.

26

27 On the harvest monitoring and TEK side,
28 there was four projects that were recommended for -- or
29 four projects submitted for funding, three were
30 recommended by the Technical Review Committee and
31 actually the top project there, Chugach Region
32 subsistence harvest monitoring. That does say no all the
33 way across, there is -- in the footnote it does note that
34 a portion of that study that does mapping was actually
35 rolled into the next project for Chugach region and the
36 mapping component is included in the data layers as a
37 template for a TEK project. So actually three of the
38 studies are recommended and a portion of the fourth.

39

40 When we presented that to the
41 Southcentral Council, they supported the TRC
42 recommendation both for the Chugach region as well as an
43 investigation on the Copper River Eulachon and Upper
44 Copper River GIS. And all three of those studies were
45 supported by the Council as well as the Staff Committee.
46 And that data type for Southcentral, we had unanimous
47 agreement between the technical body, the Council and the
48 Staff Committee.

49

50 Similarly in Southeast Alaska, we had

00280

1 unanimous agreement between those three entities. When
2 we look at Southeast Alaska for stock status and trends,
3 the priority in the past has clearly been sockeye salmon
4 which are heavily utilized for subsistence. The TRC,
5 when they reviewed the recommendations, they recommended
6 two projects. Neva Creek sockeye stock assessment and a
7 second was a sockeye stock assessment in Red Fish Bay and
8 Tumakof Lake. Within the budget we had there was
9 282,000, those were the top two priorities by the TRC.
10 The amount available was 282,000, those projects fully
11 utilized the budget and although those other projects
12 were technically sound, basically there was insufficient
13 funds to recommend any additional projects to you.

14

15 So the Council supported the TRC
16 recommendation when we presented it to the Southeast
17 Council and Staff Committee fully supported the
18 recommendations from the TRC and Councils.

19

20 Then on the harvest monitoring and TEK
21 data type for Southeast Alaska, there was a target budget
22 level of 141,000. The TRC kind of manipulated some of
23 the budget numbers, instead of making them one year
24 projects we made them two year projects and when we did
25 that we were able to recommend three projects for your
26 consideration today.

27

28 One is in Wrangell doing a subsistence
29 salmon harvest use study. Second is a salmon survey at
30 Hoonah and Klawock. And a third study we're recommending
31 is Southeast Alaska subsistence GIS data base. There was
32 a fourth project for compiling a regulatory history in
33 Southeast Alaska on subsistence salmon regulations that
34 was technically sound and would provide valuable
35 information but compared to the other three studies it
36 was a secondary priority.

37

38 When we presented that to the Southeast
39 Council, they agreed that the three projects identified
40 there were the priority and the Staff Committee supported
41 that as well. And by extending the funding to two years
42 which was agreeable to all the investigators there, we
43 were able to fully utilize the budget but instead of
44 getting one project funded, actually get three projects
45 underway in 2002. And that's the recommendation we're
46 providing to the Board today.

47

48 Finally, last but not least important is
49 inter-regional area. In the inter-regional we look at
50 projects that span more than one region or that are

00281

1 statewide. And when the Technical Review Committee met
2 and reviewed the proposals we had three investigation
3 plans before us.

4

5 The first one was to develop methods for
6 calculation of sustainable subsistence harvest. This was
7 a project by several investigators, including Ray
8 Hillborn and that was supported by the TRC. A second
9 study was the shared fishery data base to develop such a
10 data base. That project was recommended by the TRC. And
11 the third study there, to assess catch and release
12 mortality of sportfish caught fish in Western and
13 Interior Alaska, although that was technically sound and
14 a worthwhile study it was of lower priority than the top
15 two when reviewed by the Technical Review Committee.

16

17 When we went to the Councils, of course,
18 these inter-regional projects were presented to all the
19 Councils, you see a series of yes and no's. One thing we
20 heard very clearly from the Yukon-Kuskokwim, Western
21 Interior and Eastern Interior Council was the Hillborn
22 proposal on sustainable subsistence harvest was not a
23 priority for those three Councils and actually we heard
24 that at the Bristol Bay/Alaska Peninsula Council meeting.
25 When the Staff Committee looked at that, they're
26 recommending that that study not be funded. However,
27 they did recommend that we fund a similar type of study
28 where we're looking at escapement goals and the models
29 that we use to develop escapement goals, we're
30 recommending that the remaining funds, which are about
31 99,000, that we do a call for proposals and try to get
32 PI's out there interested in assisting this program and
33 the TRC and developing better models for estimating
34 escapement goals. The recommendation is to do a request
35 for proposals to get some proposals in and if you decide
36 to go down this path, the TRC would screen those
37 proposals and if there was a study we felt met the needs
38 of the Board, we would bring that back to the Board for
39 subsequent approval.

40

41 And at this time the Staff Committee is
42 just seeking your permission to do that. To set aside
43 99,000 and do a request for proposals and get
44 investigation plans to bring back before the Board for
45 your review and approval and stay within that budget
46 target.

47

48 The Staff Committee, on the shared
49 fishery data base, all the Councils supported that,
50 Bristol Bay/Alaska Peninsula Council abstained but the

00282

1 Staff Committee recommended that that project be funded.
2 And then the catch and release mortality study, the Staff
3 Committee recommended not funding that and the sum of
4 their recommendations -- of Staff Committee
5 recommendations is 131,000 which is over the target of
6 70,000 but there was sufficient funding to fund that
7 shared fishery data base and set aside 99,000 for
8 escapement goals.

9

10 And the last data type is harvest
11 monitoring and TEK for the inter-regional area and the
12 Technical Review Committee recommended that one study,
13 Alaska subsistence fisheries data base GIS integration,
14 when we presented that to the Councils, it was supported
15 by all the Councils, except the Bristol Bay/Alaska
16 Peninsula Council. The Staff Committee looked at the
17 input and decided that was one project they would like to
18 fund and they're requesting your approval of that. The
19 second study submitted in this data type was to gather
20 subsistence salmon harvest timing information. That was
21 not supported by the TRC, any of the Councils or the
22 Staff Committee. And within that category there was a
23 budget of -- target of 35,000 and the study recommended
24 would utilize 27,500 of that.

25

26 Mr. Chair, that concludes my summary of
27 the Draft 2002 Monitoring Program and those are the
28 recommendations from Staff Committee. You also have the
29 input from the Councils and the TRC for your
30 decisionmaking.

31

32 Mr. Chair.

33

34 CHAIRMAN DEMIENTIEFF: Thank you. State,
35 do you guys have any additional comment?

36

37 MR. BERGSTROM: Mr. Chair, not much. We
38 wanted to say that we do appreciate all of the work that
39 went into reviewing these proposals by the Regional
40 Councils and all the Staff time that went into this. And
41 the Department is generally supportive of the projects
42 recommended. The Federal funding of projects that have
43 been initiated in this recent year here are providing
44 more data for fisheries management and to conserve the
45 fish resources and to involve rural users. So we're real
46 supportive of this funding.

47

48 The Department suggests that the less
49 amount of funding used for duplication and management,
50 the more funding that will be available for these

00283

1 important assessment and monitoring projects.

2

3 CHAIRMAN DEMIENTIEFF: Thank you. Okay,
4 with that we advance the issues to the Board.

5

6 MR. CAPLAN: Mr. Chairman.

7

8 CHAIRMAN DEMIENTIEFF: Yes.

9

10 MR. CAPLAN: Yes, sir, I would move to
11 adopt the proposals as presented.

12

13 CHAIRMAN DEMIENTIEFF: Is there a second?

14

15 MS. GOTTLIEB: Second.

16

17 CHAIRMAN DEMIENTIEFF: Discussion.

18

19 MR. EDWARDS: I'd like the opportunity
20 to.....

21

22 CHAIRMAN DEMIENTIEFF: Sure.

23

24 MR. EDWARDS: I thought we were going to
25 have an opportunity to ask Steve some questions.

26

27 CHAIRMAN DEMIENTIEFF: Yeah, you do.
28 We're going to discuss it. We always discuss the motion
29 before we vote.

30

31 MR. EDWARDS: Right.

32

33 CHAIRMAN DEMIENTIEFF: I just wanted to
34 get a motion on, you know, these are our Staff Committee
35 recommendations. You still have opportunity to amend,
36 change or anything.

37

38 MR. EDWARDS: But can we ask questions?

39

40 CHAIRMAN DEMIENTIEFF: Sure. Yeah. It's
41 discussion. Regional Council Chairmen can, anybody can.

42

43 MR. EDWARDS: Steve, I got a couple
44 questions on a couple projects. On Project 02-009,
45 that's the one on technical support for Pilot Station
46 sonar, the TRC voted no on that, could you elaborate a
47 little more as to why the committee felt that we should
48 not be spending the money on that project?

49

50 MR. KLEIN: Mr. Chair, Mr. Edwards. It

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1 was primarily budget driven. The projects that we wanted
2 to fund in SST and the harvest monitoring and TEK, we
3 couldn't fund all the projects. And the Pilot Station
4 sonar technician, this is a project by the Alaska
5 Department of Fish and Game where they're enumerating all
6 salmon species as they pass Pilot Station. To separately
7 fund a technician, and Gary your field office funds a lot
8 of technician and it was the opinion of the TRC that all
9 agencies, particularly Federal and State agencies ought
10 to be using local hires. Hiring technicians from
11 villages as part of the normal business. So given both
12 the budget constraints and the desire for investigators
13 to automatically include that in their projects, it was
14 not recommended by the TRC.

15

16 I would add that subsequent to that
17 meeting we've been working with AVCP to develop training
18 objectives. This is the third year of their requesting
19 funding for it. Basically requested them to develop a
20 more detailed investigation plan where there were
21 training objectives and milestones and reporting. AVCP
22 has revised their investigation plan and when we
23 presented that to the Staff Committee with the revised
24 investigation plan, it focused more on some of the
25 training objectives we were looking for. The Staff
26 Committee was supportive and as chief of FIS I support
27 that as well.

28

29 MR. EDWARDS: So the plan has been
30 rewritten as reflected -- well, not really reflected in
31 the footnotes but it has been rewritten and we're
32 comfortable that that will accomplish the objectives?

33

34 MR. KLEIN: Yes.

35

36 MR. EDWARDS: All right. And my other
37 one has to do with Project 02-034, which is subsistence
38 fisheries assessment on the Kvichak River watershed on
39 resident species. Here again the TRC voted no, that's a
40 \$74,000 project, I guess my question would be where would
41 the TRC have otherwise have spent that \$74,000?

42

43 MR. KLEIN: Okay, Mr. Chair, Mr. Edwards,
44 we're looking at Table 10 then. And the Kvichak River
45 watershed resident species subsistence fish assessment
46 and yes the TRC did not recommend that. We felt -- what
47 happened here, Mr. Edwards, Mr. Chair was that on the
48 stock status and trends side, the recommendation left
49 quite a bit of additional funding available -- let's see,
50 when the Kodiak/Aleutians -- or when the red king crab

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1 study was dropped, that was a \$65,000 study in 2002 and
2 that was a higher priority for the TRC, partly because it
3 provided funding for a study in the Kodiak region. And
4 you know with Bristol Bay, Alaska Peninsula and
5 Kodiak/Aleutians, they've been asking for separate
6 budgets so there is an intent for the TRC to try to get
7 projects in both Bristol Bay/Alaska Peninsula area as
8 well as Kodiak/Aleutians to get a mix of projects.
9

10 The TRC, to provide that mix -- and the
11 red king crab study, we thought, at the Technical Review
12 Committee what was important, we thought that was a high
13 priority and recommended the funding. At the Staff
14 Committee level when that project fell out, that allowed
15 another harvest monitoring and TEK project to be funded.
16 So basically our target of using two-thirds stocks status
17 and trends and one-third harvest monitoring and TEK, here
18 it kind of switched and it went two-thirds harvest
19 monitoring and TEK when based upon the Council input.
20

21 MR. EDWARDS: I guess as a follow-up then
22 I'd like to ask Della, I mean, is the Council comfortable
23 with that decision because it looks like then that does
24 not allow any projects on Kodiak?
25

26 MS. TRUMBLE: Well, I did make some phone
27 calls when I looked through this and we went back to try
28 to remember the reasoning we did this. Technically at
29 our Regional Council when it came on these -- when these
30 different proposals came up, we didn't have any -- Kodiak
31 asked if the Aleutians had one of them that they wanted
32 moved forward, there was only one other one that we
33 thought that would be recommended and moved forward,
34 however, we didn't feel it was necessary because we do
35 already have a study being done on Mortensons. So we
36 basically then decided, well, we'd do the Kodiak red king
37 crab. However, what happened was in the Council was
38 there were two or three members from Kodiak that didn't
39 feel that this was a good study to do. So we went ahead
40 and wanted to move that funding over to this other
41 portion and that allowed for that funding to move over.
42 However, in reviewing this I do have some concerns to
43 some degree that it's -- both regions do not have
44 documented -- there's not good documentation of
45 subsistence use. And I do see that my area will be
46 funded however I do have concerns for the Kodiak area
47 because we just went through a process where people in
48 that region and public testimony in Old Harbor, felt that
49 they did not want to say that they were utilizing various
50 species of subsistence because we had a State Trooper in

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1 the room but yet we know it happens and we need to get
2 this documented because it's hurting both regions quite a
3 bit.

4

5 So if there's any way there's any funding
6 available or some other project falls through, we'd ask
7 that you possibly look at helping this one project get
8 funded.

9

10 CHAIRMAN DEMIENTIEFF: Any other
11 questions? Gerald.

12

13 MR. NICHOLIA: Yeah, concerning the
14 project about the Yukon River salmon traditional
15 ecological knowledge, number 02-03, I think this is a
16 good avenue to go to use to gather information for the
17 C&T issues that we're dealing with. I'd sure like to see
18 it be used this way to gather information from the elders
19 where it will be another helping tool to deal with the
20 C&T issue.

21

22 CHAIRMAN DEMIENTIEFF: Yes. You know,
23 there's always a possibility if there's any extra money
24 that we could consider some of these proposals that
25 didn't quite make the cut on the first go-around. Ron.

26

27 MR. SAM: Thank you, Mr. Chairman. I
28 just want to concur with Gerald's reassertion of our
29 wishes for more funding.

30

31 CHAIRMAN DEMIENTIEFF: Yeah. Anything
32 else. Any other questions? Harry.

33

34 MR. WILDE: Yeah, Mr. Chairman, I do
35 personally support that because one of the important
36 works that has been done, I wish it was supported. This
37 is my personal support.

38

39 CHAIRMAN DEMIENTIEFF: Okay. Any other
40 discussion. If not, all those in favor of the motion
41 please signify by saying aye.

42

43 IN UNISON: Aye.

44

45 CHAIRMAN DEMIENTIEFF: Those opposed,
46 same sign.

47

48 (No opposing votes)

49

50 CHAIRMAN DEMIENTIEFF: Motion carries.

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1 Okay, I just want to announce that we do have incoming
2 and outgoing. And we have three new Regional Council
3 Chairs this year, Gerald Nicholia, Della Trumble and
4 Harry Brower. And they'll all be getting, courtesy of
5 the Federal program something to keep you -- a hammer,
6 this one is Harry's, we'll get the other two before your
7 Regional Council meeting so you can keep your Council's
8 in line. As far as the outgoing, Ralph, will you come up
9 and accept -- we have a recognition award for Roy Ewan
10 who's been with the program since the beginning and we
11 just wanted to get a nice plaque for him but we do have a
12 ride home for it, I saw, since, you know, you replaced
13 him it would be nice that you would come up and accept on
14 his behalf but Gloria would be glad to take it.

15

16 MR. LOHSE: Gloria will be glad to take
17 it?

18

19 CHAIRMAN DEMIENTIEFF: Yes.

20

21 MR. LOHSE: I'll be glad to accept it on
22 Roy's behalf, he was a real help.

23

24 CHAIRMAN DEMIENTIEFF: And then we also
25 have -- I just want to say how sad I am that we're losing
26 a Board member, James Caplan, who's been a real
27 hardworking person on the Board, he's listened, been
28 responsive and just has done a tremendous job and is
29 going to be a real loss to the program. So Jim, I just
30 want to thank you.

31

32 MR. CAPLAN: You bet.

33

34 (Applause)

35

36 CHAIRMAN DEMIENTIEFF: It's been fun and
37 I want to thank one and all for all your hard work and
38 I'm going to break in Harry's gavel, we're adjourned.

39

40 (END OF PROCEEDINGS)

41

42

* * * * *

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1 CERTIFICATE

2

3 UNITED STATES OF AMERICA)

4)ss.

5 STATE OF ALASKA)

6

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

10

11 THAT the foregoing pages numbered 148 through 287
12 contain a full, true and correct Transcript of the
13 FEDERAL SUBSISTENCE BOARD PUBLIC MEETING, VOLUME II taken
14 electronically by Nathan Hile on the 11th day of December
15 2001, beginning at the hour of 8:30 o'clock a.m. at the
16 Egan Convention Center in Anchorage, Alaska;

17

18 THAT the transcript is a true and correct
19 transcript requested to be transcribed and thereafter
20 transcribed by under my direction and reduced to print to
21 the best of our knowledge and ability;

22

23 THAT I am not an employee, attorney, or party
24 interested in any way in this action.

25

26 DATED at Anchorage, Alaska, this 19th day of
27 December 2001.

28

29

30

31

32 _____
33 Joseph P. Kolasinski
34 Notary Public in and for Alaska
My Commission Expires: 4/17/00